



**GLEN EIRA CITY COUNCIL**

**ORDINARY COUNCIL MEETING**

**WEDNESDAY 6 NOVEMBER 2019**

**MINUTES**

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

Present

The Mayor, Councillor Jamie Hyams  
Councillor Anne-Marie Cade  
Councillor Clare Davey  
Councillor Mary Delahunty  
Councillor Margaret Esakoff  
Councillor Jim Magee  
Councillor Joel Silver

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## 1. **ACKNOWLEDGEMENT**

The Mayor read the acknowledgement.

Glen Eira City Council respectfully acknowledges that the Boon Wurrung people of the Kulin nation are the traditional owners of the land now known as Glen Eira. We pay our respects to their Elders past, present and emerging and acknowledge and uphold their continuing relationship to and responsibility for this land.

## 2. **APOLOGIES**

### Apology

**Moved: Cr Silver**

**Seconded: Cr Esakoff**

That the apologies from Cr Athanasopoulos and Cr Sztrajt be received and noted.

**CARRIED UNANIMOUSLY**

## 3. **OATH OF OFFICE AND DISCLOSURES OF INTERESTS**

### Oath of Office

The Mayor read the Oath of Office.

Councillors are reminded that we remain bound by our Oath of Office to undertake the duties of the office of Councillor in the best interests of the people of the municipal district of Glen Eira and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in us under the Local Government Act or any other Act, to the best of our skill and judgement.

Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda, or which are considered at this meeting, in accordance with Sections 77 to 79 of the Local Government Act.

**4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS****Moved: Cr Silver****Seconded: Cr Cade**

That the minutes of the Ordinary Council Meeting held on 16 October 2019 and the Special Council Meeting held on 23 October 2019 be confirmed.

**CARRIED UNANIMOUSLY**

**5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS**

Nil

**6. DOCUMENTS FOR SEALING**

Nil

**7. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS**

Cr Magee – MAV State Council meeting – 18 October 2019

**8. REPORTS FROM COMMITTEES**

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**8.1 Advisory Committees**

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**8.1.1 ADVISORY COMMITTEE MINUTES****Moved: Cr Magee****Seconded: Cr Esakoff**

That the minutes of the Advisory Committee meeting as shown below be received and noted and that the recommendations of this Committee be adopted.

1. 2 October 2019 – Community Grants Advisory Committee

**CARRIED UNANIMOUSLY**

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## 8.2 Records of Assembly

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### 8.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS

**Moved: Cr Esakoff**

**Seconded: Cr Cade**

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

1. 2 October 2019
2. 7 October 2019
3. 16 October 2019 (pre-meeting)
4. 23 October 2019 Assembly (including pre-meeting)

**CARRIED UNANIMOUSLY**

### Public Participation

The Mayor advised that at this stage of the meeting, 15 minutes is allowed for public participation in accordance with clause 230(1) of the Glen Eira Local Law. At the discretion of the Mayor, 22 minutes was allowed for public participation.

*It is recorded that Cr Delahunty entered the Chamber at 7.48pm.*

**9. PRESENTATION OF OFFICER REPORTS**

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**9.1 VCAT WATCH**

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**Moved: Cr Esakoff****Seconded: Cr Davey**

That Council notes the recent decisions and applications currently before the Victorian Civil and Administrative Tribunal (VCAT).

**Procedural Motion****Moved: Cr Delahunty****Seconded: Cr Silver**

That Council grants Cr Hyams a 3 minute extension of speaking time.

**CARRIED UNANIMOUSLY**

The Motion Moved by Cr Esakoff and Seconded by Cr Davey was  
**CARRIED UNANIMOUSLY**

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**9.2 10-16 SELWYN STREET, ELSTERNWICK - VCAT APPEAL REQUIREMENTS - 'WITHOUT PREJUDICE' DRAFT CONDITIONS**

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**Moved: Cr Silver****Seconded: Cr Delahunty**

That Council notes the revised 'without prejudice' draft permit conditions as outlined in replacement Attachment 1, and that the revised 'without prejudice' draft permit conditions are included in the minutes, that will be circulated to VCAT and all parties by 8 November 2019, including any necessary and appropriate changes as a result of expert witness statements circulated by the parties.

**CARRIED UNANIMOUSLY**

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<b>VCAT REFERENCE NO.</b>	P263/2019
<b>APPLICANT</b>	Fabcot Pty Ltd
<b>RESPONSIBLE AUTHORITY</b>	Glen Eira City Council
<b>DATE OF HEARING</b>	18 November 2019
<b>CONDITION REVISION:</b>	'Draft permit conditions' for Merits Hearing commencing on 18 November 2019

### **Draft Permit Preamble**

This permit allows:

- the partial demolition and removal of a building under clause 43.01-1 of the Heritage Overlay;
- the construction of a building or the construction or carrying out works under clause 43.01-1 of the Heritage Overlay;
- the construction and display of a sign under clause 43.01-1 of the Heritage Overlay;
- use for a 'shop' (supermarket) as the leasable floor area exceeds 150sqm under clause 32.04-2 of the Mixed Use Zone;
- the use for a 'place of assembly' as the gross floor area exceeds 250sqm under clause 32.04-2 of the Mixed Use Zone;
- the use for the sale of packaged liquor (bottle shop) under clause 52.27;
- the construction of two or more dwellings on a lot under clause 32.04-6 of the Mixed Use Zone;
- the construction of a building or the construction or the carrying out of works for the section 2 uses under clause 32.04-9 of the Mixed Use Zone;
- the construction of a building or the construction or the carrying out of works under clause 43.02-2 of the Design and Development Overlay;
- the reduction of car parking spaces for dwellings under clause 52.06; and
- the display of business identification signage under clause 52.05,

in accordance with the endorsed plans and subject to the following conditions.

