



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 13 AUGUST 2018 at 7.02PM**

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| PRESENT | Cr. Colin Hampton (Mayor) Cr. Sandra Mayer Cr. Glenn Aitken Cr. Brian Cunial Cr. Michael O'Reilly Cr. Steve Toms Cr. Quinn McCormack Cr. Kris Bolam |
| APOLOGIES: | Cr. Lillian O'Connor |
| ABSENT: | Nil. |
| OFFICERS: | Mr. Dennis Hovenden, Chief Executive Officer Mr. Tim Frederico, Director Corporate Development Dr. Gillian Kay, Director Communities Development Mr. Phil Cantillon, Director Community Assets Mr. Michael Papageorgiou, Manager Planning & Environment Mr. Stuart Caldwell, Coordinator Statutory Planning Mr. Taylor McVean, Coordinator Communications Ms. Michelle Tipton, Coordinator Council Business Support Ms. Vera Roberts, Executive Assistant to Mayor |
| EXTERNAL REPRESENTATIVES: | Ms. Prue Digby, Municipal Monitor |

COUNCILLOR STATEMENT

Councillor McCormack made the following statement:

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

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

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

Chairperson's initials

PRAYER

At the request of the Mayor, Councillor O'Reilly read the Opening Prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Councillor Mayer acknowledged the Boon Wurrung and Bunurong peoples – the traditional custodians of the land on which we stand and recognised all Aboriginal and Torres Strait Islander peoples who have given to Australia's identity – from the past, into the present and for the future.

ONE MINUTE SILENCE

In honour of the memorial service that was held on 30 July 2018 for the 25th Anniversary of the Frankston Murders, the Mayor asked the gallery to remain standing for a minute silence to remember and pay tribute to Elizabeth Stevens, Debbie Fream and Natalie Russell whose lives were cut tragically short in 1993.

Chairperson's initials

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1. PRESENTATION TO COMMUNITY GROUPS

The Mayor announced and congratulated the following recipients of the 2018 Frankston Charitable Fund grants:

- Margaret and Graham Peacock from Operation Larder Incorporated for the provision of food and goods to the disadvantaged Frankston Community. They received \$7,954.
- Faye Venning from Cancer Patients Foundation Limited for the 'Look Good Feel Better' workshop in Frankston to help people with cancer rebuild their confidence. Faye received \$5,000.
- Eliana Aguiar from MiCare Limited for Café Bazaar which is a social support activity group for independent seniors living in Frankston and surrounds. Eliana received \$4,000.
- Kia Peterson from Mums Supporting Families in Need Inc for the upgrade of technology to facilitate a more reliable administrative and day to day operation. Kia received \$4,961.
- Rhonda Idczak and Marion Gandy from Groomed to Go Inc for the relocation and fit out of a new career centre to help unemployed and disadvantaged women in our community to make a new start and become financially more independent. They received \$5,000.
- Sue Gale from Children Australia Inc for the "Parenting and Time Out" day to bring Kinship Carers connected with the OzChild Kinship Program across the region. They received \$1,400.
- Angela Knox Carter from Ardoch Youth Foundation for their Broadening Horizons program to provide children and young people in disadvantaged communities with inspiring learning and life experiences. They received \$5,000.
- Helen Sutton and Kaye Facey from Australia Red Cross Society for their Trauma Teddy and Calico Doll Programs at the children's ward of Frankston Hospital. They received \$660.
- Ingrid and David Lomholt from Sharehouse Community Group Inc for the upgrade of their technology to facilitate ongoing operations for their program which supports disadvantaged people who have mental disabilities attained either through birth or accident. They received \$1,039.

The Mayor acknowledged former Councillor and Mayor, James Dooley and Ms Hilary Poad, Senior Citizen of the Year 2018, who were present in the gallery.

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM9 held on 23 July 2018.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Cunial

That the minutes of the Ordinary Meeting No. OM9 held on 23 July 2018 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

Chairperson's initials

3. APOLOGIES**Apology****Council Decision****Moved: Councillor Cunial****Seconded: Councillor Toms**

That the apology be received and Councillor O'Connor be granted leave from the meeting.

Carried Unanimously

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Cr Cunial sought leave of Council to determine why he declared an interest during a meeting in 2015 on Beach 162 Cafe.

Councillor Cunial left the chamber at 7:20 pm.

Councillor Cunial returned to the chamber at 7:22 pm.

5. PUBLIC QUESTION TIME

Seven (7) persons submitted questions to Council with notice regarding 105 Humphries Road, Frankston South regarding a Child Care Proposal. At the request of the Mayor, the Chief Executive Officer read the questions to the gallery. As the questions were all related to the one matter, the answers were consolidated. The questions and answers are contained in the Appendix.

6. HEARING OF PUBLIC SUBMISSIONS

Mr James Dooley made a submission to Council regarding Item 11.3: Application to Amend Planning Permit 142/2009/P – under section 72 – use of land as a Food and Drink premises (Restaurant) and associated liquor licence (on premises licence) and a reduction in the car parking requirement of the Frankston Planning Scheme;

Councillor McCormack left the chamber at 7:34 pm

Ms Marian and Ms Jamila Jamil, owner of Beach 162 Café, made a submission to Council regarding Item 11.3: Application to Amend Planning Permit 142/2009/P – under section 72 – use of land as a Food and Drink premises (Restaurant) and associated liquor licence (on premises licence) and a reduction in the car parking requirement of the Frankston Planning Scheme;

Councillor McCormack returned to the chamber at 7:39 pm

Mr Billy Dettmer made a submission to Council regarding Item 11.3: Application to Amend Planning Permit 142/2009/P – under section 72 – use of land as a Food and Drink premises (Restaurant) and associated liquor licence (on premises licence) and a reduction in the car parking requirement of the Frankston Planning Scheme;

Mr Kerry Gordon made a submission to Council regarding Item 11.7: Planning Permit Application 337/2017/P – 24 Leonard Street, Frankston – To construct three (3) double storey dwellings;

Councillor Mayer left the chamber at 7:55 pm

Councillor Bolam left the chamber at 7:55 pm

Mr Michael Moss made a submission to Council regarding Item 11.3: Application to Amend Planning Permit 142/2009/P – under section 72 – use of land as a Food and Drink premises (Restaurant) and associated liquor licence (on premises licence) and a reduction in the car parking requirement of the Frankston Planning Scheme;

Chairperson's initials

Ms Anna Joy made a submission to Council regarding Item 11.6: Planning Permit Application 273/2017/P – 24 Robinsons Road, Seaford – To construct three (3) double storey dwellings;

Councillor Bolam returned to the chamber at 8:00 pm

Councillor Mayer returned to the chamber at 8:02 pm

Mr Kevin English, on behalf of Coast Guard, made a submission to Council regarding Item 12.10: Update on Coast Guard Building and Rental.

