

**MINUTES OF COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL  
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON  
ON 22 JULY 2024 at 7:01 PM**

PRESENT	Cr. Nathan Conroy (Mayor) Cr. Glenn Aitken Cr. David Asker Cr. Sue Baker Cr. Kris Bolam Cr. Claire Harvey Cr. Brad Hill Cr. Suzette Tayler
APOLOGIES:	Nil.
ABSENT:	Cr. Liam Hughes (Deputy Mayor)
OFFICERS:	Phil Cantillon, Chief Executive Officer Kim Jaensch, Director Corporate and Commercial Services Angela Hughes, Director Communities Cam Arullanantham, Director Infrastructure and Operations Shweta Babbar, Director Customer Innovation and Arts Brianna Alcock, Manager Governance Sam Clements, Manager Development Services (via Zoom) Tammy Beauchamp, Manager City Futures (via Zoom) Caroline Reidy, Manager Financial and Integrated Planning (via Zoom) Fiona McQueen, Manager Community Relations Jamey Barbakos, Coordinator Major Development (via Zoom) Stuart Caldwell, Coordinator Statutory Planning (via Zoom) Nathalie Nunn, Coordinator Environmental Policy and Planning (via Zoom) Jana Mrazova, Coastal Planning and Policy Officer (via Zoom) John McSwiney, Coordinator Governance Tenille Craig, Team Leader Governance Ric Rais, Systems Support Officer Josh Lacey, Supervising Technician
EXTERNAL REPRESENTATIVES:	Nil.

## COUNCILLOR STATEMENT

Councillor Harvey 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, Councillor Harvey read the Opening Prayer.

## ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Councillor Harvey 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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**1. APOLOGIES**

The Deputy Mayor, Cr Liam Hughes, was noted as absent.

**2. COUNCILLOR APPRECIATION AWARDS**

Nil

**3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**Council Meeting No. CM8 held on 24 June 2024.**

**Council Decision**

**Moved: Councillor Hill**

**Seconded: Councillor Baker**

That the minutes of the Council Meeting No. CM8 held on 24 June 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**

There were no questions submitted to Council with notice and one (1) person submitted questions without notice.

The Chief Executive Officer informed that responses to the questions without notice will be provided in writing following this Council Meeting. These questions and their responses will be provided in the Minutes of the next Council Meeting.

**6. HEARING OF PUBLIC SUBMISSIONS**

Alex Gelber made a submission to Council regarding Item 11.2 - Planning Application 492/2017/P/D - 424-426 Nepean Highway, Frankston - Amend the planning permit to allow for the use and development of a fourteen storey building in a Commercial 1 Zone and Design and Development Overlay, Schedule 14 for retail and dwellings and the deletion of the serviced apartments;

Richard Clough made a submission to Council regarding Item 12.5 - Adoption of Coastal and Marine Management Plan 2024 – 2034; and

Michael Telleson made a submission to Council regarding Item 14.1 - 2024/NOM15 - Seaford Foreshore Significance.



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**7. ITEMS BROUGHT FORWARD****Items Brought Forward****Council Decision****Moved: Councillor Harvey****Seconded: Councillor Aitken**

That Items listed below be brought forward:

- 11.2: Planning Application 492/2017/P/D - 424-426 Nepean Highway, Frankston - Amend the planning permit to allow for the use and development of a fourteen storey building in a Commercial 1 Zone and Design and Development Overlay, Schedule 14 for retail and dwellings and the deletion of the serviced apartments
- 12.5: Adoption of Coastal and Marine Management Plan 2024 - 2034
- 14.1: 2024/NOM15 - Seaford Foreshore Significance

**Carried Unanimously****Block Motion****Council Decision****Moved: Councillor Aitken****Seconded: Councillor Bolam**

That the items listed below be block resolved:

- 11.3: 250 Wedge Road, Skye - Planning Scheme Amendment C158fran (Deletion of Public Acquisition Overlay - Schedule 3) - Consideration of Planning Panel Report
- 11.4: Statutory Planning Progress Report for May 2024
- 12.2: Chief Executive Officer's quarterly report - April to June 2024
- 12.3: Municipal Early Years Plan (MEYP) Year 3 Update
- 12.4: Urban Forest Action Plan Update

**Carried Unanimously****8. PRESENTATIONS / AWARDS**

Nil

**9. PRESENTATION OF PETITIONS AND JOINT LETTERS**

Nil

**10. DELEGATES' REPORTS**

Nil



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**ITEMS BROUGHT FORWARD**

- 11.2 Planning Application 492/2017/P/D - 424-426 Nepean Highway, Frankston - Amend the planning permit to allow for the use and development of a fourteen storey building in a Commercial 1 Zone and Design and Development Overlay, Schedule 14 for retail and dwellings and the deletion of the serviced apartments (SC Communities)**

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

That Council resolves should a review not have been lodged under Section 79 of the *Planning and Environment Act 1987* at the Victorian Civil and Administrative Tribunal in proceeding P212/2024, it would have issued a Notice of Decision to Grant a Planning Permit to Planning Application 492/2017/P/D to allow for the use and development of a fourteen storey building in a Commercial 1 Zone and Design and Development Overlay, Schedule 14 for retail and dwellings and the deletion of the serviced apartments on the basis of the plans dated 4 June 2024 (amended plans), subject to the conditions contained in the officers' assessment.

**Amended Plans**

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. 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 Bruce Henderson Architects, Drawing Nos. TP-200-TP213, TP300-TP303 and TP401-TP403, Revision 9, dated 04/06/2024, but modified to show:
  - a. Deleted.
  - b. Deleted.
  - c. Deleted.
  - d. Deleted.
  - e. Deleted.
  - f. Location of any cooling or heating unit for each dwelling/serviced apartment;
  - g. Deleted.
  - h. Building service locations and screening;
  - i. Deleted.
  - j. Allocation of car spaces to dwellings, serviced apartments, retail space and visitors;
  - k. Habitable room walls adjacent to communal space/roof garden, lifts or service area to be acoustically treated;
  - l. A detailed materials, finishes and colour schedule in accordance with condition 5;
  - m. Deleted.
  - n. Landscaping plan in accordance with condition 3;
  - o. Deleted.
  - p. Deleted.
  - q. Overshadowing plans and changes to built form demonstrating that there is no shadow cast by the proposed building after 10:06am on Kananook Creek on 22



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June.

- r. Shadow diagrams and any changes to built form to ensure that the proposal complies with Clause 58.03-3 (Solar access to communal open space) which requires “at least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June”.
- s. Changes to the building including the provision of dimensioned plans and nomination of rooms/spaces demonstrating compliance with Standard D18 of Clause 58.05-1 (Accessibility), Standard D19 of Clause 58.05-2 (Building entry and circulation), Standard D20 of Clause 58.05-3 (Private Open Space), Standard D21 of Clause 58.05-4 (Storage), Standard D22 of Clause 58.06-1 (Common property), Standard D23 of Clause 58.06-2 (Site Services), Standard D26 of Clause 58.07-1 (Functional layout), Standard D27 of Clause 58.07-2 (Room depth) and Standard D 29 of Clause 58.07-4 (Natural ventilation) of the Frankston Planning Scheme.
- t. A more unified, consistent design expression across the building by incorporating key design elements of the west elevation along the north, east and south elevations.
- u. Round off the corner of the ground level planter in north-west corner to replicate curvature of the podium and awning above and delete the handrail.
- v. Deletion of the platform lift along the west interface in association with a reconfiguration of level changes within the building to improve integration with, and equitable access between the building and the public realm.
- w. Provision of DDA access from the basement 01 car park.
- x. Curve the corners of the north-east podium level as presented to Beach Street / Nepean Highway for greater design consistency.
- y. Plans to denote all windows at ground level (Basement 01 and Ground Floor) interfacing with the Nepean Highway, Beach Street and Kananook Creek Boulevard as having 75% clear glazing between the heights of 0.5m – 2.0m above the footpath/public realm.
- z. Plans to denote all windows within the podium levels above ground level (Ground Floor, Mezzanine, Level 01, 02 and 03) as being clear and free of tinting/obscured glazing.
- aa. Elevations to accurately denote all proposed materials and finishes.
- bb. The street awning to cover the entirety of the north section and extended south to property boundary where it adjoins 428-430 Nepean Highway.
- cc. Provision for more fine grain coastal-inspired materials (e.g. stone or weathered timber) within the podium at ground level.
- dd. A Tree Protection Management Plan in accordance with Condition 14.
- ee. A Sustainable Management Plan in accordance with Condition 15.
- ff. All ESD initiatives included in the endorsed BESS Report and the Sustainable Management Plan must be identified on the architectural plans including Lighting initiative, WESL star rating for water fixtures, IEQ initiatives and EV charging station.
- gg. A Green Travel Plan in accordance with Condition 17.
- hh. A Reflected Glare Assessment in accordance with Condition 18.
- ii. A Wind Assessment Report in accordance with Condition 20.
- jj. Nomination of the use/delineation of the two tandem residential parking spaces



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shown on the Level 02 Plan.

kk. Pedestrian visibility splays at the proposed new crossover.

ll. Address the requirements of Melbourne Water in accordance with Conditions 52, 53 and 54 to the satisfaction of Melbourne Water and the Responsible Authority. Any changes to accommodate Melbourne Water's requirements must be accommodated within the building and Council would not be supportive of steps, ramps (etc) within the 3 metre setback to Kananook Creek Boulevard.

