



FRANKSTON CITY
COUNCIL

Ordinary Meeting

A G E N D A

30 January 2017



COUNCIL CHAMBERS

Dennis Hovenden Chief Executive Officer	Cr. Cunial Mayor	Tim Frederico Director Corporate Development
---	----------------------------	--

Council Core
Business Support
Coordinator

Cr. McCormack

Cr. Mayer

Cr. Aitken

Cr. Hampton

Cr Bolam

Cr. O'Reilly

Media

Media

Cr. O'Connor

Cr. Toms

EMT

EMT

Guest Speaker

Gallery



THE COUNCIL MEETING

Welcome to this Meeting of the Frankston City Council

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

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

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

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

When are they held?

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

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

Governance Local Law No. 1 – Meeting Procedure

34. Chair's Duty

Any motion which is determined by the Chair to be:

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

must not be accepted by the Chair.

88. Chair May Remove

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

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

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

The Formal (Ordinary) Meeting Agenda

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

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

· **Items Brought Forward**

These are items for discussion that have been requested to be brought forward by a person, or a group of people, who have a particular item on the Agenda and who are present in the Public Gallery. Before the start of the meeting, an Officer will ask those in the Public Gallery whether they wish a matter to be considered early in the meeting.

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

Question Time forms are available from the Civic Centre and our website, www.frankston.vic.gov.au. Questions may also be submitted online using the Question Time web form. "Questions on notice" are to be submitted and received by Council before 12 noon on the Friday before the relevant Ordinary Meeting.

"Questions without notice" may be submitted in the designated Question Time box in the public gallery on the evening of the meeting, just prior to its commencement. Forms are available in the Council Chamber.

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

More detailed information about the procedures for Question Time is available from Council's CEO Office (call 9768 1632) and on our website, www.frankston.vic.gov.au.

· **Presentation of Petitions and Joint Letters**

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

· **Presentation of Reports**

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

· **Presentation of Delegate Reports**

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

· **Urgent Business**

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

· **Closed Meetings**

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

· **Opportunity to address Council**

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

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

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

Disclosure of Conflict of Interest

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

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

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

Agenda Themes

The Council Agenda is divided into three (3) themes which depict the Council Plan's Strategic Objectives, as follows:

1. Planned City for Future Growth.
2. Liveable City.
3. Sustainable City.

MAYOR



NOTICE PAPER

ALL COUNCILLORS

NOTICE is hereby given that an Ordinary Meeting of the Council will be held at the Civic Centre, Davey Street, Frankston, on 30 January 2017 at 7pm.

COUNCILLOR STATEMENT

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

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

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

OPENING WITH PRAYER

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

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

BUSINESS

1. PRESENTATION TO COMMUNITY GROUPS

Nil

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM0 held on 25 December 2016.

3. APOLOGIES

Nil

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

5. PUBLIC QUESTION TIME

Nil

6. HEARING OF SUBMISSIONS

Nil

7. ITEMS BROUGHT FORWARD

8. PRESENTATIONS / AWARDS

Nil

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil

10. DELEGATES' REPORTS

Nil

11. CONSIDERATION OF TOWN PLANNING REPORTS

- | | | |
|------|---|----|
| 11.1 | Planning application 95/2016/P - To construct three double storey and one single storey dwellings (four dwellings) - 6 Northgateway Langwarrin | 4 |
| 11.2 | Town Planning Application 430/2005/P/B - 134/325-335 Nepean Highway Frankston - Development and use of the land for 110 dwellings and office(s), reduction in the car parking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for a loading/unloading bay, in accordance with the endorsed plan/s - To amend the permit by the addition of an internal wall to Apartment 134 | 32 |
| 11.3 | Town Planning Application 430/2005/P/A - 28/325-335 Nepean Highway Frankston - Development and use of the land for 110 dwellings and office(s), reduction in the car parking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for a loading/unloading bay, in accordance with the endorsed plan/s - To amend the permit by the addition of an internal wall to Apartment 28 | 46 |

11.4	Town Planning Application 413/2016/P - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and a front fence - 110 Kars Street, Frankston South.....	58
11.5	Amendment to Planning Permit 494/2014/P - 560 Frankston-Dandenong Road, Carrum Downs - To use and develop the site for a Micro-brewery; sale and consumption of liquor; cafe (food and drink premises) and a variation to the carparking requirements.....	75
11.6	Amendment to Planning Permit 490/2011/P - 17 Station Street, Seaford - An extension to the existing Place of Assembly (Seaford RSL) waiver of carparking, additional patrons, extended hours and increase to the licensed area.....	109
11.7	Planning application 432/2016/P - To use land to sell and consume liquor - 101 Wells Street Frankston.....	128
11.8	Submission - Review of the Liquor Control Reform Act 1998.....	140
11.9	Frankston Planning Scheme Amendment C123 - Report on findings and recommendations of Panel Report.....	149
11.10	October Town Planning Progress Report.....	218
11.11	November Town Planning Progress Report.....	246
12.	CONSIDERATION OF REPORTS OF OFFICERS	
12.1	Appeal against Tree Protection Local Law decision - 44 Williams Street Frankston.....	268
12.2	Progress of Council Resolutions resulting from Notice of Motions.....	303
12.3	Hearing of Submission - Setting of Mayoral and Councillor Allowances 2016 - 2020.....	310
12.4	Capital Works Quarterly Report (October - December) 2016/17.....	315
12.5	Waste Minimisation and Management Plan - Year 1 Progress Report.....	338
12.6	2016-2017 Mid-Year Budget Review.....	353
12.7	Response to Petition for a footpath at Seaview Road, Frankston.....	376
12.8	Consultation on Gaming Harm Minimisation Measures.....	379
13.	NOTICES OF MOTION	
13.1	NOM 1253 - Pines Men's Shed.....	393
13.2	NOM 1257 - Cameras at Belvedere Shopping Centre.....	394
13.3	NOM 1258 - Civic Reception for CFA Volunteers.....	395
13.4	NOM 1261 - Frankston 'Longest Lunch'.....	396
13.5	NOM 1262 - Assistance to generationally challenged community groups and community sporting clubs.....	397
13.6	NOM 1263 - Hoon Driving in Frankston.....	398
13.7	NOM 1264 - Frankston History taught in Local Schools.....	399
13.8	NOM 1265 - Cleanliness of Frankston City.....	400

13.9	NOM 1266 - Homelessness Count	403
13.10	NOM 1267 - Citywide Footpaths Audit	404
13.11	NOM 1268 - Outstanding Notice of Motion's Backlog	405
13.12	NOM 1269 - Self Funded Retirees Eligibility for 'concession' discount on/for Frankston City Council Rates	407
13.13	NOM 1270 - Funding for Life Saving Clubs	408
13.14	NOM 1271 - Access to Frankston Nature Reserve - Sweetwater Creek	409
13.15	NOM 1272 - Acknowledgement of Traditional Owners	410
13.16	NOM 1273 - Fees for Busking Permits	411
13.17	NOM 1274 - Procurement Policies and Contracts	412
13.18	NOM 1275 - Support to Traders in CAD	413
14.	REPORTS NOT YET SUBMITTED	
	Boulevards – Nepean Highway South and Cranbourne Road	
15.	URGENT BUSINESS	
16.	CONFIDENTIAL ITEMS	
C.1	Appointment and Authorisation of Council Staff	414
C.2	Delegated Powers Report - Miscellaneous Grants and Frankston Arts Centre Discounts and Concessions - October, November, December 2016	414
C.3	Minutes of the Frankston Arts Board - December Meeting	414
C.4	Appointment of Independent Member to the Audit and Risk Management Committee	414
C.5	Audit and Risk Management Committee – Chairperson's Annual Report to Council	414

Dennis Hovenden

CHIEF EXECUTIVE OFFICER

24/01/2017

Executive Summary**11.1 Planning application 95/2016/P - To construct three double storey and one single storey dwellings (four dwellings) - 6 Northgateway Langwarrin**

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

Community Outcome:	1. Planned City for Future Growth
Strategy:	1.3 Review the Municipal Strategic Statements, also known as the Local Planning Scheme to accommodate future population growth
Priority Action	1.3.1 Develop an urban design policy to guide assessment of proposed developments and deliver quality design outcomes

Purpose

This report considers the merits of the planning application to construct four dwellings comprising of three double storey and one single storey dwellings at 6 Northgateway Langwarrin.

Recommendation (Director)

That a Notice of Decision to Grant a Planning Permit subject to the conditions contained in the officer's assessment.

Key Points / Issues

- It is proposed to construct three (3) double storey dwellings and one single storey dwelling.
- The proposed dwellings will have an overall height ranging between 7.1 and 8.0 metres with a site coverage of 48% and permeable area of 35.9%.
- Each dwelling will be provided with a double garage that accords with the requirements of Clause 52.06. No visitor car space is required to be provided pursuant to Clause 52.06, however one visitor car space is required under Council's Multi Dwelling Visitor Parking Guideline.
- The proposal is consistent with State and Local Planning Policy housing objectives for urban consolidation as it provides for medium density development within an existing residential suburb.
- The development is considered to adequately respond to the preferred neighbourhood character for Langwarrin Precinct 4.
- A total of two (2) objections were received. The concerns raised in the objections generally relate to the potential for overlooking, inadequate visitor car parking and traffic congestion.
- This application is being reported to Council as it does not meet the Council's Multi-Dwelling Visitor Car Parking Guideline.

For further information, please refer to the officer's assessment contained within this report.

Financial Impact

For the 2016/2017 financial year, the State Government introduced legislation that provides for a limit on the amount Victorian Councils may increase rates in any financial year. The cap for the 2016/2017 financial year is 2.5%. The cap is based on a combination of the CPI and expected wages growth.

11.1 Planning application 95/2016/P - To construct three double storey and one single storey dwellings (four dwellings) - 6 Northgateway Langwarrin**Executive Summary**

This cap has had a significant effect on Council's long term financial planning, with rate revenue being \$28 million less than anticipated over the first four years, growing to \$43 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

Consultation1. External Referrals

The application is not required to be referred to any external authorities.

2. Internal Referrals

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

Notification of Proposal

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

Notification was given in the form of:

- Mail to adjoining owners and occupiers; and
- One(1) sign erected on the site frontage

As a result of the public notification, two (2) objections were received. The grounds of objection are summarised in the officer's assessment contained within this report.

Analysis (Environmental / Economic / Social Implications)

The proposed development will create short-term employment opportunities and longer term economic benefits by the increase in the resident population which will assist in stimulating the economy.

The proposed development will provide for further diversity in housing within close proximity to existing social and commercial facilities, resulting in net community benefit for Frankston.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

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

Legal

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

Policy Impacts

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

11.1 Planning application 95/2016/P - To construct three double storey and one single storey dwellings (four dwellings) - 6 Northgateway Langwarrin**Executive Summary**Officer's Declaration of Interests

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

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

Risk Mitigation

There are no risk implications.

Conclusion

The proposal is considered to be consistent with State and Local Planning Policy and will provide for appropriate medium density housing in an existing residential area. The design of the development is considered to be satisfactory subject to conditions to resolve minor matters and apply standard conditions for multi-residential development.

ATTACHMENTS

- Attachment A: Locality Plan - Aerial
- Attachment B: Locality Plan - Objector
- Attachment C: Development Plans

11.1 Planning application 95/2016/P - To construct three double storey and one single storey dwellings (four dwellings) - 6 Northgateway Langwarrin**Officers' Assessment****Summary**

Existing Use	Residential
Site Area	1288 square metres
Proposal	To construct three double storey dwellings and one single storey dwelling (four dwellings)
Site Cover	48%
Permeability	35.9%
Zoning	General Residential
Overlays	Nil
Neighbourhood Character Precinct	Langwarrin 4
Reason for Reporting to Council	Multi Dwelling Visitor parking Guidelines

Background***Subject Site***

The subject site is slightly irregular in shape and is located on the eastern side of Northgateway in Langwarrin.

The site has a front boundary with a width of 23.24 metres, side boundaries of 40.51 and 48.50 metres respectively and an overall area of 1,297 square metres. A 2.0 metre wide drainage and sewer easement extends along the side (southern) boundary of the site.

The site has a fall of approximately 3 metres from the rear to the front (west).

The subject site currently contains a single dwelling and is heavily vegetated. Vegetation consists of mature shrubs and trees which are a mix of exotic and native species. There is an existing single crossover located adjacent to the northern side boundary.

Locality

This section of North Gateway is defined by a variety of small and large lots which contain a mix of double and single storey brick veneer dwellings of varying styles and ages. There are recent examples of multi-dwelling developments within close proximity of the site.

Site History

Nil

11.1 Planning application 95/2016/P - To construct three double storey and one single storey dwellings (four dwellings) - 6 Northgateway Langwarrin**Officers' Assessment*****Proposal***

The proposal is summarised as:

Dwelling	Storeys	No. of Bedrooms	Secluded Private Open Space	Car Parking
1	2	3	40 sqm	Double garage
2	1	3	42 sqm	Double garage
3	2	3	65 sqm	Double garage
4	2	3	64 sqm	Double garage

The proposal is to construct four dwellings separated by a central driveway. Dwellings 1 and 4 will be two storeys (ranging between 7.2 and 7.8 metres in height) and will have varied setbacks from the front boundary ranging between 6.3 and 8.1 metres. Both dwellings will have open living, family and meals areas, master bedroom and amenities at ground level. Two bedrooms and a sitting room are proposed on the first floor. The proposed building finishes will include a combination of face brickwork at ground level and render finish across the first floor. Tiled pitched roof are proposed for both dwellings.

Double garages are proposed for both dwellings including one behind dwelling 4 which is accessible from the common driveway. Dwelling 1 will be provided with a new vehicle crossover from Northgateway at the southern end of the site.

The proposed dwellings 2 and 3 will be located at the rear of the allotment. Dwelling 2 will be single storey and dwelling 3 will be double storey. Both dwellings will contain open kitchen and living rooms. Three bedrooms are proposed for each dwelling. Vehicle access is proposed via the common driveway to double garages which are located alongside both dwellings.

The proposed dwelling finishes will include face brick, render, horizontal cladding and tiled pitched roofs.

All vegetation on the site is proposed to be removed.

State and Local Planning Policy Frameworks

State Planning Policy Framework relevant to this application are summarised as follows:

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

11.1 Planning application 95/2016/P - To construct three double storey and one single storey dwellings (four dwellings) - 6 Northgateway Langwarrin
Officers' Assessment

Local Planning Policy Framework relevant to this application are summarised as follows:

- Clause 21.04 – Settlement
- Clause 21.07 – Housing; and
- Clause 22.08 – Neighbourhood Character Policy

Planning Scheme Controls

A Planning Permit is required pursuant to:

- Clause 32.01-4 – General Residential Zone of the Frankston Planning Scheme for the construction of 2 or more dwellings on the lot;

Notification of Proposal

The grounds of objection are summarised as follows:

- Inconsistent with the character of the area;
- Traffic congestion;
- Overlooking into the rear garden and pool area of the dwelling to the north;
- Loss of privacy; and
- Inadequate visitor parking.

Internal Referrals

The application has been referred to several Council Departments and the following comments were made:

Traffic Engineer

Council's Traffic Engineers have provided the following comments (summarised):

- The two existing street signs (roundabout ahead warning signs and parking sign) are to be moved south to be in line with the property boundary.
- As per Clause 52.06, no visitor parking is required.
- As per Council's Multi Dwelling Visitor Parking Guideline, one visitor parking space is required to be provided on-site. No visitor parking has been provided.
- Vehicle crossings are to be located at least 1.5m away from service pits, or written consent sought from relevant authorities to locate crossovers closer to pits.
- The design of the common driveway meets the required design standards for car parking. Vehicles exiting the garages of Dwellings 2, 3 and 4 have been designed to enable cars to exit the site in a forwards direction.

Drainage Engineer

Council's Drainage Engineers have provided the following comments (summarised):

- Storm water legal point of discharge to Northgateway kerb and channel
- No objections subject to inclusion of standard conditions.

11.1 Planning application 95/2016/P - To construct three double storey and one single storey dwellings (four dwellings) - 6 Northgateway Langwarrin
Officers' AssessmentEnvironment Officer

Council's Environment Officer has provided the following comments (summarised) and does not object to the proposal subject to conditions:

- The supplied arborist report prepared by Constructive Arboriculture dated October 2016 has assessed all trees in the adjacent road reserve and adjoining lot that may be affected by the proposed works. The report has not taken into account the retaining walls along the northern and eastern boundaries that will affect trees 5 and 6 located on the adjoining property at 10 The Close.
- Encroachment by the building foot print of the proposed dwellings is low and will not have an adverse effect on the trees surveyed.
- The new crossover adjacent to Tree 2 has not allowed for future growth of the tree and is likely to be disturbed in the future. Given the vigour and structure of Tree 2 removal and replacement is preferred.
- The storage shed for Dwelling 4 to be moved outside of the Structural Root Zone of Tree 4 located at 10 The Close.

Discussion***State and Local Planning Policy***

The proposal is considered to meet the relevant State and Local planning policies. The development will provide for an appropriately designed medium density infill development that meets the urban consolidation objectives for Melbourne.

The proposal achieves these policies by providing more dwelling options in the locality which helps to meet the increasingly diverse community's housing needs. The proposal also provides for medium density housing which makes better use of existing infrastructure and is appropriately energy efficient.

Neighbourhood Character and Design Response

Council's Neighbourhood Character Policy (Clause 22.08) seeks to ensure that development is responsive to the key characteristics that make up the preferred character of each precinct. The site is located within the Langwarrin 4 Neighbourhood Character Precinct.

The preferred character statement for the precinct is: 'The openness of the streetscapes will be maintained, and links with the surrounding landscape, including Boggy Creek environs will be enhanced.'

- *To encourage strengthening of the garden settings and encourage the retention and planting of indigenous vegetation.*
- *To maintain the openness of the streetscape.*
- *To reflect the rhythm of existing dwelling spacing.*
- *To ensure that buildings and extensions do not dominate the streetscape.*
- *To encourage building elements that respects the Creekside or any wetland environment and do not dominate the streetscape*

11.1 Planning application 95/2016/P - To construct three double storey and one single storey dwellings (four dwellings) - 6 Northgateway Langwarrin**Officers' Assessment**

The proposal minimises hardstand area through the use of a common driveway, which provides landscaping opportunities (including canopy trees) in the front setback. There will be further opportunities for landscaping within the private open space of all dwellings and along the common access way. A condition of any permit issued will require the submission of a landscape plan.

No front fencing is proposed maintaining the openness of the streetscape character.

The proposal will not dominate the streetscape. The dwellings will be well articulated with the upper floors recessed from the ground floor and the use of colours and materials to break up any appearance of visual bulk. The generous front setbacks will also enable the planting of vegetation to soften the development when viewed from the street.

The development has been setback from all side boundaries to reflect the rhythm of existing dwelling spacing.

On the whole, it is considered the development proposal satisfies the design objectives of the Langwarrin 4 Neighbourhood Character Precinct.

Clause 52.06 – Car Parking

The proposal complies with Clause 52.06. A double garage is provided to each dwelling which meets the minimum design standards of Clause 52.06. As the total number of dwellings is less than five (5), no visitor car parking is required.

The access arrangements for all garages, based on reverse-in and reverse-out manoeuvres within the site, are acceptable given the site constraints and deemed satisfactory by Council's Traffic Engineer. The garages of dwellings 2, 3 and 4 will be located to the rear of the dwellings and will not be visible from Northgateway. The garage of dwelling 1 will be set behind the line of the dwelling and will not visually dominate the streetscape.

Council's Visitor Parking Guidelines

The proposal does not comply with Council's Multi-dwelling Visitor Car Parking Guidelines, which in this case require the provision of one visitor car space onsite.

Under the normal operation of the guidelines, visitor parking would not be required for this proposal. However, as there is no on-street parking available in front of the site due to permit only parking restrictions, the guidelines specify a requirement for one space onsite.

Dwelling 1 will be serviced with its own separate vehicle access way and there is the ability for a tandem space in front of the garage. Dwellings 2, 3 and 4 will be provided with a common access way. Directly in front of the site, permit restrictions apply due to the proximity to Langwarrin Park Primary School. There is no opportunity to provide an on-site visitor parking space onsite without substantially reducing landscaping opportunities. Neighbourhood character considerations for retention of landscaping areas and providing more open space are preferable outcomes in this case.

It is further noted that while Council has resolved to prepare an amendment to introduce Council's Visitor Car Parking Guidelines into the Frankston Planning Scheme, Council risks an unfavourable costs decision at VCAT should it seek to impose the additional visitor car spaces required under the Guidelines. The Planning Scheme amendment is yet to commence public exhibition. As such it is not a seriously entertained document at this stage and would be given little weight at VCAT.

11.1 Planning application 95/2016/P - To construct three double storey and one single storey dwellings (four dwellings) - 6 Northgateway Langwarrin**Officers' Assessment****Clause 55 (ResCode)****Neighbourhood Character and Infrastructure**

It is considered the design will respond appropriately to the objectives for the Langwarrin 4 Neighbourhood Character Precinct as previously discussed.

It is considered that the proposal can be provided with the appropriate level of utility services and infrastructure and provides reasonable pedestrian and vehicle connections to the existing road network.

Site Layout and Building Massing

The front setback of dwellings 1 and 4 will have a varied setback of between 6.3 and 8.4 metres respectively and a 7.0 metres setback would be required. While the proposal is seeking a variation to the front setback requirements of ResCode, the variation in this instance is considered acceptable. The setback of the adjoining property to the north is 6.1 metres for its entire length. The staggering of the front setbacks of dwellings 1 and 4 combined with the angled frontage minimises the visual impact of the buildings when viewed from the street and is consistent with the front setbacks within the immediate area.

It is considered that the proposal meets the required standards in relation to site coverage (49%) and permeability (35.9%). The proposed building height is consistent for this location and falls well within the maximum building height allowed by the standard. In general, the approach of maintaining two storey built form across the front of the allotment with a single storey at the rear will respect the more sensitive low scale built form particularly at the south side of the property. It is also noted that the height of the porch of Dwelling 4 slightly exceeds the maximum height of 3.6 metres encouraged by ResCode and this is due to the slope of the land. The variation is minor and is acceptable in context with the development.

The design and orientation of all dwellings generally achieves satisfactory solar access, with minimal impact on energy efficiency of existing dwellings on adjoining lots. The living areas of Dwellings 1, 3 and 4 have northern orientation with access to secluded private open space. While Dwelling 2 has limited northern orientation, the living areas will be located on the east side of the dwelling and will receive morning sunlight which is considered acceptable.

Dwellings have been generally been designed so that the entrances are visible from the street and access way and will also allow for passive surveillance of the street and internal access way.

There will be sufficient opportunities for the planting of meaningful landscaping, including canopy trees, throughout the site. This will ensure the site will provide a positive contribution to the neighbourhood character. Council's Environment Officer has raised concerns that a proposed retaining wall along the northern boundary will have a detrimental impact upon vegetation on the adjoining property to the north. A condition of any permit issued will require that no retaining walls will be permitted within the structural root zone of tree 5 in particular.

The siting of the central crossover will impact upon a street tree. Council's Environment Officer has reviewed the siting of the crossover and has no concerns with the removal of the tree subject to replacement planting.

11.1 Planning application 95/2016/P - To construct three double storey and one single storey dwellings (four dwellings) - 6 Northgateway Langwarrin**Officers' Assessment**

The proposal will require the construction of two new crossovers and the existing crossover to be reinstated to kerb and channel. Given the width of the site, two crossovers is considered reasonable and will still ensure that on-street parking is available. Council's Traffic Engineer has advised that the new crossovers must be a minimum of 1.5 metres from the service pits which will be included as a condition of any permit issued.

Amenity Impacts

On the whole the development provides generous setbacks to side and rear property boundaries and exceeds the minimum requirements of ResCode. Generally the dwellings will have a minimum setback of 2.0 metres from both side boundaries other than the garage wall of dwelling 4 which is proposed to have a setback of 1.5 metres from the northern (side) boundary.

The proposal will not impact on access to natural daylight, or northern solar access, for habitable room windows of dwellings on the adjoining properties. This is due to the placement of the single storey dwelling to the rear combined with good setbacks of the ground and upper floors of Dwelling 1.

Overall the extent of overshadowing will easily meet ResCode objectives and will not significantly overshadow existing secluded private open space, particularly to the south. As dwelling 2 will be single storey, the extent of overshadowing of the secluded open space of dwellings to the south will be minimal and well within the maximum encouraged by ResCode.

It is considered that the proposal would not result in any unreasonable overlooking into the adjoining properties. The dwellings will be cut into the slope of the land to minimise any overlooking at ground level which will also assist to reduce visual bulk. Dwelling 2 will be stepped up the site to reduce the finished floor levels and minimise any need for additional screening. Windows on the upper floors facing adjoining properties are proposed to be obscured to a height of 1.7 metres above the finished floor level. One objection has raised concerns that the windows overlooking their property will have a glazed film which can be easily peeled off. It is agreed that the use of film is unacceptable and obscured glazing must be permanent. A condition of any permit issued will require the notation currently on the plans be amended to delete the reference to "film".

It is also noted that the bathroom windows on the upper floor of dwellings 3 and 4 have not been shown to have obscured glazing as is normal practice for bathrooms. A condition of any permit issued to require obscured glazing to these windows will address this issue.

On-Site Amenity and Facilities

All dwelling entries could be made accessible to persons of limited mobility. Each dwelling incorporates a porch entry that is visible to the street or common driveway and provides appropriate weather protection and sense of transition of the dwellings.

11.1 Planning application 95/2016/P - To construct three double storey and one single storey dwellings (four dwellings) - 6 Northgateway Langwarrin**Officers' Assessment**

Dwellings 1, 2 & 3 will be provided with 40 square metres of secluded open space in one parcel with convenient access to living areas and to the rear of each dwelling. Dwelling 4 proposes some secluded open space within the front setback which is usually not considered acceptable due to the need for high fencing and consequential impacts on the streetscape. In this instance, the siting of the secluded open space is considered reasonable. The front fence to the private open space will be setback 3.0 metres from the street frontage which will provide reasonable opportunities for landscaping. No other front fencing is proposed which will assist to maintain the openness of the streetscape and passive surveillance of Northgateway. It is also noted that the development of the south, has a similar layout with a portion of the secluded open space within the front setback.

Each dwelling will be provided with appropriate storage areas. Council's Environment Officer has recommended the storage for Dwelling 4 be located outside of the structural root zone of a tree on the adjoining property to the north. This will be included as a condition of any permit issued.

Detailed Design

Overall the proposed design is considered appropriate in context of the surrounding built form and streetscape setting. All services area will be easily accessible from the common property areas.

Response to objections

It is considered the majority of objectors' concerns have been discussed throughout the report and the modifications sought by conditions will provide further improvements to the way the development will respond to the site and the objector's concerns. Other concerns raised are discussed below:

Objection: Traffic congestion

Concerns have been raised that the proposal will result in increased traffic congestion on an already busy road. It is acknowledged that the proposal will generate some additional traffic. However, Council's Traffic Engineers have raised no concerns with this matter and are of the opinion that the surrounding road network will be able to accommodate any additional traffic generated by the proposal.

Conclusion

Overall, it is considered the proposal, with modifications, is able to satisfy the requirements of the State and Local Planning Policies, Zoning and decision guidelines of Clause 65 of the Frankston Planning Scheme. The design of the development is acceptable and achieves an appropriate built form response as well as opportunities for landscaping. It is considered the development will not have any unreasonable impacts on local amenity.

11.1 Planning application 95/2016/P - To construct three double storey and one single storey dwellings (four dwellings) - 6 Northgateway Langwarrin**Officers' Assessment****Recommendation (Director Community Development)**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 95/2016/P to construct three double storey and one single storey dwellings (four dwellings) at 6 Northgateway Langwarrin, subject to the following conditions:

Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted 2 November 2016 but modified to show:
 - (a) Notation on the plan stating obscured glazing must be fixed in any part of the window below 1.7 metres above the floor level.
 - (b) Obscured glazing to the north facing bathroom windows of dwellings 3 and 4.
 - (c) Storage shed of dwelling 4 relocated outside of the structural root zone of Tree 4.
 - (d) No retaining walls within the structural root zone of Tree 5.
 - (e) All trees growing on the adjoining properties within 3m of the boundaries and the road reserve must be clearly illustrated on all relevant plans to demonstrate canopy width, trunk location and clearly labelled in accordance with the Tree Assessment Report prepared by Constructive Arboriculture dated October 2016 and clearly state whether the tree is to be retained or removed.
 - (f) The Tree number, Tree Protection Zone and Structural Root Zone for all trees to be retained and the tree protection fence locations must be illustrated on all relevant plans.
 - (g) Tree protection conditions noted in accordance with Conditions 5, 6 and 7.
 - (h) A Landscape Plan in accordance with Condition 4.

No Alterations

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

Prior to Occupation

3. 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.

11.1 Planning application 95/2016/P - To construct three double storey and one single storey dwellings (four dwellings) - 6 Northgateway Langwarrin**Officers' Assessment****Landscape Plans**

4. Before the commencement of buildings and works, a landscape plan in accordance with the submitted development plan, prepared by a suitably qualified landscape professional must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
- (a) A survey (including botanical names) of all existing vegetation on the site and those located within three (3) metres of the boundary of the site on adjoining properties, accurately illustrated to represent canopy width and labelled with botanical name, height and whether the tree is proposed to be retained and/or removed;
 - (b) Buildings on neighbouring properties within three metres of the boundary;
 - (c) The delineation and details of surface finishes of all garden beds, grassed areas, pathways, driveways, retaining walls and other landscape works including areas of cut and fill throughout the development site;
 - (d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;
 - (e) A range of plant types from ground covers to large shrubs and trees;
 - (f) Landscaping and planting within all open areas of the site;
 - (g) Adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - (h) The provision of screen planting (minimum mature height of 1.5m) within a landscape strip of 60cm at the interface of the driveway and dwellings 1 and 4;
 - (i) A planting theme of a minimum 20% indigenous, 40% native within each plant group;
 - (j) All existing environmental weed species are to be removed from the site and environmental and noxious weeds found in the 'Sustainable Gardening in Frankston City' (2015) booklet are not to be planted;
 - (k) The provision of suitable canopy trees (minimum two metres tall when planted) in the areas specified below (trees are not to be sited over easements) with species chosen to be approved by the Responsible Authority;
 - (i) Three (3) trees within the front setback with a minimum mature height of 8m
 - (ii) One (1) tree within the private open space of all dwellings minimum mature height 7m
 - (l) the provision of notes on the landscape plan regarding site preparation, including in-ground irrigation system to be provided to all landscaped areas, removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.

11.1 Planning application 95/2016/P - To construct three double storey and one single storey dwellings (four dwellings) - 6 Northgateway Langwarrin**Officers' Assessment****Tree Protection**

5. Tree protection must be carried out in accordance with the Australian Standard AS 4970-2009 Protection of trees on development sites to the satisfaction of the Responsible Authority.
6. Prior to the commencement of the development (including, demolition, excavation and 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 around the T.P.Z. of tree 1 where occurring on the nature strip, trees 3, 4 and 6 reduced by the minimum amount necessary to construct the approved works and the Structural Root Zone of tree 5 where occurring on the subject to the satisfaction of the Responsible Authority. A fixed sign is to be provided on all visible sides of the Tree Preservation Fencing, stating "Tree Preservation Zone – No entry without permission from Frankston City Council".

The requirements below must be observed within this area –

- a) Coarse mulch laid to a depth of 50-100 mm (excluding street trees).
- b) No vehicular or pedestrian access.
- c) The existing soil level must not be altered either by fill or excavation.
- d) The soil must not be compacted or the soil's drainage changed.
- e) No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are to be disposed of or stored.
- f) No storage of equipment, machinery or material is to occur.
- g) Open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used unless approved by the Responsible authority to tunnel beneath.
- h) Nothing whatsoever, including temporary services wires, nails, screws or any other fixing device, is to be attached to any tree.
- i) Tree roots must not be severed or injured.
- j) Machinery must not be used to remove any existing concrete, bricks or other materials.

The tree protection fence must remain in place for the duration of building and works to the satisfaction of the Responsible Authority

Ground Protection

7. Prior to the commencement of construction the following tree protection conditions apply within the identified Tree Protection Zones for trees 3, 4, 5 and 6. 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 approved dwellings outside of the building foot print.

11.1 Planning application 95/2016/P - To construct three double storey and one single storey dwellings (four dwellings) - 6 Northgateway Langwarrin**Officers' Assessment**

- b) 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 approved dwellings is completed.
- c) No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are to be disposed of or stored.
- d) No storage of equipment, machinery or material is to occur.
- e) Open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used unless approved by the responsible authority to tunnel beneath.
- f) 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
- g) If machinery is used to remove existing structures, concrete, bricks or other materials it must be located outside of the defined Tree Protection Zones with ONLY the main arm of the machine reaching into this Zone.

Drainage

8. 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.
9. 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.
10. 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.

Engineering Requirements

11. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
12. All disused vehicle crossings shall be removed and the area reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.

11.1 Planning application 95/2016/P - To construct three double storey and one single storey dwellings (four dwellings) - 6 Northgateway Langwarrin**Officers' Assessment**

13. Prior to occupation of the dwellings hereby permitted by this permit starts, areas set aside for parking vehicles, loading bays, access lanes and paths as shown on the endorsed plans must be :-
- 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.
- Car spaces, access lanes and driveways must be kept available for these purposes at all times.
14. Where the development involves work on or access to Council controlled land including roads, reserves and right of way, the owner, operator and their agents under this permit must at all times take adequate precautions to maintain works to the highest public safety standards, to the satisfaction of the Responsible Authority.
- Precautions must include, appropriate signage to AS 1743 Road Works Signing Code of Practice, the provision of adequate barricading of works, including trenches of Service Authorities and any other road openings, sufficient to ensure public safety.
- All relevant permits must be obtained from Council for works within the existing road reserves, in addition to the planning permit.

Urban Design

15. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
16. Mailboxes shall be provided to the proposed dwelling/s to the satisfaction of the Responsible Authority and Australia Post.
17. All plumbing work, sewer pipes etc. (except for spouting and stormwater pipes) associated with the new dwelling shall be concealed from general view.
18. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

Satisfactorily Completed

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

Permit Expiry

20. This permit will expire if one of the following circumstances applies:
- 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.

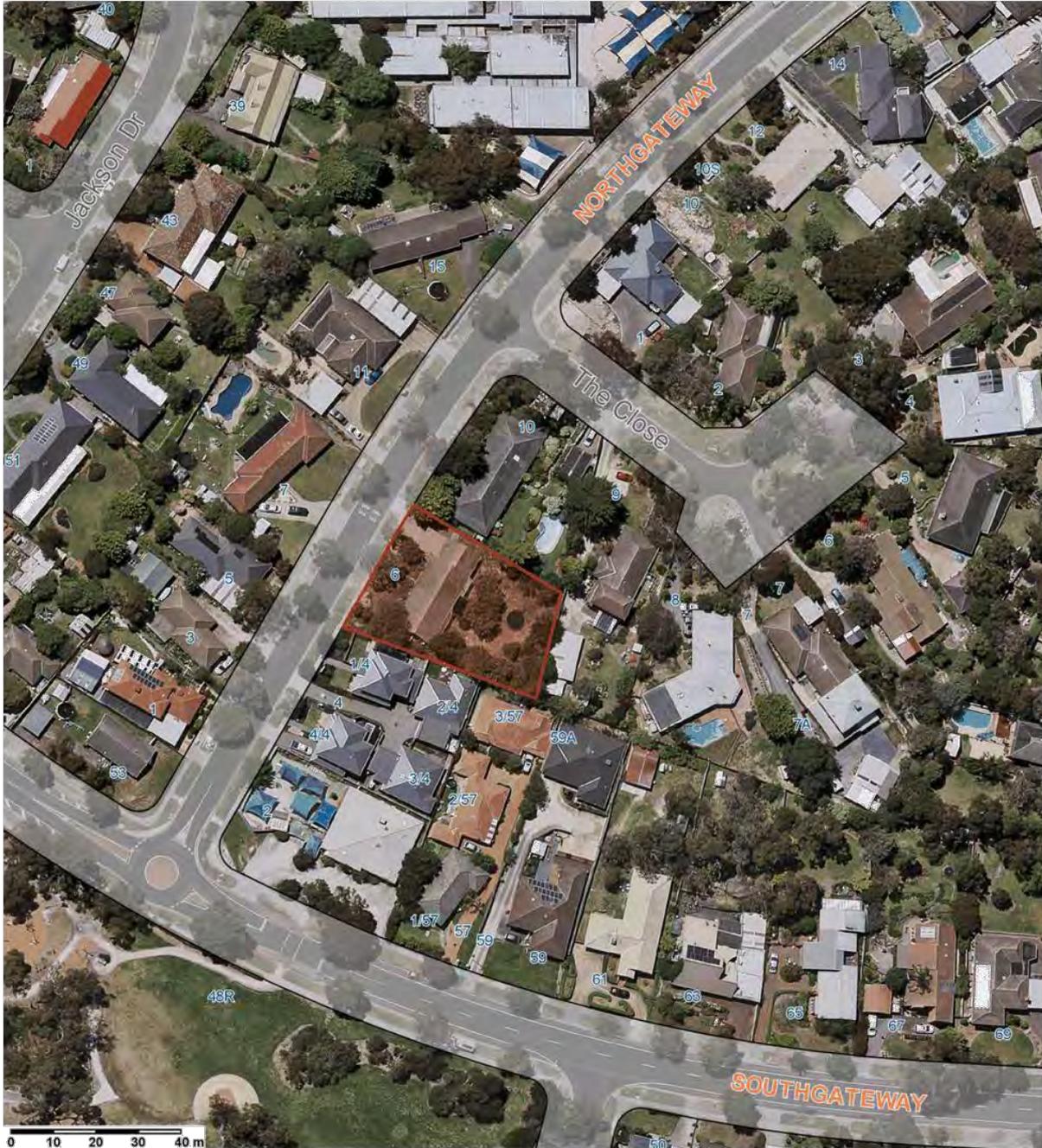
11.1 Planning application 95/2016/P - To construct three double storey and one single storey dwellings (four dwellings) - 6 Northgateway Langwarrin**Officers' Assessment****Notes**

- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- B. Prior to the commencement of construction the operator of this planning permit must obtain a non-refundable Asset Protection Permit from Frankston City Council's Infrastructure Department.
- C. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made. Pursuant to Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the periods referred to if a request is made in writing within the following prescribed timeframes:
- (a) Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started;
 - (b) Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

If a request is made out of time, the Responsible Authority cannot consider the request and the permit holder will not be able to apply to VCAT for a review of the matter.

- D. Prior to the construction of the crossover the "Request Form - Street Tree Removal for Private Development" and payment for the removal of the Council Street tree *Eucalyptus elata* (Tree 2) located on the nature strip at 6 Northgateway must be provided to Frankston City Council's Planning and Environment Department in accordance with the fees for a Small Street Tree outlined in Council's Guidelines for Street Tree Removal for Private Development. Upon receipt of the form and payment the street tree removal will be actioned.

Town Planning Application – 95/2016/P
6 Northgateway Langwarrin



Disclaimer

Contains Council information © Frankston City Council. Reproduced by permission from the Business and Information Technology Department, Frankston City Council 2017. Contains VicMap information © State of Victoria, Department of Environment, Land, Water and Planning, 2017. Reproduced by permission.

This material may be of assistance to you but Frankston City Council, the State of Victoria and their employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaim all liability for any error, loss or consequences which may arise from your relying on any information contained in this material. You are hereby notified that any use, dissemination, distribution or reproduction of this information is prohibited and must be used for personal use only.

The information contained herein must not be used in any manner that could breach any criminal, federal, state or local law.

Projection: GDA94 / MGA zone 55

Scale: 1:1240

Date Printed: 16/01/2017

Time Printed: 9:57 AM

Issued by: Tara Lambert



Town Planning Application – 95/2016/P
6 Northgateway Langwarrin

★ Subject Site ■ Objections



Disclaimer

Contains Council Information © Frankston City Council. Reproduced by permission from the Business and Information Technology Department, Frankston City Council 2017. Contains VicMap information © State of Victoria, Department of Environment, Land, Water and Planning, 2017. Reproduced by permission.

This material may be of assistance to you but Frankston City Council, the State of Victoria and their employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaim all liability for any error, loss or consequences which may arise from your relying on any information contained in this material.

You are hereby notified that any use, dissemination, distribution or reproduction of this information is prohibited and must be used for personal use only.

The information contained herein must not be used in any manner that could breach any criminal, federal, state or local law.

Projection: GDA94 / MGA zone 55

Scale: 1:1240

Date Printed: 16/01/2017

Time Printed: 10:06 AM

Issued by: Tara Lambert



LEGEND

- PREVAILING WINDS
- PEDESTRIAN ACCESS
- NOISE AND TRAFFIC SOURCE
- DESIRABLE VIEWS FROM THE SITE
- VEHICLE ENTRY TO SITE
- LOCATION OF LOWEST & HIGHEST POINTS ON THE SITE
- SITE FAIL

LOCATION TO C.B.D.	50 KM TO MELBOURNE
PROXIMITY TO PARKS	2 KM
PRIMARY SCHOOLS	SCHOOL 200 M
SECONDARY SCHOOLS	SCHOOL 5 KM
SHOPS	SHOPPING CENTRE 800 M
PUBLIC TRANSPORT	790 500 M
BUS STOP	
TRAIN STATION	STATION 5.4 KM

SITE ANALYSIS PLAN CERTIFICATION

THIS SITE CONTEXT PLAN HAS BEEN PREPARED FROM SITE VISITS, LICENSED SURVEYORS SURVEY & STATUTORY AUTHORITY RECORDS & IS A FAIR REPRESENTATION OF EXISTING CONDITIONS & FEATURES OF THE PROPOSED SUBJECT SITE & SURROUNDING ENVIRONS. FOR THE PURPOSE OF MEDIUM DENSITY DEVELOPMENT AS REQUIRED BY 'RESCODE', NEIGHBOURS DIMENSIONS AND PLANT SPECIES ARE AS ACCURATE AS POSSIBLE.

SIGNED: REF No: _____ DATE: _____
 ON BEHALF OF THOMAS ANDERSON DESIGN

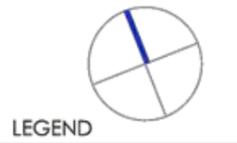


SITE CONTEXT PLAN
 SCALE 1:250



MULTI UNIT DEVELOPMENT
 6 NORTHGATEWAY LANGWARRIN

PROPOSED RESIDENTIAL DEVELOPMENT
 CLIENT: Retirement Agenda Pty Ltd
1
 ISSUE D
 15-0731
 NOV 2016
 FA



LEGEND

- SPOS - DIMENSION OVER 3.0M
- FOS - DIMENSION UNDER 3.0M/ FOS
- COMMON PROPERTY
- SEALED REINFORCED CONCRETE DRIVEWAY
- PERMEABLE PAVING ON SAND BASE
- PERMEABLE TIMBER DECKING

NOTE: SOUTH EAST WATER APPROVAL SEWER WITHIN 1M OFF EXISTING SEWER MAINS.

- NEW CONCRETE CROSSOVER
- REMOVED EXISTING STRUCTURES, TREES
- 1.8M HIGH THREE PALINGS FENCE
- EXTENT OF 600MM HIGH LATTICE EXTENSION
- FINISHED FLOOR LEVEL
- FINISHED SURFACE LEVEL (CUT - FULL LEVEL)
- CLOTHES LINE
- SECURITY LIGHT, 'S' OR 'L'
- BOLLARD LIGHT
- TAP
- LETTER BOX
- OPTIONAL WATER TANK LOCATION
- WATER METER
- RUBBISH AND RECYCLE BIN LOCATION
- RETAINING WALLS
- RETAINING WALL AS PER PLAN TREATED PINE SLEEPER WITH AGGL. DRAIN - OR REFER ENG. DESIGN
- COLLAPSIBLE COLORBOND SHED IN MIXED TONES ON 100MM CONC. SLAB
- S.P.O.S.
- PROPOSED TREE

SITE STATISTICS

Total Site Area	1288.0 m ²
Total Site Cover	639.0 m ²
Total Site Cover Ratio	49.6 %
Driveway Area	186.0 m ²
Total Hard Cover Area	825 m ²
Total Hard Cover Ratio	64.1 %
Permeable Area	463.0 m ²
Permeable Area Ratio	35.9 %
Carparking Required	8
Carparking Provided	8
Visitor Carparking	0

PROPOSED SITE PLAN
 SCALE 1:200



MULTI UNIT DEVELOPMENT
 6 NORTHGATEWAY LANGWARRIN
 THOMAS ANDERSON DESIGN
PROPOSED RESIDENTIAL DEVELOPMENT
 CLIENT: Retirement Agenda Pty Ltd
2
 ISSUE D
 15-0731
 NOV2016
 FA



LEGEND

- SPOS - DIMENSION OVER 3.0M
- POS - DIMENSION UNDER 3.0M POS
- COMMON PROPERTY
- SEALED REINFORCED CONCRETE DRIVEWAY
- PERMEABLE PAVING ON SAND BASE
- PERMEABLE TIMBER DECKING

NOTE: SOUTH EAST WATER APPROVAL SEWER WITHIN 1M OFF EXISTING SEWER MAINS.

- NEW CONCRETE CROSSOVER
- REMOVED EXISTING STRUCTURES TREES
- 1.8M HIGH TIMBER PALING FENCE
- EXTENT OF 600MM HIGH LATTICE EXTENSION
- FINISHED FLOOR LEVEL
- FINISHED SURFACE LEVEL (CUT - FILL LEVEL)
- CLOTHES LINE
- SECURITY LIGHT 'SENSOR LIGHT'
- SOLAR LIGHT
- TAP
- LVOX
- LETTER BOX
- OPTIONAL WATER TANK LOCATION
- RINSE METER
- RUBBISH AND RECYCLE BIN LOCATION
- RETAINING WALLS
- RETAINING WALL AS PER PLAN TREATED FINE SLEEPER WITH AGG. DRAIN - OR REFER ENG. DESIGN
- COLLAPSIBLE COLORBOND SHED IN MIXED TONES ON 100MM CONC. SLAB
- S.P.O.S.
- SECURED PRIVATE OPEN SPACE
- PROPOSED TREE

PROPOSED RESIDENCE 1			PROPOSED RESIDENCE 3		
STATISTICS			STATISTICS		
AREA	m ²	%	AREA	m ²	%
GROUND FLOOR:	110.0	11.8	GROUND FLOOR:	97.0	10.4
FIRST FLOOR:	60.3	6.5	FIRST FLOOR:	63.8	6.9
GARAGE:	36.9	4.0	GARAGE:	40.7	4.4
PORCH:	4.3	0.5	PORCH:	3.5	0.4
ALFRESCO:	0.0	0.0	ALFRESCO:	0.0	0.0
TOTAL:	211.5	22.8	TOTAL:	205.0	22.1

PROPOSED RESIDENCE 2			PROPOSED RESIDENCE 4		
STATISTICS			STATISTICS		
AREA	m ²	%	AREA	m ²	%
GROUND FLOOR:	127.3	13.7	GROUND FLOOR:	106.0	11.4
FIRST FLOOR:	37.3	4.0	FIRST FLOOR:	65.5	7.1
GARAGE:	2.6	0.3	GARAGE:	37.6	4.0
PORCH:	0.0	0.0	PORCH:	2.0	0.2
ALFRESCO:	0.0	0.0	ALFRESCO:	14.6	1.6
TOTAL:	167.2	18.0	TOTAL:	225.7	24.3

**PROPOSED SITE PLAN
(GROUND FLOOR)**
 SCALE 1:200



MULTI UNIT DEVELOPMENT
 6 NORTHGATEWAY LANGWARRIN
 THOMAS ANDERSON DESIGN
PROPOSED RESIDENTIAL DEVELOPMENT
 CLIENT: Retirement Agenda Pty Ltd
3
 ISSUE D
 15-0731
 NOV2016
 FA

LEGEND

- SPOS - DIMENSION OVER 3.0M
- POS - DIMENSION UNDER 3.0M POS
- COMMON PROPERTY
- SEALED REINFORCED CONCRETE DRIVEWAY
- PERMEABLE PAVING ON SAND BASE
- PERMEABLE TIMBER DECKING

NOTE: SOUTH EAST WATER APPROVAL SEWER WITHIN 1M OFF EXISTING SEWER MAINS.

- NEW CONCRETE CROSSOVER
- REMOVED EXISTING STRUCTURES TREES
- 1.8M HIGH TIMBER PALING FENCE
- EXTENT OF 600MM HIGH LATTICE EXTENSION
- FINISHED FLOOR LEVEL
- FINISHED SURFACE LEVEL (CUT - FILL LEVEL)
- CLOTHES LINE
- SECURITY LIGHT 'SENSOR LIGHT'
- SOLAR LIGHT
- TAP
- LETTER BOX
- OPTIONAL WATER TANK LOCATION
- BIN LOCATION
- RUBBISH AND RECYCLE BIN LOCATION
- RETAINING WALLS
- RETAINING WALL AS PER PLAN TREATED FINE SLEEPER WITH AGG. DRAIN - OR REFER ENG. DESIGN
- COLLAPSIBLE COLORBOND SHED IN MILD TONE OR 100MM CONC. SLAB
- SECURED PRIVATE OPEN SPACE
- PROPOSED TREE
- RETAIN EXISTING

PROPOSED RESIDENCE 1			PROPOSED RESIDENCE 3		
STATISTICS			STATISTICS		
AREA	m ²	%	AREA	m ²	%
GROUND FLOOR:	110.0	11.8	GROUND FLOOR:	97.0	10.4
FIRST FLOOR:	60.3	6.5	FIRST FLOOR:	63.8	6.9
GARAGE:	36.9	4.0	GARAGE:	40.7	4.4
PORCH:	4.3	0.5	PORCH:	3.5	0.4
ALFRESCO:	0.0	0.0	ALFRESCO:	0.0	0.0
TOTAL:	211.5	22.8	TOTAL:	205.0	22.1

PROPOSED RESIDENCE 2			PROPOSED RESIDENCE 4		
STATISTICS			STATISTICS		
AREA	m ²	%	AREA	m ²	%
GROUND FLOOR:	127.3	13.7	GROUND FLOOR:	106.0	11.4
FIRST FLOOR:	37.3	4.0	FIRST FLOOR:	66.5	7.1
GARAGE:	2.6	0.3	GARAGE:	37.6	4.0
PORCH:	0.0	0.0	PORCH:	2.0	0.2
ALFRESCO:	0.0	0.0	ALFRESCO:	14.6	1.6
TOTAL:	167.2	18.0	TOTAL:	225.7	24.3

PROPOSED SITE PLAN (FIRST FLOOR)

SCALE 1:200

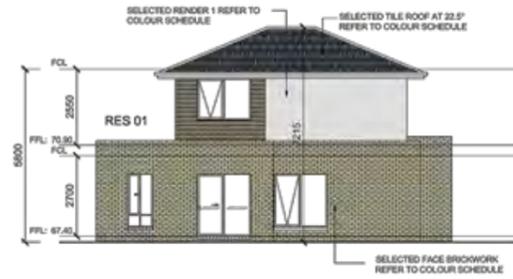
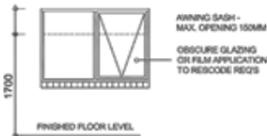


MULTI UNIT DEVELOPMENT
 6 NORTHGATEWAY LANGWARRIN
 THOMAS ANDERSON DESIGN
PROPOSED RESIDENTIAL DEVELOPMENT
 CLIENT: Retirement Agenda Pty Ltd
4
 ISSUE D
 15-0731
 NOV2016
 FA

LEGEND

-  SPOS - DIMENSION OVER 3.0M
-  POS - DIMENSION UNDER 3.0M/ POS
-  COMMON PROPERTY
-  CONCRETE DRIVEWAY
-  PERMEABLE PAVING ON SAND BASE
-  PERMEABLE THICK DECKING

-  NEW CONCRETE CROSSOVER
-  REMOVED EXISTING STRUCTURES / TREES
-  1.8M HIGH TIMBER PAULING FENCE
-  EXTENT OF 600MM HIGH LATTICE EXTENSION
-  FINISHED FLOOR LEVEL
-  FINISHED SURFACE LEVEL (CUT - FILL LEVEL)
-  CLOTHES LINE
-  SECURITY LIGHT/ "SENSOR LIGHT"
-  BOLLARD LIGHT
-  TAP
-  LETTER BOX
-  OPTIONAL WATER TANK LOCATION
-  RIBVOTE METER
-  RUBBISH AND RECYCLE BIN LOCATION
-  RETAINING WALLS
RETAINING WALL AS PER PLAN
TREATED PINE SLEEPER WITH AGCL
DRAIN - OR REFER ENG. DESIGN
-  COLLAPSIBLE COLORBOND SHED IN
MULTI TONES ON
150MM CONC. SLAB
-  S.P.O.S.
-  RELOCATED PRIVATE OPEN SPACE



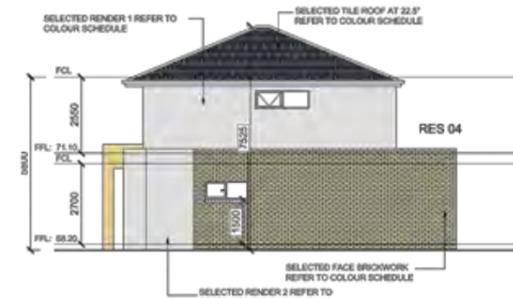
East Elevation 1:100
 PROPOSED RESIDENCE(RES 01)



East Elevation 1:100
 PROPOSED RESIDENCE(RES 02, 03)



West Elevation 1:100
 PROPOSED RESIDENCE(RES 03, 02)



East Elevation 1:100
 PROPOSED RESIDENCE(RES 04)



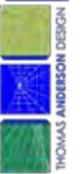
West Elevation 1:100
 PROPOSED RESIDENCE(RES 01)



West Elevation 1:100
 PROPOSED RESIDENCE(RES 04)

**PROPOSED RESIDENCE
 ELEVATIONS**
 SCALE 1:100

MULTI UNIT DEVELOPMENT
 6 NORTHGATEWAY LANGWARRIN



PROPOSED RESIDENTIAL DEVELOPMENT
 CLIENT: Retirement Agenda Pty Ltd

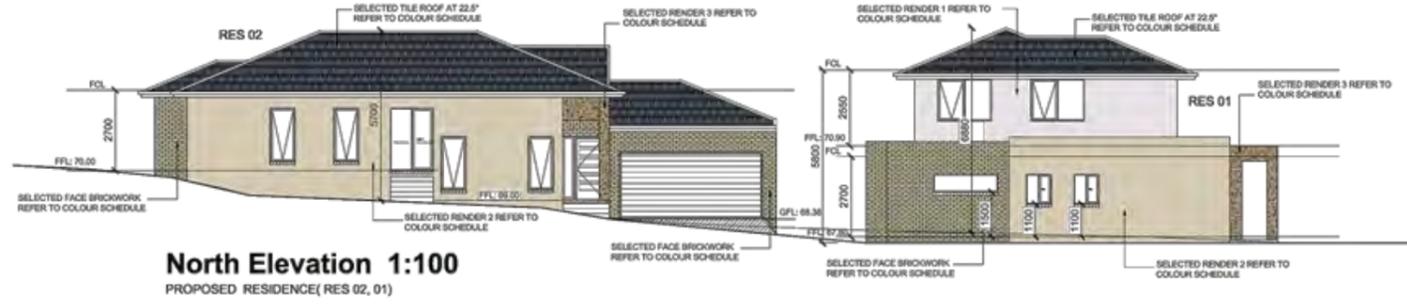
5
 ISSUE D
 15-0731
 NOV 2016
 TA

LEGEND

- SPOS - DIMENSION OVER 3.0M
- POS - DIMENSION UNDER 3.0M/ POS
- COMMON PROPERTY
- CONCRETE DRIVEWAY
- PERMEABLE PAVING ON SAND BASE
- PERMEABLE THICK CROCKING

- NEW CONCRETE CROSSOVER
- REMOVED EXISTING STRUCTURES / TREES
- 1.8M HIGH TIMBER PALING FENCE
- EXTENT OF 600MM HIGH LATTICE EXTENSION
- FINISHED FLOOR LEVEL
- FINISHED SURFACE LEVEL (CUT - FILL LEVEL)
- CLOTHES LINE
- SECURITY LIGHT: "SENSOR LIGHT"
- BOLLARD LIGHT
- TAP
- LETTER BOX
- OPTIONAL WATER TANK LOCATION
- RIVOTE METER
- RUBBISH AND RECYCLE BIN LOCATION
- RETAINING WALLS
RETAINING WALL AS PER PLAN
TREATED PINE SUBPIS WITH AGCL
DRAIN - OR REFER ENG. DESIGN
- COLLAPSIBLE COLORBOND SHED IN
MULTI TONES ON
150MM CONC. SLAB
- S.P.O.S.1
RELOCATED PRIVATE OPEN SPACE

- SELECTED TILE ROOF
- SELECTED CLADDING
- SELECTED BRICKWORK
- SELECTED RENDER 1
- SELECTED RENDER 2
- SELECTED RENDER 3



North Elevation 1:100
 PROPOSED RESIDENCE(RES 02, 01)



North Elevation 1:100
 PROPOSED RESIDENCE(RES 03)



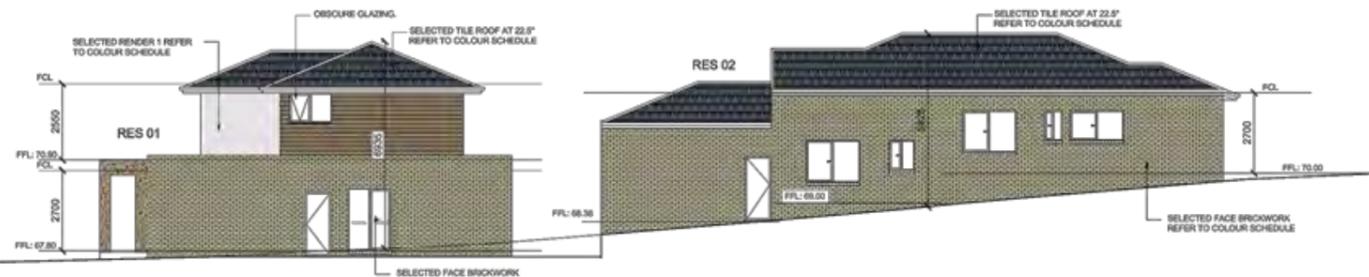
North Elevation 1:100
 PROPOSED RESIDENCE(RES 04)



South Elevation 1:100
 PROPOSED RESIDENCE(RES 03)



South Elevation 1:100



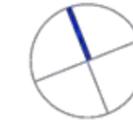
South Elevation 1:100
 PROPOSED RESIDENCE(RES 01, 02)

PROPOSED RESIDENCE ELEVATIONS
 SCALE 1:100

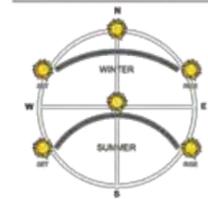


SHADOW DIAGRAM FOR 9 A.M.
 22 SEPTEMBER (EQUINOX)

SHADOW DIAGRAMS
 SCALE 1:200



SUN PATH DIAGRAM



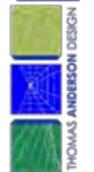
EQUINOX DATUM: 22 SEPTEMBER
 MELBOURNE, VICTORIA



SUNLIGHT TO PRIVATE OPEN SPACE



MULTI UNIT DEVELOPMENT
 6 NORTHGATEWAY LANGWARRIN



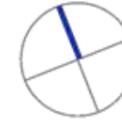
PROPOSED RESIDENTIAL DEVELOPMENT
 CLIENT: Retirement Agenda Pty Ltd

7
 ISSUE D
 15-0731
 NOV 2016
 TA

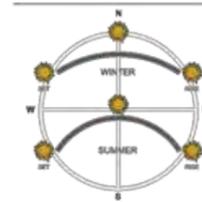


SHADOW DIAGRAM FOR 12 P.M.
 22 SEPTEMBER (EQUINOX)

SHADOW DIAGRAMS
 SCALE 1:200



SUN PATH DIAGRAM



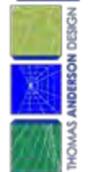
EQUINOX DATUM: 22 SEPTEMBER
 MELBOURNE, VICTORIA



SUNLIGHT TO IRRADIATE OPEN SPACE



MULTI UNIT DEVELOPMENT
 6 NORTHGATEWAY LANGWARRIN

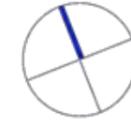


PROPOSED RESIDENTIAL DEVELOPMENT
 CLIENT: Retirement Agenda Pty Ltd



SHADOW DIAGRAM FOR 3 P.M.
 22 SEPTEMBER (EQUINOX)

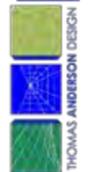
SHADOW DIAGRAMS
 SCALE 1:200



EQUINOX DATUM: 22 SEPTEMBER
 MELBOURNE, VICTORIA



MULTI UNIT DEVELOPMENT
 6 NORTHGATEWAY LANGWARRIN



PROPOSED RESIDENTIAL DEVELOPMENT
 CLIENT: Retirement Agenda Pty Ltd

9
 ISSUE D
 15-0731
 NOV 2016
 TA

Executive Summary**11.2 Town Planning Application 430/2005/P/B - 134/325-335 Nepean Highway Frankston - Development and use of the land for 110 dwellings and office(s), reduction in the car parking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for a loading/unloading bay, in accordance with the endorsed plan/s - To amend the permit by the addition of an internal wall to Apartment 134**

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

Community Outcome:	1. Planned City for Future Growth
Strategy:	1.3 Review the Municipal Strategic Statements, also known as the Local Planning Scheme to accommodate future population growth
Priority Action	1.3.3 Work with State Government and local communities to accommodate more adaptable, affordable and accessible housing that meets individual needs over time (and ageing in place)

Purpose

This report considers the merits of the planning application to amend the existing permit by the addition of an internal wall to Apartment 134 at 325-335 Nepean Highway Frankston.

Recommendation (Director)

That an Amended Planning Permit be issued, subject to the conditions contained in the officers assessment.

Key Points / Issues

- The applicant is seeking retrospective approval to construct an internal wall to Apartment 134.
- The wall is located between Room 1 and Room 2 with both rooms having a door for privacy.
- The installation of the wall increases the number of rooms in the apartment from three (3) to four (4) with one (1) bathroom, one (1) kitchen and two (2) additional rooms.
- The application is being reported to Council due to the extensive history and social issues with the site that was formerly part of the Ambassador Hotel complex.

For further information, please refer to the officer's assessment contained within this report.

Financial Impact

For the 2016/2017 financial year, the State Government introduced legislation that provides for a limit on the amount Victorian councils may increase rates in any financial year. The cap for the 2016/2017 financial year is 2.5%. The cap is based on a combination of the CPI and expected wages growth.

This cap has had a significant effect on Council's long term financial planning, with rate revenue being \$28 million less than anticipated over the first four years, growing to \$43 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

11.2 Town Planning Application 430/2005/P/B - 134/325-335 Nepean Highway Frankston - Development and use of the land for 110 dwellings and office(s), reduction in the car parking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for a loading/unloading bay, in accordance with the endorsed plan/s - To amend the permit by the addition of an internal wall to Apartment 134

Executive Summary

The application fee paid to Council is \$102.00. The average cost to process a planning application is \$1,729.00 leaving a shortfall of \$1,627.00.

Consultation

1. External Referrals

The application is not required to be referred to any external authorities.

2. Internal Referrals

The application was referred internally to Council's Traffic Engineer.

Notification of Proposal

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

Notification was given in the form of:

- Mail to adjoining owners and occupiers

As a result of the public notification, no objections were received.

Internal Referrals

The proposal was referred to Council's Traffic Engineer who offered no objection to the proposal as it does not trigger the requirement for any additional parking.

Analysis (Environmental / Economic / Social Implications)

The proposed amendment will have no impact on the environment as all works proposed are internal.

The economic and social implications of the proposal are considered to be minor given the nature of the works.

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

Legal

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

Policy Impacts

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

11.2 Town Planning Application 430/2005/P/B - 134/325-335 Nepean Highway Frankston - Development and use of the land for 110 dwellings and office(s), reduction in the car parking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for a loading/unloading bay, in accordance with the endorsed plan/s - To amend the permit by the addition of an internal wall to Apartment 134

Executive Summary

Officer's Declaration of Interests

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

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

Risk Mitigation

There are no risk implications.

Conclusion

The proposed amendment is considered minor in nature and to be satisfactory with regard to State and Local Planning Policy.

ATTACHMENTS

Attachment A: Locality Aerial Map

Attachment B: Locality Map

Attachment C: Site Plan

Attachment D: Floor Plan

11.2 Town Planning Application 430/2005/P/B - 134/325-335 Nepean Highway Frankston - Development and use of the land for 110 dwellings and office(s), reduction in the car parking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for a loading/unloading bay, in accordance with the endorsed plan/s - To amend the permit by the addition of an internal wall to Apartment 134

Officers' Assessment

Summary

Existing Use	110 dwellings and offices
Site Area	9,663 square metres
Proposal	The addition of an internal wall to Apartment 134
Site Cover	N/A
Permeability	N/A
Zoning	Commercial 1 Zone
Overlays	Design and Development Overlay Schedule 6
Neighbourhood Character Precinct	N/A
Reason for Reporting to Council	Councillor interest

Background

Subject Site

The subject site is irregular in shape and located on the eastern side of the Nepean Highway in Frankston.

The site has a front boundary width to the Nepean Highway of 103.68 metres, a side/southern boundary width of 101.0 metres, a side/north boundary width of 102.36 metres and a rear boundary width of 86.2 metres.

The site contains apartments spread over three (3) floors with undercroft parking with several smaller buildings each containing multiple apartments.

Apartment 134 is located on the first floor in the north-east corner of the site with a shared wall with Apartment 135.

Locality

The site is located to the north of the Frankston Metropolitan Activity Centre. The site is situated approximately 650m north of the Bayside Shopping Centre and approximately 1km north-west of Frankston Railway Station.

11.2 Town Planning Application 430/2005/P/B - 134/325-335 Nepean Highway Frankston - Development and use of the land for 110 dwellings and office(s), reduction in the car parking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for a loading/unloading bay, in accordance with the endorsed plan/s - To amend the permit by the addition of an internal wall to Apartment 134

Officers' Assessment

Site History

Previous planning permit applications for the site include:

- Planning Permit No. 430/2005/P that was issued on 27 January 2006 for the development and use of the land for 109 Dwellings and Offices, a reduction in the car parking requirements pursuant to Clause 52.05 of the Scheme, alteration of access to Nepean Highway and a waiver of the requirements for a loading/unloading bay.
- The above permit was amended by an order from the Victorian Civil and Administrative Tribunal (VCAT) on 29 October 2007 to allow for the development and use of the land for 110 dwellings and offices.

Section 173 Agreement

It is noted that there is a Section 173 Agreement No. AF878327C that applies to the land. The agreement requires that no dwelling allowed by the permit on the land will be used as a principal place of residence without the further written consent of Council. The applicant is not seeking a variation to the requirements of the agreement.

Proposal

The proposal is summarised as:

- Retrospective approval to construct an internal wall to Apartment 134.
- The wall is located between Room 1 and Room 2 with both rooms having a door for privacy.
- The installation of the wall increases the number of rooms in the apartment from three (3) to four (4) with one (1) bathroom, one (1) kitchen and two (2) additional rooms.
- No external works or additional car parking is proposed.

State and Local Planning Policy Frameworks

State Planning Policy Framework relevant to this application are summarised as follows:

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

Local Planning Policy Framework relevant to this application are summarised as follows:

- Clause 21.04 - Settlement
- Clause 21.07 – Housing.

11.2 Town Planning Application 430/2005/P/B - 134/325-335 Nepean Highway Frankston - Development and use of the land for 110 dwellings and office(s), reduction in the car parking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for a loading/unloading bay, in accordance with the endorsed plan/s - To amend the permit by the addition of an internal wall to Apartment 134

Officers' Assessment

Planning Scheme Controls

Planning approval for the proposed amendments is required pursuant to:

- Clause 34.01-4 – Commercial 1 Zone of the Frankston Planning Scheme to undertake buildings and works.

Notification of Proposal

As a result of notification of the proposal no objections were received.

Discussion

State and Local Planning Policy

The proposal is consistent with State and Local Planning Policy which seeks to provide for a diversity of housing options provided adequate infrastructure and facilities including car parking are provided.

Clause 34.01 – Commercial 1 Zone

The proposal meets the objectives and the decision guidelines of the Commercial 1 Zone.

The works are internal and will not impact the streetscape or add additional bulk to the development.

Furthermore, although the proposal creates an additional room, no additional parking is required as only two (2) rooms will be able to be used as bedrooms.

It is therefore considered that the proposal meets the objectives and decision guidelines of the Commercial 1 Zone.

Clause 52.06 – Car Parking

Under Clause 52.06-5, parking is to be provided at the following rate:

- One (1) car space to each one or two (2) bedroom dwelling.
- Two (2) car spaces to each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedroom).

It is noted that the apartment is currently provided with one (1) car space.

The proposed amendment will create an additional separate room with a total of two (2) rooms within the apartment which can be used as bedrooms. Therefore the proposal meets the number of car spaces required under Clause 52.06-5.

Conclusion

For the reasons discussed above it is considered that the proposed amendment can be supported.

The works are internal and adequate parking is already provided to service the additional room created.

11.2 Town Planning Application 430/2005/P/B - 134/325-335 Nepean Highway Frankston - Development and use of the land for 110 dwellings and office(s), reduction in the car parking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for a loading/unloading bay, in accordance with the endorsed plan/s - To amend the permit by the addition of an internal wall to Apartment 134

Officers' Assessment

Recommendation (Director Community Development)

That Council resolves to issue an Amended Planning Permit in respect to Planning Permit Application number 430/2005/P/B to amend the permit by the addition of an internal wall to Apartment 134 at 134/325-335 Nepean Highway Frankston, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the submitted plans but modified to show:
 - a) Deletion of the Restricted Retail use and the conversion of this space into Offices or additional dwellings to the satisfaction of the Responsible Authority;
 - b) Provision of a landscaping plan for the development prepared by an experienced landscape architect or designer to the satisfaction of the Responsible Authority, including the deletion of reference to the glass fence and new concrete area along the Nepean Highway frontage and the front setback appropriately landscaped;
 - c) The concrete wall along the northwest boundary of the site articulated in a manner which will relieve its visual impact;
 - d) Units 38-40 (inclusive) reconfigured to comprise two units rather than three and both units to be provided with a window clear to sky;
 - e) Units 30 and 31 reconfigured to comprise one unit rather than two;
 - f) Screening to ResCode standards provided to windows in situations where there would be an infringement of privacy between windows of habitable rooms in the units and from internal walkways to habitable room windows;
 - g) Details provided of garbage collection within the site to the satisfaction of Council's Infrastructure Manager;
 - h) Access and driveway redesigned to the satisfaction of VicRoads and the Responsible Authority in accordance with Condition 5 of this permit;
 - i) The car parking layout amended in accordance with section 4.4 of the report prepared by GTA Consultants Ambassador Motel Redevelopment, Nepean Highway Frankston, Traffic and Parking Evidence dated 22 December 2005 and to achieve the minimum standards of Clause 52.06 of the Frankston Planning Scheme where no loss of car parking spaces occurs;
 - j) Deletion of the parking bay and inclusion of that space in the office use;
 - k) Provision of vehicle access for loading and unloading in accordance with the plan tabled by Ms Austin at the hearing; a copy of which is on the Tribunal's file.

**11.2 Town Planning Application 430/2005/P/B - 134/325-335 Nepean Highway
Frankston - Development and use of the land for 110 dwellings and office(s),
reduction in the car parking requirements at Clause 52.05 of the Frankston
Planning Scheme, alteration of access to the Nepean Highway, and waiver of the
requirement for a loading/unloading bay, in accordance with the endorsed plan/s
- To amend the permit by the addition of an internal wall to Apartment 134**

Officers' Assessment

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
4. Prior to the endorsement of the plan, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 and such agreement must require that, without the written consent of the Responsible Authority, any dwelling must not be used as a principal place of residence. The agreement must be registered before any dwelling is occupied. The owner must pay all reasonable costs for the preparation, execution and registration of the Section 173 Agreement.
5. VicRoads Conditions:
 - a) Prior to the commencement of the permitted uses, the crossovers at the proposed northern and southern access points to Nepean Highway must be reconstructed to permit two-way access. The crossovers must be constructed at least 6.4 metres wide as measured at the property boundary or as otherwise approved by VicRoads, to the satisfaction of the Responsible Authority.
 - b) Prior to the commencement of the permitted uses, the crossover at the central service access to the Nepean Highway must be reconstructed at least 6.4 metres wide measured at the property boundary or as otherwise approved by VicRoads, to the satisfaction of the Responsible Authority.
 - c) Prior to the commencement of the permitted uses, the proposed driveway must be redesigned to ensure that all vehicles utilising this access can enter and leave the subject property in a forward direction.
 - d) Prior to the commencement of the permitted uses, the driveway within the site at the southern access must be at least 6.0 metres wide for the first 6.0 metres or as otherwise approved by VicRoads to allow two way traffic flow.
 - e) Prior to the commencement of the permitted uses the edges of all vehicular crossovers to Nepean Highway must be angled at 60 degrees to the road reserve boundary or as otherwise approved by VicRoads to improve entry and exit conditions.
 - f) Any redundant existing vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.
6. Detailed design plans (including drainage computations) of the internal stormwater drainage system and the method of connection to the existing Council Stormwater infrastructure are to be submitted and approved to the satisfaction of the Responsible Authority (Infrastructure Manager), prior to commencement of development construction.
7. Before the approved uses commence, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:
 - a) Constructed to the satisfaction of the Responsible Authority;

**11.2 Town Planning Application 430/2005/P/B - 134/325-335 Nepean Highway
Frankston - Development and use of the land for 110 dwellings and office(s),
reduction in the car parking requirements at Clause 52.05 of the Frankston
Planning Scheme, alteration of access to the Nepean Highway, and waiver of the
requirement for a loading/unloading bay, in accordance with the endorsed plan/s
- To amend the permit by the addition of an internal wall to Apartment 134**

Officers' Assessment

- b) Properly formed to such levels that they can be used in accordance with the plans;
- c) Surfaced with an all weather seal coat to the satisfaction of the Responsible Authority;
- d) Drained and maintained to the satisfaction of the Responsible Authority; and
- e) Line marked to indicate each car space to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times.

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

Precautions are to 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 to any other road openings sufficient to ensure public safety.

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

9. Before the permitted uses commence, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.
10. Vehicle crossings must be constructed to Frankston City Council standards and specifications to the satisfaction of the Responsible Authority (Infrastructure Manager) and VicRoads.
11. The loading and unloading of goods from vehicles must only be carried out on the land.
12. Car parking spaces for the sole use of vehicles suitably identified as those of disabled persons must be provided to the satisfaction of the Responsible Authority.
13. Noise emitted from the premises shall not exceed limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
14. All outdoor lighting of the site must be baffled to prevent light from the site causing any detriment to the occupants of the land or to the locality.
15. The amenity of the area must not be detrimentally affected by the use or development through the:
- a) Transport of materials, goods or commodities to or from the land;
 - b) The appearance of any buildings, works or materials;

**11.2 Town Planning Application 430/2005/P/B - 134/325-335 Nepean Highway
Frankston - Development and use of the land for 110 dwellings and office(s),
reduction in the car parking requirements at Clause 52.05 of the Frankston
Planning Scheme, alteration of access to the Nepean Highway, and waiver of the
requirement for a loading/unloading bay, in accordance with the endorsed plan/s
- To amend the permit by the addition of an internal wall to Apartment 134**

Officers' Assessment

- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste, waste products, grit or oil;
 - d) Presence of vermin.
16. The tennis court lights must be baffled to ensure that they are not directly visible from a habitable room window of an adjoining dwelling.
17. The tennis court lights hereby permitted may only be used within the hours of 8.00am and 10.00pm each day.
18. This permit will expire if one of the following circumstances applies:
- a) The use and development is not started within two years of the date of this permit.
 - b) The use and development is not completed within four years of the date of commencement.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

11.2 Town Planning Application 430/2005/P/B - 134/325-335 Nepean Highway Frankston - Development and use of the land for 110 dwellings and office(s), reduction in the car parking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for a loading/unloading bay, in accordance with the endorsed plan/s - To amend the permit by the addition of an internal wall to Apartment 134

Attachment A: Locality Aerial Map

Locality Map - Town Planning Application 430/2005/P/B
134/325 Nepean Highway Frankston



<p>Disclaimer Contains Council information © Frankston City Council. Reproduced by permission from the Business and Information Technology Department, Frankston City Council 2016. Contains VicMap information © State of Victoria, Department of Environment, Land, Water and Planning, 2016. Reproduced by permission. This material may be of assistance to you but Frankston City Council, the State of Victoria and their employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaim all liability for any error, loss or consequences which may arise from your relying on any information contained in this material. You are hereby notified that any use, dissemination, distribution or reproduction of this information is prohibited and must be used for personal use only. The information contained herein must not be used in any manner that could breach any criminal, federal, state or local law.</p>	<p>Projection: GDA94 / MGA zone 55 Scale: 1:1000 Date Printed: 30/12/2016 Time Printed: 1:00 PM Issued by: Tara Lambert</p>	<p>N </p>	
--	---	---	---

11.2 Town Planning Application 430/2005/P/B - 134/325-335 Nepean Highway Frankston - Development and use of the land for 110 dwellings and office(s), reduction in the car parking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for a loading/unloading bay, in accordance with the endorsed plan/s - To amend the permit by the addition of an internal wall to Apartment 134

Attachment B: Locality Map

**Locality Map - Town Planning Application 430/2005/P/B
134/325 Nepean Highway Frankston
★ Subject Site - No Objectors**



Disclaimer

Contains Council Information © Frankston City Council. Reproduced by permission from the Business and Information Technology Department, Frankston City Council 2016. Contains VicMap information © State of Victoria, Department of Environment, Land, Water and Planning, 2016. Reproduced by permission.
This material may be of assistance to you but Frankston City Council, the State of Victoria and their employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaim all liability for any error, loss or consequences which may arise from your relying on any information contained in this material. You are hereby notified that any use, dissemination, distribution or reproduction of this information is prohibited and must be used for personal use only.
The information contained herein must not be used in any manner that could breach any criminal, federal, state or local law.

Projection: GDA94 / MGA zone 55
Scale: 1:1250
Date Printed: 30/12/2016
Time Printed: 1:14 PM
Issued by: Tara Lambert



11.2 Town Planning Application 430/2005/P/B - 134/325-335 Nepean Highway Frankston - Development and use of the land for 110 dwellings and office(s), reduction in the car parking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for a loading/unloading bay, in accordance with the endorsed plan/s - To amend the permit by the addition of an internal wall to Apartment 134

Attachment D: Floor Plan

Unit 134, 325 Nepean Hwy Frankston

ADVERTISED PLAN

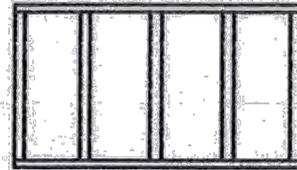
Window dimensions

Room 1

- 1600 x 1220 (w) (sliding)
- 1600 x 620 (w) (sliding)
Total window area = 3.12m
Openable window = 0.98m

Room 2

- 1600 x 730 (w) (awning)
Total window area = 1.17
Openable window = 1.17



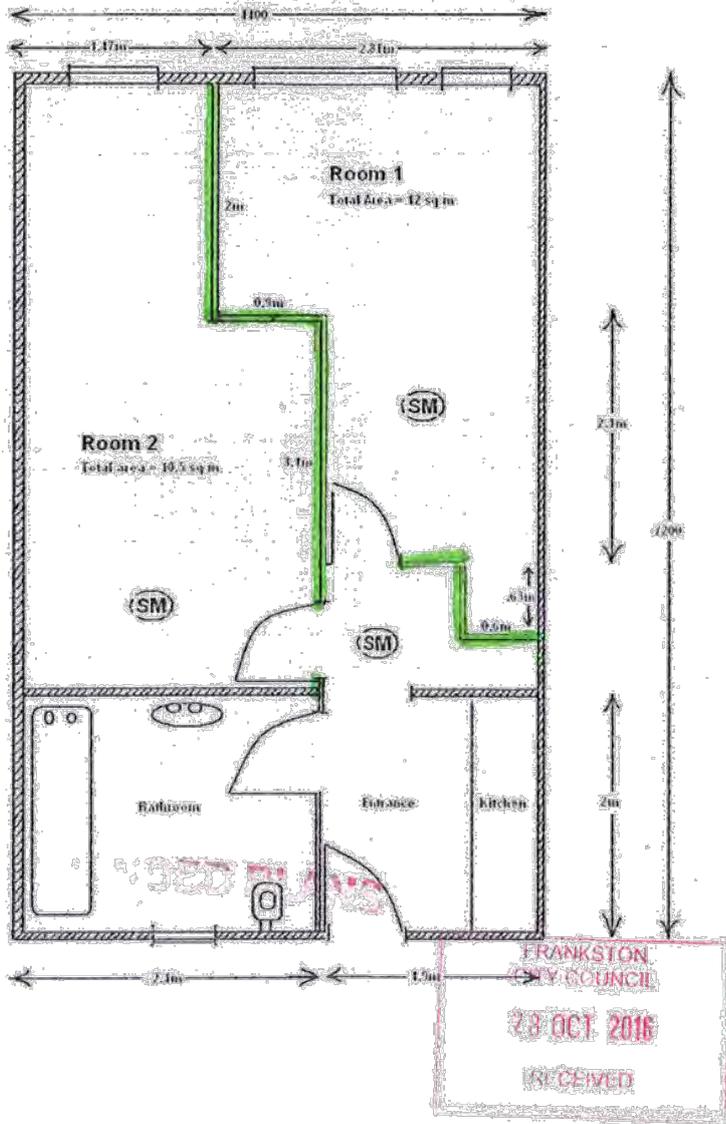
Top & bottom plates - 90 x 45mm
Studs - 90 x 35mm pine
Insulation - 2.2R
Plasterboard cladding - 10mm
Distance between studs - 400mm

(SM) Smoke detector

Stud & plaster clad partition

Double brick

Scale:
1cm : 50cm



Executive Summary**11.3 Town Planning Application 430/2005/P/A - 28/325-335 Nepean Highway Frankston - Development and use of the land for 110 dwellings and office(s), reduction in the car parking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for a loading/unloading bay, in accordance with the endorsed plan/s - To amend the permit by the addition of an internal wall to Apartment 28**

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

Community Outcome:	1. Planned City for Future Growth
Strategy:	1.3 Review the Municipal Strategic Statements, also known as the Local Planning Scheme to accommodate future population growth
Priority Action	1.3.3 Work with State Government and local communities to accommodate more adaptable, affordable and accessible housing that meets individual needs over time (and ageing in place)

Purpose

This report considers the merits of the planning application to amend the existing permit by the addition of an internal wall to Apartment 28 at 325-335 Nepean Highway Frankston.

Recommendation (Director)

That a Notice of Refusal to Grant an Amended Planning Permit be issued.

Key Points / Issues

- The applicant is seeking retrospective approval to construct an internal wall to Apartment 28.
- The lounge area was previously open to the kitchen however the amendment seeks retrospective approval to install a wall around the existing lounge with a door for privacy.
- The installation of the wall increases the number of rooms in the apartment from four (4) to five (5) with one (1) bedroom, one (1) kitchen, one (1) lounge room and two (2) additional rooms.
- The application is being reported to Council due to the extensive history and social issues associated with the site that was formerly part of the Ambassador Hotel complex.

For further information, please refer to the officer's assessment contained within this report.

Financial Impact

For the 2016/2017 financial year, the State Government introduced legislation that provides for a limit on the amount Victorian councils may increase rates in any financial year. The cap for the 2016/2017 financial year is 2.5%. The cap is based on a combination of the CPI and expected wages growth.

This cap has had a significant effect on Council's long term financial planning, with rate revenue being \$28 million less than anticipated over the first four years, growing to \$43 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

11.3 Town Planning Application 430/2005/P/A - 28/325-335 Nepean Highway Frankston - Development and use of the land for 110 dwellings and office(s), reduction in the car parking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for a loading/unloading bay, in accordance with the endorsed plan/s - To amend the permit by the addition of an internal wall to Apartment 28

Executive Summary

The application fee paid to Council is \$102.00. The average cost to process a planning application is \$1,729.00 leaving a shortfall of \$1,627.00.

Consultation

1. External Referrals

The application is not required to be referred to any external authorities.

2. Internal Referrals

The application was referred internally to Council's Traffic Engineer.

Notification of Proposal

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

Notification was given in the form of:

- Mail to adjoining owners and occupiers

As a result of the public notification, no objections were received.

Analysis (Environmental / Economic / Social Implications)

The proposed amendment will have no impact on the environment as all works proposed are internal.

The economic and social implications of the proposal are considered to be minor given the nature of the works.

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

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

Legal

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

Policy Impacts

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

11.3 Town Planning Application 430/2005/P/A - 28/325-335 Nepean Highway Frankston - Development and use of the land for 110 dwellings and office(s), reduction in the car parking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for a loading/unloading bay, in accordance with the endorsed plan/s - To amend the permit by the addition of an internal wall to Apartment 28

Executive Summary

Officer's Declaration of Interests

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

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

Risk Mitigation

There are no risk implications.

Conclusion

Although the proposed amendment is considered minor in nature, the additional room created is considered to be an additional bedroom and therefore the proposal does not provide an adequate number of parking spaces and cannot be supported.

ATTACHMENTS

Attachment A: Locality Aerial Map

Attachment B: Locality Map

Attachment C: Site Plan

Attachment D: Floor Plan

11.3 Town Planning Application 430/2005/P/A - 28/325-335 Nepean Highway Frankston - Development and use of the land for 110 dwellings and office(s), reduction in the car parking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for a loading/unloading bay, in accordance with the endorsed plan/s - To amend the permit by the addition of an internal wall to Apartment 28

Officers' Assessment

Summary

Existing Use	110 dwellings and offices
Site Area	9,663 square metres
Proposal	The addition of an internal wall to Apartment 28
Site Cover	N/A
Permeability	N/A
Zoning	Commercial 1 Zone
Overlays	Design and Development Overlay Schedule 6
Neighbourhood Character Precinct	N/A
Reason for Reporting to Council	Councillor interest

Background

Subject Site

The subject site is irregular in shape and located on the eastern side of the Nepean Highway in Frankston.

The site has a front boundary width to the Nepean Highway of 103.68 metres, a side/southern boundary width of 101.0 metres, a side/north boundary width of 102.36 metres and a rear boundary width of 86.2 metres.

The site contains apartments spread over three (3) floors with undercroft parking and several smaller building each containing multiple apartments.

Apartment 28 is located on the ground floor in the north eastern corner of the site with abutting walls to the north with Apartment 29 and to the south with Apartment 27.

Locality

The site is located to the north of the Frankston Metropolitan Activity Centre. The site is situated approximately 650m north of the Bayside Shopping Centre and approximately 1km north-west of Frankston Railway Station.

11.3 Town Planning Application 430/2005/P/A - 28/325-335 Nepean Highway Frankston - Development and use of the land for 110 dwellings and office(s), reduction in the car parking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for a loading/unloading bay, in accordance with the endorsed plan/s - To amend the permit by the addition of an internal wall to Apartment 28

Officers' Assessment

Site History

Previous planning permit applications for the site include:

- Planning Permit No. 430/2005/P that was issued on 27 January 2006 for the development and use of the land for 109 Dwellings and Offices, a reduction in the car parking requirements pursuant to Clause 52.05 of the Scheme, alteration of access to Nepean Highway and a waiver of the requirements for a loading/unloading bay.
- The above permit was amended by an order from the Victorian Civil and Administrative Tribunal (VCAT) on 29 October 2007 to allow for the development and use of the land for 110 dwellings and offices.

Section 173 Agreement

It is noted that there is a Section 173 Agreement No. AF878327C that applies to the land. The agreement requires that no dwelling allowed by the permit on the land will be used as a principal place of residence without the further written consent of Council. The applicant is not seeking a variation to the requirements of the agreement.

Proposal

The proposal is summarised as:

- Retrospective approval to construct an internal wall to Apartment 28.
- The lounge area was previously open to the kitchen however the amendment seeks retrospective approval to install a wall around the existing lounge with a door for privacy.
- The installation of the wall increases the number of rooms in the apartment from four (4) to five (5) with one (1) bedroom, one (1) kitchen, one (1) lounge room and two (2) additional rooms.
- No external works or additional car parking is proposed.

State and Local Planning Policy Frameworks

State Planning Policy Framework relevant to this application are summarised as follows:

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

Local Planning Policy Framework relevant to this application are summarised as follows:

- Clause 21.04 - Settlement
- Clause 21.07 – Housing.

11.3 Town Planning Application 430/2005/P/A - 28/325-335 Nepean Highway Frankston - Development and use of the land for 110 dwellings and office(s), reduction in the car parking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for a loading/unloading bay, in accordance with the endorsed plan/s - To amend the permit by the addition of an internal wall to Apartment 28

Officers' Assessment

Planning Scheme Controls

Planning approval for the proposed amendments is required pursuant to:

- Clause 34.01-4 – Commercial 1 Zone of the Frankston Planning Scheme to undertake buildings and works.
- Clause 52.06-3 – Car Parking of the Frankston Planning Scheme to reduce the number of car parking spaces required under Clause 52.06-5 or in a schedule to the parking overlay.

Notification of Proposal

As a result of notification of the proposal no objections were received.

Internal Referrals

The proposal was referred to Council's Traffic Engineer who provided the following comments (summarised):

- The proposed partition for the lounge room is considered as a 3rd bedroom.
- The layout of the partition introduces a continuous wall and a door and purports to the use of this area as a bedroom. This triggers an additional parking requirement as per Clause 52.06, which requires 2 car parking spaces for a 3-bedroom dwelling.
- An additional car space is not feasible in this development as there is only one car space allocated on title with no further opportunity to increase this.

Discussion

State and Local Planning Policy

It is considered that this proposal will not appropriately respond to State and Local Planning Policies.

State and Local Planning Policies broadly support the provision of a diversity of housing options provided adequate infrastructure and car parking can be provided.

Clause 34.01 – Commercial 1 Zone

The proposal is not considered to meet the objectives and decision guidelines of the Commercial 1 Zone.

While the works proposed are internal and will not impact the streetscape or add additional bulk to the development it is considered and will be discussed further below that the proposal creates an additional bedroom and therefore does not provide adequate car parking.

It is noted that no new car parking has been proposed and that there is no opportunity on site for additional car parking to be provided.

It is therefore considered that the proposal does not meet the objectives and decision guidelines of the Commercial 1 Zone.

11.3 Town Planning Application 430/2005/P/A - 28/325-335 Nepean Highway Frankston - Development and use of the land for 110 dwellings and office(s), reduction in the car parking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for a loading/unloading bay, in accordance with the endorsed plan/s - To amend the permit by the addition of an internal wall to Apartment 28

Officers' Assessment

Clause 52.06 – Car Parking

Under Clause 52.06-5, car parking is to be provided at the following rate:

- One (1) car space to each one or two (2) bedroom dwelling
- Two (2) car spaces to each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedroom)

It is noted that this apartment is currently provided with one (1) car space.

The proposed amendment will create an additional separate room with a total of three (3) rooms within the apartment which can be used as bedrooms. Therefore the proposal does not meet the number of car spaces required under Clause 52.06-5.

No justification has been provided by the applicant to support a reduction in the car parking requirements of the Frankston Planning Scheme.

The applicant has stated that the proposed wall will improve energy efficiency, reduce the chance of the apartment being used as a party house and provide increased internal amenity and privacy for residents.

Although the applicant has indicated that the additional wall will not create an additional bedroom, given a door is proposed that will make the room entirely private it is considered that this room is a bedroom.

Conclusion

For the reasons discussed above it is considered that the proposed amendment cannot be supported.

Recommendation (Director Community Development)

That Council resolve to issue a Refusal to Grant an Amendment to Planning Permit number 450/2005/P/A for the Development and use of the land for 110 dwellings and office(s), reduction in the car parking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for a loading/unloading bay, in accordance with the endorsed plan/s.

What has been refused?

The consideration of amended plans showing the addition of an internal wall to Apartment 28.

What are the reasons for Refusal?

1. The proposal creates an additional bedroom and does not provide the number of car spaces required under Clause 52.06-5 of the Frankston Planning Scheme.
2. The proposal does not meet the objectives of the Commercial 1 Zone.

11.3 Town Planning Application 430/2005/P/A - 28/325-335 Nepean Highway Frankston - Development and use of the land for 110 dwellings and office(s), reduction in the car parking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for a loading/unloading bay, in accordance with the endorsed plan/s - To amend the permit by the addition of an internal wall to Apartment 28

Officers' Assessment

3. The proposal does not meet the objectives of the State and Local Planning Policy Framework.

11.3 Town Planning Application 430/2005/P/A - 28/325-335 Nepean Highway Frankston - Development and use of the land for 110 dwellings and office(s), reduction in the car parking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for a loading/unloading bay, in accordance with the endorsed plan/s - To amend the permit by the addition of an internal wall to Apartment 28

Attachment A: Locality Aerial Map

Locality Map - Town Planning Application 430/2005/P/A
28/325 Nepean Highway Frankston



Disclaimer

Contains Council information © Frankston City Council. Reproduced by permission from the Business and Information Technology Department, Frankston City Council 2016. Contains VicMap information © State of Victoria, Department of Environment, Land, Water and Planning, 2016. Reproduced by permission.

This material may be of assistance to you but Frankston City Council, the State of Victoria and their employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaim all liability for any error, loss or consequences which may arise from your relying on any information contained in this material. You are hereby notified that any use, dissemination, distribution or reproduction of this information is prohibited and must be used for personal use only.

The information contained herein must not be used in any manner that could breach any criminal, federal, state or local law.

Projection: GDA94 / MGA zone 55

Scale: 1:1000

Date Printed: 30/12/2016

Time Printed: 1:00 PM

Issued by: Tara Lambert



11.3 Town Planning Application 430/2005/P/A - 28/325-335 Nepean Highway Frankston - Development and use of the land for 110 dwellings and office(s), reduction in the car parking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for a loading/unloading bay, in accordance with the endorsed plan/s - To amend the permit by the addition of an internal wall to Apartment 28

Attachment B: Locality Map

Locality Map - Town Planning Application 430/2005/P/A
28/325 Nepean Highway Frankston
★ Subject Site - No Objectors



Disclaimer

Contains Council Information © Frankston City Council. Reproduced by permission from the Business and Information Technology Department, Frankston City Council 2016. Contains VicMap information © State of Victoria, Department of Environment, Land, Water and Planning, 2016. Reproduced by permission.

This material may be of assistance to you but Frankston City Council, the State of Victoria and their employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaim all liability for any error, loss or consequences which may arise from your relying on any information contained in this material. You are hereby notified that any use, dissemination, distribution or reproduction of this information is prohibited and must be used for personal use only.

The information contained herein must not be used in any manner that could breach any criminal, federal, state or local law.

Projection: GDA94 / MGA zone 55

Scale: 1:1250

Date Printed: 30/12/2016

Time Printed: 1:14 PM

Issued by: Tara Lambert



11.3 Town Planning Application 430/2005/P/A - 28/325-335 Nepean Highway Frankston - Development and use of the land for 110 dwellings and office(s), reduction in the car parking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for a loading/unloading bay, in accordance with the endorsed plan/s - To amend the permit by the addition of an internal wall to Apartment 28

Attachment D: Floor Plan

Unit 28, 325 Nepean Hwy Frankston

Room 1
Window: 1.8m (w) x 1.6m (h)
Window Openable area: 1.5m²
Room size: 12.2m²

Room 2
Window: 1.8m (w) x 1.6m (h)
Window Openable area: 1.5m²
Room size: 12.2m²

Lounge
Window: 2m (w) x 1.5m (h)
Window Openable area: 1.5m²
Room size: 10.5m²

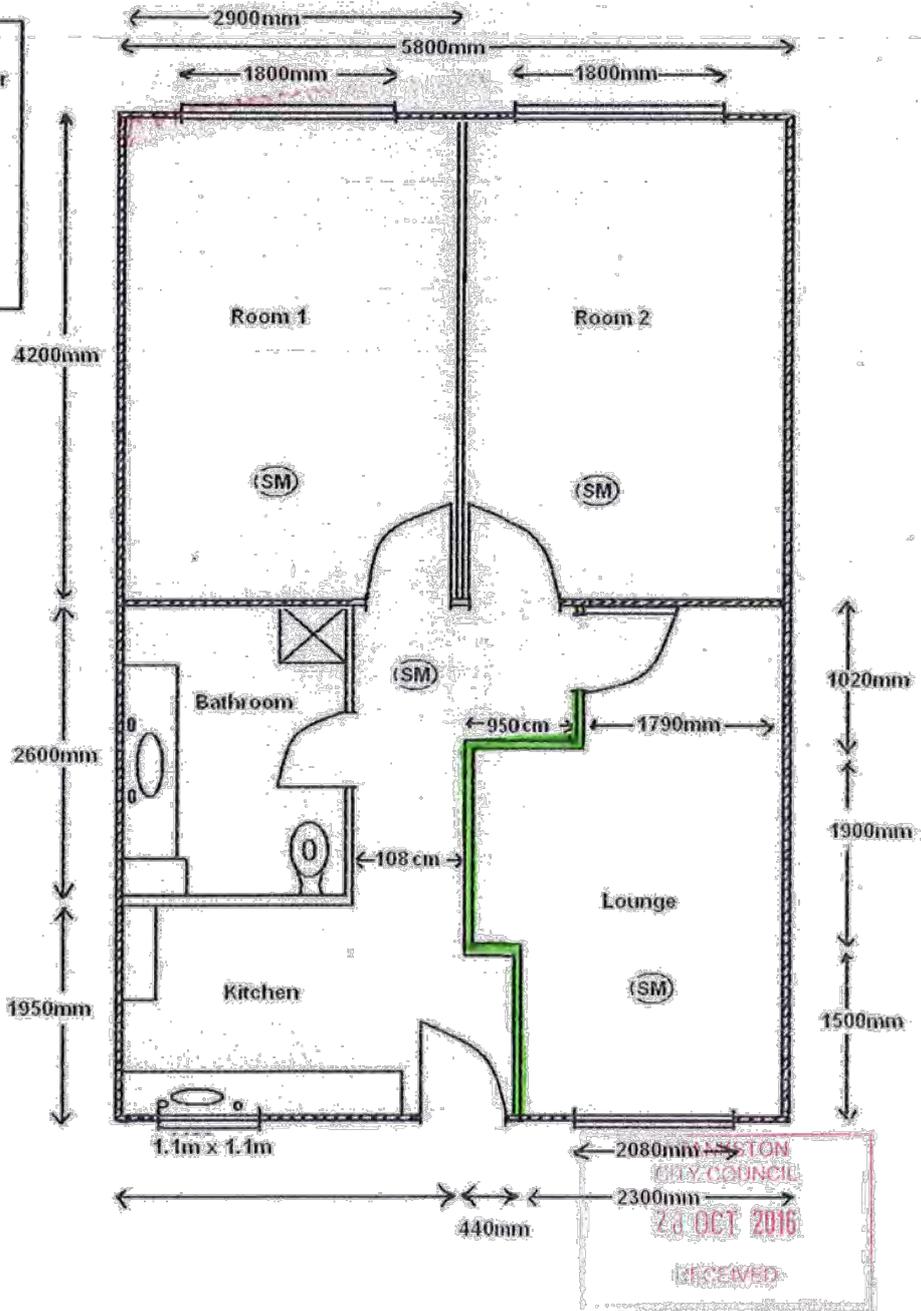


Top & bottom plates - 90 x 45mm
Studs - 90 x 35mm pine
Insulation - 2.2R
Plasterboard cladding - 10mm
Distance between studs - 400mm

Key

- (SM) Smoke detector
- New wall
- Stud wall
- Double brick

Scale: 1cm:50cm
Total unit size: 50sq/m



Executive Summary**11.4 Town Planning Application 413/2016/P - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and a front fence - 110 Kars Street, Frankston South**

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

Community Outcome:	1. Planned City for Future Growth
Strategy:	1.3 Review the Municipal Strategic Statements, also known as the Local Planning Scheme to accommodate future population growth
Priority Action	1.3.3 Work with State Government and local communities to accommodate more adaptable, affordable and accessible housing that meets individual needs over time (and ageing in place)

Purpose

This report considers the merits of the planning application to construct (1) double storey dwelling to the rear of the existing dwelling (two 2) dwellings and a front fence.

