



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 30 JANUARY 2017 at 7.05 PM**

PRESENT	Cr. Brian Cunial (Mayor) Cr. Sandra Mayer Cr. Glenn Aitken Cr. Colin Hampton Cr. Michael O'Reilly Cr. Steve Toms Cr. Quinn McCormack Cr. Kris Bolam Cr. Lillian O'Connor
APOLOGIES:	Nil.
ABSENT:	Nil.
OFFICERS:	Mr. Dennis Hovenden, Chief Executive Officer Mr. Tim Frederico, Director Corporate Development Dr. Gillian Kay, Director Communities Development Mr. Michael Papageorgiou, Manager Planning & Environment Ms. Naomi Neville, Coordinator Statutory Planning Ms. Natalie Cincotta, Coordinator Communications Ms. Michelle Tipton, Coordinator Council Business Support Ms. Vera Roberts, Executive Assistant to Mayor Ms. Andrea Gaynor, Executive Manager Mayor & CEO Office
EXTERNAL REPRESENTATIVES:	Nil

COUNCILLOR STATEMENT

Councillor Hampton made the following statement:

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

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

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

Chairperson's initials 

PRAYER

The Mayor, Cr Brian Cunial read the Opening Prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

MINUTE SILENCE

The Mayor noted the recent tragedy at the Bourke Street Mall which occurred on Friday, 20 January 2017 and requested a one minute silence in respect for the five victims.

OATHS OF OFFICE

Section 63 (2)(c) of the Local Government Act 1989 requires each Councillor's oath of office to be recorded in the minutes of the Council. Accordingly, the signed oaths of office are attached to these minutes.

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1. PRESENTATION TO COMMUNITY GROUPS

Cr Steve Toms presented a Certificate of Appreciation to Community Support Frankston for their work with the homeless providing meals, showers and support in Frankston.

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM295 held on 19 December 2016.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor O'Connor

That the minutes of the Ordinary Meeting No. OM295 held on 19 December 2016 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES

Nil

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Cr Quinn McCormack declared an interest in common with Item 13.14: NOM 1271 - Access to Frankston Nature Reserve - Sweetwater Creek. The nature of the conflict is that Cr McCormack is the Chair of the Sweetwater Creek Association.

Cr O'Reilly acknowledged the presence of Mr Darrel Taylor in the Gallery, a former Councillor and Mayor.

5. PUBLIC QUESTION TIME

One (1) person submitted questions Without Notice to Council. At the request of the Mayor, the Chief Executive Officer read the questions and answers to the gallery. The questions and answers are contained in Appendix.

6. HEARING OF PUBLIC SUBMISSIONS

Mr Coleby McDonough made a submission to Council regarding Item 11.1: Planning application 95/2016/P - To construct three double storey and one single storey dwellings (four dwellings) - 6 Northgateway Langwarrin;

Mr Stuart Allen made a submission to Council regarding Item 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;

Mr Stuart Allen made a submission to Council regarding Item 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;

Mr Darrel Taylor made a submission to Council regarding Item 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;

Mr Dan Dainton made a submission to Council regarding Item 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;

Ms Jenni Alexander made a submission to Council regarding Item 11.9: Frankston Planning Scheme Amendment C123 - Report on findings and recommendations of Panel Report;

Ms Hilary Poad made a submission to Council regarding Item 11.9: Frankston Planning Scheme Amendment C123 - Report on findings and recommendations of Panel Report;

Ms Eve Welch made a submission to Council regarding Item 11.9: Frankston Planning Scheme Amendment C123 - Report on findings and recommendations of Panel Report;

Mr Richard Finocchiaro made a submission to Council regarding Item 12.1: Appeal against Tree Protection Local Law decision – 44 Williams Street, Frankston;

Mr Peter Anscombe made a submission under Section 223 to Council regarding Item 12.3: Hearing of Submission – Setting of Mayoral and Councillor Allowances 2016 - 2020.

7. ITEMS BROUGHT FORWARD

Items Brought Forward

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Aitken

That:

- Item 11.1: Planning application 95/2016/P - To construct three double storey and one single storey dwellings (four dwellings) - 6 Northgateway Langwarrin;
- Item 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;

- Item 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;
- Item 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;
- Item 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;
- Item 11.9: Frankston Planning Scheme Amendment C123 - Report on findings and recommendations of Panel Report; and
- Item 12.1: Appeal against Tree Protection Local Law decision – 44 Williams Street, Frankston be brought forward.

