



**MINUTES OF COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 3 APRIL 2023 at 7.01PM**

PRESENT	<p>Cr. Nathan Conroy (Mayor) Cr. Liam Hughes (Deputy Mayor) Cr. David Asker Cr. Sue Baker Cr. Kris Bolam Cr. Claire Harvey Cr. Brad Hill Cr. Steven Hughes Cr. Suzette Tayler</p>
APOLOGIES:	Nil.
ABSENT:	Nil.
OFFICERS:	<p>Mr. Phil Cantillon, Chief Executive Officer Ms. Kim Jaensch, Director Corporate and Commercial Services Ms. Angela Hughes, Director Communities Mr. Cam Arullanantham, Director Infrastructure and Operations Ms. Shweta Babbar, Director Customer Innovation and Arts Ms. Brianna Alcock, Manager Governance Ms. Tammy Beauchamp, Manager City Futures Mr. Jarred Stevens, Manager Safer Communities Mr. Sam Clements, Manager Development Services Ms. Caroline Reidy, Manager Financial and Integrated Planning Ms. Jamey Barbakos, Coordinator Major Development Mr. Stuart Caldwell, Coordinator Statutory Planning Ms. Rachna Gupta Singh, Coordinator Governance Ms. Nathalie Nunn, Coordinator Environmental Policy and Planning Mr. Robert Lean, Senior Strategic Planner Ms. Jana Mrazova, Coastal Planning and Policy Officer Ms. Rebecca Swann, Governance Officer Mr. Connor Rose, Desktop Support and Project Officer Mr. Josh Lacey, Supervising Technician Mr. Jeremy O'Rourke, Technician</p>
EXTERNAL REPRESENTATIVES:	Nil

Chairperson's initials

COUNCILLOR STATEMENT

Deputy Mayor, Hughes made the following statement:

“All members of this Council pledge to the City of Frankston community to consider every item listed on this evening’s agenda:

- *Based on the individual merits of each item;*
- *Without bias or prejudice by maintaining an open mind; and*
- *Disregarding Councillors’ personal interests so as to avoid any conflict with our public duty.*

Any Councillor having a conflict of interest in an item will make proper, prior disclosure to the meeting and will not participate or vote on the issue.”

PRAYER

Deputy Mayor Hughes read the Opening Prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Deputy Mayor, Hughes acknowledged the Bunurong People of the Kulin Nation – the Traditional Custodians of the land on which we stand, and paid respect to Elders past, present and future. Respect was also extended to Elders of other communities who may have been present.

Chairperson’s initials

1.	COUNCILLOR APPRECIATION AWARDS	3
1.1	Councillor Appreciation Award to Robert Bolch OAM JP FRVAHJ.....	3
2.	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	3
	Council Meeting No. CM3 held on 15 March 2023.....	3
3.	APOLOGIES.....	3
4.	DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST	3
5.	PUBLIC QUESTION TIME.....	3
6.	HEARING OF PUBLIC SUBMISSIONS	3
7.	ITEMS BROUGHT FORWARD	5
8.	PRESENTATIONS / AWARDS.....	6
8.1	Presentation of Certificate Under Seal to Cr Kris Bolam	6
9.	PRESENTATION OF PETITIONS AND JOINT LETTERS.....	6
10.	DELEGATES' REPORTS	6
	ITEMS BROUGHT FORWARD.....	7
11.1	Planning Application 657/2021/P - 300 Frankston-Dandenong Road Seaford - To subdivide the land into seventeen (17) lots in stages, to use and develop the land for warehouse, store (self-storage facility), four (4) convenience restaurants, restricted retail premises and restricted recreation facility (gym) in stages in an Industrial 1 Zone (IN1Z), to erect and display signage, to reduce the number of car spaces required under Clause 52.06-5 for the store and warehouse, to create and alter access to a road in a Transport Zone 2, to remove easements, to remove native vegetation under Clause 52.17 Native Vegetation	7
11.2	Planning Application 548/2022/P - 438-444 Nepean Highway, Frankston - To construct a sixteen (16) storey building in a Commercial 1 Zone (B1Z), use of land for Dwellings, creation/alteration to access to a road in a Transport Zone 2 and reduction in car parking requirements under Clause 52.06 of the Frankston Planning Scheme	27
11.4	Draft Frankston City Industrial Strategy and Draft Frankston City Industrial Design Guidelines.....	28
12.7	Adoption of Climate Change Strategy 2023-2030	29
11.	CONSIDERATION OF CITY PLANNING REPORTS	30
11.3	250 Wedge Road, Skye - Land Transfer and Planning Scheme Amendment C158.....	30
11.5	Statutory Planning Progress Report - January and February 2023	31
	Chairperson's initials.....	

11.6	City Futures Progress Report - Quarter 2 October - December 2022.....	32
12.	CONSIDERATION OF REPORTS OF OFFICERS.....	33
12.1	Governance Matters Report for 3 April 2023	33
12.2	Frankston City Council December 2022 Economic Scorecard	34
12.3	Frankston Arts Advisory Committee - Report	35
12.4	Draft 2023-2027 Budget (including year three 2023-2024 Council Plan initiatives).....	36
12.5	Draft Footpath Trading and Parklet Guidelines.....	37
12.6	Adoption of Public Arts Strategy 2023-2028	38
12.9	Adoption of the Monterey Reserve Landscape Master Plan.....	39
12.10	E-bike trial evaluation report.....	40
12.11	CCTV Review Update	41
12.8	Adoption of Destination Event Strategy 2023-2028	43
13.	RESPONSE TO NOTICES OF MOTION	44
14.	NOTICES OF MOTION	44
15.	LATE REPORTS	44
16.	URGENT BUSINESS.....	44
17.	CONFIDENTIAL ITEMS	45
	QUESTION TIME	46

1. COUNCILLOR APPRECIATION AWARDS

1.1 Councillor Appreciation Award to Robert Bolch OAM JP FRVAHJ

Councillor Baker presented a Councillor Appreciation Award to Robert Bolch OA JP FRVAHJ in recognition of 18 years of service as a Justice of the Peace (JP) at the Frankston Police Station DSS.

Councillor Baker expressed her thanks for his selfless, long-term commitment to supporting residents who have faced a minefield of red tape with official form filling. She noted that through his patience and experience, Robert has supported many people across the Frankston City community to placate their anxiety when dealing with official documents. She thanked Robert for his work to coordinate, educate and recognise other JPs over that time along with the legacy of collating detailed information for new JPs to access.

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Council Meeting No. CM3 held on 15 March 2023.

Council Decision

Moved: Councillor Hill

Seconded: Councillor Harvey

That the minutes of the Council Meeting No. CM3 held on 15 March 2023 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES

Nil

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Nil

5. PUBLIC QUESTION TIME

Four (4) people submitted questions with notice to Council. At the request of the Mayor, the Chief Executive Officer read the questions and provided the response to the gallery.

There were two (2) people who submitted questions without notice. Those questions were taken on notice. CEO informed that responses to these questions will be provided in writing within seven business days of the Council Meeting.

Both questions with notice and questions without notice with answers will be provided in the Minutes of the next Council Meeting.

Meeting adjourned at 7.15 pm

Meeting resumed at 7.15 pm

6. HEARING OF PUBLIC SUBMISSIONS

Paul Little made a submission to Council regarding Item 11.1 – Planning Application 657/2021/P - 300 Frankston-Dandenong Road Seaford - To subdivide the land into seventeen (17) lots in stages, to use and develop the land for warehouse, store (self-storage facility), four (4) convenience restaurants, restricted retail premises and

Chairperson's initials.....

restricted recreation facility (gym) in stages in an Industrial 1 Zone (IN1Z), to erect and display signage, to reduce the number of car spaces required under Clause 52.06-5 for the store and warehouse, to create and alter access to a road in a Transport Zone 2, to remove easements, to remove native vegetation under Clause 52.17 Native Vegetation;

The following people made a submission to Council regarding 11.2 – Planning Application 548/2022/P - 438-444 Nepean Highway, Frankston - To construct a sixteen (16) storey building in a Commercial 1 Zone (B1Z), use of land for Dwellings, creation/alteration to access to a road in a Transport Zone 2 and reduction in car parking requirements under Clause 52.06 of the Frankston Planning Scheme:

- Cyril Campelj
- Hilary Bray
- Margaret Howden
- Kylie Quinn

Councillor Asker left the chamber at 7:45 pm.

- Robert Thurley

Councillor Asker returned to the chamber at 7:47 pm.

- Glenn Aitken

Daniel Petroni made a submission to Council regarding 11.4 - Draft Frankston City Industrial Strategy and Draft Frankston City Industrial Design Guidelines; and

Sandy Riley made a submission to Council regarding 12.7 – Adoption of Climate Change Strategy 2023-2030

Councillor Bolam left the chamber at 8:19 pm.

Councillor Asker left the chamber at 8:20 pm.

Councillor Asker returned to the chamber at 8:23 pm.

Councillor Bolam returned to the chamber at 8:23 pm.

7. ITEMS BROUGHT FORWARD**Items Brought Forward****Council Decision****Moved: Councillor Baker****Seconded: Councillor Tayler**

That Items listed below be brought forward:

- 11.1 - Planning Application 657/2021/P - 300 Frankston-Dandenong Road Seaford - To subdivide the land into seventeen (17) lots in stages, to use and develop the land for warehouse, store (self-storage facility), four (4) convenience restaurants, restricted retail premises and restricted recreation facility (gym) in stages in an Industrial 1 Zone (IN1Z), to erect and display signage, to reduce the number of car spaces required under Clause 52.06-5 for the store and warehouse, to create and alter access to a road in a Transport Zone 2, to remove easements, to remove native vegetation under Clause 52.17 Native Vegetation;
- 11.2 - Planning Application 548/2022/P - 438-444 Nepean Highway, Frankston - To construct a sixteen (16) storey building in a Commercial 1 Zone (B1Z), use of land for Dwellings, creation/alteration to access to a road in a Transport Zone 2 and reduction in car parking requirements under Clause 52.06 of the Frankston Planning Scheme;
- 11.4 - Draft Frankston City Industrial Strategy and Draft Frankston City Industrial Design Guidelines; and
- 12.7 - Adoption of Climate Change Strategy 2023-2030.

