

COUNCIL MEETING MINUTES



(Open to the public)

Monday 24 October 2022

Council Chamber, 8 Inglesby Road, Camberwell.

Commencement 6.38pm

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
	Mans Bassi	Director Customer and Transformation
	Amy Montalti	Chief Financial Officer
	Bryan Wee	Manager Governance and Legal
	Sapphire Allan	Management Accountant
	Fiona Brown	Manager Community Planning and Development
	Gail Power	Manager Arts and Culture
	Georgina Wignall	Acting Coordinator Strategy Planning and Reporting
	Christine White	Manager Capital Projects
	Jarrold Filosa	Coordinator Building Projects
	Liam Merrifield	Senior Governance Officer

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

That the minutes of the Council meeting held on 26 September 2022 and 17 October 2022 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**3.1 Deputation - Mr Leigh Naunton and Ms Anne Nixon**

The **Mayor, Councillor Addis** welcomed those individuals making a deputation to the Council meeting.

Both Mr Leigh Naunton and Ms Anne Nixon's deputations addressed Council separately with respect to allowing street facing solar panels in heritage zones.

The Mayor, Councillor Addis thanked the presenters for their deputation.

3.2 Petitions

Council has received Number (2) petitions. Details of the petitions are set out below.

No.	Ref. no.	Title / Description	No. of signatures	Referred to
1	CAS-1257504	Objection to the building renewal works planned for Rowen Street Kindergarten (RSK)	50	DCS
2		Allow street facing solar panels in heritage zones.	485	DUL

Legend:

DCS

Director Community Support

DUL

Director Urban Living

DC&T

Director Customer and Transformation

DP&S

Director Places & Spaces

GOV

Governance & Legal

MOTION**Moved Councillor Thompson****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**

Chapter 6 of Council's Governance Rules requires that a summary of matters discussed at Informal Meetings of Councillors be reported to a Council meeting as soon as practicable.

The attached summary of Informal Meetings of Councillors (**Attachment 1**) is reported to Council in accordance with the requirements of the Governance Rules.

MOTION

Moved Councillor Parke

Seconded Councillor Thompson

That Council resolve to receive and note the summary of Informal Meetings of Councillors, as annexed to the minutes.

CARRIED**5. Public question time****PQT1 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 their employment status 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.



PQT2 Ian Hundley of Balwyn North - Allowed Question

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

"Please advise the details of any additional approaches that have been made in the lead-up to the forthcoming Victorian election by election candidates or their representatives to Boroondara Council, individual councillors or Council officers concerning possible government spending or other promises with potential effect in the City of Boroondara?"

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 **Chief Executive Officer** responded as follows:

- We have not received any correspondence in relation to the upcoming Victorian State election where such proposals have been submitted to Council. There have been public announcements made from candidates themselves and they are accessible publicly. We are in receipt of a number of government grants for which we are appreciative, but we have not received any correspondence from candidates suggesting election promises to Council. I reiterate that some have been made publicly not directly to Council and they are accessible publicly.

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 Gillies

That the following items:

- 7.1 August 2022 Monthly Financial Report**
- 7.3 2022-23 Annual Community Strengthening Grants Report**
- 7.4 Contract 2021/231 - Boroondara Hospitality and Events Management Services**
- 7.5 Contract No 2022/79 - Y Street Ashburton Community Services Building Alteration Works**

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

CARRIED

7.2 Annual Report 2021-22

Purpose

The purpose of this report is to present the Annual Report for the 2021-22 financial year (**attachment 1**) to Council for endorsement.

Background

At the conclusion of each financial year, Council prepares an Annual Report summarising financial and non-financial performance for the year. This report provides performance details against both the Annual Budget 2021-22 and the Boroondara Community Plan 2021-31 (incorporating the Council Plan 2021-25 and Municipal Public Health and Wellbeing Plan 2021-25).

Key Issues

The Annual Report 2021-22 has been prepared in accordance with section 98 of the *Local Government Act 2020*. The Financial and Performance Statements that form sections of the Annual Report have been presented to, and considered by, the Audit and Risk Committee, and endorsed by Council prior to lodgement with the Victorian Auditor-General. Council has since received reports from the Victorian Auditor-General indicating that the Financial and Performance Statements provide fair representations of Council's performance. The Auditor-General reports are included in the Annual Report.

The Annual Report fairly represents Council's operations, financial position and Council's performance in respect of the 2021-22 financial year. The information presented satisfies all legislative requirements.

MOTION

Moved Councillor Stavrou

Seconded Councillor Thompson

That Council resolve to adopt the Annual Report for the 2021-22 financial year, included as Attachment 1, in accordance with section 98 of the *Local Government Act 2020*.

CARRIED

7.6 Amendment of Councillor Code of Conduct

Purpose

This report sets out considerations for Council in deciding whether to adopt the amended Councillor Code of Conduct at **Attachment 1**.

Background

The Local Government Act 2020 (the Act) requires Council to have developed a Councillor Code of Conduct (the Code) on or before 24 February 2021. The current Councillor Code of Conduct was adopted by Council on 22 February 2021.

Clause 6.8 of the Code deals with Councillors standing for Federal or State elections. It requires Councillors standing for Federal or State elections to:

- apply for a leave of absence from the Council which will commence no later than the date of their nomination as a candidate in the election and conclude no earlier than the close of voting for the election; and
- not attend meetings of the Council whilst on this leave of absence.

Key Issues

Clause 6.8 constrains Councillors who are standing for Federal or State election from fully representing their ward and performing their duties under the Act in circumstances where the obligations in clause 6.8 are not required, supported or enforceable under the Act.

