



**MINUTES OF COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL  
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON  
ON 16 SEPTEMBER 2024 at 7:00 PM**

- PRESENT** Cr. Nathan Conroy (Mayor)  
Cr. Liam Hughes (Deputy Mayor) (via Zoom)  
Cr. Glenn Aitken  
Cr. David Asker  
Cr. Sue Baker  
Cr. Kris Bolam  
Cr. Brad Hill  
Cr. Suzette Tayler
- APOLOGIES:** Cr Claire Harvey
- ABSENT:** Nil.
- OFFICERS:** Mr. Phil Cantillon, Chief Executive Officer  
Ms. Kim Jaensch, Director Corporate and Commercial Services  
Ms. Angela Hughes, Director Communities  
Mr. Cam Arullanantham, Director Infrastructure and Operations  
Ms. Fiona McQueen, Acting Director Customer Innovation and Arts  
Ms. Brianna Alcock, Manager Governance  
Ms. Tammy Beauchamp, Manager City Futures  
Mr. Sam Clements, Manager Development Services (via Zoom)  
Mr. Tim Bearup, Manager Community Strengthening (via Zoom)  
Ms. Brooke Whatmough, Coordinator Strategic Planning  
Ms. Jamey Barbakos, Coordinator Major Development (via Zoom)  
Ms. Tenille Craig, Coordinator Governance  
Mr. Ric Rais, Systems Support Officer  
Mr. Josh Lacey, Supervising Technician
- EXTERNAL REPRESENTATIVES:** Nil.

## COUNCILLOR STATEMENT

The Deputy Mayor, Councillor Liam Hughes, made the following statement:

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

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

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

## PRAYER

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

## ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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**1. APOLOGIES**

An apology was received from Cr Claire Harvey.

**2. HEARING OF PUBLIC SUBMISSIONS**

Andrew Bromley made a submission to Council regarding Item 3.2 Planning Application 437/2020/P/C - 35 Playne Street, Frankston - Application to amend a planning permit to construct a fifteen (15) storey mixed use building in a Commercial 1 Zone, use of land for dwellings and reduce the number of car parking spaces required under the Parking Overlay, Schedule 1;

*Councillor Hughes left the meeting at 7:13 pm.*

*Councillor Hughes returned to the meeting at 7:19 pm.*

Garry Ebbott made a submission to Council regarding Item 3.1 Adoption of the Frankston Metropolitan Activity Centre (FMAC) Structure Plan (September 2024) and consideration of the Planning Panel Report for Planning Scheme Amendment C160fran; and

Trudy Poole made a submission to Council regarding Item 3.1 Adoption of the Frankston Metropolitan Activity Centre (FMAC) Structure Plan (September 2024) and consideration of the Planning Panel Report for Planning Scheme Amendment C160fran.

**3. CONSIDERATION OF CITY PLANNING REPORTS****3.1 Adoption of the Frankston Metropolitan Activity Centre (FMAC) Structure Plan (September 2024) and consideration of the Planning Panel Report for Planning Scheme Amendment C160fran***(BW Communities)***Council Decision****Moved: Councillor Tayler****Seconded: Councillor Hill**

That Council:

1. Receives and considers the Panel Report for Planning Scheme Amendment C160fran pursuant to Section 27 of the *Planning and Environment Act 1987*;
2. Adopts Planning Scheme Amendment C160fran pursuant to Section 29 of the *Planning and Environment Act 1987* with changes as set out in Attachments B and C to item 3.1 in the City Planning Report of the Council Meeting Report of 16 September 2024.
3. Authorises Council officers to submit the adopted Planning Scheme Amendment C160fran to the Minister for Planning for approval pursuant to Section 31 of the *Planning and Environment Act 1987*;
4. Authorises the Director Communities to revise the adopted Planning Scheme Amendment C160fran if changes are sought from the Department of Transport and Planning;
5. Adopts the *Frankston Metropolitan Activity Centre Structure Plan (Tract, September 2024)*; and
6. Notes that Council officers will notify all submitters of the decision.

**Extension of Time****Moved: Councillor Bolam****Seconded: Councillor Baker**

That Cr Aitken be granted an extension of time.

**Carried Unanimously***Councillor Hughes left the chamber at 7:45 pm.**Councillor Hughes returned to the chamber at 7:48 pm.***Extension of Time****Moved: Councillor Hill****Seconded: Councillor Bolam**

That Cr Baker be granted an extension of time.

**Carried Unanimously****Extension of Time****Moved: Councillor Tayler****Seconded: Councillor Asker**

That the Mayor, Cr Conroy, be granted an extension of time.

**Carried Unanimously**

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**Extension of Time**

**Moved: Councillor Baker**

**Seconded: Councillor Bolam**

That Cr Hill be granted an extension of time.

**Carried Unanimously**

**The Motion was  
Carried**

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

Against the Motion: Cr Hughes (1)

*The Deputy Mayor left the Chamber at 8:10 pm and did not return to the meeting.*

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**3.2 Planning Application 437/2020/P/C - 35 Playne Street, Frankston - Application to amend a planning permit to construct a fifteen (15) storey mixed use building in a Commercial 1 Zone, use of land for dwellings and reduce the number of car parking spaces required under the Parking Overlay, Schedule 1**

*(JB Communities)*

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Tayler**

That Council resolves to issue an Amended Planning Permit in respect to Planning Permit Application number 437/2020/P/C for to allow the construction of a fifteen (15) storey mixed use building in a Commercial 1 Zone, use of land for dwellings and reduction to the number of car parking spaces required under the Parking Overlay, Schedule 1 at 35 Playne Street, Frankston, subject to the following conditions:

**Plans**

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and one copy must be provided. The plans must be substantially in accordance with the plans submitted with the application prepared by Via Architects, Drawing No. TP-010 - TP-011, TP-100 - TP113, TP-200 - TP-203, TP-210 - TP-211, TP-900 - TP-907, TP-920 - TP-930 and TP-950 - TP-951, Revision 9, dated 10 July 2024, but modified to show:
  - (a) Deleted.
  - (b) Deleted.
  - (c) Deleted.
  - (d) Elevations to identify and annotate clear, unfrosted glazing to the Playne Street interface and pedestrian entry to Park Lane.
  - (e) Northern Elevation to identify that artwork occupies the entirety of the ground floor level.
  - (f) Deleted.
  - (g) An Environmental Wind Tunnel Modelling Report in accordance with Condition 37.
  - (h) All trees growing on the site and on the adjoining properties within 3m of the boundaries must be clearly illustrated on all relevant plans to demonstrate canopy width, trunk location, clearly labelled and state whether the tree is to be retained or removed to the satisfaction of the Responsible Authority.
  - (i) The Tree Protection Zone and Structural Root Zone for all trees to be retained and the tree protection fence locations must be illustrated on all relevant plans to the satisfaction of the Responsible Authority.
  - (j) Tree protection conditions noted in accordance with Conditions 7.
  - (k) A Landscape Plan in accordance with Condition 3.
  - (l) A Landscape Maintenance Plan in accordance with Condition 4.
  - (m) Deleted.
  - (n) A detailed materials, finished and colour schedule in accordance with Condition 11.
  - (o) A Waste Management Plan in accordance with condition 38.
  - (p) Details of the roof services screen treatment to reflect to overall building design.

