

MINUTES



Ordinary Meeting of Council

Held at the

Civic Centre

511 Burwood Highway

Wantirna South

On

Monday 25 November 2019

The meeting commenced at 7:00 pm.

PRESENT:

<i>Cr N Seymour (Mayor)</i>	<i>Tirhatuan Ward</i>
<i>Cr P Lockwood</i>	<i>Baird Ward</i>
<i>Cr J Mortimore</i>	<i>Chandler Ward</i>
<i>Cr M Timmers-Leitch</i>	<i>Collier Ward</i>
<i>Cr J Keogh</i>	<i>Dobson Ward</i>
<i>Cr A Gill</i>	<i>Dinsdale Ward</i>
<i>Cr T Holland</i>	<i>Friberg Ward</i>
<i>Ms T Scicluna</i>	<i>Acting Chief Executive Officer</i>
<i>Dr I Bell</i>	<i>Director – Engineering & Infrastructure</i>
<i>Mr M Kelleher</i>	<i>Director - City Development</i>
<i>Mr M Fromberg</i>	<i>Director – Corporate Services</i>
<i>Ms N Columbine</i>	<i>Acting Director – Community Services</i>
<i>Mr P McQue</i>	<i>Manager, Governance</i>

THE MEETING OPENED WITH A PRAYER, STATEMENT OF ACKNOWLEDGEMENT AND A STATEMENT OF COMMITMENT

“Knox City Council acknowledges we are on the traditional land of the Wurundjeri and Bunurong people and pay our respects to elders both past and present.”

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1 Apologies and Requests for Leave of Absence

Apologies were received from Councillor Cooper and Councillor Pearce.

2 Declarations of Conflict of Interest

Nil.

3 Confirmation of Minutes

RESOLUTION

MOVED: Councillor Mortimore

SECONDED: Councillor Lockwood

Confirmation of Minutes of Ordinary Meeting of Council held on Monday 28 October 2019

Confirmation of Minutes of Statutory Meeting of Council held on Wednesday 30 October 2019.

CARRIED

4 Petitions and Memorials

4.1 Condolence Motion – John Raymond

MOVED: Councillor Seymour

SECONDED: Councillor Timmers-Leitch

That Council:

- 1. Record a motion of condolence on the passing of former Mayor and Councillor John Raymond, a former Councillor of 9 years representing Rowville/Scoresby Ward from 1984 until 1993 including 1 term as Mayor in 1991 and 1 term as Deputy Mayor in 1989/90.**
- 2. Note John's lifetime of dedication and commitment to the Knox community and local government; and**
- 3. Extend its deepest sympathies to John's wife, Margaret, and family upon his passing.**

CARRIED

5 Reports by Councillors

Councillor Holland entered the Chamber at 7:09 pm during discussion on Item 5.1

5.1 Committees and Delegates

5.1.1 Councillor Cooper

Councillor Cooper attended the following

- All Nations Cup

5.1.2 Councillor Keogh

Councillor Keogh attended the following

- ICT Governance Committee
- Radio Eastern FM Monthly Mayoral Interview
- Quarry Road Parking
- Baird Ward Reception
- Knox Remembrance Day Commemorative Service
- Remembrance Day Service at Ferntree Gully North Primary School
- Ferntree Gully Cemetery Works Opening
- Sod Turning Ceremony for Storen Close Independent Living Units Project

5.1.3 Councillor Timmers-Leitch

Councillor Timmers-Leitch attended the following

- Green Trees
- Bateman Street Bushland
- Wantirna Health Precinct Community Consultation
- Melbourne Boomers v Southside
- Staff Meet the Mayor and Deputy Mayor Morning Tea
- Knox Arts and Culture Committee Working Group - Arts Venues
- Wantirna Health Precinct Community Consultation
- Orana Kitchens of the World
- First Friends of Dandenong Creek Wild Pollinator Day
- Framed by Gender Launch
- Knox Remembrance Day Commemorative Service
- Regency Park Primary School Award Presentation
- Remembrance Day Service
- Opening of Works at Ferntree Gully Cemetery
- Knox Rotary Show n Shine
- Flamingo 3 Year Old Preschool Annual General Meeting

- Community Development Fund - Grants Celebration Evening
- Billoo Park Preschool Annual General Meeting
- Wantirna Primary School
- Mayoral Address at Melbourne Street Eatz
- 257 Dorset Road Consultation
- Wantirna South Cricket Family Day Training
- 107th Anniversary of the Liberation of Lesvos Island
- Templeton Orchards Preschool Annual General Meeting
- Pinchapoo Visit
- Knox Rotary Annual General Meeting
- Voices of Over 55s - Challenging Ageist Stereotypes
- Wantirna Primary School Colour Run
- Environmental Volunteers 2019 Christmas Break Up
- Flamingo Preschool Annual General Meeting
- Senior Citizens Morning Tea

5.1.4 Councillor Lockwood

Councillor Lockwood attended the following

- Knox Arts and Cultural Advisory Committee
- KACAC Working Group- tour of Ferntree Gully Library and Place-maker's site
- City Futures Committee
- Knox Central Advisory Committee
- Multicultural Committee
- Baird Ward Reception
- Remembrance Day at Arboretum
- Remembrance Day at Bayswater
- Millers Homestead Focus Group
- Framed by Gender Activation at The Mall Boronia
- Fijian Seniors 20th Anniversary
- Opening of Works at Ferntree Gully Cemetery
- Melbourne Street Eats Festival
- Community Development Fund Evening
- Wattleview Preschool Annual General Meeting
- Hearing Rd Preschool Annual General Meeting
- Ramon Cowling Bushland Dedication
- Voices of Over 55's Changing Ageist Stereotypes Launch and Photo Exhibition
- Environmental Volunteers Christmas Celebration at Batemans St Bushland
- Country Women's Association Mini Fete
- The Basin Music Festival Concert in the Park
- Christmas Market at TTHA in Bayswater

5.1.5 Councillor Holland

Councillor Holland attended the following

- Community Development Fund Panel
- Ferntree Gully Cemetery Entrance Opening
- Eastern Alliance Greenhouse Action

5.1.6 Councillor Mortimore

Councillor Mortimore attended the following

- Friends Groups - Batemans Bush
- Staff Meet the Mayor and Deputy Mayor Morning Tea
- Baird Ward Reception
- Millers Homestead Focus Group
- Framed by Gender Launch
- Ramon Cowling Bushland Reserve
- Knox Arts and Culture Committee
- Eastern Alliance for Greenhouse Action
- Environmental Volunteers Christmas

5.1.7 Councillor Seymour

Councillor Seymour attended the following

- Voices of Over 55's Exhibition
- Remembrance Day Service

5.2 Ward Issues

5.2.1 Councillor Gill (DINSDALE WARD)

I will foreshadow a Call Up Item in relation to the smoke billowing from another fire at the Knox Waste Transfer Station as I believe the future of the site should be discussed. I would also like to draw your attention to the mysterious closure of the Paesano's Restaurant at Knox. Our Health Officers did a great job in their investigation which led to the prosecution of the Directors of the restaurant. They were fined \$25,000 for health violations which included failing to adequately maintain premises, failure to clean equipment, failing to control pests, failing to store food with temperature control and a failure to maintain adequate hand washing facilities. The Magistrate expressed his anger at the behaviour of the Directors. I pass on my congratulations to our Health Officers.

5.2.2 Councillor Timmers-Leitch (COLLIER WARD)

I attended two of the three consultations in relation to the new Wantirna Health Precincts. It was great to hear from those in the local area on the views of the planning authorities and their bold plans for the future of the precinct site. The plans include delivering public hospitals, aged care facilities and research and development areas. People were very impressed with the distribution of building heights on the site. Traffic management flow and parking were issues which were discussed. I also attended meetings in relation to a repair cafe. I visited the repair cafe in Ringwood to gain ideas. These repair cafes provide opportunities to repair small appliances and other items rather than wasting them.

5.2.3 Councillor Mortimore (CHANDLER WARD)

I attended the Millers Homestead Focus Group meeting which was well attended. Innovative ideas were exchanged which will help to determine the future and shape of the building. I also attended the Ramon Cowling Bushland Reserve opening. Mr Cowling bequeathed his property at 23 Stewart Street, Boronia to Council and it has great local environmental elements including a diverse range of local plants and flowers. It also backs onto Old Joe's Creek Reserve and is a great gift to the local community. Mr Cowling worked for the environment for many decades. I also attended the Framed by Gender Launch and Karaoke Party at Boronia Mall. It was a very exciting event with plenty of colour and movement. I also attended the Knox Arts and Culture Committee meeting and examined their new shed.

6 City Development Officers' Reports for consideration

6.1 Planning Applications Decided by Responsible Officer - 1 October to 31 October

SUMMARY: Manager, City Planning & Building, Paul Dickie

Details of planning applications considered under delegation are referred for information. It is recommended that the items be noted.

RECOMMENDATION

That the planning applications decided under delegation reports (between 1 October to 31 October 2019) be noted.

1.REPORT

Details of planning applications decided under delegation from 1 October to 31 October 2019 are attached. The applications are summarised as follows:

Application Type	No.
Building & Works: Residential	4
Other	4
Subdivision	11
Units	13
Tree Removal / Pruning	9
Single Dwelling	4
Change of Use	5
Signage	1
TOTAL	51

Report Prepared By: Manager, City Planning & Building, Paul Dickie

Report Authorised By: Director, City Development, Matt Kelleher

Attachments

Nil

RESOLUTION**MOVED:** Councillor Holland**SECONDED:** Councillor Lockwood

That the planning applications decided under delegation reports (between 1 October to 31 October 2019) be noted.

CARRIED

Knox City Council

Planning Applications Decided by Responsible Officer

1 October 2019 and 31 October 2019

Ward	No/ Type	Address	Description	Decision
Baird	2019/7300	30 Faraday Street BORONIA VIC 3155	Three lot subdivision (Approved Unit Site)	1/10/2019 Approved
Baird	2019/7309	3 Conway Court BORONIA VIC 3155	Six lot subdivision (Approved Unit Site)	2/10/2019 Approved
Baird	2019/7328	14 Sinclair Road BAYSWATER VIC 3153	Seven Lot subdivision (Approved Unit Site)	17/10/2019 Approved
Baird	2019/7335	1/43 Power Road BAYSWATER VIC 3153	Change of Use - Office	8/10/2019 Approved
Baird	2019/9602	15 Park Boulevard FERNTREE GULLY VIC 3156	2 lot subdivision (Approved Unit Site)	10/10/2019 Approved
Baird	2019/9616	19 Herbert Street BORONIA VIC 3155	Removal of one (1) Banksia integrifolia (Coast Banksia)	25/10/2019 Approved
Baird	2019/9611	20 Loretto Avenue FERNTREE GULLY VIC 3156	2 lot subdivision (Approved Unit Site)	21/10/2019 Approved
Baird	2019/7095	13 Wilson Street FERNTREE GULLY VIC 3156	Development of the land for the construction of three (3) double storey and two (2) single storey dwellings (total five dwellings)	25/10/2019 Notice of Decision
Baird	2019/7252	22 Sinclair Road BAYSWATER VIC 3153	Development of a single storey dwelling to the rear of the existing dwelling	25/10/2019 Approved
Baird	2019/7204	2 Laurel Avenue BORONIA VIC 3155	Development of the land for seven (7) double storey dwellings	25/10/2019 Notice of Decision

Ward	No/ Type	Address	Description	Decision
Baird	2019/7288	2/17 Clare Street BAYSWATER VIC 3153	Use of the land for Industry (Coffee Bean Roasting) and Buildings and Works	21/10/2019 Approved
Chandler	2019/7199	6 Harcourt Road BORONIA VIC 3155	Development of the land for a double storey dwelling	1/10/2019 Approved
Chandler	2019/7303	47 Olive Grove BORONIA VIC 3155	Removal of one (1) Eucalyptus cephalocarpa and one (1) Eucalyptus obliqua	2/10/2019 Approved
Chandler	2019/7353	3 Montana Avenue BORONIA VIC 3155	Removal of one (1) Liquidambar styraciflua	16/10/2019 Approved
Chandler	2019/7358	300 Dorset Road BORONIA VIC 3155	Two lot subdivision (Approved Unit Site)	10/10/2019 Approved
Chandler	2019/7173	1027 Mountain Highway BORONIA VIC 3155	Two (2) Lot Subdivision (Approved Unit Site)	17/10/2019 Approved
Chandler	2019/9609	22 Arcadia Avenue THE BASIN VIC 3154	Construction of a shed and vegetation removal	24/10/2019 Approved
Chandler	2019/7359	22 Dorrigo Drive BORONIA VIC 3155	Removal of one (1) Cedrus deodara	31/10/2019 Approved
Collier	2019/7123	560 Boronia Road WANTIRNA VIC 3152	The construction of four (4) triple storey dwellings and two (2) double storey dwellings (total of 6 dwellings) and alteration of access to a road in a Road Zone Category 1	1/10/2019 Notice of Decision
Collier	2019/7166	6 Shetland Drive WANTIRNA VIC 3152	Development of the land for two (2) double storey and one (1) single storey dwellings and three (3) lot subdivision	9/10/2019 Refused
Collier	2019/7247	1 The Mall WANTIRNA VIC 3152	Change of Use (Restaurant and Cafe Liquor Licence)	8/10/2019 Approved
Dinsdale	2019/6024	35 King Street BAYSWATER VIC 3153	The construction of a three storey apartment building containing 13 dwellings and reduction in visitor parking to zero	7/10/2019 Approved
Dinsdale	2019/7253	3/109 Lewis Road WANTIRNA SOUTH VIC 3152	Change of Use (Personal Training Centre)	4/10/2019 Approved
Dinsdale	2019/7224	16 Fallons Way BAYSWATER VIC 3153	Development of the land for two (2) single storey dwellings	3/10/2019 Approved

Ward	No/ Type	Address	Description	Decision
Dinsdale	2019/7260	15 Comrie Court BAYSWATER VIC 3153	Development of the land for four (4) single storey dwellings and subdivision into four (4) lots	14/10/2019 Notice of Decision
Dinsdale	2019/7317	48 Orange Grove BAYSWATER VIC 3153	Three (3) Lot Subdivision (Approved Unit Site)	24/10/2019 Approved
Dobson	2019/7338	9 Winwood Drive FERNTREE GULLY VIC 3156	Removal of five (5) Hesperocyparis lusitanica and pruning of one (1) Cinnamomum camphora	1/10/2019 Approved
Dobson	2019/9603	8 Pleasant Road FERNTREE GULLY VIC 3156	Buildings and Works (Retaining Walls)	8/10/2019 Approved
Dobson	2019/9606	9 McIver Street FERNTREE GULLY VIC 3156	Remove one (1) Syzygium smithii	11/10/2019 Approved
Dobson	2019/7360	1130 Burwood Highway FERNTREE GULLY VIC 3156	Erection of business identification and directional signage	10/10/2019 Approved
Dobson	2019/7256	57 The Avenue FERNTREE GULLY VIC 3156	Development of the land for a double storey dwelling	9/10/2019 Approved
Dobson	2019/9615	15 Anderson Street FERNTREE GULLY VIC 3156	Remove one Eucalyptus obliqua (Messmate)	23/10/2019 Approved
Dobson	2018/6537	23 Railway Avenue UPPER FERNTREE GULLY VIC 3156	The construction of a single dwelling and removal of vegetation	22/10/2019 Approved
Dobson	2019/7320	5/3 Williamson Road FERNTREE GULLY VIC 3156	Verandah and decking to existing dwelling	30/10/2019 Approved
Dobson	2019/7340	5 Frederick Street FERNTREE GULLY VIC 3156	Buildings and works (construction of a new single storey dwelling) and the removal of vegetation	24/10/2019 Approved
Dobson	2019/6029	1168 Burwood Highway UPPER FERNTREE GULLY VIC 3156	The construction of a mixed use development consisting of six (6) dwellings and one (1) shop and alteration of access to a Road Zone Category 1	23/10/2019 Notice of Decision
Dobson	2019/7232	26/19 Cornhill Street FERNTREE GULLY VIC 3156	Change of Use - Animal Behaviour Training	23/10/2019 Notice of Decision
Dobson	2019/7341	23 Frederick Street FERNTREE GULLY VIC 3156	Buildings and works (construction of garage, pool and poolside alfresco)	29/10/2019 Approved

Ward	No/ Type	Address	Description	Decision
Friberg	2019/6063	Sh 50/1880 Ferntree Gully Road FERNTREE GULLY VIC 3156	Buildings and Works (Addition to existing shop) and reduction in car parking	31/10/2019 Notice of Decision
Friberg	2019/7183	12 Otira Road KNOXFIELD VIC 3180	The construction of one (1) double storey dwelling and one (1) single storey dwelling on the land (total of two (2) dwellings)	23/10/2019 Approved
Friberg	2019/7160	1707 Ferntree Gully Road FERNTREE GULLY VIC 3156	Development of the land for two (2) double storey dwellings and alteration of access to a Road Zone Category 1	23/10/2019 Notice of Decision
Scott	2019/7339	1 Akuna Court KNOXFIELD VIC 3180	Remove one (1) Dead Eucalyptus botryoides	8/10/2019 Approved
Scott	2019/7270	40 Fonteyn Drive WANTIRNA SOUTH VIC 3152	Two lot subdivision (Approved Unit Site)	15/10/2019 Approved
Tirhatuan	2019/7310	679 Stud Road SCORESBY VIC 3179	Six lot subdivision (approved unit site)	2/10/2019 Approved
Tirhatuan	2019/9601	32 Michele Drive SCORESBY VIC 3179	Two (2) Lot Subdivision (Approved Unit Development)	8/10/2019 Approved
Tirhatuan	2019/9605	804 Stud Road SCORESBY VIC 3179	Works associated with the construction of additional car parking spaces	16/10/2019 Approved
Tirhatuan	2019/9604	120 Seebeck Road ROWVILLE VIC 3178	Removal of one (1) Eucalyptus ficifolia	11/10/2019 Approved
Tirhatuan	2019/7192	16 Canter Street ROWVILLE VIC 3178	Construction of two double storey dwellings on the land	29/10/2019 Approved
Tirhatuan	2019/7184	12 Olga Street SCORESBY VIC 3179	The construction of two (2) double storey dwellings	18/10/2019 Notice of Decision
Tirhatuan	2019/7365	1420 Ferntree Gully Road KNOXFIELD VIC 3180	Buildings and Works (installation of pedestrian access door and three roller doors)	29/10/2019 Approved

6.2 Changes to Building Regulations - Management of Swimming Pool and Spa Barriers Register

SUMMARY: Business Support Coordinator, Katherine Walker

This report provides a description of the new Building Amendment (Swimming Pool and Spa) Regulations 2019, their impact on Knox swimming pool and spa owners and resourcing and income implications for Council.

RECOMMENDATION

That Council:

- 1. Fund additional resourcing required to enforce the new Building Amendment (Swimming Pool and Spa) Regulations 2019, supported by the introduction of fees and charges as required by the Regulations; and**
- 2. Write to the Minister for Planning, requesting that the Victorian Government undertake a comprehensive communications campaign Victoria wide, to ensure consistency of messaging across the State; and**
- 3. Consider how any surplus funds generated by the Swimming Pool and Spa Regulations should be utilised as part of the 2021-22 Budget cycle.**

1. INTRODUCTION

Changes to the State Building Regulations from 1 December 2019 will change the way Council is required to manage swimming pool and spa barriers. Draft Building Amendment (Swimming Pool and Spa) Regulations 2019 (the Regulations), which includes the setting of fees, and a Regulatory Impact Statement were recently released by the Victorian Building Authority (VBA).

The Regulations will create cultural change in pool ownership with increased obligations for owners - whilst this will initially be resisted by some, over time it is anticipated that compliance will be expected, and less conflict will occur.

The changes to legislation will generate a significant amount of work for the Business Support and Building Services teams within the City Planning and Building Department, particularly during the first 2.5 years of their introduction. Additional staff is required to resource the additional responsibilities for Council.

2. DISCUSSION

The Victorian Water Safety Strategy 2016-2020 provides the strategic context for the amendments to the Building Regulations. The strategy contains a number of objectives and actions to prevent drownings, not only in private swimming pools, but also in other locations such as beaches, dams, lakes etc. The Regulations are proposed by the State Government with the objective of reducing or preventing incidents of drowning amongst children under five years of age in private swimming pools and spas.

Under the new Regulations, owners must register their pool or spa with their local Council between 1 December 2019 and 14 April 2020. Depending on the age of their pool or spa, they will then be required to have their barrier inspected to obtain a Certificate of Compliance within a

specified timeframe between July 2020 and December 2021. The required safety barrier must then be inspected every three years on an ongoing basis and certification documentation lodged with Council. Barrier inspections can only be carried out by a registered building surveyor or building inspector. The Regulations will require Council to maintain a Register of swimming pools and spas and to enforce non-registered and non-compliant swimming pools and spas. The Regulations also prescribe fees and charges to cover the cost of service delivery. This approach is similar to that taken by both the New South Wales and Queensland governments.

The first 2.5 years of the Regulations will be the most resource dependent, requiring initial registration, inspection and certification of over 6,800 known pools and spas in Knox. A significant increase in customer contact during this period is anticipated. Following this initial period, it is expected that work will even out over time as pools and spas will need to be inspected and certified every three years.

It is anticipated that in the first 2.5 years, 1.2EFT (equivalent full time staff) will be required in the City Planning and Building Business Support team and 3EFT (with two additional tool of the trade vehicles) in the Building Services team to maintain and enforce the Regulations. After the first 2.5 years, only 0.6EFT will be required in Business Support and 1.2EFT (with one additional tool of the trade vehicle) in Building Services. The 0.3EFT that is currently dedicated to proactive swimming pool barrier inspections, will be reallocated to register maintenance and enforcement and is included in these figures.

Figure 1 shows a breakdown of service costs and income generation. It is forecast that an income of \$1,983,513 will be generated in the first 2.5 years and \$379,681 per annum thereafter (not including costs). All additional EFT, including additional tool of trade vehicles, can be financed wholly by fees and charges to be generated by the new processes. Comprehensive analysis of costs, income and resource needs are provided in the attached confidential Business Case.

Figure 1

Budget Requirement (financial year)	2019-20	2020-21	2021-22	2022-23	2023-24
Expected financial requirement (incl. EFT, plant and equipment)	-\$278,899	-\$475,055	-\$425,948	-\$218,624	-\$223,854
Expected Income (in fees and infringements)	\$440,780	\$1,036,239	\$506,902	\$379,681	\$379,681
Expected Net surplus	\$161,881	\$561,184	\$80,954	\$172,057	\$166,827

It is important to resource the changes appropriately to ensure Council's legal obligations are met. Resourcing the changes will also ensure an appropriate service to the community and customers who are required to comply with these regulatory changes. Failure to do so, could leave Council open to risk should a drowning incident occur and Council be found negligent.

The new legislation will require Knox to undertake more enforcement of pool and spa barriers. The Building Services' enforcement approach to swimming pool and spa barriers will be governed by the Regulations and the 'three-step' approach to enforcement adopted by the Building Services Service Plan. This means that officers request compliance first (often accompanied by advice and education), rather than commencing prosecutions as a first option. The three-step approach to

compliance comprises: ask (seek cooperation); tell (direct) and; compel (can include notices to comply and prosecutions). Officers can go straight to step 2 if it is considered that the non-compliance creates a danger.

It is acknowledged that whilst the Regulations seek to improve the safety of young children around private swimming pools and spas and to reduce drowning incidents, the legislative changes will not be popular with some in the community. However, the Regulations will create cultural change in pool ownership with increased obligations for owners - whilst this will initially be resisted by some, over time it is anticipated that compliance will be expected, and less conflict will occur. The responsibility (and accountability) of enforcing the Regulations rests with the Municipal Building Surveyor (MBS).

3. CONSULTATION

New processes have been designed to ensure Council undertakes its responsibilities in accordance with the Regulations. These processes have been designed in collaboration with the IT Services, Rates and Customer Service teams, with the objective of being as easy as possible for customers to manage and achieve compliant barriers.

A Communications Plan has been developed and will commence implementation in late November to ensure residents are aware of their obligations under the new Regulations. This will include a social media campaign, banners, website material and letters to known pool and spa owners. It is likely that the State Government will also run a social media and television campaign advising legislation changes, which will inevitably lead to an increase in customer enquiries/contact.

4. ENVIRONMENTAL/AMENITY ISSUES

There are no environmental/amenity issues associated with the request for additional resourcing.

5. FINANCIAL & ECONOMIC IMPLICATIONS

Costs and revenue generation associated with the new service provision are discussed in the attached confidential Business Case. All additional staffing requirements, including additional tool of trade vehicles can be financed wholly by fees and charges to be generated by the new processes.

6. SOCIAL IMPLICATIONS

The changes to the Regulations are proposed with the objective of reducing or preventing incidents of drowning amongst children under five years of age and is expected to have positive social implications for the community.

There are no social implications associated with the request for additional resourcing.

7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021

Goal 4 - We are safe and secure

Strategy 4.1 - Encourage and support the community to take responsibility for their own safety, and the safety of others

Strategy 4.2 - Enhance community connectedness opportunities to improve perceptions of safety

Strategy 4.4 - Protect and promote public health, safety and amenity

Goal 8 - We have confidence in decision making

Strategy 8.1 - Build, strengthen and promote good governance practices across government and community organisations

8. CONFLICT OF INTEREST

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Author - Business Support Coordinator, Katherine Walker - In providing this advice as the Author, I have no disclosable interests in this report.

Officer Responsible – Director, City Development, Matt Kelleher - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

9. CONCLUSION

The amendments to the Building Regulations are substantial and change the approach to swimming pool and spa barriers across Victoria. It is important to resource the changes appropriately to ensure Council's legal obligations are met and ensure expected safety benefits for the Knox Community. All additional resources required can be funded by fees and charges associated with the service.

10. CONFIDENTIALITY

Confidential information is contained in Attachment 1 in the confidential agenda, in accordance with Section 89(2) of the Local Government Act 1989, as the information relates to personnel matters and premature disclosure of the information could be prejudicial to the interests of Council or other persons.

Report Prepared By: Business Support Coordinator, Katherine Walker

Report Authorised By: Director, City Development, Matt Kelleher

Attachments

Confidential Attachment 1 has been circulated under separate cover

RESOLUTION

MOVED: Councillor Holland

SECONDED: Councillor Timmers-Leitch

That Council:

- 1. Fund additional resourcing required to enforce the new Building Amendment (Swimming Pool and Spa) Regulations 2019, supported by the introduction of fees and charges as required by the Regulations; and**
- 2. Write to the Minister for Planning, requesting that the Victorian Government undertake a comprehensive communications campaign Victoria wide, to ensure consistency of messaging across the State; and**
- 3. Consider how any surplus funds generated by the Swimming Pool and Spa Regulations should be utilised as part of the 2021-22 Budget cycle.**

CARRIED

7 Public Question Time

Following the completion of business relating to Item 6, City Development, the business before the Council Meeting was deferred to consider questions submitted by the public.

Question Time commenced at 7:39 pm.

The following questions were raised with Council:

Question 1- Frank Sullivan What is the process regarding planning applications at Knox Council?
The planning application process to obtain a permit can be complex depending on the types of provisions in the planning scheme and whether it needs to be referred to agencies. It also depends on the types of applications sought. I would advise you to visit the Planning page on the Knox City Council website where you can find further information.

Answer- Matt Kelleher,
Director City Development

Answer- Cr Adam Gill

If you are wondering what role Councillors play in this process, we changed the delegated authority and the Council staff now deal with applications in most cases. The Director has a list of those called up.

Answer- Cr Nicole Seymour

We will get that information to you in writing Mr Sullivan.

Question 2- Jude Dwight

Why did Councillor Mortimore promise to support a climate emergency and then not do so? Do you often make promises and not keep them?

Answer- Cr John Mortimore

We had a negotiation among Councillors and there were diverse opinions. We decided to separate the declaration of the climate emergency from the actions that will be taken if we had of declared a climate emergency. We have delivered on actions that need to be taken.

Answer- Cr Nicole Seymour

No one Councillor can make an individual promise. Councillors are a team of nine. Councillor Mortimore went in hard for the environment in our negotiations, but he has to negotiate among nine people. He has put Council on the right path to make future decisions in this area and we will put in the steps. Councillor Mortimore is committed to his promise and the issue of declaring a climate emergency is not off the table for future consideration.

Question Time Concluded at 7:47pm.

8 Engineering & Infrastructure Officers' Reports for consideration

8.1 Delivery of 3 Open Space Reserve Upgrades - Awarding Contract

SUMMARY: Coordinator - Open Space and Landscape Design, Andrea Szymanski

This report provides a summary of the tender evaluation process and recommendation to appoint a contractor to carry out the proposed reserve upgrades at three (3) separate sites (Gilbert Park, Knoxfield; HV Jones Reserve, Ferntree Gully and Peregrine Reserve, Rowville).

Given that the total of the contract is above \$1M, in accordance with Council's Strategic Procurement Policy, Council endorsement on the recommendation is required.

RECOMMENDATION

That Council:

- 1. Award Contract 2498 - Delivery of Public Open Space Upgrades at Gilbert Park, HV Jones and Peregrine Reserve; to Commercialscapes Pty Ltd, for their lump sum price of \$1,193,973.36 (incl. GST), \$1,085,430.33 (Ex GST)**
- 2. Authorise contingent expenditure of up to \$108,543 (Ex GST) in respect of Contract 2498 at the discretion of the Chief Executive Officer (or such person as he/she nominates)**
- 3. Note expenditure under this contract including the project contingency is within Council's adopted 2019/20 capital works budget.**
- 4. Authorise the Chief Executive Officer (or such person as he/she nominates) to execute the contract agreements with the above contractor(s).**
- 5. Advise all tenderers accordingly.**

1. INTRODUCTION

Following endorsement of Council approved Masterplans, there are a number projects within the 4014 Unstructured Recreation program for delivery as part of the 2019/20 Capital Works Program.

A Procurement Plan for the works was prepared and endorsed in June 2019.

The Plan proposed to group a number of 4014 Unstructured Recreation projects, which were similar in nature, together for delivery as a single contract. The strategic intent of this initiative was to gain economies of scale and thus, more competitive tender prices for Council; to attract high quality contractors who can deliver works efficiently and reduce costs in the duplication of similar contract administration tasks.

Contract 2498 is for the construction and delivery of public open space upgrades at the following sites:

- Gilbert Park, Knoxfield
- HV Jones Reserve, Ferntree Gully
- Peregrine Reserve, Rowville

The proposed civil and landscape construction works for this contract involves site preparation and earthworks; demolition; drainage; hard and soft landscape works, including provision of playground equipment; multisport courts; pedestrian solar lighting; low retaining walls; picnic shelters and barbeques; ping pong tables; fencing, picnic tables; garden beds and tree planting.

Construction is expected to commence in late January 2020 and is anticipated to be completed towards the end of the 2019/20 financial year, subject to favorable weather conditions and other factors.

2. TENDERS RECEIVED

The tender process for this contract was a public tender in accordance with Council's Strategic Procurement Policy and the approved Procurement Plan.

The tender was advertised on Saturday 7 September 2019 and closed on Wednesday 23 October 2019, with eight (8) tenders received.

Tenders were received from:

- Commercialsapes Pty Ltd
- PTA Landscapes Pty Ltd
- Glasscott Landscape and Civil Pty Ltd
- Civilised Construction and Landscaping Pty Ltd
- HDM Group Pty Ltd
- JMAC Constructions Pty Ltd
- UDL Group Pty Ltd
- Regal Innovations Pty Ltd

The Procurement Report for Contract 2498 - Delivery of Public Open Space Upgrades at Gilbert Park, Knoxfield, HV Jones Reserve, Ferntree Gully and Peregrine Reserve, Rowville is provided as confidential Attachment 1.

3. TENDER EVALUATION PANEL

The Tender Evaluation Panel consisted of members experienced in the evaluation and awarding of public landscape and civil capital works projects.

All members of the Panel signed conflict of interest and confidentiality agreements.

4. EVALUATION CRITERIA

A two-stage process for evaluating tender responses was used, assessing compliance with mandatory criteria and then, subject to passing the mandatory stage, assessment of comparative criteria.