Recommendation (Director Community Development)

That a Notice of Decision to Grant a Planning Permit be issued, subject to the conditions contained in the officer's assessment.

Note: An alternate recommendation has been provided following the deferral of the item from the previous Council meeting.

Key Points / Issues

- It is proposed to construct one (1) double storey dwelling to the rear of the existing dwelling.
- The proposal will have a maximum site coverage of 42.3%. The proposed dwelling will have a maximum height of 7.4 metres. It is also proposed to construct a front fence to Dwelling 2.
- Dwelling 1 will be provided with a double car port and Dwelling 2 with a single garage and tandem car space. The proposal complies with the car parking requirements of Clause 52.06 of the Frankston Planning Scheme and Council's Multi Dwelling Visitor Parking Guidelines.
- The proposal is consistent with State and Local Planning Policy housing objectives for urban consolidation as it provides for medium density development within an existing residential suburb.
- The development is considered to be appropriately designed so that it respects the existing neighbourhood character and responds to the design objectives of the Frankston South 11 Neighbourhood Character Precinct, Design and Development Overlay () and ResCode provisions.
- One (1) objection was received. The concerns raised in the objection generally relate to the potential for overlooking and overshadowing of adjoining properties; increase in traffic in the immediate area; and inconsistency with the existing neighbourhood character.
- This application is being reported to Council as it has been called in by Councillor Bolam.

11.4 Town Planning Application 413/2016/P - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and a front fence - 110 Kars Street, Frankston South**Executive Summary**

- The proposal was deferred at the Council Meeting held on 19 December 2016 to allow for a meeting with the applicant, resident, developer and Council officers to be held. This meeting was held on 12 January 2017. As a result, an alternate recommendation may be produced for consideration by Council, subject to confirmation of the outcomes of the meeting.

Financial Impact

For the 2016/2017 financial year, the State Government introduced legislation that provides for a limit on the amount Victorian councils may increase rates in any financial year. The cap for the 2016/2017 financial year is 2.5%. The cap is based on a combination of the CPI and expected wages growth.

This cap has had a significant effect on Council's long term financial planning, with rate revenue being \$28 million less than anticipated over the first four years, growing to \$43 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

The permit application fee paid to Council is \$604.00. The average cost to process a planning application is \$1,760.00 leaving a shortfall of \$1,156.00.

Consultation**1. External Referrals**

The application was not required to be referred externally.

2. Internal Referrals

The application was referred internally to Council's Drainage Engineer, Traffic Engineer, and Environment Officer who have offered no objection to the proposed development subject to inclusion of permit conditions.

3. Other relevant parties / stakeholders

None applicable

Notification of Proposal

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

Notification was given in the form of:

- Mail to adjoining owners and occupiers; and
- Two (2) signs erected on the site frontages

As a result of the public notification, one (1) objection was received. The grounds of objection are summarised in the officer's assessment contained within this report.

Analysis (Environmental / Economic / Social Implications)

The proposed development will have a limited impact on the environment. The applicant proposes to remove existing vegetation from the site and provide replacement replanting. The application has been reviewed by the Environment Officer and the trees to be removed from the site are considered to have a low retention value and vegetation on adjoining properties will not be impacted adversely from the development.

11.4 Town Planning Application 413/2016/P - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and a front fence - 110 Kars Street, Frankston South**Executive Summary**

The proposed development will create short-term employment opportunities and longer term economic benefits by the increase in the resident population who will assist in stimulating the economy.

The proposed development will provide for further diversity in housing within close proximity to existing social and commercial facilities, resulting in net community benefit for Frankston.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

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

Legal

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

Policy Impacts

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

Officer's Declaration of Interests

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

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

Risk Mitigation

There are no risk implications.

Conclusion

The proposal is considered to be consistent with State and Local Planning Policy and will provide for appropriate medium density housing in an existing residential area. The design of the development is considered to be consistent with the preferred neighbourhood character for Frankston South and will not have an unreasonable impact on the amenity or traffic generation on the local road network subject to inclusion of permit conditions.

ATTACHMENTS

Nil

11.4 Town Planning Application 413/2016/P - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and a front fence - 110 Kars Street, Frankston South

Officers' Assessment

Summary

Existing Use	Residential
Site Area	686 Square Metres
Proposal	To construct one (1) double storey dwelling to the rear of the existing dwelling(two (2) dwellings) and a front fence.
Site Cover	42.3%
Permeability	44.3%
Zoning	General Residential Zone
Overlays	<ul style="list-style-type: none"> • Design and Development Overlay Schedule 9 • Significant Landscape Overlay Schedule 4
Neighbourhood Character Precinct	Frankston South 11
Reason for Reporting to Council	Councillor call in

Background

Subject Site

The subject site is an regular shaped corner allotment located on the north side of Hoadley Avenue and west of Kars Street in Frankston South.

The corner site has a front boundary to Kars Street of 10.67 and a further 4.57 metres splay, side boundaries of 45.72 and 41.15 metres and an overall area of 686 square metres. The site has a fall of 1 metre from the north-east to south-west

The subject site currently contains an existing single storey dwelling with a setback of approximately 11.4 metres from Kars Street. An existing single crossover to Hoadley Avenue is located adjacent to the southern boundary of the site.

Existing vegetation on the site consists of a mix of exotic and native trees and shrubs. The application seeks to remove existing vegetation from the site and provide replacement planting.

Locality

The surrounding neighbourhood is characterised by a mix of single and double storey dwellings. Front fence treatments vary however the predominant fencing style are mixed. There are also several dual occupancy developments along Hoadley Avenue.

Site History

No previous planning permit applications have been lodged at the subject site.

11.4 Town Planning Application 413/2016/P - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and a front fence - 110 Kars Street, Frankston South

Officers' Assessment

Proposal

The proposal is summarised as:

Dwelling	Storeys	No. of Bedrooms	Secluded Private Open Space	Car Parking
1	1	3	41	Double Car port
2	2	3	40	Single garage and tandem car space

Dwelling 1(existing) is oriented to face Kars Street and has a front setback of 11.4 metres and side setback to Hoadley Avenue of 2.3 metres. Dwelling 2 will be oriented to face Hoadley Avenue and will have a front setback of 3.0 metres.

Each dwelling will contain open plan living, kitchen and meals area, three (3) bedrooms, amenities rumpus area and bathroom. Dwelling one will also contain a sunroom.

Vehicle access will be provided by two proposed crossovers along Hoadley Avenue to provide access to each dwelling.

The overall maximum height of the proposed dwelling will be 7.4 metres.

The proposed dwelling will be finished with face brickwork on the ground floor with a mix of face brickwork and render on the first floor with tiled roofs.

A 1.2 metre high front fence to Dwelling 2 is proposed along Hoadley Avenue.

Existing vegetation to the in the front setback of Kars Street is to be retained and the vegetation to the rear of the lot is proposed to be removed and replaced with new planting.

State and Local Planning Policy Frameworks

State Planning Policy Framework relevant to this application are summarised as follows:

- Clause 11 - Settlement
- Clause 15 – Built Environment and Heritage; and
- Clause 16. – Housing.

Local Planning Policy Framework relevant to this application are summarised as follows:

- Clause 21.04 – Settlement
- Clause 21.07 – Housing; and
- Clause 22.08 – Neighbourhood Character Policy

11.4 Town Planning Application 413/2016/P - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and a front fence - 110 Kars Street, Frankston South**Officers' Assessment****Planning Scheme Controls**

A Planning Permit is required pursuant to:

- Clause 32.08-4 – General Residential Zone of the Frankston Planning Scheme for the construction of 2 or more dwellings on the lot;
- Clause 43.02 – Design and Development Overlay - Schedule 9 of the Frankston Planning Scheme as the area covered by buildings exceeds 40% of the site.
- Clause 42.03-2 – Significant Landscape Overlay – Schedule 4 of the Frankston Planning Scheme to construct a front fence.

Notification of Proposal

The grounds of objection are summarised as follows:

- Compatibility with existing neighbourhood character;
- Double storey built form and overall building height;
- Privacy and overlooking habitable rooms and open space into 41 Hoadley Avenue;
- Buildings and works over easement and drainage capacity;
- Increase in traffic;
- Removal of Vegetation; and
- Impact on future development in the area.

A Residents Discussion Meeting was held on 12 January 2017. The meeting provided an opportunity to discuss the key concerns of the objectors and provide clarification of the proposal.

Referrals**Internal Referrals**

The application has been referred to several Council Departments and the following comments were made:

Traffic Engineer

Council's Traffic Engineers do not object to the proposal and have provided the following comments (summarised):

- The proposal complies with Clause 52.06 of the Frankston Planning Scheme as each dwelling is provided with two car spaces as required.
- The car parking facilities have been designed with internal dimensions in accordance with the requirements of Clause 52.06.
- The Multi Dwelling Visitor Parking Guideline does not apply as each dwelling will be provided with individual crossovers.
- There is adequate street frontage for each dwelling for on-street collection of waste bins.

11.4 Town Planning Application 413/2016/P - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and a front fence - 110 Kars Street, Frankston South**Officers' Assessment**Drainage Engineer

Council's Drainage Engineer offers no objection to the proposal subject to the inclusion of standard storm water management conditions on any permit issued.

Environment Officer

Council's Environment Officer has reviewed the proposal and made the following comments:

An arborist report has been provided by Constructive Arboriculture dated May 2016 the report considers the vegetation at the front of the site is to be retained. At the rear of the site there is a Liquidambar (tree no. 7), tree no 8 and 9 (*Betula pedula*), tree no. 6 (*Acemna smithii*) tree no. 10 (Hakea) to be removed. These trees have low significance. The Liquidambar has been lopped in the past and has areas of decay. A permit is not required for the removal of the trees on the site as they are located within 10m of the neighbouring property

There are two (2) Leyland Cypress and Cotoneaster) trees located on the neighbouring property. They will not be impacted by the proposed design.

The Cedrus deodara within the front setback of the existing dwelling must be fenced during construction to ensure materials and equipment are not stored beneath the canopy during construction.

No objections subject to inclusion of conditions including amended plans, landscaping, street tree removal, and tree protection conditions for the trees to be retained and trees on adjoining properties.

Discussion***State and Local Planning Policy***

The proposal is considered to meet the relevant State and Local planning policies. The development will provide for an appropriately designed medium density development that meets the urban consolidation objectives for Melbourne.

The proposal achieves these policies by providing a varying house type which meets the increasing and diverse needs of the community. The proposal also provides for medium density housing which makes better use of existing infrastructure and is appropriately energy efficient.

Neighbourhood Character and Design Response

Council's Neighbourhood Character Policy (Clause 22.08) seeks to ensure that development is responsive to the key characteristics that make up the preferred character of each precinct. The site is located within the Frankston South 11 Neighbourhood Character Precinct. The preferred character of the precinct is:

'The spaciousness and coastal bush setting of the area and its relationship to the Sweetwater Creek environs will be strengthened.'

The design objectives of the Frankston South 11 Precinct are addressed below:

To minimise site disturbance and impact of the building on the landscape.

There is minimal slope on the site and the cut required is standard to construct a single dwelling.

To ensure that buildings and extensions do not dominate the streetscape.

11.4 Town Planning Application 413/2016/P - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and a front fence - 110 Kars Street, Frankston South**Officers' Assessment**

The development provides reasonable setbacks and low pitched roof forms to reduce impact on the streetscape. The development features articulated facades and the upper floors are setback from ground floor walls to further reduce the appearance of visual bulk.

To maintain the openness of the streetscape.

A 1.2m semi-transparent brick pier and picket fence is proposed. The proposed fence is low in height and in keeping with the existing fences in the surrounding area.

To minimise loss of front garden space and the dominance of car storage facilities

The car parking facilities to both dwellings are setback behind the line of the dwellings reducing the dominance of car storage areas upon the streetscape. Only one additional crossover along Hoadley Avenue is proposed and does not impact on Kars Street frontage.

To reflect the rhythm of existing dwelling spacing.

The proposal reflects the rhythm of the existing dwelling spacing of development within the surrounding area with setbacks provided from all boundaries other than the wall of Garage 2 for Dwelling 2. The development does not propose any boundary to boundary development.

To maintain and strengthen the coastal bush settings and the relationship to the landscape of the Sweetwater Creek environs and encourage the retention and planting of indigenous vegetation and to ensure that adequate space is available on site for retention and planting of vegetation.

The development provides reasonable landscaping opportunities within the front setback and private open space where canopy trees can be accommodated. Landscaping along the proposed driveway should be provided to soften the built form and contribute to the garden setting of the dwellings. As previously discussed, the existing vegetation on the site can be replaced with appropriate landscaping. A condition requiring a landscaping plan will be included as a condition of any permit issued.

To enhance the residential interface with the creek environment on sites adjacent to the creek.

The subject site is not located adjacent or near any creek environs.

Clause 42.03 – Significant Landscape Overlay Schedule 4 (SLO4)

A planning permit is required for a front fence.

The proposed front fence is considered satisfactory as the fence is proposed to be constructed using semi-transparent brick pier and picket materials and no trees are impacted or required to be removed to construct the fence. As discussed above, the fence is low in height, has a level of transparency between the piers which maintains openness towards the streetscape and is consistent existing fences in the area.

11.4 Town Planning Application 413/2016/P - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and a front fence - 110 Kars Street, Frankston South**Officers' Assessment****Clause 43.02 – Design and Development Overlay Schedule 9 (DDO9)**

A planning permit is required to construct building and works as the area covered by buildings must not exceed 40% of the site.

The proposed site coverage will be 290.6 square metres which equates to 42.3% of the site which is a minor variation to the 40% permit trigger. As the site has two (2) street frontages, the development avoids common areas or battle-axe style driveways. This reduces the extent of hard surfacing on site and enables greater areas for landscaping. It is also considered that there is generous space in the front and rear setbacks to both dwellings to allow for adequate landscaping.

The proposal complies with all other requirements of DDO9. The proposed dwelling 2 meets all setback requirements as it is within the average of the setback of dwellings on adjoining lots and will have a maximum height of 7.6 metres.

There are no substantial trees proposed to be removed, and the proposed dwelling will be more than 5 metres from the substantial tree on the adjoining properties. The vegetation to be removed comprises small exotic trees and do not require a planning permit to remove and there will be opportunities for replacement planting. As discussed above, a landscape plan would be required as a condition of any permit issued.

Clause 55 (ResCode)

In accordance with the requirements of the General Residential Zone, the application has been assessed against the objectives and standards of Clause 55 as follows:

Neighbourhood Character and infrastructure

It is considered that the proposed development is generally consistent with the preferred Neighbourhood Character as discussed previously.

The proposed development can be connected to all essential infrastructure services including the local drainage system. Council's Infrastructure Department offer no objection to the development subject to conditions.

The existing dwelling and proposed dwelling are orientated to the street to maintain appropriate integration with the street.

Site Layout and Building Massing

Dwelling 1 (existing) has a front setback of 11.41 metres from Kars Street. Dwelling 2 will have a front setback of 3 metres from Hoadley Avenue which meets the minimum setback from a side street encourage by ResCode. The proposed front setback to Hoadley Avenue is acceptable in context with the siting of developments on corner allotments.

Dwelling 1 (existing) has a maximum height of 5.9 metres and Dwelling 2 will have a maximum height of 7.6 metres which are both less than the maximum of 9.0 metres encouraged by ResCode. The proposed site coverage (42.3%) and permeability (47%) are also well within the standards encouraged by ResCode.

Solar orientation and the layout of the development are considered to be adequate. The habitable room windows on the ground floor and first floor of the dwellings have been designed to receive good morning and afternoon sun where possible.

11.4 Town Planning Application 413/2016/P - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and a front fence - 110 Kars Street, Frankston South**Officers' Assessment**

Entrances to all dwellings are clearly visible and identifiable. The entrance to Dwelling 1 (existing) faces Kars Street and the entry to Dwelling 2 is oriented to face Hoadley Avenue.

Reasonable opportunities for landscaping can be provided within both Kars Street and Hoadley Avenue frontages and within the secluded private open space areas. An amended landscape plan will be required as a condition on any permit to issue to ensure appropriate planting within the development.

Amenity Impacts

The side and rear setbacks of all dwellings at ground and first floor levels satisfy the requirements encouraged by ResCode. A small portion of Dwelling 2 (garage) is built on the boundary abutting No 41 Hoadley Avenue. The building of a garage wall along a side boundary is not uncommon within the surrounding area.

The proposed single garage to dwelling 2 is opposite a habitable room window of an adjoining property (41 Hoadley Avenue). The window is setback 1 metre from the boundary and has a light court of more than 3 square metres which complies the standard required by ResCode.

Given the orientation of the development, the proposal will not significantly overshadow existing secluded open spaces of adjoining properties throughout the day. The secluded private open space of existing dwellings will be provided a minimum of five hours of sunlight between 9 am and 3 pm on 22 September in accordance with ResCode requirements.

Overlooking into the adjoining properties has generally been resolved by the use of screening. Screening has been provided to the north elevation of Dwelling 2 sitting room. However, it is not to be screened to 1.7 metres above the finished floor level. A condition of any permit issued will require for the screening to be increased to 1.7 metres above finished floor levels to limit any overlooking from the sitting room from the first floor of the development to 108 Kars street. There is no east or west facing windows on Dwelling 2 that may overlook. Upper floor window located on the north elevation of Dwelling 2 is screened by way of sill heights of 1.7 metres.

Overlooking from the ground floor and living areas of dwelling 2 will be addressed by permit conditions requiring the provision of a freestanding trellis along the north boundary.

The development satisfies ResCode requirements with regards to noise and does not locate noise sensitive rooms adjacent to significant noise sources. The development is of a typical residential scale and should not produce any unreasonable noise impacts

On-Site Amenity and Facilities

The front entry of both dwellings will be easily visible from the street and the internal driveway. Both dwellings have been provided with a small porch to provide a transitional space.

11.4 Town Planning Application 413/2016/P - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and a front fence - 110 Kars Street, Frankston South**Officers' Assessment**

Dwelling 1 has been provided with 36 square metres of secluded private open space and also has the provision of a generous front setback which provides an alternate area for recreation. Dwelling 2 has been provided with 39 square metres both with a minimum dimension of 3.0 metres. Secluded private open spaces will be located on the north side of both dwellings. It is considered that these areas are appropriately sited and will cater for the recreation needs of the occupants.

Both dwellings are provided with appropriate external storage space of 6 square cubic metres.

Detailed Design

A 1.2m front fence is proposed to Dwelling 2. As discussed above, the fence is low in height and keeping with the existing fences and character within the street.

The design of the proposed dwelling is generally considered to be well articulated and consistent with new developments within the area. The roof form, window proportions, use of brickwork and render for external finishes are appropriate with the existing character of the area.

Clause 52.06 Car Parking and Council's Multi Dwelling Visitor Car Parking Guidelines

The proposal complies with the car parking requirements of Clause 52.06 as two car spaces are provided for each dwelling. There is no requirement to provide visitor car parking on site pursuant to Clause 52.06.

As each dwelling will be provided with separate vehicle access, Council's Visitor Car Parking Guidelines do not apply.

Response to objections

A number of the grounds of objection have been considered and discussed previously within this report. Other concerns raised are discussed below:

Buildings and works over easement and drainage capacity

The application has been reviewed by Council's drainage engineer who does not object to the proposal as there are no stormwater or sewerage services running through the easement on 110 Kars Street. There are no concerns of capacity in the area with regards to drainage. Therefore, it is considered the proposals presents minimal impact on the current infrastructure and presents no detriment to the immediate area.

Increase of crossovers on Hoadley Avenue in proximity to Kars Street roundabout

Traffic matters associated with Kars Street and Hoadley Avenue are individually considered on their merits by the Council traffic engineering department. The application has been referred to the traffic engineer who has offered no objection to the development and proposed crossovers as it meets the statutory requirement of 9 metres from a road intersection.

Cultural Heritage

The site is located within an area of Aboriginal Cultural Heritage Significance however the construction of two (2) dwellings on a lot is not considered to be a 'high impact activity'. Therefore a Cultural Heritage Management Plan is not required.

11.4 Town Planning Application 413/2016/P - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and a front fence - 110 Kars Street, Frankston South**Officers' Assessment****Conclusion**

The proposal is considered to be consistent with State and Local Planning Policy and will provide for appropriate medium density housing in an existing residential area. The design of the development is considered to be consistent with the preferred neighbourhood character for Frankston South.

On balance and subject to the inclusion of conditions, the proposal is considered reasonable and warrants support.

Recommendation (Director Community Development)

That Council resolves to issue a Notice of Decision to Grant a Planning in respect to Planning Permit Application number 413/2016/P to construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and a front fence at 110 Kars Street Frankston South, subject to the following conditions:

Plans

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application (or some other specified plan) but modified to show:
 - a) The setbacks of both dwellings to Hoadley Avenue annotated on all the relevant plans.
 - b) The provision of a free standing trellis to the northern boundary of Dwelling 2 accordance with Condition 6 of this permit.
 - c) The sitting room (first floor) of Dwelling 2 to demonstrate compliance with Standard B22 of the Frankston Planning Scheme.
 - d) The provision of a gate access (1.8 metres high paling fence) to the rear of the carport for Dwelling 1.
 - e) All trees growing on the site and on the adjoining properties within 3m of the boundaries must be clearly illustrated on all relevant plans to demonstrate canopy width, trunk location and clearly labelled in accordance with the Arborist Report prepared by Constructive Arboriculture dated May 2016 and clearly state whether the tree is to be retained or removed to the satisfaction of the Responsible Authority.
 - f) The Tree Protection zones for all trees to be retained and the tree protection fence locations must be illustrated on all relevant plans to the satisfaction of the Responsible Authority.
 - g) Tree protection conditions noted in accordance with Conditions 7 and 8.
 - h) A Landscape Plan in accordance with Condition 5.

11.4 Town Planning Application 413/2016/P - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and a front fence - 110 Kars Street, Frankston South**Officers' Assessment****No Alterations**

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

Satisfactorily Completed

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

Prior to Occupation

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

Landscaping

5. Before the commencement of buildings and works, a landscape plan in accordance with the submitted development plan, prepared by a suitably qualified landscape professional must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) a survey (including botanical names) of all existing vegetation on the site and those located within three (3) metres of the boundary of the site on adjoining properties, accurately illustrated to represent canopy width and labelled with botanical name, height and whether the tree is proposed to be retained and/or removed;
 - b) buildings on neighbouring properties within three metres of the boundary;
 - c) the delineation and details of surface finishes of all garden beds, grassed areas, pathways, driveways, retaining walls and other landscape works including areas of cut and fill throughout the development site;
 - d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;
 - e) a range of plant types from ground covers to large shrubs and trees;
 - f) landscaping and planting within all open areas of the site;
 - g) adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - h) the provision of screen planting (minimum mature height of 1.5m) within a landscape strip of 60cm at the interface of the property boundary and driveway;
 - i) A planting theme of a minimum 60% indigenous, 40% native within each plant group;
 - j) All existing environmental weed species are to be removed from the site and environmental and noxious weeds found in the 'Sustainable Gardening in Frankston City' (2015) booklet are not to be planted;

11.4 Town Planning Application 413/2016/P - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and a front fence - 110 Kars Street, Frankston South**Officers' Assessment**

- k) the provision of suitable canopy trees (minimum two metres tall when planted) in the areas specified below (trees are not to be sited over easements) with species chosen to be approved by the Responsible Authority;
- (i) one within the front setback of dwelling 2 minimum mature height of 7m (upright habit)
 - (ii) one within the private open space of (all) dwellings minimum mature height 5m

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.

All tree stock planted must be in accordance with Australian Standard AS 2303-2015 Tree stock for landscape use to the satisfaction of the Responsible Authority.

Freestanding Trellis

6. Prior to the occupation of the development, a freestanding trellis (maximum 25% openings) must be erected above the existing fence on the eastern and northern boundary of the site to an overall height of 1.7 metres above finished floor level of Dwelling 2 (as relevant), to 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.

Holes required for the installation of freestanding trellis fence posts must be dug by hand within the Tree Protection Zone of all trees, including trees on neighbouring land. If significant tree roots (defined as roots greater than 40 mm in diameter) are located the position of the fencepost must be relocated elsewhere.

Tree Protection

7. Tree protection must be carried out in accordance with the Australian Standard AS 4970-2009 Protection of trees on development sites to the satisfaction of the Responsible Authority.
8. Prior to the commencement of the development (including vegetation removal and demolition), a Tree Protection Fence defined by a 1.8 metre high (minimum) temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting with a high visibility plastic hazard tape, must be installed at a radius of 6m from tree no. 1 Cedrus deodara, 2.4m from tree no. 12 no. 13 Cotoneaster and Persea amencana to the satisfaction of the Responsible Authority. A fixed sign is to be provided on all visible sides of the Tree Preservation Fencing, stating "Tree Preservation Zone – No entry without permission from Frankston City Council".

The requirements below must be observed within this area –

- a) Coarse mulch laid to a depth of 50-100 mm (excluding street trees).
- b) No vehicular or pedestrian access.

11.4 Town Planning Application 413/2016/P - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and a front fence - 110 Kars Street, Frankston South**Officers' Assessment**

- c) The existing soil level must not be altered either by fill or excavation.
- d) The soil must not be compacted or the soil's drainage changed.
- e) No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are to be disposed of or stored.
- f) No storage of equipment, machinery or material is to occur.
- g) Open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used unless approved by the Responsible authority to tunnel beneath.
- h) Nothing whatsoever, including temporary services wires, nails, screws or any other fixing device, is to be attached to any tree.
- i) Tree roots must not be severed or injured.
- j) Machinery must not be used to remove any existing concrete, bricks or other materials.

The tree protection fence must remain in place for the duration of building and works to the satisfaction of the Responsible Authority

Tree Pruning

9. 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.

Prior to Occupation

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

Drainage

11. Prior to commencement of development construction detailed design plans and drainage computations of the internal stormwater drainage system including the method of connection to the existing Council drainage infrastructure are to be submitted and approved to the satisfaction of the Responsible Authority.
12. 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.
13. Water Sensitive Urban Design principles (WSUD) must be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
- a) On-site stormwater detention and rainwater tanks.
 - b) Soil percolation
 - c) Stormwater harvesting and Re-use of stormwater for garden watering, toilet

11.4 Town Planning Application 413/2016/P - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and a front fence - 110 Kars Street, Frankston South**Officers' Assessment**

flushing, etc

- d) On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.

14. All disused vehicle crossings shall be removed and the area reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.

Urban Design

15. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
16. Mailboxes shall be provided to the proposed dwelling/s to the satisfaction of the Responsible Authority and Australia Post.
17. All plumbing work, sewer pipes etc. (except for spouting and stormwater pipes) associated with the new dwelling shall be concealed from general view.

Permit Expiry

18. 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:
- Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started;
 - Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

If a request is made out of time, the Responsible Authority cannot consider the request and the permit holder will not be able to apply to VCAT for a review of the matter.

11.4 Town Planning Application 413/2016/P - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and a front fence - 110 Kars Street, Frankston South

Officers' Assessment

Alternate Recommendation

Following a meeting between the applicant and objector, the applicant has proposed to make changes to the plans. Officers have prepared additional requirements to the recommendation for Council to issue a Planning Permit in respect to Planning Permit Application number 413/2016P. The possible text for the alternate condition would be:

Recommendation (Director Community Development)

That the officer's recommendation be adjusted to include at Condition 1(a) and (b):-

- a) The garage of Dwelling 2 to be reduced in height by 0.4m along the western boundary.
- b) The relocation of the fence to the correct title position with notation that this is to be completed at the cost of the developer.

And that the remaining elements of Condition 1 be renumbered.

Executive Summary**11.5 Amendment to Planning Permit 494/2014/P - 560 Frankston-Dandenong Road, Carrum Downs - To use and develop the site for a Micro-brewery; sale and consumption of liquor; cafe (food and drink premises) and a variation to the carparking requirements**

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

Community Outcome:	1. Planned City for Future Growth
Strategy:	1.1 Work with other tiers of Government, industry and business to create more jobs and job skills in Frankston
Priority Action	1.1.1 Attract and promote more industry, small business and large employers into Frankston City to grow more jobs

Purpose

This report considers the merits of the planning application to amend Planning Permit 494/2014/P under Section 72 of the *Planning and Environment Act 1987*.

Recommendation (Director)

That an Amended Planning Permit be issued, subject to the conditions contained in the officers assessment.

Key Points / Issues

- Planning Permit 494/2014/P was approved at the Council Meeting on 23 March 2015 'To use and develop the site for a micro-brewery; sale and consumption of liquor; cafe (food and drink premises) and a variation to the carparking requirements'.
- The proposal seeks to increase the number of patrons permitted on site in association with the tasting room and cafe from 60 to 140 patrons.
- It also proposed to extend the hours for selling and consumption of alcohol on Thursday, Friday and Saturday till 12:00 am, and Sunday till 9:00 pm.
- The existing hours for selling and consumption of alcohol are:
 - Thursday and Friday – 12:00 pm to 10:30 pm
 - Saturday and Sunday – 12:00 pm to 6:00 pm
- Increase the licensed area to provide for inclusion of approximately 30 square metres to the existing mezzanine which is only partially provided as a licensed area.
- Increase the reduction to the existing car parking requirement by an additional thirty-two (32) car spaces to an overall reduction of forty-two (42) car spaces.
- The subject site provides twenty-one (21) existing car spaces.
- Notice of the proposed amendment was given to the adjoining property owners and occupiers and no objections were received.
- While the application to amend the permit is generally reasonable, the increase to the number of patrons from 60 to 140 is not supported due to the impact on the availability of car parking within the immediate area. Council's traffic engineers have recommended that the increase to the number of patrons should be limited to 110 which forms part of the officer recommendation.
- This matter is required to be reported to Council as it is an application associated with liquor.

11.5 Amendment to Planning Permit 494/2014/P - 560 Frankston-Dandenong Road, Carrum Downs - To use and develop the site for a Micro-brewery; sale and consumption of liquor; cafe (food and drink premises) and a variation to the carparking requirements**Executive Summary**

For further information, please refer to the officer's assessment contained within this report.

Financial Impact

For the 2016/2017 financial year, the State Government introduced legislation that provides for a limit on the amount Victorian Councils may increase rates in any financial year. The cap for the 2016/2017 financial year is 2.5%. The cap is based on a combination of the CPI and expected wages growth.

This cap has had a significant effect on Council's long term financial planning, with rate revenue being \$28 million less than anticipated over the first four years, growing to \$43 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

The permit application fee paid to Council is \$779. The average cost to process a planning application is \$1,729 which is a shortfall of \$950.

Consultation**1. External Referrals**

The application was not required to be referred to any external authorities.

2. Internal Referrals

The application was referred internally to the Council Traffic Engineering Department and Social and Community Planning Department who have offered no objection to the proposal.

Notification of Proposal

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

Notification was given in the form of:

- Mail to adjoining owners and occupiers; and
- One (1) sign erected on the site frontage with Frankston-Dandenong Road.

No objections were received as a result of the public notification.

Analysis (Environmental / Economic / Social Implications)

The proposal will have no impact on the environment.

The application will have positive economic benefits through facilitating the expansion of the existing microbrewery business.

The proposal should have negligible social impacts or cumulative impact subject to conditions of an amended planning permit.

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

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

11.5 Amendment to Planning Permit 494/2014/P - 560 Frankston-Dandenong Road, Carrum Downs - To use and develop the site for a Micro-brewery; sale and consumption of liquor; cafe (food and drink premises) and a variation to the carparking requirements**Executive Summary**Legal

The proposal requires an amendment of existing Planning Permit 494/2014/P pursuant to Section 72 of the *Planning and Environment Act 1987*. A planning permit was initially required under Clause 33.01 (Industrial 1 Zone) for use and development associated with a Section 2 Use, Clauses 52.06 for reduction of car parking requirements, and Clause 52.27 (Licensed Premises) of the Frankston Planning Scheme.

Policy Impacts

The relevant State and Local Planning Policies are:

- Clause 21.04 – Settlement
- Clause 21.08 – Economic Development

Officer's Declaration of Interests

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

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

Risk Mitigation

There are no particular risks associated with this application.

Conclusion

It is considered that the proposal to amend the existing planning permit and endorsed plans to facilitate the expansion of the Dainton Family Brewery is satisfactory subject to minor changes to give adequate consideration of the surrounding amenity.

ATTACHMENTS

- Attachment A: Locality Map
- Attachment B: Planning Map
- Attachment C: Existing Red Line Plan
- Attachment D: Proposed Red Line Plan
- Attachment E: Car Parking Assessment and Traffic Survey

11.5 Amendment to Planning Permit 494/2014/P - 560 Frankston-Dandenong Road, Carrum Downs - To use and develop the site for a Micro-brewery; sale and consumption of liquor; cafe (food and drink premises) and a variation to the carparking requirements

Officers' Assessment

Summary

Existing Use	Industrial (Micro-brewery) and café (food and drink premises)
Site Area	1991.2 square metres
Proposal	Increase number of patrons from 60 to 140. Increase hours of operation. Increase licensed area by approximately 35 square metres. Increase the reduction to car parking requirements.
Site Cover	N/A
Permeability	N/A
Zoning	Industrial 1 Zone
Overlays	Nil
Neighbourhood Character Precinct	N/A
Reason for Reporting to Council	Application associated with Liquor

Background

Subject Site

The subject site is regular in shape and is located on the north-west side of Frankston-Dandenong Road in Frankston.

The site is accessed via a sealed service lane running parallel to Frankston-Dandenong Road, which is a major arterial road. The service road contains formalised kerb and channel along with a sealed footpath.

The site currently contains an existing warehouse with an internal mezzanine that is used for Industry and the Food and Drink premises (Café) component of the Dainton Brewery. A strip of landscaping is located across the property frontage with the remainder of the site used for parking and the warehouse.

Locality

The surrounding development to the north-west side of Frankston-Dandenong Road contains a range of industrial and restricted retail uses, while the south-east side of Frankston-Dandenong Road consists of residential development at varying densities.

Details of any restrictive covenants

Covenant M407562G was registered on Title on the 6 August 1986. It restricts:-

- The building materials to be used on the site;

11.5 Amendment to Planning Permit 494/2014/P - 560 Frankston-Dandenong Road, Carrum Downs - To use and develop the site for a Micro-brewery; sale and consumption of liquor; cafe (food and drink premises) and a variation to the carparking requirements**Officers' Assessment**

- The erection of free standing signage without the written approval of Ballanbuan Pty Ltd;
- The type of signage (except business identification signage) to be erected on the site;
- The use of the site within 12 metres of the Frankston-Dandenong Road boundary;
- The location and type of fencing to be erected on the site;
- Machinery being in view from Frankston-Dandenong Road;
- Any buildings being erected on the site within the first 10 years of the Covenant without the written approval of Ballanbuan Pty Ltd; and
- Any buildings within 12 metres of the Frankston-Dandenong Road boundary.

It is considered the proposal does not breach Covenant M407562G as the amendment does not propose any building and works to the site.

The Certificate of Title submitted with the application also indicates that the site is not burdened by any Section 173 Agreements.

Site History

Previous planning permit applications for the site include:

- Planning Permit 762/2010/P was approved on 30 June 2011 for the use of the land for motor vehicle sales and to display business identification signage.
- Planning Permit 494/2014/P was approved at the Council Meeting held 23 March 2015 for 'to use and develop the site for a Micro-brewery; sale and consumption of liquor; cafe (food and drink premises) and a variation to the carparking requirements'. The endorsed plans were amended under secondary consent to increase the building setback from the rear (west) setback to 2.5 metres in lieu of 2 metres on 31 August 2015.

Proposal

The proposal is summarised as:

- Amend Condition 5 to extend hours for selling and consumption of alcohol
 - Thursday, Friday and Saturday 12:00 noon to 12:00 midnight
 - Sunday 12:00 noon to 9:00 pm.
- Amend Condition 6 to increase the number of permitted patrons from 60 to 140.
- Amend the endorsed plans to increase the licensed area applicable to the existing mezzanine.
- Reduce the car parking requirement associated with the increased number of patrons (0.4 car spaces to each patron) by thirty-two (32) car spaces.

11.5 Amendment to Planning Permit 494/2014/P - 560 Frankston-Dandenong Road, Carrum Downs - To use and develop the site for a Micro-brewery; sale and consumption of liquor; cafe (food and drink premises) and a variation to the carparking requirements**Officers' Assessment**State and Local Planning Policy Frameworks

State Planning Policy Framework relevant to this application are summarised as follows:

- Clause 11 – Settlement
- Clause 17 – Economic Development

Local Planning Policy Framework relevant to this application are summarised as follows:

- Clause 21.04 – Settlement
- Clause 21.08 – Economic Development

Planning Scheme Controls

A Planning Permit is required pursuant to:

- Clause 33.01 (Industrial 1 Zone) of the Frankston Planning Scheme, for the proposed Section 2 uses:
 - Industry as the use is listed in Clause 52.10;
 - Manufacturing Sales;
 - Food and Drink Premises (Retail Premises); and
 - Building and works associated with a Section 2 use.
- Clause 52.06 (Car Parking) of the Frankston Planning Scheme to reduce the car parking requirements associated with the café (food and drink premises) component.
- Clause 52.27 (Licenced Premises) of the Frankston Planning Scheme to use land to sell or consume liquor as a new licence is required under the Liquor Control Reform Act 1998.

Notification of Proposal

The proposal was advertised under Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land.
- Displaying one (1) notice on the subject site boundary with Frankston-Dandenong Road.

No objections were received in response to notification of the proposal.

Internal Referrals

A summary of internal referral comments regarding the proposal are provided below.

Social and Community Planning

Social and Community Planning have no concerns that this planning application will result in any detrimental social or economic impacts to the community.

It is noted that the premises is located in a non-residential area. While there is an aged care facility located within 2km of the premises, they are separated by a major road.

11.5 Amendment to Planning Permit 494/2014/P - 560 Frankston-Dandenong Road, Carrum Downs - To use and develop the site for a Micro-brewery; sale and consumption of liquor; cafe (food and drink premises) and a variation to the carparking requirements**Officers' Assessment**

It is also noted that the premises is a small boutique brewery and is not considered to be of high risk for alcohol-related harms.

Economic Development

Based on the employment of 4 full-time brewers and 5 staff in food and beverage services, the ongoing economic benefits will be:

- Employment: Up to 15 jobs will be created
- Gross Revenue (Output - \$M): Up to \$4.11 m will be generated per annum
- Wages and Salaries: Up to \$800,000 in wages and salaries will be generated per annum
- Value Added: Up to \$1.72 m of value will be added by industries in Frankston City per annum

Australia has a comparative advantage in food and beverage manufacturing and the state government is now more than ever encouraging and incentivising food and beverage production, identifying it as a growth and export opportunity. As it stands food (and beverage) production and processing contributes 10.5% of Victoria's Gross State Product (GSP), comprising 21% of Victoria's manufacturing industry.

The proposed amendment will provide a much needed boost for a unique business in Frankston's Industrial Precinct in Carrum Downs, which ought to be encouraged. The brewery has received early success and has encouraged other businesses to consider Frankston as their new home.

The food component of the brewery is a welcome addition in Carrum Downs, providing a new food offering to a major employment hub.

The proposed amendment is supported by the Economic Development Team of Council.

Traffic Engineer

The application is to increase the number of patrons from 60 to 140 and extend trading hours to 12am (Thursday - Sat), and 9pm (Sunday) with no additional parking provision.

The site has 21 parking spaces (noted incorrectly as 19 by the Traffic Impact Assessment Report submitted along with the application).

The additional 80 patrons require a provision of 32 additional parking spaces as per Clause 52.06's relevant rate for the use of 'tavern or restaurant'.

The Traffic Impact Assessment Report includes a parking occupancy survey, however some of the surveyed area is not considered suitable as it is not within walking distance.

From the parking areas that are surveyed, there is competition for on-street parking by a number of other businesses including Nitro Gym and the bingo parlour. Therefore it is not reasonable to assume that all 32 additional required parking spaces can be accommodated.

Considering the above, and to properly manage the demand for on-street parking, it is acceptable to assume that 20 of the available off-site parking spaces can be used by patrons of the micro-brewery, therefore at the rate of 0.4 parking spaces per patron (Clause 52.06), this equates to 50 additional patrons. It is recommended that the number of patrons is limited to 110 patrons.

11.5 Amendment to Planning Permit 494/2014/P - 560 Frankston-Dandenong Road, Carrum Downs - To use and develop the site for a Micro-brewery; sale and consumption of liquor; cafe (food and drink premises) and a variation to the carparking requirements**Officers' Assessment****Discussion**State and Local Planning Policy

It is considered that the proposed amendment meets the objectives of the relevant State and Local Planning Policies as it will complement and support the economic growth of the micro-brewery, including some employment opportunities. The proposal should not reduce the public amenity of the area nor will it result in an environment that would cause safety concerns or hazards to the local community.

Parking Provision

The proposed amendment seeks to increase the number of patrons from 60 to 140 patrons. In accordance with Clause 52.06 – Car Parking, the assessment of the proposed amendment must only consider the car parking requirement associated with the additional 80 patrons.

Under the Planning Scheme, the applicable car parking rate is that of a tavern which requires 0.4 car spaces to each patron permitted. Accordingly, the proposed amendment is required to provide 32 car spaces.

The subject site does not have any capacity to provide additional car parking and the applicant is seeking a reduction of the car parking requirement by 32 car spaces.

The applicant has submitted a car parking assessment and traffic survey prepared by the Traffix Group to support the requested reduction to the car parking requirement. The report considers an assessment for 145 patrons but the applicants' submission states the applicant seeks to increase the number of patrons to 140. Consideration of 140 patrons (an increase of 80 patrons) will form the basis of the assessment.

The application has been referred to the Council Traffic Engineer who raised concerns regarding competition for on-street parking from other non-industrial land uses operating in the area.

The service road parallel to Frankston-Dandenong Road is considered the preferred location for street parking and provides some capacity to meet the parking demand. The submitted traffic survey provides a street parking survey area that is not suitably convenient for patrons with spaces up to 250 metres from the site.

Based on the submitted parking survey, there is a vacancy of approximately 29 spaces along Frankston-Dandenong Road during the evening period with more spaces available as evening progresses. Frankston-Dandenong Road has limited capacity to meet the requested reduction due to the existing reduction, and parking demand generated from surrounding land uses including businesses, the Carrum Gardens Bingo Centre, and Nitro Gym Carrum Downs.

Based on the submitted report and surrounding site context it considered reasonable to support a reduction to the number of patrons to decrease the intensity of parking demand generated by the site. A reduction of patron numbers to 110 patrons will limit the parking reduction to twenty (20) car spaces instead of thirty-two (32) and retain suitable shared arrangement for street parking with other surrounding land uses.

Clause 52.27 Licensed Premises

The applicant proposes to increase the licensed area for the serving of alcohol applicable to the existing mezzanine.

11.5 Amendment to Planning Permit 494/2014/P - 560 Frankston-Dandenong Road, Carrum Downs - To use and develop the site for a Micro-brewery; sale and consumption of liquor; cafe (food and drink premises) and a variation to the carparking requirements**Officers' Assessment**

The existing red line plan provides for a partial serving area of the mezzanine with an area of approximately 60 square metres. The red line plan does not include the full extent of the existing mezzanine.

The additional area proposed for inclusion is approximately 30 square metres. Its inclusion will have no impact as it is considered to utilise the existing space above laboratory and steam boiler. The amendment allows for the full area of the mezzanine overlooking the brewery operations floor can be used by patrons.

Number of Patrons

The applicant seeks to increase the number of patrons permitted from 60 to 140 patrons.

The proposed increase is considered to intensify the permitted use beyond the capacity of the subject site and surrounds to suitably limit the amenity impact.

The additional patrons will require 32 car spaces and a full reduction to the car parking requirements is requested as previously discussed.

The number of patrons will likely increase pedestrian and traffic activity at later closing times and result in additional amenity impact to the surrounds.

The proposed amendment is supported subject to reducing the number of permitted patrons to 110 persons to limit the potential amenity impacts.

Hours of Operation

Existing hours of operation of the tasting room and café (manufacturing sales and food and drink premises) are:

Monday to Wednesday	Closed
Thursday to Friday	12:00 noon – 10:30 pm
Saturday and Sunday	12:00 noon – 6:00 pm

The proposed amendment to Condition 5 would provide the following hours of operation:

Monday to Wednesday	Closed
Thursday to Saturday	12:00 noon – 12:00 pm
Sunday	12:00 noon – 9:00 pm

The proposed amendment is considered satisfactory subject to changes reducing the operating hours on Thursday.

The requested change to existing hours is not considered appropriate for Thursday as the existing hours will already benefit from an increase in patron numbers. Extending trading hours on Thursday is considered to increase the amenity impact on the surrounding land during a weeknight.

The requested extension to 12:00 am on Friday and Saturday is considered satisfactory to provide for increased business activity for these days. Amenity impacts should be reasonable and manageable through existing permit conditions.

The requested extension till 9:00 pm on Sunday is considered satisfactory.

11.5 Amendment to Planning Permit 494/2014/P - 560 Frankston-Dandenong Road, Carrum Downs - To use and develop the site for a Micro-brewery; sale and consumption of liquor; cafe (food and drink premises) and a variation to the carparking requirements**Officers' Assessment**

Surrounding land uses operating beyond standard business hours include Nitro Gym (538 Frankston-Dandenong Road) which operates 24 hours a day 7 days a week, and Carrum Gardens Bingo Centre (554 Frankston-Dandenong Road) which operates in the evening generally from 7 pm. The proposed extended business hours are not considered to result in unreasonable impact on the surrounds which are generally industry/warehouse uses.

On balance, the above changes are considered appropriate to limit potential amenity impact associated with late operating hours in conjunction with serving of liquor.

Amenity

The amenity impact from the proposed amendment will be suitably reduced through restricting the hours of operation and patron numbers.

Cumulative Impact

An assessment of cumulative impact is required as the applicant proposed serving of liquor after 11:00 pm on Thursday, Friday, and Saturday. Practice Note 61 ('Licensed premises: assessing cumulative impact') provides guidance for assessing applications with respect to Clause 52.27 of the Frankston Planning Scheme.

The existing site is not located within a cluster of licensed premises as there are no licensed premises within 500 metres of the subject site.

The impact of the proposed amendment should be limited due to the existing location within an Industrial area. Frankston-Dandenong Road provides suitable separation between the established sensitive uses within the residential area east of the site. The surrounding area has access to public transport (Bus route 901) and sufficient on-street parking to enable transport and dispersal from the subject site.

There are no similar premises open after 11:00 pm within close proximity of the site and intensity of activity is considered low. There existing amenity is that of an Industrial area which is generally quiet during non-business hours except for non-industrial land uses like the current café component of the microbrewery.

On balance, it is considered the proposal will have minimal cumulative impact on the surrounding area subject to restricting the hours of operation to limit the time operating past 11:00 pm.

Liquor Accord

Council supports the responsible serving of alcohol in a consistent manner throughout the municipality. The existing planning permit has a note encouraging the permit holder to become a member of the Frankston Liquor Industry Accord.

Analysis (Economic and Social Implications)

It is considered that the proposal will have positive economic implications through facilitating an expansion of the capacity of the Dainton Family Brewery to cater to larger groups. Social impacts are considered to be positive as it provides an area for patrons to consume liquor in a managed and clearly delineated area.

11.5 Amendment to Planning Permit 494/2014/P - 560 Frankston-Dandenong Road, Carrum Downs - To use and develop the site for a Micro-brewery; sale and consumption of liquor; cafe (food and drink premises) and a variation to the carparking requirements**Officers' Assessment****Conclusion**

On balance, it is considered that the proposal satisfies the requirements of the State and Local Planning Policy Framework and the purposes of Clause 52.27 (Licensed Premises) of the Frankston Planning Scheme, would not cause detriment to the area and warrants support.

It is therefore recommended that an Amended Planning Permit and endorsed plans be issued.

Recommendation (Director Community Development)

That Council resolves to issue an Amended Planning Permit in respect to Planning Permit Application number 494/2014/P/C for 'To use and develop the site for a Micro-brewery; sale and consumption of liquor; cafe (food and drink premises) and a variation to the car parking requirements' at 560 Frankston-Dandenong Road, Carrum Downs, subject to the following conditions:

Plans

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application (or some other specified plan) but modified to show:
 - a) The disabled car space located in a more convenient location for easier access to the café.

No Alterations

2. The use and development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Once the development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
4. The licensed area as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Liquor Licence Requirements

5. The selling or consumption of alcohol; tasting room and café (Manufacturing sales and food and drink premises) must only take place at the premises during the following hours:

Thursday	12 noon – 10:30 pm
Friday and Saturday	12 noon – 12:00 am
Sunday	12 noon – 9 pm
6. Not more than 110 patrons may be present on the premises at any one time in association with the tasting room and café (Manufacturing sales and food and drink premises).

11.5 Amendment to Planning Permit 494/2014/P - 560 Frankston-Dandenong Road, Carrum Downs - To use and develop the site for a Micro-brewery; sale and consumption of liquor; cafe (food and drink premises) and a variation to the carparking requirements**Officers' Assessment**

7. The Brewery (industry) hereby permitted may operate only between the hours of:
Monday to Wednesday 8am - 6pm
Thursday, Friday and Saturday 8am - 4pm (no deliveries after 12 noon)
8. Car parking spaces 1 – 5 and 6 – 14 must be kept clear for truck turning areas of deliveries during the hours of the Brewery (industry) (refer to Condition 7).
9. The licensee/permit holder shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence/permit relates during or immediately after trading hours authorised by the licence/permit.
10. Liquor must not be consumed in the licensed area by members of the public outside the opening hours of the café.
11. Sales of packaged liquor to members of the public for consumption on or off the licensed premises must not take place on the land outside the opening hours of the café.

Amenity

12. The licensee/permit holder shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence/permit relates during or immediately after trading hours authorised by the licence/permit.
13. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bays and must not disrupt the circulation and parking of vehicles on the land.
14. The amenity of the area must not be detrimentally affected by the development and/or use through the:-
 - a) Parking of vehicles and loading / unloading of vehicles;
 - b) Transport of materials, goods or commodities to or from the land;
 - c) Appearance of any building, works or materials;
 - d) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;\
 - e) Presence of vermin; or
 - f) In any other way.to the satisfaction of the Responsible Authority.

Environment Protection Authority (EPA)

15. The proponent must apply for and be issued with a works approval from the Environment Protection Authority with respect to the use and development of the site for a micro-brewery prior to any works beginning.

There must be no discharge of wastewater or contaminated stormwater to the stormwater drainage system or surface waters. Suitable drains, interceptor pits, water treatment facilities, pumps and sumps must be installed to ensure that any wastewater or contaminated stormwater generated at the premises is:

11.5 Amendment to Planning Permit 494/2014/P - 560 Frankston-Dandenong Road, Carrum Downs - To use and develop the site for a Micro-brewery; sale and consumption of liquor; cafe (food and drink premises) and a variation to the carparking requirements**Officers' Assessment**

- Connected to reticulated sewer, in accordance with the Trade Waste Agreement; or
 - Collected by an EPA permitted contractor, as appropriate.
16. A secondary containment system shall be provided for liquids and chemicals which if split are likely to cause pollution or pose an environmental hazard, in accordance with the Building Guidelines (EPA Publication No. 347, 1992).
17. Noise emissions from the premises must meet the objectives of State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) N-1.
18. Odours offensive to the senses of human beings must not be discharged beyond the boundaries of the premises.
19. All putrescible waste (including spent grains/yeast etc) must be sorted in sealed and lidded bins and removed from the premises as frequently as required to prevent the discharge of offensive odours.
20. There must be no visible discharge of dust beyond the boundary of the premises. All waste discharges to the external atmosphere must be:
- Discharged from a stack outlet at least 3 metres above the roofline of any building or
 - Obstruction within a 15 metre radius;
 - Discharged with an efflux velocity of at least 10 metres per second; and
 - Not be obstructed at the stack outlet by a weather cap, cowl or other obstruction.

Drainage

21. 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.
22. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
23. Concrete kerbs and barriers shall be provided to the satisfaction of the responsible authority to prevent direct vehicle access to an adjoining road other than by a vehicle crossing.
24. 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.

11.5 Amendment to Planning Permit 494/2014/P - 560 Frankston-Dandenong Road, Carrum Downs - To use and develop the site for a Micro-brewery; sale and consumption of liquor; cafe (food and drink premises) and a variation to the carparking requirements**Officers' Assessment**

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

Car Parking and Access

25. Before the occupation of any development hereby permitted commences areas set aside for parking vehicles, loading bays, access lanes and paths as shown on the endorsed plans must be :-
- a) Constructed to the satisfaction of the Responsible Authority.
 - b) Properly formed to such levels that they can be used in accordance with the plans.
 - c) Surfaced with an all-weather sealcoat
 - d) Drained and maintained to the satisfaction of the Responsible Authority.
 - e) Line-marked to indicate each car space, loading bay and all access lanes and if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.

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

Satisfactorily Completed

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

Permit Expiry

27. This permit will expire if one of the following circumstances applies:
- The development is not started within two years of the date of this permit.
 - The development is not completed within four years of the issued date of this permit.
 - The use is not commenced within two (2) years of the date of this permit.
 - The use ceases for a continuous period of two (2) or more years.

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

Notes

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

11.5 Amendment to Planning Permit 494/2014/P - 560 Frankston-Dandenong Road, Carrum Downs - To use and develop the site for a Micro-brewery; sale and consumption of liquor; cafe (food and drink premises) and a variation to the carparking requirements**Officers' Assessment**

periods referred to if a request is made in writing within the following prescribed timeframes:

- a) Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started;
- b) Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

If a request is made out of time, the Responsible Authority cannot consider the request and the permit holder will not be able to apply to VCAT for a review of the matter.

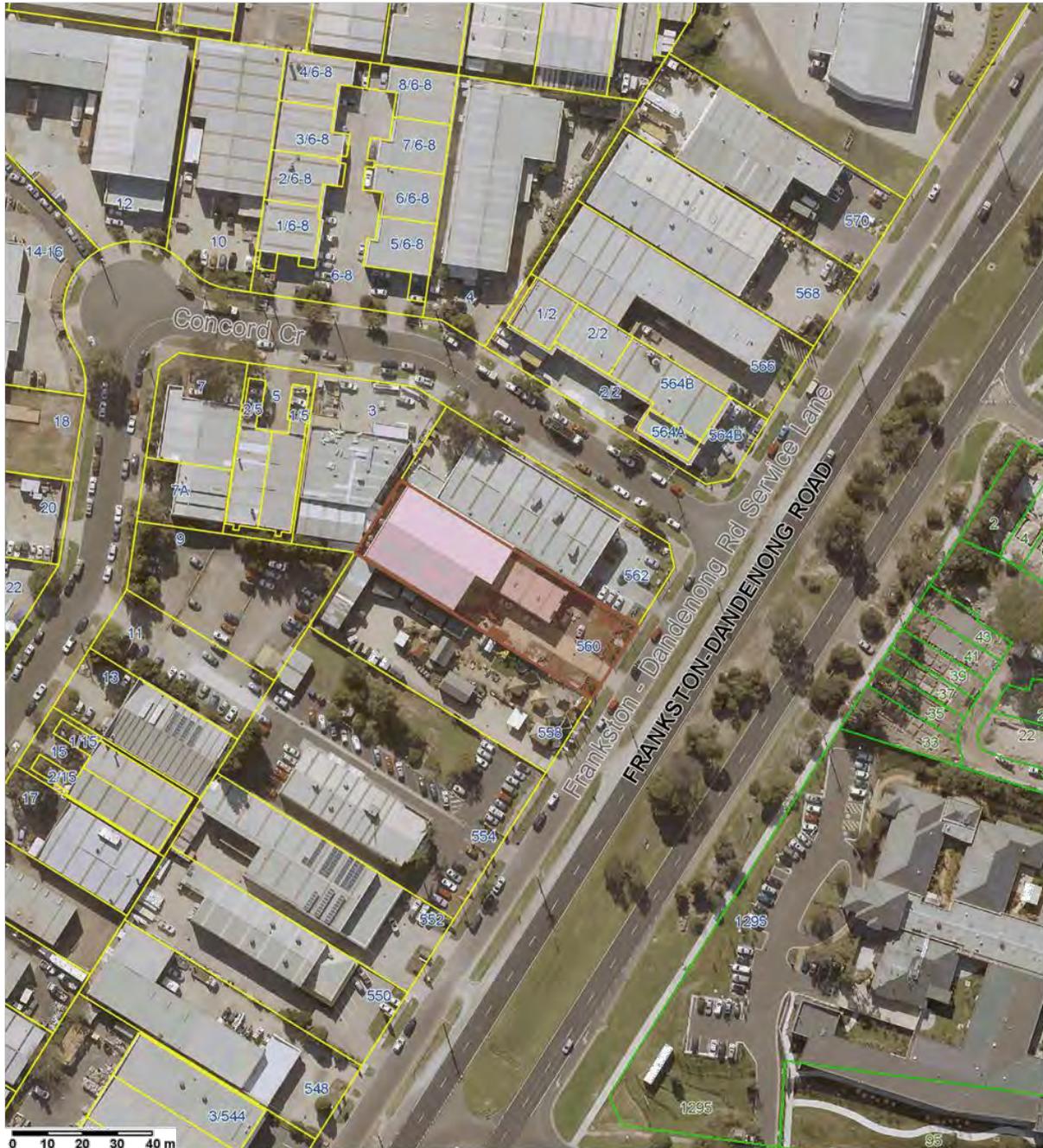
- D. The owner/applicant of the subject site should join and comply with the Frankston Liquor Industry Accord, which requires the member to serve liquor in a responsible manner.

Asset Protection Permit

- E. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
 - On-site stormwater detention and rainwater tanks.
 - Soil percolation
 - Stormwater harvesting and Re-use of stormwater for garden watering, toilet flushing, etc
 - On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.

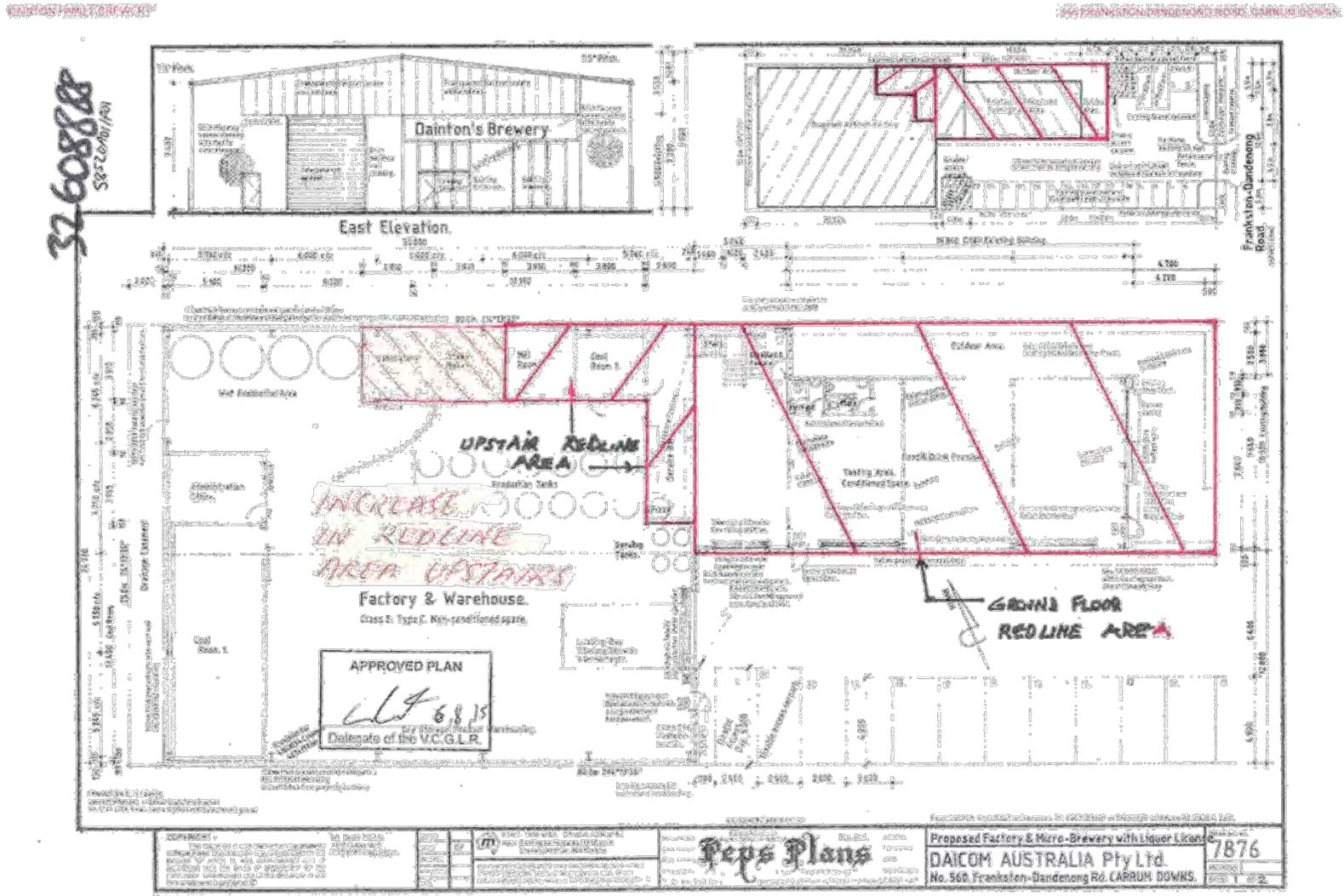
Attachment A: Locality Map

Aerial Locality Map – Town Planning Application 494/2014/P/C
560 Frankston-Dandenong Road Carrum Downs

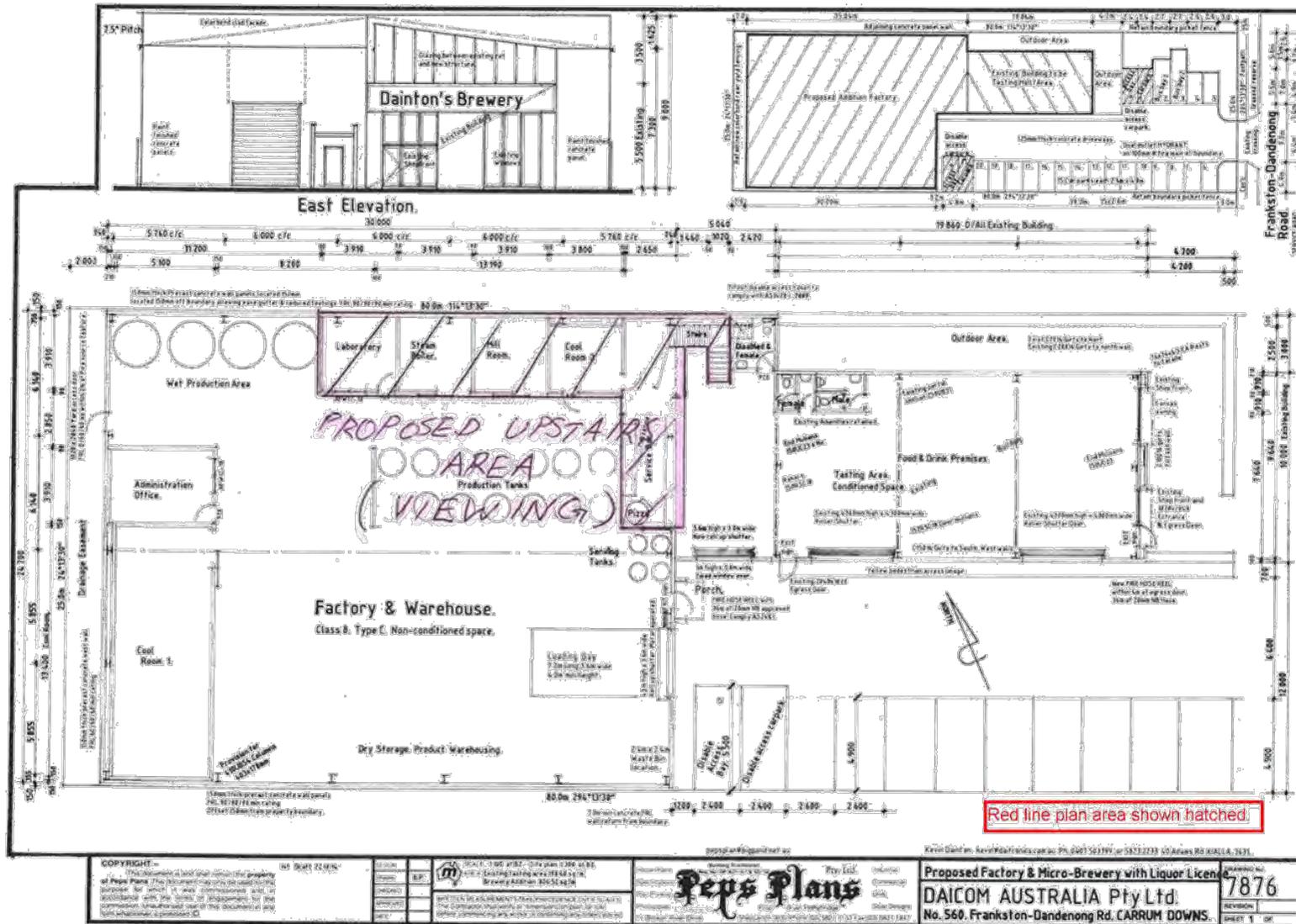


<p>Disclaimer Contains Council information © Frankston City Council. Reproduced by permission from the Business and Information Technology Department, Frankston City Council 2016. Contains VicMap information © State of Victoria, Department of Environment, Land, Water and Planning, 2016. Reproduced by permission. This material may be of assistance to you but Frankston City Council, the State of Victoria and their employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaim all liability for any error, loss or consequences which may arise from your relying on any information contained in this material. You are hereby notified that any use, dissemination, distribution or reproduction of this information is prohibited and must be used for personal use only. The information contained herein must not be used in any manner that could breach any criminal, federal, state or local law.</p>	<p>Projection: GDA94 / MGA zone 55 Scale: 1:1512 Date Printed: 30/12/2016 Time Printed: 11:44 AM Issued by: Tara Lambert</p>		
--	--	--	--

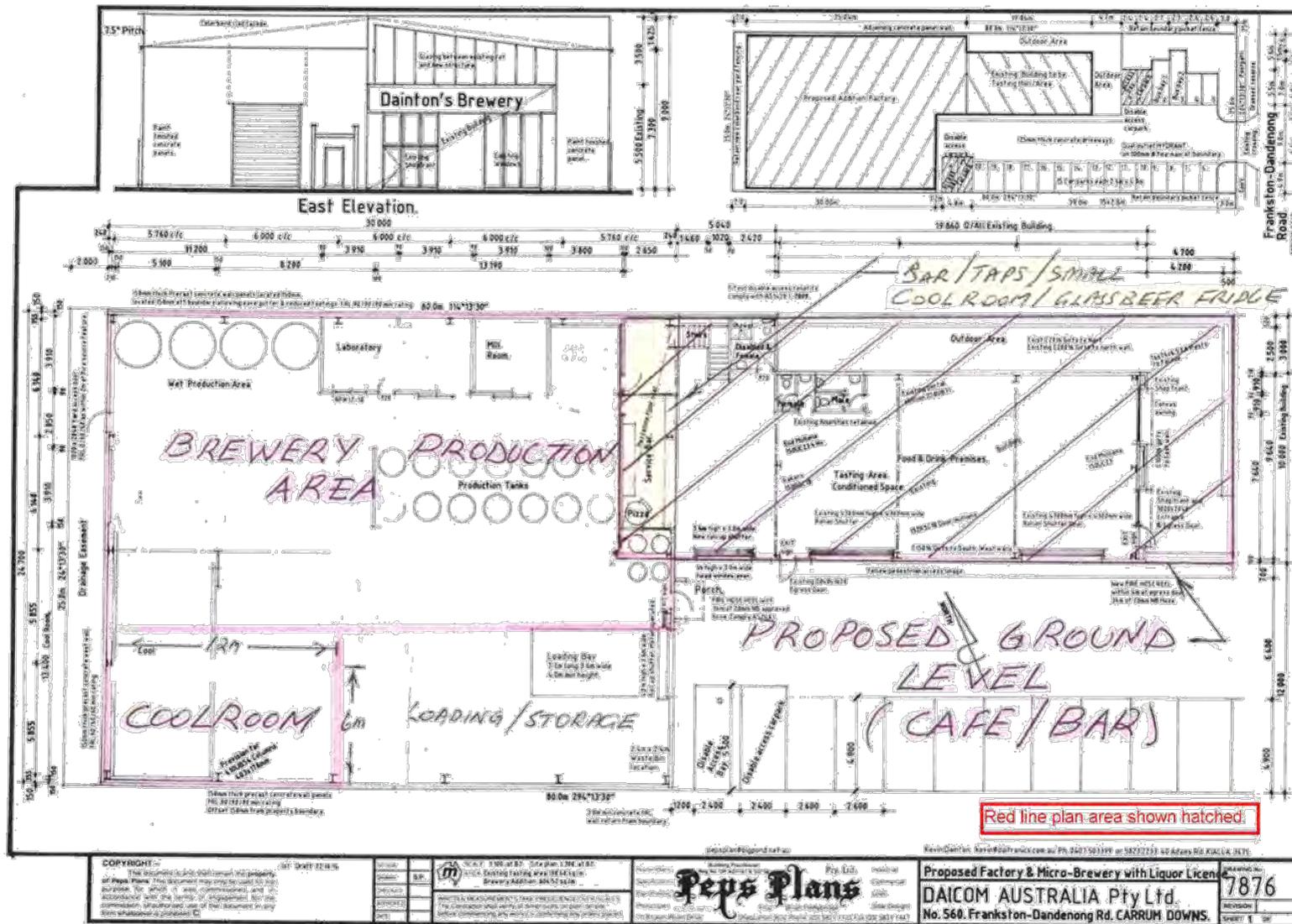
Attachment C: Existing Red Line Plan



Attachment D: Proposed Red Line Plan



Attachment D: Proposed Red Line Plan





Traffic Engineers and Transport Planners

Our Reference: G21410L-02A

DRAFT

26 September 2016

Dainton Family Brewery
560 Frankston-Dandenong Road
CARRUM DOWNS VIC 3201
Attention: Kevin Dainton

Traffix Group Pty Ltd
ABN 52 100 481 570

Address
Suite A, 471 Bunde Road
Glen Iris Victoria 3143

Contact
Telephone 03 9822 2888
Facsimile 03 9822 7444
adv@traffixgroup.com.au
www.traffixgroup.com.au

Dear Kevin,

**560 Frankston Dandenong Road, Carrum Downs - Proposed Extended Hours
and Increase in Patron Numbers
Car Parking Assessment**

Introduction

Further to your instructions, please find following our review of the proposed extended operating hours and increase in patron numbers at the Dainton Family Brewery at 560 Frankston-Dandenong Road, Carrum Downs.

This report provides a car parking assessment addressing the appropriateness of the proposed extended operating hours and increased patron numbers.

Existing Conditions

Subject Site

The subject site is located on the west side of Frankston-Dandenong Road, approximately 250m south of Lathams Road in Carrum Downs, as shown in the locality plan in Figure 1.

Car Parking Assessment

560 Frankston Dandenong Road, Carrum Downs:

Proposed Extended Hours and Increase in Patron Numbers

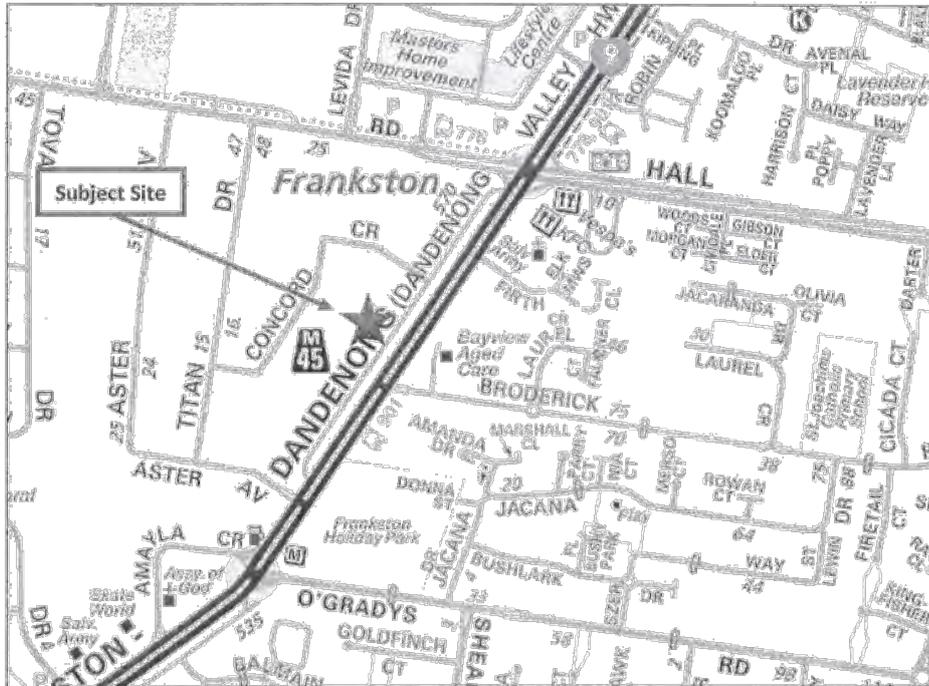


Figure 1: Locality Plan

The subject site is rectangular in shape and approximately 1,950m² in size with a frontage of approximately 25m to a service road off Frankston-Dandenong Road. Vehicle access to the site is provided via an approximately 6.2m wide crossover to the service road. The site is currently occupied by the Dainton Family Brewery which includes an associated café that can accommodate up to 80 patrons and 19 on-site car parking spaces. The operating hours of the development are shown in Table 1.

Table 1: Current Operating Hours

Component	Operating Hours
Brewery	Monday to Wednesday 8:00am to 6:00pm
	Thursday to Saturday 8:00am to 4:00pm
Cafe	Monday to Wednesday Closed
	Thursday and Friday 12:00 noon to 10:30pm
	Saturday 12:00 noon to 6pm
	Sunday 12:00 noon to 6pm

Car Parking Assessment

560 Frankston Dandenong Road, Carrum Downs:

Proposed Extended Hours and Increase in Patron Numbers



An aerial view of the site is provided in Figure 2.



Figure 2: Aerial View of the Site

A photograph of the site frontage to Frankston-Dandenong Road is shown in Photograph 1.



Photograph 1: Site Frontage

Car Parking Assessment

560 Frankston-Dandenong Road, Carrum Downs:
Proposed Extended Hours and Increase in Patron Numbers



The site is situated within an Industrial Zone (IN1Z) as shown in Figure 3.

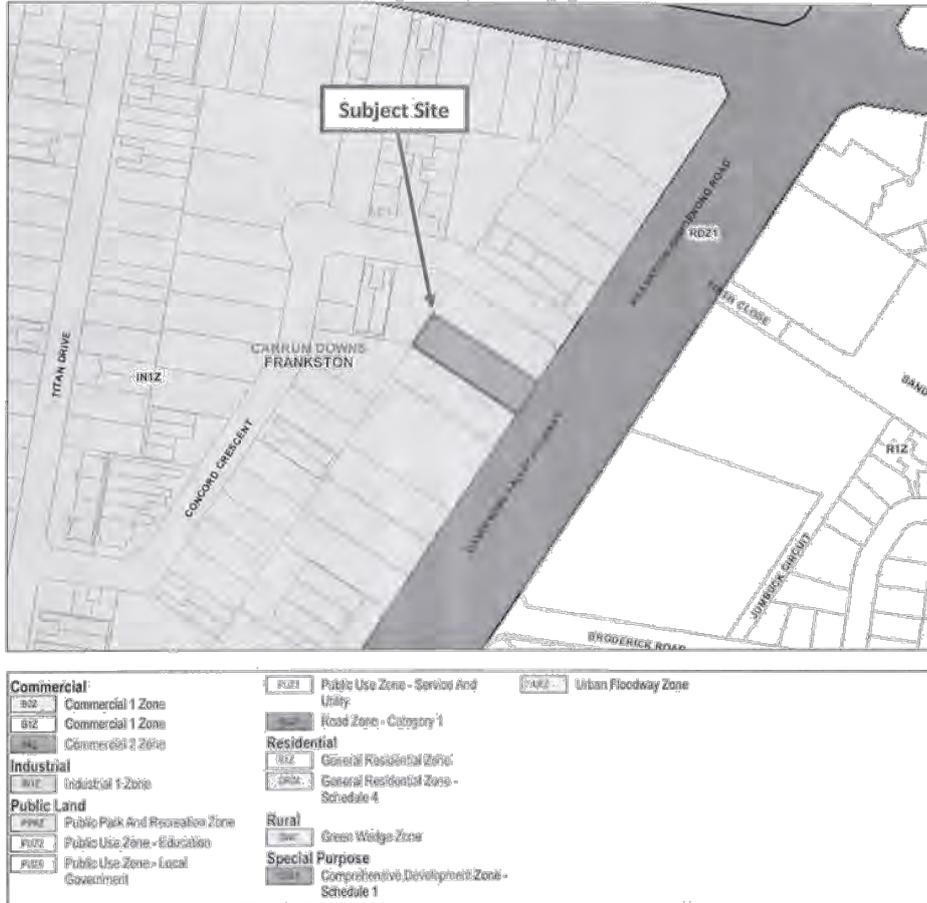


Figure 3: Land Use Zoning Map

The surrounding land uses are predominantly industrial in nature, with a General Residential Zone (R1Z) to the east of Frankston-Dandenong Road.

Car Parking Assessment

560 Frankston Dandenong Road, Carrum Downs:
Proposed Extended Hours and Increase in Patron Numbers

**Road Network**

Frankston-Dandenong Road is a VicRoads declared highway and zoned Road Zone - Category 1 (RDZ1) under the Planning Scheme and extends in a north-east direction. In the vicinity of the site, Frankston-Dandenong Road is constructed with a divided carriageway providing two traffic lanes in each direction within an approximately 65m wide road reserve.

The service road from which the site takes access off extends for approximately 550m along the western side of Frankston-Dandenong Road between Aster Avenue and Lathams Road/Hall Road. The service road is constructed with a 7.8m wide carriageway and provides for kerbside parallel parking on both sides of the road and a single traffic lane.

The service road is shown in Photographs 2 and 3.



**Photograph 2: Service Road - View North
Adjacent to Subject Site**



**Photograph 3: Service Road - View South
Adjacent to Subject Site**

Concord Crescent is a local street which extends for approximately 490m between Frankston-Dandenong Road and Titan Drive. Concord Crescent is constructed with an approximately 10.8m wide carriageway providing a single traffic lane in each direction as well as kerbside parallel parking on both sides of the street.

Concord Crescent is shown in Photographs 4 and 5.



**Photograph 4: Concord Crescent - View East
towards Service Road**



**Photograph 5: Concord Crescent - View West
from Service Road**

Car Parking Assessment

560 Frankston-Dandenong Road, Carrum Downs:

Proposed Extended Hours and Increase in Patron Numbers

**Public Transport**

SmartBUS Route 901 operates along Frankston-Dandenong Road, with a bus stop located approximately 150m walking distance from the site and provides a service between Frankston and Melbourne Airport, as shown in Figure 4.

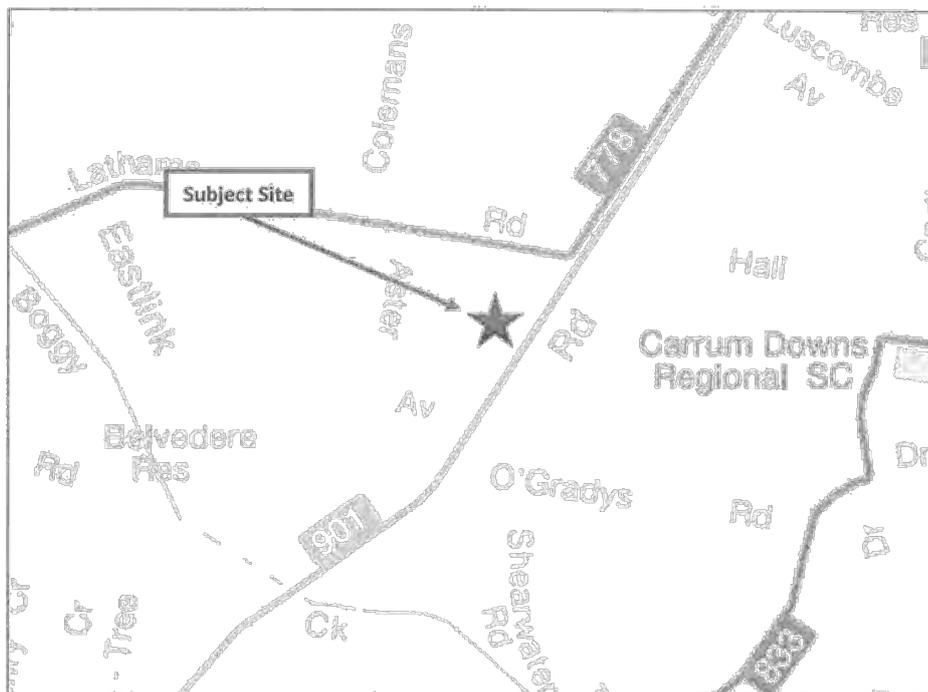


Figure 4: Public Transport Map

SmartBUS Route 901 provides a service every 15 minutes and links users to several public transport hubs including Frankston Station and Dandenong Station. Access to these other public transport hubs means that the site is accessible from a number of areas.

Proposal

It is proposed to increase the number of patrons permitted in the café from 60 to 145 and to amend the operating hours of the café as set out in Table 2.

Car Parking Assessment

560 Frankston Dandenong Road, Carrum Downs:

Proposed Extended Hours and Increase in Patron Numbers

**Table 2: Proposed Cafe Operating Hours**

Current Operating Hours		Proposed Operating Hours	
Monday to Wednesday	Closed	Monday to Wednesday	Closed
Thursday and Friday	12:00 noon to 10:30pm	Thursday and Friday	12:00 noon to 12:00 midnight
Saturday	12:00 noon to 6:00pm	Saturday	12:00 noon to 12:00 midnight
Sunday	12:00 noon to 6:00pm	Sunday	12:00 noon to 9:00pm

No changes to the operation of the brewery component of the development or car parking and access arrangements are proposed.

Car Parking Assessment**Statutory Car Parking Requirement**

Clause 52.06 of the Planning Scheme sets out the car parking requirements for new developments.

The purpose of Clause 52.06 is:

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

Clause 52.06-5 also states that:

Where an existing use is increased by the measure specified in Column C of Table 1 for that use, the car parking requirement only applies to the increase, provided the existing number of car parking spaces currently being provided in connection with the existing use is not reduced.

Accordingly, the statutory car parking requirement for the proposed changes to the development are based on the increase in patron numbers from 60 to 145.

The statutory parking requirement for the proposed changes to the café's patronage are set out in Table 3.

Car Parking Assessment:

560 Frankston Dandenong Road, Carrum Downs:

Proposed Extended Hours and Increase in Patron Numbers

**Table 3: Statutory Parking Requirement for the Development**

Land Use	Rate	Car Parking Measure	Parking Requirement
Tavern	0.4 spaces to each patron permitted	Increase of 85 patrons	34 spaces

Table 3 indicates that there is a statutory car parking requirement of 34 spaces for the proposed increase in patron numbers. There is no proposed increase to the on-site parking provision. Accordingly, the proposal falls 34 spaces short of the statutory car parking requirement.

Clause 52.06-3 of the Planning Scheme allows a permit to be granted to vary the statutory car parking requirements. Clause 52.06-6 of the Planning Scheme states:

An application to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be accompanied by a Car Parking Demand Assessment.

The Car Parking Demand Assessment must assess the car parking demand likely to be generated by the proposed new use.

Clause 52.06-6 of the Planning Scheme also states:

Before granting a permit to reduce the number of spaces below the likely parking demand assessed by the Car Parking Demand Assessment, the responsible authority must consider a number of factors, including the following as appropriate:

- The Car Parking Demand Assessment.
- The availability of alternative car parking in the locality of the land, including
 - On street parking in non-residential zones

Car Parking Demand Assessment

We are satisfied that the statutory car parking requirements reflect the likely car parking demand to be generated by the development under the proposed operating conditions.

Therefore, the proposed increase in patron numbers will result in an off-site car parking demand of 34 spaces during the changed opening hours of the café that are being applied for.

Allowing Fewer Car Spaces**Availability of Car Parking**

Traffix Group has undertaken on-street car parking surveys within walking distance of the subject site.

The parking occupancy surveys were undertaken at the following times:

- Friday 2 September, 2016 at 5:00pm, 6:00pm, 7:00pm, 8:00pm and 9:00pm; and
- Saturday 3 September, 2016 at 12:00 noon, 1:00pm and 2:00pm.

Details of the surveys, including parking restrictions and occupancies, are attached at Appendix A.

The survey area is shown in Figure 5.

Car Parking Assessment

560 Frankston Dandenong Road, Carrum Downs:

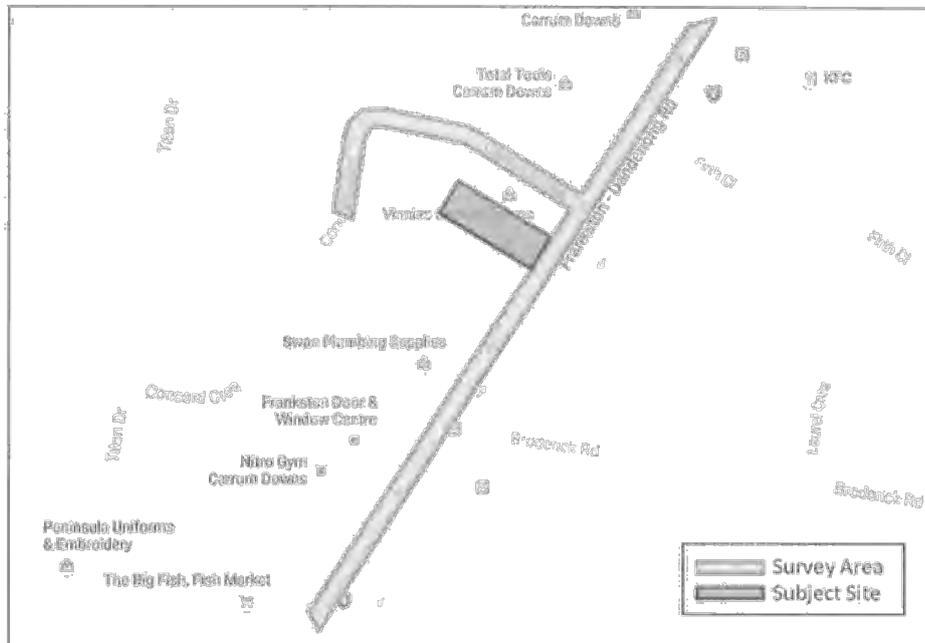
Proposed Extended Hours and Increase in Patron Numbers

Figure 5: Car Parking Survey Area

In summary, the parking surveys found the following:

Friday 2 September, 2016

- At 5:00pm:
 - There were 82 suitable car spaces available within the survey area.
 - 28 spaces were occupied (34% occupancy), leaving a total of 54 vacant spaces within the survey area.
 - Of the 54 vacant on-street spaces, 29 spaces were available along the Frankston-Dandenong Road service road and 25 spaces along Concord Crescent.
- At 6:00pm:
 - There were 98 suitable car spaces available within the survey area.
 - 27 spaces were occupied (28% occupancy), leaving a total of 71 vacant spaces within the survey area.
 - Of the 71 vacant on-street spaces, 41 spaces were available along the Frankston-Dandenong Road service road and 30 spaces along Concord Crescent.

Car Parking Assessment

560 Frankston Dandenong Road, Carrum Downs:

Proposed Extended Hours and Increase in Patron Numbers

- At 7:00pm:
 - There were 98 suitable car spaces available within the survey area.
 - 40 spaces were occupied (41% occupancy), leaving a total of 58 vacant spaces within the survey area.
 - Of the 58 vacant on-street spaces, 29 spaces were available along the Frankston-Dandenong Road service road and 29 spaces along Concord Crescent.
- At 8:00pm:
 - There 98 suitable car spaces available within the survey area.
 - 34 spaces were occupied (35% occupancy), leaving a total of 64 vacant spaces within the survey area.
 - Of the 64 vacant on-street spaces, 29 spaces were available along the Frankston-Dandenong Road service road and 35 spaces along Concord Crescent.
- At 9:00pm:
 - There were 98 suitable car spaces available within the survey area.
 - 28 spaces were occupied (29% occupancy), leaving a total of 70 vacant spaces within the survey area.
 - Of the 70 vacant on-street spaces, 35 spaces were available along the Frankston-Dandenong Road service road and 35 spaces along Concord Crescent.

Saturday 3 September, 2016

- At 12:00 noon:
 - There were 82 suitable car spaces available within the survey area.
 - 37 spaces were occupied (45% occupancy), leaving a total of 45 vacant spaces within the survey area.
 - Of the 45 vacant on-street spaces, 19 spaces were available along the Frankston-Dandenong Road service road and 26 spaces along Concord Crescent.
- At 1:00pm:
 - There were 82 suitable car spaces available within the survey area.
 - 39 spaces were occupied (48% occupancy), leaving a total of 43 vacant spaces within the survey area.
 - Of the 43 vacant on-street spaces, 14 spaces were available along the Frankston-Dandenong Road service road and 29 spaces along Concord Crescent.
- At 2:00pm:
 - There were 82 suitable car spaces available within the survey area.
 - 36 spaces were occupied (44% occupancy), leaving a total of 46 vacant spaces within the survey area.
 - Of the 46 vacant on-street spaces, 16 spaces were available along the Frankston-Dandenong Road service road and 30 spaces along Concord Crescent.

Car Parking Assessment

560 Frankston Dandenong Road, Carrum Downs:

Proposed Extended Hours and Increase in Patron Numbers

We are therefore satisfied that there is sufficient on-street car parking availability to offset the shortfall in car parking provided on site as a result of the increased patron numbers during the changed opening hours of the café that are being applied for.

Conclusions

Having undertaken a detailed car parking assessment of the proposed extended operating hours and increase in patron numbers at 560 Frankston-Dandenong Road, Carrum Downs, it is concluded that:

1. The assessed statutory parking requirement for the proposed increase in patron numbers under Clause 52.06-5 is 34 car spaces. As no increase in the provision of car spaces is proposed on site, the development requires a car parking reduction of 34 car spaces under Clause 52.06-6.
2. The on-street car parking supply in the vicinity of the subject site can accommodate the anticipated off-site car parking demand of 34 spaces.
3. There are no traffic engineering reasons why a planning permit should not be issued for the proposed increase in patron numbers and extended operating hours.

Yours faithfully,

TRAFFIX GROUP PTY LTD

A handwritten signature in black ink, appearing to read 'D. Robertson'.

DON ROBERTSON

Senior Consultant

Attachment E: Car Parking Assessment and Traffic Survey

560 Frankston-Dandenong Road, Carrum Downs

GRP21410

Parking Surveys

Supervised By: Marcus Koon

Surveyed By:

Survey Dates/Times: See table



Location	Restriction	Capacity Min-Max	Wednesday, 31 August, 2016	Friday, 2 September, 2016					Saturday, 3 September, 2016			
			10am	1pm	5pm	7pm	8pm	9pm	12 noon	4pm	6pm	
ON-STREET CARPARKING												
Service Road												
East Side												
South End of Service Road - SE Outback Complex	No Stopping	-	0	0	0	0	0	0	0	0	0	0
SE Outback Complex - Concord Crescent	No Stopping 6am - 8pm	18	0	10	0	4	7	6	0	9	0	
	No Stopping	-	0	0	0	0	0	0	0	0	0	
Concord Crescent - North End of Service Road	No Stopping	-	0	0	0	0	0	0	0	0	0	
West Side												
South End of Service Road - SE Finkebar Door & Window Centre	No Stopping	-	0	0	0	0	0	0	0	0	0	
	Unrestricted	10	4	5	2	8	7	4	7	6	6	
SE Finkebar Door & Window Centre - SE Outback Complex	Unrestricted	8	0	0	4	0	3	0	0	7	7	
	Unrestricted	7	4	1	1	1	1	1	0	0	0	
SE Outback Complex - Concord Crescent	No Stopping	-	0	0	0	0	0	0	1	1	1	
	Unrestricted	10	5	2	5	6	0	5	2	4	3	
	No Stopping	-	0	0	0	0	0	0	0	0	0	
Concord Crescent - North End of Service Road	No Stopping	-	0	0	0	0	0	0	0	0	0	
	Unrestricted	11	4	2	4	4	0	4	2	5	4	
	No Stopping	-	0	0	0	0	0	0	0	0	0	
Service Road												
	Capacity:	42 - 56	42	42	58	56	56	56	42	42	42	
	Total Number of Cars Parked		23	13	17	29	20	23	23	28	26	
	Total Number of Vacant Spaces		19	29	41	29	35	33	19	14	16	
	Percentage Occupancy		55%	31%	29%	50%	36%	43%	55%	67%	62%	

Attachment E: Car Parking Assessment and Traffic Survey

560 Frankston-Dandenong Road, Carrum Downs

GRP21410

Parking Surveys

Supervised By: Marcus Keen
Surveyed By:

(Survey Dates & Times: See table)



Location	Restriction	Capacity Min - Max	Wednesday, 31 August, 2016							Friday, 2 September, 2016			Saturday, 3 September, 2016		
			5:00am	5:00pm	6:00pm	7:00pm	8:00pm	9:00pm	12:00am	1:00pm	2:00pm				
CONCORD CRESCENT															
South-East Side															
Service Road - 90° Bend in Road	No Stopping	-	0	0	0	0	0	0	0	0	0	0	0		
	Unrestricted	15	7	6	3	4	2	3	8	6	6				
90° Bend in Road - 12m x 13	No Stopping	-	0	0	0	0	0	0	0	0	0	0	0		
	Unrestricted	9	9	0	1	0	0	0	0	0	0	0	0		
North-West Side															
No Awaiting Systems Available - 90° Bend in Road	Unrestricted	8	8	5	6	6	3	2	2	2	2	2	2		
	No Stopping	-	0	0	0	0	0	0	0	0	0	0	0		
90° Bend in Road - Service Road	No Stopping	-	0	0	0	0	0	0	0	0	0	0	0		
	Unrestricted	7	3	4	1	1	0	0	4	3	2				
	No Stopping	-	0	0	0	0	0	0	0	0	0	0	0		
	Capacity	40 - 40	40	40	40	40	40	40	40	40	40	40	40		
Total Number of Cars Parked			26	15	10	11	5	5	14	11	10				
Total Number of Vacant Spaces			12	25	30	29	35	35	26	29	30				
Percentage Occupancy			70%	38%	25%	28%	13%	13%	35%	28%	25%				
SUMMARY - ON-STREET CARPARKING															
Car Parking Supply			62 - 66	62	62	66	66	66	66	62	62	62	62		
Total Number of Cars Parked			51	28	27	40	34	29	37	33	33	33	33		
Total Number of Vacant Spaces			31	54	71	55	64	70	45	43	45	45	45		
Percentage Occupancy			82%	45%	44%	61%	51%	44%	58%	53%	53%	53%	53%		

Attachment E: Car Parking Assessment and Traffic Survey

560 Frankston-Dandenong Road, Carrum Downs
GRP21410

Parking Surveys

Supervised by: Maxine Koon
Surveyed by:

Survey Dates & Times: See below



Location	Restriction	Capacity Min - Max	Friday, 2 September, 2016												
			10am	5pm	6pm	7pm	8pm	9pm	12 noon	1pm	2pm				
OFF-STREET CARPARKING															
On Site															
Dandenong Brewery Car Park	Customers Only	19	2	10	14	14	14	12	5	9	8				
	Capacity	19 - 19	19	19	19	19	19	19	19	19	19				
	Total Number of Cars Parked		2	10	14	14	14	12	5	9	8				
	Total Number of Vacant Spaces		17	9	5	5	5	7	14	10	11				
	Percentage Occupancy		11%	53%	74%	74%	74%	63%	26%	47%	42%				
SUMMARY - OFF-STREET CARPARKING															
Car Parking Supply		19 - 19	19	19	19	19	19	19	19	19	19				
Total Number of Cars Parked			2	10	14	14	14	12	5	9	8				
Total Number of Vacant Spaces			17	9	5	5	5	7	14	10	11				
Percentage Occupancy			11%	53%	74%	74%	74%	63%	26%	47%	42%				
<p>Note: Public parking includes spaces that are available to the general public and excludes the Stages of work, Loading Zones and the Parking areas during the site construction periods</p> <p>LEGEND:</p> <table border="1"> <tr> <td>Not available to the general public</td> <td>Public Parking</td> </tr> <tr> <td>No Stopping</td> <td>Other No Parking</td> </tr> </table>												Not available to the general public	Public Parking	No Stopping	Other No Parking
Not available to the general public	Public Parking														
No Stopping	Other No Parking														

Executive Summary**11.6 Amendment to Planning Permit 490/2011/P - 17 Station Street, Seaford - An extension to the existing Place of Assembly (Seaford RSL) waiver of carparking, additional patrons, extended hours and increase to the licensed area**

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

Community Outcome:	1. Planned City for Future Growth
Strategy:	1.1 Work with other tiers of Government, industry and business to create more jobs and job skills in Frankston
Priority Action	1.1.1 Attract and promote more industry, small business and large employers into Frankston City to grow more jobs

Purpose

This report considers the merits of the application to amend Planning Permit 490/2011/P under Section 72 of the *Planning and Environment Act 1987*.