7. ITEMS BROUGHT FORWARD

Items Brought Forward

Council Decision

Moved: Councillor Cunial

Seconded: Councillor Toms

That the following matters be brought forward:

- Item 11.1: Response to Petition - Beach 162 Café;
- Item 11.3: Application to Amend Planning Permit 142/2009/P under section 72 - Use of land as a Food and Drink premises (Restaurant) and associated Liquor Licence (On Premises Licence) and a reduction in the Car Parking requirement of the Frankston Planning Scheme;
- Item 11.4: Town Planning Application 442/2017/P - 27 Wells Street, Frankston - To use the land and sell and consume liquor (On-Premises);
- Item 11.6: Planning Permit Application 273/2017/P - 24 Robinsons Road, Seaford - To construct three (3) double storey dwellings,
- Item 11.7: Planning Permit Application 337/2017/P - 24 Leonard Street Frankston - To construct three (3) double storey dwellings,
- Item 12.10: Update on Coast Guard Building and Rental;
- Item 14.1: 2018/NOM50 - Multi-level car park; and
- Item 14.2: 2018/NOM52 - Car Parking Forum August 2018 - Committee for Greater Frankston.

Carried Unanimously

8. PRESENTATIONS / AWARDS

Nil

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Toms

That the following petitions and letter be received:

- Additional petition to Item 11.1: Response to Petition – Beach 162 Cafe, containing 880 signatures, to support the application by Beach 162 to revise the number of allowable patrons in the venue to 120 persons. As these signatures were in addition to an earlier petition, they will be consolidated and responded to as one petition;
- Petition, containing 44 signatures, in relation to Planning Permit Application No 108/2018/P to construct eight (8) double storey dwellings at 6 Wesley Close, Skye; and
- A letter from the Frankston Historical Society thanking two (2) Council officers for their contribution to works at the Ballam Park Homestead.

Carried Unanimously

Chairperson's initials

10. DELEGATES' REPORTS**10.1 Update on Youth Mayor Activities**

(MT Chief Executive Office)

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

That:

1. Council notes the activities undertaken by the Youth Mayor;
2. A further report be presented back to Council in January 2019 on the Youth Mayor's activities; and
3. A report be prepared for Council's Ordinary Meeting in November 2018 on a proposed Youth Expo and that the Youth Mayor be involved in the preparation of the report.

Carried Unanimously

The Mayor invited the Youth Mayor to come forward to address Council on the activities undertaken to date.

10.2 Delegates Report - National General Assembly, Canberra - June 2018

(MT Chief Executive Office)

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

That Council receives this Delegates report from the Mayor and Deputy Mayor on their attendance at the National General Assembly of Local Government 2018 and notes its ongoing advocacy is continuing including the Health Hub and the Frankston Government Hub (Catalyst Development).

Carried Unanimously

ITEMS BROUGHT FORWARD**11.1 Response to Petition - Beach 162 Cafe**

(MP Community Development)

Notes the additional petition that was received on 13 August 2018 containing 880 signatures.

Council Decision**Moved: Councillor Mayer****Seconded: Councillor Cunial**

That Council:

1. Received the petition containing 1,320 signatures on 23 April 2018.
2. Officers responded to the head petitioner advising the matter would be dealt with at the Council meeting 13 August 2018 with regard to Planning Application 142/2009/P/B.

Carried Unanimously

11.3 Application to Amend Planning Permit 142/2009/P under section 72 - Use of land as a Food and Drink premises (Restaurant) and associated Liquor Licence (On Premises Licence) and a reduction in the Car Parking requirement of the Frankston Planning Scheme

(MP Community Development)

Recommendation (Director Community Development Community Development)

- A. That Council resolves to issue a Notice of Decision to Grant an Amended Planning Permit in respect to Planning Permit Application number 142/2009/P to use the land as a Restaurant, to sell and consume liquor (Restaurant and Café Licence) and to vary the car parking requirements of the Frankston Planning Scheme at 160 Beach Street, Frankston, subject to the following conditions:

Plans

No Alterations

1. The permitted use and the area for the serving of alcohol as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Prior to Occupation

2. The use authorised by the permit shall, after it is commenced, be continued to the satisfaction of the Responsible Authority.

Hours of Operation

3. The restaurant hours of operation are restricted to between 9.00 am and 11.00 pm seven (7) days per week.

Liquor License

4. The serving of alcohol must only take place between the hours of 11.00 am and 11.00 pm seven (7) days per week.

Number of Patrons

5. Without the prior written consent of the Responsible Authority, the licensed area shown on the endorsed plans must accommodate no more than a total of:
 - 74 patrons on Monday to Friday between 9.00am to 6.00pm.
 - 100 patrons on Monday to Friday after 6.00pm
 - 100 patrons on Saturday and Sunday.

Amenity

6. The use permitted by this permit must not, in the opinion of the Responsible authority, adversely affect the amenity of the locality.
7. Outdoor lighting must be designed, baffled and located such that no direct light is emitted outside the boundaries of the subject land that causes detriment, to the satisfaction of the Responsible Authority.
8. Noise emissions from any equipment required for refrigeration, air-conditioning, heating, ventilation and the like must comply with State Environmental Protection Policy (Control of Noise from commerce, industry and trade) No N-1 and / or Environment Protection Control Guidelines TG 302/92, whichever is deemed to be appropriate by the Responsible

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Authority.

9. The amenity of the area must not be detrimentally affected by the use and development through the:
 - a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin; others as appropriate; or
 - e) In any other way.
10. Noise levels emanating from the premises must not exceed those required to be met under State Environment protection Policy (Control of Music Noise from Public Premises), No. N-2.
11. The licensee/permit holder shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the license/permit relates during or immediately after the trading house authorised by the license/permit.

Engineering Requirements

12. Prior to the commencement of the use on the site, areas set aside for parked vehicles and access lands 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) Drained and maintained to the satisfaction of the Responsible Authority.
 - d) Line-marked to indicate each car space to the satisfaction of the Responsible Authority.
 - e) Line-marked to indicate each car space, loading bay and all access lands and if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times.
13. Three staff car spaces adjacent to the southern boundary must be clearly marked as 'visitor' parking.
14. One (1) disabled car space adjacent to the Italian Garden Display must be clearly marked as 'disabled' car space to be easily identifiable.

Waste Management

15. An area on the subject land must be set aside for the purpose of a waste disposal/collection bin. Such area must be screen-fenced as not to be visible from any public road or thoroughfare. The waste bin area must be provided prior to the commencement of the use permitted by this permit, maintained and used to the satisfaction of the Responsible Authority and must not be used for any other purpose.

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16. No receptacles for any form of rubbish or refuse (other than public waste bins) may be placed or allowed to remain in view from a public road or thoroughfare and odour must not be emitted from any such receptacle(s) so as to cause offence to any person(s) outside the subject site.

Permit Expiry

17. This permit will expire if one of the following circumstances applies:
- The use is not started within two years of the date of this permit.
 - The use of the land ceases to operate for a continued period of two years.

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

Notes

1. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
2. 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.

Council Decision

Moved: Councillor Toms

Seconded: Councillor Aitken

- A. That Council resolves to issue a Notice of Decision to Grant an Amended Planning Permit in respect to Planning Permit Application number 142/2009/P to use the land as a Restaurant, to sell and consume liquor (Restaurant and Café Licence) and to vary the car parking requirements of the Frankston Planning Scheme at 160 Beach Street, Frankston, subject to the following conditions:

Plans

No Alterations

1. The permitted use and the area for the serving of alcohol as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Prior to Occupation

2. The use authorised by the permit shall, after it is commenced, be continued to the satisfaction of the Responsible Authority.