Mandatory Criteria

- Tender schedules completed and submitted
- Risk and insurance
- Compliance and conditions of contract

Comparative Criteria

- Value for Money / Pricing (40%)
- Demonstrated ability to deliver project by May 2020 (30%)
- Relevant experience and quality of work (25%)
- Past performance based on referee checks (5%)

5. TENDER EVALUATION PROCESS

A preliminary evaluation meeting was undertaken and a follow up evaluation meeting took place with two (2) of the eight (8) tenderers shortlisted for further consideration. The shortlist was determined by applying the comparative criteria, including pricing, demonstrated ability to deliver within specific time, relevant experience and past performance.

The Tender Evaluation Panel determined to seek clarification on aspects of the submissions from the two (2) short-listed tenderers and to correct minor arithmetic errors. Both tenderers were subsequently invited for interview and reference checks completed. The interviews were undertaken by two (2) members of the Tender Evaluation Panel. Each tenderer satisfactorily answered the panel's queries and demonstrated their commitment to the projects.

Following advice from Strategic Procurement, independent financial assessments were considered necessary.

Seven (7) referee checks were undertaken for Commercialscapes and three (3) on the second, shortlisted tenderer. Both were highly recommended in terms of their services, experience and processes.

6. TENDER EVALUATION RESULTS

After considering submissions, referee checks and interviews, the panel arrived at the following summary results;

1. Commercialscapes Pty Ltd
2. PTA Landscape Pty Ltd

7. PREFERRED TENDER

Following the tender evaluation process, Commercialscapes Pty Ltd is the preferred tenderer for this project.

8. CONSULTATION

As part of the Masterplan process consultation occurred with key site stakeholders and the local community.

Once the contract is awarded and construction start dates fixed for the various reserves, site stakeholders /clubs will be informed and adjoining local residents will be issued a letter advising of the upcoming construction works.

Council's communication team will also be able to provide community updates via social media platforms on the upcoming works as required.

9. ENVIRONMENTAL/AMENITY ISSUES

Existing trees and plantings will require protection throughout the construction process and building materials are not be stored beneath existing trees. The submission of an Environment Management Plan (EMP) will be required for approval, prior to any works commencing on site.

The successful tenderer is fully aware that concrete or chemicals are not to enter the drainage system and precautions must be taken to ensure that, the disposal of all materials from site are done in a safe and environmentally responsible manner.

Once possession of site(s) is granted, temporary fencing will be erected and maintained for the safety of the public and contractors during the construction phase and until Practical Completion is achieved. Vehicle and pedestrian traffic management plans will be prepared by the contractor and enforced by the Superintendent's Representative.

10. FINANCIAL & ECONOMIC IMPLICATIONS

Construction of the Stage 1 Open Space reserve upgrades at Gilbert Park, HV Jones and Peregrine Reserve are approved Capital Works Projects.

The 2019/20 capital works budget for the projects is as follows;

- Gilbert Park \$509,208
- HV Jones Reserve \$716,617
- Peregrine Reserve \$521,078
- Less commitments to date (design and site investigations) (-) \$160,083
- Less funds to be carried forward to FY20/21 for playground upgrade at Gilbert Park (-) \$120,000

The total available budget is \$1,466,820

The total project cost is summarised as follows:

Contract Lump Sum Price \$1,085,430.33

Contingency (10%) \$108,543.00

Project Management (8%) \$86,834.43

Consultation material (signage and letters) \$5,000

The total project cost (ex GST) \$1,285,807.76

There is sufficient funding to cover the cost of this project. Refer attached Procurement Report for Contract 2498.

11. SOCIAL IMPLICATIONS

Following the previous consultation phase and the following endorsement of the Masterplans for these sites, it is anticipated that the community will appreciate and value the open space upgrades to the reserves.

This contract will deliver Stage 1 works of the Gilbert Park, HV Jones and Peregrine Reserve Masterplans, with additional stages to follow in subsequent years.

Enhancing public open spaces provides local residents and the community with opportunities for:

- Improved access to the public open spaces;
- Connection to nature, and to gather a sense of respite;
- Increased activation of the reserves, therefore increased passive surveillance and resulting in a greater sense of security;
- Increased participation in active and or passive recreation activities;
- Improved physical, social and mental wellbeing;
- To make connections with neighbours and others with similar interests; and
- To enjoy additional treed spaces for shade, cooling and enhanced fauna and flora diversity.

12. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021

Goal 1 - We value our natural and built environment

Strategy 1.1 - Protect and enhance our natural environment

Strategy 1.2 - Create a greener city with more large trees, indigenous flora and fauna

Strategy 1.3 - Ensure the Knox local character is protected and enhanced through the design and location of urban development and infrastructure

13. CONFLICT OF INTEREST

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Author - Coordinator - Open Space and Landscape Design, Andrea Szymanski - In providing this advice as the Author, I have no disclosable interests in this report.

Officer Responsible – Director, Engineering and Infrastructure, Ian Bell - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

14. CONCLUSION

Commercialsapes Pty Ltd provides the best value for Council and is adequately resourced and available to undertake and deliver Contract 2498 within the constraints of time, quality and cost as detailed in the submitted tender contract documents.

Therefore, Commercialscapes Pty Ltd is the preferred and recommended tenderer for the delivery of Contract 2498 - Delivery of Public Open Space Upgrades at Gilbert Park, HV Jones and Peregrine Reserve.

15. CONFIDENTIALITY

A confidential attachment has been circulated under separate cover.

Report Prepared By: Coordinator - Open Space and Landscape Design, Andrea Szymanski

Report Authorised By: Director, Engineering and Infrastructure, Ian Bell

Attachments

A confidential attachment has been circulated under separate cover.

RESOLUTION

MOVED: Councillor Keogh

SECONDED: Councillor Lockwood

That Council:

- 1. Award Contract 2498 - Delivery of Public Open Space Upgrades at Gilbert Park, HV Jones and Peregrine Reserve; to Commercialscapes Pty Ltd, for their lump sum price of \$1,193,973.36 (incl. GST), \$1,085,430.33 (Ex GST)**
- 2. Authorise contingent expenditure of up to \$108,543 (Ex GST) in respect of Contract 2498 at the discretion of the Chief Executive Officer (or such person as he/she nominates)**
- 3. Note expenditure under this contract including the project contingency is within Council's adopted 2019/20 capital works budget.**
- 4. Authorise the Chief Executive Officer (or such person as he/she nominates) to execute the contract agreements with the above contractor(s).**
- 5. Advise all tenderers accordingly.**

CARRIED

9 Community Services Officers' Reports for consideration

9.1 Draft Visual Surveillance Policy

SUMMARY: Coordinator Community Access, Equity and Safety, Lisette Pine

For many years Council has installed and utilised visual surveillance devices comprising fixed cameras, covert cameras, and mobile cameras for a variety of purposes including, asset protection, security, support for Victoria Police operations, rubbish dumping and to monitor community use of public spaces.

Currently Council has no policy to guide decision making processes regarding the installation, management and administration of this infrastructure, to ensure compliance with privacy legislation and appropriate management practices.

The Draft Visual Surveillance Device Policy (the Policy) was, therefore, developed to:

- **Ensure that Council is compliant with relevant State and Federal legislation in relation to privacy and data management; and**
- **Ensure a coordinated and consistent approach to the administration and management of surveillance systems in public places. (See Attachment 1 – Draft Visual Surveillance Device Policy).**

RECOMMENDATION

That Council adopt the Visual Surveillance Devices Policy as set out in Attachment 1 of the Report.

1. INTRODUCTION

The installation and use of visual surveillance devices in public places by Council and community groups managing Council owned facilities, has increased considerably over the past five years. Establishing and managing a visual surveillance device can be a complex and resource intensive process. Currently, Council has no policy in place to demonstrate to the community that the installation of visual surveillance systems is compliant with best practice standards and relevant legislation.

The Policy was developed in response to the 2018 Victorian Auditor General's Office (VAGO) Report – Security and Privacy of Surveillance Technology in Public Places. This report focused on the management practices of Local Government in relation to community privacy standards and compliance with the legislative requirements for Government organisations operating visual surveillance devices in public places.

The Policy's purpose is to:

- **Ensure the visual surveillance devices owned by Knox City Council in public places and/or installed on Council owned or managed infrastructure are effective, appropriate and lawful;**
- **Inform and provide direction for Council's decision making in relation to the product selection, installation, use, maintenance, and data management of any fixed and mobile**

visual surveillance devices and systems; in accordance with best practice, relevant legislation and other laws;

- Provide guidance for the use and management of data, its retention, security, privacy access, disclosure, storage and disposal of data;
- Ensure appropriate audit, monitoring, evaluation, reporting systems and complaint handling processes; and
- Ensure Council staff working with visual surveillance devices and systems undertake their duties in accordance with the Policy and any relevant procedures (including Site Specific Operating Procedures).

2. DISCUSSION

In March 2016, a Working Group of relevant Council staff convened to share learnings in relation to the complex management issues associated with Council owned visual surveillance devices in public places. The Working Group acknowledged there was limited understanding across Council in relation to legislative compliance, in particular the Privacy Act, and that Council use of surveillance devices covered a wide range of purpose. Previously, in 2014, Council had developed the Knox City Council Closed Circuit Television (CCTV) Policy and Procedure (2014) to support the management of Public Safety CCTV systems. The previous policy and procedure does not adequately cover the current range of devices. Furthermore, Council currently adopts a decentralised approach in relation to the management of devices and there is no procedure for the management of data.

Recently, the Victorian Government developed a suite of guidelines to support Local Government to better manage systems and new technology, as the installation of systems increased significantly.

In 2018, the Victorian Auditor-General Office (VAGO) conducted an audit of five Local Governments (LGA) across Victoria including Melbourne City Council who manage and operate CCTV and visual surveillance devices. The audit specifically assessed Council management and use of surveillance devices in public places. The report concluded that Councils could not demonstrate they were meeting their commitments to the community to ensure protection of privacy information collected, adherence to the requirements of the Privacy and Data Protection Act and did not adequately manage the operation and use of surveillance technologies.

Key findings and recommendations included:

Governance	<ul style="list-style-type: none"> • The need for a governance structure that has senior management involvement to oversee the overall management of the technology; • The need for a designated formal committee or similar and assurance processes; • A lack of oversight of Public Safety CCTV Systems; and • A lack of adequate and regular reporting.
Privacy	<ul style="list-style-type: none"> • Inadequate consideration of Privacy Principles; and • Limited evidence of community consultation.
Information Security	<ul style="list-style-type: none"> • Issues with protecting private information; • Gaps in physical security and access controls; and • Lack of regular monitoring and assessing system use and if controls are working.

2.1 Policy Development

In early 2019, as a response to the report, a Working Group of key Council officers including Governance, Facilities, Information Technology and Community Safety was established to develop a policy and procedure.

The Working Group collected information in relation to the type of systems Council currently own and how they are currently managed. The following provides a brief overview of the findings.

Knox City Council owned visual surveillance devices and systems usually comprise three main categories:

1. Corporate Visual Surveillance Devices and Systems- installed in public places, on Council facilities and land;
2. CCTV Systems – installed in public places that are monitored and managed by Victoria Police; and
3. Mobile camera devices- operated and managed by council employees (i.e. Community Laws Officers). This includes dash cams, aerial vehicles and body cameras.

The most critical gaps and risks identified for Knox Council relate to:

- An absence of a defined governance structure within Council to manage visual surveillance devices;
- No coordinated or consistent process for approval of devices and installation;
- Inadequate oversight, auditing and reporting of systems and devices;
- Issues related to the secure storage of equipment and data capture;
- Weakness in data access controls and defined process; and
- The absence of an appropriate maintenance regime.

The Working Group also established that Council has responsibility to ensure compliance by third parties who install visual surveillance devices on Council owned facilities such as community groups, sporting clubs. Such groups can currently apply directly to State and Federal Government for CCTV system grants for installation on Council facilities. These groups do not have the appropriate management and governance frameworks in place to manage the technology that exposes them to potential breaches of privacy legislation and inappropriate data management.

2.2 Policy Scope and Implementation

The Policy responds to the findings of the Working Group and the VAGO Report recommendations to support a coordinated and consistent approach for the implementation, delivery and management of visual surveillance devices.

The following elements have been included:

- The Policy covers all Council Visual Surveillance Systems and Devices and incorporates the Closed Circuit Television (CCTV) Policy and Body Worn camera guidelines;
- Visual surveillance devices installed by third parties (community group/sporting club) on Council owned facilities must ensure the systems comply with the Policy; and

- Implementation of the Policy is supported by a procedure that provides information to guide Council Officers through the application, installation and management process.

The proposed Knox Visual Surveillance Devices Committee (The Committee) will be responsible for the approval process, compliance monitoring and annual auditing of Council owned visual surveillance devices or systems including devices owned and managed by third parties. (Refer to Section 6.4.2 of the Policy for further details).

3.3 Training for Council Officers and Community Groups

Following approval by Council of the Policy, the Committee will develop training workshops to support staff and third parties to develop the technical skills and understanding of the legislative compliance required to manage and operate a visual surveillance device.

3. CONSULTATION

The following activities informed the development of the Policy:

- The Working Group conducted a desktop benchmarking exercise of several Councils' Visual Surveillance Device Policies including Monash and Whitehorse. The policies included a governance model, a process to monitor compliance, annual audits and reporting.
- In early 2019, a representative of Council's Community Wellbeing department attended discussions at the newly established Eastern Metropolitan Region CCTV LGA working group meetings. The Council officers met for a period of six months. The purpose of these meetings was to share learnings in relation to the development of CCTV policy and the impacts of the VAGO report recommendations on local government governance and management of systems. This Group now meets as required.

4. ENVIRONMENTAL/AMENITY ISSUES

Visual surveillance devices operating on Council land can support the detection of illegal dumping activities, damage to council property and opportunistic graffiti taggers. However, these should only be applied in conjunction with Crime Prevention Through Environmental Design (CPTED) principles such as appropriate lighting, clear sight lines in public spaces, encouraging appropriate use of open spaces and graffiti prevention initiatives.

5. FINANCIAL & ECONOMIC IMPLICATIONS

It is proposed that the Knox Visual Surveillance Devices Committee monitor the implementation of the Policy and Procedure to assist the determination of any expected future resource requirements.

The expected resources required to support the implementation are outlined below:

Activity	Resources (Within Existing Resources/Requires Resources)
IT Systems and data storage	Within existing resources
Purchase of equipment and maintenance	Requires resources – Business Case /external grant
Training of Council Officers and management of technology	Training will be provided within current resources

Activity	Resources (Within Existing Resources/Requires Resources)
	Management of technology to be determined by Departments responsible for the technology
Establishment of Visual Surveillance Governance Committee	Within current resources

6. SOCIAL IMPLICATIONS

The use of visual surveillance devices can be a contentious community issue when used in public places due to concerns for privacy versus the perceived benefits for community safety. To respond to these issues, Council requires a policy and procedure that enables appropriate management, consistent and coordinated approaches.

Research indicates that visual surveillance device and Public Safety CCTV Systems on their own may do little to address crime prevention and must be used with a suite of other crime prevention strategies, tailored to the specific local issues and context to enhance effectiveness. Effectiveness of visual surveillance devices may vary depending upon things such as the monitoring regime, quality of equipment, fit for purpose and appropriate maintenance.

The visible presence of surveillance devices can enhance perceptions of safety within the community, which can be constructive in developing public confidence and reducing the fear of crime.

7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021

Goal 4 - We are safe and secure

Strategy 4.4 - Protect and promote public health, safety and amenity.

8. CONFLICT OF INTEREST

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Author – Coordinator, Community Access, Equity and Safety, Lisette Pine – In providing this advice as the Author, I have no disclosable interests in this report.

Officer Responsible – Director, Community Services, Tanya Scicluna – In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

9. CONCLUSION

Visual surveillance devices owned and operated by Council assist Council in a range of functions. The Visual Surveillance Devices Policy supports Council to adhere to the requirements of the Privacy and Data Protection Act in Council's use of visual surveillance devices, community expectations of privacy and mitigates the risk to Council of non-compliance.

The Policy provides for a coordinated and consistent approach to the approval, installation and use of visual surveillance devices. It guides the management and security of devices and

associated data, a regular maintenance regime, and defines a governance structure with appropriate oversight, auditing and reporting.

Providing training for Council officers and third parties installing visual surveillance devices on Council facilities or land, together with the Visual Surveillance Devices Procedure document will support the effective implementation of the Policy.

The Visual Surveillance Devices Policy assures compliance with best practice standards and relevant legislation.

10. CONFIDENTIALITY

There are no items of a confidential nature in this report.

Report Prepared By: Coordinator Community Access, Equity and Safety, Lisette Pine

Report Authorised By: Director Community Services, Tanya Scicluna

Attachments

1. Attachment 1 - Draft Policy - Visual Surveillance Devices - 2019-08-06 [9.1.1 - 10 pages]

RESOLUTION

MOVED: Councillor Mortimore

SECONDED: Councillor Timmers-Leitch

That Council adopt the Visual Surveillance Devices Policy as set out in Attachment 1 of the Report.

CARRIED



Visual Surveillance Devices

Policy Number:		Directorate:	Corporate Services
Approval by:	Council	Responsible Officer:	Director – Corporate Services
Approval Date:	Meeting Date	Version Number:	5
Review Date:	3 Years from Meeting Date	Ref no.	D19-199499

1. Purpose

The Policy purpose is to:

- Ensure the effective, appropriate and lawful use of visual surveillance devices owned by Knox City Council in public places and/or installed on Council owned or managed infrastructure;
- Inform and provide direction for Council's decision making in relation to the product selection, installation, use, maintenance, and data management of any fixed and mobile visual surveillance devices and systems; in accordance with best practice, relevant legislation and other laws;
- Provide guidance for the use and management of data, its retention, security, privacy access, disclosure, storage and disposal of data;
- Ensure appropriate audit, monitoring, evaluation, reporting systems and complaint handling processes; and
- Ensure Council staff working with visual surveillance devices and systems undertake their duties in accordance with this Policy and any relevant procedures (including Site Specific Operating Procedures).

This Policy should be read in conjunction with the Visual Surveillance Device Procedure.

2. Context

Knox City Council acknowledges that there has been considerable uptake in the Council and community use of surveillance devices in public places and Council owned facilities.

Council owned visual surveillance devices and systems fall into three main categories:

- *Corporate Surveillance Devices and Systems* installed in public spaces, on council facilities and land. These systems are managed and monitored by council employees or contractors. This includes but is not limited to Council offices, pools, libraries, arts centres, public toilets, sporting grounds, community and child care centres, and waste management facilities;
- *Public Safety CCTV Systems* installed in public places that are monitored and managed by Victoria Police. Knox City Council has one Public Safety CCTV System located in Boronia with cameras linked to monitors at Boronia Police Station; and
- *Mobile camera devices* operated and managed by council employees or contractors. This includes dash cams, aerial vehicles, and body cameras.



From time to time, third parties (such as a community groups or sporting clubs) may also install visual surveillance devices in Council owned and/or managed facilities and/or land they occupy under a lease or licence. These devices are owned and managed by the licensee or tenant.

2.1 Use of visual surveillance devices

The use of visual surveillance devices can be a contentious community issue when used in public places in relation to concerns for privacy versus the perceived benefits for community safety. To respond to these issues, Council requires a policy and procedure that enables appropriate management and clear, consistent and coordinated approaches.

Visual surveillance devices are used within the community and by Council to:

- Support and implement broader crime prevention and reduction strategies in an identified location;
- Enhance actual and perceived safety and security for staff and users of Council facilities;
- Discourage damage and vandalism of Council assets;
- Detect and manage any illegal activities occurring on Council facilities and land such as illegal rubbish dumping and graffiti;
- Support the administration and enforcement of local laws and other legislation;
- Enhance site security and security for equipment at Council construction sites;
- Detect public safety issues;
- Support Council in its legislated responsibilities and operational business such as aerial mapping for fire prevention;
- Monitor the use of Council land and assets such as a count of users on walking tracks or bike paths;
- Assist with traffic planning and road management such as traffic counts on local roads;
- Enhance Council's biodiversity activities, such as wildlife monitoring and pest animal control in local bushland and parks;
- Monitor any unauthorised access to 'staff only' areas; and
- Record and promote Council events.

Public Safety CCTV Systems are used to:

- Support Victoria Police operations and response; and
- Assist Victoria Police for criminal prosecution.

2.2 Visual surveillance devices and crime prevention

Research indicates that visual surveillance devices and Public Safety CCTV Systems on their own may do little to address crime prevention and must be used with a suite of other crime prevention strategies, tailored to the specific local issues and context to enhance effectiveness. Effectiveness of visual surveillance devices may vary depending upon things such as the monitoring regime, quality of equipment, fit for purpose and appropriate maintenance.

The visible presence of surveillance devices can enhance perceptions of safety within the community, which can be constructive in developing public confidence and reducing the fear of crime. Public Safety CCTV Systems should only be applied where other Crime Prevention through Environmental Design (CPTED) principles have been implemented.



3. Scope

This Policy applies to all:

- Council owned and operated visual surveillance devices including body worn cameras, aerial vehicles, photographic cameras and video cameras deployed for surveillance purposes;
- Council employees, Councillors, contractors, lessees and tenants;
- Corporate surveillance systems installed, used or maintained by Council; whether passively or actively monitored or retrospectively reviewed;
- Public Safety CCTV Systems owned by Council but operated and monitored by Victoria Police;
- Visual surveillance devices installed by third parties on Council land and property; and
- Recordings and data obtained as a result of the use of any other visual surveillance device or system owned, installed, used or maintained by Council.

This Policy does not apply to surveillance devices owned, installed and operated by private residents or businesses on private property.

4. References

4.1 Community and Council Plan 2017-2021

- Goal 4 – We are safe and secure:
 - Strategy 4.3 – Maintain and manage the safety of the natural and built environment.
- Goal 8 – We have confidence in decision making:
 - Strategy 8.1 – Build, strengthen and promote good governance practices across government and community organisations.

4.2 Relevant Legislation

- Surveillance Devices Act 1999 (Vic).
- Freedom of Information Act 1982 (Vic).
- Evidence Act 2008 (Vic).
- Public Records Act 1973 (Vic).
- Privacy & Data Protection Act 2014 (Vic).
- Information Privacy Act 2000 (Vic).

4.3 Charter of Human Rights and Responsibilities Act 2006 (Vic)

This Policy has been assessed against the rights contained within the Charter of Human Rights and Responsibilities 2006 and is deemed to be compatible with the Charter.

It is acknowledged that the operation of visual surveillance devices may impact upon an individual's right to privacy and this Policy consequently requires an assessment of whether devices may interfere with that protected right and if so, whether they do so in a manner which is reasonable, proportionate and demonstrably justified.



4.4 Related Council Policies

- Asset Management Policy.
- Employee Code of Conduct.
- Corporate Records Policy.
- Corporate Records Disposal Policy.
- Occupational Health & Safety Policy.
- Risk Management Policy.
- Privacy and Data Protection Policy.
- Engagement Policy.

4.5 Related Council Plans and Procedures

- Knox Visual Surveillance Devices Procedure.
- Outdoor Camera Counters (OCC) Procedure.
- Body Worn Camera Procedure.

4.6 Public Documents

In developing this Policy, Council referred to the following public documents:

- Commissioner for Privacy and Data Protection Guidelines to Surveillance and Privacy in the Victorian Public Sector, May 2017.
- Victorian Auditor General Office (VAGO) report Security of Surveillance Technologies in Public Places, September 2018.
- Victorian Government Guide to developing CCTV for public safety in Victoria, June 2018.

5. Definitions

Definitions of terms used in this Policy and explanations of any abbreviations and acronyms:

CCTV	Closed Circuit Television.
CCTV Surveillance System	A surveillance system in which a number of cameras operate individually and/or collectively connected through a closed circuit. CCTV Systems consist of cameras, monitors, recorders, interconnecting hardware and support infrastructure.
Visual Surveillance Device Central Register	Central record of all information and relevant data pertaining to the location, operations and management of any Council owned and operated surveillance device or installed by a Third Party on Council facilities or land.
Council	Knox City Council.
Council employee / Council staff member	Any employee of Council whether permanent or temporary or casual, and includes contractors, and volunteers carrying out work for or on behalf of Knox City Council.
Council facilities and land	Any facility or land owned by Council or with designated management to Council.



Data	Data obtained from a surveillance device or system including (but not limited to) records, film footage, recording, audio files, still images or live feeds and associated metadata.
IPP / Information Privacy Principle	A series of privacy principles contained Schedule 1 of the Privacy and Data Protection Act 2014 (Vic).
Monitoring	Active Monitoring: footage is actively viewed by operators and assessed and responded to in real time. Passive Monitoring: footage is intermittently observed by operators. Retrospective Monitoring: footage is reviewed after an incident.
PIA / Privacy Impact Assessment Statement	A statement designed to evaluate compliance with IPPs and identify potential privacy risks and risk mitigation strategies.
Public Place	Any place as defined in Section 3 of the Summary Offences Act 1966 to which the public has access as of right or by invitation, whether express or implied and whether or not a charge is made for admission to the place. A public place can include, but is not limited to, public street, public parks, public transport, railway stations, shopping centres, sports and recreation centres and grounds, schools, church, public halls, libraries, government buildings and office reception areas.
Responsible Officer	Council staff directly involved and trained in the management and operation of visual surveillance devices or systems.
Visual Surveillance Device	A device capable of capturing and/or monitoring footage of an activity, location and/or asset. Types of surveillance cameras include, but are not limited to fixed cameras, mobile cameras, body worn video cameras, dash cameras and covert cameras.

6. Council Policy

Council values that Knox is a safe place to live, and community members are proud to freely enjoy their local streets, parks and public places. From time to time, the installation of surveillance devices may be considered for public safety, security, protection of assets and to inform Council planning and operations.

Council is committed to full compliance with its legal obligations when installing, operating and managing surveillance cameras in public places and Council owned or managed facilities. Any decision to implement a new (or retain an existing) visual surveillance device or system must be consistent with the requirements of this Policy.

This Policy applies to all Council owned visual surveillance devices and systems, where there are items related only to Public Safety CCTV Systems this will be specified.

Visual surveillance devices and systems will be installed, operated and managed in accordance with the following:

6.1 Use of visual surveillance devices

Visual surveillance devices and systems must only be used for proper and lawful purposes and will at all times comply with relevant State and Federal Legislation and Guidelines (refer to section 4.2)

Council visual surveillance devices and systems:

- 6.1.1 Should only be utilised where surveillance is a viable means to achieve its purpose or reasonably related second purpose;
- 6.1.2 Must meet their intended purpose and only be used for that purpose;



- 6.1.3 Are not recommended as an isolated response to addressing public safety and asset protection issues and should be part of a multi-faceted response and range of strategies, such as CPTED, to support community safety initiatives in public places and facility management; and
- 6.1.4 Should not be installed for the primary purpose of recording or monitoring the daily activities of Council employees or for the primary purpose of assessing employee performance (exemptions may apply in areas where high risk activities or cashiering services are performed, in areas where valuable items, equipment or objects are stored or cameras are used for staff safety).

6.2 Approval and installation

The processes for considering and approving visual surveillance devices are detailed in the Visual Surveillance Device Procedures and Body Worn Camera Procedures. The detail and requirements for each proposal may vary depending on if the application is for a mobile device, Corporate or Public Safety CCTV System and whether it is a permanent, temporary, fixed or mobile installation.

Applications subject to the Procedure document, should include:

- 6.2.1 The intended purpose of the device with clear objectives and desired outcomes;
- 6.2.2 An outline of why surveillance is considered necessary and why alternative methods are considered insufficient;
- 6.2.3 Consideration of a range of strategies to support the intended purpose of the surveillance device;
- 6.2.4 Governance, monitoring, operating and reporting arrangements;
- 6.2.5 Identification of persons using the device and training that will be provided;
- 6.2.6 Consideration of impacts on the public, residents, staff, individuals and groups and include a Privacy Impact Statement and a Human Rights Assessment;
- 6.2.7 Where applicable, references to existing Privacy Impact Statements;
- 6.2.8 Capital and lifecycle costs of the surveillance device including additional resource requirements or savings; and
- 6.2.9 Operational process implications of the use of the surveillance device.

Further to the above, proposals may also be required to provide:

- 6.2.10 An evaluation framework to identify benefits of the device; and
- 6.2.11 Details of community consultation undertaken regarding the potential installation.

The purchase of new Public Safety CCTV Systems will require Council approval prior to installation and use. Council will only consider, support and install a Public Safety CCTV System monitored by Victoria Police where:

- It forms part of a suite of community safety initiatives; and
- The costs of installation and management (including surveillance) are fully funded by other parties.

All other proposals for the installation and use of visual surveillance devices will be subject to approval by the Director Corporate Services.

Knox City Council's visual surveillance devices and systems may only be considered and installed for proper and lawful purposes in accordance with Council Policy and legislation.



6.3 Ownership, operation and management of devices

- 6.3.1 A central register of all surveillance devices, their locations and camera manager will be maintained by Governance on behalf of Knox Surveillance Committee. The Central Register will include all Council owned devices and those installed by third parties on Council owned and/or managed buildings and facilities;
- 6.3.2 Site Specific Operating Procedures will be developed to provide detailed instruction on all aspects of the operation and management of visual surveillance devices. The Site Specific Operational Procedures will ensure privacy of individuals is protected; surveillance devices are used for their designated purpose only, compliance with the Policy, and consistency of practice. Site Specific Operating Procedures are to be developed in accordance with the format detailed in the Visual Surveillance Device Procedures;
- 6.3.3 Where Council owns the land/building where the device is to be installed but leases the property to a third party, ownership, operation and management of the surveillance device will be detailed in a Memorandum of Understanding with said third party;
- 6.3.4 In the case of 6.3.3 above, obligations for the proper management and maintenance of the surveillance devices and compliance with all relevant legislation shall rest with the device owner; and
- 6.3.5 Where a Public Safety CCTV System is installed it will be subject to a Memorandum of Understanding between Victoria Police and Council. The operation, monitoring and management of the Public Safety CCTV System will at all times remain the responsibility of Victoria Police and Council will at all times remain the owner of the system and have responsibility for maintenance.

6.4 Responsibilities and Accountability

6.4.1 Director of Corporate Services

Council's Director of Corporate Services has prime responsibility for the administration of this policy. This includes ensuring the organisation has appropriate processes in place to:

- Monitor compliance with Council's Policy and Procedures, and with relevant legislation; and
- Investigate and respond to identified breaches of Council Policy or Procedure, or of relevant legislation.

6.4.2 Knox Visual Surveillance Devices Committee

The Knox Visual Surveillance Devices Committee will:

- Assess and make recommendations regarding applications for the installation and decommissioning of visual surveillance devices and systems;
- Monitor compliance with Council Policy and legislation including through, audits and annual reporting;
- Conduct an annual review of all Site Specific Operational Procedures and endorse variations or amendments;
- Review this Policy and make necessary amendments; and
- Present an annual operations report for the Executive Management Team.

The Committee has the right of inspection of all visual surveillance device systems, procedural documentation, files, registers and records.

Membership of the Knox Visual Surveillance Devices Committee will include:

- Director Corporate Services (Ex Officio);
- Coordinator IT Services;
- Coordinator Governance;
- Coordinator Facilities;



- Coordinator Community Laws; and
- Coordinator Community Access, Equity and Safety.

From time to time the committee will take advice from Council officers or may co-opt temporary members as appropriate; such as Coordinator of Prosecutions for matters relating to prosecutions, Property Services for matters of tenancy agreements and People and Culture for OHS and human resources matters.

6.4.3 Council's Responsible Officers

Responsible Officers are formally designated Council staff whom have a role in the operation and/or management of visual surveillance device/s as part of their position. Responsible Officers will be detailed in the Site Specific Operational Procedures for each surveillance device and will include the technical, operational and/or management aspect/s of visual surveillance devices they oversee or perform pertaining to a mobile device or a site where a Council surveillance device or system operates.

All Council staff, Responsible Officers and Committees involved in the installation, use, and maintenance of any visual surveillance devices and systems will be aware of and act in accordance with their obligations under the Privacy and Data Protection Act 2014, internal Policy and other relevant legislation.

6.4.4 Authorised Police Officers

Authorised Police Officers will oversee the technical and operational matters pertaining to a Public Safety CCTV System.