Recommendation (Director)

That a Planning Permit be issued, subject to the conditions contained in the officers assessment.

Key Points / Issues

- It is proposed to amend the existing permit for the place of assembly (Seaford RSL) by increasing the number of patrons to 150, between 10am to 5pm Monday to Friday. The purpose is to facilitate a luncheon offering to the increased membership of the RSL.
- The permit currently restricts the number of patrons during these hours to 98. The maximum number of patrons outside these hours is 400 and is not proposed to change.
- Previous permits for the site (including the subject permit) have restricted patron numbers during the specified hours, due to the concerns with car parking availability in the area.
- A Traffic Impact Assessment has been provided that demonstrates there is sufficient public car parking within close proximity of the site, particularly in the Seaford North Reserve. This could accommodate any overflow parking demand.
- The proposal is therefore considered to be consistent with the planning controls and policy, as sufficient car parking is available in the surrounding area.
- No detrimental amenity impacts were identified and Council's Social and Community Planning team have not objected to the proposed increase.
- The matter is required to be reported to Council as it is an application associated with liquor.

For further information, please refer to the officer's assessment contained within this report.

11.6 Amendment to Planning Permit 490/2011/P - 17 Station Street, Seaford - An extension to the existing Place of Assembly (Seaford RSL) waiver of carparking, additional patrons, extended hours and increase to the licensed area**Executive Summary****Financial Impact**

For the 2016/2017 financial year, the State Government introduced legislation that provides for a limit on the amount Victorian Councils may increase rates in any financial year. The cap for the 2016/2017 financial year is 2.5%. The cap is based on a combination of the CPI and expected wages growth.

This cap has had a significant effect on Council's long term financial planning, with rate revenue being \$28 million less than anticipated over the first four years, growing to \$43 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

The permit application fee paid to Council is \$502. The average cost to process a planning application is \$1,729 which is a shortfall of \$1227.

Consultation1. External Referrals

No external referrals were required for this application.

2. Internal Referrals

The application was referred internally to Council's Social and Community Planning Department, Public Space and Leisure Department and Traffic Engineer who offered no objection to the proposal.

3. Other relevant parties / stakeholders

None applicable.

Notification of Proposal

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

Notification was given in the form of:

- Mail to adjoining owners and occupiers, Metro, PTV, VicTrack and Victoria Police; and
- Two (2) signs erected on the site frontage

As a result of the public notification, no objections were received.

Analysis (Environmental / Economic / Social Implications)

The proposal will have no impact on the environment.

It is considered that the proposed increased patron numbers of the place of assembly will bring economic growth and additional employment opportunities in the area.

The proposed increased number of patrons is to accommodate additional demand for a luncheon. The consumption of liquor will generally be in conjunction with the serving of the meal and the impact on the amenity of the surrounding area will therefore be limited.

11.6 Amendment to Planning Permit 490/2011/P - 17 Station Street, Seaford - An extension to the existing Place of Assembly (Seaford RSL) waiver of carparking, additional patrons, extended hours and increase to the licensed area**Executive Summary**

Council's Social and Community Planning team provided no objection to the proposal on social or security grounds. While there is concern across the community regarding the proliferation of licensed premises and the availability of liquor, the Planning Scheme addresses this matter by considering the cumulative impact of existing and proposed licensed premises on the amenity of the area, where an application proposes to serve liquor after 11:00 pm. The proposed amendment does not involve the serving of liquor after 11:00 pm.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

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

Legal

The proposal requires a planning permit under the following provisions of the Frankston Planning Scheme:

Clause 52.06 – Car Parking

Clause 52.27 – Licensed Premises

Policy Impacts

The relevant State and Local Planning Policies are Clause 11, 17, 21.04 and 21.08.

The applicant is a member of Council's Liquor Accord.

Officer's Declaration of Interests

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

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

Risk Mitigation

N/A

Conclusion

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

ATTACHMENTS

Attachment A: Locality Map

Attachment B: Locality Map - Aerial

Attachment C: Red Line Map

Attachment D: Traffic Impact Assessment

11.6 Amendment to Planning Permit 490/2011/P - 17 Station Street, Seaford - An extension to the existing Place of Assembly (Seaford RSL) waiver of carparking, additional patrons, extended hours and increase to the licensed area

Officers' Assessment

Summary

Existing Use	Place of Assembly (Seaford RSL)
Site Area	1,868m ²
Proposal	Section 72 amendment to Planning Permit 490/2011/P by increasing the number of patrons in the venue between 10am-5pm Monday to Friday.
Site Cover	N/A
Permeability	N/A
Zoning	Public Use Zone (PUZ4) Public Conservation and Resource Zone
Overlays	<ul style="list-style-type: none"> • Bushfire Management Overlay • Environmental Significance Overlay
Neighbourhood Character Precinct	N/A
Reason for Reporting to Council	Application associated with Liquor

Background

Subject Site

The subject site is located on the north side of Station Street in Seaford and is occupied by the Seaford RSL. The land is bound by the Frankston to Melbourne railway line to the east, Kananook Creek to the west, Station Street and Seaford Railway Station carpark to the south and an electricity substation to the north. The RSL is a single storey building, which includes clubrooms, members bar, gaming room and associated kitchen, office areas and amenities.

The RSL presently has 34 onsite car parking spaces which include 2 disabled spaces. Seating numbers and hours of operation are restricted by existing town planning permits at 400 patrons for the premises, with no more than 98 patrons to occupy the premises between 10.00am and 5.00pm Monday to Friday. A Full Club Licence applies to the site.

Locality

The site is located within an established built up area wedged between railway lines, Station Street and the Kananook Creek. The immediate locality is not residential in nature.

11.6 Amendment to Planning Permit 490/2011/P - 17 Station Street, Seaford - An extension to the existing Place of Assembly (Seaford RSL) waiver of carparking, additional patrons, extended hours and increase to the licensed area**Officers' Assessment****Site History**

Previous planning permit applications for the site include:

- Planning Permit 89/512 issued on the 7 May 1990 to extend and alter the existing RSL facility. 27 car spaces were provided onsite. The permit restricted patron numbers to 60 between 11am and 5pm, Monday to Friday (except for public holidays and Remembrance Day) due to concerns with the shortage of onsite parking and conflicts over car parking demand.
- Planning Permit 90/314 issued on 23 October 1990 to extend and alter the existing RSL facility. The permit applied the same restriction to patron numbers as permit 89/512.
- Planning Permit 99279 issued on 9 September 1999 for a beer garden in association with the existing Place of Assembly (Seaford RSL Club). This permit was not acted upon.
- Planning Permit 584 issued on 16 January 2001 for extensions to the existing RSL Club (Place of Assembly) for a new members bar with a 'Full Club License' and variations to the car parking requirements. The permit limited patron numbers in accordance with the earlier permits.
- Planning Permit 3010 issued on 19 August 2003 for buildings and works and use as an outdoor beer garden. The permit restricted the number of patrons in the beer garden to 45 and the hours to between 10am and 9pm Monday to Friday, except for Good Friday and Anzac Day, which had a later start time of midday.
- Planning Permit 490/2011/P issued 2 July 2012 for an extension to the beer garden and included a waiver of car parking. The permit restricts patron numbers in the beer garden to 83 and to 98 patrons in the venue at any one time between 10am to 5pm Monday to Friday.

Proposal

The proposal is to amend the current permit by increasing the maximum number of patrons within the premises between 10am to 5pm on weekdays. The permit currently limits patron numbers to 98 during these hours.

Given the proposal seeks an increase in patron numbers during these hours, consideration of the impact on car parking is required under Clause 52.06 of the Planning Scheme.

State and Local Planning Policy Frameworks

State Planning Policy Framework relevant to this application are summarised as follows:

- Clause 11 – Settlement
- Clause 17 – Economic Development

Local Planning Policy Framework relevant to this application are summarised as follows:

- Clause 21.04 – Settlement
- Clause 21.08 – Economic Development

11.6 Amendment to Planning Permit 490/2011/P - 17 Station Street, Seaford - An extension to the existing Place of Assembly (Seaford RSL) waiver of carparking, additional patrons, extended hours and increase to the licensed area**Officers' Assessment****Planning Scheme Controls**

A Planning Permit is required pursuant to:

- Clause 52.06-3 (Car Parking) of the Frankston Planning Scheme to reduce the number of car parking spaces required under Clause 52.06-5 associated with the use of land as a place of assembly. The additional 52 patrons would generate a demand for an additional 15 car parking spaces pursuant to Clause 52.06 (0.3 car spaces per patron).

(Taking into account the 34 spaces that are provided on-site, a reduction in 11 spaces is therefore required for the specified times) As no additional parking is to be provided on-site, this reduction in car parking requirements is requested under this application.

- Clause 52.27 (Licensed Premises) of the Frankston Planning Scheme to use land to sell or consume liquor as the number of patrons are to be increased.

Referrals*Internal Referrals*

The application was referred to:

Traffic (Infrastructure Department)

The department had no objection to the proposal and made the following comments:

- The Traffic Impact Assessment Report includes a parking occupancy survey carried out in the area within a walking distance of the site. The 2P and 3P areas surveyed are approximately 2 min walking distance away from the site, and were found to have a total of 8 vacant parking spaces at 12.30pm on Friday 7 Oct 2016 and 12pm Thursday 13 Oct 2016.
- The all-day paid parking area that was surveyed is at Seaford North Reserve and is approximately 2 min walking distance away from the site, and was found to have a total of 34 vacant spaces at 2pm on Friday 7 Oct 2016.
- Council's Public Open Space and Leisure Department has not offered objection for the Seaford North Reserve parking to be utilised by patrons to the RSL. It is understood that there are minimal events between Monday to Friday, 10am to 5pm that would conflict with the operations of the RSL.
- Considering the above, it is acceptable to assume that the available off-site parking spaces can be used by patrons of the RSL Club. Therefore no objection is offered to the increase of patrons from 98 to 150 between the hours of 10am-5pm, Monday to Friday on traffic grounds.

Social and Community Planning Department

Council's Social and Community Planning Team have no objections to the proposed increase in seating capacity.

11.6 Amendment to Planning Permit 490/2011/P - 17 Station Street, Seaford - An extension to the existing Place of Assembly (Seaford RSL) waiver of carparking, additional patrons, extended hours and increase to the licensed area**Officers' Assessment**Public Space and Leisure

Council's Public Space and Leisure Department does not object to the proposal, regarding the use of the North Seaford Reserve for off-site parking. Given the existing parking is time controlled and used by Metro commuters the additional car parking demand generated by the permit change is unlikely to impact on sporting events during the proposed times. The right to use the parking by RSL patrons already exists as it is public parking. It is noted, however, that any planning approval based on the availability of the reserve parking does not infer 'rights' for RSL patrons and use of the parking for community sports should take precedence.

Discussion***State and Local Planning Policy***

It is considered that the proposal meets the objectives of the relevant State and Local Planning Policies as the place of assembly is located within the Seaford Neighbourhood Activity Centre and will facilitate the growth of the current business by increasing patron numbers during daytime hours on weekdays. The proposal will not reduce the public amenity of the area nor will it result in an environment that would cause safety concerns or hazards to the local community. Importantly, the nearby reserve parking is currently underutilised and could readily accommodate any overflow parking from the venue.

Car Parking

The proposal is for the licensed premises to accommodate an extra 52 patrons between 10am to 5pm on weekdays. The RSL is a place of assembly, as identified in the subject permit preamble as well as previous permits. Under Clause 52.06, 45 spaces are required for 150 patrons in a place of assembly. As 34 spaces are provided onsite, a reduction in 11 spaces is required for the specified times.

It is noted that no change is proposed to the maximum number of patrons (400) outside these hours.

The proposed reduction of car parking is considered acceptable as the standard rates of car parking provision are likely to overestimate the parking demand for the proposal given the good accessibility of the site by alternative modes of transport (as the site is opposite Seaford Railway Station) and the likelihood of multi-purpose trips, as the site is located within the Neighbourhood Activity Centre and also close to the beach.

The Traffic Assessment demonstrates there are 42 public car parking spaces (2 or more hours) that are available in the immediate neighbourhood of the site. Most of these spaces are located in the public car parks such the ones to the south of the site and the Seaford North Reserve, both of which are within 2 minutes walking distance of the venue.

The reduction of car parking is also regarded as reasonable given the proposed increase in patrons relates to an existing establishment within an existing building and there is no opportunity to provide additional car parking spaces on-site.

It is further noted that Council's Traffic Department is satisfied with the car parking provision for the proposal. Due to the reasons discussed above, the proposed reduction in car parking and bicycle spaces can be supported.

11.6 Amendment to Planning Permit 490/2011/P - 17 Station Street, Seaford - An extension to the existing Place of Assembly (Seaford RSL) waiver of carparking, additional patrons, extended hours and increase to the licensed area**Officers' Assessment*****Clause 52.27 Licence Premises***

The proposal meets the purposes of Clause 52.27, Licensed Premises. The increased patron numbers will be within the existing place of assembly and does not involve an increase in floor area. The site is also considered an appropriate location as it is within a Neighbourhood Activity Centre in Seaford where commercial/entertainment uses are encouraged. As the place of assembly is existing, the impact on the amenity of the area will be minimal.

Type of Licence

The existing licence type (Full Club Licence) is appropriate for the RSL Club and will be retained.

Amenity

It is considered that the proposed increase in patron numbers will not result in any detriment to amenity of the area as the Club is appropriately located within the Neighbourhood Activity Centre in Seaford, separated from residential areas by the train line and Kananook Creek, as well as commercial uses. The hours in which the additional numbers are sought are during daytime on weekdays and well within the existing maximum number of patrons, which is 400. In this regard, the proposed increase to 150 is considered moderate. Furthermore, the permit currently contains a condition requiring that the use does not cause undue detriment to the amenity of the area.

Hours of Operation

The proposal does not seek to change the hours of operation.

Number of Patrons

The proposal seeks an increase in the maximum capacity from 98 to 150 patrons during weekdays 10am – 5pm. Thus, the total number of additional patrons (for this time period) sought by the proposal is 52. This number is considered reasonable given the capacity of the premises for 400 patrons and as discussed should not have a detrimental impact on the amenity of the area.

Cumulative Impact

The State Government has prepared Practice Note 61 ('Licensed premises: Assessing cumulative impact') which provides guidance for assessing the cumulative impact of licensed premises as part of a planning permit application under Clause 52.27 of the planning scheme. According to the practice note, 'Cumulative Impact' refers to both the positive and negative impacts that can result from the clustering of licensed premises. It is a product of the number and type of venues present, the way they are managed, and the capacity of the local area to accommodate these venues.

The Practice Note states that it should be used for new or expanded licensed premises that will trade past 11 pm and are located in a 'cluster' of licensed premises, i.e. where there are three or more licensed premises within a radius of 100m from the subject land; or, 15 or more licensed premises within a radius of 500m from the subject land.

Given the proposal does not involve any changes to the licence after 11.00pm, a Cumulative Impact Assessment of the proposal is not required.

11.6 Amendment to Planning Permit 490/2011/P - 17 Station Street, Seaford - An extension to the existing Place of Assembly (Seaford RSL) waiver of carparking, additional patrons, extended hours and increase to the licensed area**Officers' Assessment**

In addition, Council's Social and Community Planning team has offered no objection to the proposal on social and security grounds. Furthermore, it is considered relevant and important that the permit will continue to contain conditions relating to the number of patrons and hours of operation on any permit issued.

Liquor Accord

Council supports the responsible serving of alcohol in a consistent manner throughout the municipality. The RSL is a member of the Frankston Liquor Industry Accord.

Changes to conditions

The condition restricting patron numbers between 10am and 5pm Monday to Friday will be changed in accordance with the proposal.

Analysis (Economic and Social Implications)

As noted above the application was referred to Council's Public Space and Leisure Department, Social and Community Planning team and Infrastructure Department who consented to the proposal.

Recommendation (Director Community Development)

That Council resolves to issue an Amended Planning Permit in respect to Planning Permit Application number 490/2011/P/A to amend the permit by increasing the number of patrons between 10am to 5pm Monday to Friday in the venue (Seaford RSL) at 17 Station Street, Seaford subject to the following conditions:

Plans

1. Before development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application but modified to show:
 - (a) Relocation of the storage area from the Crown land reserve and the licensed area modified accordingly
 - (b) A landscape Plan as required by Condition 5 of this permit.
2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority
3. The consumption of liquor within the beer garden between the hours of:
 - (a) 10am to 11.00pm, 7 days a week
4. Not more than eighty three (83) patrons shall be accommodated in the beer garden area at any one time, with no more than 150 persons in the venue between the hours of 10am-5pm Monday to Friday.
5. Before the commencement of buildings and works, a landscape plan prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:

11.6 Amendment to Planning Permit 490/2011/P - 17 Station Street, Seaford - An extension to the existing Place of Assembly (Seaford RSL) waiver of carparking, additional patrons, extended hours and increase to the licensed area**Officers' Assessment**

- (a) 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;
- (b) A planting theme of a minimum 100% indigenous species of local provenance from the Natural Coast Banksia Woodland character zone

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

6. Any outdoor lighting must be designed and baffled to prevent light from the site causing any detriment to the locality
7. Noise emitted from the premises shall not exceed limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N -1
8. The beer garden shall be vacated after the approved hours of operation in an orderly and proper manner and cause no nuisance to the surrounding area/ neighbourhood
9. All disturbed surfaces on the land resulting from the development authorised or required by this permit shall be revegetated and stabilised to the satisfaction of the Responsible Authority so as to prevent any erosion or siltation either on or adjacent to the land
10. The development shall be drained to the satisfaction of the Responsible Authority
11. Drainage within the paved areas shall be provided with a litter abatement device to the satisfaction of the Responsible Authority
12. Where development involves work on or access to Council controlled land including roads, reserves and rights of way, the owner, operator and their agents under this permit shall at all times take adequate precautions to maintain works to the highest public safety standards

Precautions are to include

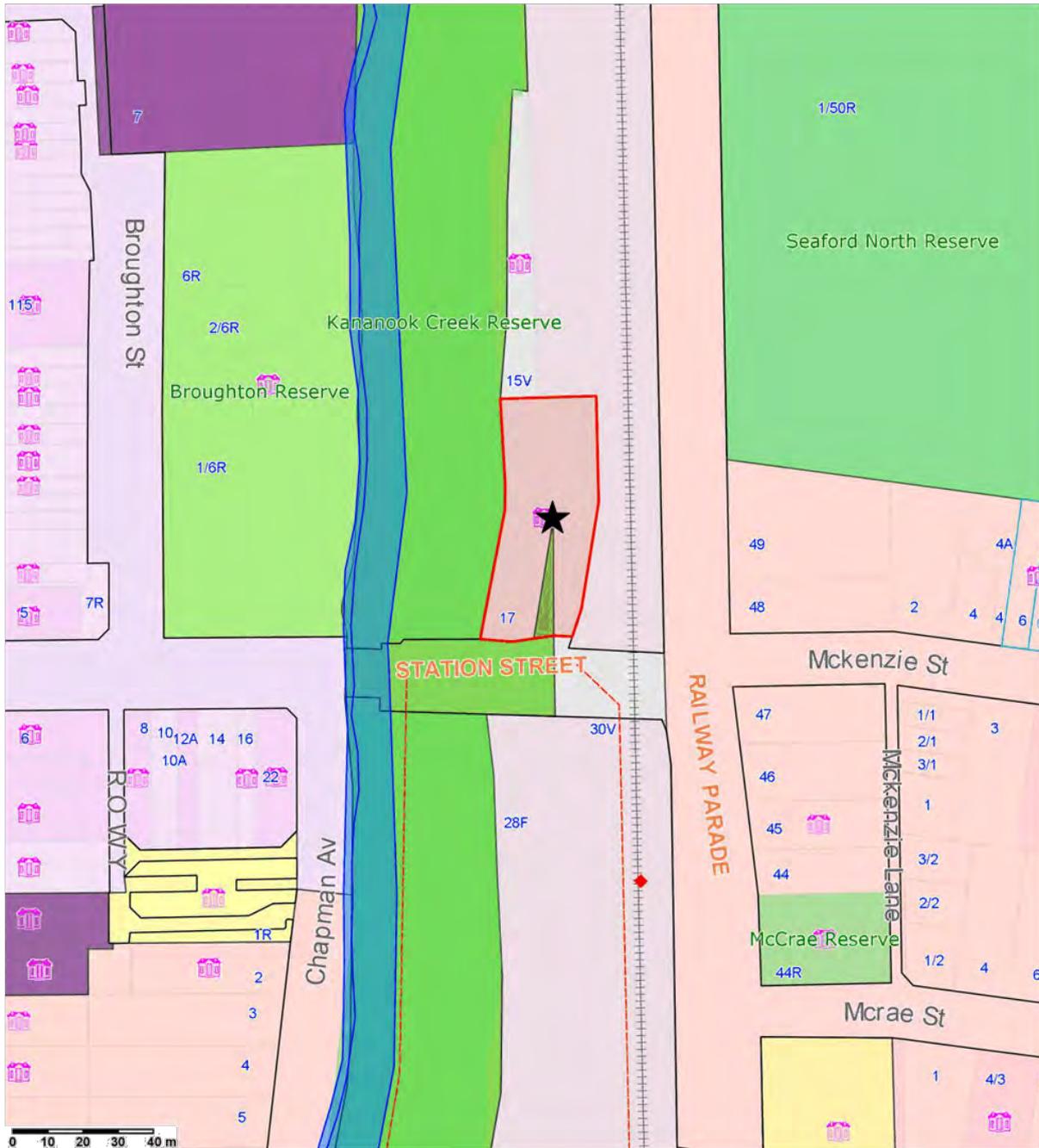
- Appropriate signage to AS 1743 road works signing code of practice
 - The provision of adequate barricading of works, including trenches of Service authorities and any other road openings sufficient to ensure public safety
13. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority
 14. This permit will expire if one of the following applies:
 - The development is not commenced within two (2) years of the date of the permit; or
 - The development is not completed within two (2) years of this permit

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three (3) months afterwards

Notes:

- A. Any request for an extension of time or variation/ amendment of this permit must be lodged with the relevant fee
- B. The permit holder is encouraged to become a member of the Frankston Liquor Industry Accord.

**Locality Map - Town Planning Application 490/2011/P/A
Seaford RSL Club - 17 Station Street Seaford
★ Subject Site - No Objectors**



Disclaimer

Contains Council information © Frankston City Council. Reproduced by permission from the Business and Information Technology Department, Frankston City Council 2016. Contains VicMap information © State of Victoria, Department of Environment, Land, Water and Planning, 2016. Reproduced by permission.
This material may be of assistance to you but Frankston City Council, the State of Victoria and their employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaim all liability for any error, loss or consequences which may arise from your relying on any information contained in this material. You are hereby notified that any use, dissemination, distribution or reproduction of this information is prohibited and must be used for personal use only.
The information contained herein must not be used in any manner that could breach any criminal, federal, state or local law.

Projection: GDA94 / MGA zone 55

Scale: 1:1500

Date Printed: 30/12/2016

Time Printed: 12:48 PM

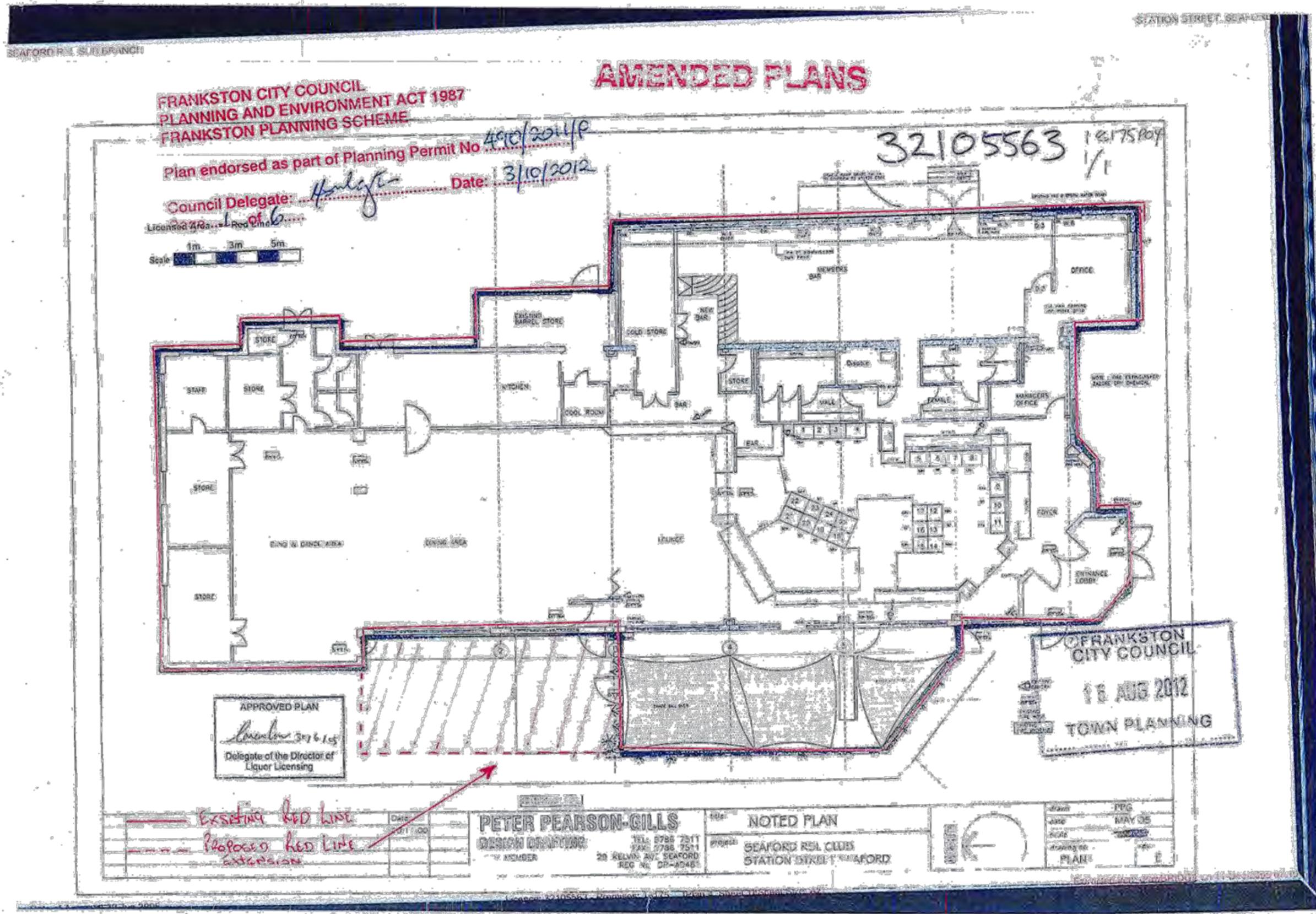
Issued by: Tara Lambert



Locality Map - Town Planning Application 490/2011/P/A
Seaford RSL Club - 17 Station Street Seaford



<p>Disclaimer Contains Council information © Frankston City Council. Reproduced by permission from the Business and Information Technology Department, Frankston City Council 2016. Contains VicMap information © State of Victoria, Department of Environment, Land, Water and Planning, 2016. Reproduced by permission. This material may be of assistance to you but Frankston City Council, the State of Victoria and their employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaim all liability for any error, loss or consequences which may arise from your relying on any information contained in this material. You are hereby notified that any use, dissemination, distribution or reproduction of this information is prohibited and must be used for personal use only. The information contained herein must not be used in any manner that could breach any criminal, federal, state or local law.</p>	<p>Projection: GDA94 / MGA zone 55 Scale: 1:1500 Date Printed: 30/12/2016 Time Printed: 12:45 PM Issued by: Tara Lambert</p>		
--	--	---	---





A1614597V Traffic Impact Assessment T.I.doc

20th October 2016

City of Frankston
PO Box 490
Frankston VIC 3199

Dear Sir / Madam,

Proposed Additional Patrons during Weekday Daytime Hours – Seaford RSL Club, 17 Station Street, Seaford

1. Overview

We have been commissioned by Seaford RSL Club c/o LGS Legal to undertake a traffic impact assessment at the above premises that addresses issues relating to projected car parking demand, potential overflow of car parking impacts onto the nearby streets and Council car parks during peak periods.

2. Site Context

The site currently operates as a public bar, with a bistro dining area and gaming facilities. See <http://www.seafordrsl.com.au/>. Opening hours are Monday to Wednesday from 10am to 10.30pm, Thursday from 10am to 11.30pm, Friday and Saturday from 10am to 12am, and Sunday from 11am to 10pm. The club has a permit with a limit of 98 patrons on site (i.e. inside the building and the beer garden) at any one time between 10am and 5pm Monday to Friday). There are 36 marked on-site car parking spaces.

The site abuts a commuter railway line, with Seaford Railway Station located 15m to the south (i.e. on the southern side of Station Street). The club's on-site car park is not barrier controlled, implying that illegal parking from commuters, shoppers and traders can and does occur from time to time.

Nearby off-site parking areas that are accessible by patrons during weekday hours include time restricted on-street spaces along Station Street and Broughton Street, car park off Chapman Avenue and the all-day (subject to purchase of a ticket) Seaford North Reserve car park (the southern-most of 3 car parks associated with the reserve) which is minimally used during this period.

Suite 5.04 Level 5, 365 Little Collins Street, Melbourne VIC 3000

Telephone: 03 9016 9865
melbourne@mltraffic.com.au

Facsimile: 1300 739 523
www.mltraffic.com.au

ML Traffic Engineers Pty Ltd
ABN 69 148 048 257



This 50-space car park is located within 150m's walking distance to the RSL club. A footpath runs along the northern side of Railway Parade. The pedestrian crossing at the intersection of Railway Parade and Station Street is signal controlled. The pedestrian path traverses the level crossing, with gates that prevent pedestrian thoroughfare when the boom gates on Station Street are down.

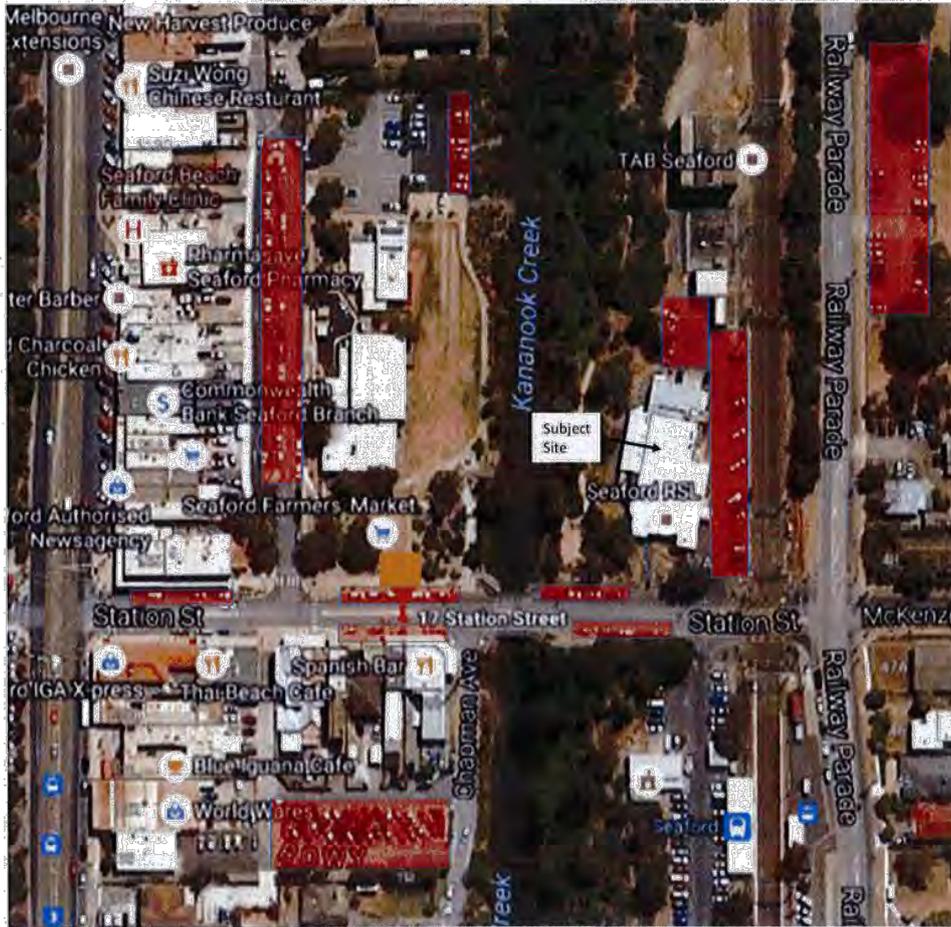


Figure 1: Aerial View of Subject Site, and Parking Areas (On-Site and Off-Site) that are accessible to Staff and Patrons



Figure 2: Controlled Pedestrian Crossing on Railway Parade, and across the Railway Line

3. Proposal

The proposal is to increase the patronage limit of the club from 98 patrons to 150 patrons on site (i.e. inside the building and the beer garden) at any one time between 10am and 5pm Monday to Friday).

4. Car Parking Impacts

A parking rate of 0.4 space per patron applies to a gambling premises, licensed hotel, restaurant or tavern as per Clause 52.06 of the Frankston Planning Scheme. The additional 52 patrons will generate an additional parking demand of 20 spaces (20.8 rounded down as per Clause 52.06's practice).

Parking supply and utilisation surveys were undertaken at various times of the day on Friday, 7th October 2016, Thursday, 13th October 2016 and Saturday, 15th October 2016. See Figure 1 (on page 2) and Table 1. The following comments apply:

- There are in excess of 45 off-site parking spaces at all times.
- At the surveyed times, there were around 3 vacant on-site spaces during lunch hours. However, it is likely that there will be times within the weekday lunch period when there is no on-site parking vacancy.



- There are typically between 5 and 7 vacant spaces available within the 32-space 2-hour time restricted between 9am and 6pm Monday to Friday car park that is located off Chapman Avenue during lunch hours.
- There are in excess of 30 vacant spaces available during weekday daytime hours within the 50-space all-day parking area (subject to purchase of a ticket) Seaford North Reserve car park (the southern-most of 3 car parks associated with the reserve), which is located within 150m from the club, and has satisfactory and safe pedestrian infrastructure (controlled road and railway line crossings, and footpath along the north side of Railway Parade).
- The Saturday lunch time survey was included as a point of comparison, noting that the proposed patronage increase applies to Monday to Friday from 10 am to 5pm.
- Kerbside parking areas on Station Street, between Chapman Avenue (the fringe of the shopping area) and the subject site were occupied during the survey times. These spaces are 1-hour time restricted between 9am and 6pm Monday to Friday, with minimum hourly turnover.
- The impact of an additional 20 (20.8 rounded down) off-site car parking spaces, based on Clause 52.06's parking rate of 0.4 space per patron for a gambling premises and/or a tavern can be readily accommodated at all times.



Parking Location			Parking Restrictions	Supply	Parking Occupancy					
					Friday, 7 Oct 16 1100	Friday, 7 Oct 16 1230	Friday, 7 Oct 16 1400	Friday, 7 Oct 16 1530	Thursday, 13 Oct 16 1200	Saturday, 15 Oct 16 1300
Station Street	North Side	Between Broughton Street and Chapman Avenue	IP	5	5	5	4	5	5	5
	South Side	Between Chapman Avenue and Broughton Street	IP (excluding disabled)	1	1	1	1	1	1	1
Station Street	North Side	Between Chapman Avenue and Railway Parade	IP 9am to 6pm Mon to Fri, 9am to 1pm Sat	4	4	4	4	4	4	4
	South Side	Between Railway Parade and Chapman Avenue	IP 9am to 6pm Mon to Fri, 9am to 1pm Sat	5	4	5	5	5	5	5
Station Street	North Side	Between Nepean Highway and Broughton Street	IP	4	4	5	4	4	5	4
	South Side	Between Broughton Street and Nepean Highway	15 min (not considered due to very short duration)							
Broughton Street	Median Angled	Between off-street car park and Station Street	2P 9am to 6pm Mon to Fri, 9am to 1pm Sat	20	18	20	17	16	20	20
	East Side	Between off-street car park and Station Street	2P 9am to 6pm Mon to Fri, 9am to 1pm Sat	9	8	9	8	7	9	9
Carpark - Seaford North Reserve		One of several - this parking area is located closest to the subject site	P Ticket (excluding disabled) 6am to 4pm Mon to Fri	50	13	12	16	13	11	31
Carpark - Off Chapman Avenue		Behind the shops	2P 9am to 6pm Mon to Sat	32	25	25	24	16	26	21
Carpark - Off Broughton Street		Excludes permit zone restricted (trader, specific users) spaces	3P 9am to 6pm Mon to Fri, 9am to 1pm Sat	10	8	9	5	6	8	6
On-Site Car Park			Tenant	36	25	32	33	17	33	34
Total Supply				176						
Total Number of Parked Cars in the Survey Area				115	125	121	91	125	140	
Total Number of Vacant Spaces				61	51	55	82	51	26	

Table 1: Parking Occupancy Data

If you have any questions regarding the contents of this report, please do not hesitate to ring me on 0413 295 325, or email me at mlee@mltraffic.com.au.

Yours sincerely,

Michael Lee
Principal

MICHAEL LEE**Title** Principal**Qualifications** Bachelor of Engineering (Civil), Monash University (1988)**Affiliations** Member of Victorian Planning and Environmental Law Association (MVPELA)

Roles

2005–	Director / Senior Consultant – ML Traffic Engineers
2000–04	Senior Consultant – Andrew O'Brien & Associates, Melbourne
1999–00	Senior Associate – Environmental Resources Management, Melbourne
1998–99	Senior Traffic and Transport Engineer – Sinclair Knight Merz, Sydney
1994–98	Traffic Engineer – Connell Wagner, Sydney
1993–94	Traffic Engineer – Sinclair Knight & Partners, Perth
1989–93	Research Officer – Royal Automobile Club of Victoria (RACV), Melbourne

Key Experience

Expert Witness at Planning Tribunals / Courts, Vehicle Access and Parking Layout Assessment, Car-Parking Provision Assessment, Parking Dispensation Justification, Traffic Impact Assessment, Local Area Traffic Management, Route Development Studies and Local Government Traffic Engineering.

PARAMICS Microsimulation for CBD Environments (Melbourne City and Ringwood Town Centre), Freeways, Buses, Trams, Roundabouts, Co-ordinated Traffic Signals, Pedestrian Interface, Hook-Turns (unique to Melbourne) and Ramp Metering, EMME/2 Modelling of Tollways, Bus-Ways, Freeways, Arterial Roads and Local Streets.

Telephone: 0413 295 325
 mlee@mltraffic.com.au

Facsimile: 1300 739 523
 www.mltraffic.com.au

ABN 69 148 048 257

Executive Summary**11.7 Planning application 432/2016/P - To use land to sell and consume liquor - 101 Wells Street Frankston**

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

Community Outcome:	1. Planned City for Future Growth
Strategy:	1.1 Work with other tiers of Government, industry and business to create more jobs and job skills in Frankston
Priority Action	1.1.1 Attract and promote more industry, small business and large employers into Frankston City to grow more jobs

Purpose

This report considers the merits of the planning application No. 432/2016/P to use the land to sell and consume liquor (restaurant and café licence)

Recommendation (Director)

That a Planning Permit be issued, subject to the conditions contained in the officers assessment.

Key Points / Issues

- The proposal is to use land at the South East Water building (ground floor - tenancy 1 at 101 Wells Street, Frankston) to sell and consume liquor (Restaurant and Café Licence).
- Liquor is to be sold in association with the proposed restaurant.
- This application, as submitted, is to sell liquor between 7:00 am to 11.00 pm Monday to Sunday (note that more appropriate hours for liquor consumption are examined in this report).
- The restaurant will have a maximum capacity of 114 patrons consisting of 62 within the restaurant and 52 in the outdoor dining area. Car parking was addressed in the assessment of the approval for the South East Water Building.
- The proposal is considered to be consistent with the planning controls and policy as it will encourage retail, entertainment and commercial uses in a commercial area. It is considered to be appropriately situated within the Frankston Major Activity Centre in an area where activation of the Kananook Creek Boulevard is encouraged.
- This matter is required to be reported to Council as it is an application associated with liquor.

For further information, please refer to the officer's assessment contained within this report.

Financial Impact

For the 2016/2017 financial year, the State Government introduced legislation that provides for a limit on the amount Victorian councils may increase rates in any financial year. The cap for the 2016/2017 financial year is 2.5%. The cap is based on a combination of the CPI and expected wages growth.

This cap has had a significant effect on Council's long term financial planning, with rate revenue being \$28 million less than anticipated over the first four years, growing to \$43 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

**11.7 Planning application 432/2016/P - To use land to sell and consume liquor - 101
Wells Street Frankston****Executive Summary**

The permit application fee paid to Council is \$502. The average cost to process a planning application is \$1,729 which is a shortfall of \$1227.

Consultation1. External Referrals

No external referrals were required for this application.

2. Internal Referrals

The application was referred internally to Council's Community Strengthening Department, who do not support the proposed start time of 7am. As the Pier Hotel closes at 6am, there is a risk of people waiting for the subject venue to open at 7am.

Notification of Proposal

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

Notification was given in the form of:

- Mail to adjoining owners and occupiers; and
- One (1) sign erected on the site frontage

As a result of the public notification, no objections were received.

Analysis (Environmental / Economic / Social Implications)

The proposal will have no impact on the environment.

It is considered that the proposed licensing of the restaurant will bring economic growth and employment opportunities in the area.

Council's Community Strengthening Department objected to the proposed start time of 7am as the Pier Hotel closes at 6am. There is a risk of patrons from the Pier Hotel waiting for this venue to open at 7am.

The proposed consumption of liquor at the premises will be in conjunction with serving of meals and therefore, subject to a condition requiring a later start time, the impact on the amenity of the surrounding area will be limited.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

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

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

Legal

The proposal requires a planning permit under the following provisions of the Frankston Planning Scheme:

Clause 52.27 – Licensed Premises

**11.7 Planning application 432/2016/P - To use land to sell and consume liquor - 101
Wells Street Frankston****Executive Summary**Policy Impacts

The relevant State and Local Planning Polices are Clause 11, 17, 21.04 and 21.08.

Should a permit be issued, the applicant will be recommended to become a member of Council's Liquor Accord.

Officer's Declaration of Interests

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

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

Risk Mitigation

N/A

Conclusion

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

ATTACHMENTS

- Attachment A: Site plan
- Attachment B: Floor plan
- Attachment C: Locality Map
- Attachment D: Locality Map - Aerial

11.7 Planning application 432/2016/P - To use land to sell and consume liquor - 101
Wells Street Frankston
Officers' Assessment

Summary

Existing Use	South East Water Building
Site Area	N/A
Proposal	To use the land to sell and consume liquor (Restaurant and Café Licence).
Site Cover	N/A
Permeability	N/A
Zoning	Comprehensive Development
Overlays	Nil
Neighbourhood Character Precinct	N/A
Reason for Reporting to Council	Application associated with Liquor

Background

Subject Site

The site is a vacant retail tenancy located on the ground floor of the South East Water building facing Kananook Creek Boulevard.

Locality

The South East Water Building is located between Wells and Playne Street in Frankston. The building contains South East Water's Head Office on the storeys above. Four tenancies (including a restaurant and dental clinic) are located on the ground floor facing Kananook Creek, which is accessed from the verandah connecting to Wells Street and Playne Street.

To the west of the site is Kananook Creek, the Frankston Yacht Club and foreshore.

Site History

Previous planning permit applications for the site include:

- The Minister for Planning approved Amendment C90 to the Frankston Planning Scheme. The amendment changed the Schedule to Clause 52.03 and 81.01 of the Scheme and introduced an Incorporated Document which enabled the use and development of the land at 7R Playne Street for South East Water Corporation's head office.
- Planning permit 167/2016/P was issued by Council 5 July 2016 for a liquor licence (restaurant and café) for a restaurant in one of the other tenancies on the ground floor (facing Kananook Creek Boulevard) of the South East Water building. The permit provides for the sale and consumption of liquor 11am – 11pm Monday to Sunday.

**11.7 Planning application 432/2016/P - To use land to sell and consume liquor - 101
Wells Street Frankston
Officers' Assessment**Proposal

The proposal is to use the tenancy No 1 on the ground floor at 101 Wells Street, Frankston to sell and consume liquor with a new Restaurant and Café Licence for a new café/restaurant. The proposed hours for the serving of liquor are:

- Monday to Sunday, 7:00 am – 11:00 pm

The maximum capacity of the restaurant will be 114 patrons comprising of 62 seats within the premises and 52 seats along the verandah immediately in front of the restaurant.

State and Local Planning Policy Frameworks

State Planning Policy Framework relevant to this application are summarised as follows:

- Clause 11 – Settlement
- Clause 17 – Economic Development

Local Planning Policy Framework relevant to this application are summarised as follows:

- Clause 21.04 – Settlement
- Clause 21.08 – Economic Development

Planning Scheme Controls

A Planning Permit is required pursuant to:

- Clause 52.27 (Licensed Premises) of the Frankston Planning Scheme to use land to sell or consume liquor as a new licence is required under the *Liquor Control Reform Act 1998*.

Notification of Proposal

As result of the public notification, no objections were received.

DiscussionState and Local Planning Policy

It is considered that the proposal meets the objectives of the relevant State and Local Planning Policies as the proposed licensed restaurant is located within an existing retail/commercial area where food and drink premises are allowed as of right. The proposal will not reduce the public amenity of the area nor will it result in an environment that would cause safety concerns or hazards to the local community. The proposal will provide a positive element to the Kananook Creek Boulevard as it will assist to provide a destination which will bring customers to the development.

Clause 52.27 Licence Premises

The proposal meets the purposes of Clause 52.27 (Licensed Premises), subject to an amended start time. The site is considered appropriately located as it is within the existing commercial area. The amenity impacts are reasonably limited as liquor is to be sold only with food.

**11.7 Planning application 432/2016/P - To use land to sell and consume liquor - 101
Wells Street Frankston
Officers' Assessment**Type of Licence

The Restaurant and Café Licence is appropriate for businesses whose predominant activity at all times is the preparation and serving of meals for consumption on the premises. As the predominant service undertaken on the subject site is the serving of meals, it is considered that the proposed type of liquor licence is appropriate in this instance.

Amenity

It is considered that the proposed start time of 7am is inappropriate as there is a risk patrons of the Pier Hotel, which closes at 6am, will wait until the subject venue opens. It is considered a later start time of 11am will be acceptable and will match the adjoining restaurant. It is noted this does not limit the time in which the restaurant can function, but restricts only the hours in which liquor can be served or consumed.

The hours sought also are inconsistent with the normal trading hours on ANZAC Day and Good Friday. These use will also be required to operate for the same hours as the adjacent restaurant on these days.

Cumulative Impact

The State Government has prepared Practice Note 61 ('Licensed premises: Assessing cumulative impact') which provides guidance for assessing the cumulative impact of licensed premises as part of a planning permit application under Clause 52.27 of the planning scheme. According to the practice note, 'Cumulative Impact' refers to both the positive and negative impacts that can result from the clustering of licensed premises. It is a product of the number and type of venues present, the way they are managed, and the capacity of the local area to accommodate these venues.

The practice note states that it should be used for new or expanded licensed premises that will trade past 11 pm and are located in a 'cluster' of licensed premises, i.e. where there are three or more licensed premises within a radius of 100m from the subject land; or, 15 or more licensed premises within a radius of 500m from the subject land.

Given the applicant is not proposing to serve liquor after 11.00pm a Cumulative Impact Assessment of the proposal is not required. Notwithstanding this, the impact of the proposed early start time has been considered, given the site is within a cluster of licenced premises. There is a potential for negative cumulative impact from patrons of the Pier Hotel waiting for the subject premises to open and therefore the later start time is recommended.

Liquor Accord

Council supports the responsible serving of alcohol in a consistent manner throughout the municipality. A permit note will be included on any planning permit issued encouraging the permit holder to become a member of the Frankston Liquor Industry Accord.

Analysis (Economic and Social Implications)

It is considered that the proposal will have positive economic development implications. Social impacts are considered to be positive, providing an area for patrons to consume liquor in a managed and clearly delineated area within the proposed restaurant.

**11.7 Planning application 432/2016/P - To use land to sell and consume liquor - 101
Wells Street Frankston
Officers' Assessment****Conclusion**

On balance and subject to the inclusion of permit conditions it is considered that the proposal satisfies the requirements of the State and Local Planning Policy Framework and the purpose of Clause 52.27 (Licensed Premises) of the Frankston Planning Scheme and warrants support.

Therefore, it is recommended that a Planning Permit be issued.

Recommendation (Director Community Development)

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 432/2016/P for the use of land to sell or consume liquor (Restaurant and Café Licence) at 101 Wells Street, Frankston, subject to the following conditions:

No Alterations

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

Liquor Licence Requirements

2. Unless with the prior written consent of the Responsible Authority, the selling or consumption of alcohol must only take place at the premises during the following hours:
 - 11:00 am – 11.00 pm Monday – Sunday
 - 12:00 noon – 10.30 pm Good Friday & Anzac Day

Amenity

3. The licensee/permit holder shall not cause or permit undue detriment to the amenity of the area to arise out of, or in connection with, the use of the premises to which the licence/permit relates during or immediately after trading hours authorised by the licence/permit.

Patron Numbers

4. A maximum of 114 patrons will be permitted at any one time, unless with the prior written consent of the Responsible Authority.

Permit Expiry

5. This permit will expire if one of the following circumstances applies:
 - The use is not commenced within two years of the date of this permit.
 - The use is discontinued for a period of two (2) years or more.

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.

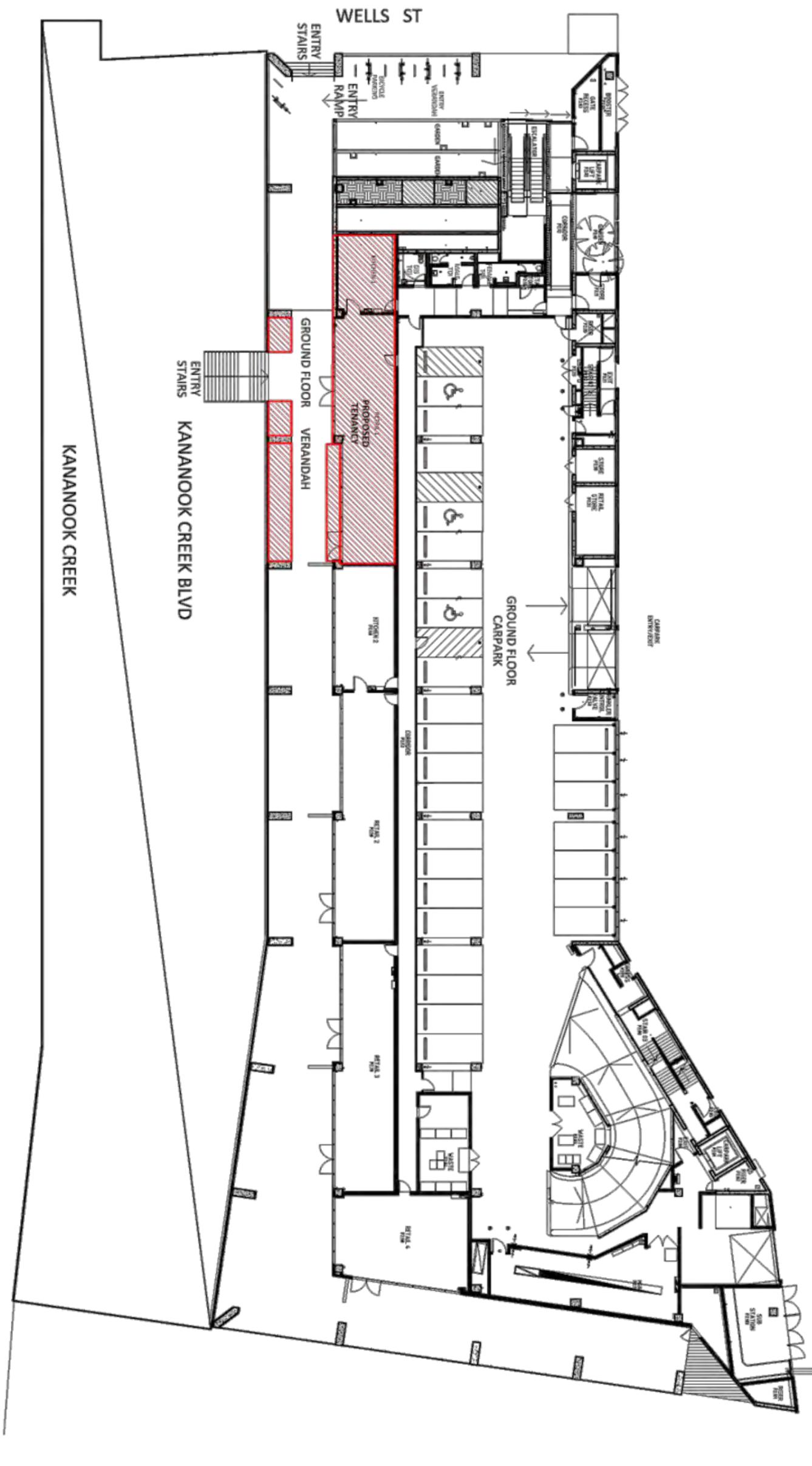
**11.7 Planning application 432/2016/P - To use land to sell and consume liquor - 101
Wells Street Frankston
Officers' Assessment**

- B. The owner/applicant of the subject site should join and comply with the Frankston Liquor Industry Accord, which requires the member to serve liquor in a responsible manner.

Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made. Pursuant to Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the periods referred to if a request is made in writing within the following prescribed timeframes:

- a) Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started;
- b) Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

If a request is made out of time, the Responsible Authority cannot consider the request and the permit holder will not be able to apply to VCAT for a review of the matter.



FOR APPROVAL ONLY
SITE PLAN

1. CONTRACTORS to check all dimensions on site prior to commencing works.
2. DO NOT SCALE from this drawing.
3. Use given dimensions

SHEET SIZE
A3

These drawings, plans & specifications and the copyright there in are the property of GD Design Consultants Pty Ltd and must not be used, reproduced or copied in part without the written permission of GD Design Consultants Pty Ltd.

ISSUED:		
DATE	ISSUED TO	BY

REVISION:		
DATE	DESCRIPTION	BY



HEAD OFFICE
 3 Hodgson Rise,
 Mernda, VIC 3754
 mob: 0402 510 258
 ph: (03) 9717 8066

CLIENT:

RESTAURANT
@ WELLS ST

DRAWING NO:

04.2

ADDRESS:
 RESTAURANT 1, GROUND FLOOR
 101 WELLS ST,
 FRANKSTON VIC 3199

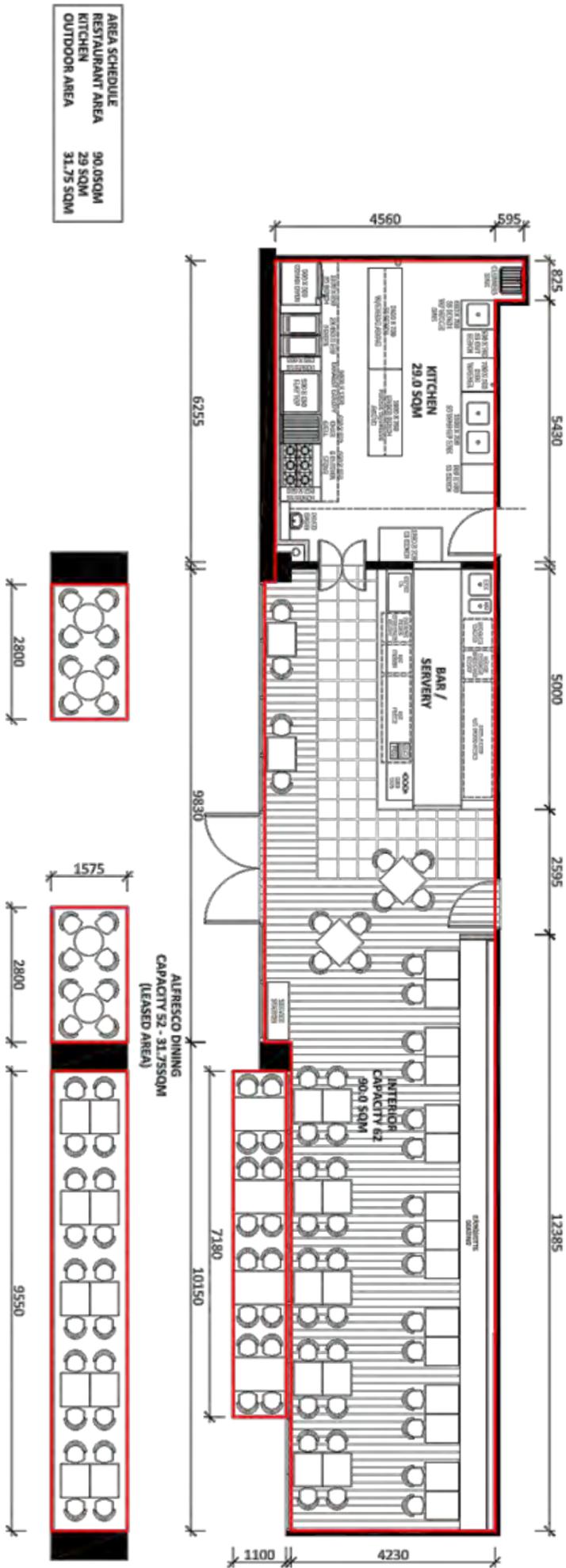
DATE: 27.06.16

SCALE: 1:300 @ A3

DRAWN: SNW

CHECKED: GD

REV DATE: 18.11.16



FOR APPROVAL ONLY
PROPOSED FLOOR PLAN

1. CONTRACTORS to check all dimensions on site prior to commencing works.
2. DO NOT SCALE from this drawing.
3. Use given dimensions

SHEET SIZE
A3

These drawings, plans & specifications and the copyright there in are the property of GD Design Consultants Pty Ltd and must not be used, reproduced or copied in part without the written permission of GD Design Consultants Pty Ltd.

ISSUED:		
DATE	ISSUED TO	BY

REVISION:		
DATE	DESCRIPTION	BY



HEAD OFFICE
 3 Hodgson Rise,
 Mernda, VIC 3754
 mob: 0402 510 258
 ph: (03) 9717 8066

CLIENT:

**RESTAURANT
 @ WELLS ST**

DRAWING NO:

04

ADDRESS:
 RESTAURANT 1, GROUND FLOOR
 101 WELLS ST,
 FRANKSTON VIC 3199

DATE: 27.06.16

SCALE: 1:75 @ A3

DRAWN: SNW

CHECKED: GD

REV DATE: 18.11.16

Locality Map - Town Planning Application 432/2016/P
Restaurant 1, Level 1 / 101 Wells Street Frankston
 ★ Subject Site - No Objectors



<p>Disclaimer Contains Council information © Frankston City Council. Reproduced by permission from the Business and Information Technology Department, Frankston City Council 2016. Contains VicMap information © State of Victoria, Department of Environment, Land, Water and Planning, 2016. Reproduced by permission. This material may be of assistance to you but Frankston City Council, the State of Victoria and their employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaim all liability for any error, loss or consequences which may arise from your relying on any information contained in this material. You are hereby notified that any use, dissemination, distribution or reproduction of this information is prohibited and must be used for personal use only. The information contained herein must not be used in any manner that could breach any criminal, federal, state or local law.</p>	<p>Projection: GDA94 / MGA zone 55 Scale: 1:1023 Date Printed: 30/12/2016 Time Printed: 12:34 PM Issued by: Tara Lambert</p>		
--	--	---	---

Aerial Locality Map - Town Planning Application 432/2016/P
Restaurant 1, Level 1 / 101 Wells Street Frankston



Disclaimer

Contains Council information © Frankston City Council. Reproduced by permission from the Business and Information Technology Department, Frankston City Council 2016. Contains VicMap information © State of Victoria, Department of Environment, Land, Water and Planning, 2016. Reproduced by permission.

This material may be of assistance to you but Frankston City Council, the State of Victoria and their employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaim all liability for any error, loss or consequences which may arise from your relying on any information contained in this material. You are hereby notified that any use, dissemination, distribution or reproduction of this information is prohibited and must be used for personal use only.

The information contained herein must not be used in any manner that could breach any criminal, federal, state or local law.

Projection: GDA94 / MGA zone 55

Scale: 1:1023

Date Printed: 30/12/2016

Time Printed: 12:39 PM

Issued by: Tara Lambert



Executive Summary**11.8 Submission - Review of the Liquor Control Reform Act 1998**

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

Community Outcome:	1. Planned City for Future Growth
Strategy:	1.1 Work with other tiers of Government, industry and business to create more jobs and job skills in Frankston
Priority Action	1.1.1 Attract and promote more industry, small business and large employers into Frankston City to grow more jobs

Purpose

For Council to endorse the proposed Submission to the Office of Liquor, Gaming and Racing Review of the Liquor Control Reform Act 1988 Consultation Paper.

Recommendation (Director Community Development)

That:

1. Council endorses the submission (Attachment A) dated 9 December 2016 to the Review of the Liquor Control Reform Act 1988 Consultation Paper.
2. Officers forward the submission to the Office of Liquor, Gaming and Racing noting that the submission is now an adopted Council position.
3. That the submission also recommends that all liquor licence holders be compulsory members of municipal liquor accords.

Key Points / Issues

- The Office of Liquor, Gaming and Racing (OLGR) released a consultation paper for a review of the Liquor Control Reform Act 1998 in November 2016. Submissions were required to be provided to OLGR by 16 December 2016.
- Council officers from the Planning and Environment and the Community Strengthening Departments reviewed the consultation paper and submitted a written response to OLGR on 9 December 2016. The response focussed on interactions between planning and licensing requirements, as well as on harm minimisation objectives.
- Opportunities were identified to better align definitions and assessment criteria in planning and liquor legislation, as well as for streamlining processes and improving interaction between Councils and the Victorian Commission for Gambling and Liquor Regulation (VCGLR).
- Opportunities to reduce harm were also discussed, including measures to encourage licensed premises to take greater responsibility in addressing alcohol-related crime. Greater use of data and research findings in the assessment of impacts caused by licence approvals was also identified as beneficial.

For further information, please refer to the officer's assessment contained within this report.

11.8 Submission - Review of the Liquor Control Reform Act 1998**Executive Summary****Financial Impact**

For the 2016/2017 financial year, the State Government introduced legislation that provides for a limit on the amount Victorian Councils may increase rates in any financial year. The cap for the 2016/2017 financial year is 2.5%. The cap is based on a combination of the CPI and expected wages growth.

This cap has had a significant effect on Council's long term financial planning, with rate revenue being \$28 million less than anticipated over the first four years, growing to \$43 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

The response to the review is of limited financial cost to Council and is covered by the 2016/2017 Planning and Environment budget.

Consultation

A meeting was held between Council's Strategic Planning, Statutory Planning and Community Strengthening officers in November 2016 to consider the key issues for a submission on behalf of Frankston City Council.

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

The submission included suggestions for how the separate planning and licensing legislation and processes can be improved by aligning definitions and assessment criteria. Examples include explaining and defining activities that may obtain a limited licence (which doesn't require a planning permit); using consistent assessment criteria (i.e. car parking provision) to determine patron numbers; and improving notification procedures to avoid duplication and confusion for both applicants and objectors. It is expected that improving the legislation and procedures will reduce unnecessary red tape created by the separate planning and licensing processes.

Social:

The opportunities identified to improve harm minimisation measures include requiring the LCRA to take into account the broader social impacts of alcohol for the community, similar to the process used for electronic gaming machine applications. Health and crime data should also be used to measure harm and consideration should be given to placing a cap on licensed premises, based on population. Licensed premises should also play a greater role in reducing alcohol-related crime, as well as help pay for the costs of alcohol related crime in designated areas. Staff serving liquor should be trained to be more aware of domestic violence and require notification to police and other services. These measures should help to reduce the negative social impacts related to alcohol consumption.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

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

Legal

There are no legal implications in making this submission.

11.8 Submission - Review of the Liquor Control Reform Act 1998**Executive Summary**Policy Impacts

The submission was prepared to provide suggestions that will improve planning and licensing processes as well as the consideration of harm minimisation measures.

Officer's Declaration of Interests

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

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

Risk Mitigation

Lack of Council endorsement may result in the officer submission to the LCRA review not being given sufficient weight in any assessment by the State Government. It could also mean that the existing planning and liquor controls are therefore not adequately improved, through this opportunity.

Conclusion

That Council notes and endorses the submission to Office of Liquor, Gaming and Racing dated 9th December 2016 and that the submission now be forwarded and confirmed as the Council's position to the Review of the Liquor Control Reform Act 1998.

ATTACHMENTS

Attachment A: Submission to the Liquor Control Reform Act 1988 Review



Frankston City Council

30 Davey Street, Frankston, Victoria, Australia
Telephone: 1300 322 322 » +613 9784 1888 » Facsimile: +613 9784 1094
PO Box 490, Frankston VIC 3199 » DX 19913 Frankston
Website: frankston.vic.gov.au
ABN: 49 454 768 065

Reference: A3248288
Enquiries: Michael Papageorgiou
Telephone: 9784 1905

Friday, 9 December 2016

To the Office of Liquor, Gaming and Racing
lcra.review@justice.vic.gov.au

Dear Sir/Madam

Review of the Liquor Control Reform Act 1998 – Consultation Paper

Frankston City Council welcomes the opportunity to respond to the Review of the Liquor Control Reform Act 1998 – Consultation Paper, recently released for comment by the Office of Liquor, Gaming and Racing.

This submission has been prepared with input from Council officers whose work involves statutory planning assessment, community safety, strategic planning and compliance issues.

Please find attached our detailed response to the Review of the Liquor Control Reform Act 1998 – Consultation Paper. Please note this is an officer submission and has not yet been approved by Council.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Michael Papageorgiou', written in a cursive style.

Michael Papageorgiou
MANAGER PLANNING & ENVIRONMENT

Review of the Liquor Control Reform Act 1998 Consultation Paper Frankston City Council Submission

Introduction:

Frankston City Council welcomes the opportunity to provide a submission in response to the Review of the Liquor Control Reform Act 1998 (**the LCRA**) – Consultation Paper.

Council supports the objectives of the review to minimise the regulatory burden and encourage responsible new development activity and services, while also considering family violence and alcohol-related harms in accordance with the recommendations of the March 2016 Royal Commission into Family Violence.

This submission focuses on the interactions between planning and licensing requirements and harm minimisation objectives. Observations and suggestions are provided for improvements in these areas. It is noted the Municipal Association of Victoria will be submitting a more comprehensive submission, which will include additional matters of common interest to Frankston City Council.

Interactions between planning and licensing requirements

1. What opportunities are there for reducing the regulatory burden?

The regulatory burden and consistency with the *Planning and Environment Act 1987* (**the Planning Act**) could be improved by a better alignment of definitions and assessment criteria in planning and liquor legislation. Consistency, transparency and timeframes for applicants and affected parties could also be improved by streamlined processes and greater interaction between Councils and the Victorian Commission for Gambling and Liquor Regulation (**the VCGLR**).

2. Does the current licence type regime work? How could it be improved?

The LCRA could explain and define the activities that may obtain a limited liquor licence and provide different categories for these, with the objective of not requiring a planning permit for temporary or short term activities. Currently the Act does not outline this clearly or provide guidance whether a planning permit is required. The Act needs to make it clear that no planning permit is expected or required for a limited licence. This will provide greater clarity to applicants and for Council officers.

To enable this, a greater level of accuracy is needed so that the applicable licence clearly reflects what will be taking place on the premises. Limited licences currently encompass a broad range of purposes, including festivals, home deliveries, sporting events, internet sales and more.

As noted in the LCRA review discussion paper, an indicator of the problems with the licence types is the increase in the number of limited licences. New modes of liquor supply exist today that did not exist when the LCRA's licensing regime commenced. For example, there is no specific licence for online supply.

To address this, the Act could further break the activities down into different limited licence categories. This will also assist assessment officers in giving closer regard to amenity issues.

Another suggestion is for a temporary limited licence class to be created for lower-risk use categories (e.g. café and restaurant), to allow for the sale and consumption of liquor in premises that have achieved a planning permit and although they have applied for a planning permit to serve liquor, this has not yet been issued. Such an interim arrangement would provide better opportunities for new businesses and start-ups, although a maximum timeframe should be applied (e.g. 3 months) that would cover the expected timeframe for achieving a liquor licence.

3. *How could the liquor licence application and renewal process be improved?*

When considering Temporary Limited Licence Applications for events, the VCGLR should incorporate provisions to ensure that the applicant has the necessary Council event approvals in place before the liquor licence is granted. As with planning permits, the process undertaken by Councils to put the necessary event approvals in place often involves consultation with several stakeholders, including negotiation on the applicant's red-line boundary, and can take longer than the 30 days provided by the VCGLR to Councils to make an amenity based objection. There have been instances where the VCGLR has deemed an application for a Temporary Limited Licence for an event to be 'low risk' and haven't sought an amenity-based submission from the Council, which has resulted in liquor licences being approved for events on Council-owned land where community facilities are located, without any consultation with Council.

4. *Is there scope for streamlining the interaction between licensing and planning processes? What are the biggest opportunities?*

Currently there are significant discrepancies between planning and licensing legislation and processes. Definitions and terms used in both need to be better aligned to provide clarity for applicants and for decision makers. In particular, the definition of amenity impacts needs to be consistent between the LCRA and the Planning Act.

The assessment criteria used to determine patron numbers also requires greater consistency. Currently in most planning applications this is determined by available car parking, whereas under building regulations it is based on safety issues and coverage of fire services. VCGLR bases its decision on a floor space availability calculation. In most cases the town planning car parking availability assessment will result in a lower figure for maximum patron numbers. This is a source of confusion that needs to be standardised: while there is a need to respect these different types of assessment and their application in various contexts, ultimately the lowest number derived from the different methods will be the effective maximum, and this should be reflected in the liquor licence that is finally approved. .

There are also opportunities for avoiding confusion for applicants and affected persons between the separate processes for town planning and liquor licence applications, including public notification. It is preferable that in these cases where a planning permit is mandatory for the premises, this should be issued before a licence application is submitted, or at least prior to the final assessment of the licence application. Applicants for a licence should be required under the LCRA to provide a planning permit as part of the information required for lodgement. VCGLR should also be required under the LCRA to ensure the licence conditions reflect those of (and do not conflict with) the planning permit conditions.

Currently liquor licence applications can be advertised during the planning application process. This can result in confusion for applicants and affected persons between the different types of applications.

The LCRA needs to either prevent licence applications from being advertised prior to a planning permit being issued, or provide for the advertising of both planning and licence applications at the same time. In the latter scenario, people should be afforded the opportunity to object to both applications at once, rather than sending two separate submissions. This would also reduce the burden on applicants to provide separate responses. The process for this to occur would need to be carefully designed and explained in the Act and its regulations.

To reduce licence application timeframes, VCGLR should be incorporated into Planning Schemes as a Recommending Referral Authority. This would enable relevant concerns to be identified earlier, as well as provide additional guidance to the Responsible Authority in decision making. It would also provide a better customer service outcome to applicants.

Harm minimisation

5. Are there opportunities to improve the risk based fee structure?

Of concern to Council are the resources required for addressing issues that arise as a result of alcohol fuelled violence and anti-social behaviour; such as graffiti, vandalism to public property and street cleaning.

The following suggestions are offered to address this issue:

- Consider implementing a provision requiring licensees to pay the costs of alcohol-related crime in designated areas with a concentration of premises that have led to higher rates of crime and harm to public property (the *Violent Crime Reduction Act* in the UK has implemented this through "Alcohol Disorder Zones").
- Consider including "big box" packaged liquor as a 'high risk premises' as up to 80% of alcohol consumed in Australia is sold at packaged liquor outlets, and taking into account the harms that occur beyond the specific site and into the home (*Euromonitor International. Alcoholic drinks in Australia. Euromonitor International Ltd. London. 2012*).

7. Could the current harm minimisation measures in the LCRA be improved? If so, how?

The following suggested measures are proposed:

- All licence types to require Responsible Service of Alcohol training.
- The LCRA should take into account the broader social and economic impacts of alcohol to the community – there is a substantial body of evidence regarding the negative impacts on the health and wellbeing of the communities.
- The Act should adhere to the precautionary principle - with clear definitions and criteria to measure and assess the impact of both existing and potential harm.
- The Act should place the onus on the applicant to demonstrate the social and economic impacts through the licence application process for packaged liquor outlets. For example a similar process could be used to the one for electronic gaming machine applications. This could include the use of a population based cap model that uses floor space as a measure.
- Packaged alcohol outlets assessment should include consideration of locations and sensitive land uses in the immediate vicinity, and should restrict outlets near local schools and crisis support services.
- The Act should consider preventing the advertisement of 'happy hours' and drinks specials outside the venue or outlet.

8. How should harm be considered in the licence application process?

Currently, there are very little grounds on which Councils are able to make an objection, particularly in relation to alcohol-related harms. This is disempowering for Councils and is leading to a lack of engagement with the liquor licence approval process. More opportunity is needed for evidence to be used, particularly in relation to crime statistics and data from Turning Point (*Turning Point Alcohol & Drug Centre was established in 1994 to provide leadership to the alcohol and drug field in Victoria, Australia*).

Health and crime data to be included to measure alcohol-related harm:

- Alcohol-related ambulance attendances
- Alcohol-related hospital admissions
- Alcohol-related assaults
- Alcohol involvement in family incidents
- Alcohol-related serious or fatal road injuries
- Alcohol-related deaths
- Alcohol-related one punch deaths

The number of packaged liquor outlets in Victoria now stands at 2039. The growth in the number, size and opening hours of packaged liquor outlets has seen the rates of alcohol-related harm amongst both adults and young people increase sharply. (*Livingston M. A longitudinal analysis of alcohol outlet density and assault, Alcoholism: Clinical and Experimental Research, 32, 2008*).

There is currently no limit on the total number, size, type, or density of licensed premises that can be issued across the State, municipality, or neighbourhood.

- Consideration to be given to treating liquor licensing applications similar to gaming with a cap per population model. This could be measured through floor space assessment.
- The Act should consider the density and type of outlets in the local area.
- Restriction on the density of packaged liquor outlets in retail precincts.
- Review of current licence types to ensure appropriate consideration of the area for alcohol delivery.
- Review of current licence types to ensure appropriate control on the age and intoxication of those receiving delivered packaged alcohol.
- "Big box" packaged liquor should be considered separately in the Act to reinforce that the retail catchment of such a premises will often extend to as far as 5km (*Hunt Club Casey CC v Woolworths Dan Murphy's Cranbourne East*).

The interrelationship between alcohol and family violence has been established (see response to question 11).

- Academic experts should be engaged to develop clear criteria and standardised benchmarks for alcohol related family violence.

11. What opportunities are there to address family violence within the LCRA?

As stated in the consultation paper, the Royal Commission into Family Violence concluded "alcohol use is associated with a relatively small proportion of family incidents, it is widely regarded as increasing the severity and incidence of family violence" (*Royal Commission March 2016 - final report p. 301*).

However the AIC's National Homicide Monitoring Program's (NHMP) database determined that almost half (44%) of all intimate partner homicides are alcohol related and recent data from Victoria suggests that alcohol is involved in a significant percentage of family violence incidents reported to police – from 21.2 to 43% (*Crime statistics agency December 2016 – In Brief No.7 - Family violence, alcohol consumption and the likelihood of criminal offences*).

This percentage may be higher as violent behaviour may be recorded as 'drunk and disorderly'. Local government has undertaken research analysing crime data which has indicated that family violence in public spaces is frequently not seen or understood to be family violence, and therefore is not reported as such (*City of Port Phillip, unpublished*).

Opportunities to address family violence within the LCRA include:

- Academic experts should be engaged to develop clear criteria and standardised benchmarks for alcohol related family violence.
- Requirement of venue management plans and staff training that includes appropriate response to violence, particularly family violence – notifying the police and referring to services. A possibility is including this training in the Responsible Service of Alcohol course.
- Although outside the scope of the Act improvement recording of family violence incidents involving alcohol would be greatly beneficial to understanding this issue, and improving harm minimisation.

Summary Comments

Overall there are significant opportunities to improve the interaction between licensing and planning processes. The purpose of each regulatory instrument needs to be clear to applicants and submitters. The processes for obtaining separate but related approvals for the same activity need to be as streamlined as possible. This does not mean that serious amenity issues should not be assessed. Indeed, a clearer assessment process should enable more targeted and effective assessments to be undertaken.

Council has strong views on the need to better address harm minimisation objectives. Greater opportunity is needed in the assessment process for relevant data and research findings to be used to properly assess the impacts of new licence approvals for local areas.

The observations and suggestions in this submission capture some examples of Council's suggested improvements to the LCRA. It is anticipated the MAV submission made on behalf of member Councils will provide a more comprehensive coverage of the LCRA reform issues. That submission will include further matters of interest to Frankston City Council.

Executive Summary**11.9 Frankston Planning Scheme Amendment C123 - Report on findings and recommendations of Panel Report**

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

Community Outcome:	1. Planned City for Future Growth
Strategy:	1.3 Review the Municipal Strategic Statements, also known as the Local Planning Scheme to accommodate future population growth
Priority Action	1.3.3 Work with State Government and local communities to accommodate more adaptable, affordable and accessible housing that meets individual needs over time (and ageing in place)

Purpose

To inform Council on the findings and recommendations of the Panel Report for Frankston Planning Scheme Amendment C123.

Recommendation (Director Community Development)

That Council notes the Panel Report and authorises officers to request the Minister for Planning to adopt Frankston Planning Scheme Amendment C123 as exhibited, subject to the following changes:

1. Amend the Precinct Map in Clause 5.1-1 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to designate the western and southern boundaries of Precinct 1B as 'sensitive interface' areas.
2. Amend the Precinct objectives in Clause 5.1-2 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to include the following:

To ensure that development along the western and southern boundaries of Sub-precinct 1B responds to the sensitive interfaces with Kananook Creek and the surrounding foreshore and established residential areas.
3. Amend the Precinct guidelines in Clause 5.1-4 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to include guidelines (to be developed by Frankston City Council) that guide development in the sensitive interface areas of Precinct 1B.
4. Amend the Precinct objectives in Clause 5.2-2 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to include the following:

To ensure that use and development is responsive to current and planned railway operations, having regard to the primacy of the transport of the railway land.
5. Include the following application requirement in Clause 6.0 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B:

VicTrack land – potential contamination

An application for a sensitive use (residential use, child care centre, pre-school centre or primary school), or the construction or carrying out of buildings and works in association with a sensitive use, on land owned or formerly owned by VicTrack must be accompanied by an Environmental Site Assessment detailing the likelihood on contamination on the land, to the satisfaction of the responsible authority.

11.9 Frankston Planning Scheme Amendment C123 - Report on findings and recommendations of Panel Report**Executive Summary**

6. Make other policy neutral drafting changes shown in Appendix B to this Report (Panel Report) to improve the operation of Schedule 1 to the Activity Centre Zone.

Key Points / Issues

- Frankston Planning Scheme Amendment C123 is Stage 1 of the implementation of the Frankston Metropolitan Activity Centre Structure Plan (FMAC Structure Plan). The Amendment seeks to apply Schedule 1 to the Activity Centre Zone (ACZ1) to the city centre area generally bounded by Ebdale and Beach Streets to the north, Kananook Creek to the west, Fletcher Road and Baxter Street to the east and Davey Street and Plowman Place to the south. The Amendment also seeks to remove the superseded Comprehensive Development Zone Schedule 2 (CDZ2) from the Frankston foreshore, and replace it with the Public Park and Recreation Zone (PPRZ).
- At its Ordinary Meeting of 29 August 2016, Council authorised officers to formally request an independent Planning Panel be convened to consider the submissions to Frankston Planning Scheme Amendment C123.
- The Amendment C123 Planning Panel was held at the Frankston Civic Centre on 10 November 2016 and considered the six objecting submissions to the Amendment.
- The key issues raised in submissions to Amendment C123 are summarised as follows:
 - Building heights within Precinct 1B of the ACZ1 (which interfaces with the foreshore, Kananook Creek and established residential areas in Long Island).
 - The appropriate zoning for the land in and around Frankston Station that is owned by VicTrack and used for railway purposes.
 - Proposed preferred height limits (Kananook Boulevard and Plowman Place) and street setbacks (Wells and Beach Streets).
 - Whether the FMAC Structure Plan gives sufficient priority to the beach and foreshore.
 - Impacts of development in the Activity Centre on surrounding areas.
 - The extent of Precinct 2 (Station Precinct), potential land contamination in Precinct 2 and railway interface issues.
 - Lack of economic analysis justifying proposed built form controls.
 - Completing the activation of Kananook Creek and pedestrian links between the city centre and creek.
 - Effective implementation of the Structure Plan and restoring respect for proper planning process and community consultation and public debate.
- The Panel has considered all submissions and material presented to it during and after the Hearing, and concludes that the Amendment be adopted subject to Panel Report recommendations. Council's Planning and Environment Department agrees with the Panel Report recommendations.

11.9 Frankston Planning Scheme Amendment C123 - Report on findings and recommendations of Panel Report**Executive Summary**

- It is recommended that Council authorises officers to request the Minister for Planning to adopt Amendment C123 subject to six minor changes as proposed by the Panel.

Financial Impact

For the 2016/2017 financial year, the State Government introduced legislation that provides for a limit on the amount Victorian councils may increase rates in any financial year. The cap for the 2016/2017 financial year is 2.5%. The cap is based on a combination of the CPI and expected wages growth.

This cap has had a significant effect on Council's long term financial planning, with rate revenue being \$28 million less than anticipated over the first four years, growing to \$43 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

Council will be required to fund the cost of adopting the Amendment, which is provided for in the 2016/17 Strategic Planning budget.

Consultation

Frankston Planning Scheme Amendment C123 was subject to an exhibition period of five weeks, which resulted in six objecting submissions and three submissions which offered no objection and no comment (nine submissions in total).

The Frankston Planning Scheme Amendment C123 Panel Hearing was held at the Frankston Civic Centre on 10 November 2016. All submitters to the Amendment were advised of the Panel Hearing.

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

Frankston Planning Scheme Amendment C123 will allow a greater number of people access to sustainable, with more dwellings and employment within walking distance of Frankston Station.

Economic

The Amendment will assist in promoting economic growth by stimulating private and public investment in Frankston and therefore providing a range of direct and indirect employment opportunities.

Social

The Amendment will facilitate greater access to housing and employment within close proximity to each other and create a vibrant and diverse centre with employment, recreation, living and community services.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

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

11.9 Frankston Planning Scheme Amendment C123 - Report on findings and recommendations of Panel Report**Executive Summary**Legal

When undertaking a Planning Scheme Amendment Council is required to follow the *Planning and Environment Act 1987* and *Ministerial Direction No. 15* which outlines the timeframes and steps in the Planning Scheme Amendment process.

Policy Impacts

Subject to the adoption of Frankston Planning Scheme Amendment C123, various drafting changes and map amendments will be added to the Frankston Planning Scheme.

Officer's Declaration of Interests

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

Risk Mitigation

The application of the ACZ1 over the Frankston City Centre will result in the streamlining of planning applications within the city centre. The ACZ1 is a tailored planning control that seeks to minimise the requirement for use permits, and sends a signal to both developers and the community that Frankston City Council has developed the planning assessment tools to facilitate the vision of the FMAC Structure Plan. The ACZ1 will also ensure that Council officers can make informed and best practice environmental, social and economic planning decisions.

Conclusion

The six objecting submissions received to the exhibition of Frankston Planning Scheme Amendment C123 were considered by an independent Planning Panel at the Frankston Civic Centre on 10 November 2016. The issues raised and considered related mainly to built form controls adjacent to Kananook Creek and the foreshore and the appropriate zoning for the land in and around Frankston Station that is owned by VicTrack. The Panel was satisfied that the changes to the Frankston Planning Scheme proposed by Amendment C123 are justified subject to the following minor changes:

1. Amend the Precinct Map in Clause 5.1-1 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to designate the western and southern boundaries of Precinct 1B as 'sensitive interface' areas.
2. Amend the Precinct objectives in Clause 5.1-2 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to include the following:

To ensure that development along the western and southern boundaries of Sub-precinct 1B responds to the sensitive interfaces with Kananook Creek and the surrounding foreshore and established residential areas.
3. Amend the Precinct guidelines in Clause 5.1-4 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to include guidelines (to be developed by Frankston City Council) that guide development in the sensitive interface areas of Precinct 1B).
4. Amend the Precinct objectives in Clause 5.2-2 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to include the following:

To ensure that use and development is responsive to current and planned railway operations, having regard to the primacy of the transport purpose of the railway land.

11.9 Frankston Planning Scheme Amendment C123 - Report on findings and recommendations of Panel Report**Executive Summary**

5. Include the following application requirement in Clause 6.0 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B:

VicTrack land – potential contamination

An application for a sensitive use (residential use, child care centre, pre-school centre or primary school), or the construction or carrying out of buildings and works in association with a sensitive use, on land owned or formally owned by VicTrack must be accompanied by an Environmental Site Assessment detailing the likelihood on contamination on the land, to the satisfaction of the responsible authority.

6. Make other policy neutral drafting changes shown in Appendix B to this Report (Panel Report) to improve the operation of Schedule 1 to the Activity Centre Zone.

ATTACHMENTS

Attachment A: Frankston Planning Scheme Amendment C123 - Panel Report

11.9 Frankston Planning Scheme Amendment C123 - Report on findings and recommendations of Panel Report
Officers' Assessment**Background**

The six objecting submissions received during the exhibition of Planning Scheme Amendment C123 were considered by an independent Planning Panel at the Frankston Civic Centre on 10 November 2016.

The Panel has considered the submissions and the Amendment and concludes that it is satisfactory subject to six minor changes. Responses to all recommendations are detailed below.

DiscussionRecommendation 1

Amend the Precinct Map in Clause 5.1.1 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to designate the western and southern boundaries of Precinct 1B as 'sensitive interface' areas.

Officer Response

This recommendation is a response to submissions in relation to built form controls (preferred building heights) as proposed for Precinct 1B in Schedule 1 to the Activity Centre Zone (ACZ1). The submissions considered that the preferred building heights were too high. The Panel was not persuaded that the preferred height limits for Precinct 1B are too high. The Panel Report states *'the preferred heights will not result in unacceptable overshadowing or blocking of views...height limits will not operate in isolation...development proposals will need to respond to the whole of the ACZ1 including requirements that...built form be responsive to site context...built form responds appropriately to sensitive residential, open space and creek interfaces'*.

The recommendation is supported. Map changes that seek to clarify and more clearly illustrate the sensitive interface between the city centre, Kananook Creek, the foreshore and adjacent residential areas, do not result in any alteration to the intent of the clause, and further endorse the objectives of the FMAC Structure Plan.

Recommendation 2

Amend the Precinct objectives in Clause 5.1-2 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to include the following:

To ensure that development along the western and southern boundaries of Sub-precinct 1B responds to the sensitive interfaces with Kananook Creek and the surrounding foreshore and established residential areas.

Officer Response

This recommendation is a minor drafting addition to the proposed ACZ1 and further endorses the objectives of the FMAC Structure Plan. The recommendation is supported and does not alter the intent of the Clause.

Recommendation 3

Amend the Precinct guidelines in Clause 5.1-4 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to include guidelines (to be developed by Frankston City Council) that guide development in the sensitive interface areas of Precinct 1B.

11.9 Frankston Planning Scheme Amendment C123 - Report on findings and recommendations of Panel Report
Officers' AssessmentOfficer Response

This recommendation seeks to address the concern that the Precinct 1 guidelines of the proposed ACZ1 do not provide sufficient safeguard to the sensitive interface that occurs between the west bank of Kananook Creek (city centre) and the adjacent residential properties and foreshore located on the east bank. To ensure this sensitive interface is addressed by new development proposals on the west bank of Kananook Creek, it is proposed to add the following guideline to the Precinct 1 guidelines:

In locations identified as 'Sensitive Interface Areas' on the Precinct 1 – City Centre Precinct Map, new development should avoid visually dominant building forms, respond appropriately to adjacent residential, foreshore and creek interfaces, consider the impact of new development including overshadowing, sun glare and nightlight on adjacent viewpoints, and ensure that development is respectful of the sharing of amenity with adjacent residential areas and the foreshore.

This recommendation is a minor drafting addition to the proposed ACZ1, is supported, and does not alter the intent of the Clause.

Recommendation 4

Amend the Precinct objectives in Clause 5.2-2 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to include the following:

To ensure that use and development is responsive to current and planned railway operations, having regard to the primacy of the transport purposes of the railway land.

Officer Response

Recommendation 4 seeks the addition of a precinct objective that specifically recognises the primacy of the transport purpose of the railway land, and the need for use and development in the Station Precinct to be responsive to railway operations. Whilst the ACZ1 already contains guidelines and requirements relating to the railway land and operations, Council agrees with the Panel recommendation as the guidelines are largely limited to built form responses, and do not necessarily address the broader issues of recognising and protecting the primacy of the transport purposes of the railway land, and current and future railway purposes.

This drafting change will not result in any alteration to the intent of the clause.

Recommendation 5

Include the following application requirement in Clause 6.0 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B:

VicTrack land – potential contamination

An application for a sensitive use (residential use, child care centre, pre-school centre or primary school), or the construction or carrying out of buildings and works in association with a sensitive use, on land owned or formally owned by VicTrack must be accompanied by an Environmental Site Assessment detailing the likelihood of contamination on the land, to the satisfaction of the responsible authority.

11.9 Frankston Planning Scheme Amendment C123 - Report on findings and recommendations of Panel Report
Officers' AssessmentOfficer Response

At the Panel Hearing VicTrack raised for the first time during the Amendment C123 process the potential for possible land contamination on the VicTrack owned land in and around Frankston Station. VicTrack also made reference to the '*Phase 1 Environmental Site Assessment, Frankston Station Precinct Frankston, Victoria, January 2012*' (PESA) document. Potential land contamination and the PESA had not been raised in the VicTrack submission to the exhibition or preliminary discussions Council undertook with VicTrack prior to exhibition. This did not give Council an opportunity to give this issue proper discussion at the Panel. The Panel subsequently reviewed the PESA. The PESA indicates that past uses on the site have included potentially contaminating uses including dry cleaning and a briquette depot. It also identified an above ground diesel fuel tank and bunded diesel refuelling area. The PESA concluded that there is potential for contamination to exist in soil and groundwater.

In light of the findings and recommendations of the PESA, the Panel has considered it would be appropriate for any future application to redevelop the VicTrack land for a sensitive use to demonstrate to the responsible authority's satisfaction that the land is suitable for that use. Hence the recommendation that an application for a sensitive use be required to provide an Environmental Site Assessment (which may be guided by the findings of the PESA).

This drafting change will not result in any alteration to the intent of the clause.

Recommendation 6

Make other policy neutral drafting changes shown in Appendix B to this Report (Panel Report) to improve the operation of Schedule 1 to the Activity Centre Zone.

Officer Response

This recommendation is a minor 'fix-up' to the exhibited ACZ1. The fix-up includes the re-wording of sentences and table reformatting for greater clarity and further referencing of the Frankston Metropolitan Activity Centre Structure Plan.

This drafting change will not result in any alteration to the intent of the schedule.

Conclusion

The six objecting submissions received to the exhibition of Frankston Planning Scheme amendment C123 were considered by an independent Planning Panel at the Frankston Civic Centre on 10 November 2016. The issues raised related mainly to the appropriate zoning of the VicTrack owned land in and around Frankston Station and built form controls for future development along the west bank of the Kananook Creek within Precinct 1B of the exhibited ACZ1. The Panel was satisfied that the changes proposed to the Frankston Planning Scheme by Amendment C123 are justified subject to six minor changes.

Recommendation

It is therefore recommended:

1. That Council notes the Panel Report.
2. That Council authorises officers to request the Minister for Planning adopt the Amendment subject to the following changes:
 - I. Amend the Precinct Map in Clause 5.1-1 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to designate the western and southern boundaries of Precinct 1B as 'sensitive interface' areas.

11.9 Frankston Planning Scheme Amendment C123 - Report on findings and recommendations of Panel Report
Officers' Assessment

- II. Amend the Precinct objectives in Clause 5.1-2 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to include the following:
- To ensure that development along the western and southern boundaries of Sub-precinct 1B responds to the sensitive interfaces with Kananook Creek and the surrounding foreshore and established residential areas.
- III. Amend the Precinct guidelines in Clause 5.1-4 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to include guidelines (to be developed by Frankston City Council) that guide development in the sensitive interface areas of Precinct 1B.
- IV. Amend the Precinct objectives in Clause 5.2-2 of Schedule 1 to the Activity centre Zone, as shown in Appendix B, to include the following:
- To ensure that use and development is responsive to current and planned railway operations, having regard to the primacy of the transport purpose of the railway land.
- V. Include the following application requirement in Clause 6.0 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B:
- VicTrack land – potential contamination
An application for a sensitive use (residential use, child care centre, pre-school centre or primary school), or the construction or carrying out of buildings and works in association with a sensitive use, on land owned or formally owned by VicTrack must be accompanied by an Environmental Site Assessment detailing the likelihood of contamination on the land, to the satisfaction of the responsible authority.
- VI. Make other policy neutral drafting changes shown in Appendix B to this Report (Panel Report) to improve the operation of Schedule 1 to the Activity Centre Zone.

