



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL  
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON  
ON 10 SEPTEMBER 2018 at 7.01PM**

PRESENT	Cr. Colin Hampton (Mayor) Cr. Sandra Mayer Cr. Glenn Aitken Cr. Michael O'Reilly Cr. Quinn McCormack Cr. Kris Bolam
APOLOGIES:	Cr. Lillian O'Connor Cr. Brian Cunial Cr. Steve Toms
ABSENT:	Nil.
OFFICERS:	Mr. Dennis Hovenden, Chief Executive Officer Mr. Russell Joiner, Acting Director Corporate Development Dr. Gillian Kay, Director Communities Development Mr. Phil Cantillon, Director Community Assets Mr. Michael Papageorgiou, Manager Planning & Environment Mr Vishal Gupta, Manager Capital Works Delivery 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 Aitken 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 Bolam read the Opening Prayer.

**ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

Councillor McCormack 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.

Chairperson's initials 

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**1. PRESENTATION TO COMMUNITY GROUPS**

Certificate of Appreciation was presented to Lisa Fisher of Positively Frankston for her promotion of Frankston and all that it has to offer. Positively Frankston started with a community group on Facebook in 2017 and it has now grown into a popular campaign. The group advocates for Frankston and its wonderful assets.

**2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**Special Meeting No. SP3 held on 27 August 2018.**

**Council Decision**

**Moved: Councillor Aitken**

**Seconded: Councillor O'Reilly**

That the minutes of the Special Meeting No. SP3 held on 27 August 2018 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

**Carried Unanimously**

**3. APOLOGIES**

**Apology**

**Council Decision**

**Moved: Councillor Aitken**

**Seconded: Councillor McCormack**

That the apologies be received and Councillors O'Connor, Toms and Cunial be granted leave from the meeting.

**Carried Unanimously**

**4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST**

The Chief Executive Officer, Mr Dennis Hovenden declared he has an interest in Item C.8: Chief Executive Officer Leave Request and C.9: Chief Executive Officer Performance Review Outcomes and Key Performance Indicators for 2018/19. Mr Hovenden advised that he will leave the chamber during debate and voting.

**5. PUBLIC QUESTION TIME**

One (1) person submitted questions with notice to Council. As the person was not present in the chamber, a response will be provided in writing within seven (7) business days.

One (1) person submitted three (3) questions to Council. At the request of the Mayor, the Chief Executive Officer read the questions and answers to the gallery. The questions and answers are contained in Appendix.

**6. HEARING OF PUBLIC SUBMISSIONS**

Mr. Lachlan Allen made a submission to Council regarding Item 11.4: Planning Permit Application 135/2018/P – 1/12-16 Govan Street, Seaford – To use the site for food and drink premises (tavern), reduction of car parking spaces and on premises liquor license;

Mr. Paul Casey made a submission to Council regarding Item 11.4: Planning Permit Application 135/2018/P – 1/12-16 Govan Street, Seaford – To use the site for food and drink premises (tavern), reduction of car parking spaces and on premises liquor license;

Chairperson's initials 

Mr. Mark Jager made a submission to Council regarding Item 11.4: Planning Permit Application 135/2018/P – 1/12-16 Govan Street, Seaford – To use the site for food and drink premises (tavern), reduction of car parking spaces and on premises liquor license;

Mr. Robert Lavin made a submission to Council regarding Item 11.4: Planning Permit Application 135/2018/P – 1/12-16 Govan Street, Seaford – To use the site for food and drink premises (tavern), reduction of car parking spaces and on premises liquor license;

Ms. Bronwyn Tueno made a submission to Council regarding Item 11.5: Planning Permit Application 518/2017/P – 105 Humphries Road Frankston South – Use and development of the land for a child care centre;

Mr. Andrew Spurling made a submission to Council regarding Item 11.5: Planning Permit Application 518/2017/P – 105 Humphries Road Frankston South – Use and development of the land for a child care centre;

*Councillor Bolam left the chamber at 7:36 pm.*

Ms. Andrea Mace made a submission to Council regarding Item 11.5: Planning Permit Application 518/2017/P – 105 Humphries Road Frankston South – Use and development of the land for a child care centre;

*Councillor Bolam returned to the chamber at 7:38 pm.*

Mr. John McKenzie made a submission to Council regarding Item 13.4: Response to 2018/NOM35 – Proposed Downs Estate Business Case;

Ms. Hilary Poad made a submission to Council regarding Item 14.1: 2018/NOM54 – Tree Removal;

Mr. David Cross made a submission to Council regarding Item 14.1: 2018/NOM54 – Tree Removal;

Ms. Melinda Gustus made a submission to Council regarding Item 14.1: 2018/NOM54 – Tree Removal;

Mr Shane Osborne made a submission to Council regarding Item C.1: Outcome of the Expression Of Interest for the Commercial Activities in Public Open Space Protocol.

