

# ORDINARY COUNCIL MINUTES

(Open to the public)

**Monday 6 February 2012**

Council Chamber, 8 Inglesby Road, Camberwell.

**Commencement** 6.32pm

**Attendance** Councillor Heinz Kreutz (Mayor)  
Councillor Kevin Chow  
Councillor Phillip Healey  
Councillor Philip Meggs  
Councillor Dick Menting  
Councillor Brad Miles  
Councillor Coral Ross  
Councillor Nicholas Tragas  
Councillor Jack Wegman

**Apologies** Councillor David Bloom

**Officers** Phillip Storer - Chief Executive Officer  
David Powell - Director Environment and Infrastructure  
Bruce Dobson - Director Corporate Services  
Johann Rajaratnam - Acting Director Strategic Development  
Kylie Mussared - Acting Director Community Development  
David Thompson - Acting Director City Development and  
Amenity  
Deb Ganderton - Executive Manager Communications and  
Engagement  
David Crowe - Manager Infrastructure Services  
Chris Hurley - Manager Financial Services  
Adam Hall - Manager Environment and Sustainable Living  
Andrew Dowling - Acting Manager Governance  
George Batsakis - Coordinator Facilities Maintenance  
Karen Adams - Acting Governance Projects Officer

## **Adoption and confirmation of the minutes**

**Moved Councillor Tragas**

**Seconded Councillor Healey**

**That the minutes of the Special Council meeting held on 23 December 2011 be adopted and confirmed.**

**CARRIED**

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**4. Declaration of conflict of interest of any councillor or council officer**

Nil

**5. Deputations, presentations, petitions and public submissions**

Nil

**6. Assemblies of councillors****Abstract**

Section 80A of the *Local Government Act 1989* requires that a written record of all Assemblies of Councillors be kept and reported to an ordinary Council meeting as soon as practicable.

The attached record of Assemblies of Councillors is reported to Council in accordance with this requirement.

**MOTION****Moved Councillor Tragas****Seconded Councillor Miles****That Council resolve to receive and note the record of Assemblies of Councillors, as annexed to the minutes.****CARRIED****7. Public question time****PQT1 Mark C of Balwyn North**

The **Acting Manager Governance**, read out the following questions:

- “1. What influenced councils decision in allowing brick and steel structures to be built across the drainage easement at 40 Kyora Parade Balwyn North, where council had previously written to residents of the area asking them to remove structures over the easement?”*
- 2. To what degree will the Brick and Steel Fence, and steel Gate, which council approved, which has been built across the drainage reserve/easement at 40 Kyora Parade, Balwyn North, impede floods down this easement. Those floods being similar to the ones that have happened twice in the last 30 years that have flowed down this easement in time of extreme rainfall and caused considerable damage.”*

The **Acting Manager Governance** informed Council that as the questions were of a technical nature that will require investigation or research, the Director Environment and Infrastructure had requested to take the questions on notice and provide a written response in due course.

**8. Notices of motion**

Nil

**9. Presentation of officer reports****1 Contract No 11/038 - Annual Supply - Electrical Services****Abstract**

Contract No. 11/038, Annual Supply - Electrical Services is for the provision of Electrical Services for a maximum term of five years and will replace an existing contract which has reached the end of its maximum term.

The estimated contract cost for a five year contract term is \$873,840 including the Goods and Services Tax (GST) and excluding price adjustment due to rise and fall. The estimated cost to Council after return of GST Input Credits is \$794,400. Expenditure in future years will be in accordance with approved budget allocations.

