



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 3 JULY 2017 at 7.01 PM**

PRESENT	Cr. Brian Cunial (Mayor) Cr. Glenn Aitken Cr. Colin Hampton Cr. Michael O'Reilly Cr. Steve Toms Cr. Quinn McCormack Cr. Kris Bolam Cr. Lillian O'Connor
APOLOGIES:	Cr. Sandra Mayer
ABSENT:	Nil.
OFFICERS:	Mr. Dennis Hovenden, Chief Executive Officer Mr. Russell Joiner, Acting Director Corporate Development Mr. Michael Papageorgiou, Manager Planning & Environment Mr. Stuart Caldwell, Coordinator Statutory Planning Mr. Michael Rathbone, Acting Manager Infrastructure Ms. Natalie Cincotta, Coordinator Communications Ms. Vera Roberts, Executive Assistant to Mayor
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."

PRAYER

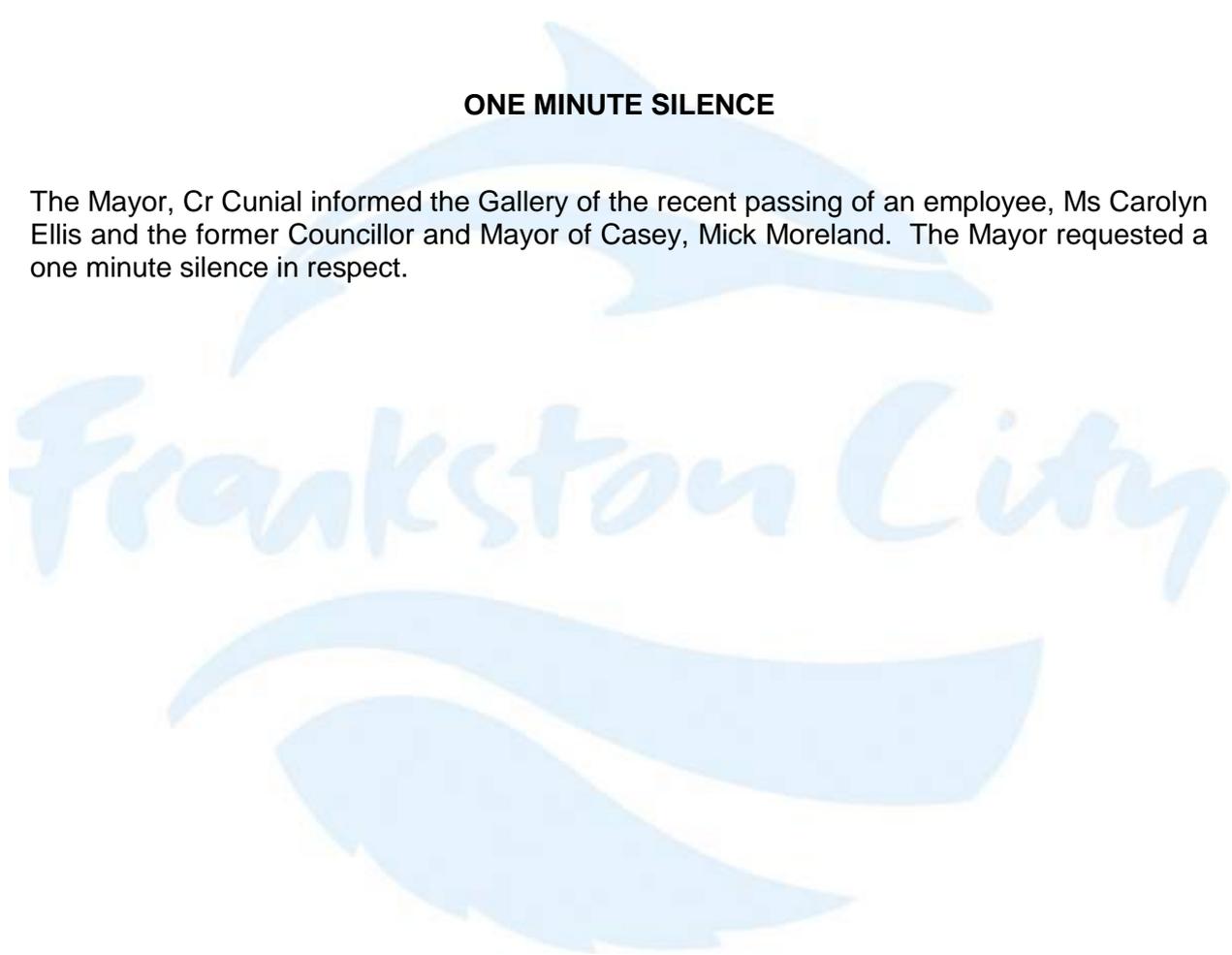
At the request of the Mayor, Councillor Toms read the Opening Prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

ONE MINUTE SILENCE

The Mayor, Cr Cunial informed the Gallery of the recent passing of an employee, Ms Carolyn Ellis and the former Councillor and Mayor of Casey, Mick Moreland. The Mayor requested a one minute silence in respect.



Frankston City

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The Mayor welcomed Citizen of the Year, Pastor Angel Roldan, former Councillor, Brad Hill and former Citizen of the Year Mr David Cross

1. PRESENTATION TO COMMUNITY GROUPS

NIL

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM302 held on 13 June 2017.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Toms

That the minutes of the Ordinary Meeting No. OM302 held on 13 June 2017 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES

Council Decision

Moved: Councillor Hampton

Seconded: Councillor O'Connor

That the apology be received and Councillor Mayer be granted leave from the meeting.

Carried Unanimously

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Cr McCormack declared a conflict of interest in Item 11.7: Town Planning Application 505/2016/P - 67 Lawson Avenue, Frankston South 3199 - To construct two (2) double storey dwellings. The declaration was made to the CEO prior to the meeting and Cr McCormack advised that she will leave the chamber during discussion and voting on the matter.

5. PUBLIC QUESTION TIME

Cr O'Reilly left the chamber at 7.10 pm

Cr O'Reilly returned to the chamber at 7.12 pm

Two (2) persons 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

Cr Aitken left the chamber at 7.13 pm

Cr Aitken returned to the chamber at 7.14 pm

Mr Coleby McDonough made a submission to Council regarding Item 11.1: Planning Application 173/2017/P - Shop 3-4, 27 Wells Street, Frankston - To use the land to sell and consume liquor (Restaurant and Café Licence); a reduction in the car parking requirements; to waive loading/unloading requirements; to waive bicycle facility requirements and to display business identification signage;

Mr Coleby McDonough made a submission to Council regarding Item 11.2: Planning Application 4/2012/P/C - 35 Culcairn Drive, Frankston South - to amend plans approved under the Planning Permit for retrospective approval for a Statement of Compliance;

Cr McCormack left the Chamber at 7.18 pm due to Conflict of Interest on Item 11.7

Ms Julie Braakhuis made a submission to Council regarding Item 11.7: Town Planning Application 505/2016/P - 67 Lawson Avenue, Frankston South 3199 - To construct two (2) double storey dwellings;

Mr Marc Jacob made a submission to Council regarding Item 11.7: Town Planning Application 505/2016/P - 67 Lawson Avenue, Frankston South 3199 - To construct two (2) double storey dwellings;

Cr McCormack returned to the Chamber at 7.27 pm

Mr Steven Johnson made a submission to Council regarding Item 11.8: Town Planning Application 499/2016/P - To construct three (3) double storey dwellings - 11 Screen Street, Frankston

Ms Sarah McQuillen made a submission to Council regarding Item 11.9: Extension of time Application 156/2013/P/B - 446, 448, 448A and 450 Nepean Highway, Frankston - To develop an eleven (11) storey office, retail and residential building, alteration of access to a road in a Road Zone Category 1, and reduction of car parking spaces and loading / unloading facilities;

Ms Jenni Alexander made a submission to Council regarding Item 11.9: Extension of time Application 156/2013/P/B - 446, 448, 448A and 450 Nepean Highway, Frankston - To develop an eleven (11) storey office, retail and residential building, alteration of access to a road in a Road Zone Category 1, and reduction of car parking spaces and loading / unloading facilities;

Ms Pat Bentley made a submission to Council regarding Item 12.5: Membership to Mornington Peninsula and Western Port Biosphere Reserve Foundation Ltd;

Ms Cecilia Whitton made a submission to Council regarding Item 12.5: Membership to Mornington Peninsula and Western Port Biosphere Reserve Foundation Ltd;

Cr Hampton left the Chamber at 7.51 pm

Mr Michael Long made a submission to Council regarding Item 12.7: Gretana Park - 14 Gretana Crescent Karingal - Options for Redevelopment;

Cr Hampton returned to the Chamber at 7.57 pm

Mr Paul Davies made a submission to Council regarding Item 12.8: Beckwith Grove Pedestrian Bridge Update;

Ms Marj Thomas made a submission to Council regarding Item 12.8: Beckwith Grove Pedestrian Bridge Update;

Ms Cheryl Saffron made a submission to Council on behalf of Mr Neil Hunter regarding Item 12.8: Beckwith Grove Pedestrian Bridge Update;

Cr Bolam left the Chamber at 8.17 pm

Cr Bolam returned to the Chamber at 8.19 pm

Ms Cheryl Saffron made a submission to Council regarding Item 12.8: Beckwith Grove Pedestrian Bridge Update;

The Mayor, Cr Brian Cunial welcomed former Mayor and Councillor, James Dooley to the Gallery.

Mr Simon Walker made a submission to Council regarding Item 12.8: Beckwith Grove Pedestrian Bridge Update;

Pastor Angel Roldan made a submission to Council regarding Item 13.6: NOM 1340 – Frankston Homelessness Count;

Mr Kevin Vaughan made a submission to Council regarding Item 13.6: NOM 1340 – Frankston Homelessness Count;

Cr Bolam left the Chamber at 8.49 pm

Cr Toms left the Chamber at 8.49 pm

Cr Bolam returned to the Chamber at 8.51 pm

Cr Toms returned to the Chamber at 8.51 pm

Ms Fran Westmore made a submission to Council regarding Item 13.6: NOM 1340 – Frankston Homelessness Count and Item 13.11: NOM 1345 – Interim meal arrangements for City Life clients;

Mr Noel Tudball made a submission to Council regarding Item 13.11: NOM 1345 – Interim meal arrangements for City Life clients;

Ms Caroline Love made a submission to Council regarding Item 13.13: NOM 1347 – Budget addition for Pre-schools.

The meeting was adjourned at 9.32 pm

The meeting resumed at 9.43 pm

7. ITEMS BROUGHT FORWARD

Urgent Business

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Bolam

That the matter of Independence of Notice of Motion Process and Independent Costings be accepted as urgent business.

Carried

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

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

Items Brought Forward

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

That the following Items be brought forward:

- 11.9: Extension of time Application 156/2013/P/B - 446, 448, 448A and 450 Nepean Highway, Frankston - To develop an eleven (11) storey office, retail and residential building, alteration of access to a road in a Road Zone Category 1, and reduction of car parking spaces and loading / unloading facilities;
- Urgent Business: Independence of Notice of Motion process and Independent Costing;
- 11.2: Planning Application 4/2012/P/C - 35 Culcairn Drive, Frankston South - to amend plans approved under the Planning Permit for retrospective approval for a Statement of Compliance;
- 11.3: Town Planning Application 651/2016/P - 24 Oates Street, Frankston - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings);

- 11.8: Town Planning Application 499/2016/P - To construct three (3) double storey dwellings - 11 Screen Street, Frankston;
- 12.5: Membership to Mornington Peninsula and Western Port Biosphere Reserve Foundation Ltd;
- 12.7: Gretana Park - 14 Gretana Crescent Karingal - Options for Redevelopment;
- 12.8: Beckwith Grove Pedestrian Bridge Update;
- 13.6: NOM 1340 – Frankston Homelessness Count;
- 13.11: NOM 1345 – Interim meal arrangements for City Life clients;
- 13.13: NOM 1347 – Budget addition for Pre-schools; and
- 13.4 : NOM 1338 - Young Street Traders Assistance Package

Lost

For the Motion: Crs Aitken, Bolam and Toms

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

Items Brought Forward

Moved: Councillor Hampton

Seconded: Councillor McCormack

That the following Items be brought forward:

- 11.9: Extension of time Application 156/2013/P/B - 446, 448, 448A and 450 Nepean Highway, Frankston - To develop an eleven (11) storey office, retail and residential building, alteration of access to a road in a Road Zone Category 1, and reduction of car parking spaces and loading / unloading facilities;
- 11.2: Planning Application 4/2012/P/C - 35 Culcairn Drive, Frankston South - to amend plans approved under the Planning Permit for retrospective approval for a Statement of Compliance;
- 11.3: Town Planning Application 651/2016/P - 24 Oates Street, Frankston - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings);
- 11.8: Town Planning Application 499/2016/P - To construct three (3) double storey dwellings - 11 Screen Street, Frankston;
- 12.5: Membership to Mornington Peninsula and Western Port Biosphere Reserve Foundation Ltd;
- 12.7: Gretana Park - 14 Gretana Crescent Karingal - Options for Redevelopment;
- 12.8: Beckwith Grove Pedestrian Bridge Update;
- 13.6: NOM 1340 – Frankston Homelessness Count;
- 13.11: NOM 1345 – Interim meal arrangements for City Life clients;
- 13.13: NOM 1347 – Budget addition for Pre-schools;
- 13.4 : NOM 1338 - Young Street Traders Assistance; and
- Urgent Business: Independence of Notice of Motion process and Independent Costing

Carried

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

Against the Motion: Cr Aitken

8. PRESENTATIONS / AWARDS

Nil

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Joint Letter – Meals to Homeless and Vulnerable Residents

Council Decision

Moved: Councillor Toms

Seconded: Councillor O'Connor

That the Joint Letter be received containing 541 signatures.

