

COUNCIL MEETING

MINUTES

(Open to the public)

Monday 7 June 2021

Online - Delivered via Webex Events.

Commencement 6.39pm

Attendance

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

Apologies Nil

Officers

Phillip Storer	Chief Executive Officer
Daniel Freer	Director Places and Spaces
Carolyn McClean	Director Community Support
Bruce Dobson	Director Customer and Transformation
Shiran Wickramasinghe	Director Urban Living
Callista Clarke	Acting Chief Financial Officer
Mans Bassi	Chief Transformation and Technology Officer
David Thompson	Manager Governance and Legal
David Shepard	Manager Environmental Sustainability and Open Spaces
George Batsakis	Manager Facilities, Waste and Infrastructure
Adele Thyer	Team Leader Risk and Assurance
Chris Hurley	Integrity Coordinator
Kirstin Ritchie	Coordinator Governance
Helen Pavlidis	Senior Governance Officer
Elizabeth Manou	Senior Governance Officer

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1. Adoption and confirmation of the minutes**MOTION****Moved Councillor Parke****Seconded Councillor Gillies**

That the minutes of the Council meeting held on 24 May 2021 be adopted and confirmed.

CARRIED**2. Declaration of conflict of interest of any councillor or council officer**

Nil

3. Deputations, presentations, petitions and public submissions

Nil

4. Informal Meetings of Councillors

Nil

5. Public question time**PQT1 Bill of Camberwell**

The **Mayor, Councillor Thompson** advised that the question was disallowed in accordance with Chapter 2 of the Governance Rules. The question did not relate to a matter or matters on the agenda and the person asking the question had not previously put the question in writing to a Councillor or member of Council and received a written response to the question from a Councillor or member of Council staff.

The **Mayor, Councillor Thompson** advised that a written response would be provided in due course.

PQT2 Ian Hundley of Balwyn North

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

“Given that the public consultation period permitted by Council on the proposal to build more netball courts at Macleay Park in North Balwyn is so short (26 May until 8 June), and severely constrained by the on-going COVID lockdown, will Council now extend this period by a month in the hope and expectation that residents will then be able to discuss and also assess in situ the full ramifications of the proposal?”

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

- The consultation regarding the Boroondara Netball Association’s proposal commenced prior to the current lockdown.
- The survey material was distributed individually to local residents within a 400m radius and feedback has also been sought from the current tenants of Myrtle and Macleay Park.
- The online survey has been promoted through social media and on Council’s website.
- Given the consultation is being done online, Council does not see the lockdown as a reason to extend the consultation period.
- Given residents do utilise their local parks for recreation in a lockdown, there has been a greater opportunity for residents to think through their priorities for the spaces, as is evident by the high number of responses already received from the community and other stakeholders.

The **Mayor, Councillor Thompson** advised that a written response would be provided in due course.

6. Notices of motion

Nil

7. Presentation of officer reports

7.1 Contract 2021/002 General Landscape Services and Supplies

This report seeks Council endorsement for the award of Contract No. 2021/002, General Landscape Supply and Associated Services - Panel of Contractors. This contract will establish a new panel of contractors to provide a variety of general landscape services, mulching and under surfacing and delivery of landscape materials, for an initial term of three (3) years with two (2) possible extensions of one (1) year each to a maximum contract term of five (5) years.

This is a replacement of existing contracts which have reached the end of their maximum term.

The estimated contract cost for the maximum contract term is \$5,874,000 (including GST), and excluding any price adjustment due to rise and fall. The estimated cost to Council after the return of the GST Tax Input Credits is \$5,340,000. Because of the value of the contract it was publicly advertised in accordance with the requirements of section 186 of the *Local Government Act. 1989*.

Confidential information is contained in **Attachment 1**, as circulated in the confidential section of the agenda attachments, in accordance with Section 66(2)(a) and the definitions of 'confidential information' in Section 3(1) of the Local Government Act 2020. The information relates to private commercial information, being information provided by a business or commercial undertaking that if released, would unreasonably expose the business or commercial undertaking to disadvantage. The item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

If discussion of the confidential information in the attachments to this report is required in order for Council to make a decision, this item will be deferred to the confidential section of the agenda.

MOTION

Moved Councillor Hollingsworth

Seconded Councillor Biggar

That Council resolve:

- 1. To award Contract No. 2021/002, General Landscape Supply and Associated Services - Panel of Contractors, to:**

1.1 Panel 1 - General Landscape Services:

- **Keon Construction Pty Ltd (ACN 077 075 266);**
- **Landstruct Landscape Construction (ACN 094 104 337);**
- **Sevron Pty Ltd (ACN 165 444 011); and**
- **Super Gardens Pty Ltd (ACN 007 352 114).**

1.2 Panel 2 - Mulching and Under Surfacing Services:

- Ecodynamics Services Pty Ltd (ACN 102 359 213) as the Trustee for Ecodynamics Services Trust (ABN 14 772 744 278);
- RubberTough Industries Pty Ltd (ACN 105 354 710); and
- Super Gardens Pty Ltd (ACN 007 352 114).