*Councillor Miles left the Chamber at 6.39pm.*

**MOTION****Moved Councillor Tragas****Seconded Councillor Ross****That Council resolve:****1. To award Contract No. 11/038, Annual Supply - Electrical Services to a panel consisting of:**

- **City West Electrical Pty Ltd (ACN 115 931 710);**
- **HA Saunders Electrical Contractors Pty Ltd (ACN 061 660 446);**
- **IS Electrical Services Pty Ltd (ACN 113 841 786);**
- **M & J Schofield Pty Ltd (ACN 088 273 830);**
- **Wallgates Pty Ltd (ACN 096 477 842); and**
- **Werribee Electrical Contracting Service (ACN 062 075 914),**

**at their tendered Schedule of Rates for an initial contract term of one (1) year with possible one (1) year extensions to a maximum contract term of five (5) years. The estimated contract cost for the maximum term is \$873,840 (including GST). The cost to Council after the return of the GST Tax Input Credits is \$794,400.**

**2. To authorise the Chief Executive Officer or his delegate to execute the contract agreements with the above contractors.****3. To authorise the Chief Executive Officer or his delegate to negotiate extensions to Contract No. 11/038, Annual Supply - Electrical Services, with the above contractors to the maximum five (5) year contract term.**

4. **To note that expenditure under this contract in 2011/12 is in accordance with Council's adopted budget and expenditure in future years will be in accordance with the approved budget allocations.**

**CARRIED**

## **2 November 2011 Monthly Performance Report**

### **Abstract**

The Monthly Performance Report for November 2011 is designed to identify and explain any major variances to budget at an organisational level for the period ending 30 November. Council's year to date net operating surplus reflects a favourable variance of \$2.95 million primarily due to delayed expenditure coupled with higher than budgeted income. Capital Works actual expenditure is \$17.11 million compared to year to date budget of \$21.77 million. Priority Projects expenditure of \$0.77 million was achieved which is \$0.89 million below budget phasing due to expenditure delays for the sustainable public lighting bulk change project \$0.40 million and across a number of other projects. Council's Balance Sheet and cash position are sound and depict a satisfactory result. At the end of November Council's cash position stood at \$35.07 million which has decreased by \$5.39 million from June 2011 in line with normal trends and expectations.

The November 2011 forecast reflects the first result of two full year reviews of annual financials to be undertaken during the year and projects a net operating surplus of \$13.34 million which is \$0.78 million below the Annual September Amended Budget of \$13.33 million.

Closing cash and investments are forecast to be \$36.53 million which is \$1.50 million above the September Annual Amended Budget balance of \$35.03 million.

*Councillors noted the following correction to an error in the report on page 8 of the agenda:*

*"The November 2011 forecast net operating surplus of \$13.34 million is \$0.78 \$0.01 million above the Annual September Amended Budget of \$13.33 million."*

### **MOTION**

**Moved Councillor Tragas**

**Seconded Councillor Healey**

**That Council resolve to receive and note the Monthly Performance Report for November 2011.**

**CARRIED**

### **3      Boroondara Sustainability Awards 2011**

#### **Abstract**

The Boroondara Sustainability Awards recognise and celebrate sustainable design in homes and gardens across the municipality. Judging of the inaugural 2010 awards program was undertaken by a panel of two industry experts and Cr Coral Ross as the appointed councillor. Submissions for the 2011 awards have now closed and a councillor appointment to the 2011 judging panel is requested.

With the success of this second awards program, consideration should be given to future councillor representation on the judging panel being confirmed through the yearly allocation of councillor assignments.

*Councillor Miles entered the Chamber at 6.44pm and resumed his seat.*

#### **MOTION**

**Moved Councillor Ross**

**Seconded Councillor Miles**

**That Council resolve:**

- 1. To appoint a panel comprising Councillor Kreutz, with Councillor Ross as substitute, and two industry experts to judge the 2011 Boroondara Sustainability Awards.**
- 2. That representation on the awards judging panel be included in the yearly allocation of councillor assignments.**

**CARRIED**

### **4      Council 2012 General Election Advertising Campaign**

#### **Abstract**

This report outlines the advertising and promotional opportunities being considered for the 2012 general council election, including:

- The Victorian Electoral Commission's proposed advertising and communication campaign.
- Council's own independent advertising and promotional opportunities.
- Collaborative opportunities through the Victorian Local Governance Association's Think Women for Local Government project and the Municipal Association of Victoria's Stand for Council campaign.