6.5 Security, storage and retention of data

6.5.1 Council will ensure that access to equipment and data is secure to prevent unauthorised access;

6.5.2 for CCTV Surveillance Systems:

- All Council owned surveillance recording equipment will be securely stored and housed in racks or cabinets that are segregated from the main work area and designed to provide physical and climatic protection; and
- Live feed monitors will be located in secure areas not visible by non-authorised staff, Police Officers or members of the public;

6.5.3 Access to Council's Visual Surveillance Devices, and storage areas will be restricted to Responsible Officers and the Knox Surveillance Committee;

6.5.4 Access to Public Safety CCTV Systems storage areas will be restricted to authorised Police Officers and Knox Surveillance Committee; and

6.5.5 All recorded data will be held securely for a specified period (typically a minimum of to 30 days) unless required in relation to the investigation of a crime, court proceeding or Freedom of Information (FOI) application.

6.6 Access to data

Council will take all reasonable steps to protect data gathered through visual surveillance devices or systems in public places from misuse or inappropriate disclosure.

Access to data will comply with the Visual Surveillance Device Procedure or Body Worn Camera Procedure.

These procedures document requirements for access control lists, secure passwords and written authorisation for Responsible Officers.

Police and other law enforcement agency access to data from Council's Visual Surveillance Devices and systems will be on a case by case basis and subject to relevant provisions of the Privacy and Data Protection Act or as otherwise authorised by law.



Requests by members of the public to view data or records must be made in accordance with the Freedom of Information Act 1982.

6.7 Maintenance

Maintenance of Council's visual surveillance devices will be undertaken in accordance with the Visual Surveillance Device Procedure, Site Specific Operating Procedures or the Body Worn Camera Procedure.

To ensure the adequate maintenance of Council owned CCTV and surveillance equipment, a suitable maintenance or warranty agreement should be considered when procuring equipment.

Regular and proactive maintenance is important to maintain and prolong the life and effectiveness of the equipment.

Information Technology (IT) where practical and unless specified otherwise, will perform the monitoring of system health for visual surveillance devices installed at Council owned and operated facilities and land.

This includes but is not limited to:

- Disk Storage space;
- Network Connectivity; and
- Data backup and recovery.

6.8 Auditing and Reporting

Responsible Officers are required to maintain a log book to record any incidents, requests for information and complaints related to Council's surveillance devices or systems. They must notify the Knox Surveillance Committee of any incident and/or request for data within 72 hours.

The Knox Surveillance Committee is required to report on an annual basis detailing:

- 6.8.1 The sites of all Council owned surveillance devices and systems including any Public Safety CCTV System, surveillance devices operating in Council buildings and land operated under a lease or licence agreement - noting any changes to this list or replacement of equipment;
- 6.8.2 The number of incidents requiring review or access to data made by Council or enforcement agencies;
- 6.8.3 The number of requests under FOI for access to data including the number of times and type of data that has been released;
- 6.8.4 The number of complaints; and
- 6.8.5 A summary of maintenance issues or any changes to the maintenance regime.

The annual report will be made publically available on Council's website. To inform the report, Responsible Officers are required to provide a quarterly and annual report to Knox Surveillance Committee using the reporting proforma in the Visual Surveillance Devices Procedure.

A compliance audit will be conducted by Knox Surveillance Committee annually. This audit will cover all Council owned devices and systems including Public Safety CCTV Systems subject to a Memorandum of Understanding (MOU) with Victoria Police. The audit will review compliance against the Policy parameters and make recommendations for future improvements. This audit will be presented to Council's Executive Management Team.

6.9 Inappropriate Use and Breach of Policy

Failure to comply with this policy, associated procedures or guidelines, or relevant legislation may constitute misconduct under Council's Disciplinary Policy and may be considered in accordance with the Disciplinary Policy and Disciplinary Procedure.



7. Administrative Updates

From time to time, circumstances may change leading to the need for minor administrative changes to this Policy. Where an update does not materially alter this Policy, such a change may be made administratively. Examples of minor administrative changes include changes to names of Council departments or positions, change to names of Federal or State Government departments or a minor amendment to legislation that does not have material impact. Where any change or update may materially change the intent of this Policy, it must be considered by Council.

DRAFT

9.2 Minor Grants Program 2019-20 Monthly Report

SUMMARY: Community Partnerships Officer, Deb Robert

This report summarises the grant applications recommended for approval in November for the Minor Grants Program. All applications have been assessed against the criteria set out in the Minor Grants Program Policy.

Applications under the Minor Grants Policy are limited to a maximum of \$3,000, which is the current limit since the commencement of the 2019-2020 financial year.

RECOMMENDATION

That Council:

1. Approve the four recommended Minor Grants Program applications for a total of \$9,179.14 as detailed below:

Applicant Name	Project Title	Amount Requested	Amount Recommended
Kinderlea 3 Year Old Preschool	IT facilities upgrade	\$1,436.00	\$1,436.00
Billoo Park Playgroup	Upgrade of children's indoor table, chairs and high chairs	\$2,770.74	\$2,770.74
Sherbrooke Little Athletics Centre	Starting Equipment - Purchase of two electronic starting systems	\$2,085.00	\$2,085.00
Flamingo Community Group Inc.	Replacement of outdoor play equipment	\$2,887.40	\$2,887.40
TOTAL		\$9,179.14	\$9,179.14

2. Refuse one ineligible Minor Grants Program application for a total of \$2,000.00 as detailed below:

Applicant Name	Project Title	Amount Requested	Reason for Refusal
Rowville Baptist Cares Inc.	Christmas Community Lunch	\$2,000.00	Ineligible as per Cl 6.25 of Minor Grants Program Policy
TOTAL		\$2,000.00	

3. Note that inclusive of the above recommended grants, a total of \$94,989 has been awarded to date under the 2019-2020 Minor Grants Program to support of a variety of community-based organisations and their programs.

1. INTRODUCTION

The Minor Grants Program provides a pool of grant funding that can respond on a monthly basis to requests for small amounts of funding to assist with short term, one-off projects or initiatives that are relatively minor in nature.

The objectives of the Minor Grants Program are:

- To increase and sustain participation in a wide range of quality services within the municipality; to build and strengthen local networks and partnerships; and to support community leadership, learning and skill development;
- To support new initiatives or the expansion of an existing service that will address a clearly identified community need and contribute to the development, promotion and accessibility of a diverse range of quality community services and community resources within Knox; and
- To increase the level of resources of community organisations that provide, help, advice or support to the Knox community.

Applications are assessed against criteria specified in the Minor Grants Program Policy (approved October 2018) to determine the eligibility of the applicant organisation and the eligibility of the grant application.

The Policy sets out an open and transparent grant program that meets the principles of good governance and is compliant with the requirements of the Local Government Act 1989.

In accordance with the Policy, applications for funding have been assessed by the Chief Executive Officer, or delegate, for Council's approval.

2. DISCUSSION

This report presents to Council the recommendations for recent Minor Grant applications in accordance with the Policy.

This report outlines the four complete grant applications received since the 28 October 2019 Ordinary Council meeting. It recommends three grants for Council's approval.

The application submitted by Rowville Baptist Care Inc. is not recommended for approval because it is ineligible in accordance with Clause 6.25 as it is "for the same or substantially the same project or initiative by the same applicant that has been approved within the current or previous financial year." Rowville Baptist Care Inc. has received Minor Grants of \$1000 and \$1500 in the last two financial years for their annual Christmas lunch.

3. CONSULTATION

Consultation is undertaken with relevant organisations in relation to their grant applications, if necessary, to seek clarity regarding their applications prior to Council's consideration.

Advice or information may be sought from officers across Council in relation to either the applying organisation or the proposed project or both, if considered necessary.

The Policy specifies assessment can occur by the Chief Executive Officer, or delegate, and make recommendation for Council's determination.

4. ENVIRONMENTAL/AMENITY ISSUES

There are no environmental or amenity issues associated with this report.

5. FINANCIAL & ECONOMIC IMPLICATIONS

The approval of Minor Grants is managed within Council's adopted budget. The 2019/2020 budget provides \$148,500 for the Minor Grants Program. Recommended applications for the November period total \$9179.40 (GST to be adjusted on payment). If approved, the remaining Minor Grants budget for 2019/20 will total \$53,511.

6. SOCIAL IMPLICATIONS

The Minor Grants Program allows Council to respond promptly to requests from Knox- based community groups for small amounts of funding to assist a variety of community-based programs, projects or activities. The Minor Grants is a simple and streamlined source of funding that can make a significant difference for local community organisations in need of short-term, specific purpose assistance.

7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021

Goal 6 - We are healthy, happy and well

Strategy 6.2 - Support the community to enable positive physical and mental health.

Goal 7 - We are inclusive, feel a sense of belonging and value our identity

Strategy 7.3 - Strengthen community connections.

8. CONFLICT OF INTEREST

Under Section 80c of the Local Government Act 1989, officers providing advice to Council must disclose any interests, including the type of interest.

Author - Community Partnerships Officer, Deb Robert – In providing this advice as the Author, I have no disclosable interests in this report.

Officer Responsible – Director Community Services, Tanya Scicluna - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

9. CONCLUSION

This report contains the recommendation for funding through the Minor Grants program.

10. CONFIDENTIALITY

A confidential attachment has been circulated under a separate cover.

Report Prepared By: Community Partnerships Officer, Deb Robert
Report Authorised By: Director Community Services, Tanya Scicluna

Attachments

A confidential attachment has been circulated under a separate cover.

RESOLUTION**MOVED: Councillor Timmers-Leitch****SECONDED: Councillor Holland**

That Council:

1. Approve the four recommended Minor Grants Program applications for a total of \$9,179.14 as detailed below:

Applicant Name	Project Title	Amount Requested	Amount Recommended
Kinderlea 3 Year Old Preschool	IT facilities upgrade	\$1,436.00	\$1,436.00
Billoo Park Playgroup	Upgrade of children's indoor table, chairs and high chairs	\$2,770.74	\$2,770.74
Sherbrooke Little Athletics Centre	Starting Equipment - Purchase of two electronic starting systems	\$2,085.00	\$2,085.00
Flamingo Community Group Inc.	Replacement of outdoor play equipment	\$2,887.40	\$2,887.40
TOTAL		\$9,179.14	\$9,179.14

2. Refuse one ineligible Minor Grants Program application for a total of \$2,000.00 as detailed below:

Applicant Name	Project Title	Amount Requested	Reason for Refusal
Rowville Baptist Cares Inc.	Christmas Community Lunch	\$2,000.00	Ineligible as per Cl 6.25 of Minor Grants Program Policy
TOTAL		\$2,000.00	

3. Note that inclusive of the above recommended grants, a total of \$94,989 has been awarded to date under the 2019-2020 Minor Grants Program to support of a variety of community-based organisations and their programs.

AMENDMENT**MOVED: Councillor Lockwood****SECONDED: Councillor Mortimore****That Council:**

1. **Approve the five recommended Minor Grants Program applications for a total of \$11,179.14 as detailed below:**

Applicant Name	Project Title	Amount Requested	Amount Recommended
Kinderlea 3 Year Old Preschool	IT facilities upgrade	\$1,436.00	\$1,436.00
Billoo Park Playgroup	Upgrade of children's indoor table, chairs and high chairs	\$2,770.74	\$2,770.74
Sherbrooke Little Athletics Centre	Starting Equipment - Purchase of two electronic starting systems	\$2,085.00	\$2,085.00
Flamingo Community Group Inc.	Replacement of outdoor play equipment	\$2,887.40	\$2,887.40
Rowville Baptist Cares Inc.	Christmas Community Lunch	\$2,000.00	\$2,000.00
TOTAL		\$11,179.14	\$11,179.14

2. **Note that inclusive of the above recommended grants, a total of \$96,989 has been awarded to date under the 2019-2020 Minor Grants Program to support a variety of community-based organisations and their programs.**
3. **Refer the Rowville Baptist Cares Inc. Christmas Community Lunch to the Community Grants team for the purposes of identifying opportunities for future grants funding for this project in future years.**

CARRIED

The amendment became the substantive motion

The substantive motion was put and **CARRIED**

10 Corporate Services Officers' Reports for consideration

10.1 Financial Performance Report for the Quarter Ended 30 September 2019

SUMMARY: Acting Coordinator Management Accounting, Lynn Tanu

The Financial Performance Report for the period ended 30 September 2019 is presented for consideration.

RECOMMENDATION

That Council receive and note the Financial Performance Report for the period ended 30 September 2019.

1. INTRODUCTION

The provision of the quarterly Financial Performance Report to Council ensures that associated processes are accountable, transparent and responsible resulting in sound financial management.

The attached Financial Performance Report (Attachment 1) has been prepared in accordance with Australian Accounting Standards and contains the following financial statements:

4. Comprehensive Income Statement;
5. Balance Sheet;
6. Cash Flow Statement; and
7. Statement of Capital Works.

The Financial Performance Report is aimed and designed to identify major variations against Council's year to date financial performance (actual results) and the Adopted Budget. Council adopted its 2019-20 Annual Budget at its Ordinary Council Meeting held 24 June 2019.

The financial year-end position of Council is anticipated by way of forecasts. The full year Adopted Budget is compared against the full year projected position as reflected by the Forecast. The 2019-20 Forecast includes the following details:

- The 2019-20 Adopted Budget;
- Carry forward funding from 2018-19 into 2019-20 for both operational and capital works expenditure items. These funds are required for the successful completion and delivery of key outcomes and projects; and
- Adjustments as a result of officers periodically assessing Council's budgetary performance taking into account emerging events and matters.

2. DISCUSSION

General discussion in regards to this report is detailed under Section 5 'Financial & Economic Implications'.

3. CONSULTATION

This report does not necessitate community consultation. A copy of the quarterly Financial Performance Report is provided to Council's Audit Committee.

4. ENVIRONMENTAL/AMENITY ISSUES

This report does not have any environmental or amenity issues for discussion.

5. FINANCIAL & ECONOMIC IMPLICATIONS

The overall financial position at 30 September 2019 is satisfactory and indicates that Council, after taking into consideration carry forward funding requirements from 2018-19 into 2019-20, is on track to complete the current financial year within the targets established in the 2019-20 Adopted Budget.

For the period ended 30 September 2019, Council has achieved an operating surplus of \$93.700 million. This is \$0.159 million favourable to the year to date (YTD) Adopted Budget. Council's forecast year-end position is an operating surplus of \$10.479 million, which is \$6.841 million more than the Adopted Budget primarily due to carry forward of Land Sales relating to Kingston Link from 2018-19 into 2019-20.

The total capital works expenditure for the period ended 30 September 2019 is \$11.591 million. This is \$1.147 million more than the YTD Adopted Budget. The forecast capital works expenditure for the year is \$113.477 million and includes \$44.556 million in carry forward funding requirements from 2018-19 into 2019-20.

Further detail and discussion of the financial performance of Council for the period ended 30 September 2019 is provided in the attached Financial Performance Report (Attachment 1).

6. SOCIAL IMPLICATIONS

There are no direct social implications arising from this report.

7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021

Goal 8 - We have confidence in decision making

Strategy 8.1 - Build, strengthen and promote good governance practices across government and community organisations

8. CONFLICT OF INTEREST

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Author – Acting Coordinator Management Accounting, Lynn Tanu - In providing this advice as the Author, I have no disclosable interests in this report.

Officer Responsible – Director, Corporate Services, Michael Fromberg - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

9. CONCLUSION

Council has achieved an operating surplus of \$93.700 million for the period ended 30 September 2019, which is slightly more than the year to date Adopted Budget operating surplus of \$93.541 million. An operating surplus of \$10.479 million is forecast for 2019-20.

10. CONFIDENTIALITY

There are no items of a confidential nature in this report.

Report Prepared By: Acting Coordinator Management Accounting, Lynn Tanu

Report Authorised By: Director, Corporate Services, Michael Fromberg

Attachments

1. Financial Performance Report - 2019-09 [**10.1.1** - 18 pages]

RESOLUTION

MOVED: Councillor Timmers-Leitch

SECONDED: Councillor Keogh

That Council receive and note the Financial Performance Report for the period ended 30 September 2019.

CARRIED



KNOX
your city



Financial Performance Report

For year to date ended 30 September 2019

Contents

Financial Performance Report for year to date ended 30 September 2019



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Executive Summary

Financial Performance Report for the year to date ended 30 September 2019



Introduction and Purpose

The Financial Performance Report for the year to date ended 30 September 2019 has been prepared in accordance with Australian Accounting Standards and contains the following financial statements:

- Comprehensive Income Statement;
- Balance Sheet;
- Cash Flow Statement; and
- Statement of Capital Works.

This report is aimed and designed to identify major variations against Council's year to date financial performance (actual results) and the Adopted Budget and anticipate the financial position of Council as at financial year end by way of forecasts. Council adopted its 2019-20 Annual Budget at its Ordinary Council Meeting held 24 June 2019.

The full year Adopted Budget is compared against the full year projected position as reflected by the Forecast. The 2019-20 Forecast includes carry forward funding from 2018-19 into 2019-20 for both operational and capital works expenditure items. These funds are required for the successful completion and delivery of key outcomes and projects.

Discussion of Financial Results

Forecast

The 2019-20 Forecast includes the following adjustments:

Income

- \$7.600M increase in Land Sales relating to Kingston Links, carried forward from 2018-19 into 2019-20 and;
- \$3.538M increase in Capital Grants and Contributions carried forward from 2018-19 into 2019-20.

Expenses (Operating and Capital Works)

- \$23.076M in additional carry forward funding from 2018-19 into 2019-20 for both operational expenditure (\$4.297M) and capital works expenditure (\$18.779M). These funds are required for the successful completion and delivery of key outcomes and projects and;
- The above carry forward of capital works expenditure is in addition to the \$25.777M of carry forward capital works expenditure included in the Adopted Budget (making a total capital carry forward expenditure of \$44.556M).

Executive Summary (continued)

Financial Performance Report for the year to date ended 30 September 2019



Year-to-Date Operating Results

Operating Results	Year to Date			Full Year		
	Adopted Budget \$'000's	Actual \$'000's	Variance \$'000's	Adopted Budget \$'000's	Forecast \$'000's	Variance \$'000's
Income	135,226	134,477	(749)	174,292	177,830	3,538
Expense	41,684	40,777	908	170,654	167,350	3,303
Surplus (Deficit)	93,541	93,700	159	3,638	10,479	6,841
Grants - Capital - Non-Recurrent	0	692	692	240	2,643	2,403
Contributions - Monetary - Capital	0	103	103	1,195	2,330	1,135
Contributions - Non-Monetary	0	0	0	2,000	2,000	0
Adjusted Underlying Surplus (Deficit)	93,541	92,905	(636)	203	3,507	3,303

Overall there is a \$0.159M favourable variance between the YTD actual figures and the Adopted Budget. The major variances include:

Income

- Unfavourable variance of \$0.852M in Operating Grants due to 50% of the 2019-20 Victoria Grants Commission funding that was received in June 2019.

Expenses (Operating and Capital Works)

- Favourable variance of \$0.975M in Materials and Services due to timing of activities and incoming invoices within various departments, mainly in Waste Management and Open Space Maintenance
- Favourable timing variance of \$0.568M in Borrowing Costs as there is no borrowings has been taken up as of September
- Favourable variance of \$491M due to timing on asset disposal
- Unfavourable variance of \$1.049M in the Library Contribution due to the second quarter contribution to Eastern Regional Libraries Corporation being budgeted for October 2019 but was being paid in September 2019.

Capital Works Program

Capital Works Expenditure	Adopted			Adopted		
	Budget \$'000's	Actual \$'000's	Variance \$'000's	Budget \$'000's	Forecast \$'000's	Variance \$'000's
Property	3,115	4,457	(1,342)	45,280	55,166	(9,886)
Plant and Equipment	1,105	953	152	8,642	13,833	(5,190)
Infrastructure	6,224	6,182	42	40,776	44,479	(3,703)
Total Capital Works Expenditure	10,444	11,591	(1,147)	94,698	113,477	(18,779)

Full year Forecast for Capital Works Expenditure includes \$44.556M in carry forward expenditure from 2018-19 into 2019-20.

The performance of the Capital Works Program including details of variances is reported in the Statement of Capital Works.

Executive Summary (continued)

Financial Performance Report for the year to date ended 30 September 2019



For the quarter ended 30 September 2019 the Capital Works Program shows an expenditure of \$11.591M – this is \$1.147M more than the expected YTD Adopted Budget position. This is a timing variance and at this stage no capital works has been identified to be carried forward into 2020-21. The forecast Capital Works Expenditure for the year is \$113.477M.

Balance Sheet

Balance Sheet	Year to Date			Full Year		
	Adopted Budget \$'000's	Actual \$'000's	Variance \$'000's	Adopted Budget \$'000's	Forecast \$'000's	Variance \$'000's
Current Assets	165,179	157,185	(7,994)	64,038	64,605	567
Non-Current Assets	2,030,789	2,043,550	12,760	2,081,307	2,122,132	40,825
Total Assets	2,195,969	2,200,735	4,767	2,145,345	2,186,736	41,391
Current Liabilities	30,539	25,716	4,823	41,070	38,139	2,931
Non-Current Liabilities	21,320	5,913	15,407	50,068	51,229	(1,161)
Total Liabilities	51,859	31,630	20,229	91,138	89,369	1,769
Net Assets	2,144,110	2,169,106	24,996	2,054,207	2,097,368	43,161
Accumulated Surplus	772,329	770,109	(2,220)	698,282	709,442	11,160
Asset Revaluation Reserve	1,335,985	1,360,569	24,584	1,335,985	1,360,569	24,584
Other Reserves	35,795	38,428	2,632	19,940	27,357	7,417
Total Equity	2,144,110	2,169,106	24,996	2,054,207	2,097,368	43,161
Working Capital Ratio	5.41	6.11		1.56	1.69	

The Balance Sheet as at 30 September 2019 indicates a sustainable result. A comparison of total Current Assets of \$157.185M with total Current Liabilities of \$25.716M continues to depict a sustainable financial position (Working Capital Ratio of 6.11 to 1). The Working Capital Ratio for the same period last year was 5.87. Current Assets primarily comprises Cash and Cash Equivalents (\$22.553M), Other Financial Assets (\$15.600M) and Trade and Other Receivables (\$117.770M). Trade and Other Receivables includes \$110.763M of rates debtors (of which \$6.781M relates to arrears pre July 2019) and \$6.328M in other debtors.

Trade and Other Receivables	Ageing				Total \$'000
	Current - 30 Days \$'000	31 Days - 60 Days \$'000	61 Days - 90 Days \$'000	More than 90 Days \$'000	
Rates Debtors	103,982	0	0	6,781	110,763
Special Rate Assessment	0	0	0	52	52
Parking and Animal Infringement Debtors	101	88	66	373	628
Other Debtors	4,806	182	185	1,155	6,328
Total Trade and Other Receivables	108,889	271	251	8,360	117,770

Rate amounts owing are a charge over the property and therefore Council has recourse to collect these debts. Penalty interest at 10.0% per annum also applies. The due date for rates being paid in full is 15 February 2020, while the first instalment due date was 30 September 2019.

Executive Summary (continued)

Financial Performance Report for the year to date ended 30 September 2019



The majority of outstanding parking and infringement debtors outstanding for more than 90 days are on payment plans after being to either the Magistrates Court or Perin Court.

Trade and Other Payables are \$6.585M as at 30 September 2019, which is \$0.536 unfavourable to the Adopted Budget. Trade and Other Payables has decreased from \$14.131M as at 30 June 2019.

The working capital ratio of 6.11 compares favourably to the Adopted Budget working capital ratio of 5.41. The Working Capital Ratio is anticipated to continue to diminish over the course of the financial year as Council utilises its funds to deliver on its operating programs and capital works. The forecast working capital ratio is anticipated to remain healthy at 1.69 at year end. This is slightly more than the Adopted Budget working capital ratio of 1.56 as a result of the carry forward of capital and operational expenditure from 2018-19.

Investment Analysis

Investment	Year to Date			Full Year		
	Adopted Budget \$'000's	Actual \$'000's	Variance \$'000's	Adopted Budget \$'000's	Forecast \$'000's	Variance \$'000's
Cash and Cash Equivalents	49,267	22,553	(26,715)	48,306	27,626	(20,680)
Other Financial Assets	0	15,600	15,600	0	18,100	18,100
Total Funds Invested	49,267	38,153	(11,115)	48,306	45,726	(2,580)
Earnings on Investments	321	45	(276)	1,285	1,285	0

There was \$38.153M invested with various financial institutions as at 30 September 2019 – this includes Cash and Cash Equivalents (\$22.553M) and Other Financial Assets (\$15.600M). These funds include monies from trust funds and deposits and specific purpose reserves.

There are currently thirteen specific purpose reserves totalling \$38.428M as at 30 September 2019.

The earnings on investments for the period ended 30 September 2019 was \$0.045M and is \$0.276M unfavourable to the YTD Adopted Budget as a result of current holdings of Cash and Cash Equivalents and Other Financial Assets.



Comprehensive Income Statement

for year to date ended 30 September 2019

Description	Notes	Year-to-Date				Full Year		
		Adopted Budget	Actual	Variance Fav/(Unfav)		Adopted Budget	Forecast	Variance Fav/(Unfav)
		\$000'S	\$000'S	\$000'S	%	\$000'S	\$000'S	\$000'S
Income								
Rates and Charges		116,777	117,000	223	0.19%	117,231	117,231	0
Statutory Fees and Fines		808	796	(12)	(1.51%)	3,177	3,177	0
User Fees		8,197	8,026	(171)	(2.08%)	16,912	16,912	0
Grants - Operating	1	6,031	5,464	(567)	(9.40%)	22,465	22,465	0
Grants - Capital		1,020	1,133	113	11.08%	1,960	4,363	2,403
Contributions - Monetary		1,869	1,404	(464)	(24.85%)	8,420	9,555	1,135
Contributions - Non-Monetary		0	0	0	0.00%	2,000	2,000	0
Increment on investment in associates		0	0	0	0.00%	0	0	0
Other Income		524	653	129	24.63%	2,127	2,127	0
Total Income		135,226	134,477	(749)	(0.55%)	174,292	177,830	3,538
Expenses								
Employee Costs		18,684	18,829	(145)	(0.78%)	70,861	70,861	0
Materials and Services		14,206	13,231	975	6.86%	63,940	68,237	(4,297)
Depreciation and Amortisation		6,074	6,070	3	0.05%	24,295	24,295	0
Contributions and Donations	2	1,310	2,481	(1,171)	(89.44%)	5,620	5,620	0
Borrowing Costs		571	3	568	99.52%	2,284	2,284	0
Bad and Doubtful Debts		11	0	11	100.00%	66	66	0
Other Expenses		364	188	176	48.32%	1,729	1,729	0
Net (Gain) Loss on Disposal of Property, Infrastructure, Plant and Equipment		464	(26)	491	105.68%	1,858	(5,742)	7,600
Total Expenses		41,684	40,777	908	2.18%	170,654	167,350	3,303
Surplus (Deficit)		93,541	93,700	159	0.17%	3,638	10,479	6,841
Total Comprehensive Income for the Year		93,541	93,700	159	0.17%	3,638	10,479	6,841
Indicators of the variances between year to date (YTD) Adopted Budget and Actual results:								
<ul style="list-style-type: none"> ✔ 0% or greater. ⚠ Less than 0% and greater than negative 10%. ✘ Negative 10% or less. 								
Notes have been provided for the following variances:								
<ol style="list-style-type: none"> 1. Favourable variances between year to date (YTD) Adopted Budget and Actual results are equal to or greater than positive \$500K and equal to or greater than positive 10%. 2. Unfavourable variances between year to date (YTD) Adopted Budget and Actual results are equal to or less than negative \$500K and equal to or less than negative 10%. 								
Notes:								
1	Permanent Variance: - \$0.567M unfavourable variance in Operating Grants due to 50% of the 2019-20 Victoria Grants Commission funding that was received in June 2019 (this will result to a \$0.852M variance per quarter for the year)							
2	Timing Variance: - \$1.171M unfavourable variance in the Library Contribution due to the second quarter contribution to Eastern Regional Libraries Corporation being budgeted for October 2019 but was being paid in September 2019							
The 2019-20 Forecast includes \$4.297M in carry forward expenditure from 2018-19 into 2019-20 required for the completion and delivery of key operational projects.								

Summary of Net Income and Expenditure by Department

for year to date ended 30 September 2019



Net (Income) / Expenditure	Notes	Year-to-Date				Full Year			
		Adopted Budget	Actual	Variance Fav/(Unfav)		Adopted Budget	Forecast	Variance Fav/(Unfav)	
		\$000'S	\$000'S	\$000'S	%	\$000'S	\$000'S	\$000'S	
Rates									
Rates and Valuation		(103,449)	(103,806)	357	0.34%	✓	(103,596)	(103,596)	0
Net (Income) / Expense - Rates		(103,449)	(103,806)	357	0.34%		(103,596)	(103,596)	0
CEO and Council									
Chief Executive Officer		146	125	21	14.35%	✓	598	598	0
Councillors		180	178	2	1.10%	✓	718	718	0
People & Culture		1,880	1,907	(27)	(1.42%)	!	4,638	5,141	(503)
Net (Income) / Expense - CEO and Council		2,206	2,209	(4)	(0.17%)		5,955	6,457	(503)
City Development									
Directorate City Development		126	117	8	6.59%	✓	500	500	0
City Planning & Building	1	(1,208)	(367)	(840)	(69.58%)	✗	(4,860)	(4,860)	0
City Safety and Health		454	435	19	4.29%	✓	2,771	2,829	(59)
City Futures		892	797	95	10.65%	✓	3,787	4,379	(592)
Net (Income) / Expense - City Development		265	982	(718)	(271.26%)		2,198	2,848	(650)
Knox Central									
Knox Central		246	191	55	22.37%	✓	982	1,230	(248)
Net (Income) / Expense - Knox Central		246	191	55	22.37%		982	1,230	(248)
Community Services									
Directorate Community Services	2	68	(104)	173	252.53%	✓	263	263	0
Community Wellbeing	3	2,106	3,170	(1,064)	(50.51%)	✗	8,910	9,298	(388)
Family and Children's Services	4	1,241	1,363	(122)	(9.83%)	✗	4,703	5,308	(604)
Active Ageing and Disability Services		656	635	20	3.09%	✓	2,343	2,343	0
Youth, Leisure and Cultural Services	5	843	1,051	(209)	(24.79%)	✗	3,413	3,757	(344)
Net (Income) / Expense - Community Services		4,914	6,116	(1,202)	(24.45%)		19,633	20,969	(1,336)
Corporate Development									
Directorate Corporate Services		109	100	9	8.49%	✓	434	434	0
Business & Financial Services	6	214	1,105	(891)	(417.30%)	✗	(1,268)	(955)	(313)
Governance and Strategy		648	606	42	6.42%	✓	2,584	2,584	0
Information Technology		2,597	2,586	11	0.43%	✓	6,708	6,708	0
Transformation	7	739	601	138	18.66%	✓	2,934	2,934	0
Communications	8	497	294	203	40.85%	✓	1,978	2,079	(101)
Net (Income) / Expense - Corporate Development		4,803	5,292	(489)	(10.17%)		13,370	13,784	(414)
Engineering and Infrastructure									
Directorate Engineering and Infrastructure		174	251	(77)	(44.55%)	✗	688	688	0
Sustainable Infrastructure	9	(13,608)	(14,554)	945	6.95%	✓	2,277	2,464	(187)
Community Infrastructure		1,575	1,504	70	4.47%	✓	6,503	7,027	(524)
Operations	10	3,816	3,366	450	11.80%	✓	15,045	15,480	(434)
Net (Income) / Expense - Engineering and Infrastructure		(8,044)	(9,432)	1,389	17.26%		24,513	25,658	(1,145)

Summary of Net Income and Expenditure by Department

for year to date ended 30 September 2019



Indicators of the variances between year to date (YTD) Adopted Budget and Actual results:

- ✔ 0% or greater.
- ⚠ Less than 0% and greater than negative 5%.
- ✘ Negative 5% or less.

Notes have been provided for these variances:

1. Favourable variances between year to date (YTD) Adopted Budget and Actual results are equal to or greater than positive \$100K and equal to or greater than positive 5%.
2. Unfavourable variances between year to date (YTD) Adopted Budget and Actual results are equal to or less than negative \$100K and equal to or less than negative 5%.

