



**MINUTES OF COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 9 AUGUST 2021 at 7.03PM**

PRESENT	Cr. Kris Bolam (Mayor) Cr. Nathan Conroy Cr. David Asker (via Zoom) Cr. Sue Baker (via Zoom) Cr. Claire Harvey (via Zoom) Cr. Brad Hill (via Zoom) Cr. Liam Hughes (via Zoom) Cr. Steven Hughes (via Zoom) Cr. Suzette Tayler (via Zoom)
APOLOGIES:	Nil.
ABSENT:	Nil.
OFFICERS:	Mr. Phil Cantillon, Chief Executive Officer Ms. Kim Jaensch, Chief Financial Officer (via Zoom) Dr. Gillian Kay, Director Communities (via Zoom) Mr. Cam Arullanantham, Director Infrastructure and Operations (via Zoom) Ms. Shweta Babbar, Director Business Innovation and Culture (via Zoom) Ms. Brianna Alcock, Manager Governance and Information Mr. Sam Clements, Manager Statutory Planning (via Zoom) Mr. Stuart Caldwell, Coordinator Statutory Planning (via Zoom) Ms. Suzane Becker, Manager City Futures (via Zoom) Ms. Vera Roberts, Coordinator Governance (via Zoom) Ms. Tenille Craig, Team Leader Governance Mr. Josh Lacey, Supervising Technician Mr. Jeremy O'Rourke, Supervising Technician Mr. Ric Rais, Desktop Support Officer
EXTERNAL REPRESENTATIVES:	Nil.

COUNCILLOR STATEMENT

Councillor Conroy made the following statement:

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

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

Chairperson’s initials

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.”

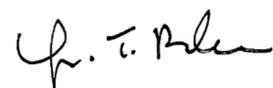
PRAYER

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

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

Chairperson’s initials

A handwritten signature in black ink, appearing to read 'C. T. Palmer', written in a cursive style.

1.	PRESENTATION TO COMMUNITY GROUPS	2
1.1	Certificate of Appreciation to BAM Arts Inc	2
2.	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	2
	Council Meeting No. CM12 held on 19 July 2021.....	2
3.	APOLOGIES.....	2
4.	DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST	2
5.	PUBLIC QUESTION TIME	2
6.	HEARING OF PUBLIC SUBMISSIONS	2
7.	ITEMS BROUGHT FORWARD	2
8.	PRESENTATIONS / AWARDS	2
9.	PRESENTATION OF PETITIONS AND JOINT LETTERS	2
10.	DELEGATES' REPORTS.....	3
10.1	Top Tourism Town Awards Update by Mayor, Cr Kris Bolam.....	3
11.	CONSIDERATION OF TOWN PLANNING REPORTS.....	4
11.1	Planning Application 63/2021/P - 17 & 18 Pagett Road Carrum Downs - To construct one hundred and thirty-six (136) dwellings in stages in a General Residential Zone (GRZ) and to remove native vegetation under Clause 52.17 of the Frankston Planning Scheme	4
12.	CONSIDERATION OF REPORTS OF OFFICERS	18
12.1	Council Resolution Status Update for 9 August 2021	18
12.2	City Futures Progress Report.....	19
12.3	Frankston Arts Advisory Committee - Report.....	20
12.4	Adoption of 'Working with Members of Parliament' protocols.....	21
12.5	Draft Health and Wellbeing Plan 2021-2025	22
12.6	Outcomes of June Advocacy Delegation to Canberra.....	23
13.	RESPONSE TO NOTICES OF MOTION.....	24
14.	NOTICES OF MOTION.....	25
14.1	2021/NOM6 - Removal of Hybrid Fibre Coaxial (HFC) Cabling	25
15.	LATE REPORTS	26
16.	URGENT BUSINESS.....	26
17.	CONFIDENTIAL ITEMS	27
C.1	CEO Annual Review Recommendations of the CEO Remuneration and Employment Committee	27

The Mayor read a statement regarding the current COVID-19 restrictions and highlighted the services that are continued to be provided by Council.

1. PRESENTATION TO COMMUNITY GROUPS

1.1 Certificate of Appreciation to BAM Arts Inc

Councillor Hill made a presentation of a Certificate of Appreciation to BAM Arts Inc.

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Council Meeting No. CM12 held on 19 July 2021.

Council Decision

Moved: Councillor Harvey

Seconded: Councillor Tayler

That the minutes of the Council Meeting No. CM12 held on 19 July 2021 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES

Nil.

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

The Chief Executive Officer, Mr Phil Cantillon, declared a conflict of interest to Item C.1: CEO Annual Review Recommendation of the CEO Remuneration and Employment Committee, and will leave the chamber at the time of debate and voting.

5. PUBLIC QUESTION TIME

Nil.

6. HEARING OF PUBLIC SUBMISSIONS

Mr Nick Hooper made a submission to Council regarding Item 11.1: Planning Application 63/2021/P – 17 & 18 Pagett Road Carrum Downs – To construct one hundred and thirty-six (136) dwelling sin stages in a General Residential Zone (GRZ) and to remove native vegetation under Clause 52.17 of the Frankston Planning Scheme.

7. ITEMS BROUGHT FORWARD

Nil.

8. PRESENTATIONS / AWARDS

Nil.

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil.