## 7. ITEMS BROUGHT FORWARD

### Council Decision

**Moved: Councillor Mayer**

**Seconded: Councillor McCormack**

That Items be brought forward:

- 11.4: Planning Permit Application 135/2018/P – 1/12-16 Govan Street, Seaford – To use the site for food and drink premises (tavern), reduction of car parking spaces and on premises liquor license;
- 11.5: Planning Permit Application 518/2017/P – 105 Humphries Road Frankston South – Use and development of the land for a child care centre;
- 13.4: Response to 2018/NOM35 – Proposed Downs Estate Business Case; and
- 14.1: 2018/NOM54 – Tree Removal.

**Carried Unanimously**

Chairperson's initials 

**11.4 Planning Permit Application 135/2018/P - 1/12-16 Govan Street Seaford - To use the site for food and drink premises (tavern), reduction of car parking spaces and on - premises liquor licence**

*(MP Community Development)*

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

That Council resolves to issue a Notice of Refusal to Grant a Planning Permit in respect to Planning Permit Application number 135/2018/P for use the site for food and drink premises (tavern), reduction of car parking spaces and on-premises liquor licence at 1/12-16 Govan Street, Seaford on the following grounds;

1. The proposal is inconsistent with the objectives of the Local Planning Policy Framework and Municipal Strategic Statement of the Frankston Planning Scheme, including:
  - a. Clause 17.03-1 – Industrial Land Supply
  - b. Clause 21.04 - Settlement
2. The proposed use does not satisfy the purpose of Clause 33.01- Industrial 1 Zone of the Frankston Planning Scheme.
3. The proposal does not satisfy the purpose of Clause 52.27 - Licensed Premises of the Frankston Planning Scheme.
4. Insufficient car parking is provided for the use, with reliance on public street parking being inappropriate in this location and for the hours of operation proposed.
5. The proposal would have an unreasonable, detrimental effect on the amenity of the locality by way of noise generation, traffic and parking impacts, and potential patron behaviour.
6. The site is not a suitable location for the proposed use.

**Carried Unanimously**

**11.5 Planning Permit Application 518/2017/P - 105 Humphries Road Frankston South - Use and development of the land for a child care centre.**

*(MP Community Development)*

**Recommendation (Director Community Development)**

That should a review not have been lodged under S79 of the Planning and Environment Act 1987 at the Victorian Civil and Administrative Tribunal for the use and development of the land at 105 Humphries Road Frankston south for a child care centre a Notice of Refusal to Grant a Planning Permit would have been issued with the following grounds:

1. The site is inappropriate for the use and development of a child care centre as it fails to comply with the Primary and Specific Location Criteria and objectives of Clause 22.04 - Non-Residential Use and Development in Residential Zones Policy and is the objectives of Clause 32.08 – General Residential Zone of the Frankston Planning Scheme.
2. The mass, bulk and scale of the built form of the development is contrary to the existing and preferred character of the area and has an adverse visual impact on the streetscape contrary to Clauses 15.01-1 – Urban Design, Clause 22.04 - Non-Residential Uses in Residential Zone Policy, Clause 22.08 - Neighbourhood Character Policy, Clause 42.03 – Significant Landscape Overlay Schedule 3 and Clause 43.02 – Design and Development Overlay Schedule 1 of the Frankston Planning Scheme.
3. The proposal would have an adverse impact upon local residential amenity through noise emission contrary to the objectives of Clauses 21.04 – Land Use, 22.04 - Non-Residential Use and Development in Residential Zone Policy and Clause 32.08 – General Residential Zone of the Frankston Planning Scheme.
4. The proposal does not meet the requirements of Design Standard 1 of Clause 52.06 – Car Parking of the Frankston Planning Scheme and will create unreasonable safety and amenity impacts to Humphries Road through vehicle turning and reversing movements.
5. Drainage for the proposal cannot be adequately provided on site and will result in a detrimental impact on the surrounding area due to storm water overflows.

