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## **Minutes of the Planning and Amenity Committee Meeting**

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held in the Council Chambers, Civic Centre,  
Boxshall Street Brighton  
on Thursday 21 December 2017

The Meeting commenced at 7:00pm

Councillors Cr Laurence Evans (Mayor)  
Cr Michael Heffernan  
Cr James Long BM JP  
Cr Rob Grinter  
Cr Sonia Castelli

In attendance Hamish Reid – Director City Planning and Community Services  
Arthur Vatzakis – Acting Manager Development Services  
Michael Henderson – Statutory Planning Coordinator  
Michael Kelleher – Statutory Planning Coordinator  
Sarah Collins – Acting Statutory Planning Coordinator  
Terry Callant – Manager Governance  
Karen Brown – Governance Coordinator

## Table of Contents

1. Apologies
2. Disclosure of any Conflict of Interest of any Councillor
3. Adoption and Confirmation of the minutes of previous meeting
4. Matters of Decision
  - 4.1 Nomination for Significant Tree Register 2/14 Ebdon Avenue, Black Rock ..... 4
  - 4.2 324 Hampton Street, Hampton Notice of Decision to Grant a Planning Permit Application No: 2016/518/1 Ward: Central ..... 5
  - 4.3 37 - 41a Bluff Road, Black Rock Notice of Decision to Grant a Permit Application No: 2017/237/1 Ward: Southern ..... 12
  - 4.4 17 Rooding Street, Brighton Not Support the Grant of a Planning Permit Application No: 2017/396/1 Ward: Northern..... 13
  - 4.5 7 - 9 Halifax Street, Brighton Support the Grant of a Planning Permit Application No: 2016/478/1 Ward: Northern..... 15
  - 4.6 11 Gray Court, Beaumaris Notice of Decision to Grant a Permit Application No: 2017/479/1 Ward: Southern ..... 17
  - 4.7 15 Wattle Avenue, Beaumaris Support the Grant of a Planning Permit Application No: 2016/838/1 Ward: Southern Ward ..... 18
  - 4.8 179 and 181 Church Street, Brighton Notice of Decision to Grant a Planning Permit Application No: 2017/175/1 Ward: Northern 23
  - 4.9 439 Bay Street, Brighton Secondary Consent - Approve Application No: 2014/921/1 Ward:Northern ..... 28
  - 4.10 139 Centre Road, Brighton East Secondary Consent - Approve Application No: 2015/131/1 Ward: Northern ..... 29
  - 4.11 66 Red Bluff Street, Black Rock Secondary Consent - Approve Application No: 2010/170/2 Ward: Southern ..... 30
  - 4.12 VCAT Report..... 31
5. Confidential Business  
Nil

The Chairman declared the meeting open at 7pm and advised members of the public gallery that the Planning and Amenity Committee meeting is being recorded and streamed live on the internet to enhance the accessibility of Council meetings to the broader Bayside Community.

## **1. Apologies**

It is recorded that at the 21 November 2017 Ordinary Meeting, Council granted Councillor del Porto and Councillor Martin a leave of absence for the 21 December 2017 Planning and Amenity Committee meeting.

**Moved Cr Long**

**Seconded Cr Evans**

That the apology from Councillor del Porto and Councillor Martin be received and leave of absence be granted.

**CARRIED**

## **2. Disclosure of any Conflict of Interest of any Councillor**

It is recorded that the Mayor Cr Evans declared an indirect interest by conflicting duties and close association in item 4.6.

## **3. Adoption and Confirmation of the minutes of previous meeting**

- 3.1 Confirmation of the Minutes of the Planning & Amenity Committee Meeting held on 11 December 2017.

**Moved: Cr Long**

**Seconded: Cr Heffernan**

That the minutes of the Planning & Amenity Committee Meeting held on 11 December 2017, as previously circulated, be confirmed as an accurate record of proceedings.