Carried Unanimously**Block Motion****Council Decision****Moved: Councillor Harvey****Seconded: Councillor Baker**

That, in accordance with rule 35.2 of Council's Governance Rules, the items listed below be Block Resolved:

- 11.3 - 250 Wedge Road, Skye - Land Transfer and Planning Scheme Amendment C158;
- 11.5 - Statutory Planning Progress Report - January and February 2023;
- 11.6 - City Futures Progress Report - Quarter 2 October - December 2022;
- 12.1 - Governance Matters Report for 3 April 2023;
- 12.2 - Frankston City Council December 2022 Economic Scorecard;
- 12.3 - Frankston Arts Advisory Committee – Report;
- 12.5 - Draft Footpath Trading and Parklet Guidelines;
- 12.6 - Adoption of Public Arts Strategy 2023-2028;
- 12.9 - Adoption of the Monterey Reserve Landscape Master Plan; and
- 12.10 - E-bike trial evaluation report.

Carried

For the Motion: Crs Asker, Baker, Bolam, Conroy, Harvey, Hill, Liam Hughes and Tayler (8)

Against the Motion: Nil

Abstained: Cr Steven Hughes (1)

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Councillor Liam Hughes left the chamber at 8:23 pm.

8. PRESENTATIONS / AWARDS

8.1 Presentation of Certificate Under Seal to Cr Kris Bolam

The Mayor presented Cr Kris Bolam a Certificate Under Seal to acknowledge his 10 Years of Service to Local Government as a Councillor.

Councillor Liam Hughes returned to the chamber at 8:26 pm.

Councillor Steven Hughes left the chamber at 8:33 pm.

Councillor Steven Hughes returned to the chamber at 8:37 pm.

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil

10. DELEGATES' REPORTS

Nil

ITEMS BROUGHT FORWARD

- 11.1 Planning Application 657/2021/P - 300 Frankston-Dandenong Road Seaford - To subdivide the land into seventeen (17) lots in stages, to use and develop the land for warehouse, store (self-storage facility), four (4) convenience restaurants, restricted retail premises and restricted recreation facility (gym) in stages in an Industrial 1 Zone (IN1Z), to erect and display signage, to reduce the number of car spaces required under Clause 52.06-5 for the store and warehouse, to create and alter access to a road in a Transport Zone 2, to remove easements, to remove native vegetation under Clause 52.17 Native Vegetation**

(SC Communities)

Council Decision

Moved: Councillor Baker

Seconded: Councillor Bolam

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 657/2021/P to subdivide the land into seventeen (17) lots in stages, to use and develop the land for warehouse, store (self-storage facility), four (4) convenience restaurants, restricted retail premises and restricted recreation facility (gym) in stages in an Industrial 1 Zone (IN1Z), to erect and display signage, to reduce the number of car spaces required under Clause 52.06-5 for the store and warehouse, to create and alter access to a road in a Transport Zone 2, to remove easements, to remove native vegetation under Clause 52.17 Native Vegetation at 300 Frankston-Dandenong Road Seaford, subject to the following conditions:

Early Works (Bulk Earthworks, Vegetation Removal & Drainage Outfall)

1. Before the early works start, a Bulk Earthworks, Vegetation Removal and Drainage Outfall plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the 'Tree and Earthworks Plan' (TP107 – 05.10.22) prepared by Watson Young Architects Pty Ltd. When approved, the plan will be endorsed and will then form part of the permit. The bulk earthworks plan must clearly identify all proposed bulk earthworks, vegetation to be removed and drainage outfall.
2. The early works identified in the endorsed Bulk Earthworks, Vegetation Removal and Drainage Outfall plan may be completed before plans are endorsed under Condition 7.
3. Before the early works start, an Early Works Construction and Environment Management Plan must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed to form part of the permit to address the Early Works component of the approval. Any plans submitted must be consistent with all other documents approved as part of this permit. The information must be drawn to scale with dimensions. The Plan is to include details of the following:
 - a) Contact Numbers of responsible owner/contractor including emergency/24-hour mobile contact details.
 - b) Identification of possible environmental risks associated with bulk earthworks works.
 - c) Response measures and monitoring systems to minimise identified environmental risks, including but not limited to acid sulphate soils, vegetation protection, fauna protection, runoff, erosion, dust, litter, noise and light.
 - d) Location and specifications of sediment control devices on/off site.
 - e) Location and specifications of surface water drainage controls.
 - f) Location and specifications of fencing for the protection of trees and/or

Chairperson's initials

- vegetation as required by the permit.
 - g) Minimising weed and pathogen spread;
 - h) Proposed drainage lines and flow control measures.
 - i) Location of all stockpiles and storage of building materials.
 - j) Location of parking for site workers and any temporary buildings or facilities.
 - k) Hours during which construction activity will take place.
 - l) The Plan must be guided by the *Urban Stormwater Best Practice Management Guidelines (CSIRO 1999)*.
 - m) Details on who will implement and oversee the on-ground environmental management.
 - n) Tree protection requirements of Condition 20 as relevant.
4. All early works as identified in Condition 1 must be undertaken in accordance with the endorsed CEMP to the satisfaction of the Responsible Authority.

Tree Protection Management Plan

5. Before the early works start, a Tree Protection Management Plan (TPMP) prepared in accordance with Frankston City Council's 'Arboricultural Report Writing Guide' and recommendations in 'Arboricultural Impact Assessment' by Homewood Consulting, dated 6 July 2022 and must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the permit. The TPMP must be prepared by a suitably qualified and experienced Arborist in relation to the management and maintenance of trees numbered 106, 128, 146, 147, 148, 149, 150, 151, 152 and 153. The TPMP must make specific recommendations in accordance with AS4970: 2009 - Protection of Trees on Development Sites and detail the following where relevant but not limited to ensuring that the trees remain healthy and viable during and following construction:
- a) A site plan showing tree protection zones (TPZ) and structural root zones (SRZ), tree protection fence locations and any tree protection fence relocations required where ground protection systems will be used;
 - b) A clear photograph of each tree;
 - c) Any specific damage/faults evident within each tree prior to demolition or construction. These photographs must be supplied within the TPMP as a preliminary dilapidation report.
 - d) Restricted activities in the TPZ;
 - e) Key supervision and monitoring stages of the development including pre-demolition, pre-construction, and post construction stages;
 - f) Details of any TPZ encroachments including if necessary;
 - i. details of exploratory root investigation
 - ii. alternative construction techniques
 - iii. root pruning
 - g) Methods for installation of services e.g.; sewerage, storm water, telecommunications, electricity etc.;
 - h) Remedial pruning works as required including a detailed photographic diagram specifying what pruning will occur;
 - i) Final Certification of Tree protection template.

Before Statement of Compliance of the final stage or occupation of the development or at such later date as is approved by the Responsible Authority in writing, the Final Certification Report Template as required in the Tree Protection Management Plan must be completed and submitted to the satisfaction of the Responsible Authority.

6. Tree protection must be carried out in accordance with AS 4970-2009 Protection of trees on development sites and the endorsed TPMP to the satisfaction of the Responsible Authority.

Amended Plans

7. Before the development starts (except for Early Works identified under Condition 1) or certification of the plan of subdivision, whichever comes first, 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 with the application *Job Number 21135 29 sheets prepared by Watson Young Revision P8 dated 12 September 2022 & Reference 10953 Plan of Subdivision prepared by KLM Spatial* but modified to show:
- a) All trees growing on the site and on the adjoining properties within 3m of the boundaries as identified in the 'Arboricultural impact Assessment' prepared by Homewood Consulting, dated 6 July 2022, clearly illustrated on all relevant plans to demonstrate canopy width, trunk location and clearly labelled in accordance with the Tree Assessment Report prepared by Homewood Consulting dated 6 July 2022 and stating whether the tree is to be retained or removed.
 - b) The Tree Protection Zone (TPZ), Structural Root Zone (SRZ) and the tree protection locations for all trees to be retained illustrated on all relevant plans.
 - c) Tree protection conditions noted on all relevant plans in accordance with Conditions 21 and 22.
 - d) The vegetated buffer along the east side boundary of Lot 4 increased to 10 metres.
 - e) The vegetated buffer clearly shown on the Masterplan.
 - f) Lot 3 north elevation to include a varied paint finish, mural or alternative detailing to break up or soften the façade.
 - g) Lot 1 sign SG02 deleted.
 - h) Lot 3 Sign SG01 at the entry located within the property and reduced to a maximum height of 6m. SG01 at the exit deleted.
 - i) Lot 15 sign SG10 deleted from the south elevation.
 - j) Lot 17 sign SG01 signage zone for Lot 14 deleted.
 - k) Fencing between Lots 14 and 17.
 - l) Corner splay/areas nominated in accordance with Clause 52.06-9 of the Frankston Planning Scheme.
 - m) Location of wayfinding signage to bicycle spaces in accordance with Clause 52.34-7 of the Frankston Planning Scheme.
 - n) Delete proposed landscaping from development plans.
 - o) Lighting plan for the convenience restaurants detailing the location and specification of all proposed external lighting, including security lighting. Specifications must include, but not necessarily limited to, illumination strength and direction, including baffling, and the height of light poles, consistent with the Lighting Management Plan.
 - p) Development plans to reflect all sustainability features that are required as part of a submitted and approved Sustainability Management Plan (SMP).
 - q) Car spaces on Lots 3 and 17 allocated to each use accordingly:
 - a. Disabled spaces shared
 - b. 20 spaces to the restricted retail premises
 - c. 54 spaces to the restricted recreation facility
 - d. 4 to each warehouse
 - r) Staging Plan to clearly outline the works proposed to be undertaken in each stage.
 - s) Drainage Strategy prepared by KLM Spatial dated December 2022.
 - t) Landscape Masterplan in accordance with Condition 16.

