



FRANKSTON CITY
COUNCIL

Ordinary Meeting

A G E N D A

13 March 2018



COUNCIL CHAMBERS

Dennis Hovenden Chief Executive Officer	Cr Colin Hampton Mayor	Tim Frederico Director Corporate Development
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Executive Assistant to the Mayor	Council Core Business Support Coordinator	Prue Digby Municipal Monitor
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Cr. O'Connor

Cr. McCormack

Cr. Cunial

Cr. O'Reilly

Cr Bolam

Cr. Mayer

Cr. Aitken

Cr. Toms

Guest Speaker

EMT

EMT

MEDIA

MEDIA

Gallery



THE COUNCIL MEETING

Welcome to this Meeting of the Frankston City Council

The Council appreciates residents, ratepayers and other visitors taking their places in the Public Gallery, as attendance demonstrates an interest in your Council and community affairs. Community spirit is encouraged.

This information sheet is designed to help you to understand the procedures of Council and help you to gain maximum value from your attendance.

The law regarding the conduct of Council meetings enables the public to observe the session. However, to ensure the manageability of Council meetings, opportunities for public participation are limited to Question Time and registered submissions in accordance with Council's guidelines, which are available from Council's Councillors Office (call 9768 1632) and on our website, www.frankston.vic.gov.au. It is not possible for any visitor to participate in any Council debate unless specifically requested by the Chairperson to do so.

If you would like to have contact with Councillors or Officers, arrangements can be made for you to do so separately to the meeting. Call Frankston City Council on 9768 1632 and ask for the person you would like to meet with, to arrange a time of mutual convenience.

When are they held?

Generally speaking, the Council meets formally every three (3) weeks on a Monday and meetings start at 7.00 pm, unless advertised otherwise.

Council meeting dates are posted in the Davey Street and Young Street entrances to the Civic Centre (upper level) and also on our website, www.frankston.vic.gov.au.

Governance Local Law No. 1 – Meeting Procedure

34. Chair's Duty

Any motion which is determined by the Chair to be:

- (1) *defamatory of or embarrassing to any Councillor, member of Council staff or other person;*
- (2) *abusive or objectionable in language or nature;*
- (3) *a direct negative of the question before the Chair;*
- (4) *vague or unclear in intention;*
- (5) *outside the powers of Council; or*
- (6) *irrelevant to the item of business on the agenda and has not been admitted as Urgent Business, or purports to be an amendment but is not,*

must not be accepted by the Chair.

88. Chair May Remove

- (1) *The Chair may order and cause the removal of any person, including a Councillor, who disrupts any meeting or fails to comply with a direction, or cause the removal of any object or material that is deemed by the Chair as being objectionable or disrespectful.*
- (2) *Any person removed from the meeting under sub-clause 0 must not return to the meeting without the approval of the Chair or Council.*

It is intended that this power be exercisable by the Chair, without the need for any Council resolution. The Chair may choose to order the removal of a person whose actions immediately threaten the stability of the meeting or wrongly threatens his or her authority in chairing the meeting.

The Penalty for an offence under this clause is 2 penalty units which is \$200

Live Streaming of Council Meetings

Frankston City Council will be Live Streaming Council Meetings from Monday 29 January 2018.

Live Streaming allows you to watch and listen to the meeting in real time, giving you greater access to Council decision making and debate and improving openness and transparency.

There are three (3) fixed cameras in the Council Chambers and it is intended that the cameras will only provide vision of the Councillors who are present at the meeting.

Every care will be taken to maintain privacy and as far as practically possible, it is not intended that there be either live or recorded footage of the public or Media personnel, however, there might be incidental capture; for example footage of a person exiting the building depending on which camera is being used at the time, or audio recording of a person who interjects the meeting. Council officers who address Council will be heard on the live audio stream, and audio of them speaking will be recorded.

Archives of meetings will be published on Council's website generally within three (3) business days after the meeting date for the public's future reference. Council will make every reasonable effort to ensure that a live stream and recording is available. However technical difficulties may arise in relation to live streaming or access to Council's website.

Appropriate signage will be placed at the entrance to the meeting location notifying all attendees that the meeting will be streamed live and recorded.

It is not intended that public speakers will be visible in a live stream of a meeting. Cameras are to be positioned so that these members of the public are not visible. If you do not wish to be recorded you will need to contact the Councillors Office on telephone (03) 9768 1632 or via email councillors.office@frankston.vic.gov.au to discuss alternative options prior to the meeting.

The Formal (Ordinary) Meeting Agenda

The Council meeting agenda is available for public inspection immediately after it is prepared, which is normally on the Thursday afternoon four (4) clear days before the meeting. It is available from the Reception desk at the Civic Centre (upper level), on our website www.frankston.vic.gov.au or a copy is also available for you in the chamber before the meeting.

The following information is a summary of the agenda and what each section means:-

- **Items Brought Forward**

These are items for discussion that have been requested to be brought forward by a person, or a group of people, who have a particular item on the Agenda and who are present in the Public Gallery.

- **Presentation of Written Questions from the Gallery**

Question Time forms are available from the Civic Centre and our website, www.frankston.vic.gov.au. Questions may also be submitted online using the Question Time web form. "Questions on notice" are to be submitted and received by Council before 12 noon on the Friday before the relevant Ordinary Meeting.

"Questions without notice" may be submitted in the designated Question Time box in the public gallery on the evening of the meeting, just prior to its commencement. Forms are available in the Council Chamber.

A maximum of 3 questions may be submitted by any one person at one meeting. There is no opportunity to enter into debate from the Gallery.

More detailed information about the procedures for Question Time is available from Council's Councillors Office (call 9768 1632) and on our website, www.frankston.vic.gov.au.

- **Presentation of Petitions and Joint Letters**

These are formal requests to the Council, signed by a number of people and drawing attention to matters of concern to the petitioners and seeking remedial action from the Council. Petitions received by Councillors and presented to a Council meeting are usually noted at the meeting, then a report is prepared for consideration at the next available meeting.

- **Presentation of Reports**

Matters requiring a Council decision are dealt with through officer reports brought before the Council for consideration. When dealing with each item, as with all formal meeting procedures, one Councillor will propose a motion and another Councillor will second the motion before a vote is taken.

- **Presentation of Delegate Reports**

A Councillor or member of Council staff who is a delegate may present to Council on the deliberations of the external body, association, group or working party in respect of which he or she is a delegate or an attendee at a Council approved conference / seminar.

- **Urgent Business**

These are matters that Councillors believe require attention and action by Council. Before an item can be discussed, there must be a decision, supported by the majority of Councillors present, for the matter to be admitted as "Urgent Business".

- **Closed Meetings**

Because of the sensitive nature of some matters, such as personnel issues, contractual matters or possible legal action, these matters are dealt with confidentially at the end of the meeting.

- **Opportunity to address Council**

Any person who wishes to address Council must pre-register their intention to speak before 4.00pm on the day of the meeting, by telephoning Council's Councillors Office (call 9768 1632) or by submitting the online web form or by using the application form both available on the website, www.frankston.vic.gov.au.

The submissions process is conducted in accordance with guidelines which are available from Council's Councillors Office and on our website. All submissions will be limited to 3 minutes in duration, except for Section 223 submitters, who have a maximum of 5 minutes. No more than ten (10) members of the public are to be permitted to address the Council. Further speakers will be permitted to address the meeting at the discretion of the Chair. All speakers need to advise if they are speaking on behalf of an organisation and it is deemed that they have been appropriately authorised by that said organisation.

Public submissions and any subsequent discussion will be recorded as part of the meeting, and audio recordings of Council meetings will be made available to members of the public. If a submitter does not wish to be recorded, they must advise the Chair at the commencement of their public submission.

Disclosure of Conflict of Interest

If a Councillor considers that they have, or might reasonably be perceived to have, a direct or indirect interest in a matter before the Council or a special committee of Council, they will declare their interest and clearly state its nature before the matter is considered. This will be done on every occasion that the matter is considered by the Council or special committee.

If a Councillor has an interest in a matter they will comply with the requirements of the Local Government Act, which may require that they do not move or second the motion and that they leave the room in which the meeting is being held during any vote on the matter and not vote on the matter.

If a Councillor does not intend to be at the meeting, he or she will disclose the nature of the interest to the Chief Executive Officer, Mayor or Chairperson prior to the meeting commencing.

Agenda Themes

The Council Agenda is divided into four (4) themes which depict the Council Plan's Strategic Objectives, as follows:

1. A Planned City
2. A Liveable City
3. A Well Governed City
4. A Well Managed City

MAYOR



NOTICE PAPER

ALL COUNCILLORS

NOTICE is hereby given that an Ordinary Meeting of the Council will be held at the Civic Centre, Davey Street, Frankston, on 13 March 2018 at 7.00pm.

COUNCILLOR 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 in the debate or vote on the issue.

OPENING WITH PRAYER

Almighty God, we ask for your blessing upon this Council. Direct and prosper its deliberations to the advancement of your glory and the true welfare of the people of Frankston City. Amen.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

We respectfully acknowledge that we are situated on the traditional land of the Boon Wurrung and Bunurong in this special place now known by its European name, Frankston. We recognise the contribution of all Aboriginal and Torres Strait Islander people to our community in the past, present and into the future.

BUSINESS

1. **PRESENTATION TO COMMUNITY GROUPS**
Announcement of Youth Mayor
2. **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
Ordinary Meeting No. OM2 held on 19 February 2018.
3. **APOLOGIES**
Nil
4. **DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST**
5. **PUBLIC QUESTION TIME**
Nil
6. **HEARING OF SUBMISSIONS**
Nil
7. **ITEMS BROUGHT FORWARD**
8. **PRESENTATIONS / AWARDS**
Campbell Page Appreciation Award
9. **PRESENTATION OF PETITIONS AND JOINT LETTERS**
Nil
10. **DELEGATES' REPORTS**
Nil
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Dennis Hovenden

CHIEF EXECUTIVE OFFICER

6/03/2018

Executive Summary**11.1 Planning Permit Application 166/2017/P - 46 Screen Street, Frankston - To construct four (4) single storey dwellings**

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

Community Outcome:	1. Planned City
Strategy:	1.2 Development and Housing
Priority Action	1.2.3 Ensure built form, displays architectural excellence and embodies creative urban design

Purpose

This report considers the merits of the planning application to construct four (4) single storey dwellings.

Recommendation (Director Community Development)

That a Notice of Decision to Grant a Planning Permit be issued, subject to the conditions contained in the officers' assessment.

Key Points / Issues

- It is proposed to construct four (4) single storey dwellings.
- The proposal is consistent with the State and Local Planning Policy housing objectives for urban consolidation, being in an established residential area that is suitable for infill development.
- The proposal is generally consistent with the preferred future neighbourhood character for the area, the ResCode provisions and will provide opportunity for meaningful landscaping to take place throughout the site.
- One (1) objection has been received.
- The application is being reported to Council as it does not meet with Council's Multi-Dwelling Visitor Car Parking Guidelines which require that one (1) visitor car space be provided on site.

For further information, please refer to the officer's assessment contained within this report.

Financial Impact

The State Government has introduced the "Fair Go Rates" system, placing a cap on Council rates which has restricted the level of increases that Council can apply to its rate revenue. Rate revenue constitutes 63 per cent of all Council revenue.

The rate cap over the past two financial years has been 2.5 per cent and 2.0 per cent respectively and will be 2.25 per cent in 2018-2019.

The rate cap percentages are based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services. The cost of providing Council services has been increasing well in advance of the rate cap applied by State Government.

Over time this trend may lead to a reduction in the levels of service provided to the community and in Councils ability to fund both new facilities and the ongoing renewal of existing facilities.

11.1 Planning Permit Application 166/2017/P - 46 Screen Street, Frankston - To construct four (4) single storey dwellings**Executive Summary**

Council will continue to evaluate the impacts of rate capping annually and needs to be mindful of these outcomes in all Council decisions.

The permit application fee paid to Council is \$1,769. The average cost to process a planning application is \$1,729.

Consultation**1. External Referrals**

The application was referred externally to the Department of Human Services in respect of emergency services flight paths. No objection was raised, subject to conditions.

2. Internal Referrals

The application was referred internally to Council's Drainage Engineer, Traffic Engineer, Waste Management Officer and Environment officer who offered no objections to the proposed development subject to the inclusion of conditions on any permit issued.

Notification of Proposal

Notification of the planning application was given pursuant to the requirements of Section 52 of the *Planning and Environment Act 1987*.

Notification was given in the form of:

- Mail to adjoining owners and occupiers; and
- One (1) sign erected on the site frontage

As a result of the public notification, one (1) objection was received. The grounds of objection are summarised in the officer's assessment contained within this report.

Analysis (Environmental / Economic / Social Implications)

The proposal will have a positive environmental impact as it proposes substantial landscaping including canopy tree planting throughout the site.

The proposal will have a beneficial economic impact. In the short-term it will create employment opportunities during the construction phase and in the longer-term new residents will utilise local business.

The proposal will have a net social benefit to the community. It adds to the City's diversity of housing stock to meet housing demands in an area that is accessible to a wide range of community facilities, services and transport networks.

Legal / Policy / Council Plan Impact**Charter of Human Rights and Responsibilities**

All matters relevant to the Charter of Human Rights and Responsibilities have been considered in the preparation of this report and are consistent with the standards set by the Charter.

Legal

Council has complied with Section 52, 58, 60, 61 and 62 of the *Planning and Environment Act 1987* in processing the planning permit application.

**11.1 Planning Permit Application 166/2017/P - 46 Screen Street, Frankston - To
construct four (4) single storey dwellings****Executive Summary**Policy Impacts

Council has assessed the planning permit application in accordance with the relevant State and Local Planning provisions, zones, particular and general provisions of the Frankston Planning Scheme.

Officer's Declaration of Interests

Under Section 80C of the *Local Government Act 1989*, officers providing advice or a report to Council must disclose any direct or indirect interest they have in a matter. Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

There are no risk implications.

Conclusion

The proposal is considered to be consistent with the State and Local Planning Policy and will provide for appropriate medium density housing in an existing residential area.

The design of the development is considered to be satisfactory subject to some minor changes and the inclusion of standard conditions for a multi-residential development.

ATTACHMENTS

- | | | |
|---------------|-------------------|----------------------------------|
| Attachment A: | ↓ | Locality Map |
| Attachment B: | ↓ | Locality Map - Aerial |
| Attachment C: | ↓ | Neighbourhood Character Brochure |
| Attachment D: | ↓ | Development Plans |

11.1 Planning Permit Application 166/2017/P - 46 Screen Street, Frankston - To construct four (4) single storey dwellings**Officers' Assessment****Summary**

Existing Use	One single storey dwelling
Site Area	1396.95 sqm
Proposal	To construct four (4) single storey dwellings
Site Cover	626 sqm - 45%
Permeability	500 sqm - 35%
Zoning	General Residential Zone
Overlays	Design and Development Overlay – Schedule 11
Neighbourhood Character Precinct	Frankston 2
Reason for Reporting to Council	Multi Dwelling Visitor parking Guidelines

Background***Subject Site***

The subject site is regular in shape and is located on the eastern side of Screen Street in Frankston. The subject site is L-shaped with front boundary measuring 18.29 metres, side boundary (south) measuring 60.31 metres and rear boundary measuring 30.48 metres and a total site area of 1396 square metres. A 3 metre wide drainage easement extends along the south side boundary of the site.

Access is provided via a shared crossover with No. 48 Screen Street. The subject site contains a centrally located brick dwelling with a hipped roof leading to an outbuilding within the rear yard.

The site includes a mixture of exotic and native vegetation.

The irregular shape of the site is attributed to the subdivision of No. 48 Screen Street that saw the rear portion of that site subdivided off and consolidated into No. 46 Screen Street.

Locality

Surrounding residential development is characterised by predominantly single and double storey dwellings with some multi-dwelling development emerging in the neighbourhood. Fencing in the immediate vicinity of the site is predominantly low and open in style.

Site History

No previous planning permit applications relate to the site.

11.1 Planning Permit Application 166/2017/P - 46 Screen Street, Frankston - To construct four (4) single storey dwellings**Officers' Assessment*****Proposal***

The proposal is summarised as:

Dwelling	Storeys	No. of Bedrooms	Secluded Private Open Space	Car Parking
1	1	3	40	Double garage
2	1	3	42	Double garage
3	1	3	77	Double garage
4	1	3	40	Double garage

All four (four) dwellings comprise an open plan kitchen/living/meals, three (3) bedrooms, laundry, two (2) bathrooms (one being an ensuite) and WC.

Vehicle access for all dwellings is proposed via a new crossover to the southern side boundary providing access to a shared driveway.

State and Local Planning Policy Frameworks

State Planning Policy Framework relevant to this application are summarised as follows:

- Clause 11 – Settlement
- Clause 15 – Built Environment and Heritage; and
- Clause 16.01-4 – Housing Diversity.

Local Planning Policy Framework relevant to this application are summarised as follows:

- Clause 21.04 - Settlement
- Clause 21.07 – Housing; and
- Clause 22.08 – Neighbourhood Character Policy

Planning Scheme Controls

A Planning Permit is required pursuant to:

- Clause 32.01-4 – Residential 1 Zone of the Frankston Planning Scheme for the construction of 2 or more dwellings on the lot.
- Clause 43.02-2 – Design and Development Overlay –Schedule 11 of the Frankston Planning Scheme to construct or carry out works for a dwelling with a height above 51.1 metre above the Australian Height Datum (AHD).

Notification of Proposal

As a result of the public notification, one (1) objection was received. A residents' discussion meeting was not held. The grounds of objections are summarised as follows:

- Screen Street is being inundated by units.
- Increased traffic.

11.1 Planning Permit Application 166/2017/P - 46 Screen Street, Frankston - To construct four (4) single storey dwellings**Officers' Assessment**

- Overdevelopment.
- 2 or 3 dwellings would provide greater areas for landscaping in keeping with the neighbourhood character.
- Loss of wildlife due to vegetation removal.

Amended Plans

The application subsequently submitted amended plans which included the relocation of the retaining wall to dwelling 3 and the provision of further details in relation to finished surface levels. These plans form the basis for the assessment in this report.

Referrals**Internal Referrals**

The application has been referred to the following Council Departments and the following comments were made:

Traffic Engineer

- The parking provision for each dwelling is adequate with a double garage for each dwelling.
- Under Design Standard 1 of Clause 52.06, the accessway serves more than four car spaces and therefore requires all vehicles to exit the site in a forward direction.
- Concerns are raised regarding vehicle maneuverability from the western car space of dwelling 2 garage and eastern car space of dwelling 4 garage. Adequate vehicle maneuverability can be achieved through minimal reduction to landscaping beds.

Drainage Engineer

- The legal point of discharge for the site is to existing Frankston City Council drain at Screen Street site frontage.
- No objections subject to applying standard storm water management conditions on any permit issued.

Environment Officer

- The vegetation within the property consists of a *Lauris nobilis* and other vegetation.
- An incomplete arborist report has been provided by Adam Hamilton of Constructive Arboriculture in January 2018.
- The street tree hasn't been identified and because of the proposed crossover it will require TPZ fencing.
- Neighbouring trees include a *Grevillea robusta* that will incur >10% encroachment due to the construction of dwelling 3 and its subsequent retaining wall.
- Conditions provided to ensure protection of the neighbouring tree and street tree.

External Referrals

The application has been referred externally to the Department of Health and Human Services in respect of Emergency Services flight paths. No objection was raised, subject to conditions requiring a flight path construction management plan to be submitted if cranes are associated with any construction equipment; restrictions on exhaust plumes and height of vegetation.

11.1 Planning Permit Application 166/2017/P - 46 Screen Street, Frankston - To construct four (4) single storey dwellings**Officers' Assessment****Discussion*****State and Local Planning Policy***

The development will provide for an appropriately designed medium density infill development that meets the urban consolidation objectives for Melbourne.

The proposal achieves these policies by providing a varying house type which meets the increasing and diverse needs of the community. The proposal also provides for medium density housing which makes better use of existing infrastructure and is appropriately energy efficient.

Neighbourhood Character and Design Response

Council's Neighbourhood Character Policy (Clause 22.08) seeks to ensure that development is responsive to the key characteristics that make up the preferred character of each precinct. The site is located within Frankston 2 Neighbourhood Character Precinct. The preferred character of the precinct is:

"The well treed garden settings and the horizontality of the dwellings will be maintained".

The design objectives of the precinct are addressed below

- *To maintain and strengthen the garden settings.*

The proposal provides opportunity for landscaping in the private open space areas of each dwelling, within the front setback as well as either side of the driveway. There is opportunity to provide further landscaping within the front setback by a condition of permit requiring the proposed crossover and part of the driveway to be reduced to 3 metres wide (proposal is 4.7 metres wide). This will also provide greater distance from the street tree. For these reasons, the proposal strengthens the garden setting of the site.

- *To reflect the rhythm of existing dwelling spacing.*

The proposal is reflective of the existing dwelling spacing of the area. Although dwelling's 1 and 2 and 3 and 4 are in a continuous built form, there is minimal boundary development, with side and rear setbacks provided to a reasonable standard which are consistent and compatible with the surrounding neighborhood.

- *To ensure that buildings and extensions do not dominate the streetscape.*

Given the development incorporates single storey dwellings with pitched roof form it is considered that the proposed dwellings will not dominate the streetscape.

- *To maintain the openness of the streetscape.*

The existing front fence is to be removed and the proposal does not incorporate a front fence thus maintaining the openness to the streetscape.

Clause 52.06 – Car Parking

The purpose of Clause 52.06 is:

- *To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*

11.1 Planning Permit Application 166/2017/P - 46 Screen Street, Frankston - To construct four (4) single storey dwellings**Officers' Assessment**

- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

The following table sets out the number of car parking spaces required by Clause 52.06-5 and the proposed car parking.

Clause 52.06-5 rate for dwelling	Proposed No. of Dwellings	Car spaces required by Clause 52.06-5	Proposed Car Parking
2 car parking spaces to each three or more bedroom dwelling, plus	4	4	Four (4) double garages.

The proposal complies with the requirements of Clause 52.06-5.

Clause 52.06-8 sets out Design Standards for car parking relating to access ways, car parking spaces, gradients, mechanical parking, urban design, safety and landscaping.

A condition can be included requiring a pedestrian sight splay be shown on the northern and southern side of the proposed access way in accordance with Design Standard 1 of Clause 52.06-9.

Clause 55 (ResCode)

In accordance with the requirements of the General Residential Zone, the application has been assessed against the objectives and standards of Clause 55 as follows:

Site Layout and Building Massing

Dwelling 1 has a proposed setback of 7.5 metres, which is the average of both adjoining properties and respects the existing or preferred neighbourhood character and makes efficient use of the site.

The proposal accords with the requirements of Standards B7 - building height (single storey), B8 - site coverage (45%) and B9 – permeability (35%).

Dwellings 1, 2 and 4 will access solar energy adequately as windows are appropriately designed to face the north side. Further, the secluded private open space will be located on the north side. Dwelling 3 has also included north facing living room windows and although the secluded private open space is located to the east access to sunlight is considered acceptable.

The entrances of all proposed dwellings incorporate porches and will integrate with street and internal driveway without any unsafe obstructions.

The development provides reasonable space for landscaping within the front setback, either side of the driveway and within the private open space areas of the dwellings, subject to some conditions requiring minor modifications to the location of clothes line and paving steps to dwellings 3 and 4 to maximise landscaping opportunities within these areas. Furthermore, a landscape plan will be required as a condition of permit to ensure appropriate planting as well as ensure the development integrates well within the area.

11.1 Planning Permit Application 166/2017/P - 46 Screen Street, Frankston - To construct four (4) single storey dwellings**Officers' Assessment**

The site Frontage at Screen Street is 18.29 metres and the access way will account for 25.7% of the frontage and this meets this standard; however a condition of permit will require the access way and part of the driveway to be reduced in width to 3 metres to provide greater protection to the street tree and to provide greater opportunities for landscaping within the front setback.

The proposed car parking spaces will provide convenient parking for dwellings subject to minor modifications.

Amenity Impacts

The proposal complies with side and rear setbacks of Standard B17.

The meals room of Dwelling 1 is to be built along the northern side boundary for 3.98 metres, with a height of 3.2 metres. Further, the garage of Dwelling 4 is to be built along the western side boundary for 7.07 metres, with an average height of 3.275 metres. Both walls on boundaries comply with Standard B18.

The dwellings are setback adequately from side and rear boundaries and would not adversely impact on the existing habitable room windows on adjoining properties.

Overshadowing of the development is within the limits of Standard B21 as demonstrated by shadow diagrams submitted by the applicant.

Existing 1.9m high paling fencing is shown on the side and rear boundaries and an existing 1.6 metre high fence is shown on the northern boundary to dwelling 4. As the fence heights are not shown on the elevations a condition of permit will require this and to ensure that no overlooking would occur to comply with Standard B22.

The proposal will not create any internal overlooking concerns.

There are no external noise sources that will affect the amenity of the dwellings.

On-Site Amenity and Facilities

The dwelling entries are visible from the street/internal driveway and designed with a porch to provide adequate transitional space.

All the habitable room windows are designed with adequate space to receive daylight.

Dwellings 1 and 2 are provided with 42 square metres of secluded private open space; dwelling 3 is provided with 40 square metres of secluded private open space and dwelling 4 is provided with 77 square metres of secluded private open space, all with a minimum 3 metre dimension. The proposal also has areas of private open space that is slightly less than 3 metres wide which will be used for utilities such as water tanks and bin storage and the storage is located within the double garages. This will enable landscaping and the provision of canopy trees, subject to some conditions requiring minor modifications to the location go clothes line and paving steps to dwellings 3 and 4. The extent of private open space for each dwelling will also meet the recreation needs of the residents.

To address the slope of the land upwards, towards the rear of the site, the secluded private open space of dwelling 4 incorporates a 0.3 metre high retaining wall which provides level access from the meals area into the secluded private open space which provides connectivity from the dwelling to the private open space.

Detailed Design

The proposed design response includes façade articulation with appropriate window proportions, architectural features and pitched roof form.

**11.1 Planning Permit Application 166/2017/P - 46 Screen Street, Frankston - To
construct four (4) single storey dwellings
Officers' Assessment**

No front fence is proposed for the development.

Minimum Garden area requirement

The site area is 1396m² and approximately 488.6m² is required as the garden area. The plans show that 489m² is available for garden area and this complies with the requirement.

Car Parking and Council's Multi Dwelling Visitor Car Parking Guidelines.

The proposal complies with the car parking requirements of Clause 52.06 as two car spaces are provided for each dwelling. There is no requirement to provide visitor car parking on site pursuant to Clause 52.06.

The proposed development has been reviewed against the Council's Visitor Car Parking Guidelines and accordingly one visitor parking space is required on site.

It is considered that the shortfall of one visitor car parking space is acceptable for the following reasons:

- There is limited opportunity on the site to provide any additional car parking without having a substantial impact on the proposed development. Each dwelling has been provided with the required number of car spaces under the planning scheme provisions.
- There is on street car parking available in Screen Street.
- Council's Multi-Dwelling Visitor Parking has previously not been upheld at the Victorian Civil and Administrative Tribunal, as outlined in the Tribunal decision of Polansky v Frankston City Council [P549/2016]. In this case the Tribunal indicated that the proposal complied with the requirements under Clause 52.06 of the Planning Scheme and that 'the parking rates in the adopted Multi-Dwelling Visitor Car Parking Guidelines do not override the requirements of the Scheme'.

Cultural Heritage Management Plan (CHMP)

The site is within an area of Indigenous Cultural Significance and an approved CHMP (approved on 18 September 2017) has been provided.

Response to Grounds of Objection

- Screen Street is being inundated by units.
- 2 or 3 dwellings would provide greater areas for landscaping in keeping with the neighbourhood character.
- Overdevelopment.

The intensity and scale of the development is considered to be consistent with the existing character of the area as has been detailed above. The proposal also addresses the objectives of the Frankston 2 Neighbourhood Character Precinct with reasonable setbacks provided to the side and rear boundaries and opportunities for landscaping.

- Increased traffic.

Council's Traffic Engineer has reviewed the proposal and offers no objection subject to minor modifications to the plans.

The proposal provides an adequate number of car spaces under the requirements of Clause 52.06.

**11.1 Planning Permit Application 166/2017/P - 46 Screen Street, Frankston - To
construct four (4) single storey dwellings
Officers' Assessment**

- Loss of wildlife due to vegetation removal.

Conditions have been included to provide for landscaping and the protection of existing vegetation should a permit be issued.

Conclusion

The proposal is considered to be consistent with State and Local Planning Policy, ResCode (Clause 55) and will provide for appropriate medium density housing in an existing residential area.

The design of the development is considered to be consistent with the existing and preferred neighbourhood character for Frankston 2 Precinct and will not have an unreasonable impact on the amenity or traffic generation on the local road network. The development also provides good landscaping opportunities and with the inclusion of conditions which will not detrimentally impact vegetation on adjoining properties.

Recommendation (Director Community Development)

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 166/2017/P for the construction of four (4) single storey dwellings at 46 Screen Street, Frankston, subject to the following conditions:

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 substantially in accordance with the plans submitted with the application (or some other specified plan) but modified to show:
 - (a) The crossover and the part of the driveway at the front of the site reduced to 3 metres in width and the provision of further landscaping.
 - (b) The clothes line and paving steps of dwelling 4 relocated to the west to allow for the provision of a canopy tree in the north-eastern corner and the paving steps of dwelling 3 relocated further south towards the dwelling to allow for the provision of a canopy tree.
 - (c) Fence heights to be shown on the elevations to ensure that no overlooking would occur to comply with Standard B22.
 - (d) Pedestrian sight splay shown for the northern and southern side of the proposed access way in accordance with Design Standard 1 of Clause 52.06-9 of the Frankston Planning Scheme.
 - (e) Modifications to the landscaping on the southern side of the access way to achieve adequate vehicle manoeuvrability from the western car space of dwelling 2 garage and modifications to the landscaping on the western side of the access way to achieve adequate vehicle manoeuvrability from the western car space of dwelling 4 garage.

**11.1 Planning Permit Application 166/2017/P - 46 Screen Street, Frankston - To
construct four (4) single storey dwellings****Officers' Assessment**

- (f) 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 and clearly labelled in accordance with the Tree Assessment Report prepared by Adam Hamilton dated January 2018 and clearly state whether the tree is to be retained or removed.
- (g) 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.
- (h) Tree protection conditions noted in accordance with Conditions 4, 5, 6, 7, 8 and 9.
- (i) A Landscape Plan in accordance with Condition 11.
- (j) A Tree Protection Plan in accordance with Condition 3.
- (k) Notation on all relevant plans that dwelling 3's paved area is to be constructed in accordance with Condition 10.

No Alterations

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

Tree Protection Management Plan

- 3. A Tree Protection Management Plan prepared in accordance with Frankston City Council's 'Arboricultural Report Writing Guide' must be submitted by a suitably qualified and experienced Arborist in relation to the management and maintenance of the trees, and must be approved by the Responsible Authority prior to the commencement of any works (including any demolition, levelling of the site, excavations, tree removal, delivery of building/construction materials and/or temporary buildings). The Tree Management Plan must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following (where relevant) 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 (any relocations required) and any areas where ground protection systems will be used;
 - (b) Restricted activities in the TPZ;
 - (c) Key supervision and monitoring stages of the development including pre-demolition, pre-construction, and post construction stages;
 - (d) Details of any TPZ encroachments including ;
 - a. Details of exploratory root investigation
 - b. Alternative construction techniques
 - c. Root pruning
 - d. Supervision
 - e. Details of any root pruning

11.1 Planning Permit Application 166/2017/P - 46 Screen Street, Frankston - To construct four (4) single storey dwellings**Officers' Assessment**

- (e) Methods for installation of services e.g.; sewerage, storm water, telecommunications, electricity etc;
- (f) Remedial works as required including a detailed photographic diagram specifying what pruning will occur;
- (g) Final Certification of Tree protection template. 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 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.

Tree Protection

- 4. Tree protection must be carried out in accordance with the Australian Standard AS 4970-2009 Protection of trees on development sites to the satisfaction of the Responsible Authority.
- 5. 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 9.6m (tree 2) and 3m (street tree) from the trunk numbered 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".

The requirements below must be observed within this area –

- a) Coarse mulch laid to a depth of 50-100 mm (excluding street trees).
- b) No vehicular or pedestrian access.
- c) The existing soil level must not be altered either by fill or excavation.
- d) The soil must not be compacted or the soil's drainage changed.
- e) No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are to be disposed of or stored.
- f) No storage of equipment, machinery or material is to occur.
- g) 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.
- h) Nothing whatsoever, including temporary services wires, nails, screws or any other fixing device, is to be attached to any tree.
- i) Tree roots must not be severed or injured.
- j) Machinery must not be used to remove any existing concrete, bricks or other materials.

The tree protection fence must remain in place for the duration of building and works to the satisfaction of the Responsible Authority.

11.1 Planning Permit Application 166/2017/P - 46 Screen Street, Frankston - To construct four (4) single storey dwellings**Officers' Assessment****Ground Protection**

6. Prior to the commencement of construction the following tree protection conditions apply within the identified Tree Protection Zones for trees being retained no. 2 and the street tree as identified in the arborist report prepared by Adam Hamilton dated January 2018. All tree protection conditions must be undertaken to the satisfaction of the Responsible Authority.
- a) No excavation works are permitted for the construction of the driveway.
 - b) The existing driveway is to be removed by hand with works overseen by a suitably qualified and experienced Arborist.
 - c) To avoid compaction and damage to the tree trees a layer of organic mulch 200 mm thick must be laid with rumble planks/ crossing planks laid above the mulch prior to any construction vehicles accessing the site. This ground protection is to be maintained until the construction of the new driveway is completed.
 - 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) 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 the closest point appropriate to the tree / at the property fence line if the existing property boundary fencing is to be removed. If no fencing can be safety erected than trunk and limb protection must be installed as per the Australian Standard AS 4970-2009 Protection of trees on development sites.
 - h) If machinery is used to remove existing structures, concrete, bricks or other materials it must be located outside of the defined Tree Protection Zones with ONLY the main arm of the machine reaching into this Zone.

Tree Pruning

7. All tree pruning is to 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 Australian Standard AS4373-2007 Pruning of Amenity Trees. Any pruning works required are to be undertaken prior to any construction works beginning on site. Any pruning of trees located on a neighbouring property should be undertaken in consultation with the property owner.
- a) Any pruning or removal of tree limbs, particularly hollow-baring tree limbs, must be to the minimum extent necessary.

Tree Protection: Construction

8. Within 9.6 metres of the Tree Protection Zone associated with tree no. 2 *Grevillea robusta* the following is required to the satisfaction of the Responsible Authority.

11.1 Planning Permit Application 166/2017/P - 46 Screen Street, Frankston - To construct four (4) single storey dwellings**Officers' Assessment**

- a) No excavation works are to be undertaken within the structural root zone of the tree (3.24 m radius of this tree).
- b) Accurately survey and stakeout the area of the excavation for the piers and footings;
- c) Footings must be selectively placed with consideration for any significant tree roots that may be present within the soil profile.
- d) Minor excavation by hand to 0.5 m deep should be undertaken at the points of pier placements to determine if any significant roots are present. Roots greater than 40 mm in diameter are deemed significant. If such roots are encountered the positioning of the piers must be altered to provide at least 0.3 m of clearance from the roots.
- e) Any excavation within must be done by hand and in the presence of a Qualified Arborist.
- f) Smaller roots can be cut cleanly with a sharp implement in accordance with AS4373-2007 by a suitably qualified and experience Arborist.

Deck/Fence Footings

9. Excavation for fence footings must be hand dug and overseen by a suitably qualified and experienced Arborist. Any roots with a diameter greater than 40mm are to be retained and the footing relocated. Small roots to be hand trimmed in accordance with AS4373-2007.

Dwelling 3 – Paved area

10. The paved area must be constructed above the existing soil grade and be of air and water permeable material such as sand based paving, no fine concrete or similar is to be used.

Root sensitive permeable paving such as 'on-ground' or 'no-dig' paving (or similar) are to be used where any part of the proposed paving comes within a 9.6m radius of the Grevilla robusta sited on the South-east neighbours property.

Landscaping

11. Before the commencement of buildings and works, a landscape plan in accordance with the submitted development plan, prepared by a suitably qualified landscape professional 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 and three copies must be provided. The plan must show:
 - a) a survey (including botanical names) of all existing vegetation on the site and those 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 notations regarding protection methods during construction of retained trees;
 - c) buildings on neighbouring properties within three metres of the boundary;
 - d) the delineation and details of surface finishes of all garden beds, grassed areas, pathways, driveways, retaining walls and other landscape works including areas of cut and fill throughout the development site;

**11.1 Planning Permit Application 166/2017/P - 46 Screen Street, Frankston - To
construct four (4) single storey dwellings****Officers' Assessment**

- e) 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;
- f) a range of plant types from ground covers to large shrubs and trees;
- g) landscaping and planting within all open areas of the site.
- h) adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
- i) the provision of screen planting (minimum mature height of 1.5m) within a landscape strip of 60cm at the interface of the property boundary and driveway
- j) A planting theme of a minimum 20% indigenous and 40% native within each plant group;
- k) All existing environmental weed species are to be removed from the site and environmental and noxious weeds found in the 'Sustainable Gardening in Frankston City' (2015) booklet are not to be planted.
- l) the provision of suitable canopy trees (minimum two metres tall when planted) in the areas specified below (trees are not to be sited over easements) with species chosen to be approved by the Responsible Authority;
 - (i) Two (2) within the front setback minimum mature height of 10m.
 - (ii) One (1) along the southern fence, beside dwelling 3's garage minimum mature height 5m.
 - (iii) Further landscaping area as a swale in front of the dwelling 1's garage along the southern fence line.
 - (iv) One (1) along the driveway up to the garage of dwelling 4 as an added swale minimum mature height 5m.
 - (v) the provision of notes on the landscape plan regarding site preparation, including in-ground irrigation system to be provided to all landscaped areas, removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
 - (vi) All tree stock used must be in accordance with AS2303-2015 Tree stock for Landscape Use

Prior to Occupation

12. 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.

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.

11.1 Planning Permit Application 166/2017/P - 46 Screen Street, Frankston - To construct four (4) single storey dwellings**Officers' Assessment****Drainage**

13. 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.
14. 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.
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:
 - 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.
16. 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.
17. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
18. All disused vehicle crossings shall be removed and the area reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.
19. Prior to occupation of the dwellings hereby permitted by this permit starts, 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; and
 - d) Drained and maintained to the satisfaction of the Responsible Authority.
 - e.) Car spaces, access lanes and driveways must be kept available for these purposes at all times.
20. 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.

11.1 Planning Permit Application 166/2017/P - 46 Screen Street, Frankston - To construct four (4) single storey dwellings**Officers' Assessment**

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

Urban Design

21. 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.
22. Mailboxes shall be provided to the proposed dwelling/s to the satisfaction of the Responsible Authority and Australia Post.
23. All plumbing work, sewer pipes etc. (except for spouting and stormwater pipes) associated with the new dwelling shall be concealed from general view.
24. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

Department of Health and Human Services

25. Should any cranes and associated construction equipment be used, prior to the commencement of any development (including any demolition or excavation) or by such time as agreed by the Responsible Authority and Department of Health and Human Services in writing, a flight path construction management plan must be prepared to the satisfaction of the Department of Health and Human Services and be approved' by the responsible authority. The flight path construction management plan must include measures to minimise the impact of the construction of the building on the safe and unfettered operation of the Frankston Hospital helipad. The management measures incorporated within the plan must be implemented during the construction of the building to the satisfaction of the Department of Health and Human Services and the responsible authority.

The flight path construction management plan must identify the location and height of any construction equipment, including cranes.

26. Any exhaust plumes from the permitted development must not exceed an upward velocity of 4.3 metres per second.
27. Vegetation must be maintained below a maximum of 10 metres above the building ridge line.

Satisfactorily Completed

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

Permit Expiry

29. This permit will expire if one of the following circumstances applies:
 - The development is not started within two years of the date of this permit.
 - The development is not completed within four 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.

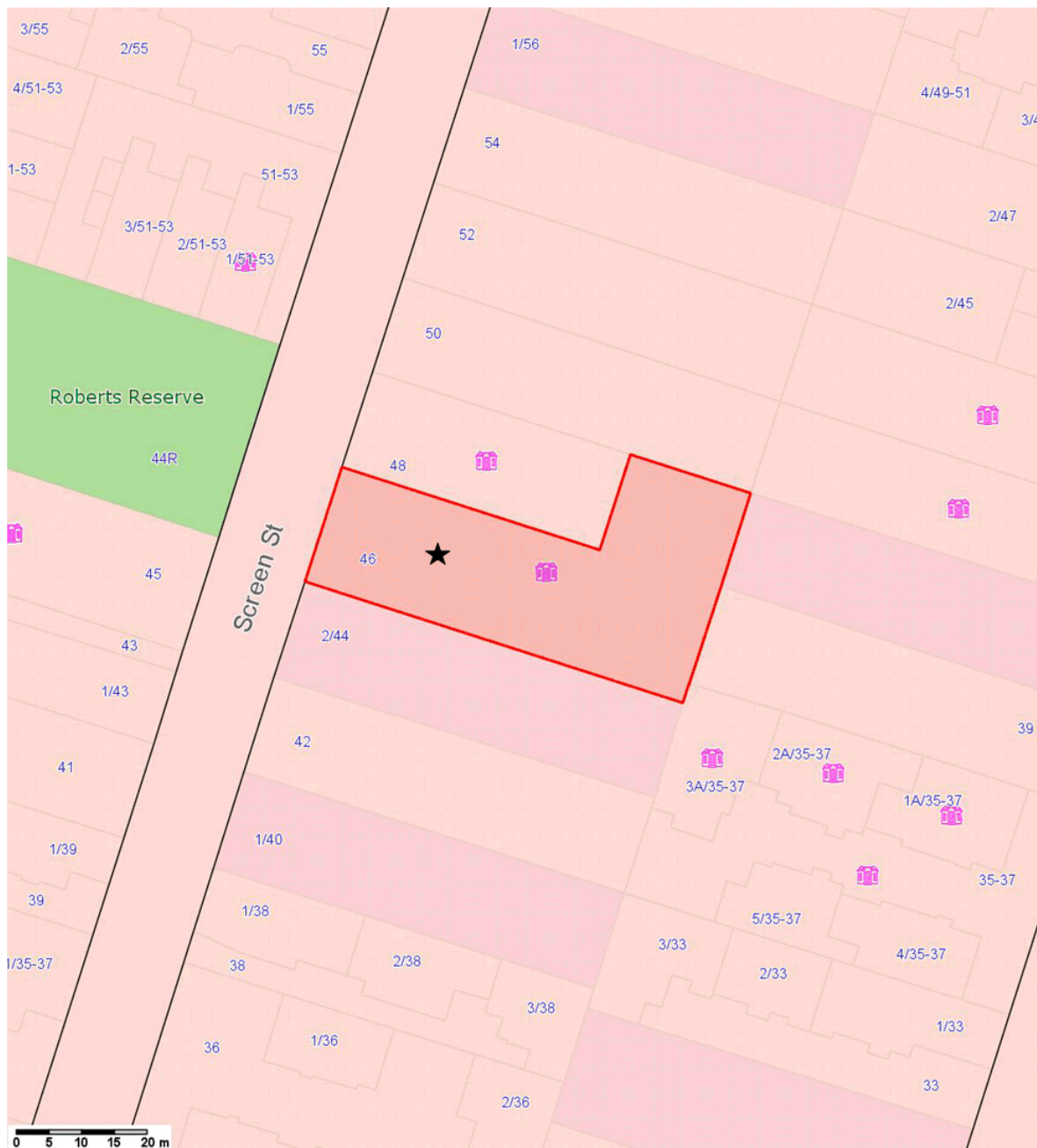
**11.1 Planning Permit Application 166/2017/P - 46 Screen Street, Frankston - To
construct four (4) single storey dwellings****Officers' Assessment****Notes**

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

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.

Town Planning Application 166/2017/P - 46 Screen St Frankston

★ Subject site ■ Objectors (1 objector at 9 Screen St)



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Projection: GDA94 / MGA zone 55

Scale: 1:792

Date Printed: 22/02/2018

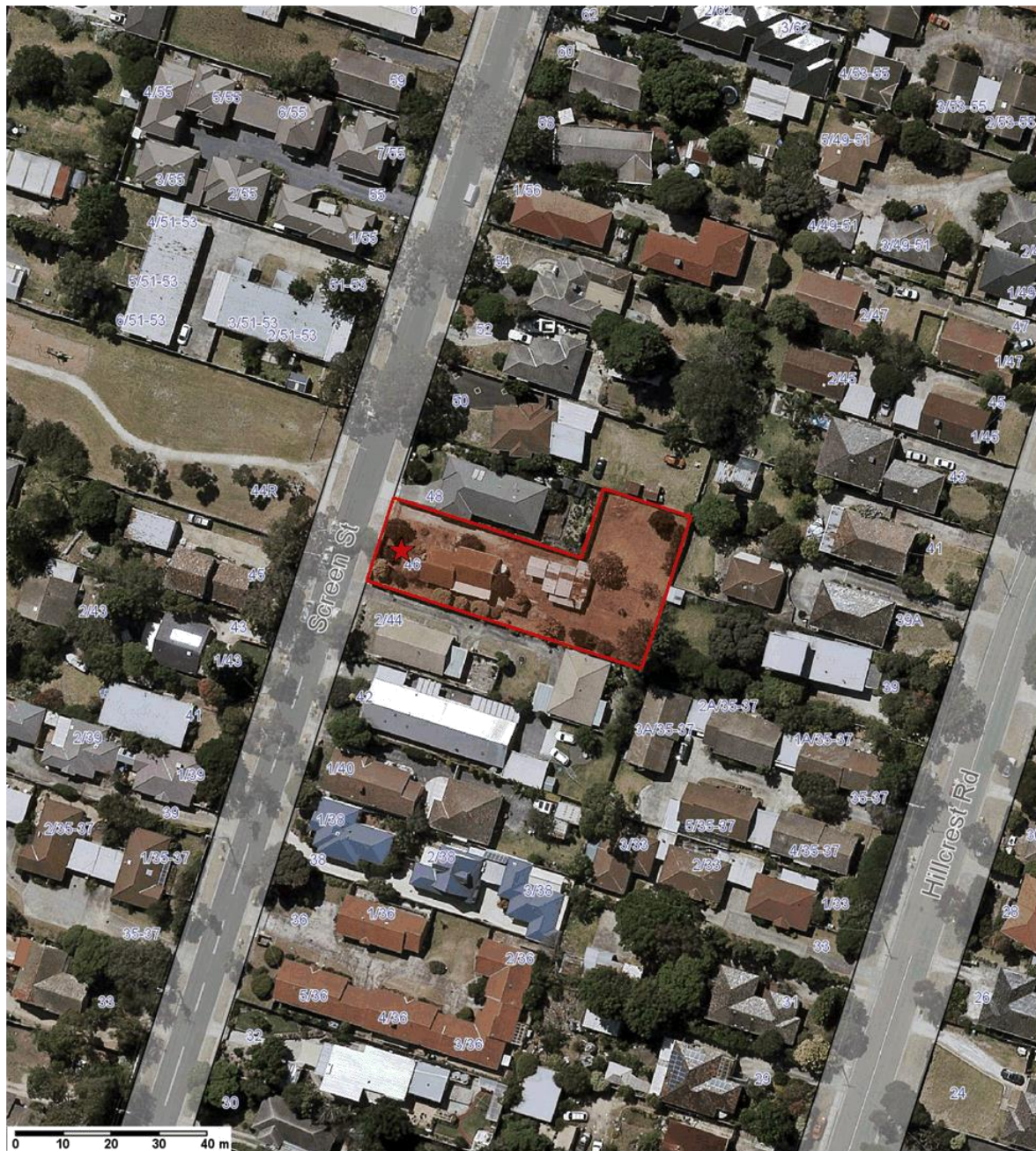
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Town Planning Application 166/2017/P - 46 Screen St Frankston

★ Subject site ■ Objectors (1 Objector at 9 Screen St Frankston)



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Scale: 1:1093

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FRANKSTON 2

Character Statement

Neighbourhood Character Precinct Brochure



DESCRIPTION

A well treed area of single storey dwellings that have a strong horizontal emphasis. Mature trees in garden settings and nature strips, exotic and native, provide the attractive treed character of much of the area. The absence of front fences (or when present, their low height) allows front garden trees to become part of the street scene. Gaps between houses allow glimpses of backyard planting.

Key Existing Characteristics

- Architecture is single storey and predominantly 50s-70s
- A variety of building materials and tiled roofs
- Front setbacks range from 6-7 metres to 9-15 metres with 1 and 3-4 metre side setbacks
- Front fence styles are mixed
- Garden styles are varied, with low level and established gardens present
- Sealed roads have kerbs and footpaths on both sides of the street
- Street trees are generally medium to large and inconsistently planted

COMMUNITY VALUES

The following aspects of the area are valued by the community:

- Proximity to schools and shops
- Use of building materials that are sympathetic to existing building materials
- The large trees
- The streetscape vegetation and infrastructure
- The space around buildings

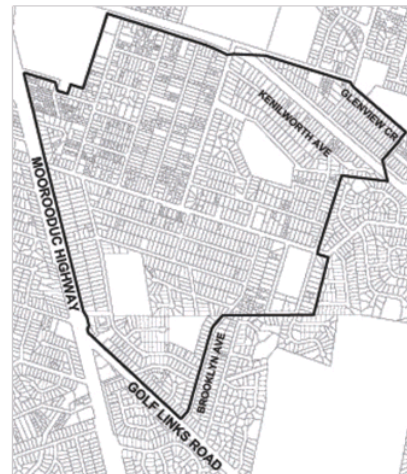
PREFERRED NEIGHBOURHOOD CHARACTER STATEMENT

The well treed garden settings and the horizontality of the dwellings is to be maintained by:

- Providing sufficient space for large trees in front and back gardens
- Ensuring buildings respect neighbouring front setbacks and are set back from both side boundaries and rear boundaries
- Respecting the low scale, horizontal form of buildings in the area
- Encouraging a lack of front fencing where this is dominant

Issues / Threats

- Houses built too close together or too close to the street.
- Buildings that emphasise the vertical or appear 'box' like
- Loss of trees
- High or solid front fences





FRANKSTON 2

Design Guidelines

Neighbourhood Character Precinct Brochure

Character Element	Objective	Design Response	Avoid
Vegetation	To maintain and strengthen the garden settings.	Prepare a landscape plan to accompany all applications for new dwellings that includes substantial trees and shrubs. Retain existing large trees where possible. Provide sufficient space from all boundaries to accommodate trees and substantial shrubs.	Lack of landscaping and substantial vegetation. Removal of established large trees.
Siting	To reflect the rhythm of existing dwelling spacing.	Buildings should be sited to create the appearance of space by providing setbacks on both side boundaries and the rear boundary and to reflect the existing spacing of buildings in the street.	Buildings located on the side or rear boundaries.
Height & building form	To ensure that buildings and extensions do not dominate the streetscape.	Articulate the form and elevation of buildings. Use low pitched roof forms.	Buildings that exceed by more than one storey the predominant building height in the street and nearby properties.
Front boundary treatment	To maintain the openness of the streetscape.	Provide no front fences except where this predominates in the street, and low open styles in other areas, other than along heavily trafficked roads.	High or solid front fencing.

The Objectives define the intention of each Character Element. The Design Responses are assumed to satisfy the relevant Objective. Other Design Responses that meet the Objective may be considered. Refer to the Frankston Planning Scheme for other requirements.



LEGEND

- PREVAILING WINDS
- PEDESTRIAN ACCESS
- NOISE AND TRAFFIC SOURCE
- DESIRABLE VIEWS FROM THE SITE
- VEHICLE ENTRY TO SITE
- LOCATION OF LOWEST & HIGHEST POINTS ON THE SITE
- SITE FALL

LOCATION TO C.B.D. 20 KM TO MELBOURNE

PROXIMITY TO

PARKS	SCREEN ST RESERVE	10 M
PRIMARY SCHOOLS	FRANKSTON HEIGHTS	1200 M

COLLEGES

FRANKSTON HIGH	1900 M
MONASH UNI	850 M

SHOPS

BAYSIDE SHOPPING CENTRE	3900 M
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PUBLIC TRANSPORT

BUS STOP	No. 775	400 M
TRAIN STATION	FRANKSTON	3900 M

SITE ANALYSIS PLAN CERTIFICATION
 THIS SITE CONTEXT PLAN HAS BEEN PREPARED FROM SITE VISITS, LICENSED SURVEYOR'S SURVEY & STATUTORY AUTHORITY RECORDS & IS A FAIR REPRESENTATION OF EXISTING CONDITIONS & FEATURES OF THE PROPOSED SUBJECT SITE & SURROUNDING ENVIRONS. FOR THE PURPOSE OF MEDIUM DENSITY DEVELOPMENT AS REQUIRED BY "RESIDE", NEIGHBOUR DIMENSIONS AND PLANT SPECIES ARE AS ACCURATE AS POSSIBLE.

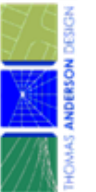
SIGNED: REF No:
 ON BEHALF OF THOMAS ANDERSON DESIGN DATE:



EXISTING CONDITIONS PLAN
 SCALE 1:200



46 Screen Street
 Frankston



Proposed Residential Development
 Cesare Graps

1
 ISSUE E
 14-0380
 Dec 17
 SC

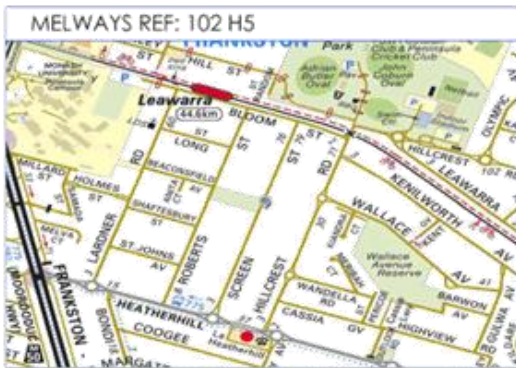


LEGEND

- PREVAILING WINDS
- PEDESTRIAN ACCESS
- NOISE AND TRAFFIC SOURCE
- DESIRABLE VIEWS FROM THE SITE
- VEHICLE ENTRY TO SITE
- LOCATION OF LOWEST & HIGHEST POINTS ON THE SITE
- SITE FALL

SITE STATISTICS

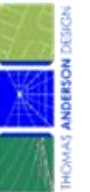
Total Site Area	1396 m ²
Total Site Cover	626 m ²
Total Site Cover Ratio	45 %
Driveway Area	270 m ²
Total Hard Cover Area	896 m ²
Total Hard Cover Ratio	64 %
Permeable Area	500 m ²
Permeable Area Ratio	35 %
Carparking Required	8
Carparking Provided	8
Visitor Carparking	0
Open Space > 1.0m wide	490m ² 35 %



SITE PLAN
 SCALE 1:200



46 Screen Street
 Frankston



Proposed Residential Development
 Cesare Graps

2
 ISSUE #
 14-0380
 Dec 17
 SC



MMPS GARDEN STATS

Total Site Area	1396 m ²
Total Garden Area	489 m ²
Garden Area Ratio	35 %

LEGEND

- GARDEN AREA
- SITE COVER (DWELLINGS)
- CONCRETE DRIVEWAY

GARDEN AREA PLAN
 SCALE 1:100

**SUSTAINABLE DESIGN STATEMENT
 GREEN SPECIFICATION**

ENERGY

- * ENERGY RATING OF BUILDING ENVELOPE ACHIEVES A MINIMUM 6 STARS INCLUDING:
 - R1.5 BULK INSULATION TO CEILING
 - R1.5 BATTS TO WALLS PLUS D.S. ISOLATION
 - ALUMINIUM FINISHED WINDOW FRAMES
 - WEATHER STRIPS TO ALL EXTERNAL DOORS
 - GAPS & CRACKS SEALED WITH IMPERMEABLE BARRIER (GAP & TAP ISOLATION AT ALL JOINTS, OPENINGS AND PENETRATIONS)
- * HOT WATER SYSTEM TO HAVE ENERGY EFFICIENCY OF LEAST 4 STAR
- * ALL HEATING AND COOLING UNITS ARE CERTIFIED UNDER MEPS, AND ALL OUTWORK WILL COMPLY WITH THE BCA GUIDELINES FOR SERVICES
- * FLUORESCENT LOW ENERGY DOWNLIGHTS AND/OR BATTEN HOLDERS WITH LOW ENERGY GLOBES

WATER

- * WATER EFFICIENCY RATING OF TAPS TO BE 4 STARS WELS
- * WATER EFFICIENCY RATING OF CISTERNS TO BE 4 STARS WELS
- * WATER EFFICIENCY OF SHOWER HEADS TO BE 3 STARS WELS

STORMWATER

- * MINIMUM 2000L RAINWATER TANK TO BE INSTALLED IN SUCH A WAY TO RECEIVE A MINIMUM 50% OF ROOF AREA. TANKS TO BE PROVIDED WITH AN AUTOMATIC OR MANUAL INTERCHANGE DEVICE TO PROVIDE A CONTINUAL SUPPLY OF WATER FOR SANITARY FLUSHING OR UPGRADED AS PER ENGINEER'S DRAINAGE DESIGN.

MATERIALS

- * THE SELECTION OF NEW MATERIALS TO BE ENVIRONMENTALLY FRIENDLY
- * RELIABILITY AND RECYCLABILITY OF MATERIALS WHERE PRACTICAL

TRANSPORT

- * ALLOCATED BICYCLE PARKING SPACES IN ACCORDANCE WITH EXTERNAL SECURE PARKING AS2883 OR INTERNAL SPACE ALLOCATED IN GARAGES / SHEDS

WASTE

- * ALLOCATED SPACE FOR WASTE MANAGEMENT NOMINATED (E.G. GENERAL WASTE, RECYCLING, GREEN WASTE AND COMPOSTING BINS)

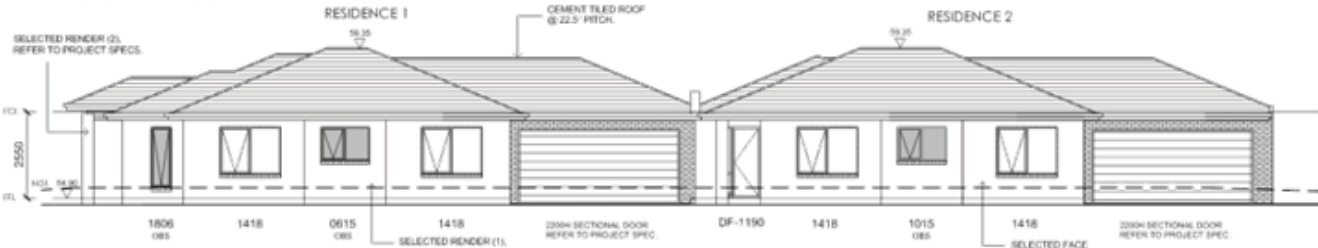
LANDSCAPING

- * THE PLANTING PALETTE SELECTED SHOULD CONSIST OF PROVEN DROUGHT TOLERANT, NATIVE AND/OR LOCALLY INDIGENOUS PLANT SPECIES. THESE SPECIES ARE SUITABLE FOR USE IN THE LOCAL CLIMATE AND SOIL CONDITIONS AND DO NOT REQUIRE EXCESSIVE WATERING TO ENSURE SURVIVAL.

- * ALL TIMBER PRODUCTS TO BE TREATED PINE, RECYCLED OR PLANTATION ORIGIN, JAMBRAH, RED GUM OR NATIVE (WHITE) CYPRUS PINE (CALLITRIS COLUMNARIS) SHOULD NOT BE USED UNLESS DEMONSTRATED THEY ARE A RECYCLED PRODUCT.



**NORTH ELEVATION
 SCALE 1:100**



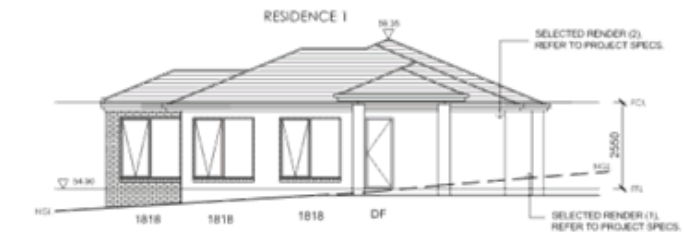
**SOUTH ELEVATION
 SCALE 1:100**



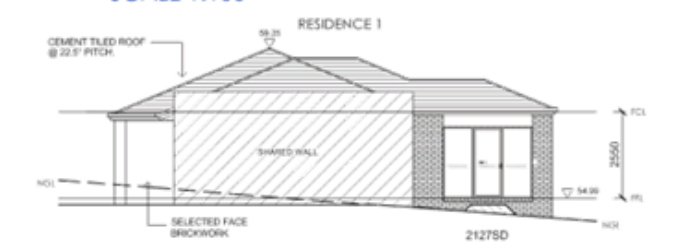
**FLOOR PLAN
 SCALE 1:100**

RESIDENCE 1 - 3 BED (Single Storey)	
Residence	116.3 m ²
Garage	40.0 m ²
Porch	3.5 m ²
TOTAL	159.8 m ²
Private Open Space	40.0 m ²

RESIDENCE 2 - 3 BED (Single Storey)	
Residence	114.9 m ²
Garage	40.7 m ²
Porch	1.8 m ²
TOTAL	157.4 m ²
Private Open Space	42.0 m ²



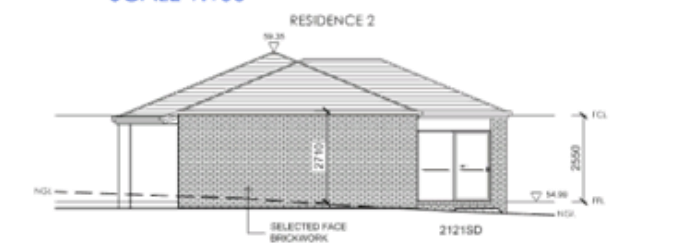
**WEST ELEVATION
 SCALE 1:100**



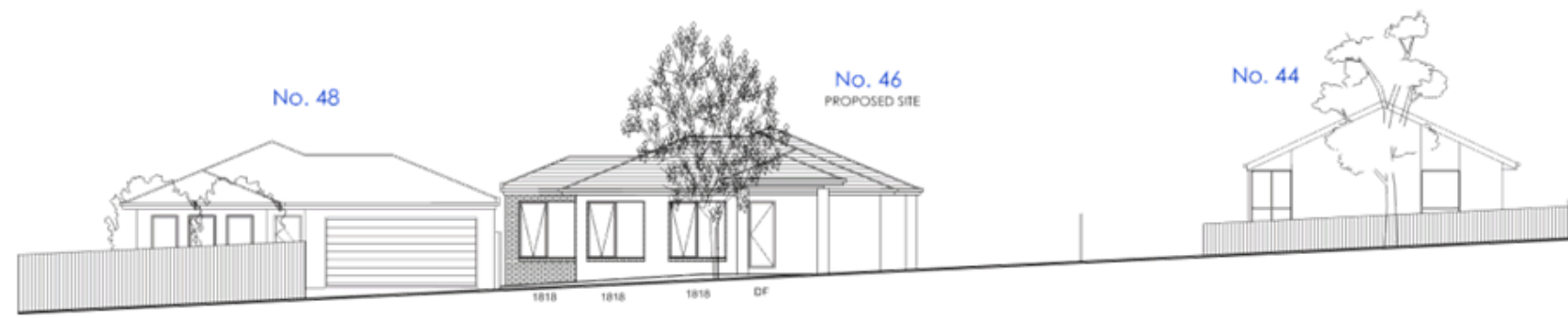
**EAST ELEVATION
 SCALE 1:100**



**WEST ELEVATION
 SCALE 1:100**



**EAST ELEVATION
 SCALE 1:100**



**STREETSCAPE - SCREEN STREET
 SCALE 1:100**

46 Screen Street
 Frankston



Proposed Residential Development
 Cesare Gropis

**SUSTAINABLE DESIGN STATEMENT
 GREEN SPECIFICATION**

ENERGY

- * ENERGY RATING OF BUILDING ENVELOPE ACHIEVES A MINIMUM 6 STARS INCLUDING:
 - R1.5 BULK INSULATION TO CEILING
 - R1.5 BATTS TO WALLS PLUS D.S. ISOLATION
 - ALUMINIUM FINISHED WINDOW FRAMES
 - WEATHER STRIPS TO ALL EXTERNAL DOORS
 - GAPS & CRACKS SEALED WITH IMPERMEABLE BARRIER (GAP & TAP ISOLATION AT ALL JOINTS, OPENINGS AND PENETRATIONS)
- * HOT WATER SYSTEM TO HAVE ENERGY EFFICIENCY OF LEAST 4 STAR
- * ALL HEATING AND COOLING UNITS ARE CERTIFIED UNDER MEPS, AND ALL OUTWORK WILL COMPLY WITH THE BCA GUIDELINES FOR SERVICES
- * FLUORESCENT LOW ENERGY DOWNLIGHTS AND/OR BATTEN HOLDERS WITH LOW ENERGY GLOBES

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- * WATER EFFICIENCY RATING OF TAPS TO BE 4 STARS WELS
- * WATER EFFICIENCY RATING OF CISTERNS TO BE 4 STARS WELS
- * WATER EFFICIENCY RATING OF SHOWER HEADS TO BE 3 STARS WELS

STORMWATER

- * MINIMUM 2000L RAINWATER TANK TO BE INSTALLED IN SUCH A WAY TO RECEIVE A MINIMUM 50% OF ROOF AREA. TANKS TO BE PROVIDED WITH AN AUTOMATIC OR MANUAL INTERCHANGE DEVICE TO PROVIDE A CONTINUAL SUPPLY OF WATER FOR SANITARY FLUSHING OR UPGRADED AS PER ENGINEER'S DRAINAGE DESIGN.

MATERIALS

- * THE SELECTION OF NEW MATERIALS TO BE ENVIRONMENTALLY FRIENDLY
- * RELIABILITY AND RECYCLABILITY OF MATERIALS WHERE PRACTICAL

TRANSPORT

- * ALLOCATED BICYCLE PARKING SPACES IN ACCORDANCE WITH EXTERNAL SECURE PARKING AS2983 OR INTERNAL SPACE ALLOCATED IN GARAGES / SHEDS

WASTE

- * ALLOCATED SPACE FOR WASTE MANAGEMENT NOMINATED (E.G. GENERAL WASTE, RECYCLING, GREEN WASTE AND COMPOSTING BINS)

LANDSCAPING

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- * ALL TIMBER PRODUCTS TO BE TREATED PINE, RECYCLED OR PLANTATION GROWN, JARRAH, RED OAK OR NATIVE (WHITE) CYPRRESS PINE (CALLITRIS COLUMNARIS) SHOULD NOT BE USED UNLESS DEMONSTRATED THEY ARE A RECYCLED PRODUCT.

RESIDENCE 4 - 3 BED (Single Storey)	
Residence	108.5 m ²
Garage	41.7 m ²
Porch	2.1 m ²
TOTAL	152.3 m ²
Private Open Space	40.0 m ²

RESIDENCE 4

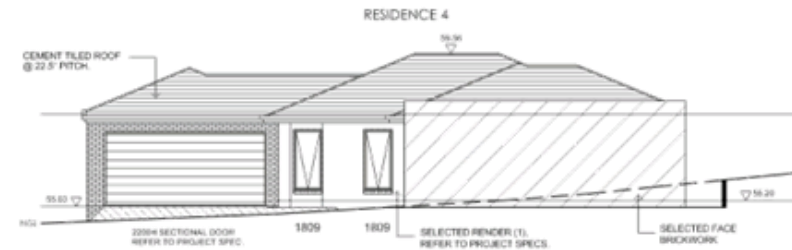


RESIDENCE 3

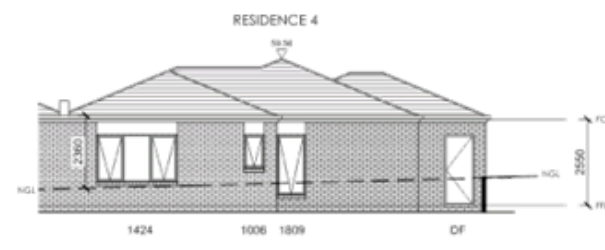
RESIDENCE 3 - 3 BED (Single Storey)	
Residence	115.8 m ²
Garage	39.0 m ²
Porch	2.1 m ²
TOTAL	156.9 m ²
Private Open Space	77.0 m ²

FLOOR PLAN

SCALE 1:100



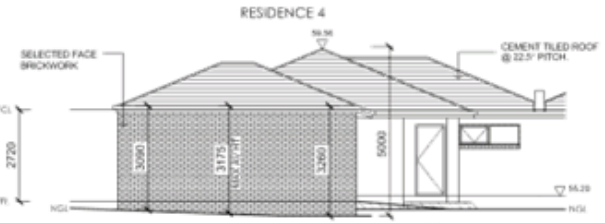
SOUTH ELEVATION
 SCALE 1:100



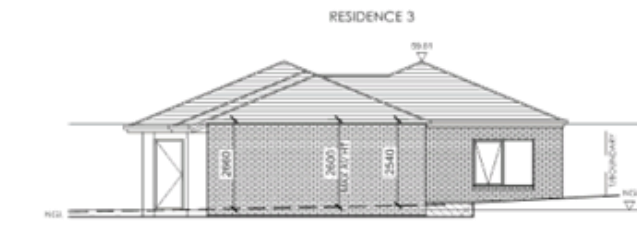
EAST ELEVATION
 SCALE 1:100



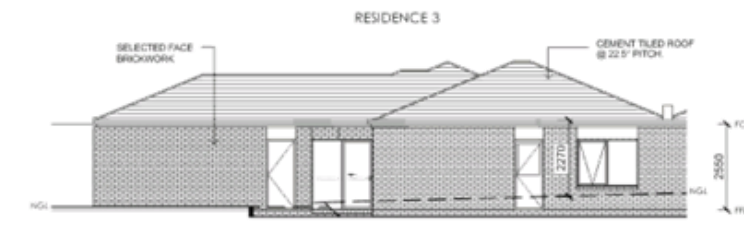
NORTH ELEVATION
 SCALE 1:100



WEST ELEVATION
 SCALE 1:100



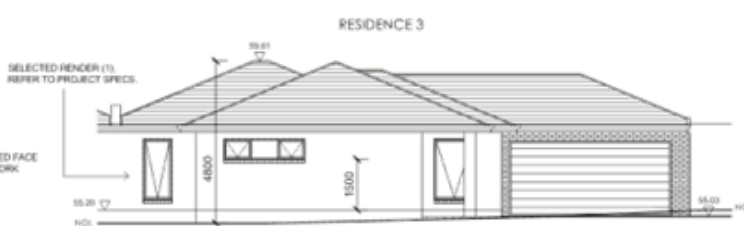
SOUTH ELEVATION
 SCALE 1:100



EAST ELEVATION
 SCALE 1:100



NORTH ELEVATION
 SCALE 1:100



WEST ELEVATION
 SCALE 1:100

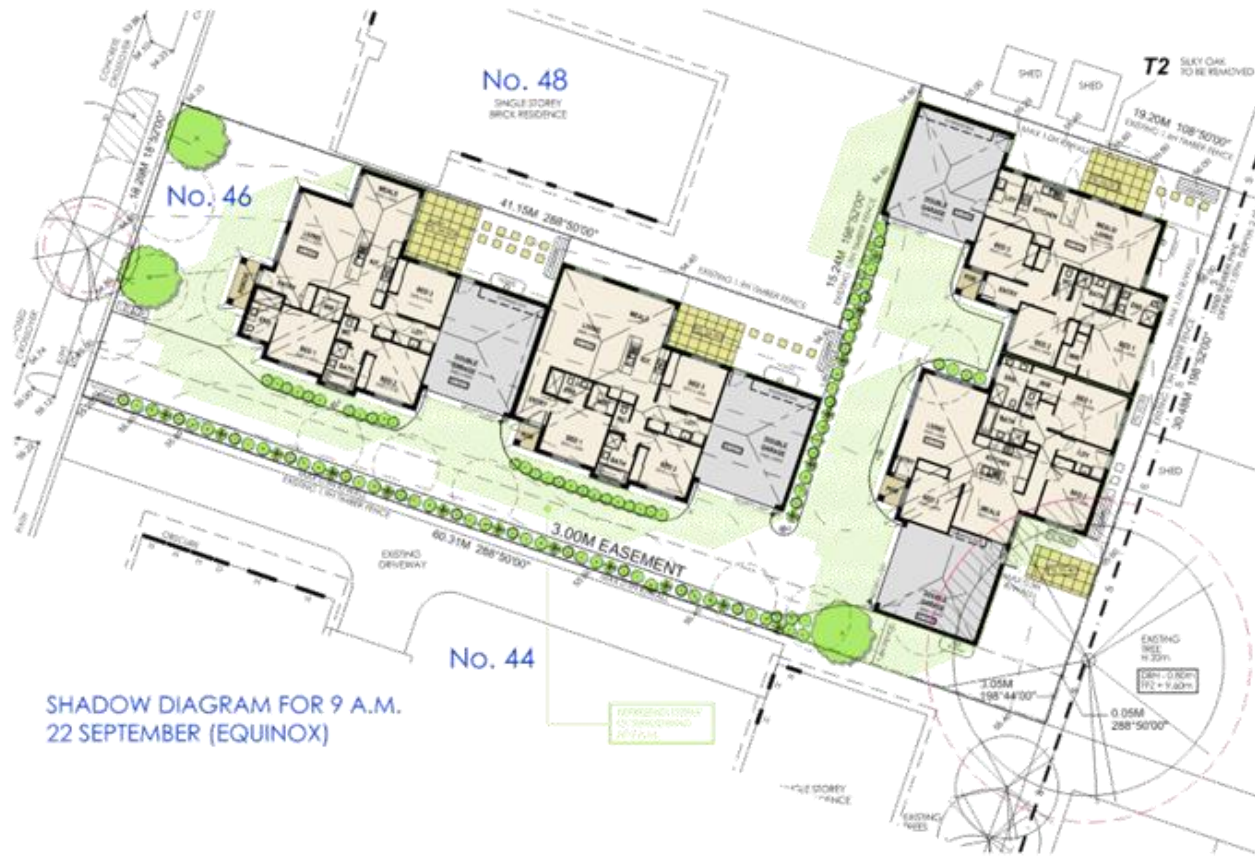
46 Screen Street
 Frankston



Proposed Residential Development
 Cesare Grups

5

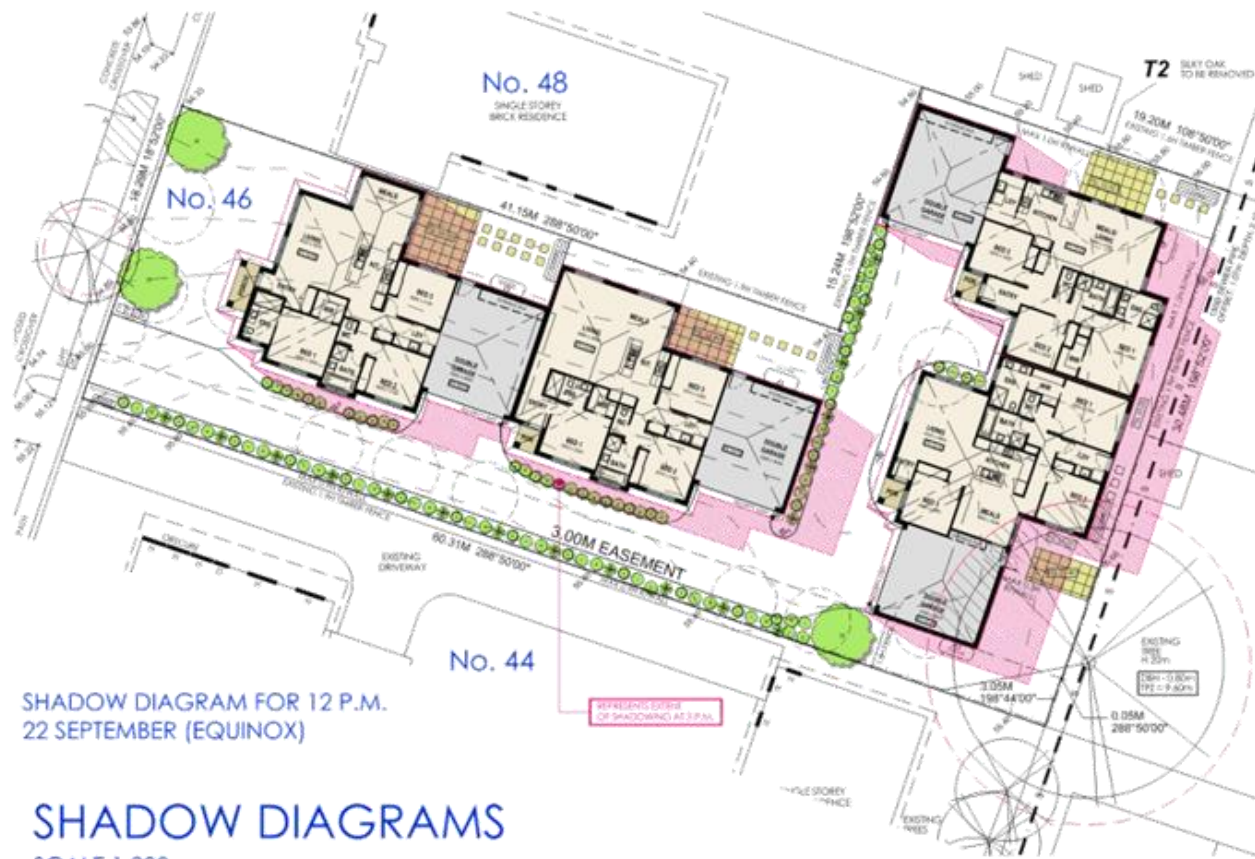
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 16-0380
 Dec 17
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SHADOW DIAGRAM FOR 9 A.M.
 22 SEPTEMBER (EQUINOX)



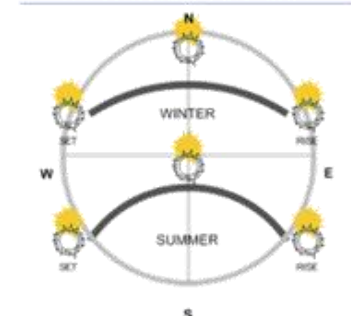
SHADOW DIAGRAM FOR 3 P.M.
 22 SEPTEMBER (EQUINOX)



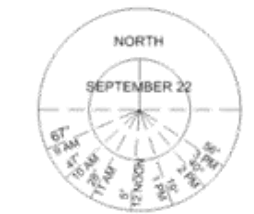
SHADOW DIAGRAM FOR 12 P.M.
 22 SEPTEMBER (EQUINOX)

SHADOW DIAGRAMS
 SCALE 1:200

SUN PATH DIAGRAM



EQUINOX DATUM: 22 SEPTEMBER
 MELBOURNE, VICTORIA



SUNLIGHT TO PRIVATE OPEN SPACE

SHADOW	TIME
	9 A.M. SEPTEMBER 22
	12 NOON SEPTEMBER 22
	3 P.M. SEPTEMBER 22



Executive Summary**11.2 Town Planning Application 430/2005/P/D - 49 and 102/325-335 Nepean Highway Frankston - To amend the permit by deleting Condition 4 requiring a Section 173 Agreement stating that "any dwelling must not be used as a principal place of residence"**

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

Community Outcome:	1. Planned City
Strategy:	1.2 Development and Housing
Priority Action	1.2.3 Ensure built form, displays architectural excellence and embodies creative urban design

Purpose

This report considers the merits of the planning application to amend the existing permit by deleting Condition 4 requiring a Section 173 Agreement stating that "any dwelling must not be used as a principal place of residence".

Recommendation (Director Community Development)

That a Notice of Refusal to Grant an Amended Planning Permit be issued.

Key Points / Issues

- The applicant is seeking the deletion Condition 4 of the permit. The condition states that "the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 and such agreement must require that, without the written consent of the Responsible Authority, any dwelling must not be used as a principal place of residence". It is noted that the applicant is the owner of dwellings 49 and 102.
- Council passed a Notice of Motion (NOM) on 20 November 2017 which included the requirement to support 'the retention of the current permit conditions that require tenancies to be used only for temporary accommodation (and not to be a 'principal place of residence)'.
- It is considered the proposed amendment cannot be supported as it is not in accordance with Council's recent resolution and is contrary to the intent of the permit.
- The application is being reported to Council due to councillor interest in the extensive history and social issues associated with the site that was formerly part of the Ambassador Hotel complex.

For further information, please refer to the officer's assessment contained within this report.

Financial Impact

The State Government has introduced the "Fair Go Rates" system, placing a cap on Council rates which has restricted the level of increases that Council can apply to its rate revenue. Rate revenue constitutes 63 per cent of all Council revenue.

The rate cap over the past two financial years has been 2.5 per cent and 2.0 per cent respectively and will be 2.25 per cent in 2018-2019.

11.2 Town Planning Application 430/2005/P/D - 49 and 102/325-335 Nepean Highway Frankston - To amend the permit by deleting Condition 4 requiring a Section 173 Agreement stating that "any dwelling must not be used as a principal place of residence"**Executive Summary**

The rate cap percentages are based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services. The cost of providing Council services has been increasing well in advance of the rate cap applied by State Government.

Over time this trend may lead to a reduction in the levels of service provided to the community and in Councils ability to fund both new facilities and the ongoing renewal of existing facilities.

Council will continue to evaluate the impacts of rate capping annually and needs to be mindful of these outcomes in all Council decisions.

There are no financial implications associated with this report.

The permit application fee paid to Council is \$1,265.60. The average cost to process a planning application is \$1,729 which represents a short fall of \$463.40 in this case.

Consultation**1. External Referrals**

No external referrals were required for the application.

2. Internal Referrals

No internal referrals were required for the application.

3. Other relevant parties / stakeholders

None applicable.

Notification of Proposal

Pursuant to Clause 52(1A) of the Planning and Environment Act 1987, the Responsible Authority is not required to give notice of the application if the application is to be refused.

Analysis (Environmental / Economic / Social Implications)

The proposed amendment will have no impact on the environment as no works or vegetation removal is proposed.

Legal / Policy / Council Plan Impact**Charter of Human Rights and Responsibilities**

All matters relevant to the Charter of Human Rights and Responsibilities have been considered in the preparation of this report and are consistent with the standards set by the Charter.

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Legal

Council has complied with Section 52, 58, 60, 61 and 62 of the *Planning and Environment Act 1987* in processing the planning permit application.

11.2 Town Planning Application 430/2005/P/D - 49 and 102/325-335 Nepean Highway Frankston - To amend the permit by deleting Condition 4 requiring a Section 173 Agreement stating that "any dwelling must not be used as a principal place of residence"**Executive Summary**Policy Impacts

Council has assessed the planning permit application in accordance with the relevant State and Local Planning Policy provisions, zones, particular and general provisions of the Frankston Planning Scheme.

Officer's Declaration of Interests

Under Section 80C of the *Local Government Act 1989*, officers providing advice or a report to Council must disclose any direct or indirect interest they have in a matter.

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

There are no risk implications.

Conclusion

The proposed amendment cannot be supported as it is not in accordance with Council's recent Notice of Motion for the site, is contrary to the intent of the permit and is premature.

ATTACHMENTS

Attachment A:[↓](#) Copy of Title (Including the Section 173 Agreement)

Attachment B:[↓](#) Supporting Documents

11.2 Town Planning Application 430/2005/P/D - 49 and 102/325-335 Nepean Highway Frankston - To amend the permit by deleting Condition 4 requiring a Section 173 Agreement stating that "any dwelling must not be used as a principal place of residence"

Officers' Assessment

Summary

Existing Use	110 dwellings and offices
Site Area	9,663 square metres
Proposal	Deletion of Condition 4 of the permit requiring a Section 173 Agreement and the requirement and "any dwelling must not be used as a principal place of residence"
Site Cover	N/A
Permeability	N/A
Zoning	Commercial 1 Zone
Overlays	Design and Development Overlay Schedule 6
Neighbourhood Character Precinct	N/A
Reason for Reporting to Council	Councillor interest

Background

The Planning Permit for the site was issued on 27 January 2006 and amended by an order from the Victorian Civil and Administrative Tribunal (VCAT) on 29 October 2007. As part of this order, Condition 4 was included on the permit. The Condition requires:

"Prior to the endorsement of the plan, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 and such agreement must require that, without the written consent of the Responsible Authority, any dwelling must not be used as a principal place of residence. The agreement must be registered before any dwelling is occupied. The owner must pay all reasonable costs for the preparation, execution and registration of the Section 173 Agreement".

This agreement has since been entered on Title (Agreement No. AF878327C).

Council resolved on 20 November 2017 to support 'the retention of the current permit conditions that require tenancies to be used only for temporary accommodation (and not to be a 'principal place of residence)'

Subject Site

The subject site is irregular in shape and located on the eastern side of the Nepean Highway in Frankston.

The site has a front boundary width to the Nepean Highway of 103.68 metres, a side/southern boundary width of 101.0 metres, a side/north boundary width of 102.36 metres and a rear boundary width of 86.2 metres.

11.2 Town Planning Application 430/2005/P/D - 49 and 102/325-335 Nepean Highway Frankston - To amend the permit by deleting Condition 4 requiring a Section 173 Agreement stating that "any dwelling must not be used as a principal place of residence"**Officers' Assessment**

The site contains dwellings (in the form of small apartments) spread over three (3) floors with undercroft parking and several smaller building each containing multiple dwellings.

Locality

The site is located to the north of the Frankston Metropolitan Activity Centre. The site is situated approximately 650 metres north of the Bayside Shopping Centre and approximately 1km north-west of Frankston Railway Station.

Site History

Previous planning permit applications for the site include:

- Planning Permit No. 430/2005/P that was issued on 27 January 2006 for the development and use of the land for 109 Dwellings and Offices, a reduction in the car parking requirements pursuant to Clause 52.05 of the Scheme, alteration of access to Nepean Highway and a waiver of the requirements for a loading/unloading bay.
- The above permit was amended by an order from the Victorian Civil and Administrative Tribunal (VCAT) on 29 October 2007 to allow for the development and use of the land for 110 dwellings and offices.
- An application to amend the permit by the addition of an internal wall to dwelling 134 was approved by Council on 30 January 2017.
- An application to amend the permit by the addition of an internal wall to dwelling 28 was refused by Council on 30 January 2017. The application appealed against this refusal and the amendment was approved by VCAT in an order on 14 August 2017.

Proposal

The applicant proposes to delete Condition 4 of the permit. The condition requires that "the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 and such agreement must require that, without the written consent of the Responsible Authority, any dwelling must not be used as a principal place of residence".

State and Local Planning Policy Frameworks

State Planning Policy Framework relevant to this application are summarised as follows:

- Clause 11 - Settlement
- Clause 15 – Built Environment and Heritage; and
- Clause 16.01-4 – Housing Diversity.

Local Planning Policy Framework relevant to this application are summarised as follows:

- Clause 21.04 - Settlement
- Clause 21.07 – Housing.

11.2 Town Planning Application 430/2005/P/D - 49 and 102/325-335 Nepean Highway Frankston - To amend the permit by deleting Condition 4 requiring a Section 173 Agreement stating that "any dwelling must not be used as a principal place of residence"**Officers' Assessment****Planning Scheme Controls**

Pursuant to Section 72(1) of the Planning and Environment Act 1987, a person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.

Notification of Proposal

It is noted that pursuant to Clause 52(1A) of the Planning and Environment Act 1987, the Responsible Authority is not required to give notice of the application if the application is to be refused.

Discussion

The application to amend the permit to delete Condition 4 is not considered to be worthy of support for the following reasons:

The amendment is not in accordance with the intent of the permit

The deletion of Condition 4 and the re-instatement of the ability to use the dwellings on the site as a principal place of residence is not in accordance with the intent of the permit.

As has been discussed, the condition requiring this restriction was a result of the amendments to the permit made by VCAT in their order dated 24 January 2006.

As part of the order, VCAT Member Eccles noted:

"I am uneasy about the prospect of what are essentially purpose built motel units becoming permanent accommodation. Although some may be used for student accommodation it is more likely that a relatively high proportion will be used for short term and holiday accommodation. I am not convinced that this would sit well with permanent occupation by the financially less well off. On balance I think that there should be a restriction requiring that dwellings not be used as a principal place of residence and that the restriction should be imposed via a s173 agreement. The registration of that agreement on title(s) will at least warn prospective purchasers of the restriction" [Paragraph 11].

The proposed amendment is therefore in direct opposition of this direction from VCAT.

Removing this requirement to only two (2) properties is not preferable as it creates an inconsistency with how the site is used and may create a conflict between owners within the site and create a precedent to allow further changes to the nature of use of the dwellings. This is supported by the finding of the VCAT.

Amenity

The dwellings are not suitable for permanent occupancy. Given the previous use of the site as a motel, the dwellings were not designed for and not ever intended for use as principal places of residence.

As noted above, the VCAT member Eccles was *"uneasy about the prospect of what are essentially purpose built motel units becoming permanent accommodation"* [Paragraph 11].

Further, the site was never designed or subject to an assessment of amenity as would be required under the Planning Scheme and ResCode for an application for multiple dwellings on a lot.

11.2 Town Planning Application 430/2005/P/D - 49 and 102/325-335 Nepean Highway Frankston - To amend the permit by deleting Condition 4 requiring a Section 173 Agreement stating that "any dwelling must not be used as a principal place of residence"**Officers' Assessment*****The amendment is contrary to Council's adopted position on the site***

The proposed amendment is contrary to Council's position on the site and the resolution of 20 November 2017.

Council officers are presently investigating occupancy of the dwellings on the site in respect of compliance with the agreement.

In addition, Council has sought a report exploring the options for Council to acquire the site ('eminent domain'). A report on Council's investigations is also included in this agenda.

Council's position on the site is clear in that the current restrictions prohibiting the use of the dwellings as a 'principal place of residence' are not to be amended and that Council is currently exploring other management and potential ownership options for the site.

Analysis (Economic and Social Implications)

There are limited economic implications as part of the proposed amendment.

As noted in the VCAT order for the site requiring that dwellings not be used as a principal place of residence, the mix of principal and temporary accommodation on the site may create conflict between residents and further exacerbate the known social issues currently experienced on the site.

Recommendation (Director Community Development)

That Council resolve to issue a Refusal to Grant an Amendment to Planning Permit number 450/2005/P/A for the Development and use of the land for 110 dwellings and office(s), reduction in the car parking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for a loading/unloading bay, in accordance with the endorsed plan/s.

What has been refused?

The deletion of Condition 4.

What are the reasons for Refusal?

1. The proposed amendment to the permit is not in accordance with the intent of the permit and the VCAT order dated 24 January 2006.
2. The existing former motel units are not suitable and do not provide adequate amenity for permanent occupation by residents. The units were designed for and are only suitable for short stay accommodation.



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**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

Page 1 of 2

VOLUME 11127 FOLIO 298

Security no . 124069208452A
Produced 22/11/2017 10.53 am

LAND DESCRIPTION

Lot 102 on Plan of Subdivision 544420S.
PARENT TITLE Volume 09556 Folio 208
Created by instrument PS544420S 03/04/2009

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
DAVID JOHN WARNE of 8 AUSTRALIS CLOSE LANGWARRIN VIC 3910
AG934669D 19/12/2009

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AG934671S 19/12/2009
WESTPAC BANKING CORPORATION

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

AGREEMENT Section 173 Planning and Environment Act 1987
AF878327C 30/05/2008

DIAGRAM LOCATION

SEE PS544420S FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information. (not part of the Register Search Statement)

Street Address: UNIT 102 325 NEPEAN HIGHWAY FRANKSTON VIC 3199

ADMINISTRATIVE NOTICES

NIL

eCT Control 16320Q WESTPAC BANKING CORPORATION (14)
Effective from 23/10/2016

OWNERS CORPORATIONS

The land in this folio is affected by
OWNERS CORPORATION 1 PLAN NO. PS544420S



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**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

Page 2 of 2

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FINAL SEARCH STATEMENT

Land Use Victoria

Page 1 of 1

Security No . 124069208516F
Produced 22/11/2017 10:55 AM

Volume 11127 Folio 298

ACTIVITY IN THE LAST 125 DAYS

NIL

ADMINISTRATIVE NOTICES

NIL

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Effective from 23/10/2016

STATEMENT END



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**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

Page 1 of 2

VOLUME 11127 FOLIO 294

Security no 124069207883T
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LAND DESCRIPTION

Lot 49 on Plan of Subdivision 544420S
PARENT TITLE Volume 09556 Folio 208
Created by instrument PS544420S 03/04/2009

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
DAVID JOHN WARNE of 8 AUSTRALIS CLOSE LANGWARRIN VIC 3910
AG934668F 19/12/2009

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AG934671S 19/12/2009
WESTPAC BANKING CORPORATION

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

AGREEMENT Section 173 Planning and Environment Act 1987
AF878327C 30/05/2008

DIAGRAM LOCATION

SEE PS544420S FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information (not part of the Register Search Statement)

Street Address UNIT 49 325 NEPEAN HIGHWAY FRANKSTON VIC 3199

ADMINISTRATIVE NOTICES

NIL

eCT Control 16320Q WESTPAC BANKING CORPORATION (14)
Effective from 23/10/2016

OWNERS CORPORATIONS

The land in this folio is affected by
OWNERS CORPORATION 1 PLAN NO PS544420S



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**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

Page 2 of 2

DOCUMENT END



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FINAL SEARCH STATEMENT

Land Use Victoria

Page 1 of 1

Security No : 124069208516F
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Volume 11127 Folio 298

ACTIVITY IN THE LAST 125 DAYS

NIL

ADMINISTRATIVE NOTICES

NIL

eCT Control 16320Q WESTPAC BANKING CORPORATION (14)
Effective from 23/10/2016

STATEMENT END



Department of Environment, Land, Water & Planning

Owners Corporation Search Report

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Produced: 22/11/2017 10:48:52 AM

OWNERS CORPORATION 1
PLAN NO. PS544420S

The land in PS544420S is affected by 1 Owners Corporation(s)

Land Affected by Owners Corporation:

Common Property 1, Lots 1 - 51, 101 - 160, A

Limitations on Owners Corporation:

Unlimited

Postal Address for Service of Notices:

MBCM FRANKSTON 4 SILKWOOD RISE CARRUM DOWNS VIC 3201
AM106179P 14/08/2015

Owners Corporation Manager

NIL

Rules:

Model Rules apply unless a matter is provided for in Owners Corporation Rules. See Section 139(3) Owners Corporation Act 2006

Owners Corporation Rules:

1. AM568602A 18/02/2016

ADDITIONAL OWNERS CORPORATION INFORMATION:

OC003621A 03/04/2009

Notations:

NIL

Entitlement and Liability:

NOTE - Folio References are only provided in a Premium Report.



Department of Environment, Land, Water & Planning

Owners Corporation Search Report

Land Parcel	Entitlement	Liability
Common Property 1	0 00	0.00
Lot 1	159.00	299 00
Lot 2	159 00	267.00
Lot 3	100 00	134 00
Lot 4	169 00	271.00
Lot 5	169 00	267 00
Lot 6	169 00	267 00
Lot 7	169 00	259 00
Lot 8	169 00	259 00
Lot 9	85 00	130 00
Lot 10	85 00	134 00
Lot 11	85 00	134 00
Lot 12	85.00	134 00
Lot 13	85.00	134 00
Lot 14	80 00	134.00
Lot 15	80.00	134 00
Lot 16	159 00	230 00
Lot 17	159 00	230 00
Lot 18	80.00	129 00
Lot 19	80.00	129 00
Lot 20	85.00	134.00
Lot 21	85.00	134 00
Lot 22	85 00	134 00
Lot 23	85.00	134 00
Lot 24	170.00	246.00
Lot 25	170 00	246.00
Lot 26	170 00	246.00
Lot 27	170.00	246.00
Lot 28	170 00	246.00
Lot 29	170 00	246.00
Lot 30	200 00	299.00
Lot 31	169 00	275.00
Lot 32	169 00	270 00
Lot 33	90 00	133.00
Lot 34	85 00	133 00
Lot 35	85 00	141 00
Lot 36	85.00	141 00
Lot 37	125.00	254 00
Lot 38	85 00	126 00
Lot 39	85 00	130 00
Lot 40	80.00	116 00
Lot 41	90 00	133 00
Lot 42	90.00	121 00
Lot 43	90.00	125 00
Lot 44	125.00	205 00
Lot 45	119.00	149 00
Lot 46	119.00	149 00
Lot 47	90 00	125.00
Lot 48	90 00	133 00
Lot 49	90.00	133 00
Lot 50	121.00	189 00
Lot 51	350 00	202.00
Lot 101	171 00	267 00
Lot 102	171 00	263.00
Lot 103	169 00	263.00
Lot 104	169 00	263.00
Lot 105	169 00	259.00
Lot 106	169 00	267.00
Lot 107	169 00	271.00
Lot 108	169.00	263.00



Department of Environment, Land, Water & Planning

Owners Corporation Search Report

Lot 109	130 00	186.00
Lot 110	220 00	330.00
Lot 111	120.00	126.00
Lot 112	130 00	158 00
Lot 113	85 00	125 00
Lot 114	90 00	129 00
Lot 115	85 00	129 00
Lot 116	85 00	129 00
Lot 117	85 00	129 00
Lot 118	80.00	129 00
Lot 119	80 00	129 00
Lot 120	159 00	230 00
Lot 121	159 00	230 00
Lot 122	80 00	128 00
Lot 123	80.00	124 00
Lot 124	85 00	129 00
Lot 125	85 00	129.00
Lot 126	85.00	129 00
Lot 127	90 00	133 00
Lot 128	170.00	246 00
Lot 129	170.00	246 00
Lot 130	170.00	246 00
Lot 131	170.00	246.00
Lot 132	170.00	246 00
Lot 133	175.00	246.00
Lot 134	87.00	149.00
Lot 135	87.00	149.00
Lot 136	169.00	275 00
Lot 137	169.00	275.00
Lot 138	85 00	133.00
Lot 139	85.00	133 00
Lot 140	85 00	141 00
Lot 141	85.00	141 00
Lot 142	85.00	141.00
Lot 143	85 00	141.00
Lot 144	87.00	141 00
Lot 145	85.00	133.00
Lot 146	85 00	125 00
Lot 147	85 00	125 00
Lot 148	93 00	161 00
Lot 149	87 00	125.00
Lot 150	87 00	121.00
Lot 151	87 00	141.00
Lot 152	85 00	141.00
Lot 153	85 00	121 00
Lot 154	80.00	109 00
Lot 155	80 00	125.00
Lot 156	87 00	133.00
Lot 157	179 00	334 00
Lot 158	85 00	137 00
Lot 159	85.00	137 00
Lot 160	85 00	137 00
Lot A	1600 00	815.00
Total	14881 00	20831 00

From 31 December 2007 every Body Corporate is deemed to be an Owners Corporation Any reference to a Body Corporate in any Plan, Instrument or Folio is to be read as a reference to an Owners Corporation.

Statement End.



Imaged Document Cover Sheet

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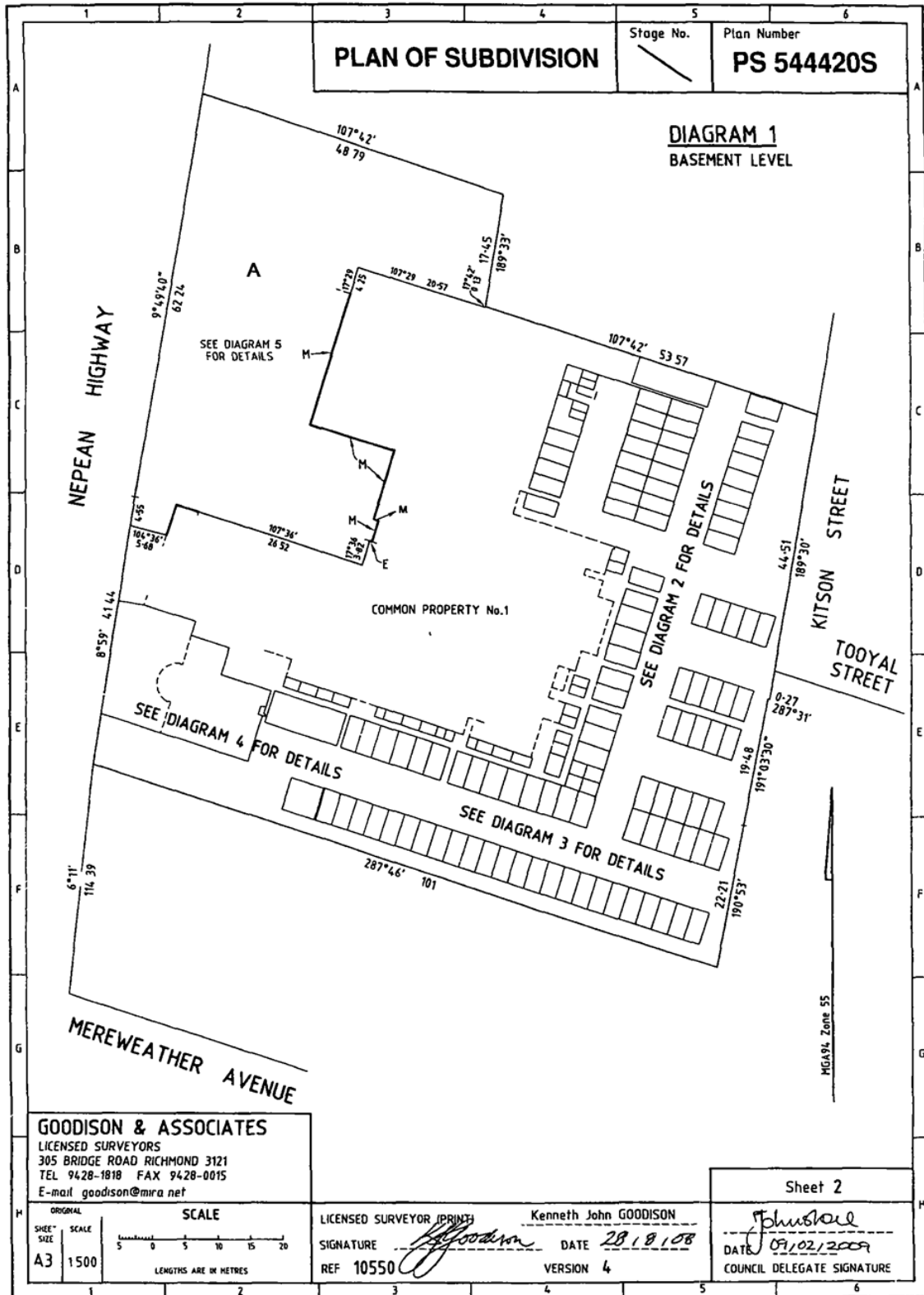
Document Type	plan
Document Identification	PS544420S
Number of Pages (excluding this cover sheet)	12
Document Assembled	22/11/2017 10:49

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PLAN OF SUBDIVISION		Stage No. 	LR use only EDITION 1	PS544420S <small>18/02/2009 14440 60 PS</small>
Location of Land		Council Certification and Endorsement		
Parish. FRANKSTON Township Section. B Crown Allotment. 3 (PART) Crown Portion Title References: Vol. 9556 Fol. 208 Last Plan Reference: CP156992 Postal Address 325 NEPEAN HIGHWAY FRANKSTON 3199 MGA Co-ordinates: E 335 680 101 approx centre of plan) N 5 777 770 Zone. 55		Council Name CITY OF FRANKSTON Ref: 100/2007/S 1. This plan is certified under section 6 of the Subdivision Act 1988. 2. This plan is certified under section 11(7) of the Subdivision Act 1988. Date of original certification under section 6 04 / 07 / 2009 3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988. Open Space. (i) A requirement for public open space under section 18 Subdivision Act 1988 has not has not been made (ii) The requirement has been satisfied. (iii) The requirement is to be satisfied in Stage Council Delegate <i>Johnstone</i> Council seat Date 09 / 02 / 2009		
Vesting of Roads or Reserves		Re-certified under section 11(7) of the Subdivision Act 1988 Council Delegate <i>Johnstone</i> Council seat Date 09 / 02 / 2009		
Identifier	Council/Body/Person			
Nil	Nil			
LOTS IN THIS PLAN MAY BE AFFECTED BY ONE OR MORE OWNERS CORPORATIONS - SEE OWNERS CORPORATION SEARCH REPORT FOR DETAILS				
Notations				
Depth Limitation Does not apply		Staging This is is not a staged subdivision Planning Permit No		
Boundaries shown by thick continuous lines are defined by buildings Location of boundaries defined by buildings: Median Boundaries marked M Exterior Face Boundaries marked E Interior Face All other boundaries Lots 52 to 100 have been omitted from this plan The Common Property No 1 is all the land in the plan except Lots A, 1 to 51, 101 to 160 and it includes the structure of those walls, floors and ceilings which define boundaries except those boundaries marked M or E		Survey. This plan is is not based on survey To be completed where applicable. This survey has been connected to permanent marks no(s) PH88 PM90 in Proclaimed Survey Area no All electricity (mains) cables and internal service ducts/pipe shafts & columns within the buildings are deemed to be part of common property No 1 The position of these ducts/shafts & columns have not been shown on the diagrams contained herein. Lots 9 to 17,33,34,35,36,41 to 50,101 to 106,109 to 119,124 to 140,143,144,147 to 155,158 159,160, comprise of 2 parts Lots 1 to 8,20 to 32,37,38,39,51,107,108,120,121,141,142,145,146,156,157 comprise of 3 parts		
Easement Information				LR use only
Legend: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road) Section 12(2) of the Subdivision Act 1988 applies to all the land in this plan				Statement of Compliance / Exemption Statement
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/in Favour Of
E-1	Power Line	See Plan	This Plan (Section 88 Electricity Industry Act 2000)	United Energy Distribution Pty Ltd
E-7,E-3	Sewerage	See Plan	This Plan	South East Water Limited
				Received <input checked="" type="checkbox"/> Date 24 / 3 / 09
				LR use only PLAN REGISTERED TIME 11 53am DATE 3 / 04 / 2009 G Venn Assistant Registrar of Titles
				Sheet 1 of 12 Sheets
GOODISON & ASSOCIATES LICENSED SURVEYORS 705 BRIDGE ROAD RICHMOND 3121 TEL 9428-1818 FAX 9428-0015 E-mail goodison@mira.net		LICENSED SURVEYOR (PRINT) Kenneth John GOODISON SIGNATURE <i>K Goodison</i> DATE 28, 8, 08 REF 10550 VERSION 4		<i>Johnstone</i> DATE 09/02/2009 COUNCIL DELEGATE SIGNATURE Original sheet size A3



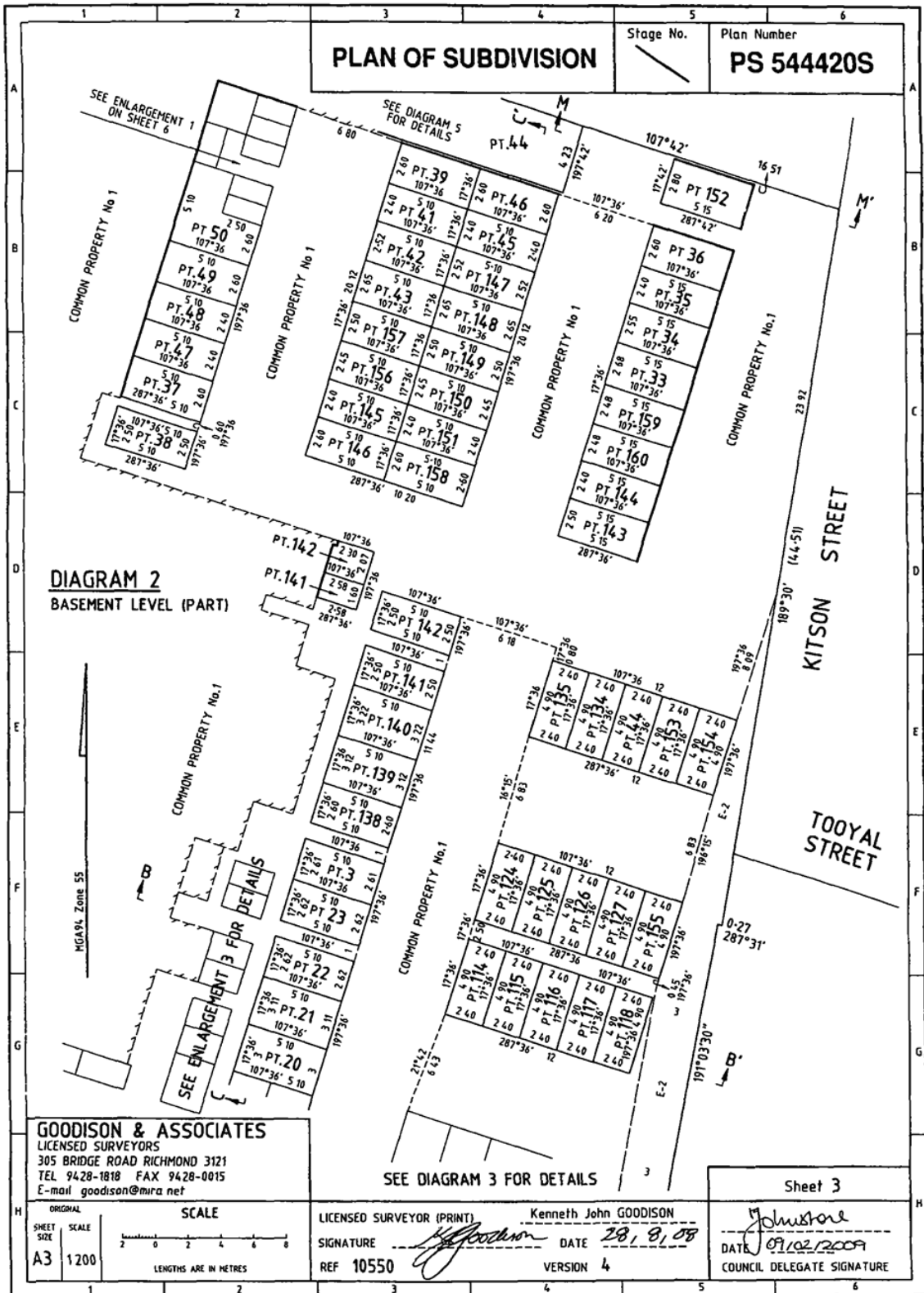
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 LICENSED SURVEYORS
 305 BRIDGE ROAD RICHMOND 3121
 TEL 9428-1818 FAX 9428-0015
 E-mail goodison@mira.net

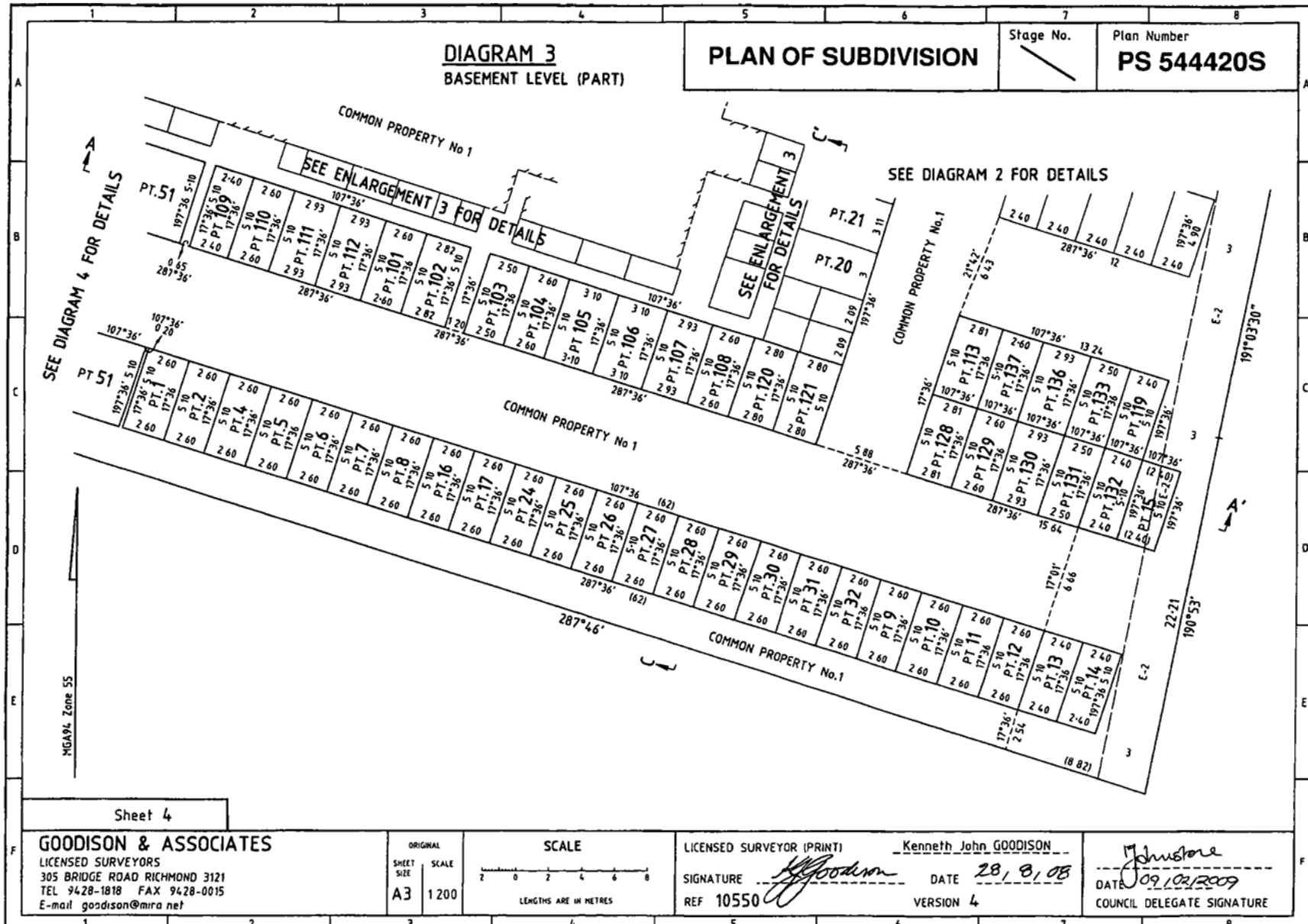
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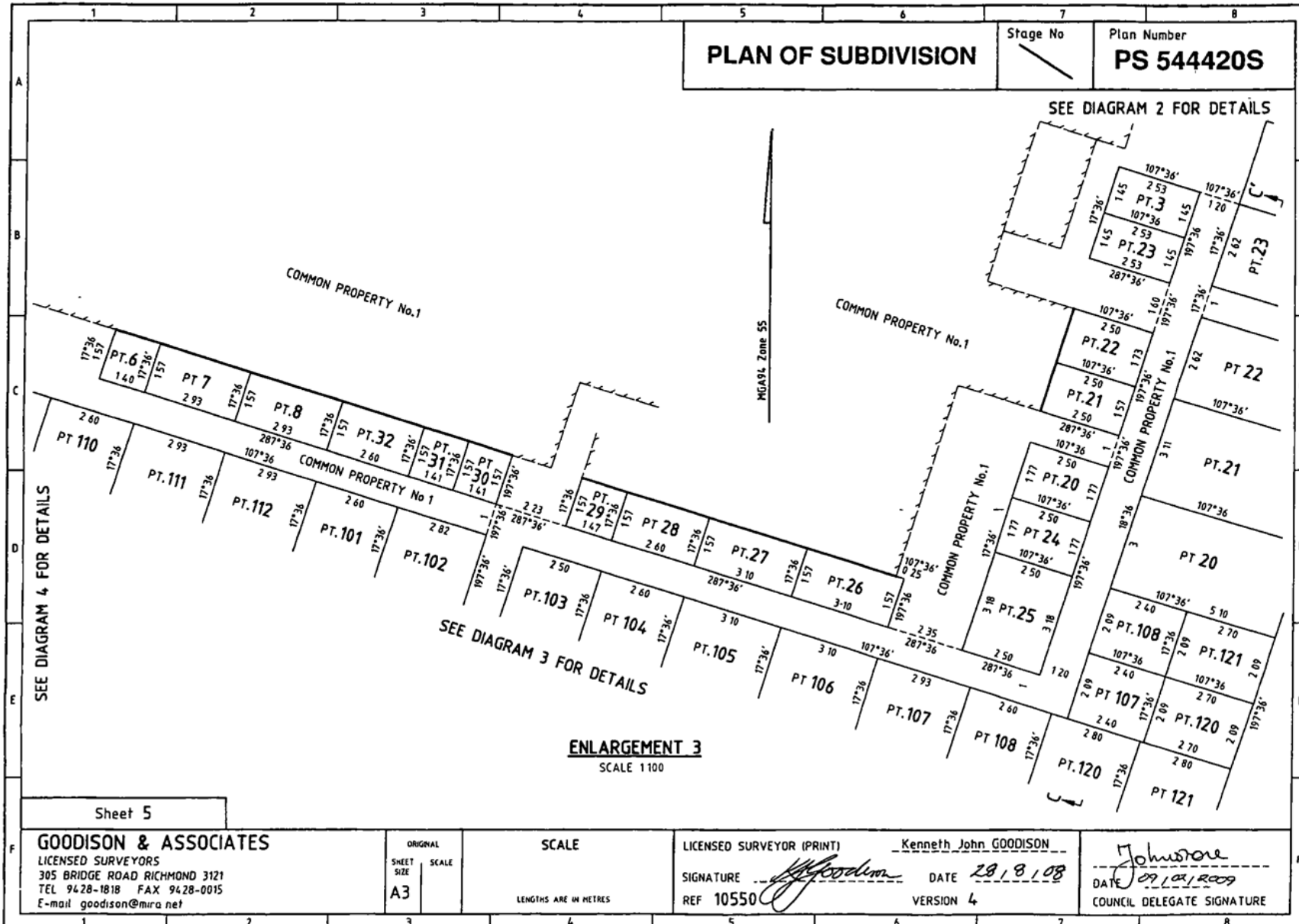
LICENSED SURVEYOR (PRINT) Kenneth John GOODISON
 SIGNATURE *[Signature]* DATE 28/8/08
 REF 10550 VERSION 4

DATE *[Signature]* 09/02/2009
 COUNCIL DELEGATE SIGNATURE

ORIGINAL SCALE
 SHEET SIZE A3 SCALE 1:1500
 LENGTHS ARE IN METRES







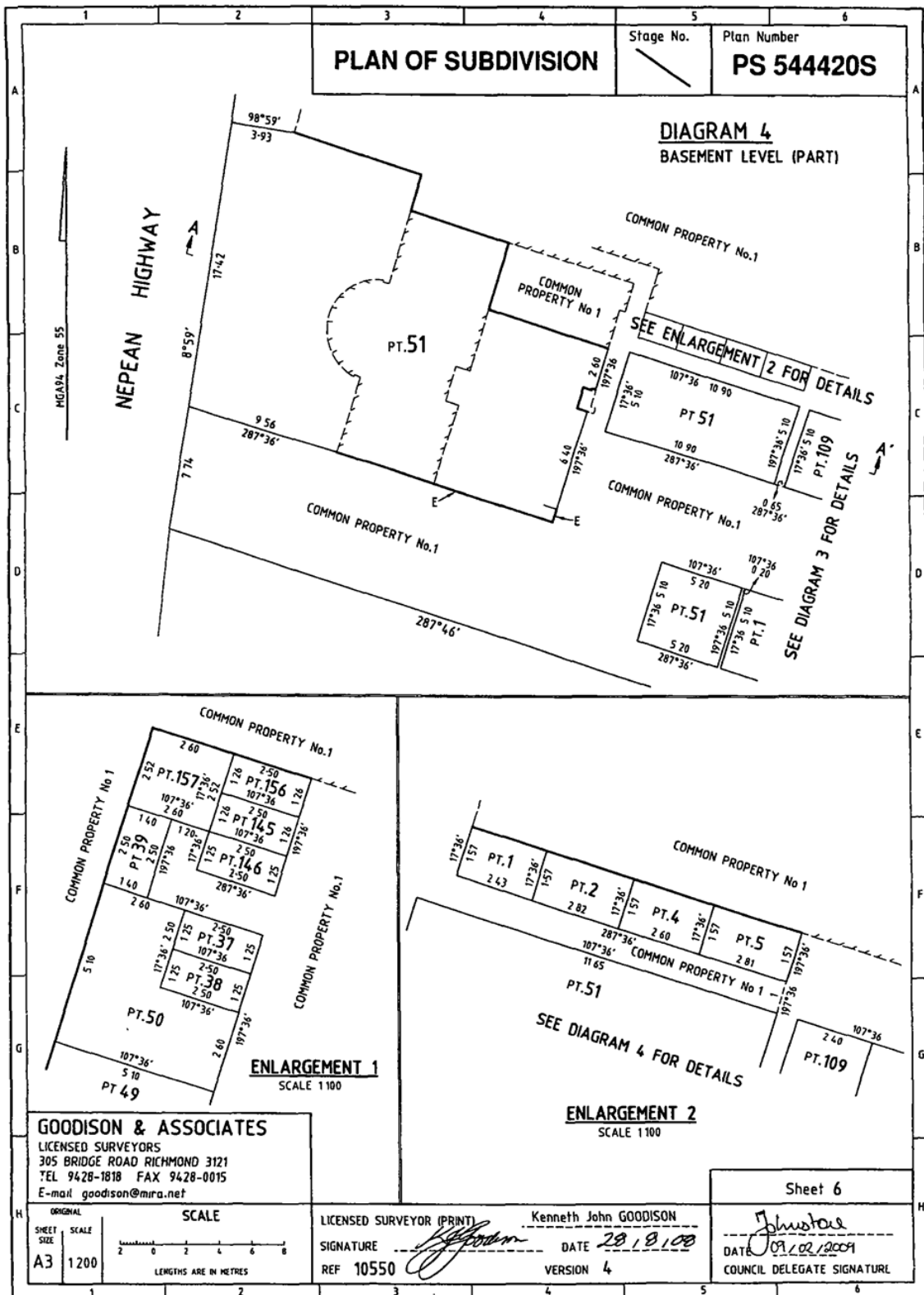
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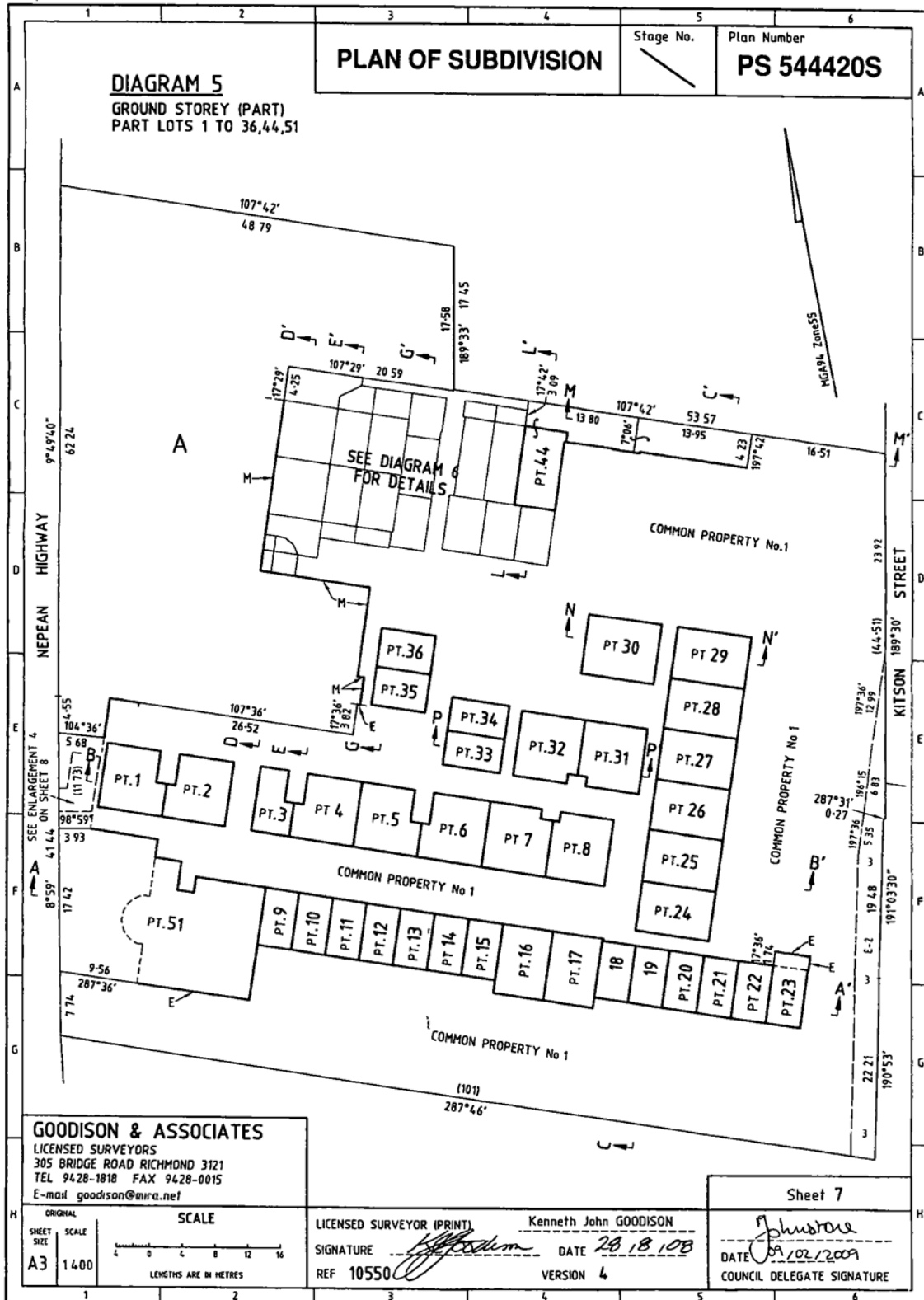
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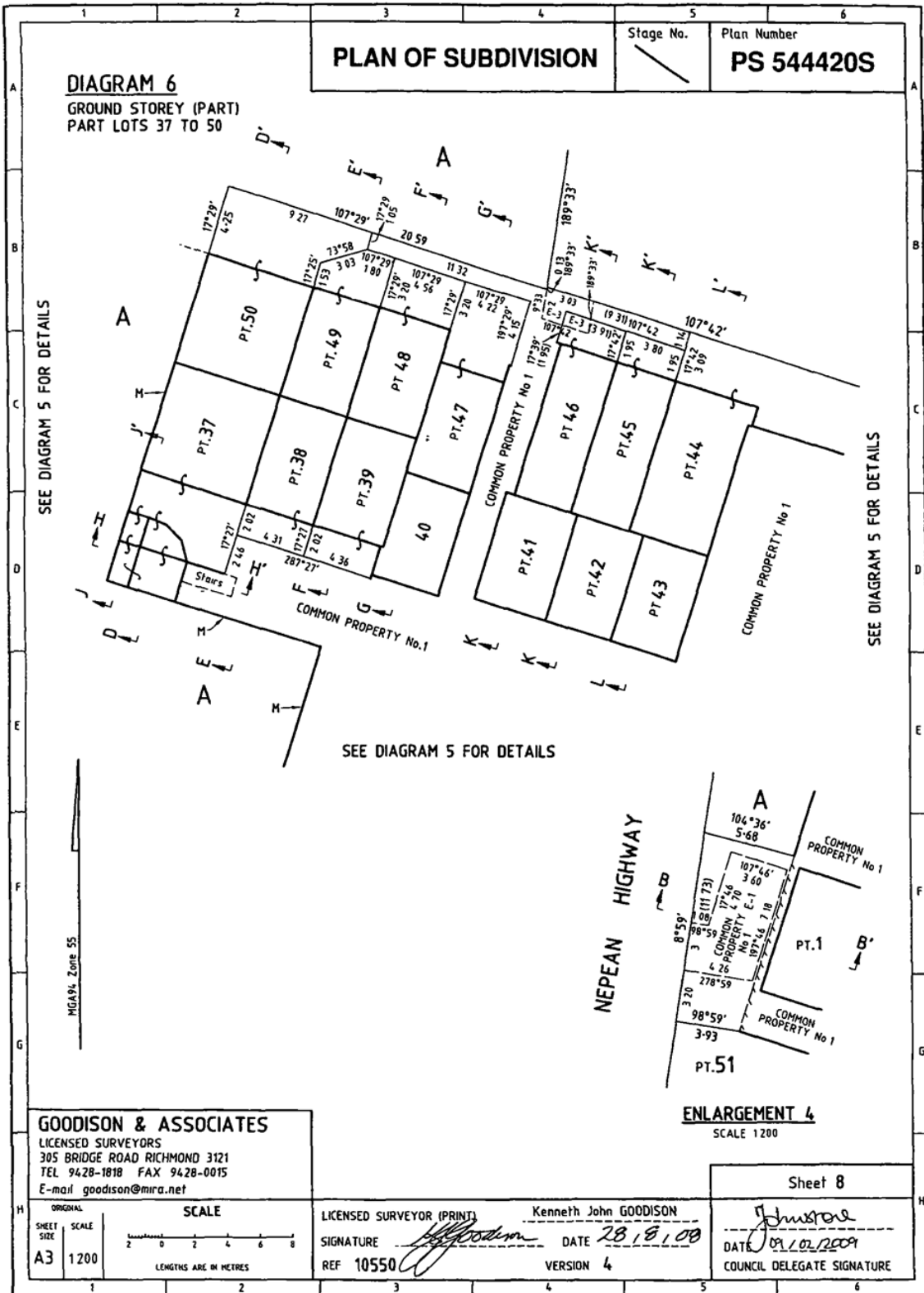
SCALE
 LENGTHS ARE IN METRES

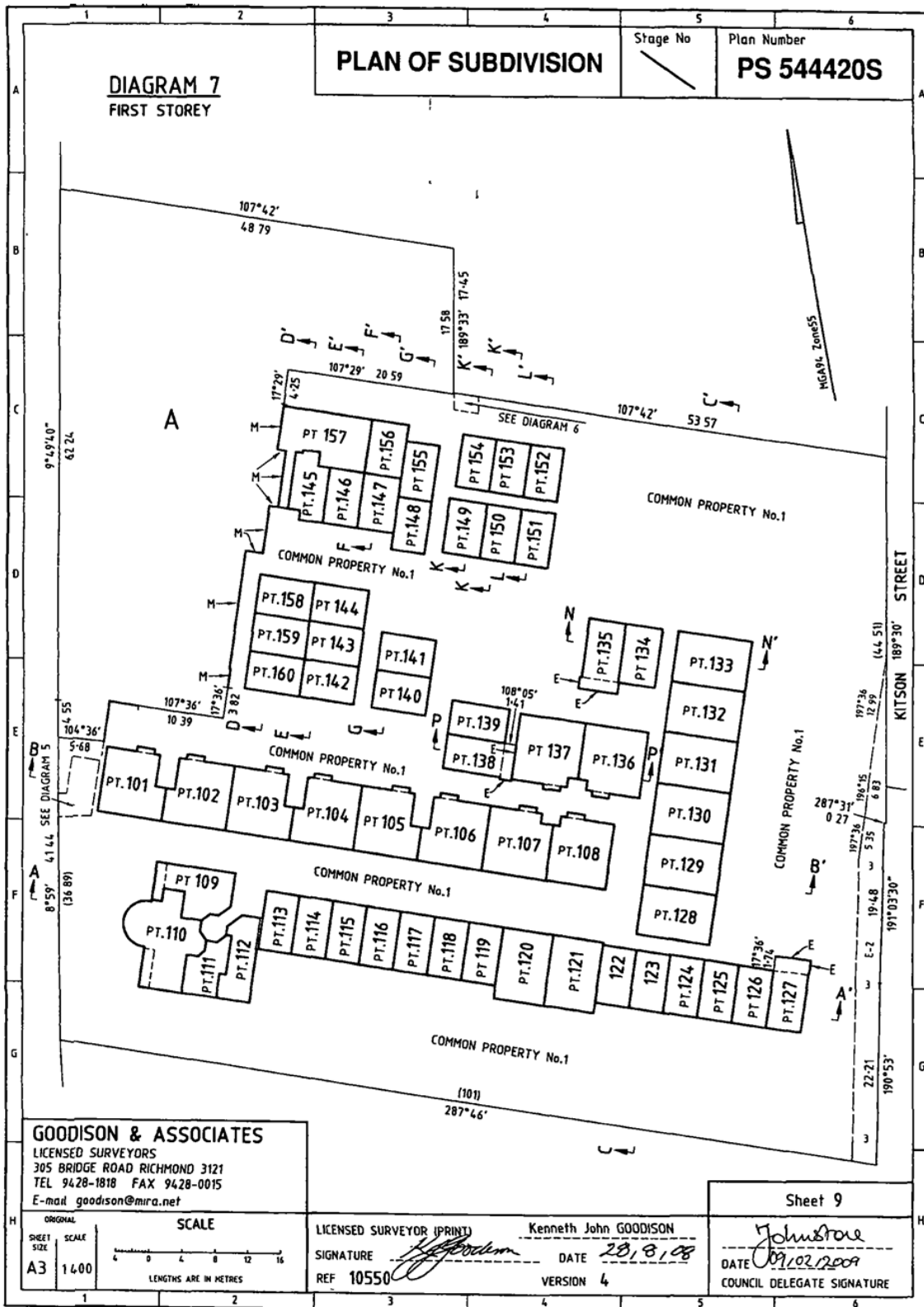
LICENSED SURVEYOR (PRINT) **Kenneth John GOODISON**
 SIGNATURE *[Signature]* DATE **28.8.08**
 REF **10550** VERSION **4**

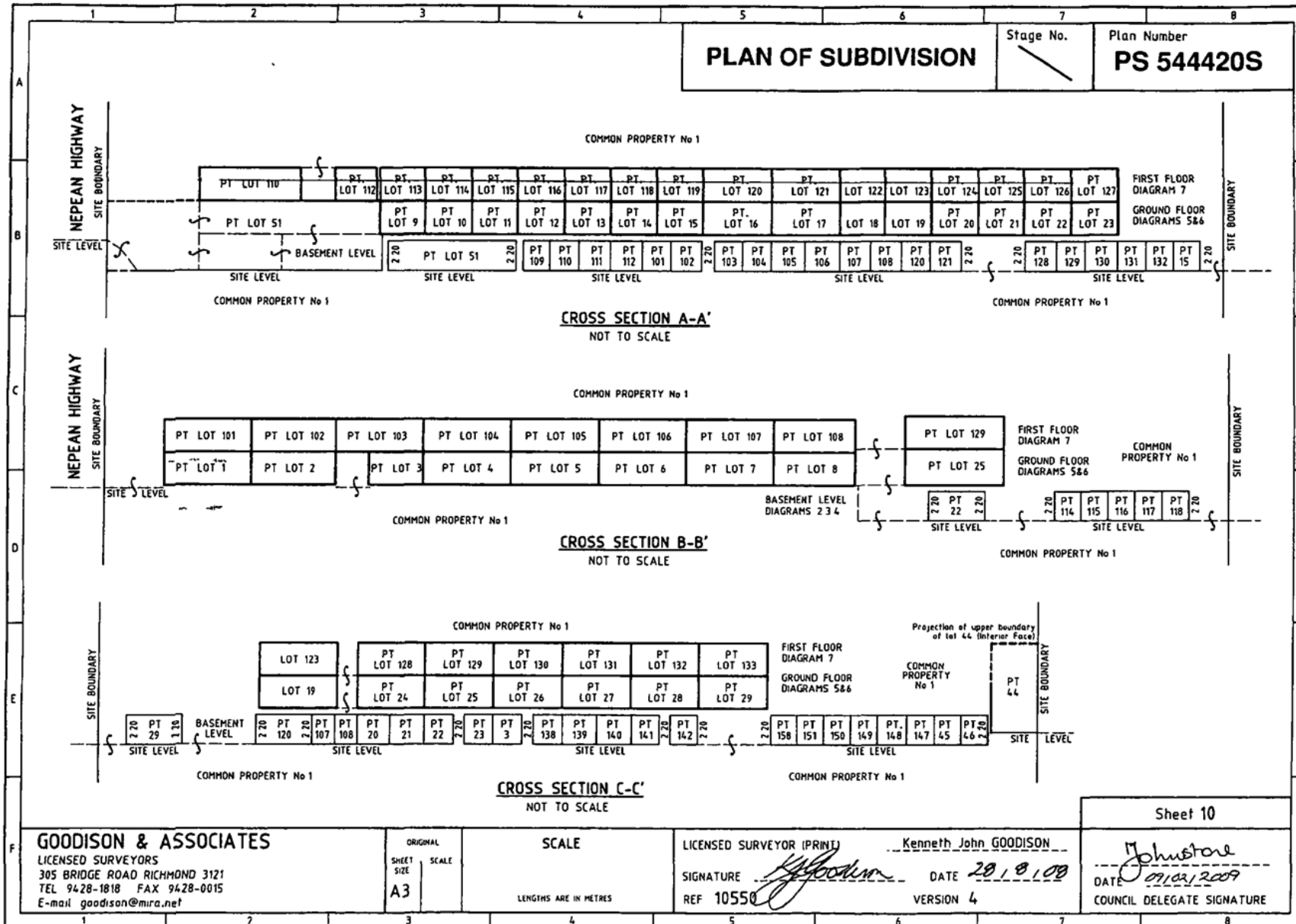
[Signature]
 DATE **09/10/2009**
 COUNCIL DELEGATE SIGNATURE

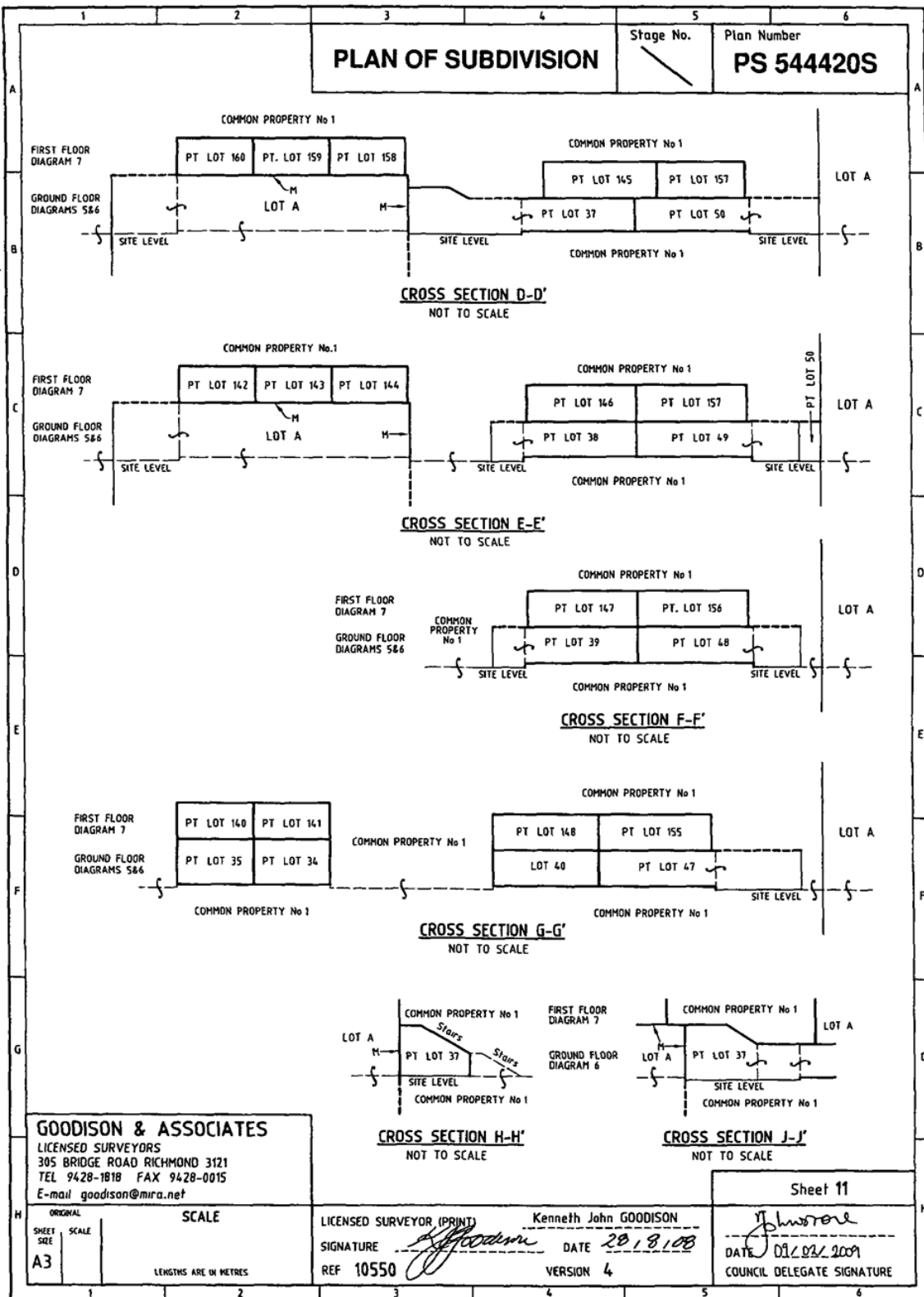


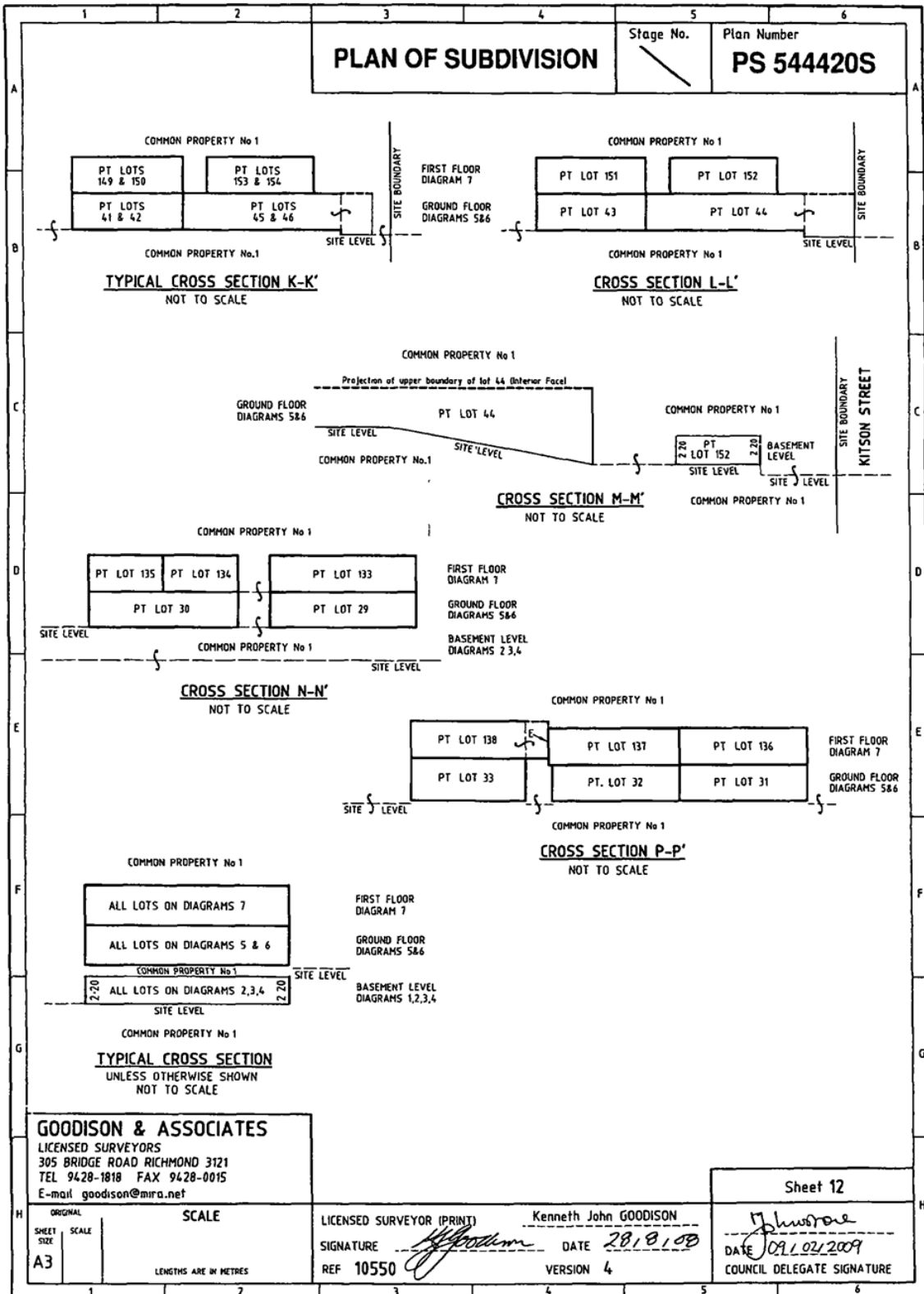












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AF878327C

30/05/2008 197 173



RYSSAL-ONE PTY LTD
(ACN 006 196 667)

(Owner)

- and -

FRANKSTON CITY COUNCIL

(Council)

SECTION 173 AGREEMENT

325-335 NEPEAN HIGHWAY, FRANKSTON, 3199

Ref: 60055

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AF878327C



SECTION 173 AGREEMENT

325-335 NEPEAN HIGHWAY, FRANKSTON, 3199

DATED: 30 May 2008

PARTIES:

1. Ryssa-One Pty Ltd (ACN 006 196 667) care of Phlorides Gallo & Associates, Level 1, 113A High Street, Preston 3072 ("Owner")
2. Frankston City Council of Civic Centre, Davey Street, Frankston 3199 ("Council")

RECITALS:

- A. The Owner is registered as the proprietor of an estate in fee simple of the Land.
- B. Council is the Responsible Authority of the Scheme, being a scheme approved under the Act.
- C. Council issued a Permit No. 050430 allowing for the development and use of the Land for 109 Dwellings and Office(s), reduction in the carparking requirements pursuant to Clause 52.05 of the Scheme, alteration of access to Nepean Highway, and waiver of the requirements relating to loading/unloading bay, in accordance with the Endorsed Plans. This Permit is subject to condition 4 which requires the owner to enter into an Agreement with Council pursuant to Section 173 of the Planning and Environment Act ("the Act"). A copy of the Permit is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.
- D. Pursuant to an Order made by the Victorian Civil and Administrative Tribunal on 29 October 2007 the Planning Permit was amended so as to allow for the development and use of land for 110 dwellings and offices. A copy of the Permit is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.
- E. The Act provides that a responsible authority may enter into an agreement with an owner of land in the area covered by the Scheme and that such agreement may, amongst other things, provide for the following:-
 - (a) the prohibition, restriction or regulation of the use and development of the land; and
 - (b) the conditions under which the land may be used or developed for specified purposes.
- F. The Council and the Owner have agreed that without restricting or limiting their respective powers to enter into this Agreement and insofar as it can be treated this Agreement shall be an Agreement under Section 173 of the Act.

A handwritten signature in black ink, appearing to be a stylized name.

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AF878327C

30/05/2008 197 173



- G. The parties enter into this Agreement:
- (i) To give effect to the requirements of the Permit; and
 - (ii) To achieve and advance the objectives of planning in Victoria and the objectives of the Scheme in respect of the Land.
- H. The Permit was issued at the direction of the Victorian Civil and Administrative Tribunal (Tribunal) in Tribunal Proceeding P2566/2005. The Owner represented before the Tribunal that the intended use of the Land for which planning permission was sought was that of serviced apartments and, importantly, was not for permanent long term residential accommodation.

Operative provisions

1. In this Agreement unless inconsistent with the context or subject matter -

"Act" means the Planning & Environment Act 1987 or any modification, amendment or re-enactment thereof.

"Agreement" means this agreement and any agreement executed by the parties expressed to be supplemental to this agreement.

"Endorsed Plans" means the plan(s) endorsed with the stamp of Council from time to time as the plan which forms part of the Permit. A copy of the endorsed Plans is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.

"Land" means the all that piece of land situated and known as 325-335 Nepean Highway, Frankston in the State of Victoria and being the land more particularly described in Certificates of Title Volume 9556 Folio 208.

"Lot" means a lot on the endorsed Plans.

"Mortgagee" means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Land or any part of it.

"Owner" means the person registered or entitled to be registered by the Registrar of Titles from time to time as the proprietor of an estate in fee simple of the Land or any part of it and includes a Mortgagee-in-possession.

"Party or Parties" means the Owner and Council under this Agreement as appropriate.

"Permit" means Planning Permit No 050430 issued by the Responsible Authority on 27 January 2006.

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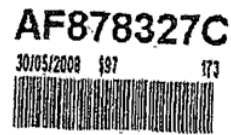
"Scheme" means the Frankston City Council Planning Scheme.

2. Council agrees to grant the Permit.
3. Owner's covenants
 - 3.1 The Owner covenants and agrees that no dwelling allowed by the Permit on the Land will be used as a principal place of residence, without the further written consent of Council.
 - 3.2 The Owner will do all things necessary to give effect to this Agreement and consents to making application to the Registrar of Titles to make a recording of this Agreement in the Register on the Certificate of Title of the Land in accordance with Section 181 of the Act and do all things necessary to enable Council to do so including signing any further agreement, acknowledgment or document or procuring the consent to this Agreement of any mortgagee or caveator to enable the recording to be made in the Register under that section.
 - 3.3 Must do all things necessary including the signing of any further agreements, undertakings, covenants, consents, approvals or other documents necessary for the purpose of ensuring it carries out its covenants, agreement and obligations under this Agreement and to enable the Council to enforce the performance by the Owner of such covenants, agreements and undertakings; and
 - 3.4 Must pay all legal costs (including Council's) in connection with the preparation and execution of this Agreement and lodging of an Application at the Land Titles Office to have a Memorandum of this Agreement entered on the Certificate of Title to the Land.
4. Without limiting the operation or effect of this Agreement, the Responsible Authority hereby consents to the Agreement being cancelled in the event that the Permit is either:
 - 4.1 Cancelled pursuant to Section 177 of the Planning and Environment Act 1987; or
 - 4.2 The Permit is amended to delete any requirement that "any dwelling must not be used as a principal place of residence".
5. Unless otherwise provided in this Agreement, this Agreement commences from the date of this Agreement.
6. In this Agreement unless the context admits otherwise:
 - 6.1 The singular includes the plural and vice versa.
 - 6.2 A reference to a gender includes a reference to each other gender.

A handwritten signature in black ink, appearing to be a stylized name.

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- 6.3 A reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law.
- 6.4 If a party consists of more than one person this Agreement binds them jointly and each of them severally.
- 6.5 A term used in this Agreement has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act it has the meaning as defined in the Act.
- 6.6 A reference to an Act, Regulation or the Scheme includes any Acts, Regulations or amendments amending, consolidating or replacing the Act, Regulation or Scheme.
- 6.7 The introductory clauses to the Agreement are and will be deemed to form part of this Agreement.
- 6.8 The Obligations of the Owner under this Agreement, will take effect as separate and several covenants which are annexed to and run at law and equity with the Land provided that if the Land is subdivided, this Agreement must be read and applied so that each subsequent owner of a lot is only responsible for those covenants and obligations which relate to that owner's lot.
7. The Owner further covenants and agrees that the Owner will bring this Agreement to the attention of all prospective purchasers, lessees, mortgagees, chargees, transferees and assigns.
8. Without limiting the operation or effect which this Agreement has, the Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Land which may be affected by this Agreement.
9. Without limiting the operation or effect that this Agreement has, the Owner must ensure that, until such time as a memorandum of this Agreement is registered on the title to the Land, successors in the title shall be required to:
 - 9.1 give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and
 - 9.2 execute a deed agreeing to be bound by the terms of this Agreement.
10. Any time or other indulgence granted by Council to the Owner or any variation of the terms and conditions of this Agreement or any judgement or order obtained by Council against the Owner will not in any way amount to a waiver of any of the rights or remedies of Council in relation to the terms of this Agreement.

A handwritten signature in black ink, consisting of a stylized, cursive name.

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AF878327C



- 11. If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it must be severed and the other provision of this Agreement will remain operative.
- 12. It is acknowledged and agreed that this Agreement does not fetter or restrict the power or discretion of Council to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Land or relating to any use or development of the Land.

Executed as a Deed

Executed by RYSSAL-ONE PTY LTD
(ACN 006 196 667) in accordance with
Section 127 of the Corporations Act

Signature of Director

HARRY STAMATOULLIS

Print name of Director

)
)

Signature of Director/Secretary

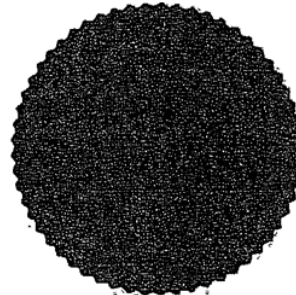
HELEN STAMATOULLIS

Print name of Director/Secretary

The Common Seal of the Frankston
City Council was affixed in the presence
of -

.....
Councillor

.....
Chief Executive Officer



PAGE 1 OF 4

PLANNING

Permit No.: 050430
Property No.: 20/1/872

PERMIT

Planning Scheme: FRANKSTON
Responsible Authority: FRANKSTON CITY COUNCIL

ADDRESS OF THE LAND:

325-335 Nepean Highway, Frankston

THE PERMIT ALLOWS:

Development and use of the land for 109 dwellings and office(s), reduction in the car parking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for a loading/unloading bay, in accordance with the endorsed plan/s

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

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 submitted plans but modified to show:
 - a) Deletion of the Restricted Retail use and the conversion of this space into Offices or additional dwellings to the satisfaction of the Responsible Authority;
 - b) Provision of a landscaping plan for the development prepared by an experienced landscape architect or designer to the satisfaction of the Responsible Authority, including the deletion of reference to the glass fence and new concrete area along the Nepean Highway frontage and the front setback appropriately landscaped;
 - c) The concrete wall along the northwest boundary of the site articulated in a manner which will relieve its visual impact;
 - d) Units 38-40 (inclusive) reconfigured to comprise two units rather than three and both units to be provided with a window clear to sky;
 - e) Units 30 and 31 reconfigured to comprise one unit rather than two;
 - f) Screening to ResCode standards provided to windows in situations where there would be an infringement of privacy between windows of habitable rooms in the units and from internal walkways to habitable room windows;
 - g) Details provided of garbage collection within the site to the satisfaction of Council's Infrastructure Manager;
 - h) Access and driveway redesigned to the satisfaction of VicRoads and the Responsible Authority in accordance with Condition 5 of this permit;

Date Issued: 27 January 2006

Signature for the
Responsible Authority



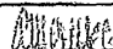
Nick Charalambakis
DEVELOPMENT MANAGER

PAGE 2 OF 4

- i) The car parking layout amended in accordance with section 4.4 of the report prepared by GTA Consultants *Ambassador Motel Redevelopment, Nepean Highway Frankston, Traffic and Parking Evidence* dated 22 December 2005 and to achieve the minimum standards of Clause 52.06 of the Frankston Planning Scheme where no loss of carparking spaces occurs;
 - j) Deletion of the parking bay and inclusion of that space in the office use;
 - k) Provision of vehicle access for loading and unloading in accordance with the plan tabled by Ms Austin at the hearing; a copy of which is on the Tribunal's file.
- 2 The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
 4. Prior to the endorsement of the plan, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* and such agreement must require that, without the written consent of the Responsible Authority, any dwelling must not be used as a principal place of residence. The agreement must be registered before any dwelling is occupied. The owner must pay all reasonable costs for the preparation, execution and registration of the Section 173 Agreement.
 - 5 VicRoads Conditions:
 - a) Prior to the commencement of the permitted uses, the crossovers at the proposed northern and southern access points to Nepean Highway must be reconstructed to permit two-way access. The crossovers must be constructed at least 6.4 metres wide as measured at the property boundary or as otherwise approved by VicRoads, to the satisfaction of the Responsible Authority.
 - b) Prior to the commencement of the permitted uses, the crossover at the central services access to the Nepean Highway must be reconstructed at least 6.4 metres wide measured at the property boundary or as otherwise approved by VicRoads, to the satisfaction of the Responsible Authority.
 - c) Prior to the commencement of the permitted uses, the proposed driveway must be redesigned to ensure that all vehicles utilising this access can enter and leave the subject property in a forward direction.
 - d) Prior to the commencement of the permitted uses, the driveway within the site at the southern access must be at least 6.0 metres wide for the first 6.0 metres or as otherwise approved by VicRoads to allow two way traffic flow.
 - e) Prior to the commencement of the permitted uses the edges of all vehicular crossovers to Nepean Highway must be angled at 60 degrees to the road reserve boundary or as otherwise approved by VicRoads to improve entry and exit conditions.
 - f) Any redundant existing vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.
 6. Detailed design plans (including drainage computations) of the internal stormwater drainage system and the method of connection to the existing Council Stormwater infrastructure are to be submitted

Date issued: 27 January 2006

Signature for the
Responsible Authority


Nick Charalambakis
DEVELOPMENT MANAGER

PAGE 3 OF 4

and approved to the satisfaction of the Responsible Authority (Infrastructure Manager), prior to commencement of development construction.

7. Before the approved uses commence, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:
- Constructed to the satisfaction of the Responsible Authority;
 - Properly formed to such levels that they can be used in accordance with the plans;
 - Surfaced with an all weather seal coat to the satisfaction of the Responsible Authority;
 - Drained and maintained to the satisfaction of the Responsible Authority; and
 - Line marked to indicate each car space to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times.

8. Where the development involves work on or access to Council controlled land including roads, reserves and rights of way, the owner, operator and their agents under this permit shall at all times take adequate precautions to maintain works to the highest public safety standards.

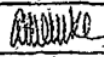
Precautions are to include: appropriate signage to AS 1743 road works signing code of practice, the provision of adequate barricading of works, including trenches of service authorities and to any other road openings sufficient to ensure public safety.

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

9. Before the permitted uses commence, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority
10. Vehicle crossings must be constructed to Frankston City Council standards and specifications to the satisfaction of the Responsible Authority (Infrastructure Manager) and VicRoads.
11. The loading and unloading of goods from vehicles must only be carried out on the land.
12. Car parking spaces for the sole use of vehicles suitably identified as those of disabled persons must be provided to the satisfaction of the Responsible Authority.
13. Noise emitted from the premises shall not exceed limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No N-1.
14. All outdoor lighting of the site must be baffled to prevent light from the site causing any detriment to the occupants of the land or to the locality.
15. The amenity of the area must not be detrimentally affected by the use or development through the:
- Transport of materials, goods or commodities to or from the land;
 - The appearance of any buildings, works or materials;

Date Issued: 27 January 2006

Signature for the
Responsible Authority


Nick Charalambakis
DEVELOPMENT MANAGER

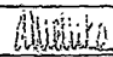
PAGE 4 OF 4

- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste, waste products, grit or oil;
 - d) Presence of vermin.
15. The tennis court lights must be baffled to ensure that they are not directly visible from a habitable room window of an adjoining dwelling.
17. The tennis court lights hereby permitted may only be used within the hours of 8.00am and 10.00pm each day.
18. This permit will expire if one of the following circumstances applies:
- a) The use and development is not started within two years of the date of this permit.
 - b) The use and development is not completed within four years of the date of commencement.
- The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards

APPLICANT: Metazas Architects P/L

Date Issued: 27 January 2006

Signature for the
Responsible Authority


Nick Charalambakis
DEVELOPMENT MANAGER

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

ADMINISTRATIVE DIVISION

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P2726/2007
PERMIT APPLICATION NO: 050430

APPLICANT	Ryssal-One Pty Ltd
RESPONSIBLE AUTHORITY	Frankston City Council
OTHER	Minister for Planning - Department of Planning & Community Development
SUBJECT LAND	325-335 Nepean Highway FRANKSTON VIC 3199
WHERE HELD	Melbourne
BEFORE	Mark Dwyer, Deputy President
HEARING TYPE	No hearing
DATE OF ORDER	29 October 2007

ORDER

- 1 The application for review is amended to be an application under s 87A of the *Planning and Environment Act 1987*.
- 2 By consent of the Responsible Authority, the application is allowed and the Tribunal pursuant to s 87A of the *Planning and Environment Act 1987* amends planning permit No. 050430 issued by the Responsible Authority in respect of the subject land as follows:
 - What the permit allows is amended by substituting the words "110 dwellings" in lieu of the term "109 dwellings".
- 3 The Responsible Authority is directed to amend the permit and issue an amended permit to the owner of the subject land pursuant to s 91 of the *Planning and Environment Act 1987*.

Mark Dwyer
Deputy President



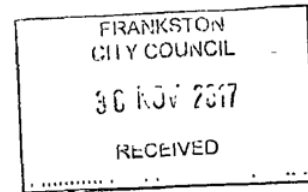
This is a certified copy of the Tribunal's order.

REMARKS

- 1 Given that the original permit in this matter was issued at the direction of the Tribunal, the parties have been unable to amend the permit preamble through the s 72 process, and the matter has necessitated an application under s 87 (or, more correctly now s 87A) of the *Planning and Environment Act* 1987.
- 2 Both the responsible authority and applicant for review have consented to an order "on the papers" to enable the permit preamble to be amended to allow for 110 dwellings rather than 109. From a brief review of the material on the file, it appears that such an amendment is appropriate in planning terms. I note for the record that, on 28 October 2005, the then Justice Morris ordered that the application for permit for this land was exempt from the notification requirements of s 52, and the matter was able to proceed to a hearing without notification under s 83B. Based on this earlier finding, it is appropriate that no notice of the s 87 application is required, and a consent order is able to be made on the papers.

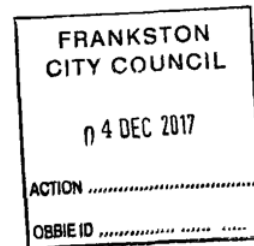
Mark Dwyer
Deputy President





21 November 2017

Manager, Statutory Planning
Frankston City Council
PO Box 490
Frankston Vic 3199



Dear Sir/Madam,

Planning Permit No. 050430
325 Nepean Highway, Frankston
Amendment pursuant to Section 72 of the Planning and Environment Act
1987

We act for the owner of units 49 and 102 at 325 Nepean Highway, Frankston, David Warne.

The units are listed on plan of subdivision PS544420S.

We hereby submit an application to amend the above permit on behalf of our client.

In support of the application, we **enclose** the following:

- a) application form;
- b) copies of title;
- c) copy of Section 173 Agreement AF878327C (**the Agreement**) and
- d) requisite fee.

In addition to the above, we set out a detailed background of the matter and the reasons for the proposed amendment below.

1. Background

- 1.1. Planning Permit No. 050430 (**the Permit**) was issued by the City of Frankston (**the Council**) on 27 January 2006).
- 1.2. The Permit allowed for, *inter alia*, the use and development of 109 dwellings and offices at 325-335 Nepean Highway, Frankston (**the Estate**).

PRIORITY PLANNING PTY LTD
ACN 098 890 790 ABN 14 098 890 790
47 BOURKE STREET MELBOURNE 3000
TELEPHONE 9639 9599 MOBILE 0407 845 686
Email priorityplanning@primus.com.au

1.3. On 29 October 2007 the Permit was amended at the direction of VCAT (**the Tribunal**) to increase the permitted yield to 110 dwellings.

1.4. Condition 4 of the Permit requires:

*Prior to the endorsement of the plan, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 and such agreement must require that, without the written consent of the Responsible Authority, any dwelling must not be used as a principal place of residence. The agreement must be registered before any dwelling is occupied. The owner must pay all reasonable costs for the preparation, execution and registration of the Section 173 Agreement (**the Condition**)*

1.5. The Agreement was entered into between the then owner of 325-335 Nepean Highway (**the Parent Land**) and Council on 30 May 2008.

1.6. Clause 4 of the Agreement states:

Without limiting the operation or effect of this Agreement, the Responsible Authority hereby consents to the Agreement being cancelled in the event that the permit is either:

4.1 Cancelled pursuant to Section 177 of the Planning and Environment Act 1987; or

*4.2 The permit is amended to delete any requirement that "any dwelling must not be used as a principal place of residence" (**the Requirement**).*

1.7. We note that the only reference in the permit of the Requirement is the Condition.

2. The Request

2.1. It is requested that the Permit be amended to delete the Condition.

2.2. Having regard to clause 4 of the Agreement, we note that Council has already agreed to the ending of the Agreement in circumstances as described in that clause.

2.3. This request is made to enliven the ending of the Agreement pursuant to clause 4.2.

3. Reasons

3.1. The request to amend the Agreement as outlined above is made in an attempt to improve the amenity, not only for the residents of the Estate, but the wider area.

325 Nepean Highway, Frankston
Amendment pursuant to Section 72 of the Planning and Environment Act 1987

3.2. By virtue of the Agreement, owner / occupier residents are precluded from purchasing and residing in the estate. Rather, the entirety of the Estate is occupied by short term, transient tenants.

3.3. Whilst this type of tenure is not opposed in principle, the extent of this occupation (the entire estate) has caused significant problems that have negatively impacted on the amenity and safety of the local community.

3.4. The Owners Corporation (**OC**) of the Estate has encountered significant problems relating to the short term tenants.

In particular we note:

- a) deliberate, frequent, and significant damage to buildings and common property which causes an unsightly and dangerous environment for residents of the Estate and other adjoining residents;
- b) acts of violence and threats toward contractors, emergency service workers, and other persons engaged or required to enter and work within the Estate; and
- c) a general lack of care or pride in the condition of the Estate.

3.5. It is submitted that the ending of the Agreement in respect of either all or some of the affected units will deliver a safer, more attractive, and generally better living environment for the local community.

3.6. As above, whilst short term accommodation delivers a required community benefit, we say that the extent of such tenure as in the Estate is unnecessary in this location, and unacceptable having regard to the negative amenity impacts that have been experienced by existing residents, the OC, and the wider community.

3.7. For these reasons, we request that the Permit be amended by deletion of the Condition.

We trust that the above information is sufficient to allow Council's full consideration of the matter and look forward to receiving a favourable decision in due course.

Should you have any queries or require any additional information, please contact the undersigned.

Yours faithfully,



Louis Petrentsis
Priority Planning Pty Ltd
Encl



22 November 2017

Manager, Statutory Planning
Frankston City Council
PO Box 490
Frankston Vic 3199

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325 Nepean Highway, Frankston
Amendment pursuant to Section 72 of the Planning and Environment Act 1987

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Yours faithfully,



Louis Petrentsis
Priority Planning Pty Ltd
Encl

Executive Summary**11.3 January 2018 Town Planning Progress Report**

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

Community Outcome:	4. A Well Managed City
Strategy:	4.2 Systems
Priority Action	4.2.3 Facilitate informed decision making through informed reporting and data management

Purpose

To brief Council with an update on the exercise of planning delegations by Council officers for the month of January 2018.

Recommendation (Director Community Development)

That Council receives and notes the January 2018 Town Planning Progress Report.

Key Points / Issues

This report provides Council with an update on the exercise of planning delegations by Council officers on the following items:

- Planning applications received;
- Planning decisions;
- Subdivision applications received;
- Subdivision decisions;
- Planning scheme amendments;
- VCAT appeal register; and
- VCAT decisions.

In January 2018, 63 applications for planning permits or amendments to permits were received, and 80 applications determined. A total of 58% of permit decisions were made within 60 days.

11 decisions related to multi-dwelling applications. All of these applications complied with the Multi-Dwelling Visitor Car Parking Guidelines.

2 VCAT decisions were handed down in January. One set aside Council's decision, and one upheld Council's decision.

Financial Impact

The State Government has introduced the "Fair Go Rates" system, placing a cap on Council rates which has restricted the level of increases that Council can apply to its rate revenue. Rate revenue constitutes 63 per cent of all Council revenue.

The rate cap over the past two financial years has been 2.5 per cent and 2.0 per cent respectively and will be 2.25 per cent in 2018-2019.

The rate cap percentages are based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services. The cost of providing Council services has been increasing well in advance of the rate cap applied by State Government.

11.3 January 2018 Town Planning Progress Report**Executive Summary**

Over time this trend may lead to a reduction in the levels of service provided to the community and in Councils ability to fund both new facilities and the ongoing renewal of existing facilities.

Council will continue to evaluate the impacts of rate capping annually and needs to be mindful of these outcomes in all Council decisions.

There are no financial implications associated with this report.

Consultation

This report provides details of all planning applications and decisions that are required to be considered in accordance with the Frankston Planning Scheme and the Planning and Environment Act (1987).

Consultation occurs with the community as part of the planning process of each application that requires public advertising.

Analysis (Environmental / Economic / Social Implications)

This report will not result in any identified environmental, economic or social impacts.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Officer's Declaration of Interests

Under Section 80C of the *Local Government Act 1989*, officers providing advice or a report to Council must disclose any direct or indirect interest they have in a matter.

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

There are no identified risks noted in relation to the preparation of this report.

Conclusion

This report provides Council with an overview of the activities and decisions made on planning applications.