Carried Unanimously

Nil

10. DELEGATES' REPORTS

Nil

ITEMS BROUGHT FORWARD

- 11.9 Extension of time Application 156/2013/P/B - 446, 448, 448A and 450 Nepean Highway, Frankston - To develop an eleven (11) storey office, retail and residential building, alteration of access to a road in a Road Zone Category 1, and reduction of car parking spaces and loading / unloading facilities**

(MP Community Development)

Recommendation (Director Community Development Community Development)

That Council resolves to grant an extension of time for Planning Permit 156/2013/P issued 20 December 2014 for a further period of two (2) years for the commencement and the completion of the development.

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

That Council refuses to grant an extension of time for commencement of the development allowed by Planning Permit 156/2013/P pursuant to Section 69(1) of the Planning and Environment Act 1987:

1. Sufficient time has been available for the owner to commence development under the permit.
2. A change to Planning policy is being seriously entertained through amendment C123 to the Frankston Planning Scheme, and the permitted development would exceed height controls to be implemented by that amendment.

Carried

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

Against the Motion: Cr O'Reilly

11.2 Planning Application 4/2012/P/C - 35 Culcairn Drive, Frankston South - to amend plans approved under the Planning Permit for retrospective approval for a Statement of Compliance

(MP Community Development)

Council Decision

Moved: Councillor Toms

Seconded: Councillor Bolam

That Council resolves to approve the amended plans identified as Sheets TP01, TP02 and TP06, Revision I, Sheets TP03 and TP05, Revision H, Sheet TP04, Revision G and Sheets TP07 and TP08, Revision F, Project No. 11.091, prepared by James Turner Design, dated March 2011 and Sheets 1 and 2, Project No. 17-2050, dated March 2017, Issue A, prepared by Genus Landscape Architects pursuant to Condition 2 of Planning permit 4/2012/P under the Secondary Consent provisions of the Planning and Environment Act 1987.

Carried Unanimously

11.3 Town Planning Application 651/2016/P - 24 Oates Street, Frankston - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)

(MP Community Development)

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 651/2016/P to construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) at 21 Oates Street, Frankston 3199, 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 with the application (or some other specified plan) but modified to show:
 - (a) Dwelling 1's windows facing the shared access way to be removed in accordance with B15 and to be replaced with a skylight in both the kitchen and living space;
 - (b) A minimum of 6 cubic metres of externally accessible storage space for Dwelling 1;
 - (c) A corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clearview of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height;
 - (d) The pedestrian path to the porch of Dwelling 2 relocated to the western side to enable a larger space for landscaping;
 - (e) All trees growing on the site and on the adjoining properties within 3m of the boundaries must be clearly illustrated on all relevant plans to demonstrate canopy width, trunk location and clearly labelled with botanical name and stating whether the tree is to be retained or removed to the satisfaction of the Responsible Authority;
 - (f) The 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 to the satisfaction of the Responsible Authority;
 - (g) Tree protection conditions noted in accordance with Conditions 5, 6 and 7;
 - (h) A Landscape Plan in accordance with Condition 3;

No Alteration or Changes

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

Landscaping

3. 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 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 bed east of the driveway between the front of the site to dwelling one
 - (i) the provision of screen planting (suitable for planting within an easement that will achieve a mature height greater than the fence along the northern boundary .
 - (j) landscaping that achieves a height less than 90cm provided within the corner splay
 - (k) A planting theme of a minimum 20 % indigenous and 40 % native within each plant group;
 - (l) 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.
 - (m) 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;
 - a. two (2) within the front setback minimum mature height of 7m (consider location of overhead wires)
 - b. one within the private open space of dwelling one minimum mature height 5m
 - c. two (2) fastigate trees to be provided within the tree way area minimum mature height 5m

- (n) 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

Trees are not to be sited over easements.

All species selected must be 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.

5. A Statement of Compliance will not be issued until:

The owner of the site enters into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority which addresses the following matters:-

- (i) No on-street parking permits will be granted to any occupants of a dwelling approved under the development of all land in accordance with Planning Permit No. 651/2016/P

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

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

Tree Protection

6. 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.

7. Prior to the commencement of the development (including vegetation removal), a Tree Protection Fence defined by a 1.8 metre high (minimum) temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting with a high visibility plastic hazard tape, must be installed at a radius of 2metres from the street tree and around the TPZ (to be determined by an arborist) of the tree located at no. 23 Oates (fence can be relocated to the minimum distance required for the construction of the garage) 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. If any roots are exposed during the construction of the garage or removal of the existing shed they must be cleanly pruned by a qualified arborist.
- 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

8. 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.

Drainage

9. 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.
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.
11. 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.
12. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications 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.

Completion of Buildings and Works

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:
- (a) The development has not started within two (2) years of the date of this permit.
 - (b) The development is not completed within four (4) years of the date of this permit.

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

Notes

A. Asset Protection Permit

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

B. Extension of Time

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

Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made.

C. Variation to Planning Permit

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

D. Street Numbering

Front / Existing dwelling - 1/24 Oates Street Frankston VIC 3199

Rear / new dwelling - 2/24 Oates Street Frankston VIC 3199

This numbering is allocated in accordance with the Rural and Urban Addressing Standard s (4819:2011). Once the buildings are complete the front dwelling is to allocate '1/24' as the correct, Council-approved allocation of addressing."

Local Government is the Authority responsible for property addressing. There is a requirement under Local Law No. 7 2.12 for the owner or occupier of each property to clearly display the street numbering allocated by Council.

It is the applicants responsibility to ensure all owners are notified of the allocated street numbering.

Carried

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

Against the Motion: Crs Hampton and O'Connor

Cr McCormack left the Chamber due to a conflict of interest and remain outside discussion and voting on the matter.

11.7 Town Planning Application 505/2016/P - 67 Lawson Avenue, Frankston South 3199 - To construct two (2) double storey dwellings

(MP Community Development)

Recommendation (Director Community Development Community Development)

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 505/2016/P for the construction of two (2) double storey dwellings at 67 Lawson Avenue, Frankston South, subject to the following conditions:

Amended Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions 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) Kitchen window on south elevation of Dwelling 1 to demonstrate compliance with Standard B15 of ResCode.
 - (b) The kitchen and meals area of Dwelling 1 setback a minimum of 1 metres from the access way.
 - (c) Garage of Dwelling 1 to be correctly shown on all plans.
 - (d) Site triangles annotated on the plans to demonstrate compliance with Urban Design Standard 1 of Clause 52.06 of the Frankston Planning Scheme.
 - (e) Bushfire Management Plan in accordance with Condition 4.
 - (f) Tree No. 15 Trident Maple (*Acer buergerianum*) (Arboricultural Assessment Report prepared by DB Horticulture dated 5th December 2016) to be retained and the proposal suitably modified to ensure that no more than 10% of the Tree Protection Zone is encroached by any works including dwellings, paving, retaining walls or similar built forms.
 - (g) All trees as assessed within the Arboricultural Assessment Report prepared by DB Horticulture dated 5th December 2016 must be accurately located, numbered and clearly state whether the tree is to be retained or removed on all relevant plans to the satisfaction of the Responsible Authority.
 - (h) The Tree Number, Tree Protection Zone, Structural Root Zone and Tree Protection Fencing location for all trees to be retained must be illustrated on all relevant plans to the satisfaction of the Responsible Authority.
 - (i) Tree protection conditions noted in accordance with Conditions 5 and 6.
 - (j) Tree pruning conditions noted in accordance with Condition 7.
 - (k) A Landscape Plan in accordance with Condition 8.

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.

Tree Protection

4. 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.
5. Prior to the commencement of the development (including vegetation removal), a Tree Protection Fence defined by a 1.8 metre high (minimum) temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting with a high visibility plastic hazard tape, must be installed around the T.P.Z. of tree 15 reduced by the minimum amount required to construct approved works 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.
- (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

6. 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.

Landscape Plan

7. 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 40% indigenous and 20% 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. Two (2) trees within the front setback with a minimum mature height of 8m.
 - ii. One (1) within the private open space of all dwellings with a 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.

Prior to Occupation

8. 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

9. 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.
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.
11. 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.
12. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.

Urban Design

13. 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.
14. Mailboxes shall be provided to the proposed dwelling/s to the satisfaction of the Responsible Authority and Australia Post.
15. All plumbing work, sewer pipes etc. (except for spouting and stormwater pipes) associated with the new dwelling shall be concealed from general view.
16. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

CFA Requirements**Bushfire Management Plan**

17. Before the development starts, a bushfire management plan must be submitted to and approved by the Responsible Authority. The plan must be endorsed to form part of the permit and show the following bushfire mitigation measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:

(a) Defendable space

Show an area of defendable space for a distance of 41m around the proposed buildings or to the property boundary where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.

- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

(b) Construction standards

Nominate a minimum Bushfire Attack Level of BAL – 12.5 that the buildings will be designed and constructed.

(c) Water supply

Show 5,000 of effective water supply for fire fighting purposes for each building which meets the following requirements:

- Is stored in an above ground water tank constructed of concrete or metal.
- All fixed above-ground water pipes and fittings required for fire fighting purposes must be made of corrosive resistant metal.

(d) Access

Show the access for fire fighting purposes which meets the following requirements:

- Curves must have a minimum inner radius of 10m.
- The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
- Have a minimum trafficable width of 3.5m of all weather construction.
- Be clear of encroachments for at least 0.5m on each side and 4m above the accessway.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

Permit Expiry

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

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

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

Notes

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

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

Street Numbering

Local Government is the Authority responsible for property addressing. There is a requirement under Local Law No. 7 2.12 for the owner or occupier of each property to clearly display the street numbering allocated by Council.

Proposed Street Numbering can be provided by contacting Frankston City Council Rates department - Phone 9784 1853.

It is the applicant's responsibility to ensure all owners are notified of the allocated street numbering.

Council Decision**Moved: Councillor Toms****Seconded: Councillor O'Connor****Alternate Resolution (Director Community Development)**

That a Refusal to Grant a Planning Permit be issued pursuant to Section 65 of the Planning and Environment Act 1987 on the following grounds:

- The proposal does not comply with the objectives of Clause 22.08 – Neighbourhood Character of the Frankston Planning Scheme, in particular the objectives of the Frankston South 6 Neighbourhood Character Precinct.

Carried

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

Against the Motion: Crs Cunial and O'Reilly

Absent: Cr McCormack

Cr McCormack returned to the Chamber

11.8 Town Planning Application 499/2016/P - To construct three (3) double storey dwellings - 11 Screen Street, Frankston

(MP Community Development)

Recommendation (Director Community Development Community Development)

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 499/2016/P for the construction of three (3) double storey dwelling at 11 Screen Street in Frankston, 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 north facing window in Dwelling 1, upper level rumpus room, to comply with the requirements of Clause 55.04-6 – Overlooking objectives (Standard B22).
 - (b) Articulation to the extent of wall of Dwelling 1, ground floor south facing façade (i.e. by stepping in the building footprint; use a variety of external finishes; the inclusion of hi-light window/s to kitchen area).
 - (c) 25% transparency to the front fence that is in front of Dwelling 1.
 - (d) A Free standing trellis in accordance with the requirements of Condition 6.
 - (d) Landscaping requirements of Condition 3.
 - (e) Tree protection measures as required by Condition 4.

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.

Landscape Plans

3. 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 survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - (b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;
 - (c) Details of surface finishes of pathways and driveways, retaining walls and areas of cut and fill;
 - (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 planting theme of a minimum 20% indigenous and 40% native within each plant group;

- (f) Landscaping to a minimum height of 1.5 metres to be incorporated along the east and west site boundary of the common driveways respectively;
- (g) Replacement of the Lilly Pilly trees shown to be planted along the driveway with a more suitable species;
- (h) Screen planting along the rear boundary with a suitable plant species;
- (i) Removal of the River Red Gum located along the southern boundary;
- (j) Canopy trees to a minimum mature height of five metres (minimum two metres tall when planted) in the following areas;
- (k) Two (2) within the front setback
- (l) One (1) within the secluded private open space of each dwelling.

Trees are not to be sited over easements.

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

Tree Protection

- 4. 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.

Prior to Occupation

- 5. 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 or at such later date as is approved by the Responsible Authority in writing.

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 north and south boundaries (as relevant) of the site to an overall height of 1.7 metres above the finished floor level, to restrict overlooking from habitable room windows of Dwellings 1, 2 and 3 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.

Drainage

- 7. The legal point of discharge is to the existing 150mm diameter stormwater drain along the rear boundary.
- 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 predevelopment value to the satisfaction of the Responsible Authority.
- 9. 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.
- 10. 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.

Engineering Requirements

11. Prior to occupation of the dwellings hereby permitted by this permit starts, areas set aside for parking vehicles, loading bays, access lanes and paths as shown on the endorsed plans must be:

Constructed to the satisfaction of the Responsible Authority;

- Properly formed to such levels that they can be used in accordance with the plans;
- Surfaced with an all-weather sealcoat; and
- Drained and maintained to the satisfaction of the Responsible Authority.