- u) Tree Protection Management Plan in accordance with Condition 20.
- v) Lighting Management Plan in accordance with Condition 52.
- w) Amended Sustainability Management Plan in accordance with Condition 55.
- x) Native Vegetation Offsets in accordance with Condition 95.
- y) Plan of Subdivision prepared by a licensed land surveyor in accordance with the Masterplan and development plans to show:
 - a. Appropriate sized easement over Council's pipe along the site boundary with 1 Madden Street Seaford.
 - b. Street name in in accordance with Naming Rules for places in Victoria, 2016.

No Alterations

- 8. The use, development and subdivision as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 9. This subdivision must not be registered prior to the registration of the subdivision under Planning Permit 598/2021/P.

Staging

- 10. The development of the land must proceed in the order of stages as shown on the endorsed staging plan except with the written consent of the Responsible Authority.
- 11. The requirements of the conditions of this Permit may be staged in accordance with the order of stages to the satisfaction of the Responsible Authority.

Satisfactorily Completed

- 12. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Before Statement of Compliance

- 13. A Statement of Compliance must not be issued until all buildings and works approved under this Planning Permit have been completed to the satisfaction of the Responsible Authority.
- 14. A Statement of Compliance must not be issued until the owner of the site enters into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority which addresses the following matters:
 - i. The owners of Lots 1 to 8 (inclusive) as identified in the Endorsed Plans must ensure that plantings within the buffer area along the boundary with residential land are maintained in good condition to the satisfaction of the Responsible Authority, including the replacement of any dead, damaged or diseased plantings to the satisfaction of the Responsible Authority.
 - ii. The owners of Lots 1 to 8 (inclusive) must ensure that fencing along the common boundary with residential land to the north of the subject site is maintained in good order to the satisfaction of the Responsible Authority.

The applicant must cover all costs relating to the preparation and registration of the Agreement (including costs incurred by the Responsible Authority).

The Section 173 Agreement must be registered in accordance with the provisions of Section 181 of the Planning and Environment Act 1987.

Memorandum of Common Provisions

- 15. Before Statement of Compliance is issued for the vacant lots contained within Stage 1 (with the exception of Lot 14), the Compass Business Park Design

Chairperson's initials.....

Guidelines dated September 2022 must be amended to the satisfaction of the Responsible Authority to include:

- The elevation of any building facing the residential land to include a varied paint finish, mural or alternative detailing to break up or soften the façade.
16. Before Statement of Compliance is issued for the stage containing the vacant lots, a Memorandum of Common Provisions must be prepared to the satisfaction of the Responsible Authority and must include:
- The registered proprietor or proprietor or occupiers for the time being of any burdened lot must not, for a period of 25 years from the date of registration of the subdivision, proceed with any building work on a burdened lot other than building work that:
 - Complies with the Compass Business Park Design Guidelines; and
 - Has first been approved in writing by the Design Review Committee established under the Compass Business Park Design Guidelines for the purposes of assessing compliance with the Compass Business Park Design Guidelines.

The restriction is to then be registered on the Plan of Subdivision.

17. Should the drainage detention system required by Condition 33 of this Planning Permit be a shared system and not located within common property then prior to the issue of a Statement of Compliance provision must be made for shared responsibility for the on-going maintenance and repair of the approved drainage detention system by the establishment of an Owners Corporation for such purpose.

Landscape Masterplan

18. Before the development starts, a Landscape Masterplan, generally in accordance with the Landscape Masterplan prepared by Memla dated 5 October 2022 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 modified to show:
- a) Revised planting detail and increased native species along the northern boundary generally in accordance with the 'without prejudice' plan dated 23/1/2023 Revision 1.
 - b) Street tree planting detail in accordance with FCC SD521.
 - c) Art installation at the entrance to the proposed public road.
19. Before a Statement of Compliance is issued, works as shown on the endorsed Landscape Masterplan must be carried and completed to the satisfaction of the Responsible Authority. Alternatively, a bond must be provided before Statement of Compliance to ensure completion of landscaping works within an agreed timeframe, to the satisfaction of the Responsible Authority. Upon completion of the landscaping to the satisfaction of the Responsible Authority, the amount originally paid will be refunded to the developer.
20. The landscaping shown on the endorsed plans must be carried out and completed and thereafter maintained to the satisfaction of the Responsible Authority, including replacing any dead, diseased or damaged trees.
21. Before a Statement of Compliance is issued for the stage of subdivision containing the proposed public road, a quote for all street trees and landscaping along public road must be submitted to and approved by the Responsible Authority. The quote must provide details of the costs to maintain the trees and landscaping for an 18-month period from the date of the planting inspection in accordance with the approved landscape plan. Once approved, 150% of the

cost quoted must be paid to Frankston City Council. During the maintenance period, dead, vandalised or missing trees are to be replaced. Upon completion of the 18-month maintenance period to the satisfaction of the Responsible Authority, the amount originally paid will be refunded to the developer.

Tree Pruning

22. All tree pruning must be carried out by a qualified and experienced Arborist who has thorough knowledge of tree physiology and pruning methods. Pruning must be carried out in accordance with AS 4373-2007 Pruning of Amenity Trees and to the satisfaction of the Responsible Authority. Any pruning works must be undertaken before works start. Any pruning of trees located on a neighbouring property should be undertaken in consultation with the property owner.

Street Tree Removal

23. Before the roadworks are constructed the 'Request Form - Council Tree Removal for Private Development' and payment for the removal of the Council Street Trees 123 *Callistemon salignus*, 124 *Callistemon salignus*, 125 *Callistemon salignus*, 126 *Eucalyptus viminalis* subsp. *pryoriana*, 127 *Eucalyptus viminalis* subsp. *pryoriana*, 141 *Agonis flexuosa*, 142 *Eucalyptus sargentii*, 143 *Agonis flexuosa*, 144 *Eucalyptus botryoides* and 145 *Corymbia maculata* located on the nature strip/road reserve must be provided to Frankston City Council in accordance with the fees for five small and five medium Street Trees outlined in Council's Guidelines for Council Tree Removal for Private Development. Upon receipt of the form and payment the street tree removal will be actioned.

Tree and Vegetation Removal Timing

24. Removal of any indigenous vegetation particularly hollow-bearing trees or trees and shrubs with nests must be undertaken between February and September to avoid the breeding season of most fauna species.

Fauna Identification, Salvage and Relocation

25. Before works start including vegetation removal, a pre-clearance fauna survey and inspection of all trees to be removed (including all hollows) and all understorey vegetation to be removed must be carried out by qualified and experienced zoologist with experience in wildlife salvage to the satisfaction of the Responsible Authority.
26. A Fauna Management Plan detailing the findings of the pre-clearance survey and inspection and mitigation methods to be adopted to minimise impacts on indigenous fauna must be submitted to and approved by the Responsible Authority.
27. During all tree and vegetation removal, a suitably qualified and experienced zoologist and wildlife handler must be present to undertake fauna salvage and relocation. A report on the outcome of the fauna salvage operation must be submitted to the Responsible Authority.

Salvage of Felled Logs

28. On the felling of indigenous trees approved under this permit, trunks of felled trees are to be stockpiled and relocated to a Council reserve nominated by the Responsible Authority under the supervision of a suitably qualified person. All salvage and relocation costs are to be met by the Permit holder. Smaller branches and foliage are to be mulched and spread around retained and planted trees to the satisfaction of the Responsible Authority.

Engineering Services

29. Before Statement of Compliance for each stage, the roadworks, drainage and associated works for that stage must be provided and constructed at the expense of the developer in accordance with plans and specifications approved by Council. The plans and specifications must include as appropriate details of:
- a) Detailed road and drainage design generally in accordance with endorsed plans;
 - b) Road Pavement Design/Makeup
 - c) Drainage System Design/Layout and 100 year flow paths to be accommodated
 - d) Service Conduit Plan
 - e) Permanent Survey Marks / Numbered / Levelled.
 - f) Interim access arrangements (Stage 1) / Intersection Details (Stage 2) / Traffic Management / Calming devices / Signage / Line marking / Metcon Marking / Signing
 - g) Kerb and Channel
 - h) Construction of vehicle crossings for each lot at locations satisfactory to Council
 - i) Footpaths
 - j) Cycle/Pedestrian Paths signage as necessary.
 - k) Street Signs
 - l) Street Tree Planting
 - m) Fencing of Municipal and Tree Reserves
 - n) Filling of land/Placement/Material
 - o) Street Lighting
 - p) Environmental Site Management Plan
 - q) Amenity Control during Construction
30. Before the development starts (excluding the Early Works as detailed in Condition 1 of this permit) or Certification of the Plan of Subdivision, whichever comes first, a detailed Drainage and Pavement design (generally in accordance with the Drainage Strategy prepared by KLM Spatial dated December 2022) of the internal stormwater drainage system including drainage computations and the method of connection to the existing Council drainage infrastructure are to be submitted and approved to the satisfaction of the Responsible Authority.
31. On-Site Detention must be provided in accordance with the approved Drainage and Pavement design to the satisfaction of the Responsible Authority.
32. Stormwater Drainage Outfall is to be constructed to the satisfaction of the responsible Authority.
33. Before the issue of a Statement of Compliance for each stage of the subdivision, all works detailed on the approved Drainage and Pavement design must be constructed to the satisfaction of the Responsible Authority.
34. Each lot shown on the endorsed plans must be drained to the satisfaction of the Responsible Authority.
35. Easements in favour of Frankston City Council must be created on the plan to the satisfaction of the Responsible Authority.
36. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
- On-site stormwater detention and rainwater tanks.
 - Soil percolation
 - Stormwater harvesting and Re-use of stormwater for garden watering,