Planning and Environment Act 1987

Panel Report

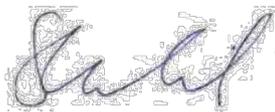
Frankston Planning Scheme Amendment C123

Frankston Metropolitan Activity Centre

7 December 2016



Planning and Environment Act 1987
Panel Report pursuant to section 25 of the Act
Frankston Planning Scheme Amendment C123
Frankston Metropolitan Activity Centre
7 December 2016



Sarah Carlisle, Chair

Contents

	Page
1 Introduction.....	1
1.1 The Amendment.....	1
1.2 Panel process.....	4
1.3 Summary of issues raised in submissions	5
1.4 Limitations	6
2 Planning context	7
2.1 The Structure Plan	7
2.2 Policy framework.....	8
2.3 Planning scheme provisions	10
2.4 Ministerial Directions and Practice Notes.....	11
2.5 Conclusion	12
3 The Station Precinct	14
3.1 The issues	14
3.2 Background.....	14
3.3 Submissions	16
3.4 Discussion	18
3.5 Conclusions.....	21
3.6 Recommendations	21
4 Built form	22
4.1 The issues	22
4.2 Background.....	22
4.3 Building heights in Precinct 1B.....	25
4.4 Building heights in Plowman Place.....	27
4.5 Setbacks in Wells Street and Beach Street.....	27
4.6 Impacts of development on surrounding areas.....	28
4.7 Economic analysis.....	28
4.8 Mandatory versus discretionary height controls	29
4.9 Recommendations	30
5 Other issues	31
5.1 The issues	31
5.2 Activation of the Kananook Creek Precinct.....	31
5.3 Pedestrian links	31
5.4 Creating a vibrant and safe community heart	32
5.5 Parking strategy.....	33
5.6 Community consultation and public debate.....	33
6 Drafting matters	35
6.1 Discussion and conclusions	35
6.2 Recommendations	35

Appendix A	Corrected mapping - 510N Nepean Highway Frankston
Appendix B	Panel preferred version of Schedule 1 to the Activity Centre Zone
Appendix C	Document list

List of Tables

	Page
Table 1 Key steps in the development of the Structure Plan	7

List of Figures

	Page
Figure 1 Area 1 affected by the Amendment.....	2
Figure 2 Area 2 affected by the Amendment.....	3
Figure 3 Precinct Map for Precinct 2.....	15
Figure 4 Building heights in the Activity Centre	23
Figure 5 Precinct map for Precinct 1	24
Figure 6 Precinct map for southern portion of Precinct 3	24

List of Abbreviations

ACZ	Activity Centre Zone
C1Z	Commercial 1 Zone
CDZ	Comprehensive Development Zone
DEDJTR	Department of Economic Development, Jobs, Transport and Resources
DELWP	Department of Environment, Land, Water and Planning
DTPLI	Department of Transport, Planning and Local Infrastructure (former)
EAO	Environmental Audit Overlay
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
PESA	Phase 1 environmental site assessment
PPN02	Planning Practice Note 2: Public Land Zones
PPN56	Planning Practice Note 56: Activity Centre Zone
PPN60	Planning Practice Note 60: Height and Setback Controls for Activity Centres
PPRZ	Public Park and Recreation Zone
PTV	Public Transport Victoria (now Transport for Victoria)
SPPF	State Planning Policy Framework

Overview

Amendment Summary

The Amendment	Frankston Planning Scheme Amendment C123
Common name	Frankston Metropolitan Activity Centre
Brief description	To implement the <i>Frankston Metropolitan Activity Centre Structure Plan 2015</i> (the Structure Plan) by: <ul style="list-style-type: none"> rezoning the Frankston City Centre (Area 1) to the Activity Centre Zone Schedule 1 (ACZ1) rezoning the Frankston Foreshore Area (Area 2) to the Public Park and Recreation Zone (PPRZ).
Subject site	Precincts 1 (City Centre Precinct), 2 (Frankston Station Precinct), 3 (Arts, Entertainment & Government Services Precinct) and 11 (Beachfront) within the Structure Plan.
The Proponent and Planning Authority	Frankston City Council
Authorisation	19 June 2015
Exhibition	30 June – 5 August 2016
Submissions	Number of Submissions: nine Opposed: six <ul style="list-style-type: none"> VicTrack Public Transport Victoria Department of Environment, Land, Water and Planning South East Water Country Fire Authority Frankston Beach Association Inc Long Island Residents Group Inc No 1 Plowman Place, Frankston 144 Gould Street, Frankston

Panel Process

The Panel	Sarah Carlisle, Chair
Directions Hearing	Frankston, 14 October 2016
Panel Hearing	Frankston, 10 November 2016
Site Inspections	Unaccompanied, 10 November 2016

Appearances

- Frankston City Council, represented by James Smith, Senior Strategic Planner, and Kate Jewell, Strategic Planning Coordinator
- Public Transport Victoria, represented by Rosaria Pacheco and Michael Burton, both of the Department of Economic Development, Jobs, Transport and Resources' Transport Division
- VicTrack, represented by Sotirios Katakouzinis
- Frankston Beach Association Inc, represented by Joan Cavanagh
- Eve Welch, represented by Jenny Alexander
- Long Island Residents Group, represented by Robert Thurley

Date of this Report 7 December 2016

Executive Summary

(i) Summary

Frankston Planning Scheme Amendment C123 (the Amendment) seeks to:

- implement the *Frankston Metropolitan Activity Centre Structure Plan 2015* (the Structure Plan) insofar as it relates to the City Centre area (Precincts 1, 2 and 3 in the Structure Plan) by rezoning the City Centre area to the Activity Centre Zone Schedule 1
- rezone the foreshore area (Precinct 11 in the Structure Plan) to Public Park and Recreation Zone, now that development of that area in accordance with the *Kananook Creek Comprehensive Development Plan May 1999* and *Kananook Foreshore Development Structure Plan June 1998* is complete.

The two key issues raised in submissions concerned:

- building heights in Precinct 1B (which interfaces with the foreshore, Kananook Creek and established residential areas in Long Island)
- the appropriate zoning for the land in and around Frankston Station that is owned by VicTrack and used for railway purposes.

Other issues raised in submissions related to:

- the preferred height limit along Plowman Place
- street setbacks along Wells and Beach Streets
- whether the Structure Plan gives sufficient priority to the beach and foreshore
- impacts of development in the Activity Centre on surrounding areas
- the lack of economic analysis justifying the proposed built form controls
- potential contamination of the VicTrack land
- railway interface issues
- requirements for activated street frontages and landscaping within setbacks in the Station Precinct
- the extent of the Station Precinct
- completing the activation of the Kananook Creek Precinct
- creating a more vibrant and safer community heart as a desired destination
- the lack of an up to date parking strategy informing the Structure Plan
- pedestrian links between the City Centre area and Kananook Boulevard
- effective implementation of the Structure Plan and restoring respect for proper planning process and community consultation and public debate.

The Panel has considered all submissions and material presented to it during and after the Hearing, and concludes that the Amendment is supported and implements, the relevant sections of the State and Local Planning Policy Framework, and is largely consistent with relevant Ministerial Directions and Practice Notes. The Amendment is strategically justified and should proceed with some changes to address:

- railway interface issues
- the potential contamination of the VicTrack land

- the sensitive interface between Precinct 1B and the foreshore, Kananook Creek and established residential areas in Long Island
- stronger linkages between the Activity Centre Zone Schedule and the Structure Plan.

The Panel's preferred version of the Schedule to the Activity Centre Zone is set out in Appendix B, and includes other policy neutral drafting changes to improve the clarity and readability of the Schedule.

(ii) Recommendations

Based on the reasons set out in this Report, the Panel recommends that Frankston Planning Scheme Amendment C123 be adopted as exhibited subject to the following changes:

- 1. Amend the Precinct Map in Clause 5.1-1 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to designate the western and southern boundaries of Precinct 1B as 'sensitive interface' areas.**
- 2. Amend the Precinct objectives in Clause 5.1-2 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to include the following:**

To ensure that development along the western and southern boundaries of Sub-precinct 1B responds to the sensitive interfaces with Kananook Creek and the surrounding foreshore and established residential areas.
- 3. Amend the Precinct guidelines in Clause 5.1-4 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to include guidelines (to be developed by Frankston City Council) that guide development in the sensitive interface areas of Precinct 1B.**
- 4. Amend the Precinct objectives in Clause 5.2-2 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to include the following:**

To ensure that use and development is responsive to current and planned railway operations, having regard to the primacy of the transport purpose of the railway land.
- 5. Include the following application requirement in Clause 6.0 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B:**

VicTrack land – potential contamination

An application for a sensitive use (residential use, child care centre, pre-school centre or primary school), or the construction or carrying out of buildings and works in association with a sensitive use, on land owned or formerly owned by VicTrack must be accompanied by an Environmental Site Assessment detailing the likelihood of contamination on the land, to the satisfaction of the responsible authority.
- 6. Make the other policy neutral drafting changes shown in Appendix B to this Report to improve the operation of Schedule 1 to the Activity Centre Zone.**

1 Introduction

1.1 The Amendment

(i) The purpose of the Amendment

The Amendment proposes to implement the *Frankston Metropolitan Activity Centre Structure Plan 2015* (the Structure Plan) insofar as it relates to the Frankston City Centre area (Area 1, and Precincts 1, 2 and 3 in the Structure Plan). It also proposes to rezone Area 2 (the Frankston foreshore area, and Precinct 11 in the Structure Plan) for public use now that development of that area in accordance with the *Kananook Creek Comprehensive Development Plan May 1999* and *Kananook Foreshore Development Structure Plan June 1998* is complete. Areas 1 and 2 are shown on Figures 1 and 2.

The Amendment proposes to:

- rezone Area 1 to Activity Centre Zone Schedule 1 (ACZ1)
- rezone Area 2 to the Public Park and Recreation Zone (PPRZ).

Specifically, the Amendment:

- rezones land in Precinct 1 from the current Commercial 1 Zone (C1Z) and Comprehensive Development Zone Schedule 2 (CDZ2) to the ACZ1
- rezones land in Precinct 2 from the current C1Z and Public Use Zone Schedule 4 (PUZ4) to the ACZ1
- rezones land in Precinct 3 (North) from the C1Z to the ACZ1
- rezones land in Precinct 3 (South) from the C1Z and Public Use Zone Schedule 5 (PUZ5) to the ACZ1
- rezones Area 2 from CDZ2 to PPRZ
- amends the Schedule to Clause 36.02 (the PPRZ) to include Area 2 as a Category 3 Advertising Sign area
- amends the Schedule to Clause 81.01 (incorporated documents) to delete the *Kananook Creek Comprehensive Development Plan, May 1999* from the schedule
- deletes Schedule 2 to the CDZ from the planning scheme.

At the Directions Hearing, Frankston City Council (Council) advised there was an error in the exhibited map relating to the property at 510N Nepean Highway Frankston at the western end of Plowman Street, which is crown land. The proposed zone should be PPRZ, rather than the exhibited ACZ1. A copy of the revised map, with the land in question identified by a red arrow, is included in Appendix A.

The Structure Plan includes 10 other precincts, which will be the subject of a future amendment.

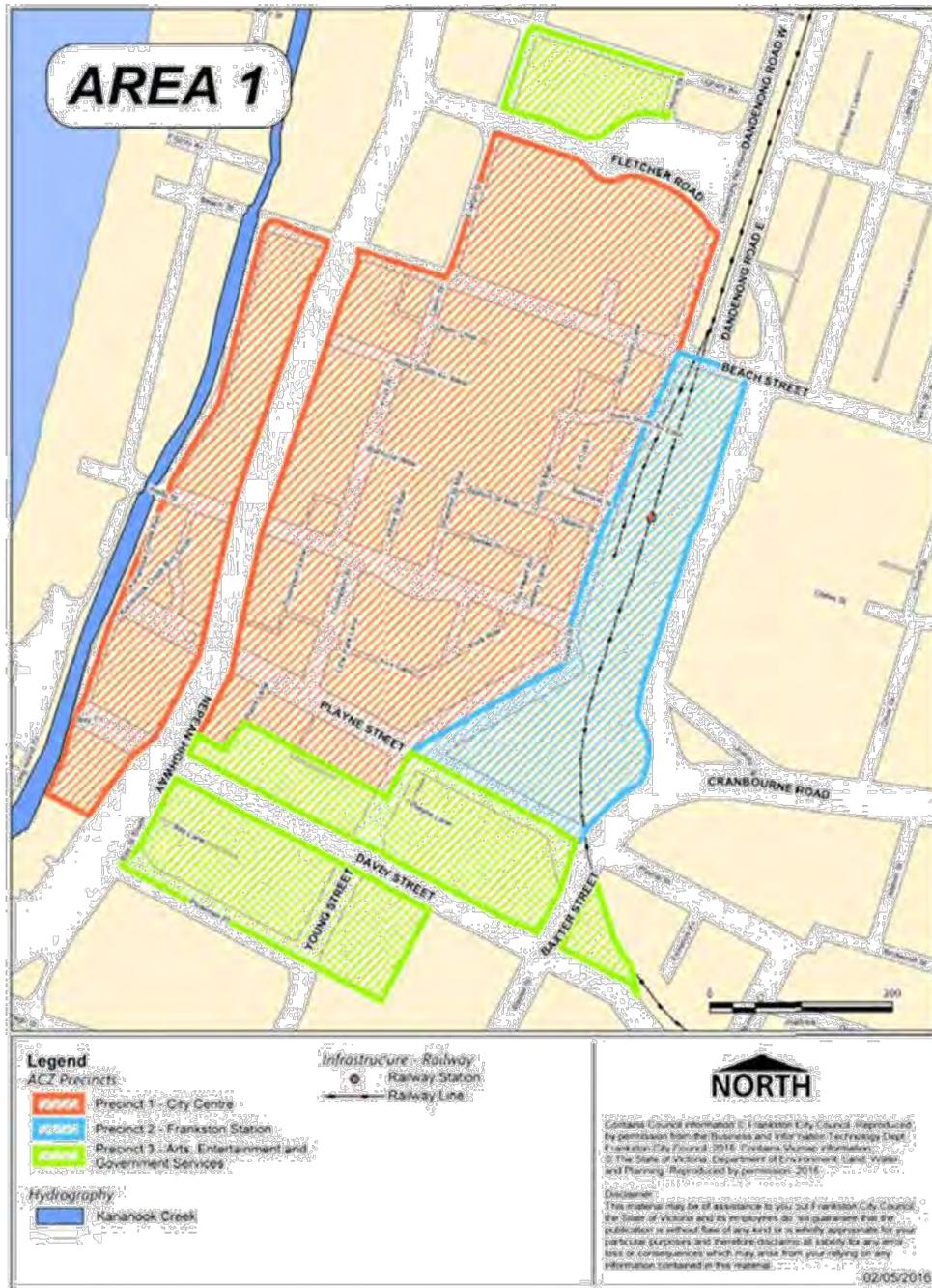


Figure 1 Area 1 affected by the Amendment
Source: Council's Part B submission



Figure 2 Area 2 affected by the Amendment
Source: Council's Part B submission

(ii) Description of the Amendment**Area 1 (the City Centre)**

The ACZ1 provides direction on built form outcomes and the preferred location of different land uses in the City Centre area. It includes:

- a Framework Plan
- land use and development objectives and built form guidelines
- a use table that:
 - specifies section 1 uses (which do not require a permit), section 2 uses (which require a permit) and section 3 uses (which are prohibited)
 - directs preferred land uses to the relevant precincts in accordance with the Structure Plan
- a permit trigger for buildings and works, with certain minor exemptions
- application requirements and decision guidelines
- carve-outs from the general exemption from notice and review rights contained in the ACZ head clause.

For each Precinct within the City Centre area, the ACZ1 specifies:

- a precinct map, which provides more fine grained detail on use and development within the Precinct
- specific precinct objectives, requirements (including built form requirements) and guidelines.

The ACZ1 includes the Structure Plan as a reference document.

Area 2 (the foreshore area)

Council explained that Area 2 is being rezoned from CDZ2 to PPRZ because development in accordance with the CDZ2 and accompanying *Kananook Creek Comprehensive Development Plan May 1999* and *Kananook Foreshore Development Structure Plan June 1998* is now complete. This development includes the Frankston Yacht Club, Frankston Lifesaving Club, Sofia's Restaurant, Visitors Centre, car parking areas, boardwalks, footpaths and landscaping redevelopments. Council considers that the PPRZ is the most appropriate zone for the foreshore, and would accord with the zoning of foreshore areas around Port Phillip Bay that provide similar facilities, such as Mornington, Mordialloc, Half Moon Bay, Sandringham and St Kilda.

1.2 Panel process

Council received authorisation to prepare the Amendment on 19 June 2015, subject to the condition that prior to exhibiting the Amendment, Council contacts Public Transport Victoria (PTV) and VicTrack to confirm in writing that they support rezoning land in and around the Frankston Station precinct from PUZ4 to ACZ1. PTV and VicTrack provided written responses on 24 March 2016 and 14 June 2016 respectively, indicating that while they were not entirely comfortable with the Station Precinct being rezoned from PUZ4 to ACZ1, they were happy for the Amendment to go on exhibition, and raise their concerns through the submission process.

The Amendment was exhibited from 27 June to 5 August 2016. 9 submissions were received, 6 of which opposed the Amendment¹. Council resolved to refer the submissions to a Panel on 29 August 2016.

The Panel considered all written submissions made in response to the exhibition of the Amendment, as well as further submissions, evidence and other material presented to it during the Hearing, and observations from its site visit.

This report deals with the issues under the following headings:

- Planning context
- The Station Precinct
- Built form
- Other issues
- Drafting matters.

1.3 Summary of issues raised in submissions

The key issues raised in the submissions of the various parties are briefly summarised below. Council made no post-exhibition changes to the Amendment, and all of the issues raised in submissions remain outstanding.

(i) Planning Authority

The key issues for Council were:

- providing for, and appropriately managing, the significant growth and change in the Activity Centre, reflecting its status as a Metropolitan Activity Centre in Plan Melbourne
- providing for an appropriate zoning for the foreshore area now that development of the area in accordance with the *Kananook Creek Comprehensive Development Plan May 1999* and *Kananook Foreshore Development Structure Plan June 1998* is complete.

(ii) Relevant agencies

The key issues for PTV and VicTrack were:

- the application of the ACZ1 over VicTrack owned land
- the Amendment does not address potential contamination of the VicTrack land
- railway interface issues
- requirements for activated street frontages and landscaping within setbacks
- the extent of the Station Precinct.

(iii) Individual submitters or groups of submitters

The key issues for submitters were:

- the preferred height limit (32 metres) in Precinct 1B
- the preferred height limit (26 metres) along Plowman Place

¹ DELWP, South East Water and the Country Fire Authority made submissions indicating that they did not object to the Amendment.

- there should be minimum 3 metre street setbacks for Wells and Beach Streets
- the Structure Plan does not give sufficient priority to the beach and foreshore
- the lack of economic analysis justifying the proposed built form controls
- completing the activation of the Kananook Creek Precinct should remain a priority
- impacts of development in the Activity Centre on surrounding areas
- creating a more vibrant and safer community heart as a desired destination
- the lack of an up to date parking strategy informing the Structure Plan
- pedestrian links between the City Centre area and Kananook Boulevard
- effective implementation of the Structure Plan and restoring respect for proper planning process and community consultation and public debate.

1.4 Limitations

Submissions raised some matters which are beyond the scope of the Amendment:

- the Structure Plan is not consistent with the shared community vision
- community concerns expressed during the consultation phases on the Structure Plan have not been taken into account
- concerns in relation to Council's decision-making processes
- concerns in relation to specific development applications (450 Nepean Highway)
- concerns in relation to the process that led to the approval of the South East Water building on Kananook Creek Boulevard
- parking restrictions should be imposed in certain parts of the City Centre area.

The Panel does not comment on these matters, as they are beyond the scope of the Amendment.

2 Planning context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report. That response is not repeated here.

The Panel has reviewed the policy context of the Amendment, and has made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

2.1 The Structure Plan

The Structure Plan sets out a 20 year vision and plan for the renewal and revitalisation of the Frankston City Centre. It provides land use and built form guidance that, in Council's submission, ensures high quality development outcomes and demonstrates how growth can be accommodated.

According to Council's Part A submission, the key steps in the development of the Structure Plan were:

Table 1 Key steps in the development of the Structure Plan

Date	Step
2011	Initial public engagement program commenced.
November 2011	The <i>Frankston Activities Area Community and Stakeholder Engagement Feedback Report</i> was finalised, which identified attributes and themes which form the starting point for the development of the Structure Plan.
May 2013	The Draft Frankston Activities Area Structure Plan was finalised, based on the November 2011 Feedback report and the <i>Frankston Building Heights and Setbacks Study 2013</i> .
June 2013	The draft Structure Plan was presented to Council and released for further public consultation.
July to October 2013	A consultation program developed by the then Department of Transport, Planning and Local Infrastructure (DTPLI) and Council took place, resulting in: <ul style="list-style-type: none"> • nineteen written submissions • nine feedback forms • 130 online surveys.
December 2013	The draft Structure Plan was presented to Council but was not adopted (the reasons for not adopting the Structure Plan were not explained).
January 2015	The then Metropolitan Planning Authority (now the Victorian Planning Authority) assisted Council to finalise the Structure Plan.
25 May 2015	Council adopted the Structure Plan and authorised officers to lodge a request with the Minister for Planning to prepare a planning scheme amendment to implement the Structure Plan.

The Structure Plan was informed by the following background studies (which are listed in the Appendix to the Structure Plan):

- *Renewing Frankston's City Centre - Community and Stakeholder Engagement Feedback Report, 2011* (Capire Consulting)
- *Frankston Building Heights and Setbacks Study, 2013*
- *Frankston Activities Area Economic and Market Feasibility Study, 2011* (Charter Keck Cramer)
- *Frankston TAFE to Bay Structure Plan, 2005*
- *Frankston Neighbourhood Character Study, 2002*
- *Frankston Draft Streetscape Strategy, 2012*
- *Ebdale Precinct - Context and Guidelines, 2010*
- *Frankston Central Activities District Car Parking Study, 2010*
- Frankston Planning Scheme
- Plan Melbourne
- Melbourne @ 5 Million
- *Victorian Transport Plan, 2008*
- *Frankston Bicycle Strategy, 2010*
- *Nepean Highway Boulevard Framework Plan, 2013* (DTPLI).

2.2 Policy framework

(i) Plan Melbourne

Plan Melbourne identifies Frankston as an existing Metropolitan Activity Centre. Metropolitan Activity Centres are “*places of investment and employment*” that are to be the focus of new housing redevelopment opportunities, and public and private investment that facilitates new commercial development and jobs growth. The strategic direction for Metropolitan Activity Centres is:

To maximise access to goods and services in a limited number of major centres with good public transport networks. These centres will play a major service delivery role, including government, health, justice and education services, retail and commercial, and provide a diverse range of jobs, activities and housing for a subregional catchment.

Plan Melbourne advocates transit-oriented development as a key way to achieve employment and population growth and economic, social and environmental benefits from co-locating employment, population and public transport. Initiative 1.6.1 states:

Land around railway stations and train corridors can provide valuable development opportunities, due to the access to public transport. Over the coming decades, we will be building a number of new railway stations as we develop the network and we will ensure these are integrated with land development. Existing stations and corridors will also be assessed for their development potential.

Plan Melbourne identifies Frankston Station as an urban renewal opportunity for the Southern Subregion, and Initiative 1.6.1 states:

Individual proposals would be subject to business case approval. The aim is to incorporate new commercial and housing activities at locations that include:

- *Frankston station as part of the development of the Frankston Metropolitan Activity Centre.*

(ii) State Planning Policy Framework

Council submitted that the Amendment is supported by the following clauses in the SPPF:

- **Clause 11 (Settlement):** The proposed Amendment meets the objective of encouraging the concentration of major developments into activity centres which provide a variety of land uses which are highly accessible and making more efficient use of existing infrastructure, especially public transport provision. It also provides for greater housing and employment opportunities in a centre with excellent access to services and public transport.
- **Clause 12 (Environment and Landscape Values):** By facilitating development that will house increased population growth within a designated Metropolitan Activity Centre, capitalises on opportunities for a larger residential population to live within a relatively small footprint.
- **Clause 15 (Built Environment and Heritage):** The amendment will encourage a safe and functional urban environment that is supported by well-designed buildings and appropriate land uses that contribute to a sense of place and cultural identity.
- **Clause 16 (Housing):** By encouraging an increase in housing density and diversity, which will develop supply and choice within the Frankston Metropolitan Activity Centre.
- **Clause 17 (Economic Development):** The proposed amendment will encourage investment in a range of land uses, including residential, retail, entertainment, office and other commercial services that respond to need within the local area and region and contribute to a thriving economy.
- **Clause 18 (Transport):** By promoting land use and development that is integrated with existing public transport, and coordinated with improvements to public transport. Clause 18 also encourages higher densities and mixed use developments near railway stations and transport interchanges, which is directly supported by the amendment through the inclusion of the Frankston Station Precinct within the proposed Activity Centre Zone.
- **Clause 19 (Infrastructure):** The proposed amendment supports the development of arts, recreation and cultural facilities within the Frankston Metropolitan Activity Centre in locations accessible by public transport.

(iii) Local Planning Policy Framework

Council submitted that the Amendment supports the following local planning objectives:

- **Clause 21.02 (Key Issues):** This clause identifies the need to actively plan for growth and the need to provide a diversity of housing choice, including higher density housing in established areas. The proposed amendment plans for growth within the Frankston Metropolitan Activity Centre and seeks a diversity of housing through the application of the Activity Centre Zone in the city centre.

- **Clause 21.03-3 (Strategic Framework Plan):** This clause seeks to reinforce the dominance of the Frankston Metropolitan Activity Centre and provide for increased housing densities around the centre. The clause also seeks to support opportunities to increase public and non-motorised transport usage. The amendment proposes the rezoning of the city centre to the ACZ which encourages increased residential densities and to improve public and non-motorised transport modes within and to the city centre.
- **Clause 21.04 (Settlement):** This clause seeks to accommodate population growth and housing demand in areas best suited to provide a quality living environment, while ensuring that the city centre develops as a vibrant area with a positive image, thriving economy and large resident population.
- **Clause 21.07 (Housing):** This clause identifies issues including accommodating the future projected population of the municipality while protecting and enhancing the amenity of residential areas. The clause seeks to realise the potential of the city centre to provide for significant additional higher density residential development.
- **Clause 21.08 (Economic Development):** The proposed application of the ACZ within the city centre accords with the objectives of this clause which includes facilitating a wide range of compatible activities within the city centre and to encourage consistent, high quality urban design and streetscapes.
- **Clause 21.10 (Built Environment and Heritage):** This clause seeks a high level of architectural, urban and sustainable design in new development that projects a positive image of the City. Through the application of the ACZ, the amendment seeks the creation of a well-designed urban environment.

(iv) Other planning strategies or policies used in formulating the Amendment

Council submitted that the Amendment complies with the relevant requirements of the *Transport Integration Act 2010*, as the Amendment seeks to maximise access to the transport system by encouraging a range of land uses and increased densities within walking distance of the Station Precinct.

VicTrack submitted that the proposed rezoning of the VicTrack land from PUZ4 to ACZ1 is inconsistent with the principles and objectives in the *Transport Integration Act 2010*, in that it signals land available for development that is (and remains) required for transport purposes.

2.3 Planning scheme provisions

The ACZ includes the key purposes:

- To encourage a mixture of uses and the intensive development of the activity centre:
 - As a focus for business, shopping, working, housing, leisure, transport and community facilities.
 - To support sustainable urban outcomes that maximise the use of infrastructure and public transport.
- To deliver a diversity of housing at higher densities to make optimum use of the facilities and services.

- To create through good urban design an attractive, pleasant, walkable, safe and stimulating environment.
- To facilitate use and development of land in accordance with the Development Framework for the activity centre.

The PPRZ includes the key purposes:

- To recognise areas for public recreation and open space.
- To protect and conserve areas of significance where appropriate.
- To provide for commercial uses where appropriate.

The PUZ includes the key purposes:

- To recognise public land use for public utility and community services and facilities.
- To provide for associated uses that are consistent with the intent of the public land reservation or purpose.

2.4 Ministerial Directions and Practice Notes

(i) Ministerial Directions

Ministerial Direction No 1 (Potentially Contaminated Land)

Ministerial Direction No 1 requires a planning authority to satisfy itself that the environmental conditions of potentially contaminated land are (or will be) suitable for any sensitive uses proposed to be allowed by a planning scheme amendment. The Direction defines potentially contaminated land as land known to have been used for (among other things) industry or the storage of chemicals, gas, wastes or liquid fuel (if not ancillary to another use of the land).

Other Ministerial Directions

Council submitted that the Amendment meets the relevant requirements of the following Ministerial Directions:

- Ministerial Direction No 9 (Metropolitan Strategy), by facilitating investment and supporting opportunities for growth and development within a designated Metropolitan Activity Centre
- the strategic considerations set out in Ministerial Direction No 11 (Strategic Assessment of Amendments)
- the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the *Planning and Environment Act 1987*.

(ii) Planning Practice Notes

Planning Practice Note 56: Activity Centre Zone

PPN56 provides guidance on the function and application of the ACZ. It states that the ACZ has been developed specifically for application at Metropolitan Activity Centres (among other locations). It requires Councils to have an adopted structure plan (or other significant strategic work) for the centre where the ACZ will be applied, and encourages the application of precincts across an activity centre based on predominant preferred land use for the precinct.

The practice note addresses whether it is appropriate to apply the ACZ on public land in activity centres:

There will be instances where the boundary for an activity centre will include land which is not appropriate to be rezoned to the ACZ. This may include public use zones or recreation zones. ... in most instances, the public use or recreation zones should be retained.

The practice note states that the default position is that third party notice and review rights do not apply in the ACZ, because the structure plan on which the ACZ is based will have gone through a consultation process.

The practice note states that the schedule to the ACZ should not be used to amend the car parking requirements that are specified in Clause 52.06 of the planning scheme, and that the proper way to amend the standard parking requirements is through the application of a Parking Overlay.

Planning Practice Note 60: Height and setback controls for activity centres (June 2015)

PPN60 provides guidance on height and setback controls for activity centres. Height and setback controls must be soundly based on strategic research that includes a comprehensive built form analysis that evaluates built form objectives, land use outcomes and economic growth consistent with State policy.

PPN60 makes it clear that height and setback controls should be discretionary, combined with clear design objectives that guide the discretion. Mandatory controls should only be applied in exceptional circumstances, and even then only when absolutely necessary to achieve objectives or outcomes identified in the comprehensive built form analysis, and where discretionary controls could demonstrably result in an unacceptable built form outcome. PPN60 states that exceptional circumstances might include:

- sensitive coastal environments where exceeding an identified height limit will unreasonably detract from the significance of the coastal environment
- significant landscape precincts such as natural waterways, regional parks and areas where dense tree canopies are the dominant feature.

Planning Practice Note 2: Public Land Zones

PPN02 states that a public use zone will be appropriate where the surrounding zoning is inappropriate, or where there is a special reason to separately identify the public land for planning purposes – for example, if a public land manager needs greater flexibility, protection or exemption than that provided by the surrounding zone provisions because of the special nature of the public land or asset and its control (in a land use or management sense) under another Act. PPN02 notes that public land zones are not intended to identify the legal status of the land, or indicate the existing land use, and that land should not be automatically included in a public land zone simply because it is public land.

2.5 Conclusion

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Frameworks. The Amendment facilitates growth consistent with the Activity Centre's role as a Metropolitan Activity Centre, and

encourages transit-oriented development, in line with the objectives and initiatives outlined in Plan Melbourne.

The Panel considers that the Amendment is consistent with the objectives and principles in the *Transport Integration Act 2010*, as the ACZ1 recognises the importance of the transport functions within the Activity Centre (including railway and bus transport services), and does not compromise current or future transport operations.

The Amendment is consistent with the relevant Practice Notes. In particular, the Panel considers that the Amendment is consistent with the requirements of:

- PPN58 and PPN02 relating to the zoning that should apply to public land, for the reasons set out in Chapter 3.4
- PPN60 relating to mandatory versus discretionary height controls, for the reasons set out in Chapter 4.7.

The Amendment is consistent with the relevant Ministerial Directions, although the Panel recommends that an additional application requirement be added to the ACZ1 addressing the issues raised in Ministerial Direction No 1 Potentially Contaminated Land.

The Amendment should proceed, subject to the Panel's recommendations and drafting changes.

3 The Station Precinct

3.1 The issues

The issues are:

- the application of the ACZ1 over VicTrack owned land
- the Amendment does not address potential contamination of the VicTrack land
- railway interface issues
- requirements for activated street frontages and landscaping within setbacks
- the extent of the Station Precinct.

3.2 Background

The Station Precinct includes land owned by VicTrack, some Council owned land and some privately owned land. The land occupied by tracks and the station is zoned Public Use Zone Schedule 4 (PUZ4), and the balance of the Precinct is zoned Commercial 1 Zone (C1Z). This includes the carpark on the western side of the station, which is located on VicTrack land. The Precinct Map for Precinct 2 (the Station Precinct) is extracted in Figure 3.

According to PTV/DEDJTR, the Station Precinct includes:

- a bus interchange on Young Street
- a rail station with electric passenger rail services operating from Melbourne to Frankston
- diesel passenger rail service from Frankston to Stony Point
- diesel freight rail lines
- train stabling
- refuelling of diesel trains
- engine maintenance of diesel services
- commuter car parking.

Council contested the assertion that maintenance, refuelling and stabling activities take place in the Station Precinct. It submitted that maintenance is undertaken at Newport, overnight stabling occurs in the city and refuelling activities are undertaken further up the line towards Stony Point.

There are long term plans to electrify the line from Frankston to Baxter², and PTV/DEDJTR submitted that the maintenance facility in the Station Precinct will be re-located to Baxter at that time. At present, these plans are unfunded, and there is no commitment regarding when the electrification project will proceed.

The Victorian Government is investing \$63 million in the Frankston Station Precinct Redevelopment Project, which is being delivered by a government appointed taskforce. The taskforce has delivered the Frankston Station Master Plan (a copy of which is contained in Document 1B), and a report containing recommendations which include a recommendation to facilitate development of Council and State Government owned land to potentially accommodate higher intensity uses to support the objectives of the Structure Plan.

² These plans are outlined in PTV's *Network Development Plan - Metropolitan Rail December 2012*.

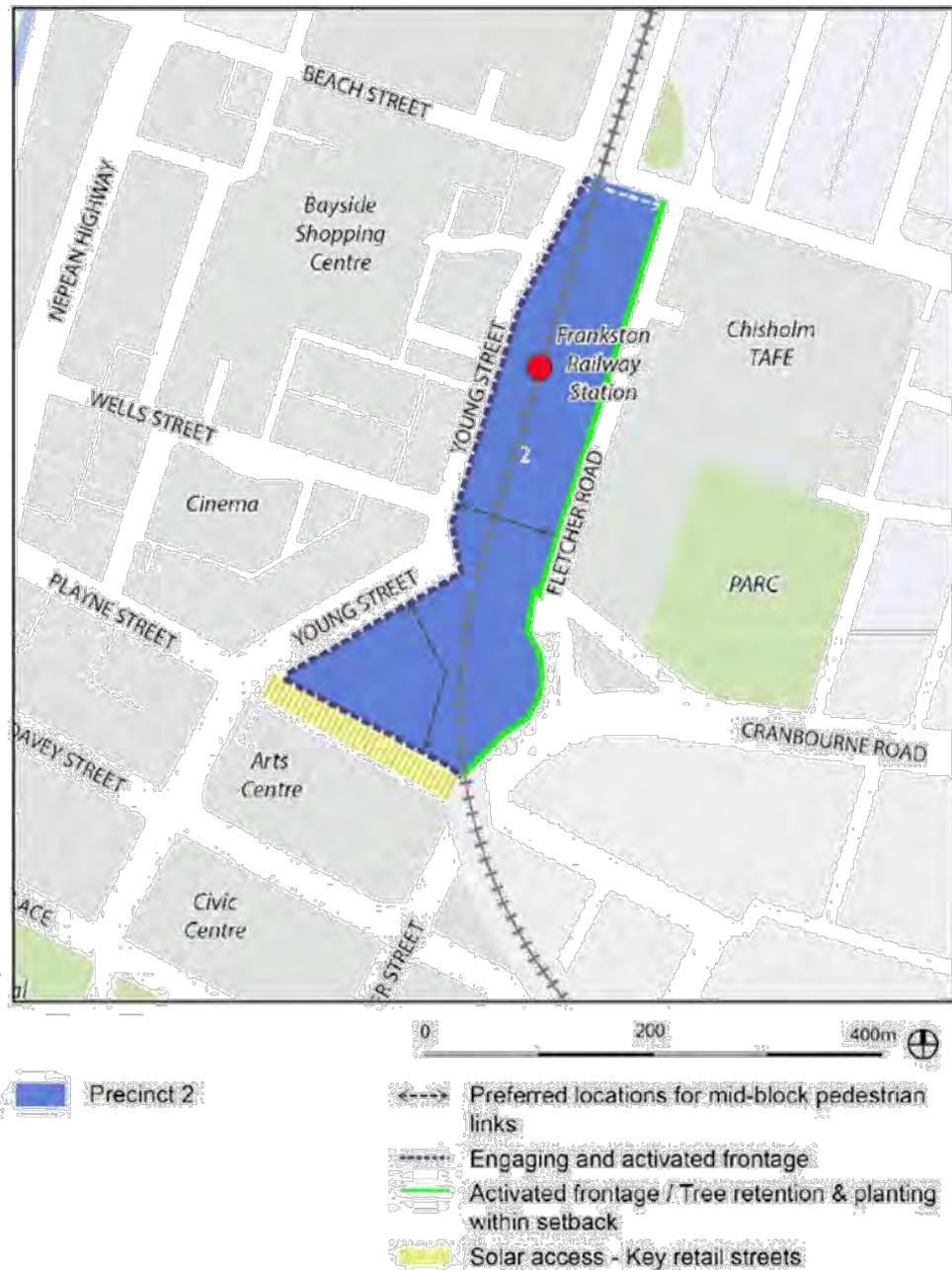


Figure 3 Precinct Map for Precinct 2 (Source: ACZ1)

3.3 Submissions

(i) Retention (and extension) of the Public Use Zone

PTV/DEDJTR and VicTrack do not support the Amendment as exhibited. They submitted that rezoning any part of the VicTrack land is premature while the primary purpose and function of the land remains for transport purposes. They submitted that rezoning should not occur until the design (or at least the footprint) of the future Frankston Station redevelopment has been resolved and electrification to Baxter occurs, at which point surplus land can be identified for redevelopment and/or disposal.

VicTrack went further, submitting that the ACZ1 constitutes “mixed messaging”, and that Council was not at liberty to apply a zone which would “deprive the land of its intended purpose”. It submitted:

Rail corridor planning is not adequately integrated into many planning schemes, and removal of the PUZ4 either inadvertently or intentionally can result in significant consequences for transport provision. VicTrack therefore requires that any departure from the PUZ4 should demonstrate that the primacy of the transport purpose is retained without the need for planning approvals, and ancillary railway station uses such as convenience, food and drink and service shops do not require a planning permit.

PTV/DEDJTR and VicTrack acknowledged that the ACZ has been applied in other railway station precincts, such as Footscray and Geelong, but submitted that a different approach should be taken in Frankston because Frankston (unlike Footscray) accommodates maintenance, refuelling and stabling facilities. PTV cited Epping Central as an example of where the PUZ4 had been retained over stabling and track land, while the station and surrounding area was rezoned ACZ.

PTV/DEDJTR and VicTrack submitted that the current application of the C1Z to substantial portions of the VicTrack land was an anomaly or a mapping error, and that the PUZ4 should be extended to cover all of the VicTrack land.

Council submitted that the ACZ1 should be applied over the VicTrack land so as to provide consistent, streamlined and simplified planning controls over the City Centre area. It submitted that this was consistent with the directions and initiatives of Plan Melbourne (summarised in Chapter 2.2), and that a best practice approach to integrated transport and development opportunities in and around Frankston Station requires a uniform zoning. It submitted that the ACZ1 would better facilitate the Frankston Station redevelopment project.

Council submitted that the ACZ1 would not interfere with current railway operations or the planned Baxter electrification project, as the ACZ1 has been drafted to ensure that no planning permits are required for any public transport use (including railway and bus uses), or buildings and works for transport purposes (providing the use is carried out by, or on behalf of, the public land manager). Council submitted that the preferred building heights and setbacks under the ACZ1 controls should be applied to the Station Precinct now, before any redevelopment footprints for the Frankston Station redevelopment project are resolved,

to ensure that future redevelopment is consistent with the preferred building envelopes identified in the Structure Plan.

(ii) Environment Audit Overlay

VicTrack submitted that the Amendment does not adequately consider the potentially contaminated status of the VicTrack land, as it does not propose to apply an Environmental Audit Overlay (EAO) to the land. It submitted that a Phase 1 environmental site assessment (PESA) carried out on the land in 2012 (a copy of which was provided to the Panel after the Hearing) identified a number of potential sources of contamination on the VicTrack land.

This was a new issue raised by VicTrack at the Hearing. Council therefore had limited opportunity to respond to this issue. It submitted in verbal closing submissions that in the absence of solid evidence of contamination, it was *"a long bow to draw"* to suggest that an EAO should be applied.

(iii) Impacts of railway operations on surrounding land

VicTrack submitted that surrounding development that will be facilitated by the ACZ1 would be impacted by, and would have impacts on, railway operations, and that this had not been considered. It raised issues such as noise and vibration attenuation, interference with train drivers' sight lines and visibility (for example through sun glare), allowance for sag or sway movement of overhead railway powerlines and balconies abutting railway land. It submitted that *"privately owned land in Precinct 2 should be required to respond to the rail environment and context. There should at least be objectives which address these issues"*.

Council responded that the ACZ1 adequately dealt with railway interface issues, and pointed to the several references to the railway land contained in the ACZ1 controls.

(iv) Activated frontage and tree retention/planting requirements

PTV/DEDJTR objected to the Precinct Map for Precinct 2 in the ACZ1, which indicates requirements for 'engaging and activated frontages' along Young Street, and 'activated frontage/tree retention and planting within setback' along Fletcher Road.

Council submitted that the requirements do not affect any buildings and works for transport purposes. It is only relevant to future buildings and works for non-transport purposes.

(v) The extent of Precinct 2

VicTrack submitted that it would be preferable if Precinct 2 (the Station Precinct) were limited to the VicTrack land, as the balance land in Precinct 2 *"has a limited relationship with the transport purpose of the VicTrack land"*.

(vi) Drafting issues

PTV/DEDJTR indicated at the Hearing that it was satisfied that the controls as exhibited adequately provided for existing and future railway operations.

The Panel invited VicTrack to provide drafting comments on the ACZ1 following the Hearing. Comments were provided on 2 December 2016. The main changes requested by VicTrack were:

- an additional land use and development objective in Clause 2.0 to ensure that residential development does not adversely impact on current and future railway operations
- an additional precinct objective in Clause 5.2-2 to encourage development to be responsive to current and future railway operations
- additional application requirements in Clause 6.0 that:
 - any applications on VicTrack land or airspace by any person other than the public land manager be made with the public land manager's consent
 - any applications on rail land be accompanied by a report which verifies that the proposed use is appropriate to the level of environmental assessment
- additional decision guidelines in Clause 8.0 that require the responsible authority to consider:
 - noise and vibration measures to provide a high level of residential amenity and protect current and future rail operations
 - whether the development is appropriately located and designed having regard to rail interface issues and impacts on the railway land
 - the views of VicTrack and PTV.

3.4 Discussion

The Panel agrees with Council that the future redevelopment of the Station Precinct (including any redevelopment of any parts of the VicTrack land) is more likely to be better integrated, functionally and physically, with the broader redevelopment of the Activity Centre as a whole if the ACZ1 is applied now to the entire Station Precinct.

The Panel disagrees with PTV/DEDJTR and VicTrack's submissions that the application of the ACZ1 would signal that transport is no longer the primary purpose of the VicTrack land, or that the land is available for disposal and/or redevelopment. The ACZ1 clearly recognises that the railway land will continue to be used for railway purposes for the foreseeable future.

The Panel was not persuaded that the presence of stabling, maintenance or refuelling facilities justifies the retention of the PUZ4. All of these uses can proceed without a permit under the ACZ1, as can any future land use or buildings and works for transport purposes (including the Baxter electrification project).

The Panel considers that the application of the ACZ1 is consistent with the general principles outlined in PPNO2, including that a public use zone should only be applied if the surrounding zone is inappropriate. The application of the ACZ1 represents orderly planning in that it will not compromise current or future transport operations, and will ensure that any future redevelopment of the station area for non-transport purposes will be consistent with the land use and built form outcomes sought by the Structure Plan.

The Panel concludes that the PUZ4 should not be retained over the VicTrack land. It goes without saying that the Panel also concludes that the PUZ4 should not be extended to cover all of the land currently owned by VicTrack.

It would have been helpful if VicTrack had raised the contamination issue in its initial discussions with Council regarding the Amendment (or even in its submission to Council

about the Amendment), rather than it being raised for the first time at the Hearing. Council did not have an opportunity to give the issue proper consideration. The Panel encourages VicTrack to address these issues more proactively should they arise in future amendments.

The Panel has reviewed the PESA for the VicTrack land carried out in 2012³. The PESA was conducted to investigate potential contamination on the site that might impact on the Frankston Station Redevelopment Project. The PESA indicates that past uses on the site have included industry and other potentially contaminating uses (including a dry cleaning store and factory, and a briquette depot). It also identified an above ground diesel fuel tank and bunded diesel refuelling area.

The PESA concluded that there is the potential for contamination to exist in soil and groundwater. It went on:

Frankston City Council may also require a statutory environmental audit as part of any planning application in accordance with the State Environmental Protection Policy and/or Ministerial Direction No. 1 Potentially Contaminated Land. If the future development is subject to a condition that does require a statutory audit, significant costs and extended time frames may be realised ...

The contamination status of the soil and groundwater could only be verified through the completion of an intrusive site assessment. To further characterise the conditions of the site and further assess the feasibility of the proposed redevelopment, it is recommended that the following works are initially undertaken to evaluate the site:

- *A targeted soil assessment in the vicinity of the potential contamination sources identified; and*
- *A groundwater assessment to investigate the contaminant concentrations on site from both on-site and off-site potential contamination sources.*

In light of the findings and recommendations of the PESA, the Panel considers it would be appropriate for any future application to redevelop the VicTrack land for a sensitive use to demonstrate to the responsible authority's satisfaction that the land is suitable for that use.

The Panel does not consider that the findings and recommendations of the PESA warrant the application of an EAO. An EAO would require either a certificate or statement of environmental audit to be obtained, which involves a relatively high level of environmental investigation and (as noted by the PESA) could have significant time and cost implications. The Panel considers that the preferable approach is to require an Environmental Site Assessment to the satisfaction of the responsible authority (which may be guided by the findings of the PESA).

The Panel is satisfied that subject to the specific drafting changes discussed below, the ACZ1 adequately deals with the impacts of railway operations on surrounding land, and the potential impacts of future development proposals on railway operations. The ACZ1

³ *Phase 1 Environmental Site Assessment Frankston Station Precinct Frankston, Victoria (January 2012) prepared by Prensa.*

contains a number of requirements relating to the interface between the railway and surrounding land, including:

- a precinct guideline for the Station Precinct that new development respond to the rail environment and its context as a transport corridor
- a requirement that built form consider the impacts of new development on railway land, and have regard to the primacy of this land for transport purposes
- an application requirement for all buildings and works applications to be accompanied by information on how the development addresses any interface issues with railway land (including but not limited to railway infrastructure, drainage, vibration, overlooking, sun glare, noise and sight lines).

The requirements relating to activated street frontages and tree planting within setbacks only apply to new development. They will not impact on current railway operations.

The Panel was not persuaded that Precinct 2 should be limited to the VicTrack land. The purpose of identifying precincts in the Structure Plan and the ACZ1 is to ensure integrated planning and development of these areas on a precinct basis. Precincts are not intended to identify the use of the land.

The Panel agrees with VicTrack that an additional precinct objective should be included in Clause 5.2-2 which specifically recognises the primacy of the transport purpose of the railway land, and the need for use and development in the Station Precinct to be responsive to railway operations. While the ACZ1 already contains guidelines and requirements relating to the railway land and operations, they are largely limited to built form responses, and do not necessarily address the broader issues of recognising and protecting the primacy of the transport purposes of the railway land, and current and future railway operations. The Panel has included an additional precinct objective in its preferred version of the ACZ1 in Appendix B, which is worded slightly differently to VicTrack's version.

The Panel does not consider that the additional land use and development objective requested by VicTrack in Clause 2.0 of the ACZ1 is required. The issues are adequately addressed by the additional precinct objective in Clause 5.2-2.

The Panel does not consider that the ACZ1 should require applications on VicTrack land or airspace to be accompanied by the public land manager's consent. The Panel considers that section 48 of the Act adequately deals with this issue.

VicTrack requested a change to the ACZ1 that would require the responsible authority to consider the views of VicTrack and PTV in relation to permit applications. Railway interface issues are important, and the Panel considers that input from VicTrack and/or PTV could be valuable in relation to applications that could impact on the railway land (and vice versa). However the Panel does not favour the approach suggested by VicTrack. In the absence of a notice requirement, there is no statutory process by which VicTrack/PTV are able to provide their views. The Panel considers that before adopting the Amendment, Council should explore this issue further with VicTrack.

The Panel does not consider that VicTrack's request for additional decision guidelines in Clause 8.0 are justified. The Panel considers that railway interface issues (including noise and vibration issues specifically, and building design more generally) are adequately dealt

with by the existing guidelines and requirements in the ACZ1, and the new precinct objective recommended by the Panel.

3.5 Conclusions

The Panel concludes:

- It is appropriate to apply the ACZ1 to the Station Precinct notwithstanding that some of the land within this precinct is currently used for transport purposes (and will continue to be used for transport purposes for the foreseeable future).
- There should be no adjustments to the precinct boundaries for the Station Precinct.
- Activated street frontage and tree planting requirements only apply to new development, and will not impact on current rail operations.
- Prior to the Amendment being adopted:
 - A precinct objective should be added to Clause 5.2-2 of the ACZ1 which specifically recognises the primacy of the transport purpose of the railway land, and the need for use and development in the Station Precinct to be responsive to railway operations.
 - An application requirement should be added to Clause 6.0 of the ACZ1 that applications to redevelop the VicTrack land for a sensitive use be accompanied by an Environmental Site Assessment detailing the likelihood of contamination on the land.
 - Council should further explore with VicTrack how best to ensure that the views of VicTrack and/or PTV are sought and taken into account in relation to applications that could impact on the railway land (and vice versa).

3.6 Recommendations

The Panel makes the following recommendations:

Amend the Precinct objectives in Clause 5.2-2 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to include the following:

To ensure that use and development is responsive to current and planned railway operations, having regard to the primacy of the transport purpose of the railway land.

Include the following application requirement in Clause 6.0 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B:

VicTrack land – potential contamination

An application for a sensitive use (residential use, child care centre, pre-school centre or primary school), or the construction or carrying out of buildings and works in association with a sensitive use, on land owned or formerly owned by VicTrack must be accompanied by an Environmental Site Assessment detailing the likelihood of contamination on the land, to the satisfaction of the responsible authority.

4 Built form

4.1 The issues

The issues are:

- the preferred height limits in Precinct 1B are too high
- the preferred height limits in Plowman Place are too low
- there should be minimum 3 metre setbacks along Wells and Beach Streets
- impacts of development in the Activity Centre on surrounding areas
- the lack of economic analysis justifying the proposed built form controls
- height limits should be mandatory, not discretionary.

4.2 Background

The proposed height limits for each Precinct in the Activity Centre are shown in Figure 4 from the Structure Plan, which is extracted as Figure 4. The height limits of concern raised in submissions are:

- Precinct 1B – 32 metres with a 12 metre podium on some frontages (setback of 5 metres above the podium).
- Plowman Place – 26 metres with a 12 metre podium (setback of 5 metres above the podium).

The concerns about heights in Precinct 1B relate predominantly to the section of Precinct 1B between the Nepean Highway and the foreshore. Plowman Place is located in Precinct 3C, in the southern portion of Precinct 3. The Precinct Maps for Precinct 1B and Plowman Place are extracted as Figures 5 and 6.

Council advised that the preferred heights and setbacks in the Structure Plan are derived from the *Frankston Central Activities Area Building Heights and Setbacks Study 2013* (the 2013 Study). Council advised that both the Structure Plan and the 2013 Study were the subject of community consultation.

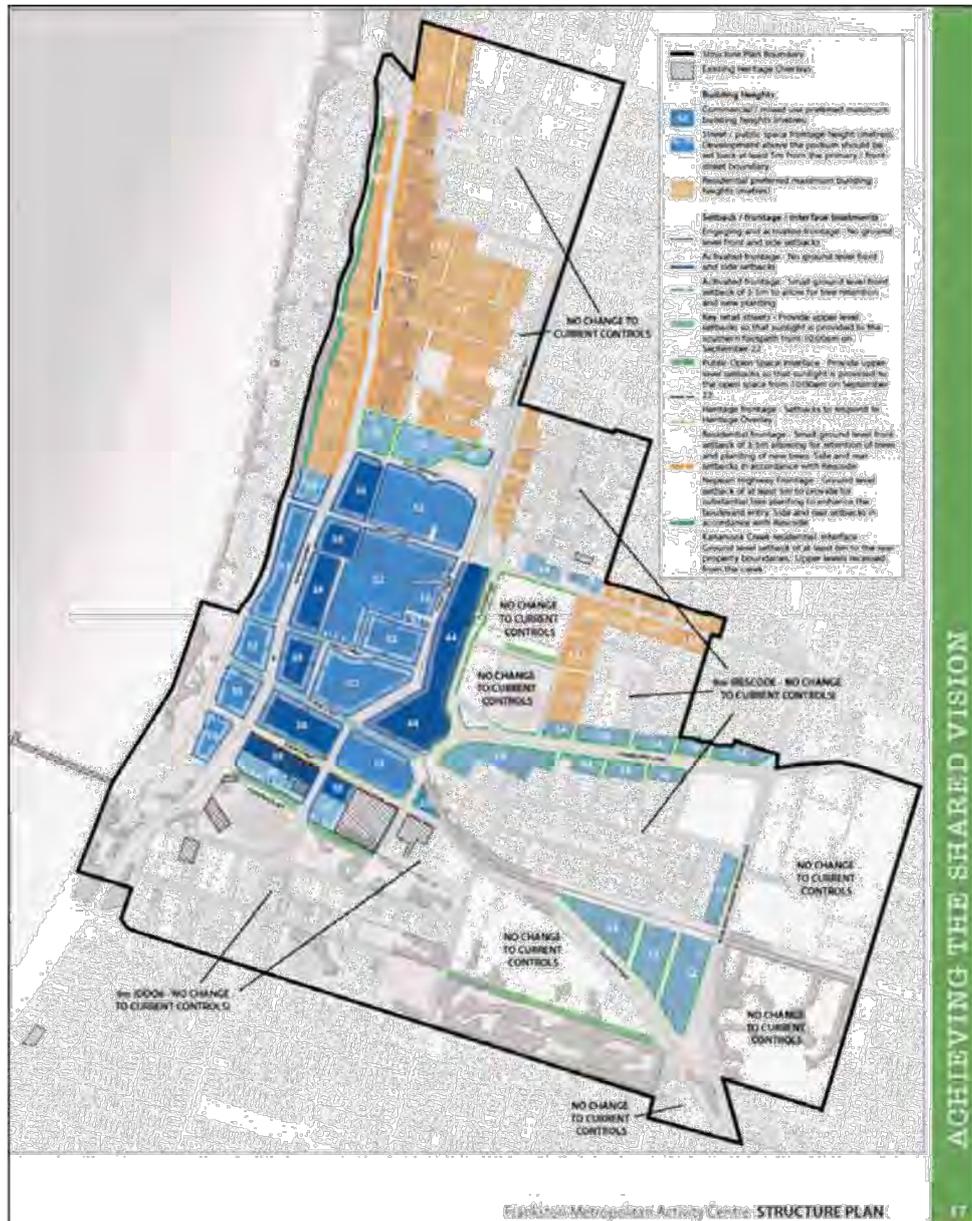


Figure 4 Building heights in the Activity Centre
Source: Structure Plan

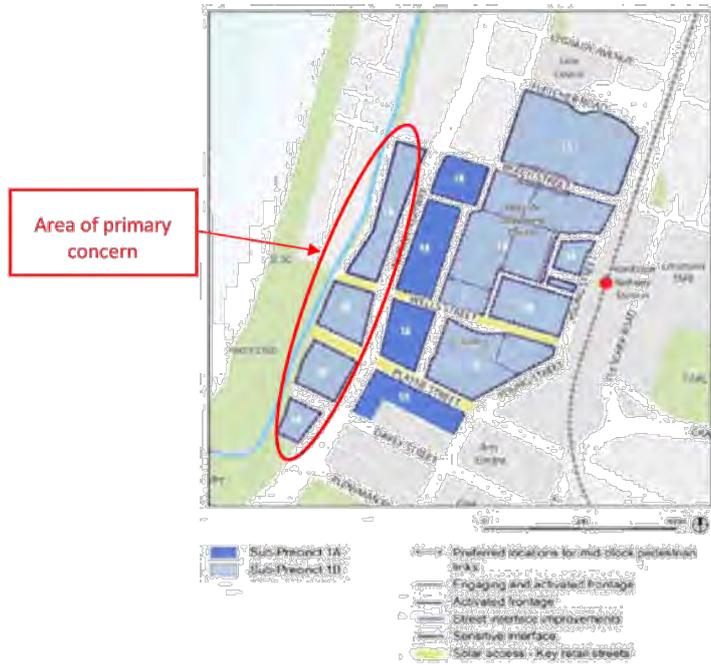


Figure 5 Precinct map for Precinct 1

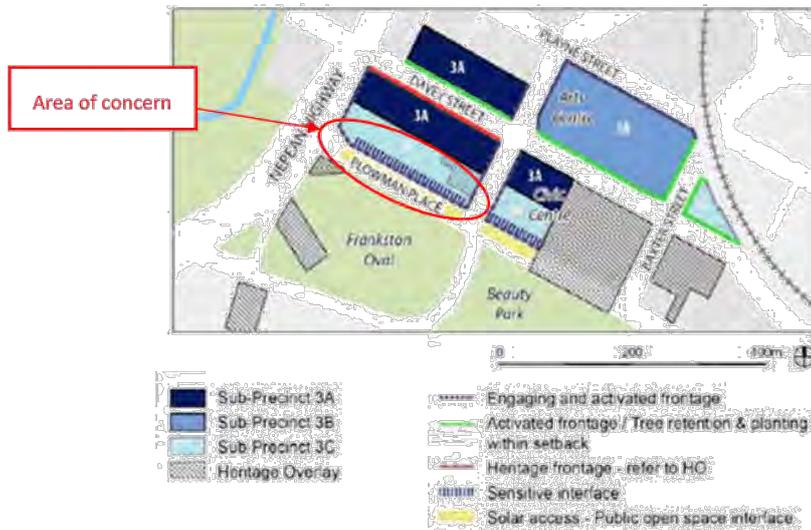


Figure 6 Precinct map for southern portion of Precinct 3
Sources: Activity Centre Zone Schedule 1

4.3 Building heights in Precinct 1B

(i) Submissions

Long Island Residents Group submitted that 32 metres is too high for Precinct 1B. It submitted that height should be directed to other land (for example, areas behind the Station) that could accommodate growth without compromising the sensitive coastal environment and Kananook Creek. Long Island Residents Group was particularly concerned about the possibility of a “*high rise wall*” of tall buildings along the foreshore, submitting that for many years the community had expressed deep concern about high rise development along the foreshore. It submitted that the height controls reflected in the Structure Plan are not consistent with earlier strategic planning work, such as the *Frankston Tafe to Bay Structure Plan 2005*, which better reflect community expectations.

Frankston Beach Association Inc raised similar issues to the Long Island Residents Group. It submitted that “*medium sized developments*” would cater for the required growth, while better preserving the seaside ambience and sunshine in the streets. It submitted that the interim height controls introduced by Amendment C49 to the Frankston Planning Scheme⁴ would be more appropriate (C49 applied a limit of 20 metres at the foreshore, stepping up to 32 metres around the Station area).

Ms Welch (represented by Ms Alexander) objected to the proposed row of “*high rise*” development along the foreshore in Precinct 1B, and submitted that a 3 storey limit should apply to the parts of the Activity Centre fronting the foreshore, to maintain the “*village atmosphere*”.

Several community submitters expressed concerns that the Amendment would allow more buildings like the South East Waster building on Kananook Boulevard to be developed along the foreshore, which they felt would be a bad planning outcome.

Council submitted that Frankston is no longer a seaside village. As a Metropolitan Activity Centre, it is required to “*pull its weight*” in terms of growth. It submitted that the building heights encouraged throughout the Activity Centre will provide for new development to support population growth and future needs for a range of uses, consistent with State planning policy including Plan Melbourne. Council submitted that the preferred height limits are consistent with the 2013 Study, and implement the strategies and objectives of the Structure Plan (including promoting architectural excellence and high quality built environments that do not dominate the landscape or adversely impact on surrounding land uses).

(ii) Discussion and conclusions

The heights proposed for Precinct 1B north of Wells Street are consistent with the 2013 Study. South of Wells Street, lower heights have been adopted (the Structure Plan and the ACZ1 adopt a limit of 32 metres, whereas the 2013 Study recommended 38 metres). Council did not explain the reason why lower height limits were adopted in the southern section of Precinct 1B.

⁴ The interim height controls introduced by Amendment C49 expired in December 2012.

From the Panel's reading of the 2013 Study, it appears to be a well reasoned document which provides a comprehensive built form analysis as required by PPN60. The Study considered existing conditions, the height limits in place at the time (which were the interim controls applied by Amendment C49), and a range of key drivers for built form. These included:

- community feedback, including that taller buildings should be set back from the beach and be graduated to maintain views closer to the bay
- the potential impacts of development in Precinct 1B on the residences of Long Island
- the potential impacts of development on views looking back from the bay
- the potential impacts of development on parkland due to bulk and overshadowing
- some (albeit basic) analysis of the market and development potential, including that:
 - 3-4 storey 'shoptop' development was currently not feasible
 - larger developments are less feasible because of the lack of maturity in the apartment market
 - feasibility and construction costs for various building heights
- a consideration of the principles in PPN60 regarding whether height controls should be mandatory or discretionary.

The 2013 Study included 3 dimensional shadow analysis and viewshed diagrams which illustrate how the recommended heights and setbacks could impact on views and solar access to streets. It also provided a strategic justification/rationale for the recommended height and setback controls for each Precinct.

The Panel is not persuaded that the preferred height limits for Precinct 1B are too high. The strategic justification/rationale for the height limits in Precinct 1B provided in section 3.4 of the 2013 Study appears plausible, and the shadow diagrams and viewshed analysis in the 2013 Study demonstrates that the preferred heights will not result in unacceptable overshadowing or blocking of views. The height limits will not operate in isolation. Any development proposal will need to respond to the whole of the ACZ1, including requirements that:

- built form be responsive to site context
- developments maintain sunlight to footpaths on the opposite side of the street and adjacent public spaces
- dominant building forms adjacent to city centre streets and public spaces are avoided
- built form responds appropriately to sensitive residential, open space and creek interfaces
- permit applications are accompanied by a site analysis, urban context report and shadow assessment, and 3D massing models (for applications over 3 storeys)
- the responsible authority consider extent to which the development contributes positively to the amenity of the precinct, and is of an appropriate scale to accommodate the mix and intensity of uses envisaged for that precinct.

The Panel considers that generally speaking, these various requirements will operate in conjunction with the preferred height limits to ensure that development in Precinct 1B responds appropriately to its surrounds and any relevant site constraints.

Having said that, the Panel considers that there should be greater emphasis on the need for development along the western and southern boundaries of Precinct 1B to respond to the surrounding creek, foreshore and established residential areas. This issue is addressed in Chapter 4.6.

The Panel concludes:

- The height limits set out in the ACZ1 for Precinct 1B are appropriate.

4.4 Building heights in Plowman Place

(i) Submissions

Submitters at 1 Plowman Place raised concerns about the height limit proposed for Plowman Place. They submitted that the Davey Street height limit (38 metres) should also apply in Plowman Place (26 metres). They submitted that concerns about overshadowing Frankston Oval (located on the other side of Plowman Place) were not sufficient reason to limit heights to 26 metres, as the oval is only used for training at nights, and used every third weekend for games. Council submitted that the preferred height limits for Plowman Place have been selected to provide a stepping down of the built form from Davey Street, and to minimise overshadowing of Frankston Oval.

(ii) Discussion and conclusions

The Panel notes that the heights proposed for Plowman Place are consistent with the 2013 Study, and that the strategic rationale for the height limits in section 7.4 of the 2013 Study appears plausible. The Panel accepts Council's submission that the height limits are designed provide for an appropriate stepping down of built form from Davey Street, and to minimise overshadowing of the Frankston Oval.

The Panel concludes:

- The height limits set out in the ACZ1 for Plowman Place are appropriate.

4.5 Setbacks in Wells Street and Beach Street

(i) Submissions

The Frankston Beach Association submitted that Wells Street and Beach Street should have a 3 metre street setback, as is proposed for Davey Street. Council submitted that a 3 metre street setback for Wells and Beach Streets is inappropriate as they are retail strips where the built form is to the property boundary.

(ii) Discussion and conclusions

The Panel accepts Council's submission that a setback on Beach and Wells Streets would be inappropriate as these are key retail streets. The Panel also notes that the zero setbacks proposed for these streets are consistent with the 2013 Study.

The Panel concludes:

- The requirement for zero street setbacks for buildings in Wells and Beach Streets is appropriate.

4.6 Impacts of development on surrounding areas

(i) Submissions

Ms Welch submitted that development in the Activity Centre will compromise residents' privacy and create unacceptable impacts from night light, day shade and summer glare from west facing windows. She submitted that the Structure Plan represents a short sighted economic plan that will favour developers with short term investment goals, to the detriment of the beach, waterways and foreshore. Council did not directly respond to these submissions.

(ii) Discussion and conclusions

The Activity Centre is identified in Plan Melbourne as a Metropolitan Activity Centre. More intensive development in the Activity Centre is consistent with State policy. While this will undoubtedly result in substantial change in Frankston, and will have impacts on areas surrounding the Activity Centre, the Panel considers that generally speaking, the Structure Plan and the ACZ1 controls strike an appropriate balance between the need to facilitate and encourage growth in the Activity Centre, and the need to protect the amenity of surrounding areas.

Having said that, the Panel considers that the ACZ1 should give more emphasis to the need to treat the western and southern interfaces of Precinct 1B sensitively. These interfaces are with Kananook Creek, the foreshore area and established residential areas. These are relatively sensitive environments, and there is the potential for development in Precinct 1B to impact these areas more significantly than the areas to the north and east. The Panel considers that the Precinct Map for Precinct 1 (refer to Figure 5 above) should identify these interfaces as sensitive interfaces, and that the precinct objectives and guidelines should give greater emphasis to these sensitive interfaces.

The Panel concludes:

- the Precinct Map for Precinct 1 (refer to Figure 5 above) should identify the western and southern boundaries of Precinct 1B as 'sensitive interfaces'
- precinct objectives and guidelines should be added requiring development along these boundaries to respond appropriately to these sensitive interfaces.

4.7 Economic analysis

(i) Submissions

Ms Welch submitted that there is no credible economic analysis supporting the building heights recommended in the 2013 Study. Council did not respond to this submission.

(ii) Discussion and conclusions

Council did not present any economic analysis supporting the Structure Plan or the proposed built form controls. However the Panel notes that the 2013 Study does contain some (albeit basic) analysis of the market and development potential, as noted in Chapter 4.3 above. The Panel also notes that the Structure Plan is supported by a background report entitled *Frankston Activities Area Economic and Market Feasibility Study 2011* undertaken by Charter Keck Cramer.

Nothing was put to the Panel which demonstrates that the height limits in the Structure Plan or the ACZ1 will have the effect of restricting growth, or preventing the Activity Centre from fulfilling its role as a designated Metropolitan Activity Centre. Nor was anything put to the Panel demonstrating that the level of growth facilitated by the building heights would have adverse economic impacts on any other part of the municipality. The Panel acknowledges that the market may not be sufficiently mature to take up the full amount of growth and development provided for by the proposed building heights and setbacks. However the Panel does not consider that this is a reason not to support the Amendment.

The Panel concludes:

- There is no reason not to support the Amendment on the basis of a lack of economic analysis.

4.8 Mandatory versus discretionary height controls**(i) Submissions**

Submissions from Long Island Residents Group and Ms Welch raised concerns in relation to discretionary height limits, submitting that discretionary limits provide Council and the community with no control over building heights, and that the Precinct 1B's location adjacent to the foreshore and Kananook Creek constitutes exceptional circumstances justifying mandatory limits.

(ii) Discussion and conclusions

PPN60 makes it clear that strong strategic justification is required for mandatory controls, and that they should only be applied where absolutely necessary. As noted in Chapter 4.3, the preferred height limits in the ACZ1 operate in conjunction with many other requirements, including that built form be responsive to site context, and responds appropriately to sensitive residential, open space and creek interfaces. Any permit application that exceeds the preferred height limits is subject to third party notice and review rights, providing an additional level of scrutiny. The Panel is satisfied that preferred height limits, combined with the other requirements of the ACZ1, are adequate to ensure that built form in Precinct 1B responds appropriately to the foreshore and Kananook Creek without needing mandatory height limits.

The Panel concludes:

- The various controls in the ACZ1 are adequate to ensure that development in Precinct 1B responds to the foreshore and Kananook Creek, and that mandatory height limits are not required.

4.9 Recommendations

The Panel makes the following recommendations:

Prior to adopting the Amendment, Council make the following changes:

- a) Amend the Precinct Map in Clause 5.1-1 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to designate the western and southern boundaries of Precinct 1B as 'sensitive interface' areas.
- b) Amend the Precinct objectives in Clause 5.1-2 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to include the following:

To ensure that development along the western and southern boundaries of Sub-precinct 1B responds to the sensitive interfaces with Kananook Creek and the surrounding foreshore and established residential areas.
- c) Amend the Precinct guidelines in Clause 5.1-4 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to include guidelines (to be developed by Frankston City Council) that guide development in the sensitive interface areas of Precinct 1B.

5 Other issues

5.1 The issues

The issues are:

- completing the activation of the Kananook Creek Precinct should remain a priority
- pedestrian links between the City Centre area and Kananook Boulevard
- creating a vibrant and safe community heart as a desired destination
- the lack of an up to date parking strategy informing the Structure Plan
- effective implementation of the Structure Plan and restoring respect for proper planning process and community consultation and public debate.

5.2 Activation of the Kananook Creek Precinct

(i) Submissions

Long Island Residents Group submitted that the Kananook Creek Precinct was a “*top priority*” identified in the *Frankston TAFE to Bay Structure Plan 2005* that has “*quietly slipped out of sight into the ‘too hard basket’*”. The Group submitted that a vibrant and active public space along the creek “*was to be a dividend for the huge public investment on the Frankston Foreshore and at Kananook Creek*”, and asked what happened to the funds that had been committed to this project.

Council submitted that while this issue is considered beyond the scope of the Amendment, activation of the Kananook Creek Precinct will be facilitated by the Structure Plan objectives that will seek to instruct built form outcomes of the highest standard and activated frontage along Kananook Boulevard, and ensure linkages from the foreshore through Kananook Creek and into the city centre.

(ii) Discussion and conclusions

The Panel accepts Council’s submission, and finds that the objectives outlined by Council relating to the creek precinct are reflected in the ACZ1 controls. The Panel also recommends stronger links between the Structure Plan and the ACZ1 controls (refer to Chapter 6), which will require Council to consider the various objectives of the Structure Plan relating to the Creek when assessing permit applications. Other issues raised in relation to previous commitments to revitalise the creek and surrounds are beyond the scope of the Amendment, and the Panel makes no further comment.

The Panel concludes:

- No changes are required to the Amendment to address the activation of the Kananook Creek precinct.

5.3 Pedestrian links

(i) Submissions

Frankston Beach Association submitted that all development on the western side of Nepean highway should have pedestrian links to Kananook Boulevard. Council responded that the

Structure Plan includes objectives that require that new development provides pedestrian linkages between the city centre, Kananook Creek and Frankston Beach.

(ii) Discussion and conclusions

The Panel considers that the ACZ1 controls adequately deal with pedestrian linkages, in particular the requirements that built form within the Activity Centre:

- integrate with and contribute positively to the streetscape through the provision of active frontages that promote movement between the private and public realms
- provide access to pedestrians, regardless of their level of mobility
- respond appropriately to sensitive residential, open space and creek interfaces.

The Panel's recommendation for stronger links between the Structure Plan and the ACZ1 controls (refer to Chapter 6) will also require Council to consider the objectives in Section 4.9 of the Structure Plan relating to pedestrian linkages when assessing permit applications.

The Panel concludes:

- No specific changes are required to the Amendment to address pedestrian linkages.

5.4 Creating a vibrant and safe community heart

(i) Submissions

Long Island Residents Group submitted that more town parks and squares are required to attract residents to the City Centre area, thereby ensuring a safer and more vibrant community heart. Council responded that the creation of town parks and squares is being included within other strategic work currently being undertaken, including the Frankston Station Redevelopment Project.

(ii) Discussion and conclusions

The Panel considers that the ACZ1 controls adequately deal with public safety and amenity, in particular the requirements that:

- the responsible authority consider the extent to which development provides for the surveillance of public spaces and creates a safe environment, and encourages activity within public streets and spaces
- built form within the activity centre separate pedestrian entries from vehicle entries.

The Panel's recommendation for stronger links between the Structure Plan and the ACZ1 controls (refer to Chapter 6) will also require Council to consider the objectives in Section 4.10 of the Structure Plan relating to public safety when assessing permit applications.

The Panel concludes:

- No specific changes are required to the Amendment to address the issue of creating a safe and vibrant community heart.

5.5 Parking strategy

(i) Submissions

The Long Island Residents Group submitted that a car parking strategy should be a critical element of the Structure Plan, and that the parking data relied on in the preparation of the Structure Plan (the 2010 Frankston CAD Parking Study) is out of date.

Council responded that the ACZ1 does not seek to regulate car parking, although the Structure Plan includes objectives relating to managing vehicle movement, seeking a shift to more sustainable forms of transport, providing better access to car parking facilities and providing safe and convenient pedestrian access to car parks. It submitted that car parking requirements are assessed pursuant to Clause 52.06 of the Frankston Planning Scheme, and that Council will seek to apply the Parking Overlay to the Structure Plan area by a future amendment. The proposed Overlay and associated Frankston Metropolitan Activity Centre Parking Precinct Plan will provide the planning blueprint to implement future improvements in parking supply, together with actions to improve management of existing car parking, improvements for active transport and improvements to access to public transport.

(ii) Discussion and conclusions

The Panel accepts Council's submission that parking issues are appropriately dealt with via an integrated master plan approach to car parking that will be the subject of a future amendment that is already in the preparation stages. The Panel considers that this approach constitutes sound planning, and is consistent with the principles in PPN56 outlined in Chapter 2.4.

The Panel concludes:

- There is no reason not to support the Amendment on the basis of parking issues.

5.6 Community consultation and public debate

(i) Submissions

The Long Island Residents Group submitted that effective implementation of the Structure Plan, and restoring respect for proper planning process and community consultation and public debate, are critical. It also raised concerns about Council electoral cycles and community consultation in relation to previous developments. Council did not respond to these issues, submitting that are beyond the scope of this Amendment.

(ii) Discussion and conclusions

The general principle is that permit applications in the ACZ are exempt from third party notice and review rights, unless the schedule to the zone states otherwise. This is because the Structure Plan on which the ACZ controls are based will generally have already been through a process of community consultation.

The Long Island Residents Group and other community submitters are clearly not happy with the outcome of the Structure Plan, and are concerned that their views were not taken into

account in the Structure Plan consultation process. However that process is not before the Panel.

For the reasons set out elsewhere in this report, the Panel considers that the built form controls for the Central City area are appropriate. Any application that proposes to exceed the preferred height and setback limits is subject to third party notice and review rights, as are other applications that could have a particular impact on the community (such as applications that could impact on surrounding residential areas, or applications for certain uses). The Panel considers that this approach is appropriate, and consistent with PPN56. Broader issues relating to community consultation and public debate are beyond the scope of the Amendment.

The Panel concludes:

- No changes are required to the Amendment to address issues relating to community consultation and public debate.

6 Drafting matters

6.1 Discussion and conclusions

The Panel's preferred version of the ACZ1 is attached as Appendix B. This includes the Panel's recommendations in:

- Chapter 3.6, for:
 - an additional precinct objective relating to the railway land and railway operations
 - an additional application requirement relating to potential contamination of the VicTrack land
- Chapter 4.9, for greater emphasis on the sensitive interfaces along the western and southern boundaries of Precinct 1B.

Many of the issues raised by submitters and discussed in Chapter 5 of this report are addressed, at least in part, by the Vision and Objectives set out in the Structure Plan. Although the Structure Plan is a reference document in the ACZ1, there is no direct requirement for permit applications in the ACZ1 to address the Structure Plan, or for the responsible authority to consider the Structure Plan when assessing applications. The Panel considers that the drafting of the ACZ1 would be improved by including appropriate references to the Structure Plan in the decision guidelines in Clause 8.0 of the ACZ1. The Panel's preferred version of the ACZ1 provides for this.

The Panel has made various suggestions for policy neutral drafting improvements in its preferred version of the ACZ1, including correcting numbering errors and the like.

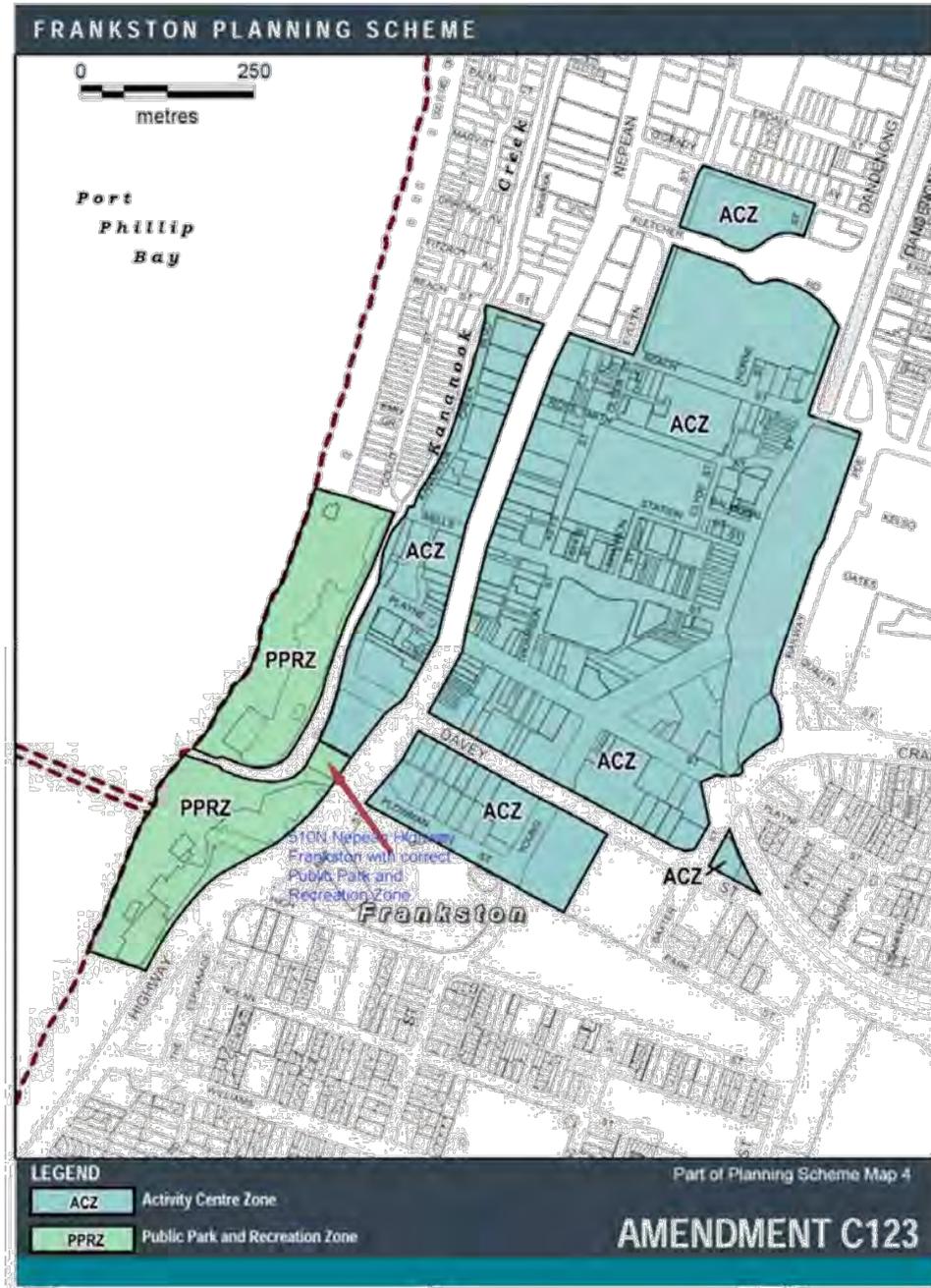
Finally, the Panel notes that the Structure Plan is not, at this stage, referenced in the Local Planning Policy Framework. The Panel recommends that the Municipal Strategic Statement and local policies (in particular Clause 22.02 Frankston Central Activities District Policy) be updated in the next general review of the planning scheme to refer to the new Structure Plan, and to remove references to any outdated Structure Plans that no longer apply.

6.2 Recommendations

The Panel makes the following recommendations:

Make the other policy neutral drafting changes shown in Appendix B to this Report to improve the operation of Schedule 1 to the Activity Centre Zone.

Appendix A Corrected mapping - 510N Nepean Highway Frankston



Appendix B Panel preferred version of Schedule 1 to the Activity Centre Zone

DD/MM/YYYY
Proposed C123

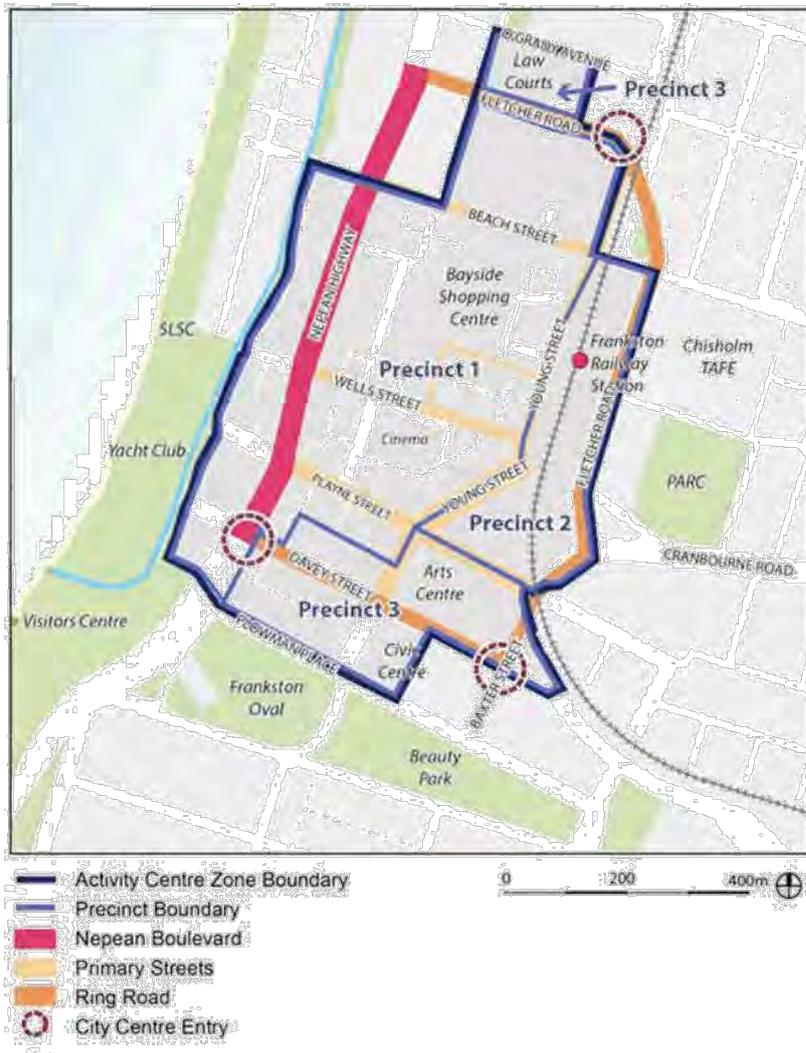
SCHEDULE 1 TO THE ACTIVITY CENTRE ZONE

Shown on the planning scheme map as ACZ1.

FRANKSTON METROPOLITAN ACTIVITY CENTRE

1.0 Framework Plan

DD/MM/YYYY
Proposed C123



2.0 Land use and development objectives

DD/MM/YYYY
Proposed C123

To establish the Frankston Metropolitan Activity Centre (FMAC) as the major retail, hospitality and business centre in the region.

To establish the FMAC as a focus for new development and investment in the region.

To enhance and promote Frankston as a regionally significant centre for community services, arts and culture.

To encourage office and accommodation development.

To increase the residential population within the FMAC.

To encourage the consolidation of land to improve development viability and design outcomes.

To promote excellence in architectural quality and define an identity for the FMAC that contributes to vibrant and exciting streets.

To improve integration and connectivity between the Frankston Arts Centre, the library, the Railway Station and throughout the centre.

To create a cohesive public realm that enhances the pedestrian environment of streets and improves transportation access and infrastructure.

To minimise the impact of vehicle movement throughout the city centre and provide safer- streets for pedestrians and other users.

3.0 Table of uses

DD/MM/YYYY
Proposed C123

Section 1 - Permit not required

USE	CONDITION
▪ Accommodation (other than Camping and caravan park, Corrective institution, Dependent person's unit and Host farm)	Any frontage at ground floor level must not exceed 2 metres (other than a bed and breakfast and caretaker's house).
▪ Bus terminal	
▪ Child care centre	Any frontage at ground floor level must not exceed 2 metres and access must not be shared with a dwelling (other than a caretaker's house).
▪ Cinema	
▪ Cinema based entertainment facility	
▪ Education centre	
▪ Home occupation	
▪ Informal outdoor recreation	
▪ Minor utility installation	
▪ Office	Any frontage at ground floor level must not exceed 2 metres, unless the office is a bank, real estate agency, travel agent, or other office where the floor space adjoining the frontage is a customer service area accessible to the public.
▪ Place of assembly (other than Carnival, Circus, Nightclub and Place of worship)	
▪ Railway	

▪ Railway Station	
▪ Retail premises (other than Gambling premises, Hotel, Shop and Tavern)	Must be in Precincts 1 or 2.
▪ Shop (other than Adult sex bookshop and bottleshop)	Must be in Precincts 1 or 2.
▪ Tramway	
▪ Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 Permit required

USE	CONDITION
▪ Adult sex bookshop	Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or, land use for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school. Must be in Precinct 1.
▪ Bottle shop	Must be in Precinct 1.
▪ Gambling premises	
▪ Hotel	
▪ Leisure and recreation facility (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track)	
▪ Nightclub	Must be in Precinct 1.
▪ Place of worship	The gross floor area of all buildings must not exceed 250 square metres.
▪ Service industry	Must be in Precinct 1 or 2.
▪ Tavern	
▪ Any other use not in Section 1 or 3	

Section 3 – Prohibited

USE
▪ Agriculture
▪ Brothel
▪ Camping and caravan park
▪ Corrective institution
▪ Drive in theatre
▪ Earth and energy resources industry
▪ Fuel depot
▪ Host farm
▪ Industry (other than service industry)
▪ Intensive animal husbandry
▪ Major sports and recreation facility
▪ Motor racing track

USE

- Primary produce sales
- Refuse disposal
- Saleyard
- Transport terminal (other than Railway Station or Bus Terminal)
- Warehouse (other than Commercial display area or Mail centre)

4.0 Centre-wide provisionsDD/MM/YYYY
Proposed C123**4.1 Use of land**DD/MM/YYYY
Proposed C123

A permit is not required to use land for the purposes and services of Local Government providing the use is carried out by, or on behalf of, the public land manager.

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

4.2 SubdivisionDD/MM/YYYY
Proposed C123

A permit is required to subdivide land.

4.3 Buildings and worksDD/MM/YYYY
Proposed C123

A permit is required for all buildings and works.

No permit is required to construct or carry out buildings and works -for the following:

- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
 - The alteration does not include the installation of an external roller shutter.
 - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager/road management authority.
- The construction or modification of a waste pipe, flue, vent, duct, exhaust fan, air conditioning plant or similar.
- Buildings and works for the purpose of Local Government or Transport providing the buildings and works are use-is carried out by, or on behalf of, the public land manager.

4.4 Design and developmentDD/MM/YYYY
Proposed C123**Built Form**

Built form within the activity centre should:

- Be responsive to site context.
- Maintain sunlight to footpaths on the opposite side of the street and adjacent public spaces.
- Avoid visually dominant building forms adjacent to city centre streets and public spaces.
- Reflect the status of Frankston as a Metropolitan Activity Centre on key landmark sites.

- Provide a clear delineation between development in the city centre and development in surrounding areas.
- Integrate with and contribute positively to the streetscape through the provision of active frontages that promote movement between the private and public realms.
- Provide access to pedestrians, regardless of their level of mobility.
- Locate pedestrian entries to buildings on the pedestrian network and emphasise entries with prominent design features, signage or landscape treatments.
- Separate pedestrian entries from vehicle entries.
- Respond appropriately to sensitive residential, open space and creek interfaces.
- Where relevant, consider the impact of new development on railway land and have regard for the primacy of the transport purpose of this land.
- Consider the impact of new development on the city centre skyline from surrounding viewpoints.
- Ensure that development is respectful of possible future development of adjoining sites and the sharing of amenity with adjacent properties.
- Provide weather protection that reduces the impacts of wind and rain and ensures adequate shade.
- Provide access and servicing from existing roads, with minimal impact on public spaces, and minimise the number of vehicle crossovers on pedestrian paths.
- Integrate Ecologically Sustainable Design (ESD) and Water Sensitive Urban Design (WSUD) principles.

5.0 Precinct provisions

DD/MM/YYYY
Proposed C123

5.1 Precinct 1 – City Centre

DD/MM/YYYY
Proposed C123

5.1-1 Precinct map

DD/MM/YYYY
Proposed C123

Show western and southern boundaries as 'Sensitive interface'



Sub-Precinct 1A
 Sub-Precinct 1B

- Preferred locations for mid-block pedestrian links
- Engaging and activated frontage
- Activated frontage
- Street interface improvements
- Sensitive interface
- Solar access - Key retail streets

5.1-2 Precinct objectives

DD/MM/YYYY
Proposed C123

To provide major opportunities for mixed use development with housing, serviced apartments, hotels, community uses, education providers, health services or offices located above retail ground floor uses throughout the precinct.

To provide opportunities for outdoor dining throughout the precinct.

To improve the integration of the Bayside Shopping Centre into the existing street network and surrounding retail areas.

To ensure that development along the western and southern boundaries of Sub-precinct 1B responds to the sensitive interfaces with Kananook Creek and the surrounding foreshore and established residential areas.

5.1-3 Precinct requirements

DD/MM/YYYY
Proposed C123

Table reformatted for greater clarity

Sub-precinct	Preferred maximum building height		Preferred street setback	
1A	12 metres	within 5 metres of property boundaries abutting: <ul style="list-style-type: none"> • Nepean Highway between Beach Street and Davey Street • Beach Street • Wells Street • Thompson Street • Playne Street 	minimum 3 metres	Davey Street
	38 metres	all other locations	0 metres	in all other locations
1B	12 metres	within 5 metres of property boundaries abutting: <ul style="list-style-type: none"> • Fletcher Road • Beach Street • Kananook Boulevard • Wells Street • Playne Street • Young Street (between Beach Street and Playne Street) • Nepean Highway • Shannon Mall • south side of Station Street • Station Mall 	0 metres	all locations
	32 metres	in all other locations		

5.1-4 Precinct guidelines

DD/MM/YYYY
Proposed C123

New development should provide active and/or engaging frontages in locations specified on the Precinct 1 – City Centre Precinct Map.

~~New development should retain existing trees and provide for the planting of new trees in locations specified on the Precinct 1 – City Centre Precinct Map.~~ **[No locations are specified on the Precinct Map.]**

In locations identified as ‘Solar access – Key Retail Streets interface’ on the Precinct 1 – City Centre Precinct Map, new development should provide upper level setbacks that retain sunlight to the open space from 9:00am to 3.00pm on September 22.

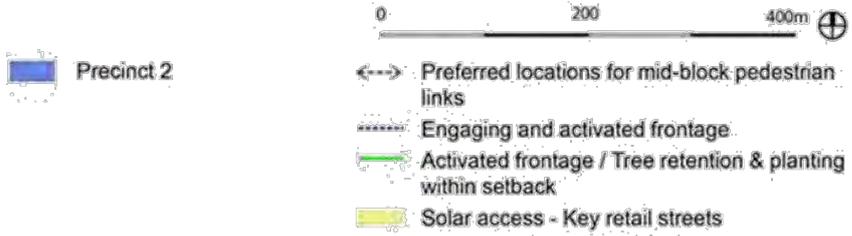
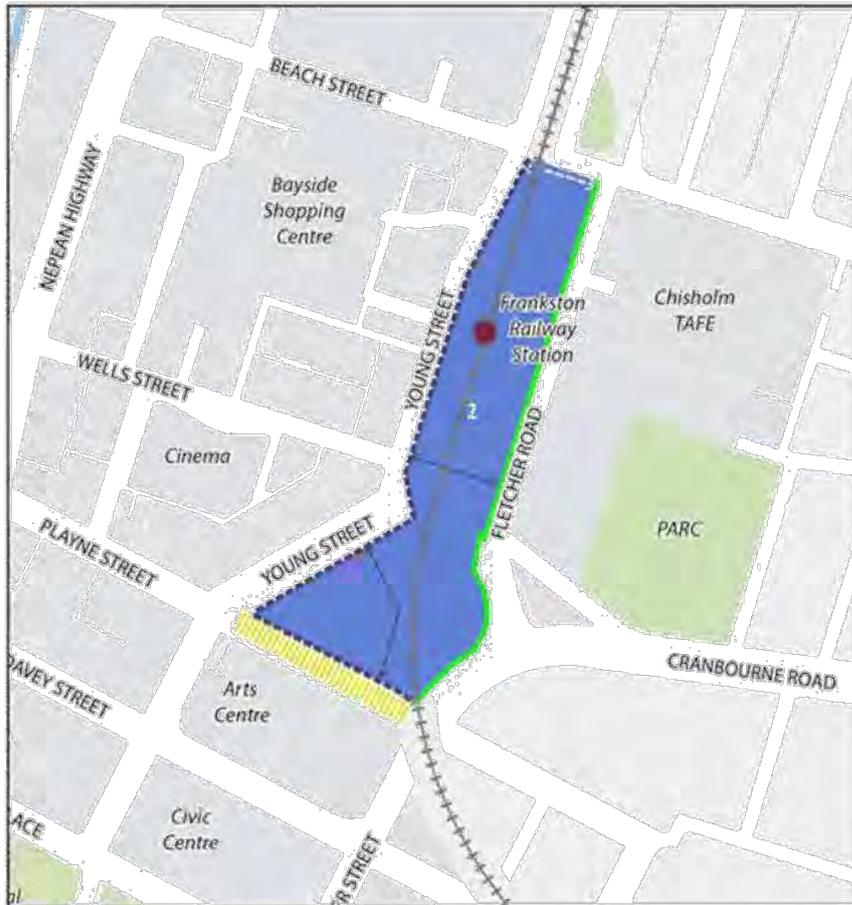
Insert new guidelines to guide development in sensitive interface areas in Sub-precinct 1B

5.2 Precinct 2 – Frankston Station

DD/MM/YYYY
Proposed C123

5.2-1 Precinct map

DD/MM/YYYY
Proposed C123



5.2-2 Precinct objectivesDD/MM/YYYY
Proposed C123

To create an attractive and legible transport hub that includes an efficient bus interchange.

To ensure that use and development within the Precinct is responsive to current and planned railway operations, having regard to the primacy of the transport purpose of the railway land.

To encourage commercial, residential and retail uses which activate the precinct and are complementary to the role of the City Centre Precinct.

To enhance the public realm along Young Street and ensure it is well integrated with the transport hub.

To strengthen linkages across the rail line and better connect the city centre to Chisholm Institute and the Peninsula Aquatic and Recreation Centre.

To provide adequate car and bicycle parking for commuters.

5.2-3DD/MM/YYYY
Proposed C123**Precinct requirements**

Reformat table as per Clause 5.1-3

Sub-precinct	Preferred maximum building height	Preferred street setback
N/A	12 metres within 5 metres of property boundaries abutting Young Street and Playne Streets 44 metres in all other locations	0 metres in all other locations

5.2-4DD/MM/YYYY
Proposed C123**Precinct guidelines**

New development should provide active and/or engaging frontages in locations specified on the Precinct 2 – Frankston Station Map.

New development should retain existing trees and provide for the planting of new trees– in locations specified on the Precinct 2 –Frankston Station Map.

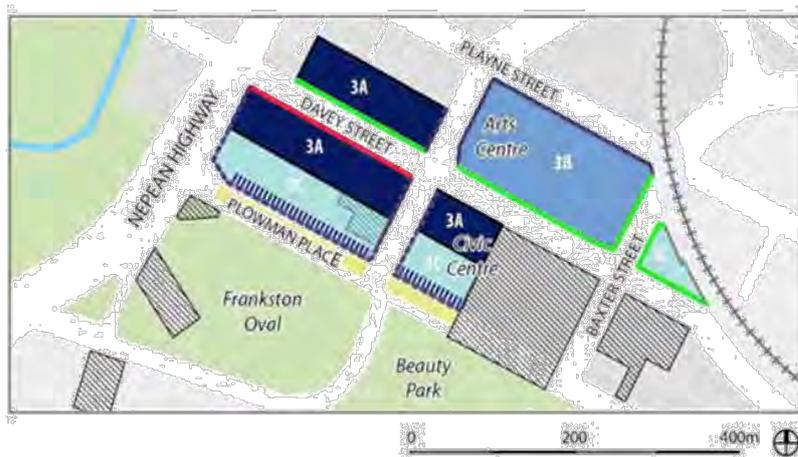
In locations identified as ‘Solar access – Public open space Key Retail Streets, on the Precinct 2 – Frankston Station Map, new development should provide upper level setbacks that retain sunlight to the open space from 10:00am on September 22.

New development should respond to the rail environment and its context as a transport corridor.

5.23 Precinct 3 – Arts, Entertainment and Government Services

5.23-1 Precinct map

DD/MM/YYYY
Proposed C123



- | | |
|------------------|---|
| Sub-Precinct 3A | Engaging and activated frontage |
| Sub-Precinct 3B | Activated frontage / Tree retention & planting within setback |
| Sub-Precinct 3C | Heritage frontage - refer to HO |
| Heritage Overlay | Sensitive interface |
| | Solar access - Public open space interface |

5.23-2 Precinct objectivesDD/MM/YYYY
Proposed C123

To encourage the location of arts and cultural activities, entertainment uses, and government offices.

To encourage complementary uses such as higher density residential development, offices and education.

To strengthen the role of the Frankston Arts Precinct as a key destination and to further realise its ability to showcase the City.

5.23-3 Precinct requirementsDD/MM/YYYY
Proposed C123

Reformat table as per Clause 5.1-3

Sub-precinct	Preferred maximum building height	Preferred street setback
3A	12 metres within 5 metres of property boundaries abutting the northern side of Davey Street 38 metres in all other locations	Minimum 3 metres north side of Davey Street 0 metres in all other locations
3B	12 metres within 5 metres of property boundaries abutting Playne Street and Davey Street 32 metres in all other locations	Minimum 3 metres from Davey Street and Baxter Street 0 metres in all other locations
3C	12 metres within 5 metres of property boundaries abutting O'Grady Avenue, Fletcher Road, Plowman Place, Beauty Park and Frankston Primary School 26 metres in all other locations	Minimum 3 metres from O'Grady Avenue and Fletcher Road 0 metres in all other locations

5.23-4 Precinct guidelinesDD/MM/YYYY
Proposed C123

New development should provide active and/or engaging frontages in locations specified on the Precinct 3 – Arts, Entertainment and Government Services Map.

