



**MINUTES OF COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 18 MARCH 2024 at 7:00 PM**

PRESENT	Cr. Nathan Conroy (Mayor) Cr. Liam Hughes (Deputy Mayor) Cr. Glenn Aitken Cr. David Asker Cr. Sue Baker Cr. Kris Bolam Cr. Claire Harvey Cr. Brad Hill Cr. Suzette Tayler (Via Zoom)
APOLOGIES:	Nil.
ABSENT:	Nil.
OFFICERS:	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 Mr. Sam Clements, Manager Development Services (via Zoom) Mr. Stuart Caldwell, Coordinator Statutory Planning (via Zoom) Mr. Robert Lean, Principal Strategic Planner (via Zoom) Ms. Brooke Whatmough, Manager City Futures (via Zoom) Ms. Jamey Barbakos, Coordinator Major Development (via Zoom) Ms. Tenille Craig, Acting Coordinator Governance Ms. Poonam Kothari, Governance Officer Mr. Connor Rose, Systems Support Officer Mr. Jeremy O'Rourke, Supervising Technician Mr. Josh Lacey, Supervising Technician
EXTERNAL REPRESENTATIVES:	Nil

COUNCILLOR STATEMENT

Deputy Mayor Councillor Liam 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

At the request of the Mayor, the Deputy Mayor Councillor Liam Hughes read the Opening Prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Deputy Mayor Councillor Liam 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.

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27/2024/PIR1 - 9-17 Cranbourne Road and 69 Playne Street
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1. APOLOGIES

Nil

3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Council Meeting No. CM2 held on 19 February 2024.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Harvey

That the minutes of the Council Meeting No. CM2 held on 19 February 2024 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Nil

5. PUBLIC QUESTION TIME

One (1) person submitted questions to Council with notice and two (2) people submitted questions without notice. At the request of the Mayor, the Chief Executive Officer read the questions with notice and provided the response to the gallery.

The Chief Executive Officer informed that responses to the questions received without notice will be provided in writing within seven business days following the Council Meeting.

The questions received with and without notice with responses will be provided in the Minutes of the next Council Meeting.

2. COUNCILLOR APPRECIATION AWARDS**2.1 Presentation to Jeff Svigos, President Pines Football Netball Club**

Councillor Bolam presented a Councillor Appreciation Award to Jeff Svigos, former President Pines Football Netball Club for unwavering and passionate advocacy to make the Eric Bell Pavilion redevelopment a reality.

Council applauds his drive, energy and commitment to deliver an outstanding outcome for the Frankston North community. Used by Pines Football Netball club and the Pines Cricket Club, the new pavilion is a base and home for a proud community – creating lifelong friendships, enhancing health and fitness, and boosting community spirit and wellbeing. Congratulations and keep up the inspirational work!

6. HEARING OF PUBLIC SUBMISSIONS

Peter Anscombe made a submission to Council regarding Item 11.3 Frankston Metropolitan Activity Centre Structure Plan - Planning Scheme Amendment C160fran and 11.4 Adoption of the Frankston City Industrial Strategy (March 2024) and the Frankston City Industrial Design Guidelines (March 2024) and request authorisation for Planning Scheme Amendment C148fran.

Christopher Marulli made a submission to Council regarding Item 11.1 Planning Application - 380/2022/P - 59-61 Playne Street, Frankston – Use and development of an eight (8) storey building (comprising shop and dwellings) in a Commercial 1 Zone and reduction to the car parking requirements under the Parking Overlay, Schedule 1 of the Frankston Planning Scheme.

Deputy Mayor Councillor Liam Hughes left the chamber at 7:42 pm.

Trudy Poole made a submission to Council regarding Item 11.3 Frankston Metropolitan Activity Centre Structure Plan - Planning Scheme Amendment C160fran.

Deputy Mayor Councillor Liam Hughes returned to the chamber at 7:44 pm.

Darryl Moliere and Angela D'Alfonso made submissions to Council regarding Item 11.3 Frankston Metropolitan Activity Centre Structure Plan - Planning Scheme Amendment C160fran.

7. ITEMS BROUGHT FORWARD

Items Brought Forward

Council Decision

Moved: Councillor Hill

Seconded: Councillor Baker

That the items listed below be brought forward:

- Item 11.1: Planning Application - 380/2022/P - 59-61 Playne Street, Frankston - Use and development of an eight (8) storey building (comprising shop and dwellings) in a Commercial 1 Zone and reduction to the car parking requirements under the Parking Overlay, Schedule 1 of the Frankston Planning Scheme;
- Item 11.3: Frankston Metropolitan Activity Centre Structure Plan - Planning Scheme Amendment C160fran; and
- Item 11.4: Adoption of the Frankston City Industrial Strategy (March 2024) and the Frankston City Industrial Design Guidelines (March 2024) and request authorisation for Planning Scheme Amendment C148fran.

Carried Unanimously

BLOCK MOTION

Council Decision

Moved: Councillor Hill

Seconded: Councillor Harvey

That the items listed below be block resolved:

- Item 11.2: Statutory Planning Progress Report for January 2024
- Item 12.2: Frankston Arts Advisory Committee - Minutes 20 February 2024
- Item 12.3: Community Service Partnership Grant FP 2023-2025 - Year 1 Summary Outcomes
- Item 12.4: Microsoft Enterprise Agreement Renewal

Carried Unanimously

8. PRESENTATIONS / AWARDS

Shweta Babbar, Director Customer Innovation and Arts, proudly announced that Frankston Street Art Tours was awarded Gold at the Australian Street Art Awards for the third consecutive year, securing its spot in the esteemed Hall of Fame. Frankston City Council stands as the sole destination in Australia to be honoured in the Hall of Fame of Street Art Festivals. Additionally, The Big Picture Fest received the Silver award for Best Street Art Festival or Event.

Ms Babbar commended the team for their diligent efforts behind the scenes, transforming Frankston into a sprawling canvas for Australia's finest street artists.

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil

10. DELEGATES' REPORTS

Cr Suzette Tayler provided a verbal report on the Motions submitted to the Municipal Association of Victoria (MAV) for the State Council Meeting, being held on 17 May 2024. The two Motions, titled "Presentation of State Government owned infrastructure assets" and "Commission or Inquiry into the Victorian Response to the Coronavirus", were endorsed by Council at its 19 February 2024 Meeting.

General Motion – Delegates Report from Cr Suzette Tayler**Council Decision****Moved: Councillor Asker****Seconded: Councillor Bolam**

That the verbal report from Cr Suzette Tayler on Motions submitted for the Municipal Association of Victoria State Council Meeting be received.