Carried Unanimously

8. PRESENTATIONS / AWARDS

Cr Aitken advised the meeting that he had received thanks from a resident with regard to the recent construction of the netball courts at Jubilee Park.

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Petition – Ti-Tree Grove, Seaford

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

That the petition containing 7 signatures be tabled to investigate the costs to surface Ti-Tree Grove in Seaford.

Carried Unanimously

10. DELEGATES' REPORTS

Nil.

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

(MP Community Development)

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

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

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.

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.
 - 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 safely erected then 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.
- 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 :-
 - (a) Constructed to the satisfaction of the Responsible Authority;
 - (b) Properly formed to such levels that they can be used in accordance with the plans;
 - (c) Surfaced with an all-weather sealcoat; and
 - (d) Drained and maintained to the satisfaction of the Responsible Authority.Car spaces, access lanes and driveways must 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.

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.

Carried Unanimously

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

(MP Community Development)

Council Decision

Moved: Councillor Toms

Seconded: Councillor O'Reilly

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.
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;
 - 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;
 - 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.

Carried

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

Against the Motion: Cr Hampton

- 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**
(MP Community Development)

Council Decision

Moved: Councillor Hampton

Seconded: Councillor McCormack

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

Carried Unanimously

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

(MP Community Development)

Council Decision

Moved: Councillor Toms

Seconded: Councillor Hampton

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 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.
 - c) The setbacks of both dwellings to Hoadley Avenue annotated on all the relevant plans.
 - d) The provision of a free standing trellis to the northern boundary of Dwelling 2 accordance with Condition 6 of this permit.
 - e) The sitting room (first floor) of Dwelling 2 to demonstrate compliance with Standard B22 of the Frankston Planning Scheme.
 - f) The provision of a gate access (1.8 metres high paling fence) to the rear of the carport for Dwelling 1.
 - g) 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.
 - h) 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.
 - i) Tree protection conditions noted in accordance with Conditions 7 and 8.
 - j) A Landscape Plan in accordance with Condition 5.

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;
 - 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.
- 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 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:
- a. The development is not started within two years of the date of this permit.
 - b. The development is not completed within four years of the issued date of this permit.

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

Notes

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

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

Carried Unanimously

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

(MP Community Development)

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).
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:

- 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.

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 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.

Deferral Motion**Moved: Councillor Aitken****Seconded: Councillor Hampton**

That the matter be deferred for a meeting to be held at the earliest convenience between Councillors, Council Officers and the applicant to discuss the matter with the intention to clarify a number of issues relating to the application including an urgent survey of car parking availability in Concorde Crescent be conducted.

Carried Unanimously

The meeting was adjourned for five minutes at 8.27 pm

The meeting resumed at 8.35 pm.

11.9 Frankston Planning Scheme Amendment C123 - Report on findings and recommendations of Panel Report

(MP Community Development)

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.
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.

Deferral Motion to another Council Meeting

Moved: Councillor Aitken

Seconded: Councillor Hampton

That the matter be deferred to allow new Council to be further informed and relisted in the near future.

Carried

For the Motion: Crs Aitken, Bolam, Cunial, Hampton, Mayer, McCormack and O'Connor

Against the Motion: Crs O'Reilly and Toms

**12.1 Appeal against Tree Protection Local Law decision - 44 Williams Street
Frankston**

(MP Community Development)

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

That Council confirms the decision to refuse a permit for Tree removal at 44 Williams Street, Frankston.

Motion be put**Moved: Councillor Bolam****Seconded: Councillor O'Reilly**

That the motion be put.

Carried Unanimously

**The motion was then put
and Carried Unanimously**

11. CONSIDERATION OF TOWN PLANNING REPORTS**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**

(MP Community Development)

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

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:
 - (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 zoneAll 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.

Carried Unanimously

11.7 Planning application 432/2016/P - To use land to sell and consume liquor - 101 Wells Street Frankston
(MP Community Development)

Council Decision

Moved: Councillor Toms

Seconded: Councillor Aitken

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.
- 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.

Motion be put

Moved: Councillor Hampton

Seconded: Councillor McCormack

That the motion be put.