**Draft Conditions****Plans**

1. Before the development starts, amended plans and documents to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The amended plans must be drawn to scale with dimensions and must be generally in accordance with the plans identified as TP002, TP003, TP004, TP096, TP097, TP098, TP099, TP100, TP101, TP102, TP103, TP104, TP105, TP106, TP107, TP108, TP109, TP110, TP111, TP112, TP113, TP114, TP200, TP201, TP202, TP203, TP204, TP205, TP250, TP251, TP252, TP253 and TP500, Revision 06, and TP254, Revision 01, all dated 01.10.2019 prepared by Fender Katsalidis but further modified to show:

- (a) Southern tower changes:

- (i). The overall height of the 14 storey section (eastern section) of the building reduced by 6 storeys to a maximum height of 46.05m to AHD, with the newly exposed eastern elevation treated with glazing consistent with the remainder of the building.
- (ii). Southern elevation glass curtain wall modified to include more visual interest through materials that complement the existing character of the area and to break up the mass of this section.
- (iii). The setback to the southern boundary increased to a minimum of 6.0m and no part of the tower within 6.0m of the retained sections of the former Fire Station building.
- (iv). The setback to the western boundary (Level 01 upwards) increased to a minimum of 6.0m

All changes must be absorbed within the remainder of the approved building envelope.

- (b) Northern tower changes:

- (i). The overall height reduced by 2 storeys to a maximum height of 44.35m to AHD.
- (ii). The setback to western boundary (Level 2 upwards) increased to a minimum of 6.0m
- (iii). The windows in the vertical recesses along the east elevation modified to enhance the presentation of the recesses to facilitate a more pronounced three dimensional form presentation.

- (c) Podium changes:

- (i). The vehicle accessway reduced in width to two lanes with no exit to the right permitted and the accessway relocated further to the south adjacent the Fire Station.
  - (ii). The Kiosk's increased to a minimum of 151m<sup>2</sup> with this achieved through increasing the depth that the Kiosk's extend into the site.
  - (iii). The Place of Assembly modified as follows:
    - a. Relocation of the lift more internally, away from the external walls or windows of the use.
    - b. Relocation and redesign of the pedestrian entrance to Selwyn Street and more prominent.
  - (iv). The residential lobby of the southern tower modified to have access to the lifts clearly visible from the Selwyn Street entrance to the lobby.
- (d) The separation between the north-west section of the southern tower and the south-west section of the northern tower increased to a minimum of 16.36m with this change absorbed within the remainder of the approved building envelope.
- (e) A detailed Level 01 Communal Open Space Plan that clearly demonstrates the following:
- (i). Design measures that limit overlooking and noise impacts from the communal open space areas to the Level 01 apartments that have a direct interface.
  - (ii). Provisions ensuring that the space is useable throughout the year and in a range of weather conditions.
  - (iii). Lighting details ensuring that it does not impact on the amenity of the apartments that face directly onto the area.
  - (iv). Areas delineated where people will be able to use the open space for recreational or place gathering activities, ensuring they are not located immediately adjacent habitable rooms of adjoining apartments.
  - (v). Areas set aside for landscaping.
- (f) Additional information demonstrating how overlooking impacts from apartment to apartment is limited in accordance with Standard D15 (Internal views) of the Glen Eira Planning Scheme.
- (g) The north-south section of the communal corridor on levels 4 to 6 of the northern tower provided with a source of natural daylight and ventilation.

- (h) Overlooking impacts from the terrace of the two bedroom apartment located immediately to the west of the 'Pool', screened in accordance with Standard D14 (Building Setback) to avoid views onto the secluded private open space areas of numbers 16 and 18 Sinclair Street.
- (i) Overlooking impacts from the Level 01 communal open space areas, including pool screened in accordance with Standard D14 (Building Setback) to avoid direct views to the secluded private open space and/or habitable room windows of the following sites:
  - (i). 1 St Georges Road;
  - (ii). 1 and 3 May Street; and
  - (iii). 16, 18 and 20 Sinclair Street.
- (j) The externally accessible area and east facing windows of the 'Supermarket Plant' room and 'Retail – Supermarket Office' screened in accordance Standard D14 (Building Setback) to avoid views onto the secluded private open space and/or habitable room windows of numbers 1 and 3 May Street.
- (k) Details of how access from the supermarket loading bay to the substation will be facilitated without impacting the use of the supermarket loading bay and Basement 01 vehicle accessway.
- (l) All car spaces and vehicle accessways designed and dimensioned in accordance with Clause 52.06-9 (Design Standards) of the Glen Eira Planning Scheme, or to the satisfaction of the Responsible Authority.
- (m) All car spaces allocated to their associated use.
- (n) All apartments referenced with an apartment number.
- (o) The residential loading area to be free of any columns.
- (p) Detailed advertising signage plans demonstrating how they are integrated into the development.
- (q) Detailed elevations at a scale of 1:50 and sections at a scale of 1:20 showing the podium level streetscape detailing (including window reveals, door profiles and architectural features) along Selwyn Street and Sinclair Street, and to demonstrate all site services are treated in a way that is integral to the design of the building.
- (r) Details of the treatment of the travelator to ensure views are maintained into the supermarket area from Selwyn Street.

