



FRANKSTON CITY
COUNCIL

Ordinary Meeting

A G E N D A

3 July 2017



COUNCIL CHAMBERS

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

Council Core
Business Support
Coordinator

Cr. McCormack

Cr. Mayer

Cr. Aitken

Cr. Hampton

Cr Bolam

Cr. O'Reilly

EMT

EMT

Cr. O'Connor

Cr. Toms

MEDIA

MEDIA

Guest Speaker

Gallery



THE COUNCIL MEETING

Welcome to this Meeting of the Frankston City Council

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

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

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

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

When are they held?

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

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

Governance Local Law No. 1 – Meeting Procedure

34. Chair's Duty

Any motion which is determined by the Chair to be:

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

must not be accepted by the Chair.

88. Chair May Remove

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

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

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

The Formal (Ordinary) Meeting Agenda

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

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

· **Items Brought Forward**

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

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

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

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

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

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

· **Presentation of Petitions and Joint Letters**

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

- **Presentation of Reports**

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

- **Presentation of Delegate Reports**

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

- **Urgent Business**

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

- **Closed Meetings**

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

- **Opportunity to address Council**

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

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

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

Disclosure of Conflict of Interest

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

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

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

Agenda Themes

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

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

MAYOR



NOTICE PAPER

ALL COUNCILLORS

NOTICE is hereby given that an Ordinary Meeting of the Council will be held at the Civic Centre, Davey Street, Frankston, on 3 July 2017 at 7pm.

COUNCILLOR STATEMENT

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

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

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

OPENING WITH PRAYER

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

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

BUSINESS

1. PRESENTATION TO COMMUNITY GROUPS

Nil

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM302 held on 13 June 2017.

3. APOLOGIES

Nil

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

5. PUBLIC QUESTION TIME

Nil

6. HEARING OF SUBMISSIONS

Nil

7. ITEMS BROUGHT FORWARD

8. PRESENTATIONS / AWARDS

Nil

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil

10. DELEGATES' REPORTS

Nil

11. CONSIDERATION OF TOWN PLANNING REPORTS

- | | | |
|------|---|----|
| 11.1 | Planning Application 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..... | 4 |
| 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 | 18 |
| 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) | 35 |
| 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..... | 62 |

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.....	115
11.6	Application to Amend Planning Permit 518/2016/P/C - Industrial Subdivision, 31 Boundary Road, Carrum Downs.....	181
11.7	Town Planning Application 505/2016/P - 67 Lawson Avenue, Frankston South 3199 - To construct two (2) double storey dwellings.....	189
11.8	Town Planning Application 499/2016/P - To construct three (3) double storey dwellings - 11 Screen Street, Frankston	234
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	262
11.10	Frankston Green Wedge Management Plan - Stakeholder Engagement Program	278
11.11	Submission - Review of the Public and Shared Housing Reforms	294
11.12	April Town Planning Progress Report.....	304
12.	CONSIDERATION OF REPORTS OF OFFICERS	
12.1	Long Term Financial Plan 2017-2021.....	327
12.2	Authorisation of Instrument of Delegation - Frankston Arts Board.....	423
12.3	Review of Council's Instruments of Delegation - S5 and S6.....	442
12.4	Progress of Council Resolutions resulting from Notice of Motions	505
12.5	Membership to Mornington Peninsula and Western Port Biosphere Reserve Foundation Ltd	525
12.6	Newton Avenue and Weeroona Road Langwarrin South - Special Charge Scheme - Consultation Results and Declaration of Scheme	530
12.7	Gretana Park - 14 Gretana Crescent Karingal - Options for Redevelopment	559
12.8	Beckwith Grove Pedestrian Bridge Update	567
13.	NOTICES OF MOTION	
13.1	NOM 1335 - Annual Audit of Roads and Footpaths in the Frankston Municipality.....	595
13.2	NOM 1336 - Green Infrastructure	597
13.3	NOM 1337 - MAV Membership.....	599
13.4	NOM 1338 - Young Street Traders Assistance Package.....	601
13.5	NOM 1339 - Supporting LGBTI (Lesbian, Gay, Bisexual and Transgender) Community	605
13.6	NOM 1340 - Frankston Homelessness Count	607

13.7	NOM 1341 - Anti-Truancy Strategy	609
13.8	NOM 1342 - Mayor's Role of Speaking in Ordinary Meetings of Council.....	611
13.9	NOM 1343 - Use of Microphones in Council Meetings	613
13.10	NOM 1344 - Access Friendly Frankston.....	615
13.11	NOM 1345 - Interim meal arrangements for City Life clients	618
13.12	NOM 1346 - My Frankston App and Crime Stoppers	620
13.13	NOM 1347 - Budget addition for Pre-Schools.....	622
13.14	NOM 1348 - Southern Metropolitan Partnership.....	624
13.15	NOM 1350 - Community Bus Service.....	626

14. LATE REPORT

Frankston District Basketball Association Inc. Expansion Project

15. URGENT BUSINESS

16. CONFIDENTIAL ITEMS

C.1	Appointment and Authorisation of Council Staff	628
C.2	Outcomes of the Audit and Risk Management Committee meetings	628
C.3	Internal Audit - Project and Capital Works Management	628

Dennis Hovenden

CHIEF EXECUTIVE OFFICER

28/06/2017

Executive Summary**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.**

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

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

Purpose

This report considers the merits of the planning application No. 173/2017/P to use the land to sell or consume liquor (café/restaurant liquor licence), to display business identification signage, to waive loading/unloading requirements, to waive bicycle facility requirements and a waiver of the car parking requirements of the Frankston Planning Scheme.

Recommendation (Director Community Development)

That a Planning Permit be issued for Planning Application 173/2017/P – Shop 3-4, 27 Wells Street, Frankston, subject to the conditions contained in the officer's assessment.

Key Points / Issues

The proposal is to use land at the Bayside Entertainment Centre (ground floor - Shop 3-4 at 27 Wells Street, Frankston) 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.

- The restaurant will have a maximum capacity of 132 patrons (consisting of 76 within the restaurant and 56 in the outdoor seating area) and 30 staff members.
- The proposed use (Restaurant) requires the provision of 39 parking spaces. The previous use of the property (Shop) required the provision of 7 parking spaces. As such, the applicant is requesting a car parking waiver of 32 spaces.
- Three (3) internally illuminated signs are proposed for the restaurant. This signage will be discussed later within this report.
- Liquor is to be sold in association with the proposed restaurant.
- The application, as submitted, is to sell liquor between 11:00 am to 11:00 pm, Monday to Sunday, which are the proposed hours of operation.
- The proposal is considered to be consistent with the planning controls and policy as it will encourage retail, entertainment and commercial uses in a commercial area. It is considered to be appropriately situated within the Frankston Major Activity Centre (FMAC) precinct.
- The matter is required to be reported to Council as it an application associated with liquor.

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.**Executive Summary**

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

Financial Impact

For the 2017-2018 financial year, the State Government Minister for Local Government has announced a limit on the amount Victorian Councils may increase rates. The cap for the 2017-2018 financial year is 2%. The cap is based on the Consumer Price Index expected for the financial year.

This cap has a significant effect on Council's current Long Term Financial Planning, with rate revenue being \$9 million less than anticipated over the first four years, growing to \$17 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

The permit application fee paid to Council is \$1,780. The average cost to process a planning application is \$1,729 which represents a difference of \$51.

Consultation**1. External Referrals**

No external referrals were required for this application.

2. Internal Referrals

The application was referred internally to the following departments:

- Council's Urban Designer
- Community Safety Department
- Council's Traffic Engineers
- Council's Governance Department

Council's Urban Designer and the Traffic Engineer do not support the proposed external seating arrangement as it would reduce the width of the footpath to less than 1.8 metres for approximately 6 metres along the glass screen barriers and establish a bottleneck in an otherwise clear and open walkway. The external seating area should be set back a minimum of 2.0 metres from the shop frontage. However, as a 2.0 metre clearance is unlikely to be achieved given the current proposed seating arrangement, a reduction in external seating would deliver a more appropriate response.

Council's Traffic Engineers accept the reduction in the number of car parking spaces associated with the business on the following grounds:

- There is a high likelihood of multi-purpose trips with other retail, business and professional activities within the FMAC precinct.
- There is convenient pedestrian and cyclist access to the site located in proximity to Frankston Station, bus stops and bicycle public parking areas.
- There is no practical way of providing further car parking on this site.
- There is car parking availability within the Bayside Development for short-term stay.

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.**Executive Summary**

- The use will increase the economic activity of the FMAC area.

Council's Community Safety Department had no objections to the proposal.

Council's Governance Department provide consent to the application in respect to Council's land and are supportive of the views expressed by Council's Traffic Department and Urban Designer requiring appropriate pedestrian clearance.

Notification of Proposal

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

Notification was given in the form of:

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

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

Advice of the application has also been provided to Frankston Police, who have not objected or raised concerns about the proposal.

Analysis (Environmental / Economic / Social Implications)

The proposed seating arrangement could impede the footpath area around the commercial area and should be revised to allow for a two (2) metre clearance. As such, a permit condition will be included to ensure this clearance is provided.

It is considered that the proposed restaurant and associated liquor licence will bring economic growth and employment opportunities to the area.

The proposed consumption of liquor at the premises will be in conjunction with the serving of meals and therefore the impact on the amenity of the surrounding area will be limited.

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

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

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

Legal

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

Clause 52.05 – Advertising Signage

Clause 52.06 – Car Parking

Clause 52.07 – Loading and Unloading of Vehicles

Clause 52.27 – Licenced Premises

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.

Executive Summary

Clause 52.34 – Bicycle Facilities

Policy Impacts

The relevant State and Local Planning Policies are;

- Clause 11 – Settlement
- Clause 15.01 – Urban Environment
- Clause 17 – Economic Development
- Clause 18 – Transport
- Clause 21.04 – Settlement
- Clause 21.08 – Economic Development
- Clause 21.10 – Built Environment and Heritage

Should a permit be issued, the applicant will be recommended to become a member of Council's Liquor Accord.

Officer's Declaration of Interests

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

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

Risk Mitigation

N/A

Conclusion

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

ATTACHMENTS

Attachment A: Locality Map

Attachment B: Locality Aerial

Attachment C: Plan - Area for Serving Alcohol

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.

Officers' Assessment

Summary

Existing Use	Vacant (Former Retail Premises)
Site Area	182.2 square metres
Proposal	<ul style="list-style-type: none"> - To use the land to sell or consume liquor (café/restaurant liquor licence) - To display business identification signage - Reduce the number of car parking spaces required under Clause 52.06-5 - Waive the requirements of Clause 52.07 (Loading and unloading of vehicles) and 52.34 (Bicycle Facilities)
Site Cover	N/A
Permeability	N/A
Zoning	Commercial 1 Zone (C1Z)
Overlays	Special Building Overlay (SBO)
Neighbourhood Character Precinct	N/A
Reason for Reporting to Council	Application associated with liquor

Background

Subject Site

The site is a vacant retail tenancy located on the ground floor of the Bayside Entertainment Centre facing Wells Street.

The site is regular in shape with a frontage of 11 metres to Wells Street and an approximate depth of 16.8 metres. It has an overall area of 182.2 square metres and is not affected by any easements.

Locality

Shop 3-4 at 27 Wells Street is located on the ground floor of the Bayside Entertainment Centre near the corner of Wells Street and Thompson Road. There are a number of tenancies located on the ground floor (The Coffee Club, Nando's, Strike Bowling, Groove Train) which are accessed via Wells Street.

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.

Officers' Assessment

Site History

Previous planning permit applications for the site include:

- Planning Permit 573/2003/P (formerly 03573) was issued on 16 January 2004 by the Minister for Planning for the Cinema based entertainment facility, food and drink premises, shop and associated car parking.
- Planning Permit No. 931/2004/P (formerly 040931) (Tenancy G05) was issued on 15 November 2004 for the use of Tenancy G05 under an On-Premises Licence to be issued under the Liquor Control Reform Act 1998.
- Planning Permit No. 237/2005/P (formerly 050237) (Tenancy G05) was issued on 25 November 2005 for an extension of the hours of use for the sale and consumption of liquor within the licenced area of the premises that were approved under Planning Permit No. 931/2004/P issued on 15 November 2004.
- Planning Permit No. 559/2006/P (Tenancy G06) was issued on 27 February 2007 for the sale and consumption of liquor (On Premises Licence). The hours permitted for the consumption of liquor are Monday to Sunday – 7am to 12:00am.

Proposal

The proposal is to use Shop 3-4 on the ground floor of the Bayside Entertainment Centre (27 Wells Street, Frankston) to sell and consume liquor (Restaurant and Café Licence); to reduce the number of car parking spaces required under Clause 52.06-5, to waive the loading/unloading and bicycle facility requirements and to display business identification signage.

Liquor Licence

The proposed hours for the serving of liquor are:

- Monday to Sunday, 11:00 am to 11:00 pm.

The maximum capacity of the restaurant will be 132 patrons comprising of 76 within the restaurant and 56 in the outdoor seating area.

Parking Waiver

The proposed use for the premises (Restaurant) requires the provision of 0.3 parking spaces for each patron permitted. The maximum capacity of the restaurant will be 132 patrons, requiring a total of 39 parking spaces. The existing use of the premises (Shop) required the provision of 4 parking spaces to each 100 square metres of leasable floor area, requiring a total of 7 parking spaces.

As such, the applicant is requesting a car parking waiver of 32 parking spaces. However, the parking requirements will vary if the number of outdoor spaces is further reduced to allow for pathway clearance.

Business Identification Signage

Three (3) internally illuminated signs are proposed as part of the proposal.

These signs are as follows:

- A 1.6 metres (W) x 1.0 metre (H) 'Grill'd' red neon illuminated sign encased in metal letters.

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.

Officers' Assessment

- A 2.0 metres (W) x 0.2 metres (H) 'Healthy Burgers' illuminated sign in white rolled steel.
- A 0.7 metre radius illuminated 'Grill'd' blade sign situated 2.7 metres above the pavement level.

The proposed internally illuminated signage will have a combined total advertising area of 3.54 square metres.

Waiver of Loading and Unloading of Vehicles and Bicycle Requirements

The proposed use requires the provision of three (3) bicycle spaces (two (2) for staff and one (1) for patrons) under Clause 52.34 of the Frankston Planning Scheme. The applicant has not provided bicycle parking as part of the submission.

There are no loading/unloading facilities are provide on-site. The applicant has also indicated that the restaurant's storage area will be located on the eastern side of the entertainment complex, which is accessed via Park Lane. It is understood that vehicles will use this thoroughfare in order to transport goods to the restaurant.

State and Local Planning Policy Frameworks

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

- Clause 11 – Settlement
- Clause 15 – Built Environment and Heritage
- Clause 17 – Economic Development
- Clause 18 - Transport

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

- Clause 21.04 - Settlement
- Clause 21.08 – Economic Development
- Clause 21.10 – Built Environment and Heritage
- Clause 21.11 – Transport

Planning Scheme Controls

A Planning Permit is required pursuant to:

- Clause 52.05-7 (Advertising Signage) of the Frankston Planning Scheme to display internally illuminated signage with a total advertisement area that exceeds 1.5 square metres.
- Clause 52.06 (Car Parking) of the Frankston Planning Scheme to reduce the number of car parking spaces required within Table 1 of Clause 52.06-5.
- Clause 52.27 (Licenced Premises) of the Frankston Planning Scheme to use land to sell or consume liquor as a new licence is required under the *Liquor Control Reform Act 1998*.

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.

Officers' Assessment

Notification of Proposal

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

Discussion

State and Local Planning Policy

It is considered that the proposal meets the objectives of the relevant State and Local Planning Policies as the proposed licenced restaurant is located within an existing retail/commercial area where food and drink premises are allowed as of right. The proposal will not reduce the public amenity of the area nor will it result in an environment that would result in safety concerns or hazards to the local community.

As such, it is considered that this proposal appropriately responds to State and Local Planning Policies.

Clause 52.05 – Advertising Signage

The proposal will meet the objectives of Clause 52.05 (Advertising Signage) as it situated within an existing commercial area where illuminated signage is fairly prevalent. The illuminated signage is considered to be a minor addition to the restaurant and is unlikely to result in detriment to those passing through the facility. Standard conditions will be included to ensure that the proposed signage will have not adversely affect pedestrians and vehicles passing the facility.

Car Parking and Bicycle Facilities

The proposal is for the proposed restaurant to accommodate 132 patrons. Under Clause 52.06 (Car Parking), 39 parking spaces are required for 132 patrons. The previous use of the property (Shop) required the provision of 7 parking spaces. As there are no spaces provided onsite, a reduction of 32 spaces is required.

In the context of the subject site, the standard rates of car parking provision are likely to overestimate the parking demand for the proposal, given the good accessibility of the site by alternative modes of transport (due to the proximity to Frankston Railway Station and bus routes). Multi-purpose trips are also likely as the site is located within the Frankston Metropolitan Activity Centre (FMAC) and also close to the beach.

As such, based on the referral response from Council's Traffic Engineers, a reduction in car parking requirements is therefore considered to be acceptable.

A permit condition will be included requiring a two (2) metre footpath clearance which may result in a decrease in the number of patrons and subsequently, a reduction in the car parking waiver needed. The clearance is likely to result in a reduction of seven (7) tables within the outdoor seating area.

The proposed restaurant requires the provision of three (3) bicycle spaces (two (2) for staff and one (1) for patrons) under Clause 52.34 of the Frankston Planning Scheme. None is provided on-site and a waiver is sought. It is considered acceptable to waive this requirement as there are numerous bicycle hoops along Wells Street in front of the Bayside Entertainment Centre.

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.

Officers' Assessment

Loading and Unloading

There are no loading/unloading facilities are provide on-site. There is a loading zone located on within the entertainment complex, located east of the proposed restaurant and is accessed via Park Lane. It is considered that this will meet the purpose of Clause 52.07 (Loading and Unloading) as the loading zone is within a reasonable distance of the site and would avoid any adverse effects on traffic flow within the surrounding area.

Clause 52.27 Licence Premises

Type of Licence

The Restaurant and Café Licence is appropriate for businesses whose predominant activity at all times is the preparation and serving of meals for consumption on the premises. As the predominant service undertaken on the subject site is the serving of meals, it is considered that the proposed type of liquor licence is appropriate in this instance.

Amenity

The proposed hours are consistent with other licenced premises in the area, e.g. The Coffee Club (On-Premise Licence, 7am – 11pm), Nando's (On-Premise Licence, 7am – 11pm), Mambo Steak and Seafood (On-Premise Licence, 7am – 11pm).

The proposal is also regarded as consistent with the use of the land as a restaurant. Council's Community Safety Department has not objected to the proposal and advised the proposal would have a positive impact on the FMAC precinct.

Liquor Accord

Council supports the responsible serving of alcohol in a consistent manner throughout the municipality. A permit note will be included on any planning permit issued encouraging the permit holder to become a member of the Frankston Liquor Industry Accord.

Analysis (Economic and Social Implications)

It is considered that the proposal will have positive economic development implications. Social impacts are considered to be positive, providing an area for patrons to consume liquor in a managed and clearly delineated area within the proposed restaurant.

11.1 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.

Officers' Assessment

Recommendation (Director Community Development Community Development)

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.

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.

Officers' Assessment

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:

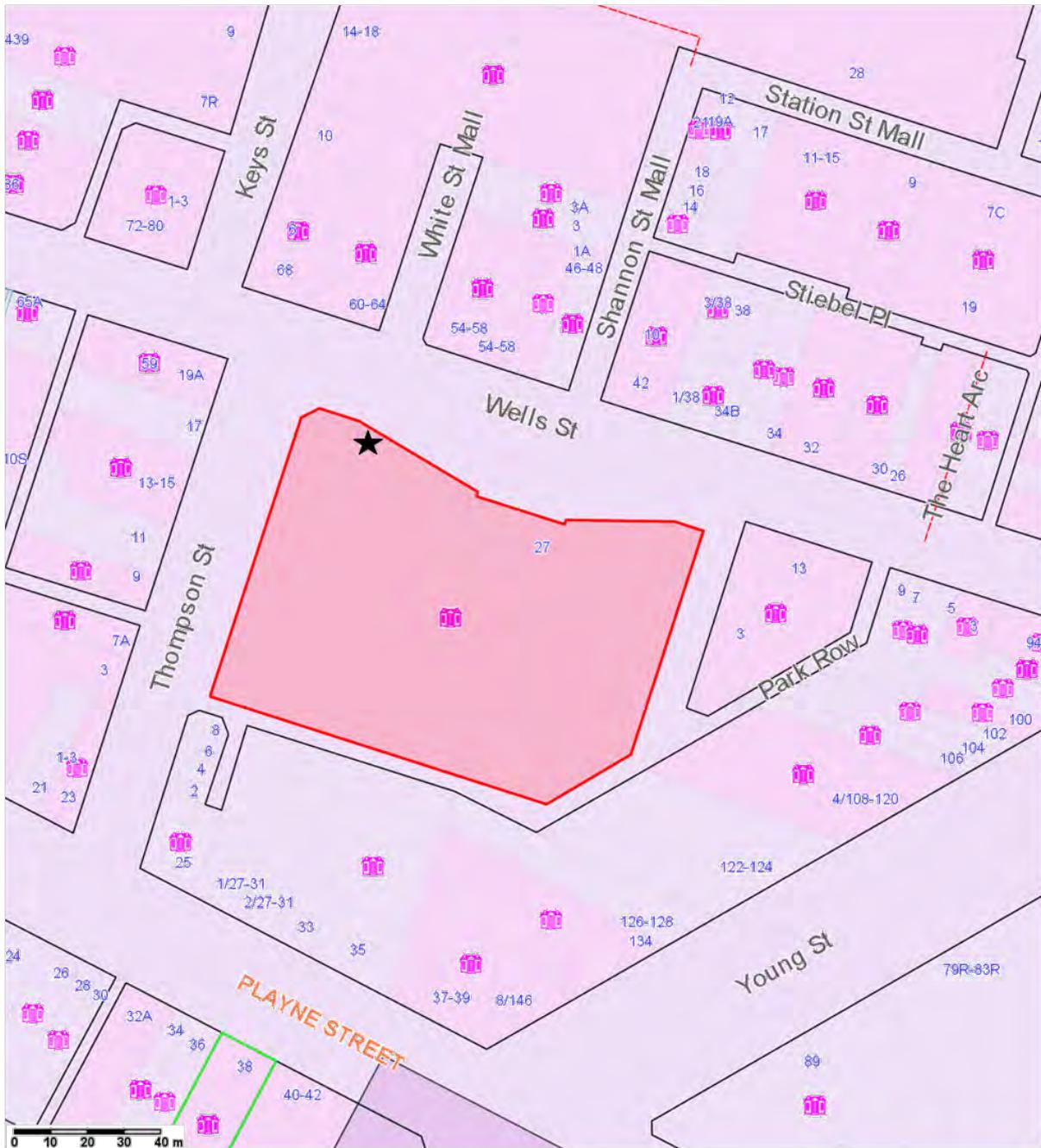
- a. Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started;
- b. Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

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.

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.

Attachment A: Locality Map

Town Planning Application 173/2017/P – Shop 3-4, Ground Floor 27 Wells Street Frankston
★ Subject Site



<p>Disclaimer Contains Council information © Frankston City Council. Reproduced by permission from the Business and Information Technology Department, Frankston City Council 2017. Contains VicMap information © State of Victoria, Department of Environment, Land, Water and Planning, 2017. Reproduced by permission. This material may be of assistance to you but Frankston City Council, the State of Victoria and their employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaim all liability for any error, loss or consequences which may arise from your relying on any information contained in this material. You are hereby notified that any use, dissemination, distribution or reproduction of this information is prohibited and must be used for personal use only. The information contained herein must not be used in any manner that could breach any criminal, federal, state or local law.</p>	<p>Projection: GDA94 / MGA zone 55 Scale: 1:1458 Date Printed: 5/06/2017 Time Printed: 12:19 PM Issued by: Tara Lambert</p>	<p>N </p>	
--	---	---	---

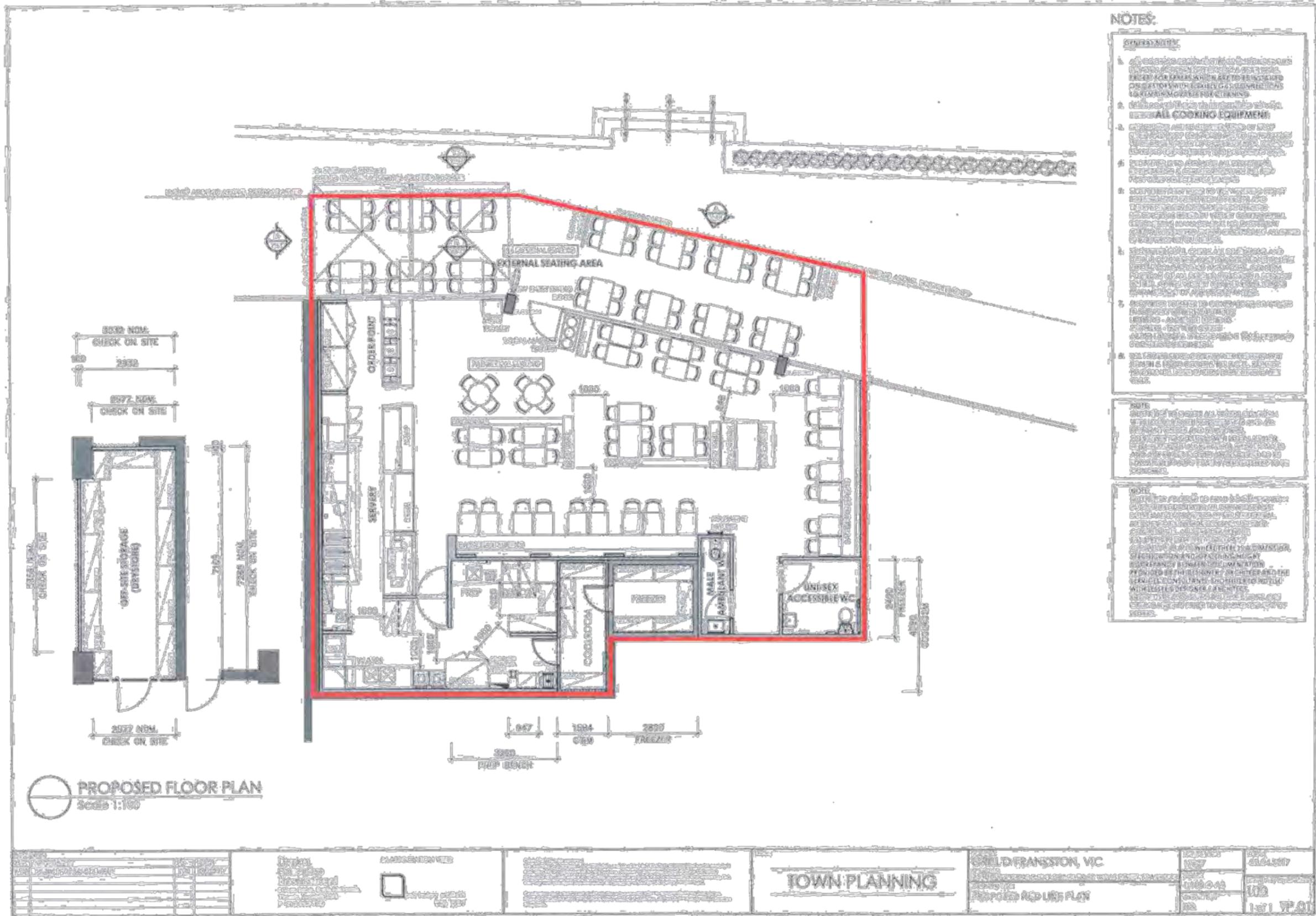
11.1 Planning Application 173/2017/P - Shop 3-4, 27 Wells Street, Frankston - To use the land to sell and consume liquor (Restaurant and Café Licence); a reduction in the car parking requirements; to waive loading/unloading requirements; to waive bicycle facility requirements and to display business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

Attachment B: Locality Aerial

Town Planning Application 173/2017/P – 27 Wells Street Frankston



<p>Disclaimer Contains Council Information © Frankston City Council. Reproduced by permission from the Business and Information Technology Department, Frankston City Council 2017. Contains VicMap information © State of Victoria, Department of Environment, Land, Water and Planning, 2017. Reproduced by permission. This material may be of assistance to you but Frankston City Council, the State of Victoria and their employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaim all liability for any error, loss or consequences which may arise from your relying on any information contained in this material. You are hereby notified that any use, dissemination, distribution or reproduction of this information is prohibited and must be used for personal use only. The information contained herein must not be used in any manner that could breach any criminal, federal, state or local law.</p>	<p>Projection: GDA94 / MGA zone 55 Scale: 1:1458 Date Printed: 5/06/2017 Time Printed: 12:10 PM Issued by: Tara Lambert</p>		
---	---	---	---



Executive Summary**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**

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

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

Purpose

This report considers the merits of the request to amend the plans under Secondary Consent approved under Planning Permit 4/2012/P to construct six (6) dwellings (three (3) double storey and three (3) single storey), the removal of substantial trees, site coverage greater than 40% and works within 5 metres of a substantial tree for retrospective approval prior to the issue of the Statement of Compliance.

Recommendation (Director Community Development)

That the amendments to the approved plans be supported for Planning Permit 4/2012/P – 35 Culcairn Drive, Frankston South.

Key Points / Issues

- Planning Permit No. 4/2012/P to construct six (6) dwellings (three (3) double storey and three (3) single storey), the removal of substantial trees, site coverage greater than 40% and works within 5 metres of a substantial tree was issued on 26 July 2013.
- A Statement of Compliance inspection was conducted on 19 January 2017 when various areas of non-compliance were observed. These include:-
 - Constructed retaining walls not shown on plans.
 - Changes to finished surfaced levels of secluded private open space.
 - Changes to locations of water tanks and storage sheds.
 - Fencing heights were lower due to the changes to the finished surface levels and resulted in overlooking from Dwelling 4 into the private open space of Dwelling 5 and from Dwelling 5 into the private open space of Dwelling 6.
 - Overlooking from Dwelling 6 into the adjoining properties to the south.
 - External screening measures to the upper floors were not completed.
 - Dwelling 1 upper level windows were not obscure and fixed.
 - The 2.0 metres free standing privacy screen to the eastern side of the development was not constructed.
 - Alternative surface to that shown on the approved plans for the driveway to dwelling 2.

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**Executive Summary**

- Sun shades within the private open space areas were not installed.
- The front fence for Dwelling 1 was constructed in the incorrect location.
- Clotheslines for the dwellings were not installed.
- Storage sheds for the dwellings were not completed.
- The visitor car parking space was not line marked.
- Bollard lighting and external light to the dwellings was not completed.
- Landscaping along the driveway adjacent to the fencing and the adjoining site (currently under construction and fencing was removed) was not undertaken.

Amended plans were submitted by the applicant on 14 March 2017 illustrating changes to the plans to reflect the above changes (as constructed).

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

Financial Impact

For the 2017-2018 financial year, the State Government Minister for Local Government has announced a limit on the amount Victorian councils may increase rates. The cap for the 2017-2018 financial year is 2%. The cap is based on the Consumer Price Index expected for the financial year.

This cap has a significant effect on Council's current Long Term Financial Planning, with rate revenue being \$9 million less than anticipated over the first four years, growing to \$17 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

It is currently not anticipated that any additional funding will be required to achieve the key outcomes of the 2015/16 capital works program.

The permit application fee paid to Council is \$140. The average cost to process a planning application is \$1,729 which in this case is a shortfall of \$1,589.

Consultation**1. External Referrals**

The application was not referred externally.

2. Internal Referrals

The application was not referred externally.

3. Other relevant parties / stakeholders

Nil

Notification of Proposal

There is no provision pursuant to Section 52 of the Planning and Environment Act 1987 to give notice of Secondary Consent applications. As this application is to amend the plans endorsed under the permit to reflect the current built form on the site, and the changes requested are minor in nature, the application is considered unlikely to cause any material detriment to any person.

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**Executive Summary****Analysis (Environmental / Economic / Social Implications)**

There are no environmental, social or economic implications as a result of the proposed amendments to the plans.

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

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

Legal

Council has complied with Section 52, 58 and 60 of the *Planning and Environment Act 1987* in processing the request to amend plans under secondary consent.

Policy Impacts

Council officers have assessed the amended plans in accordance with the relevant section of the *Planning and Environment Act 1987* and in accordance with relevant State and Local Planning Policy provisions.

Officer's Declaration of Interests

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

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

Risk Mitigation

There are no risk implications

Conclusion

It is considered the changes proposed are minor in context and do not substantially change the original approved development. It is considered that the amended plans should be approved under the provisions of secondary consent.

ATTACHMENTS

Attachment A: Amended Development Plans

Attachment B: Amended Landscape Plans

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

Officers' Assessment

Summary

Existing Use	Six (6) dwellings (three (3) double storey and three (3) single storey)
Site Area	2074.47 square metres
Proposal	Retrospective application to amend the approved plans to allow for a Statement of Compliance.
Site Cover	40.71%
Permeability	65.87%
Zoning	General Residential Zone
Overlays	<ul style="list-style-type: none"> • Design and Development Overlay – Schedule 9 • Significant Landscape Overlay – Schedule 4
Neighbourhood Character Precinct	Frankston South Precinct 6
Reason for Reporting to Council	Application associated with non-compliance for a Statement of Compliance

Background

Planning Permit No. 4/2012/P to construct six (6) dwellings (three (3) double storey and three (3) single storey) was issued on 26 July 2013. The development has now been constructed. An inspection was conducted and various areas of non-compliance were observed.

A compliance inspection was undertaken by Council officers on 19 January 2017 where several minor variations to the approved plans were noted. The applicant was advised to rectify matters where possible and to submit an application to amend the plans under Secondary Consent to reflect the outstanding changes to the development.

Subject Site/ Locality

The subject site is regular in shape and is located on the south side of Culcairn Drive in Frankston South.

The site has front and rear boundaries with a width of 22.13 metres and 22.21 metres, side boundaries of 94.63 metres and 92.80 metres and an overall area of 2074.47 square metres. A 2.01 metre wide drainage easement extends along the rear boundary of the site.

The site has a fall of approximately 8.1 metres from north to the south (rear) of the site.

The site contains a six (6) dwellings - (three (3) double storey and three (3) single storey).

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**Officers' Assessment**

Surrounding residential development is characterised by single dwelling allotments and multi-unit developments. There are a number of properties to the east and west of the subject on the south side of Culcairn Drive that are developed as multi dwelling sites containing five to seven dwellings. An important characteristic of the neighbourhood is the occurrence of larger-sized allotments on the southern side of Culcairn Drive. These blocks are gradually being redeveloped for multi-unit sites (mainly double storey) as the existing ageing housing stock nears its useful life expectancy.

Site History

Previous planning permit applications for the site include:

- Application No. 530/2011/P was deemed lapsed on 21 November 2011.
- Planning Permit No. 4/2012/P to construct six (6) dwellings (three (3) double storey and three (3) single storey) was issued on 26 July 2013.
- One (1) objection was received to the original application regarding the loss of privacy, removal of trees and rear fencing.

Proposal

A request has been made to amend plans pursuant to Condition 2 of Planning Permit No. 4/2012/P. Condition 2 states that:

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

The following changes are proposed:

- As constructed retaining walls and finished surface levels of the private open space updated on the plans.
- Changes to locations of water tank and storage sheds to reflect the 'as constructed' status.
- To prevent overlooking, 1.8 metre high timber paling fences have been nominated to go on top of the retaining walls between all the dwellings.
- A 1.8 metres high timber paling fence to the rear of Dwelling 6 is proposed to address overlooking into the adjoining properties located to the south.
- Dwelling 1 upper level window fitted with a louvre screen (in lieu of the fixed and obscure window) fixed to the first floor window to prevent overlooking.
- The landscape treatment to all private open space areas has been adjusted by reducing/deleting the extent of grassed areas.
- Sun shades shown on plans have been deleted.

Planning Scheme Controls

A Planning Permit was required pursuant to:

Clause 32.01-4 – Residential 1 Zone of the Frankston Planning Scheme to construct two or more dwellings on a lot.

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**Officers' Assessment**

Clause 42.03-2 – Significant Landscape Overlay – Schedule 4 of the Frankston Planning Scheme to remove any substantial tree and to construct buildings and works less than 5 metres from any substantial tree and for buildings at ground level exceeding 40% site coverage.

Amendment VC116 (gazetted 1 July 2014) implemented the General Residential Zone into 24 Victorian Planning Schemes whereby they reformed residential zones that had not been applied by 1 July 2014 and deleted the Residential 1 Zone and references to the zones from the VPP and planning schemes.

Amendment C78 (gazetted 1 January 2014) amended Significant Landscape Overlay - Schedule 4 and implemented the Design and Development Overlay – Schedule 9 with many of the permit requirements pursuant to the SLO4 transferred to the DDO9.

Notification of Proposal

A proposal to amend the approved plans under secondary consent is exempt from the requirements of Section 52 of the Planning and Environment Act 1987.

Discussion

At the time of the compliance inspection a number of differences between the approved plans and on site conditions were identified. As discussed above the changes related to changes to retaining walls and changes to the finished surface levels and finishes of the private open space areas and other minor differences from the endorsed plans.

The changes are minor in context and do not transform the original proposal nor are they contrary to a specific permit condition and can be considered under secondary consent.

Matters that can be considered under secondary consent are limited to only the changes proposed by the amended plans.

The applicant has submitted amended plans to ensure that the development complies with approved plans so that a Statement of Compliance can be issued.

Plans

The changes to the plans indicate the locations of the retaining walls and the existing finished surface levels for the private open space areas are varied and are required to assist the development as a result of the topography.

Minor changes to the location of the water tank and storage sheds are a result of these changes to the finished surface levels.

The 1.8 metre high timber paling fences to be located on top of the retaining walls for all the dwellings are considered to be a reasonable outcome as this will prevent overlooking within the development. Additionally, the inclusion of 1.8 metre high fencing to the rear of Dwelling 6 will prevent overlooking onto the adjoining properties located to the south.

The change to the upper level window of Dwelling 1 to be fitted with a louvre screen is considered reasonable as it will prevent overlooking onto the adjoining property.

The changes to all private open space areas by adjusting the extent of grassed areas is considered reasonable as proposed replanting areas will not be reduced.

It is considered that the amendments are minor and can be supported for approval under secondary consent.

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**Officers' Assessment**Further Statement of Compliance Inspection

A second Statement of Compliance Inspection will be required to be ensure the following outstanding matters have been undertaken.

- External screening measures to the upper floors to be installed
- The 2.0 metre free standing privacy screen to the eastern side of the development be constructed.
- The front fence for Dwelling 1 relocated and constructed within the correct location.
- Surface of driveway to dwelling 1 is reinstated to a permeable pavement.
- Completion of landscaping including bollard lighting, line-marking of visitor car space, and installation of clotheslines and storage sheds to all of the dwellings.

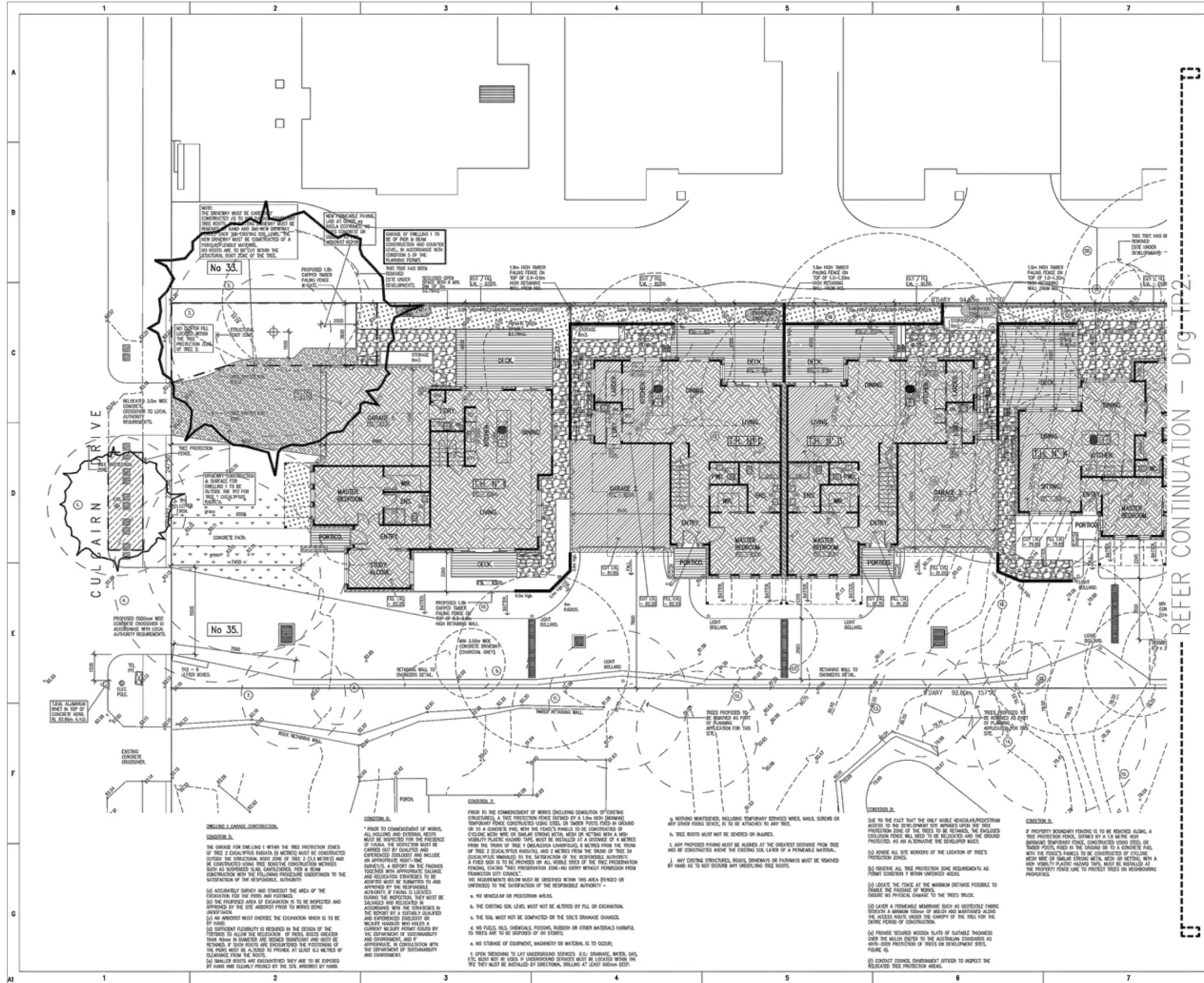
Conclusion

In assessing these matters, it is considered that the proposed changes are minor and do not greatly deviate from the original approval given. It is also considered that the result continues to satisfy the requirements of the State and Local Planning Policies, zoning controls and decision guidelines of Clause 65 of the Frankston Planning Scheme.

On balance, the proposed amendments to the plans are considered reasonable and warrant support.

Recommendation (Director Community Development)**Recommendation (Director Community Development)**

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.



SITE STATISTICS.

SITE ANALYSIS.

SITE AREA	2074.47 m ²
SITE COVERAGE	833.08 m ² (40.18%)

AREA ANALYSIS.

TOWNHOUSE 1.		TOWNHOUSE 4 & 5.	
PROG GROUND FLOOR	103.13 m ²	PROG FLOOR	88.83 m ²
PROG GARAGE	37.82 m ²	PROG GARAGE	24.09 m ²
PROG PORCH	3.17 m ²	PROG PORCH	3.77 m ²
PROG FIRST FLOOR	66.06 m ²	PROG DECK	9.74 m ²

TOWNHOUSE 2 & 3.		TOWNHOUSE 6.	
PROG GROUND FLOOR	87.43 m ²	PROG FLOOR	128.54 m ²
PROG GARAGE	35.99 m ²	PROG GARAGE	37.22 m ²
PROG PORCH	3.77 m ²	PROG PORCH	3.31 m ²
PROG DECK	8.34 m ²		
PROG FIRST FLOOR	58.31 m ²		

IMPERVIOUS AREA.

1386.63 m² (66.83%)

PLANNING ZONE.

RESIDENTIAL 1 ZONE (R1Z)

PLANNING OVERLAYS.

SPECIAL BUILDING OVERLAY - SCHEDULE (SBO)

PRIVATE OPEN SPACE.

	REQUIRED	PROPOSED	REQUIRED	PROPOSED
UNIT No 1.	60.00 m ²	83.78 m ²	UNIT No 4.	40.00 m ² , 71.08 m ²
UNIT No 2.	60.00 m ²	48.06 m ²	UNIT No 5.	40.00 m ² , 69.77 m ²
UNIT No 3.	48.92 m ²	48.06 m ²	UNIT No 6.	40.00 m ² , 113.78 m ²

CAR PARKING REQUIREMENTS.

	REQUIRED	PROPOSED	REQUIRED	PROPOSED
UNIT No 1.	2.	2.	UNIT No 4.	1.
UNIT No 2.	2.	2.	UNIT No 5.	1.
UNIT No 3.	2.	2.	UNIT No 6.	2.

REV. DATE: REVISION DESCRIPTION BY:

1.	July 15.	Issued for Endorsement.	NJ
2.	June 15.	Issued for Endorsement.	NJ
3.	June 15.	Issued for Endorsement.	NJ
4.	May 15.	Issued for Endorsement.	NJ
5.	May 15.	Issued for Endorsement.	NJ
6.	Sept 12.	Updated as per Planning Comment.	NJ
7.	May 15.	Updated as per Planning Letter.	NJ
8.	May 15.	Updated as per Planning Letter.	NJ
9.	Sept 11.	Planning Application Issue.	NJ

TOWN PLANNING APPLICATION ISSUE.

JAMES TURNER DESIGN

CLIENT: MR PETER & MRS BEV McCORQUODALE.

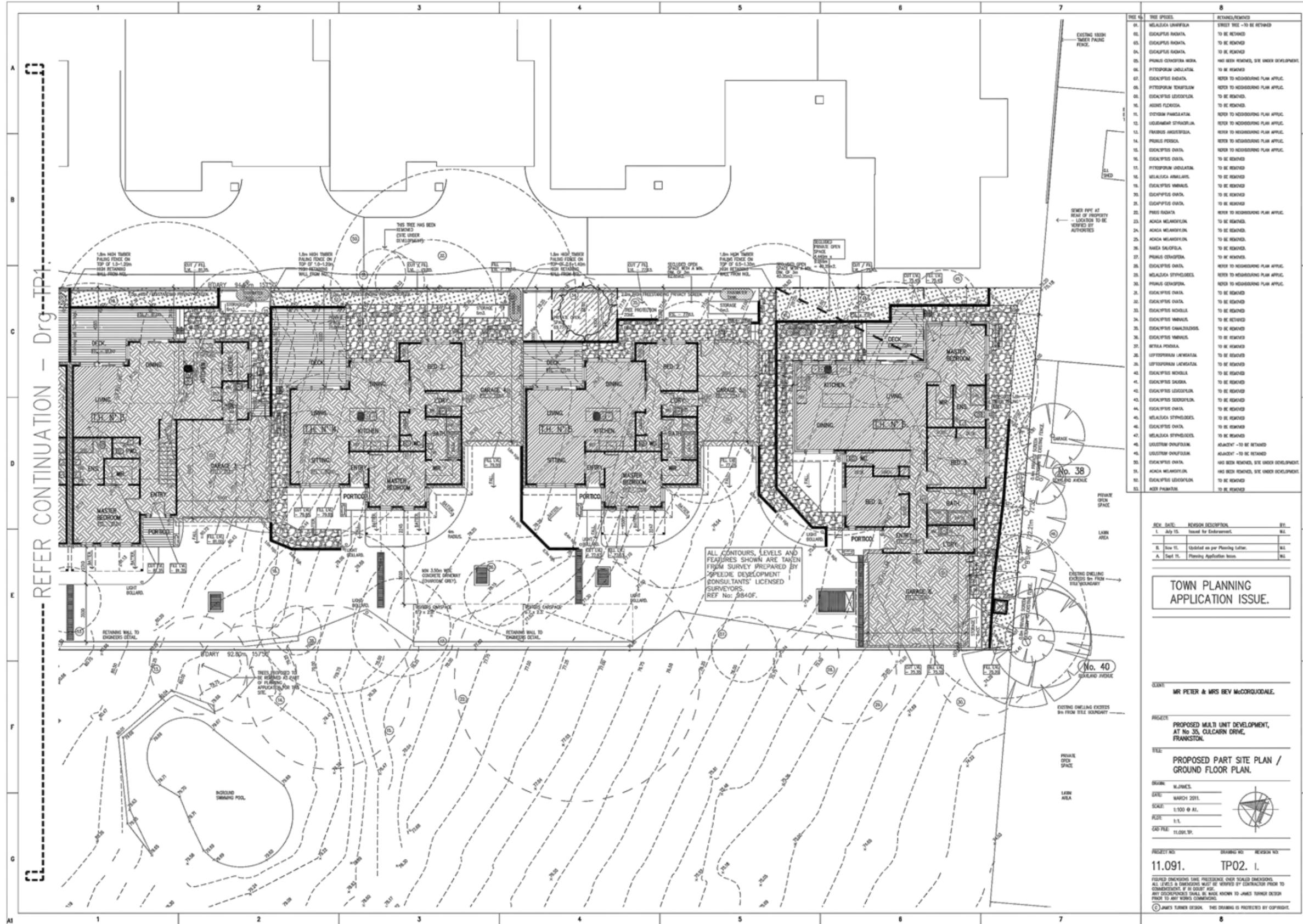
PROJECT: PROPOSED MULTI UNIT DEVELOPMENT, AT No 35, CULCARN DRIVE, FRANKSTON.

TITLE: PROPOSED PART SITE PLAN / GROUND FLOOR PLAN.

DRAWN: N.JAMES.
 DATE: MARCH 2011.
 SCALE: 1:100 @ A1.
 REVISION: 1/1.
 DATE FILE: 11.09.13.

PROJECT NO: 11.091.
 DRAWING NO: TP01. 1.

FOR THE PURPOSES OF THE PROVISIONS OF THE BUILDING ACT, ALL LEVELS & DIMENSIONS MUST BE VERIFIED BY CONTRACTOR PRIOR TO COMMENCEMENT OF ANY WORK. ANY DISCREPANCIES SHALL BE MADE KNOWN TO JAMES TURNER DESIGN PRIOR TO ANY WORK COMMENCING.
 © JAMES TURNER DESIGN. THIS DRAWING IS PROTECTED BY COPYRIGHT.



REFER CONTINUATION - Drg-TP1

REF	THE ISSUE	STATUS/REMARKS
01	MELALUCA SERRATA	STREET TREE - TO BE RETAINED
02	ECOCYPTEUS BACATA	TO BE RETAINED
03	ECOCYPTEUS BACATA	TO BE RETAINED
04	ECOCYPTEUS BACATA	TO BE RETAINED
05	ECOCYPTEUS BACATA	TO BE RETAINED
06	FRAXUS OXYROBATA	HAS BEEN REMOVED, SEE UNDER DEVELOPMENT
07	PTYOPORUM UNGLABRUM	TO BE RETAINED
08	ECOCYPTEUS BACATA	REFER TO NEIGHBOURING PLAN APPLIC.
09	PTYOPORUM UNGLABRUM	REFER TO NEIGHBOURING PLAN APPLIC.
10	ECOCYPTEUS BACATA	TO BE RETAINED
11	ADONIS FLORIDICA	TO BE RETAINED
12	STYDION PANGOLATUM	REFER TO NEIGHBOURING PLAN APPLIC.
13	LOGANIUM STYDIOFLUM	REFER TO NEIGHBOURING PLAN APPLIC.
14	FRAXUS OXYROBATA	REFER TO NEIGHBOURING PLAN APPLIC.
15	FRAXUS OXYROBATA	REFER TO NEIGHBOURING PLAN APPLIC.
16	FRAXUS OXYROBATA	REFER TO NEIGHBOURING PLAN APPLIC.
17	ECOCYPTEUS BACATA	TO BE RETAINED
18	ECOCYPTEUS BACATA	TO BE RETAINED
19	PTYOPORUM UNGLABRUM	TO BE RETAINED
20	MELALUCA SERRATA	TO BE RETAINED
21	ECOCYPTEUS BACATA	TO BE RETAINED
22	ECOCYPTEUS BACATA	TO BE RETAINED
23	FRAXUS OXYROBATA	REFER TO NEIGHBOURING PLAN APPLIC.
24	ADONIS FLORIDICA	REFER TO NEIGHBOURING PLAN APPLIC.
25	ADONIS FLORIDICA	REFER TO NEIGHBOURING PLAN APPLIC.
26	ADONIS FLORIDICA	REFER TO NEIGHBOURING PLAN APPLIC.
27	FRAXUS OXYROBATA	REFER TO NEIGHBOURING PLAN APPLIC.
28	ECOCYPTEUS BACATA	REFER TO NEIGHBOURING PLAN APPLIC.
29	MELALUCA SERRATA	REFER TO NEIGHBOURING PLAN APPLIC.
30	FRAXUS OXYROBATA	REFER TO NEIGHBOURING PLAN APPLIC.
31	ECOCYPTEUS BACATA	TO BE RETAINED
32	ECOCYPTEUS BACATA	TO BE RETAINED
33	ECOCYPTEUS BACATA	TO BE RETAINED
34	ECOCYPTEUS BACATA	TO BE RETAINED
35	ECOCYPTEUS BACATA	TO BE RETAINED
36	ECOCYPTEUS BACATA	TO BE RETAINED
37	ECOCYPTEUS BACATA	TO BE RETAINED
38	ECOCYPTEUS BACATA	TO BE RETAINED
39	ECOCYPTEUS BACATA	TO BE RETAINED
40	ECOCYPTEUS BACATA	TO BE RETAINED
41	ECOCYPTEUS BACATA	TO BE RETAINED
42	ECOCYPTEUS BACATA	TO BE RETAINED
43	ECOCYPTEUS BACATA	TO BE RETAINED
44	ECOCYPTEUS BACATA	TO BE RETAINED
45	ECOCYPTEUS BACATA	TO BE RETAINED
46	ECOCYPTEUS BACATA	TO BE RETAINED
47	ECOCYPTEUS BACATA	TO BE RETAINED
48	ECOCYPTEUS BACATA	TO BE RETAINED
49	ECOCYPTEUS BACATA	TO BE RETAINED
50	ECOCYPTEUS BACATA	TO BE RETAINED
51	ECOCYPTEUS BACATA	TO BE RETAINED
52	ECOCYPTEUS BACATA	TO BE RETAINED
53	ECOCYPTEUS BACATA	TO BE RETAINED
54	ECOCYPTEUS BACATA	TO BE RETAINED
55	ECOCYPTEUS BACATA	TO BE RETAINED

ALL CONTOURS, LEVELS AND FEATURES SHOWN ARE TAKEN FROM SURVEY PREPARED BY "SPECIEM DEVELOPMENT CONSULTANTS" LICENSED SURVEYORS. REF No: 9840F.

REV.	DATE	REVISION DESCRIPTION	BY
1	July 15	Issued for Endorsement	ML
2	Nov 15	Updated as per Planning Letter	ML
3	Nov 15	Planning Application Issue	ML

TOWN PLANNING APPLICATION ISSUE.

CLIENT: MR PETER & MRS BEV McCORQUODALE.

PROJECT: PROPOSED MULTI UNIT DEVELOPMENT, AT No 35, CULCARN DRIVE, FRANKSTON.

TITLE: PROPOSED PART SITE PLAN / GROUND FLOOR PLAN.

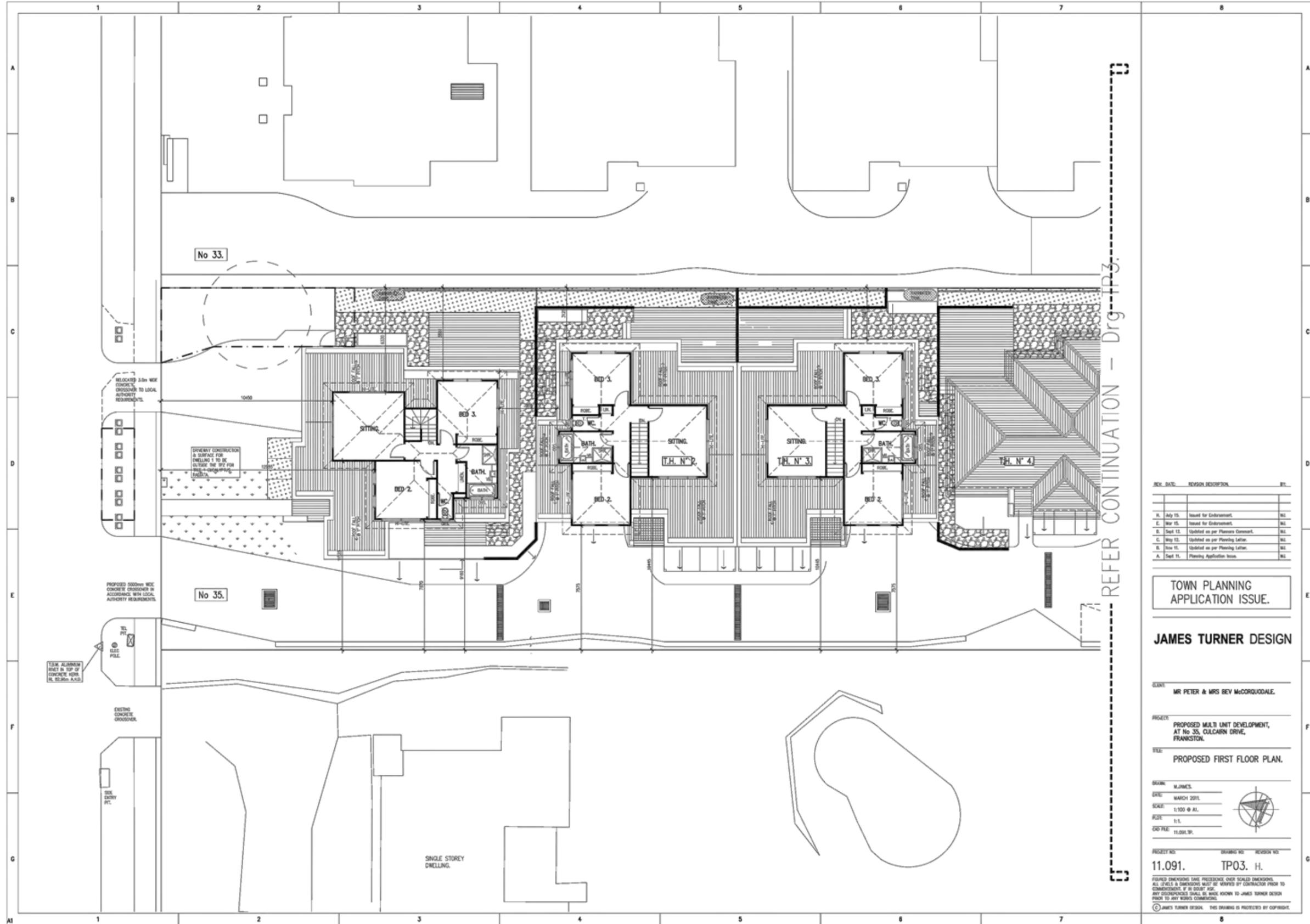
DESIGN: M.JAMES.
 DATE: MARCH 2011.
 SCALE: 1:100 @ A1.
 FILE: 1:1.
 DATE PLOT: 11.09.17.



PROJECT NO: 11.091.
 DRAWING NO: TP02. 1.

FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS. ALL LEVELS & DIMENSIONS MUST BE VERIFIED BY CONTRACTOR PRIOR TO COMMENCEMENT OF ANY WORK. ANY DISCREPANCIES SHALL BE MADE KNOWN TO JAMES TURNER DESIGN PRIOR TO ANY WORK COMMENCING.

© JAMES TURNER DESIGN. THIS DRAWING IS PROTECTED BY COPYRIGHT.



REV. DATE	REVISION DESCRIPTION	BY
K. July 15.	Issued for Endorsement.	WJ
E. May 15.	Issued for Endorsement.	WJ
B. Sept 12.	Updated as per Planners Comment.	WJ
C. May 12.	Updated as per Planning Letter.	WJ
D. June 11.	Updated as per Planning Letter.	WJ
A. Sept 11.	Planning Application Issue.	WJ

TOWN PLANNING APPLICATION ISSUE.

JAMES TURNER DESIGN

CLIENT: MR PETER & MRS BEV McCORQUODALE.

PROJECT: PROPOSED MULTI UNIT DEVELOPMENT, AT No 35, CULCARN DRIVE, FRANKSTON.

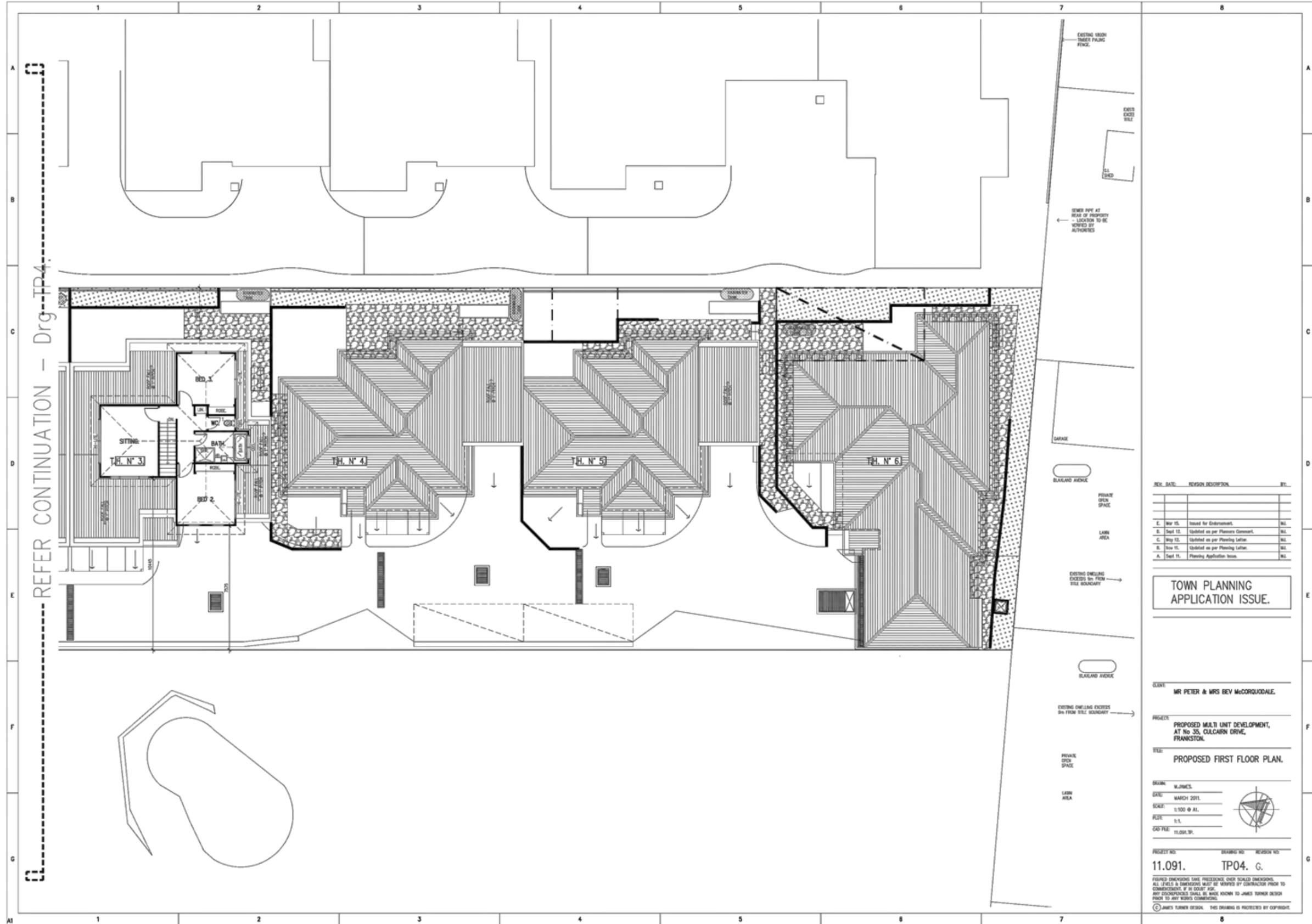
TITLE: PROPOSED FIRST FLOOR PLAN.

DESIGN: J. JAMES.
 DATE: MARCH 2011.
 SCALE: 1:100 @ A1.
 FILE: 1:1.
 DATE PLO: 11.09.13.



PROJECT NO: 11.091.
 DRAWING NO: TP03.
 REVISION NO: H.

FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS. ALL LEVELS & DIMENSIONS MUST BE VERIFIED BY CONTRACTOR PRIOR TO COMMENCEMENT OF ANY WORK. ANY DISCREPANCIES SHALL BE MADE KNOWN TO JAMES TURNER DESIGN PRIOR TO ANY WORK COMMENCING.
 © JAMES TURNER DESIGN. THIS DRAWING IS PROTECTED BY COPYRIGHT.



REV. DATE	REVISION DESCRIPTION	BY
E. Mar 15.	Issued for Endorsement.	WJ
B. Sept 15.	Updated as per Planners Comment.	WJ
C. May 15.	Updated as per Planning Letter.	WJ
D. Nov 15.	Updated as per Planning Letter.	WJ
A. Sept 15.	Planning Application Issue.	WJ

TOWN PLANNING APPLICATION ISSUE.

CLIENT: **MR PETER & MRS BEV MCCORQUODALE.**

PROJECT: **PROPOSED MULTI UNIT DEVELOPMENT, AT No 35, CULCARN DRIVE, FRANKSTON.**

TITLE: **PROPOSED FIRST FLOOR PLAN.**

DESIGNER: **W.JAMES.**

DATE: **MARCH 2011.**

SCALE: **1:100 @ A1.**

PAGE: **1/1.**

CAD FILE: **11.091.SP.**

PROJECT NO: **11.091.** DRAWING NO: **TP04.** REVISION NO: **G.**

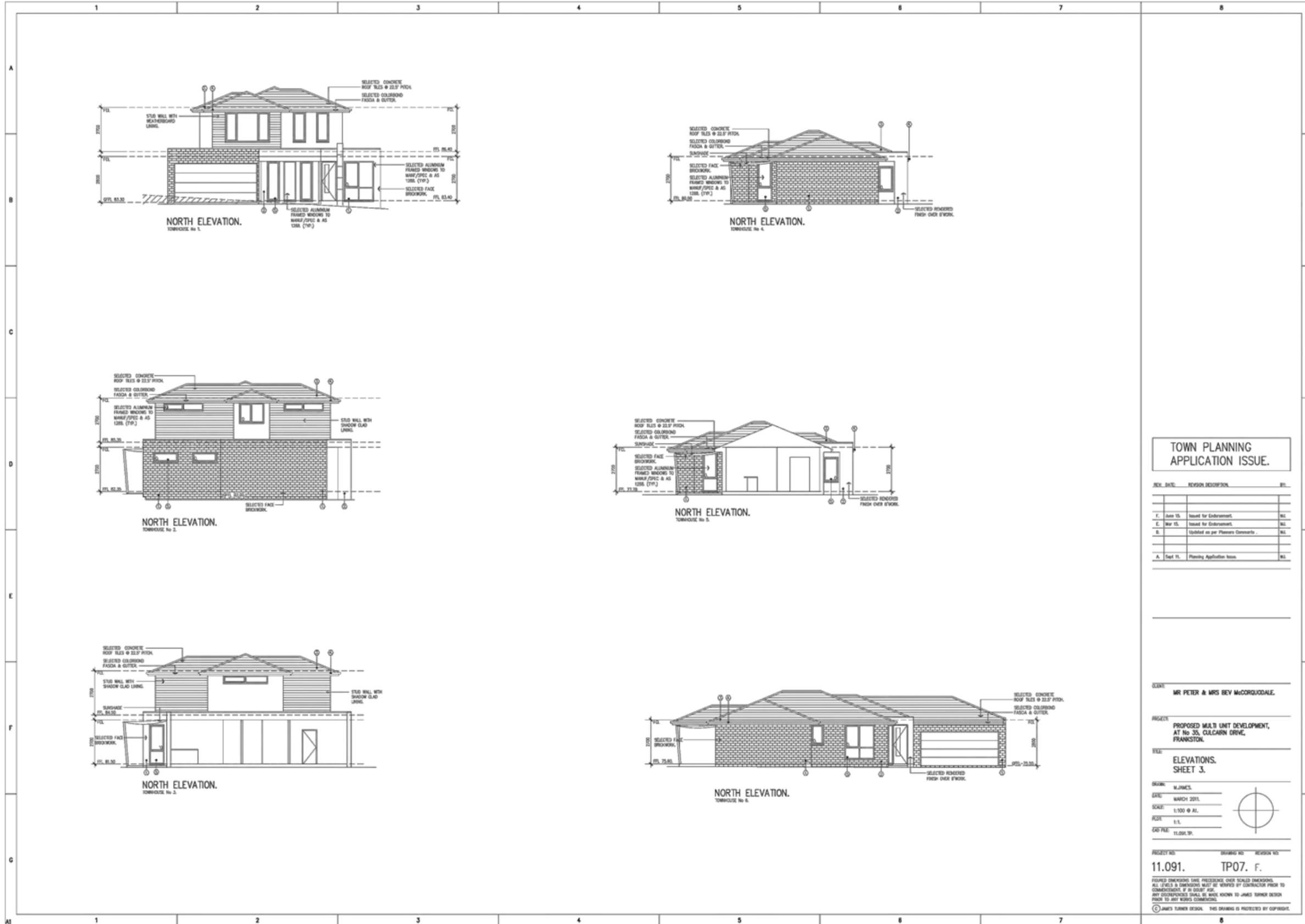


FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS. ALL LEVELS & DIMENSIONS MUST BE VERIFIED BY CONTRACTOR PRIOR TO COMMENCEMENT OF ANY WORK. ANY DISCREPANCIES SHALL BE MADE KNOWN TO JAMES TURNER DESIGN PRIOR TO ANY WORK COMMENCING.

© JAMES TURNER DESIGN. THIS DRAWING IS PROTECTED BY COPYRIGHT.







TOWN PLANNING APPLICATION ISSUE.

REV. DATE	REVISION DESCRIPTION	BY
F. June 15.	Issued for Endorsement.	NL
E. May 15.	Issued for Endorsement.	NL
D. [Blank]	Updated as per Planners Comments.	NL
A. Sept 11.	Planning Application Issue.	NL

CLIENT: **MR PETER & MRS BEV McCORQUODALE.**

PROJECT: **PROPOSED MULTI UNIT DEVELOPMENT, AT No 35, CULCARN DRIVE, FRANKSTON.**

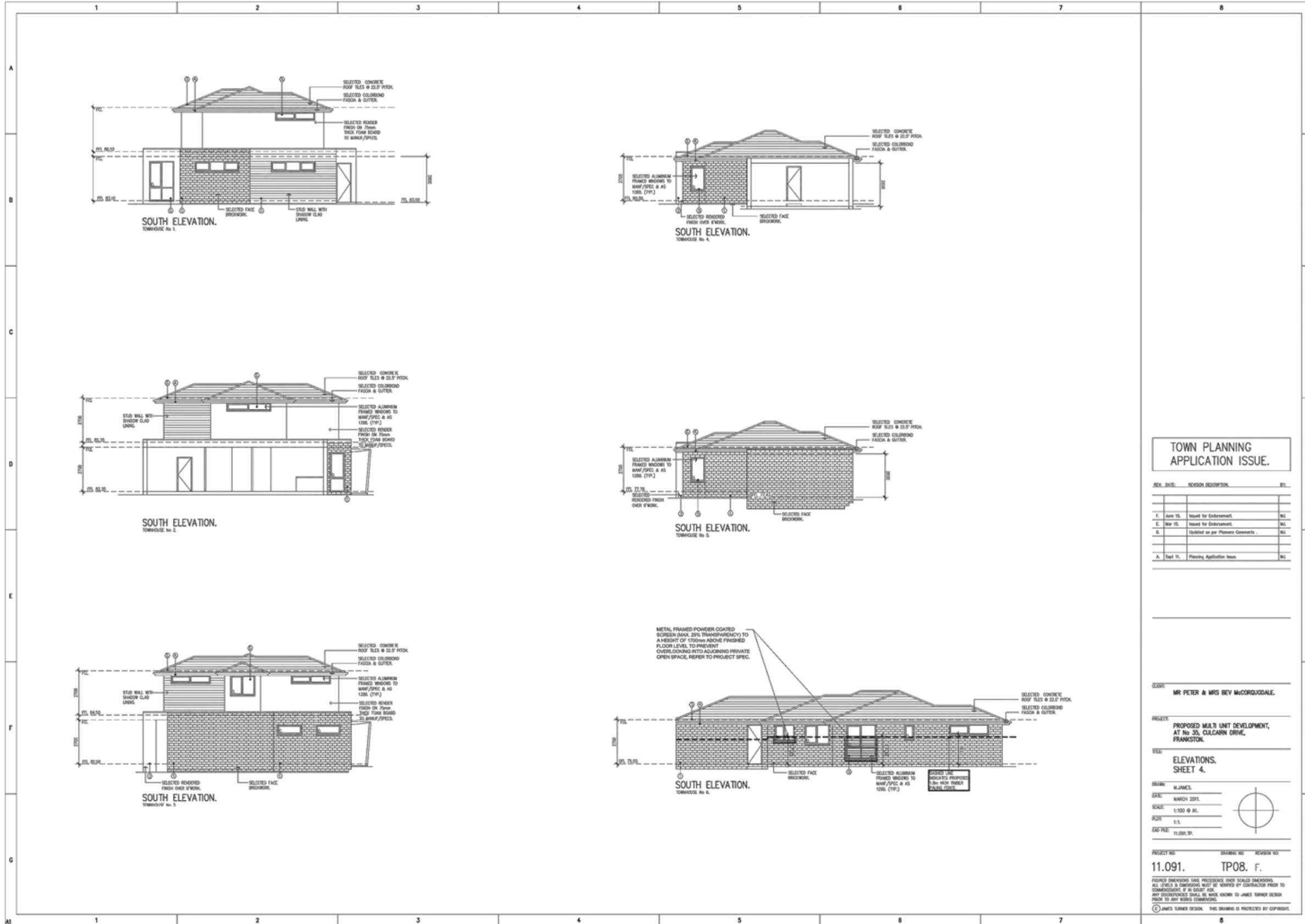
TITLE: **ELEVATIONS. SHEET 3.**

DESIGN: **N.JAMES.**
 DATE: **MARCH 2011.**
 SCALE: **1:100 @ A1.**
 PLOT: **1:1.**
 DATE PLOT: **11.09.13.**



PROJECT NO: **11.091.** DRAWING NO: **TP07.** REVISION NO: **F.**

FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS. ALL LEVELS & DIMENSIONS MUST BE VERIFIED BY CONTRACTOR PRIOR TO COMMENCEMENT OF ANY WORK. ANY DISCREPANCIES SHALL BE MADE KNOWN TO JAMES TURNER DESIGN PRIOR TO ANY WORK COMMENCING.
 © JAMES TURNER DESIGN. THIS DRAWING IS PROTECTED BY COPYRIGHT.



TOWN PLANNING APPLICATION ISSUE.

REV. DATE	REVISION DESCRIPTION	BY
F. June 15.	Issued for Endorsement.	NL
E. May 15.	Issued for Endorsement.	NL
D.	Updated as per Planners Comments.	NL
A. Sept 11.	Planning Application Issue.	NL

CLIENT: **MR PETER & MRS BEV McCORQUODALE.**

PROJECT: **PROPOSED MULTI UNIT DEVELOPMENT, AT No 35, CULCARN DRIVE, FRANKSTON.**

TITLE: **ELEVATIONS. SHEET 4.**

DESIGN: **N.JAMES.**
 DATE: **MARCH 2011.**
 SCALE: **1:100 @ A1.**
 PLOT: **1:1.**
 DATE PLOTTED: **11.09.13.**



PROJECT NO: **11.091.** DRAWING NO: **TP08.** REVISION NO: **F.**

FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS. ALL LEVELS & DIMENSIONS MUST BE VERIFIED BY CONTRACTOR PRIOR TO COMMENCEMENT OF ANY WORK. ANY DISCREPANCIES SHALL BE MADE KNOWN TO JAMES TURNER DESIGN PRIOR TO ANY WORK COMMENCING.

© JAMES TURNER DESIGN. THIS DRAWING IS PROTECTED BY COPYRIGHT.



NOTES

- 1. Contractor to verify location of all underground services prior to commencement of work.
 - 2. Remove weeds from all areas shown on the drawings as garden beds and lawn. Herbicide to be used sparingly.
 - 3. Grade site into garden beds, lawn or gravel areas. Adjust grading accordingly when water table or ground is a concern.
 - 4. Determine pH of soil using pH kit available at most nurseries. The soil should have a pH slightly acidic to neutral (pH - 5.5 to 7.2). If outside of this range contact your local nursery to obtain advice on improving the pH level. Plant tolerance of high or low pH varies.
 - 5. Clay soils should be checked for responsiveness to gypsum which can allow plant roots to penetrate the soil. If required, add gypsum according to manufacturer's directions.
 - 6. Minimize cultivation of existing soil and improve with organic material such as well rotted manure, soil improver or compost prepared to AS-4454-2003. Top dress existing soil with this matter and cover with mulch. If existing topsoil is not available then imported topsoil that complies with AS-4419-2003 should be used.
 - 7. Plant selection shall be as per the plant schedule in locations as shown on the drawings. Plant quantities are to be confirmed by the contractor and any discrepancies between the plant schedule and plan are to be reported to the Landscape Architect before proceeding. Plants are to have well developed root systems and be free of pest and disease.
 - 8. A drip watering system should be installed to all garden beds and connected to a rainwater tank if available. If unavailable, a rainwater tank should be used and installed as per plumbing regulations and local guidelines. Budget to confirm location and style on site.
- REFER TO LOCAL WATER AUTHORITY DURING PERIOD OF WATER RESTRICTION
- 9. Apply organic mulch to all garden bed areas to a depth of 75mm as per planting details. Recommended sources of mulch should be Pine or local common Eucalyptus. Rose timbers such as Red Gum or Jarrah should not be used.
 - 10. Seeds or liquid fertilizer to apply upon initial planting. Seed targets roots and promotes healthy & balanced growth. Phostogen is an ideal liquid fertilizer that can be applied to the entire garden every three months. Individual plant species have varying requirements. Consult your local nursery for advice.
 - 11. All timber products to be treated pine, recycled or plantation grown. Jarrah, Red Gum or Native (White) Cypress Pine (Cablea columnaris), should not be used unless demonstrated that they are a recycled product.
 - 12. Stake trees for one to two years as per detail. Use two or three 36x36x300 HH stakes per tree and fasten with 50mm plastic ties.
 - 13. All climbers require wire or trellis climbing frame to be attached to the adjacent surface. Unless otherwise noted on plan, use timber edging as per detail between adjacent garden beds, crushed rock paths & lawn areas.
 - 14. Areas shown as lawn on the drawings are to be regraded to provide smooth contours and related to remove soil clods and debris. It is recommended that lawn areas be seeded with non-invasive grass species such as Queensland Blue-Grass (Poa annua var. serotina), Rooking Grass (Bouteloua rookingii), Weeping Grass (Microseris ripoides), Crested Berr Grass (Poa annua var. serotina), Cluttered Weeping Grass (Doronicum rostratum), Banksway Blue-Grass (Poa pratensis), Tall fescue (Festuca arundinacea). Water lawn areas during establishment in accordance with their guidelines as advised by local Water Authority.
 - 15. Following maintenance should be undertaken every 4-6 weeks for 2 years following establishment. Dead or diseased plants should be replaced. Continue to monitor for weed species and remove as required. Exclude any pest animals or insects. Continue to water other plants according to individual species' moisture needs, seasonal conditions and as advised by local Water Authority. All plants and trees to be monitored and pruned as required, according to AS-4373 (Pruning of Amenity Trees), which to be repurchased annually in Spring.

ISSUE	DATE	DESCRIPTION
A	3/3/17	TOWN PLANNING APPLICATION

© THIS DRAWING IS PROTECTED BY COPYRIGHT & REMAINS THE PROPERTY OF GENUS LANDSCAPE ARCHITECTS. THESE DRAWINGS ARE TO BE USED SOLELY FOR THE PURPOSE NAMED IN THE DRAWING TITLE & ARE NOT TO BE USED FOR ANY OTHER APPLICATION TO THE CONTRARY OR FOR ANY PURPOSE UNLESS SPECIFICALLY APPROVED IN WRITING BY THE LANDSCAPE ARCHITECT.

TITLE:
TOWNHOUSE DEVELOPMENT

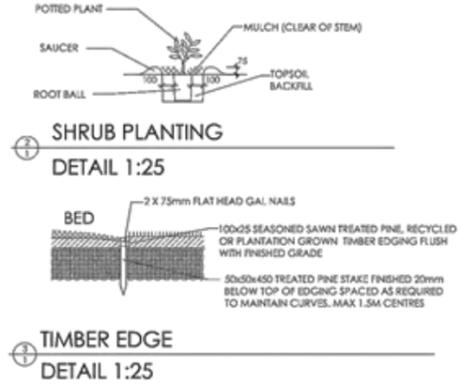
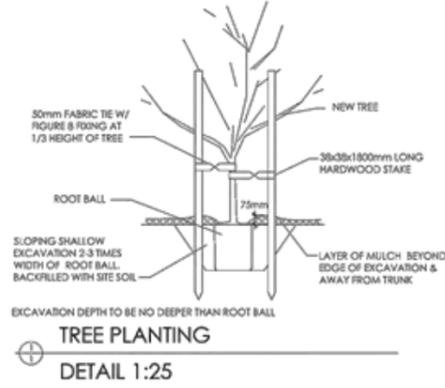
CLIENT:
P & B MCCORQUODALE

ADDRESS:
35 CULCAIRN DRIVE FRANKSTON SOUTH

415 McCLELLAND DRIVE
 LANGWARRIN, VIC 3910
 t.03 9788 8724 f.03 9788 8799
 e.info@genusla.com.au
 www.genusla.com.au

DRAWN: JD	DATE: 3/2017	SCALE: 1:100	No: -
DRAWING SIZE: A1	PROJECT REFERENCE: 17-2050	ISSUE: A	SHEET No: 2 of 2

LANDSCAPE PLAN 1:100



Executive Summary**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)**

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

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

Purpose

This report considers the merits of the planning application to construct two (2) double storey dwellings.

Recommendation (Director Community Development)

That a Notice of Decision to Grant a Planning Permit be issued for Application 651/2016/P – 24 Oates Street, Frankston, subject to the conditions contained in the officer's assessment including a requirement for a Section 173 Agreement.

Key Points / Issues

- It is proposed to construct one (1) double storey dwelling to the rear of an existing dwelling (two (2) dwellings).
- Three (3) objections were received, mainly concerning the two storey built form, overlooking and additional parking to local traffic.
- Three (3) car parking spaces will be provided which meets the requirements of Clause 52.06.
- One (1) visitor car parking space is required under Council's Visitor Car Parking Guidelines however none is provided.
- The proposed development is consistent with State and Local Planning Policy Frameworks as it provides an increase in the diversity and supply of housing stock within the municipality which increases housing choice for residents and is considered consistent with the preferred neighbourhood character of the area.
- The proposed development is considered to respond appropriately to the Frankston 5 Neighbourhood Character Precinct Statement and Clause 55 – ResCode.
- The proposal is being reported to Council due to non-compliance with Council's Multi Dwelling Visitor Car Parking Guidelines.

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

Financial Impact

For the 2017-2018 financial year, the State Government Minister for Local Government has announced a limit on the amount Victorian councils may increase rates. The cap for the 2017-2018 financial year is 2%. The cap is based on the Consumer Price Index expected for the financial year.

This cap has a significant effect on Council's current Long Term Financial Planning, with rate revenue being \$9 million less than anticipated over the first four years, growing to \$17 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

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

The permit application fee paid to Council is \$1,734. The average cost to process a planning application is \$1,729 which represents a difference of \$5.

Consultation1. External Referrals

The application was not required to be referred externally.

2. Internal Referrals

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

3. Other relevant parties / stakeholders

None applicable.

Notification of Proposal

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

Notification was given in the form of:

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

As a result of the public notification, three (3) objections were received. The grounds of objection are summarised in the officer's assessment contained within this report.

Analysis (Environmental / Economic / Social Implications)

The proposed development will have a negligible impact on the environment. No trees are to be removed from the site and no vegetation on adjoining properties will be impacted adversely from the development.

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

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

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

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

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

Legal

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

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)**Executive Summary**Policy Impacts

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

Officer's Declaration of Interests

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

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

Risk Mitigation

There are no risk implications.

Conclusion

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

ATTACHMENTS

- Attachment A: Locality Map - Town Planning Application 651 2016 P – 24 Oates Street
- Attachment B: Locality Map (aerial) Town Planning Application 651 2016 P – 24 Oates St
- Attachment C: Neighbourhood Character Precinct Frankston 5
- Attachment D: Development Plans

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)

Officers' Assessment

Summary

Existing Use	Residential
Site Area	673 square metres
Proposal	To construct one (1) double storey building to the rear of the existing dwelling (two (2) dwellings)
Site Cover	44.33%
Permeability	30.78%
Zoning	General Residential Zone
Overlays	None
Neighbourhood Character Precinct	Frankston 5
Reason for Reporting to Council	Non- compliance with Multi Dwelling Visitor Car Parking Guidelines.

Background

Subject Site

The subject site is irregular in shape and is located on the northern side of Oates Street in Frankston.

The site has front and rear boundaries with a width of approximately 15.48 and 15.2 metres respectively, side boundaries of approximately 45.28 and 45.59 metres respectively and an overall area of 673 square metres. A 3.05 metre wide drainage easement extends along the rear northern boundary of the site. The site has a fall of approximately 2 metres from the front (south) to the rear (north).

The subject site currently contains an existing single storey dwelling with a colorbond roof. A large shed is located on the northern boundary at the rear of the dwelling. The site contains sparse vegetation, none of which is considered to be significant. The existing dwelling has a single crossover located adjacent to the southern site boundary.

Locality

The surrounding neighbourhood is characterised by a mix of single and double storey dwellings. Front fence treatments vary however the predominating fencing style is either low fences or no front fences.

Site History

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

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)

Officers' Assessment

Proposal

The proposal is summarised as:

Dwelling	Storeys	No. of Bedrooms	Secluded Private Open Space	Car Parking
1	1	2	47 square metres	Single carport
2	2	3	79 square metres	Double garage

Dwelling 1 has a setback of 5 metres from Oates Street and comprises of 2 bedrooms, living room, dining rooms, kitchen/sunroom, laundry and amenities.

Dwelling 2 will comprise of 1 master bedroom, 1 bathroom, kitchen/meals/family rooms, laundry and amenities on the ground floor and 2 bedrooms, 1 bathroom and a sitting area on the upper floor.

A double garage is proposed to be constructed on the north-western corner of Dwelling 2 adjacent to the western boundary of the site. The existing shed of Dwelling 1 will be removed and a new single carport is proposed at the rear of Dwelling 1.

Both car spaces will be accessed via an extension of the existing crossover from Oates Street adjacent to the southern boundary.

Dwelling 2 will have a setback of 5.2 metres from the northern boundary, 1 metres from the eastern boundary, then along the boundary for 7.666 metres, running along 6.48 metres the western boundary with a setback of 6.96 metres from the existing dwelling.

Dwelling 2 will have a maximum height of 7.324 metres above natural ground level and will feature colorbond roofing, a brick and rendered finish at the lower storey and a foamboard and timber slat cladding finish at the upper storey. The maximum height of the existing dwelling is 5.1m.

The front fence of the existing dwelling will be retained.

State and Local Planning Policy Frameworks

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

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

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

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

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)**Officers' Assessment****Planning Scheme Controls**

A Planning Permit is required pursuant to:

- Clause 32.08-4 – General Residential Zone of the Frankston Planning Scheme for the construction of 2 or more dwellings on the lot;

Notification of Proposal

The grounds of objection are summarised as follows:

- The proposal is not sympathetic to the existing street architecture as there are no two storey dwellings within the area and would contribute to overlooking to surrounding properties;
- Proposal will add more parking to what is already an issue with Chisholm TAFE, PARC and local traffic;
- The proposal will block out afternoon sun from reaching the objector's private open space;

Referrals**Internal Referrals**

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

Traffic Engineer

- The proposal provides an adequate level of on-site car parking meeting the requirements specified by Clause 52.06 of the Frankston Planning Scheme.
- One on-site visitor car parking space is indicated under Council's Multi-Dwelling Visitor Parking Guidelines. As no visitor space is provided, the proposal does not meet Council's Multi-Dwelling Visitor Parking Guidelines by one space.
- It is noted that no parking can be provided on the street to the front of the site given the existing parking permit zone.
- Council's Traffic Engineer offers no objection to the proposal and does not require any conditions be included on the permit.

Drainage Engineer

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

Rates

- Council's Rates Officer has submitted street numbering for the proposal.

Environment Officer

- There is no significant vegetation on the subject site other than small commonly planted species or weed species.
- No arborist report was supplied to assess the impact of the works on the site and the trees in adjoining properties, however due to a site inspection it appears that

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)

Officers' Assessment

there is no impact on them. The neighbouring properties are either set back from the development or are small in size.

- No objections subject to inclusion of tree protection conditions for the trees to be retained and trees on adjoining properties.

Discussion

State and Local Planning Policy

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

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

Neighbourhood Character and Design Response

Council's Neighbourhood Character Policy (Clause 22.08) seeks to ensure that development is responsive to the key characteristics that make up the preferred character of each precinct. The site is located within the Frankston 5 Neighbourhood Character Precinct. The preferred character of the precinct is:

"The openness of the streetscape and the space around dwellings and the cohesiveness of streetscapes will be strengthened."

The design objectives of the Frankston 5 Precinct are addressed below:

Precinct Objectives	Design Response	Discussion
To encourage strengthening of the garden settings.	Prepare a landscape plan to accompany all applications for new Dwellings that utilises low maintenance species. Retain mature trees wherever possible.	Whilst there are no native or indigenous trees to retain, a condition on any permit issued would require a landscape plan to provide planting of indigenous species. As the existing trees on site are not considered to be significant and are of low retention value, their removal is considered to be acceptable.
To reflect the rhythm of existing dwelling spacing.	Buildings should be sited to create the appearance of space by providing setbacks on at least one side boundary and to reflect the existing spacing of buildings in the street.	Given the increase in multi-dwelling developments in the immediate and surrounding streets, the proposed dwelling is considered to be respectful of the spacing of existing dwellings within the area, subject to condition to provide the dwelling be at least one side setback boundary.

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)

Officers' Assessment

Precinct Objectives	Design Response	Discussion
To maintain the openness of the streetscape.	Provide no front fences or low, open style front fences, other than along heavily trafficked roads.	The proposal will retain the existing 2.1 metre high board fence along Oates Street which will maintain the current privacy to the front road. Although the proposal involves the retaining of a fence to the front of the existing dwelling, this is considered reasonable as there is a large building that is visually unappealing to the south at 24 Oates Street and other examples in the area and as such is considered to be consistent with the immediate character of the area. This is also an existing condition.

Clause 55 (Rescode)

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

Neighbourhood Character and Infrastructure

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

The proposal will provide for infill development in an area with sufficient access to community infrastructure, services and public transport. It is therefore considered to be an appropriate level of development.

The proposed development can be connected to all essential infrastructure services including the local drainage system.

The development is designed to provide adequate vehicle and pedestrian access. It is intended to use the existing vehicle crossover.

Whilst it is acknowledged that high fencing will be retained to the front of the existing dwelling however this is considered to have little impact in terms of the development integrating with the street.

Site Layout and Building Massing

The development will comply with street setback requirements as the existing dwelling is to be retained.

The maximum building height of the development is 7.324m, well within the preferred maximum building height of 9 metres. The height of the proposed development provides satisfactory graduation between the existing and new building.

Site coverage of 44.33% and permeability of 30.78% complies with ResCode requirements of 60% and 20% respectively.

The development allows for visual permeability and passive surveillance between the existing and proposed dwelling.

No public or communal open space is provided on site.

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)**Officers' Assessment**

Overall it is considered the level of vegetation removal is acceptable with no significant vegetation to be removed and, subject to the changes discussed earlier, appropriate landscaping can be provided to maintain and enhance the local landscape character of the area.

The width of access ways does not exceed 40% of the street frontage. Given only one additional dwelling is proposed, this will not significantly increase demand for on street parking.

The carport and garages will be secure and conveniently located for residents.

It is noted that the kitchen and living space have double glazed/obscured windows facing the shared access way. These windows are less than 1 metre from the driveway and therefore do not comply with Standard B15. A condition on any permit issued would require the removal of these windows and insertion of a skylight over these rooms.

Amenity Impacts

The development's proposed setbacks comply with Standard B17.

The proposed double garage for the proposed dwelling will be located along the western boundary for 6.48 metres and have a wall height of approximately 3.2 metres which meets the requirements of Standard B18.

The proposed development will have no unreasonable impact on daylight to existing habitable room windows on adjoining properties.

There are no north-facing windows to the existing dwelling to the south that are within 3 metres of the boundary of the site.

Overshadowing diagrams show that Dwelling 2 will have an acceptable level of overshadowing of private open space of adjoining properties within the requirements of the Standard.

The potential for overlooking from Dwelling 2's second storey has been addressed through the use of obscured glazing and highlight windows which is considered acceptable.

On-Site Amenity and Facilities

The existing and proposed dwellings could easily be modified to be made suitable for people with limited mobility.

Dwelling 2 incorporates a porch entrance that is easily identifiable and can be seen from the access way and/or street.

Both dwellings provide the minimum of 40m² of secluded private open space in a single parcel with more than the minimum width of 3 metres with convenient access to living areas.

The secluded private open spaces are located on the northern side of the existing and proposed dwellings and will allow for adequate solar access.

The existing dwelling does not have 6 cubic metres of storage space, therefore a condition on any permit would require Dwelling 1 to be provided with at least 6 cubic metres of externally accessible storage space, to be shown the plans.

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)**Officers' Assessment**

Dwelling 2 has been provided with 6 cubic metres of storage space located within the garage.

Detailed Design

Overall the proposed design response is satisfactory. The building design includes façade articulation, roof forms and window proportions consistent with other developments in the area.

The existing front fencing will be retained and is considered acceptable. No common property is proposed at this stage. Site services can be installed and readily maintained.

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

The proposal complies with the car parking requirements of Clause 52.06 as two car spaces are provided for each dwelling.

There is no requirement to provide visitor car parking on site pursuant to Clause 52.06. The proposal does not achieve Council's Multi-dwelling Visitor Car Parking Guidelines, which in this case recommend the provision of one visitor car space onsite.

Under the normal operation of the guidelines, visitor parking would not be required for this proposal. However, as there is no on-street parking available in front of the site due to permit only parking restrictions, the guidelines specify a space should be provided on site. Also, a Section 173 Agreement is required to be entered in that no parking permits will be granted to any dwelling approved under the permit. This can be required by a condition on any permit being issued.

There is no opportunity to provide an on-site visitor parking space onsite without substantially reducing landscaping opportunities. Neighbourhood character considerations for retention of landscaping areas and providing more open space are preferable outcomes in this case.

Cultural Heritage

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

Response to Grounds of Objection

The majority of objectors' concerns have been addressed above however the following require further discussion:

- **The proposal is out of character for this area**

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

- **The proposed overshadowing, loss of privacy, loss of light to surrounding properties.**

The plans show only minor overshadowing to the eastern adjoining property, which is well within compliance of the scheme.

Assessments of the plans show no overlooking will occur into the surrounding properties.

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)**Officers' Assessment**

- **More traffic on the streets**

Council's Traffic Engineers have assessed the proposal and offer no objection. The addition of one dwelling to the area will make a negligible addition to vehicle movements on the local road network.

Conclusion

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

It is considered that adequate car spaces are provided on-site for this development. Although this proposal does not meet Council's Multi Dwelling Visitor Car Parking Guidelines, there are sufficient nearby on-street visitor parking opportunities.

Recommendation (Director Community DevelopmentCommunity Development)

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 clear view 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;

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)**Officers' Assessment**

- (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;

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)**Officers' Assessment**

- (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.

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)**Officers' Assessment**

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.

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)**Officers' Assessment**

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.

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)**Officers' Assessment**

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

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)

Officers' Assessment

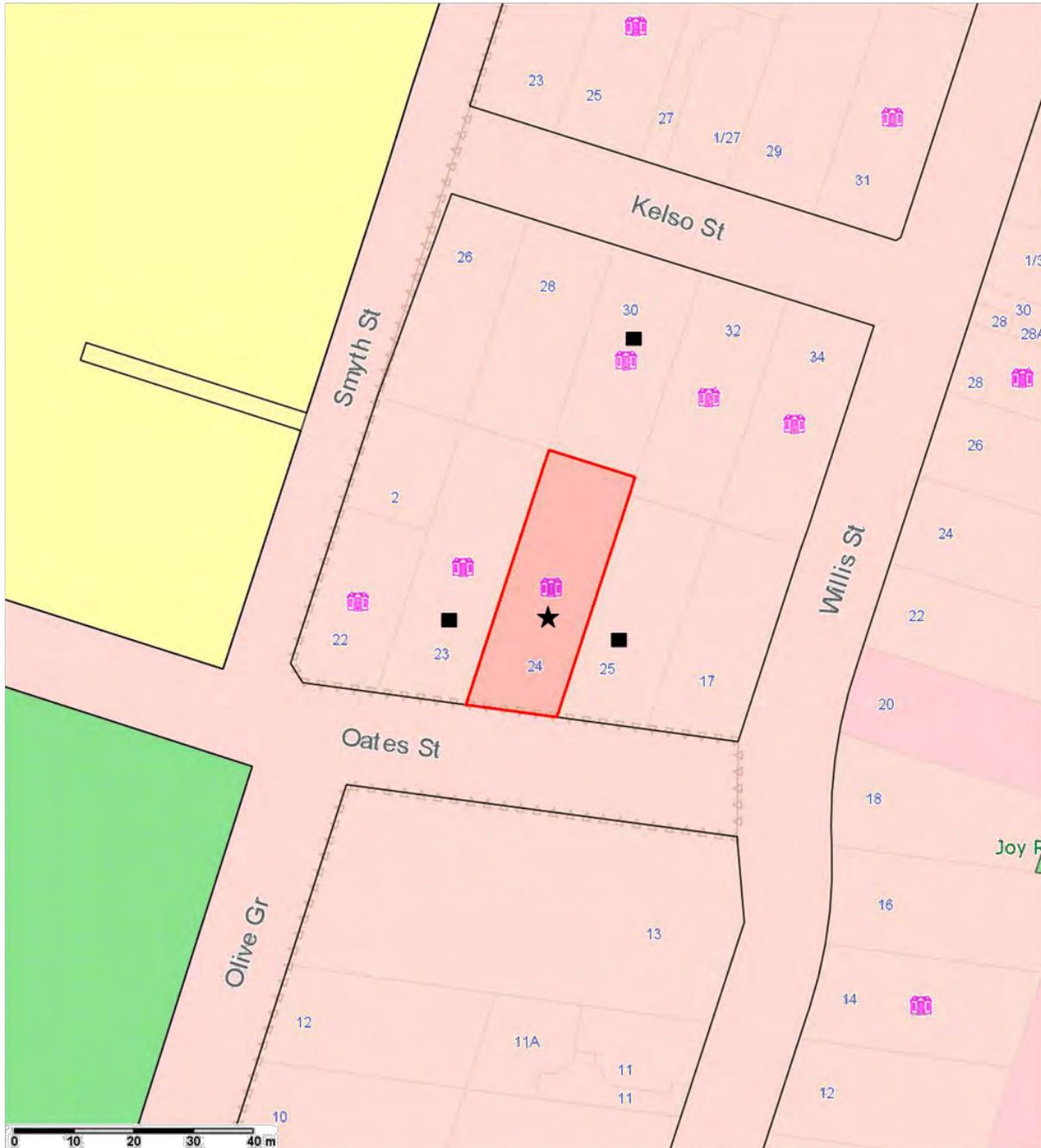
This numbering is allocated in accordance with the Rural and Urban Addressing Standard s (4819:2011). Once the buildings are complete the front dwelling is to allocate '1/24' as the correct, Council-approved allocation of addressing.”

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.

Town Planning Application 651/2016/P – 24 Oates Street, Frankston

★ Subject Site ■ Objectors



Disclaimer

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

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

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

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

Projection: GDA94 / MGA zone 55

Scale: 1:886

Date Printed: 8/06/2017

Time Printed: 12:56 PM

Issued by: Tara Lambert



Town Planning Application 651/2016/P – 24 Oates Street, Frankston



<p>Disclaimer Contains Council information © Frankston City Council. Reproduced by permission from the Business and Information Technology Department, Frankston City Council 2017. Contains VicMap information © State of Victoria, Department of Environment, Land, Water and Planning, 2017. Reproduced by permission. This material may be of assistance to you but Frankston City Council, the State of Victoria and their employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaim all liability for any error, loss or consequences which may arise from your relying on any information contained in this material. You are hereby notified that any use, dissemination, distribution or reproduction of this information is prohibited and must be used for personal use only. The information contained herein must not be used in any manner that could breach any criminal, federal, state or local law.</p>	<p>Projection: GDA94 / MGA zone 55 Scale: 1:800 Date Printed: 8/06/2017 Time Printed: 12:54 PM Issued by: Tara Lambert</p>		
--	--	--	--



FRANKSTON 5

Character Statement

Neighbourhood Character Precinct Brochure



DESCRIPTION

An area of varied dwelling eras and styles, representing continuity of development from Victorian times to the present. The area has streetscapes of mixed garden and front fence treatment, dwelling size and style, position on the site, presence of street trees and width of nature strip. The common and unifying characteristics is an openness of the street created by the low level garden planting, the space around dwellings and visibility of front gardens from the street. Streets nearer the Frankston commercial area, particularly those with larger blocks, have been extensively redeveloped with units. Much of the street tree planting, and some garden planting, is native.

Key Existing Characteristics

- Architecture is predominantly single storey Inter-War (and some earlier) to 50s of mixed styles and building materials
- Front setbacks are generally 6-7 metres with 1 and 3-4 metre side setbacks
- Fences are mixed, with many low and open fence styles
- Gardens are established with native and exotic vegetation
- Roads are sealed with kerbs and footpaths on both sides of the street
- Street trees are frequently medium to large and planted regularly

COMMUNITY VALUES

The following aspects of the area are valued by the community:

- Age and blend of buildings
- Diversity of building styles
- Established gardens and mature trees
- Quality in new development

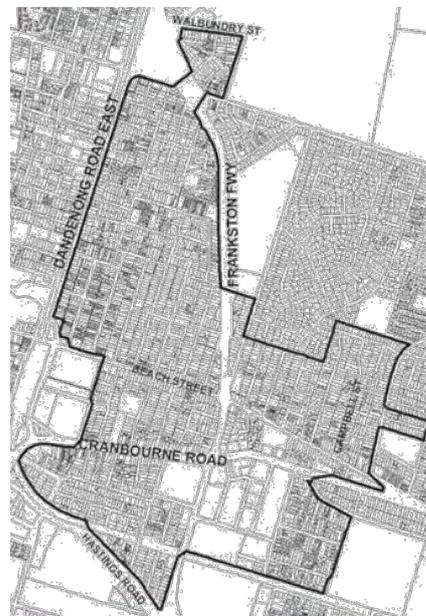
PREFERRED NEIGHBOURHOOD CHARACTER STATEMENT

The openness of the streetscape and the space around dwellings and the cohesiveness of streetscapes are to be strengthened by:

- Ensuring buildings respect neighbouring front setbacks
- Maintaining a generous side setback on at least one side
- Maintaining open garden frontages by encouraging no or low front fencing
- Consistent street tree planting

Issues / Threats

- High front fences
- Boundary to boundary development





FRANKSTON 5

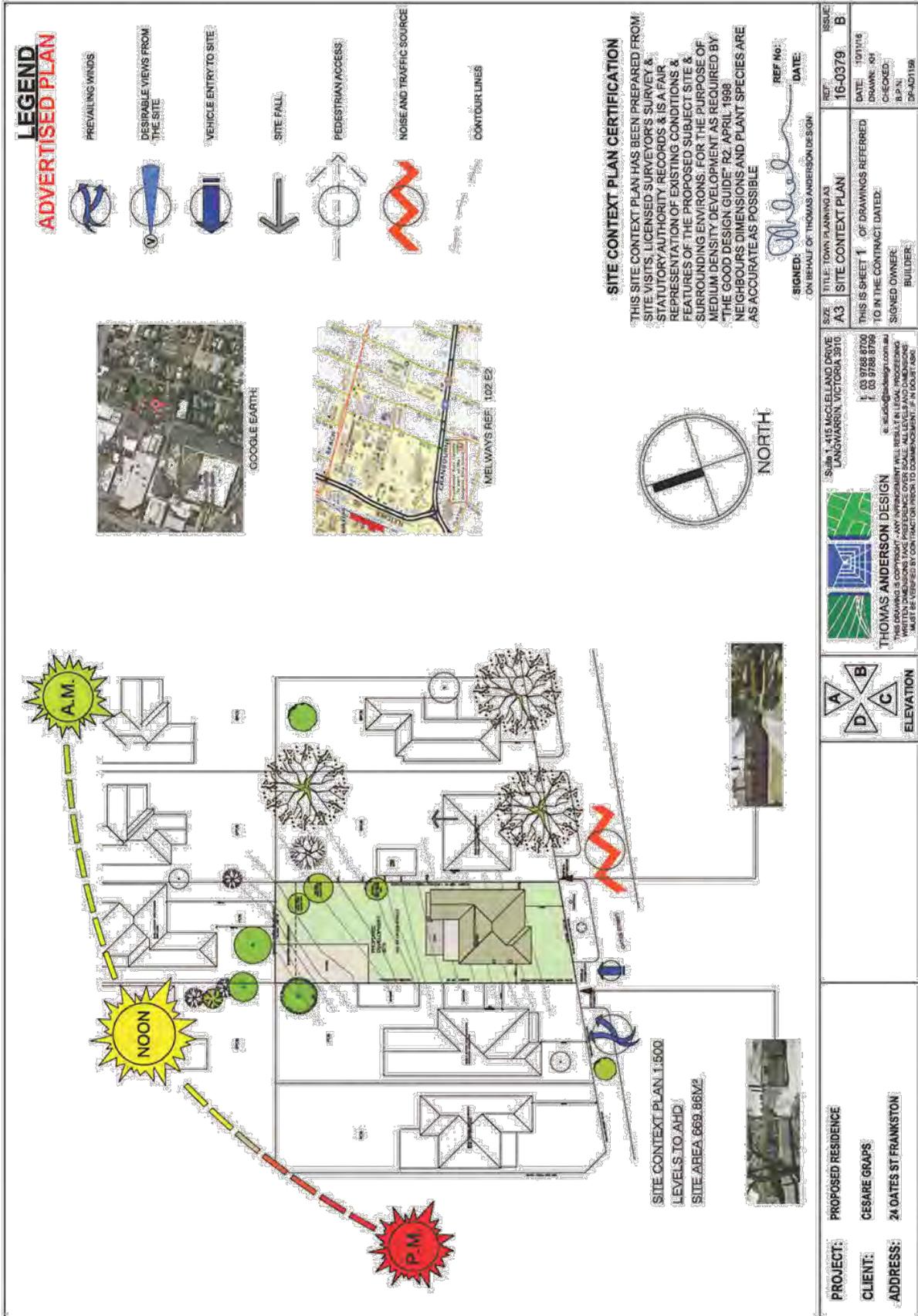
Design Guidelines

Neighbourhood Character Precinct Brochure

Character Element	Objective	Design Response	Avoid
Vegetation	To encourage strengthening of the garden settings.	Prepare a landscape plan to accompany all applications for new dwellings that utilises low maintenance species. Retain mature trees wherever possible.	Lack of landscaping and vegetation. Removal of mature trees.
Siting	To reflect the rhythm of existing dwelling spacing.	Buildings should be sited to create the appearance of space by providing setbacks on at least one side boundary and to reflect the existing spacing of buildings in the street.	Boundary to boundary development.
Front boundary treatment	To maintain the openness of the streetscape.	Provide no front fences or low, open style front fences, other than along heavily trafficked roads.	High, solid front fencing.

The Objectives define the intention of each Character Element. The Design Responses are assumed to satisfy the relevant Objective. Other Design Responses that meet the Objective may be considered. Refer to the Frankston Planning Scheme for other requirements.

Attachment D: Development Plans



Attachment D: Development Plans



Attachment D: Development Plans



Executive Summary**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**

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

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

Purpose

This report considers the merits of the planning application to 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

Recommendation (Director Community Development)

That a Notice of Decision to Grant a Planning Permit be issued for Application 630/2016/P – 3 Plowman Place, Frankston, subject to the conditions contained in the officers assessment.

Key Points / Issues

- The proposal is to construct a nine (9) storey building containing fifty six (56) dwellings. The dwelling mix comprises twenty eight (28) one (1) bedroom dwellings, twenty (20) two (2) bedroom dwellings and eight (8) three (3) bedroom dwellings.
- The building design is contemporary with a ground level podium of four (4) storeys and the five (5) storeys further recessed from the site boundaries.
- The site is located on the southern edge of the Frankston Metropolitan Activity Centre (FMAC) and in close proximity to the Frankston foreshore.
- The proposed development is considered to implement the broader State and local planning policies relevant to this precinct as it will provide for increased housing on the edge of the Frankston MAC in a location close to public transport, commercial, medical, educational and community facilities.
- Eleven (11) visitor spaces are sought by both Clause 52.06 – Car Parking and Council's Multi-Dwelling Visitor Parking Guidelines. Six (6) have been provided. Fourteen (14) bicycle spaces have been provided within the basement. The parking provided is considered adequate given the proximity of the site to the FMAC and public transport.
- Planning approval is required for the use and building and works pursuant to the Commercial 1 Zone and the reduction of car parking pursuant to Clause 52.06 – Car Parking.

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

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**Executive Summary****Financial Impact**

For the 2017-2018 financial year, the State Government Minister for Local Government has announced a limit on the amount Victorian Councils may increase rates. The cap for the 2017-2018 financial year is 2%. The cap is based on the Consumer Price Index expected for the financial year.

This cap has a significant effect on Council's current Long Term Financial Planning, with rate revenue being \$9 million less than anticipated over the first four years, growing to \$17 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

The permit application fee paid to Council is \$8,810.15. The average cost to process a planning application is \$1,729. In this case the fee represents a variation of \$7,081.15 from the average.

Consultation**1. External Referrals**

The application was referred externally to Public Transport Victoria (PTV) as a Section 54 referral, who did not object to the proposal.

The proposal was also referred externally to SJB Planning for urban design advice.

2. Internal Referrals

The application was referred internally to Council's Traffic Engineer, Drainage Engineer, Urban Designer, Strategic Planning Coordinator, Governance, Economic Development and Environment officers who provided comments and recommended conditions for the proposal.

3. Other relevant parties / stakeholders

There are no other relevant parties and stakeholders who have been consulted.

Notification of Proposal

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

Notification was given in the form of:

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

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

Analysis (Environmental / Economic / Social Implications)

It is expected that the proposal will have long term positive economic and social net benefits for the wider community of Frankston. It is anticipated that there will be positive effects on the Frankston economy through the creation of short term construction jobs and additional economic growth through increased spending in the area. The proposal will provide additional housing diversity in the form of apartments in the Frankston Metropolitan Activity Centre.

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

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

Legal

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

Policy Impacts

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

State and Local Policy Framework – Clauses:

- 11 – Settlement;
- 15 – Built Environment and Heritage;
- 16 – Housing;
- 17 – Economic Development;
- 21.03 – Vision and Strategic Framework;
- 21.04 – Settlement;
- 21.07 – Housing;
- 21.08 – Economic Development;
- 21.10 – Built Environment and Heritage;
- 21.12 – Infrastructure;
- 22.02 – Frankston Central Activities District Policy; and
- 22.07 – Streetscapes Policy.

Zone and Overlays – Clause:

- 34.01 – Commercial 1 Zone.

Particular Provisions - Clauses:

- 52.06 – Car parking;
- 52.35 - Urban context report and design response for residential development of four or more storeys;
- Clause 52.36 - Integrated Public Transport Planning; and
- Clause 55.07 – Apartment Developments.

Clause 65 – Decision Guidelines.

Officer's Declaration of Interests

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**Executive Summary**

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

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

Risk Mitigation

There are no risks associated with the proposal.

Conclusion

The proposed development will result in a land mark building on a prominent site on the edge of the Frankston MAC. The proposal is consistent with policy directions at State and local level and will increase housing densities and choice for the wider community of Frankston.

ATTACHMENTS

- Attachment A: Locality Map
- Attachment B: Locality Map - Aerial
- Attachment C: Existing and Proposed Site Plan
- Attachment D: Floor Plans
- Attachment E: Elevations
- Attachment F: Perspectives
- Attachment G: Sections
- Attachment H: Landscape Plans

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

Officers' Assessment

Summary

Existing Use	Single storey dwelling
Site Area	1010.0 square metres
Proposal	To use and construct a nine (9) storey building with fifty six (56) dwellings and a reduction in car parking
Zoning	Commercial 1 Zone
Overlays	No overlays
Neighbourhood Character Precinct	N/A
Reason for Reporting to Council	Councillor interest Multi Dwelling Visitor Parking Guidelines

Background

Planning Permits for higher density residential developments have been issued in the immediate vicinity of the subject site. These include:

- 6 Davey Street Frankston – A seventeen (17) storey mixed use development containing sixty three (63) dwellings and offices, approved by Council on 10 November 2014
- 10-12 Davey Street Frankston - a fourteen (14) storey mixed use development containing eighty-nine (89) dwellings, approved on 10 November 2011

It is noted that Council is also assessing an application for a development of a nine (9) storey building containing fifty six (56) dwellings on the adjoining site to the east at No. 4 Plowman Place. This application at No. 3 utilises the same architect and has a very similar built form and design.

Subject Site

The subject site is situated on the northern side of Plowman Place, is regular in shape with a front/rear boundary width of 20.12 metres and side boundaries with a width of 50.19 metres and an overall area of 1010.0 square metres.

The subject site currently contains a single storey brick dwelling, vegetation comprising of trees and shrubs within the front and rear setback. However none of this vegetation is of environmental significance. The site falls to towards the rear with a fall of approximately 1.0 metre.

Locality

The subject site is located on the southern edge of the Frankston MAC. The site is opposite to the Frankston Football Club ground, 200 metres east of Frankston Beach, 200 metres south of the Frankston commercial centre and 400 metres south of the Frankston Train Station.

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**Officers' Assessment**

The site is within a mixed use area comprising medical suites, offices including Centrelink, the Frankston City Council Civic Centre and some residential properties.

Not counting the current approvals on Davey Street discussed above, the surrounding built form is predominately one or two storey and typically residential in nature.

Site History

There have been no previous planning permit applications for the subject site.

Proposal

It is proposed to construct a nine (9) storey building containing fifty six (56) dwellings, two (2) basement levels providing car/bicycle parking, services and sixty four (64) car spaces. A rooftop communal open space area is also proposed. The overall maximum height of the building is 33.35 metres.

The building is proposed to abut the front boundary and be setback 4.5 metres to the rear boundary. It is proposed to construct the building to both side boundaries for a distance of 14.56 metres at the centre of the building. To the front and rear of this central section the building is recessed 4.5 metres from the side boundaries. Planter boxes protrude outside of the front title boundary and into the 4.5 metre rear setback by approximately 0.8 metres.

The first basement level contains services, individual storage cages, waste storage, six (6) visitor parking spaces, bike storage, substation and fire pump room and two (2) transfer pallets for vehicles to access the lower basement level. The second basement level contains sixty four (64) car spaces in four (4) rows each containing two (2) 'stacks' of eight (8) spaces.

The ground floor includes pedestrian entry from Plowman Place and vehicle entry to the basement. The ground floor also contains the entry and lift lobby and six (6) dwellings. Communal open space areas are also provided at this level.

Levels 1-3 have the same layout, building footprint and setbacks as the ground level.

Levels 4-5 are recessed from the lower levels. The building is setback a minimum of 1.565 metres and a maximum of 4.5 metres from the side boundaries. The front setback increases to 5.0 metres and 4.5 metres to the rear. Planter boxes protrude 0.8 metres into the front and rear setbacks. A total of six (6) dwellings are provided on each of these levels.

Levels 7-8 are further recessed from the levels below. The building is setback a minimum of 3.516 metres and a maximum of 4.5 metres from the side boundaries. The front/rear setbacks remain consistent with levels 4-5. Four (4) dwellings are provided on these levels with balconies and planter boxes facing north and south provided.

Level 9 contains a communal rooftop with a pool, dining and cooking area. The setback of this level from the front boundary is increased to 9.6 metres with the side/rear setbacks being maintained from levels 7-8. Planter boxes are also provided on the northern/southern ends of the level.

The mix of dwellings noted includes:

- Twenty eight (28) one (1) bedroom dwellings
- Twenty two (2) two (2) bedroom dwellings

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**Officers' Assessment**

- Eight (8) three (3) bedroom dwellings

State and Local Planning Policy Frameworks

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

- Clause 11 – Settlement;
- Clause 12 – Environmental and Landscape Values;
- Clause 13 – Environmental Risks;
- Clause 15 – Built Environment and Heritage;
- Clause 16 – Housing;
- Clause 17 – Economic Development; and
- Clause 18 – Transport.

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

- Clause 21.05 – Environmental Risk;
- Clause 21.06 – Environmental and Landscape Values;
- Clause 21.07 – Housing;
- Clause 21.10 – Built Environment and Heritage; and
- Clause 21.11 – Transport;

Particular and General Provisions

Particular and General Provisions relevant to this application are summarised as follows:

- Clause 52.06 – Car Parking;
- Clause 52.34 – Bicycle Facilities;
- Clause 52.35 – Urban Design Report and Design Response for Residential Development of Four or More Storeys;
- Clause 52.36 – Integrated Public Transport Planning;
- Clause 55.07 – Apartment Developments and;
- Clause 65 – Decision Guidelines.

Reference documents

Documents referenced in the Frankston Planning Scheme relevant to this application are summarised as follows:

- Plan Melbourne Metropolitan Planning Strategy, 2014 (Department of Planning and Community Development).
- Frankston Metropolitan Activity Centre Structure Plan, adopted by Council May 2015.

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**Officers' Assessment****Planning Scheme Controls**

A Planning Permit is required pursuant to:

- Clause 34.01-1 (Commercial 1 Zone) – To use the land for a dwelling where the frontage at ground level exceeds 2.0 metres.
- Clause 34.01-4 (Commercial 1 Zone – To undertake buildings and works.
- Clause 52.06-3 – (Car Parking) – To reduce the number of car spaces under Clause 52.06-5 by five (5) visitor spaces.

Notification of Proposal

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

Notification was given in the form of:

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

As a result of the public notification, one (1) objection was received.

The grounds of objection are summarised as follows:

- Loss of amenity including loss of light, privacy, air flow and increased traffic
- Overshadowing
- Noise and amenity impacts during construction.

Referrals**External Referrals**

Department of Public Transport

- The application was referred externally to Department of Public Transport (DOPT) in accordance with Section 52 of the Planning and Environment Act. DOPT did not object to the proposal.

Internal Referrals**Drainage Engineer**

- No objection subject to the inclusion of conditions and footnotes on any permit issued.
- Waste Management and Construction and Environment Management Plan required.

Traffic Engineer

- No objection to the proposal.
- The proposal requires 11 visitor parking spaces under Clause 52.06 and the Frankston Multi Dwelling Visitor Parking Guidelines. The development proposes 6 spaces resulting in a shortfall of 5 spaces. This shortfall is supported.
- A Car Parking Management Plan will be required as a condition of permit and will address the following:

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**Officers' Assessment**

- Provide additional details of operation as submitted within the OMG traffic report
- Queuing capacity to be contained at all times within the building with no queuing to occur on Plowman Place
- Car stacker system for resident use should be utilised at all times by residents
- Number of car spaces within the car stacker system to be allocated to the designated types of apartments in the building i.e. 1 car space for each dwelling with 2 or less bedrooms and 2 car spaces for each dwelling with 3 bedrooms.

Urban Design (Internal)

- No objection to the proposal.
- This proposal is a well-considered response to the strategic and physical context of the site.
- The visual bulk of the proposal has been addressed through incremental setbacks of levels along the eastern and western flanks of the building. This will allow for adequate light, ventilation and visual porosity between adjacent properties and developments. The proposed colour and material palette, appears to be of sound architectural quality and integrity and does well to minimise the visual bulk of the building.
- The use of vegetated terraces further softens the proposal's square frame whilst creating additional aesthetic interest.
- The proposed height of the building exceeds the preferred height limit but is considered to be acceptable as the setbacks for the communal roof terrace area significantly reduce its presence and visual impact. Any security screening or balustrades required for the roof terrace should be of a visually transparent type to maintain the recessed appearance.
- The building is well articulated and presents well to Plowman Place. Although the building's entrance is set back from the street, any concern regarding identity and visibility could be reasonably addressed through the use of lighting, appropriate landscaping or built forms to emphasise the point of entry
- There is some concern regarding the south eastern dwelling on the ground floor whose bedrooms about the entrance walkway. This is not considered to be an appropriate design outcome given that some occupants are likely to have substantial visual and audial amenity impacts. The current plans do not show this dwelling as having any additional treatments which address these interface issues and opportunities for window treatments, such as screening, highlight windows or an alternative floor layout should be explored. Preferably, a reconfiguration of the ground floor to include office space would deliver a more appropriate interface with the streetscape and entrance.
- It is considered that the proposal is consistent with the preferred future neighbourhood character set out in the FMAC structure plan which anticipates and encourages taller, intensified built form and mixed use of the site and precinct.

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**Officers' Assessment**Urban Design (External – SJB Town Planning)

- No objection to the proposal
- Overall the site is considered an appropriate location for higher density residential development.
- The internal floor arrangement is logical. The building floorplate and provision of two vertical cores, creates a number of dual aspect apartments. Dwellings primarily front the street (south) and rear boundary (north), with secondary outlooks to the east and west. Angled timber screening is utilised along these faces to maximise privacy and 'open views out'. Dwellings are also of good proportions, ranging in size from 53sqm for 1 bedroom apartments to 96sqm for 3 bedroom apartments.
- The materiality and articulation of the adjacent faces are distinctly different, featuring cantilevering concrete balconies. The mass of the balconies and planters is softened by both the landscaping and breaks of varying widths between balconies, offset in an alternating manner from the buildings centre. The bronze cladding feature of the basement door is picked up along balcony balustrades.
- The materiality and articulation of the proposal is supported. Although it relies heavily upon the landscaping to soften the concrete. The maturity of planting and upkeep should be considered within the landscape plans.

Governance

- No objection to the proposal
- Plowman Place Frankston has status as a Crown/Government Road.
- The occupation of airspace over a Crown/Government Road is governed by the Land Act 1958.
- The occupation of Strata of Crown Land and Repeal of Previous Orders (Interpretation of Legislation Act 1984) was gazetted on 18 July 2002 (vide. G29 1704) (copy attached). This exempts canopies, blinds and awnings, and architectural fixtures and decorations, from requiring a Crown Licence (tenure).
- A subsequent exemption (Occupation of Strata of Crown Land 18 July 2002 vide. G29 1705), also exempts projections with a width greater than 300mm, provided a number of criteria are met.
- Given your advice that the proposed encroachment is approximately 0.8 metres, it will require specific tenure (Crown Licence under the Land Act), unless the requirements in the relevant gazettal are met. In the event a Town Planning Permit is issued for the development with the balcony encroachment, it will be managed directly with the Department of Environment, Land, Water and Planning (DELWP). The applicant may wish to seek advice directly from DELWP as to the requirements for an encroachment of this nature.

Waste Management

- No objection to the proposal
- A private collection will be undertaken

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**Officers' Assessment**

- The waste estimates undertaken are adequate
- A waste management plan will be required to be endorsed as part of the conditions of the permit.

Environment

- No objection to the proposal subject to the inclusion of conditions should a permit be issued.
- The vegetation within the property consists of large exotic mature canopy trees. The wide nature strip has been recently vegetated with indigenous species surrounding an existing Date Island Palm
- An arborist report has been provided by Constructive Arboriculture dated February 2017.
- The most dominant trees are located at the front of the site Tree 4 Cedrus deodara and Tree 5 Quercus palustris. These mature trees have grown together as a single canopy. Individually the trees would be considered poor due to their asymmetric canopies. The space required to retain in the trees on the site TPZ areas of 7.6m to 8.4m makes their retention unviable within this commercial zone. Similar can be said for the Liquidambar tree no. 11 which is located in the centre of the site. The remaining vegetation on the side is considered to be a weed species, have low site significance or is in poor condition.
- There are no trees on the neighbouring property that will be impacted upon by the proposed works.
- A Landscape Plan has been provided by John Patrick Landscape Architects P/L dated December 2016. Due to the building being located on the property boundary of the site the designer has utilised the front nature strip to compensate for the lack of planting opportunity at the front of the property
- The existing street tree Canary Island Date Palm and new plantings of Banksia integrifolia are proposed to be removed to allow for the double crossover in the centre of the subject site. Our preference would be for the Canary Island Date Palm tree to be relocated and retained within the nature strip. Although not indigenous the tree is in character with the street tree planting. The arborist notes that the tree would be suitable for relocating. The existing juvenile Banksia trees on the nature strip should also be retained.
- The side setbacks allow for the planting of canopy trees. These trees may be difficult to establish on the southern side due to the limited solar access.
- The internal pedestrian access could be reduced to enlarge the garden bed and tree planting area to at least the basement line.
- The balcony landscaping will assist in softening the built form. Balcony gardens must be easily accessed by occupants. It is important that these areas are maintained and this should be included as part of conditions on any permit issued.

Strategic Planning

- No objection to the proposal.

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**Officers' Assessment**

- The proposed development accords with the vision and objectives of the FMAC Structure Plan, the objectives of the proposed Activity Centre Zone Schedule 1.
- The subject site is well located in relation to public transport connections, recreation areas and commercial services provided within Frankston City Centre.
- An objective of Precinct 3 of the Structure Plan is to *'Encourage complementary uses such as higher density residential development, offices and education'*.
- The proposal also accords with the following general objectives of the FMAC Structure Plan:
 - *Encouraging a greater level of private investment in Frankston.*
 - *Encouraging a mix of well-located dwelling types and sizes which provide housing for a range of people with diverse needs.*
 - *Continuing to develop the arts precinct as a significant and integral component of the FMAC.*
 - *Strengthening physical connections between existing urban areas and Frankston's open space assets.*
 - *Providing design outcomes and land uses which encourage greater activity and passive surveillance of streets and public spaces.*
- The proposal accords with the following land use and development objectives of the proposed ACZ1:
 - *Encourage office and accommodation development.*
 - *Increase the residential population of Frankston.*
- It is considered that the proposed development accords with the above objectives.
- The subject site is located within Precinct 3 of the FMAC Structure Plan and Precinct 3 of the proposed Activity Centre Zone Schedule 1 and is supported.

Economic Development

- No objection to the proposal.
- Based on a 12.8 million dollar construction over approximately 12 months, the construction phase of the proposed development will have the following economic benefits:
 - **Employment:** Up to 72 jobs will be created during the construction phase
 - **Gross Revenue (Output - \$m):** Up to \$28.48m will be generated during the construction phase
 - **Wages and Salaries:** Up to \$5.34m of wages and salaries will be generated during construction
 - **Value Added:** \$9.91m of value will be added by industries in Frankston City during construction

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**Officers' Assessment**

- Based on occupancy of 56 dwellings the development will have the following economic development benefits:
 - **Employment:** Up to 15 jobs will be created
 - **Gross Revenue (Output - \$m):** Up to \$5.33m will be generated per annum
 - **Wages and Salaries:** Up to \$1.32m in wages and salaries will be generated per annum
 - **Value Added:** Up to \$2.92m of value will be added by industries in Frankston City per annum
- The development will provide a positive flow-on effect for the city centre. In addition to the boost during the construction phase the additional 56 dwellings will provide much needed economic boost to local businesses and encourage a 'night time economy'.
- The development will provide optimism towards residential development in the city centre and encourage other developers to invest in Frankston. With over 15,000 students in Chisholm and over 4,000 students in Monash University, the development provides convenient accommodation options for students given the close proximity to shops and public transport.

Discussion**Commercial 1 Zone**

The proposal requires a Planning Permit in the Commercial 1 Zone to use the land for dwellings where the frontage at ground level exceeds 2.0 metres and to undertake buildings and works.

The purpose of the Commercial 1 Zone is:

- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

As the proposal is greater than five storeys, the objectives, standards and decision guidelines of Clause 55.01-06 – ResCode do not apply.

Since the application was lodged with Council, the Better Apartments Design Standards have been introduced at Clause 55.07 of the Frankston Planning Scheme. These requirements technically do not apply as the application was lodged before the Amendment (VC136) that introduced these standards to the Frankston Planning Scheme was gazetted on 13 April 2017.

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**Officers' Assessment****Strategic Context**

The subject site is located on the southern edge of the Frankston Metropolitan Activity Centre, in an area that has been identified for major mixed use development. Frankston is identified in Plan Melbourne, State Government's Metropolitan Planning Strategy as one of three 'metropolitan activity centres' (MAC) within the southern sub-region and one of eight existing MAC centres within metropolitan Melbourne. State planning policy expects the MAC centres will serve a role as metropolitan Melbourne's largest centres of activity providing for the greatest variety of uses and functions including commercial, retail, education, government, tourism, with diverse employment options, services and housing stock, supported by good transport connections.

Frankston has excellent access to public transport and road networks (including the Frankston railway line, Eastlink and Peninsula Link) which create strong links with Metropolitan Melbourne and the Mornington Peninsula. Frankston is a civic, commercial and retail hub including arts and cultural venues and the proximity of the commercial area to the foreshore gives the centre a distinctive competitive advantage over some of the other MAC's in metropolitan Melbourne.

Plan Melbourne identifies that the southern sub-region currently has a population of 1,160,000 which is anticipated to grow by 200,000 by 2050. Plan Melbourne identifies that a key focus for the southern sub-region will be the establishment of new container facilities at Port of Hastings, new rail and highway connections to Hastings and the urban renewal of Frankston station.

Facilities in proximity to the site include:

- The Frankston Transit Interchange (approximately 400 metres to the north-east);
- Chisholm Institute of TAFE and the Frankston Aquatic Centre (approximately 400 metres to the north-east);
- Frankston Civic Centre, Frankston Arts Centre, Frankston Primary School and the Frankston Football club facilities;
- Frankston Hospital and medical precinct, to the east;
- Core retail precinct of the MAC to the north; and
- Frankston Foreshore reserve and pier to the west.

Local policy at Clause 21.04 reinforces State policy, identifying Frankston MAC as one of the highest order activity centres in metropolitan Melbourne. It advocates that the Frankston MAC will operate as a regional urban centre containing a diversity of land uses and functions. This will be achieved through a number of strategies including:

- Encouraging higher density housing in and around the Frankston MAC.
- Encouraging new residential development as infill on surplus non-residential sites, including sites within the Frankston MAC.
- The proposal is considered to be consistent with the existing principles and strategic directions at both State and local level.

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**Officers' Assessment**

As has been noted previously by Council's Strategic Planning Department, the proposal is considered to be consistent with the vision and objectives of the Frankston Metropolitan Activity Centre Structure Plan.

The subject site is well located in relation to public transport connections, health facilities, recreation areas and commercial services provided within Frankston City Centre.

The structure plan divides the Frankston Central City Area into three (3) precincts and the subject site is within Precinct 3, Arts, Entertainment and Government Services. Precinct 3 abuts the southern border of Precinct 1, City Centre.

The objectives of Precinct 3 include:

- To encourage complementary uses such as higher density residential development, offices and education.
- To improve connectivity between key uses, including the Frankston Arts Precinct, the City Centre and Station Precincts.

The Frankston Metropolitan Activity Centre Structure Plan was adopted by Council in May 2015. Planning Scheme Amendment C123 seeks the application of the Activity Centre Zone Schedule 1 (ACZ1) to the subject site and Frankston Central City Area.

The proposed ACZ1 implements the recommended preferred building heights and setbacks from the structure plan into the Frankston Planning Scheme. A Planning Panel was held for Amendment C123 in late 2016 that supported the amendment with only minor modifications.

The proposal is considered to accord with the objectives of Precinct 3. The proposal provides for increased residential density and capitalises on the connectivity and location of the site relative to the city centre, Frankston Station, foreshore and entertainment precinct.

The proposed maximum height of the development is 33.35 metres. The preferred maximum building height pursuant to the Structure Plan and the proposed ACZ1 is 26.0 metres. The additional 7.35 metres proposed above the preferred 26.0 metre height limit is considered acceptable for the following reasons:

- The setbacks for the communal roof terrace area significantly reduce its presence and visual impact and cannot be seen from the street. Utility services on this upper level can also not be seen from the street.
- Excluding these rooftop features, the highest point visible from the street is 30.0 metres.
- The visual bulk of the building is reduced through the use of incremental setbacks along the side elevations.
- Green elements assist in softening the built form and reducing the visual mass of the development.
- The additional height will not impact the amenity of any adjoining properties.

Overall the proposal is a well-considered response to the strategic and physical context of the site.

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**Officers' Assessment**

Furthermore this height is also consistent in the broader context of the site when viewed in conjunction with existing approved developments by Frankston City Council at 6 Davey Street (seventeen (17) storeys) and 12 Davey Street (fourteen (14) storeys).

Use

The proposed use of the building for dwellings as noted above requires a Planning Permit in the Commercial 1 Zone as the frontage at ground level exceeds 2.0 metres.

It is considered that the development presents well to Plowman Place with good integration with the streetscape and clearly identifiable entries to the dwellings at the ground level and into the communal lobby.

Built Form

The visual appearance, design, height and vehicular access are the pertinent issues in assessing this proposal. State Policy at Clause 15.01-2 sets out urban design guidelines that Council must regard for development proposals. In addition, Councils Municipal Strategic Statement provides local policy direction along with the design guidelines of the Commercial 1 Zone.

Height

There are no preferred or mandatory height controls specified in the Frankston Planning Scheme for the subject site or area. The FMAC Structure Plan and proposed ACZ1 set a preferred building height of 26.0 metres for the subject site.

Impact of the building height

The subject site is located on the southern fringe of the FMAC Structure Plan area. Sites within the Plowman Place / Davey Street area are in a unique location where they have limited interface issues as the majority of buildings in this area are used for commercial purposes.

The building is located opposite the Frankston Football Ground and shadow diagrams indicate no overshadowing to this facility. Overshadowing is limited to Plowman Place.

The Cypress Pine trees (up to 20 metres high) on the opposite side of Plowman Place will also aid in screening and provide context and scale to the building when viewed from the south.

It is considered the impact of the building height will be more pronounced in the short term given that this is the first proposal of its type on Plowman Place. A planning application for the site to the east (4 Plowman Place) for a nine (9) storey building is also under assessment by Council. Should both applications be successful, the only buildings used as dwellings within the Plowman Place / Davey Street area will be the 2 sites to the west (No.'s 1 and 2). The potential for the greatest impact will be on these 2 sites. Whilst the visual impact of a nine (9) storey building to these dwellings is undeniable, due to the north-west orientation of the proposed development, No. 2 will receive full solar access from 10.00am and No. 1 will be unaffected by overshadowing. It is also noted that the proposed development meets all overlooking and screening requirements in relation to the sites to the west.

As previously stated the visible components of the building from the street are at a height of 30 metres. Utilities and roof top elements are not visible from the street. The height is considered to be appropriate in the context of previous approvals in the

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**Officers' Assessment**

surrounding area including 6 Davey Street Frankston (seventeen (17) storeys) and 10-12 Davey Street Frankston (fourteen (14) storeys).

Overshadowing

The applicant has provided shadow diagrams based on the September equinox to demonstrate the extent of the shadow the proposed building will cast on the adjoining area.

The most significant shadows will be cast to the west and south across the day however this is considered acceptable given that the orientation of the block means that the predominant overshadowing caused by the development occurs over Plowman Place as state above.

The level of overshadowing of surrounding properties is considered acceptable, and given that the site is located within an area zoned for commercial activities, the projected overshadowing is an satisfactory outcome. As the Plowman Place / Davey Street area is strategically located adjacent to the Frankston City Centre and Transport Interchange, there is an expectation that this area will be subject to change. It will be expected that future developments in this area are as well designed as the proposed development in relation to overshadowing.

DesignBuilding Form

The proposed development will result in the construction of a contemporary structure with clean lines. The use of a tower and podium design with setbacks provided on the ground level on each corner of the building allows for landscaping and presents a modern and elegant presentation to the streetscape and surrounding area.

In particular, the use of planter boxes on balconies and on the roof top communal space provides for a good level of greenery to assist in softening and breaking up the built form. This aspect aides the development to integrate with the well treed nature of Plowman Place.

Amenity

The proposed development has been designed to minimise its impact on the surrounding area in regards to the extent of shadow and overlooking. Most properties within close proximity of the site are used for commercial purposes with the exception of dwellings at No.'s 1, 2 and 4 Plowman Place.

The Plowman Place / Davey Street area is zoned for commercial activities and not exclusively for sensitive uses such as dwellings. Overshadowing and/or overlooking standards within Clause 55.01-06 – ResCode do not apply however consideration must be given to Clause 55.07 – Apartment Developments.

It is considered that the proposed development will not unreasonably impact on the amenity of nearby sensitive uses.

Internal Amenity

The internal amenity of the development is satisfactory. Each dwelling is provided with a balcony/terrace of between 9 and 11 square metres in area.

All balconies have satisfactory solar access and are directly connected to the living areas of the dwellings.

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

Officers' Assessment

The inclusion within the design of a rooftop terrace is a well-considered response to providing additional amenity to residents. The rooftop terrace contains a dining area, pool and cooking/BBQ facilities. The terrace will receive spectacular views of Frankston and Port Phillip Bay.

Council's Urban Designer has raised concern with the bedroom windows which abut the pedestrian access way on the ground floor. While this is not an ideal outcome it is considered that given the development comprises fifty-six (56) dwellings this is acceptable given that none of the remaining dwellings abut this access way.

There is also concern regarding the access to the common open space at the ground level. This has been included on the permit as part of the Landscape Plan condition requiring access to these areas be shown.

Notwithstanding the above, it is noted that future residents will be living within an establishing Activity Centre and expectations of amenity must be different to that within a standard residential development.

Environmental Sustainable Development

The applicant has submitted an Environmental Sustainable Development report prepared by Inhabit Australia Pty Ltd as part of the application documents.

The report assesses the energy efficiency of the development including solar efficiency, water use, internal amenity, emissions, parking provision and management of the building to reduce future environmental impacts. The report also notes the high quality materials proposed and large landscaping areas provided as positive aspects of the development.

It is considered that the development provides an outstanding response to the site with regard to minimising the impact on the environment.

Car parking, Vehicular Access and Waste Collection

The proposed development includes the provision of sixty-four (64) car spaces for residents and five (5) spaces for visitors located over two (2) basement levels.

The five (5) visitor spaces are located in the first basement level while the remaining sixty-four (64) spaces for residents are provided in thirty-two (32) two double car stackers on the lower basement level. Access to the basement is from Plowman Place.

Car Parking Provision

The following table sets out the statutory rates and requirements for car parking for the proposed development.

Proposed Use	No.	Statutory Rate	Statutory Requirement	Parking Provision	Parking Shortfall
1 and 2 bedroom dwelling	48	1 space/dwelling	48	48	0
3 bedroom dwelling	8	2/spaces/dwelling	16	16	0

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

Officers' Assessment

Proposed Use	No.	Statutory Rate	Statutory Requirement	Parking Provision	Parking Shortfall
Visitor parking	6	1 space/5 dwellings	11	6	5
Total			75	70	5

The application seeks to waive the shortfall of five (5) visitor spaces. It is noted that Council's Multi-Dwelling Visitor Parking Guidelines also require eleven (11) visitor spaces be provided for the development. Therefore a reduction of five (5) spaces under the guidelines is also sought.

Clause 52.06-6 allows for the statutory car parking requirement to be reduced. An application to reduce the number of car spaces must be accompanied by a Car Parking Demand Assessment which must have regard to the following:

- The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.
- The availability of public transport in the locality of the land.
- The short-stay and long-stay car parking demand likely to be generated by the proposed use.
- The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.
- The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.
- Any empirical assessment or case study.

The proposed waiver of five (5) visitor spaces is considered to be acceptable and can be supported for the following reasons:

- There are a number of public car parks located within a short walking distance of the subject site that would provide short-term off-street parking facilities at different times. The Mechanics Hall car park located to the west of the site has a total of 53 car spaces in addition to car parking facilities at Beauty Park, Frankston Civic Centre, the public car park on the north-west corner of Davey and Young Streets and an underground car park at the Frankston Arts Centre. The greatest demand for visitor car parking in this area is likely to be outside office hours and on weekends.
- Every dwelling within the development is allocated its full parking requirement (1 space per 1 or 2 bedroom dwelling and 2 spaces for 3 or more bedroom dwelling).
- Visitation to and from the site may be multi-purpose and undertaken on foot given the proximity of the site to the recreational, entertainment and commercial facilities that the Frankston City Centre offers.
- The site is readily accessible by public transport and the Frankston Transit Interchange is located within walking distance of the site (400 metres).

For these reasons it is considered that the reduction of five (5) visitor spaces can be supported.

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

Officers' Assessment

Bicycle Parking Provision

The statutory requirement for bicycle parking for the proposed development is set out at Clause 52.34 of the Frankston Planning Scheme as follows:

Use	Bicycle Parking Rate	Parking required
Dwelling	1 resident space to each 5 dwellings	11.2
	1 visitor space to each 10 dwellings	5.6
Total		16.8 – 16

Storage for 18 bicycles has been provided in the basement satisfying this requirement.

Waste

A private contractor is proposed to be utilised in the collection of waste from the site. Subject to the issue of a planning permit the submitted Waste Management Plan will be endorsed and form part of the planning permit.

Internal Access and Parking and Integration with Plowman Place

Currently there is no footpath along the north side of Plowman Place (site frontage). Council plans to construct a footpath on this side of Plowman Place in the near future. Footpath facilities are necessary for future residents of the building.

The proposed location and gradient of the ramp leading to the basement in the development accords with Councils future plans for a footpath on the northern side of Plowman Place.

A condition has been included to provide additional lighting to the pedestrian access to the development to help identify this entry and improve safety.

Clause 55.07 – Apartment Development.

Since the application was lodged with Council, the Better Apartments Design Standards have been introduced at Clause 55.07 of the Frankston Planning Scheme however these cannot be applied due to transitional provisions.

In assessing the proposed development, State Policy at Clause 15.01-2 sets out urban design guidelines that Council must have regard to for development proposals that are not required to be assessed against Clause 55 – ResCode.

Clause 15.01-2 Urban design principles

The proposal is considered to meet the requirements of Clause 15.01-2. The proposal is appropriately sited with regard to the context of the location and the broader strategic direction for the FMAC.

The development integrates well with the public realm, creating a safe urban environment with well integrated pedestrian spaces and linkages to Plowman Place. Given the orientation of the site overshadowing is predominantly to the south of the site and the development has allowed for good solar access. The inclusion of rooftop open space also capitalises on the orientation of the site and receives excellent solar access.

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**Officers' Assessment**

The development is a strong and contemporary urban design response that respects historic precedents and provides a worthy legacy and enhances the existing built environment. As has been noted by Council's Urban Designer and by SJB the proposal has a high level of architectural quality and urban design and includes good integration of landscaping within the development. On balance the proposal responds well to Clause 15.01-2.

Other Matters

Planter boxes on the south elevation, Level 1 balcony, encroach 0.8 metres outside the title boundary. This encroachment is unacceptable and a condition will be required on any permit to issue that requires the planter boxes are positioned within the title boundary. The encroachment is unacceptable in this instance as it will impede future maintenance of the footpath and road reserve area.

A note has also been included that the applicant is to directly liaise with the Department of Environment, Land, Water and Planning (DELWP) regarding gaining the required approval for this encroachment as it is not a matter for Council as advised by Council's Governance Department.

Planter boxes are used to dress the edges of all balconies throughout the development. This design aspect is supported as it aides in softening the bulk of the building. However concern has been raised by Council's Landscape Architect and Urban Designer into how these boxes will be maintained. Therefore a condition on any permit to issue will require that future apartment owners be required to enter in a Section 173 Agreement that requires these boxes be maintained to Councils satisfaction and implement a Landscape Management Plan as required by Council Environment Officer.

A condition is also included to require the installation of a suitable bird deterrent system to prevent elevated roof areas being occupied by birds. The roosting of birds on roof areas is a significant problem in the Frankston Central City area which contributes to public health and amenity impacts. Installation of bird deterrent systems has proven successful in preventing roosting on buildings including the PARC and South East Water buildings.

Response to Objection

As noted, one (1) objection to the application has been received. The objector is located at No. 4 Plowman Place to the east of the subject site.

The key grounds of objection relate to the size of the building and the resulting loss of natural light and airflow, loss of views, privacy, impact of additional traffic and noise during construction.

It is acknowledged that the proposed scale of the development is significant and will cause an impact on the objector's property. Notwithstanding this, the objector's property will still receive good morning sun with the majority of shadow cast by the development occurring either to the west or south of the site.

The requirement to submit a Construction and Environment Management Plan for approval prior to commencement of works has also been included as a condition of permit.

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**Officers' Assessment**

The Construction and Environment Management Plan provides the ability to manage the amenity impacts of the development during construction. This includes limiting hours of construction, clarification on how any adverse amenity impacts will be negated and ensure the applicant complies with the relevant Environmental Protection Authority guidelines.

It is also noted that the development complies with the relevant overlooking requirements of the Planning Scheme including those windows facing the objector's property.

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 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.

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**Officers' Assessment**

- 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.

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**Officers' Assessment****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:

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**Officers' Assessment**

- l) Details on the initial Plant Establishment period
- m) 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.
- n) 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.

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**Officers' Assessment****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;

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**Officers' Assessment**

- 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.

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**Officers' Assessment****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 queueing 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.

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**Officers' Assessment**

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.

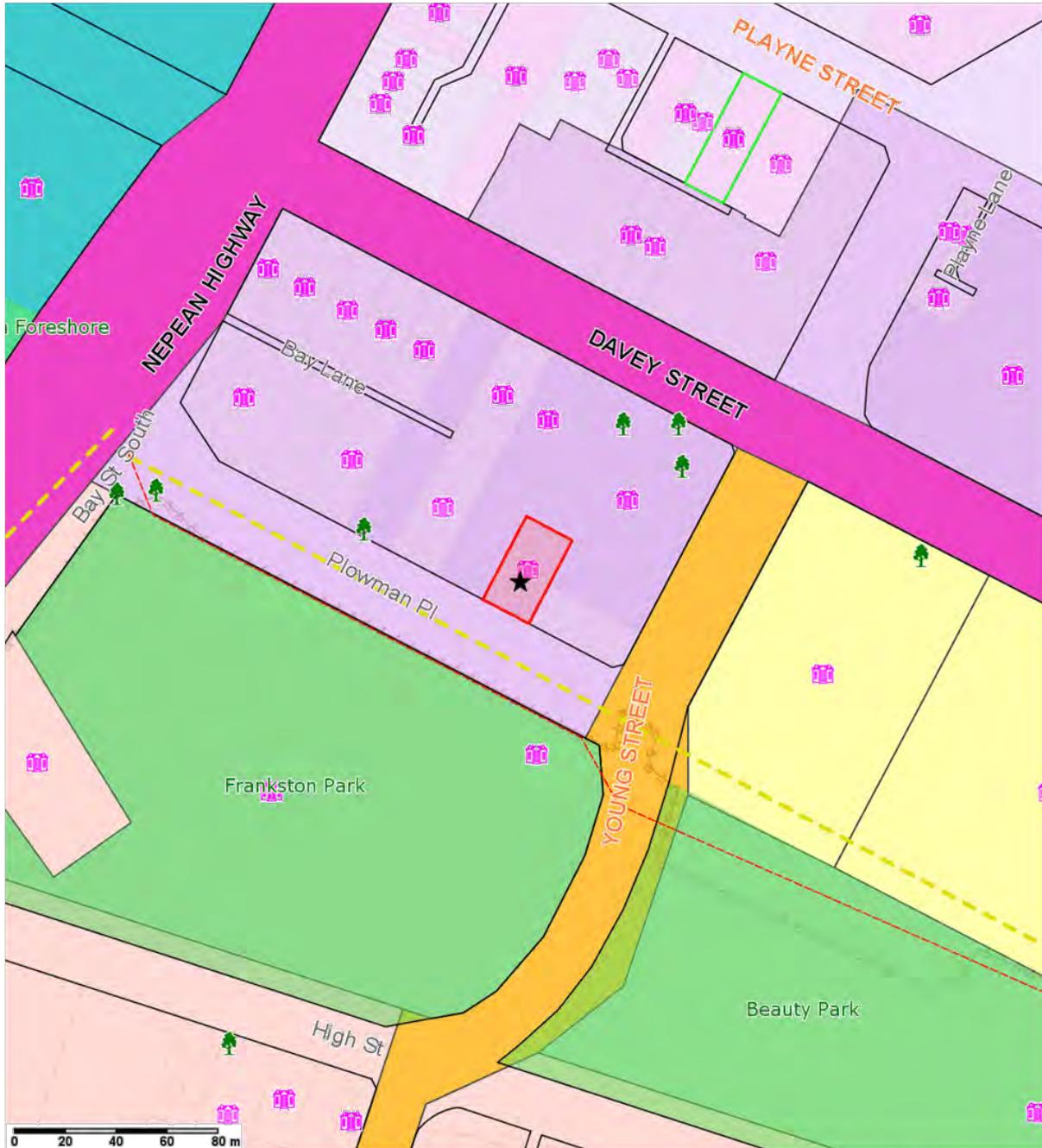
E. Plowman Place Road Reserve Encroachment

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).

