



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

TUESDAY 1 SEPTEMBER 2020

MINUTES

**Meeting was held remotely and streamed live via Council's website
at 7.32pm and was adjourned at 10.58pm**

**The meeting was resumed in-camera at 6.30pm on
Tuesday 8 September 2020**

Present

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

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The Mayor welcomed Councillors, council officers, Glen Eira residents and other community members to the 1 September 2020 virtual Council Meeting. Cr Esakoff advised of the process that would be followed should Council encounter technical difficulties livestreaming the meeting.

The Mayor then confirmed that the Councillors could be recorded as present by ensuring they met the following three criteria:

- They can hear proceedings;
- They can see other members in attendance and can be seen by other members; and
- They can be heard (to speak)

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 - NIL

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

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 Hyams

Seconded: Cr Sztrajt

That the minutes of the Ordinary Council Meeting held on 11 August 2020 be confirmed.

CARRIED UNANIMOUSLY

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

That Council:

1. considers the meeting to be adjourned for 10 minutes from the commencement of any technical problem which prevents Council from livestreaming the meeting;
2. adjourns the meeting to be reconvened on Wednesday 2 September at 7.30pm via livestreaming on Council's website, in the event livestreaming cannot be resumed within 30 minutes from the commencement of the technical problem which prevents livestreaming on Council's website.
3. notes, if the Mayor is unable for any reason to attend the Council meeting or part of the Council meeting, the meeting will be chaired in accordance with Rule 13 of the Governance Rules. The Mayor will resume as Chair of the meeting upon return. If a vote is being taken at the time the Mayor will resume as Chair after the result of the vote has been declared.

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

Nil

6. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS

Nil

7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY

7.1 Advisory Committees

7.1.1 ADVISORY COMMITTEE MINUTES**Moved: Cr Sztrajt****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. Sustainability Advisory Committee Minutes – 06 August 2020
2. Community Grants Advisory Committee Minutes – 11 August 2020

CARRIED UNANIMOUSLY

7.2 Records of Assembly

7.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS**Moved: Cr Magee****Seconded: Cr Sztrajt**

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

1. 28 July 2020
2. 4 August 2020
3. 11 August 2020 Pre-meeting

CARRIED UNANIMOUSLY

The Mayor made the following statement

At the 11 August Council Meeting, Council approved the Governance Rules, along with Public Participation and Written Public Questions guidelines. In accordance with Rule 62 of the Governance Rules, special arrangements need to be made for public participation and written public questions to comply with state government restrictions during the ongoing COVID-19 pandemic, and to protect Councillors and the public by preventing the spread of COVID-19.

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

That Council:

1. suspends the Public Participation at Council Meeting Guidelines adopted by Council on 11 August 2020 and confirms that public participation at Council meetings is cancelled;
2. suspends the Written Public Questions to Council Guidelines adopted by Council on 11 August 2020;
3. continues to manage written public questions in accordance with the guidelines endorsed by Council on 7 April 2020, and authorises officers to update references in the guidelines to the Council Meeting Procedure Local Law 2019 to the new Governance Rules;
4. notes that the arrangements described in parts 1 - 3 above are in place until further notice, and are to be reviewed within six months;
5. changes the order of business to deal with Item 10.5 Written public questions to Council at this stage of the meeting; and
6. extends the meeting to conclude at 11pm.

CARRIED UNANIMOUSLY**Item 10.5 Written public questions to Council****1. Sally Clarke – Caulfield**

In regard to UFS I was alarmed to read of only 1-2% tree cover increase in GlenEira compared with the 27% aim across parts of Metropolitan Melbourne . How does tree cover here compare please, with cover in 1920 & 2000?

Response:

The Draft Urban Forest Strategy provides a comparison of canopy cover in the municipality between 2014 and 2018, and identifies a loss of 5.7% of canopy cover over that time. This information is based on information provided in a document titled 'Urban Vegetation Cover Change in Melbourne 2014-2018' (RMIT) released in 2019. This is the only reliable information available for the municipality.

The Strategy notes the limited planting opportunities for additional planting on Council controlled land and identifies targets for increasing canopy cover in Parks and in road

reserves of 2-3%. It also notes that at a municipal level the predominant loss of canopy cover is occurring as a result of ongoing densification on private land and land not controlled by Council.

The Draft Urban Forest Strategy is currently out for public consultation (closing 27 September), community members are welcome to provide comment on the Strategy as part of the consultation process.

<https://www.haveyoursaygleneira.com.au/urbanforeststrategy>

2. Warren Green – Bentleigh

- a) Can Council advise what is the number of additional dwellings that are possible under the current Planning Scheme and the total dwelling capacity of Glen Eira?
- b) Can Council provide a summary of the casual prices in current day values included into the Carnegie Swim Centre financial projections (as tabled in the meeting agenda) for the following items: adult swim, child swim, spa, warm water pool and dry program class usage?

Response:

- a) There is no prescribed limit to the number of dwellings that can be provided under the provisions of the Glen Eira Planning Scheme. The Victorian Planning System is performance based, which means that every application requires analysis of its context and the application of policies and established planning principles. The planning system is designed to enable development while protecting amenity.

As such, the total dwelling capacity of the municipality is not fixed.

Council however monitors the number of new dwellings that have been constructed against State Government housing targets identified in Victoria in Future. Council has previously informed you that Glen Eira is on track to meet the State Government housing targets.

- b) For the purpose of the financial modelling, prices have been escalated in line with the assumed CPI increase at the anticipated opening date;
 - i. adult, and child swim prices are based on the current Carnegie Swim Centre prices plus an escalation factor of 3% p.a.
 - ii. spa, warm water pool and dry program prices are based on the current GESAC prices as a benchmark plus an escalation factor of 2-3% p.a.

A detailed business operating model will be developed prior to the opening of the new facility, the proposed fees and charges will be finalised as part of that process and will be subject to review as part of the annual budget process thereafter.

3. Naum Duchovni – Elsternwick

We are strongly objecting over development in our already crowded area.

Response:

Council acknowledges your concern about over development and wants to ensure you that we consider the impact of a proposed development as part of the assessment of each planning application.

Each Council has a role to play in accommodating the growing Victorian population and providing places for people to live and work into the future. This means that there will be change in the places where we live, but through the strategic planning work that we have been doing including the development of the Elsternwick Structure Plan, we can ensure that we manage this change in a sustainable and informed way.

4. Beverly Dillon – Elsternwick

I would like to know why the Councillors, the Town Planners and the CEO for Glen Eira Council, constantly disregard the majority of its rate payers views for the Structure Plan and zoning? I would like an answer that doesn't blame the State Government. You have well exceeded the State Government requirements for additional housing.

Response:

Whenever Council develops a Structure Plan we initiate an extensive and robust community consultation process. Consultation usually delivers a diverse range of views on what is considered appropriate from the perspective of height, density, traffic, parking and community infrastructure, among other things. While every effort is made to reflect the feedback received into the ultimate Structure Plan document, Council also needs to consider professional and technical advice, and the requirements of other stakeholders such as the State Government. A Structure Plan is also a plan for the long term which requires Council to balance out the needs of both current and future communities, especially in our major activity centres.

The State Government sets housing forecasts for municipalities to ensure that a sufficient housing supply is provided throughout Victoria. This information is contained in the Government publication, Victoria in Future. Glen Eira is on track to meet this State Government target, but it is important to clarify that the targets do not represent an absolute capacity for an area. They are a projection to ensure adequate housing supply is achieved within the whole of Victoria.