- (s) The supermarket loading dock and plant area in the north-eastern corner of the site is to be fully enclosed along the northern and eastern elevations, with the exception of the loading dock entrance door.
  - (t) An updated physical materials board showing all external façade materials, colours and finishes.
  - (u) Detailed and dimensioned floor layout plans of each apartment typology that demonstrates compliance with the following provisions of Clause 58 of the Glen Eira Planning Scheme:
    - (i). Standard D17 – Accessibility;
    - (ii). Standard D19 – Private open space;
    - (iii). Standard D20 – Storage;
    - (iv). Standard D24 – Functional layout;
    - (v). Standard D25 – Room depth;
    - (vi). Standard D26 – Windows; and
    - (vii). Standard D27 – Natural ventilation.
  - (v) Any requirement of the landscaping plan required under condition 4.
  - (w) Any requirement of the waste management plan under condition 9.
  - (x) Any requirement of the loading bay management plan under condition 13.
  - (y) Any noise attenuation measures or requirement of the acoustic report under condition 16.
  - (z) Any requirement of the environmentally sustainable design under condition 20.
  - (aa) Any requirement of the public realm management plan under condition 24.
  - (bb) Any requirements of Transport for Victoria under conditions 51 to 54.
2. The layout of the uses and the development as shown on the endorsed plans, including the location and details of the signs must not be altered or modified (unless the Glen Eira Planning Scheme specifies a permit is not required) without the prior written consent of the Responsible Authority.
  3. As part of the ongoing consultant team, Fender Katsilidis Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to oversee the design and construction to ensure that the design quality

and appearance of the approved development is realised or otherwise to the satisfaction of the Responsible Authority.

#### **Landscaping plan**

4. Before the development starts, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The landscape plan must be prepared by a person suitably qualified or experienced in landscape design and must be drawn to scale with dimensions. All species selected must be to the satisfaction of the Responsible Authority. The landscape plan must show:
  - (a) A planting schedule of all proposed vegetation including botanical names, common names, pot sizes, sizes at maturity, quantities of each plant, and details of surface finishes of pathways and driveways;
  - (b) Landscaping and planting within all outdoor areas (level 1 podium, level 5 communal terrace, level 8 communal terrace and green walls);
  - (c) Details of how the landscaping will be maintained including automated irrigation treatments;
  - (d) Advanced canopy trees (minimum 2.0 metres tall when planted unless otherwise agreed to in writing by the Responsible Authority) in the following areas:
    - (i) 35 trees within the level 1 East & West Podium (or as per the Proposed Plant Schedule by Rush Wright & Associates dated 02 Feb' 18'); and
    - (ii) 9 trees within the level 5 Communal Area (or as per the Proposed Plant Schedule by Rush Wright & Associates dated 02 Feb' 18').Or 44 trees as above in locations to the satisfaction of the Responsible Authority.
5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscaping Plan must be carried out and completed to the satisfaction of the Responsible Authority.
6. The landscaping shown on the endorsed Landscaping Plan must be maintained to the satisfaction of the Responsible Authority including by:
  - (a) Implementing and complying with the provisions, recommendations and requirements of the endorsed landscape plan.
  - (b) Not using the areas set aside on the endorsed landscape plan for landscaping for any other purpose.

- (c) Replacing any dead, diseased, dying or damaged plants.

#### **Construction Management Plan**

- 7. Before the development starts, including any demolition and excavation, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Construction Management Plan (CMP) must show:
  - (a) Delivery and unloading points and expected frequency;
  - (b) Truck haulage routes, circulation spaces and queuing lanes. Truck haulage routes must exclude Sinclair Street unless agreed to in writing by the Responsible Authority;
  - (c) Details how traffic and safe pedestrian access will be managed, particularly during the drop-off and pick-up times of the Sholem Aleichem College. These must be in the form of a Traffic Management Plan designed by a suitably qualified traffic practitioner;
  - (d) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (e) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (f) Any requirements outlined within this permit as required by the relevant referral authorities;
  - (g) Hours for construction activity must only occur within the following hours:
    - (i). 7am to 6pm – Monday to Friday
    - (ii). 7am to 1pm – Saturdays
    - (iii). No construction on Sundays or public holidays
  - (h) Measures to control noise, dust, water and sediment laden runoff;
  - (i) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
  - (j) Any construction lighting to be baffled to minimise intrusion on adjoining lots; and
  - (k) Measures to prevent vehicles blocking the laneway adjoining the property to the south (rear of properties fronting Glen Huntly Road).
- 8. All construction (including demolition and excavation) must be carried out and complied with in accordance with the approved CMP to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

