

COUNCIL MEETING

MINUTES

(Open to the public)

Monday 26 September 2022

Council Chamber, 8 Inglesby Road, Camberwell.

Commencement 6.33pm

Attendance

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

Apologies Nil

<u>Officers</u>		
Phillip Storer		Chief Executive Officer
Mary-Anne Palatsides		Acting Director Places and Spaces
Carolyn McClean		Director Community Support
Scott Walker		Director Urban Living
Mans Bassi		Director Customer and Transformation
Amy Montalti		Chief Financial Officer
Bryan Wee		Manager Governance and Legal
George Batsakis		Manager Facilities Waste and Infrastructure
Sam Taylor		Acting Manager Health and Wellbeing Services
Tina Bourekas		Manager Library Services
Joanne Truman		Chief Transformation and Technology Officer
Aileen Carter		Coordinator Library Operations and Customer Service
Elizabeth Manou		Senior Governance Officer
Liam Merrifield		Senior Governance Officer
Catherin Ogilvy		Preschool Field Officer



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1. Adoption and confirmation of the minutes

MOTION

Moved Councillor Franco

Seconded Councillor Hollingsworth

That the minutes of the Council meeting held on 22 August 2022 be adopted and confirmed with the following changes:

1. The removal of the duplicate reference to the Mayor on page 17.
2. Item 8.7 to read "Councillor Franco commented on the results of the religious diversity statistics recorded in the recent 2021 Australian Census, noting that 45% of the Boroondara population now identifies as having no religion, up from 37% in 2016."

CARRIED

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

Councillor Thompson - Item 7.7 Proposed City of Boroondara Motions for the Municipal Association of Victoria (MAV) State Council on 14 October 2022

Councillor Hollingsworth - 8.1 Leave of Absence - Councillor Hollingsworth

3. Deputations, presentations, petitions and public submissions

3.1 Petitions

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

No.	Ref. no.	Title / Description	No. of signatures	Referred to
1	CAS-1245663	Requesting Council "cancel the proposal to remove 8 mature street trees from Dudley Pde in Canterbury and consider our request to monitor the health of those trees instead".	27	DPS

Legend:

DCS	Director Support	Community	DUL	Director Urban Living
DC&T	Director Transformation	Customer and	DP&S	Director Places & Spaces
			GOV	Governance & Legal

MOTION**Moved Councillor Parke****Seconded Councillor Gillies****That Council resolve:**

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

CARRIED**4. Informal Meetings of Councillors**

Nil

5. Public question time**PQT1 Andrea McKenna of Hawthorn East**

The **Mayor, Councillor Addis** read the following question submitted with notice:

"Will Council establish an LGBTIQ+ advisory committee to hear from LGBTIQ+ people across our community and support Council's efforts to achieve a safe and inclusive community?"

The question was allowed in accordance with Chapter 2 of the Governance Rules. The question was previously raised with a councillor more than 10 working days before the Council meeting at which the question is submitted.

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

- Council is committed to supporting the health and wellbeing needs of all of the community, including LGBTIQ+ community members.
- To guide Council's support for people who identify as LGBTIQ+, as part of the refresh of the Boroondara Community Plan between October 2020 and January 2021, Council officers interviewed local health and wellbeing agencies and community organisations including those who provide services to LGBTIQ+ members in the community, to find out about the health and wellbeing issues of most importance to the community members they support.
- The outcome of the consultation and analysis of the health and wellbeing data was that LGBTIQ+ communities were identified as a priority group in Council's wellbeing commitment in the Boroondara Community Plan 2021-31, which incorporates the Municipal Public Health and Wellbeing Plan 2021-25.

- Council has a Public Health and Wellbeing Advisory Committee to oversee the implementation of this Plan with community and organisational representatives, including members who identify as LGBTIQA+. As part of the remit of the advisory committee, Council is considering other ways we can work to support the inclusion of LGBTIQA+ communities in addition to what we are already doing.
- Therefore, Council is not proposing at this stage to establish an LGBTIQA+ advisory committee given the inclusion of this work as part of the Public Health and Wellbeing Advisory Committee.

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

PQT2 Ian Hundley of Balwyn North

The **Mayor, Councillor Addis** read the following question submitted with notice:

"Please advise of the details of any proposal, financial or non-financial, related to the Victorian election to be conducted on 26 November, which may benefit the North Balwyn Stingers Baseball Club, a long-term tenant at Myrtle Park, and which if it were to materialise may require the assistance or endorsement of Boroondara Council."

The question was allowed in accordance with Chapter 2 of the Governance Rules. The question was previously raised with a councillor more than 10 working days before the Council meeting at which the question is submitted.