1.3 Panel 3 - Supply and Delivery of Landscape Materials:

- Bark King Group Pty Ltd (ACN 074 900 342); and
- Sandbelt Industries (VIC) Pty Ltd (ACN 007 168 461) as trustee for Sandbelt Industries (VIC) Unit Trust (ABN 21 131 364 731).

at their tendered schedule of rates for an initial contract term of three (3) years with two (2) possible extensions of one (1) year each to a maximum contract term of five (5) years. The estimated contract cost for the maximum contract term is \$5,874,000 (including GST), and excluding any price adjustment due to rise and fall. The estimated cost to Council after the return of the GST Tax Input Credits is \$5,340,000.

2. To authorise the Director Places and Spaces to execute the contract agreements with the above contractors.
3. To authorise the Director Places and Spaces to negotiate extensions to the contract with the above contractors to the maximum 5 year contract term.
4. To note that expenditure under this contract in 2021-22 is in accordance with Council's adopted budget and Long Term Financial Strategy and expenditure in future years will be in accordance with the approved budget allocations.

CARRIED

7.2 Contract 2020/233 - Asphalt Maintenance Services

This report seeks Council endorsement for the award of Contract No. 2020/233, Asphalt Maintenance Services. This contract will provide Council with a panel of contractors that will provide asphalt repair and maintenance services for an initial term of three years with one possible extension of two years for a maximum contract term of five years. This is a replacement for an existing contract which is approaching the end of its contract term. Expenditure for these services will be in accordance with Council's 2020-21 budget. Expenditure in future years will be in accordance with approved budget allocations.

Confidential information is contained in **Attachment 1**, as circulated in the confidential section of the agenda attachments, in accordance with Section 66(2)(a) and the definitions of 'confidential information' in Section 3(1) of the Local Government Act 2020. The information relates to private commercial information, being information provided by a business or commercial undertaking that if released, would unreasonably expose the business or commercial undertaking to disadvantage. The item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

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MOTION

Moved Councillor Gault

Seconded Councillor Addis

That Council resolve:

1. To award Contract No. 2020/233, Asphalt Maintenance Services, to the following three recommended Tenderers that collectively will constitute a supply panel ('Panel'):

- **Dakye Pty Ltd (ACN 068 489 896) as trustee for Dakye Family Trust (ABN 72 759 037 049) trading as Betta Asphalt;**
- **Fulton Hogan Industries Pty Ltd (ACN 000 538 689); and**
- **Prestige Paving Pty Ltd (ACN 140 970 912).**

at their tendered Schedule of Rates for an initial contract term of three (3) years with one possible extension of up to two years, with a maximum contract term of five years. Based on Council's 2020-21 September Amended budget, the estimated contract cost for the maximum term is \$2,794,726 including Goods and Services Tax (GST). The estimated cost to Council, after the return of the GST tax Input Credits, is \$2,540,660 (ex GST).

2. To authorise the Director Places and Spaces to execute the contract agreements with the above contractors.

3. To authorise the Director Places and Spaces to negotiate extensions to the contract with the above contractors to the maximum five year contract term.

- 4. To note that expenditure under this contract in 2020- 21 is in accordance with Council's adopted budget and expenditure in future years will be in accordance with the approved budget allocations.**

CARRIED

7.3 Public submissions on the Proposed Budget 2021-22 (including Mayoral and Councillor allowances) and Revenue and Rating Plan 2021-25

Council resolved on 26 April 2021 to endorse the proposed Budget 2021-22 (including Mayoral and Councillor allowances) and the proposed Revenue and Rating Plan 2021-25 for public notice and exhibition in accordance with Council's requirements of the *Local Government Act 1989*, *Local Government Act 2020* and Council's Community Engagement Policy 2021-26. Public notice was duly given and the period for submissions concluded on 26 May 2021. In total 35 submissions were received; 14 of the submitters have indicated their intention to be heard in support of their submission.

This report includes details of the submissions and provides for the hearing of submissions in accordance with the legislative requirements and the Community Engagement Policy.

Eleven speakers made submissions to Council in support of their written submission, in accordance with Section 223 of the Local Government Act 1989.

MOTION

Moved Councillor Hollingsworth

Seconded Councillor Sinfield

That Council resolve to

- 1. Receive and note written and oral submissions in relation to the proposed Budget 2021-22 (including Mayoral and Councillor allowances) and the proposed Revenue and Rating Plan 2021-25 as included in Attachment 1.**
- 2. Note the officer comments provided in relation to the submissions as outlined in Attachment 2.**
- 3. Note the final Budget 2021-22 (including Mayoral and Councillor allowances) and Revenue and Rating Plan 2021-25 will be presented for consideration by Council, with or without modification, at the Council Meeting on Monday 28 June 2021.**

CARRIED

7.4 Contract No 2020/217 - Enterprise Booking Tool

This report seeks Council endorsement for the award of Contract No: 2020/217 Enterprise Booking Tool (EBT).