### No Alteration or Changes

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

### Landscaping

3. 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 Architectural Concept, prepared by Etched, dated June 2023, but modified to show:

- a. Address the plans to be endorsed under Condition 1.
- b. Location of existing street trees, buildings on neighbouring properties within three metres of the boundary;
- c. Planting to soften the appearance of the development;
- d. Details of surface finishes of pathways and driveways, retaining walls and areas of cut and fill;
- e. A planting schedule of all proposed trees, shrubs, creepers and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant, soil depth, watering systems;
- f. Detail of growing medium, irrigation and drainage of planter boxes and planting within confined spaces;
- g. Detailed design for the proposed planter boxes and planting for each level as shown on the elevations;
- h. A planting palette maintaining a coastal theme incorporating indigenous species.
- i. Provision of planter boxes within west facing balconies of the Mezzanine Level and Level 01.
- j. Plans to identify the location of public, ambient and feature lighting including street lighting, signage illumination, lighting of architectural features such as up-lighting/down-lighting etc.
- k. A plant species to the north-west planter at ground level to ensure that it is of a height that it does not pose a trip hazard.
- l. A Public Realm Plan detailing the following:
  - i. Identification of works for all 'public realm' areas within or directly integrating with the development site including for example pedestrian links, footpath connections and extensions, outdoor dining, public seating and parks and recreation areas.
  - ii. The location of lighting including street lighting, pedestrian lighting and feature lighting (including external lighting on the building itself the building



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itself), bollards, signage and wayfinding, seating, bike hoops, retaining walls, planter boxes, public art, paving, glazing, garden beds/planting areas, bins and balustrades.

All species selected must be to the satisfaction of the Responsible Authority.

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.

4. Concurrent with the submission of the amended plans, a landscape management plan 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. Details of the initial Plant Established period;
  - b. Long term maintenance regime for all landscaped areas including balcony planter boxes and roof garden to include detail on but not limited to the following: maintenance schedule including inspections, weeding, watering and inspection of any irrigation systems, pruning and replacement of any plants that fail, mulching, pest and disease control.
  - c. Maintenance responsibilities for landscaping.
5. 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.

#### **S173 Agreement**

6. 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:
  - b. Public Liability Insurance;
  - c. Indemnity for City of Frankston and Crown;
  - d. Continuity of appropriate maintenance to sure the continued safety of the structure and 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.

#### **Services Apartments**

7. Deleted.
8. Deleted.
9. Deleted.
10. Deleted.
11. Deleted.
12. Deleted.
13. Deleted.

#### **Tree Protection Management Plan**



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14. 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 TPMP must be prepared by a suitably qualified and experienced Arborist in relation to the management and maintenance of street trees. 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 the development is occupied 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.

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.

**Sustainable Management Plan**

15. 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 7 June 2024, 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.



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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.

16. 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**

17. Before the development commences, a Green Travel Plan to the satisfaction of the Responsible Authority 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 include, but not be limited to, the following:
- Address the plans to be endorsed under Condition 1.
  - Promote travel alternatives such as public transport, cycling, and walking,
  - Reduce car dependency and greenhouse gas emissions,
  - Manage car parking demands,
  - Improve information and opportunities for those without access to a car, and
  - Include a management and implementation 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.

#### **Reflected Glare Assessment**

18. Prior to commencement of buildings and works, a Reflected Glare Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Reflected Glare Assessment will be endorsed and will form part of this permit. The Reflected Glare Assessment must include, but not be limited to, the following:
- Address the plans to be endorsed under Condition 1.
  - The applied method used for the reflected glare assessment.
  - Any assessment assumptions.
  - Identification of potential observers receiving glare.
  - Review of materials, finishes and reflectors.
  - Assessment of the proposed development's disability and discomfort glare.
  - Mitigation measure for reflected glare.

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

#### **Geotechnical Report**

19. Prior to the commencement of the development, a geotechnical report prepared by a suitably qualified person must be submitted to and approved by the Responsible



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Authority. When approved, the Geotechnical Report will be endorsed and will then form part of the permit. The Geotechnical Report must identify the potential for acid sulfate soils and any management recommendations having regard to:

- a. Address the plans to be endorsed under Condition 1.
- b. The condition of the soil on the site and in the surrounding area.
- c. How the development will mitigate detrimental impacts to the soils in the area.
- d. How the development will protect itself from any adverse affects from the soils and ground conditions in the area.
- e. How the development accords with the Victorian Coastal Acid Sulfate Soils Strategy 2009.

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

### **Wind Assessment Report**

20. Before the development starts, an amended Wind Assessment Report to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the Wind Assessment Report will be endorsed and will then form part of the permit. The Wind Assessment Report must be generally in accordance with the Pedestrian Wind Environment Statement prepared by Windtech, dated 22 May 2023 but modified to:

- a. Address the plans to be endorsed under Condition 1.
- b. Include Wind Tunnel Testing.
- c. Address the sitting, standing and walking criteria specified in Clause 58.04-4 (Wind Impacts) 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.

### **Materials, finishes and colour schedule**

21. Concurrent with the submission of the amended plans, 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.

22. 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.

### **Tree Protection**

23. The development must be undertaken in accordance with Australian Standard AS 4970-2009 *Protection of trees on development sites* to ensure that the development does not adversely impact on the health, life expectancy and structural stability of any street trees, to the satisfaction of the Responsible Authority.

24. Prior to the commencement of the development (including vegetation removal), a Tree Protection Fence defined by a 1.8 metre high (minimum) temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting with a high visibility plastic hazard tape, must be installed at a radius of not less than the



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Tree Protection Zone for all street trees adjacent to the site, to the satisfaction of the Responsible Authority. A fixed sign is to be provided on all visible sides of the Tree Preservation Fencing, stating "Tree Preservation Zone – No entry without permission from Frankston City Council". Fencing must be inspected by a suitable qualified and experienced arborist prior to commencement of construction works.

The requirements below must be observed within this area –

- a. No vehicular or pedestrian access.
- b. The existing soil level must not be altered either by fill or excavation.
- c. The soil must not be compacted or the soil's drainage changed.
- d. No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are to be disposed of or stored.
- e. No storage of equipment, machinery or material is to occur.
- f. Open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used unless approved by the Responsible authority to tunnel beneath.
- g. Nothing whatsoever, including temporary services wires, nails, screws or any other fixing device, is to be attached to any tree.
- h. Tree roots must not be severed or injured.
- i. Machinery must not be used to remove any existing concrete, bricks or other materials.

### Drainage

25. 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.
26. Prior to commencement of 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.
27. 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.
28. New vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
29. All disused vehicle crossing shall be removed and are reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.
30. 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;



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- d. Drained and maintained to the satisfaction;
- e. Line marked to show the direction in which vehicles are to travel;
- f. Sign marked identifying the allocation of car spaces; and;
- g. Properly lit.

to the satisfaction of the responsible authority.

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

### Security Gate

- 31. 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 Young Street.
- 32. 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.

### Waste Management conditions

- 33. 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 Leigh Design, dated 7 June 2024 but modified to:
  - a. Address the plans to be endorsed under Condition 1.
  - b. Base waste generation rates in Table 1.2 on Sustainability Victoria's Guide Waste Management and Recycling in Multi-unit Developments.
  - c. Provide chutes for all waste streams.
  - d. Apply full generation rates for organic waste.
  - e. Delete reference to allowing "certified compostable liners" to be used.
  - f. Ensure that the bin schedule and capacity of bins collection in Table 2 is sufficient for the waste generation of the residential properties based on Sustainability Victoria's Guide Waste Management and Recycling in Multi-unit Developments.
  - g. Provide an area for e-waste in the bin store for at least a 120L-240L MGB for residents in addition to the hard waste area allocated.

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

- 34. All waste generated by the development must be collected by a Private Waste Management Agency to the satisfaction of the responsible authority.
- 35. No goods must be stored or left exposed outside the building so as to be visible from



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any public road or thoroughfare.

36. 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.
37. The loading and unloading of goods from vehicles must only be carried out within the designated loading bay area on site.
38. 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.

#### **Construction and Environment Management Plan**

39. Prior to the commencement of the development, a Construction 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. 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 and three copies must be provided. 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 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 parking for site workers and any temporary buildings or facilities.
  - j. Details to demonstrate compliance with relevant EPA guidelines.
  - k. Target of recycling and re-using a minimum of 80% of construction and demolition waste by weight.
  - l. Hours during which construction activity will take place.
  - m. 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.
  - n. An Acid Sulphate Management Plan to manage any soil conditions identified in the Geotechnical Report endorsed under Condition 19.

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.

#### **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.



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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. Power and telephone lines to the development shall be placed underground from the main points of service outside the boundaries of the site.
44. All roof plant and equipment must be screened so as not to be visible from public areas.
45. 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**

46. The amenity of the area must not be detrimentally affected by the use or development 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. In any other way.to the satisfaction of the Responsible Authority.
47. Unless with the prior written consent of the Responsible Authority, the outdoor dining areas must only operate between the hours of:
  - a. Monday to Thursday: 8.00 am to 10.00 pm.
  - b. Friday and Saturday: 8.00 am to 11.00 pm.
  - c. Sunday and public holidays: 8.00 am to 10:00 pm.

#### **Noise**

48. Noise emissions from the premises must comply with the requirements of EPA Publication 1826/4 'Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues Part II' to the satisfaction of the Responsible Authority.
49. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, except for emergency broadcast, announcement, alarm and siren (including testing).

#### **Completion of Buildings and Works**

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

#### **Completion Prior to Occupancy**

51. 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.