5. Tracie Battersby – Elsternwick

Re 7 Selwyn Street Elsternwick. How can you approve a development that does NOT take into account appropriate parking and completely ignores height restrictions and overshadowing. There are guidelines which have been completely ignored.

Response:

The Planning Office assessment does consider matters relating to the height of the building, the car parking requirements and whether the overshadowing is reasonable, along with other matters such as the strategic role of Selwyn Street, the architectural design quality of the building, the sustainable transport credentials and the purpose of the different planning controls.

Often when assessing a planning application there can exist a tension between various policy objectives. It is Council's role as decision maker to balance these objectives in favour of net community benefit. The analysis contained in the report considers that, on balance, the proposal is acceptable.

6. Duncan Galloway – Carnegie

Due to the COVID-19 lockdown, Glen Eira residents are taking to the streets and trails on bicycles in increased numbers, causing unusual congestion on our shared bicycle paths.

The council's Integrated Transport Plan 2018–2031 calls for an ambitious increase in non-car trips, and surveys suggest that residents would ride more if suitable infrastructure was provided (see e.g. VicHealth survey 2020 June [1])

Other councils have already responded to current circumstances by creating new "pop-up" bicycle lanes on existing transport corridors (see e.g. Bicycle Network news 2020 May [2]). For the sake of our residents, Glen Eira council should not let this opportunity go by.

Has Glen Eira council undertaken any similar initiatives, or have plans to do so?

If not, why not?

Response:

A report was presented at the Ordinary Council Meeting on 30 June outlining five proposals for ways Council can assist with physical distancing requirements in our activity centres as businesses begin to reopen.

One of these proposals includes improving transport connections to promote active travel in Glen Eira (Proposal 4). You can find more information in Item 8.8 of the meeting agenda for 30 June.

As part of Council's resolution, officers are currently identifying areas where new treatments can be explored, as well as aspects of our Integrated Transport Strategy and Cycling Action Plan that could assist with this proposal. A further report on these options is expected later in the year. These include exploring temporary connections to some of the missing links in our cycling network and the possibility of trialling treatments that provide safer conditions for people to cycle in our municipality.

7. Sharon Rechtman – Elsternwick

Why have the Council Planning Officers in their recommendation re the Kadimah Planning Application ignored the height and setback guidelines in the DDO10 and Elsternwick Structure Plan and ignored the requirement for 213 car parks for an auditorium catering for 300 people in an area with current massive parking problems?

Response:

The Planning Office assessment does consider matters relating to the height and setbacks of the building and the car parking requirements, along with other matters such as the strategic role of Selwyn Street, the architectural design quality of the building, the sustainable transport credentials, the amenity impacts associated with the proposal and the purpose of the different planning controls.

Often when assessing a planning application there can exist a tension between various policy objectives. It is Council's role as decision maker to balance these objectives in favour of net community benefit. The analysis contained in the report considers that, on balance, the proposal is acceptable.

8. Gordon Wallace – Elsternwick

- a) In your report on the Kadimah application, I assume you sought independent expert advice on behalf of council and ratepayers to judge and challenge the developer's experts claims and statements .Where is that referenced to , in the report, or did you solely judge the issues and make decisions without such expert advice ?
- b) How much area is planned for office space and what does the term you use , co-working, actually mean ? Does it follow that the allocated office space must not be leased to other parties on any commercial terms? Did you consider the effect on worker and client numbers in the facility if in fact the office space is leased out to a wide range of services related or unrelated to the cultural precinct theme ?

Response:

- a) The Planning Office has undertaken a comprehensive analysis of the proposal and has sought the expert advice of specialised staff within Council. This is identified in the referral section of the report. You will see that a review has been undertaken by transport planners, a heritage advisor, urban designer, engineers, an arborist and waste management specialists. The recommendation has been prepared by professionally trained and capable planning staff.
- b) The proposed office floor space is 1631sqm. While it has been referred to as a co-working space by the permit applicant, the planning assessment has considered it under the planning scheme definition of an "office".

An ordinary meaning of a co-working space is an office used by people who are self-employed or working for different employers, typically so as to share equipment, ideas, and knowledge.

There are no proposed restrictions on the operation of the office or for it to be related to the cultural precinct.

9. Gaye Wallace – Elsternwick

On reflection do you regret not making a more extensive and efficient awareness process to the local community in regard to the Kadimah application, given the known local outrage with the various plans for excessive highrise developments and traffic/parking congestion in that street ?

Response:

Public notification requirements are set out in the Planning and Environment Act. Council has exceeded its statutory requirement to advertise the application to directly adjoining properties, by sending a notice of the application to all owners and occupiers of land bounded by Glen Huntly Road, Gordon Street, Sinclair Street and St Georges Road.

A notice advertising the application was also affixed at the property for a period of three weeks and the application plans and supporting material have been available on Council's website since May 2020.

An important part of the planning process is hearing the views of the community and all submissions will be considered as part of the decision making process for the application.

10. Therese Green – Bentleigh

- a) A review of the financial projections for the Carnegie Swim Centre (page 395 of the Agenda) suggests that the income generated per visit is exceptionally high and significantly higher than the industry average. This indicates that the financial analysis for the project is based on high entry prices to the detriment of affordability and accessibility. What is the projected average income per visit for option 2A and how does this compare with industry benchmarking?
- b) As a young child, my family regularly visited the Carnegie Swim Centre and we would spend most of the time playing in the family pool. More recently, I have done the same thing with my children. It is noticed that the design for Carnegie Swim Centre does not include an outdoor family play pool which is a surprise. There has been much community feedback about including a family pool in the design. This feedback has been misinterpreted by Council Officers who have stated that the community requested the retention of the family (toddler's) pool rather than the splash-pad (refer page 471). The community feedback clearly indicates that the inclusion of a family pool is being sought but not at the expense of the splash-pad.
Can Council Officers please revisit this feedback and ensure that Councillors are appropriately informed on this important community feedback?

Response:

- a) Projected aquatic visits income is high due to the provision of learn-to-swim program to meet community demand. Prices are comparable to other local aquatic facilities in metropolitan Melbourne.

For the purpose of the financial modelling, prices have been escalated in line with the assumed CPI increase at the anticipated opening date;

- i. adult, and child swim prices are based on the current Carnegie Swim Centre prices plus an escalation factor of 3% p.a.
- ii. spa, warm water pool and dry program prices are based on the current GESAC prices as a benchmark plus an escalation factor of 2-3% p.a.

GESAC financial and visitor trends provided the benchmark as it operates in similar user markets.

A detailed business operating model will be developed prior to the opening of the new facility. The proposed fees and charges will be finalised as part of that process and will be subject to review as part of the annual budget process thereafter.

- b) The majority of the community feedback specifically referring to the toddler pool and the splashpad expressed a preference for a toddler pool, while some indicated they would like both a toddler pool and a splashpad. This is consistent with the comments in the Council report.
-

11. Lyn Campbell – Elsternwick

The Heritage Policy and ESP states that new buildings must be respectful of the existing scale, rhythm, massing, form and siting of significant and contributory buildings when viewed from the street, in the heritage precinct as a whole. Susan Brennan argued succinctly that the Woolworths proposal(49m) would dominate the view of these shops and was not respectful, hence the preferred height of 6 storeys(23m). 17-19 Gordon St(21m), Classic Cinema(~19m), Jewish Holocaust Centre(17m) high. The Heritage Fire Station, Glenmoore and Glen Huntly Rd shops are all 2 storeys high. At 43m, double the height of the tallest

building in the vicinity, it will dominate the view of the shops when viewed from Riddell parade, Elsternwick Plaza. At this height, how can it be said to be respectful and enhance the existing heritage character of the Glen Huntly Rd retail shopping strip or the heritage precinct as a whole?

