



## COUNCIL MEETING AGENDA 2019/OM7 Monday 3 June 2019





# COUNCIL CHAMBERS

<b>Dennis Hovenden</b> Chief Executive Officer	<b>Cr Michael O'Reilly</b> Mayor	<b>Tim Frederico</b> Director Corporate Development
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<b>EA to Mayor &amp; Councillor</b> Business Support Officer	<b>Council Core</b> Business Support Coordinator	<b>Prue Digby</b> Municipal Monitor
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Cr. McCormack

Cr. O'Connor

Cr. Cunial

Cr. Hampton

Cr Bolam

Cr. Mayer

Cr. Aitken

Cr. Toms

EMT

EMT

Guest Speaker

MEDIA

MEDIA

**Gallery**





# THE COUNCIL MEETING

## Welcome to this Meeting of the Frankston City Council

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

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

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

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

## When are they held?

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

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

## **Governance Local Law No. 1 – Meeting Procedure**

### **34. Chair's Duty**

*Any motion which is determined by the Chair to be:*

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

*must not be accepted by the Chair.*

**88. Chair May Remove**

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

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

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

## **Live Streaming of Council Meetings**

Frankston City Council is now Live Streaming its Council Meetings.

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

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

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

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

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

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

## **The Formal (Ordinary) Meeting Agenda**

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

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

- **Items Brought Forward**

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

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

Question Time forms are available from the Civic Centre and our website, [www.frankston.vic.gov.au](http://www.frankston.vic.gov.au).

“Questions with Notice” are to be submitted before 12 noon on the Friday before the relevant Ordinary Meeting either in person at the Frankston Civic Centre, online using the Question Time web form or via email to [questions@frankston.vic.gov.au](mailto:questions@frankston.vic.gov.au).

“Questions without Notice” are to be submitted between 12 noon on the Friday before the relevant Ordinary Meeting up until 4pm on the day of the relevant Ordinary Meeting either in person via the designated Question Time box located at the Frankston Civic Centre front reception or the after-hours mail box or via email to [questions@frankston.vic.gov.au](mailto:questions@frankston.vic.gov.au).

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

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

- **Presentation of Petitions and Joint Letters**

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

- **Presentation of Reports**

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

- **Presentation of Delegate Reports**

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

- **Urgent Business**

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

- **Closed Meetings**

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

### **Opportunity to address Council**

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

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

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

### **Disclosure of Conflict of Interest**

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

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

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

### **Agenda Themes**

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

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

### **MAYOR**



## NOTICE PAPER

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### ALL COUNCILLORS

NOTICE is hereby given that an Ordinary Meeting of the Council will be held at the Civic Centre, Davey Street, Frankston, on 3 June 2019 at 7.00pm.

### COUNCILLOR STATEMENT

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

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

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

### OPENING WITH PRAYER

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

### ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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



**BUSINESS****1. PRESENTATION TO COMMUNITY GROUPS**

Nil

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

Ordinary Meeting No. OM6 held on 13 May 2019.

Special Meeting No. SP3 held on 20 May 2019.

**3. APOLOGIES**

Nil

**4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST****5. PUBLIC QUESTIONS AND SUBMISSION TIME**

Nil

**6. HEARING OF SUBMISSIONS****7. ITEMS BROUGHT FORWARD****8. PRESENTATIONS / AWARDS**

- 8.1 Thank you certificate from Good Friday Appeal to Frankston City Council staff for fundraising - total \$755.30

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

Nil

**10. DELEGATES' REPORTS**

Nil

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Dennis Hovenden

**CHIEF EXECUTIVE OFFICER**

29/05/2019

**Executive Summary****11.1 Planning Permit Application 3/2018/P - 68-70 Seaford Grove, Seaford - To construct eight (8) double storey dwellings**

*Enquiries: (Michael Papageorgiou: Community Development)*

Council Plan

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

**Purpose**

This report considers the merits of the planning application to construct eight (8) double storey dwelling dwellings at 68-70 Seaford Grove, Seaford.

**Recommendation (Director Community Development)**

That a Notice of Decision to Grant a Planning Permit be issued to construct eight (8) double storey dwelling at 68-70 Seaford Grove, Seaford subject to the conditions contained in the officers assessment.

**Key Points / Issues**

- The application was previously reported to Council's meeting of 13 May, 2019.

*Council resolved:*

*Deferred to the next Ordinary Meeting.*

Since this time no changes have been made to the application, no new objections have been received, and no objections withdrawn. The officer's recommendation remains unchanged in accordance with the Planning Scheme.

- It is proposed to construct eight (8) double storey dwellings on a site which is considered suitable for appropriate infill development.
- The proposal is consistent with the Planning Policy Frameworks, Neighbourhood Character Policy and the planning requirements of the Frankston Planning Scheme.
- A total of four (4) objections were received following advertising of the proposal. The applicant has responded with amended plans addressing some concerns raised by the objectors which will be considered in this report.
- Car parking is provided in accordance with the requirements of Clause 52.06 and Council's Multi Dwelling Visitor Car Parking Guidelines.
- The application is being reported to Council as it has been called in by Councillor Aitken.

**Financial Impact**

The Victorian Government introduced the "Fair Go Rates" system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.5 per cent for 2019-2020.

**11.1 Planning Permit Application 3/2018/P - 68-70 Seaford Grove, Seaford - To construct eight (8) double storey dwellings****Executive Summary**

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council's major source of income, Council's capacity to continue to deliver services and fund its capital programme will be severely restricted.

The permit application fee (including the advertising fee) paid to Council is \$3,626.70. The average cost to process a planning application is \$2,264 which represents a difference of \$1362.7.

**Consultation****1. External Referrals**

The application was referred to Melbourne Water as the land is affected by a Special Building Overlay.

**2. Internal Referrals**

The application was referred internally to the Environment, Traffic and Drainage departments.

**Notification of Proposal**

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

Notification was given in the form of:

- Mail to adjoining owners and occupiers; and
- Two (2) signs erected on the site frontage (one (1) sign on each lot).

As a result of the public notification, four (4) objections were received. The grounds of objection are summarised in the officer's assessment contained within this report.

**Analysis (Environmental / Economic / Social Implications)**

The proposal will have positive environmental implications as it allows opportunity for appropriate replanting on the site.

It will also have beneficial economic impacts. In the short-term by creating job opportunities during the construction phase, and in the longer term, with new residents supporting local business.

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

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

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

**11.1 Planning Permit Application 3/2018/P - 68-70 Seaford Grove, Seaford - To  
construct eight (8) double storey dwellings****Executive Summary**Legal

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

Policy Impacts

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

Officer's Declaration of Interests

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

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

**Risk Mitigation**

There are no relevant risk implications.

**Conclusion**

Overall, it is considered that the proposal is satisfactory subject to conditions and should be supported as discussed throughout this report.

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**ATTACHMENTS**

Attachment A:[↓](#) Locality Map

Attachment B:[↓](#) Aerial Photograph

Attachment C:[↓](#) Development Plans

**11.1 Planning Permit Application 3/2018/P - 68-70 Seaford Grove, Seaford - To construct eight (8) double storey dwellings****Officers' Assessment****Summary**

<b>Existing Use</b>	Residential
<b>Site Area</b>	1656m <sup>2</sup>
<b>Proposal</b>	Construct eight (8) double storey dwellings
<b>Site Cover</b>	43.7% (724m <sup>2</sup> )
<b>Permeability</b>	36.7% (608m <sup>2</sup> )
<b>Zoning</b>	General Residential Zone (GRZ)
<b>Overlays</b>	Special Building Overlay (SBO)
<b>Neighbourhood Character Precinct</b>	Seaford 5 (SF5)
<b>Reason for Reporting to Council</b>	Councillor call in by Councillor Aitken

**Background****Subject Site**

The site is a large regular shaped allotment, located on the north side of Seaford Grove in Seaford, approximately 120 metres west of the Wells Road intersection. The land is formed by two land parcels. The front and rear boundaries measure 30.48 metres, the western and eastern side boundaries measure 52.73 metres and 54.86 metres respectively and the site area is 1656m<sup>2</sup>. The landform is fairly flat.

There is a double storey detached dwelling on No 68 and a single storey detached dwelling on No 70 Seaford Grove.

Street access to the site is via a centrally located double crossover along the frontage. There is existing vegetation throughout the site. Two street trees within the front nature strip would be affected by works.

**Locality**

The subject site is within an established residential area predominately characterised by detached single storey dwellings with pitched roof form. Many of the dwellings are older in style. Some double storey dwellings and multi-dwelling development are beginning to emerge in the area. In Seaford Grove, dwellings are sited within mature gardens with generous front setbacks.

There are single storey detached dwellings on the neighbouring properties to the east, west and opposite. The site adjoins the Seaford Road reservation to the north.

**Site History**

Previous planning permit applications for the site include:

Planning Permit 638/2010/P, approved an extension to an existing dwelling on 23/12/2010.

**11.1 Planning Permit Application 3/2018/P - 68-70 Seaford Grove, Seaford - To construct eight (8) double storey dwellings****Officers' Assessment****Proposal**

The proposal is summarised as:

Dwelling	Storeys	No. of Bedrooms	Secluded Private Open Space	Car Parking
1	2	3	40m <sup>2</sup>	2 (single garage and tandem space)
2	2	3	40m <sup>2</sup>	2 (double garage)
3	2	2	38m <sup>2</sup>	1 (single garage)
4	2	3	40m <sup>2</sup>	2 (single garage and tandem space)
5	2	3	40m <sup>2</sup>	2 (double garage)
6	2	2	33m <sup>2</sup>	1 (single garage)
7	2	2	36m <sup>2</sup>	1 (single garage)
8	2	3	48m <sup>2</sup>	2 (double garage)

- Dwellings are configured on either side of a central driveway which has varying surface treatment. There is a circular landscaped area at end.
- Dwellings 1-2 and 3-4 have a direct interface with Seaford Grove. The ground level front setback is 7.1m and 7.0-7.28m respectively. The upper level is largely recessed back from the ground floor building footprint.
- Dwellings 1 and 4 proposes direct vehicle access off Seaford Grove and all other vehicles will access the site from the shared driveway.
- Dwellings 5-6 and 7-8 are located at the rear of the site.
- The dwellings adopt a contemporary design, with articulated built form and skillion roof line.
- A selection of external claddings are proposed including face brickwork, render façade, vertical cladding and colorbond roof.
- An indicative landscape plan is provided.

**State and Local Planning Policy Frameworks**

Planning Policy Frameworks, including the Municipal Strategic Statement, relevant to this application are summarised as follows:

- *Clause 11 – Settlement*
- *Clause 15 – Built Environment and Heritage; and*
- *Clause 16.01-4 – Housing Diversity.*
- *Clause 21.04 - Settlement*
- *Clause 21.07 – Housing; and*

**11.1 Planning Permit Application 3/2018/P - 68-70 Seaford Grove, Seaford - To construct eight (8) double storey dwellings****Officers' Assessment**

- *Clause 22.08 – Neighbourhood Character Policy*

**Planning Scheme Controls**

A Planning Permit is required pursuant to:

- Clause 32.08-6 – General Residential Zone of the Frankston Planning Scheme to construct 2 or more dwellings on the lot.
- Clause 44.05-2 – Special Building Overlay of the Frankston Planning Scheme to construct or carry out buildings and works for more than one dwelling.

**Notification of Proposal**

As a result of the public notification, four (4) objections were received.

The grounds of objection are summarised as follows:

- Neighbourhood character
- Overdevelopment of site
- Increased traffic and car parking
- Loss of amenity
- Loss of property values.

A Residents Discussion Meeting held on 13 September 2018 was attended by a Councillor, the applicant, the owner, objectors and Planning Officers. The meeting provided an opportunity to discuss the key concerns of the objectors and provide clarification of the proposal.

No resolution between parties was achieved. It is noted that the applicant has informally submitted amended plans addressing some concerns raised by the objectors and the assessment has been based on these plans.

**Referrals****External Referrals**

The application was referred to Melbourne Water who raised no objection to the proposal subject to conditions relating to finished floor and surface levels and allowing for the passage of overland flows.

**Internal Referrals**

The application has been referred to the following Council departments with respective comments made:

**Traffic Engineer**

The Traffic Engineer is generally satisfied with the proposal, but requires a condition on any permit requiring adequate pedestrian sightlines at exit points to the site.

**Drainage Engineer**

No objection was raised to the proposal subject to standard conditions included on the permit.

**11.1 Planning Permit Application 3/2018/P - 68-70 Seaford Grove, Seaford - To construct eight (8) double storey dwellings****Officers' Assessment**Environment Officer

No objections was raised to the proposal subject to conditions on the permit relating to tree protection, a tree management plan and landscaping plan requirement, that is generally in accordance with *the Arboricultural Impact Assessment prepared by Treespace, dated March 2018*.

**Discussion*****Planning Policy Frameworks***

The proposal provides opportunity for appropriate infill development that meets the urban consolidation objectives for Melbourne. It is located within an area suitable for infill development that is accessible to a range of community facilities and services and good transport networks.

The proposal achieves these policies by providing for a varying housing type that meets community needs, makes better use of existing infrastructure and incorporates some environmental sustainable design principles.

It is considered this proposal will appropriately respond to planning policy.

**Neighbourhood Character and Design Response**

Council's Neighbourhood Character Policy (Clause 22.08) seeks to ensure development is responsive to the key characteristics that make up the preferred character of each precinct. The site is located within the Seaford 5 (SF5) Neighbourhood Character Precinct. The preferred character of the precinct is:

*"The spaciousness of the streetscape will be maintained, and the coastal garden settings and relationship with the creek and wetlands environs will be strengthened."*

The design objectives of the precinct are addressed below:

- *To maintain and strengthen the coastal garden settings and encourage the retention and planting of indigenous vegetation.*

An indicative landscape plan and an arboricultural report is provided which gives advice on vegetation removal, retention and replacement planting. A landscape plan using suitable native and indigenous vegetation is a requirement of permit. It is considered that the site can be appropriately landscaped.

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

The majority of dwellings within the local area are single storey and a sited within an established garden setting which is reflected in the proposal.

At the front of site there are two blocks of two dwellings that are well articulated at both the ground and upper levels, giving variation to the built form. A requirement of Melbourne Water is that the garages to Dwellings 1 and 4 are to be made carports and must be setback from the side boundaries.

A combination of contemporary external finishes are proposed and there is sufficient space around dwellings to accommodate appropriate landscaping and canopy trees.

Similarly the dwellings at the rear of the site, are well articulated in both design and external finishes. Landscaping techniques used will ensure a visual softening of the development when viewed from the street.

## 11.1 Planning Permit Application 3/2018/P - 68-70 Seaford Grove, Seaford - To construct eight (8) double storey dwellings

### Officers' Assessment

- *To maintain the openness of the streetscape.*

The front dwellings are set well back from the street with a landscaped frontage with no front fence proposed.

- *To use lighter looking building materials and finishes that complements the vegetation and coastal setting.*

The mixture of contemporary external finishes proposed would be complementary to the area's coastal setting which includes face brickwork at ground level and lighter looking materials at the upper level.

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

Dwellings have the appearance of surrounding space due to the landscaped setbacks from boundaries and the central driveway. The latter gives separation between dwellings reflecting development patterns within the area.

- *To encourage building elements that respects the creekside and wetland environment and do not dominate the landscape.*

The subject site is not located adjacent to the Seaford Wetlands area.

#### **Clause 52.06 – Car Parking**

The purpose of Clause 52.06 is:

- *To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

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

Clause 52.06-5 rate for dwelling	Proposed No. of Dwellings	Car spaces required by Clause 52.06-5	Proposed Car Parking
1 car parking space to each one and two bedroom dwelling.	3	3 spaces	3 spaces (Single garages)
2 car parking spaces to each three or more bedroom dwelling.	5	10 spaces	Dwellings 1 & 4 = 2 spaces each (Single garage and tandem space)  Dwellings 2, 4, 5 & 8 2 spaces each (Double garage)

**11.1 Planning Permit Application 3/2018/P - 68-70 Seaford Grove, Seaford - To construct eight (8) double storey dwellings****Officers' Assessment**

Clause 52.06-5 rate for dwelling	Proposed No. of Dwellings	Car spaces required by Clause 52.06-5	Proposed Car Parking
Visitor Car parking	8	1 space for every 5 dwellings	1 space

The proposal complies with the requirements of Clause 52.06-5. It also complies with the Design Standards of Clause 52.06-8; with the addition of a condition on permit to provide adequate sightlines for pedestrians.

**Clause 55 (ResCode Assessment)****Site Layout and Building Massing**

Dwellings 1 and 4 present an articulated front setback to Seaford Grove; varying between 7.1m to 7.28m measured to the front façade, with garages recessed back.

The proposal seeks a 0.7m variation to the minimum front setback requirement of 7.8m (Standard B6). This is justified based on other examples within Seaford Grove, which is considered consistent with neighbourhood character and makes for efficient use of the site.

The maximum building height proposed is 7.4m, measured to the top of the skillion roof which accords with the requirements of Standard B7 and the maximum height allowable within the General Residential Zone. The site coverage is 43.7% and the permeability is 36.7% which is well within the minimum allowances.

Dwellings take advantage of solar access with main living areas and secluded private open space having a northern aspect. There is opportunity to improve on energy efficiency by providing shading devices to north and west facing habitable room windows as a condition on permit.

The entrances to Dwellings 1 to 4 will be easily seen from Seaford Grove. However a condition on permit is required for Dwellings 5 to 8 entrances to be more visible by providing a larger transitional porch space for safety and security reasons.

The indicative landscape plan shows there is plenty of opportunity for planting throughout the development. This is formalised via a permit condition requiring a landscape plan.

There is safe and convenient site access for residents. Dwellings 1 and 4 have direct vehicle access to Seaford Grove and the central driveway provides street access for all other dwellings. Approximately 29% of the street frontage provides for site access which complies with Standard B14.

The proposed garages and tandem spaces provide convenient parking to dwellings.

**Amenity Impacts**

The proposal is compliant with the side and rear setback requirements of Standard B17 and the walls on boundaries requirements of Standard B18. Whilst the garages to Dwellings 1 and 4 are shown as constructed on side boundaries, Melbourne Water requires these to be converted to carports and setback 1m from the side boundaries which can be implemented by permit condition.

The proposal will not affect any daylight to existing or north facing windows as adequate setbacks are maintained.

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construct eight (8) double storey dwellings****Officers' Assessment**

The shadow diagrams submitted indicate no significant overshadowing of the neighbouring secluded private open spaces. Whilst some overshadowing in the morning and afternoon is expected it is within the acceptable limits in accordance with Standard B21. It is noted the property owner to the immediate west has raised a concern about potential overshadowing.

The proposal incorporates various design measures to address potential overlooking of neighbouring properties and internal views from upper levels. There are however, some instances where the overlooking requirements of Standards B22 are not met. This includes the windows in the western façade of Dwellings 1 in the ground floor main living area and the upper level bedroom 2. Also in Dwelling 5 to the ground level bedroom 1 and the main living area on the western façade.

On the eastern façade there is overlooking potential from Dwelling 4 upper level windows to bedroom 2. Also, in Dwelling 8 at the ground level main living area and upper level bedrooms 2 and 3.

This is resolved through permit conditions to install an independent screening structure above the top of the 1.8m fence height adjacent to the respective ground floor windows along the east and western boundaries. At the upper level the respective windows are to have fixed external screens to a height of 1.7m above the finished floor level.

External noise sources directly affecting the amenity of the dwellings as a result of Seaford Road; north of the subject site is not a concern. There is a vegetated road reservation between the subject site and the road that would help reduce noise levels.

**On-Site Amenity and Facilities**

The proposal complies with the daylight to new windows requirements of Standard B27.

Secluded private open space for each dwelling has a finished surface level of FL 1.65m AHD, is readily accessible to the main living area and will receive good solar access.

Dwellings 1, 2, 4, 5 and 8 have at least 40 square metres of secluded private open space (SPOS) and Dwelling 3 has slightly less with 38m<sup>2</sup>. The latter is considered reasonable given the dwelling is located at the front of the site with a reasonable sized front garden area.

Dwellings 6 and 7 have substantially less secluded private open space, with 33m<sup>2</sup> and 36m<sup>2</sup> respectively. These dwellings are located at the rear of the site with minimal front garden. A permit condition requires Dwellings 6 and 7 to have 40m<sup>2</sup> of secluded private open space ensuring future residents will have sufficient recreation space to accommodate their needs.

Dwellings are each provided 6m<sup>3</sup> of storage.

**Design Details**

Whilst single storey dwellings tend to be the prevailing built form within this area, it is expected this will alter over time as infill development takes place to make better use of land. The proposed design adopts key elements found on buildings within the local area. It includes a pitched roof line, articulated built form and the use varying external finishes. The development has generous boundary setbacks facilitating opportunity for appropriate landscaping throughout the site.

**11.1 Planning Permit Application 3/2018/P - 68-70 Seaford Grove, Seaford - To construct eight (8) double storey dwellings****Officers' Assessment****Minimum Garden Area Requirement**

The proposal requires a minimum garden area of 35%, or 579.6m<sup>2</sup>, of the total site area (1656m<sup>2</sup>). The garden area measures at being approximately 40% (666m<sup>2</sup>) therefore meeting the requirement. A permit condition requires the minimum garden area be shown on plans.

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

The proposal complies with the car parking requirements of Clause 52.06. One (1) car space is provided for each two bedroom dwelling and two (2) car spaces are provided for each three bedroom dwelling in addition to a visitor car space.

The varying surface treatment of the central driveway provides for visual soften of the development when viewed from the street. It also provides safety 'cues' to pedestrians and vehicles. Whilst the design standards for car parking at Clause 52.06-9 are complied with, Council's Traffic Engineer advises there should be no contrasting pavers within the first 7m of the driveway from the property frontage, which is included as a condition on permit.

Council's Multi Dwelling Visitor Car Parking Guidelines is also considered. There are two on-street car spaces available in front of the site and car parking on both sides of the street. Under Council's policy the requirement for one visitor car space on site is met.

**Vegetation**

There is existing vegetation proposed to be removed from the site, and two street trees within the front nature strip and some vegetation on neighbouring properties would be also affected by the proposed works. The arboricultural report provides recommendation to protect impacted vegetation. This is supported by Council's Environmental Planning team subject to conditions on the permit for tree protection controls, a vegetation management plan and landscaping plan.

**Waste Management**

It is proposed that waste collection associated with Dwellings 1 to 4 will be by Council kerbside collection service. For Dwellings 5 to 8, waste will be collected by private contractor on a weekly basis. The bin will be wheeled to a bin collection point near the front of the site the night prior to collection. A permit conditions requires provision of a Waste Management Plan to the satisfaction of the Responsible Authority.

**Cultural Heritage Management Plan**

The subject site is within an area of Aboriginal cultural heritage sensitivity and a high impact activity it proposed. As required, a Cultural Heritage Management Plan (CHMP) Number 16330, prepared by Dugay & Co Pty Ltd and approved by The Bunurong Land Council Aboriginal Corporation (BLCAC), is submitted.

In summary, the CHMP involved a desktop, standard and complex assessments. These found that the activity area has been impacted since European settlement. Firstly by land clearing, then agriculture and more recently by residential development. The site has not been affected by any previous registered Aboriginal places, and there were no new Aboriginal places identified in the activity area through subsurface testing.

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The CHMP provides a set of conditions to be implemented during the construction phase by the developer. This includes the requirement for Cultural Heritage Induction program prior to the commencement of any construction works, and done in association with the heritage advisor and BLCAC. Also required are compliance inspections of all service trenches, and a contingency management plan to be implemented in the event of any aboriginal cultural heritage sites being located during construction.

**Response to Grounds of Objections**

- *Neighbourhood Character*

As outlined in the above report, the proposal addresses the objectives of the Seaford 5 (SF5) Neighbourhood Character Precinct Policy with generous building setbacks and appropriate landscaping throughout the site including canopy tree planting.

- *Overdevelopment of the site*

The intensity and scale of the development is considered to be appropriate infill for the site. The proposal meets the planning requirements of the Frankston Planning Scheme in terms of Clause 55 (ResCode), car parking and garden area.

The dwellings present a well-articulated built form with recessed upper levels, and use a combination of complementary external finishes and neutral colours. A condition of approval will reinforce the requirement for a detailed colour and external materials schedule. The proposal allows for a generous front setback, and is largely setback from all other boundaries. There is opportunity to undertake appropriate landscaping throughout the site including canopy tree planting.

- *Increased traffic and parking*

Council's Traffic Engineer has reviewed the proposal and offers no objection subject to standard conditions included on the approval. The proposal provides an adequate number of car spaces and visitor spaces as required by Clause 52.06 of the Frankston Planning Scheme and Council's Multi Dwelling Visitor Car Parking Guidelines.

The residents' concerns are acknowledged, however, the proposed development is not likely to cause traffic generation which is beyond the capacity of the local road network or other related amenity impacts.

- *Loss of amenity*

Loss of amenity as a result of overshadowing, overlooking and noise are a concern raised by some objectors. These matters are considered in the ResCode assessment (Clause 55) and where identified have merit, are to be resolved through conditional requirements.

- *Loss of property values*

The loss of property values do not hold planning merit and is something which has been dismissed by the Victorian Civil and Administrative Tribunal in the past.

**Conclusion**

The proposal is considered to be consistent with requirements of the Frankston Planning Scheme including the relevant planning policy, neighbourhood policy, zone requirements and ResCode (Clause 55). The proposal will provide for appropriate medium density housing in an existing residential area identified allowing for incremental change. Consideration has been given to the concerns of objectors and it is satisfied the development would not have an unreasonable impact on the amenity of the area and should be supported by Council.

**11.1 Planning Permit Application 3/2018/P - 68-70 Seaford Grove, Seaford - To  
construct eight (8) double storey dwellings****Officers' Assessment****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 3/2018/P for the construction of eight double storey dwellings at 68-70 Seaford Grove, Seaford, 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 amended plans prepared by Cultured House and Building Design submitted to Council on 20/09/2018 but modified to show:
  - (a) All trees growing on the site and on adjoining properties within 3m of the boundaries to demonstrate canopy width, trunk location and clearly labelled in accordance with the *“Arboricultural Impact Assessment prepared by Treespace Solutions Pty Ltd, dated March 2018”* and clearly state whether the tree is to be retained or removed.
  - (b) The Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) for all trees to be retained and the tree protection fence locations must be illustrated on all relevant plans.
  - (c) Melbourne Water requirements of Conditions 3-14.
  - (d) Garages to Dwellings 1 and 4 as required by Condition 6.
  - (e) The entrances to Dwellings 5 to 8 to be more visible by increasing the area of the transitional porch space as required by Clause 55.05-2 (Dwelling entry) of the Frankston Planning Scheme.
  - (f) 40m<sup>2</sup> minimum of secluded private open space provided for Dwellings 6 and 7.
  - (g) Shading devices to all north and west facing habitable room windows.
  - (h) Fixed screens to a height of 1.7m (maximum transparency of 25%) above finished floor level to address overlooking from the upper level windows in:
    - Dwelling 1 - bedroom 2 – west façade.
    - Dwelling 4 bedroom 2 – east façade.
  - (i) A free standing trellis along the western and eastern boundaries as required by Condition 37.
  - (j) The minimum garden area as required by Clause 32.08-4 of the Frankston Planning Scheme noted on all relevant plans.
  - (k) A schedule of proposed external finishes and colours including samples.
  - (l) No permeable pavers within first 7m from the property frontage along the shared driveway.
  - (m) A Tree Management Plan as required by Condition 15.
  - (n) A Landscape Plan as required by Condition 21.

**11.1 Planning Permit Application 3/2018/P - 68-70 Seaford Grove, Seaford - To construct eight (8) double storey dwellings****Officers' Assessment**

- (o) A Waste Management Plan as required by Condition 32.
- (p) Outdoor lighting as required by Condition 36.
- (q) Sightlines as required by Condition 38

**No Alterations**

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

**Melbourne Water Requirements**

3. Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions relating to open style fencing. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).
4. The dwellings must be constructed with finished floor levels set no lower than 2.59 metres to Australian Height Datum (AHD) which is 300mm above the applicable 1% AEP flood level of 2.29m to AHD.
5. The Unit 2, 3, 5, 6, 7, 8 garages must be constructed with finished floor levels set no lower than 2.44m to AHD which is 150mm above the applicable 1% AEP flood level of 2.29m to AHD.
6. Unit 1 and 4 carports must be constructed at natural surface and must remain unenclosed with no roller/tilt doors at the front and rear for the life of the structure.
7. The 'Visitor Car space' must be constructed at natural surface and must remain unenclosed with no roller/tilt doors at the front and rear for the life of the structure.
8. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
9. The development must maintain a minimum 1m of open space from the northeast property boundary, set at the existing natural surface level for the passage of overland flows. No obstructions are permitted within this setback, (i.e. no garages, sheds or water tanks) with the exception of open style fencing/gates/
10. The development must maintain a minimum 1m of open space from the southwest property boundary set at the existing natural surface level for the passage of overland flows. No obstructions are permitted within this setback (i.e. No garages, sheds or water tanks) with the exception of open style fencing/gates.
11. The development must maintain 40% of open space at existing surface levels.
12. The internal driveway must be designed to be freely draining towards Seaford Grove to prevent floodwater backing up into dwellings and garages.
13. All decking must be constructed with unenclosed foundations and steps to the Private Open Space areas contain no vertical risers, to allow for the passage of overland flows.
14. All internal fencing/gates and fencing fronting Seaford Grove must be of an open style construction (50% open style) unless with the written consent of Melbourne Water, to allow for the passage of floodwaters/overland flows.

**11.1 Planning Permit Application 3/2018/P - 68-70 Seaford Grove, Seaford - To  
construct eight (8) double storey dwellings****Officers' Assessment****Tree Protection Management Plan**

15. A Tree Protection Management Plan prepared in accordance with Frankston City Council's *'Arboricultural Report Writing Guide'* must be submitted by a suitably qualified and experienced Arborist in relation to the management and maintenance of the trees, and must be approved by the Responsible Authority prior to the commencement of any works (including any demolition, levelling of the site, excavations, tree removal, delivery of building/construction materials and/or temporary buildings). The Tree Management Plan must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following (where relevant) ensuring that the trees remain healthy and viable during and following construction:
- a) A site plan showing tree protection zones (TPZ) and structural root zones (SRZ), tree protection fence locations (any relocations required) and any areas where ground protection systems will be used.
  - b) Restricted activities in the TPZ.
  - c) Key supervision and monitoring stages of the development including pre-demolition, pre-construction, and post construction stages.
  - d) Details of any TPZ encroachments including:
    - 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) Methods of construction for any structures, buildings and pavement.
  - g) Remedial works as required including a detailed photographic diagram specifying what pruning will occur.
  - h) 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**

16. 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.

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17. 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 for Tree 1 and Tree 3 (street trees), and Tree 11, 12 and 13, as identified in the "*Arboricultural Impact Assessment prepared by Treespace Solutions Pty Ltd, dated March 2018*", 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) The installation of pipes and services within a Tree Protection Zone must not damage any roots and shall be performed by boring method under the supervision of a qualified arborist.
- 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**

18. Prior to the commencement of construction the following tree protection conditions apply within the identified Tree Protection Zones for trees being retained 11, 12 and 13 as identified in the "*Arboricultural Impact Assessment prepared by Treespace Solutions Pty Ltd, dated March 2018.*" All tree protection conditions must be undertaken to the satisfaction of the Responsible Authority.
- a) No excavation works are permitted for the construction of the driveway.
  - b) The existing driveway is to be removed by hand with works overseen by a suitably qualified and experienced Arborist.
  - c) To avoid compaction and damage to the tree trees a layer of organic mulch 200 mm thick must be laid with rumble planks/ crossing planks laid above the mulch prior to any construction vehicles accessing the site. This ground protection is to be maintained until the construction of the new driveway is completed.

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- 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) The installation of pipes and services within a Tree Protection Zone and a Structural Root Zone must not damage any roots and shall be performed by boring method under the supervision of a qualified arborist.
- 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 safely 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**

- 19. 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.
- 20. Any pruning or removal of tree limbs, particularly hollow-baring tree limbs, must be to the minimum extent necessary.

**Landscape Plans**

- 21. 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.

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- 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 suitable screen planting within a landscape strip at the interface of the property boundary and driveway (to Dwellings 1 and 4).
- 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. One (1) within the front setback of each dwelling with a minimum mature height of 4m.
  - ii. One (1) within the private open space of all dwellings with a minimum mature height 4m.
  - iii. One (1) suitable canopy tree within the circular landscaped area located at the north end of the shared accessway.
- 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; and
- n) All tree stock used must be in accordance with AS2303-2015 Tree stock for Landscape Use

**Prior to Occupation**

22. 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.

**Drainage**

23. Stormwater Drainage Outfall is to be constructed to the satisfaction of the Responsible Authority.

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24. 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.
25. 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.
26. 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.
  - Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the dwellings, garages and driveway ramp to the satisfaction of the Responsible Authority.
27. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
28. All discussed vehicle crossings shall be removed and the area reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.
29. 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
  - Drained and maintained to the satisfaction of the Responsible Authority.
30. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
31. 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.

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construct eight (8) double storey dwellings****Officers' Assessment****Waste Management**

32. Before the use and development starts, a Waste Management Plan must be submitted to, and approved by, the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will then form part of this Permit. The Waste Management Plan must include reference to the following:
- The estimated garbage and recycling generation volumes for the proposed use.
  - The garbage and recycling equipment to be used and the collection service requirements, including the frequency of collection.
  - The location, proximity, screening of and space allocated both to the garbage and recycling storage areas and collection points.
  - How noise, odour and litter will be managed and minimised.
  - Approved facilities for washing bins and storage areas.
  - Swept path diagrams illustrating how waste vehicles will access the site.

The approved Waste Management Plan must be implemented to the satisfaction of the Responsible Authority.

**Urban Design**

33. 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.
34. Mailboxes shall be provided to the proposed dwelling/s to the satisfaction of the Responsible Authority and Australia Post.
35. All plumbing work, sewer pipes etc. (except for spouting and stormwater pipes) associated with the new dwelling shall be concealed from general view.
36. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

**Free-Standing Trellis**

37. 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 to demonstrate compliance with Clause 55.04-6 (overlooking) of the Frankston Planning Scheme:
- Along the western (side) boundary of ground level habitable room windows to Dwelling 1 and 5.
  - Along the eastern (side) boundary of ground level habitable room windows to Dwellings 8.

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.

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construct eight (8) double storey dwellings****Officers' Assessment****Sightline Requirements**

38. A corner splay or area of at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrian on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height, as required by Clause 52.06-9 (Design standards for car parking) of the Frankston Planning Scheme.

**Satisfactorily Completed**

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

**Permit Expiry**

40. 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**

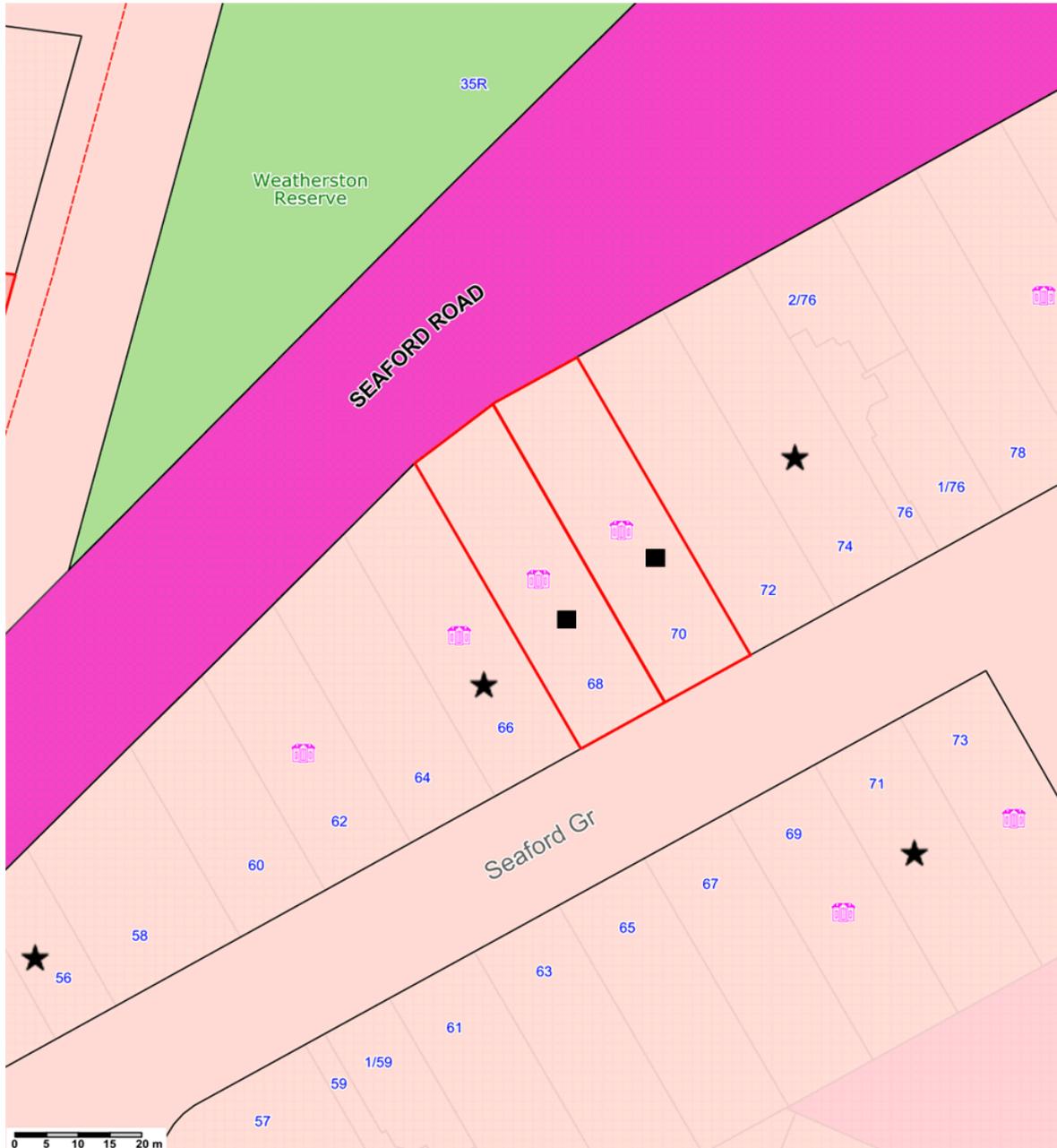
- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- B. Prior to the commencement of construction the operator of this planning permit must obtain a non-refundable Asset Protection Permit from Frankston City Council's Infrastructure 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.

11.1 Planning Permit Application 3/2018/P - 68-70 Seaford Grove, Seaford - To construct eight (8) double storey dwellings

Officers' Assessment

Town Planning Application 3/2018/P – 68-70 Seaford Grove Seaford  
Subject site ■ Objectors ★



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Projection: GDA94 / MGA zone 55

Scale: 1:835

Date Printed: 24/04/2019

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Town Planning Application 3/2018/P – 68-70 Seaford Grove Seaford

Subject site 



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Projection: GDA94 / MGA zone 55

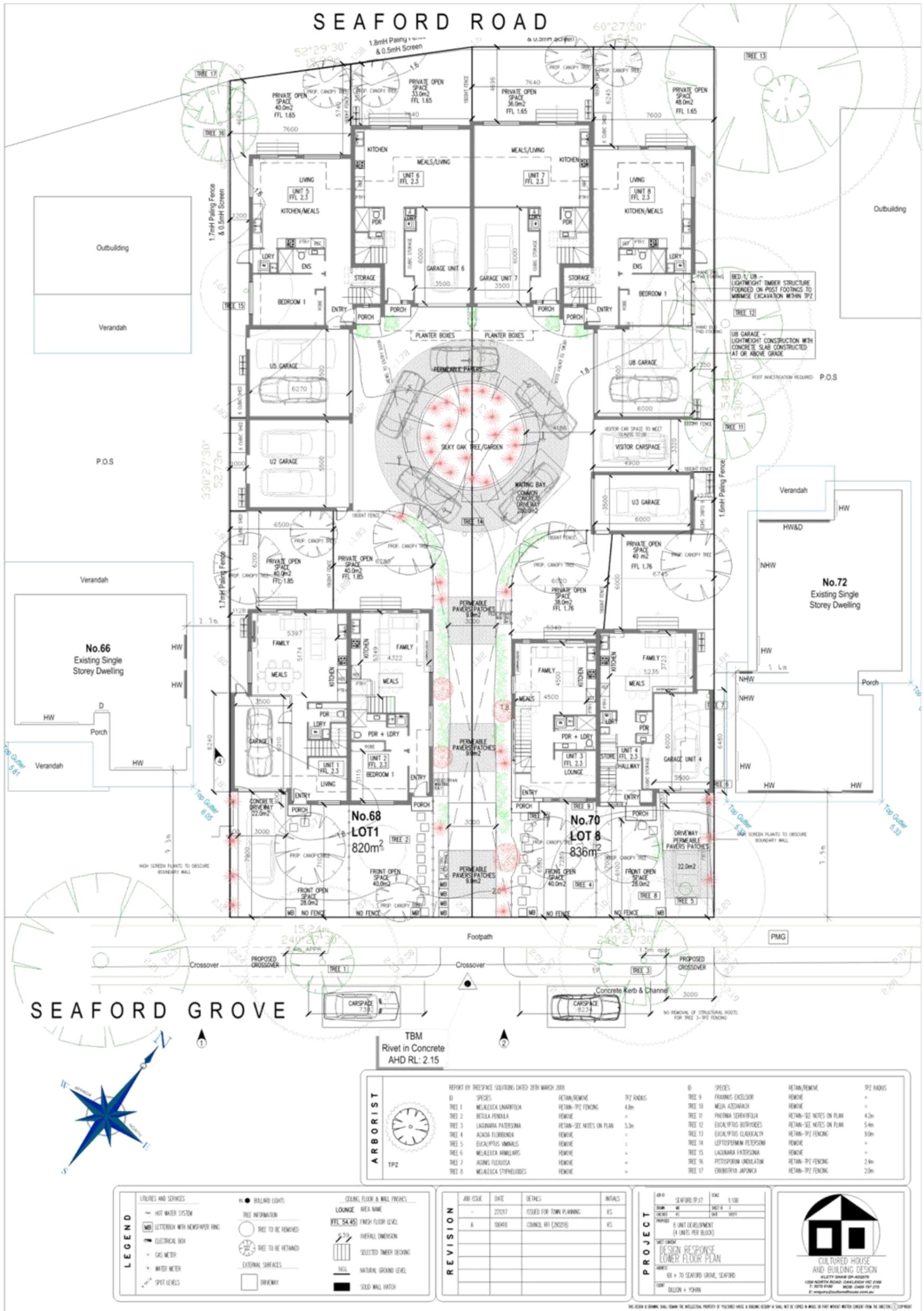
Scale: 1:835

Date Printed: 24/04/2019

Time Printed: 4:18 PM

Issued by: Leah Horne





**ARBORIST**

REPORT BY REESPACE SOLUTIONS DATED 28th MARCH 2018

ID	SPECIES	RETAIN/REMOVE	TPZ RADIUS	ID	SPECIES	RETAIN/REMOVE	TPZ RADIUS
TREE 1	MELALEUCA LINARIIFOLIA	RETAIN-TPZ FENCING	4.0m	TREE 9	FRAXINUS EXCELSIOR	REMOVE	-
TREE 2	BETULA PENNOLA	REMOVE	-	TREE 10	MYRTA AZEDARACH	REMOVE	-
TREE 3	LACONARIA PATENSIS	RETAIN-SEE NOTES ON PLAN	5.5m	TREE 11	FRAXINUS EXCELSIOR	RETAIN-SEE NOTES ON PLAN	4.0m
TREE 4	ACACIA FLORENDICA	REMOVE	-	TREE 12	EUCALYPTUS BLOTTEDGES	RETAIN-SEE NOTES ON PLAN	5.0m
TREE 5	EUCALYPTUS VIMINALIS	REMOVE	-	TREE 13	EUCALYPTUS CLADOCALYX	RETAIN-TPZ FENCING	9.0m
TREE 6	MELALEUCA ARNHEMENSIS	REMOVE	-	TREE 14	LEPTOSPERMUM PERSICINA	REMOVE	-
TREE 7	ACACIA FLORENDICA	REMOVE	-	TREE 15	LACONARIA PATENSIS	REMOVE	-
TREE 8	MELALEUCA STYPHILOIDES	REMOVE	-	TREE 16	PITTOSPORUM UNDULATUM	RETAIN-TPZ FENCING	2.0m
				TREE 17	ERIBOTRYA JAPONICA	RETAIN-TPZ FENCING	2.0m

**LEGEND**

SYMBOL	DESCRIPTION
⊕	BOLLARD LIGHTS
⊕	HOT WATER SYSTEM
⊕	ELECTRICAL BOX
⊕	GAS METER
⊕	WATER METER
⊕	SPOT LIGHTS
○	TREE TO BE REMOVED
○	TREE TO BE RETAINED
○	EXTERNAL SHRUBS
○	DRIVEWAY
▭	CEILING, FLOOR & WALL FINISHES
▭	LOUNGE AREA NAME
▭	FRESH FLOOR LEVEL
▭	OVERALL DIMENSION
▭	SELECTED TIMBER DECKING
▭	NATURAL GROUND LEVEL
▭	SOLID WALL FINISH

**REVISION**

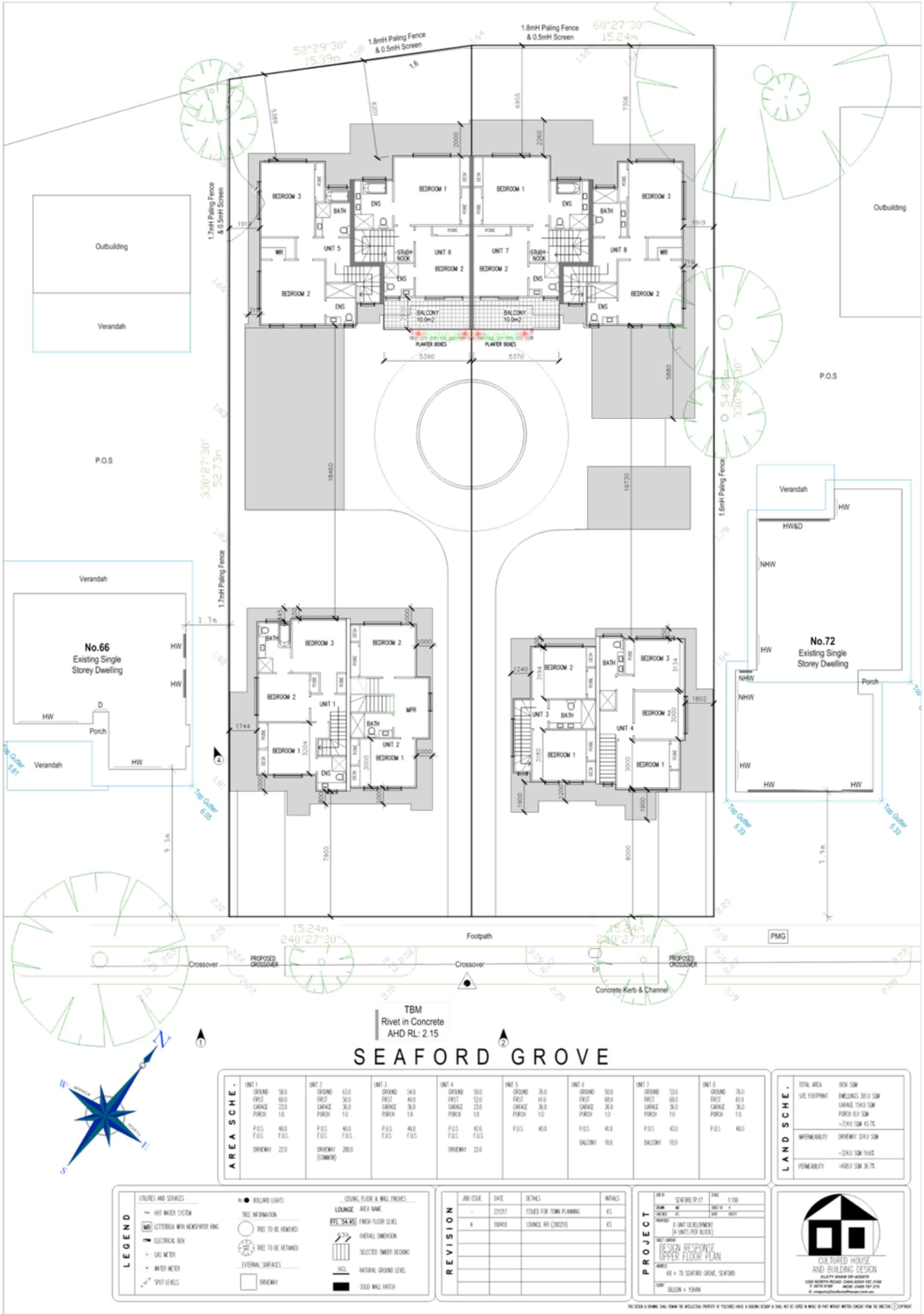
NO.	DATE	DETAILS	INITIALS
1	22/02/17	ISSUED FOR TOWN PLANNING	KS
2	10/04/18	COUNCIL HP (28/02/18)	KS

**PROJECT**

PROJECT NO.	SEAFORD-SP-17	SCALE	1:100
DATE	10/04/18	SHEET NO.	3
CLIENT	6 UNIT DEVELOPMENT (4 UNITS PER BLOCK)	DATE	08/04/18
PROJECT NAME	DESIGN RESPONSE LOWER FLOOR PLAN		
ADDRESS	68 + 70 SEAFORD GROVE, SEAFORD		
DESIGNER	COLLIER + YOUNG		



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**SEAFORD GROVE**

AREA SCHE	UNIT 1	UNIT 2	UNIT 3	UNIT 4	UNIT 5	UNIT 6	UNIT 7	UNIT 8	LAND SCHE
GROUND	58.0	63.0	54.0	50.0	76.0	50.0	53.0	76.0	TOTAL AREA
FIRST	60.0	50.0	40.0	52.0	60.0	60.0	60.0	63.0	1856 SQM
GARAGE	23.0	36.0	36.0	23.0	36.0	36.0	36.0	36.0	SITE FOOTPRINT
PORCH	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	DWELLINGS 301.0 SQM
P.O.S	40.0	40.0	40.0	40.0	40.0	40.0	43.0	40.0	GARAGE 154.0 SQM
F.O.S	F.O.S	F.O.S	F.O.S	F.O.S	F.O.S	F.O.S	F.O.S	F.O.S	PORCH 8.0 SQM
DRIVEWAY	22.0	280.0 (COMMON)		22.0		10.0 (BALCONY)	10.0 (BALCONY)		+124.0 SQM 43.7%
									PERMEABILITY
									DRIVEWAY 324.0 SQM
									+324.0 SQM 19.6%
									PERMEABILITY
									+488.0 SQM 30.7%

LEGEND	UTILITIES AND SERVICES	CEILING, FLOOR & WALL FINISHES
●	HOT WATER SYSTEM	FFL 34.45 FINISH FLOOR LEVEL
■	ELECTRICAL BOX	OVERALL DIMENSION
○	GAS METER	SELECTED TIMBER DECKING
○	WATER METER	NATURAL GROUND LEVEL
○	SPOT LEVELS	SOLID WALL PATCH
●	BOLLARD LIGHTS	
○	TREE INFORMATION	
○	TREE TO BE REMOVED	
○	TREE TO BE RETAINED	
□	EXTERNAL SURFACES	
□	DRIVEWAY	

REVISION	NO.	DATE	DETAILS	INITIALS
-	22027	ISSUED FOR TOWN PLANNING	KS	
A	10048	COUNCIL HW (28/02/19)	KS	

PROJECT	NO.	SCALE
SEAFORD GP 27	1:100	
DESIGN RESPONSE UPPER FLOOR PLAN		
6 UNIT DEVELOPMENT (4 UNITS PER BLOCK)		
68 + 70 SEAFORD GROVE, SEAFORD		
DEVELOPER: OLLIVAN + YOUNG		

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PROJECT	JOB #	SEAFORD_TP.17	SCALE	1:100 A3
	DRAWN BY	AC	SHEET #	7
	CHECKED BY	AC	DATE	10/01/17
	PROPOSED	8 UNIT DEVELOPMENT (4 UNITS PER BLOCK)		
	SHEET CONTENT	COLOUR ELEVATION		
ADDRESS	68 + 70 SEAFORD GROVE, SEAFORD			
CLIENT	DELLISON + YORVAN			



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SOUTH-EAST ELEVATION – SEAFORD GROVE STREETScape

PROJECT	JOB NO	SEAFORD_TP17	SCALE	1:100 A3
	DRAWN BY	MS	SHEET NO	8
	CHECKED BY	KS	DATE	10/05/17
	PROPOSED	8 UNIT DEVELOPMENT (4 UNITS PER BLOCK)		
	SHEET CONTENT	COLOUR ELEVATION		
ADDRESS	68 + 70 SEAFORD CRONE, SEAFORD			
CLIENT	DELLISH + YORAN			

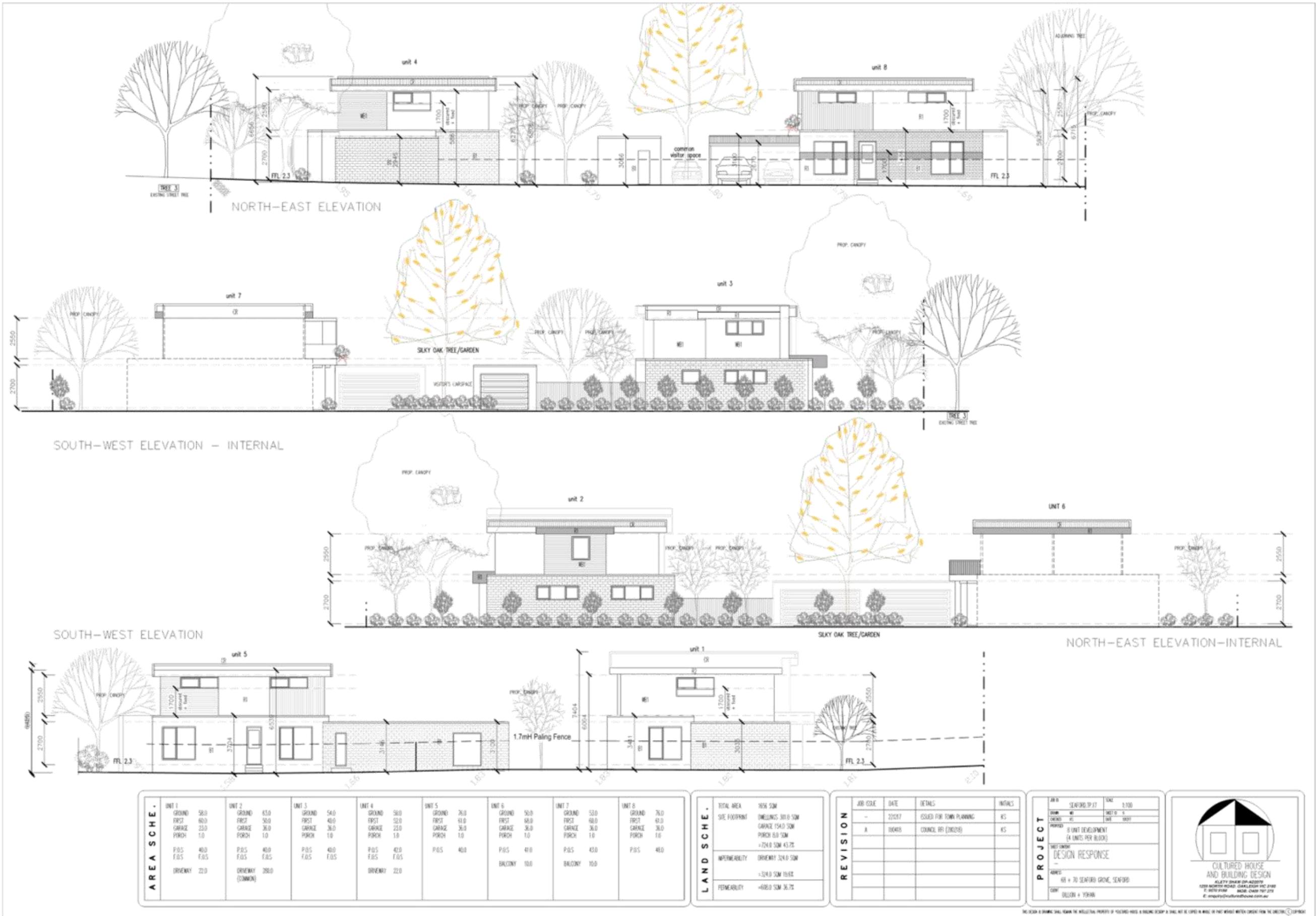


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SOUTH-EAST ELEVATION – INTERNAL





SOUTH-EAST ELEVATION – SEAFORD GROVE STREETScape



SOUTH-EAST ELEVATION



SOUTH-EAST ELEVATION – INTERNAL



NORTH-WEST ELEVATIONS



NORTH-WEST ELEVATION – INTERNAL

MATERIALS	
	SELECTED FACE BRICKWORK
	SELECTED COLOURED ROOF SHEET
	SELECTED RENDER No.1
	SELECTED SCREEN WORK
	SELECTED RENDER No.2
	SELECTED METALLIC CLAD

REVISION	JOB ISSUE	DATE	DETAILS	INITIALS
	-	22/07	ISSUED FOR TOWN PLANNING	KS
	A	18/04/18	COUNCIL BY (20/18)	KS

PROJECT
JOB NO: SEAFORD TP 17 SCALE: 1:100 SHEET NO: 5 DATE: 19/01 PROJECT: 8 UNIT DEVELOPMENT (4 UNITS PER BLOCK) SHEET NAME: DESIGN RESPONSE ADDRESS: 65 + 70 SEAFORD GROVE, SEAFORD CLIENT: BILLYN + YORAN



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PROJECT	JOB NO	SEAFORD_TP.17	SCALE	1:100 A3
	DRAWN BY	AC	SHEET NO	8
	CHECKED BY	AC	DATE	10/01/17
	PROPOSED	8 UNIT DEVELOPMENT (4 UNITS PER BLOCK)		
	SHEET CONTENT	COLOUR ELEVATION		
ADDRESS	68 + 70 SEAFORD CRONE, SEAFORD			
CLIENT	DELLISON + YORWAN			

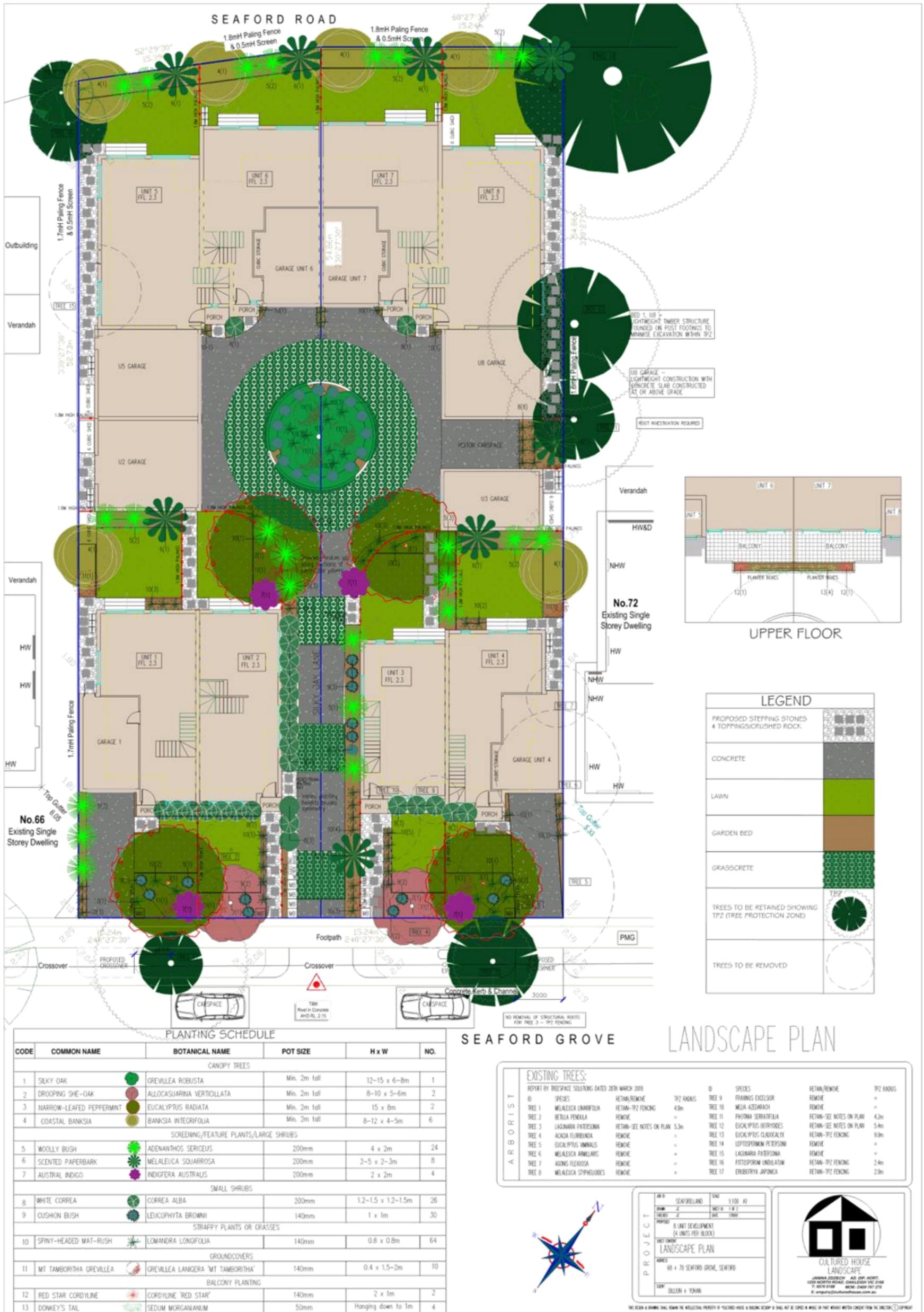


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SOUTH-EAST ELEVATION – INTERNAL



PROJECT	JOB NO	SEAFORD LAND	SCALE	1:100 A3
	DRAWN	JE	SHEET NO	2 OF 2
	CHECKED	JE	DATE	19/06/19
	PROPOSED	8 UNIT DEVELOPMENT (4 UNITS PER BLOCK)		
	SHEET CONTENT	LANDSCAPE NOTES		
ADDRESS 68 + 70 SEAFORD GROVE, SEAFORD				
CLIENT DILLON + YOHAN				



**CULTURED HOUSE  
LANDSCAPE**

JANINA ZDZIECH AD. DIP. HORT.  
 1230 NORTH ROAD, CARLEIGH VIC 3169  
 T: 0870 0146 M: 0468 707 275  
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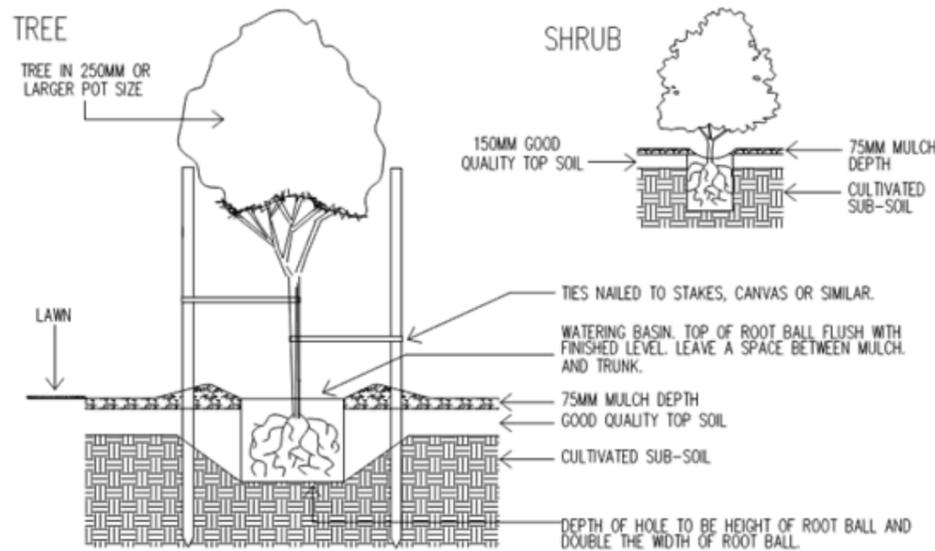
### SHRUB & TREE PLANTING AND GARDEN BED SPECIFICATIONS (NOT TO SCALE)

ALL PROPOSED WORKS, AS PER THIS PLAN, ARE TO BE CARRIED OUT IN ACCORDANCE WITH STANDARD HORTICULTURAL PRACTICES. NO EQUIPMENT IS TO BE USED THAT WILL DAMAGE SOIL STRUCTURE. ALL GRADES ARE TO BE SHAPED TO ASSIST DRAINAGE. EXCAVATE AS REQUIRED TO ALLOW FOR ADDITION OF TOPSOIL AND MULCH. SOIL COMPACTED DURING CONSTRUCTION IS TO BE BROKEN UP PRIOR TO PLANTING AND PLACEMENT OF TOPSOIL.

1. REMOVE WEEDS, GRASS, ETC & DIG HOLE JUST OVER THE DEPTH & WIDTH OF THE PLANT CONTAINER (DOUBLE THE WIDTH FOR TREES)
2. SOAK AREA THOROUGHLY BEFORE PLANTING & ALLOW WATER TO DRAIN. BREAK UP ANY LUMPY SOIL TO BE USED FOR REFILLING.
3. DIG A HOLE JUST OVER THE DEPTH AND WIDTH OF THE ROOT BALL (DOUBLE THE WIDTH FOR TREES TO CREATE A WATER BOWL).
4. FOR TREES, PLACE STAKES IN GROUND PRIOR TO PLANTING TO AVOID DAMAGE TO ROOT BALL. STAKES SHOULD BE THE MINIMUM OF THE POTS DIAMETER APART AND IN A NORTH-SOUTH POSITION. ERECT APPROPRIATE SUPPORT FRAME FOR CLIMBING PLANTS.
5. REMOVE THE PLANT FROM THE POT BY GENTLY EASING IT OUT. DO NOT DISTURB THE ROOTS TOO MUCH, EXCEPT WHERE REQUIRED.
6. PLACE THE PLANT IN THE HOLE AND FILL IN WITH TOPSOIL FIRMLY.  
 TOPSOIL IS TO BE FROM AN APPROVED SUPPLIER AND A LIGHT TO MEDIUM CLAY LOAM. IT SHOULD BE AT AN EVEN DEPTH OF 150MM TO 250MM. DO NOT SPREAD IN MUDDY CONDITIONS AND AVOID VEHICULAR ROUTES NEAR PLANTING AREA. AFTER TOPSOIL, SPREAD GYPSUM AT A RATE OF 1-2KG PER SQUARE METRE, DEPENDING ON THE MANUFACTURERS SPECIFICATIONS. MIX GYPSUM WITH TOPSOIL LIGHTLY TO A DEPTH OF 50MM.
7. APPLY OSMOCOTE FERTILISER AS PER THE MANUFACTURERS INSTRUCTIONS.
8. LAY MULCH AT A DEPTH OF 75MM, ENSURING IT IS AWAY FROM THE TREE TRUNK TO AVOID ROTTING AND WATER SEVERAL TIMES TO ENSURE WATER PENETRATES THE SOIL.
9. REFILL ANY DEPRESSION WITH THE SOIL USED TO DIG THE HOLE.
10. SEPARATE GARDEN BEDS FROM LAWN AND OTHER SURFACE AREAS WITH TREATED PINE EDGING, BRICK, ETC.

EVERY 8-9 MONTHS USE OSMOCOTE FERTILISER, OR SIMILAR, TO MANUFACTURERS SPECIFICATIONS. TREES AND SHRUBS TO BE TRIMMED AND PRUNED WHERE NECESSARY.

NOTE: LAWN TO BE A TOUGH SPECIES.  
 ANY DEAD, DISEASED OR DAMAGED PLANTS ARE TO BE REPLACED.



### GENERAL TPZ (TREE PROTECTION ZONE) NOTES:

Prior to construction all significant trees to be retained on site or significant trees with a TPZ within the site boundaries are to be enclosed with a Tree Protection Zone and mulched (100mm depth), as well as providing watering/irrigation within the TPZ. The TPZ radius is located in this plan and where an arboriculture report was done follows the arborists recommendations.

The tree protection fence is to be a minimum height of 1.8m. Fencing to be steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting.

See the plans for locations of Tree Protection Fencing.

Reflective warning tapes to be tied to fencing & fenced area is to be identified as "TPZ", with the lettering complying with AS 1319. All fences and protective measures must be erected or implemented prior to any work commencing on site.

No unauthorised access or works is permitted in these areas during development, except with permission from the Local Planning Authority or after discussions with an arborist and a "No Entry" or warning sign erected. The fencing may only be taken down for the duration to facilitate authorised construction works inside the TPZ, but must be reinstated at works completion at the end of the day. Approved building construction within the TPZ should use tree sensitive low impact construction methods, which includes screw piles, piers & beams, cantilevers or other similar foundation methods.

No excavation trenching or earthworks of any kind should be carried out within the 'Structural Root Zone' & an approved arborist should be present on site to supervise any approved works within the TPZ of the protected tree. Any construction within the TPZ should be modified at the edge of construction & should consider footing locations with gentle excavation by hand, air-spade or hydro extraction to protect roots over 40mm. Roots over 40mm are to be cleanly severed. Sensitive installation methods such as boring is to approved by the Responsible Authority.

No dispersal of fuel/oil/chemicals, no soil dumping, no compaction or storage of construction materials materials is permitted in the tree protection zone.

Crossings, driveways and pathways within the TPZ shall use porous permeable paving materials to allow air and water infiltration into the subsoil stratum for roots. Driveway must be above grade.

Trees protected according to Australian Standard AS4970-2009 "Tree protection on development site" and any tree pruning, canopy uplifting or branch removal must be performed by a skilled arborist to meet approved arboricultural standards as per AS4373-2007 "Pruning of amenity trees". Site".

**Executive Summary****11.2 Response to Petition re Road Connection to Marriot Crescent, Skye**

*Enquiries: (Michael Papageorgiou: Community Development)*

**Council Plan**

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

**Purpose**

This report acknowledges and responds to the Petition tabled at Ordinary Meeting 13 May 2019.

**Recommendation (Director Community Development)**

That Council:

1. Notes a petition of 28 signatures objecting to the development 250 Wedge Road, Skye was received by Council 13 May 2019.
2. Authorises officers to write to the head petitioner to advise that the application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.
3. In addition that the head petitioner be advised of the process for Council to consider and decide the application.

**Key Points / Issues**

- Council received a document entitled "Petition to Frankston City Council" with 28 signatories indicating their concerns regarding the current planning application, 412/2018/P, at 250 Wedge Road, Skye.
- The purpose of the petition to Council is to 'prevent an entrance road being created via Marriot Crescent, Skye 3977 through to the new estate that is being built. We believe it will disrupt the tranquillity of the neighbourhood and cause traffic congestion'.
- The application is currently being processed by Council officers for the property to the east of Marriot Crescent which is known as 250 Wedge Road, Skye. The application is for the subdivision of the land into two hundred and seventy-three (273) residential lots, removal of native vegetation, removal of easements and creation of restriction. Officers have not completed their assessment of the application at this time and are currently awaiting further information to be provided by the applicant.
- The property is affected by Schedule 1 of the Development Plan Overlay with the applicable Development Plan for this area being the Carrum Downs Outline Development Plan. As a Development Plan exists for this area and pursuant to Clause 43.04 of the Frankston Planning Scheme, the current application is exempt from the formal notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. In short, applications that comply with the DPO are not subject to advertising nor do any appeal rights attach to such proposals

**11.2 Response to Petition re Road Connection to Marriot Crescent, Skye****Executive Summary****Financial Impact**

The Victorian Government introduced the “Fair Go Rates” system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.5 per cent for 2019-2020.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council’s major source of income, Council’s capacity to continue to deliver services and fund its capital programme will be severely restricted.

There are no financial implications associated with this report.

**Consultation**1. External Referrals

Not applicable.

2. Internal Referrals

Not applicable.

**Analysis (Environmental / Economic / Social Implications)**

It is acknowledged that the petition demonstrates an objection by local community members to an application to subdivide land on the basis that it will impact on the traffic, character and amenity of the area..

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

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

Legal

There are no legal implications.

Policy Impacts

There are no policy implications.

Officer’s Declaration of Interests

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

**Risk Mitigation**

There are no risk issues.

**11.2 Response to Petition re Road Connection to Marriot Crescent, Skye****Executive Summary****Conclusion**

It is recommended that the petition is noted and that the head petitioner is advised of the exemptions that are provided for by the Development Plan Overlay. In addition that the head petitioner be advised of the process for Council to consider and decide such applications.

---

**ATTACHMENTS**

Attachment A:[↓](#) Carrum Downs Outline Development Plan

Attachment B:[↓](#) Aerial Photo

**11.2 Response to Petition re Road Connection to Marriot Crescent, Skye  
Officers' Assessment****Background**

Currently, there is an application lodged at 250 Wedge Road, Skye for the subdivision of the land into two hundred and seventy-three (273) residential lots, removal of native vegetation, removal of easements and creation of restriction.

The plans submitted with the application show road connections to Marriott Crescent John Monash Drive and Glynelea Crescent to the west. The Carrum Downs Outline Development Plan also shows three (3) road connections to the residential land to the west of the site and as such the proposed subdivision plan is generally consistent with the ODP.

**Issues and Discussion**

Council officers have not completed their assessment of the application and are currently awaiting further information to be provided by the applicant.

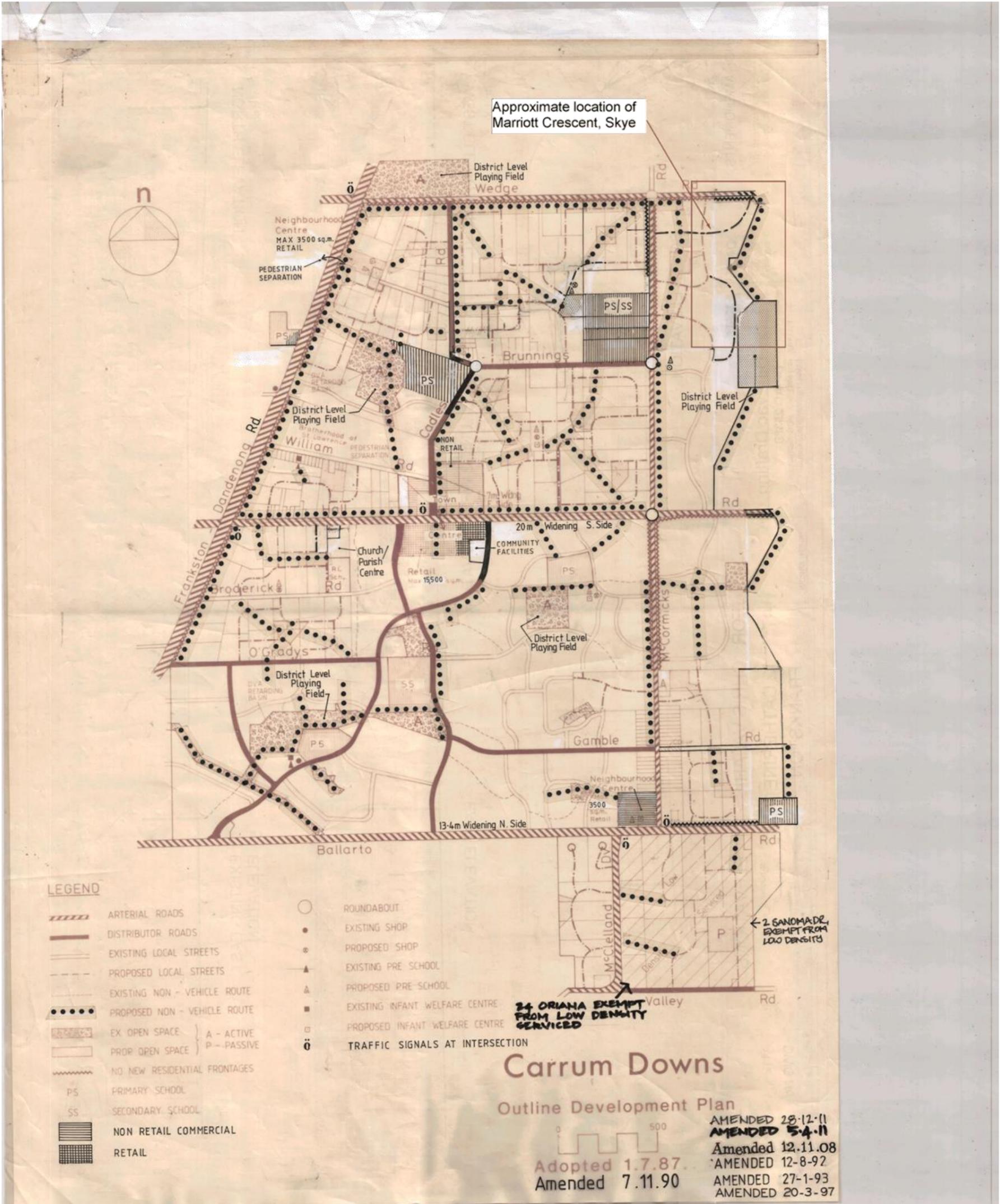
The property is affected by Schedule 1 of the Development Plan Overlay (DPO1) with the applicable Development Plan for this area being the Carrum Downs Outline Development Plan. As a Development Plan has been prepared for the area and pursuant to Clause 43.04 of the Frankston planning scheme the current application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. Given these exemptions the head petitioner or any of the signatories will not be formally notified of Council's decision on this application.

Thus, it is recommended that the head petitioner is advised of these exemptions and the impact they have on the planning application process.

In any event the matter of the road connection will be assessed by Council officers once the application is further progressed.

**Conclusion**

It is recommended that the petition is noted and that the head petitioner is advised of the exemptions that are contained in the Development Plan Overlay and the process that Council is required to undertake to consider and decide this planning application.





**Executive Summary****11.3 Draft 2019 Frankston Planning Scheme Review Report**

*Enquiries: (Michael Papageorgiou: Community Development)*

**Council Plan**

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

**Purpose**

To brief Council on the current review of the Frankston Planning Scheme and to request that the draft PSR 2019 report be placed on public exhibition for a period of 5 weeks.

**Recommendation (Director Community Development)**

That Council:

1. Notes the draft PSR 2019 report.
2. Agrees to the draft PSR 2019 report being placed on public exhibition for a period of 5 weeks.
3. Following the closure of the exhibition period, will consider any submissions made by the public, prior to adopting the final PSR 2019 report.

**Key Points / Issues**

- Frankston City Council undertakes regular reviews of its Planning Scheme: these occur approximately every four years following the adoption of each new Council Plan. This is to ensure that the Frankston Planning Scheme continues to achieve the objectives of planning in Victoria and continues to deliver outcomes consistent with the objectives and strategies of the planning scheme and the Planning Policy Framework.
- The timing of the current review is intended to accommodate the scheduling of the State Government's Smart Planning program and recent regulatory changes to the format of the State and local planning policy frameworks in Victorian Planning Schemes.
- The substance of the current review has focussed on necessary changes and updates to the local provisions of the planning scheme and takes into account the implications of state government policy changes and state wide amendments that have occurred since the previous planning scheme review in 2014.
- This 2019 PSR review includes a summary and analysis of all Council resolutions since 2014 that have addressed strategic planning matters.
- The draft PSR 2019 proposes some 77 recommendations and actions for Council to consider implementing. These will form the basis of the updated Strategic Planning Branch work plan.

**Financial Impact**

The Victorian Government introduced the "Fair Go Rates" system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

**11.3 Draft 2019 Frankston Planning Scheme Review Report****Executive Summary**

The rate cap over the past three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.5 per cent for 2019-2020.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council's major source of income, Council's capacity to continue to deliver services and fund its capital programme will be severely restricted.

There are no financial implications associated with this report. The review was conducted internally by Council officers and therefore any relevant financial costs can be accommodated within existing budgets.

**Consultation****1. External Stakeholders**

This draft PSR 2019 report has been prepared internally within the Planning and Environment Department. It is now proposed to go on public exhibition prior to being considered by Council for formal adoption. This will allow the general public and all interested parties to consider the report and its recommendations

**2. Other Stakeholders**

This PSR report and associated review process is being undertaken in four main stages:

Phase 1 – Review of previous reports and current strategic planning projects and preparation of Review Draft Report (October 2018 to April 2019)

Phase 2 –Release of draft report for community consultation (June to July 2019)

Phase 3 - Finalise review and recommendations and consideration by Council for adoption (August/September 2019)

Phase 4- Request to Minister for authorisation to prepare and exhibit an amendment (September 2019).

The purpose of the consultation phase is to engage with the broader community on the issues and recommendations contained in the draft review. This will help inform Council of further changes and additions to the proposed recommendations to ensure that the Frankston Planning Scheme is maintained and enhanced in accord with community expectations.

**Analysis (Environmental / Economic / Social Implications)**

An overview of planning related Council resolutions since 2014 reveals the following major themes and areas of interest for the future planning priorities of Frankston:

- Implementing specific urban design and economic development initiatives for the Frankston Metropolitan Activity Centre and other commercial areas.
- Protecting and enhancing residential amenity and neighbourhood character throughout the city's residential and mixed use areas.
- Ensuring that adequate car parking is provided by all new development.
- Facilitating affordable and social housing to meet community needs.
- Enhancing vegetation management and vegetation protection, as well as requiring detailed landscape plans for new development.

**11.3 Draft 2019 Frankston Planning Scheme Review Report****Executive Summary**

- Addressing particular areas of risk for new development include erosion management (land slip) and stormwater management (including local flooding impacts).
- Introducing better ESD and WSUD measures for new development and making these mandatory.
- Promoting a high standard of urban design throughout the city.
- Protecting and promoting local heritage and knowledge of local history.

The sequence of Council decisions described in the draft PSR 2019 report shows that persistent and consistent effort is required to deliver significant changes to the Frankston Planning Scheme in line with Council's priorities.

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

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

Legal

Proposed changes arising from this PSR will be implemented via a planning scheme amendment to follow the adoption of the PSR 2019 report by Council at a formal Council meeting. Once completed, the outcomes and recommendations of this PSR will be reported to the Minister for Planning.

Policy Impacts

The policy impacts are many and varied. However the implementation of this review, once adopted, will be undertaken with reference to the relevant regulations.

Officer's Declaration of Interests

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

**Risk Mitigation**

Regular review of the Planning Scheme insures it remains relevant in terms of protecting and responding to the changing demands on the municipality.

**Conclusion**

The PSR 2019 is intended to inform the continuous improvement of the Frankston Planning Scheme. Council intends that learnings and outcomes from current local government processes of monitoring and review are integrated into the actions identified by the current review. This is a comprehensive and strategic assessment of the future work required to maintain the Frankston Planning Scheme as an effective planning instrument.

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**ATTACHMENTS**

Attachment A: [↓](#) Frankston Planning Scheme Review 2018-2019

2019

# FRANKSTON PLANNING SCHEME REVIEW REPORT



Frankston City Council  
3/1/2019

# **FRANKSTON PLANNING SCHEME 2019 PLANNING SCHEME REVIEW REPORT**

**DRAFT FOR COMMENT**

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## Part 1 Introduction

Frankston City Council undertakes regular reviews of its Planning Scheme: these occur approximately every four years following the adoption of each new Council Plan. This is to ensure that the Frankston Planning Scheme continues to achieve the objectives of planning in Victoria and continues to deliver outcomes consistent with the objectives and strategies of the planning scheme and the Planning Policy Framework.

The overall intent is to ensure that the planning scheme remains up to date with any changes to the legislative and regulatory framework and all relevant directions and guidelines issued by the Minister for Planning. The review also provides the opportunity to assess the impact of the scheme's implementation and to identify the need for any new strategic work to inform the further refinement of the planning scheme controls as they apply to Frankston City.

Council's previous review of the Frankston Planning Scheme (*undertaken in 2013-2014*) resulted in the preparation and adoption of Am C100. Background work to inform the 2014 Frankston Planning Scheme Review Report included extensive external consultation that commenced in July 2013. Am C100 was exhibited from April to June 2016. The amendment was heard by a Panel and subsequently adopted by Council. Am C100 was finally gazetted by the Minister for Planning on 19 October 2017.

The Frankston City Council Plan 2017-2021 was adopted at the Council Meeting held on Wednesday 31 May 2017.

This latest review of the Frankston Planning Scheme was delayed until the second half of 2018, partly reflecting the late adoption of Am C100, and to allow the passage of a number of key local planning scheme amendments that introduced major updates to the Frankston Planning Scheme, (*including Am C111 gazetted on 22 November 2018 which introduced a car parking schedule for the FMAC Structure Plan area*). The timing of the current review has also sought to accommodate the scheduling of the State Government's Smart Planning program and regulatory changes to the format of the State and local planning policy frameworks in Victorian Planning Schemes.

As a result, the substance of the current review has focussed on necessary changes and updates to the local provisions of the planning scheme and takes into account the implications of state government policy changes and state wide amendments that have occurred since the previous planning scheme review.

### 1.1 - Legislative Requirements

Section 12B of the Planning and Environment Act 1987 requires a planning authority to regularly review the provisions of the planning scheme. Normally this is required to be no later than 12 months after a new Council Plan is required to be adopted (*typically on 30 June in the year following a Council election year*). However the Minister may allow for a longer period for the review to take place.

The usual time for completing the current PSR would have been July 1<sup>st</sup> 2018, as the latest Frankston Council Plan was adopted in 2017. However the Department of Environment, Land, Water and Planning has advised that the normal planning scheme review period could be extended to accommodate the new initiatives being progressively introduced by the State Government's Smart Planning program. Frankston City Council has been advised by DELWP that work to merge the State and Local Planning Policy Framework in the Frankston Planning Scheme is now scheduled for April/May 2019.

The late implementation of Am C100 and recent progress on a suite of local planning scheme amendments means that the Frankston Planning Scheme has been updated to reflect major local policy changes, including the implementation of the Frankston Metropolitan Activity Centre Structure Plan recommendations. This has reduced the need for a comprehensive overhaul of the planning scheme provisions at this time. However, there is a clear direction for some further enhancement of the Frankston Planning Scheme. The adoption of the new Council Plan 2017-2021 and its list of 14 strategic priorities has provided a strong indication of the key planning and development issues facing the city and its future, and has directly influenced the content of this review.

The scope of the current review is to identify and consider the available information on the performance of the planning scheme provisions and the impact of recent changes and improvements at both the local and state planning levels. Based on this inquiry and assessment, a suite of further changes and improvements is being developed for consideration.

This PSR 2019 includes the following components:

- a) A summary of the major planning issues facing the municipality
- b) Consideration of how the planning scheme implements State Planning Policy
- c) An assessment of the strategic performance of the scheme - this includes a description of the strategic work that has been completed or carried out since the previous review and any additional work required to strengthen the strategic direction of the planning scheme
- d) A report on the monitoring and review activities undertaken
- e) A summary of the consultation process of the review and its outcomes
- f) A set of recommendations arising from the review including:
  - i. Suggested changes to the objectives and strategies of the Planning Policy Framework
  - ii. Suggested changes to the Victorian Planning Provision (VPP) tools to achieve the strategies and ensure the objectives and desired outcomes are being met
  - iii. Proposed new strategic work necessary to support future policy development or changes to the provisions of the scheme
  - iv. Suggested changes to improve operational and process practices
  - v. Sourcing new planning application or other data that may need to be collected to inform the next review.

The PSR 2019 is intended to inform the continuous improvement of the Frankston Planning Scheme. Council intends that learnings and outcomes from current local government processes of monitoring and review are integrated into the actions identified by the current review. Proposed changes arising

from this PSR will be implemented via a planning scheme amendment to follow the adoption of the PSR 2019 report by Council at a formal Council meeting. Once completed, the outcomes and recommendations of this PSR will be reported to the Minister for Planning.

### 1.2 – Development of the Review Report and Recommendations

This PSR report and associated review process is being undertaken in four main stages:

*Phase 1* – Review of previous reports and current strategic planning projects and preparation of Review Draft Report (October 2018 to April 2019)

*Phase 2* – Report to Council and Release of draft report for community consultation (May/June 2019)

*Phase 3* - Finalise review and recommendations and consideration by Council for adoption (July/August 2019)

*Phase 4* - Request to Minister for authorisation to prepare and exhibit an amendment (September 2019).

The purpose of the consultation phase is to engage with the broader community on the issues and recommendations contained in the draft review. This will help inform Council of further changes and additions to the proposed recommendations to ensure that the Frankston Planning Scheme is maintained and enhanced in accord with community expectations.

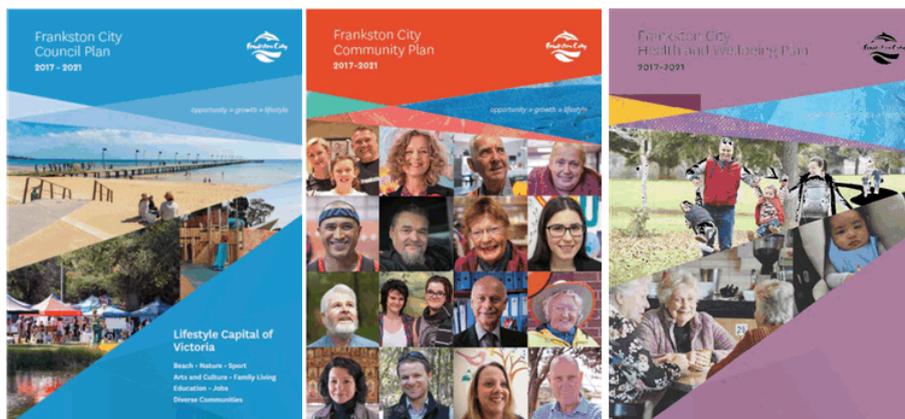
## Part 2. Local Matters for further consideration

### 2.1 Relevant findings from the previous Planning Scheme Review

The previous PSR undertaken in 2013/2014 was largely implemented through the gazettal of Amendment C100 in 2017. However there are some findings of that review that remain relevant for further consideration as part of this current review process; these findings are described below.

#### 2.1.1 Council to align its strategic planning with the Council Plan and the Municipal Health and Wellbeing Plan

The Municipal Strategic Statement should be updated to fully reflect the Community Plan and Council Plan as well as ensuring alignment with the adopted Municipal Health and Wellbeing Plan. All three documents are re-endorsed immediately following the 4 year cycle of Council elections, so this will be relevant to all Planning Scheme Reviews undertaken that are consistent with this 4 year cycle.



Vision and Strategic Framework - Clause 21.03 of the Frankston Planning Scheme sets out the vision and strategic framework for the City. It makes specific reference to the Council Plan, so this reference, at the very least, should be updated to refer to the latest adopted version (Council Plan 2017-2021).

The Frankston City Council Plan 2017-2021 document describes the structure and relationship of its policies, strategies and plans at Figure 1 on page 10, so there is no need to separately reference the Community Plan and the Health and Wellbeing Plan in Clause 21.03.