- toilet flushing, etc
 - On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.
37. Water quality works within the subdivision must be provided to achieve compliance with best practice standards, or alternative provisions made to the satisfaction of the Responsible Authority. Where WSUD measures are implemented, on site stormwater runoff must achieve the following objectives for environmental quality, as set out in the Urban Stormwater Best Practice Environmental Guidelines (CSIRO) 1999.
- 80% retention of the typical annual load of suspended solids;
 - 45% retention of typical annual load of total phosphorous; and
 - 45% retention of typical annual load of total nitrogen
38. No polluted and/or sediment laden runoff is to be discharged from the site directly or indirectly into Frankston City Council drains or watercourses to the satisfaction of the Responsible Authority.
39. Should the vehicle crossing be damaged during construction works the crossing must be reconstructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
40. Proposed vehicle crossing(s) must be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
41. Redundant vehicle crossing(s) must be removed and kerb, channel and nature strip reinstated to the satisfaction of the Responsible Authority.
42. Concrete kerbs and barriers must be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access to an adjoining road other than by a vehicle crossing.
43. Directional arrow pavement markings, with size and shape compliant with relevant Australian Standards, must be provided to avoid straying and to formalise vehicle movements at changes of direction.
44. All parking spaces must be clearly delineated with appropriate pavement line markings and signs to differentiate between parking for staff, delivery vehicles, customers and disabled persons.
45. Before the occupation of any development hereby permitted commences areas set aside for parking bicycles or vehicles, loading bays, access lanes and paths as shown on the endorsed plans for the particular lot must be :-
- a) Constructed to the satisfaction of the Responsible Authority.
 - 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 and maintained to the satisfaction of the Responsible Authority.
 - e) Line-marked to indicate each car space, loading bay and all access lanes and if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.
- Car spaces, access lanes and driveways must be kept available for these purposes at all times.
46. Where the development involves work on or access to Council controlled land including roads, reserves and right of way, the owner, operator and their agents under this permit must at all times take adequate precautions to maintain works to the highest public safety standards, to the satisfaction of the Responsible Authority.

Precautions must include, appropriate signage to AS 1743 Road Works Signing Code of Practice, the provision of adequate barricading of works, including trenches of Service Authorities and any other road openings, sufficient to ensure public safety.

All relevant permits must be obtained from Council to works within the existing road reserves, in addition to the planning permit.

D-Spec and R Spec

47. Before a Statement of Compliance for any stage is issued, “as constructed” drawings and data must be submitted to the satisfaction of Responsible Authority in the following format:
- a) Engineering drawings/data in “MapInfo Native or MIF/MID” and pdf digital format.
 - b) As constructed digital data of the drainage information component of the subdivision, in accordance with the current version of D-SPEC*.
 - c) As constructed digital data of the road information component of the subdivision, in accordance with the current version of R-SPEC*.
- *Consultant/developer specifications for the delivery of digital data to local government. www.dspect.com.au

Construction Environmental Management Plan

48. Before the development starts (excluding the early works as detailed in Condition 1 of this permit), a Construction and Environment Management Plan (CEMP) must be submitted to and approved by the Responsible Authority for the balance of the proposal. When approved the plan will be endorsed to form part of the permit. Any plans submitted must be consistent with all other documents approved as part of this permit. The information must be drawn to scale with dimensions. The Plan is to include details of the following:
- a) Contact Numbers of responsible owner/contractor including emergency/24-hour mobile contact details.
 - b) Identification of possible environmental risks associated with development works.
 - c) Response measures and monitoring systems to minimise identified environmental risks, including but not limited to acid sulphate soils, vegetation protection, fauna protection, runoff, erosion, dust, litter, noise and light.
 - d) Location and specifications of sediment control devices on/off site.
 - e) Location and specifications of surface water drainage controls.
 - f) Location and specifications of fencing for the protection of trees and/or vegetation as required by the permit.
 - g) Minimising weed and pathogen spread;
 - h) Proposed drainage lines and flow control measures.
 - i) Location of all stockpiles and storage of building materials.
 - j) Location of parking for site workers and any temporary buildings or facilities.
 - k) Hours during which construction activity will take place.
 - l) The Plan must be guided by the *Urban Stormwater Best Practice Management Guidelines (CSIRO 1999)*.
 - m) Details on who will implement and oversee the on-ground environmental management.
49. All works must be undertaken in accordance with the endorsed CEMP to the satisfaction of the Responsible Authority.

Lighting Management Plan

50. Before the development starts (excluding the Early Works as detailed in
- Chairperson’s initials

Condition 1 of this permit), a Lighting Management Plan for the convenience restaurants prepared to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the permit. The plan must show:

- a) the location of all external lighting
 - b) the layout and design of all external lighting to achieve the recommended maximum values of illuminance in the vertical plane for "Dark Surrounds Residential Areas" specified in Table 2.1 of Australian Standard 4282-1997, applied in respect of the dwellings at
 - c) baffling to limit views to external lighting located in the car park and drive through from the residential areas to the north and west.
51. Within 3 months of the commencement of lighting under the Lighting Management Plan, an inspection of the lighting and compliance with the Lighting Management Plan (inspection report) is to be carried out by a suitably qualified expert and a report of the results including any recommendations for lighting management is to be submitted to the satisfaction of the Responsible Authority. Any recommendations in the inspection report are to be implemented to the satisfaction of the Responsible Authority.
52. All external lighting of the site, including car parking areas and buildings, must be located, directed, baffled and shielded and of such limited intensity that no nuisance or loss of unreasonable amenity is caused to any person beyond the site to the satisfaction of the Responsible Authority.

Environmentally Sustainable Development

53. Before the development starts (excluding the Early Works as detailed in Condition 1 of this permit), an amended Sustainability Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan will be endorsed and will then form part of the permit. The plan must be generally in accordance with the SMP prepared by Sustainable Development Consultants and dated October 2022 but modified to include or show:
- a) Address inconsistency between the BESS report and SMP for taps WELS star rating.
54. All works must be undertaken in accordance with the endorsed Sustainability Management Plan (SMP) to the satisfaction of the Responsible Authority. No alterations to the SMP may occur without the written consent of the Responsible Authority.
55. Before the occupation of any building approved under this permit, a report from the author of the SMP, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.

Green Travel Plan

56. Before the development starts (excluding the Early Works as detailed in Condition 1 of this permit), the Green Travel Plan prepared by Sustainable Development Consultants and dated October 2022 must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit.
57. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the

Chairperson's initials

Responsible Authority.

Waste Management Plan

58. Before the use on Lots 1, 2, 3, 14, 15, 16 and 17 starts, the Waste Management Plan (WMP) prepared by Traffix Group dated October 2022 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.
59. All waste generated by the development on Lots 1, 2, 3, 14, 15, 16 and 17 must be collected by a Private Waste Management Agency and in accordance with the endorsed WMP, to the satisfaction of the Responsible Authority.

Convenience Restaurant Management Plan

60. Before any of the convenience restaurant uses start, a Management Plan must be prepared for the use to the satisfaction of the Responsible Authority. When approved the plan will be endorsed and will form part of the permit. The Management Plan must include/address, as appropriate, the following:
- a) The area to be covered by the Management Plan
 - b) Details of patron management:
 1. The requirement for the responsibilities and authorities of staff to be on the premises at all times.
 2. The maintenance of a complaints register which must be made available for inspection by the Responsible Authority upon request.
 3. The publication of a complaints telephone number and email address to occupiers of adjoining and nearby properties.
 4. Steps to be taken if there is a complaint.
 5. Steps to be taken to make sure patrons leave the premises in an orderly manner, which may include supervision of the car park.
 6. Steps to be taken to make sure patrons do not cause nuisance or annoyance to persons beyond the land.
 7. Procedures to evacuate the premises of staff and visitors in an orderly manner in the event of an emergency.
 8. Signage at exits advising patrons to leave the centre and the land in an orderly manner and to respect neighbours.
 9. Steps (within reason) to prevent people congregating on the site outside of operating hours, in particular safety measures preventing people accessing the drive-thru area.
 - c) Details of litter management:
 1. The location of all rubbish bins external to buildings accessible to the public.
 2. Rubbish bins to be regularly cleared so as not to spill or to attract insects, vermin or to emit unacceptable odours.
 3. Signage within the Convenience restaurant, adjacent to the drive through food collection booths, and within the Convenience store, encouraging patrons to not litter public areas and roadside reserves.
 4. The conduct of a litter patrol to be undertaken on each day that the premises are open for trading to the public within a 300 m radius of the periphery of the site to collect and dispose of any litter emanating from the site.
 - d) Details of car parking and loading management:
 1. Vehicle parking and access
 - An allocation plan for the number and location of car parking for convenience restaurant staff and patrons.
 2. Loading
 - Hours of deliveries in accordance with Condition 85.
 - Nature and location of deliveries

Chairperson's initials

- Management of loading areas to prevent vehicle and pedestrian conflicts
 - Restrictions on the size and type of vehicles as required.
 - Compliance with Condition 68.
61. The permitted convenience restaurant uses must operate in accordance with the endorsed Management Plan and any activities or ongoing obligations contained in the approved plan must be carried out in accordance with the approved plan to the satisfaction of the Responsible Authority.

Acoustic Screens and Report

62. Before the development starts, the Acoustic Criteria Report prepared by Broner Consulting dated September 2022 must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Criteria Report will be endorsed and will then form part of the permit. The proposed acoustic fences must be designed and constructed along the northern and eastern site boundary with residential as follows to the satisfaction of the Responsible Authority:
- a. Fence design, heights, angled sections and locations in accordance with the Acoustic Criteria Report prepared by Broner Consulting dated September 2022.
 - b. The structure must be stable so that the materials do not crack or warp during the life of the acoustic fence.
 - c. Installed in a manner that does not allow gaps between the fence and the ground, between panels or between the edge of the fence and any adjoining walls or surfaces.
63. Before any of the uses start or statement of compliance for the subdivision under this permit, whichever comes first, the acoustic fencing must be erected along the northern and east site boundary with residential in accordance with the above requirements and endorsed plans and be to the satisfaction of the Responsible Authority. The fencing must be maintained to the satisfaction of the Responsible Authority.
64. By a date no later than three months after a use starts, a report must be prepared by a suitably qualified acoustic consultant to the satisfaction of the Responsible Authority demonstrating that compliance with the Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Publication 1826.2, Environment Protection Authority) ('Noise Protocol') has been achieved. If noise emitted from the premises exceeds the recommended noise limits, the report must address additional noise control treatments required to the satisfaction of the Responsible Authority.

Loading/Unloading

65. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bays (where provided for that particular use) and must not disrupt the circulation and parking of vehicles on the land.

Amenity

66. The amenity of the area must not be detrimentally affected by the development and/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) Others as appropriate; or
 - f) In any other way.
67. Before each convenience restaurant use starts, odour filters must be installed to the satisfaction of the Responsible Authority and thereafter maintained to control cooking, odours, fumes and smoke so as to prevent the emission of odours outside the premises to the satisfaction of the Responsible Authority.
68. When on site, truck motors and any associated motors for delivery vehicles must be turned off when the delivery vehicle is parked. Vehicles must then be unloaded by hand and trolley only. Forklifts or other potentially noisy unloading mechanisms are not permitted.
69. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land and to comply with the requirements of AS 4282-1997.
70. No external sound amplification equipment or loudspeakers may be used for the purpose of announcements, broadcasts, playing of music or similar purposes, with the exception of emergency announcements or alfresco dining areas with background music which is not audible from adjoining residences.
71. Noise emissions from the Subject Land shall comply with Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Publication 1826.2, Environment Protection Authority), and accepted sleep disturbance criteria.
72. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.
73. All plant and equipment, including external fans, air conditioning apparatus and the like, must be located, installed and screened so that it does not adversely affect the amenity of the area due to its appearance, noise, emission or otherwise, all to the satisfaction of the Responsible Authority.
74. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
75. 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.
76. All plumbing work, sewer pipes etc. (except for spouting and stormwater pipes) associated with the new building must be concealed from general view.

Storage

77. Goods must not be stored within the frontage setback, landscaped area, car parking or vehicle access areas at any time.

Signage Requirements

78. The signs hereby permitted must not:
- a. be animated;
 - b. be moving or rotating;
 - c. contain any flashing or intermittent light.
79. The illuminated sign(s) may only be illuminated during the permitted hours of operation of each individual use.
80. The signs hereby permitted must be constructed to the satisfaction of the Responsible Authority, and must be maintained to the satisfaction of the

Chairperson's initials

Responsible Authority.

81. All signs must be located wholly within the boundary of the land.
82. Upon expiry of the approved signage, all structures built specifically to support the structure must subsequently be removed.

Hours of Operation and Conditions

83. The convenience restaurants on Lots 1 and 2 must only operate between the hours of 6am and 11pm.
84. The warehouses on Lot 3 must only operate between the hours of 6am and 7pm.
85. Goods delivery and waste collection may only occur at the site to the convenience restaurants and warehouses during the hours of 7am to 6pm Monday to Saturday and 9am to 6pm Sundays and Public Holidays.

DEECA

86. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
87. The total area of native vegetation proposed to be removed totals 1.315 hectares, comprised of:
 - a) 8 patches of native vegetation with a total area of 0.98 hectares [containing 16 large trees]
 - b) 4 large scattered trees
 - c) 4 small scattered trees
88. To offset the permitted clearing in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure general offset of 0.251 general habitat units:
 - a) located within the Port Phillip and Westernport Catchment Management boundary or Frankston City Council municipal area
 - b) with a minimum strategic biodiversity score of at least 0.117The offset(s) secured must also protect 20 large trees.
89. Before any native vegetation is removed, evidence that the offset required by this permit has been secured must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:
 - a) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
 - b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
90. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the DEECA Port Phillip regional office.
91. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

Chairperson's initials

92. Within 6 months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the responsible authority and DEECA.
93. A suitably qualified wildlife handler or zoologist is to be present when felling trees/removing native vegetation, to ensure affected wildlife is not harmed. If displaced wildlife that cannot be relocated on site to an appropriate location away from the construction footprint, or injured wildlife is captured, please contact DEECA on 136 186 for further advice.
94. Within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
- a) Any vehicle or pedestrian access, trenching or soil excavation, and
 - b) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products, and
 - c) Entry or exit pits for underground services, and
 - d) Any other actions or activities that may result in adverse impacts to retained native vegetation.

DTP

95. Unless otherwise agreed in writing by the Head, Transport for Victoria, prior to endorsement of plans and prior to the works associated with the subdivision commences, a Functional Layout Plan for the proposed roadworks on Frankston-Dandenong Road must be submitted to and approved by the Head, Transport for Victoria. The plans must be generally in accordance with the plans submitted with the application (Traffix Group, Concept plan- Traffic Signals, Dwg No. G29907-04-01, Issue E, dated 17 Nov 2022 and Interim FLP, Dwg No. G29907-05-02) but modified to show:
- a) Interim left-in - left-out access connection to the service road at the location of the proposed access road (as proposed for Stage 1).
 - b) Ultimate signalised intersection including the proposed Bus queue jump lane.
 - c) Bus stop reinstatement if necessary.
 - d) Any associated works.
96. Unless otherwise agreed in writing by the Head, Transport for Victoria, before the plan of subdivision for Stage 1 is submitted to the Responsible Authority for certification under the Subdivision Act 1988, subdivision plans must be submitted to and approved by the Head, Transport for Victoria. The plans must be generally in accordance with the plans date stamped with the application but modified to show:
- a) Overlay the ultimate plan of the intersection onto the Plan of Subdivision, to demonstrate that adequate land has been set aside to accommodate the future roadworks (if any).
 - b) Any land set aside as Road must be labelled "ROAD" on the plan of subdivision.
 - c) All land to be vested as road, for which the Head, Transport for Victoria or Council is to be responsible, must be vested to the relevant authority.
97. Prior to the commencement of any works on Frankston-Dandenong Road for the left-in left-out access arrangement, detailed plans of the agreed functional layout plan must be submitted for approval.

98. Prior to the commencement of any works on Frankston-Dandenong Road for the signalised intersection works, detailed plans of the agreed functional layout plan must be submitted for approval.
99. Unless otherwise agreed in writing by the Head, Transport for Victoria prior to the issue of Statement of Compliance for Stage 1 of the subdivision, the following roadworks must have reached a stage of practical completion to the satisfaction of the Head, Transport for Victoria and the Responsible Authority:
- a) The roadworks as approved for the left-in left-out access to the service road (which serves Satge1).
 - b) Reinstatement of the Bus stop and necessary linemarking (if necessary).
 - c) Any associated works.
100. Unless otherwise agreed in writing by the Head, Transport for Victoria prior to the issue of Statement of Compliance for Stage 2 of the subdivision, the following roadworks must have reached a stage of practical completion to the satisfaction of the Head, Transport for Victoria, and the Responsible Authority:
- a) The roadworks as approved for the signals on Frankston-Dandenong Road.
 - b) Entry and Exit points of the service road to Frankston-Dandenong Road
 - c) Bus queue jump lane.
 - d) Any associated works.
101. Any request for written consent to disrupt bus operations or a temporary bus stop on FRANKSTON-DANDENONG Road during the construction of the development must be submitted to and approved by the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption / temporary bus stop relocation and must detail measures that will occur to mitigate the impact of the planned disruption or temporary bus stop. Any temporary bus stop (if provided) must be removed, and the site reinstated to the satisfaction of the Head, Transport for Victoria.

Fire Rescue Victoria (FRV)

102. The subdivision as shown on the endorsed plans must not be altered without the consent of FRV.
103. Prior to the issue of a Statement of Compliance the following requirements must be met to the satisfaction of FRV:
- a) Above or below ground operable hydrants must be provided. They are to be located at;
 - a. Opposite Lot 17 in the service road median strip.
 - b. Opposite Lot 16 in the service road median strip.
 - c. On the splay of Lot 1
 - d. Halfway along lot 14
 - e. Corner of 12 and 11
 - b) The hydrants must be identified with marker posts, road reflectors and white painted triangles as applicable to the satisfaction of Fire Rescue Victoria.
 - c) A copy water reticulation drawings must be provided to FRV for approval.
104. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
- a) The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.

- a. Curves must have a minimum inner radius of 10 metres.
- b. Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
- c. Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by FRV may be used as alternatives.

South East Water

105. The owner of the subject land must enter into an agreement with South East Water for the provision of drinking water supply and fulfil all requirements to its satisfaction.
106. The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.
107. All lots on the Plan of Subdivision are to be provided with separate connections to our drinking water supply and sewerage systems.
108. Prior to certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the Subdivision Act 1988.
109. The certified Plan of Subdivision will need to show sewerage supply easements over all existing and/or proposed South East Water sewer mains located within the land, to be in favour of South East Water Corporation pursuant to Section 12(1) of the Subdivision Act.

United Energy

110. This letter shall be supplied to the applicant in its entirety.
111. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
112. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

113. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

114. The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations.

Notes: Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:

- RESERVES established by the applicant in favour of the Distributor.
- SUBSTATION LEASE for a period of 30 years with rights to extend the lease for a further 30 years.

United Energy engages Zinfra as its authorised contractor to carry out operational and maintenance activities on United Energy's behalf.

The Distributor may register such leases on title by way of a caveat prior to the registration of the plan of subdivision.

115. The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on

the land and for any new power lines to service the lots or adjust the positioning existing easements.

Notes:

- Existing easements may need to be amended to meet the Distributor's requirements
- Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

Purpose	Origin	Land Benefited/In Favour Of
Power Line	Section 88 – Electricity Industry Act 2000	United Energy Distribution Pty Ltd

Telecommunications Requirements

116. The owner of the land must enter into an agreement with:
- a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre
117. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Utility Requirements

118. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas (where it is proposed to be connected) and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
119. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
120. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.

Cultural Heritage Management Plan

121. The development and subdivision hereby approved must be carried out in the accordance with the approved amended Cultural Heritage Management Plan

Chairperson's initials

No. 17171 prepared by Ochre Imprints and approved by the Bunurong Land Council on 24 February 2023.

