

Minutes

Planning Committee Meeting

Wednesday, 21st June 2017

**City of Kingston
Planning Committee Meeting**

Minutes

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The meeting commenced at 7.00pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

Present: Cr David Eden (Mayor)
Cr Tamsin Bearsley
Cr Tamara Barth
Cr Ron Brownlees OAM
Cr Geoff Gledhill
Cr George Hua
Cr Georgina Oxley
Cr Steve Staikos
Cr Rosemary West OAM

In Attendance: John Nevins – Chief Executive Officer
Jonathan Guttman – General Manager Planning and Development
Ian Nice – Manager City Development
Phil DeLosa – Manager Governance
Gabrielle Pattenden – Governance Officer
Lindsay Holland – Facilities Officer

1. Apologies

There were no apologies submitted to the meeting.

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Staikos

Seconded: Cr Oxley

That the Minutes of the Planning Committee Meeting held on 17 May 2017 be confirmed.

CARRIED

3. Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest

There were no Conflicts of Interest submitted to the meeting.

4. Planning and Development Reports

4.1 KP1035/2016 - 37 Rennison Street, Parkdale

It is recorded that Sue Healey spoke on behalf of objectors.

Moved: Cr Gledhill

Seconded: Cr West

That the Planning Committee determine to advise the Tribunal that it wishes to oppose the proposal to develop the land for the construction of four (4) double storey dwellings at No. 37 Rennison Street, Parkdale, on the following grounds;

1. The proposal is contrary to the policy outcomes contained within Clause 21.05 and Clause 22.11 of the Kingston Planning Scheme.
2. The proposed design response fails to provide an acceptable outcome with regards to Neighbourhood Character.
3. The proposal constitutes an over-development of the site with a number of non-compliances with Clause 55, limited ground level landscaping opportunities and a heavy reliance on cantilevered first floors and sheer double storey built form.
4. The proposal fails to provide an appropriate landscape outcome for the subject site.
5. The proposal would detract from the amenity of the locality and the streetscape.
6. The proposed internal amenity is compromised through the dependence on first floor screening.

CARRIED

4.2 KP15/986 - 5-7 Manikato Avenue Mordialloc

It is recorded that Amar Dutia spoke on behalf of objectors.

It is recorded that Daniel Bowden spoke on behalf of the applicant.

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the Planning Committee determine to support the proposal and issue a Notice of Decision to develop the land for a four (4) storey mixed use building and basement comprising of up to four (4) shops and seventy-three (73) dwellings, use of the land for shops, waiver of the loading and unloading requirements on land affected by a Special Building Overlay at 5-7 Manikato Ave Mordialloc, 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 substantially in accordance with the plans submitted to Council on 8 March 2017, but modified to show:
 - a) The provision of a landscape plan in accordance with the submitted landscape plan by John Patrick (dated: June 2016), but modified to show:
 - i. An associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan.
 - ii. The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works including areas of cut and fill throughout the development.
 - iii. All existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed.
 - iv. The provision of a minimum of one (1) small medium sized (at maturity) canopy tree within the private open space of each ground floor dwelling.
 - v. All trees provided a at minimum of two (2) metres in height at time of planting and medium to large shrubs to be provided at a minimum pot size of 200mm.
 - vi. No trees with a mature height over five (5) metres are to be planted over proposed or existing easements.
 - vii. The retention of the six (6) *Ulmus minor* 'Variegata' (Silver Elm) and the *Malus sp.* (Apples) growing in between, all growing within the front setback of the site.
 - viii. The retention of the *Betula pendula* (Silver Birch) along the rear boundary.

