

## COUNCIL MEETING AGENDA

### 2020/OM1

### Tuesday 28 January 2020







## COUNCIL CHAMBERS

<b>Phil Cantillon</b> Chief Executive Officer	<b>Cr Sandra Mayer</b> Mayor	<b>Kim Jaensch</b> Acting Director Corporate Development
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EA to Mayor & Councillor	Business Support Officer
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Cr McCormack

Cr O'Connor

Cr Cunial

Cr Hampton

Cr Bolam

Cr Aitken

EMT

EMT

Cr O'Reilly

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 Councillors Office (call 9768 1632) and on our website, [www.frankston.vic.gov.au](http://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 the Councillors Office 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](http://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

## **Live Streaming of Council Meetings**

Frankston City Council is now Live Streaming its Council Meetings.

Live Streaming allows you to watch and listen to the meeting in real time, giving you greater access to Council decision making and debate and improving openness and transparency.

There are three (3) fixed cameras in the Council Chambers and it is intended that the cameras will only provide vision of the Councillors who are present at the meeting.

Every care will be taken to maintain privacy and as far as practically possible, it is not intended that there be either live or recorded footage of the public or Media personnel, however, there might be incidental capture; for example footage of a person exiting the building depending on which camera is being used at the time, or audio recording of a person who interjects the meeting. Council officers who address Council will be heard on the live audio stream, and audio of them speaking will be recorded.

Archives of meetings will be published on Council's website generally within three (3) business days after the meeting date for the public's future reference. Council will make every reasonable effort to ensure that a live stream and recording is available. However technical difficulties may arise in relation to live streaming or access to Council's website.

Appropriate signage will be placed at the entrance to the meeting location notifying all attendees that the meeting will be streamed live and recorded.

It is not intended that public speakers will be visible in a live stream of a meeting. Cameras are to be positioned so that these members of the public are not visible. If you do not wish to be recorded you will need to contact the Councillors Office on telephone (03) 9768 1632 or via email [councillors.office@frankston.vic.gov.au](mailto:councillors.office@frankston.vic.gov.au) to discuss alternative options prior to the meeting.

## **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 four (4) clear 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](http://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.

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

Question Time forms are available from the Civic Centre and our website, [www.frankston.vic.gov.au](http://www.frankston.vic.gov.au).

“Questions with Notice” are to be submitted before 12 noon on the Friday before the relevant Ordinary Meeting either in person at the Frankston Civic Centre, online using the Question Time web form or via email to [questions@frankston.vic.gov.au](mailto:questions@frankston.vic.gov.au).

“Questions without Notice” are to be submitted between 12 noon on the Friday before the relevant Ordinary Meeting up until 4pm on the day of the relevant Ordinary Meeting either in person via the designated Question Time box located at the Frankston Civic Centre front reception or the after-hours mail box or via email to [questions@frankston.vic.gov.au](mailto:questions@frankston.vic.gov.au).

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 Councillors Office (call 9768 1632) and on our website, [www.frankston.vic.gov.au](http://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 available 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, contractual matters 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 Councillors 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](http://www.frankston.vic.gov.au).

The submissions process is conducted in accordance with guidelines which are available from Council's Councillors 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 will be made available to members of the public. 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 four (4) themes which depict the Council Plan's Strategic Objectives, as follows:

1. A Planned City
2. A Liveable City
3. A Well Governed City
4. A Well Managed City

### **MAYOR**



## NOTICE PAPER

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### ALL COUNCILLORS

NOTICE is hereby given that an Ordinary Meeting of the Council will be held at the Civic Centre, Davey Street, Frankston, on 28 January 2020 at 7.00pm.

### 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. OM15 HELD ON 16 DECEMBER 2019.

### 3. APOLOGIES

Nil

### 4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

### 5. PUBLIC QUESTIONS AND SUBMISSION TIME

Nil

### 6. HEARING OF SUBMISSIONS

### 7. ITEMS BROUGHT FORWARD

### 8. PRESENTATIONS / AWARDS

### 9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil

### 10. DELEGATES' REPORTS

Nil

### 11. CONSIDERATION OF TOWN PLANNING REPORTS

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Nil

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Phil Cantillon

**CHIEF EXECUTIVE OFFICER**

23/01/2020



**Executive Summary****11.1 Town Planning Application 413/2019/P - 2/7A Thompson Street Frankston - To use the land to sell and consume liquor (restaurant and cafe licence) in conjunction with the continued use of the premises as a food and drink premises (restaurant)**

*Enquiries: (Stuart Caldwell: Community Development)*

Council Plan

Community Outcome:	1. Planned City
Strategy:	1.1 Community Infrastructure
Priority Action	1.1.6 Ensure community infrastructure and services match community need

**Purpose**

This report considers the merits of the planning application to use the land at 2/7A Thompson Street Frankston to sell and consume liquor (Restaurant and Café Licence)

**Recommendation (Director Community Development)**

That a Planning Permit (413/2019/P) be issued to use the land at 2/7A Thompson Street Frankston to sell and consume liquor (Restaurant and Cafe Licence) in conjunction with the continued use of the premises as a food and drink premises (restaurant), subject to the conditions contained in the officer's assessment.

**Key Points / Issues**

- It is proposed to use the site for the consumption and sale of liquor (Restaurant and Café Licence) in conjunction with the continued use of the premises as a food and drink premises (restaurant).
- The proposed liquor consumption is to be in conjunction with the food and drink premises seven (7) days a week and restricted to the internal seating areas of the Restaurant and the external seating area on the footpath.
- The hours for sale and consumption of liquor are proposed to be:
  - Monday to Sunday: 11am to 11pm
- A maximum capacity of 37 patrons is proposed. 28 Internal and 9 External (footpath).
- This matter is required to be reported to Council as it is an application associated with liquor.

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

**Financial Impact**

The Victorian Government introduced the "Fair Go Rates" system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past four financial years has ranged between 2.0 per cent to 2.5 per cent and has been set at 2.0 per cent for 2020-2021.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council's major source of income, Council's capacity to continue to deliver services and fund its capital programme will be severely restricted.

**11.1 Town Planning Application 413/2019/P - 2/7A Thompson Street Frankston - To use the land to sell and consume liquor (restaurant and cafe licence) in conjunction with the continued use of the premises as a food and drink premises (restaurant)****Executive Summary**

There are no financial implications associated with this report.

The permit application fee (including advertising fee) paid to Council is \$1,647.10. The average cost to process a planning permit application is \$2,264 which represents a difference of \$616.90.

**Consultation****1. External Stakeholders**

The application was referred externally to Victoria Police who have not responded to date. As with all such applications, Victoria Police will have an opportunity to make a submission when the applicant seeks to obtain a Liquor Licence from the VCGLR.

**2. Internal Referrals**

The application was referred internally to Council's Community Strengthening Department who offered no objection to the proposal.

**Notification of Proposal**

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

Notification was given in the form of:

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

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

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

The proposed sale and consumption of liquor on the premises is considered to be reasonable in associated with a restaurant use. Given that the liquor will be sold alongside meals and the hours of sale are consistent with existing Restaurants in the area it is considered that the proposed consumption of liquor and hours of operation are unlikely to have an adverse impact on the amenity of the 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**

The proposal requires planning approval under Clause 52.27 (Licensed Premises) of the Frankston Planning Scheme.

**Policy Impacts**

The relevant State and Local Planning Policies are:

- Clause 17 Economic Development
- Clause 21.08 Economic Development

**11.1 Town Planning Application 413/2019/P - 2/7A Thompson Street Frankston - To use the land to sell and consume liquor (restaurant and cafe licence) in conjunction with the continued use of the premises as a food and drink premises (restaurant)****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**

Not applicable.

**Conclusion**

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

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**ATTACHMENTS**

- Attachment A: [!\[\]\(1f101ad452ef9a3f01bb1e89af34fc34\_img.jpg\)](#) Locality Map  
Attachment B: [!\[\]\(30cdfe4eafd101fab5ecfaf690363fad\_img.jpg\)](#) Locality Map (Aerial)  
Attachment C: [!\[\]\(4dcb2e0a5dd4ebc9597cee4f5b07c053\_img.jpg\)](#) Red Line Plan

**11.1 Town Planning Application 413/2019/P - 2/7A Thompson Street Frankston - To use the land to sell and consume liquor (restaurant and cafe licence) in conjunction with the continued use of the premises as a food and drink premises (restaurant)****Officers' Assessment****Summary**

<b>Existing Use</b>	Restaurant
<b>Site Area</b>	Approximately 160 square metres (Approximately 170 square metres of red line area, including external footpath seating)
<b>Proposal</b>	To use the land to sell and consume liquor (Restaurant and Cafe Licence)
<b>Zoning</b>	Commercial 1 Zone
<b>Overlays</b>	Special Building Overlay Parking Overlay Schedule 1
<b>Reason for Reporting to Council</b>	Application associated with Liquor

**Background*****Subject Site***

The subject site is located on the western side of Thompson Street in Frankston. The restaurant occupies the tenancy of 2/7A Thompson Street Frankston, with a floor area of approximately 160 square metres. Although this is a new tenancy, the site has been previously used as a restaurant for some time.

***Issues and Discussion***

The subject site is situated within the Frankston Central Activities Area. The area consist of a number of retail uses and food and drink premises.

***Site History***

There are no previous planning permit applications for the site.

***Proposal***

The proposal is to use the land for sale and consumption of liquor in associated with a Section 1 Use (Retail Premises – Restaurant).

The proposed hours of trading under the liquor licence are to be Monday to Sunday - 11am to 11pm.

The number of patrons is to be 37 patrons. 28 Internal and 9 External (footpath).

**State and Local Planning Policy Frameworks**

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

- Clause 17 (Economic Development)
- Clause 21.08 (Economic Development)



**11.1 Town Planning Application 413/2019/P - 2/7A Thompson Street Frankston - To use the land to sell and consume liquor (restaurant and cafe licence) in conjunction with the continued use of the premises as a food and drink premises (restaurant)****Officers' Assessment****Planning Scheme Controls**

A Planning Permit is required pursuant to:

- Clause 52.27 (Licensed Premises): To use land to sell or consume liquor if a licence is required under the Liquor Control Reform Act 1998.

***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, there were no objections received.

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

The proposal is consistent with State and Local Planning Policy which seeks to encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

The proposed liquor licence will improve the viability of the existing business and will assist in the economic growth and future investment for similar uses in an area that is easily accessible and allows for the efficient use of the existing public transport network.

***Clause 52.27 Licence Premises***

Given the controlled nature of the proposed liquor consumption on the site and its intention to be consumed in conjunction with food purchases, it is considered that the proposal will result in minimal impact to the amenity of the surrounding area. They primarily operate around reasonable hours and are located within close distance to public transport to allow for reasonable patron dispersal. As such, the cumulative impact of the amenity of the surrounding area is considered to be minimal.

The proposed sale of liquor is between 11am and 11pm Monday to Sunday. This is consistent with Council's longstanding approach to licensed premises and with liquor licensed hours of other restaurants within Frankston.

The patron numbers are proposed to be 28 internal and 9 external (footpath), it is noted that the restaurant only provided table seating, so this will assist in the management of liquor sale and consumption on the site.

Overall it is considered that the proposal is consistent with the surrounding area and the purpose of Clause 52.27.

***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.

**11.1 Town Planning Application 413/2019/P - 2/7A Thompson Street Frankston - To use the land to sell and consume liquor (restaurant and cafe licence) in conjunction with the continued use of the premises as a food and drink premises (restaurant)****Officers' Assessment****Analysis (Economic and Social Implications)**

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

**Recommendation (Director Community Development)**

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 413/2019/P for to use the land at 2/7A Thompson Street, Frankston to sell and consume liquor (Restaurant and Cafe Licence) subject to the following conditions:

**No Alterations**

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

**Patron Numbers**

2. A maximum of 37 patrons shall be permitted at any one time, unless with the prior written consent of the Responsible authority.

**Hours of Liquor Consumption**

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

**Amenity**

4. The licensee/permit holder shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence/permit relates during or immediately after trading hours authorised by the licence/permit.
5. Noise emissions from the premises must comply with the requirements of the *State Environment Protection Policies (Control of Noise from Commerce, Industry and Trade) No. N-1* (as varied).

**Permit Expiry**

6. This permit will expire if one of the following circumstances applies:
  - The use is not commenced within two years of the date of this permit.
  - The use is discontinued for a period of two (2) years or more.

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

**11.1 Town Planning Application 413/2019/P - 2/7A Thompson Street Frankston - To use the land to sell and consume liquor (restaurant and cafe licence) in conjunction with the continued use of the premises as a food and drink premises (restaurant)****Officers' Assessment****Notes**

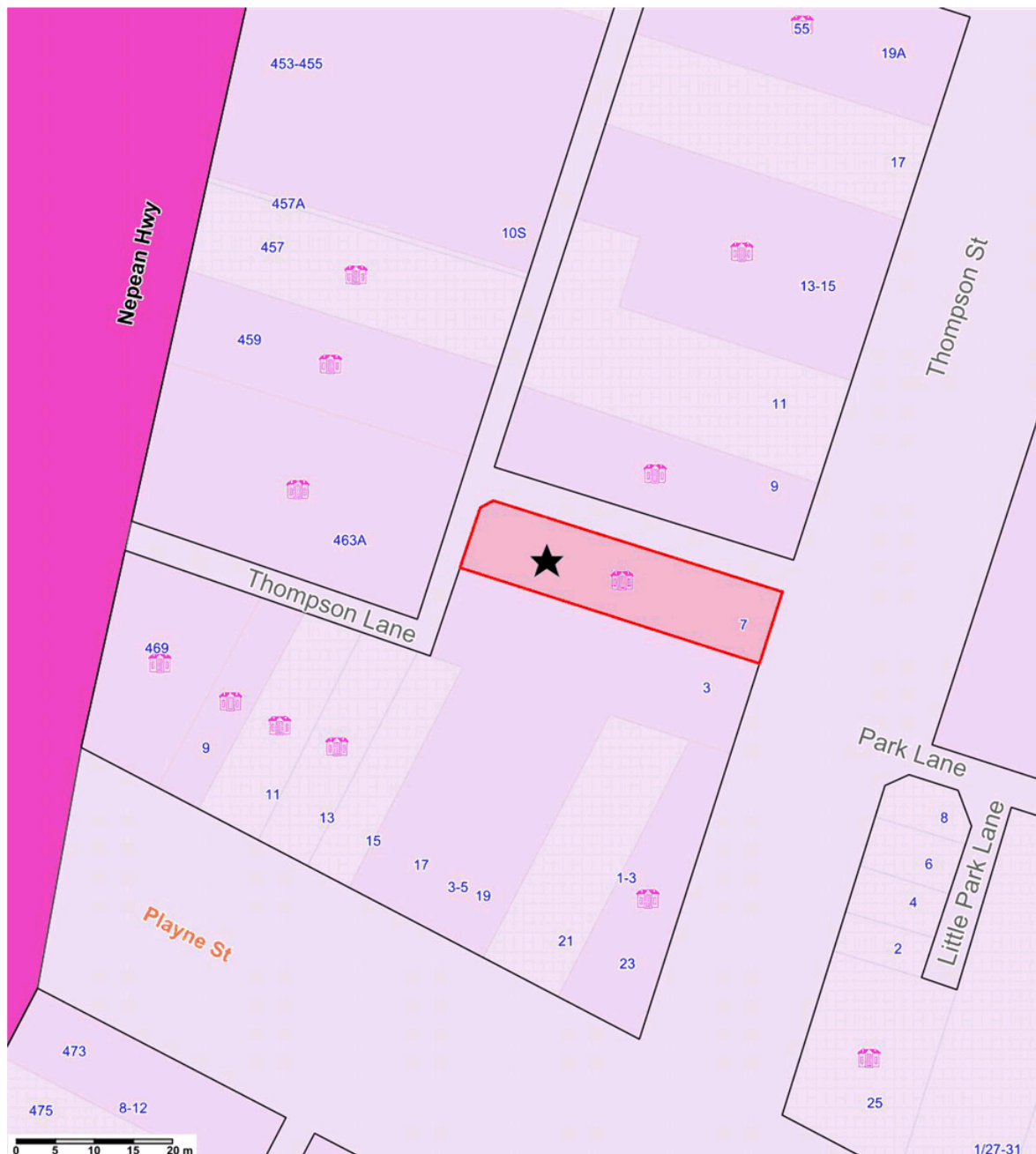
- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- B. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made. Pursuant to Section 69 of the Planning and Environment 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.

- C. 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.

Locality Map - Town Planning Application - 413/2019/P - 2/7A Thompson Street Frankston

★ Subject site No objectors



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Projection: GDA94 / MGA zone 55

Scale: 1:678

Date Printed: 7/01/2020

Time Printed: 2:22 PM

Issued by: Vanessa Neep





Locality Map - Town Planning Application - 413/2019/P - 2/7A Thompson Street Frankston  
Subject site No objectors



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Projection: GDA94 / MGA zone 55

Scale: 1:434

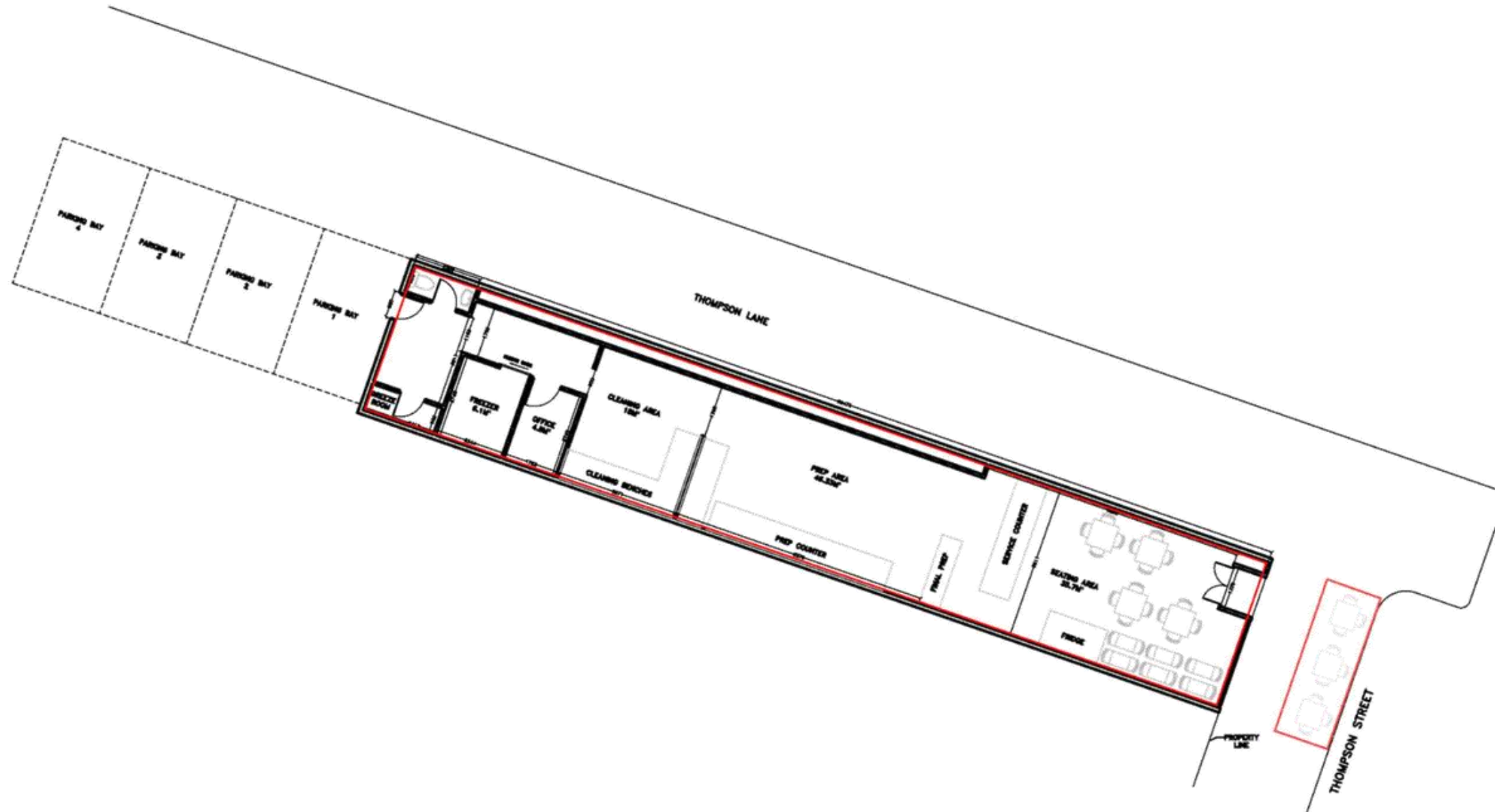
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**SANCHIN PTY LTD**  
Site Address:  
7a Thompson Street, Frankston, Victoria - 3199

Rev	Description	Date
R1	Sketch Design	16/09/2019
Revision History		

Client ID:  
139260971

Project ID:  
9912350

Drawing Title:  
Site Plan



Project Phase:  
**PLANNING APPLICATION**

Drawn by: VC	Drawing scale @ A3: 1:150
Checked by: VC	Date Plotted: 16/09/2019
Layout ID: 11b	Revision: R1



**Executive Summary****11.2 Town Planning Application 224/2019/P - 16 Charlotte Court Frankston South - To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a building or construct or carry out works inside the Tree Protection Zone of substantial trees and to remove substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and carry out works associated with accommodation in a Bushfire Management Overlay (BMO)**

*Enquiries: (Stuart Caldwell: Community Development)*

Council Plan

Community Outcome:	1. Planned City
Strategy:	1.2 Development and Housing
Priority Action	1.2.3 Ensure built form, displays architectural excellence and embodies creative urban design

**Purpose**

This report considers the merits of the planning application to construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a building or construct or carry out works inside the Tree Protection Zone of substantial trees and to remove substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and carry out works associated with the accommodation in a Bushfire Management Overlay (BMO) at 16 Charlotte Court Frankston South.

**Recommendation (Director Community Development)**

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

**Key Points / Issues**

- The application seeks approval for the construction of two (2) side by side double storey dwellings at 16 Charlotte Court in Frankston South.
- The proposal is consistent with the Planning Policy Frameworks, Neighbourhood Character Policy and the planning requirements of the Frankston Planning Scheme, including the Significant Landscape Overlay - Schedule 4, the Bushfire Management Overlay and the Design and Development Overlay – Schedule 9.
- Car parking is provided in accordance with the requirements of Clause 52.06. Council's Multi Dwelling Visitor Car Parking Guidelines do not apply as each dwelling will be provided with a separate driveway.
- As a result of the public notification, five (5) individual objections and one multi-signed objection were received. The grounds of objection are summarised in the report.
- The planning application is being reported to Council as it has been called in by Councillor McCormack.

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

**Financial Impact**

The Victorian Government introduced the "Fair Go Rates" system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

**11.2 Town Planning Application 224/2019/P - 16 Charlotte Court Frankston South - To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a building or construct or carry out works inside the Tree Protection Zone of substantial trees and to remove substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and carry out works associated with accommodation in a Bushfire Management Overlay (BMO)****Executive Summary**

The rate cap over the past four financial years has ranged between 2.0 per cent to 2.5 per cent and has been set at 2.0 per cent for 2020-2021.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council's major source of income, Council's capacity to continue to deliver services and fund its capital programme will be severely restricted.

There are no financial implications associated with this report.

The permit application fee (including advertising fee) paid to Council is \$2443.00. The average cost to process a planning permit application is \$2,264.00, which represents a difference of \$179.

**Consultation****1. Internal Referrals**

The application was referred internally to Drainage and Traffic Engineers and Environmental Planning. They did not object to the proposal, subject to the inclusion of conditions on any permit to be issued.

**2. External Referrals**

The application was referred externally to the Country Fire Authority (CFA) who offered no objection subject to the inclusion of standard conditions on any permit to be issued.

**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, four (4) objections and one petition were received. The grounds of objection are summarised in the officer's assessment contained within this report.

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

The proposal will result in a positive environmental outcome as it allows for the replanting of native and indigenous vegetation on the site, including substantial canopy vegetation.

The proposal will result in positive short and long term economic benefits, through job creation in the construction of the development and accommodating additional residents in the area to support and generate local business.



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**Executive Summary**

The proposal will have a net social benefit to the community through the provision of appropriate housing stock to meet housing demands in an area which is accessible to a wide range of community facilities, services and transport networks.

**Legal / Policy / Council Plan Impact**

Charter of Human Rights and Responsibilities

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

Legal

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

Policy Impacts

Council has assessed the planning permit application in accordance with the relevant State and Local Policy Framework provisions and the Zone and Overlays 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 relevant risk implications.

**Conclusion**

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

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**ATTACHMENTS**

- Attachment A: [↓](#) Locality Map  
Attachment B: [↓](#) Locality Map (Aerial)  
Attachment C: [↓](#) Development Plans

**11.2 Town Planning Application 224/2019/P - 16 Charlotte Court Frankston South - To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a building or construct or carry out works inside the Tree Protection Zone of substantial trees and to remove substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and carry out works associated with accommodation in a Bushfire Management Overlay (BMO)**

### Officers' Assessment

#### Summary

<b>Existing Use</b>	Single dwelling
<b>Site Area</b>	853 square metres
<b>Proposal</b>	To construct two double storey dwellings
<b>Site Cover</b>	39.6%
<b>Permeability</b>	51.0%
<b>Zoning</b>	General Residential Zone
<b>Overlays</b>	<ul style="list-style-type: none"><li>• Design &amp; Development Overlay - Schedule 9</li><li>• Significant Landscape Overlay - Schedule 4</li><li>• Bushfire Management Overlay</li></ul>
<b>Neighbourhood Character Precinct</b>	Frankston South 6
<b>Reason for Reporting to Council</b>	Councillor call in by Councillor McCormack

#### Background

##### **Subject Site**

The subject site is regular in shape and is located on the southern side of Charlotte Court in Frankston South.

The site has front and rear boundaries with a width of 16.5 metres, side boundaries of 51.7 metres and an overall area of approximately 853 square metres. A 2.0 metre wide sewer and drainage easement extends along the rear (south) boundary of the site.

The site has a fall of approximately 2 metres from the rear to Charlotte Court.

The subject site currently contains a single storey dwelling which is well setback from Charlotte Court with a well-established front garden containing a mix of native and exotic trees and shrubs.

The existing dwelling has a single crossover located adjacent to the west (side) boundary which is to be retained.

##### **Locality**

The site is located adjacent to a single storey dwelling to the east, a single storey dwelling to the west and Peninsula City Church to the south. The area is predominantly single detached homes with limited examples of medium density development in the area and along Frankston Flinders Road to the east.

**11.2 Town Planning Application 224/2019/P - 16 Charlotte Court Frankston South - To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a building or construct or carry out works inside the Tree Protection Zone of substantial trees and to remove substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and carry out works associated with accommodation in a Bushfire Management Overlay (BMO)****Officers' Assessment**

The area is characterised by 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.

**Site History**

No previous Planning Permit applications have been made for the subject site.

**Proposal**

The proposal is summarised as:

Dwelling No.	Secluded POS	No. of Bedrooms	No. of car spaces
1	131m <sup>2</sup>	4	Double garage
2	144m <sup>2</sup>	4	Single garage and tandem car space

The dwellings will be a mirror layout of each other with the ground floor comprising of open plan kitchen/living areas, master bedroom, amenities and double garage. The upper storey will contain three bedrooms, living room and bathroom.

Dwelling 1 is proposed to have a front setback 8.42 metres with dwelling 2 setback 10.62 metres.

The garage wall of dwelling 1 is proposed to be built along south side boundary for a length of 6.99 metres. The remainder of the development proposes to have side setbacks of 2.0 metres increasing to 3.05 metres at the upper storey level.

The proposal will have a maximum overall height of 7.38 metres to the top of the central party wall with the majority of the dwellings having a height of 6.9 metres to the highest point of the butterfly roof form.

Building materials are proposed to be render finish of varying shades of grey with timber batten feature wall at the entries to each dwellings. The dwellings are of a contemporary design with a butterfly roof form and a high level of articulation through the use of balconies, staggered setbacks and mix of materials and colours.

All existing vegetation on the site is proposed to be removed.

**11.2 Town Planning Application 224/2019/P - 16 Charlotte Court Frankston South - To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a building or construct or carry out works inside the Tree Protection Zone of substantial trees and to remove substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and carry out works associated with accommodation in a Bushfire Management Overlay (BMO)**

**Officers' Assessment**

**State and Local Planning Policy Frameworks**

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

- Clause 11 Settlement
- Clause 15.01 Built Environment and Heritage
- Clause 16.01 Residential Development

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

- Clause 21.04 Settlement
- Clause 21.07 Housing
- Clause 21.10 Built Environment and Heritage
- Clause 22.08 Neighbourhood Character

**Planning Scheme Controls**

A Planning Permit is required pursuant to:

- Clause 32.08-6 – General Residential Zone of the Frankston Planning Scheme for the construction of two or more dwellings on the lot.
- Clause 43.02 – Significant Landscape Overlay - Schedule 4 of the Frankston Planning Scheme to construct and carry out buildings and works in the tree protection zone of substantial trees and to remove substantial trees.
- Clause 44.06 – Bushfire Management Overlay of the Frankston Planning Scheme to construct a building or construct or carry out works associated with accommodation.

Note: A planning permit is not required under Design and Development Overlay (Schedule 9) as the application meets the requirements of the overlay.

***Notification of Proposal***

The grounds of objection are summarised as follows:

- Overshadowing and if solar panels would be affected by the development.
- Development too large and not in keeping with neighbourhood character.
- Concern about water runoff as development is 600mm higher than adjoining property.
- Lack of access to the rear of the property for emergency services
- Insufficient car parking given that each dwelling will have 4 bedrooms.
- Another crossover will result in the loss of one car space to the court.

**11.2 Town Planning Application 224/2019/P - 16 Charlotte Court Frankston South - To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a building or construct or carry out works inside the Tree Protection Zone of substantial trees and to remove substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and carry out works associated with accommodation in a Bushfire Management Overlay (BMO)**

**Officers' Assessment**

- No other multi-unit developments in the area and will set a precedent for other similar developments.
- The application is fundamentally flawed as it does not take into consideration the key requirements of Victorian Planning Provisions or DDO9.
- Balconies and living areas on the first floor causing overlooking of the street and increase in noise levels from people, music and tv's.
- Lack of information regarding landscaping of the proposed development

A Residents Discussion Meeting was not held at the request of the applicant. The applicant amended the application by making changes to the proposal following the completion of the public notification to address some of the concerns raised by the objections. These plans were circulated to all objectors and adjoining property owners, however, no objections have been withdrawn.

**Referrals**

**Internal Referrals**

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

**Traffic Engineer**

- No objection subject to inclusion of conditions on any permit issued.
- Clause 52.06 specifies visitor car parking at a rate of 1 per 5 dwellings. Two dwelling developments do not generate the requirement for visitor parking.
- One on-street visitor parking space is available within the street frontage (on one side of the street only). As each dwelling is provided with a separate driveway, Council's Visitor Car Parking Guidelines do not apply.

**Drainage Engineer**

- No objection subject to inclusion of conditions on any permit issued.

**Environment Officer**

- No objection subject to inclusion of conditions on any permit issued.
- CFA requirements prevent the retention of Tree 13. The required 5m clearance between the canopies of Tree 13 and the larger / dominant street tree (Tree 18) requested by the CFA cannot be achieved without disfiguring the trees.
- The removal of Tree 13 can be offset by the inclusion of replacement trees within the development landscape plan.
- There are good tree planting opportunities within the amended design.
- The portion of neighbouring Tree 1's radial TPZ (12.0m) that extended NE into the site can remain unaffected.

**11.2 Town Planning Application 224/2019/P - 16 Charlotte Court Frankston South - To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a building or construct or carry out works inside the Tree Protection Zone of substantial trees and to remove substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and carry out works associated with accommodation in a Bushfire Management Overlay (BMO)****Officers' Assessment****External Referrals**

The application has been referred externally to the CFA who offered no objection subject to the inclusion of conditions on any permit issued. A detailed assessment of the proposal against the requirements of the Bushfire Management Overlay is provided later in this report.

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

The proposal is consistent with State and Local Planning Policy which seeks to provide opportunity for appropriate infill development that meets the urban consolidation objectives for Melbourne. The Housing Framework plan contained within Council's Housing Strategy shows that the subject site is located within an area of incremental change. Incremental change areas are established residential areas which provide some opportunity for housing growth and change over time, including some dispersed medium density dwellings, provided developments are well designed and have regard to neighbourhood character. The addition of one dwelling is considered to be incremental growth. Overall, the proposal is considered to have regard for the existing character of the area with its low site coverage, generous setbacks and opportunities for landscaping throughout the site. The area is well positioned to access a range of community facilities and services and good transport networks.

The proposal achieves these objectives by providing additional housing options and improving housing choice. The proposal makes better use of existing infrastructure, incorporates some environmental design principles and respects the preferred neighbourhood character of the area.

It is considered that this proposal will appropriately respond to State and Local Planning Policies.

***Neighbourhood Character and Design Response***

Council's Neighbourhood Character Policy (Clause 22.08) seeks to ensure development is responsive to the key characteristics that make up the preferred character of each precinct. The proposal has been considered against the objectives and design responses of the Frankston South Precinct 6.

*"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 precinct are addressed as follows:

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

The buildings have been designed to largely follow the contours of the site with some earthworks at the rear of the dwellings. Overall, it is considered that the proposal has provided an appropriate response to the slope of the land to minimise the extent of cut and fill required.

**11.2 Town Planning Application 224/2019/P - 16 Charlotte Court Frankston South - To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a building or construct or carry out works inside the Tree Protection Zone of substantial trees and to remove substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and carry out works associated with accommodation in a Bushfire Management Overlay (BMO)**

**Officers' Assessment**

- *To maintain the openness of the streetscape.*

No front fences are proposed ensuring that the openness of the streetscape is maintained.

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

The proposal provides good opportunities for front garden space due to the generous setback of the dwelling from Charlotte Court. While two crossovers are proposed, there are generous areas between the driveways and the boundaries to provide for landscaping consistent with the garden setting of the area.

- *To ensure that adequate space is available on site for retention and planting of vegetation.*

The proposed site coverage is considered to be modest and consistent with that of the existing dwelling and development within the surrounding area. The proposal has a site coverage of less than 40% which enables substantial opportunities for the planting of vegetation.

- *To encourage the extension of the Sweetwater Creek vegetation qualities into the surrounding residential area and to strengthen the garden settings of the dwellings/to encourage the retention and planting of indigenous vegetation.*

Existing vegetation on the site is mostly limited to the front garden which contains a mix of shrubs and low level vegetation consistent with the garden setting of the area. There is no indigenous vegetation on the site. While the proposal requires the removal of all vegetation from the site, the generous setbacks and low site coverage will allow for the replanting of vegetation including large trees. A condition of any permit issued can require the submission of a landscape plan.

- *To reflect the rhythm of existing dwelling spacing.*

The amended proposal is considered to reflect the rhythm of existing dwelling spacing of development within the area. The garage wall of dwelling 1 will be sited along the side boundary. The siting of garage walls along one side boundary is a common feature within the area. The dwellings will be setback a minimum of two metres from all other boundaries which is reflective of the spacing of dwellings within the area.

While duplex style developments are not present within the area, it is considered that this proposal has responded appropriately to its site context and the prevailing pattern of development within the area due to its low site coverage, generous setbacks and opportunities for landscaping.

**Car Parking**

Car parking requirements are specified at Clause 52.06 of the Frankston Planning Scheme. Dwellings with three (3) or more bedrooms require two (2) car parking spaces to each dwelling and the proposal complies.

As there are less than 5 dwellings proposed, no visitor car parking spaces are required. Similarly Council's Multi Dwelling Visitor Car Parking Guidelines do not apply as each dwelling is provided with a separate driveway.



**11.2 Town Planning Application 224/2019/P - 16 Charlotte Court Frankston South - To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a building or construct or carry out works inside the Tree Protection Zone of substantial trees and to remove substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and carry out works associated with accommodation in a Bushfire Management Overlay (BMO)****Officers' Assessment**

The proposal complies with the Design Standards of Clause 52.06-9, with the addition of a condition on the permit to provide for adequate sightlines for pedestrians.

***Clause 55 ResCode Assessment******Site Layout and Building Massing***

The proposal has varied front setbacks to Charlotte Court ranging from 8.4 to 12.3 metres to the garage walls, complying with the objectives of Clause 55 and the DDO9 preference of 7.5 metres.

The maximum building height proposed is 7.4 metres, which is less than the 11 metre maximum height limit permitted under the zone. The overall height of the proposal is less than the maximum of 8.0 metres. The double storey height of the dwellings is further consistent with other double storey dwellings within Charlotte Court.

The site coverage is 39.6% and the permeability is 51%, both consistent with the standard. The coverage is less than the permit trigger in DDO9 of 40% and ensures that space is available for suitable landscaping. Council's Drainage Engineers have nominated requirements to ensure that stormwater flows to the site are managed.

In terms of energy efficiency, the site is located on a north-south long axis. The secluded private open space for each dwelling would receive good solar access. The main living areas are located on the south side of the dwellings however will be provided with east and west facing windows to improve the solar access. Given the orientation of the lot, the siting of the living areas on the south side is not unreasonable.

The entrances to each dwelling will be visible from Charlotte Court and there is opportunity for substantial planting within the front setbacks and within the private open space areas. A detailed landscape plan will be required as a condition of the permit.

Each dwelling is provided with one single-width crossover and will not exceed 40% of the width of the street frontage. Parking is conveniently located for residents.

***Amenity Impacts***

The proposal is low in intensity, being two double storey dwellings with generous setbacks from boundaries allowing for generous secluded private open space areas and soft landscaping opportunities. The eastern wall of garage 1 is proposed to be on the eastern boundary, having a total length of 6.5m which meets the walls on boundaries requirements of Standard B18.

The proposal will not unreasonably impact daylight to existing windows, including north facing windows, as adequate setbacks from the boundaries are maintained.

The submitted shadow diagrams indicate that no significant overshadowing of existing secluded private open space on neighbouring land will occur as a result of the development. Overshadowing to the neighbouring dwelling to the east will occur in the afternoon, however large areas of secluded private open space will retain full solar access throughout the whole day.



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The proposal has given consideration to overlooking of neighbouring properties. The upper level windows on the east and west (side) are provided with highlight windows with a sill height of 1.7m above finished floor level. Overlooking from the balconies at the front of the site is limited to Charlotte Court and to the front gardens of the adjoining dwellings, which will provide passive surveillance and is encouraged.

Proposed locations for noise sources (i.e. air conditioning) have not been nominated on the plans, however it is considered that the development can provide these without impacting neighbouring dwellings. The requirement to note the location of air-conditioning units in an appropriate location can be required as a condition.

***On-Site Amenity & Facilities***

The dwelling entries are easily identifiable from the street and all habitable room windows will have sufficient daylight access.

The dwellings have also been nominated with private open space areas which are in excess of the standard requirements and will have good solar access from both the east and the west.

Six cubic metres of storage has been nominated within the garage to each dwelling.

***Detailed Design***

The proposal generally meets with the objectives and standards for detailed design. It is similar in built form, including the building height, recessed upper storey and setbacks to surrounding dwellings. There is opportunity for landscaping including canopy trees, to enable the dwellings to sit relatively comfortably within its context and the streetscape

No front fences are proposed as part of this development and the front internal boundary fence should be demonstrated on the plans to be open and constructed of natural materials so as to maximise the front garden space.

The design and layout of the dwellings provide sufficient space for services and facilities to be installed and maintained appropriately.

***Bushfire Management Overlay***

Clause 53.02: Bushfire Planning applications to an application for development within a Bushfire Management Overlay.

The proposal is considered to meet the objectives and standards of this clause. The subject site is located within an established residential area where the risk to bushfire can be mitigated. The site does not abut the Frankston Nature Conservation Reserve which is approximately 70 metres from the site and has a fire management plan in place to mitigate risks to the abutting residential properties. The site is located on a public road which ensures emergency access is provided.

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The vegetation management conditions of the overlay require that the canopies of trees be separated by a distance of 5 metres. This will impact on the ability to retain a semi mature tree within the front setback due to its close proximity to a street tree. The street tree is a mature tree with significant landscape qualities and therefore the retention of this tree is considered to be the most appropriate outcome. If a permit were to be issued, a landscape plan will be required which takes into account the vegetation management requirements of the Bushfire Management Overlay.

CFA as the Fire Authority, have reviewed the proposal and have no concerns with it subject to conditions requiring the construction standard to be BAL12.5, provision of a water supply solely for firefighting purposes and management of vegetation. These will be included if a permit were to be issued.

***Vegetation***

The proposal seeks approval to remove all existing vegetation on the site other than a semi mature eucalypt within the front setback. The majority of the existing trees and vegetation on the site are exempt from requiring planning approval as they are either within 10 metres of a dwelling or do not meet the definition of a substantial tree as defined under Schedule 4 to the Significant Landscape Overlay (SLO4). The remaining trees that require planning approval have been assessed by Council's arborist who has no concerns with their removal as the trees are generally in poor condition and health. The applicant has sought to retain Tree 13 which is located towards the front of the site. However, due to CFA requirements for the management of vegetation, the tree is unable to be retained as discussed above.

The proposal is also seeking approval to undertake works within the tree protection zone of the hedge on the adjoining property. Council's arborist has reviewed the proposal and is satisfied that the works will not further impact upon the health of the hedge subject to conditions for the protection of the hedge.

If a permit were to be issued, conditions would be included to require protection of vegetation on adjoining properties and provision of a landscape plan with appropriate planting of canopy trees throughout the site in keeping with the landscape character of the area.

Overall, the relatively low site coverage and generous setbacks of the proposal will assist to ensure that there is substantial space for landscaping and replacement planting reflective of the landscape character of the area as sought by Significant Landscape Overlay (SLO4).

***Minimum Garden Area Requirement***

The site area is 853 square metres and approximately 424.98 square metres, or 49%, has been set aside as garden area, meeting the required percentage of 35%.

***Response to Grounds of Objection***

Most of the concerns raised within the objections have been addressed in the planning assessment above. However, the following matters require further discussion:

**11.2 Town Planning Application 224/2019/P - 16 Charlotte Court Frankston South - To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a building or construct or carry out works inside the Tree Protection Zone of substantial trees and to remove substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and carry out works associated with accommodation in a Bushfire Management Overlay (BMO)**

**Officers' Assessment**

*Objection: The application is fundamentally flawed as it does not take into consideration the key requirements of Victorian Planning Provisions or DDO9.*

Response: As discussed throughout the report, the proposal meets the objectives and standards of Clause 55, the Significant Landscape Overlay, the Bushfire Management Overlay and provides an appropriate response to the prevailing pattern of existing development and the character of the area. The proposal does not require a planning permit under DDO9 as it meets the minimum setbacks and site coverage specified within the overlay.

*Objection: No other multi unit developments in the area and will set a precedent for other similar developments.*

Response: This application is within a street which has not experienced any multi dwelling development as of yet. However, the site is located within an area which has been identified as suitable for incremental development in the Frankston City Council Housing Strategy. The addition of one dwelling is acceptable subject to ensuring a design outcome which is reflective of the character of the area.

*Objection: Concern about water runoff as development is 600mm higher than adjoining property.*

Response: As a condition of any permit issued, the permit holder can be required to provide drainage plans which will ensure that the development does not cause any drainage issues to adjoining properties.

*Objection: Lack of access to the rear of the property for emergency services.*

Response: The proposal has been reviewed by the CFA who have no concerns with the proposal including the access for emergency services.

*Objection: Insufficient car parking given that each dwelling will have 4 bedrooms.*

Response: The Frankston Planning Scheme only requires that two car spaces be provided to each dwelling containing 3 or more bedrooms which this application complies with. The requirements for carparking are regulated by state planning provisions which Council has limited ability to influence. It should be noted that setback of the garage of Dwelling 1 will enable a car to be parked in front of the garage and therefore providing a total of three car spaces for the dwelling.

*Objection: Overshadowing/will the solar panels be affected by the development*

Response: As previously discussed, the proposal will not result in unreasonable overshadowing of the adjoining properties. The extent of overshadowing is well within the maximum allowable under Clause 55 with overshadowing only occurring over small areas of adjoining land.

The proposal will have no impact on the solar panels of 18 Charlotte Court. The solar panels are located on the west side of the roof and will not be overshadowed by the proposed development.

**11.2 Town Planning Application 224/2019/P - 16 Charlotte Court Frankston South - To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a building or construct or carry out works inside the Tree Protection Zone of substantial trees and to remove substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and carry out works associated with accommodation in a Bushfire Management Overlay (BMO)**

**Officers' Assessment**

*Objection: Another crossover will result in the loss of one car space to the court.*

Response: The proposal will result in a loss of space available for car parking within Charlotte Court. However, the proposal still enables the provision of 1 space to the front of the site.

*Objection: Application is not compliant with Clause 54 or Clause 56.*

Response: The application has been assessed under Clause 55 of Rescode and is considered to be highly compliant with the standards and objectives of Clause 55. Clause 54 is the tool used to assess single dwellings on a lot and is not relevant to this application. Since, no subdivision is proposed at this stage, a Clause 56 assessment is not required.

**Conclusion**

The proposal is considered to be consistent with State and Local Planning Policy, Provisions, Zones and Overlays of the Frankston Planning Scheme and will provide for appropriate medium density housing in an existing residential area.

The design of the development is considered to be consistent with existing and preferred neighbourhood character and is an appropriate infill development for the area. The development further provides for landscaping opportunities on an otherwise vacant site and with some minor changes by way of conditions will not have an unreasonable impact on the amenity of the area or neighbouring residents.

**Recommendation (Director Community Development)**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 224/2019/P to construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a building or construct or carry out works inside the Tree Protection Zone of substantial trees and to remove substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and carry out works associated with accommodation in a Bushfire Management Overlay (BMO) at 16 Charlotte Street Frankston South, subject to the following conditions:

**Plans**

1. Before development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be substantially in accordance with the plans submitted with the application (dated 22/11/2019 - revision 5) but modified to show:
  - (a) Location of the water supply for fire fighting purposes on all relevant plans, including the landscape plan, in accordance with Condition 19.
  - (b) An amended Bushfire Management Plan in accordance with Condition 19.
  - (c) Removal of Tree 13.

**11.2 Town Planning Application 224/2019/P - 16 Charlotte Court Frankston South - To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a building or construct or carry out works inside the Tree Protection Zone of substantial trees and to remove substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and carry out works associated with accommodation in a Bushfire Management Overlay (BMO)**

**Officers' Assessment**

- (d) Pedestrian sight splays illustrated for both access ways in accordance with Design Standard 1 of Clause 52.06-9 of the Frankston Planning Scheme.
- (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 and in accordance with the Arborist Report - Development Impact Assessment prepared by Arbor Survey 29 July 2019 to demonstrate canopy width, trunk location and clearly state whether the tree is to be retained or removed.
- (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.
- (g) The location of all external plant and equipment illustrated and located to minimise any potential detriment from noise to adjoining properties.
- (h) Tree Management and Protection Plan for all trees being retained in accordance with Condition 3.
- (i) A landscaping Plan as required by Condition 6.

**No Alterations**

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

**Tree Protection**

- 3. A Tree Management and Protection Plan prepared in accordance with Frankston City Council's 'Arboricultural Report Writing Guide' must be submitted by a suitably qualified and experienced Arborist in relation to the management and protection of all trees to be retained must be approved by the Responsible Authority prior to the commencement of any works (including any demolition, levelling of the site, excavations, tree removal, delivery of building/construction materials and/or temporary buildings). The Tree Management Plan must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following where relevant but not limited to ensuring that the trees remain healthy and viable during and following construction:
  - a) A site plan showing tree protection zones (TPZ) and structural root zones (SRZ), tree protection fence locations and any relocations required and any areas where ground protection systems will be used.
  - b) A clear photograph of each tree.
  - c) Any specific damage/faults evident within each tree prior to demolition or construction of trees to be retained. These photographs must be supplied within the TPMP as a preliminary dilapidation report.
  - d) Restricted activities in the TPZ.
  - e) Key supervision and monitoring stages of the development including pre-demolition, pre-construction, and post construction stages.



**11.2 Town Planning Application 224/2019/P - 16 Charlotte Court Frankston South - To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a building or construct or carry out works inside the Tree Protection Zone of substantial trees and to remove substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and carry out works associated with accommodation in a Bushfire Management Overlay (BMO)**

**Officers' Assessment**

- f) Details of any TPZ encroachments including:
    - i. Details of exploratory root investigation.
    - ii. Alternative construction techniques.
    - iii. Supervision.
  - g) Methods for installation of services e.g.; sewerage, storm water, telecommunications, electricity etc.
  - h) Remedial works for trees to be retained as required including a detailed photographic diagram specifying what pruning will occur.
  - i) Final Certification of Tree protection template.
4. The Final Certification Report Template as required in the Tree Protection Management Plan must be completed and submitted to the satisfaction of the Responsible Authority before the 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. Prior to the commencement of the development (including vegetation removal), Tree Protection Fencing and any other measures as identified in the Tree Management and Protection Plan must be undertaken to the satisfaction of the Responsible Authority.

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

**Landscape Plans**

6. 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. The tree number, T.P.Z., S.R.Z. and notations regarding protection methods during construction of retained trees.
  - c. Buildings on neighbouring properties within three metres of the boundary.
  - d. 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.
  - e. 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.

**11.2 Town Planning Application 224/2019/P - 16 Charlotte Court Frankston South - To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a building or construct or carry out works inside the Tree Protection Zone of substantial trees and to remove substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and carry out works associated with accommodation in a Bushfire Management Overlay (BMO)**

**Officers' Assessment**

- f. A range of plant types from ground covers to large shrubs and trees.
- g. Landscaping and planting within all open areas of the site.
- h. Adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals).
- i. Vegetation management requirements in accordance with the approved Bushfire Management Plan.
- j. 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 to the western dwelling.
- k. A planting theme of a minimum 20% indigenous and 40% native within each plant group.
- l. All existing environmental weed species are to be removed from the site and environmental and noxious weeds found in the 'Sustainable Gardening in Frankston City' (2015) booklet are not to be planted.
- m. The provision of suitable canopy trees (minimum two metres tall when planted) in the areas specified below (trees are not to be sited over easements) with species chosen to be approved by the Responsible Authority:
  - One (1) within the front setback to Dwelling 1 with a minimum mature heights of 10m.
  - Two (2) within the front setback to Dwelling 2 with minimum mature heights of 6m.
  - One (1) within the private open space of Dwelling 2 with a minimum mature height of 6m.
  - Two (2) within the private open space Dwelling 1 of each dwelling with minimum mature heights of 6m.
- 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.
- o. All tree stock used must be in accordance with AS2303-2015 Tree stock for Landscape Use.

**Prior to Occupation**

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

**Drainage**

- 8. Provision of a Stormwater Detention System with a volume capable of retarding the 10 year ARI flow from the development site back to a 5 year ARI pre-development value to the satisfaction of the Responsible Authority.

**11.2 Town Planning Application 224/2019/P - 16 Charlotte Court Frankston South - To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a building or construct or carry out works inside the Tree Protection Zone of substantial trees and to remove substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and carry out works associated with accommodation in a Bushfire Management Overlay (BMO)**

**Officers' Assessment**

9. Prior to commencement of development construction detailed design plans and drainage computations of the internal stormwater drainage system including the method of connection to the existing Council drainage infrastructure are to be submitted and approved to the satisfaction of the Responsible Authority.
10. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
  - On-site stormwater detention and rainwater tanks.
  - Soil percolation.
  - Stormwater harvesting and Re-use of stormwater for garden watering, toilet flushing, etc.
  - On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.
11. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
12. 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.

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.



**11.2 Town Planning Application 224/2019/P - 16 Charlotte Court Frankston South - To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a building or construct or carry out works inside the Tree Protection Zone of substantial trees and to remove substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and carry out works associated with accommodation in a Bushfire Management Overlay (BMO)**

**Officers' Assessment**

**Urban Design**

14. 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.
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.

**CFA Requirements**

18. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

**Bushfire Management Plan**

19. Before the development starts, an amended bushfire management plan (BMP), which is generally in accordance with the BMP produced by Madden Building Group dated 14 August 2019, must be submitted to and endorsed by the Responsible Authority. The plan must 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 to the property boundary where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within three metres 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 five square metres in area and must be separated by at least five metres.

**11.2 Town Planning Application 224/2019/P - 16 Charlotte Court Frankston South - To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a building or construct or carry out works inside the Tree Protection Zone of substantial trees and to remove substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and carry out works associated with accommodation in a Bushfire Management Overlay (BMO)**

**Officers' Assessment**

- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least five metres.
- There must be a clearance of at least two metres between the lowest tree branches and ground level.

**b) Construction standards**

A minimum Bushfire Attack Level of BAL – 12.5 that the building will be designed and constructed.

**c) Water supply**

A minimum 2,500 litres of effective water supply for each unit, solely for fire fighting purposes, 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 firefighting purposes must be made of corrosive resistant metal.
- Include an outlet for use by the occupants.

**Satisfactorily Completed**

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

**Permit Expiry**

21. 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

**11.2 Town Planning Application 224/2019/P - 16 Charlotte Court Frankston South - To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a building or construct or carry out works inside the Tree Protection Zone of substantial trees and to remove substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and carry out works associated with accommodation in a Bushfire Management Overlay (BMO)**

### **Officers' Assessment**

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.

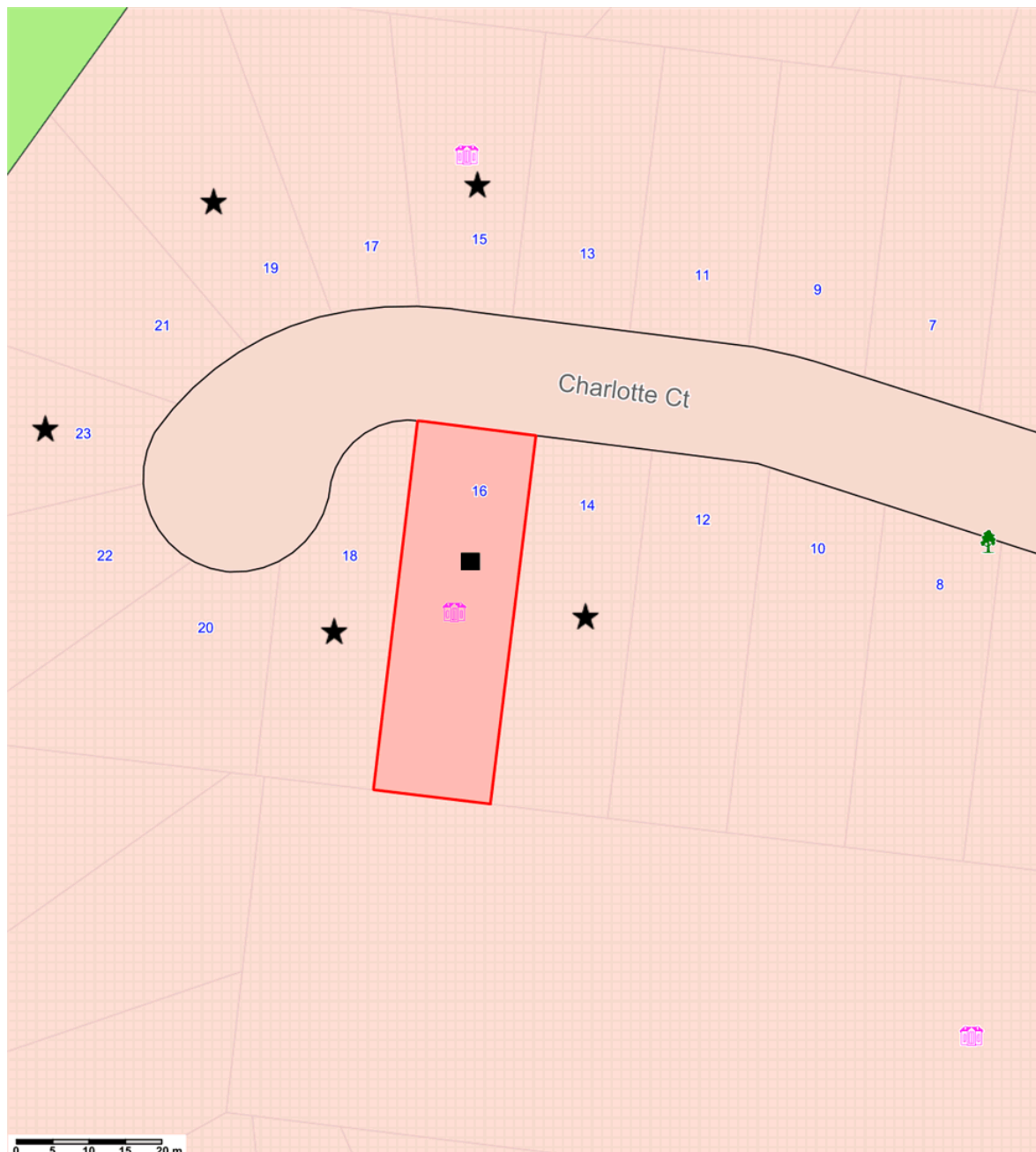
If a request is made out of time, the Responsible Authority cannot consider the request and the permit holder will not be able to apply to VCAT for a review of the matter.

Town Planning Application 224/2019/P – 16 Charlotte Court Frankston South

Subject site



Objectors



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Projection: GDA94 / MGA zone 55

Scale: 1:727

Date Printed: 17/12/2019

Time Printed: 10:37 AM

Issued by: Leah Horne





Town Planning Application 224/2019/P – 16 Charlotte Court Frankston South  
Subject Site



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Projection: GDA94 / MGA zone 55

Scale: 1:727

Date Printed: 17/12/2019

Time Printed: 10:32 AM

Issued by: Leah Horne





## TOWN PLANNING SUBMISSION

### No.16 CHARLOTTE COURT FRANKSTON SOUTH VIC

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A.01.12 - PRESENTATION IMAGES



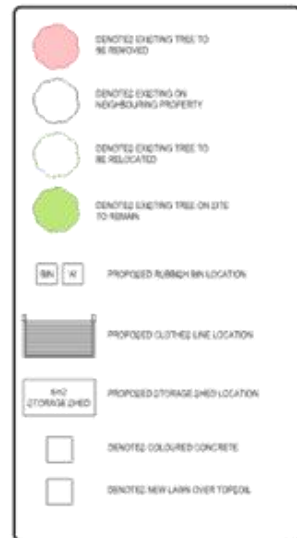
PROJECT NO.	DUAL OCC.
PROJECT NAME	CONCEPT DESIGN
CLIENT	No 16 CHARLOTTE COURT FRANKSTON SOUTH VIC
DESIGNER	WILL HENSHAW

DATE: 28/01/2020  
DRAWN BY: W.H.

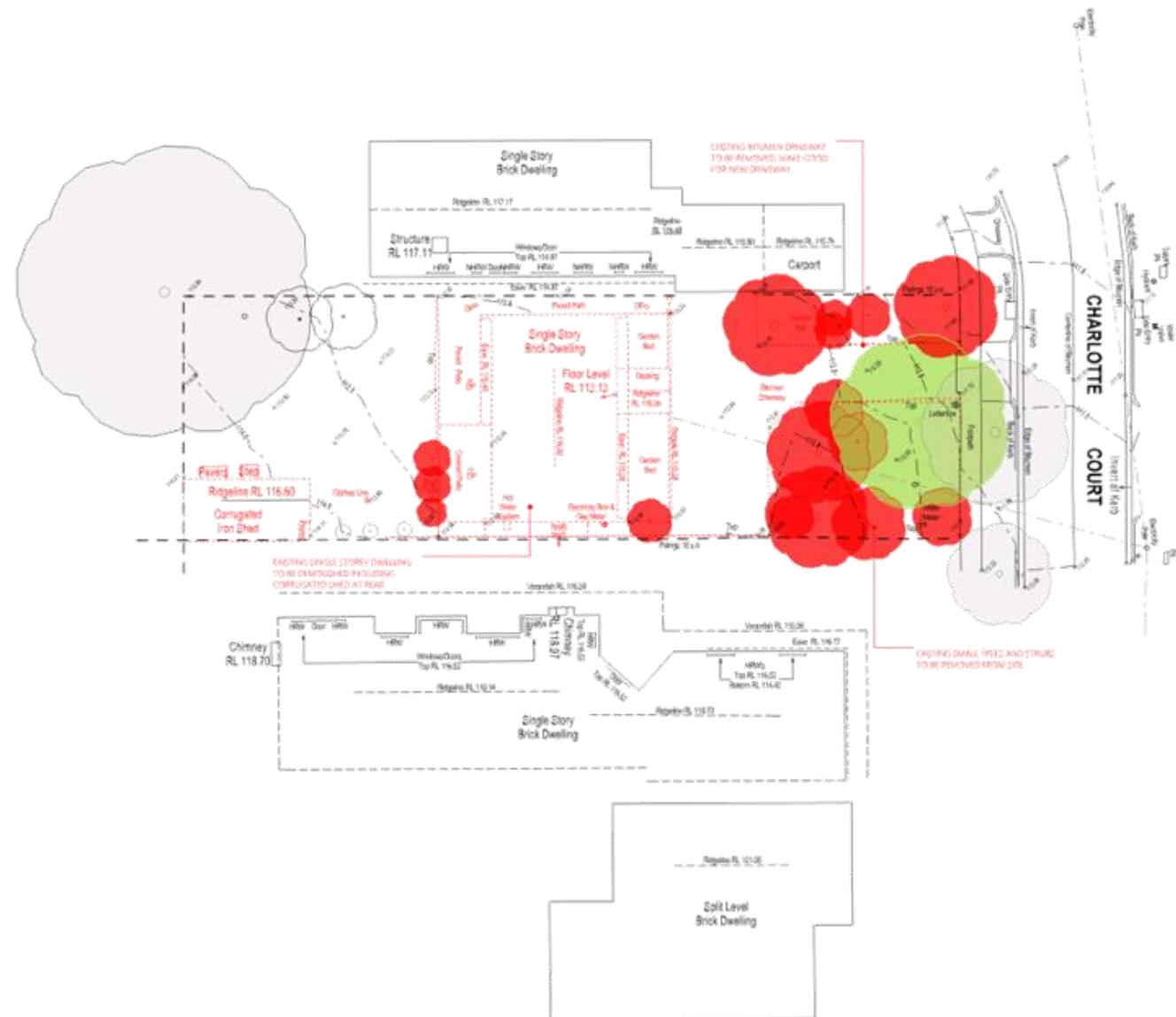
COVER PAGE

DATE: 28/01/2020  
DRAWN BY: W.H.

PROJECT NO.  
**A.01.1**  
PROJECT NAME  
FRANKSTON 2TH  
SCALE  
BS



DUAL OCC  
 CONCEPT DESIGN  
 No 16 CHARLOTTE COURT  
 FRANKSTON SOUTH VIC  
 WILL HENSENWAY



1 SITE FEATURE SURVEY  
 SCALE 1:1000

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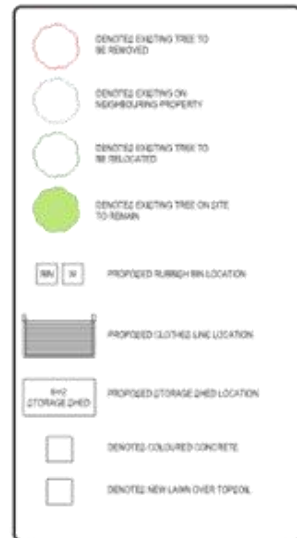
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DRAWING NUMBER  
**A.01.2**  
 PROJECT NAME  
 FRANKSTON GTH  
 SCALE 1:1000







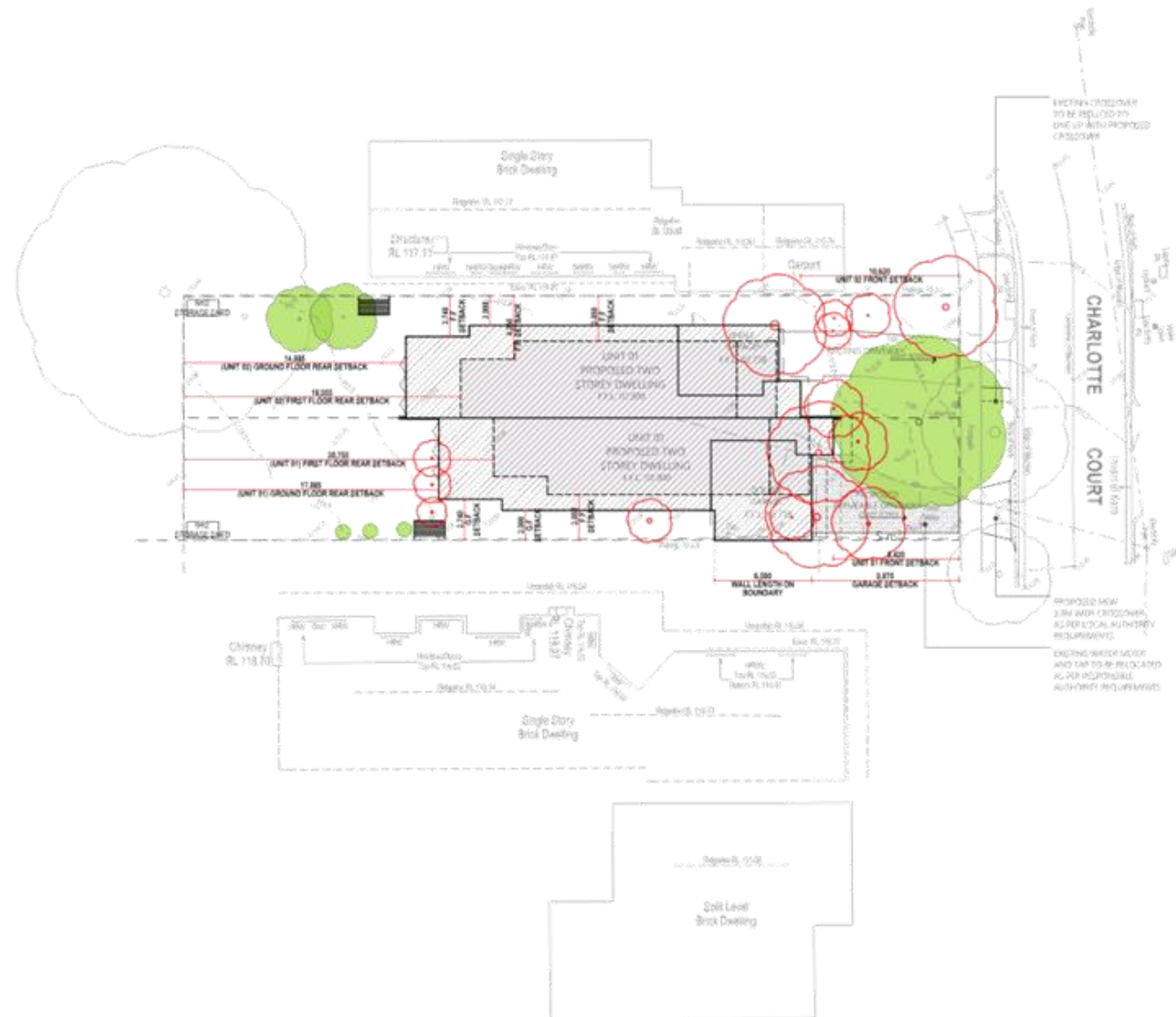


PROJECT TITLE  
 DUAL OCC  
 PROJECT TYPE  
 CONCEPT DESIGN  
 DEVELOPER  
 No 16 CHARLOTTE COURT  
 FRANKSTON SOUTH VIC  
 CLIENT NAME  
 WILL HENSEHAW

SITE AREA CALCULATION			
SITE AREA	881m <sup>2</sup>		
EXISTING SITE COVERAGE	344.22m <sup>2</sup>	39.06%	
PROPOSED SITE COVERAGE	338.80m <sup>2</sup>	38.46%	
HARD SURFACE COVERAGE	97.88m <sup>2</sup>	11.11%	
PERMEABLE AREA	435.3m <sup>2</sup>	49.49%	
DESIGNATED GARDEN AREA	435.3m <sup>2</sup>	49.49%	

**SITE NOTES**  
 1. ALL EXISTING TREES ON SITE TO REMAIN UNLESS OTHERWISE NOTED.  
 2. EXISTING TREES TO BE RELOCATED TO BE RELOCATED TO THE PROPOSED SITE.  
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**GENERAL NOTES**  
 1. ALL EXISTING TREES ON SITE TO REMAIN UNLESS OTHERWISE NOTED.  
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1 PROPOSED SITE PLAN  
DATE: 20/11/2019

DRAWN BY  
 DEAN TAYLOR  
 CHECKED BY  
 WILL HENSEHAW

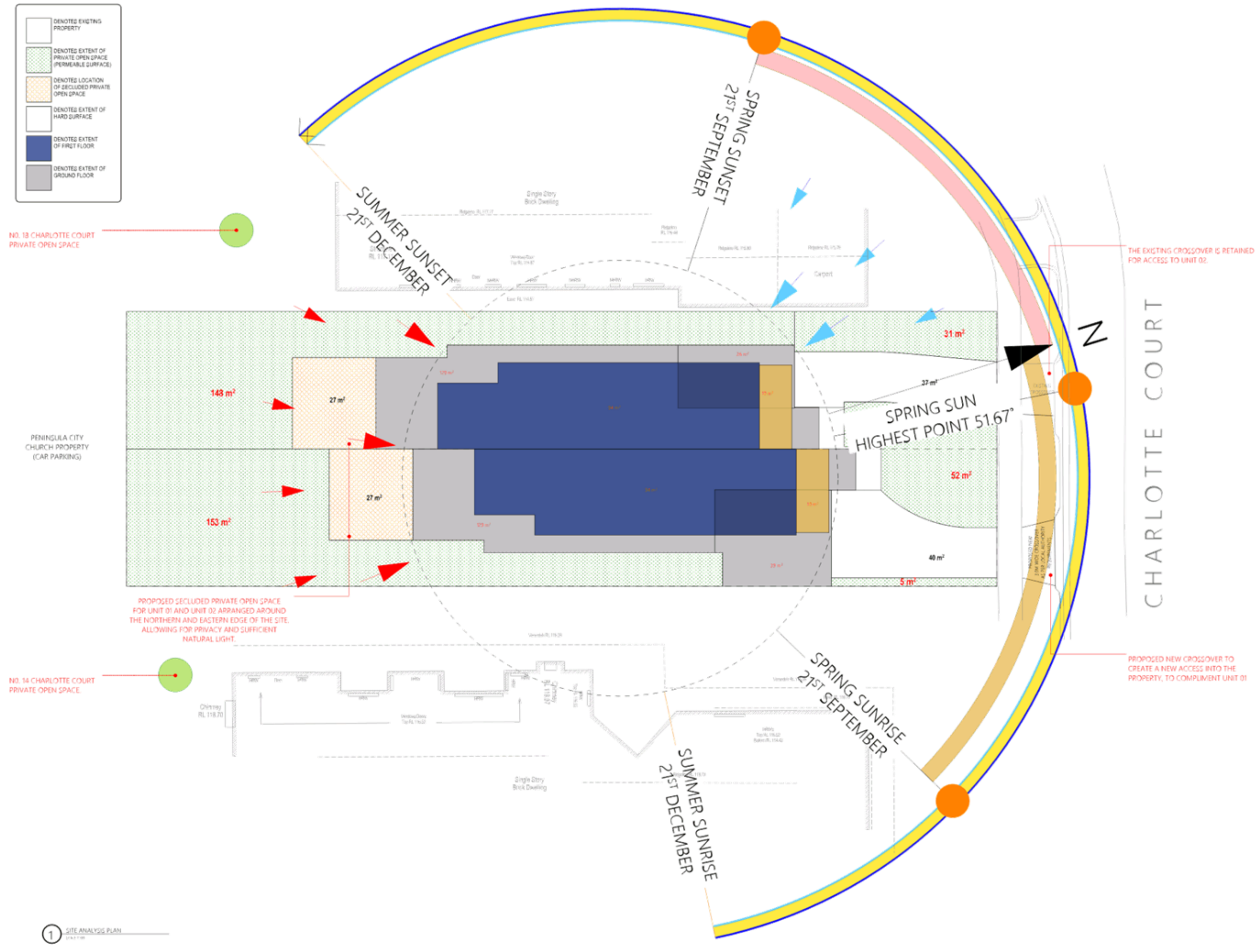


PROJECT TITLE  
 DUAL OCC  
 PROJECT TYPE  
 CONCEPT DESIGN  
 DEVELOPER  
 No 16 CHARLOTTE COURT  
 FRANKSTON SOUTH VIC  
 CLIENT NAME  
 WILL HENSEHAW

PROPOSED SITE PLAN

DATE: 20/11/2019  
 DRAWN BY: DEAN TAYLOR  
 CHECKED BY: WILL HENSEHAW  
 SCALE: A1

DRAWING NUMBER  
**A.01.4**  
 PROJECT NAME  
 FRANKSTON 6TH  
 SCALE  
 1:500



**DUAL OCC**

**CONCEPT DESIGN**

**NO. 16 CHARLOTTE COURT FRANKSTON SOUTH VIC**

**WILL HENDERSON**

**SEPARATION**



**PROPOSED SITE ANALYSIS PLAN**

**DATE: 20/11/2019**

**SCALE: 1:100**

**DRAWING NUMBER**

**A.01.5**

**PROJECT NAME**

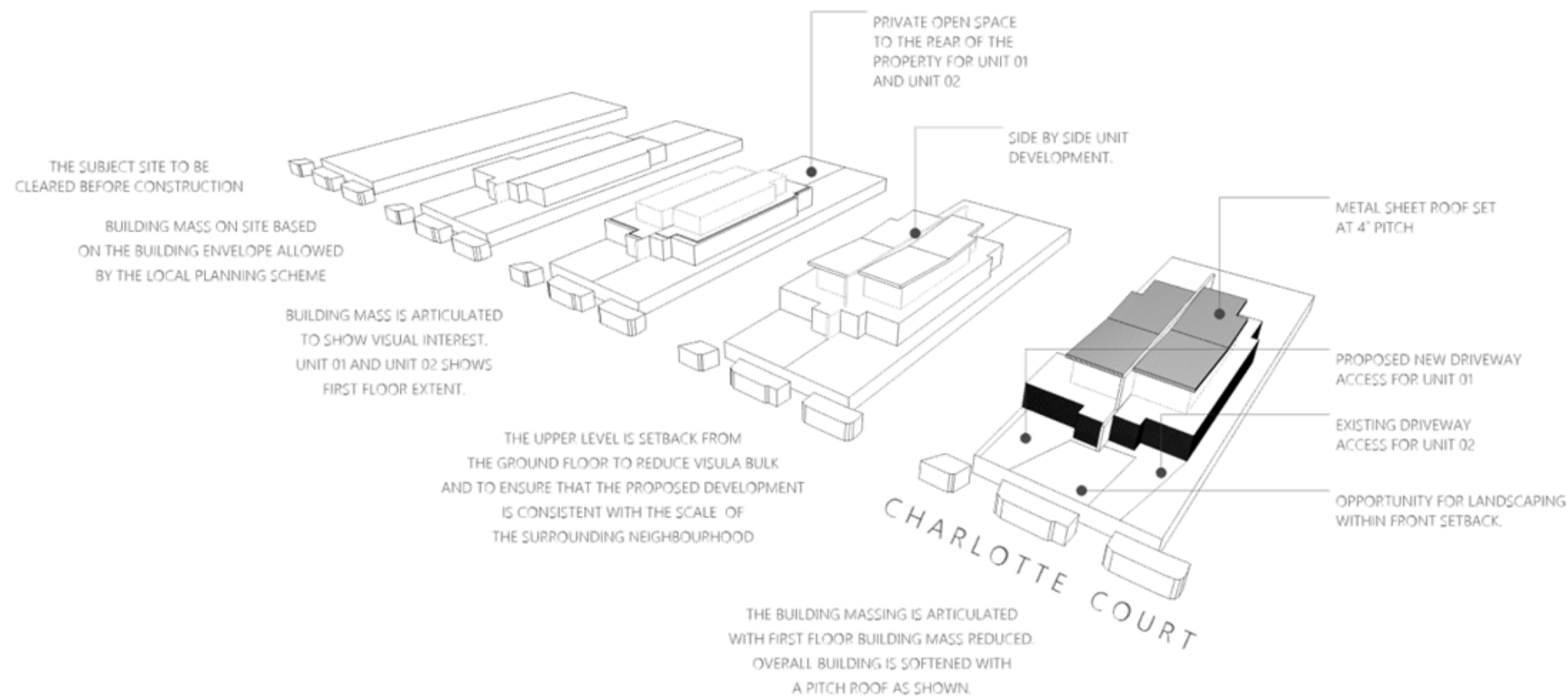
**FRANKSTON 2TH**

**DATE: 20/11/2019**

**SCALE: 1:100**



PROJECT TITLE  
DUAL OCC  
PROJECT TYPE  
CONCEPT DESIGN  
LOCATION  
No 16 CHARLOTTE COURT  
FRANKSTON SOUTH VIC  
CLIENT  
WILL HENDRAY



1 MASSING DIAGRAM  
DATE: 1/1/2020

DATE: 1/1/2020



MASSING DIAGRAM

DATE: 1/1/2020

DATE: 1/1/2020  
PROJECT NAME: FRANKSTON 2TH  
DRAWING NUMBER: A.01.6  
SCALE: 1:500



SITE AREA CALCULATION		
ITEM	AREA (m <sup>2</sup> )	PERCENTAGE (%)
EXISTING SITE COVERAGE	244,220	28.4%
PROPOSED SITE COVERAGE	208,330	24.7%
PROPOSED SURFACE COVERAGE	87,300	10.3%
PERMISSIBLE AREA	425,200	50.0%
DESIGNATED GARDEN AREA	425,200	50.0%

SMOKE ALARM NOTES	
SMOKE ALARM TO COMPLY WITH THE TOWN PLANNING ACT 1977 AND THE FIRE ALARMS ACT 1977.	
DOWNPIPE NOTES	
ALL DOWNPIPES TO BE CONNECTED TO DRAINAGE SYSTEMS OR TO THE PUBLIC SEWERAGE SYSTEM.	

PROPOSED AREA UNIT 1		
ITEM	AREA (m <sup>2</sup> )	PERCENTAGE (%)
GROUND FLOOR	124,540	12.45%
FIRST FLOOR	105,010	10.50%
GARAGE	44,460	4.45%
BALCONY	12,260	1.23%
TOTAL AREA	286,270	28.63%
P.O.D.	100.0%	
S.P.O.D.	20.0%	

PROPOSED AREA UNIT 2		
ITEM	AREA (m <sup>2</sup> )	PERCENTAGE (%)
GROUND FLOOR	124,540	12.45%
FIRST FLOOR	105,010	10.50%
GARAGE	44,460	4.45%
BALCONY	12,260	1.23%
TOTAL AREA	286,270	28.63%
P.O.D.	100.0%	
S.P.O.D.	20.0%	

EXISTING DWELLING AREA		
ITEM	AREA (m <sup>2</sup> )	PERCENTAGE (%)
GROUND FLOOR	140,810	14.08%
FIRST FLOOR	6,310	0.63%
P.O.D. CARPORT	2,210	0.22%
PORCH	2,310	0.23%
TOTAL AREA	151,640	15.16%
P.O.D.	100.0%	
S.P.O.D.	20.0%	



PROJECT NO.  
DUAL OCC.  
CONCEPT DESIGN  
No 16 CHARLOTTE COURT  
FRANKTON SOUTH VIC  
DATE: 20/11/2019  
WILL HENDRICK

LEGEND

- RED CIRCLE: DENOTES EXISTING TREE TO BE REMOVED
- WHITE CIRCLE: DENOTES EXISTING ON NEIGHBOURING PROPERTY
- GREEN CIRCLE: DENOTES EXISTING TREE TO BE RELOCATED
- GREEN CIRCLE: DENOTES EXISTING TREE ON SITE TO REMAIN
- BN: PROPOSED RUBBER BIN LOCATION
- CL: PROPOSED CLOTHES LINE LOCATION
- SHO STORAGE SHED: PROPOSED STORAGE SHED LOCATION
- COLOURED CONCRETE: DENOTES COLOURED CONCRETE
- NEW LAMP OVER TOPSOL: DENOTES NEW LAMP OVER TOPSOL



1 PROPOSED GROUND FLOOR PLAN



PROPOSED GROUND FLOOR PLAN  
DATE: 20/11/2019  
DRAWING NUMBER  
**A.01.7**  
PROJECT NAME: FRANKTON 6TH

SITE AREA CALCULATION			
SITE AREA	35.0m <sup>2</sup>		
EXISTING SITE COVERAGE	244.22m <sup>2</sup>	69.48%	
PROPOSED SITE COVERAGE	208.39m <sup>2</sup>	59.51%	
PERMEABLE COVERAGE	87.30m <sup>2</sup>	24.94%	
PERMEABLE AREA	425.29m <sup>2</sup>	120.38%	
DESIGNATED GARDEN AREA	425.29m <sup>2</sup>	120.38%	

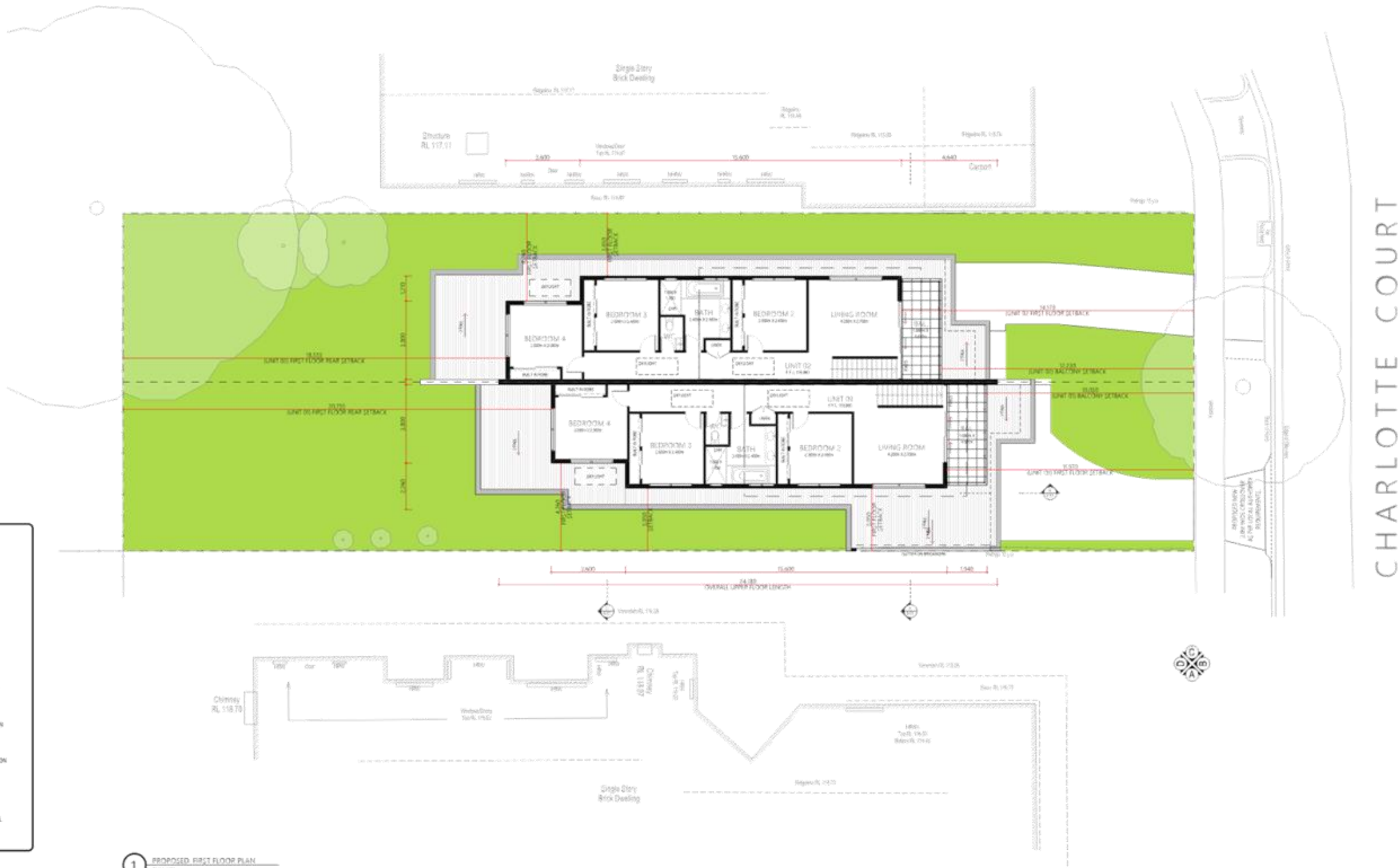
SMOKE ALARM NOTES	
SMOKE ALARMS TO COMPLY WITH THE REQUIREMENTS OF THE BUILDING RULES AND NATIONAL FIRE PROTECTION ASSOCIATION RECOMMENDATIONS	
DOWNPIPE NOTES	
ALL DOWNPIPES TO BE CONNECTED TO A DRAIN OR TO A DRAINAGE SYSTEM AS PER THE REQUIREMENTS OF THE BUILDING RULES AND NATIONAL FIRE PROTECTION ASSOCIATION RECOMMENDATIONS	

PROPOSED AREA UNIT 1			
GROUND FLOOR	124.54m <sup>2</sup>	12.45m <sup>2</sup>	
FIRST FLOOR	124.54m <sup>2</sup>	12.45m <sup>2</sup>	
GARAGE	44.46m <sup>2</sup>	4.45m <sup>2</sup>	
BALCONY	12.36m <sup>2</sup>	1.24m <sup>2</sup>	
TOTAL AREA	205.90m <sup>2</sup>	20.59m <sup>2</sup>	
P.O.D.	100.00m <sup>2</sup>		
S.P.O.D.	20.59m <sup>2</sup>		

PROPOSED AREA UNIT 2			
GROUND FLOOR	124.54m <sup>2</sup>	12.45m <sup>2</sup>	
FIRST FLOOR	124.54m <sup>2</sup>	12.45m <sup>2</sup>	
GARAGE	44.46m <sup>2</sup>	4.45m <sup>2</sup>	
BALCONY	12.36m <sup>2</sup>	1.24m <sup>2</sup>	
TOTAL AREA	205.90m <sup>2</sup>	20.59m <sup>2</sup>	
P.O.D.	100.00m <sup>2</sup>		
S.P.O.D.	20.59m <sup>2</sup>		

EXISTING DWELLING AREA			
GROUND FLOOR	140.8m <sup>2</sup>	14.08m <sup>2</sup>	
FIRST FLOOR	140.8m <sup>2</sup>	14.08m <sup>2</sup>	
PATIO/PORTICO	22m <sup>2</sup>	2.2m <sup>2</sup>	
PORCH	22m <sup>2</sup>	2.2m <sup>2</sup>	
TOTAL AREA	325.6m <sup>2</sup>	32.56m <sup>2</sup>	
P.O.D.	140.8m <sup>2</sup>		
S.P.O.D.	22m <sup>2</sup>		

- EXISTING TREE TO BE REMOVED
- EXISTING TREE ON NEIGHBOURING PROPERTY
- EXISTING TREE TO BE RELOCATED
- EXISTING TREE ON SITE TO REMAIN
- PROPOSED BURIAL RAIL LOCATION
- PROPOSED CLOTHES LINE LOCATION
- PROPOSED STORAGE SHED LOCATION
- EXISTING COLOURED CONCRETE
- EXISTING NEW LAWN OVER TOPSOIL



PROJECT NO.  
DUAL OCC.  
PROJECT NAME  
CONCEPT DESIGN  
PROJECT ADDRESS  
No 16 CHARLOTTE COURT  
FRANKSTON SOUTH VIC  
PROJECT NO.  
WILL HENDERSON

CHARLOTTE COURT

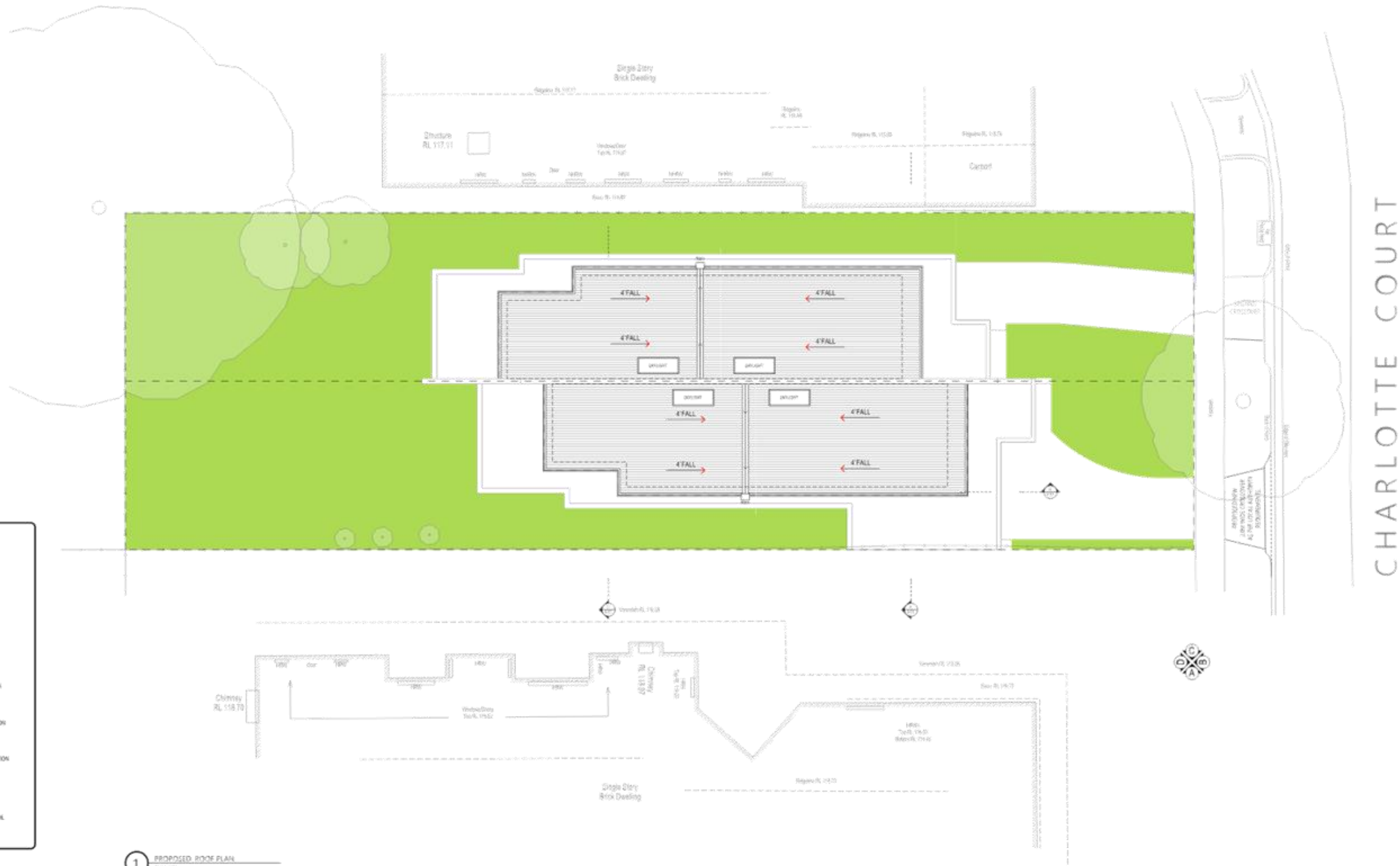











PROPOSED FIRST FLOOR  
PLAN  
DATE  
20/11/2019  
DRAWING NO.  
A.01.8  
PROJECT NAME  
FRANKSTON 6TH  
SCALE  
AS SHOWN

**SMOKE ALARM NOTES**  
UNLESS OTHERWISE SPECIFICALLY NOTED, THE UNIT IS  
CONNECTED TO DOWNPIPE WITH A POWER-WIRE  
RETURN CONNECTION.

**DOWNPIPE NOTES**  
ALL DOWNPIPING TO BE CONNECTED TO DRAINAGE POINT  
OF DISCHARGE AS PER THE REQUIREMENTS  
AUTHORITY FOR RECOMMENDATIONS AND  
LOCAL CODES.

EXISTING DWELLING AREA	
GROUND FLOOR:	142.3m <sup>2</sup> 15.28 aap
FIRST FLOOR:	6.0m <sup>2</sup> 0.6 aap
PRO. CARPORT:	22m <sup>2</sup> 2.36 aap
POSS:	2.0m <sup>2</sup> 0.21 aap
<b>TOTAL AREA:</b>	<b>172.3m<sup>2</sup> 17.97 aap</b>
P.O.D.:	142.3m <sup>2</sup>
S.P.O.D.:	28m <sup>2</sup>



- |   |   |
|---|---|
|  | DENOTES EXISTING TREE TO BE REMOVED       |
|  | DENOTES EXISTING ON NEIGHBOURING PROPERTY |
|  | DENOTES EXISTING TREE TO BE RELOCATED     |
|  | DENOTES EXISTING TREE ON SITE TO REMAIN   |
|  | PROPOSED BURNISH RAIL LOCATION            |
|  | PROPOSED CLOTHES LINE LOCATION            |
|  | PROPOSED STORAGE SHED LOCATION            |
|  | DENOTES COLOURED CONCRETE                 |
|  | DENOTES NEW LAWN OVER TOPSOIL             |





**GLAZING NOTE**  
ALL GLAZING TO BE SUPPLIED BY THE CLIENT TO BE INSTALLED IN ACCORDANCE WITH THE SUPPLIER'S INSTRUCTIONS.

**WINDOW NOTES**  
ALL WINDOWS AND GLAZING TO BE SUPPLIED BY THE CLIENT TO BE INSTALLED IN ACCORDANCE WITH THE SUPPLIER'S INSTRUCTIONS. ALL WINDOWS TO BE SUPPLIED WITH GLAZING UNITS TO BE INSTALLED IN ACCORDANCE WITH THE SUPPLIER'S INSTRUCTIONS. ALL WINDOWS TO BE SUPPLIED WITH GLAZING UNITS TO BE INSTALLED IN ACCORDANCE WITH THE SUPPLIER'S INSTRUCTIONS.

**STRUCTURAL TIMBER WORK**  
ALL STRUCTURAL TIMBER WORK TO BE SUPPLIED BY THE CLIENT TO BE INSTALLED IN ACCORDANCE WITH THE SUPPLIER'S INSTRUCTIONS. ALL STRUCTURAL TIMBER WORK TO BE SUPPLIED BY THE CLIENT TO BE INSTALLED IN ACCORDANCE WITH THE SUPPLIER'S INSTRUCTIONS. ALL STRUCTURAL TIMBER WORK TO BE SUPPLIED BY THE CLIENT TO BE INSTALLED IN ACCORDANCE WITH THE SUPPLIER'S INSTRUCTIONS.

**GLAZING NOTES**  
ALL GLAZING TO BE SUPPLIED BY THE CLIENT TO BE INSTALLED IN ACCORDANCE WITH THE SUPPLIER'S INSTRUCTIONS.

MATERIAL AND FINISHES SCHEDULE						
EXC.01	EXC.02	EXC.03	EXC.04	EXC.05	RC.06	WF.07
RENDERED BRICKWORK CLADDING COLOUR: "DARK GREY" FINISH: "QUALITY FINISH"	EXTERNAL TIMBER BATTING NATURAL TIMBER COLOUR: "STAINED" FINISH: "STAINED"	RENDERED FC SHEET "PARTY WALL" COLOUR: "GREY" FINISH: "RENDER"	RENDERED FC SHEET "PARTY WALL" COLOUR: "GREY" FINISH: "RENDER"	RENDERED FC SHEET "PARTY WALL" COLOUR: "DARK GREY" FINISH: "RENDER"	METAL ROOF CLADDING COLOUR: "MONUMENT" FINISH: "POWDER COAT"	ALUMINIUM FRAME WINDOW DOORS COLOUR: "MONUMENT" FINISH: "POWDER COAT"

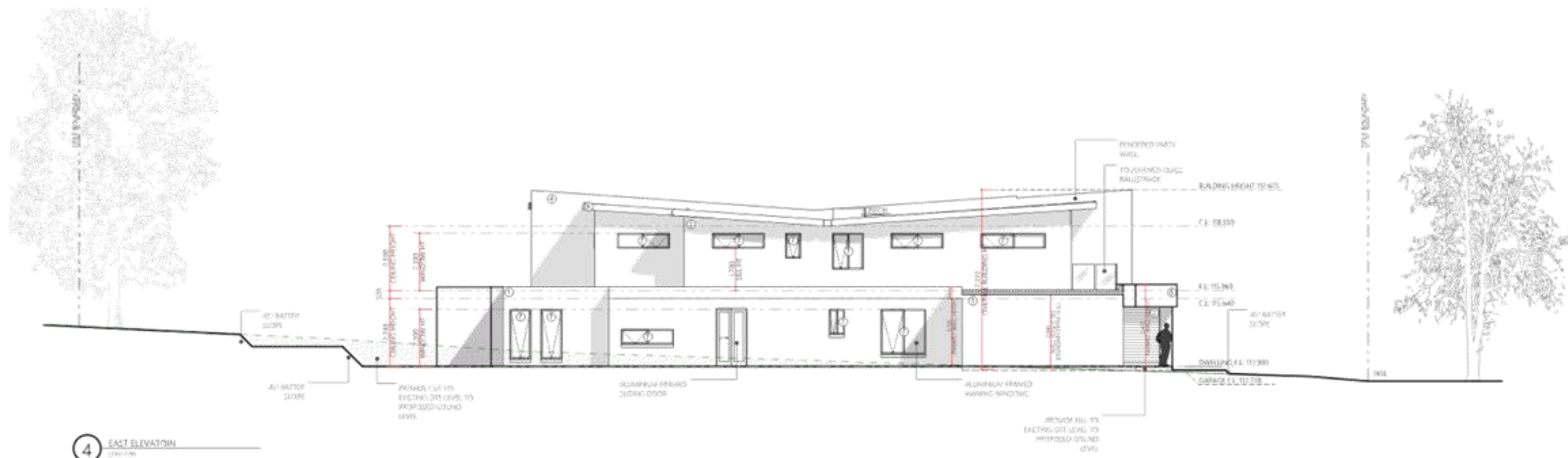


PROJECT TITLE  
DUAL OCC

PROJECT TYPE  
CONCEPT DESIGN

CLIENT  
No 16 CHARLOTTE COURT  
FRANKSTON SOUTH VIC

DATE  
WILL HENSHAW

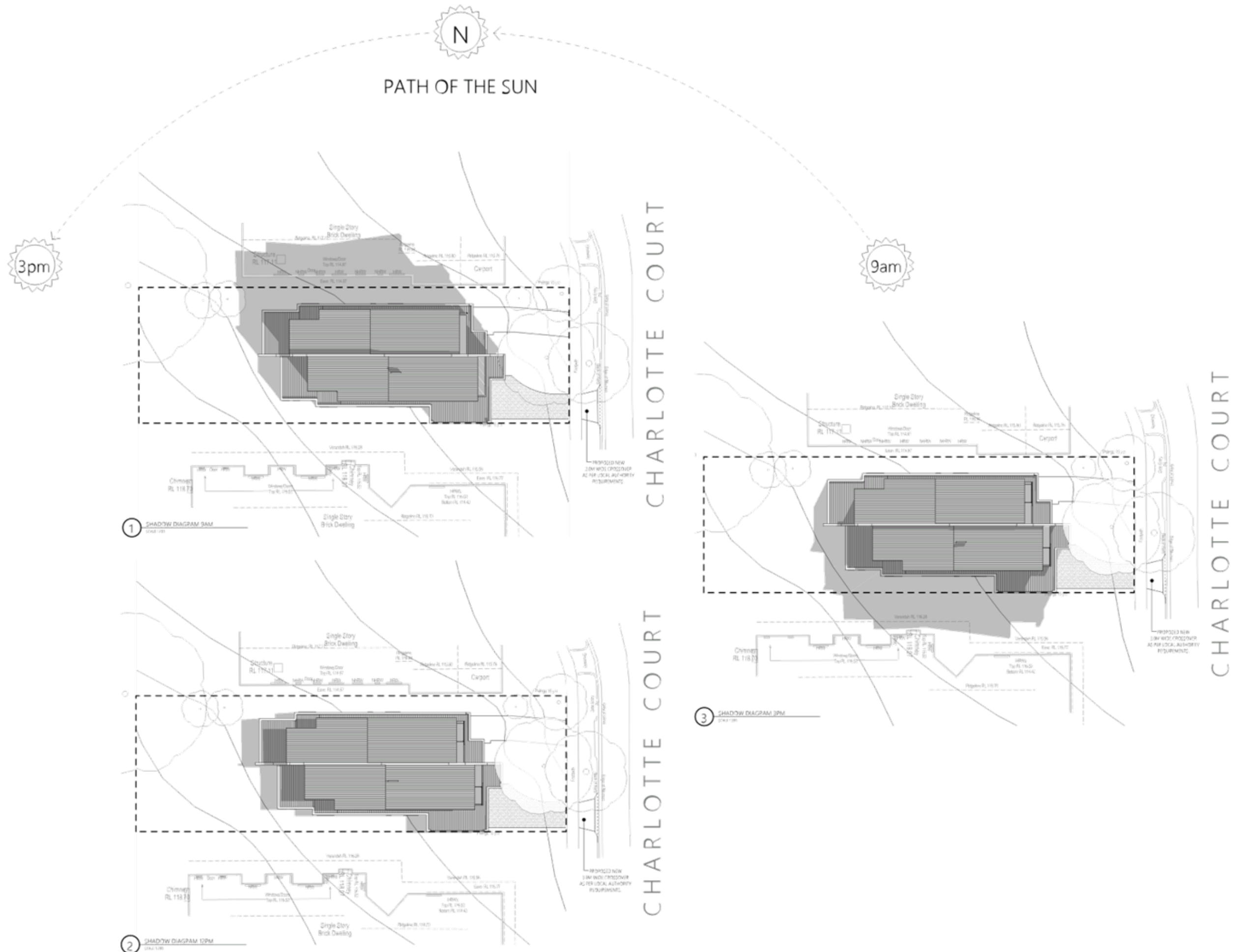


SCALE  
1:50

PROPOSED ELEVATIONS  
DATE  
20/11/2019  
DRAWN BY  
A1  
CHECKED BY  
A1  
PROJECT NAME  
FRANKSTON 6TH  
DRAWING NUMBER  
A.01.10  
SCALE  
1:50



PROJECT NO.  
DUAL OCC  
PROJECT NAME  
CONCEPT DESIGN  
LOCATION  
No 16 CHARLOTTE COURT  
FRANKSTON SOUTH VIC  
CLIENT  
WILL HENDERSON



DATE  
28/1/2020



SHADOW DIAGRAM

DATE  
28/1/2020

PROJECT NO.  
DUAL OCC

PROJECT NAME  
CONCEPT DESIGN

LOCATION  
No 16 CHARLOTTE COURT  
FRANKSTON SOUTH VIC

CLIENT  
WILL HENDERSON

DATE  
28/1/2020

PROJECT NO.  
DUAL OCC

PROJECT NAME  
CONCEPT DESIGN

LOCATION  
No 16 CHARLOTTE COURT  
FRANKSTON SOUTH VIC

CLIENT  
WILL HENDERSON



PROJECT NO:  
DUAL OCC  
PROJECT NAME:  
CONCEPT DESIGN  
DRAWN BY:  
No 16 CHARLOTTE COURT  
FRANKSTON SOUTH VIC  
CHECKED BY:  
WILL HENSHAW



① NORTHEAST ELEVATION  
(1/20)



② NORTH ELEVATION  
(1/20)



③ SOUTH ELEVATION  
(1/20)

DATE: 28/01/2020  
DRAWN BY: W.H.

PROJECT NAME:  
PRESENTATION IMAGES

DATE: 28/01/2020  
DRAWN BY: W.H.

PROJECT NAME:  
FRANKSTON 6TH  
DRAWING NUMBER:  
**A.01.12**  
SCALE: 1/50

**Executive Summary****11.3 Planning permit 161/2011/P - Extension of time request - 10-12 Davey Street Frankston - Part demolition of buildings and works in a Heritage Overlay, construction of a fourteen (14) storey building with four levels of basement car parking, use for dwellings and cafe, reduction in car parking requirements and a waiver of loading bay requirements**

*Enquiries: (Stuart Caldwell: Community Development)*

Council Plan

Community Outcome:	1. Planned City
Strategy:	1.2 Development and Housing
Priority Action	1.2.2 Attract high density residential apartments and commercial office accommodation

**Purpose**

This report considers the merits of a request to extend the expiry date for completion of Planning Permit 161/2011/P which allows the part demolition of building and works in a Heritage Overlay, construction of a fourteen (14) storey building with four levels of basement car parking, use for dwellings and café, reduction in car parking requirements and a waiver of loading bay requirements at 10-12 Davey Street Frankston.

**Recommendation (Director Community Development)**

That Council resolves to refuse the request for an extension of time to the expiry date for completion of planning permit 161/2011/P for 10-12 Davey Street Frankston on the grounds included in this report.

**Key Points / Issues**

- At the 16 May 2011 Council meeting, Council resolved to grant planning permit 161/2011/P for the partial demolition of building and works in a Heritage Overlay, construction of a fourteen (14) storey building with four levels of basement car parking, use for dwellings and café, reduction in car parking requirements and a waiver of loading bay requirements at 10-12 Davey Street Frankston.
- Works approved for the partial demolition of the existing heritage dwellings has taken place in accordance with the planning permit within the prescribed timeframe in accordance with condition 37.
- Condition 37 provided two (2) years for the commencement of the development and four (4) years for completion. An extension of time was granted on 26 November, 2015 allowing a further one (1) year for the commencement. The date for completion was not extended and remained at 16 November 2019.
- A written request has been received within the prescribed time that seeks to extend the expiry of the permit for completion for a period of one (1) year.
- It is recommended that the request to extend the planning permit be refused as it is unlikely a new permit would be granted for the development when assessed against current planning policy and limitations of access; and on the basis that the existing permit is being “warehoused”.

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

**11.3 Planning permit 161/2011/P - Extension of time request - 10-12 Davey Street Frankston - Part demolition of buildings and works in a Heritage Overlay, construction of a fourteen (14) storey building with four levels of basement car parking, use for dwellings and cafe, reduction in car parking requirements and a waiver of loading bay requirements****Executive Summary****Financial Impact**

The Victorian Government introduced the “Fair Go Rates” system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past four financial years has ranged between 2.0 per cent to 2.5 per cent and has been set at 2.0 per cent for 2020-2021.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council’s major source of income, Council’s capacity to continue to deliver services and fund its capital programme will be severely restricted.

There are no financial implications associated with this report.

There are financial costs, however, these costs can be accommodated within existing budgets.

The application fee paid to Council is \$525. The average cost to process a planning application is \$1,729.

**Consultation****1. External and External Referrals**

There were no internal or external referrals required.

**Notification of Proposal**

A request for an extension of time to a Planning Permit is exempt from the notice requirements of Section 52 of the *Planning and Environment Act 1987*.

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

At the time of the original assessment of the proposal it was considered the development would result in positive economic and social benefits.

Other than the partial demolition of the existing heritage dwellings no further works have taken place and the perceived nett community benefit to the wider Frankston community has not been achieved.

The partial demolition of the heritage dwellings without the benefit of being incorporated into the approved development leaves the heritage fabric at risk of deterioration if not maintained.

**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.



**11.3 Planning permit 161/2011/P - Extension of time request - 10-12 Davey Street Frankston - Part demolition of buildings and works in a Heritage Overlay, construction of a fourteen (14) storey building with four levels of basement car parking, use for dwellings and cafe, reduction in car parking requirements and a waiver of loading bay requirements****Executive Summary**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 a permit expiry within six (6) months of the expiry date if the development has not been completed. The request has been made within the specified timeframe.

Policy Impacts

Council has assessed the request for an extension of time to the permit in accordance with State and Local Planning Policy provisions, zones, overlays, relevant particular and general provisions of the Frankston Planning Scheme as well as the Frankston Metropolitan Activity Centre Structure Plan May 2015.

Officer's Declaration of Interests

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

**Risk Mitigation**

There are no risks associated with the proposal.

**Conclusion**

The development allowed is not consistent with the strategic directions of the Frankston Metropolitan Activity Centre Structure Plan as the scale and height of the development substantially exceeds that preferred.

The Heritage controls covering the site continue to afford some protection of the remaining heritage fabric as well as other relevant legislation including the *Building Act 1993* and Council's local by-laws.

The conditional approval requirements, including the upgrading and widening of Bay Lane have not been resolved. Since the partial demolition of the heritage fabric there has been no works undertaken to commence the build proper. The subject land has been sold and now forms part of a larger development parcel.

It appears that the permit holder is "warehousing" the permit and does not intend to construct the permitted development.

Given the circumstances it is considered that it would not be proper and orderly planning to support an extension of time of this permit at this stage

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**ATTACHMENTS**

- Attachment A: [↓](#) Locality Map - Zoning
- Attachment B: [↓](#) Locality Map - Aerial
- Attachment C: [↓](#) Copy of Planning Permit 161/2011/P
- Attachment D: [↓](#) Extension of Time Request

**11.3 Planning permit 161/2011/P - Extension of time request - 10-12 Davey Street Frankston - Part demolition of buildings and works in a Heritage Overlay, construction of a fourteen (14) storey building with four levels of basement car parking, use for dwellings and cafe, reduction in car parking requirements and a waiver of loading bay requirements****Officers' Assessment****Summary**

<b>Existing Use</b>	No existing use as dwellings partially demolished
<b>Site Area</b>	1581m <sup>2</sup>
<b>Proposal</b>	Extend the expiry date for completion of the permit for the "Part demolition of building and works in a Heritage Overlay, construction of a fourteen (14) storey building with four levels of basement car parking, use for dwellings and café, reduction in car parking requirements and a waiver of loading bay requirements"
<b>Zoning</b>	Commercial 1 Zone
<b>Overlays</b>	Heritage Overlay (HO49) Parking Overlay
<b>Reason for Reporting to Council</b>	Councillor interest

**Background**Planning Permit 161/2011/P

Planning permit 161/2011/P was issued on 16 November 2011 for the "part demolition of building and works in a Heritage Overlay, construction of a fourteen (14) storey building with four levels of basement car parking, use for dwellings and café, reduction in car parking requirements and a waiver of loading bay requirements.

The permit has benefited from three previous extensions of time. The most recent extension of time was granted on 16 November 2015 extending the time for completion to 16 November 2016 with the time for completion remaining at 16 November 2019.

As the partial demolition of the heritage dwellings was undertaken prior to 16 November 2016, this constituted commencement of the permit.

Condition 37 of the permit states that:

*"The permit will expire if one of the following circumstances applies:*

- The development has not commenced within (2) years of the date of the permit.*
- The development has not been completed within four (4) years of the date of the permit."*

Section 69(1) of the *Planning and Environment Act 1987* allows the owner or occupier of the land to which a permit applies to request the Responsible Authority for an extension of time before or 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.



**11.3 Planning permit 161/2011/P - Extension of time request - 10-12 Davey Street Frankston - Part demolition of buildings and works in a Heritage Overlay, construction of a fourteen (14) storey building with four levels of basement car parking, use for dwellings and cafe, reduction in car parking requirements and a waiver of loading bay requirements****Officers' Assessment**

A written request from McGrathNicol was received by Council on 8 November 2019, within the prescribed time in accordance with Section 69(1) of the *Planning and Environment Act 1987*, seeking an extension of time of one year for completion to 16 November 2020.

Planning Permit 156/2014/P

At the 10 December 2018 Council meeting, Council resolved to refuse a request for an extension of time for Planning Permit 156/2014/P for a further two years. This permit allowed the construction of a seventeen (17) storey for office and accommodation uses.

The grounds of refusal related to the change in policy direction for the site, the pending changes to the zone and overlay controls proposed by Planning Scheme Amendment C123, the failure to resolve conditional requirements of the permit and the age of the planning permit.

Planning Permit 107/2019/P

At the 23 September 2019 Council meeting, Council resolved to refuse to grant a planning permit for the demolition of the remaining heritage fabric on 10 and 12 Davey Street and the heritage building on 8 Davey Street.

***Subject Site***

The subject site is situated on the south side of Davey Street, comprises of two allotments. The site is regular in shape with front and rear boundaries of 34 metres, side boundaries of 46 metres and an overall area of 1581m<sup>2</sup>.

The rear boundary of the site abuts Bay Lane which provides rear access to the site. A vehicle crossover is located towards the common boundary of the two lots on 12 Davey Street.

The site has abuttal on both side boundaries to heritage listed properties.

Partial demolition of the existing heritage dwellings has occurred. The rear portion of the sites have been cleared however there is some vegetation within the front setback remaining.

***Locality***

The site is located on the southern edge of the Frankston MAC not far from the intersection of Davey and Nepean Highway. Nepean Highway is a major arterial road linking the bayside suburbs north and south of Frankston.

The site is within a mixed use area comprising of medical related premises, offices, including the Centrelink building, a restaurant and some residential activities.

The building form is generally low scale and typically residential in nature with the exception of the Centrelink building and the former post office, located at either end of Davey Street.

All properties fronting Davey Street, with the exception of the 6 Davey Street, are noted as having heritage significance and are included in the Heritage Overlay of the Frankston Planning Scheme.

A row of Norfolk Island pine trees with heights up to 30 metres are a key feature along the Davey Street streetscape.

**11.3 Planning permit 161/2011/P - Extension of time request - 10-12 Davey Street Frankston - Part demolition of buildings and works in a Heritage Overlay, construction of a fourteen (14) storey building with four levels of basement car parking, use for dwellings and cafe, reduction in car parking requirements and a waiver of loading bay requirements****Officers' Assessment**

To the rear of the subject site is a three (3) metre wide laneway which currently provides access to a number of properties along Davey Street and Plowman Place.

Further to the south are Frankston Park and the Frankston foreshore to the west.

**Site History**

Planning permit 161/2011/P referred to above is the only planning approval issued for the subject site.

**Discussion**

When considering a request for an extension of time to a planning permit, the responsible authority should have regard to a number of 'tests' that were considered in the VCAT Tribunal decision of *Best and Zygier v City of Malvern (1974) 1 VPA284* and the Supreme Court decision of *Kantor v Murrindindi Shire Council (18AATR285)*.

An assessment based on the relevant tests when considering a request for an extension of time follows.

***Whether there has been a change of Planning Policy***

At the time the planning permit was issued in 2011, the site was included within the Business 2 Zone, Heritage Overlay (HO49) and the Design and Development Overlay Schedule 5.

When the first extension of time was considered in 2013, the zoning controls had changed from Business 2 Zone to Commercial 1 Zone with the Design and Development Overlay Schedule 5 expiring on 31 October 2012. While there were changes to Clause 52.06 – Carparking at this time, there was no change to the car parking requirements for dwellings.

The main consequence of the change in zoning was to remove the 'permission' requirements for dwellings.

A further two extension of time requests were granted. One in 2014 and another in 2015. In May 2015, the redundant Design and Development Overlay Schedule 5 was removed from the site.

No further changes to the zone or overlay controls was noted as part of the one year extension of time granted in 2015.

Since the 2015 extension of time to the commencement expiry of the permit there has been substantial change to the planning policy and planning controls that apply to the subject site.

The land remains within the Commercial 1 Zone and Heritage Overlay (HO49). However, Commercial 1 Zone has been amended through the introduction of amendments VC148 (31/7/18) and VC152 (26/10/18).

More recently, the subject site has been included in the Parking Overlay (Clause 45.09) as a result of the gazettal of Planning Scheme Amendment C111 on 22 November 2018. This overlay introduces changes to the car parking rates applicable to the proposal and gives the responsible authority the scope to consider cash in lieu payments where reduction in car parking requirements are being applied for.

**11.3 Planning permit 161/2011/P - Extension of time request - 10-12 Davey Street Frankston - Part demolition of buildings and works in a Heritage Overlay, construction of a fourteen (14) storey building with four levels of basement car parking, use for dwellings and cafe, reduction in car parking requirements and a waiver of loading bay requirements****Officers' Assessment**

A significant car parking reduction was supported at the time of the grant of the planning permit which may no longer be appropriate.

In October 2017, Planning Scheme Amendment C100 was approved by the Minister and subsequently gazetted. This amendment introduced a revised Local Planning Policy Framework that included substantial changes to the strategic directions and objectives of the Municipal Strategic Statement. The FMAC structure plan, at Clause 21.03-2 is recognised as the leading strategic document in providing future guidance for land use planning within Frankston Metropolitan Activity Centre for the next 20 years. The FMAC structure plan was included as a reference document at Clause 21.03-5.

It is considered the development approved under planning permit 161/2011/P is no longer consistent with the preferred outcomes for this precinct given the significant departure from the preferred height controls of the structure plan.

The approved development at an overall height 44 metres exceeds the preferred height of 38 metres.

Other changes to the State and Local Planning Policy Framework including Particular Provisions have been implemented. Some of these having bearing on the approved development proposal including Clause 58 – Better Apartments Design.

***Whether the land owner is seeking to 'warehouse' the Permit***

Based on the advice received in the request for the extension of time it appears that the permit holder is seeking to 'warehouse' the permit.

"Warehousing" a permit occurs when a permit holder does not have intention of acting on the approval given.

Clearly an extension of time for a further one year is unlikely to enable the completion of a development of this scale particularly given that no works have commenced for the construction of the building.

The subject site has recently been sold and now amalgamated into a larger development site that includes 6 and 8 Davey Street.

Condition 1 plans were endorsed in 2016 but other conditional requirements of the permit have not been satisfied. No building permit has been issued.

The permit was issued nine years ago and has been extended three times. Other than the partial demolition of the heritage dwellings, no substantive evidence has been put to suggest that the building will be constructed.

Given the recent changes to ownership of the subject site, the preferred planning outcome is to develop the combined site, which ultimately improves economies of scale and potentially an integrated development outcome and more likelihood of a successfully completed development.

***Whether any intervening circumstances which bear upon the grant or refusal of the extension of time***

The development allowed by the permit relies solely on vehicle access from Bay Lane to the rear of the site.

**11.3 Planning permit 161/2011/P - Extension of time request - 10-12 Davey Street Frankston - Part demolition of buildings and works in a Heritage Overlay, construction of a fourteen (14) storey building with four levels of basement car parking, use for dwellings and cafe, reduction in car parking requirements and a waiver of loading bay requirements****Officers' Assessment**

Since the grant of the original planning permit, a resolution or solution to the widening and upgrading of Bay Lane for primary access has not been achieved. The original planning permit was issued on the basis that a satisfactory solution would be found to facilitate the widening and upgrading of Bay Lane. There are a number of key stakeholders, including VicRoads, Department of Environment, Land and Planning as well as Council who have to reach an agreement in relation to the resolution of this matter.

Further it is considered important that a resolution to the widening and upgrading of Bay Lane considers the broader traffic implications of the wider precinct.

While some strategic work has commenced in this area and the permit holder is in discussions with Council officers, no firm, agreed or adopted position has been reached by the key stakeholders.

***The total elapse of time and whether the period of time provided was adequate***

This is the fourth request for an extension of time to the permit.

When the permit was issued in November 2011, two (2) years was allowed for the commencement of the development and four (4) years for completion.

Three requests for an extension of time have been supported, allowing a total period of nine (9) years to undertake the project. Works commenced in 2016 as a result of the partial demolition of the heritage dwellings, leaving a further three years to complete the development project.

For a development of this scale, this period of time is considered a reasonable timeframe to resolve the outstanding conditional requirements of the permit, obtain endorsed plans and commence works.

On this basis, it is considered that sufficient time has been allowed to enable the commencement of the project.

***The Economic burden imposed on the land owner by the permit***

Given the scale of the development and the requirements of the permit conditions, it is considered that there is a reasonable economic burden imposed upon the permit holder. While there is this economic burden, it would not have been unexpected or considered unusual for a development of this type and scale.

***The probability of a permit being issued should a fresh application be made***

If a new planning permit application was submitted for the same or similar development proposal, it is unlikely that support would be given for a development that fails to implement the strategic directions of the Frankston Planning Scheme.

***Protection of heritage fabric***

The Heritage Overlay continues to apply to the subject site. Under this overlay, planning approval is required for the demolition of the heritage buildings, any works and building proposals.

Since the partial demolition of the buildings, there have been incidents where they have been illegally occupied by squatters who have vandalised, defaced and dumped rubbish on the site.

**11.3 Planning permit 161/2011/P - Extension of time request - 10-12 Davey Street Frankston - Part demolition of buildings and works in a Heritage Overlay, construction of a fourteen (14) storey building with four levels of basement car parking, use for dwellings and cafe, reduction in car parking requirements and a waiver of loading bay requirements****Officers' Assessment**

More recently, this situation has been addressed with the squatters being removed and the site made secure by way of high solid fencing around the perimeter of the subject land.

Recent inspections and reports advise that the buildings are not fit for habitation but are structurally sound.

The partial demolition of the buildings at 10 and 12 Davey Street have been allowed under planning permit 161/2011/P. It is considered that there is an obligation on the land owners to ensure that the remaining fabric is maintained and protected from deterioration.

The Heritage Overlay affords some protection of the remaining heritage fabric as well as other relevant legislation including the Building Act 1993 and Council's local by-laws.

**Conclusion**

Based on the above assessment, it is considered that the request for a further extension of time should be refused.

The development previously allowed is now inconsistent with the strategic directions of the Frankston Metropolitan Activity Centre Structure Plan as the scale and height of the development exceeds that preferred.

The planning controls that apply to the site have changed since the issue of the planning permit through the inclusion of the site in the Parking Overlay.

The conditional approval requirements, including the upgrading and widening of Bay Lane have not been resolved and it would not be proper and orderly planning to support an extension of time of this permit at this stage.

The Heritage controls covering the site continue to afford some protection of the remaining heritage fabric as well as other relevant legislation including the *Building Act 1993* and Council's local by-laws.

It appears that the permit holder is warehousing the permit until such time as the planning permit application for the larger site (6-12 Davey Street) is resolved.

**11.3 Planning permit 161/2011/P - Extension of time request - 10-12 Davey Street Frankston - Part demolition of buildings and works in a Heritage Overlay, construction of a fourteen (14) storey building with four levels of basement car parking, use for dwellings and cafe, reduction in car parking requirements and a waiver of loading bay requirements**

**Officers' Assessment**

**Recommendation (Director Community Development)**

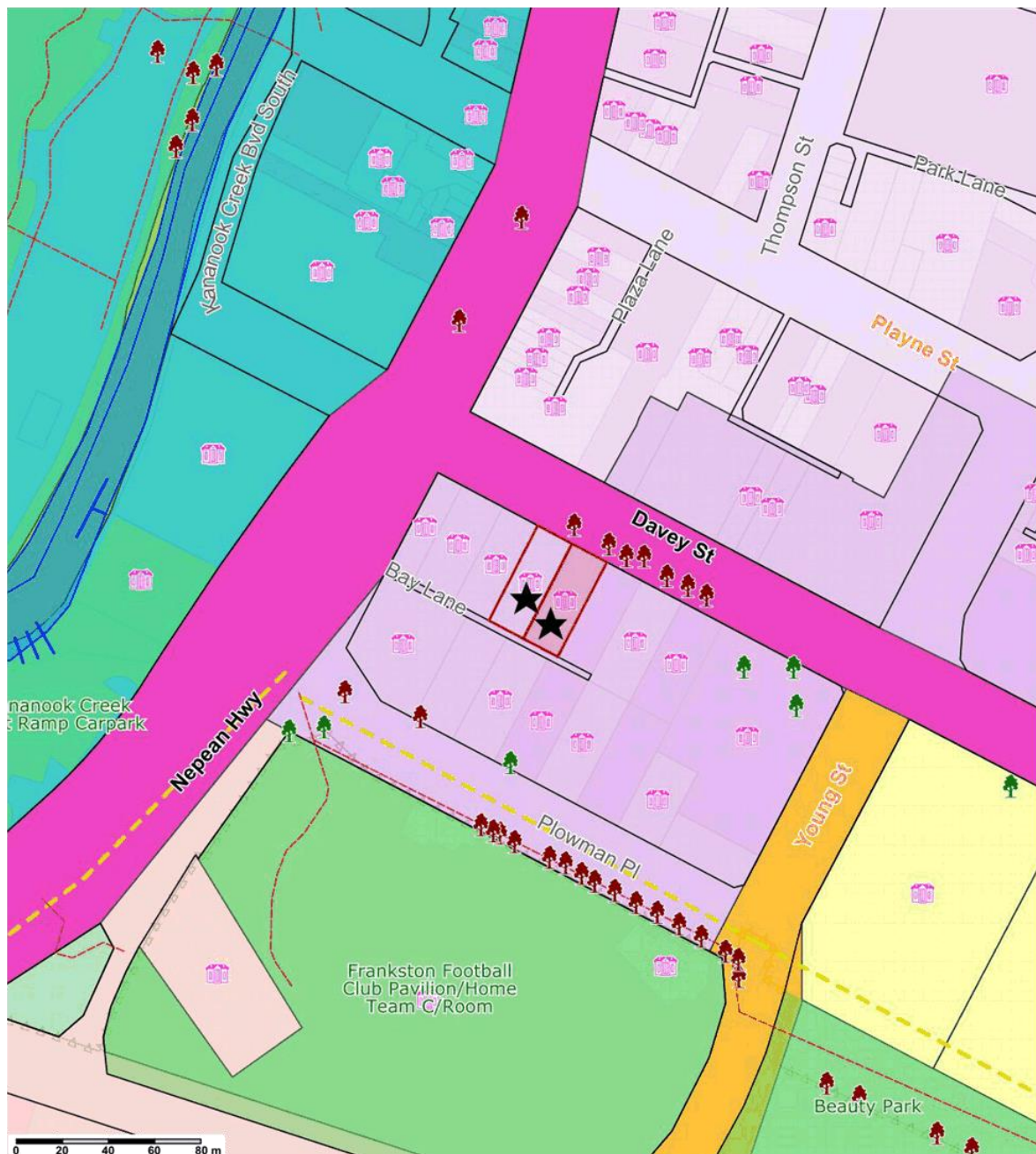
That Council resolves to refuse to grant an extension of time for Planning Permit 161/2011/P for a further two (2) years for completion, for the following reasons:

1. The granting of an extension of time for planning permit 161/2011/P for a further one (1) year for the completion would not be consistent with the orderly and proper planning for the area.
2. The Planning Policy Framework and planning controls that apply to the site have changed since the issue of the planning permit with the inclusion of the site within Clause 45.09 – Parking Overlay Schedule 1 of the Frankston Planning Scheme.
3. The development allowed by planning permit 161/2011/P is not consistent with the strategic directions of Clause 21.03-2 - Frankston Metropolitan Activity Centre Structure Plan given the scale and height of the development.
4. The permit holder is seeking to warehouse the permit.
5. No resolution to the provision of satisfactory access arrangements has been achieved and it is not appropriate to require resolution of access arrangements by way of conditional consent for the primary purpose of the development of the land.
6. A new planning permit would not be granted for the development allowed by planning permit 161/2011/P as it is not consistent with the Planning Policy Framework of the Frankston Planning Scheme.



Locality Map - Town Planning 161/2011/P/F - 10 - 12 Davey Street, Frankston 3199

Subject site ★ No objectors



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Projection: GDA94 / MGA zone 55

Scale: 1:2278

Date Printed: 7/01/2020

Time Printed: 11:39 AM

Issued by: Vanessa Neep





Locality Map - Town Planning 161/2011/P/F - 10 - 12 Davey Street, Frankston 3199



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Scale: 1:1166

Date Printed: 7/01/2020

Time Printed: 11:35 AM

Issued by: Vanessa Neep





# PLANNING PERMIT

FORM 4 Section 63 & 86

PERMIT NUMBER: 161/2011/P  
RESPONSIBLE AUTHORITY: Frankston City Council  
PLANNING SCHEME: Frankston Planning Scheme  
ADDRESS OF THE LAND: 10 Davey Street, Frankston 3199, 12 Davey Street, Frankston 3199

## THE PERMIT ALLOWS:

- Part demolition of buildings and works in a heritage overlay,
- Construction of a fourteen storey building with four levels of basement car parking,
- Use of dwellings and Cafe,
- Reduction in car parking requirements, and
- a waiver of loading bay requirements.

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

### Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted on 25 March 2011 prepared by Denton Corker Marshall Pty Ltd, but modified to show:
  - a) The deletion of the two (2) lower terraces associated with the Café (food and drink premise).
  - b) Method of screening/obscuring the south facing apartments to prevent overlooking from the first five (5) storeys of the development generally in accordance with Clause 55.
  - c) Details of the storage area on the ground floor so to demonstrate the allocation of individual storage units/sheds/area to each of the apartments.
  - d) Detailed schedule of external colours and finishes which must include technical notes and samples.
  - e) A Landscape Plan as required by Condition 8 of this permit.
  - f) Modification to the ramp to the basement car park as per the recommendation of Mr Jason Walsh in his witness statement to the Tribunal dated 3 October 2011.

Date Issued: 16 November 2011

Signature for the  
Responsible Authority



# PLANNING PERMIT

PERMIT NUMBER: 161/2011/P

Conditions Continued –

- g) Detail of the junction treatment between the 'green planted wall' and the retained buildings on both 10 and 12 Davey Street.
    - h) Reuse of the hand rail to No. 10 Davey Street within the landscape treatment of the site.
    - i) Chimneys of the retained buildings at No.s 10 and 12 Davey Street.
  2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
  3. Prior to the commencement of the development a wind study, report prepared by an appropriately qualified person, must be submitted to the Responsible Authority. The report must demonstrate that acceptable standards are achieved for the intended ground floor and terrace uses around the building.

## No Alterations

4. Floor levels as shown on the endorsed plans must not be altered without the prior approval of the Responsible Authority.

## Use

5. The café (food and drink premises) use hereby permitted may operate only between the hours of 7:00am – 12 midnight.
  6. Without the prior written consent of the Responsible Authority any form of public address system or sound amplification equipment used on the premises must not be audible outside the premises.
  7. Without the prior written consent of the Responsible Authority the Health Club shall only be used by residents of the complex.

## Landscaping Plans

8. Before the dwellings are occupied, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the responsible authority and then maintained to the satisfaction of the Responsible Authority.
  9. 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 3 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;

Date Issued: 16 November 2011

Signature for the  
Responsible Authority

A handwritten signature in black ink, appearing to read "Lynda Robin".

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TP153 27/05/2009





# PLANNING PERMIT

PERMIT NUMBER: 161/2011/P

Conditions Continued –

- e) Replacement planting and landscaping works consistent with the exotic vegetation within the site.
- f) Details of the ongoing maintenance of the proposed 'green wall', including details of any need for moisture sensors to ensure planting within the 'green wall' can maintain sufficient moisture at all times.
- g) Measures that will be taken should plants within the planter boxes of the green wall fall into disrepair.

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

## Arborist Report

- 10. An Arborist Report prepared by a suitably qualified and experienced Arborist to be submitted to and approved by the Responsible Authority in accordance with Council Guidelines on Submitting Arboricultural Reports that reports on all trees to be retained (including those located on the neighbouring properties that may be affected by the proposed development) and provides site specific tree protection recommendations in accordance with the Australian Standard AS4970-2009 'Protection of trees on development sites' including any required design amendments.

## Tree Retention and Removal Plan

- 11. A tree retention and removal plan showing all trees growing on the site and on the adjoining properties, reserves and road reserves (nature strips) within 3 metres of the boundaries must be clearly illustrated on all relevant plans to demonstrate tree protection zones, canopy width and location of tree protection fencing to the satisfaction of the Responsible Authority. Tree protection methodology to be noted on the plans in accordance with the recommendations and specifications outlined in the endorsed Arborist Report under this permit.  
All tree retention is to the satisfaction of the Responsible Authority. This plan is to be endorsed and form part of the permit.

## Tree Protection

- 12. Tree protection must be carried out in accordance with the Australian Standard AS 4970-2009 Protection of trees on development sites.
- 13. All tree protection methodology is to be undertaken in accordance with the endorsed Arborist Report and Tree Retention and Removal Plan endorsed under this permit.
- 14. All tree pruning is to be carried out by a qualified and experienced arborist who has a thorough knowledge of tree physiology and pruning methods. Pruning must be carried out in accordance with Australian Standard AS4373-2007 Pruning of Amenity Trees.

## Transfer of land

- 15. Before the occupation or the release of a statement of compliance is issued under the *Subdivision Act 1988*, the owner must create a road reserve in favour of Frankston City Council for the rear 3 metre section of the land to the satisfaction of the Responsible Authority.

Date Issued: 16 November 2011

Signature for the  
Responsible Authority

A handwritten signature in black ink, appearing to read "Lynne Rebec".

Page 3 of 9

16/11/2011 2:45:20 PM



# PLANNING PERMIT

PERMIT NUMBER: 161/2011/P

Conditions Continued –

## Section 173 Agreement

16. Prior to the commencement of works, the owner of the land must enter into an agreement under Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority which addresses the following matters:-

- a) All wastes services will be undertaken by a private contractor in accordance with the waste services management plan approved as part of Planning Permit 161/2011/P.
- b) No owner or occupier of the building approved as part of Planning Permit 161/2011/P will be provided or granted a permit allowing for unrestricted car parking on the street or within public car parks.
- c) The owners and occupiers are liable for any failure of the building over or under the road reserve which impacts, damages, injures, results in death, etc to any person or property.

A memorandum of the Agreement is to be entered on title and the cost of the preparation and execution of the Agreement and entry of the memorandum on title is to be paid by the owner.

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*.

## Urban Design

- 17. All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the Responsible Authority.
- 18. 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.
- 19. Mailboxes shall be provided to all apartments in accordance with Australia Post 'Protecting Your Mail' guidelines.
- 20. 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.
- 21. All plumbing work, sewer pipes etc. (except for spouting and storm water pipes) associated with the buildings shall be concealed from general view.

Noise attenuation measures to all the apartments must be included in the construction of the permitted dwellings to the satisfaction of the Responsible Authority, such measures being designed to protect occupants from intrusive road and business activity noise having regard to Australian Standard AS 2107-1987 "Recommended Design Sound Levels and Reverberation Times for Building Interiors".

## Disables Access and Facilities

Signature for the  
Responsible Authority

A handwritten signature in cursive script, appearing to read "Lynne Bolan".

Date Issued: 16 November 2011

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2011-11-16 14:00:00





# PLANNING PERMIT

PERMIT NUMBER: 161/2011/P

Conditions Continued -

22. All publically accessible areas of the serviced apartments and streetscape interface of the building hereby permitted, must be designed and constructed in accordance with the relevant sections of Australian Standard 1428 'Design Rules for Access by the disabled'.

## Drainage

23. Provision of a Storm Water Detention System with a volume capable of retarding the 10 year ARI flow from the development site back to a five (5) year ARI pre-development value to the satisfaction of the Responsible Authority.
24. Prior to commencement of development construction detailed design plans and drainage computations of the internal storm water 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.
25. Water Sensitive Design Urban Design Principles (WSUD) are to be incorporated into the drainage design to the satisfaction of the Responsible Authority (Infrastructure Manager), which may include but not be limited to the following components or a combination thereof:
- On-site storm water detention and rain water tanks;
  - Soil Percolation;
  - Storm water harvesting and re-use of storm water for garden watering, toilet flushing, etc; and
  - On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.

## Engineering Requirements

26. Prior to the occupation of the apartments an appropriate level of access via Bay Lane (extending from the Nepean Highway to the <sup>eastern?</sup> western end of the subject site) for vehicles and pedestrians must be provided by the developer/landowner/permit holder to the satisfaction of the Responsible Authority.
27. Before any road/drainage works associated with the development start, detailed plans for the construction of Bay Lane (extending from the Nepean Highway to the <sup>eastern?</sup> western end of the subject site) must be submitted to the Responsible Authority and <sup>approved</sup> 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 (3) copies must be provided. The plans must include:
- a) Fully sealed pavement with kerb and channel, metres back to back;
  - b) Underground drains;
- All works constructed or carried out must be in accordance with the endorsed plans.
28. Vehicle crossings shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
29. All disused vehicle crossings shall be removed and the area reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.

Date Issued: 16 November 2011

Signature for the  
Responsible Authority

Page 5 of 9

70455 27/01/2020



# PLANNING PERMIT

PERMIT NUMBER: 161/2011/P

Conditions Continued -

30. Before the apartments are occupied, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:
- a) Constructed to the satisfaction of the Responsible Authority.
  - b) Properly formed to such levels that they can be used in accordance with the plans.
  - c) Drained and maintained to the satisfaction of the Responsible Authority.
  - d) Line-marked to indicate each car space to the satisfaction of the Responsible Authority.

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

31. All car spaces must be marked as designated car spaces for use by residents of respective apartment occupiers only.

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

Precautions are to include, appropriate signage to AS 1743 road works signing code of practice, the provision of adequate barricading of works, including trenches of Service Authorities and any other road openings sufficient to ensure public safety.

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

## Waste Management

33. 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.

## Construction Management Plan

34. Prior to the commencement of works a Construction Management Plan must be submitted to, and be approved by, the Responsible Authority. Three (3) copies must be provided and when approved will be endorsed and will then form part of the permit. Such plan must include:
- a) Measures to minimise and control noise, sediment, and dust and litter escaping from construction works;
  - b) Measures to minimise the impact of construction vehicles arriving and departing from the land;
  - c) Measures to minimise the impact upon the local amenity;
  - d) The management of waste collection and soil removal from the construction site; and
  - e) Access routes for construction vehicles.

Date Issued: 16 November 2011

Signature for the  
Responsible Authority

A handwritten signature in cursive script, appearing to read "Lynne Fabin".

Page 6 of 9

721155 11-10-2011



# PLANNING PERMIT

PERMIT NUMBER: 161/2011/P

Conditions Continued –

## Environmental Sustainable Development Plan

35. Prior to the commencement of works an Environmentally Sustainable Development Management Plan ("the ESD Plan") prepared by a suitably qualified person must be submitted to the Responsible Authority for approval. Three (3) copies must be provided and when approved will be endorsed and will then form part of the permit. Such plan must include:
- a) Incorporation of energy efficient lighting, glazing, heating hot water and appliances;
  - b) Energy management and use; and
  - c) Water conservation and re-use.

## Satisfactorily Completed

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

## Permit Expiry

37. This permit will expire if one (1) of the following circumstances applies:
- The development is not commenced within two (2) years of the date of this permit.
  - The development has not been completed within four (4) years of the date of this permit.
- The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three (3) months afterwards.

## Notes

### 1. Amendment/Extensions of Permit

Any request for time extension or variation / amendment of this Permit or any condition shall be lodged with the prescribed administration fee per request.

### 2. Street Numbering

Street and unit numbers shall be displayed to the satisfaction of the Responsible Authority.

### 3. Asset Protection Permit

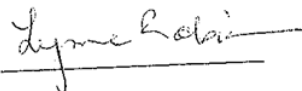
Prior to the commencement of construction, the operator of this Planning Permit, must obtain a non-refundable Asset Protection Permit from Frankston City Council's Infrastructure Department.

### 4. Food Premise

In the event that a food premises are to operate on the site, prior to the commencement of the use permitted by this permit, the food premises proprietor shall apply and obtain from Council, approval to alter and/or operate under the *Food Act 1984*. Council recommends that prior to the commencement of the development two (2) copies of plans, that include plans of the interior layout of the premises, and specifications be submitted to Council's Environmental Health Unit for approval.

Date Issued: 16 November 2011

Signature for the  
Responsible Authority



Page 7 of 9

2011-07-05 2008

## IMPORTANT INFORMATION ABOUT THIS NOTICE

### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.  
(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the Planning and Environment Act 1987.)

### WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit, or
- if no date is specified, from:
  - (i) the date of the decision of the Victorian Civil & Administrative Tribunal, if the permit was issued at the direction of the Tribunal, or
  - (ii) the date on which it was issued, in any other case.

### WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if:
  - the development or any stage of it does not start within the time specified in the permit, or
  - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
  - the development or any stage is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan or subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if:
  - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit, or
  - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if:
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development or any stage of it is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
  - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development, or
  - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in Section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision -
  - the use or development of any stage is to be taken to have started when the plan is certified; and
  - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under the permit before the expiry.

### WHAT ABOUT APPEALS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil & Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil & Administrative Tribunal.
- An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil & Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- An application for review must also be served on the Responsible Authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil & Administrative Tribunal.

Application for review forms and guides are available at [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au), Ground Floor 55 King Street Melbourne or by contacting VCAT customer service on (03) 9628-9777.

(LAST PAGE OF PERMIT)

**Steller 204 Pty Ltd**  
**ACN 619 507 470**

8 November 2019

Anne Sorrensen  
Planning Department  
Frankston City Council  
30 Davey Street  
Frankston VIC 3199



Dear Anne

**Steller 204 Pty Ltd**  
**ACN 619 507 470**  
**Property: 10-12 Davey Street, Frankston VIC 3199**  
**Planning permit: 161/2011/P**

In support of the attached request to extend the above mentioned permit, the below provides a response to the relevant considerations, including the Kantor tests.

The permit was most recently extended under cover letter dated 26 November 2015.

The subject land was purchased with the current permit and the previous owner had commenced the development under the approved permit by the partial demolition of the heritage dwellings.

In the intervening time, development options that included additional land at 6-8 Davey Street were explored but ultimately unsuccessful.

The land is currently on the market with the intention to be able to offer prospective purchasers the ability to complete the approved development in accordance with the planning permit. Having regard to the history of the land, there is no evidence to suggest the permit is being warehoused.

The above circumstances, including the ultimate collapse of the Steller Group are relevant to the ability of the owner to complete the development.

Whilst the total elapse of time is significant and the original time limit adequate, it is considered that for a building of this scale, significant time is required to obtain the necessary funding and pre-sales.

Whilst the economic burden generated by this permit in isolation is not material to the consideration of the request, it is nevertheless relevant that the downturn in the residential market has significantly affected

**Steller 204 Pty Ltd**

**ACN 619 507 470**

property prices in Frankston which has a material impact on the viability of a project of this nature and has contributed to the inability to complete the development.

The proposal is of a scale that is generally consistent with the major redevelopment ambitions of the FMAC Structure Plan, therefore it is likely a permit would be issued for a development of a similar scale if a new application was made.

For the above reasons it is submitted an extension of time to the completion date is appropriate.

Regards

A handwritten signature in black ink, appearing to read 'John Georgakis', with a long, sweeping horizontal stroke extending to the right.

John Georgakis

Director



# Request for Extension of Time to a Planning Permit

(Pursuant to Section 69 of the Planning & Environment Act, 1987)



*Lifestyle Capital of Victoria*

## Lodgement of application:

Email [info@frankston.vic.gov.au](mailto:info@frankston.vic.gov.au) (payment instructions will be emailed to applicant once submitted).

Post - Frankston City Council Po Box 490 Frankston 3199 In Person- Civic Centre 30 Davey Street Frankston.

Applicant name:	Steller 204 Pty Ltd
Applicant postal address:	John Georgakis c/- McGrathNicol Level 6 171 Collins Street Melbourne VIC 3000
Applicant phone number:	0409 896 322
E-mail address:	johngeorgakis@hotmail.com
I am the owner of the land: Yes	
I have notified the owner(s) of the land of this request: Yes / No	

Planning permit number:	161/2011/P
Date of issue:	16 November 2011
Address of the land:	10-12 Davey Street Frankston
Has the development has commenced? Yes	
If yes, date of commencement:	

Extension sought to: ☐ Commencement Date ☒ Completion Date ☐ Both  
☐ Certification Date

Extension sought to: ☒ 1 Year ☐ 2 Years

The owner or occupier may request an extension of time in the following circumstances

- To commence the use and/or development before the permit expires; or within 6 months after the permit expires or
- To complete the development or a stage of the development within 12 months after the permit expires (if the development has lawfully commenced before the expiry of the permit).

There is no opportunity to appeal to the Victorian Civil and Administrative Tribunal if an application is made outside of these times.

An extension of time is not approved automatically as Council must consider a range of criteria, including whether or not a permit would be granted if the proposal was assessed under current planning controls.



**Please provide details of the reasons why an extension of time is now sought?**

**Note: If the permit has expired please explain why it was not completed or commenced within the timeframe.**

See attached.

**What steps have been taken to date to develop the land in accordance with the permit (e.g. application for building permit, demolition on site etc.)? If yes, please detail.**

See attached.

**Is the application being made to extend the time to complete the development within 6 months after the Planning Permit expires? NO**

If yes, please provide evidence (e.g. a statutory declaration or a dated builder's invoice) that the development lawfully commenced before the permit expired. Note: Council officers are required to check that all relevant planning permit conditions were satisfied prior to the commencement of works.


**Declaration:**

**I declare that all the information in this request is true and correct**

Signature 

Name JOHN GEORGAKOS

Date 8/11/19

**Executive Summary****11.4 Planning Permit Application 229/2019/P - 26 Brunnings Road, Carrum Downs - To construct two-hundred and eleven (211) dwellings, a staged subdivision and removal of native vegetation.**

*Enquiries: (Stuart Caldwell: Community Development)*

Council Plan

Community Outcome:	1. Planned City
Strategy:	1.2 Development and Housing
Priority Action	1.2.3 Ensure built form, displays architectural excellence and embodies creative urban design

**Purpose**

This report considers the merits of the planning application to construct two-hundred and eleven (211) dwellings, a staged subdivision and removal of native vegetation at 26 Brunnings Road, Carrum Downs.

**Recommendation (Director Community Development)**

That should a review not have been lodged under S79 of the Planning and Environment Act 1987 at the Victorian Civil and Administrative Tribunal, to construct two-hundred and eleven (211) dwellings, a staged subdivision and removal of native vegetation at 26 Bunning's Road, Carrum Downs, a Notice of Refusal to Grant a Planning Permit would have been issued, subject to the grounds contained in the officers assessment.

**Key Points / Issues**

- The applicant has lodged a review under s79 of the Planning and Environment Act 1987 with the Victorian Civil and Administrative Tribunal in relation to planning permit 229/2019/P. Council is required to form a position on the planning permit application to advocate at the forthcoming Compulsory Conference set down for 18 February 2020 and the merits hearing commencing 20 April 2020.
- It is proposed to construct two-hundred and eleven (211) dwellings, a staged subdivision and removal of native vegetation at 26 Brunnings Road, Carrum Downs.
- The proposal includes 29 x 2-bedroom dwellings; 89 x 3 bedroom dwellings and 38 x 4 bedroom dwellings in a mixture of two and three storey dwellings. A single garage is proposed for every two-bedroom dwelling and either a double garage or tandem arrangement for every three or more bedroom dwelling and 42 visitor car spaces are provided intermittently throughout the development.
- A linear park and small rectangular park is proposed in the centre of the site running a north-south direction. The design response also proposes an extension to Oakwood Reserve to the south of the site, including a pedestrian path/link connecting Lats Avenue, to the east and to Oakwood Drive to the west.
- Access to the development is proposed via one main road through the site in an east-west direction, connecting Hillview Drive which will be vested to Council as a public road. To the north and south of the proposed public road, there are a number of secondary internal roads connecting from Hillview Drive which are to be constructed and used as common property roads managed by owners' corporation.

**11.4 Planning Permit Application 229/2019/P - 26 Brunnings Road, Carrum Downs - To construct two-hundred and eleven (211) dwellings, a staged subdivision and removal of native vegetation.****Officers' Assessment**

- The planning controls that apply to the site include a Development Plan Overlay Schedule 1 – Carrum Downs. The proposal is not considered to be generally in accordance with the approved Development Plan as the development fails to make provision for a pre-school, infant welfare centre or shop as shown on the approved development plan. Where a proposal is not considered to be in accordance with the relevant development plan it cannot be approved.
- Further, the proposal is not consistent with the objectives of State and Local Planning Policy as the layout and design of the development fails to provide a satisfactory response to the residential character of the area, fails to provide a satisfactory response to the conservation of the native vegetation on the site, fails to provide sufficient opportunities for landscaping throughout the development and fails to provide an appropriate level of amenity for future residents.

The application is being reported to Council as it has been called in by Councillor Hampton.

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

**Financial Impact**

The Victorian Government introduced the "Fair Go Rates" system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past four financial years has ranged between 2.0 per cent to 2.5 per cent and has been set at 2.0 per cent for 2020-2021.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council's major source of income, Council's capacity to continue to deliver services and fund its capital programme will be severely restricted.

There are no financial implications associated with this report.

The permit application fee paid to Council was \$25,034.60. The average cost to process a planning permit application is \$2,264.

**Consultation****1. External Referrals**

The application was referred externally to Public Transport Victoria; Department of Environment, Land, Water and Planning (DELWP); and the Country Fire Authority.

The subdivision aspect of the proposal was referred to South East Water Corporation; Melbourne Water Corporation; APA and Tenix Australia.

**2. Internal Referrals**

The application was referred internally to Council's Traffic Engineer, Drainage Engineer, Urban Designer, Biodiversity Officer, Landscape Architect, Strategic Planning and Waste Management.

**11.4 Planning Permit Application 229/2019/P - 26 Brunnings Road, Carrum Downs - To construct two-hundred and eleven (211) dwellings, a staged subdivision and removal of native vegetation.****Officers' Assessment**Notification of Proposal

In accordance with Clause 43.04 – Development Plan Overlay, the planning permit application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

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

The proposed design response has not adequately responded to the environmental qualities of the land, particularly the significant vegetation located to the south of the site adjacent to the Oakwood Reserve. Further, there is inadequate space for substantial landscaping including planting of canopy trees throughout the site.

The proposal would have a beneficial economic impact. In the short-term it would create employment opportunities during the construction phase and in the longer-term new residents will utilise local business.

The proposal would provide for additional housing diversity in the form of dwellings.

**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 application.

Policy Impacts

Council officers have assessed the planning permit application in accordance with the following State and Local Planning Policy provisions, zones, overlays, 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 risks associated with this matter.

**11.4 Planning Permit Application 229/2019/P - 26 Brunnings Road, Carrum Downs - To construct two-hundred and eleven (211) dwellings, a staged subdivision and removal of native vegetation.****Officers' Assessment****Conclusion**

While there is broad strategic support for an appropriately designed residential development on the subject site, the current proposal is not in keeping with the existing and preferred neighbourhood character and does not respond to the environmental qualities of the land. The design response fails to provide an acceptable balance between landscaping opportunities, sense of space around the dwellings and continuous built form. Additionally, the proposal fails to comply with numerous objectives of Clause 55 (ResCode) and Clause 56 (Residential Subdivision) as discussed throughout this report.

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**ATTACHMENTS**

- Attachment A: [↓](#) Development Plans  
Attachment B: [↓](#) Locality Map  
Attachment C: [↓](#) Locality Map - Aerial



**11.4 Planning Permit Application 229/2019/P - 26 Brunnings Road, Carrum Downs - To construct two-hundred and eleven (211) dwellings, a staged subdivision and removal of native vegetation.****Officers' Assessment****Summary**

<b>Existing Use</b>	Vacant undeveloped site
<b>Site Area</b>	49,023 square metres (4.9 hectares)
<b>Proposal</b>	To construct two-hundred and eleven (211) dwellings, a staged subdivision and removal of native vegetation.
<b>Site Cover</b>	18,725 square metres (38.19%)
<b>Permeability</b>	16,807square metres (34%)
<b>Zoning</b>	General Residential Zone
<b>Overlays</b>	Development Plan Overlay – Schedule 1
<b>Neighbourhood Character Precinct</b>	Carrum Downs 1
<b>Reason for Reporting to Council</b>	Councillor call in by Councillor Hampton

**Background**

The applicant has lodged a review under s79 of the Planning and Environment Act 1987 with the Victorian Civil and Administrative Tribunal in relation to planning permit 229/2019/P. Council is required to form a position on the planning permit application to advocate at the forthcoming Compulsory Conference set down for 18 February 2020 and the merits hearing commencing 20 April 2020.

**Subject Site**

The subject site is a large, irregular shaped allotment with a frontage to Bunnings Road of 20.12 metres, a depth of 427 metres and a total area of 49,023 square metres (4.9ha).

The site is formally known as Lot 4 on Plan of Subdivision 68792.

The site is bounded by Brunnings Road to the north, Lats Avenue to the south-east corner and Hillview Drive and Oakwood Drive to the west. The site abuts Oakwood Reserve to the south.

The subject site has an abuttal to Locksley Court and Hillview Drive in the west, and Hillview Drive in the east. No vehicle crossover is currently provided to the site.

The site is vacant and undeveloped and has previously been used for the purpose of extensive sand extraction and industry which occurred across the majority of the site.

The site is undulating, with various grade changes across the site.

**11.4 Planning Permit Application 229/2019/P - 26 Brunnings Road, Carrum Downs - To construct two-hundred and eleven (211) dwellings, a staged subdivision and removal of native vegetation.****Officers' Assessment**

The site supports an extensive coverage of native and non-native trees and vegetation, with the southern section of the site including the most significant vegetation. The south of the site supports a diversity of understory species (including areas of Heathy Woodland) and Coast Manna Gums. The narrow link from Brunnings Road; the north-east corner of the site and the south-east corner of the site supports Coast Manna Gums.

***Locality***

The site is located within an existing established residential area with a mixture of housing, consisting of predominantly detached single storey dwellings, with some double storey dwellings, with varying lot sizes, including some medium density developments.

**Brunnings Road**

Development in Brunnings Road is of a mixed character, with low scale single storey and double storey townhouse developments. The directly adjoining properties along Brunnings Road include a single story dwelling at 28 Brunnings Road and the corner site at 20 Brunnings Road includes a single storey dwelling; however it is noted that it has planning permission to develop the lot for 12 double storey dwellings.

**Lats Avenue**

Lats Avenue abuts the south-east corner of the site and is developed with predominantly single storey detached dwellings, with some double storey dwellings. The southern section of Lats Avenue (west side) has been developed with 2 and 3 storey townhouses, known as Dexter Mews which incorporates two and three storey town house development. The dwellings are designed in a contemporary design and constructed in rows running north-south.

**Hillview Drive**

Hillview Drive, to the east and surrounding streets, including Castlereagh Street are developed with predominantly single storey, detached dwellings, with some double storey. Dwellings have an approximate average lot size of 600 square metres.

Hillview Drive to the west is developed with predominantly single storey, detached dwellings, on lot sizes generally greater than 600 square metres. Locksley Court is also developed with predominantly single storey, detached dwellings, with lot sizes approximately 450 square metres.

**Nearby Facilities and Public Transport**

Carrum Downs Neighbourhood Activity Centre is located 550m to the south of the site and includes a Woolworths supermarket, K-Mart and other retail premises. A large bulky goods and business centre located on the north side of Hall Road (south of the site) which is within 300m of the site, which includes fast food premises, offices and retail premises.

Carrum Downs Secondary College is located 300 metres to the north-east.

Banyan Fields Primary School and Banyan Fields Maternal and Childcare Centre, including kindergarten is located 300 metres to the west.

**11.4 Planning Permit Application 229/2019/P - 26 Brunnings Road, Carrum Downs - To construct two-hundred and eleven (211) dwellings, a staged subdivision and removal of native vegetation.****Officers' Assessment**

In terms of public transport, the site has limited public transport accessibility. Seaford Station is the closest station, located approximately 5.6 km to the west. There are two bus routes that operate on Cadles Road (300 metres from the site) and McCormicks Road (700 metres from the site) connecting the site to Frankston, Kananook and Carrum Downs.

***Site History***

There are no previous planning permit applications relating to this site.

***Proposal***

It is proposed to construct 211 dwellings and subdivide the land into 211 lots; a staged subdivision and removal of native vegetation.

The proposal includes 29 x 2-bedroom dwellings; 89 x 3 bedroom dwellings and 38 x 4 bedroom dwellings. A single garage is proposed for every 2-bedroom dwelling and either a double garage or tandem arrangement for every 3 or more bedroom dwelling.

The applicant has detailed typical lot sizes range from 124 square metres to 197 square metres.

The proposal includes a mixture of two and three storey dwellings.

Total site coverage is 38.19% (18725 sqm) and permeability is 34% (16807 sqm).

Details of the proposed staging of the development have not been provided.

***Dwelling site layout***

Two dwellings are orientated to Brunnings Road, with secluded private open space located to the rear (south). A pedestrian path is proposed along the western boundary leading to the site where dwellings are located along property boundaries, orientated to face inwards towards the development with their areas of secluded private open space located around the perimeter of the boundary.

Through the middle of the site, dwellings 63-71 and 23-50 are orientated to front internal roads with secluded private open space areas facing onto a proposed linear park.

Through the middle of the site, towards the north, dwellings are arranged to front internal roads, with secluded private open space facing inwards.

There is a small rectangle park, which 19 dwellings back onto. To the south of the site, dwellings 51-62 are orientated to face onto an internal road that overlooks Oakwood Reserve.

Each dwelling has SPOS of a minimum of 25 square metres to the rear, with most dwellings also complemented with additional balcony areas.

***Open Space***

It is proposed to extend Oakwood Reserve to the south - the extension of this reserve is approximately 15m wide to the south-east corner, gradually increasing in width to 35m wide to the south-west corner. A pedestrian path/link is proposed connecting Lats Avenue, to the east to Oakwood Drive to the west. The extension of this reserve is proposed to be vested to Council as a public road.

**11.4 Planning Permit Application 229/2019/P - 26 Brunnings Road, Carrum Downs - To construct two-hundred and eleven (211) dwellings, a staged subdivision and removal of native vegetation.****Officers' Assessment**

A linear park is proposed within the centre of the site running in a north-south direction, where it connects with the proposed park extension to Oakwood Reserve. The linear park ranges in width from 5.5m, 6.96m, 11.84m and 17.27m. A secondary rectangle park is located within the centre of the site to the north.

**Vegetation**

It is proposed to remove 18 large scattered trees and 77 small scattered trees resulting in the removal of approximately 70 percent of the indigenous canopy trees on the site.

**Vehicle Access and Parking**

One main road is proposed through the middle of the site, extending in an east-west direction, connecting Hillview Drive which will be vested to Council as a Council managed public road. To the north and south of this proposed main road (Hillview Drive extension), there are a number of connecting secondary internal roads which are to be constructed and used as common property roads managed by owners corporation.

The extension of Hillview Drive will be designed with a road reserve of 16 metres, including a 7.3 metre carriageway, whilst the secondary internal (common property roads) will be designed with a 5.5 metre wide carriageway.

Pedestrian footpaths have been provided on both sides of the continuation of Hillview Drive and on one side of the internal private roads.

Visitor car parking is provided intermittently throughout the development, with a total of 42 visitor spaces.

Pedestrian crossing and speed hump treatments are proposed on Hillview Drive and the southern internal road.

Waste is to be collected privately and the responsibility of the body corporate.

**Materials and Finishes**

Materials to the dwellings include cladding panels, render, metal, paint finishes, brick and timber.

**State and Local Planning Policy Frameworks**

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

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

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

- Clause 21.03 – Vision and Strategic Framework
- Clause 21.04 – Settlement

**11.4 Planning Permit Application 229/2019/P - 26 Brunnings Road, Carrum Downs - To construct two-hundred and eleven (211) dwellings, a staged subdivision and removal of native vegetation.****Officers' Assessment**

- Clause 21.05 - Environmental Risk
- Clause 21.06 - Environmental and Landscape Values
- Clause 21.07 – Housing
- Clause 21.08 – Economic Development
- Clause 21.10 – Built Environment and Heritage
- 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 32.08-3 – Subdivision of the land; and
- Clause 52.17 – Remove, destroy or lop native vegetation.

**Particular Provisions**

Clause 52.06 – Car Parking

Clause 52.17 – Native Vegetation

Clause 53.01 – Public Open Space and Contribution and Subdivision

Clause 55 – Two or more Dwellings on a lot and Residential Buildings

Clause 56 – Residential Subdivision

Clause 65 – Decision guidelines

**Reference documents**

Frankston Housing Strategy, September 2013

Frankston City Open Space Strategy 2016-2036

***Notification of Proposal***

In accordance with Clause 43.04 – Development Plan Overlay, if a development plan has been prepared to the satisfaction of the responsible authority, an application under any provision of this planning is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Alternatively, in the circumstance where the development is not in accordance with the development plan, it cannot be approved.

**External referrals**

The planning application was referred externally to Public Transport Victoria; Department of Environment, Land, Water and Planning and the Country Fire Authority.

The subdivision aspect of the proposal was referred to South East Water Corporation; Melbourne Water Corporation; APA and Tenix Australia.

A brief summary of the relevant referral comments are provided below.



**11.4 Planning Permit Application 229/2019/P - 26 Brunnings Road, Carrum Downs - To construct two-hundred and eleven (211) dwellings, a staged subdivision and removal of native vegetation.****Officers' Assessment**Public Transport Victoria

The application was referred to the Public Transport Victoria (Department of Economic Development, Jobs, Transport and Resource) in accordance with s55 of the Planning and Environment Act 1987. The Department raised no objections to the proposal.

Department of Environment, Land, Water and Planning (DELWP)

The application was referred to DELWP pursuant to Section 55 of the Act, with the specific referral trigger being Clause 66.02-2 (Native Vegetation) for an application to remove, destroy or lop native vegetation in the detailed assessment pathway. The Department is a recommending referral authority.

The area of native vegetation proposed to be removed totals 2.974 hectares within location category 1. This is comprised of 18 large scattered trees and 80 small scattered trees.

DELWP is not satisfied that the applicant has taken adequate steps to avoid and minimise the proposed native vegetation removal. The Native Vegetation Report supplied with the application does not adequately describe the native vegetation to be removed and the offset requirements, should clearing be approved.

Further information is requested because:

- The flora and fauna assessment report indicates patch/es of native vegetation have not been mapped as required by the *Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017)*.
- No vegetation condition assessment was conducted for this unmapped native vegetation, hence its biodiversity value may not have been fully considered.
- The applicants avoid and minimise strategy may not reflect the actual extent and potential value of the native vegetation.
- The actual extent and potential value of this native vegetation has not been considered in the Native Vegetation Report.

Service Authorities

The application was referred to the Country Fire Authority; United Energy; South East Water; APA and Melbourne Water all have no objection, subject to conditions.

**Internal referrals**

The planning application was referred internally to Council's Strategic Planning, Traffic Engineers, Biodiversity, Urban Designer, Landscape Architect, Drainage Engineer and Waste Management. A brief summary of the relevant referral comments are provided below.

Strategic Planning

Council's Strategic Planner objects to the proposal and provides the following comments (summarised):

- Strategic Planning does not support this proposal as the proposal does not respect the existing or preferred neighbourhood character of the area. The level of density of the proposed development is much higher than that found in the area with some of the proposed lots being approx. 3-4 times smaller than lots in the area (an area which has been recently developed).

**11.4 Planning Permit Application 229/2019/P - 26 Brunnings Road, Carrum Downs - To construct two-hundred and eleven (211) dwellings, a staged subdivision and removal of native vegetation.****Officers' Assessment**

- There is no justification for such a high level of density. The site is not located in the Principal Public Transport Network and the nearest shopping centre is Carrum Downs Neighbourhood Activity Centre which does not contain all the essential services of a Major or Metropolitan Activity Centre.
- The proposal is not consistent with the local urban pattern and subdivision and does not consider the significant vegetation on the site, particularly to the south.
- It is noted that the site is affected by the DPO1 with the Carrum Downs Outline Development Plan (ODP) being the applicable plan for the site.
- As can be seen the ODP shows a Proposed Pre-School, Proposed Infant Welfare Centre and a Proposed Shop being required to be provided. The proposal does not contain any of these elements/uses and as such the proposal is not consistent with the Development Plan.

**Traffic Engineers**

Council's Traffic Engineer objects to the proposal and provides the following comments (summarised):

Car parking requirements:

- Traffic Engineers do not support the provision of visitor car parking on the site. Clause 52.06 requires visitor car parking at a rate of 1 per 5 dwellings and as such 42 spaces are required and 42 car spaces are provided. However, Traffic Engineers do not support the provision of 11 visitor car parking on Hillview Drive (discussed further below).
- Proposal complies with the statutory car parking for resident parking as 393 car spaces are proposed for the dwellings.
- Under Frankston City Council's Multi Dwelling Visitor Car Parking Guidelines, the proposal is required to provide 80 visitor car spaces.

Traffic management and internal access:

- Visitor car parking on Hillview Drive is not supported as the road is to be vested to Council as a public road and as such all visitor car parking needs to be provided within the common property boundaries of the subject site.
- Direct access from Hillview Drive to a number of properties is not supported as it does not comply with Clause 52.06-8 and is a traffic safety concern. Clause 52.06-8 requires vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets.
- Direct access of dwellings can be considered if the minimum lot dimensions are met and provided dwellings have a minimum front setback of 5.5 metres.
- Recommended setback of dwellings fronting internal roads is 5.5 metres and a passing area at the entrance must be 6.1 metres wide and 7 metres long where Road A, B and C connects to Hillview Drive and must be detailed on the plans.
- Traffic management at cross intersection of Road A, Road B and Hillview Drive requires justification and further information.
- Concerns are raised regarding two way traffic circulation on 'Road A' running adjacent to Oakwood Reserve and provision of visitor car parking and recommend

**11.4 Planning Permit Application 229/2019/P - 26 Brunnings Road, Carrum Downs - To construct two-hundred and eleven (211) dwellings, a staged subdivision and removal of native vegetation.****Officers' Assessment**

they are removed or indent car parking provided. Vehicle crossings shall not be located within 9 metres of intersections. A number of vehicle crossovers are located within 9 metres of intersection and not supported.

- There is a missing link of footpath between 39 Hillview Drive and eastern boundary of landscape area adjacent to TH18. Footpath should be designed to be continuous and connect.
- Provision to be made for pram crossings to connect all footpaths and shared paths.
- Locksley Court to incorporate a court bowl end or hammerhead to facilitate waste collection and service vehicle turning movements and vested in FCC as road reserve.
- Approval from VicRoads is required for the proposed pedestrian crossing on Hillview Drive prior to implementation.

**Traffic Generation and Distribution:**

- The proposed development will impact the operation of the Cadles Road/Protea Street intersection. The resultant minimum peak hour (PM) traffic volume turning right to Protea Street from Cadles Road will be 61 vehicles against major road traffic volume of 425 vehicles travelling south and turning left. Consideration should be given to the adoption of a turn treatment at this intersection and design must be submitted to Council for review and comment.
- Also, based on the resultant future traffic volumes at the intersection of Brunnings/Hillview Drive and McCormicks Road/Banjo Boulevard, consideration to be given to the adoption of turn treatments and design submitted to Council for review and comment.
- Conditions of permit would include detailed design plans - longitudinal sections of roads to be submitted for approval, including; all grade lines, all vertical curve details, the existing conditions for a minimum distance of 50m at either end of the proposed construction, drainage and design kerb levels.

**Biodiversity**

Council's Biodiversity Officer objects to the proposal and provides the following comments (summarised):

- The proposal is not supported as it is not in accordance with Council Policies (Biodiversity Policy, Urban Forest Policy and Municipal Strategic Statement - Clause 21.06) which recognise the significant loss of trees and native habitat within the municipality.
- The proposal does not provide a site responsive development and fails to meet the avoidance and minimisation requirements of the detailed assessment Clause 52.17.
- The proposed addition to Oakwood Drive is inadequate. The proposed extension to the reserve should be to the northern boundary of the reserve to be in line with the northern boundary of the western portion of Oakwood Drive reserve and an approximate reserve boundary meeting the northern edge of the Lats Avenue footpath. The area supports areas of Heathy Woodland that can be restored with correct management and also provide an area of passive open space.

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- The retention of indigenous trees and vegetation is separate from provision of Public Open Space and that any additional area required to retain native vegetation in accordance with Clause 52.17 and Council Policies is considered separate from the Public Open Space requirement.
- Development within the narrow link from Brunnings Road to the rest of the site is not supported as this link contains a number of large trees is very narrow and not appropriate for residential development and is a configuration that should be linking open space.
- The boardwalk and road adjoining the large trees and understorey at the edge of the reserve is likely to result in long term degradation of the edge of the reserve and the potential to require further removal of trees and vegetation due to the proximity to public access. The extension of the Oakwood Reserve as required above will provide a buffer to the higher quality indigenous understory and large canopy trees at the edge of the reserve.
- The 3 Coast Manna Gums that are proposed to be retained in the linear park, is supported. This does not address the “avoid and minimise” requirements of Clause 52.17 as they are located within the managed and central park and will become amenity trees rather than contribute greatly to biodiversity enhancement.
- The north-east corner of the site supports significant trees and it is recommended that these trees be retained within a reserve.
- The Native Vegetation Report submitted does not adequately describe the native vegetation to be removed and the offset requirements, should clearing be approved. Specifically, all Coast Tea Tree and Coast Wattle patches on the site are subject to permit application requirements under Clause 52.17 as they are native to Victoria, not planted and more than 10 years old. Some of these patches of Coast Tea Tree are within areas that constitute a patch and while these two species are acting as weeds and may not generate offset requirements, they are not exempt from permit requirements. Further, these patches are currently contributing to stability of the dunes within the site and removal should be controlled through permit conditions to manage erosion.

Urban Designer

Council's Urban Designer objects to the proposal and provide the following comments (summarised):

- The dwelling density is considered inappropriate given the surrounding character of the area. The proposal results in poor urban design and amenity outcomes generated by the proposed dwelling typologies and their layout within the site.
- The separation proposed between dwellings is not sufficient in its ability to break up the built form and its impact on the streetscape and is not capable of supporting canopy trees to at least the first and second storeys of the development.
- Setback distances of garages to roads is not appropriate and insufficient, with built form hard up against the public realm, which has potential safety implications. This is considered a poor design outcome and difficult to justify given the size of the parcel of land.
- There is a lack of 'nature strip' landscaping, including street trees provided between the footpaths and proposed internal roads which would assist in softening the built form and provide a more appropriate separation between pedestrians and motor

**11.4 Planning Permit Application 229/2019/P - 26 Brunnings Road, Carrum Downs - To construct two-hundred and eleven (211) dwellings, a staged subdivision and removal of native vegetation.****Officers' Assessment**

vehicles. Further, the number of vehicle crossovers reduces the ability for meaningful landscaping and street canopy trees.

- Throughout the development, garaging dominates the streetscape at ground floor level, with the majority of dwellings failing to present to the street with a window from a living area at ground floor level which is considered a poor urban design outcome. Reliance on living areas at upper levels to provide passive surveillance is considered to create an isolated environment for pedestrians. The interface with Oakwood Reserve, with no front setback afforded to dwellings emphasises the contrast between built form and the reserve.
- The use of light well court yards (dwelling typology 06) is considered a poor outcome and not justified for a large undeveloped site. This same concern also applies to Type 06 which incorporates skylight windows.
- Dwelling entrances inset into the buildings is considered a poor design outcome, not affording the dwellings a sense of address and creates a hostile environment, with safety concerns.
- There is a lack of eaves and sun protection afforded to almost all windows (excluding those set back into balcony spaces), resulting in poor energy efficiency.
- The design and appearance of the dwellings are considered monotonous and homogenised and the overall colour scheme considered quite dark and heavy with limited variation.
- There are substantial change in ground level around dwellings 22, 120, 179, 180 and 201-205, with plans indicting substantial retaining walls which will have implications for daylight and landscaping implications.
- The majority of pedestrian links are isolated and restricted dimensions raises entrapment and passive surveillance/safety concerns.
- Safety concerns are raised in respect to the Linear Reserve and central courtyard - these spaces should be fronted with low (1.2m) permeable fencing to integrate with the open space.
- Safety concerns Road B laneway, directly adjacent to dwelling 208 and 209 - dominant garaging at ground level and isolated nature of the space provides minimal activation and passive surveillance
- The proposed footpath from Brunnings Road to Road B laneway should be extended along the western boundary and incorporate buffer landscaping along this boundary.

**Landscape Architect**

Council's Landscape Officer has reviewed the Landscape Masterplan and objects to the proposal and provides the following comments (summarised):

- The proposal is not supported as the design of the dwellings need to be reviewed to include less hard surfaces and landscaping to the front of the site.



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- The proposed area nominated as natural public amenity adjacent to Oakwood Drive Reserve is inadequate and doesn't provide for a substantial buffer to the existing remnant Heathy Woodland Vegetation. The collective area has the potential to be a core habitat area for many indigenous fauna species. The natural vegetated area must be widened to align with the northern edge of Oakwood Drive Reserve. The amenities provided within this area should be minimal to promote passive recreation. The proposed boardwalk and central deck area must be deleted with the provision of an exposed gravel aggregate 'Golden beach' pathways and bench seating.
- Development within the narrow link from Brunnings Road to the rest of the site is not supported. This link contains a number of large trees and is very narrow. It is not appropriate for residential development and is naturally of a configuration that should be linking open space.
- Given many of the dwellings have no front setback and/or incorporate car parking to the streetscapes, there is no opportunity for street tree planting. This is a poor design outcome particularly in regard to the size of the site which has the potential to provide a high level streetscape amenity.
- Where street trees are proposed the space is very limited such as between each driveway at the edge of the roadways and is likely to result in widespread tree failure due to the lack of soil volume or damage and or removal as they are likely to damage driveways due to the lack of suitable growing space.
- The Central Rectangular Courtyard provides no value to the wider community as a result of being land locked, with no street presence, creating an isolated area. Further, there is no access provided for maintenance.

**Drainage Engineers**

Council's Drainage Engineer has reviewed the Infrastructure and Stormwater Management Strategy and provides the following comments (summarised):

- Retaining wall locations and construction (refer earthworks plan) management and maintenance obligations to be addressed.
- Storm water drainage strategy for proposed development to be submitted showing drainage outfall locations including flow path destination for minor and major system. The subdivision must be designed to be self-draining, under normal and minor system blockage conditions. The strategy should aim to achieve sustainable storm water management and required to demonstrate Water Sensitive Urban Design features for improved waterway values and to manage flood risk.
- Services located within Council reserve along the southern site boundary to be relocated.

**Waste**

Council's Waste Management officer has reviewed the Waste Management Plan and provides the following comments (summarised):

- In principle, no objection to the proposed private collection; however concerns raised regarding bin collection on Brunnings Road for four properties, noting that there is not enough space on the frontage.

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The site is designated for urban development to support an appropriately designed residential development. The proposal provides consolidation of an existing urban area with existing infrastructure and services and will increase the supply and diversity of housing stock within the municipality which increases housing choice for existing and future residents which is generally consistent with the broader principles of State and Local Planning Policy. However encouragement given by these objectives need to be tempered by developments being in keeping with the neighbourhood character and responding to the constraints of the site.

The proposal fails to respect the existing and preferred neighbourhood character which seeks to balance built form and landscape character. The design response fails to provide an acceptable balance between landscaping opportunities, sense of space around the dwellings and continuous built form. Further, the proposal is not considered to respond to the constraints of the site which include the environmental qualities of the land with significant vegetation, particularly to the south of the site, adjacent to Oakwood Reserve and the unique lot configuration, with narrow frontage to Brunnings Road. For these reasons, the proposal is not considered to achieve the objectives that relate to neighbourhood character and does not respond appropriately to the constraints of the site and therefore does not strike an acceptable balance.

According to the Frankston Housing Strategy 2013, the subject site is within an "incremental change area". According to Section 4.4 - Incremental Change Areas are established residential areas which provide some opportunities for housing growth and change over time, including some dispersed medium density dwellings, provided developments are well designed and have regard to neighbourhood character.

Incremental Change Areas have been delineated in locations that:

- Are located distant (outside walking distance) from activity centres and the Principal Public Transport Network.
- May possess some constraints to development.

Council has recently updated and adopted the Frankston Housing Strategy, 2018. This strategy maintains the site in the 'incremental change area' and extends the coverage of this area as shown in the framework plan.

Section 10.6 – Incremental Change Areas of the 2018 Frankston Housing Strategy builds on the strategic directions contained in the 2013 strategy but includes an additional dot point as follows:

- May have a lot configuration or street network pattern that is not conducive to high density residential development, but can accommodate some increase in dwellings.

The subject site is not located close to a Major Activity Centre or Principal Public Transport Network. As previously discussed, the proposal has environmental constraints with significant vegetation, particularly to the south of the site and has a unique lot configuration, with narrow frontage to Brunnings Road. The design response has not responded appropriately to the environmental constraints on the land and is not considered well designed as a result of the continuous built form, with minimal dwelling spacing and lack of landscaping opportunities to filter the mass of the development from the streetscapes, neighbouring properties and surrounding environment. For

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these reasons, the proposal is not in keeping with the existing and preferred neighbourhood character.

**Clause 43.04 - Development Plan Overlay Schedule 1**

Clause 43.04 – Development Plan Overlay Schedule 1 – Carrum Downs applies to the subject site. Clause 43.04-2 states any permit granted for land within a relevant Development Plan Overlay area must be ‘generally in accordance with’ the relevant development plan prepared to the satisfaction of the responsible authority.

The Development Plan for Carrum Downs was approved on 1 July 1987 and last amended on 28 December 2011. In relation to the subject site, the development plan shows:

- A ‘proposed pre-school’, ‘proposed infant welfare centre’ and ‘proposed shop’ in the south-west corner of the subject site;
- A ‘local street’ running in an east-west direction through the centres of the subject site (connecting to Hillview Drive to the east) and extending to the south; and
- A proposed non-vehicle route in the southern part of the subject site.

The plans submitted with the application show a road running east-west through the centre of the subject site (an extension of Hillview Road to the east). The proposed road doglegs north before connecting to the land to the west. The extension of Oakwood Drive Reserve to the south of the subject site includes a non-vehicle, pedestrian route. The plans show the subject site being developed for dwellings.

The plans submitted with the application do not include a Pre-School, Infant Welfare Centre or a Shop. Further, the proposal does not include a local road extending to the south of the site.

Given the above, it is considered the proposal is not ‘generally in accordance’ with the Development Plan insofar that it proposes to use the land only for residential purposes and does not make provision for a pre-school, infant welfare centre or shop. Where a planning permit application is not considered to be ‘generally in accordance with the development plan, a planning permit cannot be issued.

**Clause 32.08 - General Residential Zone**

The site is located within the General Residential Zone and pursuant to clause 32.08 of the Frankston Planning Scheme, the purpose includes (as relevant):

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*

The layout, design and building mass fails to respect the neighbourhood character of the area. There is limited diversity in the dwelling typology with dwellings clustered in large pods around a central linear park and around the sensitive interfaces. The proposed development fails to transition the intensity of the building form around the interface edges.

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The site is within walking distance to an activity centre however, access to public transport is more limited.

**Is the Neighbourhood Character and Design Response appropriate?**

Council's Neighbourhood Character Policy (Clause 22.08) seeks to ensure development is responsive to the key characteristics that make up the preferred character of each precinct. The site is located within the Carrum Downs 1 (CD1) Neighbourhood Character Precinct. The preferred character of the precinct is:

*The sense of openness will be maintained.*

The character description for the area is described as:

*A recently developed and still developing area with dwellings set in an informal, low level garden setting. There are a variety of recent, low scale dwelling styles, and a predominance of brick and tile materials. There is a sense of openness in the streetscapes, resulting from the general absence of front fences, the provision of side setbacks and wide nature strips.*

The design objectives of the precinct are addressed below:

*To strengthen the garden settings of the dwellings.*

A Landscape Master Plan has been submitted with the application. The proposed development is an unacceptable design response that does not strengthen the garden settings of the dwellings. A majority of the dwellings, include built form to the proposed common property internal roads and Hillview Road extension that incorporate a zero front setback and are dominated with garages. Where a front setback has been incorporated into the design it is allocated as parking for the dwelling.

There is no opportunity for landscaping down the roads that incorporate canopy trees which would assist in filtering the mass and visual bulk associated with the second and third levels and provide a more appropriate separation between pedestrians and motor vehicles. Further, the number of vehicle crossovers reduces the ability for meaningful landscaping and street canopy trees. Where street trees are proposed the space is very limited such as between each driveway at the edge of the roadways. Council's Landscape Architect has advised that this is likely to result in widespread tree failure due to the lack of soil volume or damage and or removal as they are likely to damage driveways due to the lack of suitable growing space. Additionally, the secluded private open space areas are not considered large enough to support canopy trees that would strengthen the garden settings.

*To reflect the rhythm of existing dwelling spacing.*

The continuous built form with minimal dwelling spacing and high level of density does not reflect development patterns within the area. The surrounding area consists of dwellings on larger lots, with predominantly detached dwellings.

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

Dwellings 201 and 211 are proposed to front Brunnings Road and given the reduced front setback, double storey attached nature, with no building recession, the dwellings are considered to dominate the streetscape.

*To maintain the openness of the streetscape*

No front fence is proposed to Brunnings Road and Hillview Drive extension.

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Many of the dwellings are located along property boundaries, orientated to face inwards towards the development with their areas of secluded private open space located around the perimeter of the boundary. It is not considered that the development provides a satisfactory interface with the surrounding area as insufficient setbacks have been provided from adjoining residential properties to the north, east and west - setback distances range from 4.62 metres to 7.8 metres at both ground and first floor levels. The proposal incorporates continuous building form over two levels, with inadequate breakages in this built form, except for separation of 1.3-1.5m. The setback to residential properties directly adjacent to the site is insufficient and does not provide adequate opportunities for landscaping, including the provision of canopy trees to break up the built form and soften the impact of the development, resulting in visual bulk to adjoining residential properties.

To address the amenity of abutting properties, the need for screening will add bulk to the built form and adversely impact the amenity of residents in the proposed dwellings.

**Is the internal amenity of the dwellings appropriate for future residents?**

As a result of the attached form of the dwellings, with very minimal spacing, it is considered that the internal amenity is poor. Given the lack of side elevations to many of the dwellings due to the continuous built form, light/solar access is only achieved from the ends of the dwellings resulting in poor access to daylight. The dwellings surrounding the periphery of the site will require all first floor habitable room windows to the rear to be obscured. Further, some dwellings appear to be setback less than 9 metres from dwellings on the opposite side of the common property road (TH 12-17; 92-103) and therefore the front elevations of these dwellings will also be required to be obscured as they overlook one another.

Dwelling typology 2 incorporates light well court yards. This is a response to the continuous built form and density of the development and is considered a poor outcome and not justified for a large undeveloped site, with no development constraints such as this and therefore demonstrates the lack of balance between extent of built form, lack of space surrounding the dwellings and landscaping opportunities.

**Does the proposal provide adequate landscaping opportunities throughout the site?**

For many of the dwellings, the built form to the proposed common property internal roads and Hillview Drive extension incorporates a zero front setback and are dominated with garages and/or car parking. There is no opportunity for landscaping adjacent to the internal roads that incorporate canopy trees which would assist in filtering the mass and visual bulk associated with the second and third levels and provide a more appropriate separation between pedestrians and motor vehicles. This is considered a poor design outcome and difficult to justify given the size of the parcel of land with no pre-existing built form or roadway constraints. Further, the number of vehicle crossovers reduces the ability for meaningful landscaping and street canopy trees.

The separation proposed between dwellings is not sufficient in its ability to break up the built form and its impact on the streetscape and surrounding residential properties. Specifically, the separation is not capable of supporting canopy trees to at least the first and second storeys of the development.

As a result of the limited landscaping opportunities throughout the site, the streetscape is 'canyon like'. The dwellings should incorporate wider lots and/or car parking to the



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side or rear to allow for landscaping to the street frontages. This cannot be conditioned and requires a redesign to provide an acceptable outcome.

**Clause 55 – ResCode Assessment**

The following Clause 55 assessment is limited to the areas of non-compliance:

Neighbourhood Character and Infrastructure

It is considered that the layout and design of the development with continuous building form, over 2 and 3 levels with very minimal spacing's and development density does not respect the existing and preferred neighbourhood character and fails to respond appropriately to the features of the site and surrounding area.

The development provides a pedestrian link to the south of the site, within the extended Oakwood Reserve via a proposed pedestrian path running from the east at Lats Avenue to the Oakwood Drive Reserve to the west. This link is a requirement of the Outline Development Plan. Additional pedestrian links are provided throughout the site; however these links are highly isolated and narrow (2 metres wide) and raise passive surveillance/security concerns.

Site Layout and Building Massing

Dwelling's 210 and 211 are orientated to front Brunnings Road, with a shared vehicle access and a front setback of 4.085 metres. The proposal seeks a significant variation to the minimum front setback requirement of 7.85m (Standard B6). Given, both adjoining dwellings are single storey and the proposal is for two double storey dwellings, attached over two levels, this variation is not justified as it is considered that the dwellings will have a bulky appearance, not in keeping with the streetscape and neighbourhood character.

The Linear Park in the centre of the site running in a north-south direction has a minimum width of 6.96 metres and maximum width of 17.27 metres, with 57 of the 211 dwellings directly facing onto the park. There are limited physical connections to the park and it is too enclosed, with the pedestrian links connecting to the park too narrow (2m and 3m wide) contributing to the lack of permeability.

For these reasons, the use of the park will be limited to the dwellings that front onto it and is not accessible and useable for all dwellings in the development. It is acknowledged that a secondary rectangular park, is provided to the north of the site (15 metres by 27 metres); however the rectangular park is not of an appropriate scale and does not meet the design response to the open space objectives.

It is considered that the linear park needs to be increased in width and dwellings 149-152 to be deleted to integrate the open space down the spine of the site. Further, the deletion of dwellings 32 and 33 will provide a visual link to the open space from Hillview Drive and address landscaping concerns which will also help to address traffic concerns detailed later under Car Parking Section of the report.

The entries to the dwellings do not provide for the safety and security of residents and property. The entries are deeply inset at depths of approximately 2 or 3 metres and obscured by garages, not affording the dwellings a sense of address and creates a hostile environment, with safety concerns. This is in addition to the internal streetscape concerns detailed in the earlier section of the report.

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For the most part, dwellings along the eastern and western boundaries, surrounding the periphery of the site will require all first floor habitable room windows to the rear to be obscured or screened to prevent overlooking into adjoining residential properties. The applicant has acknowledged this and advised that it can be included as a condition of permit if the application were to be supported. Notwithstanding this, given the continuous built form, with many townhouses requiring first floor windows to the rear being obscured and some requiring both the front and rear obscured, it is considered the internal daylight to and amenity afforded to the dwellings is poor.

Dwellings 12-17 and 82-103 appear to be setback less than 9 metres from dwellings on the opposite side of the common property road and therefore the front elevations of these dwellings may also be required to be obscured as they overlook one another. These measures are an indication that the design response is unsatisfactory in achieving a sense of space.

Concerns are raised regarding overshadowing to adjoining dwellings to the west of the site (41 Hillview Drive and 6 Locksley Court); however without the benefit of 10am shadow diagrams Council are unable to determine compliance.

On-Site Amenity and Facilities

Given the attached form of the development, light/solar access is only achieved from the ends of the dwellings with screening measures required to the majority of the dwellings to the periphery of the site resulting in poor daylight/solar access outcomes. Further, as previously mentioned earlier in the report, dwelling typology 2 incorporates light well courtyards which is considered a poor design outcome and a direct response to the continuous built form and density.

Detailed Design

The intensity of the development and the continuous built form, with minimal spacing and insufficient space for landscaping for the provision of canopy trees results in unacceptable visual bulk when viewed from adjoining residential properties, streetscape and surrounding environs, which is not consistent with the local character of the area.

The design and layout of the development is repetitive in form and style and unacceptable. Dwellings are considered monotonous and homogenised and the attached design of dwellings, with minimal spacing with vehicle storage dominating the streetscapes is considered to be an undesirable design response.

There is no recessing of the upper storeys, this combined with the continuous built form, with minimal spacing and insufficient space for landscaping for the provision of canopy trees results in unacceptable visual bulk when viewed from adjoining residential properties.

**Clause 56 - Residential Subdivision Assessment**

The following Clause 56 assessment is limited to the areas of non-compliance:

Liveable and Sustainable Communities

As previously discussed throughout the report, the proposal is not in keeping with the existing and preferred neighbourhood character. The design response fails to seek an acceptable balance of built form and landscape character, not consistent with the objectives of the Carrum Downs 1 Neighbourhood Character. Specifically, the dwelling setbacks and domination of garaging and car parking to the streetscapes along with the

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continuous built form of the dwellings, with minimal spacing does not allow for meaningful landscaping opportunities that can accommodate canopy trees to soften the built form to the extent that the design response requires a redesign to provide an acceptable outcome. Further, the design response has not adequately addressed the significant vegetation in the site, particularly to the south of the site.

**Lot Design**

The plans demonstrate how each lot can be developed with a dwelling; however, as previously mentioned concerns are raised regarding the density and limited spacing between dwellings and resultant poor solar access outcomes to the proposed dwellings. It is noted that dwelling 2 typology incorporates light well court yards which is a response to the continuous built form and demonstrates the unacceptable density of the development.

Pedestrian links throughout the site are considered too narrow and isolated and create safety concerns. Also, throughout the development, garages dominate the streetscape at ground floor level, with the majority of dwellings failing to present to the street with a habitable room window at ground floor level. This is considered a poor design outcome which lacks passive surveillance to the ground floor and creates an isolated pedestrian environment. It is acknowledged that the dwellings, SPOS areas, balconies and fencing have been designed to maximise passive surveillance of the linear park and that dwellings have been orientated to overlook the extension of Oakwood Reserve.

**Urban Landscape**

As previously discussed, the proposal does not provide adequate landscaping opportunities throughout the site. This is a result of the streetscapes having zero setback of built form and/or dominated by car parking and garaging and the continuous built form of the dwellings with minimal spacing which does not allow for meaningful landscaping opportunities that can accommodate canopy trees to soften the built form and integrate the development into the existing and preferred neighbourhood character.

As previously discussed in terms of public open space provision, the proposal provides a linear park, rectangle park and extension to Oakwood Reserve. The linear park and rectangle park are proposed to be common property managed by Owners Corporation and the extension of Oakwood Reserve to be vested to Council. The Linear Park in the centre of the site running in a north-south direction has a minimum width of 6.96 metres and maximum width of 17.27 metres, with 57 of the 211 dwellings directly facing onto the park.

It is considered that there are limited physical connections to the park and it is too enclosed, with the pedestrian links connecting to the park too narrow (2m and 3m wide) contributing to the lack of permeability. For these reasons, the use of the park will be limited to the dwellings that it fronts onto and is not accessible and useable for all dwellings in the development.

It is acknowledged that a secondary rectangular park, is provided to the north of the site (15 metres by 27 metres); however the rectangular park is not of an appropriate scale and does not meet the design response to the open space objectives. It is considered that the linear park needs to be increased in width and dwellings 149-152 to be deleted to integrate the open space down the spine of the site. Further, the deletion of dwellings 32 and 33 will provide a visual link to the open space from Hillview Drive and address landscaping concerns which will also help to address traffic concerns detailed later under Car Parking Section of the report.

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In terms of walking and cycling network objectives, it is acknowledged that the linear park and extension to Oakwood Reserve and pedestrian linkages creates new connections throughout the site and that the continuation of Hillview Drive with footpaths on both sides links the site to the surrounding neighbourhood. However as previously discussed, it is considered that the linear park lacks permeability with pedestrian paths that are too narrow (2-3m wide) creating safety concerns. For these reasons it is considered that the linear park will be used mainly by the dwellings that back onto it. The rectangle park is land locked and also lacks permeability (narrow pedestrian links) creating safety concerns. Further, minimal habitable room windows at ground floor level of dwellings, dominated by garages and car parking to the streetscape, in addition to relying on first floor for passive surveillance creates an isolated environment for pedestrians and possible safety concerns.

In regards to lot access, the continuation of Hillview Drive is designated as an Access Street - Level 1 road. Standard C21 states that vehicle access to lots of 300 square metres or less in area and with a frontage of 7.5m or less should be provided via rear of side access lanes, places or streets and that the design and construction of a crossover should meet the requirements of the relevant road authority. Council's Traffic Engineers do not support the number of vehicle access points on Hillview Drive due to traffic safety concerns and require access to these properties to be provided through a shared accessway. Further, traffic do not support vehicle crossings located within 9 metres of an intersection. This is discussed further below under Clause 52.06 – Car Parking.

**Minimum Garden Area Requirement**

The proposal requires a minimum garden area of 35%, or 17158 square metres of the total site area (49,023 square metres or 4.9ha). A garden area plan has been submitted with the application and shows the garden area measures at being approximately 36.53% (17910 square metres) therefore meeting the requirement. The garden area requirements include the extended reserve at the southern end of the site which is to be dedicated as park (Oakwood Reserve) and vested to Council.

**Clause 53.01 - Public Open Space Contribution and Subdivision**

A Public Open Space contribution of five percent (5%) is required in respect of this subdivision, equating to 2451.15 square metres. Public Open Space provision has been provided in the form of the extension of Oakwood Reserve to the south of the site, with the park vested to Council. Although this meets the public open space requirement of Clause 53.01 of the Frankston Planning Scheme, it is noted that the retention of indigenous trees and vegetation is separate from provision of Public Open Space and that any additional area required to retain native vegetation in accordance with Clause 52.17 and Council Policies is considered separate from the Public Open Space requirement, which will be discussed under Clause 52.17 (Native Vegetation).

**Clause 52.17 – Native Vegetation**

As the site is over 4000 square metres in size it is subject to the requirements of Clause 52.17 for native vegetation removal. Council's Biodiversity Officer does not support the proposal as it does not provide a site responsive development and fails to meet the avoidance and minimisation requirements of the detailed assessment pathway of Clause 52.17.

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The proposed addition to Oakwood Drive reserve to the south of the site is considered to be inadequate and should be extended as the area supports areas of Heathy Woodland that can be restored with correct management and also provide an area of passive open space.

The Frankston City Open Space Strategy 2016-2036 identifies a key issue in Carrum Downs being increased housing development, resulting in a loss of green spaces. Further, the strategy has identified the site as a key ecological site and to undertake potential open space links. As discussed above, the design response has not provided an adequate extension to the Oakwood Reserve which supports significant vegetation and provides good opportunities to provide a significant natural reserve with dwellings fronting a natural setting.

As previously mentioned, it is noted that the applicant is allocating the extension to the Oakwood Reserve as part of their 5% public open space contribution. The retention of indigenous trees and vegetation restricts the use of this area to the extent that this is separate and cannot be considered with the provision of Public Open Space. It is considered that any area required to retain native vegetation in accordance with Clause 52.17 and Council Policies is separate from the Public Open Space requirement.

Development within the 20 metre wide link from Bunning's Road to the rest of the site is not supported as this link contains a number of large trees is too narrow, not appropriate for residential development and is a configuration that should be linking open space.

Council's Biodiversity Officer and DELWP are not satisfied that the extent of patches as shown in the Ecological Report are accurate and therefore has not assessed the vegetation correctly as most of the patches of vegetation that support Coast Tea Tree and Sallow Wattle have been incorrectly identified as 'not meeting the definition of a patch'.

DELWP have also commented on this issue and requested further information in relation to this and are not satisfied that the applicant has taken adequate steps to avoid and minimise the proposed native vegetation removal. The Native Vegetation Report supplied with the application does not adequately describe the native vegetation to be removed and the offset requirements and as such further information has been requested.

It should be noted that to date a response to the further information requests in relation to the Ecological Report has not been provided and as such Council do not know and do not have the required information to make a thorough assessment of the native vegetation removal. These concerns have been included in the grounds of refusal.

**Clause 52.06 – Car Parking**

The purpose of Clause 52.06 is:

- *To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*



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- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

#### Car parking provision

The following table sets out the number of car parking spaces required by Clause 52.06-5 and the proposed car parking.

Clause 52.06-5 rate for dwelling	Proposed No. of Dwellings	Car spaces required by Clause 52.06-5	Proposed Car Parking
1 car parking space to each one and two bedroom dwelling.	29	29	29
2 car parking spaces to each three or more bedroom dwelling.	182	364	364
Visitor Car parking	211	42	42 (31 within site)

The proposal complies with the car parking requirements of Clause 52.06, with each two-bedroom dwelling being provided with a single car space and each three or four bedroom dwelling provided with a double garage or tandem arrangement, with a total of 393 car spaces.

Council's Traffic Engineers do not support the provision of visitor car parking on the site. Clause 52.06 requires visitor car parking at a rate of 1 per 5 dwellings and as such 42 spaces are required and 42 car spaces are provided. However, Council's Traffic Engineers do not support the provision of 11 visitor car spaces on Hillview Drive as the road will be vested to Council as a public road. For these reasons, the 11 visitor car spaces proposed to be provided on Hillview Drive will need to be relocated within the boundaries of the subject site which requires a redesign to provide an acceptable outcome.

In respect to Council's Multi Dwelling Visitor Car Parking Guidelines, the proposal does not comply as it would require 80 visitor car spaces (this has been calculated by dividing the site into two areas, either side of Hillview Drive). Given the site has a frontage to Brunnings Road of 20 metres and is proposed to be developed for 211 dwellings, it is not considered practical to provide the number of visitor spaces required under this policy. Notwithstanding this, the provision of visitor car parking is considered an issue, noting that Council's traffic Engineers do not support the provision of 11 visitor car spaces on Hillview Drive as it is proposed to be a public road vested to Council. Additional visitor car spaces are encouraged given there is no ability to park directly in front of the dwellings due to the extent of built form to the streetscapes.

#### Traffic management and internal access

A total of 20 dwellings are provided with direct access to Hillview Drive and located near road bends. Council's Traffic Engineers do not support direct access from Hillview Drive to a number of properties as it does not comply with Clause 52.06-8 and is a

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traffic safety concern. Clause 52.06-8 requires vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets.

As previously mentioned, TH 32 and 33 should be deleted to provide a visual link and address landscaping concerns which will also improve traffic safety concerns. If dwelling lot sizes do comply with the requirements of Clause 52.06-8, direct access may be considered subject to a minimum front setback of 5.5 metres.

Council's Traffic Engineers have raised concern regarding two way traffic circulation on 'Road A' running adjacent to Oakwood Reserve and provision of visitor car parking and recommend they are removed or indent car parking provided. It is noted that the provision of indent visitor car parking will impact on the extension to the Oakwood Reserve.

Road A and Road B will function as minor streets providing local residential access with traffic volumes greater than 300vpd. Traffic management at cross intersection of Road A, Road B and Hillview Drive requires justification and further information.

Vehicle crossings shall not be located within 9 metres of intersections. A number of vehicle crossing are located within 9 metres of an intersection and not supported as they impact traffic safety.

There is a missing link of footpath between 39 Hillview Drive and eastern boundary of landscape area adjacent to TH18. Footpath should be designed to be continuous and connect.

**Traffic Generation and Distribution**

Council's Traffic Engineers have concerns that the proposed development will impact the operation of the Cadles Road/Protea Street intersection. Consideration should be given to the adoption of a turn treatment at this intersection and design must be submitted to Council for review and comment. Further, based on the resultant future traffic volumes at the intersection of Bunning's/Hillview Drive and McCormick's Road/Banjo Boulevard, consideration to be given to the adoption of turn treatments and design submitted to Council for review and comment.

If the application were to be supported, conditions of permit would include detailed design plans - longitudinal sections of roads to be submitted for approval, including; all grade lines, all vertical curve details, the existing conditions for a minimum distance of 50m at either end of the proposed construction, drainage and design kerb levels.

**Waste**

The applicant provided a Waste Management Plan for the proposed development based on a 9.8 metre waste collection vehicle. Private waste collection is proposed. Council's Traffic Engineers have reviewed the swept path assessments and found them to be acceptable to accommodate a 9.8 metre service vehicle under a private collection. Council's Waste Management Officer has raised concern regarding bins for four properties being placed on Brunnings Road, noting that there is not enough space on the frontage.

**CHMP**

Pursuant to the Aboriginal Heritage Regulations 2007, the site is located within an area of Cultural Heritage Sensitivity. The applicant provided an Aboriginal Heritage Due Diligence Assessment prepared by Archaeo-Environments Pty Ltd dated 16 January

**11.4 Planning Permit Application 229/2019/P - 26 Brunnings Road, Carrum Downs - To construct two-hundred and eleven (211) dwellings, a staged subdivision and removal of native vegetation.****Officers' Assessment**

2017. In addition to this, the permit applicant provided a preliminary Aboriginal heritage test (PAHT) under section 49C of the Aboriginal Heritage ACT 2006, including Secretary's certificate authorising that a cultural heritage management plan is not required.

**Conclusion**

For the above reasons, the proposal is not supported and this is the position that should be advanced at the forthcoming VCAT compulsory conference and merits hearing on this matter.

**Recommendation (Director Community Development)**

That should a review not have been lodged under S79 of the Planning and Environment Act 1987 at the Victorian Civil and Administrative Tribunal, Council would have resolved to issue a Notice of Refusal to Grant a Planning Permit in respect to Planning Permit Application number 229/2019/P to construct two-hundred and eleven (211) dwellings, a staged subdivision and removal of native vegetation at 26 Brunnings Road, Carrum Downs, would have been issued, subject to the following grounds:

1. The proposal is not 'generally in accordance' with the development plan approved under Clause 43.04 – Development Plan Overlay Schedule 1 – Carrum Downs, Langwarrin and Baxter Outline Development Plans of the Frankston Planning Scheme for Carrum Downs as it fails to make provision for a pre-school, infant welfare centre and shop; and a road connection to the south.
2. The proposal is not consistent with the strategic directions of the Frankston Housing Strategy, 2013 as the subject site is identified for 'incremental change area' and fails to provide a diversity of housing type and lot sizes consistent with the strategic directions of the strategy.
3. The proposal development is inconsistent with the objectives of State and Local Planning Policy Framework of the Frankston Planning Scheme, including:
  - a. Clause 12.01-1S – Protection of biodiversity
  - b. Clause 12.01-2S – Native vegetation management
  - c. Clause 12.05-2S – Landscapes
  - d. Clause 15.01-1S – Urban Design
  - e. Clause 15.01-2S – Building design
  - f. Clause 15.01-3S – Subdivision design
  - g. Clause 15.01-4S – Healthy Neighbourhoods
  - h. Clause 15.01-5S – Neighbourhood Character
  - i. Clause 21.06 – Environment and Landscape Values
  - j. Clause 21.07 – Housing
  - k. Clause 21.10 – Built Environment and Heritage
  - l. Clause 22.08 – Neighbourhood Character Policy

**11.4 Planning Permit Application 229/2019/P - 26 Brunnings Road, Carrum Downs - To construct two-hundred and eleven (211) dwellings, a staged subdivision and removal of native vegetation.****Officers' Assessment**

4. The proposal does not satisfy the objectives of Clause 55 of the Frankston Planning Scheme, in particular:
  - a. Clause 55.02 – Neighbourhood Character
  - b. Clause 55.03-1 – Street setback
  - c. Clause 55.03-6 – Open Space
  - d. Clause 55.04-6 – Overlooking
  - e. Clause 55.03-7 – Safety
  - f. Clause 55.04-7 – Internal views
  - g. Clause 55.03-8 – Landscaping
  - h. Clause 55.05-3 – Daylight to new windows
5. The proposal does not satisfy the objectives of Clause 56 of the Frankston Planning Scheme, in particular:
  - a. Clause 56.03-5 - Neighbourhood character
  - b. Clause 56.04-2 – Lot area and building envelope
  - c. Clause 56.04-3 – Solar orientation of lots
  - d. Clause 56.04-4 – Street orientation
  - e. Clause 56.05-1 – Integrated urban landscape
  - f. Clause 56.05-2 – Public open space provision
  - g. Clause 56.06-2 – Walking and cycling network
  - h. Clause 56.06-4 – Neighbourhood street network
  - i. Clause 56.06-8 (Lot access objective)
6. The layout and design of the subdivision fails to provide an acceptable site context response as it fails to respect the existing residential character of the area, fails to integrate with the surrounding residential development and provide an acceptable transition to more intense form of development.
7. The layout and design of the subdivision is not consistent with the Frankston City Open Space Strategy as the development fails to provide public open space in a location, form and size that would provide a net community benefit to the residents of the development and local community.
8. The proposal is not consistent with Clause 52.17 – Native Vegetation as it fails to comply with the Native Vegetation Framework to achieve Net Gain as required.
9. The proposal fails to provide a satisfactory contribution to the long term protection of native vegetation through the supplementing of the Oakwood Drive Reserve.
10. Clause 53.01 Public Open Space contribution has not be satisfied as the land set aside to supplement the Oakwood Drive Reserve is considered to be for the primary purpose of conservation to protect biodiversity of existing vegetation.
11. The proposal fails to provide a satisfactory urban design response and outcome as a result of the linear layout and design of the dwellings, the

**11.4 Planning Permit Application 229/2019/P - 26 Brunnings Road, Carrum Downs - To construct two-hundred and eleven (211) dwellings, a staged subdivision and removal of native vegetation.****Officers' Assessment**

homogenous design of dwellings, continuous building form, minimal dwelling spacing and front setbacks results in a poor design outcome.

12. The proposal fails to provide adequate opportunities for landscaping including canopy vegetation throughout the development and within the streetscape and private open spaces to achieve a satisfactory landscape character and environment benefits.
13. The proposal fails to provide an acceptable response to Clause 56.06-8 given the number of vehicle cross-overs proposed to Hillview Drive, a future public road, as they have the potential to create traffic safety concerns and impact on the capacity for on-street car parking.
14. The proposal fails to comply with the visitor car parking requirements of Clause 52.06 as the proposal relies on the on-street car parking on Hillview Drive, a future public road, to satisfy the visitor car parking requirements of the Frankston Planning Scheme.
15. The proposal fails to provide acceptable internal amenity for future residents.



# 26 BRUNNINGS ROAD, CARRUM DOWNS

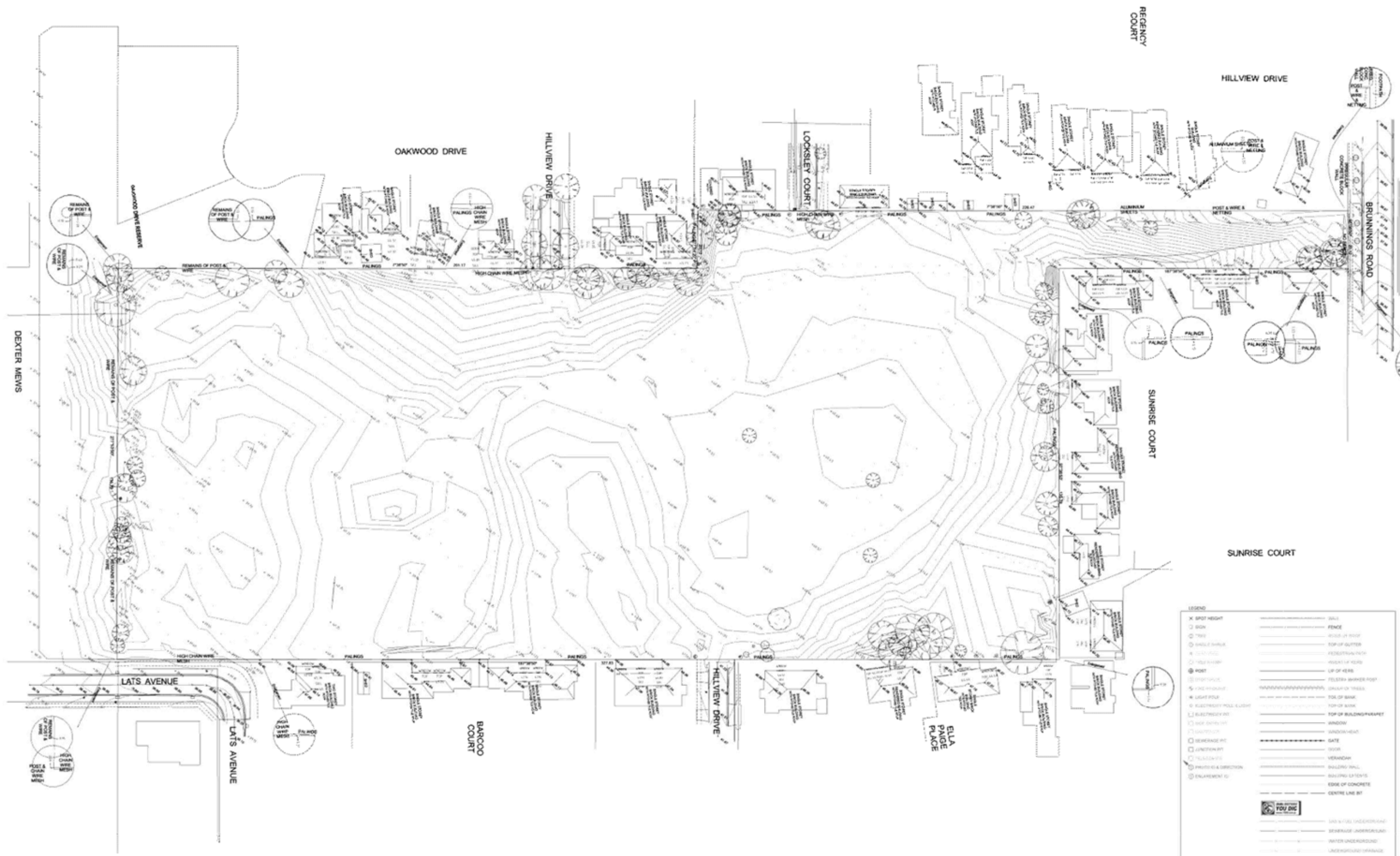
## TOWN PLANNING DRAWINGS

DRAWING NO.	DRAWING TITLE	REVISION NO.	DATE
100 SERIES - COVER PAGE / GENERAL NOTES			
TP000	COVER PAGE	C	15.06.2019
TP001	DEVELOPMENT SUMMARY 01	C	15.06.2019
TP002	DEVELOPMENT SUMMARY 02	C	15.06.2019
TP003	SURVEY PLAN	C	15.06.2019
100 SERIES - CONTEXT PLANS			
TP004	SITE CONTEXT	C	15.06.2019
TP005	SITE ANALYSIS	C	15.06.2019
TP006	STREETSCAPE - EXISTING CONDITIONS	C	15.06.2019
TP007	DESIGN RESPONSE	C	15.06.2019
TP008	LANDSCAPE	C	15.06.2019
TP009	MASTPLAN MASSING	C	15.06.2019
TP010	STREET PLAN	B	15.06.2019
TP011	TREE REMOVAL PLAN	B	15.06.2019
100 SERIES - GENERAL ARRANGEMENT PLANS			
TP100	SITE PLAN	C	15.06.2019
TP101	SCHEME 01 - WOOD PLAN	C	15.06.2019
TP102	LEVEL 01 PLAN	C	15.06.2019
TP103	LEVEL 02 PLAN	C	15.06.2019
TP104	WOOD PLAN	C	15.06.2019
TP105	SCHEME 01 - GROUND LEVEL PLAN	C	15.06.2019
TP106	SCHEME 01 - LEVEL 01 PLAN	C	15.06.2019
TP107	SCHEME 01 - LEVEL 02 PLAN	C	15.06.2019
TP108	SCHEME 02 - GROUND LEVEL PLAN	C	15.06.2019
TP109	SCHEME 02 - LEVEL 01 PLAN	C	15.06.2019
TP110	SCHEME 02 - LEVEL 02 PLAN	C	15.06.2019
TP111	SCHEME 03 - GROUND LEVEL PLAN	C	15.06.2019
TP112	SCHEME 03 - LEVEL 01 PLAN	C	15.06.2019
TP113	SCHEME 03 - LEVEL 02 PLAN	C	15.06.2019
TP114	SCHEME 04 - GROUND LEVEL PLAN	C	15.06.2019
TP115	SCHEME 04 - LEVEL 01 PLAN	C	15.06.2019
TP116	SCHEME 04 - LEVEL 02 PLAN	C	15.06.2019
TP117	SCHEME 05 - GROUND LEVEL PLAN	B	15.06.2019
TP118	SCHEME 05 - LEVEL 01 PLAN	B	15.06.2019
TP119	SCHEME 05 - LEVEL 02 PLAN	B	15.06.2019
100 SERIES - ELEVATIONS			
TP200	STREET ELEVATIONS	C	15.06.2019
TP201	BOUNDARY ELEVATIONS	B	15.06.2019
TP202	BOUNDARY ELEVATIONS	B	15.06.2019
TP203	ZONE ELEVATIONS	C	15.06.2019
TP204	ZONE ELEVATIONS	C	15.06.2019
TP205	ZONE ELEVATIONS	C	15.06.2019
TP206	TYPICAL TOWNHOUSE ELEVATIONS	B	15.06.2019
TP207	TYPICAL TOWNHOUSE ELEVATIONS	A	15.06.2019
100 SERIES - SECTIONS			
TP300	W/F / STREET SECTIONS	C	15.06.2019
TP301	W/F / STREET SECTIONS	C	15.06.2019
TP302	ZONE SECTIONS	C	15.06.2019
100 SERIES - TOWNHOUSE TYPES			
TP400	TYPICAL TOWNHOUSE TYPE 1	C	15.06.2019
TP401	TYPICAL TOWNHOUSE TYPE 2	C	15.06.2019
TP402	TYPICAL TOWNHOUSE TYPE 3	C	15.06.2019
TP403	TYPICAL TOWNHOUSE TYPE 4	C	15.06.2019
TP404	TYPICAL TOWNHOUSE TYPE 5	C	15.06.2019
TP405	TYPICAL TOWNHOUSE TYPE 6	C	15.06.2019
TP406	TYPICAL TOWNHOUSE TYPE 7	C	15.06.2019
100 SERIES - MEC			
TP500	MATERIAL BOARD	C	15.06.2019
TP501	SHADOW ANALYSIS 8AM (DEPT 22)	C	15.06.2019
TP502	SHADOW ANALYSIS 12PM (DEPT 22)	C	15.06.2019
TP503	SHADOW ANALYSIS 3PM (DEPT 22)	C	15.06.2019
TP504	BOT COMPLIANCE STUDY	C	15.06.2019
TP505	BOT COMPLIANCE STUDY	C	15.06.2019
100 SERIES - ARTIST IMPRESSIONS			
TP600	ARTIST IMPRESSIONS 01	C	15.06.2019
TP601	ARTIST IMPRESSIONS 02	C	15.06.2019
TP602	ARTIST IMPRESSIONS 03	C	15.06.2019
TP603	ARTIST IMPRESSIONS 04	A	15.06.2019
TP604	ARTIST IMPRESSIONS 05	A	15.06.2019
TP605	ARTIST IMPRESSIONS 06	A	15.06.2019
TP606	ARTIST IMPRESSIONS 07	A	15.06.2019



\*ARTIST IMPRESSION  
IMAGE INDICATIVE ONLY



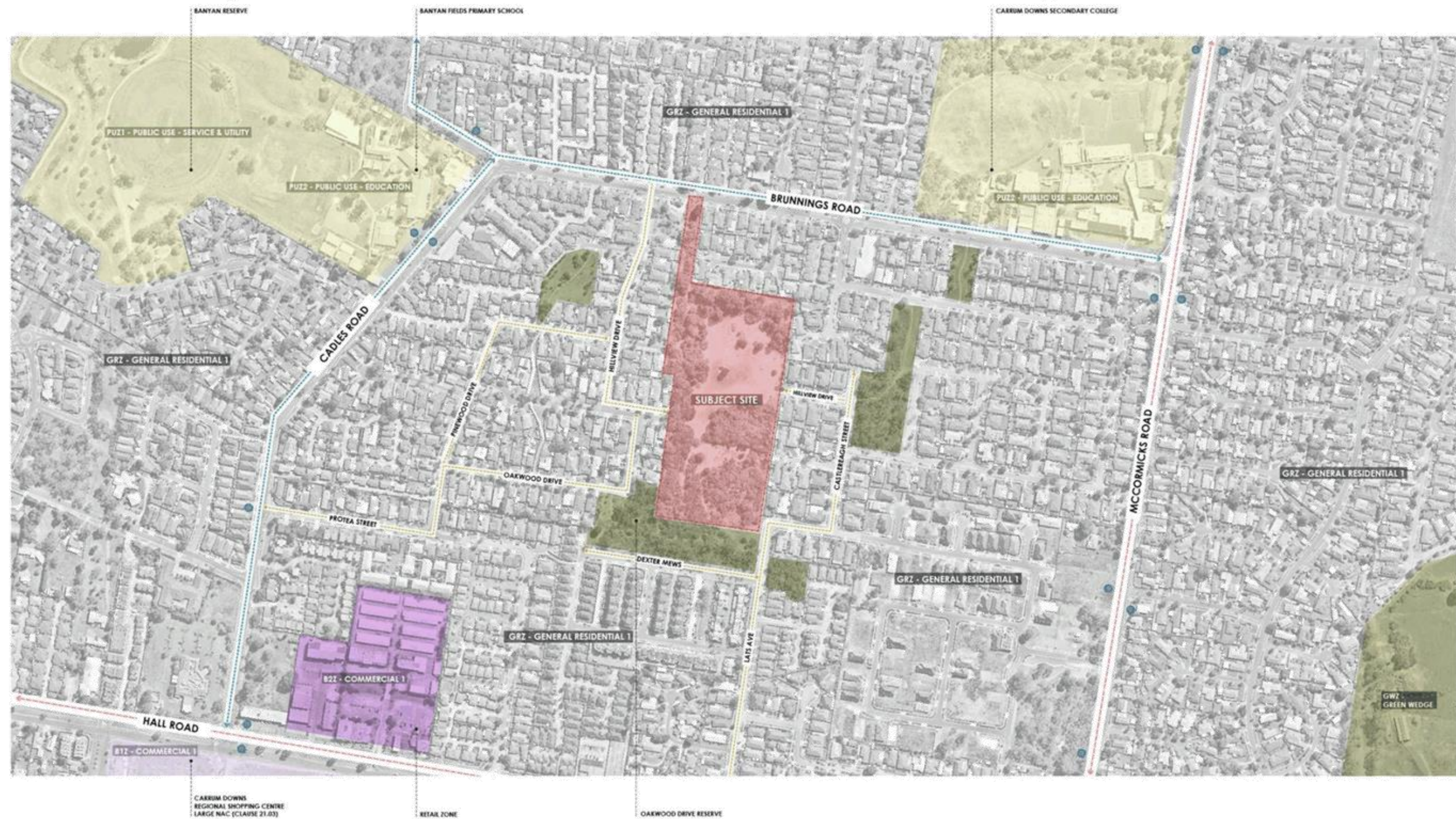


\* SURVEY AS RECEIVED FROM LANDAIR SURVEYS DATED 13.02.2016

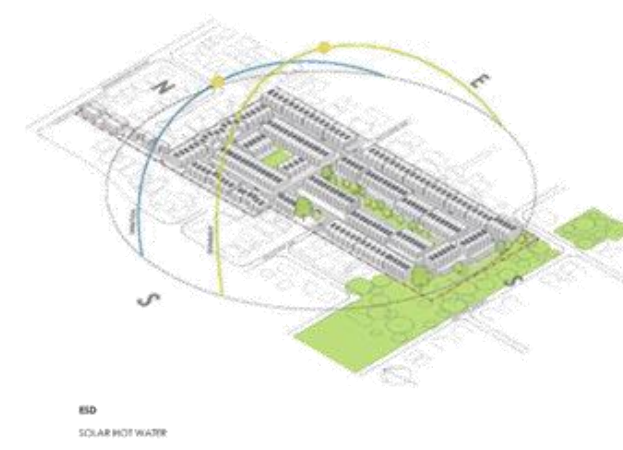
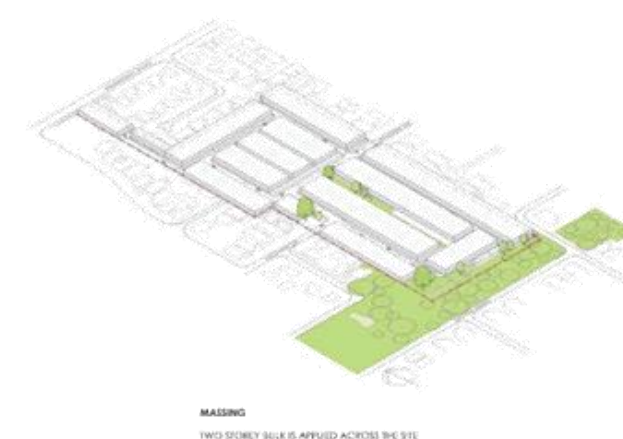
















- Type 01 TH - 3 Beds | Double Garage
- Type 02 TH - 3 Beds | Tandem Garage
- Type 03 TH - 2 Beds | Single Garage
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GARDEN AREA REQUIREMENT

Site Area	- 49023 sqm
Required Garden Area (35%)	- 17158 sqm
Proposed Garden Area (36.53 %)	- 17910 sqm
Public Open Space %	- 5%





THE MAJORITY OF TREES ON THE SITE HAVE BEEN IDENTIFIED AS BEING OF POOR TO FAIR HEALTH AND LOW RESERVATION VALUE DUE TO SPECIES, CONDITION AND CONTRIBUTION TO LANDSCAPE VALUES (AS ADVISED BY CALBRAITH AND ASSOCIATES).

- TREE PROPOSED TO BE RETAINED
- TREE PROPOSED TO BE REMOVED





### Townhouse Bed Type Mix

TownHouse - Bedroom Types	Count	Type Ratio
2	29	14%
3	89	42%
4	93	44%
TOTAL: 211		

### Townhouse Type Mix

TownHouse Type	Count	Type Ratio
Type 01 TH - 3 Beds   Double Garage	13	6%
Type 02 TH - 3 Beds   Tandem Garage	54	26%
Type 03 TH - 2 Beds   Single Garage	29	14%
Type 04 TH - 4 Beds   Tandem Garage	38	18%
Type 05 TH - 3 Beds   Tandem Garage	3	1%
Type 06 TH - 4 Beds   Tandem Garage	55	26%
Type 07 TH - 3 Beds   Tandem Garage	19	9%
TOTAL: 211		





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Type 07 TH - 3 Beds   Tandem Garage









WINDOWS AND BALCONIES TO BE TREATED WHERE OVERLOOKING OCCURS IN ACCORDANCE WITH STANDARDS 822 AND 823.

GENTON

Manuscript received 12/10/2010; revised manuscript received 1/11/2011; accepted manuscript received 1/11/2011.

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 1998 10 10 10:10:10

**ZONE 01 - LEVEL 01 PLAN**  
29 BRUNINGS ROAD, CARRUM DOWNS

	DESIGNED BY	TP111	C
	DATE	10/01/00	
	DATE	15/03/00	
	DATE	15/03/00	
	DATE	15/03/00	





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WINDOWS AND SALOONS TO BE TREATED WHERE OVERLOOKING OCCURS IN ACCORDANCE WITH STANDARDS 822 AND 823

**GENTON**

NOTES: 1. ALL DIMENSIONS ARE IN METERS. 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. 4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

ZONE 01 - LEVEL 02 PLAN  
25 BRUNNINGS ROAD, CARRUM DOWNS

PROJECT NO.	TP112	C
DATE	15/01/20	
SCALE	1:500	
DRAWN BY	TP112	
CHECKED BY	TP112	





WINDOWS AND BALCONIES TO BE TREATED WHERE OVERLOOKING OCCURS IN ACCORDANCE WITH STANDARDS 822 AND 823.





WINDOWS AND BALCONES TO BE TREATED WHERE OVERLOOKING OCCURS IN ACCORDANCE WITH STANDARDS 822 AND 823.





WINDOWS AND BALCONIES TO BE TREATED WHERE OVERLOOKING OCCURS IN ACCORDANCE WITH STANDARDS 822 AND 823.

GENTON

Neethling, D. L. 2003. *Wetland Ecology: A Field Approach*. 2nd ed. Upper Saddle River, NJ: Prentice Hall.

1991-1992: 1991-1992  
 1993-1994: 1993-1994

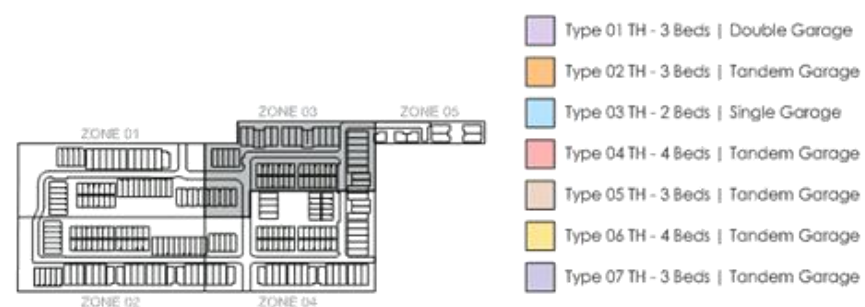
ZONE 02 - LEVEL 02 PLAN

TP116	C
DATE	15.03.2018
TIME	10:11









WINDOWS AND SALOONS TO BE TREATED WHERE OVERLOOKING OCCURS IN ACCORDANCE WITH STANDARDS 822 AND 823

GENTON

PREPARED BY: GENTON  
DATE: 28 JAN 2020  
DRAWN BY: GENTON  
DATE: 28 JAN 2020

ZONE 03 - LEVEL 01 PLAN  
25 BRUNNINGS ROAD, CARRUM DOWNS

NO.	REVISION
1	ISSUED FOR TENDERS
2	FOR APPROVAL
3	FOR APPROVAL
4	FOR APPROVAL
5	FOR APPROVAL
6	FOR APPROVAL
7	FOR APPROVAL
8	FOR APPROVAL
9	FOR APPROVAL
10	FOR APPROVAL





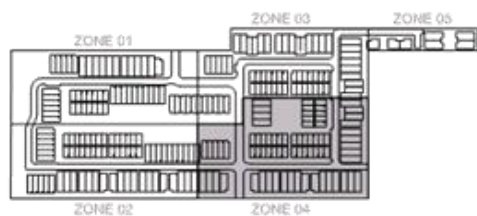








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- Type 07 TH - 3 Beds | Tandem Garage



WINDOWS AND SALOONS TO BE TREATED WHERE OVERLOOKING OCCURS IN ACCORDANCE WITH STANDARDS 822 AND 823

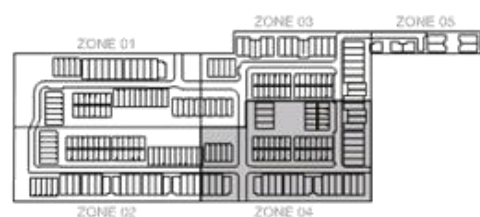
GENTON

Prepared by: J. Thompson, A. Thompson  
Date: 15 Jan 2020  
Scale: 1:500  
Sheet: 1 of 1

ZONE 04 - LEVEL 01 PLAN  
25 BRUNNAGE ROAD, CARRUM DOWNS

PROJECT NO.	TP123	C
DATE	15 JAN 2020	
SCALE	1:500	
SHEET	1 OF 1	





**GENTON**

25 BRUNNINGS ROAD, CARRUM DOWNS  
VICTORIA 3043  
TEL: 03 9375 3300  
WWW.GENTON.COM.AU

**ZONE 04 - LEVEL 02 PLAN**  
25 BRUNNINGS ROAD, CARRUM DOWNS

WINDOWS AND BALCONIES TO BE TREATED WHERE OVERLOOKING OCCURS IN ACCORDANCE WITH STANDARDS B22 AND B23

PROJECT NO.	TP124
DATE	15.01.20
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DESIGNER	GENTON







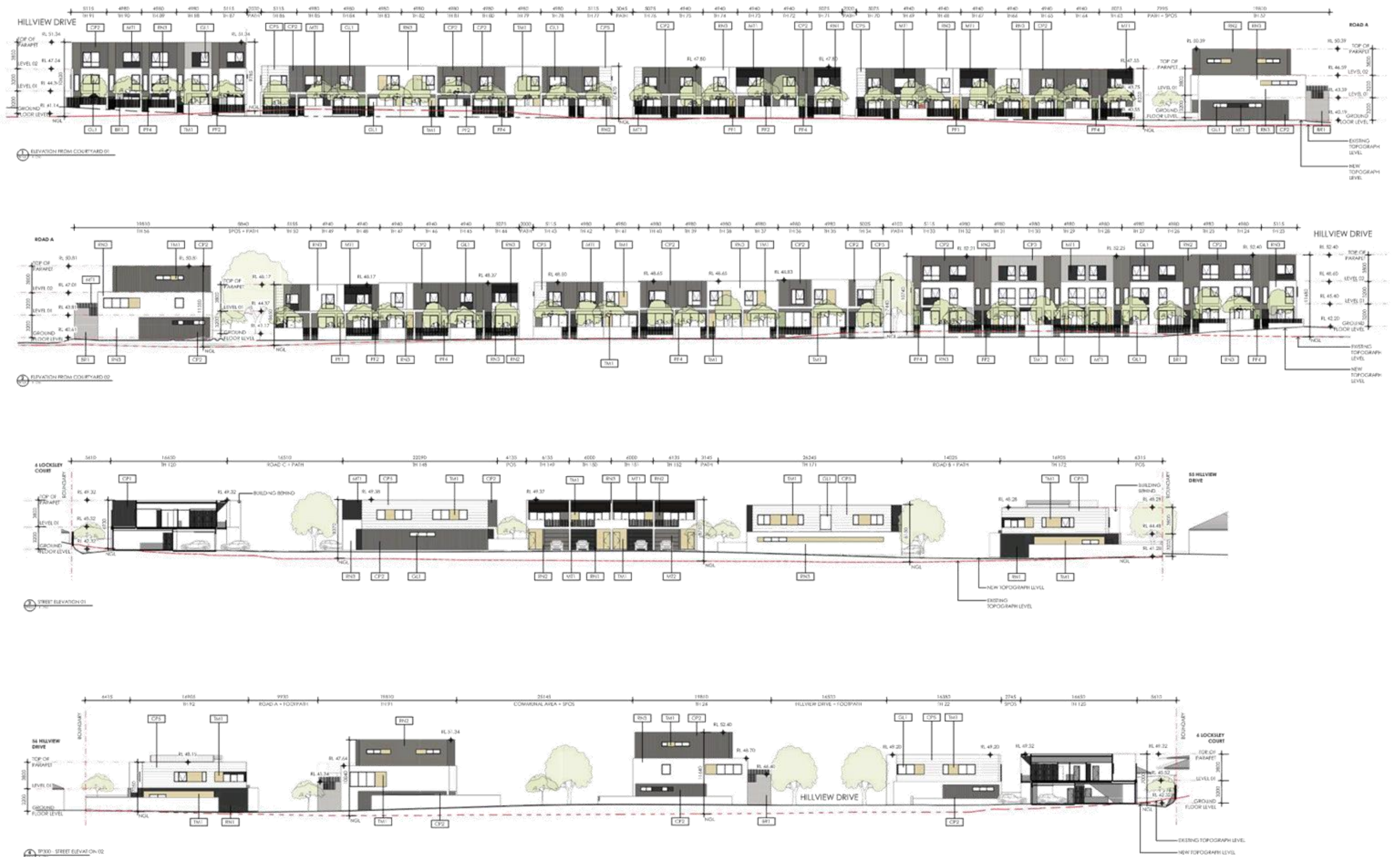




- Headquarters:** 10000 Lakeshore Drive, Suite 1000  
**San Francisco:** 10000 Lakeshore Drive, Suite 1000  
**Seattle:** 10000 Lakeshore Drive, Suite 1000

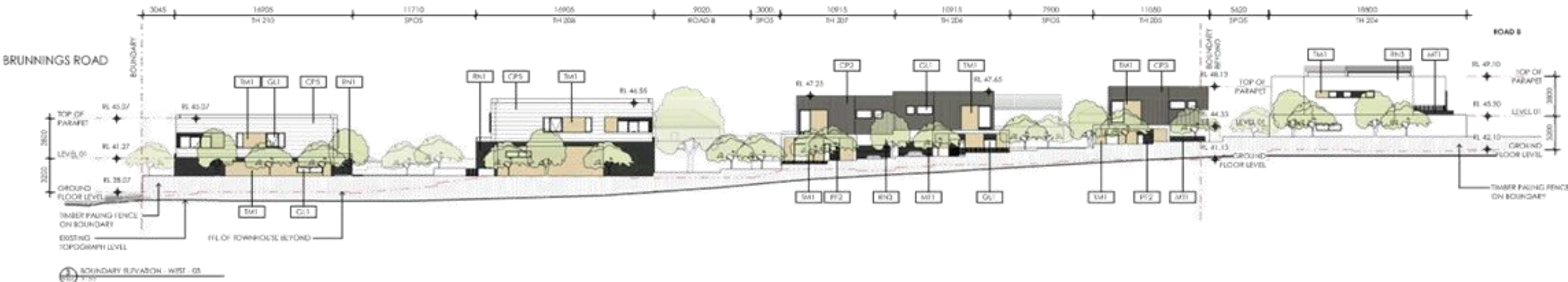
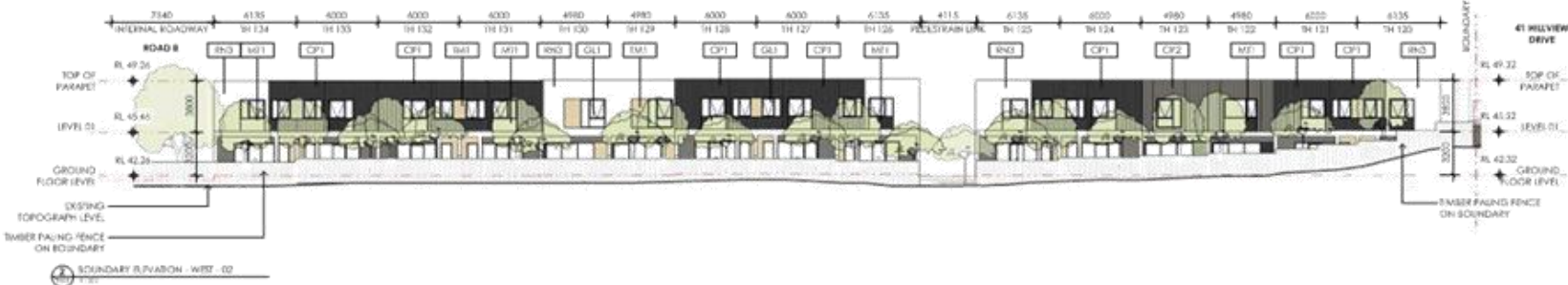
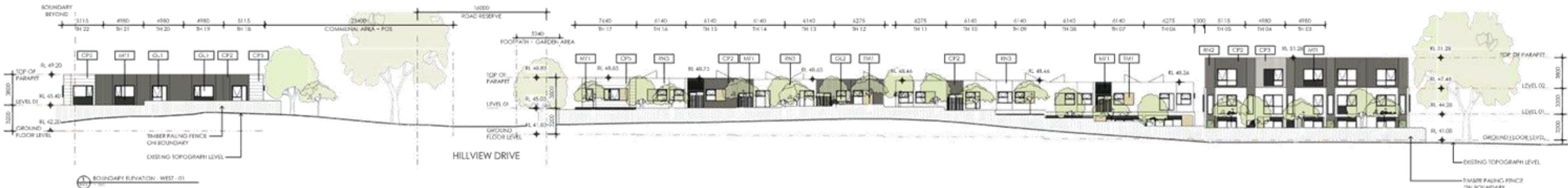
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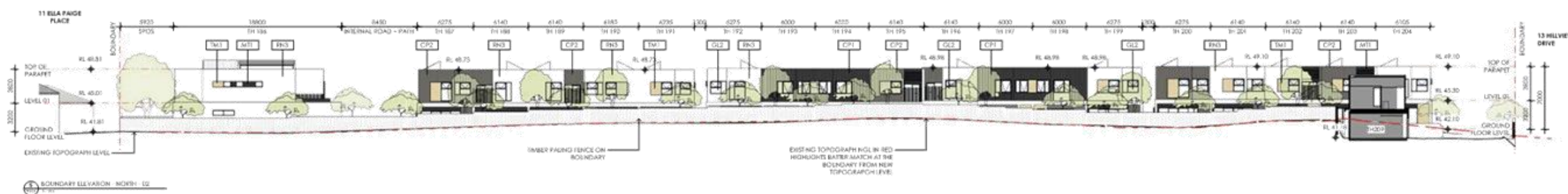
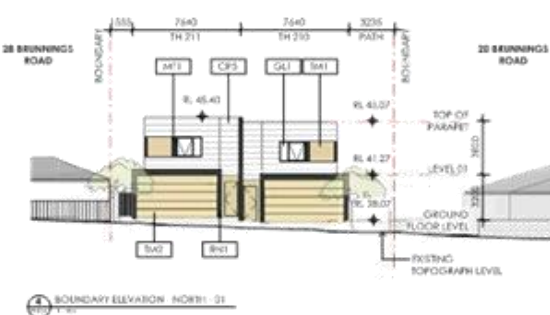


WINDOWS AND SALOONS TO BE TREATED WHERE OVERLOOKING OCCURS IN ACCORDANCE WITH STANDARDS 822 AND 823





WINDOWS AND BALCONIES TO BE TREATED WHERE OVERLOOKING OCCURS IN ACCORDANCE WITH STANDARDS S22 AND S23



WINDOWS AND BALCONIES TO BE TREATED WHERE OVERLOOKING OCCURS IN ACCORDANCE WITH STANDARDS 822 AND 823.











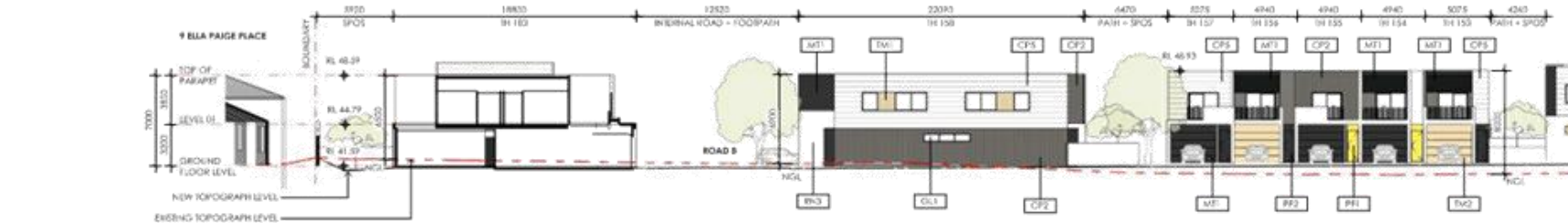
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② ZONE 4 - ELEVATION 2  
5-22



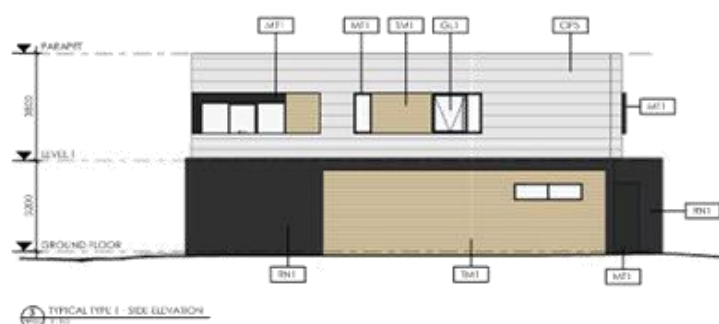
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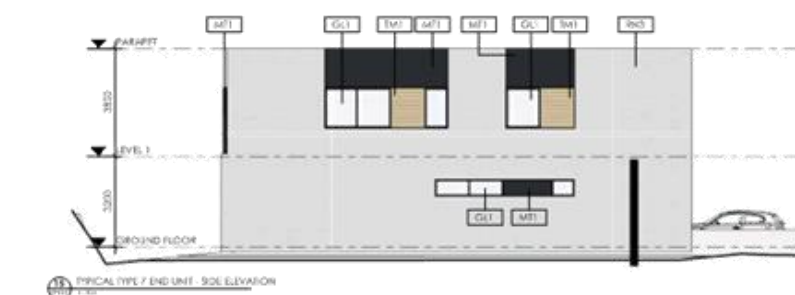
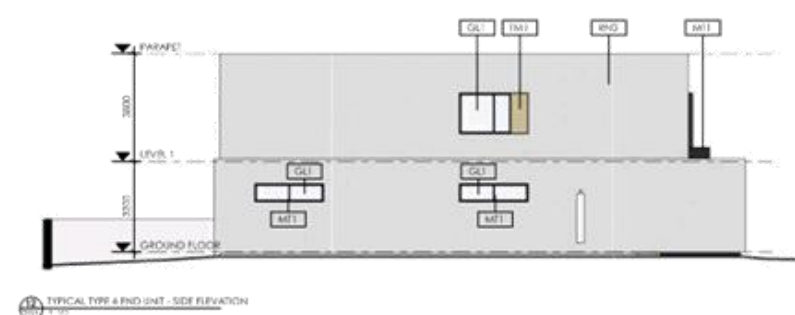
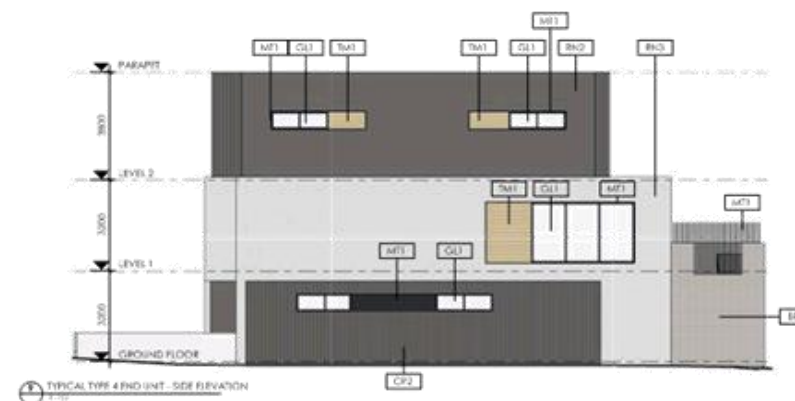
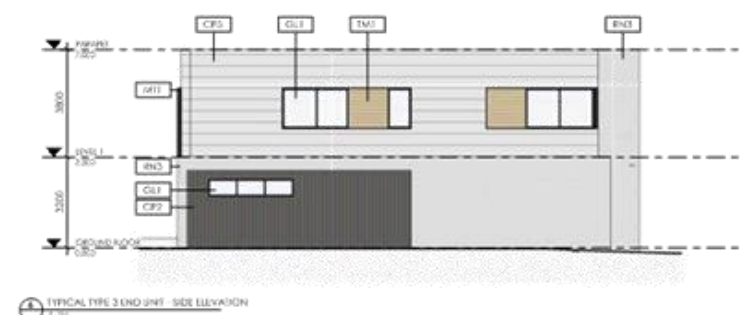
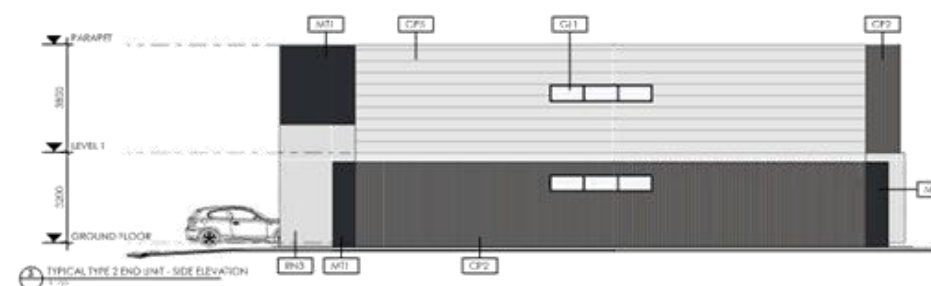
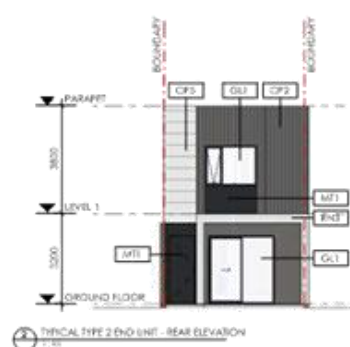
WINDOWS AND BALCONIES TO BE TREATED WHERE OVERLOOKING OCCURS IN ACCORDANCE WITH STANDARDS 822 AND 823.





WINDOWS AND BALCONIES TO BE TREATED WHERE OVERLOOKING OCCURS IN ACCORDANCE WITH STANDARDS 822 AND 823





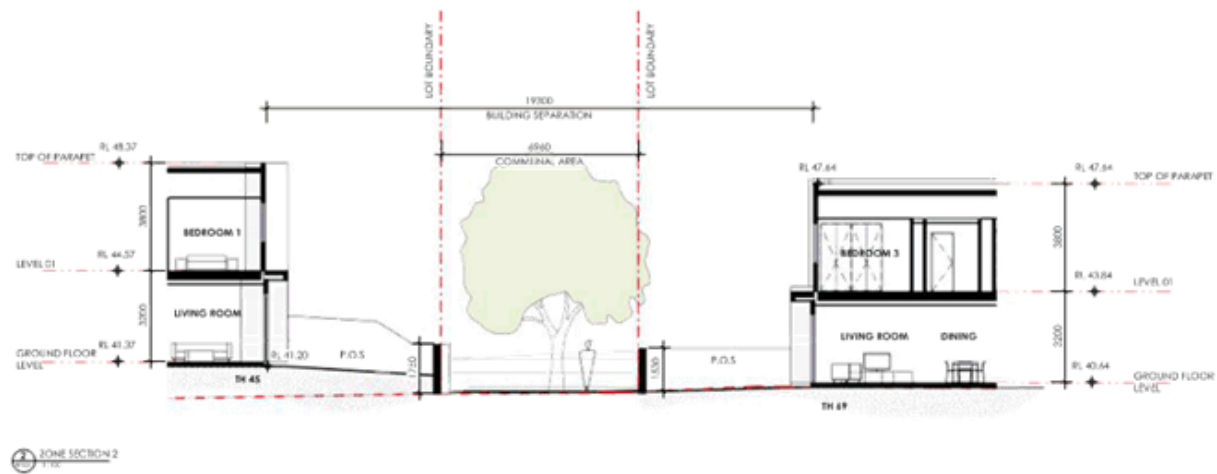
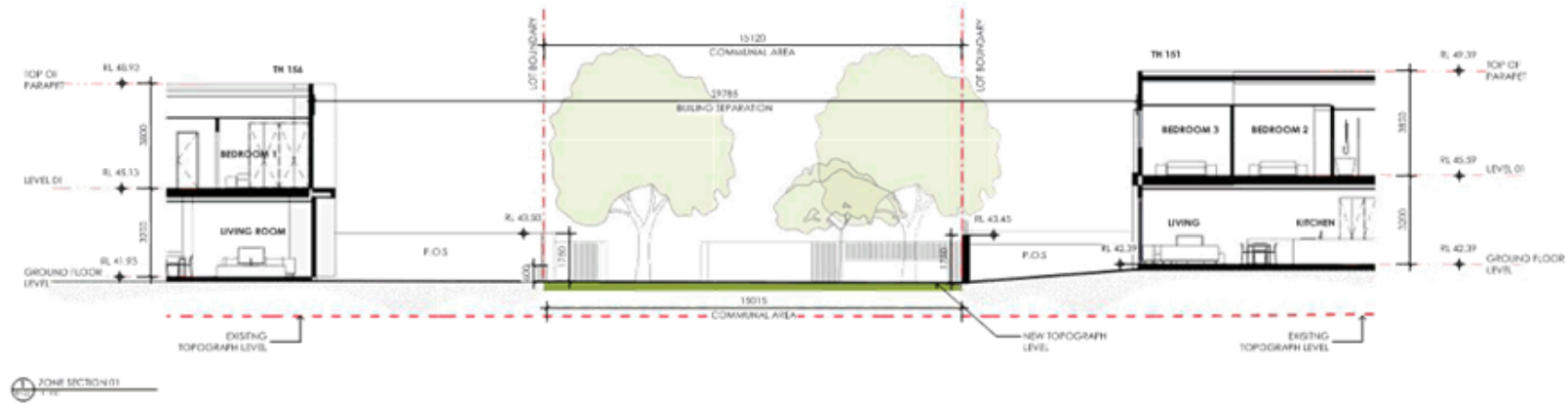


NOTE :

ALL CUT AND FILL DIMENSIONS ARE INDICATIVE ONLY. REFER TO CIVIL ENG'S DRAWINGS FOR DETAILS







NOTE :

ALL CUT AND FILL DIMENSIONS ARE INDICATIVE  
ONLY. REFER TO CIVIL ENG'S DRAWINGS FOR  
DETAILS



\*ARTIST IMPRESSION  
IMAGE INDICATIVE ONLY



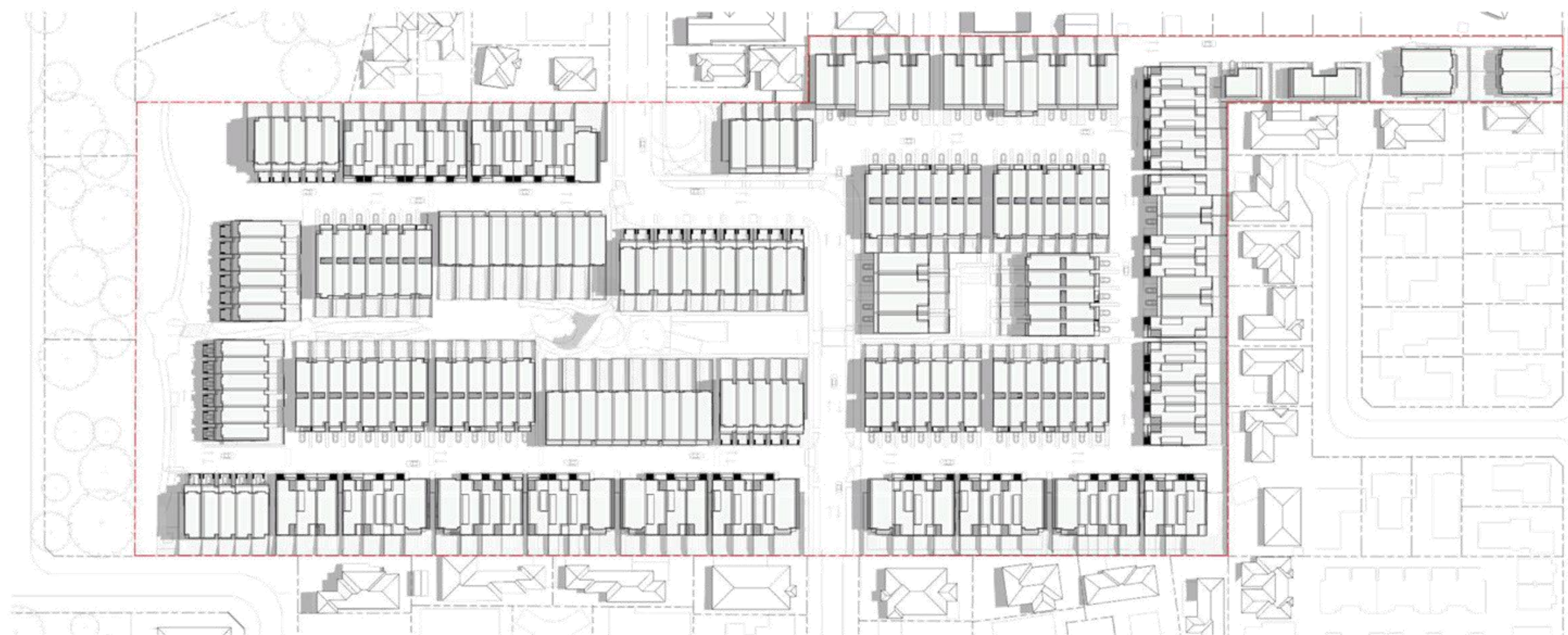
LEGEND

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CP2	CLADDING PANEL - DARK GREY
CP3	CLADDING PANEL - LIGHT GREY
CP4	CLADDING PANEL - LIGHT
CP5	CLADDING PANEL - LIGHT
RND1	RENDER - BLACK
RND2	RENDER - DARK GREY
RND3	RENDER - LIGHT
RND4	RENDER - LIGHT GREY
M1	METAL - BLACK
M2	METAL - GREY
M3	METAL - BRONZE COLOUR
PF1	PAIN FINISH - YELLOW
PF2	PAIN FINISH - BLACK
PF3	PAIN FINISH - ORANGE
PF4	PAIN FINISH - GREEN
TM1	TIMBER LOOK CLADDING
TM2	TIMBER LOOK FINISH
BR1	BRICK - GREY
CL1	CLADDING - CLEAR
CL2	CLADDING - OPAQUE



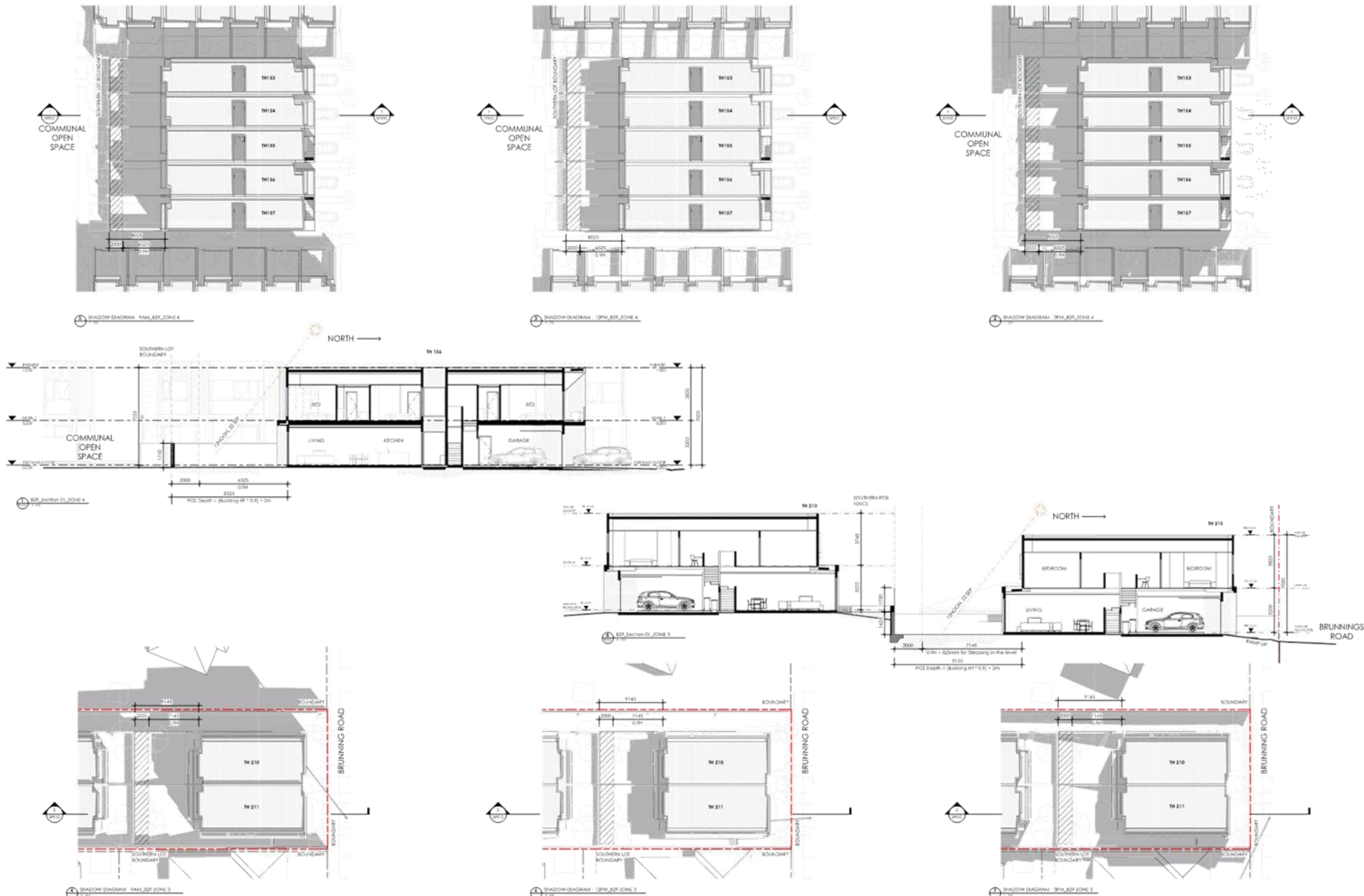




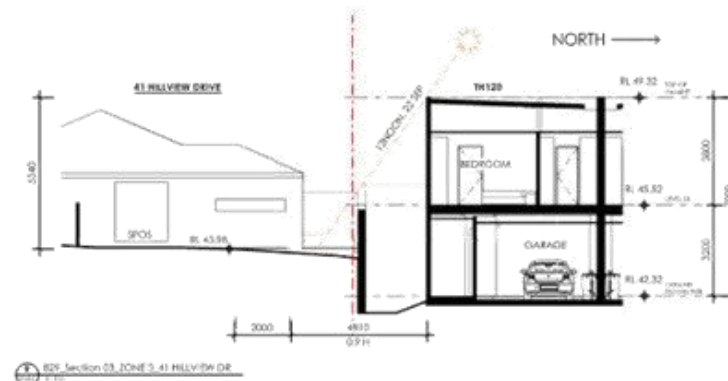
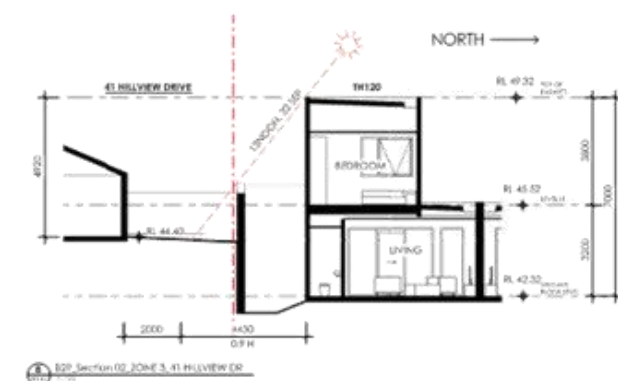
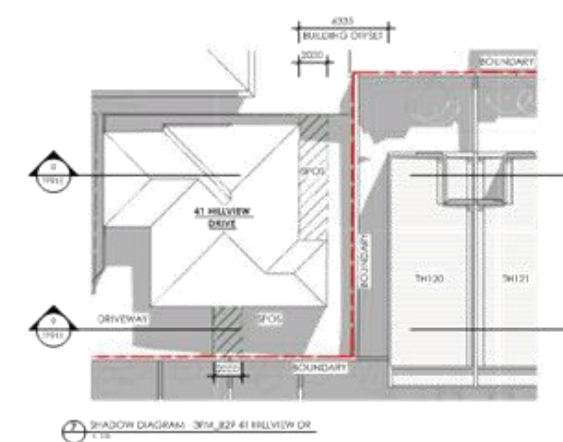
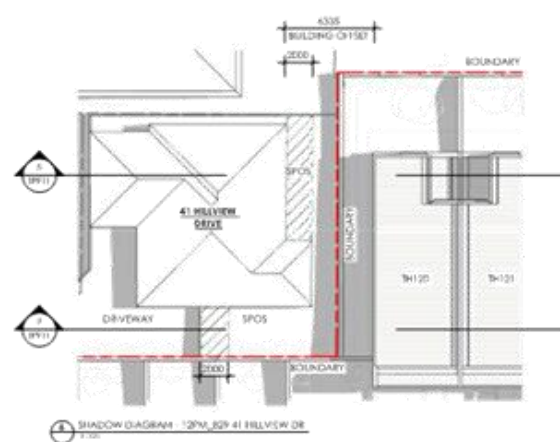
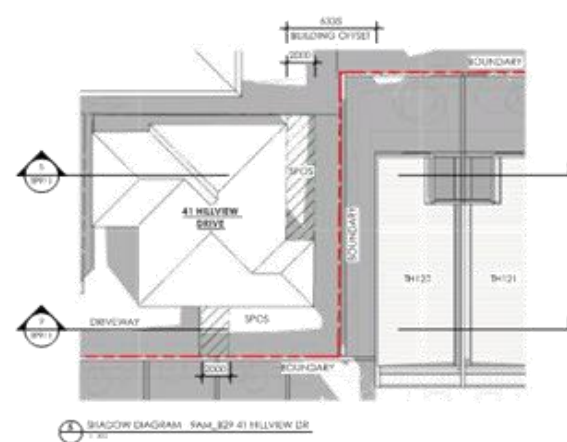
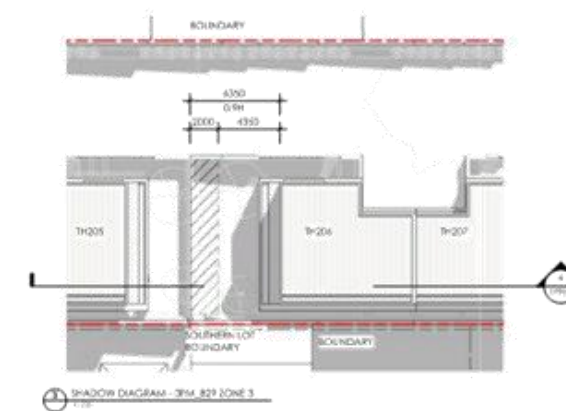
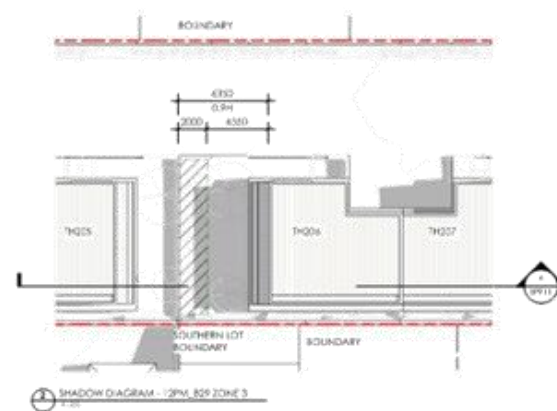
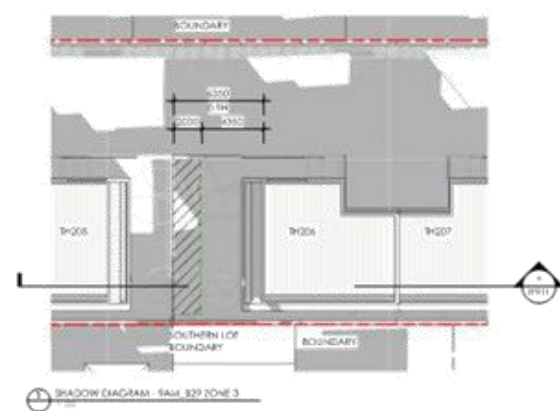
















\*ARTIST IMPRESSION  
IMAGE INDICATIVE ONLY



**GENTON**

Notwithstanding to the Council's approval of the  
Development Plan, the Council is not responsible for the  
accuracy of the information provided in this report.

TP951-001  
10/1/2020

ARTIST IMPRESSIONS 02  
25 BRUNNINGS ROAD, CARRUM DOWNS

PROJECT NO.	TP951	C
DATE	10/1/2020	
BY	TP951-001	
FOR	10/1/2020	





\*ARTIST IMPRESSION  
IMAGE INDICATIVE ONLY



**GENTON**

25 BRUNNINGS ROAD, CARRUM DOWNS  
VICTORIA 3083  
ARTIST IMPRESSIONS 04

1st 3/4/2018  
2nd 1/4/2019

ARTIST IMPRESSIONS 04  
25 BRUNNINGS ROAD, CARRUM DOWNS

PROJECT NO.	TP953	A
DATE	10/01/20	
SCALE	1:100	
DESIGNER	GENTON	





\*ARTIST IMPRESSION  
IMAGE INDICATIVE ONLY



**GENTON**

25 BRUNNAGE ROAD, CARRUM DOWNS  
VIC 3043  
TEL: 03 9475 4000  
WWW.GENTON.COM.AU

ARTIST IMPRESSIONS 05

ARTIST IMPRESSIONS 05  
25 BRUNNAGE ROAD, CARRUM DOWNS

PROJECT NO.	TP954	A
DATE	10/01/20	
SCALE	1:100	
DESIGNER	GENTON	





\*ARTIST IMPRESSION  
IMAGE INDICATIVE ONLY



**GENTON**


Prepared by: 2019/2020-2021/2022  
Date: 20/11/2019  
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Sheet: 1 of 1

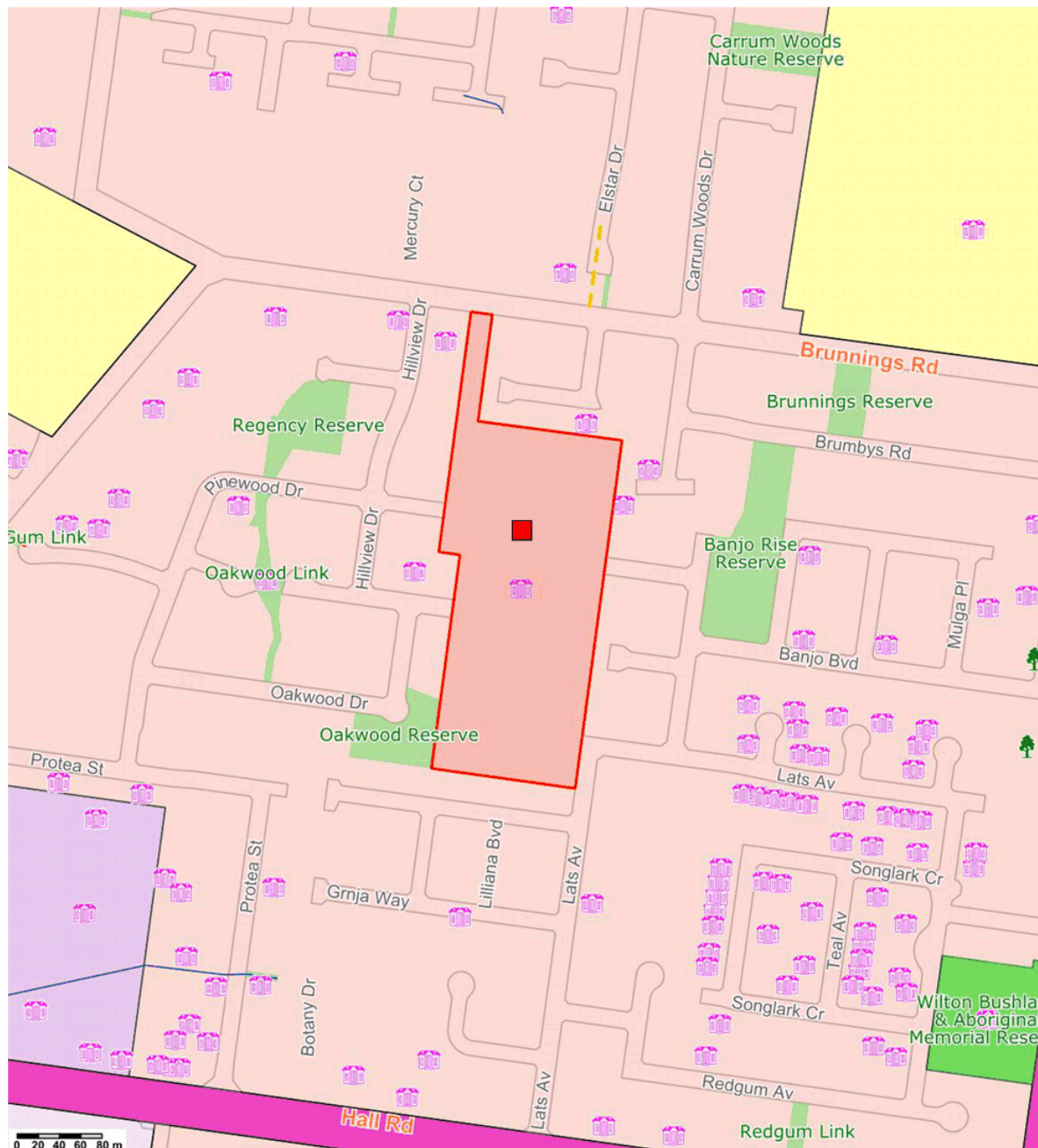
TP956  
A

ARTIST IMPRESSIONS 07  
25 BRUNNINGS ROAD, CARRUM DOWNS

PROJECT	TP956	A
DATE	10/11/19	
SCALE	1:500	
SHEET	1 of 1	



Town Planning Application 229/2019/P – 26 Brunnings Road Carrum Downs  
Subject Site  No Objections



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Scale: 1:4870

Date Printed: 10/01/2020

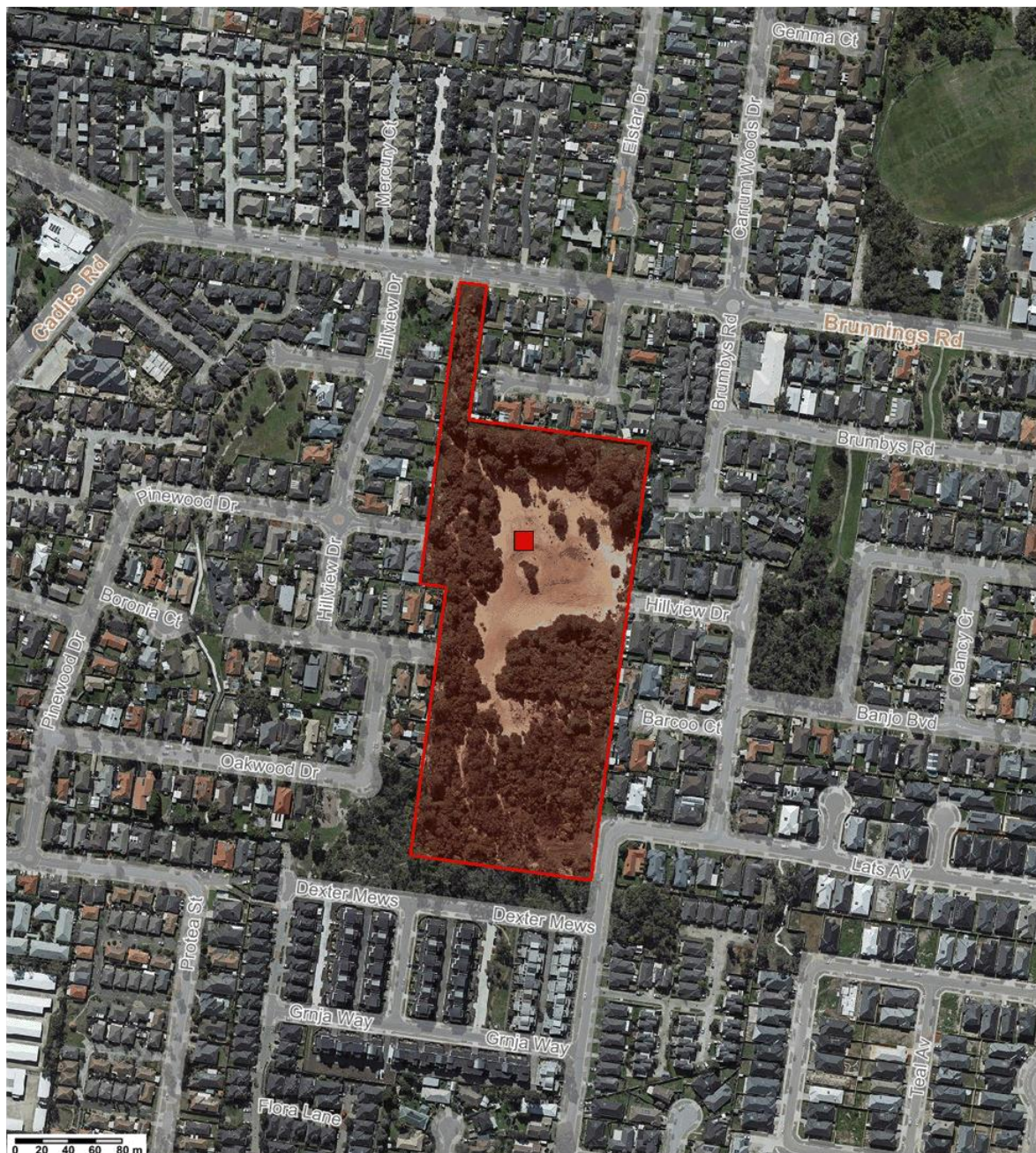
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Issued by: Leah Horne





Town Planning Application 229/2019/P – 26 Brunnings Road Carrum Downs  
Subject Site



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Projection: GDA94 / MGA zone 55

Scale: 1:3896

Date Printed: 10/01/2020

Time Printed: 4:17 PM

Issued by: Leah Horne



**Executive Summary****11.5 November 2019 Planning & Environment Progress Report**

*Enquiries: (Stuart Caldwell: Community Development)*

Council Plan

Community Outcome:	4. A Well Managed City
Strategy:	4.2 Systems
Priority Action	4.2.2 Embed a culture of Business Improvement to improve processes, applications and utilisation

**Purpose**

To provide Council with an update on the exercise of planning delegations by Council officers for the month of November 2019.

**Recommendation (Director Community Development)**

That Council receives and notes the November 2019 Planning and Environment 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 November 2019, 80 applications for planning permits or amendments to permits were received, and 85 applications determined. A total of 77% of permit decisions were made within 60 statutory days.
- As at the time of preparation of this report, there are 278 undecided planning permit, amendment to planning permit, and plan approval applications currently with Council.
- 12 decisions related to multi-dwelling applications and all complied with the Multi-Dwelling Visitor Car Parking Guidelines.
- 3 VCAT decisions were handed down during the month.

**Financial Impact**

The Victorian Government introduced the “Fair Go Rates” system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past four financial years has ranged between 2.0 per cent to 2.5 per cent and has been set at 2.0 per cent for 2020-2021.



**11.5 November 2019 Planning & Environment Progress Report****Executive Summary**

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council's major source of income, Council's capacity to continue to deliver services and fund its capital programme will be severely restricted.

Where a party seeks review of Council's decision at the Victorian Civil and Administrative Tribunal, Council will incur representation costs. Often, Council is represented by its officers and these costs are managed within Council's adopted budget. However where a matter is complex or involves legal issues, or where Council decides an application at variance with the officers recommendation, an external representative will be engaged. The type and cost of the representative engaged will vary depending on the nature of the application and issues in contention.

Indicatively, costs to engage a planning consultant representative for a VCAT case typically range between \$4,000 and \$8,000 (depending on hearing length), and between \$10,000 and \$50,000+ for legal representation (again, depending on hearing length and potential engagement of expert witnesses).

**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 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.

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 with an overview of the activities and decisions made on planning applications in the month of November 2019.

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**ATTACHMENTS**

Attachment A: [↓](#) Planning and Environment Progress Report - November 2019



<b>Progress Report – Planning Applications Received</b> <b>For The Application Date: From 1/11/2019 To 30/11/2019</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
436/2019/P	North-East	55 Brunnings Road, Carrum Downs 3201	Nine (9) lot subdivision	4/11/2019
435/2019/P	North-East	44 Kingston Road, Langwarrin 3910	To construct an outbuilding within the Development Overlay Schedule 4 (DDO4), Significant Landscape Overlay Schedule 1 (SLO1) and Bushfire Management Overlay Schedule 1 (BMO1)	4/11/2019
440/2019/P	North-East	75 Edward Street, Langwarrin 3910	To construct twelve (12) double storey dwellings	7/11/2019
133/2019/P/VS	North-East	16 Raymond Avenue, Langwarrin 3910	To construct a front fence	11/11/2019
444/2019/P	North-East	28 Herrington Avenue, Carrum Downs 3201	To construct one (1) double storey dwelling to the rear of an existing dwelling (two (2) of dwellings on a lot) and to subdivide the land into two (2) lots in a General Residential Zone (GRZ)	11/11/2019
456/2019/P	North-East	1/83 Boundary Road, Carrum Downs 3201	To construct signage in an Industrial 1 Zone (IN1Z)	14/11/2019
136/2019/P/VS	North-East	13 Alluvian Way, Carrum Downs 3201	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	14/11/2019
457/2019/P	North-East	300 Hall Road, Skye 3977	To construct buildings and works to an existing dwelling	15/11/2019
137/2019/P/VS	North-East	16 Grassmere Road, Langwarrin 3910	To remove one (1) tree within a Significant Landscape Overlay Schedule 1 (SLO1)	15/11/2019
466/2019/P	North-East	315 North Road, Langwarrin 3910	To undertake works within a Tree Protection Zones of native vegetation within the Environmental Significance Overlay Schedule 1 and to undertake works the Tree Protection Zones of substantial trees within the Significant Landscape Overlay Schedule 1	15/11/2019
107/2019/P	North-East	291 North Road, Langwarrin 3910	Satisfaction Matters	18/11/2019
462/2019/P	North-East	620 Frankston-Dandenong Road, Carrum Downs 3201	To subdivide the land into two (2) lots and road widening in a General Residential Zone (GRZ)	18/11/2019
139/2019/P/VS	North-East	11 Sonia Street, Carrum Downs 3201	To construct three buildings in an Industrial 1 Zone (IN1Z)	22/11/2019

<b>Progress Report – Planning Applications Received</b> <b>For The Application Date: From 1/11/2019 To 30/11/2019</b>				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
142/2019/P/VS	North-East	520 Cranbourne-Frankston Road, Langwarrin 3910	To construct alterations and additions to existing dwelling in a Rural Conservation Zone Schedule 1 (RCZ1)	26/11/2019
470/2019/P	North-East	24C Hall Road, Carrum Downs 3201	To construct a three (3) storey apartment building containing twenty (20) dwellings in a General Residential Zone (GRZ) and to create/alter access to a road in a Road Zone Category 1	27/11/2019
North-East Ward = 15				
434/2019/P	North-West	40 East Road, Seaford 3198	To construct three (3) double storey dwellings to the rear of an existing dwelling (four (4) of dwellings on a lot) in a General Residential Zone (GRZ)	1/11/2019
438/2019/P	North-West	14 Barclay Avenue, Frankston 3199	To construct a building (shed) in a Special Building Overlay (SBO)	4/11/2019
433/2019/P	North-West	4-6 Carder Avenue, Seaford 3198	To construct ten (10) double storey dwellings on a lot in a General Residential Zone (GRZ)	4/11/2019
437/2019/P	North-West	15 Leonard Street, Frankston 3199	To construct two (2) single storey dwellings to the rear of an existing dwelling (three (3) of dwellings on a lot) in a General Residential Zone (GRZ)	4/11/2019
439/2019/P	North-West	70A Armstrongs Road, Seaford 3198	To construct a verandah and deck to rear of existing dwelling	7/11/2019
397/2018/P/A	North-West	9 Mitchell Street, Seaford 3198	To construct extensions to an existing dwelling within the Special Building Overlay.  Section 72 Amended plans - Modifications to building layout and plans and addition of carport	8/11/2019
450/2019/P	North-West	3 Silver Avenue, Frankston North 3200	To construct one (1) double storey dwelling to the rear of an existing dwelling (two (2) of dwellings on a lot) in a General Residential Zone (GRZ)	8/11/2019
441/2019/P	North-West	2 Kananook Avenue, Seaford 3198	To construct one (1) outbuilding in a Special Building Overlay (SBO)	8/11/2019

<b>Progress Report – Planning Applications Received</b> <b>For The Application Date: From 1/11/2019 To 30/11/2019</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
446/2019/P	North-West	5 Raymond Road, Seaford 3198	To construct three (3) double storey dwellings on a lot in a General Residential Zone (GRZ) and to construct buildings and works in a Special Building Overlay (SBO)	8/11/2019
445/2019/P	North-West	27 Seaford Road, Seaford 3198	To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct buildings and works in a Special Building Overlay (SBO) and to create/alter access to a road in a Road Zone Category 1	8/11/2019
442/2019/P	North-West	48-50 Seaford Road, Seaford 3198	To construct four (4) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct buildings and works in a Special Building Overlay (SBO) and to create/alter access to a road in a Road Zone Category 1	11/11/2019
134/2019/P/VS	North-West	11 McAlister Street, Frankston 3199	To subdivide the land into two (2) lots	11/11/2019
448/2019/P	North-West	Seaford Reserve - R F Miles Recreation Reserve 22R Seaford Rd, Seaford 3198	Reconstruction of oval and practice cricket nets, construction of new netball court and removal of native vegetation.	12/11/2019
452/2019/P	North-West	3A Sir Laurence Drive, Seaford 3198	To use the land for a Medical Centre and Gym (Physio and fitness clinic) in an Industrial 1 Zone (IN1Z), To construct a building or construct or carry out works in an Industrial 1 Zone (IN1Z) and reduction in the number of car parking spaces under Clause 52.06.	12/11/2019
451/2019/P	North-West	41 Hartnett Drive, Seaford 3198	To use the land for Indoor Recreation facility (basketball training) and office in an Industrial 1 Zone (IN1Z) with associated signage.	12/11/2019
135/2019/P/VS	North-West	15 Addicott Street, Frankston 3199	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	13/11/2019



<b>Progress Report – Planning Applications Received</b> <b>For The Application Date: From 1/11/2019 To 30/11/2019</b>				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
458/2019/P	North-West	72 Warrawee Circuit, Frankston 3199	To construct a garage and deck in a Bushfire Management Overlay Schedule 1 (BMO1)	18/11/2019
471/2019/P	North-West	3 Anderson Street, Frankston 3199	To construct three (3) double storey dwellings on a lot in a General Residential Zone (GRZ)	20/11/2019
464/2019/P	North-West	Kananook Creek Reserve 299N Nepean Highway, Seaford 3198	Native Vegetation Removal and works for construction of a Shared User Path in an Environmental Significance Overlay Schedule 1 (ESO1)	21/11/2019
467/2019/P	North-West	68 Orwil Street, Frankston 3199	To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ)	25/11/2019
143/2019/P/VS	North-West	2/36 Kirkwood Avenue, Seaford 3198	To construct buildings and works ( Spa and fencing) within a Special Building Overlay (SBO)	26/11/2019
144/2019/P/VS	North-West	32 Bainbridge Avenue, Seaford 3198	To construct buildings and works to an existing dwelling in a Special Building Overlay (SBO)	28/11/2019
473/2019/P	North-West	184 Old Wells Road, Seaford 3198	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	29/11/2019
<b>North-West Ward = 23</b>				
132/2019/P/VS	South	555 Baxter-Tooradin Road, Langwarrin South 3911	To carry out works to an existing dwelling (Section 2 Use) in a Rural Conservation Zone Schedule 1 (RCZ1) and works within the Tree Protection Zone of substantial trees in a Significant Landscape Overlay Schedule 1 (SLO1)	7/11/2019
447/2019/P	South	1A Govan Street, Langwarrin 3910	To construct (1) one single storey dwelling	8/11/2019
443/2019/P	South	17/111 Cranbourne Road, Frankston 3199	To erect and display business identification signage	11/11/2019
106/2019/P	South	2 Bellary Lane, Langwarrin South 3911	Satisfaction Matters	12/11/2019
455/2019/P	South	90 Barretts Road, Langwarrin South 3911	To construct a garage in a Design and Development Overlay Schedule 4 (DDO4) and Significant Landscape Overlay Schedule 1 (SLO1)	12/11/2019

<b>Progress Report – Planning Applications Received</b> <b>For The Application Date: From 1/11/2019 To 30/11/2019</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
453/2019/P	South	73 Coogee Avenue, Frankston 3199	To construct three (3) double storey dwellings on a lot in a General Residential Zone (GRZ)	12/11/2019
460/2019/P	South	624 Nepean Highway, Frankston South 3199	To construct a dwelling in a Design and Development Overlay Schedule 2 (DDO2), to construct a building or construct or carry out works in an Erosion Management Overlay (EMO)	15/11/2019
465/2019/P	South	159 Cranbourne Road, Frankston 3199	To construct one (1) single storey dwelling to the rear of an existing dwelling (two (2) of dwellings on a lot) in a General Residential Zone (GRZ)	19/11/2019
461/2019/P	South	27 Overport Road, Frankston South 3199	To construct two (2) double storey dwellings to the rear of an existing dwelling (three (3) of dwellings on a lot) in a General Residential Zone (GRZ)	19/11/2019
138/2019/P/VS	South	57 Bayview Road, Frankston 3199	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	20/11/2019
463/2019/P	South	14 Arkindale Place, Frankston South 3199	To construct a habitable outbuilding in a General Residential Zone (GRZ)	21/11/2019
468/2019/P	South	62 Overport Road, Frankston South 3199	To construct a garage in a Bushfire Management Overlay Schedule 1 (BMO1)	22/11/2019
141/2019/P/VS	South	4 Healsview Court, Langwarrin South 3911	To construct an outbuilding in a Design and Development Overlay Schedule 4 (DDO4)	25/11/2019
140/2019/P/VS	South	260 North Road, Langwarrin 3910	To construct buildings and works in a Design and Development Overlay Schedule 4 (DDO4)	26/11/2019
145/2019/P/VS	South	8 Park Street, Frankston 3199	To construct a building (shed) in association with a section 2 use	28/11/2019
469/2019/P	South	46 Screen Street, Frankston 3199	To subdivide the land into four (4) lots in a General Residential Zone (GRZ)	28/11/2019
472/2019/P	South	16 Cranhaven Road, Langwarrin 3910	To construct one (1) single storey dwelling	29/11/2019
South Ward = 17				

Total = 55



<b>Progress Report – Amendments to Planning Permits Received For The Application Date: From 1/11/2019 To 30/11/2019</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
676/2018/P/B	North-East	85 Boundary Road, Carrum Downs 3201	Secondary Consent - To construct eleven (11) buildings for use as warehouses	1/11/2019
239/2016/P/C	North-East	Thompsons Road, Skye 3977	Section 72 - To remove native vegetation for the widening of Thompsons Road between Frankston-Dandenong Road and Dandenong-Hastings Road, Carrum Downs, Sandhurst and Skye	7/11/2019
245/2017/P/B	North-East	70 Valley Road, Langwarrin 3910	Extension of time - To construct one (1) outbuilding	11/11/2019
102/2019/P/B	North-East	33 Quarry Road, Langwarrin 3910	Secondary Consent - To construct two (2) single storey dwellings on a lot	26/11/2019
<b>North-East = 4</b>				
172/2019/P/B	North-West	10 Frawley Street, Frankston 3199	Secondary Consent - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot)	1/11/2019
469/2008/P/O	North-West	211 - 212 Nepean Highway, Seaford 3198	Section 72 - Development of nineteen (19) dwellings and alteration of access to a road in Road Zone, Category 1 .	13/11/2019
262/2016/P/E	North-West	5-7 Bragge Street, Frankston 3199	Section 72 - To use and construction of a four (4) storey building containing twenty six (26) apartments	21/11/2019
76/2016/P/E	North-West	209 Nepean Highway, Seaford 3198	Section 72 - Two (2) lot subdivision	25/11/2019
172/2019/P/C	North-West	10 Frawley Street, Frankston 3199	Section 72 - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot)	26/11/2019
<b>North-West Ward = 5</b>				
314/2013/P/C	South	Frankston Park (Dolphins VFL) 3N High Street, Frankston 319	Secondary Consent - To construct additions to the Frankston Football Club (Major Sports and Recreation Facility) including:  - Use and development of a function centre; and - Reduction in the carparking and loading bay requirements of the Frankston Planning Scheme	1/11/2019

<b>Progress Report – Amendments to Planning Permits Received For The Application Date: From 1/11/2019 To 30/11/2019</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
114/2019/P/VS	South	30 Grange Road, Frankston South 3199	Section 72 - To construct a front fence in a Significant Landscape Overlay Schedule 4 (SLO4)	4/11/2019
97/2011/P/I	South	108 Kars Street, Frankston South 3199	Secondary Consent - To construct four (4) double storey dwellings	6/11/2019
553/2014/P/G	South	21 Warrandyte Road, Langwarrin 3910	Secondary Consent - To construct twelve (12) single storey dwellings and seventeen (17) double storey dwellings (twenty nine (29) dwellings) and vegetation removal	11/11/2019
25/2016/P/D	South	5 Holmes Street, Frankston 3199	Section 72 - To construct two (2) double storey dwellings	11/11/2019
25/2017/P/A	South	410 Warrandyte Road, Langwarrin South 3911	Extension of time - Two (2) lot subdivision	13/11/2019
51/2017/P/D	South	610 Robinsons Road, Langwarrin South 3911	Secondary consent - Use and building and works to construct one (1) single storey dwelling, an outbuilding and removal of vegetation.	14/11/2019
345/2018/P/A	South	13 Bembridge Avenue, Frankston South 3199	Section 72 - Two (2) lot subdivision and removal of vegetation	14/11/2019
416/2010/P/E	South	270 Robinsons Road, Langwarrin South 3911	Section 72 - Two (2) lot subdivision and associated vegetation removal	15/11/2019
404/1989/P/A	South	8 Robinsons Road, Frankston South 3199	Secondary Consent - To carry out building and works in accordance with the attached endorsed plans and to be used for the purpose of a hostel.	19/11/2019
466/2016/P/C	South	11 Franklin Court, Frankston 3199	Secondary Consent - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	19/11/2019
106/2019/P/A	South	15 Willora Court, Frankston South 3199	Section 72 - To construct a carport and extensions to an existing dwelling in a Design and Development Overlay Schedule 1	19/11/2019
373/2017/P/B	South	553 Nepean Highway, Frankston 3199	Extension of time - To construct one (1) triple storey dwelling	20/11/2019
341/2018/P/C	South	90 Donald Road, Langwarrin 3910	Secondary Consent - To undertake buildings and works for accommodation (dwelling) in a Bushfire Management Overlay and to undertake buildings and works within the tree protection zone of native and substantial trees	21/11/2019

<b>Progress Report – Amendments to Planning Permits Received</b> <b>For The Application Date: From 1/11/2019 To 30/11/2019</b>				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
329/2016/P/D	South	170 Gould Street, Frankston 3199	Secondary Consent - To construct extensions to the existing dwelling in a Design and Development Overlay	22/11/2019
323/2017/P/A	South	24-26 High Street, Frankston 3199	Section 72 - To construct a building (staff room) Amendments: Internal modifications to alter building from staff room to classrooms.	29/11/2019
South Ward = 16				
Total = 25				



<b>Progress Report – Planning Application Decisions</b> <b>For The Application Date: From 1/11/2019 To 30/11/2019</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
440/1997/P/B	East	100 Hall Road, Carrum Downs 3201	To construct buildings and works and to use the buildings and works for the purpose of a shopping centre, carparking and associated landscaping in accordance with the endorsed plan/s	Permit Approved	12/11/2019
836/2004/P/D	East	145 Union Road, Langwarrin 3910	Section 72 - The construction of 34 dwellings including 18 double storey dwellings and 16 single storey dwellings and removal of native vegetation generally in accordance with the endorsed plans	Permit Approved	21/11/2019
East Ward = 2					
568/2018/P/B	North-East	291 North Road, Langwarrin 3910	Section 72 - Three (3) lot subdivision and vegetation removal Amendment - Proposed to realign the common boundary between Lots 9 and 10 and divide Lot 10 into two (2) lots to create four (4) lots	Permit Approved	1/11/2019
321/2019/P	North-East	73 Jacana Drive, Carrum Downs 3201	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Permit Approved	7/11/2019
401/2019/P	North-East	39 Kingston Road, Langwarrin 3910	To construct an outbuilding in the Design and Development Overlay Schedule 4	Permit Approved	8/11/2019
133/2019/P/VS	North-East	16 Raymond Avenue, Langwarrin 3910	To construct a front fence	No Permit Required	13/11/2019
309/2019/P	North-East	81 Luscombe Avenue, Carrum Downs 3201	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot)	Permit Approved	13/11/2019
98/2019/P/VS	North-East	45 Progress Drive, Carrum Downs 3201	To construct or carry out works within an existing warehouse for a mezzanine in an Industrial 1 Zone (IN1Z)	Permit Approved	14/11/2019

<b>Progress Report – Planning Application Decisions</b> <b>For The Application Date: From 1/11/2019 To 30/11/2019</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
125/2019/P	North-East	120 Frankston Gardens Drive, Carrum Downs 3201	To construct a building with a maximum height of 20.42 metres and construct and carry out works in an Industrial 1 Zone; and to reduce the number of car parking spaces required at Clause 52.06 of the Frankston Planning Scheme	Application Refused	15/11/2019
17/2019/P	North-East	7 Northgateway, Langwarrin 3910	To construct three (3) double storey dwellings	Permit Approved	18/11/2019
397/2019/P	North-East	45 Yazaki Way, Carrum Downs 3201	To erect and display non-illuminated business identification signage.	Permit Approved	18/11/2019
136/2019/P/VS	North-East	13 Alluvian Way, Carrum Downs 3201	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	Permit Approved	19/11/2019
408/2019/P	North-East	Com Prop 24 Lathams Road, Carrum Downs 3201	To erect and display a non-illuminated, pylon business identification sign	Permit Approved	21/11/2019
316/2019/P	North-East	41 Quarrior Drive, Carrum Downs 3201	To construct two single storey dwellings to the rear of the existing dwelling (three (3) dwellings) and a three (3) lot subdivision	Application Lapsed	22/11/2019
188/2019/P	North-East	31 Northgateway, Langwarrin 3910	Change of use to a restaurant, building and works associated with a Section 2 use in a General Residential Zone and a reduction to the car parking requirements at Clause 52.06 of the Frankston Planning Scheme	Application Refused	26/11/2019
130/2019/P/VS	North-East	665 Dandenong-Hastings Road, Skye 3977	To construct a building or construct or carry out works in a Green Wedge Zone (GWZ)	Permit Approved	27/11/2019
457/2019/P	North-East	300 Hall Road, Skye 3977	To construct buildings and works to an existing dwelling	No Permit Required	28/11/2019
North-East Ward = 15					

<b>Progress Report – Planning Application Decisions</b> <b>For The Application Date: From 1/11/2019 To 30/11/2019</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
5/2019/P	North-West	Karingal Bowling Club 238-250 Skye Road, Frankston 3199	Buildings and works including a new canopy, outdoor lighting and synthetic surface to the existing bowling green (eastern), generally in accordance with the submitted plans	Permit Approved	1/11/2019
2/2017/P/VS	North-West	53 Kananook Avenue, Seaford 3198	Section 72 - The construction of one (1) single storey dwelling	Permit Approved	4/11/2019
283/2019/P	North-West	6 Fellowes Street, Seaford 3198	To construct three (3) double storey dwellings	Permit Approved	4/11/2019
356/2019/P	North-West	10 Stanley Street, Frankston 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Permit Approved	6/11/2019
256/2019/P	North-West	1 Leith Court, Frankston 3199	Use and development of the site as a rooming house (internal works increasing the number of bedrooms to 12, with no change in occupancy numbers)	Application Refused	7/11/2019
86/2017/P/B	North-West	20 Poplar Street, Frankston North 3200	Section 72 - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Permit Approved	12/11/2019
409/2019/P	North-West	6 Jolly Street, Frankston 3199	Three (3) lot subdivision	Permit Approved	14/11/2019
441/2019/P	North-West	2 Kananook Avenue, Seaford 3198	To construct one (1) outbuilding in a Special Building Overlay (SBO)	Permit Approved	14/11/2019
427/2019/P	North-West	115 Rosemary Crescent, Frankston North 3200	Two (2) lot subdivision	Permit Approved	14/11/2019
135/2019/P/VS	North-West	15 Addicott Street, Frankston 3199	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	Permit Approved	15/11/2019
3/2018/P	North-West	68-70 Seaford Grove, Seaford 3198	To construct eight (8) double storey dwellings	Permit Approved	18/11/2019
134/2019/P/VS	North-West	11 McAlister Street, Frankston 3199	To subdivide the land into two (2) lots	Permit Approved	18/11/2019



<b>Progress Report – Planning Application Decisions</b> <b>For The Application Date: From 1/11/2019 To 30/11/2019</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
446/2017/P/A	North-West	323-325A Nepean Highway, Frankston 3199	Section 72 - Use and development of the land for a service station and car wash and advertising signage - construct part of the building underneath existing first floor apartments.	Permit Approved	19/11/2019
291/2019/P	North-West	Kananook Reserve 33R Kirkwood Avenue, Seaford 3198	To use the land for a store (shed) and to construct a store and carry out works in a Public Park and Recreation Zone	Permit Approved	19/11/2019
378/2019/P	North-West	45 Fortescue Avenue, Seaford 3198	To construct one (1) single storey and one (1) double storey dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ)	Permit Approved	21/11/2019
409/2017/P	North-West	95 Lindrum Road, Frankston 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Permit Approved	26/11/2019
76/2016/P/E	North-West	209 Nepean Highway, Seaford 3198	Section 72 - Two (2) lot subdivision	Permit Approved	27/11/2019
397/2018/P/A	North-West	9 Mitchell Street, Seaford 3198	To construct extensions to an existing dwelling within the Special Building Overlay.  Section 72 Amended plans - Modifications to building layout and plans and addition of carport	Permit Approved	27/11/2019
5/2019/P	North-West	Karingal Bowling Club 238-250 Skye Road, Frankston 3199	Buildings and works including a new canopy, outdoor lighting and synthetic surface to the existing bowling green (eastern), generally in accordance with the submitted plans	Permit Approved	29/11/2019
North-West Ward = 19					
352/2018/P	South	27 Wallace Avenue, Frankston 3199	To construct two (2) double storey dwellings to the rear of the existing dwelling (three (3) dwellings) and undertake buildings and works to the existing dwelling	Permit Approved	1/11/2019

<b>Progress Report – Planning Application Decisions</b> <b>For The Application Date: From 1/11/2019 To 30/11/2019</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
236/2019/P	South	69-71 Yuille Street, Frankston 3199	To construct eight dwellings (four (4) triple storey and four (4) double storey dwellings)	Application Refused	4/11/2019
45/2017/P/B	South	23 Bembridge Avenue, Frankston South 3199	Section 72 - Additions and alterations to the existing dwelling and a domestic swimming pool Amendments - To construct a mezzanine floor within the garage, a Juliet balcony on the north elevation of the garage and a privacy screen on the eastern elevation of the garage	Permit Approved	8/11/2019
101/2019/P/VS	South	73 Fleetwood Crescent, Frankston South 3199	To remove one (1) tree	Application Lapsed	8/11/2019
114/2019/P/VS	South	30 Grange Road, Frankston South 3199	Section 72 - To construct a front fence in a Significant Landscape Overlay Schedule 4 (SLO4)	Permit Approved	12/11/2019
344/2019/P	South	4 Antrim Place, Langwarrin 3910	To construct a Dependant Persons Unit in a Bushfire Management Overlay Schedule 1 (BMO1)	Permit Approved	12/11/2019
271/2019/P	South	26 Seaview Road, Frankston South 3199	To construct three (3) double storey dwellings; to construct buildings and works within the Tree Protection Zone of substantial trees in a Significant Landscape Overlay - Schedule 1; to remove substantial trees in a Significant Landscape Overlay - Schedule 1	Application Refused	13/11/2019
268/2019/P	South	414, 414A, 416-422 Nepean Highway, Frankston 3199	Use and development of the land for a service station, convenience store and convenience restaurant. To carry out works within a TPZ of significant tree 271, display of internally illuminated business identification signage, to create and alter access to a road in a Road Zone Category 1 and a reduction in the provision of bicycle facilities under Clause 52.34 of the Frankston Planning Scheme.	Under Appeal	13/11/2019

<b>Progress Report – Planning Application Decisions</b> <b>For The Application Date: From 1/11/2019 To 30/11/2019</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
394/2019/P	South	38 Hillcrest Road, Frankston 3199	Five (5) lot subdivision	Permit Approved	14/11/2019
103/2019/P/VS	South	11 Hoadley Avenue, Frankston South 3199	To construct a building in the Tree Protection Zone of a substantial tree in a Significant Landscape Overlay Schedule 4 (SLO4) and within 7.5 metres of the road frontage in a Design and Development Overlay Schedule 9 (DDO9)	Application Lapsed	14/11/2019
410/2019/P	South	119 Gould Street, Frankston 3199	To construct an extension to the existing dwelling that exceeds 7 metres in height within a Design and Development Overlay Schedule 6 and within the Land Subject to Inundation Overlay	Permit Approved	15/11/2019
372/2019/P	South	12 Palm Court, Frankston 3199	To construct buildings and works (deck infill) to an existing dwelling in a Land Subject to Inundation Overlay	Permit Approved	15/11/2019
117/2019/P/VS	South	375 Baxter-Tooradin Road, Langwarrin South 3911	To construct buildings and works for an extension to an existing dwelling in a Rural Conservation Zone Schedule 1	Permit Approved	15/11/2019
374/2019/P	South	120-128 Robinsons Road, Langwarrin South 3911	Buildings and works associated with a Section 2 Use (Education Centre) in a Rural Conservation Zone Schedule 3 (RCZ3)	Application Lapsed	18/11/2019
303/2019/P	South	20 Cliff Road, Frankston 3199	To construct a habitable outbuilding in an Erosion Management Overlay Schedule 3 (EMO3)	Application Lapsed	18/11/2019
345/2018/P/A	South	13 Bembridge Avenue, Frankston South 3199	Section 72 - Two (2) lot subdivision and removal of vegetation	Permit Approved	20/11/2019
459/2019/P	South	4 Kars Street, Frankston 3199	To construct buildings and works in a Special Building Overlay(SBO)	Permit Approved	20/11/2019
86/2019/P	South	11 Reservoir Road, Frankston 3199	To construct five (5) double-storey dwellings in General Residential Zone Schedule 1	Application Refused	20/11/2019



<b>Progress Report – Planning Application Decisions</b> <b>For The Application Date: From 1/11/2019 To 30/11/2019</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
337/2018/P	South	70 High Street, Frankston 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and a two (2) lot subdivision	Permit Approved	20/11/2019
321/2017/P	South	310 Centre Road, Langwarrin 3910	Four (4) lot subdivision and vegetation removal	Permit Approved	21/11/2019
550/2018/P	South	19 Gum Hill Drive, Langwarrin 3910	To construct two (2) outbuildings (pool house and garage) with a floor area exceeding 100 square metres in a Bushfire Management Overlay Schedule 2 (BMO2) and a Design and Development Overlay Schedule 4 (DDO4)	Permit Approved	21/11/2019
138/2019/P/VS	South	57 Bayview Road, Frankston 3199	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	Permit Approved	21/11/2019
447/2019/P	South	1A Govan Street, Langwarrin 3910	To construct (1) one single storey dwelling	Application Withdrawn	25/11/2019
416/2019/P	South	30 Nirvana Close, Langwarrin South 3911	To construct a building or carry out works to an existing dwelling in a Design and Development Overlay Schedule 4	Permit Approved	26/11/2019
151/2019/P	South	33 Leisureland Drive, Langwarrin 3910	To construct an outbuilding where the total floor area of all outbuildings exceeds 100 square metres in a Design and Development Overlay Schedule 4 (DDO4), removal of a substantial tree within the Significant Landscape Overlay 4 (SLO4) and removal of native vegetation under Clause 52.17 of the Frankston Planning Scheme	Permit Approved	26/11/2019
445/2018/P	South	72 Williams Street, Frankston 3199	Two (2) lot subdivision	Permit Approved	26/11/2019

<b>Progress Report – Planning Application Decisions</b> <b>For The Application Date: From 1/11/2019 To 30/11/2019</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
289/2019/P	South	2 Parkside Grove, Frankston South 3199	To construct buildings and works in association with extensions to an existing dwelling in a Design and Development Overlay Schedule 8 and Erosion Management Overlay Schedule 2 and to construct and carry out works in the Tree Protection Zone of substantial trees in a Significant Landscape Overlay Schedule 4.	Permit Approved	28/11/2019
537/2018/P	South	561 Nepean Highway, Frankston 3199	Construction of a dwelling over seven metres in height in a Design and Development Overlay Schedule 6 and Buildings and works associated with a dwelling and removal of vegetation in an Erosion Management Overlay Schedule 3	Application Refused	29/11/2019
120/2019/P/VS	South	193 Humphries Road, Frankston South 3199	To construct or carry out buildings or works in a Design and Development Overlay Schedule 1 (DDO1) and works within the Tree Protection Zone of a substantial tree in a Significant Landscape Overlay Schedule 3 (SLO3)	Permit Approved	29/11/2019
567/2018/P	South	23 Frome Avenue, Frankston 3199	To construct two (2) double storey dwellings	Permit Approved	29/11/2019
South Ward = 30					
Total = 66					

<b>Progress Report – Amendments to Planning Application Decisions For The Application Date: From 1/11/2019 To 30/11/2019</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
120/2018/P/A	North-East	2 Odell Place, Carrum Downs 3201	Secondary consent - To construct one (1) single storey dwelling within the Bushfire Management Overlay (BMO)	Secondary Consent Approved	4/11/2019
676/2018/P/B	North-East	85 Boundary Road, Carrum Downs 3201	Secondary Consent - To construct eleven (11) buildings for use as warehouses	Secondary Consent Approved	12/11/2019
362/2017/P/D	North-East	1195B Frankston-Dandenong Road, Carrum Downs 3201	Secondary Consent - To construct seven (7) double storey dwellings and the removal of one (1) tree on Lot 217 (Tree No. 627) within Stage 6 of the Wattlewood Estate	Secondary Consent Approved	13/11/2019
179/2013/P/A	North-East	81 Edward Street, Langwarrin 3910	Secondary Consent - To construct nine (9) single storey dwellings and the removal of an easement	Secondary Consent Approved	14/11/2019
191/2018/P/B	North-East	1461 Dandenong-Hastings Road, Langwarrin 3910	Secondary Consent - To construct one (1) single storey dwelling in a Bushfire Management Overlay and to undertake buildings and works within the Tree Protection Zone of native and substantial trees.	Secondary Consent Approved	27/11/2019
<b>North-East Ward = 5</b>					
651/2011/P/E	North-West	303 Nepean Highway, Frankston 3199	Extension of Time - To construct a three (3) storey building comprising 24 dwellings	Extension of Time Approved	15/11/2019
651/2011/P/E	North-West	2 Rosella Street, Frankston 3199	Extension of Time - To construct a three (3) storey building comprising 24 dwellings	Extension of Time Approved	15/11/2019
632/2012/P/J	North-West	14 Molesworth Street, Seaford 3198	Extension of Time - To construct a single storey dwelling to the rear of the existing dwelling (two (2) dwellings) and to subdivide the land into two (2) lots	Extension of Time Approved	18/11/2019
396/2017/P/B	North-West	21 Inglis Avenue, Frankston 3199	Secondary Consent - To construct and use the land for six (6) triple storey dwellings	Secondary Consent Approved	20/11/2019
<b>North-West Ward = 4</b>					



<b>Progress Report – Amendments to Planning Application Decisions For The Application Date: From 1/11/2019 To 30/11/2019</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
296/2015/P/A	South	34 Sibyl Avenue, Frankston South 3199	Extension of time - To construct extensions to an existing dwelling and an outbuilding	Extension of Time Approved	4/11/2019
201/2015/P/C	South	22 Kenilworth Avenue, Frankston 3199	Secondary Consent - To construct three (3) double storey dwellings	Secondary Consent Approved	6/11/2019
195/2017/P/A	South	67 Kars Street, Frankston South 3199	Extension of Time - To construct a double storey dwelling at the rear of the existing dwelling (two (2) dwellings) and vegetation removal	Extension of Time Approved	11/11/2019
360/2018/P/B	South	3 Allawah Avenue, Frankston 3199	Secondary consent - To construct buildings and works to a single dwelling that exceed 7 metres in height in a Design and Development Overlay Schedule 6 (DDO6)	Secondary Consent Approved	14/11/2019
205/2011/P/E	South	60-64 Wells Street, Frankston 3199	Extension of time - To construct three (3) additional levels to existing five (5) level building and waiver of carparking requirements.	Extension of Time Approved	15/11/2019
25/2017/P/A	South	410 Warrandyte Road, Langwarrin South 3911	Extension of time - Two (2) lot subdivision	Extension of Time Approved	18/11/2019
314/2013/P/C	South	Frankston Park (Dolphins VFL) 3N High Street, Frankston 319	Secondary Consent - To construct additions to the Frankston Football Club (Major Sports and Recreation Facility) including:  - Use and development of a function centre; and - Reduction in the carparking and loading bay requirements of the Frankston Planning Scheme	Secondary Consent Approved	21/11/2019
363/2017/P/D	South	2 Diosma Court, Frankston South 3199	Extension of time - To construct one (1) double storey dwelling to the side of the existing dwelling (two dwellings) and a two (2) lot subdivision	Extension of Time Approved	27/11/2019
373/2017/P/B	South	553 Nepean Highway, Frankston 3199	Extension of time - To construct one (1) triple storey dwelling	Extension of Time Approved	27/11/2019

Progress Report – Amendments to Planning Application Decisions For The Application Date: From 1/11/2019 To 30/11/2019					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
466/2016/P/C	South	11 Franklin Court, Frankston 3199	Secondary Consent - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Secondary Consent Approved	27/11/2019
South Ward = 10					
Total = 19					

<b>Progress Report – Subdivision Application Received</b> <b>For The Application Date: From 1/11/2019 To 30/11/2019</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
141/2019/S	North-East	55 Brunnings Road, Carrum Downs 3201	Nine (9) lot subdivision	4/11/2019
144/2019/S	North-East	13 Alluvian Way, Carrum Downs 3201	Two (2) lot subdivision	14/11/2019
145/2019/S	North-East	620 Frankston-Dandenong Road, Carrum Downs 3201	To subdivide the land into two lots and road widening	19/11/2019
148/2019/S	North-East	291 North Road, Langwarrin 3910	Two (2) lot subdivision	25/11/2019
142/2019/S	North-West	11 McAlister Street, Frankston 3199	Two (2) lot subdivision	11/11/2019
143/2019/S	North-West	15 Addicott Street, Frankston 3199	Two (2) lot subdivision	13/11/2019
146/2019/S	South	24-32 Moorooduc Highway, Frankston South 3199	To subdivide the land into two (2) lots	19/11/2019
147/2019/S	South	57 Bayview Road, Frankston 3199	Two (2) lot subdivision	20/11/2019
149/2019/S	South	420-430 Robinsons Road, Langwarrin South 3911	Two (2) lot subdivision	27/11/2019
150/2019/S	South	39 Violet Street, Frankston South 3199	Consolidation of Lots	27/11/2019
151/2019/S	South	46 Screen Street, Frankston 3199	Four (4) lot subdivision	28/11/2019
<b>Total = 11</b>				



Progress Report – Subdivision Decisions					
For The Application Date: From 1/11/2019 To 30/11/2019					
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
124/2019/S	North-East	26 Larch Street, Langwarrin 3910	Two (2) lot subdivision	Certified	11/11/2019
132/2019/S	North-East	57 Gum Nut Drive, Langwarrin 3910	Section 23 ( Removal of a restriction )	Certification and SOC Issued	11/11/2019
156/2015/S	North-East	167 Lyrebird Drive, Carrum Downs 3201	Two (2) lot subdivision	SOC Issued (M)	13/11/2019
22/2019/S	North-East	22 Cockatoo Drive, Carrum Downs 3201	Two (2) Lot Subdivision	SOC Issued (M)	14/11/2019
92/2019/S	North-East	16 Moorhen Crescent, Carrum Downs 3201	Two (2) lot subdivision	Certified	18/11/2019
91/2019/S	North-East	74 Southgateway, Langwarrin 3910	Two (2) lot subdivision	SOC Issued (M)	19/11/2019
22/2019/S	North-East	22 Cockatoo Drive, Carrum Downs 3201	Two (2) Lot Subdivision	SOC Issued (M)	26/11/2019
114/2018/S	North-West	6 Stawell Street, Seaford 3198	Three (3) lot subdivision	SOC Issued (M)	12/11/2019
108/2019/S	North-West	99 Dandenong Road East, Frankston 3199	Two (2) lot subdivision	SOC Issued (M)	13/11/2019
133/2019/S	North-West	197 Karingal Drive, Frankston 3199	Variation of Easement	Certified	18/11/2019
136/2019/S	North-West	15 Stanley Street, Frankston 3199	Consolidation of Lots	Certification and SOC Issued	18/11/2019
107/2018/S	North-West	8 Newton Street, Seaford 3198	Two (2) lot subdivision certification	SOC Issued (M)	25/11/2019
133/2018/S	South	2 Armagh Road, Frankston South 3199	Two (2) lot subdivision	SOC Issued (M)	1/11/2019
154/2017/S	South	53 Nolan Street, Frankston 3199	Two (2) lot subdivision	Certified	11/11/2019
118/2016/S	South	4 Outlook Road, Frankston 3199	Two (2) lot subdivision	SOC Issued (M)	13/11/2019
148/2018/S	South	11 Screen Street, Frankston 3199	Three (3) Lot subdivision	Certified	21/11/2019
150/2019/S	South	39 Violet Street, Frankston South 3199	Consolidation of Lots	Certification and SOC Issued	27/11/2019
18/2018/S	South	6 Rosedale Grove, Frankston South 3199	Two (2) lot subdivision	SOC Issued (M)	27/11/2019

Total = 18

Town Planning Applications – Direction To Advertise Issued November 2019				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Application Date</u>
331/2019/P	North-East	10 Partridge Crescent, Carrum Downs 3201	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	2/08/2019
462/2019/P	North-East	620 Frankston-Dandenong Road, Carrum Downs 3201	To subdivide the land into two (2) lots and road widening in a General Residential Zone (GRZ)	18/11/2019
350/2019/P	North-East	525 Cranbourne-Frankston Road, Langwarrin 3910	To use the land for and to construct or carry out buildings and works for a Dependant Persons Unit and an outbuilding in a Rural Conservation Zone Schedule 2 (RCZ2) and works within the Tree Protection Zone of substantial trees in a Significant Landscape Overlay Schedule 1 (SLO1)	20/08/2019
222/2019/P	North-East	60 Aqueduct Road, Langwarrin 3910	To use the land for a Child Care Centre (98 places) and to construct and carry out works in association with a Section 2 Use in the General Residential Zone (GRZ) and to remove substantial trees and for buildings and works within the TPZ in a Significant Landscape Overlay Schedule 1 (SLO1)	30/05/2019
449/2019/P	North-East	1M Rossiter Road, Carrum Downs 3201	To construct a telecommunications facility comprising of a 42.35 m height 'Tube Star' Monopole within a Public Use Zone (PUZ)	31/10/2019
446/2019/P	North-West	5 Raymond Road, Seaford 3198	To construct three (3) double storey dwellings on a lot in a General Residential Zone (GRZ) and to construct buildings and works in a Special Building Overlay (SBO)	8/11/2019
13/2019/P	North-West	Seaford Reserve - R F Miles Recreation Reserve 22R Seaford R	Construction of a new sports pavilion, carpark and associated works.  Amended Application	9/01/2018
412/2019/P	North-West	4 Madden Street, Seaford 3198	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ)	11/10/2019



551/2016/P/A	North-West	224 Cranbourne Road, Frankston 3199	Section 72 Amendment - To display business identification signage  Amendment - To display a new panel on the existing sign	12/03/2019
71/2019/P	North-West	35 East Road, Seaford 3198	Amended Application - To construct four (4) double storey and one (1) single storey dwelling (five (5) dwellings)	14/02/2019
553/2018/P/A	North-West	73 Rosemary Crescent, Frankston North 3200	Section 72 - To construct Two (2) double storey dwellings. The changes to the plans include: - Increase in the building height to both dwellings. - Changes to the ground and first floor footprint to Dwelling 2.	18/10/2019
421/2019/P	North-West	23-25 Longleaf Street, Frankston North 3200	To construct two (2) single storey dwellings to the rear of two (2) existing single storey dwellings (four (4) dwellings)	22/10/2019
358/2019/P	North-West	2/21 Francis Street, Seaford 3198	To extend a dwelling when there are two or more dwellings on the lot in the General Residential Zone (GRZ)	27/08/2019
429/2019/P	North-West	2/17 Ireland Street, Seaford 3198	To construct one (1) single storey dwelling	28/10/2019
700/2010/P/E	North-West	19 Sheridan Avenue, Frankston 3199	Section 72 Amendment - To construct eight (8) dwellings within a four (4) storey building, including basement car parking.  Changes include: - Modifications to the building footprint. - Variation to side and rear setbacks. - Changes to the building heights. - Changes to fenestration and external materials of the building facade.	29/07/2019
279/2019/P	South	81 Nursery Avenue, Frankston 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	3/07/2019
404/2019/P	South	19 Woolston Drive, Frankston South 3199	Alterations and additions to an existing dwelling in a Design and Development Overlay Schedule 9	4/10/2019

419/2019/P	South	14 Gregory Avenue, Frankston South 3199	To construct a building and carry out buildings and works in a Design and Development Overlay Schedule 9 (DDO9) and to carry out works in the Tree Protection Zone of a Substantial Tree in a Significant Landscape Overlay Schedule 4 (SLO4)	9/10/2019
386/2019/P	South	435 Nepean Highway, Frankston 3199	To construct and carry out works in a Commercial 1 Zone (C1Z) associated with a telecommunications facility.  (The proposed Emergency Alerting Service Facility comprised of Installation of one omni-directional dipole array paging antenna on an existing pole of roof top, installation of one satellite antenna to be mounted on a lower roof top, one equipment shelter and installation of ancillary equipment and cabling)	13/09/2019
418/2019/P	South	204 Frankston-Flinders Road, Frankston South 3199	To construct two (2) single storey dwellings (two (2) dwellings on a lot) in a General Residential Zone Schedule 1 (GRZ1), to construct a building and construct and carry out works in the Tree Protection Zone of a Substantial Tree in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct a building, to carry out buildings and works in a Design and Development Overlay Schedule 9 (DDO9) and to create/alter access to a road in a Road Zone Category 1	15/10/2019
1079/2004/P/A	South	6A & 8 Orchard Grove, Frankston South 3199	Section 72 Amendment - To construct one(1) double storey dwelling	17/06/2019
425/2019/P	South	580 Robinsons Road, Langwarrin South 3911	To construct a building (shed and carport) in an Rural Conservation Zone Schedule 1 (RCZ1),to construct a building in a Bushfire Management Overlay Schedule 1 (BMO1), to construct a building and/or carry out works in the Tree Protection Zone of substantial trees in a Significant Landscape Overlay Schedule 1 (SLO1)	24/10/2019

396/2019/P	South	16-22 Playne Street, Frankston 3199	To construct or carry out building and works, use the land for an indoor recreation facility within a commercial 1 zone, to sell and consume liquor and to erect and display business identification signage	30/09/2019
395/2019/P	North-East	842 Frankston-Dandenong Road, Carrum Downs 3201	To use the land for a place of worship and associated accommodation, and for buildings and works (Section 2 Use in a Green Wedge Zone (GWZ)), to remove vegetation and construct a building and carry out works within the Tree Protection Zone of substantial native Australian tree, and to create/alter access to a road in a Road Zone Category 1	26/09/2019
287/2019/P	North-West	59 Kareela Road, Frankston 3199	To use the land to sell and consume liquor and a reduction in the number of car spaces required under Clause 52.06 of the Frankston Planning Scheme	4/07/2019
380/2019/P	North-West	14 Johnstone Street, Seaford 3198	To construct one (1) single storey and two (2) double storey dwellings (three (3) dwellings on a lot) in a General Residential Zone (GRZ) and to construct buildings and works in a Special Building Overlay (SBO)	11/09/2019
432/2019/P	North-West	159 Nepean Highway, Seaford 3198	To construct one (1) building containing ten (10) apartments in a General Residential Zone (GRZ), to construct a building or carry out works in the Design and Development Overlay Schedule 6 (DDO6), to alter the access to a Road Zone Category 1 (RDZ1)	31/10/2019
282/2019/P	South	58-60 McMahon's Road, Frankston 3199	To construct eight (8) double storey dwellings, to construct buildings and construct and carry out works in a Special Building Overlay (SBO) and to create/alter access to a road in a Road Zone Category 1	3/07/2019
419/2019/P	South	14 Gregory Avenue, Frankston South 3199	To construct a building and carry out buildings and works in a Design and Development Overlay Schedule 9 (DDO9) and to carry out works in the Tree Protection Zone of a Substantial Tree in a Significant Landscape Overlay Schedule 4 (SLO4)	9/10/2019



413/2019/P	South	2/7A Thompson Street, Frankston 3199	Sale and supply of liquor (restaurant and cafe licence) in conjunction with the continued use of the premises as a food and drink premises (convenience restaurant).	10/10/2019
635/1984/P/A	South	8 Robinsons Road, Frankston South 3199	Retired persons residential community  S72 - Amend the preamble on the Planning Permit to include reference to 76 Retirement Living Apartments. To amend the endorsed plans to replace existing buildings with 76 Apartments for Retirement Living.	10/10/2019
345/2019/P	South	17 Kalmia Street, Frankston 3199	To construct two (2) double storey dwellings to the rear of the existing dwelling (three (3) dwellings on a lot) in a General Residential Zone (GRZ)	13/08/2019
363/2019/P	South	2 McLean Court, Frankston South 3199	To construct an outbuilding within a Design and Development Overlay Schedule 1 (DDO1) and a Bushfire Management Overlay (BMO)	29/08/2019
323/2017/P/A	South	24-26 High Street, Frankston 3199	Section 72 - To construct a building (staff room) Amendments: Internal modifications to alter building from staff room to classrooms.	29/11/2019
396/2019/P	South	16-22 Playne Street, Frankston 3199	To construct or carry out building and works, use the land for an indoor recreation facility within a commercial 1 zone, to sell and consume liquor and to erect and display business identification signage	30/09/2019

Legend

10 or more dwellings:	Yellow
3 or more lot subdivisions:	Blue
3 or more storey development:	Green
Applications in the CAA:	Pink

Progress Report – Current VCAT Appeals November 2019									
<u>Appeal No</u>	<u>Application Number</u>	<u>Address</u>	<u>Proposal</u>	<u>Lodged at VCAT</u>	<u>Council Decision</u>	<u>Appeal Type</u>	<u>Date of Appeal</u>	<u>VCAT Decision</u>	<u>Date of VCAT Decision</u>
P1188/2019	3/2018/P	68-70 Seaford Road Seaford	To construct eight (8) double storey dwellings	26/06/2019	Refusal	Refusal to grant a permit	06-Nov-19	Approved	11/11/2019
P1504/2019	300/2018/P	145 Frankston- Flinders Road, Frankston 3199	To construct building and works for use as a Supermarket and Shop, Business Identification Signage and a reduction to the car parking requirements of Clause 52.06	26/07/2019	Approved	Appeal against conditions	14-Jan-20	Approved	13/11/2019
P656/2019	321/2017/P	310 Centre Road Langwarrin	Four (4) lot subdivision	15/04/2019	Notice of Decision	Decision to grant a permit	11-Oct-19	Affirmed	14/11/2019
P433/2019	445/2018/P	72 Williams Street Frankston	Two (2) lot subdivision	18/03/2019	Refusal	Refusal to grant a permit	11-Sep-19	Approved	21/11/2019
P314/2019	283/2018/P	490-504 Nepean Highway Frankston	Use and development of the land for retail, food and drink premises, office and accommodation (108 apartments) in a 10 storey building plus basement and reduction in car parking requirements	19/02/2019	Not yet Determined	Failure to determine			
P280/2019	211/1998/P/B /C/D	1075 Dandenong- Hastings Road Langwarrin	Retail plant nursery and caretakers residence	18/02/2019	Notice of Decision	Decision to grant a permit	20-Aug-19		
P164/2019 Enforcement order	211/1998/P	1075 Dandenong- Hastings Road Langwarrin	Retail plant nursery and caretakers residence	1/02/2019	Notice of Decision	Decision to grant a permit	20-Aug-19		
P755/2019	301/2018/P	314C Centre Road Langwarrin	To construct one (1) outbuilding to be used as a store	18/04/2019	Refusal	Refusal to grant a permit	12-Sep-19		

P819/2019	468/2018/P	6 Blair Avenue Frankston South	To construct one (1) double storey dwellings to the rear of the existing dwelling (two (2) dwellings) and removal of trees.	4/05/2019	Refusal	Refusal to grant a permit	20-Nov-19		
P1079/2019	345/2018/P	13 Bembridge Avenue Frankston South	Two (2) lot subdivision and removal of vegetation	24/05/2019	Approved	Appeal against conditions	24-Oct-19		
P1106/2019	254/2018/P	475 Baxrter-Tooradin Road Langwarrin South	To change the use of the land to Intensive animal production (production of free range eggs) under the existing use provisions of Clause 63 of the Frankston Planning Scheme	6/06/2019	Refusal	Refusal to grant a permit	29-Nov-19		
P1149/2019	146/2018/P	8 Brighton Street Frankston South	Two (2) lot subdivision	13/06/2019	Refusal	Refusal to grant a permit	06-Dec-19		
P1436/2019	205/2018/P	531 Nepean Highway, Frankston 3199	To construct eight (8) double storey dwellings	19/07/2019	Not yet Determined	Failure to grant a permit	16-Dec-19		
P1566/2019	111/2019/P	66A Cliff Road Frankston South	To construct two (2) double storey dwellings on a lot and to construct and carry out buildings and works and a domestic swimming pool in a Design and Development Overlay Schedule 9	19/08/2019	Refusal	Refusal to grant a permit	11-Feb-20		
P1570/2019	642/2018/P	35 Playne Street Frankston	The Construction of a 14 storey mixed use building for leisure and recreation facility (gym), accommodation (11 student rooms and 77 apartments), office, retail (cafe', hairdresser, restaurant and motor vehicle sales) and a reduction in car parking requirements of Clause 52.06	29/08/2019	Refusal	Refusal to grant a permit	04-Feb-20		
P1711/2019	201/2018/P	5/32 Access Way, Carrum Downs 3201	The use of an ancillary caretaker house on the site and associated buildings and works	2/09/2019	Refusal	Refusal to grant a permit	24-Feb-20		



P1797/2019	41/2019/P	21 Barmah Court, Frankston South 3199	For the use and development of the land for a child care centre; to remove fifteen (15) substantial trees and construct and carry out works in the tree protection zone of substantial trees; and to construct and put up for display two (2) business identification signs.	1/10/2019	Refusal	Refusal to grant a permit	23-Mar-20		
P1934/2019	100/2019/P	137 Overport Road, Frankston South 3199	To use and develop the land for a child care centre in a General Residential Zone, to construct a building or construct or carry out works in the tree protection zone of substantial trees in a Significant Landscape Overlay Schedule 3 and to construct a building in a Design and Development Overlay Schedule 1	7/10/2019	Refusal	Refusal to grant a permit	14-Apr-20		
P2066/2019	324/2018/P	37 Nepean Highway Seaford	Construction of six (6) three storey dwellings and reduction of visitor car parking	6/11/2019	Refusal	Refusal to grant a permit	06-May-20		
P2152/2019	229/2019/P	26 Brunnings Road, Carrum Downs 3201	To construct two hundred and fifteen (215) dwellings, a staged subdivision and removal of native vegetation	14/11/2019	Not yet Determined	Failure to grant a permit	20-Apr-20		
P2190/2019	99/2019/P	17 Railway Parade, Seaford 3198	To construct three (3) double storey dwellings on a lot	20/11/2019	Notice of Decision	Decision to grant a permit	21-May-20		
P2257/2019	294/20019/P	1 Merrigal Court Frankston South	To construct one (1) double storey dwelling in a Design and Development Overlay Schedule 1, buildings and works within the Tree Protection Zone of a substantial tree in a Significant Landscape Overlay Schedule 3	25/11/2019	Notice of Decision	Decision to grant a permit	05-Jun-20		
P2316/2019	268/2019/P	414-414A & 416-422 Nepean Highway Frankston	Use and development of the land for a service station, convenience store and convenience restaurant. To carry out	29/11/2019	Refusal	Refusal to grant a permit	09-Jun-20		

			works within a TPZ of significant tree 271, display of internally illuminated business identification signage, to create and alter access to a road in a Road Zone Category 1 and a reduction in the provision of bicycle facilities under Clause 52.34 of the Frankston Planning Scheme.						
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Progress Report – VCAT Determination – Policy Implications November 2019			
<u>Appeal No</u>	<u>Application No</u>	<u>Address</u>	<u>VCAT Determination – Policy Implications</u>
P1199/2019	3/2018/P	68 - 70 Seaford Road SEAFORD VIC 3198	The applicant had sought permission to construct eight (8) double storey dwellings on the land. Council had refused to grant a planning permit. The VCAT determined that a Planning Permit should be granted.
P433/2019	445/2018/P	72 Williams Street, Frankston	The applicant sought permission to subdivide the land into two (2) lots. Council had refused to grant a planning permit. The VCAT determined that a Planning Permit should be granted.
P656/2019	321/2017/P	310 Centre Road, Langwarrin	The applicant had sought permission to subdivide the land into four (4) lots and to remove vegetation. Objections were received to the application and Council's Notice of Decision to Grant a Permit was appealed to the VCAT by an objector. The VCAT determined that a permit should be granted generally in accordance with Council's Notice of Decision.



Strategic Unit - Planning Scheme Amendments – November 2019				
<u>Amendment</u>	<u>Address</u>	<u>Description</u>	<u>Status</u>	<u>Status Date</u>
C105	Health & Education precinct	Student Accommodation Policy	Deferred. Will do a following on project after the Housing Strategy Amendment Exhibition. Will discuss with DELWP.	18 December 2019
C120	Frankston City Council Wide	Implements the recommendations of the Frankston Housing Strategy 2018	Authorised by Council at its 4 June 2018 Ordinary meeting. Officers sent Authorisation application to DELWP to exhibit the Amendment. DELWP have requested further time to review.	18 December 2019
C123	Frankston MAC	Implements the recommendations of the Frankston MAC Structure Plan	VCAT has determined that the amendment has lapsed. Council officers are reviewing options to address this via a new amendment process.	18 December 2019
C131	Frankston City Council Wide	Removal of Development Plan Overlays	Adopted at 18 November 2019 Council Meeting. Will be submitting to the Minister for Planning for Approval.	18 December 2019
C140	Frankston City Council Wide	Planning Scheme Review	Adopted at 2 September 2019 Council Meeting. The Review has also been sent to the Minister and are yet to receive any feedback.	18 December 2019
C130	Frankston City Council Wide	Open Space Corrections rezoning	Authorised by Council at its 12 August 2019 Ordinary meeting. Amendment likely to be sent to the Minister in Jan 2020	18 December 2019

**Executive Summary****11.6 December 2019 Planning & Environment Progress Report**

*Enquiries: (Stuart Caldwell: Community Development)*

**Council Plan**

Community Outcome:	4. A Well Managed City
Strategy:	4.2 Systems
Priority Action	4.2.2 Embed a culture of Business Improvement to improve processes, applications and utilisation

**Purpose**

To provide Council with an update on the exercise of planning delegations by Council officers for the month of December 2019.

**Recommendation (Director Community Development)**

That Council receives and notes the December 2019 Planning and Environment 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 December 2019, 84 applications for planning permits or amendments to permits were received, and 77 applications determined. A total of 83% of permit decisions were made within 60 statutory days.
- As at the time of preparation of this report, there are 278 undecided planning permit, amendment to planning permit, and plan approval applications currently with Council.
- 4 decisions related to multi-dwelling applications and all complied with the Multi-Dwelling Visitor Car Parking Guidelines.
- 4 VCAT decisions were handed down during the month.

**Financial Impact**

The Victorian Government introduced the “Fair Go Rates” system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past four financial years has ranged between 2.0 per cent to 2.5 per cent and has been set at 2.0 per cent for 2020-2021.

**11.6 December 2019 Planning & Environment Progress Report****Executive Summary**

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council's major source of income, Council's capacity to continue to deliver services and fund its capital programme will be severely restricted.

Where a party seeks review of Council's decision at the Victorian Civil and Administrative Tribunal, Council will incur representation costs. Often, Council is represented by its officers and these costs are managed within Council's adopted budget. However where a matter is complex or involves legal issues, or where Council decides an application at variance with the officers recommendation, an external representative will be engaged. The type and cost of the representative engaged will vary depending on the nature of the application and issues in contention.

Indicatively, costs to engage a planning consultant representative for a VCAT case typically range between \$4,000 and \$8,000 (depending on hearing length), and between \$10,000 and \$50,000+ for legal representation (again, depending on hearing length and potential engagement of expert witnesses).

**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 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.

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 with an overview of the activities and decisions made on planning applications in the month of December 2019.

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**ATTACHMENTS**

Attachment A: [↓](#) December 2019 Town Planning Progress Report



<b>Progress Report – Planning Applications Received</b> <b>For The Application Date: From 1/12/2019 To 31/12/2019</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
476/2019/P	North-East	28 Sunbird Crescent, Carrum Downs 3201	To construct one (1) single storey dwelling adjacent to the existing dwelling (two (2) dwellings) on a lot in a General Residential Zone (GRZ) and to construct a dwelling in a Bushfire Management Overlay Schedule 1 (BMO1)	3/12/2019
478/2019/P	North-East	15A & 15B Broderick Road, Carrum Downs 3201	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	4/12/2019
147/2019/P/VS	North-East	26 Kingston Road, Langwarrin 3910	To remove one native tree	5/12/2019
486/2019/P	North-East	Shop 1/230 Cranbourne-Frankston Road, Langwarrin 3910	To use the land for a Restricted Recreation Facility(Gym) in a Commercial 1 Zone (C1Z)	5/12/2019
484/2019/P	North-East	291 North Road, Langwarrin 3910	To carry out works within the Tree Protection Zone of substantial native tree in a Significant Landscape Overlay Schedule 1 (SLO1) and an Environmental Significance Overlay Schedule 1 (ESO1)	6/12/2019
149/2019/P/VS	North-East	12/2 Malibu Circuit, Carrum Downs 3201	To construct buildings and works (mezzanine) in an Industrial 1 Zone (IN1Z)	6/12/2019
148/2019/P/VS	North-East	28-40 Colemans Road, Carrum Downs 3201	To construct four (4) warehouses and carry out works in an Industrial Zone (INZ)	6/12/2019
481/2019/P	North-East	9 Whimbrel Crescent, Carrum Downs 3201	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	6/12/2019
491/2019/P	North-East	57 Gum Nut Drive, Langwarrin 3910	To construct one (1) double storey dwelling to the rear of an existing dwelling (two (2) of dwellings on a lot) in a General Residential Zone (GRZ) and in a Bushfire Management Overlay (BMO)	10/12/2019
489/2019/P	North-East	53 Myrtle Street, Langwarrin 3910	To construct two (2) double-storey dwellings to the rear of the existing dwelling (three (3) dwellings) on a lot in a General Residential Zone (GRZ)	10/12/2019
487/2019/P	North-East	6 Noel Road, Langwarrin 3910	To erect and display business identification signage in a General Residential Zone (GRZ)	10/12/2019

<b>Progress Report – Planning Applications Received</b> <b>For The Application Date: From 1/12/2019 To 31/12/2019</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
494/2019/P	North-East	6 Larch Street, Langwarrin 3910	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	11/12/2019
499/2019/P	North-East	14 Hafey Way, Langwarrin 3910	To construct an outbuilding in a Rural Conservation Zone Schedule 4 (RCZ4) and a Bushfire Management Overlay (BMO)	13/12/2019
506/2019/P	North-East	75 Hillcrest Drive, Langwarrin 3910	To construct a dependent person's unit in a Bushfire Management Overlay Schedule 1 (BMO1)	17/12/2019
503/2019/P	North-East	1461 Dandenong-Hastings Road, Langwarrin 3910	To construct an outbuilding in a Bushfire Management Overlay Schedule 1 (BMO1) and to carry out buildings and works in a Design and Development Overlay Schedule 4 (DDO4)	17/12/2019
156/2019/P/VS	North-East	411 McClelland Drive, Langwarrin 3910	To erect and display business identification signage	17/12/2019
158/2019/P/VS	North-East	735 Dandenong-Hastings Road, Skye 3977	To construct a building associated with the use of the land for horticulture in a Green Wedge Zone	19/12/2019
159/2019/P/VS	North-East	2/22 McCormicks Road, Skye 3977	ePathway	20/12/2019
160/2019/P/VS	North-East	3 Yarralumla Drive, Langwarrin 3910	Two (2) lot subdivision	23/12/2019
514/2019/P	North-East	390 McClelland Drive, Langwarrin 3910	To extend the existing Restaurant and Cafe Liquor Licence	24/12/2019
515/2019/P	North-East	115 Union Road, Langwarrin 3910	To subdivide the land into five (5) lots in a General Residential Zone (GRZ)	24/12/2019
<b>North-East Ward = 21</b>				
146/2019/P/VS	North-West	84-100 Austin Road, Seaford 3198	Buildings and works to an existing Primary School in a General Residential Zone (GRZ) Section 2 Use	3/12/2019
474/2019/P	North-West	2 Northcote Street, Seaford 3198	To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ)	3/12/2019
477/2019/P	North-West	2/5 Hi-Tech Place, Seaford 3198	To use the land for a Restricted Recreation Facility (Gymnasium) in an Industrial 1 Zone (IN1Z)	3/12/2019
479/2019/P	North-West	84-100 Austin Road, Seaford 3198	Buildings and works to an existing Primary School in a General Residential Zone (GRZ) Section 2 Use	5/12/2019

<b>Progress Report – Planning Applications Received</b> <b>For The Application Date: From 1/12/2019 To 31/12/2019</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
485/2019/P	North-West	6 Arabil Street, Frankston 3199	To subdivide the land into six (6) lots in a General Residential Zone (GRZ)	9/12/2019
485/2019/P	North-West	8 Arabil Street, Frankston 3199	To subdivide the land into six (6) lots in a General Residential Zone (GRZ)	9/12/2019
502/2019/P	North-West	63A Armstrongs Road, Seaford 3198	To remove Restrictive Covenant PS413667N which burdens lot 2 of Plan of Subdivision 413667N and states the following: "lot 2 on this Plan of Subdivision shall not: - 1. Construct on the land any dwelling or garage except within the area hatched in the schedule. 2. Construct on the land any building except as follows: - (a) A single storey dwelling complying with the Floor and Site Plan shown on Drawing No 1 of 1, November 1997, prepared by K.A & J.E. Murphy, or an alternative approved by the responsible authority. (b) A dwelling complying with all techniques of the Elements of the Good Design Guide for Medium Density Housing, 1995 and approved as so complying by the responsible authority under the Planning and Environment Act 1987.	10/12/2019
151/2019/P/VS	North-West	201 Seaford Road, Seaford 3198	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	11/12/2019
497/2019/P	North-West	108 Fortescue Avenue, Seaford 3198	To construct three (3) double storey dwellings on a lot in a General Residential Zone (GRZ)	12/12/2019
495/2019/P	North-West	15 Addicott Street, Frankston 3199	To remove easement E-1 affecting the land contained in V11923 F006	12/12/2019
500/2019/P	North-West	4 Largs Street, Seaford 3198	Construction of one (1) double storey dwelling adjacent to the existing dwelling (two (2) dwellings)	13/12/2019
154/2019/P/VS	North-West	32 Bainbridge Avenue, Seaford 3198	To construct buildings and works to an existing dwelling in a Special Building Overlay (SBO)	16/12/2019



<b>Progress Report – Planning Applications Received</b> <b>For The Application Date: From 1/12/2019 To 31/12/2019</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
504/2019/P	North-West	1 Boonong Avenue, Seaford 3198	To construct one (1) single storey dwelling in a Special Building Overlay (SBO)	17/12/2019
508/2019/P	North-West	17 Francis Street, Seaford 3198	To construct a single storey dwelling to rear of existing dwelling (two (2) dwellings on a lot in a General residential Zone (GRZ)	23/12/2019
512/2019/P	North-West	1-3 Station Street, Seaford 3198	To erect and display business identification signage	23/12/2019
511/2019/P	North-West	25 Longleaf Street, Frankston North 3200	To remove drainage and sewerage easement E1	23/12/2019
<b>North-West Ward = 16</b>				
493/2019/P	South	5 Lawrey Street, Frankston 3199	To construct one (1) double storey dwelling to the rear of an existing dwelling (two (2) of dwellings on a lot) in a General Residential Zone (GRZ), To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	3/12/2019
108/2019/P	South	1A Govan Street, Langwarrin 3910	Satisfaction Matters	4/12/2019
665/2018/P/A	South	365 Baxter-Tooradin Road, Langwarrin South 3911	Secondary consent - Buildings and works associated with a use in Section 2 of Clause 35.06-1 of the Frankston Planning Scheme (extension to an existing dwelling and extension to a shed); to construct buildings within 100 metres of a waterway and to construct a building and carry out works in the Tree Protection Zone of substantial trees.	4/12/2019
482/2019/P	South	15 Culcairn Drive, Frankston South 3199	To construct alterations and additions to an existing dwelling in a Design and Development Overlay Schedule 9 (DDO9)	4/12/2019
483/2019/P	South	10 Yamala Drive, Frankston South 3199	To construct two (2) triple storey dwellings and to remove vegetation.	4/12/2019
480/2019/P	South	8 Cecil Street, Frankston 3199	To subdivide the land into four (4) lots in a General Residential Zone (GRZ)	5/12/2019
150/2019/P/VS	South	2/36 Wells Street, Frankston 3199	To construct buildings and works (flue) in a Commercial 1 Zone	6/12/2019

<b>Progress Report – Planning Applications Received</b> <b>For The Application Date: From 1/12/2019 To 31/12/2019</b>				
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490/2019/P	South	23 Humphries Road, Frankston South 3199	Alterations and additions to an existing dwelling in a Design and Development Overlay Schedule 9 (DDO9), removal of substantial trees and buildings and works within the Tree Protection Zone of substantial trees in a Significant Landscape Overlay Schedule 4(SLO4)	10/12/2019
492/2019/P	South	7 Ronald Avenue, Frankston South 3199	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	11/12/2019
496/2019/P	South	521-523 Nepean Highway, Frankston 3199	Demolition and remediation works in a Erosion Management Overlay Schedule 3 (EMO3)	12/12/2019
498/2019/P	South	88 Kars Street, Frankston South 3199	Two (2) lot subdivision	12/12/2019
153/2019/P/VS	South	3 Eumeralla Court, Frankston South 3199	To construct an outbuilding in the Design and Development Overlay Schedule 1 (DDO1) and in the Tree Protection Zone of a Substantial Tree in a Significant Landscape Overlay Schedule 3 (SLO3).	13/12/2019
155/2019/P/VS	South	4 Ronald Avenue, Frankston South 3199	Works (driveway) within the Tree Protection Zone of a Substantial Tree in a Significant Landscape Overlay Schedule 4 (SLO4)	16/12/2019
157/2019/P/VS	South	54 Rosedale Grove, Frankston South 3199	To construct one (1) outbuilding in a Design and Development Overlay Schedule 1 and Significant Landscape Overlay Schedule 3	17/12/2019
509/2019/P	South	13 Murawa Street, Frankston 3199	To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ)	17/12/2019
507/2019/P	South	7 Dunstan Street, Frankston South 3199	To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a building and carry out buildings and works in a Design and Development Overlay Schedule 9 (DDO9)	19/12/2019
513/2019/P	South	636, 638 & 638A Nepean Highway, Frankston South 3199	Four (4) lot subdivision ( re-alignment of boundaries ) and creation of common property	24/12/2019

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516/2019/P	South	170 Gould Street, Frankston 3199	To construct extensions to an existing dwelling in a Design and Development Overlay Schedule 6 (DDO6)	27/12/2019
South Ward = 18				
Total = 55				



<b>Progress Report – Amendments to Planning Permits Received For The Application Date: From 1/12/2019 To 31/12/2019</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
568/2018/P/C	North-East	291 North Road, Langwarrin 3910	Section 72 - Four (4) lot staged subdivision and vegetation removal	2/12/2019
641/2016/P/C	North-East	285 North Road, Langwarrin 3910	Extension of time - Subdivision of the land into seven (7) lots, removal of native vegetation and removal of drainage easement E-1 on LP24527	4/12/2019
292/2015/P/B	North-East	76 O'Gradys Road, Carrum Downs 3201	Secondary consent - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	5/12/2019
364/2019/P/A	North-East	12 Ash Grove South, Langwarrin 3910	Section 72 - Two (2) lot subdivision	5/12/2019
292/2019/P/A	North-East	42 Progress Drive, Carrum Downs 3201	Section 72 - To use the land for a Section 2 Use (After-School Care) in an Industrial 1 Zone	9/12/2019
659/2015/P/C	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	10/12/2019
419/2016/P/F	North-East	28 McCormicks Road, Skye 3977	Extension of time - The construction of seven (7) double storey and one (1) single storey dwelling (eight dwellings)	11/12/2019
189/2016/P/C	North-East	1 Edward Street, Langwarrin 3910	Extension of time - To construct six (6) double storey dwellings	11/12/2019
643/2016/P/E	North-East	36 Lorraine Avenue, Langwarrin 3910	Extension of Time - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and a two (2) lot subdivision	13/12/2019
372/2012/P/E	North-East	28-40 Colemans Road, Carrum Downs 3201	Extension of time - A forty (40) lot staged subdivision, which includes the creation of easements and the removal of vegetation	16/12/2019
542/2012/P/A	North-East	36 McCormicks Road, Skye 3977	Extension of time - Ten (10) lot subdivision	20/12/2019
<b>North-East Ward = 11</b>				
464/2004/P/B	North-West	5 Cricklewood Avenue, Frankston 3199	Secondary consent - To construct two (2) dwellings	2/12/2019

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512/2015/P/B	North-West	1 Boonong Avenue, Seaford 3198	Secondary consent - To construct one (1) single storey dwelling in the Bushfire Management Overlay and the Special Building Overlay	5/12/2019
724/2013/P/C	North-West	84 Brunel Road, Seaford 3198	Extension of time - To construct two (2) warehouses/factories with an associated office	6/12/2019
339/2018/P/B	North-West	121-123 Lindrum Road, Frankston 3199	Secondary consent - To construct eleven (11) double storey dwellings	9/12/2019
501/2016/P/B	North-West	17-21 Mereweather Avenue, Frankston 3199	Extension of time - Use of the land for dwellings in the Commercial 1 Zone; Buildings and works in the Commercial 1 Zone and Special Building Overlay; Buildings and works associated with construction of more than one dwelling in the Design and Development Overlay Schedule 6; and Reduction in one visitor car parking space under Clause 52.06 of the planning scheme	11/12/2019
70/2019/P/VS	North-West	6 Hi-Tech Place, Seaford 3198	Secondary consent - To construct two (2) warehouses	18/12/2019
399/2014/P/C	North-West	11-13 Leonard Street, Frankston 3199	Extension of time - To construct four (4) double storey dwellings & two (2) single storey dwellings (six (6) dwellings)	20/12/2019
<b>North-West Ward = 7</b>				
544/2011/P/B	South	435 Warrandyte Road, Langwarrin South 3911	Section 72 - Nine (9) lot residential subdivision, creation of easements and road generally in accordance with approved plans	2/12/2019
604/2012/P/F	South	95 Cranhaven Road, Langwarrin 3910	Extension of time - To subdivide the land into eleven (11) lots, in two stages, associated works and removal of native vegetation	4/12/2019

<b>Progress Report – Amendments to Planning Permits Received For The Application Date: From 1/12/2019 To 31/12/2019</b>				
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476/2018/P/B	South	8 Liddesdale Avenue, Frankston South 3199	Section 72 Amendment - To construct and carry out works in the Tree Protection Zone of substantial trees and to remove a substantial tree in a Significant Landscape Overlay - Schedule 4 (SLO4) and to construct a building varying the side setback requirements in the Design and Development Overlay - Schedule 9 (DDO9)	5/12/2019
620/2013/P/C	South	43 Denbigh Street, Frankston 3199	Extension of time - Four (4) lot subdivision	9/12/2019
68/2014/P/E	South	184 North Road, Langwarrin 3910	Secondary consent - Construction of twelve (12) dwellings on a lot in the General Residential Zone	9/12/2019
605/2008/P/G	South	8 Robinsons Road, Frankston South 3199	Section 72 - Demolish one hundred and seventeen (117) units and an amenities building and construct eighty two (82) new units and a croquet club	10/12/2019
566/2018/P/B	South	17 Peter Chance Crescent, Langwarrin 3910	Section 72 - Four (4) lot subdivision and vegetation removal	10/12/2019
542/2017/P/C	South	185 Warrandyte Road, Langwarrin 3910	Section 72 - To undertake building and works and to use the land for a medical centre, works within TPZ of substantial trees and vegetation removal.	18/12/2019
157/2019/P/B	South	10 Gowrie Avenue, Frankston South 3199	Section 72 - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot), to carry out works within the Tree Protection Zone of a substantial tree and to construct a building with a setback of less than 2 metres from side boundaries in a Design and Development Overlay Schedule 9 (DDO9)	20/12/2019
229/2018/P/B	South	40-46 McMahon's Road, Frankston 3199	Section 72 - Use and development of the land for a convenience shop and associated works to the existing car park to an existing service station	20/12/2019



Progress Report – Amendments to Planning Permits Received For The Application Date: From 1/12/2019 To 31/12/2019				
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249/2017/P/A	South	24-32 Moorooduc Highway, Frankston South 3199	Secondary consent - Use and development of a retirement village, alter access to a road in a Road Zone category 1, removal of substantial vegetation and to erect and display advertising signage.	23/12/2019
South Ward = 11				
Total = 29				

<b>Progress Report – Planning Application Decisions</b> <b>For The Application Date: From 1/12/2019 To 31/12/2019</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
137/2019/P/VS	North-East	16 Grassmere Road, Langwarrin 3910	To remove one (1) tree within a Significant Landscape Overlay Schedule 1 (SLO1)	Application Withdrawn	2/12/2019
142/2019/P/VS	North-East	520 Cranbourne-Frankston Road, Langwarrin 3910	To construct alterations and additions to existing dwelling in a Rural Conservation Zone Schedule 1 (RCZ1)	Permit Approved	3/12/2019
466/2019/P	North-East	315 North Road, Langwarrin 3910	To undertake works within a Tree Protection Zones of native vegetation within the Environmental Significance Overlay Schedule 1 and to undertake works the Tree Protection Zones of substantial trees within the Significant Landscape Overlay Schedule 1	Permit Approved	3/12/2019
107/2019/P	North-East	291 North Road, Langwarrin 3910	Satisfaction Matters	Application Withdrawn	6/12/2019
428/2019/P	North-East	416 McClelland Drive, Langwarrin 3910	Three (3) lot subdivision	Permit Approved	6/12/2019
321/2019/P	North-East	73 Jacana Drive, Carrum Downs 3201	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Permit Approved	10/12/2019
149/2019/P/VS	North-East	12/2 Malibu Circuit, Carrum Downs 3201	To construct buildings and works (mezzanine) in an Industrial 1 Zone (IN1Z)	Permit Approved	11/12/2019
152/2019/P/VS	North-East	14 Hafey Way, Langwarrin 3910	To construct an outbuilding in a Rural Conservation Zone Schedule 4 (RCZ4) and a Bushfire Management Overlay (BMO)	Application Withdrawn	13/12/2019
578/2016/P	North-East	4 Barnett Avenue, Carrum Downs 3201	To remove vegetation in the Significant Landscape Overlay (Schedule 5)	Application Refused	16/12/2019
436/2019/P	North-East	55 Brunnings Road, Carrum Downs 3201	Nine (9) lot subdivision	Permit Approved	17/12/2019
481/2019/P	North-East	9 Whimbrel Crescent, Carrum Downs 3201	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	Permit Approved	18/12/2019

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<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
350/2019/P	North-East	525 Cranbourne-Frankston Road, Langwarrin 3910	To use the land for and to construct or carry out buildings and works for a Dependent Persons Unit and an outbuilding in a Rural Conservation Zone Schedule 2 (RCZ2) and works within the Tree Protection Zone of substantial trees and removal of a substantial tree in a Significant Landscape Overlay Schedule 1 (SLO1)	Permit Approved	18/12/2019
156/2019/P/VS	North-East	411 McClelland Drive, Langwarrin 3910	To erect and display business identification signage	Permit Approved	19/12/2019
346/2019/P	North-East	21/75 Clifton Grove, Carrum Downs 3201	To use the site for a place of assembly, to construct or carry out works for a mezzanine in an Industrial 1 Zone and a reduction in the number of car parking spaces required under Clause 52.06-5 of the Frankston Planning Scheme	Permit Approved	19/12/2019
74/2019/P	North-East	4 Cassowary Close, Carrum Downs 3201	To construct three (3) double storey dwellings	Application Refused	20/12/2019
484/2019/P	North-East	291 North Road, Langwarrin 3910	To carry out works within the Tree Protection Zone of substantial native tree in a Significant Landscape Overlay Schedule 1 (SLO1) and an Environmental Significance Overlay Schedule 1 (ESO1)	Permit Approved	23/12/2019
426/2019/P	North-East	23 Colemans Road, Carrum Downs 3201	To develop the land for one (1) warehouse and associated office	Permit Approved	23/12/2019
456/2019/P	North-East	1/83 Boundary Road, Carrum Downs 3201	To construct and display promotional and electronic signage	Permit Approved	24/12/2019
<b>North-East Ward = 18</b>					
337/2019/P	North-West	305 Frankston-Dandenong Road, Frankston North 3200	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Permit Approved	3/12/2019



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283/2019/P	North-West	6 Fellowes Street, Seaford 3198	To construct three (3) double storey dwellings	Permit Approved	3/12/2019
407/2019/P	North-West	234 Skye Road, Frankston 3199	To construct two (2) single storey dwellings	Application Lapsed	3/12/2019
391/2019/P	North-West	Nepean Hwy Seaford	To remove native vegetation two (2) trees	Permit Approved	3/12/2019
146/2019/P/VS	North-West	84-100 Austin Road, Seaford 3198	Buildings and works to an existing Primary School in a General Residential Zone (GRZ) Section 2 Use	Application Withdrawn	6/12/2019
439/2019/P	North-West	70A Armstrongs Road, Seaford 3198	To construct a verandah and deck to rear of existing dwelling in a Land Subject to Inundation Overlay (LSIO)	Permit Approved	6/12/2019
438/2019/P	North-West	14 Barclay Avenue, Frankston 3199	To construct a building (shed) in a Special Building Overlay (SBO)	Permit Approved	10/12/2019
358/2019/P	North-West	2/21 Francis Street, Seaford 3198	To extend a dwelling (carport) when there are two or more dwellings on the lot in the General Residential Zone (GRZ)	Permit Approved	10/12/2019
144/2019/P/VS	North-West	32 Bainbridge Avenue, Seaford 3198	To construct buildings and works to an existing dwelling in a Special Building Overlay (SBO)	Application Withdrawn	12/12/2019
429/2019/P	North-West	2/17 Ireland Street, Seaford 3198	To construct one (1) single storey dwelling on a lot less than 300 square metres in a General Residential Zone (GRZ)	Permit Approved	17/12/2019
151/2019/P/VS	North-West	201 Seaford Road, Seaford 3198	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	Permit Approved	18/12/2019
382/2019/P	North-West	47 Fortescue Avenue, Seaford 3198	To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ) and to construct a building and construct and carry out works in a Special Building Overlay (SBO)	Permit Approved	20/12/2019
154/2019/P/VS	North-West	32 Bainbridge Avenue, Seaford 3198	To construct buildings and works to an existing dwelling in a Special Building Overlay (SBO)	Permit Approved	23/12/2019

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North-West = 13					
373/2019/P	South	555 Nepean Highway, Frankston 3199	To vary the restricted covenant contained in Instrument of Transfer 1089986 in Volume 07866 Folio 028 by replacing the words: 'that no building other than one dwelling house with the usual outbuildings and offices will be erected on said Lot three hereby transferred'; with the words; 'that no more than three dwellings, together with the usual outbuildings and offices will be erected on said Lot three hereby transferred'	Application Withdrawn	2/12/2019
132/2019/P/VS	South	555 Baxter-Tooradin Road, Langwarrin South 3911	To carry out works to an existing dwelling (Section 2 Use) in a Rural Conservation Zone Schedule 1 (RCZ1) and works within the Tree Protection Zone of substantial trees in a Significant Landscape Overlay Schedule 1 (SLO1)	Permit Approved	3/12/2019
123/2019/P/VS	South	2 Bergman Road, Langwarrin 3910	To construct a building and/or carry out works in the Tree Protection Zone of substantial trees in a Significant Landscape Overlay Schedule 1 (SLO1) and to construct a building and carry out buildings and works in a Design and Development Overlay Schedule 4 (DDO4)	Permit Approved	3/12/2019
463/2019/P	South	14 Arkindale Place, Frankston South 3199	To construct a habitable outbuilding in a General Residential Zone (GRZ)	No Permit Required	4/12/2019
404/2019/P	South	19 Woolston Drive, F Frankston South 3199	Alterations and additions to an existing dwelling in a Design and Development Overlay Schedule 9	Permit Approved	6/12/2019
125/2019/P/VS	South	8B Armagh Road, Frankston South 3199	To construct an outbuilding within a Design and Development Overlay Schedule 1	Permit Approved	10/12/2019

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150/2019/P/VS	South	2/36 Wells Street, Frankston 3199	To construct buildings and works (flue) in a Commercial 1 Zone	Permit Approved	10/12/2019
141/2019/P/VS	South	4 Healsview Court, Langwarrin South 3911	To construct an outbuilding in a Design and Development Overlay Schedule 4 (DDO4)	Permit Approved	11/12/2019
351/2019/P	South	6 Fenton Crescent, Frankston South 3199	To construct buildings and works to an existing dwelling in a Design and Development Overlay Schedule 9; to construct buildings and works within the Tree Protection Zone of substantial trees in a Significant Landscape Overlay - Schedule 4	Permit Approved	12/12/2019
492/2019/P	South	7 Ronald Avenue, Frankston South 3199	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	Permit Approved	17/12/2019
153/2019/P/VS	South	3 Eumeralla Court, Frankston South 3199	To construct an outbuilding in the Design and Development Overlay Schedule 1 (DDO1) and in the Tree Protection Zone of a Substantial Tree in a Significant Landscape Overlay Schedule 3 (SLO3).	Permit Approved	18/12/2019
418/2019/P	South	204 Frankston-Flinders Road, Frankston South 3199	To construct two (2) single storey dwellings (two (2) dwellings on a lot) in a General Residential Zone (GRZ), to carry out works in the Tree Protection Zone of a Substantial Tree in a Significant Landscape Overlay Schedule 4 (SLO4), to construct a building, to carry out buildings and works in a Design and Development Overlay Schedule 9 (DDO9) and to create/alter access to a road in a Road Zone Category 1	Permit Approved	19/12/2019
469/2019/P	South	46 Screen Street, Frankston 3199	To subdivide the land into four (4) lots in a General Residential Zone (GRZ)	Permit Approved	19/12/2019
386/2019/P	South	435 Nepean Highway, Frankston 3199	The use of land for a telecommunications facility and to construct or carry out associated works.	Permit Approved	20/12/2019



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167/2019/P	South	Frankston Park (Dolphins VFL) 3N High Street, Frankston 3199	To construct a building and carry out works in a Commercial 1 Zone; to construct buildings and works exceeding 51.10 metres above Australian Height Datum (AHD) in a Design and Development Overlay - Schedule 11 (two (2), forty-eight (48) metre high light towers).	Permit Approved	20/12/2019
343/2019/P	South	24-26 Playne Street, Frankston 3199	To use the land for the sale and consumption of liquor, to construct or carry out buildings and works in a Commercial 1 Zone (C1Z), to display internally illuminated business identification signage and to reduce the number of car spaces required under Clause 52.06-5 and bicycle parking spaces under Clause 52.34 of the Frankston Planning Scheme	Permit Approved	20/12/2019
146/2018/P	South	8 Brighton Street, Frankston South 3199	Two (2) lot subdivision	Permit Approved	20/12/2019
420/2019/P	South	6 Burnett Crescent, Frankston South 3199	To construct a building or construct or carry out works (deck and pool) within in the Tree Protection Zone of substantial trees in a Significant Landscape Overlay Schedule 3 (SLO3)	Permit Approved	23/12/2019
205/2018/P	South	531-533 Nepean Highway, Frankston 3199	To construct seven (7) double storey dwellings, alteration to access to a Road Zone Category 1 and reduction in visitor car parking in accordance with C52.06	Permit Approved	23/12/2019
155/2019/P/VS	South	4 Ronald Avenue, Frankston South 3199	Works (driveway) within the Tree Protection Zone of a Substantial Tree in a Significant Landscape Overlay Schedule 4 (SLO4)	Permit Approved	24/12/2019
South Ward = 20					

Total = 51

<b>Progress Report – Amendments to Planning Application Decisions For The Application Date: From 1/12/2019 To 31/12/2019</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
102/2019/P/B	North-East	33 Quarry Road, Langwarrin 3910	Secondary Consent - To construct two (2) single storey dwellings on a lot	Secondary Consent Approved	6/12/2019
200/2016/P/D	North-East	115-119 Union Road, Langwarrin 3910	Extension of time - Five (5) lot subdivision	Extension of Time Approved	9/12/2019
641/2016/P/C	North-East	285 North Road, Langwarrin 3910	Extension of time - Subdivision of the land into seven (7) lots, removal of native vegetation and removal of drainage easement E-1 on LP24527	Extension of Time Approved	9/12/2019
89/2017/P/A	North-East	175 Potts Road, Langwarrin 3910	Extension of time - To construct a shed carport and verandah	Extension of Time Approved	9/12/2019
364/2019/P/A	North-East	12 Ash Grove South, Langwarrin 3910	Section 72 - Two (2) lot subdivision	Application Withdrawn	17/12/2019
568/2018/P/C	North-East	291 North Road, Langwarrin 3910	Section 72 - Four (4) lot staged subdivision and vegetation removal	Permit Approved	18/12/2019
419/2016/P/F	North-East	28 McCormicks Road, Skye 3977	Extension of time - The construction of seven (7) double storey and one (1) single storey dwelling (eight dwellings)	Extension of Time Approved	20/12/2019
189/2016/P/C	North-East	1 Edward Street, Langwarrin 3910	Extension of time - To construct six (6) double storey dwellings	Extension of Time Approved	20/12/2019
292/2015/P/B	North-East	76 O'Gradys Road, Carrum Downs 3201	Secondary consent - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Secondary Consent Approved	20/12/2019
659/2015/P/C	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	Application Refused	24/12/2019
North-East = 10					



<b>Progress Report – Amendments to Planning Application Decisions For The Application Date: From 1/12/2019 To 31/12/2019</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
103/2018/P/C	North-West	6-10 Govan Street, Seaford 3198	Secondary Consent - To use the land for a Child Care Centre in an Industrial 1 Zone (Section 2 Use) and construct buildings and works within an Industrial 1 Zone and Special Building Overlay	Secondary Consent Approved	5/12/2019
343/2009/P/G	North-West	87 Nepean Highway, Seaford 3198	Section 72 - To construct two (2) triple storey dwellings and four (4) double storey dwellings	Permit Approved	16/12/2019
469/2008/P/O	North-West	211-212 Nepean Highway, Seaford 3198	Section 72 - Development of nineteen (19) dwellings and alteration of access to a road in Road Zone, Category 1.	Permit Approved	17/12/2019
501/2016/P/B	North-West	17-21 Mereweather Avenue, Frankston 3199	Extension of time - Use of the land for dwellings in the Commercial 1 Zone; Buildings and works in the Commercial 1 Zone and Special Building Overlay; Buildings and works associated with construction of more than one dwelling in the Design and Development Overlay Schedule 6; and Reduction in one visitor car parking space under Clause 52.06 of the planning scheme	Extension of Time Approved	20/12/2019
70/2019/P/VS	North-West	6 Hi-Tech Place, Seaford 3198	Secondary consent - To construct two (2) warehouses	Secondary Consent Approved	24/12/2019
<b>North-West Ward = 5</b>					
604/2012/P/F	South	95 Cranhaven Road, Langwarrin 3910	Extension of time - To subdivide the land into eleven (11) lots, in two stages, associated works and removal of native vegetation	Extension of Time Approved	9/12/2019
51/2017/P/D	South	610 Robinsons Road, Langwarrin South 3911	Secondary consent - Use and building and works to construct one (1) single storey dwelling, an outbuilding and removal of vegetation.	Secondary Consent Approved	11/12/2019

<b>Progress Report – Amendments to Planning Application Decisions For The Application Date: From 1/12/2019 To 31/12/2019</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
404/1989/P/A	South	8 Robinsons Road, Frankston South 3199	Secondary Consent - To carry out building and works in accordance with the attached endorsed plans and to be used for the purpose of a hostel.	Secondary Consent Approved	12/12/2019
467/2016/P/B	South	28 Screen Street, Frankston 3199	Secondary consent - To construct eight (8) double storey dwellings and removal of vegetation	Secondary Consent Approved	13/12/2019
566/2018/P/B	South	17 Peter Chance Crescent, Langwarrin 3910	Section 72 - Four (4) lot subdivision and vegetation removal	Permit Approved	16/12/2019
544/2011/P/B	South	435 Warrandyte Road, Langwarrin South 3911	Section 72 - Nine (9) lot residential subdivision, creation of easements and road generally in accordance with approved plans	Permit Approved	16/12/2019
341/2018/P/C	South	90 Donald Road, Langwarrin 3910	Secondary Consent - To undertake buildings and works for accommodation (dwelling) in a Bushfire Management Overlay and to undertake buildings and works within the tree protection zone of native and substantial trees	Secondary Consent Approved	17/12/2019
665/2018/P/A	South	365 Baxter-Tooradin Road, Langwarrin South 3911	Secondary consent - Buildings and works associated with a use in Section 2 of Clause 35.06-1 of the Frankston Planning Scheme (extension to an existing dwelling and extension to a shed); to construct buildings within 100 metres of a waterway and to construct a building and carry out works in the Tree Protection Zone of substantial trees.	Secondary Consent Approved	17/12/2019
364/2016/P/C	South	3 Liddesdale Avenue, Frankston South 3199	Secondary Consent - The construction of alterations and extensions to the existing dwelling including the addition of a second storey	Secondary Consent Approved	20/12/2019

Progress Report – Amendments to Planning Application Decisions For The Application Date: From 1/12/2019 To 31/12/2019					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
598/2007/P/A	South	68-70 Cranbourne Road, Frankston 3199	Section 72 - Alterations and additions to an existing dance studio at 68 Cranbourne Road and use as a place of assembly (Dance Studio) and development of the land at 70 Cranbourne Road, associated car parking and works, and alteration to access to a Road Zone category 1 in accordance with the endorsed plans  Proposed Amendment - To amend Condition 5 to allow the use to operate between the additional hours of: Monday: 1.30pm - 9.30pm (two (2) hours earlier) Tuesday - Friday: 9.30am - 11.30pm (additional morning classes)	Permit Approved	20/12/2019
323/2017/P/A	South	24-26 High Street, Frankston 3199	Section 72 - To construct a building (classroom)	Permit Approved	23/12/2019
South Ward = 11					
Total = 26					



<b>Progress Report – Subdivision Application Received</b> <b>For The Application Date: From 1/12/2019 To 31/12/2019</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
155/2019/S	North-East	15A&15B Broderick Road, Carrum Downs 3201	Two (2) lot subdivision	4/12/2019
158/2019/S	North-East	9 Whimbrel Crescent, Carrum Downs 3201	Two (2) lot subdivision	6/12/2019
163/2019/S	North-East	6 Larch Street, Langwarrin 3910	Two (2) lot subdivision	11/12/2019
166/2019/S	North-East	3 Yarralumla Drive, Langwarrin 3910	Two (2) lot subdivision	23/12/2019
154/2019/S	North-West	184 Old Wells Road, Seaford 3198	Two (2) Lot Subdivision	3/12/2019
160/2019/S	North-West	6 Arabil Street, Frankston 3199	Six (6) lot subdivision	9/12/2019
162/2019/S	North-West	201 Seaford Road, Seaford 3198	Two (2) lot subdivision	11/12/2019
167/2019/S	North-West	25 Longleaf Street, Frankston North 3200	To remove drainage and sewerage easement E1	23/12/2019
152/2019/S	South	616 Nepean Highway, Frankston South 3199	Consolidation of Lots	3/12/2019
156/2019/S	South	670 Nepean Highway, Frankston South 3199	Consolidation of Lots	4/12/2019
157/2019/S	South	8 Cecil Street, Frankston 3199	Four (4) lot subdivision	5/12/2019
161/2019/S	South	7 Ronald Avenue, Frankston South 3199	Two (2) lot subdivision	11/12/2019
164/2019/S	South	88 Kars Street, Frankston South 3199	Two (2) lot subdivision	12/12/2019
165/2019/S	South	145 Frankston-Flinders Road, Frankston 3199	Consolidation of lots	23/12/2019
<b>Total = 14</b>				

Progress Report – Subdivision Decisions					
For The Application Date: From 1/12/2019 To 31/12/2019					
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
129/2019/S	North-East	88 Southgateway, Langwarrin 3910	Two (2) lot subdivision	Certified	3/12/2019
151/2018/S	North-East	58 Luscombe Avenue, Carrum Downs 3201	Two (2) lot subdivision	SOC Issued (M)	3/12/2019
146/2018/S	North-East	19 Pardalote Avenue, Carrum Downs 3201	Two (2) Lot Subdivision	Certification and SOC Issued	5/12/2019
193/2015/S	North-East	10 Warrandyte Road, Langwarrin 3910	Two (2) lot subdivision	Certified	5/12/2019
52/2019/S	North-East	5 Edward Street, Langwarrin 3910	Eighteen (18) Lot Subdivision	SOC Issued (M)	9/12/2019
50/2017/S	North-East	37 Cedar Street, Langwarrin 3910	Certification of Two (2) Lot Subdivision	Certification and SOC Issued	16/12/2019
155/2016/S	North-East	285 North Road, Langwarrin 3910	Seven (7) lot subdivision	SOC Issued (M)	20/12/2019
138/2018/S	North-East	291 North Road, Langwarrin 3910	Three Lot (3) Subdivision	SOC Issued (M)	23/12/2019
29/2019/S	North-West	11 Rosemary Crescent, Frankston North 3200	Two (2) Lot Subdivision	Certification and SOC Issued	9/12/2019
58/2019/S	South	110 Cranbourne-Frankston Road, Langwarrin 3910	Nineteen (19) Lot Subdivision	Certified	2/12/2019
156/2019/S	South	670 Nepean Highway, Frankston South 3199	Consolidation of Lots	Certification and SOC Issued	9/12/2019
152/2018/S	South	6 Denbigh Street, Frankston 3199	Four (4) lot subdivision	Certification and SOC Issued	11/12/2019
2/2017/S	South	88 Kars Street, Frankston South 3199	Two (2) lot subdivision	Application Withdrawn (M)	12/12/2019
148/2018/S	South	11 Screen Street, Frankston 3199	Three (3) Lot subdivision	SOC Issued (M)	16/12/2019
152/2019/S	South	616 Nepean Highway, Frankston South 3199	Consolidation of Lots	Certification and SOC Issued	19/12/2019
113/2019/S	South	11 Helvetia Court, Frankston 3199	Two (2) lot subdivision	Certified	20/12/2019
130/2018/S	South	6 Bloom Street, Frankston 3199	Three (3) lot subdivision	Certified	20/12/2019

Progress Report – Subdivision Decisions					
For The Application Date: From 1/12/2019 To 31/12/2019					
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
38/2016/S	South	92 Cranhaven Road, Langwarrin 3910	Two (2) lot subdivision	SOC Issued (M)	20/12/2019
Total = 18					



Town Planning Applications – Direction To Advertise Issued December 2019				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Application Date</u>
331/2019/P	North-East	10 Partridge Crescent, Carrum Downs 3201	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	2/08/2019
395/2019/P	North-East	842 Frankston-Dandenong Road, Carrum Downs 3201	To use the land for a place of worship and associated accommodation, and for buildings and works (Section 2 Use in a Green Wedge Zone (GWZ)), to remove vegetation and construct a building and carry out works within the Tree Protection Zone of substantial native Australian tree, and to create/alter access to a road in a Road Zone Category 1	26/09/2019
449/2019/P	North-East	1M Rossiter Road, Carrum Downs 3201	To construct a telecommunications facility comprising of a 42.35 m height 'Tube Star' Monopole within a Public Use Zone (PUZ)	31/10/2019
287/2019/P	North-West	59 Kareela Road, Frankston 3199	To use the land to sell and consume liquor and a reduction in the number of car spaces required under Clause 52.06 of the Frankston Planning Scheme	4/07/2019
380/2019/P	North-West	14 Johnstone Street, Seaford 3198	To construct one (1) single storey and two (2) double storey dwellings (three (3) dwellings on a lot) in a General Residential Zone (GRZ) and to construct buildings and works in a Special Building Overlay (SBO)	11/09/2019
551/2016/P/A	North-West	224 Cranbourne Road, Frankston 3199	Section 72 Amendment - To display business identification signage  Amendment - To display a new panel on the existing sign	12/03/2019
71/2019/P	North-West	35 East Road, Seaford 3198	To construct four (4) double storey and one (1) single storey dwelling (five (5) dwellings)	14/02/2019

Town Planning Applications – Direction To Advertise Issued December 2019				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Application Date</u>
553/2018/P/A	North-West	73 Rosemary Crescent, Frankston North 3200	Section 72 - To construct Two (2) double storey dwellings.  The changes to the plans include: - Increase in the building height to both dwellings. - Changes to the ground and first floor footprint to Dwelling 2.	18/10/2019
700/2010/P/E	North-West	19 Sheridan Avenue, Frankston 3199	Section 72 Amendment - To construct eight (8) dwellings within a four (4) storey building, including basement car parking.  Changes include: - Modifications to the building footprint. - Variation to side and rear setbacks. - Changes to the building heights. - Changes to fenestration and external materials of the building facade.	29/07/2019
432/2019/P	North-West	159 Nepean Highway, Seaford 3198	To construct one (1) building containing ten (10) apartments in a General Residential Zone (GRZ), to construct a building or carry out works in the Design and Development Overlay Schedule 6 (DDO6), to alter the access to a Road Zone Category 1 (RDZ1)	31/10/2019
279/2019/P	South	81 Nursery Avenue, Frankston 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	3/07/2019
282/2019/P	South	60 McMahons Road, Frankston 3199	To construct eight (8) double storey dwellings, to construct buildings and construct and carry out works in a Special Building Overlay (SBO) and to create/alter access to a road in a Road Zone Category 1	3/07/2019

Town Planning Applications – Direction To Advertise Issued December 2019				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Application Date</u>
282/2019/P	South	58 McMahons Road, Frankston 3199	To construct eight (8) double storey dwellings, to construct buildings and construct and carry out works in a Special Building Overlay (SBO) and to create/alter access to a road in a Road Zone Category 1	3/07/2019
419/2019/P	South	14 Gregory Avenue, Frankston South 3199	To construct a building and carry out buildings and works in a Design and Development Overlay Schedule 9 (DDO9) and to carry out works in the Tree Protection Zone of a Substantial Tree in a Significant Landscape Overlay Schedule 4 (SLO4)	9/10/2019
413/2019/P	South	2/7A Thompson Street, Frankston 3199	Sale and supply of liquor (restaurant and cafe licence) in conjunction with the continued use of the premises as a food and drink premises (convenience restaurant).	10/10/2019
635/1984/P/A	South	8 Robinsons Road, Frankston South 3199	Retired persons residential community  S72 - Amend the preamble on the Planning Permit to include reference to 76 Retirement Living Apartments. To amend the endorsed plans to replace existing buildings with 76 Apartments for Retirement Living.	10/10/2019
345/2019/P	South	17 Kalmia Street, Frankston 3199	To construct two (2) double storey dwellings to the rear of the existing dwelling (three (3) dwellings on a lot) in a General Residential Zone (GRZ)	13/08/2019
1079/2004/P/A	South	6A – 8 Orchard Grove, Frankston South 3199	Section 72 Amendment - To construct one(1) double storey dwelling	17/06/2019
363/2019/P	South	2 McLean Court, Frankston South 3199	To construct an outbuilding within a Design and Development Overlay Schedule 1 (DDO1) and a Bushfire Management Overlay (BMO)	29/08/2019
323/2017/P/A	South	24-26 High Street, Frankston 3199	Section 72 - To construct a building (staff room) Amendments: Internal modifications to alter building from staff room to classrooms.	29/11/2019



Town Planning Applications – Direction To Advertise Issued December 2019				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Application Date</u>
396/2019/P	South	16-22 Playne Street, Frankston 3199	To construct or carry out building and works, use the land for an indoor recreation facility within a commercial 1 zone, to sell and consume liquor and to erect and display business identification signage	30/09/2019

Legend

10 or more dwellings:	Yellow
3 or more lot subdivisions:	Blue
3 or more storey development:	Green
Applications in the CAA:	Pink

Progress Report – Current VCAT Appeals December 2019									
<u>Appeal No</u>	<u>Application Number</u>	<u>Address</u>	<u>Proposal</u>	<u>Lodged at VCAT</u>	<u>Council Decision</u>	<u>Appeal Type</u>	<u>Date of Appeal</u>	<u>VCAT Decision</u>	<u>Date of VCAT Decision</u>
P819/2019	468/2018/P	6 Blair Avenue Frankston South	To construct one (1) double storey dwellings to the rear of the existing dwelling (two (2) dwellings) and removal of trees.	4/05/2019	Refusal	Refusal to grant a permit	20/11/2019	Approved	9/12/2019
P1079/2019	345/2018/P	13 Bembridge Avenue Frankston South	Two (2) lot subdivision and removal of vegetation	24/05/2019	Approved	Appeal against conditions	24/10/2019	Affirmed	16/12/2019
P280/2019	211/1998/P/B /C/D	1075 Dandenong-Hastings Road Langwarrin	Retail plant nursery and caretakers residence	18/02/2019	Notice of Decision	Decision to grant a permit	29/10/2019	Varied	19/12/2019
P1436/2019	205/2018/P	531 Nepean Highway, Frankston 3199	To construct eight (8) double storey dwellings	19/07/2019	Not yet Determined	Failure to grant a permit	16/12/2019	Approved	20/12/2019
P314/2019	283/2018/P	490-504 Nepean Highway Frankston	Use and development of the land for retail, food and drink premises, office and accommodation (108 apartments) in a 10 storey building plus basement and reduction in car parking requirements	19/02/2019	Not yet Determined	Failure to determine			
P755/2019	301/2018/P	314C Centre Road Langwarrin	To construct one (1) outbuilding to be used as a store	18/04/2019	Refusal	Refusal to grant a permit	12/09/2019		
P1106/2019	254/2018/P	475 Baxrter-Tooradin Road Langwarrin South	To change the use of the land to Intensive animal production (production of free range eggs) under the existing use provisions of Clause 63 of the Frankston Planning Scheme	6/06/2019	Refusal	Refusal to grant a permit	29/11/2019		

Progress Report – Current VCAT Appeals December 2019									
<u>Appeal No</u>	<u>Application Number</u>	<u>Address</u>	<u>Proposal</u>	<u>Lodged at VCAT</u>	<u>Council Decision</u>	<u>Appeal Type</u>	<u>Date of Appeal</u>	<u>VCAT Decision</u>	<u>Date of VCAT Decision</u>
P1149/2019	146/2018/P	8 Brighton Street Frankston South	Two (2) lot subdivision	13/06/2019	Refusal	Refusal to grant a permit	6/12/2019		
P1566/2019	111/2019/P	66A Cliff Road Frankston South	To construct two (2) double storey dwellings on a lot and to construct and carry out buildings and works and a domestic swimming pool in a Design and Development Overlay Schedule 9	19/08/2019	Refusal	Refusal to grant a permit	11/02/2020		
P1570/2019	642/2018/P	35 Playne Street Frankston	The Construction of a 14 storey mixed use building for leisure and recreation facility (gym), accommodation (11 student rooms and 77 apartments), office, retail (cafe', hairdresser, restaurant and motor vehicle sales) and a reduction in car parking requirements of Clause 52.06	29/08/2019	Refusal	Refusal to grant a permit	4/02/2020		
P1797/2019	41/2019/P	21 Barmah Court, Frankston South 3199	For the use and development of the land for a child care centre; to remove fifteen (15) substantial trees and construct and carry out works in the tree protection zone of substantial trees; and to construct and put up for display two (2) business identification signs.	1/10/2019	Refusal	Refusal to grant a permit	23/03/2020		



Progress Report – Current VCAT Appeals December 2019									
<u>Appeal No</u>	<u>Application Number</u>	<u>Address</u>	<u>Proposal</u>	<u>Lodged at VCAT</u>	<u>Council Decision</u>	<u>Appeal Type</u>	<u>Date of Appeal</u>	<u>VCAT Decision</u>	<u>Date of VCAT Decision</u>
P1934/2019	100/2019/P	137 Overport Road, Frankston South 3199	To use and develop the land for a child care centre in a General Residential Zone, to construct a building or construct or carry out works in the tree protection zone of substantial trees in a Significant Landscape Overlay Schedule 3 and to construct a building in a Design and Development Overlay Schedule 1	7/10/2019	Refusal	Refusal to grant a permit	14/04/2020		
P2066/2019	324/2018/P	37 Nepean Highway Seaford	Construction of six (6) three storey dwellings and reduction of visitor car parking	6/11/2019	Refusal	Refusal to grant a permit	6/05/2020		
P2152/2019	229/2019/P	26 Brunnings Road, Carrum Downs 3201	To construct two hundred and fifteen (215) dwellings, a staged subdivision and removal of native vegetation	14/11/2019	Not yet Determined	Failure to grant a permit	20/04/2020		
P2190/20198	99/2019/P	17 Railway Parade, Seaford 3198	To construct three (3) double storey dwellings on a lot	20/11/2019	Notice of Decision	Decision to grant a permit	21/05/2020		
P2257/2019	294/20019/P	1 Merrigal Court Frankston South	To construct one (1) double storey dwelling in a Design and Development Overlay Schedule 1, buildings and works within the Tree Protection Zone of a substantial tree in a Significant Landscape Overlay Schedule 3	25/11/2019	Notice of Decision	Decision to grant a permit	5/06/2020		

Progress Report – Current VCAT Appeals December 2019									
<u>Appeal No</u>	<u>Application Number</u>	<u>Address</u>	<u>Proposal</u>	<u>Lodged at VCAT</u>	<u>Council Decision</u>	<u>Appeal Type</u>	<u>Date of Appeal</u>	<u>VCAT Decision</u>	<u>Date of VCAT Decision</u>
P2316/2019	268/2019/P	414-414A & 416-422 Nepean Highway Frankston	Use and development of the land for a service station, convenience store and convenience restaurant. To carry out works within a TPZ of significant tree 271, display of internally illuminated business identification signage, to create and alter access to a road in a Road Zone Category 1 and a reduction in the provision of bicycle facilities under Clause 52.34 of the Frankston Planning Scheme.	29/11/2019	Refusal	Refusal to grant a permit	9/06/2020		
P2327/2019	86/2019/P	11 Reservoir Road, Frankston 3199	To construct five (5) double-storey dwellings in General Residential Zone Schedule 1	17/12/2019	Refusal	Refusal to grant a permit	11/06/2020		
P2347/2019	340/2019/P	35 Broderick Road, Carrum Downs 3201	To construct fourteen (14) dwellings on a lot	12/12/2019	Refusal	Refusal to grant a permit	17/06/2020		
P2288/2019	256/2019/P	1 Leith Court Frankston	Use and development of the site as a rooming house (internal works increasing the number of bedrooms to 12, with no change in occupancy numbers)		Refusal	Refusal to grant a permit	1/06/2020		

Progress Report – VCAT Determination – Policy Implications December 2019			
<u>Appeal No</u>	<u>Application No</u>	<u>Address</u>	<u>VCAT Determination – Policy Implications</u>
P1436/2019	205/2018/P	531-533 Nepean Highway, Frankston	The applicant sought permission to construct seven (7) double dwellings on the land in the most recent plans substituted with the VCAT after previous forms of the proposal were put before Council. None of the forms of the proposal including the most recent one were supported by Council or Officers. The VCAT determined that a Planning Permit should be granted.
P819/2019	468/2018/P	6 Blair Avenue, Frankston South	The applicant had sought permission to construct on (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and removal of trees. Council had refused to grant a planning permit. The VCAT determined that a Planning Permit should be granted.
P1149/2019	146/2018/P	8 Brighton Street, Frankston South	The applicant sought permission to subdivide the land into two (2) lots, remove vegetation and minor buildings and works. Council had refused to grant a planning permit and the VCAT determined that a Planning Permit should be granted.
P1079/2019	345/2018/P	13 Bembridge Avenue, Frankston South	The applicant had sought permission to subdivide the land into two (2) lots. The applicant sought a review and deletion of Condition 3 requiring the payment of a public open space contribution to Council. The VCAT determined that the condition should remain on the permit.



Strategic Unit - Planning Scheme Amendments – December 2019				
<u>Amendment</u>	<u>Address</u>	<u>Description</u>	<u>Status</u>	<u>Status Date</u>
C105	Health & Education precinct	Student Accommodation Policy	Planning consultants have been appointed to the project to do a background document. Will discuss with DELWP.	10 January 2020
C120	Frankston City Council Wide	Implements the recommendations of the Frankston Housing Strategy 2018	Authorised by Council at its 4 June 2018 Ordinary meeting. Officers sent Authorisation application to DELWP to exhibit the Amendment. DELWP have requested further time to review.	10 January 2020
C123	Frankston MAC	Implements the recommendations of the Frankston MAC Structure Plan	VCAT has determined that the amendment has lapsed. Council officers are reviewing options to address this via a new amendment process.	10 January 2020
C131	Frankston City Council Wide	Removal of Development Plan Overlays	Adopted at 18 November 2019 Council Meeting. The Amendment was submitted to the Minister for Planning for Approval.	10 January 2020
C140	Frankston City Council Wide	Planning Scheme Review	Adopted at 2 September 2019 Council Meeting. The Review has also been sent to the Minister and are yet to receive any feedback.	10 January 2020
C130	Frankston City Council Wide	Open Space Corrections rezoning	Authorised by Council at its 12 August 2019 Ordinary meeting. Amendment likely to be sent to the Minister in Jan 2020	10 January 2020

**Executive Summary****12.1 Decision of the Councillor Conduct Panel in the matter of O'Reilly and Toms (Application 2019-1)**

*Enquiries: (Brianna Alcock: Corporate Development)*

Council Plan

Community Outcome:	3. A Well Governed City
Strategy:	3.1 Accountable Governance
Priority Action	3.1.1 The elected representatives will provide clear and unified direction, transparent decision makers and good governance

**Purpose**

To provide an update on the implementation of the Decision by the Councillor Conduct Panel on 5 September 2019 in the matter of O'Reilly and Toms, and receive a written apology to Councillor O'Connor and written apology to all Councillors, as tabled by Councillor Steve Toms.

**Recommendation (Director Corporate Development)**

That:

1. Council notes the status update in relation to the decision by the Councillor Conduct Panel on 5 September 2019 in the matter of the O'Reilly and Toms;
2. The written apology to Councillor O'Connor, as tabled by Councillor Steve Toms, be received in response to *Penalty #61 for Allegation 1* on the finding of serious misconduct as per the Councillor Conduct Panel Determination; and
3. The written apology to all Councillors, as tabled by Councillor Steve Toms, be received in response to *Penalty #63 for Allegation 2* the finding of misconduct as per the Councillor Conduct Panel's Determination.

**Key Points / Issues**

- At its Meeting on 23 September 2019 Council made the following decision:  
  
"That Council notes the Decision of the Councillor Conduct Panel in the matter of O'Reilly and Toms (Application 2019/-1) in accordance with section 81M (2) of the Local Government Act 1989."
- The Councillor Conduct Panel's (the Panel) Determination, in the matter of O'Reilly and Toms, was handed down on 5 September 2019 and published on Local Government Victoria's website.
- Under section 81J of the *Local Government Act* 1989 (the Act) the Panel made a finding of serious misconduct for Allegation 1 and a finding of misconduct for Allegation 2 against Councillor Steve Toms.
- The Panel suspended Councillor Steve Toms for a period of four (4) months and directed him to take a leave of absence for a period of two (2) months to be served concurrently with the first two (2) months of his period suspension.
- The details of the application, evidence provided, findings and reasons for the Panel's decision are outlined in the Determination, as attachment 1. By way of example, Allegation 2, the finding of misconduct, determined that Cr Toms had used a Council issued Cabcharge card for personal travel in an amount of \$73.75.

**12.1 Decision of the Councillor Conduct Panel in the matter of O'Reilly and Toms  
(Application 2019-1)****Executive Summary**

- As outlined in the Act, a party who is affected by the decision made by a Councillor Conduct Panel, may apply to the Victorian Civil and Administrative Tribunal (VCAT) for review of the decision in accordance with section 81Q of the *Local Government Act 1989* (the Act). An application for review must be made within 28 days of the Councillor Conduct Panel giving a statement of reasons for the appeal.
- Councillor Steve Toms commenced his suspension on 5 September 2019 and returned to Council on 6 January 2020.
- During the period that Councillor Steve Toms was suspended, he made an application to VCAT seeking a review in relation to Allegation 1 on the Panel's finding of serious misconduct against Councillor Steve Toms.
- A Directions Hearing was held at VCAT on Monday 2 December 2019. While a further Directions Hearing is scheduled for 16 March 2020, Councillor Toms did not request a stay at this initial Directions Hearing and as a consequence his suspension continued until 6 January 2020.
- As a stay was not requested, the remaining penalties outlined in the Determination remained in force. These include:
  - Councillor Steve Toms is to provide Cr Lillian O'Connor with a written apology, which must be tabled at the first Ordinary Council Meeting, as per the penalty outlined on page 12 in the Determination (#61);
  - Councillor Steve Toms is to provide his fellow Councillors with a written apology, which must be tabled at the first Ordinary Council Meeting, as per the penalty outlined on page 12 in the Determination (#63);
  - Councillor Steve Toms is to attend Refresher Induction Training, involving a workshop on corporate and statutory obligations and a refresher on Council's key policies, as per the penalties outlined on page 12 of the Determination (#64); and
  - Training or coaching will be offered to all Councillors to help recognise the signs of bullying and how to prevent and address bullying behaviour, as recommended on page 12 in the Determination (#65).

**Financial Impact**

The Victorian Government introduced the "Fair Go Rates" system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past four financial years has ranged between 2.0 per cent to 2.5 per cent and has been set at 2.0 per cent for 2020-2021.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council's major source of income, Council's capacity to continue to deliver services and fund its capital programme will be severely restricted.

There are no financial implications associated with this report.

**Consultation****1. External Stakeholders**



**12.1 Decision of the Councillor Conduct Panel in the matter of O'Reilly and Toms  
(Application 2019-1)****Executive Summary**

The Principal Councillor Conduct Registrar at the Department of Environment, Land, Water and Planning is required to examine applications for making a Panel as per section 81C of the Act.

The Minister for Local Government was provided with a copy of the Decision by the Panel under section 81M of the Act.

A further hearing is scheduled with VCAT in March 2020 in relation to the appeal made by Councillor Steve Toms on Allegation 1, serious misconduct findings.

**2. Other Stakeholders**

Nil

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

The Panel process pertains to good governance and conduct of elected representatives as per statutory procedures in the best interests of the community.

**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

The Panel proceedings were conducted in accordance with the Act.

A party who is affected by the decision made by a Councillor Conduct Panel, may apply to the VCAT for review of the decision in accordance with section 81Q of the Local Government Act 1989 (the Act).

An application for review must be made within 28 days of the Councillor Conduct Panel giving a statement of reasons for the appeal.

Councillor Steve Toms made an appeal to VCAT against the serious misconduct finding (Allegation 1) made by the Panel.

An initial Directions Hearing was held on Monday 2 December 2019 with the parties Steve Toms and the Victorian Government Solicitor's Office (representing the Councillor Conduct Panel).

A further hearing is scheduled on 16 March 2020.

Policy Impacts

The Councillor Code of Conduct, Councillor and Staff Interaction Policy and Councillor Expense Reimbursement Policy are relevant to this report.

Officer's Declaration of Interests

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

**Risk Mitigation**

There are no risks associated with this report.

**12.1 Decision of the Councillor Conduct Panel in the matter of O'Reilly and Toms  
(Application 2019-1)****Executive Summary****Conclusion**

The Panel made a Determination under section 81J of the Act to suspend Councillor Steve Toms for a period of four (4) months. Councillor Steve Toms returned to Council on 6 January 2020.

Councillor Steve Toms made an appeal to VCAT for a review in relation to Allegation 1 on the Panel's finding of serious misconduct against Councillor Steve Toms and an initial Directions Hearing was held at VCAT on Monday 2 December 2019. A further Directions Hearing is scheduled for 16 March 2020.

As a stay was not requested at the initial VCAT Directions Hearing, the penalties decided by the Panel, as outlined in the Determination attached, remain in force.

It is recommended that Council notes the report and receives the letters of apology tabled by Councillor Steve Toms.

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**ATTACHMENTS**

Attachment A: [↓](#) Determination and Statement of Reasons for Decision of the Councillor Conduct Panel in the matter of O'Reilly and Toms (Application 2019-1)

Attachment B: [↓](#) Written apology to Councillor O'Connor

Attachment C: [↓](#) Written apology to all Councillors

**COUNCILLOR CONDUCT PANEL**

In the matter of an Application by Councillor Michael O'Reilly concerning  
Councillor Steve Toms of Frankston City Council

**HEARING PURSUANT TO DIVISION 1B OF PART 4 OF  
LOCAL GOVERNMENT ACT (1989)**

Applicant: Cr Michael O'Reilly  
Respondent: Cr Steve Toms  
Council: Frankston City Council  
Date of Hearing: 15 and 16 July 2019  
Date of Decision: 5 September 2019  
Panel Members: Mrs Jo-Anne Mazzeo (Chairperson)  
Mrs Helen Buckingham

**DETERMINATION****Allegation 1**

Pursuant to s 81J(1)(b) of the *Local Government Act 1989* (the Act) the Panel makes a finding of serious misconduct against Cr Steve Toms.

Pursuant to s 81J(2A)(b)(iv) of the Act the Panel suspends Cr Toms (effective from the date of this decision) for a period of four (4) months.

Pursuant to s 81J(2A)(b)(ii) of the Act the Panel directs Cr Toms to provide Cr Lillian O'Connor with a written apology in respect of his bullying behaviour, with the apology to be tabled at the first ordinary Council meeting after Cr Toms completes his suspension from office.

**Allegation 2**

Pursuant to s 81J(1)(a) of the Act the Panel makes a finding of misconduct against Cr Steve Toms.



Pursuant to s 81J(2)(c) of the Act the Panel directs Cr Toms to take leave of absence for a period of two (2) months (effective from the date of this decision) to be served concurrently with the first two (2) months of his period suspension.

Pursuant to s 81J(2)(b) of the Act the Panel directs Cr Toms to provide his fellow Councillors with a written apology for his repeated breaches of the Councillor conduct principles, the Council's *Councillor Code of Conduct*, the *Councillor and Staff Interaction Policy* and the *Councillor Expense Reimbursement Policy*. The apology is to be tabled at the first ordinary meeting after Cr Toms completes his suspension from office.

Pursuant to s 81J(1)(c) of the Act the Panel makes a finding that remedial action is required. Councillor Toms is to attend refresher Induction Training to ensure that moving forward he is aware of the responsibilities, obligations and expectations that come with the privilege of being a Councillor elected by the constituents of the Frankston City Council.

**Jo-Anne Mazzeo**  
Chairperson

**Helen Buckingham**  
Panel Member

## STATEMENT OF REASONS FOR DECISION

### The Application

1. The Application dated 1 April 2019 and revised on 5 June 2019 made by the Mayor, Cr Michael O'Reilly, contained two allegations relating to the respondent Cr Tom's conduct, which are summarised below.

#### *Allegation 1*

The first ground of the Application alleged that Cr Toms had repeatedly behaved in an intimidating, offensive and disrespectful manner toward a fellow Councillor, Cr Lillian O'Connor, which adversely affected Cr O'Connor's health, and that these actions constituted the bullying of another Councillor.

The applicant submitted that the Panel make a finding of serious misconduct and that Cr Toms be suspended for a period of six months pursuant to s 81J(2A)(b)(iv) of the *Local Government Act 1989* (the Act), and that Cr Toms be required to provide Cr O'Connor with a written apology pursuant to s 81J(2A)(b)(ii) of the Act.

#### *Allegation 2*

The second ground of the Application alleged that Cr Toms had by various actions and activities (set out below in these reasons) repeatedly contravened one or more of the following Councillor conduct principles:

- the following primary principles of Councillor conduct under s 76B of the Act:
  - (a) act with integrity;
  - (b) impartially exercise his or her responsibilities in the interests of the local community; and
- the following principles of Councillor conduct under s 76AB of the Act:
  - (a) avoid conflicts between his or her public duties as a Councillor and his or her personal interests and obligations;
  - (b) act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person;

- (c) treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other Councillors, Council staff and other persons;
- (e) endeavour to ensure that public resources are used prudently and solely in the public interest.

### **Evidence provided at hearing**

- 2. Written evidence was submitted by both the applicant and the respondent prior to the hearing, including witness statements made by witnesses who gave evidence at hearing.
- 3. Oral evidence was given at the hearing by both the applicant and respondent.
- 4. Oral evidence was also provided by the following Councillors:
  - Cr Lillian O'Connor
  - Cr Colin Hampton
  - Cr Brian Cunial
  - Cr Quinn McCormack
  - Cr Glenn Aitken.

### **The jurisdiction of the Panel in relation to this Application**

- 5. Section 81B(1) of the Act provides that a Panel may hear an Application that alleges misconduct or serious misconduct by a Councillor.
- 6. Pursuant to s 81J of the Act a Panel may determine whether or not a Councillor has engaged in misconduct or serious misconduct.
- 7. "Misconduct" is defined in s 3 of the Act as:
  - (a) failure by a Councillor to comply with the Council's internal resolution procedure; or
  - (b) failure by a Councillor to comply with a written direction given by the Council under s 81AB; or
  - (c) repeated contravention of any of the Councillor Conduct Principles.

8. "Serious misconduct" is defined in s 3 of the Act as:
- (a) the failure of a Councillor to attend a Councillor Conduct Panel hearing formed to make a finding in respect of that Councillor; or
  - (b) the failure of a Councillor to give a Councillor Conduct Panel any information the Councillor Conduct Panel has requested the Councillor to give; or
  - (c) the failure of a Councillor to comply with a direction of a Councillor Conduct Panel; or
  - (d) continued or repeated misconduct by a Councillor after a finding of misconduct has already been made in respect of the Councillor by a Councillor Conduct Panel; or
  - (e) bullying of another Councillor or member of Council staff by a Councillor; or
  - (f) conduct by a Councillor in respect of a member of Council staff in contravention of s 76E; or
  - (g) the release of confidential information by a Councillor in contravention of s 77.
9. "Bullying" is defined in s 3 of the Act:
- "Bullying by a Councillor means the Councillor repeatedly behaves unreasonably towards another Councillor or member of Council staff and that behaviour creates a risk to the health and safety of that other Councillor or member of Council staff".

### **Background information provided in the Application**

10. The Application provided the following outline of events to provide context to the Panel as to why a decision was made to request the establishment of a Panel to deal with these matters:
11. The applicant and the respondent are both Councillors on the Frankston City Council. The applicant was elected to Council in 2012 and was re-elected in 2016 and is currently serving as Mayor. The respondent was elected to Council in 2016 and served as Deputy Mayor between 2016 and 2017.



12. In February 2017 a complaint was made regarding Cr Toms approaching a Council officer directly rather than through the appropriate manager. This matter was addressed by the then Mayor, who spoke with Cr Toms about the incident. As the *Councillor and Staff Interaction Policy* was in draft form at the time, no further action was taken.
13. In April 2017 Cr Toms was the subject of a complaint regarding his use of social media - namely Facebook. Councillor Toms' behaviour was not found to be in breach of the Council's *Councillor Code of Conduct* but fell well short of what the then Mayor felt was appropriate behaviour and Cr Toms was required to apologise to his fellow councillors for his behaviour.
14. In September 2017 the then Mayor Cr Cunial formally raised a number of issues with Cr Toms regarding his behaviour and unsavoury posts on social media. These issues were raised by a local Member of Parliament, four Council staff and a local trader. Various other staff had informally expressed concerns about alleged breaches of the *Councillor and Staff Interaction Policy* but chose not to pursue the matters formally. The Mayor met with Cr Toms to discuss his conduct and followed up with a letter formalising the concerns and outlining his expectations of Cr Toms regarding his behaviour moving forward.
15. In September 2017 the then Mayor Cr Cunial also addressed Cr Toms regarding:
  - (a) his behaviour relating to a parking infringement notice and whether Cr Toms had directed the responsible officer to withdraw the infringement notice; and
  - (b) a complaint from a local trader that Cr Toms had released commercially sensitive information to a rival trader.
16. Councillor Cunial met with Cr Toms and clarified Cr Toms' responsibilities as a Councillor and the requirements of the *Councillor and Staff Interaction Policy*.
17. In October 2017 further complaints were received regarding Cr Toms use of social media. In November 2017 the Mayor wrote to Cr Toms again addressing his continuing inappropriate use of social media.

18. In January 2018 the new Mayor Cr Hampton requested Cr Toms attend a meeting with both him and the Chief Executive Officer to discuss the *Councillor Expense Reimbursement Policy* and in particular Cr Toms' use of his Council issued Cabcharge card and his Council issued mobile telephone. There were three occasions where Cr Toms used the Cabcharge card for private travel not related to his role as a Councillor. The quarterly phone bill for the second quarter of 2017 was \$1,234, almost three times the phone bill incurred by other Councillors over the same period. This amount was due to excessive data usage of between 12 and 25Gb per month.
19. Councillor Toms was required to pay the costs associated with the private travel, which were deducted from his Councillor allowance, and was warned about his data usage.
20. In April 2018 the Mayor, Cr Hampton wrote to the Local Government Inspectorate regarding Cr Toms' repeated behaviour and his alleged continual breaches of the *Councillor Code of Conduct*. This resulted in Cr Toms being issued with a warning from the Local Government Inspectorate.
21. In May 2018 a complaint was made by a member of the public regarding Cr Toms' behaviour. This was raised with the Mayor and subsequently discussed with the Municipal Monitor.
22. In May 2018 Cr Toms was found to have breached the *Councillor Code of Conduct* by again using Council Cabcharges for personal use on three occasions totalling \$41.70. These issues were addressed with him by the Mayor and the relevant Council officer and Cr Toms was required to repay the money and apologise to Council. Councillor Toms provided the apology as required.
23. In September 2018 further allegations of misuse of social media were made against Cr Toms. These matters were deemed to be not substantiated and not at the threshold to constitute a breach of the relevant policy, but Cr Toms was again provided with clear information regarding the appropriate use of social media.

24. On 22 October 2018 at a Council Meeting as a direct result of Cr Toms' inappropriate use of Council Cabcharges for personal use, Council formally amended the Councillor Expense Reimbursement Policy. In summary, the changes included:
- (a) the requirement that the shortest and most cost-effective means of transport be used wherever possible;
  - (b) Councillors would be reimbursed for any expenses incurred;
  - (c) Councillors who still had Cabcharge cards in their possession were no longer permitted to use them;
  - (d) Cabcharge vouchers would no longer be issued.
25. The changes to the Policy were unanimously endorsed by all Councillors present (including Cr Toms) and Cr Toms was asked to return his Cabcharge card.
26. On 23 October 2018 Cr Toms used his Cabcharge card for personal use in the amount of \$11.65.
27. On 2 November 2018 Cr Toms used his Cabcharge card to pay for personal travel in the amount of \$18.37.
28. On 5 November 2018 Cr Toms was reminded in writing to return his Cabcharge card and did so by mid November 2018.
29. On 19 November 2018 Cr O'Connor wrote to the Municipal Monitor making an official complaint against Cr Toms for alleged breaches of the Councillor Code of Conduct, in that he failed to treat all persons with respect and demonstrated bullying behaviour towards Cr O'Connor. Examples of such behaviour included:
- giving nasty looks
  - repeatedly making negative remarks about Cr O'Connor to another Councillor
  - excluding or ignoring Cr O'Connor in group conversations.
30. Councillor O'Connor alleged Cr Toms' behaviour to be intimidating, offensive and disrespectful, having adversely affected her self-esteem, confidence and mental health. She felt unable to voice her opinions and views publicly and questioned whether she was able to effectively fulfil her role as a Councillor.
31. The Municipal Monitor referred the matter back to Council to manage, resulting in the Application for a Councillor Conduct Panel.

## **Evidence of the Applicant**

### *Allegation 1*

32. The applicant and Councillors O'Connor, Hampton and Cunial all gave consistent accounts of the alleged bullying towards Cr O'Connor and all presented as reliable and credible witnesses.
33. Councillor O'Connor told the Panel of the alleged bullying, which she says commenced in early 2017. Councillor O'Connor recounted numerous instances where Cr Toms embarrassed her or gave her angry looks when she spoke against notices of motion raised by him or voted differently to him, often smirking or laughing at her. Councillor O'Connor told of the impact of the alleged behaviour, saying it was a contributing factor in her significant decline in mental health which resulted in her taking a leave of absence from her role as Councillor to focus on her health and wellbeing.
34. In his evidence the applicant told the Panel of times where he directly observed Cr Toms' behaviour towards Cr O'Connor, telling the Panel Cr O'Connor was subjected to glaring, nasty looks and negative remarks both generally and aimed at Cr O'Connor's disability. Councillor O'Connor is profoundly deaf.
35. Councillors Hampton and Cunial gave evidence of the same direct observations, also stating that they themselves had been subject to the non-verbal forms of bullying by Cr Toms such as glaring and nasty looks. Councillor Hampton recalled that during his time as Mayor he had to warn Cr Toms to stop glaring at Cr O'Connor during Council meetings, telling him it was "a form of intimidation" and "it needed to stop" or Cr Toms would be ejected from Council meetings.
36. Councillor Hampton told the Panel that during his time as Mayor he was able to manage the conduct in Council chambers using his powers under the Act, but that the law did not permit him to warn and/or eject a Councillor from a briefing session. A large part of the bullying towards Cr O'Connor happened at briefings and without these powers was difficult to address.
37. Councillor Hampton (as Mayor) had several conversations with Cr Toms regarding his behaviour towards Cr O'Connor, saying there was absolutely no way Cr Toms could not have been aware of the impact of his behaviour towards Cr O'Connor.



38. All witnesses called by the applicant recalled snide remarks being made by Cr Toms about Cr O'Connor, with Cr Hampton recalling an instance where Cr Toms commented that Cr O'Connor "couldn't hear properly".
39. Councillor Cunial also told the Panel of his attempts at trying to manage the tension between Cr O'Connor and Cr Toms, having numerous informal discussions with Cr Toms regarding his inappropriate conduct. Councillor Cunial told the Panel that Cr Toms glared and stared at people when they disagreed with him and recalled instances during his own time as Mayor where he was subjected to this behaviour from Cr Toms.
40. Councillor Cunial sits next to Cr O'Connor at meetings and has often observed Cr Toms glaring at Cr O'Connor from across the room. He has observed Cr Toms sniggering and smirking at Cr O'Connor and had observed him belittle her when she was participating in Council meetings. Councillor Cunial said the atmosphere at briefings is "so toxic" he has elected not to attend these meetings in recent times.

#### *Allegation 2*

41. The applicant and the witnesses provided the Panel with written evidence of the attempts they made to manage the alleged breaches of the *Councillor Code of Conduct*, the *Councillor and Staff Interaction Policy*, the Council's *Communications Policy* and the *Councillor Expense Reimbursement Policy*. This included both informal and formal discussions with Cr Toms, letters to Cr Toms outlining the behaviours of concern and the expectations of him moving forward, and formal complaints being made by community members, local Members of Parliament, local traders and other Councillors.
42. The Applicant submitted that none of the internal procedures or mechanisms used to date had been successful and that as a result a finding of misconduct against Cr Toms by a Councillor Conduct Panel was the only remaining mechanism available to address the repeated breaches by Cr Toms.

## **Evidence of the Respondent**

### *Allegation 1*

43. Councillor Toms vehemently denied that he had bullied Cr O'Connor in any way, shape or form, submitting that he had not bullied Cr O'Connor and at no stage had anyone (including any Mayor, previous or current) approached him to discuss the alleged bullying by him of Cr O'Connor. Councillor Toms did concede that he may have "whispered and rolled his eyes when Cr O'Connor talked" but said the comment he made about her hearing was misinterpreted in a negative light.
44. Councillor Toms submitted that facial expressions do not amount to bullying, and that he does not make an effort to speak to Cr O'Connor outside of standard greetings because she has indicated to other councillors that she does not wish to speak with him.
45. Councillor Toms submitted that Cr O'Connor's leave of absence was for "personal reasons" that had nothing to do with him or his conduct, and that since her return to Council duties Cr O'Connor has shown no signs of distress or discomfort. Councillor Toms went on to deny making any comments during debate towards any Councillor and denied engaging in derogatory behaviour towards Cr O'Connor. In his evidence before the Panel, Cr Toms also sought to rely on the fact that he had not bullied Cr O'Connor via social media as further evidence to support his claim that he had not bullied Cr O'Connor, stating "if I was going to bully her, I would have done it on Facebook."
46. Councillor Toms told the Panel he was aware that Cr O'Connor did not want to sit next to him at meetings but did not enquire with anyone as to why this was the case.
47. Councillor Toms told the Panel that he himself felt targeted and bullied, treated aggressively and ridiculed and was the subject of countless unfounded complaints and investigative processes, all of which have come back with no findings against him. Cr Tom's stated that he felt that the bullying allegation was a form of political assassination. He stated that he felt like a sacrificial lamb for "a councillor's poor mental health condition", saying "Lillian O'Connor does not have a well position on mental health".

48. Councillors Aitken and McCormack both stated that they had not seen any instances where Cr Toms bullied Cr O'Connor. Councillors Aitken and McCormack both acknowledged Cr Toms' overt facial expressions but said facial expressions do not amount to bullying. Councillor McCormack did concede that the way an individual interprets another Councillor's facial responses could be perceived as bullying but stated that she did not see it that way. Councillors Aitken and McCormack both gave evidence of Cr Toms' consistent approach towards all Councillors, further stating that they had not heard him make any derogatory remarks about Cr O'Connor.

*Allegation 2*

49. Councillor Toms was dismissive of these allegations and reluctantly spent minimal time during the hearing addressing them, choosing to focus on the bullying allegation, stating that these other matters had "already been dealt with" and "were historical".
50. In his witness statement filed with the Panel, Cr Toms submitted that at no time during his term on Council had there been any findings made against him relating to breaches of the *Councillor Code of Conduct* or the Act. He submitted that he is an active Councillor who always attempts to have a good working relationship with colleagues, and that he upholds all the principles contained in the *Councillor Code of Conduct*. Councillor Toms told the Panel of his relationship with Cr Aitken and of how he sees Cr Aitken as a mentor. Councillor Aitken confirmed this, telling the Panel that he offered Cr Toms guidance, particularly around process matters and that had he thought Cr Toms was acting inappropriately in any matter he would have no hesitation in pulling him up on it. Councillor Aitken suggested that Cr Toms was paying a heavy penalty because he is well connected and active in the community

*Use of social media*

51. Regarding the complaints around his use of social media, Cr Toms acknowledged his behaviour on Facebook and stated that he had rectified the way in which he used social media. Cr Toms told the Panel he had posted a comment on Facebook saying, "Good Riddance" to the Mayor, then apologised "as on reflection should not have said anything."

Use of Council Cabcharges

52. Councillor Toms conceded that he had used Council Cabcharge card/vouchers for personal use on multiple occasions, saying that there had "been issues in the past" but that he "now understands the policy and the situation." He went on to explain that he had both acknowledged and apologised for using the Cabcharge for personal use and that as such the matter was resolved.
53. When asked why he continued to use his Cabcharge card (using it the day after Council unanimously agreed to change the policy and prohibiting use of Cabcharge cards), Cr Toms explained that at the time he did not realise the change had come into effect immediately and that he "didn't intentionally disregard the new policy."
54. Councillor Toms confirmed that as at the date of the Panel hearing, he had repaid to Council, all outstanding money owed, as a result of using his Council Cabcharge card/vouchers for personal use.
55. In his oral evidence before the Panel, Cr Aitken conceded that Cr Toms had used his Cabcharge card in "doubtful circumstances" but went on to justify Cr Toms actions given the dollar value in question, minimising the conduct by saying that "for a new Councillor it is understood that at some point you may slip over the edge".

Councillor and Staff Interaction Policy

56. Councillor Toms conceded that he did make a phone call to a Council officer, who was on sick leave at the time, about a parking infringement that had been issued and acknowledged that he did not follow the proper process in doing this. At the time Cr Toms did not think he was doing the wrong thing, but on reflection at the Panel hearing, acknowledged that it was not an appropriate course of action.
57. When asked by the Panel, whether his induction to the role of Councillor covered issues regarding interaction with officers, Cr Toms conceded that it did, but said "it did not cover contacting an officer about a parking fine."



## **Findings of the Panel**

### *Allegation 1*

58. Pursuant to s 81J(1)(b) of the Act the Panel makes a finding of serious misconduct against Cr Toms in relation to Allegation 1.

### *Allegation 2*

59. Pursuant to s 81J(1)(a) of the Act the Panel makes made a finding of misconduct against Cr Toms in relation to Allegation 2.

## **Penalty**

### *Allegation 1*

60. Pursuant to s 81J(2A)(b)(iv) of the Act the Panel suspends Cr Toms from office for a period of four months.
61. Pursuant to s 81J(2A)(b)(ii) of the Act the Panel directs, Cr Toms to provide Cr O'Connor with a written apology for his bullying behaviour with the apology to be tabled at the first ordinary meeting after Cr Toms completes his suspension from office.

### *Allegation 2*

62. Pursuant to s 81J(2)(c) of the Act the Panel directs Cr Toms to take a leave of absence for a period of two months to be served concurrently with the first two months of his period of suspension.
63. Pursuant to s 81J(2)(b) of the Act the Panel directs Cr Toms to provide his fellow Councillors with a written apology for his repeated breaches of the Councillor conduct principles, the Council's *Councillor Code of Conduct*, the *Councillor and Staff Interaction Policy* and the *Councillor Expense Reimbursement Policy*. The apology is to be tabled at the first ordinary meeting after Cr Toms completes his suspension from office.

### Remedial action

64. Pursuant to s 81J(1)(c) of the Act the Panel has made a finding that remedial action is required. Councillor Toms is to attend refresher Induction Training to ensure that moving forward he is aware of the responsibilities, obligations and expectations that come with the privilege of being a Councillor elected by the constituents of the Frankston City Council.

65. In addition, the Panel recommends all Councillors undergo training to help them recognise the signs of bullying and how to prevent and address bullying behaviour.

### **Reasons for the Panel's Decision**

#### *Allegation 1*

66. In considering whether Cr Toms' behaviour towards Cr O'Connor amounted to bullying, the Panel notes that unreasonable behaviour is behaviour that a reasonable person, having regard to the circumstances, may see as unreasonable<sup>1</sup>. There is no specific number of incidents required for the behaviour to be 'repeated' provided there is more than one occurrence, nor does the same specific behaviour have to be repeated.<sup>2</sup> In determining whether there has been a risk to health and safety, this means the possibility of danger to health and safety, and is not confined to actual danger to health and safety<sup>3</sup>.
67. The Panel is satisfied that the alleged behaviour occurred and was unreasonable in the context that it occurred and had negatively impacted on Cr O'Connor's health, thus falling within the scope of bullying behaviour.
68. The Panel is satisfied that the degree of unreasonable behaviour by Cr Toms was such that it created a risk to health and safety of Cr O'Connor. The Panel does not consider that the conduct of Cr Toms alone led to Cr O'Connor's mental health issues, rather that in addition to other external contributing factors, Cr Toms' behaviour exacerbated her level of unwellness.
69. The Panel is persuaded by the evidence of the applicant and his witnesses that Cr Toms had bullied Cr O'Connor in the form of non-verbal intimidatory gestures, facial expressions and actions. Two previous Mayors both gave oral evidence of meetings they had with Cr Toms where his conduct towards Cr O'Connor was raised. Cr Hampton spoke of his need to manage Cr Toms during Council meetings and threatened to eject him because of his behaviour towards Cr O'Connor.

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<sup>1</sup> Re Ms SB [2014] FWC2104 at para 43

<sup>2</sup> Ibid at para 41

<sup>3</sup> Thiess Pty Limited v Industrial Court of New South Wales [2010] NSWCA 252 (30 September 2010) at paras 65-67, 78 NSWLR 94

70. The Panel is also persuaded by the evidence of Cr O'Connor, who despite being visibly distressed, anxious and shaking during her evidence before the Panel, spoke at length of the instances of bullying and the impact the bullying had on her personally, in her role as a Councillor and also on her family.
71. Furthermore, the Panel saw firsthand some of the features of Cr Toms' behaviour. During the Panel proceedings Cr Toms was often overtly exasperated, aggressive and dramatic in gesture and tone when evidence was given that he did not agree with, and repeatedly interrupted others whilst they were talking. Councillor Toms was quick to become enraged when challenged or questioned and did not appear to demonstrate empathy or an ability to understand or interpret the impact that his behaviour has on others.
72. The Panel is unable to accept Cr Toms' submission that the allegations were a form of political assassination against him. Councillor Toms was unable to provide any evidence in support of this submission. The Panel also rejects the submission of Cr Toms that people simply misinterpret his facial expressions. Councillor Toms does not acknowledge or take responsibility for his actions or the impact they have on others.
73. Whilst Cr Toms called witnesses who gave evidence to the effect that they had not seen him bully Cr O'Connor in any way, this does not mean that the bullying did not occur. The Panel accepts that Cr McCormack and Cr Aitken had not themselves witnessed the bullying but is persuaded by the firsthand observations of the applicant and his witnesses that the conduct did occur.

#### *Allegation 2*

74. Whilst the Panel noted various instances where Council had attempted to resolve the matters at a local level (see paragraphs 12-23 above), it did not rely on these matters and the conclusions drawn by Council as determinative of Cr Toms' conduct. The Panel does not afford any weight to evidence presented by Cr O'Reilly where the claims were "not substantiated", or where "no further action was taken".

75. In his own evidence, Cr Toms conceded that he had used his Council issued Cabcharge card for personal travel. In doing so, Cr Toms did not act with integrity (s 76B(a)), was not honest (s 76BA(b)) and was not using public resources prudently and solely in the public interest (s 76BA(e)). Furthermore, repeated misuse of Council resources does not preserve public confidence in the office of a Councillor (s 76BA(g)). The continued use of his Council Cabcharge card for personal travel despite being educated on the *Councillor Expense Reimbursement Policy* and supporting the changes to that policy, demonstrates a blatant disregard for Council policy and process and an inability or unwillingness to follow directions.
76. Again, in his own evidence Cr Toms conceded that he had approached a Council officer contrary to the *Councillor and Staff Interaction Policy*. In doing this, Cr Toms has failed to avoid conflicts between his public duties as a Councillor and his personal interests and obligations (s 76BA(a)). The Panel does not accept Cr Toms justification for his actions, namely that he misunderstood and/or did not think what he was doing was inappropriate at the time. Councillor Toms was involved in an induction process upon being appointed to Council which specifically addressed Councillor and staff interaction. Councillor Toms gave evidence as to his engagement of Cr Aitken (a more experienced Councillor) as an informal mentor, was both orally and in written form communicated with regarding his conduct and yet still continued to make decisions that are not consistent with the principles and expectations of an individual holding the office of Councillor.
77. Regarding his use of social media and despite having modified his behaviour at the time of the Panel hearing, Cr Toms conceded that he had previously made inappropriate comments/posts on social media. In doing so, Cr Toms failed to avoid conflicts between his public duties as a Councillor and his personal interests (s76BA(a)) and failed to treat all persons with respect (s76BA(c)).
78. The behaviour of Cr Toms in relation to both allegations was recalcitrant, repetitive and occurred over an extended period of time despite both the informal and formal approaches taken by Council to address these issues. None of the mechanisms utilised by Council to modify Cr Toms' behaviour had any sustainable impact. Councillor Toms has been required to apologise to Council on two separate occasions, he was warned by the Local Government Inspectorate about his use of Council Cabcharges, yet he continued to partake in the very behaviour that he was previously investigated for.



79. Even at the Panel Hearing Cr Toms attempted to minimise the impact of his actions, he failed to take responsibility for his decisions and attempted to justify his behaviour, approach and style of interaction. It is for this reason the Panel has imposed a significant penalty which reflects the gravity and seriousness of his conduct and sends a clear message to him to modify his conduct, to comply with the Act, the Council's *Councillor Code of Conduct* and Council policies and procedures.
80. The Panel strongly encourages the Cr Toms to work towards establishing a professional working relationship with all Councillors for the remainder of his term as a Councillor, and to seek appropriate clarification or information if he is unsure of the expectations or obligations attached to his role as a Councillor.

**Cr Steve Toms**

**9th January 2020**

Dear **Cr O'Connor**,

I am writing to you to express my apologies for the way in which my past actions towards you have caused you distress.

In future I will do my best to work with you to achieve the best for our community.

Please accept my sincere apology.

Regards,

**Cr Steve Toms**

**Cr Steve Toms**

**9 January 2020**

Dear **Colleagues**,

I write to you to express my sincere apology for the way in which my past actions have caused you distress or concern.

I understand that my actions regarding usage of my cab-charge card and my actions towards council officers contravened the Councillor Code of Conduct.

Please know that I take my role as an elected Councillor very seriously and it is a great privilege to hold the position that I do.

In future I will ensure to comply with all aspects of the Councillor Code of Conduct.

Regards,

**Cr Steve Toms**

**Executive Summary****12.2 Notice of Motion and Deferred Report Status Update for 28 January 2020**

*Enquiries: (Phil Cantillon: Chief Executive Office)*

**Council Plan**

Community Outcome:	3. A Well Governed City
Strategy:	3.1 Accountable Governance
Priority Action	3.1.1 The elected representatives will provide clear and unified direction, transparent decision makers and good governance

**Purpose**

To update and brief Council on the current status of resolutions.

**Recommendation (Chief Executive Office)**

That Council:

1. Receives the Notices of Motion Report as at 28 January 2020.
2. Notes and accepts there are four Notices of Motion that have been reported as being complete.
  - 2019/NOM19 – CCTV in Frankston CAA
  - 2019/NOM47 - Intercontinental Sporting Competitions Grant
  - 2019/NOM20 - Re-Affirmation of Victorian Local Government Women's Charter
  - 2019/NOM56 - Notice of Rescission - Item C.4: Local Government Inspectorate Investigation Outcome
3. Notes the reports listed below will not be presented back to Council by its advised date and a detailed explanation is provided in the body of the report:
  - 2018/NOM69 – White Street Mall Revitalisation
  - 2019/NOM37 – Overport Park
  - Accountability and Transparency Reform Update

**Key Points / Issues**

- At the Ordinary Council Meeting OM295 held on 19 December 2016, Council resolved that:

*“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).”*
- Additionally, at the Ordinary Council Meeting 2019/OM9, held on 22 July 2019, Council resolved that:

*“4. a) Includes in the attached monthly report (Notice of Motion Cost Summary), the number of Urgent business items per councillor*



**12.2 Notice of Motion and Deferred Report Status Update for 28 January 2020****Executive Summary**

*b) Includes the updates of the status of Urgent Business items in the attached monthly report (Notice of Motion Report)”*

- The Notices of Motion Report as at 28 January 2020 is attached and will continue to be updated and reported at each Ordinary Council Meeting. Note there are no items listed under confidential, as such this report has not been attached.
- Also notes the attached Urgent Business Status Update report (Attachment C).
- There are four Notices of Motion actions that have been reported as ‘complete’:
  - 2019/NOM19 – CCTV in Frankston CAA
  - 2019/NOM47 - Intercontinental Sporting Competitions Grant
  - 2019/NOM20 - Re-Affirmation of Victorian Local Government Women's Charter
  - 2019/NOM56 - Notice of Rescission - Item C.4: Local Government Inspectorate Investigation Outcome
- Due to various factors, it is sometimes not possible for reports to be brought back before Council in accordance with the time frames resolved. There are two reports listed as being delayed for this meeting. Progress updates have been supplied for the items set out below:
  - 2018/NOM69 – White Street Mall Revitalisation  
A briefing is being sought to present Councillors with new concepts. A report will be presented to Council by March 2020.
  - 2019/NOM37 – Overport Park  
A briefing to Councillors has been scheduled for 3 February 2020. A report will be presented to Council at its 17 February 2020 Ordinary Meeting, following the briefing to Councillors.
  - Accountability and Transparency Reform Update  
The Accountability and Transparency Reform (ATR) document was deferred from the Ordinary meeting in December 2019 and rescheduled to be tabled in January 2020. Cr Bolam has made a request on 1 January 2020 to include further items and to discuss these items in a meeting with officers on 28 January 2020. The ATR report has been rescheduled for the Ordinary meeting in February 2020.

**Financial Impact**

The Victorian Government introduced the “Fair Go Rates” system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past four financial years has ranged between 2.0 per cent to 2.5 per cent and has been set at 2.0 per cent for 2020-2021.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council's major source of income, Council's capacity to continue to deliver services and fund its capital programme will be severely restricted.

There are no financial implications associated with this report.

**12.2 Notice of Motion and Deferred Report Status Update for 28 January 2020****Executive Summary****Consultation****1. External Stakeholders**

Nil.

**2. Other Stakeholders**

Nil.

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

Making the written records available may provide some confidence regarding transparency in decision making, and is in keeping with best practice advice from the Victorian Ombudsman.

**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

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 is no risk associated with this report.

**Conclusion**

The purpose of this report is to brief and update Council on the implementation and status of resolutions including Notices of Motion and Urgent Business. Council Officers are continuously working to implement a range of Council resolutions and in addition to noting the work completed, it is recommended that the Notices of Motion as listed within this report now be archived.

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**ATTACHMENTS**

Attachment A: [!\[\]\(b9742ff0bb3da904abeeee81c2bcb456\_img.jpg\)](#) Notices of Motion Cost Summary as at 28 January 2020

Attachment B: [!\[\]\(26cddea01ddf7f002af4ba779c4999ee\_img.jpg\)](#) Notice of Motion as at 28 January 2020

Attachment C: [!\[\]\(b78e2d0769ad682766c36e077fde3d60\_img.jpg\)](#) Urgent Business Status Report as at 28 January 2020

Notice of Motion Report - 2020 - for the 28 January Council Meeting (A4122608).XLSX

**Notice of Motions Estimated Costs  
By Councillor  
2016 – 2020 Term**

Councillor	Number	Primary Cost	Ongoing Cost	Outcome Cost	2019/20 Budget Cost *	Urgent Business
Cr Cunial	11	\$0	\$128,800	\$257,500	\$35,000	1
Cr McCormack	19	\$17,375	\$11,300	\$258,000	\$140,000	4
Cr Toms	34	\$7,240	\$70,000	\$259,158	\$87,000	1
Cr Aitken	45	\$7,115	\$0	\$79,750	\$85,000	11
Cr Bolam	105	\$62,378	\$842,392	\$668,800	\$1,005,000	8
Cr O'Connor	18	\$2,600	\$4,000	\$25,163	\$80,000	1
Cr Mayer	4	\$200	\$66,000	\$0	-	6
Cr Hampton	29	\$6,565	\$4,200	\$122,980	\$190,000	2
Cr O'Reilly	4	\$0	\$0	\$0	-	1
<b>TOTAL</b>	<b>283</b>	<b>\$ 103,473</b>	<b>\$ 1,126,692</b>	<b>\$ 1,671,351</b>	<b>\$ 1,622,000</b>	<b>35</b>

NOTE: There may be occasions when the Ongoing Cost is ALSO reported under Outcome costs: this is on the occasions when the ongoing cost has a KNOWN FINITE total. This is to note for budgeting purposes (for eg: \$121,000 total over 11 years = \$11,000 budgeted per year). Notes/comments are provided in the report when this occurs

\* 2019/20 Budget Cost: these are totals reflective of costs associated with project requests that Councillors have submitted as part of the 2019/2020 Budget Process and not associated with the outcomes of Notices of Motion submissions.

## Notice of Motion Report - 2020 - for the 28 January Council Meeting (A4122608).XLSX

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
16-Oct-17	14.1	NOM 1376 - Inconsistencies of Clause 52.48 - Bushfire Protection Exemptions (Known as the 10/30 Right)  Cr Aitken	Council Decision: That Council make representations through all local Members of Parliament with reference to the inconsistencies of the Clause 52.48 – Bushfire Protection Exemptions (otherwise known as the 10/30 Right) The introduction of a uniform ability for residents to remove trees without any impediment when located within 10 metres of their house (if constructed or approved prior to September 2009), entirely negates the recognition particularly of highly important or heritage trees that contribute greatly to the streetscape. The irreparable damage to the character of local communities by the provision of this exemption as it currently stands means that vast numbers of trees are being removed throughout the greater Melbourne area in situations that are at either very low or negligible fire risk because of the blanket status of this provision. This is entirely against widely upheld state policy of greening our suburbs and represents an administrative measure which was taken at a moment of understandably high public emotion following the devastating bushfires of 2009. However, as outlined above the unfortunate nett effect is that vegetation has been removed from locations where it cannot be reasonably justified.  C/U	Stuart Caldwell	13 January 2020 - There is no further update on this matter from DELWP. It unlikely that there will be material attention given to this request by State Government in the context of the current fire season. 2 December 2019 - There is no further update from DELWP on this matter. 1 November 2019 - Officers have again contacted DELWP however, to date there is still no response. 1 October 2019 - Currently there is still no response from DELWP on this matter. 10 September 2019 - Currently there is still no response from DELWP on this matter. Revised Target Date changed by: Hall-davis, Tracee From: 13 Sep 2019 To: 27 Sep 2019 20 August 2019 - Still no response from DELWP in this matter. 30 July 2019 - There is still no response from DELWP on Council's numerous proposals to the State Government to date to review the application of the Bushfire vegetation clearing exemptions to Frankston. 9 July 2019 - There is as yet no response from DELWP on Council's requested changes. 18 June 2019 - Council officers met on 24/5 with officers from Casey, Cardinia and Morning Peninsula Councils to consider a joint submission to the State Government on this matter. 21 May 2019 - No further update 29 April 2019 - No further update from DELWP on progress with Council's requested changes. 8 April 2019 - No further news from DELWP on progress with their review of these exemptions. 18 March 2019 - Following Council's submission to DELWP on Clause 52.12 - Bushfire Protection: Exemptions made in February we have been advised that DELWP is considering a similar change for a number of other Councils. We are hoping that the outcome of the exemption review by DELWP will be a group planning scheme amendment. We do not have a date for when DELWP will complete its deliberations. No further updates to report. 25 February 2019 - DELWP has advised that it is reviewing the provisions (now contained in Clause 52.12 rather than 52.48). Officers have provided information for DELWPs consideration in respect of the impact of the provisions in Frankston, including in respect of vegetation removal. Council will need to await the outcome of DELWPs review. Revised Target Date changed by: Craig, Tenille From: 30 Jan 2019 To: 31 Jul 2019 Reason: To allow DELWP to undertake its review.	Primary Cost:
19-Feb-18	14.3	2018/NOM6 - Letter to the Minister regarding Level Crossing Removal Projects  Cr Bolam	Council Decision: That in light of the fact that no funding packages have been made available to communities and businesses affected by the Level Crossing Removal at Skye/Overton Road, the closure of Eel Race Road, and the government's decision to locate a new train stabling facility at Kananook, that Council write to the Minister for Public Transport, the Hon. Jacinta Allan MP, to call for a consistent approach to the provision of funding to communities and businesses affected by Level Crossing Removal Projects (defined community benefit/compensation). The letter should also include a request that all crossing removal projects should incorporate a common protocol for asset ownership and maintenance to ensure consistency and equity for all local government areas impacted by Level Crossing Removal.  Carried Unanimously	Doug Dickins	13 January 2020 - Councillors were updated by Memo on 16 December 2019 and will be briefed on 3 February 2020. 2 December 2019 - A meeting has been scheduled on 6 December with LCRP to discuss Asset Handover Responsibilities. 1 November 2019 - Council officers have assessed the financial impact of the assets being created and are pursuing discussions with LCRP regarding proposed ongoing asset ownership and maintenance. 1 October 2019 - This matter is ongoing. 10 September 2019 - This matter is ongoing with discussion relating to asset handover and responsibility. 20 August 2019 - This matter is ongoing. Discussions are currently underway regarding asset management responsibility. 30 July 2019 - No change from previous update 9 July 2019 - No change to the status. 18 June 2019 - Ongoing negotiations about funding and ownership of assets. An update Memo was provide to Councillors on 10 April 2019. The expected cost burden of assuming asset ownership has been raised with the LCRP on a number of occasions and formally communicated to the Minister for Public Transport. The Mayor has requested a meeting with the Minister to discuss this and other key matters. Council has to date refused to accept these assets pending a better deal for Council. This position is not dissimilar to that taken by the many other Council impacted by level crossing removal works. Other than ongoing Memo update, this matter will not likely be brought to Council for a decision until a response is received from the Minister's office. 21 May 2019 - No further update 29 April 2019 - A Memo to Councillors was distributed on 10 April 2019. No further update at this time. 8 April 2019 - A Memo to Councillors is currently being prepared and will shortly be provided to the Councillors. 18 March 2019 - The next update for Councillors is planned via Memo in April 2019. 25 February 2019 - No change to the status. 4 February 2019 - No change to the status. 14 January 2019 - Discussions have been held with both Transport for Victoria (ED Asset Management) and CEO of LXRA in relation to Council's advocacy for funding to compensate for any gifted assets handed over to Council. Councillors have also been briefed on this as part of a wider LXRA presentation. Any decision to accept assets will be determined by Council and after further negotiation on costs. Presentation provided to EMT on 10	Primary Cost: \$820 (letters sent & large meeting held)
22-Oct-18	14.4	2018/NOM65 - New Bylaws  Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Toms That the next review of Council's 2016 General Local Law No 8 pending legal advice is to consider the following bylaws for adoption: 1. Brimbank City Council's bylaw offence: participating (including bystanding) in 'hoon events'; 2. Melton City Council's bylaw offence: noise from vehicle sound equipment; and 3. City of Onkaparinga (SA) bylaw offence: flying a drone aircraft in an unsafe manner and/or (by flying a drone aircraft) detracting from another person's lawful use and enjoyment of public land.  Carried	Leonie Reints / Brianna Alcock	13 January 2020 - No further update, report due OM February 2020 2 December 2019 - No further update, report due OM February 2020 1 November 2019 - Councillors have provided comments on the draft. Formatting, updating and legal review will be undertaken. A further report will be presented to Councillors in early 2020. Draft Community Local Law has been sent to lawyers for legal review. A further report will be presented to Councillors in February 2020 seeking endorsement for community consultation. 1 October 2019 - Officers have undertaken the initial review of General Local Law 2016 No 8 and have added the suggested new local laws into the document. Officers will be presenting the first draft of the document to Councillors at the Council Briefing 30 September 2019 10 September 2019 - No further update at this stage. 20 August 2019 - Officers are currently reviewing General Local Law 2016 No 8. As part of the review officers will consider the 3 options put forward by Councillors in NOM65. Officers will present the draft Local Law at the Councillor Briefing on 30 September 2019. 30 July 2019 - Officers across the organisation are continuing to review the General Local Law No. 8 with a view to having first draft finalised later in 2019. 9 July 2019 - No further update 18 June 2019 - Officers have commenced the review of General Local Law No. 8 2016 with a view of presenting to Council in April 2020. 21 May 2019 - No further update 29 April 2019 - A review of the local law is due to commence in April 2020 and a report will be provided to Council in June 2020 with the outcome of this review. Also noting that a new local law is to be created for short stay accommodation and this is due in December 2019. The short stay accommodation local law will be undertaken independently of the whole local law review. Revised Target Date changed by: Hall-davis, Tracee From: 4 Nov 2019 To: 06 Apr 2020 8 April 2019 - Revised Target Date changed by: Hall-davis, Tracee From: 12 Nov 2018 To: 04 Nov 2019 Reason: Review of Local Law late 2019 18 March 2019 - Officers will be reviewing Frankston City Council General Local Law No. 8, 2016 in late 2019 and the items raised in this NOM will be investigated at the time of the review.	



## Notice of Motion Report - 2020 - for the 28 January Council Meeting (A4122608).XLSX

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
10-Dec-18	14.1	2018/NOM67 - Kananook Railway Station Improvements  Cr Bolam	Moved: Councillor Bolam Seconded: Councillor Aitken That Council: 1. Writes to The Hon. Jacinta Allan MP, Minister for Public Transport seeking a meeting to discuss the current changes underway to Kananook Railway Station and surrounds as a result of the Level Crossing Removal Authority projects. In particular to discuss the impacts of these projects and opportunities available to better enhance the public use of the precinct such as improving disability access, landscaping and urban design improvements (e.g. lighting). 2. Offers to work with the relevant State Government Departments to develop a Kananook Railway Station Precinct Plan. C/U	Doug Dickins/ Stuart Caldwell	13 January 2020 - A letter of response from Hon Jacinta Allan MP has been received and circulated to Councillors in Edition 1 2020 Councillor Bulletin. Officers are working with PTV on the design of the sound wall. 2 December 2019 - Awaiting a response to Council's letter of 12 August 2019 1 November 2019 - There has been no response to the letter to Hon Jacinta Allan MP of 12 August 2019 1 October 2019 - No response has been received to date 10 September 2019 - No response has been received to date 20 August 2019 - A further letter was sent to Hon Jacinta Allan, Minister for Public Transport in relation to issues at Kananook Stabling Facility (2019/NOM17) which also referred to this outstanding matter. (A4013947). 30 July 2019 - No change to the status. 9 July 2019 - no further update. 18 June 2019 - Director Community Assets - "no meeting obtained as yet but project proceeding. Follow up calls about a meeting to be organised made via CEO's office on 5 February, 13 February, 26 February, 21 March, 9 April and 17 April 2019." 21 May 2019 - CEO commented, "no meeting obtained as yet but project proceeding." Follow up calls about a meeting to be organised made via CEO's office on 5 February, 13 February, 26 February, 21 March, 9 April and 17 April 2019. 29 April 2019 - A response is yet to be received to the letters sent. 8 April 2019 - A response is yet to be received to the letters sent 18 March 2019 - Letters have been sent to the Hon. Jacinta Allan MP, Minister for Public Transport, Shadow Minister for Public Transport and Ms Sonya Kilkenney (State Member for Carrum)	Primary cost: \$600 (letters sent)
10-Dec-18	14.3	2018/NOM69 - White Street Mall Revitalisation  Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Toms That: 1. Council notes the recent comments made by Mr Paul Edbrooke MP, Member for Frankston to Councillors and Council officers with respect to his commitment to working with Council on the revitalisation of the White Street Mall in Central Frankston, including accepting a design from Council. 2. On the basis, Council submits a revitalisation plan for the White Street Mall to Mr Paul Edbrooke MP, Member Frankston and ask that he provides, in writing, confirmation of the State Government's funding for this project, subject to Council making application for the funding. 3. A meeting with Mr Paul Edbrooke, MP, Member for Frankston and Council officers be held to discuss the White Street Mall in Central Frankston. 4. A report be provided to Council at the April Ordinary Meeting 2019 detailing the response from Mr Paul Edbrooke MP, Member for Frankston and potential funding to the 2019/2020 Annual Budget for White Street Mall upgrade design works. Carried Unanimously	Sally Prideaux	13 January 2020 - A briefing time in early new year is being sought to enable Councillors to review concepts. 2 December 2019 - Officers are continuing to work on options. 1 November 2019 - A report to Council with concept options was prepared and on hold until outcomes of a meeting with Cr Aitken. Officers are now preparing an alternative option for inclusion in a report to Council in December. 1 October 2019 - Investigation of options for the site is continuing. 10 September 2019 - Council officers have met with Cr Aitken to discuss the proposal. Cr Aitken has requested officers investigate a few more options for the site and this process is now underway. This report will now be brought to Council in November 2019. 20 August 2019 - A report will be presented to 23 September Ordinary Meeting. 30 July 2019 - No change to the status. 9 July 2019 - On behalf of CEO: The report to Council has been delayed pending a presentation by external stakeholders, scheduled for August, which could have a potential to impact on the current proposals for White Street Mall. The report will be rescheduled after this presentation, likely in September 2019. 18 June 2019 - A further update was presented at the May 29th MPAC meeting. Several Councillors were apologies at this meeting so meetings with individual Councillors to provide an update on concepts are underway. Currently awaiting confirmation of a meeting opportunity with Paul Edbrooke before reporting to Council on 22 July 2019. 21 May 2019 - Initial presentation was provided to MPAC on 27 March on ideas for White Street Mall revitalisation. Further discussion occurred with key stakeholders including Bayside Shopping Centre, to refine options. Concepts are being developed for discussion with Paul Edbrooke through May. A further update to be presented at the May 29th MPAC meeting before reporting to Council in July 2019. 29 April 2019 - No change to the status. 8 April 2019 - Presentation was provided to MPAC on 27 March on ideas for White Street Mall revitalisation. Further discussion with key stakeholders including Bayside Shopping Centre, to refine options and then develop concept options for discussion with	Primary Cost: \$620.00 (meetings held) 2x officer time (stakeholder discussions and prep for concepts x4hrs) Concept cost to be added when known
23-Apr-19	14.2	2019/NOM8 - Local Law to regulate Short Stay Rental Accommodation  Cr McCormack	Council Decision Moved: Councillor McCormack Seconded: Councillor Toms 1. That Frankston Council develops and implements a Local Law to provide clear guidelines on the required standards for the operation of Short Stay Rental Accommodation within the municipality. 2. That the objectives of the Local Law, replicate those of the Mornington Peninsula Shire Council, namely: a) Regulate and control the use of Short Stay Rental Accommodation within the municipality of Frankston; b) Ensure an appropriate standard of management and presentation of such accommodation; c) Minimise the risk of such accommodation affecting neighbouring properties and the peace of neighbours; d) Implement a registration requirement; and e) Provide for a Code of Conduct under the Local Law. 3. The local law be implemented by December 2019. Carried Unanimously	Leonie Reints	13 January 2020 - Endorsement was received at OM 16 December 2019 to put out for Community Engagement. A report will come back to January Ordinary Meeting with evaluation of community submissions and to seek endorsement of the Short Stay Rental Accommodation Local Law. 2 December 2019 - A report seeking approval for Community Engagement in relation to Short Stay Rental Accommodation Local Law will be submitted at 16 December 2019 Ordinary Meeting. 1 November 2019 - Councillors have provided feedback. The draft Short Term Rental Local Law will be submitted to Council by December. Feedback has been received from Lawyers and Short Term Rental Local Law is going out for community consultation end of October. A report will be submitted to Council in December 2019. 1 October 2019 - The Draft Short Term Rental Accommodation Local Law is being presented to Councillors at the Council Briefing 30 September 2019. 10 September 2019 - No further update at this stage. 20 August 2019 - The draft Short Term Rental Accommodation Local Law feedback was received from Maddocks Lawyers 13 August. Officers continue to work towards implementing this by December 2019. 30 July 2019 - The draft Short Term Rental Accommodation Local Law is still with Maddocks Lawyers. Officers continue to work to have this implemented by December 2019. 9 July 2019 - No further update 18 June 2019 - The draft Short Term Rental Accommodation Local Law has been forwarded to Maddock's Lawyers for feedback. Revised Target Date changed by: Hall-davis, Tracee From: 14 May 2019 To: 20 Dec 2019 21 May 2019 - A meeting was held with Mornington Peninsula Shire to better understand the requirements of implementing the Local Law. The draft local law and code of conduct are currently being compiled by officers using Mornington's as a basis to work from. It is expected this will be completed	Direct Cost (once-off) - \$14,000 Direct Cost (recurring) - \$11,300 Coming back to Council in December 2019 Costs for officer time to investigate, develop and implement the new local law; legal advice and initial set up costs with BNB Guard. Ongoing Annual costs - monthly BNB Guard reports and administrative support.
22-Jul-19	14.1	2019/NOM17 - Kananook Rail Stabling Facility  Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken That Council writes to the Hon. Jacinta Allan MP, Minister for Public Transport, the Hon. David Davis MLC, Shadow Minister for Public Transport and Ms Sonya Kilkenney MP (State Member for Carrum) requesting that the current design and construction of the Kananook Rail Stabling Facility incorporate: 1. Effective noise mitigation measures to attenuate noise disturbance from the operation of the facility to adjoining residential areas with relevant project team staff that are delivering the facility to be available to consult and appropriately explain the noise testing data and design measures to residents and interest groups; 2. A permanent security presence to deter inappropriate behaviour and activities attributable to the facility; 3. Work sheds to house operating rail infrastructure to improve the overall aesthetics of the facility.  Carried Unanimously	Doug Dickins	13 January 2020 - A letter of response from Hon Jacinta Allan MP has been received and circulated to Councillors in Edition 1 2020 Councillor Bulletin. Officers will follow up to arrange meeting with Ms Sonya Kilkenney MP. 2 December 2019 - No further update. 1 November 2019 - A meeting with Sonya Kilkenney MP is to be arranged. 1 October 2019 - Following a reply from Sonya Kilkenney MP, a meeting is to be arranged to further discuss this matter. 10 September 2019 - Letters were sent in relation to Kananook Rail Stabling Facility. Letter of response received from Sonya Kilkenney (A4042679). 20 August 2019 - Letters were signed by the Mayor and sent to Hon Jacinta Allan, Minister for Public Transport - David Davis, Shadow Minister and Sonya Kilkenney MP on 14 August 2019 (A4013947). 30 July 2019 - A letter is currently being prepared.	Primary cost: letters sent \$400

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Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
22-Jul-19	14.2	2019/NOM19 - CCTV in Frankston CAA  Cr Toms	Council Decision Moved: Councillor Toms Seconded: Councillor Aitken That Council: 1. Notes 2018/NOM25 which resolved: "Should grant funding not be awarded in 19/20 the full list of CCTV cameras will be presented for consideration as part of each year's capital works budget process"; 2. Notes Priority 11 (Excelsior Drive) at \$10K was approved by Council at its 1 July 2019 Ordinary Meeting; 3. Supports Priority 1 (foreshore park opposite South East Water) at \$54K and Priority 2 (Nepean Highway between Wells St and Fletcher Rd) at \$63K, noting there is a \$27K shortfall in available budget; and 4. Refers \$27K for consideration at the 2019-2020 mid-year budget review.  Carried Unanimously	Cam Arullanantham / Leonie Reints / Kim Jaensch	13 January 2020 - As the grant application was unsuccessful, the Long Term Infrastructure Plan (LTIP) has been revised to align with the priorities and funding requirements as per the resolution. At the Mid-Year Budget Review on December 18, Council resolved to fund \$72K (revised shortfall for Excelsior Dr) and a further \$80K for CCTV installation at Nat's Track. These changes have been actioned in the 2019/20 Revised Budget. No further action is required; request this item to be closed. 2 December 2019 - The capital works financial implications cited in the resolution have been processed in the Long Term Infrastructure Plan (LTIP) database and documented in a register of adjustments for the 2019/20 Mid-Year Budget Review (MYBR). Pending the outcomes of the grant application, the adjustments will be presented to Council at its Ordinary Meeting in December 2019 for the MYBR. 1 November 2019 - The capital works financial implications cited in the resolution have been processed in the Long Term Infrastructure Plan (LTIP) database and documented in a register of adjustments for the 2019/20 Mid-Year Budget Review (MYBR). Pending the outcomes of the grant application, the adjustments will be presented to Council at its Ordinary Meeting in December 2019 for the MYBR. 1 October 2019 - The capital works financial implications cited in the resolution have been processed in the Long Term Infrastructure Plan (LTIP) database and documented in a register of adjustments for the 2019/20 Mid-Year Budget Review (MYBR). Officers note the CCTV grant application was successful and as a result, the balance of required funds will be presented to Council at its Ordinary Meeting in December 2019 for the MYBR. 10 September 2019 - Noted. The matter will be referred to mid year budget review for consideration. 20 August 2019 - Action reassigned to Ure, Luke as the matter will be referred to mid-year budget review for consideration. The implications for the Capital Works program cited in the Notice of Motion have been processed in the Long term Infrastructure Plan (LTIP) database and documented in a register of adjustments for the 2019/20 Mid-Year Budget Review (MYBR). The adjustments will be presented to Council at its Ordinary Meeting for the MYBR. 30 July 2019 - Noted. The matter will be referred to mid year budget review for consideration. Grant application has been submitted and outcome and report will be presented to council in November 2019.	\$27K Costs to be considered at mid-year budget (not yet committed, so this is not yet reflected in the totals)
22-Jul-19	14.3	2019/NOM20 - Re-Affirmation of Victorian Local Government Women's Charter  Cr McCormack	Council Decision Moved: Councillor McCormack Seconded: Councillor Cunial That Council: 1. Reaffirms its status as a signatory to the Victorian Local Government Women's Charter. 2. Develops and implements an action plan, incorporating the Charter aims, that supports the progress of gender equality, diversity and active participation in Council. 3. Refers an amount of \$20,000 to the 2019-2020 mid-year budget review for a community event in support of International Women's Day 2020, recognising the centenary of the first ever woman elected to local government in December 2019.  Carried Unanimously	Brianna Alcock / Kim Jaensch	13 January 2020 - An amount of \$20,000 has been supported during the MYBR by Council for a community event in support of International Women's Day 2020, recognising the centenary of the first ever woman elected to local government in December 2019. Council's Health and Wellbeing Plan includes a clause around Council's commitment to gender equality through being a signatory to the VLGA's Women Charter and the development of a VLGA Women's Charter Action Plan. Officers have been advised that the VLGA's Women Charter Action Plan has recently been finalised which will be forwarded to Council shortly. This will be placed on Council's website and referred to within the Health and Wellbeing Plan and Council's People Strategy. Request for closure. 2 December 2019 - A response to NOM report was presented to Council at its meeting on 18 November 2019, with the items requested in the NOM being addressed as follows: - A letter was sent reaffirming Council's status as a signatory to the Victorian Local Government Women's Charter. - A Charter Champion was also nominated. An action plan outlining gender equity initiatives will be included in the People Strategy. - A report will also be provided to Council annually on gender equity initiatives and the impact of these across Council and the community. - A community event will be run in 2020 and will include key messaging and promotion on the topic. Time will now be required to complete implementation of these items. 1 November 2019 - A letter has been sent to reaffirm Council's status as a signatory to the Victorian Local Government Women's Charter. A Charter Champion has been nominated in the letter. An action plan outlining gender equity initiatives will be included in the People Strategy, which is currently being developed for the organisation. A report will also be provided to Council annually on gender equity initiatives and the impact of these across Council and the community. A community event will be run in 2020 and will include key messaging and promotion on the topic. \$20,000 is to be referred to the Mid-year budget review process in 2019. A 'Response to NOM' report will now be prepared. A report has been prepared for Council's consideration at its meeting on 18 November 2019. 1 October 2019 - Gender equity initiatives will be included in an action plan in the People Strategy, which is currently being developed for the organisation. It is planned that a report be provided to Council annually on gender equity initiatives and the impact these initiatives have across Council.	\$20K to mid-year budget Primary Cost: \$350 (meetings held)
22-Jul-19	14.5	2019/NOM22 - Save our Red Gums  Cr Aitken	Council Decision Moved: Councillor Aitken Seconded: Councillor Toms That Council makes representation to the Premier, the Hon. Daniel Andrews MP, Minister for Energy, Environment & Climate Change, Minister for Planning, Minister for Aboriginal Affairs and all local members of Parliament requesting a special significant classification be placed over the native Red Gum (Eucalyptus Camaldulensis) population in the municipality of Frankston City. Of particular importance are the more mature trees ranging in age between 100 years and in excess of 500 years. We also note that, given the life span of this species (around 1000 years), the older trees occupy a highly significant place in both landscape and history, pre-dating European settlement, and therefore are an irreplaceable living link with traditional owners of this land to the present day and, as such, should be enshrined as part of the national heritage. Supporting information can be sought at <a href="https://www.nationaltrust.org.au/treeoftheyear/">https://www.nationaltrust.org.au/treeoftheyear/</a> To support the basis of this Motion, other examples of strict legislation on the protection of native trees include: • Sequoiadendron Giganteum, United States • Quercus Robur, United Kingdom  Carried Unanimously	Stuart Caldwell	13 January 2020 - 2 December 2019 - It is noted that this matter was the subject of a successful motion at the MAV in respect of sector advocacy. No further update on the submission to DELWP at this time. 6 November 2019 - Note that the motion to MAV was approved at the State Council Meeting held in October 2019. 1 November 2019 - No further update at this stage. 1 October 2019 - A submission has been made to the DELWP seeking engagement and advice on progression of this issue with the identified Ministers and local members of parliament. 10 September 2019 - No further update at this stage. 20 August 2019 - A submission to the State Council is currently in preparation consistent with the Council resolution. 30 July 2019 - Officers have received the recent resolution by Council and are commencing the research required to support a case for enhanced regulatory protection for red gums in Frankston City.	



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Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
12-Aug-19	14.1	2019/NOM25 - Recycled Water Scheme Projects  Cr Hampton	Council Decision Moved: Councillor Hampton Seconded: Councillor Mayer That Council: 1. Reviews the outcomes achieved following completion of the Stage 1 Robinson Recycled Water Scheme Project that connected Baxter and Robinsons Parks; 2. Uses this analysis to complete the feasibility study of potential future projects, including a continuation of the pipeline from Robinsons Park to Lawton Reserve; and 3. Provides a report to Council by the March 2020 Ordinary Meeting.  Carried Unanimously	Luke Ure	13 January 2020 - Officers are continuing to work on a review of the outcomes of the Stage 1 Robinson Recycled Water Scheme, including a cost benefit analysis and feasibility study of future recycled water projects. In particular, the continuation of the pipeline from Robinsons Park to Lawton Reserve (Stage 2) is part of the assessment. 2 December 2019 - No further update at this stage. 1 November 2019 - Officers are continuing to work on a review of the outcomes of the Stage 1 Robinson Recycled Water Scheme, including a cost benefit analysis and feasibility study of future recycled water projects. In particular, the continuation of the pipeline from Robinsons Park to Lawton Reserve (Stage 2) is part of the assessment. 1 October 2019 - Officers have commenced a review of the outcomes of the Stage 1 Robinson Recycled Water Scheme, including a cost benefit analysis and feasibility study of future recycled water projects. In particular, the continuation of the pipeline from Robinsons Park to Lawton Reserve (Stage 2) will be assessed. It is anticipated that a report will be presented to Council by the March 2020 Ordinary Meeting. 10 September 2019 - Officers to commence a review of the outcomes of the Stage 1 Robinson Recycled Water Scheme, including a cost benefit analysis and feasibility study of future recycled water projects. In particular, the continuation of the pipeline from Robinsons Park to Lawton Reserve (Stage 2) will be assessed. It is anticipated that a report will be presented to Council by the March 2020 Ordinary Meeting. 20 August 2019 - Officers to commence a review of the outcomes of the Stage 1 Robinson Recycled Water Scheme, including a cost benefit analysis and feasibility study of future recycled water projects, including continuation of the pipeline (Stage 2) from Robinsons Park to Lawton Reserve.	
12-Aug-19	14.5	2019/NOM29 - Public Art Murals  Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken That Council: 1. Notes the cost to create two high quality art pieces under the Fletcher Road overpass is strictly capped at \$60K; 2. Ensures adherence to the prescribed budget with a local and regarded artist to undertake the mural works; 3. Ensures that the selected artist works with the Frankston Arts Board on the proposed imagery for the two locations; and 4. Refers the sought funding be considered at the 2019/2020 Midyear Budget for consideration. Carried Unanimously	Andrew Moon / Kim Jaensch	13 January 2020 - \$60K approved at Ordinary Meeting 16/12/19. Approvals process from appropriate authorities and project planning will commence in January 2020. 2 December 2019 - Waiting for mid-year budget review. No update. 1 November 2019 - Awaiting mid-year budget review. 1 October 2019 - The Board recommended an Artists Brief EOI be advertised in the open market in order to procure the right artwork and artist that is required for such a site. This project will be going to the mid-year budget review seeking funding 10 September 2019 - The cost to create two high quality art pieces under the Fletcher Road overpass is strictly capped at \$60K and the sought funding has been listed for consideration at the 2019/2020 Mid-year Budget review. 20 August 2019 - 1) Noted 2) Noted 3) Noted 4) Manager A & C to liaise with Manager Finance	\$60K to be considered at 19/20 mid-year budget (not committed at this stage, so not reflected in totals)
12-Aug-19	14.6	2019/NOM30 - Investigation of Major Projects  Cr Aitken	Council Decision Moved: Councillor Aitken Seconded: Councillor Toms Officers are to create a register for all major projects to monitor incremental loss or impact and replacement of environmental attributes. The register must record and also enable a red flag system on any of the elements listed below: The register must record: 1. Loss of green space 2. Loss of vegetation 3. Increase of bitumen, which actively increases the heat bank effect 4. Replacement of any vegetation loss with an increase of canopy cover trees in car parks which must also: a. take into account safety risks for pedestrians and vehicles in storm events b. enhance the visual appeal of an urban forest Carried Unanimously	Stuart Caldwell	13 January 2020 - No further update. Due to be presented to Council at a briefing in January 2020. 2 December 2019 - Due to be presented to Council at a briefing in January 2020. 1 November 2019 - Officers are still working on the recording system. 1 October 2019 - Officers have commenced work on a recording system which will integrate with the Urban Forest Action Plan in respect of outcome recording in the first instance. 10 September 2019 - Officers will consider the most effective way to design and implement the monitoring system that has been required by Council with this resolution. Initially, this will be included as a separate action within the forthcoming urban Forest Action Plan. It may be necessary to commission a consultatn study to confirm the most effective way to undertake the proposed monitoring and measurement, of environmental impacts of major projects.	
2-Sep-19	14.2	2019/NOM33 - Investigation into the Sale of Evelyn Street  Cr Aitken	Council Decision Moved: Councillor Aitken Seconded: Councillor Bolam That a forensic investigation be carried out in relation to all aspects of the previously proposed sale of Evelyn Street public land capped at \$10,000, subject to further review by Council if additional funds are required.. Carried	Brianna Alcock	13 January 2020 - Two (2) quotes were received in response to the Brief with request for quote. A Council Report was prepared for the Council Meeting on 16 December 2019 seeking approval for additional funds to meet the quoted cost range. Councillors requested for this to be considered further and that the Brief be provided to Council's newly appointed internal auditors seeking a request for quote under the current fee structure. This was provided and a response is awaited. 2 December 2019 - A brief for the investigation into the proposed Sale of Evelyn Street has been issued to four external auditors seeking a request for quote. An update on this matter in the CEO's report was noted by the Audit and Risk Committee on 23 November 2019 and the Brief was emailed to the Committee as an out of session paper. A report to Council may be required for approval of additional funding, should quotes exceed \$10,000, being the amount nominated in the NOM. 1 November 2019 - A brief for the investigation into the Sale of Evelyn Street was provided by Council's internal auditors HLB Mann. It was circulated to Councillors by Councillor memorandum and feedback was provided to indicate that the investigation should be conducted by external auditors. A revised brief has been prepared to seek quotes for a forensic investigation to be conducted by external auditors. A report to Council may be required to seek approval for additional funding should the quotes exceed the allocated amount of \$10,000. 1 October 2019 - A draft scope has been provided to Internal Auditors to prepare a Brief in collaboration with Cr Aitken, who raised the NOM, and the wider Council. This is expected by the week ending 4 October. A report will go to the November Audit and Risk Committee meeting. 10 September 2019 - A meeting has been scheduled with external auditors to provide a scope for an audit of Evelyn Street.	Direct Cost (once-off): \$10,000 A forensic investigation is required and has been requested to be conducted by an external auditor. The current funding allocated is \$10,000 with quotes being sought to determine the cost for an external audit to be conducted. Should the cost be more than \$10,000 a report will be required to Council for a further decision.
2-Sep-19	14.6	2019/NOM37 - Overport Park  Cr McCormack	Council Decision That the \$35,000 funding allocation in the 2019/2020 budget for the planning and design works for the Overport Park Netball courts, be put on hold and the balance of any unspent funding be removed from the budget at the mid-year review, pending the completion of a full community consultation process and development of an updated Master Plan for Overport Park and that this community consultation process be conducted and the report brought back to Council at the first Council Meeting in 2020.  Carried	Tim Bearup	13 January 2020 - A report will be presented to Council no later than February 2020. 2 December 2019 - A consultation session at the local clubs was undertaken on 13 November 2019. A community drop in in consultation is scheduled for 10 December 2019. 1 November 2019 - The community and stakeholder consultations are scheduled as follows: Round 1 - Week ending Oct 18th 2019 Round 2 - Week ending Nov 15th 2019 In order to facilitate Councillor participation in community consultations, these sessions have been rescheduled for November 2019. Details to be provided. 1 October 2019 - Concept design has been previously completed. No further work will be completed as remaining budget and its use is now on hold. Planning has commenced to undertake the community consultation process as requested. Further information will be provided as this develops. Community consultation process has been developed and will be implemented in the coming weeks. 10 September 2019 - Planning and design works have been put on hold. Planning has commenced to undertake the community consultation process as requested. Further information will be provided as this develops.	

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23-Sep-19	14.1	2019/NOM39 - Lighting Frankston  Cr Bolam	Council Decision That Council develops a strategy with respect to the implementation of a LED Lighting Program across the municipality, to ensure a strategic rationalised approach to installation. That such a strategy be brought before Council for adoption by April 2020.  Carried	Stuart Caldwell	13 January 2020 - Officers have commenced work on a lighting approach and will bring a report to the April 2020 meeting. 2 December 2019 - No further update at this stage 1 November 2019 - No further update 1 October 2019 - Council will develop a strategy to implement a LED Lighting Program across the municipality and will be brought back to Council for adoption by April 2020.	
23-Sep-19	14.2	2019/NOM40 - Trial Program  Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken That: 1. A new initiative be considered for the implementation of public art at pilot locations on ten utility power boxes throughout the municipality if supported by the utility provider. 2. A memo be provided to Councillors in December on the pilot locations to be considered as part of a potential future trial. Carried Unanimously	Andrew Moon	13 January 2020 - A memo was sent to Councillors in December 19. 2 December 2019 - A proposed series of utility boxes have been identified, which are on the perimeter of the CAA in high pedestrian traffic areas. An artistic treatment for the vinyl wrap is yet to be determined. 1 November 2019 - Investigation of possible locations scheduled for early November. 1 October 2019 - A memo will be prepared for Councillors in December on the pilot locations to be considered in the future trial once support is gained by the utility provider.	
23-Sep-19	14.6	2019/NOM44 - Strip Shopping Improvement Schedule  Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken That Council develop a strategy with respect to Strip Shopping improvements in locations across the municipality, to support the justification and demand for enhancement, including a list of priority projects, with any funding allocated in the 19/20 budget being held in abeyance pending the development implementation of the strategy.  Such a strategy is to be returned to Council for adoption by March 2020  C/I	Stuart Caldwell	13 January 2020 - A consultant's brief is being prepared for this work to be undertaken. Timeframes will be reviewed and updated when work is let. 2 December 2019 - No further update at this stage. 1 November 2019 - No change to status. 1 October 2019 - A strategy will be developed to identify strip shopping improvement locations across the municipality. The strategy will be brought back for Council adoption by March 2020.	
14-Oct-19	14.1	2019/NOM38 - Economic Incentives  Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Mayer 1. That \$60k annual recurrent funding be referred for consideration to Budget 2020/2021 for ongoing Place Activation. This amount is to enable operators to make their businesses more inviting, while also promoting campaigns and activations in the City Centre. Specifically the funding should be allocated to the following programs that will cease at the conclusion of the State Government funded Frankston Transit Interchange Precinct Upgrade Place Activation grant: a) Façade Improvement Program - \$15,000 b) Kerbside Dining Encouragement Grant - \$20,000 (\$10K city centre, \$10K city wide) c) Marketing campaigns and promotional activations - \$25,000 2. That performance measures be developed to ensure the benefits are clearly understood and provided to Councillors in a memorandum by December 2019 assessing the past and present efficiency of the proposed initiatives. 3. That \$30k annual recurrent funding be referred for consideration to Budget 2020/2021 for ongoing support of the tourism sector. This amount is to enable Council to deliver a program to support existing tourism businesses to increase visitor dispersal and enhanced customer experience consistent with the 2019-2024 Visitor Economy Strategy, and may include initiatives such as: • Collaboration through partnership and product packaging • Strengthening digital marketing skills (focussing on how to get visitors to drive this) • Visitor and Customer Service Training • Business expansion programs that help existing operators develop new experiences • Working with industry to attract more business events and conferencing 4. Where appropriate outcomes of these two programs be incorporated into the quarterly economic scorecard. Carried Unanimously	Sam Jackson	13 January 2020 - 1 & 3 Funding has been factored into the draft 2020-2021 budget preparation process for Council's consideration 2 The memo has prepared and distributed on 6 January 2020. This item is now complete from a reporting perspective 4 Noted although not able to be fully acted upon until the 2020-2021 budget is adopted. 2 December 2019 - No further update 1 November 2019 - Items 1 & 3 will be referred to the 2020/2021 Budget process for consideration. The funding has been referred to the mid-year-budget review for considerations. Officers are currently developing the KPIs with the aim of providing these to Councillors in a memo in accordance with the resolution.	
14-Oct-19	14.2	2019/NOM45 - Karingal Bulls  Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken That Council 1. Notes that the cost for two new coaches boxes at Ballam Park Oval is \$20K. 2. Notes that the Karingal Bulls Football Club has applied for a Federal Government grant of \$10K for the coaches boxes. 3. Refers to fund up to \$10K the 2020/2021 Capital Works program to augment the grant, should the funding application be successful. Carried	Vishal Gupta / Luke Ure / Kim Jaensch	13 January 2020 - \$10K will be referred to the 2020/2021 Capital Works Program to augment the grant, should the funding application to the Federal Government be successful. 2 December 2019 - No change in status. 1 November 2019 - \$10K will be referred to the 2020/2021 Capital Works program to augment the grant, should the funding application to the Federal Government be successful. This item doesn't require any action from Capital Works Delivery Department at this time. Once funding is allocated in the Capital Works Program in 2020/21 and grant is confirmed, arrangements will be made for delivery of the works in 2020/21. No update from project delivery perspective at this time.	Outcome Cost: \$40,000 (Costs as noted in resolution)
14-Oct-19	14.3	2019/NOM46 - Seaford Foreshore Activation  Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken 1. Council officer's advocate and negotiate with DELWP for enhanced experience of the Seaford Foreshore. 2. Pending DELWP support in principle Council refers \$40K to the 2020/21 capital works budget for planning and design, which is to be sympathetic of the coastal location and colours. 3. Notes a report outlining the detailed budget will be presented to Council for inclusion in the draft Capital Works program once planning and design has been completed  Carried Unanimously	Luke Ure / Stuart Caldwell / Brad Hurren / Kim Jaensch	13 January 2020 - \$40K will be referred to the 2020/21 Capital Works program, should DELWP support the proposed works. 2 December 2019 - No further update at this stage 1 November 2019 - \$40K will be referred to the 2020/2021 Capital Works program, should DELWP support the proposed works.	Outcome Cost: \$40,000 (Costs as noted in resolution - pending DELWP funding)



## Notice of Motion Report - 2020 - for the 28 January Council Meeting (A4122608).XLSX

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
14-Oct-19	14.4	2019/NOM47 - Intercontinental Sporting Competitions Grant  Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Mayer That a report be provided to Council in December 2019 on the creation of a specific grants category within the Miscellaneous Grants pool to support the participation of Frankston residents seeking to represent both Frankston and Australia in any of the following international events: the Commonwealth Games, the Olympic Games, the Paralympic Games or a World Championship. The report is to consider conditions, eligibility, funding amount per participant and any branding/promotional commitments in lieu of potential Council support. Carried	Tim Bearup	13 January 2020 - Council resolved this item at its Ordinary Meeting on 16 December 2019. Request to Close. 2 December 2019 - A report is scheduled to be presented to Council at its 16 December 2019 Ordinary Meeting. 1 November 2019 - This report is in development for the December Ordinary Meeting.	
14-Oct-19	14.6	2019/NOM49 - Glyphosate Herbicide  Cr Aitken	Council Decision Moved: Councillor Aitken Seconded: Councillor Mayer That Frankston City discontinue the use of the current herbicide regime ie. Glyphosate, effective 1 July 2020. This applies to Council staff and contractors employed by Frankston City Council. Carried Unanimously	Brad Hurren / Kim Jaensch	13 January 2020 - A council briefing report is currently being prepared for February 2020 to update councillors on progress with this NOM. Some positive improvements have already been implemented, we are investigating a range of changes to how we deliver our services and consulting the industry to ensure best practice weed management. 2 December 2019 - No change to status. 1 November 2019 - Will discuss with Manager Operations on the impact this will have on the 2020/2021 budget and incorporate relevant financial impact into the budget.	
18-Nov-19	14.1	2019/NOM50 - Climate Emergency  Cr Mayer	Council Decision Moved: Councillor Hampton Seconded: Councillor Cunial 1. That Frankston Council: a. Acknowledges that current levels of global warming and future warming already committed constitute nothing less than a climate emergency for most life on this planet, requiring an emergency response by all levels of government, including local government; b. Resolves to review and update Council's Climate Change Impact and Adaption Plan (2011) to guide the climate emergency response by Council, to be prepared by the Chief Executive Officer within 12 months of the date of this resolution; and c. Undertakes to work with the Frankston community to raise awareness of the climate emergency and support community action to mitigate greenhouse gas emissions and build resilience. 2. Council calls upon the Australian State and Federal Governments to: a. Declare a climate emergency; and b. Back this up with legislated programs to drive emergency action to reduce greenhouse gases and meet the lower target of the Paris Agreement to keep global warming below 1.5 degrees. Carried Unanimously	Luke Ure	13 January 2020 - Frankston Council has declared a climate emergency. Subsequently Council officers will: - Review and update Council's Climate Change Impact and Adaption Plan (2011) to guide the climate emergency response by Council and a report will be presented to Council by November 2020. - Undertake work with the Frankston community to raise awareness of the climate emergency and support community action to mitigate greenhouse gas emissions and build resilience. - Advocate to the Australian State and Federal Governments to: a. Declare a climate emergency; and b. Back this up with legislated programs to drive emergency action to reduce greenhouse gases and meet the lower target of the Paris Agreement to keep global warming below 1.5 degrees. 2 December 2019 - Noted.	
18-Nov-19	14.2	2019/NOM51 - Community Safety in the CAA  Cr Aitken	Council Decision That Council notes the recent Community Safety Meetings held by Cr Toms and continued by Cr Aitken which has involved a number of participants including council officers, John Billings representing Frankston Traders Group, various traders and other parties. Requests that future meetings be closely minuted detailing issues and suggestions, and that such minutes be tabled with Council at the next Ordinary Meeting in the Open Agenda. Requests further that any issues raised at these meetings, initiatives or ideas and/or requests to Frankston Police, be forwarded in detail to Frankston Police requesting detailed responses to the issues and in turn these responses be tabled in a report for the next appropriate Ordinary Meeting.	Sam Jackson / Leonie Reints	13 January 2020 - Further meetings will be scheduled on a quarterly basis - with the next meeting likely to be in February to ensure timing is appropriate for traders. Minutes will be tabled at the next available Ordinary Meeting. Any issues, initiatives or ideas raised will be forwarded to Frankston Police requesting detailed responses to be tabled at the next available Ordinary Meeting. 2 December 2019 - Further meetings will be scheduled on a quarterly basis and minuted. Minutes will then be tabled at the next available Ordinary Meeting. Any issues, initiatives or ideas raised will be forwarded to Frankston Police requesting detailed responses to be tabled at the next available Ordinary Meeting.	
18-Nov-19	14.3	2019/NOM52 - Kananook Creek Arboretum  Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken That a report be provided no later than February 2020 to the Ordinary Meeting on the scope and funding options for the 'Kananook Creek Arboretum' proposal that has been heralded by the Kananook Creek Association and the Frankston Beach Association.  Carried Unanimously	Sally Prideaux	13 January 2020 - Officers are currently working on a report to be presented to the February 2020 Ordinary meeting. 2 December 2019 - Meetings with KCA and interested Councillors will be held to provide input into the project scope and costings which will be reported to Council OM February 2020.	
18-Nov-19	14.4	2019/NOM53 - Councillors Code of Conduct  Cr Aitken	Council Decision Moved: Councillor Aitken Seconded: Councillor Bolam That the Councillor Code of Conduct be reconsidered in respect of the wording and points laid out. This is to be undertaken in the first instance with individual councillors and any suggestions they may have. Then followed up by general discussion and finally resolved through a formal resolution if any changes are made.  Carried Unanimously	Brianna Alcock	13 January 2020 - Communication and discussion on the review of the Councillor Code of Conduct will commence at the start of February 2020. 2 December 2019 - Council has resolved that the Councillor Code of Conduct be reconsidered in respect of the wording and points laid out. This is to be undertaken in the first instance with individual councillors and any suggestions they may have. Then followed up by general discussion and finally resolved through a formal resolution if any changes are made. Preparation is now required to commence discussions with Councillors on the review of the Councillor Code of Conduct.	
18-Nov-19	14.5	2019/NOM54 - Mass Tree Planting Program  Cr Bolam	Council Decision That the Urban Forest Action Plan report, due before Council in early 2020, is to include an option for the consideration by Council for the implementation of a bulk tree planting program throughout the municipality within a twelve - fifteen month period. The option detail in the report is to include areas where plantings could be located, the kind of plantings, public and private uptake, potential costs and the approaches employed by other municipalities that have initiated similar (if not greater) mass tree planting initiatives within a twelve month period such as Hornsby, Maroondah, Onkaparinga and Murray.	Stuart Caldwell	13 January 2020 - Work on the Urban Forest Action Plan is continuing and options for tree planting will be incorporated in the plan due to be presented to Council. 2 December 2019 - Noted. Options for bulk tree planting program will be included in the Urban Forest Action Plan report scheduled for Council early 2020 for Council consideration.	

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Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
18-Nov-19	14.6	2019/NOM55 - North-West Projects  Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken That Council prepares a report for the January 2020 Ordinary meeting to investigate the following: 1. Funding \$10.93M from the Strategic Reserve to address the current funding shortfalls as listed below and proceeds with delivering the following capital works: a) Pat Rollo Pavilion (\$2.75M shortfall). b) Monterey Pavilion and public toilet upgrade (\$3.3M shortfall). c) Belvedere Bowls Clubhouse (\$1.98M shortfall) and construction of additional asphalt car park with plantings (\$400K required). d) Frankston Health and Wellbeing Hub – formerly Linen House (\$2.5M required). Notes any of the above funds that are not fully expended on these projects would be returned to the Strategic Reserve. 2. Funding the construction of the Eric Bell Pavilion project in its entirety (total cost of \$6.25M, inclusive of a State Government contribution of \$500K), and that the project is to be funded via an appropriate loan arrangement (giving consideration to CILS or an equivalent low interest loans scheme). Carried	Tim Bearup / Kim Jaensch / Cam Arullanantham / Luke Ure	13 January 2020 - Information will be incorporated into the Council report for January 2020. 2 December 2019 - A report is being prepared for OM January 2020.	
16-Dec-19	14.1	2019/NOM56 - Notice of Rescission - Item C.4: Local Government Inspectorate Investigation Outcome  Cr McCormack	Council Decision Moved: Councillor McCormack Seconded: Councillor Aitken I, Councillor McCormack, hereby give notice that at the next appropriate meeting of Council, I will move that the following decision of Council made at Ordinary Meeting 2019/OM14 held on Monday 18 November 2019 regarding Part 2 be rescinded: 2. Approves for the legal fees to the sum of \$3,630 being the actual expense incurred by Councillor Hampton to be reimbursed, in accordance with the 2018 Councillor Expense Reimbursement Policy. Should this be carried, we intend to move the following motion: Council determines that in accordance with section 18.1 of the Councillor Reimbursement Policy it is not appropriate for public funds to be used to settle or defend proceedings in relation to Councillor Colin Hampton.	Brianna Alcock	13 January 2020 - The Rescission motion was carried by Council on 16 December 2020. No further action will be required. It is requested for this item to be closed.	
16-Dec-19	14.2	2019/NOM58 - DHHS Housing  Cr Aitken	Council Decision Moved: Councillor Aitken Seconded: Councillor Bolam That Council write to the Minister for Department of Health and Human Services and ask the following questions in relation to DHHS housing: 1. Is the Minister aware that some DHHS residential rental properties are gravely abused by tenants, collectively to the sum of millions of dollars? 2. What does the Minister intend to do to introduce property inspections in the same manner as private commercial real estate? 3. Whilst it is recognised, and greatly appreciated, that public housing stock provides an essential service to the Victorian community that is greatly valued, is the Minister aware that frequently, when there are illegal activities at some of these addresses or extremely anti-social behaviour being generated at these addresses which impacts upon the amenity of all housing stock, there appears to be no cohesive system of reporting between police and the Department, with the result that when a major incident or outcome occurs, the Department has no knowledge of what has been going on? 4. What system would the Minister propose be put in place to create an information linkage pathway, so that the Department will know conclusively, what is going on at their properties? 5. Would the Minister consider that it's reasonable to suggest that the cost of damage repairs to DHHS housing stock, if averted, would largely compensate for the cost it would take to have a housing stock inspection program implemented? And with any residue funds saved to be invested in further housing stock for people who are in need?  Carried Unanimously	Tim Bearup	13 January 2020 - A letter has been prepared for the Minister for Department of Health and Human Services, The Hon. Richard Wynne, MP (A4127470).	
16-Dec-19	14.3	2019/NOM59 - 5G Rollout  Cr Aitken	Council Decision Moved: Councillor Aitken Seconded: Councillor Bolam That Council writes to the relevant Federal Minister in relation to the 5G rollout, asking the following question: • Why the ARPANZA standards, that telecommunication applications are measured by, at such variance and disproportionate to a number of other countries throughout the world? Carried Unanimously	David Tipton	13 January 2020 - A letter to the Federal Minister is being prepared.	
16-Dec-19	14.4	2019/NOM60 - Two Storey Limitation in Seaford Township  Cr Aitken	Council Decision Moved: Councillor Aitken Seconded: Councillor Bolam That Council be provided a report of the costing associated with a planning amendment, which would seek to limit building construction to two-stories in Seaford township environs. Carried	Stuart Caldwell	13 January 2020 - A report will be scheduled advising Council of the costs associated with a planning amendment.	



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Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
16-Dec-19	14.5	2019/NOM61 - PARC Swim Research Study Cr Bolam	<p>Council Decision</p> <p>Moved: Councillor Bolam Seconded: Councillor Aitken</p> <p>That Council provides a report to the February 2020 Ordinary Meeting to consider partnering with Deakin University (DU) and Peninsula Leisure P/L (PL) in the development of a research paper that will potentially gain international and local industry interest.</p> <p>PL and DU propose to undertake an extensive study, to focus specifically on:</p> <ul style="list-style-type: none"> <li>• The developmental stage at which children establish foundational swimming skills; and</li> <li>• Three schools for which regular and frequent learn-to-swim instruction is not commonplace.</li> </ul> <p>The proposed target schools are located in Karingal and Frankston North, which are areas where statistical socioeconomic disadvantage exists. The schools that will be participating in this program are Mahogany Rise PS, Aldercourt PS and Ballam Park PS.</p> <p>The study is expected to benefit between 200-300 children; and will incentivise students and their families to participate in free swimming lessons to improve their swimming capabilities.</p> <p>There is an opportunity to seek Victorian Government funding to offset funding required by PL and Council.</p> <p>The report will provide details of any proposed Council contribution to this initiative.</p> <p>Carried Unanimously</p>	Kim Jaensch	13 January 2020 - A report will be prepared for the February 2020 Ordinary Meeting to consider partnering with Deakin University (DU) and Peninsula Leisure P/L (PL) in the development of a research paper that will potentially gain international and local industry interest.	
16-Dec-19	14.6	2019/NOM62 - Hoon Driving Report Cr Bolam	<p>Council Decision</p> <p>Moved: Councillor Bolam Seconded: Councillor Aitken</p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1. Notes the enormous damage hoon driving of all fashions has had, and will continue to have, on the amenity and people of Frankston;</li> <li>2. Provides a report in April 2020 on the use of a 'bounty' initiative to incentivise the public to provide integral intel that leads to the fining and/or prosecution of people that commit hooning offences using either on-road vehicles or off-road powered bikes (monkey bikes). The report is to consider the approaches utilised by many municipalities that provide bounties for local laws based infractions/delegated infringement powers (ie. Shire of York, Western Australia). The report should consider the annual sinking allocation for bounties, Police cooperation, the threshold for a bounty being paid and the process for 'dobbing in' hoon offenders;</li> <li>3. Considers in the same report, the approach presently undertaken by Hume City Council where council staff lay on roads a coarse spray seal. This treatment can burn through rubber, destroying the tyres of cars attempting skids and burnouts. This component of the report is to cover spray costs, signage and the nomination of roads/paths that endure high rates of hoon activity;</li> <li>4. Consults with Victoria Police on initiatives 2. and 3; and</li> <li>5. Supports that Council's bollard CCTV unit, presently located at the Seaford Wetlands, is to remain at this location, until determined otherwise by Council, given ongoing illegal off-road monkey bike activity in this precinct.</li> </ol> <p>Carried</p>	Leonie Reints	<p>13 January 2020 - 1) Noted</p> <p>2) A report has been scheduled to come back to Council in April 2020.</p> <p>3) Noted</p> <p>4) Noted</p> <p>5) Noted</p>	
16-Dec-19	14.7	2019/NOM63 - Free Wi-Fi Zones Cr Bolam	<p>Council Decision</p> <p>Moved: Councillor Bolam Seconded: Councillor Cunial</p> <p>That Council provides a report to the March 2020 Ordinary Meeting on the potential of 'Free Wi-Fi Zones' for free public use.</p> <p>This approach, as practiced by other municipalities (i.e. the City of Greater Dandenong, the City of Melbourne and the Mildura Rural City Council etc.), will allow the public to utilise free Wi-Fi in strategic locations such as the Frankston and Seaford town centres.</p> <p>Prospective locations, in lieu of Wi-Fi coverage, are to also have signage and be listed on the council website.</p> <p>The report is to also consider any health implication/s relative to 5G and electromagnetic frequency concerns expressed by members of the public.</p>	David Tipton	13 January 2020 - Investigations have commenced into the potential of free Wi-Fi Zones for the public within the Frankston municipality. A report will be prepared for the March 2020 Council meeting.	
16-Dec-19	14.8	2019/NOM64 - Release of Monitor's Report Cr McCormack	<p>Council Decision</p> <p>Moved: Councillor McCormack Seconded: Councillor O'Connor</p> <p>That in the interests of transparency and accountability Council write to the Minister for Local Government and request the release of the reports prepared by the Municipal Monitor based on her time spent with Council as a matter of priority.</p> <p>Carried</p>	Brianna Alcock	<p>13 January 2020 - The Minister for Local Government provided the Municipal Monitor's final reports to Council in writing on 17 December 2019 and requested a response to the matters raised by Ms Digby by 31 January 2020. The CEO provided the reports to the organisation via email on 18 December 2019.</p> <p>As the reports have already been provided, a letter to the Minister requesting the Municipal Monitor's reports will not be required.</p> <p>The Municipal Monitor's reports will be discussed at a Councillor Briefing on 13 January 2020 and tabled at Council on 28 January 2020, along with a final response to be endorsed for sending to the Minister.</p>	
16-Dec-19	14.9	2019/NOM65 - Cemetery Caretaker Provisions Cr McCormack	<p>Council Decision</p> <p>Moved: Councillor McCormack Seconded: Councillor Aitken</p> <ol style="list-style-type: none"> <li>1. That a report be prepared for consideration by Council in relation to options for re-instating the caretaker at the Frankston Cemetery following the abrupt cessation of the caretaker role, without community consultation.</li> <li>2. That the report consider options for replacement of the position which includes the administrative requirements that the role requires, as well as options for cemetery maintenance.</li> <li>3. That the report be brought back to Council for consideration in March 2020.</li> </ol> <p>Carried Unanimously</p>	Brianna Alcock	13 January 2020 - A response to NOM report will be brought back to Council for consideration in March 2020.	

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Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
16-Dec-19	C.3	2019/NOM57 - Centenary Park Golf Course Tender  Cr Hampton	<p>This item was resolved to move into Open Council:</p> <p>Council Decision</p> <p>Moved: Councillor Hampton Seconded: Councillor Cunial</p> <p>That the financial analysis of the Centenary Park Golf Course Tender, compiled by Cr Colin Hampton, which was made available to all Councillors and EMT well before the vote on this issue be made a public document.</p> <p>Also the belated analysis and corroboration of Cr Colin Hampton's figures by the Director of Corporate Development, Tim Frederico be made a public document.</p> <p>The names of the companies involved are to be redacted from the public documents.</p> <p>Carried</p>	Martin Poole	13 January 2020 - Shortlisted respondents notified of the intent to publish redacted financial data. Clublinks have written expressing their concerns regarding sharing their IP. Awaiting return of Clublinks CEO on 13 January prior to publishing with minutes.	



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Urgent Business

Meeting Date	NOM Title and Councillor	Council Resolution	Responsibility	Comments
18-Nov-19	Urgent Business – Medically Assisted Treatment of Opioid Dependence  Moved: Cr O'Connor	That Council 1. Acknowledges the RADFMP's (Responding to Alcohol & Other Drugs – Frankston Mornington Peninsula) work to enhance access to Medically Assisted Treatment of Opioid Dependence (MATOD) through a demonstration pilot of a collaborative model between GPs and pharmacists in the Frankston Mornington Peninsula catchment. 2. Authorises the Mayor to sign the letter as noted below proposing the pilot Dear Minister Hunt/ Minister Mikakos/ Minister Foley (only one to appear on actual letter), We are writing to seek your consideration of the attached proposal and investment request for a Prescriber/Pharmacy Collaborative Shared-Care Model Demonstration Project across the Frankston-Mornington Peninsula Catchment. Stakeholders have come together through the RAD-FMP (Responding to Alcohol and other Drugs across Frankston Mornington Peninsula) project, including the Pharmacy Guild, the Pharmaceutical Society, AMA Victoria, Monash Addiction Research Centre, Monash University Faculty of Pharmacy, the Area 4 Pharmacotherapy Network based at SEMPHN, and local and state government, to develop a collaborative response to the critical need for improved access to treatment of opioid dependence. Extensive efforts have sought to increase prescribers to deliver medically-assisted treatment of opioid dependence (MATOD) in the Frankston Mornington Peninsula (FMP) region, but despite these efforts there has been insufficient growth in prescriber capacity. Furthermore, demands for MATOD are likely to increase due to a confluence of factors including: increasing prevalence of dependence on pharmaceutical opioids, the introduction of SafeScript resulting in the identification of more people in need of opioid substitution treatment and an ageing cohort of GP MATOD prescribers. Although there has been a sharp focus on Frankston, these problems are not unique to the region with pharmacotherapy prescriber shortages affecting opioid treatment capacity in many parts of Australia. There is an urgent need to explore opportunities to enhance access to MATOD. This proposed project aims to demonstrate the potential of a shared-care collaborative model between GPs and Community Pharmacists to improve access and continuity of care for people with opioid dependence disorders. The FMP provides the ideal location to implement a demonstration project in both metro and regional locations so that findings could then be scaled up across Victoria and other parts of Australia where treatment shortages are similarly severe. We, the undersigned, are keen to see this project progress and enthusiastic about working in partnership on implementation. Carried Unanimously	Gill Kay	13 January 2020 - Letters have been signed by the Mayor and forwarded to RAD-FMP Coordinator for distribution 9 December 2019. Completed 2 December 2019 - Noted - awaiting letter to be sent in by RAD-FMP
18-Nov-19	Urgent Business – Community Engagement Policy & Framework  Moved: Cr McCormack	That Council 1. Approve the draft Community Engagement Policy and Framework to be released for public exhibition for a period of 6 weeks. 2. Notes a report will be submitted to Council outlining public submissions and recommendations by February 2020. Carried Unanimously	Tim Bearup	13 January 2020 - Report scheduled to be presented to Council at its 17 February 2020 OM. 2 December 2019 - 1) Noted - public exhibition has commenced. 2) Noted - a report has been scheduled for 17/2/2020 OM
16-Dec-19	Urgent Business – Casey City Council Corruption allegations  Moved: Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Hampton That a comprehensive public report be provided at the February Ordinary Meeting (without delay) concerning the fallout from the ongoing IBAC investigation relative to Casey City Council, namely: a) Whether any of the developers or named actors have had applications lodged in Frankston or have made representations to Frankston City Council; b) What increased processes Frankston City Council could implement to ensure that the allegations vis-a-vis Casey City Council do not occur at Frankston City Council; c) What additional future processes (if any) will Frankston City Council consider to further strengthen and protect its planning decisions; and d) That a stocktake of planning decisions - recent (previous 5 years) and current - be considered as part of Council's next Internal Audit. Carried Unanimously	Kim Jaensch	13 January 2020 - A comprehensive public report will be provided at the February Ordinary Meeting pending availability of Council's internal auditors concerning the fallout from the ongoing IBAC investigation relative to Casey City Council. The internal auditors have been contacted and will prepare a scope for approval once they return from holiday leave. Field work will commence once the scope of work has been endorsed.
16-Dec-19	Urgent Business – Council's representative to the Peninsula Leisure Pty Ltd Board  Moved: Cr Cunliffe	Council Decision Moved: Councillor Cunliffe Seconded: Councillor Hampton That Council: 1. Accepts the resignation of Cr Colin Hampton as Council's representative to the Peninsula Leisure Pty Ltd Board. 2. Nominates Cr Kris Bolam as Council's new representative to the Peninsula Leisure Pty Ltd Board. Carried Unanimously	Brianna Alcock	13 January 2020 - A letter will be prepared for signing by the Mayor and sent to the Board of Peninsula Leisure Pty Ltd, advising that Cr Kris Bolam is Council's new representative.
16-Dec-19	Urgent Business – Installation of Public Sculptures  Moved: Cr McCormack	Council Decision Moved: Councillor McCormack Seconded: Councillor Cunliffe That Council: 1. Ceases all activity and works with respect to erection of sculptures across the municipality pending a report to Council on the following: (a) Full and proper disclosure of the proposed sites and proposed sculpture; (b) Full and complete analysis of the proposed sites to ensure that the proposed sculpture is not impacting or detracting from other features or precincts at the proposed site; and (c) Full details as to the total costs of the sculptures, including relevant Officer time, associated capital works requirements (ie plinth construct) and any leasing or purchasing arrangements. 2. Notes that the Arts Board do not have delegated authority to deal with public land. 3. Notes that upon receiving the report required above, by no later than February 2020, will make decisions with respect to public land use and the suitability or otherwise of each sculpture proposed.	Andrew Moon	13 January 2020 - Noted

**Executive Summary****12.3 Delegates to External/Internal Organisations**

*Enquiries: (Phil Cantillon: Chief Executive Office)*

**Council Plan**

Community Outcome:	3. A Well Governed City
Strategy:	3.1 Accountable Governance
Priority Action	3.1.1 The elected representatives will provide clear and unified direction, transparent decision makers and good governance

**Purpose**

To appoint Councillors as delegate(s) to external and internal committees.

**Recommendation (Chief Executive Office)**

- A. That the following appointments to external organisations be made:
1. The Mayor and Manager of Planning & Environment or delegate be appointed as the delegates to the Association of Bayside Municipalities.
  2. Cr O'Connor and Business Manager Recycling or delegate be appointed as the delegates to the Metropolitan Waste Management Forum.
- B. That the following appointments to internal committees be made:
1. The Mayor, Crs Hampton and McCormack be appointed as delegates to the Audit and Risk Committee.
  2. The Mayor and Cr Aitken be appointed as the delegate to the Ballam Park Homestead Advisory Committee and Heritage and Assets Promotion Committee.
  3. The Mayor and Cr Toms be appointed as the delegates to the Community Grants Committee of Management.
  4. The Mayor and Cr Bolam be appointed as the delegates, and Cr Toms as the substitute delegate to the Frankston Arts Centre Board of Management
  5. The Mayor and Cr Toms be appointed as the delegates to the Frankston City News Committee.
- C. That as far as practicable and after negotiation with the Councillor or Councillors involved, the meeting times and dates for Committees, where a Councillor or Councillors are delegates, be arranged having regard to the availability of all participants including Councillor(s).

**A. External Delegates**

Council participates in a number of industry organisations servicing various Council interests and it is anticipated that Council would appoint a delegate to each of the following organisations.

**B. Internal Committees**

Councillors are members of the following Council convened committees.

12.3 Delegates to External/Internal Organisations

**Executive Summary**

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**ATTACHMENTS**

Nil

## Executive Summary

### 12.4 Record of Assemblies of Councillors

*Enquiries: (Brianna Alcock: Corporate Development)*

#### Council Plan

Community Outcome:	3. A Well Governed City
Strategy:	3.1 Accountable Governance
Priority Action	3.1.1 The elected representatives will provide clear and unified direction, transparent decision makers and good governance

#### **Purpose**

To table the written records for the Assembly of Councillors as defined by the *Local Government Act 1989*.

#### **Recommendation (Chief Executive Office)**

That Council receives the following written records for the Assembly of Councillors on:

- 28 October 2019 (Councillor Briefing)
- 7 November 2019 (Pre-Agenda Discussion - Statutory Meeting)
- 11 November 2019 (Councillor Briefing)
- 13 November 2019 (Councillor Briefing)
- 18 November 2019 (Pre-Agenda Council Meeting)
- 20 November 2019 (Councillor Briefing)
- 9 December 2019 (Councillor Briefing)
- 16 December 2019 (Pre-Agenda Council Meeting)

#### **Key Points / Issues**

Council is required under the *Local Government Act 1989* to keep a written record for the Assembly of Councillors, including:

- the names of all Councillors and members of Council staff attending a Councillor Briefing or other meeting;
- any matters considered;
- any conflict of interest disclosures made by a Councillor or member of Council staff; and
- if the Councillor or member of staff who disclosed a conflict of interest, left the meeting.

#### **Financial Impact**

The Victorian Government introduced the "Fair Go Rates" system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past four financial years has ranged between 2.0 per cent to 2.5 per cent and has been set at 2.0 per cent for 2020-2021.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.



**12.4 Record of Assemblies of Councillors****Executive Summary**

Over time, with the cost of providing services increasing at a greater rate than increases in Council's major source of income, Council's capacity to continue to deliver services and fund its capital programme will be severely restricted.

There are no financial implications associated with this report.

**Consultation****1. External Stakeholders**

It is a statutory requirement to present all written records of all Councillors who participate in an advisory committee, planned or scheduled meeting to the next practicable Council meeting. Thus it is not necessary to consult with external stakeholders.

**2. Other Stakeholders**

It is a statutory requirement to present all written records of all Councillors who participate in an advisory committee, planned or scheduled meeting to the next practicable Council meeting. Thus it is not necessary to consult with internal stakeholders.

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

Making written records available to the public may provide some confidence in transparency of decision making and is best practice advice from the Office of the Local Government Inspectorate.

**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

Under Section 76AA of the *Local Government Act 1989*, Council is required to make a written record of all Councillors who participate in;

- An Advisory Committee where at least one (1) Councillor and a member of Council staff is present; and
- A planned or scheduled meeting where at least half the Councillors and a member of staff is present.

Policy Impacts

There are no policies that will impact the decision of this report.

Officer's Declaration of Interests

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

**Risk Mitigation**

There are no risks associated with this report.

**Conclusion**

It is recommended that the written records as attached to the report be received.

**12.4 Record of Assemblies of Councillors****Executive Summary****ATTACHMENTS**

- Attachment A: [↓](#) Record of Assembly of Councillors - 28 October 2019 (Councillor Briefing)
- Attachment B: [↓](#) Record of Assembly of Councillors - 7 November (Pre-Agenda Discussion - Statutory Meeting)
- Attachment C: [↓](#) Record of Assembly of Councillors - 11 November (Councillor Briefing)
- Attachment D: [↓](#) Record of Assembly of Councillors - 13 November 2019 (Councillor Briefing)
- Attachment E: [↓](#) Record of Assembly of Councillors - 18 November 2019 (Pre-Agenda Discussion)
- Attachment F: [↓](#) Record of Assembly of Councillors - 20 November 2019 - Councillor Briefing
- Attachment G: [↓](#) Record of Assembly of Councillors - 9 December 2019 - Councillor Briefing
- Attachment H: [↓](#) Record of Assembly of Councillors - 16 December 2019 - Pre Agenda Discussion



## RECORD OF ASSEMBLY OF COUNCILLORS

<b>Title of Meeting:</b> Councillor Briefing			
<b>Meeting Date:</b> 28 October 2019			
<b>Commencement Time:</b> 5.30pm		<b>Location:</b> Council Chambers	
<b>Finish Time:</b> 7.35pm			
<b>Matters Considered:</b> <i>(Heading only)</i> Lawton Reserve Masterplan LTIP and Capital Works Program for 2020-21 Draft Tennis Strategy update Alternate Waste Treatment Project update			
Councillors	Present	Arrival and Departure	
Cr Brian Cunial	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input checked="" type="checkbox"/> No	Arrived: Absent	Left:
Cr Colin Hampton	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.40pm	Left: 7.35pm
Cr Kris Bolam	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: By phone at 6.11pm	Left: By phone at 7.35pm
Cr Sandra Mayer	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: Apology	Left:
Cr Glenn Aitken	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.45pm	Left: 7.35pm
Cr Quinn McCormack	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.50pm	Left: 7.35pm
Cr Michael O'Reilly	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.50pm	Left: 7.35pm
Cr Lillian O'Connor	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input checked="" type="checkbox"/> No	Arrived: Absent	Left:
Cr Steve Toms	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input checked="" type="checkbox"/> No	Arrived: Suspended	Left:



**Council Staff Attendance:**

☐ Phil Cantillon      ☐ Tim Frederico      ☐ Dr Gillian Kay

Cam Arunthanam, Brianna Alcock, Byron Douglas, Rachel Weaver, Stuart Caldwell, Simone Bonella, Tim Bearup, Roy Furtado, Bruce Howden

**Others in attendance (including titles):**

None.

**Conflict of Interest Disclosures**

*"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"*

None disclosed.

**Whether a Councillor(s), having disclosed a conflict of interest, left the assembly:**

NA

**Name of Council Staff Member responsible for this written record:** Brianna Alcock

**Position Title:** Acting Director Corporate Development

**Please submit completed form to Governance within 24 hours of the meeting**





## RECORD OF ASSEMBLY OF COUNCILLORS

<b>Title of Meeting:</b> Statutory Meeting			
<b>Meeting Date:</b> 7 November 2019			
<b>Commencement Time:</b> 6.00pm		<b>Location:</b> Council Chambers, Civic Centre	
<b>Finish Time:</b> 7.00pm			
<b>Matters Considered:</b> (Heading only) Election of the Mayor and Deputy Mayor Adoption of Proposed Council Meeting Dates			
<b>Councillors</b>	<b>Present</b>	<b>Arrival and Departure</b>	
Cr Brian Cunial	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6.00pm	Left: 6.59pm
Cr Colin Hampton	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6.22pm	Left: 6.59pm
Cr Kris Bolam	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6.00pm	Left: 6.59pm
Cr Sandra Mayer	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6.31pm	Left: 6.59pm
Cr Glenn Aitken	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6.00pm	Left: 6.59pm
Cr Quinn McCormack	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6.00pm	Left: 6.59pm
Cr Michael O'Reilly	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6.17pm	Left: 6.59pm
Cr Lillian O'Connor	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6.28pm	Left: 6.59pm
Cr Steve Toms	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No (suspended)	Arrived:	Left:
<b>Council Staff Attendance:</b> <input type="checkbox"/> Phil Cantillon <input type="checkbox"/> Kim Jaensch <input type="checkbox"/> Dr Gillian Kay <input type="checkbox"/> Cam Arullanantham  Brianna Alcock, Vera Roberts, Sharon Lozsan, Taylor McVean, Mark Calleja			

\*\*\*Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.\*\*\*

Others in attendance (including titles):

☐

**Conflict of Interest Disclosures**

*"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"*

Whether a Councillor(s), having disclosed a conflict of interest, left the assembly:

**Name of Council Staff Member responsible for this written record:** Kim Jaensch

**Position Title:** Acting Director Corporate Development

\*\*\*Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.\*\*\*



## RECORD OF ASSEMBLY OF COUNCILLORS

<b>Title of Meeting:</b> Councillor Briefing			
<b>Meeting Date:</b> 11 November			
<b>Commencement Time:</b> 5:30pm		<b>Location:</b> Council Chambers, Civic Centre	
<b>Finish Time:</b> 8.55pm			
<b>Matters Considered:</b> <i>(Heading only)</i> Policy and Protocol Framework Agenda Review General Business Notes from previous briefing held on 28 October 2019			
Councillors	Present	Arrival and Departure	
Cr Brian Cunial	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.45pm	Left: 7.00pm
Cr Colin Hampton	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.30pm	Left: 8.55pm
Cr Kris Bolam	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6.00pm	Left: 8.55pm
Cr Sandra Mayer	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.45pm	Left: 8.55pm
Cr Glenn Aitken	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.45pm	Left: 8.55pm
Cr Quinn McCormack	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Michael O'Reilly	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Lillian O'Connor	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Steve Toms	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No (suspended)	Arrived:	Left:



**Council Staff Attendance:**

☐ Phil Cantillon      ☐ Kim Jaensch      ☐ Dr Gillian Kay

Cam Arullanantham, Brianna Alcock, Stuart Caldwell, Doug Dickins, Ilona Ellerton, Vishal Gupta, Vera Roberts, James Robinson, Rob Savoia, Rachel Weaver.

**Others in attendance (including titles):**

**Conflict of Interest Disclosures**

*"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"*

Cr Hampton – Report C.4.

**Whether a Councillor(s), having disclosed a conflict of interest, left the assembly:**

Cr Hampton left the assembly at 8.34pm

Cr Hampton returned to the assembly at 8.40pm

**Name of Council Staff Member responsible for this written record:** Kim Jaensch

**Position Title:** Acting Director Corporate Development

**Please submit completed form to Governance within 24 hours of the meeting**





## RECORD OF ASSEMBLY OF COUNCILLORS

<b>Title of Meeting:</b> Thumbs Up Briefing			
<b>Meeting Date:</b> Wednesday 13 November 2019			
<b>Commencement Time:</b> 5.30pm		<b>Location:</b> Acacia Room, Civic Centre	
<b>Finish Time:</b> 7.30pm			
<b>Matters Considered:</b> <i>(Heading only)</i> Plowman Place application, C123 Amendment, Red Tape discussion, 490 Nepean Highway, Bayside Walkover Bridge, BP Car Wash Beach Street/Nepean Highway, S173 Ambassador, 300 Frankston-Dandenong Road, Belvedere Park, Gambling Policy			
Councillors	Present	Arrival and Departure	
Cr Brian Cunial	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Colin Hampton	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.30pm	Left: 7.30pm
Cr Kris Bolam	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6.00pm (phone)	Left: 7.30pm
Cr Sandra Mayer	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.30pm	Left: 7.30pm
Cr Glenn Aitken	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6.02pm	Left: 7.30pm
Cr Quinn McCormack	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Michael O'Reilly	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Lillian O'Connor	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Steve Toms	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No (suspended)	Arrived:	Left:

**Council Staff Attendance:**
☐

Phil Cantillon

☐

Tim Frederico

☐

Dr Gillian Kay

**Others in attendance (including titles):**

Cam Arullanantham (Acting Director Community Assets)

Tim Bearup (Manager Community Strengthening)

Stuart Caldwell (Acting Manager Planning &amp; Environment)

Dana Harding (Coordinator Economic Development)

Matthew Harvey (Coordinator Building Services)

Rachel Masters (Coordinator Social and Community Planning)

Leonie Reints (Manager Community Safety)

Anne Sorensen (Major Project Planner)

Jarred Stevens (Coordinator Compliance &amp; Safety)

**Conflict of Interest Disclosures**

***"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"***

Nil

**Whether a Councillor(s), having disclosed a conflict of interest, left the assembly:**

Nil

**Name of Council Staff Member responsible for this written record:** Phil Cantillon**Position Title:** CEO

**Please submit completed form to Governance within 24 hours of the meeting**



## RECORD OF ASSEMBLY OF COUNCILLORS

<b>Title of Meeting:</b> Pre-Council Meeting Agenda Review			
<b>Meeting Date:</b> 18 November 2019			
<b>Commencement Time:</b> Pre-meeting 6.00pm, Council Meeting 7.02pm		<b>Location:</b> Acacia Room and Council Chambers	
<b>Finish Time:</b> 6.50pm			
<b>Matters Considered:</b> (Heading only) Council meeting agenda items			
Councillors	Present	Arrival and Departure	
Cr Brian Cunial	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.50pm	Left: 6.55pm
Cr Colin Hampton	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.45pm	Left: 6.50pm
Cr Kris Bolam	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.45pm	Left: 6.55pm
Cr Sandra Mayer	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.45pm	Left: 6.55pm
Cr Glenn Aitken	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.45pm	Left: 6.55pm
Cr Quinn McCormack	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6.00pm	Left: 6.55pm
Cr Michael O'Reilly	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Lillian O'Connor	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6.00pm	Left: 6.55pm
Cr Steve Toms	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No <input type="checkbox"/> Suspended	Arrived:	Left:



**Council Staff Attendance:**

☐ Phil Cantillon      ☐ Kim Jaensch      ☐ Dr Gillian Kay

**Others in attendance (including titles):**

Cam Arullanantham (A/Director Community Assets), Vishal Gupta (Mgr Capital Works Delivery), Rob Savoia, (Coord Civil Infrastructure), Joanne Ferrie (Mgr Family Health and Support Services), Brianna Alcock (Mgr Governance and Information), Luke Ure (Mgr Sustainable Assets), Dana Harding (Coord Economic Development), Vera Roberts (EA to Mayor), Sharon Lozsán (Project and Business Support Officer), Stuart Caldwell (Mgr Planning and Environment), James Robinson (Mgr Facilities), David Tipton (Mgr Business & Information Technology), Doug Dickins (Mgr Engineering Services), Leah Horne (TL Planning and Environment Support), Taylor McVean (Coord Communications)

**Conflict of Interest Disclosures**

***"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"***

Cr Hampton - Report C.4

**Whether a Councillor(s), having disclosed a conflict of interest, left the assembly:**

Cr Hampton left the pre-meeting discussion at 6.50pm and returned for the Council meeting at 7.00pm

**Name of Council Staff Member responsible for this written record:** Kim Jaensch

**Position Title:** Acting Director Corporate Development

**Please submit completed form to Governance within 24 hours of the meeting**





## RECORD OF ASSEMBLY OF COUNCILLORS

<b>Title of Meeting:</b> Councillor Briefing			
<b>Meeting Date:</b> 20 November 2019			
<b>Commencement Time:</b> 6.00pm		<b>Location:</b> Acacia Room	
<b>Finish Time:</b> 7.27pm			
<b>Matters Considered:</b> <i>(Heading only)</i> Advocacy and Engagement update including SEM group Major Projects Advisory Committee - Meeting Number 8 (November 2019)			
Councillors	Present	Arrival and Departure	
Cr Brian Cunial	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Colin Hampton	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.45pm	Left: 7.27pm
Cr Kris Bolam	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6.00pm	Left: 7.27pm
Cr Sandra Mayer	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.45pm	Left: 7.27pm
Cr Glenn Aitken	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6.09pm	Left: 7.06pm
Cr Quinn McCormack	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Michael O'Reilly	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Lillian O'Connor	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Steve Toms	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No <span style="border: 1px solid red; padding: 2px;">Suspended</span>	Arrived:	Left:



**Council Staff Attendance:**

☐ Phil Cantillon      ☐ Tim Frederico      ☐ Dr Gillian Kay

**Others in attendance (including titles):**

Kim Jaensch (Acting Director Corporate Development), Cam Arullanantham (Acting Director Community Assets), Luke Ure (Manager Sustainable Assets), Sam Jackson (Manager Community Relations), Kristen Thompson (Coordinator Advocacy & Engagement), Sally Prideaux (Principal Urban Designer), Doug Dickens (Manager Engineering Services), James Robinson (Acting Manager Facilities), Roy Furtado (Coordinator Capital Works Planning & Monitoring), Vishal Gupta (Manager Capital Works Delivery), Jeremy Starr (Coordinator Open Space)

**Conflict of Interest Disclosures**

*"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"*

Nil

**Whether a Councillor(s), having disclosed a conflict of interest, left the assembly:**

Nil

**Name of Council Staff Member responsible for this written record:** Kim Jaensch

**Position Title:** Acting Director Corporate Development

**Please submit completed form to Governance within 24 hours of the meeting**



## RECORD OF ASSEMBLY OF COUNCILLORS

<b>Title of Meeting:</b> Councillor Briefing			
<b>Meeting Date:</b> 9 December 2019			
<b>Commencement Time:</b> 6.07pm		<b>Location:</b> Council Chambers	
<b>Finish Time:</b> 8.20pm			
<b>Matters Considered:</b> (Heading only) Agenda Review 10 Year LTIP & 2020/21 Capital Works Program General Business			
Councillors	Present	Arrival and Departure	
Cr Brian Cunial	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Colin Hampton	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.45pm	Left: 8.20pm
Cr Kris Bolam	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No <span style="border: 1px solid red; padding: 2px;">Phone in</span>	Arrived: 6.00pm	Left: 8.20pm
Cr Sandra Mayer	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.45pm	Left: 8.20pm
Cr Glenn Aitken	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.45pm	Left: 8.20pm
Cr Quinn McCormack	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6.00pm	Left: 8.20pm
Cr Michael O'Reilly	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Lillian O'Connor	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Steve Toms	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No <span style="border: 1px solid red; padding: 2px;">Suspended</span>	Arrived:	Left:

**Council Staff Attendance:**

☐ Phil Cantillon    
 ☐ Tim Frederico    
 ☐ Dr Gillian Kay

**Others in attendance (including titles):**

Bri Alcock (Manager Governance and Information), Sam Jackson (Manager Community Relations), Cam Arullanantham (Acting Director Community Assets), Kim Jaensch (Acting Director Corporate Development), Stuart Caldwell (Acting Manager Planning and Environment), Luke Ure (Manager Sustainable Assets), Roy Furtado (Coordinator Capital Works Planning and Monitoring)

**Conflict of Interest Disclosures**

*"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"*

Cr Hampton - Notice of Rescission - 14.2

**Whether a Councillor(s), having disclosed a conflict of interest, left the assembly:**

Cr Hampton - 7.21pm left the assembly, returned at 7.23pm

**Name of Council Staff Member responsible for this written record:** Kim Jaensch

**Position Title:** Acting Director Corporate Development

**Please submit completed form to Governance within 24 hours of the meeting**





## RECORD OF ASSEMBLY OF COUNCILLORS

<b>Title of Meeting:</b> Pre-agenda meeting			
<b>Meeting Date:</b> 16 December 2019			
<b>Commencement Time:</b> 6.10pm		<b>Location:</b> Acacia Room	
<b>Finish Time:</b> 7.00pm			
<b>Matters Considered:</b> (Heading only) Agenda Review			
Councillors	Present	Arrival and Departure	
Cr Brian Cunial	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.23pm	Left: 7.00pm
Cr Colin Hampton	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.35pm	Left: 7.00pm
Cr Kris Bolam	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.55pm	Left: 7.00pm
Cr Sandra Mayer	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.58pm	Left: 7.00pm
Cr Glenn Aitken	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.53pm	Left: 7.00pm
Cr Quinn McCormack	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5.47pm	Left: 7.00pm
Cr Michael O'Reilly	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6.20pm	Left: 7.00pm
Cr Lillian O'Connor	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6.45pm	Left: 7.00pm
Cr Steve Toms	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No <span style="border: 1px solid red; padding: 2px;">Suspended</span>	Arrived:	Left:

**Council Staff Attendance:**

Phil Cantillon



Tim Frederico



Dr Gillian Kay

Kim Jaensch (Acting Director Corporate Development), Cam Arullanantham (Acting Director Community Assets), Dana Harding (Coordinator Economic Development), Sharon Lozsan (Project and Business Support Officer), Stuart Caldwell (Manager Planning and Environment), Martin Poole (Manager Commercial Services), Andrew Moon (Manager Arts and Culture, Oliver Rees (Coordinator Statutory Planning), Taylor McVean (Coordinator Communications, Tenille Craig (Executive Assistant to Director Corporate Development), Leonie Reints (Manager Community Safety), Tim Bearup (Manager Community Strengthening).

**Others in attendance (including titles):****Conflict of Interest Disclosures**

*"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"*

Cr Hampton - Report 14.1

**Whether a Councillor(s), having disclosed a conflict of interest, left the assembly:**

Cr Hampton left the assembly at 6.37pm and returned at 6.38pm

**Name of Council Staff Member responsible for this written record:** Kim Jaensch

**Position Title:** Acting Director Corporate Development

Please submit completed form to Governance within 24 hours of the meeting

## Executive Summary

### 12.5 Frankston City Strategic Homelessness Alliance

*Enquiries: (Tim Bearup: Community Development)*

#### Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.3 Health and Well-being
Priority Action	2.3.5 Adopt a Health and Wellbeing Plan 2017-2021

#### **Purpose**

To seek endorsement for Frankston City Council's formal participation as an executive Member of the *Frankston City Strategic Housing and Homelessness Alliance* by becoming a signatory to the Alliance Memorandum of Understanding (MOU) (Attachment A).

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

That Council:

1. Notes the revised structure of the Frankston City Strategic Housing and Homelessness Alliance (Alliance) to include involvement of volunteer groups supporting people experiencing homelessness (Attachment A);
2. Notes that the Alliance's 5-Year Strategic Plan (Attachment B) will be included as an addendum to the MOU and does not require stand-alone endorsement; and
3. Endorses Council as a signatory to the Alliance Memorandum of Understanding (MOU) (Attachment A).

#### **Key Points / Issues**

- At the On 23 September 2017 NOM 1340 was carried unanimously by Council.

*That Council:*

1. *Notes the update provided in this report on the response to NOM 1340 – Frankston Homelessness Count;*
  2. *Notes the Victorian Government funding committed to Frankston City to establish two new rough sleeper response teams (Assertive Outreach and Housing Support) as part of the delivery of Victoria's Homelessness and Rough Sleeping Action Plan; and*
  3. *Notes Council's ongoing collaboration, advocacy and coordination with the homelessness sector in the municipality, including the establishment of the Frankston City Strategic Homelessness Alliance.*
- Council has since been involved in ongoing dialogue with senior representatives from all agencies with a stake in homelessness operating in Frankston City with the view to in formalising the inter-agency Strategic Housing and Homelessness Alliance (Alliance) with a jointly signed non-binding Memorandum of Understanding (MOU), and establishing the Alliance's action agenda with a 5-Year Strategic Plan.
  - The purpose of the Alliance MOU is to formalise and strengthen the working partnerships between the sector stakeholders, and agencies with the power to influence positive homelessness outcomes in Frankston through a shared agenda and joined up approach.

**12.5 Frankston City Strategic Homelessness Alliance****Executive Summary**

- At the 21 October 2019 Councillor Briefing, Councillors were informed of the progress of the inter-agency Alliance, and drafts of the MOU and 5-Year Strategic Plan were tabled.
- Upon review of the drafts Councillors noted the absence of volunteer groups endeavouring to support people experiencing homelessness in the structure or membership, and asked officers how the Alliance would involve these groups.
- At its OM on 18 November 2019 Council resolve to defer endorsement of the Alliance MOU to the January 2020 OM, with the recommendation that the Alliance structure and membership be reviewed to enable the involvement of community groups supporting homelessness in the municipality.
- At the bimonthly Alliance meeting in December 2019, a revised Governance structure was discussed which would maximise input and alignment between the agencies and community groups advocating for homelessness in the municipality.
- It should be noted that the revised Frankston City Strategic Housing and Homelessness Alliance structure involves a two tiered mechanism (collectively known as the Frankston City Strategic Housing and Homelessness Alliance) supported by a robust Communications Plan to ensure inter tier communication including:
  - An Alliance Executive Group represented by senior representatives from the Homelessness Sector and responsible for governance and oversight of all shared action and advocacy with respect to homelessness in Frankston City; and
  - An Alliance Network (non-executive) represented by professional and volunteer service level homelessness stakeholders, with responsibility to support the delivery and implementation of the 5-Year Strategic Plan, and share local level information to influence the shared agenda for reducing homelessness in the municipality.
- It is further noted that the MOU specifies that the Strategic Alliance Executive Group may co-opt members (without signatories) where annual priorities or special projects require the involvement of particular organisations or sectors.
- Council has committed to holding the position of Chair for the first 12 months (Executive Level group), and ongoing (Non-Executive group), and secretariat for both Alliance levels (executive and non-executive) throughout (ongoing), subject to Councillor Endorsement of the MOU.
- It is proposed that regular Homelessness Stakeholder Forums will be delivered (six monthly) engaging members from both levels of the Alliance structure, to ensure continued alignment of homelessness action and advocacy in the Frankston City municipality .
- Community and volunteer groups have been consulted with and are satisfied with the approach proposed for the Frankston City Strategic Housing and Homelessness Alliance, as articulated in the revised MOU.
- Upon Council endorsement, the MOU will be signed by the Chief Executive Officers (or delegated representatives) of all Alliance Executive Group members. Executive Membership is by invitation and subject to becoming a signatory to the Alliance MOU.



**12.5 Frankston City Strategic Homelessness Alliance****Executive Summary****Financial Impact**

The Victorian Government introduced the “Fair Go Rates” system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past four financial years has ranged between 2.0 per cent to 2.5 per cent and has been set at 2.0 per cent for 2020-2021.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council’s major source of income, Council’s capacity to continue to deliver services and fund its capital programme will be severely restricted.

There are financial costs in relation to the 5-year Strategic Plan, however, these costs will be accommodated within existing operational budgets. Additional funds will be sought through Alliance advocacy.

**Consultation****1. External Stakeholders**

The Alliance MOU was developed with the input from Peninsula Community Legal Centre CEO Jackie Galloway and Council’s Director Community Development, Dr Gillian Kay, as well as input from all Alliance Members.

Alliance – Executive (signatory) members include: Salvation Army Homelessness - Frankston; Launch Housing; Neami National; YSAS; WAYYS; Community Support Frankston; Bolton Clarke; Outreach Services, Peninsula Health; Peninsula Community Legal Centre; Southern Homelessness Services Network; Mentis Assist; Melbourne City Mission; White Lion; Victoria Police; and Council.

Alliance – Non-Executive (non-signatory) members include: the Department of Health and Human Services; Department of Social Services – Centrelink; Anglicare; Brotherhood of St Lawrence; Frankston Magistrates Court Support Services; Gamblers Help Southern; Head Space; Ngwala Willumbong Aboriginal Housing Service; Wellways; Wintringham; City of Casey; Mornington Peninsula Shire; City Life; SHAC Seaford housing Action Coalition.

There is ongoing opportunity for additional agencies or groups to join the Non-Executive level of the Alliance as a non-signatory member.

**2. Other Stakeholders**

Alliance MOU content has been reviewed by Council’s Legal Officer.

Executive Officers from all Alliance executive level members were briefed on the final draft of the MOU and 5-Year Strategic Plan at the Alliance meeting on 7 October 2019, and in-principal agreement provided.

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

The Alliance aims to increase municipal capability to influence positive outcomes for a service system struggling with the pressures of homelessness in Frankston.

Through signing on as an Alliance member, Council has the benefit of achieving a return which exceeds our initial investment due to the collective impact model being used.

It is anticipated that endorsement of the Alliance MOU will:

**12.5 Frankston City Strategic Homelessness Alliance****Executive Summary**

- Ensure agreement from all partner agencies about what will be done as the focus of collective impact.
- Deliver improvements in homelessness sector through coordinated service delivery.
- Enable coordinated homelessness system level advocacy in the municipality.
- Improve housing and homelessness outcomes in the municipality.

Other areas adopting this 'Alliance' approach and achieving outcomes include the H3 Wyndham Alliance, which successfully advocated for \$15 million in homelessness funding for the City of Wyndham; and the Northern and Western Homelessness Networks (NWHN) generating significant media attention through the 'A Crisis in Crisis Campaign' across the north/west Melbourne metropolitan corridor.

**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

Signatories to the MOU are legally non-binding. As such there are no legal ramifications associated with Council becoming a signatory to these documents.

Policy Impacts

Establishing the Alliance arose as an action of the Council-endorsed Municipal Health and Wellbeing Plan 2017-2021.

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 development of the Alliance will enable a collective impact approach to address the underpinning issues surrounding homelessness. It gives Council, and all Alliance members, increased political leverage to advocate and plan for improved housing and service outcomes for homelessness in Frankston.

The further inclusion of the non-executive level will enable all organisations and community groups with an interest in homelessness to be involved in championing the shared homelessness agenda being generated for the Frankston City municipality.

The Alliance MOU facilitates an active shared approach to addressing the issue of housing and homelessness which is a sensitive and often highly politicised issue in the municipality, allowing for shared and aligned action and advocacy to address homelessness in Frankston City.

**Conclusion**

Council has played a leadership role in forming the Alliance. The MOU once endorsed, will facilitate a coordinated, system wide approach to addressing homelessness in Frankston City.

**12.5 Frankston City Strategic Homelessness Alliance****Executive Summary**

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**ATTACHMENTS**Attachment A: [!\[\]\(cbe2492b119e39e02a1dab2af4a4b296\_img.jpg\)](#) Memorandum of UnderstandingAttachment B: [!\[\]\(e474458956c9a37fbf9586ddb60a7fa1\_img.jpg\)](#) 5-Year Strategic Alliance Strategic Plan

**12.5 Frankston City Strategic Homelessness Alliance  
Officers' Assessment****Background**

- Aware of the State Government's favourable stance toward alliance driven advocacy, the Community Strengthening department began engaging with the senior homelessness sector representatives within the municipality in 2018 to ascertain the level of interest in establishing a Frankston City Strategic Housing and Homelessness Alliance, to focus on sector-wide strategic advocacy and action to improve homelessness outcomes in the municipality.
- There was sufficient interest from the homelessness sector to host a preliminary Alliance meeting in December 2018, where a draft Terms of Reference (TOR) was presented. Representatives were very favourable to the establishment of an Alliance, however expressed a preference for a MOU rather than the TOR to guide the undertakings of the Alliance in moving forward.
- Alliance members recognised the need for collective action, and joint planning to improve the state of homelessness in Frankston City, and agreed to similarly develop a shared Alliance 5-Year Action Plan to ensure strategic and collective action to achieve this.
- During 2019, a series of externally facilitated visioning and action planning workshops were held with the Alliance in forming its shared vision, common agenda, shared actions and advocacy priorities.
- The MOU articulates the vision and purpose of the Alliance, and clarifies the commitments of Alliance (signatory) members to ensure the full support of the organisations to participate in a coordinated approach to reducing rough sleeping and homelessness in Frankston City.
- The 5-Year Strategic Plan outlines the Alliance's blueprint for action, enhancing local service coordination to expand the municipality's collective capacity to reduce homelessness.

**Issues and Discussion**

Not forming an Alliance could result in the status quo in terms of capacity to deliver suitable housing and homelessness responses, however in forming this Alliance in Frankston City puts the municipality in a strong position to effectively coordinate and advocate to deliver significant improvements in the municipality.

The State Government is supportive of agencies mobilising to deliver collective action to improve housing and homelessness outcomes.

Not signing the MOU precludes Council from being a member of the Alliance.

**Options Available including Financial Implications**

That Council continues to drive the shared agenda to address homelessness in Frankston City, by becoming an Executive Alliance Member and becoming a signatory to the MOU.

That Council retain the secretariat function for all tiers of the Frankston City Strategic Housing and Homelessness Alliance to ensure coordination between all levels.

There are no financial implications associated with the report (managed within existing resources).



## Frankston City Strategic Housing and Homelessness Alliance Memorandum of Understanding – draft



opportunity » growth » lifestyle

*This is a non-binding Memorandum of Understanding ('MOU') which establishes the framework within which the member organisations will collaborate, to systematically address the barriers and risk factors associated with lack of affordable and suitable housing and homelessness in Frankston City.*

### 1. Background

In response to the continued pressures and emerging gaps in the housing sector the Frankston City Council Health and Wellbeing Plan 2017-2018 has proposed that Council establish a strategic housing and homelessness alliance which brings together senior representatives from the housing and homelessness support sector to inform local planning and advocacy.

The Frankston City Strategic Housing and homelessness Alliance ('Strategic Alliance'), represented by all key services with a commitment to alleviating homelessness in the Frankston City municipality ('Frankston City'). Together, the Strategic Alliance will develop and drive a shared agenda for improving, aligning, and expanding the capacity of Frankston's housing and homelessness service system to better respond to the increasing pressures of homelessness in the municipality.

Rough sleeping and other forms of homelessness is an increasing issue in Frankston City requiring a sophisticated and coordinated approach along with new innovative solutions to meaningfully reverse. The Strategic Alliance will form a coalition of change to systematically address the barriers and risk factors associated with homelessness in Frankston City with the intention of reducing homelessness towards zero.

### 2. Purpose

To strive toward ending homelessness in Frankston City.

### 3. Vision

Every Frankston City resident will have access to affordable and suitable accommodation.

### 4. Strategic outcomes

- 4.1 Successful place-based approaches to eliminate homelessness.
- 4.2 Frankston residents have access to appropriate and affordable housing.

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## 5. Strategic Approach

Our strategic approach to achieve the outcomes includes but is not limited to:

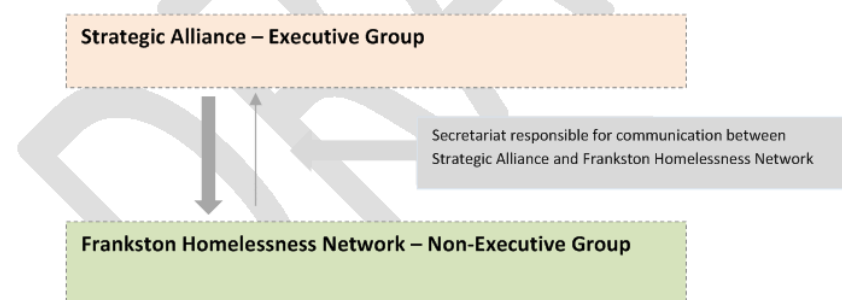
- 5.1 Raising awareness of the emerging trends, issues and factors contributing to homelessness.
- 5.2 Developing an evidence based strategic plan, program logic and advocacy framework.
- 5.3 Expanding the capacity of the housing and homeless service sectors to effectively respond to and reduce homelessness.
- 5.4 Enhancing planning controls and partnerships to increase social and affordable housing.
- 5.5 Exploring 'Shared Value' opportunities to increase resourcing.

## 6. Strategic Alliance Representation

The Strategic Alliance is represented by:

- 6.1 **Strategic Alliance** - a group represented by Strategic Alliance Executive members, focussed on high level, strategic and long term system strengthening for the Housing and Homelessness sector, represented by senior leaders, influencers, and key decision makers from all relevant services and organisations with a stake in improving the state of housing and homelessness in Frankston City.
- 6.2 **Frankston Homelessness Network** - a group represented by Strategic Alliance Non-Executive members, focussed on operational level information sharing, best practice, and delivering shared programs, projects, and events to support homelessness in the municipality.

## 7. Strategic Alliance Structure



## 8. Strategic Alliance Executive (signatory) Members

Executive (MOU signatory) Member organisations will provide representation with management delegation to enable decisions and commitments to be made on behalf of their agencies/organisations

- 8.1 Strategic Alliance executive will provide governance and oversight of homelessness focussed inter-organisational action in the Frankston City municipality.
- 8.2 Strategic Alliance executive will collaborate in developing the shared action agenda and leading the design, development, and implementation of the Strategic Alliance 5-Year Strategic Plan in the Frankston City municipality.

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8.3 Strategic Alliance Executive may co-opt members (without signatories) where annual priorities or special projects require the involvement of particular organisations or sectors.

The Responsibilities of the Strategic Alliance Executive Members include:

- 8.4 Chief Executive and/or Board Chair authorisation is required (via signatures below) of all member organisations of the Strategic Alliance.
- 8.5 In signing this MOU member organisations commit to contributing as required.
- 8.6 Executive member organisations will commit to contributing to the design, delivery and implementation of the Strategic Alliance's Strategic Plan.
- 8.7 Each executive member organisation will establish internal mechanisms to enable their representative(s) to effectively participate in and make decisions regarding directions of the Strategic Alliance.
- 8.8 Executive member organisations can nominate a delegate to attend the Strategic Alliance meetings on the understanding that the delegate is authorised to make decisions on behalf of the Member organisation.
- 8.9 As far as possible the same representatives will attend the Strategic Alliance meetings to ensure continuity and consistency in the operations of the Strategic Alliance.
- 8.10 Strategic Alliance executive membership is confirmed via MOU signatory (see section 21).

#### **9. Strategic Alliance Non-Executive (non-signatory) Members**

- 9.1 Non-Executive Membership is open to all organisations and volunteer groups working to support, service, or advocate for people experiencing homelessness within the Frankston City municipality (and beyond by agreement).
- 9.2 Non-Executive Members may attend:
  - 9.2.1 Frankston Homelessness Network Meetings (or equivalent)
  - 9.2.2 Frankston City Homelessness Forum's

The Responsibilities of the Strategic Alliance Non-Executive Members include:

- 9.3 Non-Executive members will support the delivery and implementation of the Strategic Alliance 5-Year Strategic Plan, and share local level information to influence the shared agenda for reducing homelessness in the municipality.
- 9.4 Non-Executive members may be co-opted to may co-opted to participate in Strategic Alliance meetings (without signatories) upon the discretion of the Strategic Alliance membership where annual priorities or special projects require the involvement of particular organisations or sectors.

#### **10. Executive Meetings /Procedures**

- 10.1 Chair function will rotate on an annual basis.
- 10.2 The Strategic Alliance will meet bi-monthly.
- 10.3 Meetings will not exceed two hours in duration, except by agreement.
- 10.4 Special meetings to be organised via the Chair/Secretariat as required.
- 10.5 A meeting quorum will comprise 7 members.
- 10.6 Attendance will be in person or video conference.
- 10.7 Minutes shall be taken and distributed within 14 days of a meeting.
- 10.8 Agendas will be distributed a week before a meeting.

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- 10.9 Secretariat function will be the responsibility of Council throughout and include:
  - 10.9.1 Developing an annual timetable of all *Strategic Alliance* and Frankston *Homelessness Network* meetings
  - 10.9.2 Providing secretariat functions for the Strategic Alliance and Frankston Homelessness Networks, and coordinating communication between the groups.
  - 10.9.3 Setting advance agendas in consultation with members and circulating five working days in advance of the meeting/s
  - 10.9.4 Taking minutes of meetings outlining key actions and circulating to members
  - 10.9.5 Maintaining and circulating updated membership lists
  - 10.9.6 Initiating an annual review of the effectiveness of the Partnerships
  - 10.9.7 Initiating annual reviews of the Strategic Alliance MOU and Frankston Homelessness Network TOR.

#### **11. Strategic Alliance Conflict of Interest**

The Executive Group Chair will call for any potential conflicts of interest to be declared at the commencement of each meeting, and will ensure that any declared conflict of interest, and the actions taken to manage the conflict, are recorded in the minutes of the meeting.

#### **12. Strategic Alliance Decision Making**

- 12.1 Special meetings to be organised via the Chair/Secretariat as required.
- 12.2 The Strategic Alliance will follow a consensus decision making model. Strategic Alliance decisions can be made during meetings or out of session via circular resolution.
- 12.3 When agreement cannot be reached, the Chair will determine the preferred course of action between the options presented.

#### **13. Privacy**

- 13.1 Unless expressly authorised in writing or required by law, members of the Strategic Alliance will not disclose confidential information to any third party, without explicit consent.
- 13.2 Members of the Strategic Alliance acknowledge that information shared at meetings may include personal, sensitive and health information of individuals. All members of the Strategic Alliance are committed to handling information in accordance with the applicable privacy laws.

#### **14. Strategic Alliance Ceasing Membership**

Membership is deemed to have ended when a letter of resignation has been tendered by the organisation and/or there has been an unexplained absence for three consecutive meetings.

#### **15. Strategic Alliance Governance**

The Strategic Alliance will be managed through the MOU, Strategic Plan and meeting procedures (see section 9). The meeting venue and secretariat function is to be provided by Frankston City Council.



#### **16. Amendment, modification and variation**

This MOU is effective upon formal endorsement by the Strategic Alliance executive members' organisations and may be amended, varied or modified in writing.

#### **17. Strategic Alliance Grievances**

In the event of any unresolved matter or dispute, the parties will be encouraged to discuss the matter and attempt to resolve it as soon as possible. If the parties are unable to resolve the dispute individually, the parties may then agree to hold a meeting in the presence of a mediator. The Strategic Alliance may nominate a representative to be invited to assist in facilitating the decision of an acceptable mediator. All parties must agree to the mediator. All parties must be given reasonable opportunity to be heard and ensure that natural justice is accorded.

#### **18. Attachments**

- 5-Year Strategic Plan

#### **19. Review of MOU**

The Strategic Alliance MOU will be reviewed annually.

## 20. Execution Page

We the undersigned as members of the Frankston City Strategic Housing and Homelessness Alliance are committed to the delivery of Strategic Alliance objectives to reduce homelessness in the Frankston City municipality to zero, and to fulfil our obligations under the Strategic Plan of the Strategic Alliance.

Signed for <b>Frankston City Council</b> by its authorised representative:	Signature of authorised representative  Name and position title of authorised representative
Signed for <b>Department of Health and Human Services</b> by its authorised representative:	Signature of authorised representative  Name and position title of authorised representative
Signed for <b>Southern Homelessness Network</b> by its authorised representative:	Signature of authorised representative  Name and position title of authorised representative
Signed for <b>Salvatore Eastern</b> by its authorised representative:	Signature of authorised representative  Name and position title of authorised representative
Signed for <b>WAYSS</b> by its authorised representative:	Signature of authorised representative  Name and position title of authorised representative
Signed for <b>YSAS</b> by its authorised representative:	Signature of authorised representative

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	Name and position title of authorised representative
Signed for <b>Community Support Frankston</b> by its authorised representative:	Signature of authorised representative  Name and position title of authorised representative
Signed for <b>Bolton Clarke</b> by its authorised representative:	Signature of authorised representative  Name and position title of authorised representative
Signed for <b>Peninsula Community Legal Centre</b> by its authorised representative:	Signature of authorised representative  Name and position title of authorised representative
Signed for <b>Mi-Health, Peninsula Health</b> by its authorised representative:	Signature of authorised representative  Name and position title of authorised representative
Signed for <b>Mentis Assist</b> by its authorised representative:	Signature of authorised representative  Name and position title of authorised representative
Signed for <b>Launch Housing</b> by its authorised representative:	Signature of authorised representative  Name and position title of authorised representative
Signed for <b>Neami National</b> by its authorised representative:	

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	Signature of authorised representative
	Name and position title of authorised representative
Signed for <b>Melbourne City Mission</b> by its authorised representative:	Signature of authorised representative
	Name and position title of authorised representative
Signed for <b>Whitelion</b> by its authorised representative:	Signature of authorised representative
	Name and position title of authorised representative

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## Frankston Strategic Homelessness Alliance – Strategic Plan (FINAL DRAFT). Updated 7 October 2019

Domain	HOMELESSNESS				
Outcome 1	Successful place-based approaches to eliminate homelessness				
Sub-Outcome 1.1	Shared understanding of the number and nature of homelessness in Frankston City				
Indicators	The development of the baseline data to be established by March 2020.				
	The development of the coordinated Frankston homelessness data in Frankston by December 2019.				
	Publication of agreed point-in-time Frankston homelessness sector data by May 2020.				
	Review of the accuracy of point-in-time homelessness data in Frankston by October 2021.				
	Improved understanding of the nature and risk factors of homelessness by October 2021.				
OUTPUTS		INPUTS	TIMELINES	LEAD	Contributors
1.1.1. Literature review		Resources Research literature	Year 1	Council (Community Strengthening)	Alliance (All)
1.1.2. Frankston City Data Homelessness and Affordable Housing Dictionary		Homelessness data map Service data Information sharing protocol (1.2.2)	Year 1	Council (Community Strengthening)	Alliance (All)
1.1.3. Frankston rough sleeper street count (subject to DHHS funding)		Resources (specialist) Implementation Plan	Year 1-2	Launch Housing	Alliance (All)
1.1.4. Frankston Homelessness Discussion Paper		Resources Data review Literature review Case studies Client consultation	Year 2	Council (Community Strengthening)	Alliance (All)

### Frankston Strategic Homelessness Alliance – Strategic Plan (FINAL DRAFT). Updated 7 October 2019

Domain 1	HOMELESSNESS				
Outcome 1	<i>Successful place-based approaches to eliminate homelessness</i>				
Sub-Outcome 1.2	Person-centred, coordinated and responsive homelessness approaches				
Indicators	Availability and use of monthly Frankston homelessness sector level data by October 2020.				
	Alliance review increase (by number) of homeless clients achieving housing outcomes in Frankston on a quarterly basis.				
	Number and percentage of By-Name List priority clients successfully housed within 3-6 months of inclusion on the list.				
	Number and percentage of clients assisted through a homelessness service coordination model in Frankston compared to baseline.				
	Functional Zero model operational in Frankston City by 2024.				
OUTPUTS		INPUTS	TIMELINES	LEAD	Contributors
1.2.1 Agreed best practice operator models including collaborations, integrated service delivery, referral pathways, co-funding etc. to streamline sector homelessness response in Frankston (as an annexure to MOU)		Resources (specialist) Service Coordination	Year 1	PCLC	Alliance (All)
1.2.2 Homelessness Information Sharing Protocol		Service coordination Resources	Year 1	Council	Salvation Army
1.2.3 Coordinated 'By-Name List'		Service agreement (1.2.1) Information Sharing protocol (1.2.2) Service Coordination Resources (specialist)	Year 1-2	Launch Housing and NEAMI	Salvation Army
1.2.4 Functional Zero approach within Frankston		Implementation Plan Enabling operational environment Service Coordination Operational funding	Year 1-5	Launch Housing and NEAMI	Salvation Army

## Frankston Strategic Homelessness Alliance – Strategic Plan (FINAL DRAFT). Updated 7 October 2019

	Resources (specialist)			
1.2.5 Best practice models for supported outreach programs in rooming houses	Resources (specialist) Operational funding	Year 3-5	PCLC and NEAMI	Salvation Army
1.2.6 Inter-sectoral pilot for dual diagnosis homeless clients	Resources (specialist) Multi-sector model design to reduce homelessness.	Year 3-5	Launch / NEAMI	Salvation Army, Peninsula Health
<b>Domain 1</b>	<b>HOMELESSNESS</b>			
<b>Outcome 1</b>	<b><i>Successful place-based approaches to eliminate homelessness</i></b>			
<b>Sub-Outcome 1.3</b>	<b>Sustainable, effectively resourced homelessness system</b>			
<b>Indicators</b>	Ratio achieved for State Government homelessness funding between Frankston City and Greater Melbourne Metropolitan, and comparative areas relative to need by 2024.			
	Quarterly reporting on improved ratio of the number of staff to the number of people assisted by 2024.			
<b>OUTPUTS</b>	<b>INPUTS</b>	<b>TIMELINES</b>	<b>LEAD</b>	<b>Contributors</b>
1.3.1 Environmental scan/sector parity mapping to determine homelessness response capabilities including <i>funding allocations</i> (by fed/state), and <i>funding disbursement</i> (by org's).	Resources (specialist) Funding, Sector and Service data Frankston Homelessness Service gap analysis HEFF / PRAP / AOF funding review	Year 2	Southern Homelessness Services Network	Sub-committee
1.3.2 Leveraged resources, funding and programs (of other sectors to build sustainability and effectiveness of the homelessness system)	Resources (specialist) Collaboration Referral system	Year 2-5	Salvation Army	Alliance (All)

### Frankston Strategic Homelessness Alliance – Strategic Plan (FINAL DRAFT). Updated 7 October 2019

Domain 1	HOMELESSNESS				
Sub-Outcome 1.4	Key decision-makers champion the Frankston City housing and homelessness agenda				
Indicators	Number of engagements with Members of Parliament, Ministers and key decision makers by 2024.				
	Advocacy Plan implemented for improved outcomes in homelessness in Frankston by 2024.				
	Increase in funds invested in the Frankston Homelessness sector by 2024.				
OUTPUTS		INPUTS	TIMELINES	LEAD	Contributors
1.4.1 Ratified Frankston City Strategic Alliance MOU		Alliance member endorsement and signatories of MOU	Year 1 (December 2019)	Council, PCLC	Alliance (All)
1.4.2 Alliance endorsement of member submission to the Parliamentary Enquiry into Homelessness for Frankston homelessness sector		Letter of endorsement	Year 1 (January 2020)	PCLC	Council
1.4.3 Walk in My Shoes Campaign (or similar) championed by Alliance CEO's, FCC Councillors and Local Members of Parliament.		Campaign specialists	Year 1 (August 2020)	Council	Sub-Committee
1.4.4 Development of an Alliance Advocacy Plan for the Frankston homelessness sector		Resources (specialist) Homelessness and service system data	Year 1-2	Council	Alliance (All)
1.4.5 Advocacy for renewal of State Government Rough Sleeper Response Taskforce commitments beyond 2020		Advocacy (specialist/senior)	Year 2	Council, Sub-Committee	Alliance (All)
1.4.6 Advocacy Plan to engage State and Federal Government Ministers, Commissioners, and Members of Parliament to alleviate housing		Advocacy (specialist/senior)	Year 2-3	Council, PCLC	Sub-Committee



### Frankston Strategic Homelessness Alliance – Strategic Plan (FINAL DRAFT). Updated 7 October 2019

and homelessness pressures in Frankston City.				
1.4.7 Identification of Shared Value partnership opportunities to people benefit people experiencing homelessness (TBC)	Advocacy (specialist/senior) Discussion Paper	Year 2-5	Council	Sub-Committee
1.4.8 Advocacy for crisis housing response to meet the needs of the Frankston population (including different cohorts)	Resources (specialist)	Year 1-5	DHHS, Council	Alliance (All)
<b>Outcome 2</b>	<b><i>Frankston residents have access to appropriate and affordable housing</i></b>			
<b>Sub-Outcome 2.1</b>	<b>Appropriate levels of social and affordable housing in new developments</b>			
<b>Indicator</b>	Increase in social housing as a percentage of all housing in Frankston from 3.7% to 6% by 2030.			
	Increase in affordable housing as a percentage of all housing in Frankston from 9% to 15% by 2030.			
	Increased diversity of social and affordable housing stock to meet housing demand by 2024.			
	Increased number of transitional properties in Frankston by 2024.			
	Achieve a 15% allocation of social and affordable properties in all new 20+ multi-dwelling developments by 2024.			
<b>OUTPUTS</b>	<b>INPUTS</b>	<b>TIMELINES</b>	<b>LEAD</b>	<b>Contributors</b>
2.1.1. Housing Needs Assessment	Resources (Town Planning specialist)	Year 1	Council	Sub-Committee (as applicable)
2.1.2. Endorsed SHIP Project Proposal (by Council)	Resources (Town Planning specialist)	Year 1	Council	Sub-Committee (as applicable)
2.1.3 Frankston City Council <i>Affordable Housing Strategy</i>	Resources (Town Planning specialist)	Year 1-2	Council	Sub-Committee (as applicable)

### Frankston Strategic Homelessness Alliance – Strategic Plan (FINAL DRAFT). Updated 7 October 2019

2.1.4	Affordable and Social Housing Advocacy Plan	Resources (specialist/senior)	Year 2-3	Council	Alliance (All)
2.1.5	Public/Private/Not-for-Profit Residential Development Partnerships	Resources (specialist/senior) DHHS Policy and Strategy SHIP program	Year 2-5	Council	Sub-Committee
<b>Domain 2</b>	<b>HOUSING</b>				
<b>Sub-Outcome 2.2</b>	<b>Increased access to social and affordable housing stock.</b>				
	Reduced Priority One public housing wait lists in Frankston by 2024.				
	Reduced average tenancy duration for Transitional Housing properties in Frankston from 2+ years by 2024.				
	Increased diversity of alternative secure shelter options in Frankston by 2024.				
<b>OUTPUTS</b>		<b>INPUTS</b>	<b>TIMELINES</b>	<b>LEAD</b>	<b>Contributors</b>
2.2.1	Draft Local Law to register unoccupied properties to fund operational management of crisis housing	Legal advice Resources (specialist)	Year 1	Council	Sub-Committee (as applicable)
2.2.2	Short term accommodation local law	Legal advice Resources (specialist) SHSN Rooming House Summit Outcomes Report (2019)	Year 1	Council	Sub-Committee (as applicable)
2.2.3	Strategic Social Housing Plan for Frankston (including OOH, Social and Transitional properties)	Resources (specialist) DHHS Policy and Strategy	Year 1-2	DHHS, Council	Alliance (All)

**Executive Summary****12.6 Frankston City Stronger Families Policy**

*Enquiries: (Tim Bearup: Community Development)*

Council Plan

Community Outcome:	4. A Well Managed City
Strategy:	4.1 Services
Priority Action	4.1.1 Identify service assets and service levels required to meet future community needs

**Purpose**

To brief Council on the outcome of the public exhibition process for the draft Frankston City Stronger Families Policy and subsequently seek Council's adoption of the draft Policy, and to provide an update on the Commonwealth funding application for prevention approaches to family violence.

**Recommendation (Director Community Development)**

That Council:

1. Notes there was no submissions on the draft Frankston City Stronger Families Policy as a result of the public exhibition process
2. Adopts the draft Frankston City Stronger Families Policy as at Attachment A; and
3. Notes the update on the Commonwealth funding application for prevention approaches to family violence.

**Key Points / Issues**

- The draft Stronger Families Policy (see Attachment A) was developed to guide Council's role in the identification of needs in relation to families, advocacy to other tiers of government to address gaps in services and provision of universal services.
- At the Ordinary Meeting on 14 October 2019, Council resolved to support the engagement of the community for its feedback and input on the draft Stronger Families Policy over a six-week period.
- The draft Stronger Families Policy was publically exhibited on Council's website from 18 October to 29 November 2019. The public exhibition was publicised via social media, print media and the Council's webpage. During this time, the social media postings reached 2,892 community members, with 149 users engaging with it and making 12 likes, and the webpage received 61 unique page views. However, there was no feedback provided by the community in response to the public exhibition.
- It is recommended that Council adopts the draft Policy, which once adopted will be used to support the implementation of specific action plans to address evidence based needs, including the Respectful Relationships Action Plan endorsed by Council at the Ordinary Meeting on 14 October 2019.
- In October 2019, Council submitted two funding applications to the Commonwealth Government under two streams as follows to secure funding to deliver initiatives within the Respectful Relationships Action Plan: Community-led Projects to Prevent Violence against Women and their Children; and Men as Role Models for Preventing Violence against Women and their Children. The

outcome to these funding rounds have not yet been announced, with the Commonwealth Government currently advising to expect formal notification in January 2020.

### **Financial Impact**

The Victorian Government introduced the “Fair Go Rates” system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past four financial years has ranged between 2.0 per cent to 2.5 per cent and has been set at 2.0 per cent for 2020-2021.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council’s major source of income, Council’s capacity to continue to deliver services and fund its capital programme will be severely restricted.

There are no financial implications associated with this report.

### **Consultation**

#### **1. External Stakeholders**

The draft Policy was publically exhibited from 18 October to 29 November 2019.

#### **2. Other Stakeholders**

Internally, the Community Strengthening Department supported the development of the draft Policy.

### **Analysis (Environmental / Economic / Social Implications)**

The draft Policy has been guided by a strong evidence base that shows that when families do not thrive they are greater risk of poor health and wellbeing outcomes, including child abuse and neglect, disengagement from education and employment and the onset preventable and chronic illnesses.

Evidence shows that prevention approaches support positive outcomes in health, safety, education and employment. The critical stages and transition points for a family include: before and immediately after birth; the first five years of life; the transition from youth in adulthood; parenthood; and ageing into the senior years.

Timely prevention approaches have been shown to reduce the likelihood of later substance misuse, mental illness and suicide, domestic violence including child abuse, antisocial behaviour and crime. Concurrent to the potential harms, timely prevention also increases protective factors such as children continuing education through high school and beyond, being employed as adults and enabling older residents enjoying improved activity and independence in later life. Further, evidence suggests these improved outcomes also deliver fewer police interventions, hospital admissions, court appearances and incarceration. Doing more to assist people to adopt respectful relationships and reach their full potential will both increase their contribution to the community, the economy and reduce the impact on the community’s scarce resources.

### **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

There are no legal implications associated with the draft Stronger Families Policy.

### Policy Impacts

The draft Stronger Families Policy aligns with State and Commonwealth outcomes, as well as Council's Municipal Health and Wellbeing Plan 2017-2021.

### Officer's Declaration of Interests

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

### **Risk Mitigation**

Risk management is incorporated into the procedures of operating the universal services. Should Council be successfully funded by the grant a risk mitigation plan will be prepared and implemented. As the focus and approach is 'prevention', the risks are considered to be minimal.

### **Conclusion**

Significant research and consideration has been focussed on developing family violence prevention approaches, which can be embedded into universal services.

This approach improves the value of Council's services and also becomes sustainable over time.

The draft Stronger Families Policy is recommended for Council's adoption.

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### **ATTACHMENTS**

Attachment A: [↓](#) Draft Frankston City Stronger Families Policy

## Draft Policy – Stronger Families



A4042322

*Lifestyle Capital of Victoria*

### 1. Policy statement

Frankston City Council is committed to improving the outcomes for all aspects of community wellbeing including; stronger families, a sustainable environment, a sustainable economy, community strength, lifelong learning, and safe community.

Through a place based, prevention approach incorporated into universal and intergenerational service delivery Frankston City Council seeks to enable families to build better futures for their children and the relationships between their family members and the community they live in; building individual and family resilience and community capacity.

This policy underpins and guides the Stronger Families Strategic Plan to ensure Council's Stronger Families services, programs and projects support good parenting, respectful relationships and active and socially inclusive lifestyles. The Stronger Family outcomes Council seeks to improve are:

- Respectful relationships
- Positive early childhood development
- Positive transition of young people into adulthood
- Active ageing
- Individual and family resilience.

### 2. Reason for Policy

Frankston City Council is committed to understanding the needs of its community through evidence and community engagement. To this end, Council monitors the community's overall health and wellbeing with a view to identifying and addressing service gaps through advocacy, services and program design noting that significant challenges often require involvement of all three tiers of governments and the not for profit sector.

Failure of families to thrive indicates increased cases of abuse and the incidence of some preventable and chronic illnesses in the general population and a range of poor outcomes for the Indigenous population.

Evidence shows that prevention approaches and support improves outcomes in health, safety, education and employment. The critical stages for a family and in a person's life to consider include: from before and immediately after birth, through the first five years of life, during maturation of young people into adulthood during parenthood and through ageing.

Timely prevention approaches reduces the likelihood of later substance misuse, mental illness and suicide, domestic violence including child abuse, antisocial behaviour and crime. Concurrent to the potential harms, timely prevention also increases the likelihood of children continuing education through high school and beyond, being employed as adults and enabling older residents enjoying improved activity and independence in later life. Further, evidence suggests these improved

outcomes also deliver fewer police interventions, hospital admissions, court appearances and incarceration.

Doing more to assist people to adopt respectful relationships and reach their full potential will both increase their contribution to the economy and reduce the impact on the community's scarce resources.

### 3. Scope

This policy applies to the Frankston City Council's Wellbeing Outcomes Framework and all related plans, strategies and services.

The scope of the universal services delivered by Council include: Maternal and Child Health, Immunisation, early childhood learning, Youth Services and Positive Ageing.

### 4. Authorisation

This policy is managed by the Frankston City Council Family Health Support Services Department and is approved by Frankston City's Mayor and delegated to Council's Chief Executive Officer.

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Mayor, Frankston City

-----  
CEO, Frankston City Council

In accordance with Frankston City Council resolution at its XXXXXX.

### 5. Revision date

This policy will be reviewed and presented to Council within 4 years as deemed necessary by Council and thereafter once within each subsequent Council term.

### 6. Principles

- Empowerment and capacity building
- Equitable access and social inclusion
- Risk management
- Financial sustainability
- Safety and security

### 7. Roles and responsibilities

The Local Government Act 1989 outlines the role of Council, which includes:

- Achieving the best outcome for the local community having regard to the long term and cumulative effects of decisions; and

Policy:	Date approved:
Approved by:	Last revision:

- The provision of governance and leadership for the local community through advocacy, decision making and action, and

Understanding the needs of the community through research, analysis and community engagement underpins planning, advocacy and resource management. It is the responsibility of all Council departments and employees.

Staff within the Family Health Support Services and Youth Services (Family Health Support Services Department and Community Strengthening Department) are, as service providers, most closely involved supporting **Stronger Families**. As such, these departments are responsible for the following in their work to contribute to this outcome:

- Planning and delivering services
- Reviewing and improving services to meet the needs of the community
- Applying for and acquitting grants
- Delivering State or Federal Government service contracts
- Compliance with policies and resource / budget expectations

Frankston City Council is responsible for considering recommendations of officers and approving policies, plans, programs and budgets as appropriate.

## 8. Policy non-compliance

Failure to comply with this policy could adversely affect the reputation of Council and impact on the timeliness and quality of service delivery and the intended outcomes for the community.

## 9. Related documents

Implementation of this policy is influenced by and / or aligned with the following policies, Plans, Strategies, Regulations, Memoranda of Understanding and service contracts.

Frankston City Council Plan  
Municipal Early Years Plan  
Health and Wellbeing Plan  
Strategic Framework for Young People  
The Local Government Act 1989  
Public Health and Wellbeing Act 2008  
Victorian Health and Wellbeing Plan  
The Human Rights and Equal Opportunity Commission Act 1986  
The Age Discrimination Act 2004  
The Disability Discrimination Act 1992  
The Racial Discrimination Act 1975

## 10. Implementation of the Policy

This Policy (in conjunction with Related Documents) will be facilitate through a series of action plans.

Policy:	Date approved:
Approved by:	Last revision:





## 11. Definitions

Policy:	Date approved:
Approved by:	Last revision:

**Executive Summary****12.7 Healthy Choices Policy**

*Enquiries: (Tim Bearup: Community Development)*

Council Plan

Community Outcome: 2. Liveable City  
Strategy: 2.3 Health and Well-being  
Priority Action 2.3.5 Adopt a Health and Wellbeing Plan 2017-2021

**Purpose**

To seek endorsement of Frankston City Council's draft Healthy Choices Policy (Policy).

**Recommendation (Director Community Development)**

That Council:

1. Notes the draft Policy has had two rounds of public consultation, on 30 July to 27 August 2019 and 15 October to 29 November 2019.
2. Notes submissions received from the community have been considered and incorporated into the updated draft Healthy Choices Policy presented for endorsement;
3. Adopts the Policy to formalise Council's commitment to transitioning all Council owned or managed facilities towards being 'healthy choices settings' by 2022.

**Key Points / Issues**

- The Policy will apply to all contexts where Council has an influence on the food and beverages provided, and where Council funds are used to provide, or influence the provision of food and beverages supplied.
- At the Ordinary Meeting on 14 October 2019, Councillors endorsed the draft Policy prior to it being formally placed on public exhibition for 6 weeks from 15 October to 29 November 2019.
- At the Ordinary Meeting on 14 October 2019 Councillors further noted that a report would be submitted at the Ordinary Meeting on January 2020 seeking formal adoption of the draft Policy.
- The Policy was exhibited publically from 30 July to 27 August, and from 15 October to 29 November 2019.
- The public exhibition was publicised via social media, print media and the Council webpage during this time. The social media postings reached 8,450 community members, with 187 users engaging with it and receiving 18 likes. The broader consultation generated 3 comments from community members. See the summary of de-identified feedback (Attachment A).
- All comments received through the consultation phase have been considered and have informed the current (updated) version of the Policy (Attachment B) currently before Council. Amendments were made to provide increased clarity regarding the staged implementation proposed for the Policy, and the wording reviewed to simplify the language used.

**12.7 Healthy Choices Policy****Executive Summary**

- Upon adoption the policy the 2 year Policy implementation phase will commence, enabling Council to adopt a 'healthy choices' approach wherever food is supplied or sold at premises owned or managed by Frankston City Council by December 2022, with resourcing support from the Peninsula Health - Health Promotion Team.
- It is noted that this Policy has been developed to make healthier food and drink options more accessible for our community at all settings managed by Council and is not intended to restrict personal choice or preferences. Instead, it commits Council to increasing the *availability* and *supply* of healthier food and beverage options.
- While the Policy will apply universally across all of Council's food contexts, its implementation will be slowly *transitioned in* over two years (to 2022), through a *targeted* approach (via Procedures) to enable both guidance and flexibility in implementing 'healthy choices' across Council's varied settings and contexts of food and beverage supply.
- The Policy is based on four guiding principles including:
  1. Enabling Council's good stewardship through consistent healthy food service across all Council business.
  2. Influencing an overall healthy change within the Frankston City food system.
  3. Aligning to the Victorian Government's Healthy Choices Guidelines.
  4. Respecting consumer choice by not regulating foods selected and consumed by individuals but rather ensuring there are always healthy choices available.

**Financial Impact**

The Victorian Government introduced the "Fair Go Rates" system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past four financial years has ranged between 2.0 per cent to 2.5 per cent and has been set at 2.0 per cent for 2020-2021.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council's major source of income, Council's capacity to continue to deliver services and fund its capital programme will be severely restricted.

There are no financial implications associated with this report and it is expected that compliance with the policy is managed within existing budgets. However, upon implementation, catering budgets will be monitored to identify any issues relating to the costs of providing healthier options.

**Consultation****1. External Stakeholders**

A wide range of internal and external stakeholders were consulted in the development of the Policy.

**12.7 Healthy Choices Policy****Executive Summary**

External stakeholders included the Healthy Eating Advisory Service (HEAS); Victorian Health Promotion Foundation (VicHealth); Peninsula Health Community Health; FDNA Netball Club; Southern United Football Club; Frankston District Basketball Association; Frankston Little Athletics; Karingal Bulls Junior Football Club; and the Seaford Lifesaving Club.

**2. Other Stakeholders**

A cross Council Working Group guided the development of the Policy including representation from Council's Community Strengthening; Family Health Support Services; Commercial Services; Financial and Corporate Planning; and Arts and Culture departments.

All Council teams with direct or indirect involvement in the service or supply food were consulted regarding any potential operational impacts associated with implementing this Policy. These teams included Tourism and Events; Economic Development; and Contracts and Procurement.

Additional consultations were scheduled with the Director Community Development; the Frankston City Council Managers Group; Coordinator Governance; Coordinator Risk; and Governance Legal Advisor in finalising the Policy and ensuring compliance with Council's corporate responsibilities.

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

It is expected that introducing this Policy will:

- Formalise Council's commitment to ensuring adequate supply of healthy food and beverage options, wherever these are provided to Council personnel or the community.
- Enable Council to establish a consistent food and beverage standard applicable for all Council departments and services.
- Generate an increased awareness of the role Council plays within the Frankston City food system, and the responsibility it has in contributing to making the Frankston food system a healthier one.

This is important because:

- The Frankston City Municipal Public Health and Wellbeing Plan 2017-2021 identifies the importance of healthy food and beverages for enabling a healthy and active community, and commits Council to reorienting service provision where applicable to support this.
- Frankston City Council as one of the largest employers in the municipality aspires to be an employer of choice, and an exemplar to support staff and the broader community to enjoy good health.

**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**

There are no legal implications associated with this Policy.



**12.7 Healthy Choices Policy**  
**Executive Summary**Policy Impacts

The draft Policy will interact with the following Council Policies and Strategies:

- Frankston City Council Plan 2017-2021
- Community Plan 2017-2021
- Municipal Public Health and Wellbeing Plan 2017-2021
- Procurement Policy 2018-2019
- Economic Development Strategy 2016-2022
- Frankston City Visitor Economy Strategy 2019-2024
- Waste Wise Events Policy 2019 (draft)

Officer's Declaration of Interests

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

**Risk Mitigation**

Reputational damage as a result of inconsistent implementation (or policy non-compliance) pose the key risk to Council in the adopting this Policy. As such, the following risk mitigation tactics will be introduced along with the Policy to minimise the likelihood of these occurring:

- Service level Healthy Choices Procedures will be written by all areas identified within the Policy, and signed off by EMT.
- Service areas have up to 2 years to implement their respective Healthy Choices Procedures.
- A Healthy Choices Policy Communications Plan (including key messages) has been developed to guide internal and external communications and ensure the use of consistent language with respect to the Policy.
- The Policy, along with related information will be included in the Staff Induction program (upon adoption).
- Social and Community Planning will deliver staff information sessions about the Policy across Council.
- A Frequently Asked Question Sheet will accompany the Policy to assist with ease of understanding and compliance.
- Expert support has been negotiated with Peninsula Health's Health Promotion Team, to ensure specialist guidance and advice is available to Council teams when developing their respective Healthy Choices Procedure.

While the Policy will apply universally across all of Council's food contexts, its implementation will be staged and targeted it also recognises that community expectations and the level of Council influence differs across the various contexts.

This approach is expected to maximise the positive impacts of the Policy, while simultaneously reducing any potential negative impacts associated with its implementation. As such the Policy takes a realistic, conservative and expansion oriented approach to introducing healthy changes into the Frankston City food landscape.

**12.7 Healthy Choices Policy****Executive Summary****Conclusion**

The cornerstone of the Policy is to increase the availability of healthy choices, and not to remove any currently available food offerings. The Policy will establish a consistent food and beverage standard applicable for all Council departments and services.

The Policy will formalise Council's commitment to ensuring an increased supply of healthy food and beverage options, wherever these are provided in the undertaking of Council business. The Policy represents Council making a determination to establish and articulate its position of providing healthy food choices wherever food is supplied by Council, and in so doing introducing a new approach to supporting and enabling the wellbeing of Frankston City.

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**ATTACHMENTS**

Attachment A: [↓](#) Community Feedback - Public Exhibition

Attachment B: [↓](#) draft Health Choices Policy - for adoption

**12.7 Healthy Choices Policy**  
**Officers' Assessment****Background**

- Development of the Policy was an endorsed action in the Frankston City Municipal Health and Wellbeing Plan 2017-2021 (HWBP), to ensure greater consistency in the provision of healthier food and drinks across all of Council's services.
- The Policy is a continuation of work commenced through the HWBP in 2017-2018 to:
  1. Explore opportunities to improve the availability and promotion of healthy food options and reduce the availability of sugar sweetened beverages at PARC and The Pines Aquatic Centre, the Frankston Arts Centre, and Council's Major Events;
  2. Support nominated sports clubs using council-owned leisure and sports facilities to improve access to healthy food and drink choices and decrease the amount of sugary drinks for sale at their kiosks and canteens;
  3. Explore introducing a healthy choices catering protocol for Council's Youth Services for healthy food provision (via supply or sale) for programs, events or meetings.
  4. Introduce a healthy choices menu at the newly established Frankston Library café to increase the supply of healthy food and drink options available.
- The Policy aligns with the recommendations of the Victorian Governments Healthy Eating Advisory Service (HEAS), in requiring Council to strive to provide 50% green food and drinks (healthiest choice), and no more than 20% red food and drinks across all Council departments, and in all forms of food service.
- Baseline assessments undertaken for food and beverage product range and sales data at these settings, using the HEAS traffic light system identified that:
  1. There is a persistent and significant over-supply of unhealthy red ('limit'), and under-supply of healthy green ('best choice') food and beverage product ranges available at all Council settings assessed, representing an assumption that these are the foods that people want, and presenting an opportunity for significant improvement.
  2. Sales data (where available) points to higher consumer demand for healthy food and beverages than we expected. For instance one drinks fridge assessed as 19% green, 13% amber and 68% red. Whereas the sales data for the same fridge showed that green drinks represented 55% of total sales, significantly more than red (42%) and amber (3%) products combined.
- A Deakin University 'Water in Sport Baseline Survey' undertaken in 2017/18:
  1. Ranked Frankston last of the 12 participating LGA's for baseline traffic light percentages at sports and leisure settings in Frankston, with an average score of 55% red, 17% amber and 28% green across percentages.
  2. Whereas the survey confirmed favourable community attitudes toward healthy food and beverage options, including:

**12.7 Healthy Choices Policy**  
**Officers' Assessment**

- a) 77% of respondents wanting sports settings promoting healthy eating; and
  - b) 87% of respondents wanting to see less consumption of sugary drinks in Frankston.
- With the support of Peninsula Health, Council has trialled healthy choice menu's at PARC, The Pines, and the Library Café with incredible results including:
  - 1. At PARC, increasing green snack options by 10% and reducing red by 11% resulting in increased snack sales compared to previous season.
  - 2. At the Pines Aquatic Centre, increasing green items available by 13%, amber by 12% and decrease red by 25%, resulting in an 84% increase in green item sales, and 95% increase in revenue made on these items, along with a correlating decrease in red item sales in both quantity sold (down 7%) and revenue made (down 17%).
  - 3. Introducing a healthy choice menu at the Library Café, offering 50% green, and no more than 20% red food and drink options while maintaining healthy revenue margins.

**Issues and Discussion**

Food system/ obesogenic environment:

- The Policy principally takes a 'food system' approach, in recognition of the role Council plays in the broader food system in Frankston City.
- In 2015 Council undertook food system mapping through which it identified that across the municipality unhealthy food outlets were significantly overrepresented. Frankston City was found to have a ratio of between 7 and 12 unhealthy food outlets for every 1 healthy food outlet, pointing to an obesogenic environment in the municipality.

Obesity and chronic disease:

- The prevalence of diet related preventable chronic diseases in Frankston City exceeds the state average for overweight and obesity, type 2 diabetes, cardiovascular disease, and cancer, demonstrating the prolonged impacts of an unhealthy food environment.

Consumer choice:

- The Policy ensures that consumer choices is understood and respected in outlining the requirement for Council to continue to accommodate individual tastes, preferences and dietary requirements.

**Options Available including Financial Implications**

It is recommended that this Policy is endorsed for public exhibition. There are minimal financial implications associated with this report and it is expected that compliance with the policy is managed within existing budgets. However, upon implementation, catering budgets will be monitored to identify any issues relating to the costs of providing healthier options.




## Healthy Choices Policy – de-identified consultation feedback

### Facebook/social media

- 8,450 people reached
- 187 engaged
- 18 liked
- 1 comment - “Does anyone else note the irony of this policy being introduced alongside the Burger-off?” [Community comment]

### Email submissions

1. “In relation to the Healthy Choices Policy, it would be great to see Council promoting a consistent healthy eating message across and within departments the support the implementation of the policy” [Respondent 1 - external]
2. “My only concerns are around Council’s perception in the community when it comes to this policy conflicting with other initiatives such as Burger off as an example. I understand we are looking to simply influence the healthy choices within Frankston but I think there is a high risk of that message getting lost in the community” [Respondent 2 - internal]
3. “How will you communicate to Council Personnel and the community that the policy will be slowly introduced over two years?” [Respondent 2 – internal, cont...]
4. “The burger-off promotion makes it difficult for the  team to take Healthy Choices seriously.” [Respondent 3 - internal]
5. “There is a conflict for Council to be appointment of two unhealthy food trucks 100metres away from a regional playground (Ballam Park) and a sports club we are working with to serve healthy choices is a real conflict. How can this be addressed in the policy?” [Respondent 4 - internal]
6. “How will the policy influence community BBQ’s we do to support community engagement?” [Respondent 5 - internal]
7. “In relation to the Healthy Choices Policy - and this may be a reflection of how Council has chosen to draft policies - I feel the headings and structure undermine the importance of policy. A policy document should be direct - the definitions ought to be up front, not at the back and reviews should be specified regularly, not simply be aligned with the ending of a plan. Having read the document I find it really unclear, because it waffles and the structure is lacking. I gather the motivation is to try to reduce the legalistic feel of the policy, but for me the result is a lack of substance and direction. I therefore am unable to commend the policy in its current form and cannot support it. I really believe Council needs to evolve in this space.” [Councillor]

# Healthy Choices Policy



(A4059332)

*Lifestyle Capital of Victoria*

## 1. Policy statement

Frankston City Council (Council) is committed to enabling a healthy municipality where people thrive and have the best opportunity to make healthy food and beverage choices.

The Healthy Choices Policy (Policy) introduces a Council-wide healthy choices food and beverage standard to increase supply of healthier food and beverage options at all Council settings, services, and programs, for Council personnel and the community to access.

## 2. Reason for Policy

- To make healthy food and beverages easier to access in Frankston, by improving the range, availability and promotion of healthy food and beverage options at Council facilities, services and programs.
- To introduce a consistent standard in the provision and promotion of healthy food and beverage options throughout Council, to better support Council personnel, and the broader community to enjoy good health and wellbeing.
- To deliver the Frankston City Municipal Public Health and Wellbeing Plan 2017-2021 aspiration of make healthier food and drink options more accessible for our community at Council settings.
- To create a healthier food environment that contributes to a decline in the prevalence of diet related preventable chronic diseases in Frankston City (which exceeds the state average).

## 3. Scope

The Policy will apply to all contexts where Council has an influence on the food and beverages provided, and where Council funds are used to provide, or influence the provision of food and beverages supplied.

The settings have been grouped into three 'categories', each category adhering to unique implementation timelines and targets. The 'categories' are as follows:

### Category 1:

Category 1 settings typically have high level of Council influence as well as a high level of complexity, including accountability, corporate responsibility, community safety, compliance, and/or quality standards implications.



Council's Category 1 settings include:

- Council-run events (any department).
- Council-run specialist food services providing prepared meals to specific community cohorts.
- Externally contracted commercial services engaged by Council to deliver a food service or commercial kitchen on behalf of Council.

Category 1 settings are required to develop their own 'Healthy Choices Procedure' detailing how they will adopt the Policy throughout their setting. Category 1 Procedures require the Executive Management Team endorsement within two years of Policy adoption and will be enforceable through the Policy. Expert support will be available to Category 1 settings to develop their Procedures.

#### **Category 2:**

Category 2 settings typically have a high level Council influence, and lower level complexity/risk than Category 1.

Council's Category 2 settings include:

- Catered meetings and functions wherever food and beverages are procured using Council funds.
- Catered programs, forums, events and services wherever food and beverages are provided to Council personnel, external agencies or the community.
- Council venues and services where food and beverages are provided, available for purchase, or used as a means of program delivery by Council personnel.
- Council's community grants programs wherever food or beverages are directly supplied to grant recipients.
- Food focussed promotional activities, programs and events funded (or co-funded) by Council.

Category 2 settings are required to develop their own 'Healthy Choices Procedure', with the option of expert support, detailing how they will adopt the Policy through their setting. Category 2 Procedures require Executive Management Team endorsement within one year of Policy adoption. Category 2 Procedures will be enforceable through the Policy.

#### **Category 3:**

Category 3 settings are Council owned or managed premises which are leased to external parties or partner agencies (although operating at arm's length from Council) and typically used for their own purposes. Category 3 stakeholders include Commercial, Corporate, Community and Not-For-Profit groups. These settings also include external partners or partner agencies in receipt of funding from Council to deliver a food focussed program, event, campaign or service. Category 3 settings include:

Policy:	Date approved:
Approved by:	Last revision:

- 
- Council's Sport and Recreation facilities managed by community, volunteer or semi-professional sports clubs or commercial entities.
  - Grant funding for commercial food and beverage outlets and events (e.g. Tourism Event Attraction Program).
  - Commercially operated cafes, restaurants or function centres, operating from a Council owned or managed property (this also includes temporary pop-up businesses managed through the Commercial Activities in Public Open Space (CAPOS) program).
  - Community, Commercial or Not-For-Profit events run on Council land.
  - Community or Commercial hire of Council owned venues or facilities for program or private use.
  - Casual hire of Council owned or managed venues or facilities, for self-catered events.
  - Partner Agency managed events, including in the instance of joint event planning with Council.

Council personnel are required to comply with the *Healthy Choices Category 3 Procedure* when engaging these stakeholders. Council personnel are additionally required to inform these stakeholders about the Policy, and provide them with the 'Frankston City Council - Healthy Food and Beverage Guideline' (Guideline) (Appendix A). The Guideline must be distributed to the Category 3 stakeholders immediately upon endorsement of the Policy.

Category 3 stakeholder compliance is encouraged, but not enforceable through the Policy.

**Out of scope:**

- Grant programs delivered by Council to support business growth or activate precincts (e.g. place activation grants and Frankston City Business Grants programs).
- Any setting not managed or owned by Frankston City Council.
- Food or beverages provided on Council property that are not supplied using Council funds (e.g. social events, fundraising, and food or beverage brought from other settings for personal consumption).
- Alcoholic beverages.

#### 4. Authorisation

This Policy is managed by the Community Strengthening Department, and is approved by Frankston City's Mayor and Council's Chief Executive Officer (CEO):

-----  
Mayor, Frankston City

-----  
CEO, Frankston City Council

In accordance with Frankston City Council resolution at its XXXXXX.

Policy:	Date approved:
Approved by:	Last revision:



## 5. Revision date

This Policy will be reviewed and presented to Council no later than December 2022 or earlier as deemed necessary by Council, and therefore once within each subsequent Council term.

## 6. Principles

Council is committed to making healthier food and drink options more *accessible* for our community at all Council settings so they have the best opportunity to manage their own health and wellbeing.

In introducing this Policy, Council commits to:

### **6.1 Focussing on our role as a responsible steward of Council funds through providing access to healthy food and beverage options (wherever supplied) across all Council business. This will be achieved by:**

- Introducing a food standard consistent with HEAS recommendations for Council's provision of food and beverages across all Council settings.
- Developing Healthy Choices Procedures to detail how the Policy will be implemented in each setting to ensure increased access to healthy food and beverage options.
- Establishing accountability and oversight processes to make sure we are consistent in providing healthier food and beverage options through Council settings and services.
- Making a public statement of Council's commitment to Healthy Choices Policy, to ensure increased accountability.

### **6.2 Influencing an overall healthy change within the Frankston City food system. This will be achieved by:**

- Gradually improving access to healthier food and beverage options at all settings managed by Council within the municipality to contribute to a healthier local food environment.

### **6.3 Improving alignment with the National and State Quality Standards, and the Victorian Healthy Choices Guidelines, including voluntary commitment to:**

- Compliance with industry specific National and State Quality Standards;
- Striving to achieve the Victorian Healthy Choices Guidelines<sup>i</sup> traffic light system recommendations of providing at least 50% green food and beverage options (healthiest choice), and no more than 20% red (limit) options; and
- Introducing and promoting the Healthy Eating Advisory Service's FoodChecker<sup>®ii</sup> online menu assessment tool.

### **6.4 Respecting consumer choice through implementing the Policy. This will be achieved by:**

- Increasing the availability of healthy food and beverage options, while retaining a suitable supply of current food and beverage options to accommodate cultural and individual tastes, preferences, and dietary requirements; and
- Not regulating foods selected and consumed by individuals.

Policy:	Date approved:
Approved by:	Last revision:

## 7. Roles and responsibilities

Roles	Responsibility
Council	Authorisation of the Healthy Choices Policy.
Executive Management Team	Authorisation of Healthy Choices Procedures in support of the Healthy Choices Policy.
Director Community Development	Healthy Choices Procedures oversight and accountability.
Manager Community Strengthening	Healthy Choices Policy owner.
Healthy Choices Policy Working Group (HCPWG)	Design and development of the Healthy Choices Policy.
Relevant service area across Council	Development and implementation (following endorsement) of service level Healthy Choices Procedures.

## 8. Policy non-compliance

Non-compliance with this Policy has the potential to cause multiple adverse impacts for Council including reputational damage, and economic loss associated with failing to supply the healthier alternatives in line with consumer demand. Policy non-compliance similarly risks Council detracting from the community's ability to maintain and pursue overall health and wellbeing.

Failure to comply with this Policy will be reported to the Community Development Director.

## 9. Related documents

This Policy has been developed in line with the following Guidelines, Plans, Strategies, and Policies:

- [Victorian Healthy Choices Food and Drink Classification Guidelines](#)
- [Victorian Public Health and Wellbeing Plan 2019-2025](#)
- [Frankston City Council's Municipal Public Health and Wellbeing Plan 2017–2021](#)
- [Frankston City Visitor Economy Strategy 2019-2024](#)
- [Frankston City Economic Development Strategy 2016-2022](#)
- [Frankston City Waste Wise Events Policy 2019](#)

## 10. Implementation of the Policy

This Policy (in conjunction with other Related Documents) will be implemented upon Council adoption, and in line with the timing requirements specified within the Policy Scope.

The following documents will support the implementation of this Policy:

- [Frankston City Council – Healthy Food and Beverage Guideline](#)

Policy:	Date approved:
Approved by:	Last revision:

- [Frankston City Council – Healthy Choices Procedure Template](#)
- [Frankston City Council – Catering Guideline](#)

Healthy Choices Procedure development remains the responsibility of each relevant business area across Council. Each Healthy Choices Procedure requires Executive Management Team (EMT) endorsement prior to implementation.

Managers, Coordinators and Team Leaders will be responsible for educating teams about this Policy, and for facilitating compliance.

## 11. Definitions

Term:	Definition
<b>Availability</b>	Refers to physical availability of food as an indicator of personal access (i.e. Is there a supermarket nearby? Do they have any broccoli?).
<b>Accessibility</b>	Includes both physical and economic access to food that meets people's dietary needs as well as their food preferences (i.e. Can I get to the local supermarket? Can I afford the broccoli I need?).
<b>Community</b>	Includes all residents and members of the general public accessing Council services, programs or facilities - including visitors from other local government areas.
<b>Diet related Preventable Chronic disease</b>	Otherwise referred to as 'lifestyle diseases' these are caused or worsened by a diet high in unhealthy food choices and low in healthier food and beverage choices.
<b>External parties</b>	These typically include parties delivering specific services on behalf of Council, under a formal contract or agreement.
<b>FoodChecker©</b>	A Victorian government website to help caterers assess the food and beverages supplied against the Victorian Healthy Choices Guidelines.
<b>Food system</b>	A food system includes all processes and infrastructure involved in feeding a population. A local food system is shaped and influenced by politics, economics, and culture in terms of the foods supplied.
<b>Stewardship</b>	Effective undertaking of the social and corporate responsibilities and obligations of Council to the community it serves.
<b>Healthy Choices</b>	The framework used by the Victorian Government to put health at the centre of our everyday lives through a place-based food system approach to health promotion. The framework uses a 'traffic light system' to classify food and beverages, and to make menu recommendations for optimal health (i.e. 50% green, 30% amber, and 20% red).

Policy:	Date approved:
Approved by:	Last revision:



<b>Partner agencies</b>	Agencies voluntarily collaborating with Council to deliver a joint and time limited event or program.
<b>Provision</b>	The supply of items (in this case food and beverages) provided with or without the exchange of money.
<b>Traffic light system</b>	A food classification system used to classify the 'healthiness' of food based on three categories: GREEN (best choice), AMBER (chose carefully), and RED (limit).

Policy:	Date approved:
Approved by:	Last revision:



<sup>i</sup> Healthy Eating Advisory Service 2016: [‘Healthy Choices: Food and Drink Classification Guide’](#)

<sup>ii</sup> Healthy Eating Advisory Service 2016: <http://foodchecker.heas.health.vic.gov.au/>

## APPENDIX A.

**Healthy Food and Beverages Guideline**  
(Updated September 2019)

*Lifestyle Capital of Victoria*

In October 2019 Frankston City Council (Council) introduced a Healthy Choices Policy to guide how food service will look for Council moving forward. The Policy aligns Council with the Victorian Healthy Choices classification system, so that we can make healthier choices more readily available for the Frankston community. There is A LOT of information out there, and this Healthy Food and Beverages Guideline is designed to help make it easier for clubs and businesses to introduce healthy menus.

**Background**

While Frankston City has slightly higher rates than the Victorian average in some areas of healthy eating, unfortunately it also has higher rates than the state average of people that drink sugar sweetened beverages every day<sup>1</sup> and people that do not drink any water in a day<sup>2</sup>. High consumption of sugar sweetened beverages, and limited consumption of water, fruit and vegetables are proven to increase the risk of preventable chronic disease such as overweight and obesity, cardiovascular disease, cancers<sup>3</sup>, type 2 diabetes<sup>4</sup> and dental issues. Providing access to healthy foods and drinks means the community have more opportunity to make healthy choices if they wish.

**HEALTHY EATING IN FRANKSTON**

7.6%	51.5%	15.4%	5.5%
of people eat the recommended serves of vegetables	of people eat the recommended serves of fruit	of people consume sugary drinks every day	of people do not drink any water in a day
(VICTORIAN AVERAGE: 14.1%)	(VICTORIAN AVERAGE: 47.1%)	(VICTORIAN AVERAGE: 17%)	(VICTORIAN AVERAGE: 17%)

For everyone food eaten with healthy options (supermarkets and groceries) there are also unhealthy options (take-away and fast food outlets).

1 Victorian Population Health Survey 2014: Quick statistics at local government area  
2 Victorian Population Health Survey 2014: Quick statistics at local government area  
3 Victorian Population Health Survey 2014: Quick statistics at local government area  
4 National Diabetes Services Scheme, Diabetes Australia, [www.diabetesaustralia.com.au](http://www.diabetesaustralia.com.au) 2015

### Assess your food and drink menus

Council encourages Frankston clubs and businesses to consider how they can also make healthier choices easier choices in the Frankston City Municipality.

The Healthy Eating Advisory Service's online FoodChecker® tool can be used by anyone supplying food and drinks to assess menus using the Healthy Choices traffic light system. This is a great model to use to understand how many healthy choices are on your current menu and what simple changes can be made to improve them.

### There are three functions of FoodChecker® tool:

1. Search and assess an individual product
2. Assess a food or drink recipe
3. Assess a full menu based on the traffic light system

For more information or assistance on Food Checker please visit: [foodchecker.heas.health.vic.gov.au](http://foodchecker.heas.health.vic.gov.au)

### The Victorian Healthy Choices traffic light system:

GREEN – Best choices	AMBER – Choose carefully	RED – Limit
<ul style="list-style-type: none"> <li>Good sources of important nutrients</li> <li>Lower in saturated fat and/or added sugar and/or salt</li> <li>Lower in energy (kilojoules)</li> <li>Higher in fibre</li> </ul>	<ul style="list-style-type: none"> <li>Can contain moderate amounts of added sugar, salt and/or saturated fat</li> <li>Can contribute to excess energy (kilojoule intake)</li> </ul>	<ul style="list-style-type: none"> <li>High in energy (kilojoules)</li> <li>Lack in important nutrients, such as fibre</li> <li>High in added fats, saturated fat and/or added sugar or salt</li> </ul>

Table adapted from *Healthy Choices Food and Drink Classification Guide*

### Support for Frankston City Clubs, Groups and Businesses:

Organisations are encouraged to participate and seek support from Peninsula Health – Health Promotion. Council has partnered with the Peninsula Health – Health Promotion Team to offer you expert support and assistance so that your club, group or business can also take the leap toward introducing a range of healthier food and drink options in your setting.

### How do I get started?

To access free expert advice, or for more information contact [healthpromotion@phn.vic.gov.au](mailto:healthpromotion@phn.vic.gov.au)

### Other helpful links:

- [Healthy Choice Case Studies](#)
- [Healthy Choices Food and Drink Classification Guide](#)
- [Free Healthy Choices Online Training](#)
- [Low Light Recipes](#)

Policy:	Date approved:
Approved by:	Last revision:

Seaford >> Frankston >> Langwarrin >> Karingal >> Skye >> Frankston South >> Frankston North >> Carrum Downs >> Langwarrin South >> Sandhurst

**Executive Summary****12.8 Draft Short Stay Rental Accommodation Local Law 2020**

*Enquiries: (Leonie Reints: Community Development)*

Council Plan

Community Outcome:	4. A Well Managed City
Strategy:	4.1 Services
Priority Action	4.1.1 Identify service assets and service levels required to meet future community needs

**Purpose**

To provide Council with the draft Short Stay Rental Accommodation Local Law 2020 for their final consideration and adoption.

**Recommendation (Director Community Development)**

That Council:

1. Council notes the report and feedback provided from the Community including officer responses and comments;
2. Council having complied with the requirement of the *Local Government Act 1989*, resolves to make the Short Stay Rental Accommodation Local Law 2020 (as attached) for the following reasons:
  - a. To regulate and control the use of Short Stay Rental Accommodation (SSRA) properties within the Municipality;
  - b. To ensure an appropriate standard of management and presentation
  - c. To minimise the risk of such accommodation affecting the peace of neighbours;
  - d. Enforce compulsory registration of these properties.
3. Council sets an annual registration fee of \$150 per annum and that this fee be increased annually by no more than CPI;
4. The Short Stay Rental Accommodation Local Law 2020 be signed and sealed;
5. Public notice be given to the making of Short Stay Rental Accommodation Local Law 2020;
6. Notice be given to the Victorian Government Gazette to the making of Short Stay Rental Accommodation Local Law 2020;
7. The Short Stay Rental Accommodation Local Law 2020 comes into effect on the day following publication of the notice in the Victoria Government Gazette; and
8. A copy of the Short Stay Rental Accommodation Local Law 2020 be sent to the Minister for Local Government.

**Key Points / Issues**

- Frankston City Council has developed a Short Stay Rental Accommodation Local Law to:
  - Regulate and control the use of these properties within the Municipality
  - Ensure an appropriate standard of management and presentation

**12.8 Draft Short Stay Rental Accommodation Local Law 2020****Executive Summary**

- Minimise the risk of such accommodation affecting the peace of neighbours
  - Enforce compulsory registration of these properties
- The draft Short Stay Rental Accommodation Local Law 2020 was presented to Councillors in a briefing session on 30 September 2019 and subsequently a report was presented at 2019/OM15 on 16 December 2019 seeking approval to release the draft document for public submissions and recommendations
- The draft Short Stay Rental Accommodation Local Law 2020 has been reviewed by Council's external solicitors for revision, feedback, legal accuracy and enforceability, and minor changes and amendments proposed have been incorporated in the current draft included as Attachment A.
- Council's intention to make the Short Stay Rental Accommodation Local Law 2020 was advertised in The Age on Saturday 21 December 2019 and a corresponding notice was also published in the Frankston Leader 6 January 2020. Notice was also published on Council's website from 20 December 2019 and hard copies of the notice, the draft Short Stay Rental Accommodation Local Law and the Community Impact Statement were available from Council's offices for the duration of the exhibition period. The statutory time frame associated with the giving of a public notice commenced from 21 December 2019
- The Community Impact Statement is included as Attachment B to this report.
- Final legal advice provided expression of definitions and a revision of clause 3.14 which was a change to reflect nuisance rather than noise and 3.15 provides a broader ability for enforcement rather than confining it to the owner or the occupant.

**Financial Impact**

The Victorian Government introduced the "Fair Go Rates" system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past four financial years has ranged between 2.0 per cent to 2.5 per cent and has been set at 2.0 per cent for 2020-2021.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council's major source of income, Council's capacity to continue to deliver services and fund its capital programme will be severely restricted.

There are financial costs, however, these costs can be accommodated within existing budgets.

**Consultation****1. External Stakeholders**

A broad range of Officers from neighbouring and some regional Councils have been consulted. Legal advice has been received from Russell Kennedy Lawyers.

Two submissions and nine queries were received in response to the public exhibition process and feedback has been summarised in Attachment C.

**12.8 Draft Short Stay Rental Accommodation Local Law 2020****Executive Summary****2. Other Stakeholders**

Relevant Officers from Community Safety Department and other internal departments have been involved in the development of this Short Stay Rental Accommodation Local Law.

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

Local Laws aim to improve the social fabric of the community through the introduction of appropriate controls over various activities.

Involvement of the community supports transparency and enables residents and other stakeholders to have a voice in the development of the local law making processes to ensure the controls meet acceptable standards.

**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 will comply with the relevant provision of the *Local Government Act 1989*, including the specific provisions about the procedure for the making of a local law and the right to make submissions.

Policy Impacts

The new Short Stay Rental Accommodation Local Law provisions have been drafted to be consistent with existing Council policies, strategies, plans and schemes.

Community engagement has the capacity to influence policy positions of Council.

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 intent of the proposed Short Stay Rental Accommodation Local Law is to regulate and control the use of such properties, ensure an appropriate standard of management and presentation, minimise the risk of affecting the peace of neighbours and implement a compulsory registration requirement.

**Conclusion**

Having complied with the requirements of the Local Government Act 1989, it is recommended that Council resolves to make Short Stay Rental Accommodation Local Law 2020.



**12.8 Draft Short Stay Rental Accommodation Local Law 2020****Executive Summary**

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**ATTACHMENTS**

- Attachment A: [↓](#) Short Stay Rental Accommodation Local Law 2020
- Attachment B: [↓](#) Short Stay Rental Accommodation Local Law 2020 - Impact Statement
- Attachment C: [↓](#) Community Engagement Submissions and Discussion
- Attachment D: [↓](#) Community Engagement Plan - Evaluation - Short Stay Rental Accommodation Local Law 2020

# Frankston City Council Short Stay Rental Accommodation Local Law 2020



Attachment A

*Lifestyle Capital of Victoria*

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## SHORT STAY RENTAL ACCOMMODATION LOCAL LAW 2020

### PART 1 – INTRODUCTORY

#### 1.1 Title

This Local Law is the *Short Stay Rental Accommodation* Local Law of the Frankston City Council.

#### 1.2 Objectives of this Local Law are to:

- (a) Regulate and control the use of *Short Stay Rental Accommodation* within the Municipal district of the Frankston City Council;
- (b) Ensure an appropriate standard of management and presentation of such accommodation;
- (c) Minimise the risk of such accommodation affecting the peace of neighbours; and
- (d) Implement a *registration* requirement.

#### 1.3 Authorising provision

This Local Law is made under section 111 of the *Local Government Act 1989*.

#### 1.4 Operational Date

This Local Law comes into operation on TBA.

#### 1.5 Revocation Date

This Local Law ceases to operate on TBA, unless sooner revoked by Council.

#### 1.6 Application of this Local Law

This Local Law applies and has operation throughout the whole of the Municipal District.

#### 1.7 Definitions

Unless the contrary intention appears in this Local Law, the following words are defined to mean:

WORDS	MEANING
The Act	Means the <i>Local Government Act 1989</i>
Authorised Officer	Means any person appointed as an <i>authorised officer</i> under Section 224 of the act
Council	Means the Frankston City Council
Infringements Act	Means the <i>Infringements Act 2006</i>
Material change	Means any change in the details of the application for <i>registration</i> of the <i>property</i>
Motor vehicle	Has the same meaning as in the <i>Road Safety Act 1986</i>
Municipal district	Means the Municipal District of <i>Council</i>
Notice to Comply	Means a notice served under clause 4.2
Occupant	Means a person who: <ul style="list-style-type: none"><li>- is listed as occupying the property on the booking form or reservation; or</li><li>- stays overnight at property; or</li><li>- pays for the booking</li></ul>



Online	Means electronically via <i>Council's</i> website
Owner	Means the <i>owner</i> of the <i>property</i> or the appointed <i>Property Manager</i>
Penalty unit	Has the same meaning as in the <i>Sentencing Act 1991</i>
Property	Means the parcel of land used for <i>Short Stay Rental Accommodation</i> as identified in <i>Council's</i> records
Property Manager	Means the person engaged by the <i>owner</i> of the <i>property</i> to manage and/or maintain the <i>property</i> , and includes an <i>agent</i>
Registered Short Stay Rental Accommodation	Means <i>Short Stay Rental Accommodation</i> registered under this Local Law
Registration	Means <i>registration</i> under and for the purposes of this Local Law
Registration fee	Means the fee for <i>registration</i> that is determined by <i>Council</i> by resolution from time to time
Receptacle	Means a container specifically intended for the collection of different classes of refuse, including garbage, recycling and food/garden waste
Short Stay Rental Accommodation	Means accommodation provided by the <i>owner</i> of a <i>property</i> , for fee or reward, to another person, for no more than 30 consecutive days on that <i>property</i> , but does not include any <i>property</i> that is required to be registered under any other Act or regulation
Visitor	Means any person attending the <i>property</i> other than the <i>occupant</i>

## PART 2 – REGISTRATION

### 2.1 *Registration required*

The *owner* of any *property* must not advertise, use, or allow to be used, the *property* for *Short Stay Rental Accommodation*:

- (a) Unless the *property* is currently registered with *Council* under this Local Law; and
- (b) Other than in accordance with
  - (i) the conditions of *Registration*; and
  - (ii) the provisions of this Local Law.

(Penalty: 20 Penalty Units)

- 2.1.2 *Registration* does not affect the requirement of a *Property Owner* or *Property Manager* or any other person to comply with any relevant law.

### 2.2 *Application for Registration*

An application to *Council* for the issue or renewal of a *registration* in respect of a *Short Stay Rental Accommodation* property must:

- (a) Be in writing and/or *online*;
- (b) Be made by the *owner* of the *Short Stay Rental Accommodation property*;
- (c) Contain the details specified and required in *Council's* application form; and
- (d) Be forwarded or lodged with the *registration fee* to *Council*.

### 2.3 Application Details

The details referred to in clause 2.2 must be completed in full before the application will be accepted by *Council* for consideration.

A person must not knowingly submit or lodge a *registration* application that is false or in any way fraudulent.

### 2.4 Determining an application

- 2.4.1 If an application for *registration* of a *Short Stay Rental Accommodation* complies with the requirements of clause 2.2 and the applicant pays the *registration fee* the *Council* or its delegate may issue to the applicant a certificate of *registration* and *registration* number.

### 2.5 Conditions of Registration

- 2.5.1 The conditions of *registration* are that the *owner* must at all times:

- (a) Comply with this Local Law;
- (b) Ensure the *owner* has provided *Council* and owners or occupiers of contiguous neighbours with the contact details for a designated person(s) for the *property* who can be contacted at any time of the day or night;
- (c) The designated person referred to in Clause 2.5.1.b must respond to any enquiry or complaint within two hours of that enquiry being made; and
- (d) Inform *Council* and owners or occupiers of contiguous neighbours in writing of any change that would affect the currency of the contact details submitted with the application for the *registration*.

Note: Council may provide the contact details to any resident living within close proximity to the *Short Stay Rental Accommodation*.

- 2.5.2 A person must comply with the conditions of *Registration*.

- 2.5.3 *Registration* is valid for a period of 12 months and must be renewed on an annual basis unless it is cancelled under this Local Law.

- 2.5.4 *Registration* cannot be transferred to another *owner*.

### 2.6 Cancellation

- 2.6.1 *Registration* may be cancelled when:

- (a) Any *material change* occurs to the application details, provided under clause 2.2(c) on the basis of which the certificate of *registration* was issued; or
- (b) *Council* receives no less than three substantiated complaints concerning the activities taking place at the *property* from residents located within the proximity of the *property* over a rolling period of 12 months and such complaints would amount to a breach of this Local Law; or

- (c) A substantiated complaint is of such severity that immediate cancellation is warranted; or
- (d) The *owner* no longer requires the *property* to be registered as a short stay; or
- (e) There is a breach of any other legislation that has an impact on the safety of *occupants* (e.g. pool fencing inadequate or non-existent, illegal building conversions of garages etc.).

Note: For instance any breach of the Local Law that places any person at risk of injury.

- 2.6.2 Subclause 2.6.1(a) does not apply where the change is merely a change of appointed *Property Manager*, the details of which are given to *Council* within 14 days of that change.
- 2.6.3 *Council* is not required to refund any part of the *registration fee* paid by the applicant in respect of cancelled *registration*.

## **2.7 Rights of Appeal**

- 2.7.1 An applicant or an objector to the issuing or cancelling of a *Short Stay Rental Accommodation Registration* may lodge an appeal in writing to *Council* against the decision of *Council* to grant or refuse a *Registration* within 28 days of being notified of the decision to grant or deny a *Registration*.
- 2.7.2 The *Council* will appoint a committee to consider any written appeal lodged with it. The committee will comprise of suitably qualified persons and may include the Director Community Development, Manager Planning & Environment and Manager Community Safety and any other person or member of *Council* staff.
- 2.7.3 A person may make written and/or oral representations to the committee.
- 2.7.4 The committee will inform all parties to an appeal of its decision in writing.
- 2.7.5 The decision of the committee is final and binding on all parties.

## **PART 3 – STANDARD OF MANAGEMENT**

### **3.1 Standard of Management**

- 3.1.1 The *owner* must not use or allow to be used a *registered Short Stay Rental Accommodation* in breach of this Local Law.
  - 3.1.2 The *owner* must provide contiguous neighbours with the current contact details of the designated person required in Clause 2.5.1(b).
  - 3.1.3 The *owner* must display and make this Local Law available to all *occupants* and *visitors* to the *property* including availability on their website or any social media used by the *owner* to promote the *Short Stay Rental Accommodation property* and must incorporate the Provisions of Part 3 of this Local Law into rental terms and conditions.
  - 3.1.4 The *owner* and *occupant* must ensure the use of the *property* does not interfere with the reasonable use and enjoyment by nearby residents of their land, or otherwise cause a nuisance.
  - 3.1.5 Any person who behaves in an unacceptable manner shall be guilty of an offence.
- Unacceptable behaviour includes but is not limited to:

- (a) Loud or aggressive behaviour; or
  - (b) Yelling, screaming or arguing.
- 3.1.6 Off-street parking should be provided for all *occupants'* and *visitor* motor vehicles. The owner must provide information to *occupants* on parking arrangements prior to arrival.
- 3.1.7 Additional accommodation is not allowed on site by way of tents, caravans, campervans or similar facilities.
- 3.1.8 The *owner* and *occupant* must ensure outdoor areas including swimming pools, spas, outdoor decking and balconies are not to be used between 11.00pm and 7.00am.
- 3.1.9 The *owner* must inform *occupants* of waste disposal arrangements and remove any excess waste left at the *property* by any person within 24 hours.
- 3.1.10 An *owner* or *occupier* must not leave a *receptacle* out for more than one day before or after the designated collection day.

#### PART 4 - ENFORCEMENT

##### 4.1 Offences

A person who:

- 4.1.1 Does not do anything required to be done or does anything forbidden to be done by or under this Local Law; or
- 4.1.2 Fails to comply with a *Notice to Comply*; or
- 4.1.3 Accepts a rental booking for a *Short Stay Rental Accommodation* that is not *registered* as required by this Local Law; or
- 4.1.4 Causes or permits by any act or omission a contravention of this Local Law;  
  
Is guilty of an offence and liable to a penalty not exceeding 20 penalty units and in the case of a continuing offence is liable to a penalty not exceeding 2 penalty units for each day after a finding of guilt by a court of law for an offence during which the contravention continues.
- 4.1.5 Any breach of this Local Law carries a penalty of 20 penalty units.

##### 4.2 Notices to Comply

Where there is a breach of this Local Law an *authorised officer* may serve a *Notice to Comply* on the person who is in breach of the Local Law by either;

- (a) Ordinary post; or
- (b) In person, or leaving the notice with a person at the *property* who appears to be over the age of 16; or
- (c) Email; or
- (d) Leaving the notice in the *property's* letterbox; or
- (e) Inserting the notice into or under the front door of the *property*.

##### 4.3 Compliance with directions

A person must comply with any reasonable direction of an *authorised officer* or a member of the Victorian Police when requested to do so.



#### 4.4 Infringement notices

- 4.4.1 Where an *authorised officer* has reason to believe that a person is guilty of an offence or offences for which an Infringement Notice may be issued under this Local Law, the *authorised officer* may serve on that person an Infringement Notice.
- 4.4.2 The penalty fixed for an Infringement Notice is the fixed penalty stated in Schedule 1 of the Local Law.
- 4.4.3 Infringement Notices are to be served as per the provisions of the *Infringements Act 2006*.

#### Schedule 1 – Specific Penalties for Infringement Notice Purposes

Infringements	Penalty
Clause 2.1.1	5 Penalty Units
Clause 2.3.1	5 Penalty Units
Clause 2.5.3	5 Penalty Units
Clause 3.1.1	5 Penalty Units
Clause 3.1.2	5 Penalty Units
Clause 3.1.3	5 Penalty Units
Clause 3.1.5	5 Penalty Units
Clause 3.1.8	5 Penalty Units
Clause 3.2	5 Penalty Units
Clause 4.1.1	5 Penalty Units
Clause 4.1.2	5 Penalty Units
Clause 4.1.3	5 Penalty Units
Clause 4.1.4	5 Penalty Units
Clause 4.3	5 Penalty Units
Clause 4.4	5 Penalty Units



Attachment B

*Lifestyle Capital of Victoria*

# **Short Stay Rental Accommodation Local Law 2020**

## **Community Impact Statement**



## **1. Background**

Frankston City Council has developed a draft Short Stay Rental Accommodation Local Law to;

- regulate and control the use of Short Stay Rental Accommodation properties within the Municipality
- ensure an appropriate standard of management and presentation
- minimise the risk of such accommodation affecting the peace of neighbours
- enforce compulsory registration of these properties

Within the last 10 years Short Stay Rental Accommodation businesses commenced using residential properties allowing large numbers of people to stay at a residential property for a set period that is agreed upon by the owner and the customer. Business platforms that support these properties are commonly known as Airbnb and Stayz Accommodation.

There is no legislation to prohibit a residential property from running a commercial accommodation business however the property is not considered commercial for rating purposes. As a result local residents may now experience excess noise, amenity and safety issues, numerous and illegally parked cars, littering and anti-social behaviour.

Council has received complaints from the Community about the adequacy of State Legislation to address community concerns regarding this type of land use. Councillors and various Council Departments have proposed a need to develop this Local Law.

This document has been developed in consultation with relevant Council Departments, legal advisors, external stakeholders such as VicPol and input from Councillors.

The Local Government Act 1989 sets a maximum life of ten years for a Local Law. The Short Stay Rental Accommodation Local Law 2020 is due to expire **XX** February 2030.

## **2. Proposed New Short Stay Rental Accommodation Local Law**

A draft Short Stay Rental Accommodation Local Law was prepared and presented for Council's consideration at Council Briefing 30 September 2019. Council endorsed at Ordinary Meeting 16 December 2019 for the draft to be released for Community Engagement for a period of 4 weeks from 17 December 2019.

The provisions in the draft Short Stay Rental Accommodation Local Law address the legislative aspects of the Local Law, which includes the objective, commencement date, revocation date, application of the Local Law, conflict with other legislation and definitions.

The Administrative provisions in the draft Short Stay Rental Accommodation Local Law address registration and enforcement processes, including infringements.



### 3. Existing Legislation

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The proposed Short Stay Rental Accommodation Local Law has a number of provisions, which compliment existing legislation and provide a more appropriate local response whilst not overlapping, duplicating or conflicting with existing State legislation.

### 4. Overlap with Existing Legislation

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There is existing State legislation that also deals with matters covered in the draft Short Stay Rental Accommodation Local Law. Council does not believe that these matters are inconsistent with any Act. Examples are:

- Noise, waste and litter – *Environment Protection Act 1970*;
- Nuisances – *Public Health and Wellbeing Act 2008*; and
- Vehicles – *Road Safety Act 1986*.

### 5. Overlap with Planning Scheme

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Council does not believe that the draft Short Stay Rental Accommodation Local Law overlaps or creates any inconsistencies with the Planning Scheme.

### 6. Legislative approach adopted

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Council is of the view that introduction of the draft Short Stay Rental Accommodation Local Law is necessary to provide for peace, order and good governance within the municipality.

The draft Short Stay Rental Accommodation Local Law provides for:

- regulation and control of the use of Short Stay Rental Accommodation properties within the Municipality
- ensuring an appropriate standard of management and presentation
- minimising the risk of such accommodation affecting the peace of neighbours
- enforcing compulsory registration of these properties

### 7. Penalties

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The *Local Government Act 1989* and the *Sentencing Act 1991* provide for guidance with regard to the setting of penalties and infringement amounts. The draft Short Stay Rental Accommodation Local Law complies with these guidelines.

Infringement notices offer an alternative method for dealing with minor offences, giving the person to whom a notice is issued the option of paying a fixed penalty, rather than proceeding to a court hearing. This system uses inducements such as convenience of payment, lower fine levels than in open court, the avoidance of a conviction being recorded and saving of legal costs to dispose of matters in an efficient and timely manner.

Council considers that the penalties in the draft Short Stay Rental Accommodation Local Law will assist Council in its aim to improve the amenity of the municipality.





## 8. Registration

The draft Short Stay Rental Accommodation Local Law makes use of a registration system as a means of controlling activities, rather than using prohibition. It is anticipated that the introduction of the Registration Standards of Management will be an effective means of managing the activities.

## 9. Measuring Success

The success of Council's new Local Law will be closely monitored. The key performance indicators for measuring success will include:

- reduction in the number of customer complaints received;
- the level of community satisfaction; and
- success rate of court prosecutions undertaken by Council.

## 10. National Competition Policy

The development of the draft Short Stay Rental Accommodation Local Law has been conducted in accordance with National Competition Principles. All provisions of the draft Short Stay Rental Accommodation Local Law have effect throughout the Municipal district.

The registration process set out in the draft Short Stay Rental Accommodation Local Law will apply in all instances where registration of Short Stay Rental Accommodation is required and will not restrict competition.

## 11. Fees and Charges

The new Short Stay Rental Accommodation Local Law allows Council to determine fees for the purposes of the Local Law and this will be done annually as part of the budget process.

The power to fix, waive or reduce fees is to be delegated to the Chief Executive Officer and Senior Officers.

## 12. Risk Assessment

<i>Risk</i>	Council has adopted a risk management approach to the development of the proposed Short Stay Rental Accommodation Local Law.
<i>Community not aware of the Local Law obligations (if adopted)</i>	Community engagement prior to decision and if adopted.
<i>Cost of having to register may cause financial hardship</i>	Chief Executive Officer and/or delegated officer have power to waive fee.



*General community feeling that there are too many laws and that they are over governed.* Community education and awareness campaign.

### **13. Comparison with Neighbouring and Like Councils**

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The provisions in the draft Short Stay Rental Accommodation Local Law are similar to those implemented by the adjoining municipality - Mornington Peninsula Shire. Overall, the draft Short Term Rental Accommodation Local Law maintains similarity with a neighbouring Council with similar concerns. The areas of difference reflect local conditions and administrative and enforcement processes.

### **14. Charter of Human Rights**

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Council has assessed the draft Short Stay Rental Accommodation Local Law for compatibility with the Charter of Human Rights and Responsibilities and considers it is compatible with the Charter.

### **15. Community Consultation and Submissions**

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Public consultation will be undertaken as part of the process of making the Short Stay Rental Accommodation Local Law. Interested parties will be invited to make submissions in accordance with section 223 of the Local Government Act 1989.

A notice to this effect will be advertised in local papers, FCC website and social media from Friday 20 December 2019 with submissions being received up to Friday 17 January 2020.

Persons making submissions can request an opportunity to address Council. Council when deciding whether or not to adopt the draft Short Stay Rental Accommodation Local Law will consider all submissions.

### **16. Further Information and Customer Service Outlets**

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Persons wishing further information on Council's draft SSRA Local Law should contact:

Leonie Reints  
Manager Community Safety  
Frankston City Council  
PO Box 490  
FRANKSTON VIC 3199

Phone: 1300 322 322



Copies of the draft Short Stay Rental Accommodation Local Law are available on the Council's website: [www.frankston.vic.gov.au](http://www.frankston.vic.gov.au) or from Council's Customer Service outlets as listed below:

Customer Service Centres

**Civic Centre**

30 Davey Street  
FRANKSTON VIC 3199  
Open: 8.30am to 5pm Monday to Friday

**Seaford Service Centre**

120 Nepean Highway  
SEAFORD VIC 3198  
Open: 9am – 5pm Monday to Friday  
9am – 11:45am Saturday

**Langwarrin Service Centre**

Shop 6, Gateway Shopping Centre  
Cranbourne Road  
LANGWARRIN VIC 3910  
Open: 9am to 5pm Monday to Friday  
9am to 12 noon Saturday

## Attachment C

## Community Engagement - Short Stay Rental Accommodation Local Law - Discussion and submissions

ForumCouncil Officers present: Dr Gillian Kay, Leonie Reints, Jarred Stevens, Matthew Harvey, Sandra Macleod, Sue McShane (minutes)					
Topic	Resident/Stakeholder Query	Response from Officer	Suggestions/Submissions from Residents	Officer Actions	Officer Recommendations
Why introduce a local law?	Response to only 2 complaints is overkill.	There is no current legislation or definition to successfully manage Short Term Rental Accommodation (SSRA).			
	Why is council involved?	Council respond to complaints from Residents and acts to ensure the amenity for neighbours through addressing bad behaviour. State government is not indicating that they are implementing legislation in the near future.			
	1. Why can't you use existing legislation? 2. ... issues related to short stays - amenity, accessibility and affordability - are best addressed through a state wide regulatory framework....	1. There is no current legislation or definition for SSRA. 2. Frankston City Council agrees that there should be State Government legislation to address gaps in the current situation. If State Government Legislation is introduced it would override any Local Law			
	How do you manage residential noise etc.?	Noise nuisance for residential properties is covered by the <i>Public Health and Wellbeing Act 2008</i> and Council's General Local Law. Commercial properties are under different legislation.			
	How did you identify owners?	Council engaged a company to provide data from all accommodation sites and cross referenced this with rate data.			
	Will this new Local Law help?	Within this draft Local Law there are Standards of Management (things you must adhere to). Council would investigate complaints, negotiate, identify any breaches, take it further - infringement, court, deregister the property etc. Mornington Peninsula Shire Council have had success through infringements and an approximate 60% reduction in complaints.			



Attachment C

Community Engagement - Short Stay Rental Accommodation Local Law - Discussion and submissions

Topic	Resident/Stakeholder Query	Response from Officer	Suggestions/Submissions from Residents	Officer Actions	Officer Recommendations
Fee	Why do I have to pay?	To cover complaints investigation costs.	Don't need a fee. \$20 flat fee. Registration fee reimbursed for good behaviour. Higher fee for owners that are not living on site. Sliding scale for whole house to room only. Can the fee be locked in for 10 years? Registration fees are significantly more for Prescribed Accommodation.		<b>Officer Recommendation:</b> To be equitable to all parties, a fee set between \$100.00 and \$200.00 and to not increase above CPI for a 10 year period. (With regard to a different fee for owner occupied or owner not residing at the property, this would be extremely difficult and resource intensive to ascertain).
	How much is the fee? Would Council keep putting the fee up?	Not yet determined, Council will set the fee. Proposed between \$100 - \$200. Explanation of how fees are set and community opportunity to submit feedback, concerned about Council increasing fees. Fee is tax deductible.			
Definitions	1. Short Stay Rental Accommodation - "...for no more than 30 consecutive days ..." 2. This definition needs to be considered in the context of two other state legislative definitions (Residential Tenancies Act and Public Health and Wellbeing Act)		1. Could this limit be increased as some of us rent to medical locums, people moving house etc. who stay longer than 30 days.	<b>Legal Advice:</b> 1. Officers have the option of enforcement or not. 2. If any inconsistency arises, the Local Law will be inoperative to the extent of that inconsistency (see s 111(3) of the <i>Local Government Act 1989</i> )	
	Clarification is required around the definition of Occupant. Unclear whether the occupant will be the guests or the property owner.			<b>Legal Advice:</b> Occupant means the person who: - is listed as occupying the property on the booking form or reservation; or - stays overnight at property; or - pays for the booking	

## Attachment C

## Community Engagement - Short Stay Rental Accommodation Local Law - Discussion and submissions

Topic	Resident/Stakeholder Query	Response from Officer	Suggestions/Submissions from Residents	Officer Actions	Officer Recommendations
	Substantiated complaints - expand to advise the method e.g. use photos, audio recording, video		Include a definition of substantiated complaints and method of investigation		No recommendation - Investigation process for complaints is normal Council practice and included in Council Procedures.
	1. Add "Agent" to exclude booking platforms from the definition of Agent or Property Manager 2. Add "Visitor" and "Guest"			Legal Advice: 1. A definition of 'property manager' will suffice. 2. Definition of 'Visitor' added.	
Registration	1. Will there be inspections? 2. Can Vehicle registration be added to the registration form as I believe Mornington collects this information? 3. Will red tape make it harder to register in the future. 4. Concerns around Council providing contact details to any resident living within close proximity to the short stay rental property - does not provide privacy and protection of homeowner's personal details. 5. Believe a nominated contact person to be contactable at any time of the day or night to respond to enquiries or complaints within 2 hours is unreasonable	1. No inspections will be made unless a complaint has been made. 2. Could Owners take vehicle registration? 3. Changes to Local Laws have a process including Community Engagement where residents have the opportunity to submit feedback and speak on agenda items. 4. Council is bound by Privacy Legislation.		2. Update Owner Information Fact Sheet to suggest owners collect vehicle registration.	
Standards of Management					
3.1.3 & 3.1.4	1. Should the owner be vicariously liable by being responsible for the behaviour of any occupants or residents at the property". 2. Obligations and standards: what criteria and measures will be judged unacceptable	1. Yes. Should noise and nuisance be proven and the owner fails to comply with a "notice to Comply" they may be prosecuted. The term 'nuisance' has been added to rely on the common law definition of that term as it is commonly understood.	2. Add criteria and measures on how behaviour will be judged unacceptable.		No recommendation - 2. Vic Pol investigates in the first instance and applies relevant legislation.
3.1.4	Times		Include "at any time of day and night"		No recommendation - no time frame included in Local Law wording implies at all times. Prescribed times are covered under EPA regulations.
3.1.5	Expand definition		Include loud music, profanities and anti social behaviour.		No recommendation - clause in Local Law wording includes "but not limited to".

## Attachment C

## Community Engagement - Short Stay Rental Accommodation Local Law - Discussion and submissions

Topic	Resident/Stakeholder Query	Response from Officer	Suggestions/Submissions from Residents	Officer Actions	Officer Recommendations
3.1.6 Parking	I cannot provide parking for everyone on site. Parking on Gould Street is already congested. Limit number of people, cars and visitors	Complaints are investigated in line with Road Safety Laws. The Local Law states that off street parking "should" be made available and not "must".	Limit number of people, cars and visitors		No recommendation - parking is covered by Road Safety Laws. Council cannot regulate the number of visitors, can only respond to the noise and nuisance.
3.1.8 Times	Why is the 11:00pm cut off different to normal noise nuisance time of 12:00pm? Noise can be during the day also.	11:00pm is the EPA regulation for all noise nuisance. There are EPA regulations relating to noise volume during the day.	1. Could the times for use of swimming pools, spas, outdoor decking and balconies be more specific by adding "no disturbance" to allow for owners to utilise these at any time? 2. Different time restrictions for week days.		1. No recommendation - The Local Law applies to tenants use of the property only. 2. No recommendation - Keep time frames consistent for the whole of this local law.
3.1.9 & 3.1.10 Waste	Why do SSRA have different laws for waste to residential owners?	The SSRALL standards reflect the General Local Laws for waste.			
4.1.4 Enforcement	As drafted, this could put online booking platforms, like Stayz, in a position of being required to ensure all listings are registered with Council, something which is both practically difficult and inappropriate.	All property owners are responsible for registering their short term rental accommodation properties with Council.	It is unreasonable to delegate this responsibility to third parties.		No recommendation - It is the owners obligation to register their property.
Complaints	What if we have a neighbour who consistently complains?	The Local Law and Council procedures provide for and are tested to be fair and reasonable. There would be an investigation to determine if the complaint is substantiated. Natural Justice applies. (Council Officers are skilled in determining vexatious complaints)			
Enforcement	Can you use the Local Law to shut down properties? The tenants should get fined. You take owners to court, they don't care, what is the penalty.	After investigation and a breach of 3 consecutive substantiated complaints over a rolling 12 month period the property may be deregistered. There is no legislation to follow up a tenant. If we go to court, the Magistrates can give powers - we can look at criminal charges - breach of Magistrates order, jail, criminal record etc.			
Penalties	What are the penalties? Why are penalties so low?	Penalties and amounts are set by the State Government. The maximum penalty a Council Officer can issue is 5 penalty units. One penalty unit is \$100 under the Local Law.			

## Attachment C

## Community Engagement - Short Stay Rental Accommodation Local Law - Discussion and submissions

Topic	Resident/Stakeholder Query	Response from Officer	Suggestions/Submissions from Residents	Officer Actions	Officer Recommendations
Discussion	<b>Unreliable Owners</b> Can Council liaise with Airbnb. Owners go to any lengths after Airbnb ban their listing. Some advertise as party homes. Rent a narrow hallway as a BnB. These issues are happening all over the world. Create alias names to go back on Airbnb. False advertising e.g.. Ocean view. Bribe tenants with keeping bond unless they give a good review. The red flag is large houses, can these be banned properties? They get taken to court but they don't care.	Airbnb have been difficult to work with. Would not come to the table with MPSC. We may be restricted by Privacy legislation and cannot share details with Airbnb.		<b>Action:</b> Investigate if Council can share details with Airbnb etc. <b>Outcome:</b> Officers will investigate better collaboration with short stay booking providers.	
	<b>Vetting and number of tenants</b> Cannot control who comes into the house. Other resident suggestions: Only take those with glowing reviews, ask the question what brings you to Frankston? If you have doubts don't accept. There is criteria you can put into your advertisement to vet tenants.		Is it possible to contain the number of tenants? Is it possible to contain the number of visitors?	This was investigated and under current legislation there is no ability to enforce or restrict the number of tenants or visitors.	
	Capping number of days to 90 per year as is being done in other cities e.g. Byron Bay	No capability to monitor and enforce. Whilst the objective of Council is to minimise the risk of such accommodation affecting the peace of neighbours, it is not the intent of this Local Law to have a negative impact on the number of tourists to the area.			
	<b>Police Assistance</b> How do the police react? They don't turn up. Police do not want to know about it.				
General discussion/comments	Rooming Houses				
	Focus on education of tenants, neighbours and owners.				



## Attachment C

## Community Engagement - Short Stay Rental Accommodation Local Law - Discussion and submissions

Topic	Resident/Stakeholder Query	Response from Officer	Suggestions/Submissions from Residents	Officer Actions	Officer Recommendations
	A Victoria state wide approach to short stay rental accommodation in Victoria be established with the creation of a mandatory short term rental code				
	We have been pushing this for years and Council have not had a leg to stand on.				
	I commend Council I have lobbied for over 2 years.				
	Media articles for unreliable owners could be a good resolution.				
	Great initiative of Council.				
	Will it affect our rates?	Rates are determined by the value of the property.			
	What about ordinary flats?	Noise nuisance for residential properties is covered by the Public Health and Wellbeing Act 2008 and investigations take time to gather evidence so not applicable to SSRA.			
	Just started as a BnB, I came into the meeting negative I now think it is a good idea.				
	Wouldn't a BnB be a commercial property?	It is not considered commercial for rating purposes.			
	Don't forget tourists bring money into the town.	Council is supportive of tourism to this area.			
Going forward		All comments provided tonight go into the submission.			
		Submission close on 17 January 2020.			
		This is part of the consultation now - the submission goes to Council - You can register to speak at the Council Meeting. Council take submissions into account in their debate and you can stay and listen to the debate.			
	How long will it take?	The agenda goes into the website a few days prior to the meeting on 28 January 2020. Minutes will go onto the website.			


Attachment D



*Lifestyle Capital of Victoria*

# Community Engagement Plan Evaluation

## Short Stay Rental Accommodation Local Law 2020



## Community Engagement Plan Evaluation

Project name: Short Stay Rental Accommodation Local Law 2020

Evaluated by: Leonie Reints

Date: 20 January 2020

Background:

Purpose of the engagement was to:

- Advise the Frankston community of the intention to introduce the Short Stay Rental Accommodation Local Law 2020
- Seek community engagement and participation by inviting comments and feedback on the draft Short Stay Rental Accommodation Local Law 2020.

	To Inform	To Consult	To Involve	To Collaborate	Stakeholders	Evaluation	Comments
<ul style="list-style-type: none"> <li>Draft</li> <li>May – October 2019</li> </ul>				x	Managers and Coordinators Compliance and Safety Building Services Environmental Health Prosecutions Planning Mornington Peninsula Shire Council BnBGuard Community Relations	<ul style="list-style-type: none"> <li>Draft Local Law advertised from 20/12/19 – 17/01/20 and 200 Letters sent to possible Short Stay owners and Real Estate Agents</li> <li>2 Submissions received 20/12/19 - 17/01/20</li> <li>9 queries/comments received 20/12/19 – 17/01/20</li> <li>Public Meeting held 08/01/20 with 24 attendees whose comments and suggestions were included in the submissions. ReM A4131839</li> </ul>	<ul style="list-style-type: none"> <li>All feedback and queries have been documented and responded to</li> </ul>
<ul style="list-style-type: none"> <li>Legal Review</li> <li>May to October</li> </ul>				x	Council & Community	Russell Kennedy Pty Ltd advised and evaluated work to date for compliance.	ReM A4134680, A4134682
<ul style="list-style-type: none"> <li>Councillor input</li> <li>30 September 2019</li> </ul>			x		Councillors and EMT	Presentation briefings held 30 September 2019 included Russell Kennedy Pty Ltd representatives.	Infocouncil - Report of Officers - 28 January 2020 2020/OM1



**Executive Summary****12.9 Roads Asset Management Plan (2020)**

*Enquiries: (Luke Ure: Community Assets)*

**Council Plan**

Community Outcome:	4. A Well Managed City
Strategy:	4.3 Resources
Priority Action	4.3.2 Undertake an ongoing review of Council's assets to ensure they meet community needs

**Purpose**

To present the outcomes of the public consultation period to Council and seek adoption the Roads Asset Management Plan (2020).

**Recommendation (Director Community Assets)**

That Council:

1. Notes the outcomes of the public consultation for the draft Roads Asset Management Plan (2020); and
2. Adopts the updated Roads Asset Management Plan (2020).

**Key Points / Issues**

- Council endorsed public consultation of the revised Roads Asset Management Plan at its Ordinary Meeting on 14 October 2019.
- A formal public consultation period was conducted from 21 October 2019 until 2 December 2019. One online submission was received during this period, which queried cycling infrastructure in the municipality and its integration with road and rail networks. As a result, the Improvement Plan of the Roads Asset Management Plan has been updated with an action to review key strategies pertaining to strategic management of roads and transport assets. This includes the Integrated Transport Strategy (2013), Bicycle Strategy (2010) and Path Development Plan (2015).
- The Roads Asset Management Plan (Attachment A) details information about Council owned road assets including actions required to manage these assets in the most cost effective manner.
- The Roads Asset Management Plan has been developed following an asset condition audit conducted during 2017/2018. The audit measured Pavement Condition Index (PCI) and is based on a selected number of defect types. Overall results revealed 81% of the road network is in a good to very good condition.
- Council's has 705km of roads accounting for approximately \$398.9M (38%) of Council's total asset portfolio.
- The Plan provides Council with the following:
  - Overall assessment of Council's current approach in managing its roads asset portfolio;
  - 25 improvement actions to further develop Council's roads asset management practices and performance; and
  - A 10 year funding strategy for Council's Long Term Infrastructure Plan (LTIP).

**12.9 Roads Asset Management Plan (2020)****Executive Summary**

- Some key highlights from the Roads Asset Management Plan include:
  - Council has sufficient funding to meet roads asset renewal and operational requirements over the 10 year planning period based on current levels of service and existing budget allocations;
  - The importance of developing and adopting asset lifecycle costs for roads capital works projects to inform future operational and renewal budget requirements, and ensure the provision of appropriate funding allocations;
  - The ongoing development of roads works programming in the Frankston Asset Management Information System (FAMIS) which is essential to maintain the integrity of the asset data, to capture costs for maintenance works and to optimise service delivery;
  - Continued refinement and review of Council's LTIP is required to strengthen the Roads Capital Works Program development over the long term and ensure the successful planning and delivery of projects into the future;
  - The Plan strongly emphasises the importance of service planning and its role in best practice asset management, as it provides Council with a method to make informed service provision and asset decisions; and
- The Roads Asset Management Plan is scheduled to be reviewed and updated in 2023 following the next periodic Roads asset condition audit.

**Financial Impact**

The Victorian Government introduced the "Fair Go Rates" system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past four financial years has ranged between 2.0 per cent to 2.5 per cent and has been set at 2.0 per cent for 2020-2021.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council's major source of income, Council's capacity to continue to deliver services and fund its capital programme will be severely restricted.

The Roads Asset Management Plan provides Council with an optimised long-term funding strategy in accordance with Council's Long Term Financial Plan (LTFP).

**Consultation****1. External Stakeholders**

External consultation took place over a six week period between 21 October 2019 and 2 December 2019 to allow the community and user groups to provide feedback on the Roads Asset Management Plan.

The draft Roads Asset Management Plan was accessible through the "Have Your Say" feedback section on Council's website, whilst hard copy versions were made available at all Council Customer Service Centres.

One external submission of feedback was received online for the Roads Asset Management Plan which raised concerns about the lack of inclusion of cycling infrastructure in Frankston City.

**12.9 Roads Asset Management Plan (2020)****Executive Summary**

The submission received was documented, responded to and incorporated within the Plan under Section 8 – Improvement Plan.

**2. Other Stakeholders**

Internal consultation has occurred through meetings with key stakeholders to seek their experiences and knowledge of Council's Roads assets and services. The Plan was also made available on Council's intranet, Grapevine, seeking feedback from Council staff members.

Formal internal consultation with key staff and the Strategic Asset Management Team (SAMT) was conducted between 26 September 2019 to 2 October 2019 and feedback has been incorporated into the Plan.

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

The development of the Roads Asset Management Plan has been completed in line with Council's aspirations to have minimal impact on the environment, operate efficiently and continue to support services to the Frankston community.

The Plan also identifies the need to investigate the feasibility of using recycled materials in future road construction works.

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

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

Legal

As the responsible authority for the management of a vast roads network, Council has a number of legislated obligations including but not limited to the Local Government Act (1989), Road Management Act (2004), Crown Land (Reserves) Act (1978), Disability Discrimination Act (1992), Transport Act (1983), Public Health and Wellbeing Act (2008), Occupational Health and Safety Act (2004), Heritage Act (2017), Wrongs Act (1958) and the relevant Australian Standards.

The Roads Asset Management Plan also provides Council with an assessment of its current road management responsibilities and practices in accordance with its Road Management Plan (RMP).

Policy Impacts

The preparation of the Roads Asset Management Plan has been done in accordance with the Asset Management Policy (2019), Asset Management Strategy (2013) and the Council Plan 2017 – 2021.

Officer's Declaration of Interests

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

**Risk Mitigation**

A number of risks and mitigation actions have been identified through the development of this Roads Asset Management Plan (refer to Chapter 6 of the Roads Asset Management Plan). These actions will be achieved within existing budget provisions and future budget development processes.

**12.9 Roads Asset Management Plan (2020)****Executive Summary****Conclusion**

The Roads Asset Management Plan is a strategic document which aims to optimise lifecycle management of Council's roads network and ensure it continues to support critical services to the community. The Plan includes a detailed review of current management practices, highlights known issues and provides a detailed improvement plan. The Plan aligns with Council's long-term funding strategy as incorporated within the LTIP and Council's LTFP.

The Roads Asset Management Plan also highlights the importance of service planning and its role with best practice asset management. Asset Management Plans provide Council with a method to make informed service and asset decisions in a rate capped environment.

The Roads Asset Management Plan details current practices, future improvements and serves as a basis for ongoing development and revision of asset management plans.

The preparation of this document is considered good governance and aligns with the Asset Management Policy, Strategy and Council Plan. The plan has been updated to reflect feedback received from the public consultation. Therefore it is recommended that Council adopts the Roads Asset Management Plan (2020).

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**ATTACHMENTS**

Attachment A: [↓](#) Roads Asset Management Plan





**Attachment A:**

Council's Roads Asset Management Plan will be made available online on Frankston City Council's website <https://www.frankston.vic.gov.au>

Hard copies of the Roads Asset Management Plan will be available for Councillors at its Ordinary Meeting (OM1) on 28 January 2020.

Copies of the Roads Asset Management Plan will be available for inspection at Council Customer Service Centres on request.

**Executive Summary****12.10 State Emergency Services (SES) Frankston Unit - Lease Agreement for 12 Seater Toyota Bus**

*Enquiries: (Luke Ure: Community Assets)*

Council Plan

Community Outcome:	4. A Well Managed City
Strategy:	4.3 Resources
Priority Action	4.3.2 Undertake an ongoing review of Council's assets to ensure they meet community needs

**Purpose**

To brief Council on the lease arrangement with the State Emergency Services (SES) Frankston unit regarding the Council owned 12 Seater Toyota Bus and its pending renewal.

**Recommendation (Director Community Assets)**

That Council extends the current lease agreement with the State Emergency Services (SES) Frankston unit until 2021, when the organisation can provide the SES with a replacement bus and enter a new five (5) year lease agreement.

**Key Points / Issues**

- 24 April 2012 (OM228) Councillor Kris Bolam, hereby gave notice that at the next appropriate meeting of the Frankston City Council I will move that:

*"Frankston City Council (FCC) lease out one existing minibus from the FCC fleet for exclusive use by the Frankston State Emergency Service (SES) for an ongoing period until determined otherwise by FCC and the Frankston SES. The transferred minibus must meet the needs and specifications of the Frankston SES. In return, the Frankston SES must surrender to FCC the minibus previously donated to the Frankston SES by FCC (this particular vehicle is no longer responsive to the operational rigours of Frankston SES).*

*The exchange is to occur by June 2012."*

The Notice of motion was Carried Unanimously.

- On 25 June, 2012, Frankston City Council entered a lease agreement with the SES Frankston Unit for an agreed lease term of five (5) years.
- On 11 October 2017, the lease agreement was extended for a period of two (2) years following approval by EMT at a briefing on 19 September 2017 (Attachment A).
- The current bus is a Toyota Hi-Ace (2007 model) and had done 103,500 kilometres at the time of handover to the SES.
- The bus would now have extensive mileage (~200,000 km) and officers estimate its resale value is minimal; \$6K - \$7K.
- The bus is used by Frankston SES for the following:

Operational use:

- Searches - transporting personnel to scenes and then as an extra vehicle for patrolling and searching roadways;

**12.10 State Emergency Services (SES) Frankston Unit - Lease Agreement for 12 Seater Toyota Bus****Executive Summary**

- Storm damage – transporting changeover crews to trucks in the field or taking out extra crew;
- Main form of transport for welfare (food/ drink) for field operations;
- Deployments – used extensively to transport personnel/luggage to/from the airport or to other areas around the central regional area. Used to transport light equipment in these situations as well;
- Lighting – tows the lighting platform to scenes if 4x4's are tied up; and
- Evacuations – assists with transport of public in evacuation situations.

**Training:**

- Provides movement of personnel for training activities in the Frankston area;
- Travel to external training courses run around the region, this is our main form of transport for members; and
- Main form of transport for welfare (food/ drink) to members training away from the unit.

**Administration:**

- General transport vehicle as required - Post Office Box, shops, regional headquarters to collect mail/equipment, other light equipment collections;
  - Critical incident stress (PTSD) team travel to other units to assist;
  - Assistance of other emergency service operations with transporting their members on request; and
  - Event assistance - such as 'blessing of the fleet' to transport elderly church goers from the church to the pier. Also as a tail-end protection/pickup vehicle for fun-runs in the local community.
- The options available to Council regarding the future of the 12 seater minibus and its associated lease agreement between Frankston City Council and the Frankston unit of the State Emergency Service (SES) are as follows:
    - Extend the current lease agreement until 2021, when the organisation can provide the SES with a replacement bus and enter a new five (5) year lease agreement (recommended);
    - End the lease arrangement and donate the bus to the SES; or
    - End the lease arrangement with the SES and sell the current bus.
  - Replacing the current bus and entering a new lease agreement will have a cost implication to Council, estimated at approximately \$30K in a foregone asset sale.
  - Considering the benefit of the lease arrangement to the SES's operation, it is recommended that Council extends the current lease agreement until 2021, when the organisation can provide the SES with a replacement bus and enter a new five (5) year lease agreement.

**12.10 State Emergency Services (SES) Frankston Unit - Lease Agreement for 12 Seater Toyota Bus****Executive Summary****Financial Impact**

The Victorian Government introduced the “Fair Go Rates” system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past four financial years has ranged between 2.0 per cent to 2.5 per cent and has been set at 2.0 per cent for 2020-2021.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council’s major source of income, Council’s capacity to continue to deliver services and fund its capital programme will be severely restricted.

Under the current the lease agreement the Frankston SES pay for all operational and fuel costs excluding annual registration of \$850.

The financial implications associated with this report are dependent on Council’s decision.

The estimate resale value of the current bus is approximately \$7K due to the vehicle age and mileage.

Replacing the current bus and entering a new lease agreement will have a more significant cost implication to Council, estimated at ~\$30K in foregone asset sale.

**Consultation****1. External Stakeholders**

Consultation with the State Emergency Service Frankston Unit on the options regarding the way forward with the bus and its associated lease agreement has resulted in a request that Council continues to support a lease arrangement of a bus.

The SES cited the considerable benefits of this arrangement to the Frankston volunteers operation and its criticality to their ability to support the community.

The SES understood and appreciated this arrangement is at a cost to Frankston City Council and were gracious for the organisation’s generosity and support.

**2. Other Stakeholders**

On 14 October 2019, EMT were briefed on the expiry of the current lease agreement.

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

If the SES Frankston Unit does not have access to a bus, this will have a significant impact to the community and the ongoing operations of the SES Frankston Unit.

**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

There are no legal impacts.



**12.10 State Emergency Services (SES) Frankston Unit - Lease Agreement for 12 Seater Toyota Bus****Executive Summary**Policy Impacts

There are no policy impacts.

Officer's Declaration of Interests

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

**Risk Mitigation**

Since 2012, the Frankston SES unit has benefitted from Council's willingness to provide assistance to their ongoing operation via lease of a Council fleet vehicle. Any decision to remove this assistance would impact the operations of the Frankston SES unit and may be detrimental.

The removal of the minibus may jeopardise the Frankston SES unit's operations and ability to respond to emergency situations, exposing the community to further risk.

**Conclusion.**

Officers have presented Council the options pertaining to the future of the 12 seater minibus and its associated lease agreement between Frankston City Council and the Frankston SES.

It is recommended that Council extends the current lease agreement until 2021, when the organisation can provide the SES with a replacement bus and enter a new five (5) year lease agreement.

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**ATTACHMENTS**

Attachment A: [↓](#) SES Frankston Unit Toyota Bus Lease Agreement 2017 - 2019



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**Lease Agreement for a 12 Seater Toyota Bus  
(State Emergency Service Frankston Unit)  
2017-2019**

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Between

**FRANKSTON CITY COUNCIL**  
of Civic Centre, Corner Young & Davey Streets, Frankston VIC 3199  
("Council")

And

**State Emergency Service (SES)-Frankston Unit**  
32a McCulloch Avenue, SEAFORD  
("SES")

**Recitals**

- A. Council shall lease for a period of two (2) years a 12 seater commuter bus on the terms and conditions set out in this Agreement to the State Emergency Service, Frankston Unit.
- B. The State Emergency Service, Frankston Unit will pay Council an annual fee of \$900.00 (ex GST) to recover registrations costs only.

**Terms & Conditions**

1. Council shall provide to State Emergency Service, Frankston Unit one (1) used 2007 Toyota 12 seater commuter bus registration number WCN691 (the Vehicle).
2. The Agreement is for a period of two (2) years commencing from date and signed lease agreement of this documentation.

**Council Responsibilities**

3. Council shall ensure that State Emergency Service, Frankston Unit has free and unhindered use of the Vehicle during the agreed period.
4. Council shall register and maintain the registration of the Vehicle during the period of this agreement and shall pay the cost of registration of the Vehicle.

**State Emergency Service Responsibilities**

5. State Emergency Service, Frankston Unit undertakes to maintain the Vehicle in a roadworthy state during the Lease Agreement period at their own cost.
6. State Emergency Service, Frankston Unit undertakes to regularly service, (including the replacement of tyres) maintain and repair the Vehicle or where the warranties exist, have the requirements for the warranties fulfilled, and shall be responsible for all costs associated with the maintenance and operation during the term of this Lease Agreement.
7. State Emergency Service, Frankston Unit must obtain an annual roadworthy certificate to comply with the Public Transport Safety Victoria legislations; the State Emergency Service, Frankston Unit agrees to bear the cost of the roadworthy certificate for the Vehicle.
8. State Emergency Service, Frankston Unit shall comprehensively insure the Vehicle for the full replacement value of the Vehicle and shall renew such comprehensive insurance on the Vehicle and pay all premiums in relation to such insurance as and when they become due. The State Emergency Service, Frankston Unit shall provide to Council on an annual basis (and at any other time requested by Council) a copy of the insurance policy.

9. State Emergency Service, Frankston Unit agrees to return the Vehicle to Council in a clean and roadworthy condition at the end of the Lease Agreement or at the time of termination.
10. State Emergency Service, Frankston Unit shall pay all fines, toll way fees and infringements associated with the Vehicle.
11. State Emergency Service, Frankston Unit shall comply with all leasing conditions associated with the Vehicle supplied by Council.
12. State Emergency Service shall comply with all legislations and standards including (but not limited too) the *Bus Safety Act 2009* (Vic).

**Termination**

13. Notwithstanding anything in this Lease Agreement to the contrary, Council may at any time terminate this agreement by giving one months' notice in writing to the State Emergency Service, Frankston Unit.
14. Upon the termination of this Lease Agreement by the Council, the State Emergency Service, Frankston Unit shall return the Vehicle to the Council in the same conditions that it was at the time of delivery to the State Emergency Service, Frankston Unit subject to the normal wear and tear associated with its usage.

SIGNED ON BEHALF OF THE STATE EMERGENCY SERVICE,  
Frankston Unit with delegated authority

Name: Philip Holt

Date: 27/09/2017

Signature: 

Rank: Controller

SIGNED for and on behalf of  
**FRANKSTON CITY COUNCIL**  
A.B.N. 49 454 768 065  
by its duly athonised officer

Name: T. FREDERICO Date: 11 / 10 / 2017Signature: Position: DIRECTOR CORPORATE DEVELOPMENT



**Executive Summary****12.11 Evelyn Street Open Space Development: Outcome of Community Consultation**

*Enquiries: (Vishal Gupta: Community Assets)*

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.2 Vibrant and Engaged
Priority Action	2.2.3 Engage and support Frankston City's local areas and diverse communities to optimise facility usage and enhance equitable access to services

**Purpose**

To brief Council on the outcome of the recently completed community consultation for the proposed Evelyn Street Open Space area in Frankston.

**Recommendation (Director Community Assets)**

That Council:

1. Notes the outcome of the community consultation for the proposed Evelyn Street Open Space Area in Frankston;
2. Notes that the outcome of Council's application for a Community Infrastructure Loan Scheme loan of \$1.3M to fund the project is currently under review by the Department of Environment, Land, Water and Planning and is expected to be known by March 2020; and
3. Authorises Council officers to proceed to engage a consultant to undertake detailed design and development of the concept design for the Evelyn Street Open Space Area should confirmation be received that the loan application is successful.

**Key Points / Issues**

- At its meeting 2019/OM12 on 23 September 2019, Council received an interim report on the development of the Evelyn Street Open Space Area and resolved:
  1. *"Notes the proposed concept plan for the development of Evelyn Street open space area as a value added public area;*
  2. *Approves the commencement of the community engagement process on the proposed concept plan; and*
  3. *Notes a further report will be presented to Council in January 2020 outlining outcomes of the community engagement process."*
- At its meeting 2019/OM15 on 16 December 2019, Council resolved:
  1. *"Notes and supports that a loan application has been submitted as part of the Victorian Government's Community Infrastructure Loan Scheme for following projects:*
    - a) *Ballam Park Entrance Precinct Improvement Works valued at \$3M, and*
    - b) *Evelyn Street Park Redevelopment valued at \$1.3M.*

**12.11 Evelyn Street Open Space Development: Outcome of Community Consultation**  
**Executive Summary**

2. *Commits to submit an application as part of Victorian Government's Community Sports Infrastructure Loans Scheme for the following projects:*
    - a) *Eric Bell Reserve Pavilion Redevelopment - \$6.25M (total project cost - \$6.75M), and*
    - b) *Kevin Collopy Pavilion Works - \$3M.*
  3. *Authorises Chief Executive Officer to execute the loan agreement in items 1 & 2 should Council loan applications be successful and include necessary budget provisions in the 2020/21 Long Term Infrastructure Plan."*
- This report relates to the resolution at 2019/OM12 and Item 1 b) of the 2019/OM15 Council resolution.
  - It was noted that, funding of the Project through the Community infrastructure Loan Scheme (C.I.L.S) had been discussed and the outcome is based on competitive assessment of all applications by DELWP. The next phase of the project is dependent on this funding being secured and will include detailed design and documentation to incorporate the following:
    - Key features of the proposal include an Amphitheatre, informal Performance Space, Floral Arbours, footpath connections to Nepean Highway and Fletcher Road, formal and informal seating, security lighting, lighting of trees and a toilet.
  - Council Officers have recently consulted with the community for the project seeking feedback on the concept design proposal for the Evelyn Street Open Space area. This occurred from 19 November 2019 to 24 December 2019 for a six week period.
  - The consultation process involved distribution of approximately 200 letters to Traders and Residents in the vicinity of Evelyn Street, bounded by Nepean Highway, Fletcher Road, Sheridan Avenue and Dandenong Road West.
  - The letter included information about the proposal including a project information sheet, a copy of the concept design for the space and details on how to provide feedback. Please refer to Attachment A for the copy of the letter sent to the community.
  - In addition a 'Have Your Say' page was established on Council's website to allow the wider community the opportunity to view the proposal and provide feedback online.
  - Council received three comments, two via 'Have your Say' and one via telephone to the Officer nominated. These were followed up by the Project Manager.
  - A summary of the responses is provided below and indicates that one was supportive and two objected to the proposal. Please refer to Attachment B for copies of the responses.
    - Response A commented that; 'concerns over the likely construction costs, lack of Community engagement and importantly a lack of strategic assessment'. In addition there were questions posed around what would be the benefits to the city and how accessibility is considered. The respondent also noted the lack of analysis of the potential User Groups for the site.

**12.11 Evelyn Street Open Space Development: Outcome of Community Consultation**  
**Executive Summary**

- Response B was concerned with impacts on their amenity with increased activity on the site, and questioned the benefit to local residents. Other comments were made on the potential development of the existing open space located in Ebdale Street.
  - Response C phoned the Officer and was approving of any development on the site and was particular in comments around the interface with Nepean Highway and the desire line for pedestrians.
- One of the responses suggested there was a lack of community engagement. However the proposal was advertised on Council's website and Have Your Say for a period of six (6) weeks and included a letter drop to 200 owners and occupiers in the vicinity of the project site. This was considered adequate and in line with Council's policy regarding community consultation.
- Furthermore the response questioned the benefits of the proposed open space area and its accessibility for the city centre. Council adopted the Frankston Metropolitan Activity Centre (FMAC) Structure Plan on 25 May 2015. The Evelyn Street Open Space falls within the north-west corner of the FMAC area. The development of the Evelyn Street Open Space area meets key objectives of the Structure Plan, which are to enhance and better connect the FMAC's parks, waterfront and recreational facilities by:
  - Strengthening physical connections between existing urban areas in the FMAC and Frankston's open space assets;
  - Creating a stronger connection between the city centre and the foreshore, and
  - Enhancing the environmental qualities of the FMAC's open spaces.
- There is little opportunity to develop the nearby Ebdale Street Reserve as it is designed to operate as a retarding design and therefore is required to hold large volumes of water in times of flooding. This function would preclude it from housing the type of park facilities that are proposed at the Evelyn Street Open Space area.
- A concept plan was developed and presented to Council at 2019/OM12 on 23 September 2019. Council noted the plan to enable community consultation to be undertaken. Further design development, taking community feedback into consideration, will be subject to funding becoming available.

**Financial Impact**

The Victorian Government introduced the "Fair Go Rates" system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past four financial years has ranged between 2.0 per cent to 2.5 per cent and has been set at 2.0 per cent for 2020-2021.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council's major source of income, Council's capacity to continue to deliver services and fund its capital programme will be severely restricted.

There is currently no funding in Council's Long Term Infrastructure Plan for the proposed works.

**12.11 Evelyn Street Open Space Development: Outcome of Community Consultation**  
**Executive Summary**

The estimated cost for the establishment of the Evelyn Street Open Space Area is \$1.3M. A loan application has been submitted as part of the Victorian Government's Community Infrastructure Loan Scheme (CILS) for this amount.

The proposed CILS funding of \$1.3m will only cover the expected detailed design and construction costs. Additional funding from the Infrastructure maintenance budget will be required for upkeep of the toilet block and other infrastructure such as the performance space, lighting and arbours.

The inclusion of facilities/infrastructure including W.C, lighting, timber performance space etc. will require a specialist ongoing maintenance regime at a higher service level than the current Evelyn Street open space.

**Consultation****1. External Stakeholders**

The identified external stakeholders are:

- Bunurong Land Council;
- Frankston Police;
- Department of Environment, Land, Water and Planning (DELWP);
- Owners/Occupiers of the properties in the vicinity of the Evelyn Street Open Space area.

Consultation has been held on two occasions with the Bunurong Land Council (BLC) discussing potential cultural impact and how to incorporate design elements that can talk about and reflect the rich history of the area. They stated that there was no cultural significance for the site, though they acknowledged that the site may have been occupied due to its proximity to the Kananook Creek. The BLC have shown an overall interest in being involved in the ongoing development of the site and expressed a desire to provide cultural reference in the form of sculpture or art.

An informal meeting was held with an Officer from the Frankston Police Station to inform them of the proposed development. A copy of the proposal and project information sheet was displayed in their internal staff room for feedback. No objections to the proposal have since been received.

Owners/Occupiers of the properties in the vicinity of the Evelyn Street Open Space area have been consulted via letter drop and 'Have Your Say' page on Council website.

**2. Other Stakeholders**

Internal stakeholders have been consulted to provide technical advice during the feasibility and concept design stage of the project including the Planning and Environment Department, the Facilities Department, Property and Commercial Service Department.

This included specific discussions with the Environment team and Strategic Planning team on the retention of existing native vegetation within the site.

Internal discussions also highlighted that Council's Statutory Planning Team are currently assessing a town planning application for the adjoining site at 383 – 389 Nepean Highway, Frankston. The planning application with reference 38/2019/P includes the redevelopment of the existing Frankston International Hotel to construct a nine (9) storey building with basement for use as a food and drink premises, office and accommodation (110 apartments) with no determination being made to date for this application.



**12.11 Evelyn Street Open Space Development: Outcome of Community Consultation**  
**Executive Summary****Analysis (Environmental / Economic / Social Implications)**

The subject site is well grassed, and contains over 30 trees and/or shrubs including some excellent specimens of flowering gum (*Corymbia ficifolia*). The site has other significant trees that exhibit good health and vigour. Formalising Evelyn Street Open Space area as a public park will protect the existing green space on the northern fringe of the Frankston Central City area.

It is considered that there are no specific economic impacts to formalising Evelyn Street Reserve as a public park.

**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 and to the extent of the authors knowledge is not relevant to the content of this report.

Legal

Council's Planning Department has advised on the planning requirements for this project with the planning approvals process yet to commence.

Policy Impacts

Evelyn Street Reserve comprises of four (4) parcels of land. The current land use zoning of the 4 parcels is the Commercial 1 Zone (C1Z). A planning scheme amendment process is currently underway to rezone Evelyn Street Reserve to a Public Park and Recreation Zone as per Council decision at its meeting on 12 August 2019.

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 is no specific risk with the proposed works to formalise Evelyn Street open space area as a value added public area. However, it is noted that the site abuts a proposed multi-storey development site which may result in overshadowing in some parts of the site, especially during winter months. This has been taken into consideration and selected species of trees and other works have been planned accordingly.

**Conclusion**

The Evelyn Street open space area presents an excellent opportunity to develop a valued public park which is easily accessible to members of the community and could offer a variety of uses for all ages and abilities.

Having considered the low level of feedback from the community and the officers assessment of the matters raised, it is considered that Council should proceed with this project subject to funding becoming available. It is noted that results of the application for funds from the Victorian Government's Community Infrastructure Loan Scheme is anticipated in March 2020.

**12.11 Evelyn Street Open Space Development: Outcome of Community Consultation**  
**Executive Summary**

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**ATTACHMENTS**Attachment A: [!\[\]\(339a16584d5da0f0a3ca4e9ec17bf6a1\_img.jpg\)](#) Copy of Letter sent to Traders and ResidentsAttachment B: [!\[\]\(a870788d6ed9b8fd294b7654a8c8526b\_img.jpg\)](#) Consultation Responses



Dear Resident/ Tenant  
FRANKSTON VIC 3199

Dear Resident,

#### **EVELYN STREET OPEN SPACE PROJECT**

Council is planning to develop a parcel of land located at the corner of Evelyn Street and Fletcher Road, Frankston, to create a multi-use community space.

The proposed development will incorporate extensive landscape rejuvenation, a performance space for local artists (music and visual) with a terraced amphitheatre for audiences. Opportunity for relaxation under the shaded areas of existing trees will be enhanced with seats/ benches. Lighting is proposed to enhance the experience of the Open Space in the evenings.

The proposal will include an indigenous garden and rain forest gully along with colourful plantings.

The space will also provide opportunity for a ceramic tiled mosaic, along some of the elevated walls with the intent of creating a narrative of Frankston's history. Indigenous history will be provided with input from the Bunurong Land Council.

To ensure you're well informed of the proposed plans, an **Information Sheet** is enclosed that provides details about the project, including the project timelines.

In addition, we are providing a number of ways for residents and businesses to provide feedback, please refer to page 4. for details.

To view the Evelyn Street Open Space Concept Plan, or to have your say online, visit:

**[https://www.frankston.vic.gov.au/Your\\_Council/Have\\_Your\\_Say/Evelyn\\_Street\\_Open\\_Space](https://www.frankston.vic.gov.au/Your_Council/Have_Your_Say/Evelyn_Street_Open_Space)**

Yours faithfully,

Capital Works Delivery  
**Frankston City Council**  
Phone: 1300 322 322



## PROJECT INFORMATION SHEET

### Evelyn Street – Open Space Project

#### The project

Council is undertaking feedback on the proposed development of the vacant site on the corner of Fletcher Road and Evelyn Street, Frankston. The proposal is for the construction of outdoor amenities that include a performance space for local musicians and artists. An open air amphitheater will be constructed to allow audiences to look over the elevated stage. A new connecting path with landscaping to the periphery of the site, grassed areas and informal play elements along with a W.S.U.D garden along the carpark edge to treat runoff from the road.

#### Why is the project needed?

The site has been neglected over the past years and used for spill-over parking leading to degradation of the site. Council aims to re-invigorate the existing Green Space within the Central Activities Area and this Project will provide a respite for visitors and workers in the surrounding businesses.

#### Project funding & timeline:

The Evelyn Street Open Space project is scheduled to commence in 2020 subject to the Council Budget Approval process in 2020.

#### What are the implications for residents while the works are carried out?

During the works there may be construction activities, which may affect vehicle access to properties. Typical construction activities will be undertaken some of which may generate noise and dust, all of which will be kept below recommended EPA guidelines.





## Proposed Evelyn Street Open Space: Concept



### Questions?

Phone **1300 322 322** to discuss the project further.

### How can I provide feedback?

All feedback must be received no later than 5pm, Tuesday 24 December 2019. All of the feedback from the community consultation, will be collated and presented to Council in the January 2020 Ordinary Council Meeting.

#### **In person**

Deliver your submission to one of our Customer Service Centres:

#### **By mail**

Post your submission to:

Frankston City Council  
PO Box 490  
Frankston VIC 3199

**By email**

Using the subject line 'Evelyn Street Open Space' project.

Email your submission to: [info@frankston.vic.gov.au](mailto:info@frankston.vic.gov.au)

**By phone**

Call us on: **1300 322 322** to request a hard copy survey delivered to your email or postal address.

**Privacy**

*Frankston City Council is committed to protecting your privacy. Please note that for this consultation, **full copies of all submissions received must be reported to a Council meeting and may be made publically available on Council's website.** Any information you provide with your submission will be used for the purpose of analysing and reporting on **Evelyn Street Open Space Project, Frankston.** Your personal information will only be used and disclosed as authorised by law. For further information about how Council handles personal information, or to request access to your personal information, see [www.frankston.vic.gov.au](http://www.frankston.vic.gov.au) or contact Council's privacy officer on **1300 322 322.***

Response A:

Have your Say - Evelyn Street Open Space While the proposal is impressive, I have serious concerns over the likely construction costs, lack of community engagement and the seeming lack of strategic assessment. Did Council consult with the local community? I note there was recent consultation regarding whether to sell the land or not but I was not aware of any community engagement to inform the proposal. I'd be interested in the results if it was undertaken. Who currently uses this park and who is likely to use it once built? How will they get there? Is there data to show? It's hard to imagine it will attract many from visitors Frankstons City Centre due to distance, lack of convenience and pedestrian safety issues. Is it intended for the local catchment of residents? What did they want? What will happen there at night? It's difficult to see that the \$investment of ratepayers' funds will be worth the return to the community. Perhaps Council has further evidence they can release which shows it's a good investment of significant dollars? Why Evelyn Street? Why this location? My observations are there is very little natural surveillance. In fact, the police station itself does not look out onto the park. And there is already a park with a playground further up Evelyn Street. From forward planning perspective, wouldn't it make more sense to sell this land and buy land within the Frankston City Centre in a location which already attracts a lot of foot fall? Where the majority of visitors to and residents within Frankston City Centre have the opportunity to enjoy a multi-million-dollar investment? Given its location – has potential abutting high rise development been factored in? There is a lack of safe pedestrian connection to this park due to the nature of VicRoads Fletcher Road Ring Road. Have the latest crash statistics been factored in? Was this proposal a recommendation of Councils Open Space Strategy or recent Structure Plan? Thank you for the opportunity to air my concerns. I choose not to share my personal details due to unrelated privacy concerns. I instead look forward to staying abreast of this proposal via your website and Council minutes.

Response B:

I cannot, by any stretch of the imagination envisage the proposal being of benefit to local residents. We already have a well established park which is enjoyed by mothers and children and local indulging in some quiet moments in which to relax. An Obedience group gathers once a week and young mothers and their babies gather to enjoy some time together from the maternity establishment. The silence here is Golden.

It appears much is being done in Frankston to enhance its image, we already have a magnificent Arts Centre, Library, Aquatic Centre and Cinemas, what more is required? But is it a case of 'fools rush in'? Thought should be given before going ahead with these new grandiose ideas. The now complete Frankston Station, though imposing, would be more so if its name was emblazoned across its frontage instead of hidden from view, low down behind shrubbery. I recall a delightful Bird Sculpture which appeared overnight, in a most unsuitable spot. It now sits aloft Olivers Hill, gazing over the bay where it should have been erected in the first place. The area opposite the Police Station, which is now being planned would be ideal for a much needed Car park, Ebdale Street, a mere stone throw away has cars parked both sides of its narrow road from end to end, despite the constant complaints of its inconvenience. The length of O'Grady St bedides the Police Station running from Dandenong Road to Nepean Highway, has cars parked all day and every day, bumper to bumper- go see! Perhaps he/she who has dreamed up this somewhat whimsical creation might reconsider and place their creation somewhere say more central where it would be appreciated!

**Executive Summary****12.12 Enclosed dog off lead area at Telopea Reserve, Frankston North**

*Enquiries: (Tim Bearup: Community Development)*

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.3 Health and Well-being
Priority Action	2.3.3 Enhance equitable access to sport and leisure opportunities

**Purpose**

To brief Council on the matter of the installation of a dedicated and fenced dog off leash area in Telopea Reserve and amend the existing order for a dog free roam area in Pat Rollo Reserve to exclude the oval.

**Recommendation (Director Community Development)**

That Council:

1. Notes the community consultation outcomes which has found there is strong support for the planned Telopea Reserve dogs off leash area.
2. Makes an order section 26(2) of the Domestic Animals Act 1994, determining that from the day immediately following the day on which notice of this order appears in the Victorian Government Gazette, Telopea Reserve, 14R Telopea Court, Frankston North, Victoria 3200, be a designated dog free roam area within the designated fenced area, and further determining that dogs be prohibited from being free roam in all other area's within Telopea Reserve.
3. Makes an order under section 26(2) of the Domestic Animals Act 1994, determining that Pat Rollo Reserve, 17R Silver Avenue, Frankston North, Victoria 3200, excluding the oval and playing fields, be a designated dog free roam area and further determining that dogs be prohibited from entering and remaining on the oval and playing field at the park.

**Key Points / Issues**

- At the Ordinary Council Meeting held on Monday 23<sup>rd</sup> September 2019, Council resolved:

*That Council:*

1. *In the interim, install replacements of the existing prohibitive signs at Pat Rollo to reflect the current practice of permitting dogs off-leash on the oval whilst it is not in formal use (as per the seasonal tenancy) by the sporting clubs. The replacement signs will include content advising dog walkers of their responsibility to clean up after their dog.*
2. *a) Due to clear community concern reflected in the survey outcomes, Council is to commit \$70K towards the provision of a 3750m<sup>2</sup> (approx. 75m x 50m) dedicated leash free area (with the following additions: signage, a multi-use drinking tap, a dog bag dispenser, a solar light, a park benches, chairs and table) at the Telopea Reserve (subject to further community consultation); and authorises the CEO to find the relevant funding in the present budget; and*



**12.12 Enclosed dog off lead area at Telopea Reserve, Frankston North****Executive Summary**

*b) In addition to this, that Council undertake a broader strategic approach to the provision of dogs off leash areas across the municipality as part of the Domestic Animals Management Plan review in 20/21.*

- Pat Rollo Reserve in Frankston North has long been used as a dog off-lead area (both on the sports oval and in the surrounding reserve area). In the second part of 2019, community concerns emerged relating to the compatibility of having sports activities and off-lead dogs using the oval. As a result, Council resolved to establish a new off-lead area at nearby Telopea Reserve with the intention to cease permitting dogs to be on the Pat Rollo oval.
- As Telopea Reserve is not currently a designated Dog Free Roam area, Council will be required to make an order under section 26(2) of the Domestic Animals Act 1994, determining that Telopea Reserve, 14R Telopea Court, Frankston North, Victoria 3200, be a designated dog free roam area, excluding all areas except defined by the “fenced dog free roam area” and further determining that dogs be prohibited from being free roam in all other area’s within Telopea Reserve.
- In order to enact the other changes required at Pat Rollo Reserve, a further order under section 26(2) of the Domestic Animals Act 1994 will also be required. This will be designate the reserve an off leash area (as it currently is), except for the oval (which is the change being implemented). This will assist in managing the use of the sports oval by sporting clubs and dog walkers (who will be able to use Telopea Reserve instead of the sports oval).
- Prior to commencing construction of a dogs off leash area at Telopea Reserve, a community engagement process was undertaken to seek confirmation as to whether the community is supportive of the planned installation. In November 2019, a survey was distributed to local households and Aldercourt Primary School (1200 surveys were distributed). Of the 54 responses, 93.48% supported the installation of a dedicated and fenced dog off leash area in Telopea Reserve (Refer to attachment A). Only 6.52% of respondents indicated that they did not support a dedicated and fenced dog off leash area in Telopea Reserve.
- A small number of respondents, including Aldercourt Primary School, expressed some concern in relation to the proximity of the fenced dog off leash area to shared fences and internal pathways. Council Officers will ensure that appropriately sized access paths are available to school students and residents around the outside of the fenced dog off leash area.

**Financial Impact**

The Victorian Government introduced the “Fair Go Rates” system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past four financial years has ranged between 2.0 per cent to 2.5 per cent and has been set at 2.0 per cent for 2020-2021.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council’s major source of income, Council’s capacity to continue to deliver services and fund its capital programme will be severely restricted.

**12.12 Enclosed dog off lead area at Telopea Reserve, Frankston North****Executive Summary**

Council has previously committed funding of \$70,000 towards the installation of a dedicated and fenced dog off leash area at Telopea Reserve.

**Consultation****1. External Stakeholders**

Community surveying undertaken as described above.

**2. Other Stakeholders**

Community Safety, Capital Works Delivery, City Works and the Recreation Team have worked together on this project.

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

The changes to the off-lead areas seeks to maximise diverse community use of these important reserves in Frankston North.

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

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

Legal

Council will be required to make two orders under section 26(2) of the Domestic Animals Act 1994, as outlined above.

Policy Impacts

Council will undertake a broader strategic approach to the provision of dogs off leash areas across the municipality as part of the Domestic Animals Management Plan review in 20/21.

Officer's Declaration of Interests

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

**Risk Mitigation**

A small number of respondents, including Aldercourt Primary School, expressed some concern in relation to the proximity of the fenced dog off leash area to shared fences and internal pathways. Appropriate signage and education will be required to ensure people do not allow their dogs to roam free outside of the off leash area.

**Conclusion**

Community Consultation undertaken in November 2019 indicates a very high degree of support for the installation of a dedicated and fenced dog off leash area in Telopea Reserve. A small number of issues/concerns were raised which will be considered in the design.

Council will need to make two orders under section 26(2) of the Domestic Animals Act 1994, to allow for Telopea Reserve to become a designated dog free roam area and to exclude dogs on the oval at Pat Rollo Reserve.

This will enable the implementation of the Council resolution made on 23 Sep 2019 to provide and off leash area for residents of Frankston North at Telopea Reserve as an alternative to the Pat Rollo Reserve Oval.

12.12 Enclosed dog off lead area at Telopea Reserve, Frankston North

**Executive Summary**

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**ATTACHMENTS**Attachment A: [↓](#) Letter to residents inviting feedback Telopea ReserveAttachment B: [↓](#) Telopea Reserve Survey Results



**Frankston City Council**

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Reference: A4087927  
Enquiries: Joanne Griffin  
Telephone: 9768 1506

To the Resident

27 November 2019

Dear Frankston North Resident,

**RE: HAVE YOUR SAY - PROPOSED FENCED DOG OFF LEASH AREA TELOPEA RESERVE**

At the Ordinary Council Meeting held on Monday 23<sup>rd</sup> September 2019, Council resolved that it intends to create a dedicated fenced dog off leash area at Telopea Reserve (just beyond Aldercourt Primary School) as an alternative to the use of Pat Rollo Reserve sporting oval (areas outside the oval would still remain dog off leash).

The proposed enclosed dog off leash area at Telopea Reserve is planned to be approximately 3750m<sup>2</sup> (approx. 75m x 50m). Other additions will include signage, a multi-use drinking tap, a dog waste dispenser bin, a solar light, park benches, tables and chairs. Please see proposed plan for the designated dog off leash area overleaf.

As a nearby resident, we would like to hear your feedback on the proposal. You can provide feedback online by visiting <https://telopea.questionpro.com>.

For additional information, please call the Recreation Team on 9293 7161.

Feedback will be received up until close of business Wednesday December 18, 2019.

Yours faithfully,

A handwritten signature in blue ink that reads "Joanne Griffin".

**Joanne Griffin**  
**RECREATION DEVELOPMENT OFFICER**



## Telopea Reserve

14 Telopea Court, Frankston North



## Teloopa Reserve - Dashboard

78.26%

Completion Rate

54

Completed

107

Viewed

69

Started

15

Dropouts

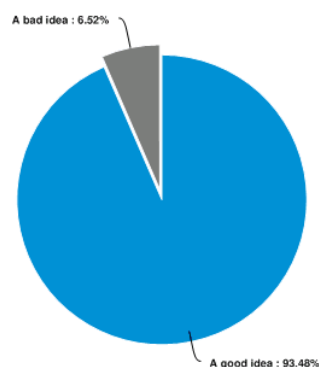
4 mins

Average Time



Countries	Responses
AU	98.55%
SG	1.45%
Total	100.00%

What do you think about a dedicated and fenced off leash area being provided at Teloopa Reserve?



Answer	Count	Percent	20%	40%	60%	80%	100%
A good idea	43	93.48%					
No opinion either way	0	0%					
A bad idea	3	6.52%					
Total	46	100 %					

What thoughts would you like to share about the potential for a fenced, dogs off-lead being provided at Teloopa Reserve?

What thoughts would you like to share about the potential for a fenced, dogs off-lead being provided at Teloopa Reserve?

12/17/2019 51431766

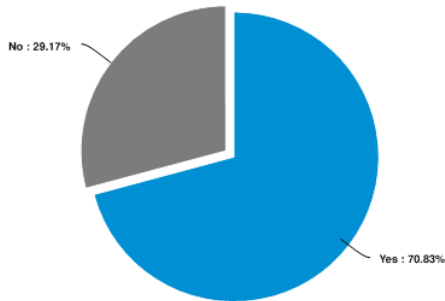
I believe that the proposed area is of a good size and in a good position. I would not like the proposed area to be any smaller. I'd like the signage to include things such as 'dogs should be under control/supervision at all times, registered and have up to date vaccinations'. The proposed amenities (park benches, solar light, bin etc) would be very much appreciated. Separate In and Out gates or an enclosed In/Out area would be practical.

## Item 12.12 Attachment B: Telopea Reserve Survey Results

12/17/2019	51377162	I think that there should be education and support around understanding dog behaviour. Not every dog is a dog park dog, despite their owners wanting them to be. I think some education on dog behaviour to help people assess whether their dog is a good candidate for dog park socialisation would be a great help.
12/12/2019	51044565	well I have a couple of dogs and I know they would absolutely love a local off the leash park.
12/11/2019	50974387	I think its a great idea because I have noticed that people go onto the Footy and sports fields and play areas and they do not pick up after the dogs which I think is bad especially if they are playing on grounds this could cause them to slip and have an injury at least this gives the dogs a fenced off area.
12/11/2019	50972961	Why is an expensive dedicated area being built when 60% of the previous survey results showed that people were happy sharing Pat Rollo Reserve with the rest of the community? Why has the Pines Junior Football Club been allowed to bully, threaten, & intimidate members of the community to the point where they don't feel safe in the community anymore? Frankston City Council have given in to the demands of a sporting club and not protected others in the community. Any fenced off-lead dog area needs to be big enough to allow dogs to run & retrieve balls/toys. Confining dogs to a small area is not giving dogs enough personal space to feel safe. These are reasons why the oval has worked so well - there is plenty of space for different groups of dog owners & people to responsibly use the space. The oval just needs better signage, a green poop bin & a water supply. If the area at Telopea Reserve goes ahead PLEASE DO NOT reduce it in size. If it's reduced in size it makes it potentially dangerous. WHY HAS THE TEMPORARY SIGNAGE BEEN TAKEN DOWN? CAN SOMETHING PLEASE BE DONE ABOUT PEOPLE ASSOCIATED WITH THE PJFC ABUSING ANYONE WITH A DOG FROM USING THE OVAL? THE PJFC SHOULD NOT BE ALLOWED TO EXIST WHEN THEY TREAT MEMBERS OF THE COMMUNITY SO DISRESPECTFULLY. PEOPLE ARE LEAVING FRANKSTON NTH BECAUSE OF THE PJFC...
12/11/2019	50912109	I extremely agree with this idea. This will make walks safer for all owners; those with dog aggressive dogs and those with over curious, over friendly dogs.
12/10/2019	50850361	chairs, small playground for kids, accessible car park, bathrooms
12/09/2019	50732271	A Fantastic Idea,
12/06/2019	50666973	Its a fantastic idea. Kids can play down at the football oval with there balls while the dogs can have there own area to roam around. Its a win win situation
12/05/2019	50617048	Great idea! Some interactive dog activity's would be good as well!
12/05/2019	50614472	A great idea. Also if it was in two sections, you could have one section for friendly dogs and one for dogs that are a bit anti-social.
12/05/2019	50605727	The fence is too close to the pathway on Telopea Court side
12/05/2019	50605023	At the moment there are too many dogs that were not leashed roaming around the whole area near the BBQ and playground. I am very concerned when I took my baby there to use the playground. I believe the fenced off area will keep the baby and young kids safe from off leashed dogs when using the playground.
12/05/2019	50598713	I back on to Telopea and I do not wish to have the perimeter of the dog area up to my fence line as currently marked. Also, there are a few dog owners who have no control over their dogs and one lady I know had her dog killed. An enclosed area is going to make this worse. There is a great need for security camera's in this area too to capture these dog attacks which are becoming more frequent.
12/05/2019	50591670	Fenced area with poop bin and exercises areas would be a great idea . Caringal dogs playground is an excellent example
12/05/2019	50591425	We think the signage, drinking tap and bins are a great addition to the area. This proposal is a good compromise as an alternative to Pat Rollo reserve.
12/05/2019	50591268	I think a fully enclosed area is a safe way of having dogs off leash,
12/05/2019	50545601	I think it would be a fantastic addition to the area as a dog owner myself it would be perfect!
12/05/2019	50534540	good idea
12/05/2019	50534276	I think it's a great idea to have a specific area for dogs to run around free.
12/04/2019	50530441	This a good Option as the PR reserve can no longer be used.
12/04/2019	50530388	This is a great space for an of lead dog park
12/04/2019	50530354	We need more of lead areas
12/04/2019	50530314	This is a great idea as there is no option for another alternative close by.
12/04/2019	50530152	So long as the owners are liable for picking up after their dogs.
12/04/2019	50529796	have doggy poo bags at the entrance and a disposal bin.
12/04/2019	50529186	Would be a great inclusion to the local area.
12/04/2019	50520322	Definitely a better option having a dedicated fenced area specifically for dogs. Certainly preferable to sharing with children on a sporting oval.
12/04/2019	50518312	That area is currently not used so why not.
12/03/2019	50304442	You are showing the dog area to be adjacent to Aldercourt Primary School. Can you please inform the school what is the distance between the enclosed dog area and the school boundary? Is there not the option to put the dog area on the other side of the path away from the school? we have a number of students who are afraid of dogs.
11/30/2019	50143521	It's a great idea. I would like to have a place close by home to take my dog to run around with other dogs

11/29/2019	50115034	It's exactly what the area needs.
11/29/2019	50114622	Great idea, I don't have dogs myself however feel that it would be great for the neighbourhood
10/29/2019	47440932	Really good idea.

Does your household own a dog/s?



Answer	Count	Percent	20%	40%	60%	80%	100%
Yes	34	70.83%	<div></div>				
No	14	29.17%	<div></div>				
Total	48	100 %					



Would you like to receive information about community events and be consulted about matters relevant to your local community ? (if yes, ensure you have provided your email address above)



Answer	Count	Percent	20%	40%	60%	80%	100%
Yes	20	44.44%	<div></div>				
No	25	55.56%	<div></div>				
Total	45	100 %					

**Executive Summary****12.13 Council Submission - Residential Tenancies Regulations**

*Enquiries: (Tim Bearup: Community Development)*

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.3 Health and Well-being
Priority Action	2.3.5 Adopt a Health and Wellbeing Plan 2017-2021

**Purpose**

To seek Council endorsement of the draft submission made to the Victorian Government on its proposed Residential Tenancies Regulations 2020.

**Recommendation (Director Community Development)**

That Council:

1. Notes the draft submission at Attachment A on the Victorian Government's proposed Residential Tenancies Regulations 2020;
2. Notes that the submission was signed by Director Community Development and submitted as a draft on 18 December 2019, subject to its endorsement by Council at the Ordinary Meeting of 28 January 2020; and
3. Endorses the draft submission, with no further action required.
4. Notes that should Council not endorse the draft submission, it will be withdrawn.

**Key Points / Issues**

- At the Frankston City Strategic Housing and Homelessness Alliance meeting on 9 December 2019, Council officers were informed that the Victorian Government was currently consulting on its proposed Residential Tenancies Regulations 2020 (RTR). The RTR will affect rental providers and people living in rental housing, and include topic such as rental minimum standards. Despite the short timeline with submissions due by 18 December 2019, there was strong interest from the Alliance for a submission from the Frankston City municipality. A draft submission was prepared and signed by the Director Community Development, and subsequently submitted by the due date as a draft subject to formal Council endorsement at its Ordinary meeting on 28 January 2020.
- A draft Frankston City Council submission was prepared in response to the RTR consultation, as a targeted letter, focussing purely on the regulations that Council has a direct involvement with – namely rooming houses.
- Council's draft submission (Attachment A) consequently reviewed the RTR with respect to the impacts on rooming house regulation, safety, tenancy and management. Similarly, Council's draft submission commented only on regulatory recommendations which had been raised by homelessness sector stakeholders operating within the municipality at one of two Rooming House Stakeholder forums held in 2019, including the Southern Homelessness Network Regional Rooming House Forum (April 2019) and the Frankston Homelessness Network Rooming House Workshop (June 2019).

**12.13 Council Submission - Residential Tenancies Regulations****Executive Summary****Financial Impact**

The Victorian Government introduced the “Fair Go Rates” system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past four financial years has ranged between 2.0 per cent to 2.5 per cent and has been set at 2.0 per cent for 2020-2021.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council’s major source of income, Council’s capacity to continue to deliver services and fund its capital programme will be severely restricted.

There are no financial implications associated with this report.

**Consultation****1. External Stakeholders**

Council officers consulted with Community Support Frankton, Salvation Army Frankston – Homelessness, WAYYS and the Peninsula Community Legal Centre. The submission was also guided by previous information provided by the Frankston Homelessness Network; Frankston City Strategic Housing and Homelessness Alliance; and the Southern Homelessness Services Network.

**2. Other Stakeholders**

Council’s draft submission was prepared and reviewed in consultation with Environmental Health Officers responsible for Council’s rooming house inspections.

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

It is expected that this submission will contribute to the Victorian Government’s awareness of the issues and pressure points that can be addressed through the proposed Residential Tenancies Regulations 2020 to ensure fairer rental rights and responsibilities for private rental landlords and tenants. It will also work to highlight anecdotal issues regarding rooming house regulations and pose recommendations for how these can be addressed.

This submission is important because the RTR is a regulatory vehicle with significant powers to improve tenant rights, landlord’s responsibilities and create a fairer private rental system for all Victorian.

**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

There are no relevant legal implications associated with this submission.

Policy Impacts

Council’s draft submission is consistent with the Frankston City Strategic Housing and Homelessness Alliance 5-Year Strategic Plan.

Officer’s Declaration of Interests

**12.13 Council Submission - Residential Tenancies Regulations****Executive Summary**

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

**Risk Mitigation**

This submission is of a sensitive nature. To mitigate this, the submission addresses generalised and de-identified concerns, with no specific rooming house or rooming house operator named or identified in the submission.

**Conclusion**

The RTR consultation presented a key opportunity for input into the Victorian residential regulatory framework, to ensure a fairer private rental system for all involved right across Victoria, which with Council's endorsement will receive targeted feedback specifically with respect to rooming house regulations.

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**ATTACHMENTS**

Attachment A: [↓](#) Residential Tenancies Submission





## Office of the Mayor

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Telephone: +613 8773 9529 Mobile: 0418 721 679  
PO Box 490, Frankston VIC 3199  
Website: frankston.vic.gov.au

Reference: A4113484  
Enquiries: Tim Bearup  
Telephone: (03) 9784 1957

16 December 2019

Department of Justice and Community Safety  
P.O Box 4356  
MELBOURNE VIC 3001

To whom it concerns,

### RE: Draft Residency Tenancy Regulations 2019 & Regulatory Impact Statement consultation

Frankston City Council (Council) welcomes the opportunity to make comment on the proposed Residential Tenancies Regulations 2019, which the Victorian Government intends to implement by 1 July 2020.

In recent years Frankton City has seen a notable trend away from owner occupier households towards renting households with 27.3% of households renting in 2016 (representing a 9.6% increase from 2011)<sup>i</sup>. Similarly from October 2018 to October 2019 Frankston City has seen a 25% increase in registered rooming houses (from 52 to 65<sup>ii</sup>) in 12 months.

Council understands that the regulations will affect rental providers (landlords) and the **15,914+** households living in (or seeking) rental housing, within in the Frankston City municipality including:

- 12,823 privately renting households;
- 1,373 public and social housing households;
- 650 rooming house tenants;
- 518 caravan park residents; and
- 550 people experiencing homeless and seeking affordable rental accommodation.

Council believes that the changes proposed in the draft Residential Tenancies Regulations 2019 will have a far reaching impact, and as such has a keen interest in commenting to ensure the proposed changes represent improved rights of renters to enjoy a safe secure place to call home.

As noted above Rooming Houses represent a growing housing type in Frankston City, with the total number of rooming houses growing from 52 to 65 in 2019 in the municipality. Yet the standards vary widely between Rooming Houses in the municipality, causing significant concern to Frankston City Council.

In 2019 alone, there were two fires, and a tenant at death in Frankston City Rooming Houses, along with various other issues, raised by the Specialist Homelessness Services (SHS's) operating in the municipality at a *Specialist Homelessness Services - Rooming House Workshop* delivered through the Frankston Homelessness Network in October 2019.

Issues highlighted by SHS's at this workshop included reports of malpractice, unethical practice, and unscrupulous conduct by some Rooming House Operators (RHO's) in Frankston City. These RHO practices were reportedly in regard to tenants' privacy, rights and personal safety; room fee setting; bond and rent transparency; refusal to return overpaid rent or bond on exit; interception of DHHS bond loans and enforced Rooming House Operator loans to tenants. Information shared by SHS providers at the workshop highlighted the urgent need for major reform in the rooming house sector, to reorient it toward being a safe and secure accommodation option for our most vulnerable community members.

With these themes in mind, Council made the following recommendation, in its recent submission to the Victorian Government's Parliamentary Inquiry into Homelessness with respect to rooming houses:

*That the Victorian Government undertake a Parliamentary Enquiry into Rooming Houses and shared house accommodation that will place a spotlight on minimum standards and operator practice including*

1. *Reviewing the minimum standards for rooming houses and shared housing accommodation;*
2. *Introducing measures to align rooming house accommodation fees and charges with amenity and quality of the premises;*
3. *Improved standards and practice by rooming house operators;*
4. *Increasing rooming house tenant rights; and*
5. *Reducing the risks associated with placing vulnerable homeless clients into rooming houses.*

Similarly Council notes that this submission will principally comment on the Draft Residency Tenancy Regulations 2019 & Regulatory Impact Statement as they relate to the issues identified locally about rooming houses. This submission will make recommendations to further enhance and clarify the rights of RH tenants, and responsibilities for both tenants and RHO's. This submission will not provide any comment on items not previously raised as an issue for Rooming House tenants in the Frankston City municipality in its commentary and feedback to the Draft Residency Tenancy Regulations 2019 & Regulatory Impact Statement consultation.

As such Council notes six items in the draft Residential Tenancies Regulations 2019 that are within scope for comment through this submission, including:

- **38 Form – Fixed term rooming house agreement (pg. 19):**

Council notes that various types of agreements are currently being used by RHO's, and sees this change as a key to ensuring a standardised process that will not disadvantage tenants. Council further notes the importance of this agreement to give clear and specific direction on the issue of 'break lease rights and responsibilities'.

**38 TO ADDITIONALLY INCLUDE:** (1) It is recommended that the Fixed term Rooming House Agreement Form explicitly specifies that the rent/board payable is inclusive of room rental and utilities, to reduce the reported occurrence of RHO's charging utility fees on top of agreed rental charged for the rooming house room. (2) It is further recommended that the form explicitly states the requirement of RHO's to refund bond and over-paid rent to the exiting tenant to

reduce the occurrence of the withholding of such being reported in the Frankston City municipality.

- **39 Prohibited terms (pg. 19):**  
Council would like this item to include another term which purports to unreasonably limit the rooming house resident's activities for the purpose of ensuring that (new) "utility costs are unduly minimised, where these are included in board".
- **41 Information which rooming house operators must not require applicant to disclose (pg. 20, 21):** The inclusion of all of these clauses, particularly items (b) and (f) will significantly re-balance the scales in the direction of the rights of tenants, and enable market driven rental rates for rooming house tenants, and put an end to the RHO practice of ascertaining tenant income and bond debt (via third parties) before advising of the room rental charge, and calculating the rental on this ('value of the person'), instead of the 'value of the room'.  
**41 TO ADDITIONALLY INCLUDE:** It is recommended that this section specifies RHO's must not request information from any party about bond loan debt owed by a prospective or new tenant. This will reduce the occurrence of the unethical practice rife in Frankston City of RHO's paying bond debt and placing tenants on unachievable payment plans (on top of rent) to repay the debt to the RHO.
- **42 Information which rooming house operator must disclose to applicant (pp 21, 22):**  
Council would like section (a) to be modified to also require RHO disclosure of prior death in the room; and section (b) to be modified to also require RHO disclosure of mould or leaking roof in the room.  
**42 TO ADDITIONALLY INCLUDE:** Council would like RHO's to be required to disclose rooming house tenants' rights to new tenants, as identified in the Rooming Houses: A Guide for Residents and Operators" CAV manual.
- **44 Payment method for rent – rooming houses (pg. 22):**  
Requiring rent to be paid electronically will enable the necessary paper trail and evidence of funds transferred, and reduce fraudulent or unscrupulous financial practices Council is concerned about.
- **46 Safety Devices (pg. 22):**  
Council likes that this section is so explicit in identifying the safety devices required by RHO's to install at their rooming house properties.  
**46 TO ADDITIONALLY INCLUDE:** Council would like it to be similarly explicitly stated that RHO's are responsible for maintenance and replacement of all safety devices at rooming house.

Notwithstanding the above, Council would like to see further consideration given to the inadequacy of minimum standards for rooming houses, and the current lack of regulation (or consistency) of rental rates being charged for tenancy in a rooming house. To further reduce the negative impacts of rooming house tenure Council would recommend the following:

- The Residential Tenancies Act (1997) consider including instructions about the following:
  - o Maximum bond payable for a rooming house room

- Rental rates for a rooming house room to be linked to rooming house amenity, including condition and amenity of the property.

The above inclusions will introduce a standardised regulation and transparent model for ensuring fair and accurate charges are required for people opting to rent a room in a rooming house property.

Frankston City Council acknowledges the importance of this piece of work in improving the quality of life for the thousands of renters living in our municipality, and across Victoria and looks forward to the roll out and implementation of these tighter regulations from 1 July 2020.

Yours faithfully

Cr Sandra Mayer  
**MAYOR – FRANKSTON CITY**

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<sup>i</sup> ABS Census data 2016

<sup>ii</sup> Consumer Affairs Victoria



**Executive Summary****12.14 Request for Funding - Sunrise Rotary Charity Golf Day**

*Enquiries: (Tim Bearup: Community Development)*

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.2 Vibrant and Engaged
Priority Action	2.2.3 Engage and support Frankston City's local areas and diverse communities to optimise facility usage and enhance equitable access to services

**Purpose**

To brief EMT on a request from Sunrise Rotary for Council to provide some funding for their 2020 Charity Golf Day.

**Recommendation (Director Community Development)**

That Council:

1. Approves the re-allocation of \$1,500 from under-expended funds within the Youth Action Grants category of the 2019/20 FY Miscellaneous Grants Program to support the 2020 Charity Golf Day;
2. Approves encouragement of Sunrise Rotary to submit an application for this via the Annual Community Grants Program (rather than outside of this funding cycle) should the intent to seek a grant for the Charity event beyond 2020; and
3. Approves for any remaining under-expended grant funds that may be presently quarantined in specific grant categories in the 2019/20 FY Miscellaneous Grant Program, to be made available for use within the general Miscellaneous Grant pool to respond to grant applications for which there is higher demand.

**Key Points / Issues**

- Council has received contact from Sunrise Rotary, enquiring as to whether Council would have interest in providing some funding for their 2020 Charity Golf Day.
- Council has previously financially supported this event in 2018 (\$1,300) and 2019 (\$1,500).
- Sunrise Rotary report that this is the 23<sup>rd</sup> year of holding this charity golfing event, and they have successfully raised more than \$730k for local and international charities since it began.

Local charities supported by the funds raised include: Community Support Frankston, Blackwood Special Schools Outdoor Education Centre and at risk youth support programs such as PENCOF, the Peninsula's dedicated youth support resource (refer to Attachment B).

- There are silver (\$1,500) or gold (\$2,800+) sponsorship packages available which include an opportunity for the sponsoring organisations to participate and be recognised for their support (refer to Attachment A).

**12.14 Request for Funding - Sunrise Rotary Charity Golf Day****Executive Summary**

- The 2019/20 Miscellaneous Grants budget includes an allocation of \$5,000 to the category of Youth Action Grants. To date, no applications have been received and it is anticipated that without further intervention, these monies will remain unexpended by end of financial year. It is therefore recommended that these funds are used to support the Sunrise Rotary Charity Golf Day. It is also recommended that Council approve for the remaining funds along with any other under-expended grant allocations to be made available for use in the general 19/20 FY Miscellaneous Grant pool so that it can be used to respond to applications for which there is higher demand.

**Financial Impact**

The Victorian Government introduced the “Fair Go Rates” system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past four financial years has ranged between 2.0 per cent to 2.5 per cent and has been set at 2.0 per cent for 2020-2021.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council’s major source of income, Council’s capacity to continue to deliver services and fund its capital programme will be severely restricted.

That Council approves the funding of \$1500 towards the Sunrise Rotary Charity Golf Day and authorises the Chief Executive Officer to make the necessary adjustments to the budget to reallocate these unexpended funds from the 19/20 FY Miscellaneous Grants budget.

**Consultation****1. External Stakeholders**

Officers have liaised with Sunrise Rotary in relation to their request.

**2. Other Stakeholders**

Council’s Grants Officer.

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

The Charity Golf Event provides an opportunity for community connection whilst also contributing funds to support vulnerable members of the local community.

**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

No relevant legal considerations.

Policy Impacts

In future, Sunrise Rotary will be encouraged to apply to the community grants program which is the existing policy vehicle that has been established to manage and equitably allocate funds to support worthy programs such as this.

**12.14 Request for Funding - Sunrise Rotary Charity Golf Day****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**

The primary risk to Council if it did not provide any financial support would be the disappointment of those within the community who would like to see Council support this organisation and this charity event.

**Conclusion**

It is recommended that Council support the 2020 Sunrise Rotary Charity Golf Day through the diversion of under-expended funds within the Miscellaneous Grants program.

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**ATTACHMENTS**

Attachment A: [↓](#) Sunrise Rotary Charity Golf Day - Sponsorship Information

Attachment B: [↓](#) 2020 Charity Golf Day Invitation



Join us in our 23rd year, making a difference to local, national and international charities. With your support, we can add to the more than \$730k raised across previous years.

We are excited to be returning to the Peninsula Kingswood Country Golf Club. Get ready for what will be an outstanding day of golf and friendship in support of some wonderful charitable causes.

A number of sponsorship opportunities are available:

#### **GOLD SPONSOR PACKAGE**

**Cost:** A donation of \$2800 or more!

**Includes:**

- Golf competition entry for up to 8 players
- Pre, during & post game refreshments
- Golf gift packs
- Advertising in the Golf Day booklet, on course signage and the opportunity for sponsorship advertising in player gift packs
- The opportunity to win fantastic prizes on the day

#### **SILVER SPONSOR PACKAGE**

**Cost:** A donation of \$1500

**Includes:**

- Golf competition entry for up to 4 players
- Pre, during & post game refreshments
- Golf gift packs
- Advertising on Golf Day booklet, on course signage and the opportunity for sponsorship advertising in player gift packs
- The opportunity to win fantastic prizes on the day

#### **\*BONUS**

Add extra value and visibility to your sponsorship package by providing gifts and prizes.

- Player prizes
- Raffle Prizes

Speak to us about how we can ensure you get maximum visibility and impact for your sponsorship

We look forward to your participation on March 23. You are helping to make a real difference across our local and global community.

To discuss your sponsorship opportunity, speak to a Frankston Sunrise member or call David McKenzie on 0409 770 300

#### **Major Sponsor – Peninsula Kingswood Country Golf Club**

**Join PKCGC and some of our other exciting sponsor partners:**

Mercedes-Benz Mornington, Drummond Golf, Ritchies IGA, Golf Tourism Australia, Womersley's Mitre 10, Pollards Insurance Brokers, Commonwealth Bank, ANZ, Westpac, Macquarie Bank

Design and Artwork by  0408 598 767 [www.tpgd.com.au](http://www.tpgd.com.au)

#### **2020 NEWS FLASH!**

Your opportunity to  
play the South Course,  
Peninsula Kingswood  
Country Golf Club





### Making A Difference

In 2020, the Rotary Club of Frankston Sunrise will celebrate the 23rd year of its Annual Charity Golf Day. We hope you can join us on the occasion.

In our past 22 years, more than \$730k has been raised, making a difference to an important range of charities both local and international. With the support of our valued Player & VIK Sponsors, together with the hard-working members of our Rotary Club, these funds have supported the vital efforts of these charities.

Funds have supported many local causes, including as an example:

- Community Support Frankston and the crucial assistance it provides to at risk people living within our community
- Disadvantaged and special needs children via the Blackwood Special Schools Outdoor Education Centre
- At risk youth support programs such as PENCOF, the Peninsula's dedicated youth support resource

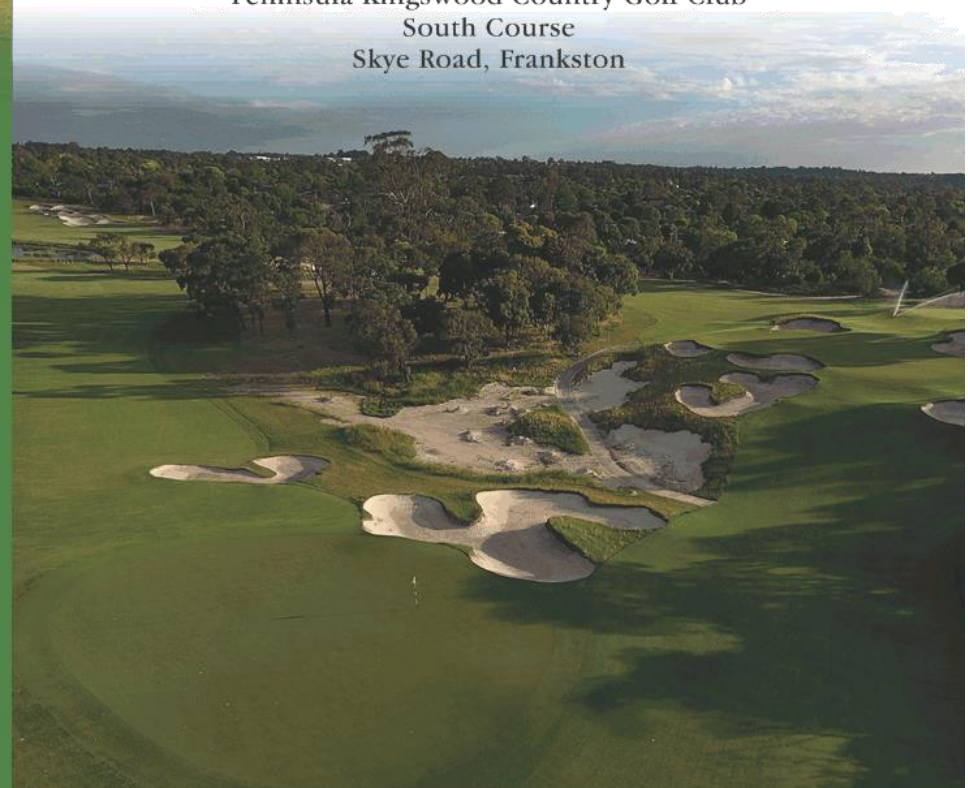
Likewise, funds have also supported vital Australian organisations like Kidney Health Australia and the international programs of Rotary such as the fight to eradicate Polio across the globe.

If you are a returning sponsor we thank you for your support of both our collective past efforts and those still to come. If you are joining us for the first time, welcome aboard and thank you for helping the Rotary Club of Frankston Sunrise to make a difference.



# CHARITY GOLF DAY 2020

Monday 23rd March 2020  
Peninsula Kingswood Country Golf Club  
South Course  
Skye Road, Frankston





## PLAYERS SCHEDULE

<b>Registration</b>	<b>10:30am</b>  Players to be registered for electronic scoring. Players are allocated their starting hole and are provided with Players Information and Rules Sheets, along with your Team Score Card and Gift Pack.
<b>Lunch</b>	<b>10:45am Onwards</b>  BBQ Provided
<b>Run through of the days play</b>	<b>11:30am</b>
<b>Move to starting hole</b>	<b>11:45am</b>  All players move to their starting hole by 11:45am. <b>12 noon shotgun start.</b>
<b>On-Course theme holes</b>	 1. Sausage Sizzle 2. Bacon & Egg Rolls 3. Mini Burgers 2. Wine & Cheese
<b>In-Event competitions</b>	 1. Hole in One - \$50,000. 2. Nearest to Pins x 4. 3. Longest Drive. 2. Straightest Drive.
<b>Presentations</b>	<b>4:45pm Onwards</b>  Players are asked to move to the Clubhouse for Presentations of the days play. Light supper is supplied.

## THE TOURNAMENT

<b>Venue</b>	Peninsula Kingswood Country Golf Club - South Course. Skye Road. Frankston
<b>Date</b>	Monday 23rd March 2020
<b>Players Registration Time</b>	10:30am
<b>Event</b>	4 Ball Ambrose

### ENTRY FORM

Please enter names and details of participants

Name		
Company		
Address		
Phone	Fax	

### Team of Four

Names	Golflink #	Mobile #
1		
2		
3		
4		

<input type="checkbox"/> Our cheque for \$ _____	<b>is enclosed, made payable to: Rotary Club of Frankston Sunrise. PO Box 1209 Frankston Victoria 3199</b>
<input type="checkbox"/> Direct Deposit to:	<b>Rotary Club of Frankston Sunrise BSB: 633 108 Account 131 641 888</b>

**Executive Summary****12.15 Support for the Communities Affected by the 2019-2020 Victorian Bushfires**

*Enquiries: (Sam Jackson: Corporate Development)*

Council Plan

Community Outcome:	3. A Well Governed City
Strategy:	3.1 Accountable Governance
Priority Action	3.1.1 The elected representatives will provide clear and unified direction, transparent decision makers and good governance

**Purpose**

To brief Council on the activities being undertaken on behalf of Frankston City to support those affected by the 2019-2020 Victorian Bushfires and seek a decision on emergency management support and fundraising activities.

**Recommendation (Director Corporate Development)**

That Council:

1. Endorses the following means of supporting communities affected by bushfires which have already commenced implementation (Councillors views and support were canvassed, where this has involved waiving fees):
  - a. Making relevant staff available to support the emergency management and recovery process (commenced 26 December 2019)
  - b. Waiving fees for overdue or lost items at Frankston Libraries for patrons caught in the 2019-2020 Australian bushfires (commenced 6 January 2020)
  - c. Waiving of hall hire fees for legitimate fundraising activities for victims of the 2019-2020 Victorian bushfires between 1 January - 31 March 2020 (commenced 6 January 2020)
  - d. Frankston Libraries being a collection and creation point for hand knitted pouches for wildlife (commenced 6 January 2020)
  - e. Donation of wildlife nesting boxes (occurred 6 January 2020)
  - f. Establishment of a concierge service to provide a higher level of support and reduce red tape for fund raising activities (commenced 6 January 2020)
  - g. Comprehensive communications about fundraising support, managing health issues due to smoke etc. (internal and external) (commenced 3 January 2020)
  - h. Key Council sites providing donation tins (commenced 6 January 2020)
2. Notes that further investigation is underway into the appropriate mechanism for providing a clear and consistent process around requests from the community for support in disaster situations.
3. In lieu of having a formal mechanism to assess and approve the following requests from the community, Council endorses:
  - a. \$1,200 cash donation for Sundown at McClelland Sculpture Park (being held on 8 February 2020) to go towards event logistics expected with a larger crowd
  - b. The waiving of up to \$972 of commission from green fees due to Council at Centenary Golf Club stemming from a Charity Golf Event to be held on 7 February 2020

**12.15 Support for the Communities Affected by the 2019-2020 Victorian Bushfires****Executive Summary**

- c. Waiving of up to \$1,500 hall hire fee for AWARE to hold an event where approximately 40 people will make dreys for ringtail possums on 15 February 2020
4. Note that a further report be will provided to Council in April 2020 providing an update of all support provided (including officer time, cash donations, fees waived, equipment etc.).
5. Endorses The Waterfront Festival being promoted as Council's major fundraising opportunity, with all of the funds collected being allocated to the Victorian Bushfire Appeal.
6. Requires a further report to come back to Council in April 2020 with a view to developing a policy on Council held fireworks displays and an outline of how the community will be engaged in this process.

**Key Points / Issues**

- Six local government areas in east and north-east Victoria have been affected by bushfires as at 21 January 2020, resulting in excess of 1.4 million hectares of land being burnt, with five lives lost and significant property damage.
- The Frankston City community has indicated that it wants to provide support to the affected communities, and seeks to either understand how best to do this or expects that Council will take a lead.
- There are many ways in which Council, on behalf of the community has already, and can continue to assist in a way and a time that best meets the needs of the affected communities, while not hindering relief and recovery measures, including:
  - the loan of qualified staff as requested by external agencies, such as:
    - Environmental Health Officers assisting with monitoring and inspecting bushfire affected septic tanks, private drinking water supply issues, food safety, hazardous materials, waste management and general personal hygiene
    - Building Surveyors for 3-4 days per week for approximately two months from mid-January to assist with assessing building integrity and safety
    - Animal management staff to assist with evacuation and management of animals in situ
    - Communications Staff to provide assistance with emergency management messaging as well as enabling business as usual communications
    - Other staff who may volunteer with CFA, SES Red Cross, Australian Defence Reserves or any other approved organisations that provide bush fire relief
  - Requests from external agencies for the loan of equipment, including animal cages (during the evacuation from Mallacoota), emergency management equipment and the What Bus to support displaced youth in relief centres.
  - Waiving of fees for overdue or lost library items for patrons caught in any of the current bushfires

**12.15 Support for the Communities Affected by the 2019-2020 Victorian Bushfires****Executive Summary**

- Promoting the Libraries as a Community Hub for collection and creation for hand knitted pouches and nests for injured wildlife (a knitting session held on 8 January 2020 had over 100 people attend, with further sessions planned).
- Waiving of hall hire fees for legitimate fundraising activities for victims of the 2019-2020 Victorian bushfires between 1 January - 31 March 2020
- Donation of 40 wildlife nesting boxes to Landcare for distribution to impacted areas to encourage the return and future breeding of wildlife
- Continuing to promote key emergency management, health and donation advice, including promotion of the Victorian Bushfire Disaster Appeal, with some donation collection sites at key Council buildings
- Given the timing of The Waterfront Festival (15-16 February 2020) it is the ideal opportunity to enable the community to come together, raise funds and celebrate the great work of our emergency services. However, there are sensitivities around fireworks displays in the current climate, with debate as to whether this element of the event proceeds.
- Rather than a cash donation, at this stage Council is seeking to support community led events and activities in the community. Currently Council has three requests for support, all of which appear legitimate fund raisers/community connecting events to support the affected communities and wildlife:
  - \$1,200 cash contribution to support event logistics for Sundown at McClelland Sculpture Park + Gallery – estimated to raise \$40,000 for the Gippsland Emergency Relief Fund (GERF);
  - The waiving of up to \$972 of commission from green fees due to Council at Centenary Golf Club stemming from a Charity Golf Event to be held on 7 February 2020;
  - Waiving of up to \$1,500 hall hire fee for AWARE to hold an event where approximately 40 people will make dreys for ringtail possums on 15 February 2020.

**Financial Impact**

The Victorian Government introduced the “Fair Go Rates” system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past four financial years has ranged between 2.0 per cent to 2.5 per cent and has been set at 2.0 per cent for 2020-2021.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council’s major source of income, Council’s capacity to continue to deliver services and fund its capital programme will be severely restricted.

***Library Fines:***

The budget impact of waiving fines for late or lost items for patrons caught in the bushfires is not known.

**12.15 Support for the Communities Affected by the 2019-2020 Victorian Bushfires****Executive Summary***Hall Hire Fees:*

The budget impact of waiving of hire fees for legitimate fund raising activities in Council halls is not known at this time. While fees will be waived on provision of promotional material, all other conditions of hire (including upfront payment of a refundable bond) will need to be complied with. Venues that would be incorporated into this include:

- Talbot Hall
- Seaford Community Centre
- Langwarrin Hall
- Leawarra House
- Bruce Park Hall
- Mechanics Institute
- Karingal Place
- Frankston South Community and Recreation Centre
- Frankston North Community Centre
- Ebdale Hub

Council currently has one request for the waiving of hall hire to enable attendees to create dreys for ringtail possums. The lost income for this is \$162.50 – \$1,500 dependent on which venue is used.

*Officer time:*

It is likely that Council will be donating significant officer time to support the affected communities. Additionally Officers who are volunteers for approved emergency management and recovery organisations are provided with paid time off for deployment.

At this stage the value of this cannot be determined.

*Contributions:*

Council has been asked to provide some contributions to enable the community to raise funds or collate/create goods to support the affected communities. While the cost of this cannot be determined at this time, currently Council has the following requests:

- \$1,200 cash contribution for Sundown at McClelland Sculpture Park + Gallery
- \$972 (up to) waiving of commission to Council (loss of income) for green fees for a bushfire charity event

All cost impacts will be monitored and reported over time.

*Fireworks*

Cancellation of the fireworks display at this late stage may incur approximately \$4,000 in permits and approvals that have already been sought. There may also be a cancellation clause within the contract.



**12.15 Support for the Communities Affected by the 2019-2020 Victorian Bushfires**  
**Executive Summary****Consultation****1. External Stakeholders**

Officers have been in regular contact with Emergency Management Victoria, Department of Health and Human Services, Victorian Building Authority, individual emergency services agencies, Municipal Association of Victoria and other Councils to identify how Frankston City Council can best support. Advice has been very clear in relation to:

- Donation of non-essential items (goods and food) are not sought
- Donation of money is preferred and encouraged
- Qualified Officers may be seconded to assist, and that this will occur in a way and at a time that supports, rather than hinders any emergency management and recovery process
- Unsolicited attendance within the affected region actually creates additional workload for emergency management teams and should be discouraged

*Fireworks*

Council has not undertaken specific consultation regarding the holding or cancellation of the fireworks display at the Waterfront Festival, however Councillors have noted the cancellation of some fireworks displays across the nation in solidarity with the affected communities or to respond to resourcing issues (Melbourne's Australia Day fireworks).

There are two polls on local social media pages that had strong opposition to the continuation of the fireworks at The Waterfront Festival. However, the comments within the polls showed stronger divergence in opinion.

Council is committing to undertaking an extensive consultation process with the community in the future to better inform sentiment around fireworks displays

**2. Other Stakeholders**

There is strong interest from officers across the organisation to provide support.

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

There is a strong community expectation that Council will undertake a range of activities to provide support to other communities that have been affected by the bushfires. It is important that this is done in a way that does not negatively impact on those managing the emergency and recovery process, but still enables our community to empathise and connect with others.

**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

There may be penalties within the contract for the cancellation of the fireworks display. Some permits have already been sought by the supplier and Council will be expected to reimburse the cost of these as well as any other expenses and penalties incurred.

**12.15 Support for the Communities Affected by the 2019-2020 Victorian Bushfires**  
**Executive Summary**Policy Impacts

There are no policy implications from this report.

Officer's Declaration of Interests

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

**Risk Mitigation**

Cancellation of the fireworks display at The Waterfront Festival may:

- Negatively impact on attendance and therefore the ability of the event to raise more funds for the Victorian Bushfire Disaster Appeal (in 2019 23.8% of attendees have indicated that they attend for the fireworks).
- Result in a backlash from those community members and visitors that were looking forward to the fireworks display at the event.

It is important that any fundraising activity is undertaken in a way that supports the emergency management and recovery process, without adding any further burden. It is also critical that any donation is given to a legitimate program that ensures maximum transfer of funds to the affected communities. Initially, due to oversupply of non-essential items, Council, as directed by Emergency Management Victoria is encouraging people to make a monetary donation to the Victorian Bushfire Disaster appeal. This may change as time passes, and Officers will continue to monitor.

Given the current fire season has only just commenced, it is also important that while supporting the affected communities, Council is still appropriately resourced to monitor and manage the fire risk within our own municipality.

**Conclusion**

There is a range of activities that Council can undertake to support bush fire affected communities. While a number of these are already underway, Officers are seeking Council endorsement to continue these and introduce others.

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**ATTACHMENTS**

Nil

**Executive Summary****12.16 Sports and Recreation Victoria - Grant Submissions**

*Enquiries: (Tim Bearup: Community Development)*

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.3 Health and Well-being
Priority Action	2.3.3 Enhance equitable access to sport and leisure opportunities

**Purpose**

For approval to submit applications for funding from the State Government Local Sports Infrastructure fund 2020-2021

**Recommendation (Director Community Development)**

That Council notes and approves the funding applications to the 2020-21 Local Sports Infrastructure Fund for the identified projects currently included in draft capital works program in the following categories:

1. Community Facilities funding (closing date 14 February 2020):
  - Bruce Park sports lighting \$240K grant application with total project cost of \$480,000 in 2020/21 (funded by sports lighting renewal) ; and
2. Female Friendly Facilities fund (closing date 14 February 2020)
  - Langwarrin Netball Pavilion \$350,000 grant application with total project cost of \$700,000 in 2020/21 (funded \$350K from renewal)

**Key Points / Issues**

The Victorian Government through Sport and Recreation Victoria is currently receiving submissions from local government for the following funding categories:

- *Planning* – provides support to undertake a range of strategic infrastructure planning projects, they are independent, consultative, and identify future actions to support *Active Victoria's* strategic directions. There are no projects that are listed in the draft 20/21 capital works program that would meet this funding criteria.
- *Female Friendly Facilities* – provides funding of up to \$500,000 to support the development of new or redevelopment of existing infrastructure that enables more women and girls to participate in sport and active recreation.

There is an opportunity to include the Langwarrin Netball Pavilion redevelopment in this category. The concept designs for each pavilion are attached.

- *Community Facilities* – supports the development of new, or the redevelopment of existing community sport and active recreation infrastructure to a high quality and accessible to all.

There is an opportunity to apply for sports lighting at Bruce Park, the recent Sports Lighting Audit rated this facility as most urgently requiring an upgrade. Bruce Park sports lighting - \$240,000 grant towards total project costs \$480,000. The lighting design has been completed and is attached.
- *Strategic Facilities* – supports the development and upgrade of significant sport and active recreation infrastructure with a demonstrated strategic catchment beyond a local community.

**12.16 Sports and Recreation Victoria - Grant Submissions****Executive Summary**

There are no projects in the 20/21 draft capital works program that would meet this funding criteria.

- *Aquatic Centre and Indoor Stadium* – supports the development of aquatic leisure centres and multi-sport indoor stadiums.  
There are no projects in the 20/21 draft capital works program that would meet this funding criteria.

**Financial Impact**

The Victorian Government introduced the “Fair Go Rates” system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past four financial years has ranged between 2.0 per cent to 2.5 per cent and has been set at 2.0 per cent for 2020-2021.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council's major source of income, Council's capacity to continue to deliver services and fund its capital programme will be severely restricted.

Council approval is sought for the following funding applications to the Local Sports Infrastructure Scheme:

- Community Facilities Fund:  
Bruce Park sports lighting \$240K grant application with total project cost of \$480,000 in 2020/21 (funded by sports lighting renewal); and
- Female Friendly Facilities fund  
Langwarrin Netball Pavilion \$350,000 grant application with total project cost of \$700,000 in 2020/21 (funded \$350K from renewal)

**Consultation****1. External Stakeholders**

Bruce Park sports lighting – Frankston Rovers Junior Football Club has been consulted in regards to this sports lighting project.

Langwarrin Netball Pavilion – Langwarrin Netball Club has been consulted in regards to this pavilion project.

**2. Other Stakeholders**

Sport and Recreation Victoria – the above projects have been discussed with SRV representatives.

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

The Local Sports Infrastructure Fund helps provide high quality, accessible community sport and active recreation infrastructure across Victoria. The projects will assist Council in providing fit for purpose facilities to enable the community to be active.

**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.

**12.16 Sports and Recreation Victoria - Grant Submissions****Executive Summary**Legal

There are no legal implications in this report.

Policy Impacts

There are no policy implications in this report.

Officer's Declaration of Interests

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

**Risk Mitigation**

The condition of the sports lighting at Bruce Park is rated as poor in the Sport Lighting Audit 2019. The light poles are too short, one floodlight is not operational and provides an inadequate lighting result. The recommendation from the Sports Lighting Audit 2019 is that the current sports lighting infrastructure cannot be altered to comply and should be replaced.

The Langwarrin Netball Pavilion is in poor condition, it is more than 30 years old and consists of one shared area that is used as change rooms, a dilapidated kitchen and toilets. The current facility is not DDA compliant and does not support female participation.

**Conclusion**

Council has the opportunity to receive funding towards sports lighting at Bruce Park, and female friendly facilities at Langwarrin Netball pavilion. All these projects are required to provide facilities that are fit for purpose and meet club needs and usage. Approval is sought for these projects to be the subject of the applications to be submitted for the 20/21 Local Sports Infrastructure Fund.

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**ATTACHMENTS**

- Attachment A: [↓](#) Bruce Park Draft Lighting Design  
Attachment B: [↓](#) Bruce Park Sports Lighting - Cost Estimate  
Attachment C: [↓](#) Lloyd Park Netball Pavilion Concept



## Design Notes:

### Draft Design for Review.

Dimensions have been taken from a pdf/satellite image, subject to confirmation prior to installation/commissioning. For further calculations and/or for installation/aiming details please contact Apex Lighting.

MH = 25 metres; the height above the playing surface to a single crossarm.  
MF=1.0 is used to show obtrusive light initial values.

A maintenance factor of 0.86 has been allowed to apply to all luminaires.  
A maintenance policy should be adopted to support the maintenance factor.  
Glare Ratings (GR) are based on a diffuse playing surface reflectance of 25%.  
GRmax <=50 for observers per Figure 6 AS 2560.2.3-2007 Football.



### AS/NZS 4282:2019 Obtrusive light assessment:

- All luminaires on, direct flux only, no obstructions such as trees are included.  
Conforms to Environmental Zone A2 - Low District Brightness (rural) limits.
- Maximum luminous intensity per luminaire < 7500 cd non-curfew (Level 1),
  - Ev (measured at building line or boundary as shown) <= 5 lux,
  - Threshold Increment TI <= 20% (adaptation luminance Lbar = 0.2 cd/m2),
  - ULR (UWLR) <= 0.01.

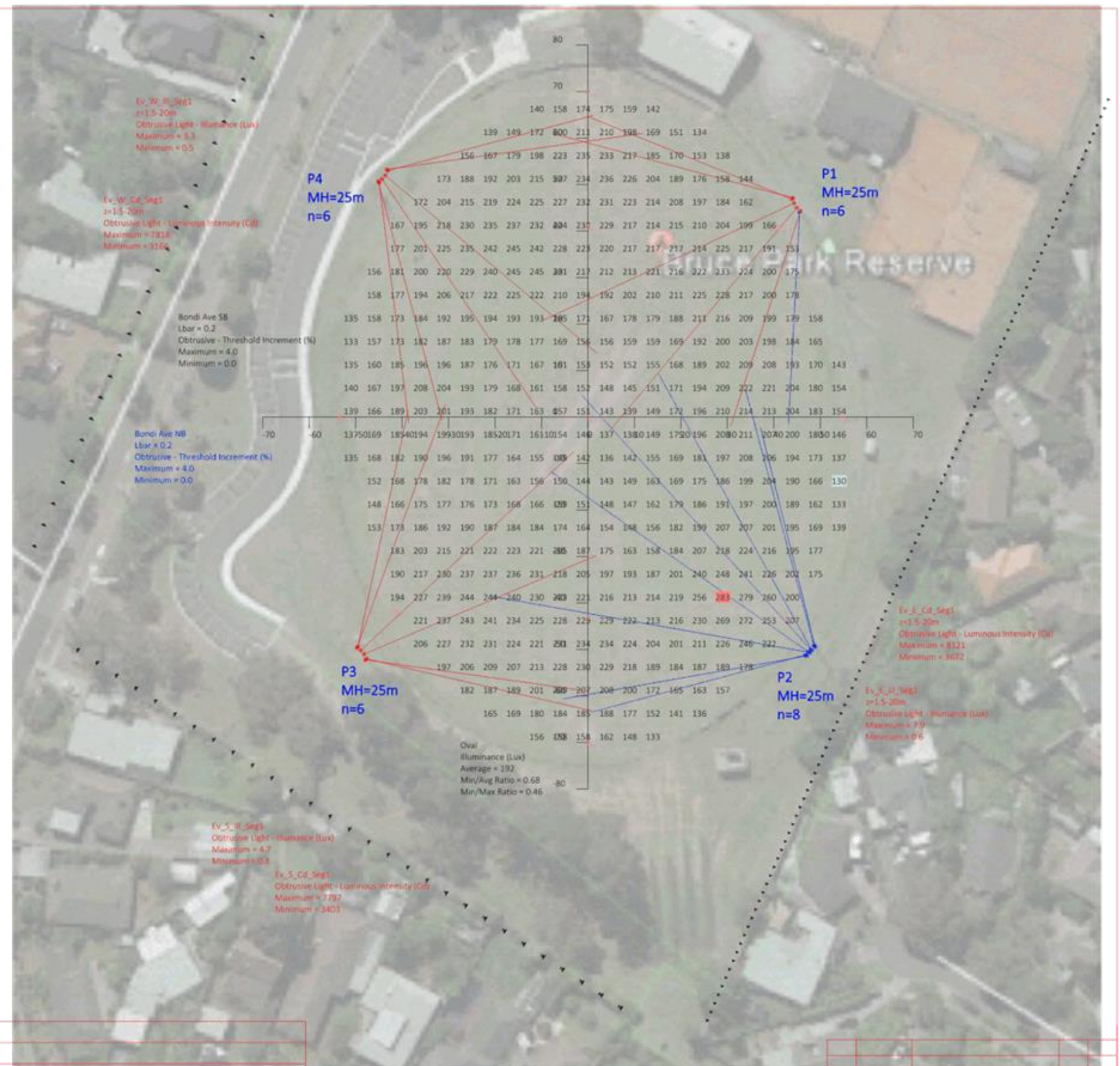
Ev I				
Project: Ev I				
Scene: 150 lux				
Label	CalcType	Units	Description	Max
Ev_E_Cd_Seg1	Obtrusive Light	N.A.	z=1.5-20m	8121
Ev_E_Ill_Seg1	Obtrusive Light	Lux	z=1.5-20m	7.9
Ev_S_Cd_Seg1	Obtrusive Light	N.A.	z = 1.5-20m	7797
Ev_S_Ill_Seg1	Obtrusive Light	Lux	z = 1.5-20m	4.7
Ev_W_Cd_Seg1	Obtrusive Light	N.A.	z=1.5-20m	7818
Ev_W_Ill_Seg1	Obtrusive Light	Lux	z=1.5-20m	3.3

TI				
Project: TI				
Scene: 150 lux				
Label	CalcType	Units	Max	L (cd/m2)
Bondi Ave NB	Obtrusive Light - TI	%	4.0	0.2
Bondi Ave SB	Obtrusive Light - TI	%	4.0	0.2

Calculation Summary					
Project: Illuminance					
Scene: 150 lux					
Label	CalcType	Units	Avg	Min/Avg	Min/Max
Oval	Illuminance	Lux	192	0.68	0.46

Luminaire Schedule						
Scene: 150 lux						
Symbol	Qty	Label	Description	LLF	Source	Lum. Watts
	17	BVP525 T30 50K LED1930 757 NBLT	Apex OptiVision LED Gen2 3-Module Asymmetric Narrow Beam 757+LT	1.000	LED1930/757	1301.52
	9	BVP525 T30 50K LED1930 757 NBLO	Apex OptiVision LED Gen2 3-Module Asymmetric Narrow Beam 757+LO	1.000	LED1930/757	1301.52

The values of light technical parameters shown in this lighting design calculation are nominal. They are based on parameters provided by the client and the specific details as reported in this document. Results in practice may be different due to variations such as luminaire positioning/aiming, surface reflectance, supply voltage, local luminaire ambient temperature, obstacles/furniture, etc. They are also subject to normally accepted photometric tolerances, and calculation/program uncertainties. Apex Lighting shall be under no liability to the Customer for failure to attain such performance figures. Commercial in confidence.



UWLR Area Summary	
Scene: 150 lux	
Label	UWLR
Oval GRmax	0.007

GR				
Project: Glare				
Scene: 150 lux				
Label	CalcType	Units	Description	Max
Oval GRmax	Glare Rating	N.A.	r = 0.25	43.4

Rev	Date	Comment	By	Chk
C	2019-05-16	Eh ave = 150 Lux	AN	
B	2019-05-15	AS4282 2019	AN	
A	2018-06-10	Original	AN	

Project: Bruce Park Reserve Oval	
Title: 150 Lux LED	
Client:	Scale: As shown
Doc #: V18089-01	Page: 1/1



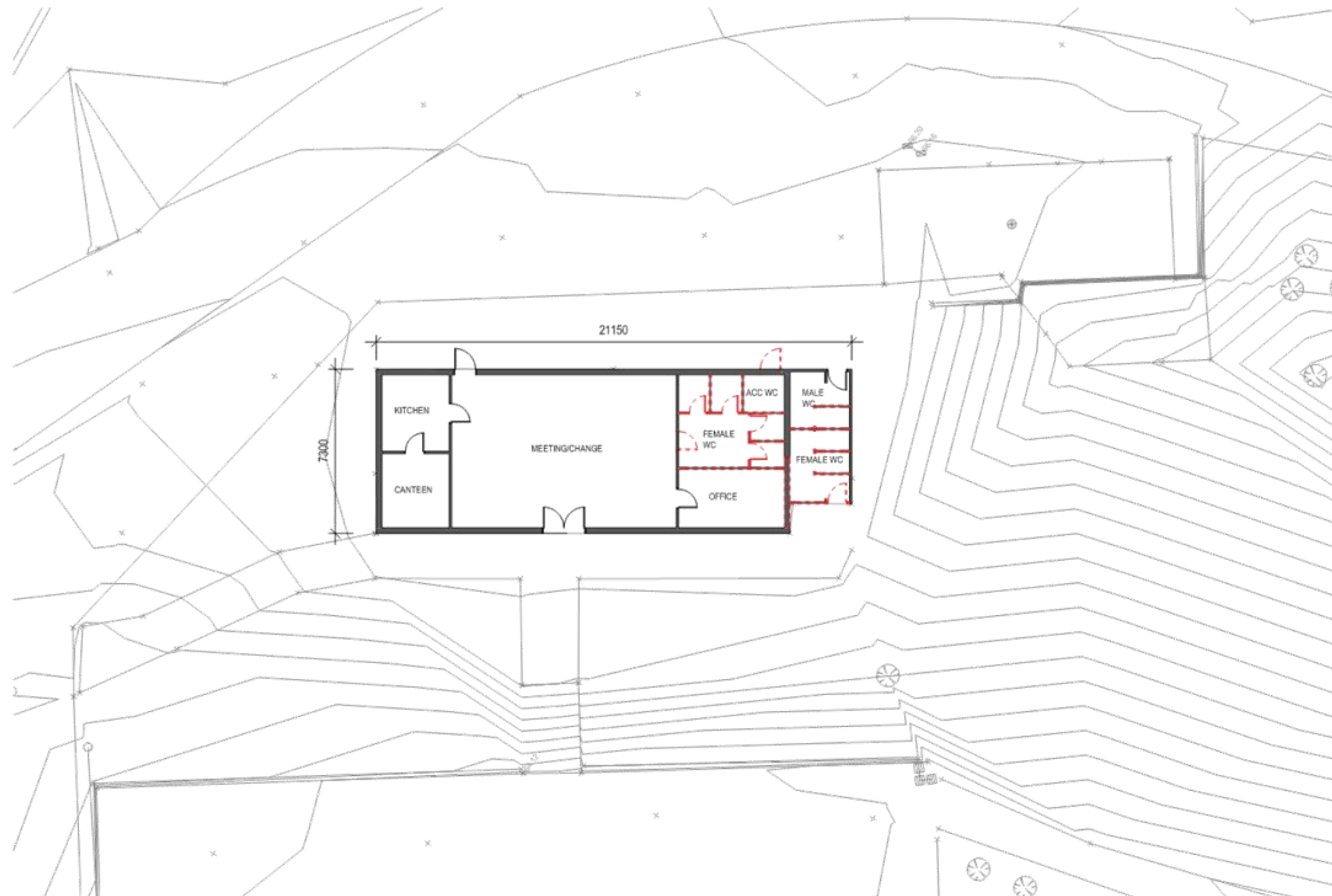


**BRUCE PARK RESERVE  
FRANKSTON  
AFL FOOTBALL OVAL FLOODLIGHTING UPGRADE  
Engineering Estimate: 20.12.2019**

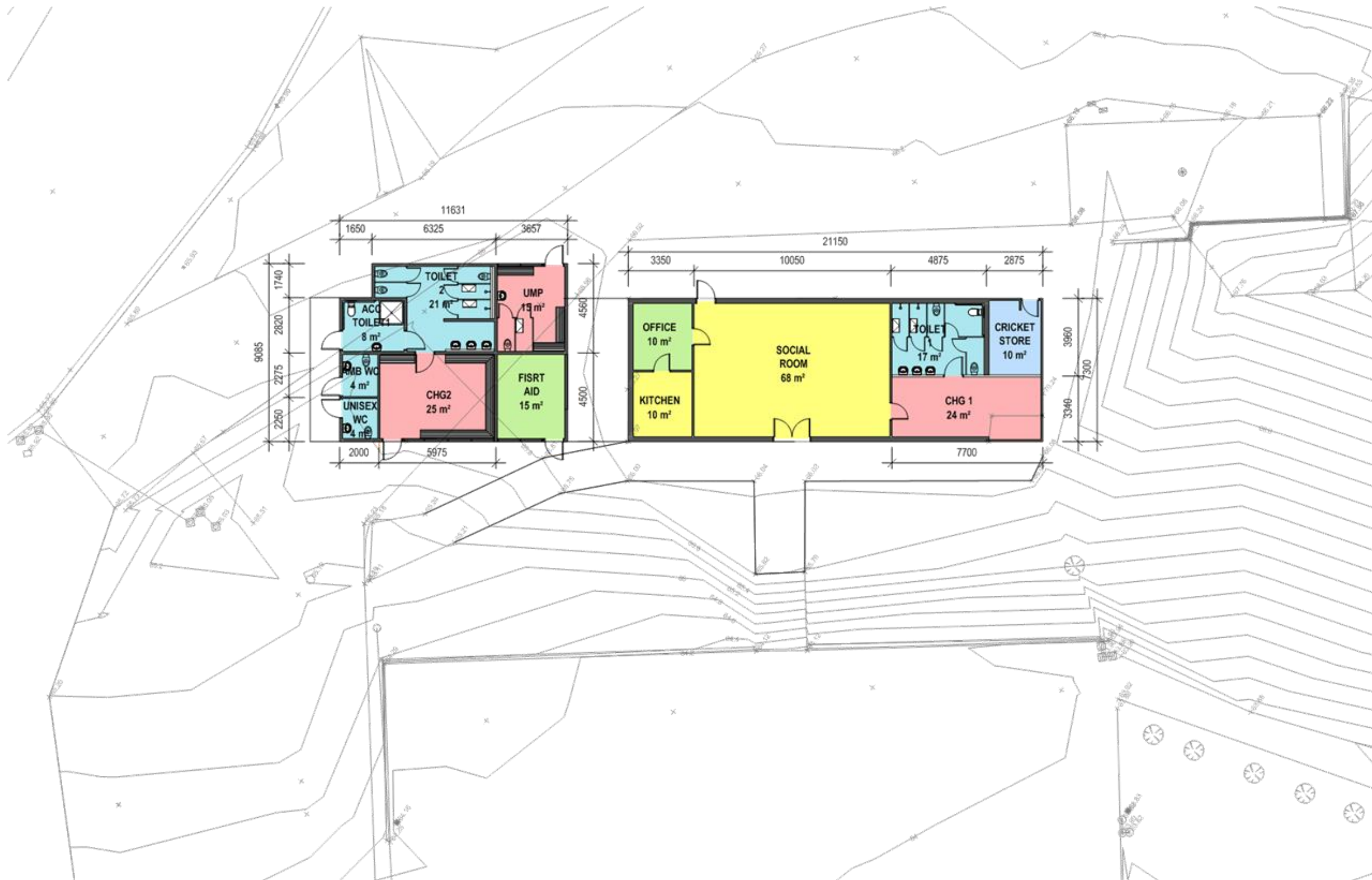
STAGE 1	Description	QTY	Unit	Rate \$	Amount \$
	<b><u>SITE WORKS AND PROJECT MANAGEMENT</u></b>				
1	Site establishment, maintenance Clean-up on completion, reinstatement	1	Item	3,000.00	3,000.00
2	Inspections/Surveys of Existing Site Services	1	Item	2,000.00	2,000.00
3	Removal of redundant electrical services installations	1	Item	3,000.00	3,000.00
4	As Built Drawings	1	Item	1,000.00	1,000.00
5	Upgrade property isolation pillar with new site main switchboard and group metering enclosure	1	item	24,000.00	24,000.00
6	Incoming consumer mains, conduit and service pit installation	1	Item	22,000.00	22,000.00
7	Underground supplies/reticulation from MSB to switchboards (Floodlighting, Pavilion & Community Centre)	1	item	49,000.00	49,000.00
	<b>SITE WORKS AND PROJECT MANAGEMENT - Sub Total</b> <i>(Excludes Supply Authority Charge refer provisional sum)</i>				<b>104,000.00</b>
<b>STAGE 2</b>	<b><u>AFL FOOTBALL OVAL - 150 LUX CLUB COMPETITION STANDARDS</u></b>				
1	Site Distribution Board & Electrical Reticulation, include excavation & Trenching for site reticulation and electrical cubicle foundation	1	Item	25,000.00	25,000.00
2	Mast foundation include excavation, boring, concrete and complete , Note: Contractor shall refer to the soil investigation	4	No	10,000.00	40,000.00
3	Flood Lighting Installations & controls	1	Item	10,000.00	10,000.00
5	Supply of Flood Lights (26 x 1500W - LED) – 150 lux club competition standard	26	No	5,500.00	143,000.00
6	Lighting Masts	4	No	9,000.00	36,000.00
7	Lighting Mast Installations rate to include for liaise with Mast supplier on delivery	4	No	2,000.00	8,000.00
8	Lighting Mast Distribution Boards & connections	4	No	4,000.00	16,000.00
9	Structural Footings & Certification/Permits	4	Item	3,000.00	12,000.00
10	Testing, Commissioning, set-up and Night Audit	1	Item	3,000.00	3,000.00
11	Reinstatement/making good top soil and re-seeding of trenching	1	item	2,000.00	2,000.00
	<b>FOOTBALL OVAL - Sub Total</b>				<b>295,000.00</b>
	<b><u>MISCELLANEOUS</u></b>				
1	Any other item required for the successful completion of the project (Provide itemised breakdown)				
	<b>MISCELLANEOUS Sub Total</b>				
	<b><u>PROVISIONAL SUM</u></b>				
1	Provisional Sum – Provisional sum for poor Ground Conditions				10,000.00
2	Provisional Sum - United Energy Charges - Upgraded Electricity Supply				45,000.00
	<i>Excludes consolidation of 2nd Supply from Margate Avenue, which serves the Tennis Club</i>				
	<b>PROVISIONAL SUM Sub Total</b>				<b>55,000.00</b>
	<b>OVERALL COST</b>				<b>454,000.00</b>
	Contingency	3%			13,620.00
					467,620.00
	GST	10%			46,762.00
	<b>Grand Total</b>				<b>514,382.00</b>

Notes:  
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Verify all dimensions and levels on site and report any discrepancies prior to the commencement of work.

Legend:



Issue	Description	Date	Crk	Auth
FRANKSTON CITY COUNCIL PO BOX 490 FRANKSTON 3199 www.frankston.vic.gov.au				
Project LLOYD PARK NETBALL PAVILION				
Location LLOYD PARK, LANGWARRIN				
Client FRANKSTON CITY COUNCIL				
Drawing EXISTING PLAN				
Scale 1 : 200	Date 28/01/2020	Drawn KEPANO		
File Name				
Project Number 200108	Drawing Number A101	Issue		



Notes:  
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Verify all dimensions and levels on site and report any discrepancies prior to the commencement of work.

Legend:

ROOM SCHEDULE		
Number	Name	Area
A.1	CHG 1	24 m²
A.2	TOILET 1	17 m²
A.3	CRICKET STORE	10 m²
A.4	CHG2	25 m²
A.5	TOILET 2	21 m²
A.6	UMP	15 m²
A.7	FISRT AID	15 m²
A.8	ACC TOILET1	8 m²
A.9	AMB WC	4 m²
A.10	UNISEX WC	4 m²
E.1	SOCIAL ROOM	68 m²
E.2	KITCHEN	10 m²
E.3	OFFICE	10 m²
Grand total: 13		230 m²

Issue	Description	Date	Crk	Aum
FRANKSTON CITY COUNCIL PO BOX 490 FRANKSTON 3199 www.frankston.vic.gov.au				
Project LLOYD PARK NETBALL PAVILION				
Location LLOYD PARK, LANGWARRIN				
Client FRANKSTON CITY COUNCIL				
Drawing FLOOR PLAN				
Scale 1 : 200	Date 28/01/2020	Drawn KEPANO		
File Name				
Project Number 200108	Drawing Number A200	Issue		



**Executive Summary****12.17 Response to Urgent Business - Installation of Public Sculptures Response**

*Enquiries: (Andrew Moon: Community Development)*

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.2 Vibrant and Engaged
Priority Action	2.2.1 Build on sculpture and eclectic street art culture

**Purpose**

To provide Council with the requested report relating to the Urgent Business – Installation of Public Sculptures resolution made at 2019/OM15.

**Recommendation (Director Community Development)**

That Council:

1. Notes the attached report relating to sculpture within the Frankston municipality.
2. Notes contractual obligations of Council regarding Moorooduc Highway / Hastings. Road plinth construction and loan Agreement with McClelland Gallery & Sculpture Park.
3. Approves completion of the installation of Reflective Lullaby at the Moorooduc Highway / Hastings Road site.
4. Approves the recommencement of planning for the Sculpture by the Sea sculpture loan project.
5. Approves the recommencement of the restoration and relocation of Roadside Marker.
6. Endorses the following process for approving sculpture and sculpture locations:
  - a) review and include appropriate sculpture locations as part of the review of the Open Space Strategy; and
  - b) on an annual basis the Frankston Arts Board recommend priority locations together with sculpture options (i.e. lease, loan or commission) for Council endorsement as part of the capital works consultation and approval process.

**Key Points / Issues**

- At its meeting on 16 December 2019 (2019/OM15) Council resolved the following Urgent Business:

*That Council:*

1. *Ceases all activity and works with respect to erection of sculptures across the municipality pending a report to Council on the following:*
  - (a) *Full and proper disclosure of the proposed sites and proposed sculpture;*
  - (b) *Full and complete analysis of the proposed sites to ensure that the proposed sculpture is not impacting or detracting from other features or precincts at the proposed site; and*
  - (c) *Full details as to the total costs of the sculptures, including relevant Officer time, associated capital works requirements (ie plinth construct) and any leasing or purchasing arrangements.*



**12.17 Response to Urgent Business - Installation of Public Sculptures Response****Executive Summary**

2. *Notes that the Arts Board do not have delegated authority to deal with public land.*
  3. *Notes that upon receiving the report required above, by no later than February 2020, will make decisions with respect to public land use and the suitability or otherwise of each sculpture proposed.*
- The four year priorities of the 2017 -2021 Council Plan are:
    - Build on sculpture and eclectic street art culture
    - Promote Frankston City's reputation as an arts, festival and events destination
  - Frankston Arts & Culture Strategic Plan 2015-2018 strategy had as one of its goals:
    - Develop sculpture as an iconic attractor of Frankston
  - In 2015 Council officers conducted a review of potential sculpture sites. Since the initial site audit in 2015 a number of sites have been added to the list of potential sculpture locations – sites are reconsidered in relation to each specific sculpture and are subject to recommendations of FAB to Council for approval.
  - Potential sculpture sites are indicative as ideal sculpture sites differ for each type of sculpture or individual sculpture. Selection of an appropriate site for a particular sculpture takes into account a number of factors. Please note factors 3 and 5 respond to item 1b of the Urgent Business resolution.

**Factors:**

1. Is the site safe? Does the proposed sculpture placement create unacceptable risks to pedestrians, motorists or onlookers?
2. Are there environmental issues that would preclude the site?
3. Aesthetically how will the sculpture fit into the immediate and not so immediate surrounds of the site?
4. How will the sculpture be 'discovered' by viewers, a slow reveal, an impactful surprise, or such a natural fit that it implies it has always been there?
5. Does the sculpture fit with the wider precinct? Who are the likely observers? What is the demographic? What brings them to the area? Will the sculpture 'make' the observers day a 'better day'? Is it likely to stimulate thought, questions, interest? All in the knowledge that every piece of art attracts some detractors or naysayers.
6. What, if any, approvals are required for the proposed site?

Each of the current proposed sites have been assessed using the above as a guide. Detail of each assessment / thought process for the proposed sites and sculptures forms are included in Attachment D of this report.

**12.17 Response to Urgent Business - Installation of Public Sculptures Response****Executive Summary**

It is acknowledged that The FAB does not have authority under its delegation (see Attachment E). The previously accepted process for Council to review recommendations of the board has been to present the FAB minutes to Council following each meeting with Council highlighting recommendations with a view to seeking support or approval. With regard to land use approval once a recommendation is supported by Council the process thereafter is a project management process which include all relevant approvals required by Council. It is recommended that for sculpture considered in 2020/21 and beyond the process for approving sculpture and sculpture locations will be based upon:

- a) a review and inclusion of appropriate sculpture locations in the Open Space Strategy
  - b) the annual consideration of the Frankston Arts Board recommendations of priority locations together with sculpture options (i.e. lease, loan or commission) for Council endorsement as part of the capital works consultation and approval process
- A range of minutes have been presented to Council as per agreed process. The resolutions of Council since 2017 are attached in Attachment B.
  - As per Councils decision on 16 December 2019, all activity and works ceased on 17 December with respect to erection of sculptures across the municipality
  - Images of the proposed sculptures are shown in Attachment A
  - Proposed sculptures, sites and costs are listed in Attachment C together with full details of the total costs of the sculptures, including relevant Officer time, associated capital works requirements (ie plinth construct) and any leasing or purchasing arrangements are included in Attachment C
  - For an analysis of proposed sites see Attachment D
  - Council has in the past used variable methods of sculpture acquisition; purchase, loan, lease, or commission. The current proposed sculptures fall into two categories; loan (fee payable) and commission:
    - Industry standard loan fees are a minimum of 10% per annum of the sculptures value, the current proposed sculpture loan fees are below the 10% industry standard
  - Large scale works such as Reflective Lullaby has proven to be a cost effective loan agreement option from McClelland, however loan terms for midscale sculptures from McClelland are less cost effective.
  - Sculptures by the Sea is a cost effective loan option for mid-scale sculptures and the occasional large scale work.

**Financial Impact**

The Victorian Government introduced the "Fair Go Rates" system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past four financial years has ranged between 2.0 per cent to 2.5 per cent and has been set at 2.0 per cent for 2020-2021.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

**12.17 Response to Urgent Business - Installation of Public Sculptures Response****Executive Summary**

Over time, with the cost of providing services increasing at a greater rate than increases in Council's major source of income, Council's capacity to continue to deliver services and fund its capital programme will be severely restricted.

Council has in the past used variable methods of acquisition; purchase, loan, lease, or commission. The current proposed sculptures fall into two categories; loan (fee payable) and commission.

Industry standard loan fees are a minimum of 10% per annum of the sculptures value. The negotiated loan fees from McClelland and Sculpture by the Sea for the current proposed sculptures are below the 10% industry standard.

Based on FAB recommendations, as reported to council, construction works on the plinth at Moorooduc Highway commenced late last year and are more than 95% complete. Council is contractually committed to the construction company who has undertaken the works.

A loan agreement for 'Reflective Lullaby' has been signed; Council is contractually committed to McClelland for the sculpture loan fee.

Sculpture by the Sea sculptures are not yet confirmed and no loan agreement has been signed. The sculptures however are 'on hold' for FCC. There may be an 'implied contract' in this instance.

The full cost of lease and purchases of proposed sculptures:

Sculpture	Loan cost	Purchase/ Commission cost	Cost of Officer time	Capital Works	Other
Reflective Lullaby	\$40,000 (full 4 year cost)	N/A	Est. \$10,000	\$95,000 (plinth to utilised for 20 years)	Storage \$4,000
Eel Race Road	N/A	\$200,000	Est. \$7,500	LXRP constructing plinth	\$100,000
Roadside Marker	N/A	Est. \$8000 restoration	Est. \$500	Est. \$5,000	N/A
Green Life	Sculpture no longer available	N/A	Est. \$100	Sculpture no longer available	N/A
Circle	\$9000 (full 3 year cost)	N/A	Est. \$500	Est. \$4,000	N/A
Pink Eggplant Share	\$9000 (full 3 year cost)	N/A	Est. \$500	Est. \$4,000	N/A
A Train Kid	\$9000 (full 3 year cost)	N/A	Est. \$500	Est. \$3,000	N/A
Subject to budget availability – Library Forecourt	\$9000 (full 3 year cost)	N/A	Est. \$500	Est. \$2,000	N/A

There are no current resources included within the Annual Budget for the construction of the Eel Race Road sculpture. At OM 2019/ 14 Council resolved to refer \$300,000 for the Eel Race Road gateway sculpture to the 2020/21 Annual Budget process for consideration.

**12.17 Response to Urgent Business - Installation of Public Sculptures Response****Executive Summary****Consultation****1. External Stakeholders**

Frankston Arts Board external members, McClelland Gallery, Monash University, Vic Roads. The community has been consulted on purchase of leased sculptures.

**2. Other Stakeholders**

Councillors, EMT, Frankston Arts Board FCC officer members, Community Relations, Open Space. Utilities are contacted where relevant.

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

Art is an important part of our society. Art engenders civic pride, grows resilience, stimulates discussions and debate and often results in strong opinions. While Art appeals to each person in a different way it is to be encouraged and cherished including diversity of views. This was demonstrated by the overwhelmingly positive response to the recent social media campaign relating to *Reflective Lullaby*.

Ideal sculpture sites differ for each type of sculpture or individual sculpture. Selection of an appropriate site for a particular sculpture takes into account a number of factors:

- safety
- environmental issues
- aesthetics
- fit within the precinct or local area
- required approvals

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

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

Legal

Council is contractually committed to the construction company who has undertaken the works.

Council is contractually committed to McClelland for the sculpture loan fee.

There may be an 'implied contract' with Sculpture by the Sea.

Policy Impacts

Sculpture programs outlined in this report respond directly to the Council Plan, Frankston Arts & Culture Strategy and Frankston Arts Board discussions and recommendations as notified to Council by the standard process of lodging Frankston Arts Board minutes as a report to Ordinary Meetings as part of the Council agenda.

Officer's Declaration of Interests

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

**Risk Mitigation**

Risk assessments are completed for each project as part of these risk assessments mitigation strategies are implemented.



**12.17 Response to Urgent Business - Installation of Public Sculptures Response****Executive Summary****Conclusion**

Council officers and Frankston Arts Board have sought to advise and recommend to Council sculpture interventions within the Frankston municipality that directly respond the Council Plan, the Frankston Arts & Culture Strategy and NOM1377. It is recommended to complete current projects and continue commitment to Arts and Culture. Council approved a refreshed Arts and Culture Strategy for community consultation OM 16 December 2019.

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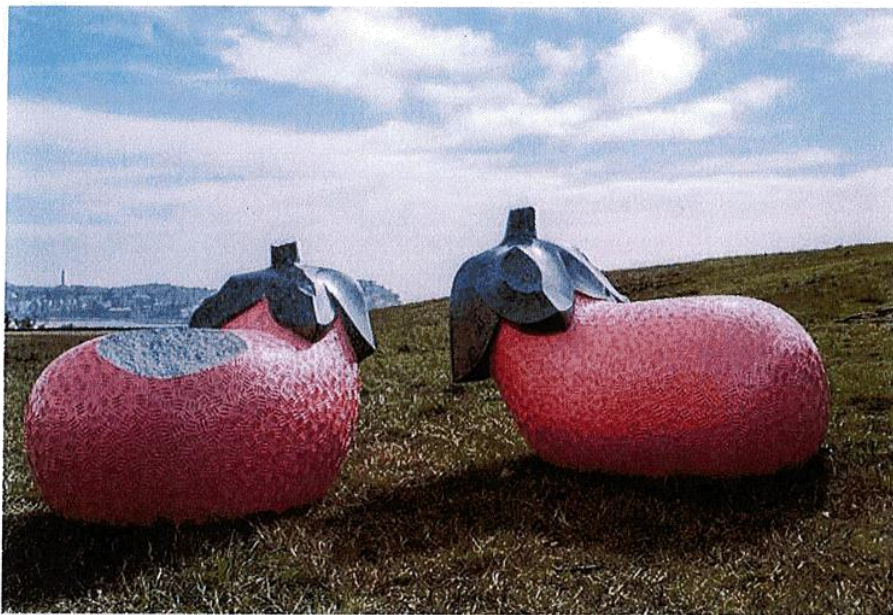
**ATTACHMENTS**

- Attachment A: [↓](#) 200113 Urgent Business - Installation of Public Sculptures
- Attachment B: [↓](#) Ordinary Meeting Resolution - Frankston Arts Board
- Attachment C: [↓](#) 200110 Urgent Business - Public Sculptures - sites - sculptures - costs
- Attachment D: [↓](#) 200110 Urgent Business - Public Sculptures Analysis of proposed sites
- Attachment E: [↓](#) Signed Instrument of Delegation - Frankston Art Centre Board as at 29 January 2018



REFLECTIVE LUCKY - M3000 DVC HIGHWAY + HASTINGS ROAD

SCULPTURE BY THE SEA – CITY OF FRANKSTON – SCULPTURE LEASING PROGRAM



AKIHO TATA

'Pink Eggplant - Share' (2018)

- PINKS AQUATIC CENTRE



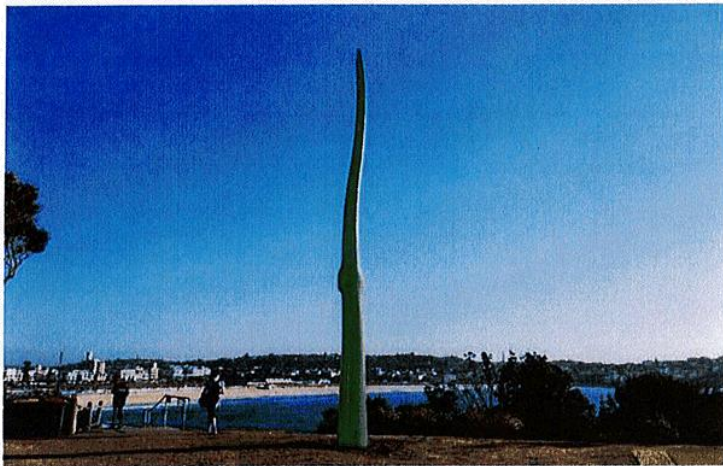
*'Circle – "Yakibame (shrink fit)" (C – 11)' – PARC AQUATIC CENTRE*



*'A Train Kid' - BAXTER STREET / CRANBOUNRE ROAD*



*'Green Life'* - MORNINGTON PENINSULA FREEWAY & DANDENONG ROAD



*'Roadside marker'* – CRANBOURNE ROAD + BEACH STREET (OWNED BY FCC)





Attachment B

Ordinary Meeting Minutes

- At its 2017 OM/308 Council unanimously adopted NOM 1377 – McClelland Gallery Interconnectedness and Peninsula Link:

Item 2 being a request for a report on *"The potential loaning and/or gifting of sculptures – monuments to the municipality in secured prefabbed locations to improve amenity and civic pride."*

- At the following meetings Council has resolved a number of items relating to sculpture in Frankston:

**OM2018/8 – 04/06/2018**

Minutes of the Frankston Arts Board – May 2018

Endorsed the *"Commencement of formal discussions between council officers and McClelland Gallery to finalise terms of a lease for the relocation of the Gnome sculpture. A three year term lease costs are projected to be between 25K and 30K total plus relocation costs."* Carried Unanimously by Council

**OM2018/10 – 13/08/2018**

Minutes of the Frankston Arts Board – July 2018

*"Endorses the development and advertising of an artist's brief for and interpretive sculpture design of a beacon for the Keast Park Eel Race Road Gateway entrance to Frankston, the costs of which are covered by the existing budget."* Carried Unanimously by Council

**OM2018/11 – 10/09/2018**

Minutes of the Frankston Arts Board – August 2018

*"Notes McClelland Gallery has advised the suggested terms of lease of a sculpture to be placed with Frankston municipality."*

*Notes the Frankston Arts Board recommends the preferred location of the McClelland sculpture to be the Moorooduc Highway/Hastings Road."* Carried Unanimously by Council

*"Notes the Frankston Arts Board endorses the Artists Brief of Keast Park/Eel Race Road beacon."* Carried Unanimously by Council

Attachment B

*"That a report is to be provided at the second October Ordinary Meeting on the potential future purchase and placement of public art/sculptures (that are of high visibility; and of high calibre) at the following locations:*

- a) Intersection at Cranbourne/Beach Street; and*
- b) Intersection at Frankston – Dandenong Road / Ballarto Road."*

Carried Unanimously by Council

**OM2018/14 – 19/11/2018**

Minutes of the Frankston Arts Board – October 2018

*"Notes the Frankston Arts Board is in support of the Gateway Sculpture site at Cranbourne Road and Beach Street to be added to the list of potential sites for future works."* Carried Unanimously by Council

*"Notes that Frankston Arts Board endorses and seeks Council endorsement of the revised loan figures for the lease of Reflective Lullaby (the gnome) along with the recommended four year turnover cycle at the Hastings Road and Moorooduc Highway site."* Carried Unanimously by Council

**OM2018/15 – 10/12/2018**

Further Response to NOM 1377 – McClelland Gallery Interconnectedness and Peninsula Link

*"A further report be presented to Council at the April 2019 Ordinary Meeting of Council on costs and benefits of placing gateway sculptures in place of significant gateway signs."* - Carried Unanimously by Council

Peninsula Leisure Pty Ltd 2017/2018 Annual Report

*"Writes to Peninsula Leisure seeking support for joint funding of mutually agreeable public art (that is prominent and landmark) at the entrance to both PARC and the Pines Aquatic Centre. A report is to be presented to Council at the January Ordinary Meeting 2019 on options for the purchase of two pieces of prominent public art for the locations in question."* Carried Unanimously by Council

**OM2019/1 – 29/01/2019**

Minutes of the Frankston Arts Board – November 2018

*"Supports the Frankston Arts Board endorsement of three Frankston North sites for potential sculpture locations in the future."* Carried Unanimously by Council

Attachment B

**OM2019/3 – 12/03/2019**

Artwork for PARC and Pines Pool

*"That Council notes:*

1. *Correspondence to and response from Peninsula Leisure Pty Ltd;*
2. *That a meeting was held with Peninsula Leisure Pty Ltd. to discuss the proposal;*
3. *Peninsula Leisure has agreed to continue discussions in the future."* - Carried by Council

Minutes of the Frankston Arts Board – February 2019

*"That Council: Supports the Frankston Arts Board recommendation of a continued relationship with Sculpture by the Sea."* Carried Unanimously

**OM2019/5 – 23/04/2019**

Response to NOM 1377 – McClelland Gallery Interconnectedness and Peninsula Link

*"That two sites for the placement of loaned public art from McClelland Gallery be investigated with a view to potential funding from either the 2019/2020 Mid-Year Budget or relevant budget line-item. Locations are to include the intersection of Cranbourne Road and Beach Street; and one of the Frankston North sites endorsed by the Frankston Arts Board."* - Carried by Council

*"A report is to be provided to the June 2019 Council Meeting on the negotiations conducted with McClelland Gallery and Sculpture Park which details possible lease terms, funding required and art pieces that might be leased."* Carried by Council

**OM2019/9 – 22/07/2019**

Minutes of the Frankston Arts Board – May 2019

*"Notes that the additional sculpture requests from Cr Bolam are currently under discussion with McClelland Gallery."* Carried Unanimously by Council

Minutes of the Frankston Arts Board – June 2019

*"Notes that discussions with McClelland Gallery are continuing regarding future loan acquisitions of replacement sculptures."* Carried Unanimously by Council

*"Notes that the sculpture 'Roadside Marker' is to be taken off site for maintenance and a new location is to be determined."* Carried Unanimously by Council

Attachment B

Peninsula Leisure Pty Ltd - Quarterly Report period ending March 2019

*"Requests that Peninsula Leisure provides a response about in-principle commitment to Council's previous proposal to jointly co-fund two public art sculptures at PARC and the Pines Pool. Council notes that Peninsula Leisure's previous response was too ambiguous, and it requires a coherent response."* Carried Unanimously by Council

Response to NOM 1377

*"Notes progress on item 5; a brief for Eel Race Road gateway sculpture has been drafted and will go to market in August."* Carried Unanimously by Council

*"Provides a report to the November 2019 Ordinary Meeting with clarity on the potential sculptures for Frankston North, Cranbourne Road/Beach St, PARC and the Pines Pool sites."* Carried Unanimously by Council

**OM2019/12 – 23/09/2019**

Minutes of the Frankston Arts Board – August 2019

*"Notes the Board endorses attached sculptures and locations."* Carried by Council

*"Notes that the Evelyn Street Park proposed sculpture site is to be added to the list for potential sculptures."* – Carried by Council

**OM2019/14 – 16/12/2019**

Minutes of the Frankston Arts Board – October 2019

*"Notes that FAB endorsed the sourcing of loan sculptures from Sculpture by the Sea as budget permits."*

*Notes that FAB endorsed suggested sculptures and sites."* Carried Unanimously by Council

**OM2019/15 – 16/12/2019**

Minutes of the Frankston Arts Board – November 2019

*"Notes discussions and decisions regarding sculpture loans as outlined in the confidential minutes"* Carried Unanimously by Council

As per endorsed minutes from February 2019 submitted to Council at OM2019/3 – 12/3/2019.



Attachment B

The FAB November Minutes specifically included the proposal of a topiary sign being placed at the 'Roadside Marker' location at Mile Bridge when this sculpture had been removed, which was carried by the Board.

**OM2019/15 – 16/12/2019**

Urgent Business – installation of Public Sculptures

*"That Council:*

1. *Ceases all activity and works with respect to erection of sculptures across the municipality pending a report to Council on the following:*
  - (a) *Full and proper disclosure of the proposed sites and proposed sculpture;*
  - (b) *Full and complete analysis of the proposed sites to ensure that the proposed sculpture is not impacting or detracting from other features or precincts at the proposed site; and*
  - (c) *Full details as to the total costs of the sculptures, including relevant Officer time, associated capital works requirements (ie plinth construct) and any leasing or purchasing arrangements.*
2. *Notes that the Arts Board do not have delegated authority to deal with public land.*
3. *Notes that upon receiving the report required above, by no later than February 2020, will make decisions with respect to public land use and the suitability or otherwise of each sculpture proposed."* Carried Unanimously by Council

**Urgent Business – Installation of Public Sculptures**

**Attachment C**

**Proposed Sculptures, Sites & Costs**

Site	Sculpture	Loan or Commission	Sculpture Cost	Transport, plinth and install cost	Officer Time	Budgeted
<b>McClelland Loan Agreement – NOM 1377</b>						
Moorooduc Highway / Hastings Road	<i>'Reflective Lullaby'</i>	McClelland 4 year loan with option for nest sculpture to rotate into this site	\$40,000 (full 4 year cost)	\$100,000 (Plinth to be utilised for a minimum of 20 years) Storage Est.\$4000+	Est.\$10,000	Yes (Commitments made: Plinth constructed, loan agreement signed, storage costs ongoing until installed)
<b>New Commission</b>						
Eel Race Road	Concepts received, five shortlisted	Commission	\$200,000	LXRP have agreed to construct plinth, awaiting final drawings of site to confirm it has been included. Other costs, lighting, contingency, etc. estimated at \$100,000	Est.\$7500	At OM2019/14 Council resolved to refer \$300,000 to the 20/21 Annual Budget process for consideration.
<b>Restore and Relocate existing work</b>						
Cranbourne Road & Beach Street	<i>'Roadside Marker'</i>	Owned by council – to be relocated	Restoration works to be undertaken – Est,\$8000	Est.\$5000	Est.\$500	Yes

Sculpture by the Sea - Loan Program						
Mornington Peninsula Freeway & Dandenong Road	'Green Life'	3 year loan – Sculpture by the Sea	Sculpture no longer available	N/A	Est.\$100	Yes
PARC	'Circle – "Yakibame (shrink fit)" (C-11)'	3 year loan – Sculpture by the Sea	\$9,000 (full 3 year cost, artist receives loan fee) (discussions underway with PARC – aim - to share all costs 50/50)	Est.\$4000 (discussions underway with PARC – aim - to share all costs 50/50)	Est.\$500	Yes
Pines Aquatic Centre	'Pink Eggplant – Share'	3 year loan – Sculpture by the Sea	\$9,000 (full 3 year cost, artist receives loan fee)	Est.\$4000	Est.\$500	Yes
Baxter Street / Cranbourne Road	'ATrain Kid'	3 year loan – Sculpture by the Sea	\$9,000 (full 3 year cost, artist receives loan fee)	Est.\$3000	Est.\$500	Yes
Library Forecourt	TBC (budget dependent)	3 year loan – Sculpture by the Sea	\$9,000 (full 3 year cost, artist receives loan fee)	Est.\$2000	Est.\$500	Dependent on other sculpture costs in this project

Response to: Urgent Business – Installation of Public Sculptures

Attachment D

Analysis of Proposed Sculpture Sites

Site	Sculpture	Site Suitability for Sculpture	Environmental issues	Visibility	Safety	Approvals Required	Amenity
Moorooduc Highway / Hastings Road	<i>'Reflective Lullaby'</i>	Site is favourably comparable to Southern Way site where <i>'Reflective Lullaby'</i> is coming from. Future sculptures to be located here will come from the same southern way site. Plinth sited and constructed to allow for varying sculptures.	Native vegetation backdrop. Plinth constructed at appropriate distance from vegetation to protect trees and allow for tree canopy growth over the years without impacting trees or future sculptures. Additional plantings to be added around plinth.	High vehicle traffic volumes, offering differing 'reveals' of the sculpture depending on approach to site, also accessible by pedestrians.	Location takes into account the appropriate distances from vehicular traffic as approved by the relevant authority. Distances also provide safe viewing positions for pedestrians.	Council & Vic Roads	The high volume of vehicle traffic provide a continuing audience for pieces located at this site. The initial piece for this site <i>'Reflective Lullaby'</i> will have particular appeal to the demographic of the local precinct with University Students likely to be regularly passers-by. Frankston Private Hospital staff and patients will enjoy good sightlines to sculptures at this site.

Site	Sculpture	Site Suitability for Sculpture	Environmental issues	Visibility	Safety	Approvals Required	Amenity
Eel Race Road	Concepts received, five shortlisted.	Successful concept yet to be selected.	Purpose designed plinth and site, within an urban design developed as part of the Eel Race Road Level Crossing Removal. Garden to surround the work.	This is a perfect gateway site for the Frankston municipality. The sculpture will be visible for those both arriving and leaving. Pedestrians utilising the new pedestrian underpass at Eel Race Road will benefit from a close up and dramatic view of the sculpture.	Commissioning process includes full risk assessments. Location takes into account the appropriate distances from vehicular traffic as approved by the relevant authority.	Council & Vic Roads	Locals and visitors alike will enjoy the sculpture at this site. Beach visitors in cars and on foot will pass by, traffic travelling the Nepean Highway will pass through this new gateway to Frankston.
Cranbourne Road & Beach Street	<i>'Roadside Marker'</i>	On a slightly raised plinth, this site is ideal for this sculpture. The forward motion, upward sweep of the sculpture is well suited to the wedge shape and topography of the site. The sculpture has sufficient presence without being a distraction.	Current 'pocket park' is a grassed area with limited vegetation. No vegetation will be removed in the installation of this work. The placement of the work at this site may provide opportunities for native plantings surrounding the base of the plinth.	This site is opposite a busy strip shopping centre. The site allows for pedestrian viewing from across the road and close up viewing in the pocket park. High volumes of vehicle traffic pass the site, as the artworks title suggests, a perfect location for a <i>'Roadside Marker'</i> .	The sculpture has sufficient presence without being a distraction. Approvals to be sought from Vic Roads, approved specifications for the final siting will be adhered to.	Council & Vic Roads	The surrounding area will be enhanced by the siting of this sculpture, adding a point of interest to a currently barren pocket park.



Site	Sculpture	Site Suitability for Sculpture	Environmental issues	Visibility	Safety	Approvals Required	Amenity
Mornington Peninsula Freeway & Dandenong Road	<i>'Green Life'</i>	This sculpture is no longer available. A replacement is being sought. This may necessitate utilising another site.	This sculpture is no longer available. A replacement is being sought. This may necessitate utilising another site.	This sculpture is no longer available. A replacement is being sought. This may necessitate utilising another site.	This sculpture is no longer available. A replacement is being sought. This may necessitate utilising another site.	Council, Vic Roads & Southern Way	This sculpture is no longer available. A replacement is being sought. This may necessitate utilising another site.
PARC – dependent on a 50/50 partnership with PARC	<i>'Circle – "Yakibame (shrink fit)" (C-11)'</i>	A site outside the aquatic and recreation centre where people of all ages congregate. This sculpture seeks interaction.	No environmental impacts.	Highly levels of visitation to PARC provide many passers-by, both pedestrian and pick up vehicles.	No risk to vehicles. Low or no risk to pedestrians.	Council & PARC Board	School groups congregate here waiting for transport. The sculpture provides opportunities to interact The sculptures shape makes a perfect frame for 'selfies'.
Pines Aquatic Centre	<i>'Pink Eggplant – Share'</i>	A site outside the Pines aquatic centre where people of all ages congregate. This is another sculpture that seeks interaction.	Small scale landscaping works will be required. No established trees will be impacted. Additional small scale native vegetation could be added.	Visitor to Pines Aquatic Centre will enjoy this piece along with local residents.	No risk to vehicles. Low or no risk to pedestrians.	Council	This sculpture will provide much needed public art for Frankston North. The site provides opportunities for Pines Aquatic Centre destination visitors and local residents to interact with a piece of public art, right on their doorstep.

Site	Sculpture	Site Suitability for Sculpture	Environmental issues	Visibility	Safety	Approvals Required	Amenity
Baxter Street / Cranbourne Road	'A Train Kid'	A perfect sculpture site, 'Pot Will Move' was located here for three years, creating notable levels of feedback.	No environmental impacts at this site.	High levels of passing vehicle traffic provide a constant stream of viewers. The sculpture will be safely accessible to pedestrians.	The sculpture has sufficient presence without being a distraction. Approvals to be sought from Vic Roads, approved specifications for the final siting will be adhered to.	Council & Vic Roads	The surrounding area will be enhanced by the siting of this sculpture, adding a point of interest to a currently barren piece of grass.
Library Forecourt	TBC (budget dependent)	Currently unknown	None	Highly visible to large volumes of pedestrian traffic attending Frankston Arts Centre and Frankston Library.	Currently unknown	Council	A great location for an appropriate piece of sculpture. Many pedestrians traverse the library forecourt each day.



**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 29 January 2018;
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, 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 and review a Strategic Plan in line with the corporate planning timetable, 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. 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 four years. If a resignation from the Board occurs within the four 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](http://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 taken during the meeting 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****13.1 Further Response to 2018/NOM25 - Investment in CCTV**

*Enquiries: (Leonie Reints: Community Development)*

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.2 Vibrant and Engaged
Priority Action	2.2.5 Improve the presentation and cleanliness of Frankston City

**Purpose**

To provide Council with the available options to progress CCTV installations within the City of Frankston

**Recommendation (Director Community Development)**

That Council:

1. Notes formal advice was received that Council was unsuccessful in its application for \$230,500 grant funding from the Department of Justice and Community Safety to support CCTV infrastructure. (Refer to attachment A);
2. Notes at 1 July 2019 Ordinary Meeting Council resolved that should grant funding not be awarded in 2019/2020, the full list of CCTV cameras will be presented for consideration as part of each year's capital works budget process;
3. Resolves to refer Option 1 (16 sites @ an estimated \$896,280 at today's prices over 4 years) to the capital works budget 2020/24 for consideration to move forward with development of CCTV; and
4. Subject to approval of Option 1, 2 or 3 to deliver the 16 priority cameras/sites, resolves to commit a total of \$55,000 recurrent funding to the 2020/21 annual operating budget for ongoing maintenance.

**Key Points / Issues**

- At its meeting on 1 July 2019, Council resolved that:
  1. Notes the attached feasibility study completed in relation to requested CCTV locations and that the identified projects are listed in priority order at a total current cost of \$807,950 (including 10% contingency);
  2. Notes the current commitment of \$100,000 in the 2019/2020 Capital Works Budget towards the expansion of the CCTV network is subject to a successful grant application for \$250,000 from the Public Safety Infrastructure Fund;
  3. Notes in the event Council is successful in receipt of the Public Safety Infrastructure Fund grant of \$250,000:
    - a) That the identified very high priority CCTV cameras will be implemented at a cost of \$329,450; and
    - b) Approves a further \$35,000 recurrent funding at the mid-year budget review for ongoing maintenance costs of camera /network; and
    - c) The remaining sum is to be referred to the 2020/2021 annual budget for consideration

**13.1 Further Response to 2018/NOM25 - Investment in CCTV****Executive Summary**

4. *Supports that should grant funding not be awarded in 2019/2020, the full list of CCTV cameras will be presented for consideration as part of each year's capital works budget process.*
  5. *Notes that the Long Term Infrastructure Plan currently provides for \$265,000 over the three year period from 2019/20 to 2020/21 for CCTV installations which includes \$100,000 allocated in 2019/20.*
  6. *That, given it has already been funded in 2019/2020, Ballam Park Masterplan monies, the CCTV request for Ballam Park Toilet be removed from the CCTV list in the report.*
  7. *That, given ongoing rates of pronounced anti-social behaviour at this location, the Excelsior Drive CCTV installation and network connection (\$10,500) is to proceed with funding from the 2019/2020 CCTV line-item (\$100,00). This CCTV unit is to be operational by October 2019. Therefore, this CCTV request is to also be removed from the CCTV list in the report.*
  8. *That \$130,000 is referred to the 2019/2020 Midyear Budget for consideration for CCTV coverage at both ends of 'Nat's Track' (Frankston North-end and Karingal-end) plus four signs advising of CCTV monitoring/how to report anti-social behaviour. These are to be located between the aforementioned entrances.*
- On the 4th of December 2019, Council was formally advised that it was unsuccessful in \$230,500 in Grant funding from the Department of Justice and Community Safety to support CCTV infrastructure.
  - The total costs associated with this report are \$896,280 (including 10% contingency) to deliver all CCTV projects as outlined within the Feasibility Study and as detailed in the Council resolution from 2019/OM8. These costs should be treated as an estimate only as formal quoting will need to take place via a formal tender process.
  - Available options are detailed within the Officers Assessment of this report for Councils consideration, if option (1), (2) or (3) are selected it is recommended that the funding be referred to the annual budget process and the CCTV projects will be delivered by Councils Capital Works Delivery Team as resolved by Council.
    - Option (1) – Details a 4 year capital works program installing CCTV cameras in priority order
    - Option (2) - Details a 2 year capital works program installing CCTV cameras in priority order
    - Option (3) - Details a 1 year capital works program installing CCTV cameras in priority order
  - The list of CCTV locations set out in option (1), (2) and (3) are in priority order as previously approved by Council and as recommended within the feasibility study.
  - If option (1), (2) or (3) are selected a further \$35,000 recurrent funding will be required for ongoing maintenance costs of camera/network and an additional \$20,000 recurrent (operational) funding is required for managing and inspecting faults with the network.

**13.1 Further Response to 2018/NOM25 - Investment in CCTV****Executive Summary**

- With regard to item 7 of the above resolution, officers have been unsuccessful in their efforts to engage with property owners of Excelsior Drive in an effort to affix equipment to their properties (as quoted) via a license agreement. In order to install CCTV at Excelsior Drive a large CCTV pole will need to be installed with solar power. The associated costs for this project are \$71,200.

**Financial Impact**

The Victorian Government introduced the “Fair Go Rates” system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past four financial years has ranged between 2.0 per cent to 2.5 per cent and has been set at 2.0 per cent for 2020-2021.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council’s major source of income, Council’s capacity to continue to deliver services and fund its capital programme will be severely restricted.

It is recommended that Council refers the funding of \$896,280 to the Annual Budget process for consideration.

Financial options for Councils consideration are detailed within the Officers Assessment of this report, if option (1), (2) or (3) are selected it is recommended that the funding be referred to the annual budget process and the CCTV projects will be delivered by Councils Capital Works Delivery Team as resolved by Council at the 1 July 2019 Ordinary Council Meeting.

If option (1), (2) or (3) are selected a further \$35,000 recurrent funding will be required for ongoing maintenance costs of camera/network and an additional \$20,000 recurrent (operational) funding is required for managing and inspecting faults with the network.

**Consultation****1. External Stakeholders**

Victoria Police and Excelsior Drive shop owners

**2. Other Stakeholders**

Internal Council Departments including, Capital Works Delivery, Community Assets, Facilities and Sustainable Assets

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

Personal security in public places has become an area of increasing concern to all in the past 10 years. One response has been a significant increase in the use of closed circuit television (CCTV) in densely populated areas such as central business districts and entertainment districts.

CCTV is used as a surveillance measure in such areas to monitor behaviour of individuals and in public spaces as a deterrent and opportunity reduction measure.

**13.1 Further Response to 2018/NOM25 - Investment in CCTV****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

In addition to the *Privacy and Data Protection Act*, There are a number of other pieces of Victorian legislation that may be applicable to Council whilst undertaking surveillance activities. These include, but are not limited to:

*Surveillance Devices Act 1999, Public Records Act 1973, Freedom of Information Act 1982, the Charter of Human Rights and Responsibilities Act 2006.* Standards Australia has also released a voluntary standard on CCTV, which provides recommendations on the operation and management of CCTV, including privacy considerations that have been implemented by Council Officers.

Policy Impacts

There are no anticipated policy impacts.

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 has an MOU Agreement with Victoria Police associated with internal policies and procedures for the operation of CCTV. Having these in place ensures that all staff involved in CCTV are aware of their individual obligations and understand how the information captured by surveillance activities must be handled.

These policies and procedures for surveillance include:

- The purpose of the surveillance program
- What information is collected and how it is used and stored
- Who is permitted to access the information
- The roles that are responsible for the management of surveillance activities
- The protocols to be followed for ensuring the security of information
- How long the information will be retained
- Relevant legislation that governs the CCTV program
- Who the appropriate contact is within Council and Police, should staff or members of the public have questions about the program
- Processes for receiving complaints and managing privacy breaches.

**Conclusion**

Officers strive to reduce crime and use CCTV in partnership with Victoria Police as a valuable tool to prevent, detect and respond to criminal behaviour.

It is recommended that *Option 1* of the officers assessment be adopted and the CCTV installation works are included as part of the Capital Works Program over the next 4 years in order of priority.

**13.1 Further Response to 2018/NOM25 - Investment in CCTV****Executive Summary**

Council notes the total cost of the project is \$896,280.

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**ATTACHMENTS**

Attachment A: [📄](#) Outcome of Grant Application (*Under Separate Cover*)



**13.1 Further Response to 2018/NOM25 - Investment in CCTV  
Officers' Assessment****Background**

Due to the current environment within the public open space and pressure from communities who are demanding to live and work in a safe environment, more and more local councils and authority bodies are investigating the need to install sophisticated CCTV & security monitoring systems to prevent or minimise crime. In recent years, CCTV systems have assisted significantly to solve crime and reduce antisocial behaviour.

Some crimes are carried out regardless of the visual presence of CCTV due to a number of contributing factors, including poverty and mental health, however there is significant evidence that CCTV cameras provide a deterrent to crime and other offences. It is without a doubt that the areas investigated within the feasibility study have perceptions of high crime and safety issues.

There is also evidence that crime rates in some of the investigated areas are on the increase. It is therefore the responsibility of the appropriate authorities to mitigate this trend by any means possible. It is the view of officers that the installation of CCTV systems in the proposed areas are a significant step in reducing and investigating crime.

**Issues and Discussion**

Officers attempted to engage with the property owners of Excelsior Drive in an effort to affix equipment to their properties as requested in item 7 of the resolution (2019/OM8) via a license agreement, however this was unsuccessful.

In order to install CCTV at Excelsior Drive a large CCTV pole will now need to be installed with solar power and the associated cost for this project is \$71,200. There is a long term benefit in that there are no ongoing license fees being paid to property owners and Council does not run the associated risks of losing equipment or relocating equipment in the event of future property developments.

**Options Available including Financial Implications**

The resource requirements associated with this report are up to approximately \$896,280 compared to the annual (2019/2020) budget allocation of \$100,000 (2019/2020) for this purpose and \$265,000 over the three year period from 2019/2020 to 2020/2021 for CCTV installations which includes \$100,000 allocated in 2019/2020.

It is recommended that consideration for future funding is to be referred to the next Annual Budget process and the Long Term Financial Plan as resolved by Council at the 1 July 2019 Ordinary Council Meeting.

The costs shown below should be treated as an estimate only as formal quoting will need to take place via a formal tender process.

Locations below are set out in order of priority.

- \$80,000 – Nats Track (Mid year budget review)
- \$71,200 – Excelsior Drive (Mid year budget review)
- \$12,650 – Northern End of Gallery Lane
- \$15,400 - Thompson Street
- \$78,100 – Nepean Highway
- \$34,650 – Renewal and contingency

## 13.1 Further Response to 2018/NOM25 - Investment in CCTV

**Officers' Assessment****Option 1 (Recommended)****1<sup>st</sup> Year 2019/2020** (4 year plan)

Excelsior Drive	71,200
Nepean Highway	78,100
Northern End of Gallery Lane	12,650
Thompson Street	15,400
Contingency 10%	17,735

<b>Total Year 1</b>	<b>\$195,085</b>
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*\* Year 1 approved through previous Council resolutions*

**2<sup>nd</sup> Year 2020/2021**

Foreshore Park Area	64,350
Frankston Yacht Club	44,550
Arts Centre Radios	67,100
Arts Centre Server upgrade	107,250
Contingency 10%	28,325

<b>Total Year 2</b>	<b>\$311,575</b>
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**3<sup>rd</sup> Year 2021/2022**

Keys Street	22,000
Playne Street	16,500
West side Beach Street	29,700
Hartnett Drive	92,950
Oliver's Hill Boat Ramp	83,600
Contingency 10%	24,475

<b>Total Year 3</b>	<b>\$269,225</b>
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**4<sup>th</sup> Year 2022/2023**

Beach Street	50,600
Pier Promenade	13,750
Frankston North Radio's	45,100
Contingency 10%	10,945

<b>Total Year 4</b>	<b>\$120,395</b>
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**Option 2**

## 13.1 Further Response to 2018/NOM25 - Investment in CCTV

**Officers' Assessment****1<sup>st</sup> Year 2020/2021** (2 year plan)

Excelsior Drive	71,200
Nepean Highway	78,100
Northern End of Gallery Lane	12,650
Thompson Street	15,400
Foreshore Park Area	64,350
Frankston Yacht Club	44,550
Arts Centre Radios	67,100
Arts Centre Server upgrade	107,250
Contingency 10%	46,060

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<b>Total Year 1</b>	<b>\$506,660</b>
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**2<sup>nd</sup> Year 2021/2022**

Keys Street	22,000
Playne Street	16,500
West side Beach Street	29,700
Hartnett Drive	92,950
Oliver's Hill Boat Ramp	83,600
Beach Street	50,600
Pier Promenade	13,750
Frankston North Radio's	45,100
Contingency 10%	35,420

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<b>Total Year 2</b>	<b>\$389,620</b>
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## 13.1 Further Response to 2018/NOM25 - Investment in CCTV

**Officers' Assessment****Option 3****1 Year Roll Out 2020/2021**

Excelsior Drive	71,200
Nepean Highway	78,100
Northern End of Gallery Lane	12,650
Thompson Street	15,400
Foreshore Park Area	64,350
Frankston Yacht Club	44,550
Arts Centre Radios	67,100
Arts Centre Server upgrade	107,250
Keys Street	22,000
Playne Street	16,500
West side Beach Street	29,700
Hartnett Drive	92,950
Oliver's Hill Boat Ramp	83,600
Beach Street	50,600
Pier Promenade	13,750
Frankston North Radio's	45,100
Contingency 10%	81,480

**Total Year 1****\$896,280**

**Executive Summary****13.2 Response to 2019/NOM55 - North West Projects - Open Space and Sports Infrastructure Funding Strategy**

*Enquiries: (Tim Bearup: Community Development)*

Council Plan

Community Outcome:	1. Planned City
Strategy:	1.1 Community Infrastructure
Priority Action	1.1.6 Ensure community infrastructure and services match community need

**Purpose**

To brief Council on the revised funding model proposed for sporting infrastructure during budgetary discussions subsequent to the Notice Of Motion moved by Cr Bolam and carried on 18 November 2019.

**Recommendation (Director Community Development)**

That Council:

1. Notes the information provided in relation to the proposed funding models for the sporting infrastructure projects identified in the NOM by Cr Bolam on 18 November 2019;
2. Resolves to proceed with the funding strategy discussed and agreed to in-principle during budgetary discussions during December Councillor Briefings and detailed in Attachment A (subject to 2020/2021 budget adoption), and
3. Notes the development of the draft Long Term Infrastructure Plan and the 2020/21 Capital Works Program will proceed based on the agreed funding strategy (subject to 2020/2021 budget adoption).

**Key Points / Issues**

- At the Ordinary Council Meeting on 18 November 2019, Council carried the following NOM moved by Cr Bolam:

*That Council prepares a report for the January 2020 Ordinary Meeting to investigate the following:*

1. *Funding \$10.93M from the Strategic Reserve to address the current funding shortfalls as listed below and proceeds with delivering the following capital works:*
  - a) *Pat Rollo Pavilion (\$2.75M shortfall).*
  - b) *Monterey Pavilion and public toilet upgrade (\$3.3M shortfall).*
  - c) *Belvedere Bowls Clubhouse (\$1.98M shortfall) and construction of additional asphalt car park with plantings (\$400K required).*
  - d) *Frankston Health and Wellbeing Hub – formerly Linen House (\$2.5M required).*

*Notes any of the above funds that are not fully expended on these projects would be returned to the Strategic Reserve.*

2. *Funding the construction of the Eric Bell Pavilion project in its entirety (total cost of \$6.25M, inclusive of a State Government contribution of \$500K), and that the project is to be funded via an appropriate loan arrangement (giving consideration to CILS or an equivalent low interest loans scheme).*



**13.2 Response to 2019/NOM55 - North West Projects - Open Space and Sports  
Infrastructure Funding Strategy****Executive Summary**

- Subsequent to the NOM, a memorandum authored by the Manager Sustainable Assets was circulated to Councillors on 3 December 2019, which provided a proposed strategy for funding and borrowings for the projects outlined in the NOM amongst others (see Attachment 1).
- Councillors were further briefed on this proposed strategy for funding and borrowings on 9 December 2019 in relation to these projects, whereby in-principle agreement was reached to incorporate the funding strategy into the draft Long Term Infrastructure Plan (LTIP).
- The following variances are noted between the NOM carried on 18 November 2019 and the revised LTIP funding strategy:
  - The NOM refers to an allocation of \$2.5M to the Frankston Health and Wellbeing Hub, whereas the proposed funding model discussed with Councillors earmarks a budget of \$2.9M, inclusive of the provision of \$400K for carpark upgrade (subject to Council resolution); and
  - The NOM also refers to a total project cost of \$6.25M for Eric Bell, whereas the proposed funding model referred to in Councillor briefings has earmarked a budget of \$6.75M (inclusive of \$500K State funding).
- At the Ordinary Meeting on 16 December 2019 Council resolved:

*That Council:*

1. *Notes and supports that a loan application has been submitted as part of the Victorian Government's Community Infrastructure Loan Scheme for following projects:*
    - a) *Ballam Park Entrance Precinct Improvement Works valued at \$3M*
    - b) *Evelyn Street Park Redevelopment valued at \$1.3M;*
  2. *Commits to submit an application as part of Victorian Government's Community Sports Infrastructure Loans Scheme for the following projects:*
    - a) *Eric Bell Reserve Pavilion Redevelopment - \$6.25M (total project cost - \$6.75M)*
    - b) *Kevin Collopy Pavilion Works - \$3M; and*
  3. *Authorises Chief Executive Officer to execute the loan agreement in items 1& 2 should Council loan applications be successful and include necessary budget provisions in the 2020/21 Long Term Infrastructure Plan*
- As identified above, the funding for the Eric Bell Reserve Pavilion Redevelopment has been resolved to be pursued via a State Government sponsored Sporting Infrastructure Loan. In accordance with the recent Long Term Infrastructure Plan (LTIP) discussions with Councillors led by the Manager Sustainable Assets, the remaining projects identified in the NOM (Pat Rollo, Monterey Pavilion, Belvedere Bowls and Frankston Health and Wellbeing Hub) have been earmarked for a hybrid funding strategy utilising standard borrowing and funding from the Strategic Reserve (refer to Attachment 1, Pg. 3).
  - It is recommended that Councillors resolve to proceed with the funding strategy discussed and agreed to in-principle during budgetary discussions during December Councillor Briefings and detailed in Attachment A.

**13.2 Response to 2019/NOM55 - North West Projects - Open Space and Sports  
Infrastructure Funding Strategy  
Executive Summary**

- The development of the draft Long Term Infrastructure Plan and the 2020/21 Capital Works Program will proceed based on the agreed funding strategy in Attachment A.

**Financial Impact**

The Victorian Government introduced the “Fair Go Rates” system in 2016-2017, placing a cap on Council rates. Rate revenue constitutes 66 per cent of all Council revenue.

The rate cap over the past four financial years has ranged between 2.0 per cent to 2.5 per cent and has been set at 2.0 per cent for 2020-2021.

The rate cap is based on the consumer price index which relates to the average increase in the prices of a range of goods and services, very few of which apply to the cost drivers of providing local government services.

Over time, with the cost of providing services increasing at a greater rate than increases in Council’s major source of income, Council’s capacity to continue to deliver services and fund its capital programme will be severely restricted.

The financial implications associated with this report are dependent on the funding model adopted by Council in relation to use of Strategic Reserve funding, standard borrowings and government sponsored loans for the sporting infrastructure projects identified.

**Consultation****1. External Stakeholders**

All relevant sporting groups have been consulted in the process of determining project priorities.

**2. Other Stakeholders**

Internal consultation has been undertaken with Buildings & Facilities, Sustainable Assets, Sport and Recreation.

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

The identified infrastructure projects would deliver important social and community benefit.

**Legal / Policy / Council Plan Impact**

The funding model determined by Council has direct relevance to its financial capacity to deliver other major projects in the future.

**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**

There are no legal impacts associated with this report.

**Policy Impacts**

This report has been developed in accordance with Council’s Asset management Policy and Long Term Infrastructure Plan Governance Structure.

**13.2 Response to 2019/NOM55 - North West Projects - Open Space and Sports  
Infrastructure Funding Strategy****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**

Careful financial analysis has been provided to Councillors in previous briefings to understand the benefits and risks associated with the relevant funding models.

The development of a sound and robust infrastructure investment strategies ensure that the organisation optimally meets its asset and service needs, whilst supporting triple bottom line outcomes. Failure to adhere to sound long term infrastructure planning can result in increased risk of:

- Unsafe infrastructure;
- Infrastructure that is not fit for purpose;
- Assets that do not comply with Council's social, environmental and economic priorities;
- Assets with excessive on-going operational costs;
- Service disruption; and,
- An increase in the renewal gap.

**Conclusion**

The content of the NOM carried by Council on 18<sup>th</sup> Nov 2019 relate to matters that have been the subject of subsequent briefings and Council resolutions.

It is recommended that Council resolves to proceed with the funding strategy discussed and agreed to in-principle during budgetary discussions during December Councillor Briefings and detailed in Attachment A.

Accordingly, the development of the draft Long Term Infrastructure Plan and the 2020/21 Capital Works Program will proceed based on the agreed funding strategy.

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**ATTACHMENTS**

Attachment A: [↓](#) Memorandum to Councillors - 3 Dec 2019 - Update on LTIP Strategies and Borrowings



# MEMORANDUM

**TO:** Mayor Cr Sandra Mayer Deputy Mayor Cr Colin Hampton  
Cr Michael O'Reilly Cr Glenn Aitken Cr Kris Bolam JP  
Cr Brian Cunial Cr Quinn McCormack Cr Lillian O'Connor

**FROM:** