



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

TUESDAY 26 SEPTEMBER 2023

MINUTES

**Meeting was held in the Council Chambers,
Corner Hawthorn & Glen Eira Roads, Caulfield
at 7.30pm**

Present

The Mayor, Councillor Jim Magee
Councillor Tony Athanasopoulos
Councillor Anne-Marie Cade
Councillor Margaret Esakoff
Councillor Sam Parasol
Councillor Sue Pennicuik
Councillor Li Zhang
Councillor Simone Zmood
Councillor David Zyngier

INDEX

| | | |
|------------|---|-----------|
| 1. | ACKNOWLEDGEMENT | 4 |
| 2. | APOLOGIES..... | 4 |
| 3. | REMINDER TO DECLARE ANY CONFLICTS OF INTEREST IN ANY ITEMS ON THE AGENDA | 4 |
| 4. | CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS | 11 |
| 5. | RECEPTION AND READING OF PETITIONS AND JOINT LETTERS | 11 |
| | Nil | |
| 6. | REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS | 11 |
| | Cr Zyngier – Local Government Working Group on Gambling | |
| 7. | REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY | 12 |
| | 7.1 Advisory Committees | 12 |
| | Nil | |
| | 7.2 Records of Assembly..... | 12 |
| | 7.2.1 Records of Assemblies of Councillors | 12 |
| 8. | OFFICER REPORTS (AS LISTED)..... | 13 |
| | 8.1 Financial Management Report (31 August 2023) | 13 |
| | 8.2 Audit & Risk Committee Minutes | 13 |
| | 8.3 Community For All Abilities Program Report..... | 14 |
| | 8.4 Sale of Land and Buildings Policy | 14 |
| | 8.5 Inclusion of 4 Trees in the Classified Tree Register..... | 15 |
| | 8.6 Lease to Wattle Tennis Club Inc..... | 15 |
| | 8.7 Tender 2023.11 Provision of Building Cleaning Services | 16 |
| | 8.8 VCAT Watch | 16 |
| 9. | URGENT BUSINESS..... | 17 |
| 10. | ORDINARY BUSINESS | 17 |

10.1 Requests for reports from a member of Council staff 17

10.2 Right of reply 17

10.3 Notice of Motion 17

10.4 Councillor questions..... 17

10.5 Written public questions to Council 17

11. CONFIDENTIAL ITEMS..... 18

12. CLOSURE OF MEETING..... 18



1. ACKNOWLEDGEMENT

The Mayor read the acknowledgement.

Glen Eira City Council Acknowledges the peoples of the Kulin Nation as Traditional Owners and Custodians, and pay our respect to their Elders past, present and emerging. We Acknowledge and uphold their continuing relationship to land and waterways. Council extends its respect to all Aboriginal and Torres Strait Islander peoples.

2. APOLOGIES

Nil

3. REMINDER TO DECLARE ANY CONFLICTS OF INTEREST IN ANY ITEMS ON THE AGENDA

Councillors were reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda, or any item that was considered at this meeting, in accordance with Section 130(2) of the *Local Government Act 2020* and Rule 60(3) of the Glen Eira City Council Governance Rules. Councillors were then invited to indicate any such conflict of interest.

Nil

Procedural Motion

Moved: Cr Magee

Seconded: Cr Parasol

That Council:

1. where meetings are held in-person, can continue the meeting if the livestream of the meeting fails as stated in the governance rules;
2. considers the meeting to be adjourned for 10 minutes from the commencement of any technical problem where a Councillor is participating virtually; and
3. where a Councillor is participating virtually and the meeting cannot be resumed within 30 minutes from the commencement of the technical problem, the meeting is to be reconvened on Wednesday 27 September 2023 at 7.30pm.

CARRIED UNANIMOUSLY

Public Participation

This evening we had 1 public participation submission.

Procedural Motion**Moved: Cr Magee****Seconded: Cr Parasol**

That Council changes the order of business to bring forward **Item 10.5 – Written Public Questions to Council** to be heard at this stage of the meeting..

CARRIED UNANIMOUSLY**Written Public Questions to Council**

This evening we had 13 Written Public Questions to Council.

Question 1
Timothy Wilson
Beaumaris

Before or following our Federal MP, Zoe Daniel, voted to repeal \$100 million in infrastructure grants to Glen Eira and Bayside, did Council write to our Federal MP and ask her to support these essential grants Council had previously submitted documentation for and were granted in previous Budget?

Answer:

Council wrote to Zoe Daniel MP on 22 June 2022 regarding Council's projects that had been allocated funding under the Urban Congestion Fund. Council also provided Ms Daniel and all candidates with information regarding Council's election priorities in the lead up to the Federal election, which included funding for increased car parking in Council's activity centres.

We also provided a brief about Council's position on the Urban Congestion Fund to Dr Michelle Ananda-Rajah MP, Federal Member for Higgins on 29 August 2022. This was following the closure of a process of additional community consultation. The brief reiterated that the community had expressed concerns about the Urban Congestion Fund and that Council's preference was to retain the funding, but for the funding to be decoupled from the requirement to construct commuter carparks.

Council was formally notified on 14 November 2022 by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts that the Australian Government Urban Congestion Fund had been cancelled in the October 2022—2023 Federal Budget and the funding previously allocated to Council had been withdrawn.

Question 2
Timothy Wilson
Beaumaris

With our Federal MP, Zoe Daniel, voting for nearly \$1 billion in new subsidies to coal companies as part of the Federal government's energy price cap plan, has Glen Eira Council done an analysis of its additional share of emissions that would need to be offset to take account of this subsidy to fossil fuel companies?

Answer: We're committed to achieving zero net emissions by 2025. Our electricity is already 100 per cent renewable. We source energy from two new wind farm developments through our award-winning Victorian Energy Collaboration (VECO), significantly reducing our need to offset our corporate emissions.

We're currently updating our emissions profile and developing an adaptive pathway towards zero emissions. We haven't specifically analysed the impact of Australian Government's Energy Price Relief Plan.

Question 3
Mike Wilson
Caulfield North

Will Council work with its Rainbow Pride Advisory and Working Groups to develop an LGBTIQ+ Action Plan for the City of Glen Eira?

Answer: Council's commitments regarding diversity and inclusion (including for the LGBTIQ+ community) are set out in our Community Wellbeing Plan 2021-24. A key priority of that plan is Priority five which is to 'Embrace creativity, learning and diversity which includes celebrating our unique identities and build respect, inclusion and tolerance across ages, sexualities, genders, ability, religions and cultures'.

Each Year Council develops and endorses a Community Wellbeing Action Plan which details the activities and initiatives Council will undertake in support of the LGBTIQ+ community. Delivery against the action plan is reported to both Council and the broader community each year via Council's website.

The LGBTIQ+ initiatives and activities undertaken by Council are informed by the Glen Eira LGBTIQ+ The Rainbow Pride Advisory Group which meets four times a year and is made up of nine community members as well as Victoria Police, Aleph Melbourne and the Better Health Network.

Council has also developed a Wellbeing and Cultural Dates Calendar, this includes activities recognising days to raise awareness and visibility of the LGBTIQ+ community including the Midsumma Festival, IDAHOBIT and Trans Awareness Week. This annual calendar is available through the Council website.

Question 4
Muhammad Alkourashi
Carnegie

Good evening, Councillors and residents. I live in an apartment on Neerim Road, Carnegie, where floodlights from a nearby building are a constant disturbance. These lights stay on throughout the night, even at 3 a.m., with no regard for those affected. While we regulate noise levels, we have no guidelines for light pollution. Could the Council consider implementing simple, common-sense rules for responsible lighting?

Answer: See below – both of Muhammad Alkourashi’s questions will be answered together.

Question 5
Muhammad Alkourashi
Carnegie

The intensity of these lights makes solutions like better curtains impractical. This isn't a mere inconvenience; it's a real quality-of-life issue. Would the Council be open to addressing this gap in our local laws?

Answer: There is an Australian Standard that provides a framework for the control of obtrusive effects of outdoor lighting. Alongside this, Council has powers under the *Public Health and Wellbeing Act 2008* to consider whether light disturbance is a nuisance that is dangerous to health. The process requires an impacted person to provide evidence about the light disturbance and how it affects their health, and for a site assessment to be undertaken to understand the impact. Council will then determine if a complaint constitutes a nuisance and will have regard to relevant standards. If it does constitute a nuisance, Council has powers to issue an improvement notice to the landowner. I will arrange for a member of the Environmental Health Department to contact you to discuss this process.