Hours of Operation

3. The restaurant hours of operation are restricted to between 9.00 am and 11.00 pm seven (7) days per week.

Liquor License

4. The serving of alcohol must only take place between the hours of 11.00 am and 11.00 pm seven (7) days per week.

Number of Patrons

5. Without the prior written consent of the Responsible Authority, the licensed area shown on the endorsed plans must accommodate no more than a total of:
 - 74 patrons on Monday to Friday between 9.00am to 6.00pm.
 - 120 patrons on Monday to Friday after 6.00pm
 - 120 patrons on Saturday and Sunday.

Amenity

6. The use permitted by this permit must not, in the opinion of the Responsible authority, adversely affect the amenity of the locality.
7. Outdoor lighting must be designed, baffled and located such that no direct light is emitted outside the boundaries of the subject land that causes detriment, to the satisfaction of the Responsible Authority.
8. Noise emissions from any equipment required for refrigeration, air-conditioning, heating, ventilation and the like must comply with State Environmental Protection Policy (Control of Noise from commerce, industry and trade) No N-1 and / or Environment Protection Control Guidelines TG 302/92, whichever is deemed to be appropriate by the Responsible Authority.
9. The amenity of the area must not be detrimentally affected by the use and development through the:
 - a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin; others as appropriate; or
 - e) In any other way.
10. Noise levels emanating from the premises must not exceed those required to be met under State Environment protection Policy (Control of Music Noise from Public Premises), No. N-2.
11. The licensee/permit holder shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the license/permit relates during or immediately after the trading house authorised by the license/permit.

Engineering Requirements

12. Prior to the commencement of the use on the site, areas set aside for parked vehicles and access lands 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.
 - Drained and maintained to the satisfaction of the Responsible Authority.
 - Line-marked to indicate each car space to the satisfaction of the Responsible Authority.
 - Line-marked to indicate each car space, loading bay and all access lands and if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.
- Parking areas and access lanes must be kept available for these purposes at all times.
13. Three staff car spaces adjacent to the southern boundary must be clearly marked as 'visitor' parking.
14. One (1) disabled car space adjacent to the Italian Garden Display must be clearly marked as 'disabled' car space to be easily identifiable.

Waste Management

15. An area on the subject land must be set aside for the purpose of a waste disposal/collection bin. Such area must be screen-fenced as not to be visible from any public road or thoroughfare. The waste bin area must be provided prior to the commencement of the use permitted by this permit, maintained and used to the satisfaction of the Responsible Authority and must not be used for any other purpose.
16. No receptacles for any form of rubbish or refuse (other than public waste bins) may be placed or allowed to remain in view from a public road or thoroughfare and odour must not be emitted from any such receptacle(s) so as to cause offence to any person(s) outside the subject site.

Permit Expiry

17. This permit will expire if one of the following circumstances applies:
- The use is not started within two years of the date of this permit.
 - The use of the land ceases to operate for a continued period of two years.

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

Notes

1. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.

Chairperson's initials

2. 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.

- B. That officers investigate and implement parking conditions in nearby streets to assist local residents.

Meeting adjourned at 8.35pm

Meeting resumed at 8.37pm

**The motion was then put and
Carried**

For the Motion: Crs Aitken, Bolam, Cunial, Mayer, McCormack, O'Reilly and
Toms

Against the Motion: Cr Hampton

11.4 Town Planning Application 442/2017/P - 27 Wells Street, Frankston - To use the land and sell and consume liquor (On-Premises)

(MP Community Development)

Recommendation (Director Community Development)

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for application number 442/2017/P to enable the sale and consumption of liquor (On-Premises Liquor Licence) at 27 Wells Street, Frankston, subject to the following conditions:

Plans

1. Before the use 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 but modified to show:
 - (a) Reduction in the area within which alcohol can be sold and consumed (red line area) within the foyer, to the minimum area necessary to enable alcohol to be purchased at the candy/concession bar and carried into the cinemas.

No Alterations

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

Patrons Numbers

3. Unless with the prior written consent of the Responsible Authority, the selling or consumption of alcohol must only take place within the approved red line plan and at the premises during the following hours:
 - Monday to Sunday between 11:00am and 1:00am the following day

Liquor Licence Requirements

4. Liquor sold and dispensed under this licence for Lux cinemas may only be dispensed in glasses not more than 375ml in capacity or in plastic cups or an opened container of no more than 750ml capacity.
5. Liquor for consumption in a cinema, other than a Lux cinema, may only be sold to patrons in plastic drinking containers or an opened container of not more than 375 ml capacity.
6. At all times that films are being shown in a cinema auditorium where unaccompanied minors are present, at least one staff member who is over the age of 18 years and who has completed a Responsible Serving of Alcohol program approved by the Victorian Commission for Gambling and Liquor Regulation, will check the auditorium at intervals of not more than 30 minutes duration, to ensure that liquor is not supplied to or consumed by a minor.
7. No liquor may be consumed in an auditorium showing a film rated G (General Admission) or PG (Parental Guidance), prior to 6pm.
8. Prior to the screening of any feature film, display a notice on the screen stating that both the purchase and consumption of liquor by patrons under the age of 18 years is prohibited on the premises. Display signage that it is an offence for a minor to purchase liquor, or for liquor to be supplied to a minor, at all liquor service areas and at the entry to each cinema.
9. At all times free (tap) water must be provided to patrons at or near liquor service

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points, or by the same means of service that liquor is available (e.g. waiter service) on the counter or other accessible place for patrons.

10. The lobby/bar areas must only be used in conjunction with the cinemas. Only persons who have purchased tickets to the cinema, persons attending pre-booked functions and any other person associated with a person who has either purchased tickets to the cinema or is attending a pre-booked function shall be permitted to consume liquor on the premises.

Satisfactorily Completed

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

Permit Expiry

12. This permit will expire if one of the following circumstances applies:
 - The use of the land under clause 52.27 is not commenced within two years of the date of the permit.
 - The use of the land under clause 52.27 ceases to operate for a continued period of two years.

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

Notes

- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- B. Council strongly encourages the operator utilising this permit to become a member of the Frankston liquor accord.
- 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.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Toms

That Council resolves to issue a Notice of Refusal to Grant a Planning permit in respect to Planning Application Number 442/2017/P for the sale and consumption of liquor (on-premises liquor license) at 27 Wells Street, Frankston, on the following grounds:

1. The sale and consumption of liquor as proposed would unreasonably impact upon the amenity of the area by contributing to an existing social problems relating to the consumption of liquor.

Chairperson's initials

2. The proposed control arrangements for sale and consumption of liquor are not sufficient to ensure appropriate management of liquor service to patrons.

Councillor Cunial left the chamber at 8:42 pm

Councillor Cunial returned to the chamber at 8:44 pm

Extension of Time

Moved: Councillor McCormack

Seconded: Councillor Cunial

That Cr O'Reilly be granted an extension of time.