**Waste Management Plan**

9. Before the development starts, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The plan must show:
  - (a) The collection of waste associated with the uses on the land, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible areas to the satisfaction of the Responsible Authority. Commercial waste bins being placed or allowed to remain not in view of the public, and receptacles not emitting any adverse odours;
  - (b) Designation of methods of collection including the need to provide for private services or utilisation of council services. If private collection is used, this method must:
    - (i). Incorporate recycling services and must comply with the relevant EPA noise guideline relating to the time of collection;
    - (ii). Use a small rigid vehicle; and
    - (iii). Be undertaken at times that do not coincide with drop-off and pickup times at the Sholem Aleichem College;
  - (c) Appropriate areas of bin storage on site and areas of waste bin storage on collection days;
  - (d) Details for best practice waste management once operating;
  - (e) Swept path analyses of waste vehicles in and out of the site, as well as through the local road network, prepared by a suitably qualified traffic engineer;
  - (f) Demonstration all headroom clearances within the development are adequate for waste vehicles to complete waste collection on site; and
  - (g) Demonstration all commercial and residential waste collection will occur on site.
10. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

**Venue Management Plan**

11. Before the use of the Place of Assembly starts, a Venue Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by

the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must include:

- (a) Detailed description of various activities that will occur on site (including library, museum, offices, school assemblies and congregations). The description should contain details of when and where these activities will be taking place;
- (b) Patron Numbers (100, except when used for school assemblies and school activities by Sholem Aleichem College, where a total of 250 patrons may be permitted on site);
- (c) Operating hours of each component of the use;
- (d) A plan including any relevant policies or procedures put in place to ensure that venue will remain of 'community benefit' and will be used by groups that are considered to enhance or be associated with the Jewish Cultural and Arts Precinct.

12. The provisions, recommendations and requirements of the endorsed Venue Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

#### **Loading Bay Management Plan**

13. Before the buildings are occupied, a Loading Bay Management Plan for all loading bays (commercial and residential) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale and dimensioned. The plan must include:

- (a) Operating hours of all loading bays with particular regard to the drop-off and pick-up times of the Sholem Aleichem College;
- (b) Noise attenuations measures that comply with Conditions 16, 17, 18 and 19;
- (c) Routes travelled on the local road network by commercial vehicles (to be via Glen Huntly Road, St George's Road and Sinclair Street only);
- (d) Details of commercial vehicle parking areas whilst waiting for the loading bay to become available with this not to occur within residential streets;
- ~~(d)~~(e) Details of the loading bay entry door which must be acoustically rated and designed in accordance with the acoustic report at condition A and which must remain closed during loading and unloading;
- ~~(e)~~(f) Specifications of commercial vehicles ensuring they do not exceed 14.7m in length;

- ~~(b)~~(g) Commercial vehicles are to enter and exit the supermarket loading bay in a forwards direction at all times;
- ~~(e)~~(h) Frequency of commercial deliveries and details of the management of such deliveries, including limiting commercial deliveries/collection to no more than one in any half hour period;
- ~~(d)~~(i) Maintenance and cleaning of all loading bays;
- ~~(e)~~(j) Operational details of the residential loading bays including the management of new residents and bulky goods deliveries;
- ~~(f)~~(k) Loading and unloading may only take place between the following hours:
  - (i). 7.00am-6.30pm, Monday to Friday; and
  - (ii). 8.00am-6.00pm, Saturday;
  - (iii). No loading or unloading may take place on Sundays.

14. The provisions, recommendations and requirements of the endorsed Loading Bay Management Plan must be implemented and thereafter complied with at all time to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

#### **Trolley Management**

15. Before the supermarket use starts, the operator of the supermarket tenancy must submit a Trolley Management Plan to the satisfaction of the Responsible Authority detailing measures for the efficient management of shopping trolleys including collection and storage. Once approved, the plan will be endorsed and will then form part of the permit. The Trolley Management Plan must be implemented and complied with by the supermarket operator at all times to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

#### **Acoustic report**

16. Before the plans in Condition 1 are endorsed, an Acoustic Report prepared by a suitably qualified acoustic engineer and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit. The report must prescribe the form of acoustic treatment to:
- (a) protect nearby dwelling occupants and future residents within the building with a direct interface to commercial tenancies above, next to or below from associated commercial noise sources, including but not limited to loading dock, ~~and reversing beepers~~, supermarket, place of assembly and cafés ~~(including reversing beepers)~~, plant and equipment and outdoor communal areas;

- (b) the mechanical plant equipment and ventilation mechanisms installed or constructed as part of the development.
17. Before the development starts, a further acoustic report prepared by a suitably qualified acoustic engineer to the satisfaction of the Responsible Authority must be submitted. Once approved, the further acoustic report will be endorsed and will then form part of the permit. The further acoustic report must nominate the specific acoustic design and attenuation to address the supermarket and any other plant and equipment (including the condenser area) and demonstrate that the requirements of Condition 19~~SEPP N-1 noise limits~~ can be achieved, to the satisfaction of the Responsible Authority.
18. Within two months of all of the uses commencing, an updated acoustic report prepared by a suitably qualified acoustic ~~consultant~~engineer and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The updated acoustic report must demonstrate compliance with Condition 19 and that the required level of noise attenuation has been achieved in accordance with Conditions 16 and 17 of the permit or, if not, what works must be undertaken to achieve the required levels of noise attenuation. Compliance testing must be undertaken with plant equipment operating at practical worst caseloads (as could occur during hot weather in summer during the evening and night).
19. Noise levels to and from the development must not exceed those required to be met under the State Environment Protection Policy (Control of Noise from Industrial Commerce, Industry and Trade), No. N-1 (SEPP N-1) and the State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2 (SEPP N-2), or any other equivalent or applicable State or relevant policy and should meet accepted sleep disturbance criteria, ~~and the~~ EPA Publication 1254 ~~or and any other equivalent or applicable State policy~~relevant guideline or Australian Standard.