Clause 21.03 also refers to the Frankston Metropolitan Activity Centre Structure Plan. This was adopted in 2015 and still remains valid. Accordingly, the reference to the FMAC Structure Plan should be retained in the Frankston Planning Scheme as part of the city's overall vision.

*Recommendation: To update the reference to the Council Plan and retain the reference to the FMAC Structure Plan 2015 in Clause 21.03 (or its equivalent in the reformatted Planning Policy Framework) of the Frankston Planning Scheme.*

#### 2.1.2 Update Clause 22.04 – Non Residential Uses in Residential Zones Policy to reflect the introduction of the new Residential Zones by the State Government

At the time of the previous PSR process, Council was seeking to introduce new residential zones to the Frankston Planning Scheme via Amendment C95. The State Government had created a suite of reformed residential zones and Councils were required to apply these new zones to their local areas

before June 30, 2014. As a consequence, PSR 2014 recommended that the local planning policy at Clause 22.04 – Non Residential Uses in Residential Zones Policy be updated. It argued that while the policy continued to be relevant in the context of the existing residential zones, the introduction of the new residential zones will necessitate that a review of the policy be undertaken and that such review should be undertaken as soon as possible after the new zones are introduced into the Frankston Planning Scheme.

Am C95 was ultimately unsuccessful – it lapsed on 31 December 2015. As Council had not introduced the new zones by the due date, the State Government rezoned most of the residential area of Frankston City to the new General Residential Zone on 1<sup>st</sup> July 2014. Accordingly, at the very least, Clause 22.04 requires updating to ensure that it is consistent with the provisions of the General Residential Zone.

Council has prepared a replacement for Am C95 which is now based on the findings of the Frankston Housing Strategy 2018. Am C120 (*which is currently with the Minister for Planning seeking his authorisation to exhibit*) proposes to introduce the Neighbourhood Residential Zone, the Residential Growth Zone and the Mixed Use Zone to further differentiate residential areas identified for minimal change, incremental change and major change.

*Recommendation: To review the Non Residential Uses in Residential Zones Policy to ensure consistency with the provisions of the General Residential Zone which currently apply in the Frankston Planning Scheme, and the provisions of the Neighbourhood Residential Zone and the Residential Growth Zone, which are expected to be introduced into the Frankston Planning Scheme by proposed amendment Am C120.*

#### 2.1.3 Status of Council's Multi Dwelling Visitor Car Parking Policy Guidelines

The previous review noted that the Multi-Dwelling Visitor Car Parking Guidelines (the Guidelines) document has not been incorporated into the Frankston Planning Scheme. Consequently, visitor parking in line with the Guidelines has never been supported by VCAT. However, it was noted that the percentage of applications considered by VCAT is very low, thereby reflecting most applicants' compliance with the guideline. The previous review recommended that: "*As congestion in residential streets is a concern of residents, it is considered appropriate for Council to continue to implement this guideline.*" (Crack, 2014, page 16).

Council has continued to experience VCAT's rejection of the application of the visitor car parking guidelines since 2014 as VCAT contends that the guidelines have no legal weight. The Guidelines provide a formula for the calculation of visitor parking requirements based on the local context, including local street width and the presence or absence of on-street parking in the local area. This method departs from the more generalised car parking ratios that apply elsewhere in Victoria, in that it takes into account the specific local context in assessing the impact on supply. Council's view is that the standard visitor parking provisions of Clause 52.06 have no regard for a particular local context and clearly do not work for all locations.

In order to strengthen the standing of the Guidelines, Council prepared Amendment C114 and in August 2016 submitted this to the Minister for Planning for approval to exhibit as an amendment to the Frankston Planning Scheme. Am C114 was designed to convert the Multi-Dwelling Visitor Car Parking Guidelines originally adopted in 2009 into a Car Parking Overlay for incorporation into the Frankston Planning Scheme. This Parking Overlay proposes amended visitor parking rates that more closely address the Frankston City residential context. The Overlay also states that where the required parking is not able to be provided on site a 'Cash in Lieu' contribution may be accepted by Council.

In February 2017, Council was advised that the Minister for Planning did not authorise the preparation and exhibition of Am C114. The main grounds for this decision were cited as the parking overlay should only be used to decrease the standard number of parking spaces, justification in the form of a detailed study had not been provided and it would be contrary to planning policy to encourage car use rather than more sustainable forms of transport.

Despite this setback, Council has continued to apply the Guidelines to the assessment of new development approvals. In 2016, VCAT awarded costs against Council in an appeal (*Poliansky vs Frankston*) where Council had applied a condition for the provision of visitor parking in line with the Guidelines. This prompted a further consideration of Council's options with regard to the Guidelines.

In September 2018 Councillors opted to continue with the use of the Guidelines but not to escalate planning applications that do not comply with the Guidelines to a Council meeting for decision.

While regular monthly reporting shows that most multi-unit residential applications do comply with the Multi Dwelling Visitor Car Parking Policy Guidelines, officers are careful to refrain from using the Guidelines as a ground for refusal of the development proposal, to ensure there is no risk of the application being referred to VCAT for decision on this issue.

It is considered unlikely that Council will be able to convince the Minister for Planning that the existing Guidelines should be introduced into the planning scheme, given the emphatic nature of the previous rejection to allow the exhibition of Am C114. The work required to establish the strategic justification as required by the Minister would be onerous and expensive. Accordingly, no further attempt to transform the Guidelines into a planning scheme amendment is recommended here.



#### 2.1.4 Implementation of the Karingal Major Centre Structure Plan

Karingal is the second ranked activity centre in the Frankston City area, identified in Plan Melbourne as a Major Activity Centre. The Karingal Structure Plan was adopted by Council in April 2013 and includes a number of actions to enhance development activity within the structure plan area.

The previous review recommended that the key directions of the Karingal Structure Plan need to be reflected in the MSS. This was to be undertaken as part of a planning scheme amendment to implement the Structure Plan into the planning scheme through the rezoning of land and application of a Design and Development Overlay (DDO). There was also an intent to produce a set of Urban Design Guidelines to assist with the assessment of new development. The Karingal Activity Centre is expected to experience considerable growth in commercial floor space and activity in response to continuing population growth in its catchment area.

The actual commercial centre is largely comprised of a standalone shopping mall, an associated cinema complex and a number of large format retail properties. Implementation of the Karingal Structure plan was postponed a number of times pending the sale of the Karingal Hub Mall and to allow for proposed master planning of the shopping centre by the new owners. On 22<sup>nd</sup> October 2018, Council approved a major expansion of the Karingal Hub Shopping Centre site, with the following configuration and attributes: The proposed redevelopment will link the existing retail and entertainment centres, relocate the bus interchange, provide a wider range of community and commercial services, create a centrally located 'Town Centre' and community hub, improve car parking facilities, pedestrian way-finding and connectivity throughout the activity centre. More specifically, the redevelopment will provide for an additional 13,531sqm retail floor space, a large 'Town Centre' with an area of 2,500sqm, a community space with an area of 200sqm, a restaurant and an additional 762 car spaces.

The existing residential land surrounding the shopping centre and included within the Karingal Structure Plan was also considered in the recommendations of the Frankston Housing Strategy 2018, with actions to include some of this land into the Residential Growth Zone and the Mixed Use zone, to meet the need for increased dwellings and housing diversity in the structure plan area. It is desirable that a DDO be applied to part of the Karingal Structure Plan area setting out urban design provisions for new development in the Structure Plan area.

*Recommendation: To prepare and exhibit a new DDO for the Karingal Structure Plan area to ensure new development is of a high urban design standard and allows for the provision of a wide range of land uses, activities and services within the centre.*



### 2.1.5 Industry objectives

The Frankston Industrial Strategy 2009 is a reference document in the planning scheme. It applies to Frankston as a whole and specifically to its industrial areas. The purpose of the strategy is to develop and reinforce Frankston's role as a major industrial focal point in south-eastern Melbourne by attracting clean and sustainable businesses that provide a stable and long-term employment base for the local economy.

Further work undertaken by Council has identified that Frankston is experiencing a shortage of land supply (Frankston City Economic Development Strategy, 2016-2022). Council has recently commenced a study to address the lack of new industrial land and to consider the possible redevelopment of existing industrial land within the city. As the population of Frankston continues to grow, the existing and future industrial land supply will be required to deliver new employment to meet future needs. The recent draft Green Wedge Management Plan has identified an investigation area in Carrum Downs, north of Wedge Road that may be suitable for rezoning to employment use, including the provision on new industrial development at this location, subject to further strategic analysis.

Once completed the new Frankston Industrial Strategy 2019 should replace the 2009 strategy as the relevant referenced document in the planning scheme.

*Recommendation: To include the updated version of the Frankston Industrial Strategy, once adopted by Council, as a reference document and where strategically appropriate, to increase the supply of industrial land within the city via a rezoning amendment.*



### 2.1.6 Frankston Nature Conservation Reserve

Council is currently preparing a Green Wedge Management Plan (GWMP) which has involved a preliminary extensive consultation process. The draft GWMP was prepared by an external team of consultants who have quoted part of Clause 21.01 – Introduction. During the process of approving the draft GWMP for public exhibition it was noted that this Clause erroneously refers to the Frankston Nature Conservation Reserve as the Frankston Natural Features Reserve. The reserve has officially been known by this name for some time; however, previous planning scheme amendments have not identify this issue. Thus, this review will amend Clause 21.01 to correctly name the Frankston Nature Conservation Reserve.

*Recommendation: To update the naming of the Frankston Nature Conservation Reserve in Clause 21.01 – Introduction of the planning scheme.*

### 2.1.7 Extractive Industry

Clause 21.09 – Natural Resource Management, among other matters, sets out the key issues and a series of objectives and strategies in relation to extractive industry and rural industry, including the need to maintain appropriate buffers to sensitive uses.

The provisions of this clause remain relevant, noting that extractive industry operations continue within Frankston City and are likely to do so for the foreseeable future. The Clause refers to the preparation of a Green Wedge Management Plan as a necessary measure to properly manage extractive and rural industry. Council has recently prepared a draft GWMP which is currently going through the process of exhibition and adoption. This GWMP has included a review of the current status of all extractive and land fill activities with the Green Wedge area of Frankston. The final GWMP should be used to amend the provisions of Clause 21.09 and to update the associated Resource Management Map that is included within this Clause.

*Recommendation: To include the Frankston Green Wedge Management Plan, once adopted by Council, as a reference document and to update the text and map of Clause 21.09 consistent with the GWMP. Where strategically appropriate, to prepare a planning scheme amendment to implement the actions of the GWMP, once adopted.*



### 2.1.8 Clause 22 - Local Planning Policies

A number of local policies located in Clause 22 of the Frankston Planning Scheme provide land use directions that have a clear economic development focus. A number of these policies are overdue for detailed review and in some cases require removal from the planning scheme.

A list of these local policies is provided below:

22	<a href="#">Local Planning Policies (PDF 9.1 KB)</a>
22.01	<a href="#">[No Content] (PDF 9.0 KB)</a>
22.02	<a href="#">[No Content] (PDF 9.1 KB)</a>
22.03	<a href="#">Nepean Highway Boulevard - Mile Bridge to Beach Street Policy (PDF 23.0 KB)</a>
22.04	<a href="#">Non Residential Uses in Residential Zones Policy (PDF 23.3 KB)</a>
22.05	<a href="#">[No Content] (PDF 9.1 KB)</a>
22.06	<a href="#">Protection of Potential Future Landfill Sites Policy (PDF 25.7 KB)</a>
22.07	<a href="#">Streetscapes Policy (PDF 23.5 KB)</a>
22.08	<a href="#">Neighbourhood Character Policy (PDF 515.6 KB)</a>
22.09	<a href="#">Outdoor Advertising Signage Policy (PDF 29.8 KB)</a>
22.10	<a href="#">Gaming (PDF 36.5 KB)</a>

Clause 22.03 relates to the Nepean Highway Boulevard between Mile Bridge and Beach St which is entirely included within the FMAC Structure Plan area. The purposes of this policy statement are to encourage uses that are appropriate to and enhance this major entry to the FMAC and to encourage development and landscaping of a high visual standard along this route. Council has recently adopted Amendments C123 and C124 to implement the FMAC Structure Plan and both amendments are with the Minister for final approval and gazettal. The provisions of Am C123 and C124 will fully replace the provisions of Clause 22.03 so this can now be deleted. Clause 22.03 does reference the FMAC Structure Plan and this reference should be retained at an appropriate location in the Local Planning Policy framework.

Clause 22.04 applies to non-residential uses in residential zones. The identified uses are medical centres, child care centres, display homes, restaurants, home based businesses, tourist and visitor accommodation and similar uses. The policy seeks to ensure these uses are able to be easily accessed and that the scale, appearance and amenity impacts of these uses are consistent with the nature of nearby residential uses. Specifically, these uses should be located on primary or secondary arterial roads, should preferably cluster with other services and have a built form that complements the prevailing domestic architectural character of the local area. There is no doubt that the new residential zones that apply to Frankston will continue to allow for a wide range of non-residential uses, as these can provide useful and appropriate services to local residents. The design and amenity objectives here remain relevant. This clause should be retained and updated by specifically listing all the common non-residential uses expected in the Low Density Residential, Neighbourhood Residential, General Residential and Residential Growth Zones.

Clause 22.06 identifies 7 different sites used for extractive industry in Langwarrin and Skye. These have been listed as potential future land fill sites. Land filling with solid waste is a means of rehabilitating quarry sites by filling large holes and reinstating the landscape to relatively natural surface levels. Rehabilitated land fill sites are usually used for public open space. Suitable land fill sites close to the metropolitan area are a relatively scarce and valuable resource. This clause should be retained; however, the list of sites included here should be reviewed. The draft GWMP addresses some of these sites as they are located within the green wedge area. Should the sites no longer be required for future land-fill they should be removed from the list. The Metropolitan Melbourne Waste & Resource Recovery Strategic Plan and any updates to this by the State Government should provide further guidance.

Clause 22.07 provides a Streetscapes Policy to improve the public environment and biodiversity throughout the city. This policy statement is still relevant however it needs to be updated with specific reference to the Frankston Metropolitan Activity Centre Streetscape Palette 2016 and the Frankston Gateways Guiding Document as adopted by Council in 2016. The draft GWMP includes a map of the key gateways to the Green Wedge. The Frankston Urban Forest Strategy and associated Action Plan are also relevant with regard to street trees. The text of Clause 22.07 needs to be updated to reflect the strategic priorities of the current Council Plan.

Clause 22.08 contains the Neighbourhood Character Policy and is well overdue for a major review. The Panel Report for C95 identified that the Neighbourhood Character guidelines were lacking in relevance as significant changes in housing had occurred since the original Neighbourhood Character Study was undertaken in 2002. An analysis of VCAT decisions since the adoption of the Neighbourhood Character Policy in 2007 (implemented by Amendment C24 in January 2009) shows that of a total of 518 appeals, some 43% involved a consideration of Neighbourhood Character grounds. Of these, some 60% resulted in Council's decision being set aside and a further 10% resulted in Council's decision being varied. Only 30% resulted in Council's decision being affirmed. *(This analysis was reported to a Council briefing in October 2018).*

VCAT member criticisms of the Neighbourhood Character policy include its repetitive nature and duplication of provisions; that it is increasingly out of date with the existing built context, and that there is often confusion between existing character and desired future character statements in many precincts. The policy implements the findings of the Frankston City Neighbourhood Character Study 2002, which identified key existing characteristics and the preferred future character of the City's residential areas. There are 49 neighbourhood character precincts identified, each having its own character statement. A comprehensive review is now required so this can be streamlined into fewer precincts to reduce confusion and make the Policy easier to use. The suite of documents that will be required comprises a new Neighbourhood Character Study and Precinct Guideline brochures (to become incorporated documents) and a new Neighbourhood Character Policy located here at Clause 22.08. The new Neighbourhood Character Policy will need to closely align with the recently adopted Frankston Housing Strategy 2018 and the new residential zones.

Clause 22.09 refers to the Outdoor Advertising Sign Policy. This was augmented with the inclusion of the Frankston City Council Outdoor Advertising Signage Design Guidelines as a reference document introduced by Am C100. No further change to this policy is warranted.

Clause 22.10 refers to the Gaming Policy that applies to all applications to install or use gaming machines. This is a new policy introduced by Am C100 in October 2017. There have been few applications with gaming machines since then so it is too early to evaluate the effectiveness of this policy. No further change to this policy is required at this stage.

*Recommendations:*

- i. Delete Clause 22.03.*
- ii. Retain the FMAC Structure Plan as a referenced document.*
- iii. Retain Clause 22.04 with the addition of the following in the identified uses subject to this policy (and subject to the applicable residential zone): car wash; convenience restaurant, convenience shop, food and drink premises, industry, leisure and recreation, market, place of assembly, place of worship; plant nursery; retail premises, service station, take away food premises, warehouse.*

- iv. *Retain Clause 22.06 however review the list of potential future land fill sites to confirm whether they should continue to be included here. Reference should be made to the Frankston Green Wedge Management Plan and also the current State and Regional waste management strategies that apply to the Frankston area.*
- v. *Retain Clause 22.07 and update the wording to reflect the current Council Plan strategic priorities and make explicit reference to the Frankston Metropolitan Activity Centre Streetscape Palette 2016, the Frankston Gateways Guiding Document as adopted by Council in 2016, the Frankston Green Wedge Management Plan (GWMP) and the Frankston Urban Forest Strategy and associated Action Plan.*
- vi. *Clause 22.08 Neighbourhood Character Policy is well overdue for a major review. A comprehensive review is now required so it can be streamlined into fewer precincts to reduce confusion and make the Policy easier to use. The suite of documents that will be required comprises a new Neighbourhood Character Study and Precinct Guideline brochures (to become incorporated documents) and a new Neighbourhood Character Policy within the Local Planning Policy framework. The new policy will need to closely align with the recently adopted Frankston Housing Strategy 2018 and its implementation into new residential zones.*
- vii. *Retain Clause 22.09 Outdoor Advertising Signage Policy as is.*
- viii. *Retain Clause 22.10 Gaming Policy as is.*

## 2.2 New initiatives from the adopted Council Plan 2017-2021

The adopted **Council Plan 2017-21** identifies Frankston as the 'Lifestyle Capital of Victoria'. The Council Plan sets out 14 strategic priorities to achieve this vision. Almost all will involve influencing future development and so will have some interaction with the planning scheme and the development approvals system. The following table sets out the planning scheme implications for each of these strategic priorities.

**Table 1 Council Plan Strategic Priorities**

Council Plan Strategic Priority	PSR Comment	Recommended Planning Scheme change (if any)
Catalyst Development – Government and Commercial Offices	This refers to major new development initiatives to occur within the FMAC. Council has recently completed a trio of amendments (C123, C124 and C111) to rezone land within the FMAC, introduce height controls and streamline and reduce planning requirements for new development, including car parking. They also introduce built form guidelines for the FMAC to ensure that excellent urban design outcomes are achieved. The new catalyst development will require planning approval, however these recent changes are aimed at facilitating major developments as envisaged by this Strategic Priority.	No further planning scheme changes are required to facilitate catalyst development projects within the existing FMAC area.  Should a catalyst development project be proposed outside the FMAC area, this may require a rezoning or adjustment of the existing planning provisions for the proposed location.
Regional Sporting Facilities	Council has an ambitious capital works program for new sporting facilities across the city including regional sporting facilities. The Frankston Open Space Strategy (adopted in 2016) sets out the future plans for recreation and sporting facilities to meet community need. Most of this new development will take place on public land, zoned for public recreation.	Ensure that publically owned land that is intended for development for regional sporting facilities is included within the "Public Park and Recreation Zone". ( <i>Some land that is gifted to Council for recreation purposes still retains its original residential or commercial zoning, which is not ideal for sporting development purposes as it imposes unnecessary regulatory requirements for the proposed new developments.</i> )
Coast Guard and Boat Refuge	This is a major initiative to house the Coast Guard service in a new building on the foreshore and to provide a new breakwater in the vicinity of Oliver's Hill as a boat refuge. The project design is currently under preparation and is subject to an initial public consultation process. The location of the new Coast Guard building and breakwater largely co-incides with the Special Use Zone Schedule 3, that was designed to facilitate the much larger Frankston Boat Harbour Project (which effectively lapsed on 1 November 2017). This has the potential to frustrate and confuse the current initiative, which will need to undergo a planning application process on its own merits.	Initiate a rezoning of the area currently included within the SUZ3 zone to the Public Conservation and Resource Zone. This action will completely remove the SUZ3 and its associated incorporated documents from the Frankston Planning Scheme.

Council Plan Strategic Priority	PSR Comment	Recommended Planning Scheme change (if any)
	<p>It would be useful to consider replacing the now redundant SUZ3 zone with the Public Conservation and Resource Zone which applies to the majority of coastal areas within the Frankston Planning Scheme area.</p>	
Green Wedge	<p>One third of the Frankston municipality is located outside the Urban Growth Boundary as introduced by Plan Melbourne. This large area is therefore considered to be part of the Green Wedge lands of metropolitan Melbourne and has enormous value for social, environmental and economic purposes, consistent with a non-urban development character.</p> <p>Council is mid-way through an extensive project to prepare a <b>Green Wedge Management Plan (GWMP)</b> that will apply new controls to this land area.</p> <p>Once the GWMP is adopted by Council (expected to be in mid- 2019), it is anticipated that a planning scheme amendment will be required to adjust existing zones and planning provisions and to facilitate the implementation of the GWMP.</p>	<p>It is anticipated that a planning scheme amendment will be required to implement the GWMP once adopted by Council. However, this is best managed as a stand-alone amendment package rather than be included as part of the PSR recommendations.</p>
Protect and Enhance the Natural Environment.	<p>Council has a series of current actions from the Environment Strategy (2015) and more recent initiatives to improve environmental outcomes for the city. These relate to vegetation and habitat conservation measures as well as ESD measures that address water quality, waste management and resource efficiency objectives. Many of these have actions that require implementation through planning scheme changes. These require new updates to existing controls such as tree and vegetation protection, as well as mandating higher ESD standards for new development.</p>	<p>Relevant actions from Council's <b>Greening our Future – Frankston's Environment Strategy</b>, and the forthcoming <b>Urban Forest Action Plan</b>, should be considered for inclusion in a PSR amendment.</p>
Residential Development in the FMAC	<p>This priority seeks to facilitate substantial new residential development in the FMAC area. A target of 1,000 new dwellings for the FMAC is noted elsewhere in the Council Plan document. This is supported by the recently adopted <b>Frankston Housing Strategy 2018</b>. The new FMAC amendments (C123, C124, and C111) will all assist in making planning applications for new residential development in the FMAC easier.</p>	<p>No further planning scheme changes are proposed as part of this review.</p>
Social Change	<p>Achieving positive social enhancements for the City's residents is the focus of this strategic priority. It will be addressed through a wide range of initiatives however the majority of these will only indirectly involve the operation of the Frankston Planning Scheme.</p> <p>Some planning measures that impact on social outcomes such as the <b>Gaming Machine Policy</b> were introduced as part of the previous PSR process.</p>	<p>No further planning scheme changes are proposed as part of this review.</p>

Council Plan Strategic Priority	PSR Comment	Recommended Planning Scheme change (if any)
	<p>Council, in partnership with a number of other South East Melbourne Metropolitan Councils, is currently progressing the Packaged Liquor amendment (GC88) to better manage the proliferation of alcohol sales premises in suburban locations. The amendment was lodged with the Minister in 2018 and it is expected to go on exhibition in the first half of 2019.</p>	
Business and Jobs	<p>This strategic priority seeks to increase investment and the number of jobs within the Frankston City Council area. The Frankston Planning Scheme is considered a key enabler for this purpose. Recent implementation of amendments affecting the FMAC are intended to streamline planning controls and to better support desirable new business and development initiatives. The <i>Green Wedge Management Plan</i> is also expected to better guide development and investment into the non-urban parts of Frankston.</p> <p>Improved efforts in monitoring and reporting on land use and development activity within the city will assist with identifying future planning changes to the Frankston Planning Scheme. Enhancements to the processing of planning applications are being progressively implemented and may also lead to further adjustments to planning scheme provisions.</p>	No further planning scheme changes are proposed as part of this review.
Service Rich	<p>An increase in the availability of services to the Frankston community is promoted by this strategic priority. While infrastructure roll out is part of this activity, it is only incidentally affected by the Frankston Planning Scheme provisions.</p>	No further planning scheme changes are proposed as part of this review.
Health and Education	<p>The FMAC contains an important focus for health and education activity in its eastern precincts. Am C124, currently with the Minister for Planning for final approval seeks to facilitate the expansion of health and education related developments throughout this area.</p> <p>A particular need that has been identified previously is to develop a local student accommodation policy to help streamline approvals for this type of development.</p> <p>More generally across the city, the Frankston Planning Scheme makes provision for managing new investments in health and education infrastructure through its zone and overlay controls.</p>	Consider including a new student accommodation policy in the Frankston Planning Scheme.
Events, Arts and Culture Destination.	<p>The FMAC includes specific objectives for arts and cultural activities in the planning provisions for its central precincts.</p> <p>There is an issue about the status of events in the planning scheme for most zones: when is a</p>	Consider including a local 'temporary use policy' in the Frankston Planning Scheme to clarify when events and temporary

Council Plan Strategic Priority	PSR Comment	Recommended Planning Scheme change (if any)
	<p>planning permit required? One-off single day events clearly should not trigger a planning approval. However, regular events in the same location may require planning approval, but this is not very clear as to how often the recurrence needs to be to trigger the permit requirement. A temporary use policy could be developed to cover this sort of activity and provide more certainty to residents and property owners as to what is allowed.</p>	<p>uses can take place without requiring a planning permit.</p>
Five Star Hotels	<p>Premium tourist accommodation has been identified as a gap in Frankston's tourism related infrastructure. The recent FMAC changes will help to streamline approvals for new major developments such as hotels in that part of the city. The GWMP currently under preparation also has the potential to help facilitate new hotel and resort development in the rural or non-urban parts of the city.</p>	<p>No further planning scheme changes are proposed as part of this review.</p>
Baxter Rail Electrification	<p>Extension of the Frankston suburban rail infrastructure to Baxter in the neighbouring municipality of Mornington Shire will have multiple benefits for residents of both Council areas. This is a major infrastructure investment currently being planned by the state and federal governments.</p> <p>The existing rail line reservation should be able to accommodate the planned upgrade of facilities. Should new zoning be required, this can be introduced as the rail extensions and electrification project progresses. However, the opportunities for new stations may also create a need to review planning provisions to facilitate complementary development that would be attracted by the access to new public transport services.</p>	<p>No further planning scheme changes are proposed as part of this review.</p>
Revitalised City – FMAC investment	<p>This strategic priority is complementary to the other priorities for new catalyst development, residential development, health and education, events, arts and culture and new Five Star Hotels. As noted earlier, Council has recently completed a trio of amendments (C123, C124 and C111) to rezone land within the FMAC, introduce height controls and streamline and reduce planning requirements for new development, including car parking. These amendments also introduce built form guidelines for the FMAC to ensure that excellent urban design outcomes are achieved.</p>	<p>No further planning scheme changes are proposed as part of this review.</p>

Relevant actions from the Frankston City Council Plan are listed below, with an indication of any subsequent planning scheme changes that may be required to facilitate these:

**Table2 Implementation of Relevant Council Plan Actions**

Action No.	Description	Recommended Planning Scheme change (if any)
1.1.2	Develop a Coast Guard Facility and Boat Refuge.	No further planning scheme changes are proposed as part of this review.
1.1.3	Work with the Victorian Government to develop a business case for a catalyst development as a further stage of the Frankston precinct development.	No further planning scheme changes are proposed as part of this review.
1.1.4	Redevelop the existing Frankston Arts Centre and Civic Centre Precinct.	No further planning scheme changes are proposed as part of this review.
1.1.5	Undertake a feasibility study to relocate Council's Operations Centre and allow for an exemplar urban renewal project.	Implementation of the adopted Frankston Housing Strategy includes a recommendation to rezone the existing site of Council's operations centre for mixed use and higher density residential development. No further planning scheme changes are proposed as part of this review.
1.2.1	Attract investment for new industry.	No further planning scheme changes are proposed as part of this review.
1.2.1	Attract high density residential apartments, commercial, office and accommodation.	Implementation of the adopted Frankston Housing Strategy 2018 includes rezoning for identified high growth areas that will contain denser residential development. No further planning scheme changes are proposed as part of this review.
1.2.3	Ensure built form displays architectural excellence and embodies creative urban design.	Am C123 and C124 have included a suite of new urban design guidelines to be referenced in the Frankston Planning Scheme These are – <i>The FMAC Illustrative Guidelines – Neighbourhood Character &amp; Urban Design Outcomes for Precincts 1A and 1B (2017) Planning Scheme;</i>  <i>The FMAC Built Form Design Guidelines Precincts 4 and 7;</i> <i>The FMAC Built Form Design Guidelines Precincts 8 and 9</i> No further planning scheme changes are proposed as part of this review.
1.2.4	Improve public car parking options.	Am C111 that was gazetted on 22 November 2018 introduces a Car Parking Overlay and a cash-in-lieu of car parking scheme for the FMAC area. This has been a significant change for parking policy in the city. No further planning scheme changes are proposed as part of this review
1.2.5	Develop a long-term car parking solution for the Peninsula Aquatic Recreation Centre (PARC).	The FMAC Parking Precinct Plan adopted by Council in August 2017 (and included in the Frankston Planning Scheme as an incorporated document by Am C111 on 22 November 2018) identifies future potential multi-storey car parking facilities at a number of locations adjacent to the existing PARC facility.

Action No.	Description	Recommended Planning Scheme change (if any)
1.3.1	Protect the natural and coastal environment while maximising the use and enjoyment of the foreshore.	Council adopted its Coastal Management Plan in May 2016. As noted earlier, the SUZ3 zone that applies to the Olivers Hill coastal area is now out of date and should be replaced with an appropriate existing zone. The Public Conservation and Resource Zone currently applies to most of Frankston's public land on the coast, so it would be the logical replacement for the SUZ3 Zone.
1.3.2	Reduce Council's energy use and greenhouse gas emissions and progress towards carbon neutrality.	Council has joined CASBE (January 2019), with a view to participating in a group amendment with other Councils to introduce ESD standards for new development. This will include measures to ensure that reduction in emissions is supported by the design and materials used in new development.
1.3.3	Establish the Frankston Regional Recycling and Recovery Centre (FRRRC) as the south east's regional solution for resource recovery.	The FRRRC has been in operation since October 2015. It is located in Harold St, Skye, part of the Green Wedge area. The GWMP, currently in preparation will examine measures to ensure that compatible activities can be accommodated in the FRRRC vicinity. No further planning scheme changes are proposed as part of this review
1.3.4	Protect the values of the Green Wedge and implement a Management Plan.	It is anticipated that a planning scheme amendment will be required to implement the GWMP once adopted by Council. However, this is best managed as a stand-alone amendment package rather than be included as part of the PSR recommendations.
2.1.3	Attract industry and employment in the health and education sectors.	No further planning scheme changes are proposed as part of this review
2.1.5	Advocate for the development of five star hotel accommodation.	No further planning scheme changes are proposed as part of this review
2.2.4	Develop an education and library hub in Langwarrin	No further planning scheme changes are proposed as part of this review
2.3.2	Facilitate the delivery of a health services hub in the health precinct.	No further planning scheme changes are proposed as part of this review

### 2.3 Relevant recommendations from the current Health and Wellbeing Plan.

The Frankston City Municipal Health and Wellbeing Plan (MHWP) 2017-2021 was adopted by Council in October 2017. The plan notes that local government plays an important role in improving health and wellbeing through the planning and design of liveable neighbourhoods to create environments that foster inclusive and sustainable communities and promote physical and psychological wellbeing.

Council's planning framework as set out on page 10 of the MHWP describes how the Community Building Outcomes and the Health and Wellbeing Priorities of the MHWP feed directly into the Frankston Planning Scheme Municipal Strategic Statement (MSS) and its land use and development objectives and strategies.

Plan Melbourne cites an action to introduce a Ministerial Direction under the Planning and Environment Act 1987 to ensure that municipal health and well-being plans are used to inform and shape municipal strategic statements. Accordingly, as part of this PSR, Council seeks to address the priority areas of the MHWP to the extent that these either influence strategic land use planning or can be influenced by planning outcomes.

Relevant actions and recommendations from the MHWP are discussed in the table below.

**Table 3 Relevant Actions from the Municipal Health and Well-being Plan**

Action No.	Description	Recommended Planning Scheme change (if any)
1.1	<p><b>Healthy and active lives</b> to be supported through environments that enable (<i>inter alia</i>):</p> <ul style="list-style-type: none"> <li>➤ Equitable access to a range of accessible and high quality recreation and leisure infrastructure that encourage healthy lifestyles and participation, especially by under-represented groups</li> <li>➤ Active local trips</li> </ul>	<p>The MSS currently includes objectives for enhancing recreation and leisure through an improved open space network. It also sets out objectives for the promotion of active transport options. No further planning scheme changes are proposed as part of this review.</p>
3.1	<p><b>Diverse and affordable housing and safe behaviours</b>                      This is for people in Frankston City to have housing and be safe at every stage of life through environments that enable (<i>inter alia</i>):</p> <ul style="list-style-type: none"> <li>➤ Equitable access to affordable, suitable and secure housing</li> <li>➤ Homeless people to be well supported by accessible and inclusive primary care and support services</li> <li>➤ alcohol and drug misuse, gambling, violence and crime</li> </ul>	<p>Council's Housing Strategy adopted in 2018 contains a suite of actions to provide for greater housing diversity in the city, including planning scheme changes.</p>
	<p>Action:                      Advocate to State Government to strengthen the alignment of the Victorian Planning Provisions and <i>Planning and Environment Act 1987</i> with the <i>Health and Wellbeing Act 2008</i> to both improve the coordination of land-use and health planning and empower local government to better plan for health and wellbeing through strategies like:</p> <ul style="list-style-type: none"> <li>○ Inclusionary zoning to leverage affordable housing from new residential developments;</li> </ul>	<p>A trial of inclusionary zoning is one of the recommendations of the Frankston Housing Strategy adopted by Council in 2018.</p> <p>As noted earlier, Council is also participating in a joint amendment with neighbouring Councils to further limit the proliferation of packaged liquor outlets in suburban locations to help reduce</p>

Action No.	Description	Recommended Planning Scheme change (if any)
	<ul style="list-style-type: none"> <li>○ Improved controls on environmental factors contributing to alcohol and other drug related harms; and</li> <li>○ Improved consideration of cumulative, social and economic impacts of licensed premises (liquor and gaming) on the community's health and wellbeing.</li> </ul> <p>Deliver the Victorian Government funded Social Housing Investment Planning (SHIP) project to explore the feasibility of inclusionary zoning in new residential developments to encourage an increase in affordable and social housing within the municipality.</p> <p>Participate in Phase 2 of the South East Melbourne Councils consortia working group to investigate the links between packaged liquor outlets and alcohol related harms in order to undertake changes to the Victorian Planning Provisions to assist local government to reduce violence in the home, in licenced venues and in public places</p> <p>Review Council's approach to making amenity based objections on liquor licence applications to ensure there is a clear and transparent approach to the provision and consumption of alcohol within Council-owned community infrastructure</p>	<p>the incidence of alcohol consumption and misuse.</p> <p>No further planning scheme changes are proposed as part of this review</p>
5.1	<p><b>Sustainable use of resources</b></p> <p>For people in Frankston City to use resources sustainably at every stage of life through environments that enable (<i>inter alia</i>):</p> <ul style="list-style-type: none"> <li>➢ Equitable access to affordable energy efficient housing that promotes healthy living conditions</li> <li>➢ Equitable access to the means to improve the energy performance of homes</li> <li>➢ A culture of efficiency with access to the means to live more sustainably</li> <li>➢ Resilience to climate change</li> </ul>	<p>Council officers are currently working with Melbourne Water to review and update the flood mapping that informs the overlays in the Frankston Planning Scheme that address areas subject to inundation. The new mapping will include areas considered to be subject to sea-level rise consistent with the Victorian Government standards.</p> <p>The revised overlay mapping should be included in the next available amendment to the Frankston Planning Scheme.</p> <p>As noted earlier, Council is committed to introduce an ESD amendment that will require the application of an ESD assessment tool to new development subject to the Frankston Planning Scheme.</p>

## 2.4 Relevant actions from new planning policies and strategies adopted by Council.

Since 2014, Council has adopted a number of major policies, strategies and plans that have implications for land use and development in Frankston City. In many cases these are revisions or updates of existing policy documents. However, there are a suite of new strategies and plans that are directly relevant to the purposes of this review of the Frankston Planning Scheme. These are identified below and the relevant implementation measures and actions arising from these are described later in this section.

A listing of Council's current policies, plans and strategies can be found at [https://www.frankston.vic.gov.au/Your\\_Council/About\\_Us/Policies\\_Plans\\_and\\_Strategies](https://www.frankston.vic.gov.au/Your_Council/About_Us/Policies_Plans_and_Strategies)

The most significant policies adopted since the last Planning Scheme Review report are set out in Table 4, below.

**Table 4 Land use and Development related Plans and Policies adopted by Council since 2014**

Date of Adoption	Title
9 February 2015	Greening Our Future – Frankston City's Environment Strategy
25 May 2015	Frankston Metropolitan Activity Centre Structure Plan
16 November 2015	Waste Minimisation and Management Plan
6 June 2016	Coastal Management Plan
27 June 2016	Frankston Open Space Strategy
27 June 2016	Integrated Water Action Plan
8 August 2016 (amended 14 May 2018).	Frankston Metropolitan Activity Centre Parking Precinct Plan
1 May 2017	Urban Forest Policy
19 February 2018	Frankston Biodiversity Policy
4 June 2018	Frankston Housing Strategy
19 January 2019	Towards Zero Emissions Plan

### 2.4.1 Environmentally Sustainable Development policy development and implementation in Frankston City.

The previous PSR report undertaken in 2014 noted that Council had produced a number of policies and guides to support Environmentally Sustainable Development (ESD) and related measures such as Water Sensitive Urban Design (WSUD) objectives for storm water management. These have largely been provided as voluntary rather than mandatory planning provisions and while they continue to be relevant, they are not routinely utilised in the assessment of development proposals. It is now recommended that Council act to introduce mandatory ESD and WSUD requirements for new development in the Frankston Planning Scheme. The most appropriate way of achieving this would be the preparation of a local policy that addresses the key principles of ESD.

A number of Councillor initiated actions have resulted in resolutions for Council to re-join the Council Alliance for a Sustainable Built Environment (CASBE) and to set aside resources for drafting a planning scheme amendment to mandate ESD assessment measures in the Frankston Planning Scheme. In May 2019, both Council and the Municipal Association of Victoria (MAV) signed a Memorandum of Understanding to provide a general framework for cooperation between the parties in the planning, development and delivery of Council's involvement in CASBE for the period 2017 - 2020. Council is

currently working collaboratively with CASBE and other member councils to establish a local Environmentally Sustainable Development Policy in the Frankston Planning Scheme via a group Planning Scheme Amendment.

The proposed ESD policy will be very similar in content to those that have been approved and included in other Victorian planning schemes, variation is typically found in each Policy Basis sub-Clause and in the Application Requirements sub-Clause. Council officers will engage consultants to provide specialist advice to determine the most appropriate triggers for the policy for non-residential developments, accommodation developments and mixed use developments with a residential component to demonstrate best practice environmentally sustainable design outcomes. The timeframe for this group amendment is currently not known; however, there has been a gradual reduction in the time taken to approve each successive ESD policy amendment.

It is noted that many CASBE member Councils now have ESD officers in their Planning Departments to assist with the ESD assessments. This is something that Frankston Council should consider implementing. Ideally Council should provide for qualified officers within the Planning Department to engage with developers early, evaluate ESD reports and specify appropriate ESD conditions on planning permits.

The required next steps are to now review appropriate ESD policy directions for inclusion in the planning scheme. This will include the preparation of a local policy or multiple local policies to address ESD, WSUD and sustainable transport. Council should also amend the Local Planning Policy Framework to include all recently adopted ESD related planning policies as reference documents.

*Recommendation*

*That Council progress its ESD planning provisions to require mandatory ESD assessments for new development in the Frankston Planning Scheme (High Priority)*

**2.4.2 Greening Our Future.**

Council has brought together all of its environmental initiatives under an integrated framework. This is shown in Figure 2 of the document Greening our Future – Frankston City’s Environment Strategy that was adopted in February 2015. The strategy addresses biodiversity, environmental management and resource efficiency. It acknowledges that existing strategies and plans need to be reviewed and supplemented by new plans. Initiatives such as an Integrated Water Action Plan Coastal Management Plan and the Open Space Strategy have since been adopted, and others such as the Biodiversity Action Plan, the Urban Forest Action Plan and the Green Wedge Management Plan are already in train.

Reviewing the actions and recommendations arising from the Environment Strategy, while most have been completed, there are a number that should be considered for further implementation within the context of enhancing the Frankston Planning Scheme provisions. These include:

*Action 2.2.1 C. Enhance the protection of remnant native vegetation in the Local Planning Policy Framework Scheme undertaking a targeted investigation and preparing a specific amendment.*

*Action 2.2.1 H. Create and protect habitat corridors*

*Action 2.2.1 I. Investigate methods to secure vital linkages i.e. covenants*

*Action 2.2.2 C. Advocate to the State government for the removal of the 10/30/50 rule for urban areas of the Frankston municipality*

*Action 2.2.4 B. Implement the Kananook Creek Corridor Management Plan to meet Council's obligations*

*Action 2.4.3 F. Integrate urban renewal with improvements to an integrated transport network, the preservation of tree canopy cover and the establishment of habitat corridors*

It is recommended that these selected actions be further investigated by Council as part of undertaking the Planning Scheme Review implementation.

### 2.4.3 Integrated Water Action Plan.

Frankston City Council's Integrated Water Action Plan (IWAP) is a ten year plan to facilitate a strategic and practical approach to integrated and sustainable water management. The IWAP (adopted in 2016) sets Council's vision for integrated water management, including targets and actions that reflect local conditions and opportunities. It identifies how water is currently managed within the Frankston municipality and the challenges that need to be addressed to transition to a water sensitive city. In particular, the IWAP focuses on actions that Council can achieve and has control of to improve integrated water management outcomes for the municipality.

The IWAP proposed both physical works and regulatory enhancements to achieve its stated objectives of sustainable water management within the city.

The IWAP includes:

- 12 stormwater infrastructure projects to reduce Council's mains water use, stormwater runoff and associated pollutants entering local waterways
- Two projects to use recycled water to reduce Council's mains water use and increase water security for Council's assets and services
- Six actions for advocating to Melbourne Water to invest in stormwater infrastructure projects to reduce stormwater run-off and pollutants entering local waterways
- 37 actions for improving Council's processes to enable efficient and effective integrated water management
- 10 actions for improving the capacity of Council staff and community members to deliver effective integrated water management.

Most of these actions are yet to be fully implemented. Relevant actions for the Frankston Planning Scheme Review consideration include the following:

*P-Pol-1 Implement Council's Municipal Strategic Statement (MSS) and update overtime to support integrated water management within the municipality.*

*P-Pol-4 Develop enhanced planning controls to require IWM for all development within the municipality - including infill, industrial and commercial development.*

*P-Pol-5 Create standard planning permit drainage conditions that are clear and specific. Ensure conditions are consistent with Council's WSUD Guidelines.*

*P-Pol-6 Investigate a stormwater quality offset scheme (i.e. developer contributions to regional stormwater quality infrastructure in lieu of development scale infrastructure).*

*P-Pol-8 Develop planning permit conditions for managing saline groundwater pumped out of car parking basements.*

*P-Pol-9 Review Council's Flood Management Plan and Drainage Strategies and commence development of new strategies.*

*P-Dev-1 Review Council's WSUD Guidelines to better communicate Council's standards and requirements for external WSUD development projects and to improve developer compliance.*

It is recommended that these selected actions be further investigated by Council as part of undertaking Planning Scheme Review implementation.

#### 2.4.4 Coastal Management Plan.

Adopted in 2016, the Frankston City Coastal Management Plan recognises the significance and importance of the coast for residents of Frankston and surrounding areas. The Plan articulates a vision and the desired outcomes that will be delivered through implementation for the foreshore reserve (Frankston, Seaford and Frankston South foreshores).

As noted elsewhere, new coastal legislation (the Marine and Coastal Act 2018) has been introduced by the State Government and the current Frankston City Coastal Management Plan is due for review and will need to be updated to meet the new regulatory requirements.

Introduction of the Marine and Coastal Act 2018 requires coastal councils and committees of management to prepare Marine and Coastal Management Plans:

- aligned to the principles in the Act;
- while still adhering to the Victorian Coastal Strategy 2014 (in lieu of a Marine and Coastal Policy being finalised); and
- using the existing Guidelines (for Coastal Management Plans).

In the meantime, the following actions remain outstanding and should be considered for implementation as part of the current Planning Scheme Review:

*(Ref. No) 6.1.45 Review of Special Use Zone 3 provisions:*

*Comment: with the expiry in November 2017 of the Frankston Safe Boat Harbour planning provisions facilitated by this zone, Council should consider replacing the zone entirely. In the absence of any new development proposal for the Oliver's Hill area, Council should investigate the re-instatement of the Public Conservation and resource Zone for this same area.*



#### 2.4.5 Frankston Open Space Strategy.

The Open Space Strategy adopted in 2016 provides the strategic vision and framework for open space planning for Frankston. This document provides a strategic framework for decisions and allocations of resources to ensure a complete and legible open space network that delivers health and wellbeing, social, environmental and economic benefits for the community of Frankston. It seeks to provide for a diversity of open space types that are; easily accessible, adequately provisioned, safe, and meet with the expectations of open space users.

Reviewing the actions and recommendations arising from the Frankston Open Space Strategy, these are being progressively implemented by Council. Many are focussed on making improvements to the quality and supply of open space throughout the city. However there are a number of recommendations that relate directly to the Frankston Planning Scheme provisions. Some have been completed, while others are yet to commence. The most directly relevant are:

*High Priority Action 4 Align the MSS with the key recommendations of the Open Space Strategy and reference the Frankston Open Space Strategy.*

*High Priority Action 5 Review the contributions framework and schedule to the clause 52.01 of the Frankston Planning Scheme based on the recommendations of this Open Space Strategy.*

*High Priority Action 7 Review the zoning of public open space to ensure it is consistent with the use of the land.*

*High Priority Action 21 Undertake Planning Control Investigations and reviews in the following areas;*

- *Kananook Creek Corridor, between Beach Street and Mile Bridge. Undertake a spatial analysis of the creek corridor, including*

vegetation, public access requirements, building heights and setbacks.

- *Edithvale-Seaford Wetlands and surrounding interface. Consider setbacks, requirements to achieve appropriate landscape character and conservation protection.*

*High Priority Action 31 Continue to work towards securing a public open space corridor along the western side of Kananook Creek via the existing Public Acquisition Overlay Control upstream of Armstrongs Road to link public open space along the creek line;*

*Med Priority Action 13 Investigate planning scheme provisions which cover the riparian zone and associated terrestrial vegetation to ensure the impact on environmental values of the Kananook Creek Floodplain and biodiversity corridor are considered in future development applications.*

*Low Priority Action 1 Continue to monitor future development pressure and planning controls along the Boggy Creek Corridor in Langwarrin.*

*Low Priority Action 2 Investigate change of use opportunities for the quarry sites in north-west of Langwarrin to support open space for future population growth, biodiversity and connections along Boggy Creek.*

It is recommended that these selected actions be further investigated by Council as part of undertaking Planning Scheme Review implementation.

#### 2.4.6 Frankston Housing Strategy.

The Frankston Housing Strategy adopted in 2018 sets out a range of initiatives to accommodate the expected increase in population up to 2036 and beyond. It seeks to provide for a range of housing types to meet the needs of the diverse Frankston City households over this planning period. Key objectives are to maintain a steady supply of new housing that is affordable and fit for purpose, while protecting and enhancing the quality of residential amenity and neighbourhood character across Frankston City's different suburbs.

The analysis undertaken for this strategy included an assessment of the performance of the General Residential Zone which was applied to the majority of residential areas within Frankston City in July 2014. The findings are as follows: A total of 1002 dwellings have been approved within the 'General Residential Zone' in the two year period from July 2014 to June 2016, accounting for 86% of all new dwellings approved during this period. In 2014-15, 509 new dwellings were approved in the General Residential Zone. In 2015-16, 493 new dwellings were approved in the General Residential Zone.

It can be seen from these results that the operation of the General Residential Zone has allowed Frankston City to maintain its annual production of new dwellings at consistently high levels. Also the overwhelming majority of new dwellings are located in this zone rather than in other zones. Should this level of activity be sustained as predicted by the FHS, it will meet the forecast housing demand within the period up to 2036.

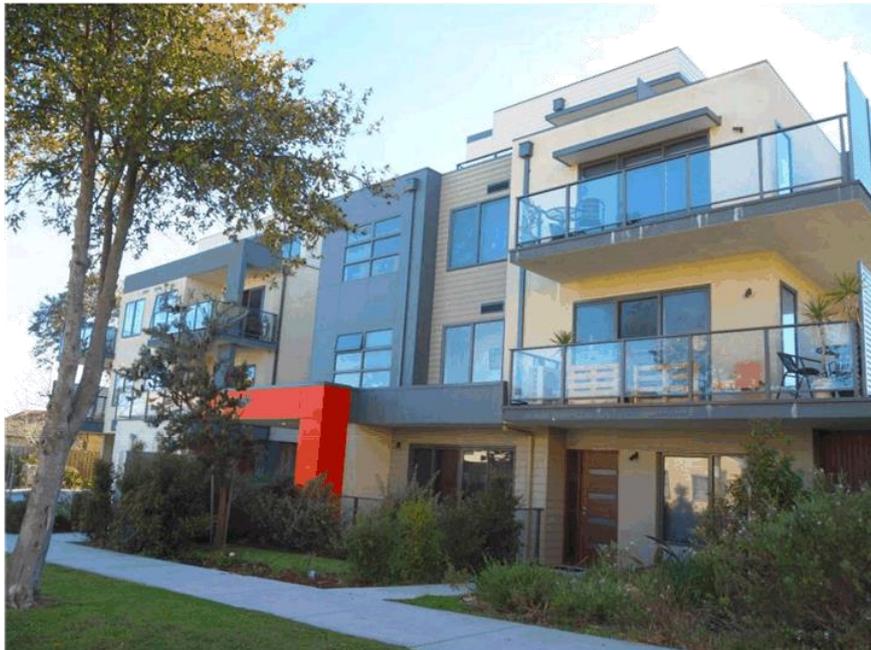
Recommendations for further statutory planning changes listed as Recommendations A1 through to A4 are currently being implemented by proposed Am C120 which will introduce new residential zones and planning provisions for Frankston City. Action No. B6 recommends a specific study into the

significance and management of the Seaford Wetlands and its residential environs. This has recently been completed and the resulting consultant study report has been publically advertised prior to being formally considered for adoption by Council.

The remaining recommendations that are yet to commence include the following:

- B2. *Consider applying a Development Plan Overlay or detailed policy to larger opportunity sites identified in the Housing Framework Plan, requiring new developments to consider, and if appropriate, include provision of community infrastructure and public open space.*
- B5. *Develop a Funding Strategy for the delivery of servicing and soft infrastructure needed to support future housing growth. This may include recommendations for the application of the Developer Contributions Overlay, and other mechanisms to inform planning permit and amendment negotiations.*
- B6. *Undertake an investigation in consultation with Melbourne Water through a specific study into the significance and management of the Seaford Wetlands and its residential environs, with a view to implement a specific Design and Development Overlay for this location.*
- C6. *Develop a local policy and guidelines that encourage housing typologies and provide design advice relevant to identified areas of change, for example:*
- *in Substantial Change Areas – address development facilitation, housing diversity, universal design, environmental sustainability, car parking, on and off site amenity impacts and public realm interfaces.*
  - *in Incremental Change Areas – implementation of preferred neighbourhood character statements, site responsiveness, housing diversity, universal design, environmental sustainability, and interfaces with adjoining residential areas.*
  - *in Minimal Change Areas – address preserving heritage and environmental values, enhancing neighbourhood character, internal amenity, and interfaces with adjoining residential lots.*
- These guidelines should contain design principles and case studies of preferred design outcomes for different housing types across the City. The guidelines should be designed for use by Council staff, as well as the development industry and community.*
- C7. *Prepare guidelines for Neighbourhood Activity Centres which:*
- *Evaluate their alignment with the areas of change identified in this Strategy*
  - *Consider the appropriate dwelling mix*
  - *Identify appropriate public realm initiatives that will support and complement the development of private land;*
  - *Review associated planning policies and controls, as necessary, to reflect the extent of housing growth and change envisaged by the Housing Framework Plan.*

It is recommended that these selected actions be further investigated by Council as part of undertaking Planning Scheme Review implementation.



#### 2.4.7 Frankston Metropolitan Activity Centre Structure Plan.

In 2013, Frankston City Council prepared and consulted on a Structure Plan for the Frankston Metropolitan Activity Centre (FMAC). The Structure Plan outlined the 20 year vision for the renewal and revitalisation of the FMAC and set out how the vision would be achieved. The Metropolitan Planning Authority (MPA) assisted Council officers with the revision, update and implementation of the Structure Plan, which has resulted in:

- The Final Structure Plan, adopted by Council on 25 May 2015;
- An Action Plan which lists the actions required to implement the Structure Plan
- Amendments C123, C124 and C111 to the Frankston Planning Scheme which translate the land use and development directions of the Structure Plan into planning scheme controls.

All three amendments have been adopted by Council and C111 (which introduced a car parking overlay for the FMAC area) has been approved by the Minister for Planning. The other two amendments are awaiting the Minister's final consideration.

The remaining actions directly relevant to this Planning Scheme Review are as follows:

- Action No 1 Complete the planning process for the Frankston Station Precinct in close partnership with FCC, State Government and other stakeholder agencies.*
- Action No 5 Support the electrification of the Baxter rail line and lobby for the investigation of the relocation of Leawarra Rail Station to the west so it is closer to major destinations such as the hospitals and the educational facilities.*

*Action No 7 Facilitate a catalyst project on the existing at-grade car park on the corner of Young and Playne Streets to provide a cafe on the ground floor with housing / office / community uses above. Ensure replacement of car parking as part of the development.*

It is recommended that these selected actions be further investigated by Council as part of undertaking Planning Scheme Review implementation

Council should also consider reviewing the FMAC Structure Plan and Action Plan. To ensure that it remains consistent with the final adopted amendments discussed here and to add any new initiatives that may now be relevant s



## 2.5 Planning related resolutions of Council (including Notices of Motion)

The following resolutions of Council since July 2014 have a range of impacts on the Frankston Planning Scheme and its provisions. These include decisions on advancing planning scheme amendments, adopting planning policies and strategies as well as initiating non-planning scheme process improvements and related actions. (Note that this list does not include individual planning application decisions made by Council).

An overview of these Council resolutions reveals the following major themes and areas of interest for the future planning priorities of Frankston:

- Implementing specific urban design and economic development initiatives for the Frankston Metropolitan Activity Centre and other commercial areas.
- Protecting and enhancing residential amenity and neighbourhood character throughout the City's residential and mixed use areas.
- Ensuring that adequate car parking is provided by all new development.
- Facilitating affordable and social housing to meet community needs.
- Enhancing vegetation management and vegetation protection, as well as requiring detailed landscape plans for new development.
- Addressing particular areas of risk for new development including erosion management (land slip) and stormwater management (including local flooding impacts).
- Introducing better ESD and WSUD measures for new development and making these mandatory.
- Promoting a high standard of urban design throughout the city.
- Protecting and promoting local heritage and knowledge of local history.

The sequence of Council decisions described in Appendix 1 shows that long lead times and persistence of effort is required to deliver significant changes to the Frankston Planning Scheme in line with Council's priorities.

The commentary included in Appendix 1 has identified a number of remaining actions for further investigation and implementation. These actions are listed below in Table 5.

**Table 5 Further Actions that arise from a review of Council's Planning Resolutions 2014-2019**

Council meeting date	Recommended Action	Priority (H,M,L)
7 December 2015 Council meeting	The Coastal Plan 2016 should be included in the Frankston Planning Scheme as an incorporated document	H
16 May 2016 Council meeting	Endorsement of the Melbourne Water Flood Management Strategy - Port Phillip and Westernport: Council will need to initiate a new planning scheme amendment to update the SBO and LSIO overlay maps and to introduce a new schedule and overlay map for land that will be subject to inundation as a result of predicted sea level rise	H
18 July 2016 Council meeting	Downs Estate: Council should further consider the appropriate zoning of this land to reflect its conservation status using for example the Public Conservation and Resource Zone. The same could apply to other Council and Melbourne Water owned land parcels within the Seaford Wetlands area.	M
3 July 2017 Council meeting	NOM 1336 - Green Infrastructure; Council now needs to pursue mandatory ESD provisions into the Frankston Planning Scheme. <i>(These are expected to be introduced as a part of "group of Councils' planning scheme amendment in 2020)</i>	M

Council meeting date	Recommended Action	Priority (H,M,L)
19 September 2016 Council meeting	Oliver's Hill Lot Restructuring Plan Extension of Time Request: Council should consider extending the Erosion Management Overlay to include land in this area as far as the City's southern boundary as far as Kackeraboite Creek. This will ensure consistency of planning controls for the whole Olivers Hill area.	L
19 September 2016 Council meeting	FMAC Streetscape Plan and Urban Forest Policy The Urban Forest Policy was adopted by Council on 1st of May 2017.  The Frankston Metropolitan Activity Centre Streetscapes Palette is used to inform both public and private projects in the FMAC area.  Both documents should be referenced in the Frankston Planning Scheme.	H
20 February 2017 Council meeting	Report on Review of Submissions to the Exhibition of Council's Draft Waste Management Guidelines for new Multi-Unit Developments Since adoption by Council in 2017, these guidelines have been applied to new development and are working well.  The Guidelines should be now included as a reference document in the Frankston Planning scheme	H
22 May 2017 Council meeting	NOM 1317 - Frankston Nature Conservation Reserve Council has consistently supported the conservation values of this reserve. Reference to the FNCR in the current MSS needs to be corrected to recognise its legal status.  Now that the FNCR is under the control of Parks Victoria it is timely to consider its rezoning from PUZ1 - PUBLIC USE ZONE - SERVICE AND UTILITY (which applies to water resources) to a suitable conservation zoning e.g. PCRZ - PUBLIC CONSERVATION AND RESOURCE ZONE	H
22 May 2017 Council meeting	C.4 Review of Kananook Creek Management Arrangements Council should initiate measures with the State Government to come to an agreement for future management arrangements.	H

## 2.6 Local planning scheme amendments currently in progress

Frankston City Council has the following local planning scheme amendments underway:

**Table 6 Current and Proposed Local Amendments**

Amendment Number	Description	Status
C96	Implements the recommendations of the Karingal MAC Structure Plan	On hold pending further revision of the Structure Plan document.
C105	Student Accommodation Policy for the Frankston Health and Education Precinct	Amendment Drafted. Currently on hold pending Council decision to seek Minister's authorisation to exhibit.
C123	Implements the recommendations of the FMAC Structure Plan for new zones and height controls for the central precincts of the Frankston MAC structure plan area. Includes urban design guidelines.	Adopted by Council in 2018. Currently with the Minister for consideration. Due to a relevant VCAT appeal, final approval not expected until July 2019.
C124	Implements the recommendations of the FMAC Structure Plan for new zones and planning controls for the northern and eastern precincts of the FMAC structure plan area. This includes the Health and Education precinct. Two urban design documents are part of the amendment package.	Adopted by Council in 2018. Currently with the Minister for consideration.
C127	City wide amendment. Introduces a public open space contributions policy for new subdivision applications.	Commenced public exhibition in March 2019. Will be going to Panel in mid 2019.
C120	City wide amendment. Implements the Frankston Housing Strategy 2018 with new residential zones and changes to overlays and DDOs.	Submitted to the Minister for Planning for authorisation to commence exhibition.
C121	City wide amendment. Implements the review of the Frankston Neighbourhood Character Policy with a new planning scheme policy, new study document and associated Precinct brochures.	To be submitted to Council in June 2019 for consideration to commence the amendment process.
C122 68/2019/P	Joint amendment and development application for the land at 300 Frankston Dandenong Road.  Pursuant to S.96A of the Planning & Environment Act 1987: Rezone the land from industrial 1 to part commercial 2 (C2Z) and part general residential zone (GRZ) and apply an environmental audit overlay to the residential component. Construction of a supermarket, bottle shop, retail premises, service station and 45 dwellings and associated alteration of access to a road in a road zone.	Lodged with Council. At RFI stage.

Amendment Number	Description	Status
C130	The Seaford Wetlands Residential Environs Study proposed no further changes to the Planning Scheme however recommends rezoning land surrounding the PUZ1 to PPRZ.	The Study on exhibition in May 2019.
C131	City Wide Amendment. Proposes to remove redundant Development Plan Overlays the affect various sites.	Submitted to the Minister for Planning for authorisation to commence exhibition.
C133	City Wide Amendment. Proposed to implement the updated flooding data mapping from Melbourne Water.	On hold until further work has been conducted.
GC88	Group amendment (with six other Councils) to introduce a Planning Scheme Policy to manage the distribution of packaged liquor outlets in order to minimise social harm.	Submitted to the Minister for Planning for authorisation to commence exhibition in May 2018. No response has been made.

## 2.7 Performance of the Planning Scheme and related Statutory Planning services.

The Frankston Planning Scheme is principally implemented through the operation of a planning application assessment and approval process. Frankston is a medium sized Council within the Melbourne metropolitan urban context. It has a high level of development activity and overall could be described as being in the middle cohort of Councils in terms of planning scheme performance.

According to the Victorian State Government's Planning Permit Activity in Victoria monitoring system, the number of planning applications in Frankston has been growing in recent years and the efficiency of processing has been steadily improving. The effectiveness of planning outcomes is harder to measure and requires a more qualitative assessment to be undertaken, relevant to the objectives of this Planning Scheme.

**Figure 1: Frankston Planning Scheme results for 2017-2018 Application Activity**

### Planning scheme information



Location: 40 km south of Melbourne  
 Area: 129.52 sq. km  
 Population density: 880.26 persons per sq. km  
 Major centres: Frankston, Langwarrin, Carrum Downs  
 Frankston is the major employment and retail centre for the Peninsula Region. Major institutions include Monash University, Frankston College of TAFE and the Frankston Hospital.

### Application activity

	2017/18	2016/17	% Change
<b>Total applications received</b>	760	788	-4%
New permit application	652 [86%]	690 [88%]	-6%
Amended permit application	108 [14%]	98 [12%]	10%
Combined permit application	0 [0%]	0 [0%]	0%
<b>Total responsible authority outcomes</b>	712	716	-1%
Notices of Decision to issue permit (includes amended permits)	80 [11%]	88 [12%]	-9%
Refusal	53 [7%]	52 [7%]	2%
Withdrawn / Not required / Lapsed	46 [6%]	70 [10%]	-34%
<b>Final outcomes</b>	637	643	-1%
New permit issued	517 [81%]	528 [82%]	-2%
Amended permit issued	88 [14%]	80 [12%]	10%
Combined permit issued	0 [0%]	0 [0%]	0%
No permit issued	32 [5%]	35 [5%]	-9%

Source: Planning Permit Activity in Victoria online at:

<http://pparsreporting.dpcd.vic.gov.au/Reporting/AnnualReport?pscode=fran&date=2017/18#>

Council's planning and environment functions and services are governed by a legal framework. Council's objective is to provide an excellent planning service that meets its statutory obligations and delivers good outcomes for applicants, residents, property and business owners and all those who work, study, visit, shop and recreate within the Frankston City Council area.

Council progressively works to improve the business processes used by its Planning and Environment Department for the assessment of planning applications and all related activities. Wherever possible, Council seeks to use electronic modes for communication and assessment tasks, with a view to improving assessment processing times, increase transparency and promote better understanding and appreciation of planning procedures and desired land use and development outcomes in Frankston City.

**Figure 2: Frankston Planning Scheme results for 2017-2018 Performance**

**Performance figures**

	2017/18		2016/17		% Change	Metro Average		OU Group Average	
<b>Applications with:</b>									
Public notice	248	[39%]	292	[45%]	-17.7%	498	[42%]	483	[38%]
Further information	290	[46%]	358	[56%]	-23.4%	649	[54%]	689	[54%]
Referrals	139	[22%]	184	[29%]	-32.4%	207	[17%]	225	[18%]
Submissions	85	[13%]	122	[19%]	-43.5%	175	[15%]	142	[11%]
<b>Financial</b>									
Total value of fees for applications received	\$1,111,784		\$827,860		34.3%	\$1,816,920		\$1,129,804	
Average fee per application received	\$1,463		\$1,051		39.2%	\$1,492		\$849	
Total estimated cost of works for permits issued	\$240,635,520		\$216,043,523		11.4%	\$835,169,577		\$472,272,871	
Average cost of works per permit issued	\$397,745		\$355,335		11.9%	\$813,857		\$433,626	
<b>Processing times</b>									
Average gross days to Responsible Authority determination	134		123		9.3%	129		118	
Median processing days to Responsible Authority determination	105		97		8.2%	93		87	
Completed within sixty days	33%		52%			57%		61%	
Average gross days to final outcome	143		136		5.1%	142		127	
Median processing days to final outcome	104		102		2.0%	95		86	
<b>VicSmart applications</b>									
Received	75		34		120.6%	174		187	
Completed	71		30		136.7%	170		186	
Completed within ten days	55%		87%		-36.6%	77%		86%	

Source: *Planning Permit Activity in Victoria* online at:

<http://pparsreporting.dpcd.vic.gov.au/Reporting/AnnualReport?pscode=fran&date=2017/18#>

Council's processes for assessing planning applications must comply with the provisions of the Planning Environment Act 1987 and its associated regulations. Other important regulatory instruments include the Subdivision Act, the Frankston Planning Scheme and the Tree Protection Local Law.

The Department performs a range of functions including:

- Assessment of over 760 planning applications per year
- Assessment of approximately 50 Tree Protection Permits under local laws
- Maintenance of the Frankston Planning Scheme
- Advice to Councillors, applicants and residents

**Reporting:**

Council receives a monthly Planning Progress report, tabled at a Council meeting that sets out:

- Planning applications received
- Applications for amendments to Planning Permits received
- Planning application decisions
- Amendments to Planning Permits- decisions
- Subdivision applications received
- Subdivision decisions
- 'Directions to Advertise' issued
- List of current planning scheme amendments
- Current VCAT appeals
- VCAT determinations and their policy implications

**Figure 1: Frankston Planning Scheme results for 2017-2018 VCAT Activity**

**Reviews at the Victorian Civil and Administrative Tribunal**

	2017/18	2016/17	% Change
<b>Grounds for appeal to VCAT:</b>			
Section 77: Appeal against refusal by RA	36	36	0.0%
Section 79: Appeal against failure to grant	32	7	357.1%
Section 80: Appeal against conditions	13	9	44.4%
Section 82: Appeal against issue of permit	14	9	55.6%
<b>Total determinations</b>	<b>40</b>	<b>21</b>	<b>90%</b>
<b>Processing times</b>			
Average gross days to determination	162	170	-4.6%
Median processing days to determination	175	172	1.5%

\*Appeals may have multiple grounds for review, and thus may be listed more than once.

Source: *Planning Permit Activity in Victoria* online at:

<http://pparsreporting.dpcd.vic.gov.au/Reporting/AnnualReport?pscode=fran&date=2017/18#>

**Key Challenges**

The overall priority issues for Frankston City Council in shaping its planning service include the following:

- Dealing with the impacts of population growth
- Protecting quality of life for Frankston residents
- Providing certainty and consistency to applicants
- Responding to legislative and regulatory change

Key opportunities that are emerging for Frankston City:

- Responding to new investment in development and infrastructure
- Streamlining assessment processes
- Enhanced technology and on-line lodgement

- Comprehensive overhaul of strategies and policies
- Improved information and communication services

Council's priorities for development assessment are:

- Achieving excellent urban design outcomes
- Ensuring compliance with planning approvals and Section 173 agreements
- Improving overall assessment times and meeting best practice targets
- Meeting customer expectations for enhanced electronic planning assessment services

The operating approach taken by Council is to maintain a reliable service for managing planning applications that is progressively improved through timely research and policy development. The associated strategic planning work program is informed by Council's stated priorities as set out in its own policy documents and to pressures and responses arising from the State and local context, including directives from the Minister for Planning. Emerging residential customer expectations, initiatives from Councillors and opportunities arising from technological change all contribute to an ongoing program for improvement of the Frankston Planning Scheme.

#### Ongoing issues and improvements

Recent departmental business planning has focussed on making improvements to the development assessment service and transitioning to a digital based lodgement, assessment, referral and reporting system for all planning application decisions.

The Department of Environment, Land, Water and Planning undertakes regular reviews and investigations of its processes. A continuous improvement model is being developed in association with progressive implementation of digital processing and on-line application management. A series of internal workshops and cross-department planning workshops have been undertaken to identify and implement ongoing enhancements of planning assessment processes. An example of a recent Department workshop ideas forum list of actions is shown in Table 7 below.

**Table 7 Planning and Environment Department 2018 business improvement workshop ideas**

Proposal/Suggestion	Work Improvement Area
More training on our existing systems	Staff training and procedures
More e-pathway – digital lodging and payments	Electronic processing
Fact sheet – drill down common issues/goals	Customer communications
Block out process to be improved and managed effectively	Work staffing rosters and customer service impacts
Staff morale building activities	Staff training and development
Team discussions	Staff development
Mentoring opportunities	Staff development
Review website information	Customer communications
Promote Vicsmart opportunities more widely	Customer communications
Visit Cardinia Shire to see “paper independent office”	Electronic processing and procedures
Review templates for reports	Staff training and procedures
Increase internal delegations	Staff development
Make public notice on-line	Customer communications/digital processing
Define what good design is	Staff training and development/ Customer communications
Piggyback on local area plan consultation	Customer communications
How do we better educate applicants?	Customer communications

**Audit Committee recommendations:**

The Internal Audit Committee of Frankston City Council commissioned a review of Council's statutory planning service, which was finalised in November 2017. The objective of the audit was to evaluate the policies, procedures, controls, systems and tools utilised by Council to manage statutory planning and where possible provide relevant opportunities to improve process effectiveness and efficiency.

The review findings were that Council exhibited strengths in terms of its management of the planning scheme and meeting the regulatory requirements of the Planning and Environment Act for scheme amendments and for the public exhibition process. In terms of statutory planning, strengths were identified in terms of procedures for planning permit applications, including processing applications, approval and reporting, communication and feedback to applicants, and finally monitoring and reporting to Council and the wider public.

A number of more detailed findings and recommendations were supplied for improvements to the planning service as set out below:

**Table 8 Internal Audit Recommendations and Implementation**

Ref. No	Audit Recommendation	Implementation comments
1	Define and document the process governing selection and prioritisation of changes to the planning scheme	The Strategic Planning amendment program has been derived from three main drivers to date: previous planning scheme reviews, State Government directions, and adopted Council resolutions, arising from both one-off decisions and from comprehensive strategic action plans. Current priorities are considered sound, and are progressing according to schedule. Statutory review requirements under Section 12B (1) of the Planning and Environment Act, will inform the revision of the strategic planning work program with the finalisation of the current Planning Scheme Review expected in mid 2019
2	Improvements to data in "Pathway" for monitoring & reporting	The existing Statutory Planning process improvement program and e-planning implementation has now been formally subsumed into the Council-wide Digital Strategy and associated business improvement program. Electronic Lodgement was the first tranche for 'proof of concept' purposes. This will be enhanced by new end-to-end process mapping activity. To date the procedures for Planning Information Requests and the VicSmart applications have been completed. Work has commenced on all other application types and is scheduled to be implemented by June 2019.
3	Declaration of conflict of interest (by officers in planning reports)	Include requirement for declaration of (no) conflict of interest by allocated officer as part of assessment process. This is included in formal Council assessment reports. It is currently being extended to all delegate report templates.
4	Develop organisational guidelines for the management of internal referrals	Internal referrals process improvements are being scoped now to be addressed as part of the Digital Strategy implementation. Actual completion is likely to extend into mid 2019
5	Develop training manual/how to guides related to update Pathway workflows.	A number of new training initiatives are currently underway. Standard induction documentation and training manuals will be developed later in the business improvement process, once new procedures have been bedded down.

	Implement a standard documented induction process for new staff. Develop an annual training program	
6	Identify the key planning application processes and provide appropriate guidance	New training manuals will be finalised after process improvements have been designed and documented by mid-2019. Process mapping is underway and this is now a key output of the Council wide Digital Strategy.
7	Advice provided at Planning Desk should be documented & securely stored Develop procedure and mechanism for recording customer contacts at the planning counter	Initial consideration of the practical capture of planning counter information exchanges has indicated that a new electronic records application could meet our needs without requiring too much extra time to fill out. Examples used by other Councils have been reviewed. No decision as yet has been made on what is the preferred system. The objective is to have some relevant information captured with a few keystrokes, while the exchange is taking place or straight after, without distracting from the servicing of the customer enquiry. To be further investigated by planning support staff with IT Department. Suitable add-on options compatible with Pathway have been identified and will be implemented by early 2019.

It is recommended that the following actions be progressed by Council as part of undertaking this Planning Scheme Review implementation:

- 2.7.1-1 Completion of the transition to fully on-line processing of planning applications under the Frankston Planning Scheme
- 2.7.1-2 Enabling on-line submissions by objectors and other interested parties.
- 2.7.1-3 Provision of increased access to allow applicants and other parties to monitor the progress of the application through on-line inspection and regular reporting opportunities.
- 2.7.1-4 Provision of on-line tools to improve the quality of applications and to increase understanding of the Frankston Planning Scheme provisions and requirements.
- 2.7.1-5 Publish and regularly update a strategic planning work program to support the progressive enhancement of the Frankston Planning Scheme and its operation.

## Part 3

### 3.1 State Planning sponsored amendments approved since 2014 relevant to this Review.

There have been a series of major enhancements and changes to Victorian Planning Schemes introduced by the State Government in recent years. These have included major overhauls of both the residential and commercial/industrial suites of zones that are common to all planning schemes.

Further changes have been made to strengthen controls for residential amenity, in both traditional housing forms as well as medium and high density residential developments. Other changes have addressed the need for more sustainable development such as Water Sensitive Urban Design, and new provisions to address solar and wind power generation and associated infrastructure. More selective improvements have been made to the operation of overlays and schedules to allow better understanding and effective implementation of the planning scheme. Most recently, the State Government's Smart Planning initiative is rolling out substantial changes to the structure of Victorian Planning Schemes, and in particular the transformation of the Planning Policy Framework to integrate both local and State dimensions in a consistent manner.

For Frankston, the key amendments to the planning scheme at state level has included the introduction of new reformed zones. New residential zones and new commercial and industrial zones were introduced in 2013 and were progressively applied to Victorian Planning Schemes.

Councils had until 1 July 2014 to introduce the new residential zones into their local planning schemes. Where Councils have not finalised an amendment to implement the new residential zones by 1 July 2014, the General Residential Zone was to be implemented to replace all land previously zoned as Residential 1, 2 and 3.

Frankston City sought to implement the new residential zones via Amendment C95. However this was not finalised prior to the new zone changeover date and it was eventually allowed to lapse. As noted earlier in this review, Council has since adopted a fully revised Frankston Housing Strategy 2018 and this has informed the preparation of a local amendment (proposed Amendment C120) to introduce the Neighbourhood Residential and the Residential Growth Zone to selected parts of Frankston.

Other State planning scheme changes have required an adjustment to Council's assessment processes, to ensure that the new controls are properly administered. In some cases, there is a need for further policy work to be undertaken at a local level, to better inform Council's assessment of new development. Further work arising from these recent State Government amendments is set out below:

#### 3.1.1 Power lines and electricity generation infrastructure.

Gazettal date	Amendment number	Short Description
15/03/2019	VC157	This amendment introduced changes to the Victoria Planning Provisions (VPP) and all planning schemes in Victoria to require planning approval for power lines to connect new large-scale electricity generation facilities to the electricity network

#### Comment

With changes arising from investment in renewable energy, and the decentralised nature of new infrastructure, it is likely that local areas will have to deal with increased numbers of applications for solar and wind generation plants, and their associated infrastructure. Amendment VC157 is expected to have a minor impact on the resource and administrative costs of Councils, due to the addition of new requirements to the consideration of certain planning permit applications. However, Council may be able to conduct the required additional assessment in conjunction with the assessment of the new 'Energy generation facility' itself, (the planning issues for which are likely to be similar).

#### Recommendation

Council should consider introducing a new local policy to help in the assessment of power lines and electricity generation facilities in the Frankston context. This could be extended to include those elements of new telecommunications infrastructure that are subject to local planning assessment.

### 3.1.2 Implementation of the integrated water management reforms.

Gazetta date	Amendment number	Short Description
26/10/2018	VC154	This updates and broadens water, drainage and stormwater policies to integrated water management policies and inserts new provisions for stormwater management in urban development.

#### Comment

This was a substantial planning change that implements initiatives from Plan Melbourne 2017-2050 and Water for Victoria – Water Plan to enable the planning system to better manage water, stormwater and drainage in urban development. It provides for improved water quality and a reduction in overall nutrient quantities in the water cycle. Amendment VC154 implements these initiatives by modifying the Planning Policy Framework (PPF) to reflect integrated water management objectives and by introducing a new particular provision for stormwater management in urban development. This includes the development of two or more dwellings, commercial and industrial development, public use development, and all subdivisions, in urban areas.

#### Recommendation

Council has already developed its own Integrated Water Management Plan that aligns with the intent of the mandatory stormwater, drainage and permeability controls that are introduced by VC154. It is important that Council:

- a) Reviews its existing local plans and policies for stormwater management and related local drainage infrastructure plans
- b) updates its assessment practices for new planning applications that are caught by these new planning controls.

### 3.1.3 Implementation of the Smart Planning Program.

Gazetta date	Amendment number	Short Description
31/07/2018	VC148	The amendment introduces changes to the Victoria Planning Provisions (VPP) and all planning schemes arising from the Victorian Government's Smart

		Planning program. The program aims to simplify and modernise Victoria's planning policy and rules to make planning more efficient, accessible and transparent.
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Comment

This is an important planning change that deletes the State Planning Policy Framework (SPPF) and replaces it with a new integrated Planning Policy Framework (PPF) in Clauses 10 to 19. This amendment also moves the operational provisions for the Local Planning Policy Framework (LPPF) to new Clauses 23.02 and 23.03 and inserts a new Clause 23.01 to explain the relationship between the LPPF and the PPF. This is to ensure that the current operation of the LPPFs continues before transitioning to the Municipal Planning Strategy (MPS) and PPF.

The State Government Planning Department is working with local government to progressively translate their schemes to the new planning policy framework and template. Frankston City Council has been included in the mid-2019 tranche of Councils.

There are also many other major and minor changes included in this amendment to further streamline planning schemes and reduce unnecessary duplication.

Recommendation

Council will seek to ensure that its existing Local Planning Policy Framework is carefully migrated to the new format and that where appropriate updates and improvements are included in the translation.

3.1.4 New Commercial 3 Zone and new assessment requirements for solar panels and wind farms.

Gazettal date	Amendment number	Short Description
13/04/2017	VC149	This amendment introduced state-wide planning requirements with new requirements for the assessment of solar panel overshadowing; and revising Clause 52.32 (Wind Energy Facility) to implement the recommendations of the EPA Inquiry. It also introduced the new Commercial 3 Zone

Comment

This was a significant planning change that introduced new requirements for assessing the impact of new development on existing residential rooftop solar energy facilities. It also inserts mandatory requirements into Clause 52.32 (wind energy facility) for the provision of preconstruction and post-construction noise assessments and their proper auditing. The new Commercial 3 Zone introduced here is intended to better accommodate niche and creative industries, start-up businesses and businesses leveraging off automation, post industrialisation and the digital economy. These may otherwise have been prohibited or restricted by the existing commercial zones.

Recommendation

Council should consider the application of the Commercial Zone 3 to existing and proposed employment areas within Frankston City, such as the possible extension of the Carrum Downs industrial precinct and the renewal of the Seaford industrial precinct.

Council should review its statutory planning processes to ensure that assessments properly consider the impact of new development on existing residential rooftop solar energy facilities, as well as for implementing the new standards for wind energy facilities.

### 3.1.5 New State Government Amendment Tracking System.

Gazettal date	Amendment number	Short Description
27/09/2018	VC147	This enables the online publishing of planning schemes through the Department of Environment, Land, Water and Planning's new Amendment Tracking System (ATS).

#### Comment

This new system has allowed for on-line lodgement of local planning scheme amendments. It also facilitates improved transparency and reporting on the planning scheme amendment process.

#### Recommendation

Council to modify its planning scheme amendment procedures and to ensure training of planning staff so as to fully comply with the new Amendment Tracking System (ATS) requirements.

### 3.1.6 Planning Reforms across the Victorian Planning Provisions.

Gazettal date	Amendment number	Short Description
16/01/2018	VC142	This amendment introduces a large number of reforms to planning provision for all Victorian Planning Schemes. Numerous planning provisions are updated, improved or removed and replaced.

#### Comment

This is a large collection of changes intended to improve the planning system. Amendment VC142 forms part of the Smart Planning Rules and Policy Program to reform Victoria's planning system and changes the VPP to make planning schemes more efficient, accessible and transparent.

These changes have been identified through the Smart Planning program's consultation feedback provided in 2017 and by relevant Victorian Civil and Administrative Tribunal decisions, Planning Panels Victoria recommendations, government inquiries, industry reviews, professional input and other sources. Amendment VC142 removes and updates redundant policy guidelines, land use terms, referral triggers, and other VPP requirements to assist with current practice and to provide better usability of the VPP.

#### Recommendation

Council to ensure that its assessment procedures are updated to incorporate all relevant changes from this amendment to the Frankston Planning Scheme. Council to ensure that all assessment officers to be appropriately trained and resourced to implement the new planning provisions introduced here.

### 3.1.7 Native Vegetation Framework.

Gazettal date	Amendment number	Short Description
12/12/2017	VC138	Native Vegetation Framework

#### Comment

This amendment streamlines the processes and procedures for the preparation and assessment of an application to remove, destroy or lop native vegetation. It strengthens the vegetation provisions by enabling a broader range of native ecological values and for site specific assessment information to be considered in planning and decision making. It also introduced new vegetation clearing guidelines.

#### Recommendation

Council needs to ensure its own native vegetation mapping is up to date and its procedures are improved to make the most of these revised Native Vegetation Framework provisions.

### 3.1.8 Metropolitan Planning Strategy.

Gazettal date	Amendment number	Short Description
31/03/2017	VC134	This introduced the new Metropolitan Planning Strategy and made corresponding updates to the State Planning Policy Framework.

#### Comment

This amendment made procedural changes to ensure that the provisions and terminology of Plan Melbourne are consistently reflected in Victorian Planning Schemes.

#### Recommendation

No further changes are required at the local level for this purpose of implementing Plan Melbourne.

### 3.1.9 New Garden Area Provisions.

Gazettal date	Amendment number	Short Description
24/11/2016	VC110	This amendment introduced a new general term, 'garden area' and made associated amendments to the new residential zones to protect neighbourhood amenity.

#### Comment

This amendment makes further changes to the new residential zones to improve housing capacity and choice while continuing to protect and respect the openness and character of established urban areas throughout Melbourne and Victoria. Important changes include:

- Introducing a new term 'garden area' and including provisions for minimum 'garden area' standards in new residential development

- Strengthening the ability of Councils to specify preferred built form outcomes in all residential zones by allowing or requiring neighbourhood character and design objectives to be specified in schedules to the zones and including these objectives as decision guidelines.
- Removing the 'number of dwellings on a lot' requirement in the Neighbourhood Residential Zone and inserting a new 'minimum garden area' requirement for this zone and the General Residential Zone to protect the garden suburban character of existing urban areas.
- Introducing revised maximum building height requirements in the Neighbourhood Residential Zone, General Residential Zone and Residential Growth Zone to provide greater certainty for the community and ensure appropriate development outcomes that reflect the purpose of the zones.

#### Recommendation

Council should build on these changes as follows:

- Introduce the new Reformed Residential Zones by implementing Council's revised Frankston Housing Strategy
- Undertake a thorough review of Council's Neighbourhood Character Policy and associated planning provisions and guidelines
- Update all planning assessment processes and procedures to ensure these new residential assessment provisions are consistently applied to new development.

#### 3.1.10 VicSmart provisions.

Gazetta date	Amendment number	Short Description
26/11/2015	VC114	The amendment introduces VicSmart, the new assessment process for specified planning permit applications into the Victoria Planning Provisions and all planning schemes

#### Comment

This amendment introduces a new 'streamlined' assessment category called VicSmart permit applications and describes the assessment process. Certain classes of applications are to be decided within shortened timeframes subject to specific information requirements and other qualifiers.

#### Recommendation

The VicSmart initiative has been successful in transferring classes of low-risk applications to a shorter assessment process. While the VicSmart process may be further improved, no specific changes are required at the local level.

#### 3.1.11 Reformed Residential Zones.

Gazetta date	Amendment number	Short Description
1/07/2014	VC116	Amendment VC116 changes the VPP and all planning schemes by replacing all references to the Residential 1 Zone, Residential 2 Zone and Residential 3 Zone and rezones existing residential land to the General Residential Zone with appropriate schedules

Comment

The amendment implements the General Residential Zone into Victorian planning schemes where the reformed residential zones have not been applied by 1 July 2014. Previous government commitments stated that if a planning authority had not implemented the reformed residential zones into its planning scheme by mid-2014, a General Residential Zone would be applied to all residential land in these planning schemes.

Frankston was one of 24 planning schemes where the reformed residential zones had not been applied. This amendment deletes the old Residential 1, 2 and 3 Zones from the Victoria Planning Provisions (VPP) and planning schemes.

Recommendation

As noted earlier, Council has adopted a new Frankston Housing Strategy 2018 and this is to be implemented by proposed amendment C120. Accordingly no further recommendation is proposed here.

## Part 4: Smart Planning program and Local Planning Policy translation

The Victorian Government's Smart Planning program has progressively introduced reforms to simplify and modernise Victoria's planning policy and rules. The 2017 Smart Planning discussion paper, ***Reforming the Victoria Planning Provisions*** included proposals to simplify and realign the VPP using the six principles of a modern planning scheme - digital first, user focused, consistent, proportional, land use focused, and policy and outcome focused.

Under a suite of changes to the VPPS local councils are now required to transition their Local Planning Policy Frameworks (LPPF) to the new integrated Planning Policy Framework and a new Municipal Planning Strategy in the future. The MPS will be a succinct expression of the overarching strategic policy directions of a municipality. It will highlight the planning issues that are important to the municipality and provide context for the local policies in the PPF. The VPP does not include the MPS clauses. The form and content of the MPS is set out in the Ministerial Direction.

The State Planning Department (DELWP) has been assisting Councils with the PPF Translation process. This will involve amending the local planning scheme to translate the LPPF and local policies into the new Planning Policy Framework (PPF), and the MSS into the new Municipal Planning Strategy (MPS).

Frankston City is yet to commence this translation process. Council has been advised that the Frankston Planning Scheme will be included within the Group 3 tranche of local planning schemes to be converted in mid-2019. While this is likely to be a 'policy-neutral' process, the opportunity will be there to make updates and improvements to the local policy framework where this can be achieved in the time available.

In a related Smart Planning initiative, the format of online planning schemes will change at the end of July 2019, when the migration of all planning schemes into the ATS digital database will be completed. From July 2019, all planning schemes will be available in HTML format on the State planning website.

### **Recommendation**

***Council to work closely with DELWP officers and undertake the necessary preparations to ensure that the Frankston Planning Scheme is smoothly translated to the new Smart Planning format in a timely and effective manner.***

## Part 5

This is a full summary of the Frankston Planning Scheme Review Recommendations.