Carried Unanimously

The motion was put and

Carried on the casting vote of the Chair

For the Motion: Crs Aitken, Hampton and Toms

Against the Motion: Crs Cunial, McCormack and O'Reilly

Abstained: Crs Bolam, Mayer

11.6 Planning Permit Application 273/2017/P - 24 Robinsons Road, Seaford - To construct three (3) double storey dwellings

(MP Community Development)

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 273/2017/P for construction of three (3) double storey dwellings at 24 Robinsons Road, Seaford 3198 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. The plans must be substantially in accordance with the plans submitted with the application but modified to show:
 - a. Increase in the ground floor south (rear) setback for dwelling 3 to 1.2m and notation of landscaping to be provided in this space.
 - b. Increase in the first floor south (rear) setback for dwelling 3 to 2.2m.
 - c. Increase in the first floor east (side) setback for bedroom 3 of dwelling 3 to 2.4m.
 - d. Provision of a minimum 1.7m high privacy screening for the following windows:
 - Dwelling 2: bedrooms 1 and 2.
 - Dwelling 3: bedroom 1.
 - e. Alter configuration of the tandem car spaces so as to achieve a 3m width of access way behind a 5.4m tandem car space.
 - f. A corner splay (or area) on the north side of the driveway providing at least 50 per cent clear of visual obstructions (pedestrian triangles) extending at least 2 metres along the road frontage and 2.5 metres into the driveway.
 - g. Finished surface levels of all secluded private open space areas.
 - h. All trees growing on the site and on the adjoining properties within 3m of the boundaries must be clearly illustrated on all relevant plans to demonstrate canopy width, trunk location and clearly labelled in accordance with the Arboricultural Tree Assessment Report – Development Impact prepared by Climbing High Tree Services dated 29th May 2017 and clearly state whether the tree is to be retained or removed to the satisfaction of the Responsible Authority.
 - i. The Tree Protection Zone and Structural Root Zone for all trees to be retained and the tree protection fence locations must be illustrated on all relevant plans in accordance with Condition 4.
 - j. A Landscape Plan in accordance with Condition 3.
 - k. Tree Protection Conditions 4-5 noted on all relevant plans in full.
 - l. Outdoor lighting in accordance with Condition 17.

Chairperson's initials.....

No Alterations

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

Landscaping

3. Before the 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. Buildings on neighbouring properties within three metres of the boundary;
 - c. The delineation and details of surface finishes of all garden beds, grassed areas, pathways, driveways, retaining walls and other landscape works including areas of cut and fill throughout the development site;
 - d. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;
 - e. A range of plant types from ground covers to large shrubs and trees;
 - f. Landscaping and planting within all open areas of the site
 - g. Adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - h. The provision of screen planting (minimum mature height of 1.5m) within a landscape strip along the south side of the driveway and the interface of the property boundary except within pedestrian sight triangle area.
 - i. A planting theme of a minimum 20% indigenous and 40% native within each plant group;
 - j. 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.
 - k. 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) One (1) within the front setback minimum mature height of 8m
 - (ii) One (1) within the private open space of both dwellings minimum mature height 7m.
 - l. 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.

Tree Protection

3. 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.

Chairperson's initials.....

4. 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 6.0 metres from the trunk of tree 1 modified to be clear of any footpath or road, as not to encroach further than 10% of the TPZ and minimise the chance of works materials and equipment being stored in the area, 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

Prior to Occupation

5. The landscaping as shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or commencement of the use or at such later date as is approved by the Responsible Authority in writing.

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.

Drainage

6. 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.
7. Soakage system for Stormwater drainage shall be provided with Geotechnical design to demonstrate that effective drainage can be provided without detriment to premises and/or other properties. Design to be in accordance with CSIRO publication Water Sensitive Urban Design Engineering procedures – Stormwater, Chapter 11 – Infiltration Measures.

8. Prior to commencement of construction, detailed Drainage and Pavement design plans of the internal stormwater drainage system including drainage computations and the method of connection to the existing Council drainage infrastructure are to be submitted, approved and constructed to the satisfaction of the Responsible Authority.
9. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
 - a. On-site stormwater detention and rainwater tanks.
 - b. Soil percolation
 - c. Stormwater harvesting and Re-use of stormwater for garden watering, toilet flushing, etc
 - d. On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.

Access and Parking

10. Existing vehicle crossing to be retained, should the crossing be damaged during construction works the crossing must be reconstructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
11. 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.
12. Where the development involves work on or access to Council controlled land including roads, reserves and right of way, the owner, operator and their agents under this permit must at all times take adequate precautions to maintain works to the highest public safety standards, to the satisfaction of the Responsible Authority.

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

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

Urban Design

13. 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.
14. Mailboxes shall be provided to the proposed dwelling/s to the satisfaction of the Responsible Authority and Australia Post.
15. All plumbing work, sewer pipes etc. (except for spouting and stormwater pipes) associated with the new dwelling shall be concealed from general view.

16. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

Satisfactorily Completed

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

Permit Expiry

18. This permit will expire if one of the following circumstances applies:
- The development is not started within two (2) years of the date of this permit.
 - The development is not completed within four (4) years of the issued date of this permit.

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

Notes

A. Asset Protection Permit

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.

B. Extension of Time

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

Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made.

C. Variation to Planning Permit

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

D. Street Numbering

Local Government is the Authority responsible for property addressing. There is a requirement under Local Law No. 7 2.12 for the owner or occupier of each property to clearly display the street numbering allocated by Council.

Proposed Street Numbering can be provided by contacting Frankston City Council Rates department - Phone 9784 1853.

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

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

That Council resolves to issue a Notice of Refusal to Grant a Planning Permit in respect to Planning Application Number 273/2017/P for the construction of three (3) double storey dwellings at 24 Robinsons Road, Seaford, on the following grounds:

1. The proposed development is contrary to the Neighbourhood Character Policy at Clause 22.08 of the Frankston Planning Scheme, in that it will not contribute to the sense of spaciousness of the streetscape and coastal garden setting of the area.
2. The proposed development would unreasonably impact upon the amenity of surrounding dwellings by way of unrelieved visual bulk caused by the proposed double storey height of the second and third dwellings, and proximity of the walls to common boundaries with limited landscaping opportunities.

Carried Unanimously

11.7 Planning Permit Application 337/2017/P - 24 Leonard Street Frankston - To construct three (3) double storey dwellings

(MP Community Development)

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 337/2017/P for three (3) double storey dwellings at 24 Leonard 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. The plans must be substantially in accordance with the plans submitted with the application but modified to show:
 - a. A minimum of 35% garden area provided in accordance with Clause 32.08-4 of Frankston Planning Scheme.
 - b. Bedroom 2 window on the south elevation of Dwelling 2 modified to comply with Standard B22 (overlooking) of Clause 55.04-6 of the Frankston Planning Scheme.
 - c. Bedroom 3 windows of Dwellings 1 and 3 modified to comply with Standard B23 (internal views) of Clause 55.04-7 of the Frankston Planning Scheme. Any screening must be illustrated on the elevation plans.
 - d. Notation on all relevant plans that the alfresco of Dwelling 3 is to be constructed with above grade paving within the tree protection zone of Tree 4.
 - e. Finished surface levels of all secluded private open space areas.
 - f. A minimum 0.3 metre wide landscape buffer provided between the south-east corner of the laundry to Dwelling 1 and the shared access way and between the south-west corner of the master bedroom to Dwelling 2 and the shared access way.
 - g. 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 Damien Burgess dated August 2017 and clearly state whether the tree is to be retained or removed.
 - h. The Tree Protection Zone and Structural Root Zone for all trees to be retained and the tree protection fence locations must be illustrated on all relevant plans to the satisfaction of the Responsible Authority.
 - i. Tree and Ground Protection Conditions 3-5 noted on all relevant plans in full.
 - j. A Landscape Plan in accordance with Condition 6.
 - k. Outdoor lighting in accordance with Condition 18.