Question 6
L Reynolds
Carnegie

Hi,
My questions below relate to 8.4 of the agenda.
1. Under what circumstances would the council consider an alternative method of sale and who would be included in a private treaty?

Answer: Any such circumstances would likely be rare and would only apply where Council wished to control the future usage of the land by selling to a private party through direct negotiations.

Question 7
L Reynolds
Carnegie

2. What possible community benefits could there be for the council to sell land at less than the market value and what possible benefits could there be from accepting a lower purchase price?

Answer: It is difficult to answer this question, but this would only apply where the proposed future use of the land provided exceptional community benefit that justified Council accepting a lower purchase price.

Question 8
Angus Morrison
Caulfield South

Will council support an examination of the demands put on childcare workers who work through the Council's family day care system to use an app mandated by Council that requires workers to track in detail the activities of children under their care (such as tracking all toilet times), as carers have reported that their time and attention is so impacted with the use of this app that their attention and care to the children has significantly diminished?

Answer:

There are 16 educators that form part of the Council family day care program that provide education and care services in their homes for up to four children. All providers of early years education and care services, including family day care providers, must comply with the Commonwealth Government's National Quality Standards that set the benchmark for educator practice, children's health, safety and physical environments.

Family day care educators are assessed and rated against these standards to ensure children receive the highest quality of education and care. Part of the assessment process involves recording keeping requirements by educators to demonstrate compliance with the national standards. Family day care educators are required to keep electronic records of attendance, enrolments and children's sleep and rest routines using a computer program called Harmony which is used by early years educators across Australia. Educators have a choice to either keep electronic records or paper records for other requirements such as meals, drinks and application of sunscreen. Record keeping requirements can be undertaken by educators during the day or at the end of the day. Record keeping is also an important way of keeping families informed about their child's experience at the service.

Question 9
Angus Morrison
Caulfield South

What human rights and environmental assessments on vendors and supply chains does Council make when assessing significant capital purchases and how are these assessments made public?

Answer:

When evaluating major capital tenders, Council adheres to the Procurement Policy (<https://www.gleneira.vic.gov.au/about-council/our-organisation/council-legislation-and-policies/procurement-and-tenders>) which is aligned to all relevant legislation and current best practice including the Charter of Human Rights and Responsibilities 2006 (Vic).

Council values and weights Social, Economic and Environmental compliance as part of the evaluation and reporting. Further, Council seeks probity advice and compliance reports to ensure that all relevant processes and policies are being followed.

Council's' tender documents are all publicly available, demonstrating the nature of the tender and the environmental, social and/ economic matters that Council is seeking to drive or confirm compliance with for any given project.

As you can appreciate, the commercial nature of the process means that elements of the tender process and evaluation outcomes are required to be kept confidential.

Question 10

**Rosetta
Manaszewicz
McKinnon**

QUESTION 1

At the last OCM, a request for a report asked that it *Details the reasons why Council decided not to contest May Street West's status as a road at law.....* Given that the LGA 2020 defines a council as consisting of its elected representatives, and not its officers, and that council's governance rules disallow decision making in assembly meetings, when did Council decide 'not to contest' the status of May Street and how does any such decision not breach the above legislative requirements?

Answer: The term Council is used to describe both Council the organisation / entity and Council the elected body. In the example provided above, the term Council describes the entity. The decision was made under delegation following consultation with Councillors.

Question 11

**Rosetta
Manaszewicz
McKinnon**

QUESTION 2

If council (as defined by the LGA) did indeed make such a decision, it is not recorded in either the OCM minutes OR the assembly minutes. Who made this decision and under what authority or delegation was it made?

Answer: The decision Council made was that sufficient evidence had been provided to demonstrate that May Street West is not a road at law for the purpose of satisfying a pre-commencement condition on the planning permit for the Woolworths development in Selwyn Street. Council's Director Planning and Place instructed solicitors to prepare a letter confirming the condition had been satisfied. This power is delegated to "Specific Planning Officers" under the Instrument of Delegation – Members of Staff (Planning and Environment Act 1987), which is a general delegated function that provides the "Power to decide, in relation to any planning scheme or permit, that a specified matter has or has not been done to the satisfaction of Council"

Question 12
T Antonio
Murrumbeena

In relation to the Councillor's Expenditure Report for the period of 1 November 2021 to 31 October 2022. Keeping fairness in mind, could the Council please explain why one Councillor's expenditure is over \$22,000 more than her peers, why Councillors with the most expenditure including the Mayor are all from Tucker Ward and whether this discrepancy given an advantage over the work the other Councillors do for their respective Wards?

Answer:

Councillor allowances are determined by the Victorian Independent Remuneration Tribunal in accordance with section 39 of the Local Government Act 2020.

The Determination by the Tribunal sets a base allowance for each Council member, the value of which varies according to the role (Mayor, Deputy Mayor or Councillor) and the allowance category to which the Council has been assigned.

This includes the allowances paid to the elected Mayor and Deputy Mayor and Councillors. The Tribunal is required to make an annual adjustment to the values of allowances.

Council is responsible for electing the Mayor and Deputy Mayor each year. For the period in question, Cr Jim Magee was Mayor and was entitled to the Mayoral allowance and Cr Li Zhang was Deputy Mayor and was entitled to the Deputy Mayoral allowance. Both Cr Magee and Cr Zhang represent Tucker Ward.

In addition to this the Councillor Civic Support and Expenses Policy sets out the entitlement of all Councillors to allowances, facilities, resources and reimbursement of certain expenses to assist them to discharge their responsibilities and to provide for reimbursement of certain expenses for members of delegated committees. This Policy is available on Council's website.

13 T Antonio
Murrumbena In relation to item 8.1 in the agenda. Can Council provide examples of what is regarded as 'Other Expenses' that is costing us \$66K and is stated as having a slight increase?

Looking forward to hearing these answers at the council meeting.

Answer:

The main reason for the \$66k shortfall to budget (in the year to date column) reported in the August 2023 finance report under "Other Expenses" is due to an increase in court lodgment fees relating to parking infringement enforcements.

It is recorded that Cr Esakoff vacated the meeting at 7.52pm.

It is recorded that Cr Esakoff re-entered the meeting at 7.54pm.

4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS

Moved: Cr Magee

Seconded: Cr Esakoff

That the minutes of the Ordinary Council Meeting held on 5 September 2023 and the Special Council Meeting held on 19 September 2023 be confirmed.

CARRIED UNANIMOUSLY

5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

Nil

6. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS

Cr Zyngier – Local Government Working Group on Gambling

7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY

7.1 Advisory Committees

Nil

7.2 Records of Assembly

7.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS

Moved: Cr Esakoff

Seconded: Cr Parasol

That the Records of Assemblies as shown below be received and noted.

1. 22 August 2023 Assembly;
2. 29 August 2023 Assembly; and
3. 5 September 2023 Pre-meeting.

CARRIED UNANIMOUSLY

8. OFFICER REPORTS (AS LISTED)

8.1 FINANCIAL MANAGEMENT REPORT (31 AUGUST 2023)

Moved: Cr Cade**Seconded: Cr Pennicuik**

That Council notes the Financial Management Report for the period ending 31 August 2023.

CARRIED UNANIMOUSLY

8.2 AUDIT & RISK COMMITTEE MINUTES

Moved: Cr Pennicuik**Seconded: Cr Parasol**

That the minutes of the Audit and Risk Committee meeting held on 1 September 2023 as shown in Attachment 1 to the report be approved.

CARRIED UNANIMOUSLY

8.3 COMMUNITY FOR ALL ABILITIES PROGRAM REPORT

Moved: Cr Esakoff**Seconded: Cr Pennicuik**

1. That Council:
 - a) approves proceeding to tender for the 'Provision of All Abilities Career Advisor' contract for two years up to a total cost of \$230,000, open to people with disability of any age.
 - b) approves proceeding to tender for the 'Provision of All Abilities Horticulture Training' contract for two years up to a total cost of \$274,000, open to people with disability aged 15-35 years.
 - c) notes the achievements of the *Community for All Abilities Program* since it began in early 2020.