Notes:

1	<p>Timing Variance:</p> <ul style="list-style-type: none"> - \$647K unfavourable variance in Public Open Space Contributions; income of this nature is unpredictable and is directly contingent on Developer activities in the municipality - \$84K unfavourable variance in Statutory Planning Application Fee, this is reflective of development activities
2	<p>Permanent Variance:</p> <ul style="list-style-type: none"> - \$197K favourable variance in Employee costs due to accounting treatment relating to full directorate's backpay associated with new Enterprise Agreement. Actual backpay has been paid from individual departments.
3	<p>Timing Variance:</p> <ul style="list-style-type: none"> - \$1,064K unfavourable variance, mainly due to the second quarter contribution to Eastern Regional Libraries Corporation being budgeted for October 20129 but was being paid in September 2019
4	<p>Timing Variance:</p> <ul style="list-style-type: none"> - \$122K unfavourable variance in Fees of Integrated Early Years Hubs; this is reflective of service utilisation
5	<p>Timing Variance:</p> <ul style="list-style-type: none"> - \$251K unfavourable variance in External Contract Income due to timing of income from Leisureworks - \$113K unfavourable variance in Sponsorship cost due to timing of activity for Youth, Leisure and Cultural Services Management - \$100K favourable variance in Local Contribution of Leisure Services due to timing of income relating to asset renewal
6	<p>Permanent Variance:</p> <ul style="list-style-type: none"> - \$891K unfavourable variance, mainly due to 50% of the 2019-20 Victoria Grants Commission funding that is already received in June 2019 (there will be a \$852K variance per quarter for the year)
7	<p>Timing Variance:</p> <ul style="list-style-type: none"> - \$106K favourable variance in Employee costs due to vacancy within Transformation and timing of backpay associated with new Enterprise Agreement - \$92K favourable variance in Business Transformation Contracts cost due to timing of expenditure
8	<p>Timing Variance:</p> <ul style="list-style-type: none"> - \$137K favourable variance in Employee costs due to vacancy within Communications - \$35K favourable variance in Marketing cost due to timing of incoming invoice
9	<p>Permanent Variance:</p> <ul style="list-style-type: none"> - \$181K favourable variance in Recyclable Materials Sales due to a one-off invoice to SKM Recycling for additional costs of temporary provider for recycling service - \$136K favourable variance in Green Bin Charges reflective of green bins' uptake <p>Timing Variance:</p> <ul style="list-style-type: none"> - \$485K favourable variance due to timing of activities, including incoming invoices for Waste Management Contractors and Services
10	<p>Timing Variance:</p> <ul style="list-style-type: none"> - \$177K favourable variance in Open Space Maintenance Contract cost due to seasonal maintenance activities - \$80K favourable variance in Fringe Benefits Tax due to timing of quarterly instalment on Business Activity Statement - \$80K favourable variance on Fuel cost, reflective of fuel usage and cost

Statement of Capital Works

for year to date ended 30 September 2019



Description	Notes	Year-to-Date				Full Year		
		Adopted Budget	Actual	Variance Fav/(Unfav)	%	Adopted Budget	Forecast	Variance Fav/(Unfav)
		\$000'S	\$000'S	\$000'S	%	\$000'S	\$000'S	\$000'S
Expenditure - Capital Works Program								
Property								
Land		0	0	0	0.00%	8,000	8,235	(235)
Buildings	1	3,115	4,457	(1,342)	(43.07%)	37,280	46,931	(9,651)
Total Property		3,115	4,457	1,342	43.07%	45,280	55,166	(9,886)
Plant and Equipment								
Artworks		0	30	(30)	(100.00%)	52	222	(169)
Plant, Machinery and Equipment		529	337	192	36.26%	2,463	2,463	0
Fixtures, Fittings and Furniture		0	0	0	0.00%	664	664	0
Computers and Telecommunications		576	585	(9)	(1.61%)	5,463	10,484	(5,021)
Total Plant and Equipment		1,105	953	(152)	(13.79%)	8,642	13,833	(5,190)
Infrastructure								
Roads (including Kerb and Channel)		1,361	1,615	(254)	(18.70%)	9,305	9,506	(201)
Drainage		350	503	(153)	(43.81%)	3,456	4,238	(782)
Bridges	2	2,765	1,382	1,383	50.02%	6,140	4,964	1,176
Footpaths and Cycleways	3	405	1,168	(763)	(188.29%)	5,247	5,330	(83)
Off Street Car Parks		100	63	37	37.41%	678	678	0
Recreation, Leisure, Parks and Playgrounds		1,213	1,399	(185)	(15.28%)	15,339	19,052	(3,713)
Other Infrastructure		30	53	(23)	(75.16%)	612	711	(99)
Total Infrastructure		6,224	6,182	(42)	(0.68%)	40,776	44,479	(3,703)
Total Expenditure - Capital Works Program		10,444	11,591	(1,147)	(10.98%)	94,698	113,477	(18,779)
Represented by:								
Extension / Expansion		70	13	57	81.43%	1,062	1,482	(420)
Legal Requirements		0	20	(20)	(100.00%)	0	0	0
New		5,363	4,917	446	8.32%	32,868	38,807	(5,940)
Renewal		3,511	4,939	(1,428)	(40.66%)	32,712	39,831	(7,119)
Upgrade		1,500	1,702	(203)	(13.52%)	28,056	33,357	(5,301)
Total Expenditure - Capital Works Program		10,444	11,591	(1,147)	(10.98%)	94,698	113,477	(18,779)
Funding Source for Capital Works Program								
External Funding								
Contributions - Monetary - Capital		0	103	103	100.00%	1,195	2,330	1,135
Grants - Capital		1,020	1,195	175	17.19%	1,960	4,363	2,403
User Fees - Capital		0	0	0	0.00%	0	0	0
Proceeds from Loan Borrowings		0	0	0	0.00%	31,285	31,285	0
Other Income - Capital		0	2	2	100.00%	0	0	0
Total External Funding		1,020	1,300	280	27.45%	34,440	37,978	3,538
Internal Funding								
Proceeds from Sale of Property, Infrastructure, Plant and Equipment	4	1,276	70	(1,206)	(94.52%)	5,102	12,702	7,600
Reserves	5	1,149	2,334	1,186	103.23%	21,705	26,056	4,352
Rate Funding	6	7,000	7,887	887	12.67%	33,452	36,741	3,290
Total Internal Funding		9,424	10,291	867	9.20%	60,258	75,500	15,242
Total Funding Source for Capital Works Program		10,444	11,591	1,147	10.98%	94,698	113,477	18,779
Carry forward expenditure from 2018-19							44,556	
Carry forward expenditure to 2020-21							-	
Movement in carry forward expenditure							44,556	

Statement of Capital Works

for year to date ended 30 September 2019



Indicators of the variances between year to date (YTD) Adopted Budget and Actual results:

- ✔ 0% or greater.
- ⚠ Less than 0% and greater than negative 10%.
- ✘ Negative 10% or less.

Notes have been provided for the following variances:

1. Favourable variances between year to date (YTD) Adopted Budget and Actual results are equal to or greater than positive \$500K and equal to or greater than positive 10.00%.
2. Unfavourable variances between year to date (YTD) Adopted Budget and Actual results are equal to or less than negative \$500K and equal to or less than negative 10%.

Notes:

1	<p>Permanent Variance: - Unfavourable variances due to utilisation of carry forward funds for Modular Building Program (\$0.913M); Building Renewal Program (\$0.388M) and Placemakers Site Upgrade Program (\$0.310M)</p> <p>Timing Variance: - Favourable variances relating to timing of activities for projects mainly for Stamford Park (\$0.349M)</p>
2	<p>Timing Variance: - \$1.354M favourable variance due to reduction of carry forward from 2018-19 to complete the Henderson Road Bridge program</p>
3	<p>Timing Variance: - \$0.722M unfavourable variance due to Footpath Renewal program progressing ahead of schedule</p>
4	<p>Timing Variance: - \$1.206M unfavourable variance mainly due to timing of sales of assets</p>
5	<p>Permanent Variance: - \$0.582M favourable variance for the transfer from reserves of the early payment of the 2019-20 VGC local roads funding. - Favourable variances due to utilisation of carry forward funds, mainly for Modular Building Program (\$0.788M); Marie Wallace Reserve Masterplan (\$0.182M); Playground Renewal Program (\$0.133M) and Fairpark Reserve Masterplan (\$0.110M)</p> <p>Timing Variance: - Favourable variances relating to timing of activities for projects mainly for Stamford Park (\$0.349M) and Quarry Reserve Masterplan (\$0.240M)</p>
6	<p>Timing Variance: - Council generates cash from its operating activities which is used as a funding source for the capital works program - It is forecast that \$45.466M will be generated from operations to fund the 2019-20 capital works program (inclusive of projects carried forward into 2019-20)</p>

The 2019-20 Forecast includes \$44.556M in carry forward expenditure from 2019-20 into 2020-21 required for the successful completion and delivery of key capital works projects. As at 30 September 2019, there is no 2019-20 capital works projects that has been identified as being required to be carried forward into 2020-21.

Balance Sheet

as at 30 September 2019



Description	Notes	Year-to-Date				Full Year		
		Adopted Budget	Actual	Variance Fav/(Unfav)		Adopted Budget	Forecast	Variance Fav/(Unfav)
		\$000'S	\$000'S	\$000'S	%	\$000'S	\$000'S	\$000'S
Current Assets								
Cash and Cash Equivalents	1	49,267	22,553	(26,715)	(54.22%)	48,306	27,626	(20,680)
Other Financial Assets	2	0	15,600	15,600	100.00%	0	18,100	18,100
Trade and Other Receivables		114,269	117,770	3,501	3.06%	14,089	17,726	3,637
Other Current Assets	3	1,636	59	(1,577)	(96.39%)	1,636	1,143	(493)
Non-Current Assets classified as Held for Sale	4	0	1,194	1,194	100.00%	0	0	0
Inventories		7	9	2	35.36%	7	9	2
Total Current Assets		165,179	157,185	(7,994)	(4.84%)	64,038	64,605	567
Non-Current Assets								
Investment in Associates		4,422	4,604	182	4.11%	4,422	4,604	182
Property, Infrastructure, Plant and Equipment		2,024,269	2,038,277	13,351	0.66%	2,075,443	2,116,594	41,151
Intangible Assets		1,442	670	(772)	(53.57%)	1,442	934	(508)
Total Non-Current Assets		2,030,789	2,043,550	12,760	0.63%	2,081,307	2,122,132	40,825
Total Assets		2,195,969	2,200,735	4,767	0.22%	2,145,345	2,186,736	41,391
Current Liabilities								
Trade and Other Payables		6,049	6,585	(536)	(8.86%)	15,283	14,430	853
Trust Funds and Deposits		3,832	2,939	893	23.31%	3,832	2,110	1,722
Provisions - Employee Costs		15,477	15,648	(172)	(1.11%)	15,944	15,719	225
Defined Benefits Superannuation		0	0	0	0.00%	0	0	0
Provision - Landfill Rehabilitation		532	544	(12)	(2.31%)	532	544	(12)
Interest-Bearing Loans and Borrowings	5	4,506	0	4,506	100.00%	5,336	5,336	0
Other Provisions		143	0	143	100.00%	143	0	143
Total Current Liabilities		30,539	25,716	4,823	15.79%	41,070	38,139	2,931
Non-Current Liabilities								
Provisions - Employee Costs		807	801	6	0.80%	807	819	(12)
Interest-Bearing Loans and Borrowings	6	16,550	0	16,550	100.00%	45,298	45,298	0
Provision - Landfill Rehabilitation	7	3,963	5,113	(1,150)	(29.01%)	3,963	5,113	(1,150)
Defined Benefits Superannuation		0	0	0	0.00%	0	0	0
Other Provisions		0	0	0	0.00%	0	0	0
Total Non-Current Liabilities		21,320	5,913	15,407	72.26%	50,068	51,229	(1,161)
Total Liabilities		51,859	31,630	20,229	39.01%	91,138	89,369	1,769
Net Assets		2,144,110	2,169,106	24,996	1.17%	2,054,207	2,097,368	43,161
Equity								
Accumulated Surplus		772,329	770,109	(2,220)	(0.29%)	698,282	709,442	11,160
Asset Revaluation Reserve		1,335,985	1,360,569	24,584	1.84%	1,335,985	1,360,569	24,584
Other Reserves		35,795	38,428	2,632	7.35%	19,940	27,357	7,417
Total Equity		2,144,110	2,169,106	24,996	1.17%	2,054,207	2,097,368	43,161

Balance Sheet

as at 30 September 2019



Indicators of the variances between year to date (YTD) Adopted Budget and Actual results:

- ✔ 0% or greater.
- ⚠ Less than 0% and greater than negative 10%.
- ✘ Negative 10% or less.

Notes have been provided for items with the following variances:

1. Favourable variances between year to date (YTD) Adopted Budget and Actual results are equal to or greater than positive \$1M and equal to or greater than positive 10%.
2. Unfavourable variances between year to date (YTD) Adopted Budget and Actual results are equal to or less than negative \$1M and equal to or less than negative 10%.

Notes:

1	Timing Variance: - \$11.115M unfavourable variance in the cash and cash equivalents balance (including other financial assets) mainly due to the actual balance as at 30 June 2019 being \$11.697M lower than the forecast figure used for the adopted budget.
2	Timing Variance: - Other financial assets are term deposits currently held with an original maturity date of more than 90 days
3	Timing Variance: - Prepayments are taken up at financial year end
4	Timing Variance: - \$1.194M favourable variance for land and buildings that have been agreed to sell
5	Timing Variance: - As of end of September, no loan and borrowings has been taken up
6	Timing Variance: - As of end of September, no loan and borrowings has been taken up
7	Timing Variance: - Provision for Landfill Rehabilitation reflects net present value of estimated future rehabilitation costs as at 30 June 2019



Cash Flow Statement

for year to date ended 30 September 2019

Description	Notes	Year-to-Date				Full Year		
		Adopted Budget	Actual	Variance Fav/(Unfav)		Adopted Budget	Forecast	Variance Fav/(Unfav)
		\$000'S	\$000'S	\$000'S		\$000'S	\$000'S	
Cash Flows from Operating Activities								
Receipts								
Rates and Charges		26,242	26,588	346	1.32%	116,857	116,857	0
Statutory Fees and Fines		808	796	(12)	(1.51%)	3,177	3,177	0
User Fees		3,135	3,553	418	13.32%	16,860	16,860	0
Grants - Operating	1	2,007	1,446	(561)	(27.96%)	22,448	22,448	0
Grants - Capital		517	631	114	21.99%	1,958	4,361	2,403
Contributions - Monetary		1,366	902	(464)	(33.96%)	8,418	9,553	1,135
Interest Received		321	45	(276)	(85.85%)	1,285	1,285	0
Other Receipts		202	607	405	199.93%	842	842	0
Net Movement in Trust Deposits	2	75	904	829	1,104.90%	75	75	0
Employee Costs		(18,782)	(18,548)	234	1.24%	(70,492)	(70,492)	0
Materials and Services		(21,366)	(19,315)	2,051	9.60%	(63,768)	(68,065)	(4,297)
Contributions and Donations	3	(3,097)	(3,990)	(894)	(28.86%)	(5,560)	(5,560)	0
Other Payments		(364)	(188)	176	48.32%	(1,729)	(1,729)	0
Net Cash Provided by / (Used in) Operating Activities		(8,936)	(6,571)	2,365	26.46%	30,371	29,612	(759)
Cash Flows from Investing Activities								
Payments for Property, Infrastructure, Plant and Equipment	4	(10,444)	(11,591)	(1,147)	(10.98%)	(82,403)	(101,182)	(18,779)
Proceeds from Sales of Property, Infrastructure, Plant and Equipment	5	1,276	72	(1,203)	(94.35%)	5,102	12,702	7,600
Payments for investments	6	0	(15,600)	(15,600)	(100.00%)	0	(18,100)	(18,100)
Proceeds from sale of investments	7	20,600	23,100	2,500	12.14%	20,600	23,100	2,500
Net Cash Used in Investing Activities		11,431	(4,019)	(15,451)	(135.16%)	(56,701)	(83,480)	(26,779)
Cash Flows from Financing Activities								
Proceeds of Borrowings	8	21,056	0	21,056	100.00%	52,341	52,341	0
Repayment of Borrowings		0	0	0	0.00%	(1,707)	(1,707)	0
Finance costs	9	(571)	(3)	(568)	(99.52%)	(2,284)	(2,284)	0
Net Cash Provided by / (Used in) Financing Activities		20,485	(3)	20,488	100.01%	48,350	48,350	0
Net increase / (decrease) in Cash and Cash Equivalents		22,980	(10,593)	33,574	146.10%	22,019	(5,519)	(27,538)
Cash and Cash Equivalents at the Beginning of the Financial Year		26,287	33,146	6,859	26.09%	26,287	33,146	6,859
Cash at the End of the Year		49,267	22,552	(26,715)	(54.22%)	48,306	27,626	(20,680)

Indicators of the variances between year to date (YTD) Adopted Budget and Actual results:

- ✓ 0% or greater.
- ⚠ Less than 0% and greater than negative 10%.
- ✗ Negative 10% or less.

Notes have been provided for items with the following variances:

1. Favourable variances between year to date (YTD) Adopted Budget and Actual results are equal to or greater than positive \$500K and equal to or greater than positive 10%.
2. Unfavourable variances between year to date (YTD) Adopted Budget and Actual results are equal to or less than negative \$500K and equal to or less than negative 10%.

Cash Flow Statement

for year to date ended 30 September 2019



Notes:	
1	Permanent Variance: - \$0.561M unfavourable variance in Operating Grants due to 50% of the 2019-20 Victoria Grants Commission funding that was received in June 2019 (this will result to a \$0.852M variance per quarter for the year)
2	Timing Variance: - Trust funds and deposits primarily reflects the cash holdings for refundable deposits
3	Timing Variance: - \$1.171M unfavourable variance in the Library Contribution due to the second quarter contribution to Eastern Regional Libraries Corporation being budgeted for October 2019 but was being paid in September 2019
4	Timing Variance: - Unfavourable variance of \$1.147M mainly due to utilisation of carry forwards for capital works program
5	Timing Variance: - \$1.203M unfavourable variance mainly due to timing of sales of assets
6	Timing Variance: - Payments for investments are term deposits with a maturity of greater than 90 days that have been invested during the 2018-19 financial year and have yet to mature
7	Timing Variance: - Proceeds from the sale of investments are term deposits held at 30 June 2018 with a maturity of greater than 90 days that have matured during the 2018-19 financial year
8	Timing Variance: - As of end of September, no loan and borrowings has been taken up
9	Timing Variance: - As of end of September, no loan and borrowings has been taken up

Financial Performance Indicators

as at 30 September 2019



The following table highlights Council's current and forecasted performance across a range of key financial performance indicators. These indicators provide a useful analysis of Council's financial position and performance and should be interpreted in the context of the Council's objectives.

Indicator	Calculation of Measure	Full Year		Notes
		Expected Bands	Adopted Budget Forecast	
Operating Position - Measures whether a council is able to generate an adjusted underlying surplus.				
Adjusted Underlying Result				
Indicator of the broad objective that an adjusted underlying surplus should be generated in the ordinary course of business. A surplus or increasing surplus suggests an improvement in the operating position. The adjusted underlying surplus and the adjusted underlying revenue exclude the following types of income: grants - capital (non-recurrent), contributions - monetary (capital) and contributions - non-monetary.	[Adjusted Underlying Surplus (Deficit) / Adjusted Underlying Revenue] x 100	(20%) to 20%	0.12% 2.05%	1
Liquidity - Measures whether a council is able to generate sufficient cash to pay bills on time.				
Working Capital				
Indicator of the broad objective that sufficient working capital is available to pay bills as and when they fall due. High or increasing level of working capital suggests an improvement in liquidity.	[Current Assets / Current Liabilities] x 100	100% - 400%	155.92% 169.39%	2
Unrestricted Cash				
Indicator of the broad objective that sufficient cash which is free of restrictions is available to pay bills as and when they fall due. High or increasing level of unrestricted cash suggests an improvement in liquidity.	[Unrestricted Cash / Current Liabilities] x 100	10% - 300%	108.29% 114.36%	3
Obligations - Measures whether the level of debt and other long term obligations is appropriate to the size and nature of the Council's activities.				
Loans and Borrowings				
Indicator of the broad objective that the level of interest bearing loans and borrowings should be appropriate to the size and nature of a council's activities. Low or decreasing level of loans and borrowings suggests an improvement in the capacity to meet long term obligations.	[Interest Bearing Loans and Borrowings / Rate Revenue] x 100	0% - 70%	43.19% 43.19%	4
Debt Commitments				
Defined as interest and principal repayments on interest bearing loans and borrowings as a percentage of rate revenue.	[Interest and Principal Repayments / Rate Revenue] x 100	0% - 20%	3.40% 3.40%	5
Indebtedness				
Indicator of the broad objective that the level of long term liabilities should be appropriate to the size and nature of a Council's activities. Low or decreasing level of long term liabilities suggests an improvement in the capacity to meet long term obligations	[Non Current Liabilities / Own Source Revenue] x 100	2% - 70%	35.90% 35.28%	6

Financial Performance Indicators

as at 30 September 2019



Indicator	Calculation of Measure	Full Year			Notes
		Expected Bands	Adopted Budget	Forecast	
Asset Renewal Indicator of the broad objective that assets should be renewed as planned. High or increasing level of planned asset renewal being met suggests an improvement in the capacity to meet long term obligations	[Asset Renewal Expenditure / Depreciation] x 100	40% - 130%	134.65%	163.95%	✔ 7
Stability - Measures whether a council is able to generate revenue from a range of sources. Rates Concentration Indicator of the broad objective that revenue should be generated from a range of sources. High or increasing range of revenue sources suggests an improvement in stability.	[Rate Revenue / Adjusted Underlying Revenue] x 100	30.00% - 80.00%	68.61%	68.61%	⚠ 8

✔ Forecasts improvements in Council's financial performance / financial position indicator compared to the Adopted Budget position.
 ⚠ Forecasts that Council's financial performance / financial position indicator will be reasonably steady and is within Expected Bands.
 ✘ Forecasts deterioration in Council's financial performance / financial position indicator compared to the Adopted Budget position.

Notes:

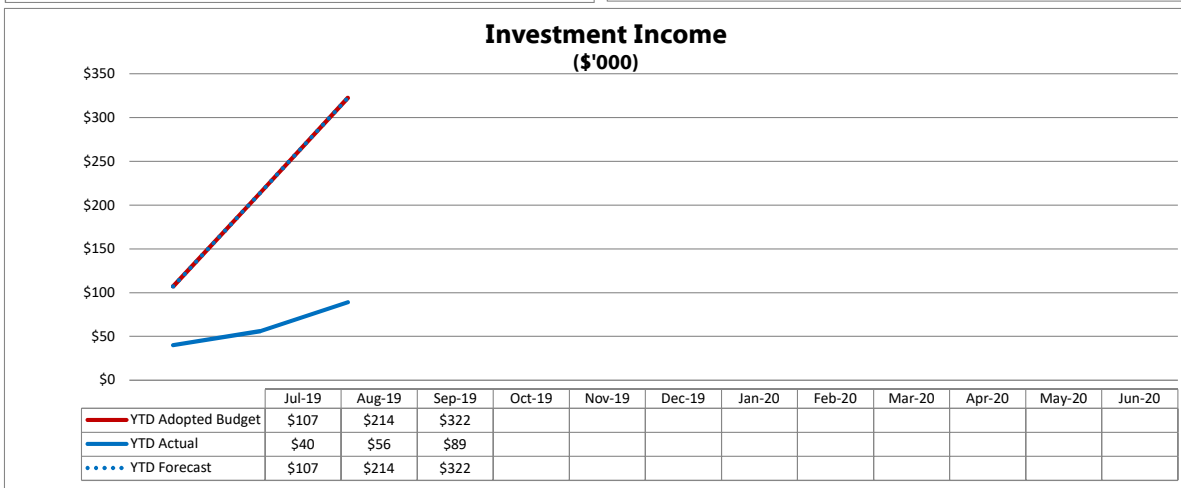
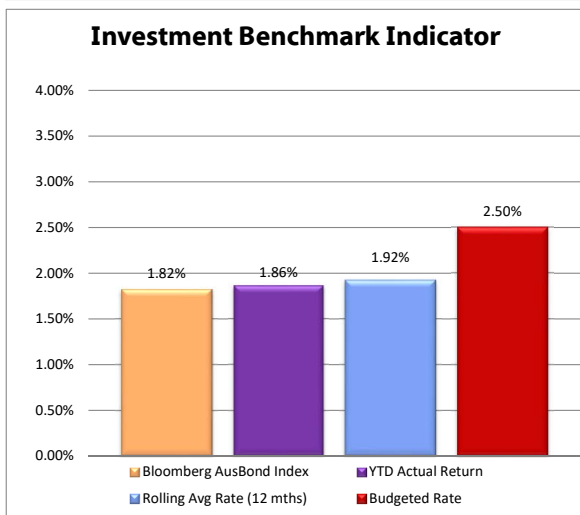
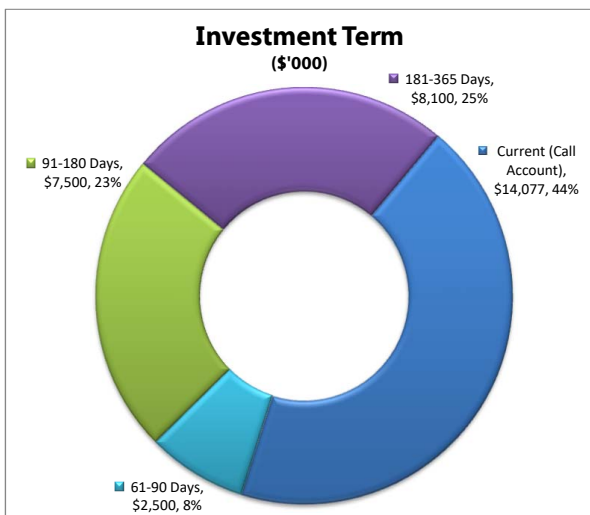
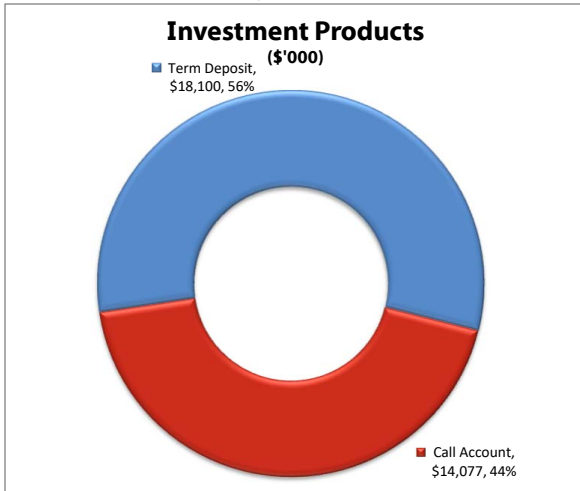
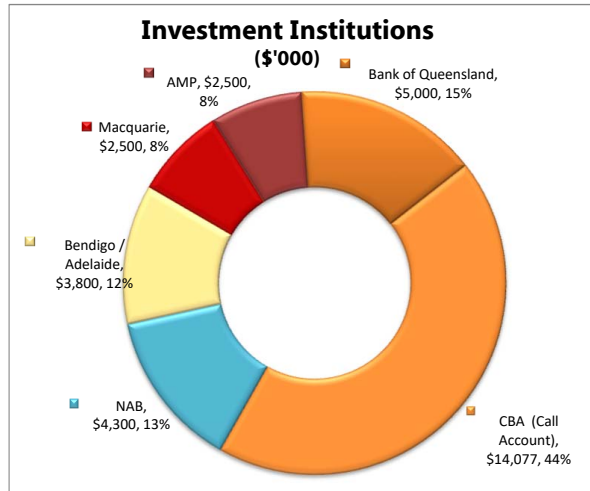
1	Timing Variance: - The adjusted underlying result ratio is within expected bands
2	Timing Variance: - The working capital ratio is slightly under the expected bands
3	Timing Variance: - The unrestricted cash ratio is within expected bands
4	No Variance: - The loans and borrowings ratio is within expected bands
5	No Variance: - The debt commitments ratio is within expected bands
6	Timing Variance: - The indebtedness ratio is within expected bands
7	Timing Variance: - Forecast asset renewal is within the expected band - The anticipated increase in the ratio is due to the carry forward of capital works from 2018-19 in to 2019-20
8	No Variance: - The rates concentration ratio is within the expected bands



Investment Analysis

as at 30 September 2019

A total amount of \$32.177 million in funds were invested with various financial institutions as at 30 September 2019



10.2 Chief Executive Officer Performance Evaluation Committee - Terms of Reference

SUMMARY: Manager Governance, Phil McQue

The Chief Executive Officer Performance Evaluation Committee Terms of Reference provides that the appointed Committee undertakes quarterly and annual reviews of the performance of the Chief Executive Officer.

Two amendments are proposed to the Terms of Reference as outlined in this report, being Committee membership and the process for the Chief Executive Officer's remuneration review.

RECOMMENDATION

That Council adopt the revised Terms of Reference for the Chief Executive Officer Performance Evaluation Committee as shown at Attachment 1.

1. INTRODUCTION

The Chief Executive Officer Performance Evaluation Committee undertakes quarterly and annual reviews of the performance of the Chief Executive Officer.

2. DISCUSSION

The Chief Executive Officer Performance Evaluation Committee Terms of Reference provides that membership shall comprise the Mayor and two Councillors. Council resolved at the 11 September 2019 Strategic Planning Committee to appoint nine Councillors to the Committee for the 2019/20 period, thereby requiring an amendment to the Terms of Reference.

It is also proposed to amend the Terms of Reference to permit the Chief Executive Officer Performance Evaluation Committee to consider, review and make recommendations to Council on the Chief Executive Officer's remuneration. This approach is considered best practice and is also in alignment with the proposed changes to the Local Government Act. The amendment proposed is:

Chief Executive Officer Remuneration Review

1. The Committee has the authority to undertake discussions with the Chief Executive Officer in relation to remuneration within agreed parameters;
2. The Committee can make recommendations to the Council in relation to the Chief Executive Officer's remuneration review.

3. CONSULTATION

The Local Government Act Bill 2019 Clause 45 is proposing that all Councils have a Chief Executive Officer Employment and Remuneration Policy that is consistent with the principles in the Government of Victoria's Policy on Executive Remuneration in Public Entities and any Determination that is currently in effect under section 21 of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 relating to remuneration

bands for executives employed in public service bodies. This is intended to provide for Councils to maintain standards that are consistent with the standards applying to other public bodies.

Among other things, the Chief Executive Officer Employment and Remuneration Policy must provide for the Council to obtain independent professional advice in regard to the recruitment, remuneration and performance monitoring of the Chief Executive Officer.

4. ENVIRONMENTAL/AMENITY ISSUES

Nil.

5. FINANCIAL & ECONOMIC IMPLICATIONS

Nil.

6. SOCIAL IMPLICATIONS

Nil.

7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021

Goal 8 - We have confidence in decision making

Strategy 8.1 - Build, strengthen and promote good governance practices across government and community organisations

8. CONFLICT OF INTEREST

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Author - Manager Governance, Phil McQue - In providing this advice as the Author, I have no disclosable interests in this report.

Officer Responsible – Director Corporate Services, Michael Fromberg - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

9. CONCLUSION

It is recommended that Council adopt the amended Terms of Reference for the Chief Executive Officer's Performance Evaluation Committee.

10. CONFIDENTIALITY

There are no items of a confidential nature in this report.

Report Prepared By: Manager Governance, Phil McQue

Report Authorised By: Director Corporate Services, Michael Fromberg

Attachments

1. Attachment 1 - Chief Executive Officer Performance Evaluation Committee - Terms of Reference [**10.2.1** - 4 pages]

RESOLUTION

MOVED: Councillor Timmers-Leitch

SECONDED: Councillor Lockwood

That Council adopt the revised Terms of Reference for the Chief Executive Officer Performance Evaluation Committee as shown at Attachment 1.