Carried Unanimously

ITEMS BROUGHT FORWARD**11.1 Planning Application - 380/2022/P - 59-61 Playne Street, Frankston - Use and development of an eight (8) storey building (comprising shop and dwellings) in a Commercial 1 Zone and reduction to the car parking requirements under the Parking Overlay, Schedule 1 of the Frankston Planning Scheme**

(SC Communities)

Council Decision**Moved: Councillor Tayler****Seconded: Councillor Hill**

That Council resolves to issue a Planning Permit in respect to Planning Permit Application 380/2022/P for the use and development of an eight (8) storey building (comprising shop and dwellings) in a Commercial 1 Zone and reduction to the car parking requirements under the Parking Overlay, Schedule 1 of the Frankston Planning Scheme at 59-61 Playne Street, Frankston, subject to the following conditions:

Plans

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with Drawing Nos. TP-100 - TP-0108, TP-151 - TP-152, TP-400 – TP-403 and TP-420 – TP-422 (Rev C) prepared by Ewert Leaf dated March 2022, but modified to show:
 - a. A minimum setback from the western boundary of 4.5m to Levels 3-7 and the roof terrace in accordance with the requirements of the FMAC Structure Plan (2023).
 - b. Variation of material CON 01 (Natural light grey precast concrete) at upper levels to integrate colour/materials used within the podium. The colour/materials within the podium can be applied to the balcony soffits or planter boxes or alternative to the satisfaction of the Responsible Authority.
 - c. Application of curvature detail and expressed awnings provided along the north/south elevations to the east and west elevations.
 - d. Amendments to the building to ensure that no overshadowing occurs to the entire southern footpath Playne Street between 10am and 2pm at the spring equinox (September 23).
 - e. Provision of east facing windows (highlight or other) to the Master Bedrooms and east facing bathrooms of Apartments 1.03, 2.03, 3.03, 4.03, 5.03, 6.03 and 7.03.
 - f. Provision of east facing windows (highlight or other) to Bedroom 01 of Apartments 3.05, 4.05, 5.05, 6.05 and 7.05.
 - g. Application of surface treatment (e.g. public art or other to the satisfaction of the Responsible Authority) to the CON-01 surfaces at Basement Level 1 and Ground Level along north, east and west elevations to minimise opportunities for graffiti.
 - h. 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.
 - i. The overhead street canopy must not interfere with any street tree and must consider its future growth.
 - j. Landscape Plan for the development site and public realm in accordance

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with Condition 11.

- k. Landscape Maintenance Plan in accordance with Condition 12.
- l. Tree Protection Management Plan in accordance with Condition 16.
- m. All trees growing on the site and on the adjoining properties within 3m of the boundaries clearly illustrated on all relevant plans to demonstrate canopy width, trunk location and clearly labelled in accordance with the Tree Protection Management Plan endorsed under Condition 16.
- n. Tree protection conditions noted on all relevant plans in accordance with Conditions 17 to 19.
- o. A Car Park and Loading Management Plan in accordance with Condition 25.
- p. A Sustainability Management Plan (SMP) in accordance with Condition 50.
- q. The recommendations in the endorsed SMP to be annotated on the architectural plans required by Condition 1.
- r. A Green Travel Plan in accordance with Condition 52.
- s. A Wind Impact Assessment in accordance with Condition 53.
- t. A Waste Management Plan in accordance with Condition 55.
- u. An Acoustic Report in accordance with Condition 56.
- v. The recommendations in the endorsed Acoustic Report to be annotated on the architectural plans required by Condition 1.

No Alteration or Changes

- 2. The use and development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. The roof garden area to be operated ancillary to the primary use of the apartments and not for general public use.

Materials, Finishes and Colour Schedule

- 4. Prior to the commencement of building and works, a colour schedule and sample panel of all external materials and finishes showing materials, colours and finishes, roof and glazing treatments including colour copies suitable for endorsing, must be submitted to the satisfaction and approval by the Responsible Authority. When approved, the schedule will form part of the permit.
- 5. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

Completion of Works

- 6. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 7. Unless with the further written consent of the Responsible Authority, the building must not be occupied until all buildings and works as shown on the endorsed plans have been completed to the satisfaction of the Responsible Authority.

Environmental Audit

- 8. Prior to the commencement of buildings and works, the permit holder must provide:
 - a. An amended Preliminary Site Investigation (prepared by Greencap, dated

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- November 2022) to identify any potential contamination and gas risks associated with the former landfill located at 1 Yuille Street, Frankston; and
- b. An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act which states that the site is suitable for the use and development allowed by this permit; or
 - c. An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act which states that the site is suitable for the use and development allowed by this permit if the recommendations made in the statement are complied with.
9. All the recommendations of the environmental audit statement must be complied with to the satisfaction of the Responsible Authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental consultant or other suitable person acceptable to the Responsible Authority prior to commencement of use of the site.

Compliance sign off must be in accordance with any requirements in the environmental audit statement recommendations regarding verification of works.

10. Where there are recommendations in an environmental audit statement that require significant ongoing maintenance and/or monitoring, the permit holder must enter into a Section 173 Agreement under the Planning and Environment Act 1987 providing for this to occur at the expense of the owner/s of the land. The Agreement must be executed on title prior to the occupation of any dwelling or use. The owner must meet all costs associated with drafting and execution of the Agreement, including those incurred by the Responsible Authority.

Should the land be unable to be remediated or the environmental audit statement conditions seek change to the form of development approved under this permit or extensive statement conditions for the future management of the site, the Responsible Authority may seek cancellation or amendment to the permit pursuant to Section 87 of the Planning and Environment Act 1987.

Landscaping

11. Before the development starts, a detailed Landscape Plan consistent with Frankston City Council's Landscape Plan Guidelines (2020) 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 to the satisfaction of the Responsible Authority and prepared by a suitably qualified landscape designer, drawn to scale with dimensions. The plan must be generally in accordance with the landscape plan, prepared by John Patrick Landscape Architects Pty Ltd, dated Feb 2022, but modified to show:
- a. Address the plans to be endorsed under Condition 1.
 - b. A survey (including botanical names) of all existing vegetation on the site and those located within 3m of the site boundary on adjoining properties, accurately illustrated to represent canopy width and labelled with botanical name, height and whether the tree is proposed to be retained and/or removed;
 - c. The Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) of retained trees illustrated with notations regarding protection methods during construction;
 - d. The delineation and details of surface finishes of all garden beds, grassed areas, pathways, driveways, retaining walls and other landscape works including areas of cut and fill throughout the development site;
 - e. An increase in the width and area of the Balcony Planter box areas onto the

- Balustrate Roof area to the satisfaction of the Responsible Authority and unless otherwise agreed to in writing by the Responsible Authority;
- f. Notation that there is to be a Plant establishment period of 13 weeks followed by a maintenance period of 24 months after Practical completion of the landscape works;
 - g. Adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - h. Nominate soil volume provided for trees located within garden bed areas;
 - i. A planting theme of a minimum 40% indigenous and 40% native within each plant group; select alternative species to Euphorbia species;
 - j. All existing environmental weed species must be removed from the site and environmental and noxious weeds found in the 'Frankston City Council Invasive Species Guide (2019)' must not be planted;
 - k. The Public Realm Plan to include:
 - i. Proposed retaining wall and security screen to be designed in consultation with and to the satisfaction of Council achieving all safety requirements;
 - ii. Alternative canopy tree selected to *Eucalyptus pauciflora*. Tree selection to consider tolerance to the exposed site conditions and any overhead power lines;
 - iii. Low maintenance landscaping to Council's satisfaction; and
 - iv. Planting area to be setback from the building.
 - l. The provision of notes on the landscape plan regarding site preparation, including in-ground recycled water irrigation system to be provided to all landscaped areas, removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
 - m. All tree stock used must be in accordance with *AS2303-2015 Tree stock for Landscape Use*.

The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development or at a later date for the landscaping of the Public Realm Plan as approved and agreed with the payment of a 'Incomplete Landscape Works' bond by the Responsible Authority in writing.

Landscape Maintenance Plan

12. Before the development starts, a Landscape Maintenance Plan (excluding the public realm) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must include:
 - a. Address the plans to be endorsed under Condition 1.
 - b. Plant establishment schedule and period.
 - c. Ongoing annual planting maintenance schedule (monitoring of plants, weeding, watering, pruning, re-mulching, pest and disease management, fertilising, re-planting).
 - d. Ongoing maintenance schedule for structures and surfaces (cyclic, routine, reactive, emergency and renovation).
 - e. Replacement time frames for poorly performing plant stock.

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- f. Irrigation specification and irrigation maintenance schedule.
 - g. Maintenance responsibilities for landscaping establishment and ongoing maintenance.
13. The landscaping shown on the endorsed plans must be maintained on the site in accordance with the Landscape Maintenance Plan to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged trees are to be replaced.
 14. All landscaping in the Public Realm Plan shown on the endorsed Landscape Plans, must be maintained by the developer to the satisfaction of the Responsible Authority for a minimum period of 24 months (to be concluded outside the summer period from the date of issue of a Certificate of Practical Completion of landscaping). During this period the landscape contractor shall make good all defects within the scope of works. Maintenance means the care and maintenance of the contract area by accepted horticultural practices, as well as rectifying any defects that become apparent in the work. This shall include, but shall not be limited to watering, fertilising, weeding, pruning, pest and disease control, cultivation, re-staking and replacement of any plants that fail with plants of the same species and size, including that any dead, diseased or damaged plants are to be replaced, mulched surfaces reinstated, trees inspected by an arborist and any remedial works undertaken, damaged or faulty infrastructure repaired or replaced etc. Rectification works must not be deferred until the completion of the maintenance period.
 15. Prior to the occupation/use of the development a quote, which is prepared by a suitably qualified person or firm, must be submitted to and approved by the Responsible Authority. The quote must provide details of the costs to maintain the approved landscaping within the public realm for a 24-month period, in accordance with the approved landscape plans. Once approved, 150% of the of the agreed estimated cost quoted (including 5% infrastructure costs) must be paid to Frankston City Council as a maintenance bond prior to the occupation/use of the development.
 16. Before works start (including any demolition, levelling of the site, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), a Tree Protection Management Plan (TPMP) prepared in accordance with Frankston City Council's 'Arboricultural Report Writing Guide' 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 plan must be generally in accordance with the Tree Protection Management plan prepared by Landscape by Design dated 20 July 2023, but modified to show:
 - a. Address the plans to be endorsed under Condition 1.
 - b. Consideration of access during works, any scaffolding required within Tree Protection Zone (TPZ) areas, relocation of TPZ fencing and ground protection in its management recommendations.
 - c. Fenced Protection recommendations for Tree 3 which is currently not fully considered.
 - d. Consideration of the works required for the basement excavation.
 - e. 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.
 - f. Methods for installation of services e.g.; sewerage, storm water, telecommunications, electricity etc.

The provisions, recommendations and requirements of the endorsed Tree Protection Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

17. Prior to 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.
18. Tree protection must be carried out in accordance with AS 4970-2009 Protection of *trees on development sites* and the endorsed Tree Protection Management Plan to the satisfaction of the Responsible Authority.

Council Tree Pruning

19. Before the commencement of works as required in the endorsed Tree Protection Management Plan, trees are to be pruned to avoid damage from construction. Payment for the pruning of Council Trees must be provided to Frankston City Council in accordance with the fees outlined in Council's Guidelines for Council Tree Removal/Pruning/Replanting for Private Development. Upon receipt of the form and payment the street pruning will be actioned.

S173 Agreement

20. Prior to the commencement of the any building and works, the owner of the land must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987* in respect to canopy encroachments and to provide for:
 - a. Public Liability Insurance;
 - b. Indemnity for Frankston City Council and Crown;
 - c. Continuity of appropriate maintenance to ensure the continued safety of the structure and to ensure any risk to public safety is minimised.

The Owner must pay all reasonable costs for the preparation, execution and registration of the Section 173 Agreement.

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

Construction Environmental Management Plan

21. Prior to the commencement of the development, a Construction Environmental Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed to form part of the permit. Any plans submitted must be consistent with all other documents approved as part of this permit. The plan must be drawn to scale with dimensions and include the following information:
 - 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 creek protection, vegetation protection, runoff, erosion, dust, litter, noise and light.
 - d. Location and specifications of sediment control devices on/off site.
 - e. Location and specification of surface water drainage controls.

- f. Proposed drainage lines and flow control measures.
- g. Location and specifications of fencing for the protection of trees and/or vegetation as required by the permit.
- h. Location of all stockpiles and storage of building materials.
- i. Location of car parking for site workers and any temporary buildings or facilities.
- j. Traffic management plans that show proposed traffic control measures during construction, the heavy vehicle route to and from the site, loading bay/works zone and access and egress from the site.
- k. Details to demonstrate compliance with relevant EPA guidelines.
- l. Target of recycling and re-using a minimum of 80% of construction and demolition waste by weight.
- m. Hours during which construction activity will take place.

The provisions, recommendations and requirements of the endorsed Construction Environmental Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

22. 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 for works within the existing road reserves, in addition to the planning permit.

Prior to Occupation

23. The landscaping as shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or commencement of the use or at such later date as is approved by the Responsible Authority in writing.
24. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged trees are to be replaced.

Car Parking

25. Before the development starts, a Car Park and Loading Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved to the Responsible Authority. When approved, the Car Park and Loading Management Plan will be endorsed and will form part of this permit. The Car Park and Loading Management Plan must include the following information:
- a. The number and location of car parking spaces allocated to each tenancy;
 - b. The number and allocation of storage spaces;
 - c. Details regarding the management of waste collection and loading and unloading of goods and materials to minimise vehicular and pedestrian conflicts.

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The provisions, recommendations and requirements of the endorsed Car Park and Loading Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

26. Prior to the occupation of the building, areas set aside for parking vehicles, loading bays, bicycles, access lanes and paths as shown on the endorsed plans 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;
 - 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.

to the satisfaction of the Responsible Authority.

Car spaces, bicycle spaces, access lanes and driveways must be kept available for these purposes at all times.

27. No fewer than the proposed 64 car space/s must be provided on the land for the use and development, including the proposed 2 spaces clearly marked for use by disabled persons.
28. A direction sign/s to the satisfaction of the Responsible Authority must be provided directing drivers to the area/s set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The area of each sign must not exceed 0.3 square metres.
29. Low intensity lighting must be provided to ensure that car park areas and pedestrian accessways are adequately illuminated without any loss of amenity to the surrounding area, to the satisfaction of the Responsible Authority.
30. The minimum available clearance for vehicles within the building must be signposted at all entrances to the satisfaction of the Responsible Authority.

Carpark Control

31. Before the commencement of the use or occupation of the development, details of any car park control equipment (controlling access to and egress from the internal/basement car park/s) must be submitted to and approved in writing by the Responsible Authority. These details must include a car park control device which can be accessed by visitors to the development including clear instructions on how to operate any security system, to the satisfaction of the Responsible Authority.

Security Gate

32. Any security boom, barrier or similar device controlling vehicular access to the premises must be located a minimum of six metres inside the property to allow vehicles to prop clear of Playne Street.

Vehicle Crossings and Kerbs

33. Before the occupation of the development, new or altered vehicle crossing(s) servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.