Response:

Council stands by the decision that the proposed development at 10-16 Selwyn Street (the Woolworths proposal) was not appropriate in relation to the surrounding heritage precinct and that it did not have appropriate regard to the objectives of the Elsternwick Structure Plan. It was an overly bulky collection of buildings that did not have a sufficiently high quality architectural design.

The Planning Office recommendation for the proposal at 7 Selwyn Street considers that the development is appropriate. The height of a building alone is not the sole determinant of what impacts the significance of a heritage environment. It is the combination of a building's form, use of materials, scale and design. Throughout Melbourne, many taller, skilfully designed buildings have integrated very well into their respective heritage precincts.

The recommendation for 7 Selwyn Street considers the building to be of high architectural quality and the simple and elegant design of the upper levels sits well within the heritage environment. It also offers a combination of uses that will contribute positively to the role of Selwyn Street and to the Elsternwick Activity Centre.

No two sites and their context are exactly the same. Every application must be considered on its own individual merits. The Planning Office analysis and recommendation clearly differentiate the outcome for 7 Selwyn Street from the Woolworths proposal.

12. Anthony Del Monaco – Elsternwick

The proposed Selwyn Street development adds 300 people attending the performing arts venue in the evening operating alongside the busy Classic Cinema and restaurant strip.

The applicant conducted a car parking survey which planning officers have quoted in their recommendation. This survey was conducted on a Tuesday, and did not include Elizabeth, Regent, Sandham St nor St Georges Rd, which local residents know are frequently used and at parking capacity for those visiting the precinct during peak period of Thursday to Sunday evening. The planning officers have not provided any council data for comparison nor provided any validation of the provided survey.

According to council data, where does Tuesday night rank in the week in terms of parking occupancy and what is the parking occupancy for Thursday to Sunday nights in this area? Will data be provided before councilors' vote so they have complete information to base any decision on?

Response:

The Planning Office recommendation was informed by expert advice from Council's Transport Planners who have reviewed the traffic data provided by the applicant.

The Transport Planners have been involved in a number of projects in the Elsternwick Activity Centre involving the review of parking occupancy.

As part of these different projects they have reviewed parking occupancy surveys that have indicated that peak parking occupancy occurs in the activity centre on Tuesdays to Thursdays and Saturday, unless there is a special event.

The planning recommendation has factored in the expert advice of Council's Transport Planners.

13. Mary Neighbour – Caulfield South

What progress has been made towards implementing a structure plan for Caulfield South, and will it meet residents' expectations by setting a mandatory building height limit of five storeys?

Response:

Council is preparing Urban Design Frameworks for three Neighbourhood Activity Centres which includes Caulfield South. Drafts of these frameworks are scheduled to be presented to Council in February/March 2021. We cannot pre-empt the recommendations that will result from the built form analysis at this stage, however, we are aware of the concerns of some residents regarding height and siting of already approved developments.

14. Trisha Taylor – Elsternwick

Why is the elsternwick structure plan being ignored? What about the height and set back guidelines? The requirement for car parks? Particularly at this time when there is such opposition to the Woolworths development in the same area? Will this approval be then used to support the Woolworths development?

Response:

The planning assessment does consider matters relating to the height and setbacks of the building which are identified in both the Elsternwick Structure Plan and the Design and Development Overlay and the car parking requirements. These matters are considered alongside other factors such as the strategic role of Selwyn Street, the architectural design quality of the building, the sustainable transport credentials, the amenity impacts associated with the proposal and the purpose of the different planning controls.

Often when assessing a planning application there can exist a tension between various policy objectives. It is Council's role as decision maker to balance these objectives in favour of net community benefit. The analysis contained in the report considers that, on balance, the proposal is acceptable.

Each planning application must be considered on its own merits and Council refused the Woolworths development proposal at 10-16 Selwyn Street for a number of reasons. This application was appealed to the Victorian Civil and Administrative Tribunal and we are now waiting for the final decision.

15. Ross Campbell – Elsternwick

Kadimah will discourage people from driving to the site but in their traffic report it states that they still expect about 135 cars peak parking demand for museum and theatre space on top of a number of spaces for office workers who will drive. This is taking into account the close proximity of public transport. The car parking survey was done on a Tuesday, probably the quietest day of the week. They identified on this Tuesday that there were 101 vacant car places nearby, so assume they don't need to provide any parking.

Why should this development be exempt from contributing to the parking amenity of Elsternwick and allowed to borrow from the amenity provided by others?

Will this lead to residents soon being asked to pay for another high rise parking complex due to another allowed reduction in parking by a developer?

Response:

Many parking surveys undertaken in Elsternwick indicate that peak parking occupancy occurs in the activity centre on Tuesdays to Thursdays and Saturday, unless there is a special event.

In this case there are factors specific to the planning proposal that provide support for the development without car parking being provided on the land. The applicant has proposed initiatives to encourage staff to use active and sustainable transport modes, while a high proportion of visitors are expected to use public transport or bus. These initiatives would significantly reduce the need to travel by car to this site.

In recommending granting a permit to reduce the car parking requirements, the analysis has determined that the proposal will not result in impact to the availability of parking in the area.

16. Felicitie Campbell – Elsternwick

This tower at a of height 42.95m would clearly dominate the view of the heritage shops and homes within the streetscapes of Elsternwick and environs. Why would it be appropriate to allow a building form with a height of 43 m to be approved when Council have just spent somewhere in the order of well over half a Million dollars arguing strenuously in VCAT that the proposed Woolworths Towers in Selwyn St should have a preferred height of 6 storeys (23 metres) as defined in the Elsternwick Structure Plan due to its situation within the Heritage overlay HO72, close proximity of the heritage shops, Elsternwick village and surrounding heritage homes?

Response:

The proposed building would be visible from different aspects in Elsternwick, however just because it is visible does not mean that it will negatively impact the significance of a heritage environment.

The planning assessment identifies that the building is of high architectural quality and has the support of Council's Heritage Advisor who has described the podium as adding interest and diversity to the Selwyn Street streetscape, while the levels above have a simple, elegant architectural expression that will assist in ensuring it is not visually dominant.

Council had a different view for the development at 10-16 Selwyn Street, being the Woolworths development and considered that the design was not appropriate and that its scale and form would appear excessively dominant and not respect the heritage environment.

The recommendation has considered the proposed design response for 7 Selwyn Street against its specific site context and characteristics.

17. Kathy Deacon – Elsternwick

Why did council's planning officers fight so hard in the Woolworths VCAT appeal to have the building heights and set-back provisions enforced as per the Elsternwick Structure Plan and DDO10 only to completely ignore them in this Kadimah application recommendation?

Response:

Council fought so hard in the Woolworths appeal because that development had so many issues that had potentially far reaching negative effects.

The architectural design was not appropriate, it was too big and bulky and considered to dominate the streetscape and impact on heritage significant buildings. The very different proposed land use was a high generator of cars in a precinct that Council is seeking to pedestrianise.

The planning assessment considers that the proposal at 7 Selwyn Street is of high architectural quality with a simple elegant design. The proposed combination of uses is envisaged for this part of Elsternwick and it will contribute greatly to the role of the cultural precinct envisaged in Selwyn Street.

Every application must be considered on its own merits and the recommendation clearly differentiates the outcome for 7 Selwyn Street from the Woolworths site.

18. Laura Westhead – Elsternwick

Why don't you define height in metres in the Elsternwick Structure Plan?