New development should retain existing trees and provide for the planting of new trees in locations specified on the Precinct 3 – Arts, Entertainment and Government Services Map.

In locations identified as 'Solar access – Public open space interface' on the Precinct 3 – Arts, Entertainment and Government Services Map, new development should provide upper level setbacks that retain sunlight to the open space from 10:00am on September 22.

~~On sites affected by the Heritage Overlay development~~ Development setbacks should have regard to heritage buildings.

6.0 Application requirementsDD/MM/YYYY
Proposed C123**Use**

In addition to the application requirements set out at Clause 37.08-7, an application to use land must be accompanied by the following information, as appropriate:

- A Waste Management Plan which demonstrates as appropriate:
 - Likely waste generation.
 - Provision and allocation of bins for garbage, recycling, green waste etc.
 - The location and dimensions of bin storage areas, chutes etc., including access points for collection.
 - The proposed method and frequency of waste collection.

- An amenity action plan that addresses how off-site amenity impacts are to be managed, including in relation to:
 - Noise.
 - Vibration.
 - Odour.
 - Hours of Operation.

Buildings and works

In addition to the application requirements set out at Clause 37.08-7, an application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A site analysis and urban context report and shadow assessment, which demonstrates how the proposal responds to:
 - The Design and Development provisions at [Section Clause 4.4](#) and all relevant requirements set out at [Section Clauses 5.0 - 5.2](#) to this Schedule. [\[Query whether this cross-reference is correct - should it read "Clauses 5.1, 5.2 and 5.3 to this Schedule \(as relevant\)"\]](#)
 - Environmentally Sustainable Design principles in terms of orientation, day lighting, thermal comfort, embodied energy and energy ratings, as well as the minimisation of energy consumption, waste emissions and water usage.
 - An Architectural design statement that details the architectural response to the design of the building.
 - Where relevant, a report from a suitably qualified heritage consultant that assesses the impact of the proposed building and works on a heritage place on the land or adjoining land.
 - A study which demonstrates reasonable levels of daylight and ventilation for higher density development.
- How the development addresses any adverse wind conditions.
- [For development on land adjacent to the railway land](#), [h](#)How the development addresses any interface issues with railway land including but not limited to railway infrastructure, drainage, vibration, overlooking, sun glare, noise and sight lines.
- For new residential and mixed use development, an acoustic report prepared by a suitably qualified person to demonstrate the proposed building incorporates appropriate noise attenuation measures to reasonably protect the amenity of future residents.
- For all applications over three storeys in height, a 3D massing model which describes a building envelope that shows:
 - The potential impact of the development on the private open space and north facing habitable rooms of adjoining properties.
 - How the development has been designed to minimise overlooking to the private open space and habitable room windows of adjacent properties and of dwellings within the proposed development.
 - The potential impact of the development on the common and private outdoor open space of the subject site.
 - The potential impact of the development on the public realm adjacent to the proposal ensuring that overshadowing of major pedestrian routes, parks and other public spaces is minimised; and that specifically:
 - solar access is provided to footpaths on the south side of east-west streets for at least three hours between 9:00am and 3:00pm on 22 September, and
 - reasonable solar access is provided to the ground floor of buildings opposite in winter. [\[Reformatted for clarity\]](#)
 - How the built form has been articulated within the envelope to achieve maximum solar access internally, to neighbouring properties and the public realm.

- How the design (including building height and setbacks) contributes to the precinct objectives.
- A Waste Management Plan which demonstrates as appropriate:
 - Strategies for waste ~~minimisation~~ minimisation during construction.
 - Likely waste generation.
 - Provision and allocation of bins for garbage, recycling, green waste etc.
 - The location and dimensions of bin storage areas, chutes etc., including access points for collection.
 - The proposed method and frequency of waste collection.

VicTrack land – potential contamination

An application for a sensitive use (residential use, child care centre, pre-school centre or primary school), or the construction or carrying out of buildings and works in association with a sensitive use, on land owned or formerly owned by VicTrack must be accompanied by an Environmental Site Assessment detailing the likelihood of contamination on the land, to the satisfaction of the responsible authority.

7.0 Notice and review

DD/MM/YYYY
Proposed C123

An application to use ~~the~~ the land, or to construct a building, for the purpose of an Adult sex bookshop, Bottle shop, Gambling premises, Hotel, Nightclub, Place of assembly or Tavern is not 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.

An application to construct a building or construct or carry out works is not 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 if it is:

- An application for a building or works which is within 30 metres of land (not a road) in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.
- An application for buildings and works that exceeds the preferred maximum building height or minimum street setback requirements as outlined in this Schedule.
- ~~An application to use land for the purposes of an Adult sex bookshop, Bottle shop, Gambling premises, Hotel, Nightclub, Place of assembly or Tavern.~~

8.0 Decision guidelines

DD/MM/YYYY
Proposed C123

Before deciding on an application, in addition to the decision guidelines in Clause 65 and Clause 37.08-9, the responsible authority must consider, as appropriate, the Frankston Metropolitan Activity Centre Structure Plan, 2015 and:

Use

- The likely adaptability of any space within any podium not proposed to be occupied by commercial floorspace.
- Any loss of existing job generating floor space compared to the proposed amount of floor space.
- The extent to which uses contribute to a vibrant local economy and promote the activity area as a tourist destination.
- For applications for licensed venues, the likely social and amenity impacts of the proposal on the surrounding area.

- For all applications for a Bottle shop, Hotel, Supermarket or Place of assembly where packaged liquor will be sold, the proposed size, location and opening hours of the use.

Design and built form

- Floor to ceiling heights that allow for flexibility of future uses.
- The extent to which the development contributes positively to the amenity of the precinct and is of an appropriate scale to accommodate the mix and intensity of uses envisaged for that precinct ~~net~~.
- The extent to which the development is consistent with the principles of Environmentally Sustainable Development (ESD).
- The extent to which the development is consistent with the principles of Water Sensitive Urban Development (WSUD).
- The extent to which development provides for the surveillance of public spaces and creates a safe environment.
- The extent to which development encourages activity within public streets and spaces.
- Whether the scale and intensity of a development would result in the underdevelopment of a site.
- The extent to which development provides appropriate on-site amenity for future occupants.
- The extent to which the development prioritises walking, cycling and public transport use, and provides car parking that responds to anticipated demand, does not dominate the street frontage, and is functional and well-designed.
- Whether the building has minimised overlooking of adjacent private property without the need for screening, and where necessary, used building articulation and screening devices, including wing walls, planter boxes and louvers to protect privacy of adjoining properties while also providing an outlook and good internal amenity.

Subdivision

- Whether the subdivision is associated with a development proposal ~~that~~ that supports the objectives of the Frankston Metropolitan Activity Centre Structure Plan, 2015 and this Schedule.
- Whether the subdivision of land reduces the potential of the land to be developed consistently with the Frankston Metropolitan Activity Centre Structure Plan, 2015 and this Schedule.

9.0 Advertising signs

DD/MM/YYYY
Proposed C123

Advertising sign requirements are at Clause 52.05. All land is in Category 1.

10.0 Reference documents

DD/MM/YYYY
Proposed C123

Frankston Metropolitan Activity Centre Structure Plan, 2015

Appendix C Document list

No	Date	Description	Tabled by
1A	10/11/ 2016	Council Part B submission	Frankston City Council
1B	10/11/ 2016	Attachments to Council's Part B submission: <ul style="list-style-type: none"> • Zoning map for Amendment C123 • Map of Area 1 (proposed rezoning to ACZ1) • Map of Area 2 (proposed rezoning to PPRZ) • Plan showing location of submitters • Zoning map in and around the Station Precinct • Frankston Station Precinct Redevelopment Master Plan • Extract from ACZ1 showing Precinct Map for Precinct 2 (Station Precinct) • Extract from ACZ1 showing Precinct Map for Precinct 1 (City Centre) 	Frankston City Council
2	10/11/ 2016	Plan showing Frankston Interchange Area Land Ownership	Frankston City Council
3	10/11/ 2016	Submission on behalf of PTV/DEDJTR	PTV
4	10/11/ 2016	Submission on behalf of VicTrack	VicTrack
5	10/11/ 2016	Submission on behalf of Frankston Beach Association Inc	Frankston Beach Association Inc
6	10/11/ 2016	Submission on behalf of Eve Welch	Ms Alexander
7	10/11/ 2016	Extract from Frankston Activities Area Building Heights and Setback Study	Ms Alexander
8	10/11/ 2016	Submission on behalf of Long Island Residents Group Inc	Long Island Residents Group
9	10/11/ 2016	Aerial photograph of the Frankston Metropolitan Activity Centre	Frankston City Council
10	10/11/ 2016	Panel report for Amendment C130 to the Whittlesea Planning Scheme	Frankston City Council
11	22/11/ 2016	Phase 1 Environmental Site Assessment Frankston Station Precinct Frankston Victoria, January 2012	VicTrack
12	2/12/2016	VicTrack mark-up of the ACZ1	VicTrack

Executive Summary**11.10 October Town Planning Progress Report**

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.3 Ensure good governance and management of Council resources
Priority Action	3.3.2 Implement a schedule of reviews of services, plans, policies and protocols to ensure good governance

Purpose

To provide Council with an update on the exercise of planning delegations by Council officers for the month of October 2016.

Recommendation (Director Community Development)

That Council receives and notes the report.

Key Points / Issues

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

- Planning Applications received;
- Planning Decisions;
- Subdivision applications received;
- Subdivision decisions;
- Planning scheme amendments;
- VCAT Appeal register; and
- VCAT decisions.

In October 2016, 77 applications were received with 65 applications determined. A total of 66% of decisions were made within 60 days.

Twenty (20) decisions related to multi-unit dwelling applications. All of these decisions complied with Council's Visitor Car Parking Guidelines.

In January 2017 three (3) matters were listed to be heard by VCAT. Council will be represented by planning consultants in one matter and by officers in the remaining matters. Representation at VCAT is a cost to Council in the order of \$3,000-\$10,000 per case depending on length and complexity of hearing.

Council has received four (4) planning applications for development valued at \$1 million in October. This has generated fees to the Metropolitan Planning Levy (MPL) (charged by the State Government) that total \$16,037.70. This financial year, a total of \$46,044.20 has been paid by Frankston planning applicants to the State Government for this levy

11.10 October Town Planning Progress Report**Executive Summary****Financial Impact**

For the 2016/2017 financial year, the State Government introduced legislation that provides for a limit on the amount Victorian councils may increase rates in any financial year. The cap for the 2016/2017 financial year is 2.5%. The cap is based on a combination of the CPI and expected wages growth.

This cap has had a significant effect on Council's long term financial planning, with rate revenue being \$28 million less than anticipated over the first four years, growing to \$43 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

The costs to be incurred at VCAT by legal representation, planning consultants and officers representing Council and for Planning Scheme Amendments are included in the 2016/17 Planning and Environment budget.

Consultation

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

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

Analysis (Environmental / Economic / Social Implications)

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

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

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

Officer's Declaration of Interests

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

Risk Mitigation

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

Conclusion

This report provides Council an overview of the activities and decisions made by its Planning Teams.

ATTACHMENTS

Attachment A: October Town Planning Progress Report

Progress Report – Planning Applications Received				
For The Application Date: From 1/10/2016 To 31/10/2016				
Application No	Ward	Property Address	Application Description	Date
498/2016/P	North-East	11 Timarron Court, Langwarrin 3910	To construct one (1) outbuilding	4/10/2016
524/2016/P	North-East	72 Beech Street, Langwarrin 3910	Two (2) lot subdivision	4/10/2016
503/2016/P	North-East	87 Edward Street, Langwarrin 3910	To construct four (4) single storey dwellings	5/10/2016
510/2016/P	North-East	89 Boundary Road, Carrum Downs 3201	Thirty eight (38) lot subdivision	10/10/2016
511/2016/P	North-East	9-11 Yazaki Way, Carrum Downs 3201	Twenty five (25) lot subdivision	10/10/2016
527/2016/P	North-East	13 Gateway Drive, Carrum Downs 3201	To construct 22 warehouses with a food and drink premises	11/10/2016
521/2016/P	North-East	26 Thornbill Drive, Carrum Downs 3201	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	11/10/2016
518/2016/P	North-East	31 Boundary Road, Carrum Downs 3201	Three (3) lot subdivision (staged) and removal of drainage easement	12/10/2016
536/2016/P	North-East	8 Valley Road, Langwarrin 3910	To carry out earthworks (Dam) in a Public Acquisition Overlay (Schedule 2)	12/10/2016
540/2016/P	North-East	510 Hall Road, Skye 3977	Alterations and extension to existing dwelling	14/10/2016
538/2016/P	North-East	23 Millicent Road, Langwarrin 3910	To construct one (1) double storey dwelling	14/10/2016
548/2016/P	North-East	1/1 Athol Court, Langwarrin 3910	To construct a fence	18/10/2016
547/2016/P	North-East	2/2 Allington Place, Langwarrin 3910	Extension to an existing dwelling	21/10/2016
550/2016/P	North-East	19 Earnshaw Drive, Carrum Downs 3201	To construct one (1) single storey dwelling on a lot less than 300 square metres	21/10/2016
554/2016/P	North-East	3 Larch Street, Langwarrin 3910	Four (4) lot subdivision	28/10/2016
553/2016/P	North-East	67 Broderick Road, Carrum Downs 3201	Two (2) lot subdivision	28/10/2016
North-East Ward Total = 16				
501/2016/P	North-West	17-21 Mereweather Avenue, Frankston 3199	To construct twenty three (23) double storey dwellings and car parking	3/10/2016
539/2016/P	North-West	26 Parer Street, Frankston 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two(2) dwellings)	7/10/2016
517/2016/P	North-West	13 Hodges Street, Seaford 3198	To construct three (3) double storey dwellings and vegetation removal	10/10/2016

Progress Report – Planning Applications Received				
For The Application Date: From 1/10/2016 To 31/10/2016				
Application No	Ward	Property Address	Application Description	Date
515/2016/P	North-West	21-23 Milne Avenue, Seaford 3198	To construct one (1) factory & warehouse	11/10/2016
513/2016/P	North-West	18 McKenzie Street, Seaford 3198	To construct Two (2) double storey dwellings	11/10/2016
519/2016/P	North-West	9 Apsley Place, Seaford 3198	To extend the existing factory	11/10/2016
531/2016/P	North-West	179 Nepean Highway, Seaford 3198	To construct four (4) triple storey dwellings and create access to a Road Zone (Category 1)	13/10/2016
543/2016/P	North-West	25 Portland Parade, Seaford 3198	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	13/10/2016
546/2016/P	North-West	37 Airlie Grove, Seaford 3198	To construct a shed	14/10/2016
533/2016/P	North-West	10/190 Karingal Drive, Frankston 3199	To construct a verandah	14/10/2016
537/2016/P	North-West	132 Nepean Highway, Seaford 3198	- To use the land for sale and consumption of liquor (Restaurant and Cafe Licence) - Construct buildings and works in a Commercial 1 Zone and Bushfire Management Overlay - Reduce the number of car parking spaces required under Clause 52.06-5	17/10/2016
545/2016/P	North-West	303 Nepean Highway, Frankston 3199	To construct a triple storey child care centre	17/10/2016
549/2016/P	North-West	62 Armata Crescent, Frankston North 3200	To construct one (1) dwelling and garage	21/10/2016
551/2016/P	North-West	224 Cranbourne Road, Frankston 3199	To display business identification signage	27/10/2016
556/2016/P	North-West	223 Beach Street, Frankston 3199	Liquor License	28/10/2016
North-West Ward Total = 15				
495/2016/P	South	251-265 Cranbourne Road, Frankston 3199	Buildings and works to the existing Private Hospital	3/10/2016
499/2016/P	South	11 Screen Street, Frankston 3199	To construct three (3) double storey dwellings	4/10/2016
505/2016/P	South	67 Lawson Avenue, Frankston South 3199	To construct two (2) double storey dwellings	4/10/2016
500/2016/P	South	452 Nepean Highway, Frankston 3199	Building and works to an existing building	5/10/2016
508/2016/P	South	6/68-70 Nolan Street, Frankston 3199	Extension to an existing dwelling	5/10/2016
506/2016/P	South	5 Heathwren Close, Frankston South 3199	To construct a alfresco	5/10/2016

Progress Report – Planning Applications Received				
For The Application Date: From 1/10/2016 To 31/10/2016				
Application No	Ward	Property Address	Application Description	Date
509/2016/P	South	291 Humphries Road, Frankston South 3199	To construct one (1) single storey dwelling	6/10/2016
507/2016/P	South	33 Gowrie Avenue, Frankston South 3199	To remove Restrictive Covenant No.A227208 applicable to Lot 47 on LP40167 (Volume 11036 Folio 453) Which states the following: "Will not build construct or erect on the lot hereby transferred (1) any building other than a private dwelling (2) consisting of one hundred square feet each (exclusive of outbuildings)"	6/10/2016
522/2016/P	South	7 Kars Street, Frankston 3199	Two (2) lot subdivision	6/10/2016
512/2016/P	South	128 Overport Road, Frankston South 3199	To construct a garage and pergola	7/10/2016
532/2016/P	South	24 Clayton-Hill Road, Langwarrin South 3199	To construct one (1) double storey dwelling	7/10/2016
526/2016/P	South	42 Margate Avenue, Frankston 3199	To construct three (3) double storey dwellings	7/10/2016
514/2016/P	South	1 Blackwood Court, Frankston South 3199	To construct a garage	10/10/2016
516/2016/P	South	1 Anita Court, Frankston 3199	To construct one(1) double storey dwelling	11/10/2016
541/2016/P	South	97 Robinsons Road, Langwarrin 3910	To display business identification signage	11/10/2016
523/2016/P	South	3 Erica Street, Frankston 3199	Two (2) lot subdivision	11/10/2016
528/2016/P	South	18 Tavistock Road, Frankston South 3199	Two (2) lot subdivision	11/10/2016
542/2016/P	South	3 Palm Court, Frankston 3199	Extension to existing dwelling	12/10/2016
530/2016/P	South	34 Ronald Avenue, Frankston South 3199	Three (3) lot subdivision	12/10/2016
520/2016/P	South	4D Kristen Close, Frankston South 3199	To construct a verandah	12/10/2016
535/2016/P	South	671 Nepean Highway, Frankston South 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	12/10/2016
534/2016/P	South	5 Spring Street, Frankston 3199	To construct two (2) single storey dwellings	12/10/2016
525/2016/P	South	4 Goldborough Court, Frankston South 3199	Two (2) lot subdivision	12/10/2016
529/2016/P	South	5 Holmes Street, Frankston 3199	Two (2) lot subdivision	12/10/2016

Progress Report – Planning Applications Received				
For The Application Date: From 1/10/2016 To 31/10/2016				
Application No	Ward	Property Address	Application Description	Date
3/2014/VS	South	8/386 Nepean Highway, Frankston 3199	Buildings and works to construct additions to an existing dwelling	13/10/2016
544/2016/P	South	52 Norman Avenue, Frankston South 3199	To construct three (3) storey building containing three (3) dwellings and shop extension	14/10/2016
544/2016/P	South	54 Norman Avenue, Frankston South 3199	To construct three (3) storey building containing three (3) dwellings and shop extension	14/10/2016
552/2016/P	South	15 Peter Chance Crescent, Langwarrin 3910	To construct one (1) single storey dwelling	24/10/2016
555/2016/P	South	84 Fleetwood Crescent, Frankston South 3199	To construct a bathroom extension to existing dwelling	26/10/2016
South Ward Total = 29				

Progress Report – Amendments to Planning Permits - Received				
For The Application Date: From 1/10/2016 To 31/10/2016				
Application No	Ward	Property Address	Application Description	Date
408/2011/P/D	North-East	46 McCormicks Road, Skye 3977	Extension of time - To construct ten (10) dwellings (nine (9) double storey and one (1) single storey) and alterations to access to a Road Zone Category 1	5/10/2016
628/2011/P/C	North-East	36 McCormicks Road, Skye 3977	Extension of time - To construct ten (10) dwellings (nine (9) double storey and one (1) single storey) and alterations to access to a Road Zone Category 1	7/10/2016
209/2011/P/C	North-East	71-79 Cranbourne-Frankston Road, Langwarrin	Secondary Consent - The construction of four (4) dwellings (one (1) double storey and three (3) single storey dwellings) and access to Road Zone Category 1, in accordance with the endorsed plans	10/10/2016
144/2016/P/A	North-East	34 Lathams Road, Carrum Downs 3201	Section 72 amendment- To construct 18 (eighteen) warehouses.	10/10/2016
494/2014/P/C	North-East	560 Frankston-Dandenong Road, Carrum Downs	Section 72 amendment - To use and develop the site for a Micro-brewery, sale and consumption of liquor, cafe (food and drink premises) and a variation to the carparking requirements	11/10/2016
528/2004/P/E	North-East	52 Boundary Road, Carrum Downs 3201	Extension of time - Buildings and Works (Cultural Centre) for Hindu Temple	21/10/2016
17/2015/P/B	North-East	22 Edward Street, Langwarrin 3910	Secondary consent - To construct two (2) dwellings to the rear of an existing dwelling (three (3) dwellings) and three (3) lot subdivision	21/10/2016
623/2009/P/D	North-East	648-656 Frankston-Dandenong Road, Carrum Downs 3201	Secondary consent - Twenty three (23) multi storey apartments	24/10/2016
654/2011/P/C	North-East	6 & 10 Redgum Avenue, Carrum Downs 3201	Extension of time - To construct eight (8) double storey dwellings	25/10/2016
729/2010/P/E	North-East	3 Woodland Mews, Langwarrin 3910	Section 72 amendment - The staged subdivision of the site into nineteen (19) lots and the removal of native vegetation	31/10/2016
North East Total = 10				
701/2013/P/D	North-West	22 Armata Crescent, Frankston North 3200	Extension of Time - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and carport to dwelling 1	3/10/2016
325/2011/P/C	North-West	21 Pine Street, Frankston North 3200	Secondary consent - Construction of a double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	4/10/2016
670/2011/P/A	North-West	7 Inglis Avenue, Frankston 3199	Secondary consent - To construct two (2) double storey dwellings	11/10/2016

Progress Report – Amendments to Planning Permits - Received				
For The Application Date: From 1/10/2016 To 31/10/2016				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
434/2012/P/B	North-West	23 Petrie Street, Frankston 3199	Extension of time - Use and development of student accommodation comprising a double storey building containing eight (8) dwellings and an associated reduction in the car parking requirements of Clause 52.06 of the Frankston Planning Scheme in accordance with the endorsed plans	7/10/2016
663/2015/P/A	North-West	194-196 Karingal Drive, Frankston 3199	Secondary consent - Extensions to the existing medical centre (extend waiting area, install a lift and deletion of car parking spaces)	12/10/2016
264/2014/P/A	North-West	26 Scott Street, Seaford 3198	Secondary Consent - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	13/10/2016
136/2011/P/E	North-West	16 Galway Street, Seaford 3198	Extension of time - To construct one (1) double storey dwelling to the rear of existing dwelling (two (2) dwellings)	18/10/2016
235/2014/P/A	North-West	12 Phillip Street, Frankston 3199	Extension of time - To construct one single storey dwelling to the rear of the existing dwelling (two (2) dwelling development)	19/10/2016
650/2011/P/B	North-West	29 Bouvardia Crescent, Frankston North 3200	Extension of time - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	25/10/2016
North-West Ward Total = 9				
755/2010/P/D	South	64 Baden Powell Drive, Frankston South 3199	Section 72 amendment -The construction of two (2) double storey dwellings to the rear of the existing dwelling (three (3) dwellings) and the removal of vegetation	3/10/2016
347/1989/P/A	South	13 Poinciana Street, Frankston South 3199	Section 72 amendment - Two (2) dwellings	5/10/2016
103/2012/P/B	South	1 Bunarong Drive, Frankston 3199	Secondary consent - To construct a double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and to subdivide the land into two (2) lots	6/10/2016
97/2011/P/D	South	108 Kars Street, Frankston South 3199	Secondary consent - To construct four (4) double storey dwellings	7/10/2016
163/2001/P/A	South	6 Sherwood Court, Langwarrin South 3911	Section 72 amendment - Dwelling ESO1 overlay	10/10/2016
671/2015/P/A	South	7 Victory Road, Langwarrin 3910	Section 72 amendment - To construct one (1) shed	10/10/2016
758/2011/P/B	South	1 Kenilworth Avenue, Frankston 3199	Extension of time - To construct six (6) double storey dwellings	11/10/2016

Progress Report – Amendments to Planning Permits - Received				
For The Application Date: From 1/10/2016 To 31/10/2016				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
436/2010/P/D	South	41-43 Deane Street, Frankston 3199	Secondary Consent - The construction of four (4) dwellings (two (2) single storey and two (2) double storey) at the rear of six (6) existing dwellings, in accordance with the endorsed plans	11/10/2016
443/2015/P/B	South	1 Bunangib Court, Frankston South 3199	Secondary Consent - To construct one (1) double storey dwelling to the rear of the existing dwelling (Two (2) dwellings)	13/10/2016
671/2011/P/D	South	4 Orchard Grove, Frankston South 3199	Section 72 amendment - To construct four (4) double storey dwellings and the removal of vegetation	13/10/2016
494/2012/P/C	South	44 Seaview Road, Frankston South 3199	Extension of time - The construction of a single storey dwelling to the rear of the existing dwelling (two (2) dwellings) and buildings and works to the existing dwelling	14/10/2016
520/2016/P/A	South	4D Kristen Close, Frankston South 3199	Extension of time - To construct a verandah	20/10/2016
603/2011/P/C	South	320 Robinsons Road, Langwarrin South 3911	Section 72 amendment - A dwelling and outbuilding	20/10/2016
South Ward Total = 13				

Progress Report – Planning Application Decisions					
For The Application Date: From 1/10/2016 To 31/10/2016					
Application	Ward	Property Address	Application Description	Status	Date
320/2015/P	North-East	170 Colemans Road & 54 Access Way, Carrum Downs 3201	To construct, in stages, fifty-two (52) factories (18 factories to be used for warehouse and 34 factories to be used for industry) and a reduction in car parking requirements under Clause 52.06	Permit Approved	4/10/2016
421/2016/P	North-East	6 & 10 Redgum Avenue, Carrum Downs	Eight (8) lot subdivision	Permit Approved	5/10/2016
420/2016/P	North-East	20 Monze Drive, Langwarrin 3910	Two (2) lot subdivision	Permit Approved	5/10/2016
415/2016/P	North-East	10 Lakewood Boulevard, Carrum Downs	Seven (7) lot subdivision	Permit Approved	10/10/2016
133/2016/P	North-East	12 Lakewood Boulevard, Carrum Downs	To construct building and works, display business identification signage and a reduction to the car parking under Clause 52.06 of the Frankston Planning Scheme in association with the use of the land for motor repairs	Permit Approved	11/10/2016
485/2016/P	North-East	9 Green Acres Court, Langwarrin 3910	Two (2) lot subdivision	Permit Approved	11/10/2016
253/2016/P	North-East	103 Burgess Drive, Langwarrin 3910	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Permit Approved	12/10/2016
680/2015/P	North-East	299 Cranbourne-Frankston Road, Langwarrin 3910	The use of the land for a veterinary clinic; the development of associated building and works; and the display of a business identification sign.	Permit Approved	18/10/2016
256/2016/P	North-East	1/55 Union Road, Langwarrin 3910	Use and development of the land for a childcare centre and removal of native vegetation	Notice of Decision	18/10/2016
659/2015/P	North-East	23 Brunnings Road, Carrum Downs	To construct a total of eighteen (18) dwellings comprising of eight (8) double storey and ten (10) single storey dwellings	Permit Approved	19/10/2016
275/2016/P	North-East	85 Valley Road, Skye 3977	To construct one (1) outbuilding	Permit Approved	21/10/2016
474/2016/P	North-East	4 Herbert Road, Carrum Downs 3201	Twelve (12) lot subdivision	Permit Approved	21/10/2016
400/2016/P	North-East	Boggy Creek Link, 200M McClelland Drive Studio Park 146M Pindara Boulevard, Langwarrin 3910	Works to enlarge sediment pond and lop a limb from a tree	Permit Approved	21/10/2016
524/2016/P	North-East	72 Beech Street, Langwarrin 3910	Two (2) lot subdivision	Permit Approved	24/10/2016

Progress Report – Planning Application Decisions					
For The Application Date: From 1/10/2016 To 31/10/2016					
Application	Ward	Property Address	Application Description	Status	Date
46/2016/P	North-East	520 Cranbourne-Frankston Road, Langwarrin 3910	To construct a shed to be used for a store	Application Withdrawn	26/10/2016
219/2016/P	North-East	4 Bainbridge Court, Carrum Downs	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Permit Approved	26/10/2016
388/2016/P	North-East	49 & 53 William Road, Carrum Downs	Vegetation Removal	Permit Approved	26/10/2016
385/2016/P	North-East	9/71 Frankston Gardens Drive, Carrum Downs 3201	Internal alterations and reduce car parking requirements of Clause 52.06 of the Frankston Planning Scheme	Permit Approved	28/10/2016
411/2016/P	North-East	34 Maria Drive, Langwarrin 3910	The construction of four (4) single storey dwellings	Permit Approved	28/10/2016
169/2016/P	North-East	16 Alder Street, Langwarrin 3910	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Notice of Decision	28/10/2016
296/2016/P	North-East	520 Cranbourne-Frankston Road, Langwarrin 3910	To construct an outbuilding	Permit Approved	31/10/2016
North-East Ward Total = 21					
249/2016/P	North-West	1 Kananook Avenue, Seaford 3198	The construction of two (2) double storey dwellings	Permit Approved	3/10/2016
137/2016/P	North-West	95 Rosslyn Avenue, Seaford 3198	The construction of two (2) single storey dwellings	Permit Approved	4/10/2016
656/2015/P	North-West	145 Fortescue Avenue, Seaford 3198	The construction of three (3) double storey dwellings	Notice of Decision	6/10/2016
374/2016/P	North-West	3 Victor Avenue, Seaford 3198	To construct one (1) double storey dwelling	Permit Approved	6/10/2016
278/2016/P	North-West	17 East Road, Seaford 3198	The construction of two (2) double storey dwellings to the rear of the existing dwelling (three (3) dwellings)	Permit Approved	7/10/2016
18/2016/P	North-West	13 Ebdale Street, Frankston 3199	The construction of seven (7) triple storey dwellings	Application Refused	12/10/2016
475/2016/P	North-West	326-356 Frankston-Dandenong Road, Seaford 3198	The construction of a carport and associated building and works	Permit Approved	13/10/2016
148/2016/P	North-West	6 Carramar Drive, Frankston 3199	To construct two double storey dwellings (two (2) dwellings)	Permit Approved	18/10/2016
656/2015/P	North-West	145 Fortescue Avenue, Seaford 3198	The construction of three (3) double storey dwellings	Notice of Decision	19/10/2016

Progress Report – Planning Application Decisions					
For The Application Date: From 1/10/2016 To 31/10/2016					
Application	Ward	Property Address	Application Description	Status	Date
292/2016/P	North-West	10 Mona Street, Seaford 3198	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Permit Approved	19/10/2016
132/2016/P	North-West	16 Chevron Court, Seaford 3198	To construct two (2) double storey dwellings	Notice of Decision	20/10/2016
414/2016/P	North-West	202 Frankston-Dandenong Road, Seaford 3198	Two (2) lot subdivision	Permit Approved	21/10/2016
104/2016/P	North-West	7 Bainbridge Avenue, Seaford 3198	To construct two (2) single storey dwellings	Permit Approved	25/10/2016
470/2016/P	North-West	94 Brunel Road, Seaford 3198	Four (4) lot subdivision	Permit Approved	27/10/2016
270/2016/P	North-West	10 Wynnstay Road, Seaford 3198	To construct two (2) double storey dwellings	Notice of Decision	27/10/2016
360/2016/P	North-West	1/281-282 Nepean Highway, Seaford	To extend a dwelling (verandah) on a lot less than 300 square metres.	Permit Approved	28/10/2016
258/2016/P	North-West	284-288 Seaford Road, Seaford 3198	To reduce the car parking and bicycle facility requirements for a Medical Centre	Permit Approved	28/10/2016
486/2016/P	North-West	290 Seaford Road, Seaford 3198	To reduce the car parking requirements for a medical consulting rooms (dentist)	Permit Approved	28/10/2016
North-West Ward Total = 18					
482/2016/P	South	27 Plummer Avenue, Frankston South	To construct a front fence	Permit Approved	5/10/2016
21/2016/VS	South	7 Picnic Street, Frankston South 3199	To construct a front fence in the Significant Landscape Overlay (Schedule 4)	Permit Approved	5/10/2016
338/2016/P	South	675 Robinsons Road, Langwarrin 3910	To construct one (1) outbuilding	Notice of Decision	11/10/2016
260/2016/P	South	520 Robinsons Road, Langwarrin South	The construction of an outbuilding	Application Refused	12/10/2016
176/2016/P	South	92 Heatherhill Road, Frankston 3199	The construction of one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Application Refused	12/10/2016
534/2015/P	South	11 Norman Avenue, Frankston South	To construct two (2) double storey dwellings and removal of significant trees	Notice of Decision	12/10/2016
176/2016/P	South	92 Heatherhill Road, Frankston 3199	The construction of one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Application Refused	14/10/2016
439/2015/P	South	8 Cecil Street, Frankston 3199	The construction of four (4) double storey dwellings	Permit Approved	18/10/2016

Progress Report – Planning Application Decisions					
For The Application Date: From 1/10/2016 To 31/10/2016					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
650/2015/P	South	8 Fontayne Court, Frankston South	To construct one (1) double storey dwelling and an outbuilding in a Design and Development Overlay (Schedule 1) and Bushfire Management Overlay	Permit Approved	18/10/2016
483/2016/P	South	4 Outlook Road, Frankston 3199	Two (2) lot subdivision	Permit Approved	18/10/2016
506/2016/P	South	5 Heathwren Close, Frankston South	To construct a alfresco	Permit Approved	19/10/2016
404/2016/P	South	154 Frankston-Flinders Road, Frankston South 3199	To construct a front fence in a Significant Landscape Overlay (Schedule 4)	Permit Approved	20/10/2016
252/2016/P	South	13 John Street, Langwarrin 3910	To construct two (2) double storey and one (1) single storey dwellings (three (3) dwellings)	Permit Approved	20/10/2016
330/2016/P	South	23 Coogee Avenue, Frankston 3199	To vary the restrictive covenant Instrument number 1306858 and to construct three (3) double storey dwellings	Application Lapsed	20/10/2016
96/2016/P	South	4 Woodlands Grove, Frankston 3199	The construction of two (2) double storey dwellings	Notice of Decision	21/10/2016
525/2016/P	South	4 Goldborough Court, Frankston South	Two (2) lot subdivision	Permit Approved	21/10/2016
529/2016/P	South	5 Holmes Street, Frankston 3199	Two (2) lot subdivision	Permit Approved	24/10/2016
353/2016/P	South	Shop 1/147 Frankston-Flinders Road, Frankston 3199	To display internally illuminated business identification signs	Permit Approved	25/10/2016
520/2016/P	South	4D Kristen Close, Frankston South 3199	To construct a verandah	No Permit Required	26/10/2016
345/2016/P	South	15 Jinchilla Avenue, Frankston South	To construct one (1) carport	Permit Approved	26/10/2016
22/2016/VS	South	20 Oxford Street, Frankston 3199	To construct one (1) single storey dwelling	Permit Approved	26/10/2016
387/2015/P	South	59 Culcairn Drive, Frankston South	To construct three (3) double storey dwellings and one (1) single storey dwelling (four (4) dwellings)	Permit Approved	26/10/2016
434/2016/P	South	457 Nepean Highway, Frankston 3199	To display business identification signage	Permit Approved	26/10/2016
161/2016/P	South	36 Heatherhill Road, Frankston 3199	To use the site for a Medical Centre (Dentist); Construction of alterations to the existing building; display of business identification signage; and waiver of car the parking requirements pursuant to Clause 52.06.	Permit Approved	26/10/2016

Progress Report – Planning Application Decisions					
For The Application Date: From 1/10/2016 To 31/10/2016					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
197/2016/P	South	320 Centre Road, Langwarrin 3910	The construction of one (1) outbuilding (more than 100m ²) outside of the designated building envelope.	Permit Approved	27/10/2016
353/2016/P	South	Shop 1/147 Frankston-Flinders Road, Frankston 3199	To display internally illuminated business identification signs	Permit Approved	27/10/2016
455/2016/P	South	1/22 Brighton Street, Frankston South	To construct an enclosed veranda	Permit Approved	28/10/2016
298/2016/P	South	17 Ferndale Drive, Frankston 3199	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Permit Approved	28/10/2016
South Ward Total = 28					

Progress Report – Amendments to Planning Application Decisions					
For The Application Date: From 1/10/2016 To 31/10/2016					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
184/2016/P/A	North-East	684-700 Frankston-Dandenong Road, Carrum Downs 3201	Secondary consent - To use the site for an Indoor Recreation Facility (Swim School)	Secondary Consent Approved	10/10/2016
718/2015/P/B	North-East	29 McCormicks Road, Carrum Downs	Secondary consent - To construct additions and alterations to child care centre	Secondary Consent Approved	17/10/2016
628/2011/P/C	North-East	36 McCormicks Road, Skye 3977	Extension of time - To construct ten (10) dwellings (nine (9) double storey and one (1) single storey) and alterations to access to a Road Zone Category 1	Extension of Time Approved	20/10/2016
North-East Ward Total = 3					
147/2012/P/A	North-West	28 Robinsons Road, Seaford 3198	Secondary consent - The construction of a double storey dwelling to the rear of the existing single storey dwelling (two (2) dwellings)	Secondary Consent Approved	4/10/2016
56/2014/P/B	North-West	106 Dandenong Road West, Frankston 3199	Extension of time - To construct buildings and works and business identification signage	Extension of Time Approved	10/10/2016
405/2014/P/B	North-West	13 Monterey Boulevard, Frankston North 3200	Extension of time - To construct two (2) single storey dwellings	Extension of Time Approved	10/10/2016
701/2013/P/D	North-West	22 Armata Crescent, Frankston North 3200	Extension of Time - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and carport to dwelling 1	Extension of Time Approved	18/10/2016
404/2014/P/A	North-West	42 McKenzie Street, Seaford 3198	Secondary consent - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Secondary Consent Approved	18/10/2016
434/2012/P/B	North-West	23 Petrie Street, Frankston 3199	Extension of time - Use and development of student accommodation comprising a double storey building containing eight (8) dwellings and an associated reduction in the car parking requirements of Clause 52.06 of the Frankston Planning Scheme in accordance with the endorsed plans	Extension of Time Approved	19/10/2016

Progress Report – Amendments to Planning Application Decisions					
For The Application Date: From 1/10/2016 To 31/10/2016					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
300/2012/P/B	North-West	1 Netherall Street, Seaford 3198	Secondary Consent : To construct three (3) double storey dwellings	Secondary Consent Approved	25/10/2016
264/2014/P/A	North-West	26 Scott Street, Seaford 3198	Secondary Consent - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Secondary Consent Approved	26/10/2016
22/2014/P/A	North-West	20 Station Street, Seaford 3198	Section 72 amendment to Planning Permit 22/2014/P by increasing the area in which alcohol is to be sold and consumed to include the outdoor area at the rear of the site; and extending the hours in which alcohol can be sold or consumed to 11:00am to 11:30pm; and further reducing the car parking requirements of Clause 52.06.	Permit Approved	26/10/2016
136/2011/P/E	North-West	16 Galway Street, Seaford 3198	Extension of time - To construct one (1) double storey dwelling to the rear of existing dwelling (two (2) dwellings)	Extension of Time Approved	28/10/2016
235/2014/P/A	North-West	12 Phillip Street, Frankston 3199	Extension of time - To construct one single storey dwelling to the rear of the existing dwelling (two (2) dwelling development)	Extension of Time Approved	28/10/2016
North-West Ward = 11					
375/1997/P/B	South	41-45 McMahons Road, Frankston	Secondary Consent - Planning Reform Site Specific- Petrol Station	Secondary Consent Approved	3/10/2016
478/2015/P/C	South	7 Margate Avenue, Frankston 3199	Secondary consent - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Secondary Consent Approved	3/10/2016
335/2014/P/A	South	106 Beach Street, Frankston 3199	Secondary consent - To construct two (2) dwellings	Secondary Consent Approved	5/10/2016
299/2012/P/B	South	28 Overport Road, Frankston South	Extension of time - Two (2) lot subdivision	Extension of Time Approved	6/10/2016

Progress Report – Amendments to Planning Application Decisions					
For The Application Date: From 1/10/2016 To 31/10/2016					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
544/2015/P/A	South	24 Sycamore Road, Frankston South	Secondary consent - To construct extensions to an existing dwelling in a Significant Landscape Overlay.	Secondary Consent Approved	10/10/2016
247/2008/P/E	South	24-32 Moorooduc Highway, Frankston South 3199	Extension of time - To construct buildings and works for an extension to the existing residential aged care facility, retention of the existing dwelling on 30-32 Moorooduc Road, to create access to a Road Zone Category 1 and removal of native vegetation	Extension of Time Refused	11/10/2016
758/2011/P/B	South	1 Kenilworth Avenue, Frankston	Extension of time - To construct six (6) double storey dwellings	Extension of Time Approved	18/10/2016
164/2012/P/C	South	30 Cranbourne Road, Frankston	Section 72 amendment - For the use and buildings and works for a medical centre and business identification signage - To amend the permit by - Amending Condition 3 to allow for five (5) medical practitioners (nine (9) staff on site total) - Amended Condition 4 to increase the hours of operation to Monday-Friday 7:30AM-10:30PM Saturday 8:00AM-9:00PM	Permit Approved	18/10/2016
603/2011/P/B	South	320 Robinsons Road, Langwarrin South 3911	Extension of time - A dwelling and outbuilding	Extension of Time Refused	19/10/2016
281/2014/P/C	South	7 Cambridge Street, Frankston 3199	Section 72 amendment - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Permit Approved	20/10/2016
494/2012/P/B	South	44 Seaview Road, Frankston South	Section 72 amendment - The construction of a single storey dwelling to the rear of the existing dwelling (two (2) dwellings) and buildings and works to the existing dwelling	Permit Approved	26/10/2016
57/2014/P/A	South	608 & 610 Nepean Highway, Frankston South 3199	Section 72 amendment - A boundary realignment	Permit Approved	28/10/2016
671/2015/P/A	South	7 Victory Road, Langwarrin 3910	Section 72 amendment - To construct one (1) shed	Permit Approved	28/10/2016

Progress Report – Amendments to Planning Application Decisions					
For The Application Date: From 1/10/2016 To 31/10/2016					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
494/2012/P/C	South	44 Seaview Road, Frankston South	Extension of time - The construction of a single storey dwelling to the rear of the existing dwelling (two (2) dwellings) and buildings and works to the existing dwelling	Extension of Time Approved	31/10/2016
South Ward Total = 14					

Progress Report – Subdivision Application Received				
For The Application Date: From 1/10/2016 To 31/10/2016				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
127/2016/S	North-East	72 Beech Street, Langwarrin 3910	Two (2) lot subdivision	4/10/2016
121/2016/S	North-East	89 Boundary Road, Carrum Downs 3201	Thirty eight lot subdivision	10/10/2016
122/2016/S	North-East	9 Yazaki Way, Carrum Downs 3201	Twenty- Five (25) lot subdivision	10/10/2016
122/2016/S	North-East	11 Yazaki Way, Carrum Downs 3201	Twenty- Five (25) lot subdivision	10/10/2016
123/2016/S	North-East	31 Boundary Road, Carrum Downs 3201	Two (2) lot subdivision (Spear ref: S093716t)	12/10/2016
124/2016/S	North-East	31 Boundary Road, Carrum Downs 3201	Two (2) lot subdivision (Spear ref: S093719e)	12/10/2016
132/2016/S	North-East	1 Kerry Street, Langwarrin 3910	Certification	28/10/2016
133/2016/S	North-East	67 Broderick Road, CARRUM DOWNS 3201	Two (2) lot subdivision	28/10/2016
North-East Ward Total = 8				
125/2016/S	South	7 Kars Street, Frankston 3199	Two (2) lot subdivision	6/10/2016
126/2016/S	South	3 Erica Street, Frankston 3199	Two (2) lot subdivision	11/10/2016
128/2016/S	South	4 Goldborough Court, Frankston South 3199	Two (2) lot subdivision	12/10/2016
130/2016/S	South	5 Holmes Street, Frankston 3199	Two (2) lot subdivision	12/10/2016
131/2016/S	South	34 Ronald Avenue, Frankston South 3199	Three (3) lot subdivision	12/10/2016
South Ward Total = 5				

Progress Report – Subdivision Decisions					
For The Application Date: From 1/10/2016 To 31/10/2016					
Application No	Ward	Property Address	Application Description	Status	Date
24/2015/S	North-East	36 Lily Way, Skye 3977	Six (6) lot subdivision	Certified	6/10/2016
35/2016/S	North-East	35 Colemans Road, Carrum Downs 3201	Four (4) lot subdivision	Certified	6/10/2016
98/2016/S	North-East	20 Monze Drive, Langwarrin 3910	Two (2) lot subdivision	Certified	7/10/2016
188/2014/S	North-East	1275 Frankston-Dandenong Road, Carrum Downs	Thirty nine (39) lot subdivision	SOC Issued (M)	10/10/2016
60/2016/S	North-East	11 Industry Boulevard, Carrum Downs 3201	Two (2) lot subdivision	Certified	13/10/2016
39/2015/S	North-East	2A Firth Close, Carrum Downs 3201	Twenty nine (29) lot subdivision	SOC Issued (M)	20/10/2016
188/2014/S	North-East	1275 Frankston-Dandenong Road, Carrum Downs	Thirty nine (39) lot subdivision	SOC Issued (M)	28/10/2016
North-East Ward Total = 7					
210/2015/S	North-West	42 Golconda Avenue, Frankston 3199	Two (2) lot subdivision	SOC Issued (M)	6/10/2016
109/2016/S	North-West	19 Hannah Street, Seaford 3198	Two (2) lot subdivision	Certified	7/10/2016
130/2015/S	North-West	36 Kirkwood Avenue, Seaford 3198	Two (2) lot subdivision	SOC Issued (M)	7/10/2016
210/2015/S	North-West	42 Golconda Avenue, Frankston 3199	Two (2) lot subdivision	SOC Issued (M)	7/10/2016
215/2015/S	North-West	17 Wise Avenue, Seaford 3198	Two (2) lot subdivision	Certified	7/10/2016
14/2016/S	North-West	70 Armstrongs Road, Seaford 3198	Two (2) lot subdivision	SOC Issued (M)	11/10/2016
61/2013/S	North-West	2A/37 Dandenong Road East, Frankston 3199	Two (2) Lot Subdivision under Section 32	SOC Issued (M)	11/10/2016
4/2015/S	North-West	8 Parer Street, Frankston 3199	Two (2) lot subdivision	Certified	13/10/2016
150/2015/S	North-West	15 Spray Street, Frankston 3199	Two (2) lot subdivision	SOC Issued (M)	18/10/2016
North-West Ward = 9					
172/2015/S	South	1 Bunangib Court, Frankston South 3199	Two (2) lot subdivision	SOC Issued (M)	3/10/2016
27/2016/S	South	126 Heatherhill Road, Frankston 3199	Two (2) lot subdivision	Certification and SOC Issued	7/10/2016
92/2015/S	South	42 Kenilworth Avenue, Frankston 3199	Four (4) lot subdivision	SOC Issued (M)	7/10/2016
202/2015/S	South	205-207 Humphries Road & 8 Armagh Road, Frankston South 3199	Four (4) lot subdivision	SOC Issued (M)	11/10/2016

Progress Report – Subdivision Decisions					
For The Application Date: From 1/10/2016 To 31/10/2016					
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
178/2014/S	South	10 George Street, Frankston 3199	Two (2) lot subdivision	Certified	12/10/2016
53/2014/S	South	3 Friswell Place, Frankston 3199	Two (2) lot subdivision	SOC Issued (M)	26/10/2016
South Ward Total = 6					

Progress Report – Current VCAT Appeals OCTOBER 2016								
<u>Appeal No</u>	<u>Application Number</u>	<u>Address (Ward)</u>	<u>Proposal</u>	<u>Council Decision</u>	<u>Appeal Type</u>	<u>Date of Appeal</u>	<u>VCAT Decision</u>	<u>Date of VCAT Decision</u>
P74/2016	668/2014/P	262 - 264 Seaford Road Seaford	To construct eleven (11) dwellings within a two storey and three storey building	Refusal	Refusal to grant a permit	18-Oct-16	Permit Granted	28-Oct-16
P121/2016	320/2015/P	170 Colemans Road Carrum Downs	To construct fifty four (54) warehouse/offices		Failure to determine	04-Oct-16	Permit Granted	4-Oct-16
P451/2016	452/2015/P	19 Riviera Street Seaford	To construct five (5) double storey dwellings and reduce visitor carparking requirements	Refusal	Refusal to grant a permit	19-Aug-16	No Permit to Issue	17-Oct-16
P536/2016	712/2014/P	60 Towerhill Road Frankston	To construct one (1) double storey dwelling to the side of the existing dwelling (two (2) dwellings)	Refusal	Refusal to grant a permit	29-Aug-16	Permit Granted	27-Oct-16
P801/2016	513/2015/P	18 Nepean Highway Seaford	To construct five (5) three (3) storey dwellings	Refusal	Refusal to grant a permit	03-Oct-16		
P1005/2016	579/2015/P	54 High Street Frankston	To construct five (5) three storey dwellings	Refusal	Refusal to grant a permit	11-Nov-16		
P1044/2016	141/2014/P	26 Ashleigh Avenue Frankston	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Refusal	Refusal to grant a permit	10-Nov-16		
P1187/2016	732/2015/P	3 Brunning Crescent Frankston North	To construct three (3) double storey dwellings	Refusal	Refusal to grant a permit	01-Dec-16		
P1210/2016	206/2015/P	45 & 47 Fortescue Avenue Seaford	Construct four (4) double storey dwellings and one (1) single storey dwelling (Five (5) dwellings).	Refusal	Refusal to grant a permit	13-Dec-16		
P1252/2016	716/2015/P	35 - 37 Sheridan Avenue Frankston	To construct a four (4) storey apartment building containing twenty seven (27) apartments		Failure to determine	13-Dec-16		

<u>Appeal No</u>	<u>Application Number</u>	<u>Address (Ward)</u>	<u>Proposal</u>	<u>Council Decision</u>	<u>Appeal Type</u>	<u>Date of Appeal</u>	<u>VCAT Decision</u>	<u>Date of VCAT Decision</u>
P1242/2016	666/2015/P	37 Williams Street Frankston	To construct five (5) double storey dwellings	Refusal	Refusal to grant a permit	08-Dec-16		
P1304/2016	24/2016/P	482 McClelland Drive Langwarrin	To construct two (2) additional dwellings to the front of the existing dwelling (three (3) dwellings)	Refusal	Refusal to grant a permit	10-Jan-17		
P1288/2016	180/2016/P	6 McComb Boulevard Frankston South	To construct a domestic swimming pool and a front fence	Refusal	Refusal to grant a permit	13-Dec-16		
P1380/2016	731/2015/P	33 Ithaca Road Frankston South	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	NOD	Decision to grant a permit	19-Jan-17		
P1306/2016	415/2014/P	42 Nepean highway Seaford	To construct seven (7) triple storey dwellings, access to a road in a Road Zone Category 1	Refusal	Refusal to grant a permit	09-Jan-17		
P1429/2016	665/2015/P	212 - 214 Cranbourne Road Frankston	To construct seven (7) double storey dwellings	Refusal	Refusal to grant a permit	16-Nov-16		
P1444/2016	97/2016/P	10 Nepean Highway Seaford	Construct four (4) double storey dwellings and one (1) single storey dwelling (Five (5) dwellings).		Failure to determine	27-Jan-17		
P1728/2016	90/2016/P	15 Alpina Street, Frankston North	To construct nineteen (19) double storey dwellings	Refusal	Refusal to grant a permit	08-Feb-17		
P1590/2016	730/2015/P	724 Frankston-Dandenong Road and 2 Boundary Road Carrum Downs	To use and develop the land for a place of worship, one (1) guest dwelling, one (1) care takers dwelling, agriculture and removal of native vegetation	NOD	Decision to grant a permit	13-Feb-17		
P1596/2016	371/2015/P	107 Fleetwood Crescent Frankston South	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) & a two (2) lot subdivision	NOD	Decision to grant a permit	17-Feb-17		

<u>Appeal No</u>	<u>Application Number</u>	<u>Address (Ward)</u>	<u>Proposal</u>	<u>Council Decision</u>	<u>Appeal Type</u>	<u>Date of Appeal</u>	<u>VCAT Decision</u>	<u>Date of VCAT Decision</u>
P1791/2016	206/2016/P	4 Dingle Avenue, Frankston	To construct a three (3) storey building containing eight (8) dwellings and reduction of visitor car parking	Refusal	Refusal to grant a permit	17-Mar-17		
P1763/2016	57/2016/P	14 Bragge Street Frankston	To use land in the Commercial 1 Zone for accommodation where the frontage for the use at ground level exceeds a width of 2 metres and to construct five (5) triple storey dwellings.	Refusal	Refusal to grant a permit	10-Feb-17		
P1005/2016	579/2015/P	56 High Street Frankston	To construct four (4) double storey and four (4) three storey dwellings (eight (8) dwellings), one (1) building for common use and a reduction in car parking	Refusal	Refusal to grant a permit	24-May-17		

Progress Report – VCAT Determination – Policy Implications OCTOBER 2016			
<u>Appeal No</u>	<u>Application No</u>	<u>Address (Ward)</u>	<u>VCAT Determination – Policy Implications</u>
P74/2016	668/2014/P	262-264 Seaford Road Seaford (North-West)	<p>This was an appeal against Council’s refusal to grant a planning permit for the construction of eleven (11) dwellings in one two storey and one three storey building.</p> <p>Summary of Decision</p> <p>The proposal was refused on the basis that it failed to adequately respond to neighbourhood character and the objectives of Clause 55 – Rescode, the impact on the streetscape, lack of active frontages to Bellevue Crescent and the quality of the architectural design.</p> <p>The Tribunal determined that a planning permit should be granted.</p> <p>In arriving at this decision the Tribunal member found there was strong local planning policy support for the proposal given the economic and housing directions contained in the Frankston planning scheme. In addition, the Tribunal member considered the location and site context lent itself to a higher density form of development being next to a local activity centre and the site was previously used for commercial purposes with good access to public transport and the like.</p> <p>The Tribunal member was satisfied with the architectural design of the building and response to the streetscape given the level of recessing, variety of setbacks to road frontages and the angled orientation of the building form particularly given the context of the site adjacent to and opposite commercial type buildings.</p> <p>The Tribunal member found that although some of the secluded private open space areas did not comply with Rescode standards they were considered to meet the objectives as each area has excellent orientation to the north or north-west, exceeded the minimum size requirements and would serve two bedroom dwellings only which would be likely to have smaller number of occupants.</p> <p>The Tribunal member decided to reduce the level of visitor car parking down from three to two car spaces still achieving compliance with the provisions of the planning scheme in order to create a more appropriate location for bin storage and improve the response of the development to Bellevue Crescent.</p>

P451/2016	452/2015/P	19 Riviera Street, Seaford (North-West)	<p>This was an appeal against a refusal by Officers to construct five (5) double storey dwellings and reduce visitor carparking requirements.</p> <p>Summary of Decision</p> <p>Council's grounds of refusal primarily relate to neighbourhood character including the impact of the 3-storey forms, adequacy of landscaping and non-compliance with numerous ResCode objectives.</p> <p>The tribunal affirmed Council's decision, though did not share the concerns regarding the slightly non-compliant front setback and lack of onsite visitor parking.</p> <p>The tribunal member agreed that the proposal failed to provide suitable opportunities for landscaping throughout the site, which was further limited by CFA bushfire requirements. The minimal setbacks of upper levels and continuous built form were unacceptable. Other siting, design and layout issues, as well as convenience of vehicle access, were not seen as fatal but were suggestive of the proposal being an overdevelopment.</p> <p>The member concluded the site is suitable for additional multi-dwelling development, but not in the form of this proposal.</p>
------------------	-------------------	---	---

<p>P536/2016</p>	<p>712/2014/P</p>	<p>60 Towerhill Road Frankston</p>	<p>This was an appeal against the refusal by the Officers to construct a double storey dwelling to the side of the existing dwelling.</p> <p>Summary of Decision</p> <p>Council's grounds of refusal primarily relate to neighbourhood character including the impact of maintaining the existing dwelling spacing, lack of space on site for planting of vegetation/landscaping etc. and non-compliance with numerous ResCode objectives including providing the secluded private open space for the existing dwelling within the front setback with 2m high screening. The applicant submitted amended plans prior to the Hearing.</p> <p>The decision of the Responsible Authority is set aside and permit granted.</p> <p>The tribunal member found that built form of the proposed dwelling will adequately setback from Tara Drive and will not create overwhelming appearance to the street. It is noted that the proposed dwelling will result in greater built form on the review site and a change to the Tara Drive streetscape but it is not treated as unreasonably crowded.</p> <p>Tribunal member was satisfied with 3m wide front setback of the proposed dwelling to plant trees and contribute to the garden setting. Further, the 2m high existing screening to the secluded private open space of the existing dwelling is limited in length and setback from the frontage to Tara Drive allowing for reasonable landscaping.</p> <p>The secluded private open space to the existing dwelling is proposed to be located in front of the dwelling entry facing Tara Drive. The Tribunal member considered it as located to the side of the dwelling and does not intrude the front setback to Towerhill Road. It is considered satisfactory as it will provide adequate space and a secondary space to the east of the dwelling for service functions.</p>
-------------------------	--------------------------	---	--

Strategic Unit - Planning Scheme Amendments – OCTOBER 2016				
<u>Amendment</u>	<u>Address</u>	<u>Description</u>	<u>Status</u>	<u>Status Date</u>
C100	City Wide	MSS Review	Panel Report received, submitted to Minister for approval.	
C103	160 Potts Road	Changing the DPO	Awaiting authorisation to go on exhibition	
C105		Student Accommodation Policy	On hold	
C111	Frankston City Car Parking Overlay	Implement a parking overlay over the FMAC	Request to exhibit submitted to Minister.	
C112	City wide	Introduces permit requirement for earthworks within GWZ, RCZ, FZ and DDO4.	Submitted to Minister with request to adopt amendment as exhibited	
C113	City wide	Native Vegetation Review	Panel report received. Recommendations considered by Council OM 29 August 2016. Submitted to Minister for approval.	
C114	Residential zones	Multi-Unit parking guidelines	Request to Minister to prepare and exhibit Amendment C114 prepared and submitted .	
C123	Frankston MAC	Implements the recommendations of the Frankston MAC Structure Plan	Exhibited July - August 2016. Nine submissions received. Panel appointed, hearing to occur early November 2016.	

Executive Summary**11.11 November Town Planning Progress Report**

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.3 Ensure good governance and management of Council resources
Priority Action	3.3.2 Implement a schedule of reviews of services, plans, policies and protocols to ensure good governance

Purpose

To provide Council with an update on the exercise of planning delegations by Council officers for the month of November 2016.

Recommendation (Director Community Development)

That Council receives and notes the report

Key Points / Issues

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

- Planning applications received;
- Planning decisions;
- Subdivision applications received.
- Subdivision decisions;
- Planning Scheme amendments;
- VCAT Appeal register; and
- VCAT decisions.

In November 2016, 66 applications were received with 60 applications determined. A total of 65% of decisions were made within 60 days.

Nine (9) decisions related to multi-unit dwelling applications. Six (6) of these decisions complied with Council's Multi-Dwelling Visitor Car Parking Guideline. One (1) application seeking a variation to the Guideline was approved by Council and one (1) application received a condition requiring a visitor car space to be provided. The remaining application which did not comply was refused on a number of grounds.

Council has received three (3) planning applications for development valued over \$1 million in November. This has generated fees to the Metropolitan Planning Levy (MPL) (charged by the State Government) that total \$5,176.50. This financial year a total of \$51,220.70 has been paid to the State Government by applicants for planning approvals in Frankston.

Financial Impact

For the 2016/2017 financial year, the State Government introduced legislation that provides for a limit on the amount Victorian Councils may increase rates in any financial year. The cap for the 2016/2017 financial year is 2.5%. The cap is based on a combination of the CPI and expected wages growth.

11.11 November Town Planning Progress Report**Executive Summary**

This cap has had a significant effect on Council's long term financial planning, with rate revenue being \$28 million less than anticipated over the first four years, growing to \$43 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

Consultation

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

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

Analysis (Environmental / Economic / Social Implications)

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

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

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

Officer's Declaration of Interests

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

Risk Mitigation

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

Conclusion

This report provides Council an overview of the activities and decisions made by its planning teams.

ATTACHMENTS

Attachment A: Town Planning Progress Report

Progress Report – Planning Applications Received				
For The Application Date: From 1/11/2016 To 30/11/2016				
Application No	Ward	Property Address	Application Description	Date
562/2016/P	North-East	1 & 17 Coles Parkway, Carrum Downs 3201	Vegetation removal	4/11/2016
568/2016/P	North-East	16 & 20 Colemans Road, Carrum Downs 3201	Thirty four (34) lot subdivision	8/11/2016
569/2016/P	North-East	14 Woodland Mews, Langwarrin 3910	The construction of one (1) double storey dwelling in an Environmental Significance Overlay	9/11/2016
575/2016/P	North-East	28 Madisson Crescent, Carrum Downs 3201	Eight (8) lot subdivision	11/11/2016
574/2016/P	North-East	112 Colemans Road, Carrum Downs 3201	Eleven (11) lot subdivision	11/11/2016
578/2016/P	North-East	4 Barnett Avenue, Carrum Downs 3201	Vegetation Removal	14/11/2016
589/2016/P	North-East	1/26 Access Way, Carrum Downs 3201	Extension of an existing warehouse	17/11/2016
597/2016/P	North-East	240 Cranbourne-Frankston Road, Langwarrin	Buildings and works to an existing building including display of business identification signage	25/11/2016
607/2016/P	North-East	100 Hall Road, Carrum Downs 3201	Buildings and works to an existing building including display of business identification signage	26/11/2016
599/2016/P	North-East	21 Yazaki Way, Carrum Downs 3201	Fourteen (14) lot subdivision	28/11/2016
603/2016/P	North-East	160 Colemans Road, Carrum Downs 3201	To construct a warehouse and ancillary office	28/11/2016
611/2016/P	North-East	30 Lakewood Boulevard, Carrum Downs 3201	Construction of a factory	30/11/2016
North-East Ward Total = 12				
23/2016/VS	North-West	40 Wynden Drive, Frankston 3199	The construction of a deck, porch and a carport in a Special Building Overlay.	4/11/2016
563/2016/P	North-West	147A Nepean Highway, Seaford 3198	To construct two (2) double storey dwellings	4/11/2016
565/2016/P	North-West	12/190 Karingal Drive, Frankston 3199	Change of use	7/11/2016
579/2016/P	North-West	6 Sussex Crescent, Seaford 3198	Two (2) lot subdivision	8/11/2016
570/2016/P	North-West	42 Buna Avenue, Seaford 3198	To construct one (1) double storey dwelling	9/11/2016
572/2016/P	North-West	15 Ebdale Street, Frankston 3199	Twenty five (25) lot subdivision	10/11/2016
571/2016/P	North-West	26 Stanley Street, Frankston 3199	Two (2) lot subdivision	10/11/2016
577/2016/P	North-West	12 Mereweather Avenue, Frankston 3199	To construct two (2) triple storey buildings containing six (6) dwellings	11/11/2016

Progress Report – Planning Applications Received				
For The Application Date: From 1/11/2016 To 30/11/2016				
Application No	Ward	Property Address	Application Description	Date
584/2016/P	North-West	63 Queen Street, Frankston 3199	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	15/11/2016
583/2016/P	North-West	116 Austin Road, Seaford 3198	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and a two (2) lot subdivision	16/11/2016
588/2016/P	North-West	13 Poplar Street, Frankston North 3200	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	17/11/2016
587/2016/P	North-West	66 Kananook Avenue, Seaford 3198	To construct two (2) double storey dwellings	17/11/2016
592/2016/P	North-West	16 Ribbon Court, Frankston North 3200	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	21/11/2016
593/2016/P	North-West	184 Frankston-Dandenong Road, Seaford 3198	To construct four (4) single storey dwellings	23/11/2016
606/2016/P	North-West	152 Frankston-Dandenong Road, Seaford 3198	To construct one (1) single storey dwelling	23/11/2016
594/2016/P	North-West	3 Kendra Court, Seaford 3198	Construction of three (3) warehouses	25/11/2016
598/2016/P	North-West	6 McKenzie Street, Seaford 3198	Two (2) lot subdivision	25/11/2016
25/2016/VS	North-West	36 Oliphant Way, Seaford 3198	Two (2) lot subdivision	28/11/2016
610/2016/P	North-West	27 Kirkwood Avenue, Seaford 3198	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	29/11/2016
612/2016/P	North-West	35 Kareela Road, Frankston 3199	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings) and a two (2) lot subdivision	30/11/2016
North-West Ward Total = 20				
566/2016/P	South	6 Gowrie Avenue, Frankston South 3199	Extension to an existing dwelling	4/11/2016
564/2016/P	South	5 Treecreeper Place, Frankston South 3199	Extension to dwelling	4/11/2016
573/2016/P	South	44 Bayview Road, Frankston 3199	Two (2) lot subdivision	10/11/2016
581/2016/P	South	16 Denbigh Street, Frankston 3199	To construct two (2) single storey dwellings	11/11/2016
602/2016/P	South	43 McComb Boulevard, Frankston South 3199	Two (2) Lot subdivision	11/11/2016
580/2016/P	South	35 Gowrie Avenue, Frankston South 3199	Extension to the existing dwelling	14/11/2016

Progress Report – Planning Applications Received				
For The Application Date: From 1/11/2016 To 30/11/2016				
Application No	Ward	Property Address	Application Description	Date
582/2016/P	South	5 Ballochmyle Lane, Langwarrin South 3911	To construct a shed	15/11/2016
585/2016/P	South	37 Gowrie Avenue, Frankston South 3199	Extension to an existing dwelling	16/11/2016
586/2016/P	South	23 Coogee Avenue, Frankston 3199	To construct three (3) double storey dwellings and to vary the restrictive covenant 1306858	16/11/2016
601/2016/P	South	46 Bondi Avenue, Frankston 3199	Two (2) lot subdivision	16/11/2016
591/2016/P	South	1 Olsen Street, Frankston 3199	To use the site for a recreational facility	18/11/2016
590/2016/P	South	8 Denbigh Street, Frankston 3199	To construct three (3) double storey dwellings	21/11/2016
605/2016/P	South	3 Fernery Lane, Frankston 3199	To construct one (1) double storey dwelling	24/11/2016
595/2016/P	South	2 Victoria Parade, Frankston 3199	To construct one (1) double storey dwelling	25/11/2016
596/2016/P	South	67 Kars Street, Frankston South 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	25/11/2016
609/2016/P	South	177 Warrandyte Road, Langwarrin 3910	Two (2) lot subdivision	25/11/2016
26/2016/VS	South	60-64 Wells Street, Frankston 3199	Buildings and works to an existing building (first floor)	28/11/2016
600/2016/P	South	30 Violet Street, Frankston South 3199	Two (2) lot subdivision	28/11/2016
South Ward Total = 18				

Progress Report – Amendments to Planning Permits - Received For The Application Date: From 1/11/2016 To 30/11/2016				
Application No	Ward	Property Address	Application Description	Date
360/2015/P/B	North-East	3 Woodland Mews, Langwarrin 3910	Section 72 Amendment - To construct one (1) single storey dwelling	3/11/2016
19/2016/P/B	North-East	9 Lieber Grove, Carrum Downs 3201	Secondary consent - To construct two (2) office and warehouse	4/11/2016
463/2008/P/C	North-East	27 Cranbourne-Frankston Road, Langwarrin 3910	Secondary consent - Development of Seven (7) single storey dwellings	11/11/2016
526/2014/P/A	North-East	74 - 80 McCormicks Road, Skye 3977	Secondary consent - Use and building and works to extend the existing medical centre, alter access to a Road Zone Category 1 and display of business identification signage	11/11/2016
78/2011/P/C	North-East	2 Sanoma Drive, Skye 3977	Secondary consent - To construct thirty four (34) double storey dwellings	15/11/2016
491/2015/P/C	North-East	13 Yazaki Way, Carrum Downs 3201	Section 72 Amendment - To construct buildings and works, use the land for industry (beverage production) and reduce the number of carparking spaces required under Clause 52.06	18/11/2016
47/2012/P/B	North-East	7 Elm Grove, Langwarrin 3910	Section 72 Amendment - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	28/11/2016
North-East Ward Total = 7				
633/2011/P/D	North-West	301 Nepean Highway, Frankston 3199	Secondary consent - Buildings and works associated with a telecommunications facility in accordance with the endorsed plans	2/11/2016
31/2014/P/B	North-West	1 Coolibar Avenue, Seaford 3198	Secondary consent - To construct two (2) double storey dwellings	3/11/2016
618/2009/P/A	North-West	23 Nepean Highway, Seaford 3198	Section 72 Amendment - To construct a lift in the existing light well of Dwelling 2	3/11/2016
114/1998/P/A	North-West	37 Brunel Road, Seaford 3198	Section 72 Amendment - To erect five factories	3/11/2016
550/2009/P/A	North-West	13 Lewis Street, Frankston 3199	Extension of time - To construct two (2) dwellings (a dwelling to the rear of existing dwelling)	3/11/2016
503/2014/P/A	North-West	195 Beach Street, Frankston 3199	Extension of time - Four (4) lot subdivision	7/11/2016
71/2014/P/A	North-West	18 Jasmine Court, Frankston 3199	Secondary consent - To construct three (3) single storey dwellings	8/11/2016
724/2010/P/C	North-West	53 Fortescue Avenue, Seaford 3198	Extension of time - Construct two (2) new dwellings, one (1) double storey to the front and one (1) single storey to the rear	10/11/2016

Progress Report – Amendments to Planning Permits - Received				
For The Application Date: From 1/11/2016 To 30/11/2016				
Application No	Ward	Property Address	Application Description	Date
149/2016/P/A	North-West	211-279 Skye Road, Frankston 3199	Section 72 Amendment - Construction of buildings and works (clubhouse including accommodation, proshop and sports centre) and removal of native vegetation.	8/11/2016
9/2015/P/A	North-West	103 Beach Street, Frankston 3199	Secondary consent - Business identification signage	16/11/2016
115/2016/P/B	North-West	144 Seaford Road, Seaford 3198	Secondary consent - To construct one (1) garage in a SBO	23/11/2016
225/2016/P/A	North-West	42 Kananook Avenue, Seaford 3198	Secondary consent - To construct an extension to the existing dwelling and to construct one (1) garage, one (1) front fence	25/11/2016
North-West Ward Total = 12				
128/1988/P/B	South	137 Frankston-Flinders Road, Frankston 3199	Section 72 Amendment - To carry out building and works in accordance to the endorsed plan and to be used for the purpose of a Medical Consulting Room - To amend the permit by amending Condition 8 of the permit to allow for four (4) practitioners	4/11/2016
665/2014/P/C	South	8 Lawrey Street, Frankston 3199	Secondary consent - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings) and a two (2) lot subdivision	9/11/2016
206/2014/P/A	South	4 Canning Street, Frankston South 3199	Extension of Time - Four (4) lot subdivision in two (2) stages	11/11/2016
310/2011/P/D	South	37 Bayview Road, Frankston 3199	Extension of time - The construction of one (1) single storey dwelling to the rear of the existing dwelling (two dwellings)	11/11/2016
343/2014/P/D	South	38 Playne Street, Frankston 3199	Section 72 Amendment - - To use and develop the land for a five (5) storey building comprising twenty-two (22) dwellings above a retail premises, associated reduction of car parking and waiver of loading / unloading facilities	14/11/2016
355/2009/P/D	South	525 McClelland Drive, Langwarrin 3910	Secondary Consent - Extensions to Peninsula Private Hospital, Vegetation removal and access to a Road Zone Category 1	18/11/2016
796/2010/P/C	South	21 Wattle Drive, Frankston 3199	Extension of time - Construct one (1) single storey dwelling to the rear of the existing single storey dwelling (to be retained)	18/11/2016
156/2014/P/B	South	6 Davey Street, Frankston 3199	Extension of time - To construct a seventeen (17) storey building containing sixty three (63) dwellings and offices	18/11/2016

Progress Report – Amendments to Planning Permits - Received				
For The Application Date: From 1/11/2016 To 30/11/2016				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
375/1997/P/C	South	41-45 McMahons Road, Frankston 3199	Secondary consent - Planning Reform Site Specific- Petrol Station	25/11/2016
353/2014/P/A	South	10 George Street, Frankston 3199	Secondary consent - To construct one (1) single storey dwelling to the rear of the existing (two (2) dwellings)	25/11/2016
680/2013/P/C	South	126 Williams Street, Frankston 3199	Section 72 Amendment - To construct four (4) double storey dwellings	29/11/2016
South Ward Total = 11				

Progress Report – Planning Application Decisions					
For The Application Date: From 1/11/2016 To 30/11/2016					
Application	Ward	Property Address	Application Description	Status	Date
78/2016/P	North-East	5 Lorraine Avenue, Langwarrin 3910	To construct one (1) double storey dwelling and one (1) single storey dwelling	Notice of Decision	3/11/2016
147/2016/P	North-East	26 Quarrion Drive, Carrum Downs 3201	The construction of two (2) single storey dwellings	Permit Approved	4/11/2016
136/2016/P	North-East	18 Luscombe Avenue, Carrum Downs 3201	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Permit Approved	9/11/2016
463/2016/P	North-East	576 Frankston-Dandenong Road, Carrum Downs 3201	To use the site for a retail premises, alterations to the existing carparking and the erection of signage	Permit Approved	11/11/2016
331/2016/P	North-East	75 Cadles Road, Carrum Downs 3201	The use and development of an addition to a childcare centre	Permit Approved	16/11/2016
511/2016/P	North-East	9 - 11 Yazaki Way, Carrum Downs 3201	Twenty five (25) lot subdivision	Permit Approved	17/11/2016
256/2016/P	North-East	1/55 Union Road, Langwarrin 3910	Use and development of the land for a childcare centre and removal of native vegetation	Permit Approved	17/11/2016
550/2016/P	North-East	19 Earnshaw Drive, Carrum Downs	To construct one (1) single storey dwelling on a lot less than 300 square metres	Permit Approved	22/11/2016
484/2016/P	North-East	281 Cranbourne-Frankston Road, Langwarrin 3910	Eleven (11) lot subdivision	Permit Approved	23/11/2016
226/2016/P	North-East	Factory 5/14 Lakewood Boulevard, Carrum Downs 3201	The use of the site for Indoor Recreation Facility (Martial Arts school)	Permit Approved	23/11/2016
472/2016/P	North-East	114 Colemans Road, Carrum Downs	Seven (7) lot subdivision	Permit Approved	24/11/2016
548/2016/P	North-East	1/1 Athol Court, Langwarrin 3910	The construction of a front fence associated with one dwelling on a lot less than 300 square metres	Permit Approved	25/11/2016
569/2016/P	North-East	14 Woodland Mews, Langwarrin 3910	The construction of one (1) double storey dwelling in an Environmental Significance Overlay	Permit Approved	29/11/2016
North-East Ward Total = 13					
113/2016/P	North-West	6 Lorraine Street, Frankston 3199	The construction of three (3) double storey dwellings	Permit Approved	4/11/2016
656/2015/P	North-West	145 Fortescue Avenue, Seaford 3198	The construction of three (3) double storey dwellings	Permit Approved	4/11/2016
368/2016/P	North-West	19 Lorna Street, Seaford 3198	Dwelling additions and free standing carport	Permit Approved	7/11/2016
20/2016/VS	North-West	123 Beach Street, Frankston 3199	Two (2) lot subdivision	Permit Approved	8/11/2016

Progress Report – Planning Application Decisions					
For The Application Date: From 1/11/2016 To 30/11/2016					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
246/2016/P	North-West	28 Overton Road, Frankston 3199	To use the site for Car Sales, buildings and works, to vary the requirements of Clause 52.14 (Motor Vehicle, Boat or Caravan Sales) and to display business identification signage (one (1) internally illuminated pole sign and four (4) internally illuminated signs)	Permit Approved	7/11/2016
274/2016/P	North-West	29 Wirilda Crescent, Frankston North	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Application Withdrawn	8/11/2016
430/2016/P	North-West	8 Wells Road, Seaford 3198	Business identification signage	Permit Approved	9/11/2016
242/2016/P	North-West	32-33 Wells Road, Seaford 3198	The use of land for motor vehicle sales, associated buildings and works and to display advertising signage	Permit Approved	9/11/2016
23/2016/VS	North-West	40 Wynden Drive, Frankston 3199	The construction of a deck, porch and a carport in a Special Building Overlay.	Condition 1 Plans approved	15/11/2016
132/2016/P	North-West	16 Chevron Court, Seaford 3198	To construct two (2) double storey dwellings	Permit Approved	21/11/2016
723/2015/P	North-West	1 Gladwyn Avenue, Frankston 3199	The construction of three (3) double storey dwellings	Permit Approved	22/11/2016
638/2015/P	North-West	37 Nepean Highway, Seaford 3198	To construct one (1) three (3) storey building containing ten (10) apartments and basement carparking	Application Refused	22/11/2016
391/2016/P	North-West	8/42 Hartnett Drive, Seaford 3198	To use the site for a restricted recreation facility (Yoga Studio)	Notice of Decision	22/11/2016
571/2016/P	North-West	26 Stanley Street, Frankston 3199	Two (2) lot subdivision	Permit Approved	23/11/2016
579/2016/P	North-West	6 Sussex Crescent, Seaford 3198	Two (2) lot subdivision	Permit Approved	23/11/2016
362/2016/P	North-West	28 Nabilla Avenue, Seaford 3198	To construct two (2) double storey dwellings	Application Lapsed	24/11/2016
437/2016/P	North-West	5 Raymond Road, Seaford 3198	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Application Lapsed	25/11/2016
309/2016/P	North-West	26 Caley Street, Frankston North 3200	To construct two attached double storey dwellings to the rear of the existing dwelling (Three (3) dwellings)	Application Refused	29/11/2016

Progress Report – Planning Application Decisions					
For The Application Date: From 1/11/2016 To 30/11/2016					
Application	Ward	Property Address	Application Description	Status	Date
270/2016/P	North-West	10 Wynnstay Road, Seaford 3198	To construct two (2) double storey dwellings	Permit Approved	30/11/2016
221/2016/P	North-West	4 Alvina Court, Frankston 3199	Two (2) lot subdivision	Permit Approved	30/11/2016
North-West Ward Total = 20					
197/2016/P	South	320 Centre Road, Langwarrin 3910	The construction of one (1) outbuilding (more than 100m ²) outside of the designated building envelope.	Permit Approved	2/11/2016
371/2016/P	South	Esplanade Reserve 2N Esplanade, Frankston 3199	The removal of native vegetation (one tree)	Permit Approved	2/11/2016
269/2016/P	South	555 Nepean Highway, Frankston 3199	Removal of covenant 1089986 applicable to Lot 1 on Plan of Subdivision 21560 (7866/028) which states the following: - "that no building other than one dwelling house with the usual outbuildings and offices will be erected"; - "that no more than two dwelling houses with the usual outbuildings and will be erected".	Application Withdrawn	4/11/2016
352/2016/P	South	32 Baileyana Street, Frankston South	The construction of an extension to an existing single store dwelling in a Design and Development Overlay Schedule 9	Notice of Decision	4/11/2016
508/2016/P	South	6/68-70 Nolan Street, Frankston 3199	The construction of an extension to an existing dwelling (Balcony) on a lot of less than 300 square metres	Permit Approved	7/11/2016
431/2016/P	South	525 Robinsons Road, Langwarrin 3910	Extension of existing dwelling	Permit Approved	8/11/2016
264/2016/P	South	20 Donald Road, Langwarrin 3910	To construct one (1) dwelling and associated outbuilding with an area greater than 100 square metres; and remove native vegetation	Permit Approved	11/11/2016
579/2015/P	South	54 High Street, Frankston 3199	- Construction of three (3) dwellings in a General Residential Zone - Construction of buildings and works in a Design and Development Overlay	Permit Approved	14/11/2016
180/2016/P	South	6 McComb Boulevard, Frankston South	The permit allows the construction of a domestic swimming pool and front fence	Permit Approved	14/11/2016
534/2015/P	South	11 Norman Avenue, Frankston South	To construct two (2) double storey dwellings and removal of significant trees	Permit Approved	15/11/2016

Progress Report – Planning Application Decisions					
For The Application Date: From 1/11/2016 To 30/11/2016					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
488/2016/P	South	143A Humphries Road, Frankston South	The construction of an extension to an existing outbuilding ancillary to the dwelling	Permit Approved	21/11/2016
96/2016/P	South	4 Woodlands Grove, Frankston 3199	The construction of two (2) double storey dwellings	Permit Approved	21/11/2016
573/2016/P	South	44 Bayview Road, Frankston 3199	Two (2) lot subdivision	Permit Approved	21/11/2016
349/2016/P	South	120 Overport Road, Frankston South	Extensions to an existing dwelling in the Design and Development Overlay (Schedule)	Permit Approved	22/11/2016
364/2016/P	South	3 Liddesdale Avenue, Frankston South	The construction of alterations and extensions to the existing dwelling including the addition of a second storey	Permit Approved	22/11/2016
449/2016/P	South	52 Bartlett Street, Frankston South	To erect and display a business identification sign	Permit Approved	22/11/2016
530/2016/P	South	34 Ronald Avenue, Frankston South	Three (3) lot subdivision	Permit Approved	23/11/2016
358/2016/P	South	8 Denbigh Street, Frankston 3199	To construct (3) three double storey dwellings	Application Lapsed	24/11/2016
338/2016/P	South	675 Robinsons Road, Langwarrin	To construct one (1) outbuilding	Permit Approved	24/11/2016
39/2016/P	South	124 Fleetwood Crescent, Frankston South 3199	To construct two (2) double storey dwellings to the rear of the existing dwelling (three (3) dwellings)	Permit Approved	24/11/2016
576/2016/P	South	3 Oxford Street, Frankston 3199	Two (2) lot subdivision	Permit Approved	24/11/2016
324/2016/P	South	45 Christopher Drive, Frankston South	To construct buildings, works and a swimming pool in the Design and Development Overlay (Schedule 9)	Permit Approved	29/11/2016
494/2016/P	South	108 Beach Street, Frankston 3199	To use and develop the land for medical consulting rooms, and reduce the car parking requirements of Clause 52.06	Permit Approved	29/11/2016
507/2016/P	South	33 Gowrie Avenue, Frankston South	To remove restrictive covenant No.A227208 applicable to Lot 47 on LP40167 (Volume 11036 Folio 453) which states the following: "will not build construct or erect on the lot hereby transferred (1) any building other than one private dwelling (2) consisting of not less than ten building squares of one hundred square feet each (exclusive of outbuildings)"	Application Refused	30/11/2016
South Ward Total = 24					

Progress Report – Amendments to Planning Application Decisions					
For The Application Date: From 1/11/2016 To 30/11/2016					
Application	Ward	Property Address	Application Description	Status	Date
654/2011/P/C	North-East	6 - 10 Redgum Avenue, Carrum Downs 3201	Extension of time - To construct eight (8) double storey dwellings	Extension of Time Approved	4/11/2016
408/2011/P/D	North-East	46 McCormicks Road, Skye 3977	Extension of time - To construct ten (10) dwellings (nine (9) double storey and one (1) single storey) and alterations to access to a Road Zone Category 1	Extension of Time Approved	15/11/2016
19/2016/P/B	North-East	9 Lieber Grove, Carrum Downs 3201	Secondary consent - To construct two (2) office and warehouse	Secondary Consent Approved	18/11/2016
526/2014/P/A	North-East	74 - 80 McCormicks Road, Skye 3977	Secondary consent - Use and building and works to extend the existing medical centre, alter access to a Road Zone Category 1 and display of business identification signage	Secondary Consent Approved	18/11/2016
360/2015/P/B	North-East	3 Woodland Mews, Langwarrin	Section 72 Amendment - To construct one (1) single storey dwelling	Permit Approved	22/11/2016
378/2012/P/C	North-East	11 Cedar Street, Langwarrin 3910	Extension of time - To construct one (1) double storey dwelling to the rear of the existing dwelling (Two (2) dwellings)	Extension of Time Approved	24/11/2016
North East Ward Total = 6					
1/2015/P/B	North-West	3 Duncan Avenue, Seaford 3198	Secondary consent - To construct an extension to the existing dwelling	Secondary Consent Approved	9/11/2016
656/2011/P/B	North-West	182 Old Wells Road, Seaford 3198	Extension of time - The construction of three (3) double storey dwellings and the subdivision of the land into three (3) lots	Extension of Time Approved	15/11/2016
683/2014/P/D	North-West	15 - 17 Ebdale Street, Frankston	Secondary consent - To construct a four (4) storey building containing twenty five (25) apartments	Secondary Consent Approved	17/11/2016
418/2007/P/A	North-West	50 Bardia Avenue, Seaford 3198	Section 72 Amendment - Construct a factory and associated works	Condition 1 Plans approved	17/11/2016
287/1998/P/A	North-West	51-52 Nepean Highway, Seaford	Section 72 Amendment - To develop and use the site for eight (8) multi-dwellings and create access to a main road in accordance with the endorsed plans	Permit Approved	23/11/2016

Progress Report – Amendments to Planning Application Decisions For The Application Date: From 1/11/2016 To 30/11/2016					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
503/2014/P/A	North-West	195 Beach Street, Frankston 3199	Extension of time - Four (4) lot subdivision	Extension of Time Approved	24/11/2016
40/2014/P/A	North-West	11 Rosemary Crescent, Frankston North 3200	Extension of time - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Extension of Time Approved	25/11/2016
114/1998/P/A	North-West	37 Brunel Road, Seaford 3198	Section 72 Amendment - To erect five factories	Permit Approved	25/11/2016
North-West Total = 8					
103/2012/P/B	South	1 Bunarong Drive, Frankston 3199	Secondary consent - To construct a double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and to subdivide the land into two (2) lots	Application Refused	2/11/2016
683/2015/P/A	South	24 Bayview Road, Frankston 3199	Section 72 Amendment - To construct two (2) double storey dwellings	Permit Approved	2/11/2016
279/2013/P/A	South	19 Robinia Street, Frankston 3199	Section 72 Amendment - To use the land for a Child Care Centre, to construct associated buildings and works and to display one (1) business identification sign	Notice of Decision	8/11/2016
436/2010/P/D	South	41-43 Deane Street, Frankston 3199	Secondary Consent - The construction of four (4) dwellings (two (2) single storey and two (2) double storey) at the rear of six (6) existing dwellings, in accordance with the endorsed plans	Secondary Consent Approved	14/11/2016
124/2014/P/A	South	30 Violet Street, Frankston South	Section 72 Amendment - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Permit Approved	21/11/2016
343/2014/P/D	South	38 Playne Street, Frankston 3199	Section 72 Amendment - To use and develop the land for a five (5) storey building comprising twenty-two (22) dwellings above a retail premises, associated reduction of car parking and waiver of loading / unloading facilities	Permit Approved	22/11/2016
671/2011/P/D	South	4 Orchard Grove, Frankston South	Section 72 Amendment - To construct four (4) double storey dwellings and the removal of vegetation	Permit Approved	25/11/2016
South Ward Total = 7					

Progress Report – Subdivision Application Received				
For The Application Date: From 1/11/2016 To 30/11/2016				
Application No	Ward	Property Address	Application Description	Date
134/2016/S	North-East	675 Dandenong-Hastings Road, Skye 3977	Acquisition by acquiring authority	8/11/2016
135/2016/S	North-East	3 Larch Street, Langwarrin 3910	Four (4) lot subdivision	8/11/2016
137/2016/S	North-East	16-20 Colemans Road, Carrum Downs 3201	Thirty four (34) lot subdivision	8/11/2016
142/2016/S	North-East	112 Colemans Road, Carrum Downs 3201	Eleven (11) lot subdivision	11/11/2016
143/2016/S	North-East	28 Madisson Crescent, Carrum Downs 3201	Eight (8) lot subdivision	11/11/2016
146/2016/S	North-East	21 Yazaki Way, Carrum Downs 3201	Fourteen (14) lot subdivision	28/11/2016
North-East Ward Total = 6				
138/2016/S	North-West	6 Sussex Crescent, Seaford 3198	Two (2) lot subdivision	8/11/2016
139/2016/S	North-West	26 Stanley Street, Frankston 3199	Two (2) lot subdivision	10/11/2016
140/2016/S	North-West	15 Ebdale Street, Frankston 3199	Twenty five (25) lot subdivision	10/11/2016
145/2016/S	North-West	6 McKenzie Street, Seaford 3198	Two (2) lot subdivision	25/11/2016
148/2016/S	North-West	36 Oliphant Way, Seaford 3198	Two (2) lot subdivision	28/11/2016
North-West Ward Total = 5				
141/2016/S	South	44 Bayview Road, Frankston 3199	Two (2) lot subdivision	11/11/2016
150/2016/S	South	43 McComb Boulevard, Frankston South 3199	Two (2) lot subdivision	11/11/2016
149/2016/S	South	46 Bondi Avenue, Frankston 3199	Two (2) lot subdivision	16/11/2016
147/2016/S	South	30 Violet Street, Frankston South 3199	Two (2) lot subdivision	28/11/2016
151/2016/S	South	18 Tavistock Road, Frankston South 3199	Two (2) Lot Subdivision	29/11/2016
South Ward Total = 5				

Progress Report – Subdivision Decisions					
For The Application Date: From 1/11/2016 To 30/11/2016					
Application No	Ward	Property Address	Application Description	Status	Date
149/2015/S	North-East	80 McCormicks Road, Skye 3977	Two (2) lot subdivision	Certified	4/11/2016
117/2014/S	North-East	45 Yarralumla Drive, Langwarrin 3910	Two (2) lot subdivision	SOC Issued	11/11/2016
123/2015/S	North-East	18 Network Drive, Carrum Downs 3201	Three (3) lot subdivision	SOC Issued (M)	17/11/2016
110/2015/S	North-East	269B North Road, Langwarrin 3910	Six (6) lot subdivision	SOC Issued (M)	18/11/2016
123/2015/S	North-East	18 Network Drive, Carrum Downs 3201	Three (3) lot subdivision	SOC Issued (M)	28/11/2016
170/2015/S	North-West	58 Nepean Highway, Seaford 3198	Eight (8) lot subdivision	Certified	2/11/2016
28/2016/S	North-West	26 East Road, Seaford 3198	Four (4) lot subdivision	SOC Issued (M)	2/11/2016
188/2013/S	North-West	28 Robinsons Road, Seaford 3198	Two (2) lot subdivision	SOC Issued (M)	3/11/2016
28/2016/S	North-West	26 East Road, Seaford 3198	Four (4) lot subdivision	SOC Issued (M)	3/11/2016
28/2016/S	North-West	26 East Road, Seaford 3198	Four (4) lot subdivision	SOC Issued (M)	3/11/2016
215/2015/S	North-West	17 Wise Avenue, Seaford 3198	Two (2) lot subdivision	SOC Issued (M)	4/11/2016
215/2015/S	North-West	17 Wise Avenue, Seaford 3198	Two (2) lot subdivision	SOC Issued (M)	4/11/2016
125/2015/S	North-West	19 Armstrongs Road, Seaford 3198	Two (2) lot subdivision	SOC Issued (M)	8/11/2016
17/2016/S	North-West	23 Lewis Street, Frankston 3199	Five (5) lot subdivision	Certified	8/11/2016
133/2014/S	North-West	172 Fortescue Avenue, Seaford 3198	Two (2) lot subdivision	SOC Issued (M)	9/11/2016
64/2016/S	North-West	26 Scott Street, Seaford 3198	Two (2) Subdivision	SOC Issued (M)	17/11/2016
34/2016/S	North-West	13 Northcote Street, Seaford 3198	Two (2) lot subdivision	Certified	21/11/2016
148/2015/S	North-West	3 Wynnstay Road, Seaford 3198	Two (2) lot subdivision	Certified	24/11/2016
41/2012/S	South	638 Nepean Highway, Frankston South 3199	Two (2) lot subdivision	SOC Issued (M)	21/11/2016
213/2015/S	South	61 Stotts Lane, Frankston South 3199	Two (2) lot subdivision	SOC Issued (M)	24/11/2016
71/2014/S	South	1 Geoffrey Street, Frankston 3199	Two (2) lot subdivision	SOC Issued (M)	24/11/2016
165/2015/S	South	31 Margate Avenue, Frankston 3199	Two (2) lot subdivision	SOC Issued (M)	28/11/2016

Progress Report – Current VCAT Appeals NOVEMBER 2016								
<u>Appeal No</u>	<u>Application Number</u>	<u>Address (Ward)</u>	<u>Proposal</u>	<u>Council Decision</u>	<u>Appeal Type</u>	<u>Date of Appeal</u>	<u>VCAT Decision</u>	<u>Date of VCAT Decision</u>
P801/2016	513/2015/P	18 Nepean Highway Seaford	To construct five (5) three (3) storey dwellings	Refusal	Refusal to grant a permit	03-Oct-16	Permit Granted	18-Nov-16
P1005/2016	579/2015/P	54 High Street Frankston	To construct five (5) three storey dwellings	Refusal	Refusal to grant a permit	11-Nov-16	Permit Granted	14-Nov-16
P1044/2016	141/2014/P	26 Ashleigh Avenue Frankston	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Refusal	Refusal to grant a permit	10-Nov-16		
P1187/2016	732/2015/P	3 Brunning Crescent Frankston North	To construct three (3) double storey dwellings	Refusal	Refusal to grant a permit	01-Dec-16		
P1210/2016	206/2015/P	45 & 47 Fortescue Avenue Seaford	Construct four (4) double storey dwellings and one (1) single storey dwelling (Five (5) dwellings).	Refusal	Refusal to grant a permit	13-Dec-16		
P1252/2016	716/2015/P	35 - 37 Sheridan Avenue Frankston	To construct a four (4) storey apartment building containing twenty seven (27) apartments		Failure to determine	13-Dec-16		
P1242/2016	666/2015/P	37 Williams Street Frankston	To construct five (5) double storey dwellings	Refusal	Refusal to grant a permit	08-Dec-16		
P1304/2016	24/2016/P	482 McClelland Drive Langwarrin	To construct two (2) additional dwellings to the front of the existing dwelling (three (3) dwellings)	Refusal	Refusal to grant a permit	10-Jan-17		
P1288/2016	180/2016/P	6 McComb Boulevard Frankston South	To construct a domestic swimming pool and a front fence	Refusal	Refusal to grant a permit	13-Dec-16	Permit Granted	14-Nov-16
P1380/2016	731/2015/P	33 Ithaca Road Frankston South	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	NOD	Decision to grant a permit	19-Jan-17		

<u>Appeal No</u>	<u>Application Number</u>	<u>Address (Ward)</u>	<u>Proposal</u>	<u>Council Decision</u>	<u>Appeal Type</u>	<u>Date of Appeal</u>	<u>VCAT Decision</u>	<u>Date of VCAT Decision</u>
P1306/2016	415/2014/P	42 Nepean highway Seaford	To construct seven (7) triple storey dwellings, access to a road in a Road Zone Category 1	Refusal	Refusal to grant a permit	09-Jan-17		
P1429/2016	665/2015/P	212 - 214 Cranbourne Road Frankston	To construct seven (7) double storey dwellings	Refusal	Refusal to grant a permit	16-Nov-16	Permit Granted	28-Nov-16
P1444/2016	97/2016/P	10 Nepean Highway Seaford	Construct four (4) double storey dwellings and one (1) single storey dwelling (Five (5) dwellings).		Failure to determine	27-Jan-17		
P1728/2016	90/2016/P	15 Alpina Street, Frankston North	To construct nineteen (19) double storey dwellings	Refusal	Refusal to grant a permit	08-Feb-17		
P1590/2016	730/2015/P	724 Frankston-Dandenong Road and 2 Boundary Road Carrum Downs	To use and develop the land for a place of worship, one (1) guest dwelling, one (1) care takers dwelling, agriculture and removal of native vegetation	NOD	Decision to grant a permit	13-Feb-17		
P1596/2016	371/2015/P	107 Fleetwood Crescent Frankston South	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) & a two (2) lot subdivision	NOD	Decision to grant a permit	17-Feb-17		
P1791/2016	206/2016/P	4 Dingle Avenue, Frankston	To construct a three (3) storey building containing eight (8) dwellings and reduction of visitor car parking	Refusal	Refusal to grant a permit	17-Mar-17		
P1763/2016	57/2016/P	14 Bragge Street Frankston	To use land in the Commercial 1 Zone for accommodation where the frontage for the use at ground level exceeds a width of 2 metres and to construct five (5) triple storey dwellings.	Refusal	Refusal to grant a permit	10-Feb-17	Withdrawn	24-Nov-16
P1005/2016	579/2015/P	56 High Street Frankston	To construct four (4) double storey and four (4) three storey dwellings (eight (8) dwellings), one (1) building for common use and a reduction in car parking.	Refusal	Refusal to grant a permit			

<u>Appeal No</u>	<u>Application Number</u>	<u>Address (Ward)</u>	<u>Proposal</u>	<u>Council Decision</u>	<u>Appeal Type</u>	<u>Date of Appeal</u>	<u>VCAT Decision</u>	<u>Date of VCAT Decision</u>
P1955/2016	701/2015/P	74-76 Hall road Carrum Downs	To construct ten (10) triple storey dwellings reduce the number of car parking spaces required and alter access to a road Zone Category 1	Refusal	Refusal to grant a permit	29-May-17		
P2045/2016	227/2016/P	8 William Road Carrum Downs	To use and develop the land for a place of worship	Refusal	Refusal to grant a permit	12-May-17		
P2203/2016	579/2015/P	13 Ebdale Street Frankston	To construct five (5) three storey dwellings	Refusal	Refusal to grant a permit	09-Jun-17		
P2180/2016	725/2015/P	7 Huon Court Frankston North	To construct two (2) double storey dwellings	Refusal	Refusal to grant a permit	17-Jun-17		

Progress Report – VCAT Determination – Policy Implications NOVEMBER 2016			
<u>Appeal No</u>	<u>Application No</u>	<u>Address (Ward)</u>	<u>VCAT Determination – Policy Implications</u>
P1429/2016	665/2015/P	212-214 Cranbourne Road Frankston (South)	<p>This was an appeal against a refusal by Officers to construct seven (7) double storey dwellings.</p> <p>Summary of Decision</p> <p>The key issues and grounds of refusal related to the detailed design of the development, its response to neighbourhood character and the design of the carports and storage areas.</p> <p>The Tribunal set aside the decision of Council and directed that a planning permit be issued subject to conditions.</p> <p>The Tribunal considered the context of the site on the boundary between two different neighbourhood character precincts as well as the location of the site on the corner of a main road close to other commercial type activities to be influencing factors when considering the acceptability of the building design and its response to the local character of the area.</p> <p>The Tribunal did not accept the concerns raised by Council in relation to the visual impact of the carports and location of the storage areas or the use of easements for the provision of secluded private open space.</p> <p>The Tribunal member directed that the decision of the Council be set aside and a permit issued subject to conditions.</p>
P1005/2016	579/2015/P	54 High Street Frankston (South)	<p>This was an appeal against a refusal by Officers to construct five attached three storey dwellings.</p> <p>Summary of Decision</p> <p>The applicant submitted amending plans reducing the number of dwellings to three and substantially changing the layout of the development on the subject site.</p> <p>As a result of the substantial changes proposed by the amended plans most of the grounds the original plans were refused on were addressed. The remaining outstanding matters related to compliance with ResCode standards to height and laneway setbacks.</p> <p>The Tribunal member considered the development meet the relevant objectives and the variations to the standards minor.</p> <p>The Tribunal member directed that the decision of the Council be set aside and a permit issued subject to conditions.</p>

P801/2016	313/2015/P	18 Nepean Hwy, Seaford (North-West)	<p>This was an appeal against a refusal by Officers to construct five (5) triple storey dwellings and alter access to a Road Zone, Category 1.</p> <p>Summary of Decision</p> <p>Council's grounds of refusal primarily relate to neighbourhood character including insufficient landscaping opportunities, dwelling spacing and visual bulk; also non-compliance with Clause 52.06 (Car Parking) design objectives and numerous ResCode objectives.</p> <p>The tribunal member set aside Council's decision and granted a permit. The tribunal disagreed that the proposal failed to provide suitable opportunities for landscaping throughout the site and viewed the proposal as reflective of the built form of other recent developments along Nepean Hwy. The tribunal also disagreed with Council's concerns regarding vehicle access and various ResCode objectives. Overall the decision reflected other Tribunal decisions for relatively intensive medium density townhouse developments along Nepean Hwy in Seaford.</p>
------------------	-------------------	---	---

Strategic Unit - Planning Scheme Amendments – NOVEMBER 2016				
<u>Amendment</u>	<u>Address</u>	<u>Description</u>	<u>Status</u>	<u>Status Date</u>
C100	City Wide	MSS Review	Panel Report received submitted to Minister for approval.	
C103	160 Potts Road	Changing the DPO	Awaiting authorisation to go on exhibition	
C105		Student Accommodation Policy	On hold	
C111	Frankston City Car Parking Overlay	Implement a parking overlay over the FMAC	Request to exhibit submitted to Minister.	
C112	City wide	Introduces permit requirement for earthworks within GWZ, RCZ, FZ and DDO4.	Submitted to Minister with request to adopt amendment as exhibited	
C113	City wide	Native Vegetation Review	Panel report received. Recommendations considered by Council OM 29 August 2016. Submitted to Minister for approval.	
C114	Residential zones	Multi-Unit parking guidelines	Request to Minister to prepare and exhibit Amendment C114 prepared and submitted.	
C123	Frankston MAC	Implements the recommendations of the Frankston MAC Structure Plan	Exhibited July - August 2016. Nine submissions received. Panel appointed, hearing to occur early November 2016.	