#### **Environmentally Sustainable Design**

20. Before the development starts, an Environmentally Sustainable Design Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit. The report must outline how the development complies with Standards D6 and D13 of Clause 58 of the Glen Eira Planning Scheme. Any Environmentally Sustainable Design features within the report must be included and shown on the plans.
21. The provisions, recommendations and requirements of the endorsed Environmentally Sustainable Design Report must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

**Car Parking and Bicycle Parking**

22. Before the buildings are occupied, a Car Parking and Bicycle Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale and dimensioned. The plan must include:
- (a) The allocation of car spaces to each use within the development;
  - (b) The number and location of the car spaces in the basement commercial car park. All these spaces must be available for public use;
  - (c) Barrier mechanisms and/or paid parking arrangements;
  - (d) Installation of a number plate recognition system on-site at the ground floor entrance to car parking area;
  - (e) Bicycle parking facilities including end of trip facilities and public access arrangements;
  - (f) An internal signage plan for the commercial carpark including directional arrows and signage, informative signs indicating location of disabled bays, small parking bays, bicycle parking, exits, restrictions, pay parking system etc;
  - (g) The security arrangements for occupants of the development;
  - (h) Details of way finding, cleaning, security of end of trip bicycle facilities; and
  - (i) Any policing arrangements and/or formal agreements.
23. The provisions, recommendations and requirements of the endorsed Car Parking and Bicycle Parking Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

**Public Realm Management Plan**

24. Before the development starts, a Public Realm Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must be prepared by a suitably qualified urban design professional and must be drawn to scale and dimensioned. The plan must include:
- (a) Plans, elevations, treatments and materials schedules prepared in conjunction with the relevant Council departments for the following public areas:

- (i). Selwyn Street between Glen Huntly Road and Sinclair Street (frontage of the subject site);
  - (ii). Sinclair Street between 16 Sinclair Street and Selwyn Street (frontage of the subject site); and
  - (iii). Laneway south of the subject site between 277 and 297 Glen Huntly Road;
- (b) Description of proposed works, including proposed landscaping, surface treatments, street furniture (including signage, bins, seats, bicycle facilities, gates, fences and the like);
  - (c) Details of water sensitive urban design;
  - (d) A plan which defines the area the works are to be undertaken; and
  - (e) Vehicle and pedestrian access arrangements including any signage or safety measures.
25. Before the development starts, the 'road' status of May Street (TP896250M) must be discontinued and removed.
26. Before the development is completed, the requirements of the endorsed Public Realm Management Plan must be carried out and completed to the satisfaction of the Responsible Authority.

#### **Environmental investigation**

27. Before the development starts, other than necessary demolition and investigation works forming the environmental site assessment process), an Environmental Assessment must be submitted to and approved by the Responsible Authority. The Environmental Assessment Report must be prepared by a suitably qualified environmental professional in accordance with the Potentially Contaminated Land General practice Note (Department of Sustainability & Environment June 2005) to the satisfaction of the Responsible Authority. The report must include recommendations as to whether the condition of the land is such that an Environmental Audit should be conducted taking into account the proposed uses. The owner/developer must comply with the findings of the site assessment to the satisfaction of the Responsible Authority, including if required the preparation of an environmental audit.
28. If, in accordance with Condition 27, an Environmental Audit is required, then before the development starts (other than excavation as necessary) either:
- (a) A Certificate of Environmental Audit for the land must be issued in accordance with section 53Y of the *Environment Protection Act 1970* and provided to the Responsible Authority; or

- (b) An Environmental Auditor appointed under section 53S of the *Environment Protection Act 1970* must make a Statement in accordance with section 53Z of that Act that the environmental conditions of the land are suitable for the use and development that are the subject of this permit and that statement must be provided to the Responsible Authority.
29. Where a Statement of Environmental Audit is issued for the land in accordance with Condition 28:
- (a) the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the Statement to the satisfaction of the Responsible Authority;
  - (b) prior to the commencement of the uses and buildings and works (other than excavation) and prior to the issue of an Occupancy Permit under the *Building Act 1993*, a letter prepared by an Environmental Auditor appointed under section 53S of the *Environment Protection Act 1970* must be submitted to the Responsible Authority to verify the directions and conditions contained in the Statement are satisfied; and
  - (c) where any condition of that Statement requires any maintenance or monitoring of an ongoing nature, the Owner(s) must enter into an Agreement with Council under section 173 of the *Planning and Environment Act 1987*. Where a section 173 Agreement is required, the Agreement must be executed before the development starts. All expenses involved in the drafting, negotiating, reviewing, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the Owner(s).

#### **Section 173 agreement**

30. Before the development starts, the owner of the land must enter into an Agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*. The agreement must provide:
- (a) The area identified as the kiosk on the ground floor to be used only for uses defined as food and drink premises, art gallery, or museum as defined by the Glen Eira Planning Scheme, or otherwise as agreed in writing by the Responsible Authority.
  - (b) The area identified as the Place of Assembly on the ground and mezzanine floor plan to be used only in accordance with the Venue Management Plan required by Condition 11.
31. Before the development starts, the Section 173 Agreement must be registered on the title to the land. All expenses involved in the drafting, negotiating, reviewing, lodging, registering and the execution of the Agreement, including

those incurred by the Responsible Authority, must be met by the owner(s) of the land.

