



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

TUESDAY 17 OCTOBER 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

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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 Zmood

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 18 October 2023 at 7.30pm.

CARRIED UNANIMOUSLY

Public Participation

This evening we have 9 speakers.

Procedural Motion

Moved: Cr Magee

Seconded: Cr Zmood

*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

<p>Neil Freeman Caulfield</p>	<p>Question 1:</p> <p>Can council please explain why they do not keep stock of the free 100 daily use visitor permits on the premises of Town Hall, either at the enquiries desk or within the traffic department office? It should be a simple process of attending to the town hall, specifying the eligible residential address and providing proof of residency by either: – a valid driver’s licence with your name and residential address. – any connected gas or power service in your name, or an email / letter acknowledging the account set-up. – a current signed tenancy agreement or bond lodgement receipt. Instead, council has a paper form to be filled in or a complicated online system and then the permits have to be posted to the eligible residential address. This has a cost associated to it of at least \$6.00 for postage and packaging. Then there is the cost to process the request. There is also the cost to the resident attending the town hall for the wasted trip ie. fuel, public transport fare etc. There is the possible real or existential cost for the resident / employee interaction e.g. Workcover All of these costs are born by the ratepayers instead of monetary savings being used for services to the ratepayer. This is an inept process.</p> <p>Answer:</p> <p>Thanks for your comments and suggestions. At the moment we do stock the booklets at the Town Hall but there is a process involved to check that people are eligible to receive them. We can also issue one-off visitor permits to deal with emergency or unplanned situations.</p> <p>You’ll be pleased to know that from November we will be moving to an electronic system to speed up approvals and enable customers to allocate visitor permits online from a digital coupon book by</p>
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	<p>simply nominating the registration number of the vehicle and the date it will be used. There will no longer be a physical visitor parking permit to display on the vehicle.</p>
<p>Hayden Lavigne</p>	<p>Question 2:</p> <p>It's been nearly a year since Council decided not to pursue plans for bike lanes on Inkerman Road. At that meeting, several councillors said we should instead focus on creating safe bike infrastructure around schools, that we should "get kids starting to ride". What progress has Council made in improving safety for children traveling to school?</p> <p>Answer:</p> <p>Our upgrades and improvements to cycling infrastructure are guided by our Cycling Action Plan. Most recently this has included traffic calming measures and improved signage to the Rosstown Rail Trail, making this route safer for cyclists, including children.</p> <p>We also run programs to improve safety for children travelling to school so that kids to feel safe walking or riding to school.</p> <p>A recent example is the 'Active Paths' program which was undertaken with three local schools, including Murrumbena, Caulfield, and Bentleigh West Primary Schools. The program improves the experience for students who walk or ride to school by identifying, co-planning and mapping safe and direct routes to school. Colourful footpath decals are being installed along the routes to help guide students safely to their schools.</p> <p>We're looking forward to working with the refreshed Strategic Transport Advisory Committee to accelerate some of our work in this area.</p>
<p>Jeremy Koadlow Caulfield</p>	<p>Question 3:</p> <p>For councillors with children that attended an ELC, how long did the process take for you and your family to find an ELC to consider, decide that a specific ELC was appropriate for your circumstances, apply for that ELC, and then wait to either receive or not receive the position for your child to attend an ELC?</p> <p>Answer:</p> <p>Without presuming to speak on behalf of Councillors, Council is confident that there is a sufficient supply of childcare places to meet current and future demand. Our centres account for just 2 per cent of the 5,731 childcare places in the municipality meaning there is choice and capacity. If a final decision to close the centres is made, we will help families find alternative care that best suits their</p>