Executive Summary**12.1 Appeal against Tree Protection Local Law decision - 44 Williams Street Frankston**

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

Community Outcome:	1. Planned City for Future Growth
Strategy:	1.3 Review the Municipal Strategic Statements, also known as the Local Planning Scheme to accommodate future population growth
Priority Action	1.3.1 Develop an urban design policy to guide assessment of proposed developments and deliver quality design outcomes

Purpose

To brief Council on an appeal by the resident on the decision to refuse an application to remove a *Corymbia citriodora* (Lemon Scented Gum) located at 44 Williams Street, Frankston.

Recommendation (Director Community Development)

That Council confirms the decision to refuse a permit for Tree removal at 44 Williams Street, Frankston.

Key Points / Issues

- This matter was considered at Council's 19 December 2016 meeting where Council resolved to confirm the decision to refuse a permit for Tree removal at 44 Williams Street, Frankston. This report is being resubmitted for Council's consideration at the request of the owner. An additional letter from the owner (Attachment G) is the only change to the report.
- The vacant site was purchased by the current owner in December 2011 with the dwelling on the site completed in late 2013.
- An application for removal of the tree located within the property under the Tree Protection Local Law was received on 27 June 2016. The application was accompanied by a brief letter highlighting concerns about the safety of the tree and potential damage to the dwelling (Attachment A).
- The tree that is the subject of this request was retained as part of the original subdivision and the dwelling built adjacent to it. It is protected by a Section 173 Agreement that attaches to the original subdivision approval. As a result, Council's approval is required for the removal of the tree, in addition to the Local Law process.
- Further correspondence was received on the 14 July 2016 including photographs of branches which had failed during recent high wind events (Attachment B).
- The tree is highly visible and provides considerable habitat value with numerous Rainbow Lorikeets observed in the tree during various site visits.
- The tree has been assessed on multiple occasions by Council's Vegetation Protection Officer. The officer has assessed the tree as being of good health and condition with no arboricultural justification for its removal. Additionally, an independent assessment was undertaken by Bayside Treeworks, a private firm, in August 2016 who provided a short statement (Attachment C).

12.1 Appeal against Tree Protection Local Law decision - 44 Williams Street Frankston
Executive Summary

- Council generally considers that falling leaves, twigs, fruit and flowers are normal and expected tree behaviour and are not valid reasons for removal as per Council's Street Tree Management Policy (Attachment D).

Financial Impact

For the 2016/2017 financial year, the State Government introduced legislation that provides for a limit on the amount Victorian councils may increase rates in any financial year. The cap for the 2016/2017 financial year is 2.5%. The cap is based on a combination of the CPI and expected wages growth.

This cap has had a significant effect on Council's long term financial planning, with rate revenue being \$28 million less than anticipated over the first four years, growing to \$43 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

There are no financial impacts associated with this matter other than officer time to issue a permit or letter confirming decision.

Consultation**1. External Stakeholders**

Council officers have been in regular contact with the resident of 44 Williams Street since his original request in June 2016. The arborist from Bayside Treeworks has also been contacted to discuss their assessment of the tree.

2. Other Stakeholders

The Coordinator Biodiversity and the Manager Planning & Environment have been kept advised of progress throughout the process.

Analysis (Environmental / Economic / Social Implications)

Corymbia citriodora (Lemon Scented Gum) is native to N.S.W. and Queensland and this tree has been widely planted in Melbourne as an ornamental tree. While not native to the Frankston area, this tree species provides considerable habitat value for birds and small arboreal mammals. Additionally, this particular tree makes a positive contribution to the landscape character of the locality because of its size and prominence. Trees of this size provide ongoing environmental benefits such as moderating climate, improving air quality, conserving water and soil and providing shade and cooling temperatures which help reduce energy bills.

The Amenity Tree Evaluation: Revised Burnley Method (Attachment E) is an accepted method of determining the value of a tree. The Revised Burnley method uses a base species value which is multiplied by other factors which consider tree volume, life expectancy, form and vigour, and the tree's location. Based on the officer's assessment using this method, it has been determined this Tree's Amenity value would be in the order of \$22,000.

Research has been undertaken into the physical and mental health benefits that interaction with trees and nature can provide. The presence of trees has been found to contribute positively to human health and amenity, including lowering blood pressure and cholesterol, improving levels of concentration, reducing stress and helping people to create a more positive outlook on life.

12.1 Appeal against Tree Protection Local Law decision - 44 Williams Street Frankston
Executive Summary**Legal / Policy / Council Plan Impact**Charter of Human Rights and Responsibilities

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

Legal

Matters under the Tree Protection Local law are classified as administrative procedures. There is no further formal avenue of appeal should this request by the resident to review the original decision not result in the outcome they are seeking.

Policy Impacts

Removal of this tree would be in direct opposition to Council's Tree Protection Local Law, Street Tree Management Policy and Environment Strategy.

Officer's Declaration of Interests

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

Risk Mitigation

The tree has been inspected by Council's qualified arborist and in addition it has been independently assessed by a contractor employed by the owner of the property. The independent assessment noted that the tree displays good health and that ongoing pruning and weight reduction would help to decrease the risk of future limbs failing.

Conclusion

The tree at 44 Williams Street, Frankston, *Corymbia citriodora* (Lemon Scented Gum), is a large, mature example of the species. It has been assessed as having good health and structural condition and with its prominence in the landscape is considered to be of high significance.

Council officers have received an application for tree removal under the Tree Protection Local Law No.22 from the owner of 44 Williams Street, Frankston. This request is for the removal of the *Corymbia citriodora* (Lemon Scented Gum) located within the western side setback. The owner is concerned with the safety of the tree and the amount of maintenance it creates. Council generally considers that falling leaves, twigs, fruit and flowers are normal and expected tree behaviour and are not valid reasons for removal as per Council's Street Tree Management Policy (Attachment D).

The tree has been assessed by Council's Vegetation Protection Officer, on a number of occasions over the last 5 months. It has been advised that the tree is in good health and condition. It is considered that minor pruning works can be undertaken that would alleviate the likelihood of limb failure.

12.1 Appeal against Tree Protection Local Law decision - 44 Williams Street Frankston
Executive Summary

ATTACHMENTS

- Attachment A: Tree Protection Local law Application - 44 Williams Street Frankston
- Attachment B: Letter from Resident - 44 Williams Street Frankston
- Attachment C: Arborist Report - Bayside Tree Works
- Attachment D: Street Tree Management Policy 2000
- Attachment E: Guidelines for Tree Valuation
- Attachment F: Site photos - 44 Williams Street, Frankston
- Attachment G: Letter from Resident - 1 September 2016

**12.1 Appeal against Tree Protection Local Law decision - 44 Williams Street Frankston
Officers' Assessment****Background**

Council officers received an application for removal under the Tree Protection Local Law No.22 from the owner of 44 Williams Street, Frankston for the removal of the *Corymbia citriodora* (Lemon Scented Gum) located within the western side setback. The owners are concerned with the safety of the tree and the amount of maintenance it creates.

Council generally considers that falling leaves, twigs, fruit and flowers are normal and expected tree behaviour and are not valid reasons for removal as per Council's Street Tree Management Policy.

The tree at 44 Williams Street, Frankston, *Corymbia citriodora* (Lemon Scented Gum), is a large, semi-mature example of the species. It has been assessed as having good health and structural condition and with its prominence in the landscape considered to be of very high significance.

The tree has been assessed by Council's Vegetation Protection Officer, on a number of occasions over the last 5 months. The officer's advice is that the tree is in good health and condition. It is considered that minor pruning works can be undertaken that would alleviate the likelihood of limb failure.

Issues and Discussion

Corymbia citriodora (lemon-scented gum) is often perceived to have a high propensity to shed branches. Data collected for 95 specimens of this species in NSW revealed that 65% of trees had not lost any branches greater than 100 mm diameter over the previous 10 years. Most limb failures occurred during extreme wind conditions and the majority of fallen branches were less than 100 mm in diameter. Less than 4% of branches greater than 100 mm failed, averaging out to a 1:250 probability of failure in any one year. Of all the failed limbs, 17% occurred in a single tree.

The tree that is the subject of this request was retained as part of the original subdivision and the dwelling built adjacent to it. It is protected by a Section 173 Agreement that attaches to the original subdivision approval. As a result, Council's approval is required for the removal of the tree, in addition to the Local Law process.

Limb failure has coincided with high wind events with all failed limbs under 100mm. No significant structural damage to the tree has occurred to date. The owner of the property has indicated that two roof tiles have been cracked as a result of the limb failures. This Lemon Scented Gum exhibits the typical structure of a semi-mature example of the species. The species is known to be robust and to have few problems with pests and diseases.

Trees are self-optimising structures which adapt to their environment and prevailing conditions such as wind. It is important that the amount of pruning that is undertaken considers that sudden changes to the canopy can cause greater problems due to the exposure of branches to wind forces not previously experienced and changes to the wind flow through the tree.

Trees provide numerous benefits to those living and working in the urban environment, which increase with tree size and age.

**12.1 Appeal against Tree Protection Local Law decision - 44 Williams Street Frankston
Officers' Assessment**

Healthy trees from a range of species will have limb failure as a result of various factors such as previous poor pruning, insect attack, reduced water availability, storms and changes to their growing environment. Statistically the risk of being killed by a falling tree or tree branch is low. The key in ensuring that the risk presented by the tree remains low is for ongoing holistic approach to tree management which includes both remedial pruning and improvement of the tree's immediate environment.

Options Available including Financial Implications

1. Retain the tree (Recommended)
2. Issue a conditional permit for removal (not recommended)

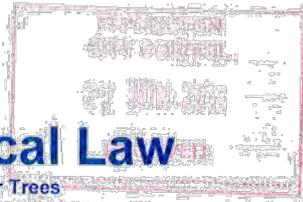
There are no financial implications associated with the report.

\$98 - Paid



Application Form Tree Protection Local Law

For Removal, Pruning or undertaking Works near Trees
equal to or greater than 110cm Circumference at the Base



41/2016/tree

APPLICANT DETAILS

Site Address: 44 WILLIAMS ST, FRANKSTON, 3199

Name:

Postal address: 44 WILLIAMS ST, FRANKSTON, 3199

Phone: Home: Mobile:

Email:

Number of affected trees: 1 Fee payable:

I hereby apply for a Tree Protection Local Law Permit for the property listed. I accept that I will be liable for compliance with any Local Law conditions or requirements of any other Authorities applicable to this property. I undertake to indemnify Frankston City Council from any and all claims and actions arising from the conduct of works arising from information supplied relevant to this application.

Date: 27/6/16 Applicant signature:

NOTES

A Council Officer will make contact with you if you have requested to be present during the site inspection (Section 7). Council's arborist will undertake an inspection of the tree(s). A decision on your application should be available within ten working days. You will receive notification in the mail.

Applications may be lodged at the Council Operations Centre, Civic Centre, Langwarrin or Seaford Council Customer Service Centres or by mail (please note - only cheque or credit card can be accepted at the Council Operations Centre). All enquiries should be directed to the Planning and Environment Department on 1300 322 322.

Further Information

Frankston City Council reserves the right to recover compensation for loss or damage caused by interference or damage to its assets.

DETAILS (TICK ALL THAT APPLY)

1) The work is to be carried out on ONE tree(s) (number of trees) which is/are a TREE (single or multi-stemmed) with a trunk circumference greater or equal to 110cm measured at its base

2) The nature of the work being carried out on the tree(s) is:

- REMOVE (also includes lopping, damaging, killing or destroying)
- PRUNING (greater than 1/3 of the canopy)
- EXCAVATION, FILL OR SOIL MODIFICATION WORKS within more than 10 per cent of the Tree Protection Zone



Application Form Tree Protection Local Law

For Removal, Pruning or undertaking Works near Trees
equal to or greater than 110cm Circumference at the Base

3) Reason for works:

- Property damage
- Health and Safety
- Inappropriate location
- General Maintenance
- Development/Construction
- Other (please specify) _____

4) Measures taken to avoid tree pruning or removal (mandatory) 5) Additional information required (where applicable) Yes/No

- Y/N** Is the tree(s) located on a neighbouring property? *If yes please attach written consent from the owner of the tree(s) for any works you wish to undertake.*
- Y/N** Is the tree(s) located on body corporate land? *If yes please attach signatures of all Body Corporate members indicating their approval for works to be undertaken on the tree(s).*
- Y/N** Is the property tenanted? *If yes please inform tenants of the application and if an appointment is required provide contact details with this application.*
- Y/N** Are there any restrictions, covenants, encumbrances, agreements etc. relating to the protection of the tree(s)? *If yes, please specify (on a separate sheet.)*

6) Supporting documentation (optional) e.g. arborist report, civil engineer report

- Arborist report
 - Engineer report
 - Other _____
- Arboricultural reports submitted must conform to the Council's Guidelines for Submitting Arboricultural or Tree Reports.*

7) Site Inspection - please tick your preferred selection:

- I hereby authorise Council Officers or agents to enter my property at the above address at any time for the purpose of assessing trees described on the attached plan.
- Please contact me to make an appointment during business hours to assess the above tree(s).

8) Site Diagram of tree(s) (mandatory)

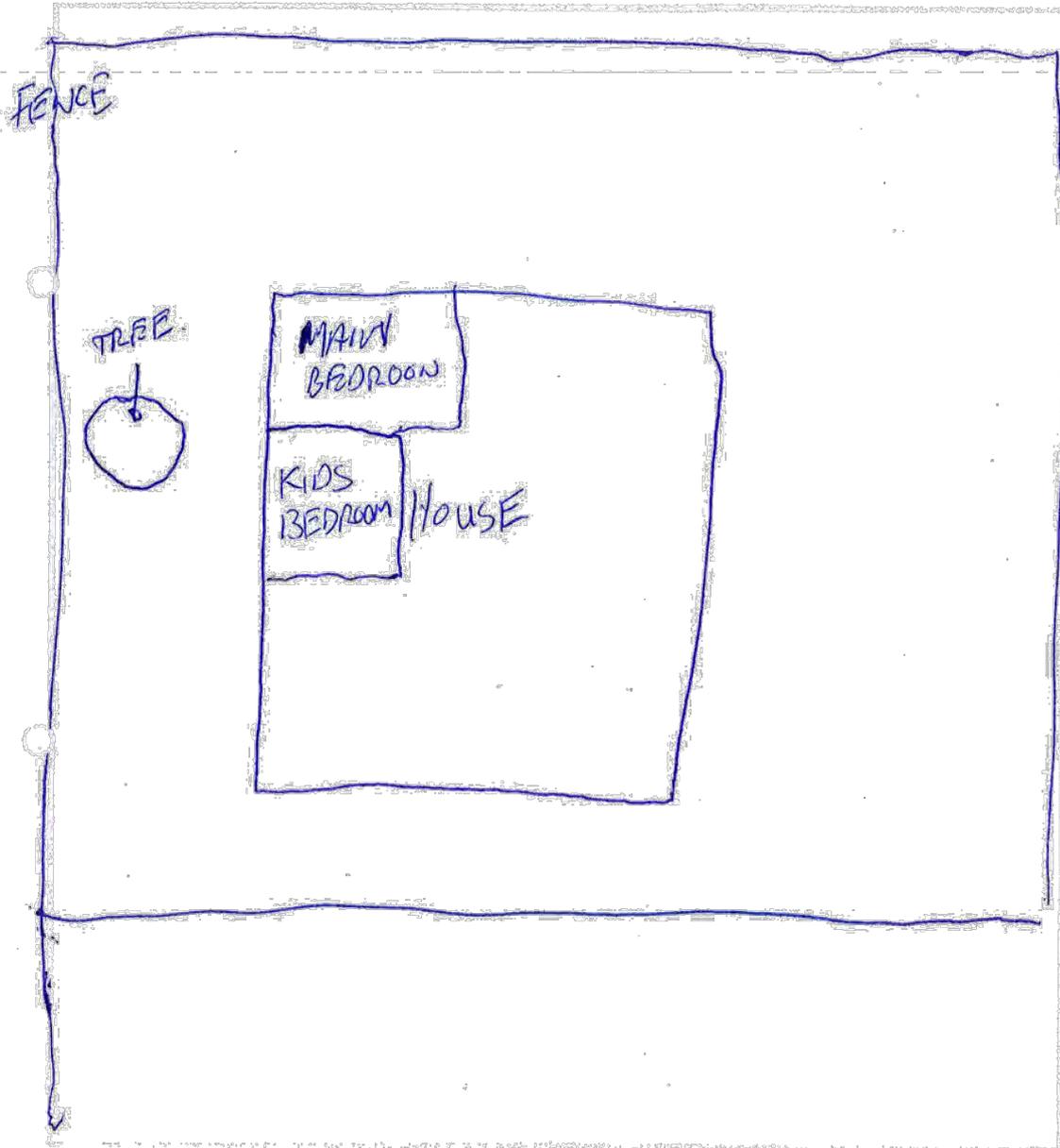
Please draw a diagram of the site on the next page (or attach on a separate sheet) clearly showing the tree or trees that are the subject of the prune/removal/works permit. Include any site features such as *driveways, house, pergola, compass point*, etc. that will assist in locating and identifying the tree(s).



Application Form

Tree Protection Local Law

For Removal, Pruning or undertaking Works near Trees
equal to or greater than 110cm Circumference at the Base.





Application Form Tree Protection Local Law

For Removal, Pruning or undertaking Works near Trees
equal to or greater than 110cm Circumference at the Base

GUIDELINES

This Application Form must be used where the Frankston City Council Tree Protection Local Law 2010 No.17 applies.

The Local Law was implemented by Council to provide for the protection of vegetation in addition to the existing controls in the Frankston Planning Scheme. Where there are controls for vegetation protection under the Frankston Planning Scheme, a local law permit is not required. Council is available to assist in determining whether a permit, or which permit, is required to remove a tree. Please contact the Planning & Environment Department on 9784 1733 prior to lodging your application if you are unsure.

All applications must be submitted with all required supporting information and the prescribed fee. Incomplete applications will not be processed until all required information is provided.

Supporting information to be included with your application –

Required

- ✓ Plan showing the location of the tree(s) to assist during the site inspection. The tree(s) should be labelled and specify if the request is to prune, remove or undertake works near the tree. A sketch plan with measurements and showing major features is usually adequate
- ✓ Details of measures taken to avoid tree pruning or removal
- ✓ Details of new trees to be planted to replace the existing trees
- ✓ Written consent of the relevant land owner.

Optional (items that may assist the assessment and verification of the application)

- Copy of relevant building permits and landscape plans
- Photographs
- Other supporting information
- independent arboricultural report conforming to the *Guidelines for Submitting Arboricultural or Tree Reports*
- Where a tree cannot be adequately assessed by visual inspection from the ground or in a reasonable time Council may require an independent arboricultural report be submitted

STATEMENT OF INTENT

In applying the Tree Protection Local Law, Council intends to –

1. preserve existing tree canopy cover on private property where practical
2. allow reasonable use of private land
3. increase the total tree canopy cover of the City
4. achieve a net gain of indigenous trees within the City



Application Form Tree Protection Local Law

For Removal, Pruning or undertaking Works near Trees
equal to or greater than 110cm Circumference at the Base

5. require adequate protection of trees, including their roots.
6. not allow removal or pruning of trees where reasonable use of land is not obstructed by the trees
7. require proper investigations by the applicant of alternatives to tree removal or pruning that will provide the desired outcome
8. not necessarily allow tree removal or pruning because alternatives are more costly
9. have trees that are removed replaced on the same properties as the trees removed with trees that will provide the same amount and height of tree canopy (at maturity)
10. investigate and prosecute breaches of the Local Law, including poisoning, lopping, illegal root damage, pruning or removal

APPLICATION FEES

Tree pruning (any number of trees) \$58.00

Tree removal (up to three trees) \$98

Tree removal (four or more trees, per additional tree) \$34.50 per tree

Council will refund application fees for trees it determines to be dead by natural causes.

Fee payable by Credit Card, Cash, Eftpos or Cheque payable to Frankston City Council

I am paying \$ 98

Card Type MasterCard Visa Amex Total Amount \$ _____

Card Number _____ / _____ / _____ Exp. _____ / _____

Card Holder's Name _____ Signature _____

Privacy Statement

The personal information requested on this form is being collected by Council for permit application. This information will be used solely by Council for that primary purpose or directly related purposes and will not otherwise be disclosed without your consent or as required or permitted by law. You may apply to Council for access and/or amendment of the information.

Office Use Only

Payee Name: _____

Property Address: _____

- In Person** (cash, cheque, EFTPOS)
Civic Centre, Davey Street,
Frankston.
Seaford Customer Service
Centre, 120 Nepean
Highway, Seaford.
Langwarrin Customer Service
Centre, Shop 5, Gateway
Shopping Centre. (cheque,
credit card)

- By Mail** Send this Application Form
with a not negotiable cheque
or money order. (DO NOT
SEND CASH)

AP (Prepayment) Amount: \$

- By Phone:** Fax application to (03)
9784 1094 for phone credit card
payments (Mon to Fri 8:20am-5:00pm)

MY CHILDREN ARE CONCERNED ABOUT TREE AS IT IS DIRECTLY ABOVE BEDROOM AND THEY WERE IN ROOM WHEN LARGE BRANCH FELL. BRANCH APPEARED TO BE HEALTHY BUT STILL FELL. NO REAL DAMAGE DONE THIS TIME, HOWEVER I HAVE HAD TO REPLACE BROKEN TILES LAST WINTER WHEN OTHER BRANCHES HAD FALLEN DOWN.

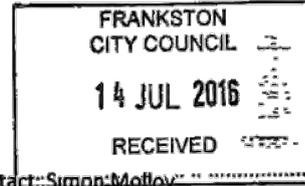
MY CHILDREN ARE TELLING THEIR MOTHER AND NOW ARE SAYING THEY DONT WANT TO STAY IN ROOM AS FEAR OF TREE FALLING ON THEM.

I AM NOW ALSO CONCERNED ABOUT DAMAGE AND THE POSSIBILITY OF TREE KILLING MY CHILDREN. I DONT WISH TO HAVE THIS FEAR FOR MY CHILDREN OR MYSELF.

I AM NOT SURE OF TREES PROPERTIES WILL BE SAFE IN SAME SPOT SO WOULD LOOK AT SMALLER ALTERNATIVES. I NEED TO INVESTIGATE TO MAKE SURE TREES WILL BE ADEQUATE. WILL BE DOING THIS WHEN HAVE TIME TO INVESTIGATE PROPERLY (WITH IN 3 MONTHS) MY PRIORITY IS THE SAFETY OF MY KIDS.



FD4692



Contact: Simon Molloy

Reference: 41/2016/TREE

Dear Simon,

Further to our telephone conversation on the 11th July 2016 regarding a permit for a tree removal at 44 Williams St. As I explained, I am very concerned of the safety/welfare of my children as the tree is directly located above their bedroom. Also the potential of damage this tree will cause to my house.

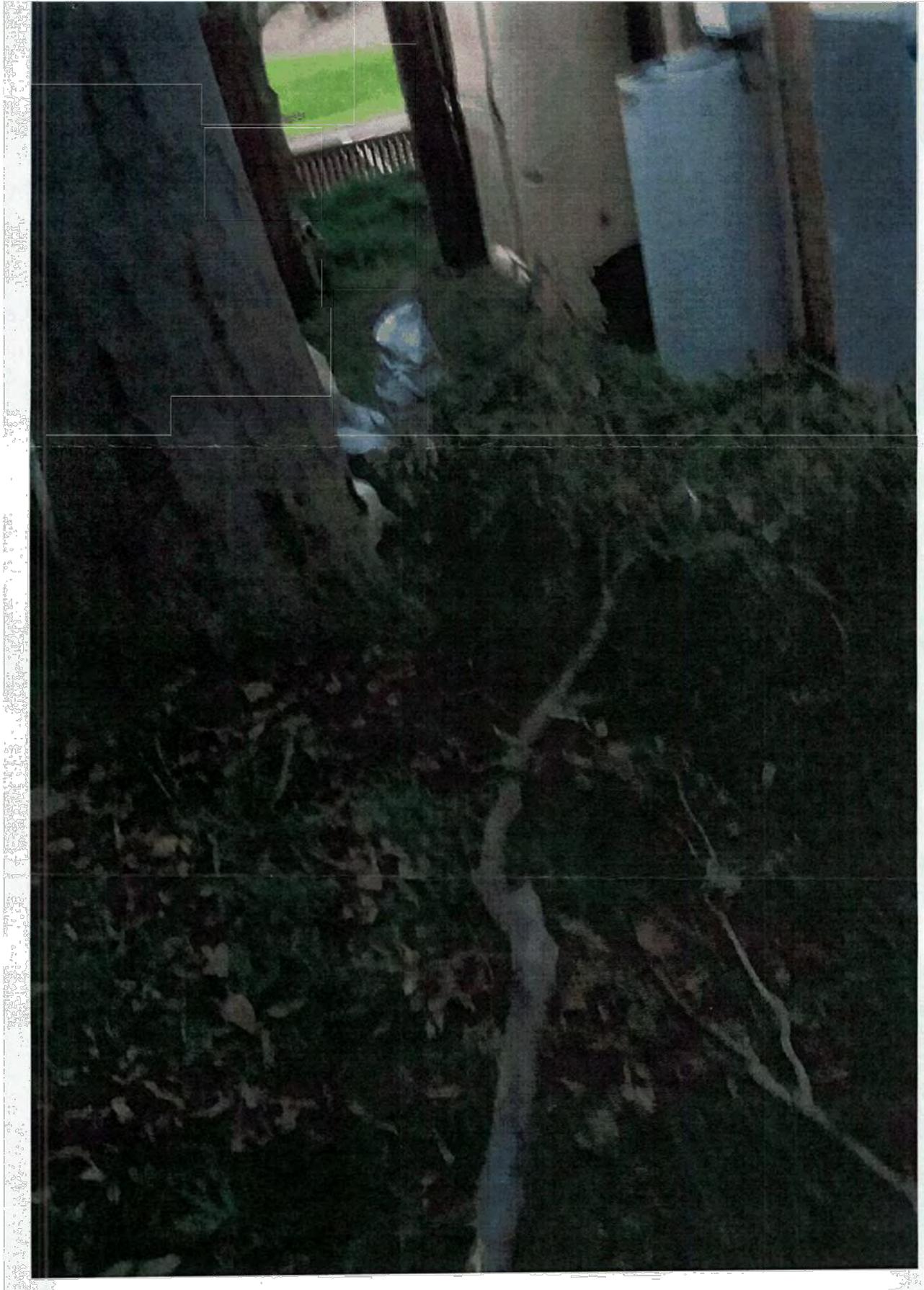
You observed and took a photo of a very large branch that fell down. Since I called on Monday this week, with the high winds over the last couple days another large branch, two medium size branches and several small limbs have fallen I have attached photos of the large branch and two smaller ones.

One of these branches was found on the roof (took down using ladder) the large branch was located next to the tree (photo position I found the branch, so not sure if landed on roof Need to check if damage tiles etc on roof

I am extremely concerned as the large branch appears to be very healthy as the previous very large branch was and the large branch found last year June/July 2015.

I have only experienced my second winter in my house and now it is a real concern, as last winter during June and July (2015) a number of branches had fallen majority were of the smaller variety, however there was one very large branch that was located inside my property, with a similar landed position to the one that is currently there. I did however need to replace 3 tiles on that occasion.

Kind Regards,









Bayside Treeworks Pty Ltd
14 Tintern Court
Frankston South VIC 3199
1800 932 447

ABN: 55 608 081 347

To whom it may concern,

RE: 44 WILLIAMS STREET, FRANKSTON SOUTH VIC 3199

On the 23rd August 2016 Bayside Treeworks was contacted by _____ the property owner of 44 Williams Street, Frankston South, regarding the removal of a large Lemon Scented Gum Tree on his property.

_____ made it aware to us that the tree was on his title and needed council approval to be removed.

_____ concerns with the tree are that in the past months several large branches had failed, falling onto his house causing damage. Richard also fears that in time a larger part of the tree may fail with more severe consequences.

We indicated to _____ that the tree currently displays good health and with ongoing pruning and weight reduction, would help to decrease the risk of future limbs falling. However, _____ has advised us that he would like the tree removed and has expressed concern regarding the costs involved with ongoing maintenance. _____ also expressed concerns that an ongoing medical condition would prevent him from physically maintaining the tree. Furthermore, he has indicated that if the tree were to be removed, he would engage Bayside Treeworks to revegetate the area into a low maintenance, native vegetation area.

Sincerely,

Adam O'Brien
Director, Bayside Treeworks Pty Ltd.
0409 600 691



Frankston City Council



Street Tree Management Policy

17 July 2000

Table of Contents

1.	INTRODUCTION	3
1.1	Scope	3
1.2	Vision	3
1.3	Quantifiable benefits of the urban forest.....	3
1.4	Definitions	4
2.	MANAGEMENT	4
2.1	Areas of responsibility	4
2.2	Staff.....	4
2.3	Town planning.....	5
2.4	Liability	5
2.5	Pest and disease management	5
2.6	Tree Valuation	5
2.7	Actions by unauthorised persons.....	5
2.8	Education.....	6
3.	STREET TREE REMOVAL.....	6
3.1	Removal for private development	6
3.2	Cost	6
4.	PRUNING	6
4.1	Root pruning.....	7
5.	STREET TREES AND STRUCTURES	7
5.1	Roots.....	Error! Bookmark not defined.
5.2	Electric lines	7
6.	TREE PRESERVATION	8
6.1	Trees near development sites	8
6.2	Indigenous vegetation	8
6.3	Significant trees	8
7.	PLANTING.....	9
7.1	Planting Strategy	9
7.2	Planting Specifications9	9
7.3	Tree Planting Programs	9
7.4	Resident nature strip planting.....	9
8.	REFERENCES	10

1. Introduction

1.1 Scope

Good planning and appropriate maintenance is vital for safe and manageable street and roadside trees that will provide aesthetic, material, environmental and ecological benefits to the community.

The Street Tree Management Policy was developed by Frankston City Council's Recreation and Environment Department in consultation with other relevant parties, including Town Planning, Infrastructure, Environment, Local Laws and Administration. The aim of the Policy is to provide a framework for making structured, consistent and environmentally sound management decisions for all Council owned or managed street and roadside trees.

This policy complements other Council strategies including the Municipal Streetscape Strategy, Central Activities District Streetscape Master Plan and Mains Roads Master Plans.

Sections 1:3, 2:1, 4:3, 4:5, 7:1 7:7 8:3 and 8:4 of the Community Plan 1998-2001 are addressed in this Policy.

1.2 Vision

Street trees help to create softness and beauty in otherwise harsh streetscapes. Trees also have roles in ecology, microclimate modification and traffic control. As such they add significantly to the enjoyment of our City and to the value of properties.

By applying appropriate levels of resources and best practise management, Frankston City will develop streetscapes of attractive, healthy and safe trees for the benefit of the entire community, both now and in the future.

1.3 Quantifiable benefits of the urban forest

Quantifiable benefits have been identified by Dr. Kim Coder of the University of Georgia in a paper entitled *Identified benefits of Community trees and forests*. These benefits have been summarised below.

Temperature and Energy Use

Shade
Wind Control
Active Evaporation
Air quality
Oxygen Production
Pollution Reduction
Carbon Dioxide Reduction

Hydrology

Water Run-Off
Water Quality / Erosion

Noise Abatement

Glare Reduction
Animal Habitats

Economic / Social / Psychological Benefits

Economic Stability
Property Values
Product Production
Aesthetic Preferences
Visual Screening
Recreation
Health
Human Social Issues

It is clear that the urban forest, including street and roadside trees, offers major benefits to the community. It is Council's role to manage these trees in a safe, effective and efficient manner to provide maximum aesthetic, physical and psychological benefits to the community.

Modern arboriculture is a new and evolving science that is poorly understood by most people. This often results in unrealistic expectations with regard to tree management. The combination of poor general understanding of modern arboriculture and the emotional

entanglements that come with large, long living things such as trees often results in very emotive situations. A reasonable and consistent policy is required to defuse these situations.

This policy provides a framework for management of the City's street and roadside trees that will deliver the outcomes outlined above in a fair and consistent manner for all affected parties.

1.4 Definitions

For the purpose of this document, the following definitions will apply -

- Tree -** A woody plant that can be expected to exceed five (5) metres in height under normal growth conditions, typically with a single, dominant stem (trunk).
- Shrub -** A woody plant that would not be expected to exceed five (5) metres in height under normal growth conditions.
- Pruning -** The intentional removal of parts of a plant to improve its form or function.
- Street tree -** A tree or shrub growing within the road reserve, including nature strips, separators and medians.
- AS4373 -** Australian Standard 4373-1996 *Pruning of Amenity Trees*.

2. Management

Trees have a finite life. Their genetic potential and the external factors that impact on them determine how well they perform. In the case of street trees, the growing conditions are usually significantly altered from those encountered in their natural growing environment.

Street trees also grow amongst people and property and as such pose management challenges as a result of community expectations for amenity, functionality and safety. The impact of the artificial growing environment and the community requirements of street trees is that street trees require intensive management.

2.1 Areas of responsibility

Council is responsible for the planting, removal and maintenance of street trees in all road reserves within Frankston City with the following exceptions -

1. Electric line clearance in areas not declared as Urban Areas under the Code. This is the responsibility of United Energy,
2. Freeways, medians and separators of State highways and Declared Main Roads. These are Frankston Freeway, Dandenong Valley Highway, Moorooduc Highway, Westernport Highway, Cranbourne-Frankston Road, Ballarto Road and parts of Nepean Highway north of Mile Bridge.

2.2 Staff

Persons with a minimum of formal trade qualifications in Arboriculture and preferably with extra tertiary qualifications in Arboriculture and having suitable experience in the tree care industry shall carry out all assessments of trees under this policy.

All planning done for new planting, tree replacement programs and other tree related programs or works which impact on Council trees shall be done by or in consultation with a person or persons qualified in Arboriculture.

2.3 Town planning approvals, capital and other works

Street trees and this Policy must be considered as part of the approval process for any town planning permit, contract documents or other permission to perform works near street or roadside trees. Adequate provisions must be made within the permits, documents and policies to provide for the protection of Council trees, including the canopy, trunk and root zone, from damage by machinery or dumping of materials during maintenance, construction and other works.

For further information see Frankston City Council - Guidelines for Excavations and Installations near Trees.

2.4 Liability

All claims for damages against Council trees shall be referred to the Administrative Services Coordinator.

2.5 Pest and Disease Management

Council will intervene in pest and disease outbreaks where the immediate or long term survival of the tree or trees is compromised or property is substantially affected. In these circumstances the efficacy and cost effectiveness of available treatments will be assessed and, if justified, the appropriate integrated pest management techniques may be applied as required.

2.5.1 Infectious Material

Chipped material, logwood, stump grinding and other debris from trees infected with or that may be infected with a pathogenic organism shall be disposed of in a manner to prevent spreading the infection.

All equipment, vehicles and personal items that come in contact with infected or potentially infected material must be disinfected by approved methods before being returned to service.

2.6 Tree Valuation

It is often necessary to have a method of applying a dollar value to a tree, or landscape, for example, as a cost penalty to a developer for damaging the landscape.

Council adopts the Revised Burnley Method (Moore, undated) as a basis for determining economic values for Council's tree assets.

2.7 Unauthorised actions

Pruning or removal of Council owned or managed trees by anyone other than Council staff or contractors engaged by Council shall not be permitted.

Council may prosecute persons who prune, disfigure, damage, kill or remove Council trees without explicit authorisation from the Council's relevant Manager or delegated Officer, under the Summary Offences Act or other appropriate laws or by-laws. Council may also recover costs and compensation from the perpetrator for replacement, loss of amenity value and remedial works required as a result of unauthorised actions.

Council may recover costs and compensation for replacement, loss of amenity value and remedial works required from authorised persons and contractors who prune, remove or cause damage to Council trees by failing to comply with this Policy, contract document conditions and other relevant policies and Guidelines.

2.8 Education

A key part of Council's community responsibility is to educate the community in responsible tree care and management. Council will actively promote responsible arboriculture to the community.

3. Street tree removal

Removal of trees from nature strips and parks is potentially the greatest cause of conflict in the management of the City's trees. Understandably, customers become very attached to a tree that has been living and growing near their home for many years. Prudent tree management requires Council to assume that every tree, no matter how insignificant it may appear, has some value to someone.

Unfortunately, it sometimes becomes necessary to remove trees, either because of a problem with the tree itself, or to facilitate development or installation of infrastructure. Experience has shown that the concern associated with the removal of trees can be minimised through proper consultation with customers and demonstration of respect for the importance of trees by Council and the communication of these views to the community.

Decisions regarding tree removal become necessary in response to applications by customers, developers and external authorities or through observation of problem trees by Council staff.

Falling leaves, twigs, fruit and flowers are considered normal and expected tree behaviour and are not valid reasons for removal under this Policy. Similarly, failure to establish grass or other planting under a street tree is not a valid reason for removal under this Policy.

Authority for removal will rest with the Council Arborist or the Open Space Coordinator in consultation with other relevant staff as required.

For further information see Frankston City Council – Guidelines for Street Tree Removal.

3.1 Removal for private development

It is Council's aim to preserve street trees. Council's Corporate Plan also supports the appropriate application of user pays principles. It is, therefore, appropriate in some circumstances for developers to pay for street tree removal. For further details, see Frankston City Council – Guidelines for Street Tree Removal for Private Development.

3.2 Cost

The cost for general tree removal under this policy will be borne by Council through the Street Tree Maintenance budget.

Tree removals to facilitate Council infrastructure upgrade or repair shall be borne by Council through the budget of that infrastructure project.

Tree removals to facilitate private works shall be borne by the person carrying out those private works. See Frankston City Council – Guidelines for Street Tree Removal for Private Development.

4. Pruning

Trees are living mechanical structures that have evolved to cope with the conditions under which they grow. Intervening in the tree's self-management should be done as a last resort as such intervention has ramifications for the tree's ability to regulate its own systems.

Street trees grow in contrived conditions and therefore the trees own self-regulatory systems are often compromised. In these situations intervention may be required. The most common intervention is pruning. Pruning is also done to try to make trees conform to spaces around other structures. Ideally these structures should be located so that minimal pruning is required.

All pruning work carried out for Frankston City Council must comply with Australian Standard 4373 - 1996 "Pruning of Amenity Trees" as a minimum.

The extent of any pruning undertaken must take into account the condition and significance of the tree and the effect of the pruning on the tree. Pruning should also take into account the location of the tree and its potential impact on traffic and pedestrians.

For details see Frankston City Council – Guidelines for Tree Pruning.

4.1 Root pruning

Root pruning is generally to be discouraged as the long term results cannot be fully known.

For details see Frankston City Council – Guidelines for Tree Pruning.

5. Street trees and structures

For details see Frankston City Council – Guidelines for Management of Trees near Existing Structures, Guidelines for Excavations and Installations near Trees, Guidelines for Tree Pruning and Guidelines for Street Tree Removal.

5.1.1 Structural damage

All claims for damages against Council trees shall be referred to the Administrative Services Coordinator.

5.2 Electric lines

5.2.1 Office of the Chief Electrical Inspector

The Office of the Chief Electrical Inspector is responsible for ensuring electrical safety. The Office produces the Code of Practice for Electric Line Clearance (Vegetation) with which Council is obliged to comply under the SEC Act (1958) and the Electricity Safety Act (1998).

5.2.2 Code of Practice for Electric Line Clearance (Vegetation) 1999

Council believes that safe and reliable supply of electricity to the community is a vital service. While agreeing with the necessity for safety and continuity of supply, Council believes the allocation of resources by power companies to relocating powerlines underground should reflect the value of the Council's tree assets to the community. For further information, refer to the Code of Practice for Electric Line Clearance (1999) Management Plan prepared by Council as required under the Electricity Safety Act (1998).

5.2.3 Declared Urban Areas

The Council is the Responsible Person under the Code for Declared Urban Areas within the municipality. For further information, refer to the Code of Practice for Electric Line Clearance (1999) Management Plan prepared by Council as required under the Electricity Safety Act (1998).

5.2.4 Compliance

For further information, refer to the Code of Practice for Electric Line Clearance (1999) Management Plan prepared by Council as required under the Electricity Safety Act (1998).

5.2.5 Plans of Action for non-compliant trees

For further information, refer to the Code of Practice for Electric Line Clearance (1999) Management Plan prepared by Council as required under the Electricity Safety Act (1998).

5.2.6 United Energy

United Energy is the principal electricity supply company for Frankston City. United Energy maintains the electricity supply network within the City.

5.2.7 Underground Electric Lines

Underground electric lines are Council's preferred method of supplying the community with electricity. Council strongly encourages electricity supply companies, telecommunication companies and other related bodies to replace overhead cables with underground cables.

5.2.8 Aerial Bundled Conductors (ABC)

Council encourages electricity supply companies to replace bare conductors with ABC where undergrounding is not being considered. Installation of ABC and relocation of electric lines significantly reduces the need for intervention in the growth of Council's street trees.

6. Tree preservation

6.1 Trees near development sites

For further details, see Frankston City Council – Guidelines for Tree Management near Structures and Frankston City Council – Guidelines for Excavation near Trees.

6.2 Indigenous vegetation

Where indigenous vegetation exists on road reserves, efforts should be made to preserve and maintain it in line with the Mornington Peninsula Roadside Vegetation Strategy and Council's environment strategies; however, safety must be the overriding factor in management of such areas.

6.3 Significant trees

Council's appropriate Manager or delegated Officer eg. Arborist or Environment Officer, taking into account the following criteria, may deem a street or roadside tree as significant if the tree –

1. Has significant cultural value (eg. trees in an Avenue of Honour), or
2. Has significant historical value (eg. planted by a dignitary), or
3. Is an indigenous species, or
4. Has significant value to the community through its contribution to the streetscape, or
5. Is an outstanding specimen of its species as a result of its size or another growth characteristic, or
6. Is an endangered species, or
7. Is a habitat tree for an endangered species.

6.3.1 Significant tree register

Where a street or roadside tree is identified as significant it shall be photographed and its location documented in a centralised file created for that purpose.

7. Planting

7.1 Planting Strategy

See the Frankston City Council Municipal Streetscape Strategy, Central Activities District Streetscape Master Plan, Main Roads Master Plans, Major Shopping Centres Streetscape Master Plans and other relevant documents.

7.2 Planting Specifications

See Frankston City Council - Street Tree Planting – Minimum Specifications and Council's standard drawings.

7.3 Tree Planting Programs

7.3.1 Customer planting requests

Individual trees requested by customers shall be planted in the next planting season providing a suitable tree and planting site is available. For further information, see Frankston City Council – Street tree Planting – Minimum Specifications.

Requests for block or whole street planting shall be considered as part of the overall street tree planting program. Where such a request cannot be fulfilled in the current planting year, it shall be deferred to the following year's program for consideration.

7.3.2 Opposition

The establishment or maintenance of an avenue of trees or a consistent planting theme can sometimes require Council to plant a tree in a nature strip against the wishes of the customer immediately adjacent. This is a difficult situation that calls for Council to make a judgement regarding the rights of the wider community over the individual resident.

When making such a decision, it should be borne in mind that a major factor in the survival of a newly planted street tree is the cooperation of the nearest resident in maintaining that tree.

Where a consistent avenue of trees or a strong consistent planting theme exists and a gap in this theme will detrimentally affect the overall streetscape, trees will be planted to fill the gaps despite opposition from adjacent customers.

In all other instances, the relevant Coordinator overseeing the project shall make a decision regarding planting in consultation with the Council Arborist.

7.4 Resident nature strip planting

Planting of street trees by residents should only be undertaken with the cooperation of Council officers as part of a community planting scheme or where specific permission has been sought and given by Council (see 7.4.1).

Unauthorised planting of street trees by residents shall be discouraged, but recently planted trees shall be allowed to remain provided they are -

- of a suitable species which is compatible with the surrounding streetscape,
- good quality specimens,
- in a suitable location,

- planted to Council standards.

Where a tree does not meet these conditions, the adjacent resident shall be asked to remove the tree. If the resident does not comply, the tree will be removed by Council staff or contractors and used or disposed of as seen fit by Council.

7.4.1 Nature strip garden beds

A permit system applies and is detailed in *Guidelines for the Establishment of Vegetation on Road Reserves*. These guidelines are designed for residents and owners who wish to beautify the streetscape by establishing vegetation on a Council road reserve.

8. References

Coder, Dr. K. (1996) *Identified benefits of Community trees and forests*. University of Georgia, Forest Extension Service web site. <http://www.forestry.uga.edu/efr/faculty/coder.html>

Moore, G. M. (undated.) *Amenity Tree Valuation A Revised Method*. Melbourne University, Burnley College.

Shigo, A. L. (1991) *Modern Arboriculture*. Shigo and Trees Associates, Durham, NH, USA.

Frankston City Council

Guidelines for Tree Valuation (Revised Burnley Method)



AMENITY TREE EVALUATION: A REVISED METHOD

**G M Moore, Principal, VCAH Ltd
Burnley Campus, Swan Street, Richmond, 3121
Telephone: (03) 810 8800, Facsimile: (03) 819 1383**

ABSTRACT

Amenity tree evaluation systems have been widely used, not only in Australia but around the world. They place a monetary value on trees, usually for the purposes of insurance, compensation and litigation. However, the major significance of placing such a value on trees is that they are then recognised as assets. The recognition of trees as assets has major implications, not only for their management, but also for the decision-making processes that involve trees. No method has received widespread support or acceptance in Australia and the Burnley method was developed in 1988 to meet local needs. This method was intended to be easily used and to minimise operator error. Criticism of the original method has led to a modification that has resolved most of these criticisms.

INTRODUCTION

In 1988 a method of placing a monetary value on amenity trees was developed at the Victorian College of Agriculture and Horticulture Limited, Burnley Campus (McGarry and Moore, 1988). The method was developed in response to a perceived need by those involved in Australian arboriculture and those responsible for managing trees in public open space (Moore, 1991) for matters relating to compensation and litigation, insurance, and policy and decision-making.

Although other methods have been tried in Australia, none has received universal support. Furthermore, when valuations were placed before courts of law, the massive discrepancies in values placed on trees placed the whole concept and acceptance of tree valuation at risk. Accordingly, a method was developed, which was designed for use in the Australian context and which attempted to deal with further concerns, such as placing a realistic dollar base value on the specimens and allowing for rapid rates of inflation, which required a constant updating of values if they were to be of any relevance.

The various evaluation techniques available from overseas (Helliwell, 1967; Anon, 1974) for valuing trees were often tried in Australia, but often failed because of species limitations, historical components or inappropriate growth rate data for the Australian environment. It is worth noting that these overseas methods are widely used and are routinely recognised by courts, and in some instances, have statutory or regulatory status. It is unfortunate that in Australia, despite the hope that the Australian Institute of Horticulture Method (Anon, 1974) would be widely accepted, methods have not achieved appropriate recognition.

It is to be hoped that in the not too distant future a method will be accepted by Australian arborists and open space managers. Failure to do so will continue the situation where trees are not recognised as assets, are not valued and not recognised in the decision making process. Sadly, the real currency of decision making is money and until trees are given an appropriate monetary value, they will not be managed properly and may receive harsh treatment in the expediency of decision making.

THE BURNLEY METHOD

The Burnley method has as its focus two simple elements. The first is the establishment of tree size. Initially, this was determined using the formula for a cylinder ($\pi r^2 h$), which requires the simple measurements of height and canopy spread. The second element of the method involved establishing a dollar base value for the tree. This was achieved by obtaining the retail price from appropriate nurseries for purchasing a specimen with a volume greater than 1m^3 , using the formula for a cylinder. The base value calculation was expressed as $\$/\text{m}^3$. The calculation was done by determining an average value for at least three specimens from different nurseries.

In developing the Burnley method, it was intended that by multiplying the size and value components together a basic tree value would be established, which would then be modified to allow for the peculiarities of the tree and its location. The modifiers to be used were:

1. TREE SIZE (V) : With large trees, the values determined by the formula were unrealistically high. Accordingly, a modifier was developed (Table 1) to reduce the value.
2. USEFUL LIFE EXPECTANCY (E) : This modifier took into account the projected useful life expectancy of the specimen (Table 2).
3. FORM AND VIGOUR (FV) : This factor was used to assess the form and vigour of the tree (Table 3).
4. LOCATION (L) : This modifier was used to assess the tree's suitability for its particular location (Table 4).

The modifier tables were used to minimise the risk of significant discrepancies in tree values made for the same tree by different arborists. The value of an amenity tree was then determined using the formula:

$$\text{VALUE (\$)} = \text{TREE VOLUME} \times \text{BASE VALUE} \times (E) \times (V) \times (FV) \times (L)$$

The formula developed is consistent with the mathematical principles proposed by Helliwell (1976) where related variables are multiplied.

MODIFICATION OF THE BURNLEY METHOD

Following the use of the Burnley method, particularly in Victoria, criticism was made of the volume modifier in particular, which was seen by many arborists as little more than a fudge-factor that adjusted values without reason (Wycherley, 1991). This criticism was to be expected because the rationale for use of the modifier had not been clearly identified in the original paper.

Accordingly, in 1991 the method was modified by using the formula for a cone ($1/3 \pi r^2 h$) to calculate tree volume and the use of the volume modifier (V) was discontinued. In the modified method, tree value can be determined using the formula:

$$\text{VALUE (\$)} = \text{TREE VOLUME} \times \text{BASE VALUE} \times (E) \times (FV) \times (L)$$

For consistency, when determining the base value under the modified method, the formula for a cone should be used. The modified method tends to give a lower value for smaller, short-lived or inferior quality specimens.

CONCLUSION

The modified Burnley method of tree valuation is self-indexing for inflation, will operate in any country, and is sensitive to changes in the value of trees due to changes in consumer preference. The calculations and modifiers allow precise, objective and simple use, which minimises the serious operator errors that befall many of the other techniques.

The Burnley method has been successfully used by open space managers to value their trees, thereby recognising them as assets. It has been tested in the courts and has been accepted as a realistic and well based method of evaluation for use in the Australian context. There is still one remaining criticism of the technique. Many arborists (Yau, 1990; Kenyon, 1990) find the establishment of the initial base value time-consuming and tedious.

The modified Burnley method applies to amenity trees in both urban and rural contexts. It does not attempt to deal with subjective components of tree valuation, such as historical or environmental significance, which have led to the abandonment of other techniques. Whether the method achieves widespread use in Australia remains to be seen. Time alone and the choice of practising arborists and possibly the courts will finally settle the matter.

REFERENCES

- Anon (1974), "Tree Valuation" Aust. Parks, Vol. 11, No. 1, 72-73, August.
- Helliwell, D. R. (1967), "The Amenity Value of Trees and Woodlands", Scottish Forestry, Vol. 21, 109-112.
- Kenyon, P. (1990), *Personal Communication* from P Kenyon, Arborist, VCAH Limited, Burnley.
- McGarry, P. J. and Moore, G. M. (1988), "The Burnley Method of Amenity Tree Evaluation", Australian Journal of Arboriculture, 19-26.
- Moore, G. M. (1991), "Tree Management and Hazard Reduction", in *Trees : Management Issues for Urban Australia*, Royal Aust. Inst. Parks and Rec., Proc. Nat. Sem., Canberra, 7-25.
- Wycherley, P. R. (1976), "Towards a National Method of Valuing Trees", Aust. Parks and Rec., 41-43, May.
- Wycherley, P. R. (1991), "Tree Valuation", Poster Presented at National Seminar of Royal Australian Institute of Parks and Recreation, National Seminar, Canberra.
- Yau, P. (1990), *Personal Communication* from P Yau, Arborist, Melbourne City Council, Town Hall, Melbourne, 3000, Australia.

TABLE 1. VOLUME MODIFIER (V) TO BE USED FOR A GIVEN VOLUME OF TREE

Volume of Tree (m³)	Volume Modifier Value (V)
0 – 99	1.0
100 – 249	0.9
250 – 499	0.8
500 – 749	0.7
750 – 999	0.6
1000 – 1499	0.5
1500 – 1999	0.4
2000 – 2999	0.3
3000 – 3999	0.2
> 4000	0.1

TABLE 2. VALUES FOR THE LIFE EXPECTANCY (E) MODIFIER

USEFUL LIFE EXPECTANCY RANGES	MODIFIER VALUE (E)
50 Years	1.0
40 – 49 Years	0.9
30 – 39 Years	0.8
20 – 29 Years	0.7
10 – 19 Years	0.6
< 10 Years	0.5

TABLE 3. VALUES AND DESCRIPTORS FOR THE FORM AND VIGOUR (FV) MODIFIER

FORM AND VIGOUR DESCRIPTORS	MODIFIERS (FV)
Perfect form and excellent vigour	1.00
Slight imperfections in form	0.90
Slightly reduced vigour	0.90
Slight imperfections & slightly reduced vigour	0.80
Good form with good vigour	0.75
Good form with average vigour	0.70
Good vigour with average form	0.70
Good form with poor vigour	0.65
Good vigour with poor form	0.65
Bifurcation of trunk & excellent vigour	0.60
Bifurcation of trunk & good vigour	0.55
Bifurcation of trunk & average vigour	0.50
Bifurcation of trunk & poor vigour	0.40
Poor form with average vigour	0.30
Poor vigour with average form	0.30
Excessive deadwood, cavities & poor form	0.10
Dead	0.00

TABLE 4. VALUES AND DESCRIPTORS FOR THE LOCATION (L) MODIFIER LOCATION

DESCRIPTORS	MODIFIERS (L)
Perfect suitability	1.0
Could be better located but no problems	0.9
Minor problems, eg. lifting paving	0.8
Species unsuited or causes problems	0.7
Species unsuited and causes problems	0.6
Species unsuited and causes major problems	0.5
Species unsuitable	0.4

Sample calculations (1/5/2000)–

Araucaria heterophylla (Norfolk Island Pine)
Christmas Tree, Civic Centre, Frankston.

$$\begin{aligned} \$ &= \text{Volume} \times \text{Base Value} \times \text{Useful Life Expectancy (E)} \times \text{Form \& Vigour (FV)} \times \text{Location (L)} \\ &= (1/3\pi \times 8 \times 8 \times 25) \times \$200 \times 1.0 \times 0.65 \times 0.9 \\ &= \$196,035 \end{aligned}$$

Leptospermum laevigatum (Coastal Tea Tree)
NE corner, George Pentland Botanic Gardens, Frankston

$$\begin{aligned} \$ &= \text{Volume} \times \text{Base Value} \times \text{Useful Life Expectancy (E)} \times \text{Form \& Vigour (FV)} \times \text{Location (L)} \\ &= (1/3\pi \times 5 \times 5 \times 3) \times \$110 \times 0.6 \times 0.30 \times 1.0 \\ &= \$1555 \end{aligned}$$

Platanus x acerifolius (London Plane)
Wells Street, Frankston.

$$\begin{aligned} \$ &= \text{Volume} \times \text{Base Value} \times \text{Useful Life Expectancy (E)} \times \text{Form \& Vigour (FV)} \times \text{Location (L)} \\ &= (1/3\pi \times 0.9 \times 0.9 \times 3.5) \times \$175 \times 1.0 \times 0.9 \times 1.0 \\ &= \$467 \end{aligned}$$

Banksia integrifolia (Coast Banksia)
Opposite Tennis Club, Gould Street, Frankston.

$$\begin{aligned} \$ &= \text{Volume} \times \text{Base Value} \times \text{Useful Life Expectancy (E)} \times \text{Form \& Vigour (FV)} \times \text{Location (L)} \\ &= (1/3\pi \times 4.5 \times 4.5 \times 8) \times \$210 \times 0.7 \times 0.7 \times 0.9 \\ &= \$15,710 \end{aligned}$$



Photograph 1: Tree at 44 Williams Street in landscape.



Photograph 2: Lemon Scented Gum at 44 Williams Street

1/9/16

44 Williams St

Frankston, 3199

Dear Simon,

I am trying to be pro- active, as I have told you previously, the lemon scented gum tree is dropping large branches, I have grave concern for the safety of my family and the public. My children are fearful of staying at my home. It is planted approximately 1 metre from the house right next to their bed room and the bathroom. It is a real concern on very windy days and nights you can hear the creaking and cracking of the branches which obviously has an impact on my children sleeping and adding to their fears. I do not want to wait for anymore damage to my home or any injury to myself, my family or the public before something is done. Hearing the cracking and creaking of the tree in high winds concerns me, some of the root system had to be cut away to level the ground for the building of the house, which would impact on the stability of the tree and knowing now that these trees are prone to fall over in high winds adds to the stress that this tree is causing me.

The large branches have broken tiles on my roof and the leaves and branches fill my gutters, I have put on gutter guard on half the house but the leaves and the branches are still causing a lot of issues.

The gutter guard does not help the mental well being of my children that are still fearful of sleeping in their room; it doesn't stop the branches falling and causing damage or injury. Even if I was to cut back the canopy of the tree, with the high winds and the type of tree which can grow up to 40 to 50 metres and has a large root system causing damage to building pipes and one day causing injury to people as these trees are known to drop branches for no reason.

I also suffer with MS, I am on a modest wage and cannot afford the upkeep of the tree or of the damage the tree is doing (pipes etc...) and I am unable to climb on the roof to clean the gutters and replace the tiles myself. The uneven ground from the roots system down the side way also presents a problem for me because of the effects of the MS. I would like to level the ground so that I will not be prone to falling over etc..., this isn't possible because of the large roots of the tree and as some of it has already be cut away to build the house to cut more away would further affect the stability of the tree and exacerbate my stress and worry. I chose the position of the house as when the MS progresses I am close to the hospital and the amenities, this situation with the tree has been causing me great stress, I would really like to just see it removed so that it doesn't cause anymore problems now or in the future.

I would like to know who at the council was responsible for allowing the planning permit of the house to go through knowing that a lemon scented gum should not be planted so close to buildings, I was not aware of the problems that these trees can cause but the council has the experience and knowledge and didn't suggest that the tree be removed before the building of the house. I am surprised that the council would allow this.

These trees have been known and have often been on the news as they have fallen over or dropped large branches causing injury and damage.

I would like you to consider my condition and the stress and concern the tree is causing me and my family.

If you will not remove or allow me to remove the tree, I would like in writing that you are taking responsibly for any damage or injury that is caused by the tree, the council allowed the building permit to go through knowing the danger it posed to the building and that this tree drops large branches for no reason. I do not feel that I should be held responsible for damage or injury as I have shared my concerns with you.

Kind Regards,

Executive Summary**12.2 Progress of Council Resolutions resulting from Notice of Motions**

Enquiries: (Dennis Hovenden: Chief Executive Office)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.3 Ensure good governance and management of Council resources
Priority Action	3.3.3 Continue to build organisational capability and a customer service culture

Purpose

To brief Council on the current status of Notice of Motion Resolutions.

Recommendation (Chief Executive Office)

That Council receives the Notice of Motion Report as at 19 January 2017.

Key Points / Issues

At the Ordinary Council Meeting OM295 held on 19 December 2016, Cr Sandra Mayer moved the Notice of Motion *NOM1240 - Progress of Council Resolutions resulting from Notices of Motion*, which was subsequently carried unanimously:

“That the Chief Executive Officer is directed to provide regular updates to Council on the progress or status of Council’s resolutions resulting from Notices of Motion raised by Councillors. In order to facilitate this, a brief progress report (detailing the status of each outstanding resolution) is required to be presented to Council at each of its Ordinary Meetings in future commencing with Ordinary Meeting 296 (scheduled for the 30 January 2017).”

The Notice of Motion Report as at 19 January 2017 is attached and will continue to be updated and reported at each Ordinary Council Meeting.

Financial Impact

For the 2016/2017 financial year, the State Government introduced legislation that provides for a limit on the amount Victorian councils may increase rates in any financial year. The cap for the 2016/2017 financial year is 2.5%. The cap is based on a combination of the CPI and expected wages growth.

This cap has had a significant effect on Council’s long term financial planning, with rate revenue being \$28 million less than anticipated over the first four years, growing to \$43 million over five years. This reduction will have a severe impact on Council’s financial capacity to maintain service levels and deliver key capital projects.

Consultation**1. External Stakeholders**

Nil.

2. Other Stakeholders

Nil.

12.2 Progress of Council Resolutions resulting from Notice of Motions**Executive Summary****Analysis (Environmental / Economic / Social Implications)**

Making the written records available may provide some confidence in transparency in decision making and is in keeping with best practice advice from the Office of the local Government Inspectorate.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

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

Legal

Under Section 76AA of the *Local Government Act 1989*, Council is required to make a written record of all Councillors who participate in;

- An Advisory Committee where at least one (1) Councillor and a member of Council staff is present; and
- A planned or scheduled meeting where at least half the Councillors and a member of staff is present.

Policy Impacts

There is no impact to Council Policies.

Officer's Declaration of Interests

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

Risk Mitigation

There are no significant risks.

Conclusion

It is recommended that the written records as attached be received.

ATTACHMENTS

Attachment A: Notice of Motion Report as at 19 January 2017

Outstanding Actions		Division:	Date From:	19/12/2016		
Action Sheets Report		Committee:	Date To:			
		Officer:	Printed: Thursday, 19 January 2017 2:18:21 PM			
MEETING DATE	ITEM NO	SUBJECT	MOTION	OFFICER	COMMENTS	DATE COMPLETED
19 December 2016	13.2	NOM 1241 - Centenary Park Golf Course Committee	<p>Council Decision Moved: Councillor Hampton Councillor Toms</p> <p>That:</p> <ol style="list-style-type: none"> Council notes that the pro shop and golf course at Centenary Park remain as separate entities to the Centenary Park sporting complex. A Committee of interested Councillors and appropriate officers be appointed to develop a future 10 year business plan for the Centenary Park Golf Course. Regular reports be provided to Council on the development of the draft business plan including consultation undertaken with key stakeholders. The final draft business plan be presented to Council for consideration and adoption by the end of 2017 at the latest. Council notes that D&S Golf have previously been advised that their current contract will not be extended. Notwithstanding the previous advice to D&S Golf, Council now advises D&S Golf that their current contract (expiry 30 June 2017) will now be extended to the 30 June 2018. This will allow for the development of the draft business plan for Centenary Park Golf Course and guarantee no interruption to the management and viability of the golf course. <p style="text-align: right;">Carried Unanimously</p>	Dennis Hovenden	<p>05 Jan 2017 - 4:53 PM - Andrea Gaynor</p> <ol style="list-style-type: none"> Noted Committee meeting to be established with first meeting early in 2017 to discuss what is required. Reports will be provided. Will work to presenting plan by end of 2017. Noted Letter sent advising. 	
19 December 2016	13.1	NOM 1240 - Progress of Council Resolutions resulting from Notices of Motion	<p>Council Decision Moved: Councillor Mayer Councillor Hampton</p> <p>That the Chief Executive Officer is directed to provide regular updates to Council on the progress or status of Council's resolutions resulting from Notices of Motion raised by Councillors. In order to facilitate this, a brief progress report (detailing the status of each outstanding resolution) is required to be presented to Council at each of its Ordinary Meetings in future commencing with Ordinary Meeting 296 (scheduled for the 30 January 2017).</p> <p style="text-align: right;">Carried Unanimously</p>	Dennis Hovenden	<p>05 Jan 2017 - 4:52 PM - Andrea Gaynor</p> <p>Report to be included in Agenda and individual Councillors advised of process.</p>	

Outstanding Actions		Division:		Date From:	19/12/2016	
Action Sheets Report		Committee:		Date To:		
		Officer:		Printed: Thursday, 19 January 2017 2:18:21 PM		
MEETING DATE	ITEM NO	SUBJECT	MOTION	OFFICER	COMMENTS	DATE COMPLETED
19 December 2016	13.3	NOM 1242 - Readable Size of Print	<p>Council Decision Moved: Councillor Aitken Councillor Bolam</p> <p>That all Agendas and all other information circulated to Councillors be in a rationally readable size print.</p> <p style="text-align: right;">Carried Unanimously</p>	Dennis Hovenden	<p>05 Jan 2017 - 4:51 PM - Andrea Gaynor All Councillors to be contacted to ascertain their requirements for Agenda/information.</p>	
19 December 2016	13.4	NOM 1243 - Pedestrian Crossing Fletcher Road	<p>Council Decision Moved: Councillor Aitken Councillor Mayer</p> <p>That Council make representation to VicRoads to formalise a pedestrian crossing on Fletcher Road between the Police Station and Law Courts and Bayside Shopping Centre and that Council request Mr Paul Edbrooke MP, Member for Frankston to make appropriate representation on our behalf.</p> <p style="text-align: right;">Carried Unanimously</p>	Dennis Hovenden	<p>05 Jan 2017 - 3:36 PM - Andrea Gaynor Letter has been forwarded to VicRoads (A3271611). Awaiting for a response.</p>	
19 December 2016	13.5	NOM 1244 - Criminal Asset Forfeitures	<p>Council Decision Moved: Councillor Bolam Councillor Aitken</p> <p>That Council writes to the Federal MP for Dunkley, Mr Chris Crewther, Federal Minister for Justice The Hon. Michael Keenan, State MP Mr Paul Edbrooke and State Minister for Justice The Hon. Martin Pakula, advocating that asset forfeitures for/from criminal proceeds be better channelled into the local communities (crime prevention programs, victim support programs, etc) where the proceeds of crime were claimed.</p> <p style="text-align: right;">Carried Unanimously</p>	Dennis Hovenden	<p>05 Jan 2017 - 3:05 PM - Andrea Gaynor Letters have been written (A3271154). Waiting on a response.</p>	

Outstanding Actions		Division:		Date From:	19/12/2016	
Action Sheets Report		Committee:		Date To:		
		Officer:		Printed: Thursday, 19 January 2017 2:18:21 PM		
MEETING DATE	ITEM NO	SUBJECT	MOTION	OFFICER	COMMENTS	DATE COMPLETED
19 December 2016	13.6	NOM 1245 - Frankston Volunteer Coastguard	<p>Council Decision</p> <p>Moved: Councillor Cunial Seconded: Councillor McCormack</p> <p>That a report be provided to Council at the May 2017 Ordinary Meeting on non-marina / non-safe boat harbour options for the Frankston Volunteer Coastguard headquarters (HQ).</p> <p>These options should include:</p> <ul style="list-style-type: none"> • Retrofitting of existing HQ; • Wholesale reconstruction of existing HQ; • Permanent and secure Mooring for the Coastguard's primary rescue vessel; • Relocation of existing HQ to an existing venue; and/or • Relocation of existing HQ to a newly constructed venue. <p>The report should consider local, state, federal and philanthropic funding routes for any of the above options plus total anticipated costs for the most viable long-term option.</p> <p>Consultation should take place with the Executive of the Frankston Volunteer Coastguard, and the "most viable long-term option" explored within the context of this report must have the support of the organisation.</p> <p>The Frankston Volunteer Coastguard organisation plays a crucial role in maritime rescues in our municipality and deserves the full ongoing support of council.</p> <p style="text-align: right;"><u>Carried Unanimously</u></p>	Dennis Hovenden	05 Jan 2017 - 4:54 PM - Andrea Gaynor Meeting being organised for early in New Year. Councillors will be invited to attend.	
19 December 2016	13.7	NOM 1246 - Ongoing Delays on the Frankston Train Line	<p>Council Decision</p> <p>Moved: Councillor Bolam Seconded: Councillor Aitken</p> <p>That Council writes to State MP Mr Paul Edbrooke and State Transport Minister The Hon. Jacinta Allan calling on the State Government to provide fare reductions and/or fare credit for Frankston line commuters adversely impacted upon by ongoing scheduled works and unscheduled delays on the Frankston train line.</p> <p>Given the regularity of such works/delays, the position of Council is that Frankston line commuters deserve fare relief for what is arguably the busiest train line in Victoria. The position of Council should also be referred to the South-East Melbourne Group of Council and the Association of Bayside Municipalities for consideration.</p>	Dennis Hovenden	05 Jan 2017 - 2:51 PM - Andrea Gaynor Letters have been written (A3271681 and A3273915) to Mr Paul Edbrooke MP, The Hon Jacinta Allan, ABM group of Councils and SEM Councils.	

Outstanding Actions		Division:		Date From:	19/12/2016	
Action Sheets Report		Committee:		Date To:		
		Officer:		Printed: Thursday, 19 January 2017 2:18:21 PM		
MEETING DATE	ITEM NO	SUBJECT	MOTION	OFFICER	COMMENTS	DATE COMPLETED
19 December 2016	13.8	NOM 1247 - Briefing on Staff Related Matters with Reputational/Litigious Reverberations	<p>Council Decision Moved: Councillor Bolam Councillor Aitken</p> <p>That the CEO is directed to conduct an urgent briefing for interested councillors in relation to internal staffing matters which have the potential for reputational and litigious damage to the city. The briefing should also cover the nature of contemporary staff redundancies / 'payouts'; and whether any redundancies / 'payouts' have been related to acrimonious work relationships (as opposed to structural changes).</p> <p style="text-align: right;">Carried Unanimously</p>	Dennis Hovenden	<p>18 Jan 2017 - 11:12 AM - Andrea Gaynor A briefing was conducted on 17 January 2017.</p> <p>No issues were identified.</p> <p>09 Jan 2017 - 12:37 PM - Andrea Gaynor Briefing of interested Councillors arranged for 17 January 2017 at 6.00pm.</p>	
19 December 2016	13.9	NOM 1248 - Gretana Park Karingal	<p>Council Decision Moved: Councillor Aitken Councillor Bolam</p> <p>That Council make a formal submission to the State Government in relation to the restoration of the hard surface playing area at Gretana Park with a view to some form of assistance in funding and that a communication to Mr Paul Edbrooke MP, Member for Frankston be sent accordingly seeking his support.</p> <p>That Council investigates the option of the sale of a portion of the site with the view of proceeds of the sale be reinvested into the Gretana Park.</p> <p style="text-align: right;">Carried Unanimously</p>	Dennis Hovenden	<p>05 Jan 2017 - 3:01 PM - Andrea Gaynor Letters have been written (A3271224 and A3271352). Waiting for a response. Valuation of portions of land to be obtained.</p>	
19 December 2016	13.10	NOM 1249 - Police Station in Langwarrin or Frankston North	<p>Council Decision Moved: Councillor Bolam Councillor O'Connor</p> <p>That Council writes to the (state) Minister for Police and the Victoria Police Commissioner vigorously advocating for increased police resources in both Langwarrin and Frankston North on the basis of geographical displacement from Central Frankston and increased localised crime.</p> <p style="text-align: right;">Carried Unanimously</p>	Dennis Hovenden	<p>05 Jan 2017 - 2:02 PM - Andrea Gaynor Letters have been written (A3271494 and A3271361). Awaiting response.</p>	

Outstanding Actions	Division:	Date From: 19/12/2016
	Committee:	Date To:
	Officer:	
Action Sheets Report		Printed: Thursday, 19 January 2017 2:18:21 PM

MEETING DATE	ITEM NO	SUBJECT	MOTION	OFFICER	COMMENTS	DATE COMPLETED
--------------	---------	---------	--------	---------	----------	----------------

19 December 2016	13.11	NOM 1250 - Re-founding of City Life	<p>Council Decision</p> <p>Moved: Councillor Aitken Seconded: Councillor Bolam</p> <p>That an emergency summit be held within four weeks of today's date (19 December 2016) to help facilitate the re-founding of City Life.</p> <p>Attendees would include all interested Councillors, the City Life Executive and relevant Council officers.</p>	Dennis Hovenden	09 Jan 2017 - 12:38 PM - Andrea Gaynor Arrangements made for meeting on 16 January 2017.	
------------------	-------	-------------------------------------	--	-----------------	---	--

Executive Summary**12.3 Hearing of Submission - Setting of Mayoral and Councillor Allowances
2016 - 2020**

Enquiries: (Michael Craighead: Corporate Development)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.3 Ensure good governance and management of Council resources
Priority Action	3.3.2 Implement a schedule of reviews of services, plans, policies and protocols to ensure good governance

Purpose

For Council to hear the submission in response to the notice of intention to set Mayoral and Councillor allowances.

Recommendation (Director Corporate Development)

That

1. The submission in support of Council's notice of intention to set the Mayoral and Councillor allowances, which is included as Attachment A to this report, be received and noted; and
2. The submitter be given the opportunity to address Council, as requested in the submission.

Key Points / Issues

- Section 74 of the *Local Government Act* 1989 ("the Act") provides for Council to pay an allowance to the Mayor and each Councillor, within the range specified by the Minister for Local Government ("the Minister").
- Council must review and determine the level of the Mayoral and Councillor allowances within the period of 6 months after a general election or by the next 30 June, whichever is later.
- This review is subject to a section 223 consultation process, which provides an opportunity for any submitters to be heard in person by Council prior to a final decision being made.
- The setting of Mayoral and Councillor allowances was considered by Council at its special (statutory) meeting on 7 November 2016. At that meeting Council resolved as follows:

That:

1. *Council gives notice of its intention to set the Mayoral and Councillor allowances for the entire council term (ie until November 2020) at the maximum levels for a Category 3 Council, as determined by the Minister for Local Government and published in the Victoria Government Gazette from time to time (currently \$28,907 for Councillors and \$92,333 for the Mayor).*

12.3 Hearing of Submission - Setting of Mayoral and Councillor Allowances 2016 - 2020**Executive Summary**

2. *The allowances be paid monthly in advance, with the amounts being subject to any variations or adjustments made by the Minister for Local Government during the four year Council term.*
 3. *Council notes that an amount equivalent to the superannuation guarantee contribution under Commonwealth taxation legislation (currently 9.5%) is payable in addition to the allowance amounts. This contribution, which increases in accordance with the Commonwealth taxation legislation, is to be paid into the approved fund nominated by the Mayor and each Councillor, on a quarterly in-arrears basis for the 2016/2017, 2017/2018, 2018/2019 and 2019/2020 financial years.*
 4. *Council gives public notice of its intention to set the Mayoral and Councillor allowances for the entire Council term at the maximum levels, and invites public submissions in accordance with section 223 of the Local Government Act 1989.*
 5. *Following completion of the section 223 consultation process (including the hearing of any submissions), a further report be presented to Council to finalise the statutory process for the setting of the Mayoral and Councillor allowances.*
- Notice of Council's intention to set the allowances at the maximum levels for the four year term was published in the local newspaper on 14 November 2016, and on Council's website from 11 November 2016.
 - One submission has been received in response to the public notice, which states:

"In response to the Notice of Intention to Set Mayoral and Councillor Allowances I would like to submit that these allowances be paid as the maximum amount permitted.

I request to be heard in support of my submission at the Council meeting the matter is to be considered."
- A de-identified copy of the submission is included as **Attachment A** to this report.
- Arrangements have been made for the submitter to attend this meeting to be heard by Council. The submitter has been informed that the time available for their presentation will be limited to five (5) minutes and that following conclusion of the submission, Councillors may ask questions of the submitter.

Financial Impact

For the 2016/2017 financial year, the State Government introduced legislation that provides for a limit on the amount Victorian councils may increase rates in any financial year. The cap for the 2016/2017 financial year is 2.5%. The cap is based on a combination of the CPI and expected wages growth.

This cap has had a significant effect on Council's long term financial planning, with rate revenue being \$28 million less than anticipated over the first four years, growing to \$43 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

12.3 Hearing of Submission - Setting of Mayoral and Councillor Allowances 2016 - 2020**Executive Summary**

- Provision is made within Council's budget to fund the Mayor and Councillors' allowances, expense entitlements and equivalent superannuation guarantee contributions.
- Under section 73B of the Act, the Minister must conduct an annual review of the limits and ranges of Councillor and Mayoral allowances. If the Minister's review results in a finding that Councillor and Mayoral allowances should be adjusted, the Minister must specify by notice published in the Governance Gazette:
 - an adjustment factor; and
 - the new limits and ranges of allowances for each council category, adjusted in accordance within the adjustment factor.
- The limits and ranges of Mayoral and Councillor allowances were increased by an adjustment factor of 2.5% from 1 December 2016 – details were published by notice in the *Victoria Government Gazette G47* on 24 November 2016. The current range limits that apply for Frankston City Council, as a "Category 3 Council" are:
 - Councillors \$12,367 - \$29,630
 - Mayor up to \$94,641
- In addition to the allowances, the Mayor and Councillors are entitled to an additional payment of 9.5% which is the equivalent to the superannuation guarantee contribution. This contribution increases in accordance with the Commonwealth taxation legislation. It is paid into the approved fund nominated by the Mayor and each Councillor, on a quarterly in-arrears basis.

Consultation**1. External Stakeholders**

Community consultation was undertaken as required by the *Local Government Act 1989*. Notice was given of Council's intention to set the allowances at the maximum range and limit, and public submissions were invited. One submission was received, in support of the proposal. The submitter has indicated a desire to speak to their submission.

2. Other Stakeholders

Available guidance from Local Government Victoria has been incorporated into this report.

Analysis (Environmental / Economic / Social Implications)

It is important that the Mayor and Councillors are appropriately compensated for their time and efforts in fulfilling their civic commitments, and that such compensation is in keeping with community expectations.

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

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

12.3 Hearing of Submission - Setting of Mayoral and Councillor Allowances 2016 - 2020**Executive Summary**Legal

Council has complied with the relevant provisions of the *Local Government Act 1989* including the specific provisions about the procedure for reviewing and determining the level of the Mayoral and Councillor allowances (section 74) and the right to make submissions (section 223).

Policy Impacts

There are no policies or protocols that will affect the decision of this report.

Officer's Declaration of Interests

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

Risk Mitigation

There are no risks associated with this report.

Conclusion

Council is required to review and determine the level of Mayoral and Councillor allowances by 30 June 2017. The review must include consideration of any submissions made in accordance with section 223 of the Act.

Council's intention to set the allowances for the entire Council term, at the maximum amount approved by the Minister for Local Government, as adjusted from time to time, was advertised in the local newspaper and on Council's website.

One submission has been received in response to the notice of intention to set Mayoral and Councillor allowances. The submitter has indicated a desire to be heard by Council in support of their submission, and arrangements have been made for the submitter to attend this meeting to be heard by Council.

A further report on the setting of the allowances, addressing the matters raised in the submission, will be prepared for Council's consideration at a subsequent meeting.

ATTACHMENTS

Attachment A: Submission in Support - Mayoral and Councillor Allowances

From: [REDACTED]
Sent: Monday, 12 December 2016 10:41 AM
To: info
Subject: Mayoral & Councillor Allowances

In response to the Notice of Intention to Set Mayoral and Councillor Allowances I would like to submit that these allowances be paid as the maximum amount permitted.

I request to be heard in support of my submission at the Council meeting the matter is to be considered.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Executive Summary**12.4 Capital Works Quarterly Report (October - December) 2016/17**

Enquiries: (Craig Dinsdale: Corporate Development)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.3 Ensure good governance and management of Council resources
Priority Action	3.3.1 Ensure the organisation is financially sustainable

Purpose

To brief Council on the quarterly (October – December 2016) progress of the 2016/17 Capital Works Program.

Recommendation (Director Corporate Development)

That:

1. Council receives and notes the quarterly (October - December) progress report for the 2016/17 Capital Works Program;
2. A benchmarking exercise conducted by relevant staff, reviews Frankston City Council's delivery of capital works and adherence to prescribed capital works budget allocations. Frankston City Council's performance should then be compared to other similarly sized municipalities. The exercise should take into account the Council's present performance from July 2016 to July 2017. The exercise outcomes are to be provided within the last 2017 Capital Works Quarterly Report.
3. All capital projects that are anticipated to run either over-time or over-budget must be specifically articulated in future versions of the Capital Works Quarterly Report/s forthwith. With each project referenced, sufficient information should be provided which explains the nature of the delay and/or over-expenditure. This information must be also be provided to the Internal Ombudsperson and the Frankston City Council Audit and Risk Committee for consideration.

Key Points / Issues

- The Capital Works Program for 2016/17 comprises 243 projects with an adjusted budget allocation of \$44.827 million (the original adopted budget was \$39.882 million). The Adjusted Budget includes \$5.496 million carried forward from 2015/16 for 47 projects.
- The progress for the second quarter of the 2016/17 financial year includes 150 projects or 62% of all projects, are on time and on budget; 40 projects, or 16%, have not yet started; 15 project, or 6%, is on time but with expenditure likely to exceed budget; 5 projects, or 2%, may not meet the scheduled completion date; 15 projects, or 6%, that have been deferred or not proceeding and 24 projects or 10% that have been completed.
- Delivery of Council's Capital Works Program is progressing with 29% (\$13.183M) of the Adjusted Budget expended and 45% (\$20.224M) total committed against the Adjusted Budget.

Financial Impact

For the 2016/2017 financial year, the State Government introduced legislation that provides for a limit on the amount Victorian councils may increase rates in any financial year. The cap for the 2016/2017 financial year is 2.5%. The cap is based on a combination of the CPI and expected wages growth.

12.4 Capital Works Quarterly Report (October - December) 2016/17**Executive Summary**

This cap has had a significant effect on Council's long term financial planning, with rate revenue being \$28 million less than anticipated over the first four years, growing to \$43 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

It is currently not anticipated that any additional funding will be required to achieve the key outcomes of the 2016/17 capital works program.

Consultation**1. External Stakeholders**

Council officers responsible for the delivery of individual projects consult with key stakeholders directly during the delivery of the projects.

2. Other Stakeholders

The progress results of the 2016/17 capital works program have been communicated with the Financial Services Department, Executive Management Team, Audit and Risk Committee and Councillors.

Analysis (Environmental / Economic / Social Implications)

A number of Council assets underpin economic systems and provide a vehicle for economic growth and prosperity. Some Council assets seek to improve the environment and amenity of the municipality. Council assets also support services to the community. Better infrastructure asset management practices will enhance these services to the community and promote better health and wellbeing.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

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

Legal

There are no statutory obligations or legal implications relevant to the content to the report.

Policy Impacts

Council's Asset Management Policy, Capital Works Program Monitoring Framework and Project Management Framework Protocols are relevant to this report.

Officer's Declaration of Interests

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

Risk Mitigation

The Capital Work Program is managed actively in accordance with Council policies and business rules.

Conclusion

Delivery of Council's Capital Works Program is progressing with 29% (\$13.183M) of the Adjusted Budget expended and 45% (\$20.224M) total committed against the Adjusted Budget.

ATTACHMENTS

Attachment A: 2016/17 Capital Works Quarter 2 - Program Status

Attachment B: 2016/17 Capital Works Quarter 2 - Program Listing

12.4 Capital Works Quarterly Report (October - December) 2016/17**Officers' Assessment****Background**

Council allocated a budget of \$39.882 million for Capital Works in its 2016/17 Annual budget which was adopted on 16 May 2016

As part of the end of the year Capital Works financial process there were some adjustments to the budget including carry forward of projects from 2015/16. The adjusted budget amount is \$44.827million. This amount includes \$5.496 million carried forward from 2015/16.

This report provides a summary of the progress in delivering Council's 2016/17 Capital Works Program.

Issues and Discussion

The adjusted 2016/17 Capital Works Program comprises 243 projects showing a current adjusted budget of \$44.827 million which includes the carry forward projects from 2015/16.

The progress for the second quarter of the 2016/17 financial year includes 150 projects or 62% of all projects, are on time and on budget; 40 projects, or 16%, have not yet started; 15 project, or 6%, is on time but with expenditure likely to exceed budget; 5 projects, or 2%, may not meet the scheduled completion date; 15 projects, or 6%, that have been deferred or not proceeding and 24 projects or 10% that have been completed.

Status Key	Description	No	%
A	Deferred or Not Proceeding. Significant operational delays have occurred or the project needs to be rescheduled to following years	15	6%
B	May not meet scheduled completion date. Requires Organisational support to bring project to plan	5	2%
C	On time but with expenditure expected to be above current budget.	9	4%
D	On time and on budget	150	62%
E	Not Started	40	16%
F	Completed	24	10%
	TOTAL	244	100%

Key projects being delivered in the 2016/17 Capital Works Program include:

- Olivers Hill boat ramp and jetty.
- CAA Public Arts Program – Implementation of CAA public artworks program.
- Expansion of Frankston District Basketball Association
- Public Toilet Action Plan – design and construction of Waterfront and Oliver's Hill toilet.
- Ballam Park Football and Cricket Pavilion – design of new pavilion.

12.4 Capital Works Quarterly Report (October - December) 2016/17**Officers' Assessment**

- Carrum Downs Recreation Reserve Sports Pavilion – design of pavilion and car park.
- McClelland Reserve Soccer Pavilion – Upgrade and renovation to the existing sporting pavilion.
- Seaford Bowls Club – Construction of a new synthetic bowling green.
- Centenary Park sporting complex.
- Baxter Park Soccer car park upgrade.
- Ballam Park playground and playspace initiatives.

In addition to these key projects, the Capital Works Program will result in the renewal of a number of assets for Frankston municipality, including:

- bridges renewal, (\$1.331m);
- reconstruction of footpaths, (\$1.795m);
- reconstruction and/or resurfacing of roads, (\$2.244m);
- renewal of parks and open space infrastructure, (\$8.231m); and
- renewal of buildings, (\$5.445m).

Forty seven projects from the 2015/16 Capital Works Program were identified for funds to be carried forward into 2016/17 to enable these works to be completed. The value of these funds is \$5.496 million of which \$ 4.692 million is funded by Rates. However, it should be noted that \$0.890 million of the carry forward projects relate to multiyear projects such as the Frankston Basketball Stadium, Ballam Park Sports Pavilion, Carrum Downs Sports Pavilion, Centenary Sports complex and Seaford New Bowling Green. The full list of carry forward projects was approved at a Council Meeting on the 29 August 2016.

Attachment A provides a summary for the delivery of the Capital Works Program for the second Quarter and highlights the key indicators for the performance in 2016/17.

Attachment B lists all projects in the 2016/17 Capital Works Program and provides details of the status, revised budget and expenditure for the second Quarter of 2016/17. There are also progress comments in relation to each project.

Delivery of Council's Capital Works Program is progressing with 29% (\$13.183M) of the Adjusted Budget expended and 45% (\$20.224M) total committed against the Adjusted Budget.

Options Available including Financial Implications

There are no additional financial implications associated with this report.

Attachment
A



CAPITAL WORKS PROGRAM
2016-2017
COUNCIL MONTHLY REPORT
December 2016

WARD SUMMARY

Ward	Budget	EOY Forecast	YTD Actuals	Committed
Central Activities Area	2,474,628	2,395,994	787,720	324,183
Citywide	26,176,203	26,129,503	8,866,909	5,078,819
North East Ward	4,278,067	4,886,607	1,555,604	654,504
North West Ward	5,393,263	5,204,809	941,269	728,181
South Ward	6,505,604	5,964,599	1,032,256	255,200
	44,827,765	44,581,512	13,183,758	7,040,887

PROGRAM SUMMARY

Program	Total Program \$	Total Committed \$
Bridges and Pedestrian Structures	1,331,901	435,488
Facilities	8,135,426	3,703,886
Parks & Leisure	16,687,482	7,359,235
Plant, Equipment, Furniture & Artwork	7,236,752	3,704,058
Roads	9,735,596	4,406,519
Stormwater Management	1,700,608	615,458
Total Program	44,827,765	20,224,645

PROGRAM DELIVERY

Program	Program Delivery (YTD Actuals/Adjusted Budget)	YTD Actuals vs YTD Budget
Bridges and Pedestrian Structures	31.70%	63.47%
Facilities	26.35%	52.22%
Parks & Leisure	29.41%	80.99%
Plant, Equipment, Furniture & Artwork	35.49%	74.58%
Roads	29.54%	123.27%
Stormwater Management	15.60%	50.27%
Total Program	29.41%	76.94%



CAPITAL WORKS PROGRAM

2016-2017

COUNCIL MONTHLY REPORT

December 2016

Attachment B

PROJECT LISTING

Project Number	Name & Short Commentary on Project	Status	Revised Budget	EOY Forecast	YTD Actuals	Committed
REPORT TOTALS			44,827,765	44,502,342	13,189,780	7,039,270
1299	Risk Management Works within Council Reserves Funds reallocated to the Roads Renewal Program due to the Federal Government reducing Council's allocation for 2016/17.	A	0	-	-	-
2685	Various Reserves - Footpath Renewal Program / xover installa Funds reallocated to the Roads Renewal Program due to the Federal Government reducing Council's allocation for 2016/17.	A	0	-	-	-
3344	Traffic Management Devices - Renewal Programme Project cancelled this financial year due to shortfall in Roads to Recovery funding.	A	0	-	-	-
3562	Crossings Program Funds reallocated to the Roads Renewal Program due to the Federal Government reducing Council's allocation for 2016/17.	A	0	-	-	-
3815	WSUD Renewal Funds reallocated to the Roads Renewal Program due to the Federal Government reducing Council's allocation for 2016/17.	A	0	-	-	10
3892	Sibyl Avenue At Council's meeting on the 18 July it resolved to refer this project back to the Path Development Plan for consideration of funding in subsequent capital works programs.	A	161,579	-	-	-
3895	Kars Street At Council's meeting on the 18 July it resolved to refer this project back to the Path Development Plan for consideration of funding in subsequent capital works programs.	A	66,281	-	-	-
3899	Brighton Street At Council's meeting on the 18 July it resolved to refer this project back to the Path Development Plan for consideration of funding in subsequent capital works programs.	A	88,728	-	-	-
3900	Kuranda Street At Council's meeting on the 18 July it resolved to refer this project back to the Path Development Plan for consideration of funding in subsequent capital works programs.	A	79,587	-	-	-
3901	Liddesdale Avenue At Council's meeting on the 18 July it resolved to refer this project back to the Path Development Plan for consideration of funding in subsequent capital works programs.	A	157,609	-	-	-
4033	ReM Functionality Enhancements FAMIS integration not required. Seamless integration will be deferred to 2017/18. Training to be provided in March to new EDMS Officer and IT Operations staff.	A	79,520	-	-	-
4038	Corporate Reporting System – Business Analysis	A	0	-	-	-

Project Number	Name & Short Commentary on Project	Status	Revised Budget	EOY Forecast	YTD Actuals	Committed
REPORT TOTALS			44,827,765	44,502,342	13,189,780	7,039,270

This project will be started in early 2017 using operating budget, capital budget no longer required.