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

12. Vehicle crossing must be constructed to Frankston City Council's Standards and specifications to the satisfaction of the Responsible Authority.

13. 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

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

Melbourne Water Requirements

18. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

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. Melbourne Water

(1) Information available at Melbourne Water indicates that this property is not subject to flooding from Melbourne Water's drainage system, based on a flood level that has a probability of occurrence of 1% in any one year. It is advised to assess the impacts of flooding associated with the local drainage system.

(2) If further information is required in relation to Melbourne water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference **277070**.

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

That a Refusal to Grant a Planning Permit be issued pursuant to Section 65 of the Planning and Environment Act 1987:

1. The proposal does not comply with the objectives of Clause 22.08 – Neighbourhood Character of the Frankston Planning Scheme, in particular the objectives of the Frankston 2 Neighbourhood Character Precinct.
2. The proposal would create unreasonable overlooking and visual bulk impacts to neighbours contrary to the objectives of Clause 55.04 of the Frankston Planning Scheme.

Carried

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

Against the Motion: Cr Bolam

12.5 Membership to Mornington Peninsula and Western Port Biosphere Reserve Foundation Ltd

(MP Community Development)

Recommendation (Director Community Development)

That Council:

1. Provides direction on its support for renewing its membership of the Biosphere noting that the annual membership is \$25,000.
2. Should it be resolved to re-join the Biosphere, a Councillor be nominated to represent Frankston City Council on the Biosphere Board.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor McCormack

That:

1. That Council renew its financial membership to the Biosphere for a period of 12 months at \$25,000. Upon the conclusion of 12 months, a report is to return to Council on this matter;
2. Cr Bolam will serve as the Council delegate until the next review of committee/board appointments;
3. That Council makes clear to the Board that this renewal is temporary and based on the appetite of the Board to broaden the visibility of its work. This means focusing on educating/informing member council populaces of the environmental importance of the 'biosphere' and increasing community participation at the Board level through the potential introduction of municipal based steering groups.
4. That Council writes to the United Nations Educational, Scientific and Cultural Organisation (UNESCO), in attempting to achieve a stable funding route for the Western Port Biosphere Reserve Foundation, requesting better funding provisions for declared 'biosphere' locations (specifically the Frankston/Western Port region) internationally.

Carried

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

Against the Motion: Nil

Abstained: Cr Hampton

12.7 Gretana Park - 14 Gretana Crescent Karingal - Options for Redevelopment

(DH Chief Executive Office)

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

That Council:

1. Notes the contents of the report;
2. No longer considers the sale of all or a portion of land at Gretana Park, Gretana Crescent, Karingal;
3. Agree to the removal and disposal of the tennis court infrastructure and to reinstating of the area with grass and appropriate planting at Gretana Crescent Reserve at a cost of \$35,000;
4. Agree to the installation of the following items in appropriate locations within the Gretana Crescent Reserve at a cost of \$20,000:
 - o 1 Picnic Bench
 - o 1 BBQ
 - o 1 Rubbish Bin
 - o 2 Park Benches
5. Agree to fund the total cost of \$55,000 from within Council's existing budget with the source to be determined by the Chief Executive Officer and reported to Councillors;
6. Request that the works listed in the recommendation to be undertaken as soon as possible or appropriate; and
7. Advise the Gretana Neighbourhood Committee and the community of its decision.

Carried

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

Against the Motion: Crs Cunial and Hampton

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

That the meeting be extended to 11.30 pm.

Carried Unanimously

12.8 Beckwith Grove Pedestrian Bridge Update

(GK Community Development)

Recommendation (Director Community Development)

That Council:

1. Notes that historically Beckwith Grove bridge provided access from a caravan park (now Kananook Creek Reserve) to the beach. Safe pedestrian access to the beach must now be via the pedestrian crossing on the Nepean Highway at the Station Street intersection. Accordingly, a safe well-lit access to Beckwith Grove from the station also exists via Station Street and the Nepean Highway.
2. Acknowledges the outstanding issues of disability access, impact on the environment noting the loss of approximately 220 sqm of sensitive native vegetation and 1 large coastal banksia tree, public safety and the degree of constructability difficulty and therefore risk in constructing the bridge.
3. Defers the matter until after a full briefing including the results of an Access Auditor.
4. Pending deferral and a full briefing approves further expert advice including detailed bridge designs and engineering (structural, marine, electrical, hydraulic), landscape architectural, lighting, CCTV, environmental, heritage with associated reports and designs to enable construction.
5. That a final report be considered at the Council Meeting in August 2017.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

That Council:

1. Notes that historically Beckwith Grove bridge provided access from a caravan park (now Kananook Creek Reserve) to the beach. Safe pedestrian access to the beach must now be via the pedestrian crossing on the Nepean Highway at the Station Street intersection. Accordingly, a safe well-lit access to Beckwith Grove from the station also exists via Station Street and the Nepean Highway.
2. Acknowledges the outstanding issues of disability access, impact on the environment noting the loss of approximately 220 sqm of sensitive native vegetation and 1 large coastal banksia tree, public safety and the degree of constructability difficulty and therefore risk in constructing the bridge.
3. Defers the matter until after a full briefing including the results of an Access Auditor.
4. Pending deferral and a full briefing approves further expert advice including detailed bridge designs and engineering (structural, marine, electrical, hydraulic), landscape architectural, lighting, CCTV, environmental, heritage with associated reports and designs to enable construction.
5. That a final report be considered at the Council Meeting in August 2017.
6. That the CEO is requested to explore alternatives to the final bridge design – if Council so desires to proceed with the project – to mitigate cost and labour. Koala Bridge, at the Frankston Nature Conservation Reserve, is an example of a good cost effective outcome and should be considered (insofar products used, construction timeline, design and build simplicity). Alternative bridge design be provided in the report back to Council.

Carried Unanimously

Chairperson's initials



*The meeting was adjourned by the Mayor at 11.30 pm to reconvene
on Wednesday, 5 July 2017 at 6.00 pm*

The meeting reconvened on 5 July 2017 at 6.01 pm

Councillors Present: Cr. Brian Cunial (Mayor)

Cr. Colin Hampton

Cr. Steve Toms

Cr. Lillian O'Connor

Cr. Michael O'Reilly

Cr. Lillian O'Connor

Cr. Kris Bolam

Cr. Quinn McCormack

Absent: Cr. S Mayer

Officers Present: Mr. Dennis Hovenden, Chief Executive Officer
Mr. Russell Joiner, Acting Director Corporate Development
Mr. Michael Craighead, Manager Administration & Corporate Projects
Mr. Michael Papageorgiou, Manager Planning & Environment
Mr. Stuart Caldwell, Coordinator Statutory Planning
Ms. Natalie Cincotta, Coordinator Communications
Ms. Vera Roberts, Executive Assistant to Mayor

*Councillors present in chamber at commencement of meeting
Mayor Cr Cunial, Cr Hampton, Cr O'Reilly, Toms, and Cr McCormack*

13.6 NOM 1340 - Frankston Homelessness Count

(CM Chief Executive Office)

Cr McCormack left the chamber at 6.03 pm

Cr McCormack returned to the chamber at 6.05 pm

Crs Bolam and Aitken entered the chamber at 6.05 pm

Leave of Council to amend Notice of Motion

Moved: Councillor Bolam

That Cr Bolam sought leave of Council to amend his Notice of Motion.

Lapsed for the want of a Seconder

As per Clause 88 of the Governance Local Law, The Mayor directed Cr Bolam to leave the chamber at 6.12 pm as he was being disrespectful to the Chair.

Cr Aitken left the chamber at 6.12 pm

Cr McCormack left the chamber at 6.14 pm. As per Clause 23 of the Governance Local Law, the meeting ceased as there was no quorum present.

Cr Toms left the chamber at 6.16 pm

Cr McCormack returned to the Chamber at 6.17 pm

Crs Aitken and Toms returned to the Chamber at 6.19 pm, the meeting recommenced as there was a quorum present

Councillor Recommendation

Moved: Councillor McCormack

Seconded: Cr Toms

That recurrent funding, of no more than \$25,000, be made available annually for the creation of an annual homelessness count to be conducted by Frankston City Council. These funds are to be sourced from existing budgets. This is to be accomplished in concert with volunteers and other relevant organisations (PBIs, NGOs, government agencies).

The purpose of the count is to get an accurate depiction of those sleeping 'rough' in the City. This raw data, combined with data from non-government organisations and government service providers on other forms of homelessness (i.e. 'couch surfers', 'hotel dwellers' etc.), is to be collated together and annually presented to both tiers of government to seek improved funding for addressing homelessness in the Frankston LGA.

Further, a report be provided to Council on how this 'Homelessness Count' will be conducted. This report is to be presented to Council in September. Finally, the report is to also consider how Council can encourage increases in donations to the 'Frankston Homeless Fund'.

Crs McCormack and Cr Toms withdrew Support of Recommendation

Leave of Council to amend Notice of Motion**Moved: Councillor McCormack****Seconded: Councillor Toms**

That Cr McCormack sought leave of Council to amend Cr Bolam's Notice of Motion.

Motion be put**Moved: Councillor Hampton****Seconded: Councillor Aitken**

That the motion be put.

**Carried on
the Casting Vote of the Mayor**

For the Motion: Crs Cunial, Hampton and O'Reilly

Against the Motion: Crs Aitken, McCormack and Toms

Cr Bolam was absent for the vote

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

Councillor Recommendation**Moved: Councillor McCormack****Seconded: Councillor Toms**

That recurrent funding, of no more than \$20,000 pa, be formally earmarked for the creation of an 'Annual Frankston Homelessness Count'. With the exception of the given year where homeless counts are actively conducted by the Australian Bureau of Statistics, the 'count' is to be performed each year by the Frankston City Council. Funding will be sourced from the 2017/2018 (and vice versa thereafter).

In the interim, a report is to be provided to Council on how the 'Annual Frankston Homelessness Count' will be conducted. The report should seek to duplicate the refined model used by the City of Parramatta which utilises few volunteers but relies on strong partnerships with local PBIs, NFPs, local support services, governmental agencies and volunteer organisations in gathering relevant data prior to the actual 'count' occurring.

The purpose of the 'count' is to get an accurate depiction of those sleeping 'rough' in the City; as well as those in emergency crisis accommodation (temporary housing). This raw data, combined with existing data from non-government organisations and government service providers on other forms of homelessness (i.e. 'couch surfers', 'hotel dwellers' etc.), is to be collated together and presented annually to both tiers of government to seek improved funding for addressing homelessness and borderline homelessness in the Frankston LGA.

In addition, the report is to also consider how Council can encourage increases in donations to the 'Frankston Homeless Fund'.

This report is to be presented to Council in September.

The Mayor advised the Chamber that Cr Bolam may return to the Chamber. Cr Bolam returned to the chamber at 6.26 pm

Cr McCormack withdrew her support to the Councillor Recommendation

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

That recurrent funding, of no more than \$20,000 pa, be formally earmarked for the creation of an 'Annual Frankston Homelessness Count'. With the exception of the given year where homeless counts are actively conducted by the Australian Bureau of Statistics, the 'count' is to be performed each year by the Frankston City Council. Funding will be sourced from the 2017/2018 (and vice versa thereafter).

In the interim, a report is to be provided to Council on how the 'Annual Frankston Homelessness Count' will be conducted. The report should seek to duplicate the refined model used by the City of Parramatta which utilises few volunteers but relies on strong partnerships with local PBIs, NFPs, local support services, governmental agencies and volunteer organisations in gathering relevant data prior to the actual 'count' occurring.

The purpose of the 'count' is to get an accurate depiction of those sleeping 'rough' in the City; as well as those in emergency crisis accommodation (temporary housing). This raw data, combined with existing data from non-government organisations and government service providers on other forms of homelessness (i.e. 'couch surfers', 'hotel dwellers' etc.), is to be collated together and presented annually to both tiers of government to seek improved funding for addressing homelessness and borderline homelessness in the Frankston LGA.

In addition, the report is to also consider how Council can encourage increases in donations to the 'Frankston Homeless Fund'.

This report is to be presented to Council in September.

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

That Cr Bolam be granted an extension of time.

Cr O'Connor entered the Chamber at 6.35 pm

Extension of Time**Moved: Councillor Bolam****Seconded: Councillor O'Connor**

That Cr Hampton be granted an extension of time.

**The Motion was then put
and Carried**

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

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

13.11 NOM 1345 - Interim meal arrangements for City Life clients

(MT Chief Executive Office)

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

That an urgent briefing be held with Councillors on the recommendations of the DHHS (Department of Health and Human Services) consultancy investigation into the future service supports for people accessing the interim meals arrangements for City Life clients.

Carried Unanimously

13.13NOM 1347 - Budget addition for Pre-Schools

(MT Chief Executive Office)

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

That the sum of \$5,000 be made available to each parent association of pre-schools within the municipality to assist with renewal works, maintenance, three year old kindergarten programs, advertising, children's necessities and the like.

This funding is to be made available in this current year budget (from the operating surplus of Frankston City Council's 2017/2018 Budget) and each association be notified of the funding allocation and its purpose.

Carried

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

Against the Motion: Crs Hampton and O'Reilly

Abstained: Cr Cunial

As the alternate wording for Item 13.4: NOM 1338 – Young Street Traders Assistance Package was not acceptable to the meeting and required rewording. The Urgent Business item was moved forward to allow Cr Toms to amend the working in conjunction with Officers.