**CARRIED**

## 4. Matters of Decision

### 4.1 NOMINATION FOR SIGNIFICANT TREE REGISTER 2/14 EBDEN AVENUE, BLACK ROCK

City Planning & Community Services - Community Planning and Amenity Protection  
File No: PSF/17/76 – Doc No: DOC/17/260885

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*It is recorded that Ms Pamela Rothfield spoke for three minutes in relation to this item.*

**Moved: Cr Evans (Mayor)**

**Seconded: Cr Long**

That Council:

1. Grants significant status for a Desert Ash (*Fraxinus angustifolia* subsp. *oxycarpa*) tree at 2/14 Ebden Avenue, Black Rock.
2. Writes to the applicants informing them of Council's decision.

**CARRIED**

**4.2 324 HAMPTON STREET, HAMPTON  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2016/518/1 WARD: CENTRAL**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/17/256126

*It is recorded that Mr Philip Watson, Mr Frank Perry, and Mr Kim Belfield spoke for three minutes each in relation to this item. It is recorded that Mrs Belinda Terry was not present in the Chamber.*

**Moved: Cr Castelli**

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2016/518/1** for the land known and described as **324 Hampton Street, Hampton**, for the **construction of a three storey building comprising seven (7) dwellings, a waiver of the visitor car parking requirements, alteration of an access to a road in a Road Zone (Category 1) and the construction of a front fence in excess of 1.5 metres in height** in accordance with the endorsed plans and subject to the following conditions:

1. Before the development starts, amended 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 drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Blue Print Drafting, Council date stamped 13 June 2017 but modified to show:
  - a) 25 square metres of private open space associated with Apartment 2 in accordance with Standard B28 (Private Open Space) of the Bayside Planning Scheme.
  - b) Column locations to be shown on the basement plan and 4.9m bays with a 250mm offset from the parking aisle.
  - c) Unit numbers to be attributed to each dwelling signed or line marked.
  - d) A vehicle crossover with a minimum width of 5.6 metres centred to the ramp.
  - e) The vehicular access offset 1m from the northern property boundary.
  - f) A 1m separator between the vehicular access to the site and the neighbouring vehicular access to the north.All to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority).
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.

4. 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 written consent of the Responsible Authority.
5. All pipes (excluding downpipes), 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.
6. Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

#### Traffic

7. Garbage collection to occur on site via a 6.4m rear mini loader.

#### Vic Roads

8. Before the occupation of the development starts, new or altered vehicle crossings servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing openings must be removed and replaced with footpath/nature strip/kerb and channel, to the satisfaction of the Responsible Authority.
9. Vehicles must enter and exit the site in a forward direction at all times.

#### Water Sensitive Urban Design

10. Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
  - a) The type of water sensitive urban design stormwater treatment measures to be used.
  - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
  - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

These plans must be accompanied by a report from an industry accepted performance measurement tool which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

11. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.

#### Landscaping

12. Before the development starts, a detailed Landscape Plan/s generally in accordance with the Landscape Plan/s prepared by Keystone Alliance Council date stamped 13 June 2017 must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must be modified to show:
  - a) The existing Canary Island Palm within the rear setback transplanted to the northeast corner of the site with a 2m offset from each boundary fence.

- b) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
  - c) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
  - d) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - e) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - f) 80% indigenous coastal vegetation (by species and quantity).
  - g) Details of surface finishes of pathways and driveways.
13. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
15. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:

- a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
  - b) The location of tree protection measures to be utilised.
16. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
17. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
18. The transplantation of the Canary Island Palm within the rear setback shall be supervised by an Arborist with minimum AQF Certificate 5 to ensure the survival of the palm following transplantation.

### Waste Management

19. Before the development starts, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:
- a) Dimensions of storage waste areas;
  - b) Storm water drains in storage areas should be fitted with a litter trap;
  - c) The number and size of bins to be provided;
  - d) Facilities for bin cleaning;
  - e) Method of waste and recyclables collection;
  - f) Types of waste for collection, including colour coding and labelling of bins;
  - g) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines);
  - h) Method of medical waste collection.
  - i) Method of presentation of bins for waste collection;
  - j) Strategies for how the generation of waste and recyclables will be minimised;
  - k) Compliance with relevant policy, legislation and guidelines.