4106	Operations Centre - Plant & Equipment Airconditioning upgrade works on hold.	A	0	-	-	-
4110	Frankston East Plant & Equipment Solar installation works on hold pending resolution on relocation of Club.	A	0	-	-	-
4043	Electronic Signatures Business analysis completed and the conclusion reached is that the project is not viable due to excessive costs associated with software solutions	A	15,000	-	-	-
1312	Asset Management Information System (FAMIS) Configuring system soft rollout targeted February 2017.	B	575,000	423,581	123,766	59,594
3775	Frankston Waterfront Safety Renewal - including boat ramps, Construction works are complete and final clean up is underway for opening of the ramp on 22 December 2016.	B	1,308,816	1,308,816	1,122,272	-
3858	Foreshore Toilet at Olivers Hill. Tender evaluation and recommendation for both Waterfront and Olivers Hill completed.	B	775,271	775,271	8,370	150
3985	CFA Sewer Works Design commenced and construction is forecasted to commence in April 2017.	B	84,137	83,637	500	4,494
4127	Temporary Carpark for Frankston Hospital Awaiting planning permit approval. Agreement with Frankston Hospital is to be confirmed.	B	200,000	198,880	1,120	15,880
1451	Public Art Program Sculptures by the Sea complete.	C	90,176	96,691	63,796	9,517
2641	Communities Facilities Renewal & Compliance Works scoped and prioritised however remaining budget will not see all work completed. Some work will be referred to next financial year.	C	325,000	338,000	275,396	21,732
2755	General Sports Ground Lighting Improvements Carrum Downs Recreation Reserve substation connection to be completed with service quotes for each of the five electricity providers underway.	C	258,862	433,672	283,672	2,038
3471	Robinsons Reserve Water Recycling Scheme Power supply issue resolved at Baxter Park and contract to be awarded by end of February 2017. Works will be delivered this financial year.	C	70,297	69,878	1,216	-
3790	Ungerboeck Functionality Enhancements Successful implementation to Arts Centre occurred in December 2016. Accounts receivable integration with Finance and Ungerboeck systems will go live in January. Rollout to other areas of Council to follow.	C	253,132	268,262	101,955	70,588
3847	Annual Bridge & Pedestrian Structures Renewal Program (Level	C	125,000	280,805	200,805	13,234

Project Number	Name & Short Commentary on Project	Status	Revised Budget	EOY Forecast	YTD Actuals	Committed
REPORT TOTALS			44,827,765	44,502,342	13,189,780	7,039,270
	Kananook Creek works now complete. Level 3 inspection request for quotation received and waiting on advice from Parks Victoria.					
3910	Dandenong Road East Drainage Strategy	C	586,174	586,151	73,523	216,041
	All service relocation complete. The civil works for stage 1 are scheduled to be delivered this financial year.					
3916	Skye Recreation Reserve Entrance Relocation and Car Park Con	C	89,608	268,386	140,111	96,241
	The project west of Skye Reserve including sight distance correction and minor works are due to be carried out by the end of the financial year.					
3971	Drainage pipes & pits renewal/upgrade - Aged-based asset con	C	100,000	233,278	133,278	41,857
	Reactive works are carried out on an as required basis.					
1234	Light vehicles Replacement	D	1,200,000	1,200,000	603,384	33,282
	Sixteen light vehicles replaced with an additional three vehicles on order.					
1237	Structured Recreation Pavilions Renewal & Compliance	D	795,000	795,000	251,597	264,405
	Overport Park Tennis Club refurbishment works currently under construction. Works anticipated to be completed in January 2017.					
1260	Lighting Upgrades	D	0	1,736	11,239	20,591
	Reactive requests for new street lighting.					
1286	BBQ Replacement Program - Major Parks	D	40,000	40,000	5,667	13,205
	Order raised for replacements at Jubilee Reserve. Barbecue at Rosedale Reserve will be installed in February 2017.					
1288	Office Furniture & Equipment - OG	D	50,000	45,037	16,735	3,907
	Reactive program provided on an as needed basis.					
1302	Web Development and Enhancements	D	80,186	80,186	2,487	2,433
	Modifications for Council websites have commenced. Corporate e-Newsletter template and subscriber interaction are being developed and tested.					
1304	Plant & Equipment Replacement	D	1,593,000	1,593,000	659,965	629,211
	Procurement for a front mower completed. Tipper truck ordered with expected delivery at the end of December.					
1309	GIS - Aerial Photography Update	D	30,000	30,000	-	7,636
	Aerial photos received from Department of Land, Water and Planning.					
1446	Frankston Arts Centre - Technical Equipment Upgrade	D	170,064	166,428	36,108	535
	Final quotes being obtained for lighting. The scope for new audio equipment is being prepared.					
1469	Library Collection	D	700,000	700,000	357,118	166,464
	10,905 physical items have been added to the collection year to date. The Library has subscribed to Choice Online and Storybox.					
1590	Annual File Server Replacement Program	D	50,000	50,000	-	-

Project Number	Name & Short Commentary on Project	Status	Revised Budget	EOY Forecast	YTD Actuals	Committed
REPORT TOTALS			44,827,765	44,502,342	13,189,780	7,039,270

	Quotes being sought to replace Disaster Recovery servers.					
1906	Centenary Sports Complex - Design	D	189,198	189,198	12,412	1,290
	Stakeholder meetings underway. Project team preparing brief to engage design team for all project phases.					
2623	Public Amenities Renewal & Compliance	D	260,182	260,182	6,316	-
	Memorial Park toilet block is under design. Frankston Life Saving Club toilet is being scoped to confirm works required.					
2657	Road Renewal Program	D	1,303,000	1,303,000	977,523	1,001,932
	The works under this program is well on track with more than half the program completed (Frankston North & Seaford). The works in Frankston South is due to commence late January with completion anticipated to be mid February 2017.					
2695	Public PC Replacement	D	112,000	112,000	-	-
	Initial project meeting held to discuss and review outcomes.					
2812	Footpath Renewal Program	D	1,405,000	1,405,000	723,186	92,908
	377 square metres of footpath constructed.					
3030	Open Space Renewal Program	D	296,511	296,511	241,533	27,157
	Baxter terraces require minor hand rail work to be completed which will see the project completed mid December 2016.					
3087	Litter Bin Replacement Program - Throughout Municipality	D	25,000	25,000	-	8,852
	First order of bins lodged, arrival expected to be end of January 2017.					
3089	Safe City Surveillance System - CCTV Camera Renewal Program	D	80,000	139,485	89,485	9,825
	Contractor selected to install security cameras at Oliver's Hill boat ramp and foreshore walkway. Works will be delivered this financial year.					
3096	Pathway - Functionality Enhancements	D	90,080	90,080	38,520	29,281
	Building Services new processes to go live from 1 January 2017. Security review is well underway. Menu review completed and structure review commenced.					
3209	TechnologyOne Enhancements	D	71,500	71,500	23,575	225
	Project team for Tech1 upgrade has been established with stakeholder consultation in progress. Business case is being developed.					
3289	McClelland Reserve Soccer Pavillion	D	890,029	890,029	703,513	455,267
	New extension complete. Refurbishment of existing pavilion forecasted for completion by end December 2016.					
3305	Fence Replacement Program - Internal Fences at Council Reserves	D	150,000	150,000	64,961	31,317
	Completed Banyan Reserve. Delacombe and Baden Powell Reserves will start in January 2017.					
3328	Carpark Renewal Program	D	575,000	575,000	8,852	-
	Tender submissions received. The works are likely to commence in early 2017 with a 2 month construction period.					
3336	Vehicle Crossing Renewal Program - Council Assets	D	90,000	90,000	32,795	173

Project Number	Name & Short Commentary on Project	Status	Revised Budget	EOY Forecast	YTD Actuals	Committed
REPORT TOTALS			44,827,765	44,502,342	13,189,780	7,039,270

Works to recommence in January 2017.

3421	Fencing Replacement Program - Boundary Fences - Council Rese	D	150,000	150,000	88,686	11,614
------	---	---	---------	---------	--------	--------

Seventy five shared fences installed this financial year.

3440	Bicycle Chicane Upgrades	D	50,000	85,592	85,592	-
------	---------------------------------	---	--------	--------	--------	---

Works ongoing to several bicycle paths undertaking reserve entrance treatments in accordance with standard drawings.

3458	Easement Drainage Pit Alterations	D	150,000	150,000	56,302	34,609
------	--	---	---------	---------	--------	--------

Fourteen stormwater pits raised in Frankson.

3525	Reactive Drainage Works	D	50,000	50,000	-	-
------	--------------------------------	---	--------	--------	---	---

Funding to manage reactive drainage and flooding issues.

3532	Civic & Operations Facilities Renewal Program	D	657,000	657,000	132,066	33,262
------	--	---	---------	---------	---------	--------

Four of six projects now started. Civic Centre entrance tender evaluation/recommendation complete.

3563	Bicycle Path Safety Upgrades	D	50,000	50,000	12,435	6,295
------	-------------------------------------	---	--------	--------	--------	-------

Crack sealing undertaken in Shearwater Reserve.

3565	Kerb Renewal Program	D	150,000	150,000	72,817	37,147
------	-----------------------------	---	---------	---------	--------	--------

Frankston North and Seaford works complete. Frankston South works to be completed. Additional kerb works to be undertaken in Seaford in May 2017.

3572	CAA Streetscape - Structure Plan Implementation - Wells Street	D	385,004	385,004	298,666	94,209
------	---	---	---------	---------	---------	--------

Final installation of street furniture is underway with project expected to be completed by end of December 2016.

3577	Garden Bed Retaining Walls	D	45,000	45,000	33,682	-
------	-----------------------------------	---	--------	--------	--------	---

Works to recommence in January 2017.

3579	Frankston Tip Risk Management Strategy Implementation	D	130,000	130,000	(186)	18,905
------	--	---	---------	---------	-------	--------

Works in accordance with the remedial management plans are nearing completion.

3585	Playground Undersurfacing Renewal Program	D	40,000	40,000	-	-
------	--	---	--------	--------	---	---

Documentation is being prepared to go out for public tender.

3587	Playground Strategy Implementation - Renewal of Playgrounds	D	3,312,315	3,294,115	651,212	723,000
------	--	---	-----------	-----------	---------	---------

Ballam Park construction is well underway. Waterfront and George Pentland Botanic Gardens consultation now complete. William Hovell and Botany playgrounds are having the tenders assessed.

3588	Sporting Ground - Surface Renewal	D	750,000	750,000	11,287	14,827
------	--	---	---------	---------	--------	--------

The design for Carrum Downs oval 2 is complete.

3592	Sporting Ground - Pitch Cover Renewal	D	50,000	50,000	3,935	1,390
------	--	---	--------	--------	-------	-------

Project Number	Name & Short Commentary on Project	Status	Revised Budget	EOY Forecast	YTD Actuals	Committed
REPORT TOTALS			44,827,765	44,502,342	13,189,780	7,039,270
	Pitches at Eric Bell, Monterey Secondary College, Pat Rollo, Baxter No 1, 2, 4, 5 and 7, Seaford No 4 ovals are completed. Ballam Park south wicket programmed for late March 2017.					
3593	Sporting Ground - Goal Post Replacement Program Goal post have been installed at the following ovals; Ballam East, Belvedere 1, A H Butler, East Seaford, North Seaford, Ballam South and McClelland Reserve.	D	50,000	50,000	3,005	-
3596	Service desk area upgrades Concept design is currently underway. Contract to be awarded in March 2017 and construction anticipated to be completed in May 2017.	D	160,000	160,000	6,390	9,220
3601	Mens Shed Langwarrin Installation of storage shed complete. Investigation into heating/cooling system ongoing.	D	95,000	95,077	40,877	-
3633	Carrum Downs Recreation Reserve Pavilion & Car Park The construction phase of the project is currently out to select contractor. Tender is scheduled to close in January 2017.	D	1,349,473	1,349,473	33,493	33,315
3666	Renewal of Irrigation Systems at Council Reserves Reviewing requirements at Ballam Park oval 2 to be completed by end of December 2016.	D	160,000	160,000	418	44,118
3687	Foreshore Minor Infrastructure Renewal Program Park furniture has been ordered, replacement fencing will be confirmed in early January by the Parks Foreshore team.	D	100,000	100,000	5,146	9,764
3698	TCM System Enhancements Brief is being prepared after consultation with stakeholders for request for quotation process.	D	32,250	32,250	-	-
3705	Arts and Library Facilities Renewal Program Construction of Kiosk and Reheat Kitchen has been completed. The next stage is to refurbish the amenities at Frankston Arts Centre/Cube 37.	D	1,092,000	1,092,000	785,534	192,085
3706	Aged Services Facilities Renewal Program Government grant confirmed for East Karingal preschool. These fund will be reallocated to the Bayview Preschool renewal works.	D	170,000	170,000	-	-
3710	Ticket Machines Renewal Order progressing, awaiting delivery from the supplier which is expected to be February 2017.	D	27,941	27,941	1,334	10,866
3723	Bridge Guard/Barrier Rail Compliance Commencement of program in January 2017.	D	150,000	150,000	-	-
3766	Family and Youth Facilities Renewal & Compliance Department of Education and Training grant of \$283K received for East Karingal Kindergarten. Tender documentation underway. Scheduled to commence construction work early in 2017.	D	325,000	325,000	141,875	12,470
3768	Various Reserves - Signage Reserve idenifications signs have been upgraded at 16 reserves.	D	100,000	100,000	73,339	400
3777	Cricket Net Replacement Program	D	464,047	364,047	49,140	158,132

Project Number	Name & Short Commentary on Project	Status	Revised Budget	EOY Forecast	YTD Actuals	Committed
REPORT TOTALS			44,827,765	44,502,342	13,189,780	7,039,270
	RF Miles cricket nets contract awarded. Contractor has now commenced works. Jubilee Park cricket nets retaining wall design underway.					
3779	Kern Mobile Implementation to support AMIS	D	118,500	118,500	40,980	-
	Kern mobile licensing required for Parks rollout will be payable in the second quarter of 2017.					
3785	GIS Functionality Enhancements	D	42,065	42,065	-	30,604
	Additional Pathway module has been purchased.					
3788	eNewsletter and replacement of Intuitus	D	37,121	37,121	-	8,400
	Economic Development Customer Relationship Management processes are being tested in the Pathway training environment.					
3803	Public Artworks Renewal Program	D	180,000	176,863	21,386	1
	Contract award is on hold until February 2017 as scope of works requires clarification. Negotiations are currently underway with artist to determine level of scope changes.					
3807	Arts & Libraries Compliance Program	D	1,200,000	1,200,000	183,715	984,717
	Construction work at Frankston Library amenities has been completed. The next stage is to refurbish the amenities at Frankston Arts Centre/Cube 37 and install a new lift at Frankston Arts Centre. Project to be completed in May 2017.					
3831	Neighbourhood Streetscape - Cranbourne Rd (Josephine St) Lan	D	20,000	20,000	125	-
	Detailed design is being undertaken.					
3832	Baxter Park Cricket/ Football Pavilions (Oval 1 & 6)	D	273,949	273,949	173,122	49,567
	Certificate of Occupancy has been granted to the Club. Repair of defects are ongoing.					
3839	Renewable Energy for Frankston	D	303,725	303,725	53,288	182,273
	All solar installation has been completed except for the Frankston Arts Centre. This is schedule for completion in February 2017.					
3846	Major Bridge Renewal Program	D	690,242	508,653	28,653	-
	The design has been completed for Beauty Park Platform and awaiting tender process. Esplanade staircase is with Town Planning and Department of Environment, Land, Water and Planning (DELWP) for consent. Lang Link and Beckwith Grove pedestrian bridges are under-going further design work.					
3854	Frankston Basketball Stadium Expansion	D	1,141,500	1,141,500	343,981	199,276
	Council approval given to engage a preferred builder in December 2017. Contract documents are currently being prepared for signing.					
3862	Grant Management Functionality Enhancements	D	30,000	30,000	1,877	2,100
	Staff training provided, remainder of project commences in February 2017.					
3880	Establish Future State Business & Application Architecture	D	330,000	224,999	62,849	6,983
	Key user training program developed and being rolled out.					
3882	Eureka - Revenue and Debt Management Improvements	D	69,400	69,400	-	-
	Debt Management Framework project Phase 1: 100% complete. Infringements project: 90% complete. Library project: 85% complete. Permits project: 5% complete.					

Project Number	Name & Short Commentary on Project	Status	Revised Budget	EOY Forecast	YTD Actuals	Committed
REPORT TOTALS			44,827,765	44,502,342	13,189,780	7,039,270
3888	Seaford Foreshore - Seaford Lifesaving Club Precinct Masterp Construction commenced in mid November 2016.	D	65,526	65,526	72,927	-
3896	Gerald Drive Langwarrin - Footpath Work to be carried out in this financial year.	D	4,200	4,200	-	-
3902	Lee Street - Footpath Request for quotation submitted to contractor. Work to be carried out in this financial year.	D	93,214	93,214	-	-
3908	Cranhaven Road, Langwarrin (Warrandyte Road to Lapwing Court) Special Charge Scheme project is undergoing community consultation.	D	30,000	30,000	2,994	-
3911	Beach Street, Frankston Geotechnical and feature survey works are complete. Design works to be undertaken by external consultants.	D	114,031	77,022	5,022	-
3912	Evelyn Street Stage 3 Streetscape Upgrade Design Construction documentation received. Tender award approval in process.	D	92,411	92,411	988	13,280
3913	Baxter Park The design for the Baxter Park playground has been completed and construction forecast for completion at the end of this financial year.	D	350,000	350,000	-	-
3915	Seaford Bowls Club Upgrade - Consultation and Design Wet weather and unsuitable ground conditions have delayed progress. Testing is being undertaken on the new crushed rock surface of the bowling green.	D	466,722	466,723	164,767	236,972
3917	Baxter Park Soccer Car Park Upgrade Tender submissions have been received and awaiting approval to commence construction. A four month construction period is envisaged.	D	950,000	950,083	5,423	-
3928	Ballam Park Pavilion Upgrade Council elected to engage a preferred builder in December 2017. Contract documents are currently being prepared for signing.	D	1,313,349	1,313,349	45,889	52,319
3958	Pathway Renewal - Council Reserves Works commenced at Ballam Homestead.	D	150,000	150,000	14,178	64,820
3959	Minor Plant & Equipment Replacement Replacement fire fighting slip-on unit now completed.	D	40,000	40,000	15,960	2,545
3960	Network & Comms Infrastructure Renewal Further quotes requested for the installation of the new surge protector at the Frankston Arts Centre.	D	20,000	20,000	3,888	-
3961	Maintain RFID technologies Installation and training has been booked for the 21 and 22 February 2017. Configuration is occurring during January.	D	249,286	249,286	-	-

Project Number	Name & Short Commentary on Project	Status	Revised Budget	EOY Forecast	YTD Actuals	Committed
REPORT TOTALS			44,827,765	44,502,342	13,189,780	7,039,270
3962	Shoretel VOIP Renewal Commencing engagement to discuss review of Customer Service usage and system upgrade viability.	D	15,000	15,000	446	-
3963	GIS Software Renewal New GIS software version just made available by vendor.	D	11,000	11,000	2,270	-
3964	Contract Management Replacement System - Business Analysis Contract for business analyst services awarded. Project commenced in November, with expected completion in March 2017.	D	35,150	35,150	-	35,150
3965	EDMS Implementation and Key Integration Data cleansing nearing completion. Pathway integration dates being established in January 2017.	D	23,751	23,751	-	2,773
3975	Business Objects Software Renewal Business Objects Software has been upgraded, testing is progressing well.	D	11,000	11,000	9,600	-
3978	Kananook Creek Bridges and Staircase Renewal Site visit and assessment of the existing infrastructure is to be carried out in January 2017.	D	73,391	73,391	14,161	-
3990	Art Centre Projects submitted via Discretionary Cube 37 automated seating award is awaiting approval. Planned installation time is April 2017. House lighting scope is to be finalised in January 2017.	D	310,000	310,000	628	-
3991	Cypress Post Playground Renewal Program Works to recommence in January 2017.	D	20,000	20,000	10,969	-
3992	Foreshore Pedetrian Trails and Beach Entances Renewal Progra Paths have been upgraded at McCulloch Avenue beach entrance. Coats Walk entrance will be completed through December 2016.	D	50,000	50,000	3,418	-
3993	Equipment for New Councillors Equipment purchased and deployed to new Councillors.	D	45,000	45,000	43,901	-
3994	Parking Enforcement Hand Held Device Replacement New system working well. Liaising with vendors regarding data extraction from legacy system and migration to new system.	D	75,000	75,000	47,360	3,600
3995	Pharos Public PC and Booking system Request for quote documentation is being prepared with specifications. Budget is expected to be fully expended by the end of the financial year.	D	50,000	50,000	-	-
3996	Seaford Drainage Strategy - Kananook Avenue Drainage Works Initial scope management is underway. The design works are to be carried out early 2017.	D	40,000	40,000	-	-
3997	Frankston South Drainage Strategy - 9 Williams Street Drainage The pre-tender works have commenced with civil works to be carried out in 2017.	D	250,000	250,000	-	-

Project Number	Name & Short Commentary on Project	Status	Revised Budget	EOY Forecast	YTD Actuals	Committed
REPORT TOTALS			44,827,765	44,502,342	13,189,780	7,039,270
3998	Warrandyte Road Widening & Reconstruction (North) - Robinson Road The preliminary works towards developing a detailed design is ongoing with the design works to be carried out this financial year.	D	70,000	70,000	-	36,627
4001	Karingal Place Neighbourhood House - Playground Redevelopment Design documentation underway for new playgrounds. Tender documents being prepared. Proposed construction commencement in early 2017.	D	400,000	400,000	19,868	10,250
4002	Foot Street Reconstruction Stage 2 Project is currently out for tender with works to be undertaken during the Easter school holidays.	D	370,000	370,000	2,501	-
4003	Technical Upgrade Quotes are being received for replacement for audio and visual equipment.	D	111,000	111,000	-	-
4004	Video Plinths & Bar Menu Screens Order has been placed and deposit paid.	D	15,000	15,000	6,740	6,530
4005	Virtual Reality Studio Carpentry fitout completed with media server and audio equipment to be procured.	D	10,000	10,000	-	-
4009	Golf Links Road - Mooroduc Hwy to Robinsons Road (Linemarking and Signage) Work to be carried out this financial year.	D	10,500	10,500	-	-
4010	Overport Road - Seaview Road to Humphries Road (Linemarking and Signage) Work to be carried out this financial year.	D	10,500	10,500	-	-
4011	Kars Street - High Street to Baden-Powell Drive (Linemarking and Signage) Work to be carried out this financial year.	D	10,500	10,500	-	-
4012	Foreshore Lockers Lockers have been installed. Security camera is to be installed.	D	13,000	13,000	4,849	9,940
4013	Nepean Highway Boulevard - Design Nepean Highway options are being developed as part of the City Plan.	D	50,000	46,000	-	-
4014	Playne St streetscape upgrade - Design Schematic design options report underway for Executive Management review in February 2017.	D	50,000	46,000	-	-
4015	Station Street Mall upgrade (west of Clyde Street) - Design Schematic design options report underway for Executive Management review in February 2017.	D	50,000	50,720	720	-
4016	Shannon Mall Upgrade - Design Schematic design options report underway for Executive Management review in February 2017.	D	50,000	50,000	-	-

Project Number	Name & Short Commentary on Project	Status	Revised Budget	EOY Forecast	YTD Actuals	Committed
REPORT TOTALS			44,827,765	44,502,342	13,189,780	7,039,270
4017	Ross Smith Avenue East upgrade - Design Schematic design options report underway for Executive Management review in February 2017.	D	50,000	50,000	-	-
4018	Thompson Street Upgrade - Design Schematic design options report underway for Executive Management review in February 2017.	D	50,000	50,000	-	-
4020	Karingal Place Building Acquisition Scope of works being identified and prioritised.	D	80,000	80,000	1,885	-
4021	Seaford Community Integrated Hub Functional brief to be completed by January 2017. Design brief underway for engagement of architect in early 2017. Conceptual design phase to commence early 2017.	D	50,000	50,000	3,808	-
4022	Playroom Upgrades Feasibility study for Seaford and Langwarrin sites commenced.	D	60,000	60,000	3,050	3,050
4023	On Street Retaining Walls Works in Beech Street Langwarrin awarded for January commencement.	D	55,000	55,000	-	36,660
4039	Additional IT Equipment for Frankston North Community Centre Televisions and wifi access points installed. Additional training room computers to be configured and deployed.	D	23,200	23,200	10,427	-
4040	2 Smart TVs for Frankston South and Ebdale Hub Televisions and wifi access points installed. Laptop to be configured and deployed.	D	7,000	7,000	2,586	-
4046	Long Island Development Strategy (Concept Design) Draft plans prepared and construction strategy being finalised. Tender and construction to occur in new year to avoid peak use times.	D	153,000	153,000	840	-
4047	Seaford Foreshore A landscape design is being prepared for the Long Island entrance (near tennis courts) to the North/South track. The design will include pedestrian movements across Gould Street to the Kananook Creek track.	D	150,000	150,000	7,066	4,400
4048	Trotting Track Precinct -stage 2 - Jubilee Park - Design Design for the extension of the Trotting Track oval is to be completed once concept design for the carparking options is complete in February 2017.	D	50,000	50,000	-	-
4049	Pedestrian Trail development - Lloyd Park - Construction Works are nearing completion.	D	50,000	48,691	48,691	2,440
4050	George Pentland Botanic Gardens Designs are being refined.	D	50,000	50,204	2,204	-
4051	Shade Structures - Keast Park Shade strategy prepared. Design is underway.	D	50,000	50,000	105	-

Project Number	Name & Short Commentary on Project	Status	Revised Budget	EOY Forecast	YTD Actuals	Committed
REPORT TOTALS			44,827,765	44,502,342	13,189,780	7,039,270
4053	Works in Keast Park Construction plans prepared. Tender and works to commence in early 2017 to avoid peak use times.	D	150,000	150,000	16,910	-
4054	Fencing in Jubilee Park Works to be done in March 2017 following completion of the new cricket nets.	D	30,000	30,000	158	-
4061	Moorooduc Highway Tender to go out in early January 2017 in a package with other footpath design projects.	D	68,900	68,900	2,215	-
4063	McCormicks Road - Construct Tender to go out in early January 2017 in a package with other footpath design projects.	D	130,975	130,984	816	-
4064	Frankston-Flinders Road (east side) - Design & Construct Tender to go out in early January 2017 in a package with other footpath design projects.	D	277,550	277,550	-	-
4066	Robinsons Road - Design Site investigation has been completed. Design needs to be re-considered.	D	25,000	25,000	-	-
4067	Nepean Highway (east side) - Design Site investigation has been completed and the design brief is being finalised.	D	28,765	28,765	-	-
4068	Ballarto Road (south side) - Design Tender to go out in early January 2017 in a package with other footpath design projects.	D	12,000	12,000	-	-
4069	Frankston-Flinders Road (west side) N/West - Design & Const Tender to go out in early January 2017 in a package with other footpath design projects.	D	49,805	49,805	-	-
4070	Frankston - Flinders Road Frankston South - Design & Constr Tender to go out in early January 2017 in a package with other footpath design projects.	D	24,700	24,700	-	-
4072	Seaford Community Centre Consultation underway with stakeholders regarding playspace development.	D	40,000	40,000	2,006	4,473
4074	Lawton Park Feature survey and electrical capacity report completed. Direction required from Sponsor on scope.	D	10,000	10,000	7,521	-
4075	RF Miles Reserve Dependant project report completed and handed over to Strategic Town Planning for discussion with the Level Crossing Removal Authority.	D	30,000	30,000	1,044	-
4076	Carrum Downs Recreation Reserve Design of new playground on hold until start 2017 due to interdependant projects at site.	D	25,000	25,000	668	-

Project Number	Name & Short Commentary on Project	Status	Revised Budget	EOY Forecast	YTD Actuals	Committed
REPORT TOTALS			44,827,765	44,502,342	13,189,780	7,039,270
4082	Access from Baxter Ave to Beauty Park Project scope is being finalised.	D	3,335	3,335	-	-
4089	Railway Parade, Seaford Design options currently being considered.	D	90,000	90,000	-	-
4090	Signage throughout Seaford Village Preliminary review undertaken. Concept being prepared.	D	35,000	2,052	2,052	-
4091	Bulk Tree Planting Preliminary design for Cranbourne Road submitted for Vicroads approval.	D	200,000	200,000	1,064	-
4098	Bruce Park Pavilion Design Awaiting club feedback and funding resolution.	D	50,000	50,000	3,322	-
4099	Overport Reserve Extension to Oval 2 Design is complete. Order is being placed for lighting masts and installation is expected to be completed for the start of the 2017 football season.	D	50,000	50,000	-	16,300
4102	Overport Reserve - Frankston Dolphins (Junior) Pavilion Upgrade Initial concept discussed with Club with officers awaiting feedback.	D	50,000	50,000	-	-
4114	Centralised Irrigation Works Works to be completed at Frankston Park in December.	D	20,000	20,000	3,114	455
4117	High Risk LATM Works Program Reactive works are being carried out on an as required basis.	D	75,000	75,000	-	-
4119	Franciscan Avenue LATM Request for quotation submitted to potential contractors. Work to be carried out this financial year.	D	48,000	48,000	-	-
4120	Richard Drive LATM Request for quotation submitted to potential contractors. Work to be carried out this financial year.	D	28,200	28,200	-	-
4121	Allied Drive LATM Request for quotation submitted to potential contractors. Work to be carried out this financial year.	D	61,200	61,200	-	-
4122	Carmela Way LATM Request for quotation submitted to potential contractors. Work to be carried out this financial year.	D	21,000	21,000	-	-
4124	Demolish existing Toilets Obtaining quotes. Demolition is to be commenced after new toilets completed.	D	150,000	150,000	-	19,000

Project Number	Name & Short Commentary on Project	Status	Revised Budget	EOY Forecast	YTD Actuals	Committed
REPORT TOTALS			44,827,765	44,502,342	13,189,780	7,039,270
1294	Annual PC Renewal Project commences in March 2017.	E	360,000	360,000	2,193	1,537
1305	GIS Mobile Computing Hardware Renewal Project commences in March 2017.	E	30,000	30,000	-	0
2808	Library Furnishing & Equipment Renewal Project to tie in with the Frankston Library service area project. To begin in April 2017.	E	30,000	30,000	-	-
3101	City Wide Pathway and Cycle Way Plan Development - McClelland Drive Council has been briefed in relation to construction issues involved. Awaiting a resolution to proceed.	E	890,232	890,232	-	-
3561	Frankston South Drainage Strategy - Moonah Street Drainage Works Design to commence in February 2017.	E	50,000	50,000	-	9,091
3584	Playground Improvements/Demolition Works identified through annual Australian Standards Audit including, removal of treated pine play structures and major modifications. Works to recommence in January 2017.	E	50,000	50,000	12,157	4,550
3591	Frankston BMX Track Design review for current site is being discussed with stakeholders.	E	30,000	30,000	14,984	1,000
3685	Security Camera Expansion Works will begin in January 2017 and be completed in March 2017.	E	15,000	15,000	-	-
3771	Erosion Control Fence Renewal - Seaford Wetlands & Frankston Works will commence in February 2017.	E	150,000	149,685	1,523	-
3781	ProVenue Ticketing software replacement Project commences in February 2017.	E	43,246	43,246	270	-
3818	Data Management Plan Actions Project commences January 2017.	E	50,000	50,000	-	-
3823	Infocouncil System Enhancements Project commences February 2017.	E	9,760	9,760	-	-
3885	Council Dashboard Project commences in March 2017.	E	16,150	16,150	-	-
3896	Gerald Drive Langwarrin Construction of a new 1.5 metres wide footpath on one side of Gerald Drive between Long Street and Paterson Avenue. Works to be carried this financial year.	E	4,200	4,200	-	-

Project Number	Name & Short Commentary on Project	Status	Revised Budget	EOY Forecast	YTD Actuals	Committed
REPORT TOTALS			44,827,765	44,502,342	13,189,780	7,039,270
3909	Newton Avenue & Weeroona Road, Langwarrin South - Design Project on hold until planning issues have been resolved.	E	250,000	250,000	-	853
3969	Bridge and Pedestrian Structures - Compliance and Safety Up Planning to commence end of January 2017.	E	205,833	205,833	636	-
3973	Citrix Licenses Project commences in April 2017.	E	15,000	15,000	-	-
3986	Eric Bell Reserve Netball Court Design options for a netball court for the Pines Football Netball Club being considered.	E	170,000	-	-	-
4006	Glass Cube Day Blinds This project is planned to commence in late January and be completed by early April 2017.	E	10,000	10,000	-	-
4007	Mechanics Hall Infrastructure Design anticipated to commence in February 2017.	E	50,000	50,000	-	-
4009	Golf Links Road - Mooroduc Hwy to Robinsons Road Planning to commence mid January 2017.	E	10,500	10,500	-	-
4019	Operations Centre Redevelopment & Staff Accommodation Project on hold.	E	50,000	50,000	-	-
4035	TicketServ Functionality Enhancements Project commences in February 2017.	E	15,000	15,000	-	-
4041	Visitor Information Centre Membership Management and Communications Project commences in January 2017.	E	7,700	7,700	-	-
4042	ION Core System Integrator Implementation Project procurement expected in early 2017.	E	30,000	30,000	-	-
4062	Centre Road - Design Tender to go out in early January 2017 in a package with other footpath design projects.	E	15,000	15,000	-	-
4065	Ballarto Road (south side) - Design Tender to go out in early January 2017 in a package with other footpath design projects.	E	15,000	15,000	-	-
4079	Barretts Road (Robinsons Road to Golf Links Road) - Design Project is awaiting approval and further direction so a detailed timeline for delivery can be established.	E	70,000	70,000	-	-

Project Number	Name & Short Commentary on Project	Status	Revised Budget	EOY Forecast	YTD Actuals	Committed
REPORT TOTALS			44,827,765	44,502,342	13,189,780	7,039,270
4080	Stotts Lane, Frankston South (from Gold Links Rd to Baxter Tooradin Road) Project is awaiting approval and further direction so a detailed timeline for delivery can be established.	E	55,000	55,000	-	-
4084	Frankston South Drainage Strategy Construction to commence early 2017.	E	60,000	60,000	-	-
4085	Frankston South Drainage Strategy Design to commence in January 2017.	E	100,000	100,000	-	-
4111	Operations Centre Insulation Upgrade Project on hold.	E	0	-	-	-
4115	Belvedere Community Centre Seaford Project combined with Project 3839.	E	0	-	-	-
4118	Woodlands (Langwarrin) Project involving local area traffic management is awaiting community consultation and endorsement.	E	150,000	150,000	-	-
4123	Foreshore toilet, Nepean Hwy - Design Only Project is on hold pending acceptance of design templates for other toilets.	E	50,000	50,000	-	-
4125	Foreshore Toilet opposite Seaford Road (Seaford Foreshore) Project is on hold pending acceptance of design templates for other toilets.	E	50,000	50,000	-	-
4126	Foreshore Toilet opposite McCulloch Avenue. Template for toilet is awaiting confirmation.	E	350,000	350,000	-	-
4128	FAC Car Park Upgrade Specifications to be drawn up for tendering. Traffic management issues to be addressed for the design of the boom gate location.	E	433,000	433,000	-	-
4131	McClelland Reserve Carpark Brief to be completed for design to commence in March 2017.	E	50,000	-	-	-
1987	Frankston Yacht Club Redevelopment Project under defect liability period (DLP) which concludes 31 March 2017.	F	140,495	140,495	48,270	9,654
3099	Bridge Boradwalk and Staircase Renewal Project completed in 2015/16.	F	0	-	650	-
3612	Renewable Energy for Frankston - Trigeration System at the Project completed in 2015/16.	F	0	-	5,372	-

Project Number	Name & Short Commentary on Project	Status	Revised Budget	EOY Forecast	YTD Actuals	Committed
REPORT TOTALS			44,827,765	44,502,342	13,189,780	7,039,270
3652	Design & construct playground for Jubilee Park Project completed in 2015/16.	F	0	12,614	12,614	420
3682	Kananook Creek Bridge Renewal Boggy Creek bridge now completed.	F	87,435	160,089	177,999	-
3707	Bathing Box 10 - Frankston Foreshore Works have been completed.	F	9,544	9,544	11,719	-
3756	Delacombe Park Preschool Extension - DLP Defects liability period underway.	F	39,369	39,369	17,801	30,412
3767	Dame Elisabeth Murdoch Arboretum - Masterplan Implementation Walls and gates now installed.	F	43,951	43,951	43,797	600
3797	Rehabilitation and Widening of McClelland Drive - Skye Road All works related to variations for this project is now complete. Practical completion letter has been issued to contractor.	F	0	233,267	173,843	50,284
3813	Renewal of Banner Poles Works fully delivered.	F	97,750	88,887	86,115	-
3834	Jubilee Park Outdoor Netball Court Development Project completed in 2015/16.	F	0	-	1,877	50,315
3881	Library website New library website is now live. Project is complete.	F	50,100	50,100	50,100	-
3904	Keast Park Project completed September 2016.	F	153,773	154,448	155,511	-
3925	Minor Traffic Treatments - Various Locations Reactive works undertaken.	F	0	33,000	33,000	1,898
3968	Violet Street Kerb Renewal The works at Violet Street are now complete with minor defects to be addressed in early 2017. All costs to be funded by the Roads to Recovery program.	F	351,090	411,051	293,051	54,339
3980	SLSC Erosion Works Project completed in 2015/16.	F	0	1,227	2,139	-
3987	Purchase 33 Bruarong Cres Completed in early 2016/17.	F	225,000	225,000	225,000	-

Project Number	Name & Short Commentary on Project	Status	Revised Budget	EOY Forecast	YTD Actuals	Committed
REPORT TOTALS			44,827,765	44,502,342	13,189,780	7,039,270
3999	Shared Path Renewals Works completed.	F	50,000	50,000	-	-
4008	FAC Kitchen and Bar Facilities Construction work completed. Project under defect liability period.	F	238,000	238,000	222,663	1,915
4030	Langwarrin Community Garden Carpark Crushed rock and drainage completed. Driveway works completed.	F	25,000	39,000	37,015	-
4052	Frankston Park - Landscaping Project completed.	F	15,000	13,708	15,018	-
4100	Overport Reserve Sports Lighting Design Lighting design complete and tender documentation prepared.	F	50,000	50,000	20,132	-
4101	Ballam Park Netball Courts - Design Netball court design complete. Court construction will be undertaken as part of the pavilion development (project 3928).	F	20,000	20,000	3,944	-
4129	Pines Swimming Pool Replace Hot Water System Works complete.	F	32,417	32,417	-	-
4130	Frankston Youth Central Work complete.	F	10,000	10,000	5,590	-

Executive Summary**12.5 Waste Minimisation and Management Plan - Year 1 Progress Report**

Enquiries: (Craig Dinsdale: Corporate Development)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.2 Build a local community culture of good stewardship of the environment
Priority Action	3.2.3 Determine a long term Waste Management solution, including a Waste Recycling Centre

Purpose

To report to Council on year one progress of the delivery of Frankston City Council's *Waste Minimisation and Management Plan* actions and targets.

Recommendation (Director Corporate Development)

1. That Council receives and notes this progress report.

Key Points / Issues

- Frankston City Council adopted its current *Waste Minimisation and Management Plan (WMMP) 2015-2020* at its Ordinary Meeting on 16 November 2015 (OM280). The WMMP includes 57 actions and nine targets for the delivery of Council's waste minimisation and management services over five years to reduce Frankston City's waste to landfill and increase resource recovery.
- Council and the community receive a report annually on the progress against each action and target in the WMMP.
- For year one progress of the WMMP (2015-16), Council met three of the five relevant WMMP targets:

Key performance indicator	Target (2015-16)	Results (2015-16)	Target met?
1. Kerbside garbage sent to landfill	Less than or equal to 8.50 kilograms (kg), per tenement per week	8.53kg	* Not achieved – over by 30 grams
2. Contamination rate of kerbside recycling bin stream	Single-dwelling households: Less than or equal to 12%	10.27% (by weight)	✓ Achieved No target set, as goal was to establish a baseline
	Multi-unit dwelling households: Establish baseline	20.25% (by weight)	
3. Kerbside organic waste sent to landfill from the garbage stream	Single-dwelling households: Less than or equal to 55%	57% (by weight)	* Not achieved – over by 2% No target set, but data sourced to establish a baseline
	Multi-unit dwelling households: Establish baseline	54% (by weight)	
4. Recovery rate of incoming material at Council's new Frankston Regional Recycling and Recovery Centre	Greater than or equal to 40% of incoming material recovered	58.7%	✓ Achieved – target achieved by 18.7%

12.5 Waste Minimisation and Management Plan - Year 1 Progress Report

Executive Summary

Key performance indicator	Target (2015-16)	Results (2015-16)	Target met?
5. Community satisfaction level with Council's kerbside waste services	Greater than or equal to 90%	Data not collected	N/A - Survey postponed as community hard waste collection survey undertaken instead
6. Community awareness of the following services: <ul style="list-style-type: none"> Disposal alternatives for hazardous materials Reuse and recycling alternatives for specialty materials and hard waste Disposal pathways for hard waste 	Establish baseline	Data not collected	N/A - Survey postponed as community hard waste collection survey undertaken instead
7. Provide community outreach to the Frankston City community about different waste services	Greater than or equal to 30% of Frankston City households	46.4%	✓ Achieved – target achieved by 16.4%
8. Incidence of illegal dumping	Establish improved reporting system for determining a baseline	500 reported incidences (baseline)	No target set, as goal was to establish a baseline
9. Waste sent to landfill from Council staffed properties	N/A - waste audit undertaken every two years	N/A	N/A

- Of the 40 actions scheduled for commencement in year one (2015-16), two actions were completed, 35 actions were in progress, whilst three actions were programmed for a later start date. In addition, some progress on actions scheduled for later years was also made.
- Council had a number of waste minimisation and management achievements in 2015-16 including:
 - The continued provision of a municipal-wide kerbside waste collection and disposal service (garbage, recycling, green waste (optional) and hard waste) for Frankston City households (and some businesses).
 - The opening of Council's Frankston Regional Recycling and Recovery Centre (FRRRC).
 - The adoption of Council's five year WMMP in November 2015.
 - Improved Frankston City household recycling habits.
 - The annual Detox your Home Household Chemical Collection Day.
 - Council being 'Highly Commended' for the 'Litter Prevention and Waste Resource Recovery' category in the Australian Sustainable Cities Award.
 - Improvements made to Council's community waste education service.

12.5 Waste Minimisation and Management Plan - Year 1 Progress Report**Executive Summary**

- Council also experienced a number of waste minimisation and management **challenges** in 2015-16:
 - Despite Council's waste management and education services, the Frankston City community increased their kerbside garbage waste sent to landfill.
 - The cost of disposing waste to landfill continued to increase through the State Government's Landfill Levy.
 - Council was not able to introduce a local law to reclaim the cost to Council of removing illegally dumped rubbish (e.g. from rental bonds).
 - A long-term strategy for Council's hard waste collection service that is both cost effective and meets community needs has not yet been determined.
- Council's waste minimisation and management priorities in Year 2 (2016-17) of the WMMP include:
 - Increasing resource recovery at FRRRC, such as with the introduction of Paintback (a national paint product stewardship program).
 - The completion and implementation of Council's waste management guidelines for multi-unit developments (MUDs).
 - Continuing to advocate to the Victorian government for more funding for local waste minimisation and management services from the Landfill Levy.
 - Preparing for the future roll-out of food waste collection through Council's kerbside waste collection service.
 - Exploring alternative modes of community engagement to continue to expand reach and improve the effectiveness of key waste minimisation and management communications and education.
- See Attachment A for a full progress report of the year one actions of the WMMP.

Financial Impact

For the 2016/2017 financial year, the State Government introduced legislation that provides for a limit on the amount Victorian councils may increase rates in any financial year. The cap for the 2016/2017 financial year is 2.5%. The cap is based on a combination of the CPI and expected wages growth.

This cap has had a significant effect on Council's long term financial planning, with rate revenue being \$28 million less than anticipated over the first four years, growing to \$43 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

There is no cost associated with the preparation of this report, other than staff time.

The majority of actions for implementation of the WMMP do not require additional funding in 2016-17, but will require the current level of funding and resources. Action 1.6.3 (litter data reporting) will require additional funding to complete, whilst the introduction of a future food waste collection service will require further analysis and a business case to be reported back to EMT and ultimately Council.

There is no financial risk associated with continuing to implement the WMMP, as actions requiring additional funding will be presented to EMT and Council for further consideration and direction during the budget process.

12.5 Waste Minimisation and Management Plan - Year 1 Progress Report**Executive Summary****Consultation****1. External Stakeholders**

Solo Resource Recovery (Council's kerbside waste collection contractor), the Metropolitan Waste and Resource Recovery Group (MWRRG) and Sustainability Victoria (SV) were all consulted in the preparation of this report.

2. Other Stakeholders

To prepare this report, Council staff from the Operations, Sustainable Assets, Community Safety, Public Space and Leisure and Arts and Culture departments were consulted, as well as Council's Business Manager – Recycling (FRRRC).

Analysis (Environmental / Economic / Social Implications)

The continued implementation of the WMMP can expect to be associated with reduced waste to landfill and increased resource recovery, resulting in environmental, social and economic benefits.

The WMMP assists in ensuring that the Frankston City community continues to receive a high quality waste minimisation and management service, which is crucial to reducing and mitigating the adverse impacts of waste on the environment and its associated costs.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

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

Legal

Implementation of the WMMP is consistent with Council's obligations under the *Environment Protection Act 1970*, *Local Government Act 1989* and the *General Local Law 2016 No 8*.

Policy Impacts

The following Council policies and plans are relevant to this report:

- Council Plan 2013-2017
- Environmental Sustainability Policy (2010)
- Waste Minimisation and Management Plan (2015-2020)
- Greening our Future: Frankston City's Environment Strategy (2014-2024)
- Carbon Neutral Action Plan (2011-2016)

Officer's Declaration of Interests

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

12.5 Waste Minimisation and Management Plan - Year 1 Progress Report**Executive Summary****Risk Mitigation**

The governing risk to Council is not having or implementing a strategic direction for waste minimisation and management services for Frankston City. This could result in increased waste to landfill, reduced resource recovery, waste service delivery and cost implications, and result in loss of reputation. This risk is being mitigated through implementation of Council's current WMMP.

The actions set out in the WMMP are based on the current level of funding and resources. Some future actions require additional funding. Insufficient funding could be a barrier to achieving some of the future actions. Actions requiring additional funding will be submitted through the annual budgeting process for consideration.

Making this public is important to keep Council accountable for its actions and to remain transparent. If year one progress on the delivery of the WMMP is not reported to Council and the community, this could present as a risk to Council's reputation.

Conclusion

The WMMP outlines Council's strategic direction for Frankston City's waste minimisation and management services from 2015-2020. The implementation of the WMMP can expect to reduce waste to landfill and increase resource recovery. Progress against the WMMP actions and targets are reported on annually. Year one progress against the 57 actions and nine targets in the WMMP are documented in this report. Council has made good progress with the implementation of the year one actions, despite some challenges. Making Council's progress on the delivery of the WMMP public is important to ensure that the actions and targets remain relevant and that Council is accountable and transparent.

ATTACHMENTS

Attachment A: Year 1 Progress Report - Waste Minimisation and Management Plan

12.5 Waste Minimisation and Management Plan - Year 1 Progress Report

Officers' Assessment

Background

Council's Waste Minimisation and Management Plan (WMMP) 2015-2020 is a five year plan which outlines Council's strategic direction for waste minimisation and management. The WMMP was adopted at Council's Ordinary Meeting on 16 November 2015 (OM280).

The WMMP includes 57 actions and nine targets for the delivery of Council's waste minimisation and management services over five years to reduce Frankston City's waste to landfill and increase resource recovery. Progress on the delivery of the priorities in the WMMP is reported to Council on an annual basis to track progress. This is important to ensure that the actions and targets remain relevant, incorporate new opportunities and reflect changing priorities, as they arise.

Issues and Discussion

For year one progress of the WMMP (2015-16), Council met three of the five relevant WMMP targets:

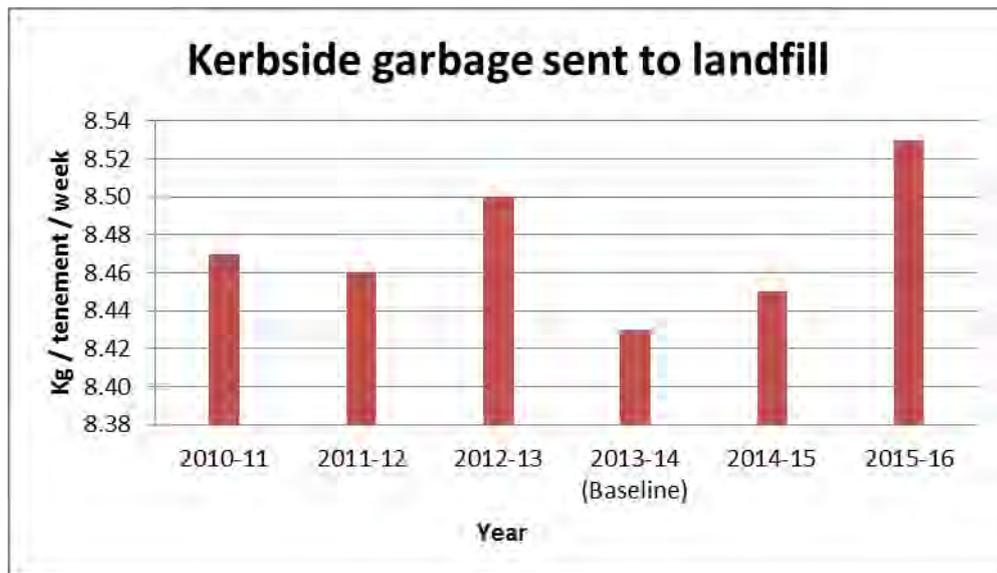
Key performance indicator	Target (2015-16)	Results (2015-16)	Target met?
1. Kerbside garbage sent to landfill	Less than or equal to 8.50 kilograms (kg), per tenement per week	8.53kg	* Not achieved – over by 30 grams
2. Contamination rate of kerbside recycling bin stream	Single-dwelling households: Less than or equal to 12% Multi-unit dwelling households: Establish baseline	10.27% (by weight) 20.25% (by weight)	✓ Achieved No target set, as goal was to establish a baseline
3. Kerbside organic waste sent to landfill from the garbage stream	Single-dwelling households: Less than or equal to 55% Multi-unit dwelling households: Establish baseline	57% (by weight) 54% (by weight)	* Not achieved – over by 2% No target set, but data sourced to establish a baseline
4. Recovery rate of incoming material at Council's new Frankston Regional Recycling and Recovery Centre	Greater than or equal to 40% of incoming material recovered	58.7%	✓ Achieved – target achieved by 18.7%
5. Community satisfaction level with Council's kerbside waste services	Greater than or equal to 90%	Data not collected	N/A - Survey postponed as community hard waste collection survey undertaken instead

12.5 Waste Minimisation and Management Plan - Year 1 Progress Report

Officers' Assessment

Key performance indicator	Target (2015-16)	Results (2015-16)	Target met?
<p>6. Community awareness of the following services:</p> <ul style="list-style-type: none"> Disposal alternatives for hazardous materials Reuse and recycling alternatives for specialty materials and hard waste Disposal pathways for hard waste 	Establish baseline	Data not collected	N/A - Survey postponed as community hard waste collection survey undertaken instead
7. Provide community outreach to the Frankston City community about different waste services	Greater than or equal to 30% of Frankston City households	46.4%	✓ Achieved – target achieved by 16.4%
8. Incidence of illegal dumping	Establish improved reporting system for determining a baseline	500 reported incidences (baseline)	No target set, as goal was to establish a baseline
9. Waste sent to landfill from Council staffed properties	N/A - waste audit undertaken every two years	N/A	N/A

Kerbside garbage sent to landfill (garbage waste stream only) for Frankston City properties was slightly higher compared to previous years (see graph below). In 2015-16, on average each tenement (including both residential and commercial properties) sent 8.53 kilograms (kg) of garbage to landfill per week, compared to 8.45kg in 2014-15. This is an increase of 80 grams (0.9% increase) per tenement per week, which is equivalent to the weight of one large sized egg. Despite the slight increase, the 2015-16 result of 8.53kg remains lower than the metropolitan average rate of 9.06kg recorded in 2014-15 (Source, [Sustainability Victoria](#), 2016).

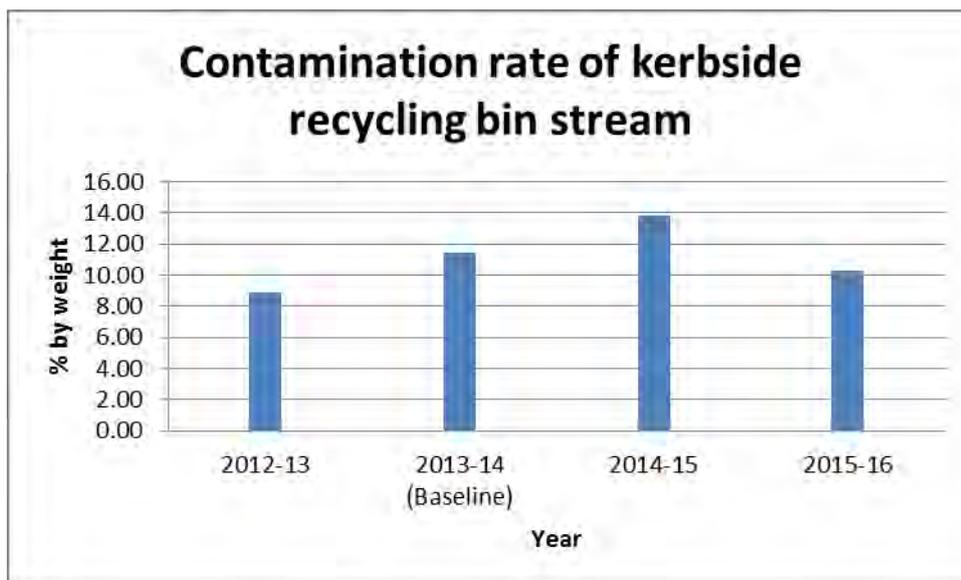


12.5 Waste Minimisation and Management Plan - Year 1 Progress Report
Officers' Assessment

In addition, Council's waste diversion rate (kerbside waste diverted from landfill) remained relatively stable, from 53% in 2015-16, when compared to 54% in 2014-15. Despite the slight decrease, Frankston City's diversion rate of 53% remains higher than the metropolitan average diversion rate of 45% recorded in 2013-14 (Source, [Sustainability Victoria](#), 2016).

The contamination rate of the kerbside recycling bin stream in Frankston City is the lowest it has been in three years (see graph below). In 2015-16, the contamination rate was 10.3% (by weight) for recycling bins in single-dwelling households, down from 13.8% in 2014-15. This means that on average, households have improved their recycling behaviour; however, 10.3% of items in the audited recycling bins were still in the wrong bin as they weren't recyclable through the kerbside collection system. Recycling bins in multi-unit dwellings were audited for the first time in 2016, at which time the recycling bin contamination rate was found to be a lot higher at 20.3%.

Common household recycling bin contaminants include bagged recyclables, soft/scrunchable plastics, polystyrene and clothing/textiles. In previous years, e-waste has also been a common recycling bin contaminant. However, the recent audit results suggest that e-waste contamination was considerably less in 2015-16 compared to 2014-15.



Of the 40 actions scheduled for commencement in year one (2015-16), two actions were completed, 35 actions were in progress, whilst three actions were programmed for a later start date. In addition, some progress on actions scheduled for later years was also made.

Work Completed to Date - Waste Minimisation and Management Plan		
Improvement Actions	No of Year 1 Improvement Actions - Overall	% of Work Completed
Completed (1 year actions)	2	81.4%
In Progress (multi-year actions)	35	84.9%
Programmed for a Later Start Date	3	0.0%
<i>Year to Date Total:</i>	40	84%

12.5 Waste Minimisation and Management Plan - Year 1 Progress Report
Officers' Assessment

Council had a number of waste minimisation and management achievements in 2015-16 including:

- Continued to provide a municipal-wide kerbside waste collection and disposal service (garbage, recycling, green waste (optional) and hard waste) for Frankston City households (and some businesses). Council has consistently performed well against other Victorian councils in relation to waste collection statistics (source: [Know Your Council](#) website) .
- The opening of Council's Frankston Regional Recycling and Recovery Centre (FRRRC) (waste transfer centre) in October 2015 to increase resource recovery and recycling across the region.
- Finalisation of the community consultation and feedback stage to inform the adoption of Council's five year WMMP in November 2015.
- Compared to the previous financial year, Frankston City households improved their recycling habits through the kerbside recycling collection service by reducing contamination (see graph above) .
- The annual Detox your Home Household Chemical Collection Day in February 2016, delivered in partnership with Sustainability Victoria, resulted in 196 community members disposing 4,116 kilograms of household chemical products at FRRRC for recycling and safe disposal.
- Council being 'Highly Commended' for the 'Litter Prevention and Waste Resource Recovery' category of the Keep Australia Beautiful Australian Sustainable Cities Award in 2015, for both FRRRC and Council's Halve our Waste (HOW) program.
- A broad range of well attended community waste related events and workshops, including a 'Follow Your Waste' tour of the materials recovery facility where Frankston City's household recyclables get sorted, and a landfill site where the kerbside waste is disposed of.
- Improvements to Council's community waste education service including development and updates to a number of waste and recycling educational resources, such as Council's Waste and Recycling Service Guide, the comprehensive online Recycling and Safe Disposal Directory (for disposal options for items not accepted in the kerbside waste collection service), as well as social media and web based information and regular articles in Frankston City News and Council's e-newsletters etc.

Council also experienced a number of waste minimisation and management **challenges** in 2015-16:

- Despite Council's waste management and education services, the Frankston City community increased their kerbside garbage waste sent to landfill in 2015-16, compared to the previous year (see graph above).
- The cost of disposing waste to landfill continues to increase through the State Government's Landfill Levy (from \$58.50 per tonne in 2014-15, compared with \$60.52 per tonne in 2015-16, or \$44 in 2011-12). Council has not seen a significant increase in funding from the Levy for Council to support its local community to reduce waste to landfill, for example, through waste education, enforcement or infrastructure services.
- A long-term strategy for Council's hard waste collection service that is both cost effective and meets community needs has not yet been determined.

12.5 Waste Minimisation and Management Plan - Year 1 Progress Report
Officers' Assessment

- Council was not able to introduce a local law to reclaim the cost to Council of removing illegally dumped rubbish (e.g. from rental bonds), as this was found to not be legally viable.

Council's waste minimisation and management priorities in Year 2 (2016-17) of the WMMP include:

- Increasing resource recovery at FRRRC, such as with the introduction of Paintback (a national paint product stewardship program).
- The completion and implementation of Council's waste management guidelines for multi-unit developments (MUDs).
- Continuing to advocate to the Victorian government for more funding for local waste minimisation and management services from the Landfill Levy.
- Preparing for the future roll-out of food waste collection through the Council's kerbside waste collection service - part of the South East Organics Processing Contract through the Metropolitan Waste and Resource Recovery Group (MWRRG) and neighbouring councils in the south east.
- Exploring alternative modes of community engagement to continue to expand reach and improve effectiveness of key waste minimisation and management communications and education.

See **Attachment A** for a full progress report of the year one actions of the WMMP.

Options Available including Financial Implications

1. That Council receive and note this progress report and that Council's adopted *Waste Minimisation and Management Plan* continues to be implemented.

There are no financial implications associated with the report.

Action	Priority	Timeline	% Complete for Year 1 actions	Status	Comments for 2015-16 (Year 1)
1.1.1 Ensure that future local infrastructure meets State, regional and local requirements, needs and standards	12	Year: 1-3	80%	Recoverable	Prices continued to be benchmarked at least annually (and more frequently when required). The list of items accepted at FRRRC was compared to nearby facilities (as needed). Other transfer station recycling connections were also investigated, as required. The annual community kerbside collection survey was postponed due to the community survey to identify preferences for hard waste collection (at call versus annual) being undertaken. Metropolitan Local Government Waste Forums were attended bimonthly by an officer/s and councillor. Council advocated for partial funding for the purchase of FRRRC, from MWRRG, Sustainability Victoria and the Labor and Coalition governments. Council also advocated for MWRRG funding to get FRRRC up and running. This was fully funded by Council as no funding assistance was provided. Council continued to work through the landfill management strategy for the management of closed landfills.
1.1.2 Engage officer to work with local industries, businesses and/or social organisations to increase resource recovery and provide local economic opportunities (also see Actions 2.4.1 & 3.5.1)	10	Year: 2-3	N/A	Programmed for a Later Start Date	Note: Project dependant on external funding or alternative funding sources. This is not a year one action.
1.1.3 Continue to advocate for the State Government to support development and operation of the new Frankston Regional Recycling and Recovery Centre	12	Year: 1-3	100%	On Track	Council advocated for partial funding for the purchase of FRRRC, from MWRRG and the Labor and Coalition governments. Council also advocated for MWRRG funding to get FRRRC up and running. This was fully funded by Council as no funding assistance was provided. Council did not identify any other funding opportunities to support the operations or further development of FRRRC.
1.2.1 Assess the sufficiency of the recycling bin volume and the provision of free recycling bins to selected households that apply (also see Action 3.1.7)	6	Year: 1-5	100%	On Track	Council engaged a contractor to undertake a kerbside audit of household garbage, recycling and green waste bins, and provided the contractor with an audit brief which included expanded scope to include multi-unit developments in the audit. The audit was undertaken in May-Jun 2016. Council continued annual checks in regards to medical bins, including medical recycling bins. This included checking that each one issued was still needed, and that a medical certificate was supplied to confirm this need (medical bins no longer needed were removed). A list of other households with a second recycling bin was created for further monitoring and evaluation (i.e. to check that these recycling bins are needed and in use). An evaluation of the additional recycling bin service has been programmed for 2016-17.
1.3.1 Develop the new kerbside collections contract/s tender to maximise the value Council receives from the recyclables stream	8	Year: 2-3	N/A	Programmed for a Later Start Date	This is not a year 1 action.
1.3.2 Continue to be involved in MWRRG initiatives around resource recovery, especially concerning the processing of kerbside garbage	11	Year: 1-3	100%	On Track	Metropolitan Local Government Waste Forums were continued to be attended bimonthly by an officer/s and councillor. A Council officer also attended the Waste Education 2015-2020 workshop (run by Sustainability Victoria) and Combined Education Network Event (run by MWRRG). Relevant regional forums and networks, including on MWRRG's Back to Earth campaign (which Council supported) continued to be attended by the relevant officers and coordinators. Project based information was shared during these forums.
1.4.1 Review Council's kerbside hard waste collection services in line with the opening of the Frankston Regional Recycling and Recovery Centre, to ensure cost-effectiveness while meeting community needs	8	Year: 1	100%	Completed	Council's kerbside hard waste collection services were reviewed in line with the opening of FRRRC.
1.4.2 Promote the kerbside at-call hard waste collection service more widely	8	Year: 1-5	50%	Recoverable	The At Call Hard Waste and Bundled Green Waste Collection service was promoted in the 2015-16 year, however due to potential changes to the service, it was not promoted any further than previous years. It has been added to the communications plan for waste and recycling communications in 2016-17, where appropriate.
1.5.1 Continue to implement the recommendations of the McClelland Drive Landfill Management Strategy and State Government requirements in managing closed landfills	11	Year: 1-3	100%	On Track	Additional bores have been installed around the site to expand the network, as recommended in the Strategy. Council continued to work through the landfill management strategy for the management of closed landfills.
1.6.1 Utilise the research outcomes from the State Government grant project with the City of Greater Dandenong to further address illegal dumping from Multi-Unit Developments	6	Year: 2	N/A	Discontinued	This action is no longer relevant as the learning outcomes from the grant project (now completed) were limited due to the difficulty in establishing causal evidence of the project outcomes with reducing the incidence of illegal dumping. Instead, the project outcomes will inform Council's future communications with multi-unit developments on waste and recycling minimisation.
1.6.2 Continue to use best practice guidelines (e.g. Sustainability Victoria's Guide to Best Practice for Waste Management in Multi-Unit Developments) to assess development applications	10	Year: 1-3	100%	On Track	Development applications continued to be assessed by Council officers against Sustainability Victoria's 'Guide to Best Practice for Waste Management in Multi-unit Developments'. A tender process was undertaken for the development of Frankston City MUD Waste Management Guidelines. Following this, a contract was awarded and the draft guidelines were completed. These guidelines are expected to be adopted in 2016-17.
1.6.3 Establish a process for recording and monitoring data on illegal dumping and litter, including incident data, infringement notices, materials collected and costs incurred	9	Year: 1	50%	Off Track	All reports of illegally dumped rubbish and infringements were recorded in Council's Corporate reporting systems (Pathways). This system can be used to access incident data, including the number of litter/dumped rubbish reports, the number investigated, the number taken to court, the number of these cases that were successful, the number of infringements issued, and the amount of money recouped. However, the system can't currently capture the types of items littered and illegally dumped, and how much the collection and disposal of illegally dumped rubbish and litter collection is costing Council. Some collection costs are recorded elsewhere (i.e. through Operations Department expenditure records), but the full cost to Council in 2015-16 was not reported via Pathways. It is proposed that this action be discontinued unless additional resources be allocated to (a) capture the additional data, (b) develop an internal process and system for capturing of this data, and (c) there are sufficient resources allocated to use this data to combat illegal dumping and litter. This type of data is not required for enforcement purposes.
1.6.4 Develop a concise litter prevention action plan which outlines data collection, targets hotspots and involve various stakeholders	9	Year: 2	N/A	Programmed for a Later Start Date	This is not a year 1 action.

Action	Priority	Timeline	% Complete for Year 1 actions	Status	Comments for 2015-16 (Year 1)
1.6.5 Enhance enforcement of Council's hard waste collection guidelines	6	Year: 1-5	100%	On Track	All residents received a hard waste flyer in the mail for the annual hard waste collection, advising of the rules and accepted items. Information was also available via Council's website and through social media. Customer complaints relating to the hard waste collection service were responded to and infringement notices were issued where feasible, as in previous years. Increased enforcement requires more enforcement officers, which will be looked at in the 2016-17 period.
1.6.6 Investigate options to strengthen Council's Local Law to manage illegally dumped rubbish	8	Year: 1-5	80%	Recoverable	Council continued to issue illegal dumpers with a Notice to Comply to remove rubbish in 2015-16. An additional CCTV litter enforcement officer was employed in 2015 (0.8 EFT) to increase Council's enforcement capabilities. Council met with the Real Estate Accord in April 2016 to advise of the proposed changes to the Local Law and of their obligations under this proposed law. Reclaiming the cost to Council of removing illegally dumped rubbish from rental bonds was found to be not legally viable. However, removal costs have continued to be invoiced to the property owner, where evidence is available.
1.6.7 Review Council's penalty points for littering and illegal dumping to ensure that the infringement penalty is sufficient for full cost recovery	8	Year: 1-5	50%	Recoverable	Council met with the Real Estate Accord in April 2016 at which time Owners Corporations were reminded of their obligations to clearly display their contact details at the properties they manage. The review of the costs associated with illegal dumping and littering was postponed until 2016-17, so that it can be incorporated into the local law review scheduled for 2016-17.
1.7.1 Ensure there are systems and processes in place so Council demonstrates leadership in waste minimisation and resource recovery	7	Year: 2-4	N/A	Programmed for a Later Start Date	This is not a year 1 action.
1.7.2 Encourage better use of Council's Procurement Guidelines and develop educational resources and training for staff on resource recovery options	9	Year: 2-4	N/A	Programmed for a Later Start Date	This is not a year 1 action.
1.7.3 Continue to recover resources at Council's Operations Centre and other facilities	9	Year: 1-5	100%	On Track	Council continued to sort and divert waste from landfill at its facilities, from both Council's operational waste as well as illegally dumped materials. The opening and operation of FRRRC helped with this task, accepting a range of recoverable and recyclable items including e-waste, mattresses, paper/cardboard, green waste and whitegoods. A proposal to accept paint through an industry led scheme (Paintback) was also investigated, which once introduced, may reduce the incidence of illegally dumped paint.
2.1.1 Continue to improve promotion of reuse and recycling alternatives	8	Year: 1-5	100%	On Track	Reuse and recycling alternatives were promoted through Council's Halve our Waste (HOW) e-newsletter and Facebook group posts, EnviroNews, Frankston City News, on Council's website and by their inclusion on the Waste and Recycling Service Guide and hard waste collection brochures. Council's Recycling and Safe Disposal Directory was kept regularly updated and was widely promoted, advising residents of alternative disposal options for items not accepted in the kerbside collection service.
2.1.2 Establish a Resale Shop at the new Frankston Regional Recycling and Recovery Centre	11	Year: 1	100%	Completed	A contractor was engaged and the shop officially opened in October 2015.
2.1.3 Investigate ways in which additional items placed out for the hard waste collection could be reused/recycled instead of disposed	10	Year: 3	N/A	Programmed for a Later Start Date	Although scheduled for Year 3, material recovery options from the kerbside is a continual action. Council officers work with Council's contractors to keep abreast of any potential material recovery options that can be introduced to the hard waste collection service.
2.2.1 Investigate implementing Sustainability Victoria's Love Food Hate Waste (LFHW) education resources through local programs and communications	11	Year: 2-5	N/A	Programmed for a Later Start Date	Although scheduled for Year 2, the State Government's Love Food Hate Waste educational resources were shared in Council's HOW e-newsletter and Facebook group page, Frankston City News and in the EnviroNews e-newsletter. These promotions took very little staff time, and did not require additional funding.
2.2.2 Continue to support Frankston City households participating in the Halve our Waste and Halve Garbage Waste programs	10	Year: 1-3	100%	On Track	Council continued to support the estimated 940 households remaining on the Halve our Waste program - a Council and State Government funded project, as well as Halve Garbage Waste participants. HOW e-newsletters were sent to HOW participants in September, Dec 2015, Mar and May 2016. The HOW group Facebook page was continued with regular Council posts and post monitoring. In addition, those signed up to fortnightly garbage collections as part of the HGW or HOW programs were able to continue with this service. Greening our future events were available to former HGW as well as HOW participants, along with other members of the public.
2.3.1 Undertake advocacy to the State Government for stronger commitments to addressing packaging waste and research the feasibility of a plastic bag ban	8	Year: 2	N/A	Programmed for a Later Start Date	This is not a year 1 action.
2.3.2 Investigate inclusion of 'sustainable packaging' clauses for suppliers engaged by Council	9	Year: 3	N/A	Programmed for a Later Start Date	This is not a year 1 action.
2.4.1 Offer support to businesses and community groups in Frankston City to reduce waste generation in their operations, where feasible (also see Actions 1.1.2 & 3.5.1)	10	Year: 2-3	N/A	Programmed for a Later Start Date	This is not a year 1 action.
3.1.1 Develop a business case for a Food Organics and Garden Organics (FOGO) collection, including potential charges to the kerbside collection service, once a suitable organics processing facility becomes available in the region	8	Year: 2	N/A	Programmed for a Later Start Date	This is not a year 1 action.
3.1.2 Continue supporting the approval and establishment of south east metro FOGO processing facilities	8	Year: 1-5	100%	On Track	Council liaised with the MWRRG and regional councils participating in the South East Organics Processing Contract, and was part of the negotiation of the contract documents (contracts not yet signed). The contract will enable the establishment of suitable processing facilities across the region to accept food waste, which will result in Council being able to provide a kerbside food waste collection service in the near future.

Action	Priority	Timeline	% Complete for Year 1 actions	Status	Comments for 2015-16 (Year 1)
3.1.3 Examine the feasibility of increasing Council's use of recycled organics products from the kerbside green waste collection service (e.g. mulch)	10	Year: 2-3	0%	Programmed for a Later Start Date	Council continued to access mulch generated internally (from tree clearing, staff and contractors) for free. There are no known barriers to continuing this arrangement. Purchasing it from the processing company hasn't therefore been a priority. However, the need for additional green waste for Council's parks and reserves will be assessed with the Parks and Reserves team in 2016-17.
3.1.4 Advocate to the State Government for enhanced and long-term investment in research and best practice treatment and sorting technologies to support resource efficiency and resource recovery	10	Year: 1-4	100%	On Track	Council officers were kept informed and provided feedback on needs and priorities for resource efficiency and recovery through their attendance at relevant regional and project based forums, where these opportunities could be raised. Cr Hampton attended the Local Government Waste Forum meetings on behalf of Council, with Council's Waste Management Coordinator and Manager Operations. Letters were sent to State Government Ministers and agencies requesting additional funding from the Landfill Levy to increase spending on Council's Waste Minimisation and Management Plan. Household garbage, recycling and green waste bins were audited in May-Jun 2016, and the results were used to guide waste and recycling communications. In addition, the green waste facility was audited, to ensure it continues to meet Council's needs. Council officers also reviewed the draft Statewide Waste and Resource Recovery Infrastructure Plan, to ensure that it was consistent with Council's needs and future priorities.
3.1.5 Continue to be involved in MWRRG initiatives around resource recovery, especially concerning the processing of kerbside garbage	10	Year: 1-5	100%	On Track	See 1.3.2.
3.1.6 Monitor industry developments that may lead to the availability of new resource recovery opportunities for the region (e.g. developments in energy-from-waste)	10	Year: 1-3	100%	On Track	Council officers were kept informed of opportunities for resource efficiency and recovery through their attendance at relevant regional forums (including on projects such as the MWRRG's Back to Earth campaign), where these opportunities could be raised. Officer and Councillor attendance at Metropolitan Local Government Waste Forums was also a source of information on such opportunities. This can expect to be driven by the Statewide Waste and Resource Recovery Infrastructure Plan, to be released 2016-17.
3.1.7 Conduct future kerbside audits in accordance with SV Best Practice Auditing Guidelines, in particular, obtaining data on the split between the different organics streams, 2-bin versus 3-bin households, recycled bin capacity and difference between MUDs and single dwelling households (also see Action 1.2.1)	9	Year: 1-5	100%	On Track	An audit of Council's household kerbside garbage, recycling and green bins was undertaken in May-Jun 2016. This audit included multi-unit developments (MUDs) for the first time. Data for single dwelling and MUD households were evaluated separately for each waste stream. The results of this were used to guide Council's waste and recycling communications. An assessment of bin volume and comparison of 2-bin versus 3-bin households was not incorporated as part of this audit, but will be incorporated in the 2016-17 household kerbside bin audits. Also see Action 1.2.1.
3.1.8 Assess the potential for recovery of hard waste through processing at the new Frankston Regional Recycling and Recovery Centre, including working with private industry and social enterprises	10	Year: 3	N/A	Programmed for a Later Start Date	This is not a year 1 action.
3.2.1 Improve monitoring and evaluation to ensure existing programs and projects (e.g. Bin Cop, School programs) are efficient and effective	10	Year: 1	75%	Recoverable	The Halve our Waste (HOW) program was evaluated at conclusion of the funding agreement with the Victorian Government. An assessment was undertaken to determine the feasibility of expanding the HOW program to more households, however, the program was not cost effective unless supplemented with external funding. The evaluation of the Bin Cop audit program was postponed to Year 2 (2016-17) onwards, due to changing priorities.
3.2.2 Use evidence based decision-making to direct future investment in waste and recycling education programs and projects	10	Year: 1-3	100%	On Track	Council officers continued to review best practice approaches to direct investment in waste and recycling education programs and projects. Municipal data informs decision-making, such as the outcomes of the annual kerbside bin audit program, monthly and annual waste and recycling collection statistics, as well as Council webpage visits and frequently asked questions. In 2016-17, further work will be undertaken to investigate additional methods of communication to households, including a recycling app and greater use of social media to increase outreach.
3.2.3 Continue to use a wide range of channels (such as Frankston City News, Council's website, social media, waste facility tours etc.) to deliver waste minimisation and recycling messages and targeted education	10	Year: 1-5	100%	On Track	A communications plan was developed for targeted educational waste minimisation and recycling activities and messages. Regular articles were included in Frankston City News, the HOW and EnviroNews e-newsletters. A new Waste and Recycling Service Guide was developed for households based on previous kerbside waste audit data. Seven community workshops were run on targeted waste and recycling topics including a 'Follow your Waste' tour. Council's 'waste and recycling' webpages were regularly updated, including improvements to Council's Recycling and Safe Disposal Directory.
3.2.4 Implement State and regional education resources in local communications (such as Get It Right On Bin Night and Back to Earth), where relevant	9	Year: 2 & 4	N/A	On Track	Although scheduled for Year 2, links to 'Get It Right on Bin Night' and 'Back to Earth' websites were added to Council's Bin Information webpage. Back to Earth messaging was also communicated through the promotion of the South East Garden Competition (part of Back to Earth campaign).
3.2.5 Continue to be involved in MWRRG education initiatives and local government networks and forums	10	Year: 1-5	100%	On Track	See 1.3.2. Council was involved in the promotion of the MWRRG Back to Earth campaign through the South East Garden Competition.
3.2.6 Implement relevant components of the State waste education strategy, when released	9	Year: 1-5	0%	Programmed for a Later Start Date	The Victorian Community and Business Waste Education Strategy was not released until August 2016, so implementation (actions where relevant to Council) was postponed to Year 2 (2016-17) onwards.
3.2.7 Advocate for continued State Government spending on the Get It Right On Bin Night program, including mass media advertising	10	Year: 1-5	100%	On Track	Council officers provided feedback to the Victorian Government on their draft Community and Business Waste Education Strategy, including requests for additional funding from the Landfill Levy for increased spending on education campaigns, such as the Get It Right On Bin Night program.

Action	Priority	Timeline	% Complete for Year 1 actions	Status	Comments for 2015-16 (Year 1)
3.2.8 Continue to support Planet Ark's Recycling Near You website (and keep it up-to-date)	9	Year: 1-5	10%	Off Track	Recycling Near You was not actively promoted due to the difficulty in keeping it updated and inaccurate business listings and category limitations. Emphasis was placed instead on regularly updating and promoting Council's 'waste and recycling' webpages and Recycling and Safe Disposal Directory. Council officers will investigate the feasibility of a 'Waste/Recycling' app with web based functionality that could provide an additional options for communicating disposal options to the Frankston City community in 2016-17.
3.2.9 Continue to support local schools with information and advice on waste minimisation and recycling	11	Year: 1-5	100%	On Track	Advice was provided to local schools on recycling at three Teachers Environment Network meetings. This included the provision of information about; Council's offer of 2 free recycling bins and collection service, a discussion about plastic pollution themes, a tour of Replas and talk on school recycling fundraising, a trip to an Eco Living Display Centre with a student "sustainable shopper" activity to reduce packaging waste, composting sessions, environmental leadership workshops (Kananook, Banyan Fields and Derinya Primary Schools), and a professional development session including waste minimisation and recycling for teachers at Woodleigh School, and St Augustine's and St Anne's Primary Schools.
3.3.1 Improve communication around drop-off locations for specialty recycling; maintain the Frankston City Recycling and Safe Disposal Directory and publicise its existence more widely	9	Year: 1-5	100%	On Track	A communications plan was developed for targeted educational waste minimisation and recycling messages. Council's Recycling and Safe Disposal Directory was promoted as per Action 2.1.1 and updated. Specialty Recycling Hubs continued to be available at the Frankston Civic Centre and Library increasing access to specialty recycling options. The hubs and FRRRC were also actively promoted.
3.3.2 Maintain Council's existing Specialty Recycling Hubs and install, where feasible, additional drop-off points for specialty recycling, such as at the FRRRC	8	Year: 4-5	N/A	Programmed for a Later Start Date	Although scheduled for Year 4, the Specialty Recycling Hubs continued to be available at the Frankston Civic Centre and Library increasing access to specialty recycling options. The hubs were monitored throughout this time, including for contamination. Additional signage (e.g. 'no corks') was displayed as required.
3.3.3 Investigate the possibility of recycling soft plastics through the kerbside collection	8	Year: 1-5	100%	On Track	A Councillor briefing was undertaken to discuss the options for recycling soft plastics through the kerbside collection contract. One trial of kerbside soft plastic recycling is currently occurring in the North. Learning outcomes from this trial, including the effectiveness of the technology and community response will be used to inform Council's approach. Changes to Council's kerbside collection contract will be required to introduce the new service, should it be deemed viable.
3.3.4 Advocate to the State Government for continued communication, education and funding for safe disposal and recycling of hazardous wastes	10	Year: 1-5	100%	On Track	Council was in discussion with Paintback, to identify if FRRRC would be a suitable collection site for paint. Paintback commenced in 2016-17. An advocacy plan was not developed, and will be undertaken at a later date. Also see Action 3.3.5.
3.3.5 Continue to support the State Government in offering and promoting a local Detox Your Home Household Chemical Collection service	11	Year: 1-5	100%	On Track	In partnership with Sustainability Victoria, the annual Detox your Home household chemical collection day was held at FRRRC in Feb 2016. 196 community members participated and 4,116 kilograms of household chemical products were collected, to be recycled for recovery and diverted from landfill. Officers also provided input to the State Government's review of the household chemical collection service, to ensure continued annual collection days within Frankston City.
3.3.6 Investigate and advocate for a permanent Detox your Home facility, potentially working with other partners and/or utilising the new FRRRC (also see Action 3.3.5 above)	8	Year: 2	N/A	Programmed for a Later Start Date	Note: This action may no longer be as much of a priority, due to Council's investigation into participating in Paintback. See Action 3.3.4.
3.4.1 Continue to install public place recycling bins to areas identified for upgrade, referring to Council's Open Space Strategy and Sustainability Victoria's Public Place Recycling Toolkit	8	Year: 1-5	100%	On Track	The Seaford Lifesaving Club recycling bins were identified for upgrade and will be installed in 2016-17. Council officers were involved in reviewing and providing feedback on the proposed waste and recycling bins for Young Street, as part of the State Government's Frankston Station Precinct Redevelopment project.
3.4.2 Develop and implement a universal waste and recycling bin design and signage across Frankston City, utilising SV's Away From Home Waste Signage Guidelines	8	Year: 1-5	75%	Recoverable	Council developed and adopted a Streetscape Plan for the Municipal Activity Centre. The plan includes standard waste and recycling bins to be utilised within this area. Further work is required to determine the bins to be utilised in other areas. The investigation and adoption of bin signage was scheduled for 2016-17.
3.4.3 Continue to operate selected major Council events as waste wise events	9	Year: 1-5	0%	Programmed for a Later Start Date	Waste wise guidelines were not developed or utilised for the current tender process to secure event contracted services (including for the cleaning collection, sorting and disposal of waste) at Council's events. However guidelines will be developed and incorporated in the review of this tender process for 2017-18, and discussed with procurement at this time. In addition, stall holder applications are assessed against a criteria which will be updated between February and May 2017. The option to upload an event waste management plan will be added to the stall holder application form at this time, so this can be viewed favourably by staff assessing the applications. In 2016-17, Council will advise contractors that Council events are to be waste conscious wherever possible and Council officers will undertake research to inform Council's future waste wise guidelines for Council contractors.
3.5.1 Offer support to businesses and community groups in Frankston City to increase resource recovery in their operations, where resources allow (also see Actions 1.1.2 & 2.4.1)	10	Year: 2-5	N/A	Programmed for a Later Start Date	Note: Project dependant on external funding or alternative funding sources. This is not a year one action.
3.5.2 Investigate opportunities for recovery of commercial and industrial (C&I) and construction and demolition (C&D) waste at FRRRC	7	Year: 1-5	100%	On Track	Council commenced evaluating the potential to receive C&I and C&D waste at FRRRC.
3.5.3 Support future MWRRG initiatives around improving resource recovery of C&I and C&D wastes and improving the market	7	Year: 1-5	100%	On Track	E-waste was identified by Council as a priority material for diversion from landfill. Further investigation in regards to improving the resource recovery of C&I and C&D wastes and improving the market will be undertaken in liaison with the MWRRG in 2016-17.

Action	Priority	Timeline	% Complete for Year 1 actions	Status	Comments for 2015-16 (Year 1)
3.6.1 Continue to actively seek grant funding through the State Government and MWRRG to support projects and programs, and increased access to the proceeds of the landfill levy	1B	Year 1-3	100%	On Track	See Actions 1.1.3, 3.1.4, 3.3.4 for related updates.

Executive Summary**12.6 2016-2017 Mid-Year Budget Review**

Enquiries: (Kim Jaensch: Corporate Development)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.3 Ensure good governance and management of Council resources
Priority Action	3.3.1 Ensure the organisation is financially sustainable

Purpose

To brief Council on its performance against the 2016-2017 Annual Budget.

Recommendation (Director Corporate Development)

That Council:

1 Notes:

A The mid-year cash surplus of \$1.295 million and the funds be allocated as follows:

- Allocating a \$500,000 contingent funding to cater for any adverse budget variations from this point
- Transfer \$795,000 funds in the Strategic Asset Reserve fund. Council has yet to develop a four year Council Plan and Long Term Financial Plan that may include a number of objectives where having a reserve fund will be essential.

B That at Ordinary Meeting 291 (8 August 2016) Council adopted the following Motion;

That Council:

1. *Council endorses the installation of split system air conditioning at the Langwarrin Men's Shed at a cost of no more than \$15,000.*
2. *That funding be referred to Council's mid year budget review, at which time a decision will be made on which other project(s) will be deferred to fund these works.*

C That officers have investigated the motion and have proposed an additional \$40,000 be included for insulation to minimise ongoing running costs of the air-conditioning / heater system and to provide for an alternative option of gas radiant heaters, circulation fans and portable commercial coolers.

D The changes made to the budget, both operating and capital expenditure as contained in Attachments A, B and C.

2 Makes the following additional allocations:

- Preparation of a business case for the Langwarrin library - \$35,000 (operating)
- Street lighting for VicRoads compliance requirements - \$140,000
- Upgrade of the Langwarrin Community Centre disabled toilets - \$77,000.
- Allocates an additional \$40,000 for insulation and other alternative options of gas radiant heaters, circulation fans and portable commercial coolers

12.6 2016-2017 Mid-Year Budget Review

Executive Summary

- 3 Councillors receive a briefing on the principles and access to discretionary funds in reserves.

Key Points / Issues

- As part of Council's approach to managing its finances to ensure it remains within original budgetary parameters, Council annually considers a Mid-Year Budget Review. Council's financial statements comparing the adopted budget and the adjusted mid-year budget reflect a satisfactory financial outcome for the 2016-2017 financial year (**Attachment A**). This report and associated attachments provides Council with information in respect of the 2016-2017 Mid-Year Budget.
- In terms of the accumulated outcome as at the end of 2015-2016, Council had an accumulated cash surplus result of \$0.561 million after consideration of capital carry forwards and a \$500,000 contingency to cater for any adverse budget variations from this point.
- Since 30 June 2016 a number of events have arisen that need to be taken into account. These items total a favourable net result of \$0.234 million – comprising of unfavourable operating variations and Council resolutions totalling \$0.319 million (**Attachment B**) and favourable capital variations of \$0.553 million after including the transfer of \$0.470 million for undelivered projects into capital reserves (**Attachment C**).
- There are a number of options that Council should consider prior to determining the allocation of the full surplus amount of \$0.795 million:
 - A consideration of Council is to continue to place funds in the strategic asset reserve fund and consider allocation after the Council Plan and Long Term Financial Plan have been developed and approved by Council.
 - Allocates surplus funds to capital projects provided that the projects can be delivered in the next six months and cannot be reasonably deferred to the 2017-2018 Annual Budget process.

Financial Impact

For the 2016/2017 financial year, the State Government introduced legislation that provides for a limit on the amount Victorian councils may increase rates in any financial year. The cap for the 2016/2017 financial year is 2.5%. The cap is based on a combination of the CPI and expected wages growth.

This cap has had a significant effect on Council's long term financial planning, with rate revenue being \$28 million less than anticipated over the first four years, growing to \$43 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

There are no financial implications associated with this proposal other than those already highlighted.

12.6 2016-2017 Mid-Year Budget Review**Executive Summary****Consultation****1. External Stakeholders**

This report does not require community consultation. The Local Government Act 1989 indicates that where changes to the 2016-2017 Annual Budget are not material or do not involve any alteration to the rating structure or Council borrowings, public notice of the 2016-2017 Mid-Year Budget Review is not required.

2. Other Stakeholders

The Executive Management Team have reviewed and endorsed the financial results. A final report once adopted by Council in December 2016 will be provided to Council's Audit and Risk Management Committee at its next meeting.

Analysis (Environmental / Economic / Social Implications)

Given that Council is committed to delivering Council services, (totalling approximately \$145.104 million in operating and \$39.882 million in capital), it is considered prudent that additional allocation of funds are considered carefully. Given Council is only a few months into the financial year, unforeseen events may impact on Council's ability to complete 2016-2017 in line with expectations and therefore it is recommended that a conservative financial approach is taken.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

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

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

Legal

The *Local Government Act 1989* (the Act) requires that where changes to the 2016-2017 Annual Budget are not material or do not involve any alteration to the rating structure of Council Borrowings, public notice of the 2016-2017 Mid-Year Budget Review is not required. All Capital Works Project Managers are required to review their project status on a monthly basis and reports are provided to EMT and Council on a quarterly basis.

Policy Impacts

Not applicable.

Officer's Declaration of Interests

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

Risk Mitigation

Council needs to be mindful that with such a large portion of the financial year remaining the chance of unforeseen financial events occurring is more significant. A sense of conservatism should be exercised in this regard.

Council has implemented a number of risk mitigation processes including:

- Development of a Long Term Financial Plan which assists in determining Council's financial viability into the future.

12.6 2016-2017 Mid-Year Budget Review**Executive Summary**

- Quarterly financial reporting including variance analysis that is reviewed by EMT and all managers.
- Council is subject to an annual external audit process and also has its own internal audit function which reviews critical processes from time to time.
- Council also has an “Instrument of Delegation” which clearly defines each person’s level of financial authority.

Council has numerous policies and internal checking processes to assist with ensuring that Council’s processes and source data is accurate.

Conclusion

The Mid-Year Budget Review allows Council to assess its mid-year financial position and amend the 2016-2017 Annual Budget that was adopted on 16 May 2016 to reflect known variations that have occurred since that point. The Mid-Year Budget Review is an important component in the financial management process to ensure that Council completes the financial year in accordance with the original budget parameters and objectives.

ATTACHMENTS

- Attachment A: 2016-2017 Mid-Year Budget Review Financial Statements - Frankston City Council (Unconsolidated)
- Attachment B: 2016-2017 Mid-Year Budget Review - Operating Adjustments
- Attachment C: 2016-2017 Mid-Year Budget Review - Capital Adjustments

12.6 2016-2017 Mid-Year Budget Review

Officers' Assessment**Background**

As part of Council's approach to managing its finances to ensure it remains within original budgetary parameters, Council annually considers a Mid-Year Budget Review. The financial statements have been updated to reflect the movement since the adoption of the 2016-2017 Annual Budget (**Attachment A**). This report and associated attachments provides Council with information in respect of the 2016-2017 Mid-Year Budget.

Issues and Discussion

In order for Council to consider the 2016-2017 Mid-Year Budget Review the following information needs to be understood:

1. What is the current forecast financial position to 30 June 2017 and what is the level of surplus that Council can consider for further allocation through this process?
2. What are the proposed budget adjustments arising from the first five months of 2016-2017 (capital and operating adjustments including Council) for which Council agreement is sought?
3. Consideration of maximising the allocation of surplus funds to the strategic asset reserve for future major capital projects.
4. In terms of considering the remaining funds for allocation, what are the residual projects for which funding can nominally be allocated having regard to the:
 - a. Ability to deliver the project?
 - b. The urgency of the project, such that it cannot be deferred to the 2017-2018 budget process?

Understanding the current surplus outcome

There are essentially two components that contribute towards the calculation of the current surplus outcome at the Mid-Year Review point. They are:

1. The accumulated outcome as at the end of 2015-2016.
2. Any variations that have subsequently occurred to forecast results in 2016-2017.

In terms of the accumulated outcome as at the end of 2015-2016, the following table highlights a positive financial outcome for Council with an accumulated cash surplus result of \$0.561 million after consideration of capital carry forwards. A full listing of capital carry forwards were presented at the Council Meeting 29 August 2016.

Council has for many years been prudent in allocating a \$500,000 contingent funding to cater for any adverse budget variations from this point as is included in **Table 1** below.

Table 1

DESCRIPTION	\$'000
Accumulated Surplus outcome 30 June 2016	6,249
<i>Less</i>	
Capital carry forwards (net)	(5,188)
Cash contingency	(500)
Residual surplus available at 30 June 2016	561

12.6 2016-2017 Mid-Year Budget Review

Officers' Assessment

Since 30 June 2016 a number of events have arisen that need to be taken into account. These items total a favourable net result of \$0.234 million – comprising of unfavourable operating variations and Council resolutions totalling \$0.319 million (**Attachment B**) and favourable capital variations of \$0.553 million after including the transfer of \$0.470 million for undelivered projects into capital reserves (**Attachment C**).

The proposed operating and capital budget adjustments are a result of a detailed review of projected forecasts to 30 June 2017.

Council resolved to fund operating items to the value of \$104,000 at Ordinary Council Meetings held in July, August and September 2016. A request for a business case for a library in Langwarrin has also been requested at a Council Briefing held on 16 January 2017 and has been included as an operating initiative of \$35,000.

Net operating adjustments total an unfavourable \$179,278 and primarily relate to:

- favourable insurance premium (\$103,400)
- favourable planning statutory income (\$200,000)
- favourable fuel costs due to better pricing (\$117,108)
- additional grant funding (\$200,000) for services
- reduction in grant payment for PARC (\$250,000)
- Peninsula Private Health car parking income (\$80,000)
- Savings from combining ISP Public Access (\$31,734)

Off-set by:

- unfavourable Victoria Grants Commission funding (\$110,000)
- unfavourable WorkCover premium (\$300,000)
- Acacia Heath and Spring Hill Estate refund (\$90,000)
- additional positions for FRRRC, Customer Service and Facilities (\$315,000)
- reduced lease income for Frankston Yacht Club (\$160,000)

The remaining surplus funds of \$0.795 million are at Council discretion. These outcomes are presented in summary form in **Table 2** below.

Table 2

DESCRIPTION	\$'000
Residual surplus available at 30 June 2016	561
<i>Less</i>	
Operating adjustments	(180)
Council Resolutions - operating	(139)
Capital adjustments	553
Surplus available	795

Should all of this surplus be allocated?

There are a number of factors that Council should consider prior to determining the allocation of the full surplus amount of \$0.795 million.

12.6 2016-2017 Mid-Year Budget Review

Officers' Assessment

A consideration of Council is to continue to place funds in the Strategic Asset Reserve fund. Council has yet to develop a four year Council Plan and Long Term Financial Plan that may include a number of objectives where having a reserve fund will be essential.

In the event that Council considers to allocate a portion of surplus funds to capital projects, the allocation should have regard to the following:

- Projects must be able to be delivered in the next six months.
- Projects should have an urgency that means they cannot be reasonably deferred to be considered in the 2017-2018 Annual Budget.

The allocation of significant funding towards new capital projects in the Mid-Year Budget essentially occurs in a vacuum where these projects are not compared to the whole pool of projects that will be considered through an annual budget process. Therefore the allocation of significant funding in this process is not recommended.

The management accounting summary that highlights the movement between the Adopted Budget and proposed Mid-Year Budget in 2016-2017 is shown in **Table 3**.