	individual needs.
Jeremy Koadlow Caulfield	<p>Question 4:</p> <p>Council cited the standard of its ELC's as a reason to exit the provision of those services, if the standards do not meet community expectations how will council be enforcing those high those standards if at all including the revoking of council endorsed permits issued to private ELC's that do not meet those same standards?</p> <p>Answer:</p> <p>The Commonwealth Government is responsible for assessing the quality of all childcare services. Council does not play a role in monitoring or enforcing the standards of childcare services.</p> <p>Council's small Early Learning Centre buildings are no longer fit for purpose because they prevent Council from achieving the economies of scale required to operate financially viable childcare services. This is primarily due to the small room sizes and child educator ratios required by the Commonwealth Government National Quality Framework.</p> <p>Council issues planning permits for private childcare centres in accordance with relevant legislation which is separate to Council's role as a childcare service provider.</p>
Emiko Hunt Caulfield	<p>Question 5:</p> <p>The Victorian School Building Authority (VSBA) has been offering Early Childhood grants in the billions to upgrade, improve and build ECLs. State Government politicians, VSBA, and Victorian Department of Education claim City of Glen Eira has not once applied for, nor requested State Government funding. Port Phillip Council has recently worked with VSBA and their community ELCs to secure \$18million to improve their council-owned centres. Council have cited "buildings are old and no longer meet community expectations or current design standards for modern childcare services" (Childcare Discussion Paper, 2023) as a key reason for closing centres. Is it correct that Council has not requested State Government funding to improve our ELCs? Why have you not, and how do you think that represents responsible management and maintenance of our community centres?</p> <p>Answer:</p> <p>The Victorian Government's Building Blocks Grants are aimed at increasing the supply of state-funded kindergarten places for 3-and-4-year-old children, not childcare places.</p> <p>The current Kindergarten Infrastructure and Services Plan for Glen</p>

	<p>Eira does not identify a shortfall in kindergarten places for the Glen Eira municipality until 2028, and the shortfall in kindergarten places is expected in Bentleigh-McKinnon; not the suburbs where Council's Early Learning Centres are located. It is therefore difficult for Council to meet all of the funding criteria for Building Blocks Grants for the Early Learning Centres. As outlined in the Childcare Discussion paper, the Building Blocks funding is inadequate to cover the full costs of constructing a new financially viable Council childcare centre.</p> <p>Port Phillip Council has allocated over \$18M of their own revenue to capital expenditure to improve their early years infrastructure. The Victorian Government has committed a further \$12million in funding for this project. This project is aimed at increasing kindergarten capacity in the centres, not boosting the operational viability of the childcare services.</p>
<p>Emiko Hunt Caulfield</p>	<p>Question 6:</p> <p>In 2019 Glen Eira Council resolved to sell three aged care facilities (Rosstown, Spurway and Warrawee). Unable to find a suitable buyer; Council assured elderly residents their centres would be retained by Council long-term. In 2021, Council closed Spurway, disorienting residents and relocating them to Rosstown/Warrawee. In late 2021 Rosstown was closed; with residents moved to Warrawee. Council had a 'special meeting' to make these abrupt decisions, with community upset at the lack of consultation. The result was elderly community members being displaced, with terrible mental/physical repercussions. Fast forward to October 2023. A similar rollout is occurring. Special meetings, lack of community consultation, preliminary decisions to displace vulnerable community members; all in rushed timelines. Why is Council washing their hands of community services like aged care and childcare? Why do Council believe they hold no responsibility to provide services to support these tax- and economy-contributing community members?</p> <p>Answer:</p> <p>Council has an important responsibility to regularly review the services it provides to the community. As part of normal Council business, we review our services to ensure they're sustainable, well managed and meeting community expectations. The Childcare Strategic Service Review aimed to better understand how Council's Early Learning Centres could operate sustainably into the future.</p> <p>Council is engaging with families and the community which is consistent with the overarching governance principles and community engagement principles of the Local Government Act.</p> <p>Council must also comply with the National Competition Policy</p>