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

- Council is not aware of any proposal, financial or non-financial, related to the Victorian election to be conducted on 26 November 2022, which may benefit the North Balwyn Stingers Baseball Club.

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

PQT3 Ian Hundley of Balwyn North - Disallowed Question

The **Mayor, Councillor Addis** advised that Mr Hundley asked a question about Council employees involved in Aged Care services and that his question sought detail on how long those employees were employed and how their employment ended.

The Mayor, Councillor Addis advised that the question was not allowed in accordance with Rule 55.1.6 as the question seeks personnel information of a personal nature.

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

6. Notices of motion

Nil

7. Presentation of officer reports

Procedural Motion - En Bloc

MOTION

Moved Councillor Parke

Seconded Councillor Stavrou

That the following items:

- 7.2 Contract No 2021/241 - Routine Maintenance Of Mechanical Services**
- 7.4 Microsoft Software Agreement - Contract 2022/98**
- 7.6 Final Outcomes of 2022 General Valuation**

be moved en bloc as per the officers' recommendations outlined in the agenda.

CARRIED

7.2 Contract No 2021/241 - Routine Maintenance of Mechanical Services

Purpose

The purpose of this report is for Council to give consideration to the awarding of Contract No. 2021/241, Routine Maintenance of Mechanical Services.

Background

Council requires the services of a suitably qualified and experienced Contractor to provide Routine Maintenance Services for Mechanical plant across Boroondara's Municipal Offices, Hawthorn Arts Centre, Community Centres, Libraries, Leisure Centres and Depots, in accordance with the requirements of the Contract to replace the following three existing contracts, which have all expired:

- Contract No. 2018/66 Mechanical Maintenance Services Camberwell Municipal Offices Buildings 1, 2 and 3;
- Contract No. 2015/109 - Mechanical Maintenance Services - Libraries and Other Buildings; and
- Contract No. 2021/128 - Maintenance of Leisure Centre Mechanical Plant.

Key Issues

The key considerations used in the assessment and ultimately determination of the outcome of this tender process were:

- ability to plan, schedule and perform the works in strict accordance with the specified outcomes;
- a proven track record undertaking similar works in the past;
- access to appropriately skilled personnel and subcontractors; and
- value for money within the constraints of the Council budget.

All tenders received were considered to be conforming tenders.

The officer recommendation is considered the best value for money within the constraints of the Council budget.

Next Steps

Upon award of the contract, Council will oversee the management and execution of these services.

There will be minimal disruption to building users as the recommended tenderer has provided a transition plan to commence this service.

Confidentiality

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:

- a. private commercial information, being information provided by a business, commercial or financial undertaking that—
 - i. relates to trade secrets; or
 - ii. if released, would unreasonably expose the business, commercial or financial 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 Parke****Seconded Councillor Stavrou****That Council resolve:**

1. To award Contract No. 2021/241, Routine Maintenance of Mechanical Services, to Refmech Pty Ltd (ACN 164 181 408), at their tendered annual lump sum price for an initial period of three (3) years, with one (1) possible extension of a further two (2) years, up to a maximum contract period of five (5) years. The estimated value over the maximum contract term is \$2,895,750.00 (including GST). The estimated cost to Council after return of GST Input Credits is \$2,632,500.00.
2. Authorise the Director Places and Spaces to execute the contract agreement with the above Contractor.
3. Authorise the Director Places and Spaces to negotiate extensions to the contract with the above Contractor to the maximum five-year contract term.
4. Note that expenditure under this contract is in accordance with Council's adopted in 2022- 23 budget. Future years expenditure is foreshadowed and in accordance with the approved budget allocations.

CARRIED**7.4 Microsoft Software Agreement - Contract 2022/98**Purpose

This report seeks Council endorsement for the award of Contract No: 2022/98 Microsoft Software Agreement

Background

Microsoft software is integral to the management, support and day to day operation of almost all Council services. For example, Microsoft Exchange is used for e-mail which supports core Council communication, Microsoft Office products are used extensively and are integrated into back-office applications such as Objective (records and document management), CRM and Finance. The Microsoft Windows Operating System is used on laptops and desktop PCs, with Windows Server used to host Council's business applications, security and core systems. Microsoft's collaboration platforms such as M365 applications. MS Teams, SharePoint and OneDrive platforms are deployed across the entire organisation to enhance council's internal & external communication and collaboration channels whilst supporting hybrid working.

Key Issues

Council's current Microsoft Enterprise Agreement (EA) will expire on 30 September 2022. Microsoft EAs are valid for a three-year term with no option to extend, therefore, a new agreement with a new three-year term must be established for Council to retain the financial and support benefits associated with licensing Microsoft products.