ATTACHMENTS

Attachment A:[↓](#) Town Planning Progress Report - January 2018

Progress Report – Planning Applications Received				
For The Application Date: From 1/01/2018 To 31/01/2018				
Application No	Ward	Property Address	Application Description	Date
7/2018/P	North-East	75 Sandhurst Boulevard, Sandhurst 3977	To use the site as a Cafe	3/01/2018
19/2018/P	North-East	18 Dorchester Crescent, Carrum Downs 3201	To construct one double storey dwelling to the rear of existing dwelling (two (2) dwellings)	4/01/2018
11/2018/P	North-East	14 Hafey Way, LANGWARRIN 3910	To construct one (1) shed	5/01/2018
15/2018/P	North-East	2 Raven Close, Carrum Downs 3201	To construct one (1) single storey dwelling to the rear of the existing dwelling	8/01/2018
24/2018/P	North-East	1145 Dandenong-Hastings Road, Langwarrin 3910	Dependant Persons Unit	15/01/2018
30/2018/P	North-East	38 Whimbrel Crescent, CARRUM DOWNS 3201	Two (2) lot subdivision	18/01/2018
32/2018/P	North-East	695 Dandenong-Hastings Road, Skye 3977	Buildings and works associated with a section 1 use (water storage tank)	22/01/2018
33/2018/P	North-East	20 Currawong Drive, Carrum Downs 3201	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	22/01/2018
41/2018/P	North-East	65 Kelvin Grove, Langwarrin 3910	Extension to an existing dwelling	23/01/2018
39/2018/P	North-East	100 Ballarto Road, Carrum Downs 3201	To erect a shade sail	23/01/2018
47/2018/P	North-East	26 Larch Street, Langwarrin 3910	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	25/01/2018
42/2018/P	North-East	12 Northgateway, Langwarrin 3910	Two (2) lot subdivision and Construction of one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	29/01/2018
48/2018/P	North-East	317 Ballarto Road, Carrum Downs 3201	To use land to sell and consume liquor (Restaurant and Cafe Liquor Licence)	31/01/2018
North-East Total = 13				
3/2018/P	North-West	68 & 70 Seaford Grove, Seaford 3198	To construct eight (8) double storey dwellings	3/01/2018
17/2018/P	North-West	147 & 149 Beach Street, Frankston 3199	Development of the land for mixed use (retail development and construction of nine (9) dwelling) and waiver of parking	8/01/2018
20/2018/P	North-West	113 East Road, Seaford 3198	Three (3) lot subdivision	9/01/2018
21/2018/P	North-West	3 Tilia Court, Frankston North 3200	To construct one (1) double storey dwelling to rear of existing dwelling (two (2) dwellings)	9/01/2018

Progress Report – Planning Applications Received				
For The Application Date: From 1/01/2018 To 31/01/2018				
Application No	Ward	Property Address	Application Description	Date
1/2018/VS	North-West	3 Bellevue Crescent, SEAFORD 3198	Two (2) lot subdivision	9/01/2018
5/2018/VS	North-West	79 Armata Crescent, FRANKSTON NORTH 3200	Two (2) lot subdivision	12/01/2018
3/2018/VS	North-West	7 Bayside Grove, Seaford 3198	Extension to an existing dwelling	16/01/2018
29/2018/P	North-West	2 Tilia Court, Frankston North 3200	Dependant Persons Unit	18/01/2018
28/2018/P	North-West	29 Levuka Street, Seaford 3198	To construct a pergola	18/01/2018
38/2018/P	North-West	1-3 Overton Road, Seaford 3198	Buildings and works associated with the construction of a fence	23/01/2018
7/2018/VS	North-West	1 Chevalier Place, Frankston 3199	Carparking dispensation	23/01/2018
40/2018/P	North-West	69 Armata Crescent, Frankston North 3200	To construct two (2) single storey dwellings to the rear of the existing dwellings (three (3) dwellings)	23/01/2018
45/2018/P	North-West	83 McMahons Road, Frankston 3199	To construct three (3) double storey dwellings	29/01/2018
8/2018/VS	North-West	10 Mona Street, Seaford 3198	Two (2) lot subdivision	29/01/2018
North-West Total = 14				
18/2018/P	South	19 Rosedale Grove, Frankston South 3199	Extension to existing dwelling	2/01/2018
4/2018/P	South	88 Young Street, Frankston 3199	To construct a six (6) storey building containing fourteen (14) dwellings and a retail shop, and a waiver of the car parking requirements of Clause 52.06	3/01/2018
6/2018/P	South	5/24-26 Robinia Street, Frankston 3199	To construct additions to an existing dwelling	3/01/2018
5/2018/P	South	1/125 North Road, Langwarrin 3910	To construct one (1) single storey dwelling adjacent to the existing dwelling (two (2) dwellings)	3/01/2018
10/2018/P	South	11 Pratt Avenue, Frankston South 3199	To construct three (3) double storey dwellings	3/01/2018
16/2018/P	South	14 Overport Road, Frankston South 3199	To construct three (3) dwellings (one single storey and two double storey)	4/01/2018
12/2018/P	South	8 Roberts Street, Frankston 3199	To construct two (2) double storey dwellings to the rear of existing single (1) storey dwelling (three (3) dwellings)	5/01/2018
14/2018/P	South	14 Newton Avenue, LANGWARRIN SOUTH 3911	To construct an outbuilding	8/01/2018
2/2018/VS	South	3 Silas Avenue, Frankston 3199	Two (2) lot subdivision	9/01/2018
25/2018/P	South	78-80 High Street, Frankston 3199	Two (2) lot subdivision	11/01/2018

Progress Report – Planning Applications Received				
For The Application Date: From 1/01/2018 To 31/01/2018				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
6/2018/VS	South	3 Silas Avenue, Frankston 3199	Two (2) lot subdivision	15/01/2018
23/2018/P	South	451 Nepean Highway, Frankston 3199	use the land as a car park	15/01/2018
27/2018/P	South	1A Holmes Street, Frankston 3199	To erect and display business identification signage	16/01/2018
31/2018/P	South	4 Healsview Court, Langwarrin South 3911	To construct one (1) single storey dwelling, to vary the building envelope and vegetation removal	22/01/2018
35/2018/P	South	4 Scoble Street, Frankston South 3199	Alterations and additions to an existing single storey dwelling	23/01/2018
37/2018/P	South	Shop 1/136 Frankston-Flinders Road, Frankston South 3199	Three (3) lot subdivision and business identification signage	23/01/2018
36/2018/P	South	55 Baileyana Street, Frankston South 3199	To construct one (1) double storey dwelling at the rear of the existing dwelling (two (2) dwellings)	23/01/2018
44/2018/P	South	2/122 Kars Street, FRANKSTON SOUTH 3199	To construct a verandah	29/01/2018
43/2018/P	South	454-472 Nepean Highway, Frankston 3199	To display business identification signage	29/01/2018
46/2018/P	South	291 Humphries Road, Frankston South 3199	To construct a shed	30/01/2018
South Total = 20				

Progress Report – Amendments to Planning Permits - Received				
For The Application Date: From 1/01/2018 To 31/01/2018				
Application No	Ward	Property Address	Application Description	Date
662/2016/P/B	North-East	7 Industry Boulevard, Carrum Downs 3201	Secondary Consent - Warehouse and associated office	3/01/2018
199/2015/P/G	North-East	4 Herbert Road, Carrum Downs 3201	Section 72 - To construct twelve (12) double storey dwellings	3/01/2018
652/2014/P/C	North-East	26 Robin Drive, CARRUM DOWNS 3201	Section 72 - Construction of seventeen (17) dwellings and subdivision into seventeen (17) lots	15/01/2018
10/2017/P/B	North-East	270 Potts Road, Skye 3977	Section 72 - To construct one (1) double storey dwelling to replace the existing dwelling	29/01/2018
North East Total = 4				
645/2010/P/B	North-West	15A Cumberland Drive, Seaford 3198	Section 72 - To use and develop the land as a brothel with associated car parking	4/01/2018
724/2013/P/B	North-West	84 Brunel Road, Seaford 3198	Extension of time - To construct two (2) warehouses/factories with an associated office	15/01/2018
466/2017/P/A	North-West	97 Nepean Highway, Seaford 3198	Section 72 - Two (2) lot subdivision	16/01/2018
3709/1987/P/A	North-West	38 Hadley Street, Seaford 3198	Secondary Consent - Seven (7) single storey units	24/01/2018
469/2008/P/J	North-West	211 & 212 Nepean Highway, Seaford 3198	Section 72 - Development of nineteen (19) dwellings and alteration of access to a road in Road Zone, Category 1 .	25/01/2018
31/2014/P/C	North-West	1 Coolibar Avenue, Seaford 3198	Extension of time - To construct two (2) double storey dwellings	29/01/2018
North-West Total = 6				
3/2012/P/C	South	37 Culcairn Drive, Frankston South 3199	Secondary Consent - To construct seven (7) dwellings (four (4) double storey and three (3) single storey)	3/01/2018
101/2011/P/B	South	44 Bayview Road, FRANKSTON 3199	Secondary Consent - The construction of a double storey dwelling to the rear of the existing dwelling in accordance with the endorsed plans	3/01/2018
478/2013/P/A	South	101 Young Street, Frankston 3199	Section 72 - To extend the liquor licence area for the consumption of liquor	4/01/2018
320/2014/P/E	South	17 Sanders Road, Frankston South 3199	Secondary consent - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings), a two (2) lot subdivision, site coverage greater than 40% and the removal of substantial trees	15/01/2018

Progress Report – Amendments to Planning Permits - Received				
For The Application Date: From 1/01/2018 To 31/01/2018				
Application No	Ward	Property Address	Application Description	Date
54/2013/P/A	South	22 Seaview Road, FRANKSTON SOUTH 3199	Section 72 - Construction of a double storey dwelling to the rear of the existing dwelling and extensions to the existing dwelling (two dwellings) in accordance with the endorsed plans	16/01/2018
44/2016/P/A	South	56 High Street, Frankston 3199	Section 72 - Construction of eight (8) two storey dwellings and one building for common use and To construct or carry out buildings and works greater than 7 metres in height in the Design and Development Overlay Schedule 6	22/01/2018
109/2015/P/B	South	671 Nepean Highway, Frankston South 3199	Secondary consent - To construct one (1) double storey dwelling (retrospective)	24/01/2018
98/2012/P/C	South	8 Culcairn Drive, FRANKSTON SOUTH 3199	Secondary consent - The construction of two (2) double storey dwellings	25/01/2018
248/2015/P/C	South	111 Cranbourne Road, Frankston 3199	Extension of time - Use of part of the existing Food Court building as a Childrens Entertainment Centre, building and works to extend the existing Food Court building, reduction of the car parking requirements for the restricted retail floor increase, installation of illuminated and non-illuminated business identification advertising signage	29/01/2018
South Total = 9				

Progress Report – Planning Application Decisions					
For The Application Date: From 1/01/2018 To 31/01/2018					
Application	Ward	Property Address	Application Description	Status	Date
170/2017/P	North-East	472 McClelland Drive, Langwarrin 3910	Construction of one (1) double storey dwelling at the rear of the existing dwelling (two (2) dwellings)	Permit Approved	2/01/2018
718/2015/P/C	North-East	29 McCormicks Road, Carrum Downs 3201	Extension of time - To construct additions and alterations to child care centre	Extension of Time Approved	2/01/2018
818/2010/P/F	North-East	91 Aqueduct Road, Langwarrin 3910	Extension of time - Two (2) lot subdivision	Extension of Time Approved	2/01/2018
512/2008/P/H	North-East	99 Clifton Grove, CARRUM DOWNS 3201	Secondary Consent - To construct a factory/office with carpark reduction	Application Withdrawn	2/01/2018
169/2017/P/A	North-East	2 Malibu Circuit, Carrum Downs 3201	Section 72 - Three (3) lot subdivision	Permit Approved	2/01/2018
299/2017/P	North-East	43 Colemans Road, Carrum Downs 3201	The construction of a warehouse	Permit Approved	2/01/2018
178/2017/P	North-East	31 Alder Street, Langwarrin 3910	The construction of two (2) single storey dwellings	Permit Approved	2/01/2018
423/2017/P	North-East	465 North Road, LANGWARRIN 3910	To construct a dependant persons unit	Permit Approved	2/01/2018
53/2017/P	North-East	605 Dandenong-Hastings Road, Skye 3977	To undertake earthworks	Permit Approved	2/01/2018
540/2017/P	North-East	4 Fieldlark Court, Carrum Downs 3201	Two (2) lot subdivision	Permit Approved	2/01/2018
662/2016/P/B	North-East	7 Industry Boulevard, Carrum Downs 3201	Secondary Consent - Warehouse and associated office	Secondary Consent Approved	4/01/2018
376/2015/P/A	North-East	40 Burgess Drive, Langwarrin 3910	Extension of time - To construct one (1) double storey dwelling adjacent to the existing dwelling (two (2) dwelling) and remove the Registered Restrictive Covenant L920173S affecting lot 338 on Plan of Subdivision 146349F, Volume 9549, Folio 788	Extension of Time Approved	8/01/2018
227/2015/P/C	North-East	9 Green Acres Court, Langwarrin 3910	Extension of time - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Extension of Time Approved	9/01/2018
189/2016/P	North-East	1 Edward Street, Langwarrin 3910	To construct six (6) double storey dwellings	Notice of Decision	11/01/2018
521/2014/P/A	North-East	63 Sandhurst Boulevard, SANDHURST 3977	Secondary consent - To construct one (1) single storey building to be used as a Child Care Centre and associated carparking.	Secondary Consent Approved	16/01/2018

Progress Report – Planning Application Decisions					
For The Application Date: From 1/01/2018 To 31/01/2018					
Application	Ward	Property Address	Application Description	Status	Date
433/2016/P	North-East	1 Kerry Street, Langwarrin 3910	To construct an extension to the existing Dance School (Indoor Recreational Facility) and removal of Native Vegetation.	Permit Approved	16/01/2018
344/2017/P	North-East	13/71 Frankston Gardens Drive, CARRUM DOWNS 3201	To use the site for motor vehicle sales, to vary the requirements of Clause 52.14 (Motor Vehicle, Boat or Caravan Sales) and a reduction in the car parking requirements under Clause 52.06 of the Frankston Planning Scheme	Permit Approved	16/01/2018
460/2017/P	North-East	16 Alder Street, Langwarrin 3910	Two (2) lot subdivision	Permit Approved	16/01/2018
547/2017/P	North-East	44 McCormicks Road, Skye 3977	Nine (9) lot subdivision	Permit Approved	18/01/2018
576/2017/P	North-East	57 Myrtle Street, Langwarrin 3910	To construct one (1) single storey dwelling within the Bushfire Management Overlay (BMO)	Permit Approved	19/01/2018
586/2017/P	North-East	160 Colemans Road, CARRUM DOWNS 3201	To erect and display business identification signage	Assessment	23/01/2018
117/2017/P	North-East	91A Aqueduct Road, Langwarrin 3910	Three (3) lot subdivision	Permit Approved	24/01/2018
456/2017/P	North-East	7/115 Hall Road, Carrum Downs 3201	To use the site for a restricted recreational facility (Karate Centre)	Permit Approved	25/01/2018
456/2014/P/C	North-East	3 Larch Street, Langwarrin 3910	Secondary Consent - The construction of two or more dwellings on a lot in accordance with the endorsed plans	Secondary Consent Approved	29/01/2018
39/2018/P	North-East	100 Ballarto Road, Carrum Downs 3201	To erect a shade sail	No Permit Required	31/01/2018
North-East Total = 25					
666/2016/P	North-West	91 Dandenong Road East, Frankston 3199	The construction of Five (5) Double Storey dwellings	Permit Approved	2/01/2018
162/2017/P	North-West	13 Chicquita Avenue, Seaford 3198	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Notice of Decision	2/01/2018
271/2017/P	North-West	6 Jolly Street, Frankston 3199	To construct three (3) double storey dwellings	Notice of Decision	2/01/2018

Progress Report – Planning Application Decisions					
For The Application Date: From 1/01/2018 To 31/01/2018					
Application	Ward	Property Address	Application Description	Status	Date
353/2009/P/A	North-West	Ebdale Hub/Frankston Toy Library 20R Ebdale Street, FRANKSTO	Section 72 - Use of the land for the purpose of a Place of Assembly, Education Centre, Community Broadcasting and reduction in the carparking spaces pursuant to Clause 52.06 - to amend Condition 11 of the Planning Permit by increasing the number of staff on the premises at any one time from 25 to 30.	Permit Approved	4/01/2018
438/2017/P	North-West	42 Fortescue Avenue, Seaford 3198	To remove one (1) tree within the Environmental Significance Overlay - Schedule 4 (ESO4)	Application Refused	4/01/2018
41/2015/VS	North-West	27 East Road, SEAFORD 3198	Extension of time - Two (2) lot subdivision	Extension of Time Approved	8/01/2018
287/1998/P/B	North-West	51-52 Nepean Highway, Seaford 3198	Secondary consent - 8 Dwellings and Consolidation of 2 Lots	Secondary Consent Approved	8/01/2018
326/2014/P/C	North-West	16 Mereweather Avenue, Frankston 3199	Secondary Consent - Use and development of the land for five (5) three storey dwellings and one (1) double storey (six (6) dwellings)	Secondary Consent Approved	9/01/2018
421/2017/P	North-West	36 Coprosma Avenue, Frankston 3199	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Permit Approved	9/01/2018
466/2017/P	North-West	97 Nepean Highway, Seaford 3198	Two (2) lot subdivision	Permit Approved	9/01/2018
61/2017/VS	North-West	171 Austin Road, Seaford 3198	Two (2) lot subdivision	Permit Approved	9/01/2018
497/2017/P	North-West	17 Railway Parade, Seaford 3198	To construct three (3) double storey dwellings	Application Refused	10/01/2018
491/2017/P	North-West	1 Weatherston Road, Seaford 3198	Three (3) lot subdivision	Permit Approved	11/01/2018
292/2017/P	North-West	10 Kananook Avenue, Seaford 3198	To construct one (1) double storey dwelling in front of the existing double storey dwelling(two (2) dwellings)	Application Refused	11/01/2018
509/2017/P	North-West	1-3 Overton Road, Seaford 3198	To erect and display business identification signage	Application Refused	11/01/2018
546/2017/P	North-West	9 Dalpura Circuit, Frankston 3199	Two (2) lot subdivision	Permit Approved	11/01/2018
301/2016/P	North-West	200 Karingal Drive, Frankston 3199	Building and works to modify the existing building for a Medical centre and reduction of car parking requirement	Permit Approved	15/01/2018

Progress Report – Planning Application Decisions					
For The Application Date: From 1/01/2018 To 31/01/2018					
Application	Ward	Property Address	Application Description	Status	Date
458/2017/P	North-West	28 Bainbridge Avenue, Seaford 3198	The construction of two (2) double storey dwellings	Permit Approved	17/01/2018
724/2013/P/B	North-West	84 Brunel Road, Seaford 3198	Extension of time - To construct two (2) warehouses/factories with an associated office	Extension of Time Approved	18/01/2018
511/2017/P	North-West	37 Halifax Street, SEAFORD 3198	Satisfaction Matters - To construct one (1) double storey dwelling	No Permit Required	18/01/2018
3/2018/VS	North-West	7 Bayside Grove, Seaford 3198	Extension to an existing dwelling	Permit Approved	19/01/2018
590/2017/P	North-West	49 Rosslyn Avenue, Seaford 3198	Extension to an existing dwelling	Permit Approved	19/01/2018
395/2014/P/B	North-West	200-203 Nepean Highway, SEAFORD 3198	Section 72 - The construction of eighteen (18) dwellings and alteration of access to a Road Zone Category 1	Permit Approved	19/01/2018
538/2017/P	North-West	6 John Street, Frankston 3199	Three (3) lot subdivision	Permit Approved	19/01/2018
401/2017/P	North-West	178 & 178A Seaford Road, Seaford 3198	To construct four (4) double storey dwellings	Application Refused	19/01/2018
214/2017/P	North-West	6 East Road, Seaford 3198	To construct three (3) double storey dwellings	Permit Approved	19/01/2018
395/2017/P	North-West	100-102 McMahons Road, Frankston 3199	To construct two (2) double storey dwellings	Application Refused	19/01/2018
259/2017/P	North-West	20 Raymond Road, Seaford 3198	To construct two (2) single storey dwellings	Permit Approved	19/01/2018
1/2018/VS	North-West	3 Bellevue Crescent, SEAFORD 3198	Two (2) lot subdivision	Permit Approved	19/01/2018
500/2017/P	North-West	11/4-10 Barry Street, Seaford 3198	Extension to an existing dwelling	Application Lapsed	23/01/2018
525/2017/P	North-West	2/38 Hadley Street, Seaford 3198	To construct a deck and verandah	Application Withdrawn	23/01/2018
3709/1987/P/A	North-West	38 Hadley Street, Seaford 3198	Secondary Consent - Seven (7) single storey units	Secondary Consent Approved	24/01/2018
2785/1984/P/A	North-West	161-162 Nepean Highway, Seaford 3198	Secondary consent - to construct sixteen (16) dwellings	Secondary Consent Approved	24/01/2018
558/2016/P/D	North-West	44 & 46 Queen Street, FRANKSTON 3199	Section 72 - The construction of eight (8) dwellings (five (5) double storey dwellings and three (3) single storey dwellings). - Amend design to vary front setback, remove vegetation and include pitched roof.	Permit Approved	24/01/2018

Progress Report – Planning Application Decisions					
For The Application Date: From 1/01/2018 To 31/01/2018					
Application	Ward	Property Address	Application Description	Status	Date
375/2017/P	North-West	2 & 3 / 24 Mereweather Avenue, Frankston 3199	Two (2) lot re-subdivision	Permit Approved	25/01/2018
5/2018/VS	North-West	79 Armata Crescent, FRANKSTON NORTH 3200	Two (2) lot subdivision	Permit Approved	25/01/2018
224/2014/P/B	North-West	4 Bardia Avenue, SEAFORD 3198	Section 72 - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Application Withdrawn	31/01/2018
North-West Total = 37					
443/2016/P/A	South	93 Fleetwood Crescent, Frankston South 3199	Section 72 - Subdivision of the land into two (2) lots and removal of vegetation	Permit Approved	2/01/2018
74/2017/P/A	South	1/18 Bruarong Crescent, Frankston South 3199	Section 72 - To construct a deck	Permit Approved	2/01/2018
62/2017/VS	South	39 Liddesdale Avenue, Frankston South 3199	To construct a front fence	Permit Approved	4/01/2018
326/2017/P/A	South	16 The Concourse, Frankston South 3199	Secondary consent - To construct a verandah in a Design and Development Overlay (Schedule 1)	Secondary Consent Approved	8/01/2018
283/2017/P/B	South	372 Nepean Highway, Frankston 3199	Section 72 - To reduce the number of spaces required under Clause 52.06-5 (Car Parking) and a Liquor Licence (Restaurant and Caf�� Licence).	Permit Approved	9/01/2018
584/2017/P	South	10 The Close, Frankston South 3199	To remove two (2) substantial trees	Permit Approved	10/01/2018
343/2014/P/G	South	38 Playne Street, Frankston 3199	Section 72 amendment - To use and develop the land for a five (5) storey building comprising twenty-two (22) dwellings above a retail premises, associated reduction of car parking and waiver of loading/unloading facilities. Section 72 amendment - To amend the preamble to replace retail premises with office	Permit Approved	12/01/2018
336/2017/P	South	23 & 25 Hastings Road, Frankston 3199	Additions and alterations to the existing medical centre	Permit Approved	17/01/2018
183/2015/P/B	South	3 Silas Avenue, Frankston 3199	Section 72 - To construct two (2) double storey dwellings	Permit Approved	19/01/2018

Progress Report – Planning Application Decisions For The Application Date: From 1/01/2018 To 31/01/2018					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
125/2017/P	South	5 Lardner Road, Frankston 3199	To construct four (4) double storey dwellings	Permit Approved	19/01/2018
543/2017/P	South	Playne Street Toilet Block 6R Playne Street, Frankston 3199	To externally paint the existing Toilet Block	Permit Approved	19/01/2018
2/2018/VS	South	3 Silas Avenue, Frankston 3199	Two (2) lot subdivision	Permit Approved	19/01/2018
531/2017/P	South	490-504 Nepean Highway, Frankston 3199	Use the land for a medical centre (Radiology clinic)	Permit Approved	19/01/2018
2760/1984/P/A	South	1/6 & 6 Gould Street, Frankston 3199	Secondary consent - To construct two (2) dwellings	Secondary Consent Approved	24/01/2018
515/2017/P	South	36 Leisureland Drive, Langwarrin 3910	To construct a shed	Permit Approved	24/01/2018
541/2017/P	South	11 Black Wallaby Drive, Langwarrin 3910	To construct buildings and works within the Tree Protection Zone of substantial trees and vegetation removal.	Permit Approved	25/01/2018
51/2017/P	South	610 Robinsons Road, Langwarrin South 3911	Use and building and works to construct one (1) single storey dwelling, an outbuilding and removal of vegetation.	Notice of Decision	29/01/2018
373/2017/P	South	553 Nepean Highway, Frankston 3199	To construct one (1) triple storey dwelling	Permit Approved	31/01/2018
South Totals = 18					

Progress Report – Subdivision Application Received				
For The Application Date: From 1/01/2018 To 31/01/2018				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
3/2018/S	North-East	38 Whimbrel Crescent, CARRUM DOWNS 3201	Two (2) lot subdivision	18/01/2018
9/2018/S	North-East	12 Northgateway, Langwarrin 3910	Two (2) lot subdivision	29/01/2018
5/2018/S	North-West	79 Armata Crescent, Frankston North 3200	Two (2) lot subdivision	17/01/2018
7/2018/S	North-West	3 Bellevue Crescent, SEAFORD 3198	Two (2) lot subdivision	19/01/2018
8/2018/S	North-West	113 East Road, Seaford 3198	Three (3) lot subdivision	19/01/2018
10/2018/S	North-West	10 Mona Street, Seaford 3198	Two (2) lot subdivision	29/01/2018
1/2018/S	South	78-80 High Street, Frankston 3199	Two (2) lot subdivision	11/01/2018
2/2018/S	South	77 Humphries Road, FRANKSTON SOUTH 3199	Three (3) lot subdivision	12/01/2018
4/2018/S	South	3 Silas Avenue, Frankston 3199	Two (2) lot subdivision	15/01/2018
6/2018/S	South	3A Leslie Street, Frankston South 3199	Consolidation of Lots	15/01/2018

Progress Report – Subdivision Decisions					
For The Application Date: From 1/01/2018 To 31/01/2018					
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
No properties on report					

Town Planning Applications – Direction To Advertise Issued For The Application Date: From 1/01/2018 To 31/01/2018				
<u>Application No</u>	<u>Property Address</u>	<u>Ward</u>	<u>Application Description</u>	<u>Date</u>
367/2017/P	3 Kirribilli Close Langwarrin	North-East	Two (2) lot subdivision	8 January 2018 – 25 January 2018
461/2017/P	103 Highfield Drive Langwarrin South	South	Two (2) lot subdivision and vegetation removal	8 January 2018 – 25 January 2018
318/2017/P	55 Lawson Ave Frankston	South	Two (2) lot subdivision	11 January 2018 – 29 January 2018
587/2017/P	20 McKays Road Langwarrin	North-East	To construct one (1) single storey dwelling in a Design and Development Overlay - Schedule 4 (DDO4)	11 January 2018 – 29 January 2018
419/2017/P	23 Cedar Street Langwarrin	North-East	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	11 January 2018 – 29 January 2018
367/2017/P	3 Kirribilli Close Langwarrin	North-East	Two (2) lot subdivision	8 January 2018 – 25 January 2018
461/2017/P	103 Highfield Drive Langwarrin South	South	Two (2) lot subdivision and vegetation removal	8 January 2018 – 25 January 2018
318/2017/P	55 Lawson Ave Frankston	South	Two (2) lot subdivision	11 January 2018 – 29 January 2018
587/2017/P	20 McKays Road Langwarrin	North-East	To construct one (1) single storey dwelling in a Design and Development Overlay - Schedule 4 (DDO4)	11 January 2018 – 29 January 2018

Progress Report – Current VCAT Appeals January 2018								
<u>Appeal No</u>	<u>Application Number</u>	<u>Address</u>	<u>Proposal</u>	<u>Council Decision</u>	<u>Appeal Type</u>	<u>Date of Appeal</u>	<u>VCAT Decision</u>	<u>Date of VCAT Decision</u>
P1454/2017	586/2016/P	23 Coogee Avenue Frankston	To modify the Restrictive Covenant contained in Instrument of Transfer 1306858 dated 3 April 1924 to delete the wording: "and will not at any time hereafter erect or allow to be erected more than one private dwelling on either of the said lots hereby transferred, and the building line of any such dwelling to be erected shall not be less than Thirty five feet distant from the Street or Road facing which it is to be erected" and replace with wording "will not erect or allow to be erected on the said lot works of any kind whatsoever other than three private dwellings on the said lot hereby transferred and the building line of any such dwelling to be erected shall not be less than the local authority approved distance from the street or road facing which it is to be erected"	Refusal	Refusal to grant a permit	28-May-18		
P1401/2017	323/2016/P	8 Valley Road Langwarrin	To use and develop the land for one (1) double storey dwelling, garage, outbuilding and native vegetation removal	Refusal	Refusal to grant a permit	11-Dec-17		
P1777/2017	109/2017/P	4 Plowman Place Frankston	To use and construct a nine (9) storey building containing fifty six (56) dwellings and to reduce the car parking requirements of Clause 52.06 of the Frankston Planning Scheme by 5 visitor spaces	Refusal	Refusal to grant a permit	18-Dec-17		

Progress Report – Current VCAT Appeals January 2018								
<u>Appeal No</u>	<u>Application Number</u>	<u>Address</u>	<u>Proposal</u>	<u>Council Decision</u>	<u>Appeal Type</u>	<u>Date of Appeal</u>	<u>VCAT Decision</u>	<u>Date of VCAT Decision</u>
P1758/2017	202/2017/P	17 Madisson Crescent Carrum Downs	To construct six (6) double storey dwellings and a six (6) lot subdivision	NA	Failure to determine	09-Feb-18		
P1343/2017	398/2016/P	22 Rutherford Road Seaford	To carry out works (installing bowsers) to a service station	Refusal	Refusal to grant a permit	19-Dec-17	Permit Granted	31-Jan-18
P1614/2017	301/2016/P	200 Karingal Drive Frankston	Building and works to modify the existing building for a Medical centre and reduction of car parking requirement	Notice of Decision	Decision to grant a permit	15-Jan-18	Permit Granted	15-Jan-18
P1662/2017	206/2016/P	4 Dingle Avenue Frankston	Construction of double storey dwellings and waiving of visitor parking	NA	Amendment to Planning permit	01-Feb-18		
P1198/2017	156/213/P/B	446-450 Nepean Highway Frankston	To construct four (4) double storey dwellings	Refusal	Refusal to Extend Time	09-Feb-18		
P1879/2017	499/2016/P	11 Screen Street Frankston	To construct three (3) double storey dwellings	Refusal	Refusal to grant a permit	12-Feb-18		
p1876/2017	505/2016/P	67 Lawson Avenue Frankston South	To construct two (2) double storey dwellings	Refusal	Refusal to grant a permit	19-Feb-18		
P1807/2017	156/2013/P/B	446-450 Nepean Highway Frankston	Extension of time - To develop an eleven (11) storey office, retail and residential building, alteration of access to a road in a Road Zone Category 1, and reduction of car parking spaces and loading / unloading facilities at 446, 448, 448A and 450 Nepean Highway, Frankston	Refusal	Refusal to Extend Time	09-Feb-18		

Progress Report – Current VCAT Appeals January 2018								
<u>Appeal No</u>	<u>Application Number</u>	<u>Address</u>	<u>Proposal</u>	<u>Council Decision</u>	<u>Appeal Type</u>	<u>Date of Appeal</u>	<u>VCAT Decision</u>	<u>Date of VCAT Decision</u>
P2093/2017	537/2016/P	132 Nepean Highway, Seaford 3198	To use the land for sale and consumption of liquor (Restaurant and Cafe Licence)	permit	Appeal against conditions	20-Mar-18		
P2120/2017	171/2017/P	6 Dianella Court, Frankston 3199	To use the site for Home Occupation (swim school) and the erection of Home Occupation signage	Refusal	Refusal to grant a permit	26-Mar-18		
P1646/2017	59/2017/P	8 Idon Avenue, Frankston South 3199	Construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and for a two (2) lot subdivision	Refusal	Refusal to grant a permit	14-Feb-18		
P2363/2017	99/2017/P	74 Gould Street Frankston	To construct two (2) triple storey dwellings	Not yet Determined	Failure to determine	28-May-18		
P1662/2017	206/2016/P/A	4 Dingle Avenue, Frankston 3199	To construct a three (3) storey building containing eight (8) dwellings and reduction of visitor car	Not yet Determined	Appeal against conditions	01-Feb-18		
P2438/2017	200/2017/P	57 Alicudi Avenue Frankston South	Seven (7) lot subdivision and vegetation removal	Not yet Determined	Failure to determine	05-Apr-18		
P2653/2017	133/2017/P	1 Hall Road Carrum Downs	Use and develop the land for a 24 hour service station incorporating a convenience store, drive through Restaurant, 2 Food and Drink Premises, associated car parking, variation to the crossover widths required by Clause 52.12 and internally illuminated advertising signage	Not yet Determined	Failure to determine	30-Apr-18		
P2465/2017	435/2016/P	1 Vinnys Court Langwarrin	To construct fifteen (15) double storey dwellings and retention of the existing dwelling (sixteen (16) dwellings)	Refusal	Refusal to grant a permit	08-May-18		
P2707/2017	481/2016/P	634A and 634B Nepean Highway Frankston South	The (re)Subdivision of the Land into 2 Lots and Road	Notice of Decision	Decision to grant a permit	28-May-18		
P2716/2017	136/2017/P	24 Lee Street Frankston	To construct nine (9) double storey dwellings	Refusal	Refusal to grant a permit	05-Jun-18		

Progress Report – Current VCAT Appeals January 2018								
<u>Appeal No</u>	<u>Application Number</u>	<u>Address</u>	<u>Proposal</u>	<u>Council Decision</u>	<u>Appeal Type</u>	<u>Date of Appeal</u>	<u>VCAT Decision</u>	<u>Date of VCAT Decision</u>
P2868/2017	467/2016/P	28 Screen Street Frankston	To construct eight (8) double storey dwellings and removal of vegetation	Not yet Determined	Failure to determine	29-Jun-18		
P2938/2017	301/2017/P	68-74 Potts Road Langwarrin	To construct a residential aged care facility (one hundred and forty four (144) bed), removal of native vegetation and variation of easement	Refusal	Refusal to grant a permit	21-May-18		
P3007/2017	228/2017/P	9 Parwan Court Frankston	To construct two (2) double storey dwellings	Not yet Determined	Failure to determine	09-Jul-18		
P2973/2017	251/2017/P	4-5 Railway Parade Seaford	To construct four (4) double storey dwellings and four (4) lot subdivision	Refusal	Refusal to grant a permit			
P6/2018	327/2017/P	31 Boundary Road Carrum Downs	To construct a warehouse with ancillary offices and removal of easement	Not yet Determined	Failure to determine	16-Feb-18		
P2928/2017	481/2016/P	634A and 634B Nepean Highway Frankston South	The (re)Subdivision of the Land into 2 Lots and Road	Notice of Decision	Decision to grant a permit	28-May-18		
P2929/2017	481/2016/P	616 Nepean Highway Frankston	The (re)Subdivision of the Land into 2 Lots and Road	Notice of Decision	Decision to grant a permit	28-May-18		
P2893/2017	546/2014/P	4 Clyde Street Mall Frankston	To use and develop the land for a five (5) storey building containing sixty (60) dwellings, food and drink premises and associated reduction of car parking	Approval	Failure to determine amending plans	05-Mar-18		
P45/2018	226/2017/P	45 Kenilworth Avenue Frankston	To construct four (4) double storey dwellings	Refusal	Refusal to grant a permit	16-Jul-18		
P1614/2017	301/2016/p	200 Karingal Drive Frankston	Building and works to modify the existing building for a Medical centre and reduction of car parking requirement	NOD/Permit	To consider reinstatement of the application for review	02-Feb-18		

Progress Report – VCAT Determination – Policy Implications January 2018			
<u>Appeal No</u>	<u>Application No</u>	<u>Address (Ward)</u>	<u>VCAT Determination – Policy Implications January 2018</u>
P1614/2017	301/2016/P	200 Karingal Drive, Frankston	This matter concerned an application for review of a decision to grant a permit for a medical centre on the land, by an objecting party. The objecting party, who had sought the review, did not attend the scheduled hearing. The VCAT confirmed Council's decision to grant a permit.
P1343/2017	398/2016/P	22 Rutherford Road, Seaford	This matter concerned an application for review of Council's refusal to grant a permit for the establishment of a service station on the land. Council was required to refuse the application because VicRoads objected to the proposed access arrangements to the road network, and did not otherwise have planning concerns about the proposal. On review, the VCAT found that the proposed access arrangements were satisfactory, despite the submissions of VicRoads, and directed the grant of a permit.

Strategic Unit - Planning Scheme Amendments – January 2018				
<u>Amendment</u>	<u>Address</u>	<u>Description</u>	<u>Status</u>	<u>Status Date</u>
C100	City Wide	MSS Review	Approved. Gazetted 19 October 2017.	31 January 2018
C103	160 Potts Road	Amending the DPO	Seeking authorisation from Minister to prepare and exhibit amendment.	31 January 2018
C105	Health & Education precinct	Student Accommodation Policy	Deferred	31 January 2018
C111	Frankston City Car Parking Overlay	Implement a parking overlay over the FMAC	Independent Panel report received 03/11/17. Recommends approving amendment. Present to future Council Meeting.	31 January 2018
C114	Residential zones	Multi-Unit parking guidelines	Authorisation denied.	31 January 2018
C123	Frankston MAC	Implements the recommendations of the Frankston MAC Structure Plan	Panel hearing conducted 16/11/16. Panel report received 7/12/16. Panel recommended approval of amendment. Council deferred approving amendment at 1 May Council Meeting so as Officers could prepare Illustrative Guideline Document. Guideline document prepared and placed on Council website for comment. Comments have been collated. Present future Council Meeting.	31 January 2018
C124	Frankston MAC (balance)	Implements the recommendations of the Frankston MAC Structure Plan for areas other than city centre.	Public exhibition ended 22 December 2017. Presented to January 2018 Council Meeting. Resolution to progress to a Panel Hearing to consider submissions.	31 January 2018

Executive Summary**12.1 Minutes of the Frankston Arts Board - 20 February 2018**

Enquiries: (Andrew Moon: Community Development)

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.2 Vibrant and Engaged
Priority Action	2.2.2 Promote Frankston City's reputation as an arts, festivals and events destination

Purpose

To brief Council on the minutes of the Frankston Arts Board meeting held on 20 February 2018

Recommendation (Director Community Development)

That Council:

1. Receives the Minutes of the Frankston Arts Board meeting of 20 February 2018
2. Endorses the decommissioning of Pivot artwork/mural in Park Lane
3. Endorses Frankston Arts Board intention to develop a statement to LXRA regarding artwork at the Skye / Overton Road crossing

Frankston Arts Board Minutes – 20 February 2018

The meeting was convened with members of the Frankston Arts Board to discuss the agenda and make recommendations where appropriate to Council for endorsement.

Notable items of the 20 February 2018 meeting were:

- The decommissioning of Pivot artwork/mural in Park Lane
- Concerns regarding LXRA process of commissioning artwork and the style of the artwork options being pursued by LXRA, Frankston Arts Board to prepare a statement.
- Street Art Festival is in the final stages of planning, 'The Big Picture Frankston' website and social media pages went live on Friday 16 February

Financial Impact

The State Government has introduced the "Fair Go Rates" system, placing a cap on Council rates which has restricted the level of increases that Council can apply to its rate revenue. Rate revenue constitutes 63 per cent of all Council revenue.

The rate cap over the past two financial years has been 2.5 per cent and 2.0 per cent respectively and will be 2.25 per cent in 2018-2019.

The rate cap percentages are based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services. The cost of providing Council services has been increasing well in advance of the rate cap applied by State Government.

Over time this trend may lead to a reduction in the levels of service provided to the community and in Councils ability to fund both new facilities and the ongoing renewal of existing facilities.

12.1 Minutes of the Frankston Arts Board - 20 February 2018

Executive Summary

Council will continue to evaluate the impacts of rate capping annually and needs to be mindful of these outcomes in all Council decisions.

ATTACHMENTS

Attachment A: [↓](#) Frankston Arts Board - 20 February 2018 - Minutes



AGENDA ITEM 1.5

FRANKSTON ARTS & CULTURE

FRANKSTON ARTS BOARD Board Meeting

MINUTES OF THE MEETING
Tuesday 20th February 2018
6.30 – 8.30pm
Frankston Arts Centre, Frankston

ITEM		
1	Governance: General	
1.1	Welcome, apologies and introductions	<p>Present Ms Barbara Crook (Chairperson) Mr Douglas Spencer Roy Mr Michael Malignaggi Cr Kris Bolam* Mr Andrew Moon Ms Gillian Kay</p> <p>*Cr Bolam joined the meeting at 7:05pm. FAB Chairperson Barbara Crook recapped FAB discussions and decisions up to that point of the meeting.</p> <p>Apologies Cr Sandra Mayer Mr Dennis Hovenden Ms Mish Eisen</p>
1.2	Determination of quorum	Confirmed
1.3	Declaration of conflicts of interest	Mr Spencer Roy's employer is a sponsor
1.4	Confirmation of Agenda	Item added 5.7 - Stakeholder Engagement
1.5*	Approval of minutes.	Previous meeting Minutes approved by FAB via email
1.6*	Action items/Matters arising (<i>refer to schedule</i>)	Updated Notes/Approved
1.7	Public Art Sub Committee Report	<p>1.7.1 - Street Art Update discussed under item 5.4 1.7.2 - Sight Line II, compliance report completed and signed off; artist now to be engaged to finalise detailed design specifications 1.7.3 - Sky-Overton Road level crossing removal project as discussed under item 5.2 1.7.4 – Discussed decommissioning Pivot artwork/mural in Park Lane – FAB agreed to recommend artwork be decommissioned.</p>
2	Management Updates	
2.1*	Arts & Culture Monthly Report including KPI's	Noted
2.2*	Arts & Culture Financials	Noted
2.3	Trust Fund Account Update	
3	Capital Works	
3.1	Function Analysis Update	Noted

AGENDA ITEM 1.5

4	Strategy	
4.1	McClelland meeting with Director	Meeting went well new Director keen to engage with Frankston Council
5	Any Other Business	
5.1*	Councillor Bulletin	Noted
5.2	Skye/Overton Road Level Crossing Removal – Public Art	There has been a new public realm area created by the elevation of rail lines at the Skye/Overton Road intersection. Frankston council officers have been in discussion with the LXRA on how it may be activated by public art. There are some concerns within council regarding the process of commissioning the artwork and the style of the artwork options being pursued. LXRA was invited to present the artwork options to FAB, the invitation was declined. FAB agreed to provide a statement, via Council, outlining concerns regarding the commissioning process and the style of the proposed options. A statement will be prepared and approval will be sought from FAB Members via email. FAB will seek Councils endorsement of the agreed statement.
5.3*	Frankston City Council Advocacy Strategy – Briefing Invitation	Barbara Crook and Jenni Colwill to attend this briefing session.
5.4	Street Art	The curator has secured six artists and is in the final stages of securing walls. Painting will start on 19 th March with Festival occurring on 23 rd , 24 th and 25 th March, with a number of events planned. 'The Big Picture Frankston' website and social media pages started on Friday 16 February. FAB members are encouraged to attend the festival and its associated events.
5.5	FAC Car Park	A tender process is underway for a carpark management system.
5.6	April Councillor/FAB Meeting	FAB members discussed subject matter for April FAB presentation to councillors.
5.7	Stakeholder Engagement	Michael Malignaggi suggested that FAB develop a brief guideline on stakeholder engagement, eg: how we would prefer to engage with artists.
5.8	Other Business	<ul style="list-style-type: none"> Gillian Kay - There have been discussions with Vicinity about the commissioning of an animated and musical clock, possibly near Clyde Street and Station Street, FAB asked to put some thought into a possible theme and music. The clock will be an attractor for families with young children. Cr Bolam – Raised the possibility of a lighting installation in the Frankston Station pedestrian underpass, further discussion will need to occur with the LXRA regarding this option.
6	Next Board Meeting and forward agenda	
6.1		<p>Next Meeting Tuesday 20th March 2018 – meeting to start at 6pm, for a 1 hour tour of the street art sites</p> <p>Forward Agenda</p> <ul style="list-style-type: none"> - Frankston Arts & Culture Strategy - FAC Band Room as a possible holding space, site inspection <p>Meeting Closed 8:07pm</p>

Confirmed as a Correct Record

Chairperson: (Barbara Crook)

Executive Summary

12.3 Resolution Progress Update

Enquiries: (Michael Craighead: Corporate Development)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.3 Ensure good governance and management of Council resources
Priority Action	3.3.3 Continue to build organisational capability and a customer service culture

Purpose

To update and brief Council on the current status of resolutions.

Recommendation (Director Corporate Development)

That Council:

1. Receives the Notices of Motion Report as at 13 March 2018.
2. Approves the archiving of the following Notice of Motion from the Notices of Motion Report:
 - NOM 1325 - Student Action Grants
 - NOM 1384 - City Wide Summit
 - 2018/NOM5 - Rescission Motion - Commercial Foreshore Parking Permits
3. Notes that since 6 February 2018, 12 resolutions have been completed, as detailed in the Notices of Motion Report.
4. Notes that the following report will not be presented back to Council by its advised date:
 - 2018/NOM1 - Visitor Information Centre
 - NOM 1375 East West Wells Street
 - Further Response to NOM 1336 – Green Infrastructure – Installation of Green Walls
 - Response to NOM 1312 Unemployment in Frankston

Key Points / Issues

- At the Ordinary Council Meeting OM295 held on 19 December 2016, Council resolved that;
“That the Chief Executive Officer is directed to provide regular updates to Council on the progress or status of Council’s resolutions resulting from Notices of Motion raised by Councillors. In order to facilitate this, a brief progress report (detailing the status of each outstanding resolution) is required to be presented to Council at each of its Ordinary Meetings in future commencing with Ordinary Meeting 296 (scheduled for the 30 January 2017).”
- The Notices of Motion Report as at 13 March 2018 is attached and will continue to be updated and reported at each Ordinary Council Meeting.

12.3 Resolution Progress Update**Executive Summary**

- The following nine Notice of Motion actions are reported as 'complete' and are proposed to be archived from the document:
 - NOM 1325 - Student Action Grants
 - NOM 1384 - City Wide Summit
 - 2018/NOM5 - Rescission Motion - Commercial Foreshore Parking Permits
- Since 6 February 2018, the following 12 resolution actions have been reported as 'complete':
 - Occupancy Fees for Occupation of Council Owned Public Space
 - Award of Contract 2015/16-89 - Frankston Basketball Stadium Expansion
 - Capital Works Quarterly Report (October - December) 2016/17
 - Response to NOM 1245 - Frankston Volunteer Coastguard
 - Beckwith Grove Bridge Project Update
 - Urgent Business - PARC Reopening
 - PARC Pool Closure and Rectification works update
 - Reducing Plastic Pollution - Submission for Victorian Government Consultation
 - October 2017 Town Planning Progress Report
 - November 2017 Town Planning Progress Report
 - December 2017 Town Planning Progress Report
 - Annual Energy, Water and Greenhouse Performance Report 2016/17
- Due to various factors, it is sometimes not possible for reports to be brought back before Council in accordance with the time frames resolved. However, progress updates have been supplied for the items set out below:
 - *2018/NOM1 - Visitor Information Centre*

Due to difficulty in finding a suitable date for a meeting with Councillors, volunteers and staff, Officers were not able to schedule a meeting on a date that enabled us to meet the March reporting requirements. The date of the requested meeting is Thursday, 15 March 2018. At this stage Officers are planning to meet the requirements of the NOM and report back at the 2 April 2018 Ordinary Meeting of Council.
 - *NOM 1375 East West Wells Street*

A report on the audit of the works is still being finalised and it is expected that the report will be presented to Council for consideration at its meeting in April 2018
 - *Further Response to NOM 1336 – Green Infrastructure – Installation of Green Walls*

While a report has been prepared for the March OM of Council there is some outstanding information around castings that has not yet been provided to Council. This is critical for Council to be able to make an informed decision. As such this report has had to be deferred to the 3 April 2018 OM of Council

12.3 Resolution Progress Update**Executive Summary**

- *Response to NOM 1312 Unemployment in Frankston*

A draft report has been prepared for the March Council Meeting, however this has been deferred until the 3 April Council meeting due to some further research/follow-up being required, particularly in relation to the establishment of a youth unemployment program

Financial Impact

The State Government has introduced the “Fair Go Rates” system, placing a cap on Council rates which has restricted the level of increases that Council can apply to its rate revenue. Rate revenue constitutes 63 per cent of all Council revenue.

The rate cap over the past two financial years has been 2.5 per cent and 2.0 per cent respectively and will be 2.25 per cent in 2018-2019.

The rate cap percentages are based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services. The cost of providing Council services has been increasing well in advance of the rate cap applied by State Government.

Over time this trend may lead to a reduction in the levels of service provided to the community and in Councils ability to fund both new facilities and the ongoing renewal of existing facilities.

Council will continue to evaluate the impacts of rate capping annually and needs to be mindful of these outcomes in all Council decisions.

Consultation**1. External Stakeholders**

Nil.

2. Other Stakeholders

Nil.

Analysis (Environmental / Economic / Social Implications)

Making the written records available may provide some confidence regarding transparency in decision making, and is in keeping with best practice advice from the Victorian Ombudsman.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Legal

Nil.

Policy Impacts

There is no impact on Council policies.

12.3 Resolution Progress Update**Executive Summary**Officer's Declaration of Interests

Council officers involved in the preparation of this report have no conflict of interest in this matter.

Risk Mitigation

There is no risk associated with this report.

Conclusion

The purpose of this report is to brief and update Council on the implementation and status of resolutions including Notices of Motion. Council Officers are continuously working to implement a range of Council resolutions and in addition to noting the work completed, it is recommended that the Notices of Motion as listed within this report now be archived.

ATTACHMENTS

- Attachment A: [↓](#) Cost Summary as at 13 March 2018
Attachment B: [↓](#) Notices of Motion as at 13 March 2018
Attachment C: [⇒](#) Notices of Motion Confidential as at 13 March 2018 (*Under Separate Cover*)

Councillor	Number	Primary Cost	Ongoing Cost	Outcome Cost
Cr Cunial	7	\$4,649	\$500	\$190,500
Cr McCormack	10	\$4,260	\$0	\$135,000
Cr Toms	22	\$3,577	\$0	\$60,000
Cr Aitken	24	\$9,654	\$0	\$55,000
Cr Bolam	58	\$18,912	\$10,000	\$149,000
Cr O'Connor	17	\$2,980	\$0	\$163
Cr Mayer	3	\$2,450	\$0	\$66,000
Cr Hampton	16	\$6,944	\$3,400	\$0
Cr O'Reilly	1	\$0	\$0	\$0
TOTAL	158	\$ 53,426	\$ 13,900	\$ 655,663

Notice of Motion Report

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
30-Jan-17	13.8	NOM 1265 - Cleanliness of Frankston City Cr Bolam	<p>Council Decision: Moved: Bolam Seconded: Aitken</p> <p>To ensure the cleanliness of our streets, parks and reserves – Council resolves that the following measures occur:</p> <ol style="list-style-type: none"> 1. That the CEO reviews the management of the cleaning maintenance of all council land and presents a maintenance model to Council's satisfaction in May 2017. The model must ensure Council land is maintained to an agreed service level which also includes random audits against the service levels. 2. That a letter be sent to Frankston MP, Mr Paul Edbrooke and the relevant government Ministers expressing concern about the presentation and cleanliness of land belonging to VicRoads in the Frankston LGA. The letter outline the proposal of a pilot project between Council and VicRoads to implement a cleaning maintenance program at an appropriate and similar service level to that endorsed by Council as a consequence of the maintenance service review and further, the council undertake maintenance works on their behalf on the proviso that VicRoads be invoiced for services rendered. 3. That a letter be sent to Frankston MP Paul Edbrooke and the relevant government Ministers expressing concern about the presentation and cleanliness of VicTrack land and that Council, should there be no improvements by May 2017, considers it option to pursue issuing infringement notices for unsightly land under the General Local Law No. 8. 4. That the outcome of the responses from VicRoads, VicTrack and the State Government be included in the report to council in May 2017. If the responses are not to the satisfaction of council it considers options including a public campaign to State Government to compel VicRoads and or VicTrack to improve its cleaning regime on the land for which they are responsible. 5. That a 'rapid response' team be established to improve responsiveness to community requests for maintenance of a reactive nature. Such a team would be able to respond to reactive requests quickly, which in turn would ensure programmed maintenance activities remain on track. The team also report any unsightly private land to Council's Authorised Officers for follow up investigation and infringement. 6. It be noted that council formally impounds abandoned trolleys found on council/common land under the appropriate subject to General Local Law Number 8. Council officers are to seek formal Australian Tax Office advice to assess Council's ability to 'donate' a proportion of shopping trolley impound and or release fees to the Frankston Charitable Fund and include the advice in the May 2017 report to Council. 7. That state legislative provisions to curtail rubbish dumping outside private properties are included in the May 2017 report. If considered necessary recommendations regarding the need for further legislative change also be included. 8. That a detailed letter be prepared and included in the next rates notice to all property owners on the rates register to remind them of the council's expectations that they ensure no rubbish is placed the nature strip outside of the provisions for hard waste collections. 9. That officers improve and provide a supportive customer service response to public reports of dumped rubbish and abandoned shopping trolleys and this also be considered in the May 2017 report. 10. The document titled "Possible Initiatives to Rid the City of Trolleys and Rubbish" (Seiffert, B. 2017) also be considered in the May 2017 report to Council. <p>CARRIED UNANIMOUSLY</p>	Gill Kay	<p>15 January 2018 - Deferred at a meeting in December until February/March 2018.</p> <p>31 October 2017 - The report is scheduled for a Councillor briefing 4/12/17</p> <p>02 October 2017 - Report was considered back to Council at its 25 September 2017 meeting. Was deferred.</p> <p>11 September 2017 - Response to NOM1265 is going to Council on 25 September 2017.</p> <p>31 July 2017 - A briefing has been scheduled for 21/8. A further report will come back to Council OM 4/9</p> <p>19 July 2017 - Additional staff member has been appointed to address the trolley issues. Outcome cost added.</p> <p>10 July 2017 - A meeting has been scheduled on 13/07/2017 with Councillor Bolam and Mr Seiffert to discuss his recommended initiatives.</p> <p>21 June 2017 - A meeting has been sought with VicTrack and VicRoads to discuss maintenance. A separate meeting has been arranged with Councillor Bolam and Mr Seiffert to discuss his recommended initiatives.</p> <p>20 June 2017 - A report was provided to 22 May OM and deferred until September for further information</p> <p>13 June 2017 - Report deferred for further discussion with Cr Bolam.</p> <p>01 June 2017 - Action reassigned to Gillian Kay by Andrea Gaynor</p> <p>22 May 2017 - Report submitted to this meeting.</p> <p>1 May 2017 - Council Report will be provided to 22 May 2017.</p> <p>3 April 2017 Council report will be provided to May 2017 meeting.</p> <p>21 Feb 2017 -</p> <ol style="list-style-type: none"> 1. Noted - a report will be prepared 2. A letter has been sent. 3. A letter has been sent. 4. Noted 5. A Rapid Response Team had been established by the time of the January OM. 6. Advice from the ATO has been sought. 7. Noted 8. Finance Department has been requested to include a reminder in the next rates notices. 9. Officers have been requested to revise advice to customers. 10. A copy of the document has been requested. 	<p>Primary Cost: \$4,412.75 (staff cost of \$1,452 removed)</p>
22-May-17	13.7	NOM 1318 - Metropolitan Waste and Resource Recovery Group Cr Hampton	<p>Moved: Councillor Hampton Seconded: Councillor Aitken</p> <p>That Council formally endorse the Notice of Motion carried at last meeting of the Metropolitan Waste and Resource and Recovery Group (MWRRG) which read as follows:</p> <p>"That the MWRRG write to the Minister for Energy, Environment and Climate Change and Shadow Minister for Energy and Resources requesting that funding generated through the collection of the Municipal and Industrial Landfill Levy be constrained to the purpose for which the Levy was introduced and raising concerns with the Levy funds being allocated to supplement Park Victoria initiatives not related to the purpose of the Levy"</p> <p>Also forward to the MWRRG this endorsement along with all the amounts of money collected by this Council and which has been passed on to the State Government over the last 10 years from the Levy and what this Council has received back from the Government in programs associated directly with this Levy over this same period."</p> <p>Carried Unanimously</p>	Bruce Howden	<p>15 January 2018 - Request MWRRG to provide date when letter was sent to Minister as outlined in Nov 2017 Waste Forum and any response received.</p> <p>27 November 2017 - In November Waste forum meeting MWRRG reported that the Forum is writing to Minister D'Ambrosio advocating for additional Sustainability Fund investment and will include the position paper which outlined the process for prioritising funding from workshop in Sept.</p> <p>10 July 2017 - Letter from Mayor has been sent to MWRRG.</p> <p>20 June 2017 - The letter to MWRRG has been drafted and provided to Cr Hampton for any additional changes/inclusions. The letter will be finalised and sent out week commencing 19/6/17.</p> <p>13 June 2017 - Letters have been prepared. Primary Cost added \$75.00 (A3365636 and A3367373)</p>	<p>Primary Cost: \$75.00</p>

Notice of Motion Report

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
22-May-17	13.8	NOM 1319 - Access to Hindu Temple via Boundary Lane Cr Hampton	<p>Council Decision: Moved: Councillor Hampton Seconded: Councillor Mayer That the CEO investigates the cost required to open Boundary Lane to one way vehicular traffic as an alternate entry into the Hindu temple on Boundary Road and that a report be provided to the 13 June Ordinary Meeting.</p> <p>Carried Unanimously</p>	Doug Dickins	<p>22 February 2018 - Members of the Hindu Temple have now responded to the Council officer. Councillor Hampton and Council Officers are to meet with members of the Hindu Temple late in February to further discuss the proposal.</p> <p>05 February 2018 - The officer has again contacted the temple by email to discuss the matter and was advised that they would be in touch, however the officer is still awaiting feedback.</p> <p>15 January 2018 - The officer attempted to contact the Hindu Temple Committee and has sent a letter advising of the proposal and is awaiting feedback. This will be followed up in January.</p> <p>27 November 2017 - Discussion with Hindu Temple Committee to occur in December 2017.</p> <p>02 October 2017 - Report was considered back to Council at its 25 September 2017 meeting. Was deferred.</p> <p>12 September 2017 - Subject of a report to Ordinary Meeting on 25/09/2017.</p> <p>21 August 2017 - The Officer met with a Fulton Hogan representative onsite to discuss requirements to make Boundary Lane accessible.</p> <p>A preliminary scope of works includes: Lowering entrance and culvert under Strip and clean area a prior to placement of rock (removal of any soft spots) Placement and compaction of approx. 300 tonne of rock Install approx. 250m gaurd rail along creek side, and is estimated to be \$120K plus to complete.</p> <p>10 July 2017 - Officers have met with Councillor Hampton who indicated gravel access may be appropriate.</p> <p>Officers are investigating existing conditions and low cost improvements to facilitate access.</p> <p>20 June 2017 - A meeting has been arranged with Councillor Hampton to explore options further.</p> <p>13 June 2017 - An update has been included in the Resoluionn Progress report for 13 June indicating costs for the investigation to occur.</p>	
13-Jun-17	13.2	NOM 1316 - Frankston Ambassador Cr Bolam	<p>Council Decision: Moved: Councillor Bolam Seconded: Councillor Toms That the following be actioned in regards to the Frankston Ambassador site: 1 A quarterly report to councillors and relevant officers highlighting the numbers of Notices to Comply and Infringements issued relating to unsightly and dilapidated building be prepared. 3 Subject to credible advice and reasonable cause, Authorised Officers inspect accommodation units at the Ambassador to ensure all compliance codes are being met. The findings from the initial audit of this site be provided to Councillors and relevant officers. 4 Council officers survey residents in the vicinity of the Ambassador about their perceptions of safety, amenity and quality of life as neighbours of the Ambassador. The results of the survey should contribute to exploration of 'eminent domain' (compulsory acquisition) of the Ambassador site with the local MP and relevant Ministers. 5 Council officers source examples of unsightly and dilapidated clauses in other municipal local laws to determine if improvements can be made to Frankston general local law No. 8. 7 All directives are to be responded to in the form of a report no later than November 2017. Carried Council Decision Moved: Councillor Bolam Seconded: Councillor Toms That the following be actioned in regards to the Frankston Ambassador site: 2 Council officers meet with the new owner of the vacant land at the Ambassador site to enable an understanding of their plans for redeveloping the site and any short term options to improve the appearance of the site. 6 Council officers investigate and infringe dumped rubbish and also explore opportunities to work with Victoria Police and Sherriff's office to address anti-social and criminal behaviour in and around the Ambassador site. Carried Unanimously</p>	Michael Craighead	<p>01 March 2018 - A report incorporating legal advice has been prepared for the Council meeting on 13 March.</p> <p>15 January 2018 - Options for the State Government or Council to acquire the titles to all of the properties within the site are being investigated and will be set out in a report to be presented to Council as its 13 March 2018 meeting.</p> <p>27 November 2017 - Recommendations were carried and report due back to council in January 2018 outlining opportunities to explore the options of eminent domain.</p> <p>31 October 2017 - A report has been prepared to go to Open Council Meeting in November to report on responses from the survey.</p> <p>02 October 2017 - A survey has been sent to households in the vicinity of the Ambassador to ascertain any negative experiences.</p> <p>11 September 2017 - Building Services in the conjunction with CFA & VicPol inspected the Ambassador 29 August. As a result of this inspection a report is currently being written. A survey has been developed and distributed to neighbouring properties within 200 metres of the Ambassador. Responses will be collated and included in the report to be presented to Council 23 October 2017.</p> <p>28 August 2017 - A joint visit at the Ambassador with Frankston Council Building Services, CFA & VicPol was undertaken 29 August 2017, a report will be written once CFA provide their report. The survey has been delivered to residents living in the vicinity of the Ambassador with a closing date of 22 September 2017.</p> <p>A report will be presented at the Ordinary Meeting in November 2017 to respond to this NOM.</p> <p>21 August 2017 - The new owner has been contacted and advised that he intends to submit a Planning Application by November 2017 and hopes to commence work by April 2018. the new owner has a team who will regularly maintain the site.</p> <p>Continuous liaison with Police will identify support unities to work together. A joint visit to the Ambassador is scheduled for August 2017.</p> <p>31 July 2017 - Following a meeting held 19 July 2014 with Senior VicPol Officers, Cr Bolam and FCC Officers a report will be written for council meeting 9 November 2017.</p>	Primary Cost:

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Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
13-Jun-17	13.3	NOM 1325 - Student Action Grants Cr Bolam	<p>Council Decision: Moved: Councillor Bolam Seconded: Councillor Aitken</p> <p>That a report be provided to Council at the September 2017 Ordinary Meeting on the introduction of a new grants route for primary and secondary student representative councils and/or local youth movements (i.e. Scouts) designed for such groups to identify local advocacy campaigns to bring about positive improvements.</p> <p>Grant inclusions are to include minor funding for appropriate projects and/or in-kind support by officers to assist in progressing appropriate projects (i.e. assisting with submission writing / advocacy / advertising / hiring of facilities). Any grant considered must be deemed appropriate and should be accompanied with sufficient information to demonstrate the need basis, as well as forward planning (i.e. 'action plan').</p> <p>The model to base this report upon should be the work done by the Student Representative Council of Karingal Park Secondary College in the early 2000's to bring about the creation of 'Nats Track' in Karingal. This was a community-wide beneficial project and greatly enhanced students feelings of belonging in the area (i.e. they felt they were listened to).</p> <p>The report should consider the overall grants mechanism (i.e. grants vs. in-kind support vs. hybrid), the monetary amount that a fiscal grant amount will carry per representative council/association, and the role the Frankston Youth Council could perform in either authorising such grants or referring such grants to Council for approval.</p> <p>Carried Unanimously</p>	Liz Daley	<p>01 March 2018 - Request to archive NoM.</p> <p>08 February 2018 - \$5,000 approve in mid-year budget review; \$10,000 recurrent referred to 2018/19 budget for consideration. To be closed off after mid-year budget approval (Feb/Mar).</p> <p>27 November 2017 - Funds referred to mid-year budget.</p> <p>31 October 2017 - A Councillor Briefing is being scheduled for 30 October, after which, the report will be presented to Council.</p> <p>11 September 2017 - A Councillor Briefing is being scheduled, after which, the report will be presented to Council.</p> <p>21 August 2017 - A report has been scheduled to come to 4th September 2017 Ordinary Meeting.</p> <p>31 July 2017 - Report is being developed for September Council meeting.</p> <p>06 July 2017 - Meeting requested with Councillor to seek direction.</p> <p>20 June 2017 - A report has been scheduled to come to 25/9 OM</p>	<p>Primary Cost:\$5K for 2017/18 Financial year and \$10K per financial year thereafter.</p>
13-Jun-17	13.10	NOM 1333 - Enquiry to Wells Street Lighting Cr Aitken	<p>Council Decision: Moved: Councillor Aitken Seconded: Councillor Toms</p> <p>That an immediate and a full enquiry be made into the special effect lighting in Wells Street and that a working party be established comprising the Mayor, CEO and interested Councillors who will work harmoniously together to oversee the project to achieve a satisfactory outcome.</p> <p>Carried</p>	Gillian Kay	<p>02 March 2018 - Councillors have requested the pots outside the entertainment centre to be relocated. Options are being explored.</p> <p>26 February 2018 - All lighting as part of East/West Wells completed. New bulbs for middle wells on order (from Italy). Fix for keeping uplights clear of gravel underway.</p> <p>15 January 2018 - All feature lighting associated with East West Wells Street project are functional. The existing uplights, previously installed in the middle of Wells Street, have received maintenance and replacement bulbs are on order. The pots outside the entertainment centre were/are not lit due to the need to remove paving to install electrical conduits. Protection around uplights will be completed by 25 January.</p> <p>02 October 2017 - Requested status update to present at Council Meeting the 25/09/2017. A gravel solution has been sourced and an RFQ prepared. This will ensure gravel/bark cannot be kicked over the up lights. Replacement bulbs for the older up lights outside the entertainment centre have been sourced at a significant cost. These are imported. Please also see NoM 1321.</p> <p>21 August 2017 - All of the lighting has been audited and maintenance undertaken. Additional up lights installed where they were previously missing, seat lighting is working and new safety certificate issued where 'issues' were identified. The lighting expert will be in Frankston week of 21st August 2017 to install DX data cable box to program feature lighting.</p> <p>A solution to gravel is being sourced.</p> <p>The 'pot' lighting outside the Entertainment Centre is now connected to power (and lights) but not data cabling due to impact on paving.</p> <p>31 July 2017 - Officers are working with the original lighting designer and an electrical contractor. safety issues and incomplete wiring have been identified and will be resolved. A solution to the gravel is also being explored and costed</p> <p>19 July 2017 - Meeting held with Councillors and updated on the action take to get the lights to work.</p> <p>20 June 2017 - A meeting with interested Councillors and CEO will be organised</p>	<p>Primary Cost: \$150</p>
3-Jul-17	13.13	NOM 1347 - Budget addition for Pre-Schools Cr McCormack	<p>Council Decision: Moved: Councillor McCormack Seconded: Councillor Toms</p> <p>That the sum of \$5,000 be made available to each parent association of pre-schools within the municipality to assist with renewal works, maintenance, three year old kindergarten programs, advertising, children's necessities and the like.</p> <p>This funding is to be made available in this current year budget (from the operating surplus of Frankston City Council's 2017/2018 Budget) and each association be notified of the funding allocation and its purpose.</p> <p>Carried</p>	Joanne Ferrie	<p>26 February 2018 - There are two Kinders who have not submitted an invoice. Children Services following up.</p> <p>11 September 2017 - Invoices continue to be received for processing.</p> <p>22 August 2017 - Noted- awaiting end of financial year account reconciliation.</p> <p>19 July 2017 - Correspondence is being prepared to send to all pre-schools with a parent association with a view to this action being completed by the end of the 31 July 2017</p>	<p>Primary Cost: (Outcome Cost of \$135,000 added)</p>

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Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
3-Jul-17	13.7	NOM 1341 - Anti-Truancy Strategy Cr Bolam	<p>Council Decision: Moved: Councillor Bolam Seconded: Councillor Aitken That Frankston City Council works with local schools, politicians and (state and federal) Department of Education officials, to crackdown on instances of truancy in local secondary schools. In order to facilitate this, the following actions should be undertaken: 1. Frankston City Council devises a strategy with local school principals and local politicians to curtail truancy and/or better detection of truants; 2. That the strategy includes what role council bylaws officers and Victoria Police could perform in identifying and mitigating truancy; 3. That the strategy includes views from the Frankston Youth Council insofar creative options to identify and curtail local truancy; 4. Advocacy to the Victorian Department of Education and Training (including the relevant minister and Frankston MP Paul Edbrooke), and the Australian Department of Education and Training (including the relevant minister and Dunkley MP Chris Crewther) to consider models, such as the 'Show Up, Standout' initiative currently operating in the United States, which pro-actively seek to decrease unexcused school absences; and 5. That progress on all directives be reported back to Council in November 2017. Carried Unanimously</p>	Andrew Moon	<p>27 February 2018 - An updated report will be presented to the March Council meeting with the view of a final report to be presented to Council in April 2018 meeting. 15 January 2018 - Item has been deferred at OM 11/12/2017 to March 2018 OM. 27 November 2017 - a report is scheduled to be presented to Council Ordinary Meeting 11/12/2017. 31 October 2017 - A meeting was held on Tuesday 29 August with representatives of DET, Victoria Police and Council officers. Detailed background information was given on the current measures used to address truancy which will be included in the Council Report. The report was due back to Council November however this has been delayed. 11 September 2017 - A meeting was held on Tuesday 29 August with representatives of DET, Victoria Police and Council officers. Detailed background information was given on the current measures used to address truancy which will be included in the Council Report. A further meeting will be held in September to continue to discuss this issue between the parties. 21 August 2017 - A meeting has been scheduled for 29 August to discuss truancy in Frankston. Representatives from DEECD and Victoria Police will attend along with Council officers and interested Councillors. 31 July 2017 - Youth Services staff have raised this issue with the Youth Council and provided feedback on areas to investigate further.</p>	Primary Cost:
3-Jul-17	13.8	NOM 1342 - Mayor's Role of Speaking in Ordinary Meetings of Council Cr Aitken	<p>Council Decision Moved: Councillor Aitken Seconded: Councillor Bolam That Council give consideration to amending the Governance Local Law when it is next reviewed; to require any Mayor who wishes to speak at an ordinary meeting (when it has been established that Councillors wish to speak to a motion), to speak immediately after the mover and seconder have spoken and where the seconder defers, then the Mayor is to speak in the space the seconder would normally have occupied. Carried Unanimously</p>	Michael Craighead	<p>01 March 2018 - Audit and Risk Management Committee has made some suggestions for Council consideration. Suggestions will be considered by Council at its briefing on 5 March and then referred to Council formally for determination. 05 February 2018 - Still awaiting advice from the Mayor and Councillors, no advice received as yet. 15 January 2018 - 1. The revised draft Governance Local Law was circulated to Councillors by email on 14/11/17. A further change was requested by the Mayor which was then circulated to Councillors by email on 20/11/17 (regarding the wording of clause 94(e) - the Chair's duty to treat Councillors with respect). Cr McCormack has objected to this further change, and the Mayor indicated that he would discuss the clause with Councillors. Officers are awaiting guidance as to how Councillors wish to proceed. 2. It is understood that there is now a desire to present the draft Governance Local Law for review by Council's Audit & Risk Management Committee prior to formal consideration by Council. 3. Additionally, the need for a Governance Local Law is expected to be superseded by a requirement to adopt a set of Governance Rules under the new Local Government Act 2018. 31 October 2017 - Nearing finalisation of revised draft for further discussion with Councillors. 11 September 2017 - Working thru legal advice obtained 8 September 2017. Further discussion of points not yet agreed required to finalise the draft. 21 August 2017 - The proposed change has been incorporated into the revised draft Local Law which has yet to be settled and agreed by Council. Staff are seeking legal advice on several points of issue between Councillors and the matters will then be reconsidered by Council for a direction forward. Awaiting legal advice. 19 July 2017 - Noted. The proposal will be discussed with councillor in the Local Law workshop to be held on Monday 17 July and incorporated into the proposed revised Local Law to be adopted by Council in due course.</p>	Primary Cost:
14-Aug-17	14.3	NOM 1354 - Urban Design Excellence Cr Aitken	<p>Council Decision: That a report identifying the ways in which urban design excellence may be embedded in all relevant Council processes and procedures be prepared by Council's planning department. This report is to outline the statutory planning methods currently employed by Council, and other metropolitan municipalities, which facilitate reputable urban design outcomes. The report is to also investigate alternative or additional approaches Council might adopt to improve the urban design quality of development applications. Carried Unanimously</p>	Gill Kay	<p>15 January 2018 - A summary report on Council's urban design initiatives will be presented to Council in March 2018. 22 August 2017 - The Town Planning department will produce a report reviewing the processes Council currently employs to ensure urban design excellence is achieved in all new development applications. The department has commissioned a series of guideline documents to direct and improve the urban design and built form outcomes of medium and higher density development within the municipality. These will be presented to Council in conjunction with the findings and recommendations of the above-mentioned report.</p>	Primary Cost:
14-Aug-17	14.6	NOM 1357 - Young Street Redevelopment Works Cr Aitken	<p>Council Decision: That Council call on the State Government to release the full financials to date (Forecast and Actual) of the Young Street Redevelopment Works. Carried</p>	Kate Jewell	<p>15 January 2018 - Matter has been again raised with Senior Project Manager from Transport for Victoria. 27 November 2017 - Matter raised again with the Senior Project Manager at State Government at meeting held 14 November 2017. Noted reply forthcoming. 31 October 2017 - On the 5 October 2017, Senior Project Manager - State Government acknowledged receipt of letter and that a reply would be forthcoming. 02 October 2017 - No reply received to date. 11 September 2017 - Matter discussed with State on 25 August 2017. Official advice sent in a letter signed by the CEO and sent 6 September 2017 (A3436003). 21 August 2017 - Matter highlighted with the Senior Project Manager - State Government 17 August 2017. Listed for discussion with Council and the State at the next PCB meeting - Friday 25 August</p>	Primary Cost:

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Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
4-Sep-17	14.2	NOM 1361 - Seaford Substation Cr Bolam	Council Decision: That a report be provided to Council at the December Ordinary Meeting on the iconic Seaford Substation. The report should consider: 1. The internal and external status of the Seaford Substation site; 2. Whether there is the presence of asbestos, signs of concrete cancer, concerns with the building's structural integrity; and 3. Future plans for the site, and the possible public use of the substation for community purposes (i.e. local museum, community hub etc). Carried	Phil Cantillon	26 February 2018 - Officers are still trying to arrange a meeting with PTV. A number of attempts have already been made to secure a date. 13 February 2018 - We are keen to have the involvement of the local member in discussions of this matter. Efforts are continuing in locking in an agreed date for a meeting to take place 05 February 2018 - No change to the status. 15 January 2018 - No change to the status. 27 November 2017 - No response has been received from PTV. A meeting date is being established with staff from PTV and the Local Member's office. 31 October 2017 - As at this date, no response has been received from PTV. 02 October 2017 - Background information within Council being researched and a draft letter prepared seeking status and PRV's future plans for the site and building.	Primary Cost:
4-Sep-17	14.5	NOM 1364 - Duplication of Lathams Road Cr Hampton	Council Decision: 1. That Frankston City Council supports the duplication of Lathams Road between Frankston Dandenong Road and the M3 Freeway. 2. Councillors request the CEO to make available the most suitable qualified Council Officer to join in a working group comprising the Committee for Greater Frankston and VicRoads to scope the remodelling of Lathams Road and to develop costings for its duplication. 3. Once the costing have been established, Council vigorously lobby State Government to complete this project. 4. That the duplication of Lathams Road project is added to the Council Advocacy priorities for the upcoming State and Federal elections. C/U	Kate Jewell	15 January 2018 - Council officer has continued to work with VicRoads on this project. VicRoads are now preparing a business case and costings for the project. 27 November 2017 - Council officers attended working group meetings with Vic Roads to scope remodelling of Lathams Road. 02 October 2017 - An advocacy letter was sent to VicRoads 19 Sept informing of Council's resolution. A meeting was also convened by communications department of Council and consultant The Agenda Group on 25 Sept planning an advocacy strategy for this project. 11 September 2017 - Acting Director Community Assets had phone conversation with VicRoads Executive officer regarding the current State Govt priority of Lathams Road with a view to establishing a working group to develop the project and costings. A formal letter will now follow together with advocacy.	Primary Cost:
4-Sep-17	14.6	NOM 1365 - Victorian Wide EBA Cr Hampton	Council Decision: Alternate Recommendation by Cr Hampton That an information sheet outlining the benefits of a single Victorian wide EBA be produced and distributed to all MAV delegates prior to the May 2018 Conference. This information sheet is to outline the need for a single Victoria wide EBA agreement negotiated through the Fair Work Commission. The EBA is to have three separate sections – Inner Metropolitan, Outer Metropolitan and Country. That a final draft be brought back to Council for approval. Hampton / Aitken Carried	Russell Joiner	05 February 2018 - Draft will be presented to Council in March 2018 for consideration and then circulation to all MAV delegates.	Primary Cost:
4-Sep-17	14.7	NOM 1366 - Official Invitations to the Head of State, Victorian Vice Regal and Government Leaders Cr Bolam	Council Decision: Given the electoral volatility of the state seat of Frankston, and the federal seat of Dunkley, the Council formally extends invitations to leaders from both levels of government to visit the Frankston municipality to discuss local issues of importance. This approach is consistent with council's state and federal advocacy efforts. The following is to occur: 1. Individual invitations are to be extended to the Premier and Opposition Leader to formally visit Frankston and meet with the Frankston City Council; and 2. Individual invitations are to be extended to the Prime Minister and Opposition Leader to formally visit Frankston and meet with the Frankston City Council. C/U	Dennis Hovenden	26 February 2018 - The Hon. Malcolm Turnbull MP, Prime Minister visited Frankston on Monday 19 February 2018. Meeting with the Mayor, Cr Colin Hampton, Deputy Mayor Cr Lillian O'Connor, Dennis Hovenden CEO and Dr Gillian Kay Director Community Development. A number of Council's advocacy priorities were flagged and discussed with the Prime Minister. 06 February 2018 - Michelle from the Premiers' office - acknowledged further copy of letter sent via email. Will be following up on the invitation and providing advice shortly. The Hon. Matthew Guy MP, Opposition Leader (State) had previously visited Frankston City Council and discussed advocacy matters. Office of the Opposition Leader noted the visit and meeting on the 9 November 2017. A meeting in the new year declined. 05 February 2018 - Follow up on non-reply being managed. Copies of letters sent to Local Members to assist in arranging meetings. 15 January 2018 - CEO/Mayor Office received advised from the office of Bill Shorten MP that the correspondence has been noted and put on file for a potential visit during 2018. 31 October 2017 - Letters to Prime Minister and Leader of the Opposition posted (A3463292). 02 October 2017 - Letters have been posted (A3449331 and A3448328). 12 September 2017 - Letters are currently being prepared.	Primary Cost:
25-Sep-17	14.2	NOM 1370 - Keyboard Cowards Cr Aitken	Council Decision: That the Chief Executive Officer request Council Officers to write to the Attorney General indicating that greater controls need to be put in place in respect to statements made through Facebook and social media, currently with limited or little accountability or penalty to the writer. Carried	Michael Craighead	26 February 2018 - Letters sent to Victorian Attorney-General and Commonwealth Attorney-General by ordinary post today. 08 February 2018 - A revised letter to Attorney-General is being prepared taking into account Councillor comments in the debate. 15 January 2018 - Letter to Attorney-General has been written and submitted to CEO for approval. 31 October 2017 - Draft letters being prepared	Primary Cost:

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25-Sep-17	14.6	NOM 1375 - East / West Wells Street Project Cr Hampton	<p>Council Decision: In light of the findings around this project contained in the Pitcher Partners Internal Audit of Project Management, Council initiates a full forensic audit of this project. The Audit is to be conducted by an auditor experienced in Local Government tendering and project management processes, and an amount of \$25,000 be allocated for this purpose in the mid-year budget review.</p> <p>The audit is to determine who initiated the changes in the scope of the project during construction and the reasons and drivers behind it. The audit should also review the changes to the Project Management arrangements which led to the lead consultant, Aspect Studios Pty. Ltd. being removed from the project.</p> <p>It is expected that the Auditor will interview key staff and Councillors (both current and former) and contractors involved in the project. It should also review the process for the initiation of the scope changes and cost escalations and the timeliness of Council's approval of the changes.</p> <p>In consultation with the Chief Executive Officer, the Independent Auditor will prepare a brief for the scope of work to be completed. The scope is to be approved by the independent members of Council's Audit and Risk Management Committee by electronic resolution.</p> <p>The final report is to be presented to Council at its first Ordinary Meeting in 2018.</p> <p>Carried</p>	Martin Poole	<p>01 March 2018 - A report on the audit of the works is still being finalised and it is expected that the report will be presented to Council for consideration at its meeting in April 2018.</p> <p>15 January 2018 - HLB Mann Judd have been reviewing project documentation and interviewing various stakeholders. A report is expected by early March 2018.</p> <p>27 November 2017 - An auditor has been appointed; a project inception meeting is scheduled for 24 November 2017.</p> <p>31 October 2017 - Scope is being prepared to allow for E.O.I. process to be undertaken.</p>	Primary Cost:
16-Oct-17	14.1	NOM 1376 - Inconsistencies of Clause 52.48 - Bushfire Protection Exemptions (Known as the 10/30 Right) Cr Aitken	<p>Council Decision: That Council make representations through all local Members of Parliament with reference to the inconsistencies of the Clause 52.48 – Bushfire Protection Exemptions (otherwise known as the 10/30 Right) The introduction of a uniform ability for residents to remove trees without any impediment when located within 10 metres of their house (if constructed or approved prior to September 2009), entirely negates the recognition particularly of highly important or heritage trees that contribute greatly to the streetscape.</p> <p>The irreparable damage to the character of local communities by the provision of this exemption as it currently stands means that vast numbers of trees are being removed throughout the greater Melbourne area in situations that are at either very low or negligible fire risk because of the blanket status of this provision.</p> <p>This is entirely against widely upheld state policy of greening our suburbs and represents an administrative measure which was taken at a moment of understandably high public emotion following the devastating bushfires of 2009. However, as outlined above the unfortunate net effect is that vegetation has been removed from locations where it cannot be reasonably justified.</p> <p>C/U</p>	Michael Papageorgiou	<p>15 January 2018 - No responses have been received as yet. Follow up letters will be sent this week.</p> <p>30 October 2017 - Letters are currently being drafted to Local members of Parliament referencing the inconsistencies of the clause.</p>	Primary Cost:
16-Oct-17	14.2	NOM 1377 - McClelland Gallery Interconnectedness and Peninsula Link Cr Bolam	<p>Council Decision: That a report be provided to Council on:</p> <ol style="list-style-type: none"> 1. Improving relations with the McClelland Gallery; and furthering its interconnectedness within the greater Frankston community; 2. The potential loaning and/or gifting of sculptures - monuments to the municipality in secured and prefabricated locations to improve amenity and civic pride; and 3. Advocacy to the relevant authority on consultation with Frankston City Council/Frankston public on future sculptures - monuments on the Frankston portion of the Peninsula Link (i.e. chrome gnome, 'tree of life' etc.). 4. Advocacy to the relevant authority on the possibility of Frankston City Council utilising additional signage and flags, on the Peninsula Link portion of Frankston, to advertise Frankston and its surrounds (ie. Frankston Nature Conservation Reserve, The Pines Flora and Fauna Reserve, Langwarrin Flora and Fauna Reserve, Ballam Park, Frankston and Seaford foreshores, etc). <p>A report to Council is to be provided in December on the outcomes of the above four considerations.</p> <p>C/U</p>	Andrew Moon	<p>05 February 2018 - Director Community Development comments - the new Director has commenced work at the Gallery. A meeting to discuss partnerships opportunities was held. A report will be submitted to March 2018 meeting.</p> <p>15 January 2018 - Coming back to Council for an update in March 2018</p> <p>27 November 2017 - A report is currently scheduled to come to OM11/12/2017</p> <p>31 October 2017 - Currently scheduling a meeting with Cr Bolam</p>	Primary Cost:
16-Oct-17	14.6	NOM 1381 - Committee for the Future Occupancy of Linen House Cr Hampton	<p>Council Decision: That a committee of interested Councillors, Chief Executive Officer and appropriate Council officers be formed to oversee the future occupancy of Linen House including the Expressions of Interest (EOI) that go out to organisations interested in participating.</p> <p>That this committee meet on a monthly basis and report back to Council on the issues covered.</p> <p>C/U</p>	Liz Daley	<p>01 March 2018 - Consultant has been appointed to assist with EOI process. Committee meeting is planned for 5 March 2018.</p> <p>15 January 2018 - The EOI process is being developed. Now that the holiday period has concluded, the Committee will be convened to meet at the beginning of February.</p> <p>27 November 2017 - Expression of Interest process, including committee, being drafted.</p> <p>31 October 2017 - Committee will be established.</p>	Primary Cost:
16-Oct-17	14.7	NOM 1382 - Increased Community Gardens in Frankston City Cr Toms	<p>Council Decision: That a report be provided at the March 2018 Council Meeting on the practice of Community Gardens in the Frankston municipality. This report must consider:</p> <ol style="list-style-type: none"> 1. Evaluation on how the four present sites are operating and what could be done to improve them. 2. Introduction of new sites to achieve greater municipal balance – Karingal, Seaford, Carrum Downs, Skye and Frankston South. 3. Investigate how to encourage residents / neighbourhood to create their own community garden cooperative. This is to include (but not limited to) grants, staff information sessions for residents, seeds and permit rental modification. <p>C/U</p>	Liz Daley	<p>26 February 2018 - Report will be provided to 13 March 2018 Council Meeting.</p> <p>05 February 2018 - Report will be provided to March 2018 Council Meeting as per resolution</p> <p>31 October 2017 - Report will be provided to March 2018 Council Meeting</p>	Primary Cost:

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Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
16-Oct-17	14.8	NOM 1383 - Lack of consultation for Frankston Nature Conservation Reserve Cr McCormack	That Council: 1. Writes to the Minister for the Environment, the Hon Lily D'Ambrosio MP, expressing concern that there has been: (a) No community consultation regarding current management arrangements for Frankston Nature Conservation Reserve; and (b) No community consultation regarding access arrangements for Frankston Nature Conservation Reserve under the current management, noting that the reserve is presently closed to the public and that the Master Plan successfully implemented at the reserve, received overwhelming community endorsement during a thorough consultation period. 2. Seeks a meeting with Parks Victoria forthwith to discuss their future management and their proposed access arrangements. C/U	Michael Papageorgiou	15 January 2018 - The letter to Minister D'Ambrosia was sent. Council officers have since met with Parks Victoria staff who have undertaken to provide regular updates to Council on arrangements for Public Access to the Frankston Nature Conservation Reserve. 31 October 2017 - A letter is currently being drafted to Minister for Environment Hon Lily D'Ambrosio expressing Councils concern	Primary Cost:
20-Nov-17	14.1	NOM 1384 - City Wide Summit Cr Bolam	Council Decision: That a report be provided at the January Ordinary Meeting on consolidated data derived during numerous public consultations (i.e. 'Think Big' workshops, Frankston 2025 brainstorming, Frankston City Community Plan outcomes etc.) in relation to unexplored initiatives designed to improve the image of Frankston; and enhance civic pride. The ideas considered in the context of this report to Council should be tangible, realistic and within the confines of local government purview. Carried	Liz Daley	01 March 2018 -Request to archive NoM 26 February 2018 - A meeting was held with Cr Bolam and Officers on 19 February 2018 to clarify request. Officers are developing a report for 23 April 2018 Council Meeting. 05 February 2018 - Director Community Development comment - Report considered at OM 29 January 2018. A further report called for February meeting, which is not achievable. A meeting is being arranged with Cr Bolam to explore request further. A report will be submitted to March or April 2018 meeting. 15 January 2018 - Work is in progress for a report to come back to January Council meeting.	Primary Cost:
20-Nov-17	14.2	NOM 1385 - The Pines Flora and Fauna Reserve Cr Bolam	Council Decision: That a meeting be sought with Parks Victoria regarding the Pines Flora and Fauna Reserve. The Council is to request the meeting on the basis of: 1. The ongoing dumping of rubbish and vehicles in the reserve; 2. How Frankston City Council can work more closely with Parks Victoria and the 'Friends of the Pines Flora and Fauna Reserve' group insofar enhancing public safety and increased compliance with Frankston City Council and Parks Victoria bylaws. 3. Anti-social behaviour in the reserve including the use of monkey bikes/motorised scooters, vandalism, illegal fires and the consumption of alcohol; and 4. Exploring the installation of CCTV and signage (to deter anti-social behaviour) at the entrances of the reserve (notably the Ballarto Rd entrance). As well as appropriate Frankston City Council staff, interested Councillors, Parks Victoria representatives and the relevant local state member/s are to be invited (Paul Edbrooke MP and Sonya Kilkenny MP), as well as any representatives from the 'Friends of the Pines Flora and Fauna Reserve'. Carried	Michael Papageorgiou	02 March 2018 - Council officers have met with local MP to discuss cameras in the park. This is being followed up with Parks Vic. Operations Centre are preparing signs for the entrances.. 26 February 2018 - Council's officers have met with Parks Victoria, Victoria Police, and state member to share information and discuss concerns. 05 January 2018 - A meeting has been scheduled for 12 February as per NOM. 15 January 2018 - Council's environment and local laws officers have met to determine the invite list and will send out invitations for a meeting with Parks Victoria to be held in late Jan/Feb 2018. A particular difficulty to consider is that the Local Law officers have no jurisdiction within Pines F & F Reserve. A meeting has been scheduled for 12 February as per NOM.	Primary Cost:
20-Nov-17	14.4	NOM 1387 - Central Park in Frankston Cr Aitken	Council Decision: That a working party be established of appropriate officers and interested Councillors and any other party that the Councillors or Officers may see fit to consider various options, with a view, to establishing a significant green space in the Frankston town centre i.e. a central park, the results of which will be reported back to Council. The first meeting of the working party would be held prior to the Christmas break. Carried	Kate Jewell	26 February 2018 - Second meeting held 5 February 2018. Whilst options remain to acquire suitable sites within the city centre, this is a long and costly exercise. Officers suggested the redevelopment of Council owned land within the CAA, with Cr Aitken stating that the Sherlock and Hay site was the only real option due to it's proximity to transport and the retail core. Officers suggested a public park could be incorporated into a redevelopment of the site, ideally for a Gov Hub use combining Federal, State and Local government. It was suggested that Councillors seek the support of their fellow Councillors to promote this project onto the Council Plan. 05 February 2018 - Second meeting scheduled 5 February 2018 15 January 2018 - Executive Manager Frankston Revitalisation noted NOM and is investigating the NOM. Inception meeting held on Friday 15 December 2017. Second meeting planned for early February 2018.	Primary Cost:

Notice of Motion Report

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
11-Dec-17	14.2	NOM 1389 - Ballam Park Precinct Improvements Cr Bolam	<p>Council Decision: 1. That a report be provided to Council at the February 2018 Ordinary Meeting on the Ballam Park precinct regarding the following: a) The susceptibility of the newly created concrete wall to vandalism (graffiti) at Ballam Park; b) The nature of ongoing delays concerning recently upgraded play equipment at Ballam Park (i.e. soft fall area) c) Whether the existing toilets in the Ballam Park precinct are adequate and secure. If improvements are identified, costings are to be incorporated in the report back to Council. d) Programming the Ballam Park precinct in the routine cleaning of graffiti from landmark signage; e) Whether any remedial works are required at the Ballam Park Athletics Track and the possibility of undertaking plantings on the outer fence line of the Ballam Park Athletics Track. If scope or improvements are identified, costings are to be incorporated in the report back to Council. f) Advocacy to Public Transport Victoria (PTV) on the need for the installation of a mesh fitting (as opposed to glass) at the bus stop outside the Old Peninsula Private Hospital on Cranbourne Road; and g) Audit of bins, drinking fountains and dog waste disposal units throughout the precinct to assess whether additional resources are required. If improvements are identified, costings are to be incorporated in the report back to Council. 2. The report must also provide funding estimates for the following items to be considered during the 2018/2019 Budget and/or within the context of the Ballam Park Masterplan: a) The reactivation of the water fountain at Ballam Park; b) The repair of historical fence associated with the Ballam Park Homestead; c) Repairs and upgrade/s required at the Ballam Park Homestead; d) The reinstatement of the windmill facing Cranbourne Road from Ballam Park; e) The creation of a dog 'roam free' area (ie. fencing, signage, water provisions, pet friendly agility and play equipment, waste bags etc.) in the space between the Telecom Substation and the Ballam Park Homestead; and f) Wellness equipment for adults / seniors; and g) Illumination of the prominent Ballam Park gateway signage adjacent to the water fountain.</p> <p>Carried</p>	Vishal Gupta	26 February 2018 - An interim report has been presented to Council at its meeting on 19 February 2018. A further report will be presented on 14 May 2018. 05 February 2018 - Report is currently being prepared for consideration by Council at its meeting on 19 February 2018 15 January 2018 - In line with NOM 1389, report will be presented to the Council at its meeting on 19 February 2018.	Primary Cost:
11-Dec-17	14.3	NOM 1390 - Exploration of Local Laws Cr Bolam	<p>Council Decision: That a report be provided to Council at the February 2018 Council Meeting on the adoption of the following local laws in effect elsewhere in Victoria: 1. Hobson Bay City Council: Community Local Law, 48. Irresponsible Driving; 2. Melton City Council: General Law Part 3, 36. Interference from Adjoining Property, 35. Interference With Council Assets, 34. Noise from Vehicle Sound Equipment and 32. Consumption and Possession of Liquor; 3. Banyule City Council: General Local Law No. 1, 8.4. Behaviour in a Municipal Place or on Council Land and 8.5. Direction by an Authorised Officer in a Municipal Place or on Council Land; and 4. City of Casey: Community Local Law, 31. Abandoned or Derelict Vehicles and 32. Vehicles in a Public Place. The following are to also be explored with a view to potential inclusion in Frankston City Council's General Local Law No.8: 1. Public auctions, and disclosure of the outcome of public auctions, relating to abandoned vehicles (i.e. cars, boats, trailers, caravans etc.) seized by Frankston City Council; 2. Greater controls to deter recalcitrant 'house parties' as implemented by Gold Coast City Council (and presently under consideration by Mornington Peninsula Shire Council); and 3. The use of powered aeronautic devices (including, by definition, remote controlled camera drones) on/from public areas.</p> <p>Carried</p>	Leonie Reints	26 February 2018 - Recommendations in this report were carried at Ordinary Meeting 19 February 2018. A further report is to be presented to Council in April 2018 to provide council with an update on the work being undertaken in relation to Party Houses. 05 February 2018 - A report is to be presented to Open Meeting 19 February 2018. 15 January 2018 - A report is currently being written and is to be presented to council meeting in February 2018.	Primary Cost:
11-Dec-17	C.8	NOM 1391 - Apsley Place Concerns Cr Bolam	Under Separate Cover	Michael Papageorgiou/Leonie Reints	Under Separate Cover	Primary Cost:
29-Jan-18	14.1	2018/NOM 1 - Visitor Information Centre Cr Cunial	<p>Council Decision: Notwithstanding the decision taken by Council at its meeting held on 16 October 2017 to move the Visitor Information Centre at the foreshore to a more central location in the CAA, the Chief Executive Officer is requested to provide a report on options for a continued Visitor Information Centre presence at the current location on the foreshore. In developing the report, the Chief Executive Officer shall ensure that the current volunteers and staff are consulted on the options. Such consultation, in the first instance, is to include a meeting of interested Councillors, appropriate volunteers and staff of the Visitor Information Centre (VIC) to discuss various possibilities. That this meeting be held in the next fortnight, preferably in the evening, to better enable Councillors, volunteers and staff to attend. If a further meeting is required, then that can be decided at the conclusion of this initial meeting. The report is to be brought back to Council at its meeting held on 13 March 2018.</p>	Sam Jackson	01 March 2018 - Due to difficulty in finding a suitable date for a meeting with Councillors, volunteers and staff, Officers were not able to schedule a meeting on a date that enabled us to meet the March reporting requirements. The date of the requested meeting is Thursday, 15 March 2018. At this stage Officers are planning to meet the requirements of the NOM and report back at the 3 April 2018 Ordinary Meeting of Council.	Primary Cost:
29-Jan-18	14.2	2018/NOM 2 - Election Advocacy Cr Cunial	<p>Council Decision: That the matter be deferred pending discussions with the Sub Committee.</p>	Sam Jackson	01 March 2018 - Further consideration of this NOM was deferred pending discussion at Council's Advocacy Sub-committee. The scheduled Sub-committee meeting had to be postponed due to the Prime Minister and the Victorian Transport Minister both visiting Frankston at the time of the meeting. This has now been rescheduled to Monday, 5 March 2018	Primary Cost:

Notice of Motion Report

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
19-Feb-18	14.1	2018/NOM4 - Emergency Grants Cr Bolam	<p>Council Decision:</p> <p>That the Chief Executive Officer is to provide a report to Council at the April 2018 Ordinary Meeting, in light of the recent out-of-budget funding request from Life-Gate Inc., regarding a process for community groups and sporting clubs to make (where there is a necessitated need) 'emergency' or 'urgent' funding requests to Council outside of the budget process via a defined funding pool.</p> <p>The report is to:</p> <ol style="list-style-type: none"> 1. Consider other active models that could be modified to a Frankston City Council version (i.e. Kingston City Council's 'Quick Grants' process); 2. What constitutes an 'emergency' and/or 'urgent' grant; 3. Consider an appropriate ceiling for individual grants; and 4. Consider a sufficient overall annual allocation for 'Emergency Grants'. <p>The report is to provide a recommended model and/or options to be incorporated in the 2018/2019 Budget and thereafter.</p> <p>Carried Unanimously</p>	Liz Daley/Michael Craighead	01 March 2018 - Work has commenced on reviewing existing legislation, previous legal advice and other Council processes. A report will be prepared for the late May meeting.	Primary Cost:
19-Feb-18	14.2	2018/NOM5 - Rescission Motion - Commercial Foreshore Parking Permits Cr O'Reilly	<p>Council Decision:</p> <p>Cr O'Reilly, Cr Cunial and Cr Hampton, hereby give notice that at the next appropriate meeting of Frankston City Council that they will move that the following decision of Council made at Ordinary Meeting 2018/OM1 held on Monday 29 January 2018 regarding Item 12.8: Commercial Foreshore Parking Permits be rescinded:</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Notes the current Foreshore Parking Permit Guidelines which were to assist with easing congestion in foreshore carparks, are due for review in 2019. 2. Notes the issuing of additional permits to all commercial ratepayers is estimated to be \$85K per annum comprising \$70K loss of revenue and \$15K printing and postage of permits. 3. Approves issuing up to 2 foreshore parking permits to commercial ratepayers who live outside the Frankston municipality, subject to the following conditions: <ol style="list-style-type: none"> a) That permits would be applied for online providing ABN Registration details, and b) The registration number of the vehicle utilising the permit must be provided with their application and displayed on the permit <p>Carried</p>	Leonie Reints	01 March 2018 - Officers will continue to issue Foreshore Parking Permits in line with the existing guidelines with a review to be undertaken after 12 months in 2019. Request to archive NoM.	Primary Cost:
19-Feb-18	14.3	2018/NOM6 - Letter to the Minister regarding Level Crossing Removal Projects Cr Bolam	<p>Council Decision:</p> <p>That in light of the fact that no funding packages have been made available to communities and businesses affected by the Level Crossing Removal at Skye/Overton Road, the closure of Eel Race Road, and the government's decision to locate a new train stabling facility at Kananook, that Council write to the Minister for Public Transport, the Hon. Jacinta Allan MP, to call for a consistent approach to the provision of funding to communities and businesses affected by Level Crossing Removal Projects (defined community benefit/compensation).</p> <p>The letter should also include a request that all crossing removal projects should incorporate a common protocol for asset ownership and maintenance to ensure consistency and equity for all local government areas impacted by Level Crossing Removal.</p> <p>Carried Unanimously</p>	Kate Jewell	01 March 2018 - Letter has been prepared and forwarded, no response to date.	Primary Cost:

Executive Summary**12.4 Payment of Councillors' Part B (Superannuation Equivalent) Allowances**

Enquiries: (Michael Craighead: Corporate Development)

Council Plan

Community Outcome:	3. A Well Governed City
Strategy:	3.1 Accountable Governance
Priority Action	3.1.1 The elected representatives will provide clear and unified direction, transparent decision makers and good governance

Purpose

For Council to consider a change to the payment schedule for Councillors' Part B (superannuation equivalent) allowances from quarterly in-arrears, to monthly in-advance to correspond with Councillor allowance payments.

Recommendation (Director Corporate Development)

That the payment schedule for Councillors' Part B (superannuation equivalent) allowances be changed to monthly in-advance.

Key Points / Issues

- Section 74 of the *Local Government Act 1989* ('Act') provides for Council to pay an allowance to the Mayor and each Councillor, within the range specified by the Minister for Local Government ('Minister').
- The Mayoral and Councillor allowances are made up of two components:
 - Part A (the main component) is currently set at a maximum limit of up to \$96,534 per annum for the Mayor and up to \$30,223 per annum for Councillors.
 - Part B is the equivalent of the superannuation guarantee contribution (currently 9.5%) which is paid in addition to the Part A component.
- By Order in Council dated 3 July 2012, the payment of Mayoral and Councillor allowances "is not to exceed more than one month in advance".
- Part A of the Mayoral and Councillor allowances is currently paid monthly in advance. The Part B component is currently paid into the approved superannuation fund nominated by the Mayor and each Councillor, on a quarterly in-arrears basis.
- It has been suggested that it may be appropriate to align the payment of the Councillor allowance and the Part B component.
- There is no legal or other impediment to implementing this change.

Financial Impact

The State Government has introduced the "Fair Go Rates" system, placing a cap on Council rates which has restricted the level of increases that Council can apply to its rate revenue. Rate revenue constitutes 63 per cent of all Council revenue.

The rate cap over the past two financial years has been 2.5 per cent and 2.0 per cent respectively and will be 2.25 per cent in 2018-2019.

12.4 Payment of Councillors' Part B (Superannuation Equivalent) Allowances**Executive Summary**

The rate cap percentages are based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services. The cost of providing Council services has been increasing well in advance of the rate cap applied by State Government.

Over time this trend may lead to a reduction in the levels of service provided to the community and in Councils ability to fund both new facilities and the ongoing renewal of existing facilities.

Council will continue to evaluate the impacts of rate capping annually and needs to be mindful of these outcomes in all Council decisions.

It is not expected that there is any material cost to making the change to payments.

Consultation**1. External Stakeholders**

Local Government Victoria has confirmed that the Part B (superannuation equivalent) component of the allowances cannot be paid more than one month in advance. This is because it is subject to the same Order in Council restriction on advance payment as the Part A component.

2. Other Stakeholders

Council's Governance, Finance and Human Resources teams have provided input to this report.

Analysis (Environmental / Economic / Social Implications)

Nil.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

All matters relevant to the Charter of Human Rights and Responsibilities have been considered in the preparation of this report and are consistent with the standards set by the Charter.

Legal

Section 74 of the Act provides for Council to pay an allowance to the Mayor and each Councillor. The allowances consist of two components: Part A is the main component, which is an amount set annually by the Minister. Part B is an additional 9.5% of the main component, which is equivalent to the superannuation guarantee contribution.

By Order in Council dated 3 July 2012, Mayoral and Councillor allowances cannot be paid more than one month in advance.

Councillors are elected to Council rather than employed by Council, and they receive an allowance rather than a salary or wage. Thus, whilst the Part B component of the allowance is equivalent to superannuation, it is technically not superannuation but part of the allowance which is subject to the same Order in Council restriction as the Part A component.

The Superannuation Guarantee Legislation imposes requirements on employers regarding the payment of superannuation contributions for their employees, including that contributions must be made by the 28th day following the end of each quarter (that is, by 28 October, 28 January, 28 April and 28 July). However, these requirements do not apply to Councillors' Part B allowances.

12.4 Payment of Councillors' Part B (Superannuation Equivalent) Allowances**Executive Summary**

There does not appear to be any legal reason which would prevent changing the payment schedule for Councillors' Part B (superannuation equivalent) allowances from quarterly in-arrears, to monthly in-advance. Enquiries with Office of Local Government did not raise any issues with this proposed change.

Policy Impacts

Nil.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no conflict of interest in this matter.

Risk Mitigation

Nil.

Conclusion

It has been suggested that it may be more appropriate to align the payment of Councillor allowances and Part B superannuation, with both to be paid monthly in advance.

Should Council resolve to implement a new monthly in-advance payment schedule, the necessary modifications to the current arrangements will be made.

ATTACHMENTS

Nil

Executive Summary

12.5 The new Local Government Act - final stage consultation

Enquiries: (Michael Craighead: Corporate Development)

Council Plan

Community Outcome:	3. A Well Governed City
Strategy:	3.1 Accountable Governance
Priority Action	3.1.2 The elected representatives will promote powerful advocacy, meaningful engagement and credible reputation

Purpose

To obtain Council's endorsement of the attached draft submission to the final stage of consultation about the new *Local Government Act*.

Recommendation (Director Corporate Development)

That Council endorses the submission which is included as Attachment A, and authorises the submission to be sent to the Local Government Act Review Secretariat prior to the deadline of 16 March 2018.

Key Points / Issues

- The *Local Government Bill 2018* is expected to repeal and replace the current *Local Government Act 1989*. Local Government Victoria ('LGV') has indicated that the first provisions are intended to come into effect in early to mid-2018 on a staged basis, and the last of the provisions are to commence operation for the next Council elections.
- The draft *Local Government Bill 2018* ('draft Bill') represents a significant shift from providing detail in legislation, to providing guidance with a view to increasing the autonomy of councils. Where detail is required, this is to be supplied through regulation and best practice guidelines.
- LGV has conducted extensive engagement with councils, ratepayers, the wider community and specific stakeholders; preparation of the draft Bill was preceded by 3 stages of consultation:
 - Stage 1 Reform ideas – Release of discussion paper inviting ideas for reform - September 2015.
 - Stage 2 Policy directions – Release of directions paper seeking comments on proposed reform directions - June 2016.
 - Stage 3 Implementation Challenges – targeted consultation to identify issues with specific reforms – through 2017.
 - Stage 4 Identification of final adjustments - The purpose of the fourth and final stage of consultation is to enable LGV to identify any final adjustments that may need to be made to the wording, before the Minister takes a final Bill into the Parliament in early 2018. LGV is seeking comments and feedback about any technical issues with the draft Bill, for example:
 - inconsistencies between clauses
 - clauses that are ambiguous or open to more than one interpretation
 - clauses that will not work in practice

12.5 The new Local Government Act - final stage consultation**Executive Summary**

- typographical or grammatical errors.
- LGV has indicated that it will accept submissions on the substance of the changes but stated that 'given the consultation already undertaken, what we are particularly interested in is whether the provisions of the draft Bill can operate effectively in practice and do not have any unintended consequences or create any unnecessary processes or prescription as the submissions will be used to inform the final drafting of the Bill.'
- Council has two opportunities to provide input or feedback to the draft Bill – via the Municipal Association of Victoria's submission on behalf of the sector, or direct to LGV (or both).
- The original deadline for submissions to Stage 4 was 23 February 2017, but this has been extended to 16 March 2018. The final opportunity for Council to endorse a submission to the review will be at its meeting on 13 March 2018.
- At a briefing on 31 January 2018 Councillors were taken through the Minister's summary of the key changes and invited to provide feedback for incorporation into Council's submission to the review.
- The draft Bill and explanatory documents were also circulated to Council managers, with a request for comments regarding any matters of concern to their particular departments.
- Feedback obtained from Councillors and Council managers has been incorporated into a draft submission which is included as [Attachment A](#) to this report.

Financial Impact

The State Government has introduced the "Fair Go Rates" system, placing a cap on Council rates which has restricted the level of increases that Council can apply to its rate revenue. Rate revenue constitutes 63 per cent of all Council revenue.

The rate cap over the past two financial years has been 2.5 per cent and 2.0 per cent respectively and will be 2.25 per cent in 2018-2019.

The rate cap percentages are based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services. The cost of providing Council services has been increasing well in advance of the rate cap applied by State Government.

Over time this trend may lead to a reduction in the levels of service provided to the community and in Councils ability to fund both new facilities and the ongoing renewal of existing facilities.

Council will continue to evaluate the impacts of rate capping annually and needs to be mindful of these outcomes in all Council decisions.

The draft submission outlines concerns about the rate capping system.

Consultation**1. External Stakeholders**

The Local Government Review Secretariat has conducted extensive consultation with the community and stakeholders.

12.5 The new Local Government Act - final stage consultation**Executive Summary**

Members of the public can make individual submissions to the review – information about how to make a submission is available on the dedicated website: www.yourcouncilyourcommunity.vic.gov.au

2. Other Stakeholders

Information about the opportunity to make a submission to Stage 4 of the consultation process (including links to the draft Bill and accompanying documents) was emailed to EMT and Managers on 19 December 2017.

Analysis (Environmental / Economic / Social Implications)

Victoria's existing *Local Government Act 1989* is the oldest and most amended Local Government Act in Australia. The numerous amendments have resulted in a document that is exceedingly long and complicated, incoherent in parts, and generally outdated. The draft Bill is intended to more clearly define the outcomes that councils are required to achieve, and to give councils greater autonomy to determine how to achieve them.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report.

Legal

Submissions to the final consultation stage will inform any necessary amendments to the draft Bill. The Minister for Local Government will then take a final Bill into the Parliament, proposing that it become the new Local Government Act.

Policy Impacts

If the Bill is adopted and becomes the new *Local Government Act 2018*, many of Council's policies will need to be amended to reflect relevant changes.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no conflict of interest in this matter.

Risk Mitigation

Not applicable.

Conclusion

The final stage of consultation regarding the draft Bill will close on 16 March 2018, and Council has the opportunity to make a submission to the review should it wish to do so.

Given the consultation already undertaken about the substance of the draft Bill, the Minister is now particularly interested in submissions that will assist in finalising the draft; for example, whether its provisions can operate effectively in practice and whether they will have any unintended consequences or create any unnecessary processes or prescription.

The attached draft submission has been prepared, based on comments and feedback from Councillors and Council managers. Council's endorsement of the draft submission is now sought.

12.5 The new Local Government Act - final stage consultation

Executive Summary

ATTACHMENTS

Attachment A: [↓](#) Draft submission to Local Government Bill exposure draft



Submission Template

Local Government Bill – Exposure Draft

Name	Dennis Hovenden
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If you work in an organisation or council, please provide the following information:

Organisation or council name	Frankston City Council
Position	Chief Executive Officer
Are you providing this submission on behalf of the organisation or council?	Councillors' comments appear in blue font; officers' comments appear in maroon font.

Key information about making a submission

What feedback should I provide on the exposure draft bill?

Following an extensive consultation process that considered the policy issues that underpin the Local Government Act, we are now seeking feedback on the Local Government Exposure Draft Bill to inform the final draft legislation before the Government reviews it to present to the Victorian Parliament. We strongly encourage you to read the explanatory document (*A New Local Government Act for Victoria*) to assist you to navigate the draft legislation.

What is the closing date for submissions?

The closing date for submissions is **5:00 pm, Friday 23 February 2018**. Given that the draft bill is subject to parliamentary timeframes, submissions received after this date will be considered at the Government's discretion.

How do I make a submission?

Submissions can be made in three ways:

- **Online** by uploading your submission to the www.yourcouncilyourcommunity.vic.gov.au website
- **Emailing** your submission to local.government@delwp.vic.gov.au
- **Posting** your submission to:
Local Government Act Review Secretariat
C/o Local Government Victoria,
PO Box 500, Melbourne VIC 3002

How do I complete this template?

To complete this template:

- (1) Locate the part of the Draft Bill you wish to comment on.
- (2) Insert the clause number, your level of support for the clause, the proposed change and any other comments into the table.

Can I provide a submission in another format?

It is strongly preferred for submissions to be made by completing this template. However, if another format suits your needs or the requirements of your organisation you are welcome to use another format.

Will submissions be made publicly available?

Written submissions and the name of the author will be published on the www.yourcouncilyourcommunity.vic.gov.au website unless confidentiality is requested and the Executive Director of Local Government Victoria grants it, or if it is determined your submission should remain confidential. Submissions that are defamatory or offensive will not be published.

Please contact the Local Government Act Review Secretariat if you have any questions on (03) 9948 8518 or local.government@delwp.vic.gov.au



Part 1: Preliminary

Clause (No.)	Support / Do Not Support / Neutral	What changes do you propose and why?	Are there any other comments you would like to make on this clause?

Do you have any overall comments on Part 1 of the Exposure Draft Bill?

No comments on Part 1.

Part 2: Councils

Clause (No.)	Support / Do Not Support / Neutral	What changes do you propose and why?	Are there any other comments you would like to make on this clause?
14 Electoral structure of a Council	Support in part	Councillors: Suggest that the Minister should not have the power to change the electoral structure of a council – a change to electoral structure should require bipartisan support.	Councillors: Concern about the potential for gerrymandering.
16 Ward boundary review	Support in part	Councillors: Suggest that the Minister should not have the power to make a recommendation to the Governor in Council regarding a change to ward boundaries – a change to ward boundaries should require bipartisan support.	
17 Role of the Mayor	Support in part	Councillors: Suggest that clause 17 should be expanded to clarify the powers and support available to the Mayor in leading the delivery of the Council plan. Officers: suggest that clarification of “lead” in subclause (c) could reduce the risk of the Mayor being seen to be directing staff in the course of community engagement.	Councillors: Concern that the Mayor is required to report to the community each year on implementation of the Council plan, but does not have any particular power to compel its implementation.
25 Election of Mayor	Support	Officers: Suggest addition of the words shown in bold font to subclause (3)(b): subject to this section, the Chief Executive Officer must conduct the election process in accordance with the Governance Rules.	Officers: It appears that some words have been omitted from subclause (3)(b).
28 Role of a Councillor	Support in part	Councillors: Suggest that clause 28(1) should be expanded to refer to the other roles Councillors fulfil in their communities – for example, mediating and assisting residents to resolve issues.	Councillors: Concern that the role of a Councillor has been too narrowly defined and does not reflect the full range of roles that Councillors fulfil in their communities.
43 The Chief Executive Officer	Support in part	Officers: The provisions in the current Act which require a CEO vacancy to be filled quickly should be included in the Bill.	Officers: The current Act prescribes that a person cannot be the Acting CEO for more than 12 months, and that action must be taken to fill a CEO vacancy as quickly as possible. This ensures a measure of organisational stability.
45 (4) Functions of the Chief Executive Officer –	Support in part	Officers: The status of the workforce plan needs clarification – how and when can it be changed? Given the potential for conflict arising from the provision as drafted, it is suggested that subclauses (4) and (5) be amended as follows:	Officers: Council decisions, and decisions of other levels of Government, can impact significantly on a workforce plan. There should be a mechanism for ensuring that a workforce plan, once developed, is not undermined or contradicted by

<p>workforce plan</p>		<p>(4) For the purposes of subsection (3)(a), a Chief Executive Officer must— (a) develop and maintain a workforce plan (b) inform the Council before implementing changes to the workforce plan that will affect the capacity of the Council to deliver the Council Plan.</p> <p>(5) A Chief Executive Officer must, in developing the workforce plan, comply with any processes and requirements prescribed by the regulations for the purposes of this subsection.</p>	<p>such decisions.</p> <p>There are also potential conflicts between the draft Bill and the requirements of the Fair Work Act and Enterprise Agreements. A consultation clause is a mandatory requirement for approval of Enterprise Agreements by the Fair Work Commission. There is potential for conflict between the requirements of an Enterprise Agreement and clause 45 (4) which requires a CEO to consult with staff on a “proposed organisational restructure” and for such consultation to occur “before implementing the restructure”.</p> <p>The provision could also bring into question which Authority would have jurisdiction in relation to any claimed breaches of the Act.</p> <p>This provision may impact upon the CEO’s ability to ensure the effective and efficient management of the council’s day to day operations as required by clause 45(1)(b).</p> <p>There is also potential for internal conflict within the provision. The requirement in clause (4)(a)(ii) to specify “projected staffing requirements for a period of at least 4 years” may conflict with or foreshadow a proposed restructure on which there may not have been any consultation.</p> <p>It is not clear whether the requirement to have a four year projection for staffing requirements means that the workforce plan is a “static” plan or a rolling plan. Also, do these projections reflect possible or potential staffing changes or are they definite decisions made by the CEO in relation to staffing matters that may arise over a 4 year workforce plan? The issue is critical to CEO’s ability to comply with the consultation obligations under the Fair Work Act, Council’s Enterprise Agreement, and the provisions of this draft Bill.</p>
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47 (1) Members of Council staff	Support in part	Officers: Suggest that clause 47(1) be moved, so that it becomes clause 45(3)(b).	Officers: Clause 47 (1) (“a CEO may appoint as many members of Council staff as are required under the workforce plan...”) would more logically sit under clause 45 (3)(b) which sets out the functions of the CEO.
47 (2) Members of Council staff	Support in part	Officers: The Senior Officer provisions have been removed, except for a reference to senior officers in clause 47(2). It is suggested that the Bill contains a sunset clause that deals with Senior Officer transitional arrangements.	Officers: The draft Bill is silent as to the status of existing Senior Officer employment contracts – this should be clarified and explained. For example are existing contracts null and void as at the date the Act comes into effect? Do existing contracts continue to have full force and effect until their expiry date? Can existing contracts be terminated by mutual agreement? Do Senior Officers automatically become permanent, ongoing employees? A further issue arises with respect to matters such as annual performance and remuneration reviews. Not all council EBAs provide for senior officers to be covered by the terms and conditions of such agreements, so there is no default position for existing senior officers who are not covered by an EBA.
48 Code of Conduct for members of Council Staff	Support in part	Officers: Suggest that a staff code of conduct should be required to also include provisions regarding disclosure of confidential information.	Officers: It would be useful if this clause included a cross-reference to clause 164 (Confidential information).