Permit Expiry

122. This permit will expire if:
- (a) The development (including Early Works) is not started within two (2) years of the date of this permit; or
 - (b) The development is not completed within four (4) years of the issued date of this permit; or
 - (c) The subdivision is not certified within two (2) years of the date of this permit; or
 - (d) The subdivision is not registered within five (5) years of the date of certification; or
 - (e) The use(s) is not commenced within two (2) years of the completion of the development; or
 - (f) The use(s) is discontinued for a period of two (2) years or more.

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

123. The permit for signage expires 15 years from the date of this permit.

Permit Notes

A. Asset Protection Permit

Prior to the commencement of construction the operator of this planning permit must obtain a non-refundable Asset Protection Permit from Council's Engineering Services Department.

B. Extension of Time

Section 69 of the Planning and Environment Act, 1987 provides that before the permit expires or within 6 months afterwards, the owner or occupier of the land to which the permit applies may ask the responsible authority for an extension of time. Please note, if a request is made out of time, the Responsible Authority cannot consider the request and the permit holder will not be able to apply to VCAT for a review of the matter.

Any extension of time request must be lodged with the relevant administration fee.

C. Variation to Planning Permit

Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.

D. Street Addressing

Street addresses are allocated by Council. It is a requirement under *Frankston City Council Community Local Law 2020* Part 2.12 for the owner or occupier of each property to clearly display the street numbering allocated by Council.

Proposed street addresses can be obtained by contacting Council's Rates

Department on 1300 322 322.

It is the applicant's responsibility to ensure all owners are notified of the allocated street addressing.

E. Drainage Inspection

Once the required drainage works have been completed they must be inspected and approved by Council. To arrange a Drainage Inspection, please contact Engineering Services on 1300 322 322.

F. South East Water

The following South East Water agreement options are available:

- a) Application to enter into a Development Deed – Works – If South East Water reticulated sewer/water/recycled water (as applicable) is required to be extended to service lots within the development
- b) Application to enter into an agreement – Non Works - If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner only requires Statement of Compliance to release the titles (i.e. subdivision prior to building).
- c) Plumbing Industrial, Commercial, Units & Private Water application – If south East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner wishes to commence construction of the building/s (i.e. building prior to subdivision).

G. Department of Transport and Planning

The proposed development requires roadworks within the declared road and the road reserve. A separate approval for this activity is required to be obtained from the Department of Transport under the Road Management Act. Please contact the Department of Transport prior to commencing any works.

Standard drawings are available online at <https://www.vicroads.vic.gov.au/business-and-industry/technicalpublications/standard-drawings-for-bus-stops>.

To contact DOT/PTV regarding meeting any of the above conditions, please include a copy of this letter, and any other additional context, and contact DOT/PTV by calling 1800 800 007 or emailing customerservice@transport.vic.gov.au.

Carried

For the Motion: Crs Asker, Baker, Bolam, Conroy, Harvey, Hill, Liam Hughes and Tayler (8)

Against the Motion: Nil

Abstained: Cr Steven Hughes (1)

11.2 Planning Application 548/2022/P - 438-444 Nepean Highway, Frankston - To construct a sixteen (16) storey building in a Commercial 1 Zone (B1Z), use of land for Dwellings, creation/alteration to access to a road in a Transport Zone 2 and reduction in car parking requirements under Clause 52.06 of the Frankston Planning Scheme

(SC Communities)

Council Decision

Moved: Councillor Liam Hughes

Seconded: Councillor Hill

That Council:

1. Resolves, should a review not have been lodged under S79 of the Planning and Environment Act 1987 at the Victorian Civil and Administrative Tribunal, it would have issued a Notice of Refusal to Grant a Planning Permit in respect to Planning Permit Application number 548/2022/P for to construct a sixteen (16) storey building in a Commercial 1 Zone (B1Z), use of land for Dwellings, creation/alteration to access to a road in a Transport Zone 2 and reduction in car parking requirements under Clause 52.06 of the Frankston Planning Scheme at 438-444 Nepean Highway, Frankston, subject to the following grounds:
 - a) The height, setbacks, bulk, mass and scale of the proposed development is not consistent with the strategic objectives of the Frankston Metropolitan Activity Centre Structure Plan (2015) and Draft Frankston Metropolitan Activity Centre Structure Plan (2022).
 - b) The proposed development does not represent a satisfactory urban design response consistent with the objectives of Clauses 11.03-1L-02, 15.01-1S, 15.01-2S and 15.01-5S of the Frankston Planning Scheme.
 - c) Overshadowing caused by the proposed development is not consistent with the strategic objectives of the Frankston Metropolitan Activity Centre Structure Plan (2015) and Draft Frankston Metropolitan Activity Centre Structure Plan (2022).
 - d) The proposal has not demonstrated a sufficient level of compliance with Clause 58 of the Frankston Planning Scheme in respect to Clause 58.04-1 (Building setback), Clause 58.04-4 (Wind Impacts) and Clause 58.05-4 (Storage).
2. Notes that should amended plans be circulated through the VCAT review process the administration will inform Councillors of the officer's assessment and position on the matter.

Carried Unanimously

11.4 Draft Frankston City Industrial Strategy and Draft Frankston City Industrial Design Guidelines*(TB Communities)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Hill**

That Council:

1. Notes that the *Frankston City Industrial Precincts – Discussion Paper* (May 2022) was exhibited to the public from 13 July – 23 August 2022 and ten (10) written submissions were received;
2. Notes the feedback received as part of the Discussion Paper consultation process has been considered in the preparation of the draft Industrial Strategy and draft Design Guidelines;
3. Endorse the draft *Frankston City Industrial Strategy* (April 2023) and the draft *Frankston City Industrial Design Guidelines* (April 2023) to be released for community engagement for a period of 4 weeks; and
4. Seeks a report back by no later than November 2023, to consider for adoption, the *Frankston City Industrial Strategy and Industrial design Guidelines taking into account any submission received*.

Carried Unanimously

12.7 Adoption of Climate Change Strategy 2023-2030*(TB Communities)***Council Decision****Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council:

1. Notes the draft Climate Change Strategy was displayed for public exhibition between 22 November 2022 and 8 January 2023;
2. Notes both internal and external feedback received were primarily focussed on the Action Plan and have been considered, where appropriate into the development of final Strategy;
3. Adopts the Climate Change Strategy 2023-2030; and
4. Notes Officers will notify the submitters of its decision accordingly.

CarriedFor the Motion: Crs Asker, Baker, Bolam, Conroy, Harvey, Hill, Liam Hughes
and Tayler (8)

Against the Motion: Cr Steven Hughes (1)

*Councillor Asker left the chamber at 9:28 pm.**Councillor Asker returned to the chamber at 9:29 pm.*

11. CONSIDERATION OF CITY PLANNING REPORTS**11.3 250 Wedge Road, Skye - Land Transfer and Planning Scheme Amendment C158***(TB Communities)***Council Decision****Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council:

1. Seeks the authorisation of the Minister for Planning under Section 8A(2) of the *Planning and Environment Act 1987 (PE Act)*, to prepare Amendment C158fran to the Frankston Planning Scheme;
2. Gives notice of Amendment C158fran under Section 19 of the PE Act, subject to receiving authorisation from the Minister for Planning;
3. Adopts the amended *Carrum Downs Outline Development Plan 1987 (Amended DP)*, subject to the gazettal Amendment C158fran and the owner of the property known as 250 Wedge Road, Skye (**Owner**), complying with its obligations in respect of the subdivision and sale of part of that land as specified in the land transfer deed (**Owner's Obligations**);
4. Resolves to acquire the land shown as Parcel A, Parcel B and Parcel D on the plan (**Subject Land**), for nil monetary consideration, subject to:
 - a. in respect of all of the Subject Land, the Owner complying with the Owner's Obligations, the gazettal of Amendment C158fran and the adoption of the Amended DP; and
 - b. in respect of Parcel D, the Owner constructing and vesting in Council a public road in the location of Parcel D, in accordance with the agreement pursuant to section 173 of the PE Act;
5. Authorises the Chief Executive Officer, or his delegate, to sign on behalf of Council, the land transfer deed and agreement pursuant to section 173 of the PE Act, and all other documents required to be signed to give effect to the decisions which are the subject of this resolution;
6. Resolves Attachment D to this report be retained confidential on the grounds that it contains private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage, pursuant to the *Local Government Act 2020 s3(1)(g)*;
7. Notes that following the completed land transfer, that this new reserve would be classified as District Open Space;
8. Notes that following the completed land transfer, Council is required to undertake background and Existing Condition report to develop a concept plan and further master plan for this open space; and
9. Notes that \$160,000 has been included in the 2023/24 draft Long Term Infrastructure Plan to prepare the '250 Wedge Road Master Plan', including supporting reports and community engagement.
10. Resolves following the completed land transfer and completion of Masterplan as referred in this resolution a formal naming process will be undertaken for the new Reserve.

Carried Unanimously**Note:** refer to page 5 of these Minutes where this item was Block Resolved

Chairperson's initials.....

11.5 Statutory Planning Progress Report - January and February 2023

(SC Communities)

Council Decision**Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council:

1. Receives the Statutory Planning Progress Report for the months of January and February 2023;
2. Notes that in January 78%, and in February 70% of applications determined were within the statutory timeframe, above and at the target of 70%;
3. Endorses the draft *Statutory Planning Third Party Engagement Procedure*, to replace the previously adopted *Planning Application Submitters and Objectors Engagement Procedure*, and notes that the new procedure will be updated by officers over time to reflect participant feedback and learnings;
4. Notes that previous Council resolutions of 19 January 2015 (*Audit of all Applications for Statement of Compliance including retrospective applications*), 10 November 2014 (*Consideration of requests to reduce Public Open Space Levy*), and 16 December 2013 (*Notification of any Council Public Car Parks Change*) are redundant;
5. Endorses the updated draft Statutory Planning Processes Guide for Councillors; and
6. Resolves that the Major Development Updates (Attachment B) remain confidential indefinitely on the grounds that it contains land use planning information and private commercial information (Local Government Act 2023, s.3(1)(c) and (g)). These grounds apply because it contains private information and would, if prematurely released, impact the reputation of Councillors and Council.