	<p>which means that Council must ensure its Early Learning Centres do not have any advantage in the competitive childcare market because of the benefits Council has as a level of government with access to rate payer funds that other childcare services do not.</p> <p>Our centres account for just 2 per cent of the 5,731 childcare places in the municipality, that means there is choice and capacity to meet current and projected childcare demand. If a final decision to close the centres is made, support will be available to families to find alternative care that best suits their individual needs.</p>
<p>Megan Lyell Bentleigh East</p>	<p>Question 7:</p> <p>To what extent does the council restructure and the Oct 2024 election play into the OUTRAGEOUS timing of this decision, its inappropriately short engagement and consultation period and its failure to consider the community prior to this a preliminary decision?</p> <p>Answer:</p> <p>The electoral structure review required under the Local Government Act 2020 and the 2024 Council elections did not inform the preliminary decision to exit Council childcare services.</p>
<p>Megan Lyell Bentleigh East</p>	<p>Question 8:</p> <p>Why does Council not see early childhood education and care as a priority? Why are our children being viewed as a 'deficit' rather than an investment?</p> <p>Answer:</p> <p>Council is committed to providing high quality services and has a broad role in supporting children and families in Glen Eira by planning, facilitation and partnering with Government and local providers along with direct service provision.</p> <p>Council provides a broad range of services that support children and families including early education and care, maternal and child health, parent support services, immunisation, and library services as well as working to build the capacity of all early year's services and supporting the professional development of early years staff across the municipality.</p> <p>Another vital role is advocacy, where Council seeks to secure programs, projects and funding from other levels of government to support early years services, initiatives and programs.</p>

<p>Dora Banyasz Ormond</p>	<p>Question 9:</p> <p>Can you explain on what basis you think the current surveys open to families and community members regarding the closure of Glen Eira's three childcare centres is adequate, in circumstances where the surveys fail to meaningfully solicit any information about the closures and other available options, and are premised on the assumptions that the centres will close?</p> <p>Answer:</p> <p>The survey asks two important open-ended questions with free-text boxes for impacted families and the broader community to provide feedback.</p> <p>The two questions are <i>'In the future, what role do you think Council should play in supporting young children and their families'</i> and <i>'Do you have any other feedback for Council to consider when making a final decision'</i>.</p> <p>The text-free boxes in the survey enable respondents to share detailed and descriptive information including their opinions, expressions of their feelings and their understanding of the preliminary Council decision.</p>
<p>Dora Banyasz Ormond</p>	<p>Question 10:</p> <p>Mayor Magee has previously stated that it is difficult to extend the timelines applying to childcare closure process because of due process concerns. Can you please explain why it would be problematic from a due process perspective to urgently extend the timeline for consultation/consideration of all options, while in parallel urgently making a commitment not to close the centres before December 2024?</p> <p>Answer:</p> <p>Council has committed to a 4-week consultation period with staff, families and the community and will carefully consider all feedback received prior to making a final decision. Feedback received about the timing of the potential closure of the centres will form part of the considerations of the final decision-making process.</p>
<p>Luke Skehan Carnegie</p>	<p>Question 11:</p> <p>In the ELC Preliminary Discussion Paper and in the media, Council makes the claim that the "centres no longer meet contemporary building and service standards" (Major Jim Magee, Herald Sun 12 October 2023). All three of the ELCs are rated Exceeding the National Quality Framework, which is Australia's system for regulating early learning. Using the criterion Quality Area 3: Physical</p>

	<p>environment which focuses on the physical environment. To be rated Exceeding in this area, services “consistently align with safety, cleanliness and maintenance advice from recognised authorities” and “contributing to a flexible, engaging and stimulating environment that enhances each child’s learning, development and wellbeing”.</p> <p>What specific standard/s is Glen Eira Council referencing when making this claim, and what evidence demonstrates the centres do not meet this standard?</p> <p>Answer:</p> <p>Council’s Early Learning Centre buildings no longer meet contemporary standards for childcare centres because they prevent Council from achieving economies of scale required to operate financially viable childcare services.</p> <p>There have been numerous changes in government funding, policy and children’s services regulations since the facilities were constructed which means the building designs make the childcare services more costly to run in accordance with current regulations and quality standards. This is primarily due to the small room sizes in Council’s centres and child educator ratios required by the Commonwealth Government National Quality Framework.</p>
<p>Katerina Patras Flack Murrumbeena</p>	<p>Question 12:</p> <p>With regard to the preliminary decision to close Glen Eira’s three early learning centres (ELCs), only three options were provided in the Discussion Paper: to close, keep open or merge. No mention was made of looking at other alternatives or looking to other Councils such as City of Yarra and City of Port Phillip where Council-run centres were invested into and kept open for the benefit of the community (noting that pursuant to Section 9(2)(f) of the Local Government Act 2020, Council has an overarching obligation to seek collaboration with other Councils and Governments and statutory bodies Can tell us the exact process and the collaboration Council sought to explore all options for the three ELCs?</p> <p>Answer:</p> <p>The service review of Council’s Early Learning Centres investigated three options in detail for Council’s consideration. The review reflects the operations of the three centres, local childcare sector, circumstances of the Glen Eira community and considerations such as the impact of the early years reform agenda on the Glen Eira municipality.</p> <p>The considerations for each option are set out in detail in the</p>