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

- A. That should a review not have been lodged under S79 of the Planning and Environment Act 1987 at the Victorian Civil and Administrative Tribunal for the use and development of the land at 105 Humphries Road Frankston south for a child care centre a Notice of Refusal to Grant a Planning Permit would have been issued with the following grounds:
1. The site is inappropriate for the use and development of a child care centre as it fails to comply with the Primary and Specific Location Criteria and objectives of Clause 22.04 - Non-Residential Use and Development in Residential Zones Policy and is the objectives of Clause 32.08 – General Residential Zone of the Frankston Planning Scheme.
  2. The mass, bulk and scale of the built form of the development is contrary to the existing and preferred character of the area and has an adverse visual impact on the streetscape contrary to Clauses 15.01-1 – Urban Design, Clause 22.04 - Non-Residential Uses in Residential Zone Policy, Clause 22.08 - Neighbourhood Character Policy, Clause 42.03 – Significant Landscape Overlay Schedule 3 and Clause 43.02 – Design and Development Overlay Schedule 1 of the Frankston Planning Scheme.
  3. The proposal would have an adverse impact upon local residential amenity through noise emission contrary to the objectives of Clauses 21.04 – Land Use, 22.04 - Non-Residential Use and Development in Residential Zone Policy and Clause 32.08 – General Residential Zone of the Frankston Planning Scheme.
  4. The proposal does not meet the requirements of Design Standard 1 of Clause 52.06 – Car Parking of the Frankston Planning Scheme and will create unreasonable safety and amenity impacts to Humphries Road through vehicle turning and reversing movements.
  5. Drainage for the proposal cannot be adequately provided on site and will result in a detrimental impact on the surrounding area due to storm water overflows.
- B. That Council brief suitably qualified legal counsel to prosecute the position of Council, with respect to the application, at VCAT.

**Carried Unanimously**

**13.4 Response to 2018/NOM35 - Proposed Downs Estate Business Case**

*(MP Community Development)*

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

That Council:

1. Supports the proposal to develop a business case for a 'Community Food and Science Hub';
2. Refers funding of \$25K to the 2018-2019 Mid-Year Budget Review for further consideration; subject to State and/or Federal Government funding commitments, and
3. Rather than committing to participating on the Steering Committee, Council requests updates at various hold points and the ability to review and provide comments on the draft document prior to it being finalised.

**Carried Unanimously**

**14.1 2018/NOM54 - Tree Removal**

(VR Chief Executive Office)

**Councillor Recommendation**

1. That Council immediately cease all tree and vegetation removal and planning for tree and vegetation removal across the municipality, including for proposed boulevard plantings.
2. That Council clarifies that existing tree and vegetation removal was not the intention of Council and the removal of all mature trees from Cranbourne Road was not endorsed.
3. That Council replace the inappropriate foreign vegetation planted along Cranbourne Road between Fletcher Road and Moorooduc Highway with appropriate Native species to replace the native species removed at this location on such a mass scale.
4. That any future intention for the removal of native trees and vegetation be specifically brought before Council with full information for endorsement prior to any works being undertaken.

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

That Cr McCormack be granted an extension of time.

**Carried Unanimously**

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

That Cr McCormack be granted an extension of time.

**Carried**

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

Against the Motion: Cr Hampton

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

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

1. That Council immediately cease all tree and vegetation removal and planning for tree and vegetation removal across the municipality, including for proposed boulevard plantings.

**Carried**

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

Against the Motion: Crs Hampton and O'Reilly

Chairperson's initials 

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

2. That Council clarifies that existing tree and vegetation removal was not the intention of Council and the removal of all mature trees from Cranbourne Road was not endorsed.

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

3. That Council replace the inappropriate foreign vegetation planted along Cranbourne Road between Fletcher Road and Moorooduc Highway with appropriate native species to replace the native species removed at this location on such a mass scale.

**Lost**

For the Motion: Cr McCormack

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

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

4. That any future intention for the removal of native trees and vegetation be specifically brought before Council with full information for endorsement prior to any works being undertaken.

**Carried**

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

Against the Motion: Crs Hampton and O'Reilly

*The Mayor, Cr Hampton informed the gallery that he would be lodging a Rescission Motion specifically relating to Items 1 and 4.*

**8. PRESENTATIONS / AWARDS**

Frankston City Council was presented an award from The Xcellence Factor in recognition of the support for the Mindshop Excellence Program carried out at Elisabeth Murdoch College.