#### **Melbourne Water**

52. The Finished Floor Levels (FFLs) of all ground floor areas, including all lift and stair lobbies, must be set no lower than 3.0 metres to Australian Height Datum (AHD) (with



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the exception of transitional areas containing landings, steps or ramps to the satisfaction of Melbourne Water), which is 600mm above the applicable flood level of 2.4m to AHD.

53. All doors, windows, vents, openings and access points to the basement that could allow entry of floodwaters to the basement levels, must be set no lower than 3.0 metres to Australian Height Datum, which is 600mm above the applicable flood level of 2.4m to AHD.
54. Prior to the commencement of works a separate application to Melbourne Water must be made and approved of any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.

### Permit Expiry

55. This permit will expire if:

- a. The development has not started within three (3) years of the date of this permit.
- b. The development is not completed within five (5) years of the date of this permit.

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

- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- B. Prior to the commencement of construction the operator of this planning permit must obtain a non-refundable Asset Protection Permit from Frankston City Council's Infrastructure Department.
- C. 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:
  - Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started;
  - Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.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.
- D. This permit was amended pursuant to section 74 of the *Planning and Environment Act 1987*, by:
  - An amendment to the permit preamble to state:
    - The use and development of the land for a multi-storey building for a fourteen storey building in a Commercial 1 Zone and Design and Development Overlay, Schedule 14 for retail and dwellings.
  - The following amendments to the permit conditions:
    - An amendment to Condition 1 to replace the plan references "dated 17 August 2018, Reference 38004, TP-000, TP200-208, TP300-305, TP400-



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401, TP502 and TP700, Revision C” with “Drawing Nos. TP-200-TP213, TP300-TP303 and TP401-TP403, Revision 9, dated 04/06/2024.”

- Deletion of Condition 1a- 1e, 1g, 1i, 1m, 1o and 1p on the existing permit.
- The inclusion of new Conditions 1q to 1ll.
- An amendment to Condition 3 in relation to the Landscape Plan.
- The deletion of Conditions 7-13 which relate to the serviced apartments.
- The inclusion of Condition 14 to require a Tree Protection Management Plan.
- The inclusion of Conditions 15 and 16 in relation to a Sustainability Management Plan.
- The inclusion of Condition 17 in relation to a Green Travel Plan.
- The inclusion of Condition 18 in relation to a Reflected Glare Assessment.
- The inclusion of Condition 19 in relation to a Geotechnical Report.
- The inclusion of Condition 20 in relation to a Wind Assessment Report.
- The renumbering of remaining conditions from 14-23 to 21-30.
- The inclusion of Condition 31 in relation to a security gate.
- The renumbering of the remaining conditions from 24-38 to 32- 46.
- An amendment to Condition 33 in relation to the Waste Management Plan.
- An amendment to Condition 39 in relation to the Construction and Environmental Management Plan.
- The inclusion of Conditions 47 in relation to hours of operation for outdoor dining.
- The inclusion of Conditions 48 and 49 in relation to noise.
- The renumbering of the remaining conditions from 39-40 to 50-51.
- The inclusion of Conditions 52-54 to address Melbourne Water’s requirements.
- The renumbering of the remaining condition from 41 to 55.

**Extension of Time**

**Moved: Councillor Harvey**

**Seconded: Councillor Baker**

That Cr Aitken be granted an extension of time.

**Carried Unanimously**

For the Motion:	Crs Asker, Bolam, Conroy, Hill and Tayler (5)
Against the Motion:	Crs Aitken and Harvey (2)
Abstained:	Cr Baker (1)

**The motion was Carried**



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**12.5 Adoption of Coastal and Marine Management Plan 2024 - 2034**

*(TB Communities)*

**Council Decision**

**Moved: Councillor Hill**

**Seconded: Councillor Harvey**

That Council:

1. Notes the changes made to draft Coastal and Marine Management Plan following public exhibition, including;
  - a. an Aboriginal cultural heritage narrative added to Chapter 2.1;
  - b. an updated climate change information in Chapter 2.4 based on the latest projections from the Port Phillip Bay Coastal Hazard Assessment; and
  - c. amended wording of several actions based on internal and external stakeholder feedback.
2. Adopts the Coastal and Marine Management Plan 2024-2034; and
3. Refers the adopted Coastal and Marine Management Plan to the Department of Energy, Environment and Climate Action seeking a ministerial approval under the *Marine and Coastal Act 2018*.

**Carried Unanimously**



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**14.1 2024/NOM15 - Seaford Foreshore Significance**

(AH Communities)

That Council:

1. Notes Seaford Foreshore (from Long Island Tennis Club to the Carrum Bowls Club) is a rare piece of surviving coastal environment, the only of its kind, along the length of Port Phillip Bay in the context of the Metropolitan Melbourne area. It is unique and much loved. The Seaford Foreshore extends 5 kilometres in length and 50 hectares in area. It is a vital link in terms of biodiversity with Kananook Creek and the Ramsar Wetlands;
2. Notes since early settlement, there has been a history of encroachment upon the foreshore, its native vegetation and biodiversity, by human visitors along with entrenched weed infestation;
3. Notes the Seaford Foreshore remained largely intact until the 1920s when the area became more well-known and far more accessible. Council has made major contributions in respect of weed removal, maintenance and planting along with tremendous support from volunteers;
4. Notes the popularity and accessibility of the Seaford Foreshore has increased exponentially since World War II, when the area became better accessible by cars and the surrounding areas became more populous as a result of residential development and settlement. As the area became more popular, so too did the Seaford Foreshore, which became an area of welcome respite, especially during hot weather. Cars were freely able to drive and park on the foreshore, to the detriment of vegetation, including ti-trees and banksia. Beachgoers walked over and across the dunes, unimpeded to access the water. This caused damage to the dune structure and vegetation, eroding the foreshore as its wind protection was negatively impacted through uncontrolled access;
5. Acknowledges in the mid-1970s, the State Government funded significant rehabilitation of the Seaford Foreshore by employing a small and dedicated team to undertake work, which included rebuilding dunes and planting vegetation to cover an area from Long Island Frankston to the northern side of Station Street Seaford;
6. Writes to the State Government to seek their commitment to the Seaford Foreshore by confirming its State Significance and make in-roads to assist or fund weed eradication and preservation of the Foreshore. This advocacy letter is to be accompanied by three attachments, namely the *Foreword*, photographs of the Seaford Foreshore showing how glorious, irresistible and magnificent it is, and a publication from May 1993 entitled "The Vertebrate Fauna of the Seaford Foreshore Reserve" by Brunner and Wallis; and
7. Writes to the Bunurong Land Council to inform them of Council's advocacy on this matter, in recognition of their spiritual and traditional connection to Country, an area of value and importance to the Bunurong Peoples.

**Leave of Council**

**Moved: Councillor Hill**

**Seconded: Councillor Harvey**

That Cr Aitken be granted leave of Council to amend 2024/NOM15 - Seaford Foreshore Significance.

**Carried Unanimously**



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### Council Decision

**Moved: Councillor Aitken**

**Seconded: Councillor Hill**

That Council:

1. Notes Seaford Foreshore (from Long Island Tennis Club to the Carrum Bowls Club) is a rare piece of surviving coastal environment, the only of its kind, along the length of Port Phillip Bay in the context of the Metropolitan Melbourne area. It is unique and much loved. The Seaford Foreshore extends 5 kilometres in length and 50 hectares in area. It is a vital link in terms of biodiversity with Kananook Creek and the Ramsar Wetlands;
2. Notes since early settlement, there has been a history of encroachment upon the foreshore, its native vegetation and biodiversity, by human visitors along with entrenched weed infestation;
3. Notes the Seaford Foreshore remained largely intact until the 1920s when the area become more well-known and far more accessible. Council has made major contributions in respect of weed removal, maintenance and planting along with tremendous support from volunteers;
4. Notes the popularity and accessibility of the Seaford Foreshore has increased exponentially since World War II, when the area became better accessible by cars and the surrounding areas became more populous as a result of residential development and settlement. As the area became more popular, so too did the Seaford Foreshore, which became an area of welcome respite, especially during hot weather. Cars were freely able to drive and park on the foreshore, to the detriment of vegetation, including ti-trees and banksia. Beachgoers walked over and across the dunes, unimpeded to access the water. This caused damage to the dune structure and vegetation, eroding the foreshore as its wind protection was negatively impacted through uncontrolled access;
5. Acknowledges in the mid-1970s, the State Government funded significant rehabilitation of the Seaford Foreshore by employing a small and dedicated team to undertake work, which included rebuilding dunes and planting vegetation to cover an area from Long Island Frankston to the northern side of Station Street Seaford;
6. Writes to the State Government to seek their commitment to the Seaford Foreshore by confirming its State Significance and make in-roads to assist or fund weed eradication and preservation of the Foreshore. This advocacy letter is to be accompanied by four attachments, namely the *Foreword*, photographs of the Seaford Foreshore showing how glorious, irresistible and magnificent it is, and a publication from May 1993 entitled "The Vertebrate Fauna of the Seaford Foreshore Reserve" by Brunner and Wallis and the "Flora and Fauna Assessment of Frankston and Seaford Foreshore" by Practical Ecology (July 2010); and
7. Writes to the Bunurong Land Council to inform them of Council's advocacy on this matter, in recognition of their spiritual and traditional connection to Country, an area of value and importance to the Bunurong Peoples.

*Councillor Tayler left the chamber at 8.07 pm.*

*Councillor Tayler returned to the chamber at 8:10 pm.*

### Extension of Time



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**Moved: Councillor Baker**

**Seconded: Councillor Harvey**

That Cr Aitken be granted an extension of time.