Carried Unanimously

**The motion was then put
and Carried Unanimously**

11.8 Submission - Review of the Liquor Control Reform Act 1998

(MP Community Development)

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

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. The submission also recommends that all liquor licence holders be compulsory members of municipal liquor accords.
3. Officers forward the submission to the Office of Liquor, Gaming and Racing noting that the submission is now an adopted Council position.

Carried Unanimously

11.10 October Town Planning Progress Report

(MP Community Development)

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

That Council receives and notes the report.

Carried Unanimously

11.11 November Town Planning Progress Report

(MP Community Development)

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

That Council receives and notes the report.

Carried Unanimously

12. CONSIDERATION OF REPORTS OF OFFICERS**12.2 Progress of Council Resolutions resulting from Notice of Motions**

(DH Chief Executive Office)

Council Decision**Moved: Councillor Hampton****Seconded: Councillor O'Connor**

That Council receives the Notice of Motion Report as at 19 January 2017.

Carried Unanimously

12.3 Hearing of Submission - Setting of Mayoral and Councillor Allowances 2016 - 2020

(MC Corporate Development)

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

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.

Carried Unanimously

12.4 Capital Works Quarterly Report (October - December) 2016/17

(CD Corporate Development)

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

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.

Carried Unanimously

12.5 Waste Minimisation and Management Plan - Year 1 Progress Report

(CD Corporate Development)

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

That Council receives and notes this progress report.

Carried Unanimously

12.6 2016-2017 Mid-Year Budget Review*(KJ Corporate Development)***Council Decision****Moved: Councillor Bolam****Seconded: Councillor Hampton**

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 \$750,000 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 for Langwarrin Men's Shed.
- Allocation of \$10,000 be made for the Pines Mens Shed for heating and cooling.
- Allocation of \$35,000 for the Seaview Road, Frankston South for footpath design.

3. Councillors receive a briefing on the principles and access to discretionary funds in reserves.

Carried Unanimously

Chairperson's initials



12.7 Response to Petition for a footpath at Seaview Road, Frankston

(AW Community Development)

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

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 2017-18 after a detailed design that accommodates the topographical and driveways constraints.
3. The Head Petitioner be advised accordingly.

Carried Unanimously

12.8 Consultation on Gaming Harm Minimisation Measures

(LD Community Development)

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

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.

Carried Unanimously

13. NOTICES OF MOTION**13.1 NOM 1253 - Pines Men's Shed**

(AG Chief Executive Office)

Councillor Recommendation

That heating, cooling facilities for the Pines Men's Shed be referred to the mid year budget.

Councillor Aitken withdrew this Notice of Motion.

13.2 NOM 1257 - Cameras at Belvedere Shopping Centre

(AG Chief Executive Office)

Councillor Recommendation

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.

Councillor Aitken sought leave of Council to amend his Notice of Motion 1257.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Bolam

That letters be sent by no later than Friday 3 February 2016 close of business to shop holders at the Belvedere Shopping Centre advising of when the camera roll out is occurring.

Carried Unanimously

13.3 NOM 1258 - Civic Reception for CFA Volunteers

(AG Chief Executive Office)

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

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.

Lost

For the Motion: Crs Aitken, Bolam and O'Connor

Against the Motion: Crs Cunial, Hampton, Mayer, McCormack, O'Reilly and Toms

Foreshadowed Motion**Moved: Councillor Hampton****Seconded: Councillor Toms**

That letters under seal be presented to all our emergency services congratulating them on the wonderful work they do and that these letters be presented to the 2017 Mayoral Picnic.

Motion be put**Moved: Councillor Mayer****Seconded: Councillor O'Connor**

That the motion be put.

Carried Unanimously**The Foreshadowed Motion was then put
and Carried Unanimously**

13.4 NOM 1261 - Frankston 'Longest Lunch'

(AG Chief Executive Office)

Cr Mayer left the Chamber at 10.03 pm

Cr Mayer returned to the Chamber at 10.06 pm

Council Decision**Moved: Councillor O'Connor****Seconded: Councillor Aitken**

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.
6. A report to be provided to the March Ordinary Meeting.