Urgent Business – Independence of Notice of Motion Process and Independent Costings

Cr Hampton left the Chamber at 7.31 pm

Cr Hampton returned to the Chamber at 7.32 pm

Urgent Business – Independence of Notice of Motion Process and Independent Costings

Moved: Councillor Bolam

Seconded: Councillor Aitken

1. The following must occur:
 - a) The Council expresses its dissatisfaction with the CEO's new Notice of Motion template and request that the CEO desist from providing advice in this format in the future;
 - b) The only exception to this moratorium is if a Notice of Motion is considered legally dubious or 'ultra vires' (refer to the City of Kingston process which is a model the CEO should consider emulating);
 - c) The CEO is requested to encourage his staff to raise any material issues with councillors at briefings and pre-agenda meetings where such discussions in many municipalities generally take place; and
 - d) The CEO is requested to introduce an ongoing mechanism for interested councillors to have specific costings / quotes 'independently verified'. The mechanics of this are to be presented no later than August at a briefing of Councillors and the CEO.
2. Pursuant to Frankston City Council Local Law 1 and Part 4, Section 84 (2A) of the Victorian Local Government Act, the following items be added to the Agenda for the 'Special Meeting' of Council on 28 August 2017 at 6pm:
 - a) Readoption of the Frankston City Council Councillor Code of Conduct; and
 - b) Final report on the proposed Frankston City Council Meeting Local Law

Upon the passage of this motion, the CEO is directed to make necessary preparations for the 'Special Meeting'.

Furthermore, the CEO is to ensure that councillors are promptly provided with the final report on the proposed Meeting Local Law revamp as per the work of both councillors and officers on this document over the past few months. The CEO is to also ensure that councillors are promptly provided with a copy of the present Councillor Code of Conduct.

Carried

Motion of Dissent

Moved: Councillor Aitken

Seconded: Councillor Bolam

That a Motion of Dissent against the ruling of the Chair that Cr Aitken was bullying the Chief Executive Officer and that he would not allow the CEO to answer his question in relation to the Notice of Motion process at his former employment.

Cr Cunial left the Chair and the Chamber at 7.50 pm

Cr Toms assumed the chair at 7.50 pm

Chairperson's initials



Cr McCormack left the Chamber at 7.50 pm

Cr McCormack returned to the Chamber at 7.51 pm

Cr Cunial returned to the Chamber at 7.52 pm

The Deputy Mayor, Cr Toms (the Chair) gave leave to the Mayor, Cr Cunial and the Chief Executive Officer, Mr Dennis Hovenden for 30 seconds. The Mayor, Cr Cunial and the Chief Executive Officer left the Chamber at 7.55 pm

The Mayor, Cr Cunial and the Chief Executive Officer returned to the Chamber at 7.56 pm

The Mayor, Cr Cunial addressed the Chamber and informed the Councillors that the Chief Executive Officer will answer any questions

Cr Aitken withdrew the Motion of Dissent

The Mayor, Cr Cunial returned to the Chair

Extension of Time

Moved: Councillor Toms

Seconded: Councillor Bolam

That Cr Aitken be granted an extension of time.

Extension of Time

Moved: Councillor O'Connor

Seconded: Councillor Hampton

That Cr O'Reilly be granted an extension of time.

Extension of Time

Moved: Councillor Aitken

Seconded: Councillor Toms

That Cr Bolam be granted an extension of time.

The motion was then Put and Carried

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

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

The meeting was adjourned for 10 minutes at 8.56 pm

The meeting resumed at 9.11 pm

Cr O'Reilly left the meeting at 9.11 pm

13.4 NOM 1338 - Young Street Traders Assistance Package

(CM Chief Executive Office)

Councillor Recommendation

To assist the Young Street, Station Street, Balmoral Street and Wells Street East traders who are facing severe financial difficulties as a result of ongoing works in Young Street, (now expected to finish in late October), that Council:

- Advocates to South East Water and energy companies to put in place utility payment plans.
- Contacts owners of the properties in the affected areas, where possible meeting with them to discuss how they may be able to provide assistance to their tenants.
- Requests a meeting with the State Member of Frankston, Mr Paul Edbrooke MP to brief Councillors on the current Young Street works situation.
- Put in place an action plan to directly help traders in the affected areas of our City Centre.

Seeking Leave of Council**Moved: Councillor Toms****Seconded: Councillor Hampton**

That Leave of Council be granted to amend my motion.

Carried Unanimously

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

To assist the Young Street, Station Street, Balmoral Street and Wells Street East traders who are facing severe financial difficulties as a result of ongoing works in Young Street, (now expected to finish in late October), that Council:

- Advocates to South East Water and energy companies to put in place utility payment plans.
- Contacts owners of the properties in the affected areas, where possible meeting with them to discuss how they may be able to provide assistance to their tenants.
- Requests a meeting with the State Member of Frankston, Mr Paul Edbrooke MP to brief Councillors on the current Young Street works situation.
- Put in place an action plan to directly help traders in the affected areas of our City Centre.
- Requests the State Government to provide an immediate emergency rescue package to Local Traders.

That a report be provided to Council on the impact of waiving rates or other options for assistance for businesses adversely affected by the Young Street works in 2017/2018 including developing eligibility criteria.

Carried Unanimously

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

That Cr Toms be granted an extension of time.

11. CONSIDERATION OF TOWN PLANNING REPORTS

11.1 Planning Application 173/2017/P - Shop 3-4, 27 Wells Street, Frankston - To use the land to sell and consume liquor (Restaurant and Café Licence); a reduction in the car parking requirements; to waive loading/unloading requirements; to waive bicycle facility requirements and to display business identification signage.

(MP Community Development)

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Toms

That Council resolves to issue a Planning in respect to Planning Permit Application number 173/2017/P to sell and consume liquor (Restaurant and Café Licence); a reduction in the car parking requirements; to waive loading/unloading requirements; to waive bicycle facility requirements and to display business identification signage for a restaurant at Shop 3-4/Ground Floor, 27 Wells Street, Frankston 3199 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) A reduction in the outdoor seating area in order to provide a two (2) metre footpath clearance from the shopfront.

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.

Patron Numbers

3. A maximum of 132 patrons shall be permitted at any one time, unless with the prior written consent of the Responsible Authority.

Liquor Licence Requirements

4. Unless with the prior written consent of the Responsible Authority, the selling or consumption of alcohol must only take place within the approved red line plan and at the premises during the following hours:
 - Monday to Sunday 11am-11pm

Satisfactorily Completed

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

Signage

6. The sign(s) hereby permitted must not:
 - be animated;
 - be moving or rotating;
 - contain any flashing or intermittent light.
7. The intensity of the light in the sign(s) must be limited so as not to cause glare

or distraction to motorists or other persons or loss of amenity, to the satisfaction of the Responsible Authority.

Permit Expiry

8. 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. 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.

Carried

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

11.4 Town Planning Application 630/2016/P - To use and construct a nine (9) storey building containing fifty six (56) dwellings and to reduce the car parking requirements of Clause 52.06 of the Frankston Planning Scheme by 5 visitor spaces - 3 Plowman Place Frankston

(MP Community Development)

Recommendation (Director Community Development)

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 630/2016/P to use and construct a nine (9) storey building containing fifty six (56) dwellings and to reduce the car parking requirements of Clause 52.06 of the Frankston Planning Scheme by 5 visitor spaces at 3 Plowman Place Frankston, subject to the following conditions:

Amended 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 but modified to show:
 - a) Level 1, south elevation balconies to be within the title boundary.
 - b) A note that all encroachments into the Plowman Place road reserve are to be directly managed between the applicant and the Department of Land, Water and Planning.
 - c) All trees growing on the site, nature strip 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 clearly state whether the tree is to be retained or removed to the satisfaction of the Responsible Authority.
 - d) The 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 to the satisfaction of the Responsible Authority.
 - e) Tree protection conditions noted in accordance with Condition 5.
 - f) A Landscape Plan and an associated Landscape Management Plan in accordance with Conditions 7 and 8.
 - g) A Tree Protection Management Plan for the relocation of the Canary Island Date Palm in accordance with Condition 4.
 - h) A Construction and Environment Management Plan in accordance with Condition 21.
 - i) A Waste Management Plan in accordance with Condition 22-23.
 - j) A Car Parking Management Plan in accordance with Condition 24.
 - k) Additional lighting to the pedestrian access way provided in accordance with Condition 27.
 - l) Notation of the installation of a suitable bird deterrent system on the roof areas of the building in accordance with condition 11.

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.

Environment**Tree Protection Management Plan**

4. A Tree Protection Management Plan prepared in accordance with Frankston City Council's 'Arboricultural Report Writing Guide' for the relocation of the Canary Island Date Palm must be submitted to and approved by the Responsible Authority prior to the commencement of the approved development and works (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings) and when approved will be endorsed and form part of this permit. The plan must document how the Canary Island Date Palm located in the road reserve will be relocated to allow construction of the vehicle access. The plan must also contain as a minimum but not limited to the following information:
 - a) Name of the company/qualified arborist that will be employed to undertake the relocation and their relevant qualifications and experience.
 - b) Proposed relocation location in Plowman Place as approved in writing by the Responsible Authority
 - c) methods for tree transplanting including pre transplantation preparation, treatment, protection during any off-site storage period if required, treatment and methods for transplanting and post transplanting treatment and monitoring.

Tree Protection

5. Tree protection of any tree retained on the site or road reserve 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.

Street Tree Removal

6. Prior to the construction of the crossover the "Request Form - Street Tree Removal for Private Development" and payment for the removal of any Council street tree located within 2m of the proposed building or crossover 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.

Landscape Plan

7. Before the commencement of buildings and works, a landscape plan generally in accordance with the submitted landscape Concept provided by John Patrick Landscape Architect P/L 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 be modified to 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 including all street trees, 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 including future proposed plans which may require consideration of overshadowing in species selection;
- c) 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;
- d) The location of the transplanted Canary Date Palm (unless approved in writing by the Responsible authority to be located elsewhere in Plowman Place)
- e) Detailed design for the proposed planter boxes and planting for each level as demonstrated in the elevations. Planter boxes must be easily assessable by the occupant.
- f) The landscape strip along the eastern boundary widened to meet the edge of the basement
- g) Adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
- h) Demonstrate access to open space areas
- i) Large shrubs to be provided in a minimum pot size of 200mm
- j) 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 and on the road reserve;
- k) Proposed planting within the road reserve must be in accordance with the Development and Planting within Road Reserve Guidelines (June 2009 -A665797) and accompanied with the relevant approval from Frankston City Council's Infrastructure Department.

Landscape Management Plan

8. Before the commencement of buildings and works, a landscape management plan 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 incorporate:
 - a) Details on the initial Plant Establishment period
 - b) Long term maintenance of all landscaped areas including nature strips and balcony planter boxes to include detail on but not limited to the following; maintenance schedule including inspections, weeding, watering and inspection of irrigations, pruning and replacement of any plants that fail, mulching, pest and disease control.
 - c) Maintenance responsibilities for landscaping.

Prior to Occupation

9. 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.
10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged trees are to be replaced.
11. Prior to the occupation of the buildings, a suitable bird deterrent system incorporating physical barriers to bird roosting and droppings entering gutters, ultrasonic noise generation, deterrent lighting (eg. 'eagle eye' units), and an electrical deterrent system (eg. bird shock tape) must be installed on the roof areas of the building to the satisfaction of the Responsible Authority.

General Vegetation Conditions

12. All existing environmental weed species are to be removed from the site and environmental and noxious weeds that are found in the 'Sustainable Gardening in Frankston' (2015) booklet are not to be planted.
13. No parking of vehicles or stockpiling of soil/materials is to occur on native vegetation that is to be retained and protected. Areas must be designated for these purposes and clearly signed.

Fauna identification, salvage and relocation

14. Prior to the commencement of works, all hollows must be inspected for the presence of fauna. The inspection must be carried out by qualified and experience expert. An officer from Council's Environment Department must be present at the time of the inspection, or a report on the finding and mitigation methods adopted must be submitted to the Responsible Authority. If fauna is located during the inspection, they must be salvaged and relocated by a suitably qualified and experienced Zoologist or Wildlife Handler in accordance with all relevant legislation and approvals, and if appropriate, in consultation with the Department of Sustainability and Environment.

Section 173 Agreement

15. Prior to occupation of the development the Owner of the site must enter into an agreement under Section 173 of the Planning and Environment Act with the Responsible Authority and/or (name of authority) to provide for the following:
 - a) The Landscape Management Plan as required by Condition 8 of Planning Permit No. 630/2016/P is to be included as part of the Agreement and is to run with the land.
 - b) Landscaping on site including planter boxes is to be maintained to Council's satisfaction.

The Owner must pay all reasonable costs for the preparation, execution and registration of the Section 173 Agreement.

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

Drainage

16. Prior to commencement of construction, detailed Drainage and Pavement design plans of the internal stormwater drainage system including drainage computations and the method of connection to the existing Council drainage infrastructure are to be submitted and approved by Council and must include as appropriate details of:
- a) 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.
 - b) 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.
17. Existing vehicle crossing shall be removed, then kerb to be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
18. New vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
19. Prior to occupation of the dwellings hereby permitted by this permit starts, areas set aside for parking vehicles, loading bays, access lanes and paths as shown on the endorsed plans must be:
- Constructed to the satisfaction of the Responsible Authority;
 - Properly formed to such levels that they can be used in accordance with the plans;
 - Surfaced with an all-weather sealcoat;
 - Drained and maintained to the satisfaction of the Responsible Authority;
 - Car spaces, access lanes & driveways must be kept available for these purposes at all times.
20. 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.