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

*Councillor McCormack left the chamber at 8:48 pm.*

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

That the petition/joint letter containing 109 signatures objecting to the proposed parking restrictions being considered for Halifax Street and Airlie Grove, Seaford be accepted.

**Carried Unanimously****10. DELEGATES' REPORTS**

Nil

**11. CONSIDERATION OF TOWN PLANNING REPORTS****11.1 Response to Petition - 6 Wesley Close, Skye**

*(MP Community Development)*

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

That Council:

1. Notes a petition of 44 signatures objecting to 8 double storey dwellings at 6 Wesley Close, Skye was received by Council 13 August.
2. Notes the head petitioner will be notified of Council's decision on the application.

**Carried Unanimously**

*The meeting was adjourned at 8.49 pm*

Chairperson's initials 

**11.2 Planning Permit Application - 124/2018/P - 59 Moreton Street, Frankston North - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)**

*(MP Community Development)*

*The meeting commenced with all Councillors present at 8.57 pm*

**Council Decision****Moved: Councillor Bolam****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 124/2018/P for the construction of one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) at 59 Moreton Street, Frankston North, subject to the following conditions:

**Plans**

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application, but modified to show:
  - (a) A notation on all relevant plans that the access way and existing crossover will be reconstructed and/or repaired to the satisfaction of the Responsible Authority.
  - (b) Six (6) cubic metres of storage space and clothesline for Dwelling 1.
  - (c) The existing concrete area and associated alfresco removed and replaced with appropriate landscaping as outlined within Condition 3.
  - (d) A Landscape Plan in accordance with Condition 3.
  - (e) Driveway conditions 6 and 7 notated on all relevant plans.
  - (f) A free-standing trellis in accordance with Condition 8.
  - (g) All trees growing on the site and on the adjoining properties within 3 metres 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 Glenn Waters dated June 2018 and clearly state whether the tree is to be retained or removed to the satisfaction of the Responsible Authority.
  - (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.

**No Alterations or Changes**

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 in accordance with the submitted development plan, prepared by a suitably qualified landscape professional must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
- a. A survey (including botanical names) of all existing vegetation on the site and those located within three (3) metres of the boundary of the site on adjoining properties, accurately illustrated to represent canopy width and labelled with botanical name, height and whether the tree is proposed to be retained and/or removed;
  - b. The tree number, T.P.Z., S.R.Z. and notations regarding protection methods during construction of retained trees;
  - c. Buildings on neighbouring properties within three metres of the boundary;
  - d. The delineation and details of surface finishes of all garden beds, grassed areas, pathways, driveways, retaining walls and other landscape works including areas of cut and fill throughout the development site;
  - 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 60 centimetres at the interface of the property boundary and driveway;
  - j. The provision of screen planting (minimum mature height of 2.5m) between the driveway and Dwelling 1;
  - k. A planting theme of a minimum 40% 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. One (1) within the front setback with a minimum mature height of 8 metres;
    - ii. One (1) within the private open space of (all) dwellings with a minimum mature height of 7 metres;
  - 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.
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.

#### **Driveway Construction**

6. The driveway occurring within the Tree Protection Zones of Trees 7 and 8, must be constructed above the existing soil grade and be of air and water permeable material such as sand based paving, with no fine concrete or similar to be used.
7. Root sensitive permeable paving such as 'on-ground' or 'no-dig' paving (or similar) is to be used where any part of the proposed paving comes within a 6 metres and 4.3 metre radius respectively of Trees 7 & 8 (*Pittosporum undulatum* & *Jacaranda mimosifolia*) sited on the eastern neighbours property.

#### **Free-Standing Trellis**

8. Prior to the occupation of the development, a freestanding trellis (maximum 25% openings) must be erected above the existing fence on the following boundaries of the site:
  - Along the northern (rear) boundary to an overall height of 2.2 metres above natural ground level.
  - Along the eastern (side) boundary to an overall height of 2.2 metres above natural ground level between the north-eastern corner and the proposed garage of Dwelling 2.

The trellis must appropriately restrict overlooking into the adjoining residential property to the satisfaction of the Responsible Authority. The trellis must be framed and thereafter maintained to the satisfaction of the Responsible Authority.

#### **Drainage**

9. 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.
10. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
  - On-site stormwater detention and rainwater tanks.
  - Soil percolation.
  - Stormwater harvesting and Re-use of stormwater for garden watering, toilet flushing, etc.
  - On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.
11. Existing vehicle crossing shall be removed and reconstructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.