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34. Concrete kerbs and barriers shall be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access to an adjoining road other than by a vehicle crossing.

Drainage

35. Stormwater Drainage Outfall may need to be constructed to the satisfaction of the Responsible Authority.
36. Provision of a Stormwater Detention System with a volume capable of retarding the 10 year ARI flow from the development site back to a 5 year ARI pre-development value to the satisfaction of the Responsible Authority.
37. Prior to commencement of the development, construction detailed design plans and drainage computations of the internal stormwater drainage system including the method of connection to the existing Council drainage infrastructure are to be submitted and approved to the satisfaction of the Responsible Authority.
38. 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.
39. The stormwater management system be designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) in compliance with Standard B9-Permeability and stormwater management objectives.

Urban Design

40. 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.
41. Mailboxes shall be provided within the development to the satisfaction of the Responsible Authority and Australia Post.
42. All plumbing work, sewer pipes etc. associated with the building shall be concealed from general view.
43. All roof plant and equipment must be screened so as not to be visible from public areas.
44. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

Amenity

45. The amenity of the area must not be detrimentally affected by the use or development through the:
- Transport of materials, goods or commodities to or from the land.
 - Appearance of any building, works or materials.
 - Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour,

Chairperson's initials.....

steam, soot, ash, dust, waste water, waste products, grit or oil.

- d. Presence of vermin.
- e. In any other way.

to the satisfaction of the Responsible Authority.

- 46. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.
- 47. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.
- 48. The loading and unloading of goods from vehicles must only be carried out within the designated loading bay area on site.
- 49. Air-conditioning and other plant and equipment installed on or within the buildings must be so positioned and baffled that any noise emitted complies with the appropriate Australian Standards and EPA requirements.

Sustainable Management Plan

- 50. Before the development starts, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Sustainable Management Plan will be endorsed and will then form part of the permit. The Sustainable Management Plan must be generally in accordance with the Sustainability Management Plan (SMP) prepared by GIW Environmental Solutions and dated Oct 2023, but modified to:

- a. Reflect and address the plans to be endorsed under Condition 1 with no reduction in the commitments and rating nominated under the BESS assessment in the Sustainable Management Plan.

The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

No alterations to the Sustainable Management Plan may occur without the written consent of the Responsible Authority.

- 51. Before the occupation of any building approved under this permit, a report from the author of the Sustainable Management Plan, 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 Sustainable Management Plan have been implemented in accordance with the approved Plan.

Green Travel Plan

- 52. Before the development starts, a Green Travel Plan must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this permit. The Green Travel Plan must be to the satisfaction of the Responsible Authority and must show:
 - a. Identification of employees living near work that may be interested in walking to work.
 - b. Provision and maintenance lockers for keeping a change of clothes. Lockers must be located to provide convenient access to bicycle facilities including showers and change rooms.
 - c. Provision of sufficient bicycle parking to meet peak needs and have good,

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secure bicycle parking in an easily accessible location.

The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Impact Assessment

53. Prior to the commencement of works, a Wind Impact Assessment must be submitted to and approved by the Responsible Authority. When approved, the Wind Impact Assessment must be endorsed and will then form part of this permit. The Wind Impact Assessment must be in accordance with the Wind Impact Assessment prepared by Vipac Engineers and Scientists dated 25 July 2023, but amended to include:

- a. Address the plans to be endorsed under Condition 1.
- b. A Wind Tunnel Test to quantify the wind conditions and determine the proper wind control measures in accordance with Clause 58.04-4 of the Frankston Planning Scheme

The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and thereafter complied with to the satisfaction of the Responsible Authority.

Public Art Management Plan

54. Prior to the issue of the occupancy permit and if required under Condition 1g of the planning permit, a Public Art Management Plan must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:

- a. Details of the commissioned artist(s)
- b. Location of the art on the development
- c. Description of art work, including:
- d. Materials and colours;
- e. Dimensions;
- f. Content;
- g. Special features;
- h. Lighting to illuminate the artwork;
- i. Details of the installation process; and
- j. Details of art works maintenance schedule.

To the satisfaction of the Responsible Authority.

Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art must be carried out and completed. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the Responsible Authority.

Waste Management Plan

55. Before the development starts, an amended Waste Management Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the Waste Management Plan will be endorsed and will then form part of the permit. The Waste Management Plan

must be generally in accordance with the Waste Management Plan prepared by Ratio, dated 28 July 2023 but modified to:

- a. Address the plans to be endorsed under Condition 1.

The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

56. Before the development starts, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will then form part of the permit. The Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustic Logic, dated 27 January 2022 but modified to:

- a. Address the plans to be endorsed under Condition 1.

The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

57. Before the development starts, a report from the author of the Acoustic Report, endorsed 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 the extent of isolation of the building has been implemented as part of the structural design of the building with final isolation product selection and locations determined during the detailed design stage of the project in accordance with the endorsed Acoustic Report.

Completion of Buildings and Works

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

Completion Prior to Occupancy

59. Unless with the further written consent of the Responsible Authority, the building must not be occupied until all buildings and works as shown on the endorsed plans have been completed to the satisfaction of the Responsible Authority.

Department of Transport and Planning

60. Before the development starts, or such other time agreed to in writing by the Head, Transport for Victoria, amended plans to the satisfaction of the Head, Transport for Victoria must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application (dated 10/25/22, Revision B, prepared by EVERT LEAF architects but modified to show:

- a. Illegal trespass of people onto railway land is prevented.
- b. The designs prevent items from being thrown or falling onto railway land from any part of the building development.
- c. The development design does not require people to access onto railway land, or breach electrical safety requirements, for the purposes of routine cleaning, replacement, inspection, maintenance and repair of any part of the building or development.
- d. The development does not cause reflected sunlight to interfere with train

driver visibility or interpretation of rail signals.

- e. The development does not reflect or refract artificial light such that it interferes with train driver visibility or interpretation of rail signals.
 - f. The development exterior avoids use of red, green or yellow colour schemes that may interfere with driver operations.
 - g. The development's landscaping and planting will not interfere with train driver visibility or interpretation of rail signals upon completion or in the future.
 - h. The development's landscaping and planting will not facilitate illegal access to railway land over boundary fence or wall via tree climbing upon completion or in the future.
 - i. The development's landscaping and planting will not cause damage to any rail assets or infrastructure, via root or branch ingress, upon completion or in the future.
 - j. Unless otherwise agreed in writing with victrack, prior to construction commencing on site, the permit holder must demonstrate to the satisfaction of victrack that entry onto railway land or air space over railway land is not required for fire, light, ventilation and maintenance for all buildings and works on site.
61. Unless otherwise agreed in writing with Head, Transport for Victoria and VicTrack, windows, doors and balconies must not be placed on the title boundary with railway land. Such windows, doors and balconies if permitted, shall:
- a. Be designed to prevent illegal trespass of people onto railway land.
 - b. Be designed to prevent items from being thrown or falling onto railway land.
 - c. Not open beyond the railway land title boundary.
 - d. Not require people to access onto railway land for the purposes of cleaning, replacement, inspection and maintenance.
 - e. Not cause reflected sunlight to interfere with train driver visibility or interpretation of rail signals.
 - f. Not reflect or refract artificial light such that it interferes with train driver visibility or interpretation of rail signals.
- Any windows doors and balconies that are set back from, and generally facing the railway land title boundary shall:
- g. Be designed to prevent items from being thrown or falling onto railway land.
 - h. Not require people to access onto railway land for the purposes of cleaning, replacement, inspection and maintenance.
 - i. Not cause reflected sunlight to interfere with train driver visibility or interpretation of rail signals.
 - j. Not reflect or refract artificial light such that it interferes with train driver visibility or interpretation of rail signals.
62. Prior to the commencement of work on site detailed construction / engineering plans and structural computations for any construction abutting railway infrastructure or railway land must be submitted and approved by Vic Track, the Head, Transport for Victoria and the Rail Operator (RO). The plans must detail all basement excavation design, retention works and controls of the site adjacent to the railway corridor having any impact on railway land. The design plans must ensure compliance with:

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- a. the relevant Rail Transport Operator's engineering standard for minimum structural gauge clearances
 - b. minimum clearances to all electrical assets and procedures for works adjacent such assets, including:
 - i. Energy Safe Victoria (ESV) requirements for minimum clearances to electrical assets and works adjacent.
 - ii. Australian Standards AS2067, AS7000 and Electricity Safety (General Regulations 2019, Part 6) for clearances to electrical assets. Clearances required include for safe working, fire life safety design, electromagnetic interference and earthing, bonding, and electrolysis mitigation design.
 - iii. Any other reasonable safety requirements required by the Rail Operator.
 - c. the required rail collision loadings and collision protection measures for the building supports adjacent the rail tracks in accordance with AS5100 Part 1 – 'Bridge Design, Scope and General Principals'.
 - d. earthquake design loadings for structure designated as a minimum Importance Level 2, by AS1170.4 – 'Structural Design Actions, Earthquake Actions in Australia'.
 - e. demonstration that ground stabilisation devices, such as temporary or permanent ground anchors, soil nails, reinforced earth straps, do not penetrate onto railway land.
 - f. Compliance with VicTrack's Development Interface Guidelines obtainable from the VicTrack Internet site: Rail Development Interface Guidelines .
63. Before development starts (including demolition and bulk excavation), all necessary construction control agreements and indemnity agreements must be prepared and entered into with the Head, Transport for Victoria, VicTrack and Rail Operator to the satisfaction of, and at no cost to, the Head, Transport for Victoria, VicTrack and the Rail Operator.
64. Unless otherwise agreed in writing by the Head, Transport for Victoria, prior to the occupation of the development, as built drawing of the foundations, basement, ground floor levels and retention system must be submitted to the Head, Transport for Victoria and VicTrack.
65. Unless otherwise agreed in writing with Head, Transport for Victoria, prior to construction commencing on site, the permit holder must demonstrate to the satisfaction of Vic Track and the Head, Transport for Victoria that any land or air space over railway land is not required for fire, light, ventilation amenity or maintenance activities for all buildings and works on the site. The proponent shall confirm no reliance on railway land or airspace is required for building code compliance.
66. Prior to commencement of demolition or construction works, the Rail Operator must be contacted through the email address metrositeaccess@metrotrains.com.au to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to railway land.
67. Before development starts (including demolition and bulk excavation), a Traffic Management Plan must be submitted to, and approved by, the Head of Transport for Victoria. The Traffic Management Plan must provide for:
- a. How public transport operations, traffic, walking and cycling movements will be managed during the demolition and construction; and

- b. How any traffic impact to the railway land and associated infrastructure assets will be mitigated.

The traffic management plan must be implemented and complied with to the satisfaction of the head, transport for Victoria.

All costs associated with the preparation and implementation of the Traffic Management Plan will be at no cost to the Head, Transport for Victoria.

The endorsed Traffic Management Plan must not be modified without the prior written consent of the Head, Transport for Victoria.

68. Before development starts (including demolition and bulk excavation), separate Demolition and/or Construction Management Plan must be submitted to and approved by the Head, Transport for Victoria. When approved, the Demolition and Construction Management Plan will form a part of this permit. The Demolition and Construction Management Plan must include (but not be limited to) details of:
- a. The buildings, works and other measures necessary to:
 - i. Protect railway land, track, overhead power and associated infrastructure.
 - ii. Prevent or minimise disruption to the operation of the railway.
 - b. The remediation of any damage to railway land, track, overhead and underground power and communication assets, and associated infrastructure.
 - c. Details of required access to the railway land during demolition and construction of the development with appropriate durations and schedules.
 - d. Arrangements for:
 - i. Any hoarding associated with the construction of the development at the railway boundary or that encroaches onto or overhangs railway land.
 - ii. Piling, excavation, shoring, stabilising, anchoring, filling, earthworks or construction associated with the development occurring on or next to the boundary of the railway land.
 - iii. Crane location(s), slew radius and slew locking proposals
 - iv. The deposit or store of waste, fill or other materials associated with the development on the railway land.
 - v. Air and dust management.
 - vi. Operating hours.
 - vii. Noise and vibration controls.
 - viii. The management of site drainage, effluent and waste.
 - ix. The security of the railway land and associated infrastructure.

All demolition and construction works must be carried out in accordance with the approved Demolition and Construction Management Plan unless with the prior written consent of the Head, Transport for Victoria. The Demolition and Construction Management Plan must be prepared, implemented and monitored at no cost to the Head, Transport for Victoria.

The Demolition and Construction Plan must be consistent with any Construction Management Plan required by the Responsible Authority.

69. The permit holder must, at all times, ensure that the common boundary with

railway land is fenced to prohibit unauthorised access to the rail corridor. Any permanent walls or fences on the common boundary with railway land must be designed and constructed with the agreement of Head, Transport for Victoria, and be cleaned and finished using a graffiti proof finish or alternative measures used to prevent or reduce the potential of graffiti as approved by the Head, Transport for Victoria.

70. No drainage, effluent, waste soil or other materials must enter or be directed to railway land from the development site or be stored or deposited on railway land by the proponent.
71. The Planning Permit holder must make all reasonable steps to ensure that the disruption to train operation within the railway corridor are kept to a minimum during the construction of the development and in compliance with the Rail Operators Safety and Environmental requirements contained within the Rail Operators construction control and indemnity agreement.
72. Any damage to the Rail Operator's infrastructure as a consequence of the construction works must be rectified to the satisfaction of the Rail Operator at full cost of the Building Permit Applicant.
73. No lighting is to be erected that throws light onto the railway tracks or which interferes with the visibility of train signals and the rail lines by train drivers.
74. Any wall which may be permitted to be located on or in the vicinity of the rail land boundary shall not have any fitting, window or doorway when opened intrudes into the rail land boundary.
75. Any wall or screen which may be permitted to be located on or adjacent to the rail land boundary must be cleaned and finished using a graffiti resistant finish or alternative measures used to prevent or reduce the potential of graffiti.
76. Entry onto rail land is at the discretion of the Rail Operator and is subject to the Rail Operator's Site Access Procedures and conditions during and post construction and access can be applied for through the Internet web site: www.metrotrains.com.au/metrositeaccess
77. The developer shall pay any Rail Operator costs required for the development documentation review or construction works associated with the development as required by the Rail Operator.