Carried Unanimously

The Motion was  
Carried Unanimously



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## 11. CONSIDERATION OF CITY PLANNING REPORTS

### 11.1 Planning Application 39/2024/P - 13 McMahons Road Frankston 3199 - To use and develop the land for a rooming house in a Mixed Use Zone (MUZ) To construct buildings and works in a Design and Development Overlay Schedule 13 (DDO13) and Special Building Overlay (SBO) To create/alter access to a road in a Transport Zone 2 (TRZ2)

(SC Communities)

#### Recommendation (Director Communities)

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 39/2024/P to use and develop the land for a rooming house in a Mixed Use Zone (MUZ) to construct buildings and works in a Design and Development Overlay Schedule 13 (DDO13) and Special Building Overlay (SBO) to create/alter access to a road in a Transport Zone 2 (TRZ2) at 13 McMahons Road Frankston 3199 subject to the following conditions:

#### Amended Plans

1. Before the use and 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. The plans must be generally in accordance with the plans submitted with the application Job Number 23123 prepared by ArchSign 15 sheets dated March 2024 Revision B, but modified to show:
  - a. 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 Assessment Report prepared by Stem Arboriculture dated 13 August 2022 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 16 and 17.
  - d. Notation that all bins and the bin area is to be clearly marked with signage.
  - e. Proposed landscaping removed from development plans for clarity.
  - f. Development plans to reflect all sustainability features that are required as part of a submitted and approved SDA.
  - g. Management Plan in accordance with Condition 9.
  - h. Landscape Plan in accordance with Condition 12.
  - i. Tree Protection Management Plan in accordance with Condition 15.
  - j. Amended Sustainable Design Assessment (SDA) in accordance with Condition 26.
  - k. Waste Management Plan in accordance with Condition 29.

#### No Alterations

2. The use and development as shown on the endorsed plans must not be altered



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without the prior written consent of the Responsible Authority.

### Completion of Works

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

### Use

4. No more than 16 residents may be accommodated within the building at any one time.
5. The communal area at first and second floor and terrace must only be accessible to persons who are residents or guests of the residents. It is the responsibility of the management to ensure access is restricted to persons registered to stay on the premises and their guests who hold a security pass or key to a room on the relevant date.
6. The communal areas must be furnished generally as shown on the endorsed plans. Any damaged or broken furniture must be repaired or replaced to the satisfaction of the Responsible Authority.
7. Cooking facilities must only be provided in communal areas to the satisfaction of the Responsible Authority.
8. The amenity of the area must not be adversely affected by the use or development because of:
  - a. Transport of materials, goods, or commodities to or from the land.
  - b. Appearance of any building, work, stored goods, or materials.
  - c. Emission of noise, artificial light, vibration, smell, fume, smoke, steam, soot, ash, dust, wastewater, waste products or oil; or
  - d. The presence of vermin.

To the satisfaction of the Responsible Authority.

### Management Plan

9. Before the development starts a management plan must be submitted to and approved by the Responsible Authority. When approved, the management plan will be endorsed and form part of this permit. The Management Plan must include:
  - a. Permanent display of the Management Plan in the common lounge area.
  - b. The nature of the management of the complex and the contact details of the building manager.
  - c. The role of the building manager.
  - d. Provision that management arrangements be enacted when the manager is not on the site.
  - e. Details of the terms of accommodation and the maximum number of persons accommodated onsite.
  - f. The contact details of a suitably responsible person who is available 24 hours per day, seven days per week that are displayed in a manner that is visible to any person entering the site to enable a prompt response to any operational complaint which may arise that require immediate attention.
  - g. Building management to ensure that appropriate waste disposal is taking place and correct education is provided to residents.



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- h. Provision of information on community and education services, including health, counselling, and cultural services.
  - i. Provision of information to residents regarding public transport and other non-car-based transport modes.
  - j. Provisions to ensure that the rooming house does not cause unreasonable impacts on the amenity of surrounding residential properties.
  - k. Incorporation of a Code of Conduct for residents which discourages anti-social behaviour such as excessive noise emissions, littering, property damage, and compliance with designated smoking areas. All residents are to agree to abide by the Code of Conduct.
  - l. House rules regarding occupancy and behaviour of students and visitors, and grievance procedures.
  - m. Hours of use of the communal outdoor terrace.
  - n. A procedure for dealing with complaints from residents and from persons not residing on the site.
  - o. The means by which car and bicycle spaces are allocated to residents and a register that documents the allocation of these spaces.
  - p. Critical Incident Management and Emergency & Evacuation Procedures.
  - q. Protocols relating to rubbish bin storage and collection.
  - r. Maintenance and cleaning schedule for all common areas, including all landscaped areas, which is the responsibility of the Building Manager.
  - s. The re-use of furniture and other domestic items, and provisions for the collection of hard waste when tenants change.
10. The use must operate in accordance with the endorsed Management Plan to the satisfaction of the Responsible Authority.
11. A copy of this permit and the Management Plan must always be displayed in a prominent location within the building to the satisfaction of the Responsible Authority.

### **Landscape**

12. 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 prepared by a suitably qualified landscape designer, drawn to scale with dimensions. The plan must be consistent with the development plans and generally in accordance with the concept landscape plan, prepared by Etched dated 10 August 2022, but modified to show:
- a. 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.
  - b. Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) of all retained trees illustrated with notations regarding protection methods during construction.
  - c. Planting along the southern boundary replaced with screen planting (minimum mature height of 1.5m).



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- d. A planting theme of a minimum 40% indigenous and 40% native
  - e. 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.
  - f. Substitute the following proposed trees with indigenous/native species, with no reduction in minimum mature height.
    - i. Lagerstroemia indica 'Natchez'
    - ii. Olea europaea 'Tolley's upright'
  - g. the provision of notes on the landscape plan regarding site preparation, including removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
  - h. All tree stock used must be in accordance with AS2303-2015 Tree stock for Landscape Use.
13. 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.
14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged trees are to be replaced.

#### **Tree Protection Management Plan**

15. 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 TPMP must be prepared by a suitably qualified and experienced Arborist in relation to the management and maintenance of trees numbered 4, 8, 9, 10, 12, 13 and 14. 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.
  - g. details of any ground protection requirements for neighbouring property trees
  - h. Methods for installation of services e.g., sewerage, storm water,



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telecommunications, electricity etc.

- i. Remedial pruning works as required including a detailed photographic diagram specifying what pruning will occur.
- j. Final Certification of Tree protection template.

Before the 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.

16. 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.

### **Tree Pruning**

17. Any 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.

### **Engineering Services**

18. Before the development starts, detailed design plans and drainage computations of the internal stormwater drainage system including the method of connection to the existing Council drainage infrastructure to the satisfaction of the Responsible Authority must be submitted to and approved by Responsible Authority.
19. A stormwater detention system with a volume capable of retarding the 10% Annual Exceedance Probability (AEP) flow from the development site back to a 20% AEP pre-development value must be constructed to the satisfaction of the Responsible Authority.
20. Stormwater drainage must be connected to stormwater Legal Point of Discharge as nominated by and to the satisfaction of the Responsible Authority.
21. Water Sensitive Urban Design (WSUD) principles must be incorporated into the drainage design, which must include rainwater tanks plumbed in for re-use, and may include but not be limited to the following components or a combination thereof:
  - Permeable driveways and porous pavement
  - Rain gardens and bioretention basins
  - Gross pollutant traps.
  - On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.
22. The stormwater treatment system must 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.

### **Parking Requirements**

23. Before the occupation of the development or the use starts, areas set aside for parking vehicles and bicycles, access lane and paths as shown on the endorsed



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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 of the Responsible Authority.
- e. Line-marked to indicate each car space, and if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.

Car spaces, bicycle spaces, access lane and driveway must be always kept available for these purposes.

24. 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.
25. 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 (in accordance with SD310 – Frankston City Council Vehicular Crossings Notes & Specifications) 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.

#### **Environmentally Sustainable Development**

26. Before the development starts, an amended Sustainable Design Assessment (SDA) 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 SDA prepared by Frater and dated 11/04/2024 but modified to include or show:

- a. Water: as there are no bathtubs in the development, remove reference to it from BESS and SDA.

27. All works must be undertaken in accordance with the endorsed Sustainable Design Assessment (SDA) to the satisfaction of the Responsible Authority. No alterations to the SDA may occur without the written consent of the Responsible Authority.

28. Before the occupation of any dwelling approved under this permit, a report from the author of the SDA, 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 SDA have been implemented in accordance with the approved Plan.

#### **Waste Management**

29. Before the use starts, the Waste Management Plan (WMP) prepared by Salt3 dated 12 April 2024 must be submitted to and endorsed by the Responsible Authority. When endorsed, the plan will form part of this permit. All waste generated by the uses must be collected by a Private Waste Management Agency and in accordance with the EPA Victoria Publication 1254.2 Noise Control Guidelines and the endorsed WMP at all times to the satisfaction of the Responsible Authority.

#### **Urban Design**

30. 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.



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31. Mailboxes shall be provided to the satisfaction of the Responsible Authority and Australia Post.
32. All plumbing work, sewer pipes etc. (except for spouting and stormwater pipes) associated with the new building shall be concealed from general view.
33. All building plant and equipment on the roof is to be concealed to the satisfaction of the Responsible Authority. Noise emitting plant equipment such as air conditioners, must be shielded with acoustic screening to prevent the transmission of noise having detrimental amenity impacts.
34. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

#### **Melbourne Water**

35. The building ground floor areas (including lift area), with the exception of the transitional areas, must be constructed with finished floor levels set no lower than 28.05 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 27.75m to AHD.
36. The building setbacks shown to site boundaries must not be further reduced without the written approval of Melbourne Water, to ensure adequate open space areas to allow for the passage of overland flow.
37. Open space areas must be maintained at existing surface level.
38. Any proposed internal fencing or gates must be at least 50 percent permeable.