10. DELEGATES' REPORTS**10.1 Top Tourism Town Awards Update by Mayor, Cr Kris Bolam**

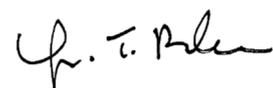
The Mayor provided a verbal report on his attendance to the Top Tourism Town Awards ceremony on 14 July 2021 in Bendigo. He praised the work by officers, including Amy Parsons, Renee Street, their Manager, Fiona McQueen and their Director, Shweta Babbar, on the submission and gave thanks to the people of Frankston for voting.

General Motion**Council Decision****Moved: Councillor Hill****Seconded: Councillor Conroy**

That the verbal report provided by the Mayor on his attendance to the Top Tourism Town Awards ceremony on 14 July 2021 be accepted.

Carried Unanimously

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11. CONSIDERATION OF TOWN PLANNING REPORTS

11.1 Planning Application 63/2021/P - 17 & 18 Pagett Road Carrum Downs - To construct one hundred and thirty-six (136) dwellings in stages in a General Residential Zone (GRZ) and to remove native vegetation under Clause 52.17 of the Frankston Planning Scheme

(SC Communities)

Council Decision

Moved: Councillor Conroy

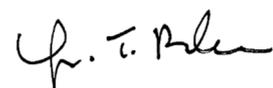
Seconded: Councillor Asker

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 63/2021/P to construct one hundred and thirty-five (135) dwellings in stages in a General Residential Zone (GRZ) and to remove native vegetation under Clause 52.17 of the Frankston Planning Scheme at 17 & 18 Pagett Road, subject to the following conditions:

Amended 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 generally in accordance with the plans submitted with the application *Reference 21-0021 73 Sheets prepared by Thomas Anderson Design dated 2 June 2020 Issue D* but modified to show:
 - a) Deletion of dwelling 'Res38'. No buildings, secluded private open or works (including fencing) are to be shown to occur within the tree protection zone or canopy dripline of Tree 96.
 - b) Trees 17, 19, 20 and 38 removed.
 - c) Tree protection fence locations for all trees to be retained illustrated on all relevant plans.
 - d) Tree protection conditions noted in accordance with Conditions 13, 14 and 15.
 - e) Sheet 23 'Waste Management Plan' amended to include the following:
 - i. Direction of truck travel along the private roads.
 - f) Where retaining walls within private open space are above 500mm in height provide stairs to improve access and amenity.
 - g) Fencing between Laneway 1 and Raynes Close, Laneway 2 and 38R/M Access Way, Res 37 and 38, Res 36 and 55, and around the Clifton Grove Reserve extension to be in accordance with Council SD506-Round Bollard. Plans to clearly label and identify the location of the bollards.
 - h) Provide a passing area at least 6.1 metres wide and 7 metres long where Laneway 3 connects to Pagett Road.
 - i) Demonstrate vehicles from Res58 and 60 can exit the site in a forwards direction.
 - j) Finished Surface Levels (FSL) of Laneway 1, 2, 3, and 4 nominated.
 - k) Laneway 1, 2, 3 and 4 where they intersect with a new Council road in accordance Council SD310-Vehicle Crossing Type 2.
 - l) Provision of a 2.5 metre high acoustic fence along the entire boundary with

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the industrial zone, excluding where an acoustic fence is already provided and the fence between the connection to 38R/M Access Way in accordance with Condition 54.

- m) Res Type B materials to be brick at ground floor level (front and side façade) excluding feature detail render elements, with garages to also be brick.
- n) Boundary fence between Res 43 and 1 Raynes Close replaced with a 1.8m high paling fence.
- o) Architectural shade devices provided to all north and west facing habitable room windows.
- p) Res 48, 50, 52, 54 & 74 provided with 6m³ storage within the garage.
- q) Water tank nominated to each dwelling.
- r) Greater variation in in the proposed material and colour finishes between dwellings to break up monotonous appearance, potentially with an alternating pattern.
- s) Materials schedule amended with all dwellings provided with lighter coloured roofs to improve energy efficiency.
- t) Road humps on Trafford Road and Pagett Road in accordance with Council SD-350.
- u) Raised pavement at the intersection of Sky Way and Pagett Road in accordance with Austroads-Local Area Traffic Management.
- v) Tandem parking spaces must not overhang pedestrian footpath.
- w) An amended Landscape Master Plan in accordance with Condition 6.
- x) A Tree Protection Management Plan in accordance with Condition 12.
- y) Report on the findings and mitigation methods adopted for the protection of fauna in accordance with Condition 16.
- z) Amended staging plan in accordance with Condition 3.
- aa) Offset evidence in accordance with Condition 18.
- bb) Amended Waste Management Plan in accordance with Condition 46.
- cc) Materials Schedule in accordance with Condition 41.

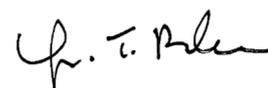
No Alterations

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

Staging

3. Before the development starts, a Staging Plan must be submitted to and approved by the Responsible Authority. When approved the Staging Plan will be endorsed and will then form part of the permit. The Staging Plan must be generally in accordance with *Reference 21-0021 Sheet 3a prepared by Thomas Anderson Design dated 2 June 2020 Issue D* but amended to show:
 - a) Incorporation of the construction of Pagett Road, Trafford Road and Sky Way, in the first stage that involve dwellings with access to those roads.
 - b) The extension to the Clifton Grove Reserve within one of the stages.
4. The development of the land must proceed in the order of stages as shown on the endorsed staging plan except with the written consent of the Responsible Authority.