The following Action Plan represents a proposed Strategic Planning work program with recommendation name and indicative priority (high /medium /low)

**TABLE 8: SUMMARY OF PSR RECOMMENDATIONS – ACTION PLAN**

	Section, Reference	Recommended Action	Priority (H, M, L)
1	2.1.1	To update the reference to the Council Plan and retain the reference to the FMAC Structure Plan 2015 in Clause 21.03 (or its equivalent in the reformatted Planning Policy Framework) of the Frankston Planning Scheme.	H
2	2.1.2	To review the Non Residential Uses in Residential Zones Policy to ensure consistency with the provisions of the General Residential Zone which currently apply in the Frankston Planning Scheme, and the provisions of the Neighbourhood Planning Zone and the Residential Growth Zone, which are expected to be introduced into the Frankston Planning Scheme by proposed amendment Am C120.	H
3	2.1.4	To prepare and exhibit a new DDO for the Karingal Structure Plan area to ensure new development is of a high urban design standard and allows for the provision of a wide range of land uses, activities and services within the centre.	M
4	2.1.5	To include the updated version of the Frankston Industrial Strategy, once adopted by Council, as a reference document and where strategically appropriate, to increase the supply of industrial land within the city via a rezoning amendment	M
5	2.1.6	To include the Frankston Green Wedge Management Plan, once adopted by Council, as a reference document and to update the text and map of Clause 21.09 consistent with the GWMP. Where strategically appropriate, to prepare a planning scheme amendment to implement the actions of the GWMP, once adopted.	M
6	2.1.7	i. Delete Clause 22.03	H
7		ii. Retain the FMAC Structure Plan as a reference document.	H
8		iii. Retain Clause 22.04 with the addition of the following in the identified uses subject to this policy (and subject to the applicable residential zone): car wash; convenience restaurant, convenience shop, food and drink premises, industry, leisure and recreation, market, place of assembly, place of worship; plant nursery; retail premises, service station, take away food premises and warehouse	H
9		iv. Retain Clause 22.06 however review the list of potential future land fill sites to confirm whether they should continue to be included here. Reference should be made to the Frankston Green Wedge Management Plan and also the current State and Regional waste management strategies that apply to the Frankston area.	H
10		v. Retain Clause 22.07 and update the wording to reflect the current Council Plan strategic priorities and make explicit reference to the Frankston Metropolitan Activity Centre Streetscape Palette 2016, the Frankston Gateways Guiding Document as adopted by Council in 2016, the Frankston Green Wedge Management Plan (GWMP) and the Frankston Urban Forest Strategy and associated Action Plan.	H

	Section, Reference	Recommended Action	Priority (H, M, L)
11		vi. Clause 22.08 Neighbourhood Character Policy is overdue for a major review. A comprehensive review is now required so it can be streamlined into fewer precincts to reduce confusion and make the Policy easier to use. The suite of documents that will be required comprises a new Neighbourhood Character Study and Precinct Guideline brochures (to become incorporated documents) and a new Neighbourhood Character Policy within the Local Planning Policy framework. The new policy will need to closely align with the recently adopted Frankston Housing Strategy 2018 and its implementation into new residential zones.	H
12		vii. Retain Clause 22.09 Outdoor Advertising Signage Policy as is.	H
13		viii. Retain Clause 22.10 Gaming Policy as is.	H
14	2.2 (a)	Ensure that publically owned land that is intended for development for regional sporting facilities is included within the "Public Park and Recreation Zone".	M
15	(b)	Initiate a rezoning of the area currently included within the SUZ3 zone to the Public Conservation and Resource Zone. This action will completely remove the SUZ3 and its associated incorporated documents from the Frankston Planning Scheme.	M
16	(c)	Consider including a new student accommodation policy in the Frankston Planning Scheme	L
17	(d)	Consider including a local 'temporary use policy' in the Frankston Planning Scheme to clarify when events and temporary uses can take place without requiring a planning permit	M
18	2.3- Action 5.1	Revised overlay flood mapping developed by Melbourne Water should be included in the next available amendment to the Frankston Planning Scheme	H
19	2.4	That Council progress its ESD planning provisions to require mandatory ESD assessments for new development in the Frankston Planning Scheme	H
20	Action 2.2.1 C.	Enhance the protection of remnant native vegetation in the Frankston Local Planning Scheme undertaking a targeted investigation and preparing a specific amendment	M
21	Action 2.2.1 H	Create and protect habitat corridors	M
22	Action 2.2.1 I	Investigate methods to secure vital linkages i.e. covenants	M
23	Action 2.2.2 C	Advocate to the State government for the removal of the 10/30/50 rule for urban areas of the Frankston municipality	H
24	Action 2.2.4 B	Implement the Kananook Creek Corridor Management Plan to meet Council's obligations	M
25	Action 2.4.3 F	Integrate urban renewal with improvements to an integrated transport network, the preservation of tree canopy cover and the establishment of habitat corridors	M
26	P-Pol-1	Implement Council's Municipal Strategic Statement (MSS) and update overtime to support integrated water management within the municipality	M
27	P-Pol-4	Develop enhanced planning controls to require IWM for all development within the municipality - including infill, industrial and commercial development.	L
28	P-Pol-5	Create standard planning permit drainage conditions that are clear and specific. Ensure conditions are consistent with Council's WSUD Guidelines	H

	Section, Reference	Recommended Action	Priority (H, M, L)
29	P-Pol-6	Investigate a stormwater quality offset scheme (i.e. developer contributions to regional stormwater quality infrastructure in lieu of development scale infrastructure).	L
30	P-Pol-8	Develop planning permit conditions for managing saline groundwater pumped out of car parking basements	L
31	P-Pol-9	Review Council's Flood Management Plan and Drainage Strategies and commence development of new strategies	M
32	P-Dev-1	Review Council's WSUD Guidelines to better communicate Council's standards and requirements for external WSUD development projects and to improve developer compliance.	M
33	(Ref. No) 6.1.45	With the expiry in November 2017 of the Frankston Safe Boat Harbour planning provisions facilitated by this zone, Council should consider replacing the zone entirely. In the absence of any new development proposal for the Oliver's Hill area, Council should investigate the re-instatement of the Public Conservation and resource Zone for this same area	H
34	High Priority Action 4	Align the MSS with the key recommendations of the Open Space Strategy and reference the Frankston Open Space Strategy.	H
35	High Priority Action 5	Review the contributions framework and schedule to the Clause 52.01 of the Frankston Planning Scheme based on the recommendations of this Open Space Strategy	H
36	High Priority Action 7	Review the zoning of public open space to ensure it is consistent with the use of the land.	H
37	High Priority Action 21 (a)	Undertake Planning Control Investigations and reviews in the following areas; • Kananook Creek Corridor, between Beach Street and Mile Bridge. Undertake a spatial analysis of the creek corridor, including vegetation, public access requirements, building heights and setbacks.	H
38	High Priority Action 21 (b)	Undertake Planning Control Investigations and reviews in the following areas; • Edithvale-Seaford Wetlands and surrounding interface. Consider setbacks, requirements to achieve appropriate landscape character and conservation protection.	H
39	High Priority Action 31	Continue to work towards securing a public open space corridor along the western side of Kananook Creek via the existing Public Acquisition Overlay Control upstream of Armstrongs Road to link public open space along the creek line;	H
40	Medium Priority Action 13	Investigate planning scheme provisions which cover the riparian zone and associated terrestrial vegetation to ensure the impact on environmental values of the Kananook Creek Floodplain and biodiversity corridor are considered in future development applications	M
41	Low Priority Action 1	Continue to monitor future development pressure and planning controls along the Boggy Creek Corridor in Langwarrin.	L
42	Low Priority Action 2	Investigate change of use opportunities for the quarry sites in north-west of Langwarrin to support open space for future population growth, biodiversity and connections along Boggy Creek.	L
43	B2	Consider applying a Development Plan Overlay or detailed policy to larger opportunity sites identified in the Housing Framework Plan, requiring new developments to consider, and if appropriate, include provision of community infrastructure and public open space.	M
44	B5	Develop a Funding Strategy for the delivery of servicing and soft infrastructure needed to support future housing growth. This may	M

	Section, Reference	Recommended Action	Priority (H, M, L)
		include recommendations for the application of the Developer Contributions Overlay, and other mechanisms to inform planning permit and amendment negotiations.	
45	B6	Undertake an investigation in consultation with Melbourne Water through a specific study into the significance and management of the Seaford Wetlands and its residential environs, with a view to implement a specific Design and Development Overlay for this location.	H
46	C6	<p>Develop a local policy and guidelines that encourage housing typologies and provide design advice relevant to identified areas of change, for example:</p> <ul style="list-style-type: none"> <li>➤ in Substantial Change Areas – address development facilitation, housing diversity, universal design, environmental sustainability, car parking, on and off site amenity impacts and public realm interfaces.</li> <li>➤ in Incremental Change Areas – implementation of preferred neighbourhood character statements, site responsiveness, housing diversity, universal design, environmental sustainability, and interfaces with adjoining residential areas.</li> <li>➤ in Minimal Change Areas – address preserving heritage and environmental values, enhancing neighbourhood character, internal amenity, and interfaces with adjoining residential lots.</li> </ul> <p>These guidelines should contain design principles and case studies of preferred design outcomes for different housing types across the City. The guidelines should be designed for use by Council staff, as well as the development industry and community.</p>	M
47	C7	<p>Prepare guidelines for Neighbourhood Activity Centres which:</p> <ul style="list-style-type: none"> <li>➤ Evaluate their alignment with the areas of change identified in this Strategy</li> <li>➤ Consider the appropriate dwelling mix</li> <li>➤ Identify appropriate public realm initiatives that will support and complement the development of private land;</li> <li>➤ Review associated planning policies and controls, as necessary, to reflect the extent of housing growth and change envisaged by the Housing Framework Plan.</li> </ul>	M
48	2.4.7 Action No 1	Complete the planning process for the Frankston Station Precinct in close partnership with FCC, State Government and other stakeholder agencies	H
49	Action No 5	Support the electrification of the Baxter rail line and lobby for the investigation of the relocation of Leawarra Rail Station to the west so it is closer to major destinations such as the health and educational facilities	H
50	Action No 7	Facilitate a catalyst project on the existing at-grade car park on the corner of Young and Playne Streets to provide a cafe on the ground floor with housing / office / community uses above. Ensure replacement of car parking as part of the development	H
51	New action	Review the FMAC Structure Plan and Action Plan to ensure it remains up to date and takes account of relevant new initiatives.	M

	Section, Reference	Recommended Action	Priority (H, M, L)
52	7 December 2015 Council meeting	The Coastal Plan 2016 should be included in the Frankston Planning Scheme as an incorporated document	H
53	16 May 2016 Council meeting	Endorsement of the Melbourne Water Flood Management Strategy - Port Phillip and Westernport: Council will need to initiate a new planning scheme amendment to update the SBO and LSIO overlay maps and to introduce a new schedule and overlay map for land that will be subject to inundation as a result of predicted sea level rise	H
54	18 July 2016 Council meeting	Downs Estate: Council should further consider the appropriate zoning of this land to reflect its conservation status using for example the Public Conservation and Resource Zone. The same could apply to other Council and Melbourne Water owned land parcels within the Seaford Wetlands area.	M
55	3 July 2017 Council meeting	NOM 1336 - Green Infrastructure; Council now needs to pursue mandatory ESD provisions into the Frankston Planning Scheme. <i>(These are expected to be introduced as a part of "group of Councils' planning scheme amendment in 2020")</i>	M
56	19 September 2016 Council meeting	Oliver's Hill Lot Restructuring Plan Extension of Time Request: Council should consider extending the Erosion Management Overlay to include land in this area as far as the City's southern boundary as far as Kackeraboite Creek. This will ensure consistency of planning controls for the whole Oliver's Hill area.	L
57	19 September 2016 Council meeting	FMAC Streetscape Plan and Urban Forest Policy The Urban Forest Policy was adopted by Council on 1st of May 2017.  The Frankston Metropolitan Activity Centre Streetscapes Palette is used to inform both public and private projects in the FMAC area.  Both documents should be referenced in the Frankston Planning Scheme.	H
58	20 February 2017 Council meeting	Report on Review of Submissions to the Exhibition of Council's Draft Waste Management Guidelines for new Multi-Unit Developments Since adoption by Council in 2017, these guidelines have been applied to new development and are working well.  The Guidelines should be now included as a reference document in the Frankston Planning Scheme	H
59	22 May 2017 Council meeting	NOM 1317 - Frankston Nature Conservation Reserve Council has consistently supported the conservation values of this reserve. Reference to the FNCR in the current MSS needs to be corrected to recognise its legal status.  Now that the FNCR is under the control of Parks Victoria it is timely to consider its rezoning from PUZ1 - PUBLIC USE ZONE - SERVICE AND UTILITY (which applies to water resources) to a suitable Conservation zoning e.g. PCRZ - PUBLIC CONSERVATION AND RESOURCE ZONE	H
60	22 May 2017 Council meeting	C.4: Review of Kanook Creek Management Arrangements Council should initiate measures with the State Government to come to an agreement for future management arrangements.	H
61	Section 2.7 2.7.1-1	Completion of the transition to fully on-line processing of planning applications under the Frankston Planning Scheme	H
62	2.7.1-2	Enabling on-line submissions by objectors and other interested parties	H

	Section, Reference	Recommended Action	Priority (H, M, L)
63	2.7.1-3	Provision of increased access to allow applicants and other parties to monitor the progress of the application through on-line inspection and regular reporting opportunities	M
64	2.7.1-4	Provision of on-line tools to improve the quality of applications and to increase understanding of the Frankston Planning Scheme provisions and requirements	M
65	2.7.1-5	Publish and regularly update a strategic planning work program to support the progressive enhancement of the Frankston Planning Scheme and its operation	M
66	Section 3.1 3.1.1	Council should consider introducing a new local policy to help in the assessment of power lines and electricity generation facilities in the Frankston context. This could be extended to include those elements of new telecommunications infrastructure that are subject to local planning assessment.	L
67	3.1.2	Council to <ul style="list-style-type: none"> <li>a) review its existing local plans and policies for stormwater management and related local drainage infrastructure plans</li> <li>b) update its assessment practices for new planning applications that are caught by these new planning controls</li> </ul>	M
68	3.1.3	Council to ensure that its existing Local Planning Policy Framework is carefully migrated to the new format and that where appropriate updates and improvements are included in the translation.	H
69	3.1.4 (a)	Council should consider the application of the Commercial Zone 3 to existing and proposed employment areas within Frankston City, such as the possible extension of the Carrum Downs industrial precinct and the renewal of the Seaford industrial precinct.	L
70	3.1.4 (b)	Council should review its statutory planning processes to ensure that assessments properly consider the impact of new development on existing residential rooftop solar energy facilities, as well as for implementing the new standards for wind energy facilities	L
71	3.1.5	Council to modify its planning scheme amendment procedures and to ensure training of planning staff so as to fully comply with the new Amendment Tracking System (ATS) requirements.	H
72	3.1.6	Council to ensure that its assessment procedures are updated to incorporate all relevant State Government Planning System Reform to the Frankston Planning Scheme. Council to ensure that all assessment officers to be appropriately trained and resourced to implement the new planning provisions introduced here...	H
73	3.1.7	Council to ensure its own native vegetation mapping is up to date and its procedures are improved to make the most of the State Government's revised Native Vegetation Framework provisions	H
74	3.1.9 (a)	Council to introduce the new Reformed Residential Zones by implementing Council's revised Frankston Housing Strategy	H
75	3.1.9 (b)	Undertake a thorough review of Council's Neighbourhood Character Policy and associated planning provisions and guidelines	H
76	3.1.9 (c)	Update all planning assessment processes and procedures to ensure these new State Government residential assessment provisions are consistently applied to new development	H
77	Part 4.	Council to work closely with DELWP officers and undertake the necessary preparations to ensure that the Frankston Planning Scheme is smoothly translated to the new Smart Planning format in a timely and effective manner.	H

## Part 6 Report to the Minister

This planning scheme review study is to be included in the final report to the Minister, with the following specific matters to be addressed:

- a. the major issues facing the municipality
- b. key matters requiring further strategic work to strengthen the strategic objectives of the planning scheme in terms of its efficiency and effectiveness to satisfy the requirements of Section 12B of the Act and indicate what action is proposed to be taken
- c. identification of any operational and procedural improvements proposed to be undertaken
- d. Summary of issues that require the engagement or assistance of the DELWP and its officers

## Part 7 References

1. Crack, Andrew (2014) **Frankston Planning Scheme Review Report May 2014** Frankston City Council, Frankston
2. DELWP (2017) **Reforming the Victoria Planning Provisions**, Victorian State Government, Melbourne
3. DELWP (February 2006) **General Practice Note: Review of Planning Schemes, Planning and Environment Act 1987, Section 12B**, Victorian State Government, Melbourne,
4. Ethos Urban Consultants (2019) **Draft Frankston Green Wedge Management Plan**, Frankston City Council, Frankston.
5. Frankston City Council (2019) **Towards Zero Emissions Plan** Frankston City Council, Frankston
6. Frankston City Council (2018) **Frankston Biodiversity Policy** Frankston City Council, Frankston
7. Frankston City Council (2018) **Frankston Housing Strategy** Frankston City Council, Frankston
8. Frankston City Council (2017) **Council Plan 2017-2021**, FCC, Frankston
9. Frankston City Council (2017) **Community Plan 2017-2021** , FCC, Frankston
10. Frankston City Council (2017) **FMAC Structure Plan**, FCC, Frankston
11. Frankston City Council (2017) **Urban Forest Policy**, FCC, Frankston
12. Frankston City Council (2017) **Health and Well-Being Plan 2017-2021**, FCC, Frankston
13. Frankston City Council ,(2016) **Frankston City Economic Development Strategy 2016-2022**, Frankston
14. Frankston City Council (2016) **Frankston Gateways Guiding Document**; Frankston City Council, Frankston
15. Frankston City Council (2016) **FMAC Parking Precinct Plan** Frankston City Council, Frankston
16. Frankston City Council (2016) **Frankston Open Space Strategy**. Frankston City Council, Frankston
17. Frankston City Council (2016) **Frankston Integrated Water Action Plan**, Frankston City Council, Frankston
18. Frankston City Council (2015) **Environmentally Sustainable Design (ESD) Standards for Council Building Projects**, Frankston City Council, Frankston.
19. Hansen Consultants(2016) **Frankston Metropolitan Activity Centre Streetscape Palette**, Frankston City Council, Frankston
20. MAV and DELWP (February 2006) **Continuous Improvement Review Kit (for planning and responsible authorities)** Victorian State Government, Melbourne
21. Frankston City Council (2012) **Frankston WSUD Guidelines**, Frankston City Council, Frankston
22. Pitcher Partners Consulting (2017) **Frankston City Council Statutory Planning Internal Audit Report**, Frankston City Council, Frankston.

23. SJB Consultants (2009) **Ecologically Sustainable Development Design Guide - Buildings**, Frankston City Council, Frankston
24. SJB Consultants (2010) **Ecologically Sustainable Development Design Guide Urban Design**, Frankston City Council, Frankston

# **APPENDIX 1**

## **Land use and Development related Resolutions adopted by Frankston City Council since 2014**

Note: this summary includes relevant Notices of Motion, but it excludes all decisions made at Council meetings on individual planning applications.

Date	Resolution	Comment
8 September 2014	<p><b>Notice of Motion - NOM1060 - Public Open Space Levy</b></p> <p>Requests received for lesser rate than 5% Public Open Space Levy applied to a subdivision of land pursuant to the Subdivision Act 1988 be reported to Council for consideration, if recommended for support.</p> <p><b>Council Decision</b> Moved: Councillor Spelman      Seconded: Councillor Cunial</p> <p>That a report be brought back to Council to consider:</p> <ul style="list-style-type: none"> <li>• Legislation;</li> <li>• Current system and processes;</li> <li>• Number of requests received; and</li> <li>• A suggested process for future requests to reduce the Public Open Space Levy below 5% to be considered and approved by Council.</li> </ul> <p><b>Carried Unanimously</b></p>	<p>Am C127 to introduce a local public open space contribution rate for new developments was placed on public exhibition in February/March 2019.</p> <p>It is yet to be finalised.</p>
10 November 2014	<p><b>Consideration of requests to reduce Public Open Space Levy</b></p> <p><b>Council Decision</b> Moved: Councillor Mayer      Seconded: Councillor Aitken</p> <p>That:</p> <ol style="list-style-type: none"> <li>1. Any request for a reduction in the 5% Public Open Space contribution must be considered by Council.</li> <li>2. That a report to Council be prepared on the process, scope and likely costing of establishing a local Open Space Contributions Scheme for adoption into the Frankston Planning Scheme.</li> <li>3. The current MSS Advisory Committee, which provides comment on strategic matters relating to planning, expands its terms of reference to include consideration of the Public Open Space levy. And</li> <li>4. The name of the MSS Committee be changed to Planning Strategies Committee and its membership comprise three (3) Councillors representing one from each Ward with one being the Mayor of the day; allowing decisions to be made regularly and without significant delay to the assessment and decision process.</li> </ol> <p><b>Carried Unanimously</b></p>	<p>This is recorded as a trigger for planning applications to be reported to Council</p> <p>Am C127 has been prepared and exhibited by Council in 2019 to introduce a local Open Space Contributions Plan into the Frankston Planning scheme.</p>

Date	Resolution	Comment
<p>10 November 2014</p>	<p><b>Lot 3, 160 Potts Road, Langwarrin</b></p> <p><b>Council Decision</b>  <b>Moved: Councillor Mayer Seconded: Councillor Hampton</b></p> <p><i>That the matter of Lot 3, 160 Potts Road, Langwarrin be accepted as urgent business.</i></p> <p><b>Carried Unanimously</b></p> <p><b>Council Decision</b>  <i>Moved: Councillor Mayer Seconded: Councillor Hampton</i></p> <ol style="list-style-type: none"> <li>1. <i>That officers contact the owner of Lot 3 (the reserve) within one week to request permission for officers to inspect the site for the purposes of assessing the existing condition of Lot 3 (the reserve).</i></li> <li>2. <i>Investigate the likely costs of remediation works to reinstate the environmental values of the site.</i></li> <li>3. <i>That Council contact DSE to confirm the \$610,000 offset from Eastlink.</i></li> <li>4. <i>That the Councillors are briefed on the matter and include any other aspects the Officers deem required.</i></li> </ol> <p><b>Carried Unanimously</b></p>	<p>This matter relates to Stage 2 of an existing approved subdivision with a proposal that a large conservation allotment (Lot 3) would revert to public ownership should an increase in the number of residential lots be approved.</p> <p>Council agreed to progress the proposal to an amendment (proposed amendment C103). However the Minister for Planning did not ultimately agree to the amendment proceeding to exhibition. (Council were advised of the Minister’s decision in late 2018.)</p>
<p>1 Dec 2014</p>	<p><b>NOM 1073 Inappropriate advertising signage</b></p> <p><b>Council Decision</b>                  Moved: Councillor Aitken Seconded: Councillor Cunial</p> <p><i>That Council actively engage with VCAT and the State Government regarding inappropriate signage, particularly major promotional signage. The intent of this motion should be reflected in the proposed planning scheme review amendment and any other appropriate document.</i></p> <p><b>Carried Unanimously</b></p>	<p>Council’s new policy on Advertising Signs was incorporated into the Frankston Planning Scheme by Am C100, on 19 October 2017.</p> <p>This policy also references the Frankston City Council, Outdoor Advertising Signage Design Guidelines, 2014.</p> <p>The new policy and the referenced document were intended to address in part the Council’s concerns as set out in this resolution.</p>

Date	Resolution	Comment
1 December 2014	<p><b>Planning Scheme Review Report</b></p> <p><b>Council Decision</b>  <b>Moved: Councillor Hampton      Seconded: Councillor Dooley</b></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>Notes the findings of the report.</i></li> <li>2. <i>Reports the findings of the review to the Minister for Planning.</i></li> <li>3. <i>Requests the Minister for Planning for authorisation to prepare and exhibit an amendment.</i></li> </ol> <p><b>Carried Unanimously</b></p>	<p>No further changes to the Advertising Signs policy are proposed here.</p> <p>The 2014 Planning Scheme Review report recommended a series of changes to the Frankston Planning Scheme. These were included in Am C100 which was gazetted on 19 October 2017.</p>
1 December 2014	<p><b>Response to Resident's Petition - Cliff Road Escarpment Geotechnical Investigation</b></p> <p><i>Recommendation (Director Community Development)</i>  <i>That the petition be noted and interim planning controls be considered following public consultation in November and December 2014.</i></p> <p><b>Council Decision</b>  <b>Moved: Councillor Taylor      Seconded: Councillor Tayler</b></p> <p><i>That the petition be noted and a further report be presented to Council following public consultation.</i></p> <p><b>Carried Unanimously</b></p>	<p>Council introduced a new Erosion Management Schedule to address land slip risk in the Oliver's Hill Area. Both an interim control and a final provision were adopted. Am C101 was gazetted on 7 May 2015.</p> <p>Am C109 was gazetted on 3 March 2016.</p>
19 January 2015	<p><b>Statement of Compliance Audits</b></p> <p><b>Council Decision</b>          Moved: Councillor Taylor      Seconded: Councillor Aitken</p> <p><i>That:</i></p> <ol style="list-style-type: none"> <li>1. <i>Council note the report;</i></li> <li>2. <i>Effective immediately, the Chief Executive Officer ensures a 100% Audit of all applications for a Statement of Compliance for all developments that require a Statement of Compliance;</i></li> </ol>	<p>This trigger for reporting applications to Council where they are considered to result from non-compliance arising from a Council inspection was immediately implemented by planning officers. It was eventually included in the formal 'call-in' policy that was endorsed by Council in <b>The Town Planning Processes</b></p>

Date	Resolution	Comment
	<p>3. <i>The Chief Executive Officer ensures that any retrospective application due to non-compliance be brought to Council; and</i></p> <p>4. <i>Additional resources be trialled for a period of 12 months and a further report be brought back to Council in January 2016.</i></p> <p><b>Carried</b></p>	<p><b>Guide for Councillors (Document Number A3219028)</b> adopted by Council at its meeting held on 13 June 2017 as part of the <b>Councillor and Staff Interaction Policy 2017</b>.</p> <p>This adopted document sets out the triggers and procedures for applications to be ‘called-in’ for decision at a Council meeting.</p> <p>In relation to Item 2 Councillors were advised that a formal inspection is made for all developments that are seeking a Statement of Compliance. The Councillors’ concern arose from the option of residential developments to seek a Section 173 agreement that allows for lots to be subdivided prior to a development being constructed. The Section 173 protects Council’s permit conditions by binding all future owners of the property to comply. An SoC inspection will still be undertaken prior to the development being occupied.</p>
<p>9 February 2015</p>	<p><b>Cliff Road Geotechnical Investigation - Report on Public Consultation and Interim and Permanent Planning Controls</b></p> <p><b>Council Decision</b>                      Moved: Councillor Taylor Seconded: Councillor Tayler</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>Notes the findings and recommendations from the Landslide Susceptibility Study – Cliff Road Area</i></li> <li>2. <i>Notes the summary of responses from the community consultation sessions.</i></li> <li>3. <i>Authorises officers to prepare a request to the Minister for Planning seeking the application of interim planning controls through an Erosion Management Overlay over areas of identified landslide risk.</i></li> </ol>	<p>Interim planning controls to manage land slip were introduced for the Cliff Road area by C101 on 7 May 2015.</p> <p>The permanent provisions were introduced by Am C109 on 3 March 2016.</p>

Date	Resolution	Comment
	<p>4. <i>Authorises Officers to prepare a request to the Minister for Planning seeking authorisation to prepare and exhibit a Planning Scheme amendment to permanently apply an Erosion Management Overlay over areas of identified landslide risk, to include the Landslide Susceptibility Study – Cliff Road Area as a Reference Document and to alter the Environmental Risks plan contained in clause 21.05 of the Frankston Planning Scheme to include land that will be subject to the proposed new EMO schedule.</i></p> <p><b>Carried Unanimously</b></p>	
<p>9 Feb 2015</p>	<p><b>December Town Planning Progress Report</b></p> <p><b>Council Decision</b> Moved: Councillor Aitken Secoded: Councillor Dooley</p> <ol style="list-style-type: none"> <li>1. <i>That Council receives and notes the report.</i></li> <li>2. <i>The CEO is instructed to devise a draft policy and associated guidelines that would require planning applications of interest to Council be automatically reported to Council with such guidelines to be presented to a briefing no later than April 2015.</i></li> </ol> <p><b>Carried Unanimously</b></p>	<p><b>The Town Planning Processes Guide for Councillors (Document Number A3219028)</b> was formally adopted by Council at its meeting held on 13 June 2017 as part of the <b>Councillor and Staff Interaction Policy 2017</b>.</p> <p>It was modified by NoM 2018/31 on 4 June 2018 to include a requirement for a form to be submitted for Councillor 'call-ins'.</p> <p>This adopted document sets out the triggers and procedures for applications to be 'called-in' for decision at a Council meeting.</p> <p>It includes as an appendix the <b>Planning Application Submitters and Objectors Engagement Procedure</b> which originally commenced on 5 December 2016.</p>
<p>9 February 2015</p>	<p><b>Greening Our Future: Environment Strategy</b></p> <p><b>Council Decision</b> Moved: Councillor Taylor Secoded: Councillor Spelman</p>	<p>The Greening Our Future Environment Strategy is a comprehensive strategy document that replaced a number of</p>

Date	Resolution	Comment
	<p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>Adopts the Greening Our Future: Environment Strategy 2014-24.</li> <li>Notes that the associated costs will be subject to Council's normal budget approval process.</li> </ol> <p><b>Carried Unanimously</b></p>	<p>existing environmental policies and plans of Council.                      It contains a detailed set of actions to address all aspects of environmental management activity.</p>
<p>2 March 2015</p>	<p><b>NOM 1085 On-site Car Parking</b></p> <p><b>Council Decision</b>                      Moved: Councillor Hampton      Seconded: Councillor Cunial</p> <p><i>That the Minister for Planning be invited to meet with Frankston City Council to discuss the car parking issues experienced in Frankston in relation to new development and the unsatisfactory operation of the standard car parking provisions under the Planning and Environment Act 1987 and the relevant planning scheme provisions.</i></p> <p><b>Carried Unanimously</b></p>	<p>This resolution was relevant to Council's attempts to introduce two car parking overlays: one for residential visitor parking for multi-dwelling developments and a separate one for all new development in the FMAC area. Only the latter of these amendments was supported by the Minister for Planning and Am C111 was eventually gazetted on 22<sup>nd</sup> November 2018.</p> <p>Am C114 which sought to introduce Council's Multi-Dwelling Visitor Parking Guidelines into the Planning Scheme as a Parking Overlay, was not allowed by the Minister for Planning: In February 2017, Council was advised that the Minister for Planning did not authorise the preparation and exhibition of Am C114.</p>
<p>23 March 2015</p>	<p><b>Homelessness in Frankston</b></p> <p><b>Council Decision</b></p> <p><i>Moved: Councillor Aitken      Seconded: Councillor Hampton</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>Approves, subject to external organisations achieving funding and Council facilitation support only, a 12 month pilot to establish 3 'Magpie Nest' model houses in Frankston.</li> </ol>	<p>Council has maintained a strong interest in the provision of affordable and social housing in Frankston, with a particular focus on addressing homelessness.</p> <p>The "Magpie Nest" model referred to here was successfully facilitated by Council as a 'one off' with local</p>

Date	Resolution	Comment
	<p>2. <i>Subject to Council approval of the project, a report be presented to Council at the conclusion of the twelve months outlining the results.</i></p> <p>3. <i>An implementation report be brought to Council outlining the program guidelines and framework on the operational activities of the proposal prior to it commencing.</i></p> <p>4. <i>Approves officers to commence discussions with Wintringham regarding how existing Council services can support their model in Frankston at no additional cost to Council.</i></p> <p>5. <i>Develop and implement an advocacy platform regarding homelessness</i></p> <p>6. <i>Approves work to develop a Rooming House Strategy and Regulatory Practice Guidelines.</i></p> <p><b>Carried Unanimously</b></p>	<p>providers, however it was subject to funding constraints so it has not continued.</p> <p>Council's Housing Strategy 2018 sets out the multiple roles of Council in housing provision including as a regulator and an advocate.                      (The Frankston Housing Strategy was adopted by Council on 4 June 2018)                      In 2018, Council was successful in winning a substantial SHIP Grant, which will support the development of housing feasibility projects for affordable and social housing on three Government owned sites in Frankston</p>
<p>13 April 2015</p>	<p><b>NOM 1097 Approved Planning Permit Statement</b></p> <p><b>Council Decision</b>                      Moved: Councillor Hampton      Seconded: Councillor Taylor</p> <p><i>That the following statement, to be printed on yellow paper, be included with every planning permit issued by Frankston City Council.</i></p> <p><i>“VERY IMPORTANT NOTICE</i>  <i>Dear Applicant,</i>  <i>Congratulations on securing a planning approval for your development.</i>  <i>Frankston City Council is serious about its responsibilities for ensuring excellent development outcomes at all times.</i>  <i>Council will take every effort to ensure its planning approvals and all conditions are carefully implemented.</i>  <i>Please comply with every requirement set out in this Permit. Should you need to make any change to your development, please discuss this with Council’s Planning Department prior to construction.</i>  <i>Council reserves its rights under the Planning and Environment Act 1987 to issue a Statement of Compliance only to those developments where it is satisfied that they are consistent with the applicable planning permit, its conditions and any relevant approved plans”</i></p>	<p>This instruction was implemented by the Statutory Planning Branch in mid-2015. As most planning permits are now issued electronically the message has been modified as part of the ‘eplanning’ process redesign. (Council’s Digital Strategy implementation has included the planning permit process as a pilot activity in 2017/2018 to deliver on-line lodgement and assessment of planning applications.)</p>

Date	Resolution	Comment
	<p><b>Carried Unanimously</b></p>	
<p>13 April 2015</p>	<p><b>NOM 1098 Advanced landscaping requirements for driveways in multi-unit developments.</b></p> <p><b>Council Decision</b>  <i>Moved: Councillor Taylor Secoded: Councillor Aitken</i>  <i>That the standard of landscaping along the fence line of a driveway in multi dwelling developments include the requirement for vegetation to a minimum of 1.5m height at maturity for future applications, and that this be applied as a standard requirement to be implemented immediately.</i></p> <p><b>Carried Unanimously</b></p>	<p>This instruction was implemented by the Statutory Planning Branch in May 2015. It has been included in the set of standard conditions for multi dwellings used by Frankston’s planners.</p>
<p>13 April 2015</p>	<p><b>Post War Modernist Heritage Study (Stage 2) - Individual Citations - Request to prepare and exhibit Planning Scheme Amendment</b></p> <p><b>Council Decision</b>  <i>Moved: Councillor Aitken Secoded: Councillor Hampton</i></p> <p><i>That Council seek authorisation from the Minister for Planning to prepare and exhibit a Planning Scheme Amendment to add the nominated properties listed in the Report to the Heritage Overlay of the Frankston Planning Scheme.</i></p> <p><b>Carried Unanimously</b></p>	<p>Am C110 (Part 1) was gazetted on 14 January 2016. The Amendment applies the Heritage Overlay (HO) to thirteen properties in Frankston and Frankston South.</p> <p>Am C110 (Part 2) was gazetted on 18 February 2016. This introduced a further 4 properties into the Frankston Planning Scheme arising from the Post War Modernist Heritage Study Part 2.</p>
<p>13 April 2015</p>	<p><b>Erosion Management Overlay - Data Collection in the Oliver’s Hill Area - Continued Compilation of Data</b></p> <p><b>Council Decision</b>  <i>Moved: Councillor Dooley Secoded: Councillor Taylor</i></p> <p><i>That Council abandons the continued compilation of geotechnical data consistent with the methodology adopted in the previous Council report on this matter.</i></p> <p><b>Carried Unanimously</b></p>	<p>An earlier study into slope stability undertaken for Council had recommended that Council gather and maintain monitoring data for the Oliver’s Hill area, provided landowners were sufficiently supportive. A survey of landowners revealed that few were interested in participating, so this initiative was not continued.</p>
<p>13 April 2015</p>	<p><b>Streamlined process for Industrial Applications</b></p> <p><b>Council Decision</b></p>	<p>Council here has approved a streamlined process for industrial planning applications, and had earlier</p>

Date	Resolution	Comment
	<p>Moved: Councillor Taylor    Seconded: Mayor Mayer</p> <p><i>That:</i></p> <ol style="list-style-type: none"> <li>1. <i>Council endorses the streamlined program for Industrial Planning Applications and its widespread promotion.</i></li> <li>2. <i>The program be promoted widely to regular users and that the report on industrial applications be reported quarterly in the regular progress reports to Council.</i></li> <li>3. <i>Council endorses the Priority Procedure for Planning Applications in the Frankston Metropolitan Activity Centre, and be promoted widely to regular users.</i></li> </ol> <p><b>Carried</b></p>	<p>approved a streamlined process for all planning applications within the FMAC area.</p> <p>Officers have implemented a process where eligible applications are considered at a fortnightly internal meeting and potential referral issues are expedited. Planning scheme provisions for these developments have been progressively simplified or removed, so that the remaining approvals can be more easily handled.</p>
13 April 2015	<p><b>Local Planning Policy: Gaming</b></p> <p><b>Council Decision</b> <b>Moved: Councillor Dooley                      Seconded: Councillor Aitken</b></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>Endorses the ‘Frankston Local Gambling Policy Planning Implementation Report’ including recommendations pertaining to the Frankston Planning Scheme.</i></li> <li>2. <i>Includes the gaming revisions to the Municipal Strategic Statement and the new Local Planning Policy as part of the documentation of the Planning Scheme Review to be forwarded to the Minister for Planning for authorisation to prepare and exhibit a planning scheme amendment.</i></li> </ol> <p><b>Carried Unanimously</b></p>	<p>Council’s new policy on Gaming Machines was incorporated into the Frankston Planning Scheme by Am C100, on 19 October 2017.</p>
25 May 2015	<p><b>Local Planning Policy: Gaming</b></p> <p><b>Council Decision</b> Moved: Councillor Aitken    Seconded: Councillor Dooley</p> <p><i>That Council endorses the Frankston Gaming Local Policy, amendments to clause 21.08 and the Schedule to Clause 52.28-3 of the Municipal Strategic Statement.</i></p>	<p>Council’s new policy on Gaming Machines was incorporated into the Frankston Planning Scheme by Am C100, on 19 October 2017. (This item was revisited to ensure that Council had properly adopted the</p>

Date	Resolution	Comment
25 May 2015	<p><b>Carried Unanimously</b></p> <p><b>Frankston Metropolitan Activity Centre Structure Plan</b></p> <p>Moved: Councillor Hampton      Seconded: Councillor Taylor</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>Adopts the Frankston Metropolitan Activity Centre Structure Plan</i></li> <li>2. <i>Authorises officers to lodge a request with the Minister for Planning to prepare a planning scheme amendment to implement the Structure Plan into the Frankston Planning Scheme.</i></li> <li>3. <i>Endorses the Action Plan.</i></li> </ol> <p><b>Carried</b></p>	<p>Gaming Policy and authorised the planning scheme amendment content.)</p> <p>Council adopted the Frankston Metropolitan Activity Centre Structure Plan (FMAC Structure Plan) and authorised officers to submit a request with the Minister for Planning to prepare a Planning Scheme Amendment to implement the FMAC Structure Plan into the Frankston Planning Scheme. Amendment C111 was gazetted on 22 November 2018. Amendments C123 and C124 are with the minister for final approval and gazettal. These three amendments will together implement the main planning scheme changes envisaged by the FMAC Structure Plan and the FMAC Action Plan.</p>
22 June 2015	<p><b>Frankston Planning Scheme Amendment C109 - Report on Review of Submissions to the Amendment and Progression to a Planning Panel</b></p> <p><b>Council Decision</b></p> <p><i>Moved: Councillor Taylor    Seconded: Councillor Cunial</i></p> <p><i>That:</i></p> <ol style="list-style-type: none"> <li>1. <i>Council notes the submissions to Frankston Planning Scheme Amendment C109 Erosion Management Overlay.</i></li> <li>2. <i>Council continues to progress Amendment C109.</i></li> <li>3. <i>Council write to Planning Panels Victoria to formally request an independent Planning Panel be convened to consider the submissions to Amendment C109.</i></li> <li>4. <i>Council advises all submitters of Council's decision.</i></li> </ol> <p><b>Carried Unanimously</b></p>	<p>The permanent provisions for managing land slip risk for the Oliver's Hill area were introduced into the Frankston Planning Scheme by Am C109 on 3 March 2016.</p>

Date	Resolution	Comment
13 July 2015	<p><b>NOM 1126 Cash in lieu car parking scheme</b></p> <p><b>Council Decision</b> Moved: Councillor Hampton      Seconded: Councillor Cunial</p> <p><i>That Council implements Cash-in-lieu of Car Parking Scheme for the Frankston Metropolitan Activity Centre that will allow Council to directly attract funding for public car parking from new developments in the FMAC Structure Plan area. The Cash-in-lieu of Car-parking scheme will have the following key elements:</i></p> <ul style="list-style-type: none"> <li>a) <i>That locations be identified with in the FMAC which could be utilised for car parking, using funding from a future cash in lieu scheme and a report be brought back to Council quarterly on the progress of the cash in lieu scheme.</i></li> <li>b) <i>A Parking Scheme Overlay will apply to all developments in the FMAC area to ensure they are eligible to participate in the Cash-in-lieu of Car Parking Scheme should they choose not to provide the Frankston Planning Scheme’s required car parking spaces on their own development site.</i></li> <li>c) <i>Council’s Cash-in-lieu of Car Parking Scheme may include the funding of additional public car parking areas to be provided within the FMAC area as components of the Cash-in-Lieu of Car Parking Scheme.</i></li> <li>d) <i>That this project become a priority of Council.</i></li> <li>e) <i>That a comprehensive report be brought back to Council on the Parking Precinct Plan that has been undertaken to date and the cost.</i></li> </ul> <p><b>Carried Unanimously</b></p>	<p>Am C111 was prepared by Council in 2015-2016 to introduce a car parking overlay for the FMAC area, including a cash-in-lieu of car parking scheme.</p> <p>Am C111 was gazetted on 22<sup>nd</sup> November 2018.</p>
13 July 2015	<p><b>Metropolitan Planning Levy</b></p> <p><b>Council Decision</b> Moved: Councillor Taylor      Seconded: Councillor Tayler</p> <p><i>That the Council:</i></p> <ul style="list-style-type: none"> <li>1. <i>Write to the Premier of Victoria, the Minister for Planning, the Opposition Leader and the Shadow Planning Minister to request that the revenue from the Metropolitan Planning Levy be diverted to Local Government to assist with the rising cost of assessing Planning Applications; and</i></li> <li>2. <i>Write to the Premier of Victoria, the Minister for Planning, the Opposition Leader and the Shadow Planning Minister to request the implementation of indexation on planning application fees to assist Local Government to offset the rising cost of assessing Planning Applications.</i></li> </ul>	<p>Council’s advocacy to the State Government was partly successful in that regulated town planning application fees were increased by the State Government in October 2016.</p> <p>However no change to the allocation of funds raised by the Metropolitan Planning Levy has been achieved to date.</p>

Date	Resolution	Comment
	<p><b>Background</b>                      On 1 July 2015, the State Government introduced the Metropolitan Planning Levy. The Levy applies to all planning applications over \$1M. The Levy rate is set at \$1.30 per \$1,000 (or 0.13% of the whole value of the development) for affected projects.                      The Levy must be paid to the State Revenue Office to receive a Levy certificate. Responsible authorities in the Melbourne metropolitan area are required to check that, if required, a valid Levy certificate is submitted with a Planning Permit application.                      In the 14/15 financial year, Council's total fee income was \$600,000 while the labour and associated costs of the Statutory Planning service totalled around \$1.5 million a net cost to the ratepayer of \$900,000. This is due to the Government not implementing Planning Fee indexation.                      The implementation of Rate Capping, the absence of Planning Fee Indexation, the rising cost associated with accessing planning applications and now, the cost of administering Valid Levy Certificates, will be a challenge for all Victorian Councils.                      This highlights that residents are subsidising developers' profits while the State Government is imposing additional charges for their own revenue while simultaneously continuing to demand Council's reduce costs and spending further, constraining Council's ability to deliver services.</p> <p><b>Carried Unanimously</b></p>	
<p>3 August 2015</p>	<p><b>NOM 1131 Cash in lieu Steering Committee</b></p> <p><b>Council Decision</b>                      Moved: Councillor Hampton      Seconded: Councillor Taylor</p> <p><i>That this Council form a Steering Committee comprising interested Councillors, CEO and Officers from the Planning Department to overview the completion of Council's Cash-in Lieu Car Parking Scheme and this committee to meet on a monthly basis in order to prepare a business case for a cash-in lieu public car park facility in the Frankston Metropolitan Activity Centre (FMAC) by January 2016.</i></p> <p><b>Carried Unanimously</b></p>	<p>Council's FMAC Parking Precinct Plan was adopted by Council on 8 August 2017.</p> <p>Am C111 was prepared by Council in 2015-16 to introduce a car parking overlay for the FMAC area, including a cash-in-lieu of car parking scheme.</p> <p>Am C111 was eventually gazetted on 22<sup>nd</sup> November 2018</p>
<p>3 August 2015</p>	<p><b>NOM 1132 Multi-Dwelling Visitor Car Parking Guidelines</b></p> <p><b>Council Decision</b>                      Moved: Councillor Hampton      Seconded: Councillor Taylor</p>	<p>Am C114 which sought to introduce Council's Multi-Dwelling Visitor Parking Guidelines into the Planning Scheme as a Parking Overlay, was not approved by the Minister for Planning to go on</p>

Date	Resolution	Comment
	<p><i>That a report be prepared for Council on the business case and process for the preparation of an amendment to the Frankston Planning Scheme that will effectively incorporate the visitor car-parking provision standards as set out in Council's Multi-Dwelling Visitor Car Parking Guidelines and apply these to all relevant residential zones without impacting on neighbourhood character and landscape area. This is to ensure the consistent implementation of the visitor car parking provisions for all new multi-unit residential development.</i></p> <p><b>Carried Unanimously</b></p>	<p>public exhibition. Council was advised of the Minister's decision on 28 February 2017</p>
<p>3 August 2015</p>	<p><b>Private Planning Scheme Amendment Policy</b></p> <p><b>Council Decision</b> <i>Moved: Councillor Aitken Secoded: Councillor Cunial</i> <i>That Council support the adoption of the draft Private Planning Scheme Amendment Policy and agree that the draft Policy be placed on public exhibition for a four (4) week period.</i></p> <p><b>Carried Unanimously</b></p>	<p>Council introduced a policy and fee schedule for accepting and processing privately sponsored planning scheme amendments as a result of this decision. Council's fees were superseded by the new fees for planning scheme amendments that were introduced by the State Government in October 2016.</p>
<p>3 August 2015</p>	<p><b>NOM 1128 - Oliver's Hill Lookout</b></p> <p><b>Council Decision</b> <i>Moved: Councillor Tayler Secoded: Councillor Dooley</i></p> <p><i>In line with the draft Coastal Management Plan, that Council supports the request for signage at Oliver's Hill lookout to enable visitors to understand the history of Oliver's Hill and Frankston also that large binoculars be installed at the lookout.</i></p> <p><b>Carried Unanimously</b></p>	<p>Council adopted a new Coastal Management Plan for Frankston in 2016. The Oliver's Hill Lookout was identified as a key tourist asset for the city and the plan recommended an upgrade of the public facilities and infrastructure at that location. This is yet to be fully implemented, however the current Olivers Hill Breakwater project is likely to result in improved pedestrian access and interpretative signage for this area</p>
<p>24 August 2015</p>	<p><b>Frankston Planning Scheme Amendment C110 - Report on Review of Submissions to the Amendment and Progression to a Planning Panel</b></p> <p><b>Council Decision</b> <i>Moved: Councillor Aitken Secoded: Councillor Mayer</i></p>	<p>Am C110 (Part 1) was gazetted on 14 January 2016. The Amendment applies the Heritage Overlay (HO) to thirteen properties in Frankston and Frankston South.</p>

Date	Resolution	Comment
	<p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>Notes the submissions to Frankston Planning Scheme Amendment C110 (application of the Heritage Overlay to seventeen (17) properties).</i></li> <li>2. <i>Resolves to split Amendment C110 into two parts.</i></li> <li>3. <i>Resolves to adopt Amendment C110 part A and forward this to the Minister for Planning for approval.</i></li> <li>4. <i>Authorises Officers to request an independent Planning Panel be convened to consider the submissions objecting to Amendment C110 part B.</i></li> <li>5. <i>Advises all submitters of Council's decision.</i></li> </ol> <p><b>Carried</b></p>	<p>Am C110 (Part 2) was gazetted on 18 February 2016. This introduced a further 4 properties into the Frankston Planning Scheme arising from the Post War Modernist Heritage Study Part 2.</p>
<p>26 October 2015</p>	<p><b>Draft Community Engagement Policy 2015-2017</b></p> <p><b>Council Decision</b> Moved: Councillor Hampton      Seconded: Councillor Tayler</p> <p><i>That:</i></p> <ol style="list-style-type: none"> <li>1. <i>Council re-endorses the Draft Community Engagement Policy 2015-2017.</i></li> <li>2. <i>Council notes that changes to the policy (as per the attachment showing amendments) are minimal and as such the amended policy does not trigger a public exhibition process.</i></li> </ol> <p><b>Carried Unanimously</b></p>	<p>Council has sought to introduce consistency to its community engagement activity across all Council areas of activity. For recent planning projects and scheme amendments, Council has implemented consultation activity that extends well beyond the normal statutory requirements for public advertising and review. The Community Engagement Policy is now due for review and this should be completed by the end of 2019.</p>
<p>26 October 2015</p>	<p><b>Earthworks and the Importation of Fill - Planning Controls</b></p> <p><b>Council Decision</b> Moved: Councillor Dooley Seconded: Councillor Tayler</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>Applies to the Minister for Planning in accordance with Section 9(3) of the Planning and Environment Act 1987 to obtain authorisation to prepare Amendment C112 which will introduce planning controls for:</i> <ul style="list-style-type: none"> <li>- <i>Earthworks which change the rate of flow or the discharge point of water across a property boundary;</i></li> <li>- <i>Earthworks which increase the discharge of saline groundwater; and</i></li> <li>- <i>Earthworks which involve the receipt, importation, stockpiling or placement of more than 100 cubic metres of fill.</i></li> </ul> </li> </ol>	<p>Amendment C112 was gazetted in 13 October 2016. The amendment changes the Schedule to the Green Wedge Zone (Clause 35.04), Schedules 1, 1, 3 and 4 to the Rural Conservation Zone (Clause 35.06), the Schedule to the Farming Zone (Clause 35.07) and Schedule 4 to the Design and Development Overlay (Clause 43.02), to require permits for earthworks and land filling activities.</p>

Date	Resolution	Comment
	<p>2. Authorises Council officers to prepare the amendment documents.</p> <p>3. Once authorisation is received, exhibit Planning Scheme Amendment C112 in accordance with Sections 17-19 of the Planning and Environment Act 1987, notifying all owners, occupiers and prescribed authorities.</p> <p><b>Carried Unanimously</b></p>	<p>This is an important change to allow Council to ensure that earthworks in rural areas of the city do not interfere with stormwater and drainage flow.</p>
<p>26 October 2015</p>	<p><b>Frankston Native Vegetation Protection Study - Request to prepare and exhibit Planning Scheme Amendment</b></p> <p><b>Council Decision</b> Moved: Councillor Aitken Seconded: Councillor Dooley</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. Adopts the Frankston Native Vegetation Protection Study.</li> <li>2. Applies to the Minister for Planning in accordance with Section 9 (3) of the Planning and Environment Act 1987 to obtain authorisation to prepare and exhibit a Planning Scheme Amendment to implement the recommendations of the Frankston Native Vegetation Protection Study.</li> <li>3. Authorises Council Officers to prepare the amendment documentation.</li> <li>4. Once authorisation is received, exhibits the Planning Scheme Amendment in accordance with Sections 17 – 19 of the Planning and Environment Act 1987, notifying all owners, occupiers and prescribed authorities.</li> </ol> <p><b>Carried Unanimously</b></p>	<p>Council has progressively enhanced the Frankston Planning Schemes vegetation protection provisions to ensure that the native habitat and landscape values of native vegetation can be better protected. Amendment C113 to the Frankston Planning Scheme was gazetted on 4 May 2017. The amendment implements the findings of the ‘<b>Frankston Native Vegetation Protection Study, January 2016</b>’ updates vegetation protection controls to conform to Australian Standards, provides consistent permit triggers for buildings and works and vegetation removal, corrects mapping anomalies and removes outdated vegetation protection controls.</p>
<p>26 October 2015</p>	<p><b>Planning Scheme Amendment C109 - Report on Findings and Recommendations of Panel Report</b></p> <p><b>Council Decision</b> Moved: Councillor Dooley Seconded: Councillor Tayler <i>That Council notes the Panel Report and authorises officers to request the Minister for Planning to adopt Amendment C109 as exhibited, and replace the interim provisions with the permanent controls.</i></p> <p><b>Carried Unanimously</b></p>	<p>The permanent provisions for managing land slip in the Oliver’s Hill area were introduced into the Frankston Planning Scheme by Am C109 on 3 March 2016.</p>

Date	Resolution	Comment
16 November 2015	<p><b>Affordable Housing and Homelessness</b></p> <p><b>Council Decision</b>                      Moved: Councillor Aitken Seconded: Councillor Tayler</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>Receives the draft discussion paper.</i></li> <li>2. <i>Notes the 'Community Roof' project is subject to an existing and separate process.</i></li> <li>3. <i>Endorses the recommendations which include:</i> <ol style="list-style-type: none"> <li>3.1 <i>Advocating to State and Commonwealth Government for a standard set of indicators and quarterly reporting to be built into NGO funding agreements to enable real time trends</i></li> <li>3.2 <i>Advocating to State Government to amend the Victorian Planning provisions to authorise Local Government to make decisions about rooming house density and location</i></li> <li>3.3 <i>Enhancing planning controls to encourage more affordable housing in Frankston</i></li> <li>3.4 <i>Advocating to State Government for improved duty of care provisions to ensure adequate on site management of rooming houses</i></li> <li>3.5 <i>Supporting accommodation options for people experiencing homelessness including:</i> <ol style="list-style-type: none"> <li>3.5.1 <i>Development of the 'Community Roof' project</i></li> <li>3.5.2 <i>Establishing a suitable independent governance structure to manage collection and expenditure of donations to address and prevent homelessness</i></li> <li>3.5.3 <i>Seeking State Government funding partnership to establish a housing demonstration project</i></li> <li>3.5.4 <i>Advocating to State Government for assertive case management.</i></li> </ol> </li> </ol> </li> </ol> <p><b>Carried Unanimously</b></p>	<p>Council has taken a number of steps to address affordable housing and homelessness within Frankston. Council was successful in 2016 in obtaining a State Government grant to prepare feasibility studies for affordable and social housing projects on Government owned land. When completed in late 2019, this work may lead to further planning scheme changes being sponsored by Council.</p>
7 December 2015	<p><b>Planning Scheme Amendment C110 Part 2 – Report on Findings and Recommendations of Panel Report</b></p> <p><b>Council Decision</b>                      Moved: Councillor Aitken Seconded: Councillor Cunial</p> <p>That Council note the Panel Report and authorise officers to request the Minister for Planning to adopt the Amendment as exhibited subject to the following changes:</p>	<p>Amendment C110 added a further 4 entries onto Council's Heritage Overlay, following a formal panel review process. Am C110 (Part 2) was gazetted on 18 February 2016</p>

Date	Resolution	Comment
	<ul style="list-style-type: none"> <li>Delete the reference to the former squash court in 83-99 Stotts Lane, Frankston South (HO74) in the Schedule to the Heritage Overlay and reduce the extent of the Heritage Overlay to exclude the former squash court and caretaker's residence.</li> </ul> <p><b>Carried</b></p>	
7 December 2015	<p><b>Draft Frankston Coastal Management Plan</b></p> <p><b>Council Decision</b>            Moved: Councillor Aitken Seconded: Councillor Taylor  <i>That:</i></p> <ol style="list-style-type: none"> <li>The draft Coastal Management Plan is endorsed for public exhibition and comment;</li> <li>The consultation process closes on Wednesday 3 February 2016;</li> <li>A copy of the draft document be forwarded to the Premier, Minister for Environment, Minister for Local Government highlighting the potential for additional costs associated with Council managing crown land, and that this may prove difficult as a result of the impact of rate capping;</li> <li>The draft Coastal Management Plan contain a section in its own right titled Weed Management; and</li> <li>A further report on the outcomes of the consultation process be presented to Council by April 2016.</li> </ol> <p><b>Carried Unanimously</b></p>	<p>Council adopted the Frankston Coastal Management Plan in 2016. This document provides guidance for managing new development and activities across the full extent of Frankston's 11km coastline and foreshore areas.</p> <p>The Coastal Plan 2016 should be included in the Frankston Planning Scheme as an incorporated document.</p>
7 December 2015	<p><b>Funding of Frankston history film and Frankston history event 2016</b></p> <p><b>Council Decision</b>            Moved: Councillor Aitken Seconded: Councillor Cunial</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>Endorses the completion of the Frankston history film with a total funding commitment of \$7,500; and</li> <li>Supports the convening of another Frankston History event at a cost of no more than \$2,500.</li> </ol> <p><b>Carried Unanimously</b></p>	<p>Council has instituted an annual history day to celebrate and promote Frankston's social history. This activity complements efforts to add properties to the Frankston Planning Scheme's heritage overlay.</p>
1 Feb 2016	<p><b>NOM 1189 - Meetings with applicants for proposed developments</b></p> <p><b>Council Decision</b>            Moved: Councillor Hampton Seconded: Councillor Aitken</p>	<p>The <i>Town Planning Processes Guide for Councillors</i> (Document Number A3219028) was formally adopted by Council at its meeting held on 13 June 2017 as part of the</p>

Date	Resolution	Comment
	<p><i>That Council resolves that at any scheduled meetings, held between a Councillor and the developer/applicant/consultant for any development proposed within the City of Frankston, a minimum of two members of Council staff also be in attendance.</i></p> <p><i>That legal advice be sought to have this incorporated into the Councillor Code of Conduct.</i></p> <p><b>Carried</b></p>	<p><b><i>Councillor and Staff Interaction Policy 2017.</i></b></p> <p>It was modified by NoM 2018/31 on 4 June 2018 to add a requirement for Councillors to fill out a standard template for all call-ins including grounds for the call in.</p> <p>This adopted document sets out the triggers and procedures for applications to be 'called-in' for decision at a Council meeting.</p> <p>It includes as an appendix the <b><i>Planning Application Submitters and Objectors Engagement Procedure</i></b> which commenced on 5 December 2016.</p> <p>This Procedure stipulates the need for 2 Council officers to be present whenever Councillors meet with applicants whose planning application is yet to be decided.</p>
<p>15 March 2016</p>	<p><b>NOM 1195 - Metropolitan Planning Levy</b></p> <p><b>Council Decision</b>          Moved: Councillor Taylor Seconded: Councillor Mayer</p> <p><i>That Council writes to the Minister for Planning, Hon Richard Wynne, requesting:</i></p> <ol style="list-style-type: none"> <li><i>an exemption for the requirement to pay \$2,000 to the Metropolitan Planning Levy for the redevelopment of the Frankston Basketball Stadium; and</i></li> </ol>	<p>Council was unsuccessful in its request to the State Government that Council be exempted from paying the Metropolitan Planning Levy for community infrastructure projects.</p>

Date	Resolution	Comment
	<p>2. <i>an exemption for local government from the requirement to pay the Metropolitan Planning Levy for the development of community facilities.</i></p> <p><i>Further, that copies of the letter be sent to the Minister for Local Government, Hon Natalie Hutchins, Shadow Minister for Planning and Shadow Minister for Local Government, Hon David Davis, State Member for Frankston, Mr Paul Edbrooke and State Member for Carrum, Ms Sonya Kilkenny.</i></p> <p><b>Carried Unanimously</b></p>	
26 April 2016	<p><b>Frankston Planning Scheme Amendment C113 - Report on Review of Submissions to the Amendment and Progression to a Planning Panel.</b></p> <p><b>Council Decision</b> Moved: Councillor Mayer    Seconded: Councillor Cunial <i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>Notes the submissions to Frankston Planning Scheme Amendment C113 Frankston Vegetation Review.</i></li> <li>2. <i>Continues to progress Planning Scheme Amendment C113.</i></li> <li>3. <i>Writes to Planning Panels Victoria to formally request an independent Planning Panel be convened to consider the submissions to Amendment C113.</i></li> <li>4. <i>Advises all submitters of Council's decision</i></li> </ol> <p><b>Carried Unanimously</b></p>	<p>Am C113 was adopted on 4 May 2017. The amendment implements the findings of the 'Frankston Native Vegetation Protection Study, January 2016 updates vegetation protection controls to conform to Australian Standards, provides consistent permit triggers for buildings and works and vegetation removal, corrects mapping anomalies and removes outdated vegetation protection controls</p>
16 May 2016	<p><b>Endorsement of the Melbourne Water Flood Management Strategy - Port Phillip and Westernport.</b></p> <p><b>Council Decision</b> Moved: Councillor Hampton    Seconded: Councillor Tayler <i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>Endorses the Melbourne Water Flood Management Strategy – Port Phillip and Westernport; and</i></li> <li>2. <i>Notes the endorsement of the Strategy carries no financial obligation to Council.</i></li> </ol> <p><b>Carried Unanimously</b></p>	<p>Council has been working with Melbourne Water on the need to update the LSIO and SBO overlays in the Frankston Planning Scheme to reflect new modelling, the impacts of sea level rise, and to differentiate the Melbourne Water and Council management sub-catchments for development assessment purposes.</p> <p>As a result of the completion of new flood mapping work, Council will need to initiate a new planning scheme</p>

Date	Resolution	Comment
		amendment to update the SBO and LSIO overlay maps and to introduce a new schedule and overlay map for land that will be subject to inundation as a result of predicted sea level rise
16 May 2016	<p><b>NOM 1203 - Heritage Trail - Streetscape Images</b></p> <p><b>Council Decision</b></p> <p>Moved: Councillor Taylor Seconded: Councillor Aitken</p> <p><i>That a review be undertaken and reported back to Council for the potential installation of historic interpretive signage pictures of streetscapes at selected locations across the Frankston Metropolitan Activity Centre by July meeting.</i></p> <p><b>Carried Unanimously</b></p>	<p>Council's Heritage Advisory Committee has overseen a project to implement a heritage trail of interpretative panels in Frankston.</p> <p>A series of 5 panels have been designed as part of this initiative with installation of the first few to be completed by June 2019.</p>
3 July 2017	<p><b>Submission - Review of the Public and Shared Housing Reforms</b></p> <p><b>Council Decision</b></p> <p>Moved: Councillor McCormack Seconded: Councillor Aitken</p> <p>That:</p> <ol style="list-style-type: none"> <li>1. <i>Council endorses the submission (Attachment A) dated 16 June 2017 to the Review of the Public and Shared Housing Reforms.</i></li> <li>2. <i>Officers forward the submission to the Department of Environment, Land, Water and Planning noting that the submission is now an adopted Council position.</i></li> <li>3. <i>That the submission also recommends that future changes should allow Councils to have the ability to assess 'built form', 'location', 'management' and 'cumulative and amenity impacts' that are associated with public and shared housing.</i></li> </ol> <p><b>Carried Unanimously</b></p>	<p>Council has consistently sought better controls across a range of legislation to help regulate boarding houses and other forms of shared accommodation. While Council continues to advocate for greater provision of affordable and social housing in the city, the need to protect residential amenity remains a critical concern of planning for new development.</p>
18 July 2016	<p><b>Assessment of the Down's Estate Community Working Group Project Proposal</b></p> <p><b>Council Decision</b></p> <p>Moved: Councillor Aitken Seconded: Councillor Cunial</p>	<p>The Downs Estate is a large parcel of private land owned by Council abutting the Seaford Wetlands Ramsar site. Council has licensed a community group to use a portion of the Down's</p>

Date	Resolution	Comment
	<p><i>That Council resolves to support Option 4 (\$40,000) to:</i></p> <p>A. <i>Support the Down's Estate Community Working Group (DECWG) proposal in principle.</i></p> <p>B. <i>Enter into a 12 month limited use licence for certain activities once the group is incorporated.</i></p> <p>C. <i>Undertake basic restoration of the shed including security measures (\$32,000).</i></p> <p>D. <i>Undertake some minor works (\$8,000).</i></p> <p>E. <i>Retain the house for a further 18 months with the option to renovate it contingent on funding availability and the progress of the DECWG program.</i></p> <p>F. <i>Noting that any proposed funding from Council's budget is subject to consideration at the mid-year budget review and its adoption by Council.</i></p> <p><b>Carried Unanimously</b></p>	<p>Estate for a range of community environmental and educational activities that complement the natural values of that are to be retained and protected on this site.</p> <p>Council should further consider the appropriate zoning of this land to reflect its conservation status using for example the Public Conservation and Resource Zone. The same could apply to other Council and Melbourne Water owned land parcels within the Seaford Wetlands area.</p>
<p>3 July 2017</p>	<p><b>Frankston Green Wedge Management Plan Stakeholder Engagement Program</b></p> <p><b>Council Decision</b> Moved: Councillor McCormack    Seconded: Councillor Aitken</p> <p>1. <i>That Council endorses Stream 1 and Stream 2 of the Stakeholder Engagement Program towards the production of a Green Wedge Management Plan.</i></p> <p>2. <i>With respect to Stream 3:</i></p> <p>a) <i>All meetings proposed for a 'deliberating group' are to be open to any member of the community wishing to participate and there is to be no 'random selection' of ratepayers for this purpose.</i></p> <p>b) <i>All community engagement meetings are to be advertised on Council's website.</i></p> <p><b>Carried</b></p>	<p>The Green Wedge lands comprise one third of the Frankston City area. Council is required to undertake the preparation of a GWMP by State Government regulation. Given the importance of the Green Wedge to the city and the community, Council has sought to broaden the engagement opportunities for the participation of interested people in the GWMP preparation process.</p> <p>The draft GWMP is expected to be exhibited by Council in April/May 2019.</p>
<p>3 July 2017</p>	<p><b>NOM 1336 - Green Infrastructure</b></p> <p><b>Council Decision</b> Moved: Councillor Toms    Seconded: Councillor Aitken</p> <p><i>That a report be prepared for the October Council meeting detailing options for Frankston City Council to become a leader in Urban Forest / green initiatives.</i></p>	<p>Council has consistently sought to improve its planning policies and provisions to support 'green' initiatives including Ecologically Sustainable Development (ESD), Water Sensitive Urban Design (WSUD), Urban Forest outcomes and incentives to support</p>

Date	Resolution	Comment
	<p><i>The report should consider:</i></p> <ol style="list-style-type: none"> <li>1. <i>Current and future green initiatives within the Frankston municipality including the delivery of a boulevard program;</i></li> <li>2. <i>Current initiatives run by State Government or other municipalities and the possibility of these programs being initiated within Frankston, for example Melbourne City Council's Green Infrastructure fund;</i></li> <li>3. <i>Opportunities to replicate successful funding models for green initiatives elsewhere;</i></li> <li>4. <i>Opportunities to ensure green infrastructure, other than tree canopies, is incorporated into the fabric of the city, including, but not limited to green walls and roofs; and</i></li> <li>5. <i>The timing and resources required for preparation of an Urban Forest Action Plan and how such a plan could incorporate green infrastructure other than tree canopy, including but not limited to green walls and roofs.</i></li> <li>6. <i>That Council officers explore and research the practice of resident and commercial rebates for the use of green friendly products and practices (City of Whitehorse) and consider them for the City of Frankston where it is demonstrated to be practicable and beneficial.</i></li> </ol> <p><b>Carried</b></p>	<p>quality urban design and energy efficiency in new buildings and urban area. This interest culminated in a resolution in 2018 to implement mandatory ESD provisions into the Frankston Planning Scheme. These are expected to be introduced as a part of "group of Councils' planning scheme amendment in 2020.</p>
18 July 2016	<p><b>Frankston Planning Scheme Amendment C100 - Report on Review of Submissions to the Amendment and Progression to a Planning Panel</b></p> <p><b>Council Decision</b>            Moved: Councillor Aitken    Seconded: Councillor Mayer            That Council:</p> <ol style="list-style-type: none"> <li>1. <i>Notes the submissions to Frankston Planning Scheme Amendment C100 LPPF Review.</i></li> <li>2. <i>Continues to progress Planning Scheme Amendment C100.</i></li> <li>3. <i>Writes to Planning Panels Victoria to formally request an independent Planning Panel be convened to consider the submissions to Amendment C100.</i></li> <li>4. <i>Advises all submitters of Council's decision.</i></li> </ol> <p><b>Carried Unanimously</b></p>	<p>Council's previous review of the Frankston Planning Scheme (undertaken in 2013-2014) resulted in the preparation and adoption of Am C100. Background work commenced in July 2013. Am C100 was exhibited from April to June 2016. The amendment was heard by a Panel and subsequently adopted by Council. Am C100 was finally gazetted by the Minister for Planning on 19 October 2017.</p>
18 July 2016	<p><b>Response to the Joint Letter to Support the Part Rezoning of the Langwarrin Low Density Residential Zone to the General Residential Zone</b></p> <p><b>Council Decision</b>            Moved: Councillor Hampton    Seconded: Councillor Cunial</p>	<p>Council receives occasional requests for land to be rezoned to allow a higher residential densities. Council's consistent approach has been to refer these to the preparation and</p>

Date	Resolution	Comment
	<p><i>That:</i></p> <ol style="list-style-type: none"> <li>1. Council notes the Joint Letter was tabled and that the matters raised in the Joint Letter will be addressed at a future Council meeting within 6 – 12 months.</li> <li>2. The head signatory of the Joint Letter to be advised in writing of the action to be taken by Council to review its Housing Strategy and that the Joint Letter will be considered in full as a submission for the Frankston Housing Strategy Review to be undertaken within the current 2016-2017 financial year.</li> </ol> <p><b>Carried Unanimously</b></p>	<p>implementation of the Frankston Housing Strategy.</p> <p>This submission for the rezoning of land in Warrandyte Road, Langwarrin was considered as part of the Housing Strategy but did not get support in the Strategy recommendations. The Frankston Housing Strategy was adopted by Council on 4 June 2018. It will be implemented by proposed amendment C120 which is currently in preparation. The rezoning of Warrandyte Road to the General Residential Zone is not included in Am C120.</p>
<p>8 August 2016</p>	<p><b>Proposed Amendment C114: Multi-Dwelling Visitor Parking Overlay</b></p> <p><b>Council Decision</b>                      Moved: Councillor Hampton      Seconded: Councillor Cunial  <i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. Applies to the Minister for Planning in accordance with Section 9 (3) of the Planning and Environment Act 1987 to obtain authorisation to prepare and exhibit Planning Scheme Amendment Am C114 to introduce a Parking Overlay and related Schedule to the Frankston Planning Scheme.</li> <li>2. Authorises Council officers to prepare the amendment documentation.</li> <li>3. Once authorisation is received, exhibit the Planning Scheme Amendment in accordance with Sections 17 – 19 of the Planning and Environment Act 1987, notifying all owners, occupiers and prescribed authorities.</li> <li>4. Authorises the preparation of a report on introducing a Resident’s Parking Permit Scheme for selected residential and suburban locations within the City experiencing on-street parking conflicts.</li> </ol> <p><b>Carried Unanimously</b></p>	<p>Am C114 which sought to introduce Council’s Multi-Dwelling Visitor Parking Guidelines into the Planning Scheme as a Parking Overlay, was not approved by the Minister for Planning to go on public exhibition. Council was advised of the Minister’s decision on 28 February 2017.</p>
<p>8 August 2016</p>	<p><b>Proposed Planning Scheme Amendment C111 to introduce a Parking Overlay and Schedule into the Frankston Planning Scheme for the Frankston Metropolitan Activity Centre.</b></p>	<p>Am C111 that was gazetted on 22 November 2018 introduces a Car</p>

Date	Resolution	Comment
	<p><b>Council Decision</b>                      Moved: Councillor Hampton      Seconded: Councillor Cunial</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>Applies to the Minister for Planning in accordance with Section 9 (3) of the Planning and Environment Act 1987 to obtain authorisation to prepare and exhibit a Planning Scheme Amendment to introduce a Parking Overlay to the Frankston Planning Scheme that includes revised parking rates and a 'cash in lieu' provision for car parking in the Frankston Metropolitan Activity Centre.</i></li> <li>2. <i>Adopts the FMAC Parking Precinct Plan and Action Plan to be included as part of proposed Am C111</i></li> <li>3. <i>Authorises Council officers to prepare the amendment documentation.</i></li> <li>4. <i>Once the Minister's authorisation is received, exhibit the Planning Scheme Amendment in accordance with Sections 17-19 of the Planning and Environment Act 1987, notifying all owners, occupiers and prescribed authorities.</i></li> </ol> <p><b>Carried Unanimously</b></p>	<p>Parking Overlay and a cash-in-lieu of car parking scheme for the FMAC area.</p> <p>The related FMAC Precinct Plan was adopted by Council on 8 August 2018 and is an incorporated document in the Frankston Planning Scheme courtesy of Am C111.</p>
<p>8 August 2016</p>	<p><b>Frankston Heritage Trail</b></p> <p><b>Council Decision</b>                      Moved: Councillor Taylor      Seconded: Councillor Cunial</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>Supports a joint workshop of the Frankston Arts Board and Councillors to review the recommendations of the 2010 Frankston Heritage Trail report to identify preferred heritage signage and locations for the trail.</i></li> <li>2. <i>Notes that currently there is no allocated budget and any costs intended to be incurred this financial year may be referred to the mid-year budget review or alternatively the 2017/18 capital works program.</i></li> </ol> <p><b>Carried Unanimously</b></p>	<p>Council's Heritage Advisory Committee has overseen a project to implement a heritage trail of interpretative panels in Frankston.</p> <p>A series of 5 panels have been designed as part of this initiative with installation of the first few to be completed by June 2019.</p>
<p>29 August 2016</p>	<p><b>Frankston Planning Scheme Amendment C123 - Report on Review of Submissions to the Amendment and Progression to a Planning Panel</b></p> <p><b>Council Decision</b>                      Moved: Councillor Hampton      Seconded: Councillor Taylor</p> <p><i>That Council:</i></p>	<p>Council adopted Am C123 on 3 April 2018. The amendment is currently with the Minister for Planning awaiting final approval and gazettal.</p>

Date	Resolution	Comment
	<ol style="list-style-type: none"> <li>1. <i>Notes the submissions to Frankston Planning Scheme Amendment C123.</i></li> <li>2. <i>Continues to progress Planning Scheme Amendment C123.</i></li> <li>3. <i>Writes to Planning Panels Victoria to formally request an independent Planning Panel be convened to consider the submissions to Amendment C123.</i></li> <li>4. <i>Advises all submitters of Council's decision.</i></li> </ol> <p><b>Carried Unanimously</b></p>	
29 August 2016	<p><b>NOM 1223 - River Red Gum Protection</b></p> <p><b>Council Decision</b> Moved: Councillor Aitken Seconded: Councillor Mayer</p> <ol style="list-style-type: none"> <li>1. <i>That relevant Council officers and interested Councillors meet with members of the City of Greater Dandenong to present Frankston City Council's recent Native Vegetation study. By demonstrating the findings and recommendations of the Panel Report for Planning Scheme amendment C113 in particular, the introduction of proposed Significant Landscape Overlay 7 which aims to protect Red Gums throughout the Carrum Downs area with the mapping of individual trees and expanded tree protection zones, to encourage City of Greater Dandenong to continue the protection across the boundary by adopting a similar approach.</i></li> <li>2. <i>That Council writes to the State Government highlighting the significance of Red Gums throughout the area and seeking greater protection of this species.</i></li> <li>3. <i>That City of Greater Dandenong be encouraged to write to the State Government highlighting the significance of Red Gums throughout the area and seeking greater protection of this species.</i></li> </ol> <p><b>Carried Unanimously</b></p>	<p>Amendment C113 to the Frankston Planning Scheme was gazetted on 4 May 2017. The amendment implements the findings of the 'Frankston Native Vegetation Protection Study, January 2016 updates vegetation protection controls to conform to Australian Standards, provides consistent permit triggers for buildings and works and vegetation removal, corrects mapping anomalies and removes outdated vegetation protection controls.</p> <p>Council is continuing to investigate further changes to better protect River Red Gums in the Green Wedge areas of the municipality and in neighbouring areas.</p>
29 August 2016	<p><b>Frankston Planning Scheme Amendment C113 - Report on Findings and Recommendations of Panel Report</b></p> <p>Council Decision Moved: Councillor Aitken Seconded: Councillor Taylor</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>Notes the Panel Report.</i></li> </ol>	<p>Frankston Planning Scheme Amendment C113 seeks to implement the findings of the Frankston Native Vegetation Protection Study, January 2016 by updating vegetation protection controls</p>

Date	Resolution	Comment
	<p>2. <i>Authorises officers to request the Minister for Planning to adopt the Amendment, including the changes recommended by the Independent Panel excluding recommendations No 9 and No 10.</i></p> <p><b>Carried Unanimously</b></p>	<p>The amendment was gazetted on 4 May 2017.</p>
<p>19 September 2016</p>	<p><b>Oliver's Hill Lot Restructuring Plan Extension of Time Request Council Decision</b></p> <p><i>Moved: Councillor Cunial Secoded: Councillor Taylor That Council authorise officers to extend the time limit of the Olivers Hill Lot Restructuring Plan December 2010 for a period of a further two (2) years until the 1st of March 2019.</i></p> <p><b>Carried Unanimously</b></p>	<p>The residential zoned land between the Nepean Highway and the Bay in the south west corner of Frankston is not yet fully developed. The Olivers Hill Lot Restructuring Plan was included in the Planning Scheme so that the legacy subdivision pattern could be modified to better address land slip and access issues for this location. Council has agreed to extend the life of the Restructure Plan to allow it to continue to guide new development applications. In due course Council should consider extending the Erosion Management Overlay to include land in this area as far as the City's southern boundary as far as Kackerboite Creek. This will ensure consistency of planning controls for the whole Olivers Hill area.</p>
<p>19 September 2016</p>	<p><b>Frankston City Council Waste Management Guidelines for new Multi-Unit Developments Council Decision</b></p> <p>Moved: Councillor Hampton Secoded: Councillor Cunial</p> <p>That Council resolves to:</p> <ol style="list-style-type: none"> <li>1. <i>Receive the proposed Frankston City Council Waste Management Guidelines for new Multi-Unit Developments.</i></li> <li>2. <i>Place the Frankston City Council Waste Management Guidelines for new Multi-Unit Developments on public exhibition for a period of three weeks to seek public comment and input.</i></li> <li>3. <i>Request a report on any submissions received be prepared for review by Council and consideration of the Guidelines for adoption as a policy document.</i></li> </ol>	<p>All new residential developments are required to provide a design in accordance with these guidelines which allows for a Council collection service to occur. Exemptions to allow private waste collection for residential waste may be granted in exceptional circumstances at the discretion of Council.</p>

Date	Resolution	Comment
	<p><b>Carried Unanimously</b></p>	<p>Since adoption by Council in 2016, these guidelines have been applied to new development and are working well.</p> <p>The Guidelines should be now included as a reference document in the Frankston Planning scheme</p>
<p>19 September 2016</p>	<p><b>FMAC Streetscape Plan and Urban Forest Policy</b></p> <p><b>Council Decision</b> Moved: Councillor O'Reilly Seconded: Councillor Spelman</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>Notifies the head petitioner in relation to the tree at 15 Donnelly Rise, Frankston that the tree will not be removed in accordance with the Street Tree Management Policy.</i></li> <li>2. <i>Receives the Draft Frankston Urban Forest Policy and releases the policy for thorough public consultation with a report to be submitted to Council for adoption early in 2017.</i></li> <li>3. <i>Notes the Frankston Gateways Guiding Document and the Fletcher Road Gateway concept plan.</i></li> <li>4. <i>Notes the Frankston Metropolitan Activity Centre Streetscapes Palettes report that forms part of the Frankston Metropolitan Activity Centre Streetscape Plan which will be utilised to inform future designs of streets within the Activity Centre Area.</i></li> </ol> <p><b>Carried</b></p>	<p>The Urban Forest Policy was adopted by Council on 1<sup>st</sup> of May 2017.</p> <p>The Frankston Metropolitan Activity Centre Streetscapes Palette is used to inform both public and private projects in the FMAC area.</p> <p>Both documents should be referenced in the Frankston Planning Scheme.</p>
<p>19 September 2016</p>	<p><b>Frankston History Day 2016 Event Overview</b></p> <p><b>Council Decision</b> Moved: Councillor Cunial Seconded: Councillor Aitken</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>Note the success of the Frankston History Day 2016.</i></li> <li>2. <i>Thank the participants, including speakers and organisations, who contributed to the day's proceedings.</i></li> <li>3. <i>Agree that a report is to be prepared for the incoming Council setting out options for consideration on how a similar event could be held in 2017.</i></li> </ol>	<p>Council has instituted an annual history day to celebrate and promote Frankston's social history. This activity complements efforts to add properties to the Frankston Planning Scheme's heritage overlay.</p>

Date	Resolution	Comment
	<p>4. <i>Encourages the future Council to fund the completion of the short film featuring the City of Frankston for the period of 1966 to present.</i></p> <p><b>Carried Unanimously</b></p>	
<p>28 November 2016</p>	<p><b>Frankston Planning Scheme Amendment C100 - Report on Findings and Recommendations of Panel Report</b></p> <p><b>Council Decision</b> Moved: Councillor Hampton      Seconded: Councillor Toms</p> <p><i>That Council notes the Panel Report and authorises officers to request the Minister for Planning to adopt Frankston Planning Scheme Amendment C100 as exhibited, subject to the following changes:</i></p> <ol style="list-style-type: none"> <li>1. <i>Replace the word 'high' in the first policy statement in Clause 22.03-3 with the words 'appropriate higher'.</i></li> <li>2. <i>Relocate the last strategy for Objective 1 in Clause 21.08-2 to the last strategy for Objective 4 in Clause 21.05-2 and delete the words 'and flood'.</i></li> <li>3. <i>Retain the policy stated in the last dot point at Clause 22.03-3 of the current planning scheme.</i></li> <li>4. <i>Replace the existing Key Issue at Clause 21.06-1 that commences with 'Protecting waterways...' with 'Protecting waterways, significant wetlands and habitats and ecosystems (including the coastal zone) from inappropriate development or environmental degradation'.</i></li> </ol> <p><b>Carried Unanimously</b></p>	<p>Am C100 was finally gazetted by the Minister for Planning on 19 October 2017.</p>
<p>30 January 2017</p>	<p><b>Submission - Review of the Liquor Control Reform Act 1998</b></p> <p><b>Council Decision</b> Moved: Councillor Bolam      Seconded: Councillor Aitken</p> <p><i>That:</i></p> <ol style="list-style-type: none"> <li>1. <i>Council endorses the submission (Attachment A) dated 9 December 2016 to the Review of the Liquor Control Reform Act 1988 Consultation Paper.</i></li> <li>2. <i>The submission also recommends that all liquor licence holders be compulsory members of municipal liquor accords.</i></li> <li>3. <i>Officers forward the submission to the Office of Liquor, Gaming and Racing noting that the submission is now an adopted Council position.</i></li> </ol> <p><b>Carried Unanimously</b></p>	<p>Council continues to seek better clarity in the responsibility of planning authorities and the Liquor Licensing Commission for managing amenity issues for licensed premises.</p>

Date	Resolution	Comment
30 January 2017	<p><b>Frankston Planning Scheme Amendment C123 - Report on findings and recommendations of Panel Report For the Panel recommendations to be adopted and to request the Minister for Planning to adopt Amendment C123 into the Frankston Planning Scheme.</b></p> <p><b>Deferral Motion to another Council Meeting</b>                      Moved: Councillor Aitken Seconded: Councillor Hampton</p> <p><i>That the matter be deferred to allow new Councillors to be further informed and relisted in the near future.</i></p> <p><b>Carried</b></p>	<p>Council adopted Am C123 on 3 April 2018. The amendment is currently with the Minister for Planning awaiting final approval and gazettal.</p>
20 February 2017	<p><b>NOM 1281 - Seaford Downs Estate Report</b></p> <p><b>Council Decision</b></p> <p>Moved: Councillor Bolam Seconded: Councillor Aitken</p> <p><i>Upon the completion of the twelve month licence issued to the Down's Community Estate Project Group, a briefing be conducted between councillors, staff and members of the Down's Community Estate Project Group to discuss the future revitalisation of the Down's Estate site.</i></p> <p><b>Carried Unanimously</b></p>	<p>The Downs Estate is a large parcel of freehold land held by Council. It is adjacent to the Seaford Wetlands Ramsar area and is considered an important birdlife habitat for the city and the region. Council has licensed a community group to use part of the downs estate for environmental education and related purposes.</p> <p>Council should consider an appropriate zoning for this land and similar publically owned sites adjacent to the Seaford Wetlands to protect its conservation values.</p>
20 February 2017	<p><b>Review of Native Vegetation regulations</b></p> <p><b>Council Decision</b>                      Moved: Councillor McCormack Seconded: Councillor Aitken</p> <p><i>That Council notes the report and endorses the draft submission to be sent to the Department of Environment Land, Water and Planning.</i></p> <p><b>Carried Unanimously</b></p>	<p>The proposed changes to the native vegetation clearing regulations as presented in the Outcomes Report released by DELWP are supported in principle by Council officers.</p> <p>Generally, it was considered the proposed improvements will result in more effective regulation, however, the Outcomes Report and supporting</p>

Date	Resolution	Comment
		<p>documents lack detail on how some of these improvements will be implemented. The completion of this supporting documentation by DELWP is critical to the successful introduction of the improved regulations.</p> <p>Council's submission emphasises that the Responsible Authority should have the ability to require a site - based assessment in all cases where it considers the mapping is questionable.</p>
<p>20 February 2017</p>	<p><b>Report on Review of Submissions to the Exhibition of Council's Draft Waste Management Guidelines for new Multi-Unit Developments</b></p> <p><b>Council Decision</b>                      Moved: Councillor Toms    Seconded: Councillor Aitken</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>Notes the submission to the exhibition of Council's Draft Waste Management Guidelines for new Multi-Unit Developments.</i></li> <li>2. <i>Adopt the Waste Management Guidelines for new Multi-Unit Developments.</i></li> <li>3. <i>Advises all submitters of Council's decision.</i></li> </ol> <p><b>Carried Unanimously</b></p>	<p>Since adoption by Council in 2017, these guidelines have been applied to new development and are working well.</p> <p>The Guidelines should be now included as a reference document in the Frankston Planning scheme</p>
<p>1 May 2017</p>	<p><b>Draft Frankston Housing Strategy 2017</b></p> <p><b>Deferral Motion to another Council Meeting</b></p> <p>Moved: Councillor McCormack    Seconded: Councillor Bolam.</p> <p><i>That the matter be deferred to the next Ordinary Meeting on 22 May 2017.</i></p> <p><b>Carried</b></p>	<p>The Frankston Housing Strategy was adopted by Council on 4 June 2018</p>

Date	Resolution	Comment
1 May 2017	<p><b>Urban Forest Policy - Consultation Summary</b></p> <p><b>Council Decision</b></p> <p>Moved: Councillor Mayer Seconded: Councillor McCormack</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>Notes the submissions received and subsequent changes to the draft document.</i></li> <li>2. <i>Adopts the final Urban Forest Policy.</i></li> </ol> <p><b>Carried Unanimously</b></p>	<p>The Urban Forest Policy was adopted by Council on 1 May 2017. An Action Plan will be submitted to Council in mid-2019</p>
1 May 2017	<p><b>Frankston Planning Scheme Amendment C123 - Report on findings and recommendations of Panel Report</b></p> <p><b>Deferral Motion to another Council Meeting</b></p> <p>Moved: Councillor Bolam Seconded: Councillor Toms</p> <p><i>That the matter be deferred for further consideration.</i></p> <p><b>Carried</b></p>	<p>Council adopted Am C123 on 3 April 2018. The amendment is currently with the Minister for Planning awaiting final approval and gazettal.</p>
22 May 2017	<p><b>NOM 1317 - Frankston Nature Conservation Reserve</b></p> <p><b>Council Decision</b></p> <p>Moved: Councillor Bolam Seconded: Councillor Aitken</p> <p><i>That in light of the State Government's precipitous decision, without Council and community consultation, to discontinue the Frankston Nature Conservation Reserve Committee:</i></p> <ol style="list-style-type: none"> <li>1. <i>Council writes to Frankston MP, Paul Edbrooke and the Victorian Minister for the Environment, Lily D'Ambrosio MP seeking confirmation that the Frankston Reservoir will remain open to the public as per existing access arrangements upon the transfer of reserve stewardship to Parks Victoria; and</i></li> <li>2. <i>Letters of Appreciation be presented to members of the Frankston Nature Conservation Reserve Committee appointed in March 2014 and its volunteers, expressing appreciation for their tireless dedication to the Frankston Reservoir. Letters of appreciation be presented to the committee members and volunteers at the next 'Mayor's Picnic' event (in the spirit of NOM 1258).</i></li> <li>3. <i>That Council writes to the State Government and asks that the volunteers that are currently preserving the Frankston Nature Conservation Reserve be part of the future management of the reserve.</i></li> </ol>	<p>Council has maintained a close interest in the management of the FNCR. Council has consistently supported the conservation values of this reserve.</p> <p>Now that the FNCR is under the control of Parks Victoria it is considered timely to consider its rezoning from PUZ1 - PUBLIC USE ZONE - SERVICE AND UTILITY (which applies to water resources) to a suitable Conservation zoning e.g. PCRZ - PUBLIC CONSERVATION AND RESOURCE ZONE</p>

Date	Resolution	Comment
	<p><b>Carried Unanimously</b></p>	
<p>22 May 2017</p>	<p><b>C.4 Review of Kananook Creek Management Arrangements</b></p> <p><b>Council Decision</b>                      Moved: Councillor Bolam Seconded: Councillor Aitken  <i>That:</i></p> <ol style="list-style-type: none"> <li>1. Council notes the Kananook Creek Ministerial Advisory Committee – Final Report recommendations and proposal that Frankston City Council be appointed Committee of Management for all Crown Land within the Creek Corridor.</li> <li>2. Council requires a further investigation and specific information from the Minister about the future resourcing costs of implementing the Kananook Creek Ministerial Advisory Committee Final Report recommendations.</li> <li>3. Council consults the Kananook Creek Association regarding Items 1 and 2 and relay any observations and/or concerns from the Association to the Minister.</li> <li>4. A report be presented at the August Ordinary Meeting on the water management aspects of the creek, including proposed solution/s for meaningful and consistent de silting of the creek.</li> </ol> <p><b>Carried</b></p>	<p>The Kananook Creek is a major natural feature of the Council area and draws on substantial resources from Council to manage its natural values and to facilitate access by residents and visitors.</p> <p>Issues with silting of the Creek and with management of public land reserves are yet to be satisfactorily resolved.</p> <p>Council should initiate measures with the State Government to come to an agreement for future management arrangements.</p>
<p>3 July 2017</p>	<p><b>NOM 1336 - Green Infrastructure</b></p> <p><b>Council Decision</b>                      Moved: Councillor Toms Seconded: Councillor Aitken</p> <p>That a report be prepared for the October Council meeting detailing options for Frankston City Council to become a leader in Urban Forest / green initiatives.                      The report should consider:</p> <ol style="list-style-type: none"> <li>1. Current and future green initiatives within the Frankston municipality including the delivery of a boulevard program;</li> <li>2. Current initiatives run by State Government or other municipalities and the possibility of these programs being initiated within Frankston, for example Melbourne City Council’s Green Infrastructure fund;</li> <li>3. Opportunities to replicate successful funding models for green initiatives elsewhere;</li> <li>4. Opportunities to ensure green infrastructure, other than tree canopies, is incorporated into the fabric of the city, including, but not limited to green walls and roofs;</li> </ol>	<p>The Urban Forest Policy was adopted by Council on 1 May 2017. An Action Plan will be submitted to Council in mid-2019.</p>

Date	Resolution	Comment
	<p>5. The timing and resources required for preparation of an Urban Forest Action Plan and how such a plan could incorporate green infrastructure other than tree canopy, including but not limited to green walls and roofs; and</p> <p>6. That Council officers explore and research the practice of resident and commercial rebates for the use of green friendly products and practices (City of Whitehorse) and consider them for the City of Frankston where it is demonstrated to be practicable and beneficial.</p> <p><b>Carried</b></p>	
24 July 2017	<p><b>Frankston Planning Scheme Amendment C111 - Report on the Review of Submissions to the Amendment and Progression to a Planning Panel</b></p> <p>Council Decision Moved: Councillor Hampton      Seconded: Councillor Mayer</p> <p><i>That the matter be deferred until a meeting has been scheduled with the Committee of Greater Frankston.</i></p> <p><b>Carried Unanimously</b></p>	Am C111 was gazetted on 22 November 2018. It introduces a Car Parking Overlay and a cash-in-lieu of car parking scheme for the FMAC area
14 August 2017	<p><b>NOM 1354 - Urban Design Excellence</b></p> <p><b>Council Decision</b> Moved: Councillor Aitken      Seconded: Councillor Bolam</p> <p><i>That a report identifying the ways in which urban design excellence may be embedded in all relevant Council processes and procedures be prepared by Council's planning department.</i></p> <p><i>This report is to outline the statutory planning methods currently employed by Council, and other metropolitan municipalities, which facilitate reputable urban design outcomes. The report is to also investigate alternative or additional approaches Council might adopt to improve the urban design quality of development applications.</i></p> <p><b>Carried</b></p>	Council officers have implemented a range of measures to promote urban design excellence in Frankston. These range from guidelines documents, to processes to obtain specialist urban design advice for development assessment purposes. Most recently (April 2019) Council has established an Urban Design Advisory Panel to provide advice to Council on urban design matters.
4 September 2017	<p><b>Council Decision</b></p> <p><b>Frankston Planning Scheme Amendment C111</b> Moved: Councillor Hampton      Seconded: Councillor O'Connor</p>	Am C111 that was gazetted on 22 November 2018 introduces a Car Parking Overlay and a cash-in-lieu of car parking scheme for the FMAC area