Attachment A: Locality Map

Town Planning Application 109/2017/P – 4 Plowman Place Frankston

★ Subject Site – No objectors



Disclaimer

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

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

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

Projection: GDA94 / MGA zone 55

Scale: 1:2057

Date Printed: 8/06/2017

Time Printed: 1:17 PM

Issued by: Tara Lambert



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

Attachment B: Locality Map - Aerial

Town Planning application 630/2016/P - 3 Plowman Place Frankston



Disclaimer

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

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

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

Projection: GDA94 / MGA zone 55

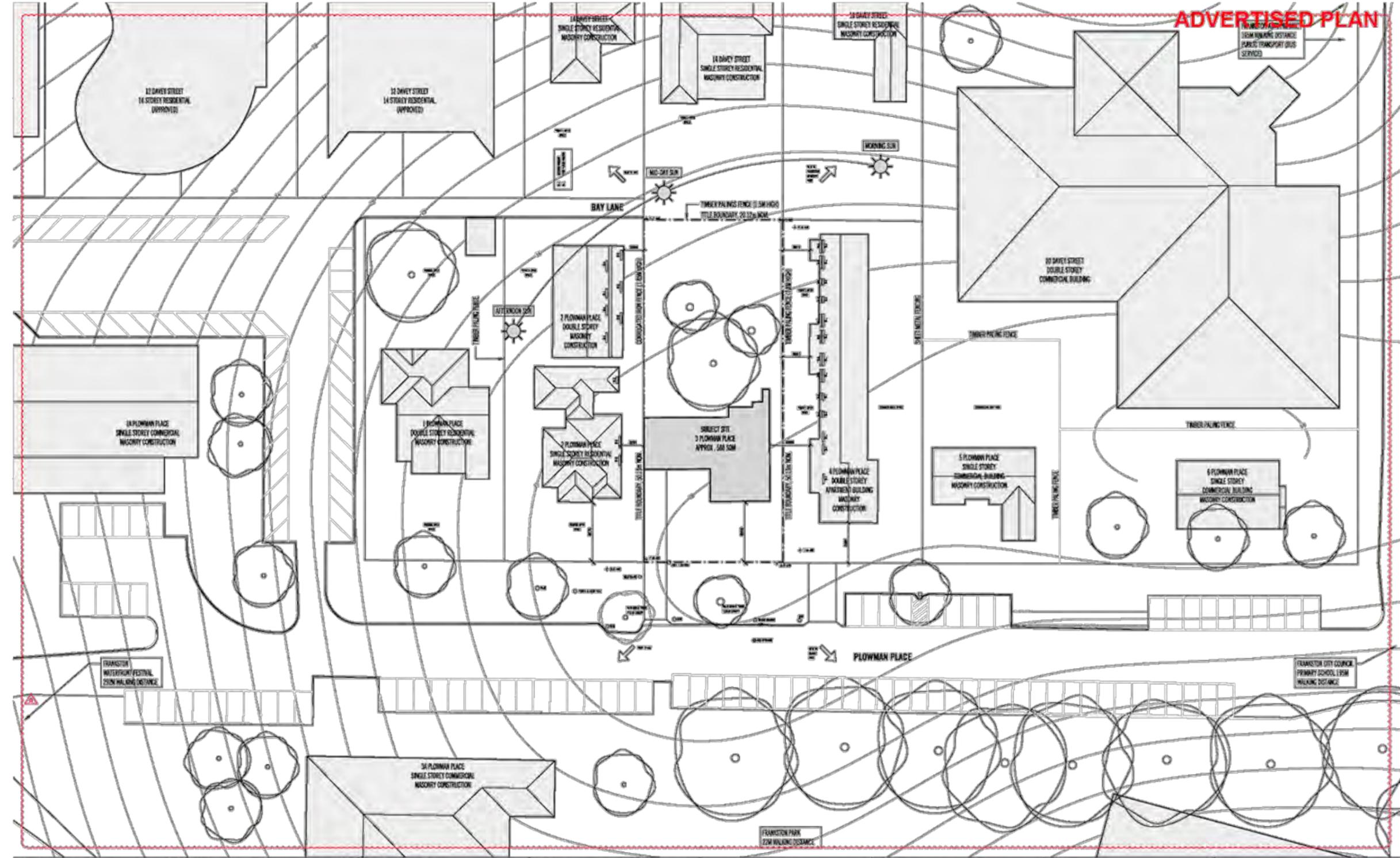
Scale: 1:1649

Date Printed: 8/06/2017

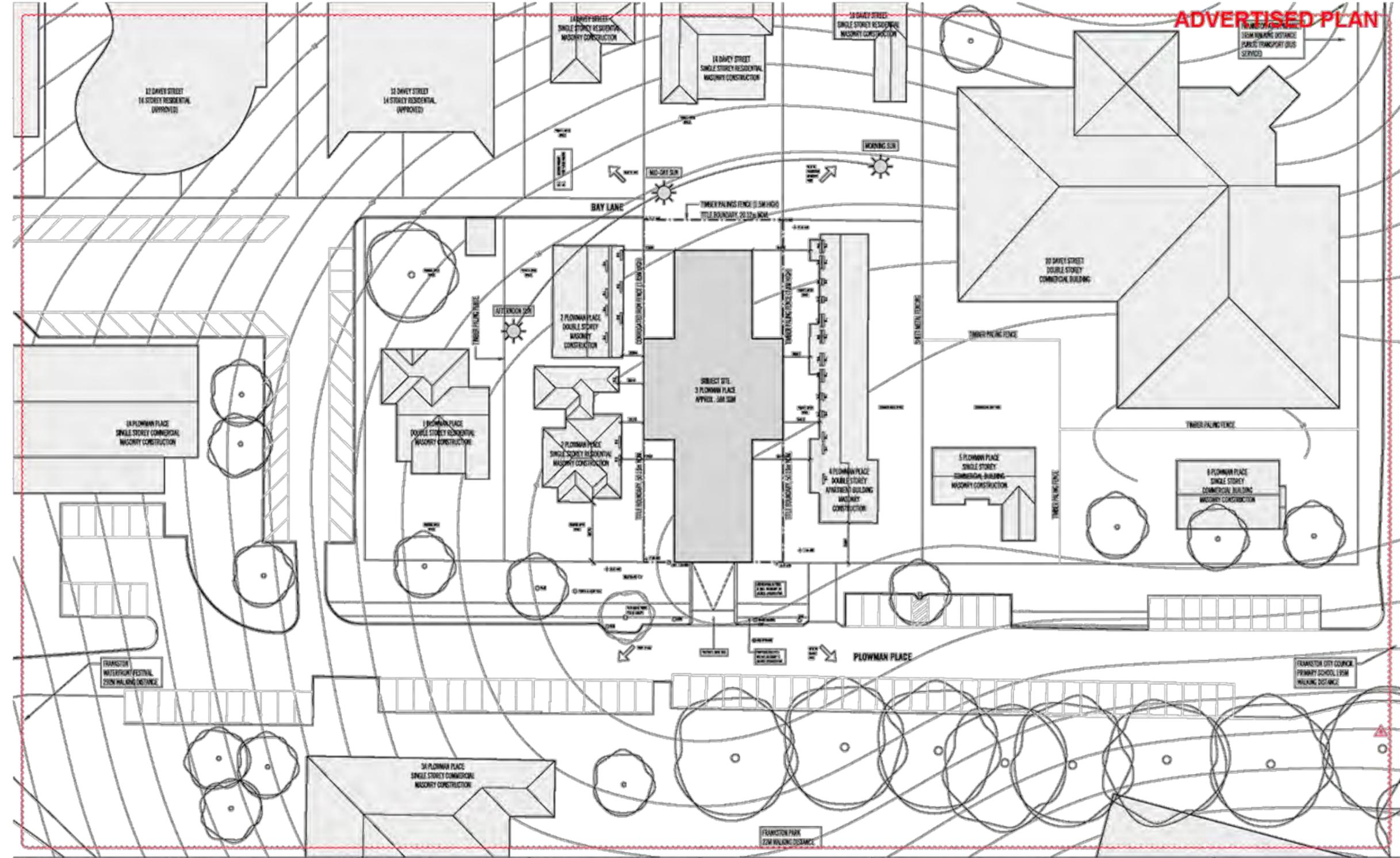
Time Printed: 1:03 PM

Issued by: Tara Lambert





<p>Scale: 1:1000 Date: 03/07/2017 Project: 3 PLOWMAN PLACE</p>	<p>Author: [Name] Designer: [Name] Checker: [Name]</p>	<p>Project No: [Number] Site No: [Number] Sheet No: [Number]</p>	<p>SCALE 1:1000 PRELIMINARY NOT FOR CONSTRUCTION</p> <p>ELEMBERG FRASER LEVEL 1, 100 DUKIN STREET MELBOURNE VICTORIA 3000 AUSTRALIA TEL: +61 3 9600 2280 FAX: +61 3 9600 2286 EMAIL: INFO@ELMBERGFRASER.COM WWW.ELMBERGFRASER.COM</p>	<p>3 PLOWMAN PLACE FRANKSTON RIVENDELL INVESTMENTS PTY LTD</p>	<p>SITE CONTEXT PLAN</p> <p>Project No: 16104 Drawing No: A001 Date: 03/07/2017</p>
--	--	--	--	--	---



ADVERTISED PLAN

<p>Scale: 1:100</p> <p>DATE: 03/07/17</p> <p>DRAWN BY: [Name]</p> <p>CHECKED BY: [Name]</p>	<p>PROJECT: 3 PLOWMAN PLACE</p> <p>CLIENT: RIVENDALL INVESTMENTS PTY LTD</p>	<p>DESIGN RESPONSE PLAN</p> <p>PLAN NUMBER: 16104</p> <p>DATE: 03/07/17</p>	<p>SCALE: 1:100</p> <p>DATE: 03/07/17</p>	<p>ELLENBERG FRASER</p> <p>LEVEL 1, 100 DUKIN STREET</p> <p>MELBOURNE VICTORIA 3000 AUSTRALIA</p> <p>TEL: +61 3 9600 2280 FAX: +61 3 9600 2286</p> <p>EMAIL: INFO@ELLENBERGFRASER.COM</p> <p>WWW.ELLENBERGFRASER.COM</p>	<p>3 PLOWMAN PLACE</p> <p>FRANKSTON</p> <p>RIVENDALL INVESTMENTS PTY LTD</p>	<p>DESIGN RESPONSE PLAN</p> <p>PLAN NUMBER: 16104</p> <p>DATE: 03/07/17</p>
---	--	---	---	--	--	---

PRELIMINARY NOT FOR CONSTRUCTION

ELLENBERG FRASER

3 PLOWMAN PLACE FRANKSTON

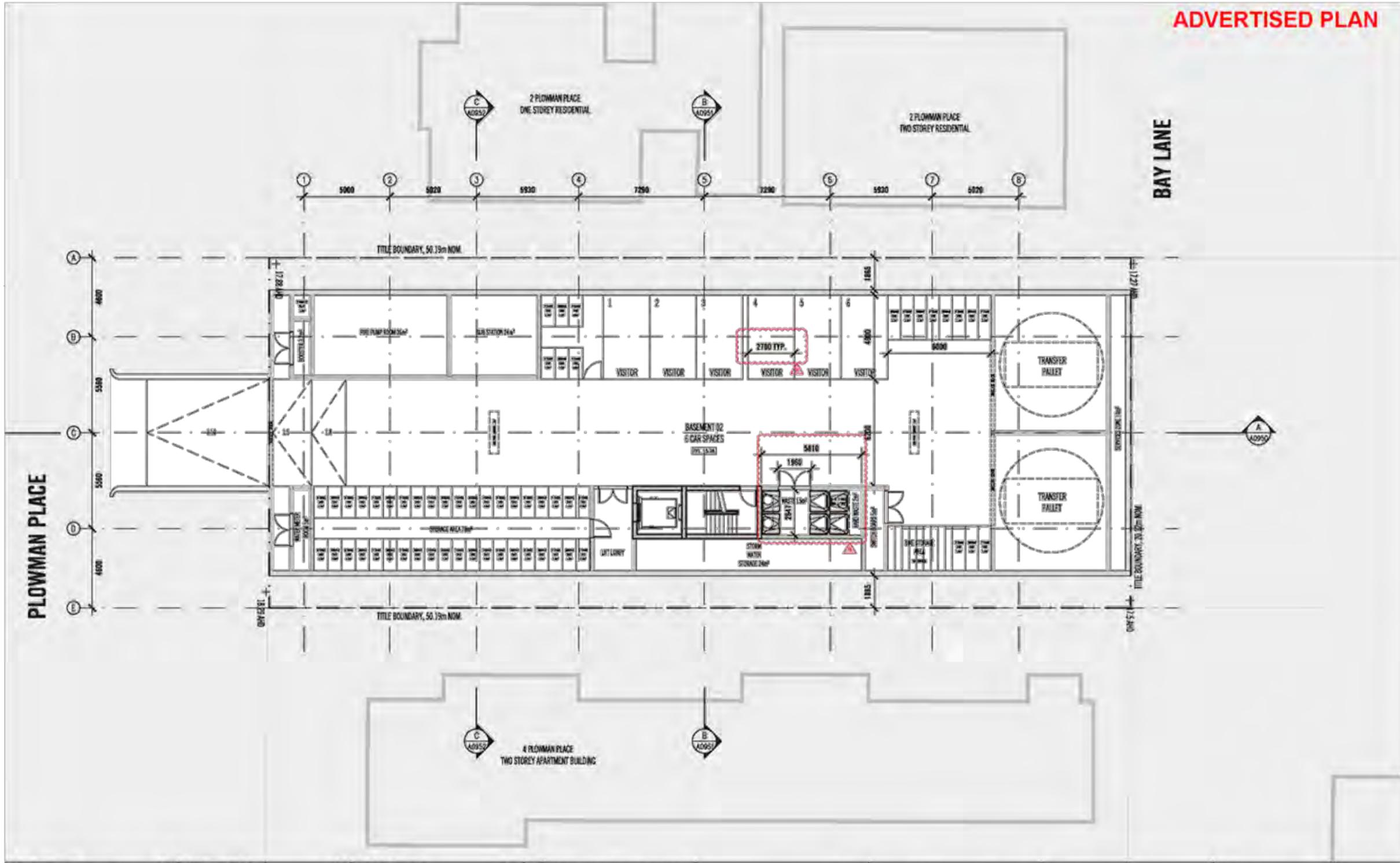
DESIGN RESPONSE PLAN

PLAN NUMBER: 16104

ADVERTISED PLAN

BAY LANE

PLOWMAN PLACE

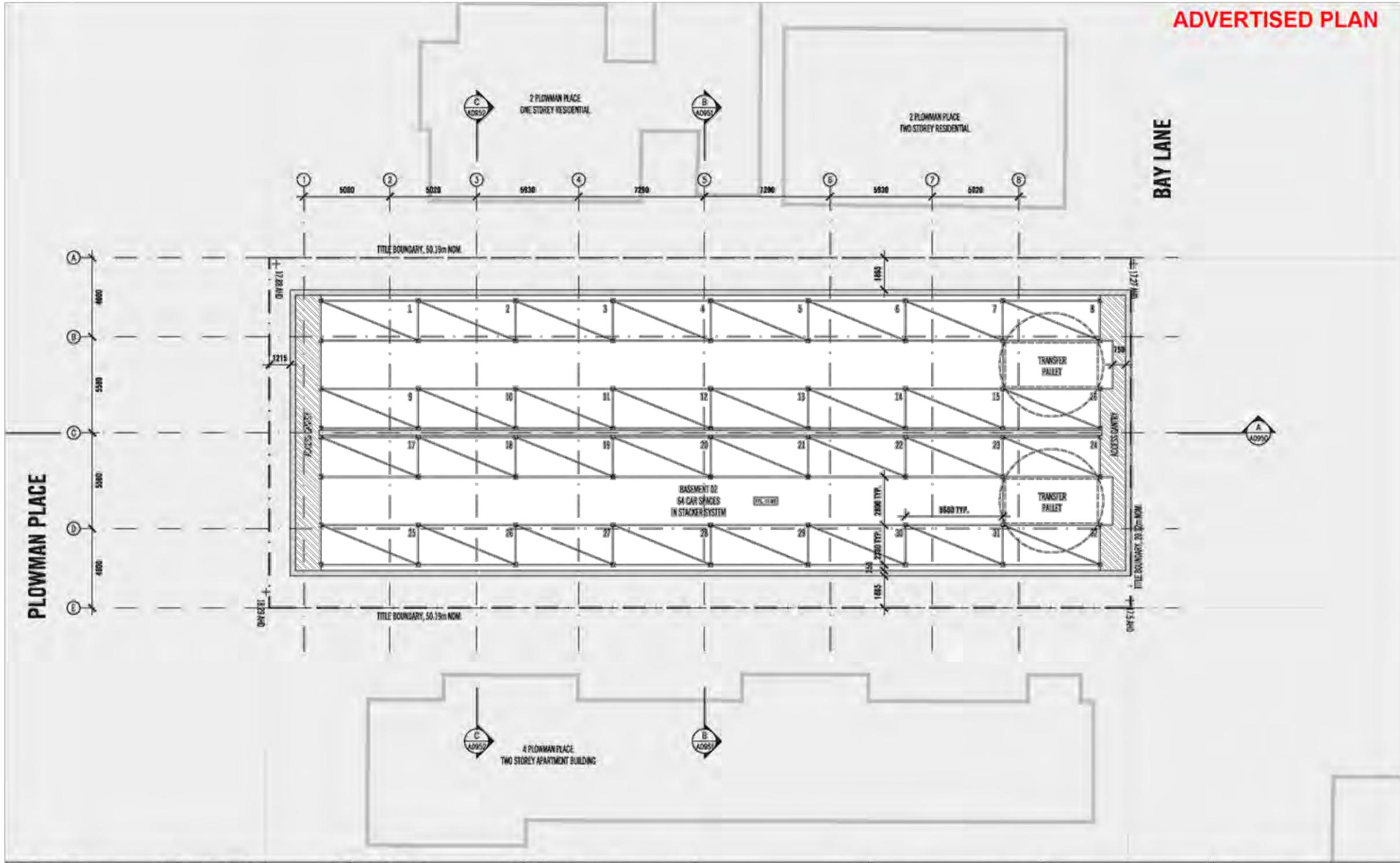


<p>Scale: 1:100</p> <p>PRELIMINARY</p> <p>NOT FOR CONSTRUCTION</p>	<p>ELEMBERG FRASER</p> <p>LEVEL 1, 101 QUEEN STREET MELBOURNE VICTORIA 3000 AUSTRALIA TEL +61 3 9600 2260 FAX +61 3 9600 2260 EMAIL INFO@ELMBERGFRASER.COM WWW.ELMBERGFRASER.COM</p>	<p>Project No:</p> <p>3 PLOWMAN PLACE</p> <p>FRANKSTON</p> <p>RIVENDALL INVESTMENTS PTY LTD</p>	<p>Drawing No:</p> <p>GENERAL ARRANGEMENT PLAN</p> <p>BASEMENT 01 FLOOR PLAN</p> <p>Project No: 16104</p> <p>Drawing No: A0090</p> <p>Scale: B</p> <p>TP</p>
--	---	--	---

ADVERTISED PLAN

BAY LANE

PLOWMAN PLACE



Drawn By	161104	Checked By	
Scale	AS SHOWN	Date	

Project No.	161104
Client	RIVENDALL INVESTMENTS PTY LTD

Project Name	3 PLOWMAN PLACE FRANKSTON
Site No.	AD091

Scale: 1:100
PRELIMINARY
NOT FOR CONSTRUCTION

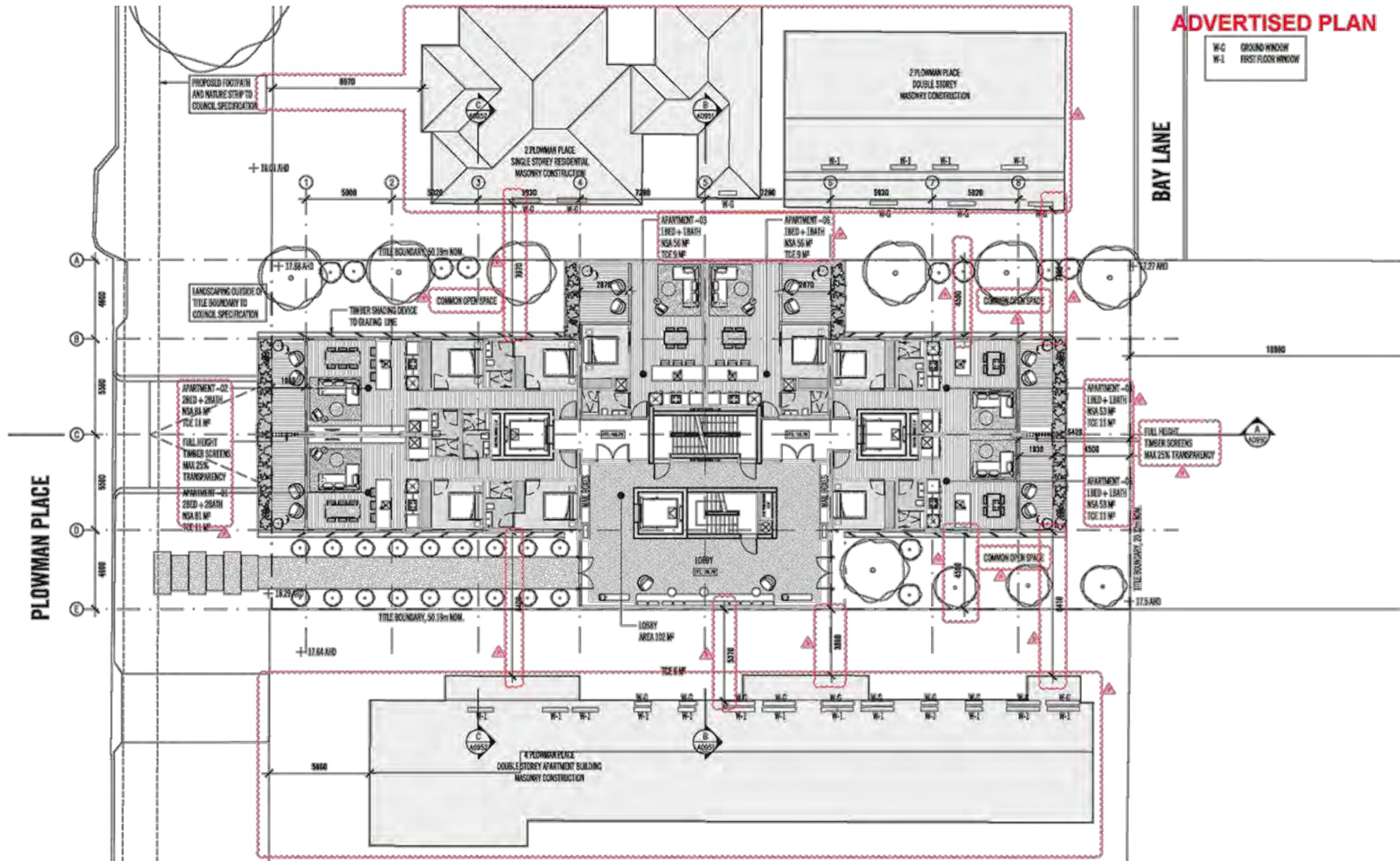
ELEBERG FRASER
 LEVEL 3, 116 QUEEN STREET
 MELBOURNE VICTORIA 3000 AUSTRALIA
 TEL: +61 3 9600 2290 FAX: +61 3 9600 2290
 EMAIL: MAIL@ELEBERGFRASER.COM
 WWW.ELEBERGFRASER.COM
 0800 512 100

Project No.
3 PLOWMAN PLACE FRANKSTON
 Client
RIVENDALL INVESTMENTS PTY LTD

Project Name
GENERAL ARRANGEMENT PLAN
BASEMENT 02 FLOOR PLAN

Project No.
161104
 Client
TP

Project No.
AD091
 Site No.
A



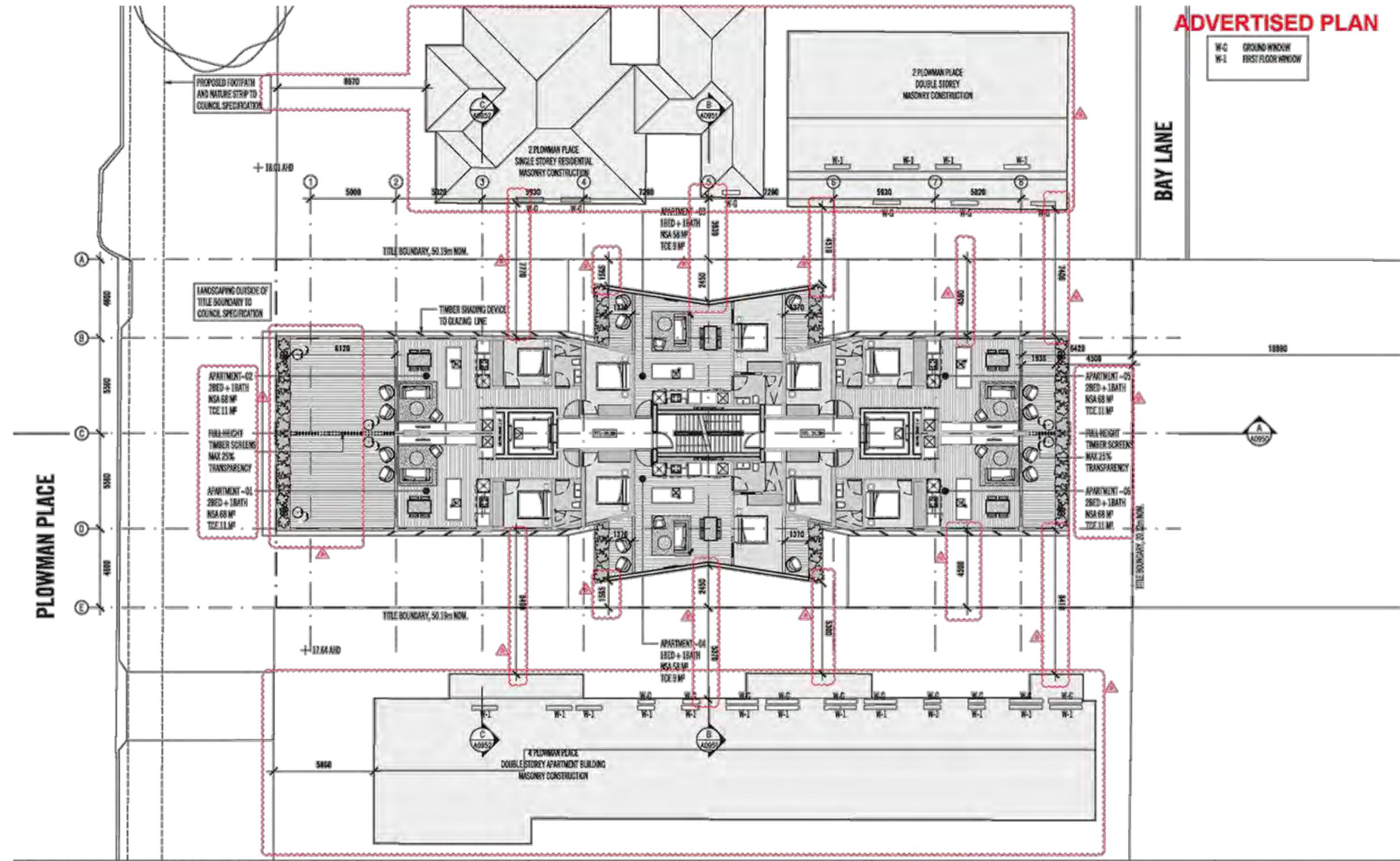
ADVERTISED PLAN

W-C GROUND WINDOW
 W-1 FIRST FLOOR WINDOW

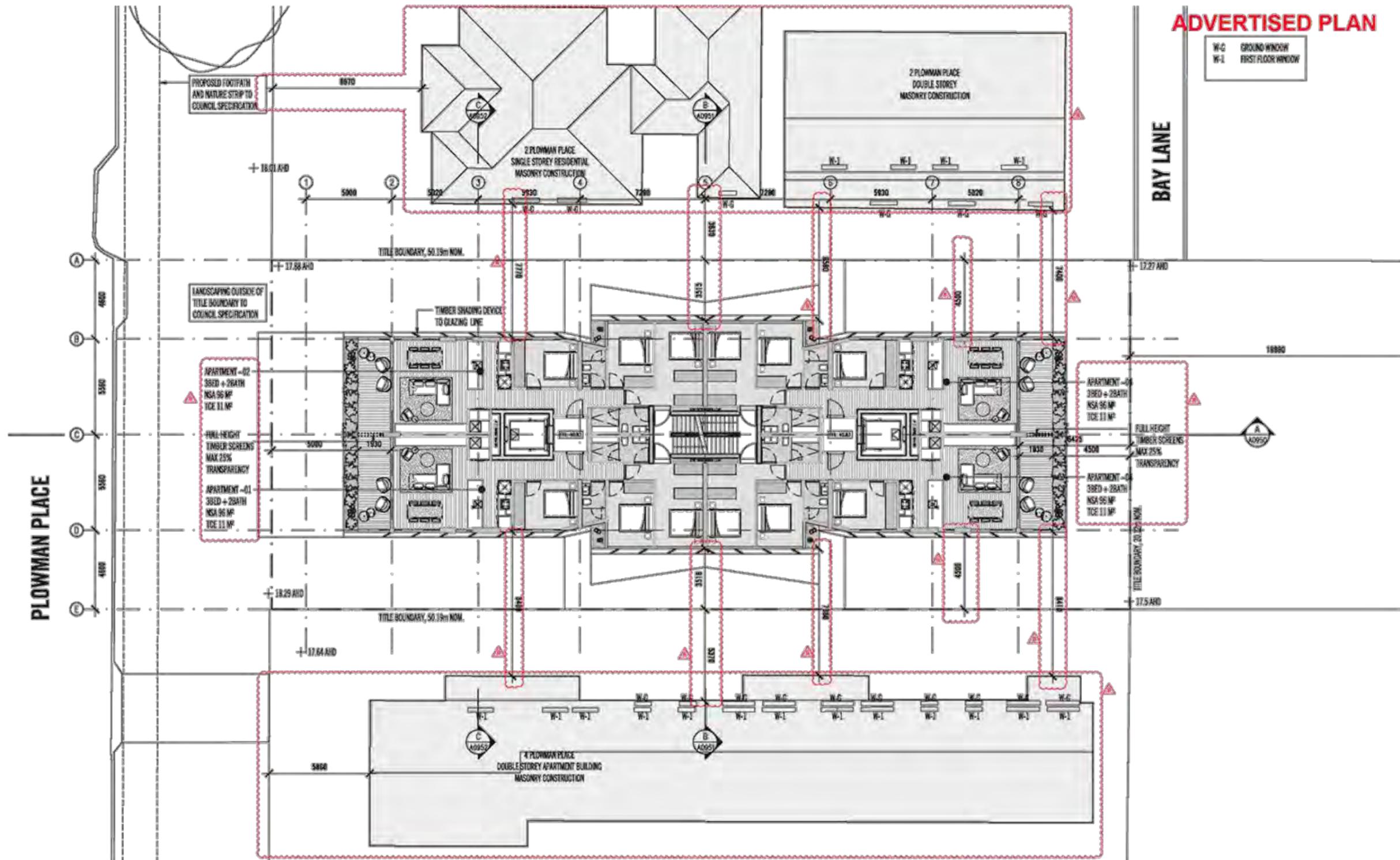
BAY LANE

PLOWMAN PLACE

<p>Scale: 1:100 Date: 16/07/17 Project: 3 PLOWMAN PLACE</p>	<p>Client: RIVENDALL INVESTMENTS PTY LTD Architect: ELEBERG FRASER Project No: 16104</p>	<p>Scale: 1:100 Scale: 1:500 PRELIMINARY NOT FOR CONSTRUCTION</p>	<p>ELEBERG FRASER LEVEL 1, 100 DUNN STREET MELBOURNE VICTORIA 3000 AUSTRALIA TEL: +61 3 9620 2240 FAX: +61 3 9620 2246 EMAIL: INFO@ELEBERGFRASER.COM WWW.ELEBERGFRASER.COM</p>	<p>Project No: 3 PLOWMAN PLACE FRANKSTON Client: RIVENDALL INVESTMENTS PTY LTD</p>	<p>Project No: GENERAL ARRANGEMENT PLAN GROUND FLOOR PLAN Project No: 16104 Drawing No: A0100 Author: B Date: 16/07/17</p>
---	--	---	--	--	---



<p>Revised: 16/07/17 16/07/17 16/07/17</p>	<p>Drawn by: [Name] Checked by: [Name] Date: 16/07/17</p>	<p>Scale: 1:100 Date: 16/07/17</p>	<p>Author: [Name] Date: 16/07/17</p>	<p>SCALE: 1:100 PRELIMINARY NOT FOR CONSTRUCTION</p>	<p>ELEMBERG FRASER LEVEL 1, 110 BUNN STREET MELBOURNE VICTORIA 3000 AUSTRALIA TEL: +61 3 9600 2200 FAX: +61 3 9600 2200 EMAIL: INFO@ELFRASER.COM WWW.ELFRASER.COM 0800 544 500 700</p>	<p>Project No: 3 PLOWMAN PLACE FRANKSTON RIVENDALL INVESTMENTS PTY LTD</p>	<p>Project Title: GENERAL ARRANGEMENT PLAN LEVEL 04 Project Number: 16104 Drawing Number: A0104 Author: B Date: 16/07/17</p>
--	---	---	---	--	---	--	---



ADVERTISED PLAN

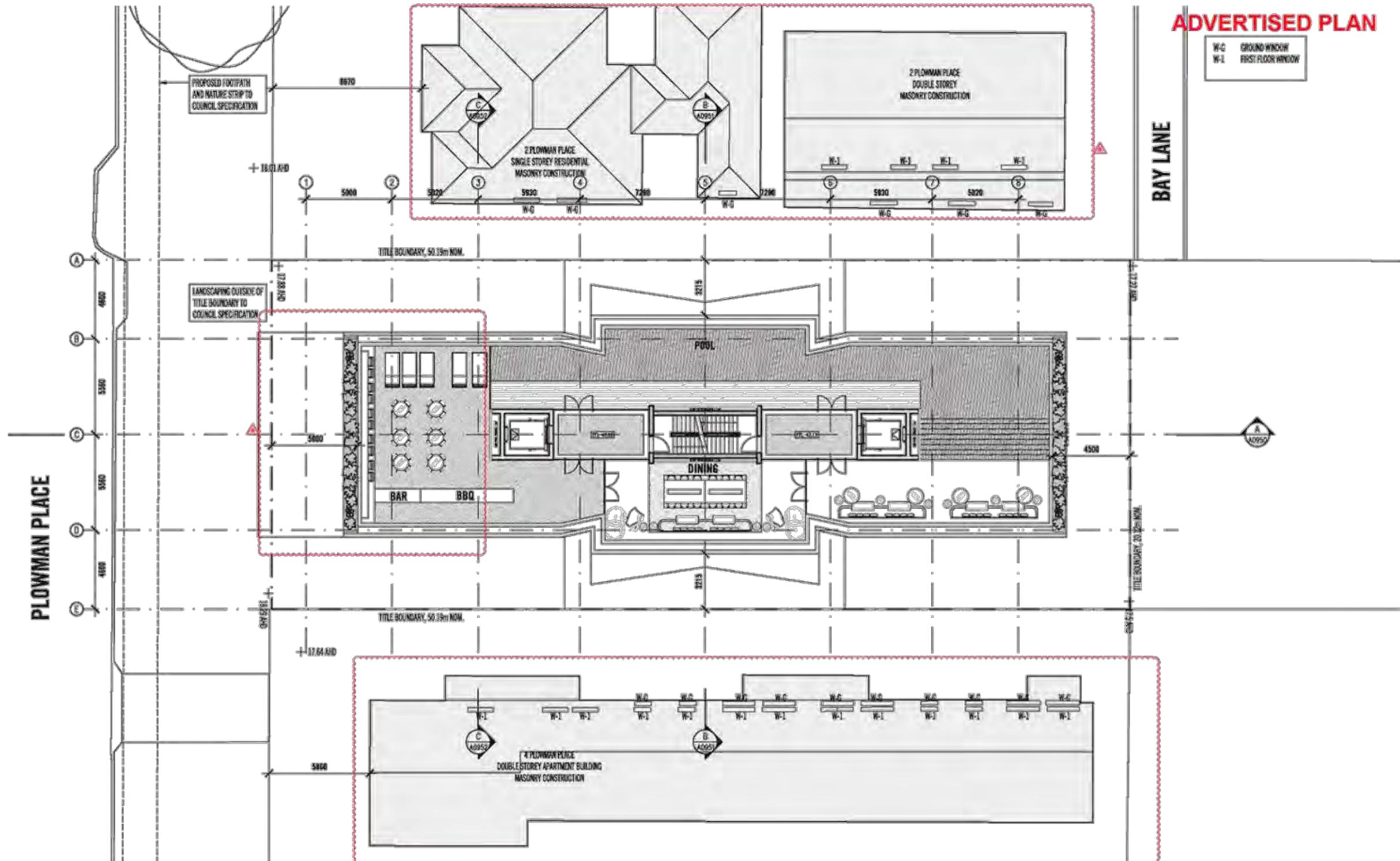
W-C GROUND WINDOW
 W-1 FIRST FLOOR WINDOW

BAY LANE

PLOWMAN PLACE

<p>Scale: 1:100 Date: 16/07/17 Project: 3 PLOWMAN PLACE FRANKSTON</p>	<p>Client: RIVENDALL INVESTMENTS PTY LTD Architect: ELENBERG FRASER Project No: 16104 Drawing No: AD107</p>	<p>ELENBERG FRASER LEVEL 1, 110 DIXON STREET MELBOURNE VICTORIA 3000 AUSTRALIA TEL: +61 3 9600 2280 FAX: +61 3 9600 2280 EMAIL: INFO@ELFRASER.COM WWW.ELFRASER.COM 1987 110 DIXON ST</p>	<p>3 PLOWMAN PLACE FRANKSTON RIVENDALL INVESTMENTS PTY LTD</p>	<p>Project No: 16104 Drawing No: AD107 Date: 16/07/17</p>
---	--	---	--	---

SCALE: 1:100
 PRELIMINARY
 NOT FOR CONSTRUCTION



<p>Scale: 1:100 Date: 10/07/17 Project: 630/2016/P</p>	<p>Client: RIVENDILL INVESTMENTS PTY LTD Address: 3 PLOWMAN PLACE, FRANKSTON, VIC 3199 Contact: 03 9594 1111</p>	<p>Architect: ELENBERG FRASER Level 1, 142 Dandenong Street Melbourne, Victoria 3000 Australia Tel: +61 3 9600 2290 Email: info@elenbergfraser.com www.elenbergfraser.com</p>	<p>Project: 3 PLOWMAN PLACE, FRANKSTON Client: RIVENDILL INVESTMENTS PTY LTD</p>	<p>Document: GENERAL ARRANGEMENT PLAN Level: 03 - COMMUNAL ROOFTOP PLAN Sheet: 16104 Drawing: AD109 Date: 10/07/17</p>
--	--	--	---	--

SCALE: 1:100
 PRELIMINARY
 NOT FOR CONSTRUCTION

ELENBERG FRASER
 LEVEL 1, 142 DANDENONG STREET
 MELBOURNE, VICTORIA 3000 AUSTRALIA
 TEL: +61 3 9600 2290
 EMAIL: INFO@ELENBERGFRASER.COM
 WWW.ELENBERGFRASER.COM

**3 PLOWMAN PLACE
 FRANKSTON**
 RIVENDILL INVESTMENTS PTY LTD

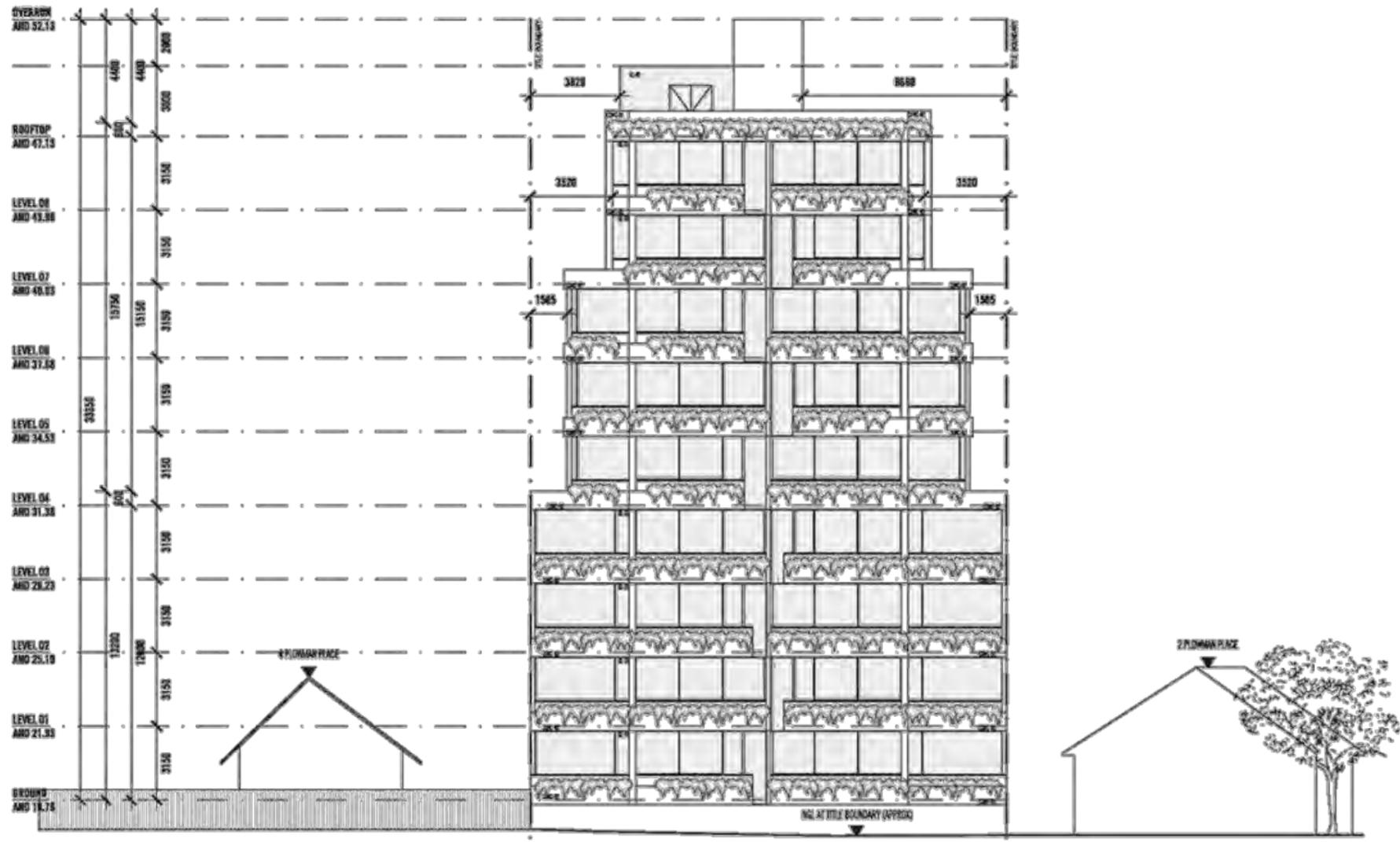
GENERAL ARRANGEMENT PLAN
 LEVEL 03 - COMMUNAL ROOFTOP PLAN
 16104
 AD109

ADVERTISED PLAN

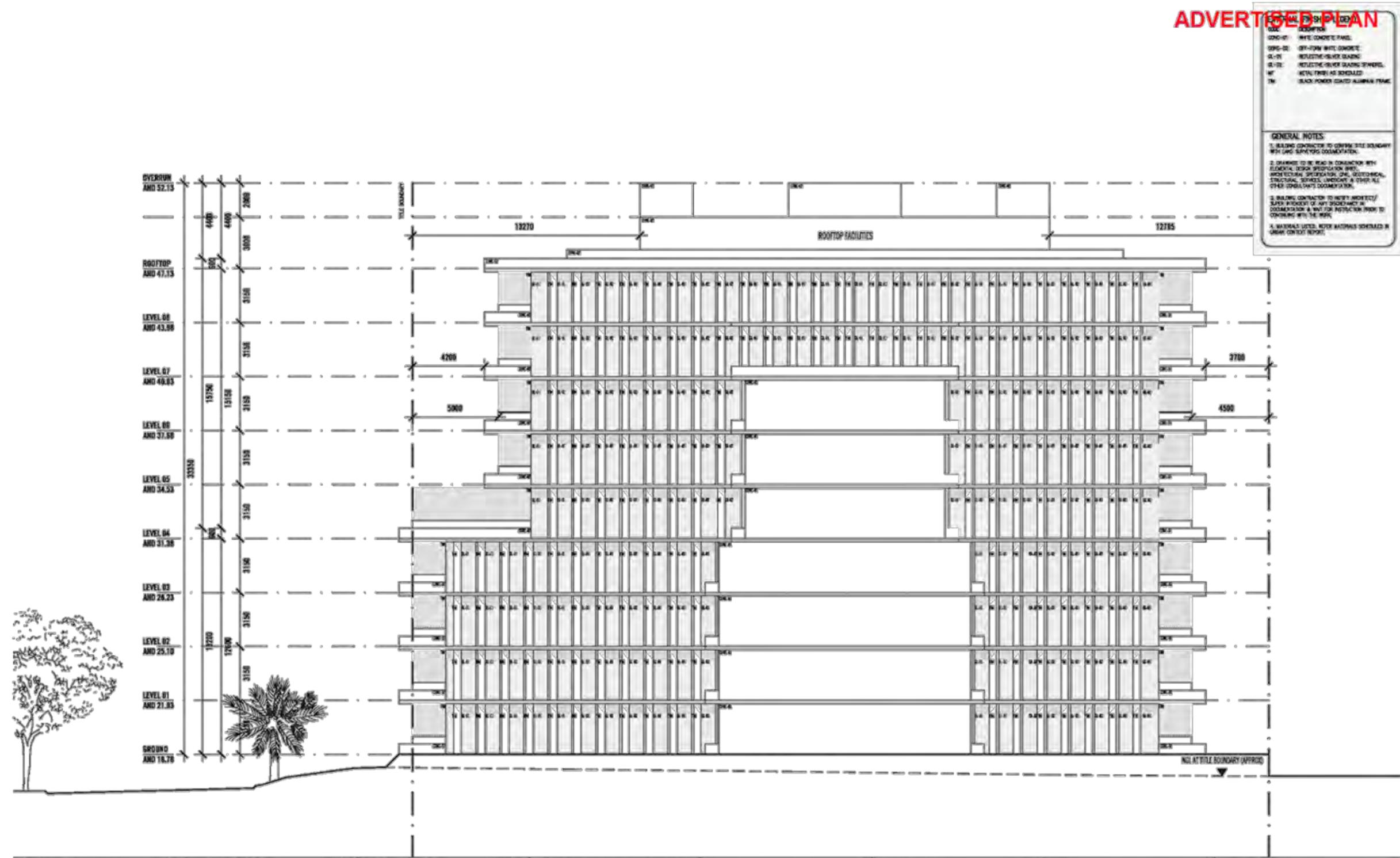
CO-01	CONCRETE
CO-02	WHITE CONCRETE PANEL
CO-03	OFF-FORM WHITE CONCRETE
GL-01	REFLECTIVE-NEUTRAL GLAZING
GL-02	REFLECTIVE-NEUTRAL GLAZING (SPERSEL)
MF	METAL FINISH AS SPECIFIED
TM	BLACK POWDER COATED ALUMINIUM FRAME

GENERAL NOTES

1. BUILDING CONTRACTOR TO OBTAIN TITLE BOUNDARY WITH LAND SURVEYORS DOCUMENTATION.
2. DRAWINGS TO BE READ IN CONJUNCTION WITH CIVIL/UTIL DESIGN SPECIFICATION (SUDS), MECHANICAL, ELECTRICAL, PLUMBING, SANITARY, LANDSCAPE, AND OTHER ALL OTHER CONSULTANTS DOCUMENTATION.
3. BUILDING CONTRACTOR TO VERIFY PROPERTY/DEVELOPER INTENT OF ANY DISCREPANCY IN DOCUMENTATION & MAY FOR INFORMATION REFER TO CONSULTING WITH THE ARCHT.
4. MATERIALS LISTED, NEVER MATERIALS SPECIFIED IN USUAL CONTEXTS HEREIN.



<p>Scale: 1:100</p> <p>PRELIMINARY</p> <p>NOT FOR CONSTRUCTION</p>	<p>ELEBERG FRASER</p> <p>LEVEL 1, 100 DUNN STREET MELBOURNE VICTORIA 3000 AUSTRALIA TEL: +61 3 9600 0300 FAX: +61 3 9600 0300 EMAIL: INFO@ELEBERGFRASER.COM WWW.ELEBERGFRASER.COM</p>	<p>Project No:</p> <p>3 PLOWMAN PLACE</p> <p>FRANKSTON</p> <p>RIVENDELL INVESTMENTS PTY LTD</p>	<p>Drawing No:</p> <p>ELEVATION</p> <p>NORTH</p> <p>Sheet No:</p> <p>16104</p> <p>Scale:</p> <p>A</p>
--	--	--	---



ADVERTISED PLAN

LEGEND

CONC: WHITE CONCRETE FINISH
 CORR: CORRUGATED GALVANIZED IRON SHEET
 CL-T: CLAY TILE
 GL-T: GLASS TILE
 M: METAL FINISH AS SCHEDULED
 TR: BLACK POWDER COATED ALUMINUM FRAME

GENERAL NOTES:

1. BUILDING CONTRACTOR TO COORDINATE SITE BOUNDARY WITH LAND SURVEYORS COORDINATION.
2. DRAWINGS TO BE READ IN CONJUNCTION WITH ELEMENTAL DESIGN SPECIFICATION, ARCHITECTURAL SPECIFICATION, CIVIL, GEOTECHNICAL, STRUCTURAL, SERVICES, LANDSCAPE & OTHER RELEVANT CONSULTANTS COORDINATION.
3. BUILDING CONTRACTOR TO VERIFY ARCHITECT/SURVEYOR'S OF ANY DISCREPANCY IN COORDINATION & NOTIFY ARCHITECT PRIOR TO COMMENCING WITH THE WORK.
4. MATERIALS LISTED, OTHER MATERIALS SCHEDULED IN LEGEND CONTACT MODEL.

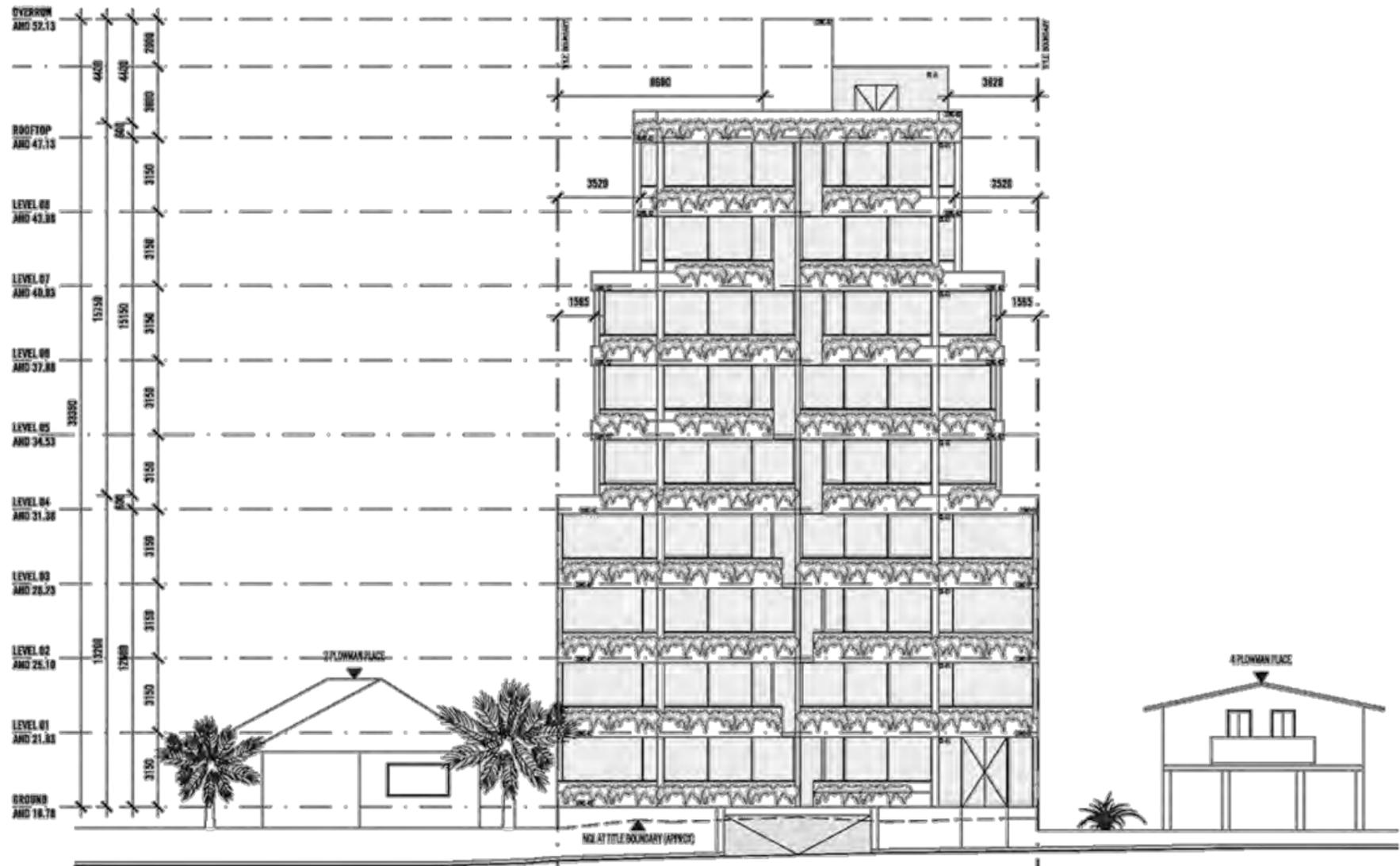
<p>Scale: 1:100</p> <p>PRELIMINARY</p> <p>NOT FOR CONSTRUCTION</p>	<p>ELEBERG FRASER</p> <p>LEVEL 1, 101 QUEEN STREET MELBOURNE VICTORIA 3000 AUSTRALIA TEL: +61 3 9600 2280 FAX: +61 3 9600 2286 EMAIL: INFO@ELEBERGFRASER.COM WWW.ELEBERGFRASER.COM</p>	<p>Project No:</p> <p>3 PLOWMAN PLACE FRANKSTON</p> <p>Client:</p> <p>RIVENDELL INVESTMENTS PTY LTD</p>	<p>Drawing No:</p> <p>ELEVATION EAST</p> <p>Project Name:</p> <p>16104</p> <p>Sheet:</p> <p>A</p>
--	---	---	--

ADVERTISED PLAN

CO-01	CONCRETE PANEL
CO-02	OFF-FORM WHITE CONCRETE
GL-01	REFLECTIVE-NEUTER GLAZING
GL-02	REFLECTIVE-NEUTER GLAZING SPANDREL
MF	METAL FINISH AS SCHEDULED
TM	BLACK POWDER COATED ALUMINUM FRAME

GENERAL NOTES

1. BUILDING CONTRACTOR TO CONFIRM TITLE BOUNDARY WITH LAND SURVEYORS DOCUMENTATION.
2. DRAWING TO BE READ IN CONJUNCTION WITH ELEMENTAL DESIGN SPECIFICATION SHEET, ARCHITECTURAL SPECIFICATION, CIVIL, GEOTECHNICAL, STRUCTURAL, SERVICES, LANDSCAPE & OTHER ALL OTHER CONSULTANTS DOCUMENTATION.
3. BUILDING CONTRACTOR TO NOTIFY ARCHITECT/SUPERVISOR OF ANY DISCREPANCY OR OMISSIONS IN A WRITTEN INSTRUMENT PRIOR TO COMMENCEMENT OF WORK.
4. MATERIALS LISTED, NEVER MATERIALS SCHEDULED IN URBAN CONTEXTS INDEX.



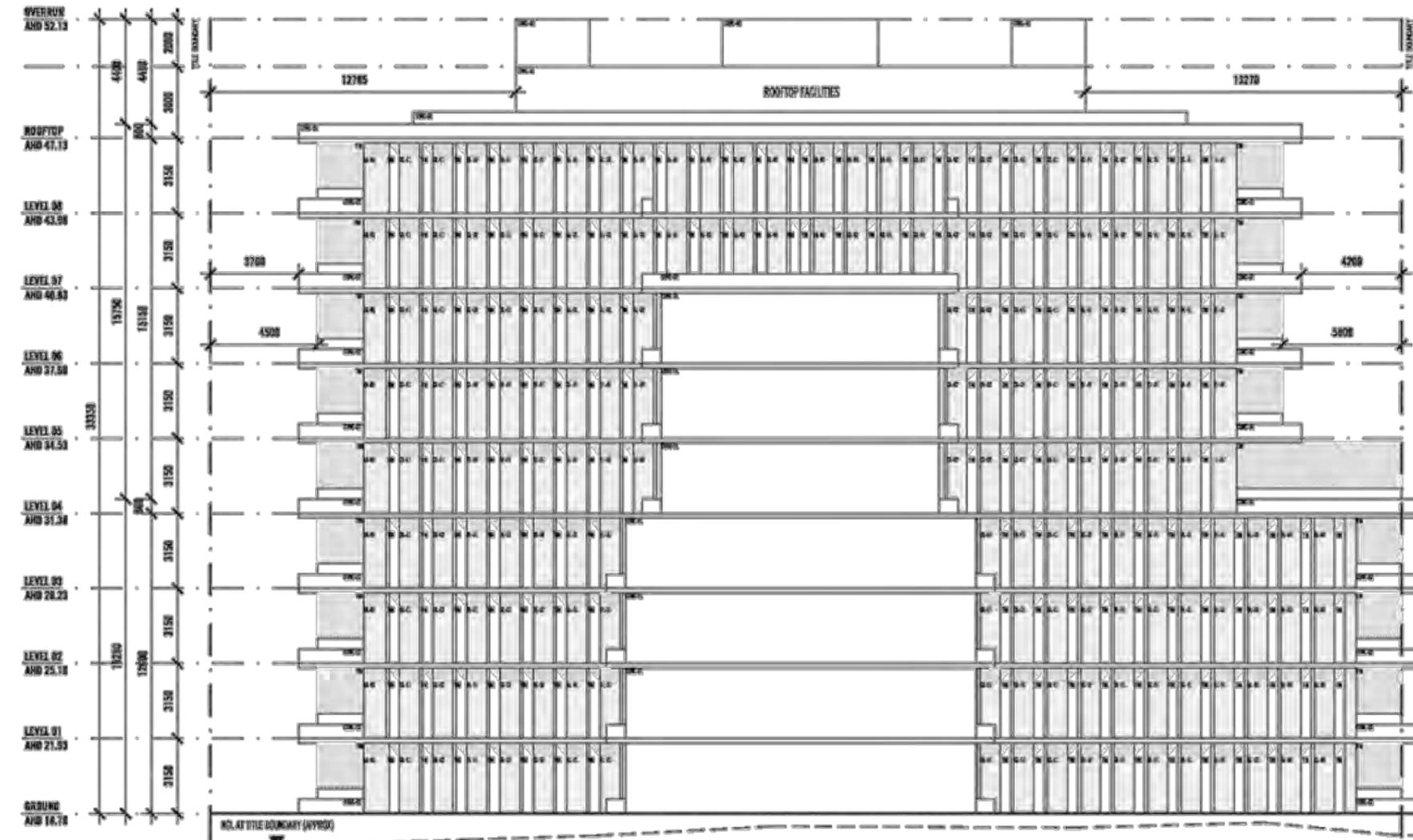
<p>Scale: 1:100</p> <p>PRELIMINARY</p> <p>NOT FOR CONSTRUCTION</p>	<p>ELEBERG FRASER</p> <p>LEVEL 1, 101 QUEEN STREET MELBOURNE VICTORIA 3000 AUSTRALIA TEL: +61 3 9600 2280 FAX: +61 3 9600 2286 EMAIL: INFO@ELFRASER.COM WWW.ELFRASER.COM</p>	<p>Project No:</p> <p>3 PLOWMAN PLACE</p> <p>FRANKSTON</p> <p>RIVENDELL INVESTMENTS PTY LTD</p>	<p>Drawing No:</p> <p>ELEVATION SOUTH</p> <p>Sheet No:</p> <p>16104</p> <p>Scale:</p> <p>A</p>
--	---	--	---

ADVERTISED PLAN

CO	CONCRETE
CO&G	WHITE CONCRETE PANEL
CO&G-02	OFF-FORM WHITE CONCRETE
GL-01	REFLECTIVE-GLASS GLAZING
GL-02	REFLECTIVE-GLASS GLAZING (SPERSEL)
MF	METAL FINISH AS DETAILLED
TM	BLACK POWDER COATED ALUMINIUM FRAME

GENERAL NOTES

1. BUILDING CONTRACTOR TO CONFIRM TITLE BOUNDARY WITH LAND SURVEYORS SOCIETY/AGENCY.
2. DRAWINGS TO BE READ IN CONJUNCTION WITH ELEMENTAL DESIGN SPECIFICATION (EDS), ARCHITECTURAL SPECIFICATION (AS), STRUCTURAL SPECIFICATION (SS), LANDSCAPE & OTHER ALL OTHER CONSULTANTS DOCUMENTATION.
3. BUILDING CONTRACTOR TO VERIFY HEIGHT/S/ SUPER INTENSITY OF ANY DEVIATION IN CONSULTATION WITH THE ARCHITECT PRIOR TO COMMENCING WITH THE WORK.
4. MATERIALS LISTED, WITH MATERIALS SCHEDULED IN URBAN CONTEXT MODEL.



<p>Scale: 1:100</p> <p>PRELIMINARY</p> <p>NOT FOR CONSTRUCTION</p>	<p>ELEMBERG FRASER</p> <p>LEVEL 1, 108 DUNN STREET MELBOURNE VICTORIA 3000 AUSTRALIA TEL: +61 3 9600 2340 FAX: +61 3 9600 2340 EMAIL: SALES@ELFRASER.COM WWW.ELFRASER.COM</p>	<p>Project No:</p> <p>3 PLOWMAN PLACE</p> <p>FRANKSTON</p> <p>RIVENDELL INVESTMENTS PTY LTD</p>	<p>Drawing No:</p> <p>ELEVATION WEST</p> <p>Sheet No:</p> <p>16104</p> <p>Scale:</p> <p>A</p>
--	--	---	--

**03.09 DESIGN RESPONSE
MATERIALITY**

ADVERTISED PLAN



CONCRETE

BLACK FRAME

GLAZING

TIMBER

GREENERY

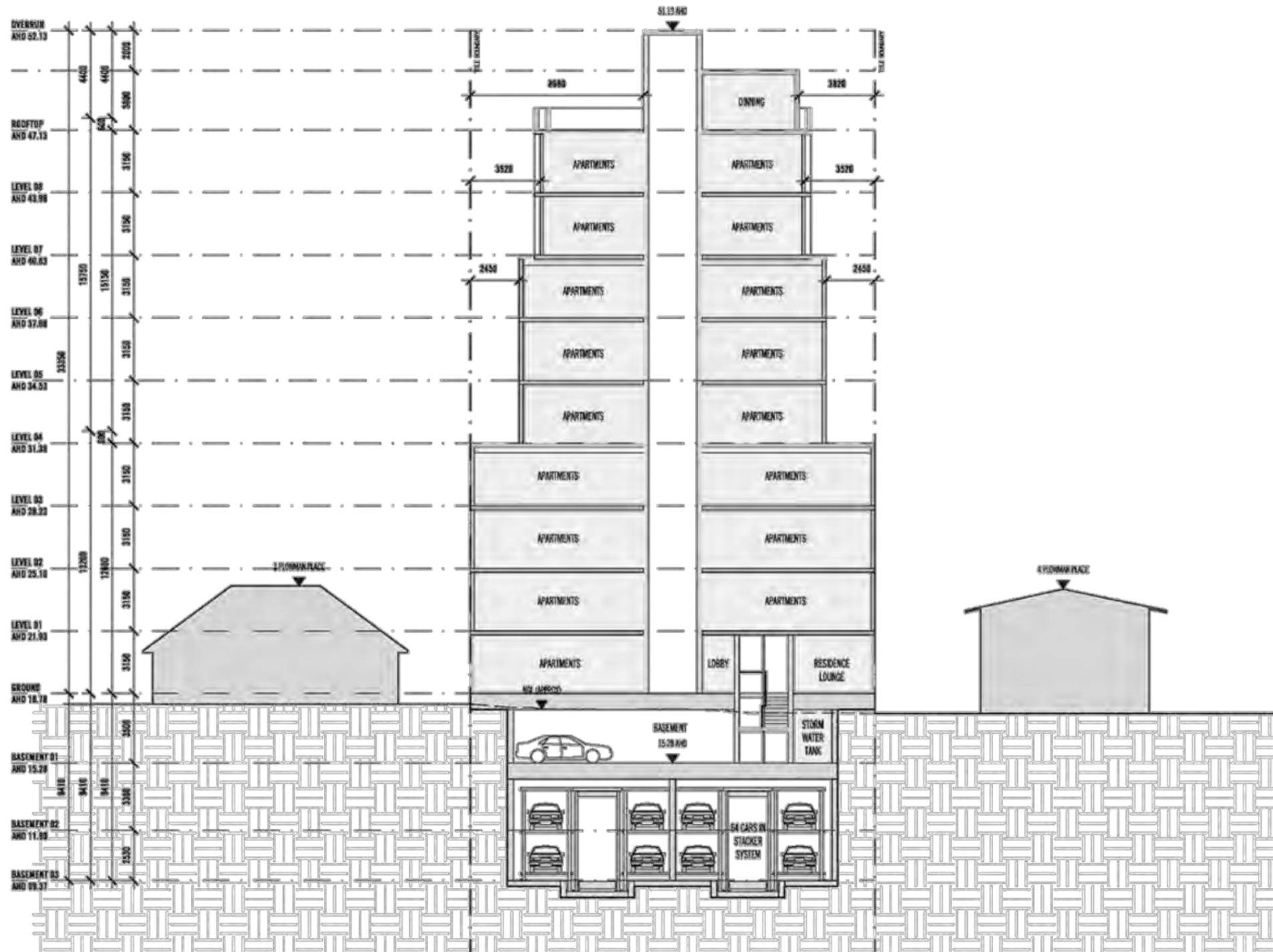
BRONZE CLADDING

ADVERTISED PLAN





ADVERTISED PLAN



<p>Scale: 1:100</p> <p>PRELIMINARY</p> <p>NOT FOR CONSTRUCTION</p>	<p>ELEMBERG FRASER</p> <p>LEVEL 1, 108 QUEEN STREET MELBOURNE VICTORIA 3000 AUSTRALIA TEL: +61 3 9600 2280 FAX: +61 3 9600 2280 EMAIL: INFO@ELMBERGFRASER.COM WWW.ELMBERGFRASER.COM</p>	<p>Project No:</p> <p>3 PLOWMAN PLACE</p> <p>FRANKSTON</p> <p>RIVENDELL INVESTMENTS PTY LTD</p>	<p>Section No:</p> <p>SECTIONS B-B</p> <p>Project No:</p> <p>16104</p> <p>Sheet No:</p> <p>A</p>
--	--	---	---

Executive Summary**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**

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

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

Purpose

This report considers the merits of the planning application to 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

Recommendation (Director Community Development)

That a Planning Permit be issued for Application 109/2017/P – 4 Plowman Place, Frankston, subject to the conditions contained in the officer's assessment.

Key Points / Issues

- The proposal is to construct a nine (9) storey building containing fifty six (56) dwellings. The dwelling mix comprises twenty eight (28) one (1) bedroom dwellings, twenty (20) two (2) bedroom dwellings and eight (8) three (3) bedroom dwellings.
- The building design is contemporary with a ground level podium of four (4) storeys and the five (5) storeys further recessed from the site boundaries.
- The site is located on the southern edge of the Frankston Metropolitan Activity Centre (FMAC) and in close proximity to the Frankston foreshore.
- The proposed development is considered to implement the broader State and local planning policies relevant to this precinct as it will provide for increased housing on the edge of the Frankston MAC in a location close to public transport, commercial, medical, educational and community facilities.
- Eleven (11) visitor spaces are required by both Clause 52.06 – Car Parking and Council's Multi-Dwelling Visitor Parking Guidelines. Five (5) have been provided. Fourteen (14) bicycle spaces have been provided within the basement. The parking provided is considered adequate given the proximity of the site to the FMAC and public transport.
- Planning approval is required for the use and building and works pursuant to the Commercial 1 Zone and the reduction of car parking pursuant to Clause 52.06 – Car Parking.

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

Financial Impact

For the 2017-2018 financial year, the State Government Minister for Local Government has announced a limit on the amount Victorian councils may increase rates. The cap for the 2017-2018 financial year is 2%. The cap is based on the Consumer Price Index expected for the financial year.

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**Executive Summary**

This cap has a significant effect on Council's current Long Term Financial Planning, with rate revenue being \$9 million less than anticipated over the first four years, growing to \$17 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

The permit application fee paid to Council is \$8,810.15. The average cost to process a planning application is \$1,729. In this case the fee represents a variation of \$7,081 from the average cost.

Consultation**1. External Referrals**

The application was referred externally to Public Transport Victoria (PTV) as a Section 54 referral who did not object to the proposal.

2. Internal Referrals

The application was referred internally to Council's Traffic Engineer, Drainage Engineer, Urban Designer, Strategic Planning Coordinator, Governance, Economic Development and Environment officers who provided comments and recommended conditions for the proposal.

3. Other relevant parties / stakeholders

There are no other relevant parties and stakeholders who have been consulted.

Notification of Proposal

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

Notification was given in the form of:

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

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

Analysis (Environmental / Economic / Social Implications)

It is expected that the proposal will have long term positive economic and social net benefits for the wider community of Frankston. It is anticipated that there will be positive effects on the Frankston economy through the creation of short term construction jobs and additional economic growth through increased spending in the area. The proposal will provide additional housing diversity in the form of apartments in the Frankston Metropolitan Activity Centre.

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

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

11.5 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**Executive Summary**Legal

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

Policy Impacts

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

State and Local Policy Framework – Clauses:

- 11 – Settlement;
- 15 – Built Environment and Heritage;
- 16 – Housing;
- 17 – Economic Development;
- 21.03 – Vision and Strategic Framework;
- 21.04 – Settlement;
- 21.07 – Housing;
- 21.08 – Economic Development;
- 21.10 – Built Environment and Heritage;
- 21.12 – Infrastructure;
- 22.02 – Frankston Central Activities District Policy; and
- 22.07 – Streetscapes Policy.

Zone and Overlays – Clause:

- 34.01 – Commercial 1 Zone.

Particular Provisions - Clauses:

- 52.06 – Car parking;
- 52.35 - Urban context report and design response for residential development of four or more storeys;
- Clause 52.36 - Integrated Public Transport Planning; and
- Clause 55.07 – Apartment Developments.

Clause 65 – Decision Guidelines.

Officer's Declaration of Interests

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

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

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

Executive Summary

Risk Mitigation

There are no risks associated with the proposal.

Conclusion

The proposed development will result in a landmark building on a prominent site on the edge of the Frankston MAC. The proposal is consistent with policy directions at State and local level and will increase housing densities and choice for the wider community of Frankston.

ATTACHMENTS

- Attachment A: Locality Map
- Attachment B: Locality Map - Aerial
- Attachment C: Existing and Proposed Site Plan
- Attachment D: Floor Plans
- Attachment E: Elevations
- Attachment F: Perspectives
- Attachment G: Sections
- Attachment H: Landscape Plans

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

Officers' Assessment

Summary

Existing Use	Double storey apartment building
Site Area	1,010.0 square metres
Proposal	To use and construct a nine (9) storey building with fifty six (56) dwellings and a reduction in car parking
Zoning	Commercial 1 Zone
Overlays	No overlays
Neighbourhood Character Precinct	N/A
Reason for Reporting to Council	Councillor interest

Background

Planning Permits for higher density residential developments have been issued in the immediate vicinity of the subject site. These include:

- 6 Davey Street Frankston – A seventeen (17) storey mixed use development containing sixty three (63) dwellings and offices, approved by Council on 10 November 2014
- 10-12 Davey Street Frankston - a fourteen (14) storey mixed use development containing eighty nine (89) dwelling, approved 10 November 2011

It is noted that Council is also assessing an application for a development of a nine (9) storey building containing fifty six (56) dwellings on the adjoining site to the west at No. 3 Plowman Place. This application also utilises the same architect and has a very similar built form and design.

Subject Site

The subject site is situated on the northern side of Plowman Place, is regular in shape with a front/rear boundary width of 20.12 metres and side boundaries with a width of 50.19 metres and an overall area of 1010.0 square metres.

The subject site currently contains a double storey brick apartment building, vegetation comprising of trees and shrubs within the front and rear setback. However none of this vegetation is of environmental significance. The site is flat.

Locality

The subject site is located on the southern edge of the Frankston MAC. The site is opposite to the Frankston Football Club ground, 200 metres east of Frankston Beach, 200 metres south of the Frankston commercial centre and 400 metres south of the Frankston Train Station.

The site is within a mixed use area comprising medical suites, offices including Centrelink, the Frankston City Council Civic Centre and some residential properties.

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**Officers' Assessment**

Notwithstanding the current approvals on Davey Street discussed above, the surrounding built form is predominately one or two storey and typically residential in nature.

Site History

There have been no previous planning permit applications for the subject site.

Proposal

It is proposed to construct a nine (9) storey building containing fifty six (56) dwellings, two (2) basement levels providing car/bicycle parking, services and sixty four (64) car spaces. A rooftop communal open space area is also proposed. The overall maximum height of the building is 33.35 metres.

The building is proposed to abut the front boundary and be setback 4.5 metres to the rear boundary. It is proposed to construct the building to both side boundaries for a distance of 14.56 metres at the centre of the building. To the front and rear of this central section the building is recessed 4.5 metres from the side boundaries. Planter boxes protrude outside of the front title boundary and into the 4.5 metre rear setback by approximately 0.8 metres.

The first basement level contains services, individual storage cages, waste storage, six (6) visitor parking spaces, bike storage, substation and fire pump room and two (2) transfer pallets for vehicles to access the lower basement level. The second basement level contains sixty four (64) car spaces in four (4) rows each containing two (2) 'stacks' of eight (8) spaces.

The ground floor includes pedestrian entry from Plowman Place and vehicle entry to the basement. The ground floor also contains the entry and lift lobby and six (6) dwellings. Communal open space areas are also provided at this level.

Levels 1-3 have the same layout, building footprint and setbacks as the ground level.

Levels 4-5 are recessed from the lower levels. The building is setback a minimum of 1.565 metres and a maximum of 4.5 metres from the side boundaries. The front setback increases to 5.0 metres and 4.5 metres to the rear. Planter boxes protrude 0.8 metres into the front and rear setbacks. A total of six (6) dwellings are provided on each of these levels.

Levels 7-8 are further recessed from the levels below. The building is setback a minimum of 3.516 metres and a maximum of 4.5 metres from the side boundaries. The front/rear setbacks remain consistent with levels 4-5. Four (4) dwellings are provided on these levels with balconies and planter boxes facing north and south provided.

Level 9 contains a communal rooftop with a pool, dining and cooking area. The setback of this level from the front boundary is increased to 9.6 metres with the side/rear setbacks being maintained from levels 7-8. Planter boxes are also provided on the northern/southern ends of the level.

The mix of dwellings noted includes:

- Twenty eight (28) one (1) bedroom dwellings
- Twenty (20) two (2) bedroom dwellings
- Eight (8) three (3) bedroom dwellings

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**Officers' Assessment****State and Local Planning Policy Frameworks**

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

- Clause 11 – Settlement;
- Clause 12 – Environmental and Landscape Values;
- Clause 13 – Environmental Risks;
- Clause 15 – Built Environment and Heritage;
- Clause 16 – Housing;
- Clause 17 – Economic Development; and
- Clause 18 – Transport.

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

- Clause 21.05 – Environmental Risk;
- Clause 21.06 – Environmental and Landscape Values;
- Clause 21.07 – Housing;
- Clause 21.10 – Built Environment and Heritage; and
- Clause 21.11 – Transport;

Particular and General Provisions

Particular and General Provisions relevant to this application are summarised as follows:

- Clause 52.06 – Car Parking;
- Clause 52.34 – Bicycle Facilities;
- Clause 52.35 – Urban Design Report and Design Response for Residential Development of Four or More Storeys;
- Clause 52.36 – Integrated Public Transport Planning;
- Clause 55.07 – Apartment Developments and;
- Clause 65 – Decision Guidelines.

Reference documents

Documents referenced in the Frankston Planning Scheme relevant to this application are summarised as follows:

- Plan Melbourne Metropolitan Planning Strategy, 2014 (Department of Planning and Community Development).
- Frankston Metropolitan Activity Centre Structure Plan, adopted by Council May 2015.

Planning Scheme Controls

A Planning Permit is required pursuant to:

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**Officers' Assessment**

- Clause 34.01-1 (Commercial 1 Zone) – To use the land for a dwelling where the frontage at ground level exceeds 2.0 metres.
- Clause 34.01-4 (Commercial 1 Zone – To undertake buildings and works.
- Clause 52.06-3 – (Car Parking) – To reduce the number of car spaces under Clause 52.06-5 by five (5) visitor spaces.

Notification of Proposal

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

Notification was given in the form of:

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

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

Referrals**External Referrals**

Department of Public Transport

- The application was referred externally to Department of Public Transport (DOPT) in accordance with Section 52 of the Planning and Environment Act. DOPT did not object to the proposal.

Internal Referrals**Drainage Engineer**

- No objection subject to the inclusion of conditions and footnotes on any permit issued.
- Waste Management and Construction and Environment Management Plan required.

Traffic Engineer

- No objection to the proposal.
- The proposal requires 11 visitor parking spaces under Clause 52.06 and the Frankston Multi Dwelling Visitor Parking Guidelines. The development proposes 5 spaces resulting in a shortfall of 6 spaces. This shortfall is supported.
- A Car Parking Management Plan will be required as a condition of permit and address the following:
 - Provide additional details of operation as submitted within the OMG traffic report
 - Queueing capacity to be contained at all times within the building with no queueing to occur on Plowman Place

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**Officers' Assessment**

- Car stacker system for resident use should be utilised at all times by residents
- Number of car spaces within the car stacker system to be allocated to the designated types of apartments in the building i.e.1 car space for each dwelling with 2 or less bedrooms and 2 car spaces spaces for each dwelling with 3 bedrooms.

Urban Design (Internal)

- No objection to the proposal
- This proposal appears to be a well-considered response to the strategic and physical context of the site. The visual bulk of the proposal has been addressed through incremental setbacks of levels along the eastern and western flanks of the building. This will allow for adequate light, ventilation and visual porosity between adjacent properties and developments. The proposed colour and material palette, appears to be of sound architectural quality and integrity and does well to minimise the visual bulk of the building.
- The use of vegetated terraces further softens the proposal's square frame whilst creating additional aesthetic interest. However, consideration must be given to their ongoing maintenance requirements. If it is intended that they will be maintained privately, a concern would be for intermittent occupancy to result in plant death and other maintenance issues such as staining and degradation of the concrete planter boxes.
- The proposed height of the building exceeds the preferred limit but is considered to be acceptable as the setbacks for the communal roof terrace area above the limit significantly reduce its presence and visual impact. Any security screening or balustrades required for the roof terrace should be of a visually transparent type to maintain the recessed appearance.
- Access to the common open space proposed on the northern and south-western boundaries of the site is not readily identifiable. It is unclear whether the spaces are intended to be accessed from ground floor apartments, the lobby, or both. This will need to be clarified as access is essential for ongoing maintenance and will determine treatments which address overlooking and privacy concerns for apartments 2, 5 and 6. The current plans do not show these apartments as having any additional treatments which address these privacy issues. These treatments will be necessary for these apartments regardless of whether this space is intended for private or public use.
- The building is well articulated and appears to present well to Plowman Place. Although the building's entrance is set back from the street, any concern regarding identity and visibility could be reasonably addressed through the use of lighting, appropriate landscaping or built forms to emphasise the point of entry.
- There is some concern regarding the south eastern apartment on the ground floor whose bedrooms abut the entrance walkway. This is not considered to be an appropriate design outcome given that some occupants are likely to have substantial visual and audial amenity impacts. The current plans do not show this apartment as having any additional treatments which address these interface issues; opportunities for window treatments, such as screening,

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**Officers' Assessment**

highlight windows or floor layout should be explored. Preferably, a reconfiguration of the ground floor to include office space would deliver a more appropriate interface with the streetscape and entrance.

- It is considered that the proposal is consistent with the preferred future neighbourhood character set out in the FMAC structure plan which anticipates and encourages taller, intensified built form and mixed use of the site and precinct.

Governance

- No objection to the proposal
- Plowman Place Frankston has status as a Crown/Government Road.
- The occupation of airspace over a Crown/Government Road is governed by the *Land Act 1958*.
- The occupation of Strata of Crown Land and Repeal of Previous Orders (Interpretation of Legislation Act 1984) was gazetted on 18 July 2002 (vide. G29 1704) (copy attached). This exempts canopies, blinds and awnings, and architectural fixtures and decorations, from requiring a Crown Licence (tenure).
- A subsequent exemption (Occupation of Strata of Crown Land 18 July 2002 vide. G29 1705), also exempts projections with a width greater than 300mm, provided a number of criteria are met.
- Given your advice that the proposed encroachment is approximately 0.8 metres, it will require specific tenure (Crown Licence under the Land Act), unless the requirements in the relevant gazettal are met. In the event a Town Planning Permit is issued for the development with the balcony encroachment, it will be managed directly with the Department of Environment, Land, Water and Planning (DELWP). The applicant may wish to seek advice directly from DELWP as to the requirements for an encroachment of this nature.

Waste Management

- No objection to the proposal
- A private collection will be undertaken
- The waste estimates undertaken are adequate
- A waste management plan will be required to be endorsed as part of the conditions of the permit.

Environment

- No objection to the proposal subject to the inclusion of conditions should a permit be issued.
- An Arborist Report has been provided by Constructive Arboriculture dated February 2017. The arborist and survey plans have incorrectly located the Monterey Cypress tree at the front of the property. The tree is not a Council tree. The tree is located on the property. The tree has been confused with the power/light pole at the front of the site. To retain the tree the building will be required to be setback 5.4m from the tree.

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**Officers' Assessment**

- The arborist notes the remaining trees on the site have a low retention value and can be removed
- Tree no. 4 and 5 *Acmena smithii* located on the neighbouring property will be impacted by the proposed works. These trees are proposed to be removed in the adjoining development (subject to a permit). Should these trees be present at the time of development a Tree Protection Management Plan must be provided or a written agreement from the owner of the trees that the trees are to be removed.
- There is a newly planted *Banksia integrifolia* at the front of the site that will require removal to allow for the proposed cross over. The existing crossover must be reinstated and landscaped.
- The planting within the front setback needs to be coordinated with the overall plan for the streetscape

Strategic Planning

- No objection to the proposal.
- The proposed development accords with the vision and objectives of the FMAC Structure Plan, the objectives of the proposed Activity Centre Zone Schedule 1.
- The subject site is well located in relation to public transport connections, recreation areas and commercial services provided within Frankston City Centre.
- An objective of Precinct 3 of the Structure Plan is to '*Encourage complementary uses such as higher density residential development, offices and education*'.
- The proposal also accords with the following general objectives of the FMAC Structure Plan:
 - *Encouraging a greater level of private investment in Frankston.*
 - *Encouraging a mix of well-located dwelling types and sizes which provide housing for a range of people with diverse needs.*
 - *Continuing to develop the arts precinct as a significant and integral component of the FMAC.*
 - *Strengthening physical connections between existing urban areas and Frankston's open space assets.*
 - *Providing design outcomes and land uses which encourage greater activity and passive surveillance of streets and public spaces.*
- The proposal accords with the following land use and development objectives of the proposed ACZ1:
 - *Encourage office and accommodation development.*
 - *Increase the residential population of Frankston.*

It is considered that the proposed development accords with the above objectives.

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**Officers' Assessment**

- The subject site is located within Precinct 3 of the FMAC Structure Plan and Precinct 3 of the proposed Activity Centre Zone Schedule 1 and is supported.

Economic Development

- No objection to the proposal.
- Based on a 12.8 million dollar construction over approximately 12 months, the construction phase of the proposed development will have the following economic benefits:
 - **Employment:** Up to 72 jobs will be created during the construction phase
 - **Gross Revenue (Output - \$m):** Up to \$28.48m will be generated during the construction phase
 - **Wages and Salaries:** Up to \$5.34m of wages and salaries will be generated during construction
 - **Value Added:** \$9.91m of value will be added by industries in Frankston City during construction
- Based on occupancy of 56 dwellings the development will have the following economic development benefits:
 - **Employment:** Up to 15 jobs will be created
 - **Gross Revenue (Output - \$m):** Up to \$5.33m will be generated per annum
 - **Wages and Salaries:** Up to \$1.32m in wages and salaries will be generated per annum
 - **Value Added:** Up to \$2.92m of value will be added by industries in Frankston City per annum
- The development will provide a positive flow-on effect for the city centre. In addition to the boost during the construction phase the additional 56 dwellings will provide much needed economic boost to local businesses and encourage a 'night time economy'.
- The development will provide optimism towards residential development in the city centre and encourage other developers to invest in Frankston. With over 15,000 students in Chisholm and over 4,000 students in Monash University, the development provides convenient accommodation options for students given the close proximity to shops and public transport.

It is noted that the plans of the adjoining development at 3 Plowman Place which was prepared by the same architect and Town Planning consultant was referred externally to SJB Planning for urban design advice. No objection to this similar proposal was raised.

Discussion**Commercial 1 Zone**

The proposal requires a Planning Permit in the Commercial 1 Zone to use the land for dwellings where the frontage at ground level exceeds 2.0 metres and to undertake buildings and works.

The purpose of the Commercial 1 Zone is:

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**Officers' Assessment**

- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

As the proposal is greater than five storeys, the objectives, standards and decision guidelines of Clause 55.01-06 – ResCode do not apply.

Since the application was lodged with Council, the Better Apartments Design Standards have been introduced at Clause 55.07 of the Frankston Planning Scheme. These requirements technically do not apply as the application was lodged before the Amendment (VC136) that introduced these standards to the Frankston Planning Scheme was gazetted on 13 April 2017.

Strategic Context

The subject site is located on the southern edge of the Frankston Metropolitan Activity Centre, in an area that has been identified for major mixed use development. Frankston is identified in Plan Melbourne, State Government's Metropolitan Planning Strategy as one of three 'metropolitan activity centres' (MAC) within the southern sub-region and one of eight existing MAC centres within metropolitan Melbourne. State planning policy expects the MAC centres will serve a role as metropolitan Melbourne's largest centres of activity providing for the greatest variety of uses and functions including commercial, retail, education, government, tourism, with diverse employment options, services and housing stock, supported by good transport connections.

Frankston has excellent access to public transport and road networks (including the Frankston railway line, Eastlink and Peninsula Link) which create strong links with Metropolitan Melbourne and the Mornington Peninsula. Frankston is a civic, commercial and retail hub including arts and cultural venues and the proximity of the commercial area to the foreshore gives the centre a distinctive competitive advantage over some of the other MAC's in metropolitan Melbourne.

Plan Melbourne identifies that the southern sub-region currently has a population of 1,160,000 which is anticipated to grow by 200,000 by 2050. Plan Melbourne identifies that a key focus for the southern sub-region will be the establishment of new container facilities at Port of Hastings, new rail and highway connections to Hastings and the urban renewal of Frankston station.

Facilities in proximity to the site include:

- The Frankston Transit Interchange (approximately 400 metres to the north-east);
- Chisholm Institute of TAFE and the Frankston Aquatic Centre (approximately 400 metres to the north-east);
- Frankston Civic Centre, Frankston Arts Centre, Frankston Primary School and the Frankston Football club facilities;
- Frankston Hospital and medical precinct, to the east;
- Core retail precinct of the MAC to the north; and
- Frankston Foreshore reserve and pier to the west.

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**Officers' Assessment**

Local policy at Clause 21.04 reinforces State policy, identifying Frankston MAC as one of the highest order activity centres in metropolitan Melbourne. It advocates that the Frankston MAC will operate as a regional urban centre containing a diversity of land uses and functions. This will be achieved through a number of strategies including:

- Encouraging higher density housing in and around the Frankston MAC.
- Encouraging new residential development as infill on surplus non-residential sites, including sites within the Frankston MAC.
- The proposal is considered to be consistent with the existing principles and strategic directions at both State and local level.

Frankston Metropolitan Activity Centre Structure Plan

As has been noted previously by Council's Strategic Planning Department, the proposal is considered to be consistent with the vision and objectives of the Frankston Metropolitan Activity Centre Structure Plan.

The subject site is well located in relation to public transport connections, health facilities, recreation areas and commercial services provided within Frankston City Centre.

The structure plan divides the Frankston Central City Area into three (3) precincts and the subject site is within Precinct 3, Arts, Entertainment and Government Services. Precinct 3 abuts the southern border of Precinct 1, City Centre.

The objectives of Precinct 3 include:

- To encourage complementary uses such as higher density residential development, offices and education.
- To improve connectivity between key uses, including the Frankston Arts Precinct, the City Centre and Station Precincts.

The Frankston Metropolitan Activity Centre Structure Plan was adopted by Council in May 2015. Planning Scheme Amendment C123 seeks the application of the Activity Centre Zone Schedule 1 (ACZ1) to the subject site and Frankston Central City Area.

The proposed ACZ1 transplants the recommended preferred building heights and setbacks from the structure plan to the Frankston Planning Scheme. A Planning Panel was held for amendment C123 in late 2016 that supported the amendment with only minor modifications.

The proposal is considered to accord with the objectives of Precinct 3. The proposal provides for increased residential density and capitalises on the connectivity and location of the site relative to the city centre, Frankston Station, foreshore and entertainment precinct.

The proposed maximum height of the development is 33.35 metres. The preferred maximum building height pursuant to the Structure Plan and the proposed ACZ1 is 26.0 metres. The additional 7.35 metres proposed above the preferred 26.0 metre height limit is considered acceptable for the following reasons:

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**Officers' Assessment**

- The setbacks for the communal roof terrace area significantly reduce its presence and visual impact and cannot be seen from the street. Utility services on this upper level can also not be seen from the street.
- Excluding these rooftop features, the highest point visible from the street is 30.0 metres.
- The visual bulk of the building is reduced through the use of incremental setbacks along the side elevations.
- Green elements assist in softening the built form and reducing the visual mass of the development.
- The additional height will not impact the amenity of any adjoining properties.

Overall the proposal is a well-considered response to the strategic and physical context of the site.

Furthermore this height is also consistent in the broader context of the site when viewed in conjunction with existing approved developments by Frankston City Council at 6 Davey Street (seventeen (17) storeys) and 12 Davey Street (fourteen (14) storeys).

Use

The proposed use of the building for dwellings as noted above requires a Planning Permit in the Commercial 1 Zone as the frontage at ground level exceeds 2.0 metres.

It is considered that the development presents well to Plowman Place with good integration with the streetscape and clearly identifiable entries to the dwellings at the ground level and into the communal lobby.

Built Form

The visual appearance, design, height and vehicular access are the pertinent issues in assessing this proposal. State Policy at Clause 15.01-2 sets out urban design guidelines that Council must regard for development proposals. In addition, Councils Municipal Strategic Statement provides local policy direction along with the design guidelines of the Commercial 1 Zone.

Height

There are no preferred or mandatory height controls specified in the Frankston Planning Scheme for the subject site or area. The FMAC Structure Plan and proposed ACZ1 set a preferred building height of 26.0 metres for the subject site.

Impact of the building height

The subject site is located on the southern fringe of the FMAC Structure Plan area. Sites within the Plowman Place / Davey Street area are in a unique location where they have limited interface issues as the majority of buildings in this area are used for commercial purposes.

The building is located opposite the Frankston Football Ground and shadow diagrams indicate no overshadowing to this facility. Overshadowing is limited to Plowman Place.

The Cypress Pine trees (up to 20 metres high) on the opposite side of Plowman Place will also aid in screening and provide context and scale to the building when viewed from the south.

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**Officers' Assessment**

It is considered the impact of the building height will be more pronounced in the short term given that this is the first proposal of its type on Plowman Place. A planning application for the site to the west (3 Plowman Place) for a nine (9) storey building is also under assessment by Council. Should both applications be successful, the only buildings used as dwellings within the Plowman Place / Davey Street area will be the 2 sites to the west (No.'s 1 and 2). The potential for the greatest impact will be on these 2 sites. Whilst the visual impact of a nine (9) storey building to these dwellings is undeniable, due to the north-west orientation of the proposed development, No. 2 will receive full solar access from 10.00am and No. 1 will be unaffected by overshadowing. It is also noted that the proposed development meets all overlooking and screening requirements in relation to the sites to the west.

As previously stated the visible components of the building from the street are at a height of 30 metres. Utilities and roof top elements are not visible from the street. The height is considered to be appropriate in the context of previous approvals in the surrounding area including 6 Davey Street Frankston (seventeen (17) storeys) and 10-12 Davey Street Frankston (fourteen (14) storeys).

Overshadowing

The applicant has provided shadow diagrams based on the September equinox to demonstrate the extent of the shadow the proposed building will cast on the adjoining area.

The most significant shadows will be cast to the west and south across the day however this is considered acceptable given that the orientation of the block means that the predominant overshadowing caused by the development occurs over Plowman Place as state above.

The level of overshadowing of surrounding properties is considered acceptable, and given that the site is located within an area zoned for commercial activities, the projected overshadowing is an satisfactory outcome. As the Plowman Place / Davey Street area is strategically located adjacent to the Frankston City Centre and Transport Interchange, there is an expectation that this area will be subject to change. It will be expected that future developments in this area are as well designed as the proposed development in relation to overshadowing.

Design**Building Form**

The proposed development will result in the construction of a contemporary structure with clean lines. The use of a tower and podium design with setbacks provided on the ground level on each corner of the building allows for landscaping and presents a modern and elegant presentation to the streetscape and surrounding area.

In particular, the use of planter boxes on balconies and on the roof top communal space provides for a good level of greenery to assist in softening and breaking up the built form. This aspect aides the development to integrate with the well treed nature of Plowman Place.

Amenity

The proposed development has been designed to minimise its impact on the surrounding area in regards to the extent of shadow and overlooking. Most properties

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**Officers' Assessment**

within close proximity of the site are used for commercial purposes with the exception of dwellings at No.'s 1, 2 and 4 Plowman Place.

The Plowman Place / Davey Street area is zoned for commercial activities and not exclusively for sensitive uses such as dwellings. Overshadowing and/or overlooking standards within Clause 55.01-06 – ResCode do not apply however consideration must be given to Clause 55.07 – Apartment Developments.

It is considered that the proposed development will not unreasonably impact on the amenity of nearby sensitive uses.

Internal Amenity

The internal amenity of the development is satisfactory. Each dwelling is provided with a balcony/terrace of between 9 and 11 square metres in area.

All balconies have satisfactory solar access and are directly connected to the living areas of the dwellings.

The inclusion within the design of a rooftop terrace is a well-considered response to providing additional amenity to residents. The rooftop terrace contains a dining area, pool and cooking/BBQ facilities. The terrace will receive spectacular views of Frankston and Port Phillip Bay.

Council's Urban Designer has raised concern with the bedroom windows which abut the pedestrian access way on the ground floor. While this is not an ideal outcome it is considered that given the development comprises fifty-six (56) dwellings this is acceptable given that none of the remaining dwellings abut this access way.

Council's Urban Designer has also raised concern regarding the access to the common open space at the ground level. This has been included on the permit as part of the Landscape Plan condition requiring access to these areas be shown.

Notwithstanding the above, it is noted that future residents will be living within an established Activity Centre and expectations of amenity must be different to that within a standard residential development.

Environmental Sustainable Development

The applicant has submitted an Environmental Sustainable Development report prepared by Inhabit Australia Pty Ltd as part of the application documents.

The report assesses the energy efficiency of the development including solar efficiency, water use, internal amenity, emissions, parking provision and management of the building to reduce future environmental impacts. The report also notes the high quality materials proposed and large landscaping areas provided as positive aspects of the development.

It is considered that the development provides an outstanding response to the site with regard to minimising the impact on the environment.

Car parking, Vehicular Access and Waste Collection

The proposed development includes the provision of sixty-four (64) car spaces for residents and five (5) spaces for visitors located over two (2) basement levels.

The five (5) visitor spaces are located in the first basement level while the remaining sixty-four (64) spaces for residents are provided in thirty-two (32) two double car stackers on the lower basement level. Access to the basement is from Plowman Place.

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

Officers' Assessment

Car Parking Provision

The following table sets out the statutory rates and requirements for car parking for the proposed development.

Proposed Use	No.	Statutory Rate	Statutory Requirement	Parking Provision	Parking Shortfall
1 and 2 bedroom dwelling	48	1 space/dwelling	48	48	0
3 bedroom dwelling	8	2/spaces/dwelling	16	16	0
Visitor parking	5	1 space/5 dwellings	11	5	6
Total			75	69	6

The application seeks to waive the shortfall of six (6) visitor spaces. It is noted that Council's Multi-Dwelling Visitor Parking Guidelines also require eleven (11) visitor spaces be provided for the development. Therefore a reduction of six (6) spaces under the guidelines is also sought.

Clause 52.06-6 allows for the statutory car parking requirement to be reduced. An application to reduce the number of car spaces must be accompanied by a Car Parking Demand Assessment which must have regard to the following:

- The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.
- The availability of public transport in the locality of the land.
- The short-stay and long-stay car parking demand likely to be generated by the proposed use.
- The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.
- The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.
- Any empirical assessment or case study.

The proposed waiver of six (6) visitor spaces is considered to be acceptable and can be supported for the following reasons:

- There are a number of public car parks located within a short walking distance of the subject site that would provide short-term off-street parking facilities at different times. The Mechanics Hall car park located to the west of the site has a total of 53 car spaces in addition to car parking facilities at Beauty Park, Frankston Civic Centre, the public car park on the north-west corner of Davey and Young Streets and an underground car park at the Frankston Arts Centre.

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

Officers' Assessment

The greatest demand for visitor car parking in this area is likely to be outside office hours and on weekends.

- Every dwelling within the development is allocated its full parking requirement (1 space per 1 or 2 bedroom dwelling and 2 spaces for 3 or more bedroom dwelling).
- Visitation to and from the site may be multi-purpose and undertaken on foot given the proximity of the site to the recreational, entertainment and commercial facilities that the Frankston City Centre offers.
- The site is readily accessible by public transport and the Frankston Transit Interchange is located within walking distance of the site (400 metres).

For these reasons it is considered that the reduction of six (6) visitor spaces can be supported.

Bicycle Parking Provision

The statutory requirement for bicycle parking for the proposed development is set out at Clause 52.34 of the Frankston Planning Scheme as follows:

Use	Bicycle Parking Rate	Parking required
Dwelling	1 resident space to each 5 dwellings	11.2
	1 visitor space to each 10 dwellings	5.6
Total		16.8 – 16

Storage for 18 bicycles has been provided in the basement satisfying this requirement.

Waste

A private contractor is proposed to be utilised in the collection of waste from the site. Subject to the issue of a planning permit the submitted Waste Management Plan will be endorsed and form part of the planning permit.

Internal Access and Parking and Integration with Plowman Place

Currently there is no footpath along the north side of Plowman Place (site frontage). Council plans to construct a footpath on this side of Plowman Place in the near future. Footpath facilities are necessary for future residents of the building.

The proposed location and gradient of the ramp leading to the basement in the development accords with Councils future plans for a footpath on the northern side of Plowman Place.

A condition has been included to provide additional lighting to the pedestrian access to the development to help identify this entry and improve safety.

Clause 55.07 – Apartment Development.

Since the application was lodged with Council, the Better Apartments Design Standards have been introduced at Clause 55.07 of the Frankston Planning Scheme however these do not apply due to transitional provisions.

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**Officers' Assessment**

In assessing the proposed development, State Policy at Clause 15.01-2 sets out urban design guidelines that Council must have regard to for development proposals that are not required to be assessed against Clause 55 – ResCode.

Clause 15.01-2 Urban design principles

The proposal is considered to meet the requirements of Clause 15.01-2. The proposal is appropriately sited with regard to the context of the location and the broader strategic direction for the FMAC.

The development integrates well with the public realm, creating a safe urban environment with well integrated pedestrian spaces and linkages to Plowman Place. Given the orientation of the site overshadowing is predominantly to the south of the site and the development has allowed for good solar access. The inclusion of rooftop open space also capitalises on the orientation of the site and receives excellent solar access.

The development is a strong and contemporary urban design response that respects historic precedents and provides a worthy legacy and enhances the existing built environment. As has been noted by Council's Urban Designer the proposal has a high level of architectural quality and urban design and includes good integration of landscaping within the development. On balance the proposal responds well to Clause 15.01-2.

Other Matters

Planter boxes on the south elevation, Level 1 balcony, encroach 0.8 metres outside the title boundary. This encroachment is unacceptable and a condition will be required on any permit to issue that requires the planter boxes are positioned within the title boundary. The encroachment is unacceptable in this instance as it will impede future maintenance of the footpath and road reserve area.

A note has also been included that the applicant is to directly liaise with the Department of Environment, Land, Water and Planning (DELWP) regarding gaining the required approval for this encroachment as it is not a matter for Council as advised by Council's Governance Department.

Planter boxes are used to dress the edges of all balconies throughout the development. This design aspect is supported as it aides in softening the bulk of the building. However concern has been raised by Councils Landscape Architect and Urban Designer into how these boxes will be maintained. Therefore a condition on any permit to issue will require that future apartment owners be required to enter in a Section 173 Agreement that requires these boxes be maintained to Councils satisfaction and implement a Landscape Management Plan as required by Council Environment Officer.

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**Officers' Assessment****Recommendation (Director Community Development 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.

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**Officers' Assessment****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);

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**Officers' Assessment**

- 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.

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**Officers' Assessment****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.

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**Officers' Assessment**

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.

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**Officers' Assessment**

- 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 queueing 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)

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**Officers' Assessment**

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).

Attachment A: Locality Map

Town Planning Application 109/2017/P – 4 Plowman Place Frankston

★ Subject Site – No objectors



Disclaimer

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

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

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

Projection: GDA94 / MGA zone 55

Scale: 1:2057

Date Printed: 8/06/2017

Time Printed: 1:17 PM

Issued by: Tara Lambert



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

Attachment B: Locality Map - Aerial

Town Planning Application 109/2017/P – 4 Plowman Place Frankston



Disclaimer

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

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

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

Projection: GDA94 / MGA zone 55

Scale: 1:2057

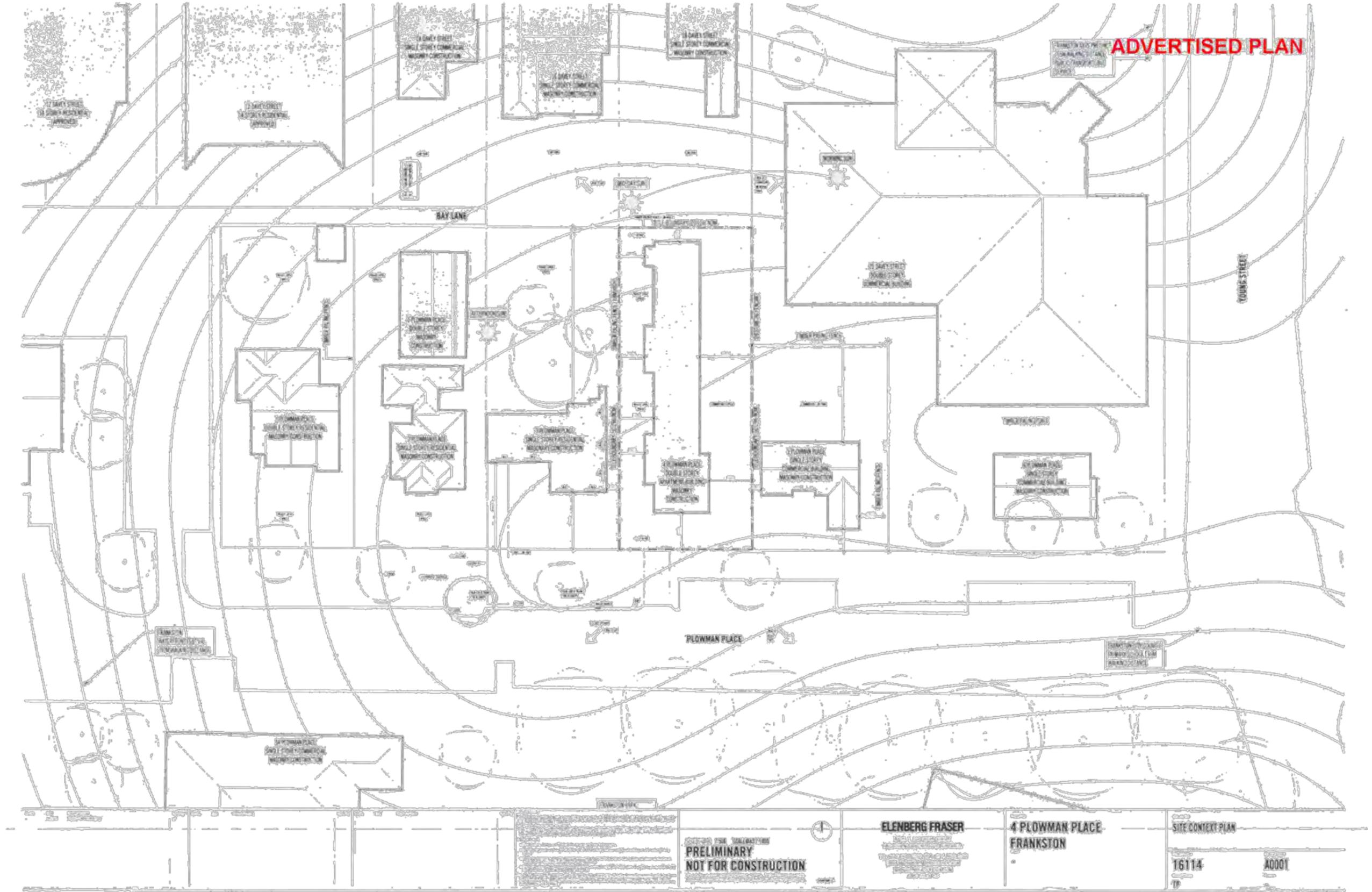
Date Printed: 8/06/2017

Time Printed: 1:13 PM

Issued by: Tara Lambert



ADVERTISED PLAN



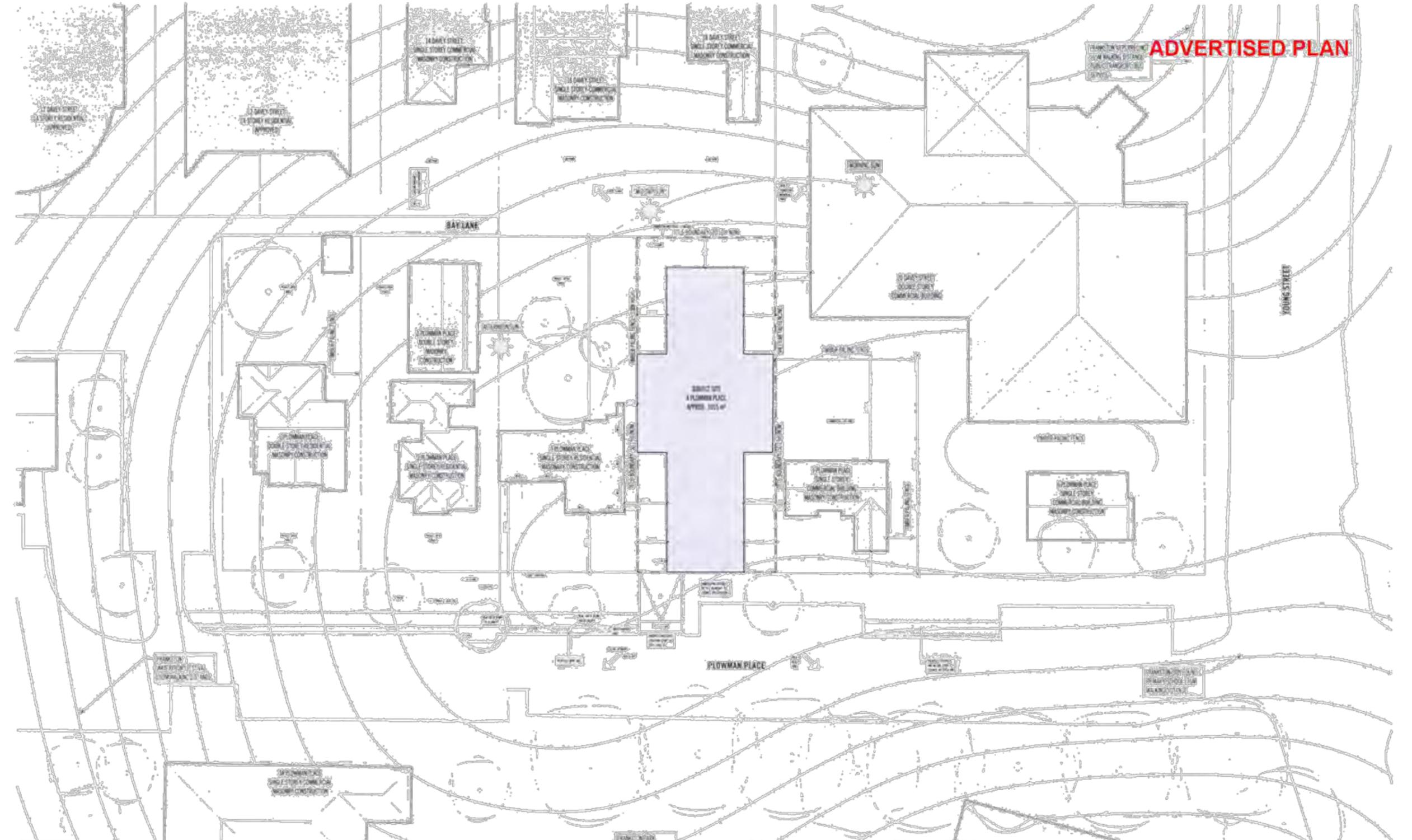
FOR INFORMATION
**PRELIMINARY
NOT FOR CONSTRUCTION**

ELENBERG FRASER

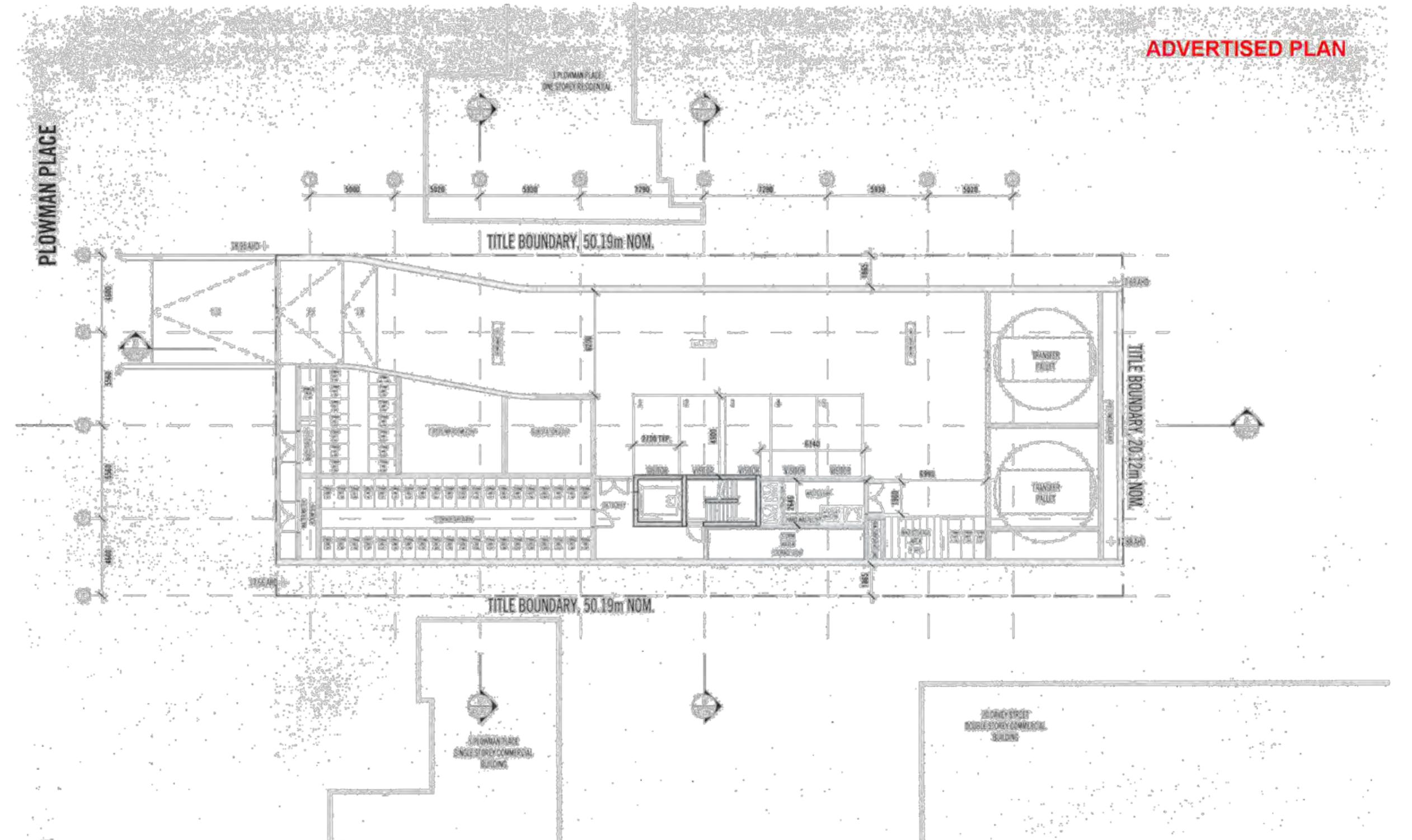
**4 PLOWMAN PLACE
FRANKSTON**

SITE CONTEXT PLAN
16114 **A0001**

ADVERTISED PLAN



<p>FRANKSTON</p> <p>16114</p>	<p>PRELIMINARY NOT FOR CONSTRUCTION</p>	<p>ELENBERG FRASER</p>	<p>4 PLOWMAN PLACE FRANKSTON</p>	<p>DESIGN RESPONSE PLAN</p> <p>16114 A002</p>
-------------------------------	---	------------------------	--------------------------------------	---



ADVERTISED PLAN

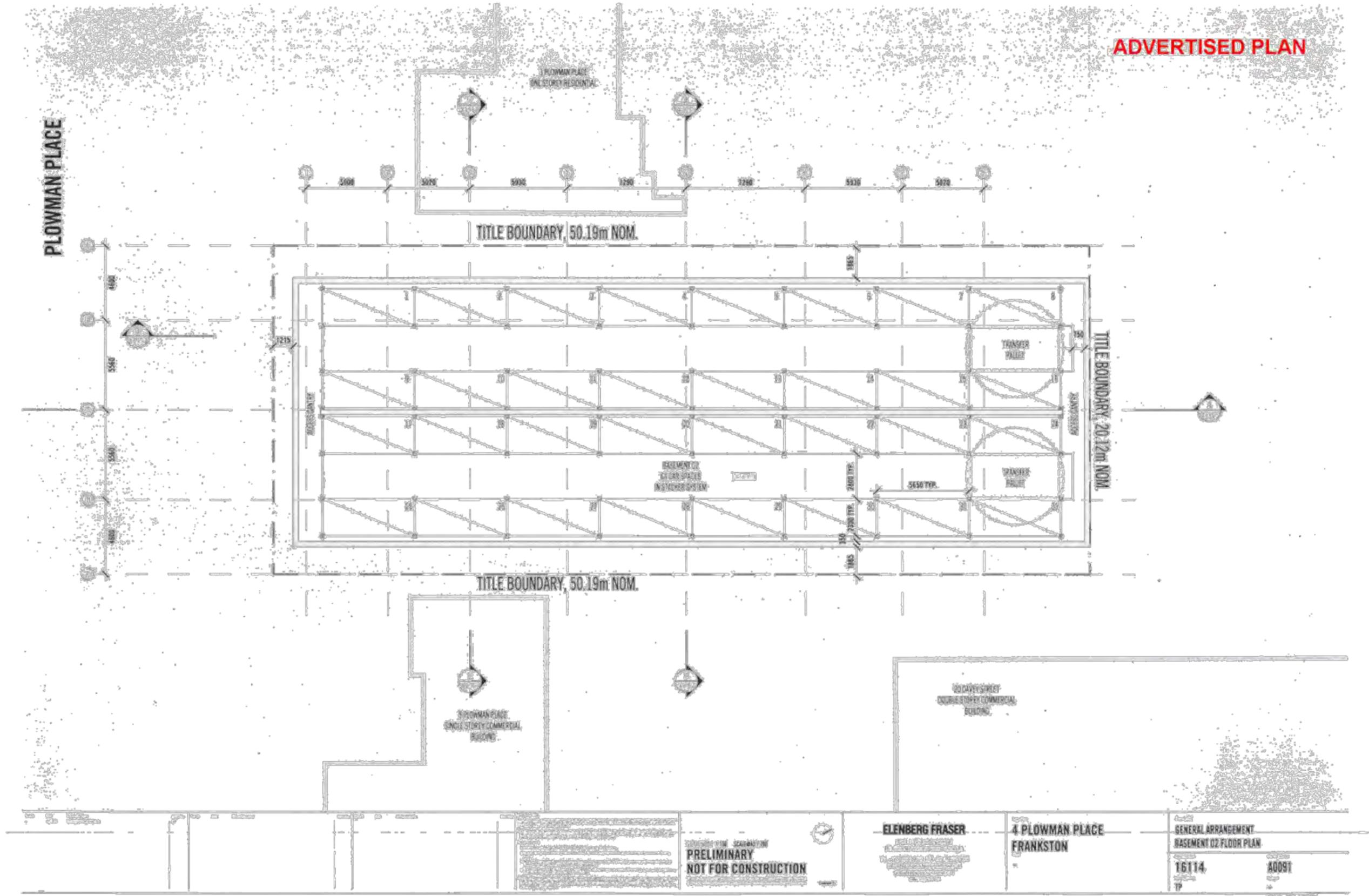
PRELIMINARY
 NOT FOR CONSTRUCTION

ELENBERG FRASER
 ARCHITECTS

**4 PLOWMAN PLACE
 FRANKSTON**

GENERAL ARRANGEMENT PLAN
 BASEMENT OF FLOOR PLAN
 16114 A0090

ADVERTISED PLAN



PRELIMINARY
NOT FOR CONSTRUCTION

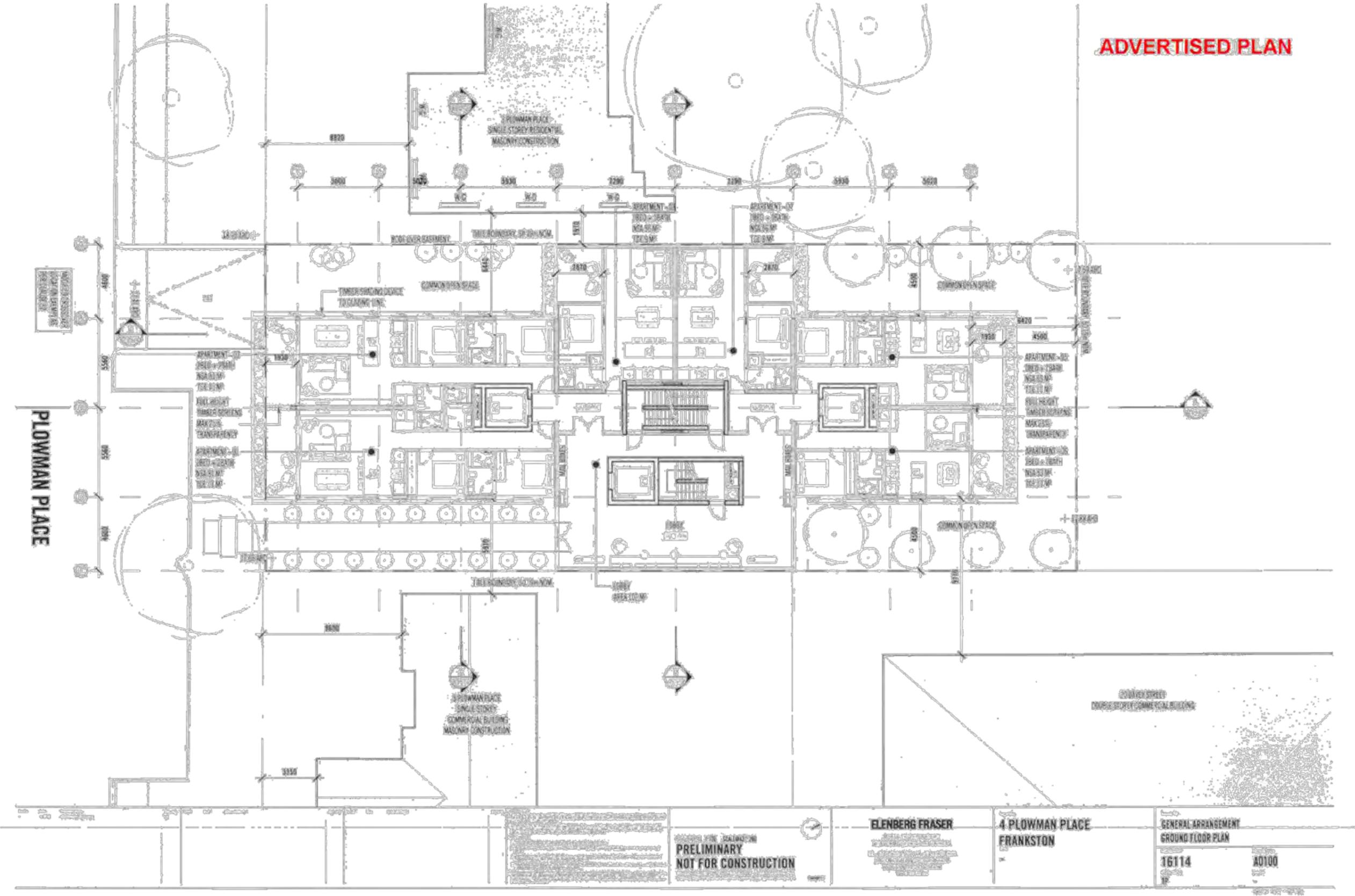
ELENBERG FRASER

4 PLOWMAN PLACE
FRANKSTON

GENERAL ARRANGEMENT
BASEMENT 02 FLOOR PLAN

16114

A0091



ADVERTISED PLAN

PLOWMAN PLACE

PRELIMINARY
NOT FOR CONSTRUCTION

ELENBERG FRASER

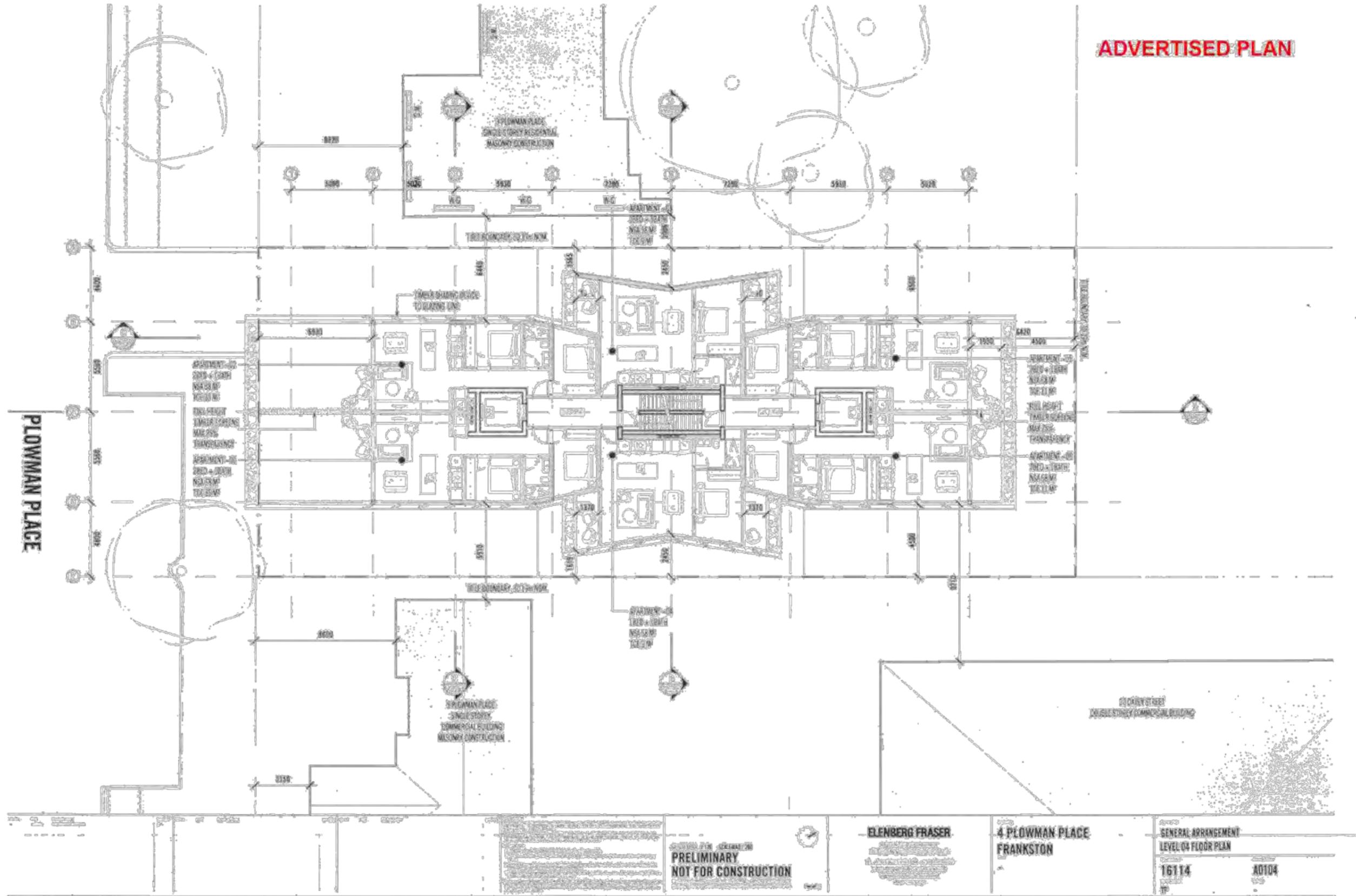
**4 PLOWMAN PLACE
FRANKSTON**

GENERAL ARRANGEMENT
GROUND FLOOR PLAN

16114

A0100

ADVERTISED PLAN



PRELIMINARY
NOT FOR CONSTRUCTION

ELENBERG FRASER

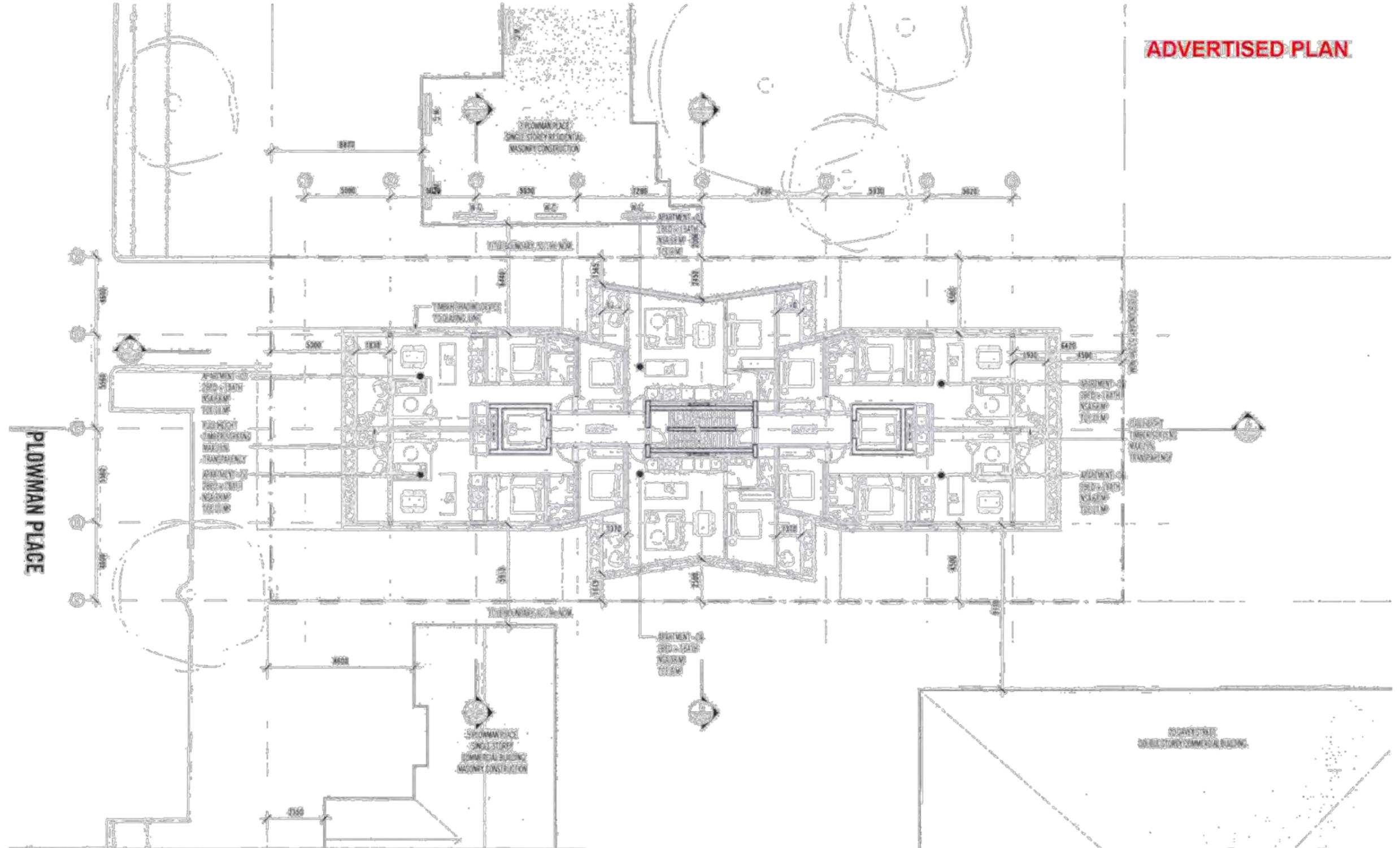
4 PLOWMAN PLACE
FRANKSTON

GENERAL ARRANGEMENT
LEVEL 04 FLOOR PLAN

16114

A0104

ADVERTISED PLAN



PLOWMAN PLACE

PLOWMAN PLACE
SINGLE STORY RESIDENTIAL
MASONRY CONSTRUCTION

PLOWMAN PLACE
SINGLE STORY
COMMERCIAL BUILDING
MASONRY CONSTRUCTION

EXISTING
SIX STOREY COMMERCIAL BUILDING

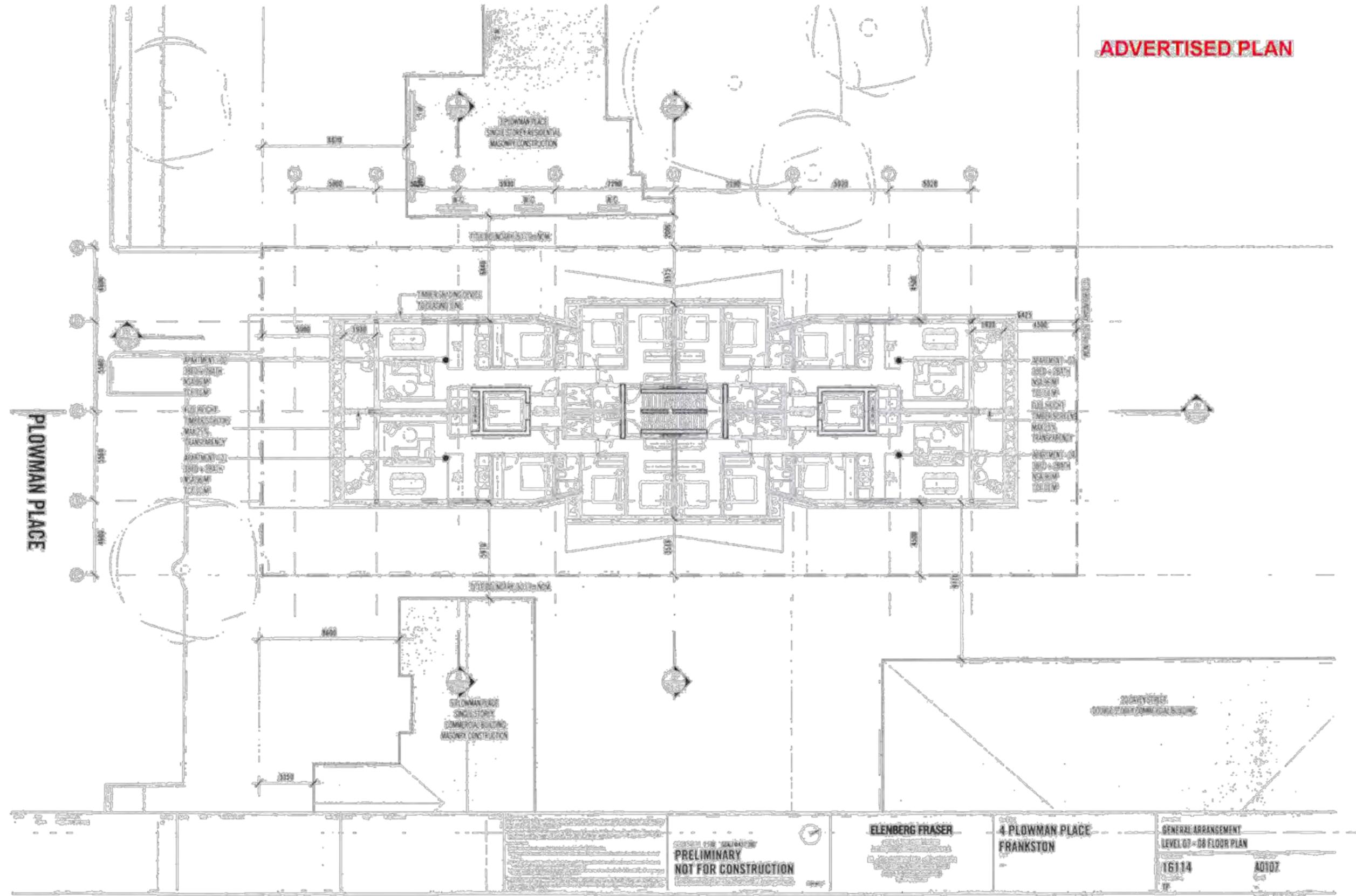
PRELIMINARY
NOT FOR CONSTRUCTION

ELENBERG FRASER

**4 PLOWMAN PLACE
FRANKSTON**

GENERAL ARRANGEMENT
LEVEL 05 - DE FLOOR PLAN
16114
A0105

ADVERTISED PLAN



PRELIMINARY
 NOT FOR CONSTRUCTION

ELENBERG FRASER
 ARCHITECTS
 100/101 BUNNINGS DRIVE
 FRANKSTON VIC 3162

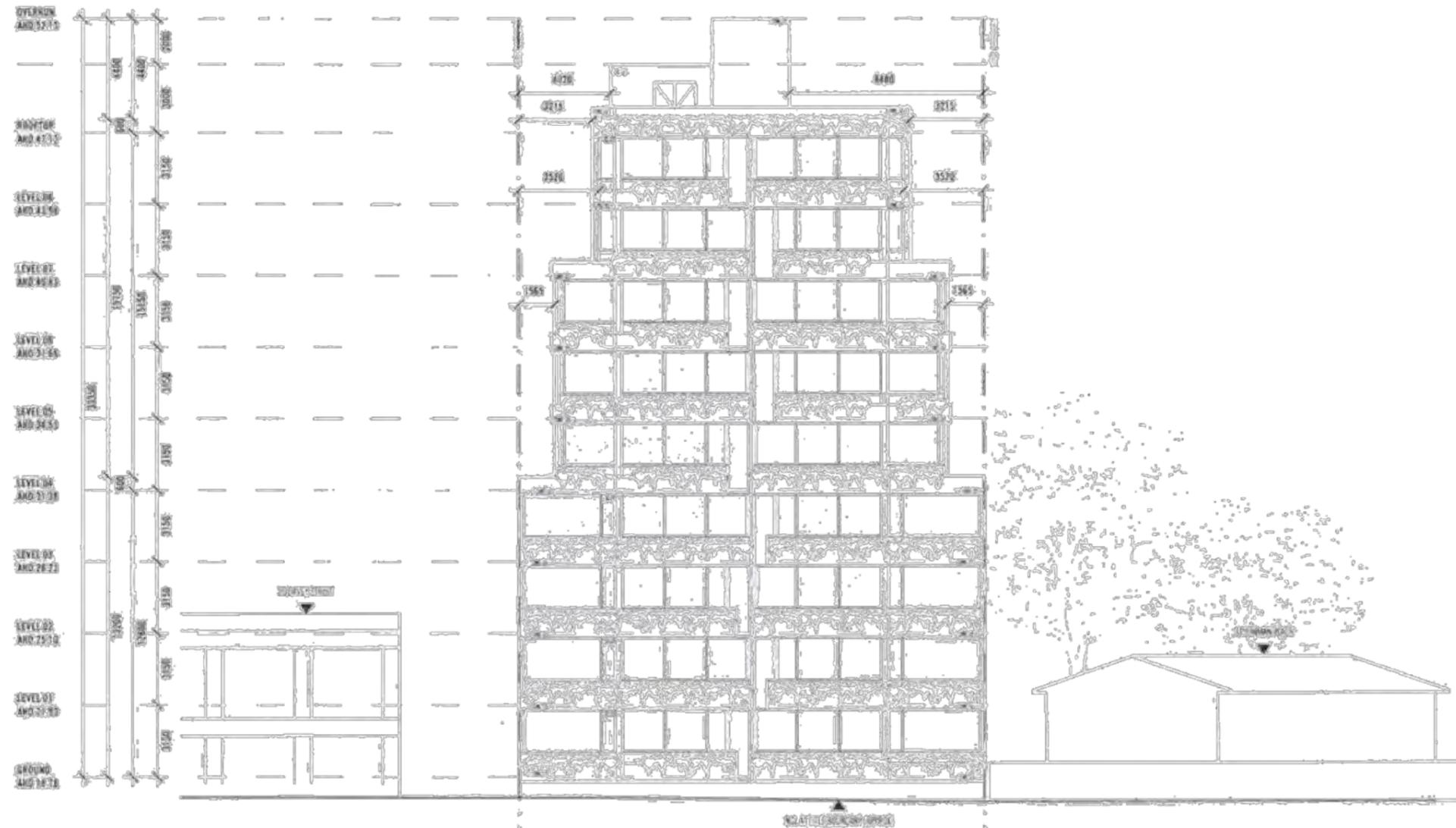
**4 PLOWMAN PLACE
 FRANKSTON**

GENERAL ARRANGEMENT
 LEVEL 07 - 08 FLOOR PLAN
 16114 A0107

ADVERTISED PLAN

GENERAL NOTES

1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
2. THE PROPOSED BUILDING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE FRANKSTON PLANNING SCHEME.
3. THE PROPOSED BUILDING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE FRANKSTON PLANNING SCHEME.
4. THE PROPOSED BUILDING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE FRANKSTON PLANNING SCHEME.
5. THE PROPOSED BUILDING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE FRANKSTON PLANNING SCHEME.
6. THE PROPOSED BUILDING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE FRANKSTON PLANNING SCHEME.
7. THE PROPOSED BUILDING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE FRANKSTON PLANNING SCHEME.
8. THE PROPOSED BUILDING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE FRANKSTON PLANNING SCHEME.
9. THE PROPOSED BUILDING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE FRANKSTON PLANNING SCHEME.
10. THE PROPOSED BUILDING IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE FRANKSTON PLANNING SCHEME.



**PRELIMINARY
NOT FOR CONSTRUCTION**

ELENBERG FRASER

**4 PLOWMAN PLACE
FRANKSTON**

**ELEVATION
NORTH**

16114

A0900

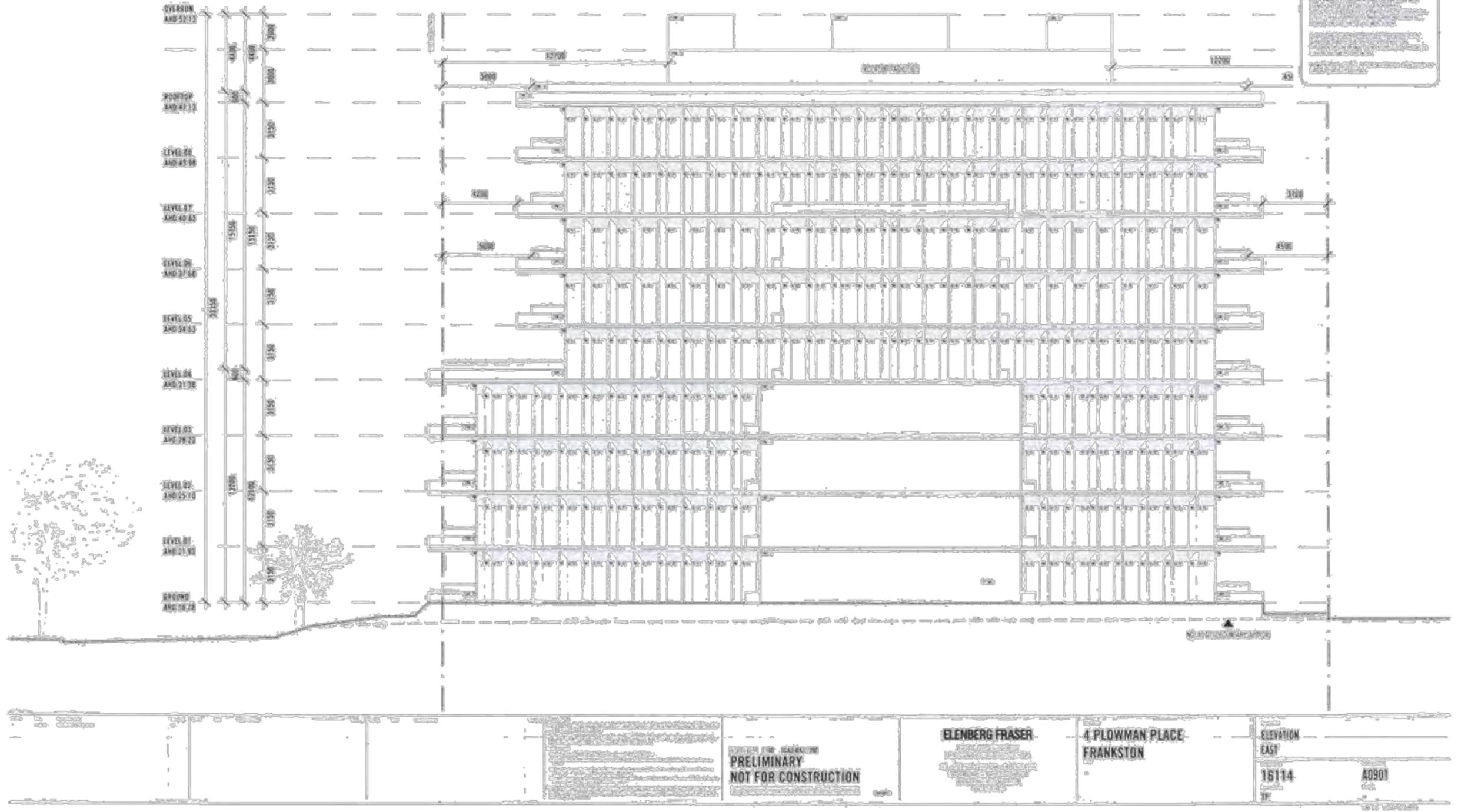
ADVERTISED PLAN

EXTERNAL FINISHES LEGEND

1.0 Concrete
 2.0 Brickwork
 3.0 Paintwork
 4.0 Stone cladding
 5.0 Glass cladding

GENERAL NOTES

1. All dimensions are in millimetres unless otherwise stated.
 2. The proposed building is to be constructed in accordance with the Australian Standard AS/NZS 1170:2002.
 3. The proposed building is to be constructed in accordance with the Australian Standard AS/NZS 1170:2002.
 4. The proposed building is to be constructed in accordance with the Australian Standard AS/NZS 1170:2002.



PRELIMINARY
NOT FOR CONSTRUCTION

ELENBERG FRASER

4 PLOWMAN PLACE
FRANKSTON

ELEVATION
EAST

16114

A0901

ADVERTISED PLAN

EXTERNAL FINISH LEGEND

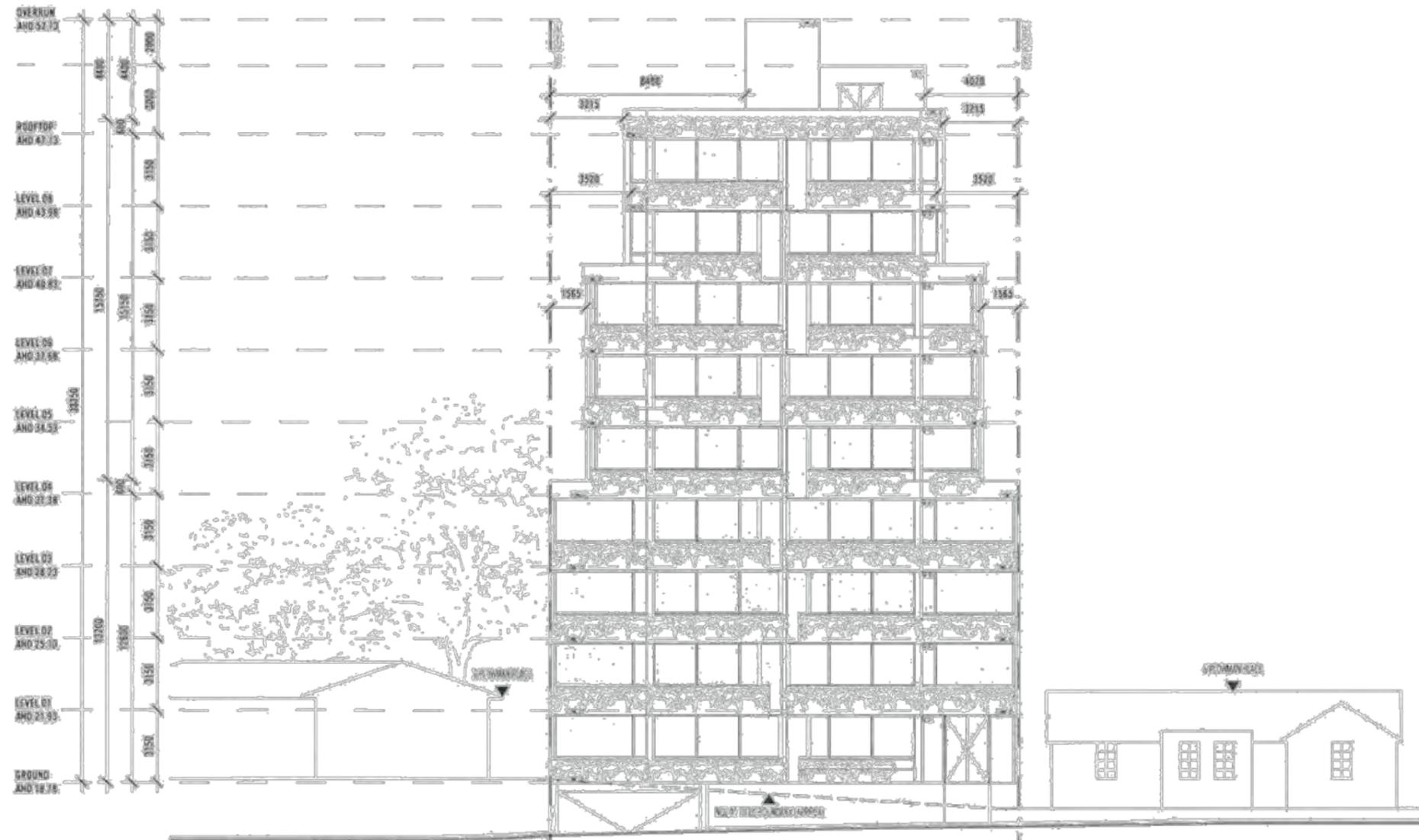
GENERAL NOTES

1. ALL FINISHES TO BE AS SHOWN ON THE DRAWING UNLESS OTHERWISE SPECIFIED.

2. ALL FINISHES TO BE IN ACCORDANCE WITH THE CURRENT AUSTRALIAN STANDARDS.

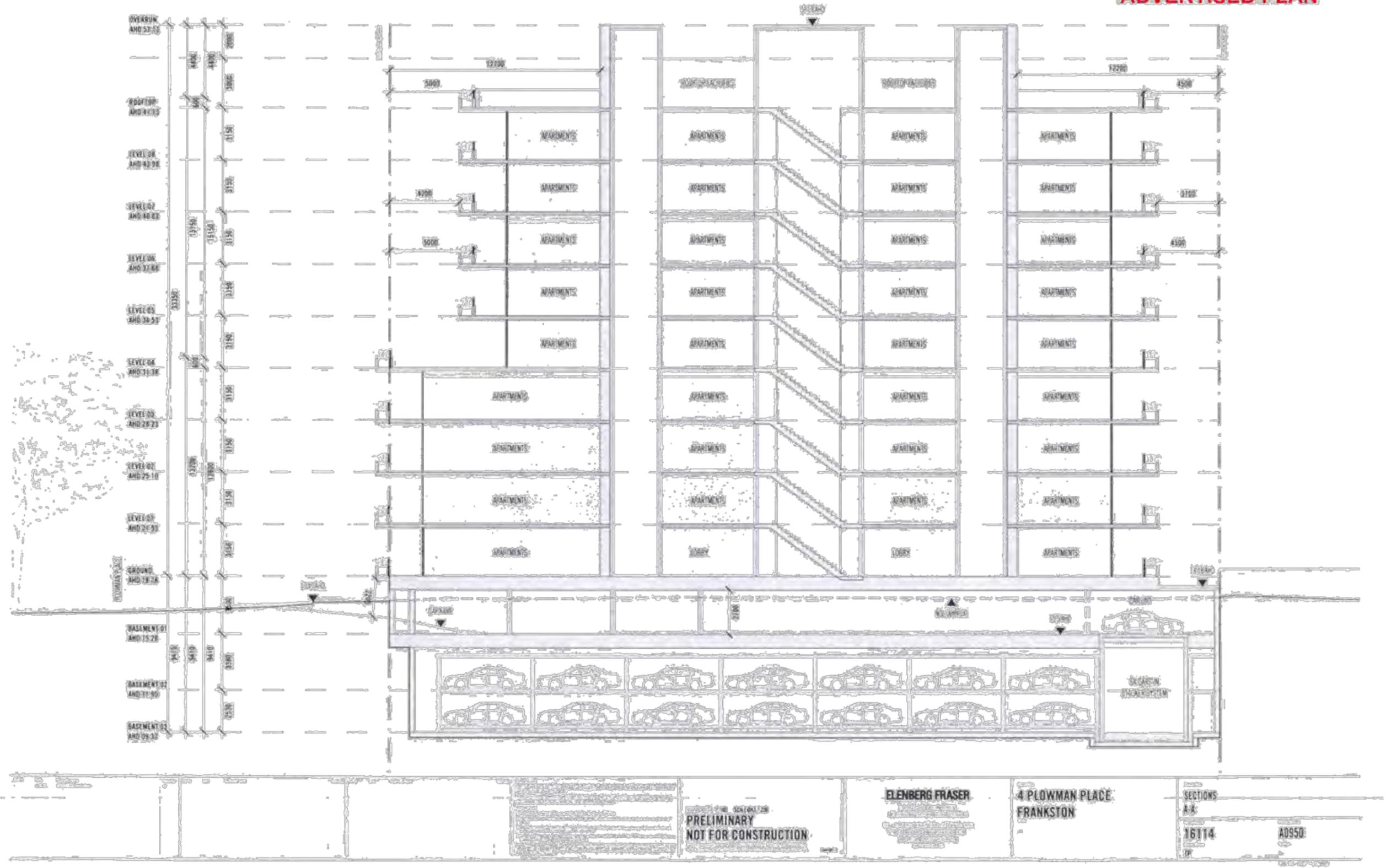
3. ALL FINISHES TO BE IN ACCORDANCE WITH THE CURRENT VICTORIAN STANDARDS.