CARRIED

Chief Executive Officer Performance Evaluation Committee

Directorate:	Chief Executive Officer	Responsible Officer:	Chief Executive Officer
		Version Number:	4
Approval Date:	29 April 2019 <u>25 November 2019</u>	Review Date:	Max 4 years from Meeting Date
			Meeting Type: Internal

1. Purpose

The Chief Executive Officer Performance Evaluation Committee undertakes, in conjunction with the Chief Executive Officer, quarterly and annual reviews of the performance of the Chief Executive Officer against pre-determined assessment criteria and the progress towards meeting these criteria, inclusive of making recommendations to Council on the remuneration review.

The annual review is reported to Council for formal consideration. Further, the Committee, in conjunction with the Chief Executive Officer, formulates the Chief Executive Officer's annual key result areas for recommendation to Council.

The Committee has the authority to undertake discussions with the Chief Executive Officer in relation to remuneration within agreed parameters. The Committee can make recommendations to the Council in relation to the Chief Executive Officers remuneration review.

2. Objectives

The objective of the Committee is to provide a forum for authentic dialogue with the Chief Executive Officer on overall performance and to establish as early as possible in the financial year, and adjust where necessary, the Chief Executive Officer's annual Key Result Areas.

3. Membership, Period of Membership and Method of Appointment

The Chief Executive Officer Performance Evaluation Committee shall comprise the Mayor and any Councillor wishing to be on the Committee. A quorum of three Councillors is required for a meeting.

following:

- Mayor and 2 Councillors

Period of Membership: Council will appoint Councillor representation annually.



Method of Appointment: Annually through Councillor Committee Appointments by Council.

4. Delegated Authority and Decision Making

The Committee acts in an advisory capacity only and has no delegated authority to make decisions on behalf of Council.

5. Meeting Procedures

Meeting procedures are not prescribed. Meetings are to be held at a time and place determined by the Committee.

The Committee is not required to give public notice of its meetings and its meetings are not open to the public.

Meetings will follow standard meeting procedures protocols, which are in summary:

- Commence on time and conclude by the stated completion time;
- Be scheduled and confirmed in advance with all relevant papers distributed (as appropriate) to each member;
- Encourage fair and respectful discussion, participation and respect for each other's views;
- Focus on the relevant issues at hand; and
- Provide advice to Council as far as possible on a consensus basis.

6. Chair

The position of Chairperson shall be held by the Mayor and shall be reviewed annually immediately following Councillor appointments to committees. ~~The position of Chairperson is to be agreed upon between Councillors.~~ When this cannot be achieved, the Mayor of the day shall determine the Chair.

If the Chairperson is not present at the meeting, any other Councillor who has been appointed to the Committee shall be appointed Chairperson. In the absence of any other Councillor representative/s, a staff member appointed by the relevant Director may Chair the meeting.

7. Agendas and Meeting Notes

Agendas and meeting notes must be prepared for each meeting.

The Agenda must be provided to members of the Committee not less than 7 days before the time fixed for the holding of the meeting, in both digital and hard copy formats. The only exception to this deadline is when a public holiday falls on the day the agendas are due, in which case agendas are to be provided close of business 6 days in advance.

Officer reports that fail to meet this deadline, then considered as supplementary reports, will only be permitted to be included in the relevant agendas of; Ordinary Council Meetings, Strategic Planning Committee Meetings, Issues Briefings or Special Committees, with the approval of the Mayor, and Council Committees with the approval of the Chair of the Committee.

The Chairperson must arrange for meeting notes of each meeting of the Committee to be kept.

The meeting notes of a Council Committee must:

- (a) contain details of the proceedings and recommendations made;
- (b) be clearly expressed;
- (c) be self-explanatory; and
- (d) incorporate relevant reports or a summary of the relevant reports considered by the Committee.



Draft meeting notes must be:

- (a) submitted to the Committee Chairperson for confirmation within 7 days of the meeting;
- (b) distributed to all Committee Members following confirmation from the Chairperson and within 14 days of the meeting; and
- (c) submitted to the next meeting of the Committee for information.

Agendas and notes from meetings are not required to be made available to the public.

8. Voting

Councillors have voting rights. In the event of an equality of votes the Chairperson has a second vote.

9. Conflict and Interest Provisions

In performing the role of committee member, a person must:

- Act with integrity;
- Impartially exercise his or her responsibilities in the interests of the local community;
- Not improperly seek to confer an advantage or disadvantage on any person;
- Treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other persons;
- Commit to regular attendance at meetings; and
- Not make improper use of information acquired because of their position or release information that the member knows, or should reasonably know, is confidential information.

Meetings may potentially form an Assembly of Councillors. Councillors and officers are required to comply with the conflict of interest provisions as set down in the Local Government Act 1989.

Where a meeting is identified as an Assembly of Councillors, staff must follow the designated procedure.

Where a meeting is identified as an Assembly of Councillors, staff must complete a Record of Assembly of Councillors Form. Where a Conflict of Interest is identified by a Councillor at an Assembly of Councillors, the relevant Conflict of Interest form must also be completed. Forms should be forwarded to the Manager Governance within 5 working days of the meeting. This information will be published at the next available Ordinary Council Meeting and on the Council's website.

All members of the Committee shall participate in training on the Conduct and Interest provisions, which will be run a minimum of annually by the Governance team.

10. Reporting

A report of the Chief Executive Officer's annual performance review will be reported to the Council.

11. Administration Support

Administration support will be provided by the Chief Executive Officer Directorate.

12. Contact with the Media

Contact with the Media by committee members will be conducted in accordance with the Councillor and Staff Media Policies. Community members should defer any media enquiries to the Chairperson in the first instance and should take care not to respond as a representative of the Committee.



13. Review Date

The Committee will sunset at the conclusion of the project. To ensure currency the Terms of Reference will be reviewed as a minimum every 4 years. If the Committee continues to have a relevant function after 4 years, a report must be presented to Council prior to this date that includes a review of the Committee's Terms of Reference and seeking endorsement from Council on the Committee's agreed function.

14. Meals

The provision of refreshments during the course of a Committee meeting will be provided in accordance with the Meals and Beverages for Council Committees Policy.

11 Items for Information

RESOLUTION

MOVED: Councillor Keogh

SECONDED: Councillor Gill

The the following items:

- 11.1- Assemblies of Councillors
- 11.2- Capital Works Program Works report as at November 1 2019.
- 11.3- ICT Capital Works Program Report.

be moved en bloc as per the officer's recommendations outlined in the agenda

CARRIED

11.1 Assemblies of Councillors

SUMMARY: Manager Governance, Phil McQue

This report provides details of Assembly of Councillors as required under section 80A(2) of the Local Government Act.

RECOMMENDATION

That Council:

- 1. Note the written record of Assemblies of Councillors as attached to this report.**
- 2. Incorporate the records of the Assemblies into the minutes of the meeting.**

1. INTRODUCTION

Under section 80A(2) of the Local Government Act, the Chief Executive Officer must present a written record of an Assembly of Councillors to an ordinary meeting of Council as soon as practicable after an Assembly occurs. This written record is required to be incorporated into the minutes of the meeting.

Report Prepared By: Manager Governance, Phil McQue

Report Authorised By: Director Corporate Services, Michael Fromberg

Attachments

- 1. Attachment 1 - Assemblies of Councillors [11.1.1 - 9 pages]**

RESOLUTION

MOVED: Councillor Keogh

SECONDED: Councillor Gill

That Council:

- 1. Note the written record of Assemblies of Councillors as attached to this report.**
- 2. Incorporate the records of the Assemblies into the minutes of the meeting.**



Record of Assembly of Councillors
(Section 80A Local Government Act)

Complete this Section

Date of Assembly: 15/10/2019

Name of Committee or Group (if applicable): Knox Central Advisory Committee

Time Meeting Commenced: 6.00pm

Name of Councillors Attending:

Cr Peter Lockwood, Deputy Mayor

Cr Tony Holland

Name of Members of Council Staff Attending:

Tony Doyle

Samantha Mazer

Anthony Petherbridge

Matters Considered:

Knox Central Update:

- Operations Centre Relocation

- Site Design and Development

- Civic Amenity

Any conflict of interest disclosures made by a Councillor attending:* Nil

Name	Disclosure (refer front of form)	Relevant Matter	Left Assembly **

Name of Person Completing Record: Samantha Mazer

* Note: A Councillor making a disclosure must (80A(3)) make a disclosure under s79 and complete a Disclosure of Conflict of Interest Form.

** Councillor disclosing to an assembly that he or she has a conflict of interest must leave the assembly prior to the matter being discussed and not return until the item has been considered.



Record of Assembly of Councillors
(Section 80A Local Government Act)

Complete this Section

Date of Assembly: 15/10/2019

Name of Committee or Group (if applicable): Youth Advisory Committee

Time Meeting Commenced: 6.30pm

Name of Councillors Attending:

Cr Jake Keogh, Mayor

Name of Members of Council Staff Attending:

Kelly Bartholomeusz

Tony Justice

Nadine Gaskell

Matters Considered:

1. Gilbert Park Development Feedback

2. Engaging Young People in Biodiversity Activities

Any conflict of interest disclosures made by a Councillor attending:* Nil

Name	Disclosure (refer front of form)	Relevant Matter	Left Assembly **

Name of Person Completing Record: Kelly Bartholomeusz

* Note: A Councillor making a disclosure must (80A(3)) make a disclosure under s79 and complete a Disclosure of Conflict of Interest Form.

** Councillor disclosing to an assembly that he or she has a conflict of interest must leave the assembly prior to the matter being discussed and not return until the item has been considered.



Record of Assembly of Councillors
(Section 80A Local Government Act)

Complete this Section

Date of Assembly: 17/10/2019

Name of Committee or Group (if applicable): ICT Governance Committee (out of session meeting – via phone conference)

Time Meeting Commenced: 3.30pm

Name of Councillors Attending:

Cr Peter Lockwood, Deputy Mayor

Name of Members of Council Staff Attending:

Tony Doyle	Robin Cassidy
Michael Fromberg	Matt Hanrahan
Shona Richards	Kim Hanisch
Paul Barrett	Rachel Culpitt
Therese Massoud	

Matters Considered:

1. AMIS Contract No. 2453 – Procurement Report

Any conflict of interest disclosures made by a Councillor attending:* Nil

Name	Disclosure (refer front of form)	Relevant Matter	Left Assembly **

Name of Person Completing Record: Rachel Culpitt

* Note: A Councillor making a disclosure must (80A(3)) make a disclosure under s79 and complete a Disclosure of Conflict of Interest Form.
 ** Councillor disclosing to an assembly that he or she has a conflict of interest must leave the assembly prior to the matter being discussed and not return until the item has been considered.



Record of Assembly of Councillors
(Section 80A Local Government Act)

Complete this Section

Date of Assembly: 17/10/2019

Name of Committee or Group (if applicable): Early Years Advisory Committee

Time Meeting Commenced: 6.30pm

Name of Councillors Attending:

Cr Lisa Cooper

Name of Members of Council Staff Attending:

Angela Morcos

Liz Stafford

Robyn Renkema

Caroline Meier

Jennifer Richardson

Matters Considered:

1. Confirmation of Revised Terms of Reference

2. Knox Early Years Municipal Data Summary

Any conflict of interest disclosures made by a Councillor attending:* Nil

Name	Disclosure (refer front of form)	Relevant Matter	Left Assembly **

Name of Person Completing Record: Jennifer Richardson

* Note: A Councillor making a disclosure must (80A(3)) make a disclosure under s79 and complete a Disclosure of Conflict of Interest Form.

** Councillor disclosing to an assembly that he or she has a conflict of interest must leave the assembly prior to the matter being discussed and not return until the item has been considered.



Record of Assembly of Councillors
(Section 80A Local Government Act)

Complete this Section

Date of Assembly: 21/10/2019

Name of Committee or Group (if applicable): Issues Briefing

Time Meeting Commenced: 7.00pm

Name of Councillors Attending:

Cr Jake Keogh, Mayor	Cr Adam Gill
Cr Peter Lockwood, Deputy Mayor	Cr Tony Holland
Cr John Mortimore	Cr Lisa Cooper
Cr Marcia Timmers-Leitch	Cr Nicole Seymour

Name of Members of Council Staff Attending:

Tony Doyle	Katherine Walker (Item 1)
Ian Bell	Paul Dickie (Item 1)
Michael Fromberg	Jason McNulty (Item 1)
Matt Kelleher	Mark Cini (Item 2)
Phil McQue	Anthony Petherbridge (Item 2)
	Saskia Weerheim (Item 4)
	Raini Nailer (Item 4)

Matters Considered:

1. Changes to Building Regulations – Management of Swimming Pool and Spa Barriers Register
2. Development Contribution Plan – Justification and Background
3. Federally Funded Infrastructure Projects
4. Treaty Discussion

Any conflict of interest disclosures made by a Councillor attending:* Nil

Name	Disclosure (refer front of form)	Relevant Matter	Left Assembly **

Name of Person Completing Record: Joanne Ellis

* Note: A Councillor making a disclosure must (80A(3)) make a disclosure under s79 and complete a Disclosure of Conflict of Interest Form.

** Councillor disclosing to an assembly that he or she has a conflict of interest must leave the assembly prior to the matter being discussed and not return until the item has been considered.



Record of Assembly of Councillors
(Section 80A Local Government Act)

Complete this Section

Date of Assembly: 23/10/2019

Name of Committee or Group (if applicable): Environment Advisory Committee

Time Meeting Commenced: 6.30pm

Name of Councillors Attending:

Cr John Mortimore

Name of Members of Council Staff Attending:

Matt Kelleher

Trish Winterling

Sam Sampanthar

Winchelle Chuson

Matters Considered:

1. Transport in Knox – Public Transport Advocacy and Cycling Treatments
2. Declaring a Climate Emergency
3. Sustainable Development Group Meeting

Any conflict of interest disclosures made by a Councillor attending:* Nil

Name	Disclosure (refer front of form)	Relevant Matter	Left Assembly **

Name of Person Completing Record: Sam Sampanthar

* Note: A Councillor making a disclosure must (80A(3)) make a disclosure under s79 and complete a Disclosure of Conflict of Interest Form.

** Councillor disclosing to an assembly that he or she has a conflict of interest must leave the assembly prior to the matter being discussed and not return until the item has been considered.



Record of Assembly of Councillors
(Section 80A Local Government Act)

Complete this Section

Date of Assembly: 28/10/2019

Name of Committee or Group (if applicable): CEO's Performance Evaluation Committee

Time Meeting Commenced: 5.00pm

Name of Councillors Attending:

Cr Jake Keogh, Mayor

Cr John Mortimore

Cr Darren Pearce

Name of Members of Council Staff Attending:

Tony Doyle

Matters Considered:

1. Confirmation of Previous Minutes – 10 July 2019

2. Status Report of CEOs Key Performance Indicators to 31 August 2019

Any conflict of interest disclosures made by a Councillor attending:* Nil

Name	Disclosure (refer front of form)	Relevant Matter	Left Assembly **

Name of Person Completing Record: Tony Doyle

* Note: A Councillor making a disclosure must (80A(3)) make a disclosure under s79 and complete a Disclosure of Conflict of Interest Form.

** Councillor disclosing to an assembly that he or she has a conflict of interest must leave the assembly prior to the matter being discussed and not return until the item has been considered.



Record of Assembly of Councillors
(Section 80A Local Government Act)

Complete this Section

Date of Assembly: 29/10/2019

Name of Committee or Group (if applicable): ICT Governance Committee (out of session meeting – via phone conference)

Time Meeting Commenced: 3.00pm

Name of Councillors Attending:

Cr Jake Keogh, Mayor

Cr Peter Lockwood, Deputy Mayor

Cr Darren Pearce

Name of Members of Council Staff Attending:

Tony Doyle

Michael Fromberg

Shona Richards

Paul Barrett

Rick Rigoni

Andrew Dowling

Matters Considered:

1. DCCT (website) Project Procurement Plan – Contract 2532

Any conflict of interest disclosures made by a Councillor attending:* Nil

Name	Disclosure (refer front of form)	Relevant Matter	Left Assembly **

Name of Person Completing Record: Rachel Culpitt

* Note: A Councillor making a disclosure must (80A(3)) make a disclosure under s79 and complete a Disclosure of Conflict of Interest Form.

** Councillor disclosing to an assembly that he or she has a conflict of interest must leave the assembly prior to the matter being discussed and not return until the item has been considered.



Record of Assembly of Councillors
(Section 80A Local Government Act)

Complete this Section

Date of Assembly: 11/11/2019

Name of Committee or Group (if applicable): Issues Briefing

Time Meeting Commenced: 8.25pm

Name of Councillors Attending:

Cr Nicole Seymour, Mayor	Cr Adam Gill
Cr Marcia Timmers-Leitch, Deputy Mayor	Cr Jake Keogh
Cr Peter Lockwood	Cr Tony Holland (arrived 8.50pm)
Cr John Mortimore	Cr Darren Pearce

Name of Members of Council Staff Attending:

Tony Doyle	Lisette Pine (Item 1)
Ian Bell	Helen Wozitsky (Item 1)
Judy Chalkley	Matt Hanrahan (Item 2)
Michael Fromberg	Deborah Wilding (Item 2)
Anthony Petherbridge	
Phil McQue	
Andrew Dowling	

Matters Considered:

1. Draft Visual Surveillance Policy
2. Boronia Parking Management Plan

Any conflict of interest disclosures made by a Councillor attending:* Nil

Name	Disclosure (refer front of form)	Relevant Matter	Left Assembly **

Name of Person Completing Record: Joanne Ellis

* Note: A Councillor making a disclosure must (80A(3)) make a disclosure under s79 and complete a Disclosure of Conflict of Interest Form.

** Councillor disclosing to an assembly that he or she has a conflict of interest must leave the assembly prior to the matter being discussed and not return until the item has been considered.

11.2 Capital Works Program Works Report as at 1 November 2019

SUMMARY: Coordinator, Capital Works, Gene Chiron

The Works Report shows projects on Council's Capital Works Program and indicates the status of each project as at 1 November 2019.

RECOMMENDATION

That Council receive and note the Works Report, as at 1 November 2019.

1.INTRODUCTION

This report summarises Council's Capital Works Program for the 2019/2020 financial year. The aim of this report is to provide a regular and succinct status summary of each project over the last month. The Capital Works Report, as of 1 November 2019, is attached as Attachment A.

Highlights of the Works Report as at 1 November 2019 include:

- Henderson Road Bridge, Rowville – officially opened 25th October.
- Placemakers Facility Reconstruction – project complete.
- Batterham Park, The Basin, Masterplan Implementation – playground is complete and open to the public.
- Aimee Seebeck Hall – amenities upgrade nearing completion.
- Immerse Public Art Program – completed.
- Meals on Wheels – site reconfiguration nearing completion.

Report Prepared By: Coordinator, Capital Works, Gene Chiron

Report Authorised By: Director, Engineering and Infrastructure, Ian Bell

Attachments

1. Capital Works Program - Works Report as at 1 November 2019 [**11.2.1** - 20 pages]

RESOLUTION

MOVED: Councillor Keogh

SECONDED: Councillor Gill

That Council receive and note the Works Report, as at 1 November 2019.

CARRIED

Knox City Council Project Status Report

01-Nov-2019

Project Number	Project Name	Total Approved
1	Bridges Renewal Program	\$500,000
All Wards	Detail design drawings are currently being finalised for the Ferntree Gully Community Centre bridge renewal project.	
4	High Risk Road Failures	\$500,000
All Wards	Works in progress in relation to latest condition audits from 2019.	
7	Road Surface Renewal Program	\$4,550,000
All Wards	Works in progress in relation to latest condition audits from 2019.	
8	Drainage Pit and Pipe Renewal Program	\$2,200,000
All Wards	Program on track with drainage renewal projects in progress at various locations.	
9	Footpath Renewal Program	\$2,400,000
All Wards	The footpath renewal program is progressing well with 50% of the program already completed.	
10	Bicycle / Shared Path Renewal Program	\$625,000
All Wards	Works anticipated to commence after January 2020.	
16	Building Renewal Program	\$6,738,342
All Wards	Program is 14% committed/expended. Works commencing or nearing completion over November include Batterham Reserve kitchen refit, amenities refit to social room, Guy Turner Tennis Pavilion - external painting, Walker Reserve Tennis Pavilion - internal/external painting, amenities refit, Leisureworks - external painting (western side), Rowville Community Centre - external painting (eastern side), hot water service replacement, Wantirna Tennis Pavilion - internal painting, electric heating replacement, Knox Garden Pavilion - int/ext light fittings replacement, Illoura House - external painting, Rosa Benedikt Community Centre - roof replacement, Knox Community Arts Centre - toilet fittings replacement.	
17	Playground Renewal Program	\$1,743,504
All Wards	18/19 Playgrounds - 5 sites, playgrounds complete and waiting on independent playground audit before opening. 19/20 Playgrounds - community consultation closed, preparing concept plans. Marie Wallace Playspace Upgrade - documentation in progress.	
22	Fire Hydrant Replacement Program	\$134,000
All Wards	First payment due in December.	
24	Carpark Renewal	\$530,000
All Wards	The carpark renewal program is progressing well with 25% of the program completed and future works planned for various reserve carparks and for the Civic Centre carpark.	

Knox City Council Project Status Report

01-Nov-2019

Project Number	Project Name	Total Approved
25	Plant & Machinery Replacement Program	\$2,463,000
All Wards	Program under way - funds 15% committed and 12% expended.	
26	Street Tree Replacement Program	\$628,457
All Wards	Finalising street tree renewal projects.	
31	Stamford Park Redevelopment	\$9,418,580
Tirhatuan	Homestead and Gardens - works complete. Parklands - landscape works in southern swale complete. Remainder of parkland works are currently pending approval of a planning application and a Melbourne Water design review.	
104	Roadside Furniture Renewal Program	\$100,000
All Wards	Program on schedule and retaining wall repair works are planned for various locations.	
147	Energy Retrofits for Community Buildings	\$115,875
All Wards	Civic Centre Lighting replacement works continues with LED lighting being replaced in the Foyer.	
229	Building Code Australia Compliance	\$100,000
All Wards	Works program established. 75% of program committed/expended with works currently underway.	
345	Asbestos Removal	\$100,000
All Wards	Works Program from Asbestos register currently being finalised with works program to commence from December.	
347	Miscellaneous Industrial Roads - Pavement Rehabilitation	\$250,000
All Wards	Program being scoped in accordance with the recent condition audits from 2019.	
409	Parks Furniture Renewal	\$102,000
All Wards	Installation program commenced.	
410	Parks Signage Renewal	\$20,000
All Wards	Audits are continuing and installation of replacement signs is progressing on schedule.	
412	Water Sensitive Urban Design Renewal	\$531,669
All Wards	Waterford Valley Golf Course construction underway, anticipated completion early November.	
441	Tim Neville Arboretum Renewal	\$427,107
Dobson	Works commencing in mid November including lawn works, irrigation, rotunda renewals, shade structures, amphitheatre renewal and furniture installation.	

Knox City Council Project Status Report

01-Nov-2019

Project Number	Project Name	Total Approved
443	Reserves Paths Renewal	\$65,000
All Wards	Scoping phase with construction complete, works to commence from November 2019.	
492	Food Act Compliance - Kitchen Retrofitting	\$50,000
All Wards	Kitchens subject to food act requirements currently being scoped for requirements in line with renewal/refit program. Installations expected December/January and April 2020.	
516	Rumann and Benedikt Reserves - Open Space Upgrade Stage 2	\$181,390
Tirhatuan	Documentation of shelter and path works to commence in November.	
536	Parkland Asset Renewal	\$45,000
All Wards	Renewal works commenced and progressing as scheduled.	
537	Bush Boulevard Renewal	\$65,000
All Wards	Scoping of works complete, works will commence from January 2020.	
566	Artwork Renewal	\$61,238
All Wards	Renewal of Immerse art platforms complete, ongoing work on Placemakers artwork restoration is on track.	
576	Emergency Warning Systems in Early Years Facilities	\$50,000
All Wards	Program for 19/20 is finalised with rollout to proceed over March/April school holidays.	
587	Upper Ferntree Gully Neighbourhood Activity Centre - Design	\$815,752
Dobson	Procurement Plan approved. Tender documentation package being prepared. Tender mid November.	
593	Marie Wallace Reserve - Masterplan Implementation Stage 4	\$771,421
Dinsdale	(1) Pedestrian Bridge - contract works completed for bridge works and footpath approaches. Awaiting completion of fencing works. (2) Consultants are working on detailed design for stage 3 works. (3) Works commencing on car park renewal.	
630	Early Years Hubs - Bayswater	\$115,000
Dinsdale	Installation of group metering commenced end of October.	
649	Scoresby (Exner) Reserve - Masterplan Implementation Stage 3	\$450,000
Tirhatuan	Currently out to Tender. The scope of works include, demolition, earthworks, concrete and granitic paving, ramp, stairs, shelter, playground, seating walls, furniture, fencing and planting.	
664	Stormwater Harvesting Program Development	\$249,925
All Wards	Structural certification for the works is currently underway.	
667	Dobson Creek Catchment - Streetscape Water Sensitive Urban Design	\$7,391

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Knox City Council Project Status Report

01-Nov-2019

Project Number	Project Name	Total Approved
Chandler	Project complete.	
675	Public Art Project	\$206,100
All Wards	Public Artwork delivered within Immerse program. Other major public artwork plans being scoped for Boronia as part of Boronia renewal project, as well as Stamford Park and Framed by gender public artworks.	
708	Cricket Run Up and Goal Square Renewal Works	\$55,000
All Wards	Turf works completed. Fertilising now to commence.	
717	Knox Central Package	\$8,235,000
Dinsdale	Negotiations to acquire parcels for future road corridor and delivery of Knox Central Masterplan continue. Residual funding from the Operations Centre land acquisition to remain allocated to the project should additional land be required.	
724	Knox (Interim) Library	\$664,205
Dinsdale	Project on hold pending negotiations with Westfield.	
725	Placemakers Site	\$289,920
Dobson	Project is complete. Awaiting final invoices.	
733	Preschool Office/Storage - Minor Works	\$45,881
All Wards	Works have commenced with completion expected by end of January.	
737	Meals on Wheels site reconfiguration - Stage 2	\$50,000
Dinsdale	Work is about 75% complete with the relocation to Eastgate North facility. Office construction nearly finished. Service will move to Eastgate North facility on 2 December.	
746	Revegetation Plan	\$270,631
All Wards	Scoping and planning of project has commenced. Plant list being prepared.	
747	Chandler Park, Boronia - Masterplan Implementation Stage 3	\$100,000
Chandler	Scope of final path/planting works scheduled for late 2019.	
755	Talaskia Reserve, Upper Ferntree Gully - Masterplan Implementation Stage 2	\$400,000
Dobson	Currently preparing design for new path/ramp and design for adventure play space/outdoor gym equipment.	
761	Dandenong Creek Gateways - Strategic Road Corridors Revegetation	\$173,196
All Wards	Currently seeking quotes and suitable stock / tree species.	

Knox City Council Project Status Report

01-Nov-2019

Project Number	Project Name	Total Approved
799	Windermere Drive, Ferntree Gully - Reconstruction	\$407,000
Friberg	Project part of Contract 2465 - packaged as one construction tender. Contract works have recently commenced.	
834	Oversowing of Sports Fields	\$50,000
All Wards	Ground selection in the new year.	
837	Westfield (Permanent) Library - Design	\$3,200,000
Dinsdale	Project on hold pending negotiations with Westfield.	
838	Bayswater Community Hub - Scoping	\$120,000
Dinsdale	In association with Strategic Asset Investment Strategy (SAIS) Project, a Scoping Report is being presented to EMT on 06/11/2019 and an Issues Briefing is being presented to Council on 09/12/2019.	
844	Score Boards - Design and Installation	\$425,814
All Wards	Designated projects at various stages of implementation with five installations expected to be complete by end of November.	
849	Repurposing Scoping of Facilities from Hub Projects.	\$106,454
All Wards	Officers continue to work through actions from November 2018 Council meeting. Relevant projects have been included in the Draft 19/20 Capital Works Program. Consideration of rezoning of early years facilities to occur throughout 2019/2020.	
853	Aimee Seebeck Hall, Amenities Upgrade	\$238,347
Taylor	Construction is nearing 75% completion with works expected to be fully completed by end of November.	
867	Knox Regional Netball Centre Extension	\$158,001
Dobson	Tender process (Design) completed, with Architect appointed.	
868	H V Jones, Ferntree Gully - Masterplan Implementation Stage 2	\$716,617
Friberg	Stage 1 Masterplan works tender closed, currently under evaluation.	
869	Gilbert Park, Knoxfield - Masterplan Implementation Stage 2	\$509,208
Friberg	Stage 1 Masterplan works tender closed, currently under evaluation.	
871	Energy Performance Contract Implementation	\$1,994,255
All Wards	EPC contract negotiations have not been finalised. This will result in the project commencement delay of approximately two months. Some Carry Forward is anticipated.	
889	Wally Tew Reserve, Ferntree Gully - Floodlighting Upgrade	\$10,933
Dobson	Project complete.	

Knox City Council Project Status Report

01-Nov-2019

Project Number	Project Name	Total Approved
891	Henderson Road Bridge, Rowville	\$4,324,406
Friberg	Official opening ceremony held 25th October with road now open.	
907	Manson Reserve - Wetland Construction	\$418,305
Collier	Land acquisition with VicRoads in final stages. Construction to be started following this.	
925	1101 Burwood Hwy, Ferntree Gully (Forest Rd to Toyota) - Reconstruction	\$90,000
Dobson	Project part of Contract 2465 - packaged as one construction tender. Majority of contract works completed with formal line marking to follow once asphalt has cured.	
928	Barmah Drive, Wantirna (No. 49 to No. 57) Reconstruction	\$60,000
Collier	Project part of Contract 2465 - packaged as one construction tender. Contract works started earlier than expected with works now expected to be completed by December 2019.	
929	Albert Avenue, Boronia (Chandler Rd to Bambury St) Reconstruction	\$380,000
Chandler	Project part of Contract 2465 - packaged as one construction tender. Contract awarded and works essentially completed with formal line marking to follow in November once asphalt has cured.	
930	Forest Road, Ferntree Gully Reconstruction Stage 1 & 2	\$860,000
Dobson	Project part of Contract 2465 - packaged as one construction tender. Contract awarded and works essentially completed with formal line marking to follow once asphalt has cured.	
932	Burwood Highway - service road, Ferntree Gully Stage 1 & 2	\$505,000
Dobson	Project part of Contract 2465 - packaged as one construction tender. Contract awarded and works now expected to commence early November.	
934	Sheraton Crescent, Ferntree Gully - Reconstruction	\$200,000
Friberg	Project part of Contract 2465 - packaged as one construction tender. Contract awarded and works now underway with majority of K & Ch installed.	
939	Millers Reserve, Boronia Oval Renewal	\$48,186
Chandler	Project Complete.	
941	Knox Regional Netball Centre - Court Renewals	\$70,302
Dobson	Quotes received. Seating and vegetation works to commence from late December through to early February. Court renewals commence late this year weather dependent.	
942	Tree Management	\$99,321
All Wards	Works undertaken as required in conjunction with Council initiatives.	

Knox City Council Project Status Report

01-Nov-2019

Project Number	Project Name	Total Approved
944	Knox Central (Operations Centre Relocation)	\$14,986,608
Dinsdale	New Operations Centre - structure for all buildings is complete. Currently undertaking roofing, internal services and internal framing. Scheduled completion late March 2020. Existing Operations Centre - remediation works continue to progress.	
946	Boronia Precinct Planning	\$186,124
Baird	C178 Knox planning scheme amendment documentation is being finalised for lodgement with the Minister for Planning for authorisation.	
948	Modular Building Program (Modern Construction Systems)	\$3,653,420
All Wards	Wally Tew and Colchester Reserve are nearing completion with completion expected mid-late November. Seebeck Reserve secondary changerooms is expected to be tendered early November. Lakesfield Pavilion (full Modular Pavilion) will be tendered early 2020.	
950	Family & Childrens Services Buildings & Facilities	\$398,833
All Wards	Bernie Seebeck and Upper Ferntree Gully Preschool are currently out to tender with Contractor expected to be appointed by end of November. Bathroom upgrade to meet Department requirements for registration.	
951	Community Toilet Replacement Program	\$430,818
All Wards	Wally Tew public toilet module is currently being fitted onsite. Wicks Reserve concept has been completed and is now proceeding to detailed design/tender. Liberty Pavilion co-locatable public toilet module is expected to be delivered by April 2020.	
954	Knox BMX Track - New Storage & Start Gate Structure	\$226,282
Friberg	Construction is now complete with project handover scheduled for early November.	
957	Kings Park, Upper Ferntree Gully - New Floodlighting (Oval 2)	\$14,008
Dobson	Contribution to Stage 2 power upgrade for future infrastructure. Expected to commence in February 2020.	
958	Liberty Avenue Reserve, Rowville - New Floodlighting	\$18,000
Taylor	Funding contribution for services connection for new modular building at Liberty reserve. Project being tendered in November.	
961	Knox Regional Netball Centre Floodlight Outdoor Courts 5 to 8	\$198,130
Dobson	Part of masterplan works, currently under concept design.	
965	Billoo Park Preschool - Toilet and Storage Upgrade	\$175,000
Collier	Quotation period is nearing completion with assessment to follow and Contractor appointed by early November. Construction is planned to commence January 2020.	

Knox City Council Project Status Report

01-Nov-2019

Project Number	Project Name	Total Approved
968	Flamingo Preschool, Wantirna South - Verandah Extension	\$57,840
Collier	Quotation period currently underway with Contractor expected to be appointed end of October for December-January construction.	
969	Orana Neighbourhood House Kitchen Upgrade	\$25,000
Dinsdale	Detailed design/documentation completed. Quotations being sought over October with works expected to be undertaken January 2020.	
979	GIS Phase 3	\$161,075
All Wards	Project on track. Preparation of Expression Of Interest (EOI) underway	
982	Anne Road, Knoxfield LATM Stage 1 - Installation	\$89,217
Friberg	To be completed in conjunction with Stage 2 line marking works and road resurfacing program.	
994	Picketts Reserve, Ferntree Gully Masterplan Implementation Stage 3	\$296,200
Baird	Finalising documentation prior to implementation.	
995	Peregrine Reserve, Rowville - Masterplan Implementation Stage 1	\$521,078
Taylor	Stage 1 Masterplan works tender closed, currently under evaluation.	
997	Llewellyn Reserve, Wantirna South - Masterplan Implementation	\$122,080
Scott	Melbourne Water approval granted 28/10/2019. New gate and fence works to progress.	
998	Templeton Reserve, Wantirna - Masterplan Implementation Stage 3	\$460,184
Collier	(1) Masterplan Stage 2 works have commenced construction. (2) Works on carpark upgrade in progress.	
999	Lewis Park, Wantirna South - Masterplan Implementation	\$538,762
Dinsdale	Consultant for the water design component of the project has been appointed.	
1000	Stud Park Reserve, Rowville - Masterplan Implementation Stage 3	\$417,584
Tirhatuan	(1) Stage 2 upgrades - acrylic surface in construction. (2) New shelters near playground have been completed, upgrades to old fencing have been completed, new park furniture has been completed.	
1001	Scoresby Village Reserve, Masterplan Implementation	\$382,500
Tirhatuan	Currently out to Tender.	
1002	Egan Lee Reserve, Knoxfield Masterplan Implementation	\$300,000
Scott	Documentation for implementation currently being prepared.	

Knox City Council Project Status Report

01-Nov-2019

Project Number	Project Name	Total Approved
1003	Wantirna Reserve - Masterplan	\$15,320
Collier	This project is on hold while Council investigates past land use and waste issues.	
1005	Neighbourhood Green Streets	\$91,999
All Wards	Currently seeking quotes and suitable stock / tree species.	
1006	Bush Boulevards	\$141,999
All Wards	Currently seeking quotes and suitable stock / tree species.	
1009	Talking Tanks Initiative - Flood Protection	\$265,592
All Wards	Project has been referred to the Dandenong IWM Forum to seek DELWP funding to develop a Communications/Engagement Plan to rollout Talking Tank Technology on private land to mitigate flooding impacts.	
1016	Kings Park Solar Panel Installation	\$9,091
Dobson	Project complete.	
1046	Scoresby Recreation Reserve - New DDA Toilet	\$150,000
Tirhatuan	Scope and design for provision of DDA toilet has commenced with documentation due.	
1054	Knox Regional Sports Park - Stages 2 and 3	\$149,428
Scott	Design and cost estimate work for Victorian Association of Radio Model Soaring (VARMS) club relocation is progressing.	
1068	Rowville (Seebeck) Reserve - Multipurpose Community Workshop	\$342,328
Taylor	Tenders have been assessed. Procurement report currently being reviewed with contractor expected to be appointed in November.	
1097	Wally Tew Reserve - Storage Facility	\$52,976
Dobson	Storage area for events is part of public toilet module for new secondary change facility at Wally Tew Reserve. Module has been delivered to site with fit out/completion expected mid November.	
1105	Batterham Reserve, The Basin - Cricket Nets Replacement	\$240,995
Chandler	Cricket nets nearing completion with remainder of works for netting to be completed after lighting of nets is completed. Lighting contractor appointed and has installed conduits. Design of foundations completed with lighting poles and foundation reinforcement ordered. Anticipate completion of lighting project before Christmas.	
1106	Batterham Reserve, The Basin - Residual Works	\$304,759
Chandler	Contractor has been appointed with extension works expected to commence onsite within the next 2-3 weeks.	

Knox City Council Project Status Report

01-Nov-2019

Project Number	Project Name	Total Approved
1112	Selman Avenue (2), Ferntree Gully (Spring St to Station St)	\$280,000
Dobson	Project part of Contract 2465 - packaged as one construction tender. Contract works nearing completion with asphalt works now completed and formal line marking to follow once asphalt is cured.	
1114	Studfield Shopping Centre Pavement Renewal	\$413,940
Dinsdale	Detailed design plans slightly delayed but nearing completion - around 95% complete. Review of plans to follow. Trader engagement still to occur with input on results then expected to assist preparation of tender documentation. Anticipate going out to tender from mid-November.	
1115	Milpera Reserve, Wantirna - Oval Renewal	\$850,000
Collier	Works have commenced – top dressing completed. Works on schedule.	
1117	Batterham Reserve, The Basin - Tennis Court Renewals	\$100,000
Chandler	Project on hold while scoping discussions continue with Leisure and Tennis Club. This is likely to lead to a report to Council.	
1118	Wantirna Reserve, Wantirna - Cricket Net Renewals	\$30,000
Collier	All work on site on hold pending investigation on geotechnical and waste investigating.	
1119	Wantirna Reserve, Wantirna - Tennis Court Renewals	\$539,594
Collier	Initial scoping discussions have been held with Leisure and the Tennis Club. Concept layout prepared. Design on hold pending outcome of geotechnical and waste investigations.	
1120	Templeton Reserve, Wantirna - Tennis Court Renewals	\$583,550
Collier	Detailed design for entire scope nearing completion and presented to Tennis Club with feedback received - review is to follow. Tender documentation is then to be prepared. Anticipate being in a position to advertise tender late November and appoint a contractor in February with construction expected to commence around mid-March 2020.	
1121	Eildon Park, Rowville - Cricket Net Renewal	\$260,000
Taylor	Works to commence in March 2020.	
1122	Knox Regional Sports Park - Soccer Cages Renewal	\$20,000
Scott	Working with venue manager to determine boards for replacing/repainting.	
1123	Public Tennis / Netball / Basketball Court Renewals	\$137,360
All Wards	Problems with earthworks at Flamingo Reserve courts have been rectified. Works continuing.	
1124	Sporting Oval Fencing Renewals	\$120,000
All Wards	Quotes received. Works to commence at Seebeck after modular change rooms go in. Lakesfield Works to follow drainage project.	

Knox City Council Project Status Report

01-Nov-2019

Project Number	Project Name	Total Approved
1125	Stormwater Harvesting Infrastructure Renewal	\$72,560
All Wards	Works identified at Batterham Reserve. Set to commence in early November.	
1126	Knox Skate & BMX Park – New Youth Pavilion	\$673,612
Friberg	Design complete. Intended to be part of modular building tender package early November.	
1128	Gilbert Park Reserve, Knoxfield - New Drainage	\$36,500
Friberg	Scheduled for early January 2020.	
1129	Picketts Reserve, Ferntree Gully - Floodlighting Upgrade	\$250,000
Baird	Contractor to be appointed by end of November. Part of lighting upgrade design and Construct package with Carrington Park, Scoresby Reserve and FTG Bowling Club.	
1130	Wantirna Reserve, Wantirna - Floodlighting and Security Lighting	\$300,000
Collier	Project deferred due to ongoing subgrade investigations.	
1131	Carrington Park Reserve, Knoxfield - Floodlighting Upgrade	\$250,000
Friberg	Tender documentation expected by early October. Tender period to follow with Contractor to be appointed by end of November. Part of lighting upgrade design and construct package with Picketts, Scoresby Reserve and FTG Bowling.	
1132	Arcadia Reserve (Scouts), Rowville - Carpark Upgrade	\$100,000
Tirhatuan	Survey complete and design underway.	
1133	Arts Facility Planning Documentation	\$15,474
All Wards	Purchase of equipment upgrades for the theatre in response to facility and asset audit will expend this budget by November 2019.	
1134	Ferntree Gully Arts Centre & Library Deck Enclosure	\$50,000
Dobson	Facility functional audit is underway to identify the most effective ways to improve and enlarge usable space at FTGCAC - scoping options with stakeholders presently.	
1135	Theatre Lighting Upgrades	\$30,000
Dinsdale	Funds now committed for works on lighting upgrades, likely to be complete through Dec/Jan period when Theatre closes.	
1136	Arts Facility Upgrades	\$95,978
All Wards	Arts & Culture have now worked through the priority list and timeline for works with Facilities Team to establish work tasks for completion in 2019/20.	
1140	Community Facility Signage Upgrade	\$2,500
All Wards	Scope currently being finalised with Community Infrastructure. Project expected to be completed by end of November.	

Knox City Council Project Status Report

01-Nov-2019

Project Number	Project Name	Total Approved
1144	Boronia Road, Bayswater (Edinburgh Road to Scoresby Road) - Footpath - Construction	\$106,040
Dinsdale	Concept plan prepared. Awaiting feedback from Traffic and Transport Department on outcome of consultation process with owners and VicRoads.	
1145	Glenfern Road, Ferntree Gully (Norman St to Trafalgar St) - Footpath - Construction	\$79,228
Dobson	Review of initial detailed design completed. Section of pathway now requires a re-design. Pit alteration works completed by Telstra.	
1146	Wellington Road, Rowville (Straughan Close to Napoleon Road) - Footpath - Construction	\$95,000
Taylor	Consulted with Department of Transport (roads). Water Sensitive Urban Design to be handed over to Council management to allow us to construct a shared path.	
1148	Montana Avenue, Boronia - Footpath - Construction	\$69,379
Chandler	Investigating options for the electricity pole with AusNet Services. Awaiting feedback.	
1150	Knoxfield LATM Precinct Stage 2 - Installation	\$180,000
Scott	Minor alterations required to 2 treatments near Ferntree Gully Road. Works scheduled for December/January.	
1151	Forest Road - Stockton to Dorian Isolated Traffic Treatment (Hot Spot) Program - Installation	\$94,412
Dobson	Completed.	
1152	Burwood Hwy, Upper Ferntree Gully Shared Path Link 1 (Construct)	\$161,806
Dobson	On hold pending result of Burwood Hwy Shared Path Overpass Bridge feasibility study.	
1155	Kelletts Road, Rowville (Stud Road to Taylors Lane) - Shared Path - Design	\$25,000
Taylor	Functional design completed.	
1158	Timothy Drive, Wantirna South Underpass - Solar Lighting Upgrade	\$17,865
Scott	Engaging contractor.	
1162	Templeton Street, Wantirna - Linemarking and Intersection Treatments (Design)	\$70,000
Collier	Consultant has completed the functional design.	
1163	Renou Road, Wantirna South - Intersection Treatments	\$197,000
Collier	Functional design completed.	
1164	Coleman Road, Boronia - Linemarking and Sharrows	\$45,000
Dinsdale	Functional design completed.	

Knox City Council Project Status Report

01-Nov-2019

Project Number	Project Name	Total Approved
1165	Mowbray Drive, Wantirna South - Parking and Intersection Treatments	\$16,992
Scott	Functional design completed.	
1166	Timothy Drive, Wantirna South - Intersection Treatments	\$35,000
Scott	Functional design completed.	
1170	Mountain Highway, Boronia (near Scoresby Road) - Footpath Connection 4	\$80,000
Baird	Undertaking negotiations for license agreement.	
1171	Fairpark Reserve, Ferntree Gully - Masterplan Implementation Stage 3	\$678,326
Baird	Melbourne Water have commenced construction works on site.	
1172	Tormore Reserve, Boronia - Masterplan Implementation Stage 4	\$489,619
Baird	(1) Stage 1 works are completed and open. (2) Stage 2 construction has begun which includes playground upgrade.	
1173	Quarry Reserve, Ferntree Gully - Masterplan Implementation Stage 2	\$1,123,508
Dobson	(1) Masterplan works - Contract has commenced, construction to begin November. (2) Security Fencing - Contractor appointed for perimeter fencing. Arrival of fencing order expected around mid-November 2019. Anticipate mid-November on-site start and works expected to be completed by mid-February 2020.	
1174	Principal Avenue - Dorset Road Streetscape Upgrade	\$36,802
Chandler	Currently seeking quotes and suitable stock / tree species.	
1175	Orson Street, Scoresby (Flood Protection) - Detailed Design	\$50,000
Tirhatuan	Concept design complete. Internal stakeholder consultation underway.	
1176	Solar in Community Facilities	\$90,000
All Wards	Engaged Solar Installer for all three sites. Preparation for Installation underway.	
1180	Koolunga Reserve, FTG - Wetland Construction	\$282,306
Chandler	Living River grant was sanctioned. Funds to be received in coming months (\$250k). Construction anticipated in May 2020.	
1182	Norvel Quarry Reserve Water Quality System - Design & Construction	\$40,000
Baird	Awaiting developer response to Council comments on submitted Stormwater Quality Management Plan, prior to approval.	
1183	Peregrine Reserve - Wetland treatment system - Design	\$50,000
Taylor	Detailed design in progress.	

Knox City Council Project Status Report

01-Nov-2019

Project Number	Project Name	Total Approved
1184	Egan Lee Reserve Masterplan - Wetland treatment system - Design	\$50,000
Scott	Consultation with internal stakeholders completed. Detailed design is in progress.	
1195	Boronia Safer Communities	\$120,411
Baird	Stage 2; Installation of Orchid Ave lighting - in process of finalising costs and title boundaries.	
1207	Eildon Park Reserve, Rowville - Drainage Renewal Works Oval 2	\$150,000
Taylor	Quotes received. Works to commence first week in December.	
1208	Fairpark Reserve, Ferntree Gully - Drainage Renewal Works Oval 1	\$150,000
Baird	Quotes received. Works to commence first week in December.	
1216	Carrington Park Reserve, Knoxfield - Cricket Net Renewal	\$250,000
	Works to commence in March 2020.	
1217	Boronia Activity Centre and Station Precinct Renewal Project	\$95,000
Baird	Ongoing project scoping with key stakeholders.	
1222	Ramon Cowling Bushland Reserve - New Walkway	\$47,000
Chandler	Works have commenced on site.	
1225	Commercial Road, Ferntree Gully (Burwood Highway to Wilson St) - Design	\$70,000
Baird	Survey completed with detailed design to follow.	
1226	Lewis Road, Wantirna South (Tilba Pl to Kanooka Rd) - Design	\$35,000
Dinsdale	Survey completed mid-late October and detailed design to follow.	
1227	Albert Street, UF'tree Gully (Talaskia Rd to Townley Place) - Design	\$33,000
Dobson	Detailed design approximately 75% complete with review to follow.	
1228	Malvern Street, Bayswater (Edelmaier St to Scoresby Rd) - Design	\$35,000
Baird	Survey planned for December.	
1229	Sullivan Court, Wantirna (Rachelle Drive to End) - Design	\$12,000
Collier	Survey planned for March 2020.	
1230	Wanaka Close, Rowville (Erie Avenue to End) - Design	\$10,000
Tirhatuan	Survey planned for April 2020.	
1231	Winnifred Crescent, Knoxfield (Allister Close to Christie Close) - Design	\$18,000
Friberg	Survey planned for February 2020.	

Knox City Council Project Status Report

01-Nov-2019

Project Number	Project Name	Total Approved
1232	Chandler Road, Boronia (Floriston Rd to Albert Ave) - Design	\$35,000
Chandler	Survey due early New Year with detailed design due to commence in May 2020.	
1233	Knox Park, Knoxfield - Turf Renewal	\$125,000
Friberg	Quotes received. Contractor commenced works.	
1234	Knox Athletics Track, Knoxfield - Pathway Renewals	\$30,000
Friberg	Quotes received and works completed.	
1235	Lakesfield Reserve. Lysterfield - Drainage Renewal Works	\$150,000
Dobson	Quotes received. Contractor to commence works first week in December.	
1236	Windermere Reserve, Ferntree Gully - Oval Renewal - Design	\$15,000
Friberg	Design expected early January 2020.	
1237	Carrington Park Senior Citizen Centre - Design	\$85,000
Friberg	Concept design review complete. Public tender planned for late November.	
1238	BAMP Facility Upgrades	\$1,200,000
All Wards	Projects identified on program continuing to be scoped, designed and tendered for initial construction period Feb-June 2020. Expectation is that proportion of funding will be carried forward as program development is progressed.	
1247	Boronia Youth Hall Demolition and Pop Up Park	\$18,951
Baird	Base landscape works have been completed and site is open to the public. Consultation phase currently in progress (being undertaken by Community Services) prior to finalisation.	
1258	Ferntree Gully Bowls Club - New Floodlighting	\$135,000
Dobson	Project currently being tendered.	
1259	Carrington Park Reserve, Knoxfield - Paving and Pathway Upgrade	\$85,000
Friberg	Works being managed in conjunction with Major Initiatives Unit.	
1260	Bayswater Bowls Club - New Accessibility Pathway	\$60,000
Dinsdale	Concept plan prepared.	
1261	Wantirna Reserve - Car Park Upgrade (Design)	\$40,000
Collier	Initial scoping discussions have been held with Leisure. Design on hold pending outcome of further discussions and soil geotechnical investigations.	
1262	Cultural Facilities - Knox Pop Up Events Trailer & Kit	\$20,000
All Wards	Quotes still being sourced for a range of pop up event equipment and a suitable trailer option, aim to complete this prior March 2020.	

Knox City Council Project Status Report

01-Nov-2019

Project Number	Project Name	Total Approved
1263	Cultural Facilities - Theatre Equipment Upgrade	\$26,000
All Wards	Works scoped for stage work lights upgrade, new lighting bar/side lighting booms and moving lights purchase.	
1264	Knox Regional Netball Centre - Amenities Upgrade	\$50,000
Dobson	Works scoped and designed. Quotations expected by late November with view to schedule construction works in January	
1265	Park Crescent Children and Family Centre Refurbishment, Boronia - Design	\$78,500
Baird	Design process underway with detailed design/cost plans expected by mid December.	
1266	Rowville Children and Family Centre Refurbishment	\$92,000
Tirhatuan	Detailed design process underway with designs/cost plan now expected mid February 2020.	
1267	Early Years Facilities - Landscaping Upgrades	\$150,000
All Wards	September works completed. Further scoping for December 2019/ January 2020 currently underway.	
1268	The Fields Preschool (north side), Rowville - Verandah	\$10,000
Taylor	Design only project. Scoping to be completed by end of November.	
1269	Rosa Benedikt Community Centre, Scoresby - Minor Upgrade	\$25,000
Tirhatuan	Works are now complete.	
1270	Heany Park Scout/Community Pavilion, Rowville - Scoping	\$50,000
Taylor	Heany Park Scouts Facility scoping is underway –stakeholder input to be sought. input.	
1271	Wantirna Community Infrastructure Planning	\$60,000
Collier	Scoping will begin in January 2020.	
1272	Valerie Street, Boronia (Icase Court - Boronia Road) - Footpath - Construction	\$60,000
Baird	Project being scoped.	
1273	Myrtle Crescent, Ferntree Gully (West Side at Moore Street) - Footpath - Scoping	\$15,000
Dobson	Preliminary valuation completed.	
1274	Mountain Hwy, The Basin (Wicks Road - Claremont Ave) - Footpath - Design	\$40,000
Chandler	Site survey due to commence in December.	
1275	Old Belgrave Road, Upper Ferntree Gully (Talaskia Road - Edward Street) - Footpath - Scoping	\$15,000
Dobson	Scope to be confirmed with Traffic & Transport Department Project due to commence in New Year.	

Knox City Council Project Status Report

01-Nov-2019

Project Number	Project Name	Total Approved
1276 Chandler	Liverpool Road, The Basin (Mountain Hwy to Liverpool Rd retarding basin) - Footpath - Design Site inspection with biodiversity completed.	\$25,000
1277 Dobson	Blackwood Park Drive, Ferntree Gully - Bridge (Design) Survey completed. Initial investigations for Cultural Heritage Management Plan and service locations underway and concept plan being prepared.	\$140,000
1278 Tirhatuan	Clauscen Drive, Rowville LATM - Design Currently undertaking design.	\$15,000
1279 Friberg	Elton Road and Holme Road, Ferntree Gully, Isolated Traffic Treatment (Hot Spot) Program Concept design completed. Undertaking survey in preparation for detailed design.	\$50,000
1281 Tirhatuan	Ferntree Gully Road (Stud Road - Henderson Road) - Shared Path - Scoping Investigating lease agreement.	\$32,000
1282 Friberg	Ferntree Gully Road (Rushdale Street - Bunjil Way), Knoxfield - Shared Path - Scoping Undertaking search on planning permit.	\$10,000
1284	Blind Creek Trail, Boronia - Road Crossing Improvement Concept plan currently being developed.	\$60,000
1285 Collier	Collier Reserve, Wantirna - Bicycle Repair Station Completed in October 2019.	\$7,000
1286 Baird	Power Road, Bayswater - Bicycle Repair Station Completed in October 2019.	\$7,000
1287 Taylor	Liberty Reserve, Rowville - Bicycle Repair Station Awaiting delivery of bike repair station.	\$7,000
1288 Dobson	Tim Neville Arboretum, Ferntree Gully - Bicycle Pump Station Awaiting bike repair unit to be delivered for installation.	\$7,000
1289 Chandler	The Basin Triangle Bicycle Repair Station Completed in October 2019.	\$7,000
1290 Chandler	Colchester Reserve, Boronia - Bicycle Repair Station Completed in October 2019.	\$7,000
1291	Fairpark Reserve, Ferntree Gully - Bicycle Pump Station	\$7,000

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Knox City Council Project Status Report

01-Nov-2019

Project Number	Project Name	Total Approved
Baird	Completed in October 2019.	
1292	Blind Creek Lane, Wantirna South - Bicycle Repair Station	\$7,000
Scott	Completed in October 2019.	
1293	Henderson Road Link, Rowville - Bicycle Repair Station	\$7,000
Friberg	Awaiting for bike repair unit to be delivered for installation.	
1294	Gresford Road, Wantirna - Wayfinding Link	\$1,000
Collier	Design completed.	
1295	Freedman Avenue, Boronia - Wayfinding Connection	\$1,000
Baird	Design completed.	
1296	Pumps Road, Wantirna South - Wayfinding to Eastlink	\$1,000
Collier	Design completed. Currently waiting for approval from ConnectEast for installation on Eastlink land.	
1297	Amesbury Avenue, Wantirna - Intersection Treatments Design	\$20,000
Collier	Awaiting final design for Wantirna Cycling Link from consultant to inform the design of Amesbury Avenue.	
1298	Wentworth Avenue at Lansell Ct, Rowville, Splitter Island	\$10,000
Taylor	Stage 1 construction is completed. Awaiting additional line marking works.	
1299	Albert Avenue, Boronia - School Crossing Relocation	\$30,000
Chandler	Design completed.	
1300	Parking Management Plan Implementation	\$50,000
All Wards	Signage installation for Upper Ferntree Gully currently being undertaken.	
1301	Mountain Hwy, Boronia (Macquarie PI to Bus Stop 15853) - Footpath Connection	\$60,000
Chandler	Survey completed.	
1302	Forest Road, Ferntree Gully (Lane Rd to Bus Stop 15625) - Footpath Connection	\$15,000
Dobson	Works Completed.	
1303	Napoleon Road, Rowville (Bus Stop 15209 to School Crossing) - Footpath Connection	\$40,000
Taylor	Seeking approval from Public Transport Victoria for funding contribution for the bus stop.	

Knox City Council Project Status Report

01-Nov-2019

Project Number	Project Name	Total Approved
1304 Chandler	Mountain Highway, Boronia (GSK site to Colchester Rd) - Footpath Connection 3 - Design Site inspection with biodiversity completed.	\$5,000
1305 Chandler	Mountain Highway, Boronia (981 to 1019 Mountain Hwy) - Footpath Connection 5 - Design Site inspection with biodiversity completed.	\$5,000
1306 All Wards	Dog Park - Designs Quotes for feature and level surveys for three (3) sites have been received and approved. Survey works currently in progress.	\$60,000
1307 Chandler	Batterham Park, The Basin - Masterplan Implementation Playground is complete and open to the public. Planting design to be discussed with Mrs. Hetrel.	\$60,000
1308 Dobson	Kevin Ave, FTG UFTG Flood Investigation - Scoping Anticipated to start end of November.	\$30,000
1309 Friberg	1825 Ferntree Gully Road - Flood Mitigation Works Quote for the pipe and pit upgrades has been requested from contractors.	\$50,000
1310 All Wards	Flood Mitigation Reactive Complaints Upgrade Works Construction of 13 Lydford St, 3 Allenby Ave completed.	\$250,000
1311 All Wards	Major Roads LED Streetlight Replacement - Design Procurement to engage consultant to carry out Detailed Business Case and Project Design to be completed by mid November.	\$100,000
1312 All Wards	Landfill Sites as Solar Farms - Feasibility Study Consultant Engaged. Feasibility Study underway.	\$50,000
1313 Friberg	Alexander Cres Reserve FTG - Wetland Treatment System - Scoping & Analysis Scoping anticipated to be completed in this financial year.	\$20,000
1315 Baird	Fairpark Reserve - Pavilion Upgrade (incorporating U3A extension) Several site investigations/surveys have been complete. Consultation with clubs/U3A is progressing in relation to their functional requirements.	\$60,000
1316 Taylor	Rowville Recreation Reserve - Car Park Upgrade (Design) Initial scoping discussions have been held with Major Infrastructure Unit. Design on hold pending outcome of advice from MIU on major project design.	\$8,000
1317 Chandler	Batterham Reserve, The Basin - Oval/Turf Renewal Quotes received. Works to commence early December.	\$45,000

Knox City Council Project Status Report

01-Nov-2019

Project Number	Project Name	Total Approved
1318	Miller Park Reserve - Cricket Net Renewal - Design	\$18,750
Chandler	Design expected early January 2020.	
1319	Gilbert Park Reserve, Knoxfield - Batting Cage Renewal	\$7,500
Friberg	Works scheduled for early 2020.	
1320	Eildon Park Reserve, Rowville - Tennis Court Renewals	\$43,750
Chandler	Survey due to commence in December 2019.	
1321	Millers Reserve, The Basin - Tennis Court Renewals - Design	\$37,375
Chandler	Survey due to commence in December 2019.	
1322	Glenfern Park (FTGTC) - Tennis Court Renewals - Design	\$26,250
Chandler	Survey due to commence in December 2019.	
1357	Batterham Reserve, The Basin - Pavilion Refurbishment & Path and Access Works	\$400,000
Chandler	Social club refurbishment works have commenced, access road works will follow completion of pavilion extension works and reserve landscape works have commenced. Target completion for all works packages is by April 2020.	
1363	Shared Zone Lupton Way – Erica Avenue to Dorset Road.	\$9,000
Baird	Project to be incorporated with the Victorian Planning Authority Grant through City Development. Proposed date for completion is May 2020.	
1367	Rowville Tennis Courts 1-4 Repairs	\$30,000
Taylor	Completion mid November. Project currently on time.	
Total:		\$103,188,800

11.3 ICT Capital Works Program Report

SUMMARY: Acting Manager Information Technology, Paul Barrett

The ICT Works Report shows projects on Council's ICT Capital Works Program and indicates the status of each project as at 13 November 2019.

RECOMMENDATION

That Council receive and note the ICT Capital Works Report, as at 13 November 2019.

1.INTRODUCTION

This report summarises Councils ICT Capital Works Program for the 2019/2020 financial year. The aim of this report is to provide a regular and succinct status summary of each project over the last month. The Capital Works Report, as of 13 November 2019 is attached as per Attachment 1.

Highlights of the Works Report as at 13 November 2019 Include:

1242 - Website Channel Transformation

Digital agency Briarbird contracted 1 November 2019. User Experience (UX) and Design stage commenced 11 November and will run through until mid February 2020.

812 - Asset Management System

Project is on schedule, Preferred Vendor selected, Procurement Report recommendation approved by Ordinary Council on 28 October 2019. Contract Negotiations and Pre-commencement meeting scheduled for 15/11/2019.

1036 – HR System Enhancement

Work Package 1 (PageUp Recruitment, Onboarding & Learning) is on track to go live on Monday 18th November. Testing, team training and user documentation is all complete. Staff information sessions are in progress. Requirements gathering and configuration is complete for Work Package 2 (Humanforce Time & Attendance). Team training and system testing is in progress. The project is on track and within budget.

1034 - Business Intelligence

Business Case completed, ready for review and endorsement by ICT Steering/ICT Governance Committee on 18/11 and 27/11 respectively. Implementation model agreed in principle with Business Intelligence Implementation team members to be recruited shortly, and their established capability will be transitioned to the Corporate Strategy team when the project concludes.

1031 – ICT Spatial Capability

Testing of IntraMaps and QGIS continues within Spatial team. Scoping Document and accompanying Change Request in review, slated for November Steering and Governance Committees. TechnologyOne (IntraMaps), SafeSoftware (FME) and SkylineGlobe (TerraExplorer) contract options being reviewed.

Report Prepared By: Acting Manager Information Technology, Paul Barrett

Report Authorised By: Director Corporate Services, Michael Fromberg

Attachments

1. ICT Status Report # 9

Confidential attachment - ICT Status Report # 9 - has been circulated under separate cover.

RESOLUTION

MOVED: Councillor Keogh

SECONDED: Councillor Gill

That Council receive and note the ICT Capital Works Report, as at 13 November 2019.

CARRIED

Knox City Council Project Status Report

13-Nov-2019

Project Number	Project Name
789	Resource Booking (WP# 30)
All Wards	RFQ Assessment team did not find a suitable solution from the respondents. Assessment team recommended revisiting requirements and conducting a further supplier assessment in early 2020.
812	Asset Management Information System (WP# 67,68,69,70,32)
All Wards	Project is on schedule, Preferred Vendor selected, Procurement Report recommendation approved by Ordinary Council on 28 October 2019. Contract Negotiations and Pre-commencement meeting scheduled for 15/11/2019.
827	Digital Customer Channels Transformation - DCCT Ph3 (WP# 5)
All Wards	Phase 3 - Expand the secure portal to Knox staff, deliver a Knox business hub, and fully integrate with Knox systems. Will commence 2021.
977	Pathway Program (WP# 59,60,61,62,75,76,77,78,79,80,81,82)
All Wards	Completed in October - Pathway Release upgrade 3.10.014 completed in October. In Progress - Extension of pilot for Online Internal Building Maintenance requests to 33 Pre-schools, Waste Management reporting build phase, Animal Foster Care build, Swimming Pool Registrations build. Late with Low Impact - Online Property Information Certificates due to test system set up delay. Projects initiated: Food and Health review, ePathway BPOINT payment gateway integration.
1031	Spatial Capability (WP# 31,32,34,35,36,37)
All Wards	Testing of IntraMaps and QGIS continues within Spatial team. Scoping Document and accompanying Change Request in review, slated for November Steering and Governance Committees. TechnologyOne (IntraMaps), SafeSoftware (FME) and SkylineGlobe (TerraExplorer) contract options being reviewed.
1034	Business Intelligence (WP# 13,14,17, 16,19, 18)
All Wards	Business Case completed, ready for review and endorsement by ICT Steering/ICT Governance Committee on 18/11 and 27/11 respectively. Implementation model agreed in principle with Resource Company to supply contract Business Intelligence Specialist staff.
1036	HR Systems (WP# 84,85,86)
All Wards	Work Package 1 (PageUp Recruitment, Onboarding & Learning) is on track to go live on Monday 18th November. Testing, team training and user documentation is all complete. Staff information sessions are in progress. Requirements gathering and configuration is complete for Work Package 2 (Humanforce Time & Attendance). Team training and system testing is in progress. The project is on track and within budget.
1037	Project Management Office - ICT Governance (WP# 42)
All Wards	Tracking as planned

Knox City Council Project Status Report

13-Nov-2019

Project Number	Project Name
1242	Digital Customer Channels Transformation - DCCT Ph1 (WP #1,3,6,8,31)
All Wards	Digital agency Briarbird contracted 1 November 2019. User Experience (UX) and Design stage commenced 11 November and will run through until mid February 2020.
1245	Corporate Reporting Solutions (WP# 46,50,51,49)
All Wards	Project is due to commence this financial year in line with the ICT Roadmap V4. ICT Program and Transformation Coordinators will meet with business owner in October to discuss capacity and readiness to commence initiative.
1250	Point Fix - Storage System - DR (WP# 21)
All Wards	Tracking to plan
1255	Server Infrastructure Upgrade (WP# 40)
All Wards	Project waiting to be scheduled
1257	Project Management Office (WP# 42)
All Wards	Project tracking to plan
1368	Widen Utilization of ION (WP# 33)
All Wards	Project awaiting scheduling
1369	Master Data Management (WP# 20)
All Wards	Project Manager has been assigned to commence this initiative and initial planning is underway. Project Initiation Document is on track for end of November ICT Governance endorsement.
1370	Data Integration Tools (WP# 33)
All Wards	Project awaiting scheduling
1371	Participation Platform (WP# 52,53,54,55)
All Wards	Project is due to commence this financial year in line with the ICT Roadmap V4. ICT Program and Transformation Coordinators will meet with business owner in October to discuss capacity and readiness to commence initiative.
1372	Point Fix - M(Device)M (WP#26)
All Wards	Tracking to plan
1373	Active Aging System Platform (WP# 63,64,65,66)
All Wards	Project is due to commence this financial year in line with the ICT Roadmap V4. ICT Program and Transformation Coordinators will meet with business owner in October to discuss capacity and readiness to commence initiative.

Knox City Council Project Status Report

13-Nov-2019

Project Number	Project Name
1374	Early Years Platform (WP# 71,72,73,74) Project is due to commence this financial year in line with the ICT Roadmap V4. ICT Program and Transformation Coordinators will meet with business owner in October to discuss capacity and readiness to commence initiative.
1375	Point Fix - Virtual Desktop (WP# 28) All Wards Project waiting to be scheduled
1376	Digital Customer Channels Transformation - DCCT Ph2 (WP# 4,7,12) All Wards Phase 2 - Deliver a new staff Intranet and a secure portal for residents within our new website, as well as continued rollout of services. Will commence end of 2020.
1377	Cloud Solutions (WP# 41) All Wards Project awaiting scheduling
1378	Point Fix - Single Sign-on (First Pass) - (WP#24) All Wards Tracking to plan
1379	Customer Relationship Management (CRM) (WP# 9, 10, 11) All Wards Project awaiting scheduling
1380	EDRMS - KX INTEGRATION TO OTHER MODULES - (WP# 15) Tracking to plan

12 Motions for Which Notice has Previously Been Given

Nil.

13 Supplementary Items

13.1 Draft Election Period Policy 2020

SUMMARY: Co-ordinator Governance, Andrew Dowling

Officers have undertaken a review of the Election Period Policy adopted in March 2016 and prepared a revised policy for consideration by Council in preparation for the 2020 Council general election.

RECOMMENDATION

That Council resolve to adopt the Election Period Policy and Procedure as set out in Attachment 2 to this report.

1. INTRODUCTION

Section 93B of the Local Government Act 1989 requires Councils to have an election period policy including

- (a) procedures intended to prevent the Council from making inappropriate decisions or using resources inappropriately during the election period before a general election;
- (b) limits on public consultation and the scheduling of Council events;
- (c) procedures to ensure that access to information held by Council is made equally available and accessible to candidates during the election.

Adoption of the revised election period policy will bring Council into line with the requirements of the Local Government Act 1989.

The draft Policy is based on the previous version adopted by Council in March 2016 and there are no major changes in policy direction.

2. DISCUSSION

In the lead up to general elections, the actions of Councillors, candidates and staff come under closer scrutiny from the public, media and regulators such as the Local Government Inspectorate.

In this context, changes proposed in the draft policy provide additional guidance and clarity for staff, candidates and Councillors to assist them to demonstrate the highest standards of integrity

and probity in the lead up to the election, and particularly when navigating the requirements of the election period, commencing on 22 September 2020.

The changes:

- More clearly state Council’s overarching policy position.
- Provide greater clarity and certainty regarding the types of decisions considered “inappropriate decisions” during the election period.
- Include additional guidance for officers regarding the range of factors to be considered before making decisions under delegation, scheduling reports for consideration by Council, or programming Council events during the election period.
- Clarify processes for public question to ensure questions do not contain electoral matter.
- Include additional guidance for Councillors regarding the appropriate use of Council resources.
- Provide additional guidance to staff, Councillors and candidates regarding access to information and assistance to candidates.

Overall, the changes are considered to enhance Council’s policy position and assist Council to demonstrate strong ethical and governance standards in the conduct of the election.

The changes are shown in tracked changes in **Attachment 1**. A clean copy of the policy updated to Council's current visual identity is included at **Attachment 2**.

3. CONSULTATION

The draft Election Period Policy 2020 has been prepared with reference to the 2016 policy, contemporary policies adopted elsewhere in the sector and commentary from the Local Government Inspectorate.

4. ENVIRONMENTAL/AMENITY ISSUES

Nil

5. FINANCIAL & ECONOMIC IMPLICATIONS

Nil

6. SOCIAL IMPLICATIONS

This policy supports Council’s commitment to being open, fair, equitable and transparent in the conduct of Council elections and will further enhance good governance practice in the lead up to the October 2020 municipal elections.

7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021

Goal 8 - We have confidence in decision making

Strategy 8.1 - Build, strengthen and promote good governance practices across government and community organisations

8. CONFLICT OF INTEREST

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Author - Co-ordinator Governance, Andrew Dowling - In providing this advice as the Author, I have no disclosable interests in this report.

Officer Responsible – Director Corporate Services, Michael Fromberg - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

9. CONCLUSION

Adopting a revised election period policy for the 2020 elections will bring Council into compliance with the Local Government Act 1989 and provide a strong governance framework for the election.

10. CONFIDENTIALITY

Not Applicable

Report Prepared By: Co-ordinator Governance, Andrew Dowling

Report Authorised By: Director Corporate Services, Michael Fromberg

Attachments

1. Election Period Policy and Procedure - Tracked Changes [**13.1.1** - 20 pages]
2. Election Period Policy and Procedure - No Tracking [**13.1.2** - 20 pages]

RESOLUTION

MOVED: Councillor Gill

SECONDED: Councillor Lockwood

That Council resolve to adopt the Election Period Policy and Procedure as set out in Attachment 2 to this report.

CARRIED

KNOX POLICY



ELECTION PERIOD POLICY & PROCEDURE

Policy Number:	2005/02	Directorate:	Corporate Development
Approval by:	Council	Responsible Officer:	Coordinator Governance
Approval Date:	<u>25 November 2019</u> 22 March 2016	Version Number:	<u>5</u>
Review Date:	Not later than 12 months before the next general election period		

1. PURPOSE

~~This Election Period Policy & Procedure (Policy) The Election Period Policy~~ has been developed to ensure that the Knox City Council municipal elections are conducted in a manner that is fair, equitable, and publicly perceived as such.

This policy further ensures that the ordinary business of Council continues throughout the election period in a responsible and transparent manner, and in accordance with statutory requirements and established 'caretaker' conventions.

2. CONTEXT

~~The Local Government Amendment (Improved Governance) Act 2015 was passed by the Parliament in October 2015. The purpose of the amendment was to enhance the governance standards of Councils and to amend the arrangements for local government elections to strengthen their integrity.~~

~~The newly proclaimed section 93B of the Local Government Act 1989 (the Act)~~

~~Having an Election Period Policy is a requirement of section 93B of the Local Government Act 1989 ('the Act') which requires Council to prepare, adopt and maintain a n election period policy which explains:~~

- the procedures intended to prevent the Council from making inappropriate decisions or using resources inappropriately during the election period before a general election;
- the limitations placed on public consultation and the scheduling of Council events during the election period before a general election; and
- the procedures intended to ensure that information held by Council is made equally available and accessible to candidates during the election period before a general election.

3. SCOPE

This policy will apply to Councillors, Council staff and candidates for the Knox City Council general elections to be held on Saturday, 24 October 2020.

NOTE: following deleted content has been moved to clause 6.12

This policy will apply to:

3.1 — Councillors

~~Councillors must comply with this policy, regardless of whether they intend to nominate or have already nominated as candidates for election.~~

3.2 — Council Staff

~~All Council staff, and in particular those staff who are candidates for an election, must comply with this policy.~~

~~Council staff who are candidates must also:~~

- ~~➤ take leave from their duties for the duration of the election period in accordance with section 29(3) of the Act (if not enough paid leave is accrued, unpaid leave will be available).~~
- ~~➤ return any Council equipment (including, but not limited to, motor vehicles, telephones and computers), documents or information which is not available to the public for the duration of the election period.~~
- ~~➤ if elected, immediately resign from their employed position at Council.~~

3.3 — Committee members

~~Council committee members who are candidates for election are expected to comply with this policy and in addition:~~

- ~~➤ return any council equipment, documents or information which is not available to the public for the duration of the election period.~~
- ~~➤ if elected, immediately resign from the committee.~~

4. REFERENCES

4.1 Community & Council Plan 2017-2021

City Plan (incorporating the Council Plan)

- Goal 8, We have confidence in decision making Democratic and Engaged Communities

4.2 Relevant Legislation

- Local Government Act 1989

4.3 Charter of Human Rights

- This policy has been assessed against and is considered to be compatible with and complies with the charter of Human Rights.

4.4 Related Council Policies

- Councillor Code of Conduct
- Staff Code of Conduct
- Incidental Community Minor Grants Program Policy
- Social Media Policy

4.5 Related Council Procedures

- Nil

5. DEFINITIONS

<u>Candidate</u>	<p>A person who has:</p> <ul style="list-style-type: none"> • <u>Within 12 months of the next election period, publicly announced an intention to run as a candidate in the election; and or</u> • <u>a person who has formally nominated as a candidate in the election with the returning officer.</u> <p><u>A candidate is a “known candidate” when a person has actual knowledge of the candidate’s identity and that they meet the above definition.</u></p>
Council	Knox City Council, whether constituted before or after the commencement of this Policy.
Election Period	<p>The period commencing on the last day on which nominations for that election can be received and ending at 6.00pm on Election Day.</p> <p>For the 2016–2020 elections, the election period will apply from 24²² September 2016²⁰²⁰ until 6:00pm on Saturday, 22–24 October 2016–2020 inclusive.</p>
Election Day	<p>In the case of an election, the day of an election determined under section 31 or 38 of the Act.</p> <p><u>For the 2020 elections, election day is Saturday, 24 October 2020.</u></p>
Electoral Matter	<p>As defined in section 3(1A) and 3(1B) of the Act and detailed below:</p> <p>Any matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the returning officer for the purposes of conducting an election.</p> <p>Without limiting the generality of the definition of electoral matter, matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on—</p> <ul style="list-style-type: none"> (a) the election; or (b) a candidate in the election; or (c) an issue submitted to, or otherwise before, the voters in connection with the election.
Inappropriate Decision	<p>As defined in Section 93B(5) of the Act and detailed below:</p> <ul style="list-style-type: none"> a) decisions that would affect voting in an election; b) decisions that could reasonably be made after the election

Major Policy Decision

As defined in Section 93A(6) of the Act and detailed below:

- a) relating to the employment or remuneration of a Chief Executive Officer under section 94, other than a decision to appoint an acting Chief Executive Officer;
- b) to terminate the appointment of a Chief Executive Officer under section 94;
- c) to enter into a contract the total value of which exceeds whichever is the greater of –
 - i. \$100,000 or such higher amount as may be fixed by Order in Council under section 186(1); or
 - ii. 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year;
- ~~d) to exercise any power under section 193 if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year.~~

<u>Returning officer</u>	<u>As defined in Section 3(1) of the Act and detailed below:</u> <u>(a) the Electoral Commissioner; or</u> <u>(b) a person appointed in writing by the Electoral Commissioner;</u>
<u>Staff, Council staff, or staff member</u>	<u>means any employee of Council whether permanent or temporary or casual, and includes contractors, and volunteers carrying out work for or on behalf of Knox City Council</u>

6. COUNCIL POLICYDuring the election period:

- Council will not make major policy decisions contrary to the Act.
- Council will not make inappropriate decisions contrary to the Act.
- Council will limit public consultation, public meetings and Council events in order to facilitate Council's day-to-day business while avoiding any express or implied links to the election.
- Council will not print, publish or distribute electoral matter contrary to the Act.

Council resources, events and activities must not be used for election campaign purposes, or in a way that might improperly influence the result of an election.

Information held by Council will be equally and transparently available and accessible to all candidates.

Assistance and advice provided to candidates will be provided equally and transparently to all candidates.

The Chief Executive Officer shall take reasonable steps to inform affected persons of this policy.

6.1 Commencement of Election Period

No later than 30 days prior to the commencement of the election period, the Chief Executive Officer will ensure:

- that all Councillors, Staff and Committee members are reminded informed of the forthcoming election period and the application of this policy.
- This policy is prominently displayed on Council's website for the benefit of the community and candidates (actual or potential).

6.2 Decision Making During the Election Period

Council, a special committee of Council or a person acting under delegated authority of Council must not make major policy decisions or inappropriate decisions during the election period for a general election.

6.2.1 Major Policy Decisions

NOTE: following deleted content has been moved to clause 6.3

~~Unless extraordinary circumstances exist, the Chief Executive Officer will ensure that matters defined as major policy decisions will be scheduled for Council's consideration prior to the commencement of the election period or deferred for consideration by the incoming Council.~~

Council acknowledges that it has an ongoing responsibility to act in the best interests of the community. Therefore, where the Council considers extraordinary circumstances do exist where a delay in decision making would result in significant detriment to the community, Council may apply in writing to the Minister for an exemption in accordance with the Act. A major policy decision made in contravention of the Act is invalid.

6.2.2 Inappropriate Decisions

NOTE: following deleted content has been moved to clause 6.3

~~The Chief Executive Officer will ensure that inappropriate decisions will be scheduled for Council's consideration prior to the commencement of the election period or deferred for consideration by the incoming Council.~~

~~The following inappropriate decisions (whether made by Council, a Special Committee or staff member exercising delegation) will be avoided completely during the election period:~~

Decisions on the following matters during the election period (whether made by Council, a Special Committee or staff member exercising delegation), are considered inappropriate decisions for the purposes of the Act and this policy:

- Allocation of community grants or other direct funding to community organisations including Incidental Community Grants those under the Minor Grants Program Policy.
- Major planning scheme amendments
- Sale or discontinuance of roads etc
- Changes to the strategic objectives and strategies in the Council Plan
- Acquisition or disposition of land
- Adoption or amendment of policies, protocols, strategies, master plans or frameworks
- Adoption of a revised budget
- Adoption or amendment of a Local Law
- Appointing representatives to Council committees
- Naming or re-naming of roads, reserves or features
- Noting the results of community consultation.

Assistance in determining whether a decision is likely to be inappropriate should be sought from the Manager Governance & ~~Innovation~~ in the first instance.

6.2.3 Officer Decisions under Delegated Authority

Before making a decision under delegated authority during the election period, officers should consider all the relevant facts and circumstances, including: ~~the following:~~

- Whether the decision is or may be perceived as inappropriate
- Whether the decision is likely to be controversial or affect voting in the election
- The urgency of the decision (can it reasonably wait until after the election?)
- Possible financial repercussions if the decision is deferred; and
- Whether the decision requires community engagement
- Any relevant statutory obligations and timeframes
- Whether delay, or failure to make a particular decision would have a negative impact on Council, the municipality or the local community
- Whether the disadvantage of avoiding making the decision exceeds the benefit of making the decision
- The best interests of Council and the community

Officers requiring assistance in determining whether a decision is likely to be inappropriate should seek advice from the Manager Governance & ~~Innovation~~ in the first instance.

6.3 Council and Committee Meetings

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

6.3.1 Approval of Reports by Chief Executive Officer

All reports to Council and Special Committee meetings will be assessed by the Chief Executive Officer, in accordance with the Act and this policy—, to ensure decisions that would be considered:

- Inappropriate decisions during the election period; and/or
- Major policy decisions

are scheduled for consideration prior to the commencement of the election period or deferred for consideration until after the election.

The Chief Executive Officer will also vet reports to avoid listing matters on an Agenda which could foreseeably influence voters' intentions at the forthcoming election.

The Chief Executive Officer's decision will take into account all the relevant facts and circumstances, including:

- The urgency of the decision (i.e. if the decision could reasonably be deferred until after the election)
- Whether the decision is likely to be controversial or affect voting in the election
- Whether the decision would require the spending of unbudgeted monies
- Whether the decision represents the completion of an activity already commenced and endorsed by the incumbent Council
- Whether the decision requires community engagement
- Whether delay, or failure to make a particular decision would have a negative impact on Council, the municipality or the local community
- Whether the disadvantage of avoiding making the decision exceeds the benefit of making the decision
- Any relevant statutory obligations and timeframes
- The best interests of the community and Council

6.3.2 Election Period Statement

~~The following statement will be included on all Council and Special Committee meeting agendas and minutes produced during the election period:~~

~~*“The recommended decisions on all reports contained in this agenda do not fall within the definition of a major policy decision or inappropriate decision as defined in Sections 93A & 93B(5) of the Local Government Act 1989 and Council's Election Period Policy”*~~

An election period statement will be included in all reports submitted to Council and Special Committee meetings during the election period. Examples of appropriate election period statements are:

- The recommended decision in this report has been determined by the Chief Executive Officer not to contravene the provisions of the Local Government Act 1989 or the Election Period Policy 2020 with respect major policy decisions or inappropriate decisions.
- The recommended decision in this report is considered to be a major policy decision in accordance with the Local Government Act 1989 and the Election Period Policy 2020 and the Minister for Local Government has granted Council an exemption to Council for the purposes of this decision.

6.3.3 Public Question Time

The Chief Executive Officer or his/her nominated representative will assess all questions received to determine whether they contain electoral matter.

Where a question is deemed to contain electoral matter the Chief Executive Officer or his/her nominated representative shall recommend to the Chairperson that he or she refuse to receive the question pursuant to Clause 62(1)(k) of the Meeting Procedure and Use of Common Seal Local Law 2018.

~~The Chief Executive Officer will assess all questions received to determine whether they contain electoral matter. Any question deemed to contain electoral matter will not be heard at the meeting.~~

If a questioner raises electoral matter during the introduction to their question, they will be requested refrain from doing so. If the questioner fails to comply with this request, they will be asked to resume their seat in the gallery and the question will not be responded to.

6.3.4 Councillor Conduct at Meetings

~~During the election period, Councillors will limit their discussion during debate to the matter under consideration and will avoid raising electoral matter.~~

~~Councillors will not raise other items that contain or relate to electoral matter during the election period at a Council Meeting.~~

Councillor-candidates remain Councillors throughout the election period and obliged to discharge their statutory decision-making role and represent the local community, notwithstanding that they may be candidates in the election.

When attending Council and Committee meetings during the election period Councillors may however, be required to:

- exercise caution so discussion and debate is limited as far as practicable to matters which are not likely to be, or be perceived as, electoral matters.
- avoid as far as practicable, raising notices of motion, urgent business or other items that which are likely to be, or be perceived as, electoral matters.

6.4 Council Resources

Councillors, Committee Members and staff ~~must will~~ ensure that due propriety is observed in the use of all Council resources at any time, and be particularly vigilant during an election period.

Examples of Council resources include:

- Laptops, computers, iPads, and related software including internet, email accounts and Council owned social media accounts.
- Mobile phones including use for calls, data, SMS messages, photos or videos;
- Councillor business cards and name badges;
- Mayoral vehicle
- Council and Committee meetings;
- Phone lines and fax machines provided by Council;
- Council photocopiers and other printing resources including paper;
- Council publications;
- Council merchandise – eg: corporate gifts;
- Council buildings, facilities and carparks – this includes hubs, childcare centres and sporting facilities;
- Council logos, branding, or obvious adaptations thereof;
- Council stationary;
- Photographs or images paid for by Council or taken by Council staff in their official or professional capacity; and
- Staff (inclusive of time, effort and knowledge).

In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, advice will be sought from the Chief Executive Officer or his/her nominated delegate.

6.4.1 Use of Council equipment and services by Councillors

~~Council resources, including (but not limited to) offices, vehicles, staff, hospitality services, photographs, name badges, stationery and equipment (including computer equipment, email addresses and Council funded mobile phones and iPads) will be used exclusively for normal Council business during the election period and will not be used in connection with any election campaign activity.~~

Council resources must be used exclusively for normal Council business and must not be used in connection with any election campaign or to influence voters.

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

Councillor-candidates should also be mindful to manage any perceived conflicts even where a direct expense isn't incurred.

Example: Campaign-related phone calls or emails received on Council devices.

Councillor-candidates cannot control how individuals choose to make contact with them on campaign-related matters, and might manage these perceived conflicts by:

- Ensuring they have, and publicise an alternative phone number and email contact for their campaign
- Where practicable, responding to calls or emails using these alternative channels.

6.4.2 Councillors' Entitlement to Reimbursement

Reimbursement of Councillors' out of pocket expenses during the election period will only apply to costs that have been incurred in the performance of normal Council duties and not for expenses that could be perceived as supporting or being connected to a candidate's election campaign.

6.4.3 Council Branding and Stationery

No Council logos, publications, letterheads, or other Knox City Council branding will be used for, or linked in any way to, a candidate's election campaign.

6.4.4 Mayoral and Councillor Support

Council staff, and in particular the Personal Assistant to the Mayor and Councillors, Governance staff and ~~Marketing and~~ Communications staff, will not undertake any tasks connected directly or indirectly with an election campaign.

6.4.5 Ward-specific publications and activities

No Ward meetings are to be held during the election period.

Ward-specific publications or Councillor profiles and articles in the media, will not be arranged or published by Council during the election period.

6.4.6 Use of Council Facilities

Council facilities cannot be booked for electoral campaigning purposes by Councillors, candidates, or other persons during the election period.

6.4.6 Correspondence

Councillor-candidates remain Councillors throughout the election period and will continue to receive and respond to correspondence for their full term of office.

To avoid perceptions that the administration is providing undue advantage to Councillor-candidates during the election period:

- Where a Councillor-candidate requests staff to prepare a response to correspondence, the Chief Executive Officer (or relevant Director or Manager as appropriate) will also sign and send the response.
- The response will acknowledge the administration is responding due to limitations imposed upon councillor-candidates during the election period.
- A copy of the response will be provided to the Councilor-candidate.
- The Councillor-candidate may separately respond to the correspondence.

6.5 Access to Council Information

Sitting Councillors, including councillor-candidates will continue to receive information that is necessary to fulfil their existing elected roles during the election period.

Information and briefing material prepared by staff for Councillors during the election period however will relate only to factual matters or to existing Council services. Information must not relate to public or election debates or to issues that may be perceived to be connected with or support a candidate's election campaign.

All election candidates are otherwise considered to have equal rights to access information relevant to their election campaigns from the Council administration, however:

- Staff will not provide a response to requests for information that expresses support, or may be perceived to express support for a candidate's election campaign.
- Staff will only provide information to a known candidate or prospective candidate that is generally available to the community.
- Requests for information which require the use of significant Council resources in order to provide a response will be referred to the Chief Executive Officer to determine whether a response can be provided.

~~. However, it is important that sitting Councillors continue to receive information that is necessary to fulfil their existing elected roles.~~

~~Neither Councillors nor candidates will receive information or advice from Council staff that may be perceived to support election campaigns.~~

There shall be complete transparency in the provision of all information and advice during the election period.

~~Information and briefing material prepared by staff for Councillors during the election period will relate only to factual matters or to existing Council services. Information~~

~~must not relate to public or election debates or to issues that may be perceived to be connected with a candidate's election campaign.~~

In any circumstances where the use of Council information might be construed as being related to a candidate's election campaign, advice should be sought from the Chief Executive Officer or his/her nominated delegate.

6.5.1 Requests for Information

~~During the election period, candidates requesting information from Council, either directly or indirectly, should direct their request to the Chief Executive Officer or the Manager Governance.~~

~~In the interests of transparency, all candidates requesting information from Council during the election period, either directly or indirectly, are expected to identify that the request is being made by or on behalf of a candidate.~~

6.5.2 Information Request Register

~~All requests for information during the election period are to be in writing and directed to the Chief Executive Officer or his/her delegate.~~

~~An Information Request Register will be maintained by the Manager Governance & Innovation during the election period.~~

~~During the election period, the Manager Governance will maintain an Information Request Register.~~

This Register will be a public document that records all requests for information by ~~Councillors and~~ candidates and ~~non-routine requests for information by Councillors, as well as~~ the response given to those requests. The Register will not include requests for information relating to the election process as these will be referred to and managed by the Returning Officer.

~~Any candidate may, upon request, inspect or obtain a copy of the Information Request Register. The Chief Executive Officer may also, at his or her discretion, periodically:~~

- ~~• Circulate a copy of the register to candidates; and or~~
- ~~• Publish the register on Council's website.~~

6.6 Equity and Assistance to Candidates

~~All candidates in an election will be treated equally by Council which means 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.~~

NOTE: following deleted content has been covered at clause 6

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

~~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.~~

The types of assistance that are available to candidates from Council will be documented and communicated to all candidates from time to time, and may include:~~in advance.~~

- Information about this and other Council policies, strategies and plans;
- Information about nominating as a candidate;
- Information about the practicalities of being a Councillor at the City of Knox.
- Information about election campaign donation returns;
- Guidance to other sources of information relevant to the role of a Councillors, including from the Victorian Electoral Commission and the Returning Officer, Local Government Victoria and local government peak bodies; or

~~All election related enquiries from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the Chief Executive Officer or his/her delegate for determination.~~

~~All election related enquiries to Council should be directed to the Chief Executive Officer or the Manager Governance. Where an enquiry is outside the responsibilities of Council, it shall be referred to the Returning Officer.~~

6.7 Functions and Events and Public Consultation During the Election Period

6.7.1 Council Organised Events and Functions

Where practicable, civic and ceremonial Council events will not be scheduled during the election period.

Civic and ceremonial events do not include routine events and programs conducted as part of Council's day-to-day functions and activities (e.g. immunisation sessions, gallery exhibitions, library programs).

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

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

The Chief Executive Office will also consider other relevant factors before approving a civic or ceremonial event, including, but not limited to:

- Whether the content of the event is likely to be controversial;
- Whether the event could reasonably be deferred until after the election;
- The implications (i.e., financial, reputation) if the event was held during the election period or deferred until after the election; or
- The best interests of the council and the community.

~~Council's annual program of events will be limited to only those essential to the operation of the Council during the election period.~~

6.7.2 Speeches at Council organised or sponsored events

~~Councillors~~Candidates must not give speeches or keynote addresses at Council organised or sponsored events during the election period.

Where it is considered appropriate for a speech to be made on behalf of Council, it will be given by the Chief Executive Officer, or the relevant Director.

- ~~Councillors may make a short welcome speech, however it should not contain any express or implied reference to the election.~~

6.7.3 External Events and Functions

Councillors are able to attend events or functions conducted by external bodies during the election period, however it is critical to determine whether a request is to attend:

- as a representative of Council; or
- as a candidate in the forthcoming election.

~~When~~ attending as a representative of the Council, Councillors must be mindful that they do not use; and are not perceived as using the ~~that~~ opportunity to promote their own, or any candidate's election campaign.

Where Councillors are invited to represent Council at an external function or event during the election period, and make a speech, Councillor-candidates may do so provided:

- The organiser is contacted in advance and briefed on the limitations imposed on Councillors during the election period
- The organiser is requested to avoid any express or implied reference to the election or candidates in the election.
- The Councillors' speech is pre-approved by the Chief Executive Officer and does not contain any express or implied reference to the election or candidates in the election

6.7.4 Publication of Promotion Material

In preparing any publicity material for Council events, the organiser will be mindful of the controls on electoral material as outlined in clause 6.9 of this policy.

Invitations to functions and events will be issued by the Chief Executive Officer and not in the name of the Mayor or individual councillors.

6.8 Public Consultation

No public consultation processes should be undertaken during the election period, unless they are approved in writing by the Chief Executive Officer.

~~It is prohibited under this policy for public consultation to occur during the election period (either new consultation or existing) on an issue which is contentious, unless prior approval is given by the Chief Executive Officer.~~

For the purposes of this section, a public consultation process means a

- Is a process which involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy;
- May be undertaken in many forms, including a direct mailout (either electronic or physical), public advertisement in the local newspaper, attendance at focus groups, completion of a survey or discussion via social media.
- Does not include consultation required under the Planning and Environment Act 1987, or section 223 of the Act.

Before approving a public consultation process to proceed during the election period, the Chief Executive Officer will consider:

- Whether the consultation process is likely to be controversial;
- Whether the consultation process is significant in the context of the election;
- Whether the consultation process could wait until after the election;
- The implications (i.e., financial, reputation) if the consultation was undertaken during the election period or deferred until after the election; and
- The best interests of council and the community.

6.9 Council Publications

The Act imposes limitations on Council publications during the election period to ensure Council does not publish material containing electoral matter that may influence, or be seen to influence, people's voting decisions. Section 55D of the Act states:

"A council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed any advertisement, handbill, pamphlet or notice during the election period unless the advertisement, handbill, pamphlet or notice has been certified, in writing, by the Chief Executive Officer"

The above prohibition does not apply to:

- a) documents that were published prior to the commencement of the election period; or
- b) electoral material produced by, or on behalf of, the Returning Officer for the purposes of conducting the election.

Publications which require certification may include:

- Brochures, pamphlets, handbills, flyers, magazines and books
- Reports (other than those included in an Agenda for a Council or Special Committee meeting)
- Advertisements and notices, except notices of meetings in newspapers
- New website material
- New social media publications
- Emails with multiple addresses, used for broad communication with the community
- Mass mail outs or identical letters sent to a large number of people by or on behalf of Council
- Media releases
- Material to publicise a function or event
- Any publication or distribution of councillors' speeches.

~~It should be noted that the controls do not apply to electoral material produced by, or on behalf of, the Returning Officer for the purposes of conducting the election or to simply announce the holding of a meeting.~~

6.9.1 Certification of Council Publications by the Chief Executive Officer

The Chief Executive Officer's certification must be in writing and cannot be delegated to another person.

All relevant publications must be certified using Form 1 (attached) and the process for the certification will be as follows:

- (i) Publication authors are to check that no election material is included when preparing a publication and submit the completed publication to the Manager Governance ~~& Innovation~~ for review
- (ii) The Manager Governance ~~& Innovation~~ is to confirm that no election material is included, and return the publication to the author (if election material is present) or submit it to the Chief Executive Officer for authorisation (if it complies with the requirements of the Act).
- (iii) The Chief Executive Officer is to authorise or reject the publication and return it to the Manager Governance ~~& Innovation~~.
- (iv) The Manager Governance ~~& Innovation~~ will advise the publication author if the publication has been certified by the Chief Executive Officer.
- (v) If certified, the publication can be distributed by the relevant department.
- (vi) The Manager Governance ~~& Innovation~~ is to maintain a register of all documents authorised under this section.

6.9.2 Annual Report

The ~~2019-20 2015-16~~ Annual Report will be affected by the legislative restrictions on publications as the publication date of the report falls within the election period. Therefore information relating to Councillors will be restricted to what is required by the Local Government (Planning and Reporting) Regulations 2014. This includes the name and photographs of each Councillor as well as their membership of special committees and other bodies to which they have been appointed by the Council. During an election year, the Annual Report will not contain a foreword from the Mayor.

6.10 Media and Media Services

Council media and media services are intended to promote Council activities and services and must not be used in any way that might favour any election candidate or influence the outcome of a Council election.

During the election period Council staff are not permitted to make any public statement that could be construed as influencing the elections. This does not include statements of clarification in relation to the election process that have been approved by the Chief Executive Officer.

6.10.1 Media Advice

Any requests for media advice or assistance from Councillors during the Election Period will be channelled through the Chief Executive Officer. No media advice or assistance will be provided in relation to election campaign matters. In particular, the use of any Council publications that feature specific Councillors and/or individual achievements will be avoided for the duration of the election period.

6.10.2 Media Releases and Responses

All media releases and/or responses during the election period must not contain reference to, or quotes by, any candidate including existing Councillors who are deemed to be candidates, and should avoid referring to electoral matters.

All official media releases, responses or statements on behalf of Council will be issued in the name of the Chief Executive Officer during the election period.

6.10.3 Publicity Campaigns

During the election period, Council publicity campaigns, other than for the purpose of conducting the election, will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council service or function, it must be approved by the Chief Executive Officer. Council publicity during the election period will be restricted to promoting normal Council activities.

6.10.4 Website and Social Media

During the election period, information about Councillors on Council's website, will be restricted to names, contact details, titles, membership to committees and other bodies to which they have been appointed by Council.

Council staff will carefully vet existing publications and online information prior to the commencement of the election period and, where practicable and appropriate (having particular regard the resources required) will temporarily withdraw any material that might otherwise constitute electoral matter or reasonably influence or be seen to influence, people's voting decisions the election.

~~For the duration of the election period, social media utilised by Council, including but not limited to facebook, Twitter and YouTube, will be closely monitored and any electoral matter posted by members of the community will be promptly removed.~~

In order to comply with Section 55D of the Act, during the election period Council will:

- a) disable all external posts and comments to Council's social media sites; or
- b) moderate and certify that external posts and comments are free from electoral matter before they are published.

A statement outlining the election period provisions will be published on Council's websites and social media accounts prior to the election period commencing.

6.11 Misuse of Position

Section 76D of the Act prohibits current or former Councillors or members of special committees from using their position to gain access to information or resources that would otherwise not be available.

The Act specifies the following circumstances as a misuse of position:

- making improper use of information acquired as a result of the position he or she held or holds
- disclosing information that is confidential information within the meaning of section 77(2) of the Act
- directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff in contravention of section 76E
- exercising or performing, or purporting to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform
- using public funds or resources in a manner that is improper or unauthorised
- failing to disclose a conflict of interest.

6.12 Candidacy in the election

6.12.1 Council Staff

Upon becoming a candidate in a Knox City Council election, staff must:

- Inform the Chief Executive Officer;
- Take leave from their duties at least for the duration of the election period in accordance with section 29(3) of the Act (if sufficient paid leave is not accrued, unpaid leave will be available);
- Return any Council equipment (including, but not limited to, motor vehicles, telephones and computers), documents or information that is not available to the public at least for the duration of the election period; and
- If elected, immediately resign from their employed position at Council, in accordance with section 29(3) of the Act.

6.12.2 Members of Council Advisory or other Committees

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

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

6.126.13 Breach of Policy

Any breach of this policy relating to staff conduct is to be referred to the Chief Executive Officer and may be dealt with in accordance with Council Disciplinary Policy and Procedures.

Alleged breaches relating to all other matters are to be referred to the Local Government Investigations and Compliance Inspectorate.

7. ADMINISTRATIVE UPDATES

From time to time, circumstances may change leading to the need for minor administrative changes to this policy. Where an update does not materially alter this policy, such a change may be made administratively. Examples of minor administrative changes include changes to names of Council departments or positions, change to names of Federal or State Government departments or a minor amendment to legislation that does not have material impact. Where any change or update may materially change the intent of this policy, it must be considered by Council.



Form 1 - Request for certification of publication during the election period

1 Author to complete

Document description (attach document)	<input type="text"/>
Intended distribution channel	<input type="text"/>
I declare that I have reviewed the material contained in the attached document and to the best of my knowledge, it does not contain any electoral matter.	
Name and Title	<input type="text"/>
Signature	<input type="text"/>
Date	<input type="text"/>

2 Manager Governance & Innovation (or nominee) to complete

I declare that I have reviewed the material contained in the attached document and to the best of my knowledge, it does not contain any electoral matter.	
Name and Title	<input type="text"/>
Signature	<input type="text"/>
Date	<input type="text"/>

3 Chief Executive to complete

In accordance with section 55D(1) of the Local Government Act 1989, I certify that the attached advertisement, handbill, pamphlet or notice may be printed, published or distributed during the election period on behalf of Knox City Council.	
Signature	<input type="text"/>
Date	<input type="text"/>



Election Period

Policy Number:	2005/02	Directorate:	Corporate Services
Approval by:	Council	Responsible Officer:	Coordinator Governance
Approval Date:	25 November 2019	Version Number:	5
Review Date:	Not later than 12 months before the next general election period		

1 Purpose

This Election Period Policy & Procedure (Policy) The Election Period Policy has been developed to ensure that the Knox City Council municipal elections are conducted in a manner that is fair, equitable, and publicly perceived as such.

This policy further ensures that the ordinary business of Council continues throughout the election period in a responsible and transparent manner, and in accordance with statutory requirements and established 'caretaker' conventions.

2 Context

Having an Election Period Policy is a requirement of section 93B of the Local Government Act 1989 ('the Act') which requires Council to prepare, adopt and maintain an election period policy which explains:

- the procedures intended to prevent the Council from making inappropriate decisions or using resources inappropriately during the election period before a general election;
- the limitations placed on public consultation and the scheduling of Council events during the election period before a general election; and
- the procedures intended to ensure that information held by Council is made equally available and accessible to candidates during the election period before a general election.

3 Scope

This policy will apply to Councillors, Council staff and candidates for the Knox City Council general elections to be held on Saturday, 24 October 2020.



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5 References

4.1 Community & Council Plan 2017-2021

- Goal 8, We have confidence in decision making

4.2 Relevant Legislation

- Local Government Act 1989

4.3 Charter of Human Rights

- This policy has been assessed against and complies with the charter of Human Rights.

4.4 Related Council Policies

- Councillor Code of Conduct
- Staff Code of Conduct
- Minor Grants Program Policy
- Social Media Policy

4.5 Related Council Procedures

- Nil

6 Definitions

Detail any definitions within the policy.

Candidate	<p>A person who has:</p> <ul style="list-style-type: none"> • Within 12 months of the election, publicly expressed an intention to run as a candidate in the election; and or • a person who has formally nominated as a candidate in the election with the returning officer. <p>A candidate is a “known candidate” when a person has actual knowledge of the candidate’s identity and that they meet the above definition.</p>
Council	Knox City Council, whether constituted before or after the commencement of this Policy.
Election Day	<p>In the case of an election, the day of an election determined under section 31 or 38 of the Act.</p> <p>For the 2020 elections, election day is Saturday, 24 October 2020.</p>



Electoral Matter	<p>As defined in section 3(1A) and 3(1B) of the Act and detailed below:</p> <p>Any matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the returning officer for the purposes of conducting an election.</p> <p>Without limiting the generality of the definition of electoral matter, matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on—</p> <ul style="list-style-type: none"> (a) the election; or (b) a candidate in the election; or (c) an issue submitted to, or otherwise before, the voters in connection with the election.
Election Period	<p>The period commencing on the last day on which nominations for that election can be received and ending at 6.00pm on Election Day.</p> <p>For the 2020 elections, the election period will apply from 22 September 2020 until 6:00pm on Saturday, 24 October 2020 inclusive.</p>
Inappropriate Decision	<p>As defined in Section 93B(5) of the Act and detailed below:</p> <ul style="list-style-type: none"> a) decisions that would affect voting in an election; b) decisions that could reasonably be made after the election
Major Policy Decision	<p>As defined in Section 93A(6) of the Act and detailed below:</p> <ul style="list-style-type: none"> a) relating to the employment or remuneration of a Chief Executive Officer under section 94, other than a decision to appoint an acting Chief Executive Officer; b) to terminate the appointment of a Chief Executive Officer under section 94; c) to enter into a contract the total value of which exceeds whichever is the greater of – <ul style="list-style-type: none"> i. \$100,000 or such higher amount as may be fixed by Order in Council under section 186(1); or ii. 1% of the Council’s revenue from rates and charges levied under section 158 in the preceding financial year; <p>to exercise any power under section 193 if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of \$100,000 or 1% of the Council’s revenue from rates and charges levied under section 158 in the preceding financial year.</p>
Returning officer	<p>As defined in Section 3(1) of the Act and detailed below:</p> <ul style="list-style-type: none"> (a) the Electoral Commissioner; or (b) a person appointed in writing by the Electoral Commissioner;
Staff, Council staff, or staff member	<p>means any employee of Council whether permanent or temporary or casual, and includes contractors, and volunteers carrying out work for or on behalf of Knox City Council</p>



7 Council Policy

1. During the election period:
 - Council will not make major policy decisions contrary to the Act.
 - Council will not make inappropriate decisions contrary to the Act.
 - Council will limit public consultation, public meetings and Council events in order to facilitate Council's day-to-day business while avoiding any express or implied links to the election.
 - Council will not print, publish or distribute electoral matter contrary to the Act.
2. Council resources, events and activities must not be used for election campaign purposes, or in a way that might improperly influence the result of an election.
3. Information held by Council will be equally and transparently available and accessible to all candidates.
4. Assistance and advice provided to candidates will be provided equally and transparently to all candidates.
5. The Chief Executive Officer shall take reasonable steps to inform affected persons of this policy.

7.1 Commencement of Election Period

No later than 30 days prior to the commencement of the election period, the Chief Executive Officer will ensure:

- all Councillors, Staff and Committee members are reminded of the forthcoming election period and the application of this policy.
- This policy is prominently displayed on Council's website for the benefit of the community and candidates (actual or potential).

7.2 Decision Making During the Election Period

Council, a special committee of Council or a person acting under delegated authority of Council must not make major policy decisions or inappropriate decisions during the election period for a general election.

7.2.1 Major Policy Decisions

Council acknowledges that it has an ongoing responsibility to act in the best interests of the community. Therefore, where the Council considers extraordinary circumstances do exist where a delay in decision making would result in significant detriment to the community, Council may apply in writing to the Minister for an exemption in accordance with the Act. A major policy decision made in contravention of the Act is invalid.

7.2.2 Inappropriate Decisions

Decisions on the following matters during the election period (whether made by Council, a Special Committee or staff member exercising delegation), are considered inappropriate decisions for the purposes of the Act and this policy:

- Allocation of community grants or other direct funding to community organisations including those under the Minor Grants Program Policy.
- Major planning scheme amendments
- Sale or discontinuance of roads etc



- Changes to the strategic objectives and strategies in the Council Plan
- Acquisition or disposition of land
- Adoption or amendment of policies, protocols, strategies, master plans or frameworks
- Adoption of a revised budget
- Adoption or amendment of a Local Law
- Appointing representatives to Council committees
- Naming or re-naming of roads, reserves or features
- Noting the results of community consultation.

Assistance in determining whether a decision is likely to be inappropriate should be sought from the Manager Governance in the first instance.

7.2.3 Officer Decisions under Delegated Authority

Before making a decision under delegated authority during the election period, officers should consider all the relevant facts and circumstances, including:

- Whether the decision is, or may be perceived as inappropriate
- Whether the decision is likely to be controversial or affect voting in the election
- The urgency of the decision (can it reasonably wait until after the election?)
- Possible financial repercussions if the decision is deferred; and
- Whether the decision requires community engagement
- Any relevant statutory obligations and timeframes
- Whether delay, or failure to make a particular decision would have a negative impact on Council, the municipality or the local community
- Whether the disadvantage of avoiding making the decision exceeds the benefit of making the decision
- The best interests of Council and the community

Officers requiring assistance in determining whether a decision is likely to be inappropriate should seek advice from the Manager Governance in the first instance.



7.3 Council and Committee Meetings

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

7.3.1 Approval of Reports by Chief Executive Officer

All reports to Council and Special Committee meetings will be assessed by the Chief Executive Officer, in accordance with the Act and this policy, to ensure decisions that would be considered:

- Inappropriate decisions during the election period; and/or
- Major policy decisions

are scheduled for consideration prior to the commencement of the election period or deferred for consideration until after the election.

The Chief Executive Officer will also vet reports to avoid listing matters on an Agenda which could foreseeably influence voters' intentions at the forthcoming election.

The Chief Executive Officer's decision will take into account all the relevant facts and circumstances, including:

- The urgency of the decision (i.e. if the decision could reasonably be deferred until after the election)
- Whether the decision is likely to be controversial or affect voting in the election
- Whether the decision would require the spending of unbudgeted monies
- Whether the decision represents the completion of an activity already commenced and endorsed by the incumbent Council
- Whether the decision requires community engagement
- Whether delay, or failure to make a particular decision would have a negative impact on Council, the municipality or the local community
- Whether the disadvantage of avoiding making the decision exceeds the benefit of making the decision
- Any relevant statutory obligations and timeframes
- The best interests of the community and Council



7.3.2 Election Period Statement

An election period statement will be included in all reports submitted to Council and Special Committee meetings during the election period. Examples of appropriate election period statements are:

- The recommended decision in this report has been determined by the Chief Executive Officer not to contravene the provisions of the Local Government Act 1989 or the Election Period Policy 2020 with respect major policy decisions or inappropriate decisions.
- The recommended decision in this report is considered to be a major policy decision in accordance with the Local Government Act 1989 and the Election Period Policy 2020 and the Minister for Local Government has granted Council an exemption to Council for the purposes of this decision.

7.3.3 Public Question Time

The Chief Executive Officer or his/her nominated representative will assess all questions received to determine whether they contain electoral matter.

Where a question is deemed to contain electoral matter the Chief Executive Officer or his/her nominated representative shall recommend to the Chairperson that he or she refuse to receive the question pursuant to Clause 62(1)(k) of the Meeting Procedure and Use of Common Seal Local Law 2018.

If a questioner raises electoral matter during the introduction to their question, they will be requested refrain from doing so. If the questioner fails to comply with this request, they will be asked to resume their seat in the gallery and the question will not be responded to.

7.3.4 Councillor Conduct at Meetings

Councillor-candidates remain Councillors throughout the election period and obliged to discharge their statutory decision-making role and represent the local community, notwithstanding that they may be candidates in the election.

When attending Council and Committee meetings during the election period Councillors may however, be required to:

- exercise caution so discussion and debate is limited as far as practicable to matters which are not likely to be, or be perceived as, electoral matters.
- avoid as far as practicable, raising notices of motion, urgent business or other items that which are likely to be, or be perceived as, electoral matters.

7.4 Council Resources

Councillors, Committee Members and staff must ensure that due propriety is observed in the use of all Council resources at any time, and be particularly vigilant during an election period.

Examples of Council resources include:

- Laptops, computers, iPads, and related software including internet, email accounts and Council owned social media accounts.
- Mobile phones including use for calls, data, SMS messages, photos or videos;



- Councillor business cards and name badges;
- Mayoral vehicle
- Council and Committee meetings;
- Phone lines and fax machines provided by Council;
- Council photocopiers and other printing resources including paper;
- Council publications;
- Council merchandise – eg: corporate gifts;
- Council buildings, facilities and carparks – this includes hubs, childcare centres and sporting facilities;
- Council logos, branding, or obvious adaptations thereof;
- Council stationary;
- Photographs or images paid for by Council or taken by Council staff in their official or professional capacity; and
- Staff (inclusive of time, effort and knowledge).

In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, advice will be sought from the Chief Executive Officer or his/her nominated delegate.

7.4.1 Use of Council equipment and services by Councillors

Council resources must be used exclusively for normal Council business and must not be used in connection with any election campaign or to influence voters.

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

Councillor-candidates should also be mindful to manage any perceived conflicts even where a direct expense isn't incurred.

Example: Campaign-related phone calls or emails received on Council devices.

Councillor-candidates cannot control how individuals choose to make contact with them on campaign-related matters, and might manage these perceived conflicts by:

- *Ensuring they have, and publicise an alternative phone number and email contact for their campaign*
- *Where practicable, responding to calls or emails using these alternative channels.*

7.4.2 Councillors' Entitlement to Reimbursement

Reimbursement of Councillors' out of pocket expenses during the election period will only apply to costs that have been incurred in the performance of normal Council duties and not for expenses that could be perceived as supporting or being connected to a candidate's election campaign.



7.4.3 Council Branding and Stationery

No Council logos, publications, letterheads, or other Knox City Council branding will be used for, or linked in any way to, a candidate's election campaign.

7.4.4 Mayoral and Councillor Support

Council staff, and in particular the Personal Assistant to the Mayor and Councillors, Governance staff and Communications staff, will not undertake any tasks connected directly or indirectly with an election campaign.

7.4.5 Ward-specific publications and activities

No Ward meetings are to be held during the election period.

Ward-specific publications or Councillor profiles and articles in the media, will not be arranged or published by Council during the election period.

7.4.6 Use of Council Facilities

Council facilities cannot be booked for electoral campaigning purposes by Councillors, candidates, or other persons during the election period.

7.4.7 Correspondence

Councillor-candidates remain Councillors throughout the election period and will continue to receive and respond to correspondence for their full term of office.

To avoid perceptions that the administration is providing undue advantage to Councillor-candidates during the election period:

- Where a Councillor-candidate requests staff to prepare a response to correspondence, the Chief Executive Officer (or relevant Director or Manager as appropriate) will also sign and send the response.
- The response will acknowledge the administration is responding due to limitations imposed upon councillor-candidates during the election period.
- A copy of the response will be provided to the Councillor-candidate.
- The Councillor-candidate may separately respond to the correspondence.

7.5 Access to Council Information

Sitting Councillors, including councillor-candidates will continue to receive information that is necessary to fulfil their existing elected roles during the election period.

Information and briefing material prepared by staff for Councillors during the election period however will relate only to factual matters or to existing Council services. Information must not relate to public or election debates or to issues that may be perceived to be connected with or support a candidate's election campaign.

All election candidates are otherwise considered to have equal rights to access information relevant to their election campaigns from the Council administration, however:

- Staff will not provide responses to requests for information that express support, or may be perceived to express support for a candidate's election campaign.



- Staff will only provide information to a known candidate or prospective candidate that is generally available to the community.
- Requests for information which require the use of significant Council resources in order to provide a response will be referred to the Chief Executive Officer to determine whether a response can be provided.

There shall be complete transparency in the provision of all information and advice during the election period.

In any circumstances where the use of Council information might be construed as being related to a candidate's election campaign, advice should be sought from the Chief Executive Officer or his/her nominated delegate.

7.5.1 Requests for Information

During the election period, candidates requesting information from Council, either directly or indirectly, should direct their request to the Chief Executive Officer or the Manager Governance.

In the interests of transparency, all candidates requesting information from Council during the election period, either directly or indirectly, are expected to identify that the request is being made by or on behalf of a candidate.

7.5.2 Information Request Register

During the election period, the Manager Governance will maintain an Information Request Register.

This Register will be a public document that records all requests for information by candidates and non-routine requests for information by Councillors, as well as the response given to those requests. The Register will not include requests for information relating to the election process as these will be referred to and managed by the Returning Officer.

Any candidate may, upon request, inspect or obtain a copy of the Information Request Register. The Chief Executive Officer may also, at his or her discretion, periodically:

- Circulate a copy of the register to candidates; and or
- Publish the register on Council's website.

7.6 Equity and Assistance to Candidates

All candidates in an election will be treated equally by Council which means 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.

The types of assistance that are available to candidates from Council will be documented and communicated to all candidates from time to time, and may include:

- Information about this and other Council policies, strategies and plans;
- Information about nominating as a candidate;
- Information about the practicalities of being a Councillor at the City of Knox.
- Information about election campaign donation returns;
- Guidance to other sources of information relevant to the role of a Councillors, including from the Victorian Electoral Commission and the Returning Officer, Local Government Victoria and local government peak bodies; or



All election related enquiries to Council should be directed to the Chief Executive Officer or the Manager Governance. Where an enquiry is outside the responsibilities of Council, it shall be referred to the Returning Officer.

7.7 Functions Events and Public Consultation

7.7.1 Council Organised Events and Functions

Where practicable, civic and ceremonial Council events will not be scheduled during the election period.

Civic and ceremonial events do not include routine events and programs conducted as part of Council's day-to-day functions and activities (e.g. immunisation sessions, gallery exhibitions, library programs).

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

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

The Chief Executive Office will also consider other relevant factors before approving a civic or ceremonial event, including, but not limited to:

- Whether the content of the event is likely to be controversial;
- Whether the event could reasonably be deferred until after the election;
- The implications (i.e., financial, reputation) if the event was held during the election period or deferred until after the election; or
- The best interests of the council and the community.

7.7.2 Speeches at Council organised or sponsored events

Candidates must not give speeches or keynote addresses at Council organised or sponsored events during the election period.

Where it is considered appropriate for a speech to be made on behalf of Council, it will be given by the Chief Executive Officer, or the relevant Director.

7.7.3 External Events and Functions

Councillors are able to attend events or functions conducted by external bodies during the election period, however it is critical to determine whether a request is to attend:

- as a representative of Council; or
- as a candidate in the forthcoming election.

When attending as a representative of the Council, Councillors must be mindful that they do not use; and are not perceived as using the opportunity to promote their own, or any candidate's election campaign.



Where Councillors are invited to represent Council at an external function or event during the election period, and make a speech, Councillor-candidates may do so provided:

- The organiser is contacted in advance and provided information on the limitations imposed on Councillors during the election period .
- The organiser is requested to avoid any express or implied reference to the election or candidates in the election.
- The Councillors' speech is pre-approved by the Chief Executive Officer and does not contain any express or implied reference to the election or candidates in the election.

7.7.4 Publication of Promotion Material

In preparing any publicity material for Council events, the organiser will be mindful of the controls on electoral material as outlined in clause 6.9 of this policy.

Invitations to functions and events will be issued by the Chief Executive Officer and not in the name of the Mayor or individual councillors.

7.8 Public Consultation

No public consultation processes should be undertaken during the election period, unless they are approved in writing by the Chief Executive Officer.

For the purposes of this section, a public consultation process

- Is a process which involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy;
- May be undertaken in many forms, including a direct mailout (either electronic or physical), public advertisement in the local newspaper, attendance at focus groups, completion of a survey or discussion via social media.
- Does not include consultation required under the Planning and Environment Act 1987, or section 223 of the Act.

Before approving a public consultation process to proceed during the election period, the Chief Executive Officer will consider:

- Whether the consultation process is likely to be controversial;
- Whether the consultation process is significant in the context of the election;
- Whether the consultation process could wait until after the election;
- The implications (i.e., financial, reputation) if the consultation was undertaken during the election period or deferred until after the election; and
- The best interests of council and the community.

7.9 Council Publications

The Act imposes limitations on Council publications during the election period to ensure Council does not publish material containing electoral matter that may influence, or be seen to influence, people's voting decisions. Section 55D of the Act states:



“A council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed any advertisement, handbill, pamphlet or notice during the election period unless the advertisement, handbill, pamphlet or notice has been certified, in writing, by the Chief Executive Officer”

The above prohibition does not apply to:

- a) documents that were published prior to the commencement of the election period; or
- b) electoral material produced by, or on behalf of, the Returning Officer for the purposes of conducting the election.

Publications which require certification may include:

- Brochures, pamphlets, handbills, flyers, magazines and books
- Reports (other than those included in an Agenda for a Council or Special Committee meeting)
- Advertisements and notices, except notices of meetings in newspapers
- New website material
- New social media publications
- Emails with multiple addresses, used for broad communication with the community
- Mass mail outs or identical letters sent to a large number of people by or on behalf of Council
- Media releases
- Material to publicise a function or event
- Any publication or distribution of councillors' speeches.

7.9.1 Certification of Council Publications by the Chief Executive Officer

The Chief Executive Officer's certification must be in writing and cannot be delegated to another person.

All relevant publications must be certified using Form 1 (attached) and the process for the certification will be as follows:

- (i) Publication authors are to check that no election material is included when preparing a publication and submit the completed publication to the Manager Governance for review
- (ii) The Manager Governance is to confirm that no election material is included, and return the publication to the author (if election material is present) or submit it to the Chief Executive Officer for authorisation (if it complies with the requirements of the Act).
- (iii) The Chief Executive Officer is to authorise or reject the publication and return it to the Manager Governance.
- (iv) The Manager Governance will advise the publication author if the publication has been certified by the Chief Executive Officer.
- (v) If certified, the publication can be distributed by the relevant department.
- (vi) The Manager Governance is to maintain a register of all documents authorised under this section.

7.9.2 Annual Report

The 2019-20 Annual Report will be affected by the legislative restrictions on publications as the publication date of the report falls within the election period. Therefore information relating to



Councillors will be restricted to what is required by the Local Government (Planning and Reporting) Regulations 2014. This includes the name and photographs of each Councillor as well as their membership of special committees and other bodies to which they have been appointed by the Council. During an election year, the Annual Report will not contain a foreword from the Mayor.

7.10 Media and Media Services

Council media and media services are intended to promote Council activities and services and must not be used in any way that might favour any election candidate or influence the outcome of a Council election.

During the election period Council staff are not permitted to make any public statement that could be construed as influencing the elections. This does not include statements of clarification in relation to the election process that have been approved by the Chief Executive Officer.



7.10.1 Media Advice

Any requests for media advice or assistance from Councillors during the Election Period will be channelled through the Chief Executive Officer. No media advice or assistance will be provided in relation to election campaign matters. In particular, the use of any Council publications that feature specific Councillors and/or individual achievements will be avoided for the duration of the election period.

7.10.2 Media Releases and Responses

All media releases and/or responses during the election period must not contain reference to, or quotes by, any candidate including existing Councillors who are deemed to be candidates, and should avoid referring to electoral matters.

All official media releases, responses or statements on behalf of Council will be issued in the name of the Chief Executive Officer during the election period.

7.10.3 Publicity Campaigns

During the election period, Council publicity campaigns, other than for the purpose of conducting the election, will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council service or function, it must be approved by the Chief Executive Officer. Council publicity during the election period will be restricted to promoting normal Council activities.

7.10.4 Website and Social Media

During the election period, information about Councillors on Council's website, will be restricted to names, contact details, titles, membership to committees and other bodies to which they have been appointed by Council.

Council staff will carefully vet existing publications and online information prior to the commencement of the election period and, where practicable and appropriate (having particular regard the resources required) will temporarily withdraw any material that might otherwise constitute electoral matter or reasonably influence or be seen to influence, people's voting decisions the election. In order to comply with Section 55D of the Act, during the election period Council will:

- a) disable all external posts and comments to Council's social media sites; or
- b) moderate and certify that external posts and comments are free from electoral matter before they are published.

A statement outlining the election period provisions will be published on Council's websites and social media accounts prior to the election period commencing.



7.11 Misuse of Position

Section 76D of the Act prohibits current or former Councillors or members of special committees from using their position to gain access to information or resources that would otherwise not be available.

The Act specifies the following circumstances as a misuse of position:

- making improper use of information acquired as a result of the position he or she held or holds
- disclosing information that is confidential information within the meaning of section 77(2) of the Act
- directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff in contravention of section 76E
- exercising or performing, or purporting to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform
- using public funds or resources in a manner that is improper or unauthorised
- failing to disclose a conflict of interest.

7.12 Candidacy in the election

7.12.1 Council Staff

Upon becoming a candidate in a Knox City Council election, staff must:

- Inform the Chief Executive Officer;
- Take leave from their duties at least for the duration of the election period in accordance with section 29(3) of the Act (if sufficient paid leave is not accrued, unpaid leave will be available);
- Return any Council equipment (including, but not limited to, motor vehicles, telephones and computers), documents or information that is not available to the public at least for the duration of the election period; and
- If elected, immediately resign from their employed position at Council, in accordance with section 29(3) of the Act.

7.12.2 Members of Council Advisory or other Committees

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

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



7.13 Breach of Policy

Any breach of this policy relating to staff conduct is to be referred to the Chief Executive Officer and may be dealt with in accordance with Council Disciplinary Policy and Procedures.

Alleged breaches relating to all other matters are to be referred to the Local Government Investigations and Compliance Inspectorate.

8 Administrative Updates

From time to time, circumstances may change leading to the need for minor administrative changes to this policy. Where an update does not materially alter this policy, such a change may be made administratively. Examples of minor administrative changes include changes to names of Council departments or positions, change to names of Federal or State Government departments or a minor amendment to legislation that does not have material impact. Where any change or update may materially change the intent of this policy, it must be considered by Council.



1 Form 1 - Request for certification of publication during the election period

1 Author to complete

Document description (attach document)	<input type="text"/>
Intended distribution channel	<input type="text"/>
I declare that I have reviewed the material contained in the attached document and to the best of my knowledge, it does not contain any electoral matter.	
Name and Title	<input type="text"/>
Signature	<input type="text"/>
Date	<input type="text"/>

2 Manager Governance & Innovation (or nominee) to complete

I declare that I have reviewed the material contained in the attached document and to the best of my knowledge, it does not contain any electoral matter.	
Name and Title	<input type="text"/>
Signature	<input type="text"/>
Date	<input type="text"/>

3 Chief Executive to complete

In accordance with section 55D(1) of the Local Government Act 1989, I certify that the attached advertisement, handbill, pamphlet or notice may be printed, published or distributed during the election period on behalf of Knox City Council.	
Signature	<input type="text"/>
Date	<input type="text"/>

13.2 Isbester v Knox City Council (Confidential)

This item was considered under section 16 – Confidential Items and the item resolved in camera

14 Urgent Business

14.1 Urgent Business

Nil.

14.2 Call Up Items

14.2.1 Thank You Function for Firefighters

RESOLUTION

MOVED: Councillor Keogh

SECONDED: Councillor Gill

That Council receive a report at the Ordinary Council meeting of January 28 2020 into the options available for hosting a 'Thank You' function at the Knox Civic Centre for all Knox Country Fire Authority and Knox Metropolitan Fire Brigade members and volunteers who have fought bushfires for the Knox community in recent months, both within Victoria and throughout the country.

CARRIED

14.2.2 Knox Waste Transfer Station Fires

RESOLUTION

MOVED: Councillor Gill

SECONDED: Councillor Keogh

That Council request:

1. The following information be presented at a Confidential Issues Briefing early in 2020:

- **the detailed history of fires at the Knox Waste Transfer Station;**
- **what on site measures are in place to manage the risk of fires occurring at the Knox Waste Transfer Station;**
- **reports received on previous fires at the Knox Waste Transfer Station from authorities such as the CFA and EPA; and**
- **the relevant contractual lease conditions that apply in the operation of the Knox Waste Transfer Station.**

2. That a report be subsequently presented to Council at a future Council meeting.

CARRIED

15 Questions Without Notice

Nil.

16 Confidential Items

PROCEDURAL MOTION

CLOSURE OF MEETING

MOVED: Councillor Mortimore

SECONDED: Councillor Timmers-Leitch

That Council resolve to close the meeting in accordance with Section 89(2)(d)(f) and (h) of the Local Government Act 1989 in order to consider:

Item 16.1 Carrington Park Leisure Centre Management because it relates to contractual matters.

Item 13.2 Isbester v Knox City Council because its relates to legal advice.

And premature disclosure of these matters may be prejudicial to Council or other persons

CARRIED

THE MEETING WAS CLOSED TO THE PUBLIC AT 8:16 pm

Item 16.1 Carrington Park Leisure Centre Management and Item 13.2 Isbester v Knox City Council were resolved in camera

Councillor Gill left the meeting at 8:21 pm during discussion on Item 13.2 under the Confidential Items.

MOVED: Councillor Holland

SECONDED: Councillor Mortimore

That the meeting reopen to the public

CARRIED

THE MEETING WAS REOPENED TO THE PUBLIC AT 8:22 pm

MEETING CLOSED AT 8:23 pm

Minutes of Meeting confirmed at the
Ordinary Meeting of Council
held on Monday, 17 December 2019

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Chairperson