VicTrack

78. Before the development starts (including demolition and bulk excavation), detailed construction/engineering plans and computations for the buildings and works abutting the railway land shown on the endorsed plans must be submitted to and approved by VicTrack. The plans must detail all buildings, works and excavation on the land that may impact the railway land or associated transport infrastructure.
79. The development must be constructed in accordance with the endorsed detailed construction/engineering plans and computations to the satisfaction of and at no cost to VicTrack.
80. Before development starts (including demolition and bulk excavation), a Construction Control and Indemnity agreement must be prepared and entered into with VicTrack and the Rail Operator, at no cost to VicTrack or the Rail Operator.
81. Unless otherwise agreed in writing with VicTrack, windows, doors and balconies must not be placed on the title boundary with railway land and no windows or doors are permitted to open beyond the railway land title boundary to the satisfaction of VicTrack.
82. No entry to railway land is permitted without the written consent of VicTrack. Before the commencement of the development, including demolition or bulk

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excavation, the Rail Operator must be contacted through the email address: metrositeaccess@metrotrains.com.au to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to the railway land. During and post construction, all conditions and safety requirements of the Rail Operator must be complied with.

83. Unless with the prior written consent of the Head, Transport for Victoria and VicTrack, the development must not adversely impact railway land, infrastructure or operations by ensuring:
- a. the development and associated landscaping does not encroach onto or overhang the railway land;
 - b. temporary or permanent ground anchors, soil nails, reinforced earth straps or other ground stabilising devices are not installed within railway land or within easements benefitting VicTrack.
84. At all times the common boundary with the railway land must be fenced with a 1.8m paling or black chain mesh fence and must be repaired and maintained, at no cost to VicTrack to prohibit unauthorised access to the rail corridor.
85. Any replacement, repair or reconstruction of any fence on the boundary to railway land must be in accordance with VicTrack's requirements.
86. Walls abutting the railway land must be finished with a graffiti resistant finish or alternative measures to prevent or reduce the potential of graffiti.
87. No drainage, effluent, waste, soil or other materials must enter, be stored or be directed to the railway land.
88. No lighting (permanent or temporary) may be erected at any time that spills unreasonable light onto the railway tracks or which interferes with the visibility of signals and rail lines by train drivers.
89. The east elevation to the rail corridor to a minimum height of 3 levels from ground level shall be treated with a non-reflective surface treatment that must not include signal colours of red/orange/yellow or green, or shapes capable of being mistaken for train signals.

Permit Expiry

90. This permit will expire if one of the following circumstances applies:
- a. The development 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 date of this permit; or
 - c. The use is not started within six (6) months of the completion of the development; or
 - d. The use 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.

Notes

Asset Protection Permit

Prior to the commencement of the development, the operator of this planning permit must obtain a non-refundable Asset Protection Permit from Frankston City Council's Infrastructure Department.

Extension of Time

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Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made. Pursuant to Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the periods referred to if a request is made in writing within the following prescribed timeframes:

- a. Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started;
- b. Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

Building Work

An owner/occupier is required by law to ensure full compliance with the requirements of the *Building Regulations 2018* and the *Building Act 1993*. Before any building work starts, the *Building Act 1993* requires that a building permit is obtained and be available for inspection during all times of construction.

Environmental Consultant

A suitably qualified environmental consultant acceptable to the responsible authority may include an environmental auditor appointed under the Environment Protection Act or an environmental professional with qualifications and competence consistent with Schedule B9 of the National Environment Protection (Assessment of Site Contamination Measure 1999) (as amended 2013).

Extension of Time

Moved: Councillor Harvey

Seconded: Councillor Baker

That Cr Hill be granted an extension of time.

Carried

For the Motion: Crs Baker, Conroy, Harvey, Hill, Hughes and Tayler (6)
Against the Motion: Crs Aitken, Asker and Bolam (3)

The motion was

Carried

For the Motion: Crs Baker, Conroy, Harvey, Hill and Tayler (5)
Against the Motion: Crs Aitken, Asker, Bolam and Hughes (4)

Meeting adjourned at 9.07 pm

Meeting resumed at 9.15 pm

11.3 Frankston Metropolitan Activity Centre Structure Plan - Planning Scheme Amendment C160fran

(TB Communities)

Council Decision

Moved: Councillor Tayler

Seconded: Councillor Bolam

That Council:

1. Notes that Planning Scheme Amendment C160fran to the Frankston Planning Scheme, was publicly exhibited between 16 November to 18 December 2023 for a period of four (4) weeks;
2. Notes that a total of 429 written submissions were received, with 419 received during the exhibition period and ten (10) late submissions;
3. Notes that in accordance with Section 22 of the *Planning and Environment Act 1987*, it has considered all of the written submissions received and in accordance with Section 23 of the *Planning and Environment Act 1987*, refers all of the written submissions received to an independent Planning Panel (including the ten (10) late submissions);
4. Requests that the Minister for Planning appoint an independent Planning Panel to consider the submissions received to Planning Scheme Amendment C160fran, in accordance with Part 8 of the *Planning and Environment Act 1987*;
5. Having formally considered all of the written submissions made to Planning Scheme Amendment C160fran to the Frankston Planning Scheme, Council endorses the officers' response to the issues raised by the submissions and also endorses the recommended changes to the Planning Scheme Amendment (as outlined in Attachment A) as the basis for Council's submission to the future Planning Panel;
6. Writes to all submitters to inform them of Council's decision; and
7. Notes the additional further community engagement which the Department of Transport and Planning intend to undertake as part of the Victorian Government's Housing Statement Activity Centres initiative will inform consideration of the FMAC Structure Plan and associated Planning Scheme Amendment and build on engagement already undertaken by Council.

Extension of Time

Moved: Councillor Bolam

Seconded: Councillor Liam Hughes

That Cr Aitken be granted an extension of time.

Carried Unanimously

Extension of Time

Moved: Councillor Baker

Seconded: Councillor Harvey

That Cr Hill be granted an extension of time.

Carried Unanimously

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Extension of Time

Moved: Councillor Harvey

Seconded: Councillor Aitken

That Cr Baker be granted an extension of time.

Carried Unanimously

Councillor Bolam left the chamber at 9:58 pm.

Councillor Bolam returned to the chamber at 10:00 pm.

Councillor Asker left the chamber at 10:01 pm.

Extension of Time

Moved: Councillor Aitken

Seconded: Councillor Hill

That Cr Harvey be granted an extension of time.

Carried Unanimously

Councillor Asker was not in the chambers at the time of voting.