Don't you think it would save some arguments and provide clear guidelines about building height limits?

Response:

Expressing height controls in the Planning Scheme can occur either in storeys or in metres, or both. In more contemporary planning documents such as the Glen Huntly Structure Plan, heights are expressed in both.

Building heights expressed in storeys are most commonly and correctly used in cases where mandatory controls are in place. as the number of storeys can be easier when communicating with the general public.

Measurements in metres above natural ground level can create difficulties and potential dispute, particularly in areas with variations in topography.

19. Carol Campbell – Barwon Heads

Any local who lives in nearby streets to the cinema, restaurants and train station are already hugely impacted by the lack of available parking on the streets near their homes now. Apartment blocks with reduced parking requirements have also had an impact on parking as they regularly take up street car parks. This is fact. Glen Huntly Rd is vibrant with restaurants and café culture and the Council has recognised this demand on car parks by tightening car parking permit availability for local residents who pay rates. This lack of car parking provision by the applicant is only going to lead to significantly increasing the demand on car parks in nearby streets. How can you justify the reduction of car parking permits for residents (and charge us for what we have previously been given as rate payers) and yet allow a development of this scale to provide no car parks?

Response:

It is worth noting that this is not a residential development, so the demands for long term parking are lower. Whilst this proposal expects to bring a high volume of visitors to the area, the larger occupancy visits are planned to occur with scheduled groups, for example school children arriving by bus, or visitors using the excellent public transport that is close to the site.

Additionally, Council's Parking Policy recognises that permits are important tool in managing parking, but equally recognises that Glen Eira's streets and becoming increasingly crowded.

Under the new policy all eligible households will be able to access two residential use permits, with those households that do not have off-street parking able to access an additional permit. 100 single-use visitor permits are available to eligible households per annum. New apartment and mixed use developments will not be eligible for any permits.

Permits will be flexible (able to be transferred between vehicles) and will be able to be used within the household's street as well as the nearest intersecting streets.

It is recorded that Cr Delahunty left the virtual meeting at 8.13pm and re-entered at 8.16pm.

It is recorded that Cr Davey left the virtual meeting at 8.17pm and re-entered at 8.18pm.

20. Marlene Laurent – East Bentleigh

- a) At the 8/4/2020 Council approved an updated Open Space Strategy. Included in this strategy was an increase in the Open Space Levy Rate (from 5.7% to 8.7%) and approval for officers to prepare the Planning Scheme Amendment required to incorporate the revised levy rate in Glen Eira's Planning Scheme.

Could Council please advise the current status of preparation of this amendment and the expected date of its incorporation in the Glen Eira's Planning Scheme?

- b) Included in the Glen Huntly Structure Plan (to be discussed later tonight - Agenda Item 8.3), on page 31 (Figure 3) identifies an area, to a rear to of Glen Huntly Station Public Realm, as a Potential New Development Site which spans the rail.

Could Council please provide details of when this site will become available (eg. during or post level crossing removal) and what type of development is envisaged for the site.

Response:

- a) The Amendment to increase the open space levy is currently in preparation. A request to prepare and exhibit a Planning Scheme Amendment is currently scheduled to be considered by Council early in 2021. It is hoped that the Amendment would be completed by early 2022, however there are many steps involved in an amendment process that can alter these timeframes.
- b) The plan represents Council's preferred outcomes for the level crossing removal works in Glen Huntly, however the final design outcome is within the authority of the Level Crossing Removal Project (Authority). Council will be advocating strongly for meaningful open space to accompany the removal of the level crossings at Glen Huntly and Neerim Roads in line with the advocacy principles endorsed by Council at the August 2020 Ordinary Council Meeting. The new Development Sites within the rail corridor present an opportunity for accommodating additional mixed-use development around the railway infrastructure. There is no timing or further detail on this potential opportunity.
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21. Anne Kilpatrick – Caulfield

The Glen Huntly Structure Plan is going forward to Council at this meeting without the benefit of a contemporary heritage assessment.

What is the timeline for the full heritage assessment including when it will be available to the public? How does that compare with the timeline for the relevant Planning Scheme Amendment?

Response:

The draft heritage citations for the Glen Huntly major activity centre commercial core were a reference document in the preparation of the Glen Huntly Structure Plan. The central retail precinct has height and setback controls that were embedded to respect and preserve the character of the fine grain nature of the existing street wall and small-scale shop fronts.

A formal planning scheme amendment will be commenced to introduce heritage controls in the Structure Plan area in the later parts of 2020 which will run concurrently with the proposed statutory implementation of the Glen Huntly Structure Plan.

22. Bette Hatfield on behalf of the Glen Eira Residents Association – Caulfield North

At the recent Planning Zoom Consultation Council advised that unanswered “chat” questions (due to time constraints) would receive an email response.

As I have yet to receive an email in response to my chat question, could Council please advise the number of effective full time (both employed by Council and engaged by Council as contractors and consultants) Planning Officers, assigned to Statutory and Strategic Planning Roles as at the following dates

- October, 2013
- December, 2015
- August, 2018.

Response:

Regarding the Online Planning ‘Ask Us Anything’ forum, officers are finalising the responses to questions taken on notice and will have them uploaded shortly, along with the other material promised. Participants of the forum will be notified when these are available.

A breakdown of staff, contractor and consultancy numbers specific to the planning and strategic planning functions over the last seven years is not available as we do not collate or report on resourcing figures in that way. Council’s Annual Reports provide high level details on expenditure and FTE staffing numbers year on year if they are of interest.

8. OFFICER REPORTS (AS LISTED)

8.1 7 SELWYN STREET ELSTERNWICK

Moved: Cr Sztrajt**Seconded: Cr Silver**

It is recorded that Cr Delahunty vacated the virtual meeting at 8:22pm and re-entered at 8:24pm.

Part A

That Council: issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-33539/2020 at 7 Selwyn Street Elsternwick for the demolition of the existing building; construction of an up to nine storey building; use of the land for offices and a place of assembly; sale and consumption of liquor reduction of car parking requirements; and display of advertising signage in accordance with the following conditions:

Amended plans

1. Before the development starts, amended and additional plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as TP015, TP020, TP101-TP113, TP201-TP204, TP301-TP303, TP401, prepared by McIldowie Partners and dated 1 May 2020) but modified to show:

Additional plans and material samples

- (a) The building reduced in height to a maximum of 37m, except for any architectural features, masts, building services or enclosed stairwells that may exceed this height by no more than 4m.
- (b) Elevations and sections at a scale of 1:20 demonstrating how the retained Karl Duldig stained windows and bas relief will be displayed within the museum, including lighting details to highlight notable features;
- (c) A schedule of all external advertising and directional signs, including fully dimensioned floor plans and elevations at a scale of 1:50, and for the signs to be an integral design element of the building;
- (d) Fully dimensioned floor plans and elevations at a scale 1:50 showing any external site services within the frontage of the building and for the site services to be an integral design element of the building;
- (e) A physical materials board showing all external façade materials, colours and finishes;

Amended plans and documents

- (f) Access to the building from Selwyn Street to be DDA compliant;
 - (g) An annotation on the plans that the rooftop will be used for plant, equipment and service use only;
 - (h) The material treatment for any section of the blank walls of the building
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(identified as 'FE-11') that is visible from the public realm to be modified to enhance the visual interest such as by using an inscribed pattern treatment, textural finish or the likes;

- (i) Annotation that any steel cladding material will not cause glare to adjoining properties;
- (j) Any noise attenuation measures or requirements of the Acoustic Report required by Condition 7;
- (k) Any requirement of the Waste Management Plan required by Condition 11;
- (l) Any requirement of the Public Realm Management Plan required by Condition 17.