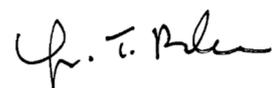
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Section 173 Agreement

5. Before the development starts, the owner of the site must enter into an agreement under Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority addressing the following matters:
- a) Waste Management. The owner/s of the land must provide for:
- The care and management of the private roads, car parking areas, landscaping and other common areas;
 - Rights for Frankston City Council and other servicing authorities to enter the land for the purposes of providing municipal and like services to the land;
 - The maintenance of suitable public liability insurance;
 - The provision of releases and indemnity to Frankston City Council and other servicing authorities in connection with entry on to the land; and
 - The acknowledgement that Frankston City Council may withdraw the provision of municipal services to or from the land, if the private roads become unsafe for vehicular traffic.
- b) 10 Metre Buffer.
- The 10 metre wide 'no habitable building' buffer must be maintained along the rear boundary of all dwellings adjoining the industrial zone to the satisfaction of the Responsible Authority.
 - The owners of all dwellings adjoining the industrial zone must ensure that plantings within the buffer area as shown on the relevant endorsed Landscape Plan are maintained in good condition to the satisfaction of the Responsible Authority, including the replacement of any dead, damaged or diseased plantings, to the satisfaction of the Responsible Authority.
- c) Reserve.
- Within two (2) years of the completion of the development, the Reserve extension land must be transferred to Council by the owner at no cost to Council. The transfer of land will be recognised as a portion of any required public open space contribution, with the remainder to be paid in cash or works in kind at the time of subdivision.
 - Before the transfer of the land, a quote, which is prepared by a suitably qualified person or firm, must be submitted to and approved by the Responsible Authority. The quote must provide details of the costs to maintain the approved Landscape Plan for Clifton Grove Reserve extension on the subject site for an 18-month period from the date the land is transferred, in accordance with the approved landscape plans.
 - Once approved, 150% of the cost quoted must be paid to Frankston City Council as a maintenance bond prior to the transfer of the land. Upon completion of the 18-month maintenance period, if the Responsible Authority is satisfied that all the conditions of the Landscape Management and Landscape Plans have been met, the maintenance bond(s) originally paid will be refunded to the developer.
- d) Public Roads
- The public road extensions (Pagett Road, Trafford Road and Sky Way) must be vested in Council within two (2) years of the completion of the development.
 - The public roads (including Pagett Road) must be constructed in

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accordance with the planning permit and staging plan by the owner to the satisfaction of Council prior to being vested to Council. In the absence of an approved subdivision of the development hereby permitted the construction of the roads to service the development (that are to come into public management) shall be undertaken in accordance with the provisions of the Subdivision Act, 1988 and any associated regulations as though those provisions applied (with the exception of references to certified plans) and to the satisfaction of the Responsible Authority. To this effect the provisions of Sections 15, 16 and 17 are applied in relation to the requirements for engineering plans for works, compliance with standards of works and construction and maintenance of works, inclusive of prescribed fees.

- Before the roads are vested in Council, a quote for all street trees and landscaping within the public road envelope must be submitted to and be approved by the Responsible Authority. The quote must provide details of the costs to maintain the trees and landscaping for an 18-month period from the date of the planting inspection in accordance with the approved landscape plan. During the maintenance period, dead, vandalised or missing trees are to be replaced.
- Once approved, 150% of the cost quoted must be paid to Frankston City Council prior to the vesting of the roads. Upon completion of the 18-month maintenance period, if the Responsible Authority is satisfied that all trees and landscaping have been maintained, the maintenance bond(s) originally paid will be refunded to the developer.

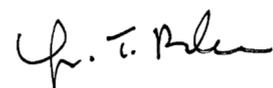
The applicant must cover all costs relating to the preparation and registration of the Agreement (including costs incurred by the Responsible Authority).

The Section 173 Agreement must be registered in accordance with the provisions of Section 181 of the *Planning and Environment Act 1987*.

Landscape Masterplan

6. Before the development starts, a Landscape Masterplan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. The Landscape Masterplan must be drawn to scale and fully dimensioned. When approved the Landscape Masterplan will be endorsed and will then form part of the permit. The Landscape Masterplan must be generally in accordance with *Ref 21-0021 Landscape Concept Masterplan prepared by Genus Landscape Architects dated 29 May 2020*, but amended to show changes required by Condition 1 and the following details;
 - a) Correct North Orientation Point
 - b) Proposed layout of the extension to Clifton Reserve including the continuation of the bollards to the boundary of the reserve and connections to existing pathways. Narrow areas between the pathway and road reserve to be landscape with low lying indigenous grasses.
 - c) An extension of the pathway from Access Way to join Laneway 2 (to reduce creation of future desire lines).
 - d) Low maintenance landscaping to be provided along the southern boundary surrounding the pathway, open space entrance and carparks to the east of Trafford Road.
 - e) Low maintenance landscaping to replace the lawn in the following areas:
 - a. to the south of residents 23 and 24,

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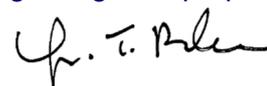


- b. east of residence 118
 - c. north of residences fence lines facing Laneway 4 (between the road and fence line.)
 - d. within the proposed pedestrian link and visitor carparks to Raynes Close
 - e. Along the fence line (east, west and south) of residents 48 to 55
 - f. west of residence 105
- f) A minimum of one canopy tree to be provided within the front and rear open space of all dwellings. (no reduction in the proposed number of canopy trees to be provided)
 - g) Signage design and locations, seating design and locations and a surface treatment palette. (coloured concrete pathways to be nominated in Golden Beach)
 - h) A planting theme of a minimum 40% Indigenous and 40% native within each plant group. (select alternative to *Pennisetum alopecuroides*)
 - i) Bollards to also be installed (with maintenances access) at the intersections of roads and pedestrian paths/parks, and without any areas to avoid future parking of cars on lawn areas.
 - j) Relocation seating to outside the canopy dripline line of tree 96. Canopy dripline to be mulched.