	<p>discussion paper.</p> <p>Port Phillip City Council and Yarra City Council are not relevant comparisons because unlike Glen Eira City Council, the Port Phillip City Council do not operate the childcare services that are provided from Council-owned facilities. These services are provided by community based providers. Yarra City Council manages a number of children’s centres including a child and family hub which is similar to the option that was considered in the strategic services review to consolidate all of Council’s childcare places onto one site.</p> <p>The City of Port Phillip has committed \$18M as part of the Building Blocks funding partnership with the Victorian Government, and the Victorian Government has committed \$12M.</p> <p>Council’s adopted Long Term Financial Plan has no budget provision for major building investments relating to the three Early Learning Centres.</p>
<p>Katerina Patras Flack Murrumbeena</p>	<p>Question 13:</p> <p>Childcare is reliant on skilled and dedicated educators to deliver quality education and care. The ACCC’s 2023 Childcare inquiry shows that labour accounts for the greatest share of costs in childcare, with land costs second.</p> <p>As the Council has no land costs, it can invest its cost advantages into staff wages, translating towards higher quality care, low staff vacancies and low turnover. Why then does the Council not take advantage of this for the benefit of the entire community and in particular, its women and children? Especially given that the Gonski 2.0 report highlights how paramount high-quality early childhood education is to a child’s transition to and success at school.</p> <p>Answer:</p> <p>As a level of government, Glen Eira Council is required to abide by the National Competition Policy. Therefore, Council must ensure its Early Learning Centres do not have any advantage in the competitive childcare market because of the benefits Council has as a level of government with access to rate payer funds that other childcare services do not.</p> <p>Application of the competition policy requires Council to adopt full costing methodology which includes both direct costs such as salaries and materials and indirect costs including rent, utilities and administrative expenses.</p>
<p>Nadia Moretti Ormond</p>	<p>Question 14:</p> <p>Given the gross inadequacies of the Childcare Discussion paper and Early Service Report, have the Councillors now been shown the full model and breakdown of the costs?</p>

	<p>Answer:</p> <p>As part of the service review Councillors were provided with the financial performance of each centre including income, expenditure, utilisation rates, deficits, and expected future deficits.</p>
<p>Nadia Moretti Ormond</p>	<p>Question 15:</p> <p>Which other council services, apart from Early Learning, have been subject to the same commercial hurdles to be cost neutral/make a profit?</p> <p>Answer:</p> <p>The National Competition Policy does not apply to all Council services, only those that operate in a competitive environment.</p> <p>Council provides a broad range of services for the community. The National Competition Policy requires government businesses that compete in a competitive marketplace (like childcare services) to compete on an even footing with non-government businesses.</p> <p>This means Council is responsible for ensuring none of its business activities operate under any advantage in competitive markets such as the local childcare market because of the benefits Council enjoys as a level of government unless this would comprise clearly stated public policy objectives and not be in the public interest.</p>
<p>Anna Clarke Murrumbreena</p>	<p>Question 16:</p> <p>I would like to ask the councillors; do you feel that making preliminary decisions with ZERO community consultation PRIOR is appropriate and within the requirements of the good governance principles in the Act? This has community wide ramifications that all residents in this municipality should be very consulted about.</p> <p>Answer:</p> <p>In order comply with Council's Enterprise Agreement, it was necessary to engage with affected staff and Council was required to make 'preliminary' decision.</p> <p>Under S46 of the Local Government Act the CEO is also required to consult members of Council staff affected by any proposed organisational restructure, before implementing the organisational restructure.</p> <p>In the interests of Good Governance Principles (S9) and Community Engagement Principles (S56) as set out in the Local Government Act 2020, this approach (preliminary and final decision) supports Council to meaningfully engage with affected families and the broader community by being open and honest about Council's preliminary position.</p>