When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

### Street trees

20. There is to be no soil excavation within 2 metres of the *Lophostemon confertus* street tree asset measured from the edge of the trunk.
21. Prior to soil excavation for a Council approved crossover within the Tree Protection Zone of the street tree assets, a trench must be excavated along the line of the crossover adjacent to the tree using root-sensitive, non-destructive techniques. All roots affected must be pruned in consultation with a suitably qualified Arborist.
22. Before the development starts, tree protection fencing is to be established around the street tree marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the Tree Protection Zone established and maintained in accordance with AS 4970-2009. During construction the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.

### Drainage

23. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.



The levy payment shall be submitted to Council with the Bayside Drainage Contributions Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

24. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
25. Before the development starts, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Projects Department.
26. Any subsurface water captured on the site must be treated in accordance with Council's Policy for "Discharge of pumped Subterranean Water Associated with Basement or Below Ground Structures".

#### Permit Expiry

27. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

#### Permit Notes

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.
- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Before the vehicle crossing application will be approved, the applicant must pay \$2,829.46 to the Responsible Authority for the removal and replacement of the existing street tree(s). This amount has been determined in accordance with Council's current policy for the removal of street trees. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the responsible authority.
- The existing street tree/s to be retained must not be removed or damaged.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- The applicant is to bear the cost to reinstate/relocate the Council assets to provide the required access to the proposed development.

- The northern Lophostemon confertus street tree asset can be removed under Clause 6.5 of the Street and Park Tree Management Policy (2016) to allow the development to proceed with the installation of the proposed vehicle crossing in the proposed location.

**Lapsed for want of a Seconder**

**Moved: Cr Long**

That Council, having caused notice of **Planning Application No. 2016/518/1** to be given in accordance with Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required by Section 60 of the Act decides to issue a **Notice of Refusal to Grant a Planning Permit** in respect of the land known and described as **324 Hampton Street, Hampton** for the **construction of a three storey building comprising seven (7) dwellings, a waiver of the visitor car parking requirements, alteration of an access to a road in a Road Zone (Category 1) and the construction of a front fence in excess of 1.5 metres in height** the following reasons:

1. The proposal fails to respond to the objectives of Clause 22.06 (Neighbourhood Character, Precinct F1) of Bayside Planning Scheme, on the following grounds:
  - a) The development fails to respond to the existing and preferred neighbourhood character for this precinct.
  - b) The scale, siting and variations sought to the first and second floor boundary setbacks of the proposal fail to complement the existing and preferred built form character of the area and will result in an outcome which will dominate the streetscape.
  - c) The development fails to provide sufficient opportunities for meaningful landscaping or enhance the dwellings and enhance the bayside vegetation character.
2. The proposal fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:
  - a) Standard B1 – Neighbourhood Character – the proposal fails to respond to the existing and preferred neighbourhood character for this precinct.
  - b) Standard B7 – Site coverage – the site coverage is neither respectful of the existing nor the preferred neighbourhood character and does not respond to the features of the site.
  - c) Standard B17 – Side and Rear Setbacks – The variations sought to the first and second floor setbacks from the side boundaries will result in excessive visual bulk and loss of amenity to adjoining properties.
3. The proposal fails to meet the minimum car parking requirements of Clause 52.06 (Car Parking) of the Bayside Planning Scheme in respect of visitor parking and as such would adversely impact upon the availability of nearby on-street and off-street parking spaces to the detriment of the surrounding street network.

**Lapsed for want of a seconder**

**Moved: Cr Long**

**Seconded: Cr Heffernan**

That this application be deferred to the January 2018 Planning and Amenity Committee to enable further consideration.