Detailed Landscape Plan

- 7. Before any development starts for a stage, a Detailed Landscape Plan for that stage to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Detailed Landscape Plan must be drawn to scale and fully dimensioned and must be consistent with the endorsed Landscape Masterplan and must show:
 - a) The location of plantings in any road reserve and municipal reserve;
 - b) A survey (including botanical names) of all existing vegetation to be retained to include tree number, Tree Protection Zones (TPZ) and Structural Root Zones (SRZ);
 - c) The delineation and details of surface finishes of all garden beds, grassed areas, pathways, driveways, retaining walls and other landscape works including areas of cut and fill throughout the site;
 - d) Existing buildings on the adjoining properties within three metres of the boundary;
 - e) 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 private and public areas of the site;
 - h) Adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - i) A planting theme of a minimum 40% Indigenous and 40% native within each plant group
 - j) All existing environmental weed species are to be removed from the site and environmental and noxious weeds found in the 'Frankston's Invasive pest guide (2019)' are not to be planted;
 - k) Street trees and feature trees to be provided in the advanced form in accordance with Council Standard drawing Tree planting Details (Advanced street tree- subdivisional development no. SD521 and SD525);
 - l) The provision of notes on the landscape plan regarding site preparation,

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- removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
- m) WSUD treatments such as raingardens and water tanks; and
 - n) All tree stock used must be in accordance with AS2303-2015 Tree stock for Landscape Use.
 - o) Canopy trees and other plantings within the 10 metre buffer to provide an effective visual screen of at least 8 metres in height at maturity.
8. Before the dwellings are occupied for each stage, the landscaping as shown on the endorsed Detailed Landscape Plan for the relevant stage of the development must be carried out and completed to the satisfaction of the Responsible Authority, or at such later date as is approved by the Responsible Authority in writing.
9. The landscaping shown on the endorsed plans for each stage must be carried out and completed and thereafter maintained to the satisfaction of the Responsible Authority, including replacing any dead, diseased or damaged trees.

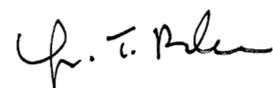
Clifton Grove Reserve Plan

10. Before the commencement of works for the stage including the reserve, a detailed Landscape Plan for the Clifton Reserve extension must be prepared, consistent with the endorsed Landscape Masterplan and to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must include and not be limited to the following:
- a) Links to the existing pathway network;
 - b) Continuation of the existing fencing
 - c) A planting plan (to include rabbit protection) of 100% indigenous (Healthy Woodland EVC);
 - d) Canopy tree cover to achieve a mature canopy of 20% of the site. Trees to be provided within mulched gardens beds
 - e) Sign design and locations;
 - f) Seating design and locations;
 - g) Maintenance schedule; and
 - h) Costings (installation and 18 months maintenance).
11. Before any dwellings are occupied for the stage including the reserve, the works as shown on the endorsed Clifton Reserve Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority or at such later date as is approved by the Responsible Authority in writing.

Tree Protection

12. Before any development starts for any stage, a Tree Protection Management Plan prepared in accordance with Frankston City Council's 'Arboricultural Report Writing Guide' must be submitted to and approved by the Responsible Authority. The Tree Protection Management Plan must address the management and maintenance of all trees to be retained on the site and within close proximity on neighbouring properties and must contain as a minimum but not limited to the following information to ensuring the retained trees remain healthy and viable during and following construction:
- a) A site plan showing TPZs, SRZs, tree protection fence locations and any relocations required and any areas where ground protection systems will be used;
 - b) A clear photograph of each tree;
 - c) Any specific damage/faults evident within each tree prior to demolition or construction. These photographs must be supplied within the Tree

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- Protection Management Plan.
- d) Restricted activities in the TPZ;
 - e) Key supervision and monitoring stages of the development including pre-demolition, pre-construction, and post construction stages;
 - f) Details of any TPZ encroachments including:
 - i. Details of exploratory root investigation;
 - ii. Alternative construction techniques;
 - iii. Supervision; and
 - iv. Details of any root pruning.
 - g) Methods for installation of services e.g. sewerage, storm water, telecommunications, electricity etc;
 - h) Remedial works as required including a detailed photographic diagram specifying what pruning will occur;
 - i) 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 dwellings are occupied or at such later date as is approved by the Responsible Authority in writing.
13. Tree protection must be carried out in accordance with the Australian Standard AS 4970-2009 Protection of trees on development sites and the endorsed Tree Protection Management Plan to the satisfaction of the Responsible Authority. Before any works for each stage, vegetation protection fencing must be erected around the TPZ of trees to be retained. The protection fencing must be constructed to the satisfaction of the Responsible Authority and remain in place at least until all works for the relevant stage are completed to the satisfaction of the Responsible Authority, within this area:
14. Any tree pruning required to the canopy of any tree is to be undertaken by a qualified arborist to the Australian Standard– Pruning of Amenity Trees AS4373-1996 and to the satisfaction of the Responsible Authority.
15. Vegetation removal and disposal must not damage trees and vegetation to be retained.