No Alterations

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

Chairperson's initials.....

Tree Protection

3. 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.
4. 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: up to 5m (tree 1) without leaving the nature strip, 2.4m (tree 2), 2m (tree 3) and 3.6m (tree 4) from the trunk 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.

Ground Protection

5. Prior to the commencement of construction the following tree protection conditions apply within the identified Tree Protection Zones for trees being retained 1 – 6 as identified in the arborist report prepared by Damien Burgess dated August 2017. 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 within TPZ of trees 2 and 3.
 - b. The existing driveway is to be removed by hand (within TPZ of trees 2 and 3) 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 200mm 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. 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.

Landscape Plan

- 6. 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. 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;
 - 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 (with a minimum mature height of 1.5 metres) within a landscape strip of 60 centimetres at the interface of the property boundary and driveway;
 - j. The provision of screen planting (minimum mature height of 1.5m) along the western fence line;
 - k. A planting theme of a minimum 20% indigenous and 40% native within each plant group;

- l. 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;
- m. 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 7m.
 - ii. One (1) within the private open space of all dwellings minimum mature height 5m.
 - iii. One (1) within the swale south of the garages for dwelling 1 & 2 minimum mature height 5m.
 - iv. One (1) within the garden east of the entrance to dwelling 2 minimum mature height 3m.
- n. 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;
- o. All tree stock used must be in accordance with AS2303-2015 Tree stock for Landscape Use.
- p. The provision of screen planting along the rear (eastern) property boundary to achieve a softening of the appearance of Dwelling 3 when viewed from the neighbouring dwelling to the east.

Prior to Occupation

7. 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.
8. 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.

Drainage

9. Provision of a Storm water 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.
10. Water Sensitive Urban Design principles (WSUD) must be incorporated into the drainage design to the satisfaction of the Responsible Authority, which may include but not be limited to the following components or a combination thereof:
 - a. On-site stormwater detention
 - b. Rainwater tanks for harvesting and re-use of stormwater for laundry, toilet flushing, landscape irrigation, etc.
 - c. Soil percolation - Soakage systems for storm water drainage must be provided with Geotechnical design to demonstrate that effective drainage can be provided without detriment to premises and/or other properties .
 - d. Rain gardens providing extended detention and on-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.

Chairperson's initials

11. 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.

Access and car parking

12. Vehicle crossings must be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
13. 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.

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

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

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

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

Urban Design

15. 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.
16. Mailboxes shall be provided to the proposed dwellings to the satisfaction of the Responsible Authority and Australia Post.
17. All plumbing work, sewer pipes etc. (except for spouting and stormwater pipes) associated with the new dwelling shall be concealed from general view.
18. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

Satisfactorily Completed

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

Permit Expiry

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

Notes**A. Asset Protection Permit**

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

B. Extension of Time

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

Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made.

C. Variation to Planning Permit

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

D. Street Numbering

Local Government is the Authority responsible for property addressing. There is a requirement under Local Law No. 7 2.12 for the owner or occupier of each property to clearly display the street numbering allocated by Council.

Proposed Street Numbering can be provided by contacting Frankston City Council Rates department - Phone 9784 1853.

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

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

That Council resolves to issue a Notice of Refusal to Grant a Planning Permit in respect to Planning Application Number 337/2017/P for the construction of three (3) double storey dwellings at 24 Leonard Street, Frankston, on the following grounds:

1. The proposed development is contrary to the Neighbourhood Character Policy at Clause 22.08 of the Frankston Planning Scheme, in that it will not contribute to the sense of spaciousness around dwellings and garden settings.

- 2. The proposed development would unreasonably impact upon the amenity of the dwelling to the east by way of unrelieved visual bulk caused by the proposed double storey height and proximity of the wall to common boundary with limited landscaping opportunities.

Carried

For the Motion: Crs Aitken, Bolam, Hampton, Mayer, McCormack, O'Reilly and Toms
Against the Motion: Nil
Abstain: Cr Cunial

12.10 Update on Coast Guard Building and Rental

(GK Community Development)

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

That Council:

1. Notes the requirement to demolish the current Coast Guard building due to its unsafe condition;
2. Approves an occupancy agreement for Coast Guard for the use of the two meeting rooms at the Mechanics Institute on a peppercorn rental of \$10 per annum plus outgoings: to be reviewed in 12 months; and
3. Supports the application for a Community Grant to cover the costs of removal and hard waste collection.

Carried Unanimously

14.1 2018/NOM50 - Multi-level car park

(MT Chief Executive Office)

That:

1. Council writes to the Premier of Victoria, the Hon Daniel Andrews MP, expressing Council's concern and dismay that despite the State Government's promise to build a much needed multi-level car park for our community detailed in a media release in 2015, there is no such facility still in 2018.
2. The Premier of Victoria be requested to recommit to the position of a multi-level car park at the Frankston Railway Station, including the allocation of funding to allow for construction as a part of the next phase of the Frankston Revitalisation.
3. The Premier of Victoria be requested to investigate the issue of car parking in the context of not only the Frankston Railway Station Precinct, but also the opportunities for car parking as a part of the Electrification of the rail line to Baxter.
4. Council also writes to the Leader of the Opposition, the Hon Matthew Guy, seeking his support for the provision of funding for a multi-level car park at Frankston Station if the opposition is elected to Government at the November 2018 State Election.
5. The State opposition also be called upon to investigate car parking opportunities not only at the Frankston Station, but also as part of the rail Electrification to Baxter connecting funds to achieve car parking when identified.
6. Council offers to work with both parties to achieve positive car parking outcomes and seeks a commitment from both parties to establish a Car Parking Taskforce to address issues relating to car parking the Frankston CAD and along the rail corridor.
7. Council seeks the support of Mr Paul Edbrooke MP, State Member for Frankston and Mr Michael Lamb, Liberal Candidate for Frankston.

Councillor Bolam left the chamber at 9:26 pm

Councillor Toms sought and was granted leave of Council to amend his Notice of Motion

Councillor Bolam returned to the chamber at 9:27 pm

Extension of Time

Moved: Councillor Mayer

Seconded: Councillor Bolam

That Cr Toms be granted an extension of time.

Carried Unanimously

In accordance with Section 44 of Council's Governance Local Law No 1, this motion was moved in parts

Council Decision

Moved: Councillor Toms

Seconded: Councillor Aitken

That Council writes to the Premier of Victoria, the Hon Daniel Andrews MP, expressing Council's concern and dismay that despite the State Government's promise to build a much needed multi-level car park for our community detailed in a media release in 2015, there is no such facility still in 2018.

Lost

For the Motion: Crs Aitken and Toms
Against the Motion: Crs Bolam, Cunial, Hampton, Mayer and O'Reilly
Abstained: Cr McCormack

Council Decision

Moved: Councillor Toms

Seconded: Councillor Aitken

That the Premier of Victoria be requested to recommit to the position of a multi-level car park at the Frankston Railway Station, including the allocation of funding to allow for construction as a part of the next phase of the Frankston Revitalisation.