**CARRIED**



**4.4 17 ROODING STREET, BRIGHTON  
NOT SUPPORT THE GRANT OF A PLANNING PERMIT  
APPLICATION NO: 2017/396/1 WARD: NORTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/17/274114

*It is recorded that Mr Carl Dilena, Mr Aaron Cowain-Menzies, Ms Nicole McPhee, Mrs Annie Sargood, Ms Alexandra Wade spoke for three minutes each in relation to this item.*

**Moved: Cr Heffernan**

**Seconded: Cr Evans (Mayor)**

That Council:

Determines to **Not Support** the application under the provisions of the Bayside Planning Scheme in respect of **Planning application 2017/396/1** for the land known and described as **17 Rooding Street, Brighton**, for the **construction of eleven, two storey townhouses with basement car parking and a front fence exceeding a height of 1.5 metres** for the following reasons:

1. The proposed development fails to meet the vision of the Bay Street Major Activity Centre (Clause 21.11-2 of the Bayside Planning Scheme) to retain its spacious and leafy character and appropriately integrate new housing within the streetscape.
2. The proposal fails to respond to the objectives of Clause 22.06 (Neighbourhood Character, Precinct B1) of Bayside Planning Scheme, on the following grounds:
  - a) The development fails to respond to the existing and preferred neighbourhood character for this precinct.
  - b) The proposal fails to maintain and enhance the garden settings of dwellings.
  - c) The scale, siting and boundary setbacks of the proposal fail to complement the built form character, resulting in an outcome which dominates the streetscape.
3. The proposal fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:
  - a) Standard B1 – Neighbourhood Character – the proposal fails to respond to the existing and preferred neighbourhood character for this precinct.
  - b) Standard B3 – Dwelling Diversity – the proposal fails to provide a range of dwelling sizes and types.
  - c) Standard B5 – Integration with the Street – the proposal fails to integrate the layout and proposed built form within the streetscape.
  - d) Standard B6 – Street Setback – The proposed front setbacks are proposed at 6.21m and 5.91m to ground and first floor respectively in lieu of 6.72m.
  - e) Standard B10 – Energy Efficiency – The proposed layout fails to make appropriate use of daylight and solar energy.
  - f) Standard B12 – Safety – The proposed layout fails to provide safety and security for residents.



**4.5 7 - 9 HALIFAX STREET, BRIGHTON  
SUPPORT THE GRANT OF A PLANNING PERMIT  
APPLICATION NO: 2016/478/1 WARD: NORTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/17/275316

*It is recorded that Mr Kevin Spencer, Mr Neal Ardeljan, Mr Anthony Loschiavo, Mrs Yoko Ardeljan, Mrs Tatiana Bourke, Mr Richard Rozen OAM, Ms Cathy Pearl spoke for three minutes each in relation to this item.*

**Moved: Cr Heffernan**

**Seconded: Cr Long**

That Council determines to **Not Support** under the provisions of the Bayside Planning Scheme in respect of **Planning Application 2016/478/1** for the land known and described as **7 – 9 Halifax Street, Brighton** for the **construction of a three storey building (containing 21 apartments) with basement car park, front fence exceeding a height of 1.5 metres in a Design and Development Overlay (Schedule 11) and Special Building Overlay** for the following reasons:

1. The proposed development fails to respect neighbourhood character of the area and encourage a diversity of housing types as required by the General Residential Zone.
2. The proposed built form fails to achieve the design objectives of Design and Development Overlay, Schedule 11 (Church Street Major Activity Centre) as the development:
  - a) Is not compatible with the preferred future role and character of the Church Street Major Activity Centre.
  - b) Does not contribute to safe and active streets.
  - c) Maintain a strong landscape character with residential buildings set within vegetated front gardens and streetscapes in the residential precincts.
  - d) The visual bulk and dominant form as a result of the excessive height and reduced upper level setbacks proposed does not conserve or enhance the neighbourhood character.
3. The proposed development fails to provide a suitable design response to the preferred neighbourhood character as per the Objectives of the Design and Development Overlay Schedule 11 (Church Street Major Activity Centre) as the impact on the upper levels of the building results in unreasonable visual bulk and amenity impacts to adjoining properties.
4. The proposal fails to respond to the objectives of Clause 22.06 (Neighbourhood Character, Precinct B2) of Bayside Planning Scheme, on the following grounds:
  - a) Neighbourhood Character – The development fails to respond to the existing and preferred neighbourhood character for this precinct and fails to demonstrate how vegetation on site and on adjoining properties can be retained.
  - b) The development fails to provide sufficient opportunities for meaningful landscaping or enhance the spacious garden setting of the area.





It is recorded that The Mayor Cr Evans declared an indirect interest by conflicting duties and close association in relation to item 4.6. given Cr Evans is a Board member of a community organisation where the applicant is the Chief Executive Officer, and accordingly Cr Evans vacated the Chamber immediately prior to the discussion in this item.

*It is recorded that Councillor Evans (Mayor) left the Meeting at 8:48 pm*

**4.6 11 GRAY COURT, BEAUMARIS  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION NO: 2017/479/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/17/265444

*It is recorded that Mr Sam Mason, Mr George Thouas, Mrs Christine Slaney, Mrs Joanne Derham, Ms Sandra May, Mr Marco Negri spoke for three minutes each in relation to this item.*

**Moved: Cr Heffernan**

**Seconded: Cr Castelli**

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2017/479/1** for the land known and described as **11 Gray Court, Beaumaris**, for the **construction of a roof deck above a second storey within a Design and Development Overlay (Schedule 3)** in accordance with the endorsed plans and subject to the following conditions:

1. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
2. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

**CARRIED**

*It is recorded that Cr Evans was present in the Chamber whilst the discussion took place in this item and was not present whilst the vote was undertaken in relation to this item.*

*Councillor Evans (Mayor) returned to the Meeting at 9:12 pm*

**4.7 15 WATTLE AVENUE, BEAUMARIS  
SUPPORT THE GRANT OF A PLANNING PERMIT  
APPLICATION NO: 2016/838/1 WARD: SOUTHERN WARD**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/17/266080

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*It is recorded that Mr Jamie Paterson, and Mr Greg Mier spoke for three minutes each in relation to this item.*

**Moved: Cr Evans (Mayor)**

**Seconded: Cr Heffernan**

That Council:

Determines to **Support** the application under the provisions of the Bayside Planning Scheme in respect of **Planning Application 2016/0838/1** for the land known and described as at **15 Wattle Avenue, Beaumaris** for the **construction of two (2) double storey dwellings, a fence exceeding 1.2m in height and removal of vegetation within the Vegetation Protection Overlay - Schedule 3 (VPO3)** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended 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 drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the advertised plans submitted with the application but modified to show:
  - a) Full compliance with Standard B17 (Side rear setbacks) of the Bayside Planning Scheme;
  - b) Full compliance with Standard B6 (Street setback) of the Bayside Planning Scheme;
  - c) Adequate sightlines must be provided where the proposed driveway intersects with the front footpath as per the diagram shown in AS2890.0.
  - d) Reduction of non-permeable surfaces located within the POS of unit 1 and 2;
  - e) Retention of Trees #3, #5, #6, #7 and #8 and the subsequent reduction in the overall built form to ensure that no more than 10% intrusion into the Tree Protection Zone of these trees occur in accordance with AS4970-2009.

All to the satisfaction of the responsible authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the Responsible Authority.