Construction and Environment Management Plan

21. Prior to the commencement of works (including vegetation removal) a Construction and Environment Management Plan must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed to form part of the permit. Any plans submitted must be consistent with all other documents approved as part of this permit. The information must be drawn to scale with dimensions and three copies must be provided. The Plan is to include details of the following:
- a) Contact Numbers of responsible owner/contractor including emergency/24 hour mobile contact details
 - b) Identification of possible environmental risks associated with development works
 - c) Response measures and monitoring systems to minimise identified environmental risks, including but not limited to vegetation protection, fauna protection, runoff, erosion, dust, litter, noise and light.
 - d) Location and specifications of sediment control devices on/off site.
 - e) Location and specifications of surface water drainage controls.
 - f) Location and specifications of fencing for the protection of trees and/or vegetation as required by the permit.
 - g) Proposed drainage lines and flow control measures.
 - h) Location of all stockpiles and storage of building materials.
 - i) Location of parking for site workers and any temporary buildings or facilities.
 - j) Details to demonstrate compliance with relevant EPA guidelines.
 - k) Hours during which construction activity will take place.
 - l) Details of any proposed occupation of Council land (including road reserves) for construction or related storage purposes.

Waste Management Plan

22. Prior to the commencement of construction a waste services management plan (WSMP) must be submitted for approval by the Responsible Authority. When approved, the WSMP will be endorsed and form part of this permit. The plan must detail the method of garbage collection from the site, times and frequency of garbage collection, to the satisfaction of the Responsible Authority.
23. All garbage collection must be undertaken from the subject property, in accordance with the Waste Management Plan to the satisfaction of the Responsible Authority.

Car Parking Management Plan

24. Prior to the commencement of works (including vegetation removal) a Car Parking Management Plan must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed to form part of the permit. Any plans submitted must be consistent with all other documents approved as part of this permit. The information must be drawn to scale with dimensions and three copies must be provided. The Plan is to include details of the following:
- a) Provide additional details of operation as submitted within the OMG Traffic Report.

- b) Queueing capacity to be contained at all times within the building with no queuing to occur on Plowman Place
- c) Car stacker system for resident use should be utilised at all times by residents only
- d) Designate the number of car spaces within the car stacker system to be allocated to each designated type of apartment. I.E. One (1) car space for each dwelling with two (2) or less bedrooms and two (2) car spaces for each dwelling with three (3) bedrooms.

Urban Design

- 25. Mailboxes shall be provided within the development to the satisfaction of Australia Post and the Responsible Authority.
- 26. 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.
- 27. Lighting must be fixed and shall be provided near the front entrance and within the development, and must not cause adverse impact on adjoining land, all to the satisfaction of the Responsible Authority.
- 28. All plumbing work, sewer pipes etc. (except for spouting and storm water pipes) associated with the buildings shall be concealed from general view.

Permit Expiry

- 29. This permit will expire if one of the following circumstances applies:
 - The development is not started within two (2) years of the date of this permit.
 - The development is not completed within four (4) 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. Before the occupation of Council land occurs, in addition to an Asset Protection Permit, approval for occupation of that land must be obtained from Frankston City Council's Infrastructure Department. This will involve payment of a daily occupancy fee as per Council's adopted 'Occupancy Fees for Occupation of Council Owned Public Space' policy at the current rate as determined by Council.

E. **Plowman Place Road Reserve Encroachment**

A specific tenure under the Crown Licence under the Land Act for the proposed encroachment into the Plowman Place Road Reserve is required unless the requirements in the relevant gazettal are met. The specific requirements and any necessary approvals are to be managed directly with the Department of Environment, Land, Water and Planning (DELWP).

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Toms

That a Refusal to Grant a Planning Permit be issued pursuant to Section 65 of the Planning and Environment Act 1987 on the following grounds:

1. The proposal does not set a high standard of urban design, has excessive visual bulk and does not comply with the strategic objectives of the Frankston Metropolitan Activity Centre.
2. The proposal does not comply with the visitor car parking requirements of Clause 52.06 of the Frankston Planning Scheme.
3. The proposal does not comply with the objectives of the Commercial 1 Zone.

Extension of Time

Moved: Councillor Toms

Seconded: Councillor McCormack

That Cr Aitken be granted an extension of time.

Carried Unanimously

Motion be put

Moved: Councillor McCormack

Seconded: Councillor O'Connor

That the motion be put.

Carried Unanimously

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

11.5 Town Planning Application 109/2017/P - To use and construct a nine (9) storey building containing fifty six (56) dwellings and to reduce the car parking requirements of Clause 52.06 of the Frankston Planning Scheme by 6 visitor spaces - 4 Plowman Place Frankston

(MP Community Development)

Recommendation (Director Community Development)

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 109/2017/P to use and construct a nine (9) storey building containing fifty six (56) dwellings and to reduce the car parking requirements of Clause 52.06 of the Frankston Planning Scheme by 6 visitor spaces at 4 Plowman Place Frankston, subject to the following conditions:

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 but modified to show:
 - a) Level 1, south elevation balconies to be within the title boundary.
 - b) A note that all encroachments into the Plowman Place road reserve are to be directly managed between the applicant and the Department of Land, Water and Planning.
 - c) All trees growing on the site, nature strip 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 clearly state whether the tree is to be retained or removed to the satisfaction of the Responsible Authority.
 - d) The provision of a Tree Protection Management Plan in accordance with Condition 4 for tree no. 4 and 5 located on the adjoining property unless they have been removed prior or alternatively a written letter from the owner of the property stating that the trees are proposed to be removed and no protection is required.
 - e) A Landscape Plan and an associated Landscape Management Plan in accordance with Conditions 6 and 7.
 - f) A Construction and Environment Management Plan in accordance with Condition 20.
 - g) A Waste Management Plan in accordance with Condition 21-22.
 - h) A Car Parking Management Plan in accordance with Condition 23.
 - i) Additional lighting to the pedestrian access way provided in accordance with Condition 26.
 - j) Notation of the installation of a suitable bird deterrent system on the roof areas of the building in accordance with condition 10.

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.

Environment**Tree Protection Management Plan**

4. A Tree Protection Management Plan prepared in accordance with Frankston City Council's 'Arboricultural Report Writing Guide' must be submitted to and approved by the Responsible Authority prior to the commencement of the approved development and works (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings) for the two Lilly Pilly trees at no. 3 Plowman Place Frankston. (tree no. 4 and 5 in the arborist report prepared by Constructive arboriculture dated Feb 2017) unless the trees have been removed prior to construction or a written consent is provided by the owner of the trees.

Street Tree Removal

5. Prior to the construction of the crossover the "Request Form - Street Tree Removal for Private Development" and payment for the removal of Council street must be provided to Frankston City Council's Planning and Environment Department in accordance with the fees for a small Street Tree as 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.

Landscape Plan

6. Before the commencement of buildings and works, a landscape plan generally in accordance with the submitted landscape Concept provided by John Patrick Landscape Architect P/L dated Feb 2017 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 be modified to 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 including all street trees, 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 including future proposed plans which may require consideration of overshadowing in species selection;
 - c) 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;
 - d) Detailed design for the proposed planter boxes and planting for each level as demonstrated in the elevations. Planter boxes must be easily assessable by the occupant.
 - e) The landscape strip along the eastern boundary widened to meet the edge of the basement
 - f) Adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - g) Large shrubs to be provided in a minimum post size of 200mm

- h) Demonstrate access to open space areas
- i) 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 and on the road reserve;
- j) Proposed planting within the road reserve must be in accordance with the Development and Planting within Road Reserve Guidelines (June 2009 - A665797) and accompanied with the relevant approval from Frankston City Council's Infrastructure Department.

Landscape Management Plan

- 7. Before the commencement of buildings and works, a landscape management plan 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 incorporate:
 - a) Details on the initial Plant Establishment period
 - b) Long term maintenance of all landscaped areas including nature strips and balcony planter boxes to include detail on but not limited to the following; maintenance schedule including inspections, weeding, watering and inspection of irrigations, pruning and replacement of any plants that fail, mulching, pest and disease control.
 - c) Maintenance responsibilities for landscaping.

Prior to Occupation

- 8. 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.
- 9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged trees are to be replaced.
- 10. Prior to the occupation of the dwellings, a suitable bird deterrent system incorporating physical barriers to bird roosting and droppings entering gutters, ultrasonic noise generation, deterrent lighting (eg. 'eagle eye' units), and an electrical deterrent system (eg. bird shock tape) must be installed on the roof areas of the building to the satisfaction of the Responsible Authority.

General Vegetation Conditions

- 11. All existing environmental weed species are to be removed from the site and environmental and noxious weeds that are found in the 'Sustainable Gardening in Frankston' (2015) booklet are not to be planted.
- 12. No parking of vehicles or stockpiling of soil/materials is to occur on native vegetation that is to be retained and protected. Areas must be designated for these purposes and clearly signed.

Fauna identification, salvage and relocation

13. Prior to the commencement of works, all hollows must be inspected for the presence of fauna. The inspection must be carried out by qualified and experience expert. An officer from Council's Environment Department must be present at the time of the inspection, or a report on the finding and mitigation methods adopted must be submitted to the Responsible Authority. If fauna is located during the inspection, they must be salvaged and relocated by a suitably qualified and experienced Zoologist or Wildlife Handler in accordance with all relevant legislation and approvals, and if appropriate, in consultation with the Department of Sustainability and Environment.

Section 173 Agreement

14. Prior to occupation of the development the Owner of the site must enter into an agreement under Section 173 of the Planning and Environment Act with the Responsible Authority and/or (name of authority) to provide for the following:
- a) The Landscape Management Plan as required by Condition 7 of Planning Permit No. 109/2017/P is to be included as part of the Agreement and is to run with the land.
 - b) Landscaping on site including planter boxes is to be maintained to Council's satisfaction.

The Owner must pay all reasonable costs for the preparation, execution and registration of the Section 173 Agreement.

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

Drainage

15. Prior to commencement of construction, detailed Drainage and Pavement design plans of the internal stormwater drainage system including drainage computations and the method of connection to the existing Council drainage infrastructure are to be submitted and approved by Council and must include as appropriate details of:
- a) 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.
 - b) 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.
16. Existing vehicle crossing shall be removed, then kerb to be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
17. New vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.

18. Prior to occupation of the dwellings hereby permitted by this permit starts, areas set aside for parking vehicles, loading bays, access lanes and paths as shown on the endorsed plans must be:
- Constructed to the satisfaction of the Responsible Authority;
 - Properly formed to such levels that they can be used in accordance with the plans;
 - Surfaced with an all-weather sealcoat;
 - Drained and maintained to the satisfaction of the Responsible Authority;
 - Car spaces, access lanes & driveways must be kept available for these purposes at all times.
19. 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.

Construction and Environment Management Plan

20. Prior to the commencement of works (including vegetation removal) a Construction and Environment Management Plan must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed to form part of the permit. Any plans submitted must be consistent with all other documents approved as part of this permit. The information must be drawn to scale with dimensions and three copies must be provided. The Plan is to include details of the following:
- a) Contact Numbers of responsible owner/contractor including emergency/24 hour mobile contact details
 - b) Identification of possible environmental risks associated with development works
 - c) Response measures and monitoring systems to minimise identified environmental risks, including but not limited to vegetation protection, fauna protection, runoff, erosion, dust, litter, noise and light.
 - d) Location and specifications of sediment control devices on/off site.
 - e) Location and specifications of surface water drainage controls.
 - f) Location and specifications of fencing for the protection of trees and/or vegetation as required by the permit.
 - g) Proposed drainage lines and flow control measures.
 - h) Location of all stockpiles and storage of building materials.
 - i) Location of parking for site workers and any temporary buildings or facilities.
 - j) Details to demonstrate compliance with relevant EPA guidelines.
 - k) Hours during which construction activity will take place.
 - l) Details of any proposed occupation of Council land (including road reserve areas) for construction or related storage purposes).

Waste Management Plan

21. Prior to the commencement of construction a waste services management plan (WSMP) must be submitted for approval by the Responsible Authority. When approved, the WSMP will be endorsed and form part of this permit. The plan must detail the method of garbage collection from the site, times and frequency of garbage collection, to the satisfaction of the Responsible Authority.
22. All garbage collection must be undertaken from the subject property, in accordance with the Waste Management Plan to the satisfaction of the Responsible Authority.

Car Parking Management Plan

23. Prior to the commencement of works (including vegetation removal) a Car Parking Management Plan must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed to form part of the permit. Any plans submitted must be consistent with all other documents approved as part of this permit. The information must be drawn to scale with dimensions and three copies must be provided. The Plan is to include details of the following:
 - a) Provide additional details of operation as submitted within the OMG Traffic Report.
 - b) Queueing capacity to be contained at all times within the building with no queuing to occur on Plowman Place
 - c) Car stacker system for resident use should be utilised at all times by residents only
 - d) Designate the number of car spaces within the car stacker system to be allocated to each designated type of apartment. I.E. One (1) car space for each dwelling with two (2) or less bedrooms and two (2) car spaces for each dwelling with three (3) bedrooms.

Urban Design

24. Mailboxes shall be provided within the development to the satisfaction of Australia Post and the Responsible Authority.
25. 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.
26. Lighting must be fixed and shall be provided near the front entrance and within the development, and must not cause adverse impact on adjoining land, all to the satisfaction of the Responsible Authority.
27. All plumbing work, sewer pipes etc. (except for spouting and storm water pipes) associated with the buildings shall be concealed from general view.