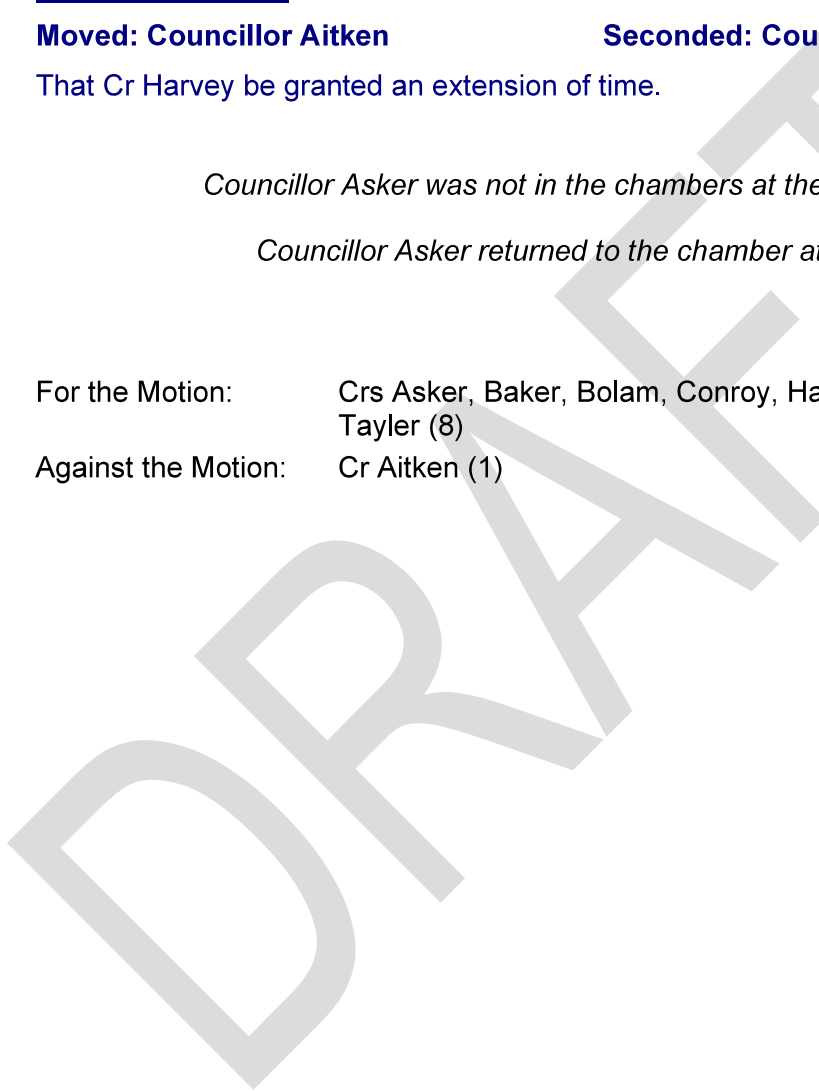
Councillor Asker returned to the chamber at 10:03 pm.

The Motion was

Carried

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

Against the Motion: Cr Aitken (1)



11.4 Adoption of the Frankston City Industrial Strategy (March 2024) and the Frankston City Industrial Design Guidelines (March 2024) and request authorisation for Planning Scheme Amendment C148fran (TB Communities)

Council Decision

Moved: Councillor Hill

Seconded: Councillor Bolam

That Council:

1. Considers the seven (7) written submissions made to the *Draft Frankston City Industrial Strategy (April 2023)* and the *Draft Frankston City Industrial Design Guidelines (April 2023)*;
2. Notes that the feedback from the seven (7) written submissions has been considered in the drafting of the final *Frankston City Industrial Strategy (March 2024)* and the *Frankston City Industrial Design Guidelines (March 2024)*;
3. Adopts the *Frankston City Industrial Strategy (March 2024)* and the *Frankston City Industrial Design Guidelines (March 2024)*;
4. Under Section 8A of the *Planning and Environment Act 1987*, requests authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C148fran to implement the *Frankston City Industrial Strategy (March 2024)* and the *Frankston City Industrial Design Guidelines (March 2024)* and associated changes into the Frankston Planning Scheme;
5. Authorises the Director Communities to make changes to Planning Scheme Amendment C148fran to meet any conditions of authorisation from the Department of Transport and Planning (DTP), as well as make minor editorial changes, prior to submitting the amendment to the Minister for Planning for exhibition. The Director Communities is to inform Councillors of such changes; and
6. Thanks those who have made a formal submission to the *Draft Frankston City Industrial Strategy (April 2023)* and the *Draft Frankston City Industrial Design Guidelines (April 2023)* and informs them of the outcome of this decision.

Carried Unanimously

11. CONSIDERATION OF CITY PLANNING REPORTS**11.2 Statutory Planning Progress Report for January 2024***(SC Communities)***Council Decision****Moved: Councillor Hill****Seconded: Councillor Harvey**

That Council:

1. Receives the Statutory Planning Progress Report for the month of January 2024;
2. Notes in January 2024, 89% of applications determined were within the statutory timeframe, above the target of 70%;
3. Notes good progress has been made on updating workflows within the core management system to enable the creation and use of an ePathway online portal. These improvements will enable customers to track the status of their planning applications online; and
4. Resolves that Attachment B (General Planning Applications of Councillor Interest Updates) and Attachment C (Major Development Updates) remain confidential indefinitely on the grounds that they contain land use planning information and private commercial information (*Local Government Act 2020, 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 4 of these Minutes where this item was Block Resolved.

12. CONSIDERATION OF REPORTS OF OFFICERS

12.1 Governance Matters Report for 18 March 2024

(BA Corporate and Commercial Services)

Recommendation (Director Corporate and Commercial Services)

That Council:

Council Resolution Status

1. Receives the Council Resolution Status update, including:
 - a. Notice of Motion Cost Summary, Notice of Motion Report for 18 March 2024 and Open Urgent Business actions;
 - b. Notes there are no Notice of Motion actions reported as complete by officers;
 - c. Notes the status of Urgent Business actions;
 - d. Notes since the Council Meeting, held on 19 February 2024, 17 resolution actions have been completed, as listed in the body of the report;

Councillor Briefings

2. Receives the record of Councillor Briefing meetings held since the date of last Council Meeting held on 19 February 2024 as listed in the body of the report;

Housing Advisory Committee Update

3. Notes the update from the recent Housing Advisory Committee Meeting, held on 26 February 2024;

NGA Conference Motions

4. Notes the National General Assembly (NGA) Conference will be held in Canberra from 2 July to 4 July 2024, and there are no Motions proposed to be submitted by Council;

Governance Rules

5. Notes that proposed reforms to the Local Government Act 2020 will result in the development of uniform Model Governance Rules which will be mandated for all councils;
6. Defers community engagement on the meeting procedures chapter of the Governance Rules for the time being;
7. Undertakes community consultation on the election period policy chapter of the Governance Rules, due to the need to update the election period policy prior to the 2024 general council elections; and

Appointment of Chairperson to the Audit & Risk Committee 2024

8. Resolves to appoint Ms Lisa Tripodi to the position of Chairperson of the Audit and Risk Committee (ARC) until 31 December 2024.

Motion

That Council:

Council Resolution Status

1. Receives the Council Resolution Status update, including:
 - a. Notice of Motion Cost Summary, Notice of Motion Report for 18 March 2024 and Open Urgent Business actions;

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- b. Notes there are no Notice of Motion actions reported as complete by officers;
- c. Notes the status of Urgent Business actions;
- d. Notes since the Council Meeting, held on 19 February 2024, 17 resolution actions have been completed, as listed in the body of the report;

Councillor Briefings

2. Receives the record of Councillor Briefing meetings held since the date of last Council Meeting held on 19 February 2024 as listed in the body of the report;

Housing Advisory Committee Update

3. Notes the update from the recent Housing Advisory Committee Meeting, held on 26 February 2024;

Committee Membership

4. Commits \$7,700 + GST towards annual corporate membership for the Committee for Frankston and Mornington, with effect from 1 July 2024, with any future commitments to be considered as part of the annual budget discussions;

NGA Conference Motions

5. Notes the National General Assembly (NGA) Conference will be held in Canberra from 2 July to 4 July 2024, and there are no Motions proposed to be submitted by Council;

Governance Rules

6. Notes that proposed reforms to the Local Government Act 2020 will result in the development of uniform Model Governance Rules which will be mandated for all councils;
7. Defers community engagement on the meeting procedures chapter of the Governance Rules for the time being;
8. Undertakes community consultation on the election period policy chapter of the Governance Rules, due to the need to update the election period policy prior to the 2024 general council elections; and

Appointment of Chairperson to the Audit & Risk Committee 2024

9. Resolves to appoint Ms Lisa Tripodi to the position of Chairperson of the Audit and Risk Committee (ARC) until 31 December 2024.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Hill

Council Resolution Status

1. Receives the Council Resolution Status update, including:
 - a. Notice of Motion Cost Summary, Notice of Motion Report for 18 March 2024 and Open Urgent Business actions;
 - b. Notes there are no Notice of Motion actions reported as complete by officers;
 - c. Notes the status of Urgent Business actions;
 - d. Notes since the Council Meeting, held on 19 February 2024, 17 resolution actions have been completed, as listed in the body of the report;

Councillor Briefings

Chairperson's initials.....