#### **Head, Transport for Victoria**

39. Prior to the occupation of the development, the crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.
40. If applicable, any security boom, barrier, gate or similar device controlling vehicular access to the premises must be setback a minimum of 6m inside the property boundary to allow vehicles to store clear of the McMahons Road pavement and footpath.
41. Vehicles must enter and exit the site in a forward direction at all times.

#### **Cultural Heritage Management Plan**

42. The construction of the development hereby approved must be carried out in the accordance with the approved Cultural Heritage Management Plan No. 18713 prepared by Heritage Insight and approved by the Bunurong Land Council on 24 August 2022.

#### **Permit Expiry**

43. This permit will expire if:
  - a. The development has 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 two (2) years of the date of this permit; 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



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application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

### Permit Notes

#### A. Asset Protection Permit

Before the development starts 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. 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.

#### E. Head, Transport for Victoria

The proposed development requires the construction of a crossover. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works.

### Deferral Motion to another Council Meeting

Moved: Councillor Bolam

Seconded: Councillor Harvey

That the matter be deferred to the 12 August 2024 Council Meeting.

Carried Unanimously



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**11.3 250 Wedge Road, Skye - Planning Scheme Amendment C158fran (Deletion of Public Acquisition Overlay - Schedule 3) - Consideration of Planning Panel Report**

(TB Communities)

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

That Council:

1. Considers the Panel Report for Planning Scheme Amendment C158fran pursuant to Section 27 of the *Planning and Environment Act 1987*;
2. Adopts Planning Scheme Amendment C158fran as exhibited pursuant to Section 29 of the *Planning and Environment Act 1987*;
3. Submits adopted Planning Scheme Amendment C158fran to the Minister for Planning for approval pursuant to Section 31 of the *Planning and Environment Act 1987*;
4. Authorises the Director Communities to make changes to Planning Scheme Amendment C158fran to meet any conditions of approval from the Department of Transport and Planning; and
5. Notes that officers will notify all submitters of the decision.

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

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**11.4 Statutory Planning Progress Report for May 2024**

(SC Communities)

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

That Council:

1. Receives the Statutory Planning Progress Report (Appendix A) for the month of May 2024;
2. Notes that in May 2024, 84% of applications determined were within the statutory timeframe, above the target of 70%;
3. Acknowledges that, in the spirit of transparency and identifying opportunities for continuous improvement, this report contains a new section analysing the number of 'undecided planning applications' as at the end of 30 June 2024. A graphic illustrating the basic steps in the permit application process and the number of applications at each step is provided in this report and Attachment D. This will feature as a new addition to this Progress Report going forward.
4. In light of No. 3 (above), notes that approximately 48% of 'undecided planning applications' are awaiting information from the applicant, as set out in a graphical representation in Appendix D;
5. Notes that a summary of Council's response to the Minister for Planning, about applications made directly to the Minister, and issued pursuant to delegation from Council is included in a table at the end of Appendix A. This month a response was provided in respect of an application at 11 Beach Street, Frankston and
6. 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.

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## 12. CONSIDERATION OF REPORTS OF OFFICERS

### 12.1 Governance Matters Report for 22 July 2024

(BA Corporate and Commercial Services)

#### **Recommendation (Director Corporate and Commercial Services)**

That Council:

#### Council Resolution Status Update

1. Receives the Council Resolution Status update, including:
  - a. Notice of Motion Cost Summary and Notice of Motion Report for 22 July 2024 and Open Urgent Business actions;
  - b. Notes there are no Notice of Motion actions reported as complete by officers;
  - c. Notes there is one report delayed in its presentation to Council:
    - Native Vegetation Offset Site progress update & Funding Outcomes, delayed to 12 August 2024 Council Meeting;
  - d. Notes since the Council Meeting, held on 24 June 2024, nine (9) resolution actions have been completed, as listed in the body of the report;

#### Councillor Briefings Record

2. Receives the record of Councillor Briefing meetings held since the date of last Council Meeting held on 24 June 2024 as listed in the body of the report;

#### External and Internal Committee Meetings Update

3. Receives the highlights of activities of external and internal Committees meetings held during the quarter April to June 2024;
4. Notes the Frankston Suburban Revitalisation Board met on 6 June 2024 to shape the Board's future vision and defining its role in transforming Frankston's city centre into a successful and vibrant city and a specific report on the workings of the Revitalisation Board will be presented at the 12 August 2024 Council Meeting;

#### Councillor Induction Training

5. Receives the written *Declaration of Completion of Training* from Cr Glenn Aitken on the completion of the Councillor Induction Training, following his election to Council by count-back and taking the Oath of Office, on 19 January 2024;

#### Recognition of Mayor Emeritus and Councillor Years of Service

6. Awards a Certificate under Seal to Cr David Asker, who has served as Councillor for 10 years. The Certificate is to be presented at the next Council Meeting, to be held on 12 August 2024;
7. Notes the Mayor, Cr Nathan Conroy will receive a Mayor Emeritus Award for serving three full terms as Mayor in Victoria, and Cr David Asker will receive a 10 Years of Service Award as a Councillor, at the upcoming MAV Victorian Councillor Service Awards;

#### s11A Instrument of Appointment and Authorisation

8. In the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, Frankston City Council (Council) Resolves that:
  - a. The member of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument;



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- b. The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it;
- c. The instrument be sealed;

#### Administrative Corrections to the 2024-2028 Budget

9. Notes, at its 3 June 2024 Meeting, the 2024-2028 Budget was adopted, where it resolved that Council:
  - 2.2 Resolves that each differential rate will be determined by multiplying the Capital Improved Value of each rateable land (categorised by the characteristics described in paragraph 2.3 of this Resolution) by the relevant percentages indicated in the following table:
    - A general rate of 0.148460% for all rateable Retirement Village Land;
10. Endorses the following typographical correction to the 2024-2028 Budget resolution of the differential rate for Retirement Village Land, noting there is no change to the value of rates being raised and no impact on ratepayers.
  - A general rate of 0.148640% for all rateable Retirement Village Land;
11. Notes, at its 3 June 2024 Meeting, the 2024-2028 Budget was adopted, where it resolved that Council:
  - 3.15. Commits \$30,000 for design of an additional netball court at the Frankston Bombers Netball Club in 2024/2025 to be funded from Lighting Frankston Plan Implementation – Circuit Path Illumination Pilot Program;
12. Endorses the following correction to the 2024-2028 Budget to reflect the funding commitment for Frankston Dolphins Football Netball Club, noting there is no material change or financial implication:
  - 3.15. Commits \$30,000 for design of an additional netball court at the Frankston Dolphins Football Netball Club in 2024/2025 to be funded from Lighting Frankston Plan Implementation – Circuit Path Illumination Pilot Program;

#### Inclusion Action Plan Update

13.
  - a) Notes feedback received from various community members and diverse groups that experience greater barriers to community participation, highlighting the need for Council to undertake a variety of community strengthening actions to build capacity, resilience, and well-being;
  - b) Notes the growing practice within the local government sector to take a holistic and integrated approach towards consolidating inclusive action plans into one comprehensive plan, and the legislative requirement to maintain a Disability Action Plan;
  - c) Notes a consolidated Inclusion Action Plan will be developed from July 2025 to combine various action plans and integrate a range of focus areas including disability, culturally and linguistically diverse communities, LGBTQIA+ and positive ageing;
  - d) Notes Council officers will brief Councillors in April 2025 prior to the development of the consolidated Inclusion Action Plan from July 2025;

#### Response to Petition - Increasing the priority of the Frankston Bowling Club all weather canopy project

14. Notes a Petition was received at its meeting on 22 April 2024, requesting Council to increase the priority of the Frankston Bowling Club all weather canopy project,



containing 575 signatures;

15. Notes it further considered the matter and at its 3 June 2024 meeting, adopted the 2024-2028 Budget where it resolved that Council:

*6. Commits the following priority project, recognising this may require future discretionary projects be deferred or cancelled as part of developing the 2025/26 Budget and next Long Term Infrastructure Program, to ensure asset renewal targets are not compromised and Council's financial position is not adversely impacted:*

- *A capped \$200,000 grant towards the dome roof at Frankston Bowls Club, recognising the current \$600,000 State government towards the project, and conditional on the Federal government funding the balance of the total project cost;*

16. Notes following the endorsement of this project in the budget, Council officers notified the head petitioner accordingly;

#### Delegation to Canberra

17. Notes Council resolved the following at the 13 May 2024 Council Meeting:

##### Councillor Interstate Travel

*3. Notes the Mayor will be travelling to Canberra for key advocacy associated with the Greater South East Melbourne Group Advocacy delegation from 26 to 27 June 2024, at no cost to Council.*

18. Notes the Mayor and CEO attended a delegation to the Australian Parliament House in Canberra on 26 and 27 June 2024 along with representatives from the Greater South East Melbourne group of Councils (GSEM), including Council Mayors and CEOs and local industry, business, education and community leaders;
19. Notes the GSEM delegation met with a number of Ministerial and Shadow Ministerial representatives across a range of relevant portfolios, in addition to the launch of the GSEM Jobs and Skills Roadmap;
20. Notes that the Mayor and CEO met with Australia Post representatives in Canberra to discuss the planned closure of the Wells Street (Central Frankston) Post Office, with a further follow up meeting to discuss opportunities for retaining essential Australia Post services within Frankston's city centre arranged for July 2024;
21. Notes that the Mayor and CEO met with Minister for the National Disability Insurance Scheme the Hon Bill Shorten MP while in Canberra to discuss concerns raised through Council's Frankston City Housing Advisory Committee on misuse of the NDIS by some providers and regulation needed for Supported Independent Living facilities, and;