- The Act also does not require Councillors who are standing for election including as nominated candidates take a leave of absence during this time.
- The Act does not support Councillors who are standing at a Federal or State election from being relieved from performing their duties. In this time, they also continue to be paid their allowance and legally have access to all materials.
- Clause 6.8 is not enforceable under the Act because it is not a “standard of conduct” that is imposed on Councillors under the Act or relevant regulations.

While clause 6.8 reduces the chances of conflicts of interest, Councillors standing for election are still bound by numerous other provisions in the Act which are enforceable. Many duties and functions of a Councillor do not conflict with being a candidate for election.

Removing part 6.8 from the Code will remove the requirement for nominated candidates to take a leave of absence and more closely align the Code with the Act.

Next Steps

If adopted, the amended Councillor Code of Conduct will be uploaded on the Council website and distributed to Councillors electronically.

MOTION

Moved Councillor Parke

Seconded Councillor Sinfield

That Council resolve to adopt the Councillor Code of Conduct (Attachment 1) as annexed to the Minutes with the amendments as suggested by Council.

CARRIED



Division**Councillor Franco called for a division****Affirmative**

Councillor Gault
Councillor Addis (Mayor)
Councillor Sinfield
Councillor Gillies
Councillor Thompson
Councillor Parke
Councillor Sinfield
Councillor Watson
Councillor Stavrou

Negative

Councillor Biggar
Councillor Franco

The Mayor, Councillor Addis declared the Motion **CARRIED**

7.7 Recommendations of Audit and Risk Committee Meeting**Purpose**

This report presents the recommendations of the most recent Audit and Risk Committee meeting for consideration by Council. A schedule of reports and committee recommendations is presented as an attachment to this report.

Background

The most recent meeting of the Audit and Risk Committee was held on 8 September 2022. This report presents the findings and recommendations from that meeting for consideration by Council.

Key Issues

As recorded in the minutes of the Audit and Risk Committee meeting held on 8 September 2022 the following reports were tabled:

- A5.1 Standard Questions for Tabling at Audit and Risk Committee Meetings
- A5.2 Business Arising
- A5.3 Audit and Risk Committee Administrative Matters
- A5.4 Risk Management Update
- A5.5 Internal Audit Report - Asset Management
- A5.6 Internal Audit Report - Business Continuity
- A5.7 Internal Audit Update
- A5.8 Reports from VAGO and Other Regulatory Authorities
- A5.9 Annual Update - Activities of the Fraud Control Group
- A5.10 Annual Update - Management of Health and Safety
- A5.11 COVID-19 Update
- A5.12 Transforming Boroondara - Project Update and Audit update
- A5.13 Outcomes of Legal and Ethical Certification Program
- A5.14 Annual Financial Statements and Performance Statement for the year ended 30 June 2022
- A5.15 Employee Engagement Survey Results

A Special Audit Report Agenda Item 8 was also received and noted by the Audit and Risk Committee.

A summary of the content of the reports tabled and identification of the required Council action is contained in **Attachment 1**.

Next Steps

The next meeting of Council's Audit and Risk Committee will be held 17 November 2022.

MOTION

Moved Councillor Stavrou

Seconded Councillor Watson

That Council resolve to adopt the resolutions recommended to Council contained in Attachment 1 as annexed to the minutes, reflecting the recommendations from the Audit and Risk Committee meeting held on 8 September 2022.

CARRIED

7.8 Review of Instrument of Delegation Council to Council Staff

Purpose

This report sets out proposed updated delegations from Council to members of Council staff under the Local Government Act 2020 (the Act). It seeks a resolution from Council to refresh those delegations.

Background

Council is empowered by section 11 of the Act to delegate powers, duties or functions.

Delegations are necessary to facilitate Council functioning effectively by enabling the CEO and officers to make day-to-day decisions about routine administrative and operational matters.

Twice a year, officers review the delegations against legislative, policy and staff changes, considering the Maddocks Authorisations and Delegations Service, which provides advice regarding legislative amendments and template instruments.

Key Issues

The draft Instrument of Delegation from Council to Members of Council Staff includes a range of legislative amendments and the inclusion of changes to staff titles and delegates.

Next Steps

The instrument will be circulated to officers when adopted so that the organisation is aware of any changes to delegations.

MOTION

Moved Councillor Hollingsworth

Seconded Councillor Parke

That Council resolve to:

- 1. In the exercise of the powers conferred by the legislation referred to in the instrument of delegation, Boroondara City Council (Council) resolves that:**
 - a. 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 (annexed to the minutes as Attachment 1), the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.**
 - b. The instrument comes into force immediately after the common seal of Council is affixed to the instrument.**
 - c. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.**
 - d. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

CARRIED**8. General business****8.1 Camberwell Green - Councillor Franco**

Councillor Thompson declared a Material Conflict of Interest in Item 8.1 General Business in accordance with section 128 of the Local Government 2020 and the Governance Rules.

Councillor Thompson advised that the nature of the interest was the request is that they are a director of a company that is a panel architect to the VSBA.

Councillor Thompson left the chamber at 7:43pm.

Councillor Franco congratulated the State government for taking the necessary steps to make Camberwell Green a reality.

Councillor Thompson entered the chamber at 7:46pm and resumed his seat.

9. Urgent business

Nil

10. Confidential business


Nil

The meeting concluded at 7:46pm

Confirmed

Chairperson

Date



19/06/23

MINUTES ATTACHMENTS



Council

Monday 24 October 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.

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