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- ix. The deletion of the raised planter box within the front setback.
 - x. The front proposed paved area that falls within the Tree Protection Zone (TPZ) of the six (6) *Ulmus minor* 'Variegata' (Silver Elm) must be built above grade using permeable materials to the satisfaction of the Responsible Authority.
 - xi. The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
 - xii. A notation of the Tree Protection details as required by Conditions 19, 20, 21 of this permit. This includes all nominated tree protection zones to be drawn to scale on the plans.
- b) All requirements of Melbourne Water, in accordance with Conditions 5-18 of this permit.
 - c) The units located on the third floor plan to be correctly numbered.
 - d) Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Manikato Avenue and all internal driveways must align with the existing/proposed vehicle crossing.
 - e) Prior to the commencement of development, property boundary, footpath and vehicle crossing levels must be obtained from Council's Roads and Drains Department with all levels raised or lowered to the satisfaction of the Responsible Authority.
 - f) The storage area for each dwelling fully dimensioned, ensuring a minimum of 6 cubic metres is provided to each.
 - g) Details of a front fence with a maximum height of 1.2m or a notation to specify the existing front fence will be removed.
 - h) Details of all screening treatments (including details of fixed screening and level of transparency) to be shown in accordance with Clause 55.04-6 of the Kingston Planning Scheme.
 - i) Any measures identified in the ESD report required under Condition 3 of this permit. The drawings must also be updated to show:
 - i. The location of any raingardens, catchment areas, treatment size and relevant details.
 - ii. Notations on Water efficiency of fixtures and fittings
 - iii. Notations on Energy efficiency initiatives such as but not limited to Heating Ventilation and Air Conditioning (HVAC), lighting & domestic hot water systems.
 - j) The surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar.
 - k) The provision of a full colour, finishes and building materials schedule (including samples) for all external elevations and driveways of the development generally in accordance with TP07, Revision D by Bello Design Group.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Environmentally Sustainable Design

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3. Prior to the endorsement of plans required by Condition 1, an amended Sustainability Management Plan (SMP) must be submitted to the satisfaction of the responsible authority for endorsement. The amended SMP must reflect the current design and layout of the development and provide additional shading to the buildings east and west facades (operable louvers, sliding shutters or external blinds), clarify the area of roof connected to the tank, clarify the use of the collected rainwater and to accord with the submitted SMP/STORM report.
4. All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the responsible authority. No alterations to the Sustainability Management Plan may occur without the written consent of the responsible authority.

Conditions Required by Melbourne Water:

5. Prior to the development plans being endorsed and the commencement of works, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions relating to basement access. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).
6. The building must be constructed with finished floor levels set no lower than 3.74metres to AHD, which is 300mm above the applicable flood level of 3.44m AHD.
7. The entry/exit driveways of the basement car park must incorporate flood proof apexes no lower than 3.74m AHD, which is 300mm above the applicable flood level of 3.4mm AHD.
8. Bund walls must be constructed along the driveway to a minimum height of 3.74metres to the AHD, which is 300mm above the applicable flood level of 3.44m AHD, to prevent flood water from entering the basement level.
9. All other doors, windows, vents and openings to the basement car park must be set no lower than 3.74m AHD, which is 300mm above the applicable flood level of 3.44m AHD.
10. Flood resistant materials must be used for the construction of floor levels and walls below the applicable flood level for the proposed basement.
11. Any drainage system to the basement must be designed such that stormwater is unable to penetrate the basement.
12. Any new lift must be programmed at all times to stop at the level of the ground floor as a precautionary measure to ensure the safety of users, and should include cut out mechanisms, alarms and inspection and maintenance regimes to ensure compliance during emergency events.
13. Prior to the issues of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
14. Any new fencing below the applicable flood level of 3.44 must be of an open style (50%) or timber paling construction type, to allow for the passage of flood water/overland flow.
15. All open space within the property, outside of the building envelope, below the applicable flood level must be set at the existing natural surface level so as not to obstruct the passage of overland flows.

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16. Imported fill must be kept to a minimum on the property below the applicable flood level and must only be used for the sub flood areas of the building and driveway ramps.
17. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for the approval of any new or modified stormwater connection to Melbourne Water's drains or watercourses. You can now apply using our online application process (<http://melbournewater.com.au/apply>)
18. Pollution and sediment laden runoff must not be discharged directly or indirectly into Melbourne Water's drains or waterways.

Tree Protection Zone

19. Prior to demolition, a Tree Protection Zone (TPZ) must be installed at a distance of 6 metres from the row of *Ulmus minor 'Variegata'* (Silver Elm) growing along the front setback of the property. The following must be observed within this zone:
 - a. the existing soil level must not be altered either by fill excavation;
 - b. the soil must not be compacted or the soil's drainage changed;
 - c. no fuels, oils, chemicals, poisons, rubbish and other materials harmful to trees are to be stored or dispersed;
 - d. no storage of equipment, machinery or material is to occur;
 - e. open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used;
 - f. a layer of organic composted mulch to a depth of between 80mm and 100mm must be spread;
 - g. tree roots must not be severed or injured; and
 - h. machinery must not be used to remove any existing concrete, bricks or other materials.

Without the further written consent of Council's Vegetation Management Officer.

20. Prior to the commencement of the demolition and development hereby permitted, a Tree Protection Fence defined by a 1.2 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, must be erected 6 metres in a line along the front boundary around the *Ulmus minor 'Variegata'* (Silver Elm). The above requirements in condition 19 of this permit must be observed within this area.
21. All tree pruning work must be in accordance with the Australian Standards AS4373 (2007) "Pruning of Amenity Trees" and be undertaken by a qualified and experienced Arborist.
22. Prior to the commencement of construction, the Tree Protection Zone (TPZ) can be moved and installed at a distance of 4 metres from the row of *Ulmus minor 'Variegata'* (Silver Elm) growing along the front setback of the property. The following must be observed within this zone:
 - a. the existing soil level must not be altered either by fill excavation;
 - b. the soil must not be compacted or the soil's drainage changed;
 - c. no fuels, oils, chemicals, poisons, rubbish and other materials harmful to trees are to be stored or dispersed;

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- d. no storage of equipment, machinery or material is to occur;
- e. open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used;
- f. a layer of organic composted mulch to a depth of between 80mm and 100mm must be spread;
- g. tree roots must not be severed or injured; and
- h. machinery must not be used to remove any existing concrete, bricks or other materials.

Without the further written consent of Council's Vegetation Management Officer.

23. Prior to the commencement of the development hereby permitted the Tree Protection Fence defined by a 1.2 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, must be erected 4 metres in a line along the front boundary around the *Ulmus minor* 'Variegata' (Silver Elm). The above requirements in condition 19 of this permit must be observed within this area. The fencing can be removed to allow for landscaping works once the construction is complete.

Infrastructure

- 24. Vehicle crossings and other reinstatements must be constructed to the satisfaction of the Responsible Authority.
- 25. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
- 26. All front and side fences must be contained wholly within the title property boundaries of the subject site to the satisfaction of the Responsible Authority.
- 27. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
- 28. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.

Drainage

- 29. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. The satisfactory options to achieve these desired outcomes may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system. The overall outflow of the site to Council drainage system must be limited to 39.4 L/s.
- 30. Before the development commences, prior to submission of detailed Stormwater Management Plan of the development as per the condition below, a comprehensive stormwater management (drainage) strategy of the site including a report with MUSIC model output or equivalent and a drainage concept plan incorporating Rainwater Tanks with water reused for toilet flushing and other Water Sensitive Urban Design treatments to achieve best practice objectives must be prepared as per Council's "Civil Design Requirements for Developers- Part A- Integrated Stormwater Management" to the satisfaction of the Council.

31. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc). The Stormwater Management System must be prepared as per Council's 'Civil Design Requirements for Developers- Part A: Integrated Stormwater Management'.
32. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
33. A groundwater assessment report (GAR) must be prepared by a qualified hydro-geologist to assess any possible impacts the proposed development has on the ground water table, surrounding land and buildings to the satisfaction of Council
 - a) Should the findings of the submitted GAR demonstrate that the site is likely to experience issues associated with ground water management, a ground water management plan (GMP) must be submitted to and approved by the Responsible Authority.
34. The basement structure must be designed and constructed to the satisfaction of the Responsible Authority and must address the following;
 - a) The basement design must address the findings of the GAR and GMP required under condition 33; and
 - b) The basement must be fully-tanked dry basement with no agricultural (AG) drain collection or disposal to the stormwater system and with an allowance made for hydrostatic pressure in accordance with Council's 'Basement and Deep Building Construction Policy, 2014' and 'Basements and Deep Building Construction Guidelines, 2014', or

In the event it is demonstrated that a fully-tanked dry basement cannot be achieved or if a wet basement is proposed, ground water including an AG drain must not be discharged into the stormwater system. Any subsurface water (groundwater) must be disposed of on-site or via an agreement with the lower sewer authority.
35. In any case where the basement design and construction, as required by the condition above of this permit, does not accord with the plan(s) approved under this permit, the endorsed plan(s) must be amended to the satisfaction and with the written consent of the Responsible Authority

Construction Management Conditions
36. Prior to the commencement of any buildings and works on the land (including demolition), two (2) copies of a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The CMP must be prepared in accordance with the City of Kingston Construction Management Guidelines, October 2016 (and any superseding versions and / or documents) and include a completed copy of the CMP checklist. The CMP must respond to, but is not limited to the following requirements:
 - a) Element 1 - Public Safety, Amenity and Site Security.
 - b) Element 2 - Traffic Management

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- c) Element 3 - Stakeholder Management.
- d) Element 4 - Operating Hours, Noise and Vibration Controls.
- e) Element 5 - Air Quality and Dust Management.
- f) Element 6 - Stormwater and Sediment Control.
- g) Element 7 - Waste and Materials Re-use.

When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with during the undertaking of all works.

Lighting

37. Exterior lighting must be installed in such positions as to effectively illuminate all communal areas. Such lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land including residential properties in the area.

Environmental Audit

38. Prior to occupation, the permit holder must, prior to use arrange for a reputable and suitably qualified environmental consultant to provide a letter to the Responsible Authority confirming that the requirements of the environmental audit have been met.

Cultural Heritage Management Plan

39. The construction of the development hereby approved must be carried out in accordance with the approved Cultural Heritage Management Plan No 13821 prepared by Jem Archaeology and approved by the Department of Premier and Cabinet on 27 November 2015.

Use

40. The shop use must operate only operate between the hours of:
- 8am to 7pm on Sunday to Thursday.
 - 8am to 9pm on Friday to Saturday.
41. No more than three (3) employees / staff may operate from each retail premises at any one time.

Amenity Conditions

42. Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
43. The entrance of the building and car parking areas must be lit by movement sensor lights during hours of darkness. The lighting must be located, directed and shielded, and thereafter maintained so that no nuisance or loss of amenity is caused to any person outside the site, to the satisfaction of the Responsible Authority.
44. The amenity of the area must not be detrimentally affected by the development or use, through the:
- a) Transport of materials, goods or commodities to or from the land.
 - b) Appearance of any building, works or materials.
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d) Presence of vermin.

e) Any other way.

45. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority.
46. No goods or packaging materials shall be stored or left exposed outside the building so as to be visible to the public from a road or other public place.
47. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
48. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.

Completion of Development

49. Before occupation of the development hereby permitted, landscaping works including any street tree planting as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
50. Prior to the occupation of the development hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
51. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Permit Expiry

52. In accordance with Section 68 of the Planning and Environment Act 1987 (The Act), this permit will expire if one of the following circumstances applies:
 - The development is not started within two (2) years from date of this permit.
 - The development is not completed within four (4) years from the date of this permit.
 - The use is discontinued for a period of two (2) years.

In accordance with Section 69 of The Act, the responsible authority may extend the periods referred to if a request is made in writing:

- before the permit expires; or
- within six (6) months after the permit expiry date, where the development allowed by the permit has not yet started; or
- within twelve (12) months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

Note: Prior to the commencement of the development or use you are required to obtain the necessary Building Permit.

Note: Council does not accept any groundwater (including AG drain) into the stormwater system. Sub-surface water (groundwater) is the responsibility of the property owner to dispose of on site or reach an agreement with the local

sewer authority.