Date	Resolution	Comment
	<p><i>It is recommended that Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>Notes the submissions to Frankston Planning Scheme Amendment C111.</i></li> <li>2. <i>Continues to progress Planning Scheme Amendment C111.</i></li> <li>3. <i>Writes to Planning Panels Victoria to formally request an independent Planning Panel be convened to consider the submissions to Amendment C111.</i></li> <li>4. <i>Determines that the attractiveness of design of multi-storey carparks be one of the primary considerations in any application that is proposed.</i></li> <li>5. <i>Advises all submitters of Council's decision.</i></li> </ol> <p><b>Carried Unanimously</b></p>	
<p>25 September 2017</p>	<p><b>EOI Process for Heritage Advisory Committee Candidates</b></p> <p><b>Council Decision</b>                      Moved: Councillor Aitken Seconded: Councillor Toms</p> <p><i>That Council authorises officers to undertake an Expression of Interest process for suitably experienced candidates to join Council's Heritage Advisory Committee and expand the Committee's breadth of knowledge.</i></p> <p><b>Carried Unanimously</b></p>	<p>Council officers have implemented a range of measures to promote urban design excellence in Frankston. These range from guidelines documents, to processes to obtain specialist urban design advice for development assessment purposes. Most recently (April 2019) Council has established an Urban Design Advisory Panel to provide advice to Council on urban design matters.</p>
<p>25 September 2017</p>	<p><b>Draft Frankston Housing Strategy 2017</b></p> <p><b>Council Decision</b>                      Moved: Councillor Bolam Seconded: Councillor Mayer</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>Notes the findings and recommendations of the report.</i></li> <li>2. <i>Releases the draft Frankston Housing Strategy 2017 on public exhibition for 8 weeks consultation.</i></li> </ol> <p><b>Carried</b></p>	<p>The Frankston Housing Strategy was adopted by Council on 6 June 2018</p>

Date	Resolution	Comment
25 September 2017	<p><b>Draft Frankston Biodiversity Policy (proposing that the draft policy be placed on public exhibition)</b></p> <p><b>Council Decision</b> Moved: Councillor McCormack      Seconded: Councillor Aitken</p> <p><i>That the matter be deferred to the next Council Meeting.</i></p> <p><b>Carried Unanimously</b></p>	<p>Frankston's Biodiversity Policy was adopted on 19 February 2018.</p>
16 October 2017	<p><b>NOM 1376 - Inconsistencies of Clause 52.48 - Bushfire Protection Exemptions (Known as the 10/30 Right)</b></p> <p><b>Council Decision</b> Moved: Councillor Aitken      Seconded: Councillor Toms</p> <p><i>That Council make representations through all local Members of Parliament with reference to the inconsistencies of the Clause 52.48 – Bushfire Protection Exemptions (otherwise known as the 10/30 Right) The introduction of a uniform ability for residents to remove trees without any impediment when located within 10 metres of their house (if constructed or approved prior to September 2009), entirely negates the recognition particularly of highly important or heritage trees that contribute greatly to the streetscape.</i></p> <p><i>The irreparable damage to the character of local communities by the provision of this exemption as it currently stands means that vast numbers of trees are being removed throughout the greater Melbourne area in situations that are at either very low or negligible fire risk because of the blanket status of this provision.</i></p> <p><i>This is entirely against widely upheld state policy of greening our suburbs and represents an administrative measure which was taken at a moment of understandably high public emotion following the devastating bushfires of 2009. However, as outlined above the unfortunate net effect is that vegetation has been removed from locations where it cannot be reasonably justified.</i></p> <p><b>Carried Unanimously</b></p>	<p>Council has made numerous submissions to DELWP and the Planning Minister to have Frankston removed from the Section 52.48 automatic exemptions. In February 2019 Council officers responded to a DELWP information request for a review of these provisions. Council will continue to press for these changes to be made.</p>
16 October 2017	<p><b>NOM 1383 - Lack of consultation for Frankston Nature Conservation Reserve</b></p> <p><b>Council Decision</b> Moved: Councillor McCormack      Seconded: Councillor Aitken</p> <p><i>That Council:</i></p>	<p>Council has consistently advocated to the State Government for the management of the FNCR to ensure that its nature conservation values are protected</p>



Date	Resolution	Comment
16 October 2017	<p><b>Draft Frankston Biodiversity Policy</b></p> <p><b>Council Decision</b> Moved: Councillor McCormack    Seconded: Councillor Mayer</p> <p><i>That:</i></p> <ol style="list-style-type: none"> <li>1. Council endorses the draft Frankston Biodiversity Policy for public exhibition of Policy for a period of 6 weeks.</li> <li>2. A report to be submitted to Council reviewing all submissions received with a view to formal adoption of a revised Biodiversity Policy early in 2018.</li> </ol> <p><b>Carried Unanimously</b></p>	<p>Frankston's Biodiversity Policy was adopted on 19 February 2018.</p>
20 November 2017	<p><b>NOM 1385 - The Pines Flora and Fauna Reserve</b></p> <p><b>Council Decision</b> Moved: Councillor Bolam    Seconded: Councillor McCormack</p> <p><i>That a meeting be sought with Parks Victoria regarding the Pines Flora and Fauna Reserve. The Council is to request the meeting on the basis of:</i></p> <ol style="list-style-type: none"> <li>1. <i>The ongoing dumping of rubbish and vehicles in the reserve;</i></li> <li>2. <i>How Frankston City Council can work more closely with Parks Victoria and the 'Friends of the Pines Flora and Fauna Reserve' group insofar enhancing public safety and increased compliance with Frankston City Council and Parks Victoria bylaws.</i></li> <li>3. <i>Anti-social behaviour in the reserve including the use of monkey bikes/motorised scooters, vandalism, illegal fires and the consumption of alcohol; and</i></li> <li>4. <i>Exploring the installation of CCTV and signage (to deter anti-social behaviour) at the entrances of the reserve (notably the Ballarto Rd entrance).</i></li> </ol> <p><i>As well as appropriate Frankston City Council staff, interested Councillors, Parks Victoria representatives and the relevant local state member/s are to be invited (Paul Edbrooke MP and Sonya Kilkeny MP), as well as any representatives from the 'Friends of the Pines Flora and Fauna Reserve'.</i></p> <p><b>Carried Unanimously</b></p>	<p>Council has maintained a close interest in the management of the Pines Flora and Fauna Reserve and officers regularly consult with Parks Victoria on conservation issues.</p>
11 December 2017	<p><b>South East Councils Climate Change Alliance (SECCCA) membership</b></p> <p><b>Council Decision</b></p>	<p>The purpose of this item was to brief Council on the membership opportunities of re-joining the South</p>



Date	Resolution	Comment
	<p>2. Frankston City Council is to formally request that the Royal Society for the Prevention of Cruelty to Animals (RSPCA Victoria) urgently investigates the welfare of a canine on-site 6-7 Apsley Place, Seaford (Wuxhou Foam Australia Pty Ltd). The canine is thought to be a guard dog for the premises. Residents have expressed concerned about its audible distress (howling, barking, whimpering) and whether it is properly housed and fed. Officers are to work with residents to determine whether EPA and Frankston City Council bylaws are being contravened in relation to the noise issues this dog is creating;</p> <p>3. The CEO is requested to ensure that officers investigate whether permit conditions for Wuxhou Foam Australia Pty Ltd are being properly adhered to. Furthermore, the CEO is to ensure that officers actively investigate the site, on regular basis, for any contraventions against Local Law No.8 (noise, the unsightly nature of the site).;</p> <p>4. The CEO is requested to ensure that officers approach the owner of the site expressing community concern with the state and operation of the site. The CEO is to see to it that officers work with the owner to explore resolution/s to the numerous community concerns thus raised. Discussions are to include the owner erecting a new fence line which blocks visibility of the site;</p> <p>5. That the CEO is to ensure that Bruce Aitken Memorial Park is regularly maintained as residents feel the current maintenance regime is insufficient. If stock is available, some plantings (within the park) are to occur intended to improve residential morale (the park backs on to the aforementioned 6-7 Apsley Place, Seaford);</p> <p>6. That the CEO clarify as to whether a permit is in place at the aforementioned location;</p> <p>7 A public meeting is to be organised in February 2018 comprising of immediately impacted residents (who are to be advised via mail out), relevant council officers, the CEO and the ward councillors to discuss what is being done to resolve the concerns of the residents. The CEO is to ensure that staff are fully briefed and able to respond to the concerns of the residents. In addition, Sonya Kilkenny (Member for Carrum) and appropriate representatives from EPA Victoria and RSPCA Victoria are to be requested to attend this meeting. A venue within close proximity to the Belvedere precinct is to be booked and catering for this meeting is to be provided;</p> <p>8. That the EPA be requested to provide Frankston City Council as a matter of urgency the chemical breakdown of the odours coming from the factory; and</p> <p>9. A report is to be provided to Council at the March 2018 Ordinary Meeting on all of the above.</p> <p><b>Carried Unanimously</b></p>	
<p>29 January 2018</p>	<p><b>Further Response to NOM 1336 Green Infrastructure Installation of Green Walls</b></p>	<p>A Green Wall pilot project has been designed and will be considered for Council approval in April 2019.</p>



Date	Resolution	Comment
	<p>a) Other external organisations, and indeed internal departments within the Frankston City Council, already perform similar tasks relative to reducing the municipality's contribution to climate change;</p> <p>b) The membership cost (\$16,000 pa), combined with the in-kind support required of the Frankston City Council (anticipated to be up to \$18,000 pa) has also contributed to this decision; and</p> <p>2. The Alliance be invited to re-approach Frankston City Council for membership in twelve months; and must articulate how re-joining will particularly benefit the Frankston municipality.</p> <p><b>Carried</b></p>	<p>Council resolved to defer consideration pending a further report to detail the costs of joining SECCCA and the potential benefits.</p>
<p>19 February 2018</p>	<p><b>Biodiversity Strategy Consultation Summary</b></p> <p><b>Council Decision</b></p> <p>Moved: Councillor McCormack    Seconded: Councillor Mayer</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>Notes the submissions received and subsequent changes to the draft document.</i></li> <li>2. <i>Adopts the final Biodiversity Policy.</i></li> <li>3. <i>Delegates the signing of the policy to the Mayor and CEO.</i></li> </ol> <p><b>Carried Unanimously</b></p>	<p>Frankston's Biodiversity Policy was adopted on 19 February 2018.</p> <p>The Biodiversity Policy is to be supported by a detailed action plan to be submitted to Council in mid 2019.</p>
<p>13 March 2018</p>	<p><b>Response to NOM 1391 - Apsley Place</b></p> <p><b>Council Decision</b></p> <p>Moved: Councillor O'Reilly    Seconded: Councillor Mayer</p> <p>That Council notes:</p> <ol style="list-style-type: none"> <li>1. <i>The current actions being undertaken by officers.</i></li> <li>2. <i>The community meeting was held Tuesday 27 February 2018.</i></li> <li>3. <i>Officers continue to follow up with EPA.</i></li> </ol> <p><b>Carried</b></p>	<p>Cr Bolam advised the Mayor that he will raise a Notice of Rescission in response to this decision.</p> <p>This matter relates to conflict between existing industrial uses in an industrial zone and nearby residential areas affected by noise and emissions.</p> <p>Councillors were concerned to ensure that all regulatory measures were being followed to ensure compliance with approvals and scheme requirements.</p>

Date	Resolution	Comment
3 April 2018	<p><b>Final Draft 'Refresh' Frankston Housing Strategy 2017 - Report on public consultation and Progress to a Planning Scheme Amendment to implement the reformed residential zones</b></p> <p><b>Deferral Motion to another Council Meeting</b></p> <p>Moved: Councillor Cunial Seconded: Councillor McCormack</p> <p><i>That the matter be deferred to the next Ordinary Meeting, 14 May 2018 to allow for a briefing of interested Councillors.</i></p> <p><b>Carried Unanimously</b></p>	<p>The Frankston Housing Strategy was adopted by Council on 6 June 2018.</p>
3 April 2018	<p><b>2018/NOM13 - Rescission Motion - Response to NOM 1391 - Apsley Place Council Decision</b></p> <p>Moved: Councillor Bolam Seconded: Councillor Aitken</p> <p><i>We, Councillors Bolam, O'Connor and Aitken, hereby give notice that at the next appropriate meeting of Council, we will move that the following decision of Council made at Ordinary Meeting 2018/OM3 held on Tuesday 13 March 2018 regarding Response to NOM 1391 – Apsley Place be rescinded:</i></p> <p>That Council notes:</p> <ol style="list-style-type: none"> <li>1. The current actions being undertaken by officers.</li> <li>2. The community meeting was held Tuesday 27 February 2018.</li> <li>3. Officers continue to follow up with EPA.</li> </ol> <p><i>Should the rescission be carried, we give notice of our intention to move the following motion:</i></p> <p>That Council notes:</p> <ol style="list-style-type: none"> <li>1. The current actions being undertaken by officers.</li> <li>2. The community meeting was held Tuesday 27 February 2018.</li> <li>3. Officers continue to follow up with EPA.</li> <li>4. That a letter be sent to all residents and ratepayers within the proximity of Apsley Place at thirty days (outcomes and commitments from the recent public meeting) and ninety days 4. That a letter be sent to all residents and ratepayers within the proximity of Apsley Place at thirty days (outcomes and commitments from the recent public meeting) and ninety days (VCAT update – proceeding or not).</li> </ol>	<p>The interface between commercial and industrial uses and residential properties has proven to be a planning challenge. Balancing residential amenity with the impacts of legitimate industrial activities has entailed strong enforcement activity by Council officers to ensure approvals and conditions are properly complied with.</p>

Date	Resolution	Comment
	<p>5. That all factories and businesses within close proximity to residential properties be reminded – in the form of a mail out -of their obligations in relation to both Frankston City Council and Environmental Protection Agency (EPA) rules and regulations (i.e. noise, presentation, disposal of substances etc.).</p> <p>6. That the CEO be requested to provide a report on the following:</p> <p>a) Update on 6-7 Apsley Place, Seaford;</p> <p>b) Audit of all existing factories and businesses (without reasonable buffer and/or neighbouring residential zones) to determine whether they possess existing permits;</p> <p>c) The creation and maintenance of a 'red flag' system to keep track of properties and factories, operating without permits and/or properties and factories where ongoing grievances have been recorded due to activities at a given commercial/industrial address;</p> <p>d) How to improve Frankston City Council's relationship, and information sharing, with/between the EPA; and</p> <p>e) Frankston City Council performing its own independent and thorough site audits in 'extenuating circumstances' where either (or all) environment, wellbeing and amenity are being undoubtedly impacted upon by a commercial/industrial entity. The CEO should report to Council what funding and resources might be required to enable the organisation to have this ability in 'extenuating circumstances'. This report is to be presented by the June 2018 Ordinary Meeting.</p> <p>7. Writes to the appropriate Minister and Shadow Minister, outlining the need for clear legislative direction to ensure that complaints in relation to all aspects of discharge from industries be investigated in a timely and thorough manner.</p> <p><b>Carried</b></p>	
<p>3 April 2018</p>	<p><b>Frankston Planning Scheme C123 Report on the Findings and Recommendation of the panel Report and submissions to FMAC Illustrative Guidelines</b></p> <p><b>Council Decision</b></p> <p>Moved: Councillor Mayer Seconded: Councillor Toms</p> <p><i>That Council:</i></p> <p>1 <i>Notes the summary of responses from the community consultation process for the FMAC Illustrative Guidelines – Neighbourhood Character &amp; Urban Design Outcomes for Precincts 1A and 1B (2017).</i></p> <p>2. <i>Adopts the FMAC Illustrative Guidelines – Neighbourhood Character &amp; Urban Design Outcomes for Precincts 1A and 1B (2017) to allow for the documents to be referenced within the Frankston Planning Scheme as part of current Planning Scheme Amendment C123.</i></p>	<p>Council adopted Am C123 on 3 April 2018. The extended process to consider the provisions at Council resulted in a number of changes to the exhibited document, as set out here.</p> <p>Amendment C123 is currently with the Minister for Planning awaiting final approval and gazettal.</p>

Date	Resolution	Comment
	<p>3. <i>Notes the Amendment C123 Panel Report and authorises officers to request the Minister for Planning to adopt Frankston Planning Scheme Amendment C123 as exhibited, subject to the following changes:</i></p> <p>a) <i>Amends the Precinct Map in Clause 5.1-1 of Schedule 1 to the Activity Centre Zone to designate the western and southern boundaries of Precinct 1B as ‘sensitive interface’ areas.</i></p> <p>b) <i>Amends the Precinct objectives in Clause 5.1-2 of Schedule 1 to the Activity Centre Zone to include the following:</i></p> <p>c) <i>Amend the Precinct guidelines in Clause 5.1-4 of Schedule 1 to the Activity Centre Zone to include guidelines (to be developed by Frankston City Council) that guide development in the sensitive interface areas of Precinct 1B.</i></p> <p>d) <i>Amend the Precinct objectives in Clause 5.2-2 of Schedule 1 to the Activity Centre Zone to include the following:</i></p> <p style="padding-left: 40px;"><i>To ensure that use and development is responsive to current and planned railway operations, having regard to the primacy of the transport of the railway land.</i></p> <p>e) <i>Include the following application requirement in Clause 6.0 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B:</i></p> <p style="padding-left: 40px;"><i>VicTrack land – potential contamination</i></p> <p style="padding-left: 40px;"><i>An application for a sensitive use (residential use, child care centre, pre-school centre or primary school), or the construction or carrying out of buildings and works in association with a sensitive use, on land owned or formerly owned by VicTrack must be accompanied by an Environmental Site Assessment detailing the likelihood on contamination on the land, to the satisfaction of the responsible authority.</i></p> <p>f) <i>Inserts a new subsection in the table to Clause 5.1.3 Precinct requirements that stipulates a preferred maximum building height of 20 metres in sub-precinct 1B for the area bounded by Wells Street, Kananook Creek, Beach Street and Nepean Highway.</i></p> <p>g) <i>Makes other policy neutral drafting changes to improve the operation of Schedule 1 to the Activity Centre Zone.</i></p> <p>h) <i>Amends the Precinct Guidelines listed in Clause 5.1-4 of Schedule 1 to the Activity Centre Zone to include the following residential character guideline statements:</i></p>	

Date	Resolution	Comment
	<p>In locations identified as 'Sensitive Interface Areas' on the Precinct 1 – City Centre Precinct Map, new development should avoid visually dominant building forms, respond appropriately to adjacent residential, foreshore and creek interfaces, consider the impact of overshadowing, sun glare and nightlight on adjacent viewpoints, and ensure that development is respectful of the sharing of amenity with adjacent residential areas and foreshore.</p> <p>New development should be consistent with the design, form, layout, proportion and scale of the development outlined in the FMAC Illustrative Guidelines – Neighbourhood Character &amp; Urban Design Outcomes for Precincts 1A and 1B (2017).</p> <p>New development is designed to enhance the quality of the public realm and to safeguard residential amenity for future residents, consistent with the delivery of a functional and attractive mixed use residential environment.</p> <p>Within the interface between the residential area of Gould Street and Precinct 1B, new development is to be specifically designed to protect the amenity of this residential area. The overall design intent is to articulate frontages, avoid dominant built form and to appropriately celebrate and respect the foreshore and creek interface.</p> <p>To ensure that development along the western and southern boundaries of Sub-precinct 1B responds to the sensitive interfaces with Kananook Creek and the surrounding foreshore and established residential areas.</p> <p><i>i) Amends the Decision Guidelines in Clause 8 of Schedule 1 to the Activity Centre Zone to include the following:</i>                      Whether new development within Precincts 1A and 1B is consistent with the design, form, layout, proportion and scale of the development is compatible with the FMAC Illustrative Guidelines – Neighbourhood Character &amp; Urban Design Outcomes for Precincts 1A and 1B (2017).</p> <p><i>j) That a mandatory maximum building height of 20 metres apply to that part of Precinct 1(b) between the Nepean Highway and Kananook Creek</i></p> <p><b>Carried</b></p>	
23 April 2018	<p><b>Final Draft 'Refresh' Frankston Housing Strategy 2017 - Report on public consultation and Progress to a Planning Scheme Amendment to implement the reformed residential zones</b></p> <p><b>Deferral Motion to another Council Meeting</b>                      Moved: Councillor Cunial Seconded: Councillor McCormack</p>	<p>The Frankston Housing Strategy was adopted by Council on 6 June 2018. It is to be implemented via Am C120 which has been submitted to the Minister for approval to exhibit.</p>

Date	Resolution	Comment
	<p><i>That the matter be deferred to the next Ordinary Meeting, 14 May 2018 to allow for a briefing of interested Councillors.</i></p> <p><b>Carried Unanimously</b></p>	
14 May 2018	<p><b>Frankston Planning Scheme Amendment C111 - Report on findings and recommendations of Panel Report</b></p> <p><b>Council Decision</b> Moved: Councillor Aitken Seconded: Councillor Bolam</p> <ol style="list-style-type: none"> <li>1. <i>That Council notes the Panel Report and</i></li> <li>2. <i>Adopts Amendment C111.</i></li> <li>3. <i>Authorises officers to request the Minister for Planning to approve Frankston Planning Scheme Amendment C111 as exhibited, subject to the following changes:</i> <ol style="list-style-type: none"> <li>a. <i>Delete the motor cycle parking rates in Clause 3 of Schedule 1 to the Parking Overlay.</i></li> <li>b. <i>Delete the requirement for a Car Parking Management Plan in Clause 4 of Schedule 1 to the Parking Overlay.</i></li> <li>c. <i>Modify the wording in Schedule 1 to the Parking Overlay to accord with the Panel preferred version.</i></li> </ol> </li> <li>4. <i>Authorises officers to amend the FMAC Parking Precinct Plan to remove reference to motor cycle parking rates in accordance with Panel recommendations.</i></li> <li>5. <i>Authorises officers to initiate the establishment of the Integrated Car Park Cooperation and Management Parking Coordination Committee as proposed by the FMAC Parking Precinct Plan in order to advance the issues raised in the Councillors Urgent Business item from OM308 held on 16 October 2017.</i></li> </ol> <p><b>Carried Unanimously</b></p>	<p>Am C111 that was gazetted on 22 November 2018 introduces a Car Parking Overlay and a cash-in-lieu of car parking scheme for the FMAC area</p>
14 May 2018	<p><b>Final Draft Refresh Frankston Housing Strategy 2017 – Report on Public Consultation and Progress to a planning Scheme amendment to implement the reformed residential zones</b></p> <p>Council Decision Moved: Councillor Toms Seconded: Councillor Aitken</p> <p>Deferred by Council to allow further consideration of issues raised by submitters</p> <p><b>Carried</b></p>	<p>The Frankston Housing Strategy was adopted by Council on 6 June 2018</p>
4 June 2018	<p><b>Update on Short Term Accommodation/Party Houses</b></p> <p><b>Council Decision</b></p>	<p>Council has regularly sought to apply regulatory provisions to manage residential amenity issues arising from</p>

Date	Resolution	Comment
	<p>Moved: Councillor Bolam Seconded: Councillor McCormack</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>Notes Officers act under General Local Law 2016 No 8, Public Health &amp; Wellbeing Act 2008, Environment Protection Act 1970 and the Building Act 199 (Acts).</i></li> <li>2. <i>Notes Officers proactively apply the provisions of the Local Law and Acts in respect of investigating and prosecuting complaints received in relation to short term accommodation/party houses.</i></li> <li>3. <i>Notes Council has listed the matter of non-registration of a Short Term Accommodation property at the Magistrates Court on 14 June 2018. The outcome of this case will set the precedence not only for Frankston City Council but for other Local Government agencies. Further, issues of non-compliance with building regulations are also being separately pursued.</i></li> <li>4. <i>Notes Council officers have researched all short term accommodation in Frankston and have a letter prepared to send to them pending the outcome of the court case.</i></li> </ol> <p><b>Carried Unanimously</b></p>	<p>the use of dwellings for short term accommodation.</p>
<p>4 June 2018</p>	<p><b>Response to 2018/NOM13 Rescission Motion NOM 1391 Apsley Place Seaford</b></p> <p><b>Council Decision</b>                      Moved: Councillor Aitken Seconded: Councillor Bolam</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>Notes the current actions being undertaken by officers with regard to 6-7 Apsley Place.</i></li> <li>2. <i>Notes legal advice highlights that Council does not have the power under the Planning and Environment Act to enter properties without reasonable suspicion.</i></li> <li>3. <i>Resolves to continue a complaints based system of enforcement compliance.</i></li> <li>4. <i>Continues to examine pollution (noise, air, water) complaints about industrial properties on a case by case basis in co-operation with the Environmental Protection Authority to ensure they fulfil appropriate testing in a timely way.</i></li> <li>5. <i>Officers take every reasonable effort to initiate an immediate proactive investigation into complaints of a similar nature to effect a wrap around response; potentially incorporating planning investigation, environmental health, building compliance and relevant sections of the General Local Law No 8.</i></li> </ol> <p><b>Carried Unanimously</b></p>	<p>This matter relates to conflict between existing industrial uses in an industrial zone and nearby residential areas affected by noise and emissions.</p> <p>Councillors were concerned to ensure that all regulatory measures were being followed to ensure compliance with approvals and scheme requirements.</p>

Date	Resolution	Comment
4 June 2018	<p><b>2018/NOM31 - Improvements to the Planning Process</b></p> <p><b>Council Decision</b> Moved: Councillor Bolam Seconded: Councillor Aitken</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. Supports officers reporting the average legal and officer costs together with the number of planning consultants and lawyers associated with each month's resolved VCAT cases as part of the monthly Town Planning Report.</li> <li>2. Approves officers conveying residents' and ratepayers' concerns (on their behalf where agreed) to Council's legal representatives where a related planning matter is scheduled for VCAT.</li> <li>3. Mandates the amended 'town planning application call-in' template, which will be attached to all reports called in by Councillors (see attached).</li> <li>4. Endorses Resident Discussion Meetings be required for all applications where there are more than three objectors and the applicant is willing to attend.</li> <li>5. Notes that Town Planning Progress Reports will be presented no later than 2 months after the cessation of the month on the proviso that State Government data is available.</li> <li>6. Seeks a report on the process for establishing a Frankston Native Vegetation Offsets Policy for the October Ordinary Meeting.</li> <li>7. Notes that all planning matters that involve liquor or gaming machines are to be referred to the appropriate agency/organisation for expert advice (i.e. Frankston Liquor Accord, Frankston/Carrum Downs Police etc.). All subsequent reports, with the above instances, must be accompanied with feedback from such agencies/organisations. Where such agencies/organisations have not provided formal responses, this is to be reflected in the report.</li> </ol> <p><b>Carried Unanimously</b></p>	<p>The Town Planning Processes Guide for Councillors (Document Number A3219028) was formally adopted by Council at its meeting held on 13 June 2017 as part of the Councillor and Staff Interaction Policy 2017.</p> <p>It was modified by NoM 2018/31 on 4 June 2018 to include a requirement for a form to be submitted for Councillor 'call-ins'.</p> <p>A report on the process for establishing a Frankston Native Vegetation Offsets Policy for the 22 October 2019 Ordinary Meeting was submitted and supported by Council.</p>
4 June 2018	<p><b>Final Draft Refresh Frankston Housing Strategy 2017 – Report on Public Consultation and Progress to a planning Scheme amendment to implement the reformed residential zones</b></p> <p><b>Council Decision</b> Moved: Councillor McCormack Seconded: Councillor Aitken</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. Adopts in principle the 'Refresh' Frankston Housing Strategy, 2017, with the following amendments:</li> </ol>	<p>The Frankston Housing Strategy was adopted by Council on 6 June 2018.</p> <p>Am C120 to implement the new residential zones was submitted to the Minister for Planning for authorisation to exhibit in mid-2019.</p>

Date	Resolution	Comment
	<p>(a) <i>Ensure the inclusion of the environmentally sensitive Neighbourhood Character precincts FS7, FS8, FS11, FS12 and FS14 in the minimal change zone;</i></p> <p>(b) <i>Remove the Belvedere precinct and Nepean Hwy precinct from the substantial change zone, and include in the incremental change zone;</i></p> <p>(c) <i>Adjust all mapping and recommendations accordingly to give effect to (a) and (b) above;</i></p> <p>(d) <i>Any Housing Reference Group to be established to include Councillor and resident membership in addition to developer and officer members;</i></p> <p>(e) <i>Inclusion of the aims of the United Nations Habitat III, which elaborates on Goal 11 of the Sustainable Development Goals: "Make cities and human settlements inclusive, safe, resilient and sustainable", with respect to Strategy development, review and implementation; and</i></p> <p>(f) <i>Provide additional referencing of source materials throughout strategy (evidence) as rationale.</i></p> <p>2. <i>Subject to 1 above, Council authorises officers to write to the Minister for Planning to request authorisation to prepare and exhibit a planning scheme amendment to implement the recommendations of the Housing Strategy into the Frankston Planning Scheme.</i></p> <p>3. <i>For the Seaford Wetlands Residential Environs Study area (Action B4) Council authorises officers to write to the Minister seeking the immediate implementation of an interim planning overlay control, requiring a 40% permeability standard for new development.</i></p> <p>4. <i>Endorses the Implementation Plan, subject to regular reports being made to Council, with the following changes:</i></p> <p>(a) <i>Action B4 (Seaford Wetlands Residential Environs Study) to have its priority listed as "High" with a view to completing this study within this calendar year (2018).</i></p> <p><b>Carried Unanimously.</b></p>	<p>The draft Seaford Wetlands Residential Environs Study was considered by Council on 1 April 2019 and subsequently was made available for public comment.</p>
<p>2 July 2018</p>	<p><b>Response to NOM 1354 - Urban Design Excellence</b></p> <p><b>Council Decision</b>                  Moved: Councillor Bolam Seconded: Councillor Aitken</p> <p>That Council:</p> <p>1. Explores opportunities to establish an advisory committee to provide feedback on town planning development applications;</p>	<p>Council officers have implemented a range of measures to promote urban design excellence in Frankston. These range from guidelines documents, to processes to obtain specialist urban design advice for development assessment purposes. Most recently (April 2019) Council has established an</p>

Date	Resolution	Comment
	<p>2. Supports officers in appointing an additional consultancy firm to Council’s existing external design review panel of consultants to enhance choice and responsiveness;</p> <p>3. Supports officers in undertaking an analysis of the municipality to identify areas where Urban Design Frameworks may be appropriately applied;</p> <p>4. Commits to Councillor and officer training to assist evaluation and application of best practice urban design;</p> <p>5. Seeks to facilitate best practice urban design information forums for the community, developers, Councillors and staff; and</p> <p>6. Supports officers in the provision of publicly accessible urban design information on Council’s digital platforms.</p> <p>7. Provides a report to the September Ordinary Meeting on the composition, parameters and Terms of Reference for the potential advisory committee as per Item 1.</p> <p><b>Carried Unanimously</b></p>	<p>Urban Design Advisory Panel to provide advice to Council on urban design matters.</p>
<p>2 July 2018</p>	<p><b>2018/NOM35 - Proposed Downs Estate Business Case</b></p> <p><b>Council Decision</b>                  Moved Councillor Bolam Seconded: Councillor Cunial</p> <p><i>It is noted that the University of Melbourne is engaging with the Friends of the Downs Estate community group to prepare a business case on the future sustainability of the site as food security demonstration site. The business case will cost between \$80k to \$100k and subject to Council approval, the University of Melbourne is seeking \$25k contribution from Council. Should Council support the proposal, \$25k will be referred for consideration to the midyear budget review. A report is to be provided to 10 September Ordinary Meeting outlining the proposal and considerations that will be detailed in the business case</i></p> <p><b>Carried Unanimously</b></p>	<p>Council has sought to promote the Downs Estate property for community use and environmental education purposes where these are consistent with the conservation values of the Seaford Wetlands area and environs.</p>
<p>2 July 2018</p>	<p><b>2018/NOM44 - Green Space in the CAD</b></p> <p><b>Council Decision</b>                  Moved: Councillor Aitken Seconded: Councillor Toms</p>	<p>Council reaffirmed its commitment to ensure that additional green public space is provided as the FMAC develops.</p>







Date	Resolution	Comment
	<p>3. Supports the continued involvement of Council in the IWM process for enhancing cooperation between water authorities and Councils on a catchment basis to advance a coordinated approach to water management initiatives.</p> <p>4. Directs that the release date for the resolution is the day following the date of Council's consideration.</p> <p>5. Notes that the content of this report, attachments and resolution are not to be released until after the State Government has approved the IWM Strategic Direction Statements for Dandenong and Westernport.</p> <p><b>Carried Unanimously</b></p>	
<p>23 July 2018</p>	<p><b>To brief Council on the findings and recommendations of the Panel Report for Frankston Planning Scheme Amendment C124 and to further progress Frankston Planning Scheme Amendment C124.</b></p> <p><b>Council Decision</b>                      Moved: Councillor Bolam Seconded: Councillor Toms</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. Notes the Amendment C124 Panel Report;</li> <li>2. Adopts Amendment C124 with the following changes (as recommended by the Panel Report):                             <ol style="list-style-type: none"> <li>a) Amends Design and Development Overlay Schedule 5 as shown in the Panel preferred version in Attachment A.</li> <li>b) Amends zoning maps to correct the incorrect application of the Residential Growth Zone and the Design and Development Overlay Schedule 12 to 35R Beach Street and the Fletcher Road Reserve.</li> <li>c) Amends the relevant requirements in Clause 2.0 Buildings and Works in the Design and Development Overlay Schedules 12 and 13 to read:                                     <p><i>For buildings of more than 2 storeys above natural ground level, the wall/s of the storey/s above second storey should be setback from the floor below a minimum of 2.5 metres to the street and rear. Balconies may encroach into the setback.</i></p> <p><i>'At grade' car parking areas should be located away from street interfaces and not within the front setback. Landscaping should be incorporated within 'at grade' car parking areas.</i></p> <p><i>Utilities and services should not be located within the street frontage and should be screened.</i></p> </li> <li>d) Corrects any minor spelling errors within the Design and Development Overlays.</li> </ol> </li> </ol>	<p>Am C124 implements planning controls recommended by the FMAC Structure Plan.</p> <p>Am C124 is currently with the Minister for Planning for final approval and gazettal</p>



Date	Resolution	Comment
	<p>3. <i>Endorses the Design Advisory Committee Terms of Reference.</i></p> <p>4. <i>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.</i></p> <p><b>Carried</b></p>	<p>Urban Design Advisory Panel to provide advice to Council on urban design matters.</p>
<p>10 September 2018</p>	<p><b>2018/NOM55 - Car Parking Provision Rates for outer suburban Melbourne</b></p> <p><b>Council Decision</b>                      Moved: Councillor Hampton      Seconded: Councillor Mayer</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>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.</i></li> <li>2. <i>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</i></li> <li>3. <i>Seeks the support of the MAV to have the recently introduced parking rates repealed for outer suburban Melbourne areas.</i></li> </ol> <p><b>Carried Unanimously</b></p>	<p>Council has expressed its concern at VC148 introduced by the State Government in 2018 that reduces car parking provision rates for all development within 500 metres of a priority public transport services. Council has argued that outer suburban areas cannot be easily equated with inner city or even middle ring suburbs in terms of access to public transport. Council's lobbying has not been successful in regard to the continuing application of Am VC148 to parts of Frankston City.</p>
<p>1 October 2018</p>	<p><b>Oliver's Hill Lot Restructuring Plan Extension of Time Request</b></p> <p><b>Council Decision</b>  <b>Moved: Councillor Mayer Seconded: Councillor O'Reilly</b></p> <p><i>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.</i></p> <p><b>Carried Unanimously</b></p>	<p>The residential zoned land between the Nepean Highway and the Bay in the south west corner of Frankston is not yet fully developed. The Oliver's Hill Lot Restructuring Plan was included in the Planning Scheme so that the legacy subdivision pattern could be modified to better address land slip and access issues for this location. Council has agreed to further extend the life of the Restructure Plan to allow it to continue to guide new development applications</p>

Date	Resolution	Comment
22 October 2018	<p><b>Response to 2018/NOM45 - Greening our City</b></p> <p><b>Council Decision</b> Moved: Councillor Cunial Seconded: Councillor O'Reilly</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. Notes the opportunities for providing Green Infrastructure in the Frankston Metropolitan Activity Centre.</li> <li>2. Supports officers in further developing the Urban Forest Action Plan to include key actions and requirements for the provision of green infrastructure in new development within the FMAC. A further report to Council for the adoption of the Urban Forest Action Plan is to be submitted by March 2019.</li> </ol> <p><b>Carried Unanimously</b></p>	<p>The Urban Forest Policy was adopted by Council on 1 May 2017. An Action Plan will be submitted to Council in mid 2019</p>
22 October 2018	<p><b>Response to 2018/NOM47 - Environmentally Sustainable Design (ESD) Rating System</b></p> <p><b>Council Decision</b></p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1. Refers \$6,600 per financial year for the next two years to the mid-year budget review for a subscription to the CASBE council network to enable strategic planning policy work and subsequently ESD rating assessments; and</li> <li>2. Supports officers in undertaking further research for the establishment of a local Environmentally Sustainable Development Policy for inclusion in the Frankston Planning Scheme in association with further research for the adoption of an appropriate Environmentally Sustainable Development assessment tool, with a report to Council to be provided within the next six (6) months.</li> <li>3. Notes that should Council endorse the recommendations, an additional Band 6 planner will be required in due course to undertake the rating assessments at an approximate cost of \$82K plus on costs.</li> </ol> <p><b>Carried</b></p>	<p>Council has joined CASBE (January 2019), with a view to participating in a group amendment with other Councils to introduce ESD standards for new development. This will include measures to ensure that reduction in emissions is supported by the design and materials used in new development.</p>
22 October 2018	<p><b>Response to 2018/NOM31 - Improvements to the Planning Process - Establishing a Frankston Native Vegetation Offsets Program</b></p> <p><b>Council Decision</b> Moved: Councillor Bolam Seconded: Councillor Aitken</p>	<p>This report on the process for establishing a Frankston Native Vegetation Offsets Policy was submitted and supported by Council.</p>



Date	Resolution	Comment
	<ol style="list-style-type: none"> <li>1. <i>Receives and notes the report.</i></li> <li>2. <i>Supports the utilisation of the open space development assessment tool as outlined in the Open Space Strategy 2016-2036, to evaluate land suitability in respect of potential new open space.</i></li> </ol> <p><b>Carried</b></p>	
<p>29 January 2019</p>	<p><b>Response to NOM1316 - Frankston Ambassador Site Status Report</b></p> <p><b>Council Decision</b>                      Moved: Councillor Bolam    Seconded: Councillor O'Connor</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>Notes the status report.</i></li> <li>2. <i>Notes that Council officers will continue to monitor and investigate any issues and/or breaches of relevant Acts and Regulations emanating from the Frankston Ambassador site.</i></li> </ol> <p><b>Carried Unanimously</b></p>	<p>Council has taken an ongoing interest in the future of the former Ambassador Motel complex as it lies at the gateway to the central commercial area of Frankston and has been used illegally as a place of permanent residence similar to unregistered boarding houses with associated residential amenity conflicts. Council has found that its existing regulatory powers are not sufficient to adequately control the situation for a positive outcome for all stakeholders. This is a challenge that extend beyond the reach of normal planning controls.</p>
<p>18 February 2019</p>	<p><b>Update on the response to NOM 1340 - Homelessness Count</b></p> <p><b>Council Decision</b>                      Moved: Councillor McCormack    Seconded: Councillor Mayer</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>Notes the update provided in this report on the response to NOM 1340 – Frankston Homelessness Count;</i></li> <li>2. <i>Notes the Victorian Government funding committed to Frankston City to establish two new rough sleeper response teams (Assertive Outreach and Housing Support) as part of the delivery of Victoria's Homelessness and Rough Sleeping Action Plan; and</i></li> <li>3. <i>Notes Council's ongoing collaboration, advocacy and coordination with the homelessness sector in the municipality, including the establishment of the Frankston City Strategic Homelessness Alliance.</i></li> </ol> <p><b>Carried Unanimously</b></p>	<p>Council has maintained a strong interest in the provision of affordable and social housing in Frankston, with a particular focus on addressing homelessness.</p> <p>Council's Housing Strategy 2018 sets out the multiple roles of Council in housing provision including as a regulator and an advocate.                      (The Frankston Housing Strategy was adopted by Council on 6 June 2018)                      In 2018, Council was successful in winning a substantial SHIP Grant, which</p>

Date	Resolution	Comment
		will support the development of housing feasibility projects for affordable and social housing on three Government owned sites in Frankston

**Executive Summary****11.4 April 2019 Planning and Environment Progress Report**

*Enquiries: (Michael Papageorgiou: Community Development)*

**Council Plan**

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

**Purpose**

To provide Council with an update on the exercise of planning delegations by Council officers for the month of April 2019.

**Recommendation (Director Community Development)**

That Council receives and notes the April 2019 Planning and Environment Progress Report.

**Key Points / Issues**

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

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

In April 2019, 97 applications for planning permits or amendments to permits were received, and 85 applications determined. A total of 50% of permit decisions were made within 60 statutory days.

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

Two VCAT decisions were handed down during the month.

**Financial Impact**

The Victorian Government introduced the "Fair Go Rates" system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.50 per cent for 2019-2020.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

**11.4 April 2019 Planning and Environment Progress Report****Executive Summary**

Over time, with the cost of providing services increasing at a greater rate than increases in Council's major source of income, Council's capacity to continue to deliver services and fund its capital programme will be severely restricted.

**Consultation**

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

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

**Analysis (Environmental / Economic / Social Implications)**

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

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

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

Officer's Declaration of Interests

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

**Risk Mitigation**

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

**Conclusion**

This report provides Council with an overview of the activities and decisions made on planning applications in the month of April 2019.

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**ATTACHMENTS**

Attachment A: [↓](#) April 2019 Town Planning Progress Report

Progress Report – Planning Applications Received For The Application Date: From 1/04/2019 To 30/04/2019				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
133/2019/P	North-East	22 Maria Drive, Langwarrin 3910	Five (5) Lot Subdivision	1/04/2019
135/2019/P	North-East	471 North Road, Langwarrin 3910	To use the land for a Section 2 Use (Horse Stables) in a Low Density Residential Zone (Retrospective)	1/04/2019
36/2019/P/VS	North-East	8 Access Way, Carrum Downs 3201	Two (2) Lot Subdivision	1/04/2019
131/2019/P	North-East	2 Access Way, Carrum Downs 3201	Two (2) Lot Subdivision	2/04/2019
139/2019/P	North-East	9 William Road, Carrum Downs 3201	Seven (7) Lot Subdivision	5/04/2019
142/2019/P	North-East	73 Lyrebird Drive, Carrum Downs 3201	Two (2) Lot Subdivision	8/04/2019
145/2019/P	North-East	150 Taylors Road, Skye 3977	Extension of an existing building ancillary to the existing use of land for a plant nursery.	8/04/2019
140/2019/P	North-East	42 Barnett Avenue, Carrum Downs 3201	Seven (7) Lot Subdivision	9/04/2019
141/2019/P	North-East	14 Sutton Crescent, Carrum Downs 3201	Ten (10) Lot Subdivision	9/04/2019
144/2019/P	North-East	28 Sunbird Crescent, Carrum Downs 3201	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) and to construct a dwelling in a Bushfire Management Overlay Schedule 1 (BMO1)	9/04/2019
158/2019/P	North-East	1335 Dandenong-Hastings Road, Langwarrin 3910	To construct an outbuilding	12/04/2019
159/2019/P	North-East	8 The Grove, Langwarrin 3910	To construct three (3) double storey dwellings	12/04/2019
160/2019/P	North-East	23 Cedar Street, Langwarrin 3910	Two (2) Lot Subdivision	12/04/2019
44/2019/P/VS	North-East	1095 Frankston-Dandenong Road, Carrum Downs 3201	To construct and carry out works (addition of a window to an existing building) in a Commercial 1 Zone	17/04/2019
166/2019/P	North-East	7 Manna Gum Court, Carrum Downs 3201	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	17/04/2019
165/2019/P	North-East	17 Earnshaw Drive, Carrum Downs 3201	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and to carry out works to the existing dwelling	24/04/2019

Progress Report – Planning Applications Received For The Application Date: From 1/04/2019 To 30/04/2019				
Application No	Ward	Property Address	Application Description	Date
47/2019/P/VS	North-East	23 Frost Street, Carrum Downs 3201	To remove one (1) tree listed in a schedule to the Significant Landscape Overlay Schedule 5 (SLO5)	29/04/2019
170/2019/P	North-East	5 Edward Street, Langwarrin 3910	Eighteen (18) Lot Subdivision	30/04/2019
North-East Ward Total = 18				
129/2019/P	North-West	2 Nepean Highway, Seaford 3198	To construct two (2) double storey dwellings and to create/alter access to a road in a Road Zone Category 1	1/04/2019
132/2019/P	North-West	26 Parer Street, Frankston 3199	Two (2) Lot Subdivision	1/04/2019
37/2019/P/VS	North-West	6 Manning Road, Seaford 3198	To construct a deck to a dwelling in a Special Building Overlay (SBO)	2/04/2019
128/2019/P	North-West	4 The Glen, Frankston 3199	To construct four (4) double storey dwellings	2/04/2019
134/2019/P	North-West	Shop 1/330 Cranbourne Road, Frankston 3199	To use the land to sell liquor (Packaged Liquor) in association with a Section 1 Use (Supermarket) and to reduce the car parking requirements under Clause 52.06	4/04/2019
138/2019/P	North-West	147 Beach Street, Frankston 3199	Ten (10) Lot Subdivision	9/04/2019
175/2019/P	North-West	30 Coprosma Avenue, Frankston 3199	Three (3), Two (2) Storey Town houses	10/04/2019
146/2019/P	North-West	42 Fortescue Avenue, Seaford 3198	To construct two (2) double storey dwellings and tree removal within the Environmental Significance Overlay (Schedule 4)	10/04/2019
161/2019/P	North-West	11 Sir Laurence Drive, Seaford 3198	Three (3) Lot Subdivision	12/04/2019
153/2019/P	North-West	101 East Road, Seaford 3198	To construct four (4) double storey dwellings	12/04/2019
150/2019/P	North-West	Belvedere Bowls Club 160 East Road, S Seaford 3198	To construct a building or construct or carry out works for an extension to the Seaford Bowling Club	15/04/2019
45/2019/P/VS	North-West	36 Coprosma Avenue, Frankston 3199	Two (2) Lot Subdivision	16/04/2019
168/2019/P	North-West	25 Weatherston Road, Seaford 3198	Two (2) Lot Subdivision	23/04/2019

<b>Progress Report – Planning Applications Received</b>				
<b>For The Application Date: From 1/04/2019 To 30/04/2019</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
172/2019/P	North-West	10 Frawley Street, Frankston 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	29/04/2019
174/2019/P	North-West	280 Frankston-Dandenong Road, Seaford 3198	One double storey dwelling next to existing single storey dwelling	30/04/2019
171/2019/P	North-West	27 Lorna Street, Seaford 3198	To construct three (3) double storey dwellings and to carry out buildings and works in a Special Building Overlay (SBO)	30/04/2019
<b>North-West Ward Total = 16</b>				
35/2019/P/VS	South	6 Fenton Crescent, Frankston South 3199	To construct a front fence in a Significant Landscape Overlay Schedule 4	1/04/2019
149/2019/P	South	5/1 The Grove, Frankston South 3199	To construct a domestic swimming pool in a Design and Development Overlay Schedule 9	2/04/2019
39/2019/P/VS	South	81 Fleetwood Crescent, Frankston South 3199	To construct a front fence in a Significant Landscape Overlay Schedule 4 (SLO4)	4/04/2019
40/2019/P/VS	South	42 Lardner Road, Frankston 3199	Two (2) Lot Subdivision (re-alignment of common boundary)	4/04/2019
527/2018/P/A	South	16 Lautrec Street, Frankston 3199	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot).	5/04/2019
143/2019/P	South	35-37 Towerhill Road, Frankston South 3199	To construct three (3) triple storey and three (3) double storey dwellings (six (6) dwellings); construct buildings and works within the Tree Protection Zone of substantial trees in a Significant Landscape Overlay - Schedule 6; remove substantial trees in a Significant Landscape Overlay - Schedule 6	5/04/2019
41/2019/P/VS	South	5A The Range, FRANKSTON SOUTH 3199	To construct a front fence in a Significant Landscape Overlay Schedule 6 (SLO6)	9/04/2019
42/2019/P/VS	South	252 Frankston-Flinders Road, Frankston South 3199	To remove one (1) substantial tree in a Significant Landscape Overlay Schedule 4	10/04/2019
151/2019/P	South	33 Leisureland Drive, Langwarrin 3910	To construct an outbuilding	11/04/2019

<b>Progress Report – Planning Applications Received</b>				
<b>For The Application Date: From 1/04/2019 To 30/04/2019</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
147/2019/P	South	18A Tavistock Road, Frankston South 3199	To construct and carry out works in association with a single dwelling in the Tree Protection Zone of substantial trees in the Significant Landscape Overlay Schedule 6 (SLO6)	11/04/2019
148/2019/P	South	15 Charlotte Court, Frankston South 3199	To construct one (1) single storey dwelling in a Design and Development Overlay Schedule 9 (DDO9), Significant Landscape Overlay Schedule 4 (SLO4) and a Bushfire Management Overlay Schedule 1 (BMO1)	11/04/2019
152/2019/P	South	3 Banyule Court, Frankston South 3199	To construct and carry out buildings and works to an existing dwelling in a Design and Development Overlay Schedule 9 (DDO9)	12/04/2019
156/2019/P	South	1 Faygate Court, Frankston 3199	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	12/04/2019
155/2019/P	South	55 McMahons Road, Frankston 3199	To create or alter access to or to subdivide land adjacent to a Road in a Road Zone Category 1 and to construct a building or to construct or carry out works for a front fence within a Special Building Overlay (SBO).	12/04/2019
162/2019/P	South	9 The Ridge, Frankston South 3199	To construct a habitable outbuilding and to construct and carry out works in the Tree Protection Zone of substantial trees	15/04/2019
157/2019/P	South	10 Gowrie Avenue, Frankston South 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	15/04/2019
164/2019/P	South	2 Fenton Crescent, Frankston South 3199	To construct or carry out works for a double storey dwelling over 9.0 metres in height and within 2.0 metres of a side boundary in a Design and Development Overlay Schedule 9 (DDO9) and to carry out works within the tree protection zone of substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4)	15/04/2019

Progress Report – Planning Applications Received For The Application Date: From 1/04/2019 To 30/04/2019				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
163/2019/P	South	7 Ronald Avenue, Frankston South 3199	To construct one (1) double storey dwelling to the rear of the exiting dwelling (two (2) dwellings), to construct or carry out works to the existing dwelling and to remove and construct or carry out works in the tree protection zone of substantial trees of a Significant Landscape Overlay Schedule 4 (SLO4)	16/04/2019
46/2019/P/VS	South	37 Gowrie Avenue, Frankston South 3199	To remove one (1) substantial tree in a Significant Landscape Overlay Schedule 4 (SLO4)	23/04/2019
167/2019/P	South	Frankston Park (Dolphins VFL) 3N High Street, Frankston 3199	To construct four (4), forty-eight (48) metre high light towers in a Public Park and Recreation Zone; to construct buildings and works exceeding 51.10 metres above the Australian Height Datum (AHD) in a Design and Development Overlay “Schedule 11; to construct buildings and works in a Heritage Overlay; to construct buildings and works within a Special Building Overlay	29/04/2019
169/2019/P	South	7 Cambridge Street, Frankston 3199	Two (2) Lot Subdivision	29/04/2019
173/2019/P	South	439 Nepean Highway, Frankston 3199	To use the land to sell and consume liquor	30/04/2019
South Ward Total = 22				
Total New Application= 56				

Progress Report – Amendments to Planning Permits Received For The Application Date: From 1/04/2019 To 30/04/2019				
Application No	Ward	Property Address	Application Description	Date
599/2002/P/A	East	31-33 Panoramic Drive, Langwarrin 3910	Section 72 - Dual Occupancy	30/04/2019
East Ward Total = 1				
47/2018/P/B	North-East	26 Larch Street, Langwarrin 3910	Secondary Consent - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	4/04/2019
418/2018/P/A	North-East	586 Frankston-Dandenong Road, Carrum Downs 3201	Section 72 - To use the land as an Indoor Recreation Facility (Indoor Play Facility) within the Commercial 2 Zone (C2Z) and display business identification and internally illuminated signage within a Category 1 area  Amendment - To use the land to sell or consume liquor (licensed premises - cafe); to amend Conditions 3 - 5 of the Permit to increase the maximum number of staff, decrease the maximum number of patrons, extend Friday and Saturday hours of operation to 9.00pm; and to amend the plans to note the play centre and cafe as separate operations.	9/04/2019
77/2017/P/F	North-East	75 Clifton Grove, Carrum Downs 3201	Secondary Consent - The use and construction of twenty eight (28) warehouses and the removal of native vegetation	10/04/2019
331/2017/P/D	North-East	52 Edward Street, Langwarrin 3910	Secondary Consent - To construct two (2) dwelling to the rear of the existing dwelling (three (3) dwellings)	10/04/2019
232/1997/P/B	North-East	109 Cranbourne-Frankston Road, Langwarrin 3910	Section 72 - Medical Centre	10/04/2019
419/2017/P/C	North-East	23 Cedar Street, Langwarrin 3910	Section 72 - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	10/04/2019
419/2016/P/D	North-East	28 McCormicks Road, SKYE 3977	Section 72 - The construction of seven (7) double storey and one (1) single storey dwelling (eight dwellings)	12/04/2019
657/2018/P/B	North-East	472 McClelland Drive, Langwarrin 3910	Section 72 - Two (2) Lot Subdivision	12/04/2019

<b>Progress Report – Amendments to Planning Permits Received For The Application Date: From 1/04/2019 To 30/04/2019</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
24/2016/P/B	North-East	482 McClelland Drive, Langwarrin 3910	Extension of time - The construction of two additional dwellings alongside the existing dwelling on the land and altered access to a Road Zone Category 1 in accordance with the endorsed plans	23/04/2019
526/2014/P/C	North-East	80 McCormicks Road, Skye 3977	Section 72 - Use and building and works to extend the existing medical centre, alter access to a Road Zone Category 1 and display of business identification signage	26/04/2019
526/2014/P/C	North-East	74 McCormicks Road, Skye 3977	Section 72 - Use and building and works to extend the existing medical centre, alter access to a Road Zone Category 1 and display of business identification signage	26/04/2019
503/2016/P/C	North-East	87 Edward Street, Langwarrin 3910	Section 72 - To construct four (4) single storey dwellings	29/04/2019
209/2012/P/C	North-East	4 Cedar Street, Langwarrin 3910	Section 72 - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	29/04/2019
730/2015/P/C	North-East	724 Frankston-Dandenong Road, Carrum Downs 3201	Section 72 - To use and develop the land for a place of worship, one guest dwelling, one caretakers house and to alter access to a Road Zone	30/04/2019
730/2015/P/C	North-East	2 Boundary Road, Carrum Downs 3201	Section 72 - To use and develop the land for a place of worship, one guest dwelling, one caretakers house and to alter access to a Road Zone	30/04/2019
<b>North-East Ward Total = 15</b>				
313/2011/P/E	North-West	115 Rosemary Crescent, Frankston North 3200	Extension of Time - Construction of a two storey dwelling to the rear of the existing dwelling (two (2) dwellings)	2/04/2019
348/2017/P/B	North-West	345 Nepean Highway, Frankston 3199	Secondary Consent - To construct a five (5) storey building including basement, comprising twenty five (25) apartments with retail (shop) at ground floor and reduction in car parking	2/04/2019

Progress Report – Amendments to Planning Permits Received For The Application Date: From 1/04/2019 To 30/04/2019				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
2016/P/D	North-West	116 Austin Road, Seaford 3198	Extension of Time - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and a two (2) lot subdivision	5/04/2019
558/2016/P/E	North-West	46 Queen Street, Frankston 3199	Secondary Consent - The construction of eight (8) dwellings (five (5) double storey dwellings and three (3) single storey dwellings)	5/04/2019
558/2016/P/E	North-West	44 Queen Street, Frankston 3199	Secondary Consent - The construction of eight (8) dwellings (five (5) double storey dwellings and three (3) single storey dwellings)	5/04/2019
113/2018/P/VS	North-West	Shop 8 Station Street, Seaford 3198	Section 72 - To construct a verandah within a Commercial 1 Zone	9/04/2019
126/2018/P/B	North-West	16 Holroyd Street, Seaford 3198	Secondary Consent - To construct four (4) double storey dwellings	10/04/2019
330/2018/P/B	North-West	22 Tooyal Street, Frankston 3199	Section 72 - Building and works for a motor repair centre and provision of car parking on another site	15/04/2019
330/2018/P/B	North-West	1 New Street, Frankston 3199	Section 72 - Building and works for a motor repair centre and provision of car parking on another site	15/04/2019
45/2018/P/B	North-West	83 McMahons Road, Frankston 3199	Secondary Consent To construct two (2) double storey dwellings	16/04/2019
348/2017/P/C	North-West	345 Nepean Highway, Frankston 3199	Secondary Consent - To construct a five (5) storey building including basement, comprising twenty five (25) apartments with retail (shop) at ground floor and reduction in car parking	24/04/2019
660/2016/P/D	North-West	217 Austin Road, Seaford 3198	Secondary Consent - Construction of four (4) double storey dwellings	29/04/2019
North-West Ward = 12				
79/2015/P/F	South	2 Pastoral Street, Frankston South 3199	Section 72 - Development of two or more dwellings on a lot in the General Residential Zone. Removal of one indigenous tree in the Significant Landscape Overlay - Schedule 4	1/04/2019

<b>Progress Report – Amendments to Planning Permits Received</b>				
<b>For The Application Date: From 1/04/2019 To 30/04/2019</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
217/2018/P/C	South	34 Partridge Crescent, Frankston 3199	Secondary Consent - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	5/04/2019
544/2016/P/B	South	54 Norman Avenue, Frankston South 3199	Secondary Consent - To use the land for three (3) dwellings and construct a three (3) storey building addition, construct additions to an existing shop and take away food premises, reduce the number of car parking spaces required (Clause 52.06-5), waive loading and unloading requirements (Clause 52.07) and bicycle facility requirements (Clause 52.34)	12/04/2019
544/2016/P/B	South	13 Fleetwood Lane, Frankston South 3199	Secondary Consent - To use the land for three (3) dwellings and construct a three (3) storey building addition, construct additions to an existing shop and take away food premises, reduce the number of car parking spaces required (Clause 52.06-5), waive loading and unloading requirements (Clause 52.07) and bicycle facility requirements (Clause 52.34)	12/04/2019
544/2016/P/B	South	52 Norman Avenue, Frankston South 3199	Secondary Consent - To use the land for three (3) dwellings and construct a three (3) storey building addition, construct additions to an existing shop and take away food premises, reduce the number of car parking spaces required (Clause 52.06-5), waive loading and unloading requirements (Clause 52.07) and bicycle facility requirements (Clause 52.34)	12/04/2019
391/2015/P/C	South	26 Lawson Avenue, Frankston South 3199	Secondary Consent - To construct two (2) dwellings and remove vegetation	16/04/2019
671/2011/P/G	South	4 Orchard Grove, Frankston South 3199	Section 72 - To construct four (4) double storey dwellings and the removal of vegetation	16/04/2019
363/2016/P/B	South	32 Glenview Crescent, Frankston 3199	Extension of Time - To construct one (1) single storey dwelling to the rear of existing dwelling (two (2) dwellings)	17/04/2019
59/2008/P/C	South	3 Margate Avenue, Frankston 3199	Secondary Consent - The development of three (3) dwellings, two (2) double storey, one (1) single storey	23/04/2019

Progress Report – Amendments to Planning Permits Received For The Application Date: From 1/04/2019 To 30/04/2019				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
381/2016/P/A	South	65 Barretts Road, Langwarrin South 3911	Extension of time - Two (2) lot subdivision	29/04/2019
1/2019/P/VS	South	34 Rosedale Grove, Frankston South 3199	Section 72 - To construct an extension to an existing dwelling and an associated outbuilding in a Design and Development Overlay Schedule 1	29/04/2019
179/2017/P/B	South	2/5 Nolan Street, Frankston 3199	Section 72 - To construct one (1) double storey dwelling (2/5 Nolan Street)	29/04/2019
183/2017/P/B	South	3/5 Nolan Street, Frankston 3199	Section 72 - To construct one (1) double storey dwelling (3/5 Nolan Street)	30/04/2019
South Ward = 13				
Total Amendments = 41				

Progress Report – Planning Application Decisions For The Application Date: From 1/04/2019 To 30/04/2019					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
510/2018/P	North-East	63 Cranbourne-Frankston Road, Langwarrin 3910	To construct four (4) double storey dwellings and create and alter access to a road in a Road Zone, Category 1 (RDZ1)	Permit Approved	1/04/2019
562/2018/P	North-East	122 Union Road, Langwarrin 3910	To construct two (2) double storey dwellings	Application Refused	3/04/2019
36/2019/P/VS	North-East	8 Access Way, Carrum Downs 3201	Two (2) Lot Subdivision	Permit Approved	4/04/2019
641/2018/P	North-East	46 Anthony Street, Langwarrin 3910	To construct two (2) double storey dwellings (two (2) dwellings on a lot) and to construct buildings and works in association with Accommodation (Dwellings) in a Bushfire Management Overlay Schedule 1 (BMO1)	Permit Approved	5/04/2019
492/2018/P	North-East	15 Luscombe Avenue, Carrum Downs 3201	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings).	Permit Approved	16/04/2019
142/2019/P	North-East	73 Lyrebird Drive, Carrum Downs 3201	Two (2) Lot Subdivision	Permit Approved	16/04/2019
29/2019/P	North-East	16 Grassmere Road, Langwarrin 3910	To construct one (1) outbuilding and to use the outbuilding as a store	Permit Approved	17/04/2019
406/2018/P	North-East	20 Brunnings Road, Carrum Downs 3201	To construct twelve (12) double storey dwellings	Permit Approved	17/04/2019
49/2019/P	North-East	39 Darnley Drive, Skye 3977	To construct one (1) single storey dwelling in a Bushfire Management Overlay (BMO)	Permit Approved	18/04/2019
97/2017/P	North-East	595 Ballarto Road, Skye 3977	To use and develop the land for horticulture (mushroom farm)	Application Refused	18/04/2019
108/2019/P	North-East	5 Ash Grove South, Langwarrin 3910	Three (3) lot subdivision	Permit Approved	24/04/2019
78/2019/P	North-East	8 Malibu Circuit, Carrum Downs 3201	To undertake buildings and works for a mezzanine in an Industrial 1 Zone	Permit Approved	24/04/2019

Progress Report – Planning Application Decisions For The Application Date: From 1/04/2019 To 30/04/2019					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
658/2016/P	North-East	McClelland Link 350M Cranbourne Road, Frankston 3199	To use the land for caravan storage and a waiver of the car parking requirements of Clause 52.06 of the Frankston Planning Scheme	Application Withdrawn	24/04/2019
44/2019/P/VS	North-East	1095 Frankston-Dandenong Road, Carrum Downs 3201	To construct and carry out works (addition of a window to an existing building) in a Commercial 1 Zone	Permit Approved	26/04/2019
31/2019/P/VS	North-East	1 Firth Close, Carrum Downs 3201	To construct and carry out works for a shipping container in association with a Section 2 Use in a General Residential Zone	Permit Approved	26/04/2019
510/2018/P	North-East	63 Cranbourne-Frankston Road, Langwarrin 3910	To construct four (4) double storey dwellings and create and alter access to a road in a Road Zone, Category 1 (RDZ1)	Permit Approved	30/04/2019
North-East Ward Total = 16					
473/2018/P	North-West	15 Belvedere Road, Seaford 3198	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwelling)	Permit Approved	3/04/2019
580/2018/P	North-West	40 Cumberland Drive, Seaford 3198	To use the site for a Section 2 Use - Agriculture (Dog Day Care) and to carry out works in an Industrial 1 Zone (IN1Z); to reduce the number of car parking spaces required under Clause 52.06 of the Frankston Planning Scheme.	Permit Approved	4/04/2019
105/2019/P	North-West	104 Austin Road, Seaford 3198	Two (2) Lot Subdivision	Permit Approved	4/04/2019
97/2019/P	North-West	11 Rosemary Crescent, Frankston North 3200	Two (2) lot subdivision	Permit Approved	4/04/2019
448/2017/P	North-West	217 Nepean Highway, Seaford 3198	Construction of three (3) triple storey dwellings and three (3) lot subdivision with common property and alteration of access	Permit Approved	5/04/2019

Progress Report – Planning Application Decisions For The Application Date: From 1/04/2019 To 30/04/2019					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
37/2019/P/VS	North-West	6 Manning Road, Seaford 3198	To construct a deck to a dwelling in a Special Building Overlay (SBO)	Permit Approved	5/04/2019
340/2018/P	North-West	85 Brunel Road, Seaford 3198	To construct three (3) warehouses and a reduction in the car parking requirements of Clause 52.06 of the Frankston Planning Scheme.	Permit Approved	5/04/2019
10/2019/P	North-West	25 Oaklands Crescent, Frankston 3199	To construct two (2) double storey dwellings on a lot	Permit Approved	5/04/2019
660/2018/P	North-West	43 Barry Street, Seaford 3198	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings).	Permit Approved	10/04/2019
508/2018/P	North-West	47 Hunt Drive, Seaford 3198	To construct four (4) double storey dwellings	Application Refused	16/04/2019
72/2019/P	North-West	9 Kookaburra Street, Frankston 3199	To use the land for an education centre (music recording and lessons)	Permit Approved	16/04/2019
456/2018/P	North-West	15 Fletcher Road, Frankston 3199	To construct a building or construct or carry out works in a Commercial 1 Zone	Permit Approved	18/04/2019
53/2019/P	North-West	19 Wynnstay Road, Seaford 3198	To construct or carry out works for an outbuilding in a Land Subject to Inundation Overlay	Permit Approved	23/04/2019
45/2019/P/VS	North-West	36 Coprosma Avenue, Frankston 3199	Two (2) Lot Subdivision	Permit Approved	26/04/2019
339/2018/P	North-West	121-123 Lindrum Road, Frankston 3199	To construct eleven (11) double storey dwellings	Permit Approved	30/04/2019
483/2018/P	North-West	244 Seaford Road, Seaford 3198	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings), alter access to a road in a Road Zone Category 1 (RDZ1) and subdivide the land into two (2) lots	Permit Approved	30/04/2019
530/2017/P	North-West	2A&2B Klauer Street, Seaford 3198	To use the site as a Funeral Parlour with associated carparking works and to alter access to a road in a Road Zone, Category 1	Permit Approved	30/04/2019

Progress Report – Planning Application Decisions For The Application Date: From 1/04/2019 To 30/04/2019					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
North-West Ward Total = 17					
35/2019/P/VS	South	6 Fenton Crescent, Frankston South 3199	To construct a front fence in a Significant Landscape Overlay Schedule 4	Permit Approved	5/04/2019
468/2018/P	South	6 Blair Avenue, Frankston South 3199	To construct one (1) double storey dwellings to the rear of the existing dwelling (two (2) dwellings) and removal of trees.	Application Refused	9/04/2019
466/2018/P	South	5 Helen Street, Frankston 3199	Variation to Covenant No. 1446628 by deleting the words one dwelling-house and substituting the words two dwelling-houses	Application Refused	9/04/2019
39/2019/P/VS	South	81 Fleetwood Crescent, Frankston South 3199	To construct a front fence in a Significant Landscape Overlay Schedule 4 (SLO4)	Permit Approved	10/04/2019
41/2019/P/VS	South	5A The Range, Frankston South 3199	To construct a front fence in a Significant Landscape Overlay Schedule 6 (SLO6)	Permit Approved	10/04/2019
533/2018/P	South	12 Coogee Avenue, Frankston 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings).	Permit Approved	10/04/2019
666/2018/P	South	94 Overport Road, Frankston South 3199	To undertake buildings and works to an existing dwelling and to construct two (2) outbuildings within a Design and Development Overlay Schedule 1; and to remove two (2) trees within a Significant Landscape Overlay Schedule 3	Permit Approved	10/04/2019
182/2018/P	South	153 North Road, Langwarrin 3910	To construct two (2) double storey dwellings	Permit Approved	11/04/2019
115/2019/P	South	13 John Street, Langwarrin 3910	Three (3) Lot subdivision	Permit Approved	12/04/2019
32/2019/P/VS	South	23 Gulls Way, Frankston South 3199	To remove one (1) substantial tree in a Significant Landscape Overlay - Schedule 3	Permit Approved	12/04/2019

<b>Progress Report – Planning Application Decisions            For The Application Date: From 1/04/2019 To 30/04/2019</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
470/2018/P	South	24 Barretts Road, Langwarrin South 3911	To construct one (1) single storey dwelling within a 10.0 metres of a boundary within the Design and Development Overlay Schedule 4 and to remove one (1) tree within a Significant Landscape Overlay Schedule 1	Permit Approved	15/04/2019
254/2018/P	South	475 Baxter-Tooradin Road, Langwarrin South 3911	To change the use of the land to Intensive animal production (production of free range eggs) under the existing use provisions of Clause 63 of the Frankston Planning Scheme	Application Refused	16/04/2019
106/2019/P	South	15 Willora Court, Frankston South 3199	To construct a carport and extensions to an existing dwelling in a Design and Development Overlay Schedule 1	Permit Approved	16/04/2019
42/2019/P/VS	South	252 Frankston-Flinders Road, Frankston South 3199	To remove one (1) substantial tree in a Significant Landscape Overlay Schedule 4	Permit Approved	16/04/2019
69/2019/P	South	65 Baden Powell Drive, Frankston South 3199	To undertake buildings and works (upper storey extension) to an existing dwelling in a Design and Development Overlay Schedule 9	Permit Approved	16/04/2019
248/2018/P	South	172 Beach Street, Frankston 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling and alter access to a road in a Road Zone, Category 1 (RDZ1)	Permit Approved	17/04/2019
43/2019/P	South	8 Oban Street, Frankston 3199	To construct one (1) single storey and one (1) double storey dwelling (two (2) dwellings on a lot)	Permit Approved	17/04/2019
675/2018/P	South	33 Denbigh Street, Frankston 3199	To construct two (2) double storey dwellings on a lot and to construct buildings and carry out works in a Special Building Overlay and Design and Development Overlay - Schedule 6	Permit Approved	17/04/2019

Progress Report – Planning Application Decisions For The Application Date: From 1/04/2019 To 30/04/2019					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
665/2018/P	South	365 Baxter-Tooradin Road, Langwarrin South 3911	Buildings and works associated with a use in Section 2 of Clause 35.06-1 of the Frankston Planning Scheme (extension to an existing dwelling and extension to a shed); to construct buildings within 100 metres of a waterway and to construct a building and carry out works in the Tree Protection Zone of substantial trees.	Permit Approved	24/04/2019
122/2019/P	South	7 Fontayne Court, Frankston South 3199	To undertake buildings and works to an existing dwelling (extension, pergola and deck) in a Design and Development Overlay Schedule 1 and undertake works within the tree protection zone of a significant tree in a Significant Landscape Overlay Schedule 3.	Permit Approved	30/04/2019
520/2018/P	South	13 Winifred Street, Frankston 3199	Use and building and works to construct a medical centre with associated car parking and to display a business identification sign	Permit Approved	30/04/2019
South Ward Total =21					
Total Decisions = 54					

Progress Report – Amendments to Planning Application Decisions For The Application Date: From 1/04/2019 To 30/04/2019					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
689/2014/P/C	North-East	1195 Frankston-Dandenong Road, Carrum Downs 3201	Secondary Consent - To construct six (6) single storey dwellings on lots 105 and 106 and 151 (stage 4 Wattlewood Estate), buildings and works within the Tree Protection Zone (TPZ) of trees and removal of one (1) tree	Secondary Consent Approved	9/04/2019
383/2018/P/A	North-East	39 Titan Drive, Carrum Downs 3201	Secondary Consent - Buildings and works to an existing warehouse and a reduction in the car parking requirements of Clause 52.06 of the Frankston Planning Scheme	Secondary Consent Approved	12/04/2019
408/2011/P/F	North-East	46 McCormicks Road, Skye 3977	Section 72 - To construct ten (10) dwellings (nine (9) double storey and one (1) single storey) and alterations to access to a Road Zone Category 1 Amendment is to adjust boundary line, changes to dwelling designs.	Permit Approved	12/04/2019
144/2013/P/C	North-East	315 North Road, Langwarrin 3910 Stringybark Bushland Reserve 315R North Road, Langwarrin 3910	Extension of Time - To subdivide the land, remove vegetation and construct and carry out works within a Road Zone, Category 2	Extension of Time Approved	16/04/2019
156/2018/P/B	North-East	5 Kestrel Court, Carrum Downs 3201	Secondary Consent - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Secondary Consent Approved	17/04/2019
7/2018/P/A	North-East	75 Sandhurst Boulevard, Sandhurst 3977	Section 72 - To use the site as a food and drink premises (Cafe) and a reduction in the car parking requirements of Clause 52.06.	Permit Approved	17/04/2019
649/2010/P/C	North-East	7 Myrtle Street, Langwarrin 3910	Secondary Consent - To construct two (2) single storey dwellings and one (1) double storey dwelling	Secondary Consent Refused	18/04/2019
North-East Ward Total = 7					

Progress Report – Amendments to Planning Application Decisions For The Application Date: From 1/04/2019 To 30/04/2019					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
261/2016/P/B	North-West	9 Seaford Road, Seaford 3198	Extension of Time - To construct three (3) double storey dwellings (three (3) dwellings) and create access to a road in a Road Zone Category 1	Extension of Time Approved	3/04/2019
151/2018/P/B	North-West	25 Weatherston Road, Seaford 3198	Secondary Consent - To construct two (2) double storey dwellings	Secondary Consent Approved	8/04/2019
723/2015/P/B	North-West	1 Gladwyn Avenue, Frankston 3199	Extension of Time - The construction of three (3) double storey dwellings	Extension of Time Approved	10/04/2019
113/2016/P/B	North-West	6 Lorraine Street, Frankston 3199	Extension of Time - The construction of three (3) double storey dwellings	Extension of Time Approved	10/04/2019
403/2016/P/C	North-West	71 Centenary Street, Seaford 3198	Extension of time - To construct two (2) single storey dwellings	Extension of Time Approved	10/04/2019
632/2012/P/H	North-West	14 Molesworth Street, Seaford 3198	Extension of Time - To construct a single storey dwelling to the rear of the existing dwelling (two (2) dwellings) and to subdivide the land into two (2) lts	Extension of Time Approved	11/04/2019
257/2016/P/D	North-West	5 Margaret Avenue, Seaford 3198	Secondary Consent - The construction of one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Secondary Consent Approved	12/04/2019
348/2017/P/B	North-West	345 Nepean Highway, Frankston 3199	Secondary Consent - To construct a five (5) storey building including basement, comprising twenty five (25) apartments with retail (shop) at ground floor and reduction in car parking	Secondary Consent Approved	12/04/2019
183/2016/P/D	North-West	175 McMahons Road, Frankston 3199	Extension of Time - To undertake buildings and works for an aged care facility and to remove native vegetation	Extension of Time Approved	15/04/2019
103/2013/P/E	North-West	150 Nepean Highway, Seaford 3198	Section 72 - To construct one (1) three storey dwelling in front of the existing dwelling (two (2) dwellings) and alterations to an access on a Road Zone Category 1	Permit Approved	17/04/2019

Progress Report – Amendments to Planning Application Decisions For The Application Date: From 1/04/2019 To 30/04/2019					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
583/2016/P/D	North-West	116 Austin Road, Seaford 3198	Extension of Time - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and a two (2) lot subdivision	Extension of Time Approved	18/04/2019
558/2016/P/E	North-West	44-46 Queen Street, Frankston 3199	Secondary Consent - The construction of eight (8) dwellings (five (5) double storey dwellings and three (3) single storey dwellings)	Secondary Consent Approved	18/04/2019
113/2018/P/VS	North-West	Shop 8 Station Street, Seaford 3198	Section 72 - To construct a verandah within a Commercial 1 Zone	Permit Approved	18/04/2019
313/2011/P/E	North-West	115 Rosemary Crescent, Frankston North 3200	Extension of Time - Construction of a two storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Extension of Time Approved	24/04/2019
126/2018/P/B	North-West	16 Holroyd Street, Seaford 3198	Secondary Consent - To construct four (4) double storey dwellings	Secondary Consent Approved	24/04/2019
45/2018/P/B	North-West	83 McMahons Road, Frankston 3199	Secondary Consent To construct two (2) double storey dwellings	Secondary Consent Approved	25/04/2019
700/2010/P/C	North-West	19 Sheridan Avenue, Frankston 3199	Section 72 Amendment - To construct eight (8) dwellings within a four (4) storey building, including basement car parking.	Application Lapsed	29/04/2019
<b>North-West Ward Total = 17</b>					
103/2012/P/D	South	1 Bunarong Drive, Frankston 3199	Extension of time - To construct a double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and to subdivide the land into two (2) lots	Extension of Time Approved	10/04/2019
206/2016/P/C	South	4 Dingle Avenue, Frankston 3199	Extension of Time - Construction of double storey dwellings and waiving of visitor parking	Extension of Time Approved	15/04/2019
363/2016/P/B	South	32 Glenview Crescent, Frankston 3199	Extension of Time - To construct one (1) single storey dwelling to the rear of existing dwelling ( two (2) dwellings)	Extension of Time Approved	24/04/2019

Progress Report – Amendments to Planning Application Decisions For The Application Date: From 1/04/2019 To 30/04/2019					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
59/2008/P/C	South	3 Margate Avenue, Frankston 3199	Secondary Consent - The development of three (3) dwellings, two (2) double storey, one (1) single storey	Secondary Consent Approved	26/04/2019
391/2015/P/C	South	26 Lawson Avenue, Frankston South 3199	Secondary Consent - To construct two (2) dwellings and remove vegetation	Secondary Consent Approved	29/04/2019
355/2009/P/I	South	525 McClelland Drive, Langwarrin 3910	Secondary Consent - Extensions to Peninsula Private Hospital, Vegetation removal and access to a Road Zone Category 1	Secondary Consent Approved	30/04/2019
605/2008/P/D	South	8 Robinsons Road, Frankston South 3199	Section 72 - Demolish one hundred and seventeen (117) units and an amenities building and construct eighty two (82) new units and a croquet club  Amendment - Construction of twenty three (23) retirement units and associated car parking, in accordance with Stage 3	Permit Approved	30/04/2019
South Ward Total = 7					
Total Amendments = 31					

<b>Progress Report – Subdivision Application Received</b>				
<b>For The Application Date: From 1/04/2019 To 30/04/2019</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
37/2019/S	North-East	8 Access Way, Carrum Downs 3201	Two (2) Lot Subdivision	1/04/2019
38/2019/S	North-East	2 Access Way, Carrum Downs 3201	Two (2) Lot Subdivision	4/04/2019
40/2019/S	North-East	22 Maria Drive, Langwarrin 3910	Five (5) Lot Subdivision	1/04/2019
44/2019/S	North-East	42 Barnett Avenue, Carrum Downs 3201	Seven (7) Lot Subdivision	5/04/2019
45/2019/S	North-East	14 Sutton Crescent, Carrum Downs 3201	Ten (10) Lot Subdivision	5/04/2019
43/2019/S	North-East	9 William Road, Carrum Downs 3201	Seven (7) Lot Subdivision	9/04/2019
46/2019/S	North-East	73 Lyrebird Drive, Carrum Downs 3201	Two (2) Lot Subdivision	8/04/2019
48/2019/S	North-East	23 Cedar Street, Langwarrin 3910	Two (2) Lot Subdivision	12/04/2019
52/2019/S	North-East	5 Edward Street, Langwarrin 3910	Eighteen (18) Lot Subdivision	30/04/2019
39/2019/S	North-West	26 Parer Street, Frankston 3199	Two (2) Lot Subdivision	1/04/2019
42/2019/S	North-West	147 Beach Street, Frankston 3199	Ten (10) Lot Subdivision	9/04/2019
49/2019/S	North-West	11 Sir Laurence Drive, Seaford 3198	Three (3) Lot Subdivision	12/04/2019
47/2019/S	North-West	36 Coprosma Avenue, Frankston 3199	Two (2) Lot Subdivision	16/04/2019
50/2019/S	North-West	25 Weatherston Road, Seaford 3198	Two (2) Lot Subdivision	24/04/2019
41/2019/S	South	42 Lardner Road, Frankston 3199	Two (2) Lot Subdivision	4/04/2019
51/2019/S	South	7 Cambridge Street, Frankston 3199	Two (2) Lot Subdivision	29/04/2019
<b>Total Applications = 16</b>				

<b>Progress Report – Subdivision Decisions</b>					
<b>For The Application Date: From 1/04/2019 To 30/04/2019</b>					
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Status</u></b>	<b><u>Date</u></b>
11/2019/S	North-East	18 Luscombe Avenue, Carrum Downs 3201	Two (2) Lot Subdivision	SOC Issued (M)	8/04/2019
118/2017/S	North-East	16 Alder Street, Langwarrin 3910	Two (2) lot subdivision	SOC Issued (M)	9/04/2019
20/2017/S	North-East	11 Tucker Boulevard, , Carrum Downs 3201	Two (2) Lot Subdivision	SOC Issued (M)	9/04/2019
22/2017/S	North-East	17 Coaldrake Street, , Carrum Downs 3201	Four (4) Lot Subdivision	SOC Issued (M)	9/04/2019
52/2018/S	North-East	178 Lyrebird Drive, Carrum Downs 3201	Two (2) lot subdivision	SOC Issued (M)	11/04/2019
92/2017/S	North-East	43 Yazaki Way, Carrum Downs 3201	fourteen (14) lot subdivision	Certification and SOC Issued	15/04/2019
11/2017/S	North-East	62 McCormicks Road, SKYE 3977	Two (2) lot subdivision	SOC Issued (M)	24/04/2019
118/2017/S	North-East	16 Alder Street, Langwarrin 3910	Two (2) lot subdivision	SOC Issued (M)	29/04/2019
78/2016/S	North-East	2 Brolga Court, , Carrum Downs 3201	Two (2) lot subdivision	Certified	30/04/2019
32/2019/S	North-West	1/57 Rosslyn Avenue, Seaford 3198	Two (2) Lot Subdivision	SOC Issued (M)	29/04/2019
149/2016/S	South	46 Bondi Avenue, Frankston 3199	Two (2) lot subdivision	Certified	2/04/2019
58/2017/S	South	1 Quail Place, Langwarrin 3910	Five (5) lot subdivision with common property	SOC Issued (M)	2/04/2019
131/2016/S	South	34 Ronald Avenue, Frankston South 3199	Three (3) lot subdivision	SOC Issued (M)	24/04/2019
12/2019/S	South	26 Lawson Avenue, Frankston South 3199	Two (2) Lot Subdivision	Certification and SOC Issued	29/04/2019
57/2018/S	South	2 Diosma Court, Frankston South 3199	Two (2) lot subdivision	Certified	30/04/2019
74/2013/S	South	30 Denbigh Street, Frankston 3199	Four (4) lot subdivision	Certified	30/04/2019
<b>Subdivision Decision Total = 16</b>					

<b>Town Planning Applications – Direction To Advertise Issued April 2019</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Application Date</u></b>
102/2019/P	North-East	33 Quarry Road, Langwarrin 3910	To construct two (2) single storey dwellings on a lot	12/03/2019
59/2019/P	North-East	24 McKays Road, Langwarrin 3910	To construct an outbuilding in a Design and Development Overlay Schedule 4	14/02/2019
60/2019/P	North-East	71-77 Hall Road, Carrum Downs 3201	Development and use of the land for a motel and extension to existing carpark	15/02/2019
29/2019/P	North-East	16 Grassmere Road, Langwarrin 3910	To construct one (1) outbuilding and to use the outbuilding as a store	22/01/2019
81/2019/P	North-East	51 Paddington Avenue, Carrum Downs 3201	To construct two (2) double storey dwellings	26/02/2019
57/2019/P	North-West	24 Leonard Street, Frankston 3199	To construct three (3) double storey dwellings	1/02/2019
654/2018/P	North-West	27 Park Street, Seaford 3198	To construct two (2) double storey dwellings	7/12/2018
31/2019/P	North-West	17 Coolgardie Street, Frankston North 3200	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	8/01/2019
117/2018/P	North-West	73 Seaford Grove, Seaford 3198	To construct three (3) double storey dwellings	9/03/2018
564/2018/P	North-West	335 Frankston-Dandenong Road, Frankston North 3200	To construct three (3) double storey dwellings	13/11/2018
324/2018/P	North-West	37 Nepean Highway, Seaford 3198	Construction of six (6) three storey dwellings and reduction of visitor car parking	16/07/2018
13/2019/P	North-West	Seaford Reserve - R F Miles Recreation Reserve 22R Seaford R	Demolition of existing pavilion and toilet block and construction of a new sports pavilion, carpark and associated works.	21/12/2018
72/2019/P	North-West	9 Kookaburra Street, Frankston 3199	To use the land for an education centre (music recording and lessons) within the Industrial 1 Zone and reduce the car parking requirements under Clause 52.06 of the Frankston Planning Scheme	22/02/2019

<b>Town Planning Applications – Direction To Advertise Issued April 2019</b>				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Application Date</u>
12/2019/P	South	9 Gulls Way, Frankston South 3199	To construct an extension and carry out works to an existing dwelling in a Design and Development Overlay Schedule 2 (DDO2)	2/01/2019
101/2019/P	South	8 Water Way, Frankston South 3199	To carry out buildings and works for an extension to an existing dwelling in a Design and Development Overlay Schedule 9	4/03/2019
69/2019/P	South	65 Baden Powell Drive, Frankston South 3199	To undertake buildings and works to an existing dwelling in a Design and Development Overlay Schedule 9	7/02/2019
567/2018/P	South	23 Frome Avenue, Frankston 3199	To construct two (2) double storey dwellings	13/11/2018
681/2018/P	South	Jubilee Park 83R-85R Hillcrest Road, Frankston 3199	To construct buildings and works for a natural playground and associated equipment within a Public Park and Recreational Zone; to display a business identification sign within a Category 4 area; to construct buildings and works within a Special Building Overlay	24/12/2018
36/2019/P	South	183 Cranbourne Road, Frankston 3199	External and internal alterations to existing building and modification of the Red Line area of the Liquor License and Green Line area for the EGMs	25/01/2019
584/2018/P	South	85 McComb Boulevard, Frankston South 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings); construct buildings and works in a Design and Development Overlay - Schedule 9; construct buildings and works in a Significant Landscape Overlay - Schedule 4	26/11/2018
40/2019/P	South	38 Nolan Street, Frankston 3199	To construct two (2) double storey dwellings on a lot; to construct a building that exceeds 7 metres in height in a Design and Development Overlay Schedule 6 (DDO6); and to construct buildings and carry out works in a Special Building Overlay (SBO)	31/01/2019

Town Planning Applications – Direction To Advertise Issued April 2019				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Application Date</u>
45/2019/P	North-East	7 Kestrel Court, Carrum Downs 3201	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot)	6/02/2019
418/2018/P/A	North-East	586 Frankston-Dandenong Road, Carrum Downs 3201	Section 72 - To use the land as an Indoor Recreation Facility (Indoor Play Facility) within the Commercial 2 Zone (C2Z) and display business identification and internally illuminated signage within a Category 1 area  Amendment - To use the land to sell or consume liquor (licensed premises - cafe); to amend Conditions 3 - 5 of the Permit to increase the maximum number of staff, decrease the maximum number of patrons, extend Friday and Saturday hours of operation to 9.00pm; and to amend the plans to note the play centre and cafe as seperate operations.	9/04/2019
77/2019/P	North-East	16 Sonia Street, Carrum Downs 3201	To use the land for materials recycling (E-waste)	27/02/2019
146/2019/P	North-West	42 Fortescue Avenue, Seaford 3198	To construct two (2) double storey dwellings and tree removal within the Environmental Significance Overlay (Schedule 4)	10/04/2019
33/2019/P	North-West	21 Wynden Drive, Frankston 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	17/01/2019
680/2018/P	North-West	8 Lorna Street, Seaford 3198	Construction of three (3) double storey dwellings	21/12/2018
152/2019/P	South	3 Banyule Court, Frankston South 3199	To construct and carry out buildings and works to an existing dwelling in a Design and Development Overlay Schedule 9 (DDO9)	12/04/2019

<b>Town Planning Applications – Direction To Advertise Issued April 2019</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Application Date</u></b>
156/2019/P	South	1 Faygate Court, Frankston 3199	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	12/04/2019
111/2019/P	South	66A Cliff Road, Frankston South 3199	To construct two (2) double storey dwellings on a lot and to construct and carry out buildings and works and a domestic swimming pool in a Design and Development Overlay Schedule 9	15/03/2019
27/2019/P	South	23 James Street, Frankston 3199	To construct two (2) double storey dwellings	18/01/2019
302/2018/P	South	170 North Road, Langwarrin 3910	Construction of six (6) town houses	29/06/2018
41/2019/P	South	21 Barmah Court, Frankston South 3199	To use the land for a Child Care Centre and to construct and carry out works in association with a Section 2 Use in the General Residential Zone (R1Z) and the Bushfire Management Overlay Schedule 1 (BMO1); to remove substantial trees and carry out works in the Tree Protection Zone of a substantial tree in the Significant Landscape Overlay Schedule 3 (SLO3); to construct a building and carry out works in the Design and Development Overlay Schedule 1 (DDO1); to construct and display business identification signage.	31/01/2019

**Legend**

<b>10 or more dwellings:</b>	<b>Yellow</b>
<b>3 or more lot subdivisions:</b>	<b>Blue</b>
<b>3 or more storey development:</b>	<b>Green</b>
<b>Applications in the CAA:</b>	<b>Pink</b>

Progress Report – Current VCAT Appeals April 2019									
<u>Appeal No</u>	<u>Application Number</u>	<u>Address</u>	<u>Proposal</u>	<u>Lodged at VCAT</u>	<u>Council Decision</u>	<u>Appeal Type</u>	<u>Date of Appeal</u>	<u>VCAT Decision</u>	<u>Date of VCAT Decision</u>
P1718/2018	448/2017/P	217 Nepean Highway Seaford	Three (3) lot subdivision and three (3) dwellings	29/08/2018 and 30/08/2018	Notice of Decision	Decision to grant a permit	12-Mar-19	Approved	4-Apr-19
P1869/2018	477/2017/P	25 Donald Road, Langwarrin 3910	To construct buildings and works within a Design and Development Overlay – Schedule 4 (DDO4), to construct outbuildings within a Bushfire Management Overlay (BMO), construct buildings and works within the Tree Protection Zone of substantial trees under a Significant Landscape Overlay – Schedule 1 (SLO1) and to use the site for a Home Based Business exceeding 100 square metres	25/09/2018	Not yet Determined	Failure to determine	01-Apr-19		
P1951/2018	182/2018/P	153 North Road, Langwarrin 3910	To construct two (2) double storey dwellings	4/10/2018	Notice of Decision	Decision to grant a permit	08-Apr-19	Approved	8-Apr-19
P2126/2018	303/2018/P	4/87 Clifton Grove Carrum Downs	To use the land as a 'Retail Premises' (Photography Studio)	24/10/2018	Refusal	Refusal to grant a permit	28/05/2019 10am		
P2306/2018	26/2018/P	77 Humphries Road Frankston South	Three (3) lot subdivision	3/12/2018	Approval	Appeal against conditions	20/05/2019 10am 2 days		

P2292/2018	357/2018/P	27 Havana Crescent Frankston	To construct three (3) double storey dwellings	19/11/2018	Refusal on 23/11/18	Failure to determine	06-Jun-19		
P2182/2018	143/2018/P	24 Centenary Street Seaford	To Construct eight (8) dwellings		Not yet Determined	Failure to determine	13-May-19		
P2469/2018	394/2007/P/A	6 Leisureland Drive Langwarrin	The construction of building and works to the existing building as a Place of Worship and Community Centre (Place of Assembly) and a Caretaker's House, with associated car parking in accordance with the endorsed plans	11/12/2018	Refusal	Refusal to grant an Amendment to permit	15-May-19		
P2496/2018	211/2017/P	24 Whitford Way Frankston	The use and development of the land for a childcare centre	11/12/2018	Refusal	Refusal to grant a permit	16/05/2019 10am		
P2572/2018	4/2018/P	88 Young Street, Frankston 3199	Use of land for accommodation, construction of a six (6) storey building containing fourteen (14) apartments and retail (shop) at ground floor; and reduction in car parking	8/01/2019	Refusal	Refusal to grant a permit	3-Jul-2019 10am		
P141/2019	378/2018/P	7 James Street Seaford	To construct two (2) dwellings on a lot	25/01/2019	Refusal	Refusal to grant a permit	24-Jul-19		
P96/2019	369/2018/P	314 Skye Road Frankston	To construct one (1) single storey and two (2) double storey dwellings (three (3) dwellings)	18/01/2019	Refusal	Refusal to grant a permit	1/08/2019 10am		
P82/2019	151/2017/P	105 Taylors Road Skye	To use and develop the land for a place of worship and to remove substantial and native vegetation	18/01/2019	Notice of Decision	Decision to grant a permit	23,25,26/07/2019 10am		

P314/2019	283/2018/P	490-504 Nepean Highway Frankston	Use and development of the land for retail, food and drink premises, office and accommodation (108 apartments) in a 10 storey building plus basement and reduction in car parking requirements	19/02/2019	Not yet Determined	Failure to determine	22-Jul-19		
P298/2019	382/2018/P	22 Nursery Avenue Frankston	To construct three (3) double storey dwellings including retention of the existing dwelling (four (4) dwellings)	20/02/2019	Notice of Decision	Decision to grant a permit	22/08/2019 10am		
P258/2019	156/2014/P	6 Davey Street Frankston	Extension of time - To construct a seventeen (17) storey building containing sixty three (63) dwellings and offices	13/02/2019	Refusal Ext of time	Refusal to time extension	25-Jul-2019 2.15pm		
P2501/2018	469/2008/P/L	211-212 Nepean Highway Seaford	Section 72 - Development of nineteen (19) dwellings and alteration of access to a road in Road Zone, Category 1 .	9/01/2019	Refusal	Refusal to amend a permit	4-Jun-2019 10am		
P2523/2018	469/2008/P/M	211-212 Nepean Highway Seaford	Extension of time - Development of nineteen (19) dwellings and alteration of access to a road in Road Zone, Category 1	13/12/2018	Not yet Determined	Failure to determine	16/04/2019 2.30pm		
P386/2019	405/2018/P	111 Cranbourne Road Frankston	Use of an existing building as a supermarket and shops, alterations to an existing building and associated works and a reduction in the car parking requirements	8/03/2019	Refusal	Refusal to grant a permit	4-Sept-2019 10am		
P433/2019	445/2018/P	72 Williams Street Frankston	Two (2) lot subdivision	18/03/2019	Refusal	Refusal to grant a permit	11-Sep-2019 10am		

P280/2019	211/1998/P/ B/C/D	1075 Dandenong- Hastings Road Langwarrin	Retail plant nursery and caretakers residence	18/02/2019	Notice of Decision	Decision to grant a permit	20-Aug- 2019 10am		
P164/2019 Enforcement order	211/1998/P	1075 Dandenong- Hastings Road Langwarrin	Retail plant nursery and caretakers residence	1/02/2019	Notice of Decision	Decision to grant a permit	20-Aug- 2019 10am		
P556/2019	565/2018/P	4 Elizabeth Street Frankston	To construct three (3) double storey dwellings	29/03/2019	Refusal	Refusal to grant a permit	23-Aug- 2019 2.15pm		
P598/2019	523/2018/P	5 Kerry Street Seaford	To construct six (6) double storey dwellings to the rear of the existing single storey dwelling (seven (7) dwellings)	4/04/2019	Approved	Appeal against conditions	12-Aug- 2019 9am		
P656/2019	321/2017/P	310 Centre Road Langwarrin	Four (4) lot subdivision	15/04/2019	Notice of Decision	Decision to grant a permit	11/10/2019 10am		
P650/2019	511/2018/P	11 Pratt Avenue Frankston South	To construct Three (3) dwellings	17/04/2019	Notice of Decision	Decision to grant a permit	28/08/2019 2.15pm		

Progress Report – VCAT Determination – Policy Implications April 2019			
<u>Appeal No</u>	<u>Application No</u>	<u>Address</u>	<u>VCAT Determination – Policy Implications</u>
P1951/2018	182/2018/P	153 North Road, Langwarrin	The applicant sought approval to construct two dwellings on the land. A Notice of Decision to Grant a Permit was issued, however an objecting party sought review of the decision. The VCAT determined to approve the development, providing only oral reasons at the hearing.
P1718/2018	448/2017/P	217 Nepean Highway, Seaford	<p>The applicant sought approval to construct and subdivide 3 triple storey dwellings on the land. A Notice of Decision to Grant a Permit was issued, however objecting parties sought review of the decision, identifying concerns about amenity impacts and neighbourhood character.</p> <p>On review, the VCAT found that the proposed form of construction was an acceptable response to the developing character of the area, and that subject to some modifications to the design, amenity impacts were appropriately managed.</p>

<b>Strategic Unit - Planning Scheme Amendments – April 2019</b>				
<b><u>Amendment</u></b>	<b><u>Address</u></b>	<b><u>Description</u></b>	<b><u>Status</u></b>	<b><u>Status Date</u></b>
C105	Health & Education precinct	Student Accommodation Policy	Deferred. Will do a following on project after the Housing Strategy Amendment Exhibition. Will discuss with DELWP.	7 May 2019
C120	Frankston City Council Wide	Implements the recommendations of the Frankston Housing Strategy 2018	Authorised by Council at its 4 June 2018 Ordinary meeting. Officers sent Authorisation application to DELWP to exhibit the Amendment. DELWP have requested further time to review.	7 May 2019
C123	Frankston MAC	Implements the recommendations of the Frankston MAC Structure Plan	Adopted at 3 April 2018 Council Meeting. Submitted to the Minister for Planning for Approval with Council's recommendations. Minister will not make a decision due to the VCAT appeal. Hearing will be on 6 and 7 June 2019.	12 February 2019
C124	Frankston MAC (balance)	Implements the recommendations of the Frankston MAC Structure Plan for areas other than city centre.	Adopted at 23 July 2018 Council Meeting. Was submitted to the Minister for Planning for Approval with Council's recommendations on 10 August 2018. Planners met with DELWP on 4 April 2019 to discuss the progression of the C124.	5 April 2019
C127	Frankston City Council Wide	Public Open Space Contributions	Amendment was on Exhibition from 12 March 2019 to 15 April 2019. 2 submissions were received. Seeking Council to request a Panel Hearing at Ordinary Meeting 13 May	7 May 2019

C131	Frankston City Council Wide	Removal of Development Plan Overlays	Authorised by Council at its 1 April 2019 Ordinary meeting. Officers sent Authorisation application to DELWP to exhibit the Amendment	7 May 2019
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**Executive Summary****12.1 Response to Petition - Installation of Combined Water Fountain and Dog Tap at Whistlestop Reserve**

*Enquiries: (Claire Benzie: Community Development)*

Council Plan

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

**Purpose**

This report acknowledges and responds to the Petition tabled at the Ordinary Meeting 13 May 2019.