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- (q) Deleted.
- (r) Location of the wayfinding signage for the bicycle spaces in accordance with Clause 52.34-7 of the Frankston Planning Scheme.
- (s) Details of bicycle parking devices to comply with Australian Standards AS2890.3.
- (t) Deleted.
- (u) Deleted.
- (v) End of Trip Facilities to identify at least one shower with access to a change room in accordance with Clause 52.34-5 of the Frankston Planning Scheme.
- (w) A Green Travel Plan in accordance with Condition 34.
- (x) A Reflected Glare Assessment in accordance with Condition 39.
- (y) A Car Parking Management Plan in accordance with Condition 40.
- (z) A 3D digital model.
- (aa) Lighting around the entry where pedestrian access is proposed to Park Lane.
- (bb) An alternative screening treatment to the booster which is in keeping with the coastal aesthetic of the building.
- (cc) Swinging doors to the residential lobby and Park Lane pedestrian entry which directly services two DDA car parks to be designed to DDA standards.
- (dd) All ESD initiatives identified in the BESS and Sustainable Management Plan as notations on the plans for the following categories Management, Energy, IEQ, STRM, Waste, Material, Transport, Water and Urban ecology including JV3 modelling, daylight modelling outcomes for energy saving, glazing specifications (SHGC, U, VLT) and interior colours.

#### **No Alterations**

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

#### **Landscaping**

- 3. Before the commencement of buildings and works, a detailed landscape plan consistent with Frankston City Council's Landscape Plan Preparation 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 drawn to scale with dimensions. The plan must be generally in accordance with the Landscape plan prepared by Via Architects, Drawing Nos. TP-950 - TP-951, Revision 9, dated 10 July 2024, but modified to show:
  - a. A survey (including botanical names) of all existing vegetation located within three (3) metres of the boundary of the site 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. The tree number, T.P.Z., S.R.Z. and tree protection notations relating to Council street trees.
  - c. the delineation and details of surface finishes of all garden beds, grassed areas, pathways, driveways, retaining walls and other landscape works including areas of cut and fill throughout the development site;
  - d. a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;
  - e. a range of plant types from ground covers to large shrubs, trees including shade

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- tolerant indigenous plants;
- f. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
  - g. A planting theme of a minimum 30% indigenous and 40% native within each plant group;
  - h. Detailed design of all planter boxes and demonstrate adequate soil volumes and drainage;
  - i. Planter boxes to include climbing structures for vertical greening;
  - j. Deleted;
  - k. Detailed design for all green walls and climbing structures
  - l. Deleted;
  - m. The provision of notes on the landscape plan regarding site preparation, including in-ground irrigation system to be provided to all landscaped areas, proposed mulch, soil types and thickness and subsoil preparation;
  - n. All tree stock used must be in accordance with AS2303-2015 Tree stock for Landscape Use.
4. Before the commencement of buildings and works, 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 plan establishment period;
  - b. Long term maintenance regime for all established 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;
  - d. 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.

#### **Prior to Occupation**

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.
6. 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.

#### **Trees Protection**

7. Tree protection and ground protection (where TPF cannot be provided due to access requirements) must be carried out in accordance with the Australian Standard AS4970-2009 *Protection of Trees on Development Sites* to the satisfaction of the Responsible Authority.

Before works start (including any demolition, levelling of the site, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the following tree protection conditions apply within the identified Tree Protection Zones

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(TPZs) for trees 1 and 2 as identified by the Responsible Authority. All tree protection conditions must be undertaken to the satisfaction of the Responsible Authority.

- 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 and stating whether the tree is to be retained or removed.
- b. The Tree Protection Zone (TPZ), Structural Root Zone (SRZ) and the tree protection locations for all trees to be retained illustrated on all relevant plans.
- c. Tree protection conditions noted on all relevant plans.
- d. Tree Protection Fence defined by a 1.8 metre high (minimum) temporary fence constructed using steel or timber posts fixed 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 the perimeter of the raised growing site for trees 1 and 2 to the satisfaction of the Responsible Authority and in accordance with *AS 4970-2009 Protection of trees on development sites* for the duration of construction. 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".
- e. No excavation works are permitted inside the Tree Protection Zones (TPZs) of trees 1 and 2.
- f. Written consent must be sought from the Responsible Authority for any unforeseen excavation inside the Tree Protection Zones (TPZs) of trees 1 and 2.
- g. To avoid potential root damage and contamination of Tree Protection Zones (TPZs) ground protection must be installed at the Tree Protection Zone (TPZ) radii of trees 1 and 2 prior to any construction vehicles accessing the site. Ground protection must be able to disperse any load required to construct and maintained for the duration of construction with the Tree Protection Zones (TPZs) beneath inspected for cracks and damage monthly and recorded in both written and photographic form. Records must be produced at the request of the Responsible Authority.
- h. No fuels, oils, chemicals, poisons, rubbish, or other materials harmful to trees are to be disposed of or stored inside Tree Protection Zones (TPZs) either inside or outside of the Tree Protection Zone (TPZ) fences.
- i. No storage of equipment, machinery or material is to occur inside Tree Protection Zones (TPZs) either inside or outside of the Tree Protection Zone (TPZ) fences.
- j. 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.