Carried Unanimously

13.5 NOM 1262 - Assistance to generationally challenged community groups and community sporting clubs

(AG Chief Executive Office)

Councillor Recommendation**Moved: Councillor O'Connor****Seconded: Councillor Bolam**

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 stream 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 Aitken left the Chamber at 10.20 pm

Councillor Aitken returned to the Chamber at 10.23 pm

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

That a report be provided at the April 2017 Ordinary Meeting based on the originally worded on Notice of Motion 1262 with the report considering potential resourcing and miscellaneous grants costs.

Carried Unanimously

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

Against the Motion: Cr O'Reilly

13.6 NOM 1263 - Hoon Driving in Frankston

(CM Chief Executive Office)

The meeting was adjourned at 10.37 pm

The meeting resumed at 10.41 pm

Councillor Recommendation

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 (aka '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.

Councillor Bolam sought leave of Council to amend his Notice of Motion 1263.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

That a report is provided to Council at the May 2017 Ordinary Meeting to consider additional initiatives in concert with existing Council programs which could curtail the prevalence of careless driving/hoon driving in Frankston.

Carried Unanimously

13.7 NOM 1264 - Frankston History taught in Local Schools

(VR Chief Executive Office)

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

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

Carried

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

Against the Motion: Crs Cunial, Hampton and Mayer

Procedural Motion**Moved: Councillor Hampton****Seconded: Councillor Toms**

That the meeting be extended to 11.30 pm.

Carried Unanimously

13.8 NOM 1265 - Cleanliness of Frankston City

(VR Chief Executive Office)

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

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.

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.

Carried Unanimously

The meeting was adjourned by the Mayor at 11.30 pm to reconvene on Thursday, 2 February 2017 at 6.00 pm

The meeting reconvened on 1 February 2017 at 6.03 pm

Councillors Present: Mayor Brian Cunial

Cr Sandra Mayer

Cr Colin Hampton

Cr Steve Toms

Cr Lillian O'Connor

Cr Michael O'Reilly

Cr Lillian O'Connor

Cr K Bolam

Cr Q McCormack

Officers Present:

Mr Dennis Hovenden, Chief Executive Officer

Mr Tim Frederico, Director Corporate Development

Dr Gill Kay, Director Community Development

Ms. Vera Roberts, Executive Assistant to Mayor

13.9 NOM 1266 - Homelessness Count

(VR Chief Executive Office)

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

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.

Lost

Cr Aitken entered the Chamber at 6.05 pm

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

That Cr Bolam be granted an extension of time.

Carried Unanimously**The Motion was then Put
and Lost**

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

Against the Motion: Crs Cunial, Hampton, Mayer, O'Reilly and Toms

13.10NOM 1267 - Citywide Footpaths Audit

(VR Chief Executive Office)

Councillor Recommendation

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.

Cr Hampton left the Chamber at 6.36 pm

Cr Hampton returned to the Chamber at 6.38 pm

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

This item (the audit of the footpaths occur every six months) be referred to the 2017/18 budget process for consideration.

Lost

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

Against the Motion: Crs Cunial, Hampton, Mayer, O'Reilly and Toms

13.11 NOM 1268 - Outstanding Notices of Motion Backlog

(VR Chief Executive Office)

Cr Toms left the Chamber at 6.48 pm

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

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.

Lost

Cr Toms returned to the Chamber at 6.50 pm

Cr Aitken left the Chamber at 6.57 pm

Cr Aitken returned to the Chamber at 6.58 pm

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

That Cr Bolam be granted an extension of time.

Carried Unanimously

**The Motion was then Put
and Lost**

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

Against the Motion: Crs Cunial, Hampton, Mayer, O'Reilly and Toms

13.12NOM 1269 - Self Funded Retirees Eligibility for 'concession' discount on/for Frankston City Council Rates

(VR Chief Executive Office)

Councillor Recommendation

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.

Deferral Motion to another Council Meeting

Moved: Councillor O'Connor

Seconded: Councillor O'Reilly

That the matter be deferred pending further investigations.

Carried

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

Against the Motion: Cr Bolam

13.13NOM 1270 - Funding for Life Saving Clubs

(VR Chief Executive Office)

Councillor Recommendation

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.

Councillor Toms sought leave of Council to amend his Notice of Motion 1270.

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

That Council notes with appreciation the great work undertaken by the lifesaving clubs within the municipality during the busy summer season. The work undertaken by the volunteer lifesavers, many of who are young, provides both residents and visitors to the City with safe beaches.