Do you have any overall comments on Part 2 of the Exposure Draft Bill?

Officers: The relationship between the draft Bill, the Fair Work Act 2009 (FW Act) and councils’ Enterprise Agreements needs to be clarified. The Bill is not employment legislation, and some of the requirements imposed are potentially in conflict with or could contradict provisions of the FW Act and Enterprise Agreements. Which document takes precedence and what Authority has the jurisdiction to resolve disputes or conflicts must be clarified.

Part 3: Council decision making

Clause (No.)	Support / Do Not Support / Neutral	What changes do you propose and why?	Are there any other comments you would like to make on this clause?
55 Community engagement principles	Support	None	Officers: support the community engagement principles, and particularly the specific inclusion of a deliberative process around the Council Plan and Budget.
57 The public transparency principles	Support	None	Council supports the public transparency principles.

Do you have any overall comments on Part 3 of the Exposure Draft Bill?
Council supports the enhanced community engagement processes and the public transparency principles.

Part 4: Planning and financial management

Clause (No.)	Support / Do Not Support / Neutral	What changes do you propose and why?	Are there any other comments you would like to make on this clause?
85 Council Plan	Support in part		Councillors: concern that Council Plan preparation is impeded by rate capping.
86 Financial Plan	Support in part		Councillors: concern that Financial Plan preparation is impeded by rate capping.
87 Asset Plan	Support in part		Councillors: concern that Asset Plan preparation is impeded by rate capping.
88 Revenue and Rating Plan	Support in part		Councillors: concern that Revenue and Rating Plan preparation is impeded by rate capping.

Do you have any overall comments on Part 4 of the Exposure Draft Bill?

No other comments.

Part 5: Rates and charges

Clause (No.)	Support / Do Not Support / Neutral	What changes do you propose and why?	Are there any other comments you would like to make on this clause?
121 Payment	Oppose	Officers: Suggest that municipal rates and service charges should be required to be paid by quarterly instalments, and there should not be an option to pay as a lump sum.	<p>Officers: Local Government is perhaps the only body required to issue an annual notice and allow residents to make a single payment that is seven months in arrears and five months in advance.</p> <p>Offering 'instalment only' payments has had a number of benefits for ratepayers, particularly in relation to more regular communication and engagement, and early intervention with those experiencing financial difficulties. With instalments, the time period between when the notice is first issued and the first instalment payment date is reduced (approximately 2 months rather than 7 months for lump sum) which has minimised the opportunity for the payment to be overlooked and has assisted in ratepayers managing their financial commitments. When both a delayed lump sum and quarterly instalment options are available, it is easy for ratepayers to delay instalment payments and then face a large bill seven months after receiving their rate notice. The 'instalment only' payment option has assisted ratepayers to better manage their financial commitments. Debt collection has commenced earlier on smaller payments once the first instalment is missed. This has provided a greater opportunity of establishing an amicable payment arrangement when the debt is at a more manageable level.</p> <p>Currently the application of penalty interest resulting from lump sum payments causes considerable distress to residents and impacts on Council's relationship with its ratepayers. The 'instalment only' payment method has reduced this distress considerably.</p> <p>It should be noted that residents who wish to pay in a single payment can simply choose to prepay all instalments at the date of the first instalment (30 September).</p>

134 Environmental Upgrade Agreement	Support in part	Officers: Suggest clarification is needed as to whether an environmental upgrade charge may include administration charges to the council (i.e. internal staff resourcing requirements), and the on-charging of service costs if the council decides to outsource to a third party such as the Sustainable Melbourne Fund.	Officers: With clarification of what can be included in the environmental upgrade charge, Council will be better able to estimate the potential costs of offering EUAs to its community, and understand the financial risks to Council should an owner default on repayments (particularly if this charge is used by Council to offset its additional costs in providing EUAs to its community). There is some concern about the additional staff resourcing that will be required following expansion of environmental upgrade agreements to include residents. It is difficult to estimate the likely interest from residents in order to define potential annual administration costs and resources.
140 Definitions (Rate caps)	Oppose	Officers: Service charges should not be included in the rate cap.	Officers: The collapse of the recycling industry and expected zero recycling income will further impact on Councils' ability to mitigate service charges.
141 Minister may set average rate cap by general Order	Oppose	Councillors: Strongly suggest that rate capping should be discontinued.	Councillors: concern that rate capping compromises the financial sustainability of councils, and will undermine their ability to undertake effective 10 year financial planning.

Do you have any overall comments on Part 5 of the Exposure Draft Bill?

No additional comments.

Part 6: Council operations

Clause (No.)	Support / Do Not Support / Neutral	What changes do you propose and why?	Are there any other comments you would like to make on this clause?

Do you have any overall comments on Part 6 of the Exposure Draft Bill?

No comments on Part 6.

Part 7: Council integrity

Clause (No.)	Support / Do Not Support / Neutral	What changes do you propose and why?	Are there any other comments you would like to make on this clause?
163 Directing a member of Council staff	Support in part	Officers: Suggest that clarification is needed regarding how this prohibition could be enforced.	Officers: It would be useful to clarify how an alleged breach would be actioned. How and to whom, would an employee make a complaint?
Division 2 – Conflict of interest	Neutral	Councillors: Suggest that guidance material will need to be provided to the sector to assist Councillors and officers to navigate the new conflict of interest regime.	Councillors: concern that the new conflict of interest provisions are overly complex and substantially different from the previous regime. It may be more difficult for a councillor to determine if they have a conflict of interest, whether an exemption applies, and what they must do, under the new provisions.
172 Lodging of an initial personal interests return	Support in part	Officers: Suggest that subclause (4) could be deleted.	Officers: Subclause (4) does not appear to be necessary.
173 Lodging of a biannual personal interests return	Support in part	Officers: Suggest that subclause (1) could be simplified to read: “A specified person who continues to be a specified person must lodge with the Chief Executive Officer a personal interests return containing the matters prescribed by the regulations by the end of each prescribed period.”	Officers: As a result of the deletion of the “senior officer” provisions, the CEO is the only officer required to have a formal contract of employment. However, under section 173 (1) all “specified persons” who continue to be “specified persons” must complete biannual personal interests returns.
175 Confidentiality of personal interests returns	Support in part	Officers: A provision should be added to ensure that a person can access their own personal interest return, without penalty and without having to obtain a court order.	Officers: Under subclause (2) it appears that a person cannot access their own personal interests return. This seems unreasonable. Whilst a person might reasonably be expected to retain a copy of their return, this may not always occur.

Do you have any overall comments on Part 7 of the Exposure Draft Bill?

No other comments.

Part 8: Ministerial oversight

Clause (No.)	Support / Do Not Support / Neutral	What changes do you propose and why?	Are there any other comments you would like to make on this clause?
243 Suspension of a Councillor	Support in part		Councillors: concern about the potential politicisation of the suspension of a Councillor (or Councillors).

Do you have any overall comments on Part 8 of the Exposure Draft Bill?

Councillors have expressed concern that there is an increasing trend towards assuming guilt and requiring Councillors to prove their innocence, when the reverse should occur.

Part 9: Electoral provisions

Clause (No.)	Support / Do Not Support / Neutral	What changes do you propose and why?	Are there any other comments you would like to make on this clause?

Do you have any overall comments on Part 9 of the Exposure Draft Bill?

No comments on Part 9.

Part 10: General provisions

Clause (No.)	Support / Do Not Support / Neutral	What changes do you propose and why?	Are there any other comments you would like to make on this clause?

Do you have any overall comments on Part 10 of the Exposure Draft Bill?

No comments on Part 10.

Part 11: Consequential amendments and repeals

Clause (No.)	Support / Do Not Support / Neutral	What changes do you propose and why?	Are there any other comments you would like to make on this clause?

Do you have any overall comments on Part 11 of the Exposure Draft Bill?

No comments on Part 11.

Executive Summary**12.6 Footpath along Liddesdale Avenue - Outcome of Community Consultation**

Enquiries: (Vishal Gupta: Community Assets)

Council Plan

Community Outcome:	1. Planned City
Strategy:	1.1 Community Infrastructure
Priority Action	1.1.6 Ensure community infrastructure and services match community need

Purpose

To brief Council on the outcome of the recently completed community consultation for the proposed footpath works along Liddesdale Avenue, Frankston South.

Recommendation (Director Community Assets)

That Council:

1. Notes the outcome of the recent Community Consultation undertaken in relation to the proposed footpath works along Liddesdale Avenue;
2. Supports the construction of the footpath works along the south side of Liddesdale Avenue between the Nepean Highway and Fenton Crescent are scheduled to be completed as a part of the 2017/18 Capital Works program;
3. Approves the installation of a splitter island (including pedestrian refuge) at the intersection of Liddesdale Avenue and Nepean Highway in conjunction with the proposed footpath works (as per item 2), noting that no additional budget is required to complete these works;
4. Does not proceed with the proposed construction of a footpath along Liddesdale Avenue between Fenton Crescent and Kars Street; and
5. Notes the outcome of the recent review of the Local Area Traffic Management program which indicates that the Sweetwater Precinct, which includes Liddesdale Avenue, is considered a medium priority and is scheduled to commence in the 2020/21 Financial Year.

Key Points / Issues

- Council at its meeting on 3 April 2017 (OM299) resolved:

“That Council:

1. *Notes previous investigation for provision of footpath along Liddesdale Avenue.*
2. *Allocates funding in the 2016/2017 Capital Works for construction of footpath on the south side of Liddesdale Avenue at an estimated cost of \$76,885 with a contingency of \$10K.*
3. *Approves a funding variation of \$36K to enable construction this financial year noting that the community will be notified of the project subject to Council approval.*
4. *Further considerations be tabled for future Capital Works funding and community consultation for completion of remaining section of footpath infrastructure from Fenton Crescent to Kars Street.”*

Refer to *Attachment A* for a copy of the report.

12.6 Footpath along Liddesdale Avenue - Outcome of Community Consultation**Executive Summary**

- Council officers have recently completed community consultation as part of delivery of the footpath works along Liddesdale Avenue in the 2017/18 Capital Works Program.
- The community consultation process involved an onsite residents meeting followed by a survey/questionnaire that was sent to all residents (owners and occupiers) along Liddesdale Avenue. Refer to *Attachment B* for a copy of the letter and survey sent out to the residents.
- Council received a total of 20 responses which represents a response rate of 42% (total of 48 survey letters were sent out).
- The key outcomes of the survey are as follows.
 - 65% of respondents support construction of a footpath along Liddesdale Avenue between Nepean Highway and Fenton Crescent. There was a mixed response to the location of the footpath i.e. north side vs south side with no clear preference.
 - Only 40% of respondents support construction of a footpath along Liddesdale Avenue between Fenton Crescent and Kars Street.
 - 90% of respondents support construction of a splitter island (including pedestrian refuge) at the intersection of Nepean Highway and Liddesdale Avenue.
 - 90% of respondents also support completion of a Local Area Traffic Management (LATM) strategy subject to Council's LATM program review and future budget consideration.
- The results of the residents' responses have been compiled and are summarised in *Attachment C*.
- A review of past investigations along with peer review of the matter recently completed by Council Officers has confirmed that the construction of a footpath between Nepean Highway and Fenton Crescent on the south side (over north side) is preferred due to the following key reasons:
 - The steep slope of a number of driveways on the north side of Liddesdale Avenue creates potential pedestrian safety risks (blind spot).
 - The location of a number of power poles on the north side of Liddesdale Avenue poses a potential risk for pedestrian safety, especially pram users walking downhill who would have to potentially navigate narrow sections of the footpath, unless the poles were relocated. This is likely to be an expensive option and subject to further design consideration and assessment by United Energy assessment on its practicality.
 - On the other hand, the proposed footpath on south side provides a direct connection to the:
 - Existing footpath at the intersection of Nepean Highway and Liddesdale Avenue;
 - Existing footpath along the Sweetwater Reserve; and
 - Existing bus stop on the Nepean Highway.

12.6 Footpath along Liddesdale Avenue - Outcome of Community Consultation**Executive Summary**

- Additionally, the provision of splitter island (including pedestrian refuge) at the intersection of Liddesdale Avenue and Nepean Highway will complement the location of footpath on south side and facilitate safer access to the Olivers Hills Boat Ramp via the existing pedestrian crossing point on Nepean Highway. Concept plan is shown as per attachment D.
- Council Officers have recently completed review of LATM program. The review takes into account crash statistics, traffic data and a number of community requests for each identified LATM study area.

The review has indicated that the Sweetwater Precinct which includes Liddesdale Avenue is a medium priority and is scheduled to commence in the Financial Year 2020/21. Currently, Seaford Precinct and Belvedere Precinct are considered as a higher priority and scheduled to commence once Dalpura Circuit Precinct, Frankston LATM strategy (currently underway) is completed.

Financial Impact

The State Government has introduced the “Fair Go Rates” system, placing a cap on Council rates which has restricted the level of increases that Council can apply to its rate revenue. Rate revenue constitutes 63 per cent of all Council revenue.

The rate cap over the past two financial years has been 2.5 per cent and 2.0 per cent respectively and will be 2.25 per cent in 2018-2019.

The rate cap percentages are based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services. The cost of providing Council services has been increasing well in advance of the rate cap applied by State Government.

Over time this trend may lead to a reduction in the levels of service provided to the community and in Councils ability to fund both new facilities and the ongoing renewal of existing facilities.

Council will continue to evaluate the impacts of rate capping annually and needs to be mindful of these outcomes in all Council decisions.

There are financial costs; however, these costs can be accommodated within existing budgets.

Council as part of the FY2017/18 Capital Works Program Project Number 3901 has provided a budget of \$156,277 for the construction of a footpath along Liddesdale Avenue. It is estimated that no additional budget is required to undertake the footpath construction along the south side of Liddesdale Avenue between Nepean Highway and Fenton Crescent together with the installation of a splitter island (including pedestrian refuge) at the intersection of Liddesdale Avenue and Nepean Highway.

Consultation**1. External Stakeholders**

All property owners and occupiers along Liddesdale Avenue have been consulted on the proposed works along Liddesdale Avenue via survey letter. A site meeting was also held with a group of residents in December 2017.

2. Other Stakeholders

The western end of Liddesdale Avenue intersects with the Nepean Highway which is a road managed by VicRoads.

12.6 Footpath along Liddesdale Avenue - Outcome of Community Consultation**Executive Summary**

VicRoads has confirmed its support of the proposed installation of a splitter island at the intersection of Liddesdale Avenue and Nepean Highway.

Analysis (Environmental / Economic / Social Implications)

The provision of footpath along Liddesdale Avenue is regarded as a community benefit which contributes positively to the overall economic and social implications by way of providing a safer means of access and recreation for local residents and the wider community.

The construction of footpath on south side of Liddesdale Avenue between Nepean Highway and Fenton Crescent would require no tree removal. Only limited branch trimming of two trees will be required to facilitate safe pedestrian passage. The trees requiring branch trimming have been assessed by Council's Environmental Planning Officers, who have previously endorsed the extent of trimming.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Legal

Nil

Policy Impacts

The benefits of constructing a footpath along Liddesdale Avenue were recognised by Council through its adoption of the Frankston Paths Development Plan in December 2015 (OM281).

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

It is recognised that the lack of footpath along Liddesdale Avenue between Nepean Highway and Fenton Crescent is a continuing risk to pedestrians. Currently pedestrians share the road with moving traffic and this is undesirable given the high pedestrian activity interacting with vehicles travelling along the road bend and downslope. The provision of an off-road pedestrian path along this section of Liddesdale Avenue will mitigate these risks.

Additionally, the risk to pedestrian safety while crossing Liddesdale Avenue at Nepean Highway could be reduced via the installation of a proposed splitter island (including pedestrian refuge).

Conclusion

The provision of a footpath for the full length of Liddesdale Avenue has been received with 'mixed' opinions by Residents. However, there is evidence of support from the majority of respondents for the construction of footpath along Liddesdale Avenue between Nepean Highway and Fenton Crescent.

This section is considered as the most critical section along Liddesdale Avenue given that this area contains a higher level of risk for pedestrians with the road alignment, elevation, slope and limited sight distance.

12.6 Footpath along Liddesdale Avenue - Outcome of Community Consultation**Executive Summary**

The construction of this section of footpath was previously endorsed by Council as per its resolution of OM299 on 3 April, 2017.

The provision of a footpath for the remaining section of Liddesdale Avenue between Fenton Crescent and Kars Street has not received strong Resident support and is subsequently being recommended to be abandoned on the '*Frankston Paths Development Plan*' previously adopted by Council in December 2015. Furthermore, there is a clear preference from the residents along Liddesdale Avenue to complete the LATM strategy to mitigate traffic related safety concerns.

The construction of a proposed splitter island (including pedestrian refuge) at the intersection of Nepean Highway and Liddesdale Avenue will assist in improving pedestrian safety along Liddesdale Avenue. These works are also supported by VicRoads.

There are sufficient funds available within the FY2017/18 Capital Works Program Project Number 3901 to undertake both the construction of a footpath on the south side of Liddesdale Avenue between Nepean Highway and Fenton Crescent and pedestrian refuge island at the intersection of Nepean Highway and Liddesdale Avenue.

ATTACHMENTS

- Attachment A: [↓](#) Report tabled on Agenda of Council Meeting 3 April 2017 (OM299) Liddesdale Avenue Footpath
- Attachment B: [↓](#) Liddesdale Avenue Footpath - Letter & Survey issued to Residents
- Attachment C: [↓](#) Liddesdale Avenue Footpath - Compilation of Resident Survey Responses
- Attachment D: [↓](#) Liddesdale Avenue - Plan showing proposed Splitter Island Pedestrian Refuge at Nepean Highway



FRANKSTON CITY
COUNCIL

Ordinary Meeting

A G E N D A

3 April 2017

OM299

Reports of Officers

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03 April 2017
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Executive Summary

12.1 Footpath along Liddesdale Avenue

Enquiries: (Andrew Williamson: Community Development)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.1 Plan, build, maintain and retire infrastructure to meet the needs of the city and its residents
Priority Action	3.1.2 Deliver key infrastructure projects on schedule and within budget (Capital Works Program) adopted by Council for 2013-2017

Purpose

To brief Council on the outcome of investigations for proposed footpath along Liddesdale Avenue between Fenton Crescent and Nepean Highway

Recommendation (Director Community Development)

That Council:

1. Notes previous investigation for provision of footpath along Liddesdale Avenue
2. Allocates funding in the 2016/2017 Capital Works for construction of footpath on the south side of Liddesdale Avenue at an estimated cost of \$76,885 with a contingency of \$10K.
3. Approves a funding variation of \$36K to enable construction this financial year noting that the community will be notified of the project subject to Council approval.
4. Further considerations be tabled for future Capital Works funding and community consultation for completion of remaining section of footpath infrastructure from Fenton Crescent to Kars Street.

Key Points / Issues

- As part of the previous study into prioritisation of footpaths across the municipality (*Path Development Plan adopted by Council Dec 2015*), Council identified Liddesdale Avenue as one of its priority sites for construction of a pedestrian footpath between Kars Street and Nepean Highway.
- A design was developed and a proposal was previously presented to the community as a Special Charge Scheme (SCS) in August 2016, following Council's resolution to consider SCS as joint funding contribution option for infrastructure projects. However, this proposal received no support from residents citing concerns with the cost-sharing structure and environmental considerations with a street tree along its proposed alignment.
- Following renewed request to address the lack of footpath along Liddesdale Avenue, Council officers investigated the feasibility of a footpath between Fenton Crescent and Nepean Highway. This section is considered as the most critical given this area contains a higher level of risk for pedestrians with the road alignment, elevation, slope and limited sight distance.
- Accordingly, the revised scope of the project has been reduced to cover a section of Liddesdale Avenue from Fenton Crescent to match existing path at Nepean Highway. A standard 1.5m wide path is proposed.

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12.1 Footpath along Liddesdale Avenue Executive Summary		

- Given the section of Liddesdale on the south side contains site constraints with existing guardrail, street tree and steep embankment, three options have been investigated:

	Scope	Description	Cost Estimate
Option 1	Concrete footpath on north side 280m	Modifications to vehicle crossings, construction of retaining walls, drainage works and relocation of services and assets	\$81,415
Option 2	Concrete footpath on south side 195m	Requires road realignment and reconstruction to accommodate width of path and guardrail	\$216,266
Option 3	Boardwalk and concrete footpath on the south side of Liddesdale Ave. 195m	Boardwalk construction along 60m at location of street tree and guardrail with remaining section constructed as concrete path	\$76,885

- Based on the above considerations, Option 3 is recommended to construct a footpath on the south side of Liddesdale Avenue between Fenton Crescent and Nepean Highway
- This is considered as a first stage approach to the broader provision of a footpath network along Liddesdale Avenue. Remaining section of the road can be considered for future capital works budget considerations and community support.

Financial Impact

For the 2017-2018 financial year, the State Government Minister for Local Government has announced a limit on the amount Victorian councils may increase rates. The cap for the 2017-2018 financial year is 2%. The cap is based on the Consumer Price Index expected for the financial year.

This cap has a significant effect on Council's current Long Term Financial Planning, with rate revenue being \$9 million less than anticipated over the first four years, growing to \$17 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

Council currently has \$50K budget allocated as part of its 2016/17 budget to proceed with construction of footpath on this section of Liddesdale Avenue. The estimated cost for Option 3 is \$76,885 plus a contingency of \$10K. therefore it is recommended that the work be done this financial year pending a variation approval for \$36K.

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12.1 Footpath along Liddesdale Avenue

Executive Summary

Consultation

1. External Stakeholders

Previous community consultations were undertaken with residents as part of the Special Charge Scheme option in August 2016. This has since been abandoned given no support for this cost-sharing structure.

Residents will be notified of the outcome of the current discussions outlining the construction of the footpath option along Fenton Crescent and Nepean Highway.

2. Other Stakeholders

Nil.

Analysis (Environmental / Economic / Social Implications)

The provision of footpath is regarded as a community benefit which contributes to overall economic and social implications. As a public facility, dedicated and constructed footpaths provide a safer means for access and recreation for local residents and community.

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

All matters relevant to the Charter of Human Rights and Responsibilities have been considered in the preparation of this report and are consistent with the standards set by the Charter.

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Legal

Nil.

Policy Impacts

The provision of footpath along Liddesdale Avenue is aligned with the strategic prioritisation project for footpaths across the municipality.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

Council recognises the lack of footpath along this section of Liddesdale Avenue is a continuing risk to the community. Currently, pedestrians share the road with moving traffic and this is undesirable given the high pedestrian activity interacting with vehicles travelling along the road bend and downslope. The provision of an off-road pedestrian facility will mitigate these risks.

Conclusion

The feasibility investigations conclude that the provision of a footpath infrastructure is necessary along this section of Liddesdale Road to address the continuing risks outlined above. The works for Option 3 (boardwalk and concrete path on the south side) is recommended for construction this financial year subject to a \$36K capital works variation approval.

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12.1 Footpath along Liddesdale Avenue

Executive Summary

To complete the footpath network along the remaining section of Liddesdale Avenue, Council can consider funding submissions for future Capital Works budget and subject to community support.

ATTACHMENTS

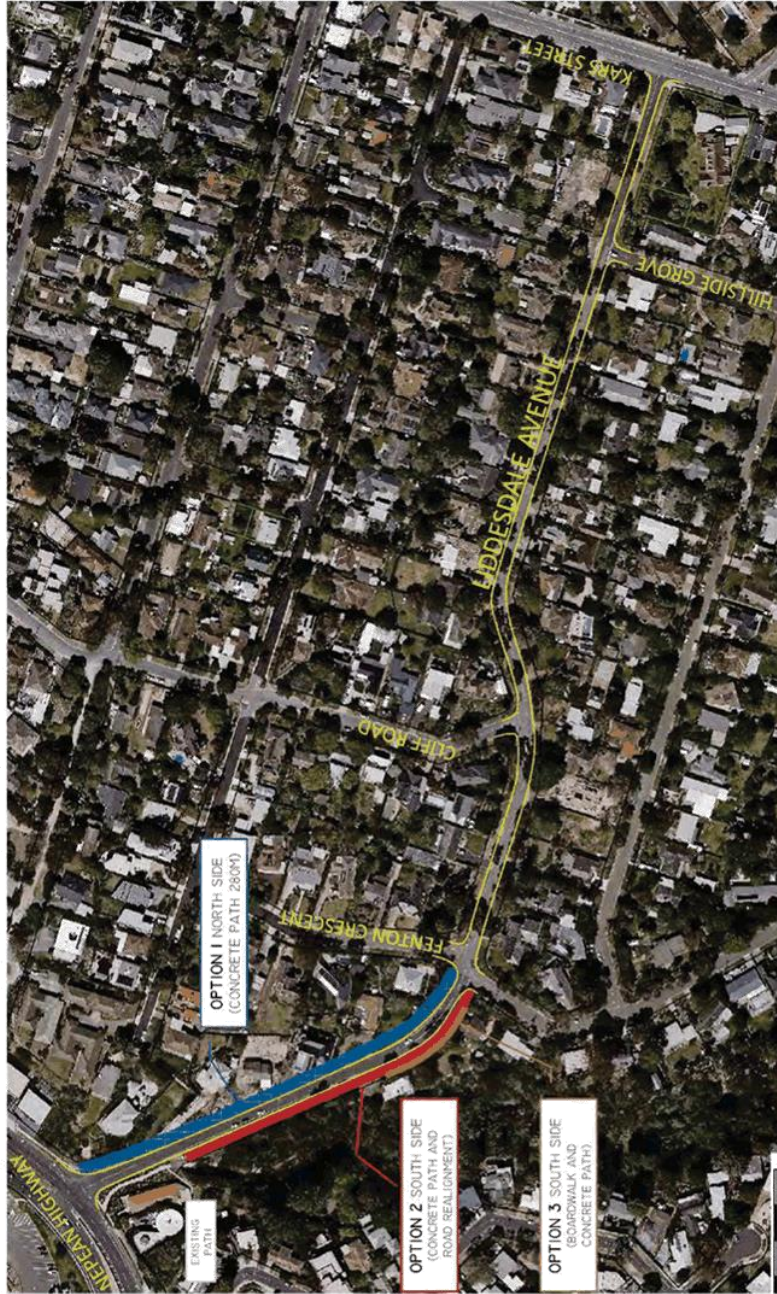
Attachment A: Location of proposed path Liddesdale Avenue

Attachment B: Details of Option 3

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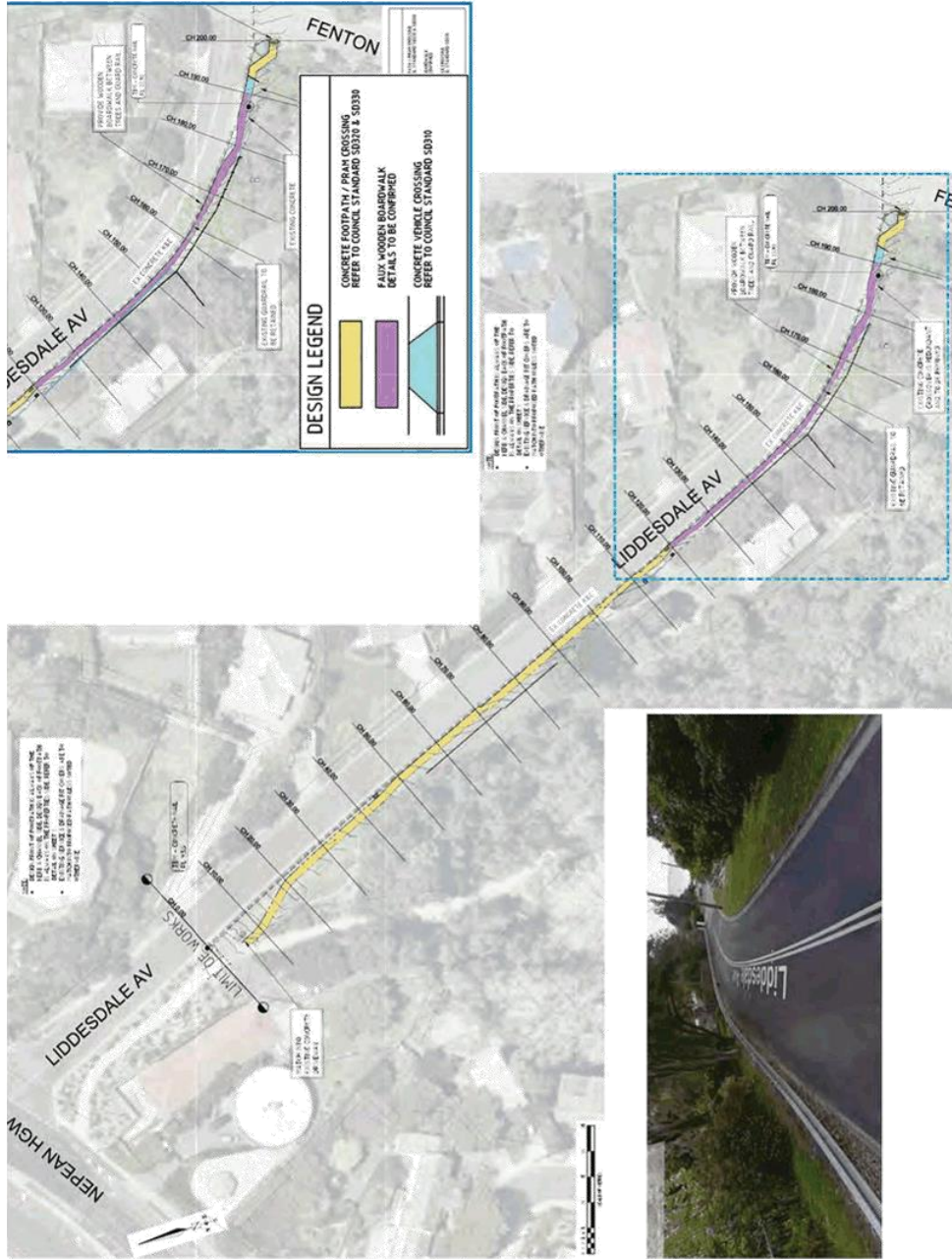
Reports of Officers
12.1 Footpath along Liddesdale Avenue
Attachment A: Location of proposed path Liddesdale Avenue



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12.1 Footpath along Liddesdale Avenue
Attachment B: Details of Option 3



**Frankston City Council**

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22 December 2017

To The Owner/Occupier

Dear Sir/Madam

RE: Liddesdale Avenue, Frankston South – Footpath Works Update

I am writing to you to provide an update in relation to the proposed footpath works along Liddesdale Avenue following Council Officers meeting on 13 December 2017 with a group of concerned residents along Liddesdale Avenue, also attended by Cr. Steve Toms.

Firstly, I would like to express my gratitude to the residents who attended the meeting and provided their valuable feedback on the proposed footpath works. As an immediate outcome of our meeting, I can confirm that all works along Liddesdale Avenue are now put on hold pending further consultation and a decision by Council in early 2018.

Strategic Overview

By way of background, the need for a footpath along Liddesdale Avenue has been proposed in response to numerous community concerns expressed in relation to pedestrian safety along Liddesdale Avenue. The problem arises from need for sharing the road with traffic due to lack of footpaths. The situation is further exacerbated due to road characteristics such as road width, bends, slope and high speed of traffic along Liddesdale Avenue.

Given that Liddesdale Avenue is classified as a Collector Street providing a very important and strategic connection between Kars Street and Nepean Highway, the existing arrangement (pedestrians sharing the roadway with traffic) is considered both undesirable and unsafe, mainly from the pedestrian safety perspective.

Footpath between Nepean Highway and Fenton Crescent

The proposal to construct a footpath on south side of Liddesdale Avenue between Nepean Highway and Fenton Crescent was previously considered and endorsed by Council at its meeting on **3 April 2017**.

**Frankston City Council**

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A review of past investigations along with peer review of the matter recently has confirmed that the construction of footpath between Nepean Highway and Fenton Crescent on the south side (over north side) is **preferred** due to the following key reasons:

- The steep slope of number of driveways on the north side creates potential pedestrian safety risks, especially when vehicles are reversing out of the driveways (blind spot).
- The location of a number of power poles on the north side poses potential risk for pedestrian safety especially pram users walking downhill who would have to potentially navigate narrow sections of the footpath, unless the poles can be relocated. This is likely to be an expensive option and subject to further design consideration and United Energy assessment on its practicality.
- On the other hand, the proposed footpath on south side provides a direct connection to the:
 - existing footpath at the intersection of Nepean Highway and Liddesdale Avenue;
 - existing footpath along the Sweetwater Reserve; and
 - existing bus stop on the Nepean Highway.

Furthermore, the assessment by Council's Environmental Planner has previously confirmed that one limb of the existing 'Red Flowering Gum (*Corymbia ficifolia*)' tree could be removed to allow safe clearance for pedestrians along the proposed footpath.

The current design of footpath along south side allows for provision of a boardwalk to minimise any impact on the trees and ensure retention of both trees - red flowering gum and spotted gum. Whilst it is acknowledged that the provision of a footpath on south side presents a number of challenges, this is considered to be more manageable, cost effective and in line with Council's earlier decision.

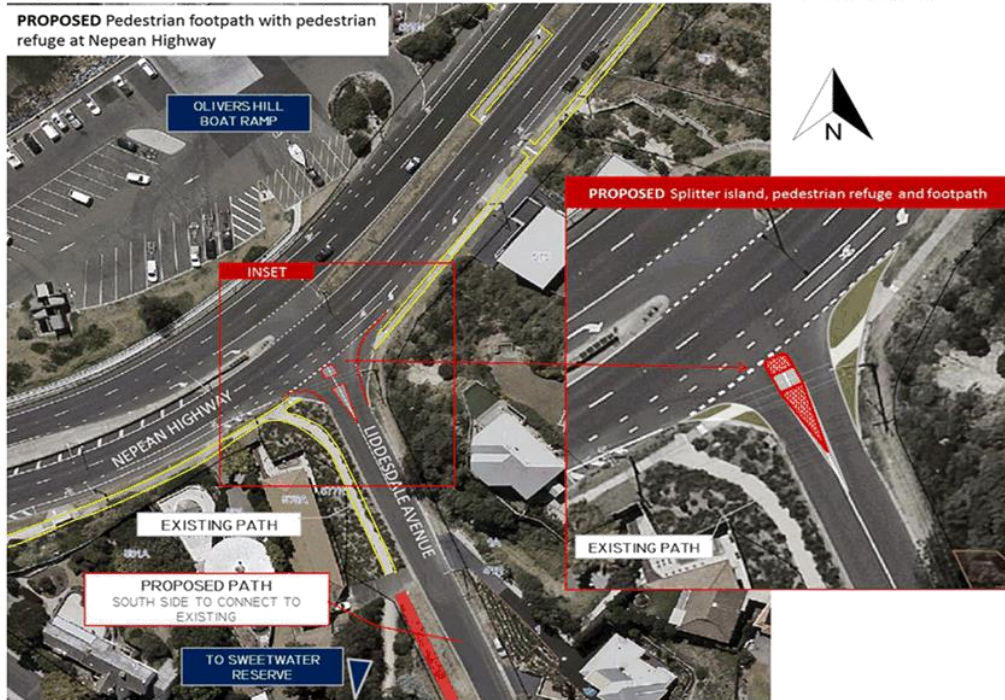
Additionally, the provision of Splitter Island (including pedestrian refuge) at the intersection of Liddesdale Avenue and Nepean Highway, which is subject to VicRoads approval, will complement the location of footpath on south side and facilitate safer access to the Olivers Hills Boat Ramp via the existing pedestrian crossing point on Nepean Highway, as shown on [next page \(concept only\)](#).

Subject to Council approval of the splitter island, these complimentary pedestrian improvement works could be completed as part of the proposed footpath construction between Nepean Highway and Fenton Crescent.



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Footpath between Fenton Crescent and Kars Street

Based on the feedback received at the recent meeting on 13 December 2017, it is acknowledged that there is a clear preference from a number of residents for the installation of suitable traffic treatment for the section of Liddesdale Avenue between Fenton Crescent and Kars Street in lieu of a footpath.

Liddesdale Avenue is a local collector road with a posted speed limit of 50km/h. As per a traffic survey undertaken in late 2016, it is acknowledged that there are some speeding issue on Liddesdale Avenue; however the severity of the issue is medium compare to other higher priority streets within the municipality.

Council adopts Local Area Traffic Management (LATM) strategies to investigate road safety matters across its municipal boundaries. These strategies typically assess areas on a number of criteria, including casualty crashes, vehicle speeds and traffic volumes. The assessment ranks each area and is reviewed annually to ensure Council can effectively install traffic calming devices such as chicanes, speed humps etc.

Council is about to commence the review of the LATM program including Sweetwater Precinct of which Liddesdale Avenue is part of. Should Sweetwater precinct become a high priority in the program after the review, Council Officers will

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then make a recommendation to Council for funding to undertake a LATM strategy at a future time.

In the meantime, the decision to proceed with the footpath between Fenton Crescent and Kars Street is subject to community feedback (as per attached survey) and Council consideration.

Replacement of existing tree outside No. 17 Liddesdale Avenue

In regards to the street tree outside No. 17 Liddesdale Avenue, Council's Arborist has advised that the tree sustained damage due to severe weather conditions on the weekend of Sunday 3rd December 2017.

The tree was felled and the stump will be removed shortly. Council officers will organise replanting of the street tree around June 2018 season with a semi-mature nursery-grown Red Flowering Gum (*Corymbia ficifolia*), in line with the common species along Liddesdale Avenue. If residents would like to discuss further details, they may wish to contact Council's Senior Arborist, Derek Lynn on 1300 322 322.

Way Forward

In order to progress this matter, Council officers have prepared the **attached** survey seeking your feedback on the proposed works along Liddesdale Avenue. The survey has been sent to all property owners and occupiers along Liddesdale Avenue.

All responses will be collated and analysed for the purpose of preparing a Council report in early 2018 for its consideration and decision in this matter. Until such time, all footpath works along Liddesdale Avenue will remain on hold.

I look forward to receiving feedback on the proposal and work collaboratively with the community to achieve mutually acceptable outcome in this matter. Please complete the attached survey and return it in the attached reply paid envelope by **Tuesday 30 January 2018.**

Should you require further information or wish to discuss this matter further, please do not hesitate to contact me or Rob Savoia on 1300 322 322.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Vishal Gupta'.

Vishal Gupta
MANAGER CAPITAL WORKS DELIVERY

CC: South Ward Councillors

Encl. Community Consultation Survey and Reply Paid Envelope



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**CAPITAL WORKS DELIVERY DEPARTMENT
CIVIL INFRASTRUCTURE TEAM**

Attention: Rob Savoia

**COMMUNITY CONSULTATION SURVEY
LIDDESDALE AVENUE – FOOTPATH WORKS**

Please complete the survey below (tick one box for each item) and return it in the attached reply paid envelope by **Tuesday 30 January 2018**. Your feedback on this important consideration would be greatly appreciated and you are encouraged to complete this survey.

Name: _____

Address: _____

Contact Number: _____

<p>1. In line with Council decision, support construction of Footpath (1.5 metres wide) between Nepean Highway and Fenton Crescent on</p>			
North Side	<input type="checkbox"/>	South Side <small>(Council decision)</small>	<input type="checkbox"/>
Either Side	<input type="checkbox"/>	No footpath	<input type="checkbox"/>
<p>2. Support construction of Footpath (1.5 metres wide) between Fenton Crescent and Kars Street on</p>			
North Side	<input type="checkbox"/>	South Side	<input type="checkbox"/>
Either Side	<input type="checkbox"/>	No footpath	<input type="checkbox"/>
<p>3. Support construction of Splitter Island at the intersection of Nepean Highway and Liddesdale Avenue (subject to VicRoads and Council approval)</p>			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<p>4. Support completion of a LATM strategy subject to Council's LATM program review and future budget considerations</p>			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Additional Comments:

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Privacy Notification

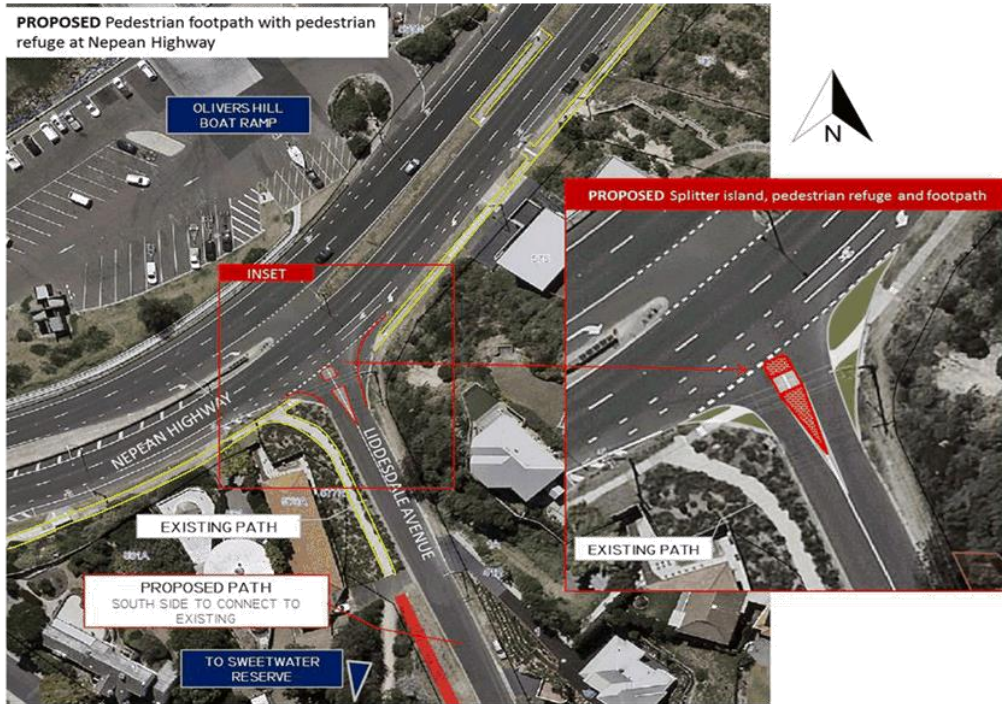
The personal information requested on this form is being collected for the purpose of analysing and reporting on parking issues. The personal information will be used solely by Council for that primary purpose or directly related purpose & will not be disclosed to any other party except as required by law.

Liddesdale Avenue Footpath - Compilation of Resident Survey Responses

Attachment C		Liddesdale Avenue - Compilation of Resident Survey Responses											
		Footpath Options Proposed to Residents											
No.	Residents Address North Side/South Side	In line with Council decision, support construction of Footpath (1.5 metres wide) between Nepean Highway and Fenton Crescent on				Support construction of Footpath (1.5 metres wide) between Fenton Crescent and Kars Street on				Support construction of Splitter Island at the Intersection of Nepean Highway and Liddesdale Avenue (subject to VicRoads and Council approval)		Support completion of a LATM strategy subject to Council's LATM program review and future budget considerations	
		North Side	South Side (council decision)	Either Side	No footpath	North Side	South Side	Either Side	No footpath	Yes	No	Yes	No
1	North		✓					✓		✓		✓	
2	North		✓					✓		✓		✓	
3	North		✓					✓		✓		✓	
4	South			✓				✓		✓		✓	
5	South			✓				✓		✓		✓	
6	North			✓				✓		✓		✓	
7	South				✓				✓	✓		✓	
8	South				✓				✓	✓		✓	
9	North				✓				✓	✓		✓	
10	South	✓							✓	✓		✓	
11	South	✓							✓	✓		✓	
12	North	✓							✓	✓		✓	
13	South				✓				✓	✓		✓	
14	North			✓				✓		✓		✓	
15	South				✓				✓		✓		✓
16	North				✓				✓		✓		✓
17	South	✓							✓	✓		✓	
18	South				✓				✓	✓		✓	
19	South		✓					✓		✓		✓	
20	South			✓					✓	✓		✓	
Responses out of (x/20)		4	4	5	7	0	4	4	12	18	2	18	2
Percentage (%)		20.00%	20.00%	25.00%	35.00%	0.00%	20.00%	20.00%	60.00%	90.00%	10.00%	90.00%	10.00%
			65.00%		35.00%		40.00%		60.00%	90.00%	10.00%	90.00%	10.00%

No. of Residents Surveyed	48
No. of Resident Responses	20
% of Resident Response Rate	42%

Attachment D – Liddesdale Avenue - Plan showing proposed Splitter Island Pedestrian Refuge at Nepean Highway



Executive Summary

12.7 Asset Management Strategy Progress Report

Enquiries: (Luke Ure: Community Assets)

Council Plan

Community Outcome:	4. A Well Managed City
Strategy:	4.3 Resources
Priority Action	4.3.2 Undertake an ongoing review of Council's assets to ensure they meet community needs

Purpose

To brief Council on the progress of the delivery of the improvement actions in Council's Asset Management Strategy (2013-2017).

Recommendation (Director Community Assets)

That Council:

1. Receives and notes this progress report;
2. Notes that Council officers will be undertaking a revision and update of the Asset Management Strategy with a new four year implementation plan for 2018 – 2022.

Key Points / Issues

- Council endorsed the current Asset Management Strategy (2013-2017) in August 2013 which presented 35 improvement actions designed to move Council to core asset management maturity, this version superseded the 2006 version.
- The Strategy has been developed with the objective of ensuring improved asset knowledge and activities so that future capital and operating investment in Council assets is more effective and in the best interests of the community. Adoption, and subsequent support for the implementation of recommendations, is expected to improve Council's asset management practices and performance.
- Recognising the need for a more strategic and systematic approach to asset management, Council adopted a revised Asset Management Policy in February 2013. The Asset Management Strategy aims to guide improvement in the organisation's Asset Management capabilities in order to support delivery of the following Policy objectives:
 - Ensure Assets Support the Services Provided by Council;
 - Community Involvement in Decision-Making;
 - Focus on Long-term Sustainability;
 - Sustainable Investment in Capital Works;
 - Continuous Improvement in Data and Asset Management Information Systems;
 - Compliant Asset Accounting;
 - Legislative and Regulatory Compliance;
 - Continuous Improvement in Risk Management;
 - On-going Training and Skill Development; and
 - Effective Monitoring and Reporting.

12.7 Asset Management Strategy Progress Report**Executive Summary**

- As of the end of the four year implementation plan of this Strategy, ten (10) of the 35 improvement actions (No's 3, 19, 21, 23, 29, 31, 32, 33, 34 and 35) have been completed with 68% overall progress against all of the actions (refer to Attachment A).
- The level of progress by the importance of the Improvement Action indicates:
 - High Criticality actions – 88% completion;
 - Medium Criticality actions – 50% completion; and,
 - Low Criticality actions – 60% completion.
- Significant progress has been made, with for example, the implementation of a cyclic condition audit programme of municipal assets. These rolling audits facilitate more accurate asset data which underpins the reviews of Asset Management Plans, asset revaluations and provides accurate condition data. This is used to model long-term asset renewal requirements and informs the renewal programmes which constitute approximately \$23M per annum.
- The asset data from condition audits is imported into Council's asset management system, which enhances works management processes for Council officers in the field.
- Council officers have committed to a rolling programme of Asset Management Plan reviews following each condition audit. The Asset Management Plans are significant documents which detail the state and value of each asset class, risk mitigation and model various budget scenarios for renewal and maintenance to provide the optimal budgetary requirements which are then input into Council's Long-Term Financial Plan.
- Recent Asset Management Plans that have been developed and endorsed by Council are the Buildings Asset Management Plan (2016) and the Open Space Asset Management Plan (2017). Currently the Pathway Asset Management Plan is undergoing internal consultation and is scheduled to be presented Council in May 2018.
- Condition audits that are currently underway are audits of the municipal road network, kerb & channel, and a sample of the drainage network. This work will inform the review of the Drainage Asset Management Plan and Roads Asset Management Plan in 2018/19.
- In August 2017 an Internal Audit report on Asset Management was presented to the Audit and Risk Management Committee. The internal audit involved a specific focus on Council's management of the roads and buildings asset classes. The report acknowledged that many elements of an asset management framework had been implemented but there was still some ways to go to fully address some areas.
- The findings of the Internal Audit report suggested that Frankston City Council:
 - Review and update the Asset Management Strategy, include items such as priority ratings and required resources, and consistently report progress against target (or revised) completion timeframes;
 - Better define roles and responsibilities, and increase the effectiveness of oversight and coordination structures;

12.7 Asset Management Strategy Progress Report**Executive Summary**

- Review and update the Asset Management Plans, include required service levels (buildings), and report compliance with plan, including progress towards identified improvements;
- Determine the criticality of asset data to support asset management activities, assess the completeness and accuracy of data captured, update data and align practices where required; and
- Council officers are now reporting on the recommendations of the Internal Audit in the Corporate Risk Register and the progression of the respective treatment plans to manage the risks that were identified during the process.
- The Asset Management Strategy (2013-2017) is due for a review and update. Officers will be undertaking the review and will incorporate the findings of the 2017 Internal Audit Report. Council officers will commence this process with a view of having a draft Strategy ready by June 30, 2018.
- Further to this initiative Council officers are currently revitalising the Asset Management Leadership Team (AMLT) and the governance structures supporting asset management practices in the organisation. It is envisioned that this Team comprising of key stakeholders across the organisation will provide strategic direction and guidance of asset management initiative and will monitor the progress of the updated Asset Management Strategy.

Financial Impact

The State Government has introduced the “Fair Go Rates” system, placing a cap on Council rates which has restricted the level of increases that Council can apply to its rate revenue. Rate revenue constitutes 63 per cent of all Council revenue.

The rate cap over the past two financial years has been 2.5 per cent and 2.0 per cent respectively and will be 2.25 per cent in 2018-2019.

The rate cap percentages are based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services. The cost of providing Council services has been increasing well in advance of the rate cap applied by State Government.

Over time this trend may lead to a reduction in the levels of service provided to the community and in Councils ability to fund both new facilities and the ongoing renewal of existing facilities.

Council will continue to evaluate the impacts of rate capping annually and needs to be mindful of these outcomes in all Council decisions.

The current Asset Management Strategy is now due for review. With this exercise planned for the latter half of 2017/18, it is anticipated that a draft Strategy will be by June 30, 2018.

In reviewing the Asset Management Strategy and developing a new implementation plan of improvement actions will lead to improved Asset Management outcomes across the organisation and greater clarity of our future investment needs in the Long Term (10 year) Infrastructure Plan.

12.7 Asset Management Strategy Progress Report**Executive Summary****Consultation****1. External Stakeholders**

There has been no consultation undertaken with external stakeholders in the preparation of this report.

2. Other Stakeholders

Previous consultation on the progress of the delivery of the Asset Management Strategy has occurred with Sustainable Assets officers and the Executive Management Team on:

- 8 November 2016;
- 4 November 2015; and,
- 25 November, 14 October and the 7 October 2014 respectively.

A progress report was received and noted by the Audit and Risk Management Committee at its 25 November 2016 meeting.

It was determined that a progress report to Council would be postponed until a scheduled Internal Audit of asset management was undertaken during 2017. With this audit now undertaken, the Audit and Risk Management Committee received an audit report for Asset Management in August 2017.

Analysis (Environmental / Economic / Social Implications)

By implementing the improvement actions within the Strategy Council will either enhance current asset management practices to ensure it minimises its environmental footprint and its water and energy usage.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Legal

This section is not considered relevant to this status report.

Policy Impacts

The current Asset Management Policy which was adopted by Council in February 2013 is due for review. A review of the current Asset Management Strategy is in accordance with the requirements of the current policy.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

If the actions as recommended in the Asset Management Strategy are not implemented, Council will be at risk of not optimising its asset management practices. Given that Council infrastructure is ageing, this will expose Council to numerous potential risks:

12.7 Asset Management Strategy Progress Report**Executive Summary**

- Inefficient practices and poor decision making processes which results in expending unnecessary funds;
- Inadequate management of unsafe assets which exposes Council to potential claims;
- Investment in infrastructure that is not fit for purpose, or no longer needed by the community and drains funds;
- Increasing likelihood of unexpected maintenance expenditure to address failing assets to ensure service provision continues;
- Increasing likelihood of asset deterioration causing potential service disruption and dissatisfaction to the community by closing assets;
- An increase in the renewal gap creating a financial impost on future generations to replace failed assets unnecessarily early;
- Underinsured assets which may not be adequately covered for loss;
- Potential for reduced opportunity to receive grant funding from the State and Federal Governments due to a lack of compliance with industry accepted and responsible asset management practices (poor governance); and
- Reduction of service standards delivered to the community due to poor assets which may result in discontent by residents or higher costs.

The preparation of ongoing progress reports provides Council with a mechanism to monitor the risk of not delivering on the improvement plan as detailed in the Asset Management Strategy.

Conclusion

Council Officers have made significant progress on implementing the Asset Management improvement program. In particular, the actions deemed of a high criticality have predominantly been delivered, still with good progress underway on less critical items.

The effect of implementing each of the identified improvements will inform the future review of the overall Asset Management Strategy 2013-2017, which is scheduled for the 2018/19 financial year.

ATTACHMENTS











Attachment A:[↓](#) 2016-17 Asset Management Strategy Progress Report



ASSET MANAGEMENT STRATEGY PROGRESS REPORT
FRANKSTON CITY COUNCIL



ID	Improvement Action	Progress Comments	Status
HIGH CRITICALITY			
3	Develop a "State of Frankston Assets – Report Card	Completed – The State of the Assets Report Card was considered and adopted by Council in January 2015.	100%
4	Implement a 4-year cycle for the Review and Update of AM Plans (One major and one minor Asset Class per year)	In progress - The Building Asset Management Plan (BAMP) was adopted by Council on the 27 June 2016. The Open Space Asset Management Plan (OSAMP) was adopted by Council in June 2017. The draft Pathways Asset Management Plan (PAMP) is undergoing internal consultation and will be presented to Council for adoption by June 2018. Development of a draft Drainage Asset Management Plan has commenced.	38%
7	Review the Capital Works Investment Evaluation Policy and Procedures – (incl. Ranking Criteria and Assessment Methodology)	In progress - Council currently has a process in place where projects competing for capital funding have their priority established by using a ranking criteria. A formal Ranking Criteria specific to each service sub-program has been developed to demonstrate capital priorities via a rating and ranking process. It is envisioned that this policy and procedure will be endorsed by the Asset Management Leadership Team.	90%
8	Review Council Design & Construction Standards – Establish Standards Committee	In progress – This improvement action is in draft form and is awaiting submission to the Asset Management Leadership Team and the Executive prior to adoption. It is envisaged that this recommendation will be delivered in 2016/17.	90%
9	Annual review of AM Plan Cash flow Forecasts as part of Annual Review and update of the Long Term Financial Plan	In progress - This process is currently in place but requires further work to enhance the accuracy of the figures to be included in the Long Term Financial Plan and the Long Term Infrastructure Plan. Greater accuracy of these forecasts will occur when asset management plans are completed or reviewed and when condition audits and modelling have been progressively completed.	85%
10	Develop & Implement a Lifecycle Cost Allocation Policy for the automatic adjustment of Operating Budgets	In progress – This improvement action is in draft form and is awaiting submission to the Asset Management Leadership Team and the Executive prior to adoption. It is envisaged that this recommendation will be delivered in 2017/18.	90%
11	Improve Integration of Capital Planning & Asset Management	In progress - A number of improvements have been made to improve the integration of capital planning and asset management requirements. In addition to this, the development of a Long-Term Infrastructure Plan (LTIP) for 2019/20 is underway. A review of the governance structure has been completed with a review of the current program structure and how the various programs inform the LTIP is underway. A particular emphasis of the LTIP going forward will be the asset renewal modelling and long-term funding requirements.	85%
12	Develop Asset Rationalisation/ Disposal Policy	In progress – This improvement action is in draft form and has been presented to the Asset Management Leadership Team for feedback. The draft will be re-presented to the Asset Management Leadership Team and to the Executive for adoption. It is envisaged that this recommendation will be completed in 2018.	90%
14	Continue to Invest in Council's Asset Management Information System (AMIS) & Associated Business Process Improvements	In progress - The system is now live with three of Council's four major asset classes. The Reactive Maintenance Works Management and Defect Inspection modules is now operational for infrastructure assets with work underway to move the Parks team to utilise this software also. A module to undertake Programmed (Routine) Maintenance is currently in the testing phase and it is envisaged to be rolled out during 2018. Following the award of the new facilities management contract in 2017, integration of FAMIS with the contractor's asset management software is live with further development planned for 2018.	75%
16	Develop Data Management Guidelines and Responsibilities	In progress – This improvement action is in draft form and is awaiting submission to the Asset Management Leadership Team and the Executive prior to adoption. It is envisaged that this recommendation will be delivered in 2017/18.	90%
18	Develop Condition Audit Methodology and Implement Rolling Audit Program	In progress - Since the adoption of the Asset Management Strategy Council has completed audits for buildings, bridges, open space and pathways. Audits for roads, kerb & channel and stormwater assets are currently underway and due to be completed in 2017/18. The Condition Audit Methodology is complete but in a draft state. It is anticipated this document will be endorsed by the Asset Management Leadership Team and the Executive in 2018.	90%

Item 12.7 Attachment A: 2016-17 Asset Management Strategy Progress Report

ID	Improvement Action	Progress Comments	Status
19	Develop Environmental Sustainable Design (ESD) Policy and provide training in environmental impact minimisation techniques	Completed - Council adopted the Environmental Sustainable Design Standards on the 13 April 2015. Training has been delivered to relevant staff with ongoing support being provided by the Sustainable Assets Department.	 100%
23	Develop Document & Implement Asset Handover Process (including accountabilities)	Completed - Work has been completed with key stakeholders to formalise a handover process to ensure appropriate data is captured and entered into Council's asset register and utilised for annual asset valuations.	 100%
32	Develop AM Performance Reporting Framework	Completed - The Asset Management Framework has now been established where an annual report is provided to the Executive, Audit and Risk Committee and finally Council to monitor progress towards delivering on the Asset Management Strategy 2013-17. The State of the Assets Report Card (adopted in January 2015) shall be reviewed on a four yearly basis to be utilised as a tool to inform the new Council on the status of its management practices and performance of assets.	 100%
33	Review AMLT Terms of Reference – Reinvigorate AMLT	Completed - The Executive endorsed the re-establishment of the Asset Management Leadership Team on the 21 June 2016. With the appointment of the Director Community Assets, the Team will be reviewed in accordance with the new governance structures.	 100%
High Criticality Sub-Total			88%
MEDIUM CRITICALITY			
1	Identify Council Services - Assign Service & Asset Lifecycle Management Responsibilities	In Progress A Rate Capped environment on Local Government has placed greater emphasis on this work. There currently is a review on the Capital Works Program structure which will better integrate asset and service provision. The Corporate Development and Community Assets divisions are working in collaboration on these activities.	 35%
2	Develop Service Plans – Define Desired Levels of Service for Key Asset Groups	In Progress The Corporate Development directorate is developing methodology to establish core services to assist it in identifying which services it needs to provide to the community, the required delivery model and standards.	 15%
5	Develop a Community Consultation Framework to Support the Development of Service Plans & Asset Management Plans	In Progress A Long Term Infrastructure Plan (LTIP) is being developed for 2019/20 which will be a document that will be publically exhibited as part of the annual budgetary process and will provide a greater level of clarity on the asset management needs to underpin various Council services. In addition, public consultation will be undertaken via the review of the Asset Management Strategy and the ongoing development of Council's Service Plans and Asset Management Plans.	 15%
6	Develop a Community Consultation Framework to communicate achievement of service level targets set in AM and Service Plans	Programmed for a later start	 0%
13	Undertake Asset Rationalisation Assessment	Programmed for a later start - Officers will commence this exercise with a priority on land and buildings once the adoption of the Asset Rationalisation/Disposal Policy and Procedure occurs.	 0%
15	Review Quality of Asset Register Data – Reconcile Financial (T1) and AMIS register	In progress – The municipal pathway network was audited and the revaluation was undertaken at the end of 2016/17. The next priority audits are drainage and roads (including kerb & channel), both of which are currently underway. Once these audits have been completed this information will form the basis reconciling the asset register data in the Frankston Asset Management Information System (FAMIS) with the financial register in Technology One.	 70%

2016-17 Asset Management Strategy Progress Report

ID	Improvement Action	Progress Comments	Status
17	Prepare & review desired maintenance & renewal requirements for AMIS Project	In progress – With Council's endorsement of the amended Road Management Plan in May 2015 the maintenance and renewal service levels for roads and related infrastructure came into effect on the 1 September 2015. With the adoption of the Buildings Asset Management Plan in June 2016 and the award of the Facilities Maintenance contract in October 2016 the service standards for buildings is now complete. The Open Space Asset Management Plan was adopted in June 2017 and describes key maintenance and renewal requirements, whilst the Pathway Asset Management Plan is in a draft state and is undergoing internal consultation processes.	38%
20	Develop Asset Valuation Policy for asset additions, upgrades and disposals including how to value assets identified during asset inventory collection projects	In progress – This improvement action is in draft form and is awaiting submission to the Asset Management Leadership Team and the Executive prior to adoption. It is envisaged that this recommendation will be completed by end of June 2018.	90%
21	Include Non-discretionary funding allocation for legal compliance in LTFFP	Completed – This improvement has now been embedded into the process of developing the annual Capital Works Program.	100%
22	Introduce rolling program of Building Compliance Audits	In progress - Ongoing work through Council's facility maintenance contractor; Ventia, is occurring. Condition audits of Council buildings have been undertaken, with Essential Service Measure audits/ reports under development	80%
24	Implement Risk Audit Program	In progress – Work is underway in addressing strategic and operational risks associated with Council assets. With reviews of the Asset Management Plans, risks and risk treatments are being identified to mitigate service impacts.	60%
25	Develop Demarcation Agreements – for assets with maintenance responsibilities shared with 3 rd parties	In Progress Through the development of the recently amended Road Management Plan (RMP) some of this work has been previously completed. Further work is required to finalise demarcation agreements with the Rail Authority. These agreements will be subsequently documented within the RMP. In terms of non-road related infrastructure another body of work is required to be undertaken to commence negotiations with the relevant Agencies to determine maintenance and renewal responsibilities.	50%
31	Annual Progress Report to Council– AM Improvements	Completed - A process has now been created where an annual report shall be provided to the Executive, Audit and Risk Management Committee and Council to monitor the progress of implementing the Strategy.	100%
Medium Criticality Sub-Total			50%
LOW CRITICALITY			
26	Review Facility Occupancy Agreements	In progress - The Commercial Services Department are currently working through the review of Council's approach to Occupancy Agreements.	40%
27	Review Staff Skills Matrix	In Progress - With the establishment of the Community Assets Division a learning and development program is underway that will have a focus on asset management practitioners. In addition, through the annual reviews of staff Position Descriptions over the next 12 months, key asset management attributes will be incorporated in collaboration with Human resources. Finally, the progress being made with asset management is developing awareness across the organisation.	30%
28	Develop and Implement AM Training Program for All Levels of the Organisation	Programmed for a later start Presentations to Cuonil staff are planned for 2018 in conjunction with service planning work that will increase staff awareness of asset management principles and practice.	0%
29	Introduce Service and Asset Management KPIs into Relevant Staff Position Descriptions	Not Applicable Action deemed no longer warranted.	100%
30	Develop Reporting Requirements for AMIS for all Asset Lifecycle Phases	In progress - As part of the development of the Reactive Maintenance Works Management and Defect Inspection modules foundational reports (overdue requests, activity costs, defect cause, performance and crew efficiency) have been created to monitor the compliance to the Road Management Plan (RMP) and performance of staff and plant. As the Frankston Asset Management Information System (FAMIS) is further developed additional reports shall be developed to facilitate more sophisticated analysis of asset and officer performance.	50%

ID	Improvement Action	Progress Comments	Status
34	Continue involvement in Independent Audit Programs (e.g. MAV STEP Program)	Completed - Council has moved to participating in the IPWEA National Asset Management program as a measuring stick to bench mark its progress in attaining core asset management maturity. Further investigation will occur to assess if Council will benefit with acquiring accreditation to ISO 55000:2014 asset management standards.	 100%
35	Review and progressively address Staff Concerns listed in (Appendix 3)	Not Applicable The issues raised back in 2012/13 are no longer valid with the substantive work that has been completed and the ongoing commitment through the ongoing asset management improvement program.	 100%
Low Criticality Sub-Total			60%
Total			68%

Executive Summary

12.8 Proposed Mountain Bike Track - Frankston South

Enquiries: (Liz Daley: Community Development)

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.3 Health and Well-being
Priority Action	2.3.3 Enhance equitable access to sport and leisure opportunities

Purpose

To brief Council on the proposed way forward for bike usage in Overport Park and formalised mountain / BMX bike facilities in Frankston City.

Recommendation (Director Community Development)

That Council:

1. Notes park rangers will continue to monitor unauthorised bike trails and jumps in Overport Park and utilise current park management practices to close tracks in sensitive areas or that are considered safety hazards to riders and / or other park users.
2. Notes Youth workers will continue to work with park users and park rangers to ensure areas are available for informal bike access.
3. Supports further investigation into formalised bike track facilities will be directed by the upcoming Leisure Strategy due for completion June 2018.

Key Points / Issues

- Last year Council received negative media coverage when Park Rangers dismantled mountain bike trails through vegetation at Overport Park that were built and used by young people.
- Onsite meetings with parents, young people and some park leaders that involved the Mayor of the Day, Director Community Development and officers led to an interim space around the Overport Park dam, which was cleared of weeds and brambles and fresh dirt added for the young people to ride on. Youth workers relocated to the site at peak times to engage park users and a survey was distributed to residents abutting the park to elicit views on biking activity within Overport Park. A copy of the survey is included in Attachment A.
- 44 Residents responded to the survey that was distributed to abutting and surrounding streets in the Overport Park area.
- The survey results showed that 79.5% of the residents frequently use Overport Park and 84% of the residents agreed that Council promotes healthy lifestyle and participation in sport and leisure. In relation to a question about a future cycle park 77 % of residents agreed that cycling options around Overport Park would be a benefit to the community. Residents also affirmed that Cycling and cycle sports are a good way to exercise. Of the responses received there was a small number of residents who do not want a cycle facility at the reserve. A full consultation report is included in Attachment B.

12.8 Proposed Mountain Bike Track - Frankston South**Executive Summary**

- There are mixed views about young people riding in the park including some severe opposition due to the safety conflict between park walkers and fast mountain bikes and impacts on native vegetation. There is also risk to the riders themselves with no control over the jumps or course created. Conversely, supporters welcome young people being engaged in healthy outdoor creative physical activity.
- Evidence exists that some young people are still riding their bikes on the informal trails in the bushland which puts walkers (this is a dog off leash area) at risk. During consultation some young people confirmed they will continue to rebuild trails dismantled by Council. There were also some young people who suggested a formal pump track be built like that in Langwarrin. Others suggested a mountain bike trail similar to that at Lysterfield Park as an option, however, it is unlikely the flatter terrain at Overport could support this.

Option 1:

- Existing park management practices could continue with bike tracks in sensitive and / or high risk areas regularly closed. Over time this may encourage / direct any informal tracks and jumps made by young people into less sensitive and unsafe areas of the park.
- This option may continue to frustrate young people and their families if they do not understand or accept track closures.
- There are no additional costs in this option.

Option 2:

- A formalised track could be constructed within Overport Park similar to the Pump track in Langwarrin. This currently operates as an unsupervised track in a designated area. It provides an activity with a measured amount of risk (determined through professional track design), and reduces conflict between park users by separating the activity from other users. It does not however allow young people the creativity or freedom of constructing their own tracks and jumps and this is of considerable appeal to the young people currently riding in Overport Park. Further consultation would be required with surrounding residents and potential users.
- Costs associated with a formalised track may exceed \$115K consistent with the pump track in Langwarrin; this is unbudgeted.

Option 3:

- The feasibility of constructing a larger scale mountain bike track could be undertaken. Design and construction of this kind of facility is likely to require greater investment and therefore broader consultation to determine usage and sustainability to justify the investment. A range of potential sites should also be examined to ensure the suitability of a site to support the activity.
- Depending on the outcome of a feasibility study, a mountain bike facility may be more suitable in a different location. If this is the case, the facility may not address the contingent of young people riding in Overport Park because they live nearby and can access it independently.

12.8 Proposed Mountain Bike Track - Frankston South**Executive Summary**

- This option is also likely to take several years to implement. It will not address the issues in Overport Park in the short term. Council's Leisure Strategy currently in development may provide further insight into the need for a larger scale mountain bike facility within the municipality.
- Costs of a feasibility study are estimated at \$20K; this is unbudgeted. Costs of a larger scale mountain bike are to be determined based on the completion of the study.

Financial Impact

The State Government has introduced the "Fair Go Rates" system, placing a cap on Council rates which has restricted the level of increases that Council can apply to its rate revenue. Rate revenue constitutes 63 per cent of all Council revenue.

The rate cap over the past two financial years has been 2.5 per cent and 2.0 per cent respectively and will be 2.25 per cent in 2018-2019.

The rate cap percentages are based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services. The cost of providing Council services has been increasing well in advance of the rate cap applied by State Government.

Over time this trend may lead to a reduction in the levels of service provided to the community and in Councils ability to fund both new facilities and the ongoing renewal of existing facilities.

Council will continue to evaluate the impacts of rate capping annually and needs to be mindful of these outcomes in all Council decisions.

Each option listed for discussion above will have associated costs. The first option to maintain existing park management practices will minimally affect the operational budget depending on the level of intervention required by park rangers.

Costs associated with a formalised track, may exceed \$115K consistent with the pump track in Langwarrin.

The capital investment of a larger scale mountain bike track is unknown however a feasibility study would require an approximate investment of \$20K.

Consultation**1. External Stakeholders**

- Residents surrounding Overport Park
- Park users
- Young people who ride in the park
- Parents of young people who ride in the park

2. Other Stakeholders

- Operations Department – Specialist vegetation
- Community Strengthening Department (Youth Services and Recreation teams)

12.8 Proposed Mountain Bike Track - Frankston South**Executive Summary****Analysis (Environmental / Economic / Social Implications)**

The construction of unauthorised bike trails and jumps through Overport Park is affecting areas of sensitive indigenous bushland. The environmental impact of the trails is magnified significantly when trails are formed without regard to suitability of terrain or to the environmental values of the site. This has resulted in erosion in some areas of the park, disturbance to significant flora, possible impact on local fauna and risk to the riders themselves.

Conflict arises between bike riders moving quickly on uncontrolled trails in the park and other park users. There is a risk of collision accidents as many of the bike tracks cross over pedestrian areas. Fast moving bikes also impact those who wish to appreciate the 'quiet enjoyment' of a bushland environment and between dogs and their owners, particularly as Overport Park is a free roam park for dogs.

It is generally recognised that regular exercise and direct exposure to nature is essential for healthy childhood development and for the physical and emotional health of children. A certain amount of risk taking, challenge and opportunity to develop independence and autonomy are also vital aspects of play for young people. Many of those riding bikes in Overport Park are local young people who live in proximity to the Park. The activity allows these young people to meet together informally, socialise and engage in activity that meets many of the requirements for good health. No negative social behaviour has been noted outside of the conflict of activities on site.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

All matters relevant to the Charter of Human Rights and Responsibilities have been considered in the preparation of this report and are consistent with the standards set by the Charter.

Legal

There are no legal impacts in this report.

Policy Impacts

There are no policy impacts in this report.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

This report identifies the risks of the various options to address the unauthorised construction of bike trails and jumps in Overport Park. If existing park management strategies are to be maintained, then Council youth workers and park rangers will need to work with the local community to provide clear understanding on why these trails will need to be monitored and at times closed for safety and vegetation management. Education and gaining community support will be important so that the issue does not remain in the media.

Construction of a formalised pump track in Overport Park will need to involve consultation with surrounding residents and park users to ensure the facility meets the needs of all and conflicts are reduced.

Unauthorised tracks at Overport Park will still need to be managed in the short term whilst any formalised bike trail solution is determined and / or implemented.

12.8 Proposed Mountain Bike Track - Frankston South**Executive Summary****Conclusion**

Any formalised bike track facility, whether it is located in Overport Park or an alternative site, is likely to take some time to plan and implement. In order to address the concerns in Overport Park more immediately, it is recommended that current park management practices continue. Activity in the park is to be monitored and unauthorised tracks and jumps in sensitive areas or that are considered safety hazards are to be closed by park rangers. Council's Leisure Strategy, currently in development, is likely to provide some direction by mid-year, on whether a large scale mountain bike facility should be investigated further for Frankston City.

ATTACHMENTS

Attachment A:[↓](#) Overport Park Community Survey 2018

Attachment B:[↓](#) Results of Community Survey in Overport Park



Overport Park Community Survey 2018

Recently Frankston City Council has been undertaking changes to Overport Park as part of Council's program to progressively implement improvements to smaller parks across the City.

You may be aware of media coverage in August 2018 around illegally constructed bike tracks and jumps in the bushland area. We would like to give you the opportunity to share your feedback of what the community needs are for all park users as well as mountain bike riders who currently use the Overport Park.

The responses you provide will enable us to assess the need for changes and plan for future provision of facilities here and at other local parks and to ensure that your park is suitable, useable and enjoyable now and in the future.

1. I use Overport Park:

- Nearly everyday
- Frequently
- Sometimes
- Rarely
- Never

2. What ways do you use the park:

- Exercise/walking/jogging
- Recreation/sit and relax/playground
- To see friends/family/picnic
- Walking a pet
- Mountain bike riding
- Cycling

Other _____

3. If you have children or grandchildren who use the park, what are their ages?
- 0-4 years 5-9 years 10-14 years 15+ years No children/grandchildren
4. Council promotes healthy lifestyles and participation in sport and leisure. Cycling and cycle sports are a good way to exercise:
- Strongly Agree
 Agree
 Don't know
 Disagree
 Strongly Disagree
5. Cycling options around Overport Park would be a benefit to the Community:
- Strongly Agree
 Agree
 Don't know
 Disagree
 Strongly Disagree
6. Any other comments:
-

Thank you for completing this survey

Please place the completed survey in the reply-paid envelope provided and return to Council by close of business Friday 9th February 2018

If you have any questions regarding this survey please contact Ken Liddicoat, Coordinator Community Strengthening on 9768 1661 or email ken.liddicoat@frankston.vic.gov.au

Please note that all responses are anonymous and only aggregate results will be reported. Results of this survey will be made available on Council's Community Consultations website page at the completion of the correlation and reporting of results.

Results of Community Survey for Overport Park - Frankston South February 2018

The Overport Park Survey was distributed to residents letterboxes adjacent to and around the Overport Park area on Tuesday 13 February 2018.

250 surveys were distributed to residents in the following streets:

Overport Road, Somerset Road, St Ives Avenue, Armagh Road, Chetwyn Court, The Helm, Innichen Close, Humphries Road, Manchelle Close, Ambleside Close, Lipari Close, Alicudi Avenue & Rinella Court

Of the 44 surveys completed by the community and forwarded to Council

Use of Overport Park

79.5% residents (35) frequently use Overport Park

13.6% residents (6) sometimes use Overport Park

6.9% residents (3) rarely use Overport Park

Ways residents use Overport Park

36 residents utilise Overport Park for Exercise / walking / jogging

29 residents utilise Overport Park for Recreation/sit and relax/ playground

10 residents utilise Overport Park for to see friends/ family/ picnic

16 residents utilise Overport Park for Walking a pet

23 residents utilise Overport Park for Mountain bike riding

9 residents utilise Overport Park for Cycling

1 residents utilises Overport Park for Tennis

Residents with Children/Grandchildren

11 Residents have children or grandchildren aged between 0 – 4 year who use the park

24 Residents have children or grandchildren aged between 5 – 9 years who use the park

11 Residents have children or grandchildren aged between 10 – 14 year who use the park

6 Residents have children or grandchildren aged between 15 + year who use the park

7 Residents have no children or grandchildren who use the park

Council Promotes a healthy lifestyle

84% (37) Residents agreed that Council promotes healthy lifestyle and participation in sport and leisure.

Cycling and cycle sports are a good way to exercise

9% (4) Residents didn't know that Council promotes healthy lifestyle and participation in sport and leisure. Cycling and cycle sports are a good way to exercise

7% (3) Residents disagreed that Council promotes healthy lifestyle and participation in sport and leisure. Cycling and cycle sports are a good way to exercise

Cycling around Overport Park

77% (34) Residents agreed Cycling options around Overport Park would be a benefit to the Community.

7% (3) Residents didn't know whether Cycling options around Overport Park would be a benefit to the Community.

16% (7) Residents disagreed Cycling options around Overport Park would be a benefit to the Community.

Summary

The survey results showed that 79.5% of the residents frequently use Overport Park and 84% of the residents agreed that Council promotes healthy lifestyle and participation in sport and leisure. In relation to a question about a future cycle park 77 % of residents agreed that cycling options around Overport Park would be a benefit to the community. Residents also affirmed that cycling and cycle sports are a good way to exercise. Of the responses received there was a small number of residents who do not want a cycle facility at the reserve.

Executive Summary**13.1 Response to NOM 1341 - Anti-Truancy Update**

Enquiries: (Andrew Moon: Community Development)

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.1 Employment, education and economy
Priority Action	2.1.1 Facilitate the development of industry informed education courses that meet employer industry needs

Purpose

To brief Council on the response to NOM 1341 – Anti -Truancy Strategy.

Recommendation (Director Community Development)

That Council:

1. Notes the issue of truancy is covered by State Government legislation;
2. Notes the work being done by the Department of Education and Training is showing positive results for reducing truancy;
3. Notes the observations and feedback from Youth Councillors is that a positive approach to truancy is preferred; and
4. Notes that Council officers are currently working with Department of Education and Training in priority areas to implement a whole of community approach to enable all young people to complete grade 12 and continue on to further education to pursue their chosen field of endeavour as adults. This approach will reduce truancy and increase education and economic outcomes.

Key Points / Issues

- At its meeting on 10 July 2017, Councillor Bolam tabled a Notice of Motion regarding Anti-Truancy Strategy. Council resolved:

“That Frankston City Council works with local schools, politicians and (state and federal) Department of Education officials, to crackdown on instances of truancy in local secondary schools

In order to facilitate this, the following actions should be undertaken:

1. *Frankston City Council devises a strategy with local school principals and local politicians to curtail truancy and/or better detection of truants;*
2. *That the strategy includes what role council Compliance Officers and Victoria Police could perform in identifying and mitigating truancy;*
3. *That the strategy includes views from the Frankston Youth Council insofar creative options to identify and curtail local truancy*
4. *Advocacy to the Victorian Department of Education and Training (including the relevant minister and Frankston MP Paul Edbrooke), and the Australian Department of Education and Training Including the relevant minister and Dunkley MP Chris Crewther) to consider models, such as the ‘Show Up, Standout’ initiative currently operating in the United States, which pro-actively seek to decrease unexcused school absences; and*
5. *That progress on all directives be reported back to Council in November 2017”*

13.1 Response to NOM 1341 - Anti-Truancy Update**Executive Summary**

- As a result of NOM 1341 the following responses are provided:

1. Frankston City Council devises a strategy with local school principals and local politicians to curtail truancy and/or better detection of truants;

A meeting was held on 29 August 2017 with Department of Education (DET) representatives, Victoria Police, Councillors and Council Officers. At this meeting DET representatives outlined Victorian current practice which is governed by the Education Training and reform Act 2006 and legislation in 2014 related to promoting and improving enrolments and attendance.

A further meeting was held on 31 January 2018 between Council's Director, Community Development and the Executive Director of Education and Training (DET) in this area and discussed with him truancy, as it pertains to Frankston.

The Executive Director shared statistics that indicate clearly that Frankston is travelling better with instances of truancy than most other areas in Melbourne and Gippsland. The Executive Director was unable, however, to leave copies of the statistics.

The way DET actively manage truancy:

- Navigator is a pilot program supporting disengaged learners, aged 12-17 years, to re-engage in schooling. Individual case management is delivered to young people via an outreach model. Anyone can refer a young person to the Navigator Program via the online form:
<http://www.education.vic.gov.au/about/programs/health/Pages/navigator.asp>
[X](#)
- Oakwood School (Frankston) provides learning opportunities for young people, aged 10 to 18 years of age, who have disengaged from school or where a mainstream school environment is seen as inappropriate to meet the young person's needs.

Both programs support the broader Bayside Peninsula Area's work on addressing absences from school.

The Executive Director also undertook to raise the truancy issue at his regular meeting with local principals', encouraging further discussion.

A meeting has been organised for the Councillor, the Director Community development and Executive Director Education and Training in this local area to discuss further.

2. That the strategy includes what role council Compliance Officers and Victoria Police could perform in identifying and mitigating truancy;

Current local laws do not provide Council's Compliance Officers powers to enforce truants, similarly Victoria Police have no legislative power in regard to truancy.

3. That the strategy includes views from the Frankston Youth Council insofar creative options to identify and curtail local truancy

Council officers met with the Frankston Youth Council on 25 July 2017 to discuss NOM 1341. The Youth Council made a number of recommendations as a result of the meeting (see attachment A & C).

The Youth Council recommendations indicate that the single most important factor that impacts truancy relates to the resources available within schools for wellbeing teams and how those teams operate within the school.

13.1 Response to NOM 1341 - Anti-Truancy Update**Executive Summary**

In the main the recommendations from the Frankston Youth Council advocate a positive and supportive approach as their experiences and observations recognise that a punitive approach is unlikely to produce the desired change to a truant's attendance behaviour.

4. Advocacy to the Victorian Department of Education and Training (including the relevant minister and Frankston MP Paul Edbrooke), and the Australian Department of Education and Training Including the relevant minister and Dunkley MP Chris Crewther) to consider models, such as the 'Show Up, Standout' initiative currently operating in the United States, which pro-actively seek to decrease unexcused school absences

During the course of meetings and research relating to NOM 1341 it became evident that the 'Show Up, Standout' program in the USA is very similar to the legislative powers which exist within Victoria for School Attendance Officers to utilise in management of reported cases of unexplained absences.

Notwithstanding this Council officers and the Department of Education and Training are working closely together to achieve a better outcome in priority areas of vulnerability to ensure every child succeeds in their chosen field of endeavour as adults. By working closely with the community the department sees further and significant improvements in reducing truancy and increasing the number of children finishing Grade 12 and going on to further education.

Financial Impact

The State Government has introduced the "Fair Go Rates" system, placing a cap on Council rates which has restricted the level of increases that Council can apply to its rate revenue. Rate revenue constitutes 63 per cent of all Council revenue.

The rate cap over the past two financial years has been 2.5 per cent and 2.0 per cent respectively and will be 2.25 per cent in 2018-2019.

The rate cap percentages are based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services. The cost of providing Council services has been increasing well in advance of the rate cap applied by State Government.

Over time this trend may lead to a reduction in the levels of service provided to the community and in Councils ability to fund both new facilities and the ongoing renewal of existing facilities.

Council will continue to evaluate the impacts of rate capping annually and needs to be mindful of these outcomes in all Council decisions.

Without developing a full business case it is reasonable to assume that a move to enter this field would bring costs in human resources along with administrative, legal and physical support, this is likely to be in excess of \$300,000pa.

Consultation**1. External Stakeholders**

Frankston Youth Council; Victoria Police; Department of Education and Training Victoria have been consulted.

2. Other Stakeholders

Community Strengthening and Community Safety Departments have been consulted.

13.1 Response to NOM 1341 - Anti-Truancy Update**Executive Summary****Analysis (Environmental / Economic / Social Implications)**

A proactive approach to engaging young people to remain in school provide the best opportunity for their transition to higher education and, ultimately, secure employment. This in turn positively contributes to social connections, relationships and the economy.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

All matters relevant to the Charter of Human Rights and Responsibilities have been considered in the preparation of this report and are consistent with the standards set by the Charter.

Legal

The Education Training Reform Act 2006, the Education and Training Reform Regulations 2017 and 2014 School Attendance Guidelines include remedies for truancy.

Policy Impacts

Truancy policy responsibility currently lies with the Victorian State Government.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

A proactive, supportive whole of community approach to keeping young people engaged in education is recommended. This approach mitigates the risk of disengagement and punitive legal measures.

Conclusion

The issue of Truancy is covered by State Government legislation. It is recommended that key Council officers continue to work with the department of Education and training to create a whole of community approach to engaging children and families in education to ensure the best opportunity is afforded to all young people to complete school, enter further education and pursue their chosen field of endeavour as adults.

Council is in a good position to provide advice and support with regard to the early childhood development, Maternal Child and Health and community engagement.

ATTACHMENTS

Attachment A: [↓](#) Frankston Youth Council Anti Truancy Recommendations

Attachment B: [↓](#) Research Truancy

Attachment C: [↓](#) Truancy Research

13.1 Response to NOM 1341 - Anti-Truancy Update**Officers' Assessment****Background**

At its meeting 10 July 2017, Councillor Bolam tabled a Notice of Motion regarding the Anti-Truancy Strategy.

Council resolved:

That Frankston City Council works with local schools, politicians and (state and federal) Department of Education officials, to crackdown on instances of truancy in local secondary schools

In order to facilitate this, the following actions should be undertaken:

- 1. Frankston City Council devises a strategy with local school principals and local politicians to curtail truancy and/or better detection of truants;*
- 2. That the strategy includes what role council Compliance Officers and Victoria Police could perform in identifying and mitigating truancy;*
- 3. That the strategy includes views from the Frankston Youth Council insofar creative options to identify and curtail local truancy*
- 4. Advocacy to the Victorian Department of Education and Training (including the relevant minister and Frankston MP Paul Edbrooke), and the Australian Department of Education and Training Including the relevant minister and Dunkley MP Chris Crewther) to consider models, such as the 'Show Up, Standout' initiative currently operating in the United States, which pro-actively seek to decrease unexcused school absences; and*
- 5. That progress on all directives be reported back to Council in November 2017.*

As a result of NOM 1341 the following actions have been taken:

- 1. Frankston City Council devises a strategy with local school principals and local politicians to curtail truancy and/or better detection of truants;*

A meeting was held on 29 August 2017 with Department of Education and training (DET) representatives, Victoria Police, Councillors and Council Officers. At this meeting DET representatives outlined Victorian current practice which is governed by the Education Training and Reform Act 2006 and legislation in 2014 related to promoting and improving enrolments and attendance. School attendance officers investigate and have a number of avenues they can pursue, last of which is the capacity to issue an infringement notice to parents for non-attendance. This mostly relates to parents removing their child for alternate activities rather truancy that is considered a "reasonable excuse" for a parent in relation to non-attendance and therefore is not subject to infringement.

A further meeting was held on 31 January 2018 between the Director Community Development and the Executive Director DET in this area and discussed with him truancy, as it pertains to Frankston.

The Executive Director showed statistics that indicate clearly that Frankston is travelling better with instances of truancy than most other areas in Melbourne and Gippsland, however, the executive Director was unable to leave copies of the statistics.

13.1 Response to NOM 1341 - Anti-Truancy Update
Officers' Assessment

The way DET actively manage truancy includes:

- Navigator is a pilot program supporting disengaged learners, aged 12-17 years, to re-engage in schooling. Individual case management is delivered to young people via an outreach model. Case managers work in collaboration with the young people, their families, health and community services and schools to provide support focused on overcoming barriers to education and sustaining re-engagement with school. Anyone can refer a young person to the Navigator Program via the online form: <http://www.education.vic.gov.au/about/programs/health/Pages/navigator.asp> [X](#)
- Oakwood School (Frankston) provides learning opportunities for young people, aged 10 to 18 years of age, who have disengaged from school or where a mainstream school environment is seen as inappropriate to meet the young person's needs. Young people seeking enrolment at Oakwood School will usually be connected with a range of mental health, child protection and youth workers but have been disconnected for some time from schools and teachers. Oakwood provides a safe and supportive environment and personalised learning that can help young people reconnect with teachers and learning.

Both programs support the broader Bayside Peninsula Area's work on addressing absences from school. In many cases this is children who may have experienced extended absences or may have had periods of truancy. Both programs address disengaged children, those that are not in school, but still visible in the community.

The Executive Director also undertook to raise the truancy issue at his regular meeting with local principals' encouraging further discussion.

2. *That the strategy includes what role council Compliance Officers and Victoria Police could perform in identifying and mitigating truancy;*

Current local laws do not provide Council Compliance Officers powers to enforce truants, similarly Victoria Police have no legislative power in regard to truancy. Victoria Police do have proactive programs run by their Youth Resource Officers who work closely with schools.

3. *That the strategy includes views from the Frankston Youth Council insofar creative options to identify and curtail local truancy*

Council officers met with the Frankston Youth Council on 25 July 2017 to discuss NOM 1341. The Youth Council made a number of recommendations as a result of the meeting (see attachment A).

The Youth Council recommendations indicate that the single most important factor that impacts truancy relates to the resources available within schools for wellbeing teams and how those teams operate within the school. There were shared common experiences between Youth Council members which indicate the resourcing levels are inconsistent with need and access to appointments can be protracted.

In the main, the recommendations from the Frankston Youth Council advocate a positive and supportive approach as their experiences and observations recognise that a punitive approach is unlikely to produce the desired change to a truant's attendance behaviour.

13.1 Response to NOM 1341 - Anti-Truancy Update**Officers' Assessment**

4. *Advocacy to the Victorian Department of Education and Training (including the relevant minister and Frankston MP Paul Edbrooke), and the Australian Department of Education and Training Including the relevant minister and Dunkley MP Chris Crewther) to consider models, such as the 'Show Up, Standout' initiative currently operating in the United States, which pro-actively seek to decrease unexcused school absences*

During the course of meetings and research relating to NOM 1341 it became evident that the 'Show Up, Standout' program in the USA is very similar to the legislative powers which exist within Victoria for School Attendance Officers to utilise in managing reported cases of unexplained absences.

Notwithstanding this Council officers and the Department of Education and Training are working closely together to achieve a better outcome in priority areas of vulnerability to ensure every child succeeds in their chosen field of endeavour as adults. By working closely with the community the department sees further and significant improvements in reducing truancy and increasing the number of children finishing Grade 12 and going on to further education.

Issues and Discussion

- Research (see Attachment B) was undertaken to inform recommendations relating to this NOM. It was established from this research that:
 - National Centre for School Engagement in Colorado USA states that there is "Evidence, based on real studies, to show that in general supportive measures work much better than punitive measures when you're dealing with truancy, because there's always some reason behind [an absence]."
 - The OECD 2015 Program for International Students Assessment showed that truancy in Australia is higher than the OECD average however it has declined by 3% since the last study in 2012, Truancy rates in USA have increased by 16% in the same period.
 - In Australia 1 in 7 primary aged children and 1 in 5 teens will experience a mental health difficulty (Sawyer et al 2001). Mental health difficulties can be a huge barrier to learning and school engagement, motivation, attendance, and ability to maintain peer relationships. Conversely, wellbeing has been linked to improved grades, self-control and reduced absences. (Howell 2009) What this tells us is that an investment in a collaborative approach to measuring and building youth wellbeing and resilience is needed. There is a need to continue and build on the work to date. There is a need to lobby for an improved wellbeing program and its implementation; identify areas for support, training and development; and evaluate the impact of the program on the wellbeing of students, staff and families.
 - Current Victorian practice (Education Training and Reform Act 2006) and new legislation in 2014 relating to promoting and improving enrolments and attendance are in the main focused on a supportive approach. There are mechanisms available to schools (via a School Attendance Officer) which are similar to those governing School Attendance within Washington DC where the 'Stand Up, Stand Out' program operates.
 - Frankston Youth Council recommendations on this issue are in line with a supportive approach, and highlighted the importance of the student - school rapport.

13.1 Response to NOM 1341 - Anti-Truancy Update**Officers' Assessment**

- Frankston Youth Council also referenced the criticality of support services within schools and pointed out from personal experience their perception of the lack of resources within schools. However, Council should note that Council Officers are currently working with the DET in Frankston North to implement a leading model for whole of community engagement approach to supporting young people in education. While the model is still being developed it is anticipated that it will reduce truancy and increase the number of young people completing grade 12 and continuing to further education.
- The Victoria Police have no legislative power in regard to truancy. They do however have proactive programs run by their Youth Resource Officers who work closely with schools.
- On 29 August 2017 a meeting was held with representatives of The Department of Education and Training Victoria, Victoria Police and Councillors. Discussion at this meeting:
 - was generally in line with the outcomes of the above research;
 - established that the capacity to infringe parents of children with unexplained absences existed within the powers of School Attendance Officer. However, this power was seen as a last resort and was not viewed as a constructive solution to curbing absences. Furthermore truancy is classified as a “reasonable excuse” and therefore cannot be the trigger for a truancy related infringement.
- A further meeting was held on 31 January 2018 between the Director Community Development and the Executive Director DET local area at which truancy was further discussed.
 - Statistics indicate that Frankston is travelling better with instances of truancy than most other areas in Melbourne and Gippsland.
 - DEECD actively manage truancy through:
 - Navigator, a pilot program supporting disengaged learners, aged 12-17 years, to re-engage in schooling.
 - Oakwood School (Frankston) provides learning opportunities for young people, aged 10 to 18 years of age, who have disengaged from school or where a mainstream school environment is seen as inappropriate to meet the young person’s needs.Both programs support the broader Bayside Peninsula Area’s work on addressing absences from school.
 - The Executive Director undertook to raise the truancy issue at his regular meeting with local principals’

Options Available including Financial Implications

1. Do nothing
2. Engage meaningfully and fully in the issue, committing new resources and funds
3. Continue to work with DET in priority areas of Frankston to introduce a whole of community engagement approach to improve outcomes for young people ensuring more young people complete Grade 12 and go on to further education to pursue endeavours of their choosing in their adult life.

13.1 Response to NOM 1341 - Anti-Truancy Update**Officers' Assessment**

The financial and resource requirements associated with

- Option 2 costs are as yet unknown but are estimated to be in excess of \$300,000 pa.
- Option 3 are minimal at this stage as the Director's time is involved at project meetings only. The final model will enable Council to ascertain the ongoing nature of the relationship to support a whole of community approach, which would be in keeping with Council's community development work.

Frankston Youth Council

Feedback and recommendations

Re: NoM1341 Anti-Truancy Recommendations

25/07/17 5:30-7pm

- Frankston Youth Council recommends a review of local Secondary School profiles to determine which schools have highest rates of truancy
- Frankston Youth Council recommends a survey of local Secondary Colleges to determine what anti-truancy measures have been successfully and unsuccessfully employed by schools
- Frankston Youth Council recommends that the cause of each truant student's absenteeism be investigated before punished as there can be many factors contributing to truancy for example:
 - *Young carer duties (recognised or unrecognised)*
 - *A parent or family member with a disability or mental illness*
 - *Bullying/embarrassment at school*
 - *Fear/avoidance of particular teachers or classes*
 - *Poor role models (low education aspiration) at home*
 - *Low education aspiration*
 - *Failure to understand the point of attending classes*
 - *Mental health of the student (social anxiety disorders etc)*
 - *Negative peer pressure in fear of bullying*
- Youth Council highlights that *student-school rapport* is vital for reliable student attendance
- Frankston Youth Council emphasised that local Secondary College wellbeing teams are too small to deal with the issue of truancy effectively and the schools should be better resourced with wellbeing staff
- Youth Council noted that student wellbeing teams are small and that staffing of these wellbeing teams is inconsistent
- The inconsistent nature of teaching and wellbeing staff contributes to the impersonal culture of Secondary School. This impersonal culture can contribute to a feeling of lack of accountability by students.
- The Primary Education Model, Parkdale Secondary College's organisation structure and Haileybury's "Head of House" program were given as positive examples of extensive and engaging student support structures.
- Youth Council noted that most Secondary Colleges in Frankston, in their personal experience, have student waiting lists of a fortnight to a month for appointments with student wellbeing staff
- Youth Council recommends increased support, staff and resources for student wellbeing teams in Frankston so that truancy can be approached in a holistic manner
- Frankston Youth Council recommends the availability of Youth Services such as psychologists, GPs etc within schools. Students are more likely to engage with services if

they are nested within schools. This provides a familiar setting and offers some confidentiality for the young person if families/parents are resistant to the young person seeking such help.

- Youth Council recommends Secondary College's place emphasis on and incentivise school attendance for students who are not working towards VCE or University – these students may not understand the importance school attendance
- Frankston Youth Council recommends that schools expose students a variety of role models and career possibilities to increase incentive for school attendance.
- Youth Council discussed the possibility of monetary fines or other consequences to parents/guardians who fail to prioritise and encourage their young people to attend education. This is after fair consideration and investigation of family circumstances.
- Youth Council recommends the creation of an online survey (with a prize incentive) of young people asking the questions:
 - *For what reason do you attend school?*
 - *For what reason/s do you miss days at school?*
- Youth Council recommends Frankston City Council engage with local SRCs to encourage them to employ positive peer pressure methods to discourage truancy
- Youth Council recommends that Secondary School teachers receive professional development in adolescent development and youth work elements in order to work more effectively with young people

Truancy Report

In March 2014, new legislation related to promoting and improving enrolment and attendance came into effect. All children aged 6-17 years are required to either be enrolled at a registered school, or registered for home schooling although there are some circumstances where a parent can apply to the Regional Director to exempt a child from enrolment at school. School attendance is mandated under the Education Training and Reform Act 2006. It is the responsibility of parents/carers to ensure their child regularly attends school.

Evidence shows that daily school attendance is important for young people to succeed in education and to ensure they don't fall behind both socially and developmentally. Young people who regularly attend school and complete Year 12 or an equivalent qualification have better health outcomes, better employment outcomes, and higher incomes across their lives. (info from DEECD).

The new law (2014 legislation) sets out that if a student reaches 5 days of unapproved or unexplained absence within the school year then the principal can decide what interventions will take place to encourage students to attend school. Unexplained absences are where the parent or carer does not inform the school about the absence within 10 days.

Truancy is defined under the Education and Training Reform Act 2006 as absence due to the child's disobedience and not due to any fault of the parent. Disobedience is therefore deemed a reasonable excuse and will not count towards the total of unapproved or unexplained absences.

School refusal is also considered a reasonable excuse for absence and if supports and interventions are being sought, should not count towards unexplained or unapproved absence. Schools work with families to address these issues and to improve a student's experience at school in order to improve their attendance.

"If these interventions do not improve your child's attendance, the principal may decide to make a referral to the School Attendance Officer. The School Attendance Officer will investigate the absences and may take one or all of the following steps depending on the circumstances.

- Issue a School Attendance Notice (which is an opportunity for your family to explain the absences and work with your child's school to improve attendance in the future)
- Issue an Official Warning (A School Attendance Officer may decide to issue an Official Warning prior to, or instead of issuing an Infringement Notice)
- Issue an Infringement Notice (these are issued as a last resort, after other strategies to improve attendance have been implemented and failed and can be reviewed upon request by the parent/carer). This is equivalent to half a penalty unit which is approximately \$70"

For absences where there is no exemption in place, the parent/guardian must provide an explanation on each occasion to the school. The school will determine if the explanation provided is a reasonable excuse for the purposes of the parent meeting their responsibilities under the *Education and Training Reform Act 2006*.

Schools must develop policies to support and maintain student attendance.

For guidance relating to:

- Student engagement, see:
<http://www.education.vic.gov.au/school/teachers/studentmanagement/Pages/studentengagementguidance.aspx>
- Re-engagement programs, see:
<http://www.education.vic.gov.au/school/teachers/studentmanagement/Pages/reengagementnt.aspx>

- Non-attendance, see:
<http://www.education.vic.gov.au/school/teachers/studentmanagement/Pages/attendance.aspx>
- Student support services, see:
<http://www.education.vic.gov.au/school/parents/needs/Pages/supportservices.aspx#link63>
- Students affected by homelessness, who may be more likely to have patterns of irregular attendance, see:
<http://www.education.vic.gov.au/school/parents/needs/Pages/supportservices.aspx#link63>

Government schools must use software to record student attendance and report this on a monthly basis. Parents/guardians are required to provide an explanation for their child's absence from school, and a principal must record in writing the reason (if any) given by the parent/guardian.

Schools must advise parents/guardians promptly of unexplained absences, including for post-compulsory aged students.

DEECD has a policy that covers the non-attendance or exemption from enrolment for students.

To ensure student exemptions from attendance or enrolment at school are managed in accordance with Departmental requirements.

Overseas experience

National Centre for School Engagement in Colorado USA – The National Centre for School Engagement (NCSE), collaborates with school districts, law enforcement agencies, courts, and state and federal agencies to support youth and their families to be engaged at school. Causes for truancy can be categorized in three areas: school factors, home and community factors, and personal factors. The NCSE has found that while truancy among primary school aged children is generally due to family issues, among older primary and secondary school young people personal factors play a bigger role. These factors include a student's intrinsic motivation, their own physical and mental health and future orientation. The NCSR also notes that "studies show that each high school dropout costs over \$800,000 over the course of his or her life. These costs are incurred as a result of lost income taxes due to unemployment and lower salaries, and higher social service expenditures and criminal justice costs." <http://schoolengagement.org/school-engagement-services/reducing-truancy/>

Programs to combat truancy fall into one of three categories: school or district programs, court programs, and community programs. School districts can begin by involving parents in school activities before truant behaviour ever becomes a problem, and immediately notifying parents of problems when they arise. Many schools have school attendance review boards that bring together parents, truant students, school representatives, and perhaps social service or mental health representatives to discuss the importance of school attendance and work out an attendance plan. Many courts have reorganised to form special truancy court dockets within the juvenile or family court. Consolidation of truancy cases results in speedier court dates, more consistent sentencing, and makes court personnel more attuned to the needs of truant youth and their families. Community programs bring together schools, law enforcement, social service providers, mental and physical health care providers, and others to help stabilize families and reengage youth in school. Accessed 11/8/17: <http://schoolengagement.org/>

Young people in Nevada must show excellent school attendance to get a driver's permit or license. Senate Bill 269, passed during the 2013 legislative session, went into effect 1 January 2014. The new law means students under 18, who want to get a permit or license, must present proof that they are regularly attending classes or are exempt from school attendance requirements.

The law affects students who have been absent three or more times without permission in a single school year, according to Washoe Country School officials. Student must show they've received a high school diploma or have passed one of three high school equivalence exams to be exempt from attendance requirements. A signature on a certificate of attendance needs to be signed by the student's principal or designee to qualify for a license.

Students who are excused from attendance requirements because of disability or home schooling must have a parent or guardian complete part of the form. Students who have completed high school or the equivalent must have a parent or guardian complete part of the form and provide a diploma or a certificate of High School Equivalency.

The Certification of Attendance form is also used to suspend or deny the driving privileges of a student who has been declared a habitual truant under NRS Chapter 392.

Florida has also introduced a system whereby persistent truancy leads to a loss of a drivers licence and Alabama is also considering such a system.

In 40 states if the USA plus the District of Columbia parents are charged fines for their children's truancy and subsequent court costs. Many are unable to pay these and may be sent to jail despite there being little evidence that this approach reduces truancy rates. The NCSE states that there is "evidence, based on real studies, to show that in general supportive measures work much better than punitive measures when you're dealing with truancy, because there's always some reason behind [an absence]." Punitive responses don't address the issues that young people may be facing at home such as caring for other family members, mental health issues, substance abuse, poverty and new immigrants who don't understand that their children have to attend school regularly.

Many courts in the USA also have diversion programs for these young people to keep them out of the jail system and connect them with support services. Schools also play a key role in keeping young people engaged "The research shows kids who feel that at least one person in the schools cares about them in some personal way are more likely to go to school and make an effort at school. There are actually a lot of kids in school who feel like there isn't anybody at school who knows anything about them or care about them."

Accessed 11/8/17: <https://www.theguardian.com/education/2014/jun/23/-sp-school-truancy-fines-jail-parents-punishment-children>

Norway

A study of the factors affecting truancy in Norway found poor relationships with peers at secondary school was a moderate risk factor for truancy and that the way a teacher manages their class can also affect truancy in relation to how bullying and social exclusion are managed. It found that the school experience was critical in understanding the level of truancy and in particular how bullying was perceived as being addressed by the student body. Teachers play a key role in helping students build supportive relationships within the class room and good classroom management will reduce truancy.

Personal aspects can also influence truancy with those with poor social skills being more likely to truant. Parents play a role in how interested they are in their child's academic achievement and those who are more interested have lower truancy rates than uninterested parents.

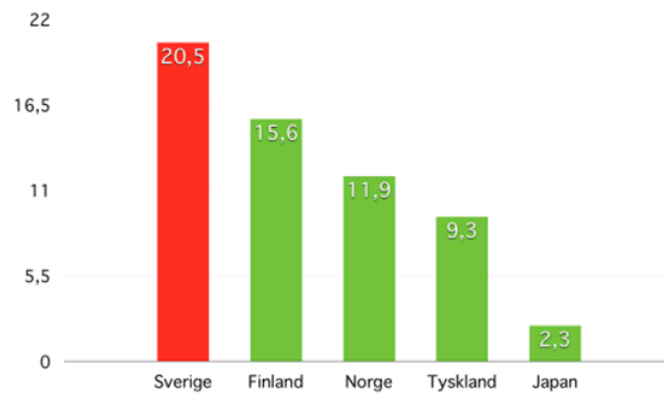
It recommended that schools are best placed to identify truancy and implement early interventions. Evidence showed that there was a tentative relationship between good relationships between the teacher and student and the prevalence of truancy.

"School factors associated with school refusal-and truancy-related reasons for school non-attendance", Trude Havik · Edvin Bru · Sigrun K. Ertesvag, Received: 20 March 2017 / Accepted: 17 January 2015 / Published online; 24 February 2015

©Springer Science+Business Media Dordrecht 2015 Accessed 11/8/17:

https://www.researchgate.net/publication/275946333_Havik_Bru_Ertesvag_online_February_2015_School_factors_associated_with_school_refusal-_and_truancy-related_reasons_for_school_non-attendance_Social_Psychology_of_Education_101007s11218-015-9293-y

Studies abound which demonstrate that truancy is a problem in many developed countries.



Sweden, Finland, Norway, Germany, Japan, (UK, 12%) (OECD, 2013, p. 48)

Accessed 11/8/17: <https://improvingteaching.co.uk/2016/09/14/education-in-sweden-chaotic-behaviour-in-the-classroom/>

PISA 2015

The organization for Economic Co-operation and Development (OECD) runs a triennium study into school performance and student achievement for 15 year olds throughout the world. The program for International Students Assessment (PISA) cannot identify cause-and-effect relationship between policies and outcomes however it can indicate the differences between individual countries and point towards countries who are performing well and which may warrant further investigation. The most recent assessment was completed by 540,000 students from 72 different countries.

The report noted that learning should not be hindered by poverty, family background or access to resources and that successful education systems work to ensure that these factors are addressed to ensure equitable access for all students. It recommended that “Governments may need to provide additional resources for free-of-charge tutoring in disadvantaged schools so as to prevent the development of a shadow education system – and to ensure equity in education opportunities.” (page 14). In particular, it noted that disadvantaged schools also tend to be subject to more disciplinary problems and a lack of student engagement, which is demonstrated through lateness, truancy which then compromises the students’ opportunities to learn and succeed in school.

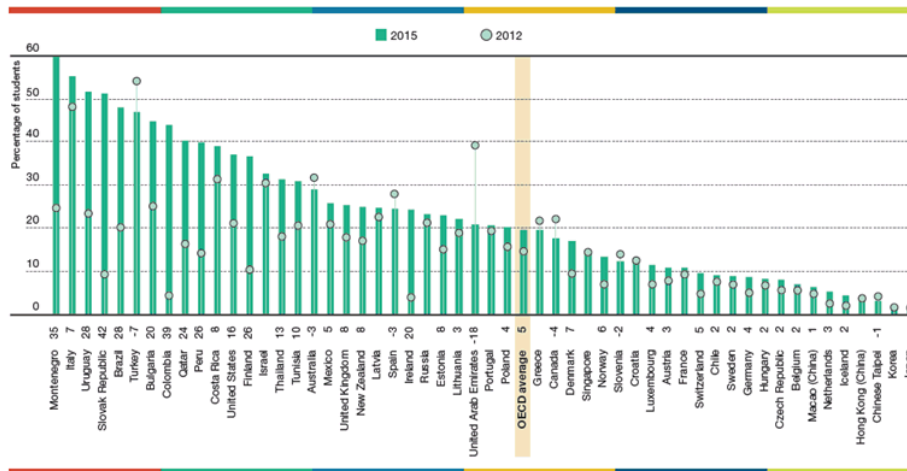
Overall across OECD countries, 20% of students had truanted in the two weeks prior to the PISA test. They are most likely to be from socio-economically disadvantaged schools which have a less positive disciplinary climate than advantaged schools. It should also be noted that parents are more likely to be involved in their children’s school activities if they are from a socio-economically disadvantaged school.

Truants are more likely to drop out of school altogether, be employed in poorly paid jobs, have unwanted pregnancies, have substance abuse issues and become delinquent (page 83, PISA 2015 Results, Vol II). It also found that truancy may also have an effect on the rest of the class as when the student does attend they require greater assistance from the teacher or their peers and this can cause resentment among other students and frustration among teachers. It could also result in other students truanting as they realise they can also skip school however there needs to be more research into this aspect of truancy. http://www.keepeek.com/Digital-Asset-Management/oced/education/pisa-2015-results-volume-ii_9789264267510-en#page83

The table below shows that truancy in Australia is higher than the OECD average however has declined by 3% since the last study in 2012. Other countries experiencing a decline include: UAE (18%), Turkey (7%), Canada (4%), Spain (3%), Slovenia (2%), Chinese Taipei (1%). USA truancy has increased by 16% over the same period.

<http://www.oecd.org/pisa/pisa-2015-results-in-focus.pdf>

Change between 2012 and 2015 in student truancy
Percentage of students who reported that they had skipped a day of school in the two weeks prior to the PISA test



Notes: Only countries/economies that participated in both 2012 and 2015 PISA assessments are shown. Only percentage-point differences between PISA 2012 and PISA 2015 that are statistically significant are shown next to the country/economy name. Countries and economies are ranked in descending order of the percentage of students who had skipped a whole day of school at least once in the two weeks prior to the PISA test, in 2015. Source: OECD, PISA 2015 Database, Tables II.3.1, II.3.2 and II.3.3.

Victoria Police

The Victoria Police have no legislative power in regard to truancy. They do however have proactive programs run by their Youth Resource Officers who work closely with schools.

Research

<https://www.businessinsider.com.au/a-mcdonalds-in-queensland-has-banned-students-in-uniform-during-school-hours-2017-7>

Accessed 20/7/17

<https://www.news.com.au/lifestyle/food/eat/mcdonalds-elanora-bans-kids-in-school-uniform-during-school-hours/news-story/6e47028a6de5ecf18561dbd88707520f>

Accessed 20/7/17

<http://www.education.vic.gov.au/school/parents/behaviour/Pages/attendance.aspx>

Accessed 28/7/2017

<http://www.education.vic.gov.au/school/principals/spag/participation/Pages/attendance.aspx>

Accessed 7/8/17

Show Up, Stand Out program – Washington DC

Show Up, Stand Out is a free program from the Office of Victim Services and Justice Grants (OVSJG) in Washington, DC. The program helps parents to get their kids to school every day and help to solve the problem to truancy in DC schools. If your child has 5 unexcused absences, this program is for you.

While Show Up, Stand Out is sponsored by the DC government, all emails, visits, and phone calls are confidential. Our team members are here to help parents get their kids to attend school and to help with problems that hinder their attendance. They work with parents/carers to find out what they need to make sure their kids attend school regularly. All calls, emails and visits are confidential.

To find the Show Up, Stand Out team member for your child's school, visit Showupstandout.org/how-it-works/help-locator/

Show Up, Stand Out has partners working with over 60 elementary and middle schools in DC, and is striving to help more than 4,000 students this year. Our team members come from the following organizations:

- Far Southeast Family Strengthening Collaborative
- Georgia Avenue Family Support Collaborative
- Boys Town Washington, DC
- Collaborative Solutions for Communities
- East River Family Strengthening Collaborative
- Edgewood/Brookland Family Support Collaborative
- Catholic Charities

The Attendance Accountability Act

The Attendance Accountability Amendment Act includes penalties for missing more than 10 days without a valid excuse. Absence is defined as:

- Absence: Missing more than 20% of a school day (or 78 minutes).
- Excused absence: Missing school for a valid reason, because of an illness, death in the family, religious holiday, doctor's appointment, court date, college visit or other reason approved by you and your child's school.
- Unexcused absence: Missing school without a valid reason, because of a family vacation, cutting class, oversleeping, running errand, babysitting, traffic or other car troubles.
- Absenteeism: A pattern of missing school, with or without a valid excuse.
- Chronic absenteeism: Missing 10 or more days of school in a single school year, with or without a valid excuse.

For specific information about your child's school, including who to contact if your child is absent, call the school's attendance counsellor, teacher or principal.

Periods of absence result in specific consequences:

After 1 unexcused absence	You will receive a call from your child's school.
After 5 unexcused absences	Your child will be referred to a school based student support team. The team will meet to discuss why your child is missing school and create a plan to prevent him or her from missing school in the future. If you have not already, reach out to us and see what services are available in your community to help make sure your child gets to school.
After 7 unexcused absence	You will receive a warning letter from the Metropolitan Police Department.
After 10 unexcused absences	Your child's school based support team will deliver a loan to school administrators. The plan will include ideas for making sure your child's absences do not continue, and will identify services in your community to help. From there, the school will notify the MPD (Metropolitan Police Department) and send a letter to you explaining the legal consequences of accruing additional absences. The office of State Superintendent of Education (OSSE) will send you a truancy resource guide. If your child is between the ages of 5-13, the school will refer him or her to the Child and Family Services Agency (CFSA) for further review.
After 15 unexcused absences	If your child is between the ages of 14-17, he or she will be referred by the school to the Court Social Services Division (CSSD) and/or the Office of Attorney General (OAG) Juvenile Division.

Parents whose children violate DC's Attendance Act may be required to attend parenting classes, do community service or pay a fine. Our program can help improve school attendance long before you reach this point.

To help you comply with the law and understand its effects, our team is here to help. We will set up a time to meet with you at a place and time that's convenient for you. We'll work with you to create a plan just for you and your child.

Sources: Council of the District of Columbia, Council for Court Excellence, D.C. Action for Children, D.C. Public Schools

<http://www.showupstandout.org/resources/resourcesthe-attendance-accountability-act/>

Accessed 27/7/17

Whittlesea Secondary College

Whittlesea Secondary College has an attendance policy which has clear aims and strategies.

Absence is monitored, audited and clear responsibilities are stated and implemented.

There are strategies in place to follow up and monitor student absences.

School Councils must also ratify the policy. There are parties and processes in place which are supported by DET and DHS.