Lost

For the Motion: Crs Aitken and Toms
Against the Motion: Crs Bolam, Cunial, Hampton, Mayer and O'Reilly
Abstained: Cr McCormack

Council Decision

Moved: Councillor Toms

Seconded: Councillor Aitken

That the Premier of Victoria be requested to investigate the issue of car parking in the context of not only the Frankston Railway Station Precinct, but also the opportunities for car parking as a part of the Electrification of the rail line to Baxter.

Carried

For the Motion: Crs Aitken, Bolam, Mayer, McCormack and Toms
Against the Motion: Crs Cunial, Hampton and O'Reilly

Council Decision

Moved: Councillor Toms

Seconded: Councillor Aitken

That Council also writes to the Leader of the Opposition, the Hon Matthew Guy, seeking his support for the provision of funding for a multi-level car park at Frankston Station if the opposition is elected to Government at the November 2018 State Election.

Lost

For the Motion: Crs Aitken and Toms
Against the Motion: Crs Bolam, Cunial, Hampton, Mayer and O'Reilly
Abstained: Cr McCormack

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

That the State opposition also be called upon to investigate car parking opportunities not only at the Frankston Station, but also as part of the rail Electrification to Baxter connecting funds to achieve car parking when identified.

Carried

For the Motion: Crs Aitken, Bolam, Mayer, McCormack and Toms

Against the Motion: Crs Cunial, Hampton and O'Reilly

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

That Council commits to work with both parties, the Committee for Greater Frankston and FITA (Frankston Independent Traders Association) to improve positive car parking outcomes, seeking a commitment from both parties and both organisations to establish a Car Parking Taskforce to address important issues relating to car parking in the Frankston CAD and along the rail corridor.

Lost on casting vote of the Chair

For the Motion: Crs Aitken, Mayer, McCormack and Toms

Against the Motion: Crs Bolam, Cunial, Hampton and O'Reilly

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

That Council seeks the support of Mr Paul Edbrooke MP, State Member for Frankston and Mr Michael Lamb, Liberal Candidate for Frankston.

Lost

For the Motion: Crs Aitken, Mayer and Toms

Against the Motion: Crs Bolam, Cunial, Hampton and O'Reilly

14.2 2018/NOM52 - Car Parking Forum August 2018 - Committee for Greater Frankston

(VR Chief Executive Office)

In response to the Committee for Greater Frankston's request to attend a forum in August 2018 to discuss the provision of publicly available parking in Frankston (copy attached), that Council nominate the Mayor, Cr Colin Hampton and Cr Brian Cunial to be Council's representatives at the forum.

Further that the Chief Executive Officer is requested to make available the relevant officer(s) to also attend the forum to provide technical advice if required and advise the Committee of Council's decision.

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

In response to the Committee for Greater Frankston's request to attend a forum in August 2018 to discuss the provision of publicly available parking in Frankston (copy attached), that all Councillors be invited to the Committee.

Further that the Chief Executive Officer is requested to make available the relevant officer(s) to also attend the forum to provide technical advice if required and advise the Committee of Council's decision.

Motion be put**Moved: Councillor Bolam****Seconded: Councillor O'Reilly**

That the motion be put.

Carried Unanimously**The motion was then put and****Carried Unanimously**

Meeting adjourned at 9.57pm

Meeting resumed at 10.02pm

11. CONSIDERATION OF TOWN PLANNING REPORTS

11.2 Planning Permit Application 424/2017/P - 21 Edward Street, Langwarrin - To construct six (6) dwellings (three (3) single storey and three (3) double storey)

(MP Community Development)

Council Decision

Moved: Councillor Cunial

Seconded: Councillor O'Reilly

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 424/2018/P for the construction of six (6) dwellings (three (3) single storey and three (3) double storey) at 21 Edward Street, Langwarrin subject to the following conditions:

Plans

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and 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) All trees growing on the site and on the adjoining properties within 3m of the boundaries to demonstrate canopy width, trunk location and clearly labelled in accordance with the Tree Assessment Report prepared by Adam Hamilton dated Oct 2017, and is to state whether the tree is to be retained or removed to the satisfaction of the Responsible Authority.
 - b) The Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) for all trees to be retained and the tree protection fence locations to the satisfaction of the Responsible Authority.
 - c) A freestanding trellis in accordance with Condition 25.
 - d) Notation of the storage areas within garages.
 - e) A Tree Protection Plan, including the existing street tree, in accordance with Condition 3.
 - f) A Landscape Plan in Accordance with Condition 9.

No Alterations

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

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:

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- 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 ;
 - Details of exploratory root investigation
 - Alternative construction techniques
 - Root pruning
 - Supervision
 - Details of any root pruning
- 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 AS4970-2009 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 5.88m (tree 1) and 5.28m (tree 9) 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.

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- 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.

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 1, 9, 10 and 11 as identified in the arborist report prepared by Adam Hamilton dated October 2017. 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

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.

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8. Any pruning or removal of tree limbs, particularly hollow-baring tree limbs, must be to the minimum extent necessary.

Landscape Plans

9. 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, Tree Protection Zone, Structural Root Zone 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;
 - 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) advanced tree within the front setback; between visitor car park and front path to Dwelling 6; with a mature height of 7m.
 - iii. One (1) within the private open space of (all) dwellings minimum mature height 6m.
 - m) 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.

- n) All tree stock used must be in accordance with AS2303-2015 Tree stock for Landscape Use

Prior to Occupation

10. 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.

Landscape Maintenance

11. 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.

Drainage

12. The legal point of discharge for a site is to the existing 375mm diameter pipe that runs along the valley of the property at a depth of approximately 750mm.
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) must 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
 - Rainwater tanks for harvesting and re-use of stormwater for laundry, toilet flushing, landscape irrigation, etc.
 - Soil percolation
 - Rain gardens providing extended detention and on-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.
16. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
17. Existing vehicle layback to be removed, then kerb & channel to be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
18. 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 :
- 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 sealcoat; and

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- Drained and maintained to the satisfaction of the Responsible Authority.

19. 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.

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.

Freestanding Trellis

25. Prior to the occupation of the development, a freestanding trellis (maximum 25% openings) must be erected 500mm above the existing fences in the following locations:
 - a) The western property boundary of Dwellings 2 and 3, adjacent to the main living area windows.
 - b) The northern property boundary of Dwellings 3 and 4, adjacent to the main living area windows.
 - c) The eastern property boundary of Dwelling 4, adjacent to the main living area and master bedroom windows.

Satisfactorily Completed

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

Permit Expiry

27. 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 Chairperson's initials.....

this permit.

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

Notes

- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- B. Prior to the commencement of construction the operator of this planning permit must obtain a non-refundable Asset Protection Permit from Frankston City Council's Infrastructure Department.
- C. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made. Pursuant to Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the periods referred to if a request is made in writing within the following prescribed timeframes:
 - 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.

Carried Unanimously

11.5 Planning Permit Application - 33/2018/P - 20 Currawong Drive, Carrum Downs - To construct one (1) single storey dwelling to the rear of the existing (two (2) dwellings)

(MP Community Development)

Council Decision**Moved: Councillor Mayer****Seconded: Councillor O'Reilly**

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 33/2018/P for the construction of one (1) single storey dwelling to the rear of the existing (two (2) dwellings) at 20 Currawong Drive, Carrum Downs, subject to the following conditions:

Plans

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and 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 correct locations of Trees 1-3 clearly illustrated on all relevant plans including canopy width, trunk location and clearly labelled in accordance with the Arboricultural Assessment prepared by Simon Howe dated April 2018.
 - (b) A Landscape Plan in accordance with Condition 3.
 - (c) the living room window of the proposed dwelling to have a sill height of at least 1.4 metres in order to comply with Standard B15 of Clause 55.03-10 of the Frankston Planning Scheme.
 - (d) Bollard lighting to be included along the access way in accordance with condition 12.