It is also noted that many recent arrivals from overseas who visit Frankston beaches may not have the swimming skills required to survive getting into difficulties and that Frankston's lifesavers provide an important service to this section of the community.

Council is fortunate to have such dedicated volunteers helping to protect our community. Council will write a letter to the volunteer lifesaving clubs in the municipality.

The meeting was adjourned for five minutes at 7.26 pm

The meeting resumed at 7.33 pm

Motion be put**Moved: Councillor O'Reilly****Seconded: Councillor McCormack**

That the motion be put.

Carried Unanimously**The Motion was then put
and Lost**

For the Motion: Crs Hampton, Mayer and Toms

Against the Motion: Crs Aitken, Cunial, McCormack, O'Connor and O'Reilly

Abstained: Cr Bolam

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

That Council consider the best and most reasonable means to acknowledge volunteers in the city.

Motion be put

Moved: Councillor O'Reilly

Seconded: Councillor McCormack

That the motion be put.

Carried Unanimously

**The Motion was then put
and Carried Unanimously**

13.14NOM 1271 - Access to Frankston Nature Reserve - Sweetwater Creek

(CM Chief Executive Office)

Cr McCormack left the chamber due to her conflict of interest. The conflict of interest is being the Chair of the Sweetwater Creek Association.

Councillors 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.

Councillor Toms withdrew this Notice of Motion.

13.15NOM 1272 - Acknowledgement of Traditional Owners

(CM Chief Executive Office)

Cr McCormack returned to the Chamber.

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

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.

Carried Unanimously

13.16NOM 1273 - Fees for Busking Permits

(CM Chief Executive Office)

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

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.

Carried Unanimously

13.17NOM 1274 - Procurement Policies and Contracts

(CM Chief Executive Office)

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

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.

Carried Unanimously

13.18NOM 1275 - Support to Traders in CAD

(CM Chief Executive Office)

Councillor Recommendation

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.

Councillor Toms sought leave of Council to amend his Notice of Motion 1275.

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

Businesses within the city centre are currently experiencing significant impacts from the construction phase of the Young Street streetscape works. Given the impact of this and other imminent major public infrastructure projects, e.g. Frankston Interchange Project, Council seeking ongoing commitment from the State Government for:

1. Improved communications of disruptions to the broader community.
2. The development and ongoing rollout of an "Open for Business" campaign.
3. The development and implementation of two further stages of the Business resilience program (that focus on maintaining a business through the works and leveraging the completed works).

Motion be put**Moved: Councillor Bolam****Seconded: Councillor McCormack**

That the motion be put.

Carried Unanimously**The Motion was then put
and Carried Unanimously**

14. LATE REPORTS

Nil.

15. URGENT BUSINESS

Urgent Business

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Toms

That the matter of Advocacy Strategy be accepted as urgent business.

Lost

For the Motion: Crs Cunial, Hampton, Mayer and Toms

Against the Motion: Crs Aitken, Bolam, McCormack, O'Connor and O'Reilly

Urgent Business

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Bolam

That the matter of Mr Paul Bosdorf – Salvation Army Representative be accepted as urgent business.

Lost

For the Motion: Crs Aitken, Bolam and O'Connor

Against the Motion: Crs Cunial, Hampton, Mayer, O'Reilly and Toms

Abstained: Cr McCormack

16. CONFIDENTIAL ITEMS

Council Decision

Moved: Councillor Mayer

Seconded: Councillor Hampton

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)

C.6 Boulevards - Nepean Highway South and Cranbourne Road

Agenda Item C.6 Boulevards - Nepean Highway South and Cranbourne Road 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)

Carried Unanimously

The meeting closed to the public at 8.21 p.m.

CONFIRMED THIS

DAY OF

2017

.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Brian Cunial, Chairperson – Council Meeting hereby authorise the use of a stamp of my initials to initial each page of these Minutes of the Council Meeting held on Monday, 30 January 2017 and reconvened on Thursday, 2 February 2017, confirmed on Monday, 20 February 2017.

.....
(Cr. Brian Cunial, Chairperson – Council Meeting)

Dated this

day of

2017



OATH OF OFFICE

I, **Glenn Aitken**, swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of Frankston and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1989* or any other Act to the best of my skill and judgment.

Signature of Councillor:	
Date:	November the 28 th 2016.

I, Dennis Hovenden, Chief Executive Officer, confirm that I have witnessed the making of this oath of office.