Permit Expiry

28. This permit will expire if one of the following circumstances applies:
 - The development is not started within two (2) years of the date of this permit.
 - The development is not completed within four (4) 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. Before any occupation of Council land occurs, in addition to an Asset Protection Permit, approval for occupation of that land must be obtained from Frankston City Council's Infrastructure Department. This will involve payment of a daily occupancy fee as per Council adopted 'Occupancy Fees for Occupation of Council Owned Public Space' policy at the current rate as determined by Council.

E. **Plowman Place Road Reserve Encroachment**

A specific tenure under the Crown Licence under the Land Act for the proposed encroachment into the Plowman Place Road Reserve is required unless the requirements in the relevant gazettal are met. The specific requirements and any necessary approvals are to be managed directly with the Department of Environment, Land, Water and Planning (DELWP).

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

That a Refusal to Grant a Planning Permit be issued pursuant to Section 65 of the Planning and Environment Act 1987 on the following grounds: :

1. The proposal does not set a high standard of urban design, has excessive visual bulk and does not comply with the strategic objectives of the Frankston Metropolitan Activity Centre.
2. The proposal does not comply with the visitor car parking requirements of Clause 52.06 of the Frankston Planning Scheme.
3. The proposal does not comply with the objectives of the Commercial 1 Zone.

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

That the motion be put.

Carried Unanimously

Chairperson's initials



The Motion was then Put
and Carried Unanimously



11.6 Application to Amend Planning Permit 518/2016/P/C - Industrial Subdivision, 31 Boundary Road, Carrum Downs

(MP Community Development)

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

That Council resolves to amend Planning Permit 518/2016/P for the three (3) lot subdivision in stages and removal of drainage easement at Lot 8 LP58043, 31 Boundary Road, Carrum Downs pursuant to Section 72 of the Planning and Environment Act, 1987 by varying the proportion of the public open space contribution requirement of Condition 3 of the Permit to read as follows:

3. The owner must pay to the Responsible Authority a sum equivalent to three (3) percent of the site value of all land in the subdivision. This payment must be made before a Statement of Compliance is issued and may be varied under section 19 of the Subdivision Act 1988.

Carried Unanimously**Extension of Time****Moved: Councillor Hampton****Seconded: Councillor Aitken**

That the meeting be extended to 10.30 pm.

11.10 Frankston Green Wedge Management Plan - Stakeholder Engagement Program

(MP Community Development)

Recommendation (Director Community Development)

That Council endorses the Frankston Green Wedge Management Plan – Stakeholder Engagement Program.

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

1. That Council endorses Stream 1 and Stream 2 of the Stakeholder Engagement Program towards the production of a Green Wedge Management Plan.
2. With respect to Stream 3:
 - a) All meetings proposed for a ‘deliberating group’ are to be open to any member of the community wishing to participate and there is to be no ‘random selection’ of ratepayers for this purpose.
 - b) All community engagement meetings are to be advertised on Council’s website.

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

That the motion be put.

Carried

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

Against the Motion: Cr Hampton

**The Motion was then Put
and Carried**

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

Against the Motion: Cr Hampton

11.11 Submission - Review of the Public and Shared Housing Reforms

(MP Community Development)

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

That:

1. Council endorses the submission (Attachment A) dated 16 June 2017 to the Review of the Public and Shared Housing Reforms.
2. Officers forward the submission to the Department of Environment, Land, Water and Planning noting that the submission is now an adopted Council position.
3. That the submission also recommends that future changes should allow Councils to have the ability to assess 'built form', 'location', 'management' and 'cumulative and amenity impacts' that are associated with public and shared housing.

Carried Unanimously

11.12 April Town Planning Progress Report

(MP Community Development)

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

That Council receives and notes the April Town Planning Progress Report.

Carried Unanimously

12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Long Term Financial Plan 2017-2021**

(KJ Corporate Development)

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

That Council adopt the Long Term Financial Plan 2017-2021.

Carried Unanimously

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

That the motion be put.

Lost

For the Motion: Cr Toms

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

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

*The meeting was adjourned by the Mayor at 10.30 pm to reconvene
on Monday, 10 July 2017 at 6.30 pm*

The meeting reconvened on 10 July 2017 at 6.32 pm

Councillors Present: Cr. Brian Cunial (Mayor)

Cr. Colin Hampton

Cr. Steve Toms

Cr. Lillian O'Connor

Cr. Michael O'Reilly

Cr. Lillian O'Connor

Cr. Kris Bolam

Cr. Quinn McCormack

Cr. Sandra Mayer

Officers Present:

Mr. Dennis Hovenden, Chief Executive Officer

Mr. Russell Joiner, Acting Director Corporate Development

Dr. Gill Kay, Director Community Development

Ms. Kristen Thomson, Communications Officer Media

Ms. Vera Roberts, Executive Assistant to Mayor

12.2 Authorisation of Instrument of Delegation - Frankston Arts Board

(MC Corporate Development)

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

That Council:

1. Approves the revised Instrument of Delegation to the Frankston Arts Board (included as Attachment A); and
2. Authorises the signing and sealing of the attached Instrument of Delegation to the Frankston Arts Board.

Carried Unanimously

12.3 Review of Council's Instruments of Delegation - S5 and S6

(MC Corporate Development)

Recommendation (Director Corporate Development)

That:

1. In the exercise of the powers conferred by Section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the S6 - Instrument of Delegation to members of Council staff, attached as Attachment B to the Agenda, Council resolves that the powers, duties and functions be delegated to staff as detailed in the Instrument, subject to the conditions/limitations specified in the Instrument of Delegation.
2. In the exercise of the powers conferred by Section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the S5 - Instrument of Delegation to the Chief Executive Officer as Attachment C to the Agenda, Council resolves that the powers, duties and functions set out in the Instrument be delegated to the Chief Executive Officer, subject to the conditions/limitations specified in the Instrument of Delegation.
3. The Instruments of Delegation referred to in 1 and 2 above:
 - (i) be signed and sealed;
 - (ii) come into force immediately the Common Seal of the Council is affixed to the Instrument; and
 - (iii) remain in force until Council determines to vary or revoke the Instrument.
4. The duties and functions set out in the Instruments of Delegation referred to in 1 and 2 above be performed and the powers, duties and functions set out in the Instruments be executed in accordance with any guidelines or policies of Council that Council may from time to time adopt.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Toms

That:

1. In the exercise of the powers conferred by Section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the S6 - Instrument of Delegation to members of Council staff, attached as Attachment B to the Agenda, Council resolves that the powers, duties and functions be delegated to staff as detailed in the Instrument, subject to the conditions/limitations specified in the Instrument of Delegation.
2. In the exercise of the powers conferred by Section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the S5 - Instrument of Delegation to the Chief Executive Officer as Attachment C to the Agenda, Council resolves that the powers, duties and functions set out in the Instrument be delegated to the Chief Executive Officer, subject to the conditions/limitations specified in the Instrument of Delegation.
3. The Instruments of Delegation referred to in 1 and 2 above:
 - (i) be signed and sealed;
 - (ii) come into force immediately the Common Seal of the Council is affixed to the Instrument; and
 - (iii) remain in force until Council determines to vary or revoke the Instrument.

4. The duties and functions set out in the Instruments of Delegation referred to in 1 and 2 above be performed and the powers, duties and functions set out in the Instruments be executed in accordance with any guidelines or policies of Council that Council may from time to time adopt.
5. Appointment and revocation (including the reasoning) of staff delegations - between Ordinary Meetings - be reported. This must be kept up to date.

Carried Unanimously

12.4 Progress of Council Resolutions resulting from Notice of Motions

(MC Corporate Development)

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

That Council:

1. Receives the Notice of Motion Report as at 3 July 2017.
2. Notes that the following Notices of Motion be archived from the Notice of Motion Report:
 - NOM 1305 - Ban the Bag
 - NOM 1308 - Port of Hastings
 - NOM 1331 - Mayoral Election
 - NOM 1332 - Councillor's Party Membership
 - NOM 1261 - Frankston 'Longest Lunch'
 - NOM 1263 - Hoon Driving in Frankston
 - NOM 1285 - Pop-Up Vans/Stalls
 - NOM 1286 - Marriage Equality
 - NOM 1294 - Renewed Advocacy for Frankston Magistrates Court Name Change

Carried Unanimously

12.6 Newton Avenue and Weeroona Road Langwarrin South - Special Charge Scheme - Consultation Results and Declaration of Scheme

(MR Community Development)

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

That:

1. Council, having considered all submissions received and taken account of all objections lodged and complied with the requirements of sections 163A, 163B and 223 of the *Local Government Act 1989 (Act)*, and otherwise according to law, and having, so far as can be ascertained from available records and can be reasonably concluded, ascertained that the Road or any component of the Road for which it is proposed the Special Charge will be declared has not previously been constructed by way of a Special Rate or Special Charge, hereby declares a Special Charge Scheme (**Special Charge**) under section 163(1) of the Act for the purposes of defraying expenses incurred or to be incurred by Council in relation to the construction of Newton Avenue and Weeroona Road, Langwarrin South, between Warrandyte Road and ends and the provision of any ancillary works including drainage (**Road or Scheme**).
2. The criteria which form the basis of the declaration of the Special Charge are the ownership of rateable land in the area of the Scheme having regard to the abuttal of the land to the road(s), which rateable land is situated within the geographical area in which the properties described in paragraphs 7 and 8 of this declaration are included.
3. In declaring the Special Charge, Council is performing functions and exercising powers in relation to the peace, order and good government of the municipal district of Frankston City Council, in particular the provision of proper, safe and suitable roads and property services within the area for which the Special Charge is declared.
4. The total cost of the performance of the function and the exercise of the power by Council (in relation to the provision of proper, safe and suitable roads and property services within the area for which the Special Charge is declared) is \$1,957,000 being the estimated cost of the works to be undertaken.
5. The total estimated amount to be levied under the Scheme as the Special Charge is \$1,657,000.
6. The Special Charge will remain in force for a period of ten years.
7. The area for which the Special Charge is declared is all of the land shown on the plan set out in the attachment forming a part of this declaration (**Attachment A**).
8. The land in relation to which the Special Charge is declared is all that rateable land described in the listing of rateable properties set out in the attachment forming a part of this declaration (**Attachment B**).
9. The Special Charge will be declared and assessed in accordance with the amounts set out in the attachment forming a part of this declaration (**Attachment B**), such amounts having respectively been assessed based on benefit units.
10. The Special Charge will be levied by sending a notice of levy in the prescribed form annually to the person who is liable to pay the Special Charge.
11. Because the performance of the function and the exercise of the power in respect of which the Special Charge is declared and levied relates substantially to capital works, the Special Charge will be levied on the basis of an instalment plan being given to ratepayers whereby –

- a) Quarterly instalments are to be paid over a 10 year period, or other period as negotiated;
 - b) Quarterly instalments will include a component for reasonable interest costs, the total of which will not exceed the estimated borrowing costs of Council in respect of the construction of the Road by more than 1%.
12. Council will consider cases of financial and other hardship and may reconsider other payment options for the Special Charge.
13. No incentives will be given for payment of the Special Charge before the due date for payment.
14. Council considers that there will be a special benefit to the persons required to pay the Special Charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the Special Charge, and directly and indirectly as a result of the expenditure of the Special Charge the value and the use, occupation and enjoyment of the properties included in the Special Charge Scheme area will be maintained or enhanced through the provision of proper, safe and suitable roads and property services. Without limitation, Council considers that the works to be provided under the Special Charge Scheme will –
- a) Improve vehicular access to and from the properties abutting on or accessing the Road via the works;
 - b) Improve safety and amenity for motorists, cyclists and pedestrians;
 - c) Reduce wear and tear on vehicles;
 - d) Eliminate dust on the Road, being an unmade Road;
 - e) Reduce the need for future grading and associated maintenance of the Road;
 - f) Reduce erosion and sediment transfer; and
 - g) Enhance the amenity and character of the land and the local area.
15. For the purposes of having determined the total amount of the Special Charge to be levied under the Scheme, Council further considers and formally determines for the purposes of sections 163(2)(a), 2A and 2B of the Act that the estimated proportion of the total benefits of the Scheme to which the performance of the function and exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the Special Charge is in a ratio of 100% (**Attachment C**).
16. Notice be given to all owners of properties included in the Scheme and all persons who have lodged a submission and/or an objection in writing of the decision of Council to declare and levy the Special Charge commencing on 19 December 2016 and the reasons for the decision.
17. For the purposes of paragraph 16, the reasons for the decision of Council to declare the Special Charge are that –
- a) There is moderate objection to the Scheme and it is otherwise considered that there is a broad level of support for the Special Charge from all property owners;
 - b) Council considers that it is acting in accordance with the functions and powers conferred on it under the *Local Government Act 1989*, having regard to its role, purposes and objectives under the Act, particularly in relation to the provision of proper, safe and suitable roads and property services in the Scheme area;
 - c) All persons who are liable or required to pay the Special Charge and the properties respectively owned by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance in the use, occupation and enjoyment of the properties;

- d) The basis of distribution of the Special Charge amongst those persons who are liable or required to pay the Special Charge is considered to be fair and reasonable; **(Attachment D)**
- e) The works proposed by the Scheme are consistent with the policies and objectives set out in the Planning Scheme for the area; and
- f) The works proposed for the construction of the Road are necessary, reasonable, not excessive, sufficient, suitable and not costly having regard to the locality or environment and to the probable use of the Road.