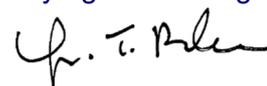
Fauna Identification, Salvage and Relocation

16. Before any works associated with the removal of vegetation start, all hollows must be inspected for the presence of fauna. The inspection must be carried out by qualified and experience expert and to the satisfaction of the Responsible Authority. A report on the findings and mitigation methods adopted must be submitted to and approved by the Responsible Authority. Once approved the fauna identification report will be endorsed and will then form part of the permit.
17. During works associated with the removal of native vegetation, a suitably qualified and experienced Zoologist or Wildlife Handler must be present. If fauna is located immediately prior to or during felling operations, they must be salvaged and relocated by a suitably qualified and experienced Zoologist or Wildlife Handler in accordance with all relevant legislation and approvals, and if appropriate, in consultation with the Department of Environment Land Water and Planning (DELWP).

Native Vegetation

18. Before any native vegetation is removed, evidence the required offset as nominated in the ecologist report prepared by Ecology and Heritage Partners dated March 2021 must be secured with evidence provided to the satisfaction of the Responsible Authority. The offset must meet the requirements of this permit. This evidence may be one or both of the following:
- a) An established first party offset site including a security agreement signed by

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- both parties, and a management plan detailing the 10-year management actions and ongoing management of the site; and/or
- b) Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
19. A copy of the offset evidence must be endorsed by the Responsible Authority and form part of this permit. The offset must achieve:
- Contribute gain of 0.062 general biodiversity equivalence units.
 - Be located within the Port Philip and Westernport Catchment Management Authority boundary or Frankston City Council municipal district.
 - Have a strategic biodiversity score of at least 0.144 (80 per cent of the strategic biodiversity score of the native vegetation approved for removal).
 - The offset must also secure 3 large trees.

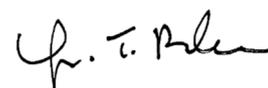
Environment

20. To prevent the spread of weeds listed under the *Catchment and Land Protection Act 1994*, all construction and maintenance equipment, earth moving equipment and associated machinery, must be made free of soil, seed and plant material before being taken to the works site and again before being removed from the works site to the satisfaction of the Responsible Authority.

Construction and Environmental Management Plan

21. Before any development starts including the removal of vegetation, a Construction and Environmental Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed to form part of the permit. Any plans submitted must be consistent with all other documents approved as part of this permit. The plan must be drawn to scale with dimensions. The plan must include details of the following:
- Contact Numbers of responsible owner/contractor including emergency/24-hour mobile contact details.
 - Identification of possible environmental risks associated with development works.
 - Response measures and monitoring systems to minimise identified environmental risks, including but not limited to, vegetation protection, fauna protection, runoff, erosion, dust, litter, noise and light.
 - Location and specifications of sediment control devices on/off site.
 - Location and specifications of surface water drainage controls.
 - Location and specifications of fencing for the protection of trees and/or vegetation as required by the permit.
 - Fauna salvage requirements.
 - Proposed drainage lines and flow control measures.
 - Location of all stockpiles and storage of building materials.
 - Location of parking for site workers and any temporary buildings or facilities.
 - Hours during which construction activity will take place.
 - The Construction Management Plan must be guided by the Urban Stormwater Best Practice Management Guidelines (CSIRO 1999).
 - Identification of possible risks throughout the construction process including but not limited to:

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- a. Erosion control during and post-construction
 - b. Sediment run-off control.
 - c. Vegetation protection.
 - d. Identification and presence of significance bird species prior to and during construction.
 - e. Minimising weed and pathogen spread.
 - f. Construction equipment access to the site and storage locations.
- n) Stormwater management and on-site retention opportunities.
 - o) Location of the siting of any portable buildings and the areas that will be used for the storage of buildings materials during construction.
 - p) Provision for the management of all building and construction waste, including recycling of all materials generated during construction.
 - q) Opportunities to maximise energy efficiency and reduce reliance upon non-renewable resources and materials, including the use of solar and/or green power and appropriate building materials where appropriate.
 - r) Car parking for all persons engaged in construction.
 - s) Security fencing.

Lighting Plan

22. Before the development starts, a lighting plan for private roads, pocket park and the link to 38R/M Access Way, must be submitted to the satisfaction of the Responsible Authority and approved by the Responsible Authority. When approved, the lighting plan will be endorsed and will form part of this permit.
23. The provisions, recommendations and requirements of the endorsed lighting plan must be implemented and complied with to the satisfaction of the Responsible Authority.
24. Before the dwellings are occupied for any stage, outdoor lighting must be provided, designed, baffled and located in accordance with the Lighting Plan to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

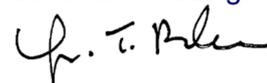
Function Layout Plans

25. Before any development starts for a stage, a Functional Layout Plan for each stage must be submitted to and approved by the Responsible Authority. Once approved, the Functional Layout Plan for that stage will be endorsed and will then form part of the permit. The Functional Layout Plans must include the following for each stage:
 - a) Infrastructure connections, drainage, detention requirements, road reserve and pavement widths, footpaths, shared path vehicle crossovers, service conduit plan, intersection treatments, traffic management devices, turning movements of garbage collection vehicles, street signs, street lighting and street tree planting.

Engineering Requirements

26. 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.
27. Before any stage of the development starts, constructed detailed design plans

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and drainage computations of the internal stormwater drainage system for that stage including the method of connection to the existing Council drainage infrastructure to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the detailed design plans and drainage computations will be endorsed and will then form part of the permit. All development must comply with the approved detailed design plans and drainage computations to the satisfaction of the Responsible Authority.