#### Appointment and authorisation by CEO

22. Resolves that Attachment F to remain 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)*).

#### Motion

That Council:

#### Council Resolution Status Update

Receives the Council Resolution Status update, including:



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- a. Notice of Motion Cost Summary and Notice of Motion Report for 22 July 2024 and Open Urgent Business actions;
- b. Notes there are no Notice of Motion actions reported as complete by officers;
- c. Notes there is one report delayed in its presentation to Council:
  - Native Vegetation Offset Site progress update & Funding Outcomes, delayed to 12 August 2024 Council Meeting;
- d. Notes since the Council Meeting, held on 24 June 2024, nine (9) resolution actions have been completed, as listed in the body of the report;

#### Councillor Briefings Record

1. Receives the record of Councillor Briefing meetings held since the date of last Council Meeting held on 24 June 2024 as listed in the body of the report;

#### External and Internal Committee Meetings Update

2. Receives the highlights of activities of external and internal Committees meetings held during the quarter April to June 2024;
3. Notes the Frankston Suburban Revitalisation Board met on 6 June 2024 to shape the Board's future vision and defining its role in transforming Frankston's city centre into a successful and vibrant city and a specific report on the workings of the Revitalisation Board will be presented at the 12 August 2024 Council Meeting;

#### Councillor Induction Training

4. Receives the written *Declaration of Completion of Training* from Cr Glenn Aitken on the completion of the Councillor Induction Training, following his election to Council by count-back and taking the Oath of Office, on 19 January 2024;

#### Recognition of Mayor Emeritus and Councillor Years of Service

5. Awards a Certificate under Seal to Cr David Asker, who has served as Councillor for 10 years. The Certificate is to be presented at the next Council Meeting, to be held on 12 August 2024;
6. Notes the Mayor, Cr Nathan Conroy will receive a Mayor Emeritus Award for serving three full terms as Mayor in Victoria, and Cr David Asker will receive a 10 Years of Service Award as a Councillor, at the upcoming MAV Victorian Councillor Service Awards;

#### s11A Instrument of Appointment and Authorisation

7. In the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, Frankston City Council (Council) Resolves that:
  - a. The member of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument;
  - b. The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it;
  - c. The instrument be sealed;

#### Administrative Corrections to the 2024-2028 Budget

8. Notes, at its 3 June 2024 Meeting, the 2024-2028 Budget was adopted, where it resolved that Council:



2.2 Resolves that each differential rate will be determined by multiplying the Capital Improved Value of each rateable land (categorised by the characteristics described in paragraph 2.3 of this Resolution) by the relevant percentages indicated in the following table:

- A general rate of 0.148460% for all rateable Retirement Village Land;
9. Endorses the following typographical correction to the 2024-2028 Budget resolution of the differential rate for Retirement Village Land, noting there is no change to the value of rates being raised and no impact on ratepayers.
- A general rate of 0.148640% for all rateable Retirement Village Land;
10. Notes, at its 3 June 2024 Meeting, the 2024-2028 Budget was adopted, where it resolved that Council:
- 3.15. Commits \$30,000 for design of an additional netball court at the Frankston Bombers Netball Club in 2024/2025 to be funded from Lighting Frankston Plan Implementation – Circuit Path Illumination Pilot Program;
11. Endorses the following correction to the 2024-2028 Budget to reflect the funding commitment for Frankston Dolphins Football Netball Club, noting there is no material change or financial implication:
- 3.15. Commits \$30,000 for design of an additional netball court at the Frankston Dolphins Football Netball Club in 2024/2025 to be funded from Lighting Frankston Plan Implementation – Circuit Path Illumination Pilot Program;

#### Inclusion Action Plan Update

12. Reviews the action plans within Council relating to access and inclusion that are soon to expire and to commence development of a consolidated Inclusion Action Plan by July 2025 that will integrate a range of focus areas including disability, culturally and linguistically diverse communities, LGBTQIA+ and positive ageing;

#### Response to Petition - Increasing the priority of the Frankston Bowling Club all weather canopy project

13. Notes a Petition was received at its meeting on 22 April 2024, requesting Council to increase the priority of the Frankston Bowling Club all weather canopy project, containing 575 signatures;
14. Notes it further considered the matter and at its 3 June 2024 meeting, adopted the 2024-2028 Budget where it resolved that Council:
6. Commits the following priority project, recognising this may require future discretionary projects be deferred or cancelled as part of developing the 2025/26 Budget and next Long Term Infrastructure Program, to ensure asset renewal targets are not compromised and Council's financial position is not adversely impacted:
- A capped \$200,000 grant towards the dome roof at Frankston Bowls Club, recognising the current \$600,000 State government towards the project, and conditional on the Federal government funding the balance of the total project cost;
15. Notes following the endorsement of this project in the budget, Council officers notified the head petitioner accordingly; and
16. Resolves that Attachment F to remain 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)*)

17. a) Notes, at its 3 June 2024 Meeting, the 2024-2028 Budget was adopted, where it resolved that Council:
6. Commits the following priority projects, recognising this may require future discretionary projects be deferred or cancelled as a part of developing the 2025/26 Budget and next Long Term Infrastructure Program, to ensure asset renewal targets are not compromised and Council's financial position is not adversely impacted:
    - \$25,000 capped contribution as a grant for a score board/equipment or infrastructure for the Carrum Downs Junior Football Club in 2025/2026 as a commitment to rebuilding the club and developing it into a strong local junior football club in the region.
  - b) Notes the current financial constraints of the 2024/25 capital works program and beyond. Any capital works projects to be reprioritised during 2024/25, may only be achieved by deferring or compromising scope from offset non-renewal projects within the 2024/25 capital works program to ensure asset renewal targets are not compromised and Council's financial position is not adversely impacted;
  - c) Endorses the following amendment to the 2024-2028 Budget to reflect that Carrum Downs Junior Football Club is seeking installation of the scoreboard in the 2024/205 Financial Year:
    - i. Commits to the 2024/25 Mid-Year Budget Review, a \$25,000 contribution to the Carrum Downs Junior Football Club for the installation of a score board as a commitment to rebuilding the club into a strong local junior football club in the region. The scoreboard will remain under the care and management of the Carrum Downs Junior Football Club, with the one-off capped grant to be funded in 2024/25 by reallocating \$25,000 from the Jubilee Park Landscaping, Lighting and Ancillary Park Infrastructure project (non-renewal) in the 2024/25 Capital Works Program.
18. Notes the CEO has advised his intention to run a Candidate Information session in Frankston, based on the MAV "Stand for Council model", modified to suit the nuances of the Frankston Municipality. This will take place in August 2024.
19. a) Writes to the State Member for Frankston and the Federal Member for Dunkley, as well as send a copy to the relevant clubs at each site, to clarify that Council has already provided funding for the full design of the upgrades of the oval lights, on the condition that the State or Federal governments reciprocate by fully funding the actual upgrades of the following oval lights:
  - Ballam East Football/Cricket Oval; and
  - Peninsula Reserve Rugby/Cricket Oval
- b) In this correspondence, is to formally request full funding support to upgrade the oval lights from the State and Federal governments, noting that design/concepts for these proposed sports lights have been funded by the Council;



### Council Decision

**Moved: Councillor Asker**

**Seconded: Councillor Baker**

That Council:

#### Council Resolution Status Update

Receives the Council Resolution Status update, including:

- a. Notice of Motion Cost Summary and Notice of Motion Report for 22 July 2024 and Open Urgent Business actions;
- b. Notes there are no Notice of Motion actions reported as complete by officers;
- c. Notes there is one report delayed in its presentation to Council:
  - Native Vegetation Offset Site progress update & Funding Outcomes, delayed to 12 August 2024 Council Meeting;
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#### Councillor Induction Training

4. Receives the written *Declaration of Completion of Training* from Cr Glenn Aitken on the completion of the Councillor Induction Training, following his election to Council by count-back and taking the Oath of Office, on 19 January 2024;

#### Recognition of Mayor Emeritus and Councillor Years of Service

5. Awards a Certificate under Seal to Cr David Asker, who has served as Councillor for 10 years. The Certificate is to be presented at the next Council Meeting, to be held on 12 August 2024;
6. Notes the Mayor, Cr Nathan Conroy will receive a Mayor Emeritus Award for serving three full terms as Mayor in Victoria, and Cr David Asker will receive a 10 Years of Service Award as a Councillor, at the upcoming MAV Victorian Councillor Service Awards;

#### s11A Instrument of Appointment and Authorisation

7. In the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, Frankston City Council (Council) Resolves that:
  - d. The member of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument;
  - e. The instrument comes into force immediately the common seal of Council is



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affixed to the instrument, and remains in force until Council determines to vary or revoke it;

- f. The instrument be sealed;

#### Administrative Corrections to the 2024-2028 Budget

8. Notes, at its 3 June 2024 Meeting, the 2024-2028 Budget was adopted, where it resolved that Council:

*2.2 Resolves that each differential rate will be determined by multiplying the Capital Improved Value of each rateable land (categorised by the characteristics described in paragraph 2.3 of this Resolution) by the relevant percentages indicated in the following table:*

- A general rate of 0.148460% for all rateable Retirement Village Land;*

9. Endorses the following typographical correction to the 2024-2028 Budget resolution of the differential rate for Retirement Village Land, noting there is no change to the value of rates being raised and no impact on ratepayers.