Carried Unanimously

13. NOTICES OF MOTION**13.1 NOM 1335 - Annual Audit of Roads and Footpaths in the Frankston Municipality**

(CM Chief Executive Office)

Councillor Recommendation

That a report be provided to Council on either a staff position or the external workforce undertaking annual audits of all footpaths and roads throughout the entire Frankston City Council municipal district.

The conditions of all roads and footpaths in the municipality (as a result of the respective yearly audit) are to be articulated in a report to council yearly with prioritised recommendations for inclusion in future capital works budgets based on need and/or condition. The yearly report/audit should also include non-council roads and footpaths with a view to increasing council advocacy if such roads and footpaths are found to be unsatisfactory.

The report be provided in September 2016.

Leave of Council**Moved: Councillor Bolam**

That Leave of Council be granted to amend my motion.

Carried

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

Against the Motion: Crs Hampton and O'Reilly

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

That a report be provided to Council on either a staff position or the external workforce undertaking increased audits of all Council footpaths and roads throughout the entire Frankston City Council municipal district. This may include a combination of existing resources as well as new funding.

The report be provided in September 2017.

Carried

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

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

13.2 NOM 1336 - Green Infrastructure

(CM Chief Executive Office)

Councillor Recommendation

That a report be prepared for the October Council meeting detailing options for Frankston City to become a leader in Urban Forest / green initiatives.

The report should consider:

1. Current and future green initiatives within the Frankston municipality including the delivery of a boulevard program;
2. Current initiatives run by State Government or other municipalities and the possibility of these programs being initiated within Frankston, for example Melbourne City Council's Green Infrastructure fund;
3. Opportunities to replicate successful funding models for green initiatives elsewhere;
4. Opportunities to ensure green infrastructure, other than tree canopies, is incorporated into the fabric of the city, including, but not limited to green walls and roofs; and
5. The timing and resources required for preparation of an Urban Forest Action Plan and how such a plan could incorporate green infrastructure other than tree canopy, including but not limited to green walls and roofs.

Leave of Council**Moved: Councillor Toms**

That Leave of Council be granted to amend my motion.

Carried

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

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

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

That a report be prepared for the October Council meeting detailing options for Frankston City Council to become a leader in Urban Forest / green initiatives.

The report should consider:

1. Current and future green initiatives within the Frankston municipality including the delivery of a boulevard program;
2. Current initiatives run by State Government or other municipalities and the possibility of these programs being initiated within Frankston, for example Melbourne City Council's Green Infrastructure fund;
3. Opportunities to replicate successful funding models for green initiatives elsewhere;
4. Opportunities to ensure green infrastructure, other than tree canopies, is incorporated into the fabric of the city, including, but not limited to green walls and roofs; and
5. The timing and resources required for preparation of an Urban Forest Action Plan and how such a plan could incorporate green infrastructure other than tree canopy, including but not limited to green walls and roofs.

6. That Council officers explore and research the practice of resident and commercial rebates for the use of green friendly products and practices (City of Whitehorse) and consider them for the City of Frankston where it is demonstrated to be practicable and beneficial.

Carried

Extension of Time

Moved: Councillor Bolam

Seconded: Councillor Aitken

That Cr Toms be granted an extension of time.

Carried Unanimously

Cr Mayer left the Chamber at 7.37 pm

Cr Mayer returned to the Chamber at 7.40 pm

**The Motion was then Put
and Carried**

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

Against the Motion: Crs Hampton and O'Reilly

13.3 NOM 1337 - MAV Membership

(CM Chief Executive Office)

Cr McCormack left the Chamber at 7.48 pm

Cr McCormack returned to the Chamber at 7.50 pm

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

1. That the President of MAV, Mary Laliou be invited to brief Councillors on the merits of re-joining the Municipal Association of Victoria.
2. That the Chief Executive Officer request officers to prepare a report for the next Council meeting.

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

That the motion be put.

Carried

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

Against the Motion: Cr Aitken

**The Motion was then Put
and Carried**

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

Against the Motion: Cr Cunial

13.5 NOM 1339 - Supporting LGBTI (Lesbian, Gay, Bisexual and Transgender) Community
(CM Chief Executive Office)

Council Decision

Moved: Councillor O'Connor

Seconded: Councillor Hampton

That the:

1. LGBT (Lesbian, Gay, Bisexual and Transgender) 'Rainbow' flag be flown alongside other ceremonial and non-ceremonial flags outside the Frankston City Council Civic Centre to demonstrate Council's position that Frankston City is an inclusive municipality where all are welcomed regardless of race, creed, disability and sexual/gender persuasion.
2. Cost to procure the flag, and any spares/additions, should be absorbed by the relevant FCC department. The flag is only to be removed on occasions where it is not compliant with ceremonial code / occasions.

Carried Unanimously

13.7 NOM 1341 - Anti-Truancy Strategy

(CM Chief Executive Office)

Cr Toms left the Chamber at 8.08 pm

Cr Toms returned to the Chamber at 8.10 pm

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

That Frankston City Council works with local schools, politicians and (state and federal) Department of Education officials, to crackdown on instances of truancy in local secondary schools.

In order to facilitate this, the following actions should be undertaken:

1. Frankston City Council devises a strategy with local school principals and local politicians to curtail truancy and/or better detection of truants;
2. That the strategy includes what role council bylaws officers and Victoria Police could perform in identifying and mitigating truancy;
3. That the strategy includes views from the Frankston Youth Council insofar creative options to identify and curtail local truancy;
4. Advocacy to the Victorian Department of Education and Training (including the relevant minister and Frankston MP Paul Edbrooke), and the Australian Department of Education and Training (including the relevant minister and Dunkley MP Chris Crewther) to consider models, such as the 'Show Up, Standout' initiative currently operating in the United States, which pro-actively seek to decrease unexcused school absences; and
5. That progress on all directives be reported back to Council in November 2017.

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

That Cr Bolam be granted an extension of time.

Carried Unanimously

**The Motion was then Put
and Carried**

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

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

The meeting was adjourned at 8.44 pm

The meeting resumed at 8.52 pm

13.8 NOM 1342 - Mayor's Role of Speaking in Ordinary Meetings of Council

(CM Chief Executive Office)

Councillor Recommendation

That if the Mayor wishes to speak at an Ordinary meeting when it has been established that Councillors wish to speak to a motion, then the Mayor must speak immediately after the mover and seconder have spoken. In the case where the seconder defers, then the Mayor is to speak in the space the seconder would normally have occupied.

Leave of Council

Moved: Councillor Aitken

That Leave of Council be granted to amend my motion.

Carried Unanimously

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Bolam

That Council give consideration to amending the Governance Local Law when it is next reviewed; to require any Mayor who *wishes to speak at an ordinary meeting (when it has been established that Councillors wish to speak to a motion), to speak immediately after the mover and seconder have spoken and where the seconder defers, then the Mayor is to speak in the space the seconder would normally have occupied.*

Carried Unanimously

13.9 NOM 1343 - Use of Microphones in Council Meetings

(CM Chief Executive Office)

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

That all Councillors be required to turn their microphones on at Ordinary meetings of Council for the purpose of transparency and accountability.

Carried Unanimously

13.10NOM 1344 - Access Friendly Frankston

(CM Chief Executive Office)

Councillor Recommendation

That:

1. A review be conducted of all prominent foreshore access-egress points to determine sufficient accessibility for both the disabled and the elderly;
2. A further review be conducted of all prominent (public) landmarks to determine sufficient accessibility for both the disabled and the elderly;
3. Officers investigate the available State/Federal funding that could be accessed to address any detected deficiencies; and
4. A report be provided to Council in September with findings, as well as recommendations to address any detected deficiencies.

Leave of Council

Moved: Councillor O'Connor

That Leave of Council be granted to amend my motion.

Carried Unanimously

Council Decision

Moved: Councillor O'Connor

Seconded: Councillor Bolam

That:

1. A review be conducted that would allow access and egress to the area around Seaford pier for both the disabled and elderly. This access to enable both the disabled and elderly the ability to enter the water by means of a disability chair as is currently used at the Frankston pier;
2. A review be conducted of all prominent foreshore access-egress points including Seaford Road and Keast Park to determine sufficient accessibility for both the disabled and the elderly;
3. A further review be conducted of all prominent (public) landmarks to determine sufficient accessibility for both the disabled and the elderly;
4. Officers investigate available State/Federal funding and grants that could be accessed to address any detected deficiencies; and
5. A report be provided to Council in September with findings, as well as recommendations to address any detected deficiencies.

Carried Unanimously

13.12NOM 1346 - My Frankston App and Crime Stoppers

(MT Chief Executive Office)

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

In addition to the street and park signage designed to increase awareness of the 'myFrankston' app and Crime Stoppers (per 'Hoon Driving Report'), the following should also be implemented:

- \$9,000 be referred to the 2017/2018 Mid-Year Budget Review for the strategic placement of durable footpath/walking path street decals throughout the municipality, advertising the 'MyFrankston' app and Crime Stoppers. Council should also seek permission to have decals installed outside major shopping centres (i.e. Karingal Hub, The Gateway etc.) where footpaths are not owned by Frankston City Council.

Carried Unanimously

13.14NOM 1348 - Southern Metropolitan Partnership

(MT Chief Executive Office)

Cr Mayer left the Chamber at 9.43 pm

Cr Mayer returned to the Chamber at 9.50 pm

Cr Hampton left the Chamber at 9.58 pm

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

That:

1. In light of the decision of the State Government to appoint unelected representatives to a group –Southern Metropolitan Partnership- to discuss issues pertaining to Frankston, Frankston City Council writes to the responsible Ministers, the Hon Lily D'Ambrosio and the Hon Gavin Jennings expressing concern at the undemocratic appointment of such a group, the lack of inclusion of publicly elected and scrutinised Councils and the cost to tax payers to facilitate such an unelected group.
2. An urgent briefing to be held Wednesday, 26 July 2017 surrounding the cost, purpose and involvement of Frankston City Council be convened and Frankston City Council reserves any involvement with the Partnership until full particulars are known.

Carried Unanimously

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

Against the Motion: Nil

Absent: Cr Hampton

13.15NOM 1350 – Community Bus Service

(MT Chief Executive Office)

Cr Hampton returned to the Chamber at 10.01 pm

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

That:

1. A review be undertaken of the present practice of providing a community bus service for the elderly, disabled and disadvantaged; how the frequency could be improved, how patronage could be increased and the potential inclusion of other integral destinations that may be difficult for such clients to traverse to/from (i.e. libraries, aquatic facilities, health and wellbeing hubs, NGOs etc.).
2. The findings be presented back to Council at the 16 October 2017 Council Meeting.

Carried Unanimously

14. LATE REPORTS**14.1 Frankston District Basketball Association Inc. Expansion Project***(LD Community Development)***Recommendation****Moved: Councillor Aitken****Seconded: Councillor O'Connor**

That Council:

1. Notwithstanding all previous adopted recommendations with respect to the Frankston District Basketball Association Project and as a result of reaching an in principle agreement with the FDBA at the meeting held on the 28 July 2017, now resolve the following:

Lease Arrangements

Term of Lease Initial Term of 20 years with one further option of 20 years.

Commencement Date The Date of practical completion of stage 1 of the development project.

Rent FDBA will pay rent pursuant to its current Lease (currently \$32,304.56 per annum until the practical completion of Stage 1 works.

At the completion of Stage 1 works the FDBA will pay rent of \$60,000 per annum CPI adjusted until the practical completion of Stage 1A works.

From the date of practical completion of Stage 1A works the FDBA will pay rent of \$80,000 per annum CPI adjusted.

Rent Reviews Every seven (7) years over the term of the initial lease term and the term of the option.

The rent will be reviewed by a valuer nominated by the Department of Sport and Recreation Victoria (or its successor) and agreed to by Council and the FDBA.

Method of Establishing Rent In recognition that this is not a commercial arrangement, it is agreed that a framework will be developed by an independent expert, acting as an Arbitrator, appointed by the Department of Sport and Recreation.

The framework shall include, but not be limited to factors such as: community benefit derived from the facility, the capital contributions of each party, the capacity of the tenant to pay the rent, the rental paid by other like organisations under similar or like arrangements, and will be agreed to by both parties.

CPI increases will apply annually. In addition to CPI, any rent review resulting in a plus or minus variation of 10% will apply immediately. Where the change in variation is greater than 10% (in either a plus or minus direction) the variation will apply over a three (3) year period; i.e. 1/3rd variation adjustment Year 1; 2/3rd variation adjustment in Year 2; and full variation adjustment in Year 3.

Sport and Recreation Victoria will facilitate discussion regarding the future appointment of an independent valuer for rent review and the agreed criteria and weighting to calculate the community benefit to determine this. FDBA and FCC agree to accept this independent umpire's decision. Both parties agree there are existing models and will work collaboratively to determine the detail as part of the Lease.

At subsequent Rent Reviews each party is entitled to make a submission to the independent expert, and agrees to abide by the decisions.

FDBA Contribution

The FDBA will be required to contribute its one million dollars to the cost of the project in accordance with the terms of the lease and in accordance with Appendix A which will be incorporated into the lease.

Scope of Works

Stage 1

FCC will provide copy of the construction budget and project documentation to FDBA (excluding commercial in confidence matters) and assign a Project Manager to the project. A Project Steering Group (PSG) comprising representatives FDBA, Councillors and Council Officers will be established and meet monthly during construction. Contract variations will apply for equipment and building changes (e.g. backboards and PD) outside of the builder's scope and these variations will be records by PSG and reported back to FCC.