Carried Unanimously

Note: refer to page 5 of these Minutes where this item was Block Resolved

11.6 City Futures Progress Report - Quarter 2 October - December 2022

(TB Communities)

Council Decision

Moved: Councillor Harvey

Seconded: Councillor Baker

That Council receives the City Futures Progress Report (excluding Economic Scorecard) for Quarter 2 from October – December 2022..

Carried Unanimously

Note: refer to page 5 of these Minutes where this item was Block Resolved

12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Governance Matters Report for 3 April 2023**

(BA Corporate and Commercial Services)

Council Decision**Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council:

1. Receives the Council Resolution Status update, including:
 - a. Notice of Motion Cost Summary and Notice of Motion Report for 3 April 2023;
 - b. Urgent Business Status Update for 3 April 2023;
 - c. Notes there are no Notice of Motion actions reported as complete;
 - d. Notes there are no reports delayed in the presentation to Council;
 - e. Notes since the Council Meeting held on 15 March 2023, 21 resolutions have been completed, as listed in the body of the report; and
2. Resolves that Attachments D to remain confidential indefinitely on the grounds that it includes confidential meeting information, being the records of meetings closed to the public under section 66(2)(a) (Local Government Act 2020, s.3(1)(h).

Carried Unanimously

Note: refer to page 5 of these Minutes where this item was Block Resolved

Chairperson's initials

12.2 Frankston City Council December 2022 Economic Scorecard
(TB Communities)

Council Decision

Moved: Councillor Harvey

Seconded: Councillor Baker

That Council:

1. Receives the Frankston City Council Economic Scorecard December 2022; and
2. Notes an overall increase of \$0.47B in Frankston City’s economic growth since September 2022.

Carried Unanimously

Note: refer to page 5 of these Minutes where this item was Block Resolved

12.3 Frankston Arts Advisory Committee - Report

(TR Customer Innovation and Arts)

Council Decision**Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council:

1. Receives the Minutes of the Frankston Arts Advisory Committee meeting held on 21 February 2023; and
2. Notes the Committee supported relocating 'The Catch Me' sculpture from Seaford Community Centre to another suitable location.

Carried Unanimously

Note: refer to page 5 of these Minutes where this item was Block Resolved

Chairperson's initials

12.4 Draft 2023-2027 Budget (including year three 2023-2024 Council Plan initiatives)

(CR Corporate and Commercial Services)

Recommendation (Director Corporate and Commercial Services)

That Council:

1. Notes the draft 2023-2027 budget (including 2023-2024 Council Plan Initiatives);
2. Endorses the draft 2023-2027 budget (including 2023-2024 Council Plan Initiatives) to be publicly exhibited from Wednesday 5 April 2023 until 5 May 2023;
3. Notes that the rate in dollar calculations included in the budget are based on stage 4 (preliminary) valuations and may change based on the final valuations. In the event of any change, the updated figures will be included in the Council resolution and budget which will be considered for adoption on 22 May 2023;
4. Invites submissions from the community on any proposal contained in the draft 2023-2027 budget (including 2023-2024 Council Plan Initiatives);
5. Notes that submissions will be considered at a meeting of Council to be held on Wednesday 10 May 2023; and
6. Seeks a report back by no later than 22 May 2023 to consider for adoption the draft 2023-2027 budget (including 2023-2024 Council Plan Initiatives), taking into account any submissions received.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Hill

That Council:

1. Notes the draft 2023-2027 budget (including 2023-2024 Council Plan Initiatives);
2. Endorses the draft 2023-2027 budget (including 2023-2024 Council Plan Initiatives) to be publicly exhibited from Wednesday 5 April 2023 until Tuesday 2 May 2023;
3. Notes that the rate in dollar calculations included in the budget are based on stage 4 (preliminary) valuations and may change based on the final valuations. In the event of any change, the updated figures will be included in the Council resolution and budget which will be considered for adoption on 22 May 2023;
4. Invites submissions from the community on any proposal contained in the draft 2023-2027 budget (including 2023-2024 Council Plan Initiatives);
5. Notes that submissions will be considered at a meeting of Council to be held on Wednesday 10 May 2023;
6. Seeks a report back by no later than 22 May 2023 to consider for adoption the draft 2023-2027 budget (including 2023-2024 Council Plan Initiatives), taking into account any submissions received; and
7. The following additional projects be committed within Council's Draft 2023/24 Capital Works Program budget when the draft 2023-2027 budget is adopted;
 - a. Ballam Park Lighting design-only, Ballam Park History Trail design-only and Cranbourne Road Retaining Wall design-only - \$60,000.
 - b. Pines Pool Entrance Landscaping design-only - \$25,000

In accordance with Governance Rules 79.3, the Chair called to remove Councillor Steven Hughes from the Chamber for a period of 15mins at 9.50 pm

Councillor Steven Hughes left the meeting at 9.50pm and did not return

**The Motion was put and
Carried Unanimously**

Chairperson's initials

12.5 Draft Footpath Trading and Parklet Guidelines

(TB Communities)

Council Decision**Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council:

1. Notes the work completed to date to review the current Frankston City Council 'Kerbside Trading' guidelines;
2. Endorses targeted engagement with business operators and other business stakeholders and limited community consultation on the new draft Footpath Trading and Parklet Guidelines for a period of 4 weeks;
3. Seeks a report back at the 14 June 2023 Council Meeting to consider the adoption of the new Footpath Trading and Parklet Guidelines.

Carried Unanimously

Note: refer to page 5 of these Minutes where this item was Block Resolved

12.6 Adoption of Public Arts Strategy 2023-2028

(TR Customer Innovation and Arts)

Council Decision**Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council:

1. Notes the Public Art Strategy 2023 – 2028 was developed via extensive engagement with the community, industry experts, Frankston Arts Advisory Committee and internal/external key stakeholders from July to September 2022;
2. Notes that the Public Art Strategy 2023 – 2028 prioritises a whole of Council approach with integrated delivery across a number of departments, major city projects, masterplans and existing strategies to ensure a considered, effective and strategic approach, with the Frankston Arts Advisory Committee performing a key advisory role to Council for the Public Art program, in line with the vision outlined in the Public Art Strategy;
3. Supports the Frankston Arts Advisory Committee to approve sculptures choices up to the value of \$150,000, alongside Council Officers and their relevant delegations.
4. Notes that the strategy encourages a strong curatorial rationale to guide decision making for the Public Art program ensuring relevance of artworks that forge deep and meaningful connections to Frankston City's character, locality and community;
5. Notes that the strategy highlights key areas throughout the municipality most suitable for public art, in consideration of Frankston Metropolitan Activity Centre Plan, key corridors and connectors including waterways, culturally significant sites, environmental impact, visibility and land use suitability;
6. Notes the four key overarching goals for Public Art in Frankston City to:
 - a. Enhance our spaces, built form and infrastructure
 - b. Connect our valued places and landscapes
 - c. Enrich the visibility of First Nation people's connection to Country
 - d. Nurture our vibrant creative community
7. Notes funding of \$60,000 for delivery of the Public Art Strategy 2023 – 2028 has been incorporated in the draft Financial Year 2023-24 Annual Budget;
8. Notes that the Public Art Strategy 2023 – 2028 will be delivered over five years, with an additional \$95,000 incorporated in the draft Annual Budget process from 2024/2025 through to 2027/28; and
9. Adopts the Public Arts Strategy 2023 – 2028.

Carried Unanimously

Note: refer to page 5 of these Minutes where this item was Block Resolved

Chairperson's initials

12.9 Adoption of the Monterey Reserve Landscape Master Plan

(TB Communities)

Council Decision**Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council:

1. Notes that the Draft Monterey Reserve Landscape Master Plan was displayed for public exhibition for a period of six (6) weeks from 20 April 2022 to 25 May 2022;
2. Notes that all submissions have been considered and, where appropriate, changes have been incorporated into the Monterey Reserve Landscape Master Plan;
3. Notes that recommendations for the Monterey Reserve Landscape Master Plan will be considered as part of Council's future annual budget process and that funding and grant opportunities will also be pursued;
4. Adopts the Monterey Reserve Landscape Master Plan 2023; and
5. Notes officers will notify submitters of its decision accordingly.

Carried Unanimously

Note: refer to page 5 of these Minutes where this item was Block Resolved

12.10E-bike trial evaluation report

(PD Customer Innovation and Arts)

Council Decision**Moved: Councillor Harvey****Seconded: Councillor Baker**

That Council:

1. Notes the e-bikes report (January 2022-January 2023), as resolved at its Meeting on 30 January 2023;
2. Endorses the continuation of the e-bike service with the current supplier Neuron Mobility (Australia) Pty Ltd until end of April 2024 subject to adherence to Council's licensing requirements for operations;
3. Authorises Chief Executive Officer to approve the operating amendments to agreement Neuron Mobility (Australia) Pty Ltd;
4. Notes that an open Expression of Interest (EOI) will be conducted to ensure continued service provision of micro mobility to be in place by May 2024; and
5. Notes that the Minister for Roads and Road Safety Melissa Horne on the 30 March 2023 announced the e-scooter trial will be extended for six months from the 5 April 2023. The trial will be extended across Victoria and include the use of private e-scooters.

Carried Unanimously

Note: refer to page 5 of these Minutes where this item was Block Resolved

Chairperson's initials

12.11 CCTV Review Update*(JS Communities)***Recommendation (Director Communities)**

That Council:

1. Continues to deliver the projects set out in points 3, 4 and 5 of the resolution passed by Council on 11 October 2021, which are to be completed by 30 June 2023;
2. Notes that \$100,000 (capital works) has been committed in Council's draft 2023/24 Long Term Infrastructure Plan to commence delivering outcomes of the priority list cameras (as per point 5 of Council's resolution of 11 October 2021) with a priority given to those cameras already identified;
3. Notes that \$150,000 (capital works) has been committed in Council's draft 2024/25 Long Term Infrastructure Plan to continue works on the remaining cameras on the priority list;
4. Notes that \$50,000 (operating budget) has been committed in the draft 2023/2024 budget to commence investigations on how to improve the CCTV network in to the future;
5. Notes that a priority for officers will be to apply for grant funding to supplement or deliver the recommendations outlined in this report, where available;
6. Notes CCTV locations that are to be installed as part of this resolution for 2023/2024 and 2024/2025 are currently being designed and quoted;
7. Notes an update will be provided to Councillors via memorandum in August 2023 detailing what camera locations can be accommodated within the approved budget in year one (2023/2024) and year 2 (2024/2025). Feedback from Councillors will be requested in response to the memorandum.