#### **Engineering conditions**

32. Before the development starts, functional layout plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be prepared by a suitably qualified engineer and must be drawn to scale and dimensioned. The plans must include:
  - (a) signalisation of Selwyn Street and Glen Huntly Road with any associated widening of the Selwyn Street carriageway to facilitate separate left and right turn lanes on the north approach;
  - (b) widening of St. Georges Road to provide separate left and right turn lanes on the north approach;
  - (c) modifications to Gordon Street to ban the right turn movement on the north approach; and
  - (d) consideration of any tram superstop upgrades by responsible tram operator (if applicable).
33. Before the development is completed, the requirements of the endorsed functional layout plans must be carried out and completed at no cost to Council to the satisfaction of the Responsible Authority.

#### **General Amenity**

34. Before the development is completed, all screening shown on the endorsed plans must be erected and thereafter maintained in accordance with the endorsed plans. The screening measures as shown on the endorsed plans are not to be altered or removed without the written consent of the Responsible Authority.
35. The amenity of the area must not be adversely affected by the uses or development including through the:
  - (a) transport of materials, goods or commodities to or from the land;;
  - (b) appearance of any building, works, stored goods or materials;
  - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - (d) Traffic generated by the use,or in any other way, to the satisfaction of the Responsible Authority.

36. All security alarms or similar devices installed on the land must be of a silent type.
37. All outdoor lighting must be baffled and/or located to prevent light from the site causing detriment to the locality to the satisfaction of the Responsible Authority.
38. All pipes, fixtures, fittings and vents servicing any building must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
39. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
40. Before the buildings are occupied, the walls on the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority. Painted or bagged walls must be finished to a uniform standard and unpainted or unrendered walls must have all excess mortar removed.

#### **Supermarket**

41. The supermarket use must not commence until the Selwyn Street partial road closure adopted in accordance with Council's resolution from the 30 April 2019 Ordinary Council Meeting has been completed.
42. The supermarket use must operate only between the hours of 7am and midnight, seven days a week (Monday through Sunday).

#### **Bottle Shop**

43. The bottle shop must operate only between the hours of:
  - (a) 9am to 11pm Monday to Saturday
  - (b) 10am to 11pm Sunday
  - (c) 12pm to 11pm ANZAC Day
  - (d) No trading on Good Friday or Christmas Day

#### **Parking**

44. The car parking allocation for the approved development must be:
  - (a) Not less than one (1) car space per one or two bedroom dwelling;
  - (b) Not less than two (2) car spaces per three (3) or more bedroom dwelling;

- (c) Not less than 5 car spaces to each 100 square metres of leasable floor area for the supermarket use;
  - (d) Not less than 3.5 spaces to each 100 square metres of leasable floor area for the food and drink premises; and
  - (e) Not less than 30 spaces for the place of assembly.
45. Before the building is occupied, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- (a) fully constructed;
  - (b) properly formed to such levels that may be used in accordance with the plans;
  - (c) surfaced with an all-weather surface or seal coat (as appropriate);
  - (d) drained and maintained in a continuously usable condition;
  - (e) line marked to indicate each car space, loading bay and/or access lane;
  - (f) clearly marked to show the direction of traffic along access lanes and driveways,
- all to the satisfaction of the Responsible Authority.
46. Vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
47. Before the buildings are occupied, all bicycle parking facilities must be installed and thereafter maintained to the satisfaction of the Responsible Authority.

**Signage**

48. The signs must be constructed and maintained to the satisfaction of the Responsible Authority.
49. External sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority.
50. The signage light source must be designed to minimise light spillage onto surfaces other than the sign to the satisfaction of the Responsible Authority.

**Transport for Victoria requirements**

51. Prior to the occupation of the development, the permit holder must obtain the approval of the Department of Transport for the installation of traffic signals at

the intersection of Selwyn Street and Glen Huntly Road generally in accordance with the GTA plan ref: V129143-01 Issue P3 (Proposed Signalised Intersection Selwyn Street Elsternwick).

52. In the design of the traffic signals as required by condition 51 of this permit, tram detector loops and/or signal phasing operations are to be included to the satisfaction of the Department of Transport so as to minimise delays to the tram network.
53. Unless otherwise agree in writing by the Department of Transport, before the use of the land commences, an Integrated Transport Plan (ITP) must be submitted, approved and implemented (at the permit holders full cost) to the Department of Transport and the Responsible Authority that includes, but is not limited to:
  - (a) The expected demand for travel by people who will work, live or visit the site and target transport mode split to encourage walking, cycling and use of public transport.
  - (b) Existing public transport and cycling routes, stops and infrastructure (e.g. shelters, signage, pedestrian crossing) within the site and surrounds.
  - (c) Bicycle parking rates and the location and layout of any bicycle parking areas including end of trip facilities.
  - (d) Way finding strategy for the site and surrounds.
  - (e) Green Travel Plan initiatives for the development site, including an employee awareness and education program.
54. The permit holder must avoid disruption to tram and bus operations along Glen Huntly Road during the construction of the development. Any planned disruptions to tram/bus operations during constructing and mitigation measures must be communicated to and approved by the Department of Transport a minimum of thirty-five (35) days prior. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Department of Transport at the full cost of the permit holder.