CARRIED UNANIMOUSLY

8.4 SALE OF LAND AND BUILDINGS POLICY

Moved: Cr Zmood**Seconded: Cr Parasol**

That Council adopts the '*Sale of Land and Buildings Policy*' in Attachment 1 to the report with the following change to Page 4 Section 4 of the Policy, P 56 of the agenda :

Insert as follows :

Where assets are identified as being low performing, they will be further assessed *as to whether they could be repurposed for Council use*, and where land is determined as being potentially surplus to the Council's requirements it will be considered for disposal.

CARRIED UNANIMOUSLY

8.5 INCLUSION OF 4 TREES IN THE CLASSIFIED TREE REGISTER

Moved: Cr Zmood**Seconded: Cr Zyngier**

That Council:

1. includes the following trees in the Classified Tree Register:
 - a) Liquidambar (*Liquidambar styraciflua*) located at 19 Hoddle St, Elsternwick – 277/CTR/2021;
 - b) Red Flowering Gum (*Corymbia ficifolia*) located at 18 Fallon St, Caulfield – 466/CTR/2022;
 - c) Manna Gum (*Eucalyptus viminalis*) located at 38 Downshire Rd, Elsternwick – 476/CTR/2023;
 - d) Narrow-leaved Black Peppermint (*Eucalyptus nicholii*) located Gardenvale Park, Gardenvale – 493/CTR/2023;
2. notifies each person who nominated a tree detailed in this report;
3. notifies all relevant landholders of the trees detailed in this report; and
4. authorises a notice to be published in the Victorian Government Gazette of the decision to include the trees outlined in this report in the Classified Tree Register.

CARRIED UNANIMOUSLY

8.6 LEASE TO WATTLE TENNIS CLUB INC.

Moved: Cr Cade**Seconded: Cr Esakoff**

That Council:

1. Authorises officers to enter into and finalise a Lease with Wattle Tennis Club Inc. (A0016964K) for their occupation of Council freehold land at Bentleigh Reserve, Bentleigh for an initial term of five years, plus one further option of four years.
2. Executes the Lease with Wattle Tennis Club Inc. (A0016964K) in an appropriate manner by affixing the common seal of Council.

CARRIED UNANIMOUSLY

8.7 TENDER 2023.11 PROVISION OF BUILDING CLEANING SERVICES

Moved: Cr Cade**Seconded: Cr Zmood**

That Council having reviewed and considered the confidential Tender Evaluation report (attachment 1 to this report):

1. appoints **O S Group Australia Pty Ltd A.C.N. 600 786 427 as the contractor under Tender number 2023.115** for an amount in accordance with the Schedule of Rates submitted;
2. prepares the contracts in accordance with the Conditions of Contract included in the tender;
3. authorises the CEO to execute the contract on Council's behalf;
4. notes the attachments to the report remain confidential in accordance with section 3(1)(g) and section 66(5) of the *Local Government Act 2020* or until Council resolves otherwise; and
5. authorises Council officers to disclose any confidential information in relation to this item, but only to the extent necessary to give effect to the resolution.

CARRIED UNANIMOUSLY

8.8 VCAT WATCH

Moved: Cr Cade**Seconded: Cr Parasol**

That Council notes the update on Victorian Civil and Administrative Tribunal matters.

CARRIED UNANIMOUSLY

9. URGENT BUSINESS

Nil

10. ORDINARY BUSINESS

10.1 Requests for reports from a member of Council staff

Nil

10.2 Right of reply

Nil

10.3 Notice of Motion

Nil

10.4 Councillor questions

Nil

10.5 Written public questions to Council

Heard at an earlier stage of the meeting

11. CONFIDENTIAL ITEMS

Moved: Cr Magee

Seconded: Cr Esakoff

That pursuant to Section 66(1) and 66(2)(a) of the Local Government Act 2020, the Council resolves that so much of this meeting be closed to members of the public, as is required for Council to consider the following matters that are confidential in accordance with Section 3(1) of the Act:

11.1 Employment Matter

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

- because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f)); and
- relates to a personnel matter

CARRIED UNANIMOUSLY

12. CLOSURE OF MEETING

The meeting closed at 8.28pm.

Confirmed this 17 October 2023

Chairperson.....