Council Decision**Moved: Councillor Bolam****Seconded: Councillor Harvey**

That Council:

1. Continues to deliver the projects set out in points 3, 4 and 5 of the resolution passed by Council on 11 October 2021, which are to be completed by 30 June 2023;
2. Notes that \$100,000 (capital works) has been committed in Council's draft 2023/24 Long Term Infrastructure Plan to commence delivering outcomes of the priority list cameras (as per point 5 of Council's resolution of 11 October 2021) with a priority given to those cameras already identified;
3. Receive a further Council report by no later than November 2023 comprising the outcome of the further investigations into the wider camera priorities list, their anticipated costs and delivery timeframes and overall budget requirements in future years;
4. Notes that \$150,000 (capital works) has been committed in Council's draft 2024/25 Long Term Infrastructure Plan to continue works on the remaining cameras on the priority list;
5. Notes that \$50,000 (operating budget) has been committed in the draft 2023/2024 budget to commence investigations on how to improve the CCTV network in to the future;

Chairperson's initials

- 6. Notes that a priority for officers will be to apply for grant funding to supplement or deliver the recommendations outlined in this report, where available.
- 7. Notes CCTV locations that are to be installed as part of this resolution for 2023/2024 and 2024/2025 are currently being designed and quoted.

*Councillor Liam Hughes left the chamber at 9:59 pm
and was not present at the time of voting.*

Carried Unanimously

12.8 Adoption of Destination Event Strategy 2023-2028*(TR Customer Innovation and Arts)***Council Decision****Moved: Councillor Tayler****Seconded: Councillor Asker**

That Council:

1. Notes the Destination Events Strategy 2023 – 2028 was developed via extensive engagement with Council’s Destination Working Group, Frankston Arts Advisory Committee, community, industry experts, relevant industry bodies and internal/external key stakeholders via focus groups, one on one meetings and surveys conducted from July to October 2022, in addition to benchmarking with other LGA’s;
2. Notes that the Destination Events Strategy 2023 – 2028 is a key driver in positioning Frankston City as a creative destination, creating a long-term competitive advantage to deliver social, cultural and economic benefits for its residents, businesses and investors in the future;
3. Notes that the Destination Events Strategy 2023 – 2028 will be delivered over five years and will contribute to achieving the vision of the Frankston Metropolitan Activity Centre (FMAC), in particular to strengthening retail, arts, entertainment and culture;
4. Notes funding of \$100,000 for the delivery of the Destination Events Strategy 2023 – 2028 has been incorporated in the 23/24 draft Annual Budget and in the draft Annual Budget process over subsequent years; and
5. Adopts the Destination Event Strategy 2023 – 2028.

Councillor Liam Hughes returned to the chamber at 10:04 pm.

Carried Unanimously

13. RESPONSE TO NOTICES OF MOTION

Nil

14. NOTICES OF MOTION

Nil

15. LATE REPORTS

Nil

16. URGENT BUSINESS

Nil

17. CONFIDENTIAL ITEMS

Nil Reports

.....
Signed by the CEO

Chairperson's initials

QUESTION TIME

The following questions with notice were presented at the Council Meeting 2023/CM03 – 15 March 2023. The questions and answers were read out publicly. In accordance with the Public Submissions and Question Time Policy, the questions and response(s) are published at the next Council Meeting Minutes.

Narelle Woods**Question 1**

If the Hikvision Cameras are not connected to the Internet or Local Wifi, why bother having them in the first place!?

Response

Question regarding CCTV Cameras relates to an operational matter and a report on this is coming to council at a future meeting. Officers will try to address and answer the questions through the report.

Question 2

Since you have stated that you have them, what are these camera's connected to? In detail.. Because we know for a fact that these cameras will not be connected to an "Air Gap Computer"

Response

Question regarding CCTV Cameras relates to an operational matter and a report on this is coming to council at a future meeting. Officers will try to address and answer the questions through the report.

Question 3

So again, how are you protecting the Privacy and Security of the People of Frankston City Council? (when in answering the above they clearly are connected to something)

Response

Question regarding CCTV Cameras relates to an operational matter and a report on this is coming to council at a future meeting. Officers will try to address and answer the questions through the report..

Sarah Carmichael**Question 1**

"In 2019, Councillor Kris Bolam put forward a Notice of Motion to enhance the experience of Seaford Foreshore. A proposal to improve walkway access at Armstrongs Rd was released in 2020, seeking consultation on the design.

This beach entrance has virtually no parking, and is used predominantly by locals who are keen to walk/ride to the beach (and not take up limited parking spots at nearby entries) and for beachgoers to access the toilets. However the path is very challenging to use with equipment - prams won't get down there, and get stored up at the entrance, and with the tree roots and tight path, carts and boards etc., are difficult.

Apparently some people (not necessarily locals) objected to the change in amenity, and as a result, no improvements at all have been made. Can you please advise what the plan to

Chairperson's initials.....

make this entrance user friendly is, especially with the developments happening close by on Nepean Highway?"

Response

Following Community Consultation the new pathway didn't proceed as the majority of the community did not favour it. The Coastal Marine Management Plan (CMMP) is under development and has recognised that this access point is low level. Access to the foreshore at this location is predominantly for less informal activities such as swimming and walking. Improvement works are recognised as necessary at this site in terms of track improvements, sand renourishment and fence repairs. The CMMP will provide the context for identifying high priority areas for improvements across the foreshore reserve with approval for works required from Department of Energy, Environment and Climate Action (DEECA).

Denton Bowles

Question 1

"I was at the Public Advocate Awards for Disability 4/3/2023 and Frankston Police received an award for the ITP program. Paul Cripps was part of the delegation. Strategic Transformation Design STDC also won an award under Tim Hansen by way of providing me with a Monash Internship in Criminology as a person working with Disability from the Frankston Community. May I pose a question if Council was aware of such programs and recognition by the OPA in our local disability community or is it more appropriate in another forum? Either way to would be nice to recognise this work in our community for people with Disability with Police. I note the 15/3/23 meeting.

The following website mentions this OPA award but does not yet reflect the awards for 2022: <https://www.publicadvocate.vic.gov.au/the-public-advocate/public-advocate-s-police-awards#:~:text=The%20Public%20Advocate's%20Police%20Awards,and%20members%20of%20the%20public.>

I am a person living with Autism. The internship, support and opportunity in turn led me to securing a volunteer role on the NDIS IGAP committee reforming the NDIS which may be of additional interest to council."

Response

we received one question relating to the Public Advocate Awards for Disability. This information has been referred to Council's Access and Inclusion Officer and our Disability Access and Council's Inclusion Committee to follow up further and to consider any additional opportunities to profile this award-winning work.

The following questions were received without notice for the Council Meeting 2023/CM03 – 15 March 2023. The questions and answers were provided directly to the submitters. In accordance with the Public Submissions and Question Time Policy, the questions and response(s) are published at the next Council Meeting Minutes.

Petra Sleglova

Question 1

Regarding Councils proposal to build a new Kindergarten and Maternal & Child Health Center on Long St Reserve, Langwarrin, what is the total number of objections Council has received to date?

Response

There is no specific number to reach for a decision to be made. The consultation period will close on 26 March, consultation findings and all feedback will be presented to Council for consideration, along with the response to the petition. The total number of objections will be confirmed after the engagement concludes on 26 March 2023.

Question 2

Regarding Councils proposal to build a new Kindergarten and Maternal & Child Health Center center on Long St Reserve, Langwarrin, how many objections would need to be received to convince Council that this reserve is not suitable place for this facility?

Response

There is no specific number to reach for a decision to be made. The consultation period will close on 26 March, consultation findings and all feedback will be presented to Council for consideration, along with the response to the petition. The total number of objections will be confirmed after the engagement concludes on 26 March 2023.

Kerry Gardeniers

Question 1

Regarding Council's proposal to build a new kindergarten on Long Reserve Langwarrin, over the last month since Councillor Baker's motion was passed at the Council meeting on 20th Feb, for Council to receive feedback regarding the proposal, not related to the design, what portals has Council created to provide such feedback, both digitally and non-digitally, and how has council advertised to the community the availability of those portals.

Thank you for your answer to my question.

Response

Council resolved to receive a report no later than June on the outcome of the community engagement including comments on the design options, the range of other feedback generated not related to the design and future amenity improvements. The Children's Services inbox has been provided to capture all feedback and objections. Similarly, Council's central email and contact numbers have been provided on the Engage Frankston Page and all hard copy mail outs to residents in the surrounding area of the reserve.

Bill Gardeniers**Question 1**

Considering Council has not changed the engage website regarding A New Kindergarten For Langwarrin, to encourage feedback “unrelated to the design options” as per Cr Sue Baker’s motion a month ago, would Council consider extending the feedback period beyond 26th March, and improving community communication and consultation to inform them of the mechanisms they have available to them, to provide such feedback, both online and in ways other than online.”

Response

The Council resolution was for all feedback to be included in the next Council report (June Council meeting), not just feedback relating to selection of a concept design. As consultation began on 12 December 2022 and will finish on 26 March 2023, this is considered to be a sufficient amount of time to receive all views.

The meeting was closed to the public at 10.05 pm

CONFIRMED THIS

1st

DAY OF

May

2023

.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Nathan Conroy, Chairperson – Council Meeting hereby authorise the use of an electronic stamp of my initials to initial each page of these Minutes of the Council Meeting held on Monday, 3 April 2023, confirmed on Monday, 1 May 2023.

.....
(Cr. Nathan Conroy, Chairperson – Council Meeting)

Dated this

day of

2023

Chairperson's initials