The procurement process involved a request for quote (RFQ) issued to 5 vendors via the MAV Panel Contract Microsoft Arrangement (NPN 2.17-3). In response to the RFQ, Council received 2 submissions for the provision of Microsoft licences. Data#3 provided the better pricing option. Details of the pricing is contained in Confidential **Attachment 1**.

Next Steps

Following the evaluation process, this report recommends Council enter into a contract with Data#3 (ABN 31 010 545 267) for the provision of Microsoft licences for a period of 3 years at a cost of \$2,761,894.68 ex. GST.

Confidentiality

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

- a) private commercial information, being information provided by a business, commercial or financial undertaking that—
 - i. relates to trade secrets; or
 - ii. if released, would unreasonably expose the business, commercial or financial 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 Parke

Seconded Councillor Stavrou

That Council resolve:

1. **To award Contract No. 2022/98, Microsoft Software Agreement, to Data#3 (ABN 31 010 545 267) at their tendered schedule of rates for a contract period of three (3) years. The estimated total contract cost is \$2,761,894.68 (excluding GST).**
2. **To authorise the Director Customer and Transformation to sign and execute the contracts on behalf of the Council and to authorise invoices to an amount not exceeding \$2,761,894.68 excluding GST.**

3. To note that expenditure under this contract is in accordance with Council's 2022/23 adopted budget and expenditure in future years will be in accordance with the approved budget allocations.

CARRIED

7.6 Final Outcomes of 2022 General Valuation

Purpose

The purpose of this report is to provide detailed information in relation to the 2022 general valuation of all rateable property and recommends a Council resolution to receive the 1 January 2022 General Valuation in accordance with section 7AF of the *Valuation of Land Act 1960*.

Background

The general valuation impacts the distribution of rating liability across the municipality. It does not provide Council with any additional revenue. The distribution of rates is affected each general valuation by the movement in the various property classes. All properties are valued using a common date so that all are affected by the same market. Large shifts in an individual property's rate liability only occurs when there are large movements either in the value of a property category (e.g. residential, office, shops, industrial) or the value of certain locations, which are outside the general movements in value across all categories or locations.

The level of value date is 1 January 2022 and the new valuation came into effect from 1 July 2022 and is being used for apportioning rates for the 2022-23 financial year.

The overall movement in property valuations for the 2022/23 financial year in comparison to the 2021/22 financial year is as follows:

Year	Total Site Value	% Change	Total Capital Improved Value	% Change	Total Net Annual Value	% Change
2021	\$89,646,257,500	13.73%	\$121,756,738,000	10.34%	\$6,154,281,091	10.24%
2022	\$101,956,884,500		\$134,343,120,000		\$6,784,555,400	

The process consists of 4 stages and all stages were completed by the Valuer General Victoria (VGV). The final certification, commonly known as "*The Generally True and Correct Certificate under section 7AF of the Valuation of Land Act 1960* (VLA)", has been received from VGV. See **Attachment 1** for the declaration of the Minister for Planning.

Key Issues

In the year since the return of the 2021 general valuation, the overall movement in property valuations is approximately 10 per cent.

MOTION**Moved Councillor Parke****Seconded Councillor Stavrou**

That Council resolve to receive the 1 January 2022 General Valuation effective from 1 July 2022 in accordance with section 7AF of *Valuation of Land Act* 1960.

CARRIED**7.1 Annual Financial Statements and Performance Statement for the year ended 30 June 2022**Purpose

To present to Council the recommendations of the Audit and Risk Committee meeting held on 8 September 2022 pertaining to the Annual Financial Statements and Performance Statement for the year ended 30 June 2022.

Background

The Annual Financial Statements and Performance Statement were reviewed by the Audit and Risk Committee and have been endorsed for consideration by Council.

Key Issues


The year-end Audit draft Closing Report and draft Final Management Letter were presented to Audit and Risk Committee. The Auditors advised the Committee the Auditor-General has given preliminary approval subject to Council's endorsement.

The final audit opinion will be issued by the Auditor-General and final audit clearance in the form of an "unqualified" audit opinion is expected.

Next Steps

Following adoption of the recommendations below, the Annual Financial Statements and Performance Statement for the year ended 30 June 2022 will be forwarded to the Auditor-General's office. Final sign-off from the Auditor-General is expected by late September/early October in time to meet the statutory deadline of 31 October 2022 for submission of Council's Annual Report to the Minister.