#### **Expiry**

55. This permit will expire if one of the following circumstances applies:
  - (a) The development is not started within four years of the date of this permit.
  - (b) The development is not completed within six years of the date of this permit.
  - (c) The use is not started within six years of the date of this permit.
  - (d) The use is discontinued for a period of two years.

The Responsible Authority may extend the permit if a request is made in writing in accordance with section 69 of *Planning and Environment Act 1987*.

56. The permit as it relates to the display of signs will expire fifteen years from the date on which the use commences, at which stage all signs and structures built specifically to support and illuminate the signs must be permanently removed from the land.

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**9.3 INTERIM FEMALE FRIENDLY FACILITIES AT LORD RESERVE**

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**Moved: Cr Esakoff****Seconded: Cr Magee**

That Council endorses officers to proceed with the recommendation outlined in Option 1 to provide an alternate storage solution within the Cream Brick pavilion, which will enable the change room and bathroom facilities in both the Hex and Cream Brick pavilions to be better utilised by the GEJSC until the commencement of the new pavilion redevelopment.

**CARRIED UNANIMOUSLY**

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**9.4 COUNCIL MEETING PROCEDURE LOCAL LAW 2019 AND COMMUNITY LOCAL LAW 2019**

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**Moved: Cr Silver****Seconded: Cr Magee**

That, having completed the procedure referred to in sections 119(2) and 119(2A) of the *Local Government Act 1989* (Vic) and noting that 28 submissions were received and considered in response to the public notice advising that Council intended to make the proposed Local Laws, it is recommended that Council:

1. makes the Glen Eira City Council Community Local Law 2019 in Attachment 1 with a commencement date of 7 November 2019;
2. adopts and incorporates the following documents in the Glen Eira City Council Community Local Law 2019:
  - a. the Mobile Garbage Bins Recycling and Organics Containers Policy in Attachment 2
  - b. the Building Site Management Code of Practice in Attachment 3
  - c. the Residential Parking Permit System Policy in Attachment 4;
3. incorporates the following documents in the Glen Eira City Council Community Local Law 2019:
  - a. the Nature Strip Guidelines in Attachment 5
  - b. A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997 in Attachment 6;
4. authorises the Chief Executive Officer to:
  - a. give notice of the making of the Glen Eira City Council Community Local Law 2019 in the Government Gazette and public notice in accordance with section 119(3) of Act
  - b. send a copy of the Glen Eira City Council Community Local Law 2019 to the Minister for Local Government in accordance with section 119(4) of the Act;
5. makes the Glen Eira City Council Meeting Procedure 2019 in Attachment 7, with a commencement date of 7 November 2019;
6. adopts and incorporates the following documents in the Glen Eira City Council Meeting Procedure 2019:
  - a. the Public Participation at Ordinary Council Meetings Guideline in Attachment 8
  - b. the Written Public Questions to Council Guideline in Attachment 9
  - c. the Councillor Questions Guideline in Attachment 10; and
7. authorises the Chief Executive Officer to:
  - a. give notice of the making of the Glen Eira City Council Meeting Procedure 2019 in the Government Gazette and public notice in accordance with section 119(3) of the Act
  - b. send a copy of the Glen Eira City Council Meeting Procedure 2019 to the Minister for Local Government in accordance with section 119(4) of the Act.

**AMENDMENT****Moved: Cr Esakoff****Seconded: Cr Delahunty**

That, having completed the procedure referred to in sections 119(2) and 119(2A) of the *Local Government Act 1989* (Vic) and noting that 28 submissions were received and considered in response to the public notice advising that Council intended to make the proposed Local Laws, it is recommended that Council:

1. makes the Glen Eira City Council Community Local Law 2019 in Attachment 1 with a commencement date of 7 November 2019 and include the following changes:
  - move the words “penalty: 20 penalty units” in the heading of Part 8 to the end of Clause 45; and delete sub-clause 38(2)(c) and rename sub clause 38(2)(d) as sub clause 38(2)(c) and delete the word “or” from sub clause 38(2)(b).
2. adopts and incorporates the following documents in the Glen Eira City Council Community Local Law 2019:
  - a. the Mobile Garbage Bins Recycling and Organics Containers Policy in Attachment 2
  - b. the Building Site Management Code of Practice in Attachment 3
  - c. the Residential Parking Permit System Policy in Attachment 4;
3. incorporates the following documents in the Glen Eira City Council Community Local Law 2019:
  - a. the Nature Strip Guidelines in Attachment 5
  - b. A ‘Good Neighbour’ Code of Practice for a Circus or Carnival, October 1997 in Attachment 6;
4. authorises the Chief Executive Officer to:
  - a. give notice of the making of the Glen Eira City Council Community Local Law 2019 in the Government Gazette and public notice in accordance with section 119(3) of Act
  - b. send a copy of the Glen Eira City Council Community Local Law 2019 to the Minister for Local Government in accordance with section 119(4) of the Act;
5. makes the Glen Eira City Council Meeting Procedure 2019 in Attachment 7, with a commencement date of 7 November 2019;
6. adopts and incorporates the following documents in the Glen Eira City Council Meeting Procedure 2019:
  - a. the Public Participation at Ordinary Council Meetings Guideline in Attachment 8
  - b. the Written Public Questions to Council Guideline in Attachment 9
  - c. the Councillor Questions Guideline in Attachment 10; and
7. authorises the Chief Executive Officer to:
  - a. give notice of the making of the Glen Eira City Council Meeting Procedure 2019 in the Government Gazette and public notice in accordance with section 119(3) of the Act

- b. send a copy of the Glen Eira City Council Meeting Procedure 2019 to the Minister for Local Government in accordance with section 119(4) of the Act.