#### **MOTION**

**Moved Councillor Tragas**

**Seconded Councillor Ross**

**That Council resolve to receive and note the report.**

**CARRIED**

## **5 Revised Instruments of Delegation and Instruments of Appointment and Authorisation**

### **Abstract**

Instruments of Delegation represent the formal delegation of powers by Council under Section 98(1) of the *Local Government Act 1989* and enable the business of Council to be carried out efficiently and in line with Council approved policies.

The appointment of Authorised Officers enables appropriate staff within the organisation to administer and enforce Acts, regulations or local laws in accordance with the powers granted to Authorised Officers under the legislation or local law.

Council subscribes to the Maddocks Authorisations and Delegations Service, which provides advice regarding legislative amendments and template instruments which are then tailored to organisational requirements.

The following revised or new instruments are proposed:

- A revised Instrument of Delegation to Council Staff to replace that executed on 28 September 2011, taking into account legislative changes, policy changes and changes to the organisational structure since the adoption of the previous Instrument and amendments suggested by Maddocks.
- A new Instrument of Delegation to the Chief Executive Officer to replace that executed on 29 November 2010 without revision, to refresh the delegation consistent with advice provided by Maddocks.
- New Instruments of Appointment and Authorisation in response to staff appointments and changes.

### **MOTION**

**Moved Councillor Tragas**

**Seconded Councillor Ross**

**That Council resolve:**

- 1. In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the Instrument of Delegation to the Chief Executive Officer (as annexed to the minutes), that:**
  - 1.1. There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.**
  - 1.2. The Instrument be sealed.**
  - 1.3. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.**

- 1.4. On the coming into force the previous Instrument of Delegation to the Chief Executive Officer executed on 29 November 2010 is revoked.
  - 1.5. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
  - 1.6. It is noted that the Instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.
2. In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the Instrument of Delegation to Members of Council Staff (as annexed to the Minutes), that:
- 2.1 There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to Members of Council Staff, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.
  - 2.2 The Instrument be sealed.
  - 2.3 The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.
  - 2.4 On the coming into force the previous version of the Instrument of Delegation to Members of Council Staff executed on 28 September 2011 is revoked.
  - 2.5 The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
3. In the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and section 147(4) of the *Planning and Environment Act 1987*, that:
- 3.1 The members of Council staff referred to in the attached Instruments of Appointment and Authorisation (as annexed to the Minutes) be appointed and authorised as set out in the Instruments.
  - 3.2 The Instruments be sealed.
  - 3.3 The Instruments come into force immediately the common seal of Council is affixed to the Instruments, and remain in force until Council determines to vary or revoke them.

**CARRIED**

**10. General business****GB1 Boroondara Community Consultation**

**Councillor Ross** informed Council that she had received correspondence from the President of the MAV, Councillor Bill McArthur, in response to the article in the January - March edition of the IPAA magazine *Public Administration Today* commending Council's community consultation practices.

Councillor Ross passed on her congratulations to Council and particularly the Executive Manager Communications and Engagement and her team.

**GB2 Storm damage 5 February 2012**

**Councillor Healey** commented on the high winds experienced on 5 February 2012, noting he had observed the Council crews cleaning up fallen trees immediately after the weather had passed and congratulated the staff at Parks and Gardens for their rapid response.

**GB3 Welcome to Chief Executive Officer**

**Councillor Miles** endorsed the Mayor Councillor Kreutz's welcoming remarks following the commencement of new Chief Executive Officer, Phillip Storer, and acknowledged the contribution of former Chief Executive Officer Dr Catherine Dale, wishing her well in her future endeavours.

**11. Urgent business**

Nil

**12. Confidential business**

Nil

**The meeting concluded at 7.03pm**

**Confirmed**

**Chairperson** \_\_\_\_\_

**Date** \_\_\_\_\_