4. All pipes (except downpipes), 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.
5. 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 written consent of the Responsible Authority
6. Detailed plans to the satisfaction of the Responsible Authority drawn to scale with dimensions to show:
  - a) The type of water sensitive urban design stormwater treatment measures to be used.
  - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
  - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

These plans must be accompanied by a report from an industry accepted performance measurement tool which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

7. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
8. Before the development starts tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire naturestrip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
9. Prior to the endorsement of plans pursuant to Condition 1, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must show:
  - a) Retention of Trees #3, #5, #6, #7 and #8 and the subsequent reduction in the overall built form to ensure that no more than 10% intrusion into the Tree Protection Zone of these trees occur in accordance with AS4970-2009.
  - b) A survey, including botanical names, of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
  - c) Coastal Banksia (*Banksia integrifolia*) must be planted in a central position within the front setback of Unit 1;
  - d) Annotation that no soil excavation within the 3.2 metres of the *Melaleuca linariifolia* street tree will occur;
  - e) A survey, including botanical names, of all existing protected vegetation to be removed from the site.

- f) A survey, including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
  - g) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - h) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - i) Details of surface finishes of pathways and driveways.
10. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to, and be endorsed by, the Responsible Authority.

The Tree Management Plan (report) must be specific to the site, be in accordance with Australian Standard: Protection of Trees on Development Sites AS4970-2009 and include:

- a) Construction of the driveway must be constructed above grade, with permeable topping used;
- b) Demonstrated recommendations outlines within the arborist report relating to the use of root sensitive techniques for neighbouring trees.
- c) Details of Tree Protection Zones for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site;
- d) Comment on methods to be utilised and instruction on how to deploy them;
- e) Comment on when the protection measures are to be deployed;
- f) Comment on when the protection measures can be modified;
- g) Process that will be followed if any damage occurs to a tree;
- h) Process that will be followed if construction works require alteration to protection measures outlined in report; and
- i) Stages of development at which inspections will occur.

Any proposed alteration to the plan must be assessed by the site arborist and can only occur following the approval of the site arborist.

Any damaged tree must be inspected by the site arborist without any delay and remedial actions undertaken. Such actions must be documented.

The Tree Protection Plan must be drawn to scale and show the location of all tree protection measures to be utilised. If tree protection measures are proposed to be changed during the development, one plan for each stage of tree protection measures must be submitted.

11. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.

12. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the endorsed Tree Management Plan must be submitted to the Responsible Authority.
13. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
15. Before the development starts, including demolition or removal of vegetation, a tree protection fence must be installed for the protection of a tree's canopy and root zone. Street tree protection fencing during development are as follows:
  - a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
  - b) Fencing must be installed to comply with AS 4970–2009, Protection of trees on development sites.
  - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
  - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
  - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
16. Root pruning within the TPZ:
  - a) Prior to soil excavation for a Council approved crossover within the TPZ of the street tree, a trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques.
  - b) All roots that will be affected must be correctly pruned.
17. Installation of utility services within the TPZ, any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.
18. Before the occupation of the development starts, new or altered vehicle crossings servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
19. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
20. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.

21. Any subsurface water captured on site must be treated in accordance with Council's Policy for "Discharge of pumped Subterranean Water Associated with Basement or Below Ground Structures". Any seepage/agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain/Pit and not be discharged to the kerb and channel unless directed otherwise.
22. The driveway / Parking areas / paved courtyards / paths and pervious pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
23. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

The levy payment shall be submitted to Council with the Bayside Drainage Contributions Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

24. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

Permit Notes:

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- This permit does not constitute any authority to carry out any buildings works or occupy the building or part of the building unless all relevant building permits are obtained.

**CARRIED**

**4.8 179 AND 181 CHURCH STREET, BRIGHTON  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2017/175/1 WARD: NORTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/17/266105

*It is recorded that Mr Owen Castley spoke for three minutes in relation to this item.*

**Moved: Cr Heffernan**

**Seconded: Cr Evans (Mayor)**

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application 2017/175/1** for the land known and described as **179-181 Church Street, Brighton**, for the **development of a three-storey residential building containing ten (10), three (3) bedroom dwellings, fence exceeds a height of 1.2m and basement carpark** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended 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 drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans but modified to show:
  - a) Modifications in accordance with the 'discussion' plans Council date stamped 6 December 2017;
  - b) Reduction in the overall site coverage to be a maximum of 60% in accordance with Standard B8 (Site Coverage) of the Bayside Planning Scheme;
  - c) Provision of 20% permeability throughout the entire site in accordance with Standard B9 (Permeability) of the Bayside Planning Scheme;
  - d) Installation of a signal system at the top of the ramp with a 'stop-go' signal;
  - e) The provision of external security lighting within the site;
  - f) Details of the pedestrian sight triangle on the north-west side of the accessway must have a minimum 1m offset from the north-west property boundary provide adequate sight triangle;
  - g) Ground and floor levels to be shown in Australian Height Datum;
  - h) Location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.

All to the satisfaction of the responsible of the responsible authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. 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 written consent of the Responsible Authority.
4. All pipes (except downpipes), 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.
5. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
6. Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building;

#### Landscaping

7. Prior to the endorsement of plans pursuant to Condition 1, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) A survey, including botanical names, of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
  - b) A survey, including botanical names, of all existing protected vegetation to be removed from the site.
  - c) Provision of a 10 small canopy trees throughout the site;
  - d) A survey, including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
  - e) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - f) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - g) Details of surface finishes of pathways and driveways.
8. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

#### Water Sensitive Urban Design

10. Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
  - a) The type of water sensitive urban design stormwater treatment measures to be used.



- b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
- c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

These plans must be accompanied by a report from an industry accepted performance measurement tool which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

- 11. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.

#### Traffic / Drainage

- 12. Before the occupation of the development starts, the area(s) set aside for vehicle parking and access ways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.
- 13. Before the occupation of the development starts, new or altered vehicle crossing(s) servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
- 14. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.;
- 15. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.

#### Waste Management Plan

- 16. Before the development starts, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:
  - a) Dimensions of storage waste areas.
  - b) Storm water drains in storage areas should be fitted with a litter trap.
  - c) The number and size of bins to be provided.
  - d) Facilities for bin cleaning.
  - e) Method of waste and recyclables collection.
  - f) Types of waste for collection, including colour coding and labelling of bins.
  - g) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).
  - h) Method of hard waste collection.
  - i) Method of presentation of bins for waste collection.

- j) Sufficient headroom within the basement to accommodate waste collection vehicles.
- k) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.
- l) Strategies for how the generation of waste and recyclables will be minimised.
- m) Compliance with relevant policy, legislation and guidelines.

When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

#### Construction Management Plan

17. Before the commencement of works, 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 and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:
- a) A detailed schedule of works including a full project timing.
  - b) A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams.
  - c) The location for the parking of all construction vehicles and construction worker vehicles during construction.
  - d) Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.
  - e) Proposed traffic management signage indicating any inconvenience generated by construction.
  - f) Fully detailed plan indicating where construction hoardings would be located.
  - g) A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
  - h) Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.
  - i) Site security.
  - j) Public safety measures.
  - k) Construction times, noise and vibration controls.
  - l) Restoration of any Council assets removed and/or damaged during construction.
  - m) Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).

- n) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).
- o) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience.
- p) Traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.
- q) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
- r) Details of crane activities, if any.

#### Development Contributions

18. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

The levy payment shall be submitted to Council with the Bayside Drainage Contributions Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

#### Permit Expiry

19. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

#### Permit Notes

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Council must be notified of the vehicular crossing and reinstatement works.
- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.