8. Deleted.

9. Deleted.

#### **Mesh Screen**

10. Deleted.

#### **Façade Details and Materials and Finishes**

11. Prior to the commencement of the development, a colour schedule and sample panel of all external materials and finishes showing materials, colours and materials, roof and glazing treatments including colour copies suitable for endorsing, must be

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submitted to the satisfaction approval by the Responsible Authority. When approved, the schedule will form part of the permit.

12. As part of the consultant team Via Architects or an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality and the appearance of the approved building is maintained to the satisfaction of the Responsible Authority.
13. The design, materials and finishes must be a high quality, generally consistent with the materials and finishes proposed by Via Architects, unless alternative materials and finishes are approved, to the satisfaction of the Responsible Authority.

### Infrastructure

14. Prior to commencement of the development 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.
15. 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:
  - a. On-site stormwater detention;
  - b. Permeable paving;
  - c. Rainwater tanks for harvesting and re-use of stormwater for toilet flushing, landscape irrigation, etc;
  - d. Soil percolation;
  - e. Rain gardens providing extended detention and on-site bio-treatment to reduce dissolved contaminants and suspended solids.
16. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
17. Concrete kerbs and barriers shall be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access to an adjoining road other than by vehicle crossing.
18. Prior to occupation of the development hereby permitted, areas set aside for parking vehicles, loading bays, 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 or surfaced with crushed rock or gravel;
  - d. Drained and maintained to the satisfaction of the Responsible Authority;
  - e. Line-marked to indicate each car space, loading bay and all access lanes and if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.

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

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

20. Deletion.

**Car Parking Design**

21. Deleted.

22. Deleted.

23. Deleted.

24. Deleted.

25. Deleted.

26. Deleted.

27. Deleted.

28. Deleted.

29. Deleted.

30. Deleted.

**Construction and Environment Management Plan**

31. Prior to 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.

The provisions, recommendations and requirements of the endorsed Construction

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Environmental Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Public Art Management Plan**

32. Within three (3) months of commencing the development, a Public Art Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
- a. Details of the commissioned artist(s)
  - b. Description of art work, including:
    - i Materials; colours;
    - ii Dimensions;
    - iii Content;
    - iv Special features (eg. lighting);
    - v Details of the installation process; and
    - vi Details of art works maintenance schedule.

To the satisfaction of the Responsible Authority.

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

### **Green Travel Plan**

34. 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 be generally in accordance with the Green Transport Plan prepared by Quantum Traffic and dated 12 March 2024, but modified to:
- a. Address the plans to be endorsed under Condition 1.
35. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Wind Assessment Report**

36. Deleted.
37. The provisions, recommendations and requirements of the endorsed Environmental Wind Tunnel Modelling Report prepared by Mel Consultants dated 22 July 2024 must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Waste Management**

38. 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 Urban Waste Environmental Consultants dated 22 March 2024 but modified to:

- a. Address the plans to be endorsed under condition 1.
- b. Increase the General Waste and Recycle by 460L.
- c. Identify that the property is not eligible to participate in the Council free annual hard waste collection and that hard waste must be arranged for collection by a private waste collection contractor.