4. ALL FINISHES TO BE IN ACCORDANCE WITH THE CURRENT TRENCHMANS STANDARDS.

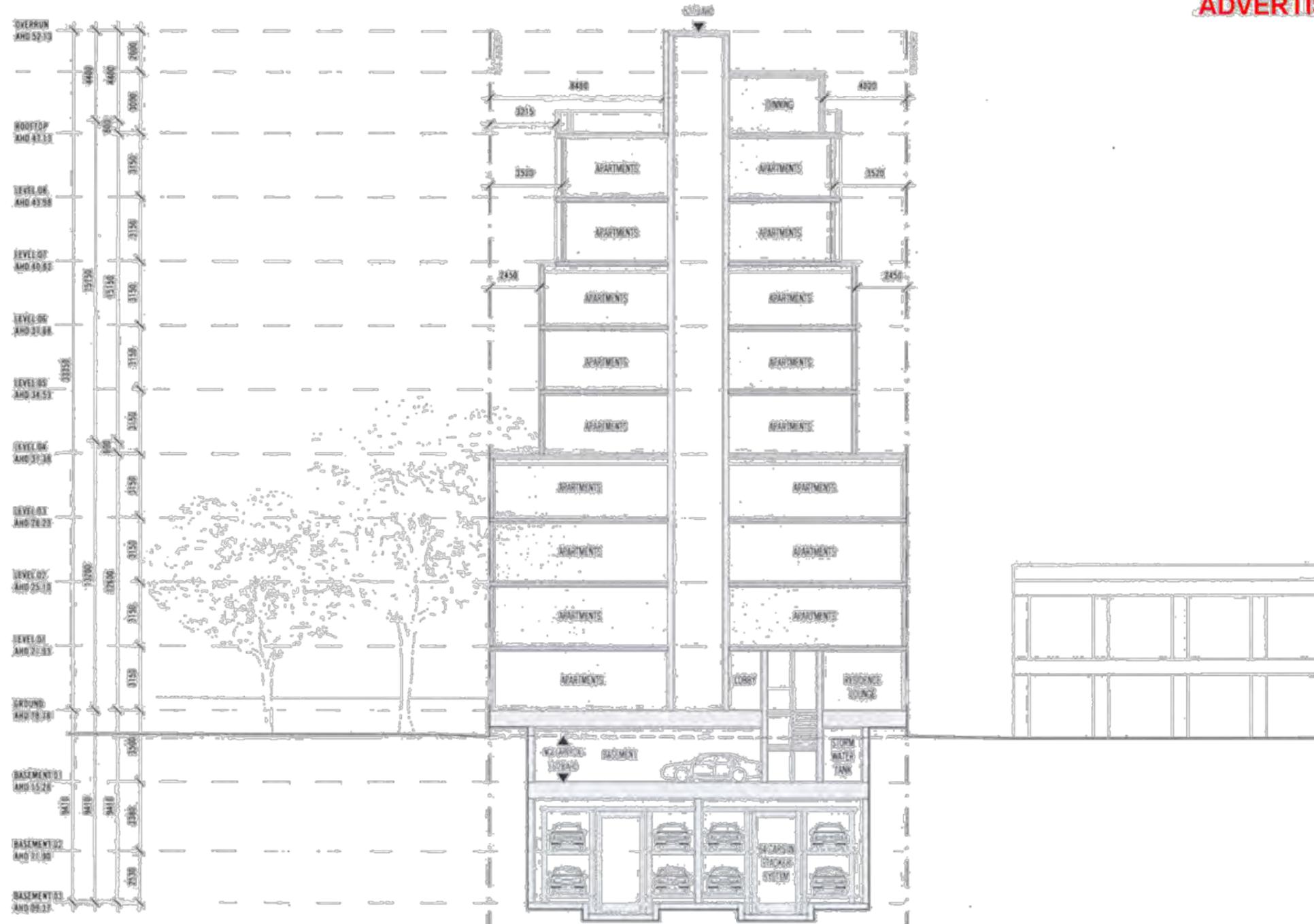


<p>PRELIMINARY NOT FOR CONSTRUCTION</p>	<p>ELENBERG FRASER</p>	<p>4 PLOWMAN PLACE FRANKSTON</p>	<p>ELEVATION SOUTH</p>	<p>16114</p>	<p>A0902</p>
			<p>16114</p>	<p>A0902</p>	

ADVERTISED PLAN

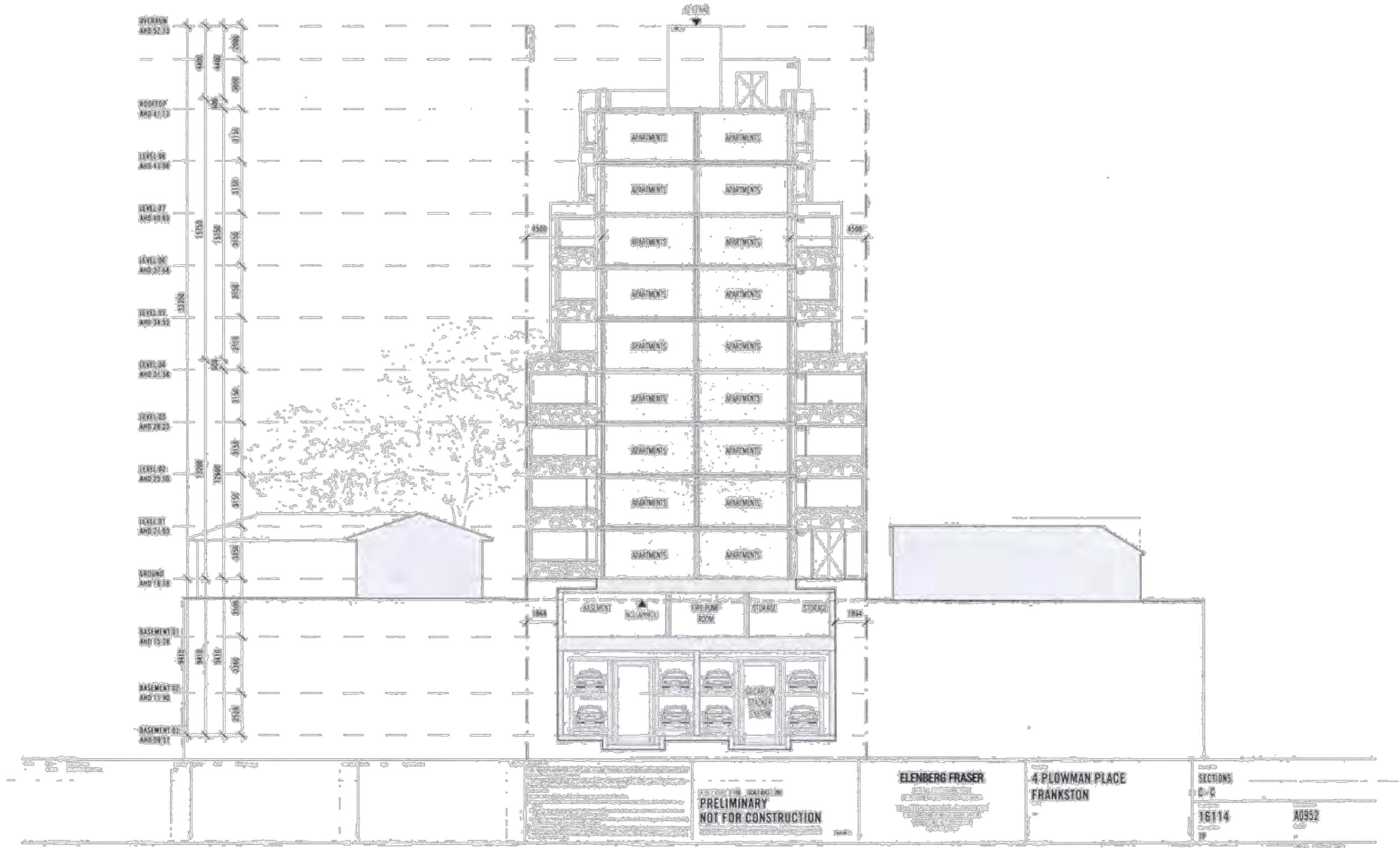


ADVERTISED PLAN

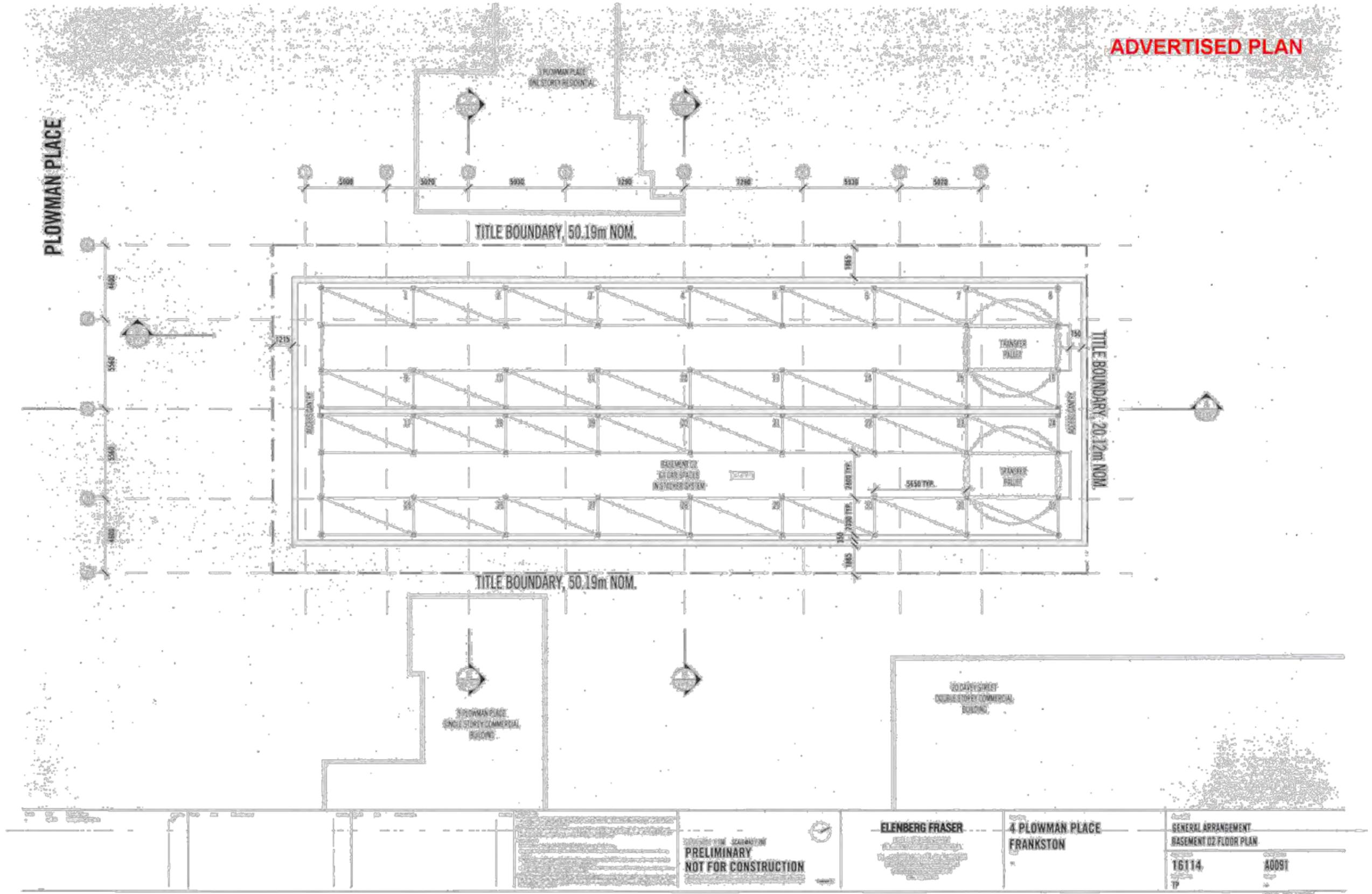


<p>DATE: 16/11/17</p> <p>SCALE: AS SHOWN</p> <p>PROJECT: 4 PLOWMAN PLACE FRANKSTON</p> <p>CLIENT: FRANKSTON CITY COUNCIL</p> <p>DESIGNER: ELENBERG FRASER</p>	<p>PRELIMINARY NOT FOR CONSTRUCTION</p>	<p>ELENBERG FRASER</p>	<p>4 PLOWMAN PLACE FRANKSTON</p>	<p>SECTIONS B-B</p> <p>16114</p> <p>A0951</p>
---	--	-------------------------------	---	---

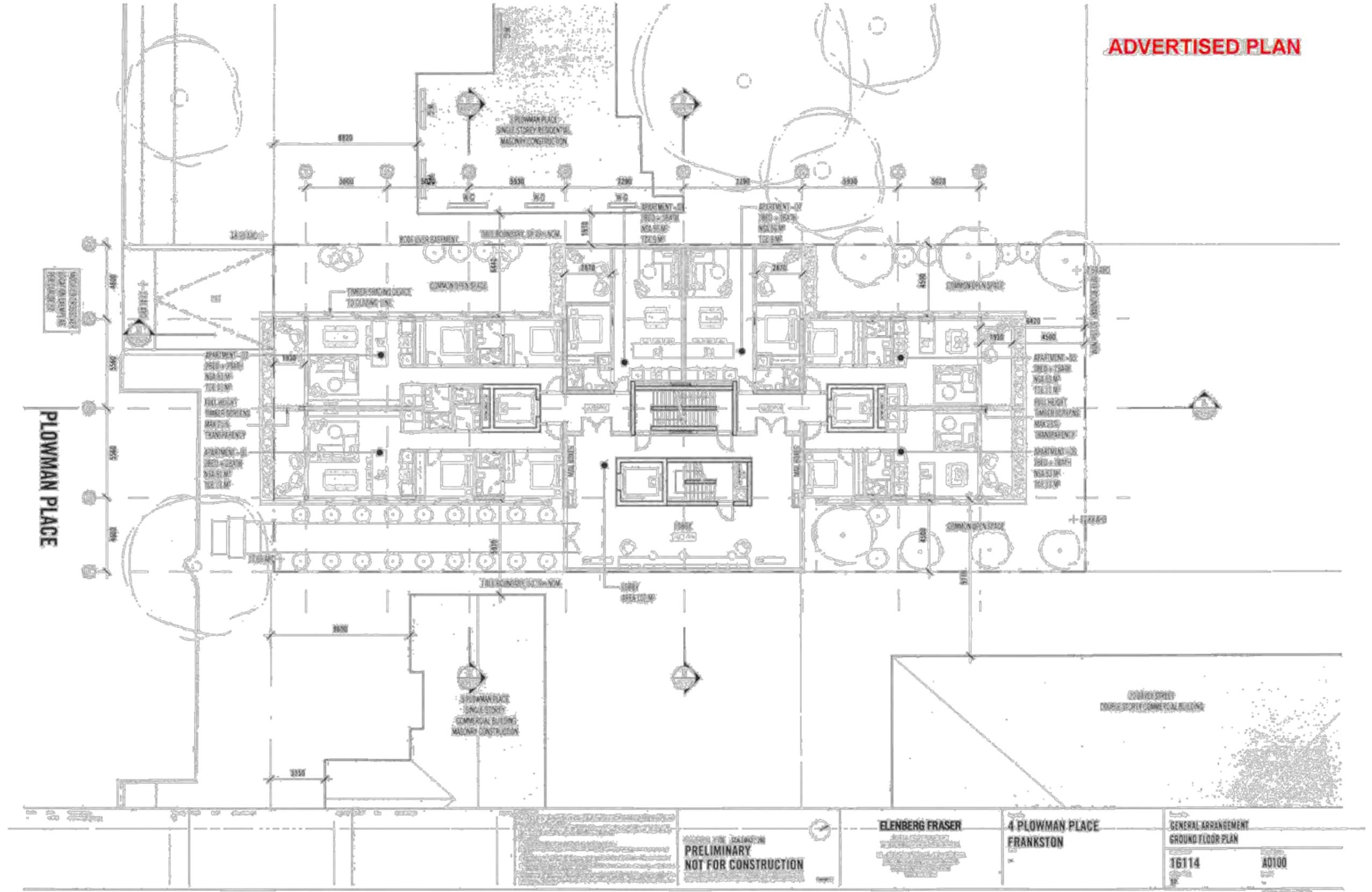
ADVERTISED PLAN



ADVERTISED PLAN



ADVERTISED PLAN



**PRELIMINARY
NOT FOR CONSTRUCTION**

ELENBERG FRASER

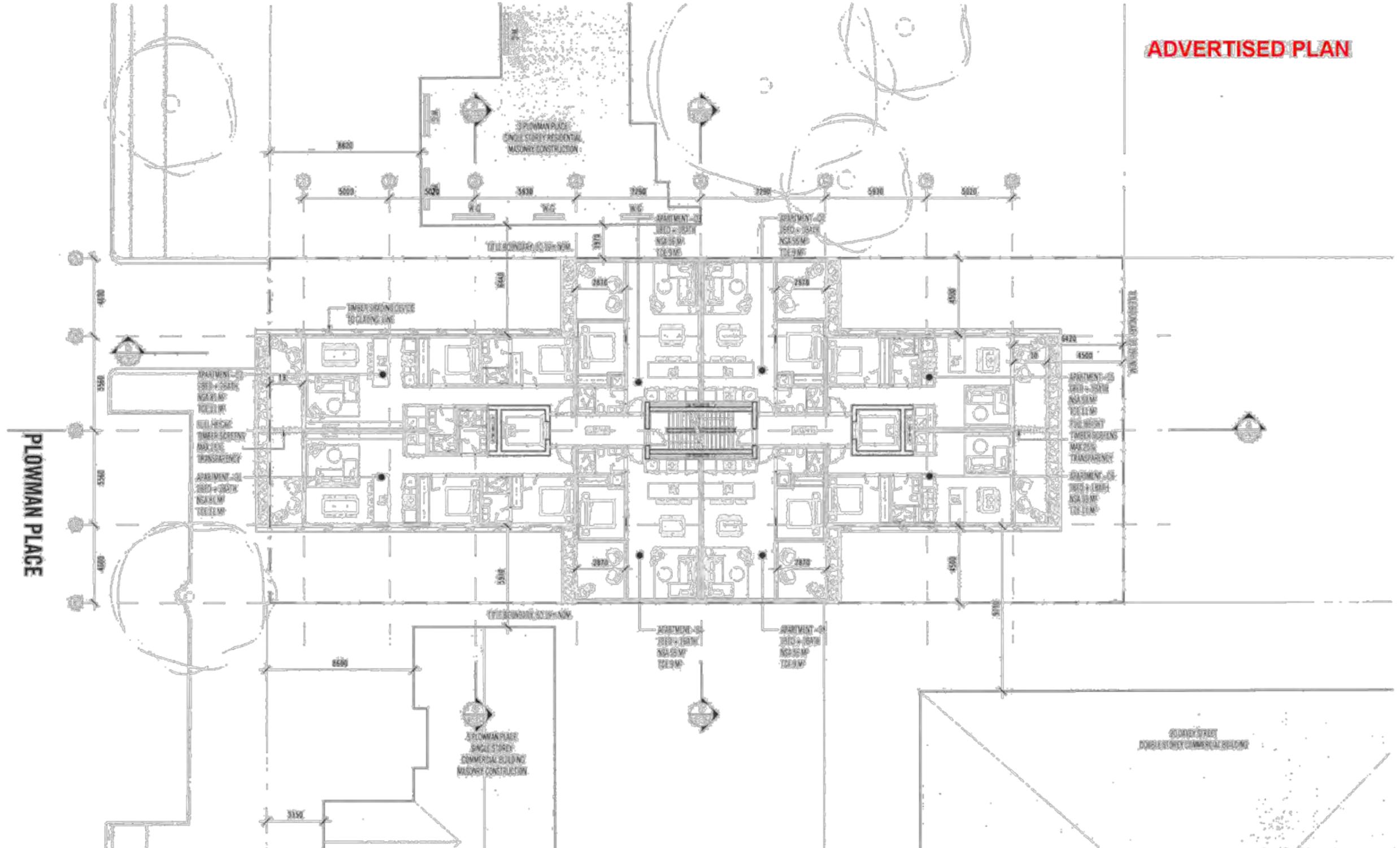
**4 PLOWMAN PLACE
FRANKSTON**

**GENERAL ARRANGEMENT
GROUND FLOOR PLAN**

16114

A0100

ADVERTISED PLAN



PLOWMAN PLACE

PRELIMINARY
NOT FOR CONSTRUCTION

ELENBERG FRASER

**4 PLOWMAN PLACE
FRANKSTON**

GENERAL ARRANGEMENT
LEVEL 01 - 03 FLOOR PLAN

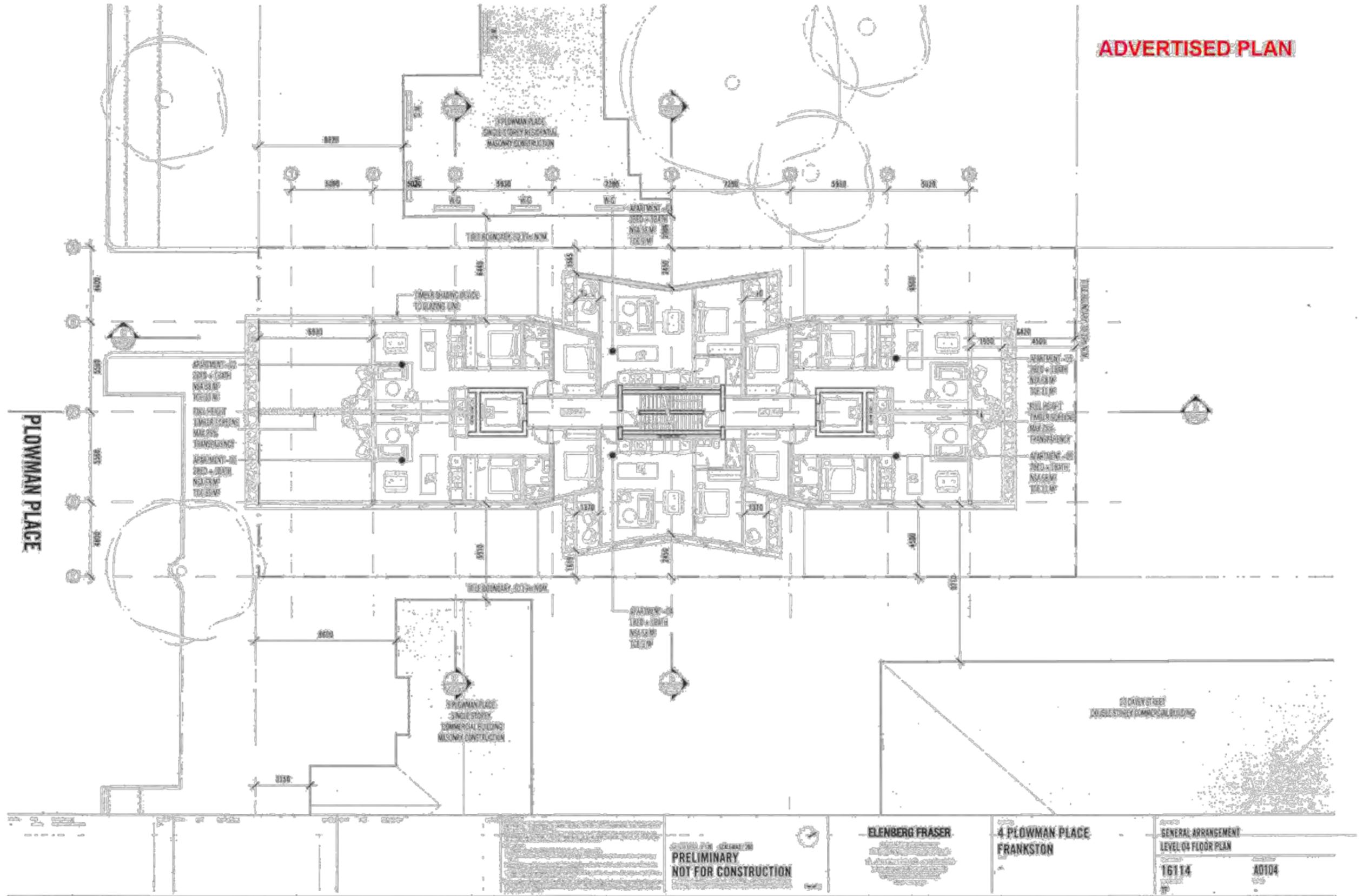
16114

A0101

TP

DATE: 07/07/17

ADVERTISED PLAN



PRELIMINARY
NOT FOR CONSTRUCTION

ELENBERG FRASER

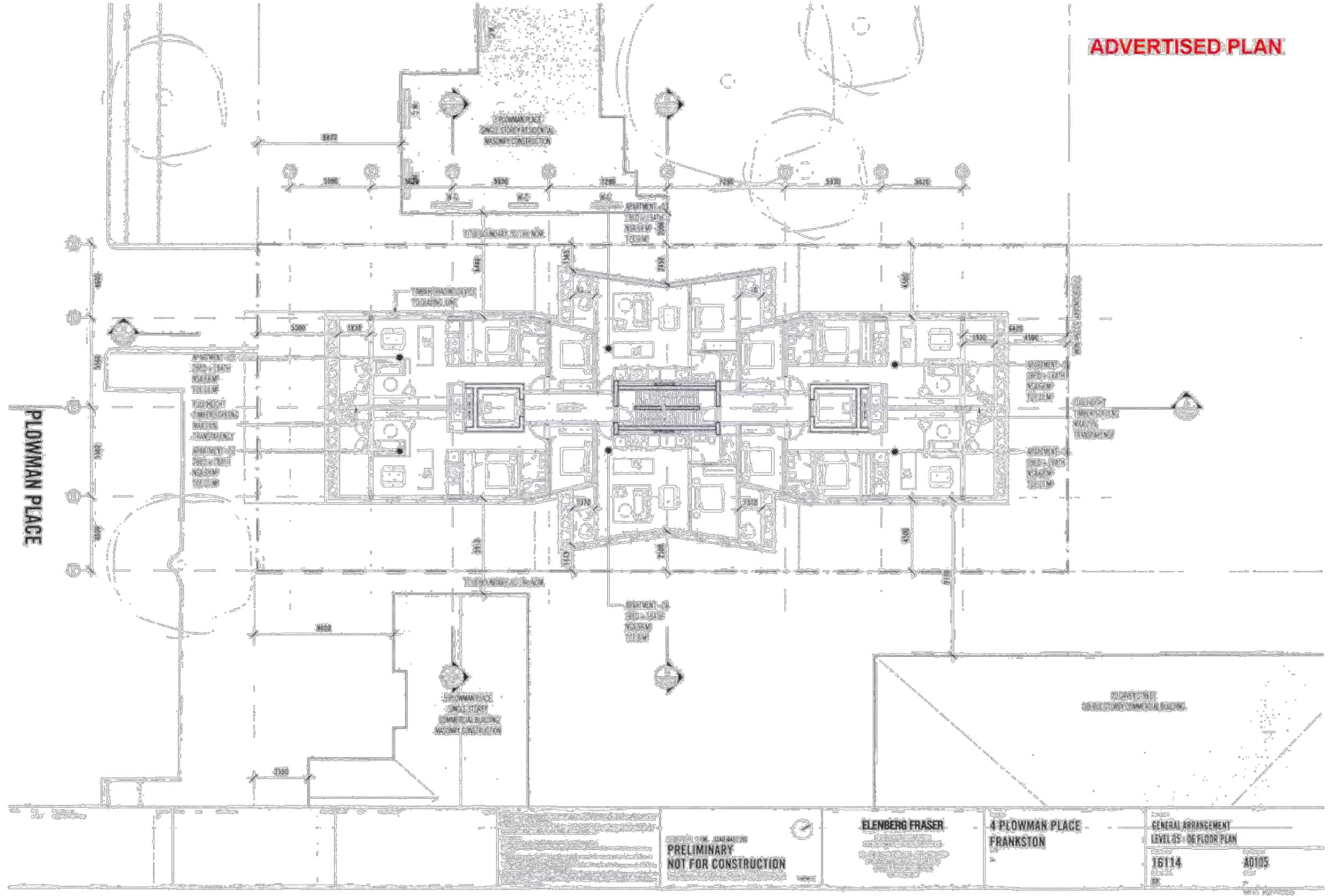
4 PLOWMAN PLACE
FRANKSTON

GENERAL ARRANGEMENT
LEVEL 04 FLOOR PLAN

16114

A0104

ADVERTISED PLAN



PRELIMINARY
NOT FOR CONSTRUCTION

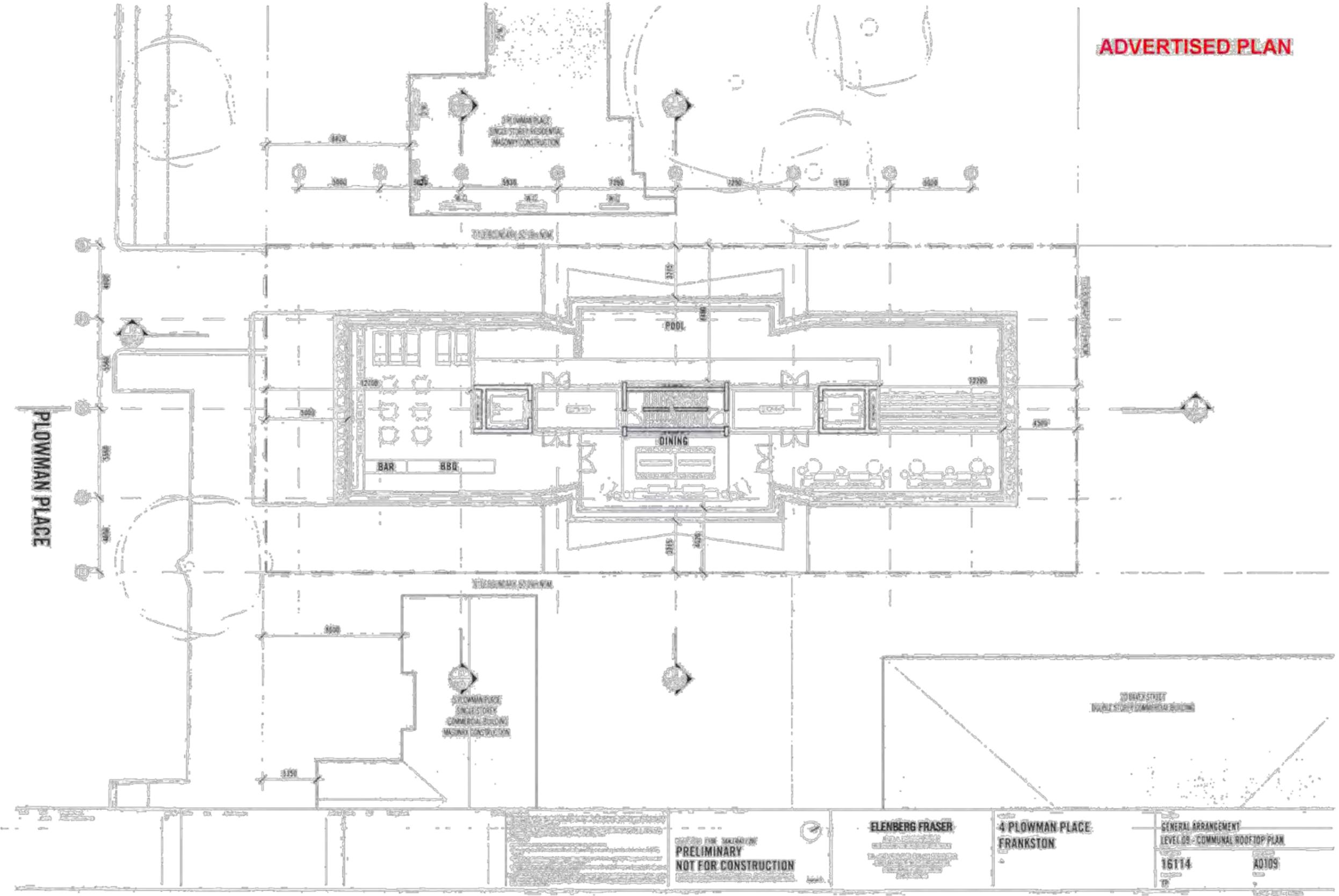
ELENBERG FRASER

4 PLOWMAN PLACE
FRANKSTON

GENERAL ARRANGEMENT
LEVEL 05 - DE FLOOR PLAN

16114

A0105



ADVERTISED PLAN

PLOWMAN PLACE

**TO BAKER STREET
NINE STOREY COMMERCIAL BUILDING**

**PLOWMAN PLACE
NINE STOREY
COMMERCIAL BUILDING
MASONRY CONSTRUCTION**

**PRELIMINARY
NOT FOR CONSTRUCTION**

ELENBERG FRASER

**4 PLOWMAN PLACE
FRANKTON**

**GENERAL ARRANGEMENT
LEVEL 08 - COMMUNAL ROOFTOP PLAN
16114
A0109**

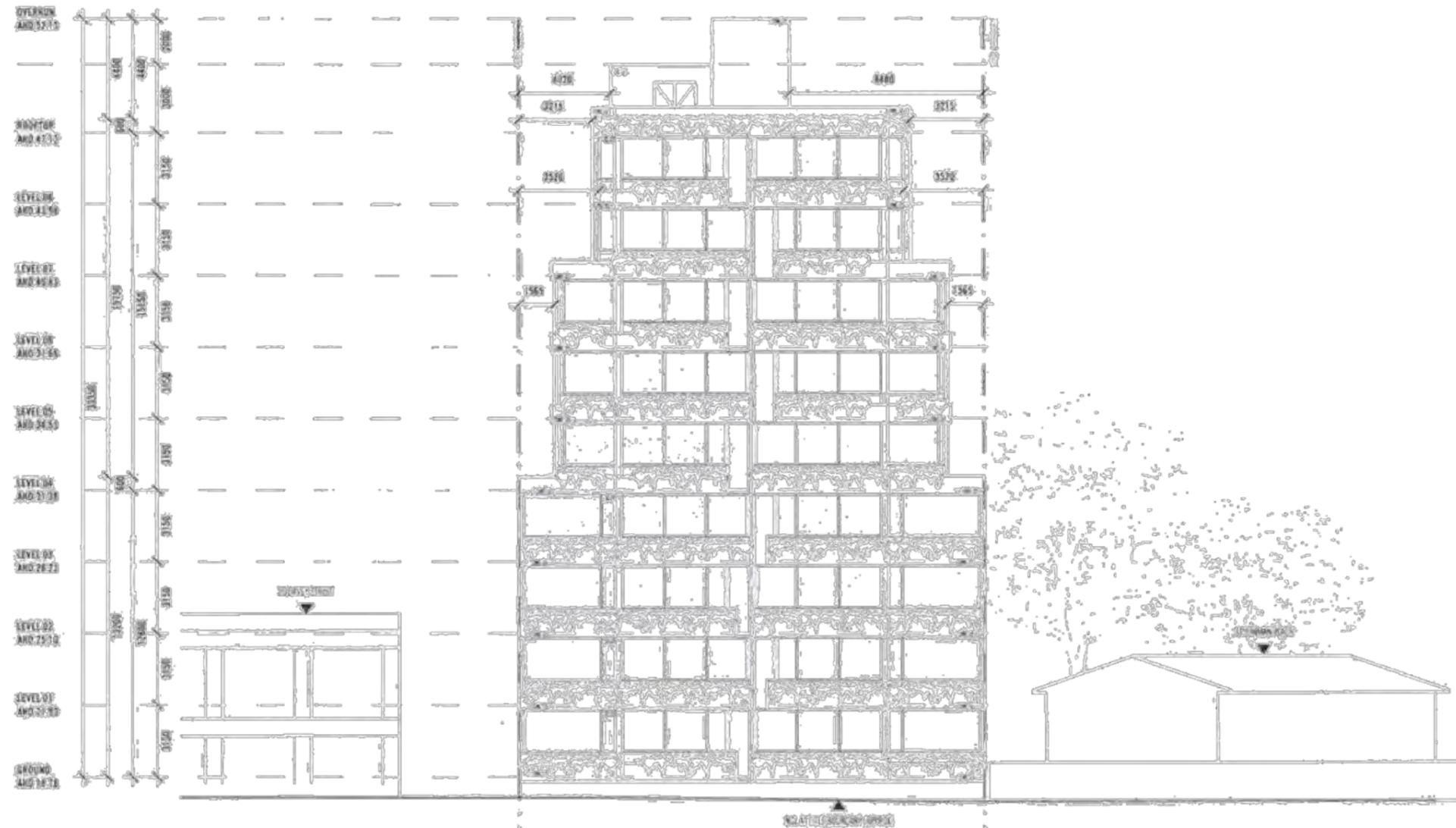
ADVERTISED PLAN

GENERAL NOTES

1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE STATED.
2. THE ARCHITECT HAS CONDUCTED VISUAL IMPACT ASSESSMENT AND HAS CONSIDERED THE EFFECTS OF THE PROPOSED DEVELOPMENT ON THE SURROUNDING ENVIRONMENT.
3. THE ARCHITECT HAS CONSIDERED THE EFFECTS OF THE PROPOSED DEVELOPMENT ON THE SURROUNDING ENVIRONMENT.
4. THE ARCHITECT HAS CONSIDERED THE EFFECTS OF THE PROPOSED DEVELOPMENT ON THE SURROUNDING ENVIRONMENT.
5. THE ARCHITECT HAS CONSIDERED THE EFFECTS OF THE PROPOSED DEVELOPMENT ON THE SURROUNDING ENVIRONMENT.
6. THE ARCHITECT HAS CONSIDERED THE EFFECTS OF THE PROPOSED DEVELOPMENT ON THE SURROUNDING ENVIRONMENT.
7. THE ARCHITECT HAS CONSIDERED THE EFFECTS OF THE PROPOSED DEVELOPMENT ON THE SURROUNDING ENVIRONMENT.
8. THE ARCHITECT HAS CONSIDERED THE EFFECTS OF THE PROPOSED DEVELOPMENT ON THE SURROUNDING ENVIRONMENT.
9. THE ARCHITECT HAS CONSIDERED THE EFFECTS OF THE PROPOSED DEVELOPMENT ON THE SURROUNDING ENVIRONMENT.
10. THE ARCHITECT HAS CONSIDERED THE EFFECTS OF THE PROPOSED DEVELOPMENT ON THE SURROUNDING ENVIRONMENT.

GENERAL NOTE

THE ARCHITECT HAS CONSIDERED THE EFFECTS OF THE PROPOSED DEVELOPMENT ON THE SURROUNDING ENVIRONMENT.



**PRELIMINARY
NOT FOR CONSTRUCTION**

ELENBERG FRASER

**4 PLOWMAN PLACE
FRANKSTON**

**ELEVATION
NORTH**

16114

A0900

ADVERTISED PLAN

EXTERNAL FINISHES LEGEND

1. Brickwork
2. Render
3. Paint
4. Stone cladding
5. Timber cladding
6. Glass
7. Metal cladding
8. Slate
9. Terrazzo
10. Polished concrete
11. Carpet
12. Hardwood flooring
13. Tiles
14. Granite
15. Marble
16. Quartz
17. Limestone
18. Travertine
19. Sandstone
20. Slate
21. Terrazzo
22. Polished concrete
23. Carpet
24. Hardwood flooring
25. Tiles
26. Granite
27. Marble
28. Quartz
29. Limestone
30. Travertine
31. Sandstone

GENERAL NOTES

1. All elevations are shown to the external face of the building.

2. All elevations are shown to the external face of the building.

3. All elevations are shown to the external face of the building.

4. All elevations are shown to the external face of the building.

5. All elevations are shown to the external face of the building.

6. All elevations are shown to the external face of the building.

7. All elevations are shown to the external face of the building.

8. All elevations are shown to the external face of the building.

9. All elevations are shown to the external face of the building.

10. All elevations are shown to the external face of the building.

11. All elevations are shown to the external face of the building.

12. All elevations are shown to the external face of the building.

13. All elevations are shown to the external face of the building.

14. All elevations are shown to the external face of the building.

15. All elevations are shown to the external face of the building.

16. All elevations are shown to the external face of the building.

17. All elevations are shown to the external face of the building.

18. All elevations are shown to the external face of the building.

19. All elevations are shown to the external face of the building.

20. All elevations are shown to the external face of the building.

21. All elevations are shown to the external face of the building.

22. All elevations are shown to the external face of the building.

23. All elevations are shown to the external face of the building.

24. All elevations are shown to the external face of the building.

25. All elevations are shown to the external face of the building.

26. All elevations are shown to the external face of the building.

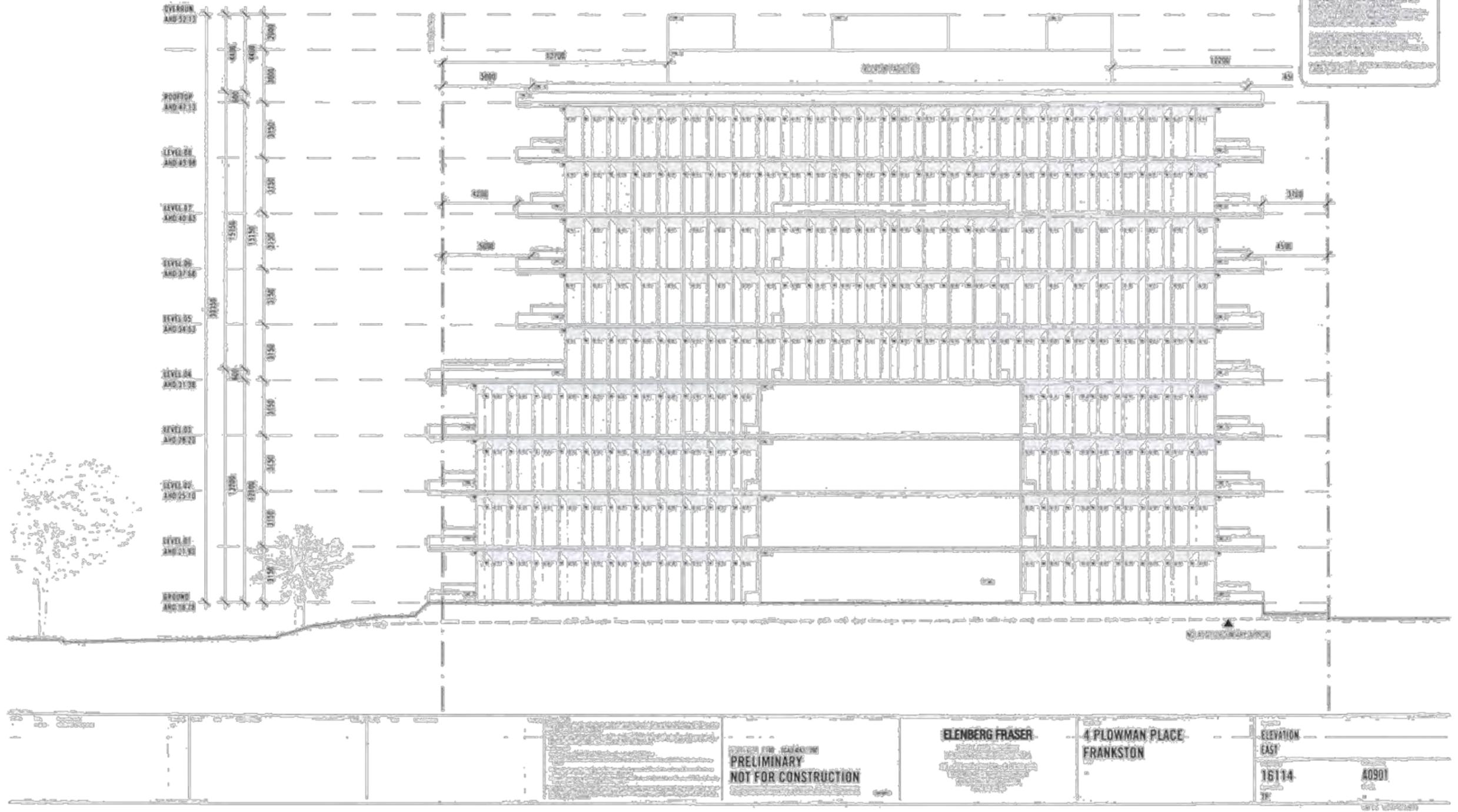
27. All elevations are shown to the external face of the building.

28. All elevations are shown to the external face of the building.

29. All elevations are shown to the external face of the building.

30. All elevations are shown to the external face of the building.

31. All elevations are shown to the external face of the building.



ADVERTISED PLAN

EXTERNAL FINISH LEGEND

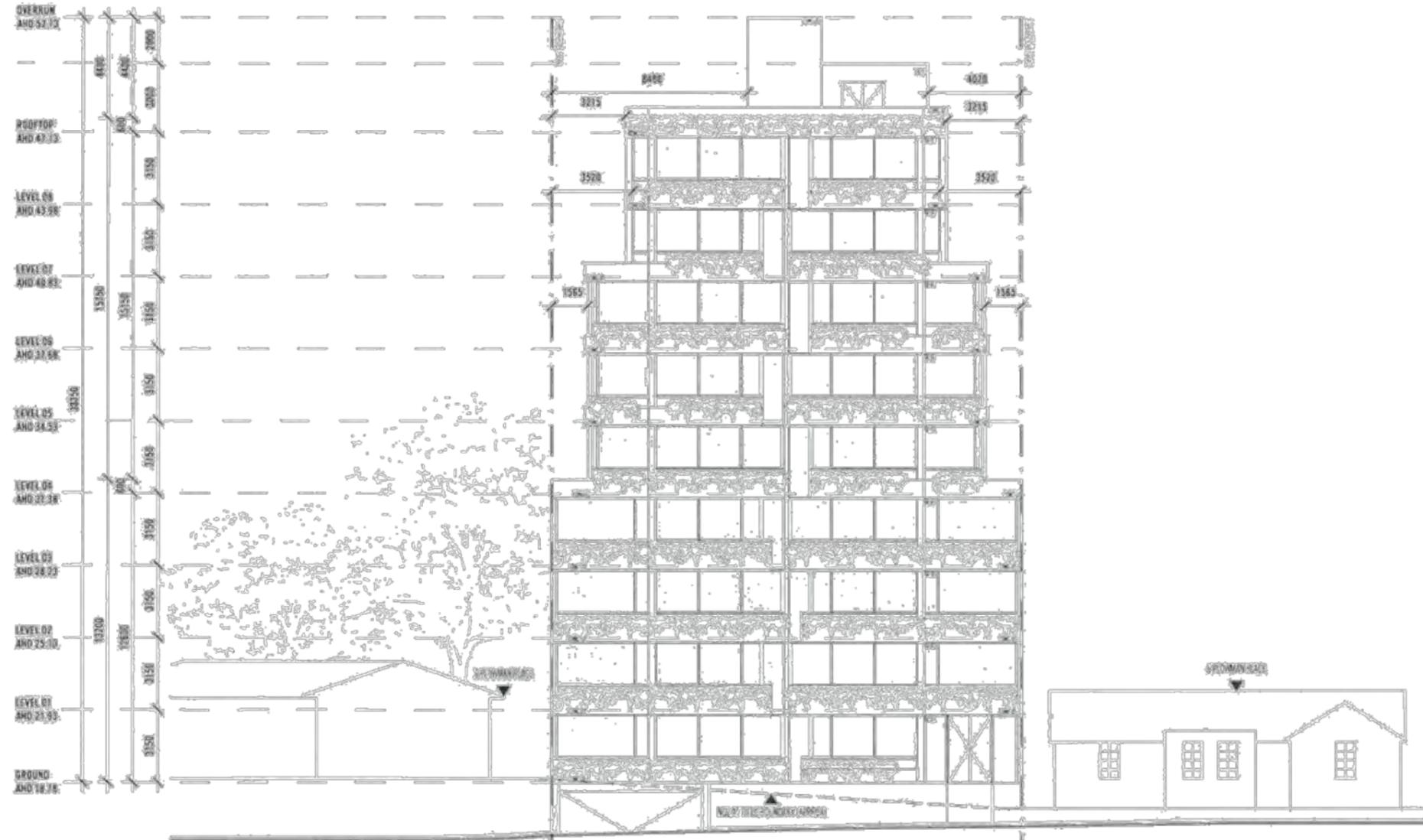
GENERAL NOTES

1. ALL FINISHES TO BE AS SHOWN ON THE DRAWINGS UNLESS OTHERWISE SPECIFIED.

2. ALL FINISHES TO BE TO THE SATISFACTION OF THE ARCHITECT.

3. ALL FINISHES TO BE TO THE SATISFACTION OF THE ARCHITECT.

4. ALL FINISHES TO BE TO THE SATISFACTION OF THE ARCHITECT.



<p>PRELIMINARY NOT FOR CONSTRUCTION</p>		<p>ELENBERG FRASER</p>	<p>4 PLOWMAN PLACE FRANKSTON</p>	<p>ELEVATION SOUTH</p> <p>T6114</p> <p>A0902</p>
--	--	-------------------------------	---	---

ADVERTISED PLAN

EXTERNAL FINISHES LEGEND

1. Brickwork
2. Render
3. Paint
4. Stone cladding
5. Glass
6. Timber cladding

GENERAL NOTES

1. All elevations are to the finished ground level unless otherwise indicated.

2. The building is to be constructed in accordance with the Australian Standard AS/NZS 1170:2009.

3. The building is to be constructed in accordance with the Australian Standard AS 1552:2008.

4. The building is to be constructed in accordance with the Australian Standard AS 1553:2008.

5. The building is to be constructed in accordance with the Australian Standard AS 1554:2008.

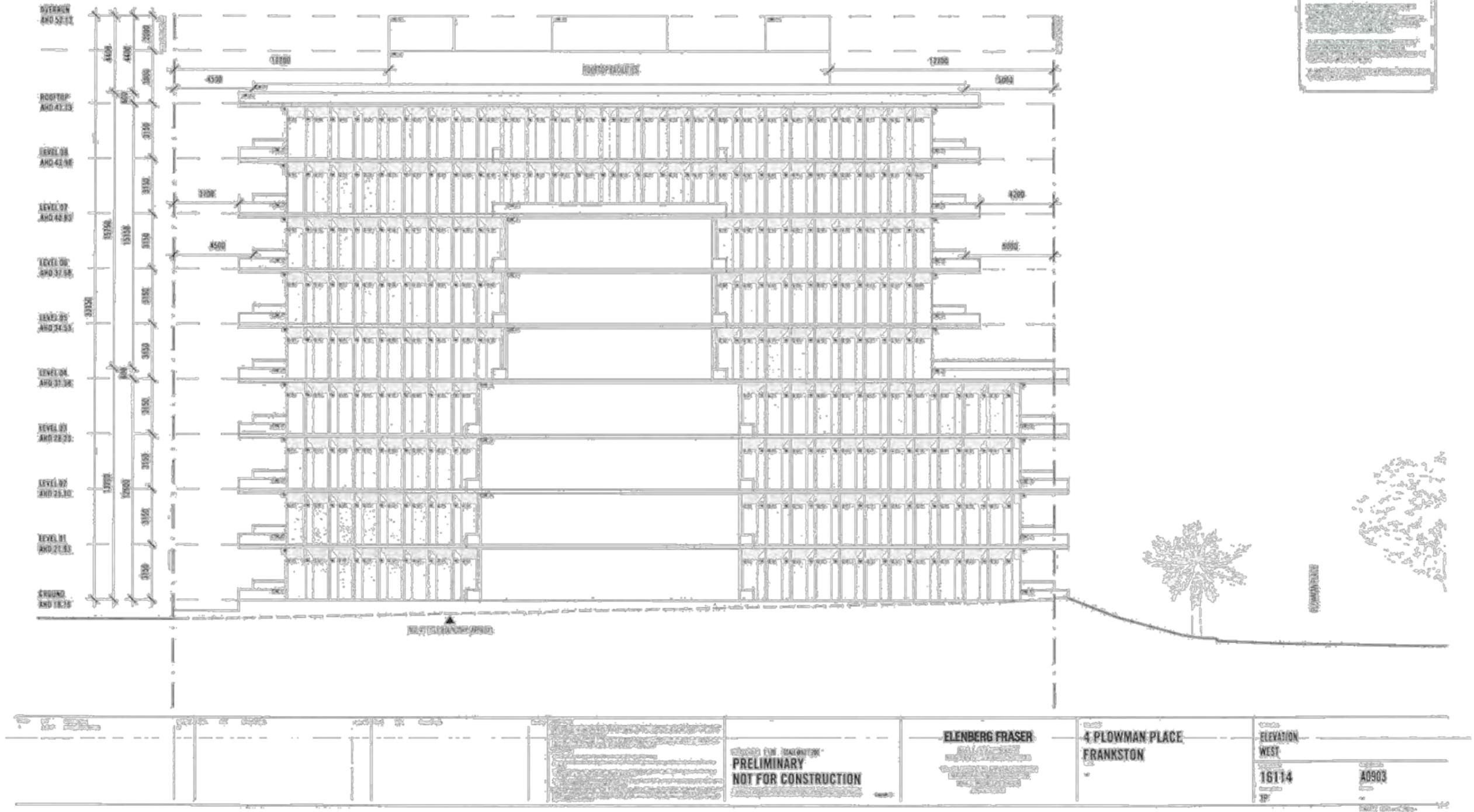
6. The building is to be constructed in accordance with the Australian Standard AS 1555:2008.

7. The building is to be constructed in accordance with the Australian Standard AS 1556:2008.

8. The building is to be constructed in accordance with the Australian Standard AS 1557:2008.

9. The building is to be constructed in accordance with the Australian Standard AS 1558:2008.

10. The building is to be constructed in accordance with the Australian Standard AS 1559:2008.



03.09 DESIGN RESPONSE
MATERIALITY

ADVERTISED PLAN

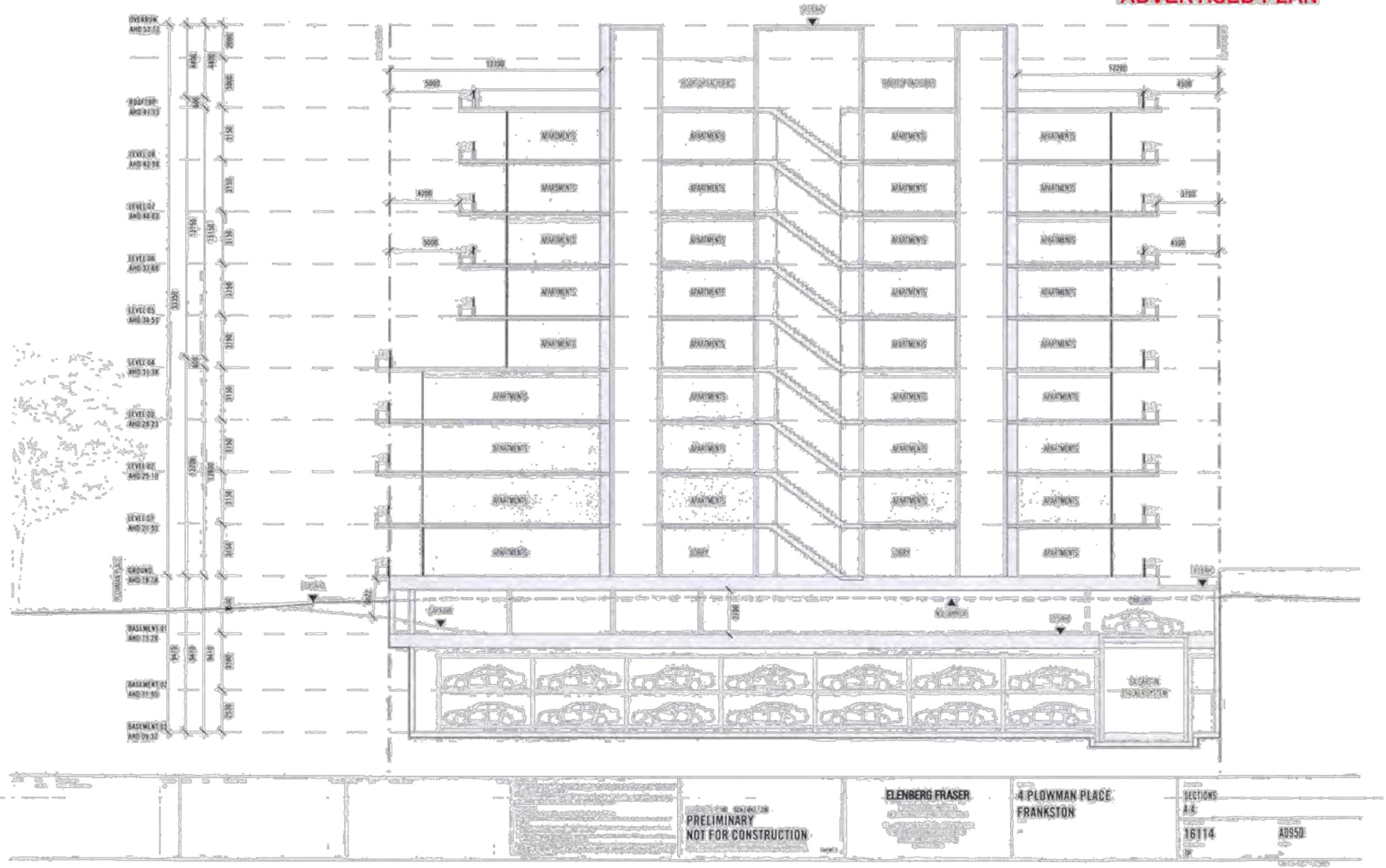


- CONCRETE
- BLACK FRAME
- GLAZING
- TIMBER
- PLANTING

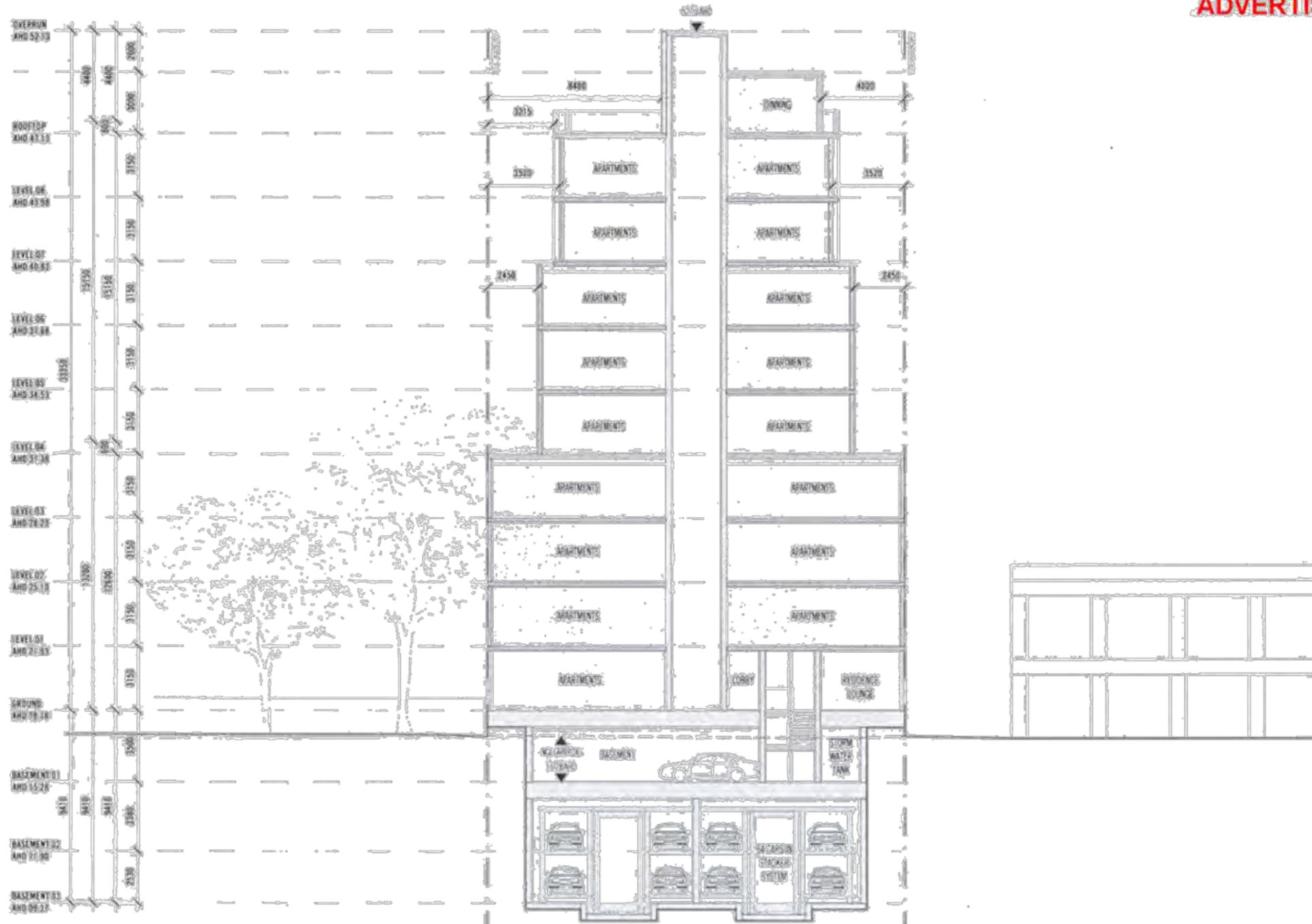




ADVERTISED PLAN

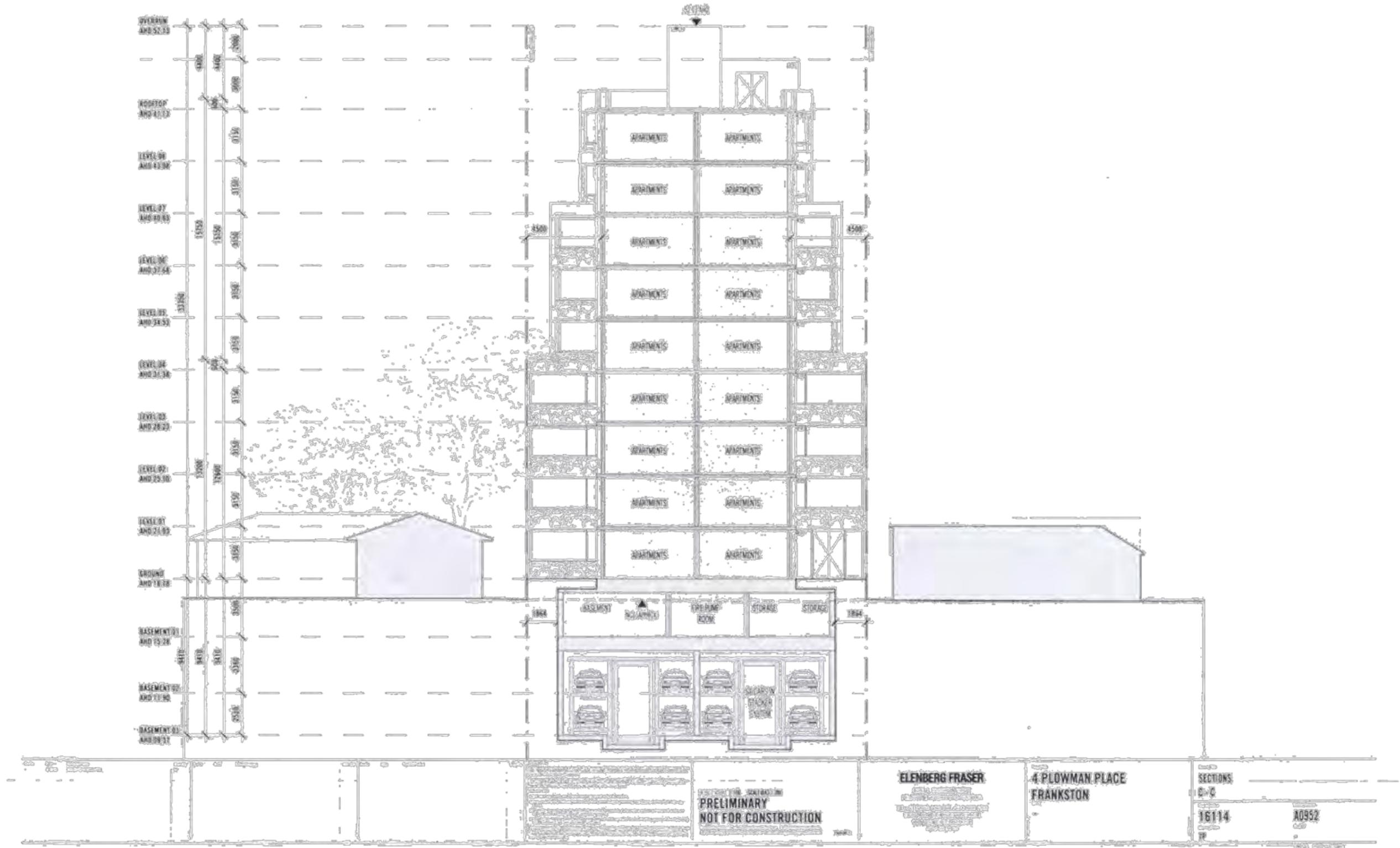


ADVERTISED PLAN



<p>DATE: 16/11/17</p> <p>SCALE: 1:100</p> <p>PROJECT: 4 PLOWMAN PLACE FRANKSTON</p>	<p>PRELIMINARY NOT FOR CONSTRUCTION</p>	<p>ELENBERG FRASER</p>	<p>4 PLOWMAN PLACE FRANKSTON</p>	<p>SECTIONS B-B</p> <p>16114</p> <p>A0951</p>
---	--	-------------------------------	---	---

ADVERTISED PLAN



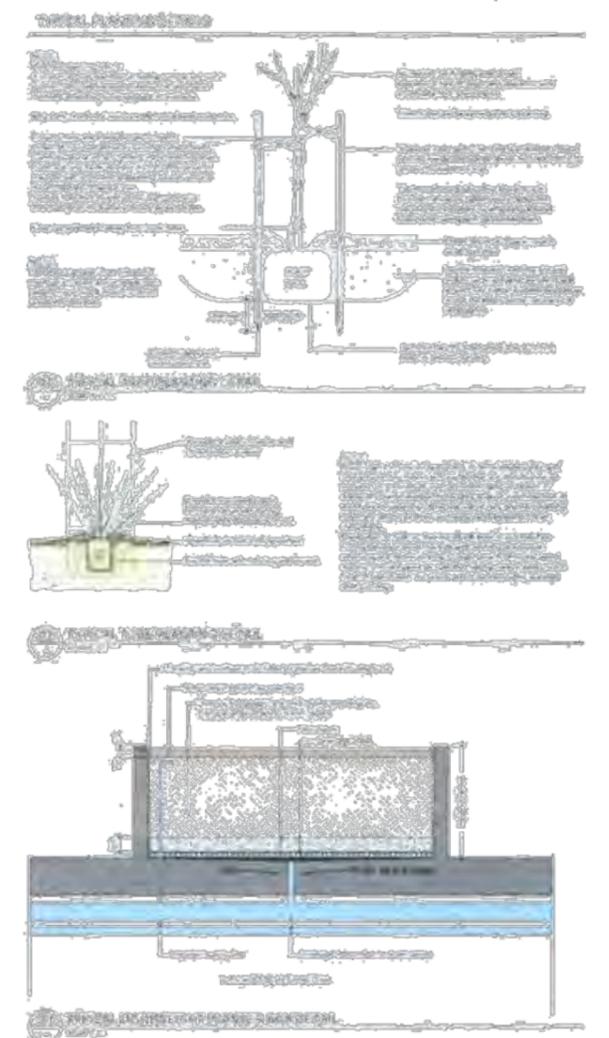


FLOWMAN PLACE

PLANT SCHEDULE

ADVERTISED PLAN

ID	BOTANICAL NAME	COMMON NAME	HEIGHT & WIDTH AT Maturity	SUPPLY	QTY
01
02
03
04
05
06
07
08
09
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

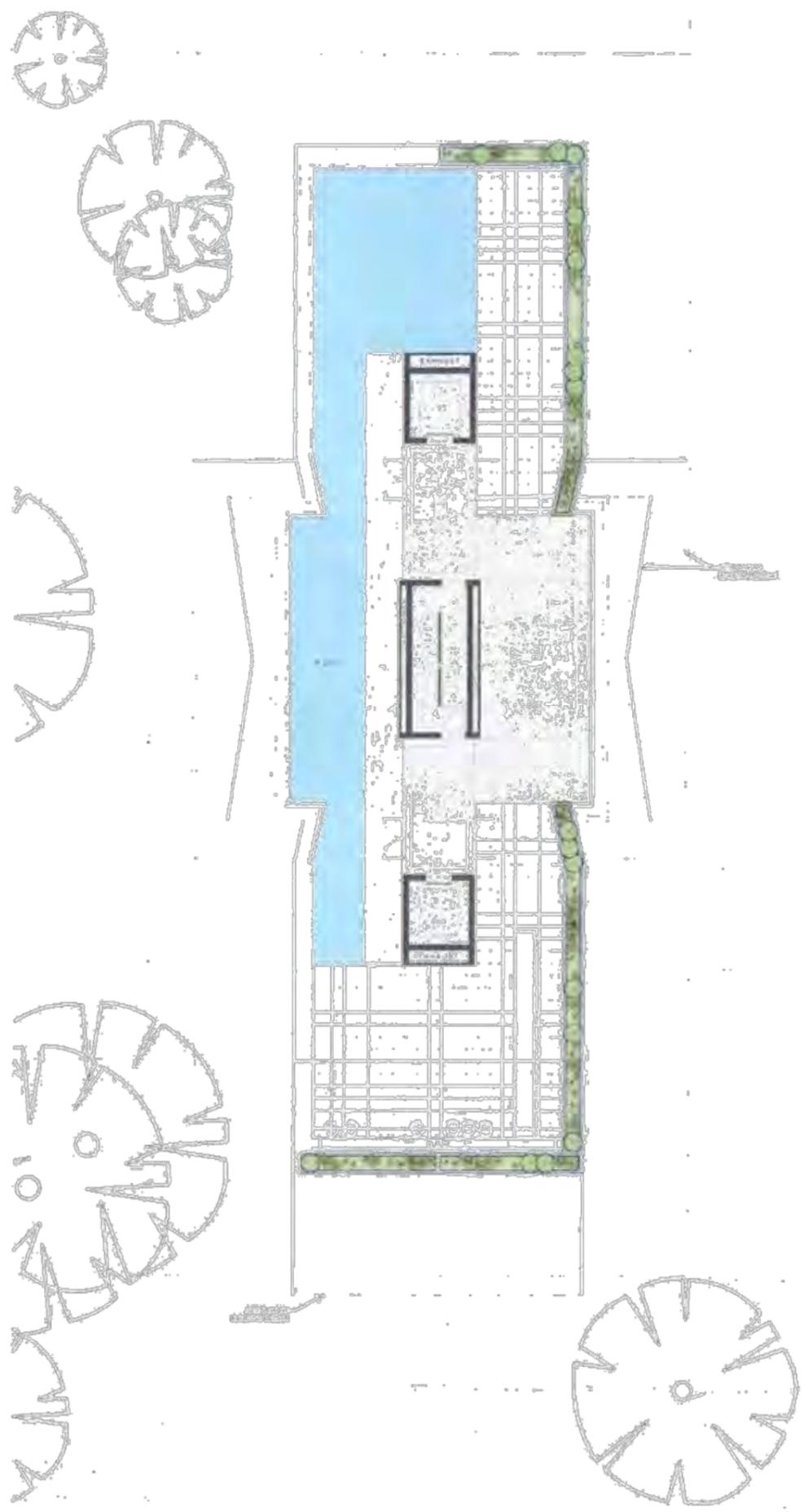


JOHN PATRICK
 Landscape Architecture
 100/101 ...
 www.johnpatrick.com.au

Graham Miles & Partners
 Planning & Development
 100/101 ...
 www.grahammiles.com.au

PLANT SCHEDULE				
SYM	BOTANICAL NAME	COMMON NAME	PLANT HEIGHT	PLANT SPACING
1
2
3
4
5
6
7
8
9
10

ADVERTISED PLAN



PLOWMAN PLACE



JOHN PATRICK
 Landscape Architecture
 100/101 ...
 ...
 ...

Scale: 1:500
 Date: ...
 Author: ...
 Checked: ...



...	...
...	...
...	...
...	...
...	...

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

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.4 Improve the health and wellbeing of residents
Priority Action	2.4.5 Increase social inclusion and community participation in leisure activities including libraries, arts and culture

Purpose

This report considers the merits of the planning application to amend Planning Permit 518/2016/P to reduce the required contribution towards the provision of public open space for the subdivision from 5 percent to one percent.

Recommendation (Director Community Development)

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 from five (5) percent to three (3) percent.

Key Points / Issues

- Clause 52.01 of the Frankston Planning Scheme Public open space contribution and subdivision states that a person proposing to subdivide land must make a contribution to the council for public open space.
- The required contribution previously specified is five percent of the land or the value of the land. This is set out in Condition 3 of the current Permit.
- The applicant argues:
 - That a one percent contribution has been taken on industrial subdivisions in the past and is appropriate here.
 - The requirement should be mitigated as the applicant is also required under the Permit to provide land for widening Clifton Grove and construct the road widening.
 - An industrial area does not have the same need for public open space as a residential area and should have a lesser requirement.

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

Financial Impact

For the 2017-2018 financial year, the State Government Minister for Local Government has announced a limit on the amount Victorian councils may increase rates. The cap for the 2017-2018 financial year is 2%. The cap is based on the Consumer Price Index expected for the financial year.

This cap has a significant effect on Council's current Long Term Financial Planning, with rate revenue being \$9 million less than anticipated over the first four years, growing to \$17 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

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

If a contribution is taken in land it should be for some functional recreational purpose that would otherwise be paid for through the Council budget. If a cash-in-lieu contribution it would add to available monies for the provision of recreation facilities.

Consultation1. Referrals

The application was not referred externally or internally

2. Other relevant parties / stakeholders

There are no relevant stakeholders or affected parties consulted. Notification of Proposal

The application relates to a council requirement and no notification was required pursuant to Section 52 of the *Planning and Environment Act 1987*.

Analysis (Environmental / Economic / Social Implications)

Industrial land is a limited resource and should be utilised for industry development.

Suitable land for open space or cash-in-lieu contributions can be utilised to:

- Facilitate walking/bike trails for healthier lifestyle commuting by workers.
- Small parks could be complimentary to the concept of a sustainable, high-tech industrial park.
- Public open space can be strategically located to act as buffer areas or aesthetic features.
- Changing lifestyles potentially see workers utilising recreational resources near their workplace rather than near their homes placing more stress of council-provided recreational facilities.

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

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

Legal

There are no perceived legal issues outside the statutory provisions being considered.

Policy Impacts

The report is based upon consideration of the application in relation to both planning for future growth and achieving a liveable city. Officer's Declaration of Interests

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

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

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

There are no identifiable inherent risks associated with the consideration of this application.

Conclusion

Requiring a public open space contribution is appropriate to the subdivision. The land is in an area in the early stages of industrial development. It is an area council is encouraging of industries where more value will be achieved from such a requirement. It is considered however that a three (3) percent requirement is more appropriate in the circumstances.

ATTACHMENTS

Nil

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

Existing Use	Vacant
Site Area	2.0225ha
Proposal	Three (3) lot subdivision and removal of easement
Site Cover	Not applicable
Permeability	Not applicable
Zoning	Industrial 1 Zone
Overlays	<ul style="list-style-type: none"> Development Plan Overlay 1(DPO1)
Neighbourhood Character Precinct	Not applicable
Reason for Reporting to Council	Application to vary a public open space requirement of Permit

Background

An application has been received pursuant to Section 72 of the Planning and Environment Act, 1987 to amend Planning Permit 518/2016/P issued dated 21 February 2017 for the subdivision of 31 Boundary Road, Carrum Downs. The application seeks an amendment to Condition 3 of the Permit in relation to the public open space requirement.

Subject Site

Lot 8 LP58043, 31 Boundary Road, Carrum Downs.

Locality

The land is on the south-eastern corner of Boundary Road and Clifton Grove and is part of the northern extremity of the Carrum Downs Industrial Area. The land on the northern side of Boundary Road is rural and there is residential land a short distance to the south. The area is developing from broadacre rural and the subject land is currently vacant. Eastlink is some 320 metres to the west.

Site History

There are no previous planning permit applications for the site in council's electronic record system.

Proposal

The proposal is summarised as:

To alter the current requirement for a cash-in-lieu payment to council pursuant to Section 18 of the Subdivision Act, 1987 for five (5) percent of the value of the land to one (1) percent.

**11.6 Application to Amend Planning Permit 518/2016/P/C - Industrial Subdivision, 31
Boundary Road, Carrum Downs****Officers' Assessment****State and Local Planning Policy Frameworks**

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

Clause 11.06-3 - Integrated transport

Strategies

- Improve local travel options for walking and cycling to support 20 minute neighbourhoods.
- Create pedestrian friendly neighbourhoods by supporting development of continuous, high quality walking routes and streets that are safe, pleasant and attractive.

Clause 11.06-5 - Neighbourhoods

Objective

- To create a city of inclusive, vibrant and healthy neighbourhoods that promote strong communities, healthy lifestyles and good access to local services and jobs.

Strategies

- Create neighbourhoods that enable and promote walking and cycling as a part of daily life.
- Plan and design community places and buildings so they can adapt as the population changes and different patterns of work and social life emerge.

Clause 17.02-1 - Industrial land development

Strategies

- Identify land for industrial development in urban growth areas where:
 - Good access for employees, freight and road transport is available.
 - Appropriate buffer areas can be provided between the proposed industrial and nearby sensitive land uses.
- Protect and carefully plan existing industrial areas to, where possible, facilitate further industrial development.
- Protect industrial activity in industrial zones from the encroachment of unplanned commercial, residential and other sensitive uses which would adversely affect industry viability.

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

Clause 21.02 - Key Issues

Economic Activity

- The Carrum Downs industrial area is an important employment node where hi-tech, sustainable industry will be encouraged to locate.

21.08 - Economic development

21.08-1 Key Issues

- Recognising the strategic importance of the Carrum Downs industrial area and
- encouraging the most appropriate form of development.

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

- Establishing a sustainable industry park at Carrum Downs that showcases the highest quality urban, landscape and architectural design, in accord with the vision of the Industrial Strategy 2009.

21.08-2 Objectives, strategies and implementation

- Encourage consistent, high quality urban design and streetscapes in industrial and commercial developments.

Planning Scheme Controls

Clause 52.01 Public open space contribution and subdivision states:

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988.

No amount is specified in the Schedule to the Clause in the Frankston Planning Scheme so the requirement is made under Section 18 of the Act. Under the provisions Council has the discretion to vary the requirement provided the contribution sought does not exceed five percent.

Discussion

The applicant argues that discretion should be exercised in the manner sought on the following basis:

- Council has previously only required a one percent contribution for industrial subdivision in the area and the precedent should operate.
- Industrial development does not generate the same level of demand for public open space and recreational facilities as residential land use and this should be recognised in the proportion of contribution required.
- The Permit also requires that a two (2) metre strip of land be provided for the length of the Clifton Grove frontage of the land for road widening and that the permit-holder pay for the widening of the road. This requirement provides public benefit at the owner's cost and should militate an additional requirement for provision of public open space.

The requirement for the widening of Clifton Grove should not be related to the public open space requirement. The need comes about as the area changes from being rural to urban. Clifton Grove has historically been a minor rural road with a narrow road reserve width. To achieve the design standard for an industrial road able to cope effectively with trucks and parking it is necessary to require road widening as part of the approval of industrial development. Subdivision is the ideal time to make the requirement. It is a necessity for the proper development of the land.

An analysis has been made of the history of industrial subdivision in the area to consider the applicability of a precedent for a one percent contribution instead of five percent. Of the past subdivisions reviewed only Planning Permit 382/2010/P issued for a seventeen (17) lot subdivision of 107 Boundary Road in 2010 has a one percent contribution requirement. This Permit was realised in Plan of Subdivision PS642513N. This Plan includes a 5,488sqm reserve for drainage purposes so some provision in land was also made, though land of reduced recreational value.

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

Of other relevant subdivisions in the area looked at others had public open space taken in land as reserves rather than cash-in-lieu and a forty lot subdivision at 28-40 Colemans Road had the full five percent requirement.

The precedent issue is not so clear. It is considered that there is merit in the arguments put as to why a full five percent requirement might not be made however there are good reasons for making a requirement.

Historically the basis for arguing against providing public open space reserves in industrial areas was that workers from manufacturing, warehousing and service industry rarely used it and it would become a maintenance issue. The Municipal Strategic Statement and planning policies identify the aim of the Carrum Downs industrial area developing for hi-tech, sustainable industries in a high-quality urban landscape and architectural design. This will mean a different type of workforce and one that has a much higher likelihood of wanting public open space in the locality for both recreational pursuits and aesthetics. Policies also promote healthier lifestyles, which is in part provided by ensuring that walking/bike trails are available for people who want to access the workplace without using motorised vehicles to commute. Changing lifestyles has also meant that workers are more likely to source recreational facilities during the working week and near the workplace rather than at the weekend near home. This will place greater pressure for such facilities close to the workplace, facilities potentially provided by the council.

Potential opportunities to provide/enhance recreational benefits in the location include:

- The large reserve between Gateway Drive and where Colemans Road terminates at EastLink contains a number of identified significant trees. Recreational monies could be used to enhance the conservation and passive recreational values of this reserve.
- There is only one reserve linking the residential area around Clifton Park Drive with the industrial area to the west and north with extant opportunities with future subdivision to create more pedestrian/bike connections.

The *Outline Development Plan for Carrum Downs*, December 1990 identifies some of these specific proposals and would promote the completion of last section of the buffer between industrial uses and residential which was proposed in the Plan and has been largely achieved.

Conclusion

There is basis for retaining the public open space requirement in Planning Permit 518/2016/P however it is considered that the need for recreational opportunities in an industrial area is generally less than with residential land use. A one percent contribution as proposed by the applicant is considered too low in the circumstances. In the absence of a formalised contribution rate a three percent requirement would seem a fair and reasonable requirement having regard to the identified recreational needs in the immediate area and the generic benefits a contribution would provide to workers in the area.

Economic and Social Implications

It is difficult to predict economic implications of a decision. Obviously the higher the requirement the greater impact on the development cost for the developer. However in the longer term if the requirement assists in realising an attractive, vibrant work environment as per the policy there will be an economic benefit. Socially the effects will be positive in terms of the urban environment and lifestyle.

**11.6 Application to Amend Planning Permit 518/2016/P/C - Industrial Subdivision, 31
Boundary Road, Carrum Downs****Officers' Assessment****Recommendation (Director Community Development)**

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.

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

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

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

Purpose

This report considers the merits of the planning application to construct two (2) double storey dwellings.

Recommendation (Director Community Development)

That a Notice of Decision be issued for Application 505/2016/P – 67 Lawson Avenue, Frankston, subject to the conditions contained in the officer's assessment.

Key Points / Issues

- It is proposed to construct two (2) double storey dwellings.
- 25 objections have been received.
- The grounds of objection relate to:
 - Overdevelopment of the site;
 - Inconsistent with the neighbourhood character of the area;
 - Loss of amenity;
 - Impact on traffic;
 - Lack of car parking on site and visitors parking on the street;
 - Vegetation removal and impact on natural environment;
 - Creating a precedence for development;
 - Impact on property values; and
 - Topography of the site.
- Four (4) car parking spaces will be provided which meets the requirements of Clause 52.06.
- One (1) visitor car parking space is required under Council's Visitor Car Parking Guidelines however none is provided.
- The proposed development is consistent with State and Local Planning Policy Frameworks as it provides an increase in the diversity and supply of housing stock within the municipality which increases housing choice for residents and is considered consistent with the preferred neighbourhood character of the area.
- The proposed development is considered to respond appropriately to the Frankston 5 Neighbourhood Character Precinct Statement and Clause 55 – ResCode.

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

- The proposal is being reported to Council due to non-compliance with Council's Multi Dwelling Visitor Car Parking Guidelines.

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

Financial Impact

For the 2017-2018 financial year, the State Government Minister for Local Government has announced a limit on the amount Victorian councils may increase rates. The cap for the 2017-2018 financial year is 2%. The cap is based on the Consumer Price Index expected for the financial year.

This cap has a significant effect on Council's current Long Term Financial Planning, with rate revenue being \$9 million less than anticipated over the first four years, growing to \$17 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

The permit application fee paid to Council is \$707. The average cost to process a planning application is \$1,729 which is a shortfall of \$1,022.

Consultation**1. External Referrals**

The application was referred externally to Country Fire Authority.

2. Internal Referrals

The application was referred internally to Council's Drainage Engineer, Traffic Engineer and Environment Officer.

3. Other relevant parties / stakeholders

None applicable.

Notification of Proposal

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

Notification was given in the form of:

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

As a result of the public notification, 25 objections were received. The grounds of objection are summarised in the officer's assessment contained within this report.

Analysis (Environmental / Economic / Social Implications)

The proposed development will have a negligible impact on the environment. The proposed trees to be removed from the site have a low retention value and no vegetation on adjoining properties will be impacted adversely by the development.

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

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

**11.7 Town Planning Application 505/2016/P - 67 Lawson Avenue, Frankston South
3199 - To construct two (2) double storey dwellings****Executive Summary****Legal / Policy / Council Plan Impact**Charter of Human Rights and Responsibilities

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

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

Legal

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

Policy Impacts

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

Officer's Declaration of Interests

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

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

Risk Mitigation

There are no risk implications.

Conclusion

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

ATTACHMENTS

Attachment A: Locality Map

Attachment B: Locality Map Aerial

Attachment C: Neighbourhood Character Precinct Frankston South 6

Attachment D: Development Plans

Attachment E: Landscape Opportunity Plan

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

Officers' Assessment

Summary

Existing Use	Single dwelling
Site Area	772.8 square metres
Proposal	To construct two (2) double storey dwellings
Site Cover	34%
Permeability	45.4%
Zoning	General Residential Zone
Overlays	Significant Landscape Overlay (Schedule 4) Design and Development Overlay (Schedule 9) Bushfire Management Overlay
Neighbourhood Character Precinct	Frankston South 6
Reason for Reporting to Council	Non-compliance with Multi Dwelling Visitor Parking Guidelines

Background

Subject Site

The subject site is regular in shape and is located on the western side of Lawson Ave in Frankston South.

The site has front and rear boundaries with a width of 18.96 metres, side boundaries of 44.13 metres and an overall area of 773.8 square metres. A 2.44 metres wide easement extends along the rear (south) boundary of the site. The site has a fall of approximately 2 metres from east to west.

The subject site currently contains a single storey dwelling. In the rear (south east) corner of the site is a large, mature pine tree. Within the front setback, there are four eucalypts. On the remainder of the site, there is little significant vegetation.

The existing dwelling has a single crossover located adjacent to the east site boundary

Locality

The surrounding neighbourhood is characterised by a mix of single and double storey dwellings. Front fence treatments vary however the predominate fencing style is either low fences or no front fences.

The majority of dwellings surrounding the subject site contain vegetation in the front and rear of the site. The Frankston Nature Conservation Reserve is located directly south of the site and Sweetwater Creek Upper is located west of the site (separated by three (3) dwellings).

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

Previous planning permit applications for the site include:

- Planning Permit No. 281/2010/P issued 25 January 2011 to construct two (2) double storey dwellings and removal of vegetation.
- Planning Permit No. 281/2010/P lapsed on 25 January 2015 as the development had not commenced prior to this date.

Proposal

The proposal is summarised as:

Dwelling	Storeys	No. of Bedrooms	Secluded Private Open Space	Car Parking
1	2	3	64m ²	Double garage
2	2	3	45m ²	Double garage

Dwelling 1 is oriented to face Lawson Avenue and has a setback of 7.2 metres to the portico and 9 metres to the dwelling. Dwelling 2 is located to the rear of the site and has access from the common access way via Lawson Avenue.

Each dwelling will contain open plan living, kitchen and meals area, master bedroom and amenities on the ground floor. Both dwellings will contain two (2) additional bedrooms, sitting area and bathroom located on the first floor.

Vehicle access will be provided by the existing single crossover on the eastern/front boundary.

The overall maximum height of the dwellings will be 7.65 metres.

The dwellings are to be finished with face brickwork, render and cladding with colour bond (woodland grey) rooves.

No front fence is proposed.

Some vegetation is proposed to be removed however as previously stated and further discussed below; the vegetation to be removed including the large eucalyptus in the front setback has low retention value (due to poor health).

State and Local Planning Policy Frameworks

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

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

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

- Clause 21.04 – Settlement
- Clause 21.07 – Housing; and

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

- Clause 22.08 – Neighbourhood Character Policy

Planning Scheme Controls

A Planning Permit is required pursuant to:

- Clause 32.01-4 – General Residential Zone of the Frankston Planning Scheme for the construction of 2 or more dwellings on the lot;
- Clause 43.02 – Design and Development Overlay - Schedule 9 of the Frankston Planning Scheme for buildings set back less than 7.5 metres from the road frontage; and
- Clause 44.06 – Bushfire Management Overlay of the Frankston Planning Scheme to construct a building or construct or carry out works associated with Accommodation.

Notification of Proposal

The grounds of objection are summarised as follows:

- Overdevelopment of the site;
- Inconsistent with the neighbourhood character of the area;
- Loss of amenity;
- Impact on traffic;
- Lack of car parking on site and visitors parking on the street;
- Vegetation removal and impact on natural environment;
- Creating a precedence for development;
- Impact on property values; and
- Topography of the site.

A Residents Discussion Meeting was held on Thursday 25 May 2017. The meeting was attended by two (2) Councillors, the applicant's representative, a number of objectors, and two (2) Planning Officers. The meeting provided an opportunity to discuss the key concerns of the objectors and provide clarification of the proposal however no resolution between parties was achieved.

Referrals**External Referrals**

The application has been referred to the Country Fire Authority and the following comments were made:

- The CFA have no objection to the application subject to the provision of a Bushfire Management Plan being submitted for approval.

Internal Referrals

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

Traffic Engineer

- Council's Traffic Engineer offers no objection to the proposal and does not require any conditions to be included on the permit.

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

- The proposal provides an adequate level of on-site car parking meeting the requirements specified by Clause 52.06 of the Frankston Planning Scheme.
- One on-site visitor car parking space is required under Council's Multi-Dwelling Visitor Parking Guidelines. As no visitor space is provided, the proposal does not meet Council's Multi-Dwelling Visitor Parking Guidelines provision that one space be provided.
- It is noted that no parking can be provided on the street to the front of the site due to the continuous centre white line. Accordingly No-Street Parking is applicable, resulting in a requirement for at least one (1) on-site visitor parking space under the Policy.
- 'Sight triangles' should be annotated on the plans to demonstrate compliance with Urban Design Standard 1 of Clause 52.06 of the Frankston Planning Scheme.
- No concerns have been identified with the existing vehicle crossing; it is considered that the location of the existing vehicle crossing offers the best available sight lines against the curvilinear horizontal road alignment of the Lawson Avenue. Furthermore, as vehicles will also exit the site in a forward direction the sight lines from the site will be an improvement on the existing conditions (where vehicles reverse onto Lawson Avenue).

Drainage Engineer

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

Environment Officer

- No objections subject to inclusion of tree protection conditions for the trees to be retained and trees on adjoining properties.
- The supplied arborist report has incorrectly labelled and assessed a number of trees on the site.
- A site inspection was undertaken with particular attention taken with the *Eucalyptus globulus*. The visual ground based inspection found the canopy of the tree considerably thinner than those of a similar size and age in nearby properties. Several areas of decay in the main trunk and on structural limbs were also observed.
- A Trident Maple (*Acer buergerianum*) incorrectly identified as an *Acer pseudoplatanus*, tree 15, is the only tree on the lot considered suitable for retention.
- No objection subject to the inclusion of a condition requiring tree 15 (*Acer buergerianum*) 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.

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

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

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

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

Clause 13.05: Bushfire

Clause 13.05-1 – Bushfire planning strategies and principles' objective is to 'assist to strengthen community resilience to bushfire'.

The overarching strategies seek to prioritize human life over other policy considerations in planning and decision making in areas at risk from bushfire and apply the precautionary principle to planning and decision making when assessing the risk to life, property and community infrastructure from bushfire.

Clause 13.05-1 provides direction for settlement planning at the strategic level and development control strategies.

In assessing planning applications under this overlay, new development should only be permitted where:

- The risk to human life, property and community infrastructure from bushfire can be reduced to an acceptable level.
- Bushfire protection measures, including the siting, design and construction of buildings, vegetation management, water supply and access and egress can be readily implemented and managed within the property.
- The risk to existing residents, property and community infrastructure from bushfire is not increased.

Neighbourhood Character and Design Response

Council's Neighbourhood Character Policy (Clause 22.08) seeks to ensure that development is responsive to the key characteristics that make up the preferred character of each precinct. The site is located within the Frankston South 6 Neighbourhood Character Precinct. The preferred character of the precinct is:

"The bush garden settings of the dwellings will be maintained, and the relationship of the area to the Sweetwater Creek environs will be strengthened".

The design objectives of the Frankston South 6 Precinct are addressed below:

- *To encourage the extension of the Sweetwater Creek vegetation qualities into the surrounding residential area and to strengthen the garden settings of the dwellings.*

Dwelling 1 will be setback at least 7.2 metres from the front boundary to allow for the retention of vegetation in the front setback. Both dwellings provide more than 40 square metres of private open space to allow for additional planting.

Additionally, a condition requiring a Landscape Plan will be included on any permit issued. This condition will require a planting theme of a minimum 40% indigenous and 20% native within each plant group be adhered to.

- *To encourage the retention and planting of indigenous vegetation.*

A large *Eucalyptus globulus* exists at the front of the site; however an inspection of the tree by Council's Environment Officer revealed several areas of decay in the main trunk and on structural limbs and is not worthy of retention.

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

The only tree with high retention value is a Trident Maple (*Acer buergerianum*). A condition of any permit issued would require the retention of this tree.

The dwellings are setback from all boundaries to accommodate large trees and other vegetation.

- *To reflect the rhythm of existing dwelling spacing.*

The ground floor of both dwellings (with the exception of dwelling 1 garage) is setback from the side and rear boundaries. Furthermore, the first floor of both dwellings provides additional setbacks from the ground floor.

The dwellings on either side of No. 67 Lawson Avenue have no side setback to one boundary and a number of dwellings across from the subject site (No. 60, 64 and 70 Lawson Avenue) have no side setback to either boundary.

Overall, it is considered that the proposal meets the preferred neighbourhood character objectives of the Frankston South 6 Precinct.

Clause 42.03 Significant Landscape Overlay Schedule 4

The subject site is located in the Significant Landscape Overlay (Schedule 4) pursuant to Clause 42.03 of the Frankston Planning Scheme. The application proposes the removal of vegetation; however this vegetation is exempt from requiring a planning permit for the removal. This is because destruction or lopping of any vegetation within 10 metres of an existing building used for accommodation is exempt pursuant to Clause 52.48 (Bushfire Protection: Exemptions) of the Frankston Planning Scheme.

Furthermore, the vegetation on site predominantly has low retention value (with the exception of the Trident Maple - Tree No. 15), which can be retained.

Clause 43.02 Design and Development Overlay Schedule 9

The subject site is located in the Design and Development Overlay (Schedule 9) pursuant to Clause 43.02 of the Frankston Planning Scheme. The key objectives of the overlay are:

- To maintain adequate space on a site to provide the opportunity for tree planting and landscaping to retain and enhance the character and environmental qualities of the broader Sweetwater Creek valley.
- To ensure that development is sensitive to the natural characteristics of the wider environs of Sweetwater Creek valley including slope, terrain and any existing vegetation so as to minimise the visual dominance of the built form.
- To maintain adequate space on a site to allow for planting of vegetation and to aid in reducing stormwater run-off to minimise stormwater flows into Sweetwater Creek.

The Design and Development Overlay Schedule 9 requires buildings to be setback a minimum 7.5 metres from the street frontage. The proposed development will be setback 7.2 metres (to the portico and 9 metres to the dwelling) from the street where 7.5 metres is required. A variation of 0.3 metres to the front setback is considered acceptable for the following reasons:

- Vegetation will be provided in the front setback to screen the dwelling from the street and the dwelling is generally well articulated to reduce visual bulk when viewed from the street.
- The variation is minor (0.3 metres) and only a small portion of the dwelling will encroach into the setback (the portico).

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

- The northern wall of the dwelling is setback 9 metres from the street (1.5 metres more than required by the Design and Development Overlay Schedule 9).
- Due to the setback of the dwelling and the small level of encroachment from the portico it is considered that the dwelling will not dominate the streetscape.
- The development will not dominate the streetscape as the dwellings have setbacks which are consistent with surrounding setbacks in the street.

For the reasons discussed above it is considered that the proposed is consistent with the objectives of the Design and Development Overlay Schedule 9 of the Frankston Planning Scheme (Clause 43.02).

Bushfire Management Overlay

In assessing any application under Clause 44.06-6, consideration should be given to the following, as appropriate:

- *The objectives, standards and decision guidelines of Clause 52.47.*

Clause 52.47 –Planning for Bushfire - assessment has been done as below;

Clause 52.47 Planning for Bushfire

The purpose of the above clause is;

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.*
- *To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.*
- *To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.*

A development proposal must meet all of the objectives and mandatory standards, and should meet all other standards of this clause.

Clause 52.47-1 – Dwellings in Existing settlements – Bushfire Protection objective

This clause applies to specify bushfire design and construction measures for a single dwelling or alteration and extension to an existing dwelling that reduces the risk to life and property to an acceptable level. The proposal is for two dwellings and this clause is not applicable.

Clause 52.47-2 - Bushfire protection objectives

It states that this Clause applies to all other applications, including an application that does not meet all the approved measures in Clause 52.47-1. The development is for construction of two dwellings on site and therefore is assessed under this clause as follows;

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

Officers' Assessment

Clause 52.47-2.1 Landscape, siting and design objectives

Approved Measure	Requirement	Assessment
AM 2.1	The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.	<ul style="list-style-type: none"> The site and surrounding properties are all privately owned and managed to an acceptable level.
AM 2.2	<p>A building is sited to ensure the site best achieves the following:</p> <ul style="list-style-type: none"> The maximum separation distance between the building and the bushfire hazard. The building is in close proximity to a public road. Access can be provided to the building for emergency service vehicles. 	<ul style="list-style-type: none"> The proposed dwellings are located within an established residential area with managed gardens on the surrounding properties. Both dwellings have direct access to Lawson Avenue with relatively easy access to the broader residential area. Access to the site and the proposed dwelling for emergency vehicles can be provided in accordance with CFA requirements.
AM 2.3	A building is designed to reduce the accumulation of debris and entry of embers.	<ul style="list-style-type: none"> The design of the proposed dwellings will not promote the accumulation of debris and will minimise the entry of embers.

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

Officers' Assessment

Clause 52.47-2.3 Water supply and access objectives

Approved Measure	Requirement	Assessment
AM 4.1	<p>A building used for a dwelling (including an extension or alteration to a dwelling), a dependant person's unit, industry, office or retail premises is provided with:</p> <ul style="list-style-type: none"> • A static water supply for fire fighting and property protection purposes specified in Table 4 to Clause 52.47-3. • Vehicle access that is designed and constructed as specified in Table 5 to Clause 52.47-3. <p>The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.</p>	<ul style="list-style-type: none"> • A dedicated firefighting supply of water is shown on the submitted bushfire management plan with a 5000 litre water tank provided for the site within the private open space. • Access to the dwellings and water supply will be in accordance with the requirements of CFA.

It is considered that this application does satisfy the fire protection objectives and will not significantly increase the threat to life and surrounding property from bushfire.

CFA have provided conditions to be placed on any permit issued to ensure the application meets the intention of this overlay.

A condition will be included on the permit to show the dedicated firefighting water tank on the site plan.

It is therefore, considered that the proposal meets the purpose and objectives of the BMO.

Clause 55 (ResCode)

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

Neighbourhood Character and infrastructure

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

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

Both dwellings are orientated to the street or the internal access way to maintain appropriate integration with the street.

Site Layout and Building Massing

Dwelling 1 will have a front setback from the portico of 7.2 metres and a setback of 9 metres from Lawson Avenue which is acceptable in context with the siting of developments within the immediate area.

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

Dwelling 1 has a maximum height of 7.45 metres and Dwelling 2 has a maximum height of 7.65 metres which is less than the maximum of 9.0 metres allowed by ResCode. The proposed site coverage (34.19%) and permeability (45.4%) are also well within the maximum encouraged by ResCode.

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

Entrances to all dwellings are clearly visible and identifiable. The entrance to Dwelling 1 faces Lawson Avenue while the entry to Dwelling 2 is oriented to face the shared access way.

Reasonable opportunities for landscaping can be provided in the front setback, along the shared access way and within the secluded private open space areas. A landscape plan will be required as a condition on any permit to issue to ensure appropriate planting within the development.

It is noted that the window to the kitchen of Dwelling 1 does not meet the minimum 1.0 metre setback requirement to the access way. This could be addressed as a condition of any permit issued.

Amenity Impacts

The side and rear setbacks of all dwellings at ground and first floor levels are generous and all in excess of setbacks encouraged by ResCode. Only the garage of Dwelling 1 is built on the boundary however this is well under the limits provided by ResCode. It is noted that the garage for Dwelling 1 has been referred to as a carport and garage on alternate sheets submitted. A condition of permit is recommended to require clarification on the car parking area for Dwelling 1.

Given the orientation of the development, the proposal will not significantly overshadow existing secluded open spaces of adjoining properties throughout the day.

Screening has been provided to the west and east facing habitable room windows to 1.7m above finish floor levels to limit any overlooking for the first floor of the development. It is noted that there are no north or south facing windows of the development that require screening be provided to address overlooking.

On-Site Amenity and Facilities

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

Dwelling 1 has been provided with 64 square metres of private open space and Dwelling 2 has been provided with 45 square metres both with a minimum dimension of 3.0 metres. Secluded private open spaces will be located on north-western side of the dwellings. It is considered that these areas are appropriately sited and will cater for the recreation needs of the occupants.

Both dwellings have been provided with appropriate external storage space.

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

It is noted that the kitchen window on the south elevation of Dwelling 1 does not comply with Standard B15 as it has a setback to the access way less than 1 metre. A condition of permit is recommended to require compliance with Standard B15. Furthermore, the kitchen area of Dwelling 1 is directly abutting the common access way and would not allow safe turning in and out of the garage for Dwelling 1; a condition will require a minimum setback of 1 metre from the access way to the wall of the kitchen/meals area of Dwelling 1.

Detailed Design

The design of the buildings is generally considered to be well articulated and consistent with developments of this type. The window proportions, use of brickwork, cladding and render for external finishes are appropriate with character of the area. Furthermore, the use of muted natural colours will complement the vegetated character of the area.

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

The proposal complies with the car parking requirements of Clause 52.06 as two car spaces are provided for each dwelling.

There is no requirement to provide visitor car parking on site pursuant to Clause 52.06. The proposed development has been reviewed against the Council's Visitor Car Parking Guidelines and accordingly one (1) space is recommended on site.

No on-street car parking is allowed in front of the site along Lawson Avenue due to the continuous centre white line on the street. The shortfall of one visitor car parking space is considered reasonable as there is on-street parking available further to the north and south of the site along Lawson. The provision of a visitor car space on site would result in a loss of landscaping opportunities and increase the overall site coverage.

Cultural Heritage

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

Conclusion

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

It is considered that adequate car spaces are provided on-site for this development. Although this proposal does not meet the requirements of Council's Multi Dwelling Visitor Car Parking Guidelines, there are sufficient nearby visitor parking opportunities in the street.

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

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

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

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

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

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

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

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.

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.

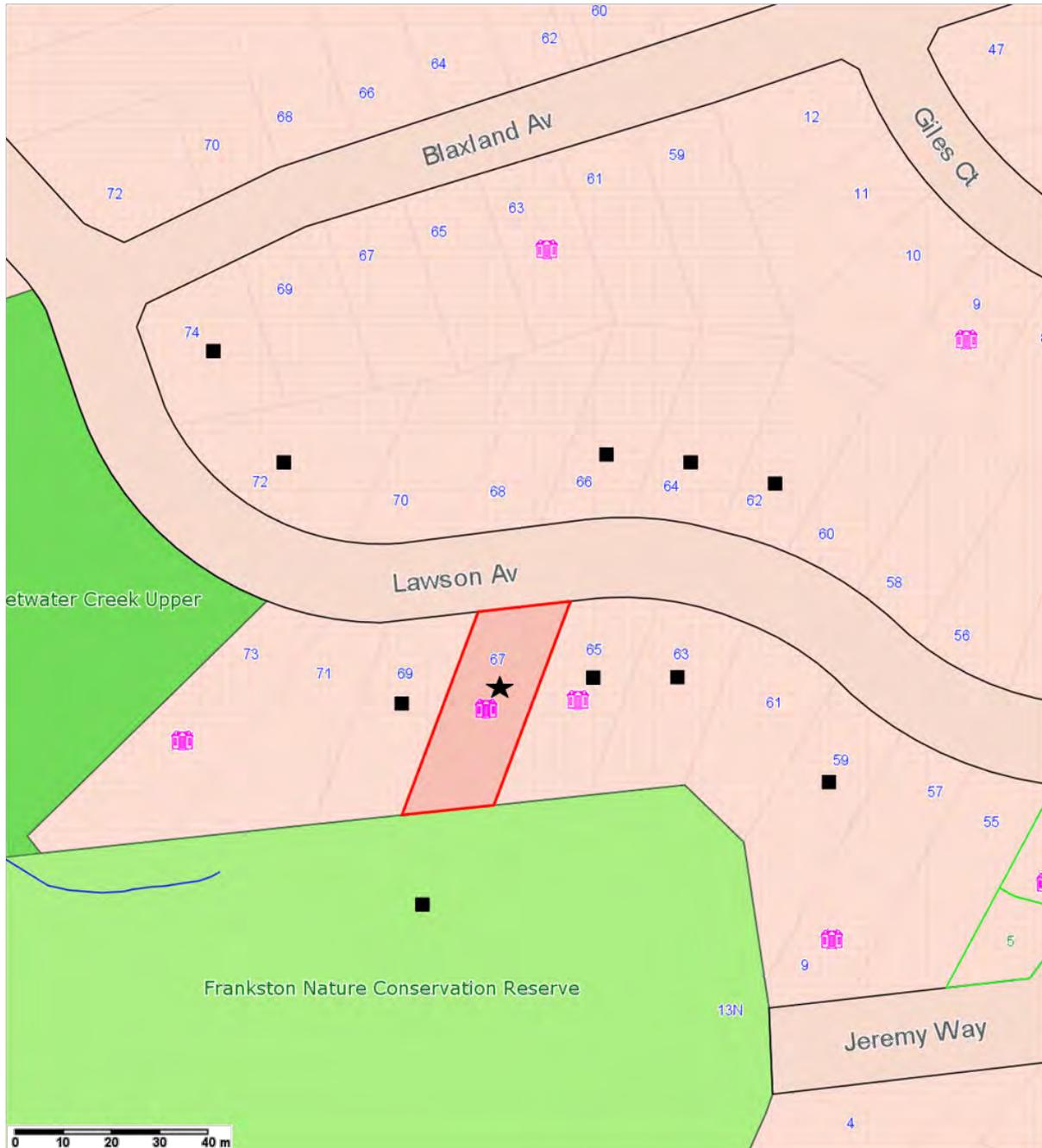
Proposed Street Numbering can be provided by contacting Frankston City Council Rates department - Phone 9784 1853.

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

Town Planning Application 505/2016/P – 67 Lawson Avenue, Frankston South

★ Subject site

■ Objectors (14 not shown)



Disclaimer

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

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

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

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

Projection: GDA94 / MGA zone 55

Scale: 1:1087

Date Printed: 8/06/2017

Time Printed: 12:43 PM

Issued by: Tara Lambert



Town Planning Application 505/2016/P – 67 Lawson Avenue, Frankston South



<p>Disclaimer Contains Council Information © Frankston City Council. Reproduced by permission from the Business and Information Technology Department, Frankston City Council 2017. Contains VicMap information © State of Victoria, Department of Environment, Land, Water and Planning, 2017. Reproduced by permission. This material may be of assistance to you but Frankston City Council, the State of Victoria and their employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaim all liability for any error, loss or consequences which may arise from your relying on any information contained in this material. You are hereby notified that any use, dissemination, distribution or reproduction of this information is prohibited and must be used for personal use only. The information contained herein must not be used in any manner that could breach any criminal, federal, state or local law.</p>	<p>Projection: GDA94 / MGA zone 55 Scale: 1:1000 Date Printed: 8/06/2017 Time Printed: 12:41 PM Issued by: Tara Lambert</p>		
--	---	--	--



FRANKSTON SOUTH 6

Character Statement

Neighbourhood Character Precinct Brochure



DESCRIPTION

A suburban area with a considerable amount of native planting in gardens and road reserves, bordered to the west by the 'bush corridor' of the Sweetwater Creek and the reservoir bushland reserve. The area has streetscapes of mixed native and exotic gardens and front fence treatment, dwelling size and style, position on the site, presence of street trees and width of nature strip. The presence of remnant indigenous trees provides a visual link with nearby natural reserves. The bush planting has the potential to be strengthened as the predominant characteristic of the area, through the use of indigenous planting, particularly on larger sites.

Key Existing Characteristics

- Architecture is predominantly 1960s to present. Single storey with some streets predominantly 2 storey
- Materials are predominantly brick and tile
- Front setbacks vary between 5-6metres and 9-15 metres with mixed side setbacks, frequent garages on the boundary
- Generally established gardens with mixed vegetation and some low level gardens, and frequent trees
- Predominantly low open front fences, areas with none and occasionally high fences
- Medium to large regular street trees with irregular medium trees to south of the precinct
- Sealed roads with kerbs and footpaths on both sides of the street

COMMUNITY VALUES

The following aspects of the area are valued by the community:

- Attractive streetscapes and open street vistas
- Site coverage and front setbacks that enable maintenance and enhancement of established bush garden qualities of the area
- Panoramic views
- The use of natural building materials
- The creek environs
- Wildlife corridors, linkages to creek environment

PREFERRED NEIGHBOURHOOD CHARACTER STATEMENT

The bush garden settings of the dwellings are to be maintained, and the relationship of the area to the Sweetwater Creek environs is to be strengthened by:

- Encouraging retention of remnant indigenous vegetation and native canopy trees
- Ensuring space is available on private land for the planting of native/indigenous vegetation.
- Encouraging planting of indigenous vegetation in private gardens in areas visible from the public domain
- Ensuring buildings respect neighbouring front setbacks
- Maintaining a generous side setback on at least one side
- Limiting the proportion of site coverage and hard surfaces to allow planting of vegetation
- Maintaining low or transparent front fences, or absence of front fences, and minimal fences adjoining the creek
- Ensuring larger sites contribute more significantly to strengthening of the creek landscape and vegetation qualities
- Protecting and strengthening remnant indigenous vegetation in public reserves and the landscape features of the creek environs

Issues / Threats

- Boundary to boundary development
- High, solid front fences
- Extensive site coverage
- Loss of indigenous trees





FRANKSTON SOUTH 6

Design Guidelines

Neighbourhood Character Precinct Brochure

Character Element	Objective	Design Response	Avoid
Vegetation	<p>To encourage the extension of the Sweetwater Creek vegetation qualities into the surrounding residential area and to strengthen the garden settings of the dwellings.</p> <p>To encourage the retention and planting of indigenous vegetation.</p>	<p>Prepare a landscape plan to accompany all applications for new dwellings.</p> <p>Retain large native trees and provide for the planting of new native trees and understorey wherever possible. (Locate footings outside root zone.)</p> <p>Buildings should be setback sufficient distances from at least two boundaries to accommodate large trees.</p> <p>On sites larger than 700 square metres buildings should be setback substantial distances from all boundaries to accommodate large trees and other vegetation.</p>	<p>Lack of landscaping and substantial vegetation.</p> <p>Buildings that are setback insufficient distances from the specified number of boundaries to accommodate large trees.</p> <p>Removal of indigenous vegetation.</p>
Topography/landform	To minimise site disturbance and impact of the building on the landscape.	Buildings should be designed to follow the contours of the site or step down the site.	Major excavation works to accommodate dwellings or associated buildings and works.
Siting	<p>To reflect the rhythm of existing dwelling spacing.</p> <p>To minimise loss of front garden space and the dominance of car storage facilities.</p>	<p>Buildings should be sited to create the appearance of space by providing setbacks on at least one side boundary and to reflect the existing spacing of buildings in the street.</p> <p>On lots greater than 700 square metres, buildings should be sited to create the appearance of space by providing setbacks on both side boundaries and the rear boundary, and to reflect the existing spacing of buildings in the street.</p> <p>Locate garages and carports to the side or rear, behind the line of the front dwelling.</p> <p>Minimise paving in front yards, including the driveway.</p>	<p>Boundary to boundary development.</p> <p>Buildings on the boundary on sites larger than 700 sq. m.</p> <p>Extensive use of hard surfaces. Garages and carports forward of the dwelling.</p> <p>New driveways, crossings and paving in front yard.</p>
Site coverage	To ensure that adequate space is available on site for retention and planting of vegetation.	Minimise building site coverage.	Site coverage of more than 50%
Front boundary treatment	To maintain the openness of the streetscape.	Provide no front fences or low, open style front fences, other than along heavily trafficked roads.	High, solid front fencing.
Creek environs	To enhance the residential interface with the creek environment on sites adjacent to the creek.	<p>Where a site adjoins Sweetwater Creek:</p> <ul style="list-style-type: none"> • Building mass should be located on the lot away from the creek. • Building should be set back at least 10 metres from the creek reserve boundary or from any slope of 10% or greater. • Minimise hard surfaces on sites adjoining the creek environment. • Encourage no or low fences on creek boundary. High fences should be transparent or mesh. 	<p>Buildings located on the rear boundary.</p> <p>Buildings sited where they would be highly visible from the creek reserve.</p> <p>Solid rear fences fronting the creekside environment.</p> <p>High, solid front fencing.</p> <p>Planting of weed species.</p>

The Objectives define the intention of each Character Element. The Design Responses are assumed to satisfy the relevant Objective. Other Design Responses that meet the Objective may be considered. Refer to the Frankston Planning Scheme for other requirements.

ADVERTISED
10059

PROPOSED MULTI UNIT DEVELOPMENT @ No. 67 LAWSON AVENUE, FRANKSTON SOUTH

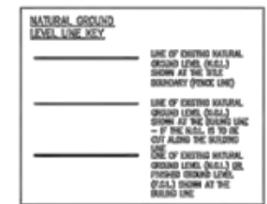
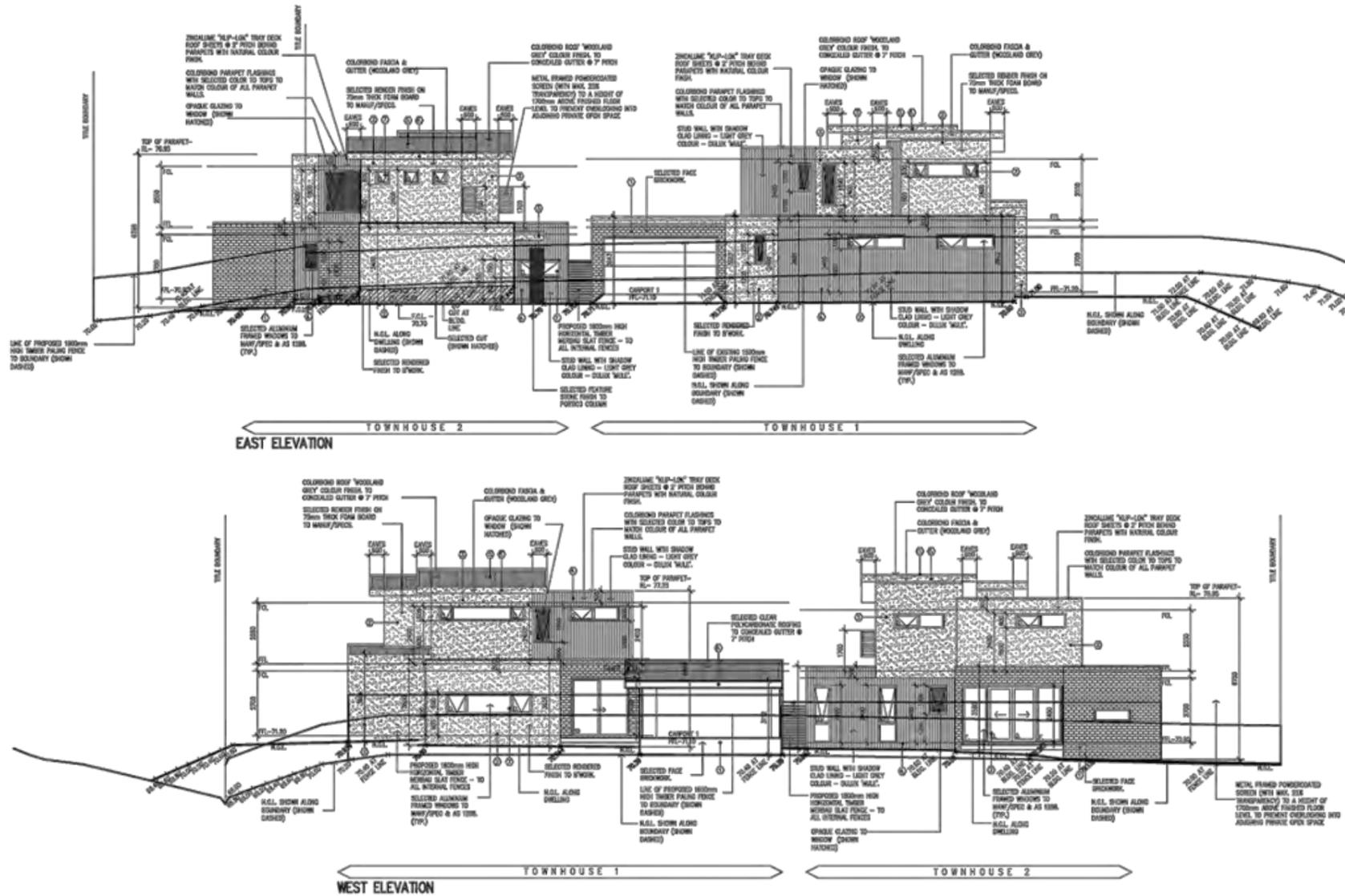
TOWN PLANNING
SUBMISSION
REVISION E



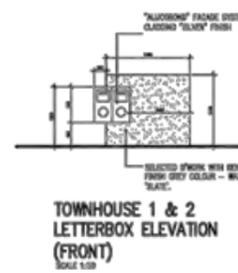
architectural design & building consultants
building design
planning
documentation

suite 1, level 1,
459 nepean highway,
frankston, 3199, victoria.
tel (03) 9770-6766
fax (03) 9770-6696

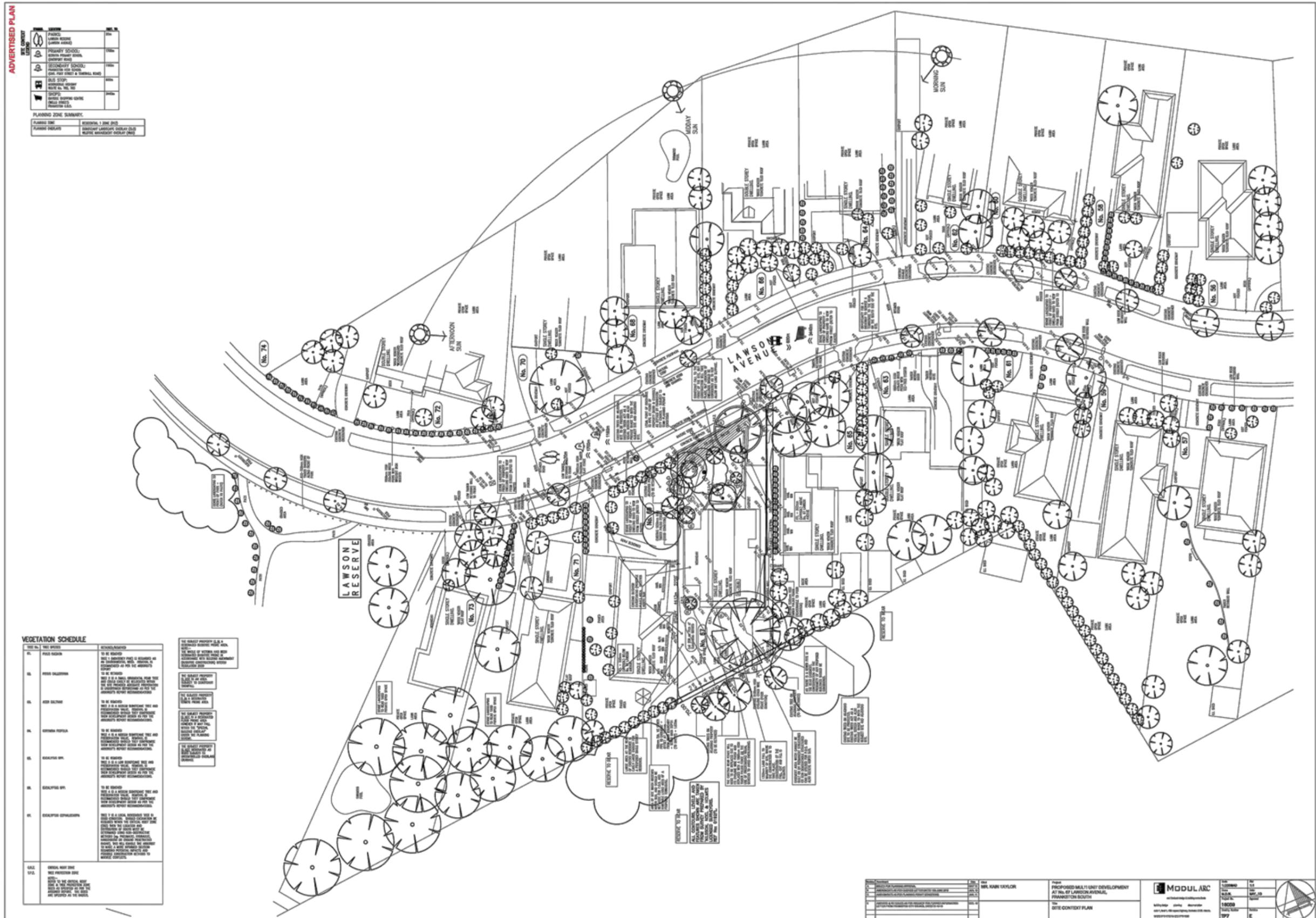
ADVERTISED PLAN



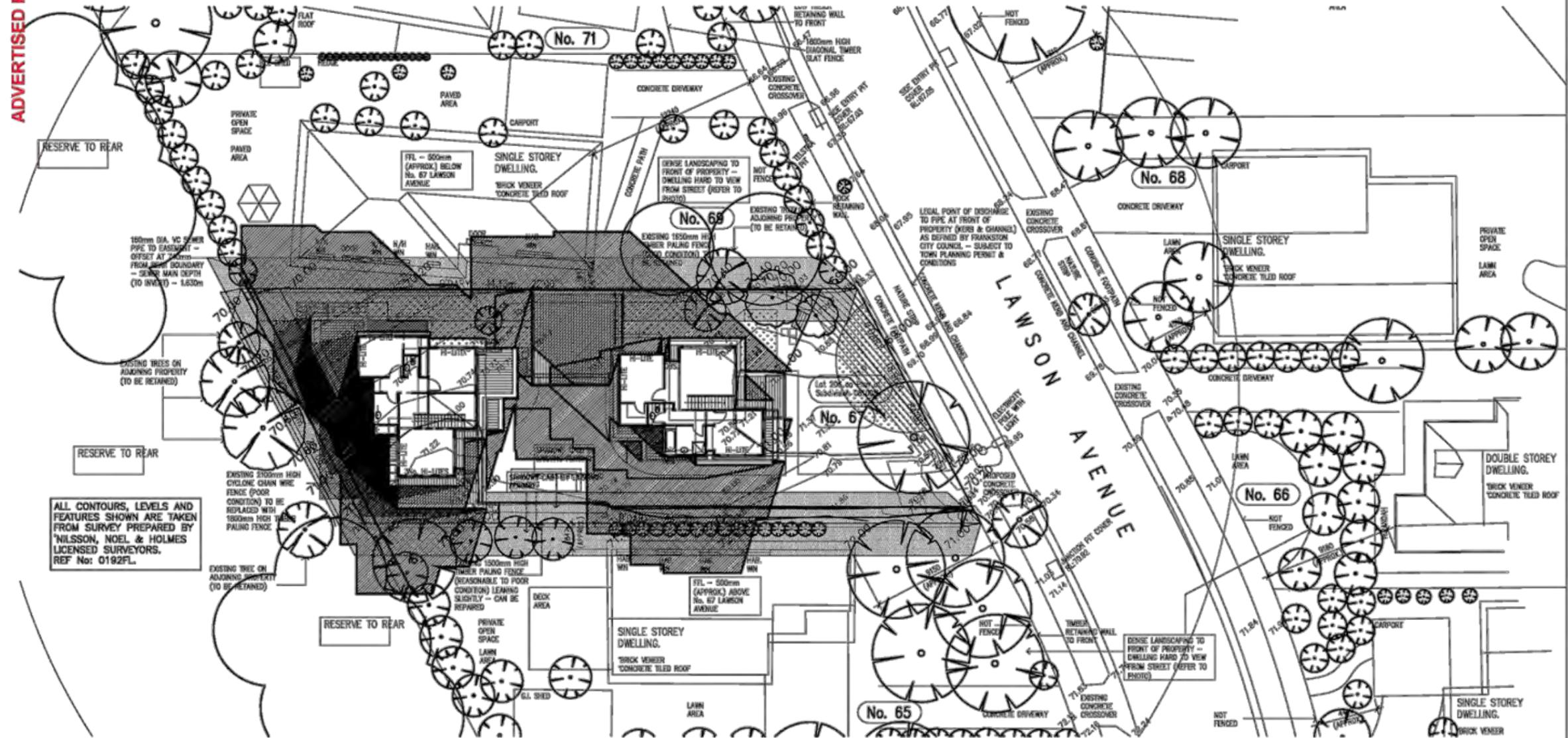
- FINISHES SCHEDULE**
- WALLS**
- BRICK VENEER WALL WITH WIRE CUT FACE BRICKWORK FINISH TO THOSE BY AUSTRAL STANDARDS
 - BRICK VENEER WALL WITH CLADDING WITH BRICK FINISH LIGHT GREY COLOR - SILVER WALL
 - BRICK VENEER WALL WITH CLADDING WITH BRICK FINISH DARK GREY COLOR - SILVER WALL
 - STUD WALL WITH SHADOW GLAZING - LIGHT GREY COLOR - SILVER WALL
- ROOFING**
- COLORBOND ROOF 'WOODLAND GREY' COLOR FINISH TO CORRUGATED GUTTER @ 7 FEET
 - FASCIA 'WOODLAND GREY' COLOR FINISH
- WINDOWS/DOORS**
- ALUMINUM FRAME WITH 'WOODLAND GREY' COLOR FINISH



<table border="1"> <tr> <th>Rev</th> <th>Description</th> <th>Date</th> <th>By</th> </tr> <tr> <td>1</td> <td>ISSUED FOR PLANNING APPROVAL</td> <td>10/07/17</td> <td>MR. KAIN TAYLOR</td> </tr> <tr> <td>2</td> <td>AMENDMENTS FOR APPROVED LETTER NOTED IMP-17-010</td> <td>20/07/17</td> <td></td> </tr> <tr> <td>3</td> <td>AMENDMENTS FOR APPROVED LETTER NOTED IMP-17-010</td> <td>20/07/17</td> <td></td> </tr> <tr> <td>4</td> <td>AMENDMENTS FOR APPROVED LETTER NOTED IMP-17-010</td> <td>20/07/17</td> <td></td> </tr> <tr> <td>5</td> <td>AMENDMENTS FOR APPROVED LETTER NOTED IMP-17-010</td> <td>20/07/17</td> <td></td> </tr> </table>	Rev	Description	Date	By	1	ISSUED FOR PLANNING APPROVAL	10/07/17	MR. KAIN TAYLOR	2	AMENDMENTS FOR APPROVED LETTER NOTED IMP-17-010	20/07/17		3	AMENDMENTS FOR APPROVED LETTER NOTED IMP-17-010	20/07/17		4	AMENDMENTS FOR APPROVED LETTER NOTED IMP-17-010	20/07/17		5	AMENDMENTS FOR APPROVED LETTER NOTED IMP-17-010	20/07/17		<p>Project: PROPOSED MULTI UNIT DEVELOPMENT AT No. 67 LAWSON AVENUE, FRANKSTON SOUTH</p> <p>Site: PROPOSED ELEVATIONS - SHEET 1/ LETTERBOX DETAILS</p>	<p>Modularc 47/Donna Road, Frankston South 18050 TP4</p>	<p>Scale: 1:100, 1:200, 1:500, 1:10 Date: 03/07/17 Drawing No: 18050 Drawing Title: TP4</p>
Rev	Description	Date	By																								
1	ISSUED FOR PLANNING APPROVAL	10/07/17	MR. KAIN TAYLOR																								
2	AMENDMENTS FOR APPROVED LETTER NOTED IMP-17-010	20/07/17																									
3	AMENDMENTS FOR APPROVED LETTER NOTED IMP-17-010	20/07/17																									
4	AMENDMENTS FOR APPROVED LETTER NOTED IMP-17-010	20/07/17																									
5	AMENDMENTS FOR APPROVED LETTER NOTED IMP-17-010	20/07/17																									



ADVERTISED PLAN



ALL CONTOURS, LEVELS AND FEATURES SHOWN ARE TAKEN FROM SURVEY PREPARED BY NILSSON, NOEL & HOLMES LICENSED SURVEYORS. REF No: 0192FL.

SHADOWS KEY

- DENOTES PROPOSED SHADOWS - FROM RESIDENCE
- DENOTES PROPOSED SHADOWS - FROM FENCE

Revision	Description	Date	Drawn
A	ISSUED FOR PLANNING APPROVAL	MAY 10	MR. KAIN TAYLOR
B	AMENDMENTS AS PER QUORUM LETTER DATED 19th JUNE 2016	JUNE 10	
C	AMENDMENTS AS PER PLANNING PERMIT CONDITIONS	JAN 11	
E	AMENDED & RE-ISSUED AS PER REQUEST FOR FURTHER INFORMATION LETTER FROM FRANKSTON CITY COUNCIL DATED 21-10-16	DEC 16	

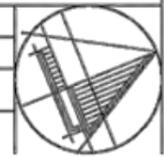
Project
PROPOSED MULTI UNIT DEVELOPMENT AT No. 67 LAWSON AVENUE, FRANKSTON SOUTH

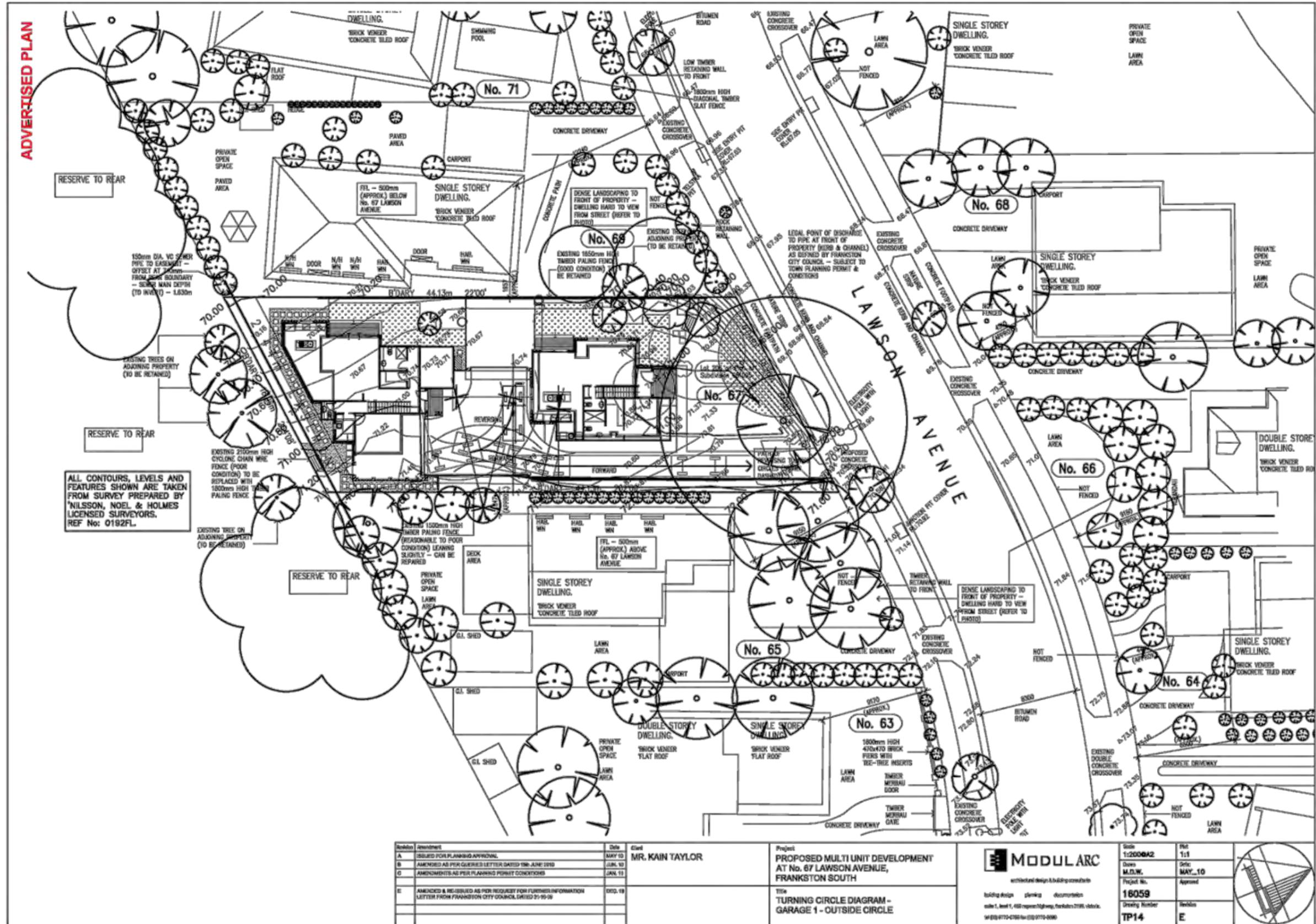
Title
SHADOW DIAGRAM - SEPTEMBER 22nd - 12pm

MODULARC
 architectural design & building consultants

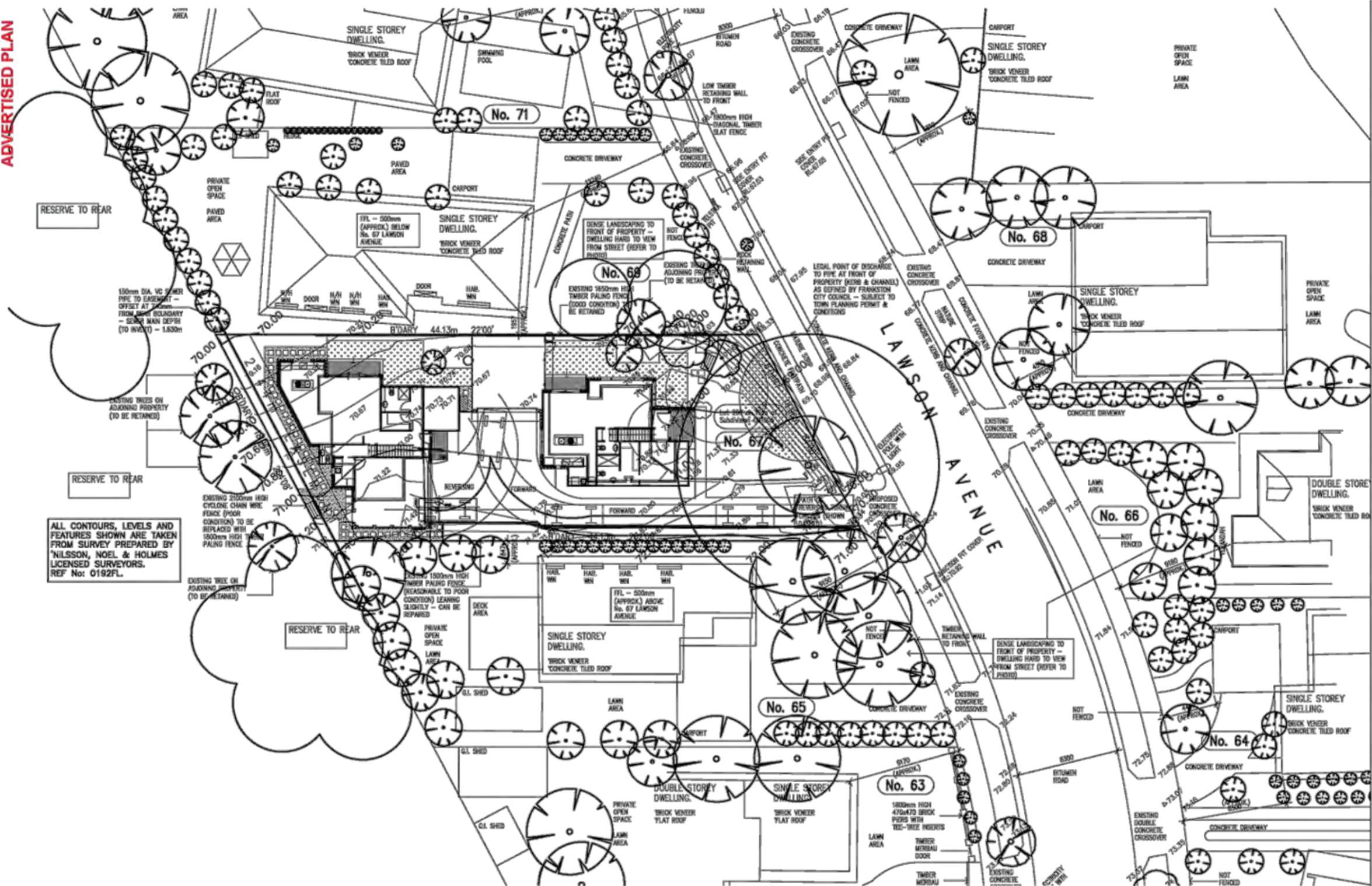
Building design planning documentation
 10/11, level 1, 488 Upper Highway, Frankston 3199, Victoria
 Tel: 03 9770 4700 Fax: 03 9770 4700

Scale	Plot
1:2500#A2	1:1
Date	Site
M.D.W.	MAY_10
Project No.	Approved
18059	
Drawing Number	Revision
TP10	E





ADVERTISED PLAN



ALL CONTOURS, LEVELS AND FEATURES SHOWN ARE TAKEN FROM SURVEY PREPARED BY NILSSON, NOEL & HOLMES LICENSED SURVEYORS. REF No: 0192FL.

Revision	Description	Date	Drawn
A	ISSUED FOR PLANNING APPROVAL	MAY 10	MR. KAIN TAYLOR
B	AMENDED AS PER QUERIES LETTER DATED 19th JUNE 2016	JUN 10	
C	AMENDMENTS AS PER PLANNING PERMIT CONDITIONS	JAN 11	
E	AMENDED & RE-ISSUED AS PER REQUEST FOR FURTHER INFORMATION LETTER FROM FRANKSTON CITY COUNCIL DATED 27-05-16	SEP 16	

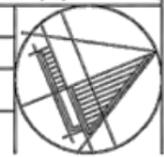
Project
**PROPOSED MULTI UNIT DEVELOPMENT
 AT No. 67 LAWSON AVENUE,
 FRANKSTON SOUTH**

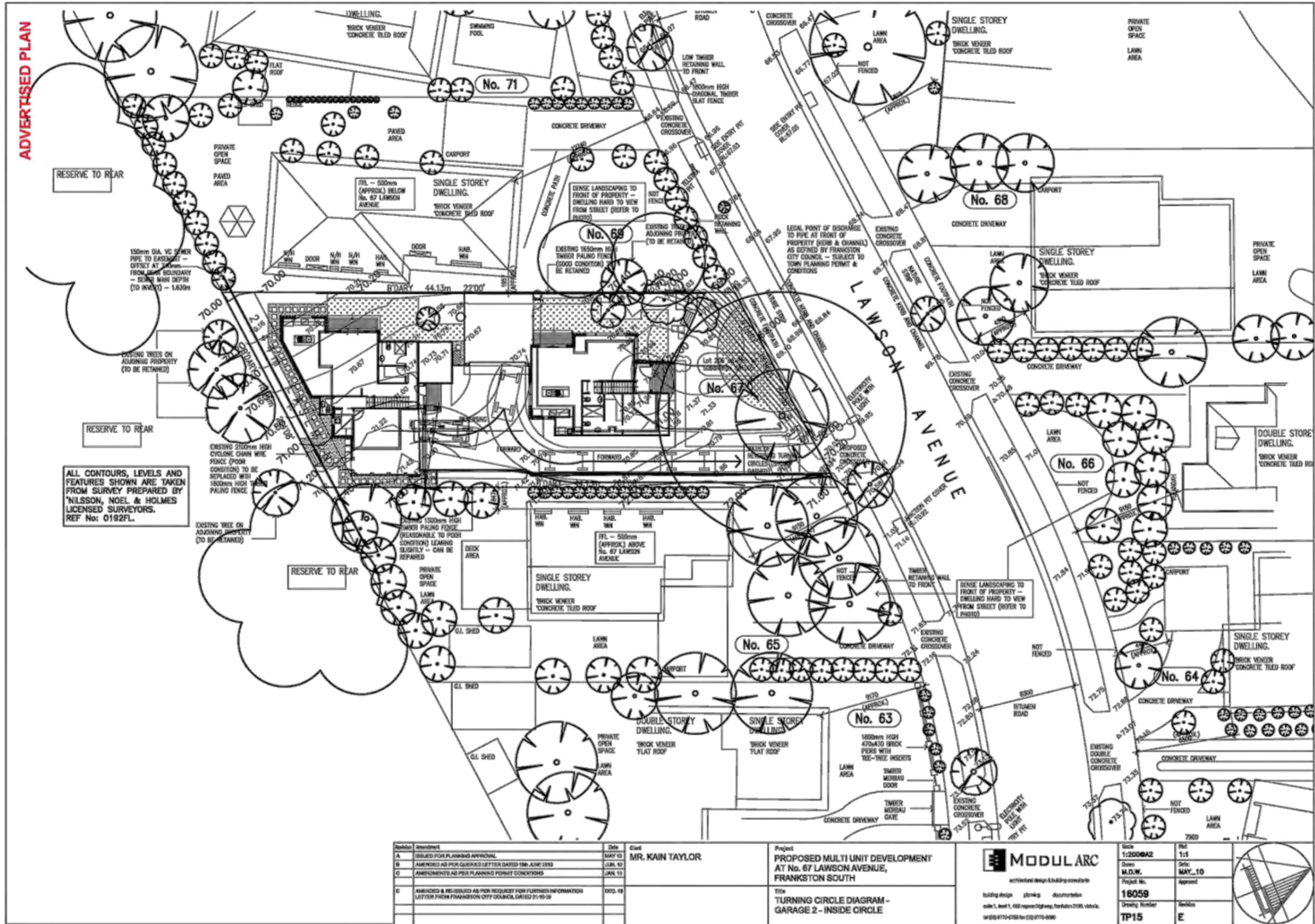
Title
**TURNING CIRCLE DIAGRAM -
 GARAGE 2 - OUTSIDE CIRCLE**

MODULARC
 architectural design & building construction

building design planning documentation
 solar 1, level 1, 400 murray highway, frankston 3199, victoria
 tel 03 9770 0700 fax 03 9770 0898

Scale	1:200
Drawn	M.D.K.
Project No.	18059
Drawing Number	TP16





ALL CONTOURS, LEVELS AND FEATURES SHOWN ARE TAKEN FROM SURVEY PREPARED BY 'NILSSON, NOEL & HOLMES LICENSED SURVEYORS. REF No: 0192FL.

Revisions	Description	Date	Drawn
A	ISSUED FOR PLANNING APPROVAL	MAY 10	MR. KAIN TAYLOR
B	AMENDED AS PER QUERIES LETTER DATED 08-JUNE-2016	JUNE 10	
C	AMENDMENTS AS PER PLANNING PERMIT CONDITIONS	JAN. 11	
E	AMENDED & RE-ISSUED AS PER REQUEST FOR FURTHER INFORMATION LETTER FROM FRANKSTON CITY COUNCIL DATED 27-05-16	SEP. 16	

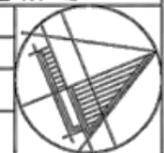
Project
**PROPOSED MULTI UNIT DEVELOPMENT
 AT No. 67 LAWSON AVENUE,
 FRANKSTON SOUTH**

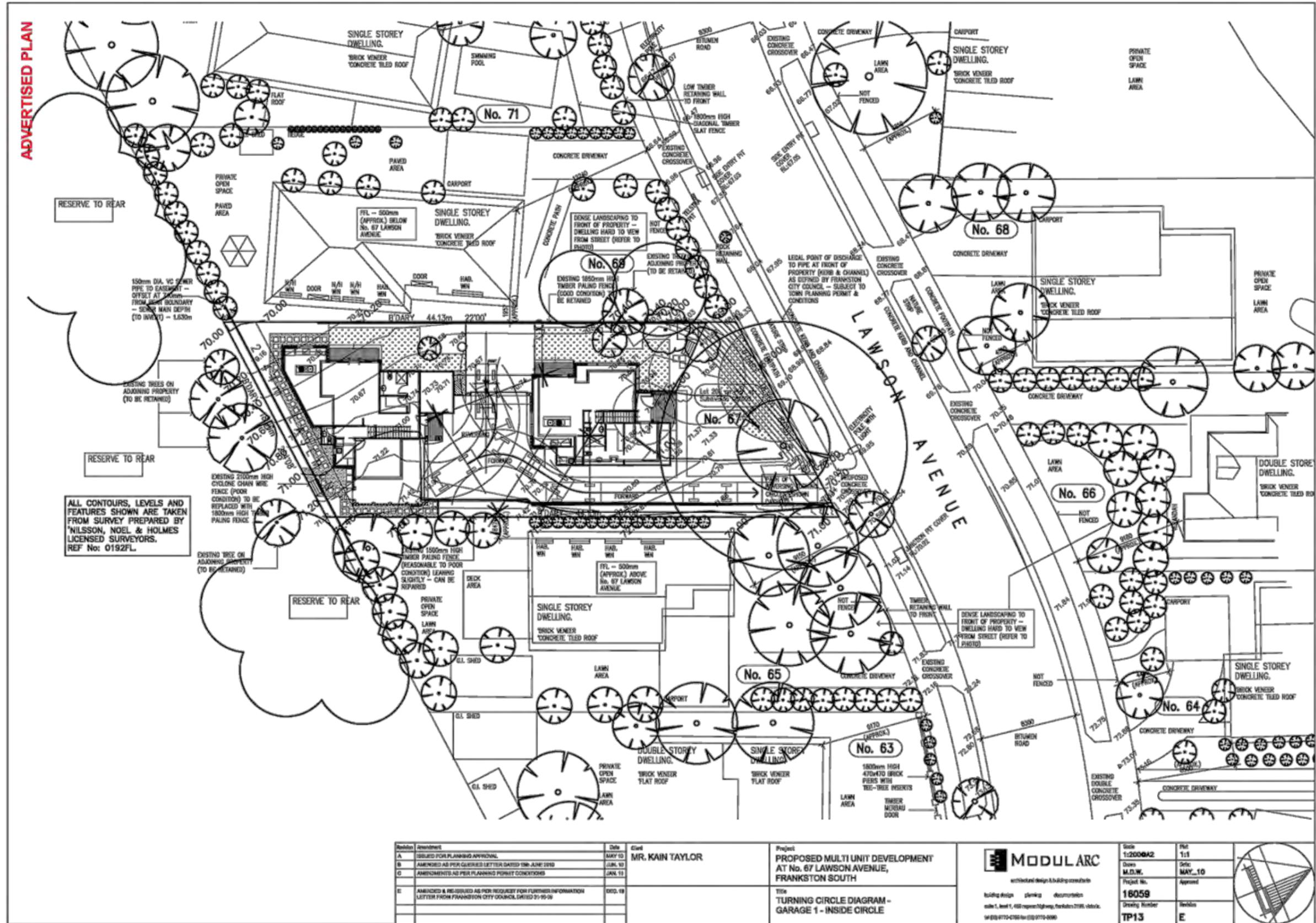
Title
**TURNING CIRCLE DIAGRAM -
 GARAGE 2 - INSIDE CIRCLE**

MODULARC
 residential design & building consultants

building design planning decoration
 solar 1, level 1, 400 spears highway, frankston 3199, victoria.
 tel 039 4710 4100 fax 039 4710 4000

Scale	1:2000A2	Plot	1:1
Date	M.D.K.	Site	MAY_10
Project No.	18059	Approved	
Drawing Number	TP15	Revised	E





ADVERTISED PLAN

ALL CONTOURS, LEVELS AND FEATURES SHOWN ARE TAKEN FROM SURVEY PREPARED BY NILSSON, NOEL & HOLMES LICENSED SURVEYORS. REF No: 0192FL.

Revision	Description	Date	Drawn
A	ISSUED FOR PLANNING APPROVAL	MAY 10	MR. KAIN TAYLOR
B	AMENDED AS PER COUNCIL LETTER DATED 19th JUNE 2016	JUN 10	
C	AMENDMENTS AS PER PLANNING PERMIT CONDITIONS	JAN 11	
E	AMENDED & RE-ISSUED AS PER REQUEST FOR FURTHER INFORMATION LETTER FROM FRANKSTON CITY COUNCIL DATED 21-10-16	SEP 16	

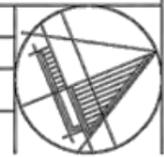
Project
**PROPOSED MULTI UNIT DEVELOPMENT
 AT No. 67 LAWSON AVENUE,
 FRANKSTON SOUTH**

Title
**TURNING CIRCLE DIAGRAM -
 GARAGE 1 - INSIDE CIRCLE**

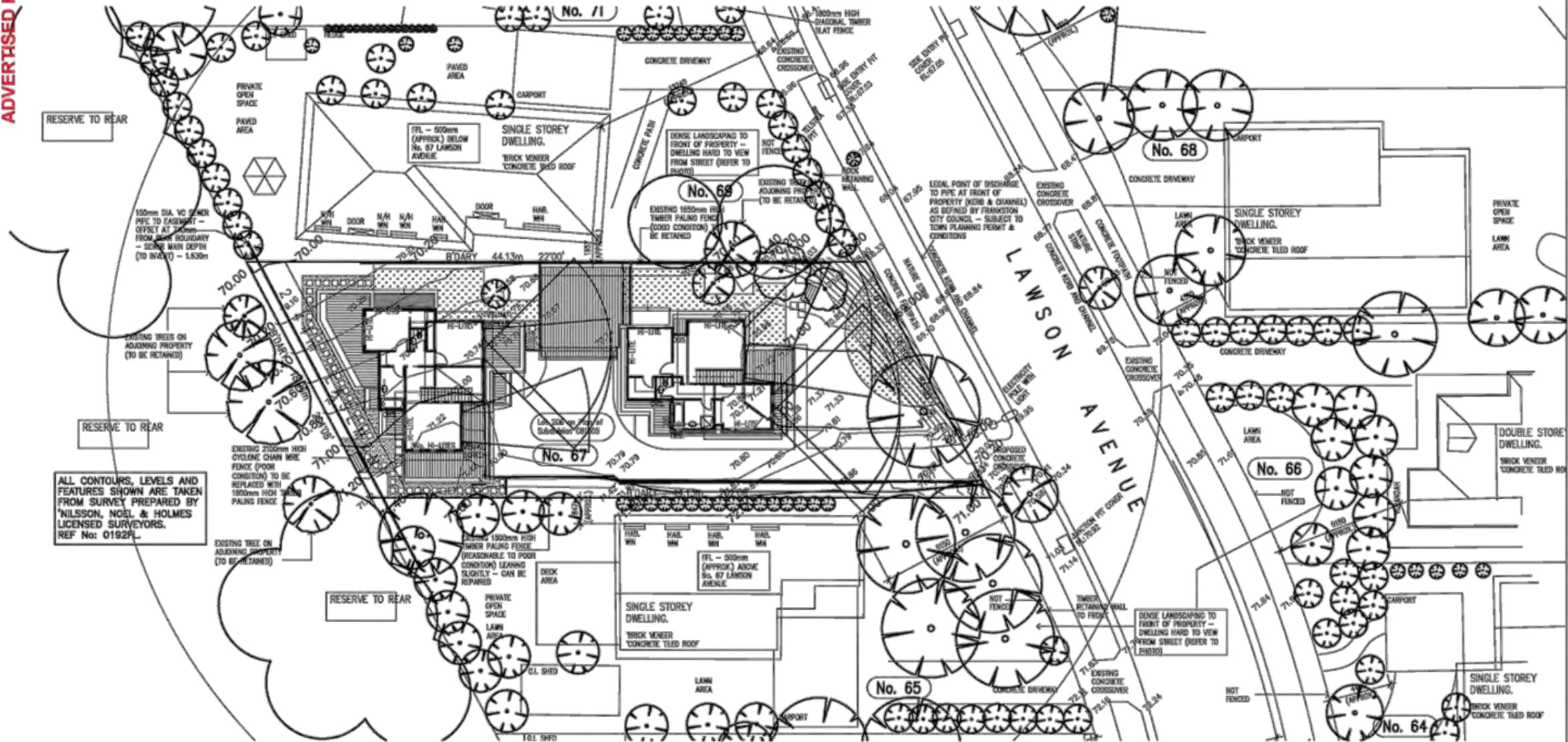
MODULARC
 architectural design & building construction

building design planning decoration
 color 1, level 1, 400 mpaen highway, frankston 3199, victoria
 tel 03 9770 0100 fax 03 9770 0100

Scale	Plot
1:2000A2	1:1
Drawn	Date
M.D.K.	MAY 10
Project No.	Approved
18059	
Drawing Number	Revision
TP13	E



ADVERTISED PLAN



OVERLOOKING - 9m RADII
 OVERLOOKING COMPLIES DUE TO FENCE HEIGHT AT 1700mm HIGH. SITE CONDITIONS & FALL OF LAND MUST BE CHECKED TO ENSURE HEIGHT COMPLIES WITH EXISTING TREE AND GARAGE. (DO PARTIAL BLOCKING)

Revision	Description	Date	Drawn
A	ISSUED FOR PLANNING APPROVAL	MAY 10	MR. KAIN TAYLOR
B	AMENDMENTS AS PER QUORUM LETTER DATED 19th JUNE 2016	23rd 10	
C	AMENDMENTS AS PER PLANNING PERMIT CONDITIONS	JAN 11	
E	AMENDED & RE-ISSUED AS PER REQUEST FOR FURTHER INFORMATION LETTER FROM FRANKSTON CITY COUNCIL DATED 27-10-16	02nd 16	

Project
**PROPOSED MULTI UNIT DEVELOPMENT
 AT No. 67 LAWSON AVENUE,
 FRANKSTON SOUTH**

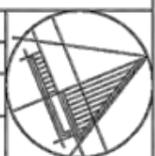
Title
OVERLOOKING DIAGRAM

Project
**PROPOSED MULTI UNIT DEVELOPMENT
 AT No. 67 LAWSON AVENUE,
 FRANKSTON SOUTH**

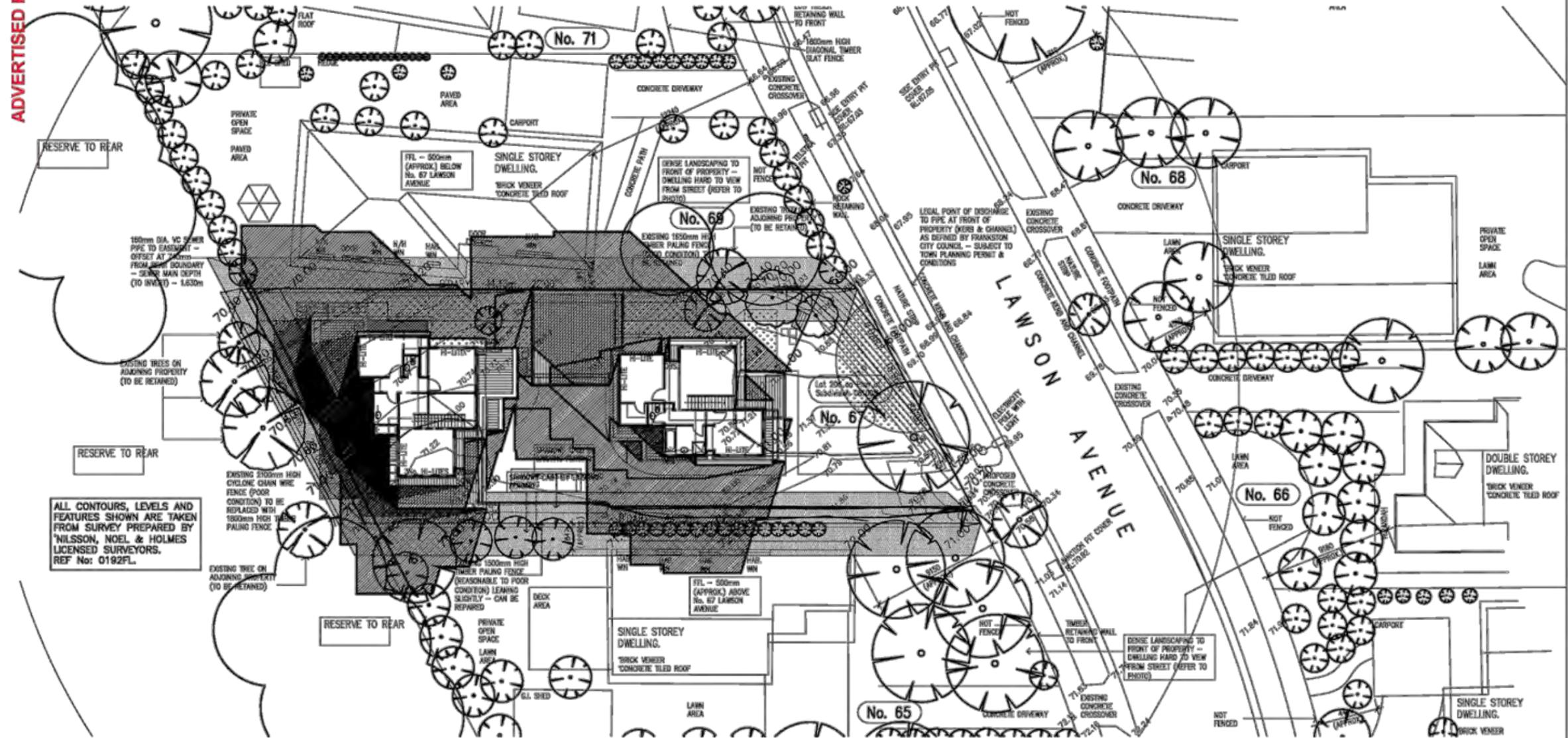
Title
OVERLOOKING DIAGRAM

MODULARC
 modular design & building consultants
 modular design | planning | development
 suite 1, level 1, 400 murray highway, frankston 3199, victoria
 tel: 03 9710 4100 | fax: 03 9710 4100

Scale 1:2500#A2	Plot 1:1
Date M.D.W.	Site MAY_10
Project No. 18059	Approved
Drawing Number TP12	Revision E



ADVERTISED PLAN



ALL CONTOURS, LEVELS AND FEATURES SHOWN ARE TAKEN FROM SURVEY PREPARED BY NILSSON, NOEL & HOLMES LICENSED SURVEYORS. REF No: 0192FL.

SHADOWS KEY

- DENOTES PROPOSED SHADOWS - FROM RESIDENCE
- DENOTES PROPOSED SHADOWS - FROM FENCE

Revision	Description	Date	Drawn
A	ISSUED FOR PLANNING APPROVAL	MAY 10	MR. KAIN TAYLOR
B	AMENDMENTS AS PER QUORUM LETTER DATED 19th JUNE 2016	22nd 10	
C	AMENDMENTS AS PER PLANNING PERMIT CONDITIONS	JAN 11	
E	AMENDED & RE-ISSUED AS PER REQUEST FOR FURTHER INFORMATION LETTER FROM FRANKSTON CITY COUNCIL DATED 21-10-16	SEP 16	

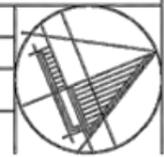
Project
PROPOSED MULTI UNIT DEVELOPMENT AT No. 67 LAWSON AVENUE, FRANKSTON SOUTH

Title
SHADOW DIAGRAM - SEPTEMBER 22nd - 3pm

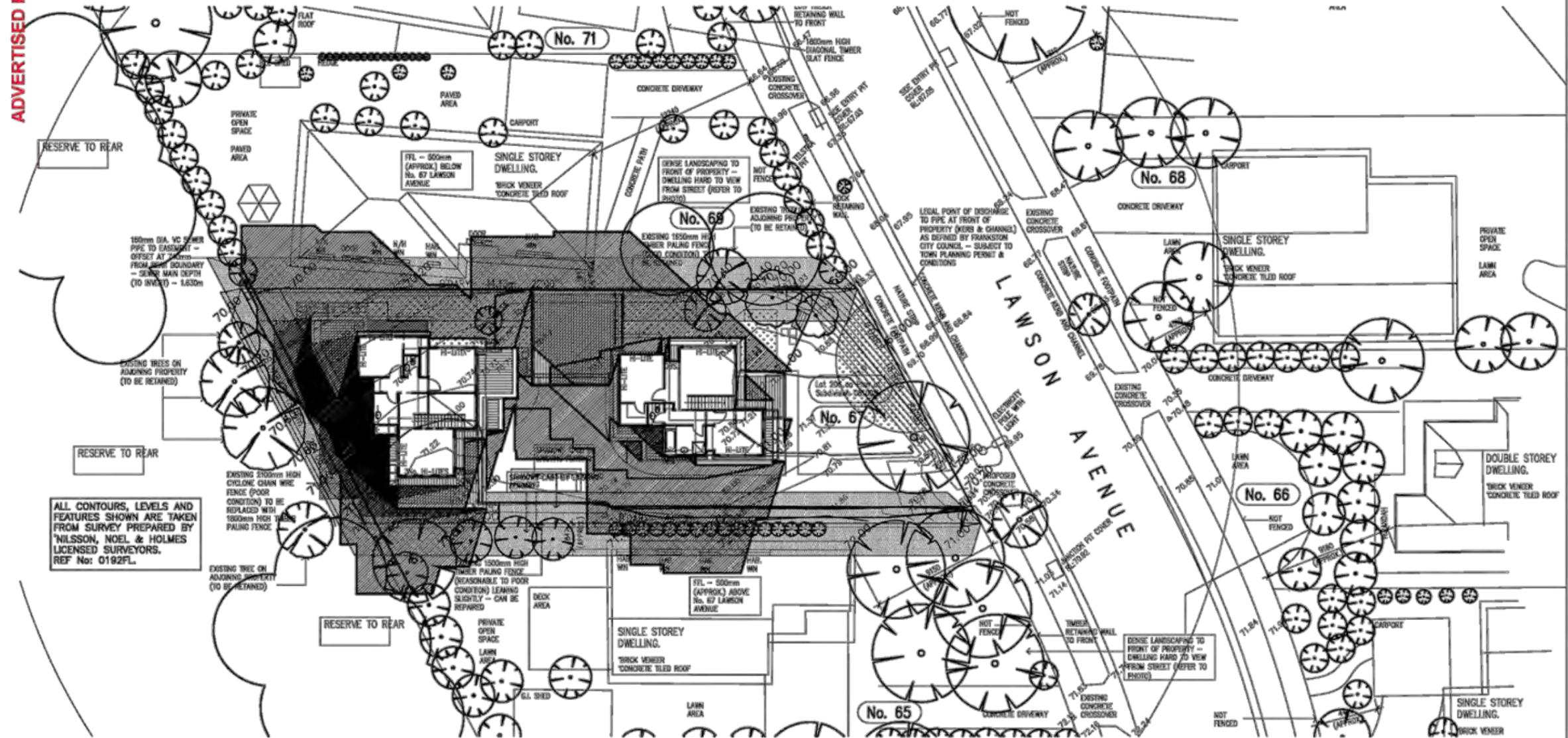
MODULARC
 architectural design & building consultants

Building design planning documentation
 10/11, level 1, 488 - 500 Highway, Frankston 3199, Victoria
 Tel: 03 9770 4700 Fax: 03 9770 4700

Scale	1:2500#A2	Plot	1:1
Date	M.D.W.	Site	MAY_10
Project No.	18059	Approved	
Drawing Number	TP11	Revised	E



ADVERTISED PLAN



ALL CONTOURS, LEVELS AND FEATURES SHOWN ARE TAKEN FROM SURVEY PREPARED BY NILSSON, NOEL & HOLMES LICENSED SURVEYORS. REF No: 0192FL.

SHADOWS KEY

- DENOTES PROPOSED SHADOWS - FROM RESIDENCE
- DENOTES PROPOSED SHADOWS - FROM FENCE

Revision	Description	Date	Drawn
A	ISSUED FOR PLANNING APPROVAL	MAY 10	MR. KAIN TAYLOR
B	AMENDMENTS AS PER QUORUM LETTER DATED 19th JUNE 2016	JUNE 10	
C	AMENDMENTS AS PER PLANNING PERMIT CONDITIONS	JAN 11	
E	AMENDED & RE-ISSUED AS PER REQUEST FOR FURTHER INFORMATION LETTER FROM FRANKSTON CITY COUNCIL DATED 21-10-16	DEC 16	

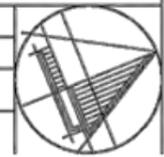
Project
PROPOSED MULTI UNIT DEVELOPMENT AT No. 67 LAWSON AVENUE, FRANKSTON SOUTH

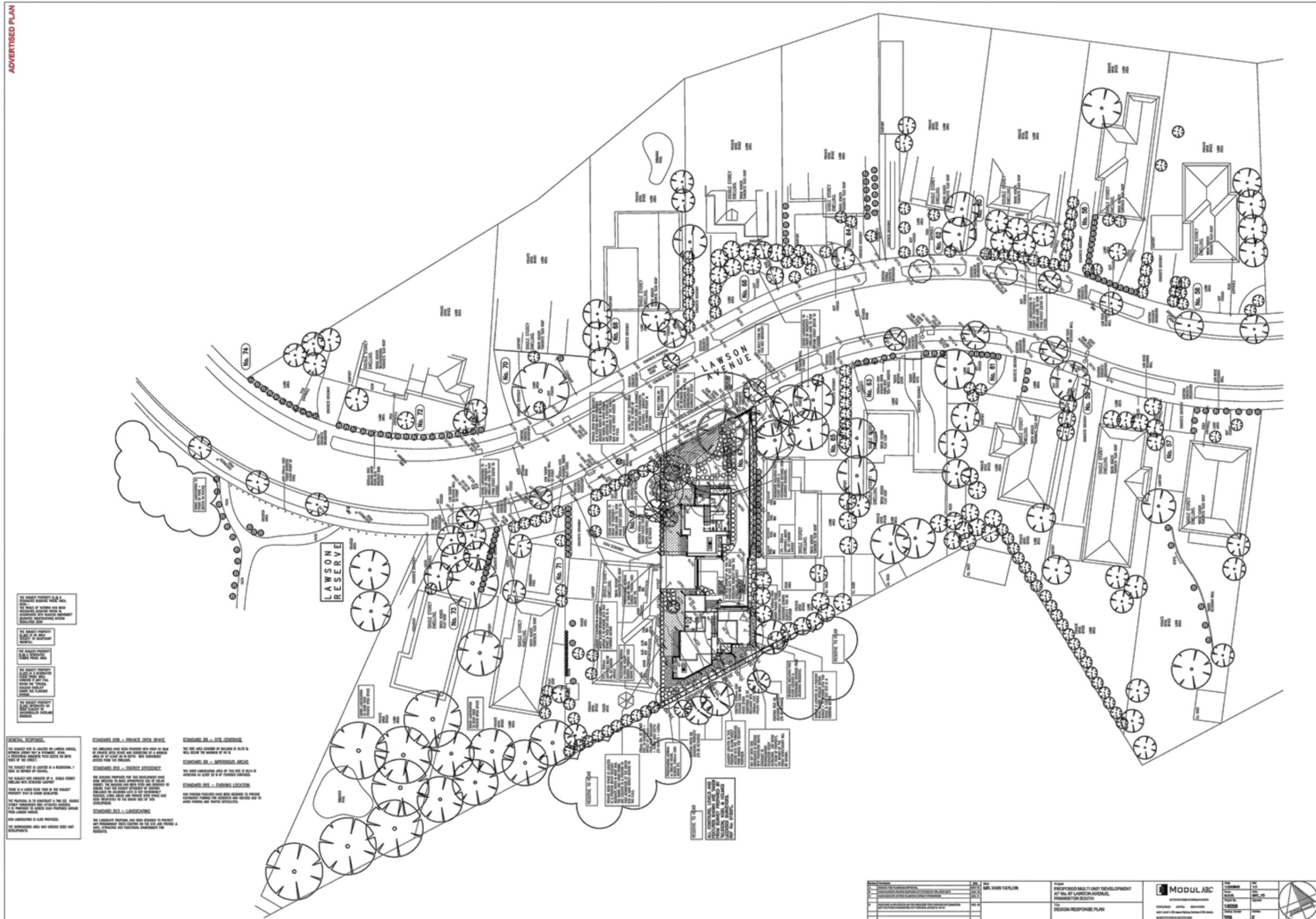
Title
SHADOW DIAGRAM - SEPTEMBER 22nd - 9am

MODULARC
 architectural design & building consultation

Building design planning documentation
 10/11, level 1, 488 seaport highway, frankston 3199, victoria
 tel: 03 9770 4700 fax: 03 9770 4700

Scale 1:2500	Plot 1:1
Date M.D.J.	Site MAY_10
Project No. 18059	Approved
Drawing Number TP9	Revision E





THE SUBJECT PROPERTY IS A
 SUBSTANTIAL PORTION OF THE
 BLOCK OF LAND AND IS
 BOUNDARY WITH THE ADJACENT
 PROPERTY TO THE NORTH
 AND EAST.

THE SUBJECT PROPERTY IS A
 SUBSTANTIAL PORTION OF THE
 BLOCK OF LAND AND IS
 BOUNDARY WITH THE ADJACENT
 PROPERTY TO THE NORTH
 AND EAST.

THE SUBJECT PROPERTY IS A
 SUBSTANTIAL PORTION OF THE
 BLOCK OF LAND AND IS
 BOUNDARY WITH THE ADJACENT
 PROPERTY TO THE NORTH
 AND EAST.

THE SUBJECT PROPERTY IS A
 SUBSTANTIAL PORTION OF THE
 BLOCK OF LAND AND IS
 BOUNDARY WITH THE ADJACENT
 PROPERTY TO THE NORTH
 AND EAST.

GENERAL RESPONSE
 THE SUBJECT SITE IS LOCATED ON LAWSON AVENUE, FRANKSTON SOUTH 3199. THE SITE IS A RESIDENTIAL ZONED AREA AND IS BOUNDARY WITH THE ADJACENT PROPERTY TO THE NORTH AND EAST. THE SITE IS A RESIDENTIAL ZONED AREA AND IS BOUNDARY WITH THE ADJACENT PROPERTY TO THE NORTH AND EAST. THE SITE IS A RESIDENTIAL ZONED AREA AND IS BOUNDARY WITH THE ADJACENT PROPERTY TO THE NORTH AND EAST. THE SITE IS A RESIDENTIAL ZONED AREA AND IS BOUNDARY WITH THE ADJACENT PROPERTY TO THE NORTH AND EAST.

STANDARD 001 - PRIVATE OPEN SPACE
 THE PROPOSED DEVELOPMENT HAS BEEN PROVIDED WITH OPEN SPACE OF AT LEAST 10% OF THE TOTAL AREA OF THE SITE. THE OPEN SPACE IS BOUNDARY WITH THE ADJACENT PROPERTY TO THE NORTH AND EAST. THE OPEN SPACE IS BOUNDARY WITH THE ADJACENT PROPERTY TO THE NORTH AND EAST. THE OPEN SPACE IS BOUNDARY WITH THE ADJACENT PROPERTY TO THE NORTH AND EAST.

STANDARD 002 - SITE COVERAGE
 THE SITE AREA COVERED BY BUILDING IS 10% OF THE TOTAL AREA OF THE SITE. THE BUILDING IS BOUNDARY WITH THE ADJACENT PROPERTY TO THE NORTH AND EAST. THE BUILDING IS BOUNDARY WITH THE ADJACENT PROPERTY TO THE NORTH AND EAST. THE BUILDING IS BOUNDARY WITH THE ADJACENT PROPERTY TO THE NORTH AND EAST.

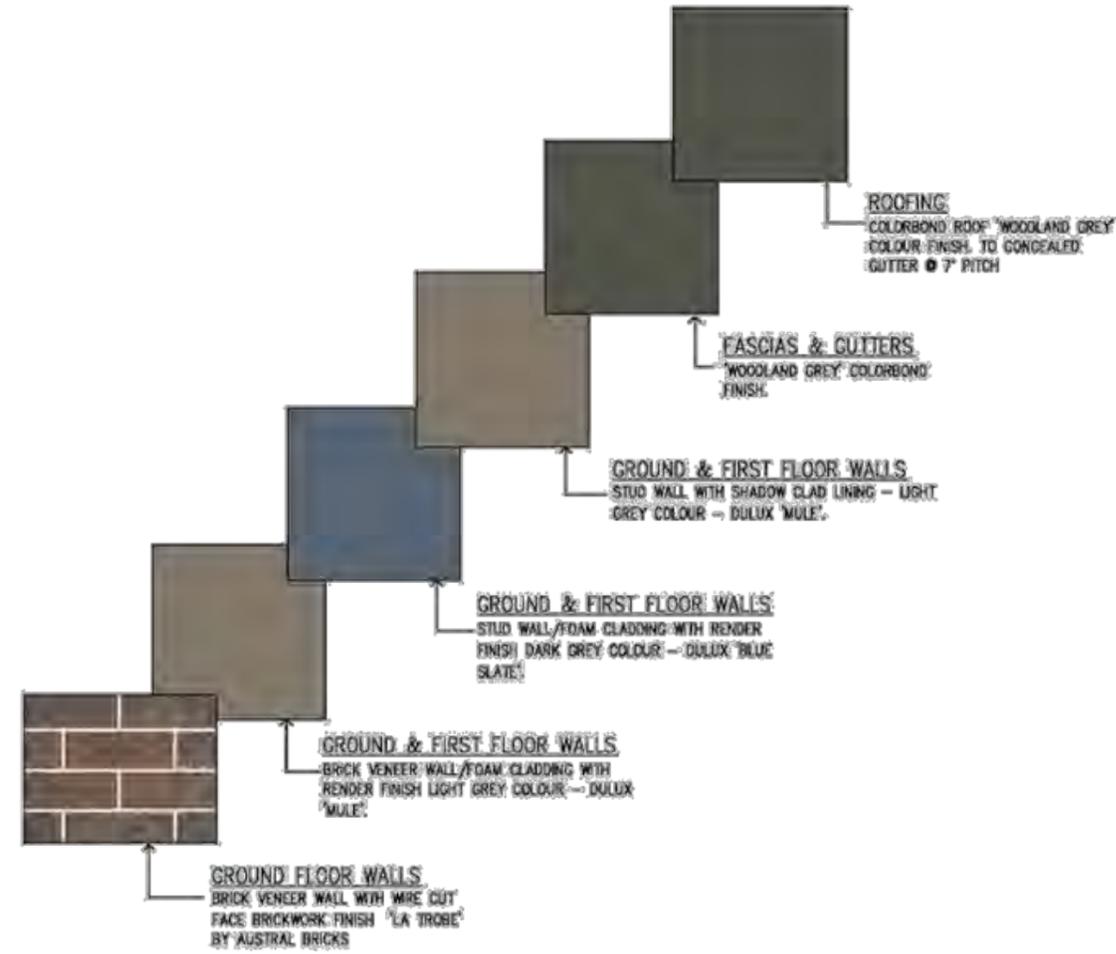
STANDARD 003 - INFILTRATION AREAS
 THE PROPOSED DEVELOPMENT HAS BEEN PROVIDED WITH INFILTRATION AREAS OF AT LEAST 10% OF THE TOTAL AREA OF THE SITE. THE INFILTRATION AREAS ARE BOUNDARY WITH THE ADJACENT PROPERTY TO THE NORTH AND EAST. THE INFILTRATION AREAS ARE BOUNDARY WITH THE ADJACENT PROPERTY TO THE NORTH AND EAST. THE INFILTRATION AREAS ARE BOUNDARY WITH THE ADJACENT PROPERTY TO THE NORTH AND EAST.

STANDARD 004 - FENCING LOCATION
 THE PROPOSED DEVELOPMENT HAS BEEN PROVIDED WITH FENCING LOCATED AT THE PERIMETER OF THE SITE. THE FENCING IS BOUNDARY WITH THE ADJACENT PROPERTY TO THE NORTH AND EAST. THE FENCING IS BOUNDARY WITH THE ADJACENT PROPERTY TO THE NORTH AND EAST. THE FENCING IS BOUNDARY WITH THE ADJACENT PROPERTY TO THE NORTH AND EAST.

STANDARD 005 - LANDSCAPING
 THE PROPOSED DEVELOPMENT HAS BEEN PROVIDED WITH LANDSCAPING OF AT LEAST 10% OF THE TOTAL AREA OF THE SITE. THE LANDSCAPING IS BOUNDARY WITH THE ADJACENT PROPERTY TO THE NORTH AND EAST. THE LANDSCAPING IS BOUNDARY WITH THE ADJACENT PROPERTY TO THE NORTH AND EAST. THE LANDSCAPING IS BOUNDARY WITH THE ADJACENT PROPERTY TO THE NORTH AND EAST.

Project Name	Proposed Multi Unit Development at No. 67 Lawson Avenue, Frankston South	Client	MPL KIAN TAYLOR
Project No.	505/2016/P	Scale	1:1000
Project Address	67 Lawson Avenue, Frankston South 3199	Date	03 July 2017
Project Status	Design Response Plan	Author	ModularBC
Project Contact	ModularBC	Reviewer	ModularBC
Project Phone	03 9594 1111	Approver	ModularBC
Project Email	info@modularbc.com.au	Project Manager	ModularBC
Project Website	www.modularbc.com.au	Project Engineer	ModularBC

ADVERTISED PLAN

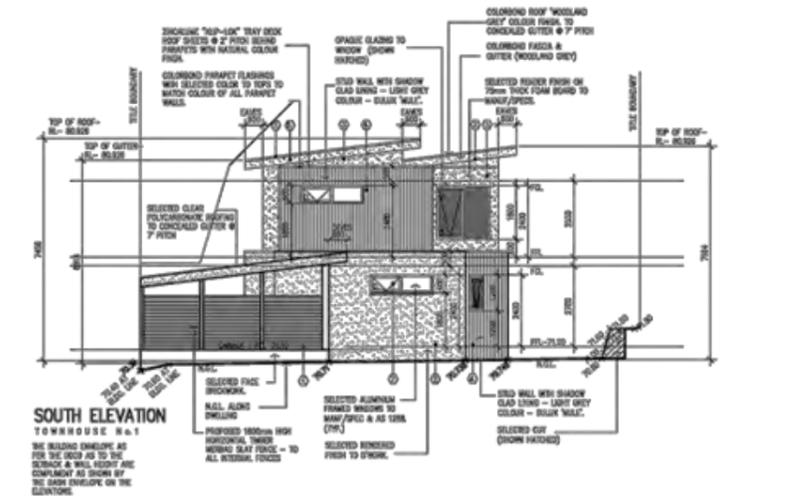
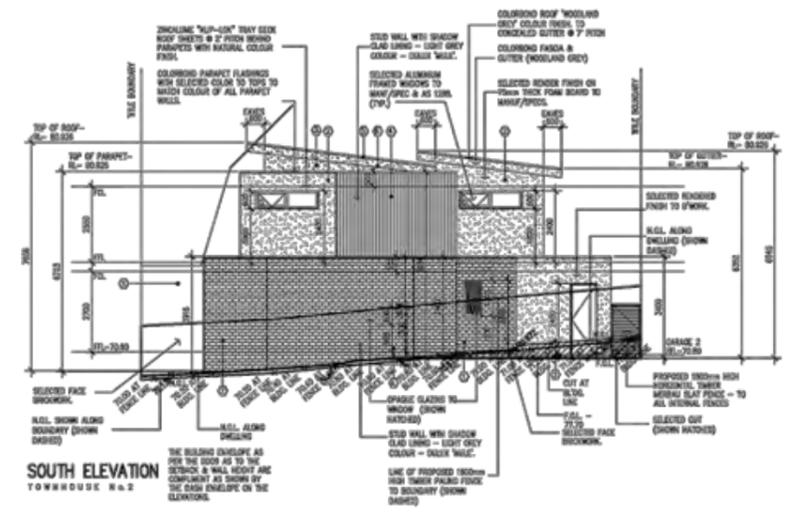
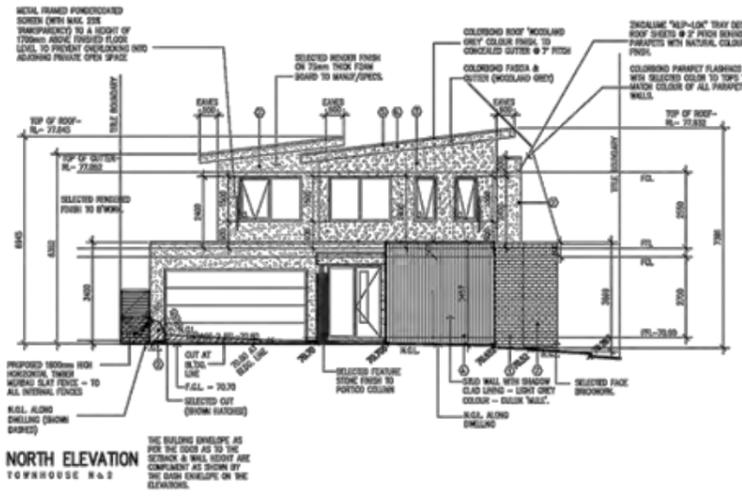
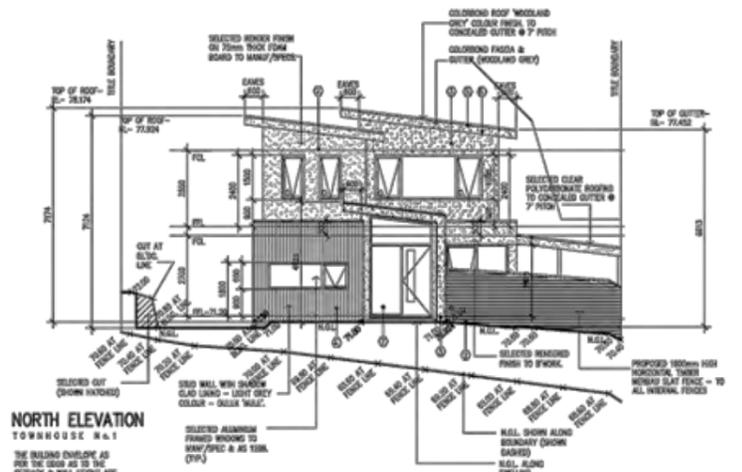


COLOUR SCHEDULE

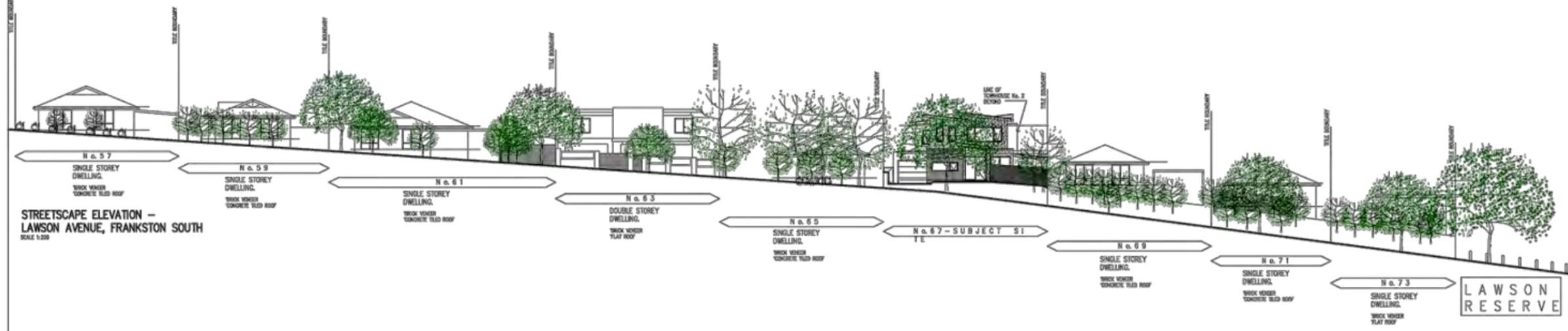
Revision	Amendment	Date	Client	Project	Scale	Plot
A	ISSUED FOR PLANNING APPROVAL	MAY 10	MR. KAIN TAYLOR	PROPOSED MULTI UNIT DEVELOPMENT AT No. 67 LAWSON AVENUE, FRANKSTON SOUTH	N.T.S. 0A3	Plot
B	AMENDMENTS AS PER QUERIES LETTER DATED 19th JUNE 2010	JUN 10				Date
C	AMENDMENTS AS PER PLANNING PERMIT CONDITIONS	JAN 11				Approved
E	AMENDED & RE-ISSUED AS PER REQUEST FOR FURTHER INFORMATION LETTER FROM FRANKSTON CITY COUNCIL DATED 31-10-16	DEC 16		300	18050	Revision
				COLOUR SCHEDULE	TP6	E

MODUL ARC
 architectural design & building consultation
 building design | planning | documentation
 Suite 1, Level 1, 400 nepean highway frankston 3199 victoria
 tel: (03) 8770 4796 fax: (03) 8770 6698

ADVERTISED PLAN



- FINISHES SCHEDULE**
- WALLS**
- BRICK VENEER WALL WITH WIRE CUT FACE BRICKWORK FINISH 'A' THICK BY ALUMINA BRICKS
 - BRICK VENEER WALL/FOAM CLADDING WITH BRICK FINISH LIGHT GREY COLOR - DALLIX WALE.
 - STUD WALL FROM CLADDING WITH ROOFER FINISH LIGHT GREY COLOR - DALLIX 'BASIC SLATE'.
 - STUD WALL WITH SHADOW GLAZING - LIGHT GREY COLOR - DALLIX WALE.
- ROOFING**
- COLORBOND ROOF WOOLAND GREY COLOR FINISH TO CONCEALED GUTTER # 7 PITCH
- WINDOWS/DOORS**
- ALUMINUM FRAME WITH WOOLAND GREY COLOR POWDERCOAT FINISH.

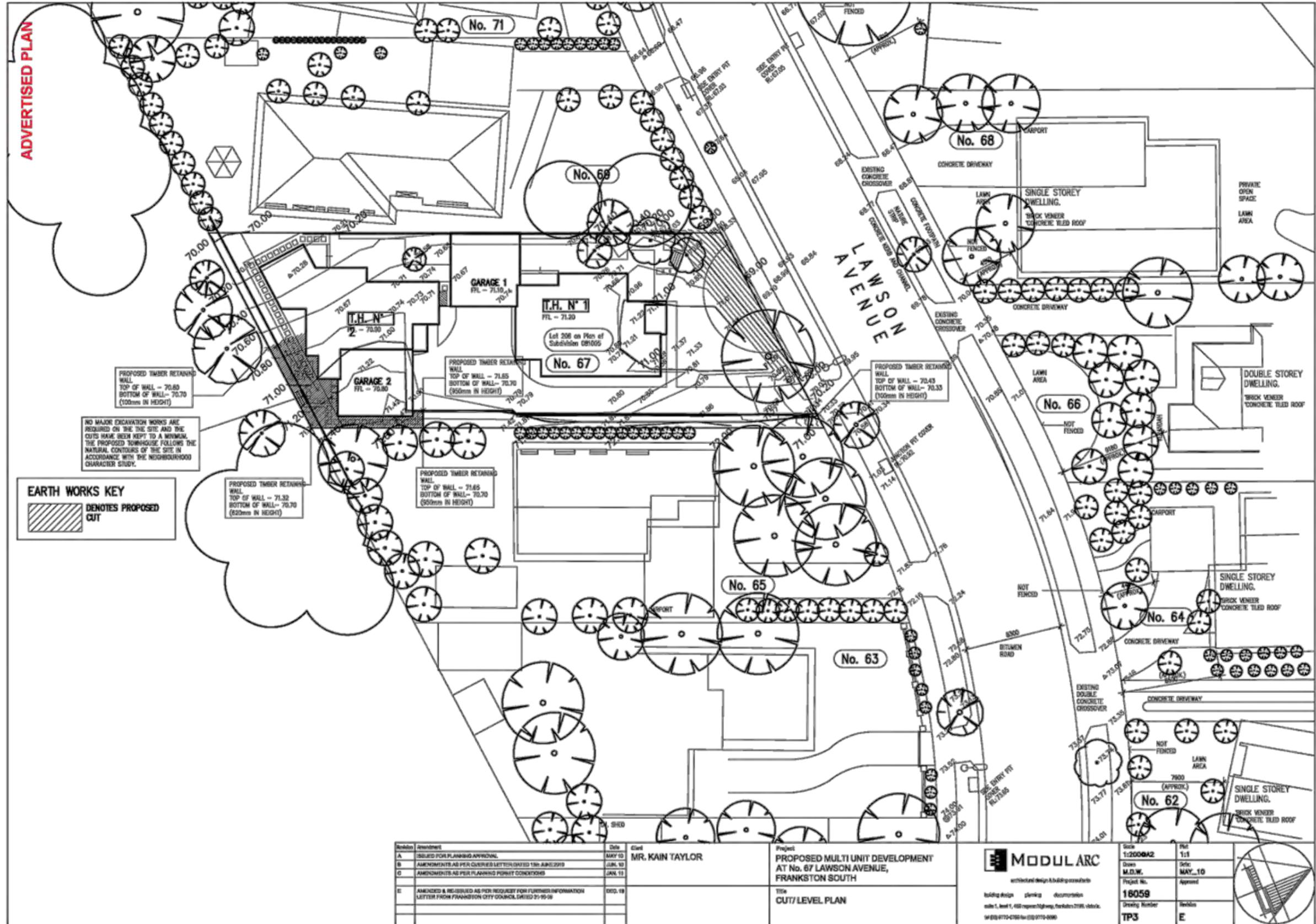


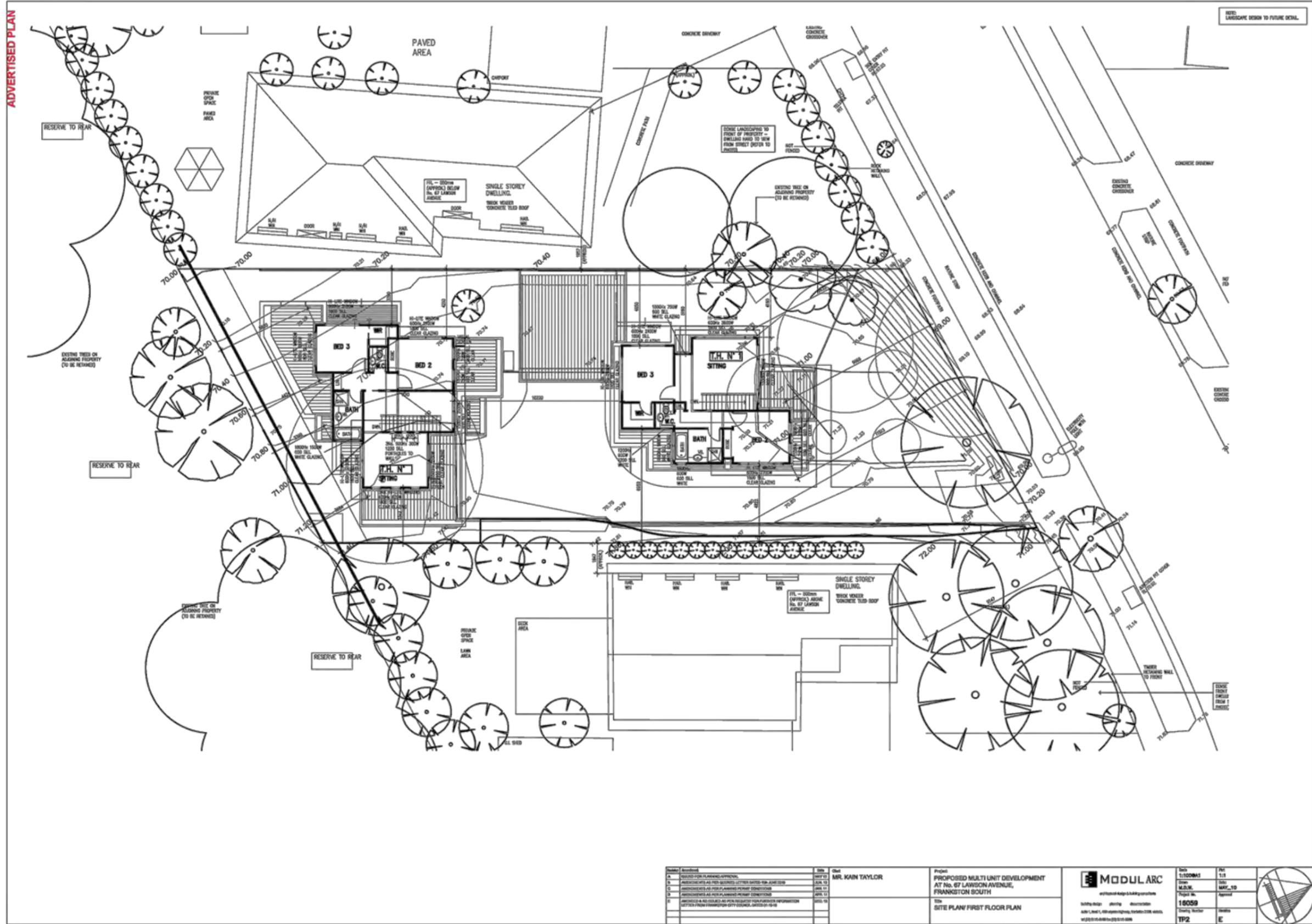
Rev	Description	Date	By
1	ISSUED FOR PLANNING APPROVAL	10/07/17	MR. KAIN TAYLOR
2	AMENDMENTS FOR GEOTECH LETTER DATED 10/07/17	10/07/17	
3	AMENDMENTS FOR P10 PLANNING APPROVAL	10/07/17	
4	AMENDMENTS FOR ALUMINA BRICK FINISH	10/07/17	
5	AMENDMENTS FOR FINISHES AS PER FINISHES SCHEDULE	10/07/17	

Project: PROPOSED MULTI UNIT DEVELOPMENT AT No. 67 LAWSON AVENUE, FRANKSTON SOUTH
 Site: PROPOSED ELEVATIONS - SHEET 2/ STREETScape ELEVATION

MODULARC
 18050
 TFS

Date: 11/07/17	Scale: 1:100
Drawn: M.T.M.	Sheet: 10
Project No: 18050	Client: TFS
Drawn by: TFS	Checked by: TFS



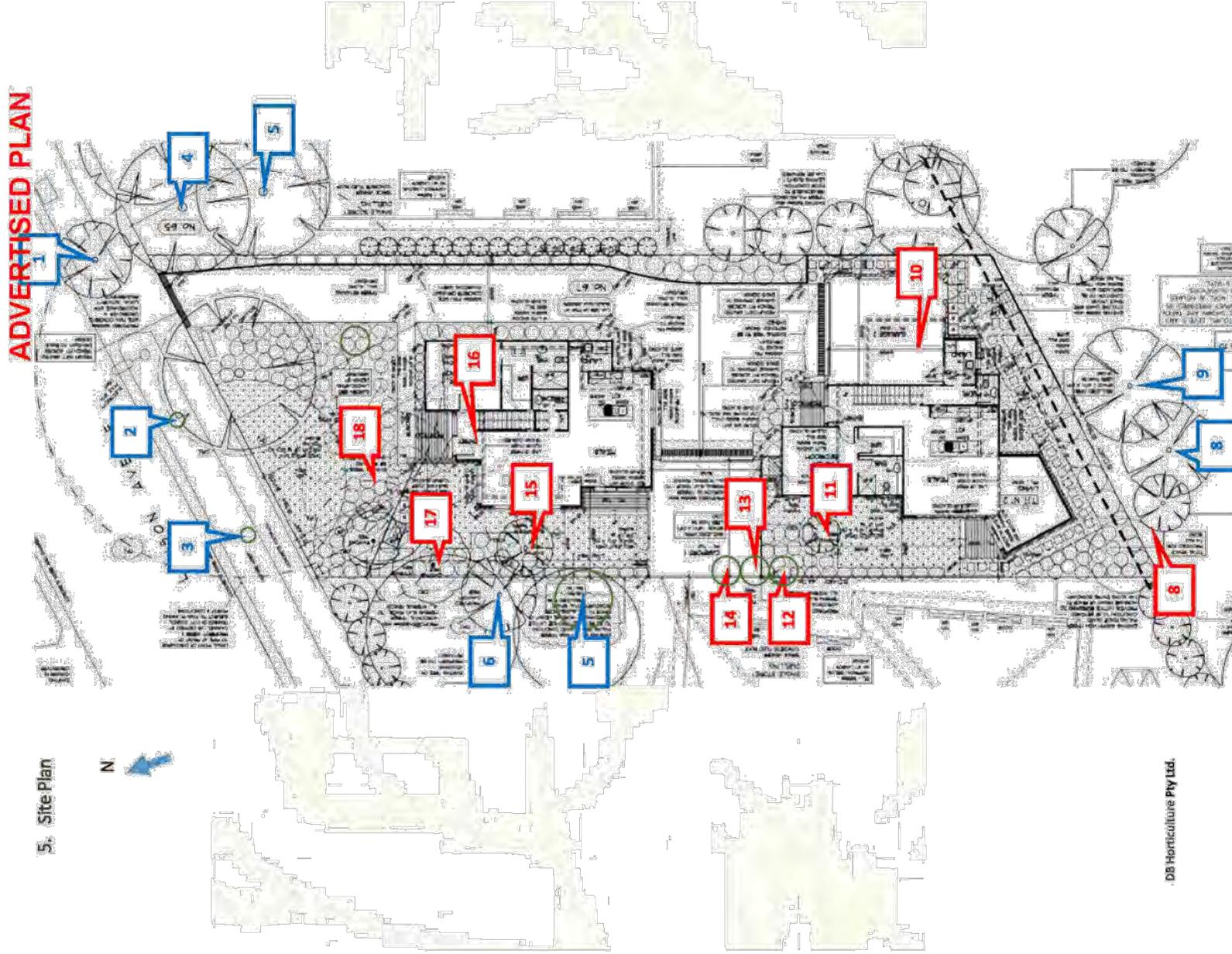


Rev	Description	Date	By
1	ISSUED FOR PLANNING APPROVAL	14/07/17	MR. KAIN TAYLOR
2	AMENDMENTS FOR PLANNING APPROVAL	14/07/17	MR. KAIN TAYLOR
3	AMENDMENTS FOR PLANNING APPROVAL	14/07/17	MR. KAIN TAYLOR
4	AMENDMENTS FOR PLANNING APPROVAL	14/07/17	MR. KAIN TAYLOR
5	AMENDMENTS FOR PLANNING APPROVAL	14/07/17	MR. KAIN TAYLOR

Project: PROPOSED MULTI UNIT DEVELOPMENT AT No. 67 LAWSON AVENUE, FRANKSTON SOUTH
 Site: SITE PLAN FIRST FLOOR PLAN

MODULARC
 18059
 TP2

Date	Rev	By	Appr
14/07/17	1.0	MR. KAIN TAYLOR	MR. KAIN TAYLOR
14/07/17	2.0	MR. KAIN TAYLOR	MR. KAIN TAYLOR
14/07/17	3.0	MR. KAIN TAYLOR	MR. KAIN TAYLOR
14/07/17	4.0	MR. KAIN TAYLOR	MR. KAIN TAYLOR
14/07/17	5.0	MR. KAIN TAYLOR	MR. KAIN TAYLOR



5. Site Plan

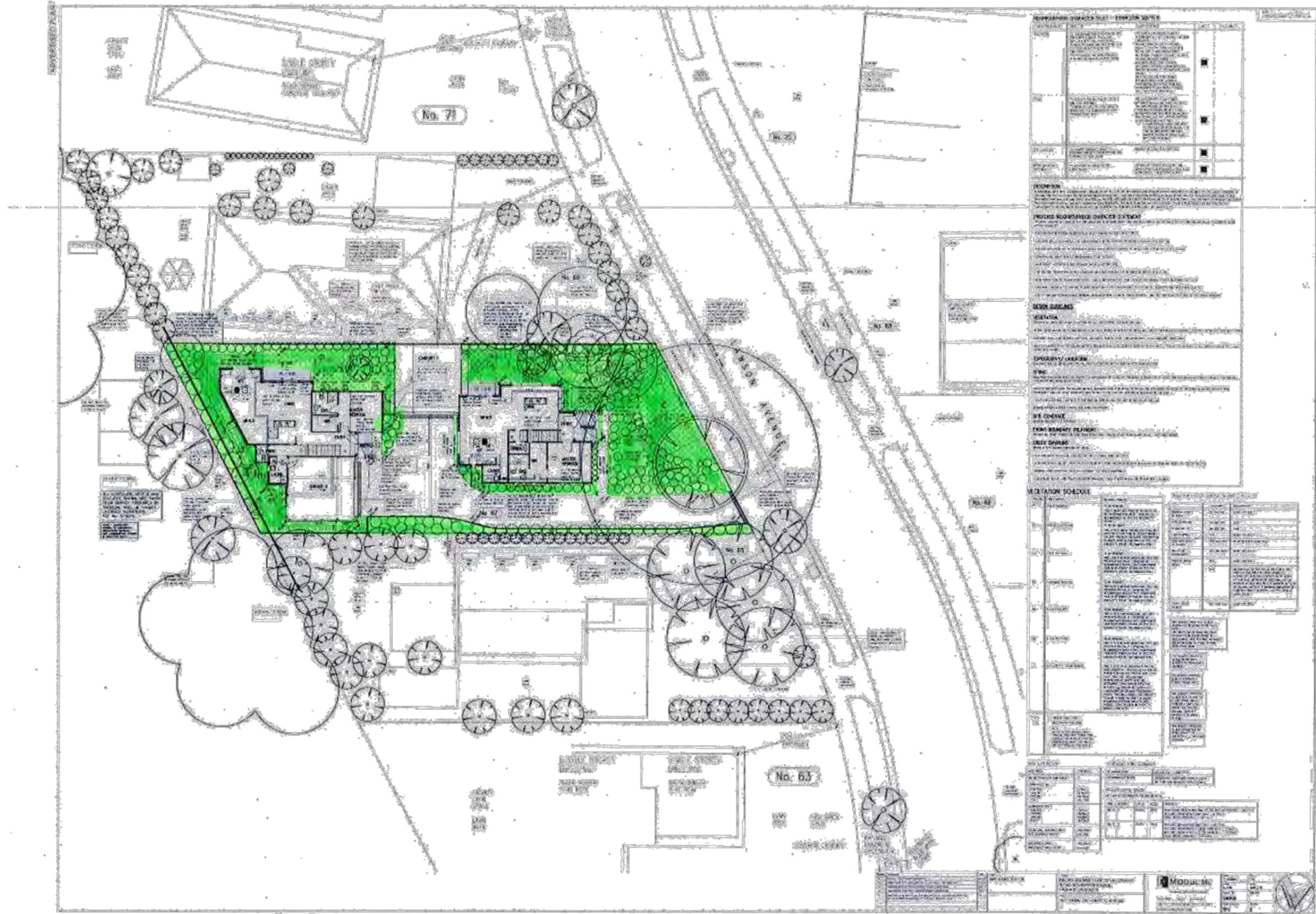
N

DB Horticulture Pty Ltd.

6. Tree Assessment Table

ADVERTISED PLAN

#	Species	Common name	Native/ Exotic	Height (m)	Spread (m)	DBH (cm)	TPZ (m)	SRZ (m)	Age	Condition	Structure	Form	Arterial Value	Retention value	Comments
NATURE STRIP TREES															
1	<i>Melaleuca linariifolia</i>	Snow in Summer	N	6	4	38	4.6	2.3	M	G	G	G	G	H	
2	<i>Callistemon viminalis</i>	Weeping Bottlebrush	N	2	1	5	2.0	1.5	Y	G	G	G	P	L	
3	<i>Callistemon viminalis</i>	Weeping Bottlebrush	N	2	1	5	2.0	1.5	Y	G	G	G	P	L	
TREES WITHIN NEIGHBOURING PROPERTIES															
4	<i>Cupressus sp.</i>	Cypress Pine	E	13	5	50	6.0	2.7	M	G	G	G	G	M	
5	<i>Acer negundo</i>	Box Elder	E	6	4	16	2.0	1.8	SM	G	F	F	P	M	
6	<i>Photinia robusta</i>	Photinia	E	5	3	15/15	2.5	2.1	M	F	F	F	P	L	
7	<i>Photinia robusta</i>	Photinia	E	5	3	15/15	2.5	2.1	M	F	F	F	P	L	
8	<i>Eucalyptus sp.</i>	Eucalypt	N	15	8	35	4.2	2.3	M	G	F	F	G	H	
9	<i>Eucalyptus sp.</i>	Eucalypt	N	14	4	25	3.0	2.1	M	G	F	F	G	H	
TREES WITHIN SUBJECT PROPERTY															
10	<i>Pinus radiata</i>	Radiata Pine	E	17	13	126	15.0	3.7	M	P	P	F	P	L	Codominant trunks, bifurcated, included bark
11	<i>Pyrus communis</i>	Common Pear	E	7	4	15/16	2.6	1.9	M	G	F	G	P	L	
12	<i>Pyrus calleryana 'Capital'</i>	Capital Pear	E	5	1	10	2.0	1.5	SM	G	G	G	P	L	
13	<i>Pyrus calleryana 'Capital'</i>	Capital Pear	E	5	1	10	2.0	1.5	SM	G	G	G	P	L	
14	<i>Pyrus calleryana 'Capital'</i>	Capital Pear	E	5	1	10	2.0	1.5	SM	G	G	G	P	L	
15	<i>Acer pseudoplatanus</i>	Sycamore Maple	E	7	4	19	2.3	1.8	M	G	F	F	F	L	
16	<i>Eucalyptus sp.</i>	Eucalypt	E	10	9	42	5.0	2.7	M	F	P	P	F	L	
17	<i>Corymbia ficifolia</i>	Red-flowering Gum	N	6	3	22	2.6	2.0	M	F	F	P	P	L	
18	<i>Eucalyptus globulus</i>	Blue Gum	N	18	10	78	9.4	3.2	M	G	G	G	G	H	
<p><i>*Trees listed in red are recommended for removal</i> <i>*Dimensions listed for trees within neighbouring properties are estimates only due to inaccessibility</i></p>															



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

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

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

Purpose

This report considers the merits of the planning application to construct three (3) double storey dwellings at 11 Screen Street, Frankston.

Recommendation (Director Community Development)

That a Notice of Decision to Grant a Planning Permit be issued for Application 499/2016/P – 11 Screen Street, Frankston, subject to the conditions contained in the officer's assessment.

Key Points / Issues

- It is proposed to construct three (3) double storey dwellings on the subject site, each with a double garage.
- The proposal is consistent with the State and Local Planning Policy housing objectives for urban consolidation, being in an established residential area that is suitable for infill development.
- The proposal is generally consistent with the preferred future neighbourhood character for the area, complies with the ResCode provisions and will provide opportunity for meaningful landscaping to take place throughout the site.
- Three (3) objections were received as a result of the notification process and the objectors' concerns have been considered.
- The application is being reported to Council as it does not meet with Council's Multi-Dwelling Visitor Car Parking Guidelines which requires that one (1) visitor car space be provided on site.

Financial Impact

For the 2017-2018 financial year, the State Government Minister for Local Government has announced a limit on the amount Victorian Councils may increase rates. The cap for the 2017-2018 financial year is 2%. The cap is based on the Consumer Price Index expected for the financial year.

This cap has a significant effect on Council's current Long Term Financial Planning, with rate revenue being \$9 million less than anticipated over the first four years, growing to \$17 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

The permit application fee paid to Council is \$1,092. The average cost to process a planning application is \$1,729 which represents a shortfall of \$637 in this case.

11.8 Town Planning Application 499/2016/P - To construct three (3) double storey dwellings - 11 Screen Street, Frankston**Executive Summary****Consultation**1. External Referrals

The application was referred externally to Melbourne Water.

2. Internal Referrals

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

Notification of Proposal

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

Notification was given in the form of:

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

As a result of the public notification, three (3) objections were received. The grounds of objection are summarised in the officer's assessment contained within this report.

Analysis (Environmental / Economic / Social Implications)

The proposed development will have minimal impact on the environment. Existing vegetation proposed to be removed from the site is considered to be of low retention value and there is reasonable opportunities for meaningful replanting to take place.

The proposed development will create short-term employment opportunities throughout the construction phase and will have longer term economic benefits to the local economy through a slight increased population.

The development proposal will provide for further diversity in housing stock within close proximity to existing social and commercial facilities, which will have a net community benefit for Frankston City.

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

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

Legal

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

Policy Impacts

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

Officer's Declaration of Interests

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

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

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

Risk Mitigation

There are no risk implications.

Conclusion

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

ATTACHMENTS

- Attachment A: Locality Map - Town Planning Application 499 2016 P - 11 Screen Street Frankston
- Attachment B: Locality Map - Aerial - Town Planning Application 499 2016 P - 11 Screen Street Frankston
- Attachment C: Development Plans
- Attachment D: Neighbourhood Character Precinct Brochure

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

Existing Use	Residential
Site Area	919.73 square metres
Proposal	Three (3) double storey dwellings
Site Cover	43.04%
Permeability	41.71%
Zoning	General Residential Zone
Overlays	Special Building Overlay
Neighbourhood Character Precinct	Frankston Precinct 2
Reason for Reporting to Council	Multi-Dwelling Visitor Parking Guidelines

Background***Subject Site***

The subject site is a regular shaped allotment located on the west side of Screen Street in Frankston.

The site has front and rear boundaries of 15.24 metres, side boundaries of 60.35 metres and a total site area of 919.73 square metres.

The land slopes from the front northern boundary to the rear southern boundary with a fall of approximately 3.5 metres.

A 1.83 metre wide drainage easement runs along the rear southern boundary.

The site is occupied by a single storey brick dwelling with pitched roof located within an established garden setting. The dwelling is setback 12.23 metres from the Screen Street frontage and 1.2 metres from the eastern side boundary. A swimming pool and small shed are sited within the rear garden.

Access to the site is via a crossover at the western end of the frontage and there is a 1.2m high timber picket front fence.

Locality

The surround neighbourhood is characterised by a mixture of single and double storey detached dwellings with some multi-dwellings starting to emerge in the street.

Dwellings have generous front setbacks and sited within landscaped settings. Front gardens are generally open to the street with no or low front fences.

Site History

There are no previous planning permit application associated with the site.

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

The proposal is summarised as:

Dwelling	Storeys	No. of Bedrooms	Secluded Private Open Space	Car Parking
1	Double	Three (3)	33 square metres	Double garage
2	Double	Three (3)	40 square metres	Double garage
3	Double	Three (3)	76.5 square metres	Double garage

State and Local Planning Policy Frameworks

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

- *Clause 11 – Settlement*
- *Clause 13 – Environmental Risk*
- *Clause 16 – Housing*

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

- *Clause 21.04 – Settlement*
- *Clause 21.05 – Environmental Risk*
- *Clause 21.07 – Housing*
- *Clause 22.08 – Neighbourhood Character Policy*

Planning Scheme Controls

A Planning Permit is required pursuant to:

- Clause 32.01-4 – Residential 1 Zone of the Frankston Planning Scheme for the construction of 2 or more dwellings on the lot; and
- Clause 44.05 – Special Building Overlay of the Frankston Planning Scheme to construct or carry out buildings and works

Notification of Proposal

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

Three (3) objections were received in response to the public notification.

The grounds of objection are summarised as follows:

- Traffic and on street car parking congestion.
- Neighbourhood character.
- Vegetation loss.
- Amenity impact (loss of light, overlooking).

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

A Residents Discussion Meeting was not held. The concerns raised by the objectors have been thoroughly considered in this report.

External ReferralsMelbourne Water

Melbourne Water does not object to the proposal subject to conditions and footnotes being included on any permit issued that relate to water runoff.

Internal ReferralsTraffic Engineer

A summary of comments received include:

- *The provision of car parking is satisfactory under Clause 52.06 of the Frankston Planning Scheme.*
- *1 visitor parking space is required under Council's Multi-Dwelling Visitor Carparking Guidelines.*

Drainage Engineer

A summary of comments received include:

- *Existing storm water legal point of discharge is to the existing 150mm diameter stormwater drain along the rear boundary.*
- *No objection subject to the inclusion of standard conditions.*

Environmental Officer

A summary of comments received include:

- *Trees in the neighbouring property are located a suitable distance from the development and any works must not encroach within more than 10% of the Tree Protection Zone area.*
- *The large River Red Gum located on the property boundary is causing damage to the neighbouring driveway. This tree is in poor health and structure and the proposed driveway would impact on its root system. There is no objection to the removal of the tree if adequate replanting is provided.*
- *The trees located within the rear of the property are in poor to very poor condition. The vegetation should be replaced with appropriate screen planting.*
- *The proposed planting of Lilly Pilly trees along the driveway, as shown on Concept Landscape Plan prepared by The Lonely Tree, should be replaced with a more suitable plant species.*

Discussion**State and Local Planning Policy**

State and Local Planning Policy seeks to provide a diversity of housing types, that respects neighbourhood character, is appropriately located, and meets the growing population and changing needs of the local community. The proposal provides appropriate infill development in an area that is readily accessible to physical infrastructure, public open space, shops, schools, and a range of community facilities and services.

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

The site is located within an urban area identified as being liable to inundation through overland flow. Following review by the relevant floodplain management authority and Council's drainage engineers it is satisfied the Environmental Risk Policy is met.

Neighbourhood Character

The subject site is located within the Frankston Precinct 2 (F2) in the Neighbourhood Character Policy at Clause 22.08 of the Frankston Planning Scheme.

The Preferred Neighbourhood Character Statement for this precinct is *'the well treed garden settings and the horizontality of the dwellings will be maintained.'*

The objectives and design response to the Frankston Precinct 2 include:

- *To maintain and strengthen the garden settings.*

Eleven (11) trees are to be removed to facilitate the development. The proposal offers a generous front setback to the street and there are adequate opportunities for meaningful replanting, including canopy trees, to take place throughout the site.

- *To reflect the rhythm of existing dwelling spacing.*

The proposed dwellings provide for an articulated setback from the side and rear boundaries, with the garage wall of Dwelling 1 being on the northern side boundary and the bedroom 1 wall of Dwelling 3 being on the southern side boundary. There is reasonable separation between the upper levels of the dwellings to provide a break up any potential building massing. At ground level the spacing of dwellings is reflective of development patterns within the streetscape.

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

The building height and the double storey built form demonstrates reasonable articulation of the building footprints and elevations facilitates a development that will integrate well within the streetscape. A pitched roof form, combination of external finishes, and a generous articulated front setback to Dwelling 1 are also contributing factors.

- *To maintain the openness of the streetscape.*

The development will maintain a reasonable degree of openness to the streetscape. A 1.5 metre high brick pier with horizontal timber infill fence is shown to be located 3 metres back from the property frontage to serve Dwelling 1. A condition of approval will require the fence to be more transparent to allow views into the frontage area of Dwelling 1. The area to the front of the fence is to be landscaped.

Car Parking (Clause 52.06)

Car parking requirements of Clause 52.06-5 are met as shown in the following table.

Clause 52.06-2 rate for dwelling	Proposed No. of Dwellings	Car spaces required by Clause 52.06-5	Proposed Car Parking
Two (2) car parking spaces to each three (3) or more bedroom dwellings plus	Three (3)	Six (6)	Each dwelling has a double garage. Six (6) car spaces are provided.
One (1) visitor parking	Three (3)	Zero (0)	No visitor car

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

space to every five (5) or more dwellings			parking.
---	--	--	----------

The proposal also complies with the requirements of Clause 52.06-8 which sets out Design Standards for car parking relating to access ways, car parking spaces, gradients, mechanical parking, urban design, safety and landscaping.

Clause 55 (ResCode)

The application is assessed against the objectives and standards of Clause 55, as required under the General Residential Zone. The proposal demonstrates a high degree of compliance with the requirements with some proposed changes that are discussed below.

Neighbourhood Character and Infrastructure

The proposal satisfies the Neighbourhood Character objectives including Council's Neighbourhood Character Policy (Clause 22.08) as previously discussed (Clause 55.02-1). The orientation of Dwelling 1 with interface to Screen Street means that the development would integrate well into the streetscape (Clause 55.02-4)

The subject site offers opportunity for appropriate infill development in an established residential area that provides an alternative housing type to the local community. The development is able to utilise existing infrastructure and is close to a range of community facilities and services that would best serve future residents (Clauses 55.02-2, 55.02-3).

Site Layout and Building Massing

The generous frontage setback of Dwelling 1 is 8.35 metres with the porch encroaching into the frontage. The upper level of the dwelling is recessed back from the lower level (Clause 55.03-1).

Some earthworks are proposed enabling the development to sit well within the site and to achieve a building height that respects the neighbourhood character. The maximum building height proposed is 7.96 metres which is well below 9 metre height requirement (Clause 55.03-2).

The site coverage of 43.04% and permeability of 41.71% supports a low intensity development (Clauses 55.03-3, 55.03-4). The internal configuration of the dwellings allow for a northern aspect to main habitable living areas and to secluded private open space which supports energy efficiency principles. Pergolas are provided over deck areas with northern orientation to provide for some weather protection. A condition of approval will require that shade devices are to be provided to north and west facing habitable room windows to improved liveability and so buildings have less reliance on mechanised cooling systems during the summer (Clause 55.03-5).

The layout of the development provides for safety and security of residents with entrances being readily seen from the road and shared driveway and dwellings having good surveillance opportunities of driveways and the street (Clause 55.03-7).

Whilst there is vegetation to be removed from the site this is of low retention value and the development provides opportunity for replanting on site. A landscape plan requirement will form a condition of permit and tree protection controls will be required during construction to protect vegetation on neighbouring properties (Clause 55.03-8).

Access and car parking requirements are met (Clauses 55.03-9, 55.03-10).

11.8 Town Planning Application 499/2016/P - To construct three (3) double storey dwellings - 11 Screen Street, Frankston**Officers' Assessment****Amenity Impacts**

The side and rear setbacks and walls on boundaries are consistent with the ResCode requirements. There is adequate separation between buildings to ensure that daylight to existing and north facing windows in neighbouring properties is not affected (Clauses 55.04-1-55.04-4).

The site being on an east-west long axis means any overshadowing would largely remain within the site with minimal impact on neighbouring properties (Clause 55.04-5).

Upper level windows are generally provided with obscure glazing to a height of 1.7 metres above finished floor level or with hi-light windows to address potential overlooking and internal views. The exception is in the Dwelling 1 upper level rumpus room window that can overlook the rear garden of the neighbouring property to the north. A condition on permit will require this be addressed (Clauses 55.04-6, 55.04-7).

There is also potential to view into the neighbouring property to the north from the deck and living areas all dwellings, and into the property to the west from the dining room window of Dwelling 3. A condition requiring the provision of screening above the boundary fencing height would address this matter.

Detailed Design

The design detail of the proposal is generally reflective of new development that is emerging in this area in terms of its scale, setbacks, built form and pitched rooflines. The only concern relates to potential visual bulk resulting from the ground level south elevation wall to Dwelling 1; adjacent to the driveway. The 13.5 metre length of virtually blank wall requires some form of articulation to break up the potential visual massing. This could, but is not limited to, include a step in this elevation which would also allow for greater landscape treatment between the dwelling and driveway. It could also include a highlight window/s in the kitchen area and/or variation of external wall finishes.

Response to Ground of Objections

The majority of concerns raised by the objectors have been addressed in the above assessment with further discussion being warranted as follows:

Concern: *Traffic and on-street car parking congestion.*

The proposal is for a low intensity development that would have minimal impact on vehicle traffic and car parking in Screen Street. The proposal provides for on-site car parking that satisfies the ResCode (Clause 55) requirement. Additionally, there were no concerns raised by Council's Traffic Engineer with regard to traffic and car parking.

Concern: *Neighbourhood Character*

The proposal is considered to be consistent with the preferred neighbourhood character for the Frankston Precinct 2 area as discussed previously.

Concern: *Vegetation loss*

It is acknowledged that there would be vegetation removal from the site to facilitate the development. As discussed previously, the vegetation to be removed is considered to be of low retention value and there is opportunity for meaningful replanting to take place on the site.

Concern: *Amenity Impact (loss of light, overlooking)*

These matters have been considered previously in the ResCode assessment. A condition is included on the permit where an issue has been identified so that there would be no resulting detriment incurred to neighbouring properties.

11.8 Town Planning Application 499/2016/P - To construct three (3) double storey dwellings - 11 Screen Street, Frankston**Officers' Assessment****Council's Multi-Dwelling Visitor Car Parking Guideline**

The proposal fails to satisfy the provisions of Council's Multi-Dwelling Visitor Parking Guidelines which requires that one (1) visitor space be provided.

The subject site is located in Screen Street which features continuous dividing lines that prevent on-street parking as the road is a main thoroughfare connecting Heatherhill Road and Bloom Street. Due to the inability to provide on-street car parking at this point, one visitor car space is required under the guidelines.

There are limited opportunities to provide an additional car space on the site without impacting on the proposal's design and landscaping opportunities. The proposal is compliant with the ResCode requirements for on-site car parking as each dwelling has a double garage, and this is all that is required by the planning scheme.

Planning Scheme Amendment

The recent Amendment VC110, approved on 27 March 2017, made key changes to the residential zone controls. As relevant to the General Residential Zone, it introduced mandatory minimum garden area requirements for lots greater than 400 square metres and a mandatory maximum building height of 11 metres and 3 storey.

The Amendment also includes transitional provisions that exempt planning permit applications for the construction and extension of two or more dwellings on a lot lodged before the VC110 approval date. The application was lodged prior to the Amendment approval date so therefore it is exempt from the new residential provisions.

Conclusion

The above assessment demonstrates the proposal complies with the relevant planning provisions of the Frankston Planning Scheme, including the State and Local Planning Policy, the Zone, Overlay and Particular Provisions including car parking. Referral comments have been considered in the assessment including those of Melbourne Water. The proposal was advertised and the concerns of the three objections received have been considered and it is satisfied there would be no detriment to other properties. On balance, and subject to the inclusion of conditions, the proposal is considered to be reasonable and warrants Council's support.

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

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

- (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.

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

- 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.

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

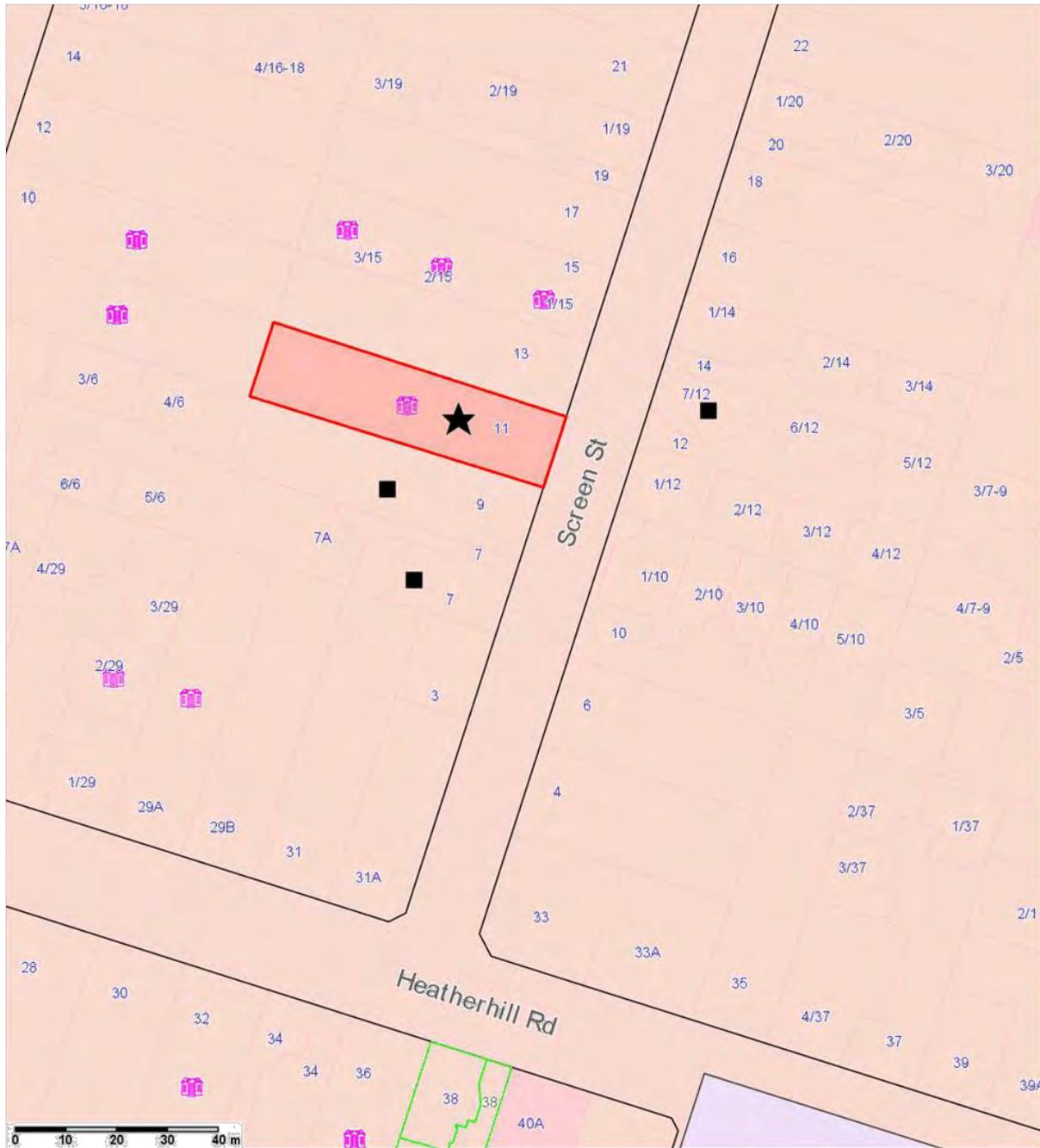
If a request is made out of time, the Responsible Authority cannot consider the request and the permit holder will not be able to apply to VCAT for a review of the matter.

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**.

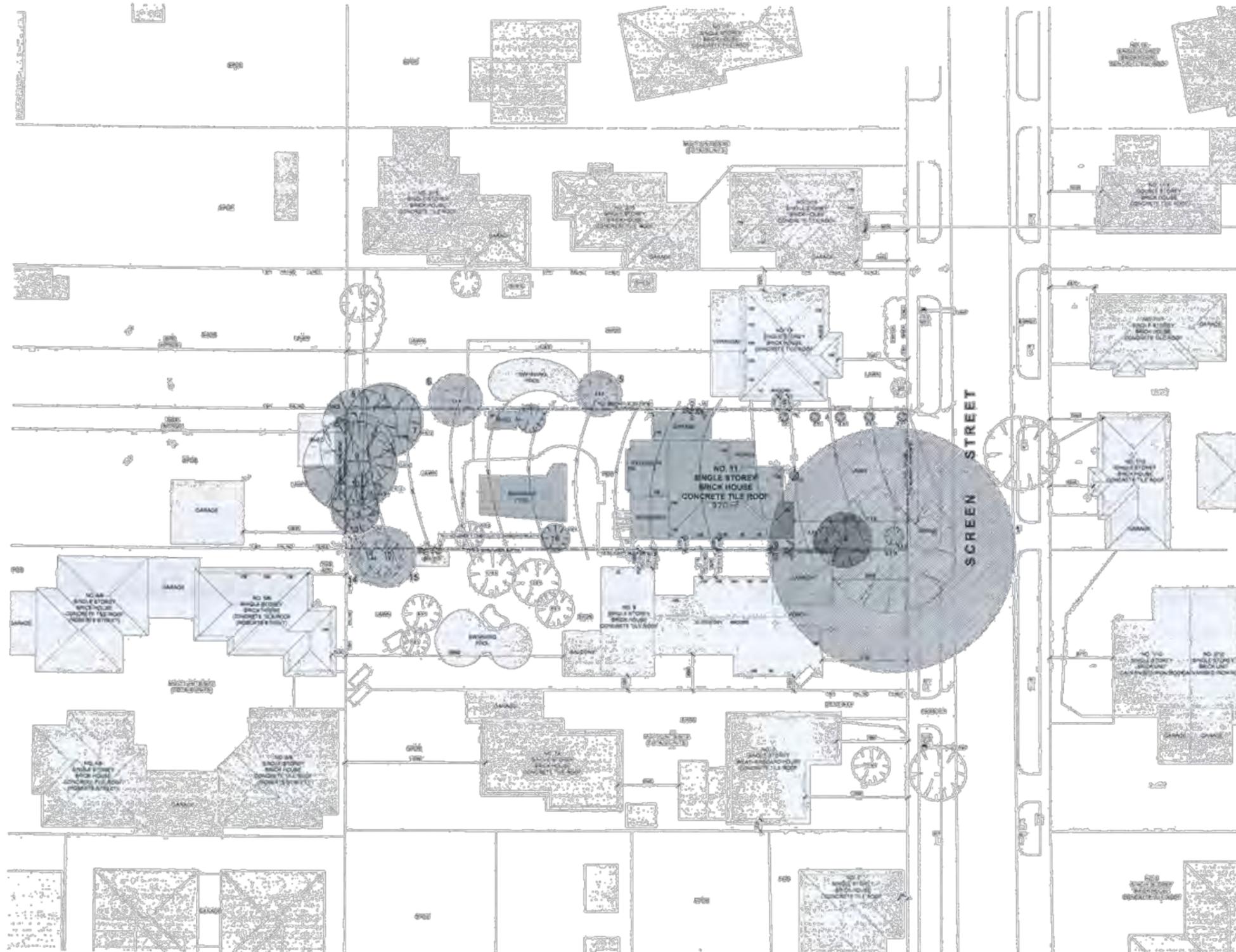
Town Planning Application 499/2016/P
11 Screen Street, Frankston
★Subject site
Three(3) Objections ■



Town Planning Application 499/2016/P
11 Screen Street, Frankston



<p>Disclaimer Contains Council information © Frankston City Council. Reproduced by permission from the Business and Information Technology Department, Frankston City Council 2017. Contains VicMap information © State of Victoria, Department of Environment, Land, Water and Planning, 2017. Reproduced by permission. This material may be of assistance to you but Frankston City Council, the State of Victoria and their employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaim all liability for any error, loss or consequences which may arise from your relying on any information contained in this material. You are hereby notified that any use, dissemination, distribution or reproduction of this information is prohibited and must be used for personal use only. The information contained herein must not be used in any manner that could breach any criminal, federal, state or local law.</p>	<p>Projection: GDA94 / MGA zone 55 Scale: 1:662 Date Printed: 16/06/2017 Time Printed: 3:29 PM Issued by: Vanessa Neep</p>		
--	--	--	--



NEIGHBOURHOOD CHARACTER AND SITE DESCRIPTION PLAN

NEIGHBOURHOOD CHARACTER AND SITE DESCRIPTION PLAN

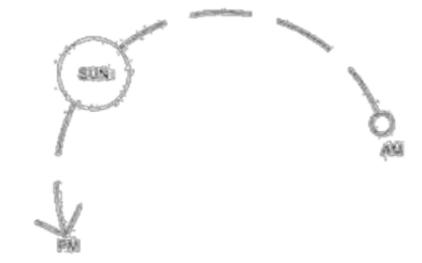
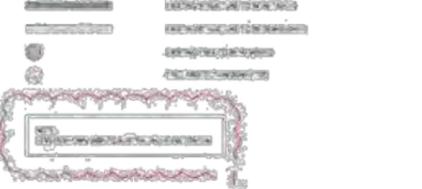
PROXIMITY TO SERVICES AND AMENITIES

- Public Transport (Bus Stop)
- Public Transport (Train Station)
- Public Transport (Tram Stop)
- Public Transport (Light Rail)
- Public Transport (Ferry)
- Public Transport (Cable Car)
- Public Transport (Bicycle Rack)
- Public Transport (Bicycle Lane)

EXISTING SITE ANALYSIS



LEGEND



FRANKSTON
 CITY COUNCIL
 11 SCREEN STREET
 RESIDENTIAL DEVELOPMENT
 TOWN PLANNING

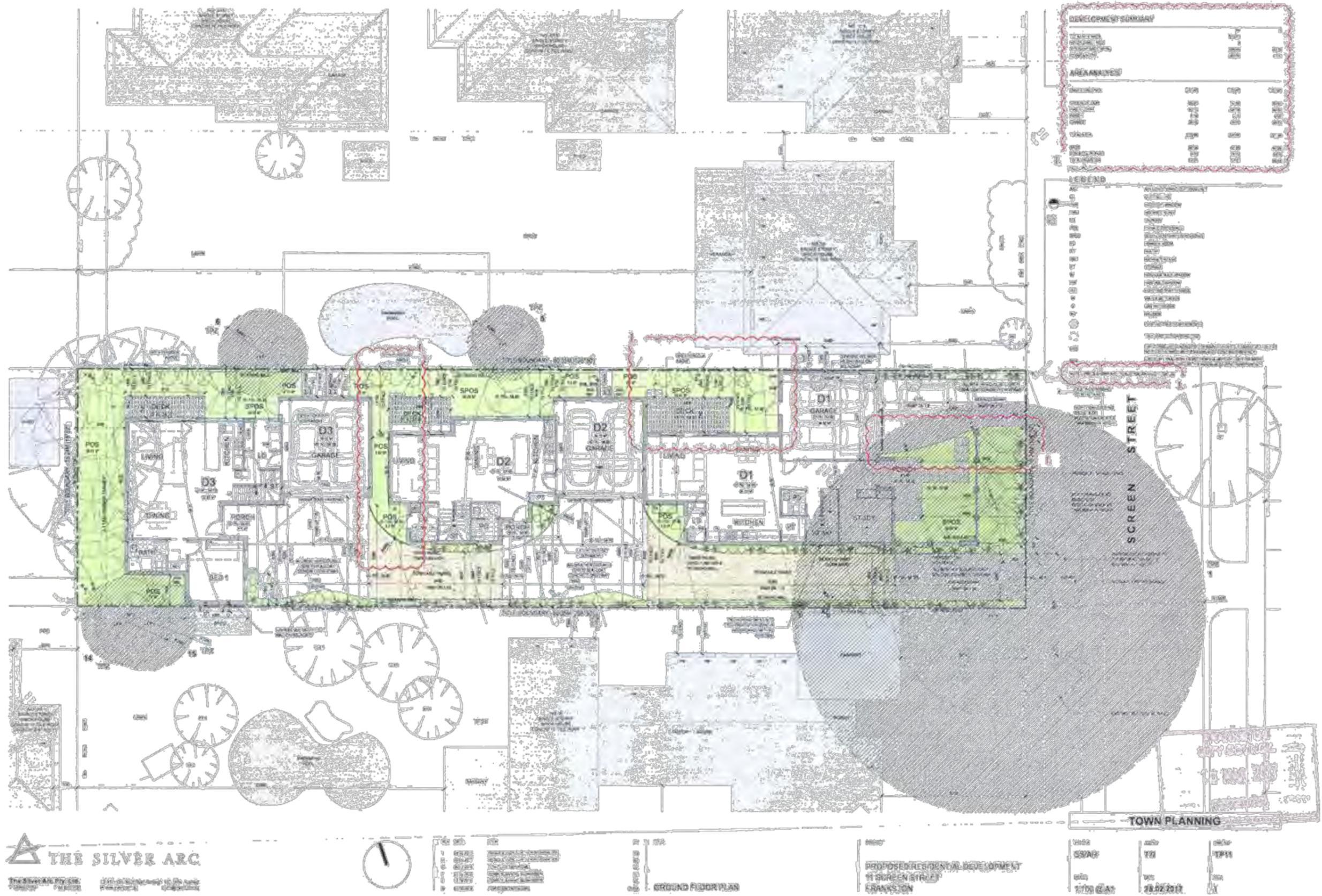
THE SILVER ARC
 The Silver Arc Pty. Ltd.
 1200 (A) 29.02.2017 1



NEIGHBOURHOOD CHARACTER PLAN & SITE DESCRIPTION

PROPOSED RESIDENTIAL DEVELOPMENT
 11 SCREEN STREET
 FRANKSTON

SSAR	77D	TP02
1200 (A)	29.02.2017	1



DEVELOPMENT SUMMARY

DESCRIPTION	AREA (SQM)	NO.	REMARKS
RESIDENTIAL DEVELOPMENT	1000	3	
DRIVEWAYS	100	3	
SCREEN STREET	100	1	
TOTAL	1200	7	

LEGEND

- Proposed Residential Development
- Proposed Driveway
- Proposed Screen Street
- Proposed Fencing
- Proposed Landscaping
- Proposed Retaining Wall
- Proposed Pathway
- Proposed Parking
- Proposed Garden
- Proposed Tree
- Proposed Bush
- Proposed Water Feature
- Proposed Structure
- Proposed Wall
- Proposed Gate
- Proposed Light
- Proposed Sign
- Proposed Utility
- Proposed Boundary
- Proposed Easement
- Proposed Right of Way
- Proposed Road
- Proposed Footpath
- Proposed Cycleway
- Proposed Drainage
- Proposed Sewer
- Proposed Water
- Proposed Gas
- Proposed Electricity
- Proposed Telecommunications
- Proposed Stormwater
- Proposed Sewerage
- Proposed Water Supply
- Proposed Gas Supply
- Proposed Electricity Supply
- Proposed Telecommunications Supply
- Proposed Stormwater Drainage
- Proposed Sewerage Drainage
- Proposed Water Supply Drainage
- Proposed Gas Supply Drainage
- Proposed Electricity Supply Drainage
- Proposed Telecommunications Supply Drainage

THE SILVER ARC
 THE SILVER ARC ARCHITECTS
 1111 BUNNINGS ROAD
 FRANKSTON VIC 3162
 TEL: 03 9594 1111
 WWW.SILVERARC.COM.AU



SYMBOLS

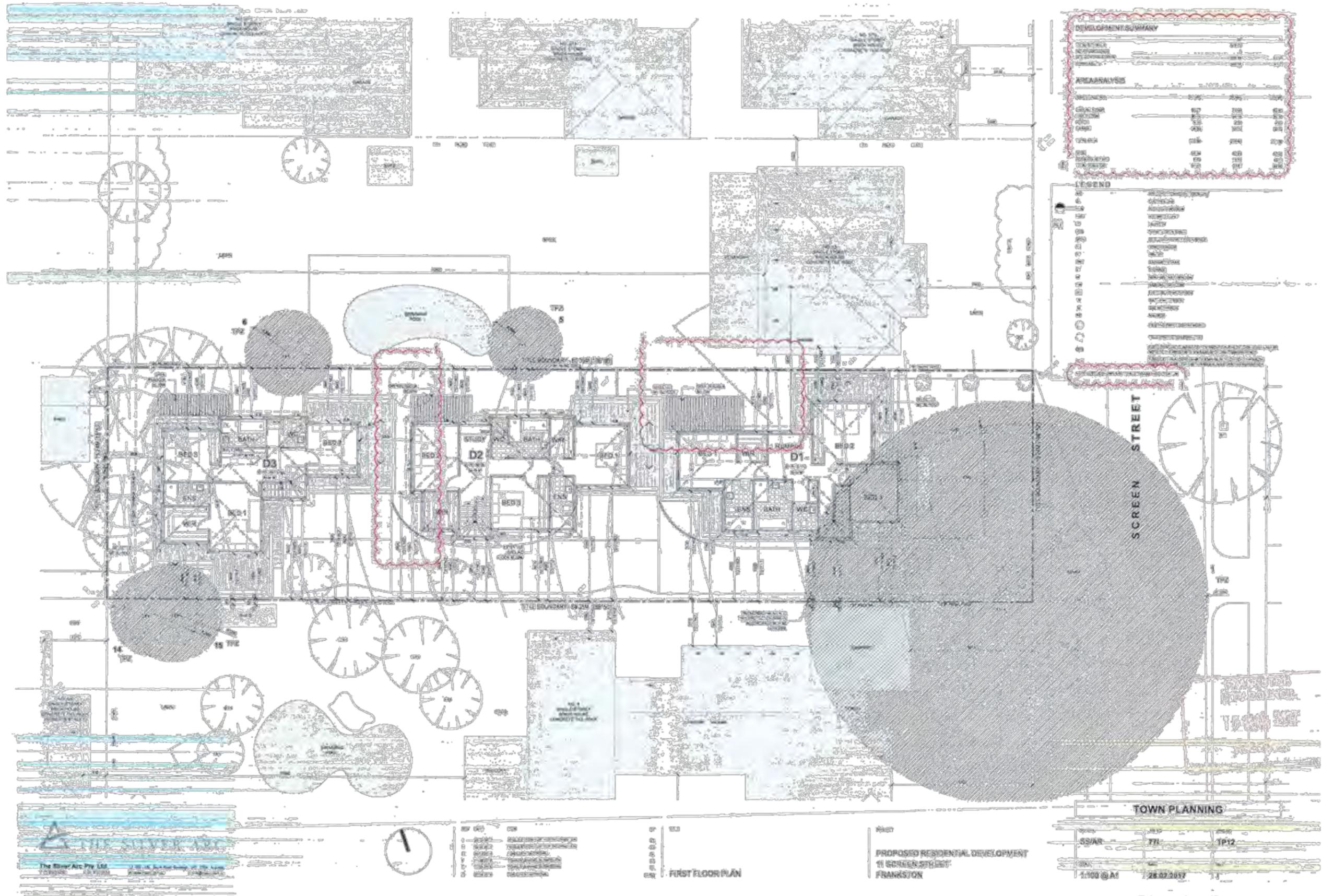
[Symbol]	Proposed Residential Development
[Symbol]	Proposed Driveway
[Symbol]	Proposed Screen Street
[Symbol]	Proposed Fencing
[Symbol]	Proposed Landscaping
[Symbol]	Proposed Retaining Wall
[Symbol]	Proposed Pathway
[Symbol]	Proposed Parking
[Symbol]	Proposed Garden
[Symbol]	Proposed Tree
[Symbol]	Proposed Bush
[Symbol]	Proposed Water Feature
[Symbol]	Proposed Structure
[Symbol]	Proposed Wall
[Symbol]	Proposed Gate
[Symbol]	Proposed Light
[Symbol]	Proposed Sign
[Symbol]	Proposed Utility
[Symbol]	Proposed Boundary
[Symbol]	Proposed Easement
[Symbol]	Proposed Right of Way
[Symbol]	Proposed Road
[Symbol]	Proposed Footpath
[Symbol]	Proposed Cycleway
[Symbol]	Proposed Drainage
[Symbol]	Proposed Sewer
[Symbol]	Proposed Water
[Symbol]	Proposed Gas
[Symbol]	Proposed Electricity
[Symbol]	Proposed Telecommunications
[Symbol]	Proposed Stormwater
[Symbol]	Proposed Sewerage
[Symbol]	Proposed Water Supply
[Symbol]	Proposed Gas Supply
[Symbol]	Proposed Electricity Supply
[Symbol]	Proposed Telecommunications Supply
[Symbol]	Proposed Stormwater Drainage
[Symbol]	Proposed Sewerage Drainage
[Symbol]	Proposed Water Supply Drainage
[Symbol]	Proposed Gas Supply Drainage
[Symbol]	Proposed Electricity Supply Drainage
[Symbol]	Proposed Telecommunications Supply Drainage

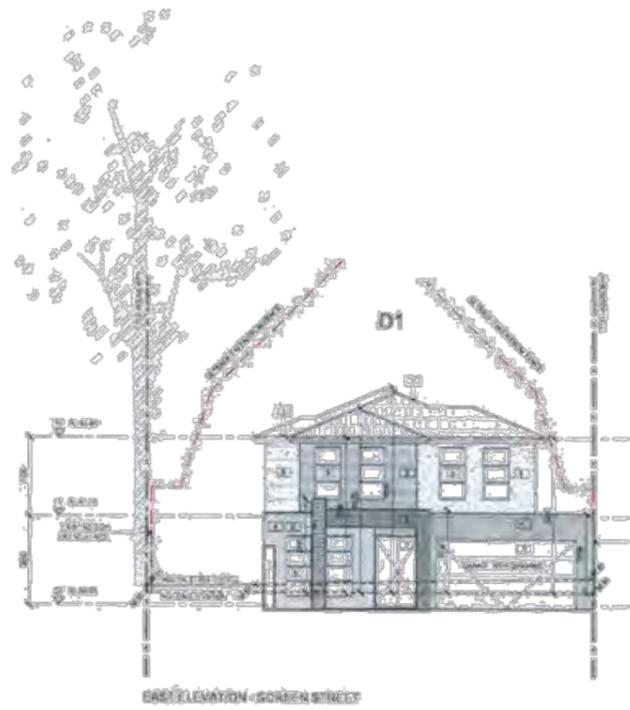
GROUND FLOOR PLAN

**PROPOSED RESIDENTIAL DEVELOPMENT
 11 SCREEN STREET
 FRANKSTON**

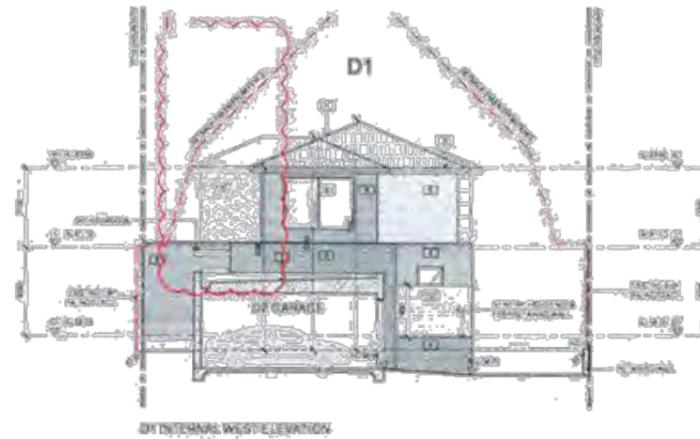
TOWN PLANNING

DATE	NO.	BY
28.02.2017	1	[Signature]

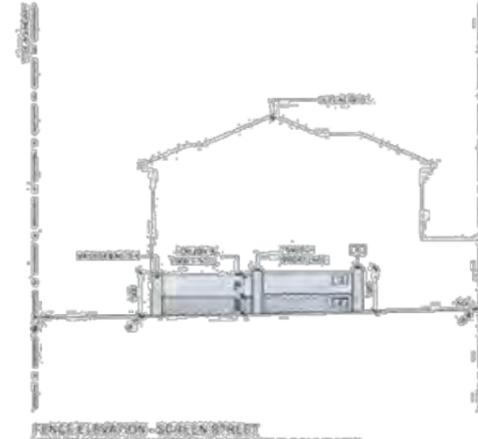




01 ELEVATION - SCREEN STREET



01 INTERNAL WEST ELEVATION



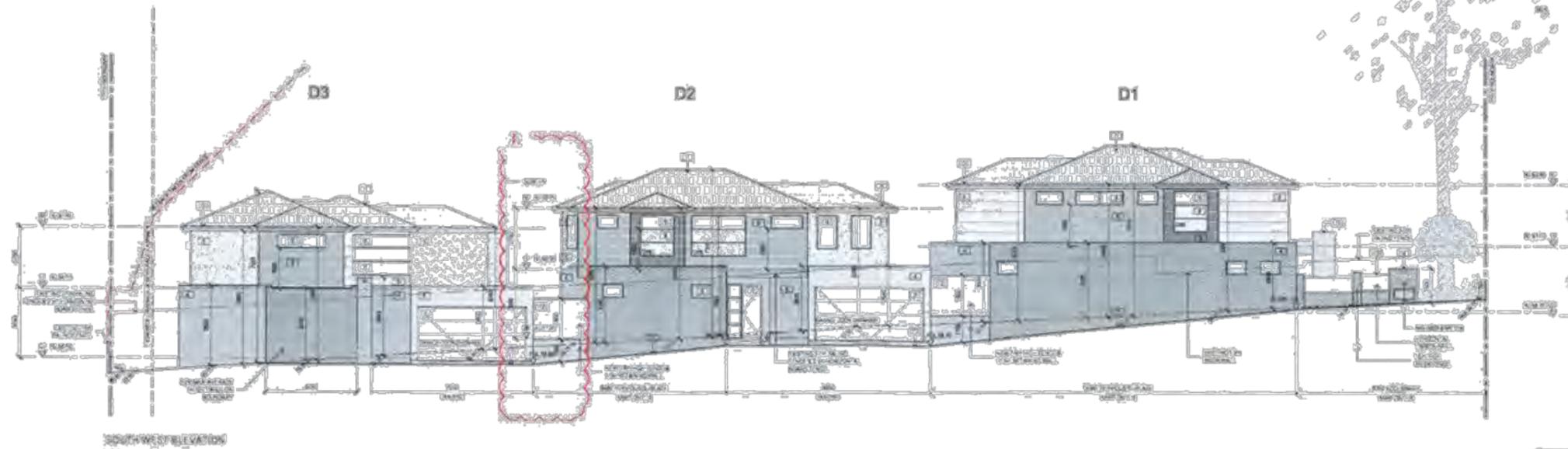
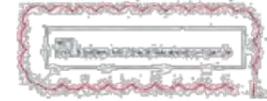
FENCE ELEVATION - SCREEN STREET
 (FENCE SET AWAY FROM FRONT BOUNDARY)



MATERIALS & FINISHES SCHEDULE

- MATERIALS & FINISHES LEGEND**
- 01 ROOFING - COLORBOND
 - 02 BRICKWORK - BRICK
 - 03 CONCRETE - CONCRETE
 - 04 PAINTWORK - PAINT
 - 05 FLOORING - CARPET
 - 06 FLOORING - POLISHED CONCRETE
 - 07 FLOORING - TIMBER
 - 08 FLOORING - CERAMIC TILE
 - 09 FLOORING - STONE TILE
 - 10 FLOORING - GRASS
 - 11 FLOORING - GRASS
 - 12 FLOORING - GRASS
 - 13 FLOORING - GRASS
 - 14 FLOORING - GRASS
 - 15 FLOORING - GRASS

LEGEND



SOUTHWEST ELEVATION



REV	NO	DATE	DESCRIPTION
1	1	28/02/2017	ISSUED FOR PERMIT
2	1	28/02/2017	ISSUED FOR PERMIT
3	1	28/02/2017	ISSUED FOR PERMIT
4	1	28/02/2017	ISSUED FOR PERMIT

NO	DATE	DESCRIPTION
1	28/02/2017	ISSUED FOR PERMIT

PROPOSED RESIDENTIAL DEVELOPMENT
 11 SCREEN STREET
 FRANKSTON

NO	DATE	DESCRIPTION
1	28/02/2017	ISSUED FOR PERMIT



1
CONCRETE ROOF TILES
DARK GREY



2
METAL ROOF
DARK GREY



3
FASCIA & GUTTER
DARK GREY



4
FACE BRICK
MEDIUM BROWN



5
RENDER FINISH
BEIGE



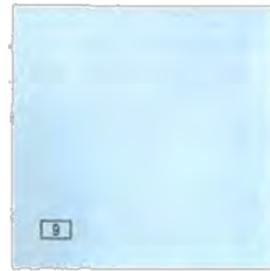
6
HORIZONTAL PANEL CLADDING
MEDIUM BROWN



7
TIMBER CLADDING
NATURAL FINISH



8
ALUMINIUM WINDOW GLAZING
DARK GREY



9
OBSCURE GLAZING
DARK GREY



10
CONCRETE DRIVEWAY
DARK GREY



11
PERMEABLE PAVING
GREY CONCRETE FINISH

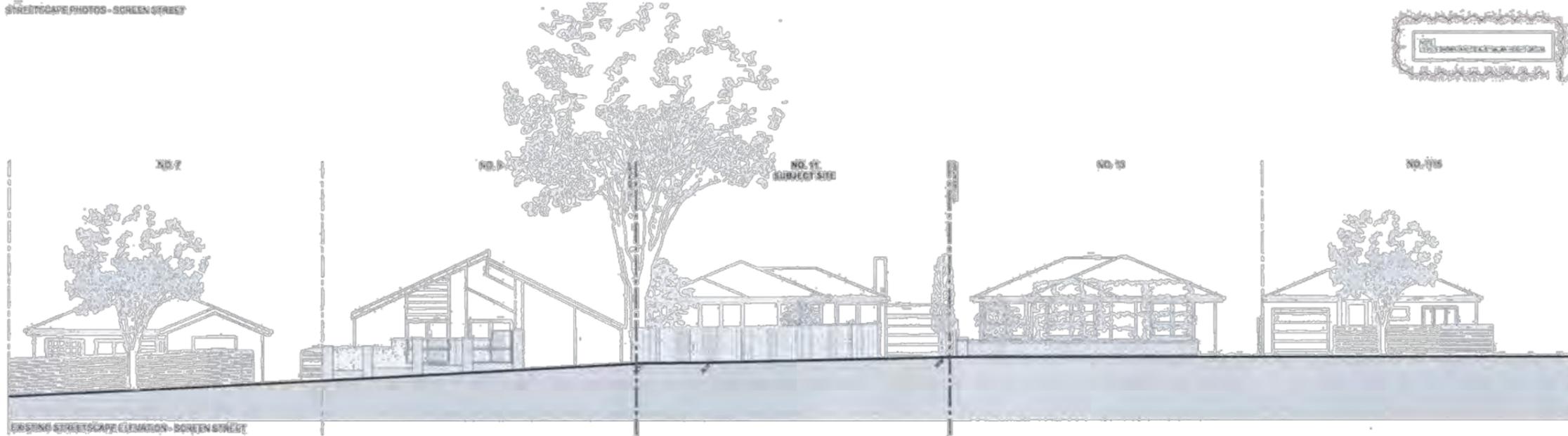


12
TIMBER INFILL
NATURAL FINISH





STREETSCAPE PHOTOS - SCREEN STREET



EXISTING STREETSCAPE ELEVATION - SCREEN STREET



PROPOSED STREETSCAPE ELEVATION - SCREEN STREET



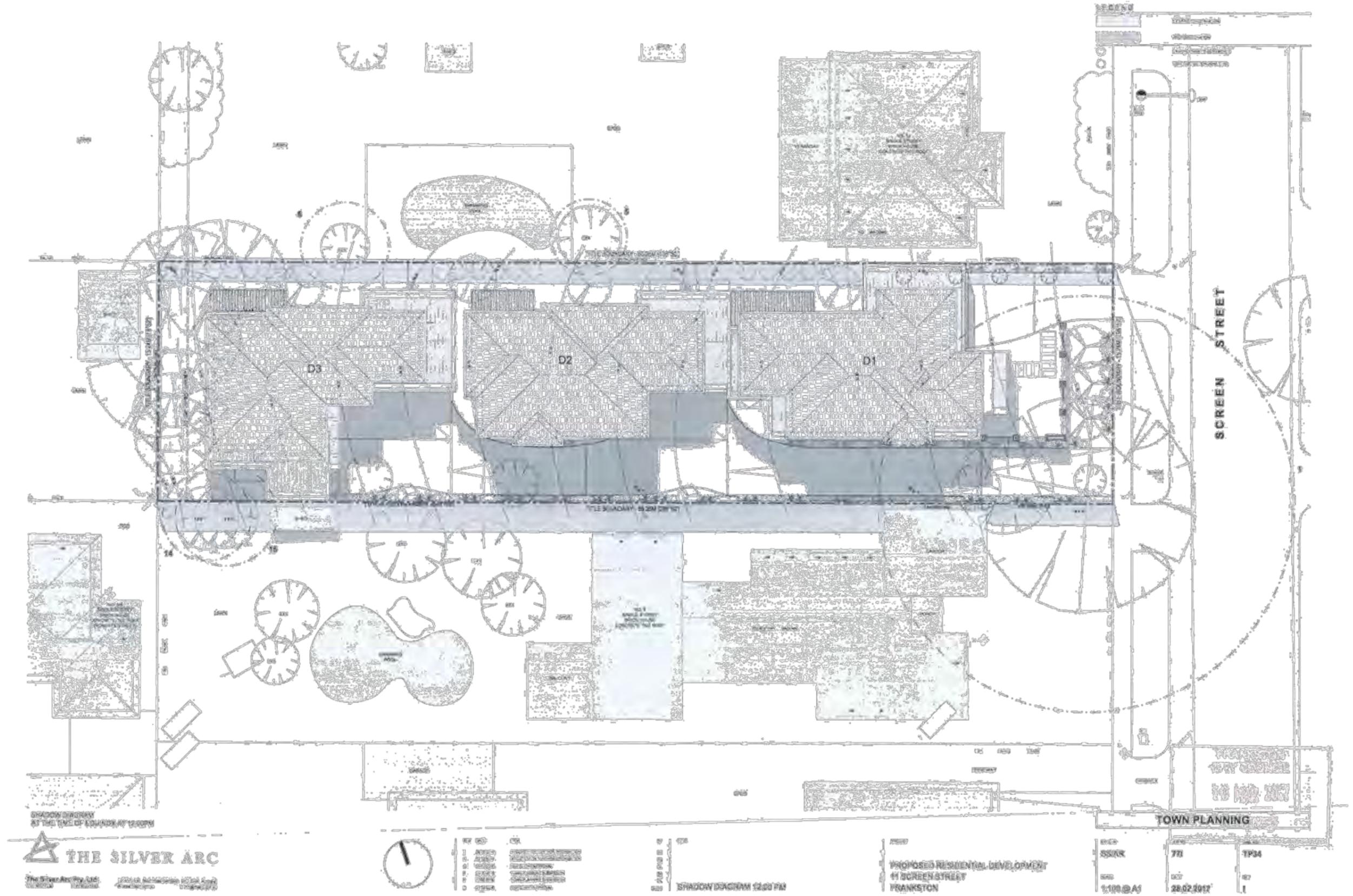
- 1. EXISTING
- 2. EXISTING
- 3. EXISTING
- 4. EXISTING
- 5. EXISTING
- 6. EXISTING

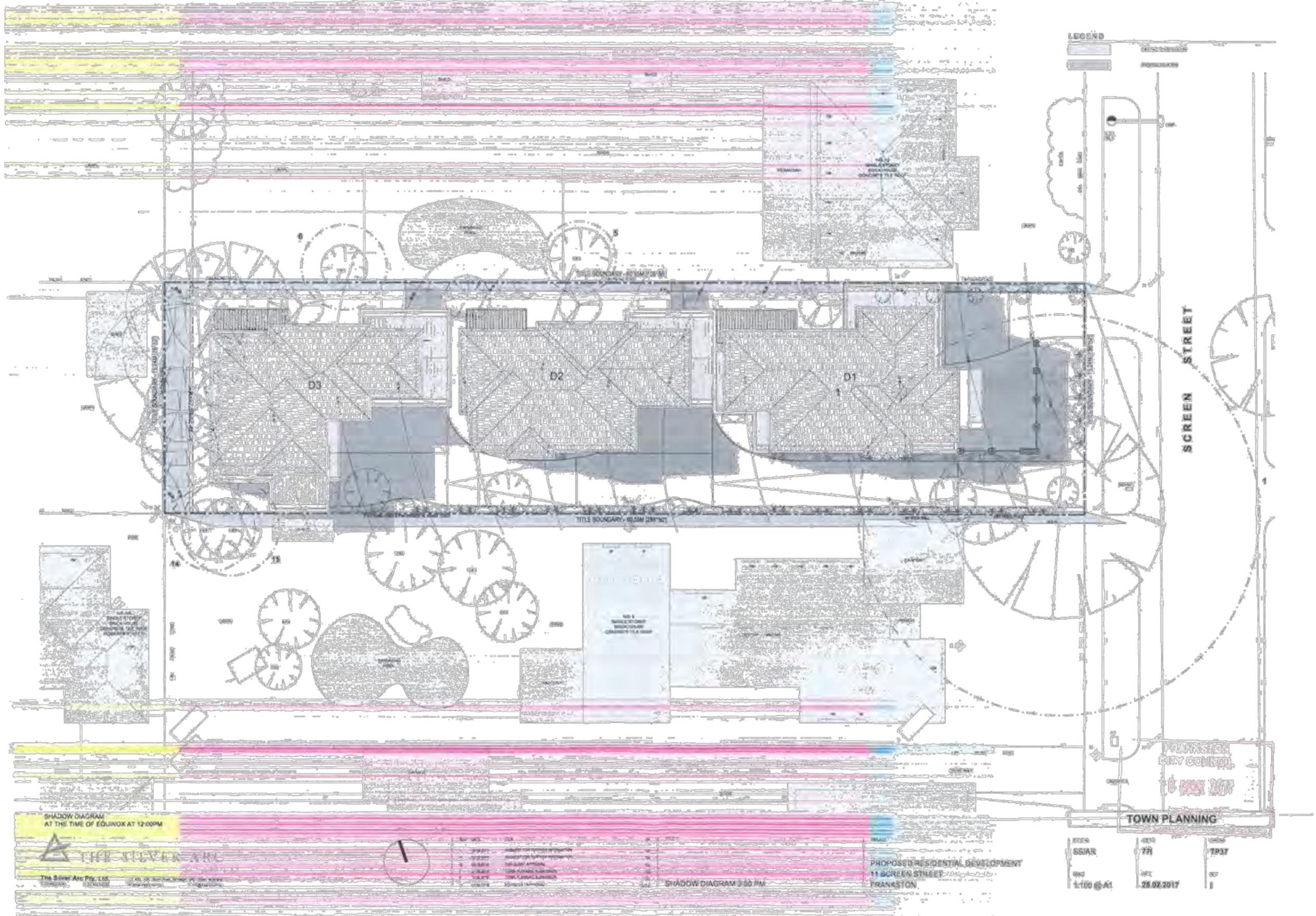
STREETSCAPE ELEVATIONS 1

PROPOSED RESIDENTIAL DEVELOPMENT
 11 SCREEN STREET
 FRANKSTON

TOWN PLANNING

SS/AR	771	TP23
1:100 @ A1	28.02.2017	1'

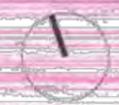




SHADOW DIAGRAM
 AT THE TIME OF EQUINOX AT 12:00PM

THE SILVER ARC

The Silver Arc Pty. Ltd.
 10/11 St. Georges Road, Frankston, Victoria 3162
 Tel: 03 9594 1111 Fax: 03 9594 1112



NO.	NAME	DATE
01	PRELIMINARY DESIGN	10/10/16
02	FINAL DESIGN	10/10/16
03	FINAL DESIGN	10/10/16
04	FINAL DESIGN	10/10/16
05	FINAL DESIGN	10/10/16

SHADOW DIAGRAM 3:00 PM

PROPOSED RESIDENTIAL DEVELOPMENT
 11 SCREEN STREET
 FRANKSTON

DATE	BY	SCALE
28.02.2017	77	1:100 @ A1
	TP37	

TOWN PLANNING



FRANKSTON 2

Character Statement

Neighbourhood Character Precinct Brochure



DESCRIPTION

A well treed area of single storey dwellings that have a strong horizontal emphasis. Mature trees in garden settings and nature strips, exotic and native, provide the attractive treed character of much of the area. The absence of front fences (or when present, their low height) allows front garden trees to become part of the street scene. Gaps between houses allow glimpses of backyard planting.

Key Existing Characteristics

- Architecture is single storey and predominantly 50s-70s
- A variety of building materials and tiled roofs
- Front setbacks range from 6-7 metres to 9-15 metres with 1 and 3-4 metre side setbacks
- Front fence styles are mixed
- Garden styles are varied, with low level and established gardens present
- Sealed roads have kerbs and footpaths on both sides of the street
- Street trees are generally medium to large and inconsistently planted

COMMUNITY VALUES

The following aspects of the area are valued by the community:

- Proximity to schools and shops
- Use of building materials that are sympathetic to existing building materials
- The large trees
- The streetscape vegetation and infrastructure
- The space around buildings

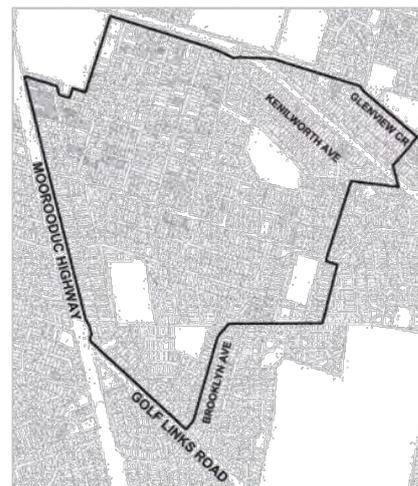
PREFERRED NEIGHBOURHOOD CHARACTER STATEMENT

The well treed garden settings and the horizontality of the dwellings is to be maintained by:

- Providing sufficient space for large trees in front and back gardens
- Ensuring buildings respect neighbouring front setbacks and are set back from both side boundaries and rear boundaries
- Respecting the low scale, horizontal form of buildings in the area
- Encouraging a lack of front fencing where this is dominant

Issues / Threats

- Houses built too close together or too close to the street.
- Buildings that emphasise the vertical or appear 'box' like
- Loss of trees
- High or solid front fences





FRANKSTON 2

Design Guidelines

Neighbourhood Character Precinct Brochure

Character Element	Objective	Design Response	Avoid
Vegetation	To maintain and strengthen the garden settings.	Prepare a landscape plan to accompany all applications for new dwellings that includes substantial trees and shrubs. Retain existing large trees where possible. Provide sufficient space from all boundaries to accommodate trees and substantial shrubs.	Lack of landscaping and substantial vegetation. Removal of established large trees.
Siting	To reflect the rhythm of existing dwelling spacing.	Buildings should be sited to create the appearance of space by providing setbacks on both side boundaries and the rear boundary and to reflect the existing spacing of buildings in the street.	Buildings located on the side or rear boundaries.
Height & building form	To ensure that buildings and extensions do not dominate the streetscape.	Articulate the form and elevation of buildings. Use low pitched roof forms.	Buildings that exceed by more than one storey the predominant building height in the street and nearby properties.
Front boundary treatment	To maintain the openness of the streetscape.	Provide no front fences except where this predominates in the street, and low open styles in other areas, other than along heavily trafficked roads.	High or solid front fencing.

The Objectives define the intention of each Character Element. The Design Responses are assumed to satisfy the relevant Objective. Other Design Responses that meet the Objective may be considered. Refer to the Frankston Planning Scheme for other requirements.

Executive Summary**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**

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

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

Purpose

This report considers the merits of the request to extend the expiry date of Planning Permit 156/2013/P for the development of 446, 448, 448A and 450 Nepean Highway Frankston for a further three (3) years for commencement and for the completion of the development.

Recommendation (Director Community Development)

That Council resolves to grant an extension of time for Planning Permit No. 156/2013/P/B – 446, 448, 448A and 450 Nepean Highway, Frankston issued 20 December 2014 for a further period of two (2) years for commencement and for the completion of the development.

Key Points / Issues

- Planning Permit No. 156/2013/P was issued on 20 December 2014 at the direction of VCAT 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.
- Condition 48 required that the development must commence within two (2) years of the date of the permit and must be completed within five (5) years of the date of the permit unless consent is given in writing from Council to extend these periods.
- An extension of time for a period of two (2) years to commence and complete was approved on 13 May 2014 extending the permit expiry until 20 December 2017 to commence the development and 20 December 2019 to complete the development.
- A written request has been received seeking an extension of time to commence and complete the development for a further three (3) years.
- The applicant has indicated that works have not yet commenced on site and that a large tenant is still being sought and is required prior to commencing works.
- There have been no significant changes to planning policy since the issue of planning permit which would affect the probability of a fresh permit being issued.
- It is considered that an extension of time should be supported for a period of two (2) years, with the development to commence prior to 20 December 2019 and be completed prior to 20 December 2022.

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

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**Executive Summary****Financial Impact**

For the 2017-2018 financial year, the State Government Minister for Local Government has announced a limit on the amount Victorian councils may increase rates. The cap for the 2017-2018 financial year is 2%. The cap is based on the Consumer Price Index expected for the financial year.

This cap has a significant effect on Council's current Long Term Financial Planning, with rate revenue being \$9 million less than anticipated over the first four years, growing to \$17 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

The application fee paid to Council is \$140.00. The average cost to process a planning application is \$1729.00 which represents a shortfall in this case of \$1580.00.

Consultation1. Internal and External Referrals

There were no internal or external referrals for the request for an extension of time.

3. Other relevant parties / stakeholders

Nil.

Notification of Proposal

A request for an extension of time to a Planning Permit is not subject to public notice under the Planning and Environment Act 1987.

Analysis (Environmental / Economic / Social Implications)

The proposal was assessed at the time of the original application with regard to any environment, economic and/or social implications.

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

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

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

Legal

Section 69 of the Planning and Environment Act 1987 allows a permit holder to make a written request to the Responsible Authority to extend the permit expiry within six (6) months of the expiry date if the development has not yet commenced. The request has been made within the specified timeframe.

Policy Impacts

Since the Planning Permit was issued, no significant changes to the planning controls that apply to the site have occurred.

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**Executive Summary**Officer's Declaration of Interests

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

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

Risk Mitigation

There are no risk implications associated with extending the planning permit.

Conclusion

Conditions on the Planning Permit allow for an extension of time to be considered and granted. The request to extend the permit has been assessed against established principles for these requests and an extension of time for a period of two (2) years to commence and complete the development is supported.

ATTACHMENTS

- Attachment A: Locality Map - Town Planning 156 2013 P B - 446, 448, 448A and 450 Nepean Highway, Frankston
- Attachment B: Locality Map (Aerial) - Town Planning 156 2013 P B - 446, 448, 448A and 450 Nepean Highway, Frankston
- Attachment C: Application Form
- Attachment D: Cover Letter

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

Officers' Assessment

Summary

Existing Use	Retail, tavern and vacant buildings
Site Area	3,108 square metres
Proposal	To extend the time given to commence and complete the development. The original permit allowed an eleven (11) storey office, retail and residential building with alteration to access to a Road Zone Category 1 and a reduction in car parking and loading/unloading facilities.
Site Cover	Not applicable
Permeability	Not applicable
Zoning	Commercial 1 Zone
Overlays	Design and Development Overlay Schedule 6
Neighbourhood Character Precinct	Not applicable
Reason for Reporting to Council	Councillor interest

Background

Planning Permit 156/2013/P was issued on 20 December 2014 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.

An extension of time was issued on 13 May 2014 extending the permit expiry until 20 December 2017 to commence the development and 20 December 2019 to complete the development.

Condition 48 of the permit states that:

"The permit will expire if one of the following circumstances applies"

- *The development has not commenced within two (2) years of the date of this permit.*
- *The development has not completed within five (5) years of the date of this permit."*

Section 69(1) of the Planning and Environment Act 1987 allows an owner or occupier of land to which a permit applies to request the Responsible Authority for an extension of time within six (6) months of the expiry of a permit if the development has not commenced or within twelve (12) months if the development has commenced but not been completed.

The written request for an extension of time was received by Council on 22 May 2017.

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**Officers' Assessment*****Subject Site***

The subject site is a consolidation of five (5) allotments across four (4) properties (446, 448, 448A and 450 Nepean Highway) bounded by Nepean Highway and Kananook Creek Boulevard, approximately 40 metres north of Wells Street, in Frankston.

The site is irregular in shape with a frontage to Nepean Highway of 58.95 metres, frontage to Kananook Creek Boulevard of 59.56 metres and depth between 47 and 59 metres. The site has an area of 3,108 square metres and a fall of approximately 3 metres from east to west (Nepean Highway to Kananook Creek Boulevard).

Locality

The site is located on the western side of the Nepean Highway within Frankston Metropolitan Activity Centre area. The site is within a mixed use area comprising offices, commercial and residential uses.

To the north of the site is a mix of retail and commercial properties and to the south of the site is the Frankston McDonalds and Wells Street. To the west of the site is Kananook Creek and residential properties on Long Island. To the east of the site on the other side of the Nepean Highway is commercial, office and residential properties including the Bayside Shopping Centre and Frankston Railway Station.

The built form of the surrounding area is mixed, ranging from single to multi storey developments including the South East Water Building.

Site History

Previous planning permit applications for the site include:

- Planning application 276/2011/P – refused by Council for construction of a 20 storey building at 436-448 Nepean Highway for the use of retail, office, cafe (food and drink premises) and residential with basement car parking; creation of an access to a road in a Road Zone – Category 1 and a reduction in the provision of car parking.
- Planning Permit 1027/2004/P – issued by Council for construction of an eight (8) storey commercial and residential building, with reduced car parking at 438-444 Nepean Highway (old cinema site) has now lapsed.

Discussion***Whether there has been a change of Planning Control or Planning Policy***

There has not been any significant changes to the Planning Controls or Planning Policy on the site since the original issue of the permit.

It is noted that the Frankston Metropolitan Activity Centre Structure Plan (FMAC Structure Plan) has been adopted by Council and is proposed to be implemented through Planning Scheme Amendment C123 to the Frankston Planning Scheme. There are changes proposed to the zoning of the site (from Commercial 1 Zone to Activity Centre Zone). The purpose of the new zone is to encourage office and accommodation development and to increase the residential population within the Frankston Metropolitan Activity Centre.

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**Officers' Assessment**

As part of the FMAC Structure Plan the site is included within Precinct 1B. This precinct seeks to provide major opportunities for mixed use development with housing and offices, located above retail ground floor uses throughout the precinct. A preferred, discretionary height limit of 32.0 metres is also proposed which is approximately nine (9) – ten (10) storeys.

The approved development has a height of 39.0 metres, seven (7) metres above the preferred discretionary height limit.

It is noted that when the original permit application assessment was undertaken, the draft Frankston Structure Plan was being prepared. The draft Structure Plan also included this same discretionary height limit and was publically available at the time that the permit was issued (2 January 2014). This variation is minor and is still considered acceptable.

It is therefore considered that the currently approved development for 11 storeys including retail, office and residential is in accordance with the purpose of both the existing Zone, Planning Policy and the proposed revised Activity Centre 1 Zone under Amendment C123.

Warehousing a Permit

'Warehousing' a permit occurs when a permit holder shows little intention of acting on the approval given. Indicators of warehousing a permit include not satisfying predevelopment conditions of a permit (e.g. the submission of condition 1 plans) and no further planning activity on the land (e.g. requests to amend plans).

It is not considered that the applicant is seeking to warehouse the permit. Although this is the second request for an extension of time, progress has been made on the development including the applicant actively seeking out appropriate tenants for the site to allow for financing to commence works.

The applicant has also advised that they have been unable to commence the development as an appropriate tenant has not been secured. The applicant has noted that while there has been interest from potential owner occupiers and investors, the interest has been for smaller holdings insufficient to allow the development to proceed.

It has also been indicated by the applicant that they are endeavouring to locate a larger government or corporate tenant via local agents, Nicholas Crowder and major CBD agents. Additional promotion of the opportunity to Ministers and other representatives of government bodies and large scale marketing is to be undertaken in the next financial year.

Intervening Circumstances that would have a bearing on the grant of an extension of time to the permit

It is not considered that there are any intervening circumstances that would impact on extending the permit. As has been previously discussed, the applicant has indicated that they have been unable to commence the development within the specified timeframes due to not being able to secure an appropriate tenant.

Total Elapse of Time and Adequacy of Original Time Limit

Approximately two (2) years and six (6) months have elapsed since the original permit was issued and the current request for an extension of time. When the permit was issued in December 2014, two (2) years was allowed for commencement of the

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

Officers' Assessment

development and five (5) years to complete the development. An extension of time was issued for a period of two (2) years to commence and complete the development shortly after the permit was issued. This is not considered to be an unreasonable timeframe given the scale of the proposed works.

The applicant has requested an additional three (3) years to commence and complete the development. Given that works on site have not yet commenced and as indicated by the applicant, a tenant has not yet been secured to allow finance to begin the development, this time requested is considered excessive.

An extension of time for a period of two (2) years is considered more reasonable and is consistent with the previous extension. This timeframe will give the applicant until December 2019 (approximately two (2) years and six months) to secure a tenant and commence the development and until December 2021 to complete the development (four (4) years and six (6) months) to complete the development which is considered to be adequate.

Should the applicant require additional time in the future, this can be subsequently applied for and considered by the Responsible Authority. Significant progress on the development including securing a tenant and commencing works would need to be indicated in the future for any subsequent extension of time requests to be supported.

Economic Burden Imposed on the Landowner by the Permit

Given the scale of the development and the requirements of the Permit conditions, it is considered that there is some economic burden imposed on the landowner by the permit. While there is this economic burden, this is not considered unusual for a development of this type and scale.

Probability of a Permit with a new application

As has been discussed through this report, it is likely that a Planning Permit would be issued for a similar proposal for the site consistent with the strategic direction and Planning Policy for the area given its location within the FMAC area.

Conclusion

It is considered that the request to extend the planning permit can be supported for a period of two (2) years to commence and completed the development.

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

Officers' Assessment

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 for the completion of the development.

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

Attachment A: Locality Map - Town Planning 156 2013 P B - 446, 448, 448A and 450 Nepean Highway, Frankston

Town Planning 156/2013/P/B - 446, 448, 448A and 450 Nepean Highway, Frankston

★ Subject Site - No Objectors



Disclaimer

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

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

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

Projection: GDA94 / MGA zone 55

Scale: 1:988

Date Printed: 8/06/2017

Time Printed: 1:24 PM

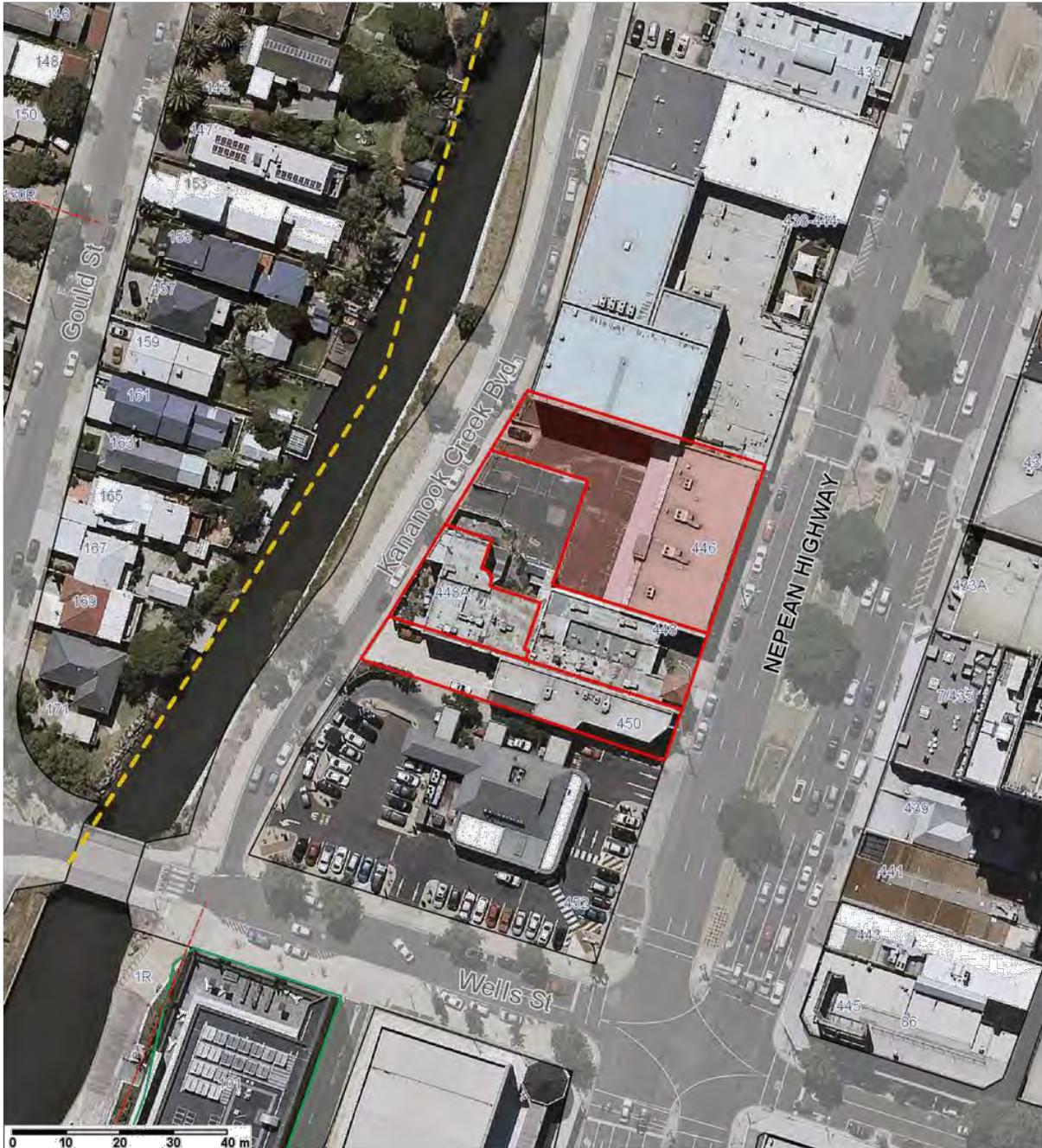
Issued by: Tara Lambert



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

Attachment B: Locality Map (Aerial) - Town Planning 156 2013 P B - 446, 448, 448A and 450 Nepean Highway, Frankston

Town Planning 156/2013/P/B - 446, 448, 448A and 450 Nepean Highway, Frankston



Disclaimer

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

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

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

Projection: GDA94 / MGA zone 55

Scale: 1:988

Date Printed: 8/06/2017

Time Printed: 1:22 PM

Issued by: Tara Lambert





Request for Extension of Time to a Planning Permit

Planning Permit Number:	156/2013/P
Address of the land:	446, 448, 448A, 450 Nepean Highway, Frankston
Use/Development (what permit allows):	To develop an 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.
Applicant Name:	Greg Farmer, Adinelle Pty Ltd
Applicant Postal Address:	c/o Echelon Planning, Sarah McQuillen, 3 Prentice Street, Brunswick 3056
Business hours phone number:	0401880300
If not the owner, is the owner aware of this request being made?	YES/NO Applicant is owner

Has the use/development commenced? If so, to what stage?	YES / NO
---	----------

<p>Reason for seeking an extension of time: <i>If there is not enough space on the form you may add pages</i></p> <p>Please refer to enclosed letter</p>

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

Attachment C: Application Form

What evidence can be provided that the project has progressed since the permit issue or previous extension of time?

Please be aware, that Council may request evidence that there has been some progression of the project to commence. Examples may include (but not limited to):

- Issue of building permit;
- Builder's contract entered;
- Endorsed plans finalised;
- Site preparation works undertaken (photo's).

Please refer to enclosed letter.

Likely commencement date:	20 December 2020
Time seeking for commencement/ completion of work:	Commencement by 20 December 2020. Completion by 20 December 2023

Signature:		
Name (print)	Sarah McQuillen, Echelon Planning	
Date:	22 May 2017	

Fee payment:	Please contact Julia Abbinga, Echelon Planning on 0401 880 300 for payment.
---------------------	---

Council's Planning Department can be contacted on 9784 1733 for the required fee.





22 May 2017

Oliver Rees
Statutory Planning
Frankston City Council
Civic Centre, Corner Young & Davey Streets
Frankston, Vic, 3199

Dear Oliver,

RE: Request for Extension of Time to a Planning Permit – 446, 448, 448A, 450 Nepean Hwy, Frankston Planning Permit Number: 156/2013/P

Echelon Planning act on behalf of Adinelle Pty Ltd, the permit holder for the abovementioned site. We are seeking an Extension of Time to the above planning permit under section 69 of the *Planning and Environment Act 1987*.

An extension of time was granted by Council in 2014 at the time of the permit being granted as it was acknowledged by Council that it would be challenging to secure a major tenant and commence work within the 2 year period included within the original permit. The applicant was advised to apply to extend the time requirement upon receiving the original permit. Whilst considerable efforts have been undertaken to secure a major tenant, the applicant has yet to find the right tenant and as such, we are seeking a further extension of the permit to enable this process to continue.

We are seeking an extension of an additional three years to commencement and three years to completion as follows:

“The permit will expire if one of the following applies:-

- *The development is not commenced by the 20/12/2020.*
- *The development is not completed by 20/12/2023.*

When considering the issues of extending the life of a planning permit, several tests have previously been applied by the Victorian Civil and Administrative Tribunal. We have assessed the permit extension application against those tests below.

(a) Whether there has been a change in planning policy.

There has been no major changes in policy that affects the site. We note that the Frankston Structure Plan has now been adopted by Council and proposed to be implemented through Planning Scheme Amendment C123 to the Frankston Planning Scheme. There are changes proposed to the zoning of the site (from C1Z to ACZ1). The purpose of the exhibited zone is to encourage office and accommodation development and to increase the residential population within the Frankston Metropolitan Activity Centre.

The site is included within Precinct 1B which seeks to provide major opportunities for mixed use development with housing, offices, located above retail ground floor uses throughout the precinct. The Structure Plan provides for a preferred height limit (discretionary) which was





supported by the Panel. The permit provides for 11 storeys including retail, office and residential in accordance with the purpose of the zones.

The exhibited Activity Centre Zone – Schedule 1 applies a preferred height limit of 32 metres. This is a discretionary height limit and we note that at the time of the original permit application assessment, the draft Frankston Structure Plan was being prepared. The draft Structure Plan also included this same discretionary height limit and was available at the time that the permit was issued (2 January 2014).

(b) Whether the land owner is seeking to 'warehouse' the permit.

The owner is not seeking to 'warehouse' the permit, noting that this is the second application for an extension of time and the request will provide a relatively modest time allocation in which to commence and complete the development.

(c) Any intervening circumstances that bear upon grant or refusal.

For a project of this scale, with such a large office component, securing a large tenant is crucial and required prior to commencing works on the site. Although there has been considerable interest from would be owner occupiers and investors, the interest so far has been for smaller holdings not sufficient to allow the project to proceed.

The applicant is endeavouring to locate a larger government or Corporate tenant via local agents, Nicholas Crowder (Mr. Michael Crowder) and major CBD agents such as Savills and CBRE are aware of the opportunity for a major tenant to be located strategically in the Frankston CBD as the focus of business activity in this region extending across a very wide radius incorporating the Mornington Peninsula.

The applicant is due to commence another round of promotion of the opportunity to Ministers and other representatives of government bodies and large scale potential users and have established a budget for this to commence next financial year.

Securing a large tenant is crucial not only for the project but as part of creating new employment opportunities for Frankston MAC.

(d) The total elapsed time between the permit issuing and the request.

This application is made within the timeframe specified as per the Planning and Environment Act 1987. We note that the original extension was applied for within 4 months of the granting of the permit, as it was clear that it would be challenging to secure a major tenant for a project of this scale, within the standard time included on the permit.

(e) Whether the time limit originally imposed was adequate.

The time limit imposed on the original permit was considered to be insufficient and Council acknowledged that for a permit of this nature, securing a large tenant was critical for the success of the development.

Considerable efforts have been made over the past two years to secure a major tenant, however an extension of time is deemed necessary to grant a realistic time frame for the





project.

(f) The economic burden imposed on the landowner by the permit.

The landowner is bearing all holding costs. The majority of the buildings are empty, with 450 Nepean is occupied on a monthly tenancy only, in order to enable commencement whenever necessary.

Expenditure running into many hundreds of thousands has been incurred in the planning, promotion and marketing of this project to date.

In addition considerable revenues in millions have been foregone in holding costs of the site maintained without any significant rental income and bearing of rates and heavy Land Taxes, cost of funds tied up etc. since the planning period commenced as early as 2012.

This demonstrates the genuineness and enthusiasm the applicant has to get this project off the ground.

(g) The probability of a permit issuing should a fresh application be made.

The development is highly consistent with State and local planning policy, noting that Plan Melbourne 2017 identifies Frankston as one of the Metropolitan Activity Centres and as such, there are strategic grounds for the location of a commercial office building at this site.

The permit application was assessed when the draft Frankston Structure plan was being prepared by Council and we note that the although the approved height (39 metres) is greater than the preferred height within the Structure Plan (32 meters), this is a discretionary height limit.

The project has progressed since the permit issue in the following ways:

- Discussions held with a number of significant real estate agent groups to discuss potential tenants. Nicholas Crowder, Savills and CBRE are looking for suitable parties.
- Discussions held with government representatives and correspondence with the Premier. The applicant has approached the Department of Transport, Planning and Local Infrastructure, and raised awareness of the project with State and Federal Ministers, as well as local Members of Parliament.
- Preparation of Feasibility studies. Charter Keck Cramer (property consultants) have been engaged to complete feasibility studies which proved the feasibility of the project in the event of locating a significant tenant. The applicant has advanced the feasibility studies by obtaining detailed cost estimates and detailed constructional programmes from two large building groups experienced in construction of major office buildings.
- Discussions held with financiers. The applicant has strong relationships with two major Australian Banks and overseas based banks, who are expected to support the project when the tenancy situation is resolved and the project will be able to commence.





T 03 9862 3470
E info@echelonplanning.com.au
W echelonplanning.com.au

3 Prentice Street
Brunswick VIC 3056
ABN 48 156 350 668

- Limiting the leases of the existing tenants currently on site and keeping the remainder of the buildings empty (not income producing) in order to enable commencement whenever necessary. The owner is bearing all holding costs. All the existing buildings on site 448, 448a and 446 Nepean have not been made available for lease and 450 Nepean is occupied on a monthly tenancy only. This has resulted in a loss of potential rental income of well over \$1million as well as additional holding costs over the period since the commencement of planning for the project.

The applicant has undertaken considerable efforts to progress the project and strongly believe that the project will positively contribute to the Frankston MAC and the wider community. The project represents an excellent opportunity for a major development, in accordance with State and local policies, that has the ability to attract a major government or corporate tenant and provide significant employment opportunities for Frankston. The applicant greatly appreciates the support Council has provided to date and we request Council's ongoing support to facilitate the project.

Should you have any queries, in relation to the above please feel free to contact me or Julia on 0401 880 300.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'SM', is written over a light blue circular stamp.

Sarah McQuillen
Director



Executive Summary**11.10 Frankston Green Wedge Management Plan - Stakeholder Engagement Program**

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.2 Build a local community culture of good stewardship of the environment
Priority Action	3.2.2 Protect and maintain key natural assets (e.g. parks and reserves) owned by Council

Purpose

To present to Council the proposed Frankston Green Wedge Management Plan – Stakeholder Engagement Program.

Recommendation (Director Community Development)

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

Key Points / Issues

- The Frankston Green Wedge covers nearly 4,500 hectares or 34.5% of the municipality. There are 1,613 individual properties located within the Green Wedge.
- The Green Wedge contains Frankston's paramount areas of remnant indigenous vegetation that provides a home to threatened species of flora and fauna. It provides a playground for its citizens via its numerous recreation facilities and areas, and is home to Frankston's agricultural and horticultural activities. It is also home to many families drawn by the landscape views and vistas and the bush setting located on Melbourne's doorstep. The Frankston Green Wedge is a diverse and valuable asset of our municipality and the various future options for the use of Green Wedge land need to be carefully considered and managed.
- The Planning and Environment Department engaged SJB Urban to prepare the Frankston GWMP Issues Paper. It was considered prudent to produce an Issues Paper that investigated what the key issues are within the Frankston Green Wedge prior to the preparation of the full GWMP. The Issues Paper was presented to Councillors at the 18 April 2017 Council Briefing and is currently available in the Councillor's Library. The Issues Paper will be released for public consideration in July 2017 to encourage input and further stakeholder engagement.
- The Local Planning Policy Framework of the Frankston Planning Scheme requires that a Green Wedge Management Plan (GWMP) for the municipality be prepared. This will be a plan that requires the commitment of resources, time and extensive consultation and research. It is now appropriate to begin the process of developing the GWMP with meaningful public engagement.

11.10 Frankston Green Wedge Management Plan - Stakeholder Engagement Program**Executive Summary**

- The Frankston Green Wedge Management Plan – Stakeholder Engagement Program has been prepared by Mosaic Lab in association with Council's planning, environmental, communications and economic development officers. Mosaic Lab works with government agencies, community members, industry and commercial organisations looking to invest in quality, effective, high influence and deliberative engagement processes.
 - The Engagement Program objectives are for stakeholders (those inside the Green Wedge and the wider Frankston community) to provide input into the development of the GWMP. Specifically for stakeholders to advise on (1) the vision and (2) how Green Wedge land will be used in future as an asset including sustainable land management, rejuvenation and change.
 - Stakeholders to the GWMP are:
 - Residents and businesses within the Frankston Green Wedge.
 - All residents of Frankston City Council – across all age groups.
 - Interest Groups – Environment, business, community and religious groups.
 - Absentee landholders.
 - Indigenous groups.
 - Specific engagement objectives are to:
 - Advise stakeholders that the GWMP is commencing.
 - Ensure all stakeholders know they can participate and how to participate.
 - Seek stakeholder input to assist with the preparation of the Draft GWMP.
 - Allow stakeholders to provide formal submission on the Draft Final GWMP
 - The formation of a 'Deliberating Group'.
 - The Deliberating Group will be a demographically representative group of people (approximately 30) that will be convened for multiple meetings to enable them to become highly informed and provide considered advice to Council on the various challenges inherent in a GWMP. This group will be made aware of the 'non-negotiable' issues relating to the preparation of the GWMP such as recommendations relating to:
 - Local Laws: must be consistent with the *Local Government Act 1989*.
 - Zoning changes: must be consistent with Plan Melbourne.
 - Capital works proposals: must be subject to Council budget processes.
- It is also noted that the Deliberating Group will only be asked to provide advice. Council is the decision maker for the GWMP. This decision making is not being delegated.
- It is envisaged that the Stakeholder Engagement Program will run into the first quarter of 2018. The preparation of the GWMP itself will be undertaken in the first half of 2018 with a final draft to be submitted to Council in June / July 2018.
 - Councillors will be kept fully informed and involved throughout the Stakeholder Engagement Program. This will be achieved by:
 - Councillors attending the opening stakeholder meeting.
 - Councillors providing their views and advice to the Deliberating Group at an initial meeting of this group.

11.10 Frankston Green Wedge Management Plan - Stakeholder Engagement Program**Executive Summary**

- Councillors observing all meetings of the Deliberating Group.
- Councils Planning and Environment Department seeks Council endorsement for this engagement program.

Financial Impact

For the 2017-2018 financial year, the State Government Minister for Local Government has announced a limit on the amount Victorian councils may increase rates. The cap for the 2017-2018 financial year is 2%. The cap is based on the Consumer Price Index expected for the financial year.

This cap has a significant effect on Council's current Long Term Financial Planning, with rate revenue being \$9 million less than anticipated over the first four years, growing to \$17 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

There are sufficient funds to cover the cost of both the Frankston GWMP – Stakeholder Engagement Program and the full GWMP within the 2017/18 Strategic Planning Budget.

Consultation

Consultation for the Frankston GWMP has yet to commence. The purpose of the Frankston GWMP – Stakeholder Engagement Program is for Council to be able to consult as widely and as thoroughly as possible with the Frankston community within the Green Wedge and the wider municipality.

The program will also seek the views of relevant authorities (Melbourne Water, CFA etc.), community groups, business interests and hard to reach groups (elderly citizens, young families etc.).

Analysis (Environmental / Economic / Social Implications)

The final GWMP document will identify and guide best practice land management objectives. It is vital that Council seek to use best practice engagement procedures so as to hear the diverse opinions that will arise in relation to the Frankston Green Wedge. A successful engagement process will give stakeholders a sense of ownership of the final GWMP.

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

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

Legal

Procurement procedures and protocols are relevant to this matter.

Policy Impacts

It is envisaged that all Council policies in relation to the Green Wedge will be reviewed as part of the process of developing the GWMP. The Community Engagement Program will be required to satisfy Council's privacy policies.

Officer's Declaration of Interests

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

11.10 Frankston Green Wedge Management Plan - Stakeholder Engagement Program
Executive Summary**Risk Mitigation**

The Frankston GWMP Stakeholder Engagement Program is required to ensure that the final Management Plan is responsive to all of Frankston's voices. A robust and thorough engagement program will minimise the risk that only the 'usual' or 'loudest' voices are heard during the process. The Frankston GWMP Stakeholder Engagement Program will seek to engage with the hard to reach groups and let individuals, families, community groups and businesses alike, express their views on what may be a contentious subject.

Conclusion

The Frankston Green Wedge is a diverse and valuable asset that belongs to all the people of Frankston. It provides habitat for threatened species and a playground for our citizens. It is also the home to many families drawn to its intrinsic beauty.

A Green Wedge Issues Paper has been produced and will soon be released for public comment and to elicit input for stakeholder engagement.

The Local Planning Policy Framework requires that a Green Wedge Management Plan (GWMP) for the municipality be prepared. This will be a plan that requires the commitment of resources, time and extensive consultation and research. It is now time to begin the process of developing the GWMP starting with public engagement.

The Frankston Green Wedge Management Plan – Stakeholder Engagement Program has been prepared by Mosaic Lab in association with Council planning, environmental, communications and economic development officers. The key objective of the program is to publicise that Council is developing a GWMP and that all stakeholders know they can participate and how to participate. Councillors will be kept fully informed and involved throughout Stakeholder Engagement Program.

The Frankston Stakeholder Engagement Program will give stakeholders a sense of ownership of the final GWMP and be a best practice engagement strategy that seeks to hear all opinions.

Council's Planning and Environment Department seeks Council endorsement for this engagement program.

ATTACHMENTS

- Attachment A: Frankston Green Wedge Management Plan - Stakeholder Engagement Program
- Attachment B: Frankston Green Wedge Management Plan - Draft Issues Paper - Council Briefing Report 18 April
- Attachment C: Frankston Green Wedge Management Plan - Issues Paper (*Under Separate Cover*)

Frankston Green Wedge Management Plan - Engagement Concept

7th June 2017

Context

Frankston City Council has commenced the process of developing a Green Wedge Management Plan. The Green Wedge area of Frankston covers approximately one-third of the municipality. The planning steps are:

- (1) Issues Paper preparation (completed)
- (2) Draft Management Plan preparation by specialist consultants
- (3) Final Draft Plan preparation and endorsement of council to exhibit
- (4) formal exhibition of the plan
- (5) Final Plan preparation
- (6) Final Plan approval by Council
- (7) Preparation of any planning scheme amendments
- (8) Any new management practices put in place

Council is putting in place a robust and comprehensive engagement process to ensure all interested and impacted community members and stakeholders are involved with the development of the plan.

Engagement Objectives

For stakeholders and community members (those inside the green wedge and the wider Frankston community) to provide input into the development of the Green Wedge Management Plan – specifically to advise on (1) the vision and (2) how the green wedge land can best be used to meet the economic, social and environmental needs of Frankston people. The community and stakeholders will be provided with information and be invited to consider the dilemma of how the various uses can best be balanced.

Three streams of engagement:

The proposed engagement program has three streams of engagement to ensure that anyone with an interest can be involved if they wish and that a smaller group of people will consider the issues in depth.

Stream 1 – Wider engagement via a range of activities

- This plan is based on everyone with a stake or interest in the project being able to provide their ideas (if they wish) through a survey and a submission process
- In addition, 'hard to reach' groups will be involved and their input will be gathered through a series of ten targeted conversations
- This stream of engagement will be supported by good communications. The word will be spread widely through Council's communications channels so that everyone who lives or has an interest or stake in the area will know that they can provide ideas through a survey or submission if they wish.

Stream 2 – Stakeholder & interest groups engagement

A meeting of all stakeholder and interest groups will be held early in the process so that they are fully briefed about the project and how they can be involved. The opportunities for their involvement is:

- As experts in the process (as they have important information to share). They will be invited to nominate presenters for the deliberating group (see stream 3).
- To provide submissions to the deliberating group
- To observe the deliberating group
- And it is also possible that they are randomly selected for the deliberating group

Stream 3 – The Deliberating Group

- A smaller group of 30 people will be convened to consider the issues in depth.
- They will be a randomly selected, demographically representative group of people (the deliberating group) of 30 people will be convened for five-six meetings to enable them to become highly informed
- This group will be asked to provide informed, considered and balanced advice to council on the various dilemmas inherent in a green wedge management plan

Councils Role:

Councillors and senior staff will be kept fully informed and involved:

- Councillors and senior staff attend the Stakeholder Meeting
- Councillors and senior staff providing expert advice to the Deliberating Group at an early meeting of the Group
- Councillors and senior staff observe all meetings of the Deliberating Group

Key Engagement Settings

Decision maker: The Council is the decision maker for this plan. This decision making is not being delegated.

Level on the IAP2 Spectrum: CONSULT for the wider community and the hard to reach groups and COLLABORATE with the Deliberating Group

Promise by Council to the wider community: We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision. (Source: IAP2 Spectrum)

Promise by Council to the Deliberating Group: We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible. (Source: IAP2 Spectrum)

Scope

What is negotiable:

- Planning Scheme changes that are in accordance with Plan Melbourne
- Actions that will maintain and enhance the environment
- Updating of local laws such as relating to dumping

What is not negotiable:

- Any capital works for new services are subject to council's usual budget processes
- All planning scheme changes need to be in accordance with Plan Melbourne

Stakeholders

- Residents and businesses in the green wedge land
- All residents of Frankston – across all age groups
- Interest Groups – environment, business
- Community & Religious Groups
- Absentee landowners
- Indigenous groups

Key Questions for the Survey

Some of the questions for the survey are as follow

- What are the opportunities for the Green Wedge
- What the things that must be protected in the Green Wedge

The Engagement Activities

#	Planning task	Engagement objective	Engagement activities
1	Project commences	<ol style="list-style-type: none"> 1. To advise the community and all stakeholders that a GWMP is commencing 2. To ensure all stakeholders/ community members know they can participate and how to participate 	<ol style="list-style-type: none"> 1. Communication with key stakeholders – a range of land owners and stakeholders are already aware that planning has commenced and are waiting for a briefing from council on the Issues Paper and how they can be involved in the planning process. 2. Communication with the community <ol style="list-style-type: none"> a. Letter be sent to all landowners and residents in the green wedge – telling them how they can be involved, copy of Issues Paper Summary, link to Issues Paper and with a survey

#	Planning task	Engagement objective	Engagement activities
			<ul style="list-style-type: none"> b. Letter to key stakeholders same as (a) and also inviting them to a meeting c. Wider community – provide website info – an online survey, Issues Paper Summary, Issues Paper and info on how people can be involved d. Wider community - press release?
2	Preparation of Issues Paper (completed)	1. To provide information to the community about the opportunities & constraints in the Green Wedge (as set out in the Issues Paper)	<ul style="list-style-type: none"> 1. Issue Paper on website 2. Summary brochure prepared to support range of engagement activities 3. Engagement opportunities at this stage <ul style="list-style-type: none"> a. Meeting for stakeholders (Councillors to attend) – meeting to consider the Issues Paper, to advise of engagement process and to invite them to nominate speakers for the Deliberating Group b. Survey – hard copy and online c. Write to council 4. <i>Councillor briefing to held at this stage (prior to stakeholders meeting)</i> <p><i>Data collection: (1) mailing list of people and (2) survey results</i></p>
3			<p>Engagement Preparation</p> <ul style="list-style-type: none"> 1. Wider – set up targeted discussion groups and compile survey (if delayed to this stage) 2. Deeper - Recruit the Deliberating Group – randomly selected to meet the demographics of the green wedge and the wider Frankston community

#	Planning task	Engagement objective	Engagement activities
4	Community input into the draft GWMP	1. To seek community input to assist with the preparation of the draft GWMP	<u>Wider engagement</u> <ol style="list-style-type: none">1. Online survey - Online survey continues (or starts now)2. Submissions – continues (or starts now)3. Targeted discussions with hard to reach groups x10 <p><i>All data from the wider engagement to be provided as input to the deliberating group</i></p>
4	Continued		<u>In Depth Engagement</u> <ol style="list-style-type: none">1. Deliberating Group Meeting #1<ol style="list-style-type: none">a. Understanding of the topic/remitb. Group formation and skills development (brain bias & critical thinking)c. Info on the process and their roled. Info presentations by Council including the Issue Papere. Presentations as recommended by stakeholdersf. Identifying experts they wish to hear from2. Deliberating Group Meeting #2<ol style="list-style-type: none">a. More information – from <i>councillors</i> and experts they have asked forb. Initial discussion – vision and objectives3. Deliberating Group Meeting #3<ol style="list-style-type: none">a. Finalising vision and objectives

#	Planning task	Engagement objective	Engagement activities
			<ul style="list-style-type: none"> b. Identifying options
			<ul style="list-style-type: none"> 4. Deliberating Group Meeting #4 <ul style="list-style-type: none"> a. Writing draft recommendations b. Refining recommendations to the GWMP writers
5	Preparation of the draft GWMP by consultants		Once the draft GWMP has been prepared: <ul style="list-style-type: none"> 1. In relation to any community ideas that have not been included in the draft GWMP, the consultants to provide information on why these ideas could not be included. 2. All information to be provided on the project website and to any registered people
6	Draft GWMP completed	<ul style="list-style-type: none"> 1. To check in with the community on the draft GWMP 	<ul style="list-style-type: none"> 2. Deliberating Group Meeting #5 <ul style="list-style-type: none"> a. Group to provide comments on the draft GWMP
7	Draft Final GWMP prepared and submitted to Council for consideration prior to formal exhibition process including standard council briefing of councillors		<i>Will this be considered at a council meeting? If yes, provide a time for the Deliberating Group to address the Council</i>
8		<ul style="list-style-type: none"> 1. For the community to provide formal submission on the Draft Final GWMP 	<ul style="list-style-type: none"> 2. Formal submission process <ul style="list-style-type: none"> a. Submissions received

#	Planning task	Engagement objective	Engagement activities
			3. Advisory Group Meeting #6 <ul style="list-style-type: none"> a. to assess the comments from the wider community and to provide advice to council on the submissions. If submissions not included in the plan, information to be provided back to submitters on why not included.
9	Final Plan prepared Council consideration of final plan	1. To allow people to speak directly to councillors within the formal council process (only if this is current council practice)	4. Presentation – Invite people who participated in the process to have same amount of time to address the council as people from the wider community
9	Planning scheme amendments to implement final GWMP as needed	TBC	At all stages in the process: <ul style="list-style-type: none"> 1. In relation to any community ideas that have not been included in the various stages of the plan development, Council to provide information on why these ideas could not be included. 2. All information to be provided on the project website and to any registered people (the mailing list)

Briefing	1	18 April 2017
----------	---	---------------

Executive Summary

2.2 Frankston Green Wedge Management Plan - Draft Issues Paper

Enquiries: (James Smith: Community Development)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.2 Build a local community culture of good stewardship of the environment
Priority Action	3.2.2 Protect and maintain key natural assets (e.g. parks and reserves) owned by Council

This matter

Heads Up

Presenter(s)

Michael Papageorgiou

Purpose

To brief Councillors on the findings and recommendations of the Frankston Green Wedge Management Plan Draft Issues Paper.

Recommendation (Director Community Development)

That Councillors:

1. Note the Frankston Green Wedge Management Plan Draft Issues Paper.
2. Support officers undertaking public engagement workshops with key Green Wedge stakeholders.

Key Points / Issues

- Frankston's Green Wedge spans the greater South-East Green Wedge that covers parts of Carrum Downs, Frankston North, Skye and Langwarrin, and a smaller portion in the Mornington Peninsula Green Wedge that covers parts of Langwarrin South and Frankston South. The area of Green Wedge land within the municipality is approximately 4,500 hectares.
- Council's Municipal Strategic Statement (MSS) identifies the Frankston Green Wedge as one of the key non-urban areas designated in the state government's metropolitan strategy (Plan Melbourne), and it contains a number of different environmental, economic and social values. The various future roles of the Green Wedge need to be defined and protected.
- The Local Planning Policy Framework (LPPF) of the Frankston Planning Scheme contains objectives relating to the future management and protection of the Frankston Green Wedge. The LPPF requires that a Green Wedge Management Plan (GWMP) for the municipality be prepared. This will be a plan that requires the commitment of resources, time and extensive consultation and research.
- Due to the diverse nature of the environmental, economic and social values of the Frankston Green Wedge, the Planning and Environment Department engaged SJB Urban to prepare the Frankston GWMP Issues Paper. It was considered prudent to produce an Issues Paper that investigated what the key issues are within the Frankston Green Wedge. These key issues will be further addressed in the final GWMP.
- The Frankston GWMP Issues Paper has identified the following key issues:
 - Economic Development
 - Biodiversity and Nature Conservation

Briefing	2	18 April 2017
2.2 Frankston Green Wedge Management Plan - Draft Issues Paper Executive Summary		

- Recreation and Open Space
- Extractive Industries
- Cultural Heritage
- The Frankston GWMP Issues Paper concludes with an outline of the next steps and recommendations in the process towards a final Frankston GWMP Plan:
 - Establish a project Working Group to deliver the GWMP.
 - Establish an overarching vision for the Green Wedge.
 - Establish a secondary vision for each precinct within the Green Wedge.
 - Develop a monitoring and review process imbedded in the GWMP to ensure it remains relevant.
 - Conduct public engagement workshops with key Green Wedge stakeholders and undertake a social media and website campaign.
 - Provide a clear summary of the workshops including a summary action plan for next steps.
 - Incorporate this summary and any further information into the final Issues Paper.

Financial Impact

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

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

The cost of the Frankston GWMP Issues Paper of \$19,959.50 is covered by the 2016/17 Strategic Planning budget.

Consultation

Consultation sessions were held between SJB Urban and Council's Planning, Environmental and Economic Development Officers.

Local environmental groups have been notified of the preparation of the Frankston GWMP Issues Paper however formal feedback has yet to be requested.

It is envisaged that public engagement workshops will be held in April/May 2017 with key Green Wedge stakeholders including land owners, business owners, extractive industry representatives and environmentalists.

Analysis (Environmental / Economic / Social Implications)

Environment

The Frankston GWMP Issues Paper has identified biodiversity and nature conservation as a key theme in the ongoing management and preservation of the Frankston Green Wedge.

Economic

The Frankston GWMP Issues Paper includes information on demographics and population trends, employment forecasting, land use summary and land values. The document notes that there will be competing land uses and conflicts between economic outcomes and environmental outcomes that will need to be carefully managed.

Briefing	3	18 April 2017
2.2 Frankston Green Wedge Management Plan - Draft Issues Paper Executive Summary		

Social Implications

The final GWMP document will identify and guide best practice land management objectives and will provide the communities of Frankston and the wider metropolitan area improved recreational, cultural and occupational opportunities.

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

Legal

Procurement procedures and protocols are relevant to this matter.

Policy Impacts

The Issues Paper recommends that all Council policies are reviewed and objectives/outcomes that affect the Green Wedge identified and that when developing the GWMP that policy objectives are aligned to the GWMP and that Council should consider changes to either existing policy or the GWMP, whichever has the greater overall benefit.

Officer's Declaration of Interests

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

Risk Mitigation

The GWMP Issues Paper is the first step in understanding the complex and valuable relationship of the Frankston Green Wedge with its surrounding community and the wider Green Wedge network. The issues outlined in the GWMP Issues Paper seek to identify the site specific opportunities and constraints of the Frankston Green Wedge ensuring the final Management Plan is responsive, robust and ensures the long term sustainability of the Frankston Green Wedge. Delivery of a final Management Plan is crucial to providing best practice Green Wedge management over competing land uses and conflicts between economic outcomes and environmental outcomes.

Conclusion

The final Frankston GWMP will provide for short, medium and long term management strategies for land uses and land stewards within the Frankston Green Wedge. The GWMP Issues Paper has provided Council with a concise report on the key issues affecting the Frankston Green Wedge in the 21st century and the steps to completing the final Management Plan. Existing and future land uses within the Frankston Green Wedge will be varied and potentially conflicting. The area is essential to the long term sustainability of Frankston and the wider south-eastern and peninsula areas. It is envisioned that the Frankston GWMP will be a best practice management document that will result in an enhanced and appropriately used Frankston Green Wedge for the enjoyment of future generations.

Recommendation

That Council resolve to receive the Frankston GWMP Issues Paper, authorise officers to undertake public engagement workshops with key Green Wedge stakeholders and request a report on any submissions received be prepared for review by Council.

Briefing**4****18 April 2017****2.2 Frankston Green Wedge Management Plan - Draft Issues Paper****Executive Summary**

ATTACHMENTS

Attachment A: Frankston Green Wedge Management Plan Draft Issues Paper

Executive Summary**11.11 Submission - Review of the Public and Shared Housing Reforms**

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

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

Purpose

For Council to endorse the draft Submission to the Department of Environment, Land, Water and Planning Review on the proposed Public and Shared Housing Reforms.

Recommendation (Director Community Development)

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.

Key Points / Issues

- The Department of Environment, Land, Water and Planning (DELWP) released a consultation paper for a review of the Public and Shared Housing Reforms in mid-May 2017. Submissions were required to be provided to DELWP by 16 June 2016.
- Council officers from the Planning and Environment Department and the Community Strengthening Department reviewed the consultation paper and submitted a written response to DELWP on 16 June 2016. The response focussed on the practical intent and interactions between planning assessments and shared housing requirements.
- Opportunities were identified to better align definitions and assessment criteria in planning and housing legislation, as well as for streamlining processes and improving interaction between Councils and Non-Government Organisations (NGO).
- Opportunities to reduce amenity impacts were also raised, including measures to encourage better built form and design and a focus on the appropriate location of public and shared housing. The submission argues for greater and more responsible on-site management and seeks an increased ability for Council to undertake a proper assessment of cumulative impact of these sort of proposed developments.

11.11 Submission - Review of the Public and Shared Housing Reforms**Executive Summary****Financial Impact**

For the 2017-2018 financial year, the State Government Minister for Local Government has announced a limit on the amount Victorian Councils may increase rates. The cap for the 2017-2018 financial year is 2%. The cap is based on the Consumer Price Index expected for the financial year.

This cap has a significant effect on Council's current Long Term Financial Planning, with rate revenue being \$9 million less than anticipated over the first four years, growing to \$17 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

The response to the review is of limited financial cost to Council and is covered by the 2017/2018 Planning and Environment budget.

Consultation

A meeting was held between Council's Strategic Planning and Statutory Planning officers in May 2017 to consider the key issues for a submission on behalf of Frankston City Council. Advice and input was also sought from other parts of the Council organisation.

Analysis (Environmental / Economic / Social Implications)*Economic:*

The submission included suggestions for how the planning scheme and processes can be improved by aligning definitions and assessment criteria. Examples include explaining and defining the different types of public and shared housing that may obtain a planning permit or will not require a planning permit; using consistent assessment criteria (i.e. private open space and visible building entry) to determine amenity impacts; and improving notification procedures to avoid confusion for both applicants and objectors. It is expected that improving the planning scheme and processes will reduce regulatory confusion created by the current provisions for 'shared housing'.

Social:

The opportunities identified to improve the amenity of public and shared housing include requiring these facilities to be managed by registered or accredited NGOs, housing associations or welfare agencies. These developments should also have on-site supervisory managers available 24/7. Cumulative impact assessments should be undertaken to measure the clusters of these type of developments and consideration should be given to managing the spread and location of these developments based on need.

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

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

Legal

There are no legal implications in making the submission.

Policy Impacts

The submission was prepared to provide suggestions that will improve planning processes as well as the consideration of amenity impact measures.

11.11 Submission - Review of the Public and Shared Housing Reforms**Executive Summary**Officer's Declaration of Interests

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

Risk Mitigation

Lack of Council endorsement may result in the officer submission to the DELWP review not being given sufficient weight in any assessment by the State Government. It could also mean that the existing planning controls are therefore not adequately improved, through this opportunity.

Conclusion

The issues of shared housing have been a particular problem within Frankston City Council. It should be welcomed that it is now more tightly defined as 'rooming house' and there are built form limits and the number of rooms is limited to 8 rooms without needing a Planning Permit. Council believes that is a good outcome in itself.

That Council notes and endorses the submission to the Department of Environment, Land, Water and Planning dated 16th June 2017 and that the submission now be forwarded and confirmed as the Council's position to the review and reform of planning provisions for community care unit, crisis accommodation and shared housing.

ATTACHMENTS

Attachment A: Frankston City Council Submission

Attachment B: Review and reform of planning provision



Frankston City Council
30 Davey Street, Frankston, Victoria, Australia
Telephone: 1300 322 322 or +613 9784 1888 • Facsimile: +613 9784 1094
PO Box 490, Frankston VIC 3199 • DX 19913 Frankston
Website: frankston.vic.gov.au
ABN: 49 454 768 065

Reference: A3374464
Enquiries: James Smith
Telephone: (03) 9768 1666

planning.systems@delwp.vic.gov.au

15 June 2017

Dear Sir/Madam

Feedback – Public and Shared Housing Reforms

Frankston City Council welcomes the opportunity to provide feedback in response to the proposed Public and Shared Housing Reforms. This submission has been prepared with input from Council officers whose work involves statutory planning assessment, urban design, strategic planning and compliance issues.

Please note this is an officer submission and has not yet been approved by Council. A revised submission will be provided once Council resolves to endorse the submission.

Council supports government policy that seeks to reduce discrimination against disabled or disadvantaged people seeking housing, supports redefining the term ‘shared housing’ and replacing with the definition ‘rooming house’, supports permit exemptions and the preservation of confidentiality in relation to sensitive accommodation, and supports new limits on the number of residents, bedrooms and maximum building floor area that doesn’t trigger planning permission.

Whilst these administrative ‘tidy ups’ are necessary and overdue, Council considers that the reforms should go further and provide Council with the ability to assess ‘built form’, ‘location’, ‘management’ and ‘cumulative and amenity impacts’ associated with public and shared housing. The following feedback is provided on the issues faced in Frankston City Council:

1. Built Form / Design

The proposed planning provision reforms do not address the lack of input that Councils seek in relation to the built form of public and shared housing. Council suggests that tenants of public and shared housing should have the same amenities that are required in multi dwelling developments assessed under ResCode. Of concern is Council’s inability to assess:

- Private Open Space provision

- Building design including but not limited to:
 - Visible and safe building entry
 - Storage
 - Energy efficiency
 - Ventilation

2. Location

Residential zoned land is the appropriate area to develop public and shared housing. Council would like however to have the ability to assess the location of public and shared housing in relation to the provision of public transport, shops, welfare, health and educational services. Disadvantaged groups that may not have access or ownership of private motor vehicles are likely to reside in public and shared housing. Such groups are likely to require the above mentioned services and therefore proximity to these is a key locational consideration.

3. Management

Public and shared housing developments should be managed by registered or accredited NGO's, housing associations or welfare agencies. These developments should also have on-site supervisory managers available 24/7.

4. Cumulative Impact

'Clusters' of shared housing developments are appearing within Frankston City Council. Council requests reform to particular provision/s to allow for the the ability to undertake a cumulative impact assessment against proposed developments.

5. Amenity Impacts

Council's experience with public and shared housing developments is that the provision of communal indoor space and private outdoor space can be somewhat lacking. Vulnerable groups or individuals within these facilities can be forced to cluster together with a lack of private or reflective spaces available.

Overall Council believes that there are significant opportunities to improve the provision of public and shared housing. Council wishes to have the ability to thoroughly assess these developments in relation to the issues outlined above without discriminating against disadvantaged people seeking housing and support.

Yours faithfully



Michael Papageorgiou
MANAGER PLANNING AND ENVIRONMENT



Comments are invited on proposed changes to the *Victoria Planning Provisions* to clarify and improve permit exemptions for Community Care Unit, Crisis Accommodation and Shared Housing (rooming house) provisions.

Purpose

The Minister for Planning has requested the Department of Environment, Land, Water and Planning (DELWP) to review and investigate reforms to the crisis accommodation, shared housing and community care unit provisions in the *Victoria Planning Provisions* (VPP). The purpose of the review is to improve and clarify the provisions, introduce exemptions for the development of domestic scale establishments and continue the existing permit exemptions for land use.

Work to reform these particular provisions began in 2011. The review work included consultation with councils, the community and stakeholders. The Minister for Housing, Disability and Ageing has requested the review be continued and finalised. The department is working closely with the Department of Health and Human Services on the review.

Policy Context

The proposed reforms support State planning policies and broader government policy. The existing provisions are based on a long standing policy to exempt these special types of uses from permit requirements to reduce discrimination against disabled or disadvantaged people seeking housing and support the confidentiality of sensitive

accommodation such as housing for victims of domestic violence. One of the reasons for the exemption was to avoid objections to permit applications based on the physical, mental or social characteristics of the residents to be accommodated.

The State Planning Policy Framework (SPPF) and *Plan Melbourne* supports the supply of social housing and affordable housing. Rooming houses and community care units play an important role in providing inclusionary, social and affordable housing.

Plan Melbourne is Victoria's metropolitan planning strategy that defines the future shape of the city and state over the next 35 years. It integrates long-term land use, infrastructure and transport planning. It identifies that between 2015 and 2051 Melbourne is projected to grow from a population of 4.5 million to almost 8 million. In that time the total Victorian population will reach 10.1 million. A population increase will require another 1.6 million dwellings and contribute to an increase in demand for social and affordable housing.

The Victorian Government's housing strategy *Homes for Victorians* contains initiatives complementary to *Plan Melbourne* which demonstrate the Governments' state-wide commitment to increasing and renewing social housing



Department of Environment, Land, Water and Planning

stock. The strategy introduces a number of funded programs including the \$1 billion Social Housing Growth Fund, the \$185 million Public Housing Renewal Program, and the \$140 million Social Housing Pipeline.

Homes for Victorians states that:

Every Victorian deserves the safety and security of a home. Social housing provides homes to Victorians in need, and for many it gives them the foundation to stabilise other areas of their lives, and participate in education, work and the community. A healthy social housing system is critical in meeting the housing requirements of Victorians in need.

In response to the Royal Commission Into Family Violence Report (March 2016), the Victorian Government has also committed \$152 million in funding over the next three years to implement Family Violence housing measures. Part of this funding will go toward construction of 180 new units of crisis accommodation and provision of 130 new social housing properties.

Plan Melbourne Direction 2.3 aims to increase the supply of social and affordable housing. Key policy areas include utilising government land to deliver additional social housing and streamlining decision-making processes for social housing proposals which will facilitate faster delivery of social housing projects with lower holding costs and greater planning certainty.

Background

Some councils and members of the community have raised concerns that rooming houses can be established in residential zones without a planning permit if the existing exemptions of clause 52.23 are met and a building permit for a class 1b building is obtained, requesting removal of permit exemptions or greater restrictions for the exemption thresholds. The draft reforms do not remove exemptions however the provisions and exemptions are clearer and thresholds are more restrictive.

In addition to the policy support the draft provisions address uncertainty about the extent of permit exemptions for these uses. VCAT determined (Department of Human Services v Maribyrnong CC [2008] and Kingston CC v Wilson [2015]) that the land use exemptions for crisis accommodation and shared housing in the VPP should be interpreted broadly to include any requirement in the planning scheme for development. The exemptions in the draft provisions apply only to use and development in the zone and particular provision. Other permit requirements in the planning scheme such as heritage, flooding and neighbourhood character overlays continue to apply.

Amendment VC127 to the VPP and planning schemes was gazetted in February 2016. It sought to address uncertainty about permit exemptions for shared housing by clarifying, via a note in the clause, that the exemption in clause 52.23 does not include development.

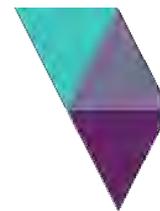
A recent VCAT decision (Modo Project Builders Pty Ltd v Frankston CC [2017] VCAT 390) in March 2017 considered that, regardless of the note introduced by Amendment VC127 the shared housing particular provision does not exempt a proposal from a permit requirement to develop land, or impose a requirement. It confirmed that a permit requirement for development may be specified elsewhere in the planning scheme.

The decision also noted:

"Lest it be thought that the this decision opens the door for uncontrolled development in cases where the proposal is a dwelling answering the description of shared accommodation for the purpose of clause 52.23 the Tribunal points out that all buildings must comply with the Building Code of Australia. The Code sets out development and performance standards that are similar to those set out in clause 54 of the planning scheme. These standards are commonly regarded as adequate to control development."

VCAT have previously determined (*Armato v Hepburn Shire* [2007] VCAT 6031 and *Douglas v Mansfield* [2007] VCAT 828) that any land use included in the term accommodation (which includes uses such as boarding house, backpackers lodge, residential hotel, group accommodation and residential building) can 'benefit' from the exemption provided by the existing shared housing provisions. The draft provisions now address this issue and clarifies that the exemption only applies to a rooming house.

Department of Environment, Land, Water and Planning



What do the draft provisions do?

Community care accommodation

It is proposed to replace the VPP particular provisions for Community Care Unit and Crisis Accommodation provisions with a new provision Community Care Accommodation.

A permit exemption is proposed for the use and development of community care accommodation where specific planning requirements that limit the scale and intensity development are met. The planning requirements align with building permit requirements that regulate the scale, height and setbacks for a single dwelling.

Summary of the proposed changes:

- New defined land use term, community care accommodation included in the land use, residential building.
- Amend the land use table in the Commercial 1 Zone, General Residential Zone, Low Density Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone, Rural Living Zone and Township Zone to make rooming house a section 1 (no permit required) use, if the requirements for permit exemption are met. The requirements of clause 55 (ResCode) apply in the residential zones if the requirements for development exemptions are not met.

The construction of a community care accommodation requires a building permit (Class 1b) assessed under Part 4 of the Building Regulations 2006 where the building is no more than 300 square metres in floor area, has no more than 12 people and meets specified requirements including setbacks, overlooking and overshadowing. Local schedules to residential zones are translated into the building regulations.

- Provide permit exemptions in specified zones for the use and development of community care accommodation where the following requirements are met:
 - The community care accommodation is by or on behalf of a public authority including a public authority established for a public purpose under a Commonwealth Act.
 - No more than 20 persons are accommodated on the site, not including staff.
 - No more than 10 persons who are not residents may access support services provided on the land.

If the exemptions are not met the relevant requirements of the zone apply. The exemption only applies to the zone provisions. Other requirements of the planning scheme may apply including maximum building height requirements of the zone, schedule or requirements in an overlay such the Heritage Overlay.

- Provide exemptions from notice (advertising of an application) and review (review to the Victorian Civil and Administrative Appeals Tribunal) if the application is by or on behalf of a public authority including a public authority established for a public purpose under a Commonwealth Act.

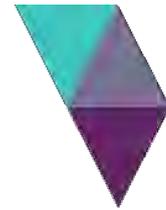
Rooming houses

It is proposed to include a permit exemption for the use and development of a domestic scale rooming house in specified zones where requirements that limit the scale and intensity of the rooming house are met. The requirements align with building permit requirements that apply to single dwellings.

Summary of the proposed changes:

- Remove the land use terms shared housing and boarding house and introduce a new land use term, rooming house. This will clarify that the particular provision does not apply to other land uses such as backpackers' lodge or other forms of accommodation. The land use rooming house is included in the land use, residential building.
- Amend the land use table in the Commercial 1 Zone, General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone and Township Zone to make rooming house a section 1 (no permit required) use, if the requirements for permit exemption are met. Where the condition is not met a permit is required for the land use. The requirements of clause 55 (ResCode) apply in the residential zones if the requirements for development exemptions are not met.

Department of Environment, Land, Water and Planning



The construction of a rooming house requires a building permit (Class 1b) assessed under Part 4 of the Building Regulations 2006 where the building is no more than 300 square metres in floor area, has no more than 12 people and meet specified requirements such as setbacks, overlooking and overshadowing. Local schedules to residential zones are translated into the building regulations.

- Provide permit exemptions for use and development of a rooming house where the following exemptions are met.

Permit exemption to use land for a rooming house

- The gross floor area of all buildings on the land is no more than 300 square metres.
- No more than 12 people are accommodated.
- No more than 8 bedrooms.

Permit exemption to develop land for a rooming house

- No more than 8 bedrooms.
- The gross floor area of all buildings on the land is no more than 300 square metres.

If the exemptions are not met the relevant requirements of the zone apply. The exemption only applies to the zone provisions. Other requirements of the planning scheme may apply including maximum building height requirements of the zone, schedule or requirements in an overlay such the Heritage Overlay.

- Provide exemptions from notice (advertising of an application) and review (reviews to the Victorian Civil and Administrative Appeals Tribunal) if the application is by or on behalf of a public authority including a public authority established for a public purpose under a Commonwealth Act.
- Amend the car parking particular provision to include car parking requirements for rooming houses. A requirement of 2 car spaces for a rooming house of up to 8 bedrooms, inline with the building regulations for single dwellings.

Other proposed changes:

- Amend the State Planning Policy Framework, Clause 16.02-2 to retain and clarify the government's policy support for community care accommodation and rooming houses.
- Amend clause 52.43, live music and entertainment noise to include community care accommodation and rooming house in the definition of noise sensitive residential use.
- Amend clause 74 and the nesting diagrams and Clause 75 land use terms to include the new land uses and remove the land use terms hostel, nurses home and residential college. These uses may meet the rooming house definition or be an innominate use.

Alignment with other regulation

- Other regulations administer matters outside of the planning system such as health, hygiene, orderly operation and security of rooming houses.

- The draft definition for the new land use term of rooming house references the definition in the *Residential Tenancies Act 1987*. In addition operators are required to comply with the additional standards set out in the Residential Tenancies (Rooming House Standards) Regulation 2012. These standards include requirements for rooming house operation, privacy, security and amenity and requirements for shared spaces such as kitchens, laundries and bathrooms.
- Under the *Public Health and Wellbeing Act 2008*, operators of rooming houses must register the rooming house with the local council and meet minimum standards for health and hygiene.
- Other laws regulate amenity impacts in residential areas. These controls apply to all dwellings and residential buildings. Section 48A of the *Environment Protection Act 1970* regulates unreasonable noise from any residential premises. Councils enforce local laws to control noise, rubbish, unsightly premises and noisy machinery such as plant and equipment. Unreasonable noise and antisocial behaviour can be reported to the Police.
- The draft provisions will exempt the development of a domestic scale rooming house or community care accommodation in many circumstances where a single dwelling is also exempt. For example development is exempt where the land is in a residential zone, there are no other planning controls such as an overlay and the lot size is greater than 300 square metres. Existing building regulations require a Class 1



building permit to construct or make additions to a dwelling, rooming house or community care accommodation. Height, sighting and setback standards, similar to the VPP ResCode standards are reflected in the building permit requirements.

- The *Rooming House Operators Act 2016* came into operation in April 2017. It introduces greater regulation of rooming house operators. A key purpose of the Act is to foster professionalism of operators and protect tenants from exploitation. The Act requires new and existing operators to obtain a license and pass a 'fit and proper persons' test to operate a rooming house. The license scheme will be administered by the Business Licensing Authority, monitored and enforced by Consumer Affairs Victoria.

How do I provide feedback?

The Department of Environment Land Water and Planning seek your feedback on the draft provision. Your feedback will assist the Department of Environment Land Water and Planning (DELWP) to consider stakeholder and community views and any unintended consequences of the provisions. The Minister for Planning will consider feedback and may reform the Victoria Planning Provisions and all planning schemes under section 20(4) of the *Planning and Environment Act 1987*.

For more information on the proposed reforms, copies of the draft provisions and how to provide feedback visit <http://www.planning.vic.gov.au/policy-and-strategy/planning-reform/reforms-to-public-housing-and-shared-housing>.

Please provide feedback by Friday, 16 June 2017.

For more information please email planning.systems@delwp.vic.gov.au.

© The State of Victoria Department of Environment, Land, Water & Planning 2017



This work is licensed under a Creative Commons Attribution 4.0 International licence. You are free to re-use the work under that licence, on the condition that you credit the State of Victoria as author. The licence does not apply to any images, photographs or branding, including the Victorian Coat of Arms, the Victorian Government logo and the Department of Environment, Land, Water and Planning (DELWP) logo. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>.

ISBN 978-1-76047-596-3 (pdf/online)

Accessibility

If you would like to receive this publication in an alternative format, please telephone the DELWP Customer Service Centre on 136186, email customer.service@delwp.vic.gov.au, or via the National Relay Service on 133 677 www.relayservice.com.au. This document is also available on the internet at www.planning.vic.gov.au

Disclaimer

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

Executive Summary**11.12 April Town Planning Progress Report**

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.3 Ensure good governance and management of Council resources
Priority Action	3.3.2 Implement a schedule of reviews of services, plans, policies and protocols to ensure good governance

Purpose

To provide Council with an update on the exercise of planning delegation by Council officers for the month of April 2017

Recommendation (Director Community Development)

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

Key Points / Issues

This report provides Council with an update on the exercise of planning delegations by Council officers on the following items:

- Planning applications received;
- Planning decisions;
- Subdivision applications received;
- Subdivision decisions;
- Planning Scheme amendments;
- VCAT Appeal register; and
- VCAT decisions.

In April 2017, 58 applications were received and 53 applications determined. Fifty of the decisions made in April were made under delegation, with three determined by Council. A total of 49% of decisions were made within 60 days.

Fourteen (14) decisions related to multi-unit dwelling applications. Thirteen (13) of these decisions complied with Council's Multi-dwelling Visitor Car Parking Guidelines. One (1) did not comply with the Guidelines and was refused by Council (on a range of grounds).

For the month of July three (3) matters are currently listed to be heard by VCAT. Council will be represented by planning consultants in one (1) of these matters, and by officers in the remaining matters. Representation at VCAT is a cost to Council in the order of \$3,000-\$10,000 per case depending on length and complexity of hearing.

Council has received four (4) planning applications for development valued over \$1 million in April. This has generated fees to the Metropolitan Planning Levy (MPL)(charged by the State Government) that total \$12,852. This financial year a total of \$172,410 has been paid to the State Government by applicants for planning approvals in Frankston.

11.12 April Town Planning Progress Report**Executive Summary****Financial Impact**

For the 2017-2018 financial year, the State Government Minister for Local Government has announced a limit on the amount Victorian Councils may increase rates. The cap for the 2017-2018 financial year is 2%. The cap is based on the Consumer Price Index expected for the financial year.

This cap has a significant effect on Council's current Long Term Financial Planning, with rate revenue being \$9 million less than anticipated over the first four years, growing to \$17 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

Consultation

This report provides details of all planning applications and decisions that are required to be considered in accordance with the Frankston Planning Scheme and the Planning and Environment Act 1987.

Consultation occurs with the community as part of the planning process of each application that requires public advertising.

Analysis (Environmental / Economic / Social Implications)

This report will not result in any identified environmental, economic, or social impacts.

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

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

Officer's Declaration of Interests

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

Risk Mitigation

There are no identified risks noted in relation to the preparation of this report.

Conclusion

This report provides Council an overview of the activities and decisions made by its planning teams.

ATTACHMENTS

Attachment A: Town Planning Progress Report

Progress Report – Planning Applications Received				
For The Application Date: From 1/04/2017 To 30/04/2017				
Application No	Ward	Property Address	Application Description	Date
154/2017/P	North-East	290 Hall Road, Skye 3977	Telecommunications Facility	3/04/2017
151/2017/P	North-East	105 Taylors Road, Skye 3977	To use and develop the land for a Place of Worship, additions to the existing dwelling, construction of buildings and works (canteen and kitchen), and native vegetation removal.	3/04/2017
175/2017/P	North-East	2 Barnett Avenue, Carrum Downs 3201	Vegetation removal	3/04/2017
146/2017/P	North-East	465 North Road, Langwarrin 3910	To construct a Dependant Person's Unit	6/04/2017
646/2015/P/D	North-East	89 Boundary Road, Carrum Downs 3201	To construct buildings and works in association with industry and a reduction in carparking requirements	7/04/2017
155/2017/P	North-East	26 Barnett Avenue, Carrum Downs 3201	To construct one (1) single storey dwelling	7/04/2017
157/2017/P	North-East	6 Collins Way, Carrum Downs 3201	To construct one (1) single storey dwelling	7/04/2017
158/2017/P	North-East	30 Barnett Avenue, Carrum Downs 3201	To construct one (1) single storey dwelling	7/04/2017
169/2017/P	North-East	2 Malibu Circuit, Carrum Downs 3201	Three (3) lot subdivision	10/04/2017
167/2017/P	North-East	13 Bandler Drive, Carrum Downs 3201	To construct one (1) double storey dwelling	10/04/2017
164/2017/P	North-East	4 Collins Way, Carrum Downs 3201	To construct one (1) single storey dwelling	10/04/2017
170/2017/P	North-East	472 McClelland Drive, Langwarrin 3910	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	11/04/2017
197/2017/P	North-East	37 Cedar Street, Langwarrin 3910	Two (2) lot subdivision	12/04/2017
178/2017/P	North-East	31 Alder Street, Langwarrin 3910	To construct two (2) single storey dwellings	13/04/2017
190/2017/P	North-East	9 Blue Gum Mews, Langwarrin 3910	To construct a garage and carport	19/04/2017
193/2017/P	North-East	39 Hafey Way, Langwarrin 3910	To construct one (1) single storey dwelling	20/04/2017
194/2017/P	North-East	33 Hafey Way, Langwarrin 3910	To construct one (1) single storey dwelling	24/04/2017
North-East Ward total = 17				
148/2017/P	North-West	290 Nepean Highway, Seaford 3198	To display advertising signage	3/04/2017
147/2017/P	North-West	11 McAlister Street, Frankston 3199	To construct two (2) double storey dwellings	5/04/2017
161/2017/P	North-West	36 Airlie Grove, Seaford 3198	To construct two (2) double storey dwellings	6/04/2017

Progress Report – Planning Applications Received				
For The Application Date: From 1/04/2017 To 30/04/2017				
Application No	Ward	Property Address	Application Description	Date
160/2017/P	North-West	159 Nepean Highway, Seaford 3198	To construct eleven (11) dwellings within a three (3) storey building	7/04/2017
156/2017/P	North-West	1 Beach Grove, Seaford 3198	To construct one (1) double storey dwelling	7/04/2017
162/2017/P	North-West	13 Chicquita Avenue, Seaford 3198	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	7/04/2017
163/2017/P	North-West	104 Austin Road, Seaford 3198	To construct one double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	7/04/2017
176/2017/P	North-West	211-279 Skye Road, Frankston 3199	Building and works to existing golf course	10/04/2017
6/2017/VS	North-West	7 Phillip Street, Frankston 3199	Two (2) lot subdivision	11/04/2017
188/2017/P	North-West	30 Fulmar Street, Carrum Downs 3201	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	13/04/2017
184/2017/P	North-West	22 Kananook Avenue, Seaford 3198	To construct a fence	18/04/2017
196/2017/P	North-West	42 Buna Avenue, Seaford 3198	To construct one (1) double storey dwelling	21/04/2017
9/2017/VS	North-West	62 Seaford Grove, Seaford 3198	Extension to an existing dwelling	26/04/2017
10/2017/VS	North-West	27 Fortescue Avenue, Seaford 3198	Alterations and Additions to existing dwelling including construction of new garage	27/04/2017
North-West Ward Total = 11				
152/2017/P	South	47-48 Alicudi Avenue, Frankston South 3199	To remove one (1) tree	3/04/2017
149/2017/P	South	655 Robinsons Road, Langwarrin 3910	To construct an outbuilding and five (5) shipping containers	4/04/2017
172/2017/P	South	119 Cranbourne Road, Frankston 3199	To construct one (1) double storey dwelling	5/04/2017
153/2017/P	South	159 Gould Street, Frankston 3199	Extensions to an existing dwelling	6/04/2017
7/2017/VS	South	64 Overport Road, Frankston South 3199	Realignment of the boundaries	6/04/2017
171/2017/P	South	6 Dianella Court, Frankston 3199	Change of use	7/04/2017
191/2017/P	South	108 Cranbourne Road, Frankston 3199	Change of use and construction of a double storey building	7/04/2017
181/2017/P	South	123 Cranbourne Road, Frankston 3199	Extension to an existing dwelling	7/04/2017
185/2017/P	South	237A Humphries Road, Frankston South 3199	Extension to an existing dwelling	10/04/2017

Progress Report – Planning Applications Received				
For The Application Date: From 1/04/2017 To 30/04/2017				
Application No	Ward	Property Address	Application Description	Date
168/2017/P	South	27 Williams Street, Frankston 3199	Three (3) lot subdivision	10/04/2017
166/2017/P	South	46 Screen Street, Frankston 3199	To construct four (4) single storey dwellings	10/04/2017
165/2017/P	South	76 Gould Street, Frankston 3199	To construct two (2) dwellings	10/04/2017
173/2017/P	South	Shop 3-4/Ground Floor 27 Wells Street, Frankston 3199 (Bayside Entertainment)	To use the land to sell or consume liquor (cafe/restaurant liquor licence), to display business identification signage and a waiver of the car parking requirements of the Frankston Planning Scheme.	10/04/2017
187/2017/P	South	23 Brighton Street, Frankston South 3199	Alterations to an existing single storey dwelling	11/04/2017
174/2017/P	South	260 North Road, Langwarrin 3910	Construction of a dam	11/04/2017
189/2017/P	South	3/18 Gould Street, Frankston 3199	Extension to an existing single storey dwelling	12/04/2017
177/2017/P	South	4A Fleetwood Crescent, Frankston South 3199	Extension to existing dwelling	12/04/2017
182/2017/P	South	36 Fleetwood Crescent, Frankston South 3199	Two lot subdivision	12/04/2017
179/2017/P	South	2/5 Nolan Street, Frankston 3199	To construct one (1) double storey dwelling	13/04/2017
183/2017/P	South	3/5 Nolan Street, Frankston 3199	To construct one (1) double storey dwelling	13/04/2017
186/2017/P	South	510 Nepean Highway, Frankston 3199	To display illuminated and non-illuminated business identification signage	13/04/2017
192/2017/P	South	26 Fenton Crescent, Frankston South 3199	To construct a pool , deck and retaining wall	18/04/2017
8/2017/VS	South	16 Ambleside Close, Frankston South 3199	Extension to existing dwelling	21/04/2017
195/2017/P	South	67 Kars Street, Frankston South 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	26/04/2017
South Ward Total = 24				

Progress Report – Amendments to Planning Permits - Received				
For The Application Date: From 1/04/2017 To 30/04/2017				
Application No	Ward	Property Address	Application Description	Date
836/2004/P/B	North-East	145 Union Road, Langwarrin 3910	Secondary consent - Thirty-four dwellings	12/04/2017
510/2016/P/A	North-East	89 Boundary Road, Carrum Downs 3201	Section 72 Amendment - Thirty eight (38) lot subdivision	7/04/2017
659/2015/P/B	North-East	23 Brunnings Road, Carrum Downs 3201	Secondary consent - To construct a total of eighteen (18) dwellings comprising of eight (8) double storey and ten (10) single storey dwellings	10/04/2017
296/2016/P/C	North-East	520 Cranbourne-Frankston Road, Langwarrin 3910	Secondary consent - To construct an outbuilding	10/04/2017
550/2016/P/B	North-East	19 Earnshaw Drive, Carrum Downs 3201	Secondary consent - To construct one (1) single storey dwelling on a lot less than 300 square meters	12/04/2017
667/2012/P/E	North-East	6 Malibu Circuit, Carrum Downs 3201	Extension of time - Use as a store (fifty-seven (57) storage units) and to construct buildings and carry out works	13/04/2017
667/2012/P/E	North-East	2-6 Malibu Circuit and 43-47 Yazaki Way Carrum Downs 3201	Extension of time - Use as a store (fifty-seven (57) storage units) and to construct buildings and carry out works	13/04/2017
31/2013/P/C	North-East	5 Union Road, Langwarrin 3910	Extension of time - To construct outdoor playground equipment ancillary with the Hotel use of site.	19/04/2017
527/2016/P/C	North-East	13 Gateway Drive, Carrum Downs 3201	Secondary consent - To construct twenty-two (22) warehouses, ancillary offices, and reduction of the car parking requirements of Clause 52.06	19/04/2017
388/2016/P/C	North-East	49 & 53 William Road, Carrum Downs 3201	Secondary Consent - Vegetation Removal	24/04/2017
North-East Ward Total = 10				
532/2010/P/D	North-West	62 Skye Road, Frankston 3199	Extension of time – To construct three (3) single storey dwellings	5/04/2017
569/2010/P/B	North-West	47 Armstrongs Road, Seaford 3198	Secondary Consent – To construct a single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	5/04/2017
195/2013/P/D	North-West	44 McAlister Street, Frankston 3199	Section 72 Amendment – To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	5/04/2017
649/2015/P/B	North-West	9 Telopea Court, Frankston North 3200	Section 72 Amendment - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	6/04/2017
606/2016/P/B	North-West	152 Frankston-Dandenong Road, Seaford 3198	Section 72 Amendment – The construction of a single storey dwelling	6/04/2017

Progress Report – Amendments to Planning Permits - Received For The Application Date: From 1/04/2017 To 30/04/2017				
Application No	Ward	Property Address	Application Description	Date
304/2011/P/C	North-West	46 Seaford Road, Seaford 3198	Secondary consent – To construct two (2) single storey dwellings	10/04/2017
418/2016/P/A	North-West	85 Centenary Street, Seaford 3198	Section 72 Amendment – To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings), alterations to the existing dwelling, two (2) lot subdivision, and removal of an easement	10/04/2017
138/2016/P/A	North-West	247 Nepean Highway, Seaford 3198	Section 72 Amendment – To construct one (1) double storey dwelling	11/04/2017
430/2005/P/C	North-West	325-335 Nepean Highway, Frankston 3199	Secondary consent – Development and use of the land for 110 dwellings and office(s), reduction in the carparking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for loading/unloading bay, in accordance with the endorsed plan/s.	18/04/2017
249/2016/P/B	North-West	1 Kananook Avenue, Seaford 3198	Section 72 Amendment – The construction of two (2) double storey dwellings	21/04/2017
438/2010/P/E	North-West	1 Royle Street, FRANKSTON 3199	Secondary consent – Construction of one single storey dwelling to the rear of the existing dwelling	24/04/2017
662/2015/P/C	North-West	68 Skye Road, Frankston 3199	Secondary consent – To construct two (2) double storey dwellings and one (1) single storey dwelling (three (3) dwellings)	28/04/2017
657/2016/P/A	North-West	16 Mereweather Avenue, Frankston 3199	Section 72 Amendment – Six (6) lot subdivision	28/04/2017
North-West Ward Total = 13				
96/2016/P/B	South	4 Woodlands Grove, Frankston 3199	Secondary consent - The construction of two (2) double storey dwellings	4/04/2017
161/2016/P/B	South	36 Heatherhill Road, Frankston 3199	Section 72 Amendment - To use the site for a Medical Centre (Dentist); Construction of alterations to the existing building; display of business identification signage; and waiver of car the parking requirements pursuant to Clause 52.06.	6/04/2017
608/2010/P/K	South	41 Culcairn Drive, FRANKSTON SOUTH 3199	Section 72 Amendment - Construction of seven (7) dwellings and the removal of vegetation generally in accordance with the endorsed plans.	11/04/2017

Progress Report – Amendments to Planning Permits - Received				
For The Application Date: From 1/04/2017 To 30/04/2017				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
691/2015/P/C	South	43 McComb Boulevard, Frankston South 3199	Section 72 Amendment - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and vegetation removal	11/04/2017
323/2014/P/A	South	35 Gweno Avenue, Frankston 3199	Extension of time - Two (2) lot subdivision	13/04/2017
231/2014/P/B	South	9 Grange Road, Frankston South 3199	Extension of time - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings) and the removal vegetation	21/04/2017
8/2015/P/C	South	46 High Street, Frankston 3199	Extension of time - Two (2) lot subdivision	24/04/2017
230/2016/P/A	South	107 Casuarina Drive, Frankston South 3199	Secondary Consent - To construct extensions to the existing dwelling (double garage and en-suite) in a Design and Development Overlay Schedule 9	24/04/2017
8/2015/P/B	South	46 High Street, Frankston 3199	Secondary consent - Two (2) lot subdivision	24/04/2017
South Ward Total = 9				

Progress Report – Planning Application Decisions					
For The Application Date: From 1/04/2017 To 30/04/2017					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
67/2017/P	North-East	17 Coaldrake Street, Carrum Downs	Four (4) Lot Subdivision	Permit Approved	4/04/2017
589/2016/P	North-East	1/26 Access Way, Carrum Downs	Buildings and works for the addition of a mezzanine and to use the land as a warehouse	Permit Approved	6/04/2017
2/2017/P	North-East	16 Coles Parkway, Carrum Downs	To construct one (1) single storey dwelling within the Significant Landscape Overlay Schedule 5	Permit Approved	6/04/2017
459/2016/P	North-East	185 North Road, Langwarrin 3910	To construct one (1) outbuilding	Permit Approved	13/04/2017
10/2017/P	North-East	270 Potts Road, Skye 3977	To construct one (1) double storey dwelling to replace the existing dwelling	Permit Approved	18/04/2017
87/2017/P	North-East	14 Barnett Avenue, Carrum Downs	Four (4) Lot Subdivision	Permit Approved	19/04/2017
538/2016/P	North-East	23 Millicent Road, Langwarrin 3910	To construct one (1) double storey dwelling and one (1) outbuilding in a Bushfire Management Overlay	Permit Approved	19/04/2017
102/2017/P	North-East	15 Tucker Boulevard, Carrum Downs	To construct one (1) double storey dwelling within the Significant Landscape Overlay Schedule 5	Permit Approved	19/04/2017
114/2017/P	North-East	51 William Road, Carrum Downs	To construct one (1) dwelling in a Significant Landscape Overlay Schedule 5	Permit Approved	21/04/2017
North-East Ward Total = 9					
348/2016/P	North-West	14 Sandpiper Place, Frankston 3199	Change of use of the existing building into forty-four dwellings through internal works and a reduction of carparking	Application Refused	3/04/2017
556/2016/P	North-West	223 Beach Street, Frankston 3199	To increase the area that liquor is allowed to be supplied under the licence	Notice of Decision	3/04/2017
71/2017/P	North-West	18 Jasmine Court, Frankston 3199	Three (3) lot subdivision	Application Withdrawn	6/04/2017
489/2016/P	North-West	11 Bouvardia Crescent, Frankston North	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Permit Approved	6/04/2017
478/2016/P	North-West	47 Hunt Drive, Seaford 3198	To construct three (3) double storey dwellings	Notice of Decision	6/04/2017
403/2016/P	North-West	71 Centenary Street, Seaford 3198	To construct two (2) single storey dwellings	Permit Approved	6/04/2017
620/2016/P	North-West	161 McMahons Road, Frankston 3199	To construct building and works in association with the existing use of the land as an education centre	Permit Approved	12/04/2017
369/2016/P	North-West	6 John Street, Frankston 3199	To construct three (3) double storey dwellings	Permit Approved	19/04/2017

Progress Report – Planning Application Decisions					
For The Application Date: From 1/04/2017 To 30/04/2017					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
369/2016/P	North-West	6 John Street, Frankston 3199	To construct three (3) double storey dwellings	Permit Approved	19/04/2017
492/2016/P	North-West	24 Leonard Street, Frankston 3199	To construct three (3) double storey dwellings	Application Lapsed	19/04/2017
85/2017/P	North-West	216 Nepean Highway, Seaford 3198	To construct one (1) double storey dwelling	Application Withdrawn	26/04/2017
North-West Ward Total = 11					
542/2016/P	South	3 Palm Court, Frankston 3199	The construction of an extension to an existing dwelling within a lot less than 300m2	Notice of Decision	6/04/2017
115/2017/P	South	2/25 Kars Street, Frankston 3199	To construct a verandah	Permit Approved	6/04/2017
580/2016/P	South	35 Gowrie Avenue, Frankston South	To construct an extension to the existing dwelling, to construct one (1) outbuilding and to construct a front fence	Permit Approved	6/04/2017
731/2015/P	South	33 Ithaca Road, Frankston South 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Permit Approved	6/04/2017
4/2017/P	South	1 Bunarong Drive, Frankston 3199	To vary the restrictive covenant D915607	Permit Approved	7/04/2017
32/2017/P	South	54 High Street, Frankston 3199	Three (3) lot subdivision	Permit Approved	10/04/2017
596/2016/P	South	67 Kars Street, Frankston South 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Application Lapsed	10/04/2017
512/2016/P	South	128 Overport Road, Frankston South	To construct an outbuilding (garage), pergola and a deck	Report with Delegate	12/04/2017
134/2016/P	South	411 Nepean Highway, Frankston 3199	To display internally illuminated business identification signs	Permit Approved	12/04/2017
609/2016/P	South	177 Warrandyte Road, Langwarrin 3910	Two (2) lot subdivision	Permit Approved	12/04/2017
35/2017/P	South	34A Ithaca Road, Frankston South 3199	Buildings and Works within five (5) metres of two significant trees	Condition 1 Plans approved	13/04/2017
441/2016/P	South	94 Highfield Drive, Langwarrin South 3911	Two (2) lot subdivision	Notice of Decision	13/04/2017
144/2017/P	South	1 Hotham Street, Frankston South 3199	To construct a domestic swimming pool	Permit Approved	18/04/2017
90/2017/P	South	435 Baxter-Tooradin Road, Langwarrin South 3911	To construct an outbuilding	Permit Approved	18/04/2017

Progress Report – Planning Application Decisions					
For The Application Date: From 1/04/2017 To 30/04/2017					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
130/2017/P	South	14 The Crest, Frankston South 3199	Two (2) lot subdivision	Permit Approved	18/04/2017
152/2017/P	South	47-48 Alicudi Avenue, Frankston South	To remove one (1) tree	Permit Approved	20/04/2017
443/2016/P	South	93 Fleetwood Crescent, Frankston South 3199	Subdivision of the land into two (2) lots and removal of vegetation	Permit Approved	24/04/2017
South Ward Total = 17					

Progress Report – Amendments to Planning Application Decisions					
For The Application Date: From 1/04/2017 To 30/04/2017					
Application	Ward	Property Address	Application Description	Status	Date
388/2016/P/B	North-East	49 & 53 William Road, Carrum Downs 3201	Section 72 amendment - To construct two (2) single storey dwellings and Vegetation Removal in the Significant Landscape Overlay Schedule 5	Permit Approved	4/04/2017
365/2014/P/A	North-East	28 William Road, Carrum Downs 3201	Extension of time - To construct two (2) double storey dwellings to the rear of the existing dwelling (three (3) dwellings)	Extension of Time Approved	7/04/2017
32/2015/P/B	North-East	11 Leah Grove, Carrum Downs 3201	Extension of time - To construct a mezzanine floor in an existing warehouse	Extension of Time Approved	12/04/2017
667/2012/P/E	North-East	2-6 Malibu Circuit and 43-47 Yazaki Way, Carrum Downs 3201	Extension of time - Use as a store (fifty-seven (57) storage units) and to construct buildings and carry out works	Extension of Time Approved	19/04/2017
280/2015/P/B	North-East	7 Levida Drive, Carrum Downs 3201	Section 72 - To construct four (4) warehouses with reduced car parking requirements	Permit Approved	21/04/2017
572/2013/P/B	North-East	27 Greenwood Drive, Carrum Downs	Section 72 - To construct one (1) single storey dwelling to the rear of the existing dwelling	Permit Approved	21/04/2017
47/2012/P/B	North-East	7 Elm Grove, Langwarrin 3910	Section 72 Amendment - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Permit Approved	26/04/2017
451/2015/P/B	North-East	16-20 Colemans Road, Carrum Downs 3201	Secondary consent - To construct thirty four (34) factories for industry use and reduction in car parking	Secondary Consent Approved	28/04/2017
North-East Ward Total = 8					
530/2002/P/B	North-West	95 Ashleigh Avenue, Frankston 3199	Secondary consent - Develop land for 60 multi dwellings including veg removal	Secondary Consent Approved	3/04/2017
568/2014/P/A	North-West	79 Hartnett Drive, Seaford 3198	Extension of time - To construct extension to the existing warehouse building and waiver of car parking requirement pursuant to Clause 52.06.	Extension of Time Approved	6/04/2017
259/2012/P/B	North-West	21 Kelvin Avenue, Seaford 3198	Extension of time - To construct two (2) double storey dwellings	Extension of Time Approved	12/04/2017
552/2006/P/A	North-West	8/34 Coral Street, Frankston 3199	Secondary consent - Construct eight (8) single storey dwellings, removal of vegetation and associated works	Secondary Consent Approved	12/04/2017

569/2010/P/B	North-West	47 Armstrongs Road, Seaford 3198	Secondary Consent - To construct a single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Secondary Consent Approved	12/04/2017
391/2014/P/B	North-West	3 Kurong Avenue, Frankston 3199	Extension of time - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Extension of Time Approved	13/04/2017
495/2015/P/C	North-West	14 Bainbridge Avenue, Seaford 3198	Secondary consent - To construct alterations, extensions and works to motor vehicle sales centre	Secondary Consent Approved	13/04/2017
495/2015/P/C	North-West	6-7 & 8 Wells Road, Seaford 3198	Secondary consent - To construct alterations, extensions and works to motor vehicle sales centre	Secondary Consent Approved	13/04/2017
663/2015/P/B	North-West	194-196 Karingal Drive, Frankston	Extensions to the existing medical centre (extend waiting area, install a lift and deletion of car parking spaces) and reduction of the car parking requirement	Permit Approved	13/04/2017
690/2013/P/A	North-West	3-5 Ashleigh Street, Frankston 3199	Secondary consent - To construct six (6) double storey dwellings	Secondary Consent Approved	18/04/2017
541/2014/P/B	North-West	11 Stephen Street, Seaford 3198	Extension of time - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings) and two (2) lot subdivision.	Extension of Time Approved	19/04/2017
656/2015/P/B	North-West	145 Fortescue Avenue, Seaford 3198	Section 72 - The construction of three (3) double storey dwellings	Permit Approved	20/04/2017
606/2016/P/B	North-West	152 Frankston-Dandenong Road, Seaford 3198	Section 72 Amendment - The construction of a single storey dwelling	Permit Approved	20/04/2017
North-West Ward Total = 13					
450/2014/P/A	South	45 Highview Road, Frankston 3199	Extension of time - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Extension of Time Approved	7/04/2017
328/2014/P/A	South	56 Heatherhill Road, Frankston 3199	Extension of time - To construct three (3) double storey dwellings and three (3) lot subdivision	Extension of Time Approved	13/04/2017
221/2011/P/A	South	42 Kenilworth Avenue, Frankston	Secondary consent - To construct four (4) double storey dwellings	Secondary Consent Approved	13/04/2017
South Ward Total = 3					

Progress Report – Subdivision Application Received				
For The Application Date: From 1/04/2017 To 30/04/2017				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
44/2017/S	North-East	450 Taylors Road, Skye 3977	Certification of Two Lot Subdivision	11/04/2017
46/2017/S	North-East	2 Malibu Circuit, Carrum Downs 3201	Three (3) lot subdivision	10/04/2017
50/2017/S	North-East	37 Cedar Street, Langwarrin 3910	Certification of Two (2) Lot Subdivision	14/04/2017
47/2017/S	North-West	7 Phillip Street, Frankston 3199	Two (2) lot subdivision	11/04/2017
48/2017/S	South	64 Overport Road, Frankston South 3199	Realignment of the boundaries	6/04/2017
45/2017/S	South	27 Williams Street, Frankston 3199	Three (3) lot subdivision	10/04/2017
49/2017/S	South	36 Fleetwood Crescent, Frankston South 3199	Two lot subdivision	12/04/2017

Progress Report – Subdivision Decisions					
For The Application Date: From 1/04/2017 To 30/04/2017					
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
119/2009/S	North-East	255 North Road, Langwarrin 3910	Three (3) Lot subdivision	Recertified	28/04/2017
140/2016/S	North-West	15 Ebdale Street, Frankston 3199	Twenty five (25) lot subdivision	SOC Issued (M)	5/04/2017
103/2011/S	North-West	34 Sheridan Avenue, Frankston 3199	Four (4) lot subdivision	SOC Issued (M)	7/04/2017
41/2016/S	North-West	165 Beach Street, Frankston 3199	Three (3) lot subdivision	Certified	10/04/2017
16/2015/S	South	8 George Street, Frankston 3199	Three (3) lot subdivision	SOC Issued (M)	5/04/2017

Town Planning Applications – Direction To Advertise Issued For The Application Date: From 1/04/2017 To 30/04/2017				
21/2017/P	22 Bayview Road Frankston	South	To construct two(2) double storey dwellings	4 April 2017 - 18 April 2017
655/2016/P	28 Nabilla Avenue Seaford	North West	To construct two (2) double storey dwellings	4 April 2017 - 18 April 2017
425/2017/P	52 Margate Avenue Frankston	South	To construct three (3) double storey dwellings	6 April 2017 - 20 April 2017
647/2016/P	39 Hillcrest Drive Langwarrin	North East	To construct two (2) shipping containers and to undertake buildings & works out the building envelope	4 April 2017 - 18 April 2017
633/2016/P	3 Gladwyn Avenue Frankston	North West	To construct three (3) double storey dwellings	4 April 2017 - 18 April 2017
626/2016/P	9 Dalpura Cct Frankston	North West	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	4 April 2017 - 18 April 2017
583/2016/P	116 Austin Road Seaford	North West	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) & a two (2) lot subdivision	4 April 2017 - 18 April 2017
69/2017/P	Shop 11/110 Ashleigh Ave Frankston	North West	To use the site for a swim school	4 April 2017 - 18 April 2017
426/2016/P	34 Richmond Avenue Carrum Downs	North East	To construct one double storey dwelling on a lot less than 300m2 (lot 2) and construct additions to a dwelling on a lot less than 300m2 (lot 1)	4 April 2017 - 18 April 2017
499/2016/P	11 Screen Street Frankston	South	To construct three (3) double storey dwellings	7 April 2017 - 21 April 2017
76/2017/P	11 Fitzroy Ave Frankston	South	To construct one (1) three storey dwelling	10 April 2017 - 24 April 2017
648/2017/P	2 Roberta Grve Franskton	North West	To construct three (3) double storey dwellings	13 April 2017 - 27 April 2017
629/2016/P	72 Cliff Road, Frankston	South	To construct one (1) double storey dwelling, swimming pool, front fence & vegetation removal.	17 April 2017 – 1 May 2017
632/2016/P	38 Moreton Street Carrum Downs	North-East	To construct one (1) double storey dwelling to the rear of the existing (two (2) dwellings)	17 April 2017 – 1 May 2017
659/1973/P/A	3/74 Playne Street Frankston	South	Sec 72 Amendment – To construct a dwelling on a lot that is less than 300m2	17 April 2017 – 1 May 2017
58/2017/P	1 Luscombe Avenue, Carrum Downs	North-East	To construct one(1) dwelling to the rear of the existing dwelling (two (2) dwellings)	27 April 2017 – 11 May 2017

Town Planning Applications – Direction To Advertise Issued For The Application Date: From 1/04/2017 To 30/04/2017				
<u>Application No</u>	<u>Property Address</u>	<u>Ward</u>	<u>Application Description</u>	<u>Date</u>
522/2016/P	7 Kars Street & 10 High Lane Frankston	South	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and to subdivide the land into two (2) lots.	24 April 2017 – 8 May 2017
667/2016/P	3 Joy Street, Frankston	South	To construct two (2) double storey dwellings	27 April 2017 – 11 May 2017
593/2016/P	184 Frankston Dandenong Road, Seaford	North-West	To construct four (4) single storey dwellings and create access to a road zone category 1	27 April 2017 – 11 May 2017
12/2017/P	88 Kars Street Frankston South	South	To subdivide the land into two (2) lots, remove vegetation and vary the existing restrictive covenant affecting the land in Vol. 9203 Fol. 631 by replacing in the instrument of Transfer No. 1558537 in the first paragraph, the words, "...that no more than one messuage or dwelling house with suitable outhouses may be erected on either Lot 1 or Lot 2..." with the words "...that no more than one messuage or dwelling house with suitable outhouses may be erected on Lot 1 and no more than two messuage or dwelling houses with suitable outhouses may be erected on Lot 2..." , prior to the words " on Plan of Subdivision registered No.57212 in the Office of Titles"	27 April 2017 – 11 May 2017

Progress Report – Current VCAT Appeals APRIL 2017								
<u>Appeal No</u>	<u>Application Number</u>	<u>Address (Ward)</u>	<u>Proposal</u>	<u>Council Decision</u>	<u>Appeal Type</u>	<u>Date of Appeal</u>	<u>VCAT Decision</u>	<u>Date of VCAT Decision</u>
P1791/2016	206/2016/P	4 Dingle Avenue, Frankston	To construct a three (3) storey building containing eight (8) dwellings and reduction of visitor car parking	Refusal	Refusal to grant a permit	17-Mar-17	Permit Granted	9-May-17
P1005/2016	579/2015/P	56 High Street Frankston	To construct four (4) double storey and four (4) three storey dwellings (eight (8) dwellings), one (1) building for common use and a reduction in car parking.	Refusal	Refusal to grant a permit	24-May-17		
P1955/2016	701/2015/P	74-76 Hall road Carrum Downs	To construct ten (10) triple storey dwellings reduce the number of car parking spaces required and alter access to a road Zone Category 1	Refusal	Refusal to grant a permit	29-May-17		
P2045/2016	227/2016/P	8 William Road Carrum Downs	To use and develop the land for a place of worship	Refusal	Refusal to grant a permit	12-May-17		
P2203/2016	579/2015/P	13 Ebdale Street Frankston	To construct five (5) three storey dwellings	Refusal	Refusal to grant a permit	09-Jun-17		
P2180/2016	725/2015/P	7 Huon Court Frankston North	To construct two (2) double storey dwellings	Refusal	Refusal to grant a permit	17-Jun-17		
P2354/2016	254/2015/P	22-24 Sheridan Avenue Frankston	To construct twenty-three (23) dwellings in an apartment building	Refusal	Refusal to grant a permit	05-Jul-17		
P2365/2016	209/2016/P	13 George Street Frankston	To construct one (1) double storey dwelling to the rear of the existing four (4) single storey dwellings	Refusal	Refusal to grant a permit	18-May-17		
P50/2017	200/2016/P	115 & 119 Union Road Langwarrin	Five (5) lot subdivision	Approval	Appeal against conditions	06-Jul-17		
P26/2017	310/2016/P	114 Kirkwood Avenue Seaford	To subdivide the land into two (2) lots	Refusal	Refusal to grant a permit	18-May-17		

<u>Appeal No</u>	<u>Application Number</u>	<u>Address (Ward)</u>	<u>Proposal</u>	<u>Council Decision</u>	<u>Appeal Type</u>	<u>Date of Appeal</u>	<u>VCAT Decision</u>	<u>Date of VCAT Decision</u>
P190/2017	356/2016/P	50 Frankston-Flinders Rd Frankston	To construct five (5) double storey dwellings and reduction of carparking requirements and removal of vegetation.	Refusal	Refusal to grant a permit	07-Aug-17		
P2654/2016	352/2016/P	13 John Street Langwarrin	To construct two (2) double storey and one (1) single storey dwellings (three (3) dwellings)	Approval	Appeal against conditions	18-May-17	Varied	9/06/2017
P152/2017	701/20105/P	37 Nepean Highway Seaford	To construct one (1) three (3) storey building containing ten (10) apartments and basement carparking	Refusal	Refusal to grant a permit	11-Aug-17		
P310/2017	419/2015/P	134 Cadles Road Carrum Downs	To construct sixteen (16) dwellings and to remove native vegetation	Refusal	Refusal to grant a permit	18-Aug-17		
P353/2017	93/2016/P	54 Roberts Street Frankston	To construct two (2) double storey dwellings & one (1) single story dwelling (three (3) dwellings)	Refusal	Refusal to grant a permit	25-Aug-17		
P502/2017	355/2016/P	15 Luxton Terrace Seaford	To construct (2) two double storey dwelling	Approval	Appeal against conditions	10-Jul-17		
P643/2017	668/2016/P	35-37 Sheridan Avenue Frankston	To construct fourteen (14) three (3) storey dwellings in two buildings	Not yet Determined	Failure to determine	03-Aug-17		
P610/2017	501/2016/P	17-21 Merewather Avenue Frankston	To construct twenty three (23) double storey dwellings, a reduction in the car parking requirements of Clause 52.06 of the Frankston Planning Scheme and variations to the Design and Development Overlay Schedule 6	Not yet Determined	Failure to determine	21-Sep-17		
P171/2017	607/2014/P	616 Nepean Highway Frankston South	To subdivide the site into six (6) lots in accordance with the Oliver's Hill Restructure Plan (Planning Scheme Amendment C46 Part 1) and addition of easements.	Not yet Determined	Failure to determine	28-Aug-17		

<u>Appeal No</u>	<u>Application Number</u>	<u>Address (Ward)</u>	<u>Proposal</u>	<u>Council Decision</u>	<u>Appeal Type</u>	<u>Date of Appeal</u>	<u>VCAT Decision</u>	<u>Date of VCAT Decision</u>
P457/2017	68/2015/P	151 Hall Road Carrum Downs	To construct fourteen (14) dwellings and to alter access to a Road in a Road Zone Category 1	Refusal	Refusal to grant a permit	05-Sep-17		
P1380/2016	731/2015/P	33 Ithaca Road Frankston South	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	NOD	Decision to grant a permit	17-Mar-17	Permit Granted	6-Apr-17
P2354/2016	254/2015/P	22-24 Sheridan Avenue Frankston	To construct twenty-three (23) dwellings in an apartment building	Refusal	Refusal to grant a permit	05-Jul-17		
P1071/2017	627/2016/P	29 Athol Court Langwarrin	To construct sixteen (16) dwellings (eight (8) single storey and eight (8) double storey) and removal of native vegetation	Not yet Determined	Failure to determine	21-Sep-17		
P664/2017	430/2005/P/ A	325-335 Nepean Highway Frankston	Development and use of the land for 110 dwellings and office(s), reduction in the carparking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for loading/unloading bay, in accordance with the endorsed plan/s	Refusal	Refusal to grant an Amendment to permit	06-Jul-17		
P2488/2016	157/2017/P	6 Collins Way Carrum Downs	To construct one (1) single storey dwelling	Approval	Appeal against conditions	18-May-17		
P659/2017	378/2016/P	63 Greenwood Drive Carrum Downs	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	NOD	Decision to grant a permit	20-Sep-17		
P1071/2017	627/2016/P	29 Athol Court Langwarrin	To construct sixteen (16) dwellings (eight (8) single storey and eight (8) double storey) and removal of native vegetation		Failure to Determine	21-Sep-17		

<u>Appeal No</u>	<u>Application Number</u>	<u>Address (Ward)</u>	<u>Proposal</u>	<u>Council Decision</u>	<u>Appeal Type</u>	<u>Date of Appeal</u>	<u>VCAT Decision</u>	<u>Date of VCAT Decision</u>
P458/2017	261/2016/P	9 Sefaord Road, Seaford	To construct three (3) double storey dwellings (three (3) dwellings) and create access to a road in a Road Zone Category 1	Approval	Appeal against conditions	12-Oct-17		
P824/2017	460/2016/P	41 Violet Street Frankston South	To construct additions to an existing dwelling	NOD	Decision to grant a permit	06-Oct-17		
P887/2017	392/2016/P	66A Cliff Road Frankston South	To construct two (2) double storey dwellings and to construct buildings and works in a Design and Development Overlay (Schedule 9)	Refusal	Refusal to grant a permit	18-Oct-17		
P977/2017	379/2016/P	1 Helvetia Court Frankston	To construct two (2) single storey dwellings	Approval	Appeal against conditions	18-Oct-17		
P691/2017	366/2016/P	5 Melville Avenue Frankston	To construct three (3) double storey dwellings	Refusal	Refusal to grant a permit	02-Nov-17		
P1033/2017	144/2013/P	315 North Road Langwarrin	To subdivide the land, remove vegetation and construct and carry out works within a Road Zone, Category 2	Approval	Appeal against conditions	11-Nov-17		
P1045/2017	348/2016/P	14 Sandpiper Place Frankston	Change of use of the existing building into forty-four dwellings through internal works and a reduction of carparking	Refusal	Refusal to grant a permit	03-Nov-17		

Progress Report – VCAT Determination – Policy Implications			
APRIL 2017			
<u>Appeal No</u>	<u>Application No</u>	<u>Address (Ward)</u>	<u>VCAT Determination – Policy Implications</u>
P2045/2016	227/2016/P	8 William Road, Carrum Downs	<p>This was an appeal against a refusal by Officers to construct a place of worship.</p> <p>Summary of Decision</p> <p>Council’s grounds of refusal primarily relate to the failure of the applicant to provide an approved Cultural Heritage Management Plan (CHMP) as the proposed activity is deemed a high impact activity under the Aboriginal Heritage Act. The Act prohibits Council from approving a development when a CHMP is required.</p> <p>Secondary grounds of refusal related to matters that could be resolved with permit conditions.</p> <p>At the direction of VCAT the applicant obtained an approved CHMP. Following approval of the CHMP, Council reached agreement with the applicant for the issue of a consent order subject to the permit conditions agreed between the parties.</p> <p>Council’s refusal was set aside and a planning permit was issued for the development.</p>
P1380/2016	731/2015/P	33 Ithaca Road Frankston South	<p>This was an appeal against a Council Decision to issue a Notice of Decision to issue a planning permit for construct one (1) double storey dwelling to the rear of the existing dwelling.</p> <p>Summary of Decision</p> <p>Council’s decision to issue a planning permit was affirmed.</p> <p>The member stated that it is an acceptable outcome to have a two storey dwelling in such a location. It provides a suitable transition with the neighbouring single and double-storey dwellings and the proposal is consistent with the adjacent double-storey dwellings located at 35 Ithaca Road and 1 Bader Court. It is further stated that Ithaca Road is undergoing considerable change that is consistent with the strategic directions in the Planning Scheme and one can expect a dual occupancy development on a large lot located in General Residential Zone and in character sense a two storey dwelling can be acceptable, given its low floor levels, set into the slope of the land and well recessed upper levels together with the opportunities for considerable landscaping on the site. It is considered that the development is satisfactorily complying with the Rescode.</p>

Strategic Unit - Planning Scheme Amendments – APRIL 2017				
<u>Amendment</u>	<u>Address</u>	<u>Description</u>	<u>Status</u>	<u>Status Date</u>
C100	City Wide	MSS Review	Amendment submitted to Minister for approval.	30 April 2017
C103	160 Potts Road	Amending the DPO	Amendment submitted to Minister for approval.	30 April 2017
C105		Student Accommodation Policy	On hold	30 April 2017
C111	Frankston City Car Parking Overlay	Implement a parking overlay over the FMAC	On Exhibition 15/05/17 – 19/06/17.	30 April 2017
C112	City wide	Introduces permit requirement for earthworks within GWZ, RCZ, FZ and DDO4.	Approved 13/10/16.	30 April 2017
C113	City wide	Native Vegetation Review	Request Minister to approve amendment.	30 April 2017
C114	Residential zones	Multi-Unit parking guidelines	Request to Minister to prepare and exhibit Amendment C114 prepared and submitted.	30 April 2017
C115	EMO 2 review	Clarifies and simplifies location of properties affected by the EMO in the Sweetwater Creek Valley.	Refused 28/02/17.	30 April 2017
C123	Frankston MAC	Implements the recommendations of the Frankston MAC Structure Plan	Panel hearing conducted 16/11/16. Panel report received 7/12/16. Panel recommended approval of amendment. Council deferred decision at May 2017 meeting. To be considered by Council at September 2017 meeting.	30 April 2017
C124	Frankston MAC (balance)	Implements the recommendations of the Frankston MAC Structure Plan for areas other than city centre.	Amendment documentation being prepared. Exhibition June/July 2017.	30 April 2017

Executive Summary

12.1 Long Term Financial Plan 2017-2021

Enquiries: (Kim Jaensch: Corporate Development)

Council Plan

Community Outcome: 3. Sustainable City
 Strategy: 3.3 Ensure good governance and management of Council resources
 Priority Action 3.3.1 Ensure the organisation is financially sustainable

Purpose

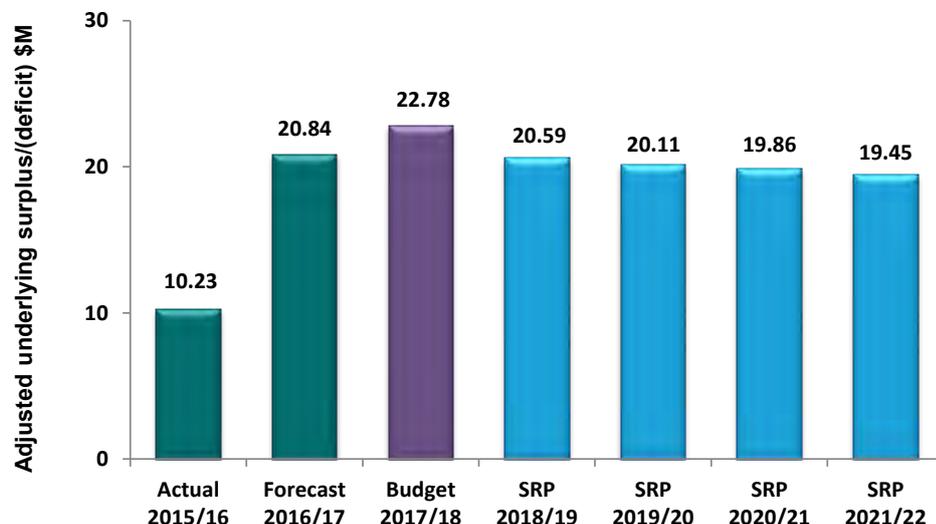
To adopt the Long Term Financial Plan 2017-2021 that aligns with the recently adopted Council Plan 2017-2021.

Recommendation (Director Corporate Development)

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

Key Points / Issues

- The purpose of the Long Term Financial Plan 2017-2021 (LTFP) is to provide a financial framework to Council in terms of what can be prudently achieved over this period and whilst this document has a strong focus on a five-year time horizon, the work that sits behind the final document has a longer focus in terms of capital planning.
- This LTFP updates the previous long term financial plan and aligns with the recently adopted Council Plan 2017-2021 and Annual Budget 2017-2018. The Council Plan is a strategic document which guides the planning, development, allocation of resources and provision of services to the Frankston City community.
- Rate capping has a detrimental effect on Council’s ability to provide community services and facilities in the future – leaving our services very vulnerable. This LTFP indicates the implications for future years with surpluses diminishing over the five year period as represented in the following graph:



SRP - Strategic Resource Plan estimates

12.1 Long Term Financial Plan 2017-2021**Executive Summary**

- For Council to remain financially sustainable in a rate capped environment, it is crucial that expenditure is minimised and focus on core services and asset renewal spending is achieved. Council requires an underlying surplus to deliver capital works and renew infrastructure within Frankston City.
- Council will continue to seek opportunities to maximise income through fees and charges and advocate for increased grant funding to deliver services to the community.
- This LTFP does not include further borrowings and its ratios remain well below the prudential guidelines set by the Victorian Government over the life of the plan. Council indebtedness to rates ratio is approximately half of the maximum ratio of 60% (30.04% in 2017-2018 and reducing to 20.81% in 2021-2022). Putting this in perspective, a household that has an income of \$100,000 per annum in 2017-2018 (guaranteed by legislation) and having an outstanding mortgage of \$30,040.
- The new Council Plan for 2017-2021 has set 14 strategic priorities for the next four years that will require careful financial planning to see Frankston City reach a vision as the lifestyle capital of Victoria. In order to deliver community infrastructure such as a revitalised City, regional sporting facilities, further development of the Frankston Stations Precinct and re-development of the existing Frankston Arts Centre, a financially sustainable Council must exist.
- Each of these projects in themselves is extremely significant and involves expenditure in the tens of millions. At the same point, Council must maintain its existing assets and meet the asset renewal challenges, continue to provide a strong suite of operational services to its residents and provide for the ongoing capital development of Council across a broad range of items in addition to the major priorities mentioned above.
- The objectives that this LTFP aims to achieve are as follows:
 - The achievement of a prudent balance between meeting the service needs of our community (both now and future) and remaining financially sustainable for future generations.
 - An increased ability to fund both capital works in general and meet the asset renewal requirements as outlined in asset management planning.
 - Endeavouring to maintain a sustainable Council in an environment where Council must either constrain its net operational costs or reduce funds available to capital expenditure due to the capping of Council rates and low increases in government grant funding.
- The key outputs included in the LTFP are:
 - The achievement of an ongoing underlying operational surplus throughout the life of the LTFP.
 - An increase in capital works investment funded from Council's operations from \$36.47 million in 2017-2018 to \$41.60 million in 2021-2022. Increased funding for asset renewal from \$24.30 million in 2017-2018 to \$25.88 million in 2021-2022.
 - The achievement of a financial structure where annual asset renewal needs are met from the base operating outcome of Council and non-renewable sources of funds such as reserves and asset sales are used to fund new or significantly upgraded facilities.

12.1 Long Term Financial Plan 2017-2021

Executive Summary

- The retention of service provision at present levels for 2017-2018 with a review to reduce service provision and / or capital spending for the years 2018-2019 to 2021-2022.
- The following issues are dealt within the strategy:

Section	Strategic directions
<p>Section 3: Macro view of Council's financial position</p>	<ol style="list-style-type: none"> 1. That Council revise its five-year forward financial plan on an annual basis. 2. That Council seek to maintain an underlying operational surplus (in the Income Statement) prior to the recognition of capital income over the life of the Long Term Financial Plan. 3. That Council seeks to continue to increase its capital works investment, funded from operational sources to sufficient levels that allows it to adequately fund its asset renewal requirements. <i>(subject to the impacts of rate capping being fully assessed)</i>. 4. That the asset renewal requirements identified in asset management plans be funded over the period of this Long Term Financial Plan. <i>(subject to the impacts of rate capping being fully assessed)</i>. 5. That Council endorse through this Long Term Financial Plan, the principle that ongoing asset renewal requirements must be funded from ongoing operational funding sources and that non-renewable funding sources such as asset sales, reserve funds or loan funds not be used to address these needs; 6. That Council continue to conduct a detailed review of all current service provision and determine which services can in the future either be discontinued or reduced.
<p>Section 4: Capital works forward plan and funding sources</p>	<ol style="list-style-type: none"> 1. That Council note the forecast level of capital expenditure over the five-year period of the LTFP. 2. That Council seeks to continue to increase its capital works investment, funded from operational sources to sufficient levels that allows it to adequately fund its asset renewal requirements. 3. Proceeds from sale of land will be transferred to the strategic reserve for either the purpose to offset Council loan borrowings or to fund new and upgrade capital projects. Proceeds from sale of land are not to be utilised to fund operational expenditure.

12.1 Long Term Financial Plan 2017-2021

Executive Summary

Section	Strategic directions
Section 5: Long term borrowing strategies	<ol style="list-style-type: none"> 1. That Council approves the principle of loan funding as a viable and equitable mechanism of: <ol style="list-style-type: none"> a) Funding new/significantly upgraded major assets that provide a broad community benefit; or b) Funding capital projects that provide a financial return above annual loan funding costs; c) Funding of one-off extraordinary operating items in excess of \$1.000 million. 2. That Council caps loan borrowings at no more than 60% (total indebtedness/rate revenue) to ensure that Council is within prudential limits and has the capacity to consider further borrowings if the need arises for unexpected events. 3. That Council spreads the liability equitably over both current and future years.
Section 6: Long term reserve usage strategies	<p>That reserve funds be drawn down to fund expenditure that is consistent with the purpose of the reserve as noted in this section.</p>

12.1 Long Term Financial Plan 2017-2021

Executive Summary

Section	Strategic directions
Section 7: Rating and other revenue Information	<ol style="list-style-type: none"> 1. That Council notes the rate cap of 2.00% for 2017-2018 as per the Minister Local Government directive under the Victorian Government Fair Go Rates System (FGRS). 2. That Council notes for the years 2018-2019 to 2021-2022, rates income is forecast to be capped at the forecast consumer price index. 3. That Council notes for the years 2017-2018 to 2021-2022, waste income is forecast at full cost recovery as it is not currently subject to the rate cap of the FGRS. 4. That Council considers on an annual basis whether to make application to the ESC for a variation to the rate capping framework based on the outcomes contained in the LTFP and future infrastructure requirements. 5. That Council further advocates that in the event rate capping remains, all recurrent Victorian Government funding be linked annually to an appropriately calculated local government cost index. 6. That this LTFP applies the annual cost escalation factor as the index to all discretionary fees and charges and Council seek to maximise revenue from fees during the budget process.
Section 8: Asset Management	<ol style="list-style-type: none"> 1. That Council continues to enhance existing asset management planning to further enhance the knowledge of future asset renewal, compliance and maintenance requirements, including reviewing the service potential of the existing asset infrastructure and how this matches the current community needs. 2. That Council endorse an in-principle strategy of allocating funds to meet asset renewal, compliance and maintenance requirements as a priority in the development of annual Capital Improvement Program and recurrent programs.

Financial Impact

For the 2017-2018 financial year, the State Government Minister for Local Government has announced a limit on the amount Victorian councils may increase rates. The cap for the 2017-2018 financial year is 2%. The cap is based on the Consumer Price Index expected for the financial year.

12.1 Long Term Financial Plan 2017-2021**Executive Summary**

This cap has a significant effect on Council's current Long Term Financial Planning, with rate revenue being \$9 million less than anticipated over the first four years, growing to \$17 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

Consultation**1. External Stakeholders**

The adopted Council Plan 2017-2021 includes a Strategic Resources Plan that identifies the resources required to achieve its strategic objectives. Community engagement and feedback was sought through a Section 223 process of the Local Government Act. Therefore it is not recommended that the LTFP be placed on public exhibition.

2. Other Stakeholders

Councillors and the Executive Management Team have been consulted in the lead up to the preparation of the Council Plan 2017-2021 which has been incorporated in the LTFP. Council's Audit and Risk Management Committee will be provided with a copy of the LTFP once it has been adopted by Council.

Analysis (Environmental / Economic / Social Implications)

This LTFP recognises the leadership role Council has within the community to actively promote sound environmental outcomes and to facilitate other levels of government and the community to act in a similar vein. The Plan also contains financial resourcing for a wide range of programs that deliver important community services to the Frankston community. This LTFP is based on the principle of maintaining services that are presently available to the community with some minor service growth to meet service demands.

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

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

Legal

There are statutory obligations within the *Local Government Act* (1989) that are referred to throughout this LTFP.

Policy Impacts

Nil

Officer's Declaration of Interests

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

Risk Mitigation

There are no direct risk implications arising from this report.

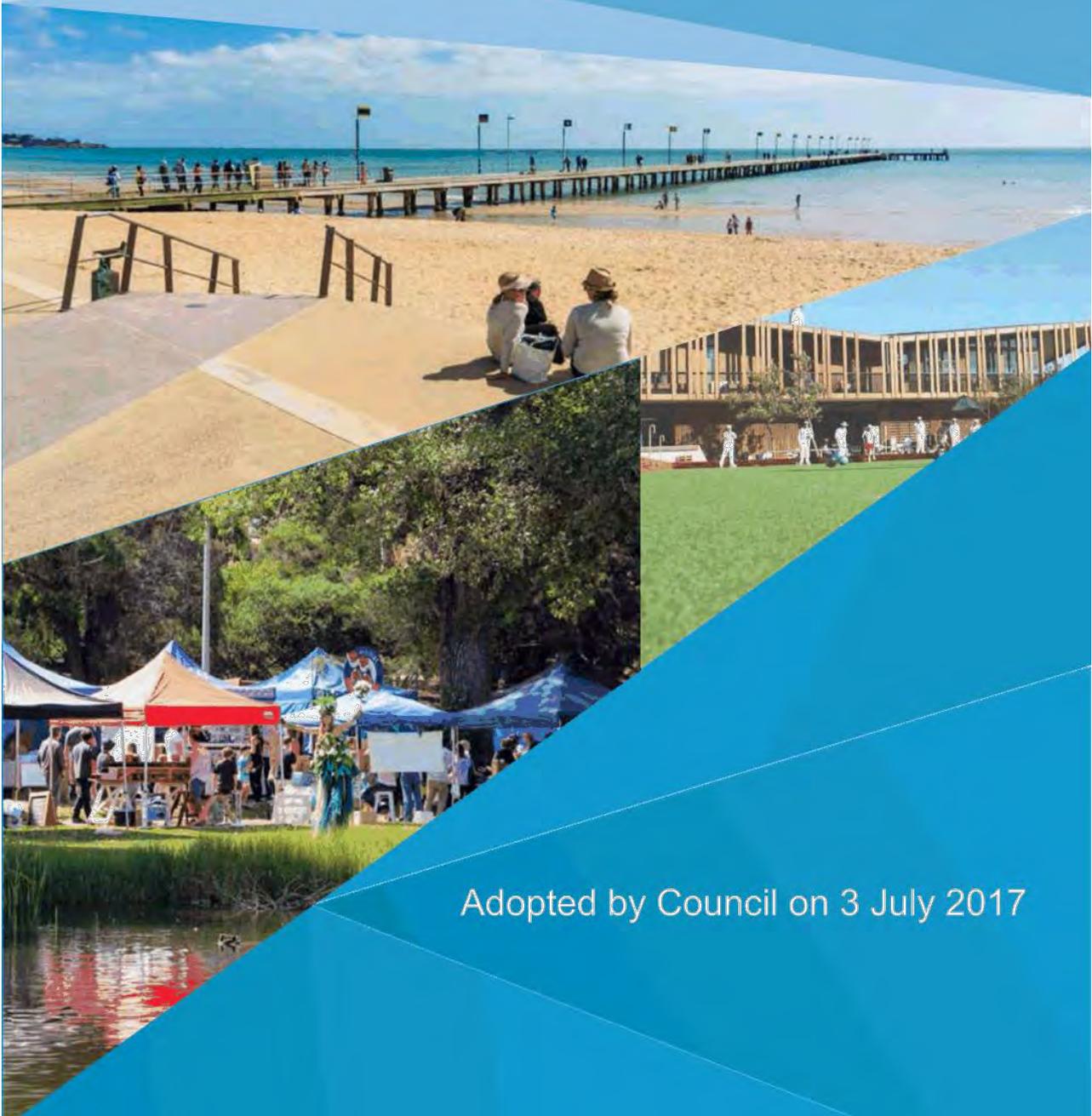
12.1 Long Term Financial Plan 2017-2021**Executive Summary****Conclusion**

This LTFP highlights the considerable challenges faced by Council over the coming five-year period and beyond in order for Council to remain a viable and sustainable Council and at the same time endeavouring to deliver on key infrastructure projects that are critical to our community.

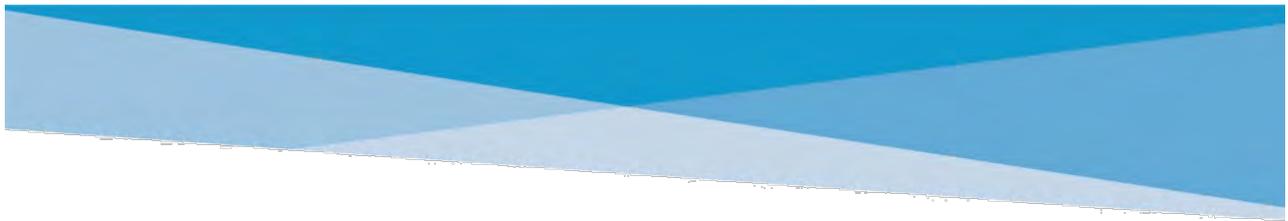
ATTACHMENTS

Attachment A: Long Term Financial Plan Document - 2017-2021

Frankston City Council Long Term Financial Plan 2017 – 2021



Adopted by Council on 3 July 2017



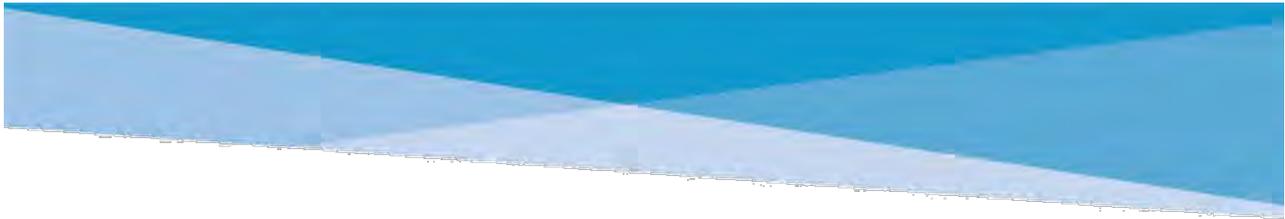


Contents

1. EXECUTIVE SUMMARY	5
1.1 Purpose of the Long Term Financial Plan (LTFP).....	5
1.2 Objectives of the Long Term Financial Plan.....	6
1.3 Key outcomes / challenges of this and future LTFP's	7
2. LINK BETWEEN THE LONG TERM FINANCIAL PLAN AND COUNCIL'S PLANNING FRAMEWORK.....	14
3. MACRO VIEW OF COUNCIL'S FINANCIAL POSITION	16
3.1 Budgeted Comprehensive Income Statement.....	19
3.2 Balance Sheet.....	26
3.3 Cash Flow Statement	28
4. CAPITAL WORKS FORWARD PLAN & FUNDING SOURCES	30
4.1 Level and nature of the capital works in the LTFP.....	30
4.2 Capital Funding Sources.....	31
5. LONG TERM BORROWING STRATEGIES.....	32
5.1 Background to Council's current level of indebtedness	32
5.2 Future loan strategies	32
6. LONG TERM RESERVE USAGE STRATEGIES	36
6.1 Nature and purpose of current reserves	36
6.1.1 Public resort and recreation reserve.....	36
6.1.2 Native vegetation reserve.....	37
6.1.3 Infrastructure reserve	37
6.1.4 Other reserves.....	37
6.1.5 Unexpended grants reserve	38
6.1.6 Capital projects	38
6.1.7 Strategic assets.....	38
6.1.8 Resource efficiency	39
6.1.9 Local Government Funding Vehicle (sinking fund)	39
6.2 Long term summary of projected Reserve Funds.....	40
7. RATING AND OTHER REVENUE INFORMATION	41
7.1 Assessment of current rating levels.....	41
7.2 Rating approach for the future	42
7.3 Grant revenues	44
7.4 Fees and charges revenue	46



8. ASSET MANAGEMENT.....	48
8.1 Council’s total asset portfolio as at 30 June 2016	48
8.2 Summary of Council’s Fixed Assets.....	49
8.3 Managing Councils Assets for the future.....	52
8.3.1 Council’s current Asset Management gaps.....	55
8.3.2 Key outcomes of the Asset Management Plans.....	55
8.3.3 Key Strategic Actions of the Asset Management Strategy	56
APPENDICES	57
A. 2015-2016 FINANCIAL KEY PERFORMANCE INDICATOR ANALYSIS	57
1. RATING KEY PERFORMANCE INDICATORS	60
1.1 Rate Revenue / Adjusted Total Revenue	60
1.2 Rates Per Capita.....	61
1.3 Rates per Assessment.....	62
2. OTHER REVENUE KEY PERFORMANCE INDICATORS	64
2.1 Operating Grant Revenue / Adjusted Total Revenue	64
2.2 Fees & Charges Revenue / Adjusted Total Revenue.....	66
3. TOTAL NET OPERATIONAL INDICATORS	68
3.1 Total Expenses (excluding Depreciation) / Assessments.....	68
3.2 Total Adjusted Revenue / Assessments.....	69
3.3 Net operational surplus per assessment	70
3.4 Employee Costs / Total Operating Expenses	71
4. DEBT KEY PERFORMANCE INDICATORS	73
4.1 Debt Servicing Costs / Adjusted Total Revenue.....	73
4.2 Total Indebtedness / Total Rate Revenue	74
4.3 Non-current liabilities / Own source revenue	76
5. ASSET KEY PERFORMANCE INDICATORS	77
5.1 Operating Surplus (Deficit) / Total Assets.....	77
5.2 Total Assets / Rateable Properties.....	79
5.3 Current Assets / Current Liability.....	80
5.4 Total Depreciation / Total Assets.....	81
5.5 Depreciation on Infrastructure / Total Infrastructure Assets.....	82
6. CAPITAL OUTLAYS KEY PERFORMANCE INDICATORS	83
6.1 Total Capital Outlays / Total Cash Outflows	83
6.2 Total Capital Outlays on Renewal and Upgrade / Total Depreciation	85
6.3 Rate Funded Capital Works / Adjusted Total Revenue.....	86
B. GLOSSARY.....	87



1. Executive summary

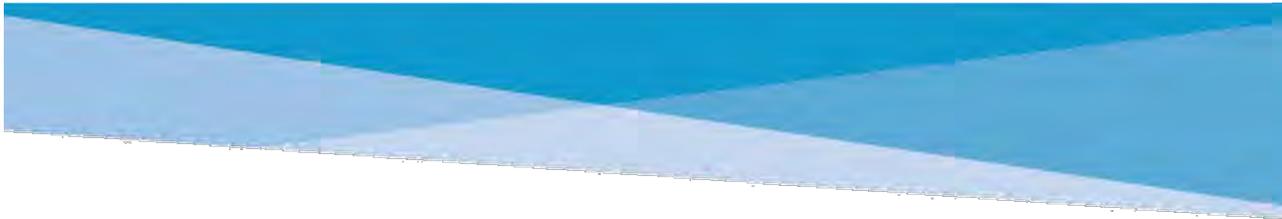
1.1 Purpose of the Long Term Financial Plan (LTFP)

The Long Term Financial Plan has been developed to provide the following outcomes for Frankston City Council:

- establish a prudent and sound financial framework, combining and integrating financial strategies to achieve a planned outcome
- establish a financial framework against which Council's strategies, policies and financial performance can be measured against
- ensure that Council complies with sound financial management principles, as required by the *Local Government Act* (1989) and plan for the long-term financial sustainability of Council (Section 136)
- allow Council to meet the objectives of the *Local Government Act* (1989) to promote the social, economic and environmental viability of municipal district and its role in maintaining the viability of Council to ensure that resources are managed in a responsible manner (Sections 3C (2)(a) and 3D (2)(c))

This LTFP represents a comprehensive approach to document and integrate the various financial strategies of Council. The development of the long-term financial projections represents the output of several strategy areas, that when combined, produce the financial direction of Council as shown below:



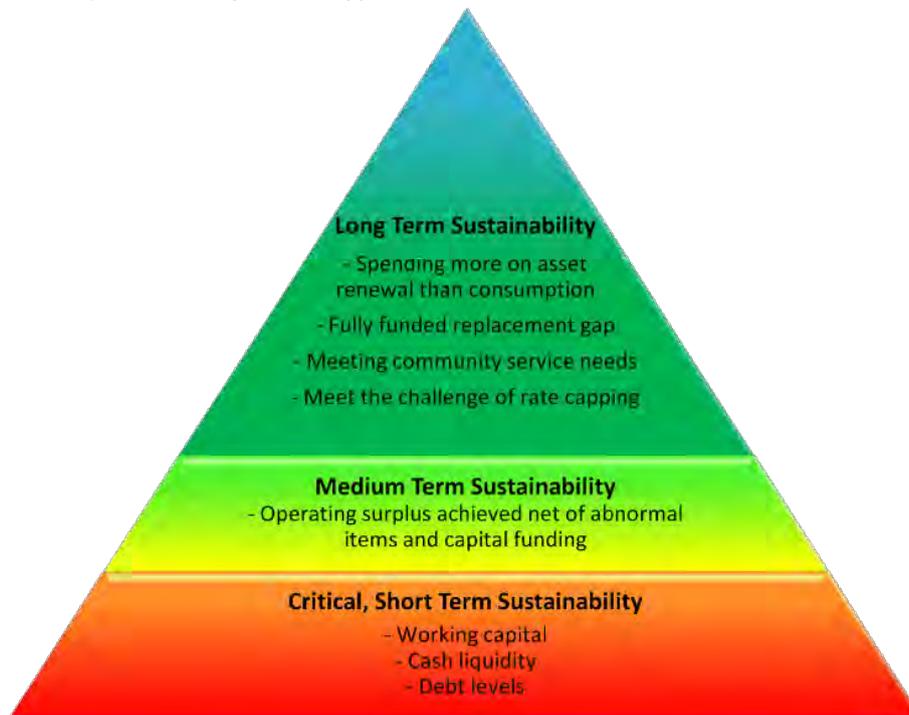


1.2 Objectives of the Long Term Financial Plan

The objectives that this LTFP aims to achieve are as follows:

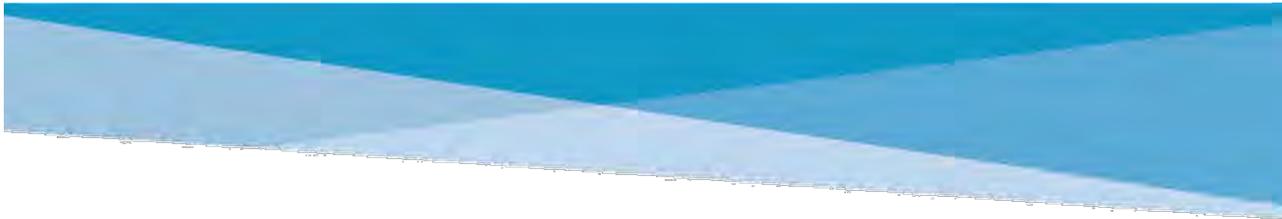
- The achievement of a prudent balance between meeting the service needs of our community (both now and future) and remaining financially sustainable for future generations.
- An increased ability to fund both capital works in general and meet the asset renewal requirements as outlined in asset management planning.
- Endeavouring to maintain a sustainable Council in an environment where Council must either constrain its net operational costs or reduce funds available to capital expenditure due to the capping of Council rates and low increases in government grant funding.

For the purposes of this Plan, financial sustainability is defined in the below diagram, modelled essentially on a hierarchy of needs approach.



Over the past three years, Frankston City council has reached a position as outlined in the 'Long Term Sustainability' section of the triangle above. The challenge for Council will however be to avoid an outcome where it gradually reduces through the sections back into the orange/red zone over the next five years on the back of capped revenue capacity and rising costs.

To avoid this outcome, Council will continue to critically evaluate all of its current service provision and may have to make a series of difficult decisions, particularly where costs in services are part funded by Victorian and Federal Government increase by an amount greater than Councils ability to increase general revenues.



1.3 Key outcomes / challenges of this and future LTFP's

This revision of the Long Term Financial Plan represents a critical document for Frankston City Council. The most significant challenges has surrounded Council's capacity to deliver a wide range of new community infrastructure and maintain existing assets whilst preserving a sound financial position.

In the face of a new legislative environment however, the challenges in this LTFP are very much around what actions Council can take to mitigate the very significant impacts of a restriction on Council's ability to raise revenue into the future.

Capping of Council rates

The Victorian Government has established the Fair Go Rates System (FGRS), which restricts Council from increasing rate income in a year.

Each year the Minister for Local Government will set the rate cap that will specify the maximum increase in councils' rates and charges for the forthcoming financial year. Where the level of income raised under the rate cap is insufficient to meet specific needs, councils can apply to the Essential Services Commission for a higher cap. Frankston City Council has not elected to apply for variation to the rate cap in the 2017-2018 year.

The Minister for Local Government announced on 16 December 2016 that Victorian council rate rises would be capped to the rate of inflation in the 2017-2018 financial year. That is, the Consumer Price Index (CPI) as published by the Victorian Department of Treasury and Finance, which is **2.0 per cent** for the 2017-2018 financial year.

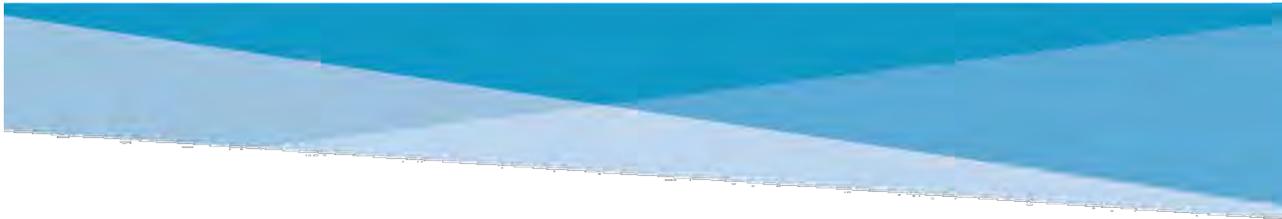
There remains a further inherent risk in the future capped amount with the Essential Services Commission to provide further advice to the Minister on the inclusion of a potential efficiency discount which would further reduce the capped rate amount below the rate of inflation. It is likely that Council will be further advised on this approach during 2017 with any impact to apply from the 2018-2019 financial year.

Measuring the impact of rate capping on Frankston City Councils LTFP

Council's previous editions of the Long Term Financial Plan (prior to 2016-2017) were based on an annual rate increase of 5.50 per cent over the life of the plan. This increase effectively covered an annual increase of 4.50 per cent which was required to simply provide for the ongoing provision of services at the same standard of service as previously delivered. The remaining 1 per cent was to fund an increasing ability to fund capital expenditure which was crucial for Council to deliver on a range of large new infrastructure projects whilst at the same point continuing to effectively fund the renewal of existing assets.

Council is confident that it can continue to manage the rates capping challenge in 2017-2018 financial year. The challenge has been addressed through the identification of efficiency savings and a disciplined budget preparation process.

With rates now capped at a forecast Consumer Price Index figure, the Long Term Financial Plan has been revised on the assumption that rates will not increase by more than 2.50 per cent over the life of the plan.

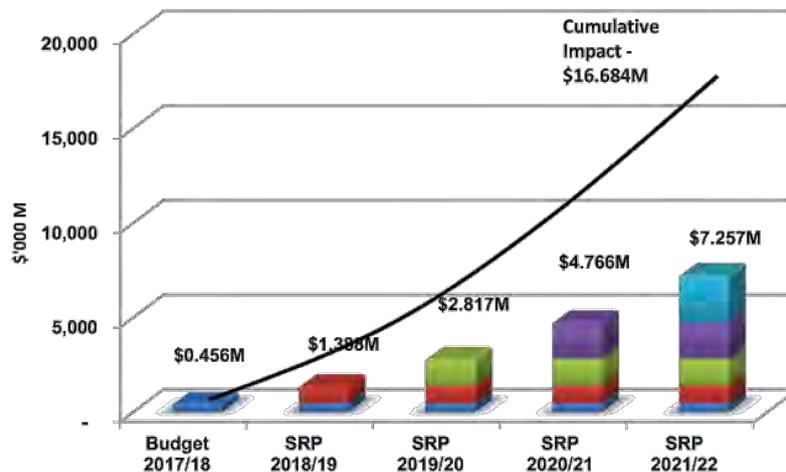


A number of key observations that can be made:

- The consumer price index is a very poor index of the cost of providing Council services being based on a basket of common household goods and services that Council purchases very little of;
- The cost of provision of Council services is very heavily based on labour costs which account for approximately 46 per cent of total operational spending;
- The financial gap between the previous LTFP based on a 2.5% rate increase and the revised plan in terms of rate revenue over the next five year period is \$16.684 million as shown in the below graph. This reduction in income will need to be matched by a similar reduction in expenditure or increase in other income sources;
- The likely result will be a reduction in operational costs (and therefore services provided and service levels) or reduced funding for capital works. Should Council wish to retain the proposed funding levels of capital expenditure as outlined in the previous versions of the LTFP, it would need to achieve significant savings over the five years of the LTFP;

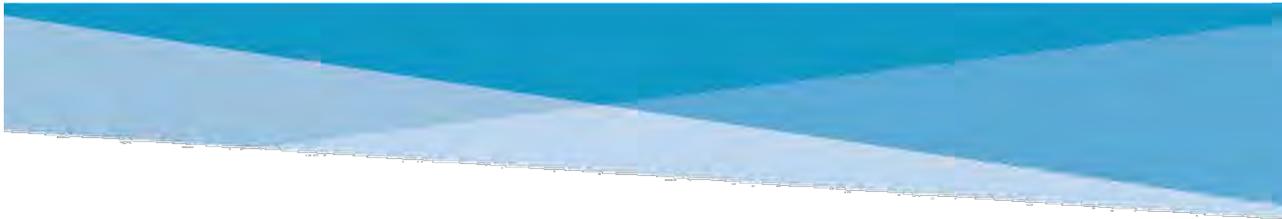
The graph below presents the cumulative impact in dollar terms of the forecast reduction in community services / capital spending to be realised.

**Cumulative impact of Rate Income
 (excludes waste charges)
 LTFP 2.5% vs Rate Increase 2.0%**



With the development of this LTFP, a number of different factors have now been built into the modelling which has changed this outcome significantly. They include the following:

- The second year of rate capping has essentially required Council to make changes to the 2017-2018 Budget of approximately \$0.456M which has been achieved. This has a consequent flow on impact to future years;
- Material costs which were previously forecast to increase at a CPI estimate of 2.50 per cent have been reduced to a lower CPI estimate of 2.00 per cent matching the forecast increase in Council rates;



- This LTFP has been developed based on a 1.40 per cent plus 0.50 per cent banding increments. Negotiations for the upcoming Enterprise Agreement 8 are ongoing. Until such time these negotiations are finalised, the LTFP has been prepared using the above parameters. The cost of provision of Council services is very heavily based on labour costs which account for approximately 46 per cent of total operational spending;
- Whilst the funding base for capital expenditure has been maintained at the same levels as the previous LTFP, the surplus has been transferred to the Strategic Assets reserve for the purpose of funding future capital works highlighted within the new Council Plan 2017-2021.

The rate capping challenge in the medium to long term will require Council to fundamentally review the sustainability of its operations. A 'business as usual' approach will not be sufficient to meet the challenge into the future. It will be necessary for Council to undertake an annual review of all services in line with community expectations and Council's resource availability.

Federal Budget impacts – recurrent grant funding

Recurrent grants (inclusive of the Grants Commission funding) form almost 10 per cent of Council's total underlying operational revenue and hence are an important source of revenue for Council.

Recurrent grant revenue however has consistently failed to keep pace with the cost of providing these same services that the grant supports, therefore requiring council to continue to 'top-up' the Victorian and Federal government shortfall with rate funding in order to continue to provide the current levels of services to the community.

Strategic Major Projects

There has been significant investment in the infrastructure of Frankston City in the past few years, including:

- \$49.0 million Peninsula Aquatic Recreation Centre (PARC)
- \$12.3 million Waste Transfer Station
- \$10.0 million Frankston Yacht Club
- \$3.4 million Frankston Park Function centre

The introduction of rate capping has restricted Council's ability to deliver major projects in the future and must maintain its existing assets and meet the asset renewal challenges, whilst continuing to provide a strong suite of operational services to its residents.

The development of a new Council Plan for 2017-2021 has set 14 strategic priorities for the next four years that will require careful financial planning to see Frankston City reach a vision as the lifestyle capital of Victoria. In order to deliver community infrastructure such as a revitalised City, regional sporting facilities, further development of the Frankston Stations Precinct and re-development of the existing Frankston Arts Centre, a financially sustainable Council must exist.

Each of these projects in themselves is extremely significant and involves expenditure in the tens of millions. At the same point, Council must maintain its existing assets and meet the asset renewal challenges, continue to provide a strong suite of operational services to its residents and provide for the ongoing capital development of Council across a broad range of items in addition to the major priorities mentioned above.



Outcomes of the LTFP

The purpose of the LTFP is to provide a financial framework to Council in terms of what can be prudently achieved over this period and whilst this document has a strong focus on a five-year time horizon, the work that sits behind the final document has a longer focus in terms of capital planning.

In preparing the 2017-2022 LTFP, the following items have / will impact the finances of Council and the preparation of this Plan:

- The introduction of the Victorian Government Council rate capping policy at the consumer price index. Based on current projections, this will require Council to achieve operational / capital savings of \$0.456 million in 2017-2018 and rising to a required saving of \$7.26 million in 2021-2022.

The key outputs included in the LTFP are:

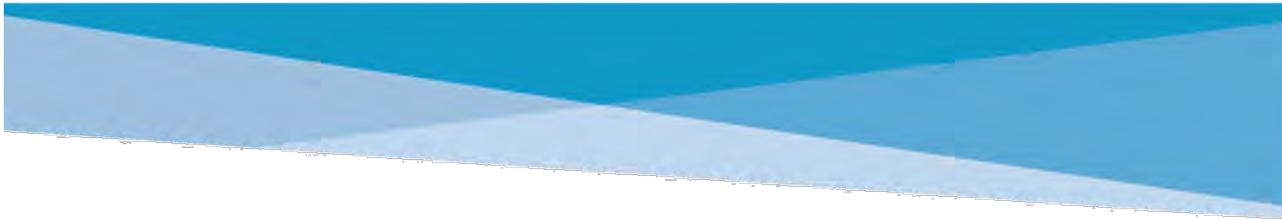
- The achievement of an ongoing underlying operational surplus throughout the life of the LTFP.
- An increase in capital works investment funded from Council's operations from \$36.47 million in 2017-2018 to \$41.60 million in 2021-2022. Increased funding for asset renewal from \$24.30 million in 2017-2018 to \$25.88 million in 2021-2022.
- The achievement of a financial structure where annual asset renewal needs are met from the base operating outcome of Council and non-renewable sources of funds such as reserves and asset sales are used to fund new or significantly upgraded facilities.
- The retention of service provision at present levels for 2017-2018 with a review to reduce service provision and / or capital spending for the years 2018-2019 to 2021-2022.

In terms of the inputs required to achieve the above outcomes, the LTFP is based on the following:

	Actual	Budget	Strategic Resource Plan Projections			
	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
LTFP rate increase	2.50%	2.00%	2.25%	2.50%	2.50%	2.50%

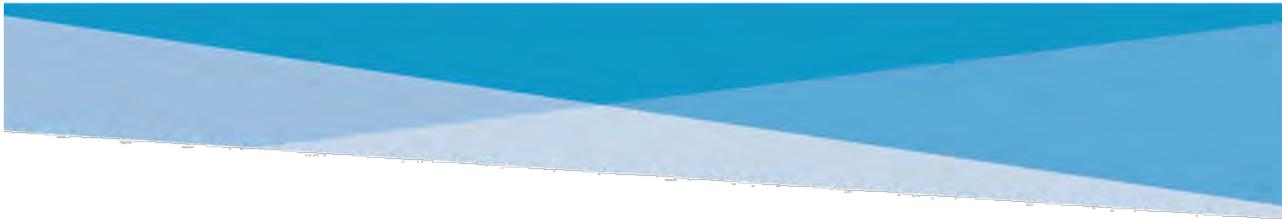
- A rate increase of 2.00 per cent for the 2017-2018 financial year. A rate cap of forecast CPI has been applied for the 2018-2019 to 2021-2022 years of the LTFP to rates and municipal charge (waste charges have been included on a full cost recovery basis as they are currently excluded from the rate cap).

In summary, the LTFP highlights the considerable challenges faced by Council over the coming five-year period and beyond in order for Council to remain a viable and sustainable Council and at the same time endeavouring to deliver on key infrastructure projects that are critical to our community.

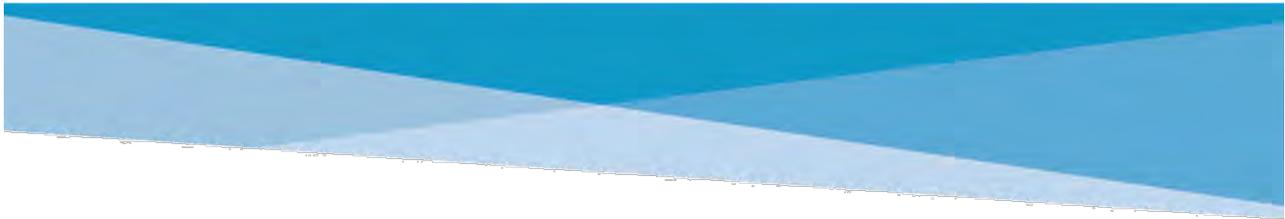


The below table highlights the strategic outcomes contained in this LTFP.

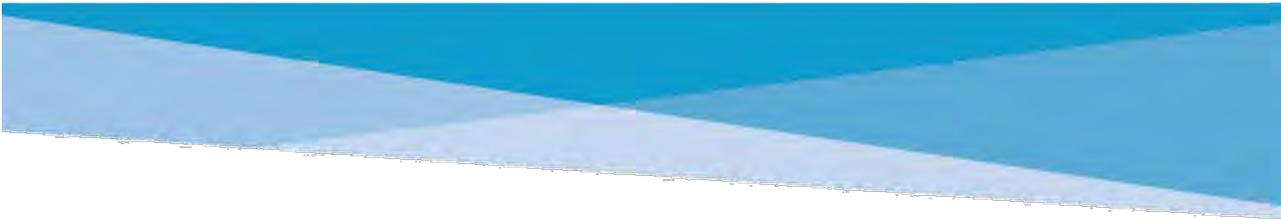
Section	Strategic directions
<p>Section 3: Macro view of Council's financial position</p>	<ol style="list-style-type: none"> 1. That Council revise its five-year forward financial plan on an annual basis. 2. That Council seek to maintain an underlying operational surplus (in the Income Statement) prior to the recognition of capital income over the life of the Long Term Financial Plan. 3. That Council seeks to continue to increase its capital works investment, funded from operational sources to sufficient levels that allows it to adequately fund its asset renewal requirements. <i>(subject to the impacts of rate capping being fully assessed)</i>. 4. That the asset renewal requirements identified in asset management plans be funded over the period of this Long Term Financial Plan. <i>(subject to the impacts of rate capping being fully assessed)</i>. 5. That Council endorse through this Long Term Financial Plan, the principle that ongoing asset renewal requirements must be funded from ongoing operational funding sources and that non-renewable funding sources such as asset sales, reserve funds or loan funds not be used to address these needs; 6. That Council continue to conduct a detailed review of all current service provision and determine which services can in the future either be discontinued or reduced.
<p>Section 4: Capital works forward plan and funding sources</p>	<ol style="list-style-type: none"> 1. That Council note the forecast level of capital expenditure over the five-year period of the LTFP. 2. That Council seeks to continue to increase its capital works investment, funded from operational sources to sufficient levels that allows it to adequately fund its asset renewal requirements. 3. Proceeds from sale of land will be transferred to the strategic reserve for either the purpose to offset Council loan borrowings or to fund new and upgrade capital projects. Proceeds from sale of land are not to be utilised to fund operational expenditure.



Section	Strategic directions
<p>Section 5: Long term borrowing strategies</p>	<ol style="list-style-type: none"> 1. That Council approves the principle of loan funding as a viable and equitable mechanism of: <ol style="list-style-type: none"> a) Funding new/significantly upgraded major assets that provide a broad community benefit; or b) Funding capital projects that provide a financial return above annual loan funding costs; c) Funding of one-off extraordinary operating items in excess of \$1.000 million. 2. That Council caps loan borrowings at no more than 60% (total indebtedness/rate revenue) to ensure that Council is within prudential limits and has the capacity to consider further borrowings if the need arises for unexpected events. 3. That Council spreads the liability equitably over both current and future years.
<p>Section 6: Long term reserve usage strategies</p>	<p>That reserve funds be drawn down to fund expenditure that is consistent with the purpose of the reserve as noted in this section.</p>
<p>Section 7: Rating and other revenue information</p>	<ol style="list-style-type: none"> 1. That Council notes the rate cap of 2.00% for 2017-2018 as per the Minister Local Government directive under the Victorian Government Fair Go Rates System (FGRS). 2. That Council notes for the years 2018-2019 to 2021-2022, rates income is forecast to be capped at the forecast consumer price index. 3. That Council notes for the years 2017-2018 to 2021-2022, waste income is forecast at full cost recovery as it is not currently subject to the rate cap of the FGRS. 4. That Council considers on an annual basis whether to make application to the ESC for a variation to the rate capping framework based on the outcomes contained in the LTFP and future infrastructure requirements. 5. That Council further advocates that in the event rate capping remains, all recurrent Victorian Government funding be linked annually to an appropriately calculated local government cost index. 6. That this LTFP applies the annual cost escalation factor as the index to all discretionary fees and charges and Council seek to maximise revenue from fees during the budget process.



Section	Strategic directions
Section 8: Asset Management	<ol style="list-style-type: none"><li data-bbox="746 483 1273 678">1. That Council continues to enhance existing asset management planning to further enhance the knowledge of future asset renewal, compliance and maintenance requirements, including reviewing the service potential of the existing asset infrastructure and how this matches the current community needs.<li data-bbox="746 696 1273 842">2. That Council endorse an in-principle strategy of allocating funds to meet asset renewal, compliance and maintenance requirements as a priority in the development of the Annual Budget and the 1-10-20 Capital Works Programme.

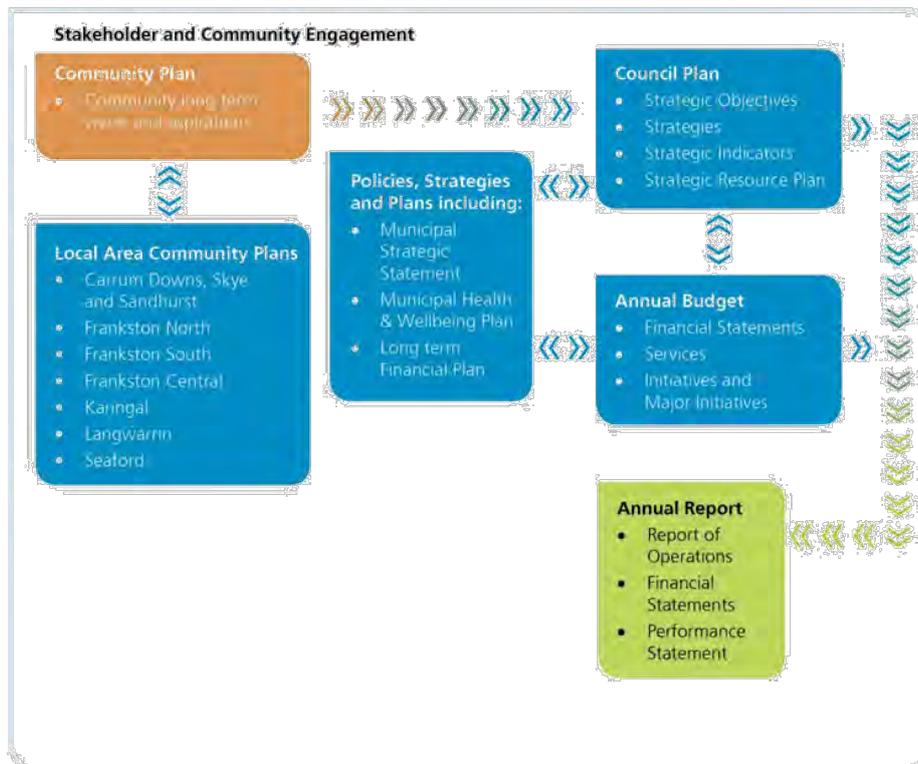


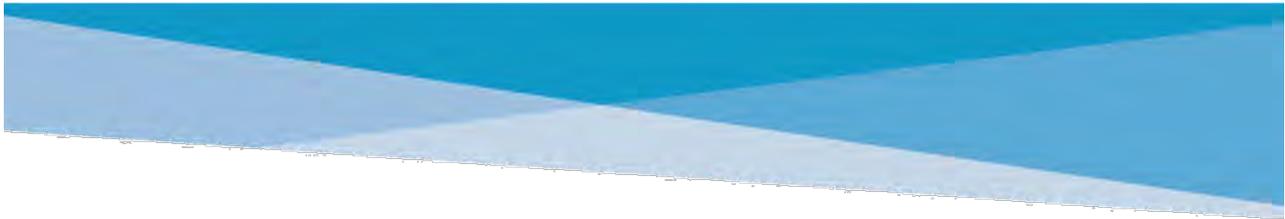
2. Link between the Long Term Financial Plan and Council's Planning Framework

Frankston's Council Plan contains the purpose, values, strategic objectives and indicators over four years. Being a four year plan it has a medium term outlook, and is informed by the long term Community Plan. The Council Plan is adopted by the elected Council and forms a fundamental part of Frankston City Council's Corporate Planning Framework. It is resourced through the LTFP. The LTFP then provides the framework for development of Council's Annual Plan and Annual Budget, which are implemented through the annual business planning process. The LTFP is essential in Council's planning for sustainability and provides the resources for the achievement of the Council Plan.

The Strategic Resource Plan, included in the Council Plan, is a rolling five year plan that outlines the financial and non-financial resources that Council requires to achieve the long term community outcomes described in the Council Plan. The Annual Budget is framed within the Strategic Resource Plan, taking into account the services and initiatives. The diagram below depicts the Council Planning Framework that applies to local government in Victoria.

Council Planning Framework

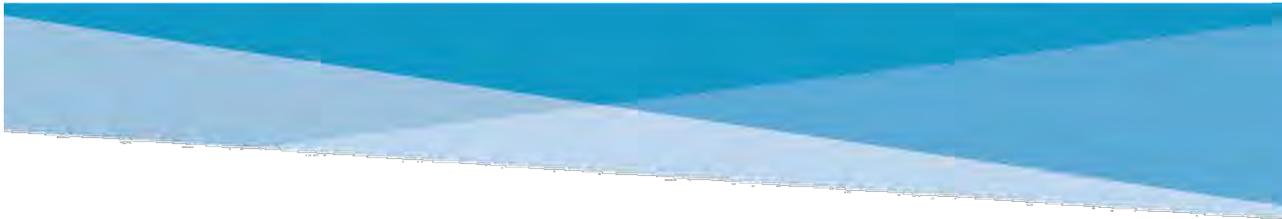




Long Term Community Outcomes

The Council Plan details the long term community outcomes (these are known as strategic objectives in the Local Government Act (1989)) that will drive Council's role in partnership with our community to achieve the vision and aspirations outlined in the Community Plan. The Council Plan identifies three (3) long-term community outcomes under which Council's activity for the next five years will be delivered. The table below lists the three long term community outcomes described in the Council Plan.

Long Term Community Outcomes	Description
A Planned City	A city that is a preferred destination for investment and development. A vibrant city providing affordable housing, stunning beaches, a beautiful natural environment and arts and cultural experiences. Everything you want at your doorstep – retail shopping, education, employment, recreation and a lifestyle the envy of others.
A Liveable City	Welcoming neighbourhoods, green streets and thoroughfares, parks and natural reserves, an active foreshore and vibrant town centres delivering a living environment that is second to none. An active and healthy community that is connected through participation in activities at our local and regional sporting facilities, events and festivals.
A Well Governed City	An elected Council that is driven by the privilege of serving its community and providing leadership and visionary thinking to ensure Frankston is recognised as the lifestyle capital of Victoria.
A Well Managed City	Proudly delivering services to improve our community's lifestyle. An organisation that is recognised amongst its peers as leader in the sector, and one that is founded upon its engagement and connection to its community.



3. Macro view of Council's financial position

The following financial statements portray the projected financial position of the Frankston City Council over the next five years. The following financial statements are presented:

- Income Statement by line item including underlying result and conversion to cash outcome
- Cash Flow Statement
- Balance Sheet
- Statement of Capital Works.

The statements are prepared based on current knowledge and service levels and will no doubt be affected by various events that will occur in future years. It is important that the long-term financial outlook be revisited and updated on an annual basis.

It should be noted that final decisions on the allocation of funds is undertaken through Council's Annual Budget process in accordance with the *Local Government Act (1989)* (Section 137).

Modelling methodology

Following each Statement are notes of the assumptions specifically applied to produce the long-term outlook. The Notes are referenced in the financial statements. A commentary is also provided on the information relayed by the Statements and what they mean for Frankston City Council.

In a more global sense however, it is worthwhile detailing the approach to the modelling process as broad percentages have not been universally applied. Certain accounts were coded for manual adjustment rather than broad percentage increases (e.g. election expenses, property revaluation costs and one-off projects). It is therefore not possible to simply multiply the previous year's base by a percentage and achieve the same outcomes as presented.

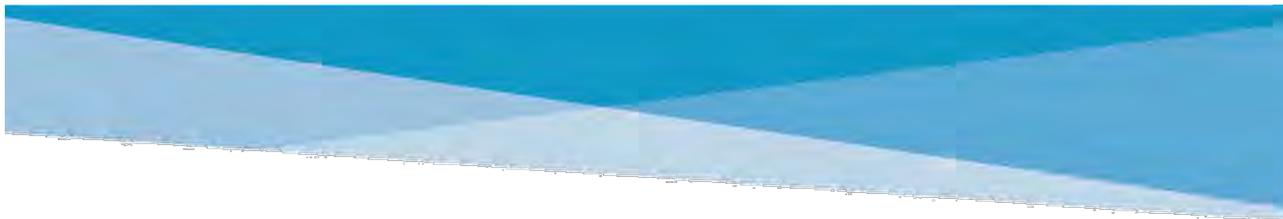
Achieving cost savings

The LTFP is a high level strategic plan that acts as a framework for future annual Budgets. Whilst this plan is based on the premise of continuing to deliver all present day operational services, it must be highlighted that Council intends to institute a savings approach against the framework, and will continue to identify savings in the future. Additional sources of revenue are also pursued when available or identified.

Whilst the LTFP establishes a framework for the annual Budget, Council thoroughly reviews all draft operational budgets on an annual basis and seeks to achieve savings against this framework wherever possible.

Delivering best value

Frankston City Council will complete detailed service planning reviews on all of the services that Council provides. The reviews will involve detailed cost and quality benchmarking of Council services against other Councils, and provide assessments of community needs for the services involved, ensuring that Council is delivering value for money. These reviews will be externally scrutinised and publicly exhibited. The reviews provide a clear demonstration of value for money for Council services.



Parameters used in developing this LTFP

The table highlights the broader parameters used in the calculation of this LTFP. These parameters are discussed in more detail under each of the respective notes following the Income Statement.

Summary of Forecast Parameters

Key Assumptions	Notes	2017/18 Year 1 \$'000	2018/19 Year 2 \$'000	2019/20 Year 3 \$'000	2020/21 Year 4 \$'000	2021/22 Year 5 \$'000
Consumer Price Index	1	2.00%	2.25%	2.50%	2.50%	2.50%
Wage Price Index	2	2.50%	3.00%	3.50%	3.50%	3.50%
Cost Escalation Factor	3	2.30%	2.70%	3.10%	3.10%	3.10%
Rate Revenue Cap	4	2.00%	2.25%	2.50%	2.50%	2.50%
General Waste Charges	5	2.00%	2.70%	3.10%	3.10%	3.10%
Green Waste Charges	6	2.00%	2.70%	3.10%	3.10%	3.10%
Fees and Charges - Council	7	Various	Various	Various	Various	Various
Fees and Charges - Statutory	8	1.00%	1.00%	1.00%	1.00%	1.00%
Grants and Subsidies - recurrent	9	1.00%	1.00%	1.00%	1.00%	1.00%
Victoria Grants Commission funding	9	1.00%	1.00%	1.00%	1.00%	1.00%
Employee Costs (EBA+super+banding increments)	10	1.90%	1.90%	1.90%	1.90%	2.40%
Electricity	11	10.00%	2.50%	2.50%	2.50%	2.50%
Water	12	2.00%	2.25%	2.50%	2.50%	2.50%
Gas	13	5.50%	7.00%	7.00%	7.00%	7.00%

Sources:

1. The forecast consumer price index (CPI) ranges from 2.00 to 2.50 per cent. The Melbourne CPI for the first three years has been sourced from the Australian Bureau of Statistics; Department of Treasury and Finance. The 2019-2020 forecast was extended to the following two years.
2. The forecast wage price index (WPI) ranges from 2.50 to 3.50 per cent. The Victorian wage price index for the first three years has been sourced from the Australian Bureau of Statistics; Department of Treasury and Finance. The 2019-2020 forecast was extended to the following two years.
3. The cost escalation factor represents a formula that better reflects the increase in local government costs. The index is referred to by the Essential Services Commission as the average rate cap (ARC). The formula applies a 60 per cent weighting to the rate of increase in the CPI and a 40 per cent weighting to the WPI. The allowance made for labour costs in the rate cap formula serves only as a generalised acknowledgment that some costs, particularly direct and indirect labour costs, are inflexible in the short to medium term.
4. Rates in all years of this LTFP are based on a range from 2.00 to 2.50 per cent. The 2017-18 year is based on the forecast consumer price index as directed by the Minister Local Government under the State Government Fair Go Rates System.
5. Council has allowed for a blanket hard waste collection for the term of the LTFP and will retain an "at call" service for the convenience of residents and ratepayers. The Frankston Regional Resource and Recycling Centre provides residents with an "all year round" facility for the disposal of hard and other waste. The provision of all services have increased costs to Council, however identifying efficiencies in this area has resulted in a 2.00 percent



increase to general waste charges in 2017-2018. Future years have increased this charge by the cost escalation factor.

6. The costs of green waste services have stabilised which has been passed on to ratepayers by way of a 2.00 per cent increase to green waste charges in 2017-2018. Future years have increased this charge by the cost escalation factor.
7. Council has reviewed fees in detail to determine accepted pricing principles and set levels that fully recover the cost of providing the service, unless the overriding policy is in favour of subsidisation. In addition, considerations of community factors are required such as encouraging use of a service and ability to pay. Therefore fees have been adjusted based on this methodology rather than a blanket increase.
8. Victorian Government statutory fees are set by legislation and are frequently not indexed on an annual basis. An estimated increase of 1.00 per cent per annum has been allowed in this LTFP.
9. Grants and subsidies have been budgeted with a conservative economic outlook at 1.00 per cent. Victoria Grants Commission funding has now been removed from the freezing of indexation from 2017-2018.
10. Enterprise Bargaining Agreement No.7 (EBA7) expired on 31 March 2016. This LTFP has been developed based on a 1.40 per cent plus 0.50 per cent banding increments. Negotiations for the upcoming Enterprise Agreement 8 commenced during 2016-2017 and are ongoing. Until such time these negotiations are finalised, the LTFP has been prepared using the above parameters. Enterprise Agreement 7 had quantum increments of 3.25 per cent over the term of the agreement. The cost of provision of Council services is very heavily based on labour costs which account for approximately 46 per cent of total operational spending.

Year	EBA Increase	Banding & Increment	Super Guarantee	Total
2017/18	1.40%	0.50%	0.00%	1.90%
2018/19	1.40%	0.50%	0.00%	1.90%
2019/20	1.40%	0.50%	0.00%	1.90%
2020/21	1.40%	0.50%	0.00%	1.90%
2021/22	1.40%	0.50%	0.50%	2.40%

11. Electricity has been estimated to increase by 10.00 per cent to reflect anticipated increased tariff costs in 2018-2018 and then reduce to 2.50 per cent for the following four years. This information was sourced from the Sustainable Assets Department.
12. Water costs have stabilised and have been estimated to increase by 2.00 per cent in 2017-2018. These costs will be closely monitored. This information was sourced from the Sustainable Assets Department.
13. Gas costs are estimated to increase by 5.50 per cent in 2017-2018 and 7.00 per cent thereafter due to the nature of the market, driven primarily by the international price pressures. This information was sourced from the Sustainable Assets Department.

3.1 Budgeted Comprehensive Income Statement

		Forecast	Budget	Strategic Resource Plan Projections			
		2016/17 \$'000	2017/18 \$'000	2018/19 \$'000	2019/20 \$'000	2020/21 \$'000	2021/22 \$'000
Income							
Rates and charges	1	112,897	116,823	119,565	122,912	126,361	129,916
Statutory fees and fines	2	5,709	5,697	5,754	5,812	5,870	5,928
User fees	2	21,865	25,542	26,742	27,398	28,882	29,492
Grants - operating	3	18,549	18,289	17,734	17,910	18,090	18,271
Grants - capital	3	3,526	9,316	202			
Contributions - monetary	4	1,954	3,634	915	915	915	915
Contributions - non-monetary	5	800	800	800	800	800	800
Net gain/(loss) on disposal of property, infrastructure, plant and equipment	6	2,085	1,913	1,195	1,302	1,240	1,283
Other income	7	3,981	3,315	3,373	3,448	3,516	3,587
Total income		171,366	185,329	176,280	180,497	185,674	190,192
Expenses							
Employee costs	8	66,066	67,915	69,252	70,634	72,045	73,803
Materials and services	9	46,202	48,617	50,193	51,937	54,118	55,294
Bad and doubtful debts	10	320	406	1,026	1,066	1,066	1,066
Depreciation and amortisation	11	27,065	27,119	28,765	30,506	32,279	34,192
Borrowing costs	12	1,917	1,870	1,584	1,481	1,455	1,431
Other expenses	13	2,673	2,873	2,952	3,045	3,141	3,240
Total expenses		144,243	148,800	153,772	158,669	164,104	169,026
Surplus/(deficit) for the year		27,123	36,529	22,508	21,828	21,570	21,166
Other comprehensive income							
Net asset revaluation increment /(decrement)							
Total comprehensive result		27,123	36,529	22,508	21,828	21,570	21,166

Adjusted Underlying Result		Forecast	Budget	Strategic Resource Plan Projections			
		2016/17 \$'000	2017/18 \$'000	2018/19 \$'000	2019/20 \$'000	2020/21 \$'000	2021/22 \$'000
Operating							
Total income		171,366	185,329	176,280	180,497	185,674	190,192
Total expenses		(144,243)	(148,800)	(153,772)	(158,669)	(164,104)	(169,026)
Surplus for the year		27,123	36,529	22,508	21,828	21,570	21,166
Less non-operating income and expenditure							
Grants - capital	3	(3,526)	(9,316)	(202)			
Contributions - monetary	4	(1,954)	(3,634)	(915)	(915)	(915)	(915)
Contributions - non-monetary	5	(800)	(800)	(800)	(800)	(800)	(800)
Adjusted Underlying surplus (deficit)		20,843	22,779	20,591	20,113	19,855	19,451



Conversion to cash result	Forecast	Budget	Strategic Resource Plan Projections			
	2016/17 \$'000	2017/18 \$'000	2018/19 \$'000	2019/20 \$'000	2020/21 \$'000	2021/22 \$'000
Surplus/(deficit) for the year	27,123	36,529	22,508	21,828	21,570	21,166
Add back non-cash items:						
Depreciation and amortisation	11 27,065	27,119	28,765	30,506	32,279	34,192
Contributions - non-monetary	5 (800)	(800)	(800)	(800)	(800)	(800)
Write down value of assets disposed	173	500				
	26,438	26,819	27,965	29,706	31,479	33,392
Less non-operating cash items:						
Capital works expenditure	14 43,424	50,570	38,463	40,599	41,098	41,387
Transfers to/(from) reserves	15 14,900	12,005	4,987	10,615	11,606	12,801
Repayment of borrowings	16 1,336	773	7,023	320	345	370
	59,660	63,348	50,473	51,534	53,049	54,558
Cash surplus/(deficit) for the year	(6,099)					
Accumulated cash surplus/(deficit) b/fwd	6,600	500	500	500	500	500
Accumulated cash surplus/(deficit) c/fwd	500	500	500	500	500	500

Income

1 Rates and charges

The rate increase in 2017-2018 has been based on a rate cap (CPI) of 2.00 per cent. For the remaining years of the LTFP, base rate increases in this LTFP have been aligned to the rate cap of forecast consumer price index ranging from 2.00 per cent to 2.50 per cent.

Council will continue its policy of "full cost recovery" in determining the general waste charge for residents.

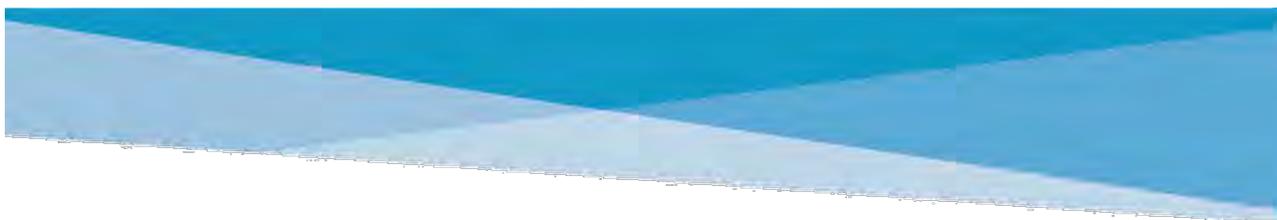
The table below highlights the various rating components upon which the LTFP has been based.

	Forecast	Budget	Strategic Resource Plan Projections			
	2016/17 \$'000	2017/18 \$'000	2018/19 \$'000	2019/20 \$'000	2020/21 \$'000	2021/22 \$'000
General rates	81,060	83,805	85,691	87,833	90,029	92,280
Waste charges	22,070	22,706	23,346	24,305	25,307	26,353
Municipal charges	9,322	9,611	9,828	10,073	10,325	10,583
Supplementary rates	700	700	700	700	700	700
Total rates and charges	113,152	116,823	119,564	122,912	126,361	129,916

2 Statutory fees & fines and user fees

Fees, charges, and fines include services where Council has the discretion to levy its resolved fee amount or where fees are statutory in nature and prescribed by the Commonwealth or Victorian Governments.

Council will continue to seek opportunities to maximise revenue from fees and charges through a thorough review across the organisation to ensure that 'Best Value' principles including service cost and quality standards, value for money are balanced with the affordability and accessibility of these services.



3 Grants - operating and capital (recurrent and non-recurrent)

Council currently receives approximately \$18.50 million in operating government grants, including the untied grant from the Victoria Grants Commission. In broad terms, a 1.40 per cent per annum increase has been allowed for the majority of recurrent grants. This low increase in grant revenue is to manage cost-shifting that is likely to occur on an annual basis with grants seldom increasing at an equivalent rate to the cost of providing the subsidised services.

The major type of operating grants Council receives are summarised as follows by:

- Source (federal, state and other)
- Type (services)
- Recurrent and non-recurrent

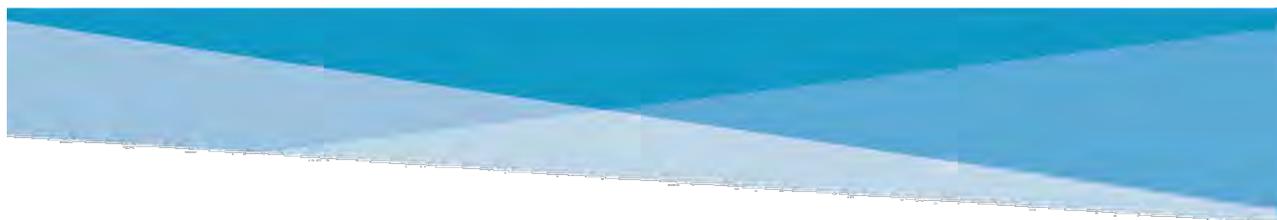
Operating grants (recurrent and non-recurrent)

	Forecast	Budget	Strategic Resource Plan Projections			
	2016/17 \$'000	2017/18 \$'000	2018/19 \$'000	2019/20 \$'000	2020/21 \$'000	2021/22 \$'000
Recurrent - Commonwealth Government						
Victoria grants commission	8,285	8,367	8,450	8,534	8,619	8,706
Family health support	5,096	5,244	5,296	5,349	5,402	5,456
Recurrent - State Government						
Family health support	2,987	2,591	2,133	2,153	2,176	2,197
Arts and culture	866	843	851	860	869	878
Community strengthening	540	340	343	346	349	352
Community safety	295	290	293	296	299	302
CAA development	-	314	317	320	323	326
Operations	44	50	51	52	53	54
Total recurrent grants	18,113	18,039	17,734	17,910	18,090	18,271
Non-recurrent - Commonwealth Government						
Family health support	41	40	-	-	-	-
Operations	5	-	-	-	-	-
Non-recurrent - State Government						
Family health support	38	-	-	-	-	-
Community strengthening	135	81	-	-	-	-
Arts and culture	6	40	-	-	-	-
Operations	67	40	-	-	-	-
Infrastructure	2	-	-	-	-	-
Other Grants	142	49	-	-	-	-
Total non-recurrent grants	436	250	-	-	-	-
Total operating grants	18,549	18,289	17,734	17,910	18,090	18,271

Capital grants have been forecast in conjunction with the estimates provided on specific capital projects. Currently there is only one type of capital grant that Council is able to forecast with some certainty over the life of the LTFP. That grant is from the Commonwealth Government under the Roads to Recovery Program towards local roads. The current Roads to Recovery Program continues until 2018-2019 but there remains uncertainty in regard to the future of this program beyond that point. Certain conditions must be followed and annual reports must be submitted.

The major type of capital grants Council receives are summarised in the following table by:

- Source (federal, state and other)
- Type (services)
- Recurrent and non-recurrent



Capital grants (recurrent and non-recurrent)

	Forecast	Budget	Strategic Resource Plan Projections			
	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Recurrent - Commonwealth Government						
Roads to Recovery	1,150	1,030	202	-	-	-
Total recurrent grants	1,150	1,030	202	-	-	-
Non-recurrent - Commonwealth Government						
Buildings	1,010	50	-	-	-	-
Recreational, leisure and community facilities	463	3,631	-	-	-	-
Computer and telecommunications	-	175	-	-	-	-
Fixture, fittings and furniture	-	900	-	-	-	-
Parks, open space and streetscapes	-	850	-	-	-	-
Non-recurrent - State Government						
Buildings	424	-	-	-	-	-
Recreational, leisure and community facilities	413	1,400	-	-	-	-
Fixture, fittings and furniture	-	100	-	-	-	-
Parks, open space and streetscapes	-	480	-	-	-	-
Roads	66	700	-	-	-	-
Total non-recurrent grants	2,376	8,286	-	-	-	-
Total capital grants	3,526	9,316	202	-	-	-

4 Contributions – monetary

The majority of contributions received are from property developers (subdividers) as contributions to Public Resort and Recreation projects in accordance with the *Subdivision Act, 1988*.

Depending on the amount of development activity in progress, Council receives contributions from developers. These contributions represent funds to enable Council to provide the necessary integrated infrastructure for new developments. They are for very specific purposes and often require Council to outlay funds for infrastructure works some time before receipt of these contributions. These contributions are statutory contributions and are transferred to a statutory reserve until utilised for a complying purpose through the Capital Works Program.

5 Contributions – non-monetary

The level of developer contributions is forecasted at approximately \$0.800 million based on predicted levels of property development. Estimates beyond 2017-2018 are based on the anticipated level of open space contributions expected from property developers. Whilst developer contributions add to Council's overall asset base, they also add to the future obligations to maintain and replace these assets at the end of their useful lives. They therefore impact on Council's depreciation levels and required capital and maintenance spending in the future.

6 Net gain (loss) on disposal of property, infrastructure, plant and equipment

Net gain (loss) on disposal of Council assets is the net result of the proceeds received from the sale of Council assets compared to their book value (written down value) held by Council.

Written down values mainly relate to plant sold as part of the plant replacement program. The balance is attributed to the infrastructure assets and the timing when they get renewed. Some infrastructure assets are renewed before the end of their projected useful lives as their condition has deteriorated earlier than expected and have become a risk to the community. Therefore, the asset is renewed with the balance written down as an asset disposed or scrapped.



Proceeds from sale of assets are mainly attributed to the asset classes of land, plant and equipment. Plant and equipment sales are determined by an annual replacement program of Council's fleet of vehicles and major plant used for street cleaning, park maintenance and other asset management functions.

Council land is based on actual land parcels. The premise in the plan for land sales is that proceeds will be transferred to the Strategic Reserve and not utilised for operational purposes. Council has accounted for land sales in the LTFP of \$1.337 million for the sale of land to fund Carrum Downs Pavilion in 2017-2018.

7 Other income (including interest)

Interest on investments comprises of interest earned from cash invested with financial institutions, interest charge to ratepayers for rates in arrears and interest received on special charge income.

Also included under this heading is income received from recoveries of infringements (formerly Perin) Court costs (relating to parking infringements) and recoveries from State Revenue Office of valuation costs.

Expenses

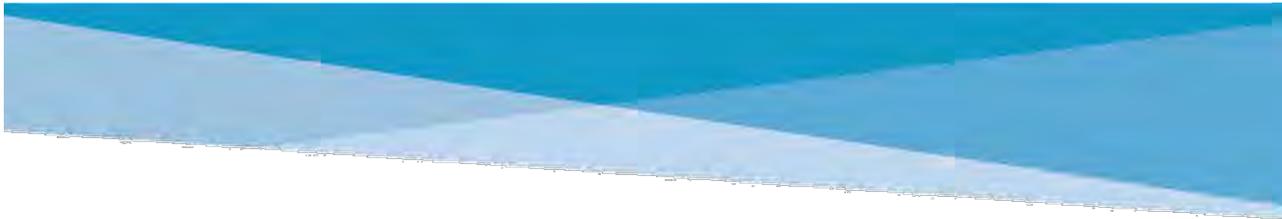
8 Employee costs

Salaries are the largest component of Council's operating budget, representing approximately 46 per cent of operating expenses. Council enters into an Enterprise Bargain Agreement (EBA) every three years which determines the level of salary increase to be given to staff. Enterprise Bargaining Agreement 7 expired on 31 March 2016. The outcomes of the new EBA8 will not be known until after this LTFP is adopted. An estimated increase of 1.40 per cent has been allowed to cover EBA increases plus 0.50 per cent banding increments.

In the 2014 Federal Budget, the Treasurer announced important changes to the Superannuation Guarantee Scheme (SGC). The SGC rate will now remain at 9.5 per cent until 30 June 2021, and will increase to 12.00 per cent by 1 July 2025. These changes have been factored into the life of this LTFP, however should the Government revise the planned superannuation increases, and the LTFP will be amended at that point.

No provision has been factored into the LTFP for increased staffing levels to cover any potential expanded service requirements. As a consequence, the total increase in employee costs within the LTFP is between 1.90 – 2.40 per cent per annum. The table below highlights the percentage assumptions.

Year	EBA Increase	Banding & Increment	Super Guarantee	Total
2017/18	1.40%	0.50%	0.00%	1.90%
2018/19	1.40%	0.50%	0.00%	1.90%
2019/20	1.40%	0.50%	0.00%	1.90%
2020/21	1.40%	0.50%	0.00%	1.90%
2021/22	1.40%	0.50%	0.50%	2.40%



9 Materials and services

Outside of the broad parameters, there have been a number of manually assessed items in this area, including election expenses, valuation contract amounts, insurance costs and waste costs.

Council has significant ongoing contracts for delivery of services such as waste management and maintenance of parks and gardens. Council also engages contractors for building maintenance and general valuations. All these contracts are negotiated at near CPI levels as far as possible.

Material costs include items required for the maintenance and repairs of Council buildings, roads, drains and footpaths which are more governed by market forces based on availability than CPI. Also included are materials for supply of meals on wheels and consumable items for a range of services across Council.

Costs of materials and services remain at approximately 33 per cent of total operating expenditure over the five years of the LTFP.

10 Bad and doubtful debts

Bad and doubtful debts are expected to increase marginally over the life of the LTFP and primarily relates to parking fines forwarded to the Infringement Court (formerly Perin Court) for collection and a consequent reduction in collection rates. Council has improved its debt management processes to ensure that collection is timely.

11 Depreciation and amortisation

Depreciation estimates have been based on the projected capital spending contained within this LTFP document. Depreciation has been further increased by the indexing of the replacement cost of Council's fixed assets in order to recognise the impact of rising replacement costs in accordance with Accounting Standard requirements. Depreciation estimates may be influenced by future recognition and disposal of assets and how Council expends its capital works program.

12 Borrowing costs

Council's projected loan indebtedness at the end of June 2017 is \$35.09 million. This will result in finance costs (which is interest on borrowings) of \$1.87 million in 2017-2018, \$1.54 million in 2018-2019 and \$1.48 million in 2019-2020. Council is within the approved principles of loan funding and has ensured that comfortable levels are maintained within prudential limits set by the Victorian Government.

13 Other expenses

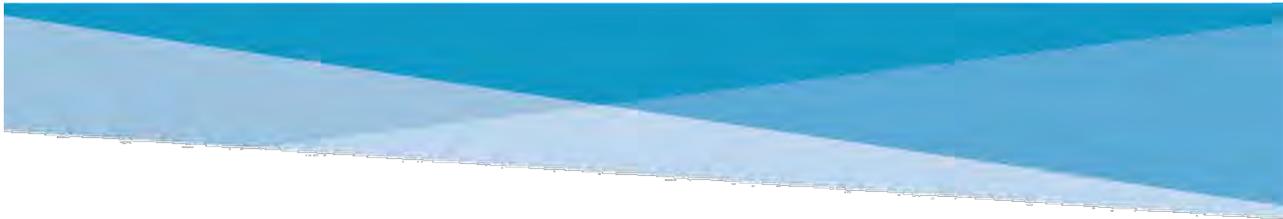
In the capital expenditure forecasts, there are a number of projects that are typically budgeted as capital works but do not meet the definition of asset creation under the accounting standards. Examples of these are street tree replacement, and streetscape works and place management works. Administration and legal costs are also included in other expenses.

14 Capital expenditure

Capital expenditure amounts included in this LTFP are in accordance with the proposed works forecast in the Capital Works section of this plan (See **Section 4**).

15 Transfers to (from) reserves

A full listing of the reserve funds utilised and the proposed transfers to and from these reserves is contained in **Section 6** of this LTFP.



16 Repayment of borrowings

Loan repayments are forecast in accordance with the agreed repayments schedules for existing loans.

Key Information relayed by Statement

There are a number of features that are relayed by the model financial income statement including:

- Councils underlying operational result (net surplus (deficit) from operations) remains in surplus over the life of the LTFP. This is an extremely positive step in terms of maintaining Council's financial sustainability.
- Capital works funding fluctuates over the five-year period due to rises and falls in capital revenue and the utilisation of Council reserve funds. The key measure however is the amount of capital funds that Council is able to allocate from its operating result.

3.2 Balance Sheet

		Forecast	Budget	Strategic Resource Plan Projections			
		2018/17 \$'000	2017/18 \$'000	2018/19 \$'000	2019/20 \$'000	2020/21 \$'000	2021/22 \$'000
Assets							
Current assets							
Cash and cash equivalents	1	36,243	48,532	53,058	63,075	74,062	86,291
Trade and other receivables	2	14,681	14,684	15,081	15,549	16,031	16,528
Other financial assets	3	26,135	26,580	27,298	28,144	29,016	29,915
Inventories		195	207	213	219	226	233
Other assets	4	1,647	1,034	1,062	1,095	1,129	1,164
Total current assets		78,973	91,109	96,784	108,154	120,536	134,203
Non-current assets							
Trade and other receivables		229	1,249	1,283	1,323	1,364	1,406
Intangible assets		2,719	2,719	2,719	2,719	2,719	2,719
Property, infrastructure, plant and equipment	5	1,326,360	1,350,245	1,360,743	1,371,636	1,381,255	1,389,250
Total non-current assets		1,329,308	1,354,213	1,364,745	1,375,678	1,385,338	1,393,375
Total assets		1,408,281	1,445,322	1,461,529	1,483,832	1,505,874	1,527,578
Liabilities							
Current liabilities							
Trade and other payables	6	13,266	13,693	14,001	14,351	14,710	15,078
Provisions	7	16,871	17,418	17,794	18,203	18,622	19,114
Interest-bearing loans and borrowings	8	773	429	320	345	370	392
Total current liabilities		30,910	31,540	32,115	32,899	33,702	34,584
Non-current liabilities							
Provisions	7	1,764	1,942	1,979	2,016	2,055	2,104
Interest-bearing loans and borrowings	8	35,091	34,661	27,748	27,403	27,034	26,642
Total non-current liabilities		36,855	36,603	29,727	29,419	29,089	28,746
Total liabilities		67,765	68,143	61,842	62,318	62,791	63,330
Net assets		1,340,515	1,377,178	1,399,687	1,421,514	1,443,084	1,464,249
Equity							
Accumulated surplus	9	631,461	656,119	673,640	684,853	694,817	703,182
Reserves	10	709,054	721,059	726,046	736,661	748,267	761,068
Total equity		1,340,515	1,377,178	1,399,686	1,421,514	1,443,084	1,464,250
Working Capital Ratio		2.55	2.89	3.01	3.29	3.58	3.88

Notes:

1 Cash and cash equivalents

Cash and cash equivalents are forecast to remain at quite strong levels throughout the five year forecast. Council's working capital ratio (current assets/current liabilities) is expected to remain steady during the period of this LTFP. The ratio is forecast to be 2.89 in 2017-2018 and is in excess of the minimum prudential ratio of 1.10. These outcomes are based on the retention of the level of Council reserve funds proposed. If the reserve funds become expended during this period, this will lead to lower ratio results and a net decrease in cash.

2 Trade and other receivables

Other receivables include payments outstanding from rates and other services such as parking and animal infringements, sporting clubs and community aged services care debtors. The only trend available continually shows that parking infringements remain difficult to collect and the receivable in this area has been estimated to increase. Initiatives by the State Government are aimed at reducing this issue.



The non-current trade and other receivables are made up of refundable deposits that are not expected to be repaid in the next 12 months.

3 Other financial assets

Other financial assets are fundamentally cash funds set aside in investment with maturity in excess of three months to fund employee long service leave entitlements.

4 Other assets

This amount is directly attributed to insurance costs and other expenditure paid in advance.

5 Property, infrastructure, plant and equipment.

Represent Council's fixed assets, including infrastructure assets such as roads, drainage and buildings. These assets are shown at their depreciated values. The increase in value of these assets over the term of the LTFP indicates that Council is investing more in capital than the rate of depreciation.

6 Trade and other payables

Represent the accounts unpaid as at the end of June of each year. Council follows a 30 day credit policy for payment of invoices for most of the goods and services received. The increase in balances over the years reflects general growth in volume and prices of services received.

7 Provisions

Represent provisions for annual leave, long service leave and rostered day off (RDO) entitlements for staff. The current provision includes all of the annual leave liability and long service leave liability in accordance with Accounting Standards, although they are not expected to be paid within twelve months. The balance of the liability is reflected in the non-current section.

8 Interest-bearing loans and borrowings

The LTFP includes loan borrowings to fund the Frankston Regional Aquatic Facility, Transfer Station, Superannuation Liability, Stevenson's Road Liability and other Capital Works projects.

9 Accumulated surplus

The accumulated equity of Council (excluding Reserve funds) continues to increase during the life of the LTFP.

10 Reserves

No forecast movement can reliably be predicted in relation to the asset revaluation reserve. Movement in Council's other reserve funds are highlighted in **Section 6**.

Key information relayed by Statement

The Balance Sheet highlights a number of key points:

- Council's working capital ratio throughout the LTFP remains at a level in excess of 100 per cent, an indicator that shows Council's ability to service its creditors and loan obligations.
- Council's cash balances remain at healthy levels over the period of the forecast, although a component of it will be 'restricted' to fund statutory obligations such as repayments of trust monies.
- Council continues to grow its equity and fixed asset levels.



3.3 Cash Flow Statement

	Forecast	Budget	Strategic Resource Plan Projections			
	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Cash flows from operating activities						
<i>Receipts</i>						
Rates and charges	112,897	116,823	119,565	122,912	126,361	129,916
Statutory fees and fines	5,709	5,697	5,754	5,812	5,870	5,928
User fees	21,865	25,542	26,742	27,398	28,882	29,492
Grants - operating	18,549	18,289	17,734	17,910	18,090	18,271
Grants - capital	3,526	9,316	202			
Contributions - monetary	1,954	3,634	915	915	915	915
Other receipts	(1,272)	3,599	2,912	2,850	2,897	3,015
<i>Payments</i>						
Employee costs	(66,066)	(67,915)	(69,252)	(70,634)	(72,045)	(73,803)
Materials and services	(46,522)	(49,023)	(51,219)	(53,003)	(55,184)	(56,360)
Other payments	(2,673)	(2,873)	(2,952)	(3,045)	(3,141)	(3,240)
Net cash provided by operating activities	47,967	63,089	50,401	51,115	52,645	54,134
Cash flows from investing activities						
Payments for property, infrastructure, plant and equipment	(43,424)	(50,570)	(38,463)	(40,599)	(41,098)	(41,387)
Proceeds from sale of property, infrastructure, plant and equipment	2,258	2,413	1,195	1,302	1,240	1,283
Net cash used in investing activities	(41,166)	(48,157)	(37,268)	(39,297)	(39,858)	(40,104)
Cash flows from financing activities						
Finance costs	(1,917)	(1,870)	(1,584)	(1,481)	(1,455)	(1,431)
Proceeds from borrowings						
Repayment of borrowings	(1,336)	(773)	(7,023)	(320)	(345)	(370)
Net cash used in financing activities	(3,253)	(2,643)	(8,607)	(1,801)	(1,800)	(1,801)
Net increase (decrease) in cash and cash equivalents	3,548	12,289	4,526	10,017	10,987	12,229
Cash and cash equivalents at the beginning of the period	32,695	36,243	48,532	53,058	63,075	74,062
Cash and cash equivalents at end of the year	36,243	48,532	53,058	63,075	74,062	86,291

Notes:

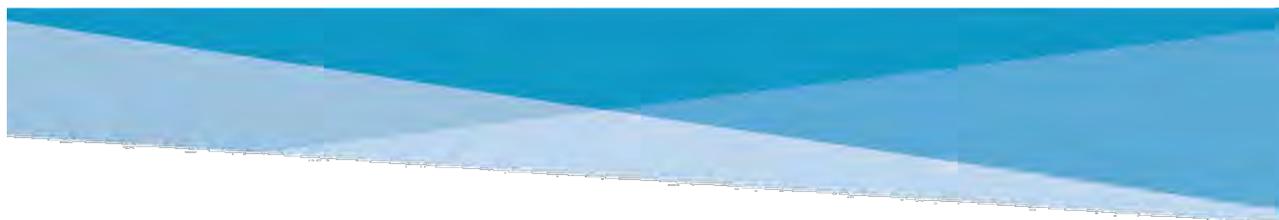
The Cash Flow Statement illustrated above is drawn directly from the cash based transactions shown in the Income Statement with the addition of estimated movements in working capital. It should be noted that the cash flow amounts are on the basis of being GST exclusive.

Key information relayed by Statement

The key information from the Cash Flow Statement is that Council maintains a solid cash balance that sufficiently funds its reserve funds and restricted assets (long service leave and trust deposits).



	Strategic directions
	<ol style="list-style-type: none">1. That Council revise its five-year forward financial plan on an annual basis.2. That Council seek to maintain an underlying operational surplus (in the Income Statement) prior to the recognition of capital income over the life of the Long Term Financial Plan.3. That Council seeks to continue to increase its capital works investment, funded from operational sources to sufficient levels that allows it to adequately fund its asset renewal requirements. <i>(subject to the impacts of rate capping being fully assessed).</i>4. That the asset renewal requirements identified in asset management plans be funded over the period of this Long Term Financial Plan. <i>(subject to the impacts of rate capping being fully assessed).</i>5. That Council endorse through this Long Term Financial Plan, the principle that ongoing asset renewal requirements must be funded from ongoing operational funding sources and that non-renewable funding sources such as asset sales, reserve funds or loan funds not be used to address these needs;6. That Council continue to conduct a detailed review of all current service provision and determine which services can in the future either be discontinued or reduced.



4. Capital Works Forward Plan & Funding sources

The purpose of this section is to outline:

- The forecast capital works by category and asset group that are included in this LTFP in accordance with regulations and the local government model financial report.
 - The proposed funding sources to be applied to the achievement of the works in the LTFP.
- It should be noted that the proposed program of works illustrated below is indicative at this point and will not be formally resolved upon until Council considers each Annual Budget in turn.

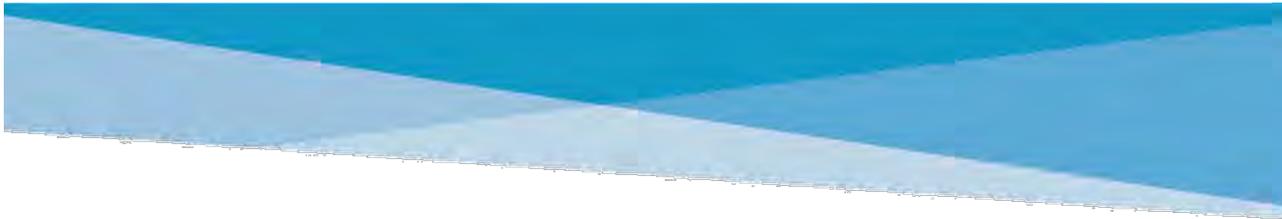
4.1 Level and nature of the capital works in the LTFP

The table below highlights the indicative forward five-year capital works program by asset grouping.

	Forecast	Budget	Strategic Resource Plan Projections			
	2016/17 \$'000	2017/18 \$'000	2018/19 \$'000	2019/20 \$'000	2020/21 \$'000	2021/22 \$'000
Property						
Land	225					
Land improvements						
Buildings	11,701	21,772	5,724	6,961	6,582	5,970
Building improvements	694		1,101	1,129	1,157	1,186
Total property	12,620	21,772	6,825	8,090	7,739	7,156
Plant and equipment						
Plant, machinery and equipment	2,590	2,585	3,003	3,078	3,155	3,234
Fixtures, fittings and furniture	1,391	140	2,571	2,635	2,701	2,769
Computers and telecommunications	2,817	1,901	2,478	2,540	2,603	2,669
Library books	700	700	735	753	772	792
Total plant and equipment	7,498	5,326	8,787	9,007	9,232	9,463
Infrastructure						
Roads	3,383	9,025	3,471	3,558	3,647	3,738
Bridges	1,511	925	951	975	999	1,024
Footpaths and cycleways	3,510	2,267	4,487	4,599	4,714	4,832
Drainage	1,842	866	1,565	1,604	1,644	1,685
Recreational, leisure and community facilities	999	4,620	542	556	569	584
Waste management	130	125	158	162	166	170
Parks, open space and streetscapes	10,893	4,900	10,834	11,148	11,427	11,712
Off street car parks	2,482	1,170	1,655	1,696	1,739	1,782
Other infrastructure	56	1,074	688	705	723	741
Total infrastructure	24,806	24,972	24,351	25,003	25,628	26,269
Total capital works expenditure	44,924	52,070	39,963	42,099	42,598	42,887
Represented by:						
Asset renewal expenditure	24,631	24,346	24,299	25,601	26,063	25,881
New asset expenditure	9,399	7,084	5,967	6,444	6,068	6,011
Asset upgrade expenditure	10,894	12,457	8,200	9,569	10,000	10,450
Asset expansion expenditure		8,183	1,497	485	467	545
Total capital works expenditure	44,924	52,070	39,963	42,099	42,598	42,887

The key points from the table on the previous page are:

- The increase in asset renewal as previously noted provides for Council to address the challenges noted in the Asset Management Plan and strongly improves Council's ability to address the ongoing needs in asset renewals.
- New and upgrade works comprise of a number of works categories including sporting facilities, new buildings, footpaths and roads, construction of local area traffic management solutions, streetscape upgrades and place management, implementation of environmental sustainability initiatives and public toilet upgrades.



- The LTFP provides for an increase in funding available for asset renewal purposes. Funding for asset renewal increases from the present level of \$24.30 million to a proposed level of \$25.88 million over the life of this LTFP. This funds the known asset renewal requirements but it should be noted that asset management modelling remains incomplete and this requirement can be expected to increase as more data is obtained.

As noted in the Executive Summary, an environment of rate capping at CPI has resulted in this LTFP being based on the assumption that Council will reduce its funding base for capital expenditure (funded from Council operations) compared to previous editions of the LTFP.

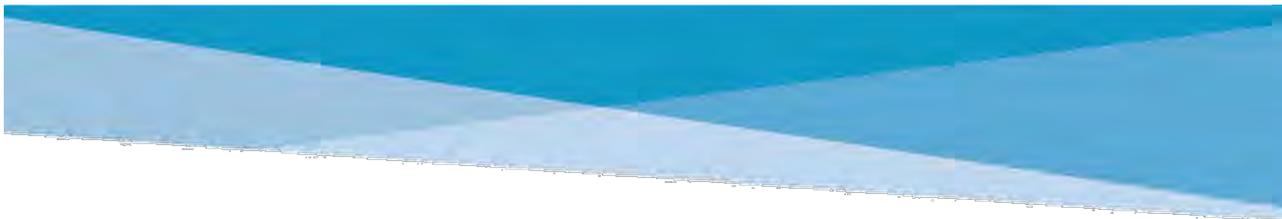
4.2 Capital Funding Sources

In terms of the funding sources currently applied in the LTFP, the below table highlights these outcomes:

	Forecast	Budget	Strategic Resource Plan Projections			
	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
External						
Government grants	3,526	9,316	202			
Contribution	986	2,719				
Proceeds from sale of assets	2,258	2,373	1,195	1,302	1,240	1,283
Subtotal	6,770	14,408	1,397	1,302	1,240	1,283
Internal						
Reserve funds	2,147	1,195				
Rate funding	31,804	36,467	38,566	40,797	41,358	41,604
Total Capital Works	44,924	52,070	39,963	42,099	42,598	42,887

The table highlights the growth from \$36.47 million of operational funds devoted to capital purposes to \$41.60 million estimated in 2021-2022. The growth indicates that Council is continuing to provide operational services that meet the needs of their communities whilst keeping an appropriate balance of funds available to complete capital works. Council's results in this LTFP indicate that an underlying operational surplus will see Council becoming financially sustainable in the long term. Sale of land is not included in the LTFP until such time as a Council resolution is endorsed for the sale of specific parcels of land.

Strategic directions	
	<ol style="list-style-type: none"> That Council note the forecast level of capital expenditure over the five-year period of the LTFP. That Council seeks to continue to increase its capital works investment, funded from operational sources to sufficient levels that allows it to adequately fund its asset renewal requirements. Proceeds from sale of land will be transferred to the strategic reserve for either the purpose to offset Council loan borrowings or to fund new and upgrade capital projects. Proceeds from sale of land are not to be utilised to fund operational expenditure.



5. Long term borrowing strategies

The areas covered by the Long Term Financial Plan (LTFP) in this section are as follows:

- Background to Council's current level of indebtedness.
- Future loan strategies.
- Future loan requirements.

5.1 Background to Council's current level of indebtedness

The table below highlights Council's position in respect of all interest-bearing liabilities and the actual and forecast movements.

	Balance 30/6/2014 \$'000	Balance 30/6/2015 \$'000	Balance 30/6/2016 \$'000
Interest bearing loans and borrowings	30,470	35,864	35,090

5.2 Future loan strategies

What is Council's philosophy on debt?

Many Victorian Councils are debt averse and view the achievement of a low level of debt or even debt free status as a primary goal. Others see the use of loan funding as being a critical component of the funding mix to deliver much needed infrastructure to the community.

The use of loans to fund capital expenditure can be an effective mechanism of linking the payment for the asset (via debt redemption payments) to the successive Council populations who receive benefits over the life of that asset. This matching concept is frequently referred to as 'inter-generational equity'.

Council's current position in respect of the utilisation of loan funding is to consider the use of loan funding as a viable and equitable mechanism of funding new/significantly upgraded major assets that provide a broad community benefit or funding capital projects that provide a financial return above annual loan funding costs. Prior to undertaking any future borrowings, Council model the implications of the proposed loan program on council's long-term financial position and determine the funding mechanism to meet annual debt servicing and redemption requirements.

One of the key considerations for Council in the application of future loan borrowings is the premise that its long-term financial strategies should strive for a financial structure where its annual operational and asset renewal needs can be met from annual funding sources. That is, Council does not have to access funding from non-renewable sources such as loans, asset sales or reserves to meet its annual expenditure needs.

Measuring what level of debt is appropriate

The maximum levels of indebtedness are prescribed for Council by way of prudential limits established by the Victorian Government. The three principle prudential limits are:

- Debt Servicing (Interest repayments) as a percentage of total revenue should not exceed 5 per cent.
- Total Indebtedness as a percentage of rate revenue should not exceed 60 per cent (with this latter prudential limit – where ratios exceed 60 per cent, Councils are required to

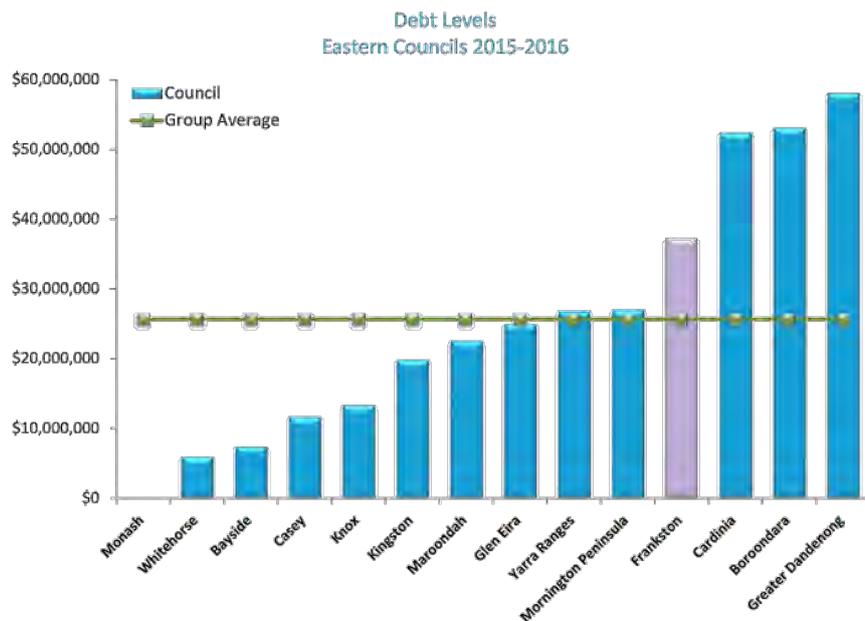


demonstrate long-term strategies to reduce indebtedness prior to undertaking further borrowings.

- Working capital ratio (current assets/current liabilities) to remain in excess of 1.1.

Council should maintain minimum loan thresholds to ensure that a loan facility is not used for minor capital expenditure. For consideration of loan funds on a capital project based on funding new/significantly upgraded major assets that provide a broad community benefit, a minimum loan threshold of \$3.00 million should be met prior to loan funding becoming a consideration. Also consideration of loan borrowings for one off extraordinary costs in excess of \$1.00 million is acceptable.

Local Government as an industry has been relatively debt averse over the past decade with several Councils seeking debt free status. The following graph highlights the pure dollar value of indebtedness of Councils within the Eastern Melbourne metropolitan grouping, which provides an indication on Frankston’s debt in relation to other Councils.



Note: The comparative financial data included in the table above has been drawn from audited Annual Reports for the 2014-2015 financial year. At the time of preparing this LTFP the 2015-2016 Annual Reports were unavailable.

As presented in the above graph, Frankston City Council completed 2015-2016 with a higher than average level of indebtedness of all Eastern Melbourne metropolitan Council’s in pure dollar terms.

A more meaningful comparison is gained by using the dollar indebtedness, contrasted against other measures (e.g. rate revenue) that account for the varying financial size of Councils in the group.



The table below highlights the outcomes of a debt level review based on the figures to 30 June 2016.

Council	Debt Servicing / Total Revenue	Debt Commitment / Rates	Total Debt / Realisable Assets	Debt Commitment / Own Source Revenue	Total Debt / Own Source Revenue	Total Debt / Rate Revenue
Monash	0.00%	0.00%	1.83%	0.00%	0.00%	0.00%
Whitehorse	0.18%	0.67%	2.90%	0.45%	3.80%	5.62%
Casey	0.29%	7.59%	8.02%	6.34%	5.06%	6.06%
Bayside	0.64%	5.94%	1.13%	4.67%	6.96%	8.85%
Knox	0.55%	2.94%	4.96%	2.45%	10.82%	12.99%
Kingston	0.29%	3.97%	3.01%	3.17%	12.57%	15.76%
Glen Eira	4.33%	8.22%	4.53%	5.99%	18.72%	25.68%
Mornington Peninsula	0.83%	6.06%	5.78%	5.01%	14.81%	17.93%
Yarra Ranges	0.86%	3.39%	10.18%	3.04%	19.15%	21.34%
Frankston	1.19%	4.52%	7.94%	3.59%	27.38%	34.44%
Maroondah	1.01%	2.93%	5.33%	2.21%	21.59%	28.71%
Boroondara	1.30%	4.08%	3.31%	3.33%	26.82%	32.83%
Greater Dandenong	2.32%	6.98%	9.05%	5.67%	39.09%	48.10%
Cardinia	3.97%	18.25%	16.48%	15.53%	60.21%	70.73%
Median Eastern Councils	0.84%	4.30%	5.14%	3.46%	16.77%	19.64%
Average Eastern Councils	1.27%	5.40%	6.03%	4.39%	19.07%	23.50%
Frankston Council Ranking	10	8	10	8	12	12

Note 1: The comparative financial data included in the table above has been drawn from audited Annual Reports for the 2015-2016 financial year. At the time of preparing this LTFP the 2016-2017 Annual Reports were unavailable.

Note 2: Ranking 1 is the best outcome, 14 is the highest debt outcome.

The table above highlights the following points:

- Council's current indebtedness ratio's place it generally just above the average of the group across a range of ratios.
- Two prudential limits established by the Victorian Government are in the areas of debt servicing/total revenue and total indebtedness/rate revenue. The limits are 5 per cent and 80 per cent and Council is well under both these benchmarks at 1.05 per cent and 30.05 per cent respectively. With Council's level of loan borrowing, the prudential limits are still under both the benchmarks.

As outlined above, a certain level of debt can be viewed as a positive mechanism in financing infrastructure within Frankston City Council. The key is ensuring that Council does not rely so strongly on debt funding that it increases the level of debt (and therefore annual debt servicing and redemption costs) beyond a prudent level or which unduly impacts on Council's ability to fund capital works on an annual basis.

The graph below shows the future growth in loan borrowings as a ratio to Council's rate revenue base. The Department of Victorian Communities have set the prudential limit to 80 per cent which Council is well within this limit.



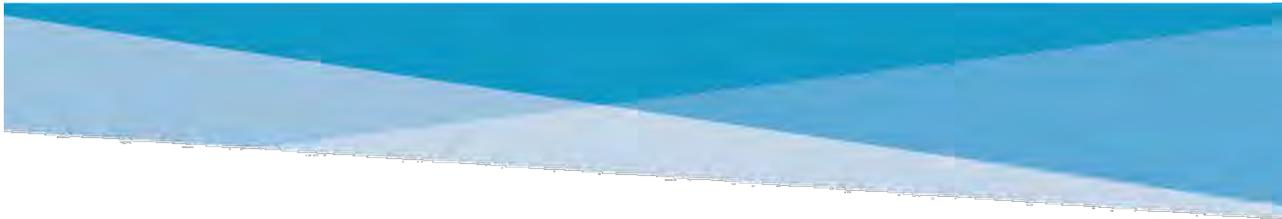
The following table highlights Frankston Council's borrowings and repayments over the next five years.

Year	New Borrowings \$'000	Principal Paid \$'000	Interest Expense \$'000	Balance 30 June \$'000	Liquidity (CA/CL)	Debt Commit (Debt/Total Rates)	Debt Serv (Serv Costs/ Total Revenue)
2016/17	-	1,336	1,917	35,864	2.52	31.77%	1.17%
2017/18	-	773	1,870	35,090	2.85	30.04%	1.10%
2018/19	-	7,023	1,584	28,068	2.96	23.48%	0.91%
2019/20	-	320	1,481	27,748	3.21	22.58%	0.83%
2020/21	-	345	1,455	27,404	3.47	21.69%	0.80%
2021/22	-	370	1,431	27,034	3.74	20.81%	0.76%
Victorian State Government Prudential Ratio Limits - Risk Assessment				High	Below 1.10	Above 80%	Above 10%
				Medium	1.10 - 1.20	60%-80%	5% - 10%
				Low	Above 1.20	Below 60%	Below 5%

Note: 2018-2019 includes the proposed repayment of a loan maturity.

Any projected future borrowings will be structure to ensure at no point does Council exceed the prudential limit of an indebtedness level in excess of 60 per cent of annual rate revenue. This LTFP recommends that Frankston City Council cap loan borrowings at no more than 60 per cent in case an unexpected event arises that may require further capacity to consider further borrowing.

Strategic directions	
1.	That Council approves the principle of loan funding as a viable and equitable mechanism of: <ul style="list-style-type: none"> a) Funding new/significantly upgraded major assets that provide a broad community benefit; or b) Funding capital projects that provide a financial return above annual loan funding costs; c) Funding of one-off extraordinary operating items in excess of \$1.00 million.
2.	That Council caps loan borrowings at no more than 60 per cent (total indebtedness/rate revenue) to ensure that Council is within prudential limits and has the capacity to consider further borrowings if the need arises for unexpected events.
3.	That Council spreads the liability equitably over both current and future years.



6. Long term reserve usage strategies

Councils have traditionally operated with Reserve funds that are amounts of money set aside for specific purposes in later years. In general these funds do not have bank accounts of their own but are a theoretical split up of the cash surplus that Council has on hand. The following sections provide a picture of what Reserve funds Council holds and their purpose.

6.1 Current reserves

The current Reserve funds utilised by Frankston City Council are:

- Public resort and recreation
- Native vegetation
- Infrastructure
- Other reserves
- Unexpended grants
- Capital projects
- Strategic asset
- PARC asset management and strategic
- Resource efficiency
- Local Government Funding Vehicle (sinking fund)

6.2 Nature and purpose of current reserves

The following summary outlines the purpose of each current reserve and its typical inflows and outflows.

6.2.1 Public resort and recreation reserve

Purpose

The public resort and recreation reserve is established to hold funds contributed by developers for works associated with developing improved open space and recreational facilities within Frankston City Council. Funds are contributed in accordance with Section 18 of the Subdivision Act and transfers are restricted to the purpose of creating open space such as parks, playgrounds, pavilions and other such items where it is deemed that these works should occur at a later point than the initial development. Separate locations have been established to record revenues received from developers that are to be applied specifically to undertaking future capital works within these locations.

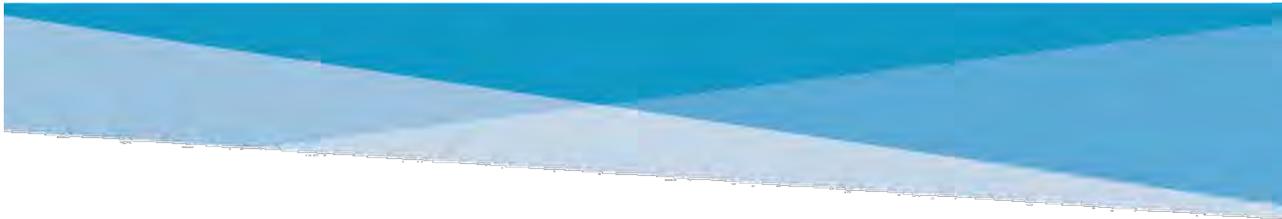
Typical sources of inflows and outflows:

Inflows are solely composed of contributions from subdividers in lieu of the 5 per cent Public Open Space requirement. In terms of outflows, Council's should consider the following position in terms of utilising these funds as stated below:

"That Council maintain an annual balance of \$300,000 in the Public Resort and Recreation Reserve and utilise the remaining funds in delivering capital works in accordance with the Reserve purpose."

Council has a large amount of undeveloped open space and this LTFP has been based on the principle that these funds in this reserve should be utilised for the combined purposes of developing this land for passive recreation and for significant upgrade works within structured recreation.

The current financial statements do not include the full expenditure of this reserve fund to the extent noted above. Further reviews are currently being undertaken to provide an accurate



assessment of what work can realistically be undertaken in the financial periods over the life of this LTFP.

Projected balance as at 30 June, 2017: \$2.137 million

6.2.2 Native vegetation reserve

Purpose

The purpose of this reserve is to enable Council under the native vegetation framework to demonstrate that where there has been a loss of remnant vegetation it has been off set in a location that is sustainable and can be protected into the future. The income and expenditure will occur over different years.

Typical sources of inflows and outflows:

Inflows will be typically from developments where due to site constraints the remnant vegetation cannot be protected on site and the state requires these to be offset and maintained over a 10 year period.

Outflows from this reserve will be in the form of agreed expenditure over the life of this reserve. Whilst the Long Term Financial Plan presently does not show any outflows, this is simply due to uncertainty in respect of when they are likely to arise and it is expected the reserve will be accessed over the life of this plan.

Projected balance as at 30 June, 2017: \$1.048 million

6.2.3 Infrastructure reserve

Purpose

The purpose of this reserve is to set aside funding for roads and drains in growth areas.

Typical sources of inflows and outflows:

Outflows from this Reserve will be in the form of agreed projects for roads and drains.

Projected balance as at 30 June, 2017: \$74,000

6.2.4 Other reserves

Purpose

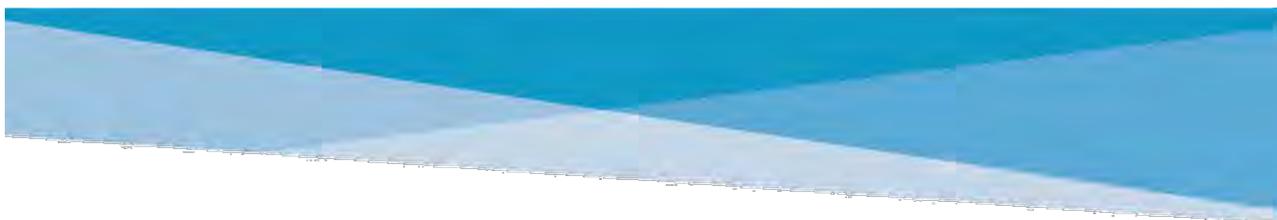
This reserve has been established to provide a source of funding for car parking and subdivisional works.

Typical sources of inflows and outflows:

Inflows are composed of funding for car parking and subdivisional works.

Outflows from this reserve will be transfers back to operations or specific projects as may be determined by Council.

Projected balance as at 30 June, 2017: \$143,000



6.2.5 Unexpended grants reserve

Purpose

The purpose of this reserve is to quarantine operating Federal and Victorian government funding relating to 2017-2018 but received in 2016-2017.

Typical sources of inflows and outflows:

Inflows are solely composed of significant operating grant funds received during 2016-2017 and are restricted for specific projects or expenditure in 2017-2018.

Outflows from this reserve will be transfers back to operations or specific projects as per unexpended grant listing.

