



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 3 JUNE 2019 at 7.01PM**

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

COUNCILLOR STATEMENT

Councillor Bolam made the following statement:

Cr Mayer entered the Chamber at 7.01pm

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

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

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

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PRAYER

At the request of the Mayor, Councillor Aitken read the Opening Prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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Chairperson’s initials

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1. PRESENTATION TO COMMUNITY GROUPS

Nil

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM6 held on 13 May 2019 and Special Meeting No. SP3 held on 20 May 2019

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Toms

That the minutes of the Ordinary Meeting No. OM6 held on 13 May 2019 and Special Meeting No. SP3 held on 20 May 2019 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES

Cr O'Connor advised the Mayor, Cr Michael O'Reilly that she will be arriving late.

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Nil.

5. PUBLIC QUESTION TIME

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

6. HEARING OF PUBLIC SUBMISSIONS

Mrs. Susan Davies made a submission to Council regarding Item 11.2: Response to Petition re Road Connection to Marriot Crescent, Skye.

7. ITEMS BROUGHT FORWARD

Nil.

8. PRESENTATIONS / AWARDS

- 8.1 The Mayor presented to the Chamber a Thank You Certificate received from the Good Friday Appeal to the Frankston City Council staff for the fundraising - total \$755.30

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil

10. DELEGATES' REPORTS

Nil

11. CONSIDERATION OF TOWN PLANNING REPORTS

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

(MP Community Development)

Recommendation (Director Community Development)

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 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) 40m² 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.

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- (n) A Landscape Plan as required by Condition 21.
- (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.

Tree Protection Management Plan

15. A Tree Protection Management Plan prepared in accordance with Frankston City

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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.
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 –

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- 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.
 - 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 safety erected than trunk and limb protection must be installed as per the Australian Standard AS 4970-2009 Protection of trees on development sites

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- 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.
 - 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.
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.

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:
- (a) The estimated garbage and recycling generation volumes for the proposed use.
 - (b) The garbage and recycling equipment to be used and the collection service requirements, including the frequency of collection.
 - (c) The location, proximity, screening of and space allocated both to the garbage and recycling storage areas and collection points.
 - (d) How noise, odour and litter will be managed and minimised.
 - (e) Approved facilities for washing bins and storage areas.
 - (f) 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

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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.

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;

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- 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.

Cr Bolam left the Chamber at 7.12 pm

Cr Bolam returned to the Chamber at 7.14 pm

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Toms

That Council resolves to issue a Notice of Refusal in respect to Planning Permit Application number 3/2018/P to construct eight (8) double storey dwellings at 68-70 Seaford Grove, Seaford, on the following grounds:

1. The proposal fails to meet the Planning Policy Framework including the Municipal Strategic Statement of the Frankston Planning Scheme including:
 - i. Clause 15 - Built Environment and Heritage
 - ii. Clause 16 - Housing
 - iii. Clause 21.04 –Housing
 - iv. Clause 21.10 - Built Environment and Heritage
2. The proposal is contrary to Clause 22.08 – Neighbourhood Character Policy of the Frankston Planning Scheme and in particular the objectives and design responses for the Seaford 5 Precinct of the Frankston Planning Scheme.
3. The proposal fails to meet the purpose of the General Residential Zone of the Frankston Planning Scheme, in that it does not respect the neighbourhood character of the area and is not consistent with the Planning Policy Framework and Municipal Strategic Statement.
4. The proposal fails to comply with the requirement of Clause 55 (ResCode) of the Frankston Planning Scheme including:
 - i. Clause 55.02-1 Neighbourhood character objective.
 - ii. Clause 55.02-2 Residential policy objective.
 - iii. Clause 55.03-1 Street setback objective and Standard B6.
 - iv. Clause 55.03-2 Building height objective.
 - v. Clause 55.03-03 Site coverage objective.
 - vi. Clause 55.03-4 Permeability objective.
 - vii. Clause 55.03-7 Safety objective and Standard B12.
 - viii. Clause 55.03-8 Landscaping objectives.
 - ix. Clause 55.04-1 Side and rear setbacks objective.
 - x. Clause 55.05-2 Dwelling Entry objective.
 - xi. Clause 55.06-1 Design detail objective.

- 5. The proposal would have an unreasonable amenity impact on neighbouring properties and the streetscape resulting from the intensity of the development, built form, visual bulk and limited landscaping opportunities.
- 6. The proposal would result in an overdevelopment of the site.

Carried Unanimously

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11.2 Response to Petition re Road Connection to Marriot Crescent, Skye

(MP Community Development)

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

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.

Carried Unanimously

Block Resolution**Council Decision****Moved: Councillor Hampton****Seconded: Councillor Toms**

That the following items be blocked resolved and that the recommendations in each item be adopted:

- 11.3 Draft 2019 Frankston Planning Scheme Review Report
- 11.4 April 2019 Planning and Environment Progress Report
- 12.2 Records Management Policy
- 12.4 Review of Contributory Schemes Policy
- 12.5 Instrument of Delegation S6 from Council to members of Council staff
- 12.6 Notice of Motion Status Update for 3 June 2019
- 12.7 Record of Assemblies of Councillors
- 12.8 Asset Management Policy
- 12.9 Finalisation of Cranhaven Road (stage 2) Special Charge Scheme (Warrandyte Road to Lapwing Close)
- 12.10 Busking in the CAA
- 12.11 Establishment of Kananook Community Garden and Seaford Farmers Market Shed at Kananook Reserve

Carried Unanimously

11.3 Draft 2019 Frankston Planning Scheme Review Report*(MP Community Development)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Toms**

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.

Carried Unanimously**Note:** Refer to Page 15 of the Minutes where this item was block resolved

11.4 April 2019 Planning and Environment Progress Report
(MP Community Development)

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Toms

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

Carried Unanimously

Note: Refer to Page 15 of the Minutes where this item was block resolved

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12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Response to Petition - Installation of Combined Water Fountain and Dog Tap at Whistlestop Reserve**

(CB Community Development)

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.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

That:

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.
4. That the same report is to also investigate the cost of installing 1x BBQ, 1x picnic table, 1x Park bench and minor plantings at the site.
5. A report is to be provided to Council on its 'seniors' playground' strategy, and the rollout of senior playgrounds throughout the municipality, at the August Ordinary Meeting. This Reserve should be considered as a trial site for a 'seniors' playground'.

Carried Unanimously

12.2 Records Management Policy
(BA Corporate Development)

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Toms

That Council adopt the Records Management Policy 2019-2021.

Carried Unanimously

Note: Refer to Page 15 of the Minutes where this item was block resolved

DRAFT

12.3 Statutory Naming Rules for Roads, Features and Locations

(BA Corporate Development)

Recommendation**Moved: Councillor Cunial****Seconded: Councillor Bolam**

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.

Cr Cunial withdrew his support from the motion and proposed a procedural motion

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

That the matter be deferred until the naming protocol is complete in September

Carried Unanimously

Cr O'Connor entered the chamber at 7.31 pm

12.4 Review of Contributory Schemes Policy

(DD Community Assets)

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

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.

Carried Unanimously**Note:** Refer to Page 15 of the Minutes where this item was block resolved

12.5 Instrument of Delegation S6 from Council to members of Council staff

(BA Corporate Development)

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

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.

Carried Unanimously**Note:** Refer to Page 15 of the Minutes where this item was block resolved

12.6 Notice of Motion Status Update for 3 June 2019

(DH Chief Executive Office)

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

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

Carried Unanimously

Note: Refer to Page 15 of the Minutes where this item was block resolved

Chairperson's initials

12.7 Record of Assemblies of Councillors

(BA Corporate Development)

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

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)

Carried Unanimously

Note: Refer to Page 15 of the Minutes where this item was block resolved

Chairperson's initials

12.8 Asset Management Policy

(LU Community Assets)

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

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.

Carried Unanimously**Note:** Refer to Page 15 of the Minutes where this item was block resolved

12.9 Finalisation of Cranhaven Road (stage 2) Special Charge Scheme (Warrandyte Road to Lapwing Close).

(DD Community Assets)

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

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.

Carried Unanimously

Note: Refer to Page 15 of the Minutes where this item was block resolved

12.10 Busking in the CAA

(AM Community Development)

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

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.

Carried Unanimously**Note:** Refer to Page 15 of the Minutes where this item was block resolved

12.11 Establishment of Kananook Community Garden and Seaford Farmers Market Shed at Kananook Reserve

(VG Community Assets)

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

That Council:

1. Approves the proposed location for establishment of the Kananook Community Garden at the Kananook Reserve and authorise Council officers to formalise licencing 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.

Carried Unanimously**Note:** Refer to Page 15 of the Minutes where this item was block resolved

13. RESPONSE TO NOTICES OF MOTION

Nil

14. NOTICES OF MOTION

Nil

15. LATE REPORTS

Nil

DRAFT

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

That the matter of Evelyn Street Sale of Land be accepted as urgent business.

Carried Unanimously**Urgent Business – Evelyn Street Site****Council Decision****Moved: Councillor Aitken****Seconded: Councillor Toms**

1. That Council resolves the Evelyn Street site 17R and 19R-21R will not be sold and is to be retained as open space for the people of Frankston both now and into the future.
2. That a report be provided at the August Ordinary Meeting on options for planting and landscape improvements to the Evelyn Street open space as a value added public area.

Carried**Extension of Time****Moved: Councillor Mayer****Seconded: Councillor Aitken**

That Cr Toms be granted an extension of time.

Carried

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

Against the Motion: Crs Hampton and O'Connor

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

That Cr Aitken be granted an extension of time.

Carried

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

Against the Motion: Crs Hampton and O'Connor

**The motion was then put
and Carried**

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

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

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

That the Ordinary Council Meeting be closed to the public to discuss the following Agenda items and all documents associated with the consideration and discussion of it, that are designated confidential information by me, pursuant to Section 77(2)(c) of the Local Government Act 1989 (the Act) on the following grounds:

C.1 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):

Carried Unanimously

.....
Signed by the CEO

Chairperson's initials

The meeting was closed to the public at 7.59 pm

DRAFT MINUTES
CONFIRMED THIS

DAY OF

2019

.....
CHAIRPERSON

DRAFT

Chairperson's initials

Ms Hilary Poad**Question 1**

The wood panelling along the fence in the front of the new Railway Station is deteriorating after only approximately 12 months. Could the council please ask the State Government to recoat this panelling with SIKKENS high weather resistant timber wood treatment as was used at Keast Park and the Seaford Life Saving Club in 2012 when Cr Cunial as Mayor. The exiting condition of this panelling is completely unacceptable.

Response by Director Community Assets

The matter will be raised with the Department of Transport who are the responsible authority.

Question 2

Could Council make it possible to ask a reasonable length question on the online email form? The current one is too restrictive.

Response by Acting Director Corporate Development

The on-line form has been updated with additional fields to allow more space for residents to type in questions.