28. Stormwater Drainage Outfall must be constructed to the satisfaction of the Responsible Authority.
29. Water Sensitive Urban Design principles (WSUD) must be incorporated into the drainage design, which may include but not limited to the following components or a combination thereof:
 - a) On-site stormwater detention;
 - b) Rainwater tanks for harvesting and re-use of stormwater for landscape irrigation, etc.;
 - c) Permeable paving;
 - d) Soil percolation; and
 - e) Rain gardens providing extended detention and on-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.
30. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses.
31. Storm water drainage must be connected to stormwater Legal Point of Discharge as nominated and to the satisfaction of the Responsible Authority.
32. Soakage systems for Stormwater drainage must be provided with Geotechnical design to demonstrate that effective drainage can be provided without detriment to premises and/or other properties.
33. Stormwater runoff must achieve the following objectives for environmental quality, as set out in the Urban Stormwater Best Practice Environmental Guidelines (CSIRO) 1999:
 - a) 80% retention of the typical annual load of suspended solids;
 - b) 45% retention of typical annual load of total phosphorous; and
 - c) 45% retention of typical annual load of total nitrogen.

Water Quality works within the development must be provided to achieve compliance with the above best practice standards to the satisfaction of the Responsible Authority.

34. All new dwellings must achieve appropriate freeboard in relation to local overland flow paths to the satisfaction of the Responsible Authority.
35. Before the occupation of any stage of the development, as-constructed plans detailing any Water Sensitive Urban Design (WSUD) treatment measures including management and maintenance schedules to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.
36. Vehicle crossings must be constructed to Frankston City Council's standards and specifications and to the satisfaction of the Responsible Authority.
37. Before the dwellings in any stage are occupied, areas set aside in that stage for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
 - (a) Constructed to the satisfaction of the Responsible Authority;
 - (b) Properly formed to such levels that they can be used in accordance with the

plans;

(c) Surfaced with an all-weather sealcoat; and

(d) Drained and maintained to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways must always be kept available for these purposes.

38. 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, enough 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.

39. Proposed Pagett Road, Trafford Road and Sky Way extension must be designed and constructed in accordance with the Frankston City Council Guidelines for Subdivisional, Multi-Dwelling & Industrial Developments to the satisfaction of Frankston City Council.
40. Pram crossings must be constructed to connect all footpaths and shared paths. Tactile ground surface indicators, warning and directional must be installed as required in accordance with AS1428.4.

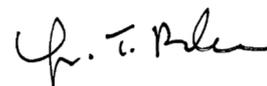
Urban Design

41. Before any development starts, a detailed schedule (including samples) of all external materials and finishes including coloured to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and form part of the permit. The development must comply with the approved materials, finishes and colour schedule.
42. 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.
43. All externally located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority.
44. Mailboxes shall be provided to the proposed dwelling/s to the satisfaction of the Responsible Authority and Australia Post.
45. All plumbing work, sewer pipes etc. (except for spouting and stormwater pipes) associated with the dwellings must be concealed from general view.

Waste Management Plan

46. The Waste Management Plan (WMP) *Reference IMP210157WMP01F02 Waste Management Plan prepared by Impact dated 12 May 2021*, amended to include the following:
- Section 6.5.4.1 Hard Waste updated to accurately advise Council's hard waste process.
 - The updated plan, *Reference 21-0021 Sheet 23 'Waste Management Plan' prepared by Thomas Anderson Design dated 7 January 2020 Issue D*

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included as an appendix to the WMP.

The WMP will be endorsed and will then form part of this permit.

47. The WMP must be implemented to the satisfaction of the Responsible Authority. The WMP must not be modified unless with the written consent of the Responsible Authority.
48. Prior to the completion of a stage of the development, all bin pads must be constructed and line marked with the associated dwelling number.

Contaminated Land Requirements

49. Prior to the commencement of the buildings and works (excluding demolition and environmental audit works required to enable commencement of the construction of the development) the permit holder must provide to the satisfaction of the Responsible Authority:

An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the use and development allowed by this permit; or

An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the use and development allowed by this permit if the recommendations made in the statement are complied with.

50. All the recommendations of the environmental audit or statement must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental consultant or other suitable person to the satisfaction of the responsible authority.

Compliance sign off must be in accordance with any requirements in the environmental audit statement recommendations regarding verification of works.

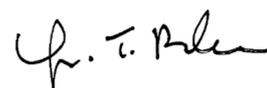
51. Where there are conditions on a Statement of Environmental Audit that require significant ongoing maintenance and/or monitoring, the applicant must enter into a Section 173 Agreement under the Planning and Environment Act 1987 providing for this to occur at the expense of the owner/s of the land. The Agreement must be executed on title prior to the occupation of any dwelling. The owner must meet all costs associated with drafting and execution of the Agreement, including those incurred by the responsible authority.

Should the land be unable to be remediated or the environmental audit statement conditions seek change to the form of development approved under this permit or extensive statement conditions for the future management of the site, the Responsible Authority may seek cancellation or amendment to the permit pursuant to Section 87 of the Planning and Environment Act 1987.

52. Prior to any remediation works being undertaken in association with the Environmental Audit, a 'remediation works' plan must be submitted to and approved by the Responsible Authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plan are permitted to be carried out prior to the issue of an environmental audit statement.