12. 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.
13. 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.
14. 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.
15. All relevant permits must be obtained from Council for works within the existing road reserves, in addition to the planning permit.

#### **Satisfactorily Completed**

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

#### **Permit Expiry**

17. 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**

Chairperson's initials



- 11.3 **Planning Permit No. 17/2018/S173 - 2/4 Bardia Avenue, Seaford - To end Section 173 Agreement AM508289Q which affects Lot 2 of Plan of Subdivision 740036A**  
*(MP Community Development)*

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Aitken**

That Council has given consideration to Section 178E(2)(a) and any other matters in Section 178B of the Planning and Environment Act 1987 in respect to Planning Application 17/2018/S173 and resolves to end Section 173 Agreement AM508289Q which affects Lot 2 of Plan of Subdivision 740036A.

**Carried Unanimously**

**11.6 Oliver's Hill Lot Restructuring Plan Extension of Time Request**

*(MP Community Development)*

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

That Council authorises officers to extend the expiry time limit of the Oliver's Hill Lot Restructuring Plan December 2010 for a period of a further two (2) years until the 1 March 2021.

**Carried Unanimously**

Chairperson's initials 

**11.7 July 2018 Town Planning Progress Report**

*(MP Community Development)*

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

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

**Carried Unanimously**

Chairperson's initials 

## 12. CONSIDERATION OF REPORTS OF OFFICERS

### 12.1 Resolution Progress Update

*(BA Corporate Development)*

#### Council Decision

**Moved: Councillor Aitken**

**Seconded: Councillor Mayer**

That Council:

1. Receives the Notices of Motion Report as at 10 September 2018.
2. Approves the archiving of the following Notice of Motion from the Notices of Motion Report:
  - 2018/NOM21 – Economic Resilience Package II
  - 2018/NOM27 - Waiving of Kerbside Dining Fees for affected traders during Frankston Train Station Works
  - 2018/NOM31 - Improvements to the Planning Process
  - 2018/NOM43 - Exposed pylons of the elevated rail sections in Frankston
  - 2018/NOM46 - Peninsula Leisure Pty Ltd Matters
  - 2018/NOM50 - Multi-level car park (parts 1, 2, 4, 6 & 7)
3. Notes that since 31 July 2018, 59 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.
  - Response to 2018/NOM4 – Emergency Grants
  - 2018/NOM20 – Traffic calming options at the top of Balmoral Street, Frankston
  - 2018/NOM24 - Frankston 'Future Fund'
  - Hearing of Submitters – proposed discontinuance of unused government road – corner North and Aldershot Roads, Langwarrin
  - Procurement Policy 2018/19
5. Notes the results of the audit conducted on the Notices of Motion register to include costs associated with Response to Notices of Motion.

**Carried Unanimously**

Chairperson's initials 

**12.2 9th Wuxi International Sister City Forum**

*(SJ Corporate Development)*

**Recommendation (Director Corporate Development)**

That:

1. Council gives consideration to a representative of Frankston City Council attending the 9th Wuxi International Sister City Forum at a cost of up to \$4,000 per delegate.
2. Should Council endorse sending a representative, it nominates Councillor XXXX as the representative of Frankston City Council.
3. Any Councillor attending will be required to provide a written summary to the 19 November 2018 Ordinary Meeting of Council, in accordance with the Frankston City Council Councillor Training and Development Policy.

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Aitken**

That Council:

1. Resolves that no representative of Frankston City Council is authorised to attend the 9th Wuxi International Sister City Forum in China; and
2. Writes to the Municipal Government of Wuxi requesting a dialogue about creating more tangible outcomes relative to the Sister-City relationship that Frankston and Wuxi share.
3. Provides a report to the December Ordinary Meeting on the following:
  - a) Status of Council's advocacy effort to strengthen international investment opportunities for Frankston as it pertains to the outcome of NOM21.
  - b) The prospect of annual investment expos to be held in both Frankston and Wuxi to generate investment opportunities for businesses, industries and start-ups.

**Carried Unanimously**

**12.3 Appointment and Authorisation of Council Staff**

*(BA Corporate Development)*

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

That:

1. Pursuant to the provisions of Section 147 (4) of the *Planning and Environment Act 1987* (Act) and Section 232 of the *Local Government Act 1989* (The Act), Council appoints the officers listed in the Instrument of Appointment and Authorisations, as attached under separate cover for the purposes and regulations of these Acts.
2. The Instrument of Appointment and Authorisations be signed and sealed.