No Alterations

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

Landscape Plan

3. Before the commencement of buildings and works, a landscape plan prepared by a suitably qualified person 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 to be retained and/or removed;
 - b) buildings and trees (*including botanical names*) on neighbouring properties within three metres of the boundary;
 - c) details of surface finishes of pathways and driveways, retaining walls and areas of cut and fill;
 - d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;

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- e) A planting theme of a minimum 20% indigenous and 40% native within each plant group;
- f) landscaping to a minimum height of 1.5m to be incorporated along the boundary of the common driveway
- g) canopy trees to a minimum mature height of five metres (*minimum two metres tall when planted*) in the following areas;
 - (i) One (1) within the front setback
 - (ii) One (1) within the private open space of all dwellings

Trees are not to be sited over easements.

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

Prior to Occupation

- 4. 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.
- 5. 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.

Drainage

- 6. 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.
- 7. 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 .
- 8. Water Sensitive Urban Design principles (WSUD) must be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
 - a. On-site stormwater detention
 - b. Rainwater tanks for harvesting and re-use of stormwater for laundry, toilet flushing, landscape irrigation, etc.
 - c. Soil percolation
 - d. Rain gardens providing extended detention and on-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.

Urban Design

- 9. 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.
- 10. Mailboxes shall be provided to the proposed dwelling/s to the satisfaction of the Responsible Authority and Australia Post.
- 11. All plumbing work, sewer pipes etc. (except for spouting and storm water pipes) associated with the new dwelling shall be concealed from general view.

12. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

Satisfactorily Completed

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

Permit Expiry

14. 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.

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.

Carried Unanimously

12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Resolution Progress Update**

(BA Corporate Development)

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

That Council:

1. Receives the Notices of Motion Report as at 13 August 2018.
2. Approves the archiving of the following Notice of Motion from the Notices of Motion Report:
 - NOM 1354 - Urban Design Excellence
 - 2018/NOM4 - Emergency Grants
 - 2018/NOM21 – Economic Resilience Package II
 - 2018/NOM41 – Gaming Machines
3. Notes that since 10 July 2018, 9 resolutions have been completed, as detailed in the body of the report.
4. Notes that the reports listed below will not be presented back to Council by their advised dates and that a detailed explanation is provided in the body of the report.
 - 12.8 Hearing of submitters – proposed discontinuance of unused government road – corner North and Aldershot Roads, Langwarrin
 - 2018/NOM23 - Operational and Performance Review
 - Further Response to NOM1312 – Unemployment in Frankston

Carried Unanimously

12.2 Committee Minutes

(DH Chief Executive Office)

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

That the minutes of the following Committee be received:

- Frankston City News Editorial Committee Minutes – May 2018;
- Association of Bayside Municipalities Minutes – April 2018;
- Metropolitan Local Government Waste Forum Minutes – May 2018;
- Minutes - Ballam Park Homestead Advisory and Heritage Assets and Promotion Committees - June 2018
- Minutes - Ballam Park Homestead Advisory and Heritage Assets and Promotion Committees - July 2018;
- Youth Council Minutes – May 2018
- Youth Council Minutes – June 2018
- Minutes - Western Port Biosphere Councillor Liaison Committee Meeting - July 2018
- Minutes - Soccer Liaison Committee Meeting - June 2018 *Confidential*

Carried Unanimously

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12.3 Mayoral Chain Protocol

(MT Chief Executive Office)

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Cunial

That Council adopts the Protocol for the use of the Mayoral Chains.

Carried Unanimously

12.4 Review of Council's Instruments of Delegation - S6 Council to Members of Staff
(BA Corporate Development)**Council Decision****Moved: Councillor Aitken****Seconded: Councillor Toms**

That:

1. In the exercise of powers conferred by Section 98(1) of the *Local Government Act 1989* and other legislation referred to in *S6 - Instrument of Delegation Council to members of Council staff*, Council resolves that the powers, duties and functions be delegated to staff. This is detailed and subject to the conditions and limitations specified in the Instrument of Delegation.
2. The Instruments of Delegation referred to above:
 - (i) Be signed and sealed;
 - (ii) Come into force immediately that the Common Seal of Council is affixed to the Instrument; and
 - (iii) Remain in force until Council determines to vary or revoke the Instrument.
3. On the coming into force of the Instrument, the previous Instrument which was adopted by Council on 29 January 2018 is revoked.
4. The duties and functions set out in the Instruments of Delegation are performed and the powers, duties and functions be executed in accordance with any guidelines or policies that Council may from time to time adopt.

Carried Unanimously

12.5 Raise the Rate advocacy campaign*(LD Community Development)***Council Decision****Moved: Councillor Toms****Seconded: Councillor Aitken**

That Council supports the Raise the Rate campaign by:

1. Noting the Raise the Rate campaign was supported by the National General Assembly of Local Government June 2018, as a matter of urgency;
2. Authorising the Mayor to sign the campaign's online petition;
3. Formally writing to the local Federal Members of Parliament highlighting the relevance of the campaign's key messages for Frankston City; and
4. Promoting the Raise the Rate campaign through council's media channels to encourage residents to sign the campaign petition.

Motion be put**Moved: Councillor Cunial****Seconded: Councillor Mayer**

That the motion be put.

Carried Unanimously**The motion was then put and****Carried**

For the Motion: Crs Aitken, Cunial, Hampton, Mayer and Toms
Against the Motion: Cr O'Reilly
Abstained: Crs Bolam and McCormack

12.6 Public Open Space Contribution Rates - Review and Recommendations

(MP Community Development)

Council Decision**Moved: Councillor Cunial****Seconded: Councillor Toms**

That Council:

1. Notes the Frankston Public Open Space Contribution Rates 2018 report.
2. Authorises officers to place the Public Open Space Contributions Report on public exhibition for a period of 5 weeks.
3. Notes that following this exhibition period, a report will be provided to Council on the submissions received and a recommended approach to introduce Frankston specific open space contributions into the Frankston Planning Scheme.

Carried Unanimously

12.7 Responsible Dog Ownership Programs

(LR Community Development)

Recommendation (Director Community Development)

That Council:

1. Implements free animal adoption to the first 10 animals adopted from the Lost Dogs Home in the month the Pets Day Out event is held
2. Approves a 10% discounted registration renewal fee to dog owners who provide evidence of the following:
 - i. Obedience Assessment Certificate
 - ii. Proof that the dog is at least 12 months of age
 - iii. De-sexing certificate
 - iv. Microchip certificate
 - v. Immunisation certificate

The discounted registration fee is applicable to newly registered dogs from 1 January 2019.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

That Council:

1. Implements free animal adoption to the first 15 animals adopted from the Lost Dogs Home in the month the Pets Day Out event is held
 2. Approves a 10% discounted registration renewal fee to dog owners who provide evidence of the following:
 - i. Obedience Assessment Certificate
 - ii. Proof that the dog is at least 12 months of age
 - iii. De-sexing certificate
 - iv. Microchip certificate
 - v. Immunisation certificate
- The discounted registration fee is applicable to newly registered dogs from 1 January 2019.
3. Notes that service dogs (deaf, police and medical assistance trained dogs) do not require annual registration fees.
 4. May accept, at its discretion, a request by owners to have a “menacing dog status” of their animal revoked subject to mandatory completion and presentation of:
 - i. Obedience Assessment Certificate
 - ii. De-sexing certificate
 - iii. Microchip certificate
 - iv. Immunisation certificate
 5. Officers explore opportunities to enhance links to the Lost Dogs Home information on lost, rescued and animals waiting adoption; and increased ongoing advertising on social media about lost and found animals and animals awaiting adoption.