<p>Anna Clarke Murrumbeena</p>	<p>Question 17:</p> <p>What consideration has been given to the fact that if families are unable to source appropriate childcare next year, that it will be women who will bear the brunt of extra childcare, thereby negatively impacting those women’s careers and ability to be financially independent?</p> <p>Answer:</p> <p>Council recognises the importance of childcare for families, especially working parents and guardians.</p> <p>If a final decision to close the centres is made, we will help families find alternative care that best suits their needs.</p> <p>Our centres account for just 2 per cent of the 5,731 childcare places in the municipality. That means there is choice and capacity, so if Council does decide to close the centres, we have a high degree of confidence that there is a sufficient supply of childcare places to meet current and future demand.</p>
<p>Esther Gyorki Carnegie</p>	<p>Question 18:</p> <p>In the Glen Eira Council Plan, strategic priority 1 relates to well informed and transparent decisions and highly valued services. Can the Councillors please respond to how the decision to close three thriving and highly valued childcare centres with minimal notice and suboptimal engagement addresses this strategy? In particular, considering that you have had no community feedback (as confirmed by officers and councillors) supporting the proposed decision, how does the proposed decision align with priority 1.2 and 1.3 to genuinely listen to feedback and consider a broad base of evidence prior to making decisions? Thank you.</p> <p>Answer:</p> <p>Operating at an average of 78 per cent capacity in 2022-23, enrolments at our centres are declining while costs are increasing, trends that show no sign of reversing.</p> <p>Council has made a preliminary decision and is now consulting with staff impacted families the wider community. This feedback will be considered prior to a final decision being made later in the year. All feedback will be genuinely considered by Council.</p> <p>The approach of announcing a preliminary decision, undertaking a 4-week consultation process prior to making a final decision supports transparent decision making and good engagement practices. The release of the detailed discussion paper to the community enables the community to be informed about the options considered by Council and how Council made its preliminary decision.</p>

<p>Marzia Rossetto Murrumbeena</p>	<p>Question 19:</p> <p>This council has contravention it obligations in sec 9(d) and (i) of the Act by making an UNPRECEDENTED preliminary decision to close our ELCs with ZERO community consultation. Please explain how you expect the public to feel confident that this consultation is now genuine or authentic?</p> <p>Answer:</p> <p>Council is required to put the overarching governance principles set out in S9 of the Local Government Act 2020 into practice, including when it made a preliminary decision about its Early Learning Centres.</p> <p>It is Council’s position that it has given effect to the overarching principles contained in S9(2)(d) and (i) of the Act. Specifically, Council’s preliminary decision has allowed Council to undertake a process of consultation and engagement with staff, families and the community as envisaged by S9(2)(d) of the Act.</p> <p>The preliminary decision also allowed information initially considered by Council in a confidential meeting to be made publicly available very soon after that Council meeting, ensuring that Council was transparent about its preliminary decision and the information that informed the preliminary decision, as envisaged by S9(2)(i) of the Act.</p> <p>Council is satisfied that it has put the overarching governance principles into practice when making its preliminary decision on this matter. All feedback received during the consultation process will be genuinely considered by Council.</p>
<p>Marzia Rossetto Murrumbeena</p>	<p>Question 20:</p> <p>As the municipality has been clearly misled by the Childcare Discussion Paper and Early Service report. I wish to know when a full cost breakdown will be available to the community, to help us understand the financial model and drivers; especially to help us understand this narrative of ‘ELCs “running at a loss”’ despite ALL human/essential services running at losses?</p> <p>Answer:</p> <p>Council’s adopted 2023-24 budget discloses the cost to Council of \$570k. This amount includes:</p> <ul style="list-style-type: none"> • Revenue \$3.7 million • Expenses \$4.3 million (79% is attributable to staff salaries) • Net Cost to Council \$570k. <p>The service review report contains information that is commercial in confidence. Council has not made a final decision regarding its</p>