Council has identified the need for a flexible enterprise booking system to support customer engagement with the Council, and provide community members with the ability to book free and paid venues, outdoor spaces and individual resources owned and managed by the Council. In addition to overall bookings management functions, the EBT will also include ticketing and event management capability and assist with licensing, permits, contracts, referrals and payments for outdoor spaces and other assets/events.

The contract recommended for award in this report is for the implementation and support of an Enterprise Booking Tool (EBT) system which addresses these needs and is a key component of the technical architecture required to deliver improved service and experience for the Boroondara community.

The EBT is also key to achieving Council's Customer First vision and is identified in the Business Case adopted by Council in April 2019 and in the Detailed Program Plan subsequently developed, with implementation scheduled in the 2020/21 and 2021/22 financial years.

The initial stage of the procurement activity was an Expression of Interest (EOI) process. The EOI for the EBT system (along with EOIs for four other platform solutions which are not the subject of this report) was released to the open market on 27 June 2020 and closed on 3 August 2020. Interested parties were able to express an interest for one or more of the technology platform solutions. In response to the advertisement, Council received eight submissions for the Enterprise Booking Tool solution.

After assessing the EOI responses and refining specification requirements, the second stage of the procurement activity was a Request for Tender process to shortlisted parties that sought an outcome-based fixed price covering implementation and initial operation of the system, along with a proposal for managed services for the tenderers to provide support and maintenance of the system for a set period.

The Request for Tender (RFT) was issued to five short-listed parties on 17 December 2020 with a closing date of 29 January 2021. At the time of closing all five tenderers submitted a proposal for consideration.

Following a detailed evaluation process, this report recommends Council enter into a contract with Programus Australasia Pty Ltd (ACN 626 121 953) for the EBT system solution at a total expenditure of \$547,470 including GST for a fixed priced implementation of the proposed solution and managed services for a period of up to five years.

A Probity Advisor and Probity Auditor were appointed to ensure the procurement process for the five platform solutions collectively (including the EBT system) met all probity requirements.

Council does not guarantee the appointed contractor the maximum managed service period. This will be subject to the services being provided to the satisfaction and discretion of Council.

Confidential information is contained in **Attachment 1** as circulated in the confidential section of the agenda attachments, in accordance with Section 66 (2)(a) and the definition of 'confidential information' in Section 3(1) of the *Local Government Act 2020*, as the information relates to private commercial information, being information provided by a business or commercial undertaking that, if released, would unreasonably expose the business or commercial undertaking to disadvantage. This item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

If discussion of the confidential information in the attachments to this report is required in order for Council to make a decision, this item will be deferred to the confidential section of the agenda.

MOTION

Moved Councillor Stavrou

Seconded Councillor Addis

That Council resolve to:

- 1. Award Contract No: 2020/217 Enterprise Booking Tool to Programus Australasia Pty Ltd (ACN 626 121 953) and enter into Services Agreements for a fixed price implementation cost plus managed services for up to five years, subject to Council's discretion, at a total cost of \$547,470 (including GST).**
- 2. Note the cost to Council after the return of GST Input Credits is \$497,700.**
- 3. Authorise the Director Customer and Transformation to sign and execute the contract agreement with Programus Australasia Pty Ltd on behalf of the Council and to authorise invoices to an amount of \$547,470 (including GST).**
- 4. Note expenditure under this contract is in accordance with Council's 2020/21 adopted and foreshadowed budgets and expenditure in future years will be in accordance with Council's approved budget allocations.**

CARRIED

8. General business

8.1 Music, She Wrote

Councillor Gault noted he attended a performance of 'Music, She Wrote' at Kew Court House. Councillor Gault advised the performance was supported by the Annual Community Strengthening Grants and commended the musicians on their performance and Council for supporting the performance.

9. Urgent business

Nil

10. Confidential business**Procedural Motion - Closure of meeting to the public****MOTION**

Moved Councillor Sinfield

Seconded Councillor Stavrou

That the Council meeting be closed to the public in accordance with sections 66(1) and 66(2)(a) of the Local Government Act 2020 to consider the following agenda items:

10.1 Contract No. 2021/16 Provision of Insurance Broking and Risk Management Services

10.2 Contract No. 2021/79 Public and Products Liability, and Professional Indemnity Insurance

These agenda item are confidential information for the purposes of section 3(1) of the Local Government Act 2020:

- (a) because it is Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released (section 3(1)(a)); and**
- (b) the information relates to private commercial information, being information provided by a business or commercial undertaking that if released, would unreasonably expose the business or commercial undertaking to disadvantage (section 3(1)(g); and**
- (c) these grounds apply because the agenda item concerns the progress of ongoing contractual negotiations that would, if prematurely released, diminish the strength of Council's position and the business or commercial undertaking position in those negotiations.**

CARRIED

The Council meeting closed to the public at 7.55pm

Procedural Motion - Reopening of meeting to the public**MOTION**

That the Council meeting be reopened to the public.

Moved Councillor Sinfield

Seconded Councillor Biggar

CARRIED

The Council meeting reopened at 8.07pm

The meeting concluded at 8.07pm

Confirmed

Chairperson

Date