53. The owner must ensure that no mud, dirt or dust is transferred from the site onto adjoining public roads to the satisfaction of the Responsible Authority. In the event that roads are affected, the owner must upon the direction of the Responsible Authority, take the necessary remedial action, to the satisfaction of the Responsible Authority.

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Acoustic Fencing

54. Before the development is completed, an acoustic fence must be erected along the side and rear boundaries of the land where it adjoins industrial properties, excluding where an acoustic fence is already provided and the fence between the connection to 38R/M Access Way. The minimum height must be 2.5 metres above natural ground level. The details of the design and acoustic qualities of the fence must be to the satisfaction of the Responsible Authority to demonstrate achievement of noise attenuation measures and limits required in the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 or successor regulation.

Cultural Heritage Management Plan

55. The construction of the development hereby approved must be carried out in the accordance with the approved Cultural Heritage Management Plan No.16077 prepared by Dr Rhiannon Stammers, Dr Tom Rymer and Genevieve Cini and approved by Bunurong Land Council on 6 January 2020.

Satisfactorily Completed

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

Permit Expiry

57. This permit will expire if one of the following circumstances applies:
- The development is not started within three (3) years of the date of this permit.
 - The development is not completed within six (6) years of the date of this permit.

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

Notes**A. Asset Protection Permit**

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

B. Extension of Time

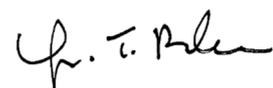
Section 69 of the *Planning and Environment Act 1987* provides that before the permit expires or within 6 months afterwards, the owner or occupier of the land to which the permit applies may ask the responsible authority for an extension of time. Please note, if a request is made out of time, the Responsible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

Any extension of time request must be lodged with the relevant administration fee.

C. Variation to Planning Permit

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

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D. Street Addressing

Street addresses are allocated by Council. It is a requirement under *Frankston City Council Community Local Law 2020* Part 2.12 for the owner or occupier of each property to clearly display the street numbering allocated by Council.

Proposed street addresses can be obtained by contacting Council's Rates Department on 1300 322 322.

E. Suitably Qualified Environmental Consultant

A suitably qualified environmental consultant acceptable to the responsible authority may include an environmental auditor appointed under the Environment Protection Act 2017 or an environmental professional with qualifications and competence consistent with Schedule B9 of the National Environment Protection (Assessment of Site Contamination Measure 1999) (as amended 2013).

Carried Unanimously

12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Council Resolution Status Update for 9 August 2021**

(BA Chief Financial Office)

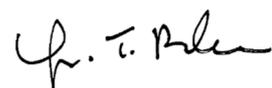
Council Decision**Moved: Councillor Hill****Seconded: Councillor Harvey**

That Council:

1. Receives the Notice of Motion Report for 9 August 2021;
2. Receives the Urgent Business Status Update for 9 August 2021;
3. Notes there are no Notice of Motions that has been reported as being complete;
4. Notes there is one (1) report that is listed as delayed in its presentation back to Council;
 - Update on Coronavirus and Recovery Grants Program - Waiving of fees for winter Sports Clubs
5. Notes there is one (1) report that will not be presented to Council at the 23 August 2021 Council Meeting:
 - Council Resolution Status Update for 23 August 2021
6. Notes, since the Council Meeting held on 19 July 2021, 18 resolutions have been completed, as listed in the body of the report; and
7. Resolves for Attachment D remain confidential, as it contains Council business information that is prescribed by the regulations to be confidential information and would, if prematurely released impact on Council's reputation and ability to function to its full capacity.

Carried Unanimously

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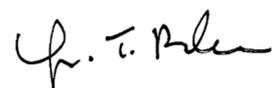
12.2 City Futures Progress Report*(SB Communities)***Council Decision****Moved: Councillor Hill****Seconded: Councillor Harvey**

That Council:

1. Receives the Annual City Futures Progress Report 2020-2021;
2. Approves for the City Futures Progress Report to be presented to Council on a quarterly basis instead of monthly, commencing from November 2021;
3. Notes the success of the Vacant Shopfront Activation Grant program in its objective to attract new business investment into vacant commercial premises in Frankston City;
4. Resolves to award the Vacant Shopfront Activation Grants for 2020-2021 to the following businesses in accordance with recommendations of the Assessment Panel:
 - a. Bang Bang, 2 Hartnett drive, Seaford - \$20,000
 - b. Betty's Burgers, 25 Playne Street, Frankston - \$20,000
 - c. Eeny meeny, Station Street, Frankston - \$20,000
 - d. Loom and Spindle, 16 Station Street, Frankston - \$20,000; and
5. Resolves for Attachment D to be retained confidential, as it contains council business information and would, if prematurely released, could impact the reputation of Council.

Carried Unanimously

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12.3 Frankston Arts Advisory Committee - Report

(AM Communities)

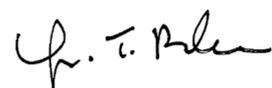
Council Decision**Moved: Councillor Conroy****Seconded: Councillor Asker**

That Council:

1. Receives the Minutes of the Frankston Arts Advisory Committee (FAAC) meeting of 29 June 2021;
2. Approves the extension of two FAAC Committee members terms for 24 months beyond their maximum term;
3. Supports the FACC's recommendations for the Evelyn Street Park brief; and
4. Resolves for the attachment to be retained confidential, as it contains council business information and would, if prematurely released, impact the reputation of Council.