- A general rate of 0.148640% for all rateable Retirement Village Land;*

10. Notes, at its 3 June 2024 Meeting, the 2024-2028 Budget was adopted, where it resolved that Council:

*3.16. Commits \$30,000 for design of an additional netball court at the Frankston Bombers Netball Club in 2024/2025 to be funded from Lighting Frankston Plan Implementation – Circuit Path Illumination Pilot Program;*

11. Endorses the following correction to the 2024-2028 Budget to reflect the funding commitment for Frankston Dolphins Football Netball Club, noting there is no material change or financial implication:

*3.15. Commits \$30,000 for design of an additional netball court at the Frankston Dolphins Football Netball Club in 2024/2025 to be funded from Lighting Frankston Plan Implementation – Circuit Path Illumination Pilot Program;*

#### Inclusion Action Plan Update

12. Reviews the action plans within Council relating to access and inclusion that are soon to expire and to commence development of a consolidated Inclusion Action Plan by July 2025 that will integrate a range of focus areas including disability, culturally and linguistically diverse communities, LGBTQIA+ and positive ageing;

#### Response to Petition - Increasing the priority of the Frankston Bowling Club all weather canopy project

13. Notes a Petition was received at its meeting on 22 April 2024, requesting Council to increase the priority of the Frankston Bowling Club all weather canopy project, containing 575 signatures;

14. Notes it further considered the matter and at its 3 June 2024 meeting, adopted the 2024-2028 Budget where it resolved that Council:

*6. Commits the following priority project, recognising this may require future discretionary projects be deferred or cancelled as part of developing the 2025/26 Budget and next Long Term Infrastructure Program, to ensure asset renewal targets are not compromised and Council's financial position is not adversely impacted:*

- A capped \$200,000 grant towards the dome roof at Frankston Bowls Club, recognising the current \$600,000 State government towards the project,*



*and conditional on the Federal government funding the balance of the total project cost;*

15. Notes following the endorsement of this project in the budget, Council officers notified the head petitioner accordingly; and
16. Resolves that Attachment F to remain 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)*)
17. a) Notes, at its 3 June 2024 Meeting, the 2024-2028 Budget was adopted, where it resolved that Council:
  6. Commits the following priority projects, recognising this may require future discretionary projects be deferred or cancelled as a part of developing the 2025/26 Budget and next Long Term Infrastructure Program, to ensure asset renewal targets are not compromised and Council's financial position is not adversely impacted:
    - \$25,000 capped contribution as a grant for a score board/equipment or infrastructure for the Carrum Downs Junior Football Club in 2025/2026 as a commitment to rebuilding the club and developing it into a strong local junior football club in the region.
  - d) Notes the current financial constraints of the 2024/25 capital works program and beyond. Any capital works projects to be reprioritised during 2024/25, may only be achieved by deferring or compromising scope from offset non-renewal projects within the 2024/25 capital works program to ensure asset renewal targets are not compromised and Council's financial position is not adversely impacted;
  - e) Endorses the following amendment to the 2024-2028 Budget to reflect that Carrum Downs Junior Football Club is seeking installation of the scoreboard in the 2024/205 Financial Year:
    - ii. Commits to the 2024/25 Mid-Year Budget Review, a \$25,000 contribution to the Carrum Downs Junior Football Club for the installation of a score board as a commitment to rebuilding the club into a strong local junior football club in the region. The scoreboard will remain under the care and management of the Carrum Downs Junior Football Club, with the one-off capped grant to be funded in 2024/25 by reallocating \$25,000 from the Jubilee Park Landscaping, Lighting and Ancillary Park Infrastructure project (non-renewal) in the 2024/25 Capital Works Program.
18. Notes the CEO has advised his intention to run a Candidate Information session in Frankston, based on the MAV "Stand for Council model", modified to suit the nuances of the Frankston Municipality. This will take place in August 2024.
19. a) Writes to the State Member for Frankston and the Federal Member for Dunkley, as well as send a copy to the relevant clubs at each site, to clarify that Council has already provided funding for the full design of the upgrades of the oval lights, on the condition that the State or Federal governments reciprocate by fully funding the actual upgrades of the following oval lights:
  - Ballam East Football/Cricket Oval; and



- Peninsula Reserve Rugby/Cricket Oval
- b) In this correspondence, is to formally request full funding support to upgrade the oval lights from the State and Federal governments, noting that design/concepts for these proposed sports lights have been funded by the Council;

**Carried Unanimously**



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**12.2 Chief Executive Officer's quarterly report - April to June 2024**

(PC Chief Executive Office)

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

That Council:

1. Notes the Chief Executive Officer's report and any updates on previous recommendations actions provided within the report;
2. Notes the *Chief Executive Officer's Quarterly Report for the period April to June 2024 ~ public version* (attachment A), which will be made available after this meeting through Council's website;
3. Notes reduction of decisions being made in Closed Council in this reporting quarter (4 – 2023/24) with a result of 0%;
4. Notes its prior resolution at the 1 May 2023 Council Meeting, requiring that a future quarterly Chief Executive Officer report be provided on an indefinite basis, which for all intents and purposes has been a great success for its breadth and commentary of the substantial progress being made by Council, along with the integrity and wider transparency it provides of the Council and its operations;
5. Resolves Attachment B, *Confidential Chief Executive Officer's report for April to June 2024*, be retained as confidential indefinitely, on the grounds that it contains information that is confidential pursuant to the Local Government Act 2020, section 3(1) (a), (d), (e), (f), (g), (h) (i) and (j) and would, if released, reduce Council's ability to properly perform its functions; and
6. Resolves Attachment C, *Frankston City Council – Councillor Conduct Matters Table as at June 2024*, be retained confidential until the date of this Council meeting on the grounds that it contains information that is confidential pursuant to the *Local Government Act 2020, section (j)* and would be released with the minutes of this meeting and placed on Council's Transparency Hub to meet the requirements of the resolution passed on 2 October 2023 from part 4.b)ix. of the *2023/NOM6 - Accountability Transparency Reform (ATR) III*.

**Carried Unanimously**

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



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Attachment C - Frankston City Council – Councillor Conduct Matters Table as at June 2024



## Councillor Conduct Matters

Type	Status	Date Application resolved by Council	Applicant	Respondent	Decision tabled in Council Meeting	Decision	Notes	Cost to Council* *Excludes Officer time	Link to published Determination
Internal Arbitration	Complete	1-Mar-21	Council by resolution	Cr Steven Hughes	30-Aug-21	Four findings of misconduct One month suspension	In the published determination the Arbitrator cited that Cr Hughes was found to have engaged in four instances of misconduct by breaching the Councillor Code of Conduct. The Arbitrator gave a period of one month's suspension (maximum allowed).	\$7,724	<a href="https://www.localgovernment.vic.gov.au/_data/assets/pdf_file/002/3/175802/Minutes-of-Frankston-Council-meeting-held-on-Monday-30-August-2021.pdf">https://www.localgovernment.vic.gov.au/_data/assets/pdf_file/002/3/175802/Minutes-of-Frankston-Council-meeting-held-on-Monday-30-August-2021.pdf</a>
Councillor Conduct Panel	Complete	Application by Councillor on 1 Dec 2021	Cr Steven Hughes	Cr Kris Bolam	15-Aug-22	Application dismissed	In the published determination the Panel dismissed the Application. The allegations made by Cr Hughes against Cr Bolam were dismissed. Council resolved an urgent business item on 15 August 2022 to reimburse Cr Bolam \$4300 for legal expenses he incurred as the Respondent.	\$28,340	<a href="https://www.localgovernment.vic.gov.au/_data/assets/pdf_file/002/9/188156/Hughes-Bolam-CCP-2021-7-Councillor-Conduct-Panel-Determination-and-Statement-of-Reasons-for-Decision-29-July-2022.pdf">https://www.localgovernment.vic.gov.au/_data/assets/pdf_file/002/9/188156/Hughes-Bolam-CCP-2021-7-Councillor-Conduct-Panel-Determination-and-Statement-of-Reasons-for-Decision-29-July-2022.pdf</a>
Mediation	Complete	Not available	Group of Councillors	Cr Steven Hughes	4-Oct-22	Mediation was unresolved.	When Council resolved to make an Application for Internal Arbitration on 6 June 2022, Cr Hughes agreed to participate in mediation. The mediation was unresolved and Council proceeded with the Application for Internal Arbitration.	\$15,027	Not applicable
Internal Arbitration	Complete	6-Jun-22	Council by resolution	Cr Steven Hughes	30-Jan-23	Four findings of misconduct One month suspension Written apology to Council staff	In the published determination the Arbitrator found that Cr Hughes failed to comply with the prescribed standards of conduct in the Councillor Code of Conduct. The Arbitrator's findings outlined these were breached in respect of four allegations. There was no finding of misconduct in response to the remaining (4) allegations and these were dismissed. The Arbitrator gave a period of one month's suspension (maximum allowed) and ordered a written apology to staff.	\$11,127	<a href="https://www.localgovernment.vic.gov.au/_data/assets/pdf_file/002/4/193137/Frankston-City-Council-and-Hughes-IAP-2022-21.pdf">https://www.localgovernment.vic.gov.au/_data/assets/pdf_file/002/4/193137/Frankston-City-Council-and-Hughes-IAP-2022-21.pdf</a>
Councillor Conduct Panel	Complete	3-Oct-22	Council by resolution	Cr Steven Hughes	6-Sep-23	Serious misconduct finding Reprimanded Three month suspension	In the published determination the Councillor Conduct Panel found Cr Hughes engaged in serious misconduct and was ordered to be reprimanded (a professional censure, signalling that the conduct is condemned) and suspended from the office of Councillor for a period of three calendar months commencing after the meeting of Council at which the decision was tabled. The decision was subsequently tabled and an extra meeting of Council was held on 6 September 2023. Cr Hughes is due to return to the office of Councillor on 5 December 2023.	\$28,340	<a href="https://www.localgovernment.vic.gov.au/_data/assets/pdf_file/002/3/201695/Frankston-City-Council-and-Hughes-CCP-2022-14-Councillor-Conduct-Panel-Determination-and-Statement-of-Reasons-for-Decision-31-August-2023.pdf">https://www.localgovernment.vic.gov.au/_data/assets/pdf_file/002/3/201695/Frankston-City-Council-and-Hughes-CCP-2022-14-Councillor-Conduct-Panel-Determination-and-Statement-of-Reasons-for-Decision-31-August-2023.pdf</a>
Councillor Conduct Panel	On hold	20-Feb-23	Council by resolution	Cr Steven Hughes	Not available	Not available	Cr Steven Hughes resigned from the office of Councillor on 11 December 2023. As a result the Panel Hearing will not be held in the remainder of this term of Council (September 2024). Awaiting final Panel Directions and final costs.	\$39,469	Not available
Cost year to date								\$130,029	