Table 3

Conversion to cash result	Budget	Revised
	2016/17 \$'000	2016/17 \$'000
Surplus/(deficit) for the year	22,867	22,874
Add back non-cash items:		
Depreciation and amortisation	27,733	27,733
Contributions - non-monetary	(800)	(800)
Write down value of assets disposed		210
	26,933	27,143
Less non-operating cash items:		
Capital works expenditure	38,382	43,530
Transfers to/(from) reserves	9,638	10,105
Payment to PARC	444	
Proceeds from borrowing		
Repayment of borrowings	1,336	1,336
	49,800	54,971
Cash surplus/(deficit) for the year		(4,954)
Accumulated cash surplus/(deficit) b/fwd	505	6,249
Accumulated cash surplus/(deficit) c/fwd	505	1,295

** Please note that non-cash items such as written down value on asset sales and depreciation have also been adjusted during the Mid-Year Budget review, however, they have not been included in Attachment A as they have a nil cash impact.*

Frankston City Council

Financial statements

2016-2017

Frankston City Council (unconsolidated)

Comprehensive Income Statement

For the year ended 30 June 2017

	Budget 2016/17 \$'000	Revised 2016/17 \$'000
Income		
Rates and charges	112,897	112,773
Statutory fees and fines	5,355	5,565
User fees	12,020	11,261
Grants - operating	17,638	17,707
Grants - capital	3,765	2,808
Contributions - monetary	1,304	2,016
Contributions - non-monetary	800	800
Net gain/(loss) on disposal of property, infrastructure, plant and equipment	1,311	1,848
Other income	1,912	2,533
Total income	157,002	157,311
Expenses		
Employee costs	58,830	59,606
Materials and services	42,088	41,974
Bad and doubtful debts	866	619
Depreciation and amortisation	27,733	27,733
Borrowing costs	2,008	2,008
Other expenses	2,610	2,497
Total expenses	134,135	134,437
Surplus/(deficit) for the year	22,867	22,874
Other comprehensive income		
Net asset revaluation increment /(decrement)		
Total comprehensive result	22,867	22,874

Conversion to cash result

	Budget 2016/17 \$'000	Revised 2016/17 \$'000
Conversion to cash result		
Surplus/(deficit) for the year	22,867	22,874
Add back non-cash items:		
Depreciation and amortisation	27,733	27,733
Contributions - non-monetary	(800)	(800)
Write down value of assets disposed		210
	26,933	27,143
Less non-operating cash items:		
Capital works expenditure	38,382	43,530
Transfers to/(from) reserves	9,638	10,105
Payment to PARC	444	
Proceeds from borrowing		
Repayment of borrowings	1,336	1,336
	49,800	54,971
Cash surplus/(deficit) for the year		(4,954)
Accumulated cash surplus/(deficit) b/fwd	505	6,249
Accumulated cash surplus/(deficit) c/fwd	505	1,295

Frankston City Council (unconsolidated)

Balance Sheet

For the year ended 30 June 2017

	Budget 2016/17 \$'000	Revised 2016/17 \$'000
Assets		
Current assets		
Cash and cash equivalents	46,189	37,413
Trade and other receivables	14,663	14,262
Other financial assets	6,993	22,982
Inventories	330	246
Non current assets held for resale	751	72
Other assets	1,578	1,311
Total current assets	70,504	76,286
Non-current assets		
Trade and other receivables	1,249	1,249
Property, infrastructure, plant and equipment	1,284,318	1,326,530
Intangible assets		1,909
Total non-current assets	1,285,567	1,329,688
Total assets	1,356,071	1,405,974
Liabilities		
Current liabilities		
Trade and other payables	16,125	16,126
Provisions	18,400	17,521
Interest-bearing loans and borrowings	773	773
Total current liabilities	35,298	34,420
Non-current liabilities		
Provisions	1,358	1,468
Interest-bearing loans and borrowings	35,091	35,091
Total non-current liabilities	36,449	36,559
Total liabilities	71,747	70,979
Net assets	1,284,324	1,334,995
Equity		
Accumulated surplus	621,387	631,616
Reserves	662,937	703,379
Total equity	1,284,324	1,334,995

Frankston City Council (unconsolidated)

Statement of Capital Works

For the year ended 30 June 2017

EXPENDITURE	Budget 2016/17 \$'000	Revised 2016/17 \$'000
Property		
Land		225
Land improvements		
Buildings	10,190	12,166
Building improvements	572	674
Total property	10,762	13,065
Plant and equipment		
Plant, machinery and equipment	2,858	2,858
Computers and telecommunications	2,358	3,258
Library books	700	700
Total plant and equipment	6,460	7,692
Infrastructure		
Roads	3,303	3,176
Bridges	905	1,332
Footpaths and cycleways	4,271	4,016
Drainage	1,490	1,470
Recreational, leisure and community facilities	40	994
Waste management	150	130
Parks, open space and streetscapes	10,270	10,777
Off street car parks	1,575	2,323
Other infrastructure	655	55
Total infrastructure	22,660	24,273
Total capital works expenditure	39,882	45,030
Represented by:		
Asset renewal expenditure	24,002	24,693
New asset expenditure - Rates funded	7,252	9,060
Upgrade	8,128	9,068
Asset compliance expenditure	500	2,209
Total capital works expenditure	39,882	45,030

Attachment B: 2016-2017 Mid-Year Budget Review - Operating Adjustments

2016-2017 Mid Year Budget Review				reduction/ (increase)	(reduction)/ increase	{favourable}/ unfavourable
Department	Service Unit	Account name	Notes	Income	Expenditure	Net Total
Directorate MYBR Operating Adjustments (Cash)						
Community Strengthening	Youth Services	Freeza Income (Grant)	Correction to Freeza grant income budget.	(24,000)		(24,000)
Community Strengthening	Community Development	Volunteer Resource Centre Grant	Written agreement for Council to fund the Co-ordinator position - in lieu of existing grant.		(52,700)	(52,700)
Community Strengthening	Community Development	Frankston North Casual/Backfill	Reduction made to budget for 2016-2017 as backfill not required		(6,104)	(6,104)
Community Strengthening	Community Support Frankston	Energy & Water Charges	Reduction can be made to budget for 2016-2017		(3,332)	(3,332)
FHSS	Mahogany Rise Child & Family Centre	Inclusion Support Funding	Budgeted income duplicated	50,900		50,900
FHSS	Mahogany Rise Child & Family Centre	Utilities	Utility charges decreased at Mahogany Rise Child Care Centre		(9,302)	(9,302)
Community Safety	Health Services	Registrations & Transfers	Income revision for 2016-2017.	(10,000)		(10,000)
Community Safety	Parking Enforcement	Infringements Issued	Income revision required for 2016-2017 due to favourable trend in infringements issued.	(200,000)		(200,000)
Community Safety	Parking Enforcement	Vehicle Rego Checks	2016-2017 reduction in expenditure based on previous years' actuals.		(15,000)	(15,000)
Arts & Culture	Library Management	Government Subsidy	Actual amount received for 2016-2017.	(26,254)		(26,254)

Attachment B: 2016-2017 Mid-Year Budget Review - Operating Adjustments

2016-2017 Mid Year Budget Review				reduction/ (Increase)	(reduction)/ increase	{favourable/ unfavourable}
Department	Service Unit	Account name	Notes	Income	Expenditure	Net Total
Arts & Culture	Library Operations	Backfill - Labour	Seaford Service Centre requirement to increase backfill by \$19,475 for library staff leave & Saturday shifts		19,475	19,475
Arts & Culture	Library Infrastructure	ISP Public Access	Savings identified from the public internet use in the library now incorporated into the IT Department council service contract.		(31,734)	(31,734)
Arts & Culture	Library Engagement	Children's Programmes	Budget incorrectly omitted and restored back to \$3K to fund children's programmes		3,091	3,091
Community Safety	Compliance & Enforcement Services	Local Law Application Fees	Correction to duplicated income Budget.	58,000		58,000
Arts & Culture	Library Engagement	Labour	Team leader position closed.		(88,000)	(88,000)
FHSS		Grants - Personal Care	Additional grant funding	(40,000)		(40,000)
FHSS		Grants - Home Care	Additional grant funding	(100,000)		(100,000)
FHSS		Grants - Respite Care	Additional grant funding	(30,000)		(30,000)
FHSS		Grants - Home Maintenance	Additional grant funding	(10,000)		(10,000)
Maternal Child and Health		Grants - Maternal Child and Health	Additional grant funding	(20,000)		(20,000)
Community Safety	Compliance and Enforcement	CCTV	An increase in the maintenance costs of our aging CCTV equipment.		20,000	20,000
Community Safety	Health Services	Food Analysis	Increase Food Analysis budget in line with Government guidelines and actual prior years expenditure. This expenditure is expected to result in additional revenue from fines.		10,000	10,000
Community Safety	Charged Car Parking	Communication Lease	Monthly Parking Management System communication lease Licence Fee approx \$2,800 per month		34,000	34,000
Infrastructure	Infrastructure Developments	Drainage Network Modelling	A risk driven requirement to undertake strategic drainage studies to inform the capital works programme.		35,000	35,000
Community Development Directorate			Sub Total - Surplus	(341,354)	(84,606)	(425,960)

Attachment B: 2016-2017 Mid-Year Budget Review - Operating Adjustments

2016-2017 Mid Year Budget Review				reduction/ {increase}	{reduction}/ increase	{favourable / unfavourable}
Department	Service Unit	Account name	Notes	Income	Expenditure	Net Total
Facilities	Facilities Administration	Labour	Facilities Contract Manager position to ensure the new performance based contract will lead to significant savings, improved service standards and facilities. (Includes 20% oncosts)		120,000	120,000
Commercial Services	Property	Frankston Yacht Club Restaurant Lease	Lease income revised down	150,000		150,000
Commercial Services	Property	Frankston Yacht Club Lease	Rent free period provided to the Frankston Yacht Club	10,000		10,000
Community Relations	Customer Relations	Uniforms	2016-2017 saving in uniform budget.		(5,000)	(5,000)
Community Relations	Customer Relations	Labour - Customer Relations	As part of the Customer Focused Culture Strategy a Team Leader position was created in Customer Relations to identify business process improvements. Includes 20% oncosts		95,000	95,000
Commercial Services	Property, Licences & Leases	Income	Temporary car park income from Peninsula Private Health as agreed during construction period.	(80,000)		(80,000)
Sustainable Assets	Plant Operating	Plant Operating Expenses	Reduction in 2016-2017 fuel budget based on market pricing fluctuations		(117,108)	(117,108)
Operations	FRRRC	Labour	Frankston Regional Recycling and Recovery Centre Manager two year contract position brought on to improve financial performance at the waste transfer station. Includes 20% oncosts		175,000	175,000
Human Resources	Employee Services	Specialist Consultants	Budget requested to pay for full review of Chris 21 payroll system. \$64K cost to be shared as a joint project with Boroondara council.		32,000	32,000
Community Relations	Communications	Election Advocacy	Additional Election Advocacy funding		15,000	15,000
Sustainable Assets	Fleet Services	Workshop Labour	Additional labour back fill required to cover extended sick leave		34,000	34,000

Attachment B: 2016-2017 Mid-Year Budget Review - Operating Adjustments

2016-2017 Mid Year Budget Review				reduction/ (increase)	(reduction)/ increase	{favourable} / unfavourable
Department	Service Unit	Account name	Notes	Income	Expenditure	Net Total
Community Relations	Economic Development		Small Business Grants programme - to be claimed by recipients in 2016-2017 (timing difference)		19,638	19,638
Corporate Development Directorate			Sub Total - Deficit	80,000	368,530	448,530
		VGC - General Purpose Grants	Advised by Victoria Grants Commission	110,419		110,419
		VGC - Local Road Funding	Advised by Victoria Grants Commission	9,689		9,689
		Grant PARC	Reduction in Council grant payment to PARC		(250,000)	(250,000)
		Insurance savings	Newly negotiated Insurance package		(103,400)	(103,400)
		Rates income	Correction to Acacia Heath rates revenue	90,000		90,000
		Workcover premium	Increase in 2016-2017 workcover premium		300,000	300,000
		Sale of land	Sale of land - 1 Wedge Road Carrum Downs	(747,000)		(747,000)
		Sale of land	Transfer proceeds to Strategic Asset Reserve		747,000	747,000
Non - Directorate			Sub Total - Surplus	(536,892)	693,600	156,708
TOTAL MYBR ADJUSTMENTS - CASH				(798,246)	977,524	179,278
MYBR Council Resolutions and Requests						
Planning	Strategic Planning	FAA Structure Plan Projects	FMAC Heritage Trail implementation. Council Resolution 8 August 2016		55,000	55,000
Planning	Strategic Planning	Heritage Advisor and Program	History Day 2017 and new History Film. Council Resolution 19 September 2016		19,000	19,000
Planning	Planning Management	Downs Estate Costs	Estimated \$30K (\$40K exp, \$10K income) required for Downs Estate Works. Council Resolution on 18 July 2016.		30,000	30,000
Arts and Culture	Library	Business Case	Langwarrin Library business case		35,000	35,000

Attachment B: 2016-2017 Mid-Year Budget Review - Operating Adjustments

2016-2017 Mid Year Budget Review				reduction/ (increase)	(reduction)/ increase	(favourable) / unfavourable
Department	Service Unit	Account name	Notes	Income	Expenditure	Net Total
Community Development Directorate			Sub Total - Deficit	0	139,000	139,000
TOTAL MYBR COUNCIL RESOLUTIONS AND REQUESTS - CASH				0	139,000	139,000
TOTAL (INCREASE)/DECREASE TO CASH RESULT				(798,246)	1,116,524	318,278

**CAPITAL WORKS PROGRAM - 2016/17 MYBR
 NON-DISCRETIONARY (RENEWALS) and DISCRETIONARY (NEW & UPGRADE) : CAPITAL WORKS PROGRAM**

		PROGRAM DEFINITION		Budget (\$)	Rates (\$)	Asset Sales (\$)	Grants (\$)	Reserves (\$)	Contributions (\$)	Loans (\$)			
		Adopted Budget		39,881,617	33,128,587	1,311,000	3,765,000	1,155,777	521,253	-	Adopted 16 May 2016		
		Carry Forward 2015/16		5,496,060	4,692,808	142,000	219,405	308,179	133,668	-	As Approved by Council on 29 August 2016 (Reference OM292)		
		Revised Budget		45,377,677	37,821,395	1,453,000	3,984,405	1,463,956	654,921	-			
Sub Program	Proposal ID	Project Title	Project Description	Adopted Budget (\$)	Adjusted Budget	Rates (\$)	Asset Sales (\$)	Grants (\$)	Reserves (\$)	Contribution (\$)	Loans (\$)	Adjustments	Comments
ASSET RENEWAL CATEGORIES													
Facilities Renewal			Program for renewal of all Council owned buildings. This program is developed from results of regular condition audits and prioritised in terms of ranking criteria.										
Facilities Renewal	3532	Civic & Operations Facilities Renewal Program	Renewal recommendations to be implemented across Council's Civic facilities. Works are based on condition and includes works on External Fabrics, Furniture & Fittings, Interior Finishes, Mechanical Services and Structural Elements on the following buildings: Civic Centre: Roof guttering & down pipes	540,000	657,000	657,000	-	-	-	-	-	117,000	Additional funds were required to complete works to the entrance foyer of the Civic Centre building. A variation was approved to source funds from within the Capital Works Program (CWP). Funds transferred from Operations Centre Insulation Upgrade (Project 4111) and Operations Centre airconditioning upgrade (Project 4106)
Facilities Renewal	2623	Public Amenities Renewal Program	Renewal recommendations to be implemented across public amenity facilities and services structures (toilets and shelters): Broughton & Station Street Public Toilet Block Frankston LSC Public Toilets	240,000	260,182	260,182	-	-	-	-	-	20,182	Renewal and Compliance programs have been combined for ease of administering contracts awarded (\$15,000 transferred from Project 4000). Variation was approved to fund the relocation of a changing place toilet from Keys Street to Bayside Shopping Centre (\$5,182 approved)
Facilities Renewal	3766	Family and Youth Facilities Renewal Program	Renewal recommendations to be implemented across Council's Family & Youth facilities. Works to be completed on External Fabrics, Furniture & Fittings, Interior Finishes, Mechanical Services and Structural Elements on the following buildings: East Karingal Kindergarten Ballam Park Kindergarten	310,000	325,000	325,000	-	-	-	-	-	15,000	Renewal and Compliance programs have been combined for ease of administering contracts awarded (\$15,000 transferred from Project 3844)
Facilities Renewal	2641	Communities Facilities Renewal Program	Renewal recommendations to be implemented across Council's Community facilities. Works to be completed on External Fabrics, Furniture & Fittings, Interior Finishes, Mechanical Services and Structural Elements on the following buildings: Frankston North Scout Hall: Component Renewal Site Infrastructure	310,000	325,000	325,000	-	-	-	-	-	15,000	Renewal and Compliance programs have been combined for ease of administering contracts awarded (\$15,000 transferred from Project 3806)
Facilities Renewal	1237	Structured Recreation Pavilions Renewal Program	Renewal recommendations to be implemented across Parks and Leisure pavilions and sporting facilities. Works to be completed on External Fabrics, Furniture & Fittings, Interior Finishes, Mechanical Services and Structural Elements on numerous buildings across the municipality. Carrum Downs Pavilion Overport Tennis Club Pavilion RF Miles Pavilion - Design	740,000	795,000	795,000	-	-	-	-	-	55,000	Renewal and Compliance programs have been combined for ease of administering contracts awarded (\$55,000 transferred from Project 3805).

Sub Program	Proposal ID	Project Title	Project Description	Adopted Budget (\$)	Adjusted Budget	Rates (\$)	Asset Sales (\$)	Grants (\$)	Reserves (\$)	Contribution (\$)	Loans (\$)	Adjustments	Comments
		Park Furnishings & Equipment Renewal		Program to replace playgrounds and open space infrastructure, including sports fields, reserves, playing fields, tennis and netball courts, linear parks, tree reserves & bushland. Replacement to playgrounds is based on a 7-14 year life cycle as determined									
Parks Furnishings & Equipment Renewal	3587	Playground Strategy Implementation - Renewal of Playgrounds	Implementation of the Playground Strategy through the design and renewal of play spaces throughout Frankston Council. 2016/17 works include: Renewal of playgrounds at Armata Reserve, Riviera Reserve, Ballam Park Stage 2, Frankston Waterfront Playground, Rosemary Reserve, Broilga Reserve, Polaris Reserve, George Pentland Botanical Gardens and Northgateway Reserve: Ballam Park – \$900K (\$600K 15/16 and \$300K 16/17); Waterfront Playground – \$900K; George Pentland Botanical Gardens – \$600K; Northgateway - \$120K; Broilga - \$120K; Armata - \$120K; Riviera - \$120K; and, Whistlestop - \$120K. Design of playground renewals - \$100K.	2,500,000	2,200,000	2,200,000	-	-	-	-	-	-300,000	Request for grant from State Government for \$650k was unsuccessful. Council resolved at meeting on 27 June 2016 to fund \$650k from within the CWP. Approved transfer of \$300,000 to Ballam Park Pavilion Upgrade.
Parks Furnishings & Equipment Renewal	3813	Renewal of Banner Poles	Frankston City is home to 50 banner poles in key locations throughout the City and they are a fantastic promotional tool for the City and considerably improve the appearance of the City for both locals and visitors upon entering. In 2013 an audit was which identified not only defects with the current infrastructure (estimated to be 15 - 20+ years old) but also that Council's current infrastructure no longer meets regulation requirements and as such are non-compliant. Upon receipt of regulatory requirements Council has no choice but to replace these banner poles as soon as possible to avoid any future claims of negligence. In total, 39 of Council's 50 poles will need to be replaced to avoid future potential complications and meet regulation requirements.	65,000	97,750	97,750	-	-	-	-	-	32,750	Additional expenditure was incurred due to the increase in the size of footings for the banner poles. Funds transferred from Project 3911 Beach Street.
Parks Furnishings & Equipment Renewal	3777	Cricket Net Replacement Program	Renewal of cricket net facilities as per Council's Cricket Net Guidelines, completed during 2014. 2016/17 - Jubilee Park and RF Milese Recreation Reserve Programme fully rate funded, however club contributions will be sought following implementation.	300,000	400,000	300,000	-	100,000	-	-	-	100,000	State grant received for RF Miles & Jubilee Cricket Nets Renewal projects.
Parks Furnishings & Equipment Renewal	3421	Fencing Replacement Program - Boundary Fences - Council Reserves	This is an ongoing Council renewal program where residents contribute half the cost for fence replacement that abuts Council reserves. Identification of projects based on reactive requests from residents dealing with safety and access issues on reserves including cars, playground protection and disabled access.	200,000	150,000	150,000	-	-	-	-	-	-50,000	Request for grant from State Government for \$650k was unsuccessful. Council resolved at meeting on 27 June 2016 to fund \$650k from within the CWP. Approved transfer of \$50,000 to Ballam Park Pavilion Upgrade
Bridge Renewal	NEW	Major Bridge Renewal Program	Funds for the design and construction of Beckwith Grove bridge.	-	180,000	180,000	-	-	-	-	-	180,000	Funds to be sourced from Project 4074 - Lawton Park New District Playground

Sub Program	Proposal ID	Project Title	Project Description	Adopted Budget (\$)	Adjusted Budget	Rates (\$)	Asset Sales (\$)	Grants (\$)	Reserves (\$)	Contribution (\$)	Loans (\$)	Adjustments	Comments
Drainage Renewal	3815	WSUD Renewal	Designs for WSUD treatments across the municipality.	50000	-	-	-	-	-	-	-	-50,000	Grant funding budgeted for from Federal Government Roads to Recovery program was reduced. Road related infrastructure projects were reprioritised. Funds transferred to Warrandyte Road Widening Project 3998 for design.
Road Renewal	3998	Warrandyte Road Widening & Reconstruction (North) - Robinsons Road to 400 Warrandyte Road	Road widening and reconstruction of Warrandyte Road from Robinsons Road to 400 Warrandyte Road. Design undertaken during 2013/14, works will be fully funded utilising Roads to Recovery grant funding from the Federal Government.	460,000	70,000	70,000	-	-	-	-	-	-390,000	Budget adjustment due to reduction in grant from Roads to Recovery. Transfer of \$70,000 from Rates from identified projects including Projects 3579 and 3815.
Road Renewal	3344	Traffic Management Devices - Renewal Programme	Renewal of traffic management devices as required by the overlay program and as identified by condition audits and in consultation with City Works. Designs to include consideration of Water Sensitive Urban Design (WSUD).	200,000	-	-	-	-	-	-	-	-200,000	Budget adjustment due to reduction in grant from Roads to Recovery.
Footpaths Renewal				Program to replace damaged and dangerous footpaths to meet an overall condition rating of 3 of higher across the municipality, as determined from condition audits.									
Footpaths Renewal	3563	Bicycle Path Safety Upgrades	Safety upgrades of bicycle paths as identified by a bicycle safety survey running from February 2016 to April 2016 across a number of Councils in Melbourne. From the survey, Council will receive a list of safety issues and suggestions from the public that will be integrated with crash history and recommendations of the Bicycle Strategy for capital works implementation.	100,000	50,000	50,000	-	-	-	-	-	-50,000	Budget adjustment. Funds transferred to Project 2657 due to reduction in grant from Roads to Recovery.
Footpaths Renewal	3999	Shared Path Renewals	Safety upgrades of bicycle paths as identified by a bicycle safety survey running from February 2016 to April 2016 across a number of Councils in Melbourne. From the survey, Council will receive a list of safety issues and suggestions from the public that will be integrated with crash history and recommendations of the Bicycle Strategy for capital works implementation.	100,000	50,000	50,000	-	-	-	-	-	-50,000	Budget adjustment. Funds transferred to Project 2657 due to reduction in grant from Roads to Recovery.
Footpaths Renewal	2812	Footpath Renewal Program	Renewal of asphalt and concrete footpaths as identified by Council's Road Management Plan Inspections and Civil Infrastructure Maintenance (CIM) referrals. 2016/17 works includes: Broilga Reserve - 2.5m shared path, 1000m2 - ~\$90K Frankston-Carnbourne Road - South Gateway to North Gateway - 2.5m shared path, 560m2 - ~\$50K Frankston-Dandenong Road - O'Grady Road to Broderick Road - 2.5m shared path, 350LM - ~\$80K Shared path approaches to bridge at Lang Link.	1,500,000	1,405,000	1,405,000	-	-	-	-	-	-95,000	Budget adjustment. Funds transferred to Project 2657 due to reduction in grant from Roads to Recovery.
Car Park renewal	332R	Carpark Renewal Program	Renewal of Council carparks. 2016/17: Eric Bell Reserve carpark - \$420K Mechanics Hall Carpark - \$155K Carpark Designs - \$50K	625,000	575,000	575,000	-	-	-	-	-	-50,000	Budget adjustment. Funds transferred to Project 2657 due to reduction in grant from Roads to Recovery.
COMPLIANCE CATEGORIES													

Sub Program	Proposal ID	Project Title	Project Description	Adopted Budget (\$)	Adjusted Budget	Rates (\$)	Asset Sales (\$)	Grants (\$)	Reserves (\$)	Contribution (\$)	Loans (\$)	Adjustments	Comments
		Bridges Compliance		Prioritised implementation of recommendations to upgrade barrier and guardrails over a 3 year period to comply with current standards								0	
Facilities Compliance	3805	Structured Recreation Compliance Program	Provide Access to recreation facilities for people with a disability. Works involve installation of AAA compliant infrastructure at Recreation facilities: Carrum Downs Reserve Scoreboard and Telecoms Plantroom - Building Minor Victoria Park Triathletes Pavilion - Component-Fit out & Finishes Ballam Park Recreational Reserve - Athletics Rotunda - Building-Medium Lloyd Park Senior Pavilion and Clubroom - Component-Site Infrastructure Baxter Park Tennis Clubhouse - Component-Site Infrastructure Centenary Park Golf Pump Station 1 (north-west) - Component-Fit out & Finishes Riviera Park Club Storage Shed - Building Minor Yamala Park Bowling Storage Building - Building Minor Siye Rec Reserve Storage Shed - Building-Medium Centenary Park Golf Works Chemical Storage	55,000	-	-	-	-	-	-	-	-55,000	Consolidate into Project 1237 Structured Recreation Renewals.
Facilities Compliance	3806	Communities Facilities Compliance Program	Compliance recommendations to be implemented across Council's Community facilities as per the Facilities Condition Audit undertaken during 2013/14: Frankston North Scout Hall	15,000	-	-	-	-	-	-	-	-15,000	Consolidate into Project 2641 Community Facilities Renewal Program.
Facilities Compliance	3844	Family & Youth Services Compliance Program	General upgrade to ensure compliance with legislative requirements (Children Services Act, DDA, OHS and Worksafe). Compliance recommendations to be implemented across Council's Community facilities as per the Facilities Condition Audit undertaken during 2013/14: East Karingal Kindergarten Ballam Park Kindergarten	15,000	-	-	-	-	-	-	-	-15,000	Consolidate into Project 3766 Family and Youth Services Renewal Program.
Facilities Compliance	4000	Public Amenities Compliance Program	Compliance recommendations to be implemented across public amenities and services: Broughton & Station Street Public Toilet Block Frankston LSC Public Toilets	15,000	-	-	-	-	-	-	-	-15,000	Consolidate into Project 2623 Public Amenities Renewal.
Parks and Leisure Compliance	1299	Risk Management Works within Council Reserves	Risk management program to alleviate reactive high risk issues within Council reserves and Open Space. Ongoing program on risk assessment safety program on Council's reserve inventory.	50,000	-	-	-	-	-	-	-	-50,000	Budget adjustment. Funds transferred to Project 2657 due to reduction in grant from Roads to Recovery.
Waste Management Compliance	3579	Frankston Tip Risk Management Strategy Implementation	Rehabilitation of closed landfill cells at McClelland Drive in accordance with EPA requirements. Work includes vegetation rehabilitation as prescribed by recommendations from the Landfill Situational Analysis.	150,000	130,000	130,000	-	-	-	-	-	-20,000	Budget adjustment. Funds transferred to Project 3998 due to reduction in grant from Roads to Recovery.
Footpaths Compliance	2685	Various Reserves - Footpath Renewal Program / xover Installation - Risk Mgt	Many reserves have broken bays. Currently 6 reserves alone need \$13,000 worth of replacements. Maintenance vehicles are crossing paths to enter reserves requiring x-overs to be installed to prevent ongoing damage to street paths	20,000	-	-	-	-	-	-	-	-20,000	Budget adjustment. Funds transferred to Project 2657 due to reduction in grant from Roads to Recovery.
Footpaths Compliance	3562	Crossings Program	Installation of new crossings as per RMP inspections and upgrade/relocation of existing pram crossings to DDA standards.	55,000	-	-	-	-	-	-	-	-55,000	Budget adjustment. Funds transferred to Project 2657 due to reduction in grant from Roads to Recovery.

Sub Program	Proposal ID	Project Title	Project Description	Adopted Budget (\$)	Adjusted Budget	Rates (\$)	Asset Sales (\$)	Grants (\$)	Reserves (\$)	Contribution (\$)	Loans (\$)	Adjustments	Comments
Discretionary Program (New & Upgrade)													
CAA Initiatives	3572	East West Wells Street	Upgrade of Wells Street commenced in 2015/16	-	385,004	385,004	-	-	-	-	-	385,004	Council resolved in meeting on 6 June 2016 to approve additional funds for this project. Funds were transferred from Projects 3912 Evelyn Street Stage 3 and 3972 CAA Streetscape and Footpath Renewal Program.
CAA Initiatives	3972	CAA Streetscape Other Structure	CAA Streetscape Other Structure	-	(88,168)	(88,168)	-	-	-	-	-	-88,168	Transfer of carry forward funds from 2015/16 to CW 3572 East West Wells Street.
Community Facilities & Meeting Places	4020	Karingal Place Youth Hub	Convert storage area (mezzanine above kitchen) to provide a youth hub and art space	90,000	80,000	80,000	-	-	-	-	-	-10,000	Project no longer a priority. Variation approved funds to be transferred to Project 4130 Frankston Youth Central.
Community Facilities & Meeting Places	4130	Frankston Youth Central	To create more space in the youth Central building in Frankston	-	10,000	10,000	-	-	-	-	-	10,000	New Project to provide a more functional area at the Frankston Youth Hub. Funds transferred from Project 4020 Karingal Place Youth Hub.
Community Facilities & Meeting Places	3601	Langwarrin Men's Shed - New Air Conditioning and Insulation	NOM OM291 (8 August 2016) - Funding to be referred to Council MYBR. Cost no more than \$15,000.	-	55,000	55,000	-	-	-	-	-	55,000	Whilst the NoM stated that the upper limit was \$15K officers note that without insulation the running costs of the airconditioning/heater system would become excessive for the Men's Shed. It is therefore considered prudent to make an allowance of \$55K to provide an alternative option of gas radiant heaters, circulation fans and portable commercial coolers. Funds to be sourced from Project 4074 - Lawton Park New District Playground (\$40K) and the Frankston Drainage Strategy (\$15K).
Community Facilities & Meeting Places	3601	Langwarrin Men's Shed - New Storage Shed, Roof Repair, Alarms and Painting	Construction of a new storage shed, painting, roof repairs and replacement of security alarm.	-	40,000	40,000	-	-	-	-	-	40,000	Request as provided by the Langwarrin Men's Shed. Funds to be sourced from Project 4084 - Frankston Drainage Strategy (\$40K).
Health & Human Services	3756	Delacombe Park Preschool Extension	Delacombe Park Preschool Extension	-	14,802	14,802	-	-	-	-	-	14,802	Additional costs were incurred for alternate classroom accommodation during the building works. Variation approved for \$14,802. Transfer from 3911 Beach Street.
Information Services	3964	Contract Management Replacement System - Business Analysis	Conduct Business Analysis to determine requirements for a replacement contract management system	30,000	35,150	35,150	-	-	-	-	-	5,150	Additional funds were required to provide budget for the lowest quote received. A variation was approved for \$5,150.
Information Services	4038	Corporate Reporting System - Business Analysis	Conduct Business Analysis to determine requirements for a replacement corporate reporting system	30,000	-	-	-	-	-	-	-	-30,000	Variation was approved to delete this project. Funds were allocated to the Operating Budget.
Land	3987	Purchase 33 Bruarong Crescent	Purchase 33 Bruarong Crescent	-	225,000	-	-	-	225,000	-	-	225,000	Council decision on 6 June 2016 to purchase a parcel of land at 33 Bruarong Crescent.
Playground & Playspace Initiatives	4071	Ballam Park	Playspace development to link existing facilities - Construction	300,000	-	-	-	-	-	-	-	-300,000	Request for grant from State Government for \$650k was unsuccessful. Council resolved at meeting on 27 June 2016 to fund \$650k from within the CWP. Approved transfer of \$300,000 to Ballam Park Pavilion Upgrade.
Playground & Playspace Initiatives	4074	Lawton Park	New district playground installation - Construction.	250,000	10,000	10,000	-	-	-	-	-	-240,000	Funds allocated to proposed new projects for Langwarrin Men's Shed Airconditioning and Insulation (\$40K), Beckwith Grove bridge renewal (\$180K) and the design of the McClelland Reserve Car Park (\$20K).
Playground & Playspace Initiatives	4076	Carrum Downs Recreation Reserve	Design for new district level playground installed on the site of the permanent family recreation area.	50,000	25,000	25,000	-	-	-	-	-	-25,000	Variation approved. Funds transferred to CW 4030 to fund Langwarrin Community Carpark.
Off street car parks	4127	Temporary Carpark for Frankston Hospital	Temporary Carpark for Frankston Hospital	-	200,000	-	-	-	-	200,000	-	200,000	New project approved. All funding to be provided by Frankston Hospital.
Off street car parks	4128	Upgrade to carpark for Arts Centre	Upgrade of carparking	-	433,000	433,000	-	-	-	-	-	433,000	New project to upgrade the Arts Centre car park. Variation was approved and funds transferred from Project 3911 Beach Street.
Roads & Bridges	4082	Access from Baxter Ave to Beauty Park	Access to War Memorial	32,000	3,335	3,335	-	-	-	-	-	-28,665	Feasibility of project to be assessed. Remainder of funds to savings.

Sub Program	Proposal ID	Project Title	Project Description	Adopted Budget (\$)	Adjusted Budget	Rates (\$)	Asset Sales (\$)	Grants (\$)	Reserves (\$)	Contribution (\$)	Loans (\$)	Adjustments	Comments
Roads & Bridges	3968	Violet Street K Road Pavements	Violet Street K Road Pavements	-	200,000	-	-	200,000	-	-	-	200,000	This is a Roads to Recovery funded project and the source of funds is \$200,000 from Federal Government grants.
Stormwater Management	3910	Dandenong Road East Drainage Strategy	Construction of Stage 2 of Dandenong Road East SWD Strategy Implementation Project in 2016/17. Includes: 1. Drainage works upgrade from Finlay Street to Queen Street, and 2. WSUD works in proximity to David Street.	-	400,000	400,000	-	-	-	-	-	400,000	Transferred from Project 4083 to retain old project number.
Stormwater Management	4083	Dandenong Road East Drainage Strategy	Construction of Stage 2 of Dandenong Road East SWD Strategy Implementation Project in 2016/17. Includes: 1. Drainage works upgrade from Finlay Street to Queen Street, and 2. WSUD works in proximity to David Street.	400,000	-	-	-	-	-	-	-	-400,000	Transferred to Project 3910 (previous year project number).
Stormwater Management	4084	Frankston South Drainage Strategy	Construction of Priority Project 5 of Frankston South SWD Strategy Implementation Project in 2016/17. Involves drainage and road upgrade works for 13-19 Cambridge Street.	250,000	60,000	60,000	-	-	-	-	-	-190,000	Funds to be allocated to proposed projects for Eric Bell Reserve - Netball Court (\$75K), design for the McClelland Reserve Car Park (\$30K) and the Langwarrin Men's Shed storage shed and miscellaneous works (\$40K) and airconditioning (\$15K).
Stormwater Management	3525	Reactive Drainage Works	Minor Drainage Work - Ongoing funding to address ad-hoc drainage issues arising out of major storm events in Frankston. Work involves replacing pits, lids, installation of agricultural drains and minor drainage works.	100,000	50,000	50,000	-	-	-	-	-	-50,000	Funds transferred to Project 2657 in lieu of Roads to Recovery funding.
Streetscapes	3911	Beach Street, Frankston	Beach Street West redevelopment Shopping Centre Upgrade - Construction	627,000	114,031	114,031	-	-	-	-	-	-512,969	This project scope has been amended to undertake a design only in 2016/17. Approved variation transfer \$433,000 to CW 4128 . Approved Variation transfer \$14,802 to CW 3756. Approved Variation transfer \$32,750 to CW 3813 Approved Variation transfer \$32,417 to CW 4129
Streetscapes	3912	Evelyn Street Stage 3 Streetscape Upgrade Design	Design works commenced in 2015/16 - Evelyn Street - Design only	350,000	53,164	53,164	-	-	-	-	-	-296,836	Approved variation transfer to CW 3572 to fund Wells Street as per Council Report OM288 dated 6 June 2016.
Structured Recreation	3289	McClelland Reserve Soccer Pavilion	Construction of a renovated sports pavilion to service the sporting needs of the sportsgrounds at McClelland Reserve.	440,000	451,010	351,010	-	100,000	-	-	-	11,010	Funds transferred from Project 3839.
Structured Recreation	3854	Frankston District Basketball Association	Expansion of Frankston District Basketball Association stadium.	500,000	1,141,500	-	-	641,500	500,000	-	-	641,500	Funds transferred from Major Project Reserve.
Structured Recreation	3633	Carrum Downs Recreation Reserve Pavilion & Car Park	Main pavilion upgrade and spectator area at Carrum Downs Rec Res. Design completed in 2015/16. Subject to Grant Funding and Sale of Assets.	1,300,000	1,185,500	-	58,000	1,077,500	-	50,000	-	-114,500	Asset sale of land to VicRoads budgeted for \$342K. Negotiations in progress likely outcome is \$200K sale amount. \$27.5K received as a Grant from Melbourne Water
Structured Recreation	3591	Frankston BMX Track	BMX Track Upgrade Stage 1 - Design Completed in 2015/16	600,000	30,000	30,000	-	-	-	-	-	-670,000	State Government grant for upgrade of the BMX track. Investigation and design in FY16/17 remainder to be transferred into Reserve (\$100K Club contribution, \$100K grant received and \$470K Rates)
Structured Recreation	4030	Langwarrin Community Garden Carpark	Upgrade of carparking	-	25,000	25,000	-	-	-	-	-	25,000	Proposed new project to construct a gravel car park next to the Langwarrin Community Garden. A variation was approved to transfer fund from project CW 4076.
Structured Recreation	3915	Seaford Bowls New Synthetic Green	Construction of new synthetic surface	-	466,272	48,333	-	-	-	417,939	-	466,272	Project commenced in 2015/16. Funding from Rates and Club contribution as per M.O.U.
Structured Recreation	4129	Pines Swimming Pool New Hot Water system	Upgrade of the hot water system	-	32,417	32,417	-	-	-	-	-	32,417	New Project. Variation approved funds transferred from CW 3911.
Sustainability Initiatives	3839	Renewable Energy for Frankston	Solar PV for Council owned buildings	-	303,725	303,725	-	-	-	-	-	303,725	Amounts consolidated from all Solar Project accounts.

Sub Program	Proposal ID	Project Title	Project Description	Adopted Budget (\$)	Adjusted Budget	Rates (\$)	Asset Sales (\$)	Grants (\$)	Reserves (\$)	Contribution (\$)	Loans (\$)	Adjustments	Comments
Sustainability Initiatives	4104	Frankston Arts Precinct - Library and Arts Centre - Solar PV Installation	Solar PV Frankston Arts Precinct - Library and Arts Centre 80kW	225,600	-	-	-	-	-	-	-	-225,600	Consolidated into Project 3839.
Sustainability Initiatives	4105	Frankston North Community Centre - Solar PV Installation	Solar PV Frankston North Community Centre (Formerly Mahogany Neighbourhood Centre) 14kW	22,815	-	-	-	-	-	-	-	-22,815	Consolidated into Project 3839.
Structured Recreation	NEW	Eric Bell Reserve	State Government grant of \$85,000 secured for a netball court for the Pines Football Club. Club contribution is \$10,000.	-	170,000	75,000	-	85,000	-	10,000	-	170,000	Grant funding received.
Structured Recreation	NEW	McClelland Reserve Car Park	Estimated cost \$1.0M. Recommend design for FY16/17 - \$50K with construction to be considered for the 2017/18 CWP.	-	50,000	50,000	-	-	-	-	-	50,000	Council Meeting on 8 August 2016 resolved to submit this project for consideration in the MYBR. 200 car parking spaces to be designed and constructed at McClelland Reserve.
Sustainability Initiatives	4106	Operations Centre - HVAC Upgrade	HVAC Upgrades: Operations Centre	104,000	-	-	-	-	-	-	-	-104,000	Variation approved funds transferred to CW 3532.
Sustainability Initiatives	4107	Belvedere Park Tennis Club Solar PV Installation	Solar PV Belvedere Park Tennis Club 2kW	4,110	-	-	-	-	-	-	-	-4,110	Consolidated into Project 3839.
Sustainability Initiatives	4108	Frankston Croquet Club Solar PV Installation	Solar PV Frankston Croquet Club 2kW	4,110	-	-	-	-	-	-	-	-4,110	Consolidated into Project 3839.
Sustainability Initiatives	4109	North Seaford Tennis Club Inc. Solar PV Installation	Solar PV North Seaford Tennis Club Inc. 3kW	6,165	-	-	-	-	-	-	-	-6,165	Consolidated into Project 3839.
Sustainability Initiatives	4110	Frankston East Tennis Club Solar PV Installation	Solar PV Frankston East Tennis Club 3kW	6,465	-	-	-	-	-	-	-	-6,465	Consolidated into Project 3839.
Sustainability Initiatives	4111	Operations Centre Insulation Upgrade	Insulation Upgrades: Operations Centre	13,000	-	-	-	-	-	-	-	-13,000	Variation approved. Funds to be transferred to Project 3532.
Sustainability Initiatives	4112	Seaford Life Saving Club Solar PV Installation	Solar PV Seaford Life Saving Club 4kW	8,620	-	-	-	-	-	-	-	-8,620	Consolidated into Project 3839.
Sustainability Initiatives	4113	Kananook Tennis Club Inc. Solar PV Installation	Solar PV Kananook Tennis Club Inc. 4kW	4,110	-	-	-	-	-	-	-	-4,110	Consolidated into Project 3839.
Sustainability Initiatives	4115	Belvedere Community Centre Seaford	Solar PV Belvedere Community Centre 4kW	8,220	-	-	-	-	-	-	-	-8,220	Consolidated into Project 3839.
Sustainability Initiatives	4116	McClelland Reserve Pavilion - Solar PV Installation	Solar PV McClelland Reserve Pavilion (KW capacity to be confirmed)	24,520	-	-	-	-	-	-	-	-24,520	Consolidated into Project 3839. \$11,010 transferred to Project 3289.
		Street Lighting	Street lighting required to meet compliance requirements		140,000	140,000						140,000	
		Lanwarrin Toilets			77,000	77,000						-77,000	Councillor request.
			TOTAL REVISED NON DISCRETIONARY AND DISCRETIONARY 2016/17 (MYBR)	39,681,617	39,533,556	32,845,587	1,169,000	2,589,000	1,830,777	1,099,192	-	(882,061)	
			APPROVED CARRY FORWARD FROM CWP 2015/16		5,496,060	4,692,808	142,000	219,405	308,179	133,668	-		
			MID YEAR BUDGET ADJUSTMENTS		45,029,616	37,538,395	1,311,000	2,808,405	2,138,956	1,232,860	-		
			VARIANCE (ADOPTED + CARRY FORWARD - MID YEAR)		(848,061)	(283,000)	(142,000)	(1,176,000)	675,000	577,939	-	-553,061	Adjustment reduced due to transfer of \$470K for BMX Project.

Executive Summary**12.7 Response to Petition for a footpath at Seaview Road, Frankston**

Enquiries: (Andrew Williamson: Community Development)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.1 Plan, build, maintain and retire infrastructure to meet the needs of the city and its residents
Priority Action	3.1.2 Deliver key infrastructure projects on schedule and within budget (Capital Works Program) adopted by Council for 2013-2017

Purpose

To brief Council on the outcomes of the investigation into the petition received from School Council President of Derinya Primary School requesting a footpath to be constructed along Seaview Road, Frankston South.

Recommendation (Director Community Development)

That:

1. Council notes the petition with 238 signatures requesting the construction of a footpath along Seaview Road in Frankston South.
2. Council notes that a footpath along Seaview Road is ranked highly in the Paths Development Plan and is included in the draft Five Year Capital Works Program for construction in 2018-19 after a detailed design that accommodates the topographical and driveways constraints.
3. Given the degree of community concerns about pedestrian safety along Seaview Road raised by the petition, delivery of a footpath along the road be progressed by providing funding of \$35,000 for its design in the 2017/18 Capital Works Program for construction in 2018/19, and
4. The Head Petitioner be advised accordingly.

Key Points / Issues

- Seaview Road is 870m long connecting Overport Road to Baden Powell Drive in an east-west direction.
- A short footpath on the south side of Seaview Road extends 190m from Overport Road and ends at 42 Seaview Road.
- The School Council President of Derinya Primary School presented a petition (refer Attachment A) to Council requesting construction of a footpath along the whole of Seaview Road. The petition has been signed by parents of students that attend Derinya Primary School and Minimbah Primary School in support of the footpath request.
- The petition states that Seaview Road is used by parents and children who walk to school and kinder, as well as mums with prams. It notes that due to the lack of a footpath, pedestrians often walk along the edge of the road, increasing the risk of accidents between pedestrians and motorists. This risk is exacerbated by the poor pedestrian environment, which includes sloping and/or very narrow nature strips.

12.7 Response to Petition for a footpath at Seaview Road, Frankston**Executive Summary**

- There are topographical and driveway constraints affecting the potential construction of a footpath along Seaview Road. However, an initial investigation indicates that the preferred option is to build a new footpath along the northern side of the road. The currently estimated cost is \$212,000.
- Further investigations are required to determine the feasibility and costs of constructing a footpath along Seaview Road.
- A Seaview Road footpath is included in the Paths Development Plan approved by Council in December 2015. The project is ranked 13th out of 143 and is included in the current draft Five Year Capital Works Program. It is the second listed project after those programmed for design and/or construction in 2017/18.

Financial Impact

For the 2016/2017 financial year, the State Government introduced legislation that provides for a limit on the amount Victorian councils may increase rates in any financial year. The cap for the 2016/2017 financial year is 2.5%. The cap is based on a combination of the CPI and expected wages growth.

This cap has had a significant effect on Council's long term financial planning, with rate revenue being \$28 million less than anticipated over the first four years, growing to \$43 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

The currently estimated cost of installing a footpath along Seaview Road is \$212,000. Because of topographical and access challenges, this may well increase when a thorough design for the project is undertaken.

A Seaview Road footpath is included in the Paths Development Plan. The project is ranked 13th out of 143 and is included in the current draft Five Year Capital Works Program. It is the second listed project after those programmed for design and/or delivery in 2017/18.

Consultation**1. External Stakeholders**

No consultation has been carried out with external stake holders.

2. Other Stakeholders

No consultation has been carried out with other stakeholders.

Analysis (Environmental / Economic / Social Implications)

No environmental implications have been identified with the recommendation. These will be identified at the design stage. The benefits of a footpath along Seaview are expected to include improved safety, more walking and cycling (and less use of motor vehicles) and greater social interaction.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

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

Legal

There are no statutory obligations associated with this report.

12.7 Response to Petition for a footpath at Seaview Road, Frankston**Executive Summary**Policy Impacts

Council adopted a Paths Development Plan in December 2015. This informs the prioritisation of projects for inclusion in Council's ongoing Capital Works Program.

Officer's Declaration of Interests

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

Risk Mitigation

Not installing a footpath, or delaying installation, increases the risk of accidents caused by having pedestrians, mobility scooters, wheelchairs and prams sharing the road with vehicles.

Conclusion

Because of the volume of traffic and pedestrians using Seaview Road, the poor pedestrian safety environment, and its proximity to a number of schools, a footpath along the road is ranked highly in the Paths Development Plan. It is included in the current draft Five Year Capital works program as the second listed project after those programmed for design and/or delivery in 2017/18.

The signed petition indicates significant community concern about pedestrian safety, particularly for school children, walking along Seaview Road. Construction of a footpath along the length of the road would greatly assist in reducing that risk.

To progress delivery of the footpath, it is recommended that Council include funding for design of the footpath (\$35,000) in the 2017/18 Capital Works Program with construction to be programmed for the subsequent year.

ATTACHMENTS

Attachment A: Petition for a Footpath Along Seaview Road - December 2016 (*Under Separate Cover*)

Executive Summary

12.8 Consultation on Gaming Harm Minimisation Measures

Enquiries: (Liz Daley: Community Development)

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.4 Improve the health and wellbeing of residents
Priority Action	2.4.5 Increase social inclusion and community participation in leisure activities including libraries, arts and culture

Purpose

To brief Council on the Victorian Government's consultation paper on the Gaming Machine Harm Minimisation Measures, and to seek Council's endorsement of the draft submission made by officers in response to the consultation.

Recommendation (Director Community Development)

That Council:

1. Endorses the attached draft submission responding to the consultation paper on the Gaming Machine Harm Minimisation Measures.
2. Advocates that \$1 per spin should be a condition of Electronic Gaming Machine licensing, which would reduce losses to \$120 per hour rather than the \$1,200 per hour that is currently possible.

Key Points / Issues

- On 1 December 2016, the Victorian Department of Justice and Regulation (DoJR) released a consultation paper seeking industry and community views on gaming machine harm minimisation measures. Specifically, the consultation paper seeks feedback on: access to cash in gaming venues; cashless gaming and ticket-in, ticket-out systems; Responsible Gambling Codes of Conduct; self-exclusion programs; responsible service of gaming training; and regional and municipal limits on electronic gaming machine (EGM) numbers.
- Notification of this consultation paper was received by Council officers on 15 December by the Victorian Local Government Association, with submissions due by 16 January 2017. To meet timelines officers lodged a draft submission on 16 January 2017 (Attachment A) on the provision DoJR accept any amendments or full withdrawal pending Council's recommendation at its January Ordinary Meeting (OM296).
- EGM gambling is of ongoing concern to local government because of the social and economic harms it can cause within communities, particularly vulnerable members of those communities. Information collated by the Responsible Gambling Victoria using data from the Victorian Commission for Gambling and Licensing Authority (VCGLR) shows that for 2015-16:
 - There are nine gaming venues within the Municipality with a total of 509 EGMs, which equates to 4.78 EGMs per 1,000 adults.
 - A total of \$62,900,685 was lost on EGMs, which equates to \$171,860 being lost to EGMs each day and \$123,577 for each machine.
 - \$591 was lost per adult within Frankston City.

12.8 Consultation on Gaming Harm Minimisation Measures**Executive Summary**

- As well as highlighting the limitations of the consultation process, the draft submission also draws heavily on content provided by the Victorian Local Government Association. The major areas of focus in the attached draft submission are:
 - More emphasis on preventative measures that prevent the onset of problem behaviours, to complement the existing harm minimisation measures aimed at moderate risk and problem gamblers.
 - The need for harm minimisation measures that are regulated by independent bodies, including the introduction of a Gambling and Liquor Ombudsman.
 - The need for further assessment and evaluation of the current harm minimisation measures, in particular the use of regional caps and municipal limits.

Financial Impact

For the 2016/2017 financial year, the State Government introduced legislation that provides for a limit on the amount Victorian councils may increase rates in any financial year. The cap for the 2016/2017 financial year is 2.5%. The cap is based on a combination of the CPI and expected wages growth.

This cap has had a significant effect on Council's long term financial planning, with rate revenue being \$28 million less than anticipated over the first four years, growing to \$43 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

There are no costs associated with this report.

Consultation**1. External Stakeholders**

The Victorian Local Government Association (VLGA) provided a draft discussion paper to local government to help inform responses; the attached draft submission heavily draws from this discussion paper.

2. Other Stakeholders

Unfortunately lack of promotion and timing of the release of the consultation paper over a significant holiday period precluded community consultation into Council's submission.

Analysis (Environmental / Economic / Social Implications)

EGM gambling is a legal activity within Victoria providing it is done in accordance with the *Gambling Regulation Act (2003)*. However, it is recognised that EGM gambling causes significant harm to communities and to individuals within the community.

Negative implications, especially of new EGM's, include increased losses by problem gamblers, increased burden on local support services, and significant harm done to problem gamblers and their families.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

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

12.8 Consultation on Gaming Harm Minimisation Measures**Executive Summary**Legal

There are no statutory obligations for Council associated with this report.

Policy Impacts

The introduction of new gaming premise is guided by the Frankston Local Planning Policy (Gaming).

Officer's Declaration of Interests

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

Risk Mitigation

There are no risks associated with this report. Department of Justice and Regulation advised that Council's submission will be treated confidentially prior to endorsement, and that minor edits or total withdrawal will be acceptable following OM296 (30 January 2017).

Conclusion

The Victorian Government consultation paper on gaming machine harm minimisation measures is an important opportunity to comment on local impacts. Given its release has coincided with a significant holiday period a draft submission has been lodged pending Council's decision.

ATTACHMENTS

Attachment A: DRAFT Submission - Consultation on Gaming Machines Harm Minimisation Measures - Office of Liquor, Gaming and Racing - January 2017

**12.8 Consultation on Gaming Harm Minimisation Measures
Officers' Assessment****Background**

- On 7 August 2015, the Victorian Government announced that it was undertaking a review of the regulatory arrangements for EGMs to enable the Government to make decisions on future arrangements before the gaming machine entitlements expire in 2022 (the Gaming Machine Arrangements Review, as discussed below in the 'issues and discussion' section). Council did not make a submission in response to this Review due to the consultation over the Christmas holiday period as well as officer resources diverted to the social and economic assessment for the VCGLR in response to the application by Beretta's Pty Ltd to increase the number of EGMs at the Langwarrin Hotel that was occurring at the same time.
- At this time, the Government also committed to examining the existing harm minimisation measures that apply to EGMs alongside the Gaming Machine Arrangements Review to ensure those measures are appropriate now and post-2022 having regard to emerging research and industry developments. As such, on 1 December 2016 DoJR released a consultation paper seeking community and stakeholder views on EGM harm minimisation measures. Specifically, the consultation paper seeks feedback on: access to cash in gaming venues; cashless gaming and ticket-in, ticket-out systems; Responsible Gambling Codes of Conduct; self-exclusion programs; responsible service of gaming training; and regional and municipal limits on EGM numbers.
- Council has vested interest in EGM harm minimisation, as the following demonstrates:
 - In 2009 Council adopted a Gaming Policy that outlines Council's long-term commitment to reducing the negative impacts of the use of EGMS on the Frankston community.
 - In 2015 Council adopted a Local Planning Policy (Gaming) to provide direction as to appropriate locations for EGM's in the Municipality. This planning policy is currently being considered by the Victorian Planning Minister for formal inclusion in the Municipal Strategic Statement.
 - In 2016 the Council become a member of the National Alliance for Gambling Reform, which is a collaboration of organisations with a shared concern about the harmful impacts of gambling. The Alliance is currently focussed on poker machine related harm through supporting a \$1 per spin bet limit in Victoria.

12.8 Consultation on Gaming Harm Minimisation Measures
Officers' Assessment

In 2009 Council objected to an application made by Beretta's Pty Ltd to increase the number of EGMs at the Langwarrin Hotel from 44 to 60, concerned by the anticipated detrimental social and economic impacts to the community. Whereas this objection was overturned by both the VCGLR and VCAT, the venue was only able to install an additional 8 EGMs (the remaining 8 EGMs were conditional on a new motel facility being built, which it never was). In 2016 Council once again objected to an application by Beretta's Pty Ltd to further increase the number of EGMs at the Langwarrin Hotel from 52 to 62. Once again, this objection was overturned by both the VCGLR and VCAT. It should be noted that both of these VCAT decisions were 'red dot decisions', which means they are considered to be decisions of interest or significance. These decisions were red dotted because they helped to clarify VCATs purpose of reviewing the 'locational attributes' of a planning proposal, with the ability to uphold discretion in not considering the social and economic implications that have already been reviewed by the VCGLR, along with not considering judgements on problem gambling within a 'planning review' that are considered to go beyond these locational attributes of a planning proposal.

- Of relevance to this consultation is the information collated by Responsible Gambling Victoria using data from the VCGLR that shows for 2015-16:
 - There are nine gaming venues within the Municipality with a total of 509 EGMs, which equates to 4.78 EMGs per 1,000 adults.
 - A total of \$62,900,685 was lost on EGMs, which equates to \$171,860 being lost to EGMs each day and \$123,577 for each machine.
 - \$591 was lost per adult within Frankston City.
 - Frankston City was ranked 18 out of 70 LGAs for EGM losses in Victoria.
- This data does not represent the dollars being lost within our most socio-economically disadvantaged communities. Whereas Frankston City is well below its municipal limit of EGMS, in 2015-16 there was still \$591 lost per adult within Frankston City, which is higher than the state average of \$553 lost per adult. Should an analysis of the amount lost per adult be conducted on the gaming patrons at the two highest grossing gaming venues in Frankston City, the Seaford Taverner in Seaford and Sands Taverner in Carrum Downs, both of which are located within the municipality's most socio-economically disadvantages areas, it is likely that the loss per adult would be significantly higher.

Issues and DiscussionLimitations of the consultation:

- The draft submission highlights the limitations of the Victorian Government's consultation in terms of its short timeframe and poor scheduling ahead of the release of key documents that would have ensured that the community and stakeholders were fully informed of the issues at hand.
- Whereas a total of 6.5 weeks was provided for the preparation of submissions, which is already considered to be a nominal timeframe for a consultation of this nature, the release of the Government's Consultation Paper was not well promoted resulting in notification delays and also coincided with the most significant holiday period of the year, placing significant pressures on stakeholders to achieve required organisational approval processes.

12.8 Consultation on Gaming Harm Minimisation Measures Officers' Assessment

- Furthermore, this consultation has been conducted ahead of the release of the following critical documents, which would have provided valuable information on the effectiveness of the harm minimisation measures outlined in this consultation:
 - The Victorian Auditor General's Office (VAGO) report on its audit of the VCGLR's regulatory practices, which due for release in February 2017 will include the licencing and compliance monitoring of venues. This information will be pertinent to understanding the effectiveness of the gambling measures adopted by venues as part of their Responsible Gambling Code of Conduct and self-exclusion programs, which are regulated by the VCGLR.
 - Information from the Victorian Government's evaluation of the YourPlay voluntary pre-commitment scheme that was recently rolled out across the State in 2015 as a harm minimisation measure. In 2016 DoJR assessed the impact of the YourPlay scheme, which included conducting telephone surveys of gaming machine players to understand their attitudes and behaviours. This information would have been pertinent to understanding the effectiveness of the YourPlay scheme as a harm minimisation measure.
 - The outcome to the Victorian Government's Gaming Machine Arrangements Review that was conducted in early 2016, and which we note the consultation for which was also conducted over the Christmas holiday period. The Gaming Machine Arrangements Review considered how changes to the regional caps and municipal limits may alter the distribution of gaming machines. This information would be pertinent given this current consultation also considers caps and limits.

More emphasis on preventative measures:

- The harm minimisation measures outlined in the consultation paper are aimed at reducing problem behaviours and therefore geared towards moderate risk and problem gamblers. The draft submission highlights the need to also implement additional measures that take a primary prevention approach to prevent the onset of problem behaviours amongst non-problem gamblers.

Greater involvement and regulation by independent bodies:

- It is noted that in 2015-16 the Victorian Government earned \$1880.5m taxation revenue in gambling taxes (levied mainly on private lotteries, electronic gaming machines, casino operations and racing).
- As such, the draft submission recommends the introduction of harm minimisation measures that are regulated by independent bodies, such as the following:
 - Self-exclusion programs that are regulated, administered and monitored by Gambler's Help services with a single point-of-entry.
 - A Responsible Gambling Code of Conduct for gaming venues prepared by the Victorian Responsible Gambling Foundation.
 - A Gambling and Liquor Ombudsman.

Further assessment and evaluation of harm minimisation measures:

- The draft submission highlights the need to conduct further assessment and evaluation of the existing harm minimisation measures, in particular for the use of regional caps and municipal limits.

12.8 Consultation on Gaming Harm Minimisation Measures
Officers' Assessment

- Currently, there is very limited evidence to demonstrate that regional caps and municipal limits are an effective harm minimisation measure by ensuring the equitable distribution of EGMs within metropolitan areas and limiting the numbers of and access to EGMs in areas of socio-economic disadvantage and most vulnerable to the harmful effects of gambling.
- The draft submission recommends that in addition to caps and limits, there is an introduction of a policy that enables density to be measured at a sub-municipal level such as a 2.5km radius around a gaming venue. This figure is based on research that demonstrates that the primary catchment for gaming venues is within 2.5km.

Options Available including Financial Implications

There are no financial implications associated with the report.

*DRAFT***Consultation on Gaming Machine Harm Minimisation Measures: Office of Liquor, Gaming and Racing**

Frankston City Council welcomes the opportunity to make a submission in response to the consultation on the Gaming Machine Harm Minimisation Measures.

Please note that Council's submission has been prepared in consultation with the Victorian Local Government Association, who provided information that has been included in this submission.

Council would like to highlight the inadequacy of the timeframe allowed for submissions in response to this consultation. Whereas six weeks was provided for the preparation of responses, which is already considered to be a nominal timeframe for a consultation of this nature, the release of the Government's Consultation Paper was not well promoted resulting in notification delays and also coincided with the most significant holiday period of the year, placing significant pressures on the community and stakeholders to achieve required organisational approval processes.

Council would also like to make an objection to this consultation being conducted in the absence of the following documents:

- The Victorian Auditor General's Office (VAGO) report on its audit of the Victorian Commission for Gambling and Liquor Regulation's (VCGLR) regulatory practices, which we understand includes the licencing and compliance monitoring of venues. Council believes that this information will be pertinent in understanding the effectiveness of the gambling measures adopted by gaming venues as part of their Responsible Gambling Code of Conduct and self-exclusion programs, which are regulated by the VCGLR and form a significant part of this consultation.
- Information from the Victorian Government's evaluation of the YourPlay voluntary pre-commitment scheme that was rolled out across the State in 2015 and is considered in this consultation as a harm minimisation measure. We understand that in 2016 the Department of Justice and Regulation (DoJR) assessed the impact of the YourPlay scheme, which included conducting telephone surveys of gaming machine players to understand their attitudes and behaviours.
- The outcome to the Victorian Government's Gaming Machine Arrangements Review that was conducted in early 2016 (and which we note the consultation was also conducted over the Christmas holiday period). The Gaming Machine Arrangements Review considered how changes to the regional caps and municipal limits may alter the distribution of gaming machines. Given this current consultation also considers caps and limits, we consider the outcome to the previous review to be pertinent.

Inclusion of these documents would allow Government and the community to be considered fully informed.

Council notes that the harm minimisation measures outlined this consultation paper are aimed at reducing problem behaviours and therefore geared towards moderate risk and problem gamblers. Whereas these harm minimisation measures are welcome, there is a need to also implement additional measures that take a primary prevention approach to prevent the onset of problem behaviours amongst non-problem gamblers.

As per Frankston City Council's Gaming Policy, Council's overall goal and long-term commitment is to reduce the negative impacts of the use of electronic gaming machines (EGMs) on the Frankston community. Whereas Council acknowledges the economic and recreational functions of all forms of gambling, it is concerned by the comparatively small but significant numbers of people that gamble excessively and experience personal, family and financial problems. So in responding to this consultation, Council would like to state its formal position as follows:

- Support of measures likely to reduce gambling-related problems with particular focus on place based impacts, as well as for increased assistance to residents with gambling problems.
- The promotion of responsible gaming practices by local venues.
- The transparent redirection of revenue obtained from electronic gaming to the local community.

Frankston City currently has a municipal limit of 954 EGMs as set by the VCGLR in August 2012 and is home to nine gaming venues with a total of 509 EGMs, that is 4.78 EGMs per 1,000 adults. In 2015-16, a total of \$62,900,685 was lost on these EGMs, which equates to \$171,860 being lost to EGMs each day and \$123,577 for each machine. Council would like to note that this data does not necessarily demonstrate the social and economic harms being felt by some of the Municipality's most socio-economically disadvantaged communities as a result of these EGMs. Whereas Frankston City is well below its municipal limit, in 2015-16 there was still \$591 lost per adult within Frankston City, which is higher than the state average of \$553 lost per adult. Should an analysis of the amount lost per adult be conducted on the gaming patrons at the two highest grossing gaming venues in Frankston City, the Seaford Taverner in Seaford and Sands Taverner in Carrum Downs, both of which are located within the Municipality's most socio-economically disadvantaged areas, we are confident that the loss per adult would be significantly higher.

Question 1: Is the current \$200 per EFTPOS transaction limit appropriate? If not, what other regulatory measures would support the objectives of the Act?

Council supports the introduction of a daily withdrawal limit of \$200 per card on EFTPOS facilities in gaming venues, as per the practice currently used in Tasmania. This change would replace the current practice in Victoria of a withdrawal limit of \$200 per transaction with no daily limits on the total amount withdrawn nor on the number of transactions made. It is believed that this could be a significant harm minimisation measure, particularly for problem gamblers, when implemented as part of a broader package of harm minimisation measures.

This position is strongly supported by findings from Hare, S. (2015)¹ which found that:

Problem gamblers reported accessing EFTPOS a significantly greater number of times for each gambling session (Mean=3.46 times per session) compared to non-problem gamblers (Mean=0.14 times) (t=3.85, p<.001). The same trend also applied to moderate risk gamblers (Mean=1.55 times) (t=4.63, p<.001), although the difference was not significant for low risk gamblers (Mean=0.98 times). In addition, results showed that, compared to non-problem gamblers, moderate risk (OR=13.02, p<.05) and problem gamblers (OR=34.95, p<.001) were significantly more likely to make EFTPOS withdrawals four times or more per session.

¹ Hare, S. (2015) Study of Gambling and Health in Victoria, Victoria, Australia: Victorian Responsible Gambling Foundation and Victorian Department of Justice and Regulation.

A very similar overall trend was observed for the mean amount of money withdrawn from EFTPOS (Figure 22). Problem gamblers withdrew a significantly larger amount of money per gambling session (Mean=\$317.93) compared to non-problem gamblers (Mean=\$65.56) ($t=5.95$, $p<.001$), as did moderate risk gamblers (Mean=\$130.12) ($t=3.69$, $p<.001$). There was no difference between low risk and non-problem gamblers. Findings also showed that, relative to non-gamblers, problem gamblers were the only risk category significantly more likely to withdraw from EFTPOS over \$200 per gambling session (OR=13.26, $p<.05$).

Council is also concerned by gaming venues located within close proximity to ATMs, which provide access to much higher transaction limits. Given the distance between gaming venues and ATMs would be difficult to regulate, there is a need to also implement additional measures that take a primary prevention approach to prevent the onset of problem behaviours amongst non-problem gamblers.

Questions 2 to 4:

- **Is the current \$1,000 threshold for the payment of winnings by cheque appropriate? If not, what should be the limit?**
- **Should payment by EFT be permitted in addition to, or as a replacement for, payment by cheque?**
- **Are there other payment methods that should be considered for the payment of credits/winnings?**

Council notes that currently the payment of large winnings of \$1,000 or more are made by cheque only, which results in administrative costs being incurred by gaming venues.

As such, Council supports the introduction of the payment of large winnings of \$1,000 or more be made using electronic transfer methods only (such as EFTPOS, bank deposit or other electronic deposit) with the transaction delayed to ensure that winnings are not accessible by gaming patrons within 24 hours. Council would not support the introduction of electronic transfer methods should the transactions take place 'the following day', as many gaming rooms within gaming venues operate for the statutory limit of 20 hours per day, seven days per week. Such a measure could effectively only delay gaming patrons' access to the winnings by a few hours. It is believed that this could be a harm minimisation measure to prevent large winnings being made available immediately for further gambling, when implemented as part of a broader package of harm minimisation measures.

Question 5: Should venue operators be able to exchange personal cheques for cash?

Council notes that gaming venue operators are currently permitted to cash a personal cheque up to a maximum value of \$400. This is of concern to Council as it not only enables further access to large amounts of cash, which is significant for problem gamblers, but also enables cheques that have been issued as winnings in one gaming venue to be exchanged for cash at another gaming venue.

As such, Council supports the introduction of restrictions placed on gaming venues for the exchange of personal cheques.

Question 6: If cashless gaming and or TITO is introduced, how should they be regulated so that they are consistent with other measures that limit access to cash? What harm minimisation measures should apply?

Council notes that Ticket-in Ticket-out (TITO) is a ticketing system used on EGMs that enables play without the use of cash. Council is concerned by the evidence below in Hare, S. (2015)² which highlights that this system can have a detrimental impact on gaming patrons who are at risk of problem gambling:

A range of studies have established that many gamblers will lose track of both money and time during gambling and are frequently unaware of whether they are ahead or behind in play (e.g., McDonnell-Phillips, 2006; Nower and Blaszczynski, 2010). For this reason, the study examined how often gaming machine players lost track of both money and time during play in the past 12 months. This was also measured in 2014 to permit a baseline for future follow-up after implementation of pre-commitment in Victoria (on December 1, 2015). Results are in Figure 23 and Figure 24. Consistent with findings of past studies (e.g., McDonnell-Phillips, 2006), compared to non-problem gamblers, all at risk categories were significantly more likely to lose track of both money and time during gambling (Problem gamblers – Money $t=11.38$, $p<.001$).

As such, Council does not support the introduction of cashless gambling or TITO in Victoria.

Questions 7 to 8:

- **What opportunities are there to improve the way codes operate in Victoria?**
 - Are there other models that would be more effective? If so, what are they?
 - Would a more prescriptive approach for all venue operators be better? Could the operation of codes be simplified?
 - Are there other matters that should be provided for in the Ministerial Direction for codes?
 - What requirements for loyalty schemes should be included in a code to promote responsible gambling?
- **Should the requirement to interact with customers who are showing signs of distress from gambling be part of codes, or should a separate offence be created for venue operators who fail to respond to suspected problem gambling?**

Council notes that the gaming venues are currently required to have a Responsible Gambling Code of Conduct (code) that demonstrates a commitment to fostering responsible gambling. However, Council is concerned that these current codes are a weak form of self-regulation and are not well enforced. Further to this, Council would like acknowledge the recent literature review from Monash University that highlights that there is limited empirical evidence supporting many of the responsible gambling measures adopted by venues as part of their responsible gambling codes of practice. While there is some supporting evidence regarding for example, self-exclusion programs, there is only a narrow body of evidence supporting the efficacy of measures such as signage, messages, and venue staff interacting with problem gamblers.³

Council supports the introduction of a Responsible Gambling Code of Conduct prepared by the Victorian Responsible Gambling Foundation (VRGF), as an independent body from government. Council believes that the VRGF would be well positioned to undertake this role following the recent release of a best practice guide that provides a comprehensive set of indicators which gaming venues and staff should be both aware of and act on.

² Hare, S. (2015) Study of Gambling and Health in Victoria, Victoria, Australia: Victorian Responsible Gambling Foundation and Victorian Department of Justice and Regulation.

³ What is the evidence for harm minimisation measures in gambling venues? Livingstone, Rintoul and Francis, Evidence Base, issue 2, 2014, <journal.anzsog.edu.au>, ISSN 1838-9422, version 1.

Questions 9 to 13:

- **Are self-exclusion programs best administered by the industry or by another body?**
- **Should there be one self-exclusion program in Victoria?**
- **How could self-exclusion programs be improved?**
- **Are self-exclusion programs best administered by the industry or by another body?**
- **Should there be a separate offence for venue operators who knowingly allow self-excluded persons to enter or remain in the venue?**

Council notes that gaming venues are required to have a self-exclusion program that have been approved by the VCGLR.

Council is concerned about the effectiveness of self-exclusion programs as a harm minimisation measure as they are not preventative and more geared towards problem gamblers. The literature review by Monash University found that:

A problem with Self-Exclusion programs is their low take-up rate among gamblers, particularly problem gamblers. Australia's Productivity Commission (2010) calculated that the take up rate for SE amongst problem gamblers was around 9–17 percent. However, Williams et al. (2012) report use of between 0.6–7 percent of problem gamblers in Canadian provinces in 2005, and a study from the Australian states of Victoria and South Australia reports use of 2.5–3.5 percent of problem gamblers (O'Neil et al. 2003).⁴

Council requests that DoJR commissions some further assessment and evaluation into self-exclusion programs as an effective harm minimisation measure, and that these programs are better regulated and enforced and administered by an independent body such as Gambler's Help services with a single point of entry.

Council supports the introduction of a separate offence for gaming venues who knowingly allow for self-excluded persons to enter or remain in the premises. As operators of a high-risk and potentially harmful product, gaming venues have a duty of care to ensure that gaming patrons are not harmed, as far as is practical. Penalties for offences should be linked to venue losses, for example one penalty offence should be equivalent to the average daily losses on EGMs in that venue.

It is noted that in 2015-16 the Victorian Government earned \$1880.5m taxation revenue in gambling taxes (levied mainly on private lotteries, electronic gaming machines, casino operations and racing). As such, Council would like to recommend the introduction of the following harm minimisation measures regulated by independent bodies:

- Self-exclusion programs that are regulated, administered and monitored by Gambler's Help services with a single point-of-entry.
- A Responsible Gambling Code of Conduct for gaming venues prepared by the Victorian Responsible Gambling Foundation.
- A Gambling and Liquor Ombudsman, who could consider complaints made about gaming venues.

⁴ What is the evidence for harm minimisation measures in gambling venues? Livingstone, Rintoul and Francis, Evidence Base, issue 2, 2014, <journal.anzsog.edu.au>, ISSN 1838-9422, version 1.

Question 14 to 16:

- **Should a new requirement to undertake advanced responsible service of gaming training be introduced?**
- **If so, who should be required to complete the advanced training and what content should the training include?**
- **Who should be responsible for the development and provision of the advanced training?**

Council notes that there is a statutory requirement for gaming venue staff to complete Responsible Service of Gaming training, which is designed to equip staff with the knowledge and skills to ensure that gaming is provided responsibly.

Council would like to acknowledge the training program that has been developed by the VRGF for gambling venue staff that is due to commence in January 2017. It is our understanding that this program will have two modules: a preliminary online session which must be completed within one month of employment; followed by a second module delivered by the Venue Support Worker program of Gamblers Help. This must be undertaken within six months of employment. Council requests that this training program is allowed to be implemented and evaluated before any further consideration is given to training programs.

Council supports an advanced training program for gaming venue managers and responsible gambling officers. The Victorian Responsible Gambling Foundation should be responsible for the development and provision of this training.

Questions 17 to 19:

- **Do you think regional caps and municipal limits should be maintained? Why?**
- **Should regional caps be extended beyond the existing capped areas and if so, why?**
- **Are the current regional cap and municipal limit levels appropriate?**

Council notes that the distribution of gaming machine entitlements is subject to regional caps and municipal limits that limit the number of gaming machines in each region.

Whereas Council broadly supports the use of regional caps and municipal limits, it is concerned that this is not an effective measure to limit the numbers of and access to gaming machines in areas of socio-economic disadvantage and most vulnerable to the harmful effects of gambling, particularly when they are set so high.

Findings from the Regional Electronic Gaming Cap Review (2005) recommended a universal cap to be set at 8 EGMs per thousand adults. Whilst the panel recommended this cap, State Government set different densities for the different capped regions via the Order under Section 3.2.4(1) of the Gambling Regulation Act 2003 (Victorian Government Gazette No S 361, 20 October 2009). Regional caps were introduced in 19 regions based on:

- Ten gaming machines per 1,000 adults or
- The number of gaming machines per 1,000 adults at the date of the order (12 Oct. 2006).

There was no evidence base in the development of the capped regions that determines the maximum permissible number of entitlements in Victoria. There has been little research into the effectiveness of regional caps to date in Victoria or Australia and therefore as an effective harm minimisation strategy it is difficult to provide a measured response that is born about by evidence, feedback from Councils or the community. The timeframes for this process are not conducive to meaningful consultation with the community on this issue.

The Gaming Machine Harm Minimisation Measures Review needs to acknowledge that there is currently an unfair spread of gaming machines within the Melbourne metropolitan area, where a significantly larger proportion of machines are located in areas experiencing high levels of social and economic disadvantage. The Review should consider a more equitable distribution of EGMs throughout the metropolitan area to ensure that the financial benefits (and its costs) of gaming are distributed more fairly and that, including the support of alternative social/recreational activities.

Council would like to see a redistribution of gaming machines away from areas of social disadvantage as we believe that the number, location, and distribution of gaming machines are critical factors when examining the impacts of gaming on local communities.

Previous research has found that gaming venues and machines tend to be clustered in areas of greatest socio-economic disadvantage. This holds true for Frankston. Of concern:

- Whereas Frankston City is well below its municipal limit of EGMs, in 2015-16 there was still \$591 lost per adult within Frankston City which is higher than the state average of \$553 lost per adult. The amount lost per adult in Frankston City is comparable to the City of Knox, which has an additional 257 EGMs.
- The two highest grossing gaming venues in Frankston City are the Seaford Taverner in Seaford and the Sands Taverner in Carrum Downs, both of which are located within the Municipality's most socially and economically disadvantaged local areas.
- In 2015-16, the Sands Taverner had a similar number of EGMs to the Grand Hotel located in the central activity area of Frankston, yet it grossed an additional \$3.8m in player losses.

Council therefore requests for the Government to commission an assessment and evaluation of regional caps and municipal limits as an effective harm minimisation measure.

In addition, the Victorian Regulatory System needs to be responsive to regular reviews in order that the distribution and the number and densities of EGMs is fair and attains the objectives of capping – namely to “protect communities that are most vulnerable to the harmful effects of gambling” (Regional EGM Cap Review Panel: Final Report November, 2005, p xi).

Council also supports the introduction of a policy that enables density to be measured at a sub-municipal level such as 2.5km radius around a gaming venue. This would not intend to reflect the entire catchment of a gaming venue, but rather to enable density to be measured in a consistent way. This figure is based on research that demonstrates that the primary catchment for gaming venues is within 2.5km⁵.

⁵ Gaming Machine Accessibility and Use in Suburban Canberra, ANU, 2004 and S, Hare (2009) A Study of Gambling in Victoria - Problem Gambling from a Public Health Perspective: Victorian Department of Justice.

13.1 NOM 1253 - Pines Men's Shed

On 13 December 2016 Councillor Aitken gave notice of his intention to move the following motion:

That heating, cooling facilities for the Pines Men's Shed be referred to the mid year budget.

COMMENTS BY CHIEF EXECUTIVE OFFICER

In the event of the Notice of Motion being successful the request will be referred to the mid-year budget review for consideration.

COMMENTS BY DIRECTOR COMMUNITY DEVELOPMENT

Cost estimates will be prepared and submitted for Council's consideration as part of the mid-year budget review.

ATTACHMENTS

Nil

13.2 NOM 1257 - Cameras at Belvedere Shopping Centre

On 13 December 2016 Councillor Aitken gave notice of his intention to move the following motion:

That an immediate enquiry be made into the installation of CCTV cameras at Belvedere Shopping Centre.

Further that all shop operators be updated in writing.

COMMENTS BY CHIEF EXECUTIVE OFFICER

Council has obtained grant funding for this work to proceed and the works will be tendered in early January 2017.

It is expected that works to install the cameras will commence by no later than mid February 2017 which is well in advance of the funding milestone of April 2017.

Businesses at the Belvedere Shopping Centre will be advised of the proposed time frames.

ATTACHMENTS

Nil

13.3 NOM 1258 - Civic Reception for CFA Volunteers

On 14 December 2016 Councillor O'Connor gave notice of her intention to move the following motion:

With the recent onset of summer, Frankston City Council hold a 'civic reception' - hosted by the mayor – for salaried and volunteer local firefighters. The 'civic reception' should also acknowledge the long-time service of various firefighters to the Frankston municipality.

Councillor Rationale for Notice of Motion

Firefighters play an enormous role in the safety and wellbeing of Frankston City. This motion seeks council to formally offer its appreciation for both historic and ongoing efforts by local firefighters to protect our city.

COMMENTS BY CHIEF EXECUTIVE OFFICER

There is no doubt that firefighters and all emergency personnel play an important role in safe guarding our community.

Council can determine to conduct a Civic Reception noting the need for resources to enable this occur for firefighters, but might also wish to consider how they recognise other emergency services personnel.

Council conducts a number of major community events already which recognise the support of its community.

Council may like to consider options for either including emergency personnel in an existing event or perhaps consider a new event for the recognition of all emergency personnel.

ATTACHMENTS

Nil

13.4 NOM 1261 - Frankston 'Longest Lunch'

On 14 December 2016 Councillor O'Connor gave notice of her intention to move the following motion:

That a report be provided to council on the annual 'Longest Lunch' event conducted by Frankston-based Rotary clubs and the 'Proudly Frankston' community group. The report is to consider the following:

1. Improved future advertising for the event;
2. Improved future funding for the event;
3. Improved cooperation and communication between the aforementioned organisers and councils marketing and events staff;
4. Reduced red tape and/or council assistance to the organisers in mitigating time spent on administrative prepping; and
5. Annual debrief between the organisers and council on the successes/failures of the event.

Councillor Rationale for Notice of Motion

The Frankston 'Longest Lunch' has turned out to be a wonderful annual fixture for the Frankston community. The event held in Wells Street last month attracted over six hundred local residents. However, organisers have indicated difficulties from funding to support from council staff. These kind of community events bring the Frankston community together, and council must do all it can to keep such events in existence. Hence the request for a report (and potential improvements for future 'Longest Lunch' events).

COMMENTS BY CHIEF EXECUTIVE OFFICER

The lazy long lunch has been conducted over the last four years (twice at Frankston Park, once at Morningson Racecourse and this year in Wells Street) and Council has been a supporter of the event.

Council has contributed financial resources, staff assistance and has supported the events on the day through the purchase of tickets.

In the lead up to the events, the organisers have been able to meet with Council staff to seek advice and direction.

All events require a certain level of paperwork relating to matters such as site plans, risk management, insurance, traffic control, waste management and to reduce these requirements could place both the organisers and the Council in a situation that could expose them to potential action if something untoward were to happen.

The event is an excellent way to promote our municipality and as such Council should continue to explore how best to support the organisation.

A report will be prepared and brought back to Council outlining the expectations of the organisers against the resources required to meet those expectations.

ATTACHMENTS

Nil

13.5 NOM 1262 - Assistance to generationally challenged community groups and community sporting clubs

On 14 December 2016 Councillor O'Connor gave notice of her intention to move the following motion:

That Council provide in-kind support to local community and sporting organisations having difficulties retaining and growing respective memberships due to intergenerational gaps (i.e. Country Women's Association, Lions Clubs, Rotary Clubs, Army Cadets, Scouts, Croquet, Bowls etc). The Council is to provide support including advertising (using existing council advertising resources), strategic advice to organisations on how to culturally prepare organisations for new generational inclusion and assisting with outreach/networking to streams with demographical benefit to such local organisations in need of new members.

Council is to also establish a new category within the existing Miscellaneous Grants scheme for community groups/sporting clubs wishing to expand their membership bases.

A report is to be provided to council no later than eighteen months advising council on progress made relating to this motion.

Councillor Rationale for Notice of Motion

Frankston has many fantastic community and sporting organisations. However, sadly, many of these organisations are suffering from dwindling memberships due to lack of generational prepping / changing demographics. The alternative, to this motion, is to let such groups die a 'gradual death'. This motion seeks to task Frankston City Council with a pro-active approach to saving many of these groups from becoming extinct. This motion states that council approach interested organisations to persuade them to adopt new generationally friendly approaches to attract new members. It is vital the Frankston City Council play a strong role in attempting to revamp the many community and sporting clubs insofar to prevent them from becoming defunct.

COMMENTS BY DIRECTOR COMMUNITY DEVELOPMENT

Should Council support this Notice of Motion a report will be provided to Council in April 2017 to outline the methodology to deliver the in-kind support together with the additional costs.

Once Council has agreed to the program, a report detailing its success will be presented to Council no later than May 2018.

Council has recently reviewed the Miscellaneous Grants program. A further report to Council is necessary to alter the policy. This also can be drafted for the April meeting.

ATTACHMENTS

Nil

13.6 NOM 1263 - Hoon Driving in Frankston

On 16 January 2017 Councillor Bolam gave notice of his intention to move the following motion:

That a report be provided to council at the May Ordinary Meeting to consider the following options to combat ongoing instances of careless driving in Frankston (ala 'hoon driving'):

1. Council's capacity to issue infringement penalties for both reckless speeds and manoeuvring from water based vehicles in/on surrounding waters;
2. Council's capacity to impose penalties, in addition to state-wide punitive penalties, for both reckless speeds and manoeuvring of vehicles on roads;
3. Council's capacity to issue infringements, by virtue of the Environmental Protection Act, to those who commit noise violations (due to dangerous / 'hoon' driving) under the act; and
4. Additional initiatives – in concert with existing council programs – that could curtail the prevalence of hoon driving in Frankston.

COMMENTS BY CHIEF EXECUTIVE OFFICER

In the event of the Notice of Motion being passed the report will be presented to the May 2017 Ordinary Council Meeting.

ATTACHMENTS

Nil

13.7 NOM 1264 - Frankston History taught in Local Schools

On 16 January 2017 Councillor Bolam gave notice of his intention to move the following motion:

That a report be provided to Council at the May Ordinary Meeting in relation to the introduction of local (Frankston) history as curriculum for primary school students.

The report should consider:

1. Council's capacity with local community groups and historians to put together a yearly curriculum package (including any recurrent costings such as research, subsidies and paperwork);
2. The inclusion of history in a potential curriculum package which spans from Frankston's initial indigenous inhabitants (the Boonerwung and Bunurong people) to Frankston's modern European settlement;
3. The receptiveness of the Department of Education and public, private and denominational schools within the Frankston LGA to embrace such curriculum; and
4. The introduction of a resource portal / website section on the Frankston City Council website for residents (beyond primary school students) interested in learning more about diverse Frankston's history

COMMENTS BY CHIEF EXECUTIVE OFFICER

In the event of the Notice of Motion being passed investigations into all of the matters raised will be undertaken with a view to reporting back to the Council at the February 2017 Ordinary Meeting.

COMMENTS BY DIRECTOR COMMUNITY DEVELOPMENT

A report will be prepared for the April Council Meeting outlining the opportunity for the Department of Education and Training (DET) to introduce a local history unit into the curriculum.

A letter seeking the interest of all DET and private primary schools will be sent in the first instance.

ATTACHMENTS

Nil

13.8 NOM 1265 - Cleanliness of Frankston City

On 16 January 2017 Councillor Bolam gave notice of his intention to move the following motion:

To ensure the cleanliness of our streets, parks and reserves – Council resolves that the following measures occur:

1. That the CEO reviews the management of the cleaning maintenance of all council land and presents a maintenance model to Council's satisfaction in May 2017. The model must ensure Council land is maintained to an agreed service level which also includes random audits against the service levels.
2. That a letter be sent to Frankston MP, Mr Paul Edbrooke and the relevant government Ministers expressing concern about the presentation and cleanliness of land belonging to VicRoads in the Frankston LGA. The letter outline the proposal of a pilot project between Council and VicRoads to implement a cleaning maintenance program at an appropriate and similar service level to that endorsed by Council as a consequence of the maintenance service review and further, the council undertake maintenance works on their behalf on the proviso that VicRoads be invoiced for services rendered.
3. That a letter be sent to Frankston MP Paul Edbrooke and the relevant government Ministers expressing concern about the presentation and cleanliness of VicTrack land and that Council, should there be no improvements by May 2017, considers it option to pursue issuing infringement notices for unsightly land under the General Local Law No. 8.
4. That the outcome of the responses from VicRoads, VicTrack and the State Government be included in the report to council in May 2017. If the responses are not to the satisfaction of council it considers options including a public campaign to State Government to compel VicRoads and or VicTrack to improve its cleaning regime on the land for which they are responsible.
5. That a 'rapid response' team be established to improve responsiveness to community requests for maintenance of a reactive nature. Such a team would be able to respond to reactive requests quickly, which in turn would ensure programmed maintenance activities remain on track. The team also report any unsightly private land to Council's Authorised Officers for follow up investigation and infringement.
6. It be noted that council formally impounds abandoned trolleys found on council/common land under the appropriate subject to General Local Law Number 8. Council officers are to seek formal Australian Tax Office advice to assess Council's ability to 'donate' a proportion of shopping trolley impound and or release fees to the Frankston Charitable Fund and include the advice in the May 2017 report to Council.
7. That state legislative provisions to curtail rubbish dumping outside private properties are included in the May 2017 report. If considered necessary recommendations regarding the need for further legislative change also be included.
8. That a detailed letter be prepared and included in the next rates notice to all property owners on the rates register to remind them of the council's expectations that they ensure no rubbish is placed the nature strip outside of the provisions for hard waste collections.

13.7 NOM 1264 - Frankston History taught in Local Schools

9. That officers improve and provide a supportive customer service response to public reports of dumped rubbish and abandoned shopping trolleys and this also be considered in the May 2017 report.
10. The document titled "Possible Initiatives to Rid the City of Trolleys and Rubbish" (Seiffert, B. 2017) also be considered in the May 2017 report to Council.

COMMENTS BY CHIEF EXECUTIVE OFFICER

In the event the Notice of Motion is successful, the following comments are made:

1. The report for the May 2017 Council meeting will be prepared.
2. A letter can be prepared for VicRoads over signature by the Mayor
3. A letter can be drafted for VicTrack over signature by the Mayor
4. A letter can be drafted for Local MP and relevant Ministers over signature by the Mayor
5. The outcome of the responses from VicTrack, VicRoads and State government will be included in the may report
6. A rapid response team is in the throes of being established as part of the structure of the Operations Centre
7. Council will seek formal advice from the ATO re Council donations to a Council sponsored sub fund of the Lord mayors Charitable Foundation
8. Legislative provisions curtailing dumped litter will be outlined in the may report
9. A notice to rate payers will be drafted for inclusion in the next rates notice
10. Customer responses and process improvements will be addressed
11. A copy of the document titled "Possible Initiatives to Rid the City of Trolleys and Rubbish" has been requested.

COMMENTS BY DIRECTOR

Should Council support this Notice of Motion a report outlining a cleaning maintenance regime will be prepared for the Ordinary Council meeting in May 2017. The report will include legal provisions and advice and proposed levels of service together with costs.

A letter will be prepared for the local M.P. Mr Paul Edbrooke, VicTrack, VicRoads and relevant Ministers regarding the current maintenance of State Government property and the opportunity for Council to undertake the maintenance work for VicRoads on their behalf.

Service levels and resources are currently under review. Included in this is the establishment of a rapid response team.

Council currently monitors private land and issues infringements under provisions for fire prevention; and illegally dumped rubbish, unsightly and dilapidated properties (General Local Law No 8, which includes the ability to infringe non-compliant land owners).

ATTACHMENTS

Nil

13.9 NOM 1266 - Homelessness Count

On 16 January 2017 Councillor Bolam gave notice of his intention to move the following motion:

That a report be provided to Council at the April Ordinary Meeting regarding the introduction of a bi-annual homeless count of 'rough sleepers' within the municipality, namely Central Frankston. The report is to consider what a Frankston based bi-annual homelessness count could look like.

The report is to also consider what value raw data on 'rough sleepers' (people sleeping on our streets), combined with data from non-government organisations and government service providers on other forms of homelessness (i.e. 'couch surfers', 'hotel dwellers' etc.), could deliver insofar state and federal funding opportunities.

COMMENTS BY CHIEF EXECUTIVE OFFICER

In the event of the Notice of Motion being successful a report will be prepared for the April 2017 Ordinary Meeting.

COMMENTS BY DIRECTOR COMMUNITY DEVELOPMENT

Should Council support this Notice of Motion, a report will be provided to the April Ordinary Meeting exploring the introduction of a bi-annual homelessness count of rough sleepers together with the additional costs of the count.

A detailed report on Housing Affordability and Homelessness was presented to Council in 2015 and subsequently used as a platform for advocacy to the State Government who is responsible for social housing and funding services to support people experiencing homelessness. Page 3 of the report highlights:

"The 2011 Census recorded 477 homeless people in Frankston including 23 people living in improvised dwellings, tents or sleeping out; 159 in supported accommodation and 101 temporarily staying with other households. However, in 2012-13 local metadata provided by SalvoCare Eastern highlighted 2,200 unique homeless clients as well as an additional 600 repeat clients. This equates to 1 in 65 members of our community requiring emergency housing in any given year. The service data from Frankston's local agencies allows us to draw reliable inferences about the homeless community in Frankston, including its size and demographic mix. For instance, Community Support Frankston, a major provider of material aid and emergency relief within the municipality, assisted 1,316 people without secure accommodation in 2013. In 2014, they reported a 30% increase in clients presenting to their service with no fixed address. Local agencies report that 83% of their local homeless clients are aged 26-55, and 64% are male but as families struggle with rising housing and utility costs agencies are also reporting a significant growth in the number of homeless families."

ATTACHMENTS

Nil

13.10 NOM 1267 - Citywide Footpaths Audit

On 16 January 2017 Councillor Bolam gave notice of his intention to move the following motion:

That Council resolves that footpath audits – assessing the condition of footpaths and whether remedial works are needed – be conducted every six months as opposed to the present practice of twenty-four months.

COMMENTS BY CHIEF EXECUTIVE OFFICER

A full audit of the Council's footpaths and shared pathways has just been undertaken and the data is now being analysed which will then provide detailed work plans.

This work is also supported by Council's investment in the FAMIS system to allow for work to be planned and tracked resulting in a more effective and efficient service.

Replacement of and construction of footpaths are subject to Council's annual budget allocations.

In addition Council have intervention levels for footpaths if reported by the community or officers.

If the Notice of Motion was successful in its current form it should be noted that additional resources that currently do not exist would be required at additional cost.

COMMENTS BY DIRECTOR COMMUNITY DEVELOPMENT

A report will be prepared for Council's consideration in March 2017 of the additional costs and benefits of increasing the current service levels.

Preliminary Costs are:

- Cost to do audit \$80K-\$90K per round (complete using motorised buggies).
- Work could take 12-15 weeks per round for the City.
- Currently completed by contractor with specialised equipment increase cost effectiveness. If completed by internal a Band 4 to 5 would be required and some investment in equipment.

ATTACHMENTS

Nil

13.11 NOM 1268 - Outstanding Notice of Motion's Backlog

On 16 January 2016, Councillor Bolam gave notice of his intention to move the following motion:

That Council request the Frankston City Council Internal Ombudsperson undertake an investigation of all successful motions (NOMs) in the past eight years. The Ombudsperson is to determine whether the organisation has completed council mandated resolutions in an effective and efficient fashion.

Following the gathering and assessment of the said resolutions, the Ombudsperson must then refer its findings back to council for consideration. This report is to be provided no later than June 2017.

The report should recommend – if findings are adverse – improved safeguards to ensure council resolutions are actioned adequately. The report should also identify any outstanding NOMs and provide a roadmap for their timely implementation.

COMMENTS BY CHIEF EXECUTIVE OFFICER

Whilst this work can be undertaken, it will come at a cost of a resource for a period of time due to the extended time period nominated in the Notice of Motion.

As a result of Council moving to an automated agenda system nearly four years ago, this period of time will prove to be less time consuming to trace the Notices of Motion.

Some Notices of Motion required letters to be written and others required much greater actions.

Even those that required only letters will then need to be tracked for responses, any further Council reports or briefings, and if there were any subsequent actions which would then set the investigation trail in motion again.

Beyond the first four years, the next four years could prove very challenging.

Files would have to be reviewed and officers will have to be involved in providing any additional information.

The Council will also consider a Notice of Motion to have the progress of Notice of Motion reported back to Council and this will certainly assist in progressing the passage of any future Notices of Motion.

Some historical Notices of Motion may no longer be relevant due to the passage of time or the maker may have been resolved.

An initial check of the number of Notices of Motion over this time period would place the number at around 1,300.

It is considered that for a thorough investigation of this number an officer would need to be assigned for a period of at least three months to follow each Notice of Motion through to its conclusion.

13.11NOM 1268 - Outstanding Notice of Motion's Backlog

Then depending on the outcomes a plan would need to be developed to address any improvements to the system.

It is considered that the value of the officer's time would be in the vicinity of \$20,000.

ATTACHMENTS

Nil

13.12 NOM 1269 - Self Funded Retirees Eligibility for 'concession' discount on/for Frankston City Council Rates

On 23 January 2017, Councillor O'Connor gave notice of her intention to move the following motion:

Council writes to the State Government seeking their support for a concession scheme for self funded retirees.

That Council receives the report on advocacy no later than April 2017.

Councillor Rationale for Notice of Motion

Self-funded retirees should be rewarded for cultivating savings for their retirement. Many hardworking and contributing residents of our city are self-funded retirees. To create parity for our senior citizens, and acknowledging the hardships that even self-funded retirees experience in retirement, the 'concession' discount should be applied to all retirees (pensioners and self-funded retirees) and also renamed accordingly

COMMENTS BY CHIEF EXECUTIVE OFFICER

Eligible pensioners within the municipality receive a pensioner rebate that is set by the State Government and then passed on by Council.

The State Government will need to be approached and lobbied to amend the definition to include self-funded retirees.

Letters will be prepared to be sent to the Treasurer, Shadow Treasurer, Mr Paul Edbrooke MP Member for Frankston, Ms Sonya Kilkeny MP Member for Carrum, Mr Neale Burgess MP Member for Hastings and Upper House Members seeking their support for this request.

ATTACHMENTS

Nil

13.13 NOM 1270 - Funding for Life Saving Clubs

On 29 December 2016, Councillor Toms gave notice of his intention to move the following motion:

That Council writes and advocates to the State Government for lifesaving clubs receiving funding, for salaries to be paid to volunteers in our municipality during the peak summer period.

COMMENTS BY CHIEF EXECUTIVE OFFICER

If the Notice of Motion is passed a letter will be prepared to the Minister for Emergency Services requesting that funding be provided.

In addition letters will be sent to Mr Paul Edbrooke MP, Member for Frankston and Ms Sonya Kilkenny MP, Member for Carrum seeking their support.

ATTACHMENTS

Nil

13.14 NOM 1271 - Access to Frankston Nature Reserve - Sweetwater Creek

On 17 January 2017 Councillor Toms gave notice of his intention to move the following motion:

That the CEO request officers to consult with the Sweetwater Creek Association and advocating to Mr Paul Edbrooke MP regarding the possibility of a second gateway opening into the Frankston Nature Reserve in Frankston South.

That a report is presented at the March Council meeting.

COMMENTS BY CHIEF EXECUTIVE OFFICER

In the event that the Notice of Motion is adopted arrangements would be made to undertake the consultation and the report be prepared.

It is suggested that the consultation also be extended to include the Frankston Nature Reserve Committee of Management who have the responsibility for the reserve.

ATTACHMENTS

Nil

13.15 NOM 1272 - Acknowledgement of Traditional Owners

On 19 January 2017 Councillor McCormack gave notice of her intention to move the following motion:

That Council ensure forthwith that an acknowledgement of Traditional Owners is included in all printed itineraries advertising for events and festivals co-ordinated by Council and that Traditional Owners are invited to perform a Welcome to Country at events such as, but not limited to, the Lighting of the Tree and Waterfront Festivals.

COMMENTS BY CHIEF EXECUTIVE OFFICER

It is suggested that a meeting be arranged with the respected elders to discuss how the Council can provide for greater recognition of the traditional owners at its events and festivals.

Following the meeting a report would be provided to Council at its March 2017 meeting covering the arrangements that would be put in place to ensure the all appropriate protocols around the acknowledgement of the traditional owners are in place.

ATTACHMENTS

Nil

13.16 NOM 1273 - Fees for Busking Permits

On 19 January 2017 Councillor McCormack gave notice of her intention to move the following motion:

That the relevant Council Officers conduct a review of the fees charged for those seeking to obtain a busking permit and provide a report back to Council within 6 weeks.
As an interim measure there be an immediate special circumstances provision instituted to enable review of fees charged to obtain a busking permit in individual cases.

COMMENTS BY CHIEF EXECUTIVE OFFICER

The fee charged for busking permits is included in Council's overall fees and charges document which forms a part of the overall development of the Council's budget.

It is considered more appropriate to look at the busking permit fee in this context rather than in isolation and Councillors can discuss the permit fee as a part of the budget preparation.

With respect to interim measures around busking permits officers would like the opportunity to provide Council with a report at its February 2017 Council meeting on all aspects surrounding the issuing of busking permits to allow for further consideration on this matter.

ATTACHMENTS

Nil

13.17 NOM 1274 - Procurement Policies and Contracts

On 19 January 2017 Councillor McCormack gave notice of her intention to move the following motion:

That a review be undertaken of all procurement policies and contracts for goods and service provision to Council and a report be provided to Council within 12 weeks detailing where efficiencies could be achieved and where further local investment can be promoted.

COMMENTS BY CHIEF EXECUTIVE OFFICER

Council reviews its procurement policy on an annual basis and this is reported to Council.

There is a selection of contracts on an ongoing basis that are reviewed by the Internal Auditor and Council's Audit Committee on all aspects including compliance and value to the Council.

Prior to any contract being put out for tender the Executive Management Team review the past performance and the services required with a view to highlighting improvements.

A recent example of this work was the Facilities Maintenance Contract.

In all of the contracts that are tendered there is a weighting applied to capture support for local traders.

Council currently have 126 current contracts (service and works contracts) in place that would be the subject of the proposed review if the motion were successful.

ATTACHMENTS

Nil

13.18 NOM 1275 - Support to Traders in CAD

On 19 January 2017 Councillor Toms gave notice of his intention to move the following motion:

That the CEO instructs officers to continue with a vigorous approach to ensure that the State Government funds a staged Communications package, a Business Resilience Phase 2 package and an Open for Business marketing campaign.

COMMENTS BY CHIEF EXECUTIVE OFFICER

Council Officers recently met with Cr Toms and Cr Mayer to discuss how best traders in the Frankston CAA can be supported through the current period of construction activity in Young Street with the impending Transit Interchange works.

A variety of suggestions were canvassed that related to support from not only Council but staff, government, Frankston Business Network and the traders themselves.

These proposals will be put together with a view to consulting with key stakeholders and implementing the support plan as soon as possible.

ATTACHMENTS

Nil

16. CONFIDENTIAL ITEMS

Section 89(2) of the Local Government Act 1989 enables the Council to close the meeting to the public if the meeting is discussing any of the following:

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayer;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments;
- (f) Legal advice;
- (g) Matters affecting the security of Council property;
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

Recommendation

That the Ordinary Council Meeting be closed to the public to consider the following items which are of a confidential nature, pursuant to section 89(2) of the Local Government Act (LGA) 1989 for the reasons indicated:

C.1 Appointment and Authorisation of Council Staff

Agenda Item C.1 Appointment and Authorisation of Council Staff is designated confidential as it relates to personnel matters (s89 2a), and Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.2 Delegated Powers Report - Miscellaneous Grants and Frankston Arts Centre Discounts and Concessions - October, November, December 2016

Agenda Item C.2 Delegated Powers Report - Miscellaneous Grants and Frankston Arts Centre Discounts and Concessions - October, November, December 2016 is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.3 Minutes of the Frankston Arts Board - December Meeting

Agenda Item C.3 Minutes of the Frankston Arts Board - December Meeting is designated confidential as it relates to contractual matters (s89 2d)

C.4 Appointment of Independent Member to the Audit and Risk Management Committee

Agenda Item C.4 Appointment of Independent Member to the Audit and Risk Management Committee is designated confidential as it relates to personnel matters (s89 2a)

C.5 Audit and Risk Management Committee – Chairperson's Annual Report to Council

Agenda Item C.5 Audit and Risk Management Committee – Chairperson's Annual Report to Council 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)