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

#### **Reflected Glare Assessment**

39. 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:

- a. Address the plans to be endorsed under Condition 1.
- b. The applied method used for the reflected glare assessment.
- c. Any assessment assumptions.
- d. Identification of potential observers receiving glare.
- e. Review of materials, finishes and reflectors.
- f. Assessment of the proposed development's disability and discomfort glare.
- g. 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.

#### **Car Parking Management Plan**

40. Before the development starts, a Car Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the permit. The plan must include:

- a) Car parking allocated and sign posted/marked.
- b) Provision of directional signage.

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

#### **Lighting baffle**

41. All lighting used to externally illuminate buildings, works and uses shall be fitted with cut-off luminaires (baffles) so as to prevent the emission of direct and indirect light onto adjoining roadways, land and premises.

#### **Urban Design**

42. 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.
43. Mailboxes shall be provided within the development to the satisfaction of the Responsible Authority and Australia Post.
44. All pipes, fixtures and fittings servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible

Authority.

45. All roof plant and equipment must be screened so as not to be visible from public areas at ground level.
46. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.
47. Before the buildings are occupied, a graffiti management plan for any wall located on a boundary facing public property must be approved to the satisfaction of the Responsible Authority. Once approved the graffiti management plan will form part of the permit and must be complied with.

#### **Amenity**

48. 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.

49. Air-conditioning and other plan 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.

#### **Satisfactorily completed**

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

#### **Permit Expiry**

51. This permit will expire if one of the following circumstances applies:
  - a. The development is not started within three years of the date of this permit.
  - b. The development is not completed within five years of the issued 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 been started.

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- 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:
  - Construction of a fifteen (15) storey mixed use building in a Commercial 1 Zone, use of the land for dwellings and reduction to the number of car parking spaces required under the Parking Overlay Schedule 1.
- The following changes to the permit conditions:
  - An amendment to Conditions 1, 1(e), 1(g), 1(j), 1(o), 1(s), 3, 3(i), 7, 12, 13, 31, 33, 34, 37 and 38.
  - The deletion of Conditions 1(a), 1(b), 1(c), 1(f), 1(m), 1(q), 1(t), 1(u), 3(j), 3(l), 8, 9, 10, 20, 21-30 and 36.
  - The inclusion of Conditions 1(v) - 1(dd), 39 and 40.
  - The renumbering of Conditions 39-49 to 41-51.

*Councillor Bolam left the chamber at 8:10 pm.*

*Councillor Bolam returned to the chamber at 8:12 pm.*

**Extension of Time**

**Moved: Councillor Bolam**

**Seconded: Councillor Baker**

That Cr Aitken be granted an extension of time.

**Carried Unanimously**

**The Motion was Carried**

For the Motion: Crs Asker, Baker, Bolam, Conroy, Hill and Tayler (6)

Against the Motion: Cr Aitken (1)



**4. CONSIDERATION OF REPORTS OF OFFICERS****4.1 Langwarrin Community Centre - Transition Funding Request***(TB Communities)***Council Decision****Moved: Councillor Tayler****Seconded: Councillor Aitken**

That Council:

1. Notes the request from Neil Kinsey OAM (President of Langwarrin Community Centre) for a one-off additional payment of \$22,000 to support necessary and unbudgeted changes to their service model as they prepare to integrate with the operations of the Langwarrin Preschool and Maternal Child Health Service.;
2. Notes the support that has been provided to Langwarrin Community Centre through Council's engagement of Otium Planning Group in late 2023 who assisted them to plan for a reconfigured service model. Otium's report confirms the interim transitional challenges described by the President during the transition phase;
3. Approves a one-off allocation of \$22,000 to Langwarrin Community Centre as per their request, and these funds be committed to the mid-year budget review and organisational savings to be found to cover these additional costs; and
4. Resolves that Attachment A & B (Email from Neil Kinsey OAM, and the Otium Planning Report) be retained as confidential indefinitely on the grounds that they contain information that is Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released (section 3(1)(a)).

**Carried Unanimously**