Projected balance as at 30 June, 2017: \$3.961 million

6.2.6 Capital projects

Purpose

The capital projects reserve has been established by Council and represents funding allocated to capital projects that have not been delivered in a prior year.

Typical sources of inflows and outflows:

Inflows are solely composed of significant capital grant funds received during 2015-2016 and are restricted for specific projects in 2016-2017.

Outflows from this reserve will be transfers back to specific projects as per unexpended grant listing.

Projected balance as at 30 June, 2017: \$0.621 million

6.2.7 Strategic assets

Purpose

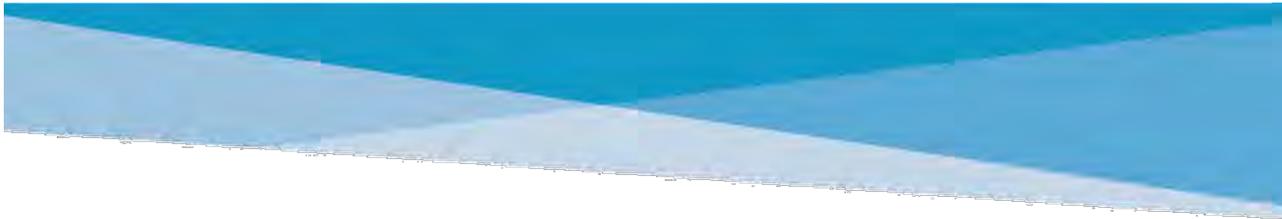
The strategic projects reserve has been established by Council with the proceeds to fund works considered by Council to be of a strategic nature.

Typical sources of inflows and outflows:

Inflow to this reserve will typically be from the sale of Council land and when Council achieves a surplus outcome at the conclusion of financial years and resolves to transfer surplus funds into this reserve.

The development of a new Council Plan for 2017-2021 has set 14 strategic priorities for the next four years that will require careful financial planning to see Frankston City reach a vision as the lifestyle capital of Victoria. In order to deliver community infrastructure such as a revitalised City, regional sporting facilities, further development of the Frankston Stations Precinct and re-development of the existing Frankston Arts Centre, a financially sustainable Council must exist.

Each of these projects in themselves is extremely significant and involves expenditure in the tens of millions. At the same point, Council must maintain its existing assets and meet the asset



renewal challenges, continue to provide a strong suite of operational services to its residents and provide for the ongoing capital development of Council across a broad range of items in addition to the major priorities mentioned above. In the future, outflows are anticipated to be for the funding of major capital works projects or where Council is required to source major funding where there is no option but to utilise cash reserves.

Projected balance as at 30 June, 2017: \$22.647 million

6.2.8 Resource efficiency

Purpose

The purpose of this reserve is to provide Council with an opportunity to set aside funds and highlight the benefit of energy conservation measures to save money and achieve Council's greenhouse reduction goals.

Typical sources of inflows and outflows:

Inflows to this reserve are the annual expected savings from energy reduction projects.

Outflows from this reserve will be the reinvestment in future years for further works to minimise energy consumption. Whilst the Long Term Financial Plan presently does not show any outflows, this is simply due to uncertainty in respect of when they are likely to arise and it is expected the reserve will be accessed over the life of this plan.

Projected balance as at 30 June, 2017: \$67,000

6.2.9 Local Government Funding Vehicle (sinking fund)

Purpose

The purpose of this reserve is to partly provide for the principal repayments required on maturity of the interest-only Local Government Funding Vehicle (LGFV) and to provide future borrowing capacity for major infrastructure projects.

Typical sources of inflows and outflows:

Inflows will comprise savings derived from annual loan repayments and interest savings compared to the original budget provision of these items. Inflows will also include 'transfers in' required to fund debt redemption commitments (interest expense and principal repayments).

There will be no outflows until the time the LGFV matures.

Projected balance as at 30 June, 2017: \$14.202 million



6.3 Long term summary of projected reserve funds

The table below highlights the projected Reserve Fund balances over the next five years.

	Forecast	Budget	Strategic Resource Plan Projections			
	2016/17 \$'000	2017/18 \$'000	2018/19 \$'000	2019/20 \$'000	2020/21 \$'000	2021/22 \$'000
Statutory						
Public resort and recreation	2,137	2,002	2,917	3,832	4,747	5,662
Native vegetation	1,048	1,048	1,048	1,048	1,048	1,048
Subdivision roadworks	133	133	133	133	133	133
Infrastructure	74	74	74	74	74	74
Carparking	10	10	10	10	10	10
Total statutory reserves	3,402	3,267	4,182	5,097	6,012	6,927
Discretionary						
Unexpended grants	3,961	3,961	3,961	3,961	3,961	3,961
Capital projects	621	482	470	470	470	470
Strategic asset	22,647	32,974	36,157	44,750	54,126	64,475
LGFV sinking fund	14,202	15,542	15,542	15,542	15,542	15,542
Resource efficiency	67	67	67	67	67	67
Total discretionary reserves	41,498	53,026	56,197	64,790	74,166	84,515
Total reserves	44,900	56,293	60,379	69,887	80,178	91,442

Strategic directions	
	That reserve funds be drawn down to fund expenditure that is consistent with the purpose of the reserve as noted in this section.



7. Rating and other revenue information

The topics addressed in this section are:

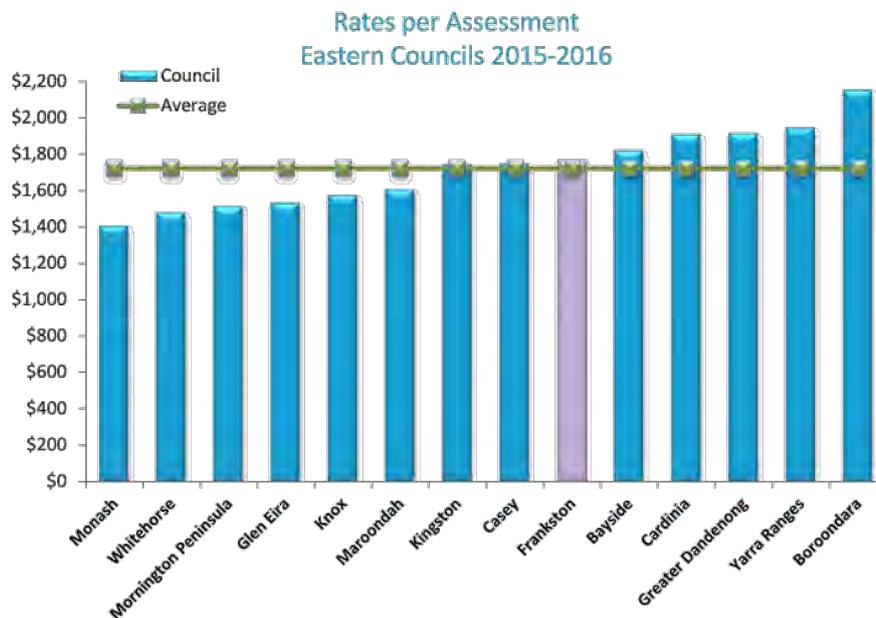
- Assessment of current rating levels
- Rating revenue for the future
- Grant revenues
- Approach to fees and charges revenue

7.1 Assessment of current rating levels

Comparing the relativity of rating levels between Councils can be a difficult exercise with each Council employing a differing rating strategy. The various approaches include the use of differential rating and the various options that Councils have in respect of municipal charges and waste charges. A direct comparison of average residential rates compared to Councils who do not utilise these tools will produce a distorted outcome.

The most commonly accepted measure of rating levels is the total amount of rate revenue (rates, waste charges and municipal charges) compared to the number of rateable assessments within the municipality.

The table below highlights that Frankston City Council is the 6th highest in the Eastern Melbourne grouping of fourteen Councils. This data has been drawn from the 2015-2016 Annual Reports.



Note: The comparative financial data included in the table above has been drawn from audited Annual Reports for the 2015-2016 financial year. At the time of preparing this LTFP the 2016-2017 Annual Reports were unavailable.



The chart highlights that in total, Council’s rating level is average, indicating that Council has achieved a strong financial position in terms of this very important revenue source. It is important to note however that the above graph is not an accurate portrayal of residential rating levels.

The tables below highlight the various rating differentials that are currently applied by Frankston City Council.

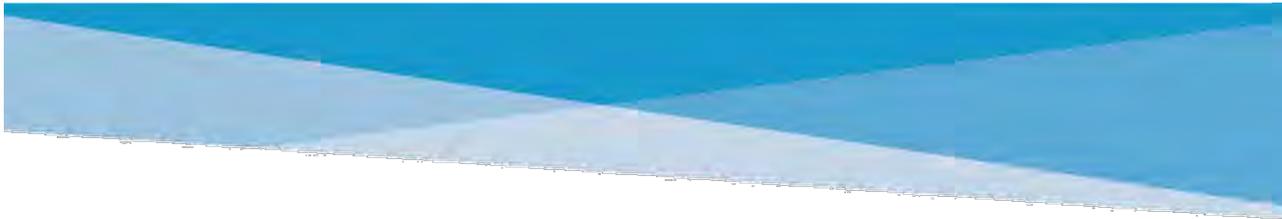
Differential Type	% Difference to	% Difference to
	General Rate 2017/18	General Rate 2016/17
Rate for Retirement Villages	- 25.00%	- 25.00%
Rate for Commercial Land	+ 25.00%	+ 25.00%
Rate for Industrial Land	+ 25.00%	+ 25.00%
Rate for Vacant Residential Land	+ 25.00%	+ 25.00%
Rate for Acacia Estate	+6.20%	+6.20%
Rate for Farm Land	- 20.00%	- 20.00%
Rate for Derelict Land	+ 200.00%	+ 200.00%

7.2 Rating approach for the future

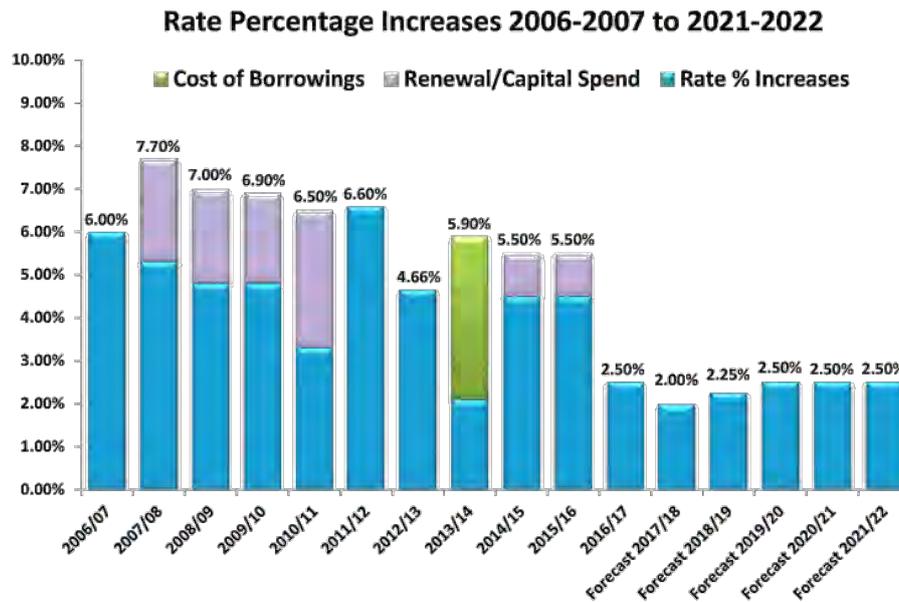
Council’s rating approach for the future will be restricted to the rate cap set by the Minister for Local Government under the Victorian Government’s Fair Go Rates System. For the 2017-2018 year, the cap is the forecast consumer price index of 2.00 per cent.

The table below highlights the indicative rate increase over the forward 5 year period. These forward indexes are indicative only, are reviewed on an annual basis, and are subject to change.

Year	General Rate	Municipal Charge	General Waste Charge	Green Waste Charge	Total Rates Raised
	%	%	%	%	\$'000
2016/17	2.50	2.50	10.00	-	112,897
2017/18	2.00	2.00	2.00	2.00	116,823
2018/19	2.00	2.00	2.00	2.00	119,565
2019/20	2.25	2.25	2.25	2.25	122,912
2020/21	2.50	2.50	2.50	2.50	126,361
2021/22	2.50	2.50	2.50	2.50	129,916



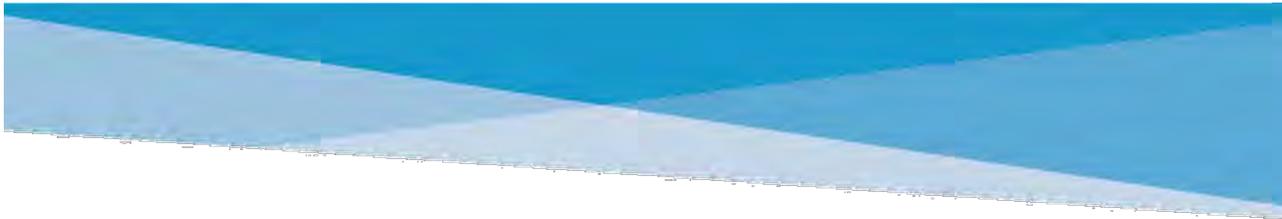
The following graph highlights the percentage rate increases that have been applicable at Frankston City Council over the past 10 years and potential future 5 years.



Council’s historical record portrays a reasonable approach in ensuring a stable outcome in terms of rating levels. This stability has been crucial in achieving prudent financial management and the concern will be how this is then impacted upon in a rate capped environment. Historically, the period for many councils following the end of the rate capped environment in the late 1990’s, led to councils having to significantly increase rates to deal with organisations with low financial capacity to meet community needs for infrastructure.

The requirement for Council rate revenue is further heavily linked to asset renewal and accordingly, this section of the Long Term Financial Plan must be read in conjunction with the following section dealing with Asset Management. Council has significant challenges in terms of meeting the asset renewal requirements of a vast range of infrastructure that was established in the 1960’s-70’s and which over the next decade will reach the end of its useful life.

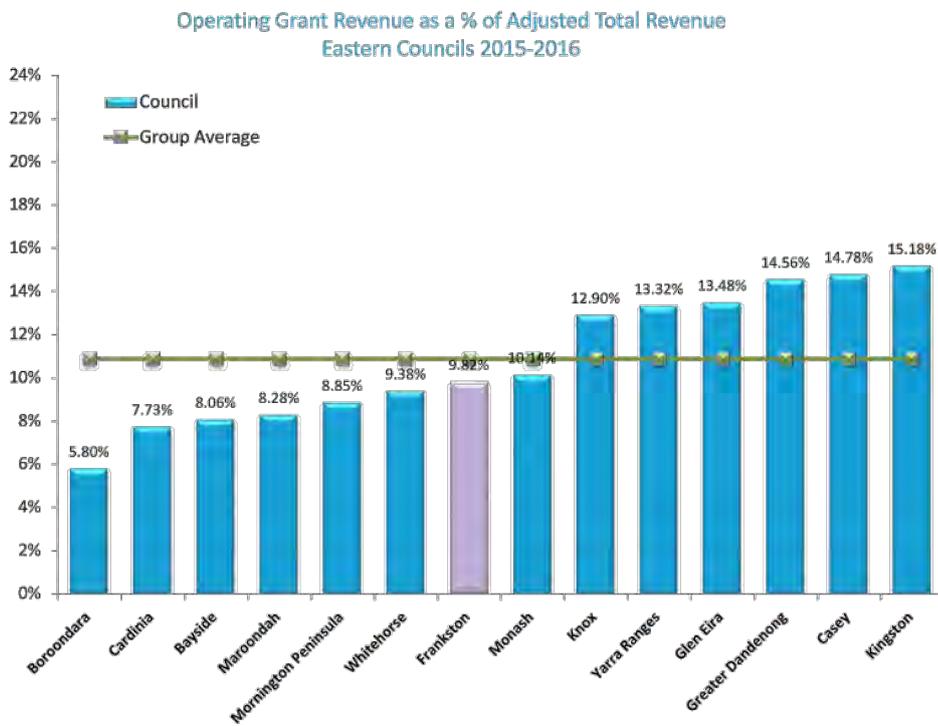
It will not be possible however to meet this challenge with rate increases linked solely to the Consumer Price Index (CPI). With Council dealing with grant revenues that do not keep pace with CPI and the cost of providing Council services escalating at a rate higher than the CPI, this approach is not sustainable and will ultimately result in another significant rate adjustment in the years to come.

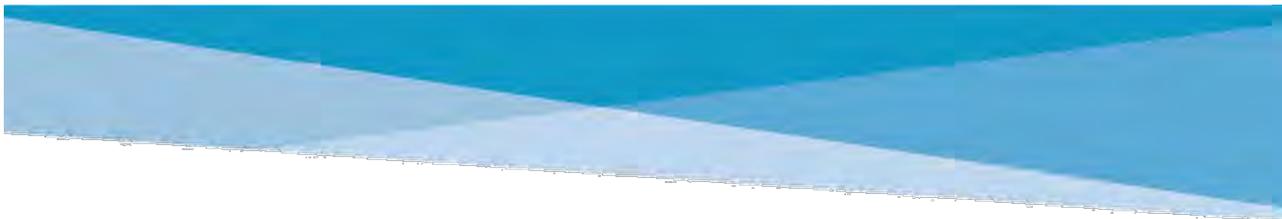


7.3 Grant revenues

Operating Grants

Operating grant revenue is an extremely important source of revenue for Council contributing 9.8 per cent of the total revenue received in 2015-2016. Whilst being essential to Council, it is frequently unpredictable and movements in grants (above and below the annual cost escalation in delivering the services related to the grants) has a direct impact on the level of funds Council requires from rate revenue and fees.



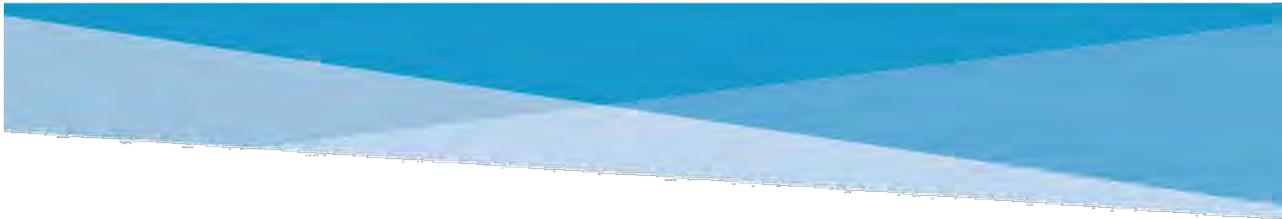


	Forecast	Budget	Strategic Resource Plan Projections			
	2016/17 \$'000	2017/18 \$'000	2018/19 \$'000	2019/20 \$'000	2020/21 \$'000	2021/22 \$'000
Recurrent - Commonwealth Government						
Victoria grants commission	8,285	8,367	8,450	8,534	8,619	8,706
Family health support	5,096	5,244	5,296	5,349	5,402	5,456
Recurrent - State Government						
Family health support	2,987	2,591	2,133	2,153	2,176	2,197
Arts and culture	866	843	851	860	869	878
Community strengthening	540	340	343	346	349	352
Community safety	295	290	293	296	299	302
CAA development	-	314	317	320	323	326
Operations	44	50	51	52	53	54
Total recurrent grants	18,113	18,039	17,734	17,910	18,090	18,271
Non-recurrent - Commonwealth Government						
Family health support	41	40	-	-	-	-
Operations	5	-	-	-	-	-
Non-recurrent - State Government						
Family health support	38	-	-	-	-	-
Community strengthening	135	81	-	-	-	-
Arts and culture	6	40	-	-	-	-
Operations	67	40	-	-	-	-
Infrastructure	2	-	-	-	-	-
Other Grants	142	49	-	-	-	-
Total non-recurrent grants	436	250	-	-	-	-
Total operating grants	18,549	18,289	17,734	17,910	18,090	18,271

Other recurrent grant income will only be increased by 1.00 per cent and therefore reduces as a percentage of total revenue due to this overall income increasing at a higher rate. As a result Council's funding share of these services continues to increase every year.

Capital Grants

	Forecast	Budget	Strategic Resource Plan Projections			
	2016/17 \$'000	2017/18 \$'000	2018/19 \$'000	2019/20 \$'000	2020/21 \$'000	2021/22 \$'000
Recurrent - Commonwealth Government						
Roads to Recovery	1,150	1,030	202	-	-	-
Total recurrent grants	1,150	1,030	202	-	-	-
Non-recurrent - Commonwealth Government						
Buildings	1,010	50	-	-	-	-
Recreational, leisure and community facilities	463	3,631	-	-	-	-
Computer and telecommunications	-	175	-	-	-	-
Fixture, fittings and furniture	-	900	-	-	-	-
Parks, open space and streetscapes	-	850	-	-	-	-
Non-recurrent - State Government						
Buildings	424	-	-	-	-	-
Recreational, leisure and community facilities	413	1,400	-	-	-	-
Fixture, fittings and furniture	-	100	-	-	-	-
Parks, open space and streetscapes	-	480	-	-	-	-
Roads	66	700	-	-	-	-
Total non-recurrent grants	2,376	8,286	-	-	-	-
Total capital grants	3,526	9,316	202	-	-	-



Council's performance in attracting grant revenue has been low compared to the Eastern Melbourne Group of Councils with Council ranking fifth lowest of the fourteen Councils in attracting grant revenue. It is recommended that Council strive to maximise the revenues it receives from government grants, particularly recurrent operating grants.

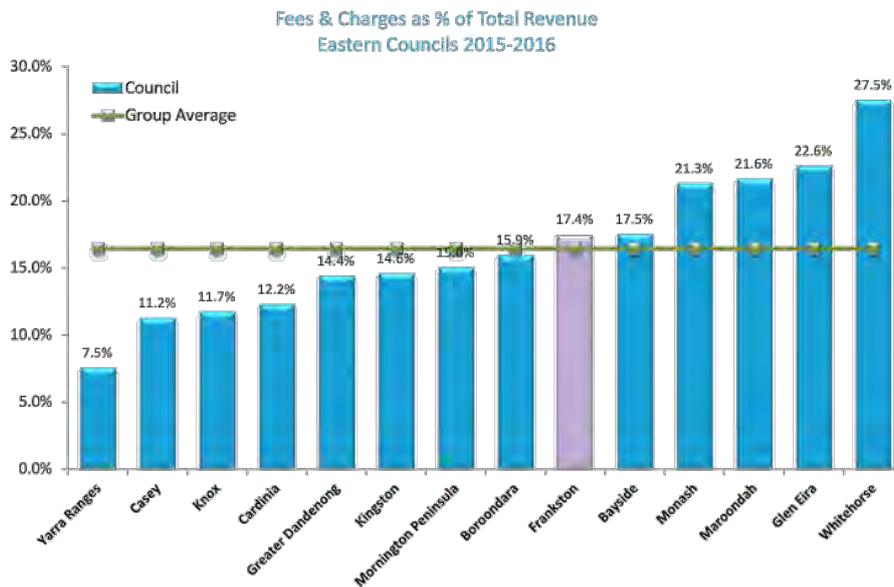
7.4 Fees and charges revenue

The final major source of revenue for Council is that gained from fees and charges contributing 17.4 per cent of the total revenue received in 2015-2016.

Fees and charges come in two broad categories. A number of Council fees and charges are statutory in nature in that the amount levied is fixed by statute and can only be increased in line with the annual increases announced by Victorian Government. The balance of fees and charges is discretionary in that Council can levy the amounts it believes are equitable.

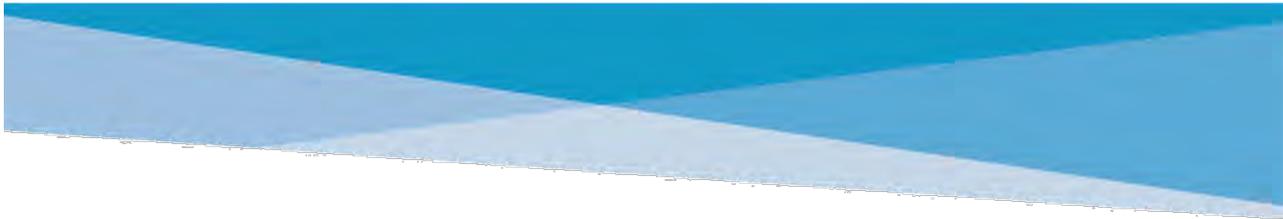
In a similar fashion to grant revenue, the amount of revenue that Council obtains directly from the users of Council services has a direct impact on the residual amount required to be obtained from rate revenue.

As highlighted in the graph below, Frankston City Council is slightly below the average benchmark in terms of the fee revenue it collects in comparison to other Eastern Melbourne Councils.



Note: The comparative financial data included in the table above has been drawn from audited Annual Reports for the 2015/16 financial year. At the time of preparing this LTFP the 2016/17 Annual Reports were unavailable.

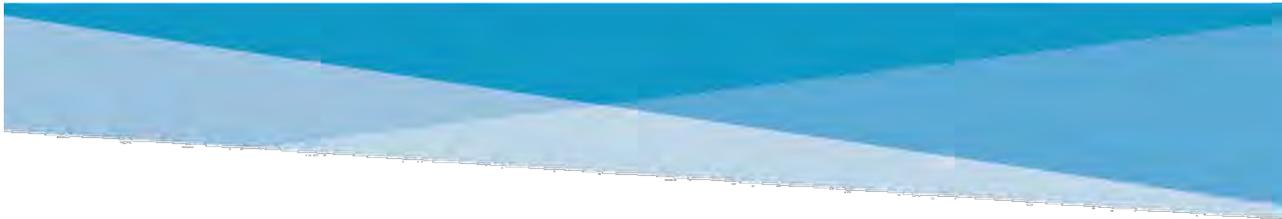
Council will continue to review its approach to fees and charges across a number of services and determine whether fees are to be based on the service being provided on a cost neutral basis to Council with a transitional period for this outcome to be achieved. Council's history of fee



increases over the past years (except 2010/11 and 2011/12) have only been escalated by CPI which is not keeping up with the cost of providing the services.

This Long Term Financial Plan includes the assumption that these fees will increase by the cost escalation factor that currently averages at 4.50 per cent in providing these services on an annual basis. It is also recommended that Council will continue to maximise its fee revenue through its review of annual fees and charges through the annual budget process.

	Strategic directions
	<ol style="list-style-type: none">1. That Council note the rate cap of 2.00% for 2017-2018 as per the Minister Local Government directive under the Victorian Government Fair Go Rates System (FGRS).2. That Council note for the years 2017-2018 to 2020-2021, rates income is to be capped at the forecast consumer price index.3. That Council note for the years 2017-2018 to 2021-2022, waste income is forecast at full cost recovery as it is not currently subject to the rate cap of the FGRS.4. That Council consider on an annual basis whether to make application to the ESC for a variation to the rate capping framework based on the outcomes contained in the LTFP and future infrastructure requirements.5. That Council further advocate that in the event rate capping remains, all recurrent Victorian Government funding be linked annually to an appropriately calculated local government cost index.6. That this LTFP applies the annual cost escalation factor as the index to all discretionary fees and charges and Council seek to maximise revenue from fees during the budget process.



8. Asset Management

Asset Management is an essential component of the LTFP as it provides an indicator of the necessary financial commitment which would adequately sustain Council's asset base in future years. To achieve long-term financial sustainability, effective asset management processes are essential.

This topic covers the following areas of discussion:

- Councils total asset portfolio as at 30 June, 2016
- Summary of Council's fixed assets
- Managing Council's assets for the future

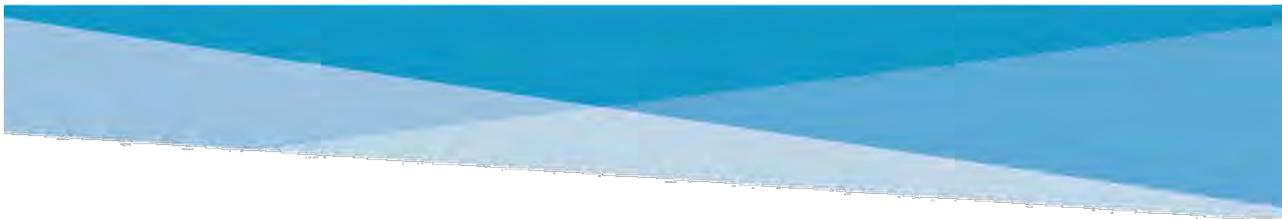
8.1 Council's total asset portfolio as at 30 June 2016

Council's Total Asset portfolio is made up of both current and non-current assets.

Current assets include cash or assets which may be readily convertible to cash. This grouping includes cash at bank, investment funds, inventory, debtors (including debtor accounts not expected to be collected in the coming twelve months) and prepayments. The balance of current assets held by Council at 30 June 2016 was \$70.07 million.

Non-current assets incorporate Council's special charge receivables (\$0.18 million) and Council's fixed assets. Fixed assets include land, buildings, plant, furniture, roads, drainage and other infrastructure assets. The total value of fixed assets as at 30 June 2016 was \$1.31 billion (written down value).

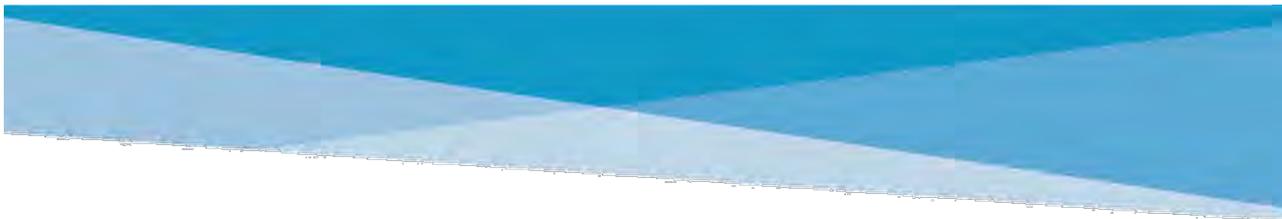
It is the sound management and financial planning for the eventual renewal of the \$1.31 billion worth of fixed assets that is the prime consideration in this section of the LTFP.



8.2 Summary of Council's Fixed Assets

The following table highlights the various fixed assets.

Asset category	Fair Value / Cost 30-Jun-16 \$'000	Accumulated Depreciation 30-Jun-16 \$'000	Written down Value 30-Jun-16 \$'000
Property			
Land	562,267	-	562,267
Land improvements	25,588	14,477	11,111
Buildings	307,640	112,375	195,265
Work in progress	5,985	-	5,985
	901,480	126,852	774,628
Property			
Plant, machinery and equipment	15,509	8,863	6,646
Fixtures, fittings and furniture	345	155	190
Computers and telecommunications	3,060	1,870	1,190
Library books	3,869	2,310	1,559
Work in progress	291	-	291
	23,074	13,198	9,876
Infrastructure			
Roads	445,534	166,139	279,395
Bridges	20,703	7,132	13,571
Footpaths and cycleways	69,086	28,991	40,095
Drainage	261,722	113,817	147,905
Recreational, leisure and community facilit	12,978	5,467	7,511
Waste management	2,950	197	2,753
Off street car parks	31,109	15,625	15,484
Other infrastructure	12,950	5,618	7,332
Work in Progress	10,813	-	10,813
	867,845	342,986	524,859
Total	1,792,399	483,036	1,309,363



The following assets are managed within the Frankston municipality and the current asset stock held by Council as of the 30 June 2016 (unless otherwise stated):

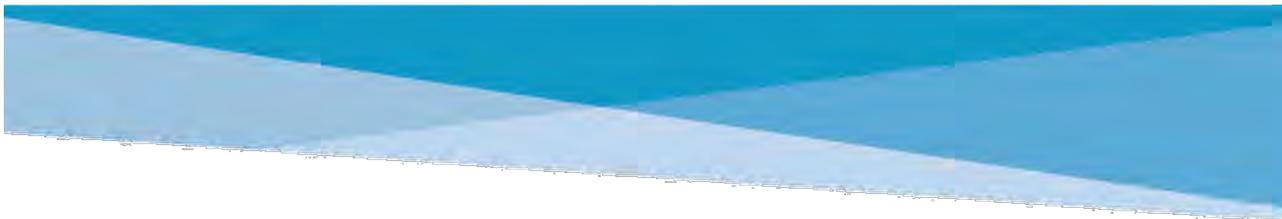
Drains Asset Type	Quantity
Pits	34,649
Gross Pollutant Traps	21
Pipes	926km
Retarding Basins	14
Wetlands	3

Facilities Asset Type	Quantity
Family and Youth	40
Parks and Leisure	145
Community	55
Civic	14
Art and Library	3
Aged Services	4

Bridges & Pedestrian Structures	Quantity
Within open space	75
Within roads	32

Road Asset Type	Quantity
Carriageway	700 km
Parking areas	247 km ²
Pathways	968 km
Road edge treatment	1,109 km
Traffic management devices	2,067

Land	Quantity
Parklands (excl sporting)	375 or 825.5 ha
Sporting reserves	29 or 257.3 ha
Foreshore	138.3 ha
Sporting grounds	67 or 74.7 ha
Vacant land (incl land under buildings)	680.9 ha



Open Space & Foreshore	Quantity
Athletics Track	1
BBQ	48
Bench	455
Bike Rack	65
Bin	445
Cricket Pitch	62
Cricket Practice Net	17
Drinking Fountain	180
Exercise Station	30
Fence	3,208
Flagpole	48
Gate	1197
Information Hut	8
Irrigation System - Other	1
Irrigation System – Sporting Field	54
Light	420
Memorial Monument	34
Pergola Rotunda	11
Picnic Table	316
Playground	239
Playground Equipment	526
Playing Surface - Concrete	22
Playing Surface - Synthetic/Asphalt	124
Pole Post	10
Retaining Wall	501
Seat	479
Shade Structure	38
Shelter	33
Shower	4
Sign Panel	3,044
Sign Support	2,033
Skate Park & BMX Track	10
Sport Field	96
Sports Ancillary	151
Sports Cage	4
Sports Goal	157
Sports Ground Lighting	270
Sports Net	30
Sports Run-up	6
Stairs	72
Tree Guard	2
Wall	30



8.3 Managing Councils Assets for the future

Council's adopted Asset Management Policy set out the following principles to be used by Council to guide Asset Management planning and decision making:

- Ensure assets support the services provided by Council;
- Community involvement in decision-making;
- Focus on long-term sustainability;
- Sustainable investment in capital works;
- Continuous improvement in data and asset management information systems;
- Compliant asset accounting;
- Legislative and regulatory compliance;
- Compliance with insurance obligations;
- Continuous improvement in risk management;
- On-going training and skill development; and
- Effective monitoring and reporting.

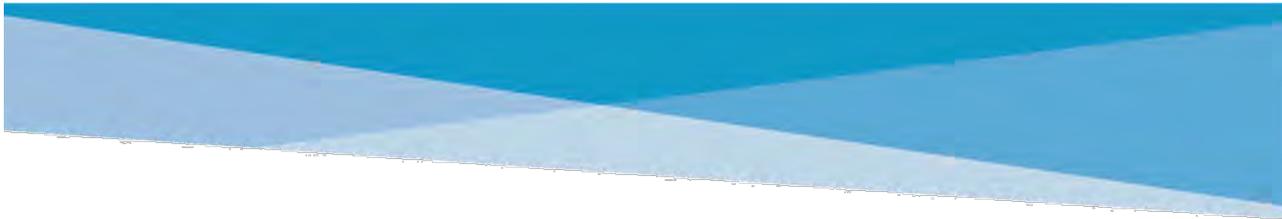
It is essential that any approach towards strategic financial planning be linked closely with Council's Asset Management Strategy which aims to address gaps in asset information and asset management practices across the organisation. The Long Term Financial Plan will ensure that forward resourcing is allocated in a manner that supports the delivery of the Strategy and the effective management of Council's assets into the future.

Effective management of Council's fixed assets is critical to ensure that these assets deliver a service into the future. As these assets move into the latter part of their lives, strategic maintenance, timely replacement and rationalisation of these assets becomes essential if effective service for the community is to be maintained. Such renewal expenditure must be a priority and be managed within a surrounding climate where new and better services are constantly being demanded by the community.

Asset Management Plans have been adopted by Council for Drains, Roads, Open Space and Buildings. These Plans will assist Council in identifying of its long term financial obligations. The Plans also identify operational and strategic practices which will ensure that Council manages assets across their lifecycle in a financially sustainable manner.

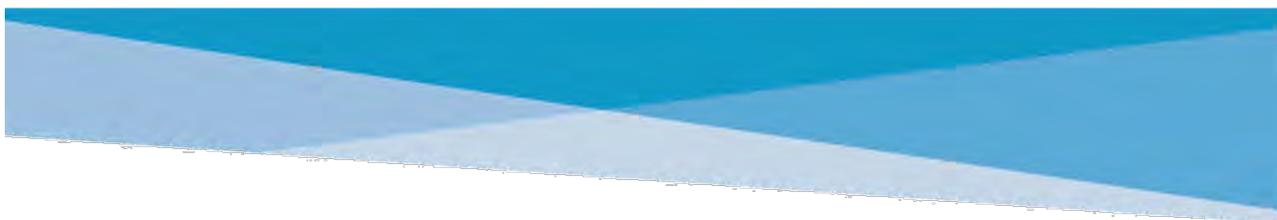
Implicit in the delivery of these plans is an understanding that the best available data be used to interpret current performance of Council's asset base and develop financial projections for future service delivery. The implementation of Frankston's Asset Management Information System (FAMIS) will enable the storage and retrieval of asset data collected across all asset groupings, together with information on all maintenance activities carried out on the asset over its life. Once full system implementation is completed, it will provide Council with a state of the art software solution to manage all lifecycle phases effectively and efficiently.

Over time, this information will enhance predictive lifecycle modelling, effectively refining asset performance projections and funding requirements for maintenance and renewal to ensure the assets continue to provide the desired level of service.



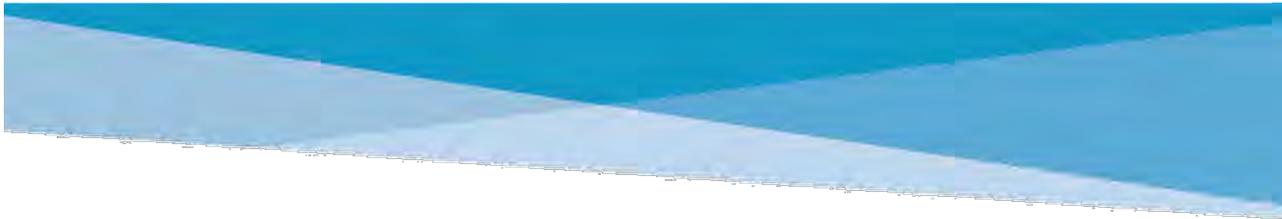
The table below records the development of Council’s Asset Management Policy, Strategy and Plans:

Item	Status
Asset Management Policy	Adopted February 2013. The purpose of this Asset Management Policy is to guide the future management of all Council assets to meet community needs within financial and other practical constraints. Review planned for 2017-2018.
Asset Management Strategy	The Strategy was originally adopted in 2006 and was reviewed, updated and endorsed in August 2013. This Strategy aims to raise Council’s Asset Management activities to the point where they would be recognised as best appropriate practice. It proposes that by increasing Council’s ability to manage its assets and by improving its knowledge of those assets, a sustainable community will be able to be maintained in a manner that delivers economic, environmental and social value.
Drains Asset Management Plan (DAMP)	Adopted in July 2008. The purpose of the Plan is to clearly document Council’s current asset management practices and present a lifecycle management strategy for the drainage network for the next 20 years. Council’s stormwater drainage assets represent a significant community infrastructure investment with a total replacement value of \$261 million comprising of 926 kilometres of pipe and 34,649 pits.
Road Asset Management Plan (RAMP)	Adopted in June 2010. The Plan highlights a funding gap between present funding levels and that required to maintain Council’s road network to an optimal level. This Plan assesses detailed asset condition data, current and future needs, establishes service levels, assesses optimum funding requirements and identifies management strategies to improve the management of this asset class. In future revisions, Bridges and Pathways will be removed from this plan into their own AM Plans.



Item	Status
Building Asset Management Plan (BAMP)	Originally adopted in 2010, the revision of this plan was adopted in June 2016. The Plan considers Council's current service and asset lifecycle management processes for facilities. The Plan presents some funding scenarios aimed at providing Council with the ability to manage its building stock sustainably and to current regulations.
Open Space Asset Management Plan (OSAMP)	Adopted in June 2017. The Plan identifies a need to embed service levels for Open Space assets and capture their associated costs. The Plan recommends improvements to asset information to move Council towards best practice asset and service delivery and a slight refinement of the long-term funding strategy of open space assets for optimal lifecycle management.
Ancillary Assets (Bridges, Footpaths, Plant & Equipment and Playgrounds)	Bridges and Pathways will be removed from the RAMP and first generation AM Plans for these asset categories will be developed. Playgrounds will also be removed from the OSAMP and a new AM Plan created. A Plant & Equipment AM Plan has also been programmed for completion to complement the existing suite of asset management plans.
Asset Management Information System (AMIS)	<p>Infor Public Sector (IPS) software was installed in October 2008. Two of Council's major asset classes, roads and drainage; are fully operational with routine and reactive works management.</p> <p>All of Council's asset registers have been migrated to FAMIS. Council's facility works management module will be developed during 2017-2018 to support full system integration between Council and its facility maintenance contract.</p> <p>Open Space works management is also scheduled for development and implementation during 2017-2018.</p>

As Council further improves its Asset Management knowledge and practices, it is likely that further gaps in required funding to adequately plan and renew existing assets will be identified. This LTFP is based on addressing the current known gaps and will need to be re-considered in light of the further information as it becomes available over time.



8.3.1 Council's current Asset Management gaps

Sound asset management requires Council to understand long term as well as short term financial obligations. The table included over-page highlights the estimated annual renewal requirements based on data from condition audits and the projections in the current road, drains, parks and building asset management plans.

Over the next five years, \$118.3 million has been allocated to the renewal program to replace infrastructure, plant & equipment and information & communication technology assets as they become unserviceable or fail. The table below shows our renewal funding strategy over the asset classes for the next five years.

These figures are based on the following assumptions:

- Infrastructure assets based on a 20 year funding scenario
- Roads are based on current condition data.
- Facilities are based on current condition data.
- Parks and leisure assets are based on current condition data.
- Drains are depreciation based.
- Plant and equipment including library books are depreciation based.

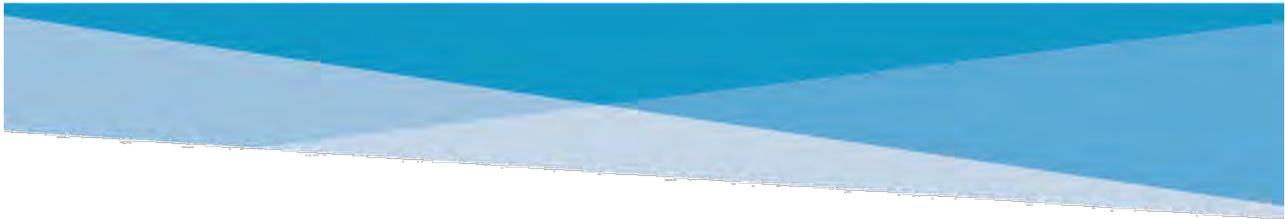
It must be noted however that asset knowledge gaps remain in respect of Council's roads, buildings, drains and open space asset classes, which may add further to the above projections in coming years once they are clearly understood. Council completed a State of the Assets Report Card in 2014 which clearly indicated a need to invest in data to assist Council to make better informed decisions and more accurate renewal projections.

8.3.2 Key outcomes of the Asset Management Plans

The fundamental purpose of the Asset Management Plans is to improve Council's long-term strategic management of its assets in order to cater for the community's desired levels of service in the future, in accordance with Council's key strategic documents and demonstrate reasonable management in the context of Council's available financial and human resources. The Asset Management Plans achieve this by setting standards, service levels and programmes which Council will develop and deliver. Where standards and service levels exist it has been set in accordance with user needs, regulations, industry practice and legislative codes of practice.

A key finding in these Plans is the need for Council to establish policy positions regarding the standards of service it will deliver to the community. These will need to be based around Council's assessment of risk and guide funding decisions, into the long term. These plans also identify the need to further improve asset management practices throughout the asset lifecycle.

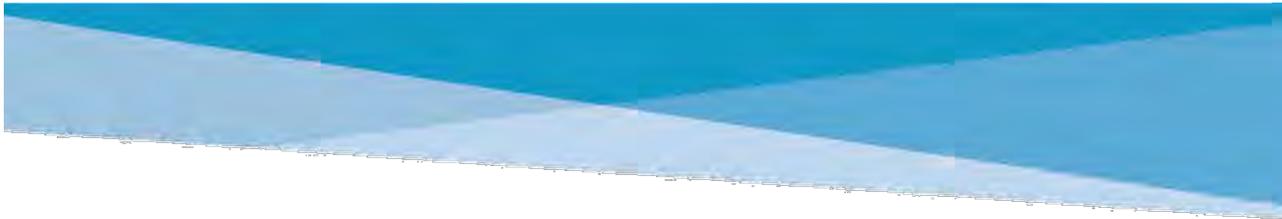
In recent years, Council has acknowledged the link between asset management and service provision. The standard of the service delivered to the community is very much dependent not only on the quality of the staff or product but also the supporting assets. By having a greater understanding of the services Council provides to the community, it will accurately inform asset form, function, maintenance standards, performance and renewal which will ultimately enhance a resident's service experience. Further investment in the monitoring of the external service environment, service planning, demand analysis and development of an asset option analysis process will see Council move to best practice service and asset management.



8.3.3 Key Strategic Actions of the Asset Management Strategy

The key strategic actions from the Asset Management Strategy are set out below. The intent of these actions on asset management is to highlight that whilst Council's short-term financial issues have been addressed, the journey ahead is still a considerable one. These actions will help us to obtain 'Core Competency' as part of the National Financial and National Asset Management Assessment Framework for Local Government.

Strategic directions	
1.	That Council continues to enhance existing asset management planning to further enhance the knowledge of future asset renewal, compliance and maintenance requirements, including reviewing the service potential of the existing asset infrastructure and how this matches the current community needs.
2.	That Council endorse an in-principle strategy of allocating funds to meet asset renewal, compliance and maintenance requirements as a priority in the development of the Annual Budget and the 1-10-20 Capital Works Programme.



Appendices

A. 2015-2016 Financial Key Performance Indicator Analysis

The purpose of utilising financial key performance data analysis is to gain knowledge on how Council performs comparative to like Councils and the wider metropolitan area and therefore understand areas where Council performs relatively well and where there are opportunities for Council to seek improvement.

Financial key performance indicators (KPI's) by themselves do not provide definitive answers. Frequently there may be very valid reasons for Councils varying from the 'norm'. What KPI's do however is generate the questions that need to be answered and ensure that variances are planned with knowledge rather than by accident. They assist in building a view of organisational performance.

The financial data that comprises this Appendix has been drawn from the 30 Melbourne metropolitan municipal audited Annual Reports (except Melbourne Council) for the 2015-2016 financial year. In all, some 40 different sets of data have been collated from each report and converted into the financial ratios that are illustrated in this chapter.

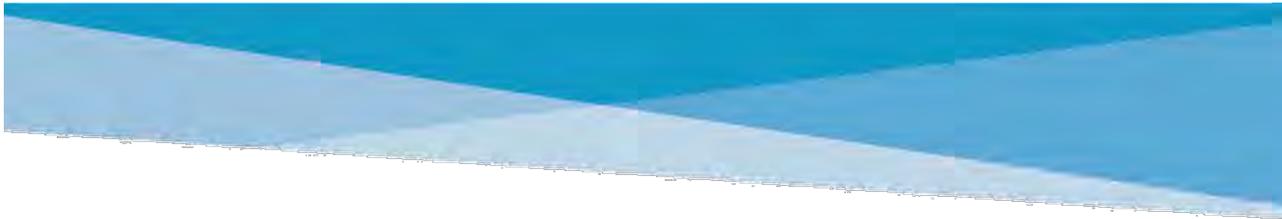
Given the basis of data collection, it should be noted that the financial statistics contained in this report do not attempt to contain any measures of what services are provided, and to what level, within Frankston City Council in comparison to other municipalities. This information is not typically available in comparable forms in Annual Reports.

The performance of Frankston has been contrasted against both the average for the grouping of Eastern Metropolitan Councils and the average across the complete metropolitan area. Whilst State averages are also available, the sheer difference in size makes comparisons on this broad level less useful.

The Eastern region has been chosen as the benchmark grouping on the basis of regional association rather than necessarily being a collective of like-sized, demographically similar Councils. Different groupings can be further modelled but for benchmarking to be relevant, a reasonable sample is required to form the benchmark grouping.

Councils that comprise the Eastern Metropolitan grouping are:

Bayside	Kingston
Boroondara	Knox
Cardinia	Maroondah
Casey	Mornington Peninsula
Frankston	Monash
Glen Eira	Whitehorse
Greater Dandenong	Yarra Ranges

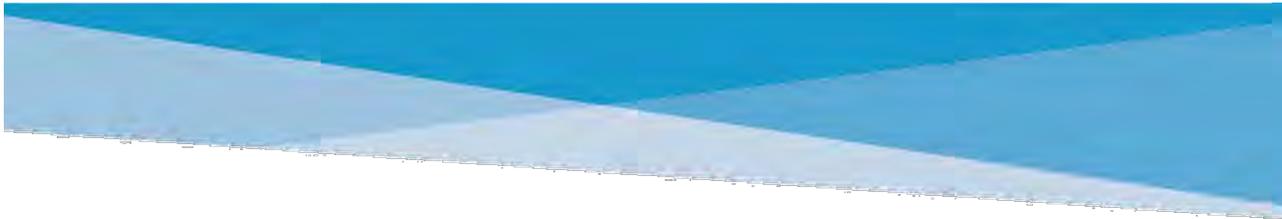


In summary, the indicators highlight the following information about Frankston City Council, noting that these results include the consolidation with the Peninsula Aquatic Recreation Centre (PARC).

- Council's reliance on rate revenue has stabilised to 71% over the past three years and is forecast to remain at this level given rate capping has been introduced in 2016-2017.
- Council's rates per assessment highlight that Frankston City Council is not over rating and it is a good outcome. The levels indicate that Frankston is placed slightly above the average of the Eastern group of Councils. The rates per capita ratio highlights that the population growth has slowed compared to the increase in the rates increment.
- Frankston City Council receives recurrent funding from Victoria Grants Commission to assist council's to fund its operations. Over the past few years, Council has experienced an overall reduction in recurrent grants that indicates that there is a reduced level of financial commitment from other tiers of government, increasing pressure on Local Councils. The Federal Government three-year freeze on councils largest grant funding has had a significant impact on future funding of Council services.
- Council's recurrent grant funding has reduced as a result of Council withdrawing from providing the Family Day Care services and acknowledging that there are private providers. Council received a once off natural disaster grant of \$327K during 2015-2016.
- Fees and charges have improved over the past two years due to the consolidation of the Peninsula Aquatic Recreation Centre results. The purchase and operation of the Frankston Recycling and Resource Recovery Centre has resulted in an increase in fee income. Council has also focussed on improving this indicator by reviewing fees to reflect cost recovery for the Frankston Arts Centre.
- Council has a solid secure income source which it alone controls, however should continue to identify and pursue alternative revenue sources. Council needs to continue to seek a good balance between its three major sources of revenue (rates, grants and fees) in order to meet the rising costs of service delivery and enhance Council's ability to provide a sufficient capital works program.
- On a net basis, Frankston records a \$23 per assessment higher net operational surplus than the average outcome for the Eastern Council group. As a result, net operational revenue and expenditure are contributing towards funding capital works compared to the average for the Eastern Group. This is a very good result for Council and contributes to its long term financial sustainability.
- The level of borrowings is well within the prudential limits set by the Victorian Government. All indicators highlight that Council can service its loan borrowings and is in a good financial position where indicators will improve as Council pays off its loans.
- Council achieved an underlying operational surplus for the first time in 2011/12 (net of all abnormal, non-operational items) and has continued this trend to 2015-2016. Council anticipates achieving surplus results going forward to ensure it achieves a sustainable future in the long term.
- Council continued a healthy liquidity trend as measured by Council's working capital ratio of 223.57 per cent (current assets/current liabilities). A ratio of 110 per cent is considered to be sufficient. Council's reserves are strong and reflects that Council has continued to grow stronger as the indicator is now on par with other Eastern Councils with the average being 233.76%.
- Council has been spending sustainable levels of capital works funded from rate revenue and continues to meet its longer term financial capabilities in this area. Council's LTFP provides a framework where council's current assets remain at all times sufficient to meet all Council's current and non-current liabilities (excluding loan liabilities which are backed by fixed assets) and reserve funds.



- Council's depreciation rates for infrastructure have improved over recent years and are now aligned with the average for the benchmark group. It continues to be important for Frankston to regularly review the conditions of its assets and update useful life assumptions appropriate to its needs.
- Council's total spend on capital works is now close to the average outcome for the benchmark group. Council has taken an active role in addressing the asset renewal gap by increasing capital spending going forward. Capital spending on asset renewal/upgrade compared to annual depreciation charges is now comparative to the Eastern Council group. Council is a significant investor in its capital works compared to the average Council and indicates that it is focussing on improving the municipality.



1. Rating Key Performance Indicators

1.1 Rate Revenue / Adjusted Total Revenue

Explanation

This ratio shows revenue raised by way of general rates (inclusive of municipal and waste charges), expressed as a percentage of total revenue as adjusted by removal of capital income and granted assets.

Warning Trend:

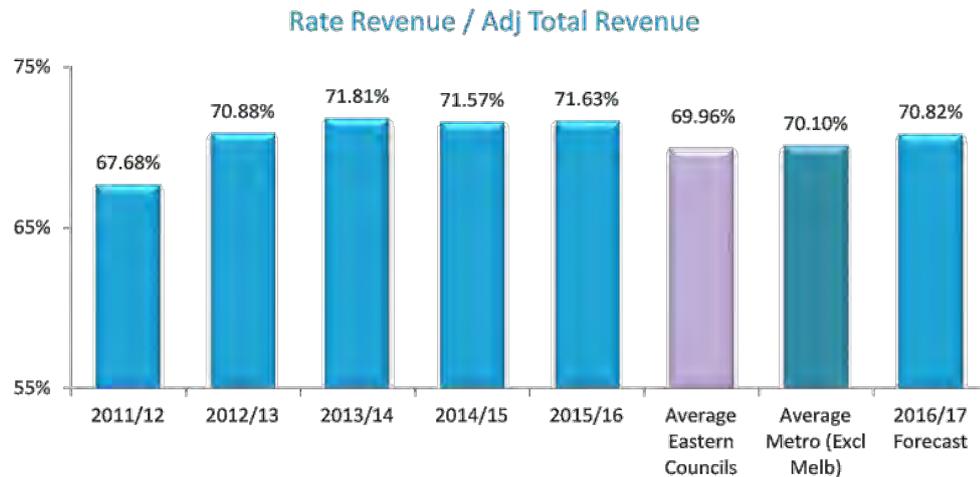
Rate income is a secure and predictable source of revenue. A low ratio can warn of undue reliance on forms of revenue which may or may not be sustainable – such as Government grants. A high ratio may, however, indicate that Council has not pursued alternative revenue forms effectively.

Factors influencing the Indicator:

A strong revenue base from sources such as fees and charges and/or grant revenue will lower the outcome.

Council's Ratio at 30 June 2016: 71.63%
Council's Group Ranking: 7th highest of the 14 Councils
(Ranking midway is the best outcome)

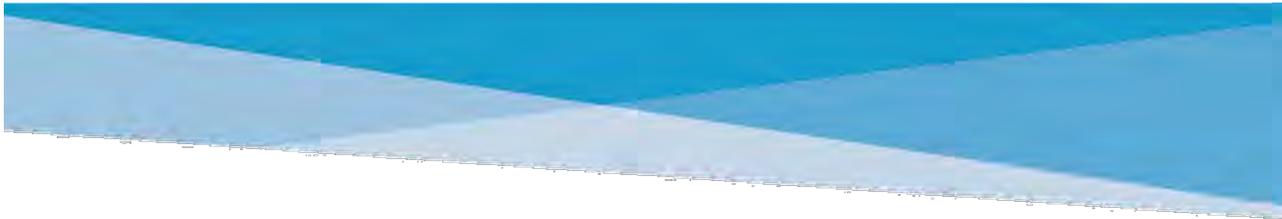
Graphical Presentation:



Commentary on Ratio:

Frankston City Council is above the group average in terms of dependency on rate revenue as a percentage of adjusted total revenue with Council, ranking the seventh highest of the fourteen Eastern Melbourne Councils.

The reduction in this ratio was caused by a 40 per cent increase in fees and charges on the strength of the successful opening of the Peninsula Aquatic Recreation Centre in terms of membership numbers and sales (refer to Sections 2.1 and 2.2 for further detail on these items) causing Council's reliance on rate revenue to decrease. The reduction in operating grant revenue has resulted in the reliance on rate revenue increasing. This indicator shows that Council has a solid secure income source which it alone controls, however should continue to identify and pursue alternative revenue sources.



1.2 Rates Per Capita

Explanation

This ratio highlights the average general rates (inclusive of municipal and waste charges) per capita calculated by dividing total Rate Revenue by population.

Warning Trend:

Low rates per capita may indicate Council is rating at below its capacity compared to other like Councils. High rates per capita may indicate excessive reliance on rate revenue as a revenue source.

Factors influencing the Indicator:

Councils who proportionately have a large commercial/industrial base and lower population levels within their boundaries will have larger rates per capita. The ratio does not, however, indicate what the average ratepayer pays – only the funds Council derives compared to the number of people it has to service. The ratio can also be affected by population density relative to the number of rateable assessments.

Council's Result at 30 June 2016: \$794
Council's Group Ranking: 7th highest of the 14 Councils
(Ranking midway is the best outcome)

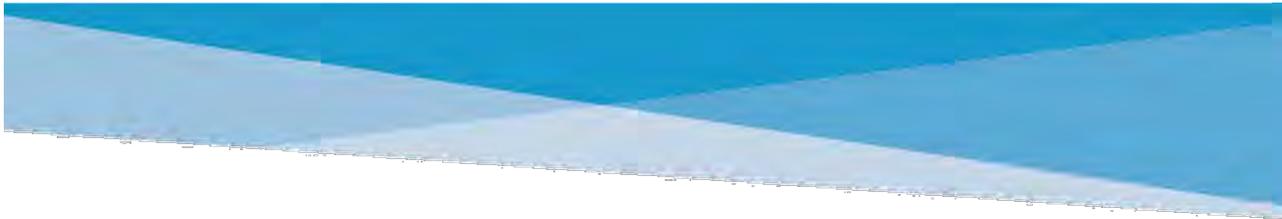
Graphical Presentation:



Commentary on Ratio:

This ratio highlights that rates per capita within Frankston are slightly above the group average, being the seventh highest of the fourteen Councils in the Eastern Melbourne grouping.

Frankston has a slightly lower population density than the average for the group with 2.22 persons per rateable assessment versus the Eastern group average of 2.29. This variance disadvantages Council in using rates per capita (i.e. it makes the outcome higher than what it would be if Frankston had average population density).



1.3 Rates per Assessment

Explanation

This ratio highlights the average rates per assessment calculated by dividing rate revenue by the number of rateable assessments.

Warning Trend:

Low rates per assessment may indicate Council is rating at below its capacity compared to other like Councils.

Factors influencing the Indicator:

Councils who have significant commercial/industrial enterprises within their boundaries may find the average rate per assessment is skewed. Essentially however all Councils need to derive a level of funds per assessment to operate and large industries can operate to lower the residential rate and still produce a comparable indicator for benchmark purposes.

Council's Result at 30 June 2016: \$1,768
Council's Group Ranking: 6th highest of the 14 Councils
(Ranking midway is the best outcome)

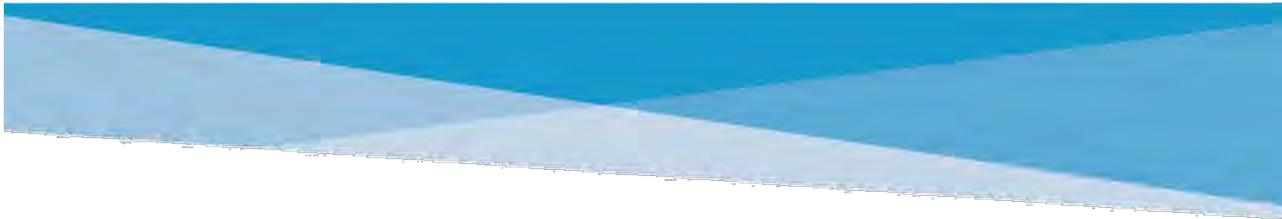
Graphical Presentation:



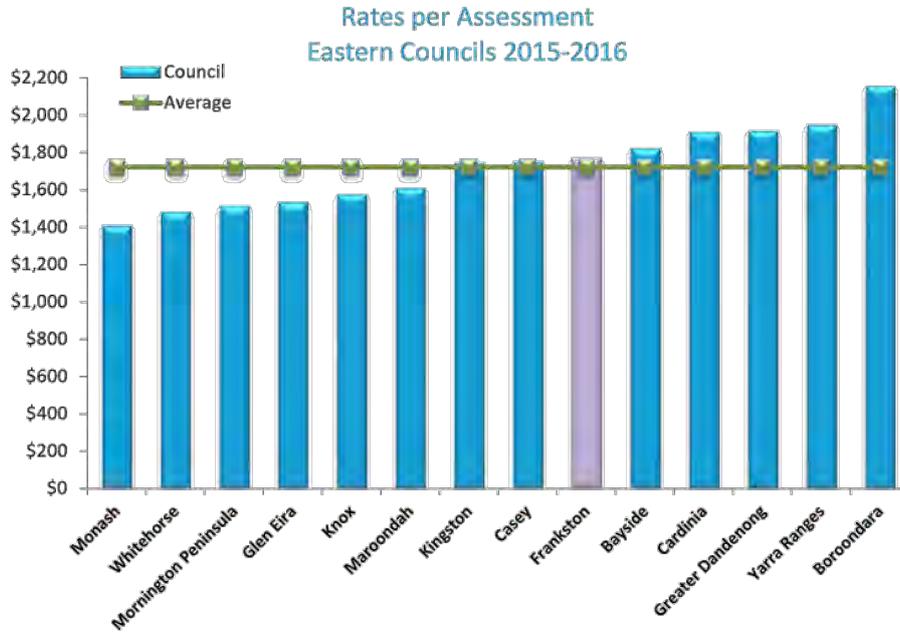
Commentary on Ratio:

Rates per rateable assessment is probably the most accurate gauge of rating performance and Frankston City Council is highlighted as an average rating municipality compared to Eastern Melbourne Council grouping. Frankston is the sixth highest rating Council, rating at \$46 per assessment higher than the average outcome for the group.

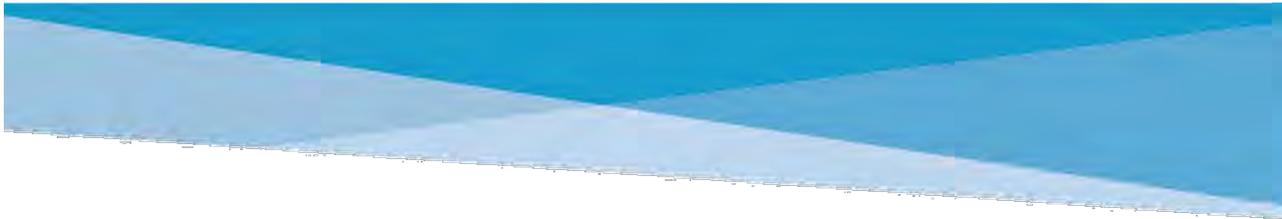
When compared to neighbouring municipalities, Frankston is higher than Mornington Peninsula, Knox and Monash on this measure, but lower than Greater Dandenong, Cardinia and Bayside. Overall, Frankston is well positioned in the Eastern Councils grouping.



The table below provides detailed rates per assessment data for the year ended 2015-2016 for all of the Councils in the benchmark grouping.



The above chart highlights rates per assessment and is not reflective of the average residential rate given the impact of industrial/commercial ratepayers. This is particularly relevant for those Councils where the rating burden is spread quite differently to the majority of metropolitan Councils with industrial and commercial assessments paying a significantly higher rate differential.



2. Other Revenue Key Performance Indicators

2.1 Operating Grant Revenue / Adjusted Total Revenue

Explanation

This ratio compares the operating amount received from Victorian and Federal Government grants to the adjusted total revenue figure. Adjusted total revenue being total revenue reduced by capital grants/contributions and granted developer contributions.

Warning Trend:

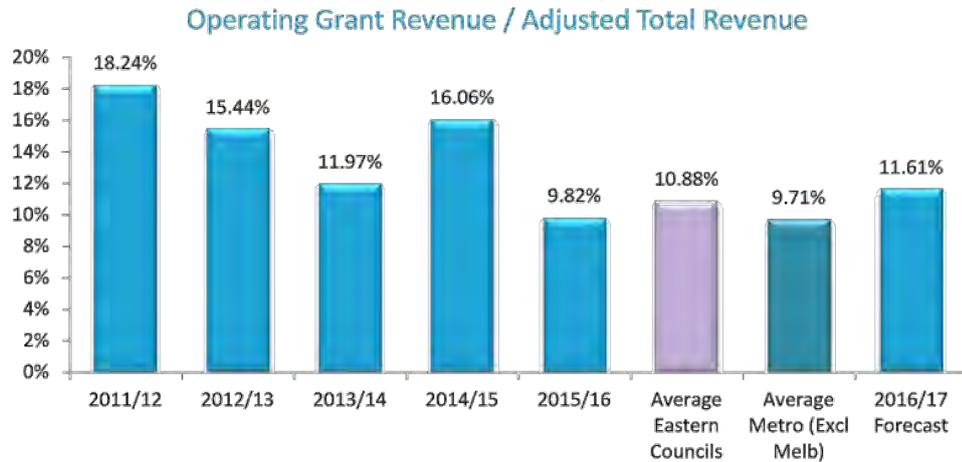
A decreasing trend may indicate a reduced level of financial commitment from other tiers of government, increasing pressure on local councils.

Factors influencing the indicator:

Surges in either rate revenue or fees and charges can impact on this outcome. Councils may further receive large grants to deliver one-off operational expenditure and these are frequently recorded as recurrent grant revenue as they are not capital in nature.

Council's Ratio at 30 June 2016: 9.82%
Council's Group Ranking: 5th lowest of the 14 Councils
 (Ranking highest is the best outcome)

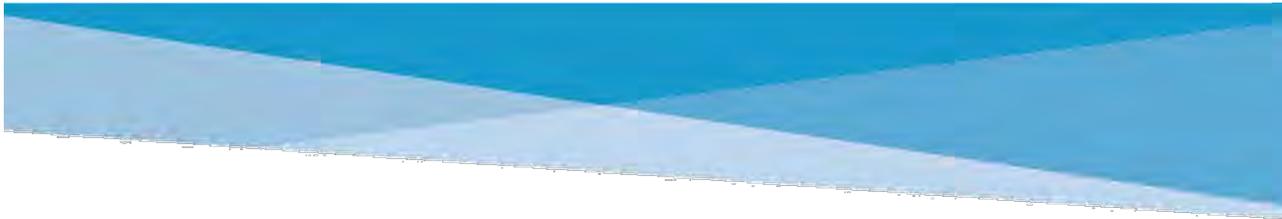
Graphical Presentation:



Commentary on Ratio:

Council was the fifth lowest in the comparative Eastern Council group. In terms of actual grant dollars received for this period, Frankston Council received \$14.801 million; this is below the average of \$18.666 million for the Eastern Council group. The instability of grant income over the past few years is due to the inconsistent distribution of the grant funding from the Victoria Grants Commission with advance payments and reversing in other years.

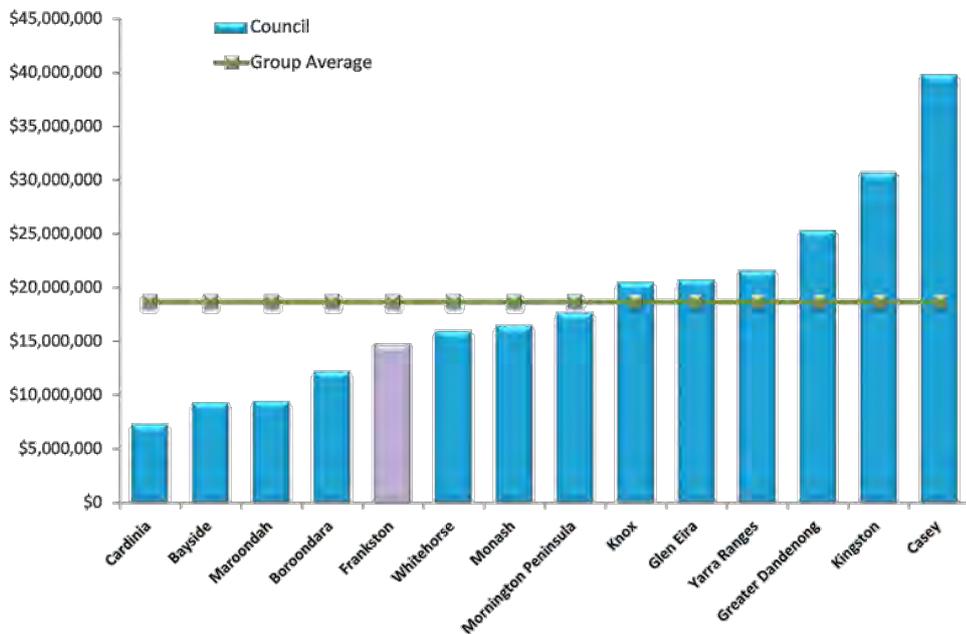
For 2015-2016, had Council received the average grants of other Council's, there would have been an additional \$3.865 million in funding. Council's performance in terms of attracting grant revenue has been below average and Council should be mindful that grant revenue is a revenue source subject to the decision making of the other tiers of government.

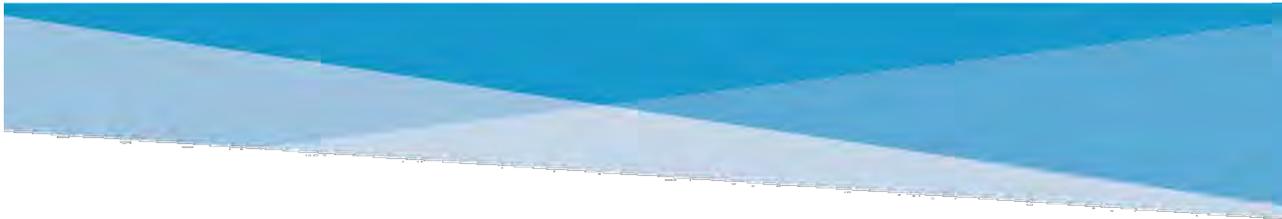


Council's performance over the past five (5) years has been decreasing due largely to cost shifting and the Federal Government electing to place a three-year freeze on escalating Councils largest grant funding that will have an impact on future funding of Council services.

The performance in this ratio also links back to the service mix offered by Council to the community and the higher employee costs. Many of Council's community services are largely labour cost based and attract government funding for a portion of those costs.

Operating Grant Revenue
Eastern Councils 2015-2016





2.2 Fees & Charges Revenue / Adjusted Total Revenue

Explanation

This ratio compares the amount received from fees and charges to the adjusted total revenue figure. Adjusted total revenue being total revenue reduced by capital grants/contributions and granted developer contributions.

Warning Trend:

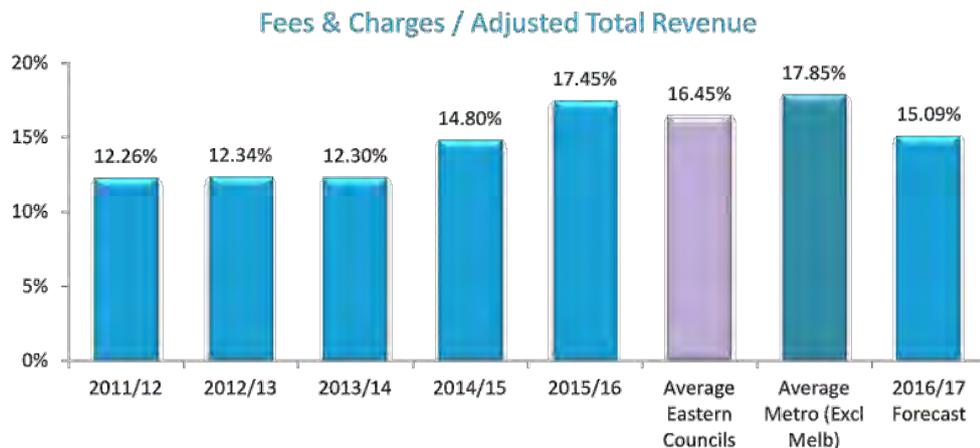
A decreasing trend may put pressure on Council’s ability to continue to provide both operational services and capital works. It may require Council to source income from rates or loan borrowings.

Factors influencing the Indicator:

Spikes in grant income may boost total revenue from year to year, thereby distorting the ratio.

Council’s Ratio at 30 June 2016: 17.45%
Council’s Group Ranking: 6th highest of the 14 Councils
 (Ranking highest is the best outcome)

Graphical Presentation:

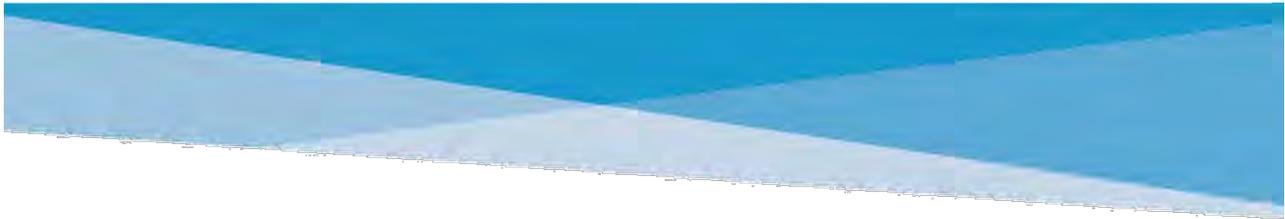


Commentary on Ratio:

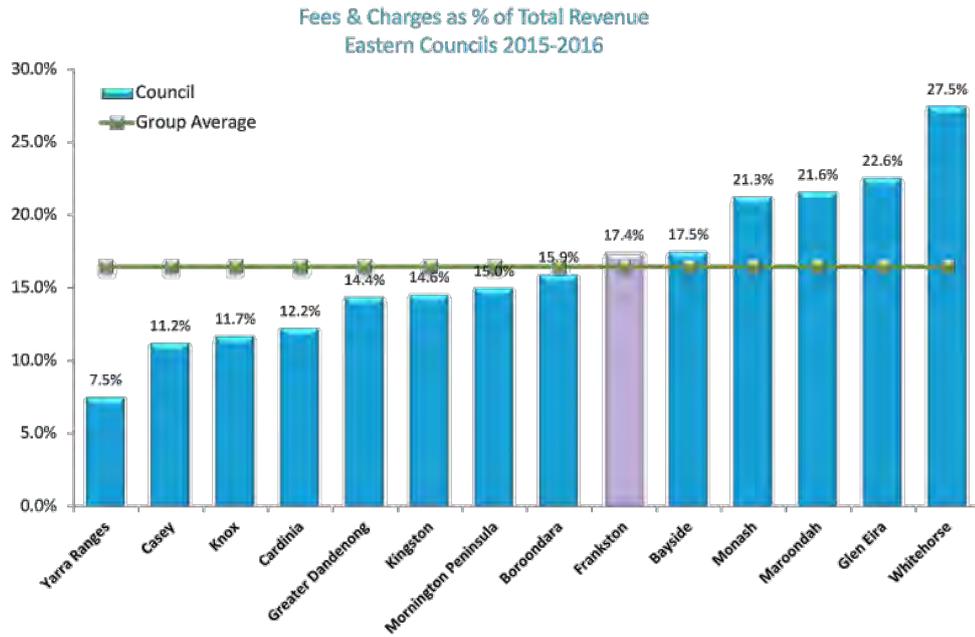
Council’s performance in attracting fees and charges revenue is above average for the Eastern Council grouping and below the overall figure for the metropolitan area (which includes several Councils with significant parking revenue).

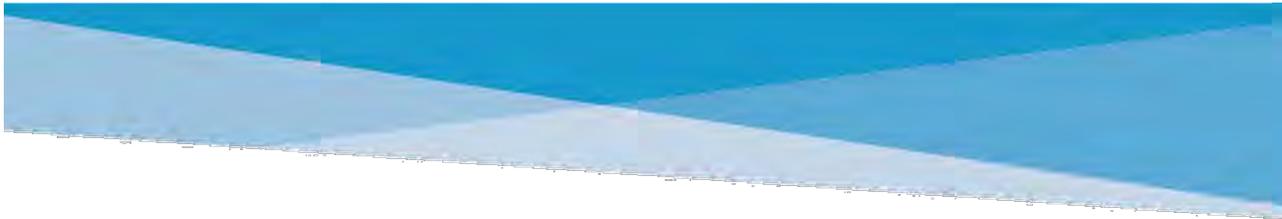
The significant rise in this ratio was caused by the successful performance of the Peninsula Aquatic Recreation Centre (PARC) in terms of membership numbers and sales causing Council’s reliance on rate revenue to decrease. Council’s strong performance in fees and charges is due to some other Councils not recording their recreation fees as they are not consolidated. PARC results were consolidated from 2014-2015.

The purchase and operation of the Frankston Recycling and Resource Recovery Centre has resulted in an increase in fee income. Council has also focussed on improving this indicator by reviewing fees to reflect cost recovery for the Frankston Arts Centre.



It should be noted that outcomes for fees and charges are impacted upon by how Council has increased user fees which may not reflect the true cost index of providing these services to the community. Council will continue to seek a good balance between its three principal sources of revenue (rates, grants and fees) with each contributing towards the ongoing growth in the cost of service delivery.





3. Total Net Operational Indicators

3.1 Total Expenses (excluding Depreciation) / Assessments

Explanation

This ratio shows the average operating expense (net of depreciation) outlay for each rateable property. It should be noted however that this is purely financially based and doesn't account for relative service levels.

Warning Trend:

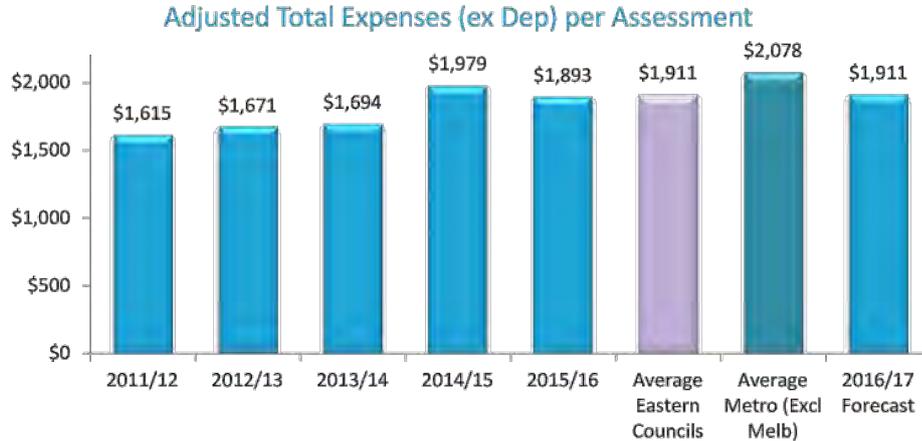
It is expected that operating expenses will grow annually in line with the escalating costs of service provision. An increasing cost per assessment, beyond this normal escalation, may indicate inefficiencies in service delivery or reflect decisions on service levels. Falling trends may conversely indicate efficiencies or falling service levels

Factors influencing the Indicator:

The policy Councils adopt on exactly what expenditure is expensed (operating) and what is treated as capital expenditure affects this indicator. Other factors are large grant programs that affect both the expenditure levels and revenue amounts can also affect the amount of Total Operating Expenses.

Council's Result at 30 June 2016: \$1,893
Council's Group Ranking: 7th lowest of the 14 Councils
 (Ranking lowest is the best outcome)

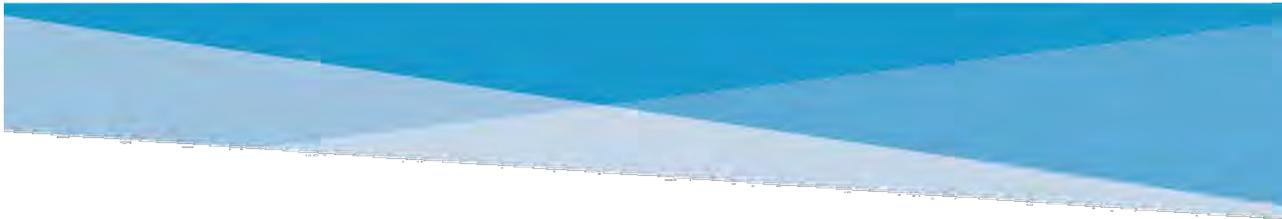
Graphical Presentation:



Commentary on Ratio:

Frankston City Council's operational expenditures per assessment for 2015-2016 are \$18 per assessment below the average for the Eastern grouping of Councils. This result shows that Frankston City Council is operating efficiently in terms of providing a stronger net surplus to fund capital works.

The 2014-2015 result is high due to the payout of the Stevenson's Road \$9 million liability payout which was treated as an operating expense. The outcome for revenue per assessment is lower than average, the net operational result (revenue less expenses) in section 3.3 is the measure of Council's ability to provide surplus operational funding for capital expenditure.



3.2 Total Adjusted Revenue / Assessments

Explanation

This ratio shows the average revenue that Council receives for each rateable property.

Warning Trend:

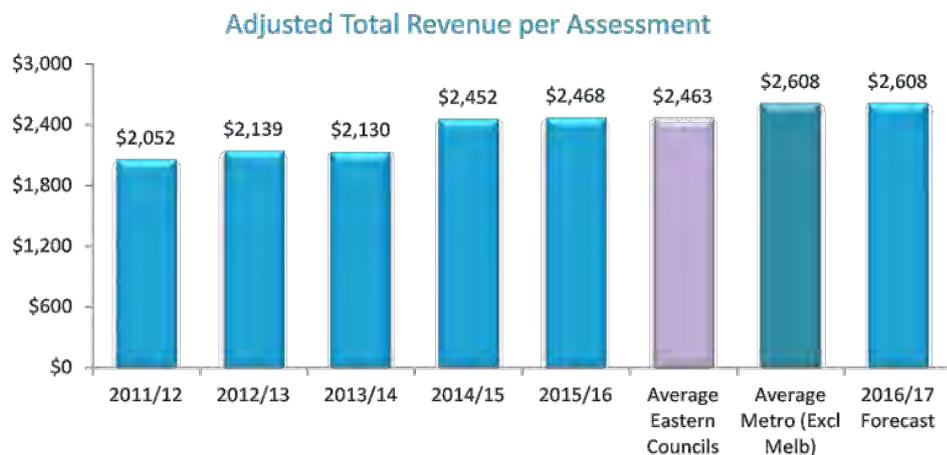
The warning trend for this indicator must be read in conjunction with the trends in operational spending. Council must be mindful to continue to provide operational services that meet the needs of their communities whilst keeping an appropriate balance of funds available to complete capital works. A rising trend in revenue (as compared to expenses) will indicate that Council is increasing its operational surplus and therefore ability to complete capital. Conversely a revenue trend that is growing less than expenses will indicate a declining ability to dedicate funds to capital.

Factors influencing the Indicator:

Large operational grant programs will influence this result on a year to year basis (NB capital grants are excluded from this ratio). Increases in rate revenue will strengthen the result.

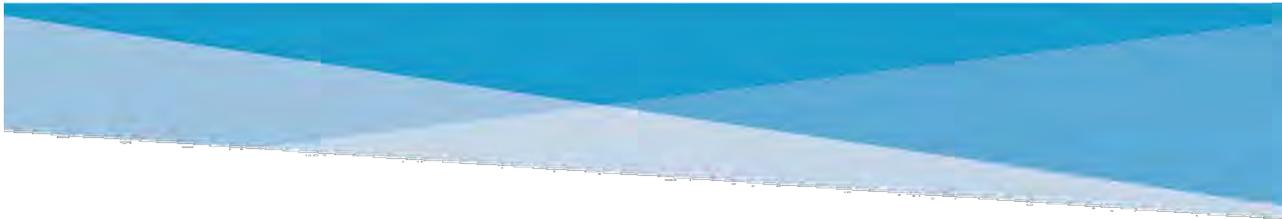
Council's Result at 30 June 2016: \$2,468
Council's Group Ranking: 6th highest of the 14 Councils
 (Ranking highest is the best outcome)

Graphical Presentation:



Commentary on Ratio:

Council's revenue is slightly higher than the average – a \$5 per assessment higher than the Eastern Council group average. This is a very result that will assist Council to provide for future capital works funding. With the introduction of rate capping in 2016-2017, Council's capacity to increase revenue is through fees and charges or operating grant income.



3.3 Net operational surplus per assessment

Explanation

This ratio shows the net operational position per assessment, combining the outcomes of the ratios presented in 3.1 and 3.2. The net operational position is an indicator that highlights to Council whether it has the balance correct between operational service provision and the retention of a sufficient operational surplus to complete capital spending.

Warning Trend:

An increasing net outcome will highlight that Council's ability to complete capital works is strengthening but may also indicate that it has altered its commitment to providing operational services to the community. A decreasing trend will highlight that the cost of providing operational services is consuming a greater proportion of the surplus funds available to fund capital works.

Factors influencing the Indicator:

Councils with large non-Rate Revenue bases (e.g. parking) that do not necessarily have matching expenditures will typically be strong in this ratio. Council's philosophy towards service provision will have a large bearing on the ratio outcome. Those Councils committed to providing strong operational services to the community, as compared to physical infrastructure, will typically have a lower result.

Council's Result at 30 June 2016: \$575
Council's Group Ranking: 7th highest of the 14 Councils
 (Ranking highest is the best outcome)

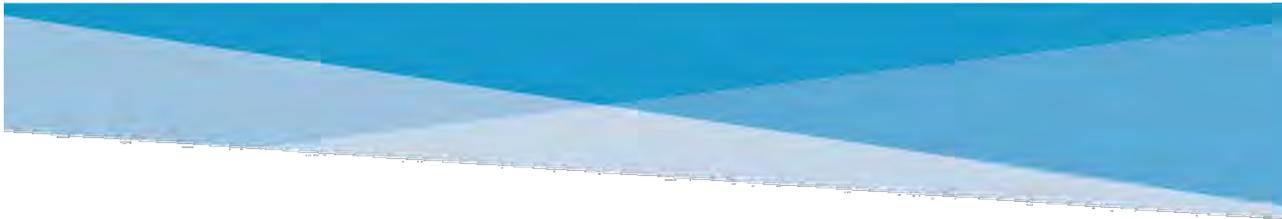
Graphical Presentation:



Commentary on Ratio:

The net outcome represents the combined balance of the previous two graphs and is therefore the net surplus that Council generates from operational revenues and expenses. It is the operational net surplus that provides the funding for Council's capital works program.

The above outcome highlights that on a net basis, Frankston records a \$23 per assessment higher net operational surplus than the average outcome for the Eastern Council group. As a result, net operational revenue and expenditure are contributing towards funding capital works compared to the average for the Eastern Group. This is a very good result for Council and contributes to the long term financial sustainability.



3.4 Employee Costs / Total Operating Expenses

Explanation

This ratio shows the total of employee costs expressed as a percentage of Council’s total operating expenses.

Warning Trend:

An increasing cost as a percentage of total expenditure may indicate that employee costs are increasing at a rate greater than Council’s total spending and therefore limiting Council’s flexibility to expend in areas other than employee costs. A reducing percentage may indicate that service levels are not being maintained or that service delivery is being outsourced.

Factors influencing the Indicator:

This indicator does need to be read with some caution as a number of factors will make direct comparisons between Councils problematic. The degree to which a Council outsources significant service delivery components will have a major impact on this ratio as will the extent of activity in services that Council delivers that may have off-setting revenues.

Another influencing factor will be the degree to which Council is able to deploy its staffing costs into the delivery of capital works. Employee costs shown in this ratio are only those that are applied to operational expenditure as indicated in the Income Statement. Finally the range of services offered by Council to meet community needs may impact the ratio with social based services being principally labour based.

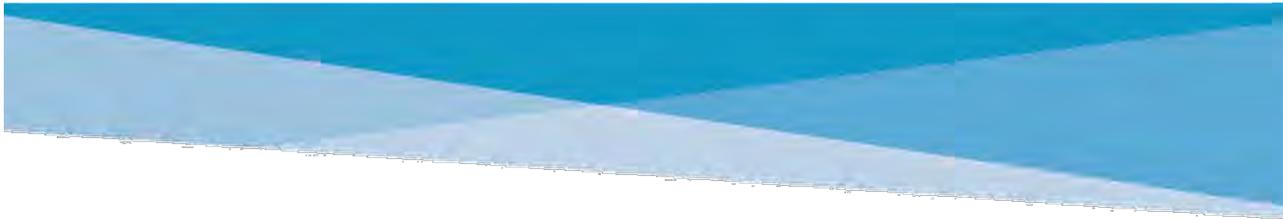
Council’s Result at 30 June 2016: 45.14%
Council’s Group Ranking: 3rd highest of the 14 Councils
 (Ranking lowest is the best outcome)

Graphical Presentation:



Commentary on Ratio:

Council’s performance in this ratio is above the average for expenditure on employee costs. The percentage in 2014-2015 is low due to the one off inclusion of \$9 million expenditure for the Stevenson’s Road liability payout. Overall, employee costs for Council are showing a reduction since 2013/14.



From 2014-2015, the figures became consolidated with PARC salaries included in the financial indicators. It is worth noting that had Council excluded the salaries for PARC, the indicators for 2014-2015 and 2015-2016 would reduce to 41.93% and 44.64% respectively.

This ratio does need to be read with considerable caution and the outcome is frequently contributed to by the mix and type of services provided by Council in comparison to others and the degree of outsourced labour in other municipalities. If other Councils provide more community services for example, these are largely labour intensive and therefore this ratio will be affected. Conversely where Councils outsource activities, staff costs will be lower.



4. Debt Key Performance Indicators

4.1 Debt Servicing Costs / Adjusted Total Revenue

Explanation

This ratio shows the amount of loan interest paid compared to adjusted total revenue.

Warning Trend:

Increasing debt-servicing costs indicate an increased financial burden on the current revenue base.

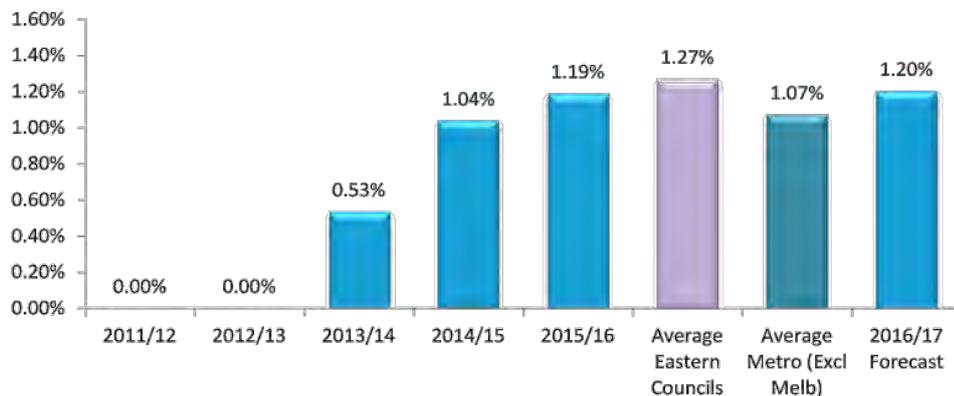
Factors influencing the Indicator:

Large capital works programs that are funded by loan programs will obviously impact on this ratio. Such programs may cause spikes in the ratio but must be managed to ensure loan ratios return to acceptable levels. Variations in adjusted total revenue both upwards and downwards obviously impact on this ratio. If grant income were to fall for example, this ratio would increase.

Council's Ratio at 30 June 2016: 1.19%
Council's Group Ranking: 5th highest of the 14 Councils
(Ranking midway is the best outcome)

Graphical Presentation:

Debt Servicing Costs / Adjusted Total Revenue



Commentary on Ratio:

Frankston City Council has taken up loan borrowings for the payment of its defined benefits superannuation liability, Stevenson's Road liability payout and major projects such as the Peninsula Aquatic Recreation Centre Frankston Yacht Club and the Frankston Regional Resource & Recycling Centre. A prudential limit of 5% in this ratio has been set by the Victorian Government and Council is well below this guideline.



4.2 Total Indebtedness / Total Rate Revenue

Explanation

This ratio measures the level of indebtedness compared to the rate base that supports it.

Warning Trend:

An increasing trend may indicate an over-reliance on loan funding for capital works. A decreasing trend may indicate redemption of loans.

Factors influencing the indicator:

Increases in rate revenue either through percentage increases to ratepayers or through growth in the municipality will affect this ratio.

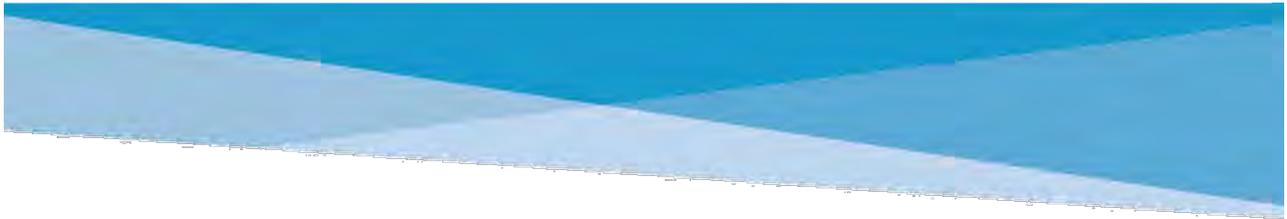
Council's Ratio at 30 June 2016: 34.44%
Council's Group Ranking: 3rd highest of the 14 Councils
 (Ranking midway is the best outcome)

Graphical Presentation:

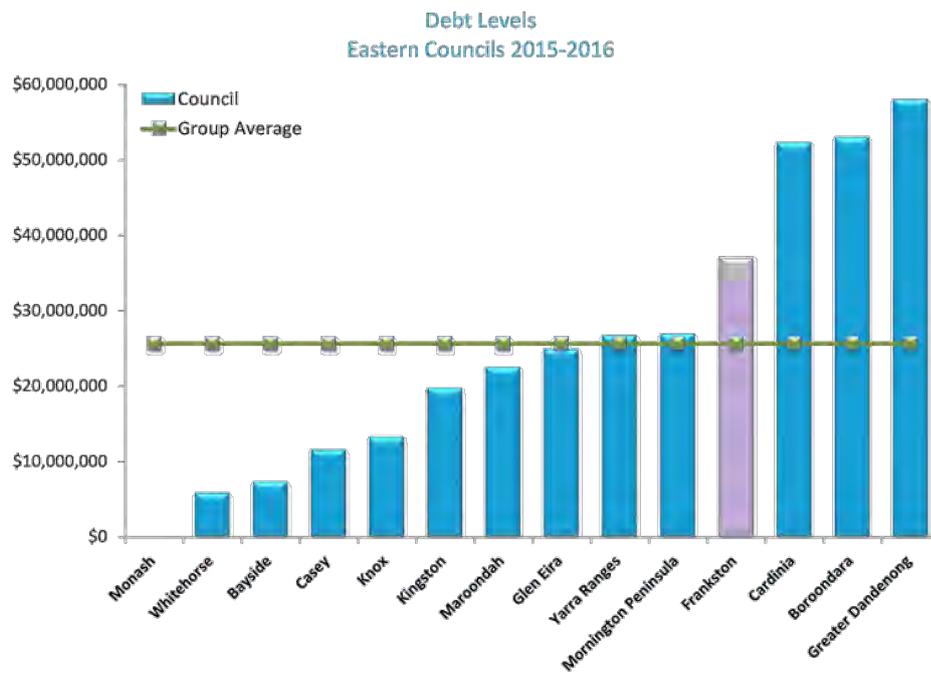


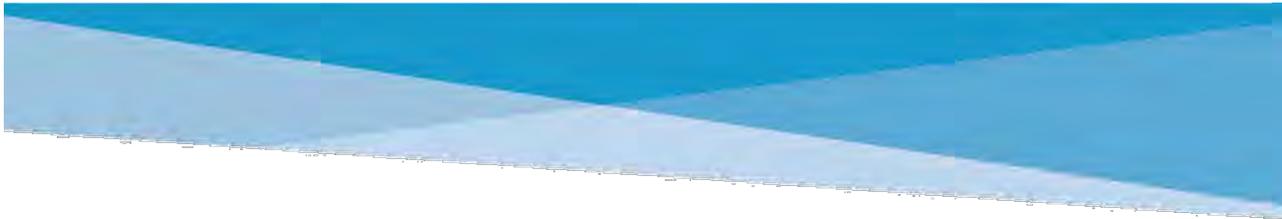
Commentary on Ratio:

Indebtedness to rate revenue is perhaps one of the most used debt indicators and the Victorian Government have established prudential guidelines in relation to this indicator. The prudential limit has been established at 80% with outcomes in excess of 60% being required to demonstrate long-term plans for debt reduction, prior to permission for further borrowings being granted.



The graph presented below highlights the level of indebtedness recorded by the Eastern Melbourne Metropolitan Council grouping in 2015-2016.





4.3 Non-current liabilities / Own source revenue

Explanation

This ratio measures the level of long term liabilities compared to own source revenue.

Warning Trend:

An increasing trend may indicate that the level of long term liabilities is not appropriate to the size and nature of Council's activities. A high or increasing level of long term liabilities suggests a decline in the capacity of Council to meet long term obligations.

Factors influencing the Indicator:

Changes in revenue from rates, fees and charges or interest will affect this ratio.

Council's Ratio at 30 June 2016: 27.36%
Council's Group Ranking: 3rd highest of the 14 Councils
 (Ranking lowest is the best outcome)

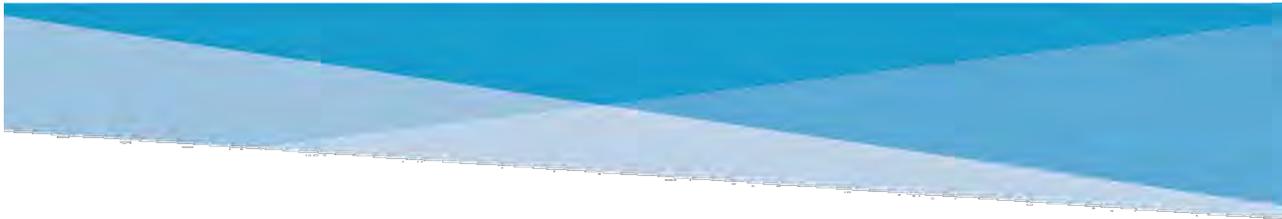
Graphical Presentation:



Commentary on Ratio:

Council's ratio of non-current liabilities to own source revenue are in line with the average of the fourteen benchmarked Councils.

The 27.36 per cent result in 2015-2016 is well within the permissible range defined by the Department of Transport, Planning and Local Infrastructure in its Local Government Performance Reporting Framework Better Practice Guide 2014-2015. The 2016-2017 estimate is expected to decrease to 25.99 per cent due to no further drawdown in borrowing and the redemption of current loans.



5. Asset Key Performance Indicators

5.1 Operating Surplus (Deficit) / Total Assets

Explanation

This ratio indicates the proportion of operating surplus/deficit that contributes to or erodes the total asset base.

Warning Trend:

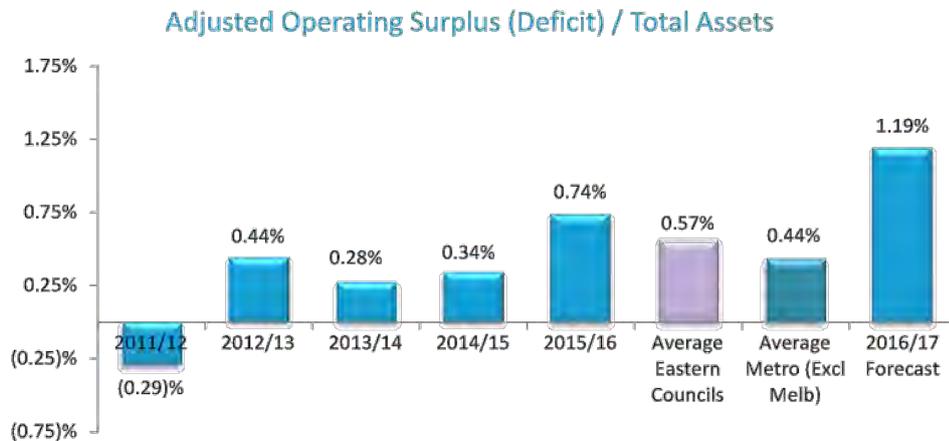
An inability to record a positive ratio may indicate long-term sustainability issues for Council to address. A negative ratio indicates the asset base is being eroded.

Factors influencing the Indicator:

In calculating the performance of Council, the Operating Statement result disclosed in the Annual Report has been adjusted to discount the effect of sale of assets, assets contributed by developers, the net effect of any asset revaluation / write off, and also the amount of capital income. The adjusted outcome is therefore a true reflection of the Council's performance.

Council's Ratio at 30 June 2016: 0.74%
Council's Group Ranking: 6th highest of the 14 Councils
 (Ranking highest is the best outcome)

Graphical Presentation:



Commentary on Ratio:

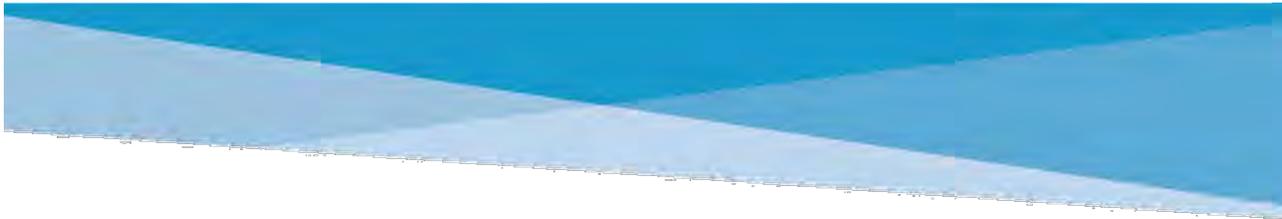
This ratio is an important one and a cornerstone of Council's strategic financial planning. The achievement of an underlying operational surplus, net of all non-operational items is a critical component of becoming a financially sustainable Council in the long-term. The focus on this ratio is shared by the Auditor-General who reports on industry performance in underlying results annually (although using a differing methodology than above).

Council's result in 2015-2016 represented a continued positive performance and is forecasting to again provide a surplus in 2016-2017. A surplus needs to be achieved in future years in order to become financially sustainable in the long term.



The graph presented below highlights in straight dollar terms the various underlying operating results recorded by the Eastern Melbourne Council grouping in 2015-2016.





5.2 Total Assets / Rateable Properties

Explanation

Determines the amount of Council assets per rateable property.

Warning Trend:

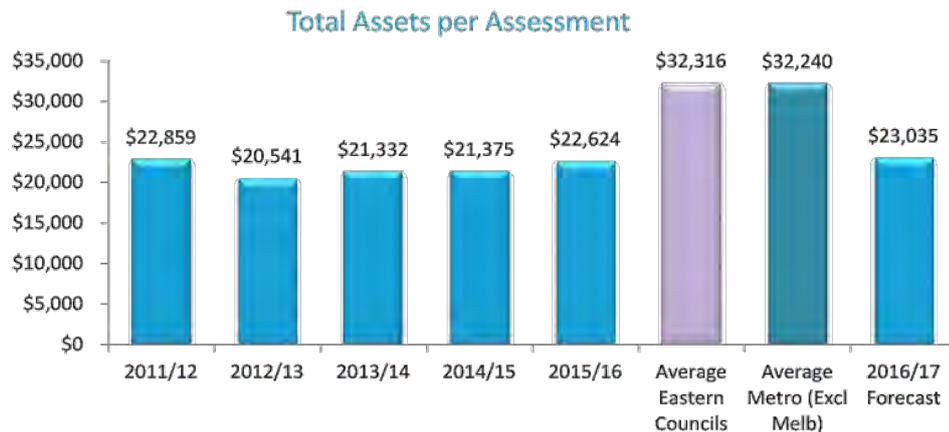
A decreasing trend may indicate the declining useful lives of assets that are not being replaced by Council via capital expenditure.

Factors influencing the indicator:

The policies that various Councils adopt in terms of what constitutes capital expenditure and differing depreciation rates may affect this ratio by changing the Total Assets figure.

Council's Ratio at 30 June 2016: \$22,624
Council's Group Ranking: 3rd lowest of the 14 Councils
 (Ranking midway is the best outcome)

Graphical Presentation:



Commentary on Ratio:

Frankston City Council shows a median result of the Eastern Councils amongst results that vary from \$16,359 (Yarra Ranges) through to \$65,426 (Bayside). The wide variation illustrates the varying practices that exist at present in the local government industry in terms of recognition and valuation of infrastructure assets.

In terms of looking at Council's result further, Frankston City Council has \$14,211 of realisable assets per assessment and \$8,413 of non-realisable assets, compared to group averages of \$23,307 and \$9,009 respectively. The gap between Frankston and the average outcome therefore resides in the realisable asset grouping (i.e. Land and Buildings). This ratio is impacted upon by the large variations in land and building values in some Council's in the Eastern Melbourne group compared to Frankston.



5.3 Current Assets / Current Liability

Explanation

This ratio is the traditional Working Capital Ratio that is widely used in private enterprise and is a mandatory performance measurement for Local Government.

Warning Trend:

A decreasing trend, and in particular a ratio below 100%, may indicate Council cannot meet its current debt obligations (i.e. debts that will be due within the current twelve month period).

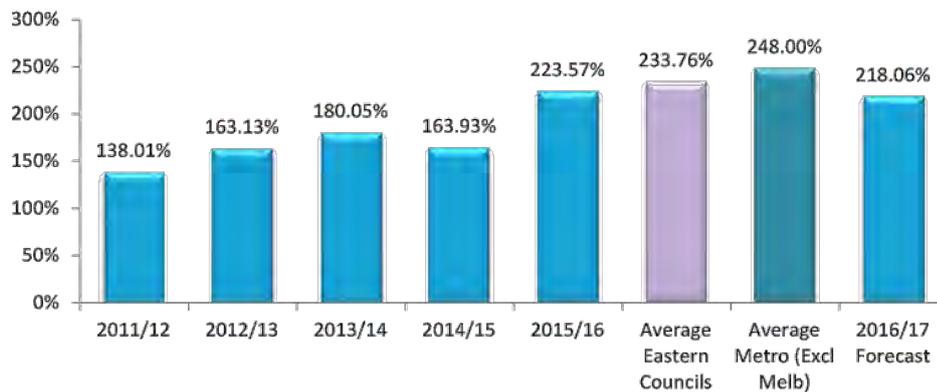
Factors influencing the Indicator:

The level of cash funds held in Reserve funds will influence this ratio.

Council's Ratio at 30 June 2016: 223.57%
Council's Group Ranking: 6th lowest of the 14 Councils
 (Ranking midway is the best outcome)

Graphical Presentation:

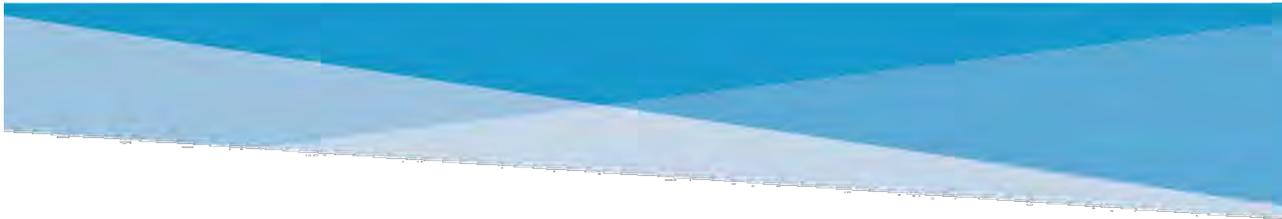
Current Assets / Current Liabilities



Commentary on Ratio:

Council's working capital ratio has increased over the past year to 223.57 per cent or \$2.24 of current assets for every \$1 of current liabilities. Any ratio over 150% represents a sound outcome in terms of short-term liquidity. The 2016-2017 forecast is estimated to decrease to an acceptable level of 218.06 per cent and continue at this level going forward.

In terms of its approach to management accounting, Council calculates its accumulated cash surplus which is represented by Current Assets and Non-Current Receivables for Special Charges (excluding land held for resale) less the balance of Current and Non-Current Liabilities (excluding interest bearing liabilities and landfill provisions) and Council Reserve funds (excluding Asset Revaluation). It is forecast that the accumulated cash surplus for 30 June 2016 will be in the order of \$1.398 million.



5.4 Total Depreciation / Total Assets

Explanation

This ratio compares the total amount of depreciation charged as a percentage of the total assets base. Preferably the total assets should be less any non-depreciable assets such as land but to enable comparability across Councils, total assets has been used.

Warning Trend:

A lower than average outcome may indicate that Council's depreciation rates are too low (i.e. that Council is assuming assets will have a longer useful life than those in comparable municipalities). A higher than average trend may indicate that Council is 'over-depreciating' and useful lives are too short.

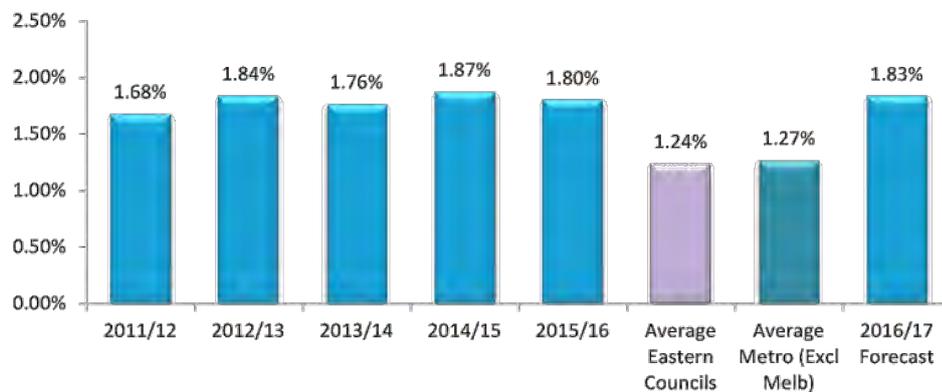
Factors influencing the Indicator:

The assumptions made by each Council on useful lives of assets, and therefore depreciation rates used, will influence outcomes. It is important that each Council thoroughly consider local conditions that impact on outcomes at an individual Council level.

Council's Ratio at 30 June 2016: 1.80%
Council's Group Ranking: 2nd highest of the 14 Councils
 (Ranking midway is the best outcome)

Graphical Presentation:

Total Depreciation / Total Assets

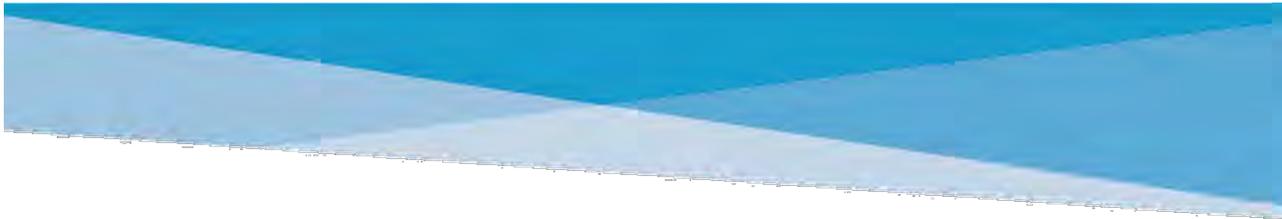


Commentary on Ratio:

This ratio has some importance due to the impact that depreciation expenses have on the overall operating result and hence the underlying operating outcome. If Council is under-depreciating it may present an 'artificially' more favourable operating result than like Councils.

Council's depreciation levels are much higher than the average for the like grouping and the Melbourne metropolitan area as a whole. Council will continue to review its useful life assumptions, including subjecting these to external review by industry experts in this field.

The following ratio is perhaps more meaningful for the purposes of comparison.



5.5 Depreciation on Infrastructure / Total Infrastructure Assets

Explanation

This ratio compares the total amount of depreciation charged on infrastructure assets as a percentage of the total infrastructure assets base.

Warning Trend:

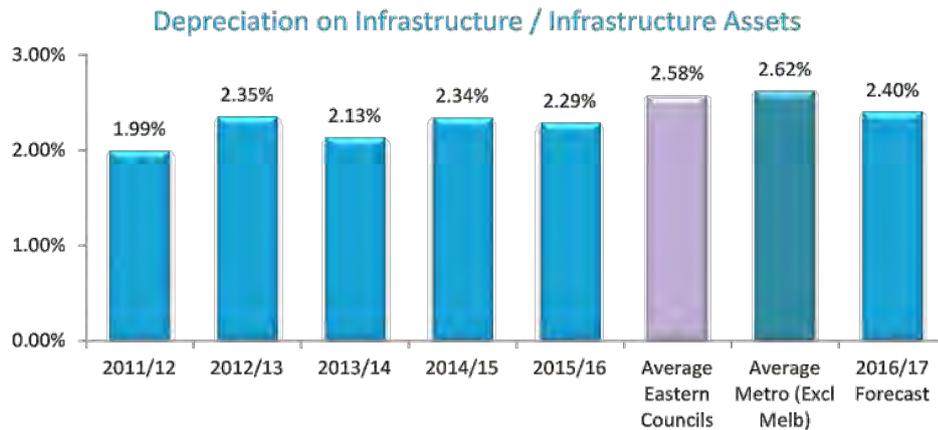
A lower than average outcome may indicate that Council's depreciation rates are too low (i.e. that Council is assuming assets will have a longer useful life than those in comparable municipalities). A higher than average trend may indicate that Council is 'over-depreciating' and useful lives are too short.

Factors influencing the Indicator:

As per Section 5.4

Council's Ratio at 30 June 2016: 2.29%
Council's Group Ranking: 6th lowest of the 14 Councils
 (Ranking midway is the best outcome)

Graphical Presentation:



Commentary on Ratio:

As distinct to the previous ratio, this indicator views depreciation on infrastructure assets in isolation. It highlights that Frankston City Council is consistent with the average in terms of the overall depreciation rates used in respect of infrastructure assets (i.e. roads, drains, kerb & channel etc.).

Asset accounting is still an emerging science in local government and there remains a good deal of disparity between Councils in terms of assumptions on asset replacement costs and useful lives of assets. It is more important that Frankston City Council has comfort that its review processes are adequate than it is to be at the industry average. Whilst asset management improvement is ongoing, the current measures do not support that there is an issue to be rectified with low depreciation expenses. It continues to be important for Frankston to regularly review the conditions of its assets and update useful life assumptions appropriate to its needs.



6. Capital Outlays Key Performance Indicators

6.1 Total Capital Outlays / Total Cash Outflows

Explanation

This ratio presents the total capital outlays as a percentage of total cash outflows as displayed in the Statement of Cash Flows.

Warning Trend:

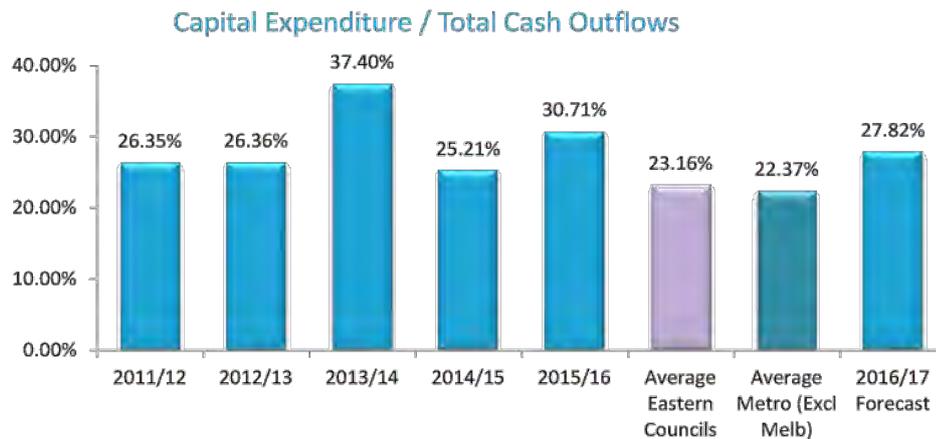
A decreasing trend may indicate an inability to renew assets as they reach the end of their useful lives. This indicator measures the total capital spend and includes funding of new assets in addition to asset renewal. It indicates the percentage of total cash outflows that is converted to capital spending.

Factors influencing the Indicator:

The consumption of non-recurring capital income such as large capital grants for individual projects, undertaking of borrowings and the use of Council reserve funds affect this measure significantly. Any major projects that attract these capital funds will cause this result to improve periodically.

Council's Ratio at 30 June 2016: 30.71%
Council's Group Ranking: 2nd highest of the 14 Councils
 (Ranking highest is the best outcome)

Graphical Presentation:

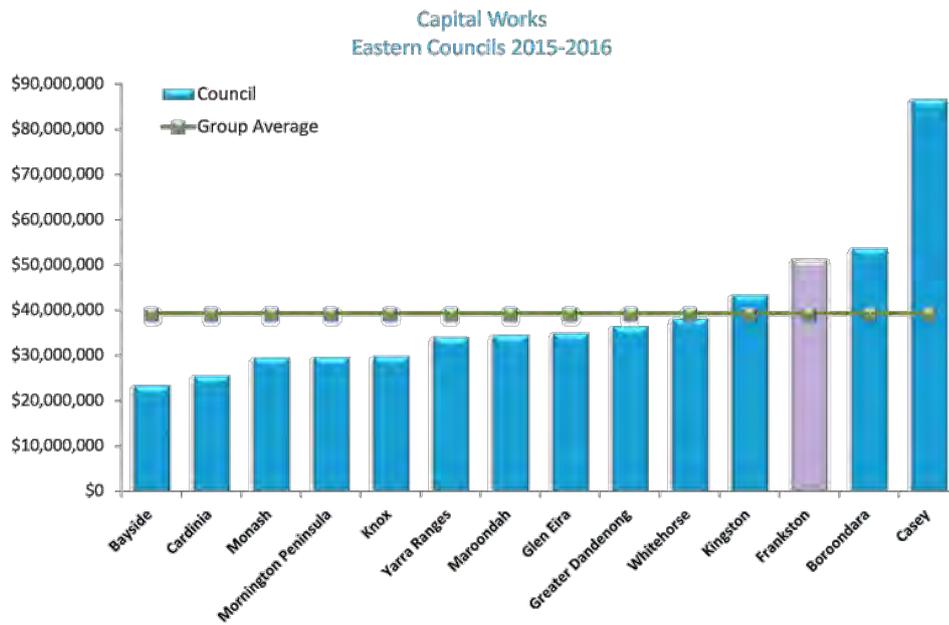


Commentary on Ratio:

The level of capital outlays is critical to Council in being able to replace assets at the end of their lives and for the construction of new assets to meet emerging community needs. Council has taken an active role in addressing the renewal gap and this is evidenced by the above indicator which shows that Council has increased its spending on capital over the past five years. The 2013-2014 year had increased significantly due to the capital spend on the Peninsula Aquatic Recreation Centre. The indicator forecasts 2016-2017 to continue at an average level of spend. Maintaining a strong capital works program should continue to be a long term strategy for Council.



The graph presented below highlights in straight dollar terms the various Capital Expenditure results recorded by the Eastern Melbourne Council grouping in 2015-2016.





6.2 Total Capital Outlays on Renewal and Upgrade / Total Depreciation

Explanation

This ratio presents the total capital outlays on asset renewal and asset upgrade as a percentage of total depreciation

Warning Trend:

An indicator of less than 100% indicates that Council is not sustaining its asset base.

Factors influencing the Indicator:

The influencing factors for this ratio are quite varied. All of the issues relating to capital funding outlined in the previous two sections are applicable as are those relating to depreciation rates, assumptions on useful lives of assets and what represents capital spending. All these issues aside, the ratio still presents a quite useful snapshot of Council's performance.

Council's Ratio at 30 June 2016:

112.8%

Council's Group Ranking:

7th highest of the 14 Councils

(Ranking highest is the best outcome)

Graphical Presentation:

Capital Expenditure on Renewal & Upgrade / Depreciation



Commentary on Ratio:

The purpose of the above ratio is to contrast capital expenditure on renewal and upgrade effort against depreciation (annual consumption) of the asset base. Achievement of a 100% plus result is the minimum acceptable outcome if Council's existing assets are to be maintained. It should be noted however that all Councils must also eradicate any existing backlog that have established through many years of under-spending and an outcome in excess of 100% may be required for some time.

It is also important to note that depreciation reflects the annual consumption of existing assets and is frequently not a true reflection of asset renewal costs which are typically higher.



6.3 Rate Funded Capital Works / Adjusted Total Revenue

Explanation

This ratio presents the total capital outlays funded by Council funding sources (excluding capital grants, contributions and loan funds) as a percentage of adjusted total revenue.

Warning Trend:

A decreasing trend may indicate that the cost of providing operational services is consuming more of the rate revenue base, leaving fewer funds available for asset replacement/ renewal.

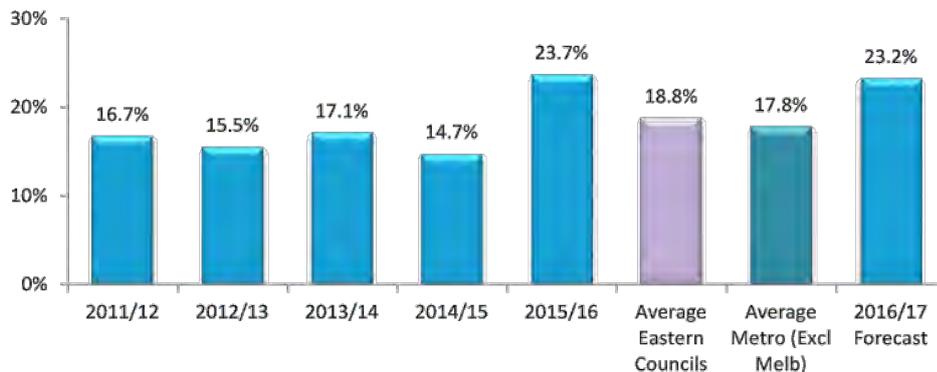
Factors influencing the Indicator:

As per previous capital works sections, Council's rating strategy and levels of rate increases will impact on this ratio. A large unexpended carryover of capital works will lower this result. Capital grants received in advance but not expended will also lower the result.

Council's Ratio at 30 June 2016: 23.7%
Council's Group Ranking: 3rd highest of the 14 Councils
(Ranking highest is the best outcome)

Graphical Presentation:

Rate Funded Capital Works / Adjusted Total Revenue



Commentary on Ratio:

This final ratio on capital works effort contrasts capital expenditure that is funded from Council's own source revenue (excluding capital grants, contributions and loan funds) against total adjusted revenue.

Frankston City Council spending on capital works in 2011-2012 to 2014-2015 had reduced in order to address liquidity concerns. With Council's liquidity currently in a sustainable position over the term of the Long Term Financial Plan, it is the plan of Council to improve this ratio going forward as indicated in 2015-2016 to 2016-2017. The issue that could impede this positive performance is the restriction of rate capping.



B. Glossary

Act	means the <i>Local Government Act 1989</i>
Annual report	means a report of the council's operations of the previous financial year and contains a report of operations, audited financial statements and an audited performance statement
Asset expansion expenditure	means expenditure that extends the capacity of an existing asset to provide benefits to new users at the same standard as is provided to existing beneficiaries
Asset expenditure type	means the following types of asset expenditure: (a) asset renewal expenditure; (b) new asset expenditure; (c) asset upgrade expenditure; (d) asset expansion expenditure
Asset renewal expenditure	means expenditure on an existing asset or on replacing an existing asset that returns the service capability of the asset to its original capability
Asset upgrade expenditure	means expenditure that: (a) enhances an existing asset to provide a higher level of service; or (b) increases the life of the asset beyond its original life
Australian Accounting Standards (AASB)	means the accounting standards published by the Australian Accounting Standards Board
Budget	means a plan setting out the services and initiatives to be funded for the financial year and how they will contribute to achieving the strategic objectives specified in the council plan
Capital works expenditure	means expenditure on non-current assets and includes new assets, asset renewal, asset expansion and asset upgrade
Council plan	means a plan setting out the medium-term strategic objectives, strategies, strategic indicators and resources reflecting vision and aspirations of the community for the next four year
Financial resources	means income, expenditure, assets, liabilities, equity, cash and capital works required to deliver the services and initiatives in the budget
Financial statements	means the financial statements and notes prepared in accordance with the Local Government Model Financial Report, Australian Accounting Standards and other applicable standards as they apply to the general purpose financial reports and a statement of capital works and included in the annual report



Financial year	means the period of 12 months ending on 30 June each year
Human resources	means the staff employed by a council
Indicator	means what will be measured to assess performance
Initiatives	means actions that are one-off in nature and/or lead to improvements in service
Major initiatives	means significant initiatives that will directly contribute to the achievement of the council plan during the current year and have a major focus in the budget
Minister	means the Minister for Local Government
Model budget	means the <i>Victorian City Council Model Budget</i> prepared annually by the Chartered Accountants in Australia and New Zealand
New asset expenditure	means expenditure that creates a new asset that provides a service that does not currently exist
Non-financial resources	means the resources other than financial resources required to deliver the services and initiatives in the budget
Non-recurrent grant	means a grant obtained on the condition that it be expended in a specified manner and is not expected to be received again during the period covered by a Council's Strategic Resource Plan
Planning and accountability framework	means the key statutory planning and reporting documents that are required to be prepared by councils to ensure accountability to local communities in the performance of functions and exercise of powers under the Act
Performance statement	means a statement including the results of the prescribed service outcome indicators, financial performance indicators and sustainable capacity indicators for the financial year and included in the annual report
Recurrent grant	means a grant other than a non-recurrent grant
Regulations (LGR)	means the Local Government (Planning and Reporting) Regulations 2014
Report of operations	means a report containing a description of the operations of the council during the financial year and included in the annual report
Services	means assistance, support, advice and other actions undertaken by a council for the benefit of the local community
Statement of capital works	means a statement which shows all capital expenditure of a council in relation to non-current assets and asset expenditure type prepared accordance to the model statement of capital works in the Local Government Financial Report
Strategic objectives	means the outcomes a council is seeking to achieve over the next four years and included in the council plan
Strategic resource plan	means a plan of the financial and non-financial resources



	for at least the next four years required to achieve the strategic objectives in the council plan. Is also referred to as a long term financial plan
Strategies	means high level actions directed at achieving the strategic objectives in the council plan
Statement of human resources	means a statement which shows all council staff expenditure and numbers of full time equivalent council staff
Statements of non-financial resources	means a statement which describes the non-financial resources including human resources
Summary of planned capital works expenditure	means a summary of capital works expenditure in relation to non-current assets classified according to the model statement of capital works in the Local Government Financial Report, by asset expenditure type and funding source
Summary of planned human resources expenditure	means a summary of permanent council staff expenditure and numbers of full time equivalent council staff categorised according to the organisational structure of the council

Executive Summary**12.2 Authorisation of Instrument of Delegation - Frankston Arts Board**

Enquiries: (Michael Craighead: Corporate Development)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.3 Ensure good governance and management of Council resources
Priority Action	3.3.2 Implement a schedule of reviews of services, plans, policies and protocols to ensure good governance

Purpose

To obtain a formal resolution to enable the reviewed Instrument of Delegation for the Frankston Arts Board to be signed and sealed.

Recommendation (Director Corporate Development)

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.

Key Points / Issues

- In accordance with the *Local Government Act 1989, section 98 (6)*, a Council must review within a period of 12 months after a general election all delegations which are in force and have been made by the Council.
- The Instrument of Delegation to the Frankston Arts Board were last updated and presented to Council for endorsement at meeting OM278 on 5 October 2015 which is included as **Attachment A** of this report.
- The revised marked up Instrument of Delegation which is included as **Attachment B** of this report has been updated to reflect any changes. (**Red** = to be removed, **Blue** = to be added)
- Adoption of the presented instruments will facilitate continuation of Council's current decision making processes and ensures that Council remains compliant with legislation.

Financial Impact

For the 2017-2018 financial year, the State Government Minister for Local Government has announced a limit on the amount Victorian councils may increase rates. The cap for the 2017-2018 financial year is 2%. The cap is based on the Consumer Price Index expected for the financial year.

This cap has a significant effect on Council's current Long Term Financial Planning, with rate revenue being \$9 million less than anticipated over the first four years, growing to \$17 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

12.2 Authorisation of Instrument of Delegation - Frankston Arts Board**Executive Summary****Consultation****1. External Stakeholders**

The Instrument of Delegation was developed in accordance with the findings of the Best Value Review on the Frankston Arts Centre, which was conducted by SGS, and then updated and revised in accordance with Council's resolution.

2. Other Stakeholders

The Frankston Arts Board was consulted and contributed to the development and review of the Instrument of Delegation.

Analysis (Environmental / Economic / Social Implications)

The Frankston Arts Board will be one of the key mechanisms by which Council engages with the diverse cultural requirements of the community. It will meet at least ten times per year, including meetings with Council and oversee sub-committees as required. The Board will consider current social issues in the development of programs and the use of arts to enhance the vibrancy of the city.

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

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

Legal

The Instrument of Delegation sets out the powers and functions of the Frankston Arts Board. Clause 2.1 states that the delegation "comes into force immediately the common seal of Council is affixed".

Clause 12 of Council's Governance Local Law sets out the requirements in relation to the use of Council's common seal.

Policy Impacts

The Instrument of Delegation is consistent with the Frankston Arts Strategy.

Officer's Declaration of Interests

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

Risk Mitigation

The revised Instrument of Delegation will mitigate risk by improving clarity about the functions, powers, roles and responsibilities of the Frankston Arts Board.

Conclusion

The revised Instrument of Delegation to the Frankston Arts Board (included as Attachment A) has been updated and amended in accordance with Council's resolution.

The Instrument is now presented to Council for endorsement.

12.2 Authorisation of Instrument of Delegation - Frankston Arts Board

Executive Summary

ATTACHMENTS

Attachment A: Instrument of Delegation - Frankston Art Centre Board as adopted by Council 5 October 2015

Attachment B: Marked up revised Instrument of Delegation - Frankston Arts Board



**Frankston City Council
Instrument of Delegation
FRANKSTON ARTS BOARD
Special Committee**

Frankston City Council (Council) delegates to the special committee established by resolution of Council passed on 7 March 1994 and known as the "Frankston Arts Board" (the Board), the powers and functions set out in the Schedule,

AND declares that

- 1. this Instrument of Delegation is authorised by a resolution of Council passed on 5 October 2015;
- 2. the delegation:
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 remains in force until Council resolves to vary or revoke it; and
 - 2.3 is to be exercised in accordance with the guidelines or policies which Council from time to time adopts; and
- 3. all members of the Board have voting rights.

THE COMMON SEAL of
FRANKSTON CITY COUNCIL was
affixed in the presence of:



S. Mayer

Councillor

[Signature]

Chief Executive Officer

SCHEDULE

Frankston Arts Board Special Committee

1. Purpose

To exercise Council's functions and powers and to perform Council's duties in relation to the strategic direction, roles and function of the Arts in Frankston, including Frankston Arts Centre, as detailed in this Instrument of Delegation.

For the purpose of this Instrument of Delegation, reference to "the Arts" shall mean the promotion and development of the performing, visual and public arts in Frankston and the region including Frankston Arts Centre (comprising Theatre, Function Centre, Cube 37 and associated services).

2. Roles and Responsibilities of the Board

The following principles shall guide all decisions:

- Financial sustainability
- Focus on creativity
- A visionary approach

Consequently in consultation with Council, the Board shall,

- a. develop a biennial Strategic Plan and review it each year in November, giving direction for the Arts in Frankston in consultation with community, key staff & stakeholders;
- b. seek and establish appropriate external funding support for programs via government, philanthropic and sponsorship sources;
- c. ensure a balance and provision of community service obligations and commercial imperatives; and
- d. ensure compliance with the *Local Government Act*, Council's *Governance Local Law*, and this Instrument of Delegation;
- e. maintain good governance practices through monthly Board meetings, Board development and renewal and (as required) sub-committees.

3. Reporting Requirements

The Board must report to Council against its Strategic Plan on an annual basis, and meet with Council up to twice a year.

4. Functions and Powers

The Council hereby delegates to the Board the following functions and powers subject to the following conditions and restrictions:

- a. Place the Arts at the heart of public life in Frankston, embodying Council's vision for the municipality as a desirable place to live, work, and visit.
 - i. fostering strategic partnerships with organisations working in or supporting Arts related activities such as arts companies, galleries, tertiary education establishments, businesses, State and Federal Government; noting that all formal contact representing the Frankston Arts Board must be undertaken subject to approval of the Chair, and the Mayor and CEO in relation to all levels of government
 - ii. encouraging the highest standards of creativity and excellence in all aspects of Arts related activities, recognising the contribution of local independent practising artists;
 - iii. promoting the importance of the Arts in the development of children and young people, and of Arts related activities that contribute to lifelong learning and combat social exclusion;
 - iv. advising and providing comment to Council on the acquisition, commissioning and implementation of high-quality integrated public art and public performance in Frankston.
- b. To fully and properly govern Frankston Arts Centre by informing, supporting and ensuring the financial and general management of Frankston Arts Centre and its associated services, carried out by Council officers who shall, in consultation with the Board:
 - i. submit to Council no later than 30 November each year, a Budget and Business Plan for the following year commencing 1 July of the following year (or such other date as required by Council);
 - ii. keep full accounts of all income and expenditure, including the City of Frankston Theatre Library Trust account, and other matters required by Council with respect to the management of the Centre and its services. Such accounts are subject to the auditing requirements of the *Local Government Act* and Regulations;
 - iii. provide operational reports, risk plan and capital works submissions to Council;
 - iv. not enter into any contract (including a contract to employ or engage any agent, consultant or other person) that exceeds \$100,000 in any period of 12 months.

- c. To establish and dissolve sub-committees or portfolios of the Board for the purpose of furthering the aims of the Board within the limits of its delegated authority. These sub-committees or portfolios report directly to the Board.
- d. The Board shall conduct a self-assessment of its performance annually.

5. Financial Delegation

- a. The Board shall exercise any financial delegations as determined by Council on an annual basis;
- b. The Board shall not borrow money.

6. Appointment of Members to the Board

The Board shall consist of up to ten members comprising where possible of the following:

• An Independent Chairperson	1
• Councillors (representing the Community)	2
• Chief Executive Officer (ex-Officio)	1
• Arts representatives	2
• Business representatives	2
• Financial/Legal representative	1
• Manager, Arts and Culture	1

7. Appointment of Arts, Business and Community Representatives by Council to the Board

The selection and appointment by Council of arts, business and financial/legal representatives to the Board will be by:

- a. applications from public advertisement;
- b. response to key criteria; and
- c. interview process.

An existing Board Member may be reappointed by agreement of the Board Governance Committee, comprising of the Mayor, the Chairperson and the CEO, and Council at the completion of their term, for no more than 3 consecutive terms, without the need to reapply, subject to satisfactory performance of that Board Member.

Council reserves the right not to appoint a person in response to the advertisement process.

8. Appointment of the Independent Chairperson

Selection of the candidate for the position of Independent Chairperson is delegated by Council to the CEO who will make recommendations to Council after a recruitment process which may include recruitment via specialist board recruitment agencies or by consideration of existing board members who have both considerable experience as a board member with the Frankston Arts Board and specialist experience in governance.

9. Remuneration

Positions on the Board are honorary. An allowance budget exists to reimburse Board Members for approved and legitimate expenses whilst acting in their capacity as Board Members.

10. Period of Tenure

Unless otherwise resolved by Council, Councillor appointments are for one year and all other appointments are for a period of three years. If a resignation from the Board occurs within the three year term, the Board will bring the matter to the attention of Council.

Board members shall not be able to serve more than three consecutive terms on the Board.

Appointments to the Board shall be determined by the Council and the Council may at any time remove a member of the Board. Any such appointment shall be subject to the person signing a Council "Consent to Act" statement prior to taking their seat on the Board.

11. Liability of Board Members

Council shall indemnify the Board and individual Board members from all actions, suits and demands in respect to the planning, operations and management of Arts related activities (including Frankston Arts Centre) in respect of any act or thing done or omitted to be done in good faith. Council will maintain Public Liability, Professional Indemnity and other appropriate insurances.

12. Confidential Information

Board members must not release information that the person knows, or should reasonably know, is confidential information (*Local Government Act*, section 77).

13. Conflict of Interest

Board members must comply with the pecuniary interest provisions in sections 78 and 79 of the *Local Government Act*, and are also subject to register of interest requirements as outlined in section 81 of the Act.

Board members are required to declare all conflicts of interest. A Board member is deemed to have a conflict of interest in respect of a matter if the member has a direct interest or indirect interest in the matter.

A Board member has a direct interest in a matter if there is a reasonable likelihood that:

- the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way;
- the Member will receive a direct benefit or loss than can be measured in financial terms if the matter is decided in a particular way; or
- the residential amenity of the member will be directly affected if the matter is decided in a particular way.

A Board member has an indirect interest in a matter if the member has:

- indirect interest by close association;
- indirect interest that is an indirect financial interest;
- indirect interest because of conflicting duties;
- indirect interest because of receipt of an applicable gift; or
- indirect interest as a consequence of becoming an interested party.

More detailed information about conflicts of interest can be found on Local Government Victoria's website at delwp.vic.gov.au > Local Government > Publications and research > Council Governance > Conflict of Interest Guides.

Disclosure of conflict of interest

If a Board member has a conflict of interest in a matter which is to be, or is likely to be, considered or discussed at a meeting, whether the member intends or does not intend to be present at the meeting, the member must make a full disclosure of that interest as prescribed in sections 79(2) or 79(3) of the *Local Government Act*.

The Chairperson must provide the Chief Executive Officer with any written disclosure given.

In the event of a conflict of interest, while the matter is being considered or any vote taken in relation to the matter, the Board member must leave the room and notify the Chairperson that they are doing so and remain outside the room.

If a Board member discloses a conflict of interest, the Chairperson must record in the minutes of the meeting: the declaration of the conflict of interest; and the classification of the interest that has given rise to the conflict.

14. Board Meetings

Meetings must comply with the provisions of the *Local Government Act* and Council's *Governance Local Law* as amended from time to time (as appropriate), and this Deed of Delegation including:

Meeting Attendance

Board members are expected to attend at least 75% of Board meetings in any financial year unless special leave is obtained from the Board.

Independent Chairperson

Council shall appoint the Independent Chairperson and in the event of the Chairperson's absence from a Board meeting, the Board will elect a Chairperson from those present at the meeting.

Professional Advisers to the Board

Council officers or other persons will attend Board meetings to provide professional advice and respond to questions. Such persons shall not have voting rights.

Meetings Open to the Public

Meetings of the Board shall be open to the public. Reasonable public notice of Board meetings must be given (*Local Government Act*, s.89(5)).

The Board may resolve that the meeting or part of the meeting be closed to members of the public if the meeting is discussing any of the following:-

- personnel matters;
- the personal hardship of any resident or ratepayer;
- industrial matters;
- contractual matters;
- proposed developments;
- legal advice;
- matters affecting the security of Council property;
- any other matter which the special committee considers would prejudice the Council or any person; or
- a resolution to close the meeting to members of the public.

The reason for closing a meeting to members of the public must be recorded in the minutes of the meeting.

Voting

Voting at Board meetings shall be in accordance with s.90 of the *Local Government Act*.

The Manager, Arts and Culture or delegate shall be the only Council officer with voting rights.

Quorum

Five members shall constitute a quorum for Board meetings.

Minutes of meetings

Minutes are to be prepared during the meeting and in view of Board members, and circulated within three business days. The Chairperson must arrange for minutes to be kept.

The Chairperson must submit the minutes to the next meeting of the Frankston Arts Board for confirmation.

Once the minutes have been confirmed, the Chairperson at the meeting must sign the minutes and certify that they have been confirmed.

15. Employment of Staff

The Manager, Arts and Culture and necessary support staff are employees of Council. Accordingly, the Council's human resource policies shall apply to such staff unless otherwise varied by individual contracts of employment.

16. Secretary to the Board

The Chief Executive Officer will arrange for secretarial support for the Board and nominate the appropriate officer.



**Frankston City Council
Instrument of Delegation
FRANKSTON ARTS BOARD
Special Committee**

Frankston City Council (Council) delegates to the special committee established by resolution of Council passed on 7 March 1994 and known as the "Frankston Arts Board" (the Board), the powers and functions set out in the Schedule,

AND declares that

- 1. this Instrument of Delegation is authorised by a resolution of Council passed on 03 July 2017;
- 2. the delegation:
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 remains in force until Council resolves to vary or revoke it; and
 - 2.3 is to be exercised in accordance with the guidelines or policies which Council from time to time adopts; and
- 3. all members of the Board have voting rights.

**THE COMMON SEAL of
FRANKSTON CITY COUNCIL** was)
affixed in the presence of:)

..... Councillor

..... Chief Executive Officer

SCHEDULE

Frankston Arts Board Special Committee

1. Purpose

To exercise Council's functions and powers and to perform Council's duties in relation to the strategic direction, roles and function of the Arts in Frankston, including Frankston Arts Centre, as detailed in this Instrument of Delegation.

For the purpose of this Instrument of Delegation, reference to "**the Arts**" shall mean the promotion and development of the performing, visual, ~~and~~ public arts ~~and library services~~ in Frankston and the region including Frankston Arts Centre (comprising Theatre, Function Centre, Cube 37 and associated services).

2. Roles and Responsibilities of the Board

The following principles shall guide all decisions:

- Financial sustainability
- Focus on creativity
- A visionary approach

Consequently in consultation with Council, the Board shall,

- a. develop ~~a biennial~~ and review a Strategic Plan in line with the corporate planning timetable, ~~and review it each year in November~~, giving direction for the Arts in Frankston in consultation with community, key staff & stakeholders;
- b. seek and establish appropriate external funding support for programs via government, philanthropic and sponsorship sources;
- c. ensure a balance and provision of community service obligations and commercial imperatives; and
- d. ensure compliance with the *Local Government Act*, Council's *Governance Local Law*, and this Instrument of Delegation;
- e. maintain good governance practices through monthly Board meetings, (a minimum of 10 meetings per calendar year, including meetings with Council), Board development, renewal and (as required) sub-committees.

3. Reporting Requirements

The Board must report to Council against its Strategic Plan on an annual basis, and meet with Council up to twice a year.

4. Functions and Powers

The Council hereby delegates to the Board the following functions and powers subject to the following conditions and restrictions:

- a. Place the Arts at the heart of public life in Frankston, embodying Council's vision for the municipality as a desirable place to live, work, and visit.
 - i. fostering strategic partnerships with organisations working in or supporting Arts related activities such as arts companies, galleries, tertiary education establishments, businesses, State and Federal Government; noting that all formal contact representing the Frankston Arts Board must be undertaken subject to approval of the Chair, and the Mayor and CEO in relation to all levels of government
 - ii. encouraging the highest standards of creativity and excellence in all aspects of Arts related activities, recognising the contribution of local independent practising artists;
 - iii. promoting the importance of the Arts in the development of children and young people, and of Arts related activities that contribute to lifelong learning and combat social exclusion;
 - iv. advising and providing comment to Council on the acquisition, commissioning and implementation of high-quality integrated public art and public performance in Frankston.
- b. To fully and properly govern Frankston Arts Centre by informing, supporting and ensuring the financial and general management of Frankston Arts Centre and its associated services, carried out by Council officers who shall, in consultation with the Board:
 - i. ~~submit to Council no later than 30 November each year, a Budget and Business Plan for the following year commencing 1 July of the following year (or such other date as required by Council);~~ be consistent with the council corporate planning timetable, submit a quadrennial Business Plan & Budget projections and a detailed annual Budget to Council;
 - ii. keep full accounts of all income and expenditure, including the 'City of Frankston Theatre Library Trust' account, and other matters required by Council with respect to the management of the Centre and its services. Such accounts are subject to the auditing requirements of the *Local Government Act* and Regulations;
 - iii. provide operational reports, risk plan and capital works submissions to Council; and

- iv. not enter into any contract (including a contract to employ or engage any agent, consultant or other person) that exceeds \$100,000 in any period of 12 months.
- c. To establish and dissolve sub-committees or portfolios of the Board for the purpose of furthering the aims of the Board within the limits of its delegated authority. These sub-committees or portfolios report directly to the Board.
- d. The Board shall conduct a self-assessment of its performance annually.

5. Financial Delegation

- a. The Board shall exercise any financial delegations as determined by Council on an annual basis;
- b. The Board shall not borrow money.

6. Appointment of Members to the Board

The Board shall consist of up to ten members comprising where possible of the following:

- An Independent Chairperson 1
- Councillors (representing the Community) 2
- Chief Executive Officer (ex-Officio) 1
- Arts representatives 2
- Business representatives 2
- Financial/Legal representative 1
- Manager, Arts and Culture 1

7. Appointment of Arts, Business and Community Representatives by Council to the Board

The selection and appointment by Council of arts, business and financial/legal representatives to the Board will be by:

- a. applications from public advertisement;
- b. response to key criteria; and
- c. interview process.

An existing Board Member may be reappointed by agreement of the Board Governance Committee, comprising of the Mayor, the Chairperson and the CEO, and Council at the completion of their term, for no more than 3 consecutive terms, without the need to reapply, subject to satisfactory performance of that Board Member.

Council reserves the right not to appoint a person in response to the advertisement process.

8. Appointment of the Independent Chairperson

Selection of the candidate for the position of Independent Chairperson is delegated by Council to the CEO who will make recommendations to Council after a recruitment process which may include recruitment via specialist board recruitment agencies or by consideration of existing board members who have both considerable experience as a board member with the Frankston Arts Board and specialist experience in governance.

9. Remuneration

Positions on the Board are honorary. An allowance budget exists to reimburse Board Members for approved and legitimate expenses whilst acting in their capacity as Board Members.

10. Period of Tenure

Unless otherwise resolved by Council, Councillor appointments are for one year and all other appointments are for a period of three years. If a resignation from the Board occurs within the three year term, the Board will bring the matter to the attention of Council.

Board members shall not be able to serve more than three consecutive terms on the Board.

Appointments to the Board shall be determined by the Council and the Council may at any time remove a member of the Board. Any such appointment shall be subject to the person signing a Council "Consent to Act" statement prior to taking their seat on the Board.

11. Liability of Board Members

Council shall indemnify the Board and individual Board members from all actions, suits and demands in respect to the planning, operations and management of Arts related activities (including Frankston Arts Centre) in respect of any act or thing done or omitted to be done in good faith. Council will maintain Public Liability, Professional Indemnity and other appropriate insurances.

12. Confidential Information

Board members must not release information that the person knows, or should reasonably know, is confidential information (*Local Government Act*, section 77).

13. Conflict of Interest

Board members must comply with the pecuniary interest provisions in sections 78 and 79 of the *Local Government Act*, and are also subject to register of interest requirements as outlined in section 81 of the Act.

Board members are required to declare all conflicts of interest. A Board member is deemed to have a conflict of interest in respect of a matter if the member has a direct interest or indirect interest in the matter.

A Board member has a direct interest in a matter if there is a reasonable likelihood that:

- the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way;
- the Member will receive a direct benefit or loss than can be measured in financial terms if the matter is decided in a particular way; or
- the residential amenity of the member will be directly affected of the matter is decided in a particular way.

A Board member has an indirect interest in a matter if the member has:

- indirect interest by close association;
- indirect interest that is an indirect financial interest;
- indirect interest because of conflicting duties;
- indirect interest because of receipt of an applicable gift; or
- indirect interest as a consequence of becoming an interested party.

More detailed information about conflicts of interest can be found on Local Government Victoria's website at delwp.vic.gov.au > Local Government > Publications and research > Council Governance > Conflict of Interest Guides.

Disclosure of conflict of interest

If a Board member has a conflict of interest in a matter which is to be, or is likely to be, considered or discussed at a meeting, whether the member intends or does not intend to be present at the meeting, the member must make a full disclosure of that interest as prescribed in sections 79(2) or 79(3) of the *Local Government Act*.

The Chairperson must provide the Chief Executive Officer with any written disclosure given.

In the event of a conflict of interest, while the matter is being considered or any vote taken in relation to the matter, the Board member must leave the room and notify the Chairperson that they are doing so and remain outside the room.

If a Board member discloses a conflict of interest, the Chairperson must record in the minutes of the meeting: the declaration of the conflict of interest; and the classification of the interest that has given rise to the conflict.

14. Board Meetings

Meetings must comply with the provisions of the *Local Government Act* and Council's *Governance Local Law* as amended from time to time (as appropriate), and this Deed of Delegation including:

Meeting Attendance

Board members are expected to attend at least 75% of Board meetings in any financial year unless special leave is obtained from the Board.

Independent Chairperson

Council shall appoint the Independent Chairperson and in the event of the Chairperson's absence from a Board meeting, the Board will elect a Chairperson from those present at the meeting.

Professional Advisers to the Board

Council officers or other persons will attend Board meetings to provide professional advice and respond to questions. Such persons shall not have voting rights.

Meetings Open to the Public

Meetings of the Board shall be open to the public. Reasonable public notice of Board meetings must be given (*Local Government Act*, s.89(5)).

The Board may resolve that the meeting or part of the meeting be closed to members of the public if the meeting is discussing any of the following-:

- personnel matters;
- the personal hardship of any resident or ratepayer;
- industrial matters;
- contractual matters;
- proposed developments;
- legal advice;
- matters affecting the security of Council property;
- any other matter which the special committee considers would prejudice the Council or any person; or
- a resolution to close the meeting to members of the public.

The reason for closing a meeting to members of the public must be recorded in the minutes of the meeting.

Voting

Voting at Board meetings shall be in accordance with s.90 of the *Local Government Act*.

The Manager, Arts and Culture or delegate shall be the only Council officer with voting rights.

Quorum

Five members shall constitute a quorum for Board meetings.

Minutes of meetings

Minutes are to be prepared taken during the meeting and in view of ~~Board members~~, and circulated within three business days. The Chairperson must arrange for minutes to be kept.

The Chairperson must submit the minutes to the next meeting of the Frankston Arts Board for confirmation.

Once the minutes have been confirmed, the Chairperson at the meeting must sign the minutes and certify that they have been confirmed.

15. Employment of Staff

The Manager, Arts and Culture and necessary support staff are employees of Council. Accordingly, the Council's human resource policies shall apply to such staff unless otherwise varied by individual contracts of employment.

16. Secretary to the Board

The Chief Executive Officer will arrange for secretarial support for the Board and nominate the appropriate officer.

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

Enquiries: (Michael Craighead: Corporate Development)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.3 Ensure good governance and management of Council resources
Priority Action	3.3.2 Implement a schedule of reviews of services, plans, policies and protocols to ensure good governance

Purpose

To adopt the Instruments of delegation updated to reflect all legislative and role title changes since being adopted by Council on 4 April 2016.

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.

Key Points / Issues

- Council has the power under the *Local Government Act* 1989, to delegate to a member of its staff power, duty or function of a Council under this Act or any other Act.
- Local Government cannot operate efficiently if Council does not delegate the majority of its powers, duties and functions to Council staff.
- Under section 98 (6) of the *Local Government Act 1989*, Council is required to review all its Instruments of delegation which are in force within a period of twelve months after a general election.

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

Executive Summary

- To ensure Council's powers are exercised lawfully, delegations should be reviewed regularly to accommodate any changes to legislation or any staffing restructures, this is generally completed every six months.
- This update takes into account all legislative changes received from 1st July 2016 until 24 January 2017, attached as attachment A to the agenda.
- In total, Council received 4 new provisions, 27 amendments, and 40 deletions, from our lawyers, Maddocks for the S.6 Instrument of Delegation Council to Members of Staff. Changes noted in particular are:
 - the new duties and powers in the *Cemeteries and Crematoria Act 2003* s.86(2) – (6), 86 (A), and 10(A) have now come into effect;
 - amendments to the *Planning and Environment Act 1987* which allow for infrastructure contributions plans to be included in a planning scheme;
 - the *Road Management (General) Regulations 2016* have replaced the *Road Management (General) Regulations 2005*, with minor amendments to council duties where it is the coordinating road authority;
 - the *Planning and Environment (Fees) Regulations 2016* have replaced the *Planning and Environment Regulations (Fees) Interim Regulations 2015*;
 - the *Cemeteries and Crematoria Regulations 2015* have come into force, with the 2005 regulations being revoked; and
 - minor amendments have been made in relation to provisions of the *Road management Act 2004* relating to bus stopping points and infrastructure.
- It also takes into account role title and position responsibility changes from March 2016 until 2 June 2017.
- There was one other minor change to be noted that was raised at the Councillor briefing on 19 June, where officers were asked to consider removing the less senior roles from a provision in the Planning and Environment section on p.22 of the S6 Instrument. The Manager Planning and Environment was consulted and both the Team Leader Statutory Planning (TLSP) and Practice Leader Statutory Planning (PLSP) roles have been removed from this provision as shown in the table below:

s.171(2)(f)	power to carry out studies and commission reports	DComm, PAEM, SPC, TLSP, PLSP
-------------	---	--

- The S.5 Instrument of Delegation - Council to the Chief Executive Officer has been reviewed and there were no changes to legislation and no other changes are recommended at this time.
- Councillors also asked for an update with each delegation review of any breaches of delegation by officers, the circumstances and action taken. This will be addressed in the next report.
- Officers are currently in the process of conducting an extensive review of the S.5 Instrument of Delegations - Council to Chief Executive Officer, and the S.7

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

Instrument of Sub-delegations - CEO to Staff. This includes reviewing any relevant policies, procedures, financial systems and associated documentation where delegated powers are used to ensure consistency, transparency, accountability and that they still meet our operational needs. Any recommendations will be presented to Council in September 2017.

Financial Impact

For the 2017-2018 financial year, the State Government Minister for Local Government has announced a limit on the amount Victorian councils may increase rates. The cap for the 2017-2018 financial year is 2%. The cap is based on the Consumer Price Index expected for the financial year.

This cap has a significant effect on Council's current Long Term Financial Planning, with rate revenue being \$9 million less than anticipated over the first four years, growing to \$17 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

There are no financial implications associated with the report. In regard to the infrastructure levies, Council does not collect, process and remit any funds to the government. Staff are merely required to sight a certificate issued by the State Revenue Office prior to approving any major development.

Consultation**1. Internal Stakeholders**

The Management Team was extensively consulted during the review process to ensure the Instruments of Delegation is updated accurately, any role/title changes were incorporated and that it meets operational requirements. EMT also provided comment as part of the consultation process.

2. Other Stakeholders

These Instruments are in line with the "model" Instruments prepared by Council's lawyers for the majority of Councils.

Analysis (Environmental / Economic / Social Implications)

Delegation of powers enables Council's customers to obtain prompt decisions on a range of issues affecting their daily lives. Without delegations, Council's formal decision-making process would slow to unacceptable levels, leading to frustration for ratepayers and the many other Council customers.

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

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

Legal

The *Local Government Act* 1989, as well as other legislation, makes express provision for the appointment of delegates to act on behalf of Council and a requirement to review all delegations within twelve months of an election.

Policy Impacts

There are no policies or protocols that affect the proposed decision of this report.

12.3 Review of Council's Instruments of Delegation - S5 and S6**Executive Summary**Officer's Declaration of Interests

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

Risk Mitigation

Council would be unable to operate without extensive staff delegations. Similar, delegations have existed for many years, largely, without any undue issues and there are a range of checks and balances to ensure that they are exercised appropriately including an annual check by the external auditor.

Council is required to update its instruments of delegation on a regular basis to accommodate frequent changes to legislation and any restructures or role title changes, failure to complete this on a regular basis may render a decision made under delegation being invalid, or lead to financial and or reputational consequences.

Conclusion

The Instruments of Delegation presented are in line with current Instruments and take into account changes to legislation since the Instruments were last updated on 4th April 2016. Adoption of the presented Instruments facilitates continuation of Council's current decision-making processes and ensures they are reviewed within the twelve month period after the general election.

ATTACHMENTS

- Attachment A: Attachment A - S.6 Updates received from Maddocks from July 2016 to Jan 2017
- Attachment B: Attachment B - S6. Instrument of Delegation - Council to Staff - Final draft 20 June 2017
- Attachment C: Attachment C - S5. Instrument of Delegation - Council to CEO as at March 2017

**12.3 Review of Council's Instruments of Delegation - S5 and S6
Officers' Assessment****Background**

At its Ordinary Meeting on 18 July 2011, Council resolved, *“that when officers prepare a report requesting delegated powers that a summary of significant delegations be included in that report, together with explanations of the reasons why Council should make these delegations. In addition, any report should continue to include a marked-up copy of any changes in delegations from the existing position at the time the report is being prepared”*.

Issues and Discussion

Council has in place the following Instruments of Delegation:

- S6 – Instrument of Delegation to Members of Council Staff; and
- S5 - Delegation to the Chief Executive Officer.

S6 - Instrument of Delegation to Members of Council Staff

A marked up version of the S6 delegations is attached to this report outlining the new provisions, changes and provisions deleted that were part of the update received from Maddocks Lawyers via “Advent Manager” Council’s automated delegation system.

S5 - Instrument of Delegation to the Chief Executive Officer

No changes were received for the S5 Instrument of Delegations to the Chief Executive Officer. However, Officers are currently undertaking a review of this document to ensure it is consistent with relevant policies, financial systems and that it still meets the operational needs of the organisation.