**Procedural Motion**

**Moved: Cr Silver**

**Seconded: Cr Magee**

That Council grants Cr Hyams a 3 minute extension of speaking time.

**CARRIED**

**Abstain: Cr Esakoff**

The Amendment moved by Cr Esakoff and Seconded by Cr Delahunty was PUT and was **CARRIED**.

The Amendment became the Motion before the Chair.

The Motion was PUT and was **CARRIED UNANIMOUSLY**

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**9.5 FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDING  
30 SEPTEMBER 2019**

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**Moved: Cr Delahunty****Seconded: Cr Cade**

That Council notes the Financial Management Report for the period ending 30 September 2019.

*It is recorded that Cr Esakoff vacated the Chamber at 9.07pm.*

**CARRIED UNANIMOUSLY**

**10. URGENT BUSINESS - NIL****11. ORDINARY BUSINESS****11.1 Requests for reports from Officers****11.1.1 Container Deposit Schemes****Moved: Cr Magee****Seconded: Cr Davey**

That officers provide a report on the impact of container deposit schemes in other Australian States and Territories and the potential benefits of a similar scheme in Victoria for Glen Eira in the diversion of waste from landfill and improvements to kerbside comingled recycling.

*It is recorded that Cr Esakoff entered the Chamber at 9:11pm.*

**CARRIED UNANIMOUSLY**

**11.2 Right of reply - NIL****11.3 Councillor questions – NIL****11.4 Public questions to Council**

Mr Cameron Shekleton and Mr Warren Green submitted questions to the Council Meeting. As they were not present in the Chamber at this stage of the meeting, their questions and responses were not read out in accordance with the Local Law. The submitters will receive a letter containing their questions and the responses.

**12. CONSIDERATION OF IN CAMERA ITEMS****Moved: Cr Silver****Seconded: Cr Magee**

That pursuant to Section 89(2) of the Local Government Act 1989, the Council resolves that so much of this meeting be closed to members of the public, as it involves Council consideration of matters coming within some or all of the following categories listed in Section 89(2) of such Act.

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayers;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments;
- (f) Legal advice;
- (g) Matters affecting the security of Council property;
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

12.1 Tender/Contract 2020.7 Neville Street Reconstruction, Stage 2  
*Local Government Act 1989 - Section 89(2) (d)*

12.2 Contract 2020.83 Provision of IT Hardware End User Computing Equipment  
*Local Government Act 1989 - Section 89(2) (d)*

12.3 Tender/Contract No 2019.194 Selwyn Street Cultural Precinct - Integrated Commemorative Artwork Consultant  
*Local Government Act 1989 - Section 89(2) (d)*

**CARRIED UNANIMOUSLY**

The Mayor advised that at the conclusion of the confidential in-camera part of the meeting, the meeting will be closed.

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**12.1 TENDER/CONTRACT 2020.7 NEVILLE STREET RECONSTRUCTION, STAGE 2**

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**Moved: Cr Silver****Seconded: Cr Esakoff**

That Council:

1. appoints Parkinson Group (Vic) Pty Ltd, ACN 168 742 925 as the contractor under Tender number 2020.7 for an amount of \$952,102.40 exclusive of GST in accordance with the Schedule of Rates submitted;
2. prepares the contract in accordance with the Conditions of Contract included in the tender;
3. authorises the CEO to execute the contract on Council's behalf; and
4. incorporates this resolution in the public minutes of this Meeting.

**CARRIED UNANIMOUSLY**

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**12.2 CONTRACT 2020.83 PROVISION OF IT HARDWARE END USER COMPUTING EQUIPMENT**

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**Moved: Cr Magee****Seconded: Cr Davey**

That Council:

1. appoints the five suppliers on the State Government Contract for *End User Computing Equipment*: Acer, Dell, HP PPS Australia Pty Ltd, Computers Now and ASI Solutions for the purchase of IT hardware for an initial period of two years ending 31 October 2021, unless extended by the State Government.
2. authorise the CEO to execute contracts on Council's behalf; and
3. incorporates this resolution in the public minutes of this meeting.

**CARRIED UNANIMOUSLY**

**12.3 TENDER/CONTRACT NO 2019.194 SELWYN STREET CULTURAL PRECINCT - INTEGRATED COMMEMORATIVE ARTWORK CONSULTANT**

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**Moved: Cr Silver**

**Seconded: Cr Magee**

That Council:

1. appoints Monash University (Kathy Temin), ABN 12 377 614 012 as the contractor under Tender number 2019.194 for an amount of \$200,000 exclusive of GST;
2. Council prepares the contract in accordance with the Conditions of Contract included in the tender to be negotiated and agreed to by Council's Corporate Counsel;
3. authorises the CEO to execute the contract on Council's behalf; and
4. incorporates this resolution in the public minutes of this Meeting.

**CARRIED UNANIMOUSLY**

**13. CLOSURE OF MEETING**

The meeting closed at 9.21pm.

Confirmed this 26 day of November 2019

**Chairperson.....**