Layout not to be altered and construction oversight

- 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, McIldowie Partners 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.

Heritage documentation and retention

- 4. Before the development starts, including any demolition and excavation, a Heritage Retention Management Plan prepared by a suitably qualified conservation architect must be submitted to and approved by the Responsible Authority. When approved, the Heritage Retention Management Plan will form part of this permit and all buildings and works must be carried out in accordance with the Heritage Retention Management Plan.

The Heritage Retention Management Plan must specify actions for the management, maintenance and salvaging of the existing ceramic bas-relief on the street facade, stained glass windows and plaques by Karl Duldig – 'The Great Awakening' feature, making specific comment on the following matters to the satisfaction of the Responsible Authority to ensure that the feature remains in good condition and are not damaged throughout the demolition and construction period:

- (a) The establishment of appropriate procedures for the retrieval, storage and installation of the existing ceramic bas-relief on the street facade, stained glass windows and plaques by Karl Duldig – 'The Great Awakening' feature, including that demolition of the existing building and construction of the development must not commence until the existing ceramic bas-relief on the street facade, stained glass windows and plaques by Karl Duldig – 'The Great Awakening' feature has been retrieved and stored;
 - (b) Retention of a conservation architect and details of the times when supervision by a will be required onsite and time frames specified for supervision;
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- (c) Any remedial works that are required to be performed on the existing ceramic bas-relief on the street facade, stained glass windows and plaques by Karl Duldig – ‘The Great Awakening’ feature before, during and post development of the site;
 - (d) A report is to be prepared for archival photo record purposes for the remainder of the existing building to be retained or salvaged.
- 5. The requirements and recommendations contained within the approved Heritage Retention Management Plan must be implemented to the satisfaction of the Responsible Authority.
 - 6. The existing ceramic bas-relief on the street facade, stained glass windows and plaques by Karl Duldig – ‘The Great Awakening’ feature to be salvaged and incorporated into the foyer/lobby area to remain on site in perpetuity to the satisfaction of the Responsible Authority.

Acoustic requirements

- 7. Before the development starts, an updated Acoustic 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 be generally in accordance with the report prepared by Marshall Day Acoustics (Revision 02) and dated 6 May 2020, but modified to include the following:
 - (a) any specific acoustic design and attenuation to ensure noise levels from the uses, plant and equipment can meet the requirements of Condition 10.
 - 8. The provisions, recommendations and requirements of the endorsed Acoustic 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.
 - 9. Within two months of all of the uses starting, a further Acoustic Report prepared by an acoustic engineer must be submitted to the Responsible Authority to its satisfaction. The further report must detail whether the noise levels associated with the uses are in accordance with the requirements of the endorsed Acoustic Report at Condition 7 with plant equipment operating at practical peak load (assuming operation during hot weather in summer during the evening and night). If the noise levels exceed those specified in the endorsed Acoustic Report at Condition 7, the report must outline a program or measures to ameliorate or attenuate noise to ensure that the levels are met, to the satisfaction of the Responsible Authority. The uses must not continue until such time that the attenuation measures have been implemented to the satisfaction of the Responsible Authority.
 - 10. Noise levels to and from the development and use 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 EPA Publication 1254 and any other relevant guideline or Australian Standard.
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Management plans

11. Before the development starts, a Waste Management Plan (WMP) 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 WMP must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 9 April 2020, but modified to show:
 - (a) The size and location of the proposed waste room;
 - (b) Provision within the waste room for recyclables including 1 x 1,100L bin designated for cardboard and paper stream, and 1 x 1,100L bin for comingled recycling stream;
 - (c) Consideration of the provision of a Container Deposit Scheme (CDS) collection point, noting that introduction of the CDS by 2023 (ie. a reverse vending machine or a bin).
12. 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.
13. Before the uses start, an updated Integrated Transport and Access Plan (ITAP) 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 ITAP must be generally in accordance with the Integrated Transport and Access Plan prepared by Ratio Consultants and dated 1 May 2020, but modified to include:
 - (a) Provision of the detailed Green Travel Plan and actions;
 - (b) Confirmation of Green Travel Plan Coordinator; and
 - (c) Rideshare incentives to improve sustainable transport objectives;
 - (d) An estimated breakdown of mode choice to determine trip generation;
 - (e) Management of large group attendees (i.e. school groups).
14. The provisions and requirements of the endorsed Integrated Transport and Access 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.
15. Before the development starts, including any demolition and excavation, a Construction Management Plan (CMP) 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 CMP must show:
 - (a) Delivery and unloading points and expected frequency;
 - (b) Truck haulage routes, circulation spaces and queuing lanes;
 - (c) Details how traffic and safe pedestrian access will be managed, including 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;
 - (i) Hours for construction activity must only occur within the following hours: 7am to 6pm – Monday to Friday;
 - (ii) 7am to 1pm – Saturdays;
 - (iii) No construction on Sundays or public holidays;
 - (g) Measures to control noise, dust, water and sediment laden runoff;
 - (h) Measures to ensure that subcontractors/tradespersons operating on the site are aware of the contents of the CMP;
 - (i) Any construction lighting to be baffled to minimise intrusion on adjoining lots.
16. All construction (including demolition and excavation) must be carried out and complied with in accordance with the approved Construction Management Plan to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.
17. 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 Responsible Authority for the area directly in front of the subject site and to align with any streetscape design for the Selwyn Street Cultural Precinct;
 - (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 defining the area the works are to be undertaken;
 - (e) Existing street trees to be removed; and
 - (f) Vehicle and pedestrian access arrangements including any signage or safety measures.
18. 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.
19. Before the use of the museum and 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. The description should contain details of when and where these activities will be taking place;
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- (b) Patron Numbers specified with a maximum of 300 patrons for the museum and a maximum of 300 patrons for the place of assembly, except with the prior written approval of the Responsible Authority;
- (c) Operating hours of each component of the use as follows, except with the prior written approval of the Responsible Authority:
 - (i) Museum – 8am to 5pm, Sunday to Friday (closed on Saturdays); and
 - (ii) Place of Assembly – (Performing Arts Centre):
 - 5pm to 10pm, Monday to Friday
 - 1pm to 10pm, Saturday and Sunday
 - 8am to 5pm, Monday to Friday in association with the museum

20. The provisions 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.

General amenity

21. 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.
22. 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, wastewater, waste products, grit or oil;
 - (d) Traffic generated by the use,
- or in any other way, to the satisfaction of the Responsible Authority.
23. All security alarms or similar devices installed on the land must be of a silent type.
24. 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.
25. All pipes, fixtures, fittings and vents servicing the building must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
26. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings without the prior written consent of the Responsible Authority.
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27. Before the building is 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.

Signage

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

Permit expiry

31. This permit will expire if one of the following circumstances applies:
- (a) The development is not started within three years of the date of this permit.
 - (b) The development is not completed within five years of the date of this permit.
 - (c) The use is not started within five 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*.

32. 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.

Permit notes

- A. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.
 - B. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
 - C. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
 - D. No net increase in peak stormwater runoff in the Council drainage network. Post development peak storm water discharge to Council drainage network must be maintained to the predevelopment level for 10 year ARI. Detailed plans and computations should be submitted to Council for approval prior any
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construction works.