For synchronicity of trades, roof repairs and light replacements will be undertaken with costs apportioned as specified in current lease.

FCC will continue to manage the carpark and will implement measures to ensure availability of car parking for FDBA participants during construction. Ongoing access to car parking for FDBA participants will be accommodated in the lease.

FCC will allow up to an additional \$25,000 from the project contingency to establish a suitable temporary canteen facility, over and above what the builder has allowed for the temporary canteen.

Stage 1A

During Stage 1 construction, the planning and design for the Stage 1A works will commence as follows:

- Mezzanine Level,

- Retractable seating for 1000 seats including alteration to building and fire services and the provision of additional car parking as specified under the planning permit;
- Refurbishment of existing toilets.
- FCC commits to complete planning work, including permits, at mid-point of Stage 1 works to enable capacity for building for Stage 1A once funds are secured in the context of upcoming State and Federal elections.

Estimated cost of retractable seating is \$575,000 with funding provided by:

- \$250,000 from Member for Dunkley
- FDBA to source and secure balance

The retractable seating will trigger fire services building regulation compliance, the cost of which cannot be foreshadowed in advance but will be determined through the Stage 1A design process.

Stage 2

FCC to proceed with planning, design work and relevant planning permits for Stage 2 in 2019/2020 budget. FCC and FDBA agree to work together to lobby for funding. Stage 2 works (including High Performance Centre) will commence once funding is secured.

Financial Accounts

The FDBA will be required to provide to Council its financial information in accordance with the Terms of the Lease.

Car Park

Council will retain the management of the car parking at the Frankston Basketball Stadium (current and future car parking) but will provide a licence to the Frankston District Basketball Association that allows access to the designated areas of the car park.

The licence will be reflected in the lease agreement.

2. Confirms and adopts all other key lease and project components agreed to at the 28 June 2017 meeting with the FDBA as outlined in Attachment A.
3. Authorises the Chief Executive Officer to commence the statutory process to advise of its intent to enter into a lease with the Frankston District Basketball Association in accordance with Section 190 Local Government Act 1989.
4. In the event of receiving submissions under Section 223 Local Government Act 1989, agree to hear those submissions at a special meeting of Council on a date to be determined after the four week statutory advertising period being not before the 2nd August 2017.
5. In the event that no submissions are received in accordance with Section 223 Local Government Act 1989 the Council conduct a special meeting for the purpose of the adoption of the draft lease noting that the date will be set for after the four week statutory advertising period being not before the 2nd August 2017.

6. Authorises the Chief Executive Officer and one other officer together with Councils solicitors - Maddocks, to assist in the preparation of the draft lease in accordance with the criteria agreed with the FDBA at the meeting on the 28 June 2017 and as outlined in Appendix A.
7. Request the Chief Executive Officer immediately advise the Council if there is a failure to have the draft lease prepared in accordance with Councils wishes and in readiness for execution by Council.
8. Requests the Chief Executive Officer to advise them of the outcome of discussion with the preferred tenderer Devco Project and Construction Management Pty Ltd with particular emphasis on:
 - a. If the tender and project can proceed at the adopted costs.
 - b. What variation to the accepted tender price if any.
 - c. If the variation (if any) will cause the project to be retendered and what the implications might be if this is required.
9. Authorise the Chief Executive Officer to have prepared contract documents relating to the construction of the Frankston District Basketball Association project Stage 1 for the preferred tenderer Devco Project Management Pty Ltd in the event there is no significant variation to the submitted tender price requiring the Chief Executive Officer to advise Council.
10. Agree to bring forward the planning and design works for Stage 1A works for Stage 1A to be completed by no later than March 2018 to enable Council and the FDBA to advocate for additional funding.
11. Stage 1A works will only be undertaken when appropriate funding is secured.
12. Agrees to bring forward the planning and design works for Stage 2 into its 2019/20 budget process.
13. Stage 2 works will only be undertaken when appropriate funding is secured.
14. Writes to the State and Federal Governments together with Local Members of Parliament to advise of the resolution if issues relating to the project and that the project will be recommenced as a matter of urgency.
15. Appoint three Councillors to be a part of the project steering group noting that all Councillors are able to attend meetings.
16. Invite the FDBA to nominate three representatives to be a part of the Project Steering Group.

Councillor Aitken withdrew as a Mover and therefore the motion was lapsed

Council Decision

Moved: Councillor Hampton

Seconded: Councillor O'Connor

That Council:

1. Notwithstanding all previous adopted recommendations with respect to the Frankston District Basketball Association Project and as a result of reaching an in principle agreement with the FDBA at the meeting held on the 28 July 2017, now resolve the following:

Lease Arrangements

Term of Lease Initial Term of 20 years with one further option of 20 years.

Chairperson's initials



Commencement Date	The Date of practical completion of stage 1 of the development project.
Rent	<p>FDBA will pay rent pursuant to its current Lease (currently \$32,304.56 per annum until the practical completion of Stage 1 works.</p> <p>At the completion of Stage 1 works the FDBA will pay rent of \$60,000 per annum CPI adjusted until the practical completion of Stage 1A works.</p> <p>From the date of practical completion of Stage 1A works the FDBA will pay rent of \$80,000 per annum CPI adjusted.</p>
Rent Reviews	<p>Every seven (7) years over the term of the initial lease term and the term of the option.</p> <p>The rent will be reviewed by a valuer nominated by the Department of Sport and Recreation Victoria (or its successor) and agreed to by Council and the FDBA.</p>
Method of Establishing Rent	<p>In recognition that this is not a commercial arrangement, it is agreed that a framework will be developed by an independent expert, acting as an Arbitrator, appointed by the Department of Sport and Recreation.</p> <p>The framework shall include, but not be limited to factors such as: community benefit derived from the facility, the capital contributions of each party, the capacity of the tenant to pay the rent, the rental paid by other like organisations under similar or like arrangements, and will be agreed to by both parties.</p> <p>CPI increases will apply annually. In addition to CPI, any rent review resulting in a plus or minus variation of 10% will apply immediately. Where the change in variation is greater than 10% (in either a plus or minus direction) the variation will apply over a three (3) year period; i.e. 1/3rd variation adjustment Year 1; 2/3rd variation adjustment in Year 2; and full variation adjustment in Year 3.</p> <p>Sport and Recreation Victoria will facilitate discussion regarding the future appointment of an independent valuer for rent review and the agreed criteria and weighting to calculate the community benefit to determine this. FDBA and FCC agree to accept this independent umpire's decision. Both parties agree there are existing models and will work collaboratively to determine the detail as part of the Lease.</p> <p>At subsequent Rent Reviews each party is entitled to make a submission to the independent expert, and agrees to abide by the decisions.</p>
FDBA Contribution	The FDBA will be required to contribute its one million dollars to the cost of the project in accordance with the terms of the lease and in accordance with Appendix A which will be incorporated into the lease.

Scope of Works

Stage 1

FCC will provide copy of the construction budget and project documentation to FDBA (excluding commercial in confidence matters) and assign a Project Manager to the project. A Project Steering Group (PSG) comprising representatives FDBA, Councillors and Council Officers will be established and meet monthly during construction. Contract variations will apply for equipment and building changes (e.g. backboards and PD) outside of the builder's scope and these variations will be records by PSG and reported back to FCC.

For synchronicity of trades, roof repairs and light replacements will be undertaken with costs apportioned as specified in current lease.

FCC will continue to manage the carpark and will implement measures to ensure availability of car parking for FDBA participants during construction. Ongoing access to car parking for FDBA participants will be accommodated in the lease.

FCC will allow up to an additional \$25,000 from the project contingency to establish a suitable temporary canteen facility, over and above what the builder has allowed for the temporary canteen.

Stage 1A

During Stage 1 construction, the planning and design for the Stage 1A works will commence as follows:

- Mezzanine Level,
- Retractable seating for 1000 seats including alteration to building and fire services and the provision of additional car parking as specified under the planning permit;
- Refurbishment of existing toilets.
- FCC commits to complete planning work, including permits, at mid-point of Stage 1 works to enable capacity for building for Stage 1A once funds are secured in the context of upcoming State and Federal elections.

Estimated cost of retractable seating is \$575,000 with funding provided by:

- \$250,000 from Member for Dunkley
- FDBA to source and secure balance

The retractable seating will trigger fire services building regulation compliance, the cost of which cannot be foreshadowed in advance but will be determined through the Stage 1A design process.

Stage 2

FCC to proceed with planning, design work and relevant planning permits for Stage 2 in 2019/2020 budget. FCC and FDBA agree to work together to lobby for funding. Stage 2 works (including High Performance Centre) will commence once funding is secured.

Financial Accounts

The FDBA will be required to provide to Council its full detailed audited accounts and annual budget in accordance with the Terms of the Lease.

Car Park

Council will retain the management of the car parking at the Frankston Basketball Stadium (current and future car parking) but will provide a licence to the Frankston District Basketball Association that allows access to the designated areas of the car park.

The licence will be reflected in the lease agreement.

2. Confirms and adopts all other key lease and project components agreed to at the 28 June 2017 meeting with the FDBA as outlined in Attachment A.
3. Authorises the Chief Executive Officer to commence the statutory process to advise of its intent to enter into a lease with the Frankston District Basketball Association in accordance with Section 190 Local Government Act 1989.
4. In the event of receiving submissions under Section 223 Local Government Act 1989, agree to hear those submissions at a special meeting of Council on a date to be determined after the four week statutory advertising period being not before the 2nd August 2017.
5. In the event that no submissions are received in accordance with Section 223 Local Government Act 1989 the Council conduct a special meeting for the purpose of the adoption of the draft lease noting that the date will be set for after the four week statutory advertising period being not before the 2nd August 2017.
6. Authorises the Chief Executive Officer and one other officer together with Councils solicitors - Maddocks, to assist in the preparation of the draft lease in accordance with the criteria agreed to with the FDBA at the meeting on the 28 June 2017 and as outlined in Appendix A.
7. Request the Chief Executive Officer immediately advise the Council if there is a failure to have the draft lease prepared in accordance with Councils wishes and in readiness for execution by Council.
8. Requests the Chief Executive Officer to advise them of the outcome of discussion with the preferred tenderer Devco Project and Construction Management Pty Ltd with particular emphasis on:
 - a. If the tender and project can proceed at the adopted costs.
 - b. What variation to the accepted tender price if any.
 - c. If the variation (if any) will cause the project to be retendered and what the implications might be if this is required.
9. Authorise the Chief Executive Officer to have prepared contract documents relating to the construction of the Frankston District Basketball Association project Stage 1 for the preferred tenderer Devco Project Management Pty Ltd in the event there is no significant variation to the submitted tender price requiring the Chief Executive Officer to advise Council.

10. Agree to bring forward the planning and design works for Stage 1A works for Stage 1A to be completed by no later than March 2018 to enable Council and the FDBA to advocate for additional funding.
11. Stage 1A works will only be undertaken when appropriate funding is secured.
12. Agrees to bring forward the planning and design works for Stage 2 into its 2019/20 budget process.
13. Stage 2 works will only be undertaken when appropriate funding is secured.
14. Writes to the State and Federal Governments together with Local Members of Parliament to advise of the resolution if issues relating to the project and that the project will be recommenced as a matter of urgency.
15. Appoint three Councillors to be a part of the project steering group noting that all Councillors are able to attend meetings.
16. Invite the FDBA to nominate three representatives to be a part of the Project Steering Group.

Carried

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

Against the Motion: Cr Aitken

15. URGENT BUSINESS**Extension of Time****Moved: Councillor Hampton****Seconded: Councillor Aitken**

That the meeting be extended to 11.00 pm.

Urgent Business**Moved: Councillor Aitken****Seconded: Councillor Toms**

That the following matter of an Ordinary Meeting Date Change be accepted as Urgent Business.

The Ordinary Meeting on Monday 24 July 2017 be cancelled and rescheduled for Wednesday 9 August 2017.

This is to occur due to the unavoidable absence of Cr. Lillian O'Connor who wishes to vote on a matter before the Council on Monday 24 July 2017 but will be unavailable for the meeting

The CEO is directed to make the appropriate legislative and Local Law arrangements to ensure the seamless re-scheduling of the Ordinary Meeting.

Pursuant to Clause 30 (2) of the Governance Local Law, the Mayor did not accept the motion as Urgent Business as he was of the view that Cr. O'Connor's absence (due to an overseas trip) could not be deemed as 'exceptional circumstances' and that the Ordinary Meeting scheduled for the 24 July 2017 proceed.

16. CONFIDENTIAL ITEMS**Council Decision****Moved: Councillor Bolam****Seconded: Councillor O'Connor**

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 Outcomes of the Audit and Risk Management Committee meetings

Agenda Item C.2 Outcomes of the Audit and Risk Management Committee meetings 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 Internal Audit - Project and Capital Works Management

Agenda Item C.3 Internal Audit - Project and Capital Works Management 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 was closed to the public at 10.36 pm

CONFIRMED THIS

DAY OF

2017

.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Brian Cunial, Chairperson – Council Meeting hereby authorise the use of an electronic stamp of my initials to initial each page of these Minutes of the Council Meeting held on Monday 3 July 2017, Wednesday 5 July 2017 and Monday 10 July 2017, confirmed on Monday, 24 July 2017.

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

Dated this

day of

2017