MOTION**Moved Councillor Stavrou****Seconded Councillor Thompson****That Council resolve to:**

- 1. Record its approval in principle of the Annual Financial Statements and Performance Statement for the year ended 30 June 2022.**
 - 2. Authorise the Chief Executive Officer to provide the Annual Financial Statements and Performance Statement to the Auditor-General.**
- 

3. Authorise the Mayor, Councillor Jane Addis and Councillor Nick Stavrou (representing the Audit and Risk Committee) to certify the Annual Financial Statements and Performance Statement in their final form.
4. Authorise the Principal Accounting Officer to implement any non-material changes to the Annual Financial Statements and Performance Statement as recommended by the Auditor-General. A summary of these changes if any will be presented at the next Audit and Risk Committee meeting.
5. Note that any material changes requested by Victorian Auditor-General's Office will be completed by the Chief Financial Officer after consultation with the Chair of the Audit and Risk Committee and reported to Council.

CARRIED

7.3 Kew Library Redevelopment Steering Committee - Terms of Reference

Purpose

This report presents for councillors' consideration the Terms of Reference (Attachment 1) for the Kew Library Services Redevelopment Steering Committee and seeks councillor interest in participation on the committee.

Background

Kew Library Redevelopment

The Steering Committee for the Kew Library Services redevelopment was suspended when the budget timing of the renewal project was changed to commence in 2022-23.

Before this change, the first stage community consultation and engagement activity was undertaken from October to November 2017.

A consistently strong desire was expressed for the Kew Library to be a building which attracts people and delivers the functionality people want and need in a contemporary library. Their aspirations included:

- Integrating the library with Alexandra Gardens and Petrie Square.
- Creating an open space that reflects and welcomes all the community and all ages—young, old, multicultural.
- Providing flexible spaces that give library users control over their environment, to suit their different needs.
- Creating spaces that encourage connections between people, with ideas and knowledge

Key Issues

The purpose of the committee is to act as a sounding board for the officer project team and provide feedback during the development phase (planning, design, implementation and commissioning) of the Kew Library Redevelopment.

Specifically, the committee's requirements will be to:

- Define its information requirements early and ensure that it receives adequate information over the term of the project.

- Receive relevant and timely information on the project from the project team, including progress against schedules, budgets and milestones, to ensure the committee members have sufficient information to offer informed views.
- Prepare for the meetings by reading any background material and asking questions of detailed clarification in advance.
- Provide timely feedback on issues relevant to project decisions.
- Provide guidance regarding translation of key elements of the project brief into the outcomes Council seeks to deliver through the project.
- Discuss items where changes are proposed to the approved project brief or endorsed design.

MOTION

Moved Councillor Gault

Seconded Councillor Biggar

That Council postpones any further action on the future of Kew Library and the Tuck Stand (with the exception of works which are currently underway), including the Terms of Reference for the Steering Committee, until after this financial year's budget discussions.

Procedural Motion - Suspension of Standing Orders

MOTION

Moved Councillor Stavrou

Seconded Councillor Thompson

That standing orders be suspended.

CARRIED

Standing orders were suspended at 7.17pm.

Procedural Motion - Suspension of Standing Orders

MOTION

Moved Councillor Parke

Seconded Councillor Hollingsworth

That standing orders be resumed.

CARRIED

Standing orders were resumed at 7.22pm.

The Motion was put and **LOST**



MOTION

Moved Councillor Stavrou

Seconded Councillor Sinfield

That Council resolve to:

- 1. Endorse the Terms of Reference of the Kew Library Redevelopment Steering Committee, as annexed to the minutes.**
- 2. Appoint Councillor Stavrou (Ward Councillor), Councillor Sinfield, Councillor Parke and Councillor Gault to the Kew Library Redevelopment Steering Committee.**

CARRIED

7.5 Administrative Review of Governance Rules

Purpose

This report recommends changes to the Governance Rules to comply with statutory changes about the Mayoral election and online meetings. It also advises Councillors on community engagement and feedback received about the proposed changes to the Governance Rules.

Background

The Local Government Act 2020 (LG Act) requires councils to have Governance Rules in place that deal with matters including the conduct of Council meetings and Mayoral elections.

Key issues

Recently, the Victorian Government made two legislative changes that require Council to change its Governance Rules.

Firstly, the *Regulatory Legislation Amendment (Reform) Act 2022* made the ability to conduct virtual meetings permanent. As a result, the LG Act requires Governance Rules to be changed to incorporate rules for conducting meetings online. The proposed changes reflect the approach that Council has used to date.

Secondly, the LG Act changed how the Mayor is elected and this change must be reflected in our Governance Rules.

While these changes are statutorily required, Council still undertook community consultation.