S6 Instrument of Delegation – New, changed and deleted provisions received from Maddocks – January 2017

NEW Provisions

#	Delegation Source	Section	Item Delegated / Authorisation	Conditions and Limitations
1	Road Management (General) Regulations 2016	r.9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	where council is the coordinating road authority
2	Road Management (General) Regulations 2016	r.13(1)	Duty to publish notice of amendments to road management plan	where council is the coordinating road authority
3	Road Management (General) Regulations 2016	r.23(4)	power to charge a fee for application under section 66(1) Road Management Act	where council is the coordinating road authority
4	Planning and Environment (Fees) Regulations 2016	r.20	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	

CHANGED Provisions

#	Delegation Source	Section	Item Delegated / Authorisation	Conditions and Limitations
1	Road Management (General) Regulations 2016 Replacing 2005 regulations	r.8(1) r.301(1)	duty to conduct reviews of road management plan	
2	Road Management (General) Regulations 2016 Replacing 2005 general regulations	r.9(2) r.302(5)	duty to produce written report of review of road management plan and make report available	

3	Road Management (General) Regulations 2016 Replacing 2005 regulations	r.10 r.303	duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act	
4	Road Management (General) Regulations 2016 Replacing 2005 regulations	r.13(3) r.306(2)	duty to record on road management plan the substance and date of effect of amendment	
5	Road Management (General) Regulations 2016 Replacing 2005 regulations	r.16(3) r.501(1)	power to issue permit	where council is the coordinating road authority
6	Road Management (General) Regulations 2016 Replacing 2005 regulations	r.18(1) r.503(1)	power to give written consent re damage to road	where council is the coordinating road authority
7	Road Management (General) Regulations 2016 Replacing 2005 regulations	r.23(2) r.508(3)	power to make submission to Tribunal	where council is the coordinating road authority
8	Road Management (General) Regulations 2016 Replacing 2005 regulations	r.25(1) r.509(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	where council is the responsible road authority
9	Road Management (General) Regulations 2016 Replacing 2005 regulations	r.25(2) r.509(2)	power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	where council is the responsible road authority

10	Road Management (General) Regulations 2016 Replacing 2005 regulations	r.25(5) r.509(4)	power to recover in the Magistrates' Court, expenses from person responsible	
11	Planning and Environment Act 1987 Commenced 1 June 2016	s.46GF	duty to comply with directions issued by the Minister	
	Planning and Environment Act 1987 Commenced 1 June 2016	s.46GG	duty to include a condition in a permit relating to matters set out in s.46GG(c) and (d)	
12	Planning and Environment Act 1987 Commenced 1 June 2016	s.46GH(1)	power to require the payment of an amount of infrastructure levy to be secured to Council's satisfaction	where council is a collecting agency
13	Planning and Environment Act 1987 Commenced 1 June 2016	s.46GH(2)	power to accept the provision of land, works, services or facilities in part or full satisfaction of the amount of infrastructure levy payable	where council is a collecting agency
14	Planning and Environment Act 1987 Commenced 1 June 2016	s.46GH(3)	duty to obtain the agreement of the relevant development agency or agencies specified in the approved infrastructure contributions plan before accepting the provision of land, works, services or facilities by the applicant	where council is a collecting agency
15	Planning and Environment Act 1987 Commenced 1 June 2016	s.46GI(1)	duty to keep proper accounts of any amount of infrastructure levy paid to it as a collecting agency or a development agency under part 2 of the Planning and Environment Act 1987	must be done in accordance with Local Government Act 1989.

16	Planning and Environment Act 1987 Commenced 1 June 2016	s.46GI(2)	duty to forward to a development agency any part of an infrastructure levy paid to council which is imposed for plan preparation costs incurred by development agency or for carrying out of works, services or facilities on behalf of the development agency	
17	Planning and Environment Act 1987 Commenced 1 June 2016	s.46GI(3)	duty to apply levy amount only in accordance with s.46GI(3) (a) and (b)	
18	Planning and Environment Act 1987 Commenced 1 June 2016	s.46GI(4)	power to refund any amount of infrastructure levy paid to it as a development agency under Part 2 of the Planning and Environment Act 1987 if satisfied that the development is not to proceed	
19	Planning and Environment Act 1987 Commenced 1 June 2016	s.46GI(5)	duty to take action described in s.46GI(5)(c) – (e) where s.46GI(5)(a) and (b) applies.	
20	Planning and Environment Act 1987 Commenced 1 June 2016	s.46GL	power to recover any amount of infrastructure levy as a debt due to Council	where council is a collecting agency
21	Planning and Environment Act 1987 Commenced 1 June 2016	s.46GM	duty to prepare report and give a report to the Minister	where council is a collecting agency or development agency
22	Planning and Environment Act 1987 Commenced 1 June 2016	s.46QD	duty to prepare report and give a report to the Minister	where council is a collecting agency or development agency

Attachment A: Attachment A - S.6 Updates received from Maddocks from July 2016 to Jan 2017

23	Planning and Environment Act 1987	s.46Q(1A)	duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency or plan preparation costs incurred by a development agency	
24	Planning and Environment Act 1987	s.46Q(2)	duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	
25	Planning and Environment Act 1987	s.46Q(4)(c)	duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the council or for the provision by the council of works, services or facilities in an area under s.46Q(4)(a)	must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
26	Road Management Act 2004	s.48M(3)	function of consulting with the relevant authority for purposes of developing guidelines under section 48M	
27	Planning and Environment (Fees) Regulations 2016 Replacing interim 2015 regulations	r.21	duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.19 or 20	

DELETED Provisions

#	Delegation Source	Section	Item Delegated / Authorisation	Conditions and Limitations
1	Cemeteries and Crematoria Regulations 2005	r.28(1)	power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	
2	Road Management Act 2004	s.48N	duty to notify the relevant authority of the location of the bus stopping point and the action taken by council	
3	Cemeteries and Crematoria Regulations 2005	r.17	power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	
4	Cemeteries and Crematoria Regulations 2005	r.18(1)	power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	
5	Cemeteries and Crematoria Regulations 2005	r.18(2)	duty to ensure any fittings removed of are disposed in an appropriate manner	
6	Cemeteries and Crematoria Regulations 2005	r.19	power to dispose of any metal substance or non-human substance recovered from a cremator	
7	Cemeteries and Crematoria Regulations 2005	r.20(2)	power to release cremated human remains to certain persons	Subject to any order of a court
8	Cemeteries and Crematoria Regulations 2005	r.21(1)	duty to make cremated human remains available for collection within 2 working days after the cremation	
9	Cemeteries and Crematoria Regulations 2005	r.21(2)	duty to hold cremated human remains for at least 12 months from the date of cremation	

Attachment A: Attachment A - S.6 Updates received from Maddocks from July 2016 to Jan 2017

10	Cemeteries and Crematoria Regulations 2005	r.21(3)	power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	
11	Cemeteries and Crematoria Regulations 2005	r.21(4)	duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	
12	Cemeteries and Crematoria Regulations 2005	r.22	duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	
13	Cemeteries and Crematoria Regulations 2005	r.26	duty to provide statement that alternative vendors or supplier of monuments exist	
14	Cemeteries and Crematoria Regulations 2005	r.36	power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	
15	Cemeteries and Crematoria Regulations 2005	r.38(2)	power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	
16	Cemeteries and Crematoria Regulations 2005	Schedule 6, clause 4	power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of Schedule 6	
17	Cemeteries and Crematoria Regulations 2005	Schedule 6, clause 5(1)	duty to display the hours during which pedestrian access is available to the cemetery	
18	Cemeteries and Crematoria Regulations 2005	Schedule 6, clause 5(2)	duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	
19	Cemeteries and Crematoria Regulations 2005	Schedule 6, clause 6(1)	power to give directions regarding the manner in which a funeral is to be conducted	

Attachment A: Attachment A - S.6 Updates received from Maddocks from July 2016 to Jan 2017

20	Cemeteries and Crematoria Regulations 2005	Schedule 6, clause 7(1)	power to give directions regarding the dressing of places of interment and memorials	
21	Cemeteries and Crematoria Regulations 2005	Schedule 6, clause 11(1)	power to remove objects from a memorial or place of interment	
22	Cemeteries and Crematoria Regulations 2005	Schedule 6, clause 11(2)	duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	
23	Cemeteries and Crematoria Regulations 2005	Schedule 6, clause 12	power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	
24	Cemeteries and Crematoria Regulations 2005	Schedule 6, clause 14	power to approve an animal to enter into or remain in a cemetery	
25	Planning and Environment Regulations 2015	r.6	duty of responsible authority to provide copy of matter considered under section 60(1A)(g) for inspection free of charge	
26	Planning and Environment Regulations 2015	r.55	duty of responsible authority to tell Registrar of Titles under section 183 of the Act of the cancellation or amendment of an agreement	
27	Road Management (General) Regulations 2016	r.9(2)	duty to give notice of review of road management plan	
28	Road Management (General) Regulations 2005	r.501(4)	power to charge fee for issuing permit under regulation 501(1)	where council is the coordinating road authority
29	Road Management (Works and Infrastructure) Regulations 2015	r.10	power to exempt a person from requirement under clause 13(1) of Schedule 7 to the Act to give notice as to the completion of those works	where council is the coordinating road authority and where consent given under section 63(1) of the Act
30	Road Management (Works and Infrastructure)	r.18(2)	power to waive whole or part of fee in certain	where council is the coordinating road

Attachment A: Attachment A - S.6 Updates received from Maddocks from July 2016 to Jan 2017

	Regulations 2015		circumstances	authority
31	Planning and Environment (Fees) Regulations 2016	r.16	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	
32	Cemeteries and Crematoria Act 2003	s.21(1)	power to establish and operate a crematorium in a public cemetery	council must not establish or operate a crematorium set aside for particular religious or community groups.
33	Cemeteries and Crematoria Act 2003	s.22	power to establish mausolea facilities	subject to the prior written approval of the Secretary
34	Cemeteries and Crematoria Act 2003	s.26(1)	power to make rules for or with respect to the general care, protection and management of a public cemetery	
35	Cemeteries and Crematoria Act 2003	s.39(1)	power to fix fees and charges or a scale of fees and charges for its services in accordance with this section	subject to the approval of the Secretary under section 40 unless exempt under section 40A
36	Cemeteries and Crematoria Act 2003	s.39(3)	power to fix different fees and charges for different cases or classes of cases	
37	Cemeteries and Crematoria Act 2003	s.45	power to invest money	subject to any direction of the Minister This provision does not apply if the management of the public cemetery is a municipal council, not a cemetery trust. In this case, the borrowing & investment powers are governed by the Local Government Act 1989.
38	Cemeteries and Crematoria Act 2003	s.46	power to borrow money to enable it to perform its functions and exercise its powers	subject to the approval and conditions of the Treasurer This provision does not apply if the management of the public cemetery is a municipal council, not a cemetery trust. In this case, the borrowing & investment

				powers are governed by the Local Government Act 1989.
39	Cemeteries and Crematoria Act 2003	s.89(1)	power to approve or refuse an application for a lift and re-position procedure in accordance with subsection (2) & (3)	can only be delegated to members of a committee established under section 86 of the Local Government Act 1989
40	Cemeteries and Crematoria Act 2003	s.90	power to authorise a person without an exhumation licence to carry out a lift and re-position procedure as set out in section 90(1)(a)-(d)	can only be delegated to members of a committee established under section 86 of the Local Government Act 1989



Frankston City Council

S6. Instrument of Delegation

**Council
to
Members of Staff**

S6 Instrument of Delegation - Members of Staff

1. In exercise of the power conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached Schedule, the Council:

delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;

2. records that a reference in the Schedule to:

CAP:	Coordinator Asset Planning
CCW:	Coordinator City Works
CE:	City Engineer
CEO:	Chief Executive Officer
CP:	Coordinator Prosecutions
CPG:	Coordinator Parks and Gardens
CPSP:	Coordinator Property Strategy & Portfolio
CSC:	Coordinator Community Safety
CSM:	Manager Community Safety
CStrP:	Coordinator Strategic Planning
CSV:	Coordinator Specialist Vegetation
CWME:	City Works Maintenance Engineer
DComm:	Director Community Development
DCorp:	Director Corporate Development
EHC:	Co-ordinator Environmental Health
EHO:	Environmental Health Officers
FMPO:	Frankston Memorial Park Officer
FOIG:	FOI and Governance Officer
GCO:	Governance Compliance Officer
IPO:	Investigations Prosecutions Officer
MACP:	Manager Administration and Corporate Projects
MBS:	Municipal Building Surveyor
MCS:	Manager Commercial Services
MFCP:	Manager Finance and Corporate Planning
MFPO:	Municipal Fire Prevention Officer
MHR:	Manager Human Resources
MINF:	Manager Infrastructure
MPP:	Major Projects Planner
MSA:	Manager Sustainable Assets
OPM:	Operations Manager
OSA:	Open Space Advisor
PAEM:	Planning and Environment Manager
PIO:	Planning Investigations Officer
PLSP:	Practice Leader Statutory Planning
PLT:	Payroll Team Leader
SPC:	Statutory Planning Co-ordinator
SSP:	Senior Statutory Planner
StatP:	Statutory Planner
TLPES:	Team Leader Planning & Environment Support
TLPM:	Team Leader Parks Maintenance
TLRRR:	Team Leader Rapid Response and Roadsides
TLSP:	Team Leader Statutory Planning

- 3. declares that:
 - 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on the 03 July 2017; and
 - 3.2 the delegation:
 - 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 3.2.2 remains in force until Council resolves to vary or revoke it;
 - 3.2.3 is subject to any conditions and limitations set out in sub-paragraph and the Schedule; and
 - 3.2.4 must be exercised in accordance with any guidelines or policies, which Council from time to time adopts;
 - 3.3 the delegate must not determine the issue, take the action or do the act or thing:
 - 3.3.1 if the issue, action, act or thing is an issue, act or thing which Council has previously designated as an issue, act or thing which must be the subject of a Resolution of Council; or
 - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategy
 - (c) adopted by Council; or
 - 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
 - 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

THE COMMON SEAL of)
 FRANKSTON CITY COUNCIL)
 was affixed in the presence of:)

Councillor _____

Chief Executive Officer _____

Index

Cemeteries and Crematoria Act 2003	1
Domestic Animals Act 1994	7
Environment Protection Act 1970.....	7
Food Act 1984	7
Heritage Act 1995.....	10
Planning and Environment Act 1987	10
Rail Safety (Local Operations) Act 2006	26
Residential Tenancies Act 1997.....	27
Road Management Act 2004	27
Cemeteries and Crematoria Regulations 2015	34
Planning and Environment Regulations 2015	35
Planning and Environment (Fees) Regulations 2016	36
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010.....	36
Road Management (General) Regulations 2016.....	38
Road Management (Works and Infrastructure) Regulations 2015.....	39

Schedule

S6 Instrument of Delegation - Members of Staff

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.8(1)(a)(ii)	power to manage one or more public cemeteries	DCorp, MACP, FMPO, GCO	
s.12(1)	function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	DCorp, MACP, FMPO, GCO	where council is a Class B cemetery trust
s.12(2)	s.12(2) duty to have regard to the matters set out in paragraphs (a)-(c) in exercising its functions	DCorp, MACP, FMPO, GCO	where council is a Class B cemetery trust
s.13	duty to do anything necessary or convenient to enable it to carry out its functions	DCorp, MACP, FMPO, GCO	
s.14	power to manage multiple public cemeteries as if they are one cemetery	DCorp, MACP, FMPO, GCO	
s.15(1) and (2)	power to delegate powers or functions other than those listed	DCorp, MACP, FMPO, GCO	
s.15(4)	duty to keep records of delegations	DCorp, MACP, FMPO, GCO	
s.17(1)	power to employ any persons necessary	DComm, DCorp, MACP, OPM	
s.17(2)	power to engage any professional, technical or other assistance considered necessary	DComm, DCorp, MACP, OPM, OSA, FMPO, GCO, TLPM, CPG, TLRRR	
s. 17(3)	power to determine the terms and conditions of employment or engagement	DComm, DCorp, MACP, MHR, OPM	subject to any guidelines or directions of the Secretary
s.18(3)	duty to comply with a direction from the Secretary	DComm, DCorp, MACP, OPM, FMPO, GCO	
s.19	power to carry out or permit the carrying out of works	DComm, DCorp, MACP, OPM, OSA, FMPO, GCO, TLPM, CPG, TLRRR	
s.20(1)	duty to set aside areas for the interment of human remains	DCorp, MACP, FMPO, GCO	
s.20(2)	power to set aside areas for the purposes of managing a public cemetery	DCorp, MACP, FMPO, GCO	
s.20(3)	power to set aside areas for those things in paragraphs (a) - (e)	DCorp, MACP, FMPO, GCO	
s.24(2)	power to apply to the Secretary for approval to alter the existing distribution of land	DCorp, MACP, FMPO, GCO	
s.36	power to grant licences to enter and use part of the land or building in a public cemetery in accordance with this section	DCorp, MACP, FMPO, GCO	subject to the approval of the Minister
s.37	power to grant leases over land in a public cemetery in accordance with this section	To be retained by Council	subject to the Minister approving the purpose

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s.40	duty to notify Secretary of fees and charges fixed under section 39	DCorp, MACP, FMPO, GCO	
s.47	power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	To be retained by Council	provided the street was constructed pursuant to the Local Government Act 1989
s.57(1)	duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	DCorp, MACP, FMPO, GCO	report must contain the particulars listed in s.57(2)
s.59	duty to keep records for each public cemetery	DCorp, MACP, FMPO, GCO	
s.60(1)	duty to make information in records available to the public for historical or research purposes	DCorp, MACP, FMPO, GCO	
s.60(2)	power to charge fees for providing information	DCorp, MACP, FMPO, GCO	
s.64(4)	duty to comply with a direction from the Secretary under section 64(3)	DCorp, MACP, FMPO, GCO	
s.64B(d)	power to permit interments at a reopened cemetery	DCorp, MACP, FMPO, GCO	
s.66(1)	power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	DCorp, MACP, FMPO, GCO	the application must include the requirements listed in s.66(2)(a)-(d)
s.69	duty to take reasonable steps to notify of conversion to historic cemetery park	DCorp, MACP, FMPO, GCO	
s.70(1)	duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	DCorp, MACP, FMPO, GCO	
s.70(2)	duty to make plans of existing place of interment available to the public	DCorp, MACP, FMPO, GCO	
s.71(1)	power to remove any memorials or other structures in an area to which an approval to convert applies	DCorp, MACP, FMPO, GCO	
s.71(2)	power to dispose of any memorial or other structure removed	DCorp, MACP, FMPO, GCO	
s.72(2)	duty to comply with request received under section 72	DCorp, MACP, FMPO, GCO	
s.73(1)	power to grant a right of interment	DCorp, MACP, FMPO, GCO	
s.73(2)	power to impose conditions on the right of interment	DCorp, MACP, FMPO, GCO	
s.75	power to grant the rights of interment set out in subsections (a) and (b)	DCorp, MACP, FMPO, GCO	
s.76(3)	duty to allocate a piece of interment if an unallocated right is granted	DCorp, MACP, FMPO, GCO	
s.77(4)	power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on	DCorp, MACP, FMPO, GCO	

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
	application		
s.80(1)	function of receiving notification and payment of transfer of right of interment	DCorp, MACP, FMPO, GCO	
s.80(2)	function of recording transfer of right of interment	DCorp, MACP, FMPO, GCO	
s.82(2)	duty to pay refund on the surrender of an unexercised right of interment	DCorp, MACP, FMPO, GCO	
s.83(2)	duty to pay refund on the surrender of an unexercised right of interment (sole holder)	DCorp, MACP, FMPO, GCO	
s.83(3)	power to remove any memorial and grant another right of interment for a surrendered right of interment	DCorp, MACP, FMPO, GCO	
s.84(1)	function of receiving notice of surrendering an entitlement to a right of interment	DCorp, MACP, FMPO, GCO	
s.85(1)	duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	DCorp, MACP, FMPO, GCO	the notice must be in writing and contain the requirements listed in s.85(2)
s.85(2)(b)	duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	DCorp, MACP, FMPO, GCO	does not apply where right of interment relates to remains of a deceased veteran.
85(2)(c)	power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or; remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.	DCorp, MACP, FMPO, GCO	may only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment
s.86	power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	DCorp, MACP, FMPO, GCO	
s.86(2)	power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	DComm, DCorp, MACP, OPM, FMPO, GCO, TLPM, FOIG, CPG, TLRRR	
s.86(3)(a)	power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	DComm, DCorp, MACP, OPM, FMPO, GCO, TLPM, FOIG, CPG, TLRRR	
s.86(3)(b)	power to remove interred cremated human remains and take further action in accordance with s.86(3)(b)	DComm, DCorp, MACP, OPM, FMPO, GCO, TLPM, FOIG, CPG, TLRRR	
s.86(4)	power to take action under s.86(4) relating to removing and re-intering	DComm, DCorp, MACP, FMPO, GCO,	

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
	cremated human remains	TLPM, FOIG, CPG, TLRRR	
s.86(5)	duty to provide notification before taking action under s.86(4)	DComm, DCorp, MACP, OPM, FMPO, GCO, TLPM, FOIG, CPG, TLRRR	
s.86A	duty to maintain place of interment and any memorial at place of interment, if action taken under s.86(3)	DComm, DCorp, MACP, OPM, FMPO, GCO, TLPM, FOIG, CPG, TLRRR	
s.87(3)	duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	DCorp, MACP, FMPO, GCO	
s.88	function to receive applications to carry out a lift and re-position procedure at a place of interment	DCorp, MACP, FMPO, GCO	
s.91(1)	power to cancel a right of interment in accordance with this section	DCorp, MACP, FMPO, GCO	
s.91(3)	duty to publish notice of intention to cancel right of interment	DCorp, MACP, FMPO, GCO	
s.92	power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	DCorp, MACP, FMPO, GCO	
s.98(1)	function of receiving application to establish or alter a memorial or a place of interment	DCorp, MACP, FMPO, GCO	
s.99	power to approve or refuse an application made under section 98, or to cancel an approval	DCorp, MACP, FMPO, GCO	
s.99(4)	duty to make a decision on an application under section 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	DCorp, MACP, FMPO, GCO	
s.100(1)	power to require a person to remove memorials or places of interment	DCorp, MACP, FMPO, GCO	
s.100(2)	power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with section 100(1)	DCorp, MACP, FMPO, GCO	
s.100(3)	power to recover costs of taking action under section 100(2)	DCorp, MACP, FMPO, GCO	
s.101	function of receiving applications to establish or alter a building for ceremonies in the cemetery	DCorp, MACP, FMPO, GCO	
s.102(1)	power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	DCorp, MACP, FMPO, GCO	
s.102(2) & (3)	power to set terms and conditions in respect of, or to cancel, an approval granted under section 102(1)	DCorp, MACP, FMPO, GCO	
s.103(1)	power to require a person to remove a building for ceremonies	DCorp, MACP, FMPO, GCO	
s.103(2)	power to remove and dispose of a building for ceremonies or remedy the	DCorp, MACP, FMPO, GCO	

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
	failure to comply with section 103(1)		
s.103(3)	power to recover costs of taking action under section 103(2)	DCorp, MACP, FMPO, GCO	
s.106(1)	power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	DCorp, MACP, FMPO, GCO	
s.106(2)	power to require the holder of the right of interment to provide for an examination	DCorp, MACP, FMPO, GCO	
s.106(3)	power to open and examine the place of interment if section 106(2) not complied with	DCorp, MACP, FMPO, GCO	
s.106(4)	power to repair or - with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under section 106(1) is not complied with	DCorp, MACP, FMPO, GCO	
s.107(1)	power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	DCorp, MACP, FMPO, GCO	
s.107(2)	power to repair or take down, remove and dispose any building for ceremonies if notice under section 107(1) is not complied with	DCorp, MACP, FMPO, GCO	
s.108	power to recover costs and expenses	DCorp, MACP, FMPO, GCO	
s.109(1)(a)	power to open, examine and repair a place of interment	DCorp, MACP, FMPO, GCO	where the holder of right of interment or responsible person cannot be found
s.109(1)(b)	power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	DCorp, MACP, FMPO, GCO	where the holder of right of interment or responsible person cannot be found
s.109(2)	power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	DCorp, MACP, FMPO, GCO	where the holder of right of interment or responsible person cannot be found
s.110(1)	power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	DCorp, MACP, FMPO, GCO	
s.110(2)	power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	DCorp, MACP, FMPO, GCO	
s. 110A	power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	DCorp, MACP	

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s.111	power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	DCorp, MACP, FMPO, GCO	
s.112	power to sell and supply memorials	DCorp, MACP, FMPO, GCO	
s.116(4)	duty to notify the Secretary of an interment authorisation granted	DCorp, MACP, FMPO, GCO	
s.116(5)	power to require an applicant to produce evidence of the right of interment holder's consent to application	DCorp, MACP, FMPO, GCO	
s.118	power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	DCorp, MACP, FMPO, GCO	
s.119	power to set terms and conditions for interment authorisations	DCorp, MACP, FMPO, GCO	
s.131	function of receiving an application for cremation authorisation	To be retained by Council	
s.133(1)	duty not to grant a cremation authorisation unless satisfied that requirements of section 133 have been complied with	To be retained by Council	Subject to subsection (2)
s.145	duty to comply with an order made by the Magistrates' Court or a coroner	DCorp, MACP, FMPO, GCO	
s.146	power to dispose of bodily remains by a method other than interment or cremation	DCorp, MACP, FMPO, GCO	subject to the approval of the Secretary
s.147	power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	DCorp, MACP, FMPO, GCO	
s.149	duty to cease using method of disposal if approval revoked by the Secretary	DCorp, MACP, FMPO, GCO	
s.150 & 152(1)	power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	DCorp, MACP, FMPO, GCO	
s.151	function of receiving applications to inter or cremate body parts	DCorp, MACP, FMPO, GCO	
s.152(2)	power to impose terms and conditions on authorisation granted under section 150.	DCorp, MACP, FMPO, GCO	
Schedule 1 clause 8(3)	power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	DCorp, MACP, FMPO, GCO	
Schedule 1 clause 8(8)	power to regulate own proceedings	DCorp, MACP, FMPO, GCO	where council is a Class B cemetery trust subject to clause 8
Schedule 1A clause 8(8)	power to regulate own proceedings	DCorp, MACP, FMPO, GCO	subject to clause 8

Domestic Animals Act 1994			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.41A(1)	power to declare a dog to be a menacing dog	CSM, CSC, DComm	Council may delegate this power to an authorised officer
Environment Protection Act 1970			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.53M(3)	power to require further information	CSM, EHC, EHO, DComm	
s.53M(4)	duty to advise applicant that application is not to be dealt with	CSM, EHC, EHO, DComm	
s.53M(5)	duty to approve plans, issue permit or refuse permit	CSM, EHC, EHO, DComm	refusal must be ratified by council or it is of no effect
s.53M(6)	power to refuse to issue septic tank permit	CSM, EHC, EHO, DComm	refusal must be ratified by council or it is of no effect
s.53M(7)	duty to refuse to issue a permit in circumstances in (a)-(c)	CSM, EHC, EHO, DComm	refusal must be ratified by council or it is of no effect
Food Act 1984			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.19(2)(a)	power to direct by written order that the food premises be put into a clean and sanitary condition	CSM, EHC, EHO, DComm	If section 19(1) applies
s.19(2)(b)	power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	CSM, EHC, EHO, DComm	If section 19(1) applies
s.19(4)(a)	power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	CSM, EHC, EHO, DComm	If section 19(1) applies
s.19(6)(a)	duty to revoke any order under section 19 if satisfied that an order has been complied with	CSM, EHC, EHO, DComm	If section 19(1) applies
s.19(6)(b)	duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	CSM, EHC, EHO, DComm	If section 19(1) applies
s.19AA(2)	power to direct, by written order, that a person must take any of the actions described in (a)-(c).	To be retained by Council	where council is the registration authority
s.19AA(4)(c)	power to direct, in an order made under s.19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is	To be retained by Council	Note: the power to direct the matters under s.19AA(4)(a) and (b) not capable of delegation

Food Act 1984			
	not removed from the premises		and so such directions must be made by a Council resolution
s.19AA(7)	duty to revoke order issued under s.19AA and give written notice of revocation, if satisfied that that order has been complied with	To be retained by Council	where council is the registration authority
s.19CB(4)(b)	power to request copy of records	CSM, EHC, EHO, DComm	where council is the registration authority
s.19E(1)(d)	power to request a copy of the food safety program	CSM, EHC, EHO, DComm	where council is the registration authority
s.19GB	power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	CSM, EHC, EHO, DComm	where council is the registration authority
s.19M(4)(a) & (5)	power to conduct a food safety audit and take actions where deficiencies are identified	CSM, EHC, EHO, DComm	where council is the registration authority
s.19NA(1)	power to request food safety audit reports	CSM, EHC, EHO, DComm	where council is the registration authority
s.19U(3)	power to waive and vary the costs of a food safety audit if there are special circumstances	CSM, EHC, EHO, DComm	
s.19UA	power to charge fees for conducting a food safety assessment or inspection	CSM, EHC, EHO, DComm	except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39.
s.19W	power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CSM, EHC, EHO, DComm	where council is the registration authority
s.19W(3)(a)	power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	CSM, EHC, EHO, DComm	where council is the registration authority
s.19W(3)(b)	power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	CSM, EHC, EHO, DComm	where council is the registration authority
	power to register, renew or transfer registration	CSM, EHC, EHO, DComm	where council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see section 58A(2))
s.38AA(5)	power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	CSM, EHC, EHO, DComm	where council is the registration authority
s.38AB(4)	power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1)	CSM, EHC, EHO, DComm	where council is the registration authority
s.38A(4)	power to request a copy of a completed food safety program template	CSM, EHC, EHO, DComm	where council is the registration authority
s.38B(1)(a)	duty to assess the application and determine which class of food	CSM, EHC, EHO, DComm	where council is the registration authority

Food Act 1984			
	premises under section 19C the food premises belongs		
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	CSM, EHC, EHO, DComm	where council is the registration authority
s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	CSM, EHC, EHO, DComm	where council is the registration authority
s.38D(1)	duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39	CSM, EHC, EHO, DComm	where council is the registration authority
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	CSM, EHC, EHO, DComm	where council is the registration authority
s.38D(3)	power to request copies of any audit reports	CSM, EHC, EHO, DComm	where council is the registration authority
s.38E(2)	power to register the food premises on a conditional basis	CSM, EHC, EHO, DComm	where council is the registration authority; not exceeding the prescribed time limit defined under subsection (5).
s.38E(4)	duty to register the food premises when conditions are satisfied	CSM, EHC, EHO, DComm	where council is the registration authority
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	CSM, EHC, EHO, DComm	where council is the registration authority
s.39A	power to register, renew or transfer food premises despite minor defects	CSM, EHC, EHO, DComm	where council is the registration authority only if satisfied of matters in subsections (2)(a)-(c)
s.40(2)	power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	CSM, EHC, EHO, DComm	
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	CSM, EHC, EHO, DComm	where council is the registration authority
s.40D(1)	power to suspend or revoke the registration of food premises	CSM, EHC, EHO, DComm	where council is the registration authority
s.43F(6)	duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	CSM, EHC, EHO, DComm	where council is the registration authority
s.43F(7)	power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	CSM, EHC, EHO, DComm	where council is the registration authority
s.46(5)	power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	CSM, EHC, EHO, DComm	where council is the registration authority
Heritage Act 1995			

Heritage Act 1995			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.84(2)	power to sub-delegate Executive Director's functions	DComm, PAEM	must obtain Executive Director's written consent first.
Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.4B	power to prepare an amendment to the Victoria Planning Provisions	To be retained by Council	if authorised by the Minister
s.4G	function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	DComm, PAEM, CStrP	
s.4H	duty to make amendment to Victoria Planning Provisions available	DComm, PAEM, CStrP	
s.4I	duty to keep Victoria Planning Provisions and other documents available	DComm, PAEM, CStrP	
s.8A(2)	power to prepare amendment to the planning scheme where the Minister has given consent under s.8A	DComm, PAEM, CStrP	
s.8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	DComm, PAEM, CStrP	
s.8A(5)	function of receiving notice of the Minister's decision	DComm, PAEM, CStrP	
s.8A(7)	power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	DComm, PAEM, CStrP	
s.8B(2)	power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	To be retained by Council	
s.12(3)	power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	To be retained by Council	
s.12A(1)	duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under section 19 of the Planning and Environment (Planning Schemes) Act 1996)	To be retained by Council	
s.12B(1)	duty to review planning scheme	DComm, PAEM, CStrP	
s.12B(2)	duty to review planning scheme at direction of Minister	DComm, PAEM, CStrP	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	DComm, PAEM, CStrP	
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	DComm, PAEM, CStrP, MPP	

Planning and Environment Act 1987			
s.17(1)	duty of giving copy amendment to the planning scheme	DComm, PAEM, CStrP, MPP	
s.17(2)	duty of giving copy s.173 agreement	DComm, PAEM, CStrP, MPP	
s.17(3)	duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	DComm, PAEM, CStrP, MPP	
s.18	duty to make amendment etc. available	DComm, PAEM, CStrP, MPP	
s.19	power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under section 19 to a planning scheme	To be retained by Council	
s.19	function of receiving notice of preparation of an amendment to a planning scheme	To be retained by Council	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s.20(1)	power to apply to Minister for exemption from the requirements of section 19	To be retained by Council	
s.21(2)	duty to make submissions available	DComm, PAEM, CStrP, MPP	
s.21A(4)	duty to publish notice in accordance with section	DComm, PAEM, CStrP, MPP	
s.22	duty to consider all submissions	DComm, PAEM, CStrP, MPP	
s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	PAEM, CStrP	
s.23(2)	power to refer to a panel submissions which do not require a change to the amendment	To be retained by Council	
s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in section 96D)	DComm, PAEM, SPC, TLSP, CStrP, MPP, SSP, PLSP	
s.26(1)	power to make report available for inspection	DComm, PAEM, SPC, TLSP, CStrP, MPP, SSP, PLSP	
s.26(2)	duty to keep report of panel available for inspection	DComm, PAEM, SPC, TLSP, CStrP, MPP, SSP, PLSP	
s.27(2)	power to apply for exemption if panel's report not received	To be retained by Council	
s.28	duty to notify the Minister if abandoning an amendment	DComm, PAEM, SPC, TLSP, CStrP, MPP, SSP, PLSP	Note: the power to make a decision to abandon an amendment cannot be delegated
s.30(4)(a)	duty to say if amendment has lapsed	DComm, PAEM, CStrP, MPP	

Planning and Environment Act 1987			
s.30(4)(b)	duty to provide information in writing upon request	DComm, PAEM, CStrP, MPP	
s.32(2)	duty to give more notice if required	DComm, PAEM, CStrP, MPP	
s.33(1)	duty to give more notice of changes to an amendment	DComm, PAEM, CStrP, MPP	
s.36(2)	duty to give notice of approval of amendment	DComm, PAEM, CStrP, MPP	
s.38(5)	duty to give notice of revocation of an amendment	DComm, PAEM, CStrP, MPP	
s.39	function of being a party to a proceeding commenced under section 39 and duty to comply with determination by VCAT	DComm, PAEM, CStrP, MPP	
s.40(1)	function of lodging copy of approved amendment	DComm, PAEM, CStrP, MPP	
s.41	duty to make approved amendment available	DComm, PAEM, CStrP, MPP	
s.42	duty to make copy of planning scheme available	DComm, PAEM, CStrP, MPP	
s.46AS(ac)	power to request the Growth Areas Authority to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria	DComm, PAEM, CStrP, MPP	
s.46GF	duty to comply with directions issued by the Minister	DComm, PAEM, CStrP, MPP	
s.46GG	duty to include a condition in a permit relating to matters set out in s.46GG(c) and (d)	DComm, PAEM, CStrP, MPP	
s.46GH(1)	power to require the payment of an amount of infrastructure levy to be secured to Council's satisfaction	DComm, PAEM, CStrP, MPP	where council is a collecting agency
s.46GH(2)	power to accept the provision of land, works, services or facilities in part or full satisfaction of the amount of infrastructure levy payable	DComm, PAEM, CStrP, MPP	where council is a collecting agency
s.46GH(3)	duty to obtain the agreement of the relevant development agency or agencies specified in the approved infrastructure contributions plan before accepting the provision of land, works, services or facilities by the applicant	DComm, PAEM, CStrP	where council is a collecting agency
s.46GI(1)	duty to keep proper accounts of any amount of infrastructure levy paid to it as a collecting agency or a development agency under part 2 of the Planning and Environment Act 1987	DComm, PAEM, CStrP	must be done in accordance with Local Government Act 1989.
s.46GI(2)	duty to forward to a development agency any part of an infrastructure levy paid to council which is imposed for plan preparation costs incurred by development agency or for carrying out of works, services or facilities on behalf of the development agency	DComm, PAEM, CStrP	
s.46GI(3)	duty to apply levy amount only in accordance with s.46GI(3) (a) and (b)	DComm, PAEM, CStrP	
s.46GI(4)	power to refund any amount of infrastructure levy paid to it as a	DComm, PAEM, CStrP	

Planning and Environment Act 1987			
	development agency under Part 2 of the Planning and Environment Act 1987 if satisfied that the development is not to proceed		
s.46G(5)	duty to take action described in s.46G(5)(c) – (e) where s.46G(5)(a) and (b) applies.	DComm, PAEM, CStrP	
s.46GL	power to recover any amount of infrastructure levy as a debt due to Council	DComm, PAEM, CStrP	where council is a collecting agency
s.46GM	duty to prepare report and give a report to the Minister	DComm, PAEM, CStrP	where council is a collecting agency or development agency
s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	DComm, PAEM, CStrP, MPP	
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	DComm, PAEM, CStrP, MPP	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	DComm, PAEM, CStrP, MPP	
s.46O(1)(a) & (2)(a)	power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	DComm, PAEM, CStrP, MPP	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	DComm, PAEM, CStrP, MPP	
s.46P(1)	power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	DComm, PAEM, CStrP, MPP	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	DComm, PAEM, CStrP, MPP	
s.46Q(1)	duty to keep proper accounts of levies paid	MFCP, DCorp	
s.46Q(1A)	duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency or plan preparation costs incurred by a development agency	DComm, PAEM, CStrP, MPP	
s.46Q(2)	duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	DComm, MINF	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	DComm, PAEM, CStrP, MPP	only applies when levy is paid to Council as a 'development agency'

Planning and Environment Act 1987			
s.46Q(4)(c)	duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the council or for the provision by the council of works, services or facilities in an area under s.46Q(4)(a)	DComm, PAEM, CStrP, MPP	must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s.46Q(4)(d)	duty to submit to the Minister an amendment to the approved development contributions plan	DComm, PAEM, CStrP, MPP	must be done in accordance with Part 3
s.46Q(4)(e)	duty to expend that amount on other works etc.	DComm, MINF	with the consent of, and in the manner approved by, the Minister
s.46QC	power to recover any amount of levy payable under Part 3B	DComm, PAEM	
s.46QD	duty to prepare report and give a report to the Minister	DComm, PAEM	where council is a collecting agency or development agency
s.46V(3)	duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	DComm, PAEM, CStrP, MPP	
s.46Y	duty to carry out works in conformity with the approved strategy plan	DComm, PAEM, CStrP, MPP	
s.47	power to decide that an application for a planning permit does not comply with that Act	DComm, PAEM, SPC, TLSP, CStrP, MPP, SSP, PLSP	
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	DComm, PAEM, SPC, TLSP, CStrP, MPP, SSP, PLSP	
s.49(2)	duty to make register available for inspection	DComm, PAEM, SPC, TLSP, CStrP, MPP, SSP, PLSP	
s.50(4)	duty to amend application	DComm, PAEM, SPC, TLSP, CStrP, MPP, SSP, PLSP	
s.50(5)	power to refuse to amend application	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.50(6)	duty to make note of amendment to application in register	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.50A(1)	power to make amendment to application	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.50A(4)	duty to note amendment to application in register	DComm, PAEM, SPC, TLSP, MPP, SSP	

Planning and Environment Act 1987			
		StatP, PLSP	
s.51	duty to make copy of application available for inspection	DComm, PAEM, TLSP, MPP, SSP, StatP, PLSP	
s.52(1)(a)	duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.52(1)(ca)	duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.52(1)(cb)	duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.52(3)	power to give any further notice of an application where appropriate	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.54(1)	power to require the applicant to provide more information	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.54(1A)	duty to give notice in writing of information required under section 54(1)	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.54(1B)	duty to specify the lapse date for an application	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.54A(3)	power to decide to extend time or refuse to extend time to give required	DComm, PAEM, SPC, TLSP, PLSP	

Planning and Environment Act 1987			
	information		
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time and section 54A(3)	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	To be retained by Council	
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.57(5)	duty to make available for inspection copy of all objections	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.57A(4)	duty to amend application in accordance with applicant's request, subject to section 57A(5)	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.57A(5)	power to refuse to amend application	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.57A(6)	duty to note amendments to application in register	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.57B(1)	duty to determine whether and to whom notice should be given	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.57C(1)	duty to give copy of amended application to referral authority	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.58	duty to consider every application for a permit	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.58A	power to request advice from the Planning Application Committee	DComm, PAEM, SPC, TLSP, PLSP	
s.60	duty to consider certain matters	DComm, PAEM, SPC, TLSP, SSP, StatP, PLSP	
s60(1A)	power to consider certain matters before deciding on application	DComm, PAEM, SPC, TLSP, SSP, StatP, PLSP	
s.60(1B)	duty to consider number of objectors in considering whether use or development may have significant social effect	DComm, PAEM, SPC, CStrP	
s.61(1)	power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit	DComm, PAEM, SPC, TLSP, PLSP	the permit must not be inconsistent with a cultural heritage management plan under the Aboriginal

Planning and Environment Act 1987			
	application		Heritage Act 2006
s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	DComm, PAEM, SPC, TLSP, PLSP	
s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	DComm, PAEM, SPC, TLSP, PLSP	
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	DComm, PAEM, SPC, TLSP, PLSP	
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	DComm, PAEM, SPC, TLSP, PLSP	
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DComm, PAEM, SPC, TLSP, PLSP	
s.62(1)	duty to include certain conditions in deciding to grant a permit	DComm, PAEM, SPC, TLSP, PLSP	
s.62(2)	power to include other conditions	DComm, PAEM, SPC, TLSP, PLSP	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DComm, PAEM, SPC, TLSP, PLSP	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	DComm, PAEM, SPC, TLSP, PLSP	
s.62(5)(b)	power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement	DComm, PAEM, SPC, TLSP, PLSP	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	DComm, PAEM, SPC, TLSP, PLSP	
s.62(6)(a)	duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with section 62(5) or section 46N	DComm, PAEM, SPC, TLSP, PLSP	
s.62(6)(b)	duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in section 62(1)(a)	DComm, PAEM, SPC, TLSP, PLSP	
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64(3)	duty not to issue a permit until after the specified period	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64(5)	duty to give each objector a copy of an exempt decision	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	this provision applies also to a decision to grant an amendment to a permit - see section 75

Planning and Environment Act 1987			
s.64A	duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	this provision applies also to a decision to grant an amendment to a permit - see section 75A
s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.66(1)	duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s.66(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	if the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s.66(6)	duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under section 64 or 65	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s.69(1)	function of receiving application for extension of time of permit	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, TLPES, PLSP	
s.69(1A)	function of receiving application for extension of time to complete development	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, TLPES, PLSP	
s.69(2)	power to extend time	DComm, PAEM, SPC, TLSP, MPP, SSP, PLSP	
s.70	duty to make copy permit available for inspection	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, TLPES, PLSP	
s.71(1)	power to correct certain mistakes	DComm, PAEM, SPC, TLSP, PLSP	
s.71(2)	duty to note corrections in register	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
S.73	power to decide to grant amendment subject to conditions	DComm, PAEM, SPC, TLSP, PLSP	
S.74	duty to issue amended permit to applicant if no objectors	DComm, PAEM, SPC, TLSP, MPP, SSP,	

Planning and Environment Act 1987			
		StatP, PLSP	
S.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, TLPES, PLSP	if the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, TLPES, PLSP	if the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under section 64 or 76	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, TLPES, PLSP	if the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s.76D	duty to comply with direction of Minister to issue amended permit	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
S.83	function of being respondent to an appeal	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.83B	duty to give or publish notice of application for review	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DComm, PAEM, SPC, TLSP, PLSP	
s.84(2)	duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.84(3)	duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.84(6)	duty to issue permit on receipt of advice within 3 working days	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.86	duty to issue a permit at order of Tribunal within 3 working days	DComm, PAEM, SPC, TLSP, MPP, SSP,	

Planning and Environment Act 1987			
		StatP, PLSP	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.91(2)	duty to comply with the directions of VCAT	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.91(2A)	duty to issue amended permit to owner if Tribunal so directs	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.93(2)	duty to give notice of VCAT order to stop development	IPO, PIO, DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.95(3)	function of referring certain applications to the Minister	DComm, PAEM, SPC, TLSP, PLSP	
s.95(4)	duty to comply with an order or direction	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	DComm, PAEM, SPC, TLSP, PLSP	
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DComm, PAEM, SPC, TLSP, PLSP	
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	To be retained by Council	
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	To be retained by Council	
s.96F	duty to consider the panel's report under section 96E	To be retained by Council	
s.96G(1)	power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under section 23 of the Planning and Environment (Planning Schemes) Act 1996)	To be retained by Council	
s.96H(3)	power to give notice in compliance with Minister's direction	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.96J	power to issue permit as directed by the Minister	DComm, PAEM, SPC, TLSP, CStrP, MPP, SSP, StatP, PLSP	

Planning and Environment Act 1987			
s.96K	duty to comply with direction of the Minister to give notice of refusal	DComm, PAEM, SPC, TLSP, CStrP, MPP, SSP, StatP, PLSP	
s. 96Z	duty to keep levy certificates given to it under ss. 47 or 96A for no less than 5 years from receipt of the certificate	DComm, PAEM, SPC, TLSP, CStrP, MPP, SSP, StatP, PLSP	
s.97C	power to request Minister to decide the application	To be retained by Council	
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	DComm, PAEM, SPC, TLSP, CStrP, MPP, SSP, StatP, PLSP	
s.97G(3)	function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	DComm, PAEM, SPC, TLSP, CStrP, MPP, SSP, StatP, PLSP	
s.97G(6)	duty to make a copy of permits issued under section 97F available for inspection	DComm, PAEM, SPC, TLSP, CStrP, MPP, SSP, StatP, PLSP	
s.97L	duty to include Ministerial decisions in a register kept under section 49	DComm, PAEM, SPC, TLSP, CStrP, MPP, SSP, StatP, PLSP	
s.97MH	duty to provide information or assistance to the Planning Application Committee	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.97MI	duty to contribute to the costs of the Planning Application Committee or subcommittee	To be retained by Council	
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.97Q(4)	duty to comply with directions of VCAT	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, TLPE, PLSP	
s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	DComm, PAEM, SPC	
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	DComm, PAEM, SPC	
s.101	function of receiving claim for expenses in conjunction with claim	DComm, PAEM, SPC	
s.103	power to reject a claim for compensation in certain circumstances	DComm, PAEM, SPC	
s.107(1)	function of receiving claim for compensation	DComm, PAEM, SPC	

Planning and Environment Act 1987			
s.107(3)	power to agree to extend time for making claim	DComm, PAEM, SPC	
s.114(1)	power to apply to the VCAT for an enforcement order	IPO, PIO, DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.117(1)(a)	function of making a submission to the VCAT where objections are received	IPO, PIO, DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.120(1)	power to apply for an interim enforcement order where section 114 application has been made	IPO, PIO, DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.123(1)	power to carry out work required by enforcement order and recover costs	IPO, PIO, DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	DComm, PAEM, SPC	except Crown Land
s.129	function of recovering penalties	IPO, PIO, DComm, PAEM, SPC, TLSP, PLSP	
s.130(5)	power to allow person served with an infringement notice further time	IPO, PIO, DComm, PAEM, SPC, TLSP, PLSP	
s.149A(1)	power to refer a matter to the VCAT for determination	To be retained by Council	
s.149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under subsection (2B)power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	where council is the relevant planning authority
s.171(2)(f)	power to carry out studies and commission reports	DComm, PAEM, SPC	
s.171(2)(g)	power to grant and reserve easements	DComm, PAEM, SPC	
s.173	power to enter into agreement covering matters set out in section 174	DComm, PAEM, SPC	
	power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	DComm, PAEM, SPC	
	power to give consent on behalf of Council, where an agreement made under section 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or	DComm, PAEM, SPC	

Planning and Environment Act 1987			
	Responsible Authority		
s.177(2)	power to end a section 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DComm, PAEM, SPC	
s.178	power to amend a s.173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DComm, PAEM, SPC	
s.178A(1)	function of receiving application to amend or end an agreement	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, TLPES, PLSP	
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	DComm, PAEM, SPC, TLSP, PLSP	
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DComm, PAEM, SPC, TLSP, PLSP	
s.178A(5)	power to propose to amend or end an agreement	DComm, PAEM, SPC	
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, TLPES, PLSP	
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	DComm, PAEM, SPC, TLSP, MPP, SSP, PLSP	
s.178C(2)	duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	DComm, PAEM, SPC, TLSP, MPP, SSP, PLSP	
s.178C(4)	function of determining how to give notice under s.178C(2)	DComm, PAEM, SPC, TLSP, PLSP	
s.178E(1)	duty not to make decision until after 14 days after notice has been given	DComm, PAEM, SPC, TLSP, MPP, SSP, PLSP	
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	DComm, PAEM, SPC	If no objections are made under s.178D Must consider matters in s.178B
s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	DComm, PAEM, SPC	If no objections are made under s.178D Must consider matters in s.178B
s.178E(2)(c)	power to refuse to amend or end the agreement	DComm, PAEM, SPC	If no objections are made under s.178D Must consider matters in s.178B
s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	DComm, PAEM, SPC	After considering objections, submissions and matters in s.178B
s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	DComm, PAEM, SPC	After considering objections, submissions and matters in s.178B

Planning and Environment Act 1987			
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	DComm, PAEM, SPC	After considering objections, submissions and matters in s.178B
s.178E(3)(d)	power to refuse to amend or end the agreement	DComm, PAEM, SPC	After considering objections, submissions and matters in s.178B
s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	DComm, PAEM, SPC, TLSP, MPP, SSP, PLSP	
s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	DComm, PAEM, SPC, TLSP, MPP, SSP, PLSP	
s.178F(4)	duty not to proceed to amend or end an agreement under s.178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	DComm, PAEM, SPC	
s.178G	duty to sign amended agreement and give copy to each other party to the agreement	DComm, PAEM, SPC	
s.178H	power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	DComm, PAEM, SPC, TLSP, MPP, SSP, PLSP	
s.178I(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DComm, PAEM, SPC, TLSP, PLSP	
s.179(2)	duty to make available for inspection copy agreement	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, TLPES, PLSP	
s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.181(1A)(b)	duty to apply to the Registrar of Titles, without delay, to record the agreement	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.182	power to enforce an agreement	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.184F(1)	power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	DComm, PAEM, SPC	
s.184F(2)	duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	

Planning and Environment Act 1987			
	end an agreement		
s.184F(3)	duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.184F(5)	function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, TLPE, PLSP	
s.184G(2)	duty to comply with a direction of the Tribunal	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.184G(3)	duty to give notice as directed by the Tribunal	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.198(1)	function to receive application for planning certificate	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.199(1)	duty to give planning certificate to applicant	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.201(1)	function of receiving application for declaration of underlying zoning	DComm, PAEM, SPC, TLSP, MPP, SSP, StatP, PLSP	
s.201(3)	duty to make declaration	DComm, PAEM, SPC, TLSP, PLSP	
	power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	DComm, PAEM	
	power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	DComm, PAEM, SPC	
	power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	DComm, PAEM, SPC, TLSP, PLSP	
	power to give written authorisation in accordance with a provision of a planning scheme	DComm, PAEM, SPC, TLSP, PLSP	
s.201UAB(1)	function of providing the Growth Areas Authority with information relating to any land within municipal district	DComm, PAEM, SPC, TLSP, PLSP	
s.201UAB(2)	duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible	DComm, PAEM, SPC, TLSP, PLSP	
Rail Safety (Local Operations) Act 2006			

Rail Safety (Local Operations) Act 2006			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.33	duty to comply with a direction of the Safety Director under this section	DComm, MINF, OPM, CE	where council is a utility under section 3
s.33A	duty to comply with a direction of the Safety Director to give effect to arrangements under this section	DComm, MINF, OPM, CE	duty of council as a road authority under the Road Management Act 2004
s.34	duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under section 33(1)	DComm, MINF, OPM, CE, CWME, CCW	where council is a utility under section 3
s.34C(2)	function of entering into safety interface agreements with rail infrastructure manager	MSA, DComm, MINF, OPM, CE	where council is the relevant road authority
s.34D(1)	function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	DComm, MINF, OPM, CE, CWME, CCW	where council is the relevant road authority
s.34D(2)	function of receiving written notice of opinion	DComm, MINF, OPM, CE	where council is the relevant road authority
s.34D(4)	function of entering into safety interface agreement with infrastructure manager	MSA, DComm, MINF, OPM, CE	where council is the relevant road authority
s.34E(1)(a)	duty to identify and assess risks to safety	DComm, MINF, OPM, CE, CWME, CCW	where council is the relevant road authority
s.34E(1)(b)	duty to determine measures to manage any risks identified and assessed having regard to items set out in section 34E(2)(a)-(c)	DComm, MINF, OPM, CE, CWME, CCW	where council is the relevant road authority
s.34E(3)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	MSA, DComm, MINF, OPM, CE	where council is the relevant road authority
s.34F(1)(a)	duty to identify and assess risks to safety, if written notice has been received under section 34D(2)(a)	DComm, MINF, OPM, CE, CWME, CCW	where council is the relevant road authority
s.34F(1)(b)	duty to determine measures to manage any risks identified and assessed, if written notice has been received under section 34D(2)(a)	DComm, MINF, OPM, CE, CWME, CCW	where council is the relevant road authority
s.34F(2)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	MSA, DComm, MINF, OPM, CE	where council is the relevant road authority
s.34H	power to identify and assess risks to safety as required under sections 34B, 34C, 34D, 34E or 34F in accordance with subsections (a)-(c)	DComm, MINF, OPM, CE, CWME, CCW	where council is the relevant road authority
s.34I	function of entering into safety interface agreements	MSA, DComm, MINF, OPM, CE	where council is the relevant road authority
s.34J(2)	function of receiving notice from Safety Director	DComm, MINF, OPM, CE	where council is the relevant road authority
s.34J(7)	duty to comply with a direction of the Safety Director given under section 34J(5)	DComm, MINF, OPM, CE, CWME, CCW	where council is the relevant road authority
s.34K(2)	duty to maintain a register of items set out in subsections (a)-(b)	CAP, MSA, DComm, DCorp, MINF, CE, CWME, CCW	where council is the relevant road authority

Residential Tenancies Act 1997			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.142D	function of receiving notice regarding an unregistered rooming house	CSM, EHC, EHO, DComm	
s.142G(1)	duty to enter required information in Rooming House Register for each rooming house in municipal district	CSM, EHC, EHO, DComm, MBS	
s. 142G(2)	power to enter certain information in the Rooming House Register	CSM, EHC, EHO, DComm	
s.142I(2)	power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	CSM, EHC, EHO, DComm	
s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies	DComm, DCorp, MBS, MCS, CPSP	where council is the landlord
s.262(1)	power to give tenant a notice to vacate rented premises	DComm, DCorp, MBS, MCS, CPSP	where council is the landlord
s.262(3)	power to publish its criteria for eligibility for the provision of housing by council	DComm, DCorp, MBS, MCS, CPSP	
s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	CSM, EHC, EHO, DComm, DCorp, MBS	
s.522(1)	power to give a compliance notice to a person	CSM, EHC, EHO, DComm, MBS	
s.525(2)	power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	CSM, DComm	
s.525(4)	duty to issue identity card to authorised officers	CSM, DComm, PLT	
s.526(5)	duty to keep record of entry by authorised officer under section 526	CSM, DComm	
s.526A(3)	function of receiving report of inspection	CSM, DComm	
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	CSM, EHC, DComm, CP	
Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.11(1)	power to declare a road by publishing a notice in the Government Gazette	DCorp, MACP, GCO	obtain consent in circumstances specified in section 11(2)
s.11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	DCorp, MACP, GCO	
s.11(9)(b)	duty to advise Registrar	DCorp, MACP, GCO	

Road Management Act 2004			
s.11(10)	duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	DCorp, MACP, GCO	clause subject to section 11(10A)
s.11(10A)	duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	DCorp, MACP, GCO	where council is the coordinating road authority
s.12(2)	power to discontinue road or part of a road	To be retained by Council	where council is the coordinating road authority
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	DCorp, MACP, GCO	power of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(5)	duty to consider written submissions received within 28 days of notice	DCorp, MACP	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(6)	function of hearing a person in support of their written submission	To be retained by Council	function of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(7)	duty to fix day, time and place of meeting under subsection (6) and to give notice	DCorp, MACP, GCO	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(10)	duty to notify of decision made	DCorp, MACP, GCO	duty of coordinating road authority where it is the discontinuing body does not apply where an exemption is specified by the regulations or given by the Minister
s.13(1)	power to fix a boundary of a road by publishing notice in Government Gazette	DCorp, MACP, GCO	power of coordinating road authority and obtain consent under section 13(3) and section 13(4) as appropriate
s.14(4)	function of receiving notice from VicRoads	DCorp, MACP	
s.14(7)	power to appeal against decision of VicRoads	DCorp, MACP	
s.15(1)	power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	MSA, DComm, DCorp, MINF, OPM, CE	
s.15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	MSA, DComm, DCorp, MINF, OPM	
s.15(2)	duty to include details of arrangement in public roads register	CAP, MSA, DCorp	
s.16(7)	power to enter into an arrangement under section 15	MSA, DComm, DCorp, MINF, OPM	

Road Management Act 2004			
s.16(8)	duty to enter details of determination in public roads register	CAP, MSA, DCorp	
s.17(2)	duty to register public road in public roads register	CAP, MSA, DCorp	where council is the coordinating road authority
s.17(3)	power to decide that a road is reasonably required for general public use	CAP, MSA, DComm, DCorp, MINF, CE	where council is the coordinating road authority
s.17(3)	duty to register a road reasonably required for general public use in public roads register	CAP, MSA, DCorp	where council is the coordinating road authority
s.17(4)	power to decide that a road is no longer reasonably required for general public use	DComm, DCorp, MACP, MINF, GCO	where council is the coordinating road authority
s.17(4)	duty to remove road no longer reasonably required for general public use from public roads register	CAP, MSA, DComm, DCorp, MINF, CE	where council is the coordinating road authority
s.18(1)	power to designate ancillary area	CAP, MSA, DCorp	where council is the coordinating road authority, and obtain consent in circumstances specified in section 18(2)
s.18(3)	duty to record designation in public roads register	CAP, MSA, DCorp	where council is the coordinating road authority
s.19(1)	duty to keep register of public roads in respect of which it is the coordinating road authority	CAP, MSA, DCorp	
s.19(4)	duty to specify details of discontinuance in public roads register	CAP, MSA, DCorp	
s.19(5)	duty to ensure public roads register is available for public inspection	CAP, MSA, DCorp	
s.21	function of replying to request for information or advice	CAP, MSA, DCorp	obtain consent in circumstances specified in section 11(2)
s.22(2)	function of commenting on proposed direction	CAP, MSA, DCorp	
s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	DComm, MINF, CE	
s.22(5)	duty to give effect to a direction under this section.	DComm, MINF, CE	
s.40(1)	duty to inspect, maintain and repair a public road.	DComm, MINF, OPM, CWME, CCW	
s.40(5)	power to inspect, maintain and repair a road which is not a public road	DComm, MINF, OPM, CWME, CCW	
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	MSA, DComm, DCorp, MINF, OPM, CWME, CCW	
s.42(1)	power to declare a public road as a controlled access road	CAP, MSA, DCorp, MINF	power of coordinating road authority and Schedule 2 also applies
s.42(2)	power to amend or revoke declaration by notice published in Government Gazette	CAP, MSA, DCorp, MINF	power of coordinating road authority and Schedule 2 also applies
s.42A(3)	duty to consult with VicRoads before road is specified	CAP, MSA, DCorp, MINF	where council is the coordinating road authority if road is a municipal road or part thereof

Road Management Act 2004			
s.42A(4)	power to approve Minister's decision to specify a road as a specified freight road	DComm, MINF, CE	where council is the coordinating road authority if road is a municipal road or part thereof and where road is to be specified a freight road
s.48EA	duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	DComm, MINF, CE	where council is the responsible road authority, infrastructure manager or works manager
s.48M(3)	function of consulting with the relevant authority for purposes of developing guidelines under section 48M	DComm, MINF, CE	
s.49	power to develop and publish a road management plan	CAP, MSA, DCorp	
s.51	power to determine standards by incorporating the standards in a road management plan	CAP, MSA, DCorp	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	CAP, MSA, DCorp	
s.54(2)	duty to give notice of proposal to make a road management plan	CAP, MSA, DCorp	
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	CAP, MSA, DCorp	
s.54(6)	power to amend road management plan	CAP, MSA, DCorp	
s.54(7)	duty to incorporate the amendments into the road management plan	CAP, MSA, DCorp	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	CAP, MSA, DComm, DCorp, CE	
s.63(1)	power to consent to conduct of works on road	DComm, MINF, OPM, CE, CWME, CCW	where council is the coordinating road authority
s.63(2)(e)	power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	DComm, MINF, OPM, CE, CWME, CCW	where council is the infrastructure manager
s.64(1)	duty to comply with clause 13 of Schedule 7	DComm, MINF, OPM, CE	where council is the infrastructure manager or works manager
s.66(1)	power to consent to structure etc	DComm, MINF, OPM, CE	where council is the coordinating road authority
s.67(2)	function of receiving the name & address of the person responsible for distributing the sign or bill	DComm, MINF, OPM, CE	where council is the coordinating road authority
s.67(3)	power to request information	MSA, DComm, DCorp, MINF, OPM, CE	where council is the coordinating road authority
s.68(2)	power to request information	MSA, DComm, DCorp, MINF, OPM, CE	where council is the coordinating road authority
s.71(3)	power to appoint an authorised officer	CEO, DComm, DCorp	
s.72	duty to issue an identity card to each authorised officer	MSA, DComm, DCorp, MINF, MHR, OPM	
s.85	function of receiving report from authorised officer	MSA, DComm, DCorp, MINF, OPM, OSA,	

Road Management Act 2004			
		CWME, CPG, CSV, CCW	
s.86	duty to keep register re section 85 matters	MSA, DComm, DCorp, MINF, OPM	
s.87(1)	function of receiving complaints	MSA, DComm, DCorp, MINF, OPM, OSA, CWME, CPG, CSV, CCW	
s.87(2)	duty to investigate complaint and provide report	MSA, DComm, DCorp, MINF, OPM, OSA, CWME, CPG, CSV, CCW	
s.112(2)	power to recover damages in court	MSA, MFCP, DComm, DCorp, MINF, OPM, MCS	
s.116	power to cause or carry out inspection	MSA, DComm, DCorp, MINF, OPM, CWME, CCW	
s.119(2)	function of consulting with VicRoads	MSA, DComm, DCorp, MINF, OPM, OSA, CWME, CPG, CSV, CCW	
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	MSA, DComm, DCorp, MINF, OPM, OSA, CWME, CPG, CSV, CCW	
s.120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	MSA, DComm, DCorp, MINF, OPM, OSA, CPG, CSV	
s.121(1)	power to enter into an agreement in respect of works	MSA, DComm, DCorp, MINF, OPM	
s.122(1)	power to charge and recover fees	MSA, DComm, DCorp, MINF, OPM	
s.123(1)	power to charge for any service	MSA, DComm, DCorp, MINF, OPM	
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	MSA, DComm, DCorp, MINF	
Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	MSA, DComm, DCorp, MINF	
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	MSA, DComm, DCorp, MINF	
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	MSA, DComm, DCorp, MINF, CE	
Schedule 2 Clause 5	duty to publish notice of declaration	MSA, DComm, DCorp, MINF, CE	
Schedule 7, Clause 7(1)	duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	MSA, DComm, DCorp, MINF, CE	where council is the infrastructure manager or works manager
Schedule 7, Clause 8(1)	duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be	MSA, DComm, DCorp, MINF, OPM, CE	where council is the infrastructure manager or works manager

Road Management Act 2004			
	affected by any proposed installation of infrastructure or related works on a road or road reserve of any road		
Schedule 7, Clause 9(1)	duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	MSA, DComm, DCorp, MINF, OPM, CE	where council is the infrastructure manager or works manager responsible for non-road infrastructure
Schedule 7, Clause 9(2)	duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	MSA, DComm, DCorp, MINF, CE	where council is the infrastructure manager or works manager
Schedule 7, Clause 10(2)	where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	CAP, MSA, DComm, DCorp, MINF, OPM, CE, CWME, CCW	where council is the infrastructure manager or works manager
Schedule 7 Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	MSA, DComm, DCorp, MINF, CE	where council is the coordinating road authority
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	MSA, DComm, DCorp, MINF, CE	where council is the coordinating road authority
Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	MSA, DComm, DCorp, MINF	where council is the coordinating road authority
Schedule 7 Clause 12(5)	power to recover costs	MSA, DComm, DCorp, MINF, OPM, MCS	where council is the coordinating road authority
Schedule 7, Clause 13(1)	duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2)	MSA, DComm, DCorp, MINF, OPM, CE	where council is the works manager
Schedule 7 Clause 13(2)	power to vary notice period	MSA, DComm, DCorp, MINF, OPM, CE	where council is the coordinating road authority
Schedule 7, Clause 13(3)	duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1)	DComm, MINF, OPM	where council is the infrastructure manager
Schedule 7	power to consent to proposed works	DComm, MINF, OPM, CE	where council is the coordinating road authority

Road Management Act 2004			
Clause 16(1)			
Schedule 7 Clause 16(4)	duty to consult	CAP, MSA, DComm, DCorp, MINF, OPM, CE	where council is the coordinating road authority, responsible authority or infrastructure manager
Schedule 7 Clause 16(5)	power to consent to proposed works	DComm, MINF, OPM, CE	where council is the coordinating road authority
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	DComm, MINF, OPM, CE	where council is the coordinating road authority
Schedule 7 Clause 16(8)	power to include consents and conditions	DComm, MINF, OPM, CE	where council is the coordinating road authority
Schedule 7 Clause 17(2)	power to refuse to give consent and duty to give reasons for refusal	DComm, MINF, OPM, CE	where council is the coordinating road authority
Schedule 7 Clause 18(1)	power to enter into an agreement	DComm, MINF, OPM, CE	where council is the coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	DComm, MINF, OPM, CE	where council is the coordinating road authority
Schedule 7 Clause 19(2) & (3)	power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	DComm, MINF, OPM, CE, CWME, CCW	where council is the coordinating road authority
Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	DComm, MINF, OPM, CE	where council is the coordinating road authority
Schedule 7A Clause 2	power to cause street lights to be installed on roads	DComm, MINF, CE, CWME, CCW	power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
Schedule 7A Clause 3(1)(d)	duty to pay installation and operation costs of street lighting - where road is not an arterial road	DComm, MINF, CE	where council is the responsible road authority

Road Management Act 2004			
Schedule 7A Clause 3(1)(e)	duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	DComm, MINF, CE	where council is the responsible road authority
Schedule 7A Clause (3)(1)(f),	duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with clauses 3(2) and 4	DComm, MINF, CE	duty of council as responsible road authority that installed the light (re: installation costs) and where council is relevant municipal council (re: operating costs)
Cemeteries and Crematoria Regulations 2015			
These provisions apply to Councils appointed as a cemetery trust under section 5 of the Cemeteries and Crematoria Act 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.24	duty to ensure that cemetery complies with depth of burial requirements	DComm, DCorp, MACP, OPM, FMPO, GCO, TLPM, CPG, TLRRR	
r.25	duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	DComm, DCorp, MACP, OPM, FMPO, GCO, TLPM, CPG, TLRRR	
r.27	power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	DComm, DCorp, MACP, OPM, FMPO, GCO, TLPM, TLRRR	
r.33(1)	duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	DComm, DCorp, MACP, OPM, FMPO, GCO, TLPM, CPG, TLRRR	
r.46	power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	DComm, DCorp, MACP, OPM, FMPO, GCO, TLPM, CPG, TLRRR	
r.48(2)	power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	DComm, DCorp, MACP, OPM, FMPO, GCO, TLPM, CPG, TLRRR	
	Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules	Note only	
Schedule 2, clause 4	power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of Schedule 2	DComm, DCorp, MACP, OPM, FMPO, GCO, TLPM, TLRRR	see note above regarding model rules
Schedule 2, clause 5(1)	duty to display the hours during which pedestrian access is available to the cemetery	DCorp, MACP, FMPO, GCO	see note above regarding model rules
Schedule 2, clause 5(2)	duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	DCorp, MACP, FMPO, GCO	see note above regarding model rules
Schedule 2, clause 6(1)	power to give directions regarding the manner in which a funeral is to be conducted	DComm, DCorp, MACP, OPM, FMPO, GCO, TLPM, CPG, TLRRR	see note above regarding model rules

Cemeteries and Crematoria Regulations 2015			
These provisions apply to Councils appointed as a cemetery trust under section 5 of the Cemeteries and Crematoria Act 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Schedule 2, clause 7(1)	power to give directions regarding the dressing of places of interment and memorials	DComm, DCorp, MACP, OPM, FMPO, GCO, TLPM, CPG, TLRRR	see note above regarding model rules
Schedule 2, clause 8	power to approve certain mementos on a memorial	DComm, DCorp, MACP, OPM, FMPO, GCO, TLPM, CPG, TLRRR	see note above regarding model rules
Schedule 2, clause 11(1)	power to remove objects from a memorial or place of interment	DComm, DCorp, MACP, OPM, FMPO, GCO, TLPM, CPG, TLRRR	see note above regarding model rules
Schedule 2, clause 11(2)	duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	DComm, OPM, TLPM	see note above regarding model rules
Schedule 2, clause 12	power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	DComm, DCorp, MACP, OPM, FMPO, GCO, TLPM, CPG, TLRRR	see note above regarding model rules
Schedule 2, clause 14	power to approve an animal to enter into or remain in a cemetery	DCorp, MACP, FMPO, GCO	see note above regarding model rules
Schedule 2, clause 16(1)	power to approve construction and building within a cemetery	CEO, DCorp	see note above regarding model rules
Schedule 2, clause 17(1)	power to approve action to disturb or demolish property of the cemetery trust	CEO, DCorp	see note above regarding model rules
Schedule 2, clause 18(1)	power to approve digging or planting within a cemetery	DComm, DCorp, MACP, OPM, FMPO, GCO, TLPM, CPG, TLRRR	see note above regarding model rules
Planning and Environment Regulations 2015			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	DComm, PAEM	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify	DComm, PAEM, SPC, TLSP, PLSP	

Planning and Environment Regulations 2015			
	information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act		
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	PAEM, SPC, TLSP, MPP, SSP, TLPES, PLSP	where Council is the responsible authority
r.25(b))	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	PAEM, SPC, TLSP, MPP, SSP, TLPES, PLSP	where Council is not the responsible authority but the relevant land is within Council's municipal district
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	DComm, PAEM	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
Planning and Environment (Fees) Regulations 2016			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.20	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	DComm, PAEM, SPC, TLSP, PLSP	
r.19	power to waive or rebate a fee relating to an amendment of a planning scheme	DComm, PAEM, CStrP	
r.21	duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.19 or 20	DComm, PAEM, SPC, TLSP, CStrP, PLSP	
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.7	function of entering into a written agreement with a caravan park owner	CSM, EHC, DComm, MBS, MCS, CPSP	EHC and MBS in a coordinated approach
r.11	function of receiving application for registration	CSM, EHC, EHO, DComm	
r.13(1)	duty to grant the registration if satisfied that the caravan park complies with these regulations	CSM, EHC, EHO, DComm	
r.13(2)	duty to renew the registration if satisfied that the caravan park complies with these regulations	CSM, EHC, EHO, DComm	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CSM, EHC, DComm	
r.13(4) & (5)	duty to issue certificate of registration	CSM, EHC, EHO, DComm	
r.15(1)	function of receiving notice of transfer of ownership	CSM, EHC, EHO, DComm	
r.15(3)	power to determine where notice of transfer is displayed	CSM, EHC, EHO, DComm	
r.16(1)	duty to transfer registration to new caravan park owner	CSM, EHC, EHO, DComm	
r.16(2)	duty to issue a certificate of transfer of registration	CSM, EHC, DComm	
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	CSM, EHC, DComm	
r.18	duty to keep register of caravan parks	CSM, EHC, DComm	
r.19(4)	power to determine where the emergency contact person's details are displayed	CSM, EHC, EHO, DComm	
r.19(6)	power to determine where certain information is displayed	CSM, EHC, EHO, DComm	
r.22A(1)	duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	CSM, EHC, EHO, DComm, MBS	EHC, EHO and MBS in coordinated approach
r.22A(2)	duty to consult with relevant emergency services agencies	CSM, EHC, EHO, DComm, MBS	EHC, EHO and MBS in coordinated approach
r.23	power to determine places in which caravan park owner must display a copy of emergency procedures	CSM, EHC, EHO, DComm	
r.24	power to determine places in which caravan park owner must display copy of public emergency warnings	CSM, EHC, EHO, DComm, MBS	EHO, EHC & MBS in coordinated approach
r.25(3)	duty to consult with relevant floodplain management authority	CSM, EHC, EHO, DComm, MFPO	EHO, EHC and MBS in coordinated approach
r.26	duty to have regard to any report of the relevant fire authority	CSM, EHC, DComm, MBS, MFPO	EHC and MBS in coordinated approach
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	CSM, EHC, EHO, DComm	
r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	CSM, EHC, DComm, MBS	EHC and MBS in coordinated approach
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	CSM, EHC, DComm, MBS	EHC and MBS in coordinated approach

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
r.40(4)	function of receiving installation certificate	CSM, EHC, DComm, MBS	EHC and MBS in coordinated approach
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	CSM, EHC, DComm, MBS	EHC and MBS in coordinated approach
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	CSM, EHC, DComm, MBS	EHC and MBS in coordinated approach
Road Management (General) Regulations 2016			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.8(1)	duty to conduct reviews of road management plan	CAP, MSA, DComm, DCorp, MINF	
r.9(2)	duty to produce written report of review of road management plan and make report available	CAP, MSA, DComm, DCorp, MINF	
r.9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	MSA, DComm, MINF	where council is the coordinating road authority
r.10	duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act	CAP, MSA, DComm, DCorp, MINF	
r.13(1)	Duty to publish notice of amendments to road management plan	MSA, DComm, MINF	where council is the coordinating road authority
r.13(3)	duty to record on road management plan the substance and date of effect of amendment	CAP, MSA, DComm, DCorp, MINF	
r.16(3)	power to issue permit	DComm, MINF, CE, CWME	where council is the coordinating road authority
r.18(1)	power to give written consent re damage to road	DComm, MINF, CE, CWME	where council is the coordinating road authority
r.23(2)	power to make submission to Tribunal	MSA, DComm, DCorp, MINF, CE	where council is the coordinating road authority
r.23(4)	power to charge a fee for application under section 66(1) Road Management Act	MSA, MFCP, DComm, DCorp, MINF	where council is the coordinating road authority
r.25(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	DComm, MINF, OPM, CWME, CCW	where council is the responsible road authority
r.25(2)	power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	DComm, MINF, OPM, CWME, CCW	where council is the responsible road authority
r.25(5)	power to recover in the Magistrates' Court, expenses from person responsible	MFCP, DComm, DCorp, MINF, OPM, MCS	

Road Management (Works and Infrastructure) Regulations 2015			
Note: these regulations commenced on 20 June 2015, replacing the Roads Management (works & infrastructure) Regulations 2005, which expired on 21 June 2015.			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.15	power to exempt a person from requirement under clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works	DComm, DCorp, MINF, CE, CWME	where council is the coordinating road authority and where consent given under section 63(1) of the Act
r.22(2)	power to waive whole or part of fee in certain circumstances	DComm, DCorp, MINF, CE, CWME	where council is the coordinating road authority



Frankston City Council

Instrument of Delegation (S5)

**Council to the
Chief Executive Officer**

Instrument of Delegation to the Chief Executive Officer

In exercise of the power conferred by section 98(1) of the Local Government Act 1989 ("the Act"), and all other powers enabling it, the Frankston City Council ("Council") delegates to the member of Council staff holding or performing in the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on the XX XXXXX 2017;
2. the delegation
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 remains in force until Council determines to vary or revoke it;
 - 2.3 is subject to any conditions and limitations set out in the Schedule; and
 - 2.4 must be exercised in accordance with any guidelines or policies, which Council from time to time adopts.
3. The member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or any other powers not capable of sub-delegation which this Instrument of Delegation delegates to him or her.

THE COMMON SEAL of)
 FRANKSTON CITY COUNCIL was)
 affixed in the presence of:)

..... Councillor

..... Chief Executive Officer

SCHEDULE

The power to:

1. determine any issue;
2. take any action; or
3. do any act or thing arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

Conditions/Limitations

1. The delegate must not determine the issue; take the action or do the act or thing
 - 1.1 if the issue, action, act or thing is an issue, action, act or thing, which involves-
 - 1.1.1 the use of the common seal;
 - 1.1.2 awarding a contract exceeding the value of \$500,000, exclusive of all taxes, except in the case of renewal of public liability, products liability, work cover premiums, professional indemnity, building and contents insurance policies, as well as tender negotiations on supply of electricity for street lighting or other energy supply contracts and subsequent approval of contracts. The Value of a contract shall be the total contract spent by Council, estimated over the full possible life of the contract, assuming (where relevant) all possible extension options are exercised. In the case of a software (or other on-going) contract without specified latest end dates, it will be assumed that the contract will have a life of seven years;
 - 1.1.3 making of a local law under Part 5 of the Act;
 - 1.1.4 approval of the Council Plan under section 125 of the Act;
 - 1.1.5 adoption of the Strategic Resource plan under section 126 of the Act;
 - 1.1.6 preparation or adoption of the budget or a revised budget under Part 6 of the Act;
 - 1.1.7 adoption of the Auditor's report and Annual Financial Statements under Part 6 of the Act;
 - 1.1.8 determining pursuant to section 37 of the Act that an extraordinary vacancy on Council not be filled;
 - 1.1.9 exempting a member of a special committee who is not a Councillor from submitting a return under section 81 of the Act;
 - 1.1.10 appointment of councillor or community delegates or representatives to external organisations;
 - 1.1.11 the return of the general valuation or any supplementary valuations;
 - 1.1.12 major policy or strategic matters, which will have an impact on the operation of Council;
 - 1.1.13 the purchase of any land or disposal of any land;
 - 1.1.14 adoption of Council policy;
 - 1.1.15 utilisation of funds allocated for a particular purpose in the budget as approved by Council for an alternative purpose;
 - 1.1.16 expenditure of greater than \$20,000 on any one advertising campaign, unless related to an emergency situation; and
 - 1.1.17 approval of any overseas travel.

- 1.2 if the issue, action, act or thing is an issue, action, act or thing, which -
 - 1.2.1 Council;
 - 1.2.2 a Councillor of Council; or
 - 1.2.3 the delegate

has previously designated as an issue, action, act or thing, which must be the subject of a Resolution of Council;
- 1.3 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a -
 - 1.3.1 policy;
 - 1.3.2 strategy; or
 - 1.3.3 local law or decision of Council

adopted by Council;
- 1.4 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a) - (f) (inclusive) of the Act, or otherwise; or
- 1.5 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

Executive Summary**12.4 Progress of Council Resolutions resulting from Notice of Motions**

Enquiries: (Michael Craighead: Corporate Development)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.3 Ensure good governance and management of Council resources
Priority Action	3.3.3 Continue to build organisational capability and a customer service culture

Purpose

To brief Council on the current status of Notice of Motion Resolutions.

Recommendation (Director Corporate Development)

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

Key Points / Issues

- At the Ordinary Council Meeting OM295 held on 19 December 2016, Cr Sandra Mayer moved the Notice of Motion *NOM1240 - Progress of Council Resolutions resulting from Notices of Motion*, which was subsequently carried unanimously:

“That the Chief Executive Officer is directed to provide regular updates to Council on the progress or status of Council’s resolutions resulting from Notices of Motion raised by Councillors. In order to facilitate this, a brief progress report (detailing the status of each outstanding resolution) is required to be presented to Council at each of its Ordinary Meetings in future commencing with Ordinary Meeting 296 (scheduled for the 30 January 2017).”
- The Notice of Motion Report as at 3 July 2017 is attached and will continue to be updated and reported at each Ordinary Council Meeting.
- Nine (9) Notice of Motion actions are reported ‘complete’ and will be archived from the document. The Notice of Motion’s relating to NOM 1305 – Ban the Bag, NOM

12.4 Progress of Council Resolutions resulting from Notice of Motions**Executive Summary**

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 and NOM 1294 - Renewed Advocacy for Frankston Magistrates Court Name Change.

Financial Impact

For the 2017-2018 financial year, the State Government Minister for Local Government has announced a limit on the amount Victorian councils may increase rates. The cap for the 2017-2018 financial year is 2%. The cap is based on the Consumer Price Index expected for the financial year.

This cap has a significant effect on Council's current Long Term Financial Planning, with rate revenue being \$9 million less than anticipated over the first four years, growing to \$17 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

Consultation**1. External Stakeholders**

Nil.

2. Other Stakeholders

Nil.

Analysis (Environmental / Economic / Social Implications)

Making the written records available may provide some confidence in transparency in decision making and is in keeping with best practice advice from the Office of the local Government Inspectorate.

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

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

Legal

Nil.

Policy Impacts

There is no impact on Council Policies.

Officer's Declaration of Interests

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

Risk Mitigation

There are no significant risks.

Conclusion

It is recommended that the Notices of Motion as listed be archived.

12.4 Progress of Council Resolutions resulting from Notice of Motions

Executive Summary

ATTACHMENTS

Attachment A: Cost Summary - Notice of Motion Report at 3 July 2017

Attachment B: Notice of Motion Report at 3 July 2017

Attachment C: Notice of Motion Report - Confidential at 3 July 2017 (*Under Separate Cover*)

**Notice of Motions Estimated Costs
 By Councillor
 2016 – 2020 Term**

Table 1

Councillor	Number	Primary Cost	Ongoing Cost	Outcome Cost
Cr Cunial	5	\$4,649	\$500	\$190,500
Cr McCormack	7	\$3,735	\$0	\$0
Cr Toms	12	\$2,825	\$0	\$0
Cr Aitken	12	\$8,829	\$0	\$0
Cr Bolam	34	\$4,786	\$0	\$0
Cr O'Connor	12	\$2,980	\$0	\$0
Cr Mayer	3	\$2,450	\$0	\$0
Cr Hampton	8	\$4,000	\$700	\$0
Cr O'Reilly	0	\$0	\$0	\$0
TOTAL	93	\$ 34,254	\$ 1,200	\$ 190,500

Notice of Motion Report

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
28-Nov-16	13.4	NOM 1232 - Additions to Domestic Animal Plan Cr Mayer	Moved: Mayer Seconded: Bolam That the Chief Executive Officer arrange for officers to investigate the following additions and associated costs to the Domestic Animal Management Plan: <ul style="list-style-type: none"> • When owners pay for their cats and dogs registration fees, Council staff do a complimentary check to see if microchip details are up to date. • All registered and chipped dogs/cats are returned to their owners by vets and/or rangers FREE of charge. • All health card holders can register their animal for minimal fee or free. • Council shouldn't spend any money on Pets Day Out but all funding should come from sponsorship and be outsourced to an event organisation company. Monies raised should pay for the event. • Leash free fencing zones should be built and funded in place of Pets Day Out. • Council should create an allocated section on their website to post lost and found dogs. • Dead animals cats or dogs should be scanned and reported to the owner. • Animal owners should get a discounted registration fee if they take an online test outlining responsible animal ownership welfare. • A committee should be formed to assist in implementing these ideas made up of residents. • Initiate a campaign (e.g. go fund me) to raise funds for a day holding facility for lost animals such as Bayside City Council currently run. • An exemption from desexing for select breeds with an additional registration charge such as neighbouring Councils. • These issues be raised with animal welfare and interest groups to request their feedback, including local facebook forums. CARRIED UNANIMOUSLY	Leonie Reints	20 June 2017: A report is scheduled to be presented back to Council on the 3 July 2017. 13 June 2017: A report is scheduled to be presented back to Council on 3 July 2017 for the approval to go out for public consultation.	Primary Cost: Officers Investigations and reporting - \$450
28-Nov-16	13.8	NOM 1236 – Support to Traders CAA Development Cr Toms	Moved: Toms Seconded: Mayer That the Chief Executive Officer request officers to brief Councillors on how disruption to traders is being minimised during works in Wells Street and Young Street, detailing lessons learnt and plans/recommendations for the future on how Council can be more effective in this area. Following this the Mayor meet with the State MP, Mr Paul Edbrooke to relay findings from the Council Briefing. CARRIED	Kate Jewell	13 June 2017 - Discussions continue with individual traders.	Primary Cost: Officers time preparing and presenting - \$300
19-Dec-16	13.2	NOM 1241 - Centenary Park Golf Course Committee Cr Hampton	Moved: Hampton Seconded: Toms That: <ol style="list-style-type: none"> 1. Council notes that the pro shop and golf course at Centenary Park remain as separate entities to the Centenary Park sporting complex. 2. A Committee of interested Councillors and appropriate officers be appointed to develop a future 10 year business plan for the Centenary Park Golf Course. 3. Regular reports be provided to Council on the development of the draft business plan including consultation undertaken with key stakeholders. 4. The final draft business plan be presented to Council for consideration and adoption by the end of 2017 at the latest. 5. Council notes that D&S Golf have previously been advised that their current contract will not be extended. 6. Notwithstanding the previous advice to D&S Golf, Council now advises D&S Golf that their current contract (expiry 30 June 2017) will now be extended to the 30 June 2018. This will allow for the development of the draft business plan for Centenary Park Golf Course and guarantee no interruption to the management and viability of the golf course. CARRIED UNANIMOUSLY	Dennis Hovenden	20 June 2017 - A report is scheduled to be presented back to Council on 27 July 2017	Primary Cost: \$2,350 (please note: an additional cost of \$226 has been added to the total figure of the Primary Cost)
19-Dec-16	13.4	NOM 1243 - Pedestrian Crossing Fletcher Road Cr Aitken	Moved: Aitken Seconded: Mayer That Council make representation to VicRoads to formalise a pedestrian crossing on Fletcher Road between the Police Station and Law Courts and Bayside Shopping Centre and that Council request Mr Paul Edbrooke MP, Member for Frankston to make appropriate representation on our behalf. CARRIED UNANIMOUSLY	Dennis Hovenden	13 June 2017 - No change to the status.	Primary Cost: \$75
19-Dec-16	13.5	NOM 1244 - Criminal Asset Forfeitures Cr Bolam	Moved: Bolam Seconded: Aitken That Council writes to the Federal MP for Dunkley, Mr Chris Crewther, Federal Minister for Justice The Hon. Michael Keenan, State MP Mr Paul Edbrooke and State Minister for Justice The Hon. Martin Pakula, advocating that asset forfeitures for/from criminal proceeds be better channelled into the local communities (crime prevention programs, victim support programs, etc) where the proceeds of crime were claimed. CARRIED UNANIMOUSLY	Dennis Hovenden	20 June 2017 - Still waiting for a response from the Federal Minister for Justice and the Federal MP Dunkley. 22 May 2017 - No change to the status.	Primary Cost: \$75

Notice of Motion Report

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
19-Dec-16	13.6	NOM 1245 - Frankston Volunteer Coastguard Cr Bolam	That a report be provided to Council at the May 2017 Ordinary Meeting on non-marina / non-safe boat harbour options for the Frankston Volunteer Coastguard headquarters (HQ). These options should include: · Retrofitting of existing HQ; · Wholesale reconstruction of existing HQ; · Permanent and secure Mooring for the Coastguard's primary rescue vessel; · Relocation of existing HQ to an existing venue; and/or · Relocation of existing HQ to a newly constructed venue. The report should consider local, state, federal and philanthropic funding routes for any of the above options plus total anticipated costs for the most viable long-term option. Consultation should take place with the Executive of the Frankston Volunteer Coastguard, and the "most viable long-term option" explored within the context of this report must have the support of the organisation. The Frankston Volunteer Coastguard organisation plays a crucial role in maritime rescues in our municipality and deserves the full ongoing support of council. CARRIED UNANIMOUSLY	Dennis Hovenden	22 June 2017 - A meeting with Councillor Bolam has been requested to discuss further as more preliminary work is required to inform the report 20 June 2017 - A further report to Council is subject to further consultation and consideration of technical information and will be presented to the September OM. 13 June 2017 - Further consultation with the coastguard is required re. spatial requirements. Hydrographic information is being confirmed to better inform the report and briefing of Councillors prior to a report being presented to the August Ordinary Meeting.	Primary Cost: \$750
19-Dec-16	13.9	NOM 1248 - Gretana Park Karingal Cr Aitken	Moved: Aitken Secoded: Bolam That Council make a formal submission to the State Government in relation to the restoration of the hard surface playing area at Gretana Park with a view to some form of assistance in funding and that a communication to Mr Paul Edbrooke MP, Member for Frankston be sent accordingly seeking his support. That Council investigates the option of the sale of a portion of the site with the view of proceeds of the sale be reinvested into the Gretana Park. CARRIED UNANIMOUSLY	Dennis Hovenden	20 June 2017 - Currently seeking further information.	Primary Cost: \$1,700
19-Dec-16	13.1	NOM 1249 - Police Station in Langwarrin or Frankston North Cr Bolam	Moved: Bolam Secoded: O'Connor That Council writes to the (state) Minister for Police and the Victoria Police Commissioner vigorously advocating for increased police resources in both Langwarrin and Frankston North on the basis of geographical displacement from Central Frankston and increased localised crime. CARRIED UNANIMOUSLY	Dennis Hovenden	22 June 2017 - Response has been received 14/3/17 from Minister of Police. Still awaiting response from Police Commissioner. 13 June 2017 - No change to the status. 22 May 2017 - No change to the status. 1 May 2017 - No change to the status. 3 April 2017 No change to the status. 14 Mar 2017 - 11:58 AM - No response received. 10 Feb 2017 - 12:04 PM - Member for Frankston has written letters to Minister and Police Commissioner. No other response. 05 Jan 2017 - 2:02 PM - Letters have been written (A3271494 and A3271361). Awaiting response.	Primary Cost: \$75
30-Jan-17	13.3	NOM 1258 - Civic Reception for CFA Volunteers Cr O'Connor	Moved: Hampton Secoded: Toms That letters under seal be presented to all emergency services congratulating them on the wonderful work they do in our community and these letters be presented at the 2017 mayoral picnic. CARRIED UNANIMOUSLY	Dennis Hovenden	22 June 2017 - Letters will be drafted and presented to OM 24/7 for endorsement and available for the Mayor's Picnic in September 2017. 22 May 2017 - No change to the status 3 April 2017 - No change to the status. 214 Mar 2017 - 1:53 PM - No further action until September 2017. 21 Feb 2017 - 2:29 PM - Letters will be available for the Mayor's Picnic in September 2017.	Primary Cost: Nil
30-Jan-17	13.4	NOM 1261 - Frankston 'Longest Lunch' Cr O'Connor	Moved: O'Connor Secoded: Aitken That a report be provided to Council on the annual 'Longest Lunch' event conducted by Frankston-based Rotary clubs and the 'Proudly Frankston' community group. The report is to consider the following: 1. Improved future advertising for the event; 2. Improved future funding for the event; 3. Improved cooperation and communication between the aforementioned organisers and councils marketing and events staff; 4. Reduced red tape and/or council assistance to the organisers in mitigating time spent on administrative prepping; and 5. Annual debrief between the organisers and Council on the successes/failures of the event. 6. A report be provided to the 14 March 2017 Ordinary Meeting. CARRIED UNANIMOUSLY	Gill Kay	20 June 2017 - NOM can be archived as report was considered back at Council. 13 June 2017 - Actions adopted and will be implemented. There are costs to be confirmed. 01 June 2017 - Action reassigned to Gillian Kay by Andrea Gaynor 22 May 2017 - Report submitted to this meeting. 1 May 2017 - Council Report will be provided to 22 May 2017 Council meeting. 3 April 2017 - Council report was deferred to May 2017 pending a Councillor Briefing. 23 March 2017 - Another briefing has been scheduled for 24/4/17. 14 Mar 2017 - 1:55 PM - Report on track to be presented to May 2017 meeting after discussion with Councillors at the Briefing on 27 February 2017. 21 Feb 2017 - 2:30 PM - Officers have had an initial discussion and preparing a draft report. Proudly Frankston representatives meeting Councillors and Officers on the 27 February 2017.	Primary Cost: \$1,000

Notice of Motion Report

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
30-Jan-17	13.6	NOM 1263 - Hoon Driving in Frankston Cr Bolam	Moved: Bolam Seconded: Aitken That a report is provided to Council at the May 2017 Ordinary Meeting to consider additional initiatives in concert with existing Council programs which could curtail the prevalence of careless driving/hoon driving in Frankston. CARRIED UNANIMOUSLY	Gill Kay	22 June 2017 - NOM can be archived as report was considered back at Council. 13 June 2017 - The report was deferred for further consultation. Primary cost of \$1,000 added. 01 June 2017 - Action reassigned to Gillian Kay by Andrea Gaynor 22 May 2017 - Report submitted to this meeting. 1 May 2017 - Council Report will be provided to 22 May 2017. 3 April 2017 - Council report currently being prepared for the May 2017 meeting. 14 Mar 2017 - 1:58 PM - Report on track to be presented to the May 2017 meeting. 21 Feb 2017 - 2:31 PM - Report will be prepared in accordance with the NOM.	Primary Cost: 1,000
30-Jan-17	13.7	NOM 1264 - Frankston History taught in Local Schools Cr Bolam	Moved: Bolam Seconded: Aitken That a report be provided to Council at the May Ordinary Meeting in relation to the introduction of local (Frankston) history as curriculum for primary school students. The report should consider: 1. Council's capacity with local community groups and historians to put together a yearly curriculum package (including any recurrent costings such as research, subsidies and paperwork); 2. The inclusion of history in a potential curriculum package which spans from Frankston's initial indigenous inhabitants (the Boonerwung and Bunurong people) to Frankston's modern European settlement; 3. The receptiveness of the Department of Education and public, private and denominational schools within the Frankston LGA to embrace such curriculum; and 4. The introduction of a resource portal / website section on the Frankston City Council website for residents (beyond primary school students) interested in learning more about diverse Frankston's history CARRIED	Gill Kay	21 June 2017 - Councillor Bolam has been invited to the meeting scheduled for 29/6. 20 June 2017 - A meeting has been organised between Frankston Historical Society and Department of Education and Training to further explore this opportunity. A report has been scheduled for September OM. 13 June 2017 - At the meeting held on 8 May 2017 the Regional Director DET was open to involvement and was to confirm in writing. No correspondence to date received and follow up has occurred. A report to August Ordinary Meeting has been scheduled. 01 June 2017 - Action reassigned to Gillian Kay by Andrea Gaynor 22 May 2017 - Meeting with the Department of Education representatives was held on 8 May 2017. As per Community Development Division Resolution Progress Report dated 22 May 2017, a report will be presented to the 13 June 2017 Ordinary Meeting. 1 May 2017 - Council Report will be provided to 22 May 2017. 3 April 2017 A meeting has been scheduled with the Department of Education on 8 May 2017. 23 March 2017 - No response has been received. 21 Feb 2017 - 2:32 PM - A letter has been sent by the Mayor to the Regional Director, South East Region of the Department of Education and Training on 7 February 2017. Council is now awaiting advice.	Primary Cost: \$175

Notice of Motion Report

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
30-Jan-17	13.8	NOM 1265 - Cleanliness of Frankston City Cr Bolam	Moved: Bolam Secoded: Aitken To ensure the cleanliness of our streets, parks and reserves – Council resolves that the following measures occur: 1. That the CEO reviews the management of the cleaning maintenance of all council land and presents a maintenance model to Council's satisfaction in May 2017. The model must ensure Council land is maintained to an agreed service level which also includes random audits against the service levels. 2. That a letter be sent to Frankston MP, Mr Paul Edbrooke and the relevant government Ministers expressing concern about the presentation and cleanliness of land belonging to VicRoads in the Frankston LGA. The letter outline the proposal of a pilot project between Council and VicRoads to implement a cleaning maintenance program at an appropriate and similar service level to that endorsed by Council as a consequence of the maintenance service review and further, the council undertake maintenance works on their behalf on the proviso that VicRoads be invoiced for services rendered. 3. That a letter be sent to Frankston MP Paul Edbrooke and the relevant government Ministers expressing concern about the presentation and cleanliness of VicTrack land and that Council, should there be no improvements by May 2017, considers it option to pursue issuing infringement notices for unsightly land under the General Local Law No. 8. 4. That the outcome of the responses from VicRoads, VicTrack and the State Government be included in the report to council in May 2017. If the responses are not to the satisfaction of council it considers options including a public campaign to State Government to compel VicRoads and or VicTrack to improve its cleaning regime on the land for which they are responsible. 5. That a 'rapid response' team be established to improve responsiveness to community requests for maintenance of a reactive nature. Such a team would be able to respond to reactive requests quickly, which in turn would ensure programmed maintenance activities remain on track. The team also report any unsightly private land to Council's Authorised Officers for follow up investigation and infringement. 6. It be noted that council formally impounds abandoned trolleys found on council/common land under the appropriate subject to General Local Law Number 8. Council officers are to seek formal Australian Tax Office advice to assess Council's ability to 'donate' a proportion of shopping trolley impound and or release fees to the Frankston Charitable Fund and include the advice in the May 2017 report to Council. 7. That state legislative provisions to curtail rubbish dumping outside private properties are included in the May 2017 report. If considered necessary recommendations regarding the need for further legislative change also be included. 8. That a detailed letter be prepared and included in the next rates notice to all property owners on the rates register to remind them of the council's expectations that they ensure no rubbish is placed the nature strip outside of the provisions for hard waste collections. 9. That officers improve and provide a supportive customer service response to public reports of dumped rubbish and abandoned shopping trolleys and this also be considered in the May 2017 report. 10. The document titled "Possible Initiatives to Rid the City of Trolleys and Rubbish" (Seiffert, B. 2017) also be considered in the May 2017 report to Council. CARRIED UNANIMOUSLY	Gill Kay	21 June 2017 - A meeting has been sought with VicTrack and VicRoads to discuss maintenance. A separate meeting has been arranged with Councillor Bolam and Mr Seiffert to discuss his recommended initiatives. 20 June 2017 - A report was provided to 22 May OM and deferred until September for further information 13 June 2017 - Report deferred for further discussion with Cr Bolam. 01 June 2017 - Action reassigned to Gillian Kay by Andrea Gaynor 22 May 2017 - Report submitted to this meeting. 1 May 2017 - Council Report will be provided to 22 May 2017. 3 April 2017 Council report will be provided to May 2017 meeting. 21 Feb 2017 - 1. Noted - a report will be prepared 2. A letter has been sent. 3. A letter has been sent. 4. Noted 5. A Rapid Response Team had been established by the time of the January OM. 6. Advice from the ATO has been sought. 7. Noted 8. Finance Department has been requested to include a reminder in the next rates notices. 9. Officers have been requested to revise advice to customers. 10. A copy of the document has been requested.	Primary Cost: \$462
30-Jan-17	13.12	NOM 1269 - Self Funded Retirees Eligibility for 'concession' discount on/for Frankston City Council Rates Cr O'Connor	Moved: O'Connor Secoded: O'Reilly: That the matter be deferred pending further investigations. CARRIED	Dennis Hovenden	20 June 2017 - No change to the status 13 June 2017 - No change to the status. 22 May 2017 - No response received. 1 May 2017 - Refer to NOM 1296 - Support for Self-Funded Retirees which was passed by Council at 3 April 2017 OM299 Council Meeting. Letters written and forwarded to State Government. 3 April 2017 - A new Notice of Motion is being considered. 21 Feb 2017 - 2:44 PM - Tracee Hall-davis Deferred	Primary Cost: \$100
30-Jan-17	13.13	NOM 1270 - Funding for Life Saving Clubs Cr Toms	Moved: Aitken Secoded: Hampton: That Council consider the best and most reasonable means to acknowledge volunteers in the city. CARRIED UNANIMOUSLY	Dennis Hovenden	22 June 2017 - A meeting has been requested with Councillor Aitken and Chairperson Impact Volunteering to discuss acknowledgement of all volunteers at the Mayors Family Picnic 13 June 2017 - No change to the status. 22 May 2017 - No change to the status. 3 April 2017 - No change to the status.	Primary Cost: \$100
30-Jan-17	13.15	NOM 1272 - Acknowledgement of Traditional Owners Cr McCormack	Moved: McCormack Secoded: Hampton That Council ensure forthwith that an acknowledgement of Traditional Owners is included in all printed itineraries advertising for events and festivals co-ordinated by Council and that Traditional Owners are invited to perform a Welcome to Country at events such as, but not limited to, the Lighting of the Tree and Waterfront Festivals. CARRIED UNANIMOUSLY	Dennis Hovenden	13 June 2017 - Council has been advised of spelling change for the Boonwurrung. A clear outcome of the meeting was we remain committed to acknowledge both groups Bunurong and Boonwurrung. 22 May 2017 - Meetings with the traditional owners, respected elders were held on 20 April and 27 April 2017. 3 April 2017 - Arrangements for a meeting are underway. Discussion with Councillors scheduled on Monday 27 March 2017. 23 March 2017 - A meeting has been scheduled with officers and elders for 13/4/17. A briefing has been scheduled for 27/3/17. 21 Feb 2017 - 2:35 PM - Acknowledgement of traditional owners will be incorporated into written material. Meeting with traditional owners, respected elders being arranged.	Primary Cost: \$300 Meeting Cost \$2,000

Notice of Motion Report

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
30-Jan-17	13.17	NOM 1274 - Procurement Policies and Contracts Cr McCormack	Moved: McCormack Seconded: Mayer That a review be undertaken of all procurement policies and contracts for goods and service provision to Council and a report be provided to Council within 12 weeks detailing where efficiencies could be achieved and where further local investment can be promoted. CARRIED UNANIMOUSLY	George Vass	20 June 2017 - Reponse to this NOM was submitted to Council Meeting in May but was deferred to include further changes. These changes will need to be referred to Council's Audit and Risk Committee. The report will go to Council in October 2017. 22 May 2017 - Report submitted to this meeting. 1 May 2017 - Council Report will be provided to 22 May 2017. 3 April 2017 No change to the status. 24 March 2017 - Action reassigned to George Vass 14 Mar 2017 - 2:12 PM - Report will be presented to May 2017 meeting. 21 Feb 2017 - 2:36 PM - Review process will be undertaken in accordance with NOM.	Primary Cost: \$400
30-Jan-17	13.18	NOM 1275 - Support to Traders in CAD Cr Toms	Moved: Toms Seconded: Aitken Businesses within the city centre are currently experiencing significant impacts from the construction phase of the Young Street streetscape works. Given the impact of this and other imminent major public infrastructure projects, e.g. Frankston Interchange Project, Council seeking ongoing commitment from the State Government for: 1. Improved communications of disruptions to the broader community. 2. The development and ongoing rollout of an "Open for Business" campaign. 3. The development and implementation of two further stages of the Business resilience program (that focus on maintaining a business through the works and leveraging the completed works). CARRIED UNANIMOUSLY	Dennis Hovenden	20 June 2017 - 1. Council officers continue to provide advice and support to the State Government (VicRoads) on the communications about disruptions. While there has been some slight improvement of communications to the business community, the broader community have received very little information (other than that provided by Council). Therefore, to assist our community, officers are now taking a lead in communicating how to traverse the disruptions of a wide range of construction projects throughout the city centre (not just the Young Street Improvement Project). 2. Officers continue to urge VicRoads to deliver a strategic Business as Usual campaign to the broader catchment. There appears to be some very belated action with the launch of the "Frankston Business as Usual" campaign over the Queens Birthday weekend, which is being promoted via four local newspapers within the catchment, social media and radio (digital). Officers will continue to work with the state government to ensure that	Primary Cost: \$1,400
20-Feb-17	13.2	NOM 1277 - Strategy for advocacy for next State Election Cr Hampton	Moved: Hampton Seconded: Mayer That the Council form a sub-committee consisting of a Councillor from each ward, the CEO and appropriate officers to overview a strategy for this Council to advocate for funding in the next state election and report back to the full Council with its outcomes and a report for ratification at every Ordinary Meeting. That the first meeting of this sub-committee be held before the next ordinary meeting. CARRIED UNANIMOUSLY	Dennis Hovenden	20 June 2017 - A sub-committee of Councillors has been formed - with Cr Cunial (the Mayor), and Crs Aitken and Hampton being the members. This sub-committee met on 1 March 2017. Seven priority advocacy projects were identified and the sub-committee were alerted that the Agenda Group had been appointed to assist with the development of an advocacy strategy (NB/ this appointment had occurred prior to the NOM being submitted). A Councillor Briefing to confirm these seven priorities was held on 6 March 2017, subsequently resulting in slightly amended priorities being incorporated into the Council Plan (adopted) and the draft advocacy Strategy (to be presented to a Cr Briefing 10 July 2017). 13 June 2017 - Ongoing 22 May 2017 - Ongoing 1 May 2017 - Ongoing advocacy and reports to Council. 3 April 2017 Council report provided. 14 Mar 2017 - 2:14 PM - Ongoing costs Sub Committee meeting booked for 1 March 2017. First Council report will be provided to April 2017 meeting.	Primary Cost: \$150

Notice of Motion Report

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
20-Feb-17	13.4	NOM 1279 – Local Government/State Government Financial Arrangements Cr Hampton	Moved: Hampton Secoded: Mayer That: 1. The Council write to the Premier of Victoria, the Treasurer of Victoria and the Minister for Local Government, to again highlight the future loss of revenue to Local Government as a result of the Introduction of Rate Capping and that it will diminish Council's capacity to provide services and major projects. 2. The Council call upon the Premier of Victoria and the Treasurer of Victoria, to undertake an urgent review of all current legislation that imposes financial burdens on Local Government in having to pay levies to the State Government eg, Waste Levy, Building Levy, Dog and Cat Registration Levy due to the impact of the Rate Capping legislation and that support for the legislative review be sought from the Minister for Local Government on the basis of the commitment to the State/Local Government Accord. 3. The Premier of Victoria be requested to review the legislation whereby Local Government is required to pay annually for Fire Plug Maintenance on the basis that the Fire Services Levy pool of funding is significantly higher now due to it being linked to Local Government rate bases and the Fire Plug Maintenance could be funded from this fund and the Minister for Local Government be requested to support this request in the spirit of the State/Local Government Accord and recognising the impact of Rate Capping on Councils. 4. The Premier of Victoria and the Treasurer of Victoria be requested to urgently review the prohibition placed upon Local Government to not be able to apply rates charges on State Government property in recognition of the impact rate capping and amend legislation to allow for rates to be levied on State Government properties. 5. The Member for Frankston and the Member for Carrum be called upon to support Council in its efforts to address the imbalances and requirements that the current legislation imposes on Local Government in having to pay levies to the State Government and not being able to impose charges on State Government. 6. Council writes to all members of State Parliament representing the municipality raising its concerns and seeking support for legislative change to address the imbalance. 7. Council reconsider its membership with the VLGA so as to have a vehicle to promote these recommendations within the Local Government forum and also with the State Government. 8. A decision be made at the next Ordinary Meeting on our VLGA membership. CARRIED UNANIMOUSLY	Dennis Hovenden	13 June 2017 - No change to status. Council voted against rejoining the VLGA at 22 May 2017 OM301. 22 May 2017 - No change on State Government matters. Letter received from VLGA dated 5 May 2017 (A3349018). VLGA report submitted to this meeting. 1 May 2017 - Councillor Briefing on VLGA membership held on 18 April 2017. No response to report to 1 May 2017 from letters sent. Additional Cost \$150. 3 April 2017 - Working towards a briefing to Council by VLGA. Report will be provided following the Councillor Briefing. 14 Mar 2017 - 2:18 PM - Letters have been written to all nominated in the various recommendations.	Primary Cost: \$600
20-Feb-17	13.9	NOM 1285 – Pop-up Vans/ Stalls Cr Bolam	Moved: Bolam Secoded: Mayer That a report be provided to council at the May Ordinary meeting in relation to the creation of a 'pop up' food / beverage precinct on the Frankston foreshore. The report should consider: 1. Whether there is market interest from food/beverage stall operators; 2. How a precinct could work – logistically and practically; 3. Additional seating near the foreshore / adjacent the Frankston Yacht Club for residents and visitors to enjoy food and beverages; 4. Regular (currently un-introduced) summertime entertainment on the Frankston foreshore; 5. Whether similar precincts could be considered at the Seaford foreshore and Keast Park foreshore; and 6. The report should also touch upon permit fees, the number of 'pop up' stalls that could be utilised in the area/s and any other issues pertinent to the motion CARRIED	Sam Jackson	20 June 2017 - NOM can be archived as report was considered back at Council. 22 May 2017 Preparation of Council report cost - \$924.10. Report submitted to this meeting. 3 April 2017 - Report will be provided to May 2017 Council meeting. Estimated Completion Date changed by: Sam Jackson From: 13 Mar 2017 To: 22 May 2017 14 Mar 2017 - 2:18 PM - Report will be presented to the May 2017 meeting. 03 Mar 2017 - 9:20 AM - Sam Jackson Action reassigned to Sam Jackson	Primary Cost: \$1,074
14-Mar-17	13.1	NOM 1286 – Marriage Equality Cr Toms	Moved: Councillor O'Connor Secoded: Councillor Aitken That Frankston City Council writes to the Prime Minister of Australia, Malcolm Turnbull and the Opposition Leader of Australia, Bill Shorten, as well as Dunkley MP Chris Crewther, Isaacs MP Mark Dreyfus QC and all twelve of Victoria's federal senators, in relation to the following: 1. The formal request - without providing an official position - that a conscience vote take place in the Parliament of Australia on the contemporary definition of marriage in Australia; and 2. Support for same-sex couples insofar societal 'status equality'. This includes the same access to services, entitlements and privileges that are provided to heterosexual couples (i.e. access to the deceased estate of a spouse, superannuation benefits and taxation concessions etc). CARRIED	Gill Kay	20 June 2017 - NOM can be archived as responses have been received from Mark Dreyfus, Richard Di natale, Office of the Attorney-General and Prime Minister 13 June 2017 - No change to the status. No response received. 22 May 2017 - No change to the status 1 May 2017 - No response received. 3 April 2017 Letters are currently being prepared. 23 March 2017 - Letters will be prepared in accordance with the NOM.	Primary Cost: \$100
14-Mar-17	13.4	NOM 1289 – Female Participation in Sports Cr O'Connor	Moved: Councillor O'Connor Secoded: Councillor Hampton That a report be provided at the June Ordinary Meeting outlining Frankston City Council and intergovernmental options (i.e. funding, grants etc) to further encourage female participation in sporting endeavours and/or sporting activities, including those that are traditionally dominated by the opposite sex. CARRIED UNANIMOUSLY	Liz Daley	20 June 2017 - The report has been delayed due to further consultation and direction required from Councillor. 13 June 2017 - A report will be submitted to this meeting. 22 May 2017 - Report is being prepared 1 May 2017 - Report is being prepared. 3 April 2017 A report will be submitted to OM 13/6/17.	Primary Cost: \$

Notice of Motion Report

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
14-Mar-17	13.5	NOM 1290 – New Closed Council Rules Cr Bolam	Moved: Councillor Bolam Seconded: Councillor Aitken 1. That Council works towards achieving no less than 90% (i.e. an 18% improvement) of all decisions being made in Open Council, and the Chief Executive Officer highlight this annual result in future LGPRF reports to Council, and in future annual reports. 2. In the public meeting agenda and minutes section relating to Closed Council Items, in addition to the existing description field describing the Closed Council Items, a new section be created summarising the exact reasoning for referral under LGA Sec. 89 (h) (2). 3. That the matter return to (open) council with recommendation/s for implementation in the next three months. CARRIED	Michael Craighead	20 June 2017 - A report was present to Council at its June meeting. It was deferred pending further work and will now be brought to Council in August 2017. 13 June 2017 - A report will be submitted to this meeting. 22 May 2017 - Report is being prepared 1 May 2017 - Report is being prepared. 3 April 2017 Report will be prepared for the June 2017 meeting.	Primary Cost: \$
14-Mar-17	13.6	NOM 1291 – Frankston & Seaford Piers – Use of Water Illumination Technology Cr Bolam	Moved: Councillor Bolam Seconded: Councillor Aitken That a report be provided to Council at the May Ordinary Meeting exploring the use of water illumination technology at either, or both, Frankston and Seaford piers. The report should consider: 1. The use of underwater illumination lighting such as LED and fish lighting. This is to include costings, maintenance and installation; 2. The use of intermittent multi-coloured lighting on the external facade of the piers. This is to include costings, maintenance and installation; and 3. Include maritime and touristic funding opportunities from other levels of government if council so wishes to formally pursue grant opportunities. CARRIED UNANIMOUSLY	Gill Kay	22 June 2017 - The report was deferred for a meeting with Councillor Bolam and an external expert to qualify options. 20 June 2017 - Report has been deferred until further consultation has been held with consultants. Report to be presented to July OM 13 June 2017 - This report has been deferred to review Mornington Peninsula operation of pier lighting. 22 May 2017 - Report submitted to this meeting. 1 May 2017 - Report is being prepared. 3 April 2017 Report will be prepared for the May 2017 meeting. 23 March 2017 - A report will be prepared.	Primary Cost: \$
14-Mar-17	13.8	NOM 1294 – Renewed Advocacy for Frankston Magistrates Court Name Change Cr Bolam	Moved: Councillor Bolam Seconded: Councillor Aitken That Frankston City Council renews its previous resolution in 2011 to call on the State Government to rename the Frankston Magistrates Court. The reasoning for this was, and remains, the reputational damage that is done to Frankston is great when new stories invoke the municipality by virtue of the court name. Much like the Frankston train line, many of the negative incidents reported are not committed by people (or occur) within the municipality. However the invocation of the Frankston name continues to create a negative perception off for the Frankston area. Council seeks a bipartisan approach from the State MP, Mr Paul Edbrooke and Federal MP, Mr Chris Crewther in support for the renaming of the court. Once support has been ascertained, a report be presented to Council during May 2017 on the way forward. CARRIED	Dennis Hovenden	22 June 2017 - NOM can be archived as report was considered back at Council. 13 June 2017 - Letters forwarded to the Attorney General, Premier. 22 May 2017 - Letter of response from Mr Paul Edbrooke received (A3346262). No further change. 1 May 2017 - No response received. 3 April 2017 CEO preparing letters to be sent.	Primary Cost: \$75
3-Apr-17	13.1	NOM 1295 - Mental Health Cr O'Connor	Moved: Councillor O'Connor Seconded: Councillor Toms That Frankston City Council writes to both the (State) Minister for Mental Health, The Hon. Martin Foley, and the (Federal) Minister for Health, the Hon. Greg Hunt, advocating for improved local mental health services and increased local mental health awareness. Prior to this occurring, the CEO is to instruct officers to identify specific service shortfalls in Frankston which require rectification. This should be reflected in the letter to the relevant ministers. The final draft of this letter is to be provided at the May Council meeting for consideration. This letter should form the basis of Frankston City Council's future advocacy relating to mental health based outcomes in the Frankston municipality. Carried Unanimously	Dennis Hovenden	21 June 2017 - The letter was submitted to Council for endorsement OM 22/5 and sent to the relevant Ministers. 13 June 2017 - Letter approved by Council and sent to all intended recipients. Primary cost of \$1,580 added. 22 May 2017 - No change to the status. 1 May 2017 - Letters being prepared along with report.	Primary Cost: \$1,580
3-Apr-17	13.2	NOM 1296 - Support for Self-Funded Retirees	Moved: Councillor O'Connor Seconded: Councillor Toms Council writes to the State Government formally seeking their support for a discount scheme for self-funded retirees relative to municipal rates. Council's support for this advocacy measure would allow self-funded retirees access to the same discounts that pensioners receive on their annual council rates. The Minister, in potentially allowing self-funded retirees a discount on their annual council rates, should devise a mechanism which prevents self-funded retirees with exceptional liquidity / assets from having access to the proposed discount. CARRIED	Dennis Hovenden	20 June 2016 - No change to the status 22 May 2017 - No change to the status. 1 May 2017- Letters being sent.	Primary cost: \$100

Notice of Motion Report

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
3-Apr-17	13.3	NOM 1297 - Frankston Hall of Fame Resumption Cr Bolam	Moved: Councillor Bolam Seconded: Councillor Aitken That a report be provided to Council on the resumption of the 'Frankston Hall of Fame' (HoF) to recognise people and organisations that have indelibly impacted upon the Frankston municipality - both internally and externally. The report should consider: 1. The regularity of any rejuvenated HoF process; 2. Costings and staff resourcing associated with any rejuvenated HoF (ie. plaques, ceremony etc); 3. Strength of the potential recipient pool relative to any rejuvenated HoF; and 4. Potentially partnering with the Frankston business community to administer aspects of any rejuvenated HoF model. The report should return for consideration in June. CARRIED	Sam Jackson	20 June 2017 - While research is being undertaken by Officers, the status of actioning this resolution for reporting purposes remains unchanged at this stage. 13 June 2017 - This matter is still being investigated and will be report to Council at 24 July Council Meeting. 22 May 2017 - Report will be submitted to the June 2017 Ordinary meeting. 1 May 2017 - Report being prepared.	
3-Apr-17	13.4	NOM 1298 - Food Security in Frankston Cr Bolam	Moved: Councillor Bolam Seconded: Councillor Aitken 1. That Council continues to adhere to 53D and 53E of the Victorian Food Act 1984 – all local food premises convicted of food safety contraventions be put on the Victorian Department of Health's 'Convictions Register'; 2. That all food premises be informed (in writing) of this process and be encouraged to practice adequate food practices; 3. Furthermore, all Councillors are to be supplied with the outcome of food businesses inspections (including any breaches and fines issued) in the form of either a report or briefing annually; and 4. The total number of convictions, breaches and fines be released publicly annually. Carried Unanimously	Dennis Hovenden	20 June 2017 - 1. Environmental Health Officers currently adhere to Sections 53D and 53E of the Victoria Food Act and all local food premises convicted of food safety contraventions will be put on the Victorian Department of Health's 'Convictions Register'. 2. All food premise proprietors will be reminded in writing of their obligations under the Food Act in October when they receive their Food Act renewal application. 3. Councillors will be provided with a high level summary of all statutory food inspections and their outcomes. 4. Due to privacy laws it is only possible to disclose information regarding convicted food premise proprietors which is available on the DHHS Convictions Register (public site). 1 May 2017 - Letters being sent . Actions to be undertaken at appropriate time.	Primary Cost: \$100
3-Apr-17	13.5	NOM 1299 - Level Crossing Removal Cr McCormack	Moved: Councillor McCormack Seconded: Councillor Bolam 1. Requests from the Level Crossing Removal Authority and the Hon Jacinta Allen MP, Minister for Transport, as a matter of urgency, the release of all technical reports and associated information to the Council and community, which provides justification for the chosen options for treatments at the Frankston railway line grade separations located within the Frankston municipality. 2. Notes that the State Government has failed to provide all of the information as requested previously by Council to date. 3. Technical information also be sought on the proposed – and council opposed – Seaford/Kananook train stabling yard. Carried Unanimously	Dennis Hovenden	13 June 2017 - No change to the status. 22 May 2017 - No change to the status. 1 May 2017 - Letters have been sent.	Primary Cost: \$100
1-May-17	13.1	NOM 1300 - Reinstatement of Full Voting Rights for Frankston City Council Cr Bolam	Moved: Councillor Bolam Seconded: Councillor Aitken That Frankston City Council writes to the Australian Local Government Association (ALGA) in relation to the Association bylaw which requires municipal member councils in Victoria to also be a member of the Municipal Association of Victoria (MAV). Municipal councils in Victoria that are not members of the MAV are currently prevented from voting at all ALGA conferences. As Frankston City Council is not presently a member of the MAV, this bylaw effectively leaves Frankston City Council - and its 137,000 residents - disenfranchised. Therefore, the Council formally requests that this bylaw be amended to allow all municipal councils throughout Australia to partake in voting on national matters under the ALGA umbrella regardless of state-based membership/s. Carried Unanimously	Dennis Hovenden	22 May 2017 Letter prepared and sent (A3349749)	Primary Cost: \$100

Notice of Motion Report

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
1-May-17	13.2	NOM 1301 - Eel Race Road Closure Opposition Cr Bolam	Moved: Councillor Bolam Seconded: Councillor Aitken That Frankston City Council writes to LXRA, the Premier of Victoria (The Hon. Daniel Andrews), the Opposition Leader of Victoria (The Hon. Matthew Guy), the Minister for Transport (The Hon. Jacinta Allan) and the State Member for Carrum (Ms. Sonya Kilkenny), expressing concern of the closure of Eel Race Road. Much like the recent decisions relating to Overton Road (Seaford), Seaford Road (Seaford) and the sudden announcement of a train stabling facility at the Kananook Railway Station (Seaford), the process has once again failed Frankston residents in that no consultation and no justification was evident in arriving at this decision. Frankston City Council formally opposes the closure of Eel Race Road on a number of grounds including the increase of congestion, particularly on Railway Parade (Seaford), Armstrongs Road (Seaford) and Station St (Seaford); and the impact that this will have on the amenity/character of Seaford and pedestrian safety. Council commits to this new position given contemporary community feedback. Carried Unanimously	Dennis Hovenden	22 May 2017 Letters prepared and sent (A3349564, A3349536, A3349544).	Primary Cost: \$100
1-May-17	13.3	NOM 1302 - Financial Literacy Classes Cr Bolam	Moved: Councillor Bolam Seconded: Councillor Aitken That a report be provided to Council at the July Ordinary Meeting detailing the use of financial literacy classes/workshops to allow interested residents to consider methods to gain better control and understanding of their finances. The report is to consider providers – Governmental, private and Not for Profit – who are able to appeal to residents of varying ages and societal circumstances. The report should consider areas of the municipality in high need of these classes/workshops; and how to attract residents to such classes/workshops. The report is to also consider subsidies (by Council and local businesses such as community banks) to support such classes/workshops occurring within the municipality on a consistent basis. That a section be made available on the FCC Website with a list of existing financial literacy programs in Frankston. Carried	Gill Kay	20 June 2017 - A meeting of Managers has been held. A report has been scheduled for OM 24/7. 22 May 2017 - Report will be prepared Estimated Completion Date changed by: Tracee Hall-davis From: 22 May 2017 To: 15/6/2017 10 May 2017 - A meeting of Managers who have potential involvement in the funding, promotion or delivery of the classes has been arranged to inform the report.	
1-May-17	13.4	NOM 1303 - Quality of Life / Anti Social Behaviour in the Frankston LGA Cr Bolam	Moved: Councillor Bolam Seconded: Councillor Toms 1. Council officers identify the scope and costs of commissioning the preparation of a formal 'white paper' to both tiers of government detailing particulars on the type of crimes most prevalent in Frankston. The White Paper should explore potential legislative and Local Law reforms and what new funding options might be available to improve the municipality's liveability. Interested Councillors, key groups and individuals would also form a consultative group for the preparation of the paper which should include but not be limited to: • The status of the once successful Neighbourhood Watch program. • An analysis of the types of crime and crime rates currently committed in Frankston and the capacity of state legislation and local laws to respond effectively. • The Victorian Police regime of monitoring CCTV cameras and their consideration of the CCTV network's shortfalls. • A review the graffiti clauses in General Local Law Number 8 to consider potential enhancements to the Local Law and opportunities for state government grants funding. • Consideration of existing e referral systems and opportunities for Council's field staff, in their day to day work, to refer vulnerable people to services. The cost of the 'white paper' should be included in the Community Development Progress report to Council's June Ordinary Meeting. 2. Council authorises the Mayor to write to the Victorian Attorney General, the Honourable Martin Pakula, congratulating him and the Government for the prohibition of synthetic psychoactive drugs such as Kronic and further seek prohibition of selling glue with mind altering effects to children under the age of 18 years using Council's Local Law Number 8, Clause 3.3 as an analogy. This would reflect the existing regulatory requirement regarding the refusal of sale of aerosol/spray canisters to those under the age of eighteen in Victoria. ('Graffiti Prevention Act 2007'). 3. That Council encourages residents and ratepayers of the municipality to promote downloading (free of charge) the official 'Crime Stoppers Victoria' smartphone and the 'MyFrankston' apps which will improve reporting suspected offences to Police. Increased use of both smartphone apps will assist the Police in growing intelligence gathering and holdings. Opportunities to promote the app include council's website, Facebook webpage and in the 'What's On' printed advertisements as well as through University of the Third Age, community centres and the library. Carried Unanimously	Gill Kay	21 June 2017 - A consultative community of 6 chaired by the Deputy Mayor is being organised together with an RFQ for the development of the white paper. A report is anticipated for January 2018 20 June 2017 - The Mayor has written to the Victorian Attorney General seeking prohibition of glue that has mind altering effects. Officers are also working on an approach to encouraging residents to promote use of 'MyFrankston' app and Crime Stoppers to report suspected offenders. A university has provided indicative feedback on the scope of the research and the number of days (55) required to complete it (@ \$1,200 per day). 13 June 2017 - An update has been included in the Resolution Progress report for 13 June highlighting the time and cost of preparing the 'white paper'. 22 May 2017 - Report will be prepared for June 2017 Ordinary Meeting. Estimated Completion Date changed by: Tracee Hall-davis From: 22 May 2017 To: 30/6/2017 10 May 2017 - A letter has been drafted for the Mayor's signature to the Attorney General seeking the prohibition of selling glue with mind altering effects to children under 18 year of age. The scope for the 'white paper' is under consideration to enable the costs to be reported back to Council. A digital and print format to promote the use of reporting applications is being prepared.	

Notice of Motion Report

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
1-May-17	13.6	NOM 1305 - Ban the Bag Cr Toms	Moved: Councillor Toms Seconded: Councillor Aitken That Frankston City Council writes to Frankston Labour MP Paul Edbrooke, Environment Minister Lily D'Ambrosio and Victorian Premier Daniel Andrews MP to lobby the Andrews Labour Government to ban single use plastic bags in Victoria. Carried Unanimously	Craig Dinsdale	20 June 2017 - The NOM to be archived 22 May 2017 - Letters prepared and sent 1. A briefing was scheduled on the 17 May to present to Councillors options to manage the distribution of plastic bags within Frankston City. A memorandum will now be forwarded to Councillors to provide advice on the available options. 2. Officers have now completed drafting the letters as specified in the adopted Notion of Motion from the 1 May and will shortly forward them to the Premier and Minister for Environment.	Primary Cost: \$100
1-May-17	13.7	NOM 1307 - Bullying in Frankston Cr O'Connor	Moved: Councillor O'Connor Seconded: Councillor Mayer That Council requests that the Frankston Youth Council consider a package of recommendations to present to both tiers of government on methods to decrease bullying. All forms of bullying – particularly 'cyber bullying – is having a catastrophic impact on our youth. The suite of suggestions by the Frankston Youth Council return to Frankston City Council in the form of a report at the July Ordinary Meeting. Carried Unanimously	Gill Kay	21 June 2017 - A meeting has been requested with Councillor Bolam, Manager Community Strengthening and Chair of Youth Council. 20 June 2017 - A report is currently scheduled to come back to Council OM 24/7. 13 June 2017 - The Youth Council has been asked to consider an approach to this issue. Remains scheduled for July 2017 Ordinary Meeting.10 May 2017 10 May 2017 - This item has been included on the Agenda for the next meeting of the Youth Council scheduled for 30/5/2017. Estimated Completion Date changed by: Tracee Hall-davis From: 22 May 2017 To: 5/6/2017	
1-May-17	13.8	NOM 1308 - Port of Hastings Cr McCormack	Moved: Councillor McCormack Seconded: Councillor Toms That: 1. Frankston City Council writes to the Victorian Government and Infrastructure Victoria resolving not to support a second container Port at Hastings including the following: (a) Opposing any form of capital dredging, widening, or deepening of channels in Westport Bay. (b) Outlining that any change in, or continuation of, the Port of Hastings operations must result in no net loss for the economy, environment and amenity. (c) Requesting that they demonstrate and justify the need and timing for a second major container port in Victoria through comprehensive, evidence based assessment, including consideration of the current port capacity in Victoria and via a national approach. (d) Requesting independent research be undertaken to determine the impact on inter alia: (i) coastline including increased erosion and inundation; (ii) tourism and the impact on visitation; (iii) fishing and the impact to the recreational fishing industry; and (iv) Marine life impact including penguins and whales that enter Westport. 2. Frankston City Council removes the Port of Hastings expansion from its advocacy program. Carried	Sam Jackson	20 June 2017 - Can NOM be archived 13 June 2017 - Letters have been prepared and sent. Ref A3365413 and A3365543. Primary Cost added \$75.00. 22 May 2017 - On hold pending outcome of Recision Motion.	Primary Cost: \$75.00
22-May-17	13.2	NOM 1312 - Unemployment in Frankston Cr Bolam	Moved: Councillor Bolam Seconded: Councillor Hampton In light of unsatisfactory unemployment statistics which put Frankston in the upper tier of municipalities with significant local unemployment, a report be provided at the September Ordinary Meeting in relation to the following: 1. How the Frankston City Council could increase apprenticeships, pre-vocational work experience, traineeships, cadetships and tertiary work experience; 2. How the Council could lobby other major local employers (I.e. Peninsula Health, South East Water etc) to consider additional apprenticeships, pre-vocational work experience, traineeships, cadetships and tertiary work experience; 3. How the Council could work with local media, local businesses and the Frankston Business Network to encourage businesses and industries to consider additional apprenticeships, pre-vocational work experience, traineeships, cadetships and tertiary work experience; and 4. Identify employment programmes currently not in effect in Frankston – new and existing – which would be beneficial; and prepare a letter (for adoption in September) to relevant state and federal ministers requesting the implementation of such programmes. The report is to provide specific options including costings and resourcing considerations, particularly in relation to Frankston City Council's potential to increase placements. Carried Unanimously	Dennis Hovenden	20 June 2017 - While research is being undertaken by Officers, the status of actioning this resolution for reporting purposes remains unchanged at this stage. 13 June 2017 - A report will be prepared.	
22-May-17	13.3	NOM 1313 - Solar Panels Installation on Civic Centre Cr Mayer	Moved: Councillor Mayer Seconded: Councillor Aitken That Council: 1. Receive a report at its June 2017 Council meeting on the options available to install solar panels on the roof of the Civic Centre in line with the Carbon Neutral Action Plan. The report is to consider updated information on previous reports presented to Council on solar panels including new technologies and Council's ability to fund the installation of the solar panels in the 2017/18 financial year if the project proceeds; 2. The Chief Executive Officer be requested to have a staff member, as a matter of priority, review and monitor Council's energy bills to ensure that Council are not being over charged; and 3. The findings are to be reported to Council at a briefing every six months. Carried Unanimously	Dennis Hovenden	27 June 2017 - Report being prepared for Ordinary Meeting OM304 - 24 July 2017 13 June 2017 - A report will be prepared.	

Notice of Motion Report

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
22-May-17	13.4	NOM 1314 - Seaford Road Level Crossing Funding Cr O'Connor	Moved: Councillor O'Connor Seconded: Councillor Toms 1. a) That a report be provided to Council at the July Ordinary Meeting identifying potential projects, concepts, designs and plans, including upgrades to the RF Miles Reserve, to revitalise the Seaford community as part of the State Government's Seaford Road Level Crossing Removal Project. The report should also consider projects and funding not currently earmarked by the State Government which could be greatly assisted by further funding within the Seaford Road proximity; b) That Council write to the Victorian Minister for Transport, Hon Jacinta Allan MP and State Member for Carrum, Sonya Kilkenny MP seeking additional funding, on top of the current amount earmarked by the State Government, to revitalise the Seaford community as part of the Level Crossing Removal Project at Seaford Road. Once the Council resolves what additional monies and projects should be considered, this be properly articulated in the funding request letter. 2. a) In light of the State Government's decision to seal Eel Race Road, and the subsequent fiscal savings that undertaking no level crossing removal works at Eel Race Road will achieve, Frankston City Council formally requests that the State Government commit to new funding opportunities for Seaford based projects within proximity of Eel Race Road, such as Riviera Reserve and ageing sport facilities; b) Notwithstanding Council's opposition to the proposed Eel Race Road closure, a report be provided to Council (which may be the same report stipulated in 1(a) at the July Ordinary Meeting) identifying potential projects, concepts, designs and plans, which should be considered given the State Government's decision to not contribute to level crossing removal works at Eel Race Road; and the sealing of Eel Race Road, which will create various access and egress implications for both pedestrians and commuters; c) That Council write to the Victorian Minister for Transport, Hon Jacinta Allan MP and State Member for Carrum, Sonya Kilkenny MP seeking new funding, based on the Eel Race Road decision, to revitalise the Seaford community. Once the Council resolves what additional monies and projects should be considered, this be properly articulated in the funding request letter. 3. That for both Items 1 and 2 of this recommendation, the building of a new facility for 1st Seaford Scouts be heralded by Frankston City Council. This advocacy must occur given the dismal conditions at 1st Seaford Scouts' existing Station Street site. The relocation of the 1st Seaford Scouts site is to be factored into the report back to Council (per Items 1 and 2) with the preferred location being the RF Miles Reserve. Council should in advocating for the relocation, relay to the State Government that the relocation of the 1st Seaford Scouts facility from the car park of the Seaford Railway Station has the potential to unlock multiple car parking spaces for an area severely lacking in car park spaces. 4. That Council carries out a survey of the height from the flood level in the creek to the railway line. Carried Unanimously	Dennis Hovenden	13 June 2017 - Report will go to July 2017 Meeting.	
22-May-17	13.5	NOM 1315 - Police Numbers in Frankston Cr Toms	Moved: Councillor Toms Seconded: Councillor Aitken That Council writes to the Premier of Victoria The Hon Daniel Andrews, Minister for Police The Hon Lisa Neville, Police Commissioner Graham Ashton AM, Shadow Minister for Police The Hon Edward O'Donohue, Leader of the Opposition The Hon Matthew Guy and State Member for Frankston Paul Edbrooke, to advocate for an increase in police officers in the Frankston municipality. The Labor Government announced a \$2 billion boost for Police which will allow 3,135 new police officers to be delivered over a five (5) year period. Additional police officers at Frankston and Carrum Downs stations would ensure they are adequately resourced to provide a safe place for our community. Carried Unanimously	Dennis Hovenden	22 June 2017 - Letters have been prepared and were sent 12/6/2017 13 June 2017 - Letters have been prepared. Primary Cost added \$75.00	Primary Cost: \$75.00
22-May-17	13.6	NOM 1317 - Frankston Nature Conservation Reserve Cr Bolam	Moved: Councillor Bolam Seconded: Councillor Aitken That in light of the State Government's precipitous decision, without Council and community consultation, to discontinue the Frankston Nature Conservation Reserve Committee: 1. Council writes to Frankston MP, Paul Edbrooke and the Victorian Minister for the Environment, Lily D'Ambrosio MP seeking confirmation that the Frankston Reservoir will remain open to the public as per existing access arrangements upon the transfer of reserve stewardship to Parks Victoria; and 2. Letters of Appreciation be presented to members of the Frankston Nature Conservation Reserve Committee appointed in March 2014 and its volunteers, expressing appreciation for their tireless dedication to the Frankston Reservoir. Letters of appreciation be presented to the committee members and volunteers at the next 'Mayor's Picnic' event (in the spirit of NOM 1258). 3. That Council writes to the State Government and asks that the volunteers that are currently preserving the Frankston Nature Conservation Reserve be part of the future management of the reserve. Carried Unanimously	Dennis Hovenden	22 June 2017 - The letter to the Ministers have been prepared and will be mailed by 23/6. 13 June 2017 - Letters have been prepared. Primary Cost added \$75.00 Letter from Mr Paul Edbrooke received (A3363269).	Primary Cost: \$75.00

Notice of Motion Report

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
22-May-17	13.7	NOM 1318 - Metropolitan Waste and Resource Recovery Group Cr Hampton	Moved: Councillor Hampton Seconded: Councillor Aitken That Council formally endorse the Notice of Motion carried at last meeting of the Metropolitan Waste and Resource and Recovery Group (MWRRG) which read as follows: "That the MWRRG write to the Minister for Energy, Environment and Climate Change and Shadow Minister for Energy and Resources requesting that funding generated through the collection of the Municipal and Industrial Landfill Levy be constrained to the purpose for which the Levy was introduced and raising concerns with the Levy funds being allocated to supplement Park Victoria initiatives not related to the purpose of the Levy" Also forward to the MWRRG this endorsement along with all the amounts of money collected by this Council and which has been passed on to the State Government over the last 10 years from the Levy and what this Council has received back from the Government in programs associated directly with this Levy over this same period." Carried Unanimously	Dennis Hovenden	20 June 2017 - The letter to MWRRG has been drafted and provided to Cr Hampton for any additional changes/inclusions. The letter will be finalised and sent out week commencing 19/6/17. 13 June 2017 - Letters have been prepared. Primary Cost added \$75.00 (A3365636 and A3367373)	Primary Cost: \$75.00
22-May-17	13.8	NOM 1319 - Access to Hindu Temple via Boundary Lane Cr Hampton	Moved: Councillor Hampton Seconded: Councillor Mayer That the CEO investigates the cost required to open Boundary Lane to one way vehicular traffic as an alternate entry into the Hindu temple on Boundary Road and that a report be provided to the 13 June Ordinary Meeting. Carried Unanimously	Dennis Hovenden	20 June 2017 - A meeting has been arranged with Councillor Hampton to explore options further. 13 June 2017 - An update has been included in the Resolution Progress report for 13 June indicating costs for the investigation to occur.	
22-May-17	13.9	NOM 1320 - 360 Degrees Video Platform Cr Toms	Moved: Councillor Toms Seconded: Councillor Aitken That Council Officers prepare a report into the options available to install a 360 degree video platform to showcase Frankston City whilst enhancing the tourism market and local economy. That the report be presented to Council at its July 2017 meeting. Carried Unanimously	Dennis Hovenden	20 June 2017 - While research is being undertaken by Officers, the status of actioning this resolution for reporting purposes remains unchanged at this stage. 13 June 2017 - Report will be prepared for July 2017 Council meeting.	
22-May-17	13.1	NOM 1321 - Wells Street Lighting Cr Aitken	Moved: Councillor Aitken Seconded: Councillor Toms That the Chief Executive Officer oversee the works required to ensure all lighting in Wells Street is made fully operational and that this be completed within four weeks of this motion being adopted by Council. Carried Unanimously	Dennis Hovenden	22 June 2017 - The original installer of the lights has been contacted. He is available second week of July to advise on rectification 13 June 2017 - In order to effectively action an electrical engineer is required to assess the cause of persistent problems. Identifying of remaining issues occurring.	
22-May-17	13.11	NOM 1323 - Young Street Precinct Cr McCormack	Moved: Councillor McCormack Seconded: Councillor Aitken That Council writes to the Member for Frankston, Paul Edbrooke MP and the Minister for Transport, the Hon Jacinta Allen MP requesting updated information with respect to expected completion of the works affecting traffic movement in Young Street; expressing Council's dissatisfaction with the ongoing state of construction which has had and will continue to have disastrous impacts on businesses in the affected Young Street precinct; and seeking financial assistance from the State Government for those affected businesses Carried Unanimously	Dennis Hovenden	13 June 2017 - Letters have been prepared and sent (A3355696 and A3355663). Primary Cost added \$75.00	Primary Cost: \$75.00
22-May-17	C.7	NOM 1311 - St Kilda Football Club Withdrawal Cr Bolam	Under Separate Cover	Dennis Hovenden	13 June 2017 - Report will be prepared for August 2017 Council meeting.	
22-May-17	C.8	NOM 1322 - Peninsula Leisure Core Obligations Cr Hampton	Moved: Councillor Hampton Seconded: Councillor Aitken That Council write to the Chairman and Directors of Peninsula Leisure Pty Ltd instructing them not to enter into or tender for projects outside of their core obligation, that being management of PARC and the Pines Pool. Carried	Dennis Hovenden	13 June 2017 - Letters have been prepared. Primary Cost added \$75.00	Primary Cost: \$75.00
13-Jun-17	13.1	NOM 1309 - New signature event for Frankston	Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken That: 1. Officers continue to pursue opportunities to expand the calendar of tourism events within the City through attracting a new signature event. In accordance with Council's Destination Development Plan any additional event should, where practical: • be delivered outside of peak event season (December – March); • give consideration to utilising other venues / locations throughout the municipality; • complement Frankston City's visitor offering locations; • provide demonstrated economic benefit through increased visitation; and uniquely designed and executed - outside of the mainstream of what other municipalities do. 2. Officers bring a report to the August 2017 Ordinary meeting of Council outlining the process required to seek market interest in holding an event that meets the above objectives. Carried Unanimously	Sam Jackson	20 June 2017 - While research is being undertaken by Officers, the status of actioning this resolution for reporting purposes remains unchanged at this stage.	Primary Cost:

Notice of Motion Report

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
13-Jun-17	13.2	NOM 1316 - Frankston Ambassador	<p>Council Decision Moved: Councillor Bolam Seconded: Councillor Toms That the following be actioned in regards to the Frankston Ambassador site: 1 A quarterly report to councillors and relevant officers highlighting the numbers of Notices to Comply and Infringements issued relating to unsightly and dilapidated building be prepared. 3 Subject to credible advice and reasonable cause, Authorised Officers inspect accommodation units at the Ambassador to ensure all compliance codes are being met. The findings from the initial audit of this site be provided to Councillors and relevant officers. 4 Council officers survey residents in the vicinity of the Ambassador about their perceptions of safety, amenity and quality of life as neighbours of the Ambassador. The results of the survey should contribute to exploration of 'eminent domain' (compulsory acquisition) of the Ambassador site with the local MP and relevant Ministers. 5 Council officers source examples of unsightly and dilapidated clauses in other municipal local laws to determine if improvements can be made to Frankston general local law No. 8. 7 All directives are to be responded to in the form of a report no later than November 2017. Carried Council Decision Moved: Councillor Bolam Seconded: Councillor Toms That the following be actioned in regards to the Frankston Ambassador site: 2 Council officers meet with the new owner of the vacant land at the Ambassador site to enable an understanding of their plans for redeveloping the site and any short term options to improve the appearance of the site. 6 Council officers investigate and infringe dumped rubbish and also explore opportunities to work with Victoria Police and Sherriff's office to address anti-social and criminal behaviour in and around the Ambassador site. Carried Unanimously</p>	Leonie Reints	20 June 2017 - A report will be scheduled for November OM addressing issues raised.	Primary Cost:
13-Jun-17	13.3	NOM 1325 - Student Action Grants	<p>Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken That a report be provided to Council at the September 2017 Ordinary Meeting on the introduction of a new grants route for primary and secondary student representative councils and/or local youth movements (i.e. Scouts) designed for such groups to identify local advocacy campaigns to bring about positive improvements. Grant inclusions are to include minor funding for appropriate projects and/or in-kind support by officers to assist in progressing appropriate projects (i.e. assisting with submission writing / advocacy / advertising / hiring of facilities). Any grant considered must be deemed appropriate and should be accompanied with sufficient information to demonstrate the need basis, as well as forward planning (i.e. 'action plan'). The model to base this report upon should be the work done by the Student Representative Council of Karingal Park Secondary College in the early 2000's to bring about the creation of 'Nats Track' in Karingal. This was a community-wide beneficial project and greatly enhanced students feelings of belonging in the area (i.e. they felt they were listened to). The report should consider the overall grants mechanism (i.e. grants vs. in-kind support vs. hybrid), the monetary amount that a fiscal grant amount will carry per representative council/association, and the role the Frankston Youth Council could perform in either authorising such grants or referring such grants to Council for approval. Carried Unanimously</p>	Liz Daley	20 June 2017 - A report has been scheduled to come to 25/9 OM	Primary Cost:
13-Jun-17	13.4	NOM 1326 - Creation of Frankston Junior / Youth Mayor	<p>Council Decision Moved: Councillor O'Connor Seconded: Councillor Toms That Council investigates the establishment of a 'Junior / Youth Mayor' position. The voluntary role is to have civic and ceremonial precedence. The position is to be term limited at a single twelve month term. The occupant of the role is to be determined by a majority vote of the Frankston Youth Council; and then re-affirmed by a majority vote of the Frankston City Council. A report be provided at the August Ordinary Meeting with full scope of what the role should entail, the formal name of the role, expected behaviours to be exhibited by those who serve in the position and any nominal costings (ie. name tag, honour board, medallion/robes and ceremonial roles etc). Carried Unanimously</p>	Michael Craighead	22 June 2017 - A meeting has been requested with Councillor O'Connor and the Chairperson to explore this NOM further. 20 June 2017 - A meeting has been requested with Cr Bolam and officers Liz Daley, Ken Liddicoat and Michael Craighead to explore the options and issues to inform a report back to Council	Primary Cost:

Notice of Motion Report

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
13-Jun-17	13.5	NOM 1327 - Support for new and existing Planned Activity Groups	<p>Council Decision Moved: Councillor O'Connor Seconded: Councillor Aitken That Council considers additional resourcing, advertising, advocacy and funding for planned activity groups – new and existing – in the Frankston municipality. A report is to be provided at the August Ordinary Meeting with suggestions on how to support such groups with in-kind support, advertising, state-federal advocacy and financial assistance. The report is to also consider the need for any new planned activity groups based on demographics and other empirical demands. Finally, the report is to consider the following: 1. The creation or enhancement of a social group for young people with disabilities and/or may be socially isolated; 2. The creation or enhancement of a social group for middle aged people with disabilities and/or may be socially isolated; 3. The creation or enhancement of a social group for senior citizens who may be socially isolated, disabled or have difficulties with mobility; and 4. Improved advertising and regularity of council mandated bus services for senior citizens and people with disabilities wishing to access library services in either Carrum Downs or Frankston.</p> <p>Carried Unanimously</p>	Frances Thompson	20 June 2017 - A meeting has been requested with Councillor O'Connor to explore options further. This meeting has been scheduled for 29/6.	Primary Cost:
13-Jun-17	13.6	NOM 1328 - Consultants Register	<p>Council Decision Moved: Councillor Hampton Seconded: Councillor Aitken That: 1. Council produce a register of consultants and or any companies which have invoiced Council for services provided and the amounts Invoiced for the work they have undertaken; 2. A brief description of the services and the name of the officer(s) who initiated the consultancy and or services, also the department(s) who used them, be included in the register; 3. This is to include any legal advice obtained; 4. This register be updated on a monthly basis and be made available to Councillors. 5. Tenders that have come before Council for approval are to be included in this register.</p> <p>Carried Unanimously</p>	Jo Cross	20 June 2017 - A register of payments made to companies for services delivered to Council will be made available monthly in the Councillors lounge area for perusal.	Primary Cost:

Notice of Motion Report

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
13-Jun-17	13.7	NOM 1329 - Quality of Life / Anti Social Behaviour II	<p>Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken That:</p> <p>1. The additional items be added to the purview of the consultative group assisting with the proposed Community Safety 'White Paper' per NOM 1303:</p> <p>a. The prospect of the Minister for Gaming authorising a moratorium / covenant (ban) on any further gaming machines within the municipality;</p> <p>b. Exploring the establishment of 'Police Beats' (semi-manned shopfronts for specific localities within a municipality) as is practiced in Queensland. Given the Council's past concern with the lack of physical law enforcement presence in the Frankston town centre, Frankston North and Langwarrin; this course of action would be consistent with previous council resolutions, and a more cost effective alternative for the State Government than the present approach of building central command structures (i.e. fully fledged police stations);</p> <p>c. Exploration of bylaws practiced by other municipalities outside of Frankston, as well as bylaws not currently practiced in Australia but if (potentially) incorporated could have beneficial value;</p> <p>d. Determine whether Frankston Police require any specific bylaws to enable them (via delegation) to have the means to infringe in the absence of legislative and/or statutory powers; and</p> <p>e. The role of Frankston City Council in deterring family / domestic violence; and considering what advocacy and funding routes Frankston City Council may have available to assist in mitigating family / domestic violence.</p> <p>2. A report be provided to Council in relation to the introduction of increased Local Laws Authorising Officers during peak day-time hours. This includes the Frankston town centre, the Seaford town centre; and other locations within the municipality where there is either significant public traffic and/or low perceptions of public safety. The report is to also consider the use of authorised officers insofar patrolling in groups and engaging with local stakeholders (i.e. public, traders etc.) to improve both perceptions and realities of community safety. Local Laws vehicle patrols are to also increase in isolated areas of the municipality with a view to increasing visibility.</p> <p>This report return for consideration in September. The report must contain total costings for additional staff and resources.</p> <p>3. The same a report be provided to Council on the number of infringement notices cancelled prior to progression to the Magistrates Court and Infringements Court. The report should consider the number of infringement notices issued (and then cancelled) per department, the types of infringements issued (and then cancelled) per department including the accrued penalty amounts rescinded, the general reasons for the cancellation of infringements and the officer/s responsible for approving infringement revocations.</p> <p>4. In the same report, officers devise a strategy/campaign for council's consideration to encourage local traders (and their staff) to report criminal activities / anti-social behaviours. The strategy / campaign should contribute to an increase in police and local laws intelligence holdings courtesy of the intelligence gathering by local traders. Methods for local traders (and their staff) to relay such information should also be considered in the report.</p> <p>5. The Deputy Mayor, Cr Steve Toms be appointed as the chairperson of the aforementioned consultative committee. As well as contributing to the proposed 'White Paper', each item referred to the consultative committee must return to Council for consideration upon the dissolution of the consultative committee. This can be done as an 'en masse' report which incorporates all the topics referred to the consultative committee.</p> <p>Carried Unanimously</p>	Leonie Reints	20 June 2017 - Work is currently being undertaken to address items in this NOM. Report to be returned to Council in September	Primary Cost:
13-Jun-17	13.8	NOM 1331 - Mayoral Election	<p>Council Decision Moved: Councillor Aitken Seconded: Councillor Bolam That Council writes to the Minister for Local Government and the Victorian Electoral Commission seeking their view on the practicality of Mayor's being elected uniformly throughout Victoria by a popular vote in each of the local government areas. And that if it is considered appropriate that they may also see this as a mechanism to instigate a community wide discussion to better determine the public view.</p>	Michelle Tipton	20 June 2017 - NOM to be archived as it was lost.	Primary Cost: \$30
13-Jun-17	13.9	NOM 1332 - Councillor's Party Membership	<p>Council Decision Moved: Councillor Aitken Seconded: Councillor Toms That Councillors may voluntarily announce any membership of a political party and that this be made openly available on Council's website and further that this be put in place within seven days of this resolution being accepted by Council.</p>	Michelle Tipton	<p>22 June 2017 - Emailed Media and Communications to update the Profile pages on the Council website for each individual Councillor with regards to the membership of a political party. Only three (3) Councillors have responded to date: Cr Mayer, Cr Aitken and Cr Bolam. The Councillor Profile pages on Council's website, for the three (3) Councillors who responded, has been updated with the information on the membership of their political party.</p> <p>This action is now completed. Can this NOM now be archived.</p> <p>20 June 2017 -Emailed Councillors to see if they would be happy to supply information on their membership of a political party to be placed on the Council website. Awaiting feedback from Councillors - requested information by COB 16/6/2017</p>	Primary Cost: \$30

Notice of Motion Report

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
13-Jun-17	13.10	NOM 1333 - Enquiry to Wells Street Lighting	<p>Council Decision Moved: Councillor Aitken Seconded: Councillor Toms That an immediate and a full enquiry be made into the special effect lighting in Wells Street and that a working party be established comprising the Mayor, CEO and interested Councillors who will work harmoniously together to oversee the project to achieve a satisfactory outcome.</p> <p>Carried</p>	Gillian Kay	20 June 2017 - A meeting with interested Councillors and CEO will be organised	Primary Cost:
13-Jun-17	13.11	NOM 1334 - Recognition of Indigenous Australians in Frankston and Australia-Wide	<p>Council Decision Moved: Councillor McCormack Seconded: Councillor Hampton 1. That a report be provided at the September Ordinary Meeting providing a road map for the introduction and implementation of a Frankston City 'Reconciliation Action Plan'. The report should explore costs, the prioritisation of tasks within any 'action plan', comparisons to/of other similar 'action plans' in effect throughout Victoria and how to better improve dialogue with Indigenous Australians within the Frankston municipality; 2. That Frankston City Council writes to the Prime Minister of Australia, The Hon. Malcolm Turnbull, Opposition Leader, The Hon. Bill Shorten, Dunkley MP, Chris Crewther, Isaacs MP The Hon. Mark Dreyfus QC, as well as Victoria's twelve federal senators, formally expressing support for the recognition of Aboriginal and Torres Strait Islander people in the Australian Constitution. Frankston City Council calls on the Parliament of Australia to allow a national referendum to be conducted to determine nation-wide sentiments on this matter; and 3. That Frankston City Council writes to the Premier of Victoria, The Hon. Daniel Andrews, Opposition Leader of Victoria, The Hon. Matthew Guy, Frankston MP Paul Edbrooke, Carrum MP Sonya Kilkeny and Hastings MP Neale Burgess requesting them to join Frankston City Council in lobbying their federal counterparts in relation to the previous directive (support for the recognition of Aboriginal and Torres Strait Islander people in the Australian Constitution)</p> <p>Carried Unanimously</p>	Liz Daley	<p>22 June 2017 - A meeting with Councillor McCormack and idenally Aboriginal Elders has been requested to explore road map for plan further. 20 June 2017 - A meeting to discuss with Councillor will be scheduled. Report scheduled for September OM has been noted. Letters have been drafted for Mayor's signature.</p>	Primary Cost:

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

Enquiries: (Michael Papageorgiou: Community Development)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.2 Build a local community culture of good stewardship of the environment
Priority Action	3.2.2 Protect and maintain key natural assets (e.g. parks and reserves) owned by Council

Purpose

To brief Council on the benefits of supporting the Mornington Peninsula and Westernport Biosphere Reserve Foundation and seek a recommendation on whether to financially contribute to the 'Biosphere' in the future.

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.

Key Points / Issues

- Councillors were briefed by the Executive Officer and Chair of the Mornington Peninsula and Western Port Biosphere Reserve Foundation (the 'Biosphere') on 8th May 2017.
- The 'Biosphere' was established in 2003 after nominations to UNESCO supported by State and Federal Governments, the local community and the 5 Local Councils (Frankston, Mornington Peninsula, Casey, Cardinia and Bass Coast).
- Since its inception, the 'Biosphere's' core funding has been through contributions from the 5 Local Governments. In addition to this, the 'Biosphere' applies for grants from philanthropic organisations, State and Federal Government for projects across the region. Frankston ceased its financial membership in 2013 however, has still been involved at an officer level in the Growing Connections project. The other four Councils (Mornington Peninsula, Casey, Cardinia and Bass Coast) continued to be financial members.
- From 2003-2013 Frankston Council contributed \$124,450 to 'the Biosphere'. From 2003 to the present day, the 'Biosphere has spent \$229,092 on activities within the Frankston area.

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

- Officers have remained linked to the 'Biosphere' through grant projects such as Growing Connections. This project was funded through the Federal Government's Biodiversity fund and the application was prepared by officers from the 5 local Councils and the 'Biosphere'. Council has made its commitment to this project by way of \$5K in-kind support per annum, namely an officer sitting on the Project Implementation Committee. In turn the Frankston area has seen a return of **\$68,238** for on-ground works at Lloyd Park, Lexton Reserve and Downs Estate and **\$45,036** for fauna monitoring, data analysis and strategy development (please refer to Attachment A).
- The other added benefits of supporting the 'Biosphere' include networking, data collection and analysis, strategy development, shared resourcing and professional development.
- Annual membership is \$25,000.

Financial Impact

For the 2017-2018 financial year, the State Government Minister for Local Government has announced a limit on the amount Victorian councils may increase rates. The cap for the 2017-2018 financial year is 2%. The cap is based on the Consumer Price Index expected for the financial year.

This cap has a significant effect on Council's current Long Term Financial Planning, with rate revenue being \$9 million less than anticipated over the first four years, growing to \$17 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

Council membership to the 'Biosphere' is \$25,000 per financial year. Financial contributions from the 5 local governments within the 'Biosphere' make up the core funding that has supported the 'Biosphere' since its inception in 2003. Additionally, the 'Biosphere' competes for grant funding from philanthropic organisations as well as Federal and State Governments, however this is usually project based and does not fund the operational needs of the organisation.

From 2003 to 2016, \$229,092 grant funding has been expended by the 'Biosphere' on activities within the Frankston municipality. Frankston Council contributions directly to the 'Biosphere' amounted to \$124,450 from 2003-2013.

Consultation**1. External Stakeholders**

The Executive Officer of the 'Biosphere' has contributed information in the preparation of the report.

2. Other Stakeholders

Officers from the Planning & Environment and Operations department have been consulted during the preparation of this report.

**12.5 Membership to Mornington Peninsula and Western Port Biosphere Reserve
Foundation Ltd****Executive Summary****Analysis (Environmental / Economic / Social Implications)**

The 'Biosphere' provides an opportunity for connecting organisations across government, the private sector, research and academia. The 'Biosphere' is uniquely placed to address issues that are difficult for communities to manage alone, in the current environment, by fostering collaboration in the delivery of desirable outcomes for the region. The 'Biosphere' works with the community and UNESCO to create a sustainable future for the region – environmentally, socially and economically. They do this through research, education, community engagement, partnerships and on-ground conservation efforts.

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

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

Legal

Council has no statutory obligations.

Policy Impacts

Supporting the 'Biosphere' will assist Council to deliver key actions from 'Greening our Future – Frankston City's Environment Strategy 2014-2024'.