Note: The applicable flood level for this property that has a probability of occurrence 1% in any one year is **3.44** metres to Australian Height Datum (AHD).

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9679 7517, quote Melbourne Water's reference 267733.

Note: The allocation of street numbering and addressing of properties is vested in Council. Any reference to addressing or dwelling/unit/apartment and street numbers or street names on any endorsed plan is indicative only. The onus is on the Permit Applicant/Land Owner to contact Council's Property Data Department to determine the official dwelling/unit/apartment street numbers, street name details and the like for the approved development.

If the Permit Applicant/Land Owner adopts the street numbering or addressing from the endorsed plans, or where advertising and/or sales transact (off the plan) prior to Council's official allocation of the street numbering and addressing, it will be viewed to be non-compliant with the guideline and standard applied (*Australian/New Zealand Standard for Rural & Urban Addressing / AS/NZS 4819:2011*).

Note: The owner(s), occupiers and visitors of the approved development for this site will not be eligible for Council resident or visitor parking permits.

CARRIED

4.3 KP16/990 - 40 Golden Avenue Bonbeach

Moved: Cr Oxley

Seconded: Cr Bearsley

That the Planning Committee determine to issue a Notice of Refusal to grant a permit to develop the land for the construction of six (6) dwellings at 40 Golden Avenue Bonbeach on the following grounds:

1. The proposal is inconsistent with the existing character and fails to satisfy the objectives of Clause 22.11 and Clause 55.02-1 of the Kingston Planning Scheme.
2. The proposal fails to provide adequate private open space for the reasonable recreation and service needs of residents and fails to meet Clause 55.05-4 of the Kingston Planning Scheme.
3. The application fails to demonstrate sound Environmental Sustainable Design, and fails to satisfy Clause 55.03-5 of the Kingston Planning Scheme.
4. The detailed design of the proposal is inadequate and not in accordance with the requirements of Clause 55.06-1 of the Kingston Planning Scheme.

CARRIED

4.4 KP16/1002 - 10 Olive Grove, Parkdale

It is recorded that Kay Fisher spoke on behalf of objectors.

It is recorded that Michael Meyer spoke on behalf of the applicant.

Moved: Cr West

Seconded: Cr Staikos

That the Planning Committee determine to issue a Notice of Refusal to Grant a Planning Permit to develop the land for the construction of four (4) double-storey dwellings at 10 Olive Grove, Parkdale, on the following grounds:

1. The proposal is contrary to the policy outcomes contained within Clause 21.05 and Clause 22.11 of the Kingston Planning Scheme.
2. The proposal does not meet the requirements of the General Residential Zone Schedule 3, in particular with regards to the open space provision and front fence design.
3. The proposed design response fails to provide an acceptable outcome with regards to Neighbourhood Character.
4. The extent of double storey built form will be incongruous to the surrounding character.
5. The proposal fails to provide an appropriate landscape outcome for the subject site.
6. The proposal would detract from the amenity of the locality and the streetscape.

CARRIED

**4.5 KP287/2016 - 235 Station Street and 14 Vincent Street, Edithvale -
Consideration of Amended Plans Prior to VCAT Hearing**

Moved: Cr Oxley

Seconded: Cr Staikos

That the Planning Committee, based on the substituted amended plans, support the proposal subject to a condition of full compliance of parking requirements

CARRIED

5. Confidential Items

Moved: Cr Staikos

Seconded: Cr West

That in accordance with the provisions of section 89(2) of the *Local Government Act 1989*, the meeting be closed to members of the public for the consideration of the following confidential items:

5.1 KP460/2015 - 15-17 Maude Street and 22-24 Barker Street, Cheltenham - Section 87A Application Lodged

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to proposed developments (s89 2e)

CARRIED

The meeting was closed to members of the public at 7.44pm.

Moved: Cr Staikos

Seconded: Cr Gledhill

That the meeting be opened to members of the public

CARRIED

The meeting was opened to members of the public at 7.48pm.

The meeting closed at 7.48pm.

Confirmed.....

The Mayor 19 July 2017