Chairperson's initials.....

**12.3 Municipal Early Years Plan (MEYP) Year 3 Update***(CB Communities)***Council Decision****Moved: Councillor Aitken****Seconded: Councillor Bolam**

That Council:

1. Notes the progress of the Municipal Early Years Plan (MEYP) 2021-2025, which represents a holistic and robust roadmap for enabling best outcomes for families with children aged 0 to 6 years in the municipality;
2. Acknowledges highlights from the Year Three Actions including the development of the Kindergarten Partnership Strategy, roll out of the INFANT Program (Infant Feeding, Active Play and NuTrition) by Council's Maternal and Child Health Service which helps families establish healthy lifestyle behaviours, and delivery of an online webinar on Referral Pathways to better assist allied health and support services professional to when referring parents to programs and services;
3. Celebrates the partnership between Council, the Cities of Casey and Greater Dandenong and Nar Mar Djambana in developing the "Regional Balit Boobooop Narrkwarren (BBN) Bunurong Country Adaptation Training." Balit Boobooop Narrkwarren means 'strong baby and family' in Woiwurrung language. It is a culturally adapted model of Council's Baby Makes 3 program;
4. Celebrates that the partnership referred to in Recommendation 3 of this resolution, resulted two awards – the 2024 LGPro Excellence Award in the First Nations Community Partnership Initiative category and 2024 Reconciliation Victoria Maggolee Award for Excellence for the Balit Boobooop Narrkwarren Project; and
5. Supports officers to continue implementing the MEYP actions over the next 12 months.

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

Chairperson's initials .....

**12.4 Urban Forest Action Plan Update***(TB Communities)***Council Decision****Moved: Councillor Aitken****Seconded: Councillor Bolam**

That Council:

1. Celebrates the successful planting of 20,000 trees in 2022 and 2023 (calendar years) under the Urban Forest Action Plan, which represents the largest known tree planting endeavour in the State;
2. Highlights that as at June 2024, 65% of the current year's (the 2024 year) planting target of 20,000 trees had been achieved, with 100% delivery on track by the end of August 2024;
3. Acknowledges the recent canopy tree data and achievements to date to progress towards the urban forest tree canopy tree targets;
4. Notes that there are significantly reduced planting locations available on Council owned land, increased tree vandalism and maintenance costs and supports a transition in Year 4 (2025 calendar year) whereby fewer than 20,000 trees but that Officers will focus on replacing trees that have either been vandalised or have not survived since they were planted;
5. Notes that Officers will continue to work towards increasing the Urban Forest and local tree canopy cover, by encouraging tree planting on private land. Initiatives to support Private Land Owners will include Plant Giveaways, Environmental Landholder Grants, Tree Education Programs/Workshops and revised Landscape Guidelines for new development which requires planning permission; and
6. Supports the changes to the Guidelines for applications to the Environmental Sustainability Community grants to enable landholders to also apply for biodiversity improvements works on private property.

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

Chairperson's initials .....

**12.6 Community Satisfaction Survey 2024***(CR Corporate and Commercial Services)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Baker**

That Council:

1. Notes the Local Government Community Satisfaction Survey results for 2024 with Frankston City achieving an excellent overall **satisfaction rate of 7.1** (7.0 in 2023). This result is better than the metro average of 7.0 and 2 points better than the South Eastern region councils average of 6.9;
2. Notes Frankston City Council has maintained its historically high overall satisfaction for the past four years and is well above the long-term average since 2012 of 6.3 and is a significant improvement of 16 per cent from 5.5 recorded in 2018;
3. Notes Frankston City Council continues to provide the community with high satisfaction in areas of services for children (up 4%), governance and leadership, waste collection and recycling services, local libraries and aquatic/leisure centres;
4. Notes Frankston City Council are committed to further analysis of the results to implement any actions necessary to address community feedback in areas such as including customer service (down 4%) and planning applications (down 4%); and
5. Releases the results to the community, via various social media channels, on the Council's website, in e-news, in the next available issue of the Frankston City News (FCN) and through media releases.

**Carried Unanimously**

Chairperson's initials .....



**13. RESPONSE TO NOTICES OF MOTION**

Nil

**14. NOTICES OF MOTION**

*Item 14.1 – 2024/NOM15 Seaford Foreshore Significance was brought forward*

**15. LATE REPORTS**

Nil

**16. URGENT BUSINESS**

Nil



Chairperson's initials .....

## 17. CONFIDENTIAL ITEMS

### Council Decision

**Moved: Councillor Aitken**

**Seconded: Councillor Harvey**

That the Council Meeting be closed to the public to discuss the following Agenda items and all documents associated with the consideration and discussion of it, that are designated confidential information by me, pursuant to Section 3(1) of the Local Government Act 2020 on the following grounds:

#### **C.1 South East Metropolitan Advanced Waste Project (SEMAWP) Project Update**

Agenda Item C.1 South East Metropolitan Advanced Waste Project (SEMAWP) is designated confidential under Part 1 of the Local Government Act 2020 (the Act), the South East Metropolitan Advanced Waste Project (SEMAWP) is confidential as it is:

(g) private commercial information, being information provided by a business, commercial or financial undertaking that—

(i) relates to trade secrets; or

(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

**Carried Unanimously**



Chairperson's initials .....

**QUESTION TIME****Questions received with and without Notice**

The following questions with notice were received for the Council Meeting 2024/CM08 – 24 June 2024. In accordance with the *Public Submissions and Question Time Policy*, the questions and responses are published below:

**Lynne Williams****Question 1**

Will Council consider following Kingston by offering 2 free individual 'at call' hard rubbish collections per year so as to save people - such as myself - having to pick up all the rubbish that's been scattered over my front yard by people going through our annual hard rubbish collection - it's disgusting and disrespectful by the people who do this?

**Response**

Frankston City Council offers residents an annual hard waste collection and the option to book additional collections at a fee.

Across Victoria, Councils provide various methods of collection of hard waste due to the differences in geographical size, accessibility to landfill/transfer station and the needs of the community.

The annual Community Satisfaction Survey indicates that there is a high satisfaction rate for the annual hard waste service with 96% satisfaction with the service.

Scavenging occurs with both annual and booked collections methods offered by councils.

As part of the annual collection, Council provide a follow up service to collect any missed items or debris if notified by residents after the collection.

As part of the Waste Circularity Plan endorsed in July 2023, Council will review the hard waste collection service to ensure cost effectiveness whilst also meeting community needs.

**Question 2**

Am requesting Council to place large signage where rear of council carpark adjoins little beauty carpark requesting motorists to slow down as 'ducks' cross the road. Today a number of birds were grazing on the edge of the road, motorists zooming down Young Street, didn't even stop for the crossing - I'm concerned that birds may be run over - please consider a large sign on the council side which motorists can clearly see and therefore watch out for ducks/water birds.

**Response**

Council's Traffic Engineer confirms appropriate signage, warning drivers of 'ducks crossing', is currently in place, travelling in both directions, just before the pedestrian crossing on Young Street, Frankston.



**Peter Anscombe**

As the first two questions received from Peter Anscombe related to the same subject matter, a single response was provided. The third question submitted was disallowed, as it related to a subject matter already responded to and can be referenced in the Minutes of the 2024/CM08 – 24 June 2024 Council Meeting.

**Question 1**

Will the council explain why my question submitted in accordance with the rules for questions without notice to the last meeting 3rd June 2024 was not acknowledged or addressed at that meeting?

**Question 2**

Will the Council now read out to this meeting and respond to all the ignored questions I submitted to the meeting 3rd June 2024?

**Response**

In accordance with Council's Public Submissions and Question Time Policy, the questions received from Mr Peter Anscombe for the 3 June 2024 Council Meeting were received without notice, that is, received after 12.00pm on the Friday before the Council Meeting. It was stated in the 3 June Council Meeting that the questions will be responded to in writing following the Council Meeting. Due to an administrative error this was delayed and has now been completed.

The questions submitted and their responses will be provided in the Minutes of this Council Meeting.

*The meeting was closed to the public at 8.40 pm*

DRAFT MINUTES  
CONFIRMED THIS

DAY OF

2024

.....  
CHAIRPERSON



Chairperson's initials .....