**CARRIED**

**4.9 439 BAY STREET, BRIGHTON  
SECONDARY CONSENT - APPROVE  
APPLICATION NO: 2014/921/1 WARD:NORTHERN**

City Planning & Community Services - Statutory Planning  
File No: PSF/15/8755 – Doc No: DOC/17/261037

*It is recorded that there were no speakers for this item.*

**Moved: Cr Heffernan**

**Seconded: Cr Long**

That Council:

**Approve** the Amended Plans in accordance with Secondary Consent Provisions of Planning Permit No. **2014/921/1** in respect of the land known and described as **439 Bay Street, Brighton**, for the **Use and development of a four storey building (plus basement car park) containing a retail premises and 22 dwellings, a reduction in the required car parking rate and a waiver of the loading and unloading of vehicles requirement** in accordance with the endorsed plans and subject to the following changes:

Date	Amendments
21 December 2017	<p><u>Secondary Consent Amended Plans:</u></p> <ul style="list-style-type: none"> <li>• Modifications to the development of the four storey building plus basement car park, which is known as 439 Bay Street, Brighton, in particular:               <p><u>Basement</u></p> <ul style="list-style-type: none"> <li>- Installation of a Parkolay Pakonfor 111 car stacker system in lieu of the Woehr Combilift 543-2.0 model.</li> </ul> </li> </ul>

**CARRIED**

**4.10 139 CENTRE ROAD, BRIGHTON EAST  
SECONDARY CONSENT - APPROVE  
APPLICATION NO: 2015/131/1 WARD: NORTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/17/261061

*It is recorded that there were no speakers for this item.*

**Moved: Cr Heffernan**

**Seconded: Cr Castelli**

That Council:

**Approve** the Amended Plans in accordance with Secondary Consent Provisions of Planning Permit No. **2015/131/1** in respect of the land known and described as **139 Centre Road, Brighton East**, for the **construction of two double storey dwellings and access to a Road Zone Category 1** in accordance with the endorsed plans and subject to the following table being inserted at the end of the permit:

Date	Amendment
21 December 2017	Amendment to the endorsed plans under Secondary Consent: <ul style="list-style-type: none"> <li>• Roof tile material changed from cement tile coloured Klavis G19 to concrete tile coloured Trungsten.</li> <li>• Roof fascia, gutters &amp; rainheads and window frame colours from Colorbond Dune to Monument.</li> <li>• Windows of first floor bathrooms and ensuites to be sliding windows instead of awning windows.</li> </ul>

**CARRIED**

**4.11 66 RED BLUFF STREET, BLACK ROCK  
SECONDARY CONSENT - APPROVE  
APPLICATION NO: 2010/170/2 WARD: SOUTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/17/273854

*It is recorded that there were no speakers for this item.*

**Moved: Cr Evans (Mayor)**

**Seconded: Cr Heffernan**

That Council:

**Approve** the Amended Plans in accordance with Secondary Consent Provisions of Planning Permit No. **2010/170/1** in respect of the land known and described as **66 Red Bluff Street, Black Rock**, for the **construction of two (2) double storey side-by-side dwellings and removal of vegetation in a Vegetation Protection Overlay** in accordance with the endorsed plans and subject to the following changes:

Date	Amendment
21 December 2017	Amendment to the endorsed plans under Secondary Consent: <ul style="list-style-type: none"> <li>• Carport wall and parapet external finish to be changed from existing to Dulux "Mansard Stone" 30YY 20/029 or Dulux Raku.</li> <li>• Spotted Gum timber pillars added between carport and dwelling, and porch area;</li> <li>• Part of the existing front balcony wall to be replaced with glass panel</li> <li>• Replacement of 2000mm wide aluminium sliding doors with 3000mm wide 3 door bi-fold system to match existing at rear elevation.</li> </ul>

**CARRIED**

**4.12 VCAT REPORT**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/17/224786

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*It is recorded that there were no speakers for this item.*

**Moved: Cr Castelli**

**Seconded: Cr Long**

That the report on the VCAT decisions on the planning applications handed down during September, October and November 2017 be received and noted.

**CARRIED**

**5. Confidential Business**

There were no items of confidential business considered at the meeting.

*Following consideration of Confidential Business the Chairperson declared the meeting closed at 9.39pm.*

**CONFIRMED THIS INSERT 23 DAY OF JANUARY 2018**

**CHAIRPERSON: .....**