**Carried Unanimously**

**12.4 Capital Works Quarterly Report - Q4 - April - June 2017/18**

(OV Community Assets)

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

That Council:

1. Receives and notes the quarterly progress report (April – June 2018) for the 2017/18 Capital Works Program.
2. Notes that \$46.393M of expenditure was achieved in 2017/18, out of a total Adjusted Capital Works Program budget of \$55.012M (84%) being the Council Plan performance measure.
3. Notes the list of projects to be carried forward into the 2018/19 Capital Works Program in Attachment C which amounts to a net Council funding of \$8.003M.

**Carried Unanimously**

**12.5 Adoption of Councillor Nominated Capital Works Projects for FY 2018/19**  
(OV Community Assets)

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Aitken**

That Council approve the inclusion of Councillor nominated projects in the adopted 2018/19 Capital Works Program.

**Carried Unanimously**

Chairperson's initials 

**12.6 Consolidated Financial Report and Performance Statement for the year ended 30 June 2018**

*(KJ Corporate Development)*

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

That:

1. Council approves adoption, in principle, of the draft Financial Report and Performance Statement for the year ended 30 June 2018;
2. The Mayor and Councillor Bolam (as Council nominated Audit and Risk Management Committee members) be authorised to certify the Consolidated Financial Report after agreement with Council's external auditors as to any changes that may need to be made and as considered appropriate;
3. The Mayor and Councillor Bolam (as Council nominated Audit and Risk Management Committee members) be authorised to certify the Performance Statement after agreement with Council's external auditors as to any changes that may need to be made and as considered appropriate.

**Carried Unanimously**

**12.7 Minutes of the Frankston Arts Board - 21 August 2018**

*(AM Community Development)*

**Recommendation (Director Community Development)**

That Council:

1. Receives the Minutes of the Frankston Arts Board meeting of 21 August 2018.
2. Notes McClelland Gallery has advised the suggested terms of lease of a sculpture to be placed with Frankston municipality.
3. Notes the Frankston Arts Board recommends the preferred location of the McClelland sculpture to be the Moorooduc Highway/Hastings Road.
4. Notes the Frankston Arts Board endorses the Artists Brief of Keast Park/Eel Race Road beacon.
5. Notes the Frankston Arts Board reviewed the Instrument of Delegation.

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Mayer**

That Council:

1. Receives the Minutes of the Frankston Arts Board meeting of 21 August 2018.
2. Notes McClelland Gallery has advised the suggested terms of lease of a sculpture to be placed with Frankston municipality.
3. Notes the Frankston Arts Board recommends the preferred location of the McClelland sculpture to be the Moorooduc Highway/Hastings Road.
4. Notes the Frankston Arts Board endorses the Artists Brief of Keast Park/Eel Race Road beacon.
5. Notes the Frankston Arts Board reviewed the Instrument of Delegation.
6. That a report is to be provided at the second October Ordinary Meeting on the potential future purchase and placement of public art/sculptures (that are of high visibility; and of high calibre) at the following locations:
  - a) Intersection at Cranbourne/Beach Street; and
  - b) Intersection at Frankston – Dandenong Road / Ballarto Road.

**Carried Unanimously**

**12.8 MAV State Council Motions**

*(MT Chief Executive Office)*

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

That Council endorses the proposed Municipal Association of Victoria (MAV) State Council Motions and that the motions be forwarded to the MAV prior to the deadline date, with the wording to be altered for the Motion 'Use of Glyphosate Herbicide' to also include other herbicides.

**Carried Unanimously**

**13. RESPONSE TO NOTICES OF MOTION****13.1 Further response to NOM 1312 - Unemployment in Frankston**

*(RJ Corporate Development)*

**Recommendation (Director Corporate Development)**

That:

1. Council notes the report
2. A further report will be brought back to Council following further consultation with key stakeholders identified in this report.

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Mayer**

That:

1. Council notes the report
2. A further report will be brought back to the December Ordinary Meeting following further consultation with key stakeholders identified in this report.

**Carried Unanimously**

**13.2 Response to NOM1354 - Urban Design Advisory Committee**

(MP Community Development)

**Recommendation (Director Community Development)**

That Council:

1. Authorises officers to establish a Design Advisory Committee.
2. Authorises officers to publicly advertise for expressions of interest to join the Design Advisory Committee.
3. Endorses the Design Advisory Committee Terms of Reference;

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Mayer**

That Council:

1. Authorises officers to establish a Design Advisory Committee.
2. Authorises officers to publicly advertise for expressions of interest to join the Design Advisory Committee.
3. Endorses the Design Advisory Committee Terms of Reference.
4. Endorses the Urban Design Advisory Committee to formally begin operating from January 2019. A Memorandum is to be provided to Councillors close to the initiation of the Urban Design Advisory Committee articulating the process for referring matters to the committee.

**Carried**

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

Chairperson's initials 

**13.3 Response to NOM1389 - Ballam Park Precinct Improvements - Update**

*(VG Community Assets)*

**Recommendation (Director Community Assets)**

That Council notes this progress update report in response to NOM 1389 Ballam Park Precinct Improvements.

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

That Council

1. Notes this progress update report in response to NOM 1389 Ballam Park Precinct Improvements.
2. Provides a report to the February 2019 Ordinary Meeting.

**Carried Unanimously**

**13.5 Response to 2018/NOM48 - Public Safety Reference Committee**

*(LR Community Development)*

**Recommendation (Director Community Development)**

That Council:

1. Notes the establishment of a Community Safety Network Local Safety Committee by the Victoria Police
2. Adopts Option 1 to expand the existing liaison committee led by Council's Community Safety Department to form the Community Safety Network Local Safety Committee to be led by Victoria Police and include representatives from community and other local organisations.
3. Receives and notes the minutes of the Community Safety Network Local Safety Committee at the Ordinary Meeting following the Committee meeting.

**Council Decision**

**Moved: Councillor Bolam**

**Seconded: Councillor Aitken**

That Council:

1. Notes the establishment of a Community Safety Network Local Safety Committee by the Victoria Police
2. Adopts Option 1 to expand the existing liaison committee led by Council's Community Safety Department to form the Community Safety Network Local Safety Committee to be led by Victoria Police and include representatives from community and other local organisations.
3. Receives and notes the minutes of the Community Safety Network Local Safety Committee at the Ordinary Meeting following the Committee meeting.
4.
  - a) That Council expresses its disappointment to Victoria Police insofar the complete lack of representation by/from elected officials on the proposed community safety network local safety committee
  - b) Given this, the Council is to request a biannual briefing with the Regional Superintendent and Station Commanders on localised crime statistics and select safety issues within the municipality.

**Carried Unanimously**

Chairperson's initials 

**14. NOTICES OF MOTION****14.2 2018/NOM55 - Car Parking Provision Rates for outer suburban Melbourne**

*(VR Chief Executive Office)*

*The Mayor, Cr Hampton vacated the Chair  
and the Deputy Mayor, Cr O'Reilly assumed the Chair at 9.22 pm*

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

That Council:

1. Writes to the State Premier, the Hon Daniel Andrews MP and the Victorian State Minister for Planning, the Hon Richard Wynne MP condemning the recent State Government amendment (VC148) that affects planning schemes state wide.
2. Advocates to Councils that are members of the South East Melbourne regional group to consider and support Frankston's concerns on the ill-judged impact of Am VC148's reduced car parking rates on new development in outer suburban Melbourne Council areas
3. Seeks the support of the MAV to have the recently introduced parking rates repealed for outer suburban Melbourne areas.

**Carried Unanimously**

*The Deputy Mayor, Cr O'Reilly vacated the Chair  
and the Mayor, Cr Hampton assumed the Chair at 9.26 pm*

**15. LATE REPORTS**

Nil.

**16. URGENT BUSINESS****Urgent Business****Council Decision****Moved: Councillor McCormack****Seconded: Councillor Mayer**

That the matter of Letter of Support for Nairm Marr Djambana be accepted as urgent business.

**Carried Unanimously**

**Urgent Business – Letter of Support for Nairm Marr Djambana****Council Decision****Moved: Councillor McCormack****Seconded: Councillor Mayer**

That Council:

1. Confirms its letter of support to State Government's Aboriginal Community Infrastructure Program 2018/19 for Nairm Marr Djambana to develop an enclosed natural playground and communal area at their current facility;
2. Confirms Council will auspice funds if Nairm Marr Djambana's funding application to the State Government's Aboriginal Community Infrastructure Program 2018/19 is successful;
3. Notes, that if Nairm Marr Djambana's funding application is successful, community engagement and any applicable planning and leasing approvals will need to be completed before any works can commence.