Chairperson's initials

- 6. Officers are to ensure animal adoption and the incentives above are advertised on social media, council's website, Lost Dogs Home website and the "What's On" column together with Council's Return Home Policy.
- 7. Notes that a memorandum on the status of these initiatives is to be provided to Councillors in December 2019.

Carried Unanimously

12.8 Future Use of Bluestone Blocks

(CA Community Assets)

Recommendation (Director Community Assets)

That Council notes that any bluestone blocks, found in facilities which are demolished, will continue to be retained and stored in the appropriate locations for future use on identified Council projects.

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

That Council:

1. Notes that any bluestone blocks, found in facilities which are demolished, will continue to be retained and stored in the appropriate locations for future use on identified Council projects.
2. Notes that the following locations are also considered for the future placement of bluestone:
 - a) raised garden beds/planter boxes (to house soil, plants and trees) are to be considered for installation at the Excelsior Drive/Frankston-Dandenong Road to improve public amenity;
 - b) raised garden beds/planter boxes (to house soil, plants and trees) are to be considered for installation at the Monterey Boulevard/Frankston-Dandenong Road to improve public amenity; and
 - c) raised garden beds/planter boxes (to house soil, plants and trees) are to be considered for installation at the Forest Drive/Frankston-Dandenong Road, Frankston North to improve public amenity.

Carried Unanimously

12.9 Renewal of Council membership subscription to the Mornington Peninsula and Western Port Biosphere Reserve Foundation Ltd

(MP Community Development)

Recommendation (Director Community Development)

That Council:

1. Notes the Biosphere's Key Performance Indicators (KPIs) have not been met and the Memorandum of Understanding (MOU) is still to be signed; with one Council other than Frankston considering its position.
2. Contingent on all member Council's signing the MOU Frankston City Council renews its membership of the Mornington Peninsula and Westernport Biosphere Reserve Foundation for the 2018/19 Financial year noting that membership for this Financial Year is \$22,495.
3. Reserves the additional expenditure of \$2,505 as a contribution to the Biosphere should we be satisfied with future progress against the agreed KPI's.

Council Decision

Moved: Councillor McCormack

Seconded: Councillor Aitken

That Council:

1. Notes the Biosphere's Key Performance Indicators (KPIs) have not been met and the Memorandum of Understanding (MOU) is still to be signed; with one Council other than Frankston considering its position.
2. Contingent on all member Council's signing the MOU Frankston City Council renews its membership of the Mornington Peninsula and Westernport Biosphere Reserve Foundation for the 2018/19 Financial year noting that membership for this Financial Year is \$22,495.
3. Reserves the additional expenditure of \$2,505 as a contribution to the Biosphere should we be satisfied with future progress against the agreed KPIs.
4. Notes that the matter be reviewed in twelve (12) months' time assessing:
 - a) Whether the foundation has increased visibility of its work and mission;
 - b) Whether a MOU has been signed between the Foundation and participating Councils;
 - c) Whether the Foundation is achieving its KPI's; and
 - d) The presence of all Councillor delegates on the Foundation's Board.

Carried Unanimously

13. RESPONSE TO NOTICES OF MOTION

Nil

Chairperson's initials

14. NOTICES OF MOTION

Refer to Items Brought Forward.

Chairperson's initials.....

15. LATE REPORTS

Nil

Chairperson's initials

16. URGENT BUSINESS**Urgent Business****Council Decision****Moved: Councillor Aitken****Seconded: Councillor Bolam**

That the matter of Cr Toms Leave of Absence be accepted as urgent business.

Carried Unanimously**Urgent Business****Moved: Councillor Aitken****Seconded: Councillor Bolam**

That Leave of Absence be granted to Cr Steve Toms for the period of 28 August to 18 September 2018 (inclusive).

Carried Unanimously

17. CONFIDENTIAL ITEMS**Council Decision****Moved: Councillor Cunial****Seconded: Councillor Mayer**

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 Award of Contract - Weed Management

Agenda Item C.1 Award of Contract - Weed Management is designated confidential as it relates to contractual matters (s89 2d)

C.2 Response to NOM 1377 - McClelland Gallery Interconnectedness and Peninsula Link

Agenda Item C.2 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.3 Response to NOM25 Investment in CCTV

Agenda Item C.3 Response to NOM25 Investment in CCTV is designated confidential as it relates to personnel matters (s89 2a), and Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.4 Minutes of the Frankston Arts Board - 24 July 2018 and Membership Status of Frankston Arts Board

Agenda Item C.4 Minutes of the Frankston Arts Board - 24 July 2018 and Membership Status of Frankston Arts Board is designated confidential as it relates to personnel matters (s89 2a), and Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.5 Statutory process for leasing of Commercial Tenancies at the Frankston Yacht Club building

Agenda Item C.5 Statutory process for leasing of Commercial Tenancies at the Frankston Yacht Club building is designated confidential as it relates to contractual matters (s89 2d)

C.6 Planning Application 492/2017/P - 424-426 Nepean Highway Frankston - Use and development of the land for a multi-storey building for retail, dwellings, serviced apartments and gym, and reduction in car parking requirements.

Agenda Item C.6 Planning Application 492/2017/P - 424-426 Nepean Highway Frankston - Use and development of the land for a multi-storey building for retail, dwellings, serviced apartments and gym, and reduction in car parking requirements. 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.7 Centenary Park Golf Course Tender Panel

Agenda Item C.7 Centenary Park Golf Course Tender Panel is designated confidential as it relates to contractual matters (s89 2d)

Carried Unanimously

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Signed by the CEO

Chairperson's initials

18. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS**C.1 Award of Contract - Weed Management (considered at this meeting)**

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (d) 'Contractual Matters'.

Deferral Motion to another Council Meeting**Moved: Councillor Cunial****Seconded: Councillor Toms**

That the matter be deferred to the Special Meeting on Monday 27 August 2018.

The motion was put and Carried

C.5 Statutory process for leasing of Commercial Tenancies at the Frankston Yacht Club building (considered at this meeting)

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (d) 'Contractual Matters'.

Council Decision**Moved: Councillor Toms****Seconded: Councillor Cunial**

That Council:

1. Notes that to comply with the requirements of s.190 of the *Local Government Act 1989* the commercial terms in respect of the proposed lease of the Frankston Yacht Club building must be made publicly available.
2. Consents to the release of the commercial terms of the proposed lease.
3. Releases this resolution in the minutes of the meeting

The motion was put and Carried

The meeting was closed to the public at 10.17 pm

DRAFT Minutes
CONFIRMED THIS

17th

DAY OF

August

2018

[Signature]
.....
CHAIRPERSON