Signature of CEO:	
Date:	28 / 11 / 16



OATH OF OFFICE

I, **Kris Bolam**, swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of Frankston and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1989* or any other Act to the best of my skill and judgment.

Signature of Councillor:	
Date:	16/01/2017

I, Dennis Hovenden, Chief Executive Officer, confirm that I have witnessed the making of this oath of office.

Signature of CEO:	
Date:	16. 1. 17

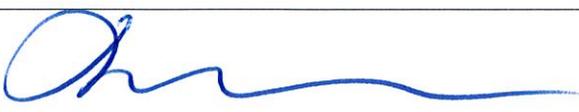


OATH OF OFFICE

I, **Brian Cunial**, swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of Frankston and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1989* or any other Act to the best of my skill and judgment.

Signature of Councillor:	
Date:	28.11.16,

I, Dennis Hovenden, Chief Executive Officer, confirm that I have witnessed the making of this oath of office.

Signature of CEO:	
Date:	28 11 /16

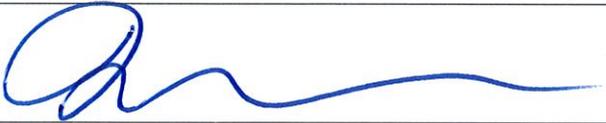


OATH OF OFFICE

I, **Colin Hampton**, swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of Frankston and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1989* or any other Act to the best of my skill and judgment.

Signature of Councillor:	
Date:	28/11/16

I, Dennis Hovenden, Chief Executive Officer, confirm that I have witnessed the making of this oath of office.

Signature of CEO:	
Date:	28/11/16



OATH OF OFFICE

I, **Sandra Mayer**, swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of Frankston and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1989* or any other Act to the best of my skill and judgment.

Signature of Councillor:	
Date:	28/11/16

I, Dennis Hovenden, Chief Executive Officer, confirm that I have witnessed the making of this oath of office.

Signature of CEO:	
Date:	28 / 11 / 16



OATH OF OFFICE

I, **Quinn McCormack**, solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of Frankston and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1989* or any other Act to the best of my skill and judgment.

Signature of Councillor:	
Date:	28/11/2016

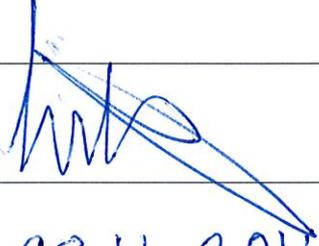
I, Dennis Hovenden, Chief Executive Officer, confirm that I have witnessed the making of this oath of office.

Signature of CEO:	
Date:	28/11/16



OATH OF OFFICE

I, **Lillian O'Connor**, solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of Frankston and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1989* or any other Act to the best of my skill and judgment.

Signature of Councillor:	
Date:	28.11.2016

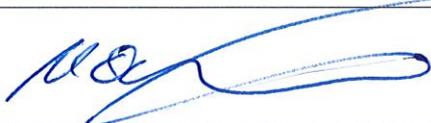
I, Dennis Hovenden, Chief Executive Officer, confirm that I have witnessed the making of this oath of office.

Signature of CEO:	
Date:	28 / 11 / 16



OATH OF OFFICE

I, **Michael O'Reilly**, swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of Frankston and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1989* or any other Act to the best of my skill and judgment.

Signature of Councillor:	
Date:	28/11/16

I, Dennis Hovenden, Chief Executive Officer, confirm that I have witnessed the making of this oath of office.

Signature of CEO:	
Date:	28/11/16

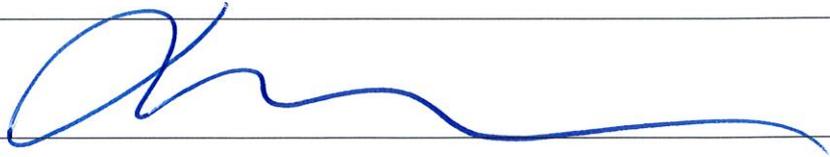


OATH OF OFFICE

I, **Steve Toms**, solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of Frankston and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1989* or any other Act to the best of my skill and judgment.

Signature of Councillor:	
Date:	28/11/16

I, Dennis Hovenden, Chief Executive Officer, confirm that I have witnessed the making of this oath of office.

Signature of CEO:	
Date:	28/11/16