Officer's Declaration of Interests

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

Risk Mitigation

If Council chooses not to support the 'Biosphere' there is a risk that no future grants funding obtained by that organisation would be directed for allocation within the Frankston municipality. This is detrimental to Council and also to the community groups who may be looking for funding for on-ground works. Furthermore, many State and Federal grants are only available for community groups to apply for and the 'Biosphere' provides an avenue for Council to secure funding through these programs.

Conclusion

Since 2003 the 'Biosphere' has worked with Local Government, the community and UNESCO to create a sustainable future for Westernport – environmentally, socially and economically through research, education, community engagement partnerships and on-ground conservation efforts.

The core source of funding for the "Biosphere" comes from the 5 local Councils that comprise the 'Biosphere' in addition to grant funding from the State and Federal Governments and from philanthropic organisations.

Frankston City Council has not been a financial member of the 'Biosphere' since 2013. The annual membership is \$25,000. However, Mornington Peninsula, Casey, Cardinia and Bass Coast Councils continue their financial memberships.

Should Council resolve to re-join the Biosphere membership, it is recommended a Councillor nominate to represent Frankston City Council on the Biosphere Board.

Direction is sought on Council's wish to renew its membership in 2017/18 at an unbudgeted cost of \$25,000.

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

Executive Summary

ATTACHMENTS

Attachment A: Summary of Grant Funds Expended FCC



*Growing connections
for sustainability*

11th May 2017

Clare Warren

clare.warren@frankston.vic.gov.au

During the briefing with Councillors on Monday 8th May 2017 the question of how grants funding has been expended to the benefit of City of Frankston was asked, the following is a summary of \$229,092 Grant funding expended by the Biosphere Foundation on activities in the Frankston City Council area during the period 2003-2016. During the period 2004-05 -2012-13 Council contributions to Biosphere amounted to \$124,450.

Source of Funds	Year	Amount	Activities
Aust Govt Envio Fund Round 8	2007/2008	\$34,818	Revegetation works, monitoring for Southern Brown Bandicoot in the Pines and training of Green Army students
Aust Govt – PPWCMA	2011/13	\$26,000	Over the 3 years Ramsar Values project funding was apportioned for community engagement events including workshops, development of brochures and set of Connies cards on migratory species of East Asian Flyway and the Ramsar Wetlands e.g. Seaford
Victorian Government Communities for Nature	2011/12	\$20,000	Community engagement project supported by Frankston- Friends Groups focus on the Pines and Langwarrin Flora and Fauna Reserve – camera monitoring, development education kit on Southern Brown Bandicoot for use in schools and at events
Water Stewardship	2014/2016	\$35,000	Over 2 year period allocation for funding, forums, meetings with potential site holders, development of catchment condition reports Langwarrin Creek, working to develop water stewardship plans with 4 water stewards in Frankston local government area
Aust Govt Growing Connections	2013/2016	\$68,238	On ground works at Lexton Park, Lloyd Park and the Downes Estate -
Aust Govt Growing Connections	2013/2016	\$45,036	Over 4 years allocation of funding - maintaining 17 camera monitoring sites at the Pines, and Langwarrin Flora and Fauna Park, workshops re Biodiversity Plan development, forums, data collection tool development, establish online story boards of on ground works, carbon reporting and analysis Pest Animal Strategy development. Guided Indigenous educational bus trip Frankston/ Mornington Peninsula.

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

Enquiries: (Michael Rathbone: Community Development)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.1 Plan, build, maintain and retire infrastructure to meet the needs of the city and its residents
Priority Action	3.1.2 Deliver key infrastructure projects on schedule and within budget (Capital Works Program) adopted by Council for 2013-2017

Purpose

To brief Council on the status of the Newton Avenue and Weeroona Road Special Charge Scheme for road construction, and to recommend that the Scheme be declared as all outstanding matters from submitters have been addressed.

Recommendation (Director Community Development)

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

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

- 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

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

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.

Key Points / Issues

- Council has been liaising with property owners affected by the Newton Avenue and Weeroona Road proposed Special Charge Scheme for road construction since 2010.
- Council gave Public Notice on 2 November 2015 of its Intention to Declare a Special Charge Scheme to construct Newton Avenue and Weeroona Road, Langwarrin South. Affected owners were notified by letter dated 4 November 2015, which included the text of the public notice.
- Following the Public Notice, four (4) property owners made written submissions by the close of the statutory submission period. No requests for verbal submissions were received. Only two contributors out of 54 potential contributors have objected to the Scheme or consider it unnecessary.
- Recently, consultation has occurred with property owners to gauge their support for the installation of chicanes as part of the road construction project. The installation of chicanes was not supported by a clear majority of owners, and as such, they will not be included within the project.
- During the statutory process of title searches, it was discovered that there was a revenge strip dating back to the original subdivision of the Crown Allotment 3B in 1928, which in essence, prevented a significant property from being included in the scheme. This matter has now been resolved and the strip of land is now in possession of the land owner to allow him to contribute to the scheme.
- Now that the consultation period has concluded and all outstanding matters have been resolved, it is recommended that Council Declare the Special Charge Scheme.

**12.6 Newton Avenue and Weeroona Road Langwarrin South - Special Charge Scheme
- Consultation Results and Declaration of Scheme****Executive Summary****Financial Impact**

It is noted that the State Government has introduced legislation that prevents Councils from raising rates above inflation levels from 1 July 2016. Victorian councils will be forced to cap rates at the consumer price index (CPI) which has been declared for 2016/17 at 2.50 per cent. The CPI (based on a basket of common household goods and services that Council purchases very little of) is a very poor index of the cost of providing services that are very heavily based on labour costs.

The financial gap between the previous editions of Council's Long Term Financial Plan and the revised plan in terms of rate revenue over the next four year period is approximately \$28 million; this increases to \$43 million over a five year period. This reduction will have a severe impact on Council's ability to maintain services, deliver key initiatives and improvements and maintain adequate levels of capital expenditure.

It is also noted that in 2015/2016, Council's debt will peak at \$37.2 million. While this debt has been used to deliver key community assets such as the Peninsula Aquatic Recreation Centre (PARC), Frankston Yacht Club and the Frankston Regional Resource and Recycling Centre (FRRRC), the cost of servicing this debt in a rate capping environment will severely limit Council's ability to provide further improved facilities and services.

The 2016/17 Capital Works program includes \$250,000 which will cover the commencement of construction should no landowner objections be taken to VCAT.

A total of \$2.008M is planned for the 2017/18 financial year for construction.

Consultation**1. External Stakeholders**

Consultation has occurred since 2010 with property owners involved in the Newton-Weeroona Special Charge Scheme. This report includes the results of the most recent consultation with property owners, which was to gauge support for chicanes that have been proposed as part of the road construction project.

2. Other Stakeholders

No other stakeholders have been identified.

Analysis (Environmental / Economic / Social Implications)Environmental

Environmental benefits of constructing unsealed roads include elimination of sediment runoff, elimination of dust, no more need for dust suppressant chemicals and reduction of noise.

All road construction projects will require some loss of vegetation. Planting from local indigenous species in consultation with Council's Planning Department will occur by way of replacement and enhancement, and relevant permits will be obtained.

Economic

Road construction is likely to lead to improved property values. It will also lead to a reduction of ratepayer-funded maintenance activities associated with unsealed roads and paths.

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

The proposed cost to abutting owners is considered reasonable for the benefits enjoyed, and the basis of apportionment for allocating the Special Charge amongst property owners is considered fair and reasonable.

Social

Social benefits of road construction include improved vehicle and pedestrian access, safety and enhanced amenity and character of the land and local area.

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

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

Legal

Special Charge Schemes must follow the process prescribed in the Local Government Act 1989.

Policy Impacts

Special Charge Schemes follow the process outlined in Council's Contributory Schemes Policy.

Officer's Declaration of Interests

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

Risk Mitigation

All consultation with property owners in relation to this proposal has been undertaken in accordance with the Special Charge Scheme process outlined in the Local Government Act 1989. By undertaking consultation additional to that required by the Act, Council has been able to understand the issues and concerns relating to the Scheme (specifically the chicane proposal), and to make any necessary changes before formally declaring the Scheme.

Conclusion

Council has recently consulted with property owners affected by the proposed Newton Avenue and Weeroona Road Special Charge Scheme in relation to proposed chicanes. The installation of chicanes was not supported by a clear majority of owners, and as such, they will not be included within the project. Now that the consultation period has concluded and all outstanding matters have been resolved, it is recommended that Council declare the Special Charge Scheme.

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

Executive Summary

ATTACHMENTS

Attachment A: Newton Avenue and Weeroona Road - Special Charge Scheme Boundary

Attachment B: Estimate and Apportionment - Newton Avenue and Weeroona Road Special Charge Scheme

Attachment C: Calculation of Maximum Levy

Attachment D: Apportionment Principles - Newton Avenue and Weeroona Road - Special Charge Scheme

Attachment E: Layout plans

**12.6 Newton Avenue and Weeroona Road Langwarrin South - Special Charge Scheme
- Consultation Results and Declaration of Scheme****Officers' Assessment****Background**

The Scheme process for the construction of Newton Avenue and Weeroona Road, Langwarrin South, commenced with a notice to residents followed by a questionnaire in June 2010.

In July, 2014, due to several ownership changes since 2010, another resident survey was carried out. This confirmed that the majority of landowners remained in favour of the Scheme (approximately 65%). Concept plans were then prepared for both 'rural' and 'urban' options.

A public meeting was held on 25 November 2014 at which two road upgrading options were presented to affected property owners and residents. These comprised a 'rural' option (with no kerbs but having shoulders and open drains) and an 'urban' option (with kerbs, and underground drains). The urban option was clearly preferred by the meeting as it minimised tree removal, and was adopted for the Scheme.

The minutes of the public meeting were sent to potential contributors. Responses were received and included requests for speed reduction devices to be of a type suitable for horse floats, improved public lighting and for road narrowings to be kept away from driveways. These elements have been incorporated into the final design originally as speed humps, but later as chicanes.

During the statutory process of title searches, it was discovered that there was a revenge strip dating back to the original subdivision of the Crown Allotment 3B in 1928, which in essence, prevented a significant property from being included in the scheme. This matter has now been resolved and the strip of land is now in Council's possession. The land will be made available to the land owner to allow them to contribute to the scheme.

At its meeting OM279 on 26 October 2015, Council adopted a recommendation to give Public Notice of Intention to Declare the abovementioned Special Charge Scheme, and for Council to hear submissions from interested parties on the proposed Scheme at its meeting of 7 December 2015.

Council gave Public Notice on 2 November 2015 of its Intention to Declare a Special Charge Scheme to construct Newton Avenue and Weeroona Road, Langwarrin South. Affected owners were notified by letter dated 4 November 2015, which included the text of the public notice.

Following the Public Notice, four (4) property owners made written submissions by the close of the statutory submission period. No requests for verbal submissions were received. Only two out of 54 potential contributors have objected to the Scheme or consider it unnecessary. One contributor objected to a required aspect of the Scheme design, the impacts of which can be mitigated without essential change to the Scheme. The same contributor raised questions over the impact of angled slow points on access for CFA fire appliances.

An issue was raised about CFA approval of the chicanes as part of the road upgrading works.

At its meeting OM281 on 7 December 2015, where a report was tabled outlining the response from owners after the Intention to Declare notice was given, Council resolved:

'That the matter be deferred to a council meeting in February 2016 pending further consultation and making plans available to residents.'

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

Officers' Assessment

Issues and Discussion

Council received advice from the CFA in March 2016 that they had withdrawn their objection to the chicanes. Council then wrote to land owners to advise them of progress and to specially ask them to approve or reject the planned chicanes. Each owner also received a copy of the plans. The installation of chicanes was not supported by a clear majority of owners, and as such, they will not be included within the project. Now that the consultation period has concluded and all outstanding matters have been resolved, it is recommended that Council Declare the Special Charge Scheme.

Options Available including Financial Implications

Based on the Engineering Consultants' estimate for the Scheme and overhead ancillary costs, the Scheme and Non-Scheme costs will amount to \$2,188,000. Scheme and Non-Scheme related project costs are summarised below:

Non-Scheme Costs	
Warrandyte Road/Newton Avenue intersection widening (borne by Council)	\$231,000
Total Non-Scheme (Council) Costs	\$231,000
Scheme Costs	
Expenditure to date (design, administration, etc.)	\$107,000
Construction costs (Newton Avenue and Weeroona Road)	\$1,850,000
Total Scheme Costs	\$1,957,000
TOTAL COST	\$2,188,000

Based on the apportionment principles for the Scheme, Council's contribution to the Scheme is \$300,000. This is due to the cost savings to Council that are associated with maintenance of a sealed road. Council is also responsible for the funding of the works at the Warrandyte Road and Newton Avenue intersection, which is not a part of the Scheme, but is required to ensure the safety of the intersection as a result of the sealing of Newton Avenue.

The Council contribution is being made outside of (and is not considered to be a part of) the 'ratio' calculation required to be made by Council under sections 163(2)(a), (2A) and (2B) of the Act.

It is considered that there are two options available to Council, namely:

1. Declare the Special Charge Scheme (recommended)

The 2016/17 Capital Works program includes \$250,000 which will cover the commencement of construction should no landowner objections be taken to VCAT.

A total of \$2,188,000 is planned for the 2017/18 financial year for construction.

**12.6 Newton Avenue and Weeroona Road Langwarrin South - Special Charge Scheme
- Consultation Results and Declaration of Scheme****Officers' Assessment****2. Do not Declare the Special Charge Scheme (not recommended)**

Should the Special Charge Scheme not be declared, Newton Avenue and Weeroona Road would remain unsealed. Council would need to continue to fund the grading, dust suppression and other maintenance activities associated with unsealed roads. Additionally, the environmental, social and economic benefits of road sealing outlined in this report would not be realised.

NEWTON AVENUE AND WEEROONA ROAD, LANGWARRIN SOUTH – SCHEME BOUNDARY



FRANKSTON CITY COUNCIL
Newton Avenue & Weeroona Road, Langwarrin South - Special Charge Scheme
Apportionment of Cost

NON-SCHEME COUNCIL COST 231,000.00
 TOTAL SCHEME COST 1,957,000.00
 COUNCIL CONTRIBUTION: 300,000.00
 OWNERS CONTRIBUTION: 1,657,000.00

Warrandyte Rd / Newton Av Int., traffic treatments, lighting upgrades

Ave. annual maintenance cost X 15 yrs - \$20k X 15

Battle Axe blocks
 Large lots > 2Ha
 Small lots < 1Ha

Methods of Apportionment

- 1 = 100% abuttal
- 2 = 100% area
- 3 = 100% BU
- 4 = 50% area 50% BU
- 5 = 20% area 80% BU

Preferred Method

B.U = Subd potential, road usage / lot, sideage

Abuttal 100% \$430.501 / m	Area 100% \$2,3650/m2	Abuttal 0% \$0.0000 / m	Abuttal 0% \$0.000 / m
		Area 50% \$1,1825/m2	Area 20% \$0,4730 /m2
		Benefit 100% \$28,917.976 / bu	Benefit 50% \$14,458.988 / bu
			Benefit 80% \$23,134.381 / bu

PROPERTY IDENTIFICATION			ABUTTAL (m)				AREA (m2)			BENEFIT (UNIT)					1	2	3	4	5		
Item No.	House Number	Road Name	Direct Abuttal	Splay	Other Abuttal	Apportioned Abuttal	Title Area	Developable Area	Modified Area	Zoning	Overlays		Min Lot Size (m2)	Direct Benefit (Fronting Lots)	Access Benefit (Remote Lots)	Total Benefit Units	100% Abuttal	100% Area	100% Benefit	50% Area 50% Benefit	20% Area 80% Benefit
											ESO1	SLO1,DDO4					100% Abuttal	100% Area	100% Benefit	50% Area 50% Benefit	20% Area 80% Benefit
1	365	Baxter-Tooradin Road	20.10			20.10	58748	58,748	58,748	rural	-	✓	40,000	0.1		0.1	8,653.08	138,937.08	2,891.80	70,914.47	30,100.85
2	50	Gardeners Road	20.10			20.10	53487	53,487	53,487	LDRZ	-	✓	10,000	4		4	8,653.08	126,494.99	115,671.50	121,083.47	117,836.52
3	2	Newton Avenue	123.20		41.00	123.20	10000	10,000	7,503	LDRZ	-	✓	10,000	0.5		0.5	53,037.77	17,744.35	14,458.99	16,101.67	15,116.06
4	8	Newton Avenue	63.80			63.80	10000	10,000	10,000	LDRZ	-	✓	10,000	1		1	27,465.99	23,649.67	28,917.98	26,283.83	27,864.32
5	14	Newton Avenue	10.00			10.00	13390	13,390	13,390	LDRZ	-	✓	10,000	1		1	4,305.01	31,666.91	28,917.98	30,292.45	29,467.76
6	15	Newton Avenue	73.00			73.00	10118	10,118	10,118	LDRZ	-	✓	10,000	1		1	31,426.60	23,928.74	28,917.98	26,423.36	27,920.13
7	20	Newton Avenue	116.00			116.00	10130	10,130	10,130	LDRZ	-	✓	10,000	1		1	49,938.16	23,957.12	28,917.98	26,437.55	27,926.80
8	25	Newton Avenue	196.60			196.60	10117	10,117	10,117	LDRZ	-	✓	10,000	1		1	84,636.58	23,926.37	28,917.98	26,422.18	27,919.66
9	26	Newton Avenue	9.00			9.00	10010	10,010	10,010	LDRZ	-	✓	10,000	1		1	3,874.51	23,673.32	28,917.98	26,295.65	27,869.04
10	28	Newton Avenue	14.50			14.50	10010	10,010	10,010	LDRZ	-	✓	10,000	1		1	6,242.27	23,673.32	28,917.98	26,295.65	27,869.04
11	30	Newton Avenue	83.20			83.20	14810	14,810	14,810	LDRZ	-	✓	10,000	1		1	35,817.72	35,025.16	28,917.98	31,971.58	30,139.41
12	40	Newton Avenue	120.30			120.30	20813	20,813	20,813	LDRZ	-	✓	10,000	2		2	51,789.32	49,222.06	57,835.95	53,529.02	56,113.17
13	50	Newton Avenue	54.60			54.60	10000	10,000	10,000	LDRZ	-	✓	10,000	1		1	23,505.38	23,649.67	28,917.98	26,283.83	27,864.32
14	55	Newton Avenue	102.70			102.70	18290	18,290	18,290	LDRZ	-	✓	10,000	1		1	44,212.49	43,255.25	28,917.98	36,086.62	31,785.43
15	58	Newton Avenue	69.20			69.20	11670	11,670	11,670	LDRZ	-	✓	10,000	1		1	29,790.70	27,599.16	28,917.98	26,258.58	26,654.21
16	60	Newton Avenue	85.30			85.30	10010	10,010	10,010	LDRZ	-	✓	10,000	1		1	36,721.77	23,673.32	28,917.98	26,295.65	27,869.04
17	65	Newton Avenue	59.30			59.30	10000	10,000	10,000	LDRZ	-	✓	10,000	1		1	25,528.73	23,649.67	28,917.98	26,283.83	27,864.32
18	70	Newton Avenue	191.70			191.70	10010	10,010	10,010	LDRZ	-	✓	10,001	1		1	82,527.12	23,673.32	28,917.98	26,295.65	27,869.04
19	73	Newton Avenue	92.50			92.50	10010	10,010	10,010	LDRZ	-	✓	10,000	1		1	39,821.38	23,673.32	28,917.98	26,295.65	27,869.04
20	75	Newton Avenue	86.00			86.00	13830	13,830	13,830	LDRZ	-	✓	10,000	1		1	37,023.12	32,707.49	28,917.98	30,812.74	29,675.88
21	77	Newton Avenue	5.00			5.00	10750	10,750	10,750	LDRZ	-	✓	10,000	1		1	2,152.51	25,423.40	28,917.98	27,170.69	28,219.69
22	80	Newton Avenue	9.00			9.00	10010	10,010	10,010	LDRZ	-	✓	10,000	1		1	3,874.51	23,673.32	28,917.98	26,295.65	27,869.04
23	81	Newton Avenue	16.00			16.00	10620	10,620	10,620	LDRZ	-	✓	10,000	1		1	6,888.02	25,115.95	28,917.98	27,016.97	28,157.57
24	90	Newton Avenue	40.00			40.00	3035	3,035	3,035	LDRZ	-	✓	10,000	1		1	17,220.06	7,177.67	28,917.98	18,047.83	24,569.92
25	100	Newton Avenue	141.80			141.80	10000	10,000	10,000	LDRZ	-	✓	10,000	1		1	60,959.00	23,649.67	28,917.98	26,283.83	27,864.32
26	105	Newton Avenue	143.60	4.20	45.20	143.60	10100	10,100	7,825	LDRZ	-	✓	10,000	1		1	62,724.05	18,032.87	28,917.98	23,475.43	26,740.96
27	85	Newton Avenue	138.00			138.00	18500	18,500	18,500	LDRZ	-	✓	10,001	1		1	59,409.19	43,751.89	28,917.98	36,334.94	31,884.76
28	414	Warrandyte Road	20.70			20.70	8558	8,558	8,558	LDRZ	-	✓	10,002	0.2		0.2	8,911.38	20,239.39	5,783.60	13,011.50	8,674.75
29	450	Warrandyte Road	147.30	2.60	159.00	147.30	11184	11,184	5,380	LDRZ	-	✓	10,003	0.5		0.5	63,972.51	12,723.52	14,458.99	13,691.26	14,111.89
30	60	Weeroona Road	92.00			92.00	24280	24,280	24,280	LDRZ	-	✓	10,004	2		2	39,806.13	57,421.40	57,835.95	57,628.69	57,753.04
31	65	Weeroona Road	115.30			115.30	23870	23,870	23,870	LDRZ	-	✓	10,005	2		2	49,636.81	56,451.76	57,835.95	57,143.87	57,559.11
32	70	Weeroona Road	71.00			71.00	4678	4,678	4,678	LDRZ	-	✓	10,006	1		1	30,565.60	11,063.32	28,917.98	19,990.65	25,347.04
33	71	Weeroona Road	59.20			59.20	11930	11,930	11,930	LDRZ	-	✓	10,007	1		1	25,485.68	28,214.06	28,917.98	28,566.02	28,777.19
34	75	Weeroona Road	59.00			59.00	11930	11,930	11,930	LDRZ	-	✓	10,008	1		1	25,399.58	28,214.06	28,917.98	28,566.02	28,777.19
35	76	Weeroona Road	43.50			43.50	10000	10,000	10,000	LDRZ	-	✓	10,009	1		1	18,726.81	23,649.67	28,917.98	26,283.83	27,864.32
36	78	Weeroona Road	13.50			13.50	10000	10,000	10,000	LDRZ	-	✓	10,010	1		1	5,811.77	23,649.67	28,917.98	26,283.83	27,864.32
37	80	Weeroona Road	87.00			87.00	10000	10,000	10,000	LDRZ	-	✓	10,011	1		1	37,453.62	23,649.67	28,917.98	26,283.83	27,864.32
38	85	Weeroona Road	122.80			122.80	10650	10,650	10,650	LDRZ	-	✓	10,012	1		1	52,865.57	25,186.90	28,917.98	27,052.44	28,171.76
39	89	Weeroona Road	15.00			15.00	15810	15,810	15,810	LDRZ	-	✓	10,013	1		1	6,457.52	36,917.13	28,917.98	32,917.56	30,517.81
40	90	Weeroona Road	20.60			20.60	1012	1,012	1,012	LDRZ	-	✓	10,014	1		1	8,868.33	2,393.35	28,917.98	15,655.66	23,613.05
41	94	Weeroona Road	65.00			65.00	3603	3,603	3,603	LDRZ	-	✓	10,015	1		1	27,982.59	8,520.98	28,917.98	18,719.48	24,838.58
42	95	Weeroona Road	50.00			50.00	10100	10,100	10,100	LDRZ	-	✓	10,016	1		1	21,525.07	23,886.17	28,917.98	26,402.08	27,911.61
43	98	Weeroona Road	9.60			9.60	13380	13,380	13,380	LDRZ	-	✓	10,017	1		1	4,132.81	31,643.26	28,917.98	30,280.62	29,463.03
44	100	Weeroona Road	75.60			75.60	10170	10,170	10,170	LDRZ	-	✓	10,018	1		1	32,545.91	24,051.71	28,917.98	26,484.85	27,944.72
45	105	Weeroona Road	57.00			57.00	12840	12,840	12,840	LDRZ	-	✓	10,019	1		1	24,538.58	30,366.18	28,917.98	29,642.08	29,207.62
46	106	Weeroona Road	54.70			54.70	10030	10,030	10,030	LDRZ	-	✓	10,020	1		1	23,548.43	23,720.62	28,917.98	26,319.30	27,878.50
47	108	Weeroona Road	76.20			76.20	13870	13,870	13,870	LDRZ	-	✓	10,021	1		1	32,804.21	32,802.09	28,917.98	30,860.04	29,694.80
48	110	Weeroona Road	53.50			53.50	10010	10,010	10,010	LDRZ	-	✓	10,022	1		1	23,031.82	23,673.32	28,917.98	26,295.65	27,869.04
49	115	Weeroona Road	127.80			127.80	16710	16,710	16,710	LDRZ	-	✓	10,023	1		1	55,018.08	39,518.60	28,917.98	34,218.30	31,038.10
50	118	Weeroona Road	6.00			6.00	10000	10,000	10,000	LDRZ	-	✓	10,024	1		1	2,583.01	23,649.67	28,917.98	26,283.83	27,864.32
51	120	Weeroona Road	62.30			62.30	10000	10,000	10,000	LDRZ	-	✓	10,025	1		1	28,820.24	23,649.67	28,917.98	26,283.83	27,864.32
52	130	Weeroona Road	72.50			72.50	12880	12,880	12,880	LDRZ	-	✓	10,026	1		1	31,211.35	30,460.77	28,917.98	29,689.38	29,226.54
53	134	Weeroona Road	57.20			57.20	10437	10,437	10,437	LDRZ	-	✓	10,027	1		1	24,624.68	24,683.16	28,917.98	26,800.57	28,071.

Newton Avenue & Weeroona Road, Baxter
Special Charge Road Construction Scheme

**Statement pursuant to Section 163(2C)
of The Local Government Act 1989
Calculation of Maximum Total Levy**

A. DEFINE PURPOSE

The purpose of the scheme is to provide a constructed road and associated works to provide property access of a suitable standard for the zoning of the land. This will include road pavement and surfacing, kerb and channels, culvert vehicle crossings, and associated works.

B. COHERENCE

The works are physically and functionally connected and related to the purpose.

C. TOTAL COST

The total cost of the project has been estimated at \$1,957,000-00 less a Council contribution of \$300,000, making a chargeable cost of \$1,657,000 (C). This includes a contingency for ground conditions as well as scheme preparation and administration cost overheads.

D. IDENTIFY SPECIAL BENEFICIARIES

54 properties abut the section of road to be constructed in the scheme. 49 of these have no other abuttal, and 5 have abuttal also to another road.

E. DETERMINE PROPERTIES TO INCLUDE

Of the properties in D., 54 are proposed to be included and none are excluded.

F. ESTIMATE TOTAL SPECIAL BENEFITS - $TSB_{(in)}$ and $TSB_{(out)}$

Notional "Benefit Units" are 1 for properties with no other abuttal but without subdivision potential (46), $\frac{1}{2}$ for properties with other abuttal but without subdivision potential (4) and for properties with subdivision potential (4) -1 B.U. for each potential lot (7), therefore for included properties

$$TSB_{(in)} = (46 \times 1) + (4 \times \frac{1}{2}) + (7 \times 1) = 57$$

and since there are no excluded properties

$$TSB_{(out)} = 0$$

G. ESTIMATE COMMUNITY BENEFITS

There are not considered to be any "tangible & direct" benefits to other people in the community. People using the section of road to be constructed are only accessing or servicing the properties that have been identified as receiving special benefits. Newton Avenue / Weeroona Road is essentially one long dead end road and does not feed other roads or paths, or service any community facilities.

$$TCB = 0.$$

H. CALCULATE "BENEFIT RATIO"

No special comments for this scheme.

$$\frac{TSB_{(in)}}{TSB_{(in)} + TSB_{(out)} + TCB} = R = \frac{57}{57 + 0 + 0} = 100\%$$

I. CALCULATION OF MAXIMUM TOTAL LEVY

$$R \times C = S = 100\% \times \$1,657,000-00 = \$1,657,000-00.$$

NEWTON AVENUE AND WEEROONA ROAD – SPECIAL CHARGE SCHEME - APPORTIONMENT PRINCIPLES

1. Current status of area
 - a. 54 contributing properties
 - b. In LDRZ planning zone
 - c. Has a DD04 Overlay – sets min lot size of 1Ha (10,000sqm)
 - d. 3 lots are greater than 20,000sqm – capable of 2 lot subdivision
 - e. 1 lot is greater than 50,000sqm – capable of 4 -5 lot subdivision
 - f. 11 lots are battle-axe – with frontages less than 10m
 - g. 3 lots are less than 5,000sqm
 - h. 2 lots have limited access – 414 Warrandyte Rd & 365 Baxter-Tooradin Rd
 - i. 46 lots are approximately 10,000sqm
 - j. 2 corner lots at Warrandyte Rd / Newton Av – both have accesses off Newton Av.
 - k. All lots have substantial, well established dwellings

2. Factors affecting apportionment
 - a. 3 apportionment elements – Frontage, Area & Benefit Unit - are considered.
 - b. In effect, the 2 roads may be considered as one dead end court (similar to Nirvana CI)
 - c. The large number of battle-axe lots makes “Frontage” of little value as an element as it will give a skewed cost in favour of such lots
 - d. The small number of small lots (3) makes “Area” of less value as an element as it will give a skewed cost in favour of such lots
 - e. “Benefit Unit” is considered the most likely element to use in the calculation
 - f. Traffic is also likely to influence the way the project cost is apportioned. The last traffic count in 2009 showed a daily usage of approx. 500 v.p.d. which correlates well to the industry norm of 10 trips / dwelling / day (ie;- 52 X 10). This volume is unlikely to have changed much in the last 5 years as all lots were built & occupied in 2009. Each lot would contribute equally to traffic usage, irrespective of lot size or shape, lending weight to the use of the Benefit Unit as the predominant element.

3. Owner / Council cost break-up
 - a. Being essentially a dead end road, there is no wider benefit to the community by this project, hence we could charge owners 100%, however this has never been done in past schemes – the highest % charged to owners was approx. 95% for the Nirvana CI Scheme – as some council benefit is always considered appropriate – as stated below.
 - b. This area has been the subject of many complaints in the past for potholes, corrugations, erosion & dust. It has required grading frequencies of up to 2 / month in wet seasons, whilst the regular frequency is once every 2 months.
 - c. There will be benefit to council in reduced on-going maintenance costs – grading, drain clearing, dust suppression, garbage pick-up. Council stands to reduce maintenance costs by approx. \$20,000 / year by constructing these roads. Over a 15 year period this results in a saving of \$300,000. This is considered a fair and

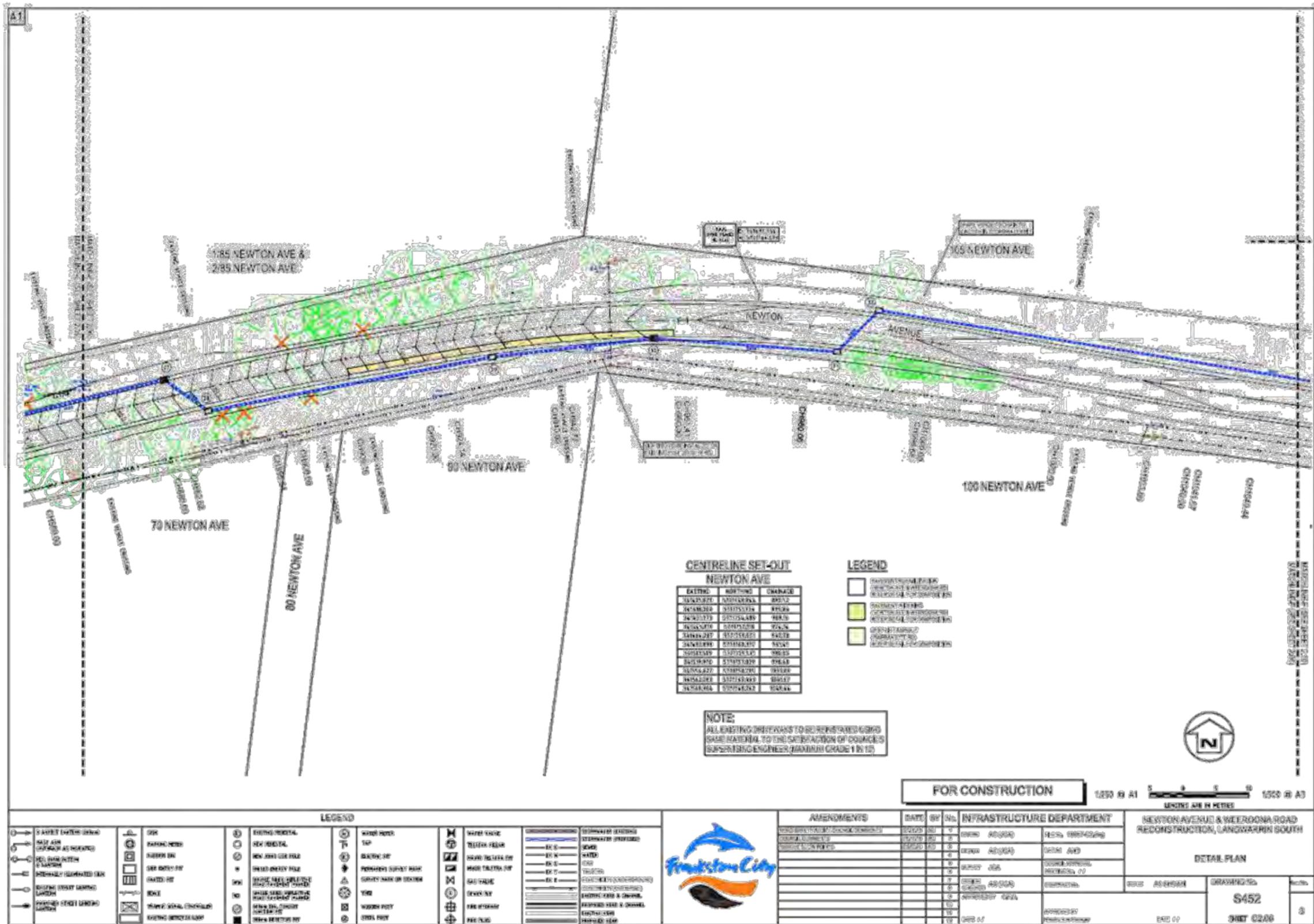
equitable figure to use in determining an owner / council split of the total scheme cost. For example, if the total cost is \$1.0 million, the council proportion would be 30% ($300,000/1,000,000 \times 100$) – if the total cost is \$1.5 M the Council % would be 20%.

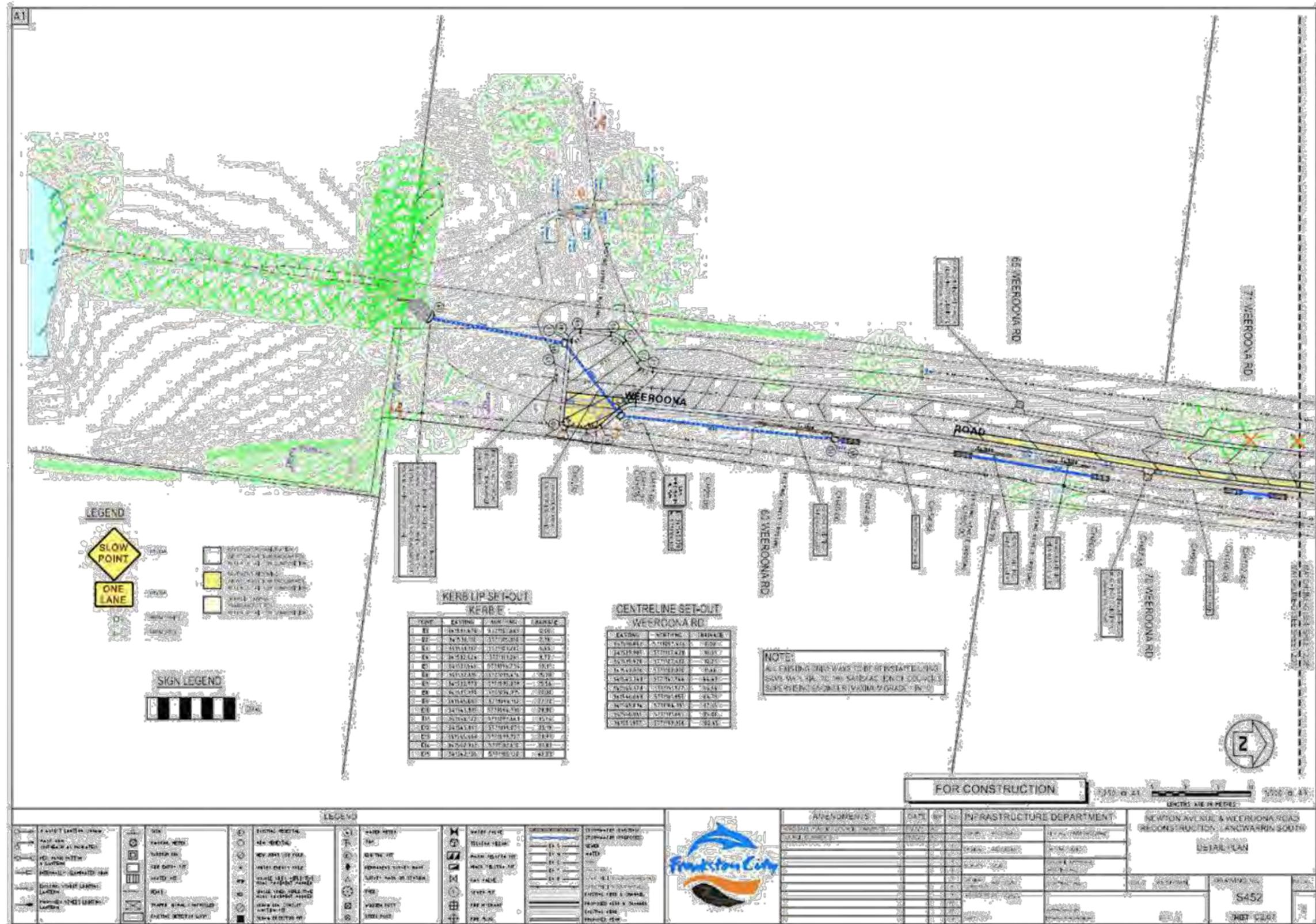
- d. Alternatively, Council may wish to arbitrarily increase its contribution to the minimum 34% required to enable it to continue with the scheme should the owner vote (to proceed) drop below 50%.

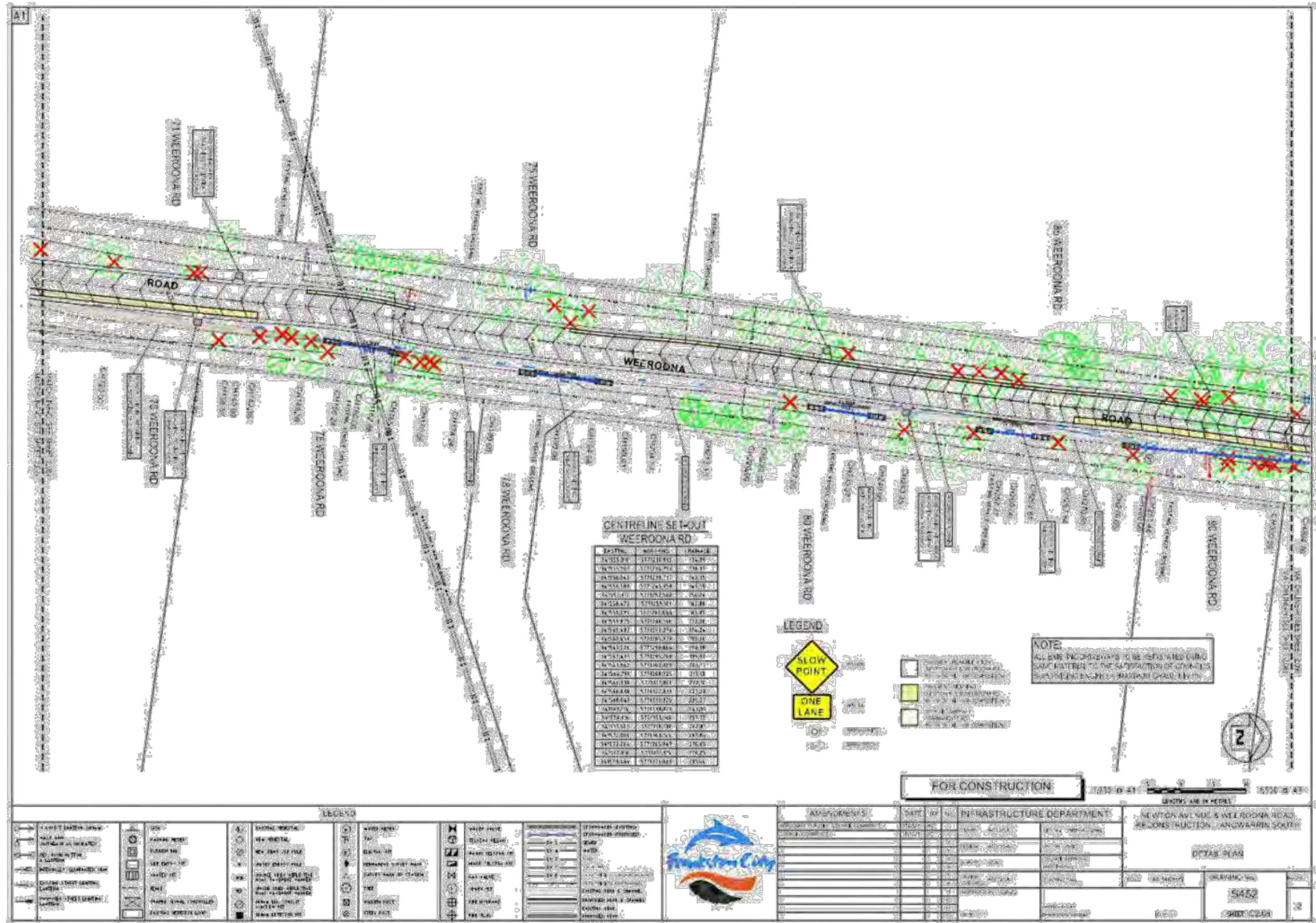
4. Given the above, the following combinations were trialed:-

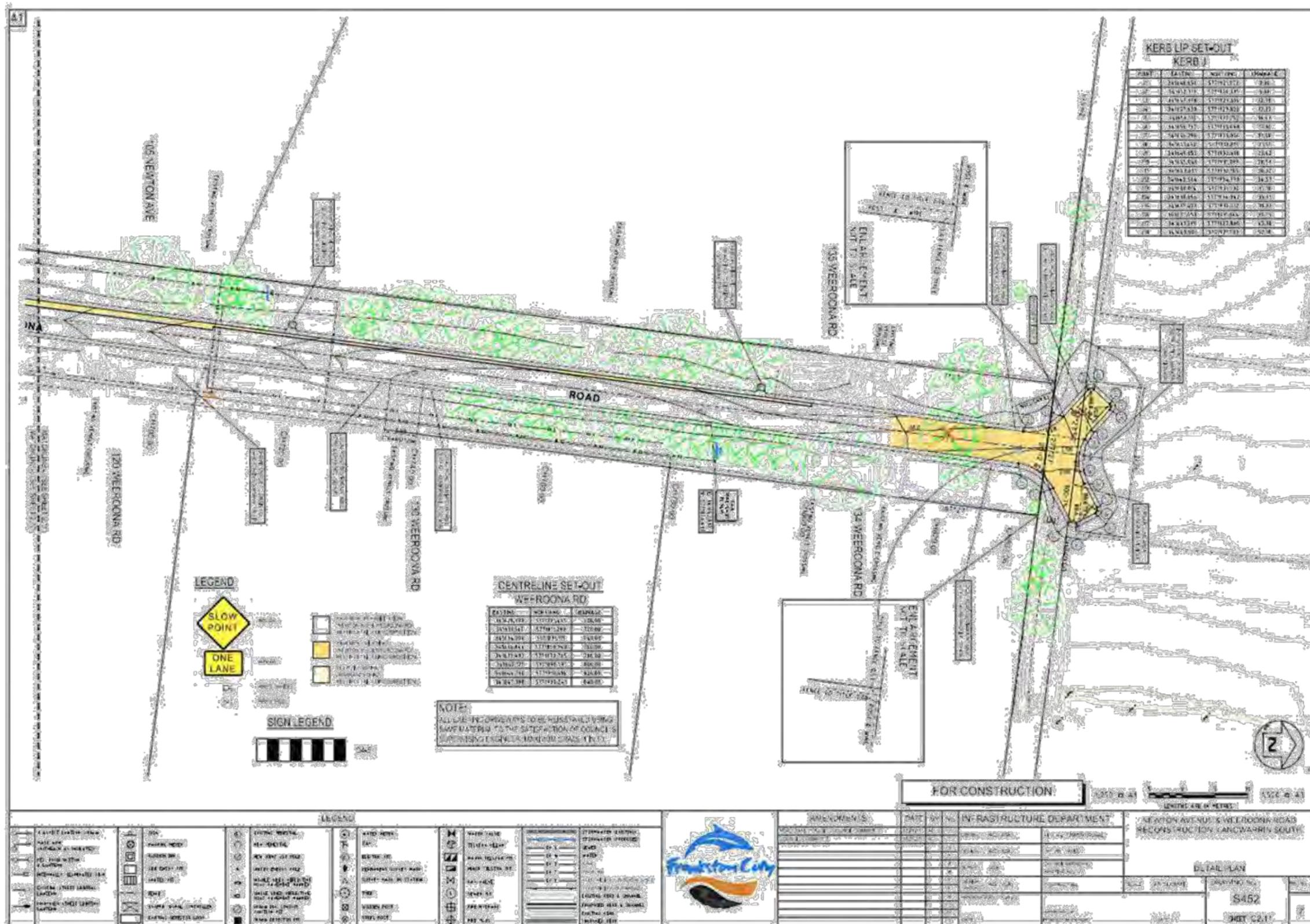
- a. 100% Frontage (to show imbalance)
- b. 100% Area (to show imbalance)
- c. 100% BU
- d. 50% BU & 50% Area
- e. 80% BU & 20% Area

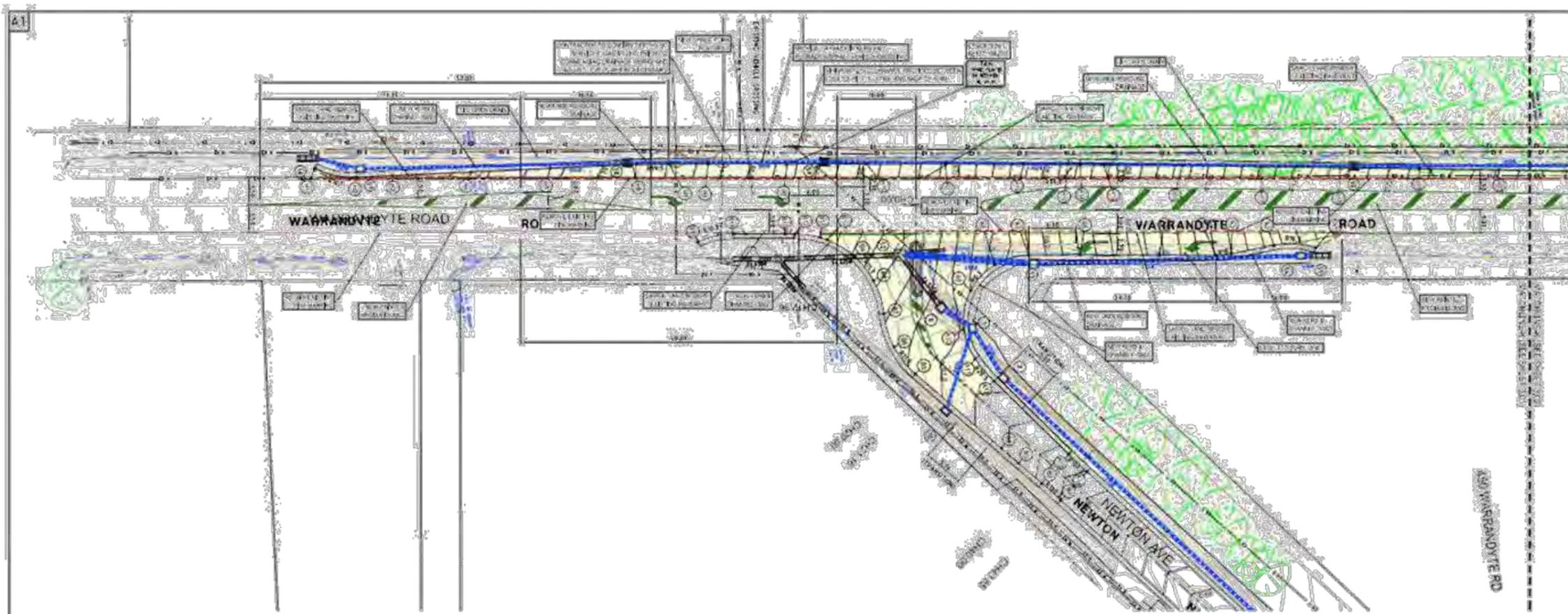
From this analysis, option c. was considered the best option to provide the most equitable apportionment to satisfy all the above parameters.











**KERB LIP SET-OUT
KERB A**

POINT	EASTING	NORTHING	DRAINAGE
A1	342893.889	577024.319	0.00
A2	342893.914	577024.100	0.05
A3	342893.238	577023.636	0.00
A4	342893.025	577023.444	0.00
A5	342893.025	577023.553	0.00
A6	342894.890	577023.628	0.00
A7	342894.856	577023.270	0.00
A8	342893.484	577023.271	0.00
A9	342893.221	577023.222	0.00
A10	342893.221	577023.430	0.00
A11	342893.937	577023.255	0.00
A12	342894.228	577023.347	0.00
A13	342893.665	577023.000	0.00
A14	342892.292	577023.000	0.00

**KERB LIP SET-OUT
KERB B**

POINT	EASTING	NORTHING	DRAINAGE
B1	342922.290	577023.100	0.00
B2	342922.060	577023.000	0.00
B3	342922.060	577022.444	0.00
B4	342922.060	577022.137	0.00
B5	342922.060	577021.900	0.00
B6	342922.060	577021.750	0.00
B7	342922.060	577021.600	0.00
B8	342922.060	577021.450	0.00
B9	342922.060	577021.300	0.00
B10	342922.060	577021.150	0.00
B11	342922.060	577021.000	0.00
B12	342922.060	577020.850	0.00
B13	342922.060	577020.700	0.00
B14	342922.060	577020.550	0.00
B15	342922.060	577020.400	0.00

**KERB LIP SET-OUT
KERB H**

POINT	EASTING	NORTHING	DRAINAGE
H1	342893.238	577023.636	0.00
H2	342893.025	577023.444	0.00
H3	342893.025	577023.553	0.00
H4	342894.890	577023.628	0.00
H5	342894.856	577023.270	0.00
H6	342893.484	577023.271	0.00
H7	342893.221	577023.222	0.00
H8	342893.221	577023.430	0.00
H9	342893.937	577023.255	0.00
H10	342894.228	577023.347	0.00
H11	342893.665	577023.000	0.00
H12	342892.292	577023.000	0.00
H13	342893.875	577023.075	0.00
H14	342893.875	577023.225	0.00
H15	342893.875	577023.375	0.00
H16	342893.875	577023.525	0.00
H17	342893.875	577023.675	0.00
H18	342893.875	577023.825	0.00
H19	342893.875	577023.975	0.00
H20	342893.875	577024.125	0.00
H21	342893.875	577024.275	0.00
H22	342893.875	577024.425	0.00
H23	342893.875	577024.575	0.00
H24	342893.875	577024.725	0.00
H25	342893.875	577024.875	0.00
H26	342893.875	577025.025	0.00
H27	342893.875	577025.175	0.00
H28	342893.875	577025.325	0.00
H29	342893.875	577025.475	0.00
H30	342893.875	577025.625	0.00
H31	342893.875	577025.775	0.00
H32	342893.875	577025.925	0.00
H33	342893.875	577026.075	0.00
H34	342893.875	577026.225	0.00
H35	342893.875	577026.375	0.00
H36	342893.875	577026.525	0.00
H37	342893.875	577026.675	0.00
H38	342893.875	577026.825	0.00
H39	342893.875	577026.975	0.00
H40	342893.875	577027.125	0.00
H41	342893.875	577027.275	0.00
H42	342893.875	577027.425	0.00
H43	342893.875	577027.575	0.00
H44	342893.875	577027.725	0.00
H45	342893.875	577027.875	0.00
H46	342893.875	577028.025	0.00
H47	342893.875	577028.175	0.00
H48	342893.875	577028.325	0.00
H49	342893.875	577028.475	0.00
H50	342893.875	577028.625	0.00
H51	342893.875	577028.775	0.00
H52	342893.875	577028.925	0.00
H53	342893.875	577029.075	0.00
H54	342893.875	577029.225	0.00
H55	342893.875	577029.375	0.00
H56	342893.875	577029.525	0.00
H57	342893.875	577029.675	0.00
H58	342893.875	577029.825	0.00
H59	342893.875	577029.975	0.00
H60	342893.875	577030.125	0.00
H61	342893.875	577030.275	0.00
H62	342893.875	577030.425	0.00
H63	342893.875	577030.575	0.00
H64	342893.875	577030.725	0.00
H65	342893.875	577030.875	0.00
H66	342893.875	577031.025	0.00
H67	342893.875	577031.175	0.00
H68	342893.875	577031.325	0.00
H69	342893.875	577031.475	0.00
H70	342893.875	577031.625	0.00
H71	342893.875	577031.775	0.00
H72	342893.875	577031.925	0.00
H73	342893.875	577032.075	0.00
H74	342893.875	577032.225	0.00
H75	342893.875	577032.375	0.00
H76	342893.875	577032.525	0.00
H77	342893.875	577032.675	0.00
H78	342893.875	577032.825	0.00
H79	342893.875	577032.975	0.00
H80	342893.875	577033.125	0.00
H81	342893.875	577033.275	0.00
H82	342893.875	577033.425	0.00
H83	342893.875	577033.575	0.00
H84	342893.875	577033.725	0.00
H85	342893.875	577033.875	0.00
H86	342893.875	577034.025	0.00
H87	342893.875	577034.175	0.00
H88	342893.875	577034.325	0.00
H89	342893.875	577034.475	0.00
H90	342893.875	577034.625	0.00
H91	342893.875	577034.775	0.00
H92	342893.875	577034.925	0.00
H93	342893.875	577035.075	0.00
H94	342893.875	577035.225	0.00
H95	342893.875	577035.375	0.00
H96	342893.875	577035.525	0.00
H97	342893.875	577035.675	0.00
H98	342893.875	577035.825	0.00
H99	342893.875	577035.975	0.00
H100	342893.875	577036.125	0.00

CONTINUED ON SHEET C2.01
 1:500 @ A1
 1:500 @ A3
 METERS ARE IN METERS

- NOTES:**
- ALL DIMENSIONS ARE TO LIP OF KERB UNLESS SHOWN OTHERWISE
 - WARRANDYTE ROAD SPEED ZONE MARKING
 - INSTALL ALL SIGNS IN ACCORDANCE WITH VERRASO TRAFFIC ENGINEERING
 - INSTALL SLOPE 3
 - WORKING IN ACCORDANCE WITH GREASO TRAFFIC ENGINEERING MANUAL
 - REMOVE ALL EXISTING DIMENSIONAL

FOR CONSTRUCTION

LEGEND				AMENDMENTS		INFRASTRUCTURE DEPARTMENT		NEWTON AVENUE & WEEROONA ROAD RECONSTRUCTION, LANGWARRIN SOUTH	
				DATE	BY	NO.	DESCRIPTION	DATE	NO.

Executive Summary**12.7 Gretana Park - 14 Gretana Crescent Karingal - Options for Redevelopment**

Enquiries: (Dennis Hovenden: Chief Executive Office)

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.2 Improve the municipality's safety, image and pride
Priority Action	2.2.1 Promote the natural attributes and family friendly lifestyle qualities of Frankston locally, nationally and internationally

Purpose

The report seeks a Council Resolution on what option it wishes to pursue with respect to the future of Gretana Park, Gretana Crescent, Karingal.

The resolution should also include communicating any outcome to the Gretana Neighbourhood Community Committee and the general community.

Recommendation (Director Chief Executive Office)

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:
 - 1 Picnic Bench
 - 1 BBQ
 - 1 Rubbish Bin
 - 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.

Key Points / IssuesBackground

- The land located at 14 Gretana Crescent (formerly known as 12R Gretana Crescent) is currently used as a neighbourhood park and was previously occupied by the Karingal East Tennis Club until 2008, at which point the club disbanded and vacated the site.

12.7 Gretana Park - 14 Gretana Crescent Karingal - Options for Redevelopment**Executive Summary**

- Several years later, in 2013, Council resolved to demolish the disused buildings as the site had attracted negative elements such as anti-social behaviour, vandalism and graffiti presenting a risk to the local community, and further consider future use for the site.
- At the time of demolition, the land was valued at \$1.7 million. Whilst a sale or partial sale was considered, Council did not proceed with either following feedback from the community.

Notice of Motion

- Council's Notice of Motion (NOM1248) dated 19 December 2016 requests: *That Council make a formal submission to the State Government in relation to the restoration of the hard surface playing area at Gretana Park with a view to some form of assistance in funding and that a communication to Paul Edbrooke MP be sent accordingly seeking his support.* (refer attachment A).
- An amended Notice of Motion included: *That Council investigates the option of the sale of a portion of the site with a view of proceeds of the sale being reinvested into the Gretana Park.*
- Representatives of the community involved in the Local Area Plan, continue to press for the resurfacing of the tennis courts at Gretana Park and there are emerging grievances stemming from a belief that Council required the group to fund the resurfacing of the courts and to maintain the park.
- In January 2017, senior Council officers met with the community representatives and agreed that respectful discussions should take place regarding all options for the land and that the position of the group in relation to those options will be presented to Council. Officers were subsequently invited to a regular meeting held by the group in February that resulted in good positive dialogue about options, the condition of the tennis courts and the tennis strategy and expectations and obligations regarding the park (refer to Attachment B).
- The key discussions/outcomes from the meeting with the community group were as follows:
 - There are still grievances and a belief that Council tried to sell the Gretana land without consent and consultation.
 - There is now a general acceptance that a partial sale of the land may be a reasonable compromise if some funding is directed towards further improving the park and public green spaces.
 - Divestment of the entire site is strongly opposed as there is concern about higher-density development in an old suburban low-density precinct.
 - There is some level of comfort that a partial sale of the land with the imposition of design controls may yield an acceptable outcome and may encourage modern contemporary design in the area; and,
 - The community would like to continue consultation with Council officers.

The Subject Property

- The property is currently zoned 'Public Park and Recreation' however predominant surrounding zoning is 'Residential Zone 1' and given the possibility that this site could be subdivided, this zoning has been assumed for the purpose of establishing today's market value.

12.7 Gretana Park - 14 Gretana Crescent Karingal - Options for Redevelopment**Executive Summary**

- The site is slightly irregular in shape having a wide frontage to Gretana Crescent of 89.80 metres and an area of 7,673 sqm. Current improvements to the land consist of dual disused tennis courts and large bitumen access drive and parking bays, both in fair condition. There is some parkland infrastructure with a pathway, garden beds and plantings and bench seats.
- The site is located within a 5 Km radius of the City Centre (Wells Street) and is approximately 15 minutes travelling time by car.

Options

Senior officers have met with the community and present the following five possible options for Council consideration (please refer to Attachment C):

- **Option 1 - Sale of Site**

Council may wish to consider selling the whole site. At a total size of 7,673 sqm, the site has potential as a 23 unit development site, with a current value of \$2,760,280.

This option is not recommended as the community are opposed to this option and would prefer to retain the public green space.

- **Option 2 – Sale of Western Portion of Site**

Council may wish to consider a partial sale of the site and dispose of the western part. With a size of 3972 sqm and a value of \$1,590,000, this will be attractive to the market as a multi-unit site.

This option is sympathetic to the community's requirements for public open space however is not recommended as the remaining land portion serves no real public purpose in the form of disused tennis courts and parking area. This area would need to be redeveloped with significant investment required to transition this into public green space.

- **Option 3 – Sale of Eastern Portion of Site**

Similar to the previous option above, Council may wish to consider a partial sale of the site and dispose of the eastern part.

With a slightly smaller size at 3701sqm, and an estimated value of \$1,480,400, this option will remove the less attractive side of the park containing the disused tennis court hardstand and parking area while retaining the public green space for use by the community. However the portion retained is not in keeping with CEPTD principles and the public green space may need to be redesigned to eliminate any concerns public risk.

- **Alternative Option 3**

Originally Option 3 was for a lot of 3,701sqm to be offered for sale which was made up of the car park area, tennis courts and a portion of the green space.

As per Council's direction, a revised option three would see the lot reduced by 545 sqm being the green space meaning the revised area would be 3,156 sqm.

Naturally this would reduce the anticipated proceeds from the sale.

- **Option 4 – Subdivision and Sale of Strategic portions of the Site.**

It's recommended that Council consider a strategic subdivision of the reserve land, to produce three (3) lots.

12.7 Gretana Park - 14 Gretana Crescent Karingal - Options for Redevelopment**Executive Summary**

The central large lot to remain public open space and the smaller lots along the eastern and western boundaries of the reserve are sold. With value estimated to be a combined \$1,600,000, this option would provide an income for Council and a public green space for the community whilst achieving efficient land use in this location. Some or all of the proceeds of sale could be used to better the public green space, providing walking tracks and play spaces. This option will also assist in reducing the potential public risk created from retaining the North West corner. The community is also looking for some design controls to be imposed on any future lots created.

While the local community has expressed that some elements of this proposal are appealing, an alternative option to support the sale of the North West parcel only was also raised as a suggestion.

- **Option 5 – Resurface the Tennis Courts**

Council may wish to consider undertaking a project to resurface the existing tennis courts onsite with no subdivision or land divestment. To carry out resurfacing works it is anticipated to be a cost to Council of approximately \$100,000 to \$200,000. In addition to this, the existing car parking may need some surface works to bring it back to a useable standard approximately \$20,000 to \$40,000. There may also be a requirement for a certain level of public amenity to be provided to support the development of public sporting and recreational space; this may include a public toilet, barbeque, barbeque shelter, picnic tables and rubbish bins approximately \$20,000 to \$30,000.

- **Option 6**

This option would see the removal of the tennis court infrastructure and replaced with a green grass area.

In addition facilities akin to a passive reserve would be installed eg, BBQ, seating, rubbish bin.

Additional Information

Councillors gave further consideration to the options available for the future of Gretana Reserve at a briefing on 20 March 2017.

Five options were presented as attached which ranged from full sale to status quo with the current facilities updated with funding to do so to be determined.

Councillors during the course of the discussion indicated support for Option 3 or 4 with no desire for a total sale of the land.

Councillors also indicated that they would like to see a variation on option 3 which would reduce the amount of land being considered for disposal to just the hardstand areas only.

As a result of further discussion being held involving the North West Ward Councillors and the Gretana Neighbourhood Committee, it is evident that there is still opposition to the sale of any of the land.

There is recognition that compromises may have to be made and the community representatives appear to reluctantly accept that the tennis court infrastructure needs to be removed and not replaced.

In its place it has been suggested that the area be returned to a green grass area.

If this is the case the reserve will have a change in focus to a more passive recreation area rather than structured sport such as tennis.

12.7 Gretana Park - 14 Gretana Crescent Karingal - Options for Redevelopment**Executive Summary**

In support of this concept consideration needs to be given to the installation of facilities that would be used in a positive reserve such as:

- BBQ
- Seating
- Rubbish bin

Costings have been obtained to undertake the remedial and restoration works together with the installation of the infrastructure listed above.

The total cost is \$55,000 and will need to be sourced from within the Council's existing budget.

Communication of the proposed outcome to the Gretana Crescent Neighbourhood Committee and the general community if adopted should be well received.

Financial Impact

For the 2017-2018 financial year, the State Government Minister for Local Government has announced a limit on the amount Victorian councils may increase rates. The cap for the 2017-2018 financial year is 2%. The cap is based on the Consumer Price Index expected for the financial year.

This cap has a significant effect on Council's current Long Term Financial Planning, with rate revenue being \$9 million less than anticipated over the first four years, growing to \$17 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

The cost of officers' time along with marketing and agency fees will be required for each option, along with the cost of any planning permit and infrastructure costs.

Option 6 would result in Council incurring costs anywhere from \$35,000 to \$55,000, with this money having to be found from within the existing budget.

Consultation**1. External Stakeholders**

Community, consultant valuer.

2. Other Stakeholders

Community Development and Corporate Development departments

Analysis (Environmental / Economic / Social Implications)

Preliminary options have considered these implications but warrant further investigation.

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

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

Legal

Advice will be sought subject to Council resolution and support of an option.

12.7 Gretana Park - 14 Gretana Crescent Karingal - Options for Redevelopment**Executive Summary**Policy Impacts

Council must dispose of any asset in accordance with the provisions of the Local Government Act which includes the need to advertise its intentions and seek community comment and views.

Officer's Declaration of Interests

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

Risk Mitigation

Preliminary options have considered these implications but warrant further investigation.

Conclusion

Whilst the Sale of all or some of the land at Gretana Crescent would achieve a financial benefit for Council, clearly the community through its Ward Councillors are looking for an alternative outcome.

That outcome would see the reserve retained albeit with the removal of the tennis court infrastructure and the reserve developed for passive recreation.

Council having considered this matter for a significant period of time should give the community a clear indication of the future of the Gretana Crescent Reserve.

ATTACHMENTS

- Attachment A: Copy of Minutes of Ordinary Meeting 19 December 2016 - NOM 1248 - Gretana Park Karingal
- Attachment B: Email from Gretana Crescent Committee dated 17 February 2017
(Under Separate Cover)
- Attachment C: Aerial Maps for Proposed Options *(Under Separate Cover)*

Notices of Motion**1****19 December 2016
OM295****13.9 NOM 1248 - Gretana Park Karingal**

On 13 December 2016 Councillor Aitken gave notice of his intention to move the following motion:

That Council make a formal submission to the State Government in relation to the restoration of the hard surface playing area at Gretana Park with a view to some form of assistance in funding and that a communication to Paul Edbrooke MP be sent accordingly seeking his support.

COMMENTS BY CHIEF EXECUTIVE OFFICER

In the event of the Notice of Motion being passed information will be prepared on the work required to undertake including costs.

Advice will be sought from the Member for Frankston Mr Paul Edbrooke MP on possible funding sources.

It should be noted that it is very likely that Council, in order to attract grant funding would have to make a financial contribution.

ATTACHMENTS

Nil

ORDINARY MEETING MINUTES	40	19 December 2016 OM295
--------------------------	----	---------------------------

13.9 NOM 1248 - Gretana Park Karingal

(AG Chief Executive Office)

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Bolam

That Council make a formal submission to the State Government in relation to the restoration of the hard surface playing area at Gretana Park with a view to some form of assistance in funding and that a communication to Mr Paul Edbrooke MP, Member for Frankston be sent accordingly seeking his support.

That Council investigates the option of the sale of a portion of the site with the view of proceeds of the sale be reinvested into the Gretana Park.

Carried Unanimously

Procedural Motion

Moved: Councillor Mayer

Seconded: Councillor Hampton

That the meeting be extended by 30 minutes.

Carried Unanimously

Chairperson's initials: *DA*

Executive Summary**12.8 Beckwith Grove Pedestrian Bridge Update**

Enquiries: (Gillian Kay: Community Development)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.1 Plan, build, maintain and retire infrastructure to meet the needs of the city and its residents
Priority Action	3.1.2 Deliver key infrastructure projects on schedule and within budget (Capital Works Program) adopted by Council for 2013-2017

Purpose

To brief Council of the design and reconstruction issues of the pedestrian bridge crossing Kananook Creek at Beckwith Grove, Seaford.

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.

Key Points / Issues

- Council notes it's resolution made at Ordinary Meeting 8 August 2016:

That:

1. *Council notes its resolution made at Ordinary Meeting 290 on 18 July 2016:
'That this Council resolves to support the reconstruction of the Beckwith Grove bridge like for like aesthetically and requests that it be referred to in the 2016/17 mid-year budget review and if not funded included in the 2017/18 Capital Works Program.'*
2. *Council amends its resolution made at Ordinary Meeting 290 on 18 July 2016 and resolves to complete the reconstruction of the Beckwith Grove bridge like for like aesthetically this financial year.*

12.8 Beckwith Grove Pedestrian Bridge Update**Executive Summary**

3. *The head petitioner be advised of this council decision.*

Further, Council at its Ordinary Meeting 20 February 2017 deferred a decision on the construction of the bridge until a meeting with the abutting neighbours of the walk way had occurred.

The Kananook Creek has been home to a number of cranked pedestrian bridges which have played an important role in the European history of Frankston and Seaford. The ease of pedestrian access east / west across the creek has also helped form a strong attachment to the environmental value and imagery of the creek and reserve. The original Beckwith Grove bridge provided access from the then caravan park through Beckwith Grove to the beach. Today safe travel across the Nepean Highway to the beach is at the intersection of Station Street and the Nepean highway. The recently removed bridge (approximately 20 years old) and the second bridge on that site, enabled people leaving the railway station area of Seaford to travel into the reserve and cross directly into Beckwith Grove; a minimal reduction in travel time, which anecdotally services approximately 15 to 20 people a day prior. Having said this there is a nostalgic attachment to the Kananook Creek bridges.

As knowledge and understanding of risks, management of physical and environmental assets and access to those assets by people with disabilities have evolved over the past 50 years so too has the legislation, adopted standards and controls used to eliminate discrimination and mitigate against the risks and infrastructure deterioration. The legislation, standards and controls include but are not limited to: the Australian Standards, the Building Code, Planning Scheme controls, legislation such as Environmental Protection Act (EPA) and the Disabilities Discrimination Act (DDA), Equal Opportunity Act and Charter of Human Rights and Responsibilities Act and recommended best practice; all of which shape and determine appropriateness, safety and cost benefit of infrastructure.

The reconstruction of Beckwith Grove bridge provides a challenging example of the competing priorities: the social and historical value of the bridge with the demands of the current approval and technical requirements, which include:

- Inundation Planning Overlay and 100 year flood controls (determined by Melbourne Water)
- Design standards which are also influenced by the flood controls
- Environmental Management Act which provides guidance and controls to protect sensitive vegetation
- Cultural heritage Act which relates to the likelihood of aboriginal heritage and artefacts within the reserve
- Desired levels of public access and usage of the creek as determined by Melbourne Water
- Disability Discrimination Act, Equal Opportunities Act and Charter of Human Rights and Responsibilities Act, which in this scenario relate to the ease of access to the bridge
- Crime Prevention Through Environmental Design ("CPTED") audit and recommendations which relate to the safety of the public realm and those who use it. In particular, this also highlights the potential liability exposure should it be resolved to build the bridge with an exemption to DDA.

12.8 Beckwith Grove Pedestrian Bridge Update**Executive Summary**

The constructability of the bridge, in what is a very constrained site, also represents a significant and costly challenge in that construction can only be reasonably achieved using a 100+ ton crane truck with a 40 metre boom to overstretch the sensitive vegetation in the Kananook Reserve on the eastern side of the creek. The crane truck itself would require removal of some of the vegetation.

The competing priorities are outlined in greater depth in the officer's assessment and attachments. They provide reasons for the following options for Council to consider and determine:

1. In accordance with Council resolution 18 July to build the bridge 'aesthetically like for like' with application of the safety recommendations and accessibility requirements.

Or

2. In accordance with Council 18 July to build the bridge 'aesthetically like for like' subject to undertaking an accessibility audit and meeting 'justifiable hardship'.
3. Retain the status quo – do not replace the bridge

Councillors have supported the reconstruction of the bridge. With or without disability access there is a high degree of difficulty constructing the bridge within such a sensitive and constrained site; noting too that final detailed designs are required to meet structural engineering sign off. As such, the construction of the bridge is recommended to be a lump sum tender which incorporates a constructability assessment to be undertaken by submitters ensuring all costs are both identified and contained. This will mitigate against costly variations.

Should Council resolve to build the bridge disabled access will require additional land to widen the access path on the western side of the creek, either by negotiation or compulsory acquisition. Acquisition of the land may also be contested in VCAT indicating further additional legal costs. Notwithstanding this, prior to any negotiation or acquisition of land or tendering out of the construction the following additional specialist advice will be required:

- Access audit of path/s
- A Cultural Heritage Plan
- Environment Management Plan
- A detailed boardwalk / switch back path design and landscape plan to ensure the roots of significant trees are protected
- A reinstatement survey of the access path on the western side of the creek
- Structural, marine electrical and hydraulic assessments

Financial Impact

For the 2017-2018 financial year, the State Government Minister for Local Government has announced a limit on the amount Victorian councils may increase rates. The cap for the 2017-2018 financial year is 2%. The cap is based on the Consumer Price Index expected for the financial year.

This cap has a significant effect on Council's current Long Term Financial Planning, with rate revenue being \$9 million less than anticipated over the first four years, growing to \$17 million over five years. This reduction will have a severe impact on Council's financial capacity to maintain service levels and deliver key capital projects.

12.8 Beckwith Grove Pedestrian Bridge Update**Executive Summary**

After additional design considerations and further investigative work the cost of the bridge has increased to cover a number of additional requirements detailed by both statutory and community stakeholder requirements. To date, \$30K has been expended on structural design and \$7,700 on surveys. Currently, without the above assessment, the indicative figure is \$700k noting that there is the potential for an unfavourable variance pending recommendations of the additional expert advice.

The 2018/19 budget for major bridges is \$250K plus the carry forward amount for the Beckwith Grove bridge of \$180K making a total of up to available funding of \$430K. Construction of an accessible bridge and pathways has a broad estimate of \$700K (a shortfall of \$270K in the 2017/18 capital budget) taking into account the additional items that need to be undertaken and factored in list form on page 2 of this report. Should an Access Audit demonstrate a case of 'unjustifiable hardship' Council has the option of building a non accessible bridge the estimated cost of construction will be \$450K (a \$20K shortfall in the 2017/18 capital budget).

The following projects are listed as options to offset these additional costs. Council is requested to confirm which of these projects will be removed from the capital program:

• Ballam Park Masterplan implementation	\$ 50K
• Traffic treatments Armstrongs Road	\$ 30K
• Traffic treatments Galway Road	\$ 30K
• Traffic treatments Silver Avenue	\$ 30K
• Wisewould Reserve playground	\$ 10K
• Solar panel program	
○ Frankston Basketball Stadium	\$130K
○ Ballam Park	\$ 21K
	TOTAL \$301K

Consultation**1. External Stakeholders**

Following the presentation by residents of Beckwith Grove to Council at its Ordinary Meeting 20 February 2017, it was decided to defer the item pending a meeting with the neighbours abutting the walk way and obtaining a formal report a Police Safety report. The meeting, attended by Cr O'Connor, the CEO, Director Community Development, Manager Infrastructure and both neighbours, occurred 9 March 2017 to enable a visual understanding of the challenges as presented.

Regular communication has been maintained with the property owners abutting the laneway and the head petitioner's family seeking the reconstruction of the bridge. Most recently this occurred following the onsite meeting 9 March, following the Councillors Agenda Review meeting to update stakeholders and the head petitioner and also to discuss the impact of widening the path with the neighbours abutting the walk way. They subsequently requested a meeting with the ward councillors.

In addition, the Police have also been consulted together with the Kananook Creek Association, who conveyed they are happy to support the community's desire in relation to the bridge reconstruction but have since expressed concern about the extent of vegetation removal in the reserve.

12.8 Beckwith Grove Pedestrian Bridge Update**Executive Summary****2. Other Stakeholders**

Numerous meetings and / or communication has taken place with residents, the head petitioner and internal subject matter experts in construction, the environment, safety, disability access and landscaping.

Melbourne Water

Melbourne Water will be required to be consulted as an approval authority, as Kananook Creek is a Melbourne Water Asset. The ability or not of constructing in or near the creek and its banks will be examined, together with environmental protections and controls during and post construction and for the ongoing use of the structure and site.

Cultural Heritage

Archaeological assessment for potential Aboriginal and European archaeological remains has not been undertaken. Consultation with relevant stakeholders will be required as will acquiring the technical expertise to examine and assess the site.

Disability Access and Inclusion Committee

The construction of the bridge and the merits of building the bridge without disability access is currently listed for the agenda of the Disability Access and Inclusion Committee 4 July 2017 for consideration.

Technical experts

Meetings have taken place with internal subject matter experts in:

- Construction,
- Environment,
- Risk,
- Safety,
- Disability access
- Public Realm and Landscaping.

Department of Environment Land Water and Planning

It is understood that DELWP will be a stakeholder for consultation/approval.

Environmental Protection Authority

It is understood that the EPA will be a stakeholder for consultation/approval.

Analysis (Environmental / Economic / Social Implications)

While pedestrian access to the Seaford foreshore, shops and train stations is available via Nepean Highway, local residents have petitioned to have the bridge reinstated.

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

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report.

Legal

There are legal requirements in relation to the construction of this bridge as outlined above and legal advice discussed in confidential Attachment A.

12.8 Beckwith Grove Pedestrian Bridge Update**Executive Summary**Policy Impacts

Council has embedded the requirements of the Disability Action Plan into its Municipal Health and Wellbeing plan

Officer's Declaration of Interests

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

Risk Mitigation

Cost escalation, disability access, legal liability, environmental management and personal safety issues have all been raised in this report.

Mitigation is primarily reliant on ensuring the bridge and its accesses are safe and compliant and the reserve's vegetation is protected as much as reasonably possible. To this end a series of reports from technical experts is listed in this report to guide and minimise risk events.

Conclusion

The construction of the Beckwith Grove bridge like for like is complex given the access challenges and constraints of the site. Standards and controls also have changed over time including, inundation and flood mitigation requirements, overlay and engineering design standards, disability access, native vegetation controls and cultural heritage requirements; all of which require careful consideration.

Notwithstanding this, the first challenge Council must consider is the results of an Access Audit. Disability access will include the paths leading to the bridge; one of which on the western side will need land to be acquired to enable the path to be widened and on the eastern side of the creek removal of up to 220 sqm of sensitive vegetation to install a switch back path. This option will also require a realignment of a portion of the easement pipe to within the easement (currently it is partially on private property). Should the decision be to not provide disabled access 'unjustifiable hardship' will need to be demonstrated as per the legal advice at the confidential Attachment A.

It also is officers recommendation that the safety measures, as recommended in the CPTED report at Attachment B, are met in addition to the Access Auditors recommendations. This includes installation of lighting, CCTV and lockable gates at the access points to the bridge i.e. entry of the paths.

Further, the report outlines the degree of difficulty to construct the bridge with access only achieved on the eastern side of the creek within Kananook Reserve, which will require removal of approximately 72 sqm of the sensitive vegetation to enable the use of a crane truck (100+ ton) to lift the bridge in place.

Based on the challenges outlined in this report the project has significant potential for future issues whether they be during the construction or as part of the maintenance.

12.8 Beckwith Grove Pedestrian Bridge Update

Executive Summary

ATTACHMENTS

- Attachment A: Legal Advice from Maddocks - CONFIDENTIAL (*Under Separate Cover*)
- Attachment B: CPTED Assessment Beckwith Grove Walkway
- Attachment C: Biodiversity Assessment report - 2017-05-26
- Attachment D: Beckwith Grove - Images of ramp and crane and indicative footprint of bridge

12.8 Beckwith Grove Pedestrian Bridge Update
Officers' Assessment**Issues and Discussion**

There are a number of issues that Council must consider. These are included in this report as accessibility and safety, environmental and cultural heritage impact and constructability.

Accessibility and safety

Legal advice has been sought as to Council's obligation by law to construct the bridge so that it provides for disabled access and whether Council could seek an exemption or other form of approval to construct the bridge 'like for like' given the historical context and constraints to the design imposed by the location of the bridge and the available public land.

The advice, as outlined in confidential Attachment A, confirms that Council is required by law to design and construct the bridge so that it provides for disabled access. The obligations are found in the Disability Discrimination Act 1992 (Cth), the Equal Opportunity Act 2010 (VIC) and the Charter of Human Rights and Responsibilities Act 2006 (VIC).

Specific measures to address accessibility are outlined below.

The legal advice also confirms that Council, should it construct a non-compliant bridge, it would be in breach of anti-discrimination laws unless the defence of 'unjustifiable hardship' applied. To this end, an Access Audit to identify design and other improvements to meet accessibility or alternatively a defence for 'unjustifiable hardship' has been arranged to be completed by the end of July 2017.

Safety concerns about antisocial behaviour in the walkway used to access the bridge from Beckwith Grove have been raised throughout the consultation. The behaviour described ranges from drug taking and trafficking, assault / fighting, property damage, invasion of privacy and excessive noise. Residents stated that a number of these issues have been reported to 000 over a considerable period.

Prior to the investigations to inform the bridge design, Police inspected the site. However, no formal report was available for reference. As such, Council requested a report i.e. a Crime Prevention Through Environmental Design (CPTED) audit which was undertaken jointly by Police and Council (refer Attachment B) in March 2017 to enable a more informed response to anti-social behaviour together with optional safety measures. In summary, the report highlights significant concerns about the safety of the walkway in that its width (1.3 metres X approximately 60 metres long) represents a danger to a person who has no clear exit in the event of danger e.g. a fire, a barrier or an assailant. This is a significant issue in relation to disability access where wider access is required to enable a wheelchair to turn around. Addressing this challenge represents different solutions for each side of the creek.

12.8 Beckwith Grove Pedestrian Bridge Update**Officers' Assessment**

- On the west disability access and safety concerns have been raised due to anti social behaviour. As well, to achieve disability access the access path should allow for wheelchair users to complete a 180 degree turn. From a safety perspective, should a non-ambulant person be faced with a fire, a barrier or an assailant (as examples) there would be considerable difficulty retreating or escaping the danger. The length of the lane is 60 metres long and 1.3 metres wide. The AS (Australian Standard) 1428.1-2009 section 6 considers the path should be a minimum of 1.54 metres wide to enable a wheel chair to manoeuvre and turn around. As such, the path would need to be widened for at least some sections of the path. It should be noted that this issue is to be considered as part of an Access Audit. Widening the path from Beckwith Grove could be achieved through negotiation with the property owners or through compulsory acquisition. Should the abutting property owners not agree they have the right to contest acquisition in VCAT, which would delay the construction and add to the cost of the project.

The proposal to acquire land may also compromise both owners' ability to access the rear of their properties with a vehicle, boat or caravan. This situation may have a marked impact on resale value particularly as access to the creek as one of the boundaries of their properties is considered to be an asset.

In addition, part of the easement pipe has been found to diverge underneath one of the properties adjacent to the access path. This will need to be realigned to within the easement. A survey of this pipe will also enable identification of any other services that may exist but are currently unknown. In addition, a reinstatement survey should be done to inform any work on/ in this path all of which is work that would be done should the bridge be rebuilt to DDA standards.

- On the eastern side of the creek the path leads from the bank through significant coastal vegetation at a relatively steep grade up (approximately 5 metres in height) to the Kananook Reserve main path travelling north south. This access is recommended to be constructed as a switch back board walk (see images at Attachment D) and to reduce the gradient and to avoid damage to the tree roots of 4 significant coastal banksia trees. This would be require expert advice and design work to enable a design that would meet DDA standards, protect the roots of the trees and guide revegetation of the site once construction is complete.

The CPTED (at Attachment B) report recommends that should the bridge be built and the walk way re-opened:

- Adequate CCTV be installed, but not overlook private property, to feed back to the Frankston Police Station (due to the width of the walk way this may not be possible)
- Adequate public lighting be installed
- The walk way be locked at dusk each evening (and reopened in the morning)
- Existing vegetation at the entrance of the access path be removed.

Given the nature of CPTED report's recommendations relating to safety, further advice was sought from Council's insurer in respect of legal liability should someone be injured; and also legal advice in relation to the potential for a complaint of discrimination.

With regard to negligence, the owner of any structure is obliged to ensure that the design and construction complies with Standards and any breach would form the basis of a cause of action and a negligence claim.

12.8 Beckwith Grove Pedestrian Bridge Update
Officers' Assessment

While Council's insurance public liability policy provides coverage for negligence claims, the insurer reserves the right not to cover Council or charge an additional premium, in circumstances where Council fails to exercise reasonable care and precautions to prevent personal injury. Actions such as failing to respond to known risks would most likely leave Council uninsured in this matter.

- **Environmental and Cultural Heritage Impact**

The proposed works indicate the need to remove about 220 m² of high quality Coastal Banksia Woodland (sensitive native vegetation) from Kananook Creek Reserve. While this is a relatively small area, there are four large and significant Coast Banksias in the vicinity of the proposed works that may be impacted by construction of an accessible switchback path. However, there is one large native banksia on the edge of the bank will either need to be removed to enable the construction or it will likely die of root damage due to the bridge piles. Removal of native vegetation from within the Kananook Reserve to enable access to the bridge would require a Planning Permit under Clause 52.17 (Native Vegetation) and the Environmental Significance Overlay (ESO1). Permit conditions would include the provision of native vegetation offsets; a 'site-responsive' (i.e. environmentally sensitive) design; avoidance and protection of the large Coast Banksias and other vegetation within the works area; an Environmental Management Plan detailing measures to protect vegetation and creek banks and rehabilitation (including re-vegetation) of the site following works. An Environmental Impact Assessment and Management Plan would need to be prepared by a suitably qualified consultant. A Biodiversity Assessment Report in accordance with the Planning Scheme is provided at Attachment C.

This also is an area of cultural heritage sensitivity and as such a Cultural Heritage Management Plan will be required to inform excavation within the reserve.

Acid Sulphate soils require will also require more environmental management during construction and on-going higher maintenance costs for the asset.

Constructability

The constructability of the Beckwith Grove bridge has significant challenges. To get the building material to the site will require either a 100 ton + truck crane (refer images in Attachment D) with an overreach of at least 40 metres to preserve sensitive vegetation. The alternative of using a barge up the creek has greater risks as the bulk and weight of the building material is likely to make it impossible to navigate the creek and the bridges to the site.

The first set of designs focussed on the bridge itself and required Council to waive its obligations to meet code. This required further examination of risks and solutions. On site meetings, consultation and further examination of all of the access issues ensued additional considerations needed to be taken into account making the construction of the bridge more complex than originally outlined refer Attachment A.

A survey of the properties abutting the walk way on the western side of the creek also highlighted that without suitable privacy screening, incorporated into the design of the bridge and ramp privacy and access to adjoin properties will be compromised. Privacy is a consideration under the Local Planning Scheme (Clause 54). It was also identified that the abutting properties titles extended 3.5 metres into the creek. Notwithstanding this, more recent advice from DELWP is that the Crown has title to all areas up to the high water mark, as has been seen in a recent matter regarding the high water mark along the beach at Portsea.

12.8 Beckwith Grove Pedestrian Bridge Update**Officers' Assessment**

Further, Melbourne Water has provided updated flood modelling for the 100 Year flood level which has increased by an additional 200mm. To this end the bridge design must be able to withstand the impacts and consequences of flooding. Melbourne Water has also indicated their requirement as the referral authority for a clear path in the waterway for users of the creek i.e. minimisation of obstacles in useable reaches of the creek. In actioning this, a single span structure with a steel sub-frame, clad in timber (to provide the 'like for like' timber look of the original bridge) could be installed and while this would ideally extend the lifecycle of the bridge.

A consideration of construction of the proposed bridge and its approaches presents a number of constraints. The constraints include but are not limited to:

- Significant density of native vegetation on the Eastern side of Kananook Creek is subject to protection from immediate and long-term damage from the structures as constructed, and also from the mechanisms of installation during construction.
- The Kananook creek waterway and constraints around impact of the final structures of the bridge and approaches as they impact the waterway post construction and the mechanisms to protect the waterway and the banks of the waterway during construction.
- The Residential development on the Western side of Kananook Creek fronts onto the creek. Access for construction via the West Bank is via a walkway approximately 1 metre wide. Therefore, construction must be undertaken from East Bank for all the bridge works. Any pathway works on the West Bank must be undertaken only by labourers with limited plant.
- All major construction from the East Bank and avoiding conflict with flora means large plant will be required for lifting sections of eastern switchback boardwalk and the bridge which concept plans show as a single span steel bridge (clad in timber).
- Acid Sulphate soils require specialised environmental management, construction materials and methodology to manage construction and the asset post construction.
- The flora values contribute to the constraints of the site which will mean a limited mobilisation and construction space for the duration of construction. Large plant and vehicles will be kept away from the construction area meaning hand labour with small plant that can fit in amongst the protected flora will be required.
- Construction duration due to the site constraints, when compared with a green or brown field site without such constraints, will be increased.



Crime Prevention through Environmental Design Audit

Beckwith Foot Bridge

TO: Dr Gillian Kay – Director Community Development

FROM: Jarred Stevens – Coordinator Compliance & Safety
Phillip Hulley – Senior Sergeant OIC Frankston Police

REF: A3318835

DATE: 17th March, 2017

RE: CPTED Assessment – Beckwith Foot Bridge Seaford.

Situation:

Crime Prevention through Environmental Design (CPTED) Audit assessment requested for the Frankston City Council walkway and foot bridge, located in Beckwith Grove Seaford near Brodie Street. This request is as a result of concerns by neighbours about the reopening of the walkway and Foot Bridge and the impact on their personal safety, particularly during the night.

Location:

The Frankston City Council owned walkway once operated as a walk through connecting Beckwith Grove and the eastern side of Kananook Creek Reserve via a footbridge that crosses the creek itself. Neighbours to the walkway estimate that when the bridge was in service it was utilised by up to 20 pedestrians per day. Public access is available via Beckwith Grove and is isolated and generally out of sight from the general community. The entry from Beckwith Grove is concealed by vegetation leading to a walk way that is 1.3 metres wide and 61 metres to the Creek.

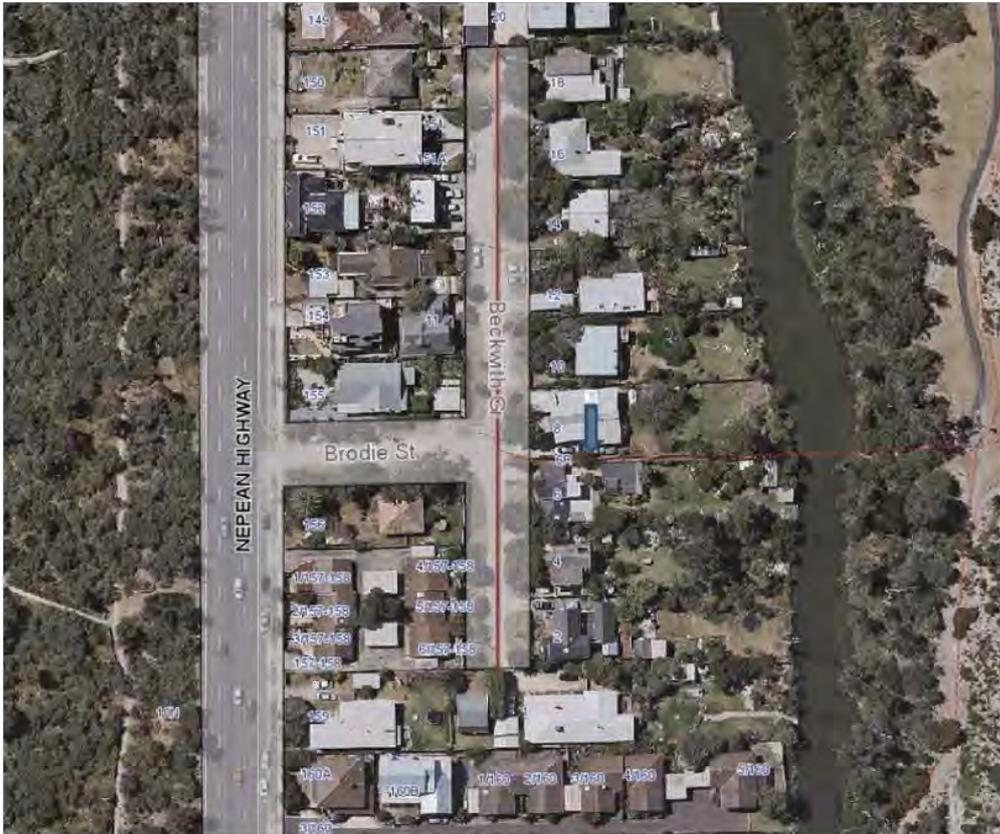
There is currently no public access and no indication of infrastructure such as CCTV or lighting other than one street light at the corner of Beckwith Grove and Brodie Street.

The walk way is fenced both sides by high wooden fences that are currently broken and leaning inward to the pathway.

No public car parking is provided on site or near the location of the walkway the area is accessed by gravel roads that service 18 properties.

Photo 1 below –

Indicates overview of location at Beckwith Grove, Seaford as described.



Area Demographic / Topography:

Beckworth Grove is located on the outer perimeter of the Seaford Shopping District, and between the Nepean Hwy and Kananook Creek. The general locality comprises residential, light commercial business and retail. The residential properties vary from single establishment to multiple unit type developments with a recent increase noticed with town house type developments. Housing statistics indicate a high proportion of the housing is used for rental with above 28% of resident families falling into the low income bracket.

Comments Regarding Security.

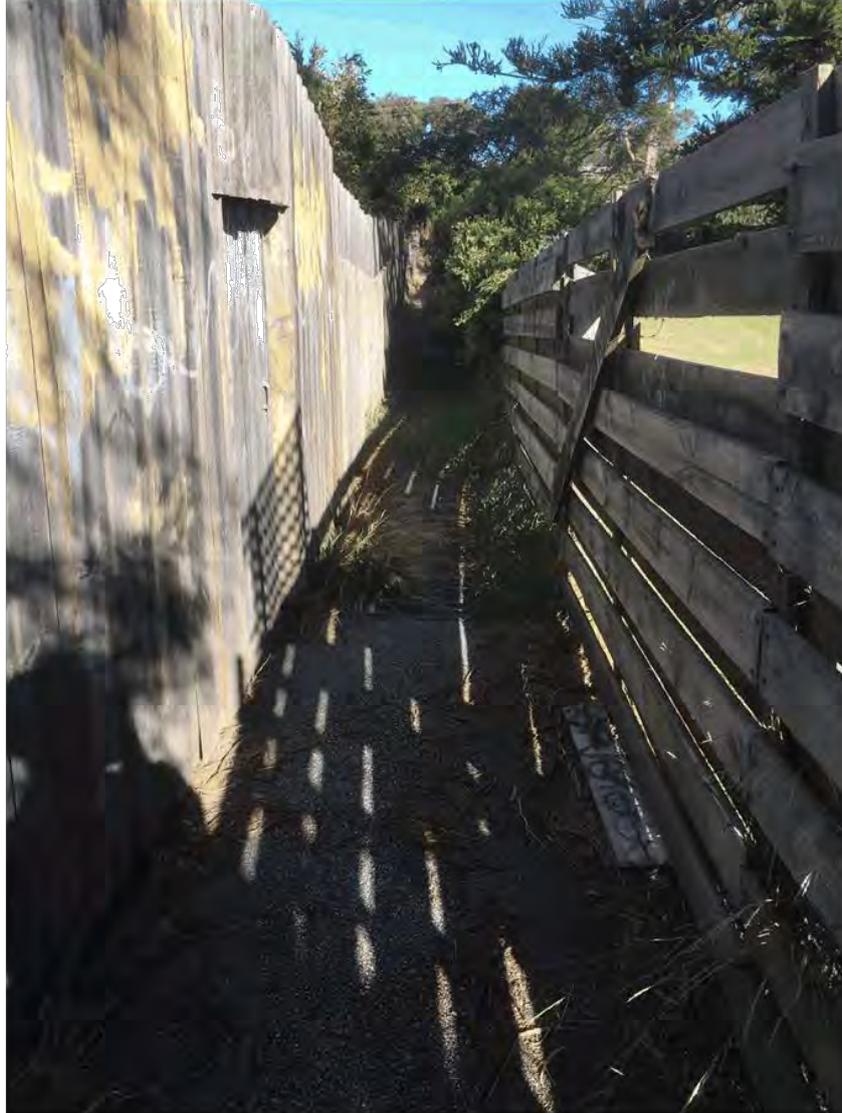
Access/Egress

- Entrance and egress – entrances and exits to the walkway / foot bridge are concealed from public surveillance and view.
- Infrastructure – No relevant infrastructure was observed, including CCTV or public lighting.
- The entry / exit on the eastern side of Kananook Creek split to 3 exits and has no significant infrastructure.

Perimeter Security

- Entries are current closed to the public with cyclone type fencing
- Boundary fencing is of good height however is currently in a state of disrepair and allows for the public to view in to private property from the foot bridge entries

Photo 2 shows Boundary Fencing adjoining 8 & 6 Beckwith Grove.



Surveillance

- The area is not fitted with exterior fixed CCTV camera systems.
- The area is not in open space allowing public surveillance.
- The Walkway is only 1.3 metres wide not allowing foot traffic to pass each other.

Photo 3 - Highlights the width of the path and the inability to allow pedestrians to pass each other.



NOTE: Graffiti on fences when the walkway was on to the general public.



One Street Light in area



Vegetation allowing for offenders to hide.



Current entry from Beckwith



Creek Crossing point

Recommendations

After a CPTED evaluation we make the following comments and recommendations regarding the general level of public safety in the event that this walkway is reopened to the general public.

It is recommended to not reopen the walk way without the following

- Adequate CCTV be installed that feeds back to the Frankston Police Complex
(Note that due to the width of the walkway this may not be possible)
- No CCTV is to view private property
(Note that due to the width of the walkway this may not be possible)
- Adequate public lighting to be installed.
(Note that due to the width of the walkway this may not be possible)
- Walkway be locked and closed to the general public after dusk every night.
- Vegetation surround walkway be removed and uplifted to allow for public surveillance.

Whilst the above may be achieved with significant costs and works, the walkway is only 1.3 Meters wide this is considered a significant danger as a person has no clear exit away from an offender that may be approaching this is considered significantly worse for people with prams pushing children and people in wheel chairs. It would also be difficult to block public view of private property resulting in privacy concerns for the neighbouring property. It would be expected that the area would be subject to antisocial behaviour due to its location as a walkway through from the beach to Seaford rail station.

It is also noted that the Seaford Road Bridge is within 280 metres and offers a much safer public route for foot traffic, as does the Station Street Bridge 418 metres to the north.

It is for these reasons we do not recommend that this walkway and foot bridge be reopened to the general public.

Jarred Stevens
Coordinator Compliance & Safety
Frankston City Council

Phillip Hulley
Senior Sergeant
Frankston Police

Biodiversity assessment report

Biodiversity information for applications for permits to remove native vegetation under clause 52.16 or 52.17 of the Victoria Planning Provisions

Date of issue: 26 May 2017

Time of issue: 16:53:49

Property address 299N NEPEAN HIGHWAY SEAFORD 3198

Summary of marked native vegetation

Risk-based pathway	Low
Total extent	0.022 ha
Remnant patches	
1	0.022 ha
Location risk	A

See Appendix 1 for risk-based pathway details

Offset requirements

If a permit is granted to remove the marked native vegetation, a requirement to obtain a native vegetation offset will be included in the permit conditions. The offset must meet the following requirements:

Offset type	General offset
Offset amount (general biodiversity equivalence units)	0.002
Offset attributes	
Vicinity	Port Phillip And Westernport Catchment Management Authority (CMA)
Minimum strategic biodiversity score	0.289
Strategic biodiversity score of marked native vegetation	0.361

See Appendix 2 for offset requirements details

Biodiversity assessment report

Next steps

This proposal to remove native vegetation must meet the application requirements of the low risk-based pathway and it will be assessed in the low risk-based pathway.

If you wish to remove the marked native vegetation you are required to apply for a permit from your local council.

The Biodiversity assessment report should be submitted with your application for a permit to remove native vegetation you plan to remove, lop or destroy.

The Biodiversity assessment report provides the following information that is required to be provided with your application for a permit to remove native vegetation:

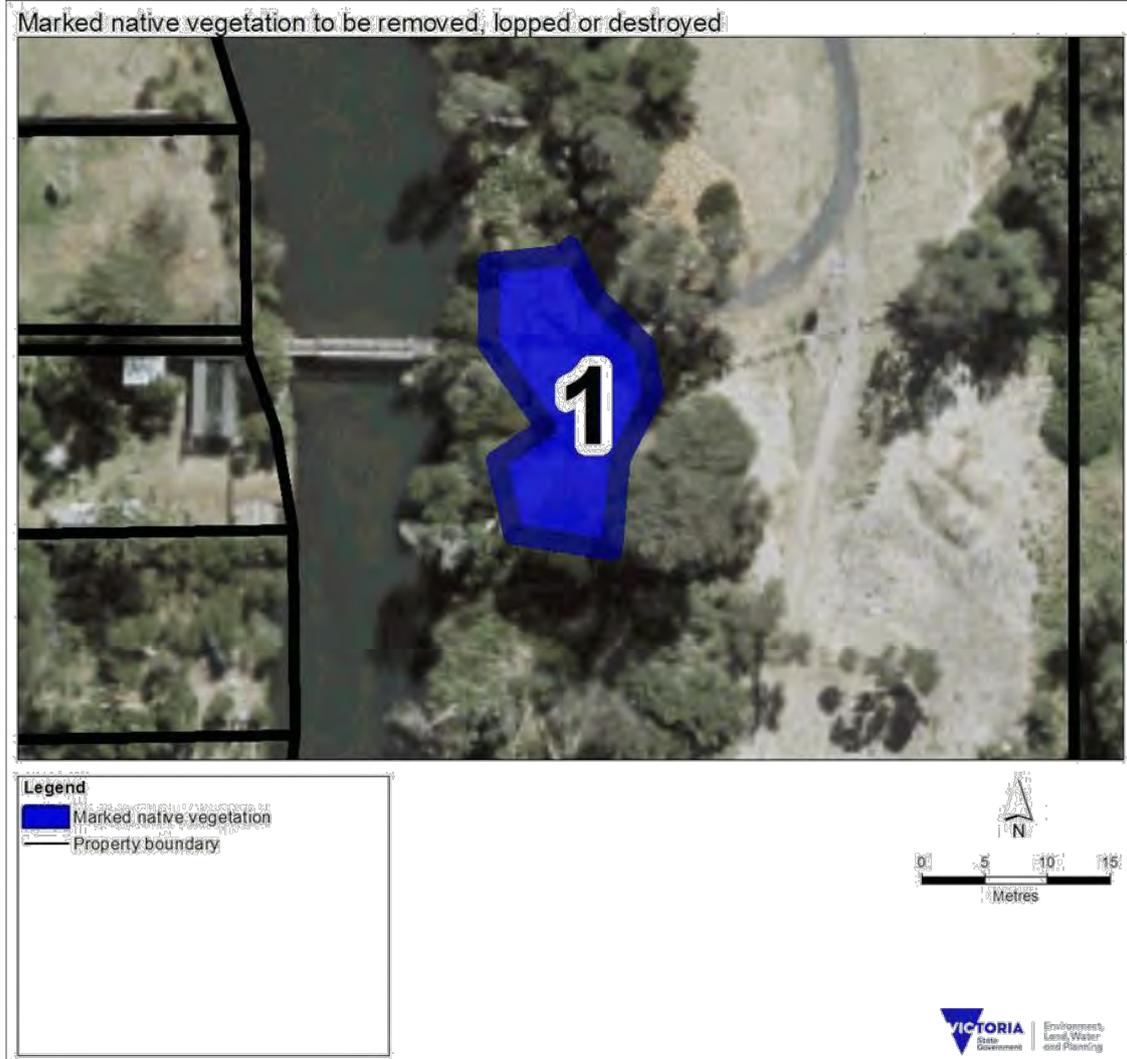
- The location of the site where native vegetation is to be removed.
- The area of the patch of native vegetation and/or the number of any scattered trees to be removed.
- Maps or plans containing information set out in the *Permitted clearing of native vegetation - Biodiversity assessment guidelines*.
- The risk-based pathway of the application for a permit to remove native vegetation.
- The strategic biodiversity score of the native vegetation to be removed.
- The offset requirements should a permit be granted to remove native vegetation.

If you have undertaken any permitted clearing on your property within the last five years contact DELWP to confirm offset requirements.

Additional information is required when submitting an application for a permit to remove native vegetation. Refer to the *Permitted clearing of native vegetation - Biodiversity assessment guidelines* for a full list of application requirements.

Biodiversity assessment report

Maps of marked native vegetation



Biodiversity assessment report

Appendix 1 - Risk-based pathway details

Risk-based pathway	Low
Total extent	0.022 ha
Remnant patches	
1	0.022 ha
Location risk	A

Why is the risk-based pathway low?

The following table explains how the risk-based pathway is determined:

Extent	Location A	Location B	Location C
< 0.5 hectares	Low	Low	High
≥ 0.5 hectares and < 1 hectares	Low	Moderate	High
≥ 1 hectares	Moderate	High	High

The marked native vegetation is located entirely within Location A and has a total extent of less than 0.5 hectares.

At this location, native vegetation removal of this size is not expected to have a significant impact on the habitat of any rare or threatened species. As a result, an application for the removal of this native vegetation must meet the requirements of, and will be assessed in, the low risk-based pathway.

For further information on location risk please see *Native vegetation location risk map factsheet*. For information on the determination of the risk-based pathway see *Permitted clearing of native vegetation – Biodiversity assessment guidelines*.

Have you received a planning permit to remove native vegetation in the last five years?

If you have undertaken any permitted clearing on your property within the last five years, the extent of this past clearing must be included in the total extent of your current permit application. The risk-based pathway for your application requirements and assessment pathway is determined using the combined extent of permitted clearing within the last five years and proposed clearing.

If the risk-based pathway determined from this combined extent is low, contact DELWP to confirm offset requirements.

Biodiversity assessment report

Appendix 2 - Offset requirements details

If a permit is granted to remove the marked native vegetation the permit condition will include the requirement to obtain a native vegetation offset. This offset must meet the following requirements:

Offset type	General offset
Offset amount (general biodiversity equivalence units)	0.002
Offset attributes	
Vicinity	Port Phillip And Westernport Catchment Management Authority (CMA)
Minimum strategic biodiversity score	0.289
Strategic biodiversity score of marked native vegetation	0.361

Native vegetation to be removed		
Total extent (hectares) for calculating habitat hectares	0.022	<p>This is the total area of the marked native vegetation in hectares.</p> <p>The total extent of native vegetation is an input to calculating the habitat hectares of a site and in calculating the general biodiversity equivalence score. Where the marked native vegetation includes scattered trees, each tree is converted to hectares using a standard area calculation of 0.071 hectares per tree.</p>
Condition score*	0.200	<p>This is the weighted average condition score of the marked native vegetation. This condition score has been calculated using the <i>Native vegetation condition map</i>.</p> <p>The condition score of native vegetation is a site-based measure of how close the native vegetation is to its mature natural state, as represented by a benchmark reflecting pre-settlement circumstances. The <i>Native vegetation condition map</i> is a modelled layer based on survey data combined with a benchmark model and a range of other environmental data.</p>
Habitat hectares	0.004	<p>Habitat hectares is a site-based measure that combines extent and condition of native vegetation. The habitat hectares of native vegetation is equal to the current condition of the vegetation (condition score) multiplied by the extent of native vegetation.</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> <p>Habitat hectares = total extent x condition</p> </div>
Strategic biodiversity score	0.361	<p>This is the weighted average strategic biodiversity score of the marked native vegetation. This strategic biodiversity score has been calculated using the <i>Strategic biodiversity map</i>.</p> <p>The strategic biodiversity score of native vegetation is a measure of the native vegetation's importance for Victoria's biodiversity, relative to other locations across the landscape. The <i>Strategic biodiversity map</i> is a modelled layer that prioritises locations on the basis of rarity and level of depletion of the types of vegetation, species habitats, and condition and connectivity of native vegetation.</p>

Biodiversity assessment report

General biodiversity equivalence score	0.001	<p>The general biodiversity equivalence score quantifies the relative overall contribution that the native vegetation to be removed (the marked native vegetation) makes to Victoria's biodiversity. It is calculated as follows:</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>General biodiversity equivalence score = habitat hectares × strategic biodiversity score</p> </div>
---	-------	---

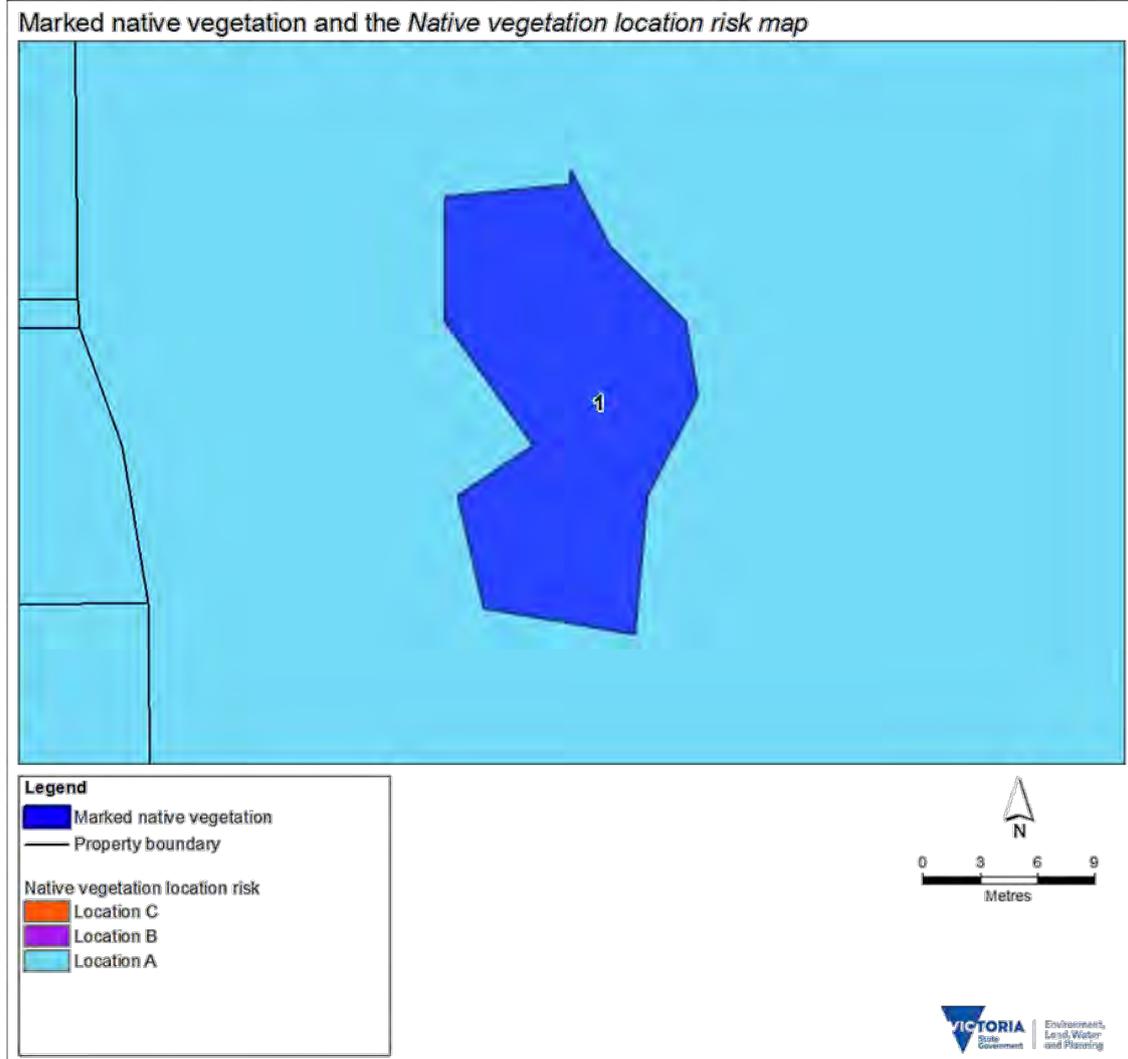
* Offset requirements for partial clearing: If your proposal is to remove parts of the native vegetation in a remnant patch (for example only understorey plants) the condition score must be adjusted. This will require manual editing of the *condition score*, and an update to the following calculations that the biodiversity assessment tool has provided: *habitat hectares*, *general biodiversity equivalence score* and *offset amount*.

Offset requirements

Offset type	General offset	A general offset is required when a proposal to remove native vegetation is not deemed, by application of the specific-general offset test, to have a significant impact on habitat for any rare or threatened species. All proposals in the low risk-based pathway will require a general offset.
Risk factor for general offsets	1.5	<p>There is a risk that the gain from undertaking the offset will not adequately compensate for the loss from the removal of native vegetation. If this were to occur, despite obtaining an offset, the overall impact from removing native vegetation would result in a loss in the contribution that native vegetation makes to Victoria's biodiversity.</p> <p>To address the risk of offsets failing, an offset risk factor is applied to the calculated loss to biodiversity value from removing native vegetation.</p>
Offset amount (general biodiversity equivalence units)	0.002	<p>This is calculated by multiplying the general biodiversity equivalence score of the native vegetation to be removed by the risk factor for general offsets. This number is expressed in general biodiversity equivalence units and is the amount of offset that is required to be provided should the application be approved. This offset requirement will be a condition to the permit for the removal of native vegetation.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Risk adjusted general biodiversity equivalence score = general biodiversity equivalence score_{clearing} × 1.5</p> </div>
Minimum strategic biodiversity score	0.289	The strategic biodiversity score of the offset site must be at least 80 per cent of the strategic biodiversity score of the native vegetation to be removed. This is to ensure offsets are located in areas with a strategic value that is comparable to, or better than, the native vegetation to be removed.
Vicinity	Port Phillip And Westernport CMA	The offset site must be located within the same Catchment Management Authority boundary as the native vegetation to be removed.

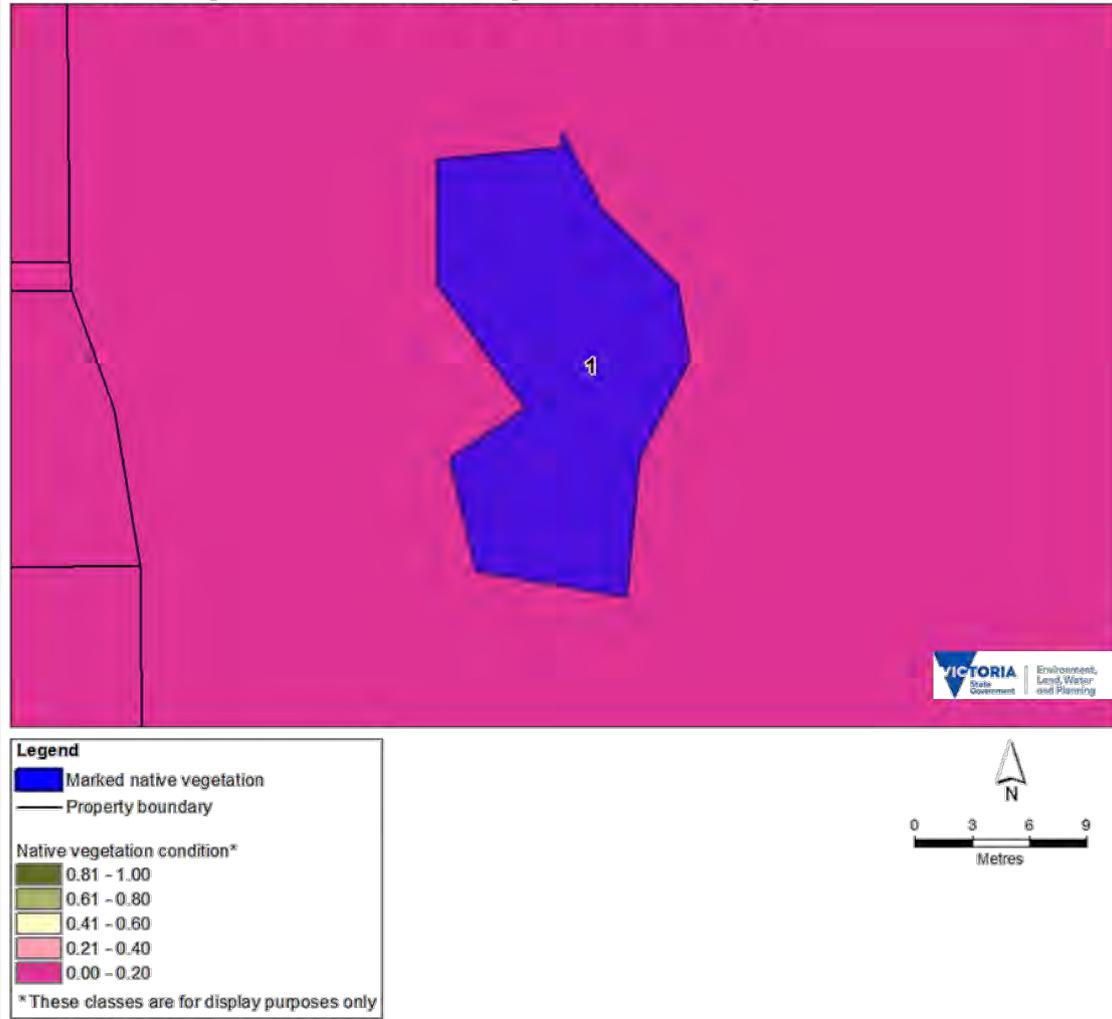
Biodiversity assessment report

Appendix 3 - Biodiversity information maps



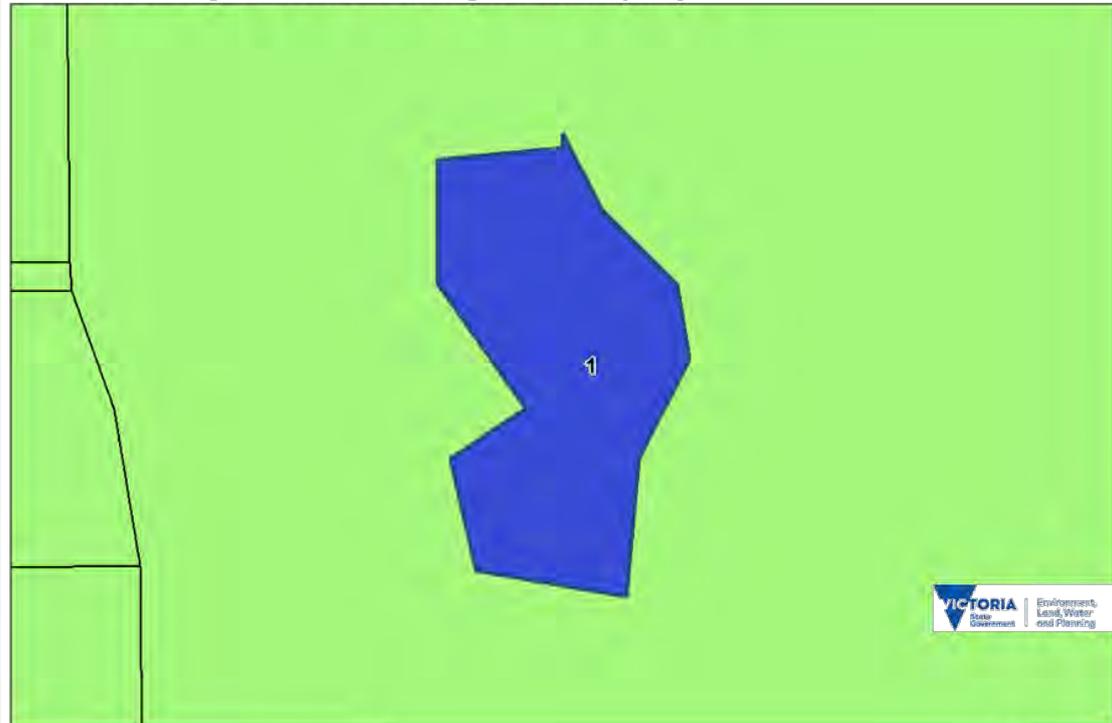
Biodiversity assessment report

Marked native vegetation and the *Native vegetation condition map*



Biodiversity assessment report

Marked native vegetation and the *Strategic biodiversity map*



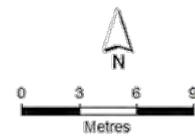
Legend

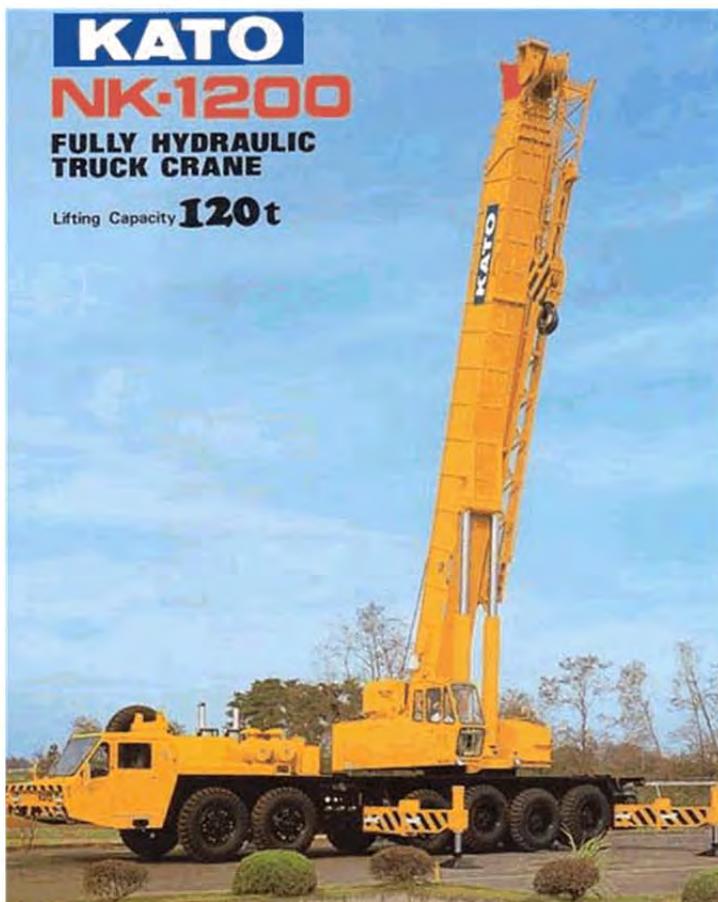
- Marked native vegetation
- Property boundary

Strategic biodiversity score*

0.81 - 1.00
0.61 - 0.80
0.41 - 0.60
0.21 - 0.40
0.00 - 0.20

* These classes are for display purposes only







13.1 NOM 1335 - Annual Audit of Roads and Footpaths in the Frankston Municipality

On 26 June 2017 Councillor Bolam gave notice of his intention to move the following motion:

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.

COMMENTS BY DIRECTOR COMMUNITY DEVELOPMENT

Question for Consideration	
1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?	YES / NO
2. Is the NoM substantially different from any notice of motion or rescission motion that has been considered by Council and lost in the preceding six months?	NO
3. Is the NoM clear and well worded?	YES
4. Is the NoM capable of being implemented?	YES / <i>Comments: Further consultation should occur with the Manager Operations so that they understand the impact these proposed changes will have and the potential increase in workloads.</i>
5. If the NoM is adopted, will a meeting be required with the relevant Director and Manager and Council officers in order to progress its implementation?	YES / <i>Comments: If the NoM is supported the Road Management Plan (RMP) will be required to be amended and a resolution passed by Council. Also see above (4).</i>
6. Is the NoM within the powers of a municipal Council?	YES
7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?	YES ;
8. Is the NoM consistent with all relevant legislation?	YES / <i>Comments: see 5. RMP will need to be amended</i>

13.1 NOM 1335 - Annual Audit of Roads and Footpaths in the Frankston Municipality

9. Is the NoM consistent with existing Council or State policy or position?	YES <i>Comments: Council currently has a RMP and funds ongoing condition audits of its assets.</i>
10. Is the NoM consistent with Council's adopted strategic plan?	YES;
11. Can the NoM be implemented without diversion of existing resources?	NO <i>Comments: Additional resources will be required</i> <i>Should Council elect to increase the frequency of the defect inspections it will be required to amend its current Road Management Plan and undertake the process as prescribed in the Road Management (General) Regulations 2016. Depending on the frequency Council elects to nominate for road and footpath inspections it would require 1 – 2 additional Band 5 officers with utilities and hardware at an estimated cost of \$237K (initial outlay of \$55K for utilities and hardware and recurrent expenditure of \$182K).</i>
12. Can the NoM be implemented without diversion of allocated Council funds?	NO <i>Comments: Additional resources will be required</i>
13. Are funds available in the adopted budget to implement the NoM?	NO
14. What is the estimated cost of implementing the NoM?	YES / <i>Year 1: \$237K</i> <i>Ongoing: \$182K</i> <i>Comments: this NoM 1 – 2 additional staff, utilities, desks, and computer hardware are required etc</i>

ATTACHMENTS

Nil

13.2 NOM 1336 - Green Infrastructure

On 15 June 2017 Councillor Toms gave notice of his intention to move the following motion:

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.

COMMENTS BY DIRECTOR COMMUNITY DEVELOPMENT

Question for Consideration	
1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?	YES
2. Is the NoM substantially different from any notice of motion or rescission motion that has been considered by Council and lost in the preceding six months?	YES
3. Is the NoM clear and well worded?	YES
4. Is the NoM capable of being implemented?	YES;
5. If the NoM is adopted, will a meeting be required with the relevant Director and Manager and Council officers in order to progress its implementation?	YES <i>Comments: Green initiatives by other municipalities may be extensive and further discussion would be beneficial.</i>
6. Is the NoM within the powers of a municipal Council?	YES
7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?	YES
8. Is the NoM consistent with all relevant legislation?	YES

13.2 NOM 1336 - Green Infrastructure

9. Is the NoM consistent with existing Council or State policy or position?	YES
10. Is the NoM consistent with Council's adopted strategic plan?	YES
11. Can the NoM be implemented without diversion of existing resources?	NO <i>Comments: This is yet to be determined pending the extent of the initiatives.</i>
12. Can the NoM be implemented without diversion of allocated Council funds?	YES <i>Comments: Yes in part. Bulk tree planting is funded. Much will depend on other initiatives.</i>
13. Are funds available in the adopted budget to implement the NoM?	YES <i>Comments: See above, in part.</i>
14. What is the estimated cost of implementing the NoM?	YES / NO <i>Year 1: \$200 to \$300K Ongoing: \$50K potentially Comments:</i>

ATTACHMENTS

Nil

13.3 NOM 1337 - MAV Membership

On 23 June 2017 Councillor Toms gave notice of his intention to move the following motion:

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

Rationale:

Frankston City Council is the only Victorian Council who is not a member of the MAV.

The MAV is the legislated peak body for local government in Victoria. The role of the MAV is to support Councils and Councillors. Their role is to advocate local government interests; build the capacity of Victorian Councils; facilitate effective networks; initiate policy development and advice; support Councillors and promote the role of local government.

The MAV services include specialist advice and information, councillor development opportunities, insurance protection including risk, legal and claims advice, CEO performance appraisal and recruitment advice, governance support and group procurement.

When President, Mary Lalios first met with Mayor Cunial and CEO, Dennis Hovenden, she notified them of a new style and direction of leadership including a restructure of the organisation, an improvement of culture and increased efficiency. MAV have also positively responded to the Auditor General's report making the necessary changes to the association.

COMMENTS BY CHIEF EXECUTIVE OFFICER

Council chose to be briefed by the VLGA prior to making a decision on whether to re-join that organisation. Inviting the MAV to present, is adopting a consistent approach.

Question for Consideration	
1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?	YES
2. Is the NoM substantially different from any notice of motion or rescission motion that has been considered by Council and lost in the preceding six months?	NO
3. Is the NoM clear and well worded?	YES
4. Is the NoM capable of being implemented?	YES

13.3 NOM 1337 - MAV Membership

5. If the NoM is adopted, will a meeting be required with the relevant Director and Manager and Council officers in order to progress its implementation?	NO
6. Is the NoM within the powers of a municipal Council?	YES
7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?	YES
8. Is the NoM consistent with all relevant legislation?	YES
9. Is the NoM consistent with existing Council or State policy or position?	NO <i>Comments: Currently Council is not a member of the MAV.</i>
10. Is the NoM consistent with Council's adopted strategic plan?	YES <i>Comments: Advocacy.</i>
11. Can the NoM be implemented without diversion of existing resources?	YES
12. Can the NoM be implemented without diversion of allocated Council funds?	NO <i>Comments: Council would need to make provision in its budget.</i>
13. Are funds available in the adopted budget to implement the NoM?	NO
14. What is the estimated cost of implementing the NoM?	YES / NO <i>Year 1: \$55,000 – 100,000</i> <i>Ongoing: \$</i> <i>Comments: As above</i>

ATTACHMENTS

Nil

13.4 NOM 1338 - Young Street Traders Assistance Package

On 23 June 2017 Councillor Toms gave notice of his intention to move the following motion:

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.

COMMENTS BY DIRECTOR CORPORATE DEVELOPMENT

Question for Consideration	
1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?	YES <i>Comments: Cr Toms has liaised with the Manager Community Relations prior to lodging</i>
2. Is the NoM substantially different from any notice of motion or rescission motion that has been considered by Council and lost in the preceding six months?	NO <i>Comments: While similar in intent to NOM 1275 – Support to traders in CAD (which officers are still reporting on), the NOM does have some additional recommendations for action that are appropriate to follow up (eg. Liaising with utility providers and property owners).</i>
3. Is the NoM clear and well worded?	YES <i>Comments: As Cr Toms liaised with the Manager Community Relations prior to lodging there were some minor amendments to wording which ensured that the NOM was implementable.</i>
4. Is the NoM capable of being implemented?	YES <i>Comments: As per point 3.</i>
5. If the NoM is adopted, will a meeting be required with the relevant Director and Manager and Council officers in order to progress its implementation?	NO <i>Comments: The NOM is readily interpreted and can be addressed by officers in the first instance. Any actions which result from the implementation of the NOM (eg Pt 3 – a briefing of Councillors by the State Member) will require subsequent meetings.</i>

13.4 NOM 1338 - Young Street Traders Assistance Package

<p>6. Is the NoM within the powers of a municipal Council?</p>	<p>YES <i>Comments: The NOM largely requests advocacy with utility organisations/the Local Member for Frankston and liaison with property owners – all of which are within our jurisdiction.</i></p>
<p>7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?</p>	<p>NO <i>Comments: The NOM largely stems from the impact of State Government activity (Young Street upgrade) on local businesses. If Council is advocating to property owners and utility organisations – there may be some potential to work with the Economic Development arm of the State Government on this NOM.</i></p>
<p>8. Is the NoM consistent with all relevant legislation?</p>	<p>NO <i>Comments: Due to the advocacy nature of the NOM, it does not recommend anything that is contrary to any legislation.</i></p>
<p>9. Is the NoM consistent with existing Council or State policy or position?</p>	<p>YES <i>Comments: The NOM is consistent with Council's Economic Development Policy to enable an environment for business and jobs growth. The NOM has been flagged with State Government representatives and they are largely supportive of its approach.</i></p> <p><i>The fourth dot point of the NOM incorporates a variation of the application of Council's 'Rates and Charges Hardship Policy' for businesses in the zone most affected by the Young Street Works:</i></p> <ul style="list-style-type: none"> • <i>Young Street (between Playne and Beach Streets)</i> • <i>Beach Street (between Young Street and the Myer entrance)</i> • <i>Ross Smith Avenue East</i> • <i>Balmoral Street</i> • <i>Station Street</i> • <i>Wells Street (Young Street - Park Lane on south side and Young Street - Shannon Street Mall on north side)</i> <p><i>This point also would incorporate lobbying the State Government's economic development team for subsequent rounds of the business resilience program. This is not inconsistent with their policies – however, the approach and funding for this is still to be resolved</i></p>

13.4 NOM 1338 - Young Street Traders Assistance Package

<p>10. Is the NoM consistent with Council's adopted strategic plan?</p>	<p>YES <i>Comments: The NOM is consistent with Council's adopted Economic Development Strategy 2016-2022.</i></p>
<p>11. Can the NoM be implemented without diversion of existing resources?</p>	<p>NO <i>Comments: Officers will be required to contact all property owners and utility providers, in addition to liaising with the Local Member for Frankston. This will mean that they could be delayed in their focus on other projects such as other investment attraction activities and working on the Place Activation program – including Eat Street Grants, Space Innovators.</i></p> <p><i>In relation to the fourth dot point there is some work that is already being undertaken by Officers that does not directly stem from this NOM, but that supports its intent. This includes:</i></p> <ul style="list-style-type: none"> • <i>Delivery of the Faces of Frankston promotional campaign for the city centre</i> • <i>Lobbying VicRoads for the timely delivery of the Business as Usual campaign</i> • <i>Lobbying the State Government for a range of business resilience programs to support businesses in need</i> <p><i>Working with the State Government for further place activation to support traders</i></p>
<p>12. Can the NoM be implemented without diversion of allocated Council funds?</p>	<p>YES <i>Comments: The NOM has an impact on Officer time (as per Pt 11). The fourth dot point of the NOM is work that is being addressed by officers through other activities and other NOMS/Council resolutions – including NOM 1275 – Support to traders in CAD.</i></p>

13.4 NOM 1338 - Young Street Traders Assistance Package

<p>13. Are funds available in the adopted budget to implement the NoM?</p>	<p>NO</p> <p><i>Comments: In relation to the fourth dot point there is some work that is already being undertaken by Officers that does not directly stem from this NOM, but that supports its intent. This includes the recent EMT approval to:</i></p> <ul style="list-style-type: none"> • <i>Waive of Kerbside Trading Fees in 2017-2018 for businesses in the affect area. This is a reduction of future expected income within the budget of \$8,100 (estimated)</i> <p><i>Assist businesses experiencing financial difficulty, affected by the Young Street Improvement Project, with the waiver of interest and charges for late payments for applicants within the Affected Area under the 'Rates and Charges Hardship Policy'. Costs of this are not known as we cannot predict how many will apply</i></p>
<p>14. What is the estimated cost of implementing the NoM?</p>	<p>YES / NO</p> <p><i>Year 1: \$0</i></p> <p><i>Ongoing: \$0</i></p> <p><i>Comments:</i></p> <p><i>It is estimated that the first three dot points within the NOM will require approximately three days of Officer time to collate the information and make the initial contact.</i></p> <p><i>The fourth dot point incorporates work already undertaken by Officers that has some financial impacts (but cannot directly be attributed to this NOM) in addition to work being undertaken as part of the Business As Usual campaign which falls out of the NOM 1275 – Support to traders in CAD</i></p>

ATTACHMENTS

Nil

13.5 NOM 1339 - Supporting LGBTI (Lesbian, Gay, Bisexual and Transgender) Community

On 22 June 2017 Councillor O'Connor gave notice of her intention to move the following motion:

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.

RATIONALE

Given council's recent position in supporting LGBT 'status equality', the symbolic presence of the LGBT 'Rainbow' flag on the grounds of the Civic Centre - the governance epicentre of the Frankston municipality - is significant.

COMMENTS BY CHIEF EXECUTIVE OFFICER

Question for Consideration	
1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?	YES
2. Is the NoM substantially different from any notice of motion or rescission motion that has been considered by Council and lost in the preceding six months?	NO
3. Is the NoM clear and well worded?	YES
4. Is the NoM capable of being implemented?	YES
5. If the NoM is adopted, will a meeting be required with the relevant Director and Manager and Council officers in order to progress its implementation?	NO
6. Is the NoM within the powers of a municipal Council?	YES <i>Comments: Flag Flying Policy.</i>
7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?	YES
8. Is the NoM consistent with all relevant legislation?	YES

13.5 NOM 1339 - Supporting LGBTI (Lesbian, Gay, Bisexual and Transgender) Community

9. Is the NoM consistent with existing Council or State policy or position?	YES <i>Comments: Council has previously adopted a position on support for LGBT.</i>
10. Is the NoM consistent with Council's adopted strategic plan?	YES <i>Comments: Diversity and inclusion.</i>
11. Can the NoM be implemented without diversion of existing resources?	YES
12. Can the NoM be implemented without diversion of allocated Council funds?	YES
13. Are funds available in the adopted budget to implement the NoM?	YES <i>Comments: Would be catered for within budget.</i>
14. What is the estimated cost of implementing the NoM?	YES / NO Year 1: \$160 (2 flags) Ongoing: \$80 <i>Comments:</i>

ATTACHMENTS

Nil

13.6 NOM 1340 - Frankston Homelessness Count

On 26 June 2017 Councillor Bolam gave notice of his intention to move the following motion:

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'.

COMMENTS BY DIRECTOR COMMUNITY DEVELOPMENT

Question for Consideration	
1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?	NO
2. Is the NoM substantially different from any notice of motion or rescission motion that has been considered by Council and lost in the preceding six months?	NO <i>Comments: However, this NOM has been presented previously to Council and has been lost.</i>
3. Is the NoM clear and well worded?	YES
4. Is the NoM capable of being implemented?	NO <i>Comments: \$25K is insufficient to implement the NOM.</i>
5. If the NoM is adopted, will a meeting be required with the relevant Director and Manager and Council officers in order to progress its implementation?	YES <i>Comments: The methodology for the count needs clarity to ensure the safety of volunteers is maintained and the liability of Council is minimised.</i>
6. Is the NoM within the powers of a municipal Council?	NO
7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?	NO <i>Comments: Funded agencies within Frankston collate homelessness meta data.</i>

13.6 NOM 1340 - Frankston Homelessness Count

8. Is the NoM consistent with all relevant legislation?	NO <i>Comments: The Commonwealth collate homelessness data through the ABS Census and the local agencies report their statistics to funding bodies in State and Federal Governments.</i>
9. Is the NoM consistent with existing Council or State policy or position?	NO <i>Comments: People experiencing homelessness may consider approaches by volunteers to be a breach of privacy.</i>
10. Is the NoM consistent with Council's adopted strategic plan?	NO <i>Comments: When a similar motion was lost, Council of the day considered it was not Council's role.</i>
11. Can the NoM be implemented without diversion of existing resources?	NO
12. Can the NoM be implemented without diversion of allocated Council funds?	NO <i>Comments: Management and oversight of volunteers has stringent requirements to ensure no breach of policy or legislation. This will require a dedicated resource for approximately 4 months.</i>
13. Are funds available in the adopted budget to implement the NoM?	NO <i>Comments: Implementation with volunteers require a minimum of \$60K (\$45K labour; \$10K advertising and program and \$5K additional insurance)</i>
14. What is the estimated cost of implementing the NoM?	YES / NO Year 1: \$60K Ongoing: \$60K plus EB increases <i>Comments:</i>

ATTACHMENTS

Nil

13.7 NOM 1341 - Anti-Truancy Strategy

On 26 June 2017 Councillor Bolam gave notice of his intention to move the following motion:

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.

COMMENTS BY DIRECTOR COMMUNITY DEVELOPMENT

Question for Consideration	
1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?	NO
2. Is the NoM substantially different from any notice of motion or rescission motion that has been considered by Council and lost in the preceding six months?	NO <i>Comments: This motion was recently put to Council and lost.</i>
3. Is the NoM clear and well worded?	YES
4. Is the NoM capable of being implemented?	YES <i>Comments: Predominantly advocacy based.</i>
5. If the NoM is adopted, will a meeting be required with the relevant Director and Manager and Council officers in order to progress its implementation?	YES
6. Is the NoM within the powers of a municipal Council?	NO <i>Comments: The object of the NOM is outside of Council's role.</i>

13.7 NOM 1341 - Anti-Truancy Strategy

7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?	YES <i>Comments: This is a Department of Education and Training responsibility.</i>
8. Is the NoM consistent with all relevant legislation?	NO <i>Comments: This would need to be determined by Department of Education and Training.</i>
9. Is the NoM consistent with existing Council or State policy or position?	YES / NO <i>Comments: The 'show up standout' program uses fines on families to deter truancy.</i>
10. Is the NoM consistent with Council's adopted strategic plan?	YES / NO <i>Comments: Council Plan focuses on Local Government's core role and responsibilities.</i>
11. Can the NoM be implemented without diversion of existing resources?	NO <i>Comments: Considerable officer time would be required and be a diversion from core responsibilities.</i>
12. Can the NoM be implemented without diversion of allocated Council funds?	NO <i>Comments: It is unlikely that implementation would be at no cost.</i>
13. Are funds available in the adopted budget to implement the NoM?	NO
14. What is the estimated cost of implementing the NoM?	YES / NO Year 1: \$ Ongoing: \$ <i>Comments: This cannot be quantified at this time.</i>

ATTACHMENTS

Nil

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

On 27 June 2017 Councillor Aitken gave notice of his intention to move the following motion:

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.

RATIONALE:

Procedural Influence:

- A. There is currently no real ability to call a point of order if the Mayor has made assumptions or has made an incorrect statement.
- B. The Mayor enjoys a relatively unimpeded opportunity to speak without interruption or contrary view being expressed, therefore conferring an advantage that other Councillors do not possess or enjoy.
- C. In the event of the Mayor speaking and particularly when what is said by the Mayor is entirely contrary or critical to what a Councillor or several Councillors are promoting, this precipitates a situation where the Mayor as last speaker before the mover of a motion closes the matter – again provides an unreasonable or unbalanced advantage which sees the Mayor propelling a view or opinions that cannot be contemporaneously challenged and as such has a clearly undemocratic influence upon the outcome of a final vote which is clearly against the principles of transparency and accountability in local government.

COMMENTS BY CHIEF EXECUTIVE OFFICER

Question for Consideration	
1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?	NO
2. Is the NoM substantially different from any notice of motion or rescission motion that has been considered by Council and lost in the preceding six months?	NO
3. Is the NoM clear and well worded?	YES
4. Is the NoM capable of being implemented?	YES
5. If the NoM is adopted, will a meeting be required with the relevant Director and Manager and Council officers in order to progress its implementation?	YES <i>Comments: Council will need to amend its meeting procedure Local Law.</i>
6. Is the NoM within the powers of a municipal Council?	YES
7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?	YES
8. Is the NoM consistent with all relevant legislation?	YES <i>Comments: Local Government Act 1989.</i>

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

9. Is the NoM consistent with existing Council or State policy or position?	YES <i>Comments: Good governance meeting procedures.</i>
10. Is the NoM consistent with Council's adopted strategic plan?	YES
11. Can the NoM be implemented without diversion of existing resources?	YES
12. Can the NoM be implemented without diversion of allocated Council funds?	YES
13. Are funds available in the adopted budget to implement the NoM?	YES <i>Comments: Legal fees.</i>
14. What is the estimated cost of implementing the NoM?	YES / NO <i>Year 1: \$1,500 approx.</i> <i>Ongoing: \$</i> <i>Comments:</i> <i>Legal Fees for advice.</i>

ATTACHMENTS

Nil

13.9 NOM 1343 - Use of Microphones in Council Meetings

On 27 June 2017 Councillor Aitken gave notice of his intention to move the following motion:

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

RATIONALE:

There is considerable difficulty with recordings of Council meetings when Councillors do not operate the microphone. Whilst this can occur accidentally, and that is accepted, purposely avoiding the use of microphones, defeats the principles of accountability and transparency in Local Government. Any member of the public who wishes to access a tape of any meeting for reference or clarification is at a disadvantage by blank sections in the dialogue.

COMMENTS BY CHIEF EXECUTIVE OFFICER

This could be resolved by a discussion amongst Councillors.

Question for Consideration	
1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?	NO
2. Is the NoM substantially different from any notice of motion or rescission motion that has been considered by Council and lost in the preceding six months?	NO
3. Is the NoM clear and well worded?	YES
4. Is the NoM capable of being implemented?	YES
5. If the NoM is adopted, will a meeting be required with the relevant Director and Manager and Council officers in order to progress its implementation?	NO
6. Is the NoM within the powers of a municipal Council?	YES
7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?	YES / NO <i>Comments: Not applicable.</i>
8. Is the NoM consistent with all relevant legislation?	YES <i>Comments: Local Government Act 1989.</i>

13.9 NOM 1343 - Use of Microphones in Council Meetings

9. Is the NoM consistent with existing Council or State policy or position?	YES <i>Comments: Community Engagement.</i>
10. Is the NoM consistent with Council's adopted strategic plan?	YES <i>Comments: Good governance.</i>
11. Can the NoM be implemented without diversion of existing resources?	YES
12. Can the NoM be implemented without diversion of allocated Council funds?	YES
13. Are funds available in the adopted budget to implement the NoM?	YES / NO <i>Comments: Not applicable.</i>
14. What is the estimated cost of implementing the NoM?	YES / NO <i>Year 1: \$ NIL</i> <i>Ongoing: \$</i> <i>Comments:</i>

ATTACHMENTS

Nil

13.10 NOM 1344 - Access Friendly Frankston

On 22 June 2017 Councillor O'Connor gave notice of her intention to move the following motion:

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.

RATIONALE

With a growing national inter-generational gap showing an older population becoming more and more pronounced, and the real everyday challenges faced by those with disabilities, this motion will enable a far more accurate depiction of the accessibility issues facing our disabled and elderly residents.

COMMENTS BY DIRECTOR COMMUNITY DEVELOPMENT

Question for Consideration	
1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?	YES
2. Is the NoM substantially different from any notice of motion or rescission motion that has been considered by Council and lost in the preceding six months?	YES
3. Is the NoM clear and well worded?	NO <i>Comments: No consideration has been given to additional requirements necessary eg disabled toilets, ramps, lifesaving facilities.</i>
4. Is the NoM capable of being implemented?	NO <i>Comments: Further clarity of scope is required to enable containment of costs to priorities.</i>
5. If the NoM is adopted, will a meeting be required with the relevant Director and Manager and Council officers in order to progress its implementation?	YES

13.10NOM 1344 - Access Friendly Frankston

6. Is the NoM within the powers of a municipal Council?	NO <i>Comments: Further consultation with State Government is required in respect of Coastal Reserves and Crown Land.</i>
7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?	NO <i>Comments: Please see above. Permission is required but cost will rest with Council.</i>
8. Is the NoM consistent with all relevant legislation?	YES
9. Is the NoM consistent with existing Council or State policy or position?	YES <i>Comments: However, the balance between protected vegetation and access needs to be considered.</i>
10. Is the NoM consistent with Council's adopted strategic plan?	YES <i>Comments: However, not specifically discussed in the plan.</i>
11. Can the NoM be implemented without diversion of existing resources?	NO <i>Comments: This will impact both the capital and maintenance budgets. Alternative projects will require cancellation or deferral.</i>
12. Can the NoM be implemented without diversion of allocated Council funds?	NO <i>Comments: Please see above. Stakeholders may consider it to be justified but not at the expense of existing projects/activities/funding. For capital costs deferral of sporting infrastructure projects (those not attracting grants) and for ongoing maintenance use of golf club maintenance budget would be an alternative source of funds.</i>
13. Are funds available in the adopted budget to implement the NoM?	NO
14. What is the estimated cost of implementing the NoM?	YES / NO <i>Comments: Difficult to estimate without clarification of the extent of work required. Could be \$100K to \$500K as a base estimate.</i> <i>For an additional beach access for people with disabilities there is a cost of \$5K for a balloon wheel chair and another \$30K for ramp matting into the water edge. However, this must be rolled out and up each day it is required. Ongoing costs would be associated with maintenance which is estimated to be 100% over the life cycle of the infrastructure.</i>

13.10NOM 1344 - Access Friendly Frankston

ATTACHMENTS

Nil

13.11 NOM 1345 - Interim meal arrangements for City Life clients

On Wednesday 28 June 2017 Councillor Steve Toms gave notice of his intention to move the following motion:

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.

RATIONALE:

Council has supported the State Government's interim meals service arrangement that was put in place and delivered by Council when City Life ceased their program. The interim service was due to cease 30 June and Councillors would now like an understanding of how the needs of these clients are to be met.

COMMENTS BY DIRECTOR COMMUNITY DEVELOPMENT

Question for Consideration	
1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?	YES
2. Is the NoM substantially different from any notice of motion or rescission motion that has been considered by Council and lost in the preceding six months?	YES
3. Is the NoM clear and well worded?	YES
4. Is the NoM capable of being implemented?	YES
5. If the NoM is adopted, will a meeting be required with the relevant Director and Manager and Council officers in order to progress its implementation?	NO
6. Is the NoM within the powers of a municipal Council?	YES
7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?	NO <i>Comments: There is a cost shift risk associated with the cessation of the State Government funded interim meals.</i>
8. Is the NoM consistent with all relevant legislation?	YES
9. Is the NoM consistent with existing Council or State policy or position?	YES
10. Is the NoM consistent with Council's adopted strategic plan?	YES
11. Can the NoM be implemented without diversion of existing resources?	YES

13.11NOM 1345 - Interim meal arrangements for City Life clients

12. Can the NoM be implemented without diversion of allocated Council funds?	YES
13. Are funds available in the adopted budget to implement the NoM?	YES
14. What is the estimated cost of implementing the NoM?	YES / NO <i>Year 1:</i> <i>Ongoing: \$</i> <i>Comments: NIL</i>

ATTACHMENTS

Nil

13.12 NOM 1346 - My Frankston App and Crime Stoppers

On Wednesday 28 June 2017 Councillor Kris Bolam gave notice of his intention to move the following motion:

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.

COMMENTS BY CHIEF EXECUTIVE OFFICER

Council will need agreement with private property owners and will need to discuss maintenance responsibilities.

Question for Consideration	
1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?	NO <i>Comments: This is a new addition to a previous Notice of Motion.</i>
2. Is the NoM substantially different from any notice of motion or rescission motion that has been considered by Council and lost in the preceding six months?	NO
3. Is the NoM clear and well worded?	YES
4. Is the NoM capable of being implemented?	YES
5. If the NoM is adopted, will a meeting be required with the relevant Director and Manager and Council officers in order to progress its implementation?	YES <i>Comments: As a part of the work being undertaken with the previous Notice of Motion.</i>
6. Is the NoM within the powers of a municipal Council?	YES
7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?	YES

13.12NOM 1346 - My Frankston App and Crime Stoppers

8. Is the NoM consistent with all relevant legislation?	YES
9. Is the NoM consistent with existing Council or State policy or position?	YES <i>Comments: Public Safety</i>
10. Is the NoM consistent with Council's adopted strategic plan?	YES <i>Comments: Liveable City</i>
11. Can the NoM be implemented without diversion of existing resources?	YES
12. Can the NoM be implemented without diversion of allocated Council funds?	NO <i>Comments: Council will have to identify a funding source.</i>
13. Are funds available in the adopted budget to implement the NoM?	NO <i>Comments: Mid-year budget review.</i>
14. What is the estimated cost of implementing the NoM?	YES / NO <i>Year 1: \$9,000</i> <i>Recurring: \$1,000 maintenance</i>

ATTACHMENTS

Nil

13.13 NOM 1347 - Budget addition for Pre-Schools

On Wednesday 28 June 2017 Councillor Quinn McCormack gave notice of her intention to move the following motion:

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.

COMMENTS BY DIRECTOR COMMUNITY DEVELOPMENT

Question for Consideration	
1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?	YES <i>Comments: Advice provided by email.</i>
2. Is the NoM substantially different from any notice of motion or rescission motion that has been considered by Council and lost in the preceding six months?	YES
3. Is the NoM clear and well worded?	NO <i>Comments: It is proposed the funding go to the 13 parent associated preschools whereas the cluster manager of the other 13 preschools would be excluded.</i>
4. Is the NoM capable of being implemented?	YES <i>Comments: But not recommended as per above.</i>
5. If the NoM is adopted, will a meeting be required with the relevant Director and Manager and Council officers in order to progress its implementation?	YES <i>Comments: Maintenance \$\$ requirements differ for each pre-school due to size, equipment, layout etc.</i>
6. Is the NoM within the powers of a municipal Council?	NO <i>Comments: 3 year old Kindergarten is not compulsory and can be considered private education. This funding will not be available to private operators and may breach Competition Policy as State Government does not provide funding it may also be seen as a cost shift.</i>
7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?	NO <i>Comments: Please refer to the above.</i>

13.13NOM 1347 - Budget addition for Pre-Schools

8. Is the NoM consistent with all relevant legislation?	NO <i>Comments: Some elements of the NOM may result in complaints of breach of Competition Policy.</i>
9. Is the NoM consistent with existing Council or State policy or position?	NO <i>Comments: Clear delineation of roles and responsibilities of preschool managers and Council are set out in the lease and licence agreement.</i>
10. Is the NoM consistent with Council's adopted strategic plan?	NO <i>Comments: Well Governed and Well Managed require full compliance with legislation and policy.</i>
11. Can the NoM be implemented without diversion of existing resources?	NO <i>Comments: The renewal and asset maintenance budgets will be affected which may draw criticism by stakeholders.</i>
12. Can the NoM be implemented without diversion of allocated Council funds?	NO <i>Comments: A reduction in positive ageing services (PAG's, Seniors Festival, Preschool dental and inclusion support).</i>
13. Are funds available in the adopted budget to implement the NoM?	NO <i>Comments: \$130K per annum represents a significant increase of expenditure. Parent associations only \$65K. All 26 preschools \$130K.</i>
14. What is the estimated cost of implementing the NoM?	YES / NO <i>Year 1: Ongoing: \$130K per annum. Comments:</i>

ATTACHMENTS

Nil

13.14 NOM 1348 - Southern Metropolitan Partnership

On Wednesday 28 June 2017 Councillor Quinn McCormack gave notice of her intention to move the following motion:

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 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.

COMMENTS BY CHIEF EXECUTIVE OFFICER

Question for Consideration	
1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?.	NO
2. Is the NoM substantially different from any notice of motion or rescission motion that has been considered by Council and lost in the preceding six months?	NO
3. Is the NoM clear and well worded?	YES
4. Is the NoM capable of being implemented?	YES
5. If the NoM is adopted, will a meeting be required with the relevant Director and Manager and Council officers in order to progress its implementation?	YES <i>Comments: There is a requirement for a briefing of Councillors.</i>
6. Is the NoM within the powers of a municipal Council?	YES <i>Comments: Council can choose not to participate.</i>
7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?	NO <i>Comments: The purpose of the partnership is to discuss matters of common interest.</i>
8. Is the NoM consistent with all relevant legislation?	NO <i>Comments: The State Government can choose how they appoint people to Committees.</i>
9. Is the NoM consistent with existing Council or State policy or position? <i>If no, can the departure from existing policy or position (including any previous advocacy) be justified to stakeholders?</i>	YES <i>Comments: Advocacy, Community Participation</i>

13.14NOM 1348 - Southern Metropolitan Partnership

10. Is the NoM consistent with Council's adopted strategic plan?	YES <i>Comments: Advocacy</i>
11. Can the NoM be implemented without diversion of existing resources?	YES
12. Can the NoM be implemented without diversion of allocated Council funds?	YES
13. Are funds available in the adopted budget to implement the NoM?	YES
14. What is the estimated cost of implementing the NoM?	YES / NO <i>Year 1: \$ Minimal cost of a letter</i> <i>Ongoing: \$ Cost of Chief Executive Officer's participation</i> <i>Comments:</i>

ATTACHMENTS

Nil

13.15 NOM 1350 - Community Bus Service

On Wednesday 28 June 2017 Councillor Lillian O'Connor gave notice of her intention to move the following motion:

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.

COMMENTS BY DIRECTOR COMMUNITY DEVELOPMENT

Question for Consideration	
1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?	NO
2. Is the NoM substantially different from any notice of motion or rescission motion that has been considered by Council and lost in the preceding six months?	YES <i>Comments: However, the community bus has been the subject of numerous reviews and reports to Council.</i>
3. Is the NoM clear and well worded?	YES
4. Is the NoM capable of being implemented?	YES
5. If the NoM is adopted, will a meeting be required with the relevant Director and Manager and Council officers in order to progress its implementation?	YES <i>Comments: Considerable effort has been invested to date to increase usage. Much of this is through the PAG program which delivers beyond external funding.</i>
6. Is the NoM within the powers of a municipal Council?	YES
7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?	NO <i>Comments: Increased services will not be funded via the existing grant.</i>
8. Is the NoM consistent with all relevant legislation?	YES
9. Is the NoM consistent with existing Council or State policy or position?	NO <i>Comments: Council must be mindful to not breach Competition Policy.</i>
10. Is the NoM consistent with Council's adopted strategic plan?	YES <i>Comments: Not specifically discussed in the plan.</i>

13.15NOM 1349 - Community Bus Service

11. Can the NoM be implemented without diversion of existing resources?	NO <i>Comments: Existing resources are tightly programmed to meet funding/contractual requirements. The impact to cover additional costs would be to either reduce the PAG program or buy another bus for approximately \$90K.</i>
12. Can the NoM be implemented without diversion of allocated Council funds?	NO <i>Comments: A detailed analysis would be required to offset the additional cost, however, a reduction of other services to the aged including home maintenance would be considered.</i>
13. Are funds available in the adopted budget to implement the NoM?	NO <i>Comments: Highly likely an additional bus would be required to expand service support.</i>
14. What is the estimated cost of implementing the NoM?	YES / NO <i>Year 1: \$90K plus labour for driver which currently is \$72K per annum. Ongoing: \$18K for programmatic costs up to \$72K for labour. Comments:</i>

ATTACHMENTS

Nil

16. CONFIDENTIAL ITEMS

Section 89(2) of the Local Government Act 1989 enables the Council to close the meeting to the public if the meeting is discussing any of the following:

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayer;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments;
- (f) Legal advice;
- (g) Matters affecting the security of Council property;
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

Recommendation

That the Ordinary Council Meeting be closed to the public to consider the following items which are of a confidential nature, pursuant to section 89(2) of the Local Government Act (LGA) 1989 for the reasons indicated:

C.1 Appointment and Authorisation of Council Staff

Agenda Item C.1 Appointment and Authorisation of Council Staff is designated confidential as it relates to personnel matters (s89 2a), and Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.2 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)