**Recommendation (Director Community Development)**

That Council:

1. Notes a petition of 29 signatures requesting a combined water fountain and dog tap be installed at Whistlestop Reserve was received by Council 13 May 2019.
2. Authorises officers to write to the head petitioner and advise them of the outcome from the 13 May 2019 Ordinary Meeting.
3. Authorises officers to investigate an appropriate location for the combined water fountain and dog tap, and come back to Council in July 2019 with the relevant costings.

**Key Points / Issues**

- At Council's Ordinary Meeting on 13 May 2019 petition containing 29 signatures was received regarding a request to install a combined water fountain and dog tap at Whistlestop Reserve.

*\*We the undersigned hereby petition Frankston City Council and ask that Council install a combined water tap for humans and dogs at Whistlestop Reserve located on the corner of Dalpura Circuit and Skye Road, Frankston. This park is used frequently by children playing on the play equipment, children and adults playing basketball on the basketball court as well as dogs and their owners walking and socialising their dogs in the park. Currently there is no tap, yet many other similar parks in the Frankston City Council area have had a combined tap recently erected. Inquiries of council in 2017 and 2018 have elicited the responses that it is not part of the council plans for that year. We, the undersigned believe the heavy usage of the park by a range of users as described above warrants the installation of a combined human/dog water tap and hereby petition Frankston City Council to ask that such a tap be installed forthwith.\**

- Whistlestop Reserve is located at 16R Dalpura Circuit Frankston. The reserve is 18,915m<sup>2</sup> and comprises of parks and gardens, basketball court, children's play equipment and is an off lead area for dogs.
- The reserve is surrounded by residential properties, and there is no water fountain or dog tap currently in the reserve.

**12.1 Response to Petition - Installation of Combined Water Fountain and Dog Tap at Whistlestop Reserve**  
**Executive Summary****Financial Impact**

The Victorian Government introduced the "Fair Go Rates" system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.5 per cent for 2019-2020.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council's major source of income, Council's capacity to continue to deliver services and fund its capital programme will be severely restricted.

There are no financial implications associated with this report.

**Consultation****1. External Stakeholders**

Not applicable.

**2. Other Stakeholders**

Not applicable.

**Analysis (Environmental / Economic / Social Implications)**

It is acknowledged that the petition demonstrates a community need for a combined water fountain and dog tap. It will encourage families to stay longer at the Reserve improving their physical activity and their overall health and wellbeing.

Similarly, the tap for dogs will be a necessity, particularly on hot weather days.

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

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

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

Legal

There are no legal implications.

Policy Impacts

There are no policy implications.

Officer's Declaration of Interests

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

**Risk Mitigation**

There are no risk issues.

**12.1 Response to Petition - Installation of Combined Water Fountain and Dog Tap at  
Whistlestop Reserve****Executive Summary****Conclusion**

It is recommended that the petition is noted and that the head petitioner is advised of the outcome from the 13 May 2019 Ordinary Meeting. A further report detailing the location and cost of the combined water fountain and dog tap will be brought back to Council in July 2019.

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**ATTACHMENTS**

Nil

## Executive Summary

### 12.2 Records Management Policy

*Enquiries: (Brianna Alcock: Corporate Development)*

#### Council Plan

Community Outcome:	4. A Well Managed City
Strategy:	4.1 Services
Priority Action	4.1.2 Implement a rolling service review program.

#### Purpose

To adopt the revised Records Management Policy 2019-2021.

#### Recommendation (Director Corporate Development)

That Council adopt the Records Management Policy 2019-2021.

#### Key Points / Issues

- The Records Management Policy is a legislative requirement in accordance with the PROV (Public Records Office Victoria) Record Keeping Strategic Management Standard.
- A review of the existing Records Management Policy was recently undertaken to ensure the content is relevant and up to date.
- The Records Management Policy raises awareness, provides guidance, and direction to all employees on their roles and responsibilities associated with good records management practices.

#### Financial Impact

The Victorian Government introduced the “Fair Go Rates” system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.5 per cent for 2019-2020.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council’s major source of income, Council’s capacity to continue to deliver services, and fund its capital programme will be severely restricted.

There are no financial implications associated with this report.

#### Consultation

##### 1. External Stakeholders

No external stakeholders have been consulted.

##### 2. Other Stakeholders

Consultation with internal stakeholders was undertaken to ensure currency and accuracy of the nominated related records and the authorised databases and software applications within the Records Management Policy.

**12.2 Records Management Policy****Executive Summary****Analysis (Environmental / Economic / Social Implications)**

Not applicable.

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

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

Legal

The Records Management Policy is a legislative requirement in accordance with the PROV Record Keeping Strategic Management Standard.

Policy Impacts

Not applicable.

Officer's Declaration of Interests

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

**Risk Mitigation**

The Records Management Policy provides guidance and direction to all staff, contractors, and consultants to effectively manage records created, sent or receiving by Council. Failure to appropriately manage records results in the inability to comply with various legislations, provide an effective service to the community, adversely impact on any litigations, and impact on Council's reputation.

**Conclusion**

A review of the Records Management Policy was recently undertaken to ensure the content is relevant and up to date. The Records Management Policy provides the guidance to effectively manage Council's records, complying with the PROV Record Keeping Strategic Management Standard. It is recommended that Council adopt the Records Management Policy.

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**ATTACHMENTS**

Attachment A: [☞](#) Records Management Policy 2019-2021 (*Under Separate Cover*)

**12.2 Records Management Policy**  
**Officers' Assessment****Background**

Maintaining records is a legislative requirement, but more importantly, good records management practices makes good business sense, enabling the Council to conduct business efficiently and effectively to ultimately provide our customers with excellent service delivery.

The Records Management Policy was initially developed in consultation with internal stakeholders. Workshops were held and feedback requested from all staff to raise records management awareness and seek their input into the development of the Records Management Policy. The policy was endorsed by the Executive Management Team on 18<sup>th</sup> August 2015.

The Records Management Policy has been widely implemented across the organisation, and is published on Grapevine (Council's internal intranet). All new staff are made aware of the records management policy during induction and ReM (document management) system training.

A Records Management Audit program has been implemented to support the Records Management Policy. The audit is undertaken by the department with the following tasks undertaken:

- Conduct Records Management Audit in consultation with department staff members
- Develop Records Management Audit report including recommendations
- Present Records Management Audit report including recommendations to EMT to endorse.
- Present Records Management Audit report and recommendations to the department
- Implement audit report recommendations
- Develop Recordkeeping Code for department
- Achieve acceptance of Recordkeeping Code from Department Manager
- Provide progress of audits to Internal Auditors biannually.

**Issues and Discussion**

The organisation's records are currently managed in an ad-hoc manner with some managed well and others managed poorly. This can create issues, such as; wasted time searching for records; poor decision making; re-work; delays in responding to the community or the inability to comply with legal requirements, etc.

The Records Management Policy is supported by an ongoing Records Management Audit program which identifies improvement opportunities for records management compliance and business practices.

**Options Available including Financial Implications**

There are no financial implications associated with the report.

The Records Management Policy is a legislative requirement in accordance with the PROV Record Keeping Strategic Management Standard.

## Executive Summary

### 12.3 Statutory Naming Rules for Roads, Features and Locations

*Enquiries: (Brianna Alcock: Corporate Development)*

#### Council Plan

Community Outcome:	4. A Well Managed City
Strategy:	4.1 Services
Priority Action	4.1.4 Optimise the community's ability to access services and information

#### Purpose

For Council, as a responsible Naming Authority, to note and acknowledge the statutory naming rules relating to the naming of roads, features and locations.

#### Recommendation (Director Corporate Development)

That Council:

1. Notes that, as a responsible Naming Authority, it must comply with the statutory requirements and *Naming rules for places in Victoria 2016*, under the Geographic Place Names Act 1998, for all requests relating to the naming/renaming of roads, features and locations;
2. Notes that the Naming Policy, adopted by Council at its meeting on 18 September 2006, is inconsistent with the *Naming rules for places in Victoria 2016* and is no longer relevant and therefore will be revoked; and
3. Notes that matters relating to the recognition of notable Frankston City Citizens, will be addressed in the Naming Protocol, which will list naming themes to assist Council officers and private developers for linking names to a place.

#### Key Points / Issues

- The *Geographic Place Names Act 1998* (Act) makes provision for all councils, as Naming Authorities, to resolve on all geographical place names within its municipal boundaries, with the exception of places that are of state or historical significance.
- In the consideration of naming requests, councils are required to abide by the *Naming rules for places in Victoria 2016* (naming rules) developed by the Office of Geographic Place Names (OGN), which is a statutory requirement under the Act.
- These have been developed to; align with national principles for consistent use of place names within Australia; ensure appropriate naming is applied in the management of emergencies; and for the delivery of goods and services.
- The naming rules also provide the stages and steps required to be undertaken for naming requests, from receipt of a request through to implementation including public consultation.
- A copy of the naming rules is available for inspection at the Civic Centre and can also be found on the Property and Land Titles website [www.propertyandlandtitles.vic.gov.au](http://www.propertyandlandtitles.vic.gov.au).
- The existing Naming Policy (Policy) was adopted by Council at its meeting on 18 September 2006 and provided guidance for officers on requests that relate to the naming of pavilions, sporting facilities, reserves and roads. A copy of the Policy is attached to this report.

**12.3 Statutory Naming Rules for Roads, Features and Locations****Executive Summary**

- At its meeting on 13 May 2019, Council noted that the Frankston City Council Naming Policy was being revised and that the revision would provide high level policy statements relating to the recognition of notable Frankston City Citizens, as well as the requirement of developing a protocol to govern how this will occur.
- It has since been determined that Council's Policy is not consistent with the principles detailed in the naming rules and does not reflect the statutory requirements. Officers are recommending that the Policy be revoked and Council will instead be guided by the naming rules.
- In accordance with the Council resolution, a protocol will be developed which will include the steps detailed in the naming rules and outlining which department will be responsible for each stage in the process. Consultation with key internal stakeholders will be undertaken in this process and the protocol will be presented to EMT for formal endorsement.
- The protocol will also ensure that Council preserves the heritage and identity of its City's localities and wherever possible, will link the name to the place through the use of naming themes which will include; location; aboriginal heritage and language; prior uses of the land and the people associated with it; local flora and fauna; significant contributors to the community; notable residents of Frankston City who are deceased; social and historical events; historical exploration and settlement; and recognition of cultural diversity.
- All naming and renaming enquiries or requests relating to roads, features and locations will be the responsibility of the Governance and Information Department to ensure that it's being managed in accordance with the naming rules.

**Financial Impact**

The Victorian Government introduced the "Fair Go Rates" system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.5 per cent for 2019-2020.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council's major source of income, Council's capacity to continue to deliver services and fund its capital programme will be severely restricted.

There are no financial implications associated with this report.

**Consultation****1. External Stakeholders**

Members of the public will be encouraged to participate in a naming process when Council initiates a naming proposal.

**2. Other Stakeholders**

Internal stakeholders will be consulted on the proposed protocol which will clearly identify the responsibilities of the relevant departments during the key stages of a naming request.

**12.3 Statutory Naming Rules for Roads, Features and Locations****Executive Summary****Analysis (Environmental / Economic / Social Implications)**

The naming rules provide a structure for ensuring that any proposed name for a road, feature or location is consistent and will be of benefit to the community.

Consideration needs to be taken on the culture, connection, heritage, landscape, recognition, urban and regional planning. Members of the public are also encouraged to participate in the naming process.

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

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

Legal

The naming rules are the guidelines that are provided under the Act which sets out the rules and processes to be followed in selecting, assigning or amending a name of a road, feature or locality and the requirements for assessment and consultation.

The naming rules are published in the government gazette by the Governor in Council.

Policy Impacts

The current Policy is no longer valid and is inconsistent with the naming rules.

The naming rules provides a consistent approach for the naming of roads, features and locations for all councils.

Officer's Declaration of Interests

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

**Risk Mitigation**

Appropriate naming is essential to enable emergency services to easily identify a location and for the delivery of goods and services to a property.

The naming rules must be applied when considering naming requests to minimise risk to the public.

**Conclusion**

Councils must abide by the naming rules. These naming rules have been developed by the OGN and are provided for under the Act.

The current naming Policy is not consistent with the principles detailed in the naming rules and is therefore no longer valid. It is recommended that the Policy be revoked.

A protocol will be developed which will include the steps detailed in the naming rules, outlining which department will be responsible for each stage of the process. This will be presented to EMT for formal endorsement.

It is recommended that Council notes the naming rules.

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**ATTACHMENTS**

Attachment A: [↓](#) Naming Policy endorsed by Council 18 September 2006

FRANKSTON CITY COUNCIL – POLICY MANUAL

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<b>DIVISION:</b>	CORPORATE AND GOVERNANCE
<b>DEPARTMENT:</b>	FINANCE AND ADMINISTRATION
<b>TITLE:</b>	<b>NAMING POLICY</b>

**1. Policy Objective**

To provide guidelines for the naming of Places within the municipality.

To provide a consistent decision making approach to naming requests.

To recognize the contribution of residents in developing the City's facilities and services.

To preserve the City's identity and heritage and to recognise its cultural and physical diversity.

**2. Background**

Council, as a Naming Authority under the Geographic Place Names Act 1998, is required to resolve on all geographic place names in the municipal district, with the exception of geographic places of state significance.

In the consideration of naming requests, Council is required to abide by the Victorian Guidelines for Geographic Names and register all endorsed names with the Registrar of Geographic Names.

The Act defines place as ***“any place or building that is, or is likely to be, of public or historical interest and includes, but is not restricted to –***

- a) township, area, park, garden, reserve of land, suburb and locality;***
- b) topographical feature***
- c) street, road, rights of way, walkways, thoroughfares, transport station, government school, hospital and government nursing home”*** and would include Council facilities and pavilions.

FRANKSTON CITY COUNCIL – POLICY MANUAL

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**3. *Policy and Principles***

- Names are to be selected using the following criteria as per the principles outlined in the Guidelines for Geographic Names:
  - Recognition and use of traditional indigenous names subject to agreement from the relevant indigenous communities.
  - Linking the name to the place i.e. recognition of prior uses of the land (and people associated), local flora and fauna, European exploration and settlement, cultural diversity.
  - Use of unofficial names currently applied to existing topographical features especially if unofficial names are of cultural or historical significance.
  - Ensure that names do not compromise public safety and operational safety for emergency services, or cause confusion for transport, communication and mail services.
  - Duplicate place names and names with potentially confusing spelling should not be used, or names that sound the same, in close proximity to other places with the same or similar spelling or sounds.
  - Infrastructure names should conform with place names i.e. names should be the same as their locality to promote local identity and avoid confusion i.e. the names of railway stations, post offices should be identical to the names of their localities.
  - The same name should be adopted for different parts of the same feature i.e. names of creeks.
  - An appropriate consultative process should be undertaken.
  - Dual names may be used to give official recognition to names from two or more cultures.
  - Places should not be named after living persons, unless exceptional circumstances apply, and then only after due process and appropriate consultation has occurred. Names of living persons or enterprises are by their nature subject to change and partisan perception.
  - Names of Councillors or staff may only be used when exceptional circumstances exist.
  - Where the names of deceased persons are being considered for place or feature naming, the person being commemorated should have had a direct and long term association with the feature or have made a significant contribution to the area or region. When personal names are used as place names, it is preferable to use surnames rather than first names.

FRANKSTON CITY COUNCIL – POLICY MANUAL

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- Place names should not cause offence on the basis of race, ethnicity, religion and gender, or to particular community groups.
- Names must be written in Australian English and should be easy to pronounce, spell, write and generally not exceed 25 characters.

**4. Naming of streets, roads, right of ways, thoroughfares and tracks.**

1. Street names are to be selected based on the following criteria;
  - Recognition of prior uses of the land (and people associated)
  - Historical links
  - Physical heritage / landmarks
  - Recognising individuals who have made a significant contribution to the municipality
  - Recognition of contributions made by the municipality's multicultural communities
  - Recognition of any indigenous links with the land
  - Maritime links
2. Rights of way trafficable by vehicle may for ease of convenience simply be named on a North South East West basis from the nearest street, i.e. Right of way between Warrain Street to Murawa Street would be Warrain Lane. Rights of way trafficable by bicycle/foot would be named on the same basis, but would be known as laneways.

**5. Procedural Guidelines**

- A naming request may originate from the wider community Councillor or Council officers.
- Naming requests initiated by individuals or organisations must be in writing and if the proposal is for a commemorative naming, details of the life and achievements of the person proposed to be commemorated must be provided.
- A report recommending the naming (or renaming) of a road, lane, reserve, building or other infrastructure is to be referred to the Council for consideration.
- Appropriate consultation regarding a proposed name should be undertaken. This may take the form of advising all abutting property owners about the proposed name and seeking any comments, or placing a public advertisement in the local newspapers inviting comments from affected residents and the public.
- Once a final decision has been made, Council will notify the applicant, all abutting property owners and residents of the Council's decision.

FRANKSTON CITY COUNCIL – POLICY MANUAL

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- An internal memo will be sent to relevant Council departments, advising of the new or amended name.
- Arrangements will be made to erect appropriate signage.
- The Council will notify the Registrar of Geographic Names of the new or amended name.
- The Council will notify the relevant public authorities of the new or amended name.
- Naming a road (including rights of way) does not infer any obligation on the Council to improve, upgrade or maintain the road beyond the level of service that preceded the naming of the road.

**6. Naming of Playing Fields and Pavilions**

Local community organisations may request, in writing, to name a particular playing field or pavilion after a member of the club, under the following guidelines;

***Eligibility***

To honour and recognise an individual's service and contribution to the municipality.

- The individual will ideally have provided continuous service of 20 years or 25 years total involvement to a particular sporting or community organisation. Throughout this period of service the individual must have held a position of significant responsibility and assisted the organisation in reaching its achievements.
- The individual should ideally be a resident of Frankston City and/or Life Member of the club.
- Preference will generally be given to voluntary service as opposed to paid positions.
- Years of playing service will generally not be considered unless supplemented by a Committee or Coaching role at the same time.
- The individual may alternatively have an extensive (25yr+) involvement in the reserve through improvement or maintenance programs.

To honour and recognise an individual's significant achievements both nationally and internationally.

- The individual must have represented Australia in the particular sport in which the playing field is to be named.
- Preference will be given to Frankston residents and/or Life Member of the club.

FRANKSTON CITY COUNCIL – POLICY MANUAL

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To recognise the financial contribution made by a particular member of the club in the development of the playing field or pavilion.

- The individual should ideally be a resident of Frankston City and/or Life Member of the club.
- The individual must have made a substantial contribution over a number of years.
- Excludes donations made by corporations.

**Note:** An application to name a particular playing field or pavilion after a member of the club must be approved by the tenant Clubs. Where any disagreement exist Council will act as final arbitrator.

***Application to Council:***

The local organisation must submit a detailed application to Council that covers the eligibility guidelines outlined above.

The local organisation must submit evidence that the application was approved by the Committee.

***Administration:***

The following procedure shall apply:

***1. Multi purpose playing fields***

Due to the seasonal tenancy arrangement the majority of playing fields and pavilions have two tenants, therefore the following selection guidelines are provided:

**Reserve with one playing field and pavilion:**

The tenants are allowed to propose a name for either the playing field or the pavilion. One tenant will not be allowed to submit an application for both the playing field and pavilion within the reserve.

**Reserve with more than one playing field:**

The tenants are allowed to propose a name for either the main playing field or the pavilion. One tenant will not be allowed to submit an application to name both the main playing field and the pavilion. Additional playing fields can be named by either of the tenants.

FRANKSTON CITY COUNCIL – POLICY MANUAL

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**2. Consultation**

- Council is to advertise its intention to apply a proposed name to a playing field or pavilion in Council's column of the Independent Newspaper.
- Council is to inform, in writing, all the user groups that utilise the playing field of Council's intention to apply a proposed name.

**3. Notification**

The Local organisation will be advised in writing that the application has been received within 5 days of Council receiving the application.

The local organisations will be advised in writing that the application has been accepted or refused within 60 days of Council receiving the application. Council's decision is final.

**4. Approval**

Council will approve a maximum of 3 applications per year.

**5. Successful Applications**

The local organisation will be responsible for payment of the naming sign and the cost of an appropriate opening function. The sign is to be produced by Council within Council Corporate Signage guidelines. Ongoing maintenance of the sign will be the responsibility of Council. The Mayor or delegate will officiate at any function to unveil the name.

## Executive Summary

### 12.4 Review of Contributory Schemes Policy

*Enquiries: (Doug Dickins: Community Assets)*

#### Council Plan

Community Outcome:	4. A Well Managed City
Strategy:	4.1 Services
Priority Action	4.1.1 Identify service assets and service levels required to meet future community needs

#### **Purpose**

To seek Council adoption of the Draft Contributory Schemes Policy (2019).

#### **Recommendation (Director Community Assets)**

That Council:

1. Notes the community feedback and officer assessment of the community consultation process for the review of its Draft Contributory Schemes Policy (2019);
2. Adopts the attached Draft Contributory Schemes Policy (2019); and
3. Officers advise submitters of Council's decision.

#### **Key Points / Issues**

- Council has a Contributory Schemes Policy which was originally adopted in 1996 and has been updated a number of times. The most recent revision on 17 December 2014.
- The intent of this policy is to provide guidance in the implementation of a Special Charge Scheme. It is not intended to be used to construct all unsealed roads, rather it is to provide guidance in the implementation of a Special Charge Scheme should one be proposed in consultation with property owners.
- At Council Meeting OM 1 2019 on 29 January 2019, it was resolved, *“that Council:*
  1. *Notes the need for an updated Contributory Schemes Policy;*
  2. *Endorses the draft Contributory Schemes Policy 2019 and supports community consultation prior to the policy being presented to Council for formal adoption.”*
- The Draft Contributory Schemes Policy (2019) is in Attachment A.
- Feedback has been sought from the community in relation to the proposed policy. The feedback received together with officer comment is contained in Attachments B and C. The proposed draft has been considered to ensure it is consistent with the feedback received.
- Almost 13% of property owners on unconstructed roads provided feedback. Feedback was received more generally about the scheme process, the need for property owners to contribute and the apportionment method. Feedback was also received about particular streets.
- The process outlined in the policy is in accordance with provisions in the Local Government Act 1989. In addition, legal advice has been sought to ensure the proposed amendments are considered appropriate and reasonable.

**12.4 Review of Contributory Schemes Policy****Executive Summary****Financial Impact**

The Victorian Government introduced the “Fair Go Rates” system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.5 per cent for 2019-2020.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council’s major source of income, Council’s capacity to continue to deliver services and fund its capital programme will be severely restricted.

A Special Charge Scheme can be initiated with support from a number of property owners in a street, or by Council. An extensive consultation process would then ensue to ensure there is support for the project from property owners and that the project meets Council and community needs.

Any future Special Charge Scheme project would require Council to include a contribution in a future Capital works budget.

**Consultation****1. External Stakeholders**

Community Consultation was carried out in February 2019 on Council’s website. The Policy was posted for one month and comments were invited from the community. Letters were also sent to the 651 owners of properties abutting all unsealed roads in the municipality, directing their attention to the website.

Almost 13% of property owners on unconstructed roads provided feedback. Much of the feedback related to specific roads. As part of the development of a Special Charge Scheme for road construction, officers will carry out extensive consultation with affected property owners to ensure ample opportunity for feedback and to ensure the project has the support of, and will meet the needs of the community and Council.

Some feedback expressed concern that Council would not contribute 50% towards the cost of a scheme. The current policy dates back to 1996 and does not contain any provision for a minimum Council contribution, nor does it suggest that Council will contribute 50% of the cost. The Special Charge Scheme process is carried out within the provisions of Local Government Act 1989.

**2. Other Stakeholders**

The Sustainable Assets and Operations teams were consulted and assisted in the update of the prioritised list of unsealed roads.

The Contributory Schemes Policies of other outer Melbourne Councils were considered as part of the review of this policy.

**Analysis (Environmental / Economic / Social Implications)**

The Contributory Schemes Policy is a guiding document to provide clarity and guidance in implementing Special Charge Schemes, primarily to construct unsealed roads. It provides a mechanism to fund these works in partnership with property owners benefitting from the works and is carried out under Local Government Act 1989.

The amended policy has a number of changes proposed, in summary:

**12.4 Review of Contributory Schemes Policy****Executive Summary**

- A review of the current identified list of prioritised road construction projects to be considered for construction through Contributory Schemes;
- Removal of Footpath and Bicycle Path Projects from being subject to a Contributory Scheme;
- Minimising removal of native vegetation during Contributory Schemes projects;
- Proposing to introduce a minimum contribution by Council of 20% for Schemes;
- Defines rural areas as those outside the urban growth boundary. This is applicable in determining the type and standard of road to be proposed;
- Provides a method through which Council intends to contribute to the scheme to recognise the broader benefit to the community through construction of a road; and
- Clarifies how benefit units can be applied to land owners in a variety of scenarios.

A Special Charge Scheme can be initiated in two ways. Firstly by a show of support from property owners within a street, or by Council initiating a scheme based upon the priorities in the Contributory Schemes Policy – Appendix C. In either case, an extensive consultation process would follow to ensure that the project meets community and Council needs. This process may also consider road design, drainage and environmental matters.

Following the consultation Council may then resolve to either proceed with a scheme or decide not to proceed and refer or abandon the project. In this way Council is able to ensure that all affected property owners have ample opportunity to have their views considered.

There was also some concern from property owners about the capacity to pay the apportioned costs. Council has incorporated in the Policy the provision for property owners to pay the required amount by instalments over ten years. In addition there is some evidence to suggest that property values will increase following construction of the road.

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

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

Legal

The Policy is in line with current legislative requirements. Legal advice has been sought to ensure the proposed amendments are considered appropriate and reasonable. Due to the level of changes recommended, it is proposed that the reviewed policy be adopted as a new Contributory Schemes Policy rather than an updated one.

The Special Charge process is carried out in accordance with provisions within the Local Government Act 1989.

Policy Impacts

The Policy will give Council a more consistent approach when setting priorities and dealing with requests for road construction.

Officer's Declaration of Interests

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

**12.4 Review of Contributory Schemes Policy****Executive Summary****Risk Mitigation**

The Policy will lessen the potential for objections to schemes, hence making the process smoother and considerably shorter.

**Conclusion**

Council's Contributory Schemes Policy is being reviewed to ensure it meets the needs of the community, reflects current legislation and practice, and is in line with Council's latest guidelines and policies.

Some amendments are proposed in the Draft Contributory Schemes Policy (2019) (Attachment A) following a review to provide greater clarity and consistency in the application of the policy, particularly in relation to apportionment of costs, after considering other outer metropolitan Councils with similar issues and precedents set at Victorian Civil and Administrative Tribunal (VCAT).

It is recommended that Council adopt the Draft Contributory Schemes Policy (2019).

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**ATTACHMENTS**

- Attachment A: [↓](#) Marked up - Draft Contributory Schemes Policy (2019)
- Attachment B: [↓](#) Summary of community comments on Sealing of Road
- Attachment C: [↔](#) Community Consultation survey comments (*Under Separate Cover*)
- Attachment D: [↓](#) Draft Contributory Schemes Policy (2019)

**12.4 Review of Contributory Schemes Policy****Executive Summary****Background**

Council first adopted a Contributory Schemes Policy in 1996 as a procedural guide for creation and implementation of all contributory projects by special rates and charges and as a guide for the equitable distribution of costs between Council and property owners obtaining a special benefit. The Local Government Act 1989 provided Councils with powers to raise funds and defray expenses in relation to works which are of special benefit to part of the municipality.

Special rates or charges can be used to recover costs of Council performing a function or providing services. This includes community facilities, studies/strategies, promotional marketing, purchase of properties, and car parking, as well as the traditional capital works items including road construction, drainage and footpath works. Councils across Victoria use these provisions of the Local Government Act to construct works in partnership with communities.

Council has regularly reviewed the Contributory Schemes Policy with six reviews since the initial adoption of the policy. The last review was carried out in 2014 and it is considered timely to review the policy to ensure it meets the needs of Council and the community.

At Council Meeting OM 1 2019 on 29 January 2019, it was resolved “that Council:

1. Notes the need for an updated Contributory Schemes Policy;
2. Endorses the draft Contributory Schemes Policy 2019 and supports community consultation prior to the policy being presented to Council for formal adoption.”

This report provides details of the consultation and feedback received and recommends that the draft Contributory Schemes Policy be adopted by Council.

**Issues and Discussion**

An initial review of the current policy identified a number of areas where the policy could be amended. The intention was to provide greater clarity to the community and Council in the application and implementation of this policy. The key changes proposed to the policy are;

- Scheme initiation priority (Section 2)

A review has been carried out on the current identified list of prioritised projects to be considered for initiation of a Special Charge Scheme for construction of a road. The list reflects the most recent information available for traffic counts, crash statistics, maintenance practices and resident requests. The list is included as Appendix C in the Draft Contributory Schemes Policy (2019) and is intended to guide Council in determining priorities for implementation of schemes. Schemes may be initiated by either Council or by residents and potential contributors.

This proposed list prioritises projects into five priorities to assist in determining roads to be initiated as a special charge scheme. The revised list is based upon a range of criteria, however until a survey is conducted of owner on potential roads the level of support cannot be considered.

If the level of support from potential contributors is insufficient, a scheme would not be proposed as the likelihood for a successful implementation would be low.

**12.4 Review of Contributory Schemes Policy****Executive Summary**

- Removal of Footpath and Bicycle Path Projects (Section 2 Appendix A)

At Council Meeting (OM290) on 18 June 2016, Council resolved not to continue with delivery of planned footpath infrastructure by Special Charge Scheme at the time, noting the increased cost to Council of its decision. Consequently Section 2 in Appendix A of the proposed policy has been amended to include this resolution.
- Minimise removal of native vegetation (Section 4 Appendix A)

Section 4 of Appendix A includes the principle that Council will seek to minimise the removal of native vegetation through the use of existing road alignments, light rural pavements and/or water sensitive design principles.
- Council contribution (Section 4.1 Appendix A)

It is proposed to introduce a minimum contribution by Council of 20% for Contributory Schemes. This contribution recognises the benefit to the community of the scheme and may also be an incentive to landowners to participate in and support a scheme.
- Clarification of Rural Areas (Section 4.4 Appendix A)

Defines rural areas as those outside the urban growth boundary. This is applicable in determining the type and standard of road to be proposed.
- Council contribution for broader community benefit (Section 4.5 Appendix A)

Provides a methodology to determine how Council intends to contribute to the scheme to recognise the broader benefit to the community through construction of a road. This section recognises that broader benefit based upon the level of through traffic utilising the road.
- Landowner contributions (Section 4.6 Appendix A)

Provides guidance and clarity as to how benefit units can be applied in a variety of abuttal scenarios to provide a consistent policy basis for apportionment of costs.
- Multiple landowner contributions (Section 4.7 Appendix A)

Provides guidance in the apportionment of costs for projects in which properties may be able to obtain greater benefit from construction of the road. The examples included are for additional dwellings, bed and breakfast facilities, and potential subdivision.
- Landowner contributions in schemes involving mixed land use (Section 4.8 Appendix A)

Similar to the above section, includes guidance in apportionment of costs where there are land uses other than residential and reflects the different benefits obtained from these alternative uses.

**Community Consultation**

Community Consultation was carried out in February 2019 through Council's website. The draft Policy was posted for one month and comments were invited from the community. In addition, letters were also sent to the 651 owners of properties abutting the unsealed roads in the municipality, directing their attention to the website.

**12.4 Review of Contributory Schemes Policy****Executive Summary**

A total of 82 responses were received by the due date. It is not certain if all the respondents are landowners on unconstructed roads, however based upon the feedback it was assumed that the majority are. It is noted that this feedback represents almost 13% of the property owners of unconstructed roads.

The questions on the feedback form were as follows:

- a. Do you support Council's Draft Contributory Schemes Policy?
- b. How would you describe your agreement with the draft Contributory Schemes Policy principles of owner contribution towards construction of unsealed roads?
- c. Do you have any comments about the updated draft Contributory Schemes Policy?

The results were as follows:

Do you support Council's Draft Contributory Schemes Policy?

Yes – 16

No - 66

How would you describe your agreement with the draft Contributory Schemes Policy principles of owner contribution towards construction of unsealed roads?

Strongly Agree	4
Agree	6
Neither agree nor disagree	8
Disagree	25
Strongly Disagree	38

Most respondents to the survey provided comments to the last questions. This feedback is provided in Attachment B of the report, together with officer comment in relation to the feedback. Many respondents provided feedback relating to either concerns about the policy and its implementation, or relating to the construction of specific roads. This included either support or objection to constructing a road through a special charge scheme and views as to whether the road should be constructed. These views are provided in Attachment C of this report, indicating the road feedback.

The majority of respondents to the survey did not support Council's Draft Contributory Scheme Policy. However the response by 82 members of the community accounts for almost 13% of property owners of unconstructed roads. Many of the submissions were in relation to the application of a Special Charge Scheme to a particular street. The comments received and officer comment is shown in Attachment B.

A Special Charge Scheme may be initiated by either an indication of support from a number of property owners in a street or by Council based upon the priority road list in Appendix C of the Contributory Schemes Policy. In either case officers will conduct a thorough survey of all property owners in the street. This survey should have a greater response rate and more accurate reflection of the wishes of the affected property owners.

Review of the comments received indicated that respondents may have been of the view that it was Council's intention to proceed immediately with construction of their road. This may have led to the largely negative response to the survey. The Special Charge Scheme process is rigorous and the usual timeframe for a Scheme, from initial consultation to construction, is three to five years. Typically Council only has up to five schemes active at any given time and so there may be some considerable time before a Scheme is considered for many of the roads. In addition, there is an extensive consultation process involved with the development of a Scheme. This would include

**12.4 Review of Contributory Schemes Policy****Executive Summary**

property owner survey and information sessions to ensure that there is support for the project from a large number of property owners in the street.

The introduction of the 20% minimum Council contribution may assist in developing a Special Charge Scheme in partnership with property owners and the revised policy should provide a more consistent and understood process to improve property owner acceptance and may reduce the likelihood of a scheme being challenged or quashed at VCAT. This contribution is in recognition of community benefit and is generally in line with savings to Council over time in reduced maintenance costs. However some feedback was of the view that Council had in the past contributed 50% of the cost of the project and should continue to do so.

**Financial Impact**

A special Charge Scheme can be initiated with support from a number of property owners in a street, or by Council. An extensive consultation process would then ensue to ensure there is support for the project from property owners and that the project meets Council and community needs. Council would then be required to resolve to declare a Special Charge Scheme. Council would also be required to consider as part of a Capital Works budget, an allocation for Council contribution to the Special Charge Scheme, in recognition of wider community benefit of the proposal. The draft policy proposes a minimum Council contribution of 20% of the scheme cost, however also provides guidance in determining what Council contribution is appropriate.

Currently Council has three Scheme projects within its Annual budget. These are Special Charge Scheme contributions for the following:

- Construction of Cranhaven Road, Langwarrin,
- Construction of Newton Avenue and Weeroona Road, Langwarrin, and
- Ongoing design works for a proposed Special Charge Scheme for Barretts Road, Langwarrin.

Any future Special Charge Scheme project would require Council to include a contribution in a future Capital works budget.

**Options Available and Recommendation**

Council's Contributory Schemes Policy is being reviewed to ensure it meets the needs of the community and reflects current legislation and practice.

The amendments are proposed to provide greater clarity to Council and the community and has been developed considering other outer metropolitan Councils with similar issues and precedents set at Victorian Civil and Administrative Tribunal (VCAT).

The amended policy has a number of changes proposed, in summary:

- A review of the current identified list of prioritised road construction projects to be considered for construction through Contributory Schemes;
- Removal of Footpath and Bicycle Path Projects from being constructed through Contributory Schemes;
- Encourage minimising removal of native vegetation during Contributory Schemes projects;
- Proposing to introduce a minimum contribution by Council of 20% for Schemes;
- Defines rural areas as those outside the urban growth boundary. This is applicable in determining the type and standard of road to be proposed;

**12.4 Review of Contributory Schemes Policy****Executive Summary**

- Provides a method through which Council intends to contribute to the scheme to recognise the broader benefit to the community through construction of a road; and
- Clarifies how benefit units can be applied to land owners in a variety of scenarios.

In considering the comments and feedback received from the community, officers will ensure that as part the future development of any Special Charge Scheme there is extensive consultation to ensure there is support from affected property owners to continue with implementation of a scheme.

After consultation with the community, it is recommended that Council adopt the draft Contributory Schemes Policy 2019.



**FRANKSTON CITY COUNCIL**  
**DRAFT**

**CONTRIBUTORY SCHEMES POLICY**  
**(2019)**

ADOPTED AT CM29 5.2.1996

(Updated CM42 3.6.1996)  
(Updated OM07 28.7.1997)  
(Updated OM14 08.12.97)  
(Updated OM152 18.12.2006)  
(Updated 17.12.2014)  
**(Updated 6.01.2019)**

**SPECIAL RATES AND CHARGES**

A3784360



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# ADMINISTRATION POLICY

## SPECIAL RATES AND CHARGES POLICY

### 1. INTRODUCTION

This Policy is intended as a procedural guide for the creation and implementation of all contributory projects by special rates and charges, providing works and services authorised under the Local Government Act 1989 and as a guide for the equitable distribution of costs between Council and property owners obtaining a special benefit. It is intended that community consultation and participation will play a large part in the development of specific projects, and that many proposals will only be implemented if they have the strong support of property owners.

The Local Government Act 1989 was introduced into State Parliament in November 1988 and is founded on two fundamental principles: that local government should have greater autonomy and should be democratically accountable to its community. The special rates and charges provisions of Section 163 of Part 8 of the Local Government Act 1989, unlike the Local Government Act 1958, are not prescriptive and provide Councils with modern progressive powers free from the previous legislative restraints. These powers were designed to enable Councils to raise funds, effectively manage their assets and defray expenses in relation to activities or works which are of special benefit to part of the municipality, by the equitable imposition of rates and charges.

Special rates or charges can be used to recover costs of Council performing a function or providing services this includes community facilities, studies/strategies, promotional marketing, purchase of properties, carparking etc, as well as the traditional Capital Works items, i.e. road construction, drainage, footpath, etc.

Specific guidelines for determining benefit and thus the apportionment of cost are included as appendices to this document. Appendix A provides guidelines in respect of schemes with which Council has had experiences, for example:

- Road Construction
- Drainage Construction
- Off Street Carparking Areas

### 2. SCHEME INITIATION

Council has a “priority list”, commenced in 2002/03, to implement schemes for unconstructed roads on the basis of rankings of factors including road hierarchy, condition, traffic frequency, safety and maintenance. Road schemes will be implemented generally in order of such listing, subject to over-riding issues in specific cases.

Recently a review of this list was undertaken with the most recent **Updated**

traffic counts, accident statistics, maintenance frequencies and resident requests / complaints. This list is attached as Appendix C. *Jan 2019*

Otherwise, the Special Rate or Charge process may be initiated by Councillors, members of the public, residents within the area, Council Officers or as a result of complaints from officers of Statutory Authorities with services in the area or providing service to the area. The final outcome of many proposals will depend to a large degree on community support, and in some instances Council may not proceed following formal public consultation, where at least majority support has not been adequately demonstrated.

If a resident or members of the public wish a Scheme to be initiated, they need to demonstrate at least 50% support from property owners who would be involved in the Scheme. *Updated Jan 2019*

## 2.1 Preliminary Consultation and Report

Except for the case where the process has been initiated by a petition or a joint letter containing signatures of at least two thirds majority of potential contributors, the Responsible Officer shall circulate a questionnaire to identify the potential contributors and their level of support for a Scheme.

Having allowed fourteen (14) days for reply, the Responsible Officer shall prepare a preliminary report to the subsequent Council Meeting which may address the following:

- background information detailing the reason for canvassing potential contributors;
- a statistical analysis of results of responses and an assessment of their substance;
- any previous proposals which may have been abandoned or unsuccessful;
- the circumstances which may exist whereby the considerations of safety or other matters override all other considerations;
- the need for the Scheme taking into account matters of health, safety and amenity;
- identifications of the likely beneficiaries of the Scheme;
- options for the scope, staging and funding of the Scheme;
- preliminary estimated basis for apportionment;
- a recommendation to Council to either proceed with the Scheme in recognition of the significant and justifiable level of support or because of compelling reasons relating to issues of safety, health or amenity or not to proceed due to a lack of support; and
- any ongoing arrangements or liabilities for maintenance and/or reconstruction in the future.

## 2.2 10-year Capital Works Program

Following a resolution by Council to proceed with the Scheme, a preliminary estimate would be referred to the 10 Year Capital Works Program. When funding (if necessary) becomes available for the project, the Scheme could continue. Note that the typical

timeframe for a project, from preliminary concept plan stage to construction stage is 3 to 4 years.

### **3. DETAILED SCHEME PREPARATION**

Following Council's resolution to proceed with the Scheme, and process listing on the 10 Year Capital Works Program, the final design, estimates and apportionments shall be prepared. The officer responsible for the detailed preparation of the Scheme shall maintain a high level of consultation with parties to be affected by the proposal.

#### **3.1 Formal Public Consultation**

Following resolution by Council to proceed, a letter shall be sent to all parties likely to be affected which may include:

- reference to the preliminary report including an indication of cost to potential contributors;
- an explanation of the basic principles of the Scheme and the future steps leading to its finalisation;
- the name of a Council Officer for contact in regard to individual enquiries;
- concept options and associated preliminary estimates;
- advice that a public meeting may be called to discuss designs; and
- advice that, if necessary, a committee, including representatives of potential contributors, may be formed to provide input into the functional and conceptual aspects of the Scheme.

#### **3.2 Financing Arrangements for Special Charge Schemes**

It is in the interests of both Council and residents to provide the opportunity for payment options for residents required to contribute to Special Rate or Charge Schemes.

As indicated in Appendix B of this policy document, residents have a number of payment options. Once Council levies a Scheme, contributing residents will be required to notify Council which payment option is required. As most residents will most likely to request payment by instalments, Council will be required to borrow to fund the Scheme.

Council may borrow on the security of a Special Rate or Charge, to enable it to perform the functions and exercise the powers under the Local Government Act, but the amount must not exceed the estimated income from Special Rate or Charge (s. 139 (5)). This section was most likely intended to enable Councils to undertake works pending full payment of owner contributions (s. 140).

Within the provisions of the Local Government Act, Council could resolve to borrow specifically to implement each proposed Special Charge or Rating Scheme. This decision should be taken following public consultation and completion of preliminary design, estimates and apportionment of costs, but prior to Council resolving to declare a Special Rate or Charge. Any borrowings under the LGA (s. 139 (5)) are not required to

be included in the Budget (s. 145 (1)) although they will impact on Council's prudential ratios.

By borrowing for specific Special Rate or Charge Scheme projects, Council would negotiate a fixed interest loan package and structure the levying of the Special Rate or Charge over a period of time with a number of specified due payment dates. This would in effect give residents an instalment payment option. However, residents would be exposed to the Penalty Interest Rate on payments not made by the due dates.

The benefits of deferring the decision on borrowing for specific projects until after public consultation and completion of preliminary design, estimates and cost apportionment are:-

- greater certainty of costs.
- greater certainty of residents preferred payment requirements.
- the ability to negotiate a project specific fixed interest loan package inclusive of any break or other costs.
- Council's borrowing will be secured against the special rate or charge, and ultimately against the property.

Council would not be exposed to any financial risks.

Whilst Council can defer or waive payment of rates and charges (s. 170 & 171) in case of hardship, Council is not able to provide residents with instalment payment options at interest rates other than that prescribed under the Penalty Interest Rate Act. Council is able to exempt any person from paying all or part of any interest (s. 172 (3)), although Council would require a clear basis for considering exemption under this provision. There is no provision in the Local Government Act to vary the interest rate.

Loan borrowings to fund Special Charge or Rate Schemes or a project specific basis would be structured such that Council would not be exposed to any financial risks.

The use of loan funds to implement Special Charge or Rate Scheme projects will provide residents with a cost effective and flexible means of meeting their contribution obligations without exposing Council to any financial risks. The arrangement will need to be carefully structured to ensure Council was not acting ultra vires. This represents an important and socially responsible service to residents impacted by such Schemes.

#### **4. STATUTORY REQUIREMENTS FOR SCHEME ADOPTION**

##### **4.1 Notification of Declaration**

Prior to the declaration of a Special Charge Scheme, a Public Notice of the proposed Declaration will be required, at least 28 days prior to the making of Declaration (s. 163 (1A)).

The Public Notice will take the form of a notice in the local newspaper, a metropolitan Melbourne wide newspaper (e.g. The Age), a notice in Council's Website and letters to all property owners involved in the Scheme.

The Public Notice must (s. 163 (1B)):

- contain an outline of the proposed declaration;
- set out the date on which it is proposed to make declaration;
- advise that copies of the proposed declaration are available for inspection at the Council office for at least 28 days after the publication of notice; and
- advise that submissions made in accordance with Section 223 and objections under Section 163B of the Local Government Act 1989 will be considered by Council or a Council Committee.

#### **4.2 Public Notice**

Following the intention of Council to declare the Special Rate or Charge a notice shall be published in a newspaper generally circulating in the municipal district of the Council chosen by the Council, in a newspaper generally circulating within metropolitan Melbourne and on Council's Website for the purpose of setting out the proposed Declaration and stating that submissions will be considered in accordance with Section 163B and Section 223 Local Government Act 1989. A copy of the public notice shall be mailed to each affected property owner.

The Responsible Officer shall ensure that copies of the advertisement are retained on file as confirmation that the notice was given.

#### **4.3 Consideration of Submissions**

Written submissions received by Council within the time prescribed in the public notice will be considered by either Council or a Committee of Council comprising Ward Councillors, the relevant Director and any other interested Councillors. Personal appearances to support written submissions will be encouraged, however, submitters must state their desire to appear before Council or the Committee in their written submission. A person entitled to speak may be represented by another person with written authorisation.

After the Committee considers all submissions, it will make a recommendation to Council for a final decision.

#### **4.4 Council Resolution Following Submissions**

Following consideration of submissions and the Committee's recommendation if established Council may resolve to:

- abandon the Scheme by not giving effect to the proposed declaration to levy the Special Rate or Charge or;
- prepare a new Special Rate or Charge Scheme due to the need to significantly modify the original Scheme, thereby requiring the process to be recommenced or;
- proceed with or without minor variation to the original Declaration.

**Note:** Any variation in the amount of the proposed rate or charge of more than plus 10% of the amount specified in the original notice will require the scheme to be returned to Council for consideration of a new declaration.

*Updated  
Jan 2019*

All persons making submissions and all parties affected by the Scheme shall be advised of Council's resolution.

In the circumstance that no submissions are lodged, Council may resolve to declare and levy the Special Rate or Charge.

#### 4.5 Declaration of Special Rate or Charge

Following the Scheme preparation, the Responsible Officer shall provide a report to Council which will contain a recommendation to Declare a Special Rate or Charge. This report will include:

- the objectives of the proposal specifying why the works are proposed and who the beneficiaries will be;
- the detailed design plans defining the scope of the Scheme;
- a recommendation for the use of a Special Rate, a Special Charge or the combination of both; and
- a guarantee that the final cost of the Scheme payable by the contributor shall be within a specified percentage, not exceeding 10% of the estimate forming the basis of the Declaration. *Updated  
Jan 2019*
- a guarantee that the final cost of the Scheme payable by the contributor shall be within a specified percentage, not exceeding 10% of the estimate forming the basis of the Declaration.

The resolution for Council to Declare a Special Rate or Charge shall include:

- the period the Special Rate or Charge remains in force;
- the purpose of the Special Rate or Charge;
- a specification of the wards, groups, users or areas for which the Special Rate or Charge is declared;
- a specification of the land in relation to which the Special Rate or Charge is declared;
- a specification of the criteria which forms the basis of the Special Rate or Charge. For local street construction this will be the ownership of properties that abut or are adjacent to the project and/or derive benefit from improved access and amenity;
- a specification of the manner in which the Special Rate or Charge will be assessed and levied. In general, apportionment should be carried out using the traditional methods well established through regular application and supported by Victorian Civil & Administrative Tribunal determinations;

- an estimate of owners' liabilities. This estimate shall include ancillary costs such as survey, design, supervision and administration. Ancillary costs may be estimated using current industry standards and recent similar contracts;
- the impact of the Council's liability to the contribution in the event of over expenditure;
- period of maintenance required for the works (if works are relevant to the Special Rate or Charge);
- incentives to be given to ratepayers if any;
- planning policies and specific objectives (if any) as referred in Section 185 of the Local Government Act 1989; and
- the manner of payment of the Special Rate or Charge and the detail of the financing provisions to be accommodated by Council in regard to the Scheme; and
- the interest rate on the principal which will apply to persons liable to pay Special Rates or Charges.

The responsible officer for the Scheme in their report to Council will have regard to the Council policy which applies at the time in respect to the level of interest to be charged on the principal and any penalty interest which may apply to overdue repayment instalments.

#### **4.6 Advice To Affected Persons**

Should Council resolve to declare a Special Rate or Charge, a letter advising of this decision shall be sent to all owners and occupiers.

#### **4.7 Levy of Special Rate or Charge**

Council levies the Special Rate or Charge by sending a notice to all those liable to pay. This notice shall be in accordance with sub-sections 163(4) & (5) of the Local Government Act 1989 and shall contain prescribed information detailed in Regulation 10 of the Local Government (General) Regulations 1992. For minor scheme works, this can be combined with the notice to pay.

#### **4.8. Appeal**

Following the declaration of the Special Rate or Charge a person may apply for a review of Council's decision to the Victorian Civil and Administrative Tribunal (VCAT) within one month after the date of issue of a notice to the person of the Special Rate or Charge or combination thereof. Section 185 of the Local Government Act sets down the criteria for an appeal and provides the following grounds:

- (i) the works and projects or the period of maintenance for the purposes of which the Special Rate or Charge was imposed are not or will not provide a special benefit to that person; or
- (ii) the basis of distribution of the rate or charge amongst those persons who are liable to pay it is unreasonable; or

- (iii) if the planning scheme for the area contains any relevant policies or specific objectives, the works and projects proposed for the construction of a road or for the drainage of any land are inconsistent with those policies or objectives; or
- (iv) if the planning scheme for the area does not contain any relevant policies or specific objectives, the works and projects proposed for the construction of a road or for the drainage of the land are unnecessary, unreasonable, excessive insufficient, unsuitable or costly, having regard to the locality or environment and to the probable use of the road or drainage of land.

Following notification from VCAT of appeals lodged, contact may be made with appellants in order to carry out negotiations prior to the hearing. Failing this the Responsible Officer will prepare Council's case for the VCAT hearing.

Note: An aggrieved person may in addition or alternatively, appeal within 60 days to the County Court on the following grounds:

- (a) In the case of a rate (other than a special rate under s. 221), that the land in respect of which the rate was declared was not rateable land;
- (b) That the rate or charge assessment was calculated incorrectly; or
- (c) That the person levied with the rate or charge was not liable to be rated.

#### 4.9 Council Options Following VCAT Decision

Where VCAT quashes a Scheme, Council could only proceed to declare a scheme for the same street if the new Scheme differs significantly from the quashed one and in particular in no way is inconsistent with VCAT's reasons for quashing the previous Scheme.

Where VCAT upholds the Scheme entirely or varies it with respect to the applicants, Council must proceed with the scheme as determined by VCAT.

## 5. SCHEME IMPLEMENTATION AND FINALISATION

### 5.1 Implementation Process

The Responsible Officer shall ensure that the tasks necessary to implement the Scheme are carried out.

Schemes which involve provision of services or capital works for the provision of infrastructure shall comply with the provisions of Best Value legislation.

If the tendered price for the contract works component of the Scheme exceeds the estimated cost by more than 10%, the proposal shall be referred to Council for reconsideration and a resolution sought to either abandon the Scheme or accept the tendered price and proceed with the work.

*Updated  
Jan 2019*

### 5.1.1 Notice Levying the Special Charge

Following the decision of Council to proceed with the Scheme and its implementation a Notice Levying the Special Charge will be served on all contributors indicating all the relevant Scheme details and the charge or rate based on the accepted estimated cost.

The Notice shall clearly indicate that this demand for payment is based on an estimated Scheme total cost and may be subject to variation of up to a maximum of 10% of the amount stated.

## 5.2 Reconciliation and Report to Council

### 5.2.1 Special Charge Schemes

Schemes shall be finalised and reconciled within two months of finalisation of the works.

The Responsible Officer shall report to Council immediately upon Scheme reconciliation advising:

- that the works are complete and the costs are finalised;
- that the final apportioned costs are presented for adoption by Council; and
- where any variation has occurred between the original estimate and the final apportioned cost, the detail of such variation.

### 5.2.2 Special Rate Schemes

If, during the course of any Scheme which is implemented on the basis of a Special Rate, circumstances change to the extent that the rate is to be varied, the Responsible Officer shall immediately report to Council advising of the nature of the variation and recommending an appropriate course of action and if necessary that Council will bear all costs associated with any increase in the Special Rate beyond 10%.

*Updated  
Jan 2019*

In any case where the Special Rate or Charge is varied by any amount, notice is required to be given to all affected parties pursuant to s. 166 (2) of the Local Government Act 1989.

## APPENDIX A – APPORTIONMENT PRINCIPLES

### SPECIAL RATES AND CHARGES POLICY

Officers responsible for the detailed development of cost apportionment for contributory schemes should have regard to the following principles:

#### 1. BENEFIT RATIO

The calculation of the maximum total levy for a scheme shall comply with the Ministerial Guideline applying to Section 163 (2C) of the Local Government Act 1989 as promulgated in the Victoria Government Gazette G39 23 September 2004. In most cases this will yield the limiting amount for levying by way of a special charge scheme. However to ensure consistency with past practice the following guidelines shall also be regarded in determining the Benefit Ratio.

#### 2. FOOTPATH AND BICYCLE PATH PROJECTS

At OM 290 on 18 July 2016, Council resolved:-

*Updated*

*“Not to continue with the delivery of other planned footpath infrastructure via Special Charge Schemes at this time, noting the increased cost to Council of this decision”.*

*Jan 2019*

*Consequently all references to footpath construction by Special Charge Scheme have been deleted.*

#### 3. DRAINAGE CONSTRUCTION SCHEMES

- Full cost of works for property drainage systems charged to owners on a benefit/area basis using the co-efficient of runoff to modify the effective area.
- Properties discharging and properties receiving protection. Properties discharging stormwater and properties being protected from stormwater runoff receive the same benefit weighting i.e. 1:1.
- Council or drainage authority contributes towards outfall drains.
- Council maintains constructed asset.

#### 4. ROAD CONSTRUCTION SCHEMES

Full cost of vehicle crossings and footpath thickenings to owners.

Every effort will be made to minimise the removal of indigenous, native and significant vegetation in all cases by utilising existing road alignments where possible, In addition the design process will incorporate consideration of options to minimise the impact on vegetation, with the preferred option being selected taking into consideration environmental benefit, as well as safety and financial benefits.

*Updated  
Jan 2019*

Council maintains constructed asset.

#### **4.1 Council incentive contribution**

##### **Intent**

*Updated*

Council may make a contribution as an incentive to landowners and to recognise the benefit to Council of the scheme.

*Jan 2019*

##### **Implementation**

As an incentive to landowners to participate in scheme proposals for the improvement of infrastructure throughout the municipality, a **minimum 20 percent** contribution is provided by Council towards proposed projects.

This contribution is in recognition of annual rates paid by landowners and the benefit to Council of the reduction in recurrent maintenance costs.

#### **4.2 Residential Streets in Urban areas (within the Urban Growth Boundary)**

Maximum of **80%** cost to owners – apportioned on the basis of benefit unit and/or area and/or frontage. Owners of corner allotments to be apportioned so that notional total charges over all abuttals is fair. A benefit unit may be developed as potential development of the property.

*Updated*

*Jan 2019*

#### **4.3 Non-Residential Street in Urban areas (within the Urban Growth Boundary)**

Owners are required to contribute a maximum of **80%** cost of a road of sufficient standard to meet the owners access needs and Council would contribute the extra costs involved. ResCode for Residential Development can be used to determine the type of road required for access purposes.

*Updated*

*Jan 2019*

Costs apportioned on the basis of benefit unit, area of property, frontage of property or a combination, owners of corner allotments to be apportioned so that notional total charges over all abuttals is fair.

#### **4.4 Residential Streets in Rural Areas (outside the Urban Growth Boundary)**

Where road construction schemes are implemented in rural areas, with low density residential development, Council may consider a treatment of lesser standard than required in higher density or urban areas.

This will be assessed individually for each road, taking into account the current and potential traffic volumes, the existing road formation and subgrade quality, and preferences of the abutting property owners. Generally a treatment would consist of a 100mm layer of new compacted crushed rock over the existing road formation and shoulders, and a primer and spray seal over the trafficked part usually 5 metres wide. In addition, after individual assessment including geo-technical testing, the option to use stabilisation techniques which could result in cost savings may be considered. If in the future further construction is required, Council would be able to levy a special charge for new components (including kerb & channel, drainage, asphalt surface) but deduct the value of previously charged treatments.

**4.5 Council contribution for broader community benefit**

**Intent**

The level of Council contribution defined in this section recognises the benefit to Council and the broader community of the project.

*Updated*

*Jan 2019*

**Implementation**

A Council contribution is required in accordance with the Ministerial Guideline where the works or services will provide tangible and direct benefits to the broader community, other than those landowners determined as being liable for the special rate or charge.

The following ratios have been developed to recognise broader community benefit from infrastructure improvement works and are considered to accord with the Ministerial Guideline:

**Road Improvements**

Ratio to be derived from a comparison of local traffic use to through traffic use of the road, based on the assumption that each development unit generates ten trips per day on the road. For community or commercial facilities a study of the facility will be undertaken to establish trips per day.

<b>% through traffic</b>	<b>Council</b>	<b>Landowners</b>
less than 20%	20%	80%
greater than 20%	Council contribution increased by 2% for every 3% increase in through traffic volume above 20%	

In preparing any scheme there will be peculiarities that may require variation to the guidelines presented above. With proper justification, flexibility should be allowed to ensure a fair and reasonable distribution of costs. Where required, such flexible requirements will be reported to Council on a scheme by scheme basis.

#### 4.6 Landowner contributions

##### Intent

Whilst recognising that the apportionment methodology may have a number of variations, it is preferred to maintain a simplified approach in determining the contributions for each property. The development of the apportionment for a scheme will follow an approach which considers a number of factors and recognises that each scheme is different.

*Updated*

*Jan 2019*

##### Implementation

It is recognised that within a proposed scheme the apportionment methodology may be considered in many ways, all of which may be acceptable to VCAT. For the purposes of this policy it is considered preferable that a simplified approach is taken.

When apportioning costs amongst properties the following factors should be considered:

- The current Frankston Planning Scheme zones and overlays, including tenement provisions if these apply.
- Existing use or development potential of a property, on a development unit basis (eg. commercial, industrial, residential, subdivision, higher density development etc.);
- Abuttal of a property to proposed works (generally road improvements); and
- Area of a property (generally drainage schemes).

For road improvements:

- Generally properties will be charged one development unit where primary access to the property is taken from the road being constructed;
- In recognition that some properties may have a larger abuttal to the works than others, the apportionment of costs may also have regard to property abuttal for up to 10% of the total charge per property;
- Properties that may be subdivided, have multiple dwellings, are used commercially, or are used in a more intensive way than a general residential property will require specific assessment and may incur a multiple development unit charge;
- Where a property has only side or rear abuttal to the road being constructed, the property shall be apportioned one half

of a development unit, on the basis that the primary access to the property is taken from an alternate road;

- Where a property has multiple existing houses that the property be apportioned only on the basis of direct access driveways, and where none exists that the property be apportioned one half benefit unit for any rearage or sideage abuttal to the road(s) being considered for improvement;
- Where a portion of property abuts a road that has previously been constructed or the proposed reconstruction works do not extend for the full length of the property abuttal, then a pro rata development unit shall be allocated to the property based upon the proportion of the property abuttal to the new road construction;
- Where a property abuts two or more roads that are to be constructed in the same scheme, no increase in charge will occur for the additional road abuttal(s);
- Where a property abuts two or more roads that are constructed through separate schemes at different times, an overall multiple development unit charge may be applied, however generally this should not exceed a total of one and one half development units. Investigation of the property's involvement in the past construction of the alternate road should be identified. Should the property have contributed a full share compared to other properties involved in that project, then the property's involvement in the current scheme should be treated as if the property has a side or rear abuttal; and

Where a property has only side or rear abuttal to the road being constructed and is responsible for a multiple charge due to existing or potential development of the property, an assessment is to occur to determine whether the potential development on the property will gain special benefit from the proposal. A half proportion of the multiple charge should apply where the potential improvements on the property will receive special benefit from the works (i.e. as described in section 4.5). A single half share should apply where the existing or potential development on the property will not receive special benefit.

#### 4.7 Multiple landowner contributions

##### Intent

There are instances when multiple contributions are determined for a property due to actual or potential development, as contained in this section.

*Updated  
 Jan 2019*

##### Implementation

Multiple landowner contributions may apply in the following circumstances;

Dependant persons unit (Granny flat)	0 development unit
Bungalow / outbuilding	0 development unit
Additional occupiable / caretaker house	1 development unit
Bed and breakfast structure external to main dwelling	0.2 development unit per B&B
Potential subdivision	1 development unit per allotment

#### 4.8 Landowner contributions in schemes involving mixed land use

##### Intent

Some properties are used in a more intensive way than general residential properties. This section allows for a multiple development unit charge based upon the future potential of the property to determine how the different uses can be compared to general residential use.

*Updated  
 Jan 2019*

##### Implementation

Properties that are used commercially or are used in a more intensive way than a general residential property will require specific assessment and may incur a multiple development unit charge.

An assessment of properties is to be undertaken, including a review of existing and/or proposed planning scheme amendments and permits. The apportioned charge to a property will be determined having consideration to the area of the property, in conjunction with any development and/or use of the property. This will then be equated to a typical residential property (“equivalent house”) for the proposed scheme.

The approach is based on the concept of “equivalence ratios” developed by the Victorian Department of Environment, Land, Water & Planning within its “Development Contribution Guidelines”. This method

determines how different uses (i.e. residential, agricultural/farming, retail/commercial/office, light industry/warehouse and other industrial uses) can be fairly compared as “equivalent houses”.

<p><b>Retail / Commercial/Office</b></p> <p>200 sq m floor space in urban areas (separate comparative analysis may be required for rural areas, e.g. wineries, wine/fruit sales, etc. (including car parking and landscaping area)1 equivalent house</p>	<p>1 equivalent house</p>
<p><b>Industrial properties / warehouses</b></p> <p>800 sq m floor space (including hard stand and car parking areas)</p>	<p>1 equivalent house</p>
<p>Farming areas which may be subdivided.</p> <p>Where a property is capable of being subdivided in accordance with the Frankston Planning Scheme, then the potential lot yield shall be used and adopted as the number of equivalent houses. A discount may be applied to account for local circumstances. This discount for local circumstances may apply where the subdivision potential of a property would be reduced for the following reasons:-</p> <ul style="list-style-type: none"> <li>○ To protect remnant vegetation;</li> <li>○ Land is subject to inundation/flooding;</li> <li>○ Land is subject to landslip; or</li> <li>○ Other restrictive aspects.</li> </ul> <p>The assignment of “equivalence ratios” is for the express purposes of being able to compare special benefit that will be received by properties involved in a proposed special rate or charge. The assignment of “equivalence ratios” to a property based upon the intensive use of a property does not mean that the expectations of those “equivalent houses” can be realised as development rights or opportunities on the land.</p> <p>In many cases, particularly in rural areas, the opportunity to develop further houses is limited by the Frankston Planning Scheme. The ability to have more than one house will usually be determined</p>	

through the ability to subdivide the land in accordance with the planning scheme.	
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## 5. OFF-STREET CAR PARKING SCHEME

### 5.1 Retail/Commercial

The cost to be recovered shall be apportioned to those properties which will derive a benefit. Have regard to existing and potential shop size, type, proximity and any provision or contribution towards spaces provided.

## APPENDIX B – METHODS OF PAYMENT

### SPECIAL RATES AND CHARGES POLICY

The payment options for the people affected by the Special Charge are listed below:

- Payment in full when the Special Rate or Charge is levied.
- Road and Drainage Schemes – Quarterly instalments with interest over a 10 year period or other period as negotiated
- Off Street Car Parking Schemes – Quarterly instalments with interest over a 5 year period.

Under special circumstances Council will consider cases of hardship and reconsider payment options for special rate or charge.

## APPENDIX C – PRIORITISED LIST OF UNSEALED ROADS – 2019

Scheme Details						
Rank	Road Name	Scheme Extents	Length	Melway Ref.		
Priority 1	1 TAYLORS ROAD, SKYE	TAYLORS ROAD	BALLARTO ROAD to HALL ROAD	1647	132 D5	
	2 MCKAYS ROAD, LANGWARRIN	MCKAYS ROAD	WESTERNPORT HIGHWAY to CENTRE ROAD	1300	136 E2	
	3 BARRETT'S ROAD, LANGWARRIN SOUTH	BARRETT'S ROAD	ROBINSONS ROAD to GOLF LINKS ROAD	1740	107 E2	
	4 WEST ROAD, LANGWARRIN SOUTH	WEST ROAD	BAXTER TOORADIN ROAD to ROBINSONS ROAD	1924	140 B3	
	5 STOTTS LANE, FRANKSTON SOUTH	STOTTS LANE	NBL HN 23M-31M to BAXTER TOORADIN ROAD	585	106 K3	
	6 BRODIE STREET, SEAFORD	BRODIE STREET	NEPEAN HIGHWAY to BECKWITH GROVE	51	99 D4	
	7 NICHOLSON STREET, SEAFORD	NICHOLSON STREET	NEPEAN HIGHWAY to OZONE AVENUE	35	99 D7	
	8 CANNING STREET, FRANKSTON SOUTH	CANNING STREET	HUMPHRIES ROAD to HOTHAM STREET (AND END OF SEAL TO DEAD END)	202	101 K9	
Priority 2	9 TI-TREE GROVE, SEAFORD	TI-TREE GROVE	NEPEAN HIGHWAY to ENDS (NORTH & SOUTH)	99	97 D12	
	10 OZONE AVENUE, SEAFORD	OZONE AVENUE	NORTH END to SOUTH END	84	99 D7	
	11 TAYLORS ROAD, SKYE	TAYLORS ROAD	HALL ROAD to WEDGE ROAD	1653	132 E1	
	12 TAYLORS ROAD, SKYE	TAYLORS ROAD	WEDGE ROAD to THOMPSONS ROAD	1655	128 310	
	13 WEDGE ROAD, SKYE	WEDGE ROAD	END OF SEAL to TAYLORS ROAD	1320	128 D11	
	14 KELVIN GROVE, LANGWARRIN	KELVIN GROVE	CRANBOURNE ROAD to MCKAYS ROAD	912	136 F1	
	15 BENNETT COURT, SEAFORD	BENNETT COURT	OLD WELLS ROAD to END	135	99 H2	
	16 WEDGE COURT, SEAFORD	WEDGE COURT	WELLS ROAD to END	159	99 H1	
	17 BEACH GROVE, SEAFORD	BEACH GROVE	ENTANCE LANE to END	247	99 D2	
	18 BECKWITH GROVE, SEAFORD	BECKWITH GROVE	NORTH END to SOUTH END	150	99 D4	
	19 LYPPARDS ROAD, LANGWARRIN	LYPPARDS ROAD	CRANBOURNE ROAD to END	885	132 F12	
	20 REX STREET, FRANKSTON	REX STREET	BEACH STREET to END	107	100A G7	
	21 FRANKSTON DANDENONG SERVICE ROAD, SEAFORD	FRANKSTON DANDENONG SERVICE ROAD	FRANKSTON-DANDENONG ROAD to CENTENARY STREET	190	100 B5	
	22 HELEN STREET, FRANKSTON	HELEN STREET	CLIFF ROAD to END	125	102 B5	
Priority 3	23 WYATT STREET, SEAFORD	WYATT STREET	NEPEAN HIGHWAY to END	79	99 D1	
	24 HIGHFIELD DRIVE, LANGWARRIN SOUTH	HIGHFIELD DRIVE	BAXTER TOORADIN ROAD to DEAD END	1000	107 J5	
	25 BERGMAN ROAD, LANGWARRIN	BERGMAN ROAD	ROBINSONS ROAD to END	794	103 K12	
	26 CLAYTON HILL ROAD, LANGWARRIN SOUTH	CLAYTON HILL ROAD	SHEPHERDS HUT ROAD to WEST ROAD	393	140 B2	
	27 VALLEY ROAD, LANGWARRIN	VALLEY ROAD	ROUNDAABOUT (POTTS) to END	562	132 B9	
	28 FIOCCHI AVENUE, FRANKSTON	FIOCCHI AVENUE	GOULD STREET to END (BEACH)	55	100A D2	
	29 FITZROY AVENUE, FRANKSTON	FITZROY AVENUE	BEACH END to GOULD STREET	17	100A B4	
	30 GREAVES COURT, SEAFORD	GREAVES COURT	OLD WELLS ROAD to END	45	99 G3	
	31 ANNE STREET, FRANKSTON	ANNE STREET	GOULD STREET to END	47	100A C3	
	32 MOOROODUC SERVICE ROAD, FRANKSTON	MOOROODUC SERVICE ROAD	MOOROODUC HIGHWAY to END	95	106 F4	
	33 CLYDE COURT, FRANKSTON SOUTH	CLYDE COURT	NEPEAN HIGHWAY to END	171	101 J7	
	34 BELLBIRD COURT, LANGWARRIN	BELLBIRD COURT	WESTERNPORT HIGHWAY to END	380	136 F7	
	35 CENTRE ROAD, LANGWARRIN	CENTRE ROAD	ROUNDAABOUT (NORTH) to END	314	136 B9	
	36 GARDENERS ROAD, LANGWARRIN SOUTH	GARDENERS ROAD	ROBINSONS ROAD to END	491	107 J1	
	37 SOMME AVENUE, FRANKSTON	SOMME AVENUE	END OF SEAL to END	142	102 A5	
	38 MOOROODUC SERVICE ROAD, FRANKSTON	MOOROODUC SERVICE ROAD	HUMPHRIES ROAD to END	194	106 E5	
	Priority 4	39 BURROW STREET, FRANKSTON	BURROW STREET	STANLEY STREET to FINLAY STREET	99	102 F1
		40 VICTORIA ROAD, LANGWARRIN SOUTH	VICTORIA ROAD	WESTERNPORT HIGHWAY to WEST ROAD	949	140 D4
41 MARY STREET, FRANKSTON		MARY STREET	GOULD STREET to END	61	99 C12	
42 ARMAUGH ROAD, FRANKSTON SOUTH		ARMAUGH ROAD	OVERPORT ROAD to END	308	106 C1	
43 ARMSTRONGS ROAD, SEAFORD		ARMSTRONGS ROAD	OLD WELLS ROAD to DEAD END	159	99 H1	
44 VICTORY ROAD, LANGWARRIN		VICTORY ROAD	WESTERNPORT HIGHWAY to FIRE TRACK ONLY SIGN	464	136 E12	
45 VICTORY ROAD, LANGWARRIN		VICTORY ROAD	FIRE TRACK ONLY SIGN to FIRE TRACK ONLY SIGN	324	140 C1	
46 VICTORY ROAD, LANGWARRIN		VICTORY ROAD	FIRE TRACK ONLY SIGN to ROBINSONS ROAD	321	140 C1	
47 BEACH STREET, FRANKSTON		BEACH STREET	KANANOOK CREEK to GOULD STREET	50	100A C5	
48 MARALINE ROAD, LANGWARRIN		MARALINE ROAD	BALLARTO ROAD to END	573	132 G7	
49 VICTOR AVENUE, SEAFORD		VICTOR AVENUE	NEPEAN HIGHWAY to END	55	99 A2	
50 WEDGE ROAD, SKYE		WEDGE ROAD	WESTERNPORT HIGHWAY to END OF GRAVEL	420	128 J12	
51 CAMP ROAD, LANGWARRIN SOUTH		CAMP ROAD	WEST ROAD to FIRE ACCESS ONLY SIGN	584	140 C1	
52 CAMP ROAD, LANGWARRIN SOUTH		CAMP ROAD	FIRE ACCESS ONLY SIGN to FIRE ACCESS ONLY SIGN	294	140 D2	
53 CAMP ROAD, LANGWARRIN SOUTH		CAMP ROAD	FIRE ACCESS ONLY SIGN to WESTERN PORT HIGHWAY	467	140 D3	
54 HIGHVIEW ROAD, SKYE		HIGHVIEW ROAD	TAYLORS ROAD to END	415	132 D6	
55 SHEPHERDS HUT ROAD, LANGWARRIN SOUTH		SHEPHERDS HUT ROAD	NORTH END to SOUTH END	243	140 A2	
56 GAMBLE ROAD, SKYE		GAMBLE ROAD	EBL HN 156 to DEAD END	305	132 B6	
Priority 5	59 ALLAWAH AVENUE, FRANKSTON	ALLAWAH AVENUE	NEPEAN HIGHWAY to END (KANANOOK CREEK)	22	99 D11	
	60 BANYAN ROAD, CARRUM DOWNS	BANYAN ROAD	ROSSITER ROAD to END	357	96 C10	
	61 BETHUNE COURT, SEAFORD	BETHUNE COURT	WELLS ROAD to END	21	99 H1	
	62 KNOX STREET, CARRUM DOWNS	KNOX STREET	FRANKSTON-DANDENONG ROAD to CLIFTON GROVE	127	98 F12	
	63 ROBINSON ROAD, CARRUM DOWNS	ROBINSON ROAD	BARRIER to END OF GRAVEL (NBL HN57-71)	318	97 K8	
	64 ROSSITER ROAD, CARRUM DOWNS	ROSSITER ROAD	THOMPSONS ROAD to END	2373	98 C9	
	65 THE HEIGHTS, FRANKSTON SOUTH	THE HEIGHTS	THE SPUR to END	51	102 C6	
	66 WARRINGA ROAD, FRANKSTON SOUTH	WARRINGA ROAD	CLIFF ROAD to END	207	102 A5	
67 WHITECLIFFE AVENUE, FRANKSTON	WHITECLIFFE AVENUE	NEPEAN HIGHWAY to END (BL 624 NEPEAN HWY)	22	101 J6		
68 WORSLEY ROAD, CARRUM DOWNS	WORSLEY ROAD	END OF SEAL to DEAD END	808	98 F7		
<b>LANES</b>						
69	ADDICOTT LANE, FRANKSTON	ADDICOTT LANE	MCMAHONS ROAD to ADDICOTT STREET	83	102 G2	
70	CECL LANE, FRANKSTON	CECL LANE	FROME AVENUE to CECL STREET	119	102 D6	
71	CORLETT LANE, FRANKSTON	CORLETT LANE	CORLETT STREET to END	50	99 F11	
72	ERSKINE LANE, FRANKSTON	ERSKINE LANE	ERSKINE STREET to END	160	100A F9	
73	FINLAY LANE, FRANKSTON	FINLAY LANE	TOWER AVENUE to END	53	100A H4	
74	ITHACA LANE, FRANKSTON SOUTH	ITHACA LANE	ITHACA ROAD to END	80	101 J8	
75	JOHNSTONE LANE, SEAFORD	JOHNSTONE LANE	WEATHERSTON ROAD to JOHNSTONE STREET	114	99 E5	
76	KANANOOK LANE, SEAFORD	KANANOOK LANE	KANANOOK AVENUE to END	33	99 E8	
77	LEWIS LANE, FRANKSTON	LEWIS LANE	END OF CONCRETE to END	40	100A F5	
78	LITTLE DANDENONG LANE, FRANKSTON	LITTLE DANDENONG LANE	DANDENONG ROAD EAST to ERSKINE LANE	52	100A F5	
79	MCKENZIE LANE, SEAFORD	MCKENZIE LANE	MCKENZIE STREET to MCKENZIE STREET	95	99 E3	
80	MOUNT VIEW LANE, FRANKSTON	MOUNT VIEW LANE	MOUNT VIEW COURT to END	115	102 E5	
81	NOLAN LANE, FRANKSTON	NOLAN LANE	SPRING STREET to END	104	102 D4	
82	ROYLE LANE, FRANKSTON	ROYLE LANE	ROYLE STREET to END	51	102 G2	
83	SIBYL LANE, FRANKSTON SOUTH	SIBYL LANE	SIBYL AVENUE to WEST BOUNDARY OF 32A SIBYL AVENUE	108	106 D3	
84	SPRING LANE, FRANKSTON	SPRING LANE	HIGH LANE to SPRING STREET	200	100A C10	
85	TOWER LANE, FRANKSTON	TOWER LANE	DANDENONG ROAD EAST to TOWER AVENUE	197	100A F3	
86	WEATHERSTON LANE, SEAFORD	WEATHERSTON LANE	SEAFORD ROAD to WEATHERSTON ROAD	105	99 E5	
87	YARRAM LANE, FRANKSTON	YARRAM LANE	YARRAM COURT to END	46	100 D12	
<b>UNFORMED ROAD RESERVE</b>						
	ALDERSHOT ROAD, LANGWARRIN	ALDERSHOT ROAD	WOODLEA PLACE to END (SOUTH)		103 G9	
	BOUNDARY LANE, CARRUM DOWNS	BOUNDARY LANE	BOUNDARY ROAD to EASTLINK TOLLWAY		98 F10	
	BRETT LANE, CARRUM DOWNS	BRETT LANE	BRETT DRIVE to MV RESERVE (50M-52M LATHAMS ROAD)		100 C1	
	HIGHVIEW ROAD, SKYE	HIGHVIEW ROAD	END OF GRAVEL (WBL HN 50) to END (EBL HN 50)		132 E6	
	PAGETT ROAD, CARRUM DOWNS	PAGETT ROAD	WBL HN 16 to END (WEST)		98 E11	
	ROBINSON ROAD, CARRUM DOWNS	ROBINSON ROAD	END OF GRAVEL (NBL HN 57-71) to END (SBL HN 85M)		97 K9	
	SIBYL LANE, FRANKSTON SOUTH	SIBYL LANE	WEST BOUNDARY OF 32A SIBYL AVENUE to ROSEDALE GROVE		106 D3	
	VALLEY ROAD, SKYE	VALLEY ROAD	END OF GRAVEL (HN165) to END (WEST)		132 C9	
	WADSLY ROAD, CARRUM DOWNS	WADSLY ROAD	LEARNMOUTH ROAD to ROSSITER ROAD		98 B8	
	WEDGE ROAD, SKYE	WEDGE ROAD	TAYLORS ROAD to START OF GRAVEL (WESTERN ACCESS TO KOC PARK)		128 G12	

Address	Do you support construction of your road?		Comments
	Yes	No	
Annie Street, Frankston		No	Oppose construction on the grounds that it provides no benefit to the owners. Unclear as to what specific problems in relation to road hierarchy, condition, traffic frequency, safety and maintenance exist or would be improved by the sealing of the road. Unaware of any requests or complaints by residents or others seeking to have the road sealed. This process to date lacks transparency.
Beach Grove, Seaford		No	Oppose construction. Not in favour of redevelopment of this road as it has a very light traffic load. Feels that the cost involved in sealing this road is not justified and it would impose an unnecessary burden on the ratepayers for little benefit.
Bennett Court, Seaford		No	Oppose construction. The road is a court and gets very little traffic. The contribution will be very expensive. Don't want to contribute to something they don't own. Think that many others on the court will oppose also.
Bennett Court, Seaford		No	Oppose construction. The court gets very little traffic and can't justify the cost involved. The court is a thoroughfare into the wetlands and construction will remove the rural feel of the area.
Bergman Road, Langwarrin		No	Strongly opposed construction of Bergman Road. There is no reason for it to be done as the only traffic that is impacted by the dirt road is the residents that live on it. It is a no through road and there is no other road users using it. We do not need footpaths or anything else done to the road and as it is only graded maybe 3 or 4 this a year the cost to Council is minimal and the cost of our rates would easily cover those costs. Neighbours agree on this matter. Request to strongly consider leaving the road as it is.
Burrows Street, Frankston	Yes		Support construction. When constructing, include footpath on either side. A realestate agent has valued the home and stated they would receive no special benefit from the road being constructed. No plans to sell the home so any increase in value would not affect us.
Fiocchi Avenue, Frankston		No	Oppose construction. It would be a difficult project and would remove too much vegetation
Frankston-Dandenong Road, Seaford		No	Oppose construction.
Frankston-Dandenong Road, Seaford		No	Volume of traffic is very low.
Frankston-Dandenong Road, Seaford		No	Majority of land owners do not support construction.
Frankston-Dandenong Road, Seaford		No	Would not provide any significant benefit. Intend to object.
Helen Street, Frankston		No	Oppose construction. The dirt road gave the street a rural feel which I felt added to the residential amenity. Several roads in the state are classified by the natural trust, the ambience of Helen Street is something the residents embrace. The court is a safe place for children due to the lack o traffic frequency (mostly resident access), thus speed is always at a minimum. It will negatively affect the community traffic pattern dueing and after construction with access and street parking. We residents, should not be required to pay for a road we do not wish to have. the non-disclosed cost of construction is of concern, I am not in a financial setting to neither pay or pay off yearly for a made road that is not a thoroughfare or wanted by a significant amount of residents in Helen Street.
Helen Street, Frankston		No	Oppose construction. Drawn to the rural/seaside, relaxed feel of the area. Prefer the quiet, peaceful, no through road. Would cause inconvenience to surrounding residents due to traffic, noise. Do not want road because it would change the lovely ambience of the area.
Moorooduc Highway Service Road, Frankston South		No	Oppose construction. The service road is used by three properties and in the forty four year period that we have been domiciled at that residence, the maintenance required has been minimal. There has seldom been a load of aggregate applied to the surface in that time. Grading has been carried very infrequently as the surface is not exposed to more than four trips per day on average. The recent coverage of reclaimed asphalt and surface treatment has proven to be a bonus as this is a very solid road. I am unsure where priority three places this road in the order of work to be carried out, but I and my neighbours do not want any changes to the present status of the road, and do not wish it to be sealed.

Item 12.4 Attachment B: Summary of community comments on Sealing of Road

Moorooduc Highway Service Road, Frankston South		No	Oppose construction. Will not pay for construction of the road as there is no vehicle access to the property from this road. Have never used this road and object to any expectation that Council should collect any revenue from this land owner.
Ozone Avenue, Seaford		No	Oppose construction. States that neighbours oppose construction also.
The Heights, Frankston South		No	Oppose construction. It is not required. There is mostly foot traffic and a few cars from the 4 residents. Existing is in keeping with the tone of the area. Both the respondent and neighbour do not agree to contribute to this scheme.
Victor Avenue, Seaford		No	Oppose construction. Chose to buy property due to quiet small court and the unmade road which is quaint and has a lovely relaxed feel to it. Believe majority of the neighbours feel the same. Would like to keep the character of the unmade road as is. Will not be able to contribute to any scheme to seal.
Victor Avenue, Seaford		No	Oppose construction. Is a cul-de-sac rather than an avenue, and has access to Kananook Creek. Otherwise is a dead end and services only 6 house blocks. Enjoys the ambience o the secluded avenue. Indigenous ti-tree over 60 years old have been preserved creating natural surroundings and privacy. All that live here appreciate the quiet and gentle pace. A constructed road would dramatically change the traffic speeds approaching this space, the narual environment would also be drastically compromised.
Victor Avenue, Seaford		No	Oppose construction. Sealing Victor Avenue is unnecessary and would be a great shame. It is a very quiet, short, no through road. It gives a quiet, country feel to the little avenue which ends at the creek. Sealing this road would have no benefits but be a big cost, both to the council the property owners.
Victory Road, Langwarrin		No	Oppos construction. Only 3 or 4 properties use the road, basically used as a private driveway. It is of no benefit to the properties that back on to the road like Betty's. Betty has lived here for 67 years and has not had the need for a sealed road. Is an old age pensioner and having to contribute would cause financial hardship.
Warringa Road, Frankston South		No	Oppose construction. This section of Warringa Road is unique in that it has the rustic appeal of what Frankston was like in the past. Once the street is constructed its natural rural appeal would be lost forever. It would be regretted if this section of Warringa Road was to be constructed to look like any other standard suburban residential street. As I am retired, I enjoy spending time in my garden, as well I maintain part of street. (The Council, upon request, provide the screenings). It is surprising the number of pedestrians who now use this street and comment to me on its beauty.
Warringa Road, Frankston South		No	Oppose construction. Recently bought property for the semi private nature and mianly used by the home owners in the street. Widening and sealing the road would bring non-residents looking to park and access the beach. Constructing road would ruin the quiet little 'old frankston' street.
Warringa Road, Frankston South		No	Strongly oppose construction. No need to construct the road and create increased traffic speeding and parking problems for residents and visitors. Road construction would destroy the existing rusting setting and beautiful charater of this section of Warringa Road. Road construction would be 'out of character' for this low density housing area. Council should respect the privacy and lives of existing local residents. Existing water and telephone public utilities are down the centre of the road and would have to be dug up and relocated.
West Road, Langwarrin South	Yes		Support construction. It is currently dangerous with blind spots. Strongly believe there is no need for curb and channel. Kerb and channel would be overkill and would change the amenity and character of the area. A sealed country like road with some traffic calming devices.
Wyatt Street, Seaford		No	Strongly oppose construction. Destroys streetscape, the whole reason moved into the neighbourhood.