- E. Engineering Services encourage using of rainwater tanks for storage and reuse for toilet and irrigation purpose and or stormwater detention system.
- F. Drainage associated with basement construction (seepage and agricultural waters are to be filtered to rain water clarity) must be discharged to the nearest Council Drain/Pit and not be discharged to the kerb and channel.
- G. All stormwater runoff must be connected to Council underground drainage network. No uncontrolled stormwater discharge to adjoining properties and footpaths.
- H. Any firefighting equipment for the building shall be accommodated within title boundary. Submitted plans are not showing location of any hydrant / booster. Council will not allow private fire equipment in the Road Reserve.
- I. Asset Protection Permit must be obtained from Council Engineering Services Department prior commencement of any building works.
- J. All relevant Engineering Permits must be obtained prior any works within the Road Reserve and or stormwater connection to Council drainage network.
- K. Any modifications, amendments or changes that could impact Council's infrastructure assets are to be discussed with the Engineering Services prior to issuing a planning permit.

Part B

That Council: acknowledges the offer by members of the Jewish Arts Quarter to formally engage with Glen Eira City Council to explore the creation of preferential opportunities for registered community groups of Glen Eira and local residents to access resources and event spaces within the facilities at 7 Selwyn Street, and, should a planning permit issue, requests officers to engage with the permit holder to negotiate an agreement that achieves this.

It is recorded that Cr Delahunty vacated the virtual meeting at 8:27pm and re-entered at 8.28pm.

FOR: Crs Athanasopoulos, Esakoff, Hyams, Silver, Sztrajt and Cade (6)

AGAINST: Crs Davey, Delahunty and Magee (3)

CARRIED

8.2 86 KOOYONG ROAD, CAULFIELD

Moved: Cr Hyams**Seconded: Cr Delahunty**

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-33493/2020 allowing Building and works for the construction of a four storey building for use as an office and a reduction in the car parking requirements at 86 Kooyong Road, Caulfield North, in accordance with the following conditions:

Amended plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as TP003, TP100, TP101, Roof Plan, North and East Elevations, South and West Elevations, Sections and External Finishes prepared by BG Architecture), but modified to show:
 - (a) The streetscape elevation to include unrendered brick element sections that wraps around the building to enhance visual interest and to reduce the expanse of rendered finish.
 - (b) The inclusion of brick elements into the front fence elevation.
 - (c) An updated schedule of materials and finishes.
 - (d) The provision of at least one e-bike space in addition to the proposed bicycle spaces located within the ground floor bicycle room.
 - (e) No built form (including canopies or architectural elements) to be built beyond the title boundaries of the subject land.

When approved, the plans will be endorsed and will then form part of this Permit.

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.

General Amenity

3. Before the building is 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.
4. 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, wastewater, waste products, grit or oil.
 - (d) Traffic generated by the use.

Or in any other way, to the satisfaction of the Responsible Authority.

5. All security alarms or similar devices installed on the land must be of a silent type.
6. 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.
7. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building without the prior written consent of the Responsible Authority.
8. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

Management plans

9. Before the development starts, a Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the WMP will be endorsed and will then form part of the permit. The WMP must outline the collection and disposal of waste and recyclables associated with the proposed use on the 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.
11. The provisions, recommendations and requirements of the endorsed Sustainability 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.
12. Before the development is occupied, a Car Stacker Management Plan (CSMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the CSMP will be endorsed and will then form part of the permit. The CSMP must include the following:
 - (a) Allocation of car spaces according to vehicle size and type.
 - (b) Ongoing maintenance of the car stacker system, including that it must be maintained by the Owner's Corporation in a good working order and be permanently available for the parking of vehicles. Should no Owner's Corporation be established, then the lot owner must bear responsibility for ongoing maintenance of the car stacker.
 - (c) Instructions to occupiers about the operation of the car stacker system.
 - (d) The car stacker must be able to accommodate a vehicle at least 5 metres in length.
13. The provisions, recommendations and requirements of the endorsed Car Stacker 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.
14. Before the development starts, including any demolition and excavation, a Construction Management Plan (CMP) 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 CMP must show:

- (a) Delivery and unloading points and expected frequency.
 - (b) Truck haulage routes, circulation spaces and queuing lanes.
 - (c) Details how traffic and safe pedestrian access will be managed. 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 in accordance with any other condition of this permit.
 - (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.
15. All construction (including demolition and excavation) must be carried out and complied with in accordance with the approved Construction Management Plan to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.
16. Before the development starts, an amended Green Travel Plan (GTP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the GTP will be endorsed and will then form part of the permit. The amended GTP must show:
- (a) How traffic movements and staff parking will be managed with a focus on non-private vehicle transport modes.
 - (b) Specific mechanism to encourage the use of sustainable transport options including, but not limited to:
 - i. Tram, train and bus timetables be installed in prominent locations in lifts and public areas (on noticeboards, etc);
 - ii. Bicycle parking areas to be installed in well secured and prominent locations;
 - iii. Signs displayed in prominent locations advising of the location of existing and proposed share car schemes, bicycle parking facilities, tram stops, taxi ranks, railway stations, bus stops and bicycle paths;
 - iv. Ensure that access to the on-site parking is restricted and controlled;
 - v. Provision of a car-pooling database for occupants;
 - vi. Provision of seed funding arrangements for the occupants to allocate for the purchase of public transport fares;
 - vii. Specific targets to guide the plans ongoing implementation;
 - viii. Identification of a persons responsible for the implementation of actions;

- ix. Estimate timescales and costs for each action; and
 - x. A plan for monitoring and review of the Green Travel Plan on an annual basis for at least three years.
17. The provisions, recommendations and requirements of the endorsed Green Travel 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.

Car and bicycle parking

18. Before the development is occupied, bicycle parking facilities must be provided in accordance with Clause 52.34 of the Glen Eira Planning Scheme and AS2890.3-1993 (including the type, location, layout, access paths, signage) or otherwise to the satisfaction of the Responsible Authority.
19. Areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all weather sealcoat;
 - (d) drained;
 - (e) line-marked to indicate each car space and all access lanes;
 - (f) clearly marked to show the direction of traffic along the access lanes and driveways.

to the satisfaction of the Responsible Authority.

20. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
21. 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.

Melbourne Water requirements (conditions 22-25)

22. The office building, including lobby area, must be constructed with finished floor levels set no lower than 35.35 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level at location of development of 35.05m to AHD.
23. The car stackers must be constructed with no pits and all electrical components must be set above the applicable flood level at location of development of 35.50m to AHD.
24. No further cutting of the site is permitted at the car stacker area below 35.05m to AHD, without the prior written approval of Melbourne Water.
25. Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the office building and access ramps.

Permit expiry

26. This permit will expire if one of the following circumstances applies:
- (a) The development is not started within three years of the date of this permit.
 - (b) The development is not completed within five years of the date of this permit.

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*.

Permit notes

- A. The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If other modifications are proposed, they must be identified and be of a nature that an application for amendment of permit may be lodged under Section 72 of the Planning and Environment Act 1987. An amendment application is subject to the procedures set out in Section 73 of the Planning and Environment Act 1987.

- B. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.
- C. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- D. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- E. For general development enquiries contact our Customer Service Centre on 131722 (Melbourne Water).
- F. Prior to the commencement of any demolition and/or building works, an Asset Protection Permit must be obtained from Council’s Engineering Services Department.
- G. No net increase in the peak stormwater runoff to Council’s drainage network. Post development peak storm water discharge to Council’s drainage network must be maintained to the predevelopment level for 10 year ARI.
- H. All stormwater runoff must be connected to Council’s drainage network. No uncontrolled stormwater is to be discharged to adjoining properties and/or

footpaths.