	<p>three early centres and remains operating in a competitive marketplace. It is anticipated this report will be publicly available by the end of the week, however information that is considered commercial in confidence will be redacted from this report.</p> <p>While our Early Learning Centre operate in a commercial environment, the same cannot be said for other council services such as libraries etc. where local government is the primary provider.</p>
<p>Jane Karlake Caulfield East</p>	<p>Question 21:</p> <p>Your preliminary decision on the future of early learning was made 'in camera', without any public scrutiny. Community members, your electors have no way of knowing how you voted on this important issue.</p> <p>This lack of transparency is inappropriate, community members have a right to know your position on this issue.</p> <p>Will you commit to a transparent vote for the final vote on this issue, so your constituents know whether you support the future of early learning or not in advance of the Council election in 2024?</p> <p>Answer:</p> <p>Yes. The final decision will be made at a Special Council meeting to be held on 12 December 2023. Consideration of the agenda item relating to Council's final decision will be open to the public.</p>
<p>Jane Karlake Caulfield East</p>	<p>Question 22:</p> <p>Over the last few years, there have been various reports looking into the security of the early learning sector.</p> <p>Funding policy in the area of early learning has increasingly been reliant on the for-profit sector with government subsidies supporting service users. As we have seen with Aged Care this model does not always lend itself to high quality care or a secure model.</p> <p>Have councillors been briefed on the value of having a diversified early learning market and the role that Council provided services have in ensuring security of supply and a high-quality service benchmark?</p> <p>Answer:</p> <p>The service review examined the growth in local childcare services in the municipality and capacity to meet current and future demand. The review also included information about the different types of providers in Glen Eira and quality ratings of all childcare centres in the municipality.</p>

	<p>Additionally, the service review included:</p> <ul style="list-style-type: none">• An analysis of the financial viability of Council-operated Early Learning Centres.• An analysis of the opportunities and challenges relating to the existing childcare infrastructure.• Council’s role and responsibility as a local government and a service provider in a competitive market; and• An assessment of possible options for future service delivery.
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4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS

Moved: Cr Zmood

Seconded: Cr Parasol

That the minutes of the Ordinary Council Meeting held on 26 September 2023 and the Special Council Meeting held on 3 October 2023 be confirmed.

CARRIED UNANIMOUSLY

5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

5.1 PETITION: EXTEND CONSULTATION PERIOD PERTAINING TO PRELIMINARY DECISION TO CLOSE GLEN EIRA EARLY LEARNING CENTRES

Moved: Cr Zmood

Seconded: Cr Parasol

That Council:

1. receives and notes this petition; and
2. refers this petition to the relevant officers for consideration including a detailed response to the submitter.

CARRIED UNANIMOUSLY

6. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS

Cr Zmood - Municipal Association of Victoria – State Council Meeting

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

That Council changes the order of business to bring forward Item 9 – Urgent Business to be heard at this stage of the meeting..

CARRIED UNANIMOUSLY

Cr Esakoff – Advises she would like to put forward a Motion of Condolence

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

That Council accepts Cr Esakoff's Motion of Condolence as Urgent Business to be heard at this stage of the meeting.

CARRIED UNANIMOUSLY

Item 9 - Urgent Business – Motion of Condolence**Moved: Cr Esakoff****Seconded: Cr Zmood**

That Council:

1. Condemns the barbarous atrocities perpetrated by the terrorist group Hamas in Israel;
2. Expresses its deepest condolences to the people of Israel, the families and friends of those slaughtered and the innocent people of Gaza who are under terrorist rule, and wishes a speedy recovery to all of those who were injured;
3. Sends thoughts and prayers to our Jewish community and to anyone else impacted by the recent violence and observes a minute's silence immediately after this Motion is passed for all innocent victims of the terrorist attacks and the current war; and
4. Writes to the following enclosing this Motion and expressing our condolences:
 - The Israeli Ambassador to Australia
 - The Executive Council of Australian Jewry
 - The Zionist Federation of Australia
 - The Jewish Community Council of Victoria and
 - Zionism Victoria

Amendment**Moved: Cr Pennicuik****Seconded: Cr Zyngier**

That Council:

Add a point under point 1 of the original motion to include:

2. concerned about the number of deaths, injuries and displacement of civilians in Gaza;

For the Amendment: Crs Zyngier and Pennicuik (2)

Against the Amendment: Crs Athanasopoulos, Esakoff, Magee, Cade, Parasol, Zhang and Zmood (7)

LOST

Amendment failed - Discussion reverted to original motion moved by Cr Esakoff and Seconded by Cr Zmood

CARRIED UNANIMOUSLY

Extension of Speaking Time**Moved: Cr Magee****Seconded: Cr Parasol**

That Cr Zmood be granted a three minute extension of speaking time.

CARRIED UNANIMOUSLY

It is recorded that Cr Esakoff vacated the Chamber at 9:43pm.

7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY

7.1 Advisory Committees

7.1.1 ADVISORY COMMITTEE MINUTES**Moved: Cr Pennicuik****Seconded: Cr Athanasopoulos**

That the minutes of the Advisory Committee meetings as shown below be received and noted and that the recommendations of these Committees be adopted.

1. Community Grants and Awards Advisory Committee Minutes 12 September 2023; and
2. Multicultural Advisory Committee Minutes 13 September 2023.

It is recorded that Cr Esakoff was absent at the time of this vote.

CARRIED UNANIMOUSLY

Meeting Extension**Moved: Cr Magee****Seconded: Cr Zmood**

That the meeting be extended to conclude at 11pm.

It is recorded that Cr Esakoff was absent at the time of this vote.

CARRIED UNANIMOUSLY

It is recorded that Cr Esakoff entered the Chamber at 9:46pm.

7.2 Records of Assembly

7.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS**Moved: Cr Pennicuik****Seconded: Cr Cade**

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

1. 12 September 2023 Assembly;
2. 19 September 2023 Assembly; and
3. 26 September 2023 Pre-meeting.

CARRIED UNANIMOUSLY

8. OFFICER REPORTS (AS LISTED)

8.1 GLEN EIRA CITY COUNCIL 2022-23 ANNUAL REPORT

Moved: Cr Magee**Seconded: Cr Cade**

That Council considers and resolves to adopt the *2022-23 Annual Report* (Attachment 1 to this report) and publishes the report as an online version accessible via Council's website.

CARRIED UNANIMOUSLY

8.2 QUARTERLY SERVICE PERFORMANCE REPORT (APRIL-JUNE 2023)

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

That Council notes the Quarterly Service Performance Report for the period ending 30 June 2023 (Attachment 1 to this report).

CARRIED UNANIMOUSLY

8.3 INCLUSION OF 4 TREES IN THE CLASSIFIED TREE REGISTER

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

That Council:

1. includes the following trees in the Classified Tree Register:
 - a) Liquidambar (*Liquidambar styraciflua*) located at 53 Balaclava Rd, East St Kilda – 333/CTR/2021;
 - b) Spotted Gum (*Corymbia maculata*) located at 6 Meadow St, East St Kilda – 333/CTR/2021;
 - c) Cork Oak (*Quercus suber*) located at 281 Glen Eira Rd, Caulfield North – 484/CTR/2023;
 - d) Strawberry Tree (*Arbutus unedo*) located 281 Glen Eira Rd, Caulfield North – 484/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**8.4 DOMESTIC ANIMAL MANAGEMENT PLAN 2023 - ANNUAL REVIEW**

Moved: Cr Esakoff**Seconded: Cr Zmood**

That Council:

1. notes the completion of the actions to date and any actions in progress of the Domestic Animal Management Plan 2022-2026; and
2. notes that a copy of this report be provided to the Secretary of the Department of Jobs, Skills, Industry and Regions as required under S68A(3)(b) of the *Domestic Animals Act 1994*.

CARRIED UNANIMOUSLY

8.5 COUNCIL GAMBLING SUBMISSION TO VICTORIAN GOVERNMENT

Moved: Cr Zyngier**Seconded: Cr Pennicuik**

That Council note the submission contained at Attachments 1 that provides Council's response to the Victorian Government's Pre-commitment and Carded Play Consultation Paper.