Carried Unanimously

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12.4 Adoption of 'Working with Members of Parliament' protocols
(FM Business Innovation and Culture)

Council Decision

Moved: Councillor Hill

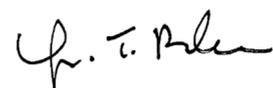
Seconded: Councillor Baker

That Council:

1. Notes Community Engagement was undertaken with key internal and external stakeholders and the feedback has been incorporated into the draft Working with Members of Parliament Protocol (Protocol);
2. Adopts the Protocol;
3. Continues to monitor and review the success of this Protocol; and
4. Considers a review of the Protocol following the November 2022 State Election.

Carried Unanimously

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12.5 Draft Health and Wellbeing Plan 2021-2025

(SB Communities)

Council Decision**Moved: Councillor Baker****Seconded: Councillor Harvey**

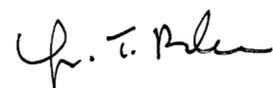
That Council:

1. Notes Council's statutory responsibilities in relation to the development of a Municipal Health and Wellbeing Plan;
2. Endorses the Draft Health and Wellbeing Plan 2021-2025 for community consultation, over a period of five weeks from 11 August to 14 September; and
3. Seeks a report back no later than 11 October 2021 to consider adoption of the Draft Health and Wellbeing Plan 2021-2025, taking into account community feedback received.

Councillor Steven Hughes left the meeting at 7:40 pm and was not present at the time of voting.

The motion was put and
Carried Unanimously

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12.6 Outcomes of June Advocacy Delegation to Canberra

(FM Business Innovation and Culture)

Council Decision**Moved: Councillor Conroy****Seconded: Councillor Baker**

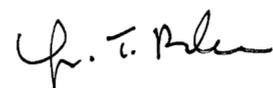
That Council:

1. Receives this report on the recent advocacy trip to Canberra from 22-24 June 2021;
2. Notes correspondence was received from the Hon Paul Fletcher MP, Minister for Communications, Urban Infrastructure, Cities and the Arts in response to Council's letter dated 18 May 2021 regarding commuter car parking, rail electrification, local roads projects, NBN rollout in Frankston City and other matters; and
3. Supports the continued lobbying of both Victorian and Federal Governments to progress options for the delivery of commuter car parking within Frankston City, electrification of the rail line beyond Frankston Station towards the Mornington Peninsula and relocation of government jobs to Frankston City.

Carried Unanimously

Councillor Steven Hughes was not present at the time of voting

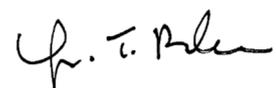
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13. RESPONSE TO NOTICES OF MOTION

Nil

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Handwritten signature of the Chairperson, appearing to be 'C. T. Peden'.

14. NOTICES OF MOTION**14.1 2021/NOM6 - Removal of Hybrid Fibre Coaxial (HFC) Cabling**

(KT Business Innovation and Culture)

Councillor Steven Hughes returned to the meeting at 7:43 pm.

Council Decision**Moved: Councillor Hill****Seconded: Councillor Conroy**

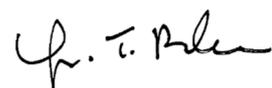
That Council:

1. Notes that the NBN rollout has resulted in overhead Hybrid Fibre Coaxial (HFC) cabling becoming redundant and the decommissioned cable is unsightly and unnecessary on poles and overhead in our streets into residential properties;
2. Writes to NBN Co and The Hon Paul Fletcher MP, Minister for Communications, Urban Infrastructure, Cities and the Arts requesting a commitment and timetable to remove redundant cabling from our streets and homes, with a copy sent to Senator David Van and Peta Murphy MP; and
3. Refers the matter for consideration when determining motions to be put to the next MAV state conference.

*Councillor Steven Hughes left the meeting at 7:47 pm and
was not present at the time of voting.*

Carried Unanimously

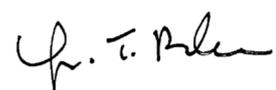
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15. LATE REPORTS

16. URGENT BUSINESS

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A handwritten signature in black ink, appearing to read 'C. T. Peden', written in a cursive style.

17. CONFIDENTIAL ITEMS**Council Decision****Moved: Councillor Harvey****Seconded: Councillor Tayler**

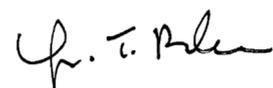
This document and all relevant attachments have been designated by me, the Chief Executive Officer, as confidential information under Section 3(1) of the Local Government Act 2020:

C.1 CEO Annual Review Recommendations of the CEO Remuneration and Employment Committee

- on the grounds that it contains personal and legal privileged information, being information which if released, would result in the unreasonable disclosure of information about any person or their personal affairs, or information which legal professional privilege or client legal privilege applies; and
- these grounds apply because the information that is detailed within the CEO Annual Review contains matters that would, if prematurely released, result in reputational implications for Council.

- **Carried Unanimously**

Chairperson's initials



The meeting was closed to the public at 7.49 pm

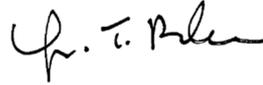
CONFIRMED THIS

23rd

DAY OF

August

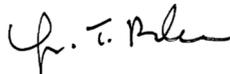
2021



.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Kris Bolam, Chairperson – Council Meeting hereby authorise the use of an electronic stamp of my initials to initial each page of these Minutes of the Council Meeting held on Monday 9 August 2021 confirmed on Monday 23 August 2021.



.....
(Cr. Kris Bolam, Chairperson – Council Meeting)

Dated this

23rd

day of

August

2021

Chairperson's initials