- I. Drainage associated with basement construction (seepage and agricultural waters are to be filtered to rain water clarity) must be discharged to the nearest Council drain /pit and not be discharged to the kerb and channel.
- J. Any firefighting equipment for the building shall be accommodated within title boundary.
- K. All relevant Engineering Permits must be obtained prior any works within the Road Reserve and or stormwater connection to Council drainage network.

FOR: Crs Athanasopoulos, Cade, Davey, Delahunty, Esakoff, Hyams, Silver, Sztrajt (8)

AGAINST: Cr Magee (1)

CARRIED

8.3 GLEN HUNTLY STRUCTURE PLAN

Moved: Cr Athanasopoulos**Seconded: Cr Davey**

That Council:

1. adopts the *Glen Huntly Structure Plan 2020-2036* as presented;
2. notes that officers will prepare statutory and supporting documentation required to implement the *Glen Huntly Structure Plan 2020-2036* into the Glen Eira Planning Scheme through a future Planning Scheme Amendment;
3. develops an implementation plan to inform future Council budgets; and
4. communicates the following on Council's website:
 - Acknowledgment of all submitters for their contributions to the *Glen Huntly Structure Plan 2020-2036*.
 - Council's resolution on the *Glen Huntly Structure Plan 2020-2036*
 - Next steps to implement the *Glen Huntly Structure Plan 2020-2036* into the Planning Scheme.
5. requests the development of a streetscape revitalisation plan which includes a focus on increasing greening opportunities to respond to submitters comments about the presentation of the centre.

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

That Cr Davey be granted a one minute extension of speaking time.

CARRIED UNANIMOUSLY**FOR:** Crs Davey, Athanasopoulos, Delahunty, Cade (4)**AGAINST:** Crs Esakoff, Hyams, Sztrajt, Silver (4)**ABSTAIN:** Cr Magee (1)**LOST**

It is recorded that Cr Athanasopoulos left the virtual meeting at 10:08pm.

8.4 COVID-19 - AMENDED STIMULUS PACKAGE TO SUPPORT BUSINESSES, RESIDENTS AND COMMUNITY GROUPS

Moved: Cr Cade**Seconded: Cr Sztrajt**

That Council:

1. notes that a review of the COVID-19 Response and Recovery initiatives approved by Council on 7 April and 9 June 2020 has been undertaken and is updated as per Attachment 1 of this agenda item;
2. authorises the roll-out of the support initiatives in the Response and Recovery Package as outlined in Attachment 1 to this report;
3. notes the indicative value of initiatives outlined in the COVID-19 Response and Recovery Package is \$7.76m, comprising \$3.37m in 2019-20 financial year and \$4.39m in the 2020-21 financial year; and
4. conducts further consultation with businesses and Trader's Associations across the municipality to understand where Council can provide further support.

It is recorded that Cr Athanasopoulos entered the virtual meeting at 10:11pm.

CARRIED UNANIMOUSLY

8.5 TREE PROTECTION - PROPOSED CLASSIFIED TREE LOCAL LAW

Moved: Cr Delahunty**Seconded: Cr Silver****PART A**

That Council resolves, having complied with the requirements of section 119(2) of the *Local Government Act 1989 (the Act)* and having received submissions under section 223 of the Act,:

1. to make the Classified Tree Local Law (Attachment 1) in accordance with sections 111 and 119 of the Act;
2. to authorise the Chief Executive Officer to give notice of the making of the Classified Tree Local Law in the Victorian Government Gazette and a public notice in The Age newspaper in accordance with section 119(3) of the Act;
3. to authorise the Chief Executive Officer to send a copy of the Classified Tree Local Law to the Minister for Local Government in accordance with section 119(4) of the Act; and
4. to write to each person who made a written submission and inform them of Council's decision and the reasons for that decision.

PART B

That Council resolves to adopt the Classified Tree Policy (Attachment 2) and the Classified Tree Assessment Guidelines (Attachment 3), which are to take effect when the Classified Tree Local Law commences.

PART C

That Council:

1. notes that the *Local Government Act 2020* limits the penalty able to be applied by Councils for breaches of local laws, and that this limit is 20 penalty units, currently \$2,000.
2. notes that the *Sentencing Act 1991* provides that a 'penalty unit' under a local law is \$100.00 and this has not changed since 1991, whilst the penalty unit at the State level is \$165.22 (as at 1 July 2020).
3. notes that the 20 penalty unit limit for breaches of the proposed Classified Tree Local Law for illegal removal of a Classified Tree is too low to be a meaningful deterrent to ensure compliance with the provisions of the proposed Classified Tree Local Law.
4. resolves, therefore, to request that the State Government amend both the *Local Government Act 2020* and the *Sentencing Act 1991* to allow for a meaningful deterrent to ensure compliance with the provisions of the proposed Classified Tree Local Law.
5. requests that the Chief Executive Officer write to the Premier, Minister for Local Government and Attorney-General, and relevant Departmental Secretaries, to formally make the request, attaching a copy of the resolution.

CARRIED UNANIMOUSLY

8.6 CARNEGIE SWIM CENTRE REDEVELOPMENT – BUSINESS CASE REVIEW AND CONCEPT DESIGN CONSULTATION OUTCOMES

Moved: Cr Athanasopoulos**Seconded: Cr Davey**

That for the Carnegie Swim Centre Redevelopment project, Council:

1. notes the observations from the business case review and endorses incorporation of the additional facility components in the concept design;
2. notes the feedback received from the community consultation, and the responses provided;
3. adopts the concept design;
4. prepares a 'Green Travel Plan' for the new Centre, referenced to the objectives of the Glen Eira Integrated Transport Strategy (and associated network improvements) with a focus on reducing the environmental impact of travel to/from the facility.

FOR: Crs Hyams, Sztrajt, Davey, Silver, Cade, Athanasopoulos and Esakoff (7)

AGAINST: Crs Delahunty and Magee (2)

CARRIED**Procedural Motion****Moved: Cr Hyams** **Seconded: Cr Silver**

That Item 8.11 – Adoption of 2019-20 Financial Report be dealt with at this stage of the meeting.

CARRIED UNANIMOUSLY

8.11 ADOPTION OF 2019-20 FINANCIAL REPORT

Moved: Cr Hyams**Seconded: Cr Silver**

That Council:

1. adopts the 2019-20 Financial Statements and Performance Statement 'in principle', subject to no significant changes by the Auditor-General; and
2. notes that the Mayor (Cr Margaret Esakoff) and Deputy Mayor (Cr Dan Sztrajt) have been appointed to sign the Financial Statements and Performance Statement once they have been returned by the Victorian Auditor-General.

CARRIED UNANIMOUSLY

**8.7 GLEN EIRA SOCIAL AND AFFORDABLE HOUSING STRATEGY
IMPLEMENTATION PLAN YEAR TWO 2020-21**

Moved: Cr Delahunty**Seconded: Cr Athanasopoulos**

That Council endorses the *Glen Eira Social and Affordable Housing Strategy Implementation Plan Year Two 2020-21*.

CARRIED UNANIMOUSLY

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

That item 10.1 – Requests for reports from a member of Council staff be dealt with at this stage of the meeting.

CARRIED UNANIMOUSLY

10.1 Requests for reports from a member of Council staff**10.1.1 MINIMISATION OPTIONS OF VEHICULAR IMPACTS ON THE SELWYN
STREET CULTURAL PRECINCT****Moved: Cr Silver****Seconded: Cr Sztrajt**

That officers prepare a report that considers road treatments and parking adjustments to minimise vehicular traffic impacts on Gordon Street, Elizabeth Street, Regent Street, and St Georges Road, in conjunction with the development of the functional layout plan for the Selwyn Street Cultural Precinct.