ATTENDANCE POLICY

Rationale

The *Education Act 1958* requires that children of school age (six-seventeen years [6-17]) resident in Victoria are required to be in full-time attendance at a government or registered non-government school unless they are receiving approved home tuition, correspondence education, or have been granted an exemption by the Regional Director.

Aims

- to maximise student learning opportunities and performance by ensuring that children required to attend school do so regularly, and without unnecessary or frivolous absences.

Implementation

Requirements

- All enrolled students are required to attend school unless reasonable and valid grounds exist for them to be absent.
- Illness is reasonable grounds for an absence – shopping excursions or birthday parties are not.
- Parents have a responsibility to ensure that their children attend school regularly, and are only absent if ill or if absolutely necessary.
- Parents have a further responsibility to provide a written note or phone the absence line to inform the school why an absence has occurred.
- The Principal has a responsibility to ensure that attendance records are maintained and monitored at school.
- All student absences are recorded for each class by teachers, are aggregated on our CASES database and communicated to the Department of Education and Training (DET).
- DET and enrolment auditors may seek student attendance records.
- The Principal has a further responsibility to ensure that unexplained absences are investigated, and that high levels of absenteeism are adequately explained.

Implications

- Education is a sequential process therefore absences often mean students miss important stages in the development of topics, causing them to find 'catching up' difficult.
- Absenteeism contributes significantly to student failure at school.

Reporting

- The Principal or nominee, such as and not limited to, the Student Administration Managers, will contact parents of students with high levels of unexplained or unapproved absences, with the view to developing and implementing strategies to minimise absences.
- Ongoing unexplained absences or lack of cooperation regarding student attendance will result in a formal attendance conference being organised. o Unresolved attendance issues may be reported by the Principal to the Department of Human Services.
- Student attendance and absence figures will appear on student half year and end of year reports.
- Aggregated student attendance data is reported to the Department of Education and Training (DET) and the wider community each year as part of the annual report.

Related Legislation and Policies

- DET Legal Requirements

Page 2 of 2

Appendices**Evaluation**

This policy will be reviewed as part of the school's three-year review cycle.

This Policy was last ratified by School Council in: 2017

Monterey Secondary College manages absences in an informative and supportive manner. The communication processes are accessible and supportive to the whole of school community. Structures and strategies exist to assist and not punish truancy. This approach is supportive and understanding and is representative of Youth Council's recommendations. What is needed are even more resources for schools and teams of Wellbeing officers to maintain a preventative and strengths based approach. This will increase access to information and support to parents and carers, along with measuring efficacy.

There is clear evidence to show the link between student attendance rates at school and their academic success. Missing just two days a month of class is enough to severely impact a child's education. At Monterey, we have strong focus on making sure that students attend class every day and stay in school for as long as they need, to ensure that they are set up for success beyond their secondary education. If a student misses only 8 days a term, by the end of high school they will have missed almost half a year of school. Just as important to attend class every day is arriving at school on time, before the start of the school day.

The Wellbeing and Leadership teams work together with parents, families, students, teachers and the Attendance Officer to develop strategies and programs to ensure that students can attend school as much as possible, in an environment that allows them to learn at their own pace and reduce the number of days spent absent. Obviously, there are times when an absence from school is necessary and these are understood by the school.

If you have an inquiries or concerns about your student's attendance at school, please do not hesitate to contact your students Co-ordinator or the Wellbeing Team.

Monterey Student Wellbeing**WELLBEING TEAM**

The Monterey Student Wellbeing Team offers support to students, teachers and families in relation to problems and concerns that may be having an effect on a student's academic achievements and development at school. Such concerns may involve personal problems, friendship difficulties, family issues, learning and behavioural difficulties and health concerns. Resources within the school and in the local community are available to help address these issues and can be utilised with the assistance of the Student Wellbeing Team.

The Student Wellbeing Co-ordinator is responsible for developing programs within the school that address students needs and assist them to develop skills in coping with life situations and their education, with emphasis given to developing each student's self-confidence and self-esteem. Student Wellbeing at Monterey addresses the wellbeing of all students, through programs, student support, counselling and family support. We seek to promote responsible behaviour and develop resilience in students through

positive relationships, opportunities for wide-ranging participation and high expectations of positive attitudes to learning.

Our wellbeing team consists of:

- Student Wellbeing Co-ordinator
- Two School Chaplains
- School Nurse
- Koori Engagement Support Officer
- School-Based Psychologists

If you have any concerns relating to your child's wellbeing, please do not hesitate to contact the school.

Executive Summary**13.2 Response to NOM 1382 - Community Gardens in Frankston City**

Enquiries: (Liz Daley: Community Development)

Council Plan

Community Outcome:	1. Planned City
Strategy:	1.1 Community Infrastructure
Priority Action	1.1.6 Ensure community infrastructure and services match community need

Purpose

To brief Council on the response to NOM 1382 "Increased Community Gardens in Frankston City"

Recommendation (Director Community Development)

That Council:

1. Supports the development of community gardens using a community development approach; and
2. Work with Frankston Community Gardens Network to deliver a public information session for residents interested in creating or joining a community garden.

Background

On October 10 2017, Cr Toms gave notice of his intention to move the following motion

"That a report be provided at the March 2018 Council Meeting on the practice of Community Gardens in the Frankston municipality. This report must consider:

1. *Evaluation on how the four present sites are operating and what could be done to improve them.*
2. *Introduction of new sites to achieve greater municipal balance – Karingal, Seaford, Carrum Downs, Skye and Frankston South.*
3. *Investigate how to encourage residents / neighbourhood to create their own community garden cooperative. This is to include (but not limited to) grants, staff information sessions for residents, seeds and permit rental modification"*

Key Points / Issues

- Council conducted an audit of Council owned land in 2011 with a view to assessing suitability of Council owned land for community gardens. The audit was based on criteria such as compatibility with surrounding land use, nearby public transport and access to public toilets. The "Potential Sites for Community Gardens in Frankston City" document is available on Council's website and provides guidance for residents interested in starting a community garden in their area.
- Success of community gardens is reliant on sustained community interest and Council has worked with residents interested in establishing community gardens over the past 12 years to subsequently create six community gardens. These gardens continue to offer local people the opportunity to grow food, learn new skills and meet others from their neighbourhood. Participants at these gardens range in age from families with infants to retirees and represent a diverse cross-section of the community.

13.2 Response to NOM 1382 - Community Gardens in Frankston City**Executive Summary**

- Using this proven model Council does not directly create or build community gardens, instead it uses a community development approach which relies on expressed community interest in a community garden and supporting them to rally their own resources and networks to design, fundraise and work together to create a community garden. This approach has created strong, sustainable community gardens, led by passionate people who encourage involvement of diverse groups within the community.
- Residents interested in starting a community garden are assisted by resources developed by Council including "Potential Sites for Community Gardens in Frankston City" as well as staff time supporting them through the process of design, engagement and fundraising.
- Council currently convenes the Community Gardens Network twice a year. A public information session could be linked with this network and community garden representatives sharing their experiences.
- Currently, Council Officers are working with a group of residents on their proposal for a community garden in Kananook. This work commenced in 2017.

Financial Impact

The State Government has introduced the "Fair Go Rates" system, placing a cap on Council rates which has restricted the level of increases that Council can apply to its rate revenue. Rate revenue constitutes 63 per cent of all Council revenue.

The rate cap over the past two financial years has been 2.5 per cent and 2.0 per cent respectively and will be 2.25 per cent in 2018-2019.

The rate cap percentages are based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services. The cost of providing Council services has been increasing well in advance of the rate cap applied by State Government.

Over time this trend may lead to a reduction in the levels of service provided to the community and in Councils ability to fund both new facilities and the ongoing renewal of existing facilities.

Council will continue to evaluate the impacts of rate capping annually and needs to be mindful of these outcomes in all Council decisions.

There are no financial implications associated with this report.

Consultation**1. External Stakeholders**

Community garden committees were consulted about the size of their membership to inform this report.

2. Other Stakeholders

Nil.

Analysis (Environmental / Economic / Social Implications)

Council's continued support to community gardens will promote healthy nutrition through growing and sharing fresh produce. Importantly it will also offer social connections within the local area for people of a range of ages and abilities, as well as teach practical environmental messages about composting and biodiversity.

13.2 Response to NOM 1382 - Community Gardens in Frankston City**Executive Summary**

Responding to the residents' interest in creating a community garden, using a community development approach, will also provide a link to Council and broaden their connection with other community groups.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

All matters relevant to the Charter of Human Rights and Responsibilities have been considered in the preparation of this report and are consistent with the standards set by the Charter.

Legal

There are no legal implications.

Policy Impacts

Frankston City Council's Health and Wellbeing Plan 2017-2021 recognises as vital, access to fresh and nutritious food in priority 1.1 'Healthy and Active Lives'. It also references the easy availability of unhealthy food outlets (take-away, kiosks and fast food) in the municipality.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

The greatest risk for community gardens is that the infrastructure is developed, plots planted and then community interest fades and it fails to flourish. Using a community development model mitigates this risk by ensuring that the garden development is driven by residents, with support from Council. This approach ensures community ownership which ensures longer-term sustainability.

Council also convenes the Frankston Community Gardens Network that offers community gardens mutual support and an ongoing link with Council. Committee members meet together twice a year and discuss issues of shared interest and concern.

Conclusion

Council's existing approach of using community development to work with local residents who are interested in creating a community garden has worked well. This approach builds stronger community links by residents meeting and working together on developing the garden as well as mitigating risks of underused facilities once in operation.

ATTACHMENTS

- Attachment A: [↓](#) Potential Sites for Community Gardens in Frankston City
Attachment B: [↓](#) Community Gardens Brochure
Attachment C: [↓](#) Template for Submission of Community Garden Proposal to Council

13.2 Response to NOM 1382 - Community Gardens in Frankston City

Officers' Assessment**Background**

Community gardens are places for people to come together and grow food as well as sharing skills and harvests in public areas. Generally, Australian community gardens are based on the model of allotments from the United Kingdom, with individual people/families having their own plot within a communal facility.

Frankston City became actively involved with community gardens in 2005 when project funding was received from VicHealth to promote food security through providing skills and opportunities for local residents to grow their own food. A small amount of these funds were used to seed fund the development of Groundswell community garden in Frankston, as well as provide both accredited and informal training.

At the end of the VicHealth project, Council foresaw broader interest in the municipality so researched and published the "Potential Sites for Community Gardens in Frankston City". This document was aimed at individuals and residents and identified a number of sites throughout each suburb in the municipality that could be considered for community gardens. It also analysed the sites in terms of key success criteria ie: passive surveillance; nearby public transport; access to public toilets; co-location with other facilities; car parking; and compatibility with surrounding land use. In a sense, it is also educational, informing the public of what should be considered for successfully locating a community garden.

Frankston City currently has six established community gardens, ranging in years of operation from two years to 12 years. Most are governed by a committee of management whose sole responsibility is the garden, two are programs of community groups and one is officially auspiced by another community organisation.

Currently, Council Officers are working with a group of residents on their proposal for a community garden in Kananook. This work commenced in 2017.

Table 1

OPERATIONAL COMMUNITY GARDENS IN FRANKSTON CITY				
NAME	LOCATION	GOVERNANCE	YEAR OPENED	MEMBER-SHIP
Pines Patch	Frankston North	-auspiced by Pines Men's Shed	2006	12
Groundswell	Frankston	-incorporated committee of management	2007	20
Joy of the Earth	Central Frankston	-incorporated committee of management	2012	65
Langwarrin Community Garden	Langwarrin	-incorporated committee of management	2016	37
The Backyard	Langwarrin	-program of Langwarrin Community Centre	2016	15
Garden for Life	Karingal	-program of St Luke's Anglican Church	2013	10

13.2 Response to NOM 1382 - Community Gardens in Frankston City

Officers' Assessment

Other communal growing opportunities exist within the municipality, Table 2 shows those that are, or planning to be, open to the public.

Table 2

ALTERNATIVE MODELS OF COMMUNAL FOOD GROWING IN FRANKSTON CITY			
Downs Estate	Seaford	Incorporated committee of management	Opened in 2016 as part of a broader community project
Seaford Food Forest	Seaford (next to Riviera Pre-School)	Auspiced by Permaculture Victoria	Still in development stage, not yet open to public

Other opportunities for growing food communally exist as part of retirement villages and some schools. These differ from community gardens in that involvement is open only to people with existing ties to the organisation ie: the students and families of the school or residents of the village.

The Community Strengthening Department has allocated staff resources since 2007 to support and assist residents and groups exploring or establishing community gardens. Council does not directly deliver or construct community gardens, instead, it uses a community development approach, supporting local residents to rally their own resources, networks and community to create the garden. This approach is considered best practice as it creates commitment and ownership by community members to the longevity of the garden and also builds residents' skills and connections.

This model has meant that work has been done with other residents and groups that has not resulted in the creation of a community garden. Below, Table 3 shows the work done in various other suburbs of Frankston City.

Table 3

DEVELOPMENT WORK UNDERTAKEN ON COMMUNITY GARDENS			
SUBURB	TIMING	LEAD PARTY – INDIVIDUAL OR GROUP	OUTCOME
Karingal	2009 -2010	Working group of residents	preferred site not available, resident interest diminished
Carrum Downs	2012	Brotherhood of St Laurence	garden facility remained for use of programme clients
Carrum Downs	2013	Individual resident	resident moved from area
Seaford	2015	Individual resident	change in resident's circumstances impacted ability to continue
Frankston	2015-17	Nairn Marr Djambana Gathering Place	competing priorities for committee focus
Carrum Downs	2015-16	Banyan Fields Primary School	initial plan for public community garden on school land diminished

13.2 Response to NOM 1382 - Community Gardens in Frankston City**Officers' Assessment**

Resources to support residents interested in a community garden within their area have been developed. These are: "Potential Sites for Community Gardens in Frankston City" in 2011; "Community Gardens Frankston City" brochure (created in 2009, updated in 2014 and 2017) and; "Community Garden Proposal-Template for submission to Council" in 2016. These are all attached to the report.

A network of community gardens across the municipality was created in 2012 and has met intermittently in the years since. In 2017, Council initiated the first Frankston City Community Gardens Open Day, with all gardens open and a shuttle bus making its way to all. Although attendee numbers were lower than hoped the day was deemed a success by most of the gardens due to making connections across the garden committees and working together on a shared project. It is planned to run this activity again in October 2018.

Local community gardens have taken an active role in creating vibrancy in their areas by: hosting a range of gardening and environmental workshops since 2009; offering 'tea and a tour' during Seniors' Festivals; participating in the 2017 Frankston Community Gardens' Open Day and bus tour; celebrating Neighbour Day; contributing to the monthly Frankston Food Swap; welcoming disability groups; and giving Frankston a presence in the 2015 Sustainable Living Festival. In addition, community gardens have been regular contributors to the Frankston Food Access Network and integral in organising the Frankston Community Food Fest since 2011, hosting a range of workshops.

Issues and Discussion

In terms of municipal balance, Council has identified potential sites in all of the local areas, but the activation of any of these sites relies totally on residents expressing an interest and showing their commitment to creating a community garden. With support from Council, community members marshal the resources, do the fundraising, designing and engagement to bring it to fruition. This usually takes two to three years of the residents' consistent involvement, which works well in demonstrating their commitment to the idea and its ongoing viability.

Council currently provides support to these community gardens in a variety of ways including : production and printing of the "Frankston City Community Gardens" brochure; liaison with committees of management; convening the Frankston Community Gardens Network; negotiating of suitable licenses for each garden; arrangement of a mentor garden to provide peer support for each new community garden working group.

Council issues community garden licenses outlining responsibilities of both parties and takes into account the finances of community garden with a significantly reduced annual fee payable to Council.

Community gardens in the municipality are also offered involvement in the monthly Frankston Food Swap and informed about opportunities for free attendance at governance training workshops.

Options Available including Financial Implications

Council could offer additional support to residents interested in creating, or joining a community garden through hosting an annual public information session.

This session would be held a community venue and explain the process for residents wanting to develop a community garden. Additionally, speakers from 1-2 local community gardens could also share their experiences of the work of creating their garden or how to become a member.

There are no financial implications associated with the report.



Potential Sites for Community Gardens in Frankston City

Adapted from the Community Gardens Site Location Audit 2011

Increases in Australian living costs, as well as the effects of climate change are impacting on the price and availability of fresh produce. This is contributing to an increased interest within the community for people to grow their own produce. For those who are not confident or experienced, participation in a community garden will allow them to develop skills through the informal sharing of information, knowledge and ideas that occurs in this social setting.

This document aims to prepare Council to respond to future requests for community gardens by the identification of suitable sites in the municipality that can be considered for community gardens. It is not a definitive or exhaustive list, as community interest in other sites may create a significant level of demand for them to be considered on a case by case basis. In the first instance though, this listing could be used to guide Council and interested community groups and residents in determining the location of potential new sites for community gardens.

Community gardens are a practical and long term strategy towards achieving food security that allows people to grow their own produce locally and cheaply and thus increases access to fresh fruit and vegetables

Frankston City is currently home to three community gardens, Groundswell and Joy of the Earth (Frankston) and Pines Patch (Frankston North). These community gardens fit the common definition as they are located on public land; available for membership to the general public; non-profit enterprises; comprise a series of garden plots rented out for growing edible produce and managed by a committee of local residents and organisations. Community gardens may also include communal plots, ornamental beds, orchards, art work and relaxation space.






The Audit Table has selected Council owned land and rates a number of public open spaces against certain elements important to the success of a community garden.

Seven criteria have been chosen for their relevance in evaluating a potential site.

These are as follows:

- ❖ co-location with services;
- ❖ compatibility with surrounding land use;
- ❖ natural surveillance;
- ❖ nearby public transport;
- ❖ car parking;
- ❖ access to public toilets; an,
- ❖ existing community interest.

Item 13.2 Attachment A: Potential Sites for Community Gardens in Frankston City

FEATURE	RELEVANCE TO COMMUNITY GARDEN
Co-location with other organisation/community group	<p>This is important in terms of attracting individual members from those attending adjacent community groups. Members of those groups may also want to participate in a nearby community garden</p> <p>Water harvesting from the roof of an adjacent public building, with permission, allows the garden to have an independent source of water</p> <p>Opportunities for co-located groups to network and work collaboratively</p>
Natural surveillance 	<p>A feeling of security can be engendered by enabling local residents to clearly see the community garden, whether they are visiting another building, walking their dogs or looking across from their front yard into the community garden or driving past.</p> <p>For community gardens without high fences or locked gates, this passive surveillance may alleviate concerns about stealing of produce</p>
Nearby public transport 	<p>This criteria is included to provide access to as many people as possible</p> <p>It also recognises that for some, living on a low income precludes private car ownership</p>
Access to toilet facilities 	<p>Members of community gardens spend time in the garden planting, weeding etc and also attend working bees and meetings</p> <p>Toilet facilities do not necessarily mean public toilets, but could mean negotiated access to toilets in nearby public buildings.</p> <p>The second symbol is used in those locations where this needs to occur.</p>
Car parking 	<p>Ideally, if the community garden is co-located with another organisation then car parking may already exist. If not, then on-street parking would need to be used.</p> <p>Installation of a bicycle rack could encourage members to cycle to the garden.</p>
Compatibility with surrounding land use	<p>This criteria is included on advice from the Open Space Working Group, who considered that not all existing open space use is compatible with a community garden e.g. conservation reserves that could be contaminated by seed dispersal from weedy plants such as fennel etc</p>
Existing community interest 	<p>Interest originating from an existing group is invaluable to the long term viability of a community garden. This is due to the community's sense of ownership and personal investment in its success.</p>

In the attached Community Garden Site Location Audit the first three locations in each suburb are those that meet most of the criteria and are identified as preferred sites. Other locations are included, but clearly do not meet most of the criteria

COMMUNITY GARDEN - SITE LOCATION AUDIT

FRANKSTON CENTRAL & EAST										
PARK	Natural surveillance	Co-location	Nearby public transport	Access to toilet facilities	Car parking	Compatibility with surrounding land use	Existing community interest	Open Space Strategy		Other
								Class	Type	
Ballam Park Homestead Reserve (Cranbourne-Frankston Rd)		Ballam Park homestead				✓	✗	Community	Cultural heritage	Existing orchard Heritage Victoria may prefer site external to homestead
Joy St Reserve (Joy St)		Maternal & Child Health Centre Pre-school				✓		Community	Social informal	
Ebdale Community and Family Learning Hub (Ebdale St)		Ebdale Community and Family Learning Hub				✓	✗	n/a	n/a	Located within Hub, not adjacent reserve - no loss of open space
Orwil St Reserve (Orwil St)		Orwil St Neighbourhood House				✓	✗	Large local	Social informal	Concern about removal of limited open space
Whistlestop Reserve (Dalpura Cct)		✗		✗	✓	✓	✗	Community	Social informal	
Wingham Reserve (Ashleigh Ave)		Karingal PLACE				✓	✗	Community	Social informal/ Natural parkland	Also site of quarterly local market

LEGEND		LEGEND	
	The site is visible to the general public walking or driving by		Access to toilet facilities could be requested from nearby community buildings
	Train or bus stop in walking distance		Carparking available
	Public toilets nearby		Community have expressed interest in this site as a community garden

Item 13.2 Attachment A: Potential Sites for Community Gardens in Frankston City

CARRUM DOWNS AND SKYE										
PARK	Natural surveillance	Co-location	Nearby public transport	Access to toilet facilities	Car parking	Compatibility with surrounding land use	Existing community interest	Open Space Strategy		Other
								Class	Type	
Rotary Park (Lyrebird Dve)		Pre-school				✓	✗	Community	Social informal	
Sandfield Reserve (Sandfield Dve)		Play equipment and informal courts Nearby school and pre-school				✓	✗	Community	Social informal	
Bowerbird Pre-school (Lyrebird Dve)		Pre-school				✓	✗	n/a	n/a	
Carrum Downs Reserve (Wedge Rd)		Scouts Sporting clubs				✓ (see other)	✗	District	Sporting / Social informal	Dependent on future of tennis courts
Darnley Reserve (Darnley Dve)		✗	✗	✗	✗	✗	✗	Large local	Social informal	Too close to conservation reserve
Santa Clara (Santa Clara Mews)		✗	✗	✗	✗	✓	✗	Large local	Social informal	

LEGEND		LEGEND	
	The site is visible to the general public walking or driving by		Access to toilet facilities could be requested from nearby community buildings
	Train or bus stop in walking distance		Carparking available
	Public toilets nearby		Community have expressed interest in this site as a community garden

Item 13.2 Attachment A: Potential Sites for Community Gardens in Frankston City

SEAFORD										
PARK	Natural surveillance	Co-location	Nearby public transport	Access to toilet facilities	Car parking	Compatibility with surrounding land use	Existing community interest	Open Space Strategy		Other
								Class	Type	
Seaford Pre-School (Railway Pde)		Pre-school				✓	✗	n/a	n/a	
Armstrong Reserve / Riviera Pre-School (Newton St)		Pre-school Playgroup				✓		Community	Social informal / Natural parkland	May also be space inside adjacent Maternal & Child Health Centre block
East Seaford Reserve (Brunel Rd)		Nearby school Sports clubrooms				✓	✗	District	Sporting / Social informal	
Broughton Reserve (Station St)		Seaford Hall Senior Citizens				✗	✗	Community	Social informal / Urban civic	Not enough space
Prince Reserve (Prince Cres)		Guides Pre-school				✓	✗	Community	Social informal	Exposed site
Weatherston Reserve (Weatherston Rd)		Play equipment		✗	✗	✗	✗	Large local	Social informal	

LEGEND		LEGEND	
	The site is visible to the general public walking or driving by		Access to toilet facilities could be requested from nearby community buildings
	Train or bus stop in walking distance		Carparking available
	Public toilets nearby		Community have expressed interest in this site as a community garden

Item 13.2 Attachment A: Potential Sites for Community Gardens in Frankston City

LANGWARRIN										
PARK	Natural surveillance	Co-location	Nearby public transport	Access to toilet facilities	Car parking	Compatibility with surrounding land use	Existing community interest	Open Space Strategy		Other
								Class	Type	
Lloyd Park-Pindara Playground (Pindara Blvd)		Nearby sports clubs and hall			✓	✓	✗	District	Sporting / Social informal / Conservation	
Malcolm Reserve (Malcolm Rd)		Nearby sports clubs and hall			✗	✓	✗	Large local	Other	Care needed with seed dispersal to nearby bushland
Northgateway Reserve (Northgateway)	✗	✗		✗	✗	✗	✗	Large local	Natural parkland / social informal	
Monique Reserve (Monique Dve)	✗	✗	✗	✗	✗	✓	✗	Large local	Social informal	
Long Reserve (Long St)	✗	✗		✗	✗	✓	✗	Large local	Social informal / Natural parkland	
Bayport Reserve (Bayport Dve)	✗	Pre-school			✓	✓	✗	Small local	Social informal / link	
Cavill Reserve (Cavill Close)	✓	✗		✗	✗	✓	✗	Large local	Social informal	
Dunn Reserve (Dunn Cres)		✗	✗	✗	✗	✓	✗	Large local	Social informal	

LEGEND		LEGEND	
	The site is visible to the general public walking or driving by		Access to toilet facilities could be requested from nearby community buildings
	Train or bus stop in walking distance		Carparking available
	Public toilets nearby		Community have expressed interest in this site as a community garden

Item 13.2 Attachment A: Potential Sites for Community Gardens in Frankston City

FRANKSTON HEIGHTS & SOUTH										
PARK	Natural surveillance	Co-location	Nearby public transport	Access to toilet facilities	Car parking	Compatibility with surrounding land use	Existing community interest	Open Space Strategy		Other
								Class	Type	
Jubilee Park (Nursery Avenue)		Nearby Aboriginal Gathering Place and Scout Hall		 (completion 2012)				Regional	Sporting / Natural parkland	Masterplan in 2012
Delacombe Park (Towerhill Rd)		Nearby pre-school and Guides						Community	Sporting / Social informal	
Bruce Park (Bondi Ave)		Nearby sports clubs and hall		Open for special events				District	Sporting	Aspiration for social informal use according to Open Space audit
Mincha Reserve (Mincha St)								Small local	Social informal	
Yamala Reserve (Bowes St)		Nearby bowls and tennis club						Community	Sporting / Social informal	
Overport Park (Overport Rd)		Nearby arts and sporting clubs						District	Sporting	Significant conservation area
Baden Powell Reserve (Humphries Rd)		Nearby pre-school						Community	Sporting	Significant conservation area

LEGEND		LEGEND	
	The site is visible to the general public walking or driving by		Access to toilet facilities could be requested from nearby community buildings
	Train or bus stop in walking distance		Carparking available
	Public toilets nearby		Community have expressed interest in this site as a community garden

COMMUNITY GARDEN - SITE LOCATION AUDIT

COMMUNITY GARDEN – APPROXIMATE COSTS

Infrastructure

Pathways	\$2000
Shed/storage facilities	\$5000
Fencing	\$5000
Water harvesting (tank, pump etc)	\$3000
Seating and shaded area	\$2000
Signage	\$1500
	<u>\$18,500</u>

Gardening supplies

Soil, mulch etc	\$1500
Tools and equipment	\$1000
Fruit trees and vines	\$250
Composting equipment	\$500
	<u>\$3,250</u>

Accessible garden beds

Raised beds (\$1000 each) x 4	\$4000
Wheelchair accessible bed x 1	\$1700
	<u>\$5,700</u>

TOTAL **\$27,450**

COMMUNITY GARDENS

Part of a better food system

Starting a community garden

Council has undertaken an audit of its land and where would be suitable for community gardens in each suburb. Have a look at the website for suggested locations www.frankston.vic.gov.au/communitygardens

The most important part of creating a community garden is bringing people together who want to work on making it happen. If you have an idea for a community garden in your area, start talking to neighbours, local groups, schools, parents, community groups, sports clubs, shopkeepers – find out what they think and if they support the idea. Find out who is willing to put their time into getting it started.

There are a few useful guides to starting a community garden, have a look at the following:

Starting and Nurturing Community Gardens by Australian City Farms and Community Gardens Network – communitygarden.org.au/wp-content/uploads/2012/07/Growing_Community_SA_Booklet.pdf

Community Gardens Manual by Sustainable Gardening Australia – sgaonline.org.au/community/community-gardens-manual/

Getting Started in Community Gardening by City of Sydney – cityofsydney.nsw.gov.au/_data/assets/pdf_file/0015/92130/GettingStartedincommunitygardening.pdf

A few food facts

- Nearly 1 in 10 (8.6%) people living in Frankston have experienced food insecurity, this means that in the previous 12 months, they had run out of food and could not afford to buy more.²
- 20% of Australians eat five or more dinners out, from takeaway, or supermarket ready-to-eat prepared meals each week.³
- Over half (53%) of Frankston residents do not eat sufficient fruit and vegetables to meet dietary guidelines.⁴

2. 2011 Victorian Population Health Survey
3. IPSOS Food Health Report 2013
4. 2008 Victorian Population Health Survey

Websites to visit

There's plenty of information around on food systems and food security, these are useful places to start.

Australian City Farms and Community Gardens Network – a brilliant resource for all things urban agriculture across Australia. communitygarden.org.au

Frankston Food Access Network – bringing local residents, Council and Peninsula Health together to work together on food security [Facebook.com/FrankstonFoodAccessNetwork](https://www.facebook.com/FrankstonFoodAccessNetwork)

Australian Food Sovereignty Alliance – your freedom to choose the food you prefer, involving consumers, farmers, gardeners, business and eaters. australianfoodsovereigntyalliance.org

\$120 Food Challenge – a change in circumstances led to this blogger, Sandra Reynolds, facing the challenge of feeding her family on a budget of \$120 per week. 120dollarsfoodchallenge.com/



1. Pines Patch
Cnr Stringybark & Mahogany Ave,
Frankston North (Melways 99, J8)
Contact 9786 1008 or pinesmensshed@bigpond.com.au

2. Groundswell
Bentley Place, Frankston (Melways 102, C5)
Contact 0409 556 150 or admin@groundswell.org.au
www.groundswell.org.au

3. Joy of the Earth
Joy Street, Frankston (Melways 102, F2)
At the back of the kindergarten
Contact 9783 5229 or joyoftheearth@gmail.com
JoyOfTheEarth

4. Garden for Life
53 Kareela Rd, Frankston (Melways 102, K2)
At the back of Coffee on Kareela
Contact 0434 868 685

5. Langwarrin Community Garden
5 Shute Dve, Langwarrin (Melways 103, J4)
Contact 0432 407 724 or LangwarrinCommunityGardenInc

6. The Backyard
2 Lang Rd, Langwarrin (Melways 103, JS)
At the rear of Langwarrin Community Centre
Contact 9789 7653 or reception@langwarrincc.org.au

7. Seaford Food Forest
COMING SOON
Cnr Newton St and Armstrongs Reserve,
Seaford (Melways 97, F12)
Contact 9786 5771 or SeafordCommunityFoodForest

YOUR LOCAL COMMUNITY GARDENS

COMMUNITY GARDENS

Part of a better food system

Community gardens are a community space where people get together to grow fruit and vegetables and learn about gardening. Some people have their own plot and others share a garden bed.

Community gardens can help change our local food system. Many people have concerns about the way they obtain their food: where it comes from, distances it has travelled, not knowing how it was grown or the chemicals used in its production.

People are thinking more about how the food on their table has been produced, wanting to make connections in their community and also have a sense of achievement – that's why community gardens are thriving!

No two community gardens are the same, because they are run by the community, they reflect the interests and passions of the members and they change with time.

20% of Australians eat five or more dinners out, from takeaway, or supermarket ready-to-eat prepared meals each week.¹ With so many outlets, it is becoming easier for people to buy rather than prepare their own meals. To make accessing and eating clean, fresh food easier for people, Council is encouraging community gardens and home growing in our municipality.

1. IPSOS Food Health Report 2013

- Meet People • Laugh • Fun
- Families • Cheap • Learn
- Urban Agriculture • Taste
- Organics • Fresh Food • Share
- Save Money • Likeminded Others
- Health • Singles • Seed Saving
- Heirloom Fruit and Veggies
- Create Community • Peak Oil
- Genuine Interaction • Active
- Compost • Permaculture



Frankston City Council
Phone 1300 322 322
www.frankston.vic.gov.au



July 2017 (altered)

2017 UPDATE

COMMUNITY GARDENS

Part of a better food system



**COMMUNITY GARDEN PROPOSAL – TEMPLATE FOR SUBMISSION TO
FRANKSTON CITY COUNCIL**



Frankston City Council encourages community gardens as a means of fresh food production and building connections in local neighbourhoods. To develop a proposal for Council to consider please consider the following points and provide responses. The proposal needs to demonstrate the need, interest, planning and support for the community garden. A Council Officer is available to meet with you about your idea and steps to put together your proposal.

A - Background to project

1. Where did the idea originate?
2. Why is there a need for a community garden here?
3. Who has been involved so far (names of organisations and residents)?
4. What history is there to this idea/project?

B - Location

1. Is the suggested site listed in the Frankston City Council "Potential Sites for Community Gardens in Frankston municipality"?
www.frankston.vic.gov.au/Our_Community/Community_Development/Community_Garden
[s](#)
2. If site not listed in the 'Potential Sites ...' then what makes this location suitable? (refer to criteria in "Potential Sites..." document)
3. Attach a draft plan of how the site would be developed into a community garden, considering sun angles, amenity of neighbouring property, land slope and water run-off
4. Any other information about the suggested location

C - Consultation

1. What consultation has been done about this idea? Please give details.
2. If no consultation so far, what plans do you have for finding out if neighbours and local community are interested?
3. Would you be prepared to work with Council to host a public meeting?
4. What other groups/organisations have indicated support for the project?

D - Governance

1. How do you propose the community garden will be managed/governed?
2. If other groups are involved in the governance, what roles/tasks have they agreed to do and for how long? (there is a preference for a written agreement between governing groups, such as a Memorandum of Understanding)

E - Future Plans

1. How will you stage the work of creating the community garden eg: Phase 1, Phase 2 etc?
2. How do you intend to plan for the garden's sustainability (both financial and environmental)?
3. What plans do you have for involving a broad range of local residents?
4. What are your long-term aims for the community garden?

F - Contact

1. Who is the person for Council to contact about this submission? (name, address, phone and email)

Please contact Council on 1300 322 322 and ask to speak to a staff member about setting up a community garden.

Executive Summary**13.3 Response to NOM 1391 - Apsley Place**

Enquiries: (Leonie Reints: Community Development)

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.2 Vibrant and Engaged
Priority Action	2.2.5 Improve the presentation and cleanliness of Frankston City

Purpose

To update Council on the progress of items raised as part of Notice of Motion (NOM) 1391.

Recommendation (Director Community Development)

That Council notes:

1. The current actions being undertaken by officers.
2. The community meeting was held Tuesday 27 February 2018.
3. Officers continue to follow up with EPA.

Key Points / Issues

1. At its meeting on 11 December 2017, Councillor Bolam tabled a Notice of Motion regarding concerns at 6 – 7 Apsley Place Seaford. Council resolved:
“That, as a matter of urgency the following is to occur:”
 1. *Frankston City Council is to formally request that the Victorian Environmental Protection Agency (EPA) to undertake an urgent environmental audit of 6 – 7 Apsley Place, Seaford (Wuxhou Foam Australia Pty Ltd). The audit is to be thorough and occur during the peak of the company’s daytime operations. The audit is to investigate noise pollution due to machinery within the premises, the discharge of unknown atmospheric emissions from the site, the staining of soil from unknown chemical/s and the release of an unknown airborne chemical/s which many residents have detected (and some whom have had adverse responses to it ranging from displeasure to dizzy spells). A copy of this correspondence is to be forwarded to the Victorian Minister for the Environment and the Victorian Shadow Minister for the Environment;*
 2. *Frankston City Council is to formally request that the Royal Society for the Prevention of Cruelty to Animals (RSPCA Victoria) urgently investigates the welfare of a canine on-site 6 – 7 Apsley Place, Seaford (Wuxhou Foam Australia Pty Ltd). The canine is thought to be a guard dog for the premises. Residents have expressed concerns about its audible distress (howling, barking, whimpering) and whether it is properly housed and fed. Officers are to work with residents to determine whether EPA and Frankston City Council bylaws are being contravened in relation to the noise issues this dog is creating;*
 3. *The CEO is requested to ensure that officers investigate whether permit conditions for Wuxhou Foam Australia Pty Ltd are being properly adhered to. Furthermore, the CEO is to ensure that officers actively investigate the site, on regular basis, for any contraventions against Local Law No. 8 (noise, the unsightly nature of the site);*

13.3 Response to NOM 1391 - Apsley Place**Executive Summary**

4. *The CEO is requested to ensure that officers approach the owner of the site expressing community concern with the state and operation of the site. The CEO is to see to it that officers work with the owner to explore resolution/s to the numerous community concerns thus raised. Discussions are to include the owner erecting a new fence line which blocks visibility of the site;*
5. *That the CEO is to ensure that Bruce Aitken Memorial Park is regularly maintained as residents feel the current maintenance regime is insufficient. If stock is available, some plantings (within the park) are to occur intended to improve residential morale (the park backs on to the aforementioned 6 – 7 Apsley Place, Seaford);*
6. *That the CEO clarify as to whether a permit is in place at the aforementioned location;*
7. *A public meeting is to be organised in February 2018 comprising of immediately impacted residents (who are to be advised via mail out), relevant council officers, the CEO and the ward councillors to discuss what is being done to resolve the concerns of the residents. The CEO is to ensure that staff are fully briefed and able to respond to the concerns of the residents. In addition, Sonya Kilkenny (Member for Carrum) and appropriate representatives from EPA Victoria and RSPCA Victoria are to be requested to attend this meeting. A venue within close proximity to the Belvedere precinct is to be booked and catering for this meeting is to be provided;*
8. *That the EPA be requested to provide Frankston City Council as a matter of urgency the chemical breakdown of the odours coming from the factory; and*
9. *A report is to be provided to Council at the March 2018 Ordinary Meeting on all of the above.*

A summary by officers of the key points and actions undertaken are provided below:

1. Council has no authority in relation to issues with industrial companies other than addressing through the planning permit process. Council's role in these types of situations is to facilitate the concerns of the community to the EPA. In these cases the EPA will assess the issues raised and determine the appropriate course of action.

Frankston City Council contacted the Environment Protection Authority (EPA) as the responsible authority with regard to issues of pollution, odour and noise from industry, which is affecting residential areas. Council Officers advised the EPA Southern Region Office of ongoing community issues raised relating to odour and noise from the factory premises.

The EPA has inspected the factory and issued a Pollution Abatement Notice regarding issues of litter and a discharge of condensate water from the boiler on site. This issue was addressed by the owner and subsequently met the requirements of the Pollution Abatement Notice.

Council does not have the authority to require The Environmental Protection Authority to provide a chemical breakdown of the odours emitted from the factory. The EPA Southern Region Office has been contacted and informed of community issues raised which are relating to odour from the premises.

13.3 Response to NOM 1391 - Apsley Place**Executive Summary**

2. Council officers have officially reported the residents' concerns in relation to the animal's welfare to the Royal Society for the Prevention of Cruelty to Animals (RSPCA) as Council Officers are not authorised under the *Prevention of Cruelty to Animals Act 1986*. However the officer's view was that there was no immediate health or welfare concerns for the animal. In relation to the animal being kept as a "guard dog" officers have investigated this matter and as a result have declared the dog dangerous in accordance with the *Domestic Animals Act 1994*. The owner of the dog originally failed to comply with the requirements of the dangerous declaration and as a consequence on the 15th February 2018 was prosecuted at the Frankston Magistrates Court and found guilty with conviction and charged \$1,000 plus costs. As at 20 February 2018 officers have confirmed that all requirements of the dangerous declaration are now being met by the dog owner.
3. No planning permit had been issued for the use of the land. Council Officers however, have been processing a permit application to 'legalise' the existing Industry use (within 30 metres of residentially zoned land) and have now issued a Notice of Refusal to Grant a Permit on the basis that Council cannot be satisfied that the use will not unreasonably impact the amenity of the area. The operator now has 60 days to vacate the land, after which further planning enforcement action will be taken
4. A total of ten (10) semi mature trees have been planted within the Bruce Aiken Memorial Park during late February. When selecting locations, officers considered a balance of an increased number of trees within the park whilst maintaining passive open space for park users to play ball games, etc. Bruce Aitken Memorial Park is maintained according to service standards for a neighbourhood park on a four weekly maintenance cycle. Audit records confirm that this cycle is being achieved.
5. A public meeting was held Tuesday 27 February 2018 at 7.00pm for interested residents. The CEO chaired the meeting. Council officers and Marleen Mathias of EPA responded to residents questions.

Financial Impact

The State Government has introduced the "Fair Go Rates" system, placing a cap on Council rates which has restricted the level of increases that Council can apply to its rate revenue. Rate revenue constitutes 63 per cent of all Council revenue.

The rate cap over the past two financial years has been 2.5 per cent and 2.0 per cent respectively and will be 2.25 per cent in 2018-2019.

The rate cap percentages are based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services. The cost of providing Council services has been increasing well in advance of the rate cap applied by State Government.

Over time this trend may lead to a reduction in the levels of service provided to the community and in Councils ability to fund both new facilities and the ongoing renewal of existing facilities.

Council will continue to evaluate the impacts of rate capping annually and needs to be mindful of these outcomes in all Council decisions.

There are no financial implications associated with this report.

13.3 Response to NOM 1391 - Apsley Place**Executive Summary****Consultation****1. External Stakeholders**

Consultation has been undertaken with Environment Protection Authority, RSPCA, Worksafe and local residents.

2. Other Stakeholders

This matter has been managed by several departments within council including Community Safety, Operations and Planning & Environment.

Analysis (Environmental / Economic / Social Implications)

Council's Local laws and much State Government legislation aim to improve the fabric of the community through enforcement of appropriate controls over various activities.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

All matters relevant to the Charter of Human Rights and Responsibilities have been considered in the preparation of this report and are consistent with the standards set by the Charter.

Legal

Council will comply with the provisions of the relevant legislations and General Local Law 2016 No 8 where authorised, however Council Officers have no authority under the Environment Protection Act in relation to industrial companies for issues of pollution, odour and noise.

Policy Impacts

There are no policy impacts associated with this report.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

Negative environmental issues have a compounding impact on the community. To mitigate against the impact on the community council and other agencies work in partnership to share intelligence and provide a consistent approach to addressing these issues.

Conclusion

This report provides the response to a resolution of Council from the Ordinary Meeting of 11 December 2017 that required a report be prepared to advise council of the actions taken by officers in response to complaints from residents regarding 6 - 7 Apsley Place Seaford.

ATTACHMENTS

Nil

14.1 2018/NOM8 - Utility companies sought to consult more widely

On Thursday 22 March 2018 Councillor Kris Bolam gave notice of his intention to move the following motion:

That Council writes to all utility distributors within the municipality imploring them to better consult residents, traders and ratepayers on any works (initiated by, or relevant to, them) that may impact on the amenity of given areas (i.e. cleanliness and presentation) now and into the future.

RATIONALE BY CR BOLAM:

The need for improved and pro-active consultation is due to recent unscheduled works in Karingal which resulted in the loss of a number of trees which had been planted and cared for by a diligent resident.

COMMENTS BY DIRECTOR COMMUNITY DEVELOPMENT

Question for Consideration	
1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?	NO
2. Is the NoM substantially different from any notice of motion or rescission motion that has been considered by Council and lost in the preceding six months?	NO
3. Is the NoM clear and well worded?	YES
4. Is the NoM capable of being implemented?	YES
5. If the NoM is adopted, will a meeting be required with the relevant Director and Manager and Council officers in order to progress its implementation?	NO
6. Is the NoM within the powers of a municipal Council?	YES
7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?	YES
8. Is the NoM consistent with all relevant legislation?	YES
9. Is the NoM consistent with existing Council or State policy or position?	YES
10. Is the NoM consistent with Council's adopted strategic plan?	This is an operational request

14.1 2018/NOM 8 - Utility companies sought to consult more widely

Question for Consideration	
11. Can the NoM be implemented without diversion of existing resources?	YES
12. Can the NoM be implemented without diversion of allocated Council funds?	YES
13. Are funds available in the adopted budget to implement the NoM?	YES
14. What is the estimated cost of implementing the NoM?	YES / NO Year 1: \$20 for postage only Recurring: \$ Comments: if applicable

ATTACHMENTS

Nil

ATTACHMENTS

Nil

14.2 2018/NOM 9 - Public Transport Advocacy

On 27 February 2018 Councillor Bolam gave notice of his intention to move the following motion:

That Council:

1. Writes to the Minister for Transport, and Shadow Minister for Transport, requesting improved safety measures at the Armstrong Road rail crossing, and
2. Writes to the Minister for Transport, and the Shadow Minister for Transport, requesting improved service delivery and public safety for/on the Route 901 bus service from Frankston to Melbourne Airport. This request is to be made due to the concerns expressed by commuters relating to anti-social behaviour and punctuality.

COMMENTS BY DIRECTOR COMMUNITY ASSETS

Question for Consideration	
1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?	YES Comments: if applicable
2. Is the NoM substantially different from any notice of motion or rescission motion that has been considered by Council and lost in the preceding six months?	YES There has been other advocacy raised relating to public transport, but not about these specific subjects.
3. Is the NoM clear and well worded?	YES Comments: if applicable
4. Is the NoM capable of being implemented?	YES Comments: if applicable
5. If the NoM is adopted, will a meeting be required with the relevant Director and Manager and Council officers in order to progress its implementation?	NO Comments: if applicable
6. Is the NoM within the powers of a municipal Council?	YES Comments: if applicable
7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?	NO Comments: if applicable
8. Is the NoM consistent with all relevant legislation?	YES Comments: if applicable
9. Is the NoM consistent with existing Council or State policy or position?	YES Comments: if applicable

14.2 2018/NOM 9 - Public Transport Advocacy

Question for Consideration	
10. Is the NoM consistent with Council's adopted strategic plan?	YES Comments: if applicable
11. Can the NoM be implemented without diversion of existing resources?	YES Comments: if applicable
12. Can the NoM be implemented without diversion of allocated Council funds?	YES Comments: if applicable
13. Are funds available in the adopted budget to implement the NoM?	YES Comments: if applicable
14. What is the estimated cost of implementing the NoM?	NO Year 1: \$ Recurring: \$ Costs associated with preparation and sending of letters only

ATTACHMENTS

Nil

14.3 2018/NOM10 - Federal Advocacy

On Friday 2 March 2018 Councillor Kris Bolam gave notice of his intention to move the following motion:

1. That Council writes to the Prime Minister of Australia, The Hon. Malcolm Turnbull MP, Opposition Leader The Hon. Bill Shorten MP and Federal Member for Dunkley, Mr Chris Crewther MP expressing concern regarding the Federal governments proposed \$2 billion dollar plus cuts to tertiary education, particularly the mooted freeze on funding for the Commonwealth Grants Scheme.

It is anticipated that this freeze will leave over 10,000 student places unfunded. Council notes the implications this could have on post-secondary opportunities for locals, who are seeking to pursue tertiary education but do not have the socio-economic conditions to self-fund their studies; and
2. That clarification is to be sought from the Federal Member for Dunkley Mr Chris Crewther MP about:
 - a/ On the future of funding for the National Occasional Care Program which it is believed will lapse by July this year. The Council notes that important local child learning centres and neighbourhood houses, such as Karingal Place Community Centre, are dependent upon occasional care funding from the Federal Government;
 - b/ Clarify how cuts to flexible childcare will impact upon providers within the Frankston Municipality;
 - c/ Clarify where there may be adverse implications for the Municipality;
 - d/ Provide options for retaining flexible childcare initiatives in Frankston.
3. That Council writes to the Federal Minister for Human Services, The Hon. Michael Keenan MP, Federal Minister for Health, The Hon. Greg Hunt MP and Federal Member for Dunkley, Mr Chris Crewther MP, Shadow Ministers for Families and Social Services, The Hon. Jenny Macklin MP and Shadow Minister for Health and Medicare, The Hon. Catherine King MP, clarifying Frankston's present and future contribution/s from the \$300M National Ice Taskforce funding allotment relating to substance abuse (given the Frankston municipality has higher than average record of drug offences and registered drug users) and seeking their support. The Council is to advocate for increased funding relative to improved rehabilitative outcomes.

RATIONALE BY CR BOLAM:

This position is consistent with Council's advocacy position and is reflective of state-wide statistics which has the Frankston municipality among the highest for unemployment and lowest for post-secondary take-up of tertiary and vocational studies.

14.3 2018/NOM10 - Federal Advocacy

COMMENTS BY DIRECTOR COMMUNITY DEVELOPMENT

Question for Consideration	
1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?	NO
2. Is the NoM substantially different from any notice of motion or rescission motion that has been considered by Council and lost in the preceding six months?	YES
3. Is the NoM clear and well worded?	YES
4. Is the NoM capable of being implemented?	YES
5. If the NoM is adopted, will a meeting be required with the relevant Director and Manager and Council officers in order to progress its implementation?	YES
6. Is the NoM within the powers of a municipal Council?	YES
7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?	<p>NO</p> <p>National Ice Taskforce funding has been allocated to Frankston and Mornington Peninsula health catchment as such the Primary Care Partnership is the recipient of the grant which was one of the first to receive grant funding.</p> <p>This catchment received funding on the basis that it is a priority area.</p>
8. Is the NoM consistent with all relevant legislation?	YES
9. Is the NoM consistent with existing Council or State policy or position?	YES
10. Is the NoM consistent with Council's adopted strategic plan?	YES
11. Can the NoM be implemented without diversion of existing resources?	YES
12. Can the NoM be implemented without diversion of allocated Council funds?	YES
13. Are funds available in the adopted budget to implement the NoM?	YES

14.3 2018/NOM10 - Federal Advocacy

Question for Consideration	
14. What is the estimated cost of implementing the NoM?	YES / NO Year 1: \$ see below Recurring: \$ see below This is unclear at this stage without further clarification.

ATTACHMENTS

Nil

14.4 2018/NOM11 - Community Safety

On Monday 5 March 2018 Councillor Kris Bolam gave notice of his intention to move the following motion:

1. That a report be provided to Council at the June Ordinary Meeting on the costs (including state funding grants), intra locations and manageability of creating 'safety zones' (a small area with defined CCTV coverage and an emergency intercom to request assistance) to report anti-social behaviour and emergencies at the following locations:
 - a. Frankston foreshore;
 - b. Seaford foreshore; and
 - c. Keast Park
2. Given the disbandment of the Community Safety Consultative Committee - due to Council's decision to note proceed with a 'Community Safety White Paper' - a report is to be provided at the June Ordinary Meeting on how the Council could address the public safety issues identified in NOM 1303 and NOM 1329.
3. That a report be provided at the June Ordinary Meeting, per NOM 1263 , on funding options for the use of infrared number plate recognition CCTV technology (as is practiced in Western Australia) and how Council intends to increase/prioritise LATM works to mitigate hoon/dangerous driving.

COMMENTS BY DIRECTOR COMMUNITY DEVELOPMENT

Question for Consideration	
1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?	NO
2. Is the NoM substantially different from any notice of motion or rescission motion that has been considered by Council and lost in the preceding six months?	Motion 3 (CCTV camera funding) was lost at the 2018/19 budget review
3. Is the NoM clear and well worded?	NO Further discussion is required

14.4 2018/NOM11 - Community Safety

Question for Consideration	
<p>4. Is the NoM capable of being implemented?</p>	<p>NO</p> <p>Motions 1: A report can be prepared.</p> <p>Motion 2:</p> <p>Re: NOM 1303:</p> <p>Recommendation 1: lost</p> <p>Recommendation 2: Completed</p> <p>Recommendation 3: Completed</p> <p>regarding recommended LATM priorities</p> <p>Re: NOM 1329:</p> <p>Recommendation 1, 2 & 4: Noted by Council</p> <p>Recommendation 3: Resolved not to proceed with the white paper</p> <p>Motion 3:</p> <p>Re: NOM 1263 (Hoon Driving in Frankston)</p> <p>Number plate recognition was investigated and report to Council 14 August 2017. Additional CCTV funding (\$30K) was included in the draft 2018/19 budget and not support by Councillors.</p> <p>VicPol advised Council is not authorised actively to respond to hoon driving as they are the lead agency. It was recommended we assist by promoting the hoon hotline and providing traffic management.</p> <p>State and Federal Government periodically advertise grants for CCTV. An application can be submitted once advice is received that grants are open for submissions</p>
<p>5. If the NoM is adopted, will a meeting be required with the relevant Director and Manager and Council officers in order to progress its implementation?</p>	<p>YES</p>
<p>6. Is the NoM within the powers of a municipal Council?</p>	<p>Re Nom 1263 Police have advised they are the lead agency and council's role would be to promote hoon hotline and traffic management</p>
<p>7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?</p>	<p>NO</p>

14.4 2018/NOM11 - Community Safety

Question for Consideration	
8. Is the NoM consistent with all relevant legislation?	Please refer to response to question 6
9. Is the NoM consistent with existing Council or State policy or position?	NO: With regard to hoon driving
10. Is the NoM consistent with Council's adopted strategic plan?	These are operational matters and not specifically reflected in strategic plans
11. Can the NoM be implemented without diversion of existing resources?	NO
12. Can the NoM be implemented without diversion of allocated Council funds?	NO
13. Are funds available in the adopted budget to implement the NoM?	NO
14. What is the estimated cost of implementing the NoM?	YES / NO Yr 1 CCTV a minimum of \$30K rates Year 1: \$386K (3 Council compliance officer plus a vehicle) Recurring: \$323K increasing by EB rates in future

ATTACHMENTS

Nil

14.5 2018/NOM12 - Waiving inspection/building fees for Capital Works Projects

On 7 March 2018 the Mayor Councillor Hampton gave notice of his intention to move the following motion:

The Chief Executive Officer is requested to prepare a report for the 2018 May Ordinary Meeting on the feasibility of waiving inspection and building fees associated with capital works projects undertaken by Clubs at their facilities.

COMMENTS BY DIRECTOR CORPORATE DEVELOPMENT

Question for Consideration	
1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?	YES Comments: if applicable
2. Is the NoM substantially different from any notice of motion or rescission motion that has been considered by Council and lost in the preceding six months?	YES Comments: if applicable
3. Is the NoM clear and well worded?	NO Further clarification is required in regards to the intent of the NOM in relation to: <ul style="list-style-type: none"> • Is this proposal to apply to public assets only, or to all Club assets? • Is the proposal in relation to Building fees only? Also, Council is unable to waive fees charged by private Building Surveyors.
4. Is the NoM capable of being implemented?	YES A report can be prepared, however clarification of the NOM's intent is required
5. If the NoM is adopted, will a meeting be required with the relevant Director and Manager and Council officers in order to progress its implementation?	YES Comments: if applicable
6. Is the NoM within the powers of a municipal Council?	NO Comments: if applicable
7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?	NO Comments: if applicable
8. Is the NoM consistent with all relevant legislation?	YES A report can be prepared. Should there be any inconsistencies they can be identified in the report.

14.5 2018/NOM12 - Waiving inspection/building fees for Capital Works Projects

Question for Consideration	
9. Is the NoM consistent with existing Council or State policy or position?	YES Comments: if applicable
10. Is the NoM consistent with Council's adopted strategic plan?	YES Comments: if applicable
11. Can the NoM be implemented without diversion of existing resources?	Yes A report can be written on the feasibility of waiving fees
12. Can the NoM be implemented without diversion of allocated Council funds?	YES A report can be written on the feasibility of waiving fees
13. Are funds available in the adopted budget to implement the NoM?	YES A report can be written on the feasibility of waiving fees
14. What is the estimated cost of implementing the NoM?	YES Year 1: \$ see below Recurring: \$ see below This is unclear at this stage without further clarification. <ul style="list-style-type: none">• In the last 6 months there have been 2 Building Permit Applications – Barretts Road Langwarrin – Soccer Club & Ballarto Road Skye – Cricket Club.• The total fees for Langwarrin was \$585 and due to the small cost of works there was no State Government levies.• The total fees for Skye was \$944.46 which includes State Government Levy of \$15.35 and \$39.10. The fees that are charged are for site inspections (minimum of 3) per site and the time for assessment of the application and issuing of the Building Permit.

ATTACHMENTS

Nil

17. CONFIDENTIAL ITEMS

Section 89(2) of the Local Government Act 1989 enables the Council to close the meeting to the public if the meeting is discussing any of the following:

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayer;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments;
- (f) Legal advice;
- (g) Matters affecting the security of Council property;
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

Recommendation

That the Ordinary 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 77(2)(c) of the Local Government Act 1989 (the Act) on the following grounds

C.1 Response to NOM 1377 - McClelland Gallery Interconnectedness and Peninsula Link

Agenda Item C.1 Response to NOM 1377 - McClelland Gallery Interconnectedness and Peninsula Link is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.2 2016/17 Capital Works Program Delivery - Benchmarking

Agenda Item C.2 2016/17 Capital Works Program Delivery - Benchmarking is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.3 Response to NOM 1316 - Former Frankston Ambassador Site

Agenda Item C.3 Response to NOM 1316 - Former Frankston Ambassador Site is designated confidential as it relates to legal advice (s89 2f)

C.4 South East Country Regional Cricket Hub - Jubilee Park Frankston

Agenda Item C.4 South East Country Regional Cricket Hub - Jubilee Park Frankston is designated confidential as it relates to contractual matters (s89 2d)

C.5 Microsoft Licensing Agreement and Services Renewal

Agenda Item C.5 Microsoft Licensing Agreement and Services Renewal is designated confidential as it relates to contractual matters (s89 2d):



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Signed by the CEO