CARRIED UNANIMOUSLY

8.6 COUNCIL SUBMISSION TO FEDERAL GOVERNMENT NATIONAL HOUSING AND HOMELESSNESS PLAN

Moved: Cr Pennicuik**Seconded: Cr Athanasopoulos**

That Council approve the submission of Attachment 1, which outlines Council's response to the Federal Government's National Housing and Homelessness Plan Issues Paper.

CARRIED UNANIMOUSLY

It is recorded that Cr Athanasopoulos vacated the Chamber at 10:28pm.

8.7 LEASE AND LICENCE TO BENTLEIGH BOWLING CLUB INC.

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

That Council:

1. authorises officers to enter into and finalise a lease to Bentleigh Bowling Club Inc. for a term of 5 years plus an Option for a further 4 years for their ongoing occupation of Council land at Bentleigh Hodgson Reserve;
2. authorises officers to enter into a licence with Bentleigh Bowling Club Inc. for the purposes of public car parking along Higgins Road, Bentleigh; and
3. executes the lease and licence in an appropriate manner and by affixing the common seal of Council.

It is recorded that Cr Athanasopoulos was absent at the time of this vote.

CARRIED UNANIMOUSLY

It is recorded that Cr Athanasopoulos entered the Chamber at 10:32pm.

8.8 TENDER 2024.2 ANNUAL SUPPLY CONTRACT FOR SPORTSGROUNDS, COUNCIL RESERVES, PUBLIC LIGHTING AND ASSOCIATED ELECTRICAL SERVICES

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

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

1. appoints **Commlec Services Pty Ltd A.C.N. 055 185 718 as the panel contractor under Tender number 2024.2** in accordance with the Schedule of Rates submitted;
2. appoints **Elec-Trix Contractors Pty Ltd, trading as Teoma Group, A.C.N. 109 743 008 as the panel contractor under Tender number 2024.2** in accordance with the Schedule of Rates submitted;
3. appoints **Pulse Technical Services Pty Ltd, trading as D&A Lighting Systems, A.C.N. 110 928 839 as the panel contractor under Tender number 2024.2** in accordance with the Schedule of Rates submitted;
4. appoints **RJC Electrical Solutions Pty Ltd, A.C.N. 606 949 491** as the trustee for RJC Trust (A.B.N. 43 138 379 548) **as the panel contractor under Tender number 2024.2** in accordance with the Schedule of Rates submitted;
5. appoints **Wallgates Pty Ltd, A.C.N. 096 477 842 as the panel contractor under Tender number 2024.2** in accordance with the Schedule of Rates submitted;
6. prepares the contracts in accordance with the Conditions of Contract included in the tender;
7. authorises the CEO to execute the contracts on Council's behalf;
8. 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
9. 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

8.9 TENDER 2023.115 UNDERGROUND SERVICE DEPTHINGS

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

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

1. appoints **Access Utility Engineering Pty Ltd, A.C.N. 603 853 756 as the panel contractor under Tender number 2023.115** for an amount in accordance with the Schedule of Rates submitted;
2. appoints **CSA Group Pty Ltd, A.C.N. 664 218 277 as the panel contractor under Tender number 2023.115** for an amount in accordance with the Schedule of Rates submitted;
3. appoints **Seeker Utility Engineering Pty Ltd**, as the trustee for Seeker Utility Engineering Trust, **A.C.N. 617 425 126 as the panel contractor under Tender number 2023.115** for an amount in accordance with the Schedule of Rates submitted;
4. appoints **Utility Mapping (Aust) Pty Ltd, A.C.N. 605 720 401 as the panel contractor under Tender number 2023.115** for an amount in accordance with the Schedule of Rates submitted;
5. prepares the contracts in accordance with the Conditions of Contract included in the tender;
6. authorises the CEO to execute the contracts on Council's behalf;
7. 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
8. 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

8.10 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

Heard at an earlier stage of this meeting (page 19)

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 this meeting (page 5)

11. CONFIDENTIAL ITEMS

Nil

12. CLOSURE OF MEETING

The meeting closed at 10.35pm.

Confirmed this 8 November 2023

Chairperson.....