CARRIED UNANIMOUSLY

**8.8 SUBMISSION TO CAULFIELD RACECOURSE RESERVE DRAFT LAND
MANAGEMENT PLAN 2020- 2035**

Moved: Cr Hyams**Seconded: Cr Magee**

That Council notes the submission to the Caulfield Racecourse Reserve Draft Land Management Plan 2020-2035.

CARRIED UNANIMOUSLY

8.9 PUBLIC INTEREST DISCLOSURE POLICY

Moved: Cr Hyams**Seconded: Cr Silver**

That Council approves the Public Interest Disclosure Policy (Attachment 1) to replace the Protected Disclosure Policy and Procedures (Attachment 2).

CARRIED UNANIMOUSLY

8.10 DELEGATIONS

Moved: Cr Hyams**Seconded: Cr Magee**

1. That Council resolves as follows:
 - (a) in accordance with section 11(1) of the *Local Government Act 2020* (Vic), the amendments to the Instrument of Delegation to the Chief Executive Officer (**CEO delegations**) in Attachment 1 to the report are approved and adopted;
 - (b) the amendments to the Instrument of Delegation under the *Planning and Environment Act 1987* (Vic) (**planning delegations**) in Attachment 2 to the report are approved and adopted;
 - (c) the amendments to the Instrument of Delegation under other legislation (**other delegations**) in Attachment 3 to the report are approved and adopted;
 - (d) relevant Council staff be delegated powers, duties and functions described in the CEO delegations, planning delegations and other delegations (as amended), and such powers, duties and functions be exercised subject to any conditions and limitations specified in these instruments (as amended);
 - (e) the CEO delegations, planning delegations and other delegations (as amended) come into effect immediately after the passing of this Council resolution;
 - (f) clean versions of the instruments described in part 1(e) be published on Council's website; and
 - (g) on the coming into force of the instruments as described in part 1(e), the Instrument of Delegation to the Chief Executive Officer approved on 30 June 2020, the Instrument of Delegation to Council staff under the *Planning and Environment Act 1987* approved on 30 June 2020, and the Instrument of Delegation to Council staff under various legislation approved on 17 March 2020 are revoked.
2. That Council notes as follows in relation to the CEO delegations and planning delegations:
 - (a) that Council will make available on its website, where practicable, a list of decisions which would have been dealt with by Council but were made under delegation due to Council being unable to form a quorum because of the coronavirus pandemic;
 - (b) the CEO will, where practicable, consider and take into account the views of Councillors when making decisions which would otherwise have been dealt with by Council at a Council meeting, but for Council being unable to form a quorum because of the coronavirus pandemic;
 - (c) both the CEO delegations and planning delegations will be reviewed at least once every three months, and that Council will, at a Council meeting, resolve whether to vary, revoke or leave them in place.

CARRIED UNANIMOUSLY

8.11 ADOPTION OF 2019-20 FINANCIAL REPORT

This item was dealt with at an earlier stage of the meeting.

9. URGENT BUSINESS**10. ORDINARY BUSINESS****10.1 Requests for reports from a member of Council staff**

A request for a report was received from Cr Silver. This item was dealt with at an earlier stage of the meeting.

10.2 Right of reply - Nil**10.3 Notice of Motion - Nil****10.4 Councillor questions - Nil****10.5 Written Public Questions to Council**

This item was dealt with at an earlier stage of the meeting.

11. CONFIDENTIAL ITEMS**Moved: Cr Delahunty****Seconded: Cr Sztrajt**

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

11.1 Tender 2021.14 Provision of Traffic Management Services

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

- because it is private commercial information, being information provided by a business, commercial or financial undertaking that -
 - (i) relates to trade secrets; or
 - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (section 3(1)(g)); and
- Concerns the progress of contractual negotiations that would if prematurely released diminish the strength of Councils position in those negotiations

11.2 Tender 2020.239 Koornang Pavilion Upgrade

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

- because it is private commercial information, being information provided by a business, commercial or financial undertaking that -
 - (i) relates to trade secrets; or
 - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (section 3(1)(g)); and
- Private commercial information supplied about tendering businesses

11.3 CEO Performance and Remuneration Review

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

- because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f)); and
- this ground applies as Council has a duty to protect the Chief Executive Officer's personal and employment-related confidential information.

CARRIED UNANIMOUSLY

The Mayor advised after moving into confidential at 10.58pm, the meeting was adjourned to resume in confidential at 6.30pm, Tuesday 8 September, to consider the confidential business items not completed at the cessation of this meeting.

The Mayor resumed the virtual meeting in-camera at 6.30pm on Tuesday 8 September 2020 to consider the confidential business items listed in the agenda.

It is recorded that Cr Delahunty was not present at the resumed meeting due to her resignation being effective from 8 September 2020.

11.1 TENDER 2021.14 PROVISION OF TRAFFIC MANAGEMENT SERVICES

Moved: Cr Hyams

Seconded: Cr Silver

That Council:

1. appoints **ADTM (Vic) Pty Ltd, trading as Advanced Traffic Management, A.C.N 638 166 033** as a panel contractor under Tender number 2021.14 in accordance with the Schedule of Rates submitted.
2. appoints **Construct Traffic Pty Ltd, A.C.N 120 994 523 as the trustee for Construct Traffic Unit Trust, trading as Construct Traffic Pty Ltd (A.B.N 95 420 793 810)** as a panel contractor under Tender number 2021.14 in accordance with the Schedule of Rates submitted.
3. appoints **Mollica Consultants Pty Ltd, trading as ATMS – All Traffic Management Services A.C.N 118 496 59** as a panel contractor under Tender number 2021.14 in accordance with the Schedule of Rates submitted.
4. appoints **Monjon (Australia) Pty Ltd, A.C.N 113 118 371** as a panel contractor under Tender number 2021.14 in accordance with the Schedule of Rates submitted.
5. appoints **RTM Traffic Solutions Pty Ltd A.C.N 168 988 038** as a panel contractor under Tender number 2021.14 in accordance with the Schedule of Rates submitted.
6. Appoints **Traffic Control Victoria Pty Ltd A.C.N 110 355 309**, as the trustee for TCV Trust, trading as Traffic Control Victoria (31 030 997 459), as a panel contractor under Tender number 2021.14 in accordance with the Schedule of Rates submitted.
7. prepares the contracts in accordance with the Conditions of Contract included in the tender.
8. authorises the CEO to execute the contracts on Council's behalf.
9. incorporates this resolution in the public minutes of this Meeting.

CARRIED UNANIMOUSLY

11.2 TENDER 2020.239 KOORNANG PAVILION UPGRADE

Moved: Cr Athanasopoulos

Seconded: Cr Davey

That Council:

1. appoints Alchemy Construct Pty Ltd, ACN 604 483 105 as the contractor under Tender number 2020.239 for an amount of \$984,955 exclusive of GST;
2. prepares the contract in accordance with the Conditions of Contract included in the tender;
3. authorises the CEO to execute the contract/s on Council’s behalf; and
4. incorporates this resolution in the public minutes of this Meeting.

CARRIED UNANIMOUSLY

12. CLOSURE OF MEETING

The meeting was adjourned after moving in-camera at 10.58pm on Tuesday 1 September 2020 and resumed in-camera at 6.30pm on Tuesday 8 September to consider the listed confidential business items. The meeting closed at 6:34pm.

Confirmed this 22 day of September 2020

Chairperson.....