**Carried Unanimously**

**Urgent Business****Council Decision****Moved: Councillor Aitken****Seconded: Councillor Mayer**

That the matter of a letter to Minister of Transport supporting the proposed Bus Route 760 be accepted as urgent business.

**Carried Unanimously**

**Urgent Business – Bus Route 760****Council Decision****Moved: Councillor Aitken****Seconded: Councillor Mayer**

That Council writes a letter to Minister of Transport supporting the proposed bus Route 760 which will link Cranbourne to Seaford.

**Carried Unanimously**

## 17. CONFIDENTIAL ITEMS

### Council Decision

**Moved: Councillor Mayer**

**Seconded: Councillor Aitken**

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 Outcome of the Expression Of Interest for the Commercial Activities in Public Open Space Protocol**

Agenda Item C.1 Outcome of the Expression Of Interest for the Commercial Activities in Public Open Space Protocol is designated confidential as it relates to contractual matters (s89 2d)

**C.2 New Signature Event for Frankston City**

Agenda Item C.2 New Signature Event for Frankston City is designated confidential as it relates to contractual matters (s89 2d)

**C.3 Standing Grants 2018-2019**

Agenda Item C.3 Standing Grants 2018-2019 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.4 South East Country Regional Cricket Hub - Jubilee Park Frankston**

Agenda Item C.4 South East Country Regional Cricket Hub - Jubilee Park Frankston is designated confidential as it relates to contractual matters (s89 2d)

**C.5 Kerbside Hard Waste and Bundled Green Waste Collection Contract**

Agenda Item C.5 Kerbside Hard Waste and Bundled Green Waste Collection Contract is designated confidential as it relates to contractual matters (s89 2d)

**C.6 Variation to Kerbside Collection and Receipting Service Contract 2009/10-1**

Agenda Item C.6 Variation to Kerbside Collection and Receipting Service Contract 2009/10-1 is designated confidential as it relates to contractual matters (s89 2d)

**C.7 Response to 2018/NOM51- Prospective land acquisitions**

Agenda Item C.7 Response to 2018/NOM51- Prospective land acquisitions 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.8 Chief Executive Officer Leave Request**

Agenda Item C.8 Chief Executive Officer Leave Request 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.9 Chief Executive Officer Performance Review Outcomes and Key Performance Indicators for 2018/19**

...  
... Agenda Item C.9 Chief Executive Officer Performance Review Outcomes  
... and Key Performance Indicators for 2018/19 is designated confidential  
... as it relates to contractual matters (s89 2d)

...  
... **Carried Unanimously**

.....  
Signed by the CEO

Chairperson's initials *C. Hampton*

*The meeting was closed to the public at 9.34 pm*

CONFIRMED THIS

DAY OF

2018

.....  
CHAIRPERSON

**AUTHORITY TO STAMP INITIALS ON MINUTES**

I, Cr. Colin Hampton, Chairperson – Council Meeting hereby authorise the use of an electronic stamp of my initials to initial each page of these Minutes of the Council Meeting held on Monday 10 September 2018, confirmed on Monday 1 October 2018.

.....  
(Cr. Colin Hampton, Chairperson – Council Meeting)

Dated this

day of

2018

**Ms Joanna Bouris**

**Question 1**

With respect to Planning Permit 142/2009/P/B, how will the Council assess and monitor music noise levels emanating from Beach 162 Café.

**Response by Director Community Development**

The Beach 162 Café has been operating for quite some time pursuant to an existing planning permit.

Condition 10 of the permit provides that '*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.*'

If Council receives complaints concerning music noise levels, it would conduct initial investigations and potentially request support from the Environmental Protection Authority to establish whether the premises is operating in accordance with the standard.

**Question 2**

What process will the Council implement for the investigation and introduction of parking restrictions in Kelman Street?

**Response by Director Community Assets**

Council officers are developing alternatives to address parking in Kelman Street, including resident parking permits, time restrictions and which side of the street to implement. Consultation with residents will occur prior to making any changes.

**Question 3**

What is the nature of the Councils funding commitment to Beach 162 Café, Agenda OM10 13 August 2018, Item 11.1 which states "Council has pledged \$8,050M to the project and is seeking equal contributions from State and Federal Governments to successfully deliver the project"?

**Response by Director Community Development**

There is no funding commitment to the Beach 162 Café. This reference in the report acknowledging the receipt of a petition is a clerical error made in preparation of the report.