The community engagement process commenced on 22 August 2022 and concluded at midnight on 4 September 2022. The primary method of engagement was by a survey hosted on the Engage Boroondara website.

A total of 17 survey responses were received. Of those:

- 88% of respondents support online meetings (15 yes and 2 no); and
- 82% of respondents support the changes to the process for electing the mayor (14 yes and 3 no).

Next Steps

If adopted the Governance Rules will be uploaded on the Council website and distributed to Councillors electronically.

MOTION

Moved Councillor Thompson

Seconded Councillor Sinfield

That Council resolve:

- 1. To adopt the Governance Rules (Attachment 1) as annexed to the minutes.**
- 2. That the Governance Rules come into effect on 27 September 2022.**

CARRIED

7.7 Proposed City of Boroondara Motions for the Municipal Association of Victoria (MAV) State Council on 14 October 2022

This report informs councillors of the proposed motion to be put forward to the Municipal Association of Victoria (MAV) State Council meeting on Friday 14 October 2022.

Motions that are carried at the MAV State Council become Resolutions. These resolutions are then considered by the MAV Board when setting the strategic workplan for the MAV. This in turn supplements Council's advocacy on key issues that affect the Boroondara Community.

Councillor Thompson declared a Material Conflict of Interest in Item 7.7 Proposed City of Boroondara Motions for the Municipal Association of Victoria (MAV) State Council on 14 October 2022, in accordance with section 128 of the Local Government 2020 and the Governance Rules.

Councillor Thompson advised that the nature of the interest was he is a panel architect in the Vivtorian School Building Authority.

Councillor Thompson left the chamber at 7.54pm prior to the consideration and vote on this item.

MOTION

Moved Councillor Hollingsworth

Seconded Councillor Gillies

That Council resolve to adopt the motion in Attachment 1, as annexed to the minutes, to be put forward to the Municipal Association of Victoria (MAV) State Council meeting on 14 October 2022.

CARRIED

Councillor Thompson entered the chamber at 8.18pm and resumed his seat.

8. General business

8.1 Leave of Absence - Councillor Hollingsworth

Councillor Hollingsworth declared a General Conflict of Interest in Item 8.1 General Business in accordance with section 127 of the Local Government 2020 and the Governance Rules.

Councillor Hollingsworth advised that the nature of the interest was the request is for personal leave for dates requested.

Councillor Hollingsworth left the chamber at 8.18pm prior to the consideration and vote on this item.

MOTION

Moved Councillor Watson

Seconded Councillor Sinfield

That Council resolve to grant Councillor Hollingsworth a leave of absence from Council between 17 October 2022 to 23 October 2022 (inclusive).

CARRIED

Councillor Hollingsworth entered the chamber at 8.19pm and resumed her seat.

8.2 National Police Remembrance Day

Councillor Sinfield acknowledged the significance of National Police Remembrance Day held on 29 September every year.

Councillor Sinfield encouraged councillors and the community to attend commemoration services across Victoria and to donate to Victoria Police Blue Ribbon Foundation and Victoria Police Legacy.

Councillor Sinfield thanked the Boroondara Police and Camberwell Police for their contribution to the community.

8.3 Boroondara Eisteddfod

Councillor Watson shared some of the highlights of the 2022 Boroondara Eisteddfod and thanked volunteers and staff for delivering an exceptionally good Eisteddfod.

Councillor Hollingsworth acknowledged Councillor Watson's contribution and support of the Boroondara Eisteddfod.

8.4 Councillor Assignments

Councillor Biggar noted PQT1 from Ms McKenna and asked councillors to consider the formation of an LGBTQIA+ Advisory Committee as part of the councillor assignments for the next Mayoral year.

9. Urgent business

Nil

10. Confidential business

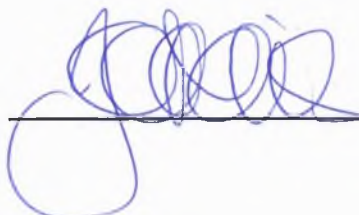
Nil

The meeting concluded at 8.27pm

Confirmed

Chairperson

Date



Council

Monday 26 September 2022

Copies of the attachments annexed to the minutes for the following items are available on Council's website www.boroondara.vic.gov.au/about-council/councillors-and-meetings/council-and-committee-meetings or can be provided in hardcopy by contacting the Governance Department on 9278 4022.

7.3 Kew Library Redevelopment Steering Committee - Terms of Reference

7.5 Administrative Review of Governance Rules

7.7 Proposed City of Boroondara Motions for the Municipal Association of Victoria (MAV) State Council on 14 October 2022