2. Receives the record of Councillor Briefing meetings held since the date of last Council Meeting held on 19 February 2024 as listed in the body of the report;

Housing Advisory Committee Update

3. Notes the update from the recent Housing Advisory Committee Meeting, held on 26 February 2024;

Committee Membership

4. Commits \$7,700 + GST towards annual corporate membership for the Committee for Frankston and Mornington, with effect from 1 July 2024, with any future commitments to be considered as part of the annual budget discussions;

NGA Conference Motions

5. Notes the National General Assembly (NGA) Conference will be held in Canberra from 2 July to 4 July 2024, and there are no Motions proposed to be submitted by Council;

Governance Rules

6. Notes that proposed reforms to the Local Government Act 2020 will result in the development of uniform Model Governance Rules which will be mandated for all councils;
7. Defers community engagement on the meeting procedures chapter of the Governance Rules for the time being;
8. Undertakes community consultation on the election period policy chapter of the Governance Rules, due to the need to update the election period policy prior to the 2024 general council elections; and

Appointment of Chairperson to the Audit & Risk Committee 2024

9. Resolves to appoint Ms Lisa Tripodi to the position of Chairperson of the Audit and Risk Committee (ARC) until 31 December 2024.

Carried Unanimously

12.2 Frankston Arts Advisory Committee - Minutes 20 February 2024

(TR Customer Innovation and Arts)

Council Decision

Moved: Councillor Hill

Seconded: Councillor Harvey

That Council receives the Minutes of the Frankston Arts Advisory Committee meeting held on 20 February 2024.

Carried Unanimously

Note: Refer to page 4 of these Minutes where this item was Block Resolved.

DRAFT

12.3 Community Service Partnership Grant FP 2023-2025 - Year 1 Summary Outcomes (TB Communities)

Council Decision

Moved: Councillor Hill

Seconded: Councillor Harvey

That Council:

1. Notes that on the 21 February 2022 Council resolved to enter into a 3-Year Funding Agreement with the recipients outlined in this report and at that time, also determined their respective funding allocations;
2. Notes that existing Community Service Partnership Grant recipients are currently in the second year of their funding agreement and have one final allocation that is scheduled to be made in the 2024/25 financial year (subject to continued compliance with the conditions of their funding agreements);
3. Receives the Year 1 Summary Outcome report of the Community Service Partnership (Triennial) Grant for the July 2022 – June 2025 funding period (Attachment A - Confidential) that has been compiled on the basis of the information provided by the recipients in their Year 1 Acquittal reports;
4. Notes the diverse roles, respective expertise and the valued services that are delivered by the Community Partnership Grant recipients to benefit and strengthen the Frankston community;
5. Notes that a full review of the Partnership Grants Program and the initiation of a new Expression of Interest Process (EOI) for the revised 2026 – 2028 allocations will commence in July 2024 for determination by Council in December 2024 (subject to scheduling requirements); and
6. Resolves for Attachment A to be retained as confidential indefinitely on the grounds that it includes personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (Local Government Act 2020, s.3(1)(f)). These grounds apply because the contents contains private information of the nominees, who have not consented to being disclosed. Release of this information might undermine public confidence and make people reluctant to submit applications in the future, which would compromise Council's ability to run similar programs in the future.

Carried Unanimously

Note: Refer to page 4 of these Minutes where this item was Block Resolved.

Chairperson's initials.....

12.4 Microsoft Enterprise Agreement Renewal

(EC Customer Innovation and Arts)

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

That Council:

1. Awards contract CN11383 – Microsoft Enterprise Agreement to supplier Data#3 Limited ABN: 31 010 545 267 for a three year term commencing 1 April 2024, with an estimated and approximate cost of \$1,994,528.58 ex GST;
2. Authorises the Chief Executive Officer to sign the contract;
3. Delegates authority to the Chief Executive Officer to approve any operational contract variations; and
4. Resolves Attachment A and B 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)*.

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved.

13. RESPONSE TO NOTICES OF MOTION

Nil

14. NOTICES OF MOTION

Nil

DRAFT

Chairperson's initials.....

15. LATE REPORTS

15.1 Ministerial Application Referral PA2402698 - Council Reference 27/2024/PIR1 - 9-17 Cranbourne Road and 69 Playne Street Frankston - Development and use of land for the purpose of a Hospital and Office (Medical Centre), and to alter access to a road in a Transport Zone 2 (T2Z)

(SC Communities)

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Hill

That Council resolves to advise the Minister for Planning:

1. That it does not support, and objects to the application for the following reasons:
 - a) The proposal would not result in a Net Community Benefit to the Frankston Community.
 - b) The lower building height, reduced setbacks, layout of uses within the buildings are not consistent with the outcomes sought by planning policy, including State Planning Policy in the area of Urban Design, and more specific policy as set out in the Frankston Metropolitan Activity Centre Structure Plan (2015), and the Frankston Metropolitan Activity Centre Structure Plan Update (2022-23).
 - c) Construction of a building at the heights proposed would compromise achievement of the building rhythms and forms envisioned by adopted planning policy, and impact upon the Frankston Major Activity Centre by removing potential for a truly landmark/gateway building.
 - d) The proposed provision of at-grade car parking over some two-thirds of the land is entirely at odds with the outcomes sought by planning policy in an Activity Centre location, and (because that car parking is relied upon and integral to the development form and use) would impede the useful development of that land to support economic development into the future, to the dis-benefit of current and future generations.
 - e) The land that is proposed to be occupied by at grade car parking could be put to a more productive use to support employment activity or housing supply in the short and/or long term if it were not sealed into that use for the long term via approval of the proposed use.
 - f) The site may be subject to contamination due to its proximity to the Frankston Fire Station, and that this possibility should be investigated further before any development of the land occurs.
2. That although Council does not support the current proposal before the Minister, it would be pleased to have its officers engage further with the applicant and the Ministers Department to achieve a modified form of development that meets the objectives of planning policy for this area.

Carried

For the Motion: Crs Aitken, Asker, Bolam, Conroy, Harvey, Hill and Tayler (7)

Against the Motion: Crs Baker and Hughes (2)

Chairperson's initials.....

16. URGENT BUSINESS

Nil

17. CONFIDENTIAL ITEMS

Nil Reports

DRAFT

The meeting was closed to the public at 10.23 pm

DRAFT MINUTES
CONFIRMED THIS

DAY OF

2024

.....
CHAIRPERSON

DRAFT

Chairperson's initials.....