**FRANKSTON CITY COUNCIL  
DRAFT**

**CONTRIBUTORY SCHEMES POLICY  
(2019)**

ADOPTED AT CM29 5.2.1996

(Updated CM42 3.6.1996)  
(Updated OM07 28.7.1997)  
(Updated OM14 08.12.97)  
(Updated OM152 18.12.2006)  
(Updated 17.12.2014)  
(Updated 6.01.2019)

**SPECIAL RATES AND CHARGES**

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[Seaford](#) » [Frankston](#) » [Langwarrin](#) » [Karingal](#) » [Skye](#) » [Frankston South](#) » [Frankston North](#) » [Carrum Downs](#) » [Langwarrin South](#) » [Sandhurst](#)

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# ADMINISTRATION POLICY

## SPECIAL RATES AND CHARGES POLICY

### 1. INTRODUCTION

This Policy is intended as a procedural guide for the creation and implementation of all contributory projects by special rates and charges, providing works and services authorised under the Local Government Act 1989 and as a guide for the equitable distribution of costs between Council and property owners obtaining a special benefit. It is intended that community consultation and participation will play a large part in the development of specific projects, and that many proposals will only be implemented if they have the strong support of property owners.

The Local Government Act 1989 was introduced into State Parliament in November 1988 and is founded on two fundamental principles: that local government should have greater autonomy and should be democratically accountable to its community. The special rates and charges provisions of Section 163 of Part 8 of the Local Government Act 1989, unlike the Local Government Act 1958, are not prescriptive and provide Councils with modern progressive powers free from the previous legislative restraints. These powers were designed to enable Councils to raise funds, effectively manage their assets and defray expenses in relation to activities or works which are of special benefit to part of the municipality, by the equitable imposition of rates and charges.

Special rates or charges can be used to recover costs of Council performing a function or providing services this includes community facilities, studies/strategies, promotional marketing, purchase of properties, carparking etc, as well as the traditional Capital Works items, i.e. road construction, drainage, footpath, etc.

Specific guidelines for determining benefit and thus the apportionment of cost are included as appendices to this document. Appendix A provides guidelines in respect of schemes with which Council has had experiences, for example:

- Road Construction
- Drainage Construction
- Off Street Carparking Areas

### 2. SCHEME INITIATION

Council has a “priority list”, commenced in 2002/03, to implement schemes for unconstructed roads on the basis of rankings of factors including road hierarchy, condition, traffic frequency, safety and maintenance. Road schemes will be implemented generally in order of such listing, subject to over-riding issues in specific cases.

Recently a review of this list was undertaken with the most recent traffic counts, accident statistics, maintenance frequencies and resident requests / complaints. This list is attached as Appendix C.

Otherwise, the Special Rate or Charge process may be initiated by Councillors, members of the public, residents within the area, Council Officers or as a result of complaints from officers of Statutory Authorities with services in the area or providing service to the area. The final outcome of many proposals will depend to a large degree on community support, and in some instances Council may not proceed following formal public consultation, where at least majority support has not been adequately demonstrated.

If a resident or members of the public wish a Scheme to be initiated, they need to demonstrate at least 50% support from property owners who would be involved in the Scheme.

## **2.1 Preliminary Consultation and Report**

Except for the case where the process has been initiated by a petition or a joint letter containing signatures of at least two thirds majority of potential contributors, the Responsible Officer shall circulate a questionnaire to identify the potential contributors and their level of support for a Scheme.

Having allowed fourteen (14) days for reply, the Responsible Officer shall prepare a preliminary report to the subsequent Council Meeting which may address the following:

- background information detailing the reason for canvassing potential contributors;
- a statistical analysis of results of responses and an assessment of their substance;
- any previous proposals which may have been abandoned or unsuccessful;
- the circumstances which may exist whereby the considerations of safety or other matters override all other considerations;
- the need for the Scheme taking into account matters of health, safety and amenity;
- identifications of the likely beneficiaries of the Scheme;
- options for the scope, staging and funding of the Scheme;
- preliminary estimated basis for apportionment;
- a recommendation to Council to either proceed with the Scheme in recognition of the significant and justifiable level of support or because of compelling reasons relating to issues of safety, health or amenity or not to proceed due to a lack of support; and
- any ongoing arrangements or liabilities for maintenance and/or reconstruction in the future.

## **2.2 10-year Capital Works Program**

Following a resolution by Council to proceed with the Scheme, a preliminary estimate would be referred to the 10 Year Capital Works Program. When funding (if necessary)

becomes available for the project, the Scheme could continue. Note that the typical timeframe for a project, from preliminary concept plan stage to construction stage is 3 to 4 years.

### **3. DETAILED SCHEME PREPARATION**

Following Council's resolution to proceed with the Scheme, and process listing on the 10 Year Capital Works Program, the final design, estimates and apportionments shall be prepared. The officer responsible for the detailed preparation of the Scheme shall maintain a high level of consultation with parties to be affected by the proposal.

#### **3.1 Formal Public Consultation**

Following resolution by Council to proceed, a letter shall be sent to all parties likely to be affected which may include:

- reference to the preliminary report including an indication of cost to potential contributors;
- an explanation of the basic principles of the Scheme and the future steps leading to its finalisation;
- the name of a Council Officer for contact in regard to individual enquiries;
- concept options and associated preliminary estimates;
- advice that a public meeting may be called to discuss designs; and
- advice that, if necessary, a committee, including representatives of potential contributors, may be formed to provide input into the functional and conceptual aspects of the Scheme.

#### **3.2 Financing Arrangements for Special Charge Schemes**

It is in the interests of both Council and residents to provide the opportunity for payment options for residents required to contribute to Special Rate or Charge Schemes.

As indicated in Appendix B of this policy document, residents have a number of payment options. Once Council levies a Scheme, contributing residents will be required to notify Council which payment option is required. As most residents will most likely to request payment by instalments, Council will be required to borrow to fund the Scheme.

Council may borrow on the security of a Special Rate or Charge, to enable it to perform the functions and exercise the powers under the Local Government Act, but the amount must not exceed the estimated income from Special Rate or Charge (s. 139 (5)). This section was most likely intended to enable Councils to undertake works pending full payment of owner contributions (s. 140).

Within the provisions of the Local Government Act, Council could resolve to borrow specifically to implement each proposed Special Charge or Rating Scheme. This decision should be taken following public consultation and completion of preliminary design, estimates and apportionment of costs, but prior to Council resolving to declare a

Special Rate or Charge. Any borrowings under the LGA (s. 139 (5)) are not required to be included in the Budget (s. 145 (1)) although they will impact on Council's prudential ratios.

By borrowing for specific Special Rate or Charge Scheme projects, Council would negotiate a fixed interest loan package and structure the levying of the Special Rate or Charge over a period of time with a number of specified due payment dates. This would in effect give residents an instalment payment option. However, residents would be exposed to the Penalty Interest Rate on payments not made by the due dates.

The benefits of deferring the decision on borrowing for specific projects until after public consultation and completion of preliminary design, estimates and cost apportionment are:-

- greater certainty of costs.
- greater certainty of residents preferred payment requirements.
- the ability to negotiate a project specific fixed interest loan package inclusive of any break or other costs.
- Council's borrowing will be secured against the special rate or charge, and ultimately against the property.

Council would not be exposed to any financial risks.

Whilst Council can defer or waive payment of rates and charges (s. 170 & 171) in case of hardship, Council is not able to provide residents with instalment payment options at interest rates other than that prescribed under the Penalty Interest Rate Act. Council is able to exempt any person from paying all or part of any interest (s. 172 (3)), although Council would require a clear basis for considering exemption under this provision. There is no provision in the Local Government Act to vary the interest rate.

Loan borrowings to fund Special Charge or Rate Schemes on a project specific basis would be structured such that Council would not be exposed to any financial risks.

The use of loan funds to implement Special Charge or Rate Scheme projects will provide residents with a cost effective and flexible means of meeting their contribution obligations without exposing Council to any financial risks. The arrangement will need to be carefully structured to ensure Council was not acting ultra vires. This represents an important and socially responsible service to residents impacted by such Schemes.

## **4. STATUTORY REQUIREMENTS FOR SCHEME ADOPTION**

### **4.1 Notification of Declaration**

Prior to the declaration of a Special Charge Scheme, a Public Notice of the proposed Declaration will be required, at least 28 days prior to the making of Declaration (s. 163 (1A)).

The Public Notice will take the form of a notice in the local newspaper, a metropolitan Melbourne wide newspaper (e.g. The Age), a notice in Council's Website and letters to all property owners involved in the Scheme.

The Public Notice must (s. 163 (1B)):

- contain an outline of the proposed declaration;
- set out the date on which it is proposed to make declaration;
- advise that copies of the proposed declaration are available for inspection at the Council office for at least 28 days after the publication of notice; and
- advise that submissions made in accordance with Section 223 and objections under Section 163B of the Local Government Act 1989 will be considered by Council or a Council Committee.

#### **4.2 Public Notice**

Following the intention of Council to declare the Special Rate or Charge a notice shall be published in a newspaper generally circulating in the municipal district of the Council chosen by the Council, in a newspaper generally circulating within metropolitan Melbourne and on Council's Website for the purpose of setting out the proposed Declaration and stating that submissions will be considered in accordance with Section 163B and Section 223 Local Government Act 1989. A copy of the public notice shall be mailed to each affected property owner.

The Responsible Officer shall ensure that copies of the advertisement are retained on file as confirmation that the notice was given.

#### **4.3 Consideration of Submissions**

Written submissions received by Council within the time prescribed in the public notice will be considered by either Council or a Committee of Council comprising Ward Councillors, the relevant Director and any other interested Councillors. Personal appearances to support written submissions will be encouraged, however, submitters must state their desire to appear before Council or the Committee in their written submission. A person entitled to speak may be represented by another person with written authorisation.

After the Committee considers all submissions, it will make a recommendation to Council for a final decision.

#### **4.4 Council Resolution Following Submissions**

Following consideration of submissions and the Committee's recommendation if established Council may resolve to:

- abandon the Scheme by not giving effect to the proposed declaration to levy the Special Rate or Charge or;
- prepare a new Special Rate or Charge Scheme due to the need to significantly modify the original Scheme, thereby requiring the process to be recommenced or;

- proceed with or without minor variation to the original Declaration.

**Note:** Any variation in the amount of the proposed rate or charge of more than plus 10% of the amount specified in the original notice will require the scheme to be returned to Council for consideration of a new declaration.

All persons making submissions and all parties affected by the Scheme shall be advised of Council's resolution.

In the circumstance that no submissions are lodged, Council may resolve to declare and levy the Special Rate or Charge.

#### **4.5 Declaration of Special Rate or Charge**

Following the Scheme preparation, the Responsible Officer shall provide a report to Council which will contain a recommendation to Declare a Special Rate or Charge. This report will include:

- the objectives of the proposal specifying why the works are proposed and who the beneficiaries will be;
- the detailed design plans defining the scope of the Scheme;
- a recommendation for the use of a Special Rate, a Special Charge or the combination of both; and
- a guarantee that the final cost of the Scheme payable by the contributor shall be within a specified percentage, not exceeding 10% of the estimate forming the basis of the Declaration.
- a guarantee that the final cost of the Scheme payable by the contributor shall be within a specified percentage, not exceeding 10% of the estimate forming the basis of the Declaration.

The resolution for Council to Declare a Special Rate or Charge shall include:

- the period the Special Rate or Charge remains in force;
- the purpose of the Special Rate or Charge;
- a specification of the wards, groups, users or areas for which the Special Rate or Charge is declared;
- a specification of the land in relation to which the Special Rate or Charge is declared;
- a specification of the criteria which forms the basis of the Special Rate or Charge. For local street construction this will be the ownership of properties that abut or are adjacent to the project and/or derive benefit from improved access and amenity;
- a specification of the manner in which the Special Rate or Charge will be assessed and levied. In general, apportionment should be carried out using the traditional methods well established through regular application and supported by Victorian Civil & Administrative Tribunal determinations;
- an estimate of owners' liabilities. This estimate shall include ancillary costs such as survey, design, supervision and administration. Ancillary costs may be estimated using current industry standards and recent similar contracts;

- the impact of the Council's liability to the contribution in the event of over expenditure;
- period of maintenance required for the works (if works are relevant to the Special Rate or Charge);
- incentives to be given to ratepayers if any;
- planning policies and specific objectives (if any) as referred in Section 185 of the Local Government Act 1989; and
- the manner of payment of the Special Rate or Charge and the detail of the financing provisions to be accommodated by Council in regard to the Scheme; and
- the interest rate on the principal which will apply to persons liable to pay Special Rates or Charges.

The responsible officer for the Scheme in their report to Council will have regard to the Council policy which applies at the time in respect to the level of interest to be charged on the principal and any penalty interest which may apply to overdue repayment instalments.

#### **4.6 Advice To Affected Persons**

Should Council resolve to declare a Special Rate or Charge, a letter advising of this decision shall be sent to all owners and occupiers.

#### **4.7 Levy of Special Rate or Charge**

Council levies the Special Rate or Charge by sending a notice to all those liable to pay. This notice shall be in accordance with sub-sections 163(4) & (5) of the Local Government Act 1989 and shall contain prescribed information detailed in Regulation 10 of the Local Government (General) Regulations 1992. For minor scheme works, this can be combined with the notice to pay.

#### **4.8. Appeal**

Following the declaration of the Special Rate or Charge a person may apply for a review of Council's decision to the Victorian Civil and Administrative Tribunal (VCAT) within one month after the date of issue of a notice to the person of the Special Rate or Charge or combination thereof. Section 185 of the Local Government Act sets down the criteria for an appeal and provides the following grounds:

- (i) the works and projects or the period of maintenance for the purposes of which the Special Rate or Charge was imposed are not or will not provide a special benefit to that person; or
- (ii) the basis of distribution of the rate or charge amongst those persons who are liable to pay it is unreasonable; or
- (iii) if the planning scheme for the area contains any relevant policies or specific objectives, the works and projects proposed for the construction of a road or for the drainage of any land are inconsistent with those policies or objectives; or

- (iv) if the planning scheme for the area does not contain any relevant policies or specific objectives, the works and projects proposed for the construction of a road or for the drainage of the land are unnecessary, unreasonable, excessive insufficient, unsuitable or costly, having regard to the locality or environment and to the probable use of the road or drainage of land.

Following notification from VCAT of appeals lodged, contact may be made with appellants in order to carry out negotiations prior to the hearing. Failing this the Responsible Officer will prepare Council's case for the VCAT hearing.

Note: An aggrieved person may in addition or alternatively, appeal within 60 days to the County Court on the following grounds:

- (a) In the case of a rate (other than a special rate under s. 221), that the land in respect of which the rate was declared was not rateable land;
- (b) That the rate or charge assessment was calculated incorrectly; or
- (c) That the person levied with the rate or charge was not liable to be rated.

#### **4.9 Council Options Following VCAT Decision**

Where VCAT quashes a Scheme, Council could only proceed to declare a scheme for the same street if the new Scheme differs significantly from the quashed one and in particular in no way is inconsistent with VCAT's reasons for quashing the previous Scheme.

Where VCAT upholds the Scheme entirely or varies it with respect to the applicants, Council must proceed with the scheme as determined by VCAT.

## **5. SCHEME IMPLEMENTATION AND FINALISATION**

### **5.1 Implementation Process**

The Responsible Officer shall ensure that the tasks necessary to implement the Scheme are carried out.

Schemes which involve provision of services or capital works for the provision of infrastructure shall comply with the provisions of Best Value legislation.

If the tendered price for the contract works component of the Scheme exceeds the estimated cost by more than 10%, the proposal shall be referred to Council for reconsideration and a resolution sought to either abandon the Scheme or accept the tendered price and proceed with the work.

#### **5.1.1 Notice Levying the Special Charge**

Following the decision of Council to proceed with the Scheme and its implementation a Notice Levying the Special Charge will be served on all contributors indicating all the relevant Scheme details and the charge or rate based on the accepted estimated cost.

The Notice shall clearly indicate that this demand for payment is based on an estimated Scheme total cost and may be subject to variation of up to a maximum of 10% of the amount stated.

## **5.2 Reconciliation and Report to Council**

### **5.2.1 Special Charge Schemes**

Schemes shall be finalised and reconciled within two months of finalisation of the works.

The Responsible Officer shall report to Council immediately upon Scheme reconciliation advising:

- that the works are complete and the costs are finalised;
- that the final apportioned costs are presented for adoption by Council; and
- where any variation has occurred between the original estimate and the final apportioned cost, the detail of such variation.

### **5.2.2 Special Rate Schemes**

If, during the course of any Scheme which is implemented on the basis of a Special Rate, circumstances change to the extent that the rate is to be varied, the Responsible Officer shall immediately report to Council advising of the nature of the variation and recommending an appropriate course of action and if necessary that Council will bear all costs associated with any increase in the Special Rate beyond 10%.

In any case where the Special Rate or Charge is varied by any amount, notice is required to be given to all affected parties pursuant to s. 166 (2) of the Local Government Act 1989.

# APPENDIX A – APPORTIONMENT PRINCIPLES

## SPECIAL RATES AND CHARGES POLICY

Officers responsible for the detailed development of cost apportionment for contributory schemes should have regard to the following principles:

### 1. BENEFIT RATIO

The calculation of the maximum total levy for a scheme shall comply with the Ministerial Guideline applying to Section 163 (2C) of the Local Government Act 1989 as promulgated in the Victoria Government Gazette G39 23 September 2004. In most cases this will yield the limiting amount for levying by way of a special charge scheme. However to ensure consistency with past practice the following guidelines shall also be regarded in determining the Benefit Ratio.

### 2. FOOTPATH AND BICYCLE PATH PROJECTS

At OM 290 on 18 July 2016, Council resolved:-

“Not to continue with the delivery of other planned footpath infrastructure via Special Charge Schemes at this time, noting the increased cost to Council of this decision”.

Consequently all references to footpath construction by Special Charge Scheme have been deleted.

### 3. DRAINAGE CONSTRUCTION SCHEMES

- Full cost of works for property drainage systems charged to owners on a benefit/area basis using the co-efficient of runoff to modify the effective area.
- Properties discharging and properties receiving protection. Properties discharging stormwater and properties being protected from stormwater runoff receive the same benefit weighting i.e. 1:1.
- Council or drainage authority contributes towards outfall drains.
- Council maintains constructed asset.

### 4. ROAD CONSTRUCTION SCHEMES

Full cost of vehicle crossings and footpath thickenings to owners.

Every effort will be made to minimise the removal of indigenous, native and significant vegetation in all cases by utilising existing road alignments where possible, In addition the design process will incorporate consideration of options to minimise the impact on vegetation, with the preferred option being selected taking into consideration environmental benefit, as well as safety and financial benefits.

Council maintains constructed asset.

#### **4.1 Council incentive contribution**

##### Intent

Council may make a contribution as an incentive to landowners and to recognise the benefit to Council of the scheme.

##### Implementation

As an incentive to landowners to participate in scheme proposals for the improvement of infrastructure throughout the municipality, a minimum 20 percent contribution is provided by Council towards proposed projects.

This contribution is in recognition of annual rates paid by landowners and the benefit to Council of the reduction in recurrent maintenance costs.

#### **4.2 Residential Streets in Urban areas (within the Urban Growth Boundary)**

Maximum of 80% cost to owners – apportioned on the basis of benefit unit and/or area and/or frontage. Owners of corner allotments to be apportioned so that notional total charges over all abutments is fair. A benefit unit may be developed as potential development of the property.

#### **4.3 Non-Residential Street in Urban areas (within the Urban Growth Boundary)**

Owners are required to contribute a maximum of 80% cost of a road of sufficient standard to meet the owners access needs and Council would contribute the extra costs involved. ResCode for Residential Development can be used to determine the type of road required for access purposes.

Costs apportioned on the basis of benefit unit, area of property, frontage of property or a combination, owners of corner allotments to be apportioned so that notional total charges over all abutments is fair.

#### **4.4 Residential Streets in Rural Areas (outside the Urban Growth Boundary)**

Where road construction schemes are implemented in rural areas, with low density residential development, Council may consider a treatment of lesser standard than required in higher density or urban areas.

This will be assessed individually for each road, taking into account the current and potential traffic volumes, the existing road formation and subgrade quality, and preferences of the abutting property owners. Generally a treatment would consist of a 100mm layer of new compacted crushed rock over the existing road formation and shoulders, and a primer and spray seal over the trafficked part usually 5 metres wide. In addition, after individual assessment including geo-technical testing, the option to use stabilisation techniques which could result in cost savings may be considered. If in the future further construction is required, Council would be able to levy a special charge

for new components (including kerb & channel, drainage, asphalt surface) but deduct the value of previously charged treatments.

#### 4.5 Council contribution for broader community benefit

##### Intent

The level of Council contribution defined in this section recognises the benefit to Council and the broader community of the project.

##### Implementation

A Council contribution is required in accordance with the Ministerial Guideline where the works or services will provide tangible and direct benefits to the broader community, other than those landowners determined as being liable for the special rate or charge.

The following ratios have been developed to recognise broader community benefit from infrastructure improvement works and are considered to accord with the Ministerial Guideline:

##### Road Improvements

Ratio to be derived from a comparison of local traffic use to through traffic use of the road, based on the assumption that each development unit generates ten trips per day on the road. For community or commercial facilities a study of the facility will be undertaken to establish trips per day.

<b>% through traffic</b>	<b>Council</b>	<b>Landowners</b>
less than 20%	20%	80%
greater than 20%	Council contribution increased by 2% for every 3% increase in through traffic volume above 20%	
<p>In preparing any scheme there will be peculiarities that may require variation to the guidelines presented above. With proper justification, flexibility should be allowed to ensure a fair and reasonable distribution of costs. Where required, such flexible requirements will be reported to Council on a scheme by scheme basis.</p>		

## 4.6 Landowner contributions

### Intent

Whilst recognising that the apportionment methodology may have a number of variations, it is preferred to maintain a simplified approach in determining the contributions for each property. The development of the apportionment for a scheme will follow an approach which considers a number of factors and recognises that each scheme is different.

### Implementation

It is recognised that within a proposed scheme the apportionment methodology may be considered in many ways, all of which may be acceptable to VCAT. For the purposes of this policy it is considered preferable that a simplified approach is taken.

When apportioning costs amongst properties the following factors should be considered:

- The current Frankston Planning Scheme zones and overlays, including tenement provisions if these apply.
- Existing use or development potential of a property, on a development unit basis (eg. commercial, industrial, residential, subdivision, higher density development etc.);
- Abuttal of a property to proposed works (generally road improvements); and
- Area of a property (generally drainage schemes).

### For road improvements:

- Generally properties will be charged one development unit where primary access to the property is taken from the road being constructed;
- In recognition that some properties may have a larger abuttal to the works than others, the apportionment of costs may also have regard to property abuttal for up to 10% of the total charge per property;
- Properties that may be subdivided, have multiple dwellings, are used commercially, or are used in a more intensive way than a general residential property will require specific assessment and may incur a multiple development unit charge;
- Where a property has only side or rear abuttal to the road being constructed, the property shall be apportioned one half of a development unit, on the basis that the primary access to the property is taken from an alternate road;
- Where a property has multiple existing houses that the property be apportioned only on the basis of direct access driveways, and where none exists that the

property be apportioned one half benefit unit for any rearage or sideage abuttal to the road(s) being considered for improvement;

- Where a portion of property abuts a road that has previously been constructed or the proposed reconstruction works do not extend for the full length of the property abuttal, then a pro rata development unit shall be allocated to the property based upon the proportion of the property abuttal to the new road construction;
- Where a property abuts two or more roads that are to be constructed in the same scheme, no increase in charge will occur for the additional road abuttal(s);
- Where a property abuts two or more roads that are constructed through separate schemes at different times, an overall multiple development unit charge may be applied, however generally this should not exceed a total of one and one half development units. Investigation of the property's involvement in the past construction of the alternate road should be identified. Should the property have contributed a full share compared to other properties involved in that project, then the property's involvement in the current scheme should be treated as if the property has a side or rear abuttal; and

Where a property has only side or rear abuttal to the road being constructed and is responsible for a multiple charge due to existing or potential development of the property, an assessment is to occur to determine whether the potential development on the property will gain special benefit from the proposal. A half proportion of the multiple charge should apply where the potential improvements on the property will receive special benefit from the works (i.e. as described in section 4.5). A single half share should apply where the existing or potential development on the property will not receive special benefit.

#### 4.7 Multiple landowner contributions

##### Intent

There are instances when multiple contributions are determined for a property due to actual or potential development, as contained in this section.

##### Implementation

Multiple landowner contributions may apply in the following circumstances;

Dependant persons unit (Granny flat)	0 development unit
Bungalow / outbuilding	0 development unit
Additional occupiable / caretaker house	1 development unit
Bed and breakfast structure external to main dwelling	0.2 development unit per B&B
Potential subdivision	1 development unit per

	allotment
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#### 4.8 Landowner contributions in schemes involving mixed land use

##### Intent

Some properties are used in a more intensive way than general residential properties. This section allows for a multiple development unit charge based upon the future potential of the property to determine how the different uses can be compared to general residential use.

##### Implementation

Properties that are used commercially or are used in a more intensive way than a general residential property will require specific assessment and may incur a multiple development unit charge.

An assessment of properties is to be undertaken, including a review of existing and/or proposed planning scheme amendments and permits. The apportioned charge to a property will be determined having consideration to the area of the property, in conjunction with any development and/or use of the property. This will then be equated to a typical residential property (“equivalent house”) for the proposed scheme.

The approach is based on the concept of “equivalence ratios” developed by the Victorian Department of Environment, Land, Water & Planning within its “Development Contribution Guidelines”. This method determines how different uses (i.e. residential, agricultural/farming, retail/commercial/office, light industry/warehouse and other industrial uses) can be fairly compared as “equivalent houses”.

<p><b>Retail / Commercial/Office</b></p> <p>200 sq m floor space in urban areas (separate comparative analysis may be required for rural areas, e.g. wineries, wine/fruit sales, etc. (including car parking and landscaping area)1 equivalent house</p>	1 equivalent house
<p><b>Industrial properties / warehouses</b></p> <p>800 sq m floor space (including hard stand and car parking areas)</p>	1 equivalent house
<p>Farming areas which may be subdivided.</p> <p>Where a property is capable of being subdivided in accordance with the Frankston Planning Scheme, then the potential lot yield shall be used and adopted as the number of equivalent houses. A discount may be applied to account for local circumstances. This discount for local circumstances may apply where the subdivision potential of a property would be reduced for the following reasons:-</p>	

<ul style="list-style-type: none"> <li>○ To protect remnant vegetation;</li> <li>○ Land is subject to inundation/flooding;</li> <li>○ Land is subject to landslip; or</li> <li>○ Other restrictive aspects.</li> </ul> <p>The assignment of “equivalence ratios” is for the express purposes of being able to compare special benefit that will be received by properties involved in a proposed special rate or charge. The assignment of “equivalence ratios” to a property based upon the intensive use of a property does not mean that the expectations of those “equivalent houses” can be realised as development rights or opportunities on the land.</p> <p>In many cases, particularly in rural areas, the opportunity to develop further houses is limited by the Frankston Planning Scheme. The ability to have more than one house will usually be determined through the ability to subdivide the land in accordance with the planning scheme.</p>	
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## 5. OFF-STREET CAR PARKING SCHEME

### 5.1 Retail/Commercial

The cost to be recovered shall be apportioned to those properties which will derive a benefit. Have regard to existing and potential shop size, type, proximity and any provision or contribution towards spaces provided.

## APPENDIX B – METHODS OF PAYMENT

### SPECIAL RATES AND CHARGES POLICY

The payment options for the people affected by the Special Charge are listed below:

- Payment in full when the Special Rate or Charge is levied.
- Road and Drainage Schemes – Quarterly instalments with interest over a 10 year period or other period as negotiated
- Off Street Car Parking Schemes – Quarterly instalments with interest over a 5 year period.

Under special circumstances Council will consider cases of hardship and reconsider payment options for special rate or charge.

### APPENDIX C – PRIORITISED LIST OF UNSEALED ROADS – 2019

Scheme Details						
Rank	Road Name		Scheme Extents	Length	Melway Ref.	
Priority 1	1	TAYLORS ROAD, SKYE	TAYLORS ROAD	BALLARTO ROAD to HALL ROAD	1647	132 D5
	2	MCKAYS ROAD, LANGWARRIN	MCKAYS ROAD	WESTERNPORT HIGHWAY to CENTRE ROAD	1300	136 E2
	3	BARRETT'S ROAD, LANGWARRIN SOUTH	BARRETT'S ROAD	ROBINSONS ROAD to GOLF LINKS ROAD	1740	107 E2
	4	WEST ROAD, LANGWARRIN SOUTH	WEST ROAD	BAXTER TOORADIN ROAD to ROBINSONS ROAD	1924	140 B3
	5	STOTTS LANE, FRANKSTON SOUTH	STOTTS LANE	NBL HN 23M-31M to BAXTER TOORADIN ROAD	585	106 K3
	6	BRODIE STREET, SEAFORD	BRODIE STREET	NEPEAN HIGHWAY to BECKWITH GROVE	51	99 D4
	7	NICHOLSON STREET, SEAFORD	NICHOLSON STREET	NEPEAN HIGHWAY to OZONE AVENUE	35	99 D7
	8	CANNING STREET, FRANKSTON SOUTH	CANNING STREET	HUMPHRIES ROAD to HOTHAM STREET (AND END OF SEAL TO DEAD END)	202	101 K9
Priority 2	9	TI-TREE GROVE, SEAFORD	TI-TREE GROVE	NEPEAN HIGHWAY to ENDS (NORTH & SOUTH)	99	97 D12
	10	OZONE AVENUE, SEAFORD	OZONE AVENUE	NORTH END to SOUTH END	84	99 D7
	11	TAYLORS ROAD, SKYE	TAYLORS ROAD	HALL ROAD to WEDGE ROAD	1653	132 E1
	12	TAYLORS ROAD, SKYE	TAYLORS ROAD	WEDGE ROAD to THOMPSONS ROAD	1655	128 310
	13	WEDGE ROAD, SKYE	WEDGE ROAD	END OF SEAL to TAYLORS ROAD	1320	128 D11
	14	KELVIN GROVE, LANGWARRIN	KELVIN GROVE	CRANBOURNE ROAD to MCKAYS ROAD	912	136 F1
	15	BENNETT COURT, SEAFORD	BENNETT COURT	OLD WELLS ROAD to END	135	99 H2
	16	WEDGE COURT, SEAFORD	WEDGE COURT	WELLS ROAD to END	159	99 H1
	17	BEACH GROVE, SEAFORD	BEACH GROVE	ENTANCE LANE to END	247	99 D2
	18	BECKWITH GROVE, SEAFORD	BECKWITH GROVE	NORTH END to SOUTH END	150	99 D4
	19	LYPPARDS ROAD, LANGWARRIN	LYPPARDS ROAD	CRANBOURNE ROAD to END	885	132 F12
	20	REX STREET, FRANKSTON	REX STREET	BEACH STREET to END	107	100A G7
Priority 3	21	FRANKSTON DANDENONG SERVICE ROAD, SEAFORD	FRANKSTON DANDENONG SERVICE ROAD	FRANKSTON-DANDENONG ROAD to CENTENARY STREET	190	100 B5
	22	HELEN STREET, FRANKSTON	HELEN STREET	CLIFF ROAD to END	125	102 B5
	23	WYATT STREET, SEAFORD	WYATT STREET	NEPEAN HIGHWAY to END	79	99 D1
	24	HIGHFIELD DRIVE, LANGWARRIN SOUTH	HIGHFIELD DRIVE	BAXTER TOORADIN ROAD to DEAD END	1000	107 J5
	25	BERGMAN ROAD, LANGWARRIN	BERGMAN ROAD	ROBINSONS ROAD to END	794	103 K12
	26	CLAYTON HILL ROAD, LANGWARRIN SOUTH	CLAYTON HILL ROAD	SHEPHERDS HUT ROAD to WEST ROAD	393	140 B2
	27	VALLEY ROAD, LANGWARRIN	VALLEY ROAD	ROUNDABOUT (POTTS) to END	562	132 B9
	28	FIOCCHI AVENUE, FRANKSTON	FIOCCHI AVENUE	GOULD STREET to END (BEACH)	55	100A D2
	29	FITZROY AVENUE, FRANKSTON	FITZROY AVENUE	BEACH END to GOULD STREET	17	100A B4
	30	GREAVES COURT, SEAFORD	GREAVES COURT	OLD WELLS ROAD to END	45	99 G3
	31	ANNIE STREET, FRANKSTON	ANNIE STREET	GOULD STREET to END	47	100A C3
	32	MOOROODUC SERVICE ROAD, FRANKSTON	MOOROODUC SERVICE ROAD	MOOROODUC HIGHWAY to END	95	106 F4
	33	CLYDE COURT, FRANKSTON SOUTH	CLYDE COURT	NEPEAN HIGHWAY to END	171	101 J7
	34	BELLBIRD COURT, LANGWARRIN	BELLBIRD COURT	WESTERNPORT HIGHWAY to END	380	136 F7
	35	CENTRE ROAD, LANGWARRIN	CENTRE ROAD	ROUNDABOUT (NORTH) to END	314	136 B9
	36	GARDENERS ROAD, LANGWARRIN SOUTH	GARDENERS ROAD	ROBINSONS ROAD to END	491	107 J1
	37	SOMME AVENUE, FRANKSTON	SOMME AVENUE	END OF SEAL to END	142	102 A5
	38	MOOROODUC SERVICE ROAD, FRANKSTON	MOOROODUC SERVICE ROAD	HUMPHRIES ROAD to END	194	106 E5
Priority 4	39	BURROW STREET, FRANKSTON	BURROW STREET	STANLEY STREET to FINLAY STREET	99	102 F1
	40	VICTORIA ROAD, LANGWARRIN SOUTH	VICTORIA ROAD	WESTERNPORT HIGHWAY to WEST ROAD	949	140 D4
	41	MARY STREET, FRANKSTON	MARY STREET	GOULD STREET to END	61	99 C12
	42	ARMAGH ROAD, FRANKSTON SOUTH	ARMAGH ROAD	OVERPORT ROAD to END	308	106 C1
	43	ARMSTRONGS ROAD, SEAFORD	ARMSTRONGS ROAD	OLD WELLS ROAD to DEAD END	159	99 H1
	44	VICTORY ROAD, LANGWARRIN	VICTORY ROAD	WESTERNPORT HIGHWAY to FIRE TRACK ONLY SIGN	464	136 E12
	45	VICTORY ROAD, LANGWARRIN	VICTORY ROAD	FIRE TRACK ONLY SIGN to FIRE TRACK ONLY SIGN	324	140 C1
	46	VICTORY ROAD, LANGWARRIN	VICTORY ROAD	FIRE TRACK ONLY SIGN to ROBINSONS ROAD	321	140 C1
	47	BEACH STREET, FRANKSTON	BEACH STREET	KANANOOK CREEK to GOULD STREET	50	100A C5
	48	MARALINE ROAD, LANGWARRIN	MARALINE ROAD	BALLARTO ROAD to END	573	132 G7
	49	VICTOR AVENUE, SEAFORD	VICTOR AVENUE	NEPEAN HIGHWAY to END	55	99 42
	50	WEDGE ROAD, SKYE	WEDGE ROAD	WESTERNPORT HIGHWAY to END OF GRAVEL	420	128 J12
	51	CAMP ROAD, LANGWARRIN SOUTH	CAMP ROAD	WEST ROAD to FIRE ACCESS ONLY SIGN	584	140 C1
	52	CAMP ROAD, LANGWARRIN SOUTH	CAMP ROAD	FIRE ACCESS ONLY SIGN to FIRE ACCESS ONLY SIGN	294	140 D2
	53	CAMP ROAD, LANGWARRIN SOUTH	CAMP ROAD	FIRE ACCESS ONLY SIGN to WESTERN PORT HIGHWAY	467	140 D3
	54	HIGHVIEW ROAD, SKYE	HIGHVIEW ROAD	TAYLORS ROAD to END	415	132 D6
	55	SHEPHERDS HUT ROAD, LANGWARRIN SOUTH	SHEPHERDS HUT ROAD	NORTH END to SOUTH END	243	140 A2
	56	GAMBLE ROAD, SKYE	GAMBLE ROAD	EBL HN 156 to DEAD END	305	132 B6
Priority 5	59	ALLAWAH AVENUE, FRANKSTON	ALLAWAH AVENUE	NEPEAN HIGHWAY to END (KANANOOK CREEK)	22	99 D11
	60	BANYAN ROAD, CARRUM DOWNS	BANYAN ROAD	ROSSITER ROAD to END	357	96 C10
	61	BETHUNE COURT, SEAFORD	BETHUNE COURT	WELLS ROAD to END	21	99 H1
	62	KNOX STREET, CARRUM DOWNS	KNOX STREET	FRANKSTON-DANDENONG ROAD to CLIFTON GROVE	127	98 F12
	63	ROBINSON ROAD, CARRUM DOWNS	ROBINSON ROAD	BARRIER to END OF GRAVEL (NBL HN57-71)	318	97 K8
	64	ROSSITER ROAD, CARRUM DOWNS	ROSSITER ROAD	THOMPSONS ROAD to END	2373	98 C9
	65	THE HEIGHTS, FRANKSTON SOUTH	THE HEIGHTS	THE SPUR to END	51	102 C6
	66	WARRINGA ROAD, FRANKSTON SOUTH	WARRINGA ROAD	CLIFF ROAD to END	207	102 A5
67	WHITECLIFFE AVENUE, FRANKSTON	WHITECLIFFE AVENUE	NEPEAN HIGHWAY to END (BL 624 NEPEAN HWY)	22	101 J6	
68	WORSLEY ROAD, CARRUM DOWNS	WORSLEY ROAD	END OF SEAL to DEAD END	808	98 F7	
<b>LANES</b>						
69	ADDICOTT LANE, FRANKSTON	ADDICOTT LANE	MCMAHONS ROAD to ADDICOTT STREET	83	102 G2	
70	CECL LANE, FRANKSTON	CECL LANE	FROME AVENUE to CECL STREET	119	102 D6	
71	CORLETT LANE, FRANKSTON	CORLETT LANE	CORLETT STREET to END	50	99 F11	
72	ERSKINE LANE, FRANKSTON	ERSKINE LANE	ERSKINE STREET to END	160	100A F9	
73	FINLAY LANE, FRANKSTON	FINLAY LANE	TOWER AVENUE to END	53	100A H4	
74	ITHACA LANE, FRANKSTON SOUTH	ITHACA LANE	ITHACA ROAD to END	80	101 J8	
75	JOHNSTONE LANE, SEAFORD	JOHNSTONE LANE	WEATHERSTON ROAD to JOHNSTONE STREET	114	99 E5	
76	KANANOOK LANE, SEAFORD	KANANOOK LANE	KANANOOK AVENUE to END	33	99 E8	
77	LEWIS LANE, FRANKSTON	LEWIS LANE	END OF CONCRETE to END	40	100A F5	
78	LITTLE DANDENONG LANE, FRANKSTON	LITTLE DANDENONG LANE	DANDENONG ROAD EAST to ERSKINE LANE	52	100A F5	
79	MCKENZIE LANE, SEAFORD	MCKENZIE LANE	MCKENZIE STREET to MCKENZIE STREET	95	99 E3	
80	MOUNT VIEW LANE, FRANKSTON	MOUNT VIEW LANE	MOUNT VIEW COURT to END	115	102 E5	
81	NOLAN LANE, FRANKSTON	NOLAN LANE	SPRING STREET to END	104	102 D4	
82	ROYLE LANE, FRANKSTON	ROYLE LANE	ROYLE STREET to END	51	102 G2	
83	SIBYL LANE, FRANKSTON SOUTH	SIBYL LANE	SIBYL AVENUE to WEST BOUNDARY OF 32A SIBYL AVENUE	108	106 D3	
84	SPRING LANE, FRANKSTON	SPRING LANE	HIGH LANE to SPRING STREET	200	100A C10	
85	TOWER LANE, FRANKSTON	TOWER LANE	DANDENONG ROAD EAST to TOWER AVENUE	197	100A F3	
86	WEATHERSTON LANE, SEAFORD	WEATHERSTON LANE	SEAFORD ROAD to WEATHERSTON ROAD	105	99 E5	
87	YARRAM LANE, FRANKSTON	YARRAM LANE	YARRAM COURT to END	46	100 D12	
<b>UNFORMED ROAD RESERVE</b>						
	ALDERSHOT ROAD, LANGWARRIN	ALDERSHOT ROAD	WOODLEA PLACE to END (SOUTH)		103 G9	
	BOUNDARY LANE, CARRUM DOWNS	BOUNDARY LANE	BOUNDARY ROAD to EASTLINK TOLLWAY		98 F10	
	BRETT LANE, CARRUM DOWNS	BRETT LANE	BRETT DRIVE to MV RESERVE (50M-52M LATHAMS ROAD)		100 C1	
	HIGHVIEW ROAD, SKYE	HIGHVIEW ROAD	END OF GRAVEL (WBL HN 50) to END (EBL HN 50)		132 B6	
	PAGETT ROAD, CARRUM DOWNS	PAGETT ROAD	WBL HN 16 to END (WEST)		98 E11	
	ROBINSON ROAD, CARRUM DOWNS	ROBINSON ROAD	END OF GRAVEL (NBL HN 57-71) to END (SBL HN 85M)		97 K9	
	SIBYL LANE, FRANKSTON SOUTH	SIBYL LANE	WEST BOUNDARY OF 32A SIBYL AVENUE to ROSEDALE GROVE		106 D3	
	VALLEY ROAD, SKYE	VALLEY ROAD	END OF GRAVEL (HN165) to END (WEST)		132 C9	
	WADSLY ROAD, CARRUM DOWNS	WADSLY ROAD	LEARNMOUTH ROAD to ROSSITER ROAD		98 B8	
	WEDGE ROAD, SKYE	WEDGE ROAD	TAYLORS ROAD to START OF GRAVEL (WESTERN ACCESS TO KOC PARK)		128 G12	

**Executive Summary****12.5 Instrument of Delegation S6 from Council to members of Council staff**

*Enquiries: (Brianna Alcock: Corporate Development)*

**Council Plan**

Community Outcome:	3. Sustainable City
Strategy:	3.3 Ensure good governance and management of Council resources
Priority Action	3.3.2 Implement a schedule of reviews of services, plans, policies and protocols to ensure good governance

**Purpose**

To adopt the *S6. Instrument of Delegation - Council to members of Council staff* and reflect updates to legislation and role changes since it was last adopted by Council at its meeting on 29 January 2019.

**Recommendation (Director Corporate Development)**

That:

1. In the exercise of power conferred by Section 98(1) of the *Local Government Act 1989* and the other legislation referred to in *S6. Instrument of Delegation - Council to members of Council staff* (attached as Attachment A), Council resolves that these powers, duties and functions be delegated to staff. This is subject to the conditions and limitations specified in the Instrument of Delegation.
2. The Instrument 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 2019 is revoked.
4. The duties and functions set out in the Instrument 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.

**Key Points / Issues**

- At its Ordinary Meeting on 10 July 2017, Council resolved that:  
*Appointment and revocation (including the reasoning) of staff delegation between Ordinary meetings be reported and must be kept up to date.*
- Council has the power under section 98 of the *Local Government Act 1989*, or any other act, to delegate a member of its staff a power, duty or function of Council.
- Local Government is less operationally efficient if Council does not delegate the majority of its powers, duties and functions to staff.
- To ensure Council's powers are exercised lawfully, the delegations should be reviewed regularly to accommodate changes to legislation or staff structure. This review is conducted every six months.
- This update takes into account legislative changes received from Councils lawyers, Maddocks in January 2019 covering changes from July 2018 to December 2018 which affect Council's powers, duties and functions.

**12.5 Instrument of Delegation S6 from Council to members of Council staff****Executive Summary**

- Outlined below is a summary highlighting changes:
  - Provision s181H of the *Local Government Act 1989* has been added back into S6. *Instrument of Delegation – Council to members of Council staff*. It was noted by Maddocks that this is a power that can only be delegated to the Chief Executive Officer and therefore was removed from S13. *Instrument of Delegation – List of CEO Powers*.
  - Changes to the *Planning and Environment Act 1987* prompted by the *Planning and Environment Amendment (Public Land Contributions) Act 2018*, which commenced on 2 July 2018, included the removal of ss46G1(5), 46GL, 46GM and 224(8). New provisions have been added which include 46L(2)(b)(i), 46LB(3) and 172C – 172D(2).
  - Further changes to the *Planning and Environment Act 1987* have been made by the *Planning and Environment Amendment (Distinctive Areas and Landscapes) Act 2018* which includes the insertion of s46AW and s46AZK. These changes have already come into effect and apply where Council is a ‘responsible public entity’. As a consequence of the amendments to the *Planning and Environment Act 1987*, the provision relating to s46AS, which was amended in the May 2018 updates, has now been removed as it does not contain a Council power, duty or function.
- A recent minor change to department structure has resulted in the former Administration and Corporate Projects Department being renamed to Governance and Information Department. Changes to position titles have been reflected in this update.
- Other minor changes to position titles and staff movements since the instrument was last reviewed in January 2019 have also been included in this update.
- A marked up version highlighting the changes to the S6. *Instrument of Delegation – Council to members of Council staff* is attached as Attachment B.
- Note, there have been no legislative changes to the S5. *Instrument of Delegation - Council to Chief Executive Officer*.

**Financial Impact**

The Victorian Government introduced the “Fair Go Rates” system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.5 per cent for 2019-2020.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council’s major source of income, Council’s capacity to continue to deliver services and fund its capital programme will be severely restricted.

There are no financial implications associated with this report. In regard to the infrastructure levies, Council does not collect, process and remit any funds to the government. Staff are merely required to sight a certificate issued by the State Revenue Office prior to approving any major development.

**12.5 Instrument of Delegation S6 from Council to members of Council staff****Executive Summary****Consultation****1. Internal Stakeholders**

Council officers were consulted as part of this review to ensure that any updates are accurate and meet operational requirements.

**2. Other Stakeholders**

Maddocks lawyers provide a model document for the S6. Instrument of Delegation to various councils as guidance and this has been adhered to in this Instrument of Delegation update.

**Analysis (Environmental / Economic / Social Implications)**

Delegation of powers enables efficient decision making on behalf of Council for delivery of services to the community.

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

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

Legal

The *Local Government Act 1989*, as well as other legislation, makes provision for the appointment of delegates to act on behalf of Council and a requirement to review all delegations within twelve months of an election.

Policy Impacts

There are no known policies impacts for this report.

Officer's Declaration of Interests

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

**Risk Mitigation**

Councils are required to update the Instruments of Delegation on a regular basis to accommodate any changes to legislation, organisational structure and role titles. Failure to provide regular updates may lead to decisions made becoming invalid or there may be financial or reputational consequences.

**Conclusion**

Updates to the *S6. Instrument of Delegation - Council to members of Council staff* take into account any legislative changes since it was last adopted by Council on 29 January 2019 and maintains Council's powers, duties and functions delegated to staff.

12.5 Instrument of Delegation S6 from Council to members of Council staff

**Executive Summary**

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**ATTACHMENTS**

Attachment A: [↓](#) Draft s6 Instrument of delegation - Council to members of staff

Attachment B: [↓](#) Marked up s6 Instrument of delegation - Council to members of staff



## **Frankston City Council**

# **S6. Instrument of Delegation**

**Council  
to  
Members of Staff**

## S6 Instrument of Delegation - Members of Staff

1. In exercise of the power conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached Schedule, the Council:

delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;

2. records that references in the Schedule are as follow:

CAP means	Coordinator Asset Planning
CCI means	Coordinator Civil Infrastructure
CCW means	Coordinator City Works
CEO means	Chief Executive Officer
CES means	Coordinator Engineering Services
COS means	Coordinator Open Spaces
CP means	Coordinator Prosecutions
CPG means	Coordinator Parks and Gardens
CPM means	Coordinator Property Management
CS means	Construction Supervisor
CSC means	Coordinator Compliance and Safety
CSM means	Manager Community Safety
CStrP means	Coordinator Strategic Planning
CSV means	Coordinator Specialist Vegetation
CWME means	Civil Works Maintenance Engineer
CWPM means	Capital Works Project Manager
CWSPM means	Capital Works Senior Project Manager
DMBS means	Deputy Municipal Building Surveyor
DCA means	Director Community Assets
DComm means	Director Community Development
DCorp means	Director Corporate Development
EHC means	Co-ordinator Environmental Health
EHO means	Environmental Health Officers
EHT means	Environmental Health Technician
FOIPO means	FOI and Privacy Officer
GC means	Governance Coordinator
GCO means	Governance Compliance Officer
GIBSO means	Governance Information Business Support Officer
GMPO means	Governance Memorial Park Officer
HRA means	Human Resources Advisor
MGI means	Manager Governance and Information
DMBS means	Deputy Municipal Building Surveyor
MCS means	Manager Commercial Services
MCWD means	Manager Capital Works Delivery
MES means	Manager Engineering Services
MFCP means	Manager Finance and Corporate Planning
MFPO means	Municipal Fire Prevention Officer
MHR means	Manager Human Resources
MPP means	Major Projects Planner
MSA means	Manager Sustainable Assets
OPM means	Operations Manager
PAEM means	Planning and Environment Manager
PIO means	Planning Investigations Officer
PLSP means	Practice Leader Statutory Planning

PLT means	Payroll Team Leader
PO means	Prosecutions Officer
PPIO means	Planning Prosecutions Investigations Officer
SBS means	Senior Building Surveyor
SHRA means	Senior Human Resource Advisor
SEHO means	Senior Environmental Health Officer
SHRA means	Senior Human Resource Advisor
SIC means	Strategic Infrastructure Coordinator
SPC means	Statutory Planning Co-ordinator
SPTO means	Statutory Planning Technical Officer
SSP means	Senior Statutory Planner
SSTRP means	Senior Strategic Planner
StatP means	Statutory Planner
StrP means	Strategic Planner
SUBO means	Subdivisions Officer
TLPES means	Team Leader Planning & Environment Support
TLPM means	Team Leader Parks Maintenance
TLRRR means	Team Leader Rapid Response and Roadsides
TLSP means	Team Leader Statutory Planning

3. records that on the coming into force of this Instrument of Delegation from Council to Council Members Staff each delegation under the instrument dated 29 January 2019 is revoked.
4. declares that:
  - 4.1 this Instrument of Delegation is authorised by a resolution of Council passed on the 3<sup>rd</sup> June 2019; and
  - 4.2 the delegation:
    - 4.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
    - 4.2.2 remains in force until Council resolves to vary or revoke it;
    - 4.2.3 is subject to any conditions and limitations set out in sub-paragraph and the Schedule; and
    - 4.2.4 must be exercised in accordance with any guidelines or policies, which Council from time to time adopts;
  - 4.3 the delegate must not determine the issue, take the action or do the act or thing:
    - 4.3.1 if the issue, action, act or thing is an issue, act or thing which Council has previously designated as an issue, act or thing which must be the subject of a Resolution of Council; or
    - 4.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
      - (a) policy; or
      - (b) strategy
      - (c) adopted by Council; or
    - 4.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or

4.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

THE COMMON SEAL of )  
FRANKSTON CITY COUNCIL )  
was affixed in the presence of: )

Councillor \_\_\_\_\_

Chief Executive Officer \_\_\_\_\_

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## Schedule

## S6 Instrument of Delegation - Members of Staff

<b>Cemeteries and Crematoria Act 2003</b>			
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	DCorp, MGI	Where Council is a Class B cemetery trust
s 12(1)	Function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	CPG, DCorp, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	Where Council is a Class B cemetery trust
s 12(2)	Duty to have regard to the matters set out in paragraphs (a) - (c) in exercising its functions	DCorp, GC, MGI	Where Council is a Class B cemetery trust
s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 14	Power to manage multiple public cemeteries as if they are one cemetery.	DCorp, MGI	
s 15(1) and (2)	Power to delegate powers or functions other than those listed	DCorp, GC, MGI	
s 15(4)	Duty to keep records of delegations	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 17(1)	Power to employ any persons necessary	DComm, DCorp, MGI, OPM	
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	CPG, DComm, DCorp, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	
s 17(3)	Power to determine the terms and conditions of employment or engagement	DComm, DCorp, MGI, MHR, OPM	Subject to any guidelines or directions of the Secretary
s 18(3)	Duty to comply with a direction from the Secretary	DComm, DCorp, GC, GCO, GIBSO, GMPO, MGI, OPM	
s 19	Power to carry out or permit the carrying out of works	CPG, DComm, DCorp, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	
s 20(1)	Duty to set aside areas for the interment of human remains	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	DCorp, MGI	
s 20(3)	Power to set aside areas for those things in paragraphs (a) - (e)	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	DCorp, MGI	
s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	DCorp, GC, GCO, GIBSO, GMPO, MGI	Subject to the approval of the Minister

<b>Cemeteries and Crematoria Act 2003</b>			
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	To be retained by Council	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	To be retained by Council	Provided the street was constructed pursuant to the Local Government Act 1989
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	DCorp, GC, GCO, GIBSO, GMPO, MGI	Report must contain the particulars listed in s 57(2)
s 59	Duty to keep records for each public cemetery	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 60(2)	Power to charge fees for providing information	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 64B(d)	Power to permit interments at a reopened cemetery	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	DCorp, GC, MGI	The application must include the requirements listed in s 66(2)(a)-(d)
s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 70(1)	Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 70(2)	Duty to make plans of existing place of interment available to the public	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 71(2)	Power to dispose of any memorial or other structure removed	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 72(2)	Duty to comply with request received under s 72	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 73(1)	Power to grant a right of interment	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 73(2)	Power to impose conditions on the right of interment	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	CPM, DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	DCorp, GC, GCO, GIBSO, GMPO, MGI	

<b>Cemeteries and Crematoria Act 2003</b>			
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s 77(4)	Power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	DCorp, GC, MGI	
s 80(1)	Function of receiving notification and payment of transfer of right of interment	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 80(2)	Function of recording transfer of right of interment	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment (sole holder)	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s.85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	DCorp, GC, GCO, GIBSO, GMPO, MGI	The notice must be in writing and contain the requirements listed in s 85(2)
s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	DCorp, GC, GCO, GIBSO, GMPO, MGI	Does not apply where right of interment relates to remains of a deceased veteran.
85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or;  remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.	DCorp, GC, GCO, GIBSO, GMPO, MGI	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	CPG, DComm, DCorp, FOIPO, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	
s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	CPG, DComm, DCorp, FOIPO, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	CPG, DComm, DCorp, FOIPO, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	

<b>Cemeteries and Crematoria Act 2003</b>			
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s.86(4)	power to take action under s.86(4) relating to removing and re-interring cremated human remains	CPG, DComm, DCorp, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	
s.86(5)	duty to provide notification before taking action under s.86(4)	CPG, DComm, DCorp, FOIPO, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	CPG, DComm, DCorp, FOIPO, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	
s 87(3)	Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 91(1)	Power to cancel a right of interment in accordance with s 91	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 91(3)	Duty to publish notice of intention to cancel right of interment	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 92	Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 99(4)	Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 100(1)	Power to require a person to remove memorials or places of interment	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 100(2)	Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with s 100(1)	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 100(3)	Power to recover costs of taking action under s 100(2)	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 102(1)	Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	DCorp, GC, GCO, GIBSO, GMPO, MGI	

<b>Cemeteries and Crematoria Act 2003</b>			
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s 103(1)	Power to require a person to remove a building for ceremonies	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 103(3)	Power to recover costs of taking action under s 103(2)	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 106(1)	Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 106(4)	Power to repair or - with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not complied with	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 107(2)	Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 108	Power to recover costs and expenses	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 109(1)(a)	Power to open, examine and repair a place of interment	DCorp, GC, GCO, GIBSO, GMPO, MGI	Where the holder of right of interment or responsible person cannot be found
s 109(1)(b)	Power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	DCorp, GC, GCO, GIBSO, GMPO, MGI	Where the holder of right of interment or responsible person cannot be found
s 109(2)	Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	DCorp, GC, GCO, GIBSO, GMPO, MGI	Where the holder of right of interment or responsible person cannot be found
s 110(1)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 110(2)	Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	DCorp, MGI	
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	DCorp, GC, GCO, GIBSO, GMPO, MGI	

<b>Cemeteries and Crematoria Act 2003</b>			
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s 112	Power to sell and supply memorials	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 119	Power to set terms and conditions for interment authorisations	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 131	Function of receiving an application for cremation authorisation	To be retained by Council	
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	To be retained by Council	Subject to s 133(2)
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 146	Power to dispose of bodily remains by a method other than interment or cremation	DCorp, GC, GCO, GIBSO, GMPO, MGI	Subject to the approval of the Secretary
s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 150 & 152(1)	Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 151	Function of receiving applications to inter or cremate body parts	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	DCorp, GC, GCO, GIBSO, GMPO, MGI	
sch 1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	DCorp, GC, GCO, GIBSO, GMPO, MGI	
sch 1 cl 8(8)	Power to regulate own proceedings	DCorp, GC, GCO, GIBSO, GMPO, MGI	Subject to cl 8
<b>Domestic Animals Act 1994</b>			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	CSC, CSM, DComm	Council may delegate this power to a Council authorised officer

<b>Environment Protection Act 1970</b>			
<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 53M(3)	Power to require further information	CSM, DComm, EHC, EHO, SEHO	
s 53M(4)	Duty to advise applicant that application is not to be dealt with	CSM, DComm, EHC, EHO, SEHO	
s 53M(5)	Duty to approve plans, issue permit or refuse permit	CSM, DComm, EHC, EHO, SEHO	Refusal must be ratified by Council or it is of no effect
s 53M(6)	Power to refuse to issue septic tank permit	CSM, DComm, EHC, EHO, SEHO	Refusal must be ratified by Council or it is of no effect
s 53M(7)	Duty to refuse to issue a permit in circumstances in (a)-(c)	CSM, DComm, EHC, EHO, SEHO	Refusal must be ratified by Council or it is of no effect
<b>Food Act 1984</b>			
<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	CSM, DComm, EHC, EHO, SEHO	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	CSM, DComm, EHC, EHO, SEHO	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	CSM, DComm, EHC	If s 19(1) applies  Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	CSM, DComm, EHC, EHO, SEHO	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	CSM, DComm, EHC, EHO, SEHO	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	CSM, DComm, EHC, EHO, SEHO	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	To be retained by Council	Where Council is the registration authority
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	To be retained by Council	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation

Food Act 1984			
			and so such directions must be made by a Council resolution
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	To be retained by Council	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	CSM, DComm, EHC, EHO, SEHO	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	CSM, DComm, EHC, EHO, SEHO	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
	Power to register, renew or transfer registration	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority  refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 58A(2))
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority

Food Act 1984			
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 39A	Power to register, renew or transfer food premises despite minor defects	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	CSM, DComm, EHC, EHO, SEHO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	CSM, DComm, EHC	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority

<b>Food Act 1984</b>			
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
<b>Heritage Act 2017</b>			
<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 116	Power to sub-delegate Executive Director's functions, duties or powers	DComm, PAEM	Must first obtain Executive Director's written consent  Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation
<b>Local Government Act 1989</b>			
<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 181H	Power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	CEO	The Chief Executive Officer must not delegate the power delegated to the CEO under subsection 181H to any other person
<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	To be retained by Council	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	CStrP, DComm, PAEM	
s 4H	Duty to make amendment to Victoria Planning Provisions available	CStrP, DComm, PAEM	
s 4I	Duty to keep Victorian Planning Provisions and other documents available	CStrP, DComm, PAEM	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	CStrP, DComm, PAEM	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	CStrP, DComm, PAEM	
s 8A(5)	Function of receiving notice of the Minister's decision	CStrP, DComm, PAEM	
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	CStrP, DComm, PAEM	

Planning and Environment Act 1987			
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	To be retained by Council	
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	To be retained by Council	
s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s19 of the Planning and Environment (Planning Schemes) Act 1996)	To be retained by Council	
s 12B(1)	Duty to review planning scheme	CStrP, DComm, PAEM	
s 12B(2)	Duty to review planning scheme at direction of Minister	CStrP, DComm, PAEM	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	CStrP, DComm, PAEM	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	CStrP, DComm, MPP, PAEM	
s 17(1)	Duty of giving copy amendment to the planning scheme	CStrP, DComm, MPP, PAEM	
s 17(2)	Duty of giving copy s 173 agreement	CStrP, DComm, MPP, PAEM	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CStrP, DComm, MPP, PAEM	
s 18	Duty to make amendment etc. available	CStrP, DComm, MPP, PAEM	
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	To be retained by Council	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	To be retained by Council	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or  Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	To be retained by Council	
s 21(2)	Duty to make submissions available	CStrP, DComm, MPP, PAEM	
s 21A(4)	Duty to publish notice	CStrP, DComm, MPP, PAEM	
s 22	Duty to consider all submissions	CStrP, DComm, MPP, PAEM	Except submissions which request a change to the items in s 22(5)(a) and (b)

Planning and Environment Act 1987			
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CStrP, PAEM	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	To be retained by Council	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SSP, TLSP	
s 26(1)	Power to make report available for inspection	CStrP, DComm, MPP, PAEM, PLSP, SPC, SSP, TLSP	
s 26(2)	Duty to keep report of panel available for inspection	CStrP, DComm, MPP, PAEM, PLSP, SPC, SSP, TLSP	
s 27(2)	Power to apply for exemption if panel's report not received	To be retained by Council	
s 28	Duty to notify the Minister if abandoning an amendment	CStrP, DComm, MPP, PAEM, PLSP, SPC, SSP, TLSP	Note: the power to make a decision to abandon an amendment cannot be delegated
s 30(4)(a)	Duty to say if amendment has lapsed	CStrP, DComm, MPP, PAEM	
s 30(4)(b)	Duty to provide information in writing upon request	CStrP, DComm, MPP, PAEM	
s 32(2)	Duty to give more notice if required	CStrP, DComm, MPP, PAEM	
s 33(1)	Duty to give more notice of changes to an amendment	CStrP, DComm, MPP, PAEM	
s 36(2)	Duty to give notice of approval of amendment	CStrP, DComm, MPP, PAEM	
s 38(5)	Duty to give notice of revocation of an amendment	CStrP, DComm, MPP, PAEM	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	CStrP, DComm, MPP, PAEM	
s 40(1)	Function of lodging copy of approved amendment	CStrP, DComm, MPP, PAEM	
s 41	Duty to make approved amendment available	CStrP, DComm, MPP, PAEM	
s 42	Duty to make copy of planning scheme available	CStrP, DComm, MPP, PAEM	
s 46AW	Function of being consulted by the Minister	CStrP, DComm, PAEM, SPC	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy  Power to endorse the draft Statement of Planning Policy	CStrP, DComm, PAEM, SPC	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	CStrP, DComm, MPP, PAEM	Where Council is a responsible public entity

Planning and Environment Act 1987			
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	CStrP, DComm, PAEM, SPC	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	CStrP, DComm, PAEM, SPC	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	CStrP, DComm, PAEM, SPC	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	CStrP, DComm, PAEM, SPC	
s 46GP	Function of receiving a notice under s 46GO	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	CStrP, DComm, PAEM, SPC	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	CStrP, DComm, PAEM, SPC	
s 46GR(2)	Power to consider a late submission  Duty to consider a late submission if directed to do so by the Minister	CStrP, DComm, PAEM, SPC	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	CStrP, DComm, PAEM, SPC	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	CStrP, DComm, PAEM, SPC	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CStrP, DComm, PAEM, SPC	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	CStrP, DComm, PAEM, SPC	

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s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	CStrP, DComm, PAEM, SPC	
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	CStrP, DComm, PAEM, SPC	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution  Power to specify the manner in which the payment is to be made	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	DComm	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DComm	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DComm	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	CStrP, DComm, PAEM, SPC	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 1989	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is that planning authority

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s 46GZ(2)(a)	Function of receiving the monetary component	DComm	Where the Council is the planning authority  This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities	CStrP, DComm, PAEM	Where Council is the collecting agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	DComm	Where Council is the development agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	CStrP, DComm, DCorp, MFCP, PAEM, TLPES	Where Council is the collecting agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	DComm	Where Council is the development agency specified in the approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency

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s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	CStrP, DComm, DCorp, MFCP, PAEM, TLPES	If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4)  Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency
s 46GZ(9)	Function of receiving the fee simple in the land	DComm	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	CStrP, DComm, PAEM, SPC	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 1989	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	CStrP, DComm, PAEM, SPC	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	CStrP, DComm, PAEM	If the VPA is the collecting agency under an approved infrastructure contributions plan  Where Council is a development agency under an approved infrastructure contributions plan

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s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	CStrP, DComm, PAEM, SPC	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	CStrP, DComm, PAEM	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	DComm, DCorp, MFCP, PAEM	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	DComm	Where Council is the development agency under an approved infrastructure contributions plan
s.46GZF(3)	Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	CStrP, DComm, PAEM, SPC	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	s 46GZF(3)(a) function of receiving proceeds of sale	DComm	Where Council is the collection agency under an approved infrastructure contributions plan

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			This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	DComm, DCorp, MFCP, PAEM	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	DComm	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	DComm	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	DComm, PAEM	
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	DComm, DMBS, MBS, PAEM, SBS	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	DComm, PAEM	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 46Q(1)	Duty to keep proper accounts of levies paid	DCorp, MFCP	

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s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency or plan preparation costs incurred by a development agency	CStrP, DComm, DCorp, MFCP, PAEM, TLPES	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	DCA, DCorp, MES, MFCP	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	DComm, PAEM	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal Council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	DComm, DCorp, MFCP, PAEM	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	CStrP, DComm, MPP, PAEM	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	CES, DCA, DComm, DCorp, MCWD, MES, MFCP	With the consent of, and in the manner approved by, the Minister
s 46QC	Power to recover any amount of levy payable under Part 3B	DComm, DCorp, MFCP, PAEM	
s 46QD	Duty to prepare report and give a report to the Minister	DComm, PAEM	Where Council is a collecting agency or development agency
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	CStrP, DComm, MPP, PAEM	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	CES, DCA, DComm, MES, PAEM	
s 47	Power to decide that an application for a planning permit does not comply with that Act	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, SUBO, TLSP	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, SUBO, TLPES, TLSP	
s 49(2)	Duty to make register available for inspection	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, SUBO, TLPES, TLSP	

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s 50(4)	Duty to amend application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, SUBO, TLSP	
s 50(45)	Power to refuse to amend application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.50(6)	duty to make note of amendment to application in register	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 50A(1)	Power to make amendment to application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 50A(4)	Duty to note amendment to application in register	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 51	Duty to make copy of application available for inspection	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 52(1)(b)	Duty to give notice of the application to other municipal Council where appropriate	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 52(3)	Power to give any further notice of an application where appropriate	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	

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s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP
s 54(1)	Power to require the applicant to provide more information	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP
s 54(1B)	Duty to specify the lapse date for an application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	To be retained by Council
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP
s 57(5)	Duty to make available for inspection copy of all objections	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP
s 57A(5)	Power to refuse to amend application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP
s 57A(6)	Duty to note amendments to application in register	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP
s 57B(1)	Duty to determine whether and to whom notice should be given	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP

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s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 57C(1)	Duty to give copy of amended application to referral authority	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 58	Duty to consider every application for a permit	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 58A	Power to request advice from the Planning Application Committee	DComm, PAEM, PLSP, SPC, TLSP	
s 60	Duty to consider certain matters	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 60(1A)	Duty to consider certain matters	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO	
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	DComm, MPP, PAEM, PLSP, SPC, TLSP	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(2)	Power to include other conditions	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	DComm, MPP, PAEM, PLSP, SPC, TLSP	

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s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(3)	Duty not to issue a permit until after the specified period	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	This provision applies also to a decision to grant an amendment to a permit - see s75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority

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s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(46)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s 69(1)	Function of receiving application for extension of time of permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 69(1A)	Function of receiving application for extension of time to complete development	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 69(2)	Power to extend time	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 70	Duty to make copy permit available for inspection	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 71(1)	Power to correct certain mistakes	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 71(2)	Duty to note corrections in register	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 73	Power to decide to grant amendment subject to conditions	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 74	Duty to issue amended permit to applicant if no objectors	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	

Planning and Environment Act 1987			
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(46)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 83	Function of being respondent to an appeal	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 83B	Duty to give or publish notice of application for review	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	

Planning and Environment Act 1987			
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 84AB	Power to agree to confining a review by the Tribunal	DComm	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	DComm, PAEM, PPIO, SPC	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	DComm, PAEM, PIO, PPIO, SPC	
s 91(2)	Duty to comply with the directions of VCAT	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	DComm, MPP, PAEM, PIO, PLSP, PPIO, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 93(2)	Duty to give notice of VCAT order to stop development	DComm, MPP, PAEM, PIO, PLSP, PPIO, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 95(3)	Function of referring certain applications to the Minister	DComm, PAEM, PLSP, SPC, TLSP	
s 95(4)	Duty to comply with an order or direction	DComm, MPP, PAEM, PIO, PLSP, PPIO, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	DComm, PAEM, PLSP, SPC, TLSP	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DComm, PAEM, PLSP, SPC, TLSP	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	To be retained by Council	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	To be retained by Council	

Planning and Environment Act 1987			
s 96F	Duty to consider the panel's report under s 96E	To be retained by Council	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996)	To be retained by Council	
s 96H(3)	Power to give notice in compliance with Minister's direction	CStrP, DComm, MPP, PAEM, PLSP, SPC, SSP, StatP, TLSP	
s 96J	Power to issue permit as directed by the Minister	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPEs, TLSP	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 97C	Power to request Minister to decide the application	To be retained by Council	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPEs, TLSP	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPEs, TLSP	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPEs, TLSP	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	To be retained by Council	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	

Planning and Environment Act 1987			
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 97Q(4)	Duty to comply with directions of VCAT	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	DComm, PAEM, SPC	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	DComm, PAEM, SPC	
s 101	Function of receiving claim for expenses in conjunction with claim	DComm, PAEM, SPC	
s 103	Power to reject a claim for compensation in certain circumstances	DComm, PAEM, SPC	
s.107(1)	function of receiving claim for compensation	DComm, PAEM, SPC	
s 107(3)	Power to agree to extend time for making claim	DComm, PAEM, SPC	
s 114(1)	Power to apply to the VCAT for an enforcement order	DComm, PAEM, PIO, PPIO, SPC	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	DComm, PAEM, PIO, PPIO, SPC	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	DComm, PAEM, PIO, PPIO, SPC	
s 123(1)	Power to carry out work required by enforcement order and recover costs	DComm, PAEM, PIO, PPIO, SPC	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	DComm, PAEM, SPC	Except Crown Land
s 129	Function of recovering penalties	DComm, PAEM, PIO, PPIO, SPC	
s 130(5)	Power to allow person served with an infringement notice further time	DComm, PAEM, PIO, PPIO, SPC	
s 149A(1)	Power to refer a matter to the VCAT for determination	To be retained by Council	
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	DComm, PAEM, SPC	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B)power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	CStrP, DComm, PAEM, SPC	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	CStrP, DComm, PAEM, SPC	

Planning and Environment Act 1987			
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	DComm	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	DComm	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	DComm	Where Council is the development agency specified in an approved infrastructure contributions plan
s.171(2)(g)	power to grant and reserve easements	DComm, PAEM, SPC	
s 173(1)	Power to enter into agreement covering matters set out in s 174	DComm, PAEM	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	DComm, PAEM	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	DComm, PAEM, PLSP, SPC, TLSP	
	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	DComm, PAEM, PLSP, SPC, TLSP	
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DComm, PAEM, SPC	
s 178	power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DComm, PAEM, SPC	
s 178A(1)	Function of receiving application to amend or end an agreement	DComm, PAEM, SPC	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	DComm, PAEM, SPC	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DComm, PAEM, SPC	
s 178A(5)	Power to propose to amend or end an agreement	DComm, PAEM, SPC	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	DComm, PAEM, SPC	

Planning and Environment Act 1987			
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	DComm, PAEM, SPC	
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	DComm, PAEM, SPC	
s 178C(4)	Function of determining how to give notice under s 178C(2)	DComm, PAEM, SPC	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	DComm, PAEM, SPC	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	DComm, PAEM, SPC	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DComm, PAEM, SPC	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	DComm, PAEM, SPC	If no objections are made under s 178D Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	DComm, PAEM, SPC	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DComm, PAEM, SPC	After considering objections, submissions and matters in s 178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	DComm, PAEM, SPC	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	DComm, PAEM, SPC	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	DComm, PAEM, SPC	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	DComm, PAEM, SPC	
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	DComm, PAEM, SPC	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	DComm, PAEM, SPC	
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	DComm, PAEM, SPC	

Planning and Environment Act 1987			
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DComm, PAEM, SPC	
s 179(2)	Duty to make available for inspection copy agreement	DComm, PAEM, SPC, TLPES	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	DComm, PAEM, SPC	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	DComm, PAEM, SPC	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	DComm, PAEM, SPC	
s 182	Power to enforce an agreement	DComm, PAEM, PIO, PPIO, SPC	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	DComm, PAEM, SPC	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	DComm, PAEM, SPC	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	DComm, PAEM, SPC	
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	DComm, PAEM, SPC	
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	DComm, PAEM, SPC	
s 184G(2)	Duty to comply with a direction of the Tribunal	DComm, PAEM, SPC	
s 184G(3)	Duty to give notice as directed by the Tribunal	DComm, PAEM, SPC	
s 198(1)	Function to receive application for planning certificate	DComm, PAEM, SPC, TLPES	
s 199(1)	Duty to give planning certificate to applicant	DComm, PAEM, SPC, TLPES	
s 201(1)	Function of receiving application for declaration of underlying zoning	CStrP, DComm, PAEM, SPC, TLSP	
s 201(3)	Duty to make declaration	DComm, PAEM, PLSP, SPC, TLSP	
	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	DComm, MPP, PAEM, PLSP, SPC, TLSP	
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	DComm, MPP, PAEM, PLSP, SPC, TLSP	
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	

Planning and Environment Act 1987			
	Power to give written authorisation in accordance with a provision of a planning scheme	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	
Rail Safety (Local Operations) Act 2006			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 33	Duty to comply with a direction of the Safety Director under s 33	CES, DCA, DComm, MCWD, MES, OPM	Where Council is a utility under s 3
s 33A	Duty to comply with a direction of the Safety Director to give effect to arrangements under s 33A	CES, DCA, DComm, MCWD, MES, OPM	Duty of Council as a road authority under the Road Management Act 2004
s 34	Duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under s 33(1)	CES, CWME, DCA, DComm, MCWD, MES, OPM	Where Council is a utility under s 3
s 34C(2)	Function of entering into safety interface agreements with rail infrastructure manager	CES, DCA, DComm, MCWD, MES, MSA, OPM	Where Council is the relevant road authority
s 34D(1)	Function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	CCW, CES, CWME, DCA, DComm, MCWD, MES, OPM	Where Council is the relevant road authority
s 34D(2)	Function of receiving written notice of opinion	CES, DCA, DComm, MCWD, MES, OPM	Where Council is the relevant road authority
s 34D(4)	Function of entering into safety interface agreement with infrastructure manager	CES, DCA, DComm, MCWD, MES, MSA, OPM	Where Council is the relevant road authority
s 34E(1)(a)	Duty to identify and assess risks to safety	CCW, CES, CWME, DCA, DComm, MES, OPM	Where Council is the relevant road authority
s 34E(1)(b)	Duty to determine measures to manage any risks identified and assessed having regard to items set out in s 34E(2)(a)-(c)	CES, CWME, DCA, DComm, MES, OPM	Where Council is the relevant road authority
s 34E(3)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager	CES, DCA, DComm, MES, MSA, OPM	Where Council is the relevant road authority
s 34F(1)(a)	Duty to identify and assess risks to safety, if written notice has been received under s 34D(2)(a)	CES, CWME, DCA, DComm, MES, OPM	Where Council is the relevant road authority

<b>Rail Safety (Local Operations) Act 2006</b>			
s 34F(1)(b)	Duty to determine measures to manage any risks identified and assessed, if written notice has been received under s 34D(2)(a)	CES, CWME, DCA, DComm, MES, OPM	Where Council is the relevant road authority
s 34F(2)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager	CES, DCA, DComm, MES, MSA, OPM	Where Council is the relevant road authority
s 34H	Power to identify and assess risks to safety as required under s 34B, 34C, 34D, 34E or 34F in accordance with s 34H(a)-(c)	CES, CWME, DCA, DComm, MES, OPM	Where Council is the relevant road authority
s 34I	Function of entering into safety interface agreements	CES, DCA, DComm, MES, MSA, OPM	Where Council is the relevant road authority
s 34J(2)	Function of receiving notice from Safety Director	CES, DCA, DComm, MES, OPM	Where Council is the relevant road authority
s 34J(7)	Duty to comply with a direction of the Safety Director given under s 34J(5)	CES, CWME, DCA, DComm, MES, OPM	Where Council is the relevant road authority
s 34K(2)	Duty to maintain a register of items set out in s 34K(a)-(b)	CAP, CCW, CWME, DCA, DComm, MES, MSA, OPM	Where Council is the relevant road authority
<b>Residential Tenancies Act 1997</b>			
<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 142D	Function of receiving notice regarding an unregistered rooming house	CSM, DComm, EHC, EHO, EHT, SEHO	
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	CSM, DComm, DMBS, EHC, EHO, EHT, MBS, SBS, SEHO	
s 142G(2)	Power to enter certain information in the Rooming House Register	CSM, DComm, EHC, EHO, EHT, SEHO	
s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	CSM, DComm, EHC, EHO, EHT, SEHO	
s 252	Power to give tenant a notice to vacate rented premises if s 252(1) applies	CPM, DComm, DCorp, DMBS, MBS, MCS, SBS	Where Council is the landlord
s 262(1)	Power to give tenant a notice to vacate rented premises	CPM, DComm, DCorp, DMBS, MBS, MCS, SBS	Where Council is the landlord
s 262(3)	Power to publish its criteria for eligibility for the provision of housing by Council	CPM, DComm, DCorp, DMBS, MBS, MCS, SBS	

<b>Residential Tenancies Act 1997</b>			
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	CSM, DComm, DCorp, DMBS, EHC, EHO, EHT, MBS, SBS, SEHO	
s 522(1)	Power to give a compliance notice to a person	CSM, DComm, DMBS, EHC, EHO, EHT, MBS, SBS, SEHO	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CSM, DComm	
s 525(4)	Duty to issue identity card to authorised officers	CSM, DComm, DCorp, MHR, PLT	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	CSM, DComm	
s 526A(3)	Function of receiving report of inspection	CSM, DComm, MBS	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CP, CSM, DComm, EHC, EHT, PO, SEHO	
<b>Road Management Act 2004</b>			
<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	DCorp, GCO, MGI	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	DCorp, GCO, MGI	
s 11(9)(b)	Duty to advise Registrar	DCorp, GC, GCO, GIBSO, GLA, MGI	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	DCorp, GC, GCO, GIBSO, GLA, MGI	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	DCorp, GC, GCO, GIBSO, GLA, MGI	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	To be retained by Council	Where Council is the coordinating road authority
s 12(4)	Power to publish, and provide copy, notice of proposed discontinuance	DCorp, GC, GLA, MGI	Power of coordinating road authority where it is the discontinuing body  Unless s 12(11) applies
s 12(5)	Duty to consider written submissions received within 28 days of notice	DCorp, GC, GLA, MGI	Duty of coordinating road authority where it is the discontinuing body

Road Management Act 2004			
			Unless s 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	To be retained by Council	Function of coordinating road authority where it is the discontinuing body  Unless s 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	DCorp, GC, GLA, MGI	Duty of coordinating road authority where it is the discontinuing body  Unless s 12(11) applies
s 12(10)	Duty to notify of decision made	DCorp, MGI	Duty of coordinating road authority where it is the discontinuing body  Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	DCA, DCorp, GC, GLA, MGI, MSA	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from VicRoads	DCA, DCorp, MGI, MSA	
s 14(7)	Power to appeal against decision of VicRoads	DCA, DCorp, MGI, MSA	
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	CES, DCA, DComm, MSA, OPM	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DCA, DComm, MSA, OPM	
s 15(2)	Duty to include details of arrangement in public roads register	CAP, DCA, MSA	
s 16(7)	Power to enter into an arrangement under s 15	DCA, DComm, MSA, OPM	
s 16(8)	Duty to enter details of determination in public roads register	CAP, DCA, MSA	
s 17(2)	Duty to register public road in public roads register	CAP, DCA, MSA	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	CAP, DCA, MSA	Where Council is the coordinating road authority

<b>Road Management Act 2004</b>			
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	CAP, DCA, MSA	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	CAP, DCA, DComm, DCorp, MGI, MSA	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	CAP, DCA, MSA	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	CAP, DCA, MSA	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	CAP, DCA, MSA	Where Council is the coordinating road authority
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	CAP, DCA, MSA	
s 19(4)	Duty to specify details of discontinuance in public roads register	CAP, DCA, MSA	
s 19(5)	Duty to ensure public roads register is available for public inspection	CAP, DCA, MSA	
s 21	Function of replying to request for information or advice	CAP, DCA, MSA	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	CAP, DCA, MSA	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	CAP, DCA, MSA	
s 22(5)	Duty to give effect to a direction under s 22	CAP, DCA, MSA	
s 40(1)	Duty to inspect, maintain and repair a public road.	CCI, CCW, CES, CS, CWME, CWPM, CWSPM, DCA, DComm, MCWD, MES, MSA, OPM	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	CCW, CES, CWME, DCA, DComm, MES, OPM	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	CCI, CCW, CES, CS, CWME, CWPM, CWSPM, DCA, DComm, MCWD, MES, MSA, OPM	
s 42(1)	Power to declare a public road as a controlled access road	CAP, DCA, MSA	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	CAP, DCA, MSA	Power of coordinating road authority and sch 2 also applies

Road Management Act 2004			
s 42A(3)	Duty to consult with VicRoads before road is specified	CAP, DCA, MSA	Where Council is the coordinating road authority  If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	CES, DCA, MES	Where Council is the coordinating road authority  If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	CAP, DCA, MSA	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	CAP, DCA, MSA	
s 49	Power to develop and publish a road management plan	CAP, DCA, MSA	
s 51	Power to determine standards by incorporating the standards in a road management plan	CAP, DCA, MSA	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	CAP, DCA, MSA	
s 54(2)	Duty to give notice of proposal to make a road management plan	CAP, DCA, MSA	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	CAP, DCA, MSA	
s 54(6)	Power to amend road management plan	CAP, DCA, MSA	
s 54(7)	Duty to incorporate the amendments into the road management plan	CAP, DCA, MSA	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	CAP, DCA, MSA	
s 63(1)	Power to consent to conduct of works on road	CCW, CES, CS, CWME, DCA, DComm, MCWD, MES, MSA, OPM	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	CCW, CES, CS, CWME, DCA, DComm, MCWD, MES, MSA, OPM	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	CES, DCA, DComm, MES, OPM	Where Council is the infrastructure manager or works manager

Road Management Act 2004			
s 66(1)	Power to consent to structure etc	DCA, DComm, MES, OPM	Where Council is the coordinating road authority
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	DCA, DComm, MES, OPM	Where Council is the coordinating road authority
s 67(3)	Power to request information	DCA, DComm, MES, MSA, OPM	Where Council is the coordinating road authority
s 68(2)	Power to request information	DCA, DComm, MCWD, MES, MSA, OPM	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	CEO, DCA, DComm	
s 72	Duty to issue an identity card to each authorised officer	DCA, DComm, DCorp, HRA, MCWD, MES, MHR, MSA, OPM, SHRA	
s 85	Function of receiving report from authorised officer	CCW, COS, CPG, CSV, CWME, DCA, DComm, MCWD, MES, MSA, OPM	
s 86	Duty to keep register re s 85 matters	DCA, DComm, MCWD, MES, MSA, OPM	
s 87(1)	Function of receiving complaints	CCW, COS, CPG, CSV, CWME, DCA, DComm, MCWD, MES, MSA, OPM	
s 87(2)	Duty to investigate complaint and provide report	CCW, COS, CPG, CSV, CWME, DCA, DComm, MCWD, MES, MSA, OPM	
s 112(2)	Power to recover damages in court	DCA, DComm, DCorp, MCWD, MES, MFCP, MSA, OPM	
s 116	Power to cause or carry out inspection	CCI, CCW, CS, CWME, CWPM, CWSPM, DCA, DComm, MCWD, MES, MSA, OPM	
s 119(2)	Function of consulting with VicRoads	CCI, CCW, COS, CPG, CS, CSV, CWME, CWPM, CWSPM, DCA, DComm, MCWD, MES, MSA, OPM	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of VicRoads)	CCI, CCW, COS, CPG, CS, CSV, CWME, DCA, DComm, MCWD, MES, MSA, OPM	
s 120(2)	Duty to seek consent of VicRoads to exercise road management functions before exercising power in s 120(1)	COS, CPG, CSV, DCA, DComm, MCWD, MES, MSA, OPM	
s 121(1)	Power to enter into an agreement in respect of works	DCA, DComm, MCWD, MES, MSA, OPM	

Road Management Act 2004			
s 122(1)	Power to charge and recover fees	DCA, DComm, MCWD, MES, MSA, OPM	
s 123(1)	Power to charge for any service	DCA, DComm, MCWD, MES, MSA, OPM	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	DCA, MES, MSA	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	DCA, MES, MSA	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	DCA, MES, MSA	
sch 2 cl 4	Function of receiving details of proposal from VicRoads	CES, DCA, DComm, EMFR, MCWD, MES, MSA, PAEM, SIC	
sch 2 cl 5	Duty to publish notice of declaration	CES, DCA, MES, MSA	
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	CES, DCA, MCWD, MES, MSA	Where Council is the infrastructure manager or works manager
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	CES, DCA, DComm, MCWD, MES, MSA, OPM	Where Council is the infrastructure manager or works manager
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	CES, DCA, DComm, MCWD, MES, MSA, OPM	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	CES, DCA, EMFR, MCWD, MES, MSA, SIC	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	CAP, CCW, CES, CWME, DCA, DComm, MCWD, MES, MSA, OPM	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	CES, DCA, DComm, MCWD, MES, MSA	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	CES, DCA, MCWD, MES, MSA	Where Council is the coordinating road authority

<b>Road Management Act 2004</b>			
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	CCI, CS, CWPM, CWSPM, DCA, DComm, MCWD, MES, MSA	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	DCA, DComm, MCS, MCWD, MES, MSA, OPM	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	CES, DCA, DComm, MCWD, MES, MSA, OPM	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	CES, DCA, DComm, MCWD, MES, MSA, OPM	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	DCA, DComm, MCWD, MES, OPM	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	CES, DCA, DComm, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	CAP, CES, DCA, DComm, MCWD, MES, MSA, OPM	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	CES, DCA, DComm, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	CES, DCA, DComm, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	CES, DCA, DComm, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	CES, DCA, DComm, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	CES, DCA, DComm, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	CES, DCA, DComm, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	CCW, CES, CWME, DCA, DComm, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	CES, DCA, DComm, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	CCI, CCW, CES, COS, CWME, DCA, MCWD, MES, OPM	Power of responsible road authority where it is the coordinating road authority or

<b>Road Management Act 2004</b>			
			responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	CES, DCA, MCWD, MES	Where Council is the responsible road authority
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	CES, DCA, MCWD, MES	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	CES, DCA, MCWD, MES	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)
<b>Cemeteries and Crematoria Regulations 2015</b>			
These provisions apply to Councils appointed as a cemetery trust under section 5 of the Cemeteries and Crematoria Act 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 24	Duty to ensure that cemetery complies with depth of burial requirements	CPG, DComm, DCorp, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	CPG, DComm, DCorp, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	DComm, DCorp, GCO, GMPO, MGI, OPM, TLP, TLRRR	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	CPG, DComm, DCorp, GCO, GMPO, MGI, OPM, TLP, TLRRR	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	DComm, DCorp, MGI, OPM	
r 48(2)	Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	CPG, DComm, DCorp, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	
	Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules	Note only	
sch 2 cl 4	Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2	CPG, DComm, DCorp, MGI, OPM	See note above regarding model rules

<b>Cemeteries and Crematoria Regulations 2015</b>			
These provisions apply to Councils appointed as a cemetery trust under section 5 of the Cemeteries and Crematoria Act 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	DCorp, GC, GCO, GIBSO, GMPO, MGI	See note above regarding model rules
sch 2 cl 5(2)	Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	DCorp, GC, GCO, GIBSO, GMPO, MGI	See note above regarding model rules
sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	CPG, DComm, DCorp, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	See note above regarding model rules
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	CPG, DComm, DCorp, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	CPG, DComm, DCorp, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	See note above regarding model rules
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	CPG, DComm, DCorp, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	See note above regarding model rules
sch 2 cl 11(2)	Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	CPG, DComm, GC, GIBSO, OPM, TLP, TLRRR	See note above regarding model rules
sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	CPG, DComm, DCorp, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	See note above regarding model rules
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	DCorp, GC, GCO, GIBSO, GMPO, MGI	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	CEO, DCorp, MGI	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	CEO, DCorp, MGI	See note above regarding model rules
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	CPG, DComm, DCorp, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	See note above regarding model rules
<b>Planning and Environment Regulations 2015</b>			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	CStrP, DComm, PAEM	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.

Planning and Environment Regulations 2015			
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	DComm, MPP, PAEM, PLSP, SPC, TLSP	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	where Council is the responsible authority
r.25(b)	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	where Council is not the responsible authority but the relevant land is within Council's municipal district
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	CStrP, DComm, PAEM, SSTRP, StrP	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
Planning and Environment (Fees) Regulations 2016			
Provision	Item Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CStrP, DComm, PAEM	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	DComm, PAEM, PLSP, SPC, TLSP	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20	CStrP, DComm, PAEM, PLSP, SPC, TLSP	
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
Provision	Item Delegated	Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	CPM, CSM, DComm, DMBS, EHC, EHO, EHT, MBS, MCS, SBS, SEHO	EHC and MBS in a coordinated approach
r 11	Function of receiving application for registration	CSM, DComm, EHC, EHO, EHT, SEHO	
r 13(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	CSM, DComm, EHC, EHO, EHT, SEHO	
r 13(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	CSM, DComm, EHC, EHO, EHT, SEHO	

<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010</b>			
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CSM, DComm, EHC	
r 13(4) & (5)	Duty to issue certificate of registration	CSM, DComm, EHC, EHO, EHT, SEHO	
r 15(1)	Function of receiving notice of transfer of ownership	CSM, DComm, EHC, EHO, EHT, SEHO	
r 15(3)	Power to determine where notice of transfer is displayed	CSM, DComm, EHC, EHO, EHT, SEHO	
r 16(1)	Duty to transfer registration to new caravan park owner	CSM, DComm, EHC, EHO, EHT, SEHO	
r 16(2)	Duty to issue a certificate of transfer of registration	CSM, DComm, EHC	
r 17(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	CSM, DComm, EHC	
r 18	Duty to keep register of caravan parks	CSM, DComm, EHC	
r 19(4)	Power to determine where the emergency contact person's details are displayed	CSM, DComm, EHC, EHO, EHT, SEHO	
r 19(6)	Power to determine where certain information is displayed	CSM, DComm, EHC, EHO, EHT, SEHO	
r 22A(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	CSM, DComm, DMBS, EHC, EHO, EHT, MBS, SBS, SEHO	
r 22A(2)	Duty to consult with relevant emergency services agencies	CSM, DComm, DMBS, EHC, EHO, EHT, MBS, SBS, SEHO	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	CSM, DComm, EHC, EHO, EHT, SEHO	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	CSM, DComm, DMBS, EHC, EHO, EHT, MBS, SBS, SEHO	
r 25(3)	Duty to consult with relevant floodplain management authority	CSM, DComm, EHC, EHO, EHT, MFPO, SEHO	EHO, EHT, SEHO, EHC and MBS in coordinated approach
r 26	Duty to have regard to any report of the relevant fire authority	CSM, DComm, DMBS, EHC, MBS, MFPO, SBS, SEHO	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	CSM, DComm, EHC, EHO, EHT, SEHO	
r 39	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	CSM, DComm, DMBS, EHC, MBS, SBS, SEHO	
r 39(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	CSM, DComm, DMBS, EHC, MBS, SBS, SEHO	
r 40(4)	Function of receiving installation certificate	CSM, DComm, DMBS, EHC, MBS, SBS, SEHO	

<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010</b>			
r 42	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	CSM, DComm, DMBS, EHC, MBS, SBS, SEHO	
sch 3 cl4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	CSM, DComm, DMBS, EHC, MBS, SBS, SEHO	
<b>Road Management (General) Regulations 2016</b>			
<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 8(1)	Duty to conduct reviews of road management plan	CAP, DCA, MSA	
r 9(2)	Duty to produce written report of review of road management plan and make report available	CAP, DCA, MSA	
r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	DCA, DComm, MSA	Where Council is the coordinating road authority
r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	CAP, DCA, MSA	
r 13(1)	Duty to publish notice of amendments to road management plan	CAP, DCA, MSA	where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	CAP, DCA, MSA	
r 16(3)	Power to issue permit	CES, CWME, DCA, DComm, MES, OPM	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	CES, CWME, DCA, DComm, MES, OPM	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	CES, DCA, MES, MSA	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	CES, DCA, DComm, DCorp, MES, MFCP, MSA	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	CCW, CES, CWME, DCA, DComm, MES, OPM	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	CCW, CES, CWME, DCA, DComm, MES, OPM	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	CES, DCA, DComm, DCorp, MES, MFCP, OPM	

**Road Management (Works and Infrastructure) Regulations 2015**

Note: these regulations commenced on 20 June 2015, replacing the Roads Management (works & infrastructure) Regulations 2005, which expired on 21 June 2015.

<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	CES, CWME, DCA, DComm, MES, OPM	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	CES, CWME, DCA, DComm, MES, OPM	Where Council is the coordinating road authority



## Frankston City Council

# S6. Instrument of Delegation

### Council to Members of Staff

New = Blue  
Changed = Green  
Deleted/Removed = Red

## S6 Instrument of Delegation - Members of Staff

1. In exercise of the power conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached Schedule, the Council:

delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;

2. records that references in the Schedule are as follow:

CAP means	Coordinator Asset Planning
CCI means	Coordinator Civil Infrastructure
CCW means	Coordinator City Works
CEO means	Chief Executive Officer
CES means	Coordinator Engineering Services
COS means	Coordinator Open Spaces
CP means	Coordinator Prosecutions
CPG means	Coordinator Parks and Gardens
CPM means	Coordinator Property Management
CS means	Construction Supervisor
CSC means	Coordinator Compliance and Safety
CSM means	Manager Community Safety
CStrP means	Coordinator Strategic Planning
CSV means	Coordinator Specialist Vegetation
CWME means	Civil Works Maintenance Engineer
CWPM means	Capital Works Project Manager
CWSPM means	Capital Works Senior Project Manager
DCA means	Director Community Assets
DComm means	Director Community Development
DCorp means	Director Corporate Development
DMBS means	Deputy Municipal Building Surveyor
EHC means	Co-ordinator Environmental Health
EHO means	Environmental Health Officers
EHT means	Environmental Health Technician
FOIPO means	FOI and Privacy Officer
GC means	Governance Coordinator
GCO means	Governance Compliance Officer
GIBSO means	Governance Information Business Support Officer
GMPO means	Governance Memorial Park Officer
HRA means	Human Resource Advisor
MGI means	Manager Governance and Information
MBS means	Municipal Building Surveyor
MCS means	Manager Commercial Services
MCWD means	Manager Capital Works Delivery
MES means	Manager Engineering Services
MFCP means	Manager Financial and Corporate Planning
MFPO means	Municipal Fire Prevention Officer
MHR means	Manager Human Resources
MPP means	Major Projects Planner
MSA means	Manager Sustainable Assets
OPM means	Operations Manager
PAEM means	Planning and Environment Manager
PIO means	Planning Investigations Officer
PLSP means	Practice Leader Statutory Planning

PLT means	Payroll Team Leader
PO means	Prosecutions Officer
PPIO means	Planning Prosecutions Investigations Officer
SBS means	Senior Building Surveyor
SEHO means	Senior Environmental Health Officer
SHRA means	Senior Human Resource Advisor
SIC means	Strategic Infrastructure Coordinator
SPC means	Statutory Planning Co-ordinator
SPTO means	Statutory Planning Technical Officer
SSP means	Senior Statutory Planner
SSTRP means	Senior Strategic Planner
StatP means	Statutory Planner
StrP means	Strategic Planner
SUBO means	Subdivisions Officer
TLPEs means	Team Leader Planning & Environment Support
TLPM means	Team Leader Parks Maintenance
TLRRR means	Team Leader Rapid Response and Roadsides
TLSP means	Team Leader Statutory Planning

3. records that on the coming into force of this Instrument of Delegation from Council to Council Members Staff each delegation under the instrument dated 29 January 2019 is revoked.
4. declares that:
  - 4.1 this Instrument of Delegation is authorised by a resolution of Council passed on the 3<sup>rd</sup> June 2019; and
  - 4.2 the delegation:
    - 4.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
    - 4.2.2 remains in force until Council resolves to vary or revoke it;
    - 4.2.3 is subject to any conditions and limitations set out in sub-paragraph and the Schedule; and
    - 4.2.4 must be exercised in accordance with any guidelines or policies, which Council from time to time adopts;
  - 4.3 the delegate must not determine the issue, take the action or do the act or thing:
    - 4.3.1 if the issue, action, act or thing is an issue, act or thing which Council has previously designated as an issue, act or thing which must be the subject of a Resolution of Council; or
    - 4.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
      - (a) policy; or
      - (b) strategy
      - (c) adopted by Council; or
    - 4.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or

4.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

THE COMMON SEAL of )  
FRANKSTON CITY COUNCIL )  
was affixed in the presence of: )

Councillor \_\_\_\_\_

Chief Executive Officer \_\_\_\_\_

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## Schedule

## S6 Instrument of Delegation - Members of Staff

<b>Cemeteries and Crematoria Act 2003</b>			
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
<b>Provision</b>	<b>Item Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	DCorp, MGI	Where Council is a Class B cemetery trust
s 12(1)	Function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	CPG, DCorp, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	Where Council is a Class B cemetery trust
s 12(2)	Duty to have regard to the matters set out in paragraphs (a) - (c) in exercising its functions	DCorp, GC, MGI	Where Council is a Class B cemetery trust
s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 14	Power to manage multiple public cemeteries as if they are one cemetery.	DCorp, MGI	
s 15(1) and (2)	Power to delegate powers or functions other than those listed	DCorp, GC, MGI, CGO, FMPO	
s 15(4)	Duty to keep records of delegations	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 17(1)	Power to employ any persons necessary	DComm, DCorp, MGI, OPM	
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	CPG, DComm, DCorp, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	
s 17(3)	Power to determine the terms and conditions of employment or engagement	DComm, DCorp, MGI, MHR, OPM	Subject to any guidelines or directions of the Secretary
s 18(3)	Duty to comply with a direction from the Secretary	DComm, DCorp, GC, GCO, GIBSO, GMPO, MGI, OPM	
s 19	Power to carry out or permit the carrying out of works	CPG, DComm, DCorp, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	
s 20(1)	Duty to set aside areas for the interment of human remains	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	DCorp, MGI	
s 20(3)	Power to set aside areas for those things in paragraphs (a) - (e)	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	DCorp, MGI	
s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	DCorp, GC, GCO, GIBSO, GMPO, MGI	Subject to the approval of the Minister

<b>Cemeteries and Crematoria Act 2003</b>			
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	To be retained by Council	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	To be retained by Council	Provided the street was constructed pursuant to the Local Government Act 1989
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	DCorp, GC, GCO, GIBSO, GMPO, MGI	Report must contain the particulars listed in s 57(2)
s 59	Duty to keep records for each public cemetery	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 60(2)	Power to charge fees for providing information	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 64B(d)	Power to permit interments at a reopened cemetery	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	DCorp, GC, MGI	The application must include the requirements listed in s 66(2)(a)-(d)
s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 70(1)	Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 70(2)	Duty to make plans of existing place of interment available to the public	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 71(2)	Power to dispose of any memorial or other structure removed	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 72(2)	Duty to comply with request received under s 72	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 73(1)	Power to grant a right of interment	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 73(2)	Power to impose conditions on the right of interment	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	CPM, DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	DCorp, GC, GCO, GIBSO, GMPO, MGI	

<b>Cemeteries and Crematoria Act 2003</b> The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s 77(4)	Power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	DCorp, GC, MGI	
s 80(1)	Function of receiving notification and payment of transfer of right of interment	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 80(2)	Function of recording transfer of right of interment	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment (sole holder)	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s.85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	DCorp, GC, GCO, GIBSO, GMPO, MGI	The notice must be in writing and contain the requirements listed in s 85(2)
s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	DCorp, GC, GCO, GIBSO, GMPO, MGI	Does not apply where right of interment relates to remains of a deceased veteran.
85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or;  remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.	DCorp, GC, GCO, GIBSO, GMPO, MGI	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	CPG, DComm, DCorp, FOIPO, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	
s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	CPG, DComm, DCorp, FOIPO, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	CPG, DComm, DCorp, FOIPO, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	

<b>Cemeteries and Crematoria Act 2003</b>			
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s.86(4)	power to take action under s.86(4) relating to removing and re-interring cremated human remains	CPG, DComm, DCorp, FOIPO, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	
s.86(5)	duty to provide notification before taking action under s.86(4)	CPG, DComm, DCorp, FOIPO, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	CPG, DComm, DCorp, FOIPO, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	
s 87(3)	Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 91(1)	Power to cancel a right of interment in accordance with s 91	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 91(3)	Duty to publish notice of intention to cancel right of interment	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 92	Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 99(4)	Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 100(1)	Power to require a person to remove memorials or places of interment	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 100(2)	Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with s 100(1)	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 100(3)	Power to recover costs of taking action under s 100(2)	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 102(1)	Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	DCorp, GC, GCO, GIBSO, GMPO, MGI	

<b>Cemeteries and Crematoria Act 2003</b>			
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s 103(1)	Power to require a person to remove a building for ceremonies	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 103(3)	Power to recover costs of taking action under s 103(2)	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 106(1)	Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 106(4)	Power to repair or - with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not complied with	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 107(2)	Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 108	Power to recover costs and expenses	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 109(1)(a)	Power to open, examine and repair a place of interment	DCorp, GC, GCO, GIBSO, GMPO, MGI	Where the holder of right of interment or responsible person cannot be found
s 109(1)(b)	Power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	DCorp, GC, GCO, GIBSO, GMPO, MGI	Where the holder of right of interment or responsible person cannot be found
s 109(2)	Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	DCorp, GC, GCO, GIBSO, GMPO, MGI	Where the holder of right of interment or responsible person cannot be found
s 110(1)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 110(2)	Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	DCorp, MGI	
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	DCorp, GC, GCO, GIBSO, GMPO, MGI	

<b>Cemeteries and Crematoria Act 2003</b>			
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s 112	Power to sell and supply memorials	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 119	Power to set terms and conditions for interment authorisations	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 131	Function of receiving an application for cremation authorisation	To be retained by Council	
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	To be retained by Council	Subject to s 133(2)
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 146	Power to dispose of bodily remains by a method other than interment or cremation	DCorp, GC, GCO, GIBSO, GMPO, MGI	Subject to the approval of the Secretary
s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 150 & 152(1)	Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 151	Function of receiving applications to inter or cremate body parts	DCorp, GC, GCO, GIBSO, GMPO, MGI	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	DCorp, GC, GCO, GIBSO, GMPO, MGI	
sch 1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	DCorp, GC, GCO, GIBSO, GMPO, MGI	
sch 1 cl 8(8)	Power to regulate own proceedings	DCorp, GC, GCO, GIBSO, GMPO, MGI	Subject to cl 8
<b>Domestic Animals Act 1994</b>			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	CSC, CSM, DComm	Council may delegate this power to a Council authorised officer

Environment Protection Act 1970			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 53M(3)	Power to require further information	CSM, DComm, EHC, EHO, SEHO	
s 53M(4)	Duty to advise applicant that application is not to be dealt with	CSM, DComm, EHC, EHO, SEHO	
s 53M(5)	Duty to approve plans, issue permit or refuse permit	CSM, DComm, EHC, EHO, SEHO	Refusal must be ratified by Council or it is of no effect
s 53M(6)	Power to refuse to issue septic tank permit	CSM, DComm, EHC, EHO, SEHO	Refusal must be ratified by Council or it is of no effect
s 53M(7)	Duty to refuse to issue a permit in circumstances in (a)-(c)	CSM, DComm, EHC, EHO, SEHO	Refusal must be ratified by Council or it is of no effect
Food Act 1984			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	CSM, DComm, EHC, EHO, SEHO	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	CSM, DComm, EHC, EHO, SEHO	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	CSM, DComm, EHC, EHO, SEHO	If s 19(1) applies  Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	CSM, DComm, EHC, EHO, SEHO	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	CSM, DComm, EHC, EHO, SEHO	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	CSM, DComm, EHC, EHO, SEHO	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	To be retained by Council	Where Council is the registration authority
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	To be retained by Council	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation

Food Act 1984			
			and so such directions must be made by a Council resolution
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	To be retained by Council	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	CSM, DComm, EHC, EHO, SEHO	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	CSM, DComm, EHC, EHO, SEHO	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
	Power to register, renew or transfer registration	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority  refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 58A(2))
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority

Food Act 1984			
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 39A	Power to register, renew or transfer food premises despite minor defects	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	CSM, DComm, EHC, EHO, SEHO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority

Food Act 1984			
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
Heritage Act 2017			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	DComm, PAEM	Must first obtain Executive Director's written consent  Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation
Local Government Act 1989			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 181H	Power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	CEO	The Chief Executive Officer must not delegate the power delegated to the CEO under subsection 181H to any other person
Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	To be retained by Council	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	CStrP, DComm, PAEM	
s 4H	Duty to make amendment to Victoria Planning Provisions available	CStrP, DComm, PAEM	
s 4I	Duty to keep Victorian Planning Provisions and other documents available	CStrP, DComm, PAEM	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	CStrP, DComm, PAEM	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	CStrP, DComm, PAEM	
s 8A(5)	Function of receiving notice of the Minister's decision	CStrP, DComm, PAEM	
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	CStrP, DComm, PAEM	

<b>Planning and Environment Act 1987</b>			
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	To be retained by Council	
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	To be retained by Council	
s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s19 of the Planning and Environment (Planning Schemes) Act 1996)	To be retained by Council	
s 12B(1)	Duty to review planning scheme	CStrP, DComm, PAEM	
s 12B(2)	Duty to review planning scheme at direction of Minister	CStrP, DComm, PAEM	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	CStrP, DComm, PAEM	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	CStrP, DComm, MPP, PAEM	
s 17(1)	Duty of giving copy amendment to the planning scheme	CStrP, DComm, MPP, PAEM	
s 17(2)	Duty of giving copy s 173 agreement	CStrP, DComm, MPP, PAEM	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CStrP, DComm, MPP, PAEM	
s 18	Duty to make amendment etc. available	CStrP, DComm, MPP, PAEM	
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	To be retained by Council	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	To be retained by Council	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or  Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	To be retained by Council	
s 21(2)	Duty to make submissions available	CStrP, DComm, MPP, PAEM	
s 21A(4)	Duty to publish notice	CStrP, DComm, MPP, PAEM	
s 22	Duty to consider all submissions	CStrP, DComm, MPP, PAEM	Except submissions which request a change to the items in s 22(5)(a) and (b)

Planning and Environment Act 1987			
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CStrP, PAEM	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	To be retained by Council	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SSP, TLSP	
s 26(1)	Power to make report available for inspection	CStrP, DComm, MPP, PAEM, PLSP, SPC, SSP, TLSP	
s 26(2)	Duty to keep report of panel available for inspection	CStrP, DComm, MPP, PAEM, PLSP, SPC, SSP, TLSP	
s 27(2)	Power to apply for exemption if panel's report not received	To be retained by Council	
s 28	Duty to notify the Minister if abandoning an amendment	CStrP, DComm, MPP, PAEM, PLSP, SPC, SSP, TLSP	Note: the power to make a decision to abandon an amendment cannot be delegated
s 30(4)(a)	Duty to say if amendment has lapsed	CStrP, DComm, MPP, PAEM	
s 30(4)(b)	Duty to provide information in writing upon request	CStrP, DComm, MPP, PAEM	
s 32(2)	Duty to give more notice if required	CStrP, DComm, MPP, PAEM	
s 33(1)	Duty to give more notice of changes to an amendment	CStrP, DComm, MPP, PAEM	
s 36(2)	Duty to give notice of approval of amendment	CStrP, DComm, MPP, PAEM	
s 38(5)	Duty to give notice of revocation of an amendment	CStrP, DComm, MPP, PAEM	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	CStrP, DComm, MPP, PAEM	
s 40(1)	Function of lodging copy of approved amendment	CStrP, DComm, MPP, PAEM	
s 41	Duty to make approved amendment available	CStrP, DComm, MPP, PAEM	
s 42	Duty to make copy of planning scheme available	CStrP, DComm, MPP, PAEM	
s.46AS(ac)	power to request the Victorian Planning Authority (VPA) to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria	CStrP, DComm, PAEM	
s 46AW	Function of being consulted by the Minister	CStrP, DComm, PAEM, SPC	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy	CStrP, DComm, PAEM, SPC	Where Council is a responsible public entity

Planning and Environment Act 1987			
	Power to endorse the draft Statement of Planning Policy		
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	CStrP, DComm, MPP, PAEM	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	CStrP, DComm, PAEM, SPC	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	CStrP, DComm, PAEM, SPC	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	CStrP, DComm, PAEM, SPC	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	CStrP, DComm, PAEM, SPC	
s 46GP	Function of receiving a notice under s 46GO	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	CStrP, DComm, PAEM, SPC	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	CStrP, DComm, PAEM, SPC	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	CStrP, DComm, PAEM, SPC	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	CStrP, DComm, PAEM, SPC	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	CStrP, DComm, PAEM, SPC	

Planning and Environment Act 1987			
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CStrP, DComm, PAEM, SPC	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	CStrP, DComm, PAEM, SPC	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	CStrP, DComm, PAEM, SPC	
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	CStrP, DComm, PAEM, SPC	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution  Power to specify the manner in which the payment is to be made	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	DComm	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DComm	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DComm	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	CStrP, DComm, PAEM, SPC	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 1989	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency

Planning and Environment Act 1987			
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	DComm	Where the Council is the planning authority  This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities	CStrP, DComm, PAEM	Where Council is the collecting agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	DComm	Where Council is the development agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	CStrP, DComm, DCorp, MFCP, PAEM, TLPES	Where Council is the collecting agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the relevant development agency

Planning and Environment Act 1987			
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	DComm	Where Council is the development agency specified in the approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	CStrP, DComm, DCorp, MFCP, PAEM, TLPEs	If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4)  Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency
s 46GZ(9)	Function of receiving the fee simple in the land	DComm	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	CStrP, DComm, PAEM, SPC	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 1989	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	CStrP, DComm, PAEM, SPC	Where Council is a development agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	CStrP, DComm, PAEM	If the VPA is the collecting agency under an approved infrastructure contributions plan  Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	CStrP, DComm, PAEM, SPC	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	CStrP, DComm, PAEM	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	DComm, DCorp, MFCP, PAEM	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	DComm	Where Council is the development agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
s.46GZF(3)	Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	CStrP, DComm, PAEM, SPC	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	s 46GZF(3)(a) function of receiving proceeds of sale	DComm	Where Council is the collection agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	DComm, DCorp, MFCP, PAEM	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	DComm	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	DComm	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	DComm, PAEM	
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	DComm, DMBS, MBS, PAEM, SBS	

Planning and Environment Act 1987			
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	DComm, PAEM	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 46Q(1)	Duty to keep proper accounts of levies paid	DCorp, MFCP	
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency or plan preparation costs incurred by a development agency	CStrP, DComm, DCorp, MFCP, PAEM, TLPES	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	DCA, DCorp, MES, MFCP	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	DComm, PAEM	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal Council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	DComm, DCorp, MFCP, PAEM	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	CStrP, DComm, MPP, PAEM	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	CES, DCA, DComm, DCorp, MCWD, MES, MFCP	With the consent of, and in the manner approved by, the Minister
s 46QC	Power to recover any amount of levy payable under Part 3B	DComm, DCorp, MFCP, PAEM	
s 46QD	Duty to prepare report and give a report to the Minister	DComm, PAEM	Where Council is a collecting agency or development agency
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	CStrP, DComm, MPP, PAEM	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	CES, DCA, DComm, MES, PAEM	

<b>Planning and Environment Act 1987</b>			
s 47	Power to decide that an application for a planning permit does not comply with that Act	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, SUBO, TLSP	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, SUBO, TLPES, TLSP	
s 49(2)	Duty to make register available for inspection	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, SUBO, TLPES, TLSP	
s 50(4)	Duty to amend application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, SUBO, TLSP	
s 50(45)	Power to refuse to amend application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.50(6)	duty to make note of amendment to application in register	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 50A(1)	Power to make amendment to application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 50A(4)	Duty to note amendment to application in register	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 51	Duty to make copy of application available for inspection	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 52(1)(b)	Duty to give notice of the application to other municipal Council where appropriate	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	

<b>Planning and Environment Act 1987</b>			
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 52(3)	Power to give any further notice of an application where appropriate	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 54(1)	Power to require the applicant to provide more information	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 54(1B)	Duty to specify the lapse date for an application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	To be retained by Council	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 57(5)	Duty to make available for inspection copy of all objections	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	

Planning and Environment Act 1987			
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 57A(5)	Power to refuse to amend application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 57A(6)	Duty to note amendments to application in register	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 57B(1)	Duty to determine whether and to whom notice should be given	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 57C(1)	Duty to give copy of amended application to referral authority	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 58	Duty to consider every application for a permit	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 58A	Power to request advice from the Planning Application Committee	DComm, PAEM, PLSP, SPC, TLSP	
s 60	Duty to consider certain matters	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 60(1A)	Duty to consider certain matters	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO	
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	DComm, MPP, PAEM, PLSP, SPC, TLSP	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	DComm, MPP, PAEM, PLSP, SPC, TLSP	

Planning and Environment Act 1987			
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(2)	Power to include other conditions	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(3)	Duty not to issue a permit until after the specified period	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	This provision applies also to a decision to grant an amendment to a permit - see s75A

Planning and Environment Act 1987			
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(46)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s 69(1)	Function of receiving application for extension of time of permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 69(1A)	Function of receiving application for extension of time to complete development	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 69(2)	Power to extend time	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 70	Duty to make copy permit available for inspection	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 71(1)	Power to correct certain mistakes	DComm, MPP, PAEM, PLSP, SPC, TLSP	

Planning and Environment Act 1987			
s 71(2)	Duty to note corrections in register	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 73	Power to decide to grant amendment subject to conditions	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 74	Duty to issue amended permit to applicant if no objectors	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(46)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 83	Function of being respondent to an appeal	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	

Planning and Environment Act 1987			
s 83B	Duty to give or publish notice of application for review	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 84AB	Power to agree to confining a review by the Tribunal	DComm	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	DComm, PAEM, PPIO, SPC	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	DComm, PAEM, PIO, PPIO, SPC	
s 91(2)	Duty to comply with the directions of VCAT	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	DComm, MPP, PAEM, PIO, PLSP, PPIO, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 93(2)	Duty to give notice of VCAT order to stop development	DComm, MPP, PAEM, PIO, PLSP, PPIO, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 95(3)	Function of referring certain applications to the Minister	DComm, PAEM, PLSP, SPC, TLSP	

<b>Planning and Environment Act 1987</b>			
s 95(4)	Duty to comply with an order or direction	DComm, MPP, PAEM, PIO, PLSP, PPIO, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	DComm, PAEM, PLSP, SPC, TLSP	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DComm, PAEM, PLSP, SPC, TLSP	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	To be retained by Council	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	To be retained by Council	
s 96F	Duty to consider the panel's report under s 96E	To be retained by Council	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996)	To be retained by Council	
s 96H(3)	Power to give notice in compliance with Minister's direction	CStrP, DComm, MPP, PAEM, PLSP, SPC, SSP, StatP, TLSP	
s 96J	Power to issue permit as directed by the Minister	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPE, TLSP	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 97C	Power to request Minister to decide the application	To be retained by Council	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPE, TLSP	

Planning and Environment Act 1987			
s 97L	Duty to include Ministerial decisions in a register kept under s 49	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	To be retained by Council	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 97Q(4)	Duty to comply with directions of VCAT	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	DComm, PAEM, SPC	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	DComm, PAEM, SPC	
s 101	Function of receiving claim for expenses in conjunction with claim	DComm, PAEM, SPC	
s 103	Power to reject a claim for compensation in certain circumstances	DComm, PAEM, SPC	
s.107(1)	function of receiving claim for compensation	DComm, PAEM, SPC	
s 107(3)	Power to agree to extend time for making claim	DComm, PAEM, SPC	
s 114(1)	Power to apply to the VCAT for an enforcement order	DComm, PAEM, PIO, PPIO, SPC	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	DComm, PAEM, PIO, PPIO, SPC	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	DComm, PAEM, PIO, PPIO, SPC	
s 123(1)	Power to carry out work required by enforcement order and recover costs	DComm, PAEM, PIO, PPIO, SPC	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	DComm, PAEM, SPC	Except Crown Land

Planning and Environment Act 1987			
s 129	Function of recovering penalties	DComm, PAEM, PIO, PPIO, SPC	
s 130(5)	Power to allow person served with an infringement notice further time	DComm, PAEM, PIO, PPIO, SPC	
s 149A(1)	Power to refer a matter to the VCAT for determination	To be retained by Council	
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	DComm, PAEM, SPC	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B)power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	CStrP, DComm, PAEM, SPC	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	CStrP, DComm, PAEM, SPC	
s 171(2)(g)	Power to grant and reserve easements	DComm, PAEM, SPC	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	DComm	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	DComm	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	DComm	Where Council is the development agency specified in an approved infrastructure contributions plan
s.171(2)(g)	power to grant and reserve easements	DComm, PAEM, SPC	
s 173(1)	Power to enter into agreement covering matters set out in s 174	DComm, PAEM	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	DComm, PAEM	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	DComm, PAEM, PLSP, SPC, TLSP	
	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	DComm, PAEM, PLSP, SPC, TLSP	

Planning and Environment Act 1987			
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DComm, PAEM, SPC	
s 178	power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DComm, PAEM, SPC	
s 178A(1)	Function of receiving application to amend or end an agreement	DComm, PAEM, SPC	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	DComm, PAEM, SPC	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DComm, PAEM, SPC	
s 178A(5)	Power to propose to amend or end an agreement	DComm, PAEM, SPC	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	DComm, PAEM, SPC	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	DComm, PAEM, SPC	
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	DComm, PAEM, SPC	
s 178C(4)	Function of determining how to give notice under s 178C(2)	DComm, PAEM, SPC	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	DComm, PAEM, SPC	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	DComm, PAEM, SPC	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DComm, PAEM, SPC	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	DComm, PAEM, SPC	If no objections are made under s 178D Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	DComm, PAEM, SPC	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DComm, PAEM, SPC	After considering objections, submissions and matters in s 178B

<b>Planning and Environment Act 1987</b>			
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	DComm, PAEM, SPC	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	DComm, PAEM, SPC	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	DComm, PAEM, SPC	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	DComm, PAEM, SPC	
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	DComm, PAEM, SPC	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	DComm, PAEM, SPC	
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	DComm, PAEM, SPC	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DComm, PAEM, SPC	
s 179(2)	Duty to make available for inspection copy agreement	DComm, PAEM, SPC, TLPES	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	DComm, PAEM, SPC	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	DComm, PAEM, SPC	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	DComm, PAEM, SPC	
s 182	Power to enforce an agreement	DComm, PAEM, PIO, PPIO, SPC	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	DComm, PAEM, SPC	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	DComm, PAEM, SPC	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	DComm, PAEM, SPC	
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	DComm, PAEM, SPC	

Planning and Environment Act 1987			
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	DComm, PAEM, SPC	
s 184G(2)	Duty to comply with a direction of the Tribunal	DComm, PAEM, SPC	
s 184G(3)	Duty to give notice as directed by the Tribunal	DComm, PAEM, SPC	
s 198(1)	Function to receive application for planning certificate	DComm, PAEM, SPC, TLPES	
s 199(1)	Duty to give planning certificate to applicant	DComm, PAEM, SPC, TLPES	
s 201(1)	Function of receiving application for declaration of underlying zoning	CStrP, DComm, PAEM, SPC, TLSP	
s 201(3)	Duty to make declaration	DComm, PAEM, PLSP, SPC, TLSP	
	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	DComm, MPP, PAEM, PLSP, SPC, TLSP	
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	DComm, MPP, PAEM, PLSP, SPC, TLSP	
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
	Power to give written authorisation in accordance with a provision of a planning scheme	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.224(8)	duty to provide information requested by Victoria Planning Authority under s.201UAB(1) not yet provided to Growth Areas Authority to Victorian Planning Authority	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	
Rail Safety (Local Operations) Act 2006			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 33	Duty to comply with a direction of the Safety Director under s 33	CES, DCA, DComm, MCWD, MES, OPM	Where Council is a utility under s 3
s 33A	Duty to comply with a direction of the Safety Director to give effect to arrangements under s 33A	CES, DCA, DComm, MCWD, MES, OPM	Duty of Council as a road authority under the Road Management Act 2004
s 34	Duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under s 33(1)	CES, CWME, DCA, DComm, MCWD, MES, OPM	Where Council is a utility under s 3

Rail Safety (Local Operations) Act 2006			
s 34C(2)	Function of entering into safety interface agreements with rail infrastructure manager	CES, DCA, DComm, MCWD, MES, MSA, OPM	Where Council is the relevant road authority
s 34D(1)	Function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	CCW, CES, CWME, DCA, DComm, MCWD, MES, OPM	Where Council is the relevant road authority
s 34D(2)	Function of receiving written notice of opinion	CES, DCA, DComm, MCWD, MES, OPM	Where Council is the relevant road authority
s 34D(4)	Function of entering into safety interface agreement with infrastructure manager	CES, DCA, DComm, MCWD, MES, MSA, OPM	Where Council is the relevant road authority
s 34E(1)(a)	Duty to identify and assess risks to safety	CCW, CES, CWME, DCA, DComm, MES, OPM	Where Council is the relevant road authority
s 34E(1)(b)	Duty to determine measures to manage any risks identified and assessed having regard to items set out in s 34E(2)(a)-(c)	CES, CWME, DCA, DComm, MES, OPM	Where Council is the relevant road authority
s 34E(3)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager	CES, DCA, DComm, MES, MSA, OPM	Where Council is the relevant road authority
s 34F(1)(a)	Duty to identify and assess risks to safety, if written notice has been received under s 34D(2)(a)	CES, CWME, DCA, DComm, MES, OPM	Where Council is the relevant road authority
s 34F(1)(b)	Duty to determine measures to manage any risks identified and assessed, if written notice has been received under s 34D(2)(a)	CES, CWME, DCA, DComm, MES, OPM	Where Council is the relevant road authority
s 34F(2)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager	CES, DCA, DComm, MES, MSA, OPM	Where Council is the relevant road authority
s 34H	Power to identify and assess risks to safety as required under s 34B, 34C, 34D, 34E or 34F in accordance with s 34H(a)-(c)	CES, CWME, DCA, DComm, MES, OPM	Where Council is the relevant road authority
s 34I	Function of entering into safety interface agreements	CES, DCA, DComm, MES, MSA, OPM	Where Council is the relevant road authority
s 34J(2)	Function of receiving notice from Safety Director	CES, DCA, DComm, MES, OPM	Where Council is the relevant road authority
s 34J(7)	Duty to comply with a direction of the Safety Director given under s 34J(5)	CES, CWME, DCA, DComm, MES, OPM	Where Council is the relevant road authority
s 34K(2)	Duty to maintain a register of items set out in s 34K(a)-(b)	CAP, CCW, CWME, DCA, DComm, MES, MSA, OPM	Where Council is the relevant road authority

Residential Tenancies Act 1997			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 142D	Function of receiving notice regarding an unregistered rooming house	CSM, DComm, EHC, EHO, EHT, SEHO	
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	CSM, DComm, DMBS, EHC, EHO, EHT, MBS, SBS, SEHO	
s 142G(2)	Power to enter certain information in the Rooming House Register	CSM, DComm, EHC, EHO, EHT, SEHO	
s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	CSM, DComm, EHC, EHO, EHT, SEHO	
s 252	Power to give tenant a notice to vacate rented premises if s 252(1) applies	CPM, DComm, DCorp, DMBS, MBS, MCS, SBS	Where Council is the landlord
s 262(1)	Power to give tenant a notice to vacate rented premises	CPM, DComm, DCorp, DMBS, MBS, MCS, SBS	Where Council is the landlord
s 262(3)	Power to publish its criteria for eligibility for the provision of housing by Council	CPM, DComm, DCorp, DMBS, MBS, MCS, SBS	
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	CSM, DComm, DCorp, DMBS, EHC, EHO, EHT, MBS, SBS, SEHO	
s 522(1)	Power to give a compliance notice to a person	CSM, DComm, DMBS, EHC, EHO, EHT, MBS, SBS, SEHO	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CSM, DComm	
s 525(4)	Duty to issue identity card to authorised officers	CSM, DComm, DCorp, MHR, PLT	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	CSM, DComm	
s 526A(3)	Function of receiving report of inspection	CSM, DComm, MBS	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CP, CSM, DComm, EHC, EHT, PO, SEHO, EHO	
Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	DCorp, GCO, MGI	Obtain consent in circumstances specified in s 11(2)

Road Management Act 2004			
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	DCorp, GCO, MGI	
s 11(9)(b)	Duty to advise Registrar	DCorp, GC, GCO, GIBSO, GLA, MGI	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	DCorp, GC, GCO, GIBSO, GLA, MGI	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	DCorp, GC, GCO, GIBSO, GLA, MGI	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	To be retained by Council	Where Council is the coordinating road authority
s 12(4)	Power to publish, and provide copy, notice of proposed discontinuance	DCorp, GC, GLA, MGI	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(5)	Duty to consider written submissions received within 28 days of notice	DCorp, GC, GLA, MGI	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	To be retained by Council	Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	DCorp, GC, GLA, MGI	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(10)	Duty to notify of decision made	DCorp, MGI	Duty of coordinating road authority where it is the discontinuing body  Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	DCA, DCorp, GC, GLA, MGI, MSA	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from VicRoads	DCA, DCorp, MGI, MSA	

Road Management Act 2004			
s 14(7)	Power to appeal against decision of VicRoads	DCA, DCorp, MGI, MSA	
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	CES, DCA, DComm, MSA, OPM	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DCA, DComm, MSA, OPM	
s 15(2)	Duty to include details of arrangement in public roads register	CAP, DCA, MSA	
s 16(7)	Power to enter into an arrangement under s 15	DCA, DComm, MSA, OPM	
s 16(8)	Duty to enter details of determination in public roads register	CAP, DCA, MSA	
s 17(2)	Duty to register public road in public roads register	CAP, DCA, MSA	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	CAP, DCA, MSA	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	CAP, DCA, MSA	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	CAP, DCA, DComm, DCorp, MGI, MSA	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	CAP, DCA, MSA	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	CAP, DCA, MSA	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	CAP, DCA, MSA	Where Council is the coordinating road authority
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	CAP, DCA, MSA	
s 19(4)	Duty to specify details of discontinuance in public roads register	CAP, DCA, MSA	
s 19(5)	Duty to ensure public roads register is available for public inspection	CAP, DCA, MSA	
s 21	Function of replying to request for information or advice	CAP, DCA, MSA	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	CAP, DCA, MSA	

Road Management Act 2004			
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	CAP, DCA, MSA	
s 22(5)	Duty to give effect to a direction under s 22	CAP, DCA, MSA	
s 40(1)	Duty to inspect, maintain and repair a public road.	CCI, CCW, CES, CS, CWME, CWPM, CWSPM, DCA, DComm, MCWD, MES, MSA, OPM	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	CCW, CES, CWME, DCA, DComm, MES, OPM	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	CCI, CCW, CES, CS, CWME, CWPM, CWSPM, DCA, DComm, MCWD, MES, MSA, OPM	
s 42(1)	Power to declare a public road as a controlled access road	CAP, DCA, MSA	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	CAP, DCA, MSA	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with VicRoads before road is specified	CAP, DCA, MSA	Where Council is the coordinating road authority  If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	CES, DCA, MES	Where Council is the coordinating road authority  If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	CAP, DCA, MSA	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	CAP, DCA, MSA	
s 49	Power to develop and publish a road management plan	CAP, DCA, MSA	
s 51	Power to determine standards by incorporating the standards in a road management plan	CAP, DCA, MSA	

Road Management Act 2004			
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	CAP, DCA, MSA	
s 54(2)	Duty to give notice of proposal to make a road management plan	CAP, DCA, MSA	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	CAP, DCA, MSA	
s 54(6)	Power to amend road management plan	CAP, DCA, MSA	
s 54(7)	Duty to incorporate the amendments into the road management plan	CAP, DCA, MSA	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	CAP, DCA, MSA	
s 63(1)	Power to consent to conduct of works on road	CCW, CES, CS, CWME, DCA, DComm, MCWD, MES, MSA, OPM	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	CCW, CES, CS, CWME, DCA, DComm, MCWD, MES, MSA, OPM	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	CES, DCA, DComm, MES, OPM	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	DCA, DComm, MES, OPM	Where Council is the coordinating road authority
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	DCA, DComm, MES, OPM	Where Council is the coordinating road authority
s 67(3)	Power to request information	DCA, DComm, MES, MSA, OPM	Where Council is the coordinating road authority
s 68(2)	Power to request information	DCA, DComm, MCWD, MES, MSA, OPM	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	CEO, DCA, DComm	
s 72	Duty to issue an identity card to each authorised officer	DCA, DComm, DCorp, HRA, MCWD, MES, MHR, MSA, OPM, SHRA	
s 85	Function of receiving report from authorised officer	CCW, COS, CPG, CSV, CWME, DCA, DComm, MCWD, MES, MSA, OPM	
s 86	Duty to keep register re s 85 matters	DCA, DComm, MCWD, MES, MSA, OPM	
s 87(1)	Function of receiving complaints	CCW, COS, CPG, CSV, CWME, DCA, DComm, MCWD, MES, MSA, OPM	

Road Management Act 2004			
s 87(2)	Duty to investigate complaint and provide report	CCW, COS, CPG, CSV, CWME, DCA, DComm, MCWD, MES, MSA, OPM	
s 112(2)	Power to recover damages in court	DCA, DComm, DCorp, MCWD, MES, MFCP, MSA, OPM	
s 116	Power to cause or carry out inspection	CCI, CCW, CS, CWME, CWPM, CWSPM, DCA, DComm, MCWD, MES, MSA, OPM	
s 119(2)	Function of consulting with VicRoads	CCI, CCW, COS, CPG, CS, CSV, CWME, CWPM, CWSPM, DCA, DComm, MCWD, MES, MSA, OPM	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of VicRoads)	CCI, CCW, COS, CPG, CS, CSV, CWME, DCA, DComm, MCWD, MES, MSA, OPM	
s 120(2)	Duty to seek consent of VicRoads to exercise road management functions before exercising power in s 120(1)	COS, CPG, CSV, DCA, DComm, MCWD, MES, MSA, OPM	
s 121(1)	Power to enter into an agreement in respect of works	DCA, DComm, MCWD, MES, MSA, OPM	
s 122(1)	Power to charge and recover fees	DCA, DComm, MCWD, MES, MSA, OPM	
s 123(1)	Power to charge for any service	DCA, DComm, MCWD, MES, MSA, OPM	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	DCA, MES, MSA	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	DCA, MES, MSA	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	DCA, MES, MSA	
sch 2 cl 4	Function of receiving details of proposal from VicRoads	CES, DCA, DComm, EMFR, MCWD, MES, MSA, PAEM, SIC	
sch 2 cl 5	Duty to publish notice of declaration	CES, DCA, MES, MSA	
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	CES, DCA, MCWD, MES, MSA	Where Council is the infrastructure manager or works manager

Road Management Act 2004			
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	CES, DCA, DComm, MCWD, MES, MSA, OPM	Where Council is the infrastructure manager or works manager
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	CES, DCA, DComm, MCWD, MES, MSA, OPM	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	CES, DCA, EMFR, MCWD, MES, MSA, SIC	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	CAP, CCW, CES, CWME, DCA, DComm, MCWD, MES, MSA, OPM	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	CES, DCA, DComm, MCWD, MES, MSA	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	CES, DCA, MCWD, MES, MSA	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	CCI, CS, CWPM, CWSPM, DCA, DComm, MCWD, MES, MSA	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	DCA, DComm, MCS, MCWD, MES, MSA, OPM	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	CES, DCA, DComm, MCWD, MES, MSA, OPM	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	CES, DCA, DComm, MCWD, MES, MSA, OPM	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	DCA, DComm, MCWD, MES, OPM	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	CES, DCA, DComm, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	CAP, CES, DCA, DComm, MCWD, MES, MSA, OPM	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	CES, DCA, DComm, MCWD, MES, OPM	Where Council is the coordinating road authority

Road Management Act 2004			
sch 7 cl 16(6)	Power to set reasonable conditions on consent	CES, DCA, DComm, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	CES, DCA, DComm, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	CES, DCA, DComm, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	CES, DCA, DComm, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	CES, DCA, DComm, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	CCW, CES, CWME, DCA, DComm, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	CES, DCA, DComm, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	CCI, CCW, CES, COS, CWME, DCA, MCWD, MES, OPM	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	CES, DCA, MCWD, MES	Where Council is the responsible road authority
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	CES, DCA, MCWD, MES	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	CES, DCA, MCWD, MES	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)
<b>Cemeteries and Crematoria Regulations 2015</b>			
These provisions apply to Councils appointed as a cemetery trust under section 5 of the Cemeteries and Crematoria Act 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Provision	Item Delegated	Delegate	Conditions and Limitations

<b>Cemeteries and Crematoria Regulations 2015</b>			
These provisions apply to Councils appointed as a cemetery trust under section 5 of the Cemeteries and Crematoria Act 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
r 24	Duty to ensure that cemetery complies with depth of burial requirements	CPG, DComm, DCorp, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	CPG, DComm, DCorp, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	DComm, DCorp, GCO, GMPO, MGI, OPM, TLP, TLRRR	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	CPG, DComm, DCorp, GCO, GMPO, MGI, OPM, TLP, TLRRR	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	DComm, DCorp, MGI, OPM	
r 48(2)	Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	CPG, DComm, DCorp, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	
	Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules	Note only	
sch 2 cl 4	Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2	CPG, DComm, DCorp, MGI, OPM, TLP, TLRRR	See note above regarding model rules
sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	DCorp, GC, GCO, GIBSO, GMPO, MGI	See note above regarding model rules
sch 2 cl 5(2)	Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	DCorp, GC, GCO, GIBSO, GMPO, MGI	See note above regarding model rules
sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	CPG, DComm, DCorp, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	See note above regarding model rules
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	CPG, DComm, DCorp, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	CPG, DComm, DCorp, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	See note above regarding model rules
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	CPG, DComm, DCorp, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	See note above regarding model rules
sch 2 cl 11(2)	Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	CPG, DComm, GC, GIBSO, OPM, TLP, TLRRR	See note above regarding model rules
sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	CPG, DComm, DCorp, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	See note above regarding model rules

<b>Cemeteries and Crematoria Regulations 2015</b>			
These provisions apply to Councils appointed as a cemetery trust under section 5 of the Cemeteries and Crematoria Act 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	DCorp, GC, GCO, GIBSO, GMPO, MGI	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	CEO, DCorp, MGI	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	CEO, DCorp, MGI	See note above regarding model rules
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	CPG, DComm, DCorp, GC, GCO, GIBSO, GMPO, MGI, OPM, TLP, TLRRR	See note above regarding model rules
<b>Planning and Environment Regulations 2015</b>			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	CStrP, DComm, PAEM	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.6	duty to responsible authority to provide copy of matter considered under section 60(1A)(g) for inspection fee	CStrP, DComm, PAEM	
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	DComm, MPP, PAEM, PLSP, SPC, TLSP	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	where Council is the responsible authority
r.25(b)	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	where Council is not the responsible authority but the relevant land is within Council's municipal district
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	CStrP, DComm, PAEM, SSTRP, StrP	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.

Planning and Environment (Fees) Regulations 2016			
Provision	Item Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CStrP, DComm, PAEM	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	DComm, PAEM, PLSP, SPC, TLSP	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20	CStrP, DComm, PAEM, PLSP, SPC, TLSP	
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
Provision	Item Delegated	Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	CPM, CSM, DComm, DMBS, EHC, EHO, EHT, MBS, MCS, SBS, SEHO	EHC and MBS in a coordinated approach
r 11	Function of receiving application for registration	CSM, DComm, EHC, EHO, EHT, SEHO	
r 13(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	CSM, DComm, EHC, EHO, EHT, SEHO	
r 13(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	CSM, DComm, EHC, EHO, EHT, SEHO	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CSM, DComm, EHC	
r 13(4) & (5)	Duty to issue certificate of registration	CSM, DComm, EHC, EHO, EHT, SEHO	
r 15(1)	Function of receiving notice of transfer of ownership	CSM, DComm, EHC, EHO, EHT, SEHO	
r 15(3)	Power to determine where notice of transfer is displayed	CSM, DComm, EHC, EHO, EHT, SEHO	
r 16(1)	Duty to transfer registration to new caravan park owner	CSM, DComm, EHC, EHO, EHT, SEHO	
r 16(2)	Duty to issue a certificate of transfer of registration	CSM, DComm, EHC	
r 17(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	CSM, DComm, EHC	
r 18	Duty to keep register of caravan parks	CSM, DComm, EHC	
r 19(4)	Power to determine where the emergency contact person's details are displayed	CSM, DComm, EHC, EHO, EHT, SEHO	
r 19(6)	Power to determine where certain information is displayed	CSM, DComm, EHC, EHO, EHT, SEHO	
r 22A(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	CSM, DComm, DMBS, EHC, EHO, EHT, MBS, SBS, SEHO	

<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010</b>			
r 22A(2)	Duty to consult with relevant emergency services agencies	CSM, DComm, DMBS, EHC, EHO, EHT, MBS, SBS, SEHO	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	CSM, DComm, EHC, EHO, EHT, SEHO	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	CSM, DComm, DMBS, EHC, EHO, EHT, MBS, SBS, SEHO	
r 25(3)	Duty to consult with relevant floodplain management authority	CSM, DComm, EHC, EHO, EHT, MFPO, SEHO	EHO, EHT, SEHO, EHC and MBS in coordinated approach
r 26	Duty to have regard to any report of the relevant fire authority	CSM, DComm, DMBS, EHC, MBS, MFPO, SBS, SEHO	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	CSM, DComm, EHC, EHO, EHT, SEHO	
r 39	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	CSM, DComm, DMBS, EHC, MBS, SBS, SEHO	
r 39(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	CSM, DComm, DMBS, EHC, MBS, SBS, SEHO	
r 40(4)	Function of receiving installation certificate	CSM, DComm, DMBS, EHC, MBS, SBS, SEHO	
r 42	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	CSM, DComm, DMBS, EHC, MBS, SBS, SEHO	
sch 3 cl4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	CSM, DComm, DMBS, EHC, MBS, SBS, SEHO	
<b>Road Management (General) Regulations 2016</b>			
Provision	Item Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	CAP, DCA, MSA	
r 9(2)	Duty to produce written report of review of road management plan and make report available	CAP, DCA, MSA	
r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	DCA, DComm, MSA	Where Council is the coordinating road authority
r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	CAP, DCA, MSA	

<b>Road Management (General) Regulations 2016</b>			
r 13(1)	Duty to publish notice of amendments to road management plan	CAP, DCA, MSA	where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	CAP, DCA, MSA	
r 16(3)	Power to issue permit	CES, CWME, DCA, DComm, MES, OPM	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	CES, CWME, DCA, DComm, MES, OPM	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	CES, DCA, MES, MSA	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	CES, DCA, DComm, DCorp, MES, MFCP, MSA	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	CCW, CES, CWME, DCA, DComm, MES, OPM	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	CCW, CES, CWME, DCA, DComm, MES, OPM	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	CES, DCA, DComm, DCorp, MES, MFCP, OPM	
<b>Road Management (Works and Infrastructure) Regulations 2015</b>			
Note: these regulations commenced on 20 June 2015, replacing the Roads Management (works & infrastructure) Regulations 2005, which expired on 21 June 2015.			
Provision	Item Delegated	Delegate	Conditions and Limitations
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	CES, CWME, DCA, DComm, MES, OPM	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	CES, CWME, DCA, DComm, MES, OPM	Where Council is the coordinating road authority

**Executive Summary****12.6 Notice of Motion Status Update for 3 June 2019**

*Enquiries: (Dennis Hovenden: Chief Executive Office)*

**Council Plan**

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

**Purpose**

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

**Recommendation (Chief Executive Office)**

That Council:

1. Receives the Notices of Motion Report as at 3 June 2019.
2. Notes that there is one Notice of Motion that has been reported as being complete.
  - NOM 1361 - Seaford Substation
3. Notes that since 30 April 2019, 19 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 its advised date and that a detailed explanation is provided in the body of the report:
  - Response to NOM 1377 - McClelland Gallery Interconnectedness and Peninsula Link
  - Belvedere Park Facility (Linen House)
  - Response to 2018/NOM45 - Greening our City
  - Response to 2019/NOM7 – At-Call Hard Rubbish Collection
  - Response to 2018/NOM56 – Notice of Rescission – Tree Removal Matter
  - Response to 2018/NOM69 – White Street Mall Revitalisation
  - Visitor Information Centre
  - Procurement Policy 2019/2020

**Key Points / Issues**

- At the Ordinary Council Meeting OM295 held on 19 December 2016, Council resolved that:

*“That the Chief Executive Officer is directed to provide regular updates to Council on the progress or status of Council’s resolutions resulting from Notices of Motion raised by Councillors. In order to facilitate this, a brief progress report (detailing the status of each outstanding resolution) is required to be presented to Council at each of its Ordinary Meetings in future commencing with Ordinary Meeting 296 (scheduled for the 30 January 2017).”*

**12.6 Notice of Motion Status Update for 3 June 2019****Executive Summary**

- The Notices of Motion Report as at 3 June 2019 is attached and will continue to be updated and reported at each Ordinary Council Meeting.
- There is one Notice of Motion action that has been reported as 'complete' and is requesting to be archived.
  - NOM 1361 - Seaford Substation
- Since 30 April 2019, the following 19 resolution actions have been reported as 'complete':
  - Rotary Club of Frankston Sunrise Inc - Request for Use of Bathing Box Funds
  - Update on Short Term Accommodation/Party Houses
  - Permanent Home for Scouts Victoria
  - Mayoral Chains
  - Update on Youth Mayor Activities
  - Resolution Progress Update – January 2019
  - Record of Assemblies of Councillors
  - Committee Minutes
  - Response to 2018/NOM60 - Artwork for Frankston Train Station
  - Award of Contract - Printer Replacement Contract
  - Town Planning Application 53/2018/P - 1/151-153 Beach Street, Frankston 3199 - To sell and consume liquor (Restaurant and Cafe Licence) and reduction in car parking requirements of Clause 52.06 of the Frankston Planning Scheme
  - Resolution Progress Update – February 2019
  - Nomination of Youth Mayor for 2019
  - Golf Course Management Tender - Probity Report
  - Station Street Road Closure
  - Homeless Shower
  - Outcomes of the Audit and Risk Committee meeting
  - Award of Contract 2018/19 - 53 Station Street Mall Improvement Works
  - Award of Contract 2018/19 - 74 Skye Recreation Reserve - Change Rooms Extension

**12.6 Notice of Motion Status Update for 3 June 2019****Executive Summary**

- Due to various factors, it is sometimes not possible for reports to be brought back before Council in accordance with the time frames resolved. There are 8 reports listed as being delayed for this meeting. Progress updates have been supplied for the items set out below:
  - Response to NOM 1377 - McClelland Gallery Interconnectedness and Peninsula Link

The McClelland Interconnectedness report has been deferred from 3 June 2019 OM due to information required for the report will not be available until after a McClelland Summit, which is scheduled for 23 May. The report will be scheduled to come back to the 1 July 2019 Ordinary Meeting.
  - Belwedere Park Facility (Linen House)

This report has been delayed due to the current lease licence negotiations with St Kilda Football Club. A report will be presented back to Council at its September 2019 Ordinary Meeting.
  - Response to 2018/NOM45 - Greening our City

The delivery of this report has been delayed due to several factors which the development of the Urban Forest Action Plan rely on. The Metropolitan Urban Forest Strategy has only just been finalised and currently awaiting endorsement from all of its partners (endorsed by Frankston City Council 13 May 2019). Vegetation coverage mapping being undertaken by DELWP and RMIT which will give us important baseline data was expected in November but is yet to be released. This will be reported to Council at its 12 August 2019 Ordinary Meeting.
  - Response to 2019/NOM7 – At-Call Hard Rubbish Collection

Due to the hard rubbish collection that is currently being undertaken, updated data is being collected in relation to tonnage volume in order to prepare the costing within the report. A report will be presented to Council at its 1 July 2019 Ordinary Meeting.
  - Response to 2018/NOM56 – Notice of Rescission – Tree Removal Matter

Concept plans for the proposed tree planting along Cranbourne Road and Nepean Highway were presented to Councillors at the Major Project Advisory Committee (MPAC) meeting on 27 March 2019. Plans are currently being revised to include feedback from the Councillors. A report will be presented to Council at its July meeting to seek its support and authorisation to initiate community consultation process on the proposed works.
  - Response to 2018/NOM69 – White Street Mall Revitalisation

Initial presentation was provided to MPAC on 27 March 2019 on ideas for White Street Mall revitalisation. Further discussion occurred with key stakeholders including Bayside Shopping Centre, to refine options. Concepts are being developed for discussion with Paul Edbrooke throughout May. A further update is to be presented at the 29 May 2019 MPAC meeting before reporting to Council in July 2019.

**12.6 Notice of Motion Status Update for 3 June 2019****Executive Summary**

- Visitor Information Centre

In order to capture significant data and ensure the maximum amount of time for reporting on the implemented changes to the operation of the Frankston Visitor Information Centre, Officers have been working to present a report to Council at its Ordinary Meeting on 1 July 2019.

- Procurement Policy 2019/2020

This report has been delayed in order to allow for feedback received from the Audit & Risk Committee, scheduled on 24 May 2019, to be considered and factored into the report. It is due to be presented to Council at its 1 July 2019 Ordinary Meeting.

**Financial Impact**

The Victorian Government introduced the “Fair Go Rates” system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.5 per cent for 2019-2020.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council’s major source of income, Council’s capacity to continue to deliver services and fund its capital programme will be severely restricted.

There are no financial implications associated with this report.

**Consultation****1. External Stakeholders**

Nil.

**2. Other Stakeholders**

Nil.

**Analysis (Environmental / Economic / Social Implications)**

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

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

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

**Legal**

Nil.

**Policy Impacts**

There is no impact on Council policies.

**12.6 Notice of Motion Status Update for 3 June 2019****Executive Summary**Officer's Declaration of Interests

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

**Risk Mitigation**

There is no risk associated with this report.

**Conclusion**

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

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**ATTACHMENTS**

- Attachment A: [↓](#) Notice of Motion Cost Summary as at 3 June 2019  
Attachment B: [↓](#) Notice of Motion as at 3 June 2019  
Attachment C: [⇒](#) Notice of Motion Confidential as a 3 June 2019 (*Under Separate Cover*)

Notice of Motion Report - 2019 - for the 3 June Council Meeting (A3964015).XLSX

### Notice of Motions Estimated Costs By Councillor 2016 – 2020 Term

**Table 1**

Councillor	Number	Primary Cost	Ongoing Cost	Outcome Cost
Cr Cunial	11	\$0	\$128,800	\$227,500
Cr McCormack	14	\$17,025	\$11,300	\$238,000
Cr Toms	32	\$7,240	\$70,000	\$259,158
Cr Aitken	33	\$7,115	\$0	\$69,750
Cr Bolam	81	\$12,978	\$642,392	\$539,800
Cr O'Connor	18	\$2,600	\$4,000	\$25,163
Cr Mayer	3	\$200	\$66,000	\$0
Cr Hampton	25	\$6,565	\$4,200	\$34,250
Cr O'Reilly	3	\$0	\$0	\$0
<b>TOTAL</b>	<b>194</b>	<b>\$ 53,723</b>	<b>\$ 926,692</b>	<b>\$ 1,393,621</b>

NOTE: There may be occasions when the Ongoing Cost is ALSO reported under Outcome costs: this is on the occasions when the ongoing cost has a KNOWN FINITE total. This is to note for budgeting purposes (for eg: \$121,000 total over 11 years = \$11,000 budgeted per year). Notes/comments are provided in the report when this occurs

Notice of Motion Report - 2019 - for the 3 June Council Meeting (A3964015).XLSX

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
4-Sep-17	14.2	NOM 1361 - Seaford Substation  Cr Bolam	<p><b>Council Decision:</b> That a report be provided to Council at the December Ordinary Meeting on the iconic Seaford Substation.</p> <p>The report should consider: 1. The internal and external status of the Seaford Substation site; 2. Whether there is the presence of asbestos, signs of concrete cancer, concerns with the building's structural integrity; and 3. Future plans for the site, and the possible public use of the substation for community purposes (i.e. local museum, community hub etc).</p> <p>Carried</p>	Phil Cantillon	<p>21 May 2019 - A response was received from MTM on 13 May 2019 advising that MTM and Victrack does not support project progressing further due to access requirements and building condition. Further, they would not support Council request for taking on ongoing maintenance of substation should beautification works were to occur. However, in the meantime they have included the site in their regular maintenance program so that graffiti issue can be dealt on a regular basis.</p> <p>Outcome has been communicated back to the Councillors and as per Council resolution from its meeting on 13 May 2019, funds for Seaford Substation has been now reallocated to proposed improvements to Ashleigh Avenue Reserve.</p> <p>This item is now complete and can be archived.</p> <p>29 April 2019 - No Change to the status.</p> <p>8 April 2019 - A verbal update was provided to Councillor Bolam on 1 April. A follow up email has been sent to VicTrack/Metro requesting urgent response.</p> <p>18 March 2019 - A meeting was held onsite between Council officers and representatives of MTM on 25 February 2019. At the meeting Council proposa for improvements to Seaford Substation were discussed in detail including urgency to resolve this matter. MTM has ensured that they will respond via letter in the next few weeks outlining next steps in the process including their initial comments/feedback on the proposal.</p> <p>Council is yet to receive a formal response from MTM/VicTrack in this matter. A reminder email has been sent again seeking urgent response.</p> <p>25 February 2019 - Currently awaiting MTM confirmation for onsite meeting to progress this project, likely to occur in late Feb/early March.</p> <p>4 February 2019 - Council request in relation to this matter has been discussed with representative from MTM. MTM has advised that they are currently reviewing this matter internally and will provide advice on way forward in the next few weeks with meeting between Council, VicTrack and MTM likely to occur around mid-February.</p> <p>14 January 2019 - VicTrack has confirmed by email dated 22 November 2018 its support for the proposal and is happy to also make a co-contribution towards the capital cost for the proposed works subject to agreement on the ongoing commitment from either MTM (METRO) or Council for the ongoing maintenance of the proposed improvement works. Further negotiation are now underway with VicTrack and MTM to discuss best possible method of undertaking works and future maintenance arrangements.</p> <p>Awaiting response from VicTrack and MTM regarding ongoing commitment for future maintenance arrangements.</p> <p>26 November 2018 - No change to the status - currently awaiting response from VicTrack/Metro. Delay in receiving response due to change in responsible officer at VicTrack/Metro.</p>	Primary Cost: \$620 (meeting held)
16-Oct-17	14.1	NOM 1376 - Inconsistencies of Clause 52.48 - Bushfire Protection Exemptions (Known as the 10/30 Right)  Cr Aitken	<p><b>Council Decision:</b> That Council make representations through all local Members of Parliament with reference to the inconsistencies of the Clause 52.48 – Bushfire Protection Exemptions (otherwise known as the 10/30 Right) The introduction of a uniform ability for residents to remove trees without any impediment when located within 10 metres of their house (if constructed or approved prior to September 2009), entirely negates the recognition particularly of highly important or heritage trees that contribute greatly to the streetscape.</p> <p>The irreparable damage to the character of local communities by the provision of this exemption as it currently stands means that vast numbers of trees are being removed throughout the greater Melbourne area in situations that are at either very low or negligible fire risk because of the blanket status of this provision.</p> <p>This is entirely against widely upheld state policy of greening our suburbs and represents an administrative measure which was taken at a moment of understandably high public emotion following the devastating bushfires of 2009. However, as outlined above the unfortunate nett effect is that vegetation has been removed from locations where it cannot be reasonably justified.</p> <p>C/U</p>	Michael Papageorgiou	<p>21 May 2019 - No further update</p> <p>29 April 2019 - No further update from DELWP on progress with Council's requested changes.</p> <p>8 April 2019 - No further news from DELWP on progress with their review of these exemptions.</p> <p>18 March 2019 - Following Council's submission to DELWP on Clause 52.12 - Bushfire Protection: Exemptions made in February we have been advised that DELWP is considering a similar change for a number of other Councils. We are hoping that the outcome of the exemptions review by DELWP will be a group planning scheme amendment. We do not have a date for when DELWP will complete its deliberations.</p> <p>No further updates to report.</p> <p>25 February 2019 - DELWP has advised that it is reviewing the provisions (now contained in Clause 52.12 rather than 52.48). Officers have provided information for DELWPs consideration in respect of the impact of the provisions in Frankston, including in respect of vegetation removal. Council will need to await the outcome of DELWPs review.</p> <p>Revised Target Date changed by: Craig, Tenille From: 30 Jan 2019 To: 31 Jul 2019</p> <p>Reason: To allow DELWP to undertake its review.</p> <p>4 February 2019 - We are now awaiting DELWP advice on the best way forward. Council may sponsor a GC amendment with neighbouring Councils that have the same issue with the exemptions.</p> <p>Council officers met with DELWP officer in January 2019 to advise of the urging of removing the exemption and the impact on the progress of the planning scheme initiative such as the update for the Significant Tree Register.</p> <p>14 January 2019 - Revised Target Date changed from: 27 Nov 2018 To: 30 Jan 2019</p> <p>26 November 2018 - As the State Government is now in caretaker period, there will be no news of any further progress on changes to the current bushfire exemption provisions until early next year (2019). Council Officers will pursue a meeting with DELWP officers prior to the end of January 2019.</p> <p>8 October 2018 - Still to meet with the DELWP Officer. No announcement likely prior to State Government caretaker period.</p> <p>17 September 2018 - There is no new update as we are still awaiting advice from the State Government.</p> <p>27 August 2018 - There is no new update information as we are awaiting advice from the State Government.</p> <p>31 July 2018 - A meeting has now been arranged with the DELWP bushfire planning officer. Should this be successful, a resolution favourable to Council</p>	Primary Cost:
16-Oct-17	14.6	NOM 1381 - Committee for the Future Occupancy of Linen House  Cr Hampton	<p><b>Council Decision:</b> That a committee of interested Councillors, Chief Executive Officer and appropriate Council officers be formed to oversee the future occupancy of Linen House including the Expressions of Interest (EOI) that go out to organisations interested in participating. That this committee meet on a monthly basis and report back to Council on the issues covered.</p> <p>C/U</p>	Liz Daley	<p>21 May 2019 - No further update</p> <p>29 April 2019 - Revised Target Date changed by: Hall-davis, Tracee From: 29 Apr 2019 To: 10 Jun 2019</p> <p>8 April 2019 - A walkthrough of Linen House for Councillors and EMT was held on 29 March 2019 at 3pm. Councillors were given a walk through of the facility and highlighted the area that the AFL would like to use for office space. Council Officers are working with the AFL and key stakeholders to develop surrender documents for St Kilda.</p> <p>Revised Target Date changed by: Hall-davis, Tracee From: 18 Mar 2019 To: 29 Apr 2019</p> <p>18 March 2019 - A report was presented to Councillors at 4 March Briefing. The CEO and Mayor have met with St Kilda to further discussions and action of St Kilda relinquishing their lease to Linen House and licence to car park and oval so that the registration of interest process can proceed. A walkthrough for Councillors is being organised and a date will be finalised shortly.</p> <p>25 February 2019 - A report on the progress and way forward for Linen House will be brought to the 4 March Councillor briefing to seek Councillor guidance. An update will be provided on negotiations with St Kilda to assist with clearing the way for the registration of interest process.</p> <p>4 February 2019 - The committee has met recently on Tuesday 18 December 2018. Information on all communications between council and the St Kilda FC over the past six months was provided to Councillors at the meeting and also distributed in Councillor pigeon holes for those who were unable to attend. Minutes of the meeting were distributed out to Councillors on 16 January 2019.</p> <p>As agreed at the meeting, further reference group meetings are to be held off until the registration of interest process has been undertaken.</p> <p>14 January 2019 - A Briefing of Councillors was held on 18 December 2018 and minutes of this meeting have been forwarded to all Councillors for their information.</p> <p>26 November 2018 - Revised Target Date changed by: Hall-davis, Tracee From: 1 Dec 2018 To: 18 Mar 2019</p> <p>The next Committee meeting for Linen House is scheduled on 12 December 2018.</p> <p>5 November 2018 - As a result of Committee for Linen House meeting on 8 October 2018; the Mayor has met with St Kilda Football Club. The Committee will reconvene mid-November 2018.</p> <p>Revised Target Date changed by: Venter, Melissa From: 25 Oct 2018 To: 01 Dec 2018</p> <p>Reason: Committee to reconvene in November 2018.</p> <p>8 October 2018 - The next Committee meeting for Linen House is being scheduled for early October</p>	Primary Cost: \$350 (meetings held) Year 1: \$10,000

Notice of Motion Report - 2019 - for the 3 June Council Meeting (A3964015).XLSX

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
19-Feb-18	14.3	2018/NOM6 - Letter to the Minister regarding Level Crossing Removal Projects  Cr Bolam	Council Decision:  That in light of the fact that no funding packages have been made available to communities and businesses affected by the Level Crossing Removal at Skye/Overton Road, the closure of Eel Race Road, and the government's decision to locate a new train stabling facility at Kananook, that Council write to the Minister for Public Transport, the Hon. Jacinta Allan MP, to call for a consistent approach to the provision of funding to communities and businesses affected by Level Crossing Removal Projects (defined community benefit/compensation).  The letter should also include a request that all crossing removal projects should incorporate a common protocol for asset ownership and maintenance to ensure consistency and equity for all local government areas impacted by Level Crossing Removal.  Carried Unanimously	Phil Cantillon	21 May 2019 - No further update 29 April 2019 - A Memo to Councillors was distributed on 10 April 2019. No further update at this time. 8 April 2019 - A Memo to Councillors is currently being prepared and will shortly be provided to the Councillors. 18 March 2019 - The next update for Councillors is planned via Memo in April 2019. 25 February 2019 - No change to the status. 4 February 2019 - No change to the status. 14 January 2019 - Discussions have been held with both Transport for Victoria (ED Asset Management) and CEO of LXRA in relation to Council's advocacy for funding to compensate for any gifted assets handed over to Council. Councillors have also been briefed on this as part of a wider LXRA presentation. Any decision to accept assets will be determined by Council and after further negotiation on costs. Presentation provided to EMT on 10 December 2018 outlining projected cost impact. Discussions with TfV have confirmed draft code of practice is potentially two years away and will not provide any relief in the short term. The last wider update for Councillors on the wider LXRA issues was on 29 October 2018. A further update on wider LXRA issues is planned for the Councillors in March 2019. 26 November 2018 - Officers are following up on this matter. No update at this time. 5 November 2018 - Action reassigned to Cantillon, Phil 8 October 2018 - Draft Code of Practice for potential transfer of assets being developed by Transport for Victoria 27 August 2018 - MAV currently receiving feedback on proposed list of potential transfer of assets to be discussed with Transport for Victoria next. This will contribute to develop of draft guidelines/protocols to be circulated in early October. 31 July 2018 - Meeting is being held on 30 July 2018 at MAV which includes Kingston, Frankston, Dandenong, Monash and Glen Eira Councils to discuss common approach to asset ownership and maintenance for land in the rail corridor post crossing removal projects. 9 July 2018 - Discussions have been held at officer level to ensure compatible cross municipality schedule of asset ownership and maintenance. 18 June 2018 - Response received 01 June 2018, circulated to Councillors 1 June 2018	Primary Cost: \$820 (letters sent & large meeting held)
2-Jul-18	14.1	2018/NOM35 - Proposed Downs Estate Business Case  Cr Bolam	Council Decision  Moved: Councillor Bolam Seconded: Councillor Cunial  It is noted that the University of Melbourne is engaging with the Friends of the Downs Estate community group to prepare a business case on the future sustainability of the site as food security demonstration site. The business case will cost between \$80k to \$100k and subject to Council approval, the University of Melbourne is seeking \$25k contribution from Council. Should Council support the proposal, \$25k will be referred for consideration to the mid-year budget review. A report is to be provided to 10 September Ordinary Meeting outlining the proposal and considerations that will be detailed in the business case  Carried Unanimously	Michael Papageorgiou / Kim Jaensch	21 May 2019 - No change to status 29 April 2019 - No change to status 8 April 2019 - No change to status. 18 March 2019 - University of Melbourne (UoM) have advised that they have commitment from one and possibly two government agencies outside of Frankston City Council with the UoM willing to make up any cash deficit in the \$25K remaining. Council will not release its \$25K until evidence of other government commitments have been provided as this was a condition in the resolution. 25 February 2019 - Council has not received any notification through the Planning and Environment Department of a Business Case from Melbourne University. An amount of \$25,000 has been considered and committed during the budget review process. These funds will be quarantined until such time as the Melbourne University business case has been received and approved. Comment added on behalf of Manager, Financial and Corporate Planning: no change to status 4 February 2019 - No further update 14 January 2019 - An amount of \$25,000 has been considered and committed during the budget review process. These funds will be quarantined until such time as the Melbourne University business case has been approved. 26 November 2018 - This item has been noted and a provisional amount of \$25,000 has been flagged for consideration at the Mid-Year Budget review on the condition that the business case is approved. 5 November 2018 - This item has been noted and a provisional amount of \$25,000 has been flagged for consideration at the Mid-Year Budget review on the condition that the business case is approved. 17 September 2018 - This item has been noted and a provisional amount of \$25,000 has been flagged for consideration at the Mid-Year Budget review	Primary Cost:
13-Aug-18	14.2	2018/NOM52 - Car Parking Forum August 2018 - Committee for Greater Frankston  Cr Cunial	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.  Carried Unanimously	Michelle Tipton	21 May 2019 - No further update 29 April 2019 - CEO noted and provided the following comment - further investigation being undertaken prior to organising second car parking forum. 8 April 2019 - I am still waiting on a confirmation date for the second forum. Councillors will be notified once a date has been confirmed. 18 March 2019 - Still awaiting details of the second forum to be organised. 25 February 2019 - Second forum being organised. Confirming details with COGF on details which will be provided to Councillors. This forum will include discussions held at the last Forum. 4 February 2019 - CEO noted and provided updated comment: "Second forum being planned to discuss outcomes." CEO noted the following comment - "Second forum to be organised." 14 January 2019 - The Committee of Greater Frankston will be distributing information on the outcomes of the forum. 26 November 2018 - The Committee of Greater Frankston will be contacted to provide the outcomes of the forum and next steps. This information will then be distributed to Councillors. 5 November 2018 - Memo to Councillors to be prepared by Director Community Development on the outcome of the discussions held at the Car Parking Forum. CEO noted - no further follow up meeting has occurred as yet as an outstanding action from the forum. 8 October 2018 - The Car Parking Forum was held on 14 September 2018. Council officers attended the forum, but no Councillors were present. Michelle to speak with Dennis to see if a memo should be prepared to provide Councillors with an update on what was discussed at the forum and any outcomes/recommendations. 17 September 2018 - The Car Parking Forum is scheduled for 14 September. At this stage, there are no Councillors attending the forum.	Primary Cost:
22-Oct-18	14.4	2018/NOM65 - New Bylaws  Cr Bolam	Council Decision  Moved: Councillor Bolam Seconded: Councillor Toms  That the next review of Council's 2016 General Local Law No 8 pending legal advice is to consider the following bylaws for adoption:  1. Brimbank City Council's bylaw offence: participating (including bystanding) in 'hoon events'; 2. Melton City Council's bylaw offence: noise from vehicle sound equipment; and 3. City of Onkaparinga (SA) bylaw offence: flying a drone aircraft in an unsafe manner and/or (by flying a drone aircraft) detracting from another person's lawful use and enjoyment of public land.  Carried	Leonie Reints / Brianna Alcock	21 May 2019 - No further update 29 April 2019 - A review of the local law is due to commence in April 2020 and a report will be provided to Council in June 2020 with the outcome of this review. Also noting that a new local law is to be created for short stay accommodation and this is due in December 2019. The short stay accommodation local law will be undertaken independently of the whole local law review. Revised Target Date changed by: Hall-davis, Tracee From: 4 Nov 2019 To: 06 Apr 2020 8 April 2019 - Revised Target Date changed by: Hall-davis, Tracee From: 12 Nov 2018 To: 04 Nov 2019 Reason: Review of Local Law late 2019 18 March 2019 - Officers will be reviewing Frankston City Council General Local Law No. 8, 2016 in late 2019 and the items raised in this NOM will be investigated at the time of the review. 25 February 2019 - The next review date for the General Local Law is being considered. No further action as yet. 4 February 2019 - The next review date for the General Local Law is being considered. 14 January 2019 - The next review date for the General Local Law is currently being considered. 26 November 2018 - The resolution has been noted and the next review date is being considered. 5 November 2018 - The resolution has been noted and the next review date will be considered	

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Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
10-Dec-18	14.1	201/NOM67 - Kananook Railway Station Improvements  Cr Bolam	Moved: Councillor Bolam Seconded: Councillor Aitken That Council: 1. Writes to The Hon. Jacinta Allan MP, Minister for Public Transport seeking a meeting to discuss the current changes underway to Kananook Railway Station and surrounds as a result of the Level Crossing Removal Authority projects. In particular to discuss the impacts of these projects and opportunities available to better enhance the public use of the precinct such as improving disability access, landscaping and urban design improvements (e.g. lighting). 2. Offers to work with the relevant State Government Departments to develop a Kananook Railway Station Precinct Plan. C/U	Doug Dickins/ Michael Papageorgiou	21 May 2019 - CEO commented, "no meeting obtained as yet but project proceeding." Follow up calls about a meeting to be organised made via CEO's office on 5 February, 13 February, 26 February, 21 March, 9 April and 17 April 2019. 29 April 2019 - A response is yet to be received to the letters sent. 8 April 2019 - A response is yet to be received to the letters sent 18 March 2019 - Letters have been sent to the Hon. Jacinta Allan MP, Minister for Public Transport, Shadow Minister for Public Transport and Ms Sonya Kilkenny (State Member for Carrum) 25 February 2019 - A letter has been sent to Minister for Transport Infrastructure (ref A3787569). 4 February 2019 - No further update 14 January 2019 - Council Officers are currently drafting the letter to MP and likely to be forwarded next week.	Primary cost: \$600 (letters sent)
10-Dec-18	14.3	2018/NOM69 - White Street Mall Revitalisation  Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Toms That: 1. Council notes the recent comments made by Mr Paul Edbrooke MP, Member for Frankston to Councillors and Council officers with respect to his commitment to working with Council on the revitalisation of the White Street Mall in Central Frankston, including accepting a design from Council. 2. On the basis, Council submits a revitalisation plan for the White Street Mall to Mr Paul Edbrooke MP, Member Frankston and ask that he provides, in writing, confirmation of the State Government's funding for this project, subject to Council making application for the funding. 3. A meeting with Mr Paul Edbrooke, MP, Member for Frankston and Council officers be held to discuss the White Street Mall in Central Frankston. 4. A report be provided to Council at the April Ordinary Meeting 2019 detailing the response from Mr Paul Edbrooke MP, Member for Frankston and potential funding to the 2019/2020 Annual Budget for White Street Mall upgrade design works. Carried Unanimously	Vishal Gupta	21 May 2019 - Initial presentation was provided to MPAC on 27 March on ideas for White Street Mall revitalisation. Further discussion occurred with key stakeholders including Bayside Shopping Centre, to refine options. Concepts are being developed for discussion with Paul Edbrooke through May. A further update to be presented at the May 29th MPAC meeting before reporting to Council in July 2019. 29 April 2019 - No change to the status. 8 April 2019 - Presentation was provided to MPAC on 27 March on ideas for White Street Mall revitalisation. Further discussion with key stakeholders including Bayside Shopping Centre, to refine options and then develop concept options for discussion with Paul Edbrooke through May, with an update on the preferred options to be presented at the May 27th MPAC meeting before reporting to Council in June. 18 March 2019 = Consultation and options underway. Presentation to March Major Projects meeting 25 February 2019 - Officers are currently consulting with key internal and external stakeholders and preparing options for Councillors to consider in April 2019. Meetings are being arranged with Ward Councillors. 4 February 2019 - No change to status 14 January 2019 - Action reassigned to Prideaux, Sally by: Gupta, Vishal for the reason: This is part of CAA initiatives which is managed by Sally Prideaux and Graeme Read. Consultation and investigations have commenced.	Primary Cost: \$620.00 (meetings held) 2x officer time (stakeholder discussions and prep for concepts x4hrs) Concept cost to be added when known
23-Apr-19	14.1	2019/NOM7 - At-call Hard Rubbish Collection  Cr Hampton	Council Decision Moved: Councillor Hampton Seconded: Councillor Toms That the CEO prepares a report to Council by June 2019 to look at and evaluate the cost and feasibility to offering two free at-call hard rubbish collections per year as an alternative to once a year collection. Carried Unanimously	Bruce Howden	21 May 2019 - Report being prepared for June 24th briefing to provide costing for two at-call hard waste collections per household within each financial year.	
23-Apr-19	14.2	2019/NOM8 - Local Law to regulate Short Stay Rental Accommodation  Cr McCormack	Council Decision Moved: Councillor McCormack Seconded: Councillor Toms 1. That Frankston Council develops and implements a Local Law to provide clear guidelines on the required standards for the operation of Short Stay Rental Accommodation within the municipality. 2. That the objectives of the Local Law, replicate those of the Mornington Peninsula Shire Council, namely: a) Regulate and control the use of Short Stay Rental Accommodation within the municipality of Frankston; b) Ensure an appropriate standard of management and presentation of such accommodation; c) Minimise the risk of such accommodation affecting neighbouring properties and the peace of neighbours; d) Implement a registration requirement; and e) Provide for a Code of Conduct under the Local Law. 3. The local law be implemented by December 2019. Carried Unanimously	Leonie Reints	21 May 2019 - A meeting was held with Mornington Peninsula Shire to better understand the requirements of implementing the Local Law. The draft local law and code of conduct are currently being compiled by officers using Mornington's as a basis to work from. It is expected this will be completed by December 2019	Direct Cost (once-off) - \$14,000 Direct Cost (recurring) - \$11,300 Coming back to Council in December 2019 Costs for officer time to investigate, develop and implement the new local law; legal advice and initial set up costs with BNB Guard. Ongoing Annual costs - monthly BNB Guard reports and administrative support.
23-Apr-19	14.5	2019/NOM11 - Container Deposit Scheme (CDS)  Cr Toms	Council Decision Moved: Councillor Toms Seconded: Councillor Hampton That Council based on its previous support for the introduction of a Container Deposit Scheme within Victoria: 1. Write to the Minister for the Environment, the Hon. Lily D'Ambrosio MP, seeking an urgent update on what efforts have been undertaken by the Victorian State Government to have legislation introduced to mandate a Container Deposit Scheme within Victoria. 2. Write to all Victorian Local Government Councils seeking their support to advocate to the Victorian State Government for the introduction of a Container Deposit Scheme within Victoria through the passing of appropriate legislation. 3. Write to the MAV suggesting that they give consideration to the commencement of an advocacy campaign that would seek the introduction of a mandatory Container Deposit Scheme within Victoria with such a campaign to be funded from voluntary contributions from Victorian Councils with Frankston City Council pledging \$2000.00. 4. Write to all State Members of Parliament within the Frankston Municipality requesting that they support and advocate for the introduction of a mandatory Container Deposit Scheme within Victoria as a matter of urgency.	Luke Ure/Kim Jaensch	21 May 2019 - Action item 3 noted - if a mandatory Container Deposit Scheme is supported, a voluntary contribution of \$2,000 will be made available through the mid-year budget process. It is requested that this action item be closed.	

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Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
13-May-19	14.1	2019/NOM9 - Car parking in Frankston Metropolitan Activity Centre (FMAC)  Cr Cunial	<p>Council Decision</p> <p>Moved: Councillor Toms Seconded: Councillor Cunial</p> <p>That Council:</p> <p>1. Requests a report to come back to Council at the 1 July 2019 Ordinary Meeting on the proposed establishment of a Frankston City Council Working Group for the purpose of preparing independent recommendations for the consideration of Council to improve Frankston City Centre's present car parking pricing, supply and management, and benefit Frankston's CBD for its future parking needs in 2035. The working group should include interested Councillors, appropriate Council officers, one representative of the Committee for Greater Frankston, and a representative from each of the following groups/organisations Frankston City traders, Chisholm, PARC, and Monash University;</p> <p>2. Provides in this report recommendations on suitable funding sources in order to secure funding required to enable the working group to properly perform its task, which should include:</p> <ul style="list-style-type: none"> <li>o An update on the Frankston Metropolitan Activity Centre 2016 car parking usage study Part A (including private spaces);</li> <li>o An expanded car parking supply-demand model across the FMAC;</li> <li>o Accurate forecast growth rates in demand for car-parking over the next decade;</li> <li>o User needs analysis including price sensitivity, substitution options and market competition;</li> <li>o Expert advice best practise solutions and case studies; and</li> <li>o Expert advice on car parking management technologies that would assist the better management of existing car parking now and into the future.</li> </ul> <p>Carried Unanimously</p>	Michael Papageorgiou		
13-May-19	14.2	2019/NOM10 - Boat Moorings at Kananook Creek  Cr Cunial	<p>Council Decision</p> <p>Moved: Councillor Cunial Seconded: Councillor Toms</p> <p>Officers to investigate and prepare an updated report for consideration by Council at its Ordinary Meeting on 22 July 2019 on the benefits of reintroducing permanent boat mooring facilities along Kananook Creek, Frankston, between its mouth and Wells Street, with particular attention to the economic, social, recreational and health benefits associated with activation of the Kananook Creek and the Kananook Creek Boulevard</p> <p>Carried Unanimously</p>	Phil Cantillon		

## Executive Summary

### 12.7 Record of Assemblies of Councillors

*Enquiries: (Brianna Alcock: Corporate Development)*

#### Council Plan

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

#### Purpose

To table the written records for the Assembly of Councillors as defined by the *Local Government Act 1989*.

#### Recommendation (Chief Executive Office)

That Council receives the following written records:

- 06 March 2019 (Councillor Briefing);
- 25 March 2019 (Councillor Briefing);
- 27 March 2019 (Major Projects Advisory Committee);
- 01 April 2019 (Pre-Agenda Council Meeting)
- 08 April 2019 (Councillor Briefing)
- 15 April 2019 (Councillor Briefing)
- 23 April 2019 (Pre-Agenda Council Meeting)
- 29 April 2019 (Councillor Briefing)
- 06 May 2019 (Councillor Briefing)
- 08 May 2019 (Councillor Briefing including Special Council Meeting)
- 13 May 2019 (Pre-Agenda Council Meeting)

#### Key Points / Issues

Council is required under the *Local Government Act 1989* to keep a written record for the Assembly of Councillors, including:

- names of all Councillors and members of Council staff attending a Councillor Briefing or other meeting;
- matters considered;
- any conflict of interest disclosures made by a Councillor or member of Council staff; and
- whether the Councillor or member of staff who disclosed a conflict of interest, left the meeting.

#### Financial Impact

The Victorian Government introduced the "Fair Go Rates" system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past three financial years has been 2.5 per cent, 2.0 per cent and

**12.7 Record of Assemblies of Councillors****Executive Summary**

2.25 per cent respectively and has been set at 2.5 per cent for 2019-2020.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council's major source of income, Council's capacity to continue to deliver services and fund its capital programme will be severely restricted.

There are no financial implications associated with this report.

**Consultation****1. External Stakeholders**

It is a statutory requirement to present all written records of all Councillors who participate in an advisory committee, planned or scheduled meeting to the next practicable Council meeting. Thus it is not necessary to consult with external stakeholders.

**2. Other Stakeholders**

It is a statutory requirement to present all written records of all Councillors who participate in an advisory committee, planned or scheduled meeting to the next practicable Council meeting. Thus it is not necessary to consult with internal stakeholders.

**Analysis (Environmental / Economic / Social Implications)**

Making written records available to the public may provide some confidence in transparency of decision making and is best practice advice from the Office of the Local Government Inspectorate.

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

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

Legal

Under Section 76AA of the *Local Government Act 1989*, Council is required to make a written record of all Councillors who participate in;

- An Advisory Committee where at least one (1) Councillor and a member of Council staff is present; and
- A planned or scheduled meeting where at least half the Councillors and a member of staff is present.

Policy Impacts

There are no policies that will impact the decision of this report.

Officer's Declaration of Interests

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

**12.7 Record of Assemblies of Councillors****Executive Summary****Risk Mitigation**

There are no risks associated with this report.

**Conclusion**

It is recommended that the written records as attached to the report be received.

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**ATTACHMENTS**

Attachment A: [↓](#) Record of Assembly of Councillor Forms - 6 March 2019 to 13 May 2019 inclusive

12.7 Record of Assemblies of Councillors

**Executive Summary**



**RECORD OF ASSEMBLY OF COUNCILLORS**

<b>Title of Meeting:</b> Councillor Briefing			
<b>Meeting Date:</b> 6 March 2019			
<b>Commencement Time:</b> 5:30pm		<b>Location:</b> Acacia Room / Chamber	
<b>Finish Time:</b> 8.10pm			
<b>Matters Considered:</b> (Heading only) Governance Development Workshop Year 3 Council Plan (2019/2020) Capital Works Programme			
<b>Councillors</b>	<b>Present</b>	<b>Arrival and Departure</b>	
Cr Brian Cunial	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Colin Hampton	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 8.40pm
Cr Kris Bolam	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6:00pm	Left: 8:40pm
Cr Sandra Mayer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 8.40pm
Cr Glenn Aitken	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 8:40pm
Cr Quinn McCormack	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 8:40pm
Cr Michael O'Reilly	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.30pm	Left: 8.40pm
Cr Lillian O'Connor	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Steve Toms	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
<b>Council Staff Attendance:</b> <input checked="" type="checkbox"/> Dennis Hovenden <input checked="" type="checkbox"/> Tim Frederico <input checked="" type="checkbox"/> Dr Gillian Kay <input checked="" type="checkbox"/> Phil Cantillon Luke Ure, Roy Furtado, David Barker, Vishal Gupta, Judi Krznaric, Kim Jaensch., Cam Arullanatham			

\*\*\*Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.\*\*\*

12.7 Record of Assemblies of Councillors

**Executive Summary**

<p><b>Others in attendance (including titles):</b></p> <p><input checked="" type="checkbox"/> Prue Digby Michale Malouf - Malouf Management Services</p>
<p><b>Conflict of Interest Disclosures</b> <i>"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"</i></p> <p>Nil</p>
<p><b>Whether a Councillor(s), having disclosed a conflict of interest, left the assembly:</b></p> <p>Nil</p>
<p><b>Name of Council Staff Member responsible for this written record:</b> Tim Frederico</p>
<p><b>Position Title:</b> Director Corporate Development</p>

\*\*\*Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.\*\*\*

12.7 Record of Assemblies of Councillors

**Executive Summary**



**RECORD OF ASSEMBLY OF COUNCILLORS**

Title of Meeting: <b>Councillor briefing</b>			
Meeting Date: <b>25 March 2019</b>			
Commencement Time: <b>5:30pm</b>		Location: Acacia Room / Chamber	
Finish Time: <b>7:45pm</b>			
<b>Matters Considered: (Heading only)</b> Frankston North Education Plan implications 2019/2020 Budget finalisation Agenda review for 1 April meeting Industrial precincts business needs Green Wedge Management Plan			
Councillors	Present	Arrival and Departure	
Cr Brian Cunial	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Colin Hampton	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>5:30pm</b>	Left: <b>7:40pm</b>
Cr Kris Bolam	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>6:00pm</b>	Left: <b>7:00pm</b>
Cr Sandra Mayer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>5:45pm</b>	Left: <b>7:45pm</b>
Cr Glenn Aitken	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>5:30pm</b>	Left: <b>7:45pm</b>
Cr Quinn McCormack	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>6:00pm</b>	Left: <b>7:45pm</b>
Cr Michael O'Reilly	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>5:40pm</b>	Left: <b>7:45pm</b>
Cr Lillian O'Connor	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>6:20pm</b>	Left: <b>7:30pm</b>
Cr Steve Toms	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>5:30pm</b>	Left: <b>7:45pm</b>
<b>Council Staff Attendance:</b> <input checked="" type="checkbox"/> Dennis Hovenden <input checked="" type="checkbox"/> Tim Frederico <input checked="" type="checkbox"/> Dr Gillian Kay <input checked="" type="checkbox"/> Phil Cantillon Joanne Ferrie, Katy Wills, Michael Papageorgiou, Stuart Caldwell, Kim Jaensch, Luke Ure, Doug Dickins, Vishal Gupta, Keith Black, Sam Jackson, Dana Harding, Matthew Nelson,			

\*\*\*Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.\*\*\*

12.7 Record of Assemblies of Councillors

**Executive Summary**

<p><b>Others in attendance (including titles):</b>  <input checked="" type="checkbox"/> Prue Digby                  Cr Bolam attended meeting via telephone                  Monitor departed at 7:05pm</p>
<p><b>Conflict of Interest Disclosures</b>  <i>"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"</i>                  Cr Hampton, Dr Kay and Mr Cantillon all declared a Conflict of Interest in item C1.</p>
<p><b>Whether a Councillor(s), having disclosed a conflict of interest, left the assembly:</b>                  Cr Hampton, Dr Kay and Mr Cantillon left the AoC while item C1 was discussed</p>
<p><b>Name of Council Staff Member responsible for this written record:</b> Tim Frederico</p>
<p><b>Position Title:</b> Director Corporate Development</p>

\*\*\*Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.\*\*\*

12.7 Record of Assemblies of Councillors

**Executive Summary**



**RECORD OF ASSEMBLY OF COUNCILLORS**

<b>Title of Meeting:</b> Major Projects Advisory Committee			
<b>Meeting Date:</b> 27 March 2019			
<b>Commencement Time:</b> 6.00pm		<b>Location:</b> Acacia Room	
<b>Finish Time:</b> 8.04pm			
<b>Matters Considered:</b> (Heading only) Previous MPAC Meeting Various Major Project updates (Refer to Agenda in ReM A3885929)			
<b>Councillors</b>	<b>Present</b>	<b>Arrival and Departure</b>	
Cr Brian Cunial	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Colin Hampton	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6.00pm	Left: 8.04pm
Cr Kris Bolam	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6.00pm	Left: 8:04pm
Cr Sandra Mayer	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Glenn Aitken	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6.00pm	Left: 8.04pm
Cr Quinn McCormack	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Michael O'Reilly	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6.00pm	Left: 8.04pm
Cr Lillian O'Connor	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Steve Toms	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6.00pm	Left: 8.04pm
<b>Council Staff Attendance:</b> <input checked="" type="checkbox"/> Dennis Hovenden <input type="checkbox"/> Tim Frederico <input checked="" type="checkbox"/> Dr Gillian Kay <input checked="" type="checkbox"/> Phil Cantillon Luke Ure, Roy Furtado, Cam Arullanantham, James Robinson, Byron Douglas, Jeremy Starr, Himalee Padmakar, Doug Dickins, Andrea Gaynor			

\*\*\*Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.\*\*\*

12.7 Record of Assemblies of Councillors

**Executive Summary**

<p><b>Others in attendance (including titles):</b></p> <p><input type="checkbox"/> Prue Digby</p> <p>Note: Cr Bolam attended meeting via telephone</p>
<p><b>Conflict of Interest Disclosures</b>  <i>"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"</i></p> <p>Nil</p>
<p><b>Whether a Councillor(s), having disclosed a conflict of interest, left the assembly:</b></p> <p>Nil</p>
<p><b>Name of Council Staff Member responsible for this written record:</b> Andrea Gaynor</p>
<p><b>Position Title:</b> EA to Director Community Assets</p>

\*\*\*Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.\*\*\*

12.7 Record of Assemblies of Councillors

**Executive Summary**



**RECORD OF ASSEMBLY OF COUNCILLORS**

Title of Meeting: <b>Councillor briefing</b>			
Meeting Date: <b>1 April 2019</b>			
Commencement Time: <b>5:30pm</b>		Location: Acacia Room	
Finish Time: <b>7:00pm</b>			
Matters Considered: <i>(Heading only)</i> Council Agenda review			
Councillors	Present	Arrival and Departure	
Cr Brian Cunial	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>5:45PM</b>	Left: <b>6:45pm</b>
Cr Colin Hampton	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>5:30pm</b>	Left: <b>6:45pm</b>
Cr Kris Bolam	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>5:30pm</b>	Left: <b>6:45pm</b>
Cr Sandra Mayer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>5:50pm</b>	Left: <b>6:45pm</b>
Cr Glenn Aitken	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>5:30pm</b>	Left: <b>6:45pm</b>
Cr Quinn McCormack	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>5:45pm</b>	Left: <b>6:45pm</b>
Cr Michael O'Reilly	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>5:55pm</b>	Left: <b>6:45pm</b>
Cr Lillian O'Connor	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>6:10pm</b>	Left: <b>6:45pm</b>
Cr Steve Toms	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>5:30pm</b>	Left: <b>6:45pm</b>
<b>Council Staff Attendance:</b> <input checked="" type="checkbox"/> Dennis Hovenden <input checked="" type="checkbox"/> Tim Frederico <input checked="" type="checkbox"/> Dr Gillian Kay <input checked="" type="checkbox"/> Phil Cantillon Vera Roberts, Michelle Tipton, Taylor McVean, Luke Ure, Kim Jaensch, Michael Papageorgiou, Martin Poole, Stuart Caldwell, Brianna Alcock, Doug Dickins, Keith Black, Vishal Gupta,			

\*\*\*Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.\*\*\*

12.7 Record of Assemblies of Councillors

**Executive Summary**

<p><b>Others in attendance (including titles):</b></p> <p><input checked="" type="checkbox"/> Prue Digby</p>
<p><b>Conflict of Interest Disclosures</b>  <i>"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"</i></p> <p>Councillor Hampton, Mr Cantillon and Dr Kay advised of a Col in Item C1 of the Council Agenda</p>
<p><b>Whether a Councillor(s), having disclosed a conflict of interest, left the assembly:</b></p> <p>Councillor Hampton, Mr Cantillon and Dr Kay left the room when C1 was discussed</p>
<p><b>Name of Council Staff Member responsible for this written record:</b> Tim Frederico</p>
<p><b>Position Title:</b> Director Corporate Development</p>

\*\*\*Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.\*\*\*

12.7 Record of Assemblies of Councillors

**Executive Summary**



**RECORD OF ASSEMBLY OF COUNCILLORS**

<b>Title of Meeting:</b> Councillor briefing			
<b>Meeting Date:</b> 8 April 2019			
<b>Commencement Time:</b> 5:30pm		<b>Location:</b> Acacia Room	
<b>Finish Time:</b> 8:45pm			
<b>Matters Considered:</b> (Heading only) Previous Council Meeting Review Reconciliation Action Plan Frankston House carpark Councillor induction programme Special Council Meeting VCAT protocols Standing grants			
<b>Councillors</b>	<b>Present</b>	<b>Arrival and Departure</b>	
Cr Brian Cunial	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:55pm	Left: 7:30pm
Cr Colin Hampton	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 8:45pm
Cr Kris Bolam	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6:15pm	Left: 8:15pm
Cr Sandra Mayer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 7:30pm
Cr Glenn Aitken	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:55pm	Left: 8:45pm
Cr Quinn McCormack	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 8:45pm
Cr Michael O'Reilly	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:55pm	Left: 8:45pm
Cr Lillian O'Connor	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input checked="" type="checkbox"/> No	Arrived:	Left:
Cr Steve Toms	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 8:45pm
<b>Council Staff Attendance:</b> <input checked="" type="checkbox"/> Dennis Hovenden <input checked="" type="checkbox"/> Tim Frederico <input type="checkbox"/> Dr Gillian Kay <input checked="" type="checkbox"/> Phil Cantillon Brianna Alcock, Michael Papageorgiou, Stuart Caldwell, Luke Ure, Martin Poole, Vera Roberts, Mandy Hay, Rachel Masters, Claire Benzie, Grant Lea, Michelle Tipton, Andrew Moon,			

\*\*\*Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.\*\*\*

12.7 Record of Assemblies of Councillors

**Executive Summary**

<p><b>Others in attendance (including titles):</b></p> <p><input checked="" type="checkbox"/> Prue Digby                  Mimi Marcus - Maddocks                  Lisa Byrne - Director, John Young &amp; Colin Simpson Trustees - McClelland Sculpture Park and Gallery                  Jackie Galloway - CEO Peninsula Community Legal Centre</p>
<p><b>Conflict of Interest Disclosures</b>  <i>"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"</i></p> <p>Nil</p>
<p><b>Whether a Councillor(s), having disclosed a conflict of interest, left the assembly:</b></p>
<p><b>Name of Council Staff Member responsible for this written record:</b> Tim Frederico</p>
<p><b>Position Title:</b> Director Corporate Development</p>

\*\*\*Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.\*\*\*

12.7 Record of Assemblies of Councillors

**Executive Summary**



**RECORD OF ASSEMBLY OF COUNCILLORS**

<b>Title of Meeting:</b> Councillor briefing			
<b>Meeting Date:</b> 15 April 2019			
<b>Commencement Time:</b> 5:30pm		<b>Location:</b> Acacia Room / Chambers	
<b>Finish Time:</b> 8.15pm			
<b>Matters Considered:</b> (Heading only) Council Agenda (23/4/19) Frankston Yacht Club Advanced Waste Processing SE Business Case			
<b>Councillors</b>	<b>Present</b>	<b>Arrival and Departure</b>	
Cr Brian Cunial	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Colin Hampton	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 8:15pm
Cr Kris Bolam	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:45pm	Left: 8:15pm
Cr Sandra Mayer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.30pm	Left: 8.15pm
Cr Glenn Aitken	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.30pm	Left: 8.15pm
Cr Quinn McCormack	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 8:15pm
Cr Michael O'Reilly	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:50pm	Left: 8.15pm
Cr Lillian O'Connor	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Steve Toms	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.30pm	Left: 8.15pm
<b>Council Staff Attendance:</b> <input checked="" type="checkbox"/> Dennis Hovenden <input type="checkbox"/> Tim Frederico <input type="checkbox"/> Dr Gillian Kay <input type="checkbox"/> Phil Cantillon Vishal Gupta, Sam Jackson, Michael Papageorgiou, Vera Roberts, Martin Poole, Dana Harding, Roy Furtado, Rob Savoya, James Robertson, Keith Black			

\*\*\*Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.\*\*\*

12.7 Record of Assemblies of Councillors

**Executive Summary**

<p><b>Others in attendance (including titles):</b></p> <p><input checked="" type="checkbox"/> Prue Digby Prue was in attendance via telephone</p> <p>External Presenter - Paul</p>
<p><b>Conflict of Interest Disclosures</b> <i>"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"</i></p> <p>Nil</p>
<p><b>Whether a Councillor(s), having disclosed a conflict of interest, left the assembly:</b></p> <p>Nil</p>
<p><b>Name of Council Staff Member responsible for this written record:</b> Sam Jackson</p>
<p><b>Position Title:</b> Acting Director Corporate Development</p>

\*\*\*Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.\*\*\*

12.7 Record of Assemblies of Councillors

**Executive Summary**



**RECORD OF ASSEMBLY OF COUNCILLORS**

Title of Meeting: <b>Councillor briefing</b>			
Meeting Date: <b>23 April 2019</b>			
Commencement Time: <b>6:00pm</b>		Location: Acacia Room	
Finish Time: <b>7:00pm</b>			
Matters Considered: <i>(Heading only)</i> Pre-meeting for Council Agenda Conflict of Interest Submitters to be heard			
Councillors	Present	Arrival and Departure	
Cr Brian Cunial	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input checked="" type="checkbox"/> No	Arrived:	Left:
Cr Colin Hampton	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>5:40pm</b>	Left: <b>6:55pm</b>
Cr Kris Bolam	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>5:30pm</b>	Left: <b>6:55pm</b>
Cr Sandra Mayer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>5:30pm</b>	Left: <b>6:55pm</b>
Cr Glenn Aitken	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>5:40pm</b>	Left: <b>6:55pm</b>
Cr Quinn McCormack	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>6:18pm</b>	Left: <b>6:55pm</b>
Cr Michael O'Reilly	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>5:30pm</b>	Left: <b>6:55pm</b>
Cr Lillian O'Connor	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>6:44pm</b>	Left: <b>6:55pm</b>
Cr Steve Toms	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>5:40pm</b>	Left: <b>6:55pm</b>
<b>Council Staff Attendance:</b> <input checked="" type="checkbox"/> Dennis Hovenden <input checked="" type="checkbox"/> Tim Frederico <input checked="" type="checkbox"/> Dr Gillian Kay <input checked="" type="checkbox"/> Phil Cantillon Vera Roberts, Michelle Tipton, Taylor McVean, Luke Ure, Kim Jaensch, Michael Papageorgiou, Martin Poole, Stuart Caldwell, Brianna Alcock, Doug Dickins, Keith Black, Vishal Gupta			

\*\*\*Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.\*\*\*

12.7 Record of Assemblies of Councillors

**Executive Summary**

<p><b>Others in attendance (including titles):</b></p> <p><input checked="" type="checkbox"/> Prue Digby</p>
<p><b>Conflict of Interest Disclosures</b>  <i>"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"</i></p> <p>Nil</p>
<p><b>Whether a Councillor(s), having disclosed a conflict of interest, left the assembly:</b></p> <p>Nil</p>
<p><b>Name of Council Staff Member responsible for this written record:</b> Brianna Alcock</p>
<p><b>Position Title:</b> Manager Governance and Information</p>

\*\*\*Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.\*\*\*

12.7 Record of Assemblies of Councillors

**Executive Summary**



**RECORD OF ASSEMBLY OF COUNCILLORS**

Title of Meeting: <b>Councillor briefing</b>			
Meeting Date: <b>29 April 2019</b>			
Commencement Time: <b>5:30pm</b>		Location: <b>Acacia Room / Chamber</b>	
Finish Time: <b>6:50pm</b>			
<b>Matters Considered: (Heading only)</b> Previous Council Meeting Review Frankston Yacht Club update Frankston North Education Plan			
Note - not a formal assembly as only four Councillors in attendance			
Councillors	Present	Arrival and Departure	
Cr Brian Cunial	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input checked="" type="checkbox"/> No	Arrived:	Left:
Cr Colin Hampton	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>5:30pm</b>	Left: <b>6:50pm</b>
Cr Kris Bolam	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input checked="" type="checkbox"/> No	Arrived:	Left:
Cr Sandra Mayer	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Glenn Aitken	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Quinn McCormack	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>6:00pm</b>	Left: <b>6:50pm</b>
Cr Michael O'Reilly	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>5:55pm</b>	Left: <b>6:50pm</b>
Cr Lillian O'Connor	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input checked="" type="checkbox"/> No	Arrived:	Left:
Cr Steve Toms	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>5:30pm</b>	Left: <b>6:50pm</b>
<b>Council Staff Attendance:</b> <input checked="" type="checkbox"/> Dennis Hovenden <input checked="" type="checkbox"/> Tim Frederico <input checked="" type="checkbox"/> Dr Gillian Kay <input type="checkbox"/> Phil Cantillon Stuart Caldwell, Vishal Gupta, Martin Poole, Dana Harding, Jo Ferrie, Karen Wheeler, Keith Black			

\*\*\*Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.\*\*\*

12.7 Record of Assemblies of Councillors

**Executive Summary**

<p><b>Others in attendance (including titles):</b></p> <p><input checked="" type="checkbox"/> Prue Digby</p>
<p><b>Conflict of Interest Disclosures</b>  <i>"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"</i></p> <p>Nil - not an Assembly of Councillors</p>
<p><b>Whether a Councillor(s), having disclosed a conflict of interest, left the assembly:</b></p> <p>Not applicable</p>
<p><b>Name of Council Staff Member responsible for this written record:</b> Tim Frederico</p>
<p><b>Position Title:</b> Director Corporate Development</p>

\*\*\*Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.\*\*\*

12.7 Record of Assemblies of Councillors

**Executive Summary**



**RECORD OF ASSEMBLY OF COUNCILLORS**

<b>Title of Meeting:</b> Councillor Briefing inc Special Meeting			
<b>Meeting Date:</b> 8 May 2019			
<b>Commencement Time:</b> 5:30pm		<b>Location:</b> Council Chambers	
<b>Finish Time:</b> 7:50pm			
<b>Matters Considered:</b> (Heading only) Hearing of Submissions for Draft 2019/2020 Budget McClelland Gallery Request for Funding Karingal Neighbourhood House			
<b>Councillors</b>	<b>Present</b>	<b>Arrival and Departure</b>	
Cr Brian Cunial	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Colin Hampton	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 7:50pm
Cr Kris Bolam	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Sandra Mayer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.30pm	Left: 7.50pm
Cr Glenn Aitken	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.50pm	Left: 7.50pm
Cr Quinn McCormack	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6:30pm	Left: 7.50pm
Cr Michael O'Reilly	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:50pm	Left: 7.50pm
Cr Lillian O'Connor	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Steve Toms	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 7.50pm
<b>Council Staff Attendance:</b> <input checked="" type="checkbox"/> Dennis Hovenden <input type="checkbox"/> Tim Frederico <input checked="" type="checkbox"/> Dr Gillian Kay <input checked="" type="checkbox"/> Phil Cantillon Vera Roberts, Doug Dickins, Taylor McVean, Kim Jaensch, Luke Walker			

\*\*\*Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.\*\*\*

12.7 Record of Assemblies of Councillors

**Executive Summary**

<p><b>Others in attendance (including titles):</b></p> <p><input type="checkbox"/> Prue Digby</p>
<p><b>Conflict of Interest Disclosures</b>  <i>"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"</i></p> <p>Nil</p>
<p><b>Whether a Councillor(s), having disclosed a conflict of interest, left the assembly:</b></p> <p>Nil</p>
<p><b>Name of Council Staff Member responsible for this written record:</b> Dennis Hovenden</p>
<p><b>Position Title:</b> Chief Executive Officer</p>

\*\*\*Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.\*\*\*

12.7 Record of Assemblies of Councillors

**Executive Summary**



**RECORD OF ASSEMBLY OF COUNCILLORS**

Title of Meeting: <b>Councillor briefing</b>			
Meeting Date: <b>6 May 2019</b>			
Commencement Time: <b>5:30pm</b>		Location: Acacia Room / Chamber	
Finish Time: <b>8:20pm</b>			
<b>Matters Considered: (Heading only)</b> Agenda Review Jubilee Indoor Stadium Development Biosphere EOI SECCCA presentation			
Councillors	Present	Arrival and Departure	
Cr Brian Cunial	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>5:30pm</b>	Left: <b>8:20pm</b>
Cr Colin Hampton	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>5:30pm</b>	Left: <b>8:20pm</b>
Cr Kris Bolam	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input checked="" type="checkbox"/> No	Arrived:	Left:
Cr Sandra Mayer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>5:30pm</b>	Left: <b>8:20pm</b>
Cr Glenn Aitken	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>6:40pm</b>	Left: <b>8:10pm</b>
Cr Quinn McCormack	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Michael O'Reilly	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>5:30pm</b>	Left: <b>8:20pm</b>
Cr Lillian O'Connor	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>6:25pm</b>	Left: <b>8:20pm</b>
Cr Steve Toms	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: <b>5:30pm</b>	Left: <b>8:20pm</b>
<b>Council Staff Attendance:</b> <input checked="" type="checkbox"/> Dennis Hovenden <input checked="" type="checkbox"/> Tim Frederico <input checked="" type="checkbox"/> Dr Gillian Kay <input checked="" type="checkbox"/> Phil Cantillon Vera Roberts, Luke Ure, Cam Arullanantham, Mary-Kate Hockey, Simon Scott, Byron Douglas, Oliver Rees, Stuart Caldwell, Vishal Gupta, Brianna Alcock, Amy Parsons, Simone Bonella, Claire Warren,			

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12.7 Record of Assemblies of Councillors

**Executive Summary**

<p><b>Others in attendance (including titles):</b></p> <p><input checked="" type="checkbox"/> Prue Digby Monitor departed at 7:30pm</p> <p>Greg Hunt - WesternPort Biosphere Dominique La Fontaine - SECCCA</p>
<p><b>Conflict of Interest Disclosures</b>  <i>"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"</i></p> <p>Nil</p>
<p><b>Whether a Councillor(s), having disclosed a conflict of interest, left the assembly:</b></p> <p>Not applicable</p>
<p><b>Name of Council Staff Member responsible for this written record:</b> Tim Frederico</p>
<p><b>Position Title:</b> Director Corporate Development</p>

\*\*\*Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.\*\*\*

12.7 Record of Assemblies of Councillors

**Executive Summary**



**RECORD OF ASSEMBLY OF COUNCILLORS**

<b>Title of Meeting:</b> Pre-Agenda - Council Meeting			
<b>Meeting Date:</b> 13 May 2019			
<b>Commencement Time:</b> 5:30pm		<b>Location:</b> Acacia Room	
<b>Finish Time:</b> 7:06pm			
<b>Matters Considered:</b> (Heading only) Pre-Agenda discussion for Council Meeting			
<b>Councillors</b>	<b>Present</b>	<b>Arrival and Departure</b>	
Cr Brian Cunial	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.30pm	Left: 6.50pm
Cr Colin Hampton	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 7:02pm
Cr Kris Bolam	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.30pm	Left: 7.02pm
Cr Sandra Mayer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.30pm	Left: 7.02pm
Cr Glenn Aitken	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6.05pm	Left: 7.02pm
Cr Quinn McCormack	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6:00pm	Left: 7:02pm
Cr Michael O'Reilly	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 7:02pm
Cr Lillian O'Connor	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6.37pm	Left: 7.02pm
Cr Steve Toms	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 7.02pm
<b>Council Staff Attendance:</b> <input checked="" type="checkbox"/> Dennis Hovenden <input type="checkbox"/> Tim Frederico <input checked="" type="checkbox"/> Dr Gillian Kay <input checked="" type="checkbox"/> Phil Cantillon Luke Ure, Mary-Kate Hocking, Stuart Caldwell, Oliver Rees, Michael Papageorgiou, Kim Jaensch, Dana Harding, Tenille Craig, Vera Roberts, Taylor McVean, Sam Jackson, Amy Parsons, Vishal Gupta, Brianna Alcock			

\*\*\*Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.\*\*\*

12.7 Record of Assemblies of Councillors

**Executive Summary**

<p><b>Others in attendance (including titles):</b>  <input type="checkbox"/> Prue Digby                  Alexia Loizou, parents Bronwyn and Andy                  Matt Carter</p>
<p><b>Conflict of Interest Disclosures</b>  <i>"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"</i>                  Nil - not an Assembly of Councillors</p>
<p><b>Whether a Councillor(s), having disclosed a conflict of interest, left the assembly:</b>                  Not applicable</p>
<p><b>Name of Council Staff Member responsible for this written record:</b> Brianna Alcock</p>
<p><b>Position Title:</b> Manager Governance and Information</p>

\*\*\*Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.\*\*\*

## Executive Summary

### 12.8 Asset Management Policy

*Enquiries: (Luke Ure: Community Assets)*

#### Council Plan

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

#### **Purpose**

To seek Council's support for publicly exhibiting the Draft Asset Management Policy (2019) for consultation with the community.

#### **Recommendation (Director Community Assets)**

That Council:

1. Notes the updated Draft Asset Management Policy (2019) and agrees for it to be publicly exhibited for consultation with the community for a period of four weeks; and
2. Seeks a report back to Council no later than the August 2019 Ordinary Meeting to consider the community feedback and to adopt an updated Asset Management Policy.

#### **Key Points / Issues**

- The current Asset Management Policy was approved by Council on 18 February 2013 and is due to be renewed.
- An Asset Management Policy provides the guiding principles for the long-term sustainable management of Council's asset portfolio. The Policy is applicable to all Council owned assets and all Council managed assets (including leased assets) that:
  - Are used by the community;
  - Support the delivery of services provided for the benefit of the Frankston community; or
  - Are held by Council for future use.
- The Policy provides a framework for all Councillors and Council officers involved in the creation, operation, maintenance, upgrade, renewal and rationalisation of Council assets. The Policy applies to all contracts applicable in these areas and to all officers responsible for the delivery of services that make use of Council assets.
- In January 2014 three international standards were published in relation to asset management:
  - ISO 55000: Asset Management – Overview, principles and terminology
  - ISO 55001: Asset Management – Management Systems - Requirements
  - ISO 55002: Asset Management – Management Systems – Guidelines for the Application of ISO 55001

**12.8 Asset Management Policy****Executive Summary**

- The revised Policy has been developed in keeping with these standards and the recommendations in the International Infrastructure Management Manual published by the Institute of Public Works Engineering Australasia (IPWEA).

**Financial Impact**

The Victorian Government introduced the “Fair Go Rates” system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.5 per cent for 2019-2020.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council’s major source of income, Council’s capacity to continue to deliver services and fund its capital programme will be severely restricted.

Council’s Draft Asset Management Policy (2019) does not have any direct financial implications; it is Council’s Asset Management Strategy, Asset Management Plans and the Long Term Infrastructure Plan (LTIP) that administer the financial elements of asset management. However, these documents adhere to this Policy, which provides the guiding principles for long-term sustainable management of Council’s asset portfolio.

Taking a lifecycle approach, the revised Draft Policy assists the development of cost-effective management strategies for the long-term so that an asset can deliver the desired service level over its life.

**Consultation****1. External Stakeholders**

No external consultation has yet been undertaken for the review of this policy, however it has been developed in accordance with the following international standards related to asset management:

- ISO 55000: Asset Management – Overview, principles and terminology
- ISO 55001: Asset Management – Management Systems - Requirements
- ISO 55002: Asset Management – Management Systems – Guidelines for the Application of ISO 55001

**2. Other Stakeholders**

Internal consultation has occurred with key stakeholders of Council’s Strategic Asset Management Team (SAMT). This group consists of key stakeholders across all directorates of the organisation that are involved in the strategic management of municipal assets over their lifecycle.

**Analysis (Environmental / Economic / Social Implications)**

Council assets support triple bottom line outcomes of environmental, financial and social sustainability. A sound Asset Management Policy and effective integrated asset management practice ensures economic systems are serviced and have opportunity for economic growth; the environment and amenity of the municipality is improved; and, community pride and wellbeing is enhanced through better infrastructure asset management practices that benefit service delivery to the community.

**12.8 Asset Management Policy****Executive Summary****Legal / Policy / Council Plan Impact**Charter of Human Rights and Responsibilities

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

Legal

The endorsement of this Policy has no legal implications.

Policy Impacts

The Draft Asset Management Policy (2019) is supported by Council's Strategic Asset Management Governance Structure that provides a framework that supports adherence to the principles of the Policy. It also enables a consistent approach to drive continuous improvement across the organisation in its strategic asset management practice.

Officer's Declaration of Interests

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

**Risk Mitigation**

Failure to comply with this Policy is likely to result in increased risk of:

- Unsafe infrastructure;
- Infrastructure that is not fit for purpose;
- Assets that do not comply with Council's social, environmental and economic priorities;
- Assets with excessive on-going operational costs;
- Excess assets;
- Underinsured assets;
- Property damage;
- Service disruption;
- An increase in the renewal gap;
- A lack of compliance with statutory reporting requirements; or
- Performance management for staff who fail to adhere to the Policy

**Conclusion**

It is recommended that the Draft Asset Management Policy (2019) be publicly exhibited for consultation with the community prior to returning to Council for adoption.

This Policy has been written to guide the future management of all Council assets to meet community needs within financial and other practical constraints.

Adoption and adherence to the Policy is expected to ensure that Council assets are well managed throughout their lifecycle and support triple bottom line outcomes of environmental, financial and social sustainability.

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**ATTACHMENTS**

Attachment A: [↓](#) Draft Asset Management Policy (2019)

**12.8 Asset Management Policy****Executive Summary****Background**

The Draft Asset Management Policy (2019) supersedes the previous version adopted by Council on 18 February 2013.

Council's Infrastructure represents a major investment (totalling \$1.75B (2017/18 Financial Report) which has grown significantly over many years.

Asset management is a core Council function and responsibility. To realise Council's vision and to meet increasing service delivery demands requires a functional and cost effective asset base. To achieve this, an integrated and multi-disciplinary approach to asset management is necessary.

Achieving best value in relation to both short and long-term service needs requires an understanding of the total costs associated with each asset over its lifecycle (from creation to disposal). Adopting a best practice approach to asset management will enable Council to safeguard the considerable investment required to sustain its asset portfolio for current and future generations.

Frankston City Council is committed to ensuring that all Council assets are appropriately managed and relevant to community needs. The Asset Management Policy is intended to:

- Establish a framework to ensure that asset management is undertaken in a structured, coordinated, cost effective and financially sustainable manner;
- Guide the ongoing review and update of Council's Asset Management Strategy and Asset Management Plans;
- Ensure Council budgets provide the appropriate level of non-discretionary funding for renewal, maintenance and operation of existing assets ahead of discretionary funding for new assets and asset upgrades to ensure ongoing provision of existing levels of services; and
- Guide Council's decision making with respect to the Capital Works Program, Long Term Financial Plan, Best Service Reviews and Annual Budgets

This Policy if adopted will expire on the 30 June 2023, or earlier as deemed necessary by Council, and therefore it is ensured the policy will be reviewed at least once within each Council term. The Sustainable Assets Department will review, update and represent this policy to Council as required.

**Issues and Discussion**

The goal of infrastructure asset management is to meet the required level of service, in the most cost effective manner, through the management of assets for present and future customers. The key elements of best practice asset management are:

- taking a life cycle approach;
- developing cost-effective management strategies for the long-term;
- provide a defined level of service and monitoring performance;
- understanding and meeting the impact of growth through demand management and infrastructure investment;
- managing risks associated with asset failure;
- sustainable use of physical resources; and
- continuous improvement in asset management practices.

**12.8 Asset Management Policy****Executive Summary**

A sound Asset Management Policy provides benefits related to asset and service integration, accountability, risk management, service management and financial efficiency. It results in:

- Improved governance and accountability;
- Enhanced service management and customer satisfaction;
- Improved risk management;
- Improved financial efficiency; and
- More sustainable decisions.

A holistic approach to the management of infrastructure assets is essential in order to provide services in the most cost-effective manner, and to demonstrate this to customers, investors and other stakeholders. Therefore, Frankston City Council requires a robust Asset Management Policy.

**Options Available including Financial Implications**

Officers recommend that Council endorse the updated Draft Asset Management Policy (2019).

The policy does not have any direct financial implications; it is Council's Asset Management Strategy, Asset Management Plans and the Long Term Infrastructure Plan (LTIP) that administer the financial elements of asset management. However, these documents adhere to this Policy, which provides the guiding principles for long-term sustainable management of Council's asset portfolio.

Taking a lifecycle approach, the revised Policy assists the development of cost-effective management strategies for the long-term so that an asset can deliver the desired service level over its life.

# Asset Management Policy

A3962804

## 1. Policy Statement

Frankston City Council is committed to ensuring that all Council assets are appropriately managed and relevant to community needs. This Policy is intended to:

- 1.1 Establish a framework to ensure that asset management is undertaken in a structured, coordinated, cost effective and financially sustainable manner;
- 1.2 Guide the ongoing review and update of Council's Asset Management Strategy, Service and Asset Management Plans;
- 1.3 Ensure Council budgets provide the appropriate level of non-discretionary funding for renewal, maintenance and operation of existing assets ahead of discretionary funding for new assets and asset upgrades to ensure ongoing provision of existing levels of services; and
- 1.4 Guide Council's decision making with respect to Life Cycle Costing, the Long Term Infrastructure Plan (LTIP), Long Term Financial Plan (LTFP), Service Planning and Annual Budgets.

## 2. Reason for Policy

A key function of this Policy to define the Asset Management Framework that will be used to guide Council in the planning and investment in community assets (refer Figure 1).

Frankston City Council has responsibility for the stewardship of assets for the benefit of current and future generations. The most recent valuation of Council's asset portfolio was \$1.75B (2017/18 Financial Report). Millions of dollars are spent annually managing and maintaining these assets. It is therefore important that Council employs sound asset management practices to ensure all Council assets are managed effectively and sustainably.

Implementation of the Policy is expected to achieve the following asset management objectives:

- 2.1 Council assets are well managed throughout their lifecycle;
- 2.2 Council will manage its asset portfolio in a manner that ensures its compliance to the relevant legislation and regulations;
- 2.3 Council assets support triple bottom line outcomes of environmental, financial and social sustainability;
- 2.4 Asset management decisions are based on an integrated process, which includes community participation, has a long term focus, and balances competing social, financial and environmental priorities;
- 2.5 Council is accountable to the community regarding asset performance and its asset management activities;
- 2.6 Non-discretionary funding for the maintenance, operation and renewal of existing assets is prioritised ahead of discretionary funding of new assets;

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- 2.7 Council proactively inspects and protects its asset inventory and seeks compensation from third parties who damage municipal assets;
- 2.8 Council increases facility utilisation by reducing the current asset stock and moving toward the development of integrated multi-purpose facility hubs;
- 2.9 Council's exposure to risk is minimised, in regard to asset failures, property risk exposure, damage and loss; and,
- 2.10 Council will continue to improve its knowledge and asset management practices (including staff training and competencies).

### 3. Scope

This Policy is established on:

- (a) A set of Policy statements aligned to organisational objectives that reflect overall asset management approach
- (b) A specific set of asset management principles

This Policy provides the guiding principles for long-term sustainable management of Council's asset portfolio. The Policy defines the asset management framework which has been developed based on industry best practice guidelines such as the ISO 55000 asset management system requirements.

This Policy is applicable to all Council owned assets and all Council-managed assets (including leased assets) that:

- are used by the community;
- support the delivery of services provided for the benefit of the Frankston community; or
- are held by Council for future use

This Policy applies to all Councillors and Council officers involved in the creation, operation maintenance, upgrade, renewal and rationalisation of Council assets. The Policy applies to all contracts applicable in these areas. It also applies to all officers responsible for the delivery of services that make use of Council assets.

### 4. Authorisation

This Policy is managed by the Sustainable Assets Department, and is approved by Frankston City's Mayor and Council's Chief Executive Officer (CEO):

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Mayor, Frankston City

in accordance with Frankston City Council resolution at its Ordinary Council meeting of 3 June, 2019.

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CEO, Frankston City Council

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## 5. Revision date

This Policy will be reviewed and presented to Council no later than June 30, 2023 or earlier as deemed necessary by Council, and therefore once within each subsequent Council term.

## 6. Principles

This Policy is expected to deliver the following vision for asset management practices:

*As stewards of community assets, Frankston City Council will provide assets that support the provision of best value services. Council assets will be accessible, safe and suitable for community use. The approach to asset management will be sustainable. It will balance competing community social, environmental and economic needs for the benefit of current and future generations.*

To realise Council's vision and to meet increasing service delivery demands requires a functional and cost effective asset base. To achieve this, an integrated and multi-disciplinary approach to asset management is necessary.

Achieving best value in relation to both short and long-term service needs requires an understanding of the total costs associated with each asset over its lifecycle (from creation to disposal). Adopting a best practice approach to asset management will enable Council to safeguard the considerable investment required to sustain its asset portfolio for current and future generations.

This Policy is based on a set of guiding asset management principles. All asset management decisions will be guided by the following principles:

- 6.1 Ensure Assets Support the Services Provided by Council;
- 6.2 Community Involvement in Decision-Making;
- 6.3 Focus on Long-term Sustainability;
- 6.4 Sustainable Investment in Capital Works;
- 6.5 Continuous Improvement in Data and Asset Management Information Systems;
- 6.6 Compliant Asset Accounting;
- 6.7 Legislative and Regulatory Compliance;
- 6.8 Compliance with Insurance Obligations;
- 6.9 Continuous Improvement in Risk Management;
- 6.10 On-going Training and Skill Development; and
- 6.11 Effective Performance Monitoring and Reporting.

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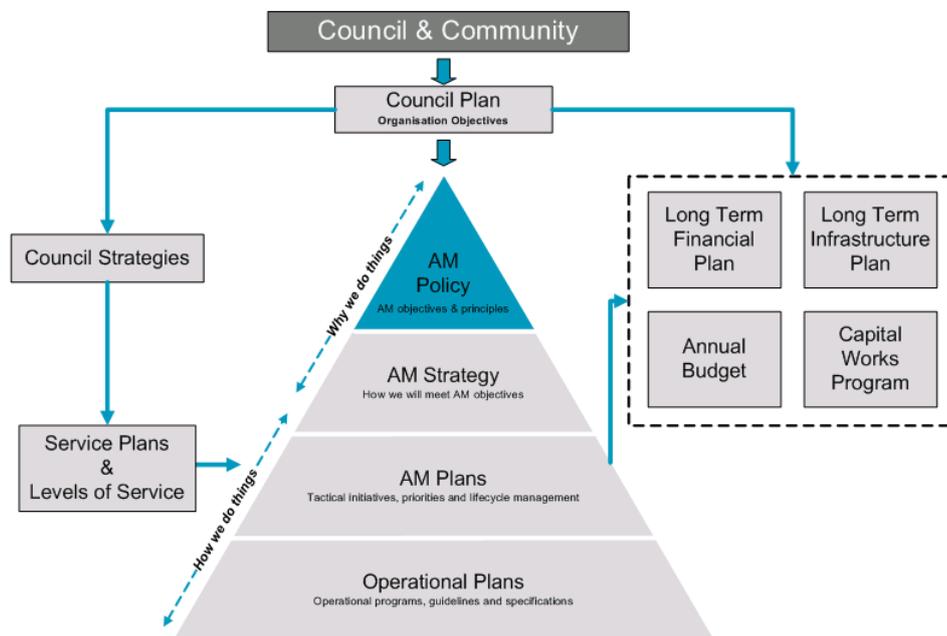


Figure 1: Asset Management Framework

## 7. Roles and Responsibilities

This Asset Management Policy will be adopted and implemented through the Strategic Asset Management Governance Structure to ensure integration of asset management planning and service delivery.

The roles and responsibilities of the Strategic Asset Management Governance Structure is defined as below:

### 7.1 Council:

- 7.1.1 Act as custodians and stewards of community assets.
- 7.1.2 Be aware of best practice asset management principles.
- 7.1.3 Ensure commitment to sustainable asset management principles is incorporated in the Council Plan.
- 7.1.4 Ensure that legal and statutory compliance obligations are met.
- 7.1.5 Approve organisational objectives, Asset Management Policy, Strategy and Plans.
- 7.1.6 Approve the alteration and/or rationalisation of under-utilised or surplus Council assets.
- 7.1.7 Ensure appropriate financial resources for non-discretionary asset management activities are maintained in accordance with funding strategies of the LTFP & LTIP.
- 7.1.8 Establishment of service provision to balance community expectations and affordability.

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## 7.2 Executive Management Team:

- 7.2.1 Act as the principle advocates (leadership) of community assets and establish organisational plans and objectives.
- 7.2.2 Ensure that legal and statutory compliance obligations are met.
- 7.2.3 Take overall responsibility for implementing the organisation's objectives, Asset Management Policy, Strategy and Plans with agreed resources.
- 7.2.4 Facilitate the effective operation of Council's Strategic Asset Management Team (SAMT).
- 7.2.5 Supports asset management requirements in relevant staff position descriptions and performance plans, and provide asset management learning and development programs.
- 7.2.6 Ensure that accurate and reliable information is presented to Council for decision-making.
- 7.2.7 Promote cross-functional collaboration and the importance of sustainable asset management practices within the organisation.
- 7.2.8 Ensure that Councillors and staff are adequately trained and skilled in sustainable financial, environmental and asset management practices.

## 7.3 Audit & Risk Committee:

- 7.3.1 Ensures municipal assets are compliant with relevant legislation and regulations.
- 7.3.2 Supports Council to be responsive to changes in legislation and regulations and provide appropriate funding to ensure compliance occurs in a timely manner.
- 7.3.3 Oversees the maintenance of road related assets to ensure ongoing compliance with the Road Management Plan.
- 7.3.4 Ensures the valuation of Council assets will be in accordance with the accounting standards applicable for local governments within the State of Victoria.
- 7.3.5 Monitors compliance with insurance obligations and ensures information regarding asset valuations and insurance replacement values are linked to the asset register.

## 7.4 Strategic Asset Management Team:

- 7.4.1 Have a broad understanding of asset management issues and the continuous improvement approach being adopted.
- 7.4.2 Monitor and report the delivery of the Asset Management Policy, Strategy, Plans and improvement actions to EMT.
- 7.4.3 Review and implement, where possible, external audit recommendations relating to asset management.
- 7.4.4 Raises awareness throughout the organisation of the benefits of committing to a strategic asset management approach.
- 7.4.5 Identify opportunities and support development for improvement in relation to the planning, development and management of assets.

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- 7.4.6 Advocate for improved strategic asset management outcomes.
- 7.4.7 Recommends budget allocations for renewal expenditure as per Council's LTFP & LTIP.
- 7.4.8 Approves forward schedule of asset audits and AM Plan reviews.

**7.5 Asset Managers and staff**

- 7.5.1 Implement the Asset Management Policy, Strategy and Asset Management Plans.
- 7.5.2 Manage infrastructure assets in consideration of long term sustainability.
- 7.5.3 Develop and implement tactical and operational plans (such as maintenance programs, capital works programs) in accordance with the relevant Asset Management Plan and works management plans.
- 7.5.4 Establish service delivery needs and define service levels in consultation with local community stakeholders, and balances competing social, financial and environmental priorities.
- 7.5.5 Ensure that appropriate infrastructure is provided and maintained to meet service delivery needs.
- 7.5.6 Development of levels of service, KPIs and service delivery to agreed risk and cost standards.
- 7.5.7 Ensure an asset options evaluation process is undertaken whenever an asset is no longer required to support the current service.
- 7.5.8 Prepare State of Assets Report and Asset Management Improvement Action Status Report and performance reporting against levels of service and KPIs.
- 7.5.9 Adhere to SAMT initiatives.

**8. Policy non-compliance**

Failure to comply with this Policy is likely to result in increased risk of:

- 8.1 Unsafe infrastructure;
- 8.2 Infrastructure that is not fit for purpose;
- 8.3 Assets that do not comply with Council's social, environmental and economic priorities;
- 8.4 Assets with excessive on-going operational costs;
- 8.5 Excess assets;
- 8.6 Underinsured assets;
- 8.7 Property damage;
- 8.8 Service disruption;
- 8.9 An increase in the renewal gap;
- 8.10 A lack of compliance with statutory reporting requirements; or,
- 8.11 Performance management for staff who fail to adhere to the Policy

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## 9. Related documents

Council's Planning framework is fundamentally guided by legislative requirements. The framework is also informed by community expectations.

The Council Plan 2017-2021 guides the organisation's overall strategic direction. The Council Plan acknowledges that strategic asset management is essential for effective delivery of community services in a financially responsible manner.

Council's Strategic Resource Plan and a number of other high-level strategic documents, including this Policy, support the delivery of the strategic objectives set out in the Council Plan.

All revised Asset Management Plans will be adopted by Council and will be informed by community consultation and local government financial reporting frameworks. The Asset Management Plans will incorporate service level targets, and include predictive financial modelling that will inform Council's future Long Term Financial Plan and budgets.

This Policy has been developed in keeping with ISO 55000 standards (2014) and the recommendations in the International Infrastructure Management Manual (2015) published by the Institute of Public Works Engineering Australasia (IPWEA).

## 10. Implementation of the Policy

Following adoption of this policy the Strategic Asset Management Team (SAMT) will be responsible for delivery of this Policy required to operate the Asset Management Framework including the Asset Management Strategy, Service and Asset Management Plans.

The SAMT is composed of representatives from all areas of Council and will ensure Council has an integrated approach to continuous improvement in its asset management practices and capabilities.

SAMT will meet regularly and its meetings, and other existing internal communication mediums, will be utilised to explain the key features of this policy to all affected staff.

Implementation of this policy requires the development and adoption of revised Asset Management Strategy, Service Plans and Asset Management Plans guided by the principles outlined in this policy.

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## 11. Definitions

<b>Asset</b>	<p>An item or thing that has potential value to Council, and for which the Council has a responsibility.</p> <p>Assets include: infrastructure assets (i.e. roads, footpaths, cycle paths, kerbs and channels, street furniture, signage, street trees, bridges, buildings, drains, playgrounds, open space and sporting reserves); cultural assets (i.e. art collections); office equipment (software, desks, computers, etc.); vehicles; plant equipment and associated infrastructure required for the delivery of Council services (which may be non-Council and managed or utilised through a formal agreement).</p>
<b>Asset Management (AM)</b>	<p>The coordinated activity to realise lifecycle value from assets in delivery of its objectives</p>
<b>Best Value</b>	<p>The optimal mix of cost, customer requirements and sustainability (environmental, social, and economic).</p>
<b>Discretionary Funding</b>	<p>Funding for the provision of new assets to support delivery of new, improved, or expanded services.</p> <p>Funds should only be allocated only when all non-discretionary requirements are met.</p>
<b>Environmental Sustainability</b>	<p>A proactive approach to environmental management that conserves natural resources and minimises the environmental impact on the natural world.</p>
<b>Financial Sustainability</b>	<p>The financial sustainability of a Council is determined by its ability to manage expected financial requirements and financial risks and shocks over the long term without the use of disruptive revenue or expenditure measures; which is determined by:</p> <ul style="list-style-type: none"> <li>(i) healthy finances in the current period and long term outlook based on continuation of the Council’s present spending and funding policies and given likely economic and demographic developments; and</li> <li>(ii) ensuring infrastructure renewals/replacement expenditure matches forward looking Asset Management Plan expenditure needs.</li> </ul>
<b>Lifecycle Cost</b>	<p>Total expenditure required throughout the life of an asset in order to fund the creation, design, construction, operation, maintenance, renewal and disposal of the asset, so that the asset can deliver the desired service level over its life.</p>
<b>Non-Discretionary Funding</b>	<p>The concept is that once an asset is owned, Council has a responsibility to maintain its serviceability. This responsibility is non-discretionary and therefore funding for asset risk mitigation, maintenance and renewal, which are necessary to maintain the asset in a condition suitable for service delivery, is non-discretionary.</p>

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- Service** A combination of tangible and intangible benefits that can be produced and consumed.
- Level of Service** A relevant measurable standard or target that reflects the required performance to meet agreed community expectations in relation to the type, quality and quantity of services delivered by Council.
- Renewal Gap** The difference between *Current Renewal Expenditure* and the *Required Renewal Expenditure* considered necessary to renew assets to enable services to continue at their desired level.

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**Executive Summary****12.9 Finalisation of Cranhaven Road (stage 2) Special Charge Scheme (Warrandyte Road to Lapwing Close).**

*Enquiries: (Doug Dickins: Community Assets)*

Council Plan

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

**Purpose**

To update Council on the finalised project cost of the Special Charge Scheme for Cranhaven Road Stage 2 – Warrandyte Road to Lapwing Close, Langwarrin, following the completion of construction works in March 2019 and seek approval to vary the Special Charge accordingly.

**Recommendation (Director Community Assets)**

That:

1. Following the completion of construction, the Special Charge Scheme declared by Council on 4 April 2018 for the construction of Cranhaven Road Stage 2 – Warrandyte Road to Lapwing Close, Langwarrin, be varied, under Section 166 of the *Local Government Act 1989*, in accordance with the attached Schedule – Appendix B;
2. The affected owners be notified accordingly; and
3. Council's Chief Executive Officer be authorised to seek payment of and recover the varied Special Charge.

**Key Points / Issues**

- At Council Meeting 2018/OM4 on 3 April 2018, Council resolved to declare the Special Charge for the purposes of defraying expenses incurred or to be incurred by Council in relation to the construction of Cranhaven Road, Langwarrin, between Warrandyte Road and Lapwing Court.
- This project has now been constructed and completed including road construction and ancillary works.
- The final project cost has now been determined, and is 6.25% lower than the initial project estimate as contained in the Council report at meeting 2018/OM4.
- Council can vary the Special Charge under Section 166 of the Local Government Act 1989 to reflect the savings in the project. This will result in a reduction of the contribution required from each of the contributors to the scheme.

**Financial Impact**

The Victorian Government introduced the "Fair Go Rates" system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.5 per cent for 2019-2020.

**12.9 Finalisation of Cranhaven Road (stage 2) Special Charge Scheme (Warrandyte Road to Lapwing Close).****Executive Summary**

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council's major source of income, Council's capacity to continue to deliver services and fund its capital programme will be severely restricted.

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

The amount estimated for construction, plus overheads including Survey, Design, Administration and Management, was \$372,000 excluding GST. Following completion of the construction works, the finalised project cost is \$348,650, a reduction of 6.25%.

This is a saving of \$5,555 for Council and \$17,795 for contributors and is a positive financial outcome for both contributors to the scheme and Council.

**Consultation****1. External Stakeholders**

All affected property owners were advised throughout the Scheme process that ultimately finalised costs would be adopted for the Special Charge.

**2. Other Stakeholders**

The Assets, Planning, Rates and Operations Departments were consulted for the project.

**Analysis (Environmental / Economic / Social Implications)**

There are no environmental implications arising out of finalisation of costs.

Effective project management and favourable tendering have enabled savings to owners subject to the Special Charge, as well as to general ratepayers.

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

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

Legal

There were no Applications to VCAT regarding this Scheme. There is no provision in The Act for submissions or appeals in relation to the variations of the special charge.

Policy Impacts

This Scheme has complied with all processes detailed in Council's current Contributory Schemes Policy.

Officer's Declaration of Interests

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

**Risk Mitigation**

There are no risks associated with this report.

**12.9 Finalisation of Cranhaven Road (stage 2) Special Charge Scheme (Warrandyte Road to Lapwing Close).****Executive Summary****Conclusion**

The project is now completed and the final costs are determined council can now vary the Special Charge apportioned to property owners to reduce the contribution required.

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**ATTACHMENTS**

Attachment A: [⇒](#) Appendix A - Detailed Breakdown of Project Costs (*Under Separate Cover*)

Attachment B: [⇒](#) Appendix B - Contributors Estimated and Final Apportionment (*Under Separate Cover*)

**12.9 Finalisation of Cranhaven Road (stage 2) Special Charge Scheme (Warrandyte Road to Lapwing Close).****Officers' Assessment****Background**

Cranhaven Road Stage 2 – Warrandyte Rd to Lapwing Cl, Langwarrin, has been constructed as a Special Charge Scheme under the provision of Section 163 of the Local Government Act 1989.

At Council Meeting 2018/OM4 on 3 April 2018, Council resolved to declare the Special Charge. The amounts levied on benefitting property owners were based on estimated construction costs. Owners were advised that there are normally variations of cost arising during construction, and that the Special Charge would be adjusted as required once the final costs are determined.

Council may vary a Special Charge, under Section 166 of the Local government Act 1989.

**Issues and Discussion**

The amount estimated for construction, plus overheads including survey, design, administration and project management, was \$372,000 excluding GST. Following completion of the construction works, the finalised project cost is \$348,650, a reduction of 6.25% percent.

The estimated and actual costs are as follows:

	<b>Estimated</b>	<b>Actual</b>
Total Project Cost comprising:	\$372,000	\$348,650
- Council's share as road authority	\$136,700	\$131,145
- Property owners share as Special Charge	\$235,300	\$217,505

This is a saving of \$5,555 for Council and \$17,795 for contributors and is a positive financial outcome for both contributors to the scheme and also ratepayers of Frankston City Council.

Attachment A shows the detailed breakdown of project costs for the works and Attachment B shows the contributors estimated and final apportionment for each property. An innovative construction methodology, effective project management and competitive tendering have reduced the financial impact on resident and general ratepayers.

Under the Local Government Act 1989, Council can vary the Special Charge to reduce the contribution apportioned to each property to pass on the savings achieved to the contributors.

It is recommended that the Special Charge be varied in accordance with the information in Attachment B.

## Executive Summary

### 12.10 Busking in the CAA

*Enquiries: (Andrew Moon: Community Development)*

#### Council Plan

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

#### Purpose

To brief Council on the proposed new format of the *Busking Code of Conduct* and *Street Performance Permit Conditions*.

#### Recommendation (Director Community Development)

That Council:

1. Endorses the new format *Busking Code of Conduct* and *Street Performance Permit Conditions* for consultation with city centre business operators
2. Notes the draft *Busking Code of Conduct*, including the results of consultation, will be presented to Council for approval to Gazette in August 2019.

#### Key Points / Issues

- The current *Busking Code of Conduct* is outdated with inappropriate minor conditions imbedded in a Gazetted document which requires unnecessary red tape to alter
- The proposed format of the new Gazetted *Busking Code of Conduct* clearly articulates enforceable elements whilst minor, periphery conditions, reside in a non-gazetted set of *Street Performance Permit Conditions* allowing for more efficient 'tweaking' of permit conditions should this become necessary
- The main changes in the new set of documents are:
  - *Street Performance Permits* will be free
  - applicants are vetted through a quality lens (keeping in mind that we are not auditioning for professional performers)
  - assessment criteria developed to ensure Street Performers are considered suitable and acceptable to safety, amenity and their public appeal
  - length of performance time has been reduced with mandatory maximum 'set' times and mandatory breaks
  - selected sites allow for low volume amplification
  - valid Frankston council *Street Performance Permit* must be displayed while performing
- A number of city traders have concerns regarding the current quality and appropriateness of some performances. This concern most often arises from a clash of performance type and the space the performance is occurring in. i.e. a loud saxophone in a highly reverberant space

**12.10 Busking in the CAA**  
**Executive Summary**

- It is proposed that once Council approve these draft documents a consultation process will be undertaken with CAA businesses

**Financial Impact**

The Victorian Government introduced the “Fair Go Rates” system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.5 per cent for 2019-2020.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council’s major source of income, Council’s capacity to continue to deliver services and fund its capital programme will be severely restricted.

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

Charging for *Street Performance Permits* presents a barrier for many performers.

Revenue raised is insignificant (aprox. \$800pa) and requires unnecessary burdensome processes. Officer’s time will be more productively spent on managing quality.

**Consultation****1. External Stakeholders**

Consultation with business operators in the CAA will be undertaken after council approve the direction of these documents.

**2. Other Stakeholders**

Community safety.

**Analysis (Environmental / Economic / Social Implications)**

The proactive management of Street Performers is a way to foster the cultural diversity and entertainment that street performance can provide while ensuring safety, amenity and access for the public.

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

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

Legal

Enforcement of the *Busking Code of Conduct* is provided through General Local Law 2016 – No. 8

Policy Impacts

The new suite of Busking/Street Performance documents provide a clearer articulation of Councils intent for this art form.

**12.10 Busking in the CAA**  
**Executive Summary**Officer's Declaration of Interests

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

**Risk Mitigation**

The topics of safety, audience management, performance times & sites, noise levels, alcohol & prohibited substances and amenity are covered in the *Busking Code of Conduct* and *Street Performance Permit Conditions*.

**Conclusion**

The proposed format of the new Gazetted *Busking Code of Conduct* clearly articulates enforceable elements whilst minor, periphery conditions, reside in a non-gazetted set of *Street Performance Permit Conditions* allowing for more efficient 'tweaking' of permit conditions should this become necessary.

Management of the quality of our permitted Street Performers, rather than the collection of minimal permit fees will provide a more vibrant amenity in the Frankston CAA.

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**ATTACHMENTS**

Attachment A: [↓](#) Arts & Culture - NEW Busking Code of Conduct - Sept 2018

Attachment B: [↓](#) Arts & Culture - NEW Application for Street Performance 2018

Attachment C: [↓](#) Arts & Culture - NEW Street Performance Permit Conditions 2018

**12.10 Busking in the CAA**  
**Executive Summary**

# Busking Code of Conduct



*opportunity » growth » lifestyle*

## Introduction

This Frankston City Council Busking Code of Conduct provides guidance in order to ensure street performances are conducted safely, at appropriate times and are compliant with the Street Performance Permit Conditions.

Council sees the proactive management of the Busking Code of Conduct as a way to foster the cultural diversity and entertainment that street performance brings to Frankston City while ensuring safety, amenity and access for the public.

The Code provides information about acceptable parameters, guidelines and behaviors for street performers in Frankston City.

Street Performance is defined as the playing of a musical instrument, singing, giving a recital, creating art or performing.

Street performers in Frankston City are bound by this Code of Conduct.

## Permits

Street performers are required to:

- hold a current and valid Frankston City Council street performer permit
- visibly display the valid permit while performing
- at all times comply with the Frankston City Council Street Performance Permit Conditions

Frankston City Council reserves the right to alter the conditions or cancel a permit at any time.

## Safety

Street performers must:

- always perform in a safe manner
- not endanger members of the public, themselves, or any property.

## Audience management

Street performers are required to manage their audience so that traffic flow and pedestrian access remain unimpeded and safe.

## Times

Allowable street performance times are outlined in the Street Performance Permit Conditions.

**12.10 Busking in the CAA**  
**Executive Summary****Performance sites**

Street performers can only perform in designated busking zones as specified in the Street Performance Permit Conditions.

The issuing of a permit does not guarantee a site.

**Noise levels**

Street performances should be within acceptable volume levels as outlined in the Street Performance Permit Conditions.

**Alcohol and other prohibited substances**

Street performers are not permitted to perform while under the influence of alcohol or other prohibited substances.

**Local laws**

Street performers must comply with all local laws.

**Interaction with the public**

- Street performers must not offend any member of the public by their behavior, performance or other offensive language/material
- Active solicitation for money from the public is not permitted
- Selected merchandise may be permitted, see the Street Performance Permit Conditions for details.

**Related Documents found on Frankston City Council website**

- General Local Law 2016 – No.8
- Street Performance Permit Conditions
- Application for Street Performance

# Application for: Street Performance



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### HOW TO COMPLETE THIS FORM

1. Read the Busking Code of Conduct and the Street Performance Permit Conditions before completing this form
2. Fill out all fields correctly using block letters
3. Ensure you have all supporting documentation; and
4. Ensure all supporting documentation and files are submitted to Council with the completed application form
5. Refer to the 'How to Apply' section for further information.

### PLEASE ALLOW 21 DAYS FOR PROCESSING OF THIS PERMIT APPLICATION

#### SECTION 1: APPLICANT DETAILS

Surname (Required)

Given Name (Required)

Phone No.

Mobile No. (Required)

Email address (Required)

Residential Address (Required)

Suburb

State

Post Code

Applicants under the age of 18 must also provide –

DOB

Parent/Guardian Surname

Parent/Guardian Given Name

Parent/Guardian Telephone No

Parent/Guardian Email address

#### SECTION 2: STREET PERFORMANCE DETAILS

(1) Please provide a brief description of the of street performance proposed to be conducted

(2) Do you intend to sell merchandise

Yes

No

Type of merchandise

(3) Amplification required

Yes

No



(4) Do you hold Street Performer permits from other Councils?

Yes

No

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**SECTION 3: SUPPORTING DOCUMENTATION CHECKLIST**

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Copies of the following documentation must be provided to Frankston City Council at the time of application. Applications received without the required documentation will not be processed.

**Photo Identification**

A certified copy of photo identification must contain the applicants name and current address

(If applicant is underage and no photo ID is available, the parent/guardian's photo identification is acceptable).

**Digital files** (for assessment criteria please see Street Performance Permit Conditions)  
Applicants need to provide three or four of the following for review by Frankston City Council.

- Links to your music, performance or visual files
- Links to YouTube
- Links to your website
- Links to videos appropriate to your art form
- Other suitable digital files

If you have any other supporting documentation that may benefit your application i.e. testimonials from previous street performances please also submit these.

Evidence of developed and varied repertoire (for assessment criteria please see Street Performance Permit Conditions)

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**SECTION 4: STATEMENT OF ACCEPTANCE**

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I declare that the information I have provided is true and correct. I have read, understood and agree to Frankston City Council's Street Performance Permit Conditions and wish to apply for the selected permit to use in accordance with these terms. I will ensure that the permit is not sold, transferred or assigned to another party and will be solely used for the purposes as stated. I agree to return the permit if my eligibility changes. I acknowledge any information found to be false in support of this application will result in my permit being cancelled. I acknowledge that this permit may be withdrawn or cancelled by Council.

Applicants Name

Applicants Signature

Date

*(For applicants under 18 years of age)*

Parent /Guardian Name

Parent/Guardian Signature

Date

Frankston City Council is committed to protecting your privacy. The personal information you provide on this application is being collected by Frankston City Council for the primary purpose of assessing your eligibility for the selected permit. We may also need to contact you from time to time for directly related purposes. Your personal information will not be disclosed to any external party without your consent, unless required or authorised by law. Failure to provide the information required means your application will not be processed. If you wish to gain access to, or alter any information you have applied to Frankston City Council whilst completing this application, please contact Council on 1300 322 322.

#### HOW TO APPLY

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Please complete the application form and return with any required supporting documentation to Council via one of the methods below.

Please ensure you keep the 'Street Performance Permit Conditions' information for your reference.

By Mail

Frankston City Council  
PO BOX 490  
Frankston VIC 3199

By Email

Please email the completed application form with the required supporting documentation and files to: [info@frankston.vic.gov.au](mailto:info@frankston.vic.gov.au)

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# Frankston City Council

## Street Performance Permit Conditions



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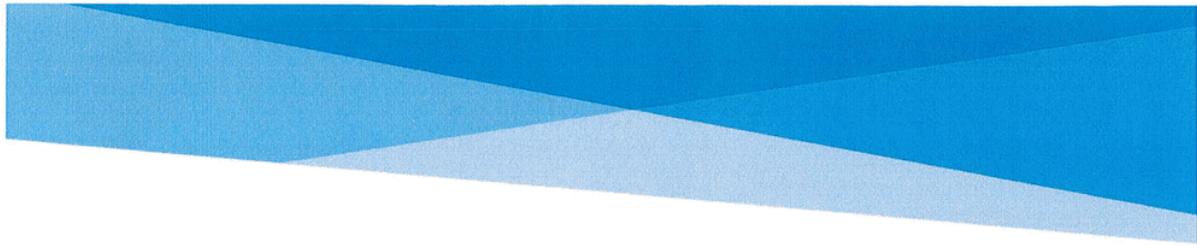
### **Street performers in Frankston City must follow these conditions:**

#### **Permits**

- *Street performers* may only perform if they hold a current, valid permit and must obey the conditions of that permit. Laminated valid permit is required to be visibly displayed while performing
- For the purposes of identification, before a permit will be issued, applicants are required to provide a certified copy of proof of identity in one of the following forms:
  - Student identity/proof of age card
  - Current passport
  - Current driver's licence
- In the case of a group, one permit will be issued but each member will be named on the permit and each member must provide identification
- *Street performers* under 18 years of age require written permission from a parent or guardian and must be accompanied by a parent or guardian when performing
- *Street performance* permits are not transferable
- *Street performers* must carry out any directions given by Victoria Police, Ambulance, Emergency Services or an Authorised Officer of Council
- At any time Council may cancel a permit without prior notice if the permit holder fails to comply with any of the provisions contained in the permit or Frankston City Council's *Street Performance Code of Conduct*
- An Authorised Officer of Council may at any time instruct a *Street Performer* to immediately terminate their performance.

#### **Safety**

- *Street performers* must always perform in a safe manner. In particular, they must not endanger themselves, the public, or any private and publicly owned property in the area.



- *Street performers* must not use *dangerous or flammable materials or implements* as part of their performance.
- An Authorised Officer of Council may at any time instruct a *Street Performer* to immediately terminate their performance if the Officer deems it to be too loud, offensive, dangerous or harmful to private or public property

### **Pedestrian Access (footpaths, shops and intersections)**

*Street performers* are required to manage their audience so that pedestrians can pass freely and safely

### **Times**

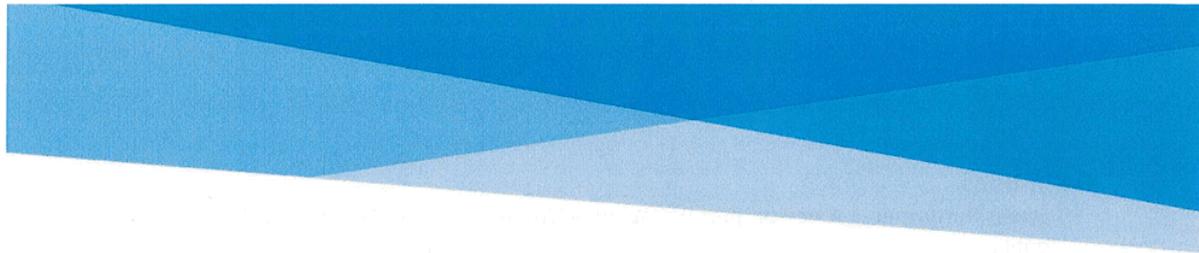
- *Street performers* can perform between 9am to 5pm seven days a week
- Sets must be no longer than 30 minutes duration followed by a 10 minute break and no longer than 1.5 hours in any position.

### **Performance sites**

- *Street performers* can only perform in designated *Street Performance* Locations (see attached maps)
- *Street performers* are required to move to another designated site every 1.5 hours to encourage performance diversity within Frankston City
- The issuing of a permit does not guarantee a site
- Amplified performances are limited to designated sites (see attached maps)
- Permission to perform in privately owned undercover shopping centres must be sought from the shopping centre administration. These facilities are not under the jurisdiction of Frankston City Council.

### **Noise levels**

- All performances must be within acceptable volume levels, so as not to inconvenience the public or the operation of businesses in the area
- Low volume amplification is permitted in some designated sites (see attached maps)
- In some circumstances amplification permission may be withdrawn
- Some sites are designated as "no amplification" (see attached maps).



### **Consumption of Alcohol and use of prohibited substances**

- *Street performers* are not permitted to perform under the influence of alcohol or prohibited substances
- *Street performers* must not consume alcohol or consume any prohibited substances while performing.

### **Interaction with the public**

- *Street performers* must not offend any member of the public by their behaviour or performance or other offensive material, language
- A suitable receptacle or container for public donations can be placed within the performance area
- Active soliciting of funds from the public is not permitted
- Laminated valid permit is required to be visibly displayed while performing
- Selected merchandise may be sold as determined by Council at the time of permit application.

### **Assessment Criteria**

*Street performance* in the public realm should be considered suitable and acceptable with regard to safety, amenity and its public appeal. To ensure compliance and quality of *street performers* in Frankston a set of assessment criteria and conditions is applied to applications:

1. The performer is skilled in their art form and has the ability to entertain and engage an audience
2. The performance positively enhances and activates a streetscape creating a comfortable vibrant ambience
3. The performer sets a high standard for presentation and delivery of their craft
4. Applicants will be required to submit links to their music, performance or visual files appropriate to their art form
5. An application may be refused on the grounds of content or quality of performance
6. Each application is assessed by a panel of appropriately skilled council staff
7. Evidence of a developed and varied repertoire.

### Definitions

**Street Performer** – A person performing an act/performance to be seen by the general public

**Street performance** – playing of a musical instrument, singing, giving a recital, creating art or performing

**Performance sites** – An area of public land designated by Frankston City Council as suitable for Street performing

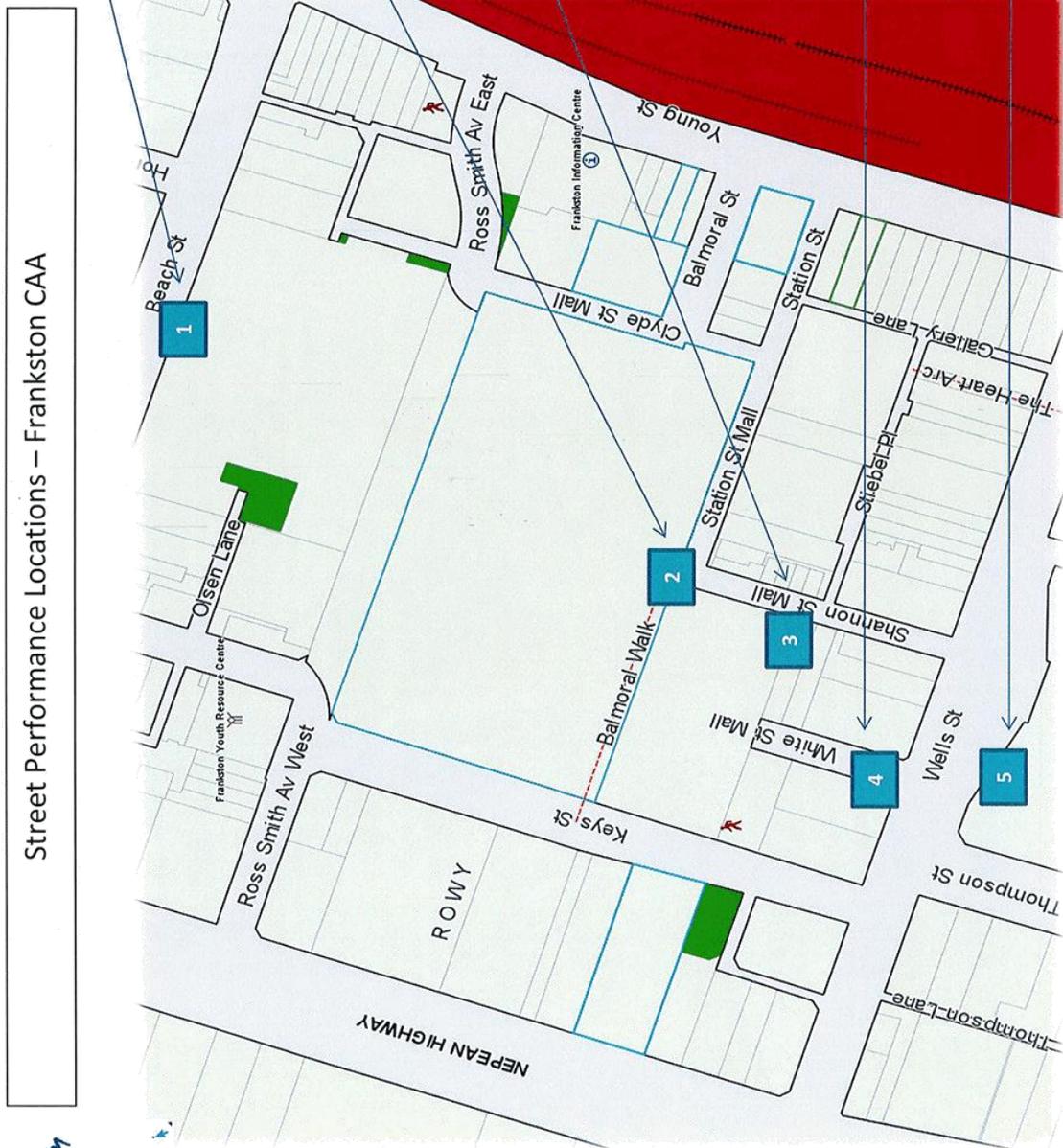
**Soliciting funds** – The act of asking, begging, seeking or requesting money or goods from members of the public

**Dangerous or flammable materials or implements** – Materials and implements that pose a risk or uncertain outcomes for people or property. This includes materials that give off heat or toxicity

*Frankston City Council reserves the right to alter the conditions of permits at any time.*

POLICY PROCEDURE

- BEACH ST Site 1**  
 To the left of the entrance to Bayside Shopping Centre. Near the Taxi rank. **Low volume amplification**
- STATION ST MALL Site 2**  
 In front of Bayside Shopping Centre closed EXIT doors. **No amplification**
- SHANNON ST MALL Site 3**  
 To the left of the retailer at 10 Shannon Street. **No amplification**
- WHITE ST MALL Site 4**  
 (Use of this site is not permitted on Thursdays) Entrance of White St Mall on the right hand side. Next to retailer 54-58 Wells Street. **Low volume amplification**
- CINEMA FORECOURT Site 5**  
 (Use of this site is not permitted on Thursdays) **Low volume amplification**



Street Performance Locations – Frankston CAA



Street Performance Locations – Frankston Foreshore



FRANKSTON  
FORESHORE  
Site 6  
Low volume  
amplification  
permitted

FRANKSTON  
FORESHORE  
Site 7  
Low volume  
amplification  
permitted

**Executive Summary****12.11 Establishment of Kananook Community Garden and Seaford Farmers Market Shed at Kananook Reserve**

*Enquiries: (Vishal Gupta: Community Assets)*

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.2 Vibrant and Engaged
Priority Action	2.2.3 Engage and support Frankston City's local areas and diverse communities to optimise facility usage and enhance equitable access to services

**Purpose**

To provide an update to Council on the proposed establishment of the Kananook Community Garden and Seaford Farmers Market Shed at Kananook Reserve.

**Recommendation (Director Community Assets)**

That Council:

1. Approves the proposed location for establishment of the Kananook Community Garden at the Kananook Reserve and authorise Council officers to formalise licensing arrangement associated with the proposed use;
2. Approves the proposed location for construction of shed for the Seaford Farmers Market at the Kananook Reserve subject to grant of planning permit and authorise Council officers to formalise licencing arrangement associated with the proposed use;
3. Notes that site specific licence agreements will be drafted, including non-negotiable special conditions, for both occupiers to mitigate risks and liability to Council due to the subject land being a closed landfill site, e.g., only using clean soil, raising garden beds and not breaking the surface for the Community Garden, adherence to EPA requirements, development of a Construction Environmental Management Plan and a site wide Environmental Management Plan to avoid or mitigate negative environmental impacts on site (such and encountering asbestos or buried waste) for the shed;
4. Authorises the Chief Executive Officer to negotiate the details of the licence agreements with both the Kananook Community Garden and the Seaford Famers Market with the outcome of these negotiations to be brought back to Council for consideration no later than the August 2019 Ordinary Meeting; and
5. Approves waiving of Council's planning application fees associated with the construction of the shed for the Seaford Farmers Market.

**Key Points / Issues**

- As per Council decision (refer OM14 dated 19 November 2019), Council officers have undertaken soil tests at the previously proposed location of the Community Garden and results indicate that this location at Kananook Reserve would not be suitable for horticulture due to soil contamination.
- Council officers have since identified an alternate site, west of the previous location. A further soil test was undertaken, which indicates this alternate location in the Reserve (approximately 400 square metres) would be suitable for a Community Garden.

**12.11 Establishment of Kananook Community Garden and Seaford Farmers Market Shed at Kananook Reserve****Executive Summary**

- The Committee of Kananook Community Garden Inc. are supportive of the alternate location within the reserve. This location is shown in Attachment A.
- Additionally a request has been received for the inclusion of directional signage, a prominent sign for Kananook Community Garden and a solar light. This has been costed at approximately \$7,000.
- A geo-technical assessment of the previously proposed location for Seaford Farmers Market Shed has revealed that the site fill is poorly compacted and a deep foundation for the shed will be required. Due to contamination, the removal of contaminated soil from the site will also be required prior to installation of the Shed.
- Once the slab (approximately 12 metres by 11 metres) is established, the Seaford Farmers Market will assume funding for the construction of the shed structure and ongoing service costs for electricity and water.
- A planning permit will be required pursuant to Clause 36.02-2 (Public Park and Recreation Zone) of the Frankston Planning Scheme to construct the shed for the Seaford Farmers Market at Kananook Reserve. In order for the planning application to be considered, the use of the shed must include community based activities consistent with the public park and recreation zoning, and not solely the storage of materials.
- A request has been received to waive the cost of planning application associated with the construction of Shed estimated at around \$2,000 each.

**Financial Impact**

The Victorian Government introduced the "Fair Go Rates" system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.5 per cent for 2019-2020.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council's major source of income, Council's capacity to continue to deliver services and fund its capital programme will be severely restricted.

There are sufficient funds available in the FY2018/19 and FY2019/20 budgets to undertake works associated with establishment of the Kananook Community Garden and Seaford Farmers Market Shed at the Kananook Reserve.

**Consultation****1. External Stakeholders**

Extensive consultation has occurred with both Kananook Community Garden Inc. committee members and Seaford Farmers Market representatives on the proposed location of the garden and shed at Kananook Reserve.

The need for formal licensing and leasing agreements have also been discussed prior to the use of Kananook Reserve by both Kananook Community Garden Inc. and Seaford Farmers Market.

Further details of the community consultation process are outlined in Officers Assessment section as part of the report.

**12.11 Establishment of Kananook Community Garden and Seaford Farmers Market  
Shed at Kananook Reserve****Executive Summary****2. Other Stakeholders**

Internal stakeholders' consultation includes discussion with members of Council's Property, Capital Works Delivery, Recreation, Community Strengthening and Planning Teams. Teams provided advice on interpreting soil testing results, suitable new location for the community garden and appropriate mechanisms to consult with external stakeholders.

**Analysis (Environmental / Economic / Social Implications)**

Community Gardens have been shown to have health and wellbeing benefits through the growing of fruit and vegetables as well as building community connections for people in the local area.

The Seaford Farmers Market has been operating monthly since 2007 adding vibrancy to the Kananook Creek Reserve and an opportunity for residents to connect as well as purchase fresh produce.

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

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

Legal

Kananook Reserve is a closed landfill site and therefore any uses must comply with the Environmental Protection Act 1970. In line with best practise, an assessment of the planning proposals within the buffer of a landfill has been undertaken in accordance with the Environment Protection Authority (EPA) Guidelines.

Once the site is under Licence to the Kananook Community Garden Incorporated, monitoring of the Licensees activities will need to be undertaken to ensure ongoing compliance with the EPA act.

As the proposed use will be undertaken on public open space, Council retains a vicarious liability which cannot be discharged by a Licence agreement as Council is the land owner. The majority of duty of care obligations will be transferred to the occupier under the Licence agreement.

Risk mitigation practises will be contained within the Licence agreement (refer to Risk section).

Policy Impacts

Frankston City Open Space Strategy 2016-2023 assessed the various neighbourhoods within the municipality, including Seaford. The recommendation for Kananook Reserve includes "Create a new master plan and management plan to, to guide the long term development of sporting and unstructured recreation."

In Frankston City Council's Community Plan 2017-2021, the Seaford community requested "provide and promote opportunities for community connectedness and a sense of community pride" which aligns with the locating of the community garden and also support for the equipment storage needs.

Officer's Declaration of Interests

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

**12.11 Establishment of Kananook Community Garden and Seaford Farmers Market  
Shed at Kananook Reserve****Executive Summary****Risk Mitigation**

- The soil test results indicated that the previously proposed location at Kananook Reserve would not be suitable for horticulture, therefore an alternate location is proposed. This new proposed community garden location is outside of the footprint of the original identified landfill site.
- An additional soil test undertaken at the alternate location indicated that it would be suitable for a Community Garden with the requirement that horticulture activities occur in raised garden beds using imported soil appropriate for food production. The new proposed community garden location mitigates risk of vandalism as it will benefit from passive surveillance of the garden by people regularly using the reserve for sport or dog walking.
- The site specific licence agreements will be drafted, including non-negotiable special conditions, for both occupiers to mitigate risks and liability to Council due to the subject land being a closed landfill site.
- The proposed location for the Seaford Farmers Market shed is in the vicinity of the existing Basketball Stadium at Kananook Reserve. In sighting the location for shed, consideration has been given to the potential future expansion of Basketball Stadium and it is noted that location of shed would not constrain staged expansion of the stadium. Additionally, the future expansion of Basketball Stadium is neither listed as a Council priority in the near future nor is it funded in Council's draft 10 Year Long Term Infrastructure Plan.

**Conclusion**

Following on from the soil tests recommended by Council OM14 in November 2018, the previously proposed site for the Kananook Community Garden is not considered suitable for horticulture and hence an alternate location within Kananook Reserve has been identified. A further soil test has confirmed the suitability of this new location for the proposed establishment of a Kananook Community Garden.

The geo-technical test has revealed structural requirements associated with the slab for the Seaford Farmers Market shed. The indicative cost of shed including provisional items such as electricity and water connections is estimated between \$40,000 - \$50,000.

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**ATTACHMENTS**

- Attachment A: [↓](#) Updated location of Community Garden and Seaford Farmers Market Shed at Kananook Reserve
- Attachment B: [⇒](#) Kananook Community Garden Community Consultation Report - November 2018 (*Under Separate Cover*)

**12.11 Establishment of Kananook Community Garden and Seaford Farmers Market  
Shed at Kananook Reserve****Officers' Assessment****Background**

The Rotary Club of Frankston have run the monthly Seaford Farmers Market since 2007. In 2018, they approached Council with a request for land to construct a storage shed. They expressed the need for the shed to be of suitable size, approximately 96m<sup>2</sup> (12m x 9m), to house a range of equipment, including marquees for the Seaford Farmers Market, their barbecue trailers and other fundraising items.

Previously, these items had been stored by a local service club which is now due to be closed soon. Other sites explored for construction of a storage shed included Gretana Reserve, Joy Street, Downs Estate on Old Wells Road and an empty block adjacent to Railway Parade Seaford Maternal & Child Health centre.

Kananook Reserve was deemed to be the most appropriate site as a community garden had also been proposed for the reserve by a group of residents. Kananook Community Garden Inc. was formed from a working group of local residents, aiming to create a community garden in the Kananook Reserve. This group had been in discussion with Council staff since 2017 about their project. To support this group to establish the Kananook Community Garden \$25,000 has been included in the 2018/19 Capital Works budget.

Frankston Rotary are proposing to take responsibility for the funding of the construction of the shed, and has requested financial assistance for the concrete slab (12m x 11m) from the Council. As the area is in a flood overlay and Kananook Reserve being an old landfill site, the cost of constructing the slab has been estimated between \$40,000 - \$50,000.

At its Ordinary Meeting OM14 held on 19 November 2018, Council resolved the following:

*“That Council*

- 1. Notes the 2018/19 capital works budget includes funding to establish a Community Garden at Kananook Reserve subject to community consultation;*
- 2. Notes a community consultation event held on 10 November 2018 attracted approximately 35 participants who indicated support for the proposed community garden;*
- 3. Notes the Seaford Farmers Market approach to construct a shed in the north-east corner of Kananook Reserve at their cost with request for Council to fund the concrete slab;*
- 4. Notes all occupancies of Council land are required to be managed under a Lease or Licence agreement, with associated rents and / or fees determined by the nature of the use. All outgoings will be the responsibility of the Tenant or Licensee;*
- 5. Provides in principle agreement to the location of the Seaford Farmers Market storage shed and develop the Kananook Community Garden in Kananook Reserve to enable the following actions to determine feasibility:*
  - a) soil test on garden and shed location;*
  - b) geo-tech report for the shed slab;*
  - c) Landfill Gas Assessment;*
  - d) community engagement on:*

**12.11 Establishment of Kananook Community Garden and Seaford Farmers Market  
Shed at Kananook Reserve****Officers' Assessment**

- the proposed community garden layout; and
  - the proposed Seaford Farmer's Market shed; and
  - e) confirm costs for the construction of the shed slab.
6. A further report detailing progress to determine feasibility be provided to December Ordinary Meeting; and
  7. Commits \$5,000 to the Mid-Year budget review to undertake the geo-tech report and Landfill Gas Assessment for the Seaford Farmers Market Shed."

**Issues and Discussion**Soil Tests

Council officers have undertaken soil tests (as per Council resolution from OM14 held on 19 November 2018) at the previously proposed location of the Community Garden nearby the Frankston District Junior Football League pavilion. Results indicate that this location at Kananook Reserve would not be suitable for horticulture due to soil contamination, as some parts of Kananook Reserve are located on an old landfill site.

Council officers have reconsidered the location for the community garden within Kananook Reserve and identified an alternate site, west of the previous location. This new location for the community garden is outside the footprint of the original inferred landfill site. A follow up soil test was undertaken, which indicated that this alternate location, approximately 400 square metres, in the Reserve would be suitable for a Community Garden. This location is shown in Attachment A.

The Committee of Kananook Community Garden Inc. are supportive of the alternate location within the reserve.

Geo-Technical Assessment

A geo-technical assessment of the previously proposed location for Seaford Farmers Market has revealed that the site fill is poorly compacted and a deep foundation for the shed will be required. Due to contamination, the site will also require removal of contaminated soil from the site prior to installation of the shed. The indicative costings for the construction of the slab (approximately 12 metres by 11 metres) including provisions for electricity and water connections is approximately \$50,000.

Once the slab is established, the Seaford Farmers Market will assume funding for the construction of the shed structure and ongoing electricity costs.

**Risk Mitigation**Community Garden

The proposed Community Garden is a non-intrusive use under the EPA guidelines, on the basis that the proposal does not include ground disturbance or breaking of the landfill cap. All planting will be undertaken in above-ground planter boxes, and fencing of the site requires only minimal footings.

Any risk associated with the occupancy is intended to be managed under a Licence agreement, consistent with other Community Gardens operating on Council land including the payment of a licence fee and all outgoings, and conditions to address risk and liability. Specific conditions will apply to the Licence given the nature of the site to ensure written Council approval for all plans and works proposed is in accordance with the Environmental Protection Act 1970.

**12.11 Establishment of Kananook Community Garden and Seaford Farmers Market  
Shed at Kananook Reserve****Officers' Assessment**

These include but are not limited to:

- All soil to be introduced to the site to be clean with a supporting certificate of cleanliness.
- All garden beds to be raised.
- No ground digging or disturbance of any soil within the Licensed area, including any future service connections.

### Shed

The proposed shed is not considered to be a non-intrusive proposal, as it is a new structure.

Council has however undertaken the required steps in accordance with the EPA guidelines including a landfill gas assessment, and the use is able to be supported only through strict adherence to EPA requirements as stated in the expert report undertaken by Resolve Environmental.

The proposed Shed location confirmed the presence of inert fill. A best practise approach is recommended which includes:

- A site wide Construction Environmental Management Plan be developed and implemented to control work practises for construction workers to avoid or mitigate negative environmental impacts on site (such and encountering asbestos or buried waste).
- A site wide Environmental Management Plan developed and implemented to control access to the subsurface soils by future site users to avoid or mitigate negative environmental impacts on site (such as encountering asbestos or buried waste).
- Risk must be managed through all phases of the project. This includes:
- Footing design (to be engineered to AS 2870-2011)
- Site preparation (in accordance with AS 2870-2011 clauses 3.2-3.6 including an aggressive soil assessment)
- During construction (including appropriate management of soil moisture and storm water drainage); and,
- After construction (including the maintenance of stable ground moisture through appropriate drainage and avoidance of landscaping).

The proposed Shed is intended to be managed under a Licence agreement. In addition to the Shed, the Licence will also cover the operation of the associated Rotary Market on Council land. Licence conditions will include the payment of a licence fee and all outgoings, and conditions to address risk and liability, as well reversion provisions in respect of the Shed asset.

Specific conditions will apply to the Licence given the nature of the Shed site to ensure written Council approval for any work proposed is in accordance with the Environmental Protection Act 1970.

**12.11 Establishment of Kananook Community Garden and Seaford Farmers Market  
Shed at Kananook Reserve****Officers' Assessment****Consultation**

Approximately 35 people of all ages participated in a consultation on the proposed Community Garden on 10 November 2018. Participants residing within a 5 street radius of Kananook Reserve received an invitation to the consultation and all were supportive of the project.

The major themes voiced by participants were the social benefits to the area; community and environmental activities as part of the garden and the opportunities for learning. The results of the consultation are included as Attachment B.

Following the results of the soil testing, Kananook Community Garden Inc. committee members were consulted as to the proposed new location of the garden. They are supportive of the new alternate location for the community garden.

Consultation with the Seaford Farmers' market shed resulted in a request for a change to the angle of the proposed shed on the concept plan, which is now perpendicular to the pavilion.

Further, the Seaford Farmers Market has requested that the Storage shed has electricity, water and toilet connections. Council officers are supportive of provision of electricity and water connection to the shed however it is proposed that available toilet facilities on the site i.e. within adjacent Frankston District Junior Football League pavilion or public toilet facilities are used by the Seaford Farmers Market.

The informal discussions with the AFL South-East, have indicated AFL South-East's is willing to negotiate access for the Seaford Farmers Market to the toilet facilities in the Junior Football League pavilion, as required.

**12.11 Establishment of Kananook Community Garden and Seaford Farmers Market  
Shed at Kananook Reserve**

**Officers' Assessment**

**Budget**

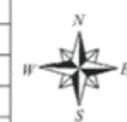
The revised budgets for each of the projects is detailed below.

<b>Kananook Community Garden Budget</b>	
Adjusted budget in FY2018/19 (includes \$5,000 for soil tests as per Council decision OM14)	<b>\$30,000</b>
Expenditure and commitments to date, including soil contamination testing, concept planning and project management (this excludes proportion of cost related to geotech and landfill gas assessment work undertaken for the shed which is separately shown below)	\$14,000
<b>Remaining budget – FY2018/19</b>	<b>\$16,000</b>
Required Budget to Complete the following Items	
<ul style="list-style-type: none"> <li>• Directional signage, community garden sign and solar light (indicative cost \$7,000)</li> <li>• Establishment of community garden including fencing, garden bed and wheelchair accessible garden beds (indicative cost \$16,000)</li> </ul>	\$23,000 (approx.)
Budget Allowance in FY2019/20 (for directional signage, community garden sign and solar light from relevant annual programs i.e. Signage and Open Space)	<b>\$7,000</b>
<b>Total Budget Available (\$16,000+\$7,000) (no budget shortfall)</b>	<b>\$23,000</b>
<b>Seaford Farmers Market Shed Budget</b>	
<b>Budget - FY2019/20</b>	<b>\$50,000</b>
Expenditure for Geotech testing and Landfill Gas Assessment (This expenditure has been incurred in FY2018/19 and budget will be adjusted in FY2019/20 against works for the proposed Community Garden at Kananook Reserve)	\$5,000
Available Budget in FY2019/20 to cover cost of construction of 12m x 11m concrete slab and gravel access track (works subject to grant of Planning Permit)	<b>\$45,000</b>



### PROPOSED COMMUNITY GARDEN AND SEAFORD FARMERS MARKET SHED - LAYOUT

Projection: GDA94 / MGA zone 55  
Scale: 1:1000  
Date Printed: 20/05/2019  
Time Printed: 12:04 AM  
Issued by: Himalee Padmakar



**17. CONFIDENTIAL ITEMS**

Section 89(2) of the Local Government Act 1989 enables the Council to close the meeting to the public if the meeting is discussing any of the following:

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayer;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments;
- (f) Legal advice;
- (g) Matters affecting the security of Council property;
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

**Recommendation**

That the Ordinary Council Meeting be closed to the public to discuss the following Agenda items and all documents associated with the consideration and discussion of it, that are designated confidential information by me, pursuant to Section 77(2)(c) of the Local Government Act 1989 (the Act) on the following grounds

**C.1 2019/NOM6 - Notice of Rescission - Minutes of the Frankston Arts Board - 19 February 2019 (deferred from 2019/OM4 - 1 April 2019)**

Agenda Item C.1 2019/NOM6 - Notice of Rescission - Minutes of the Frankston Arts Board - 19 February 2019 (deferred from 2019/OM4 - 1 April 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.2 Minutes of the Frankston Arts Board - 19 February 2019**

Agenda Item C.2 Minutes of the Frankston Arts Board - 19 February 2019 is designated confidential as it relates to proposed developments (s89 2e)

**C.3 U3A Update**

Agenda Item C.3 U3A Update is designated confidential as it relates to contractual matters (s89 2d)

**C.4 Peninsula Leisure - Company Matters**

Agenda Item C.4 Peninsula Leisure - Company Matters is designated confidential as it relates to contractual matters (s89 2d)

**C.5 Award of Contract - Footpath and Pavement Grinding**

Agenda Item C.5 Award of Contract - Footpath and Pavement Grinding is designated confidential as it relates to contractual matters (s89 2d)

**C.6 Confidential – Personnel Matters**

Agenda Item C.5 Confidential Personnel Matters is designated confidential as it relates to personnel matters and contractual matters (s89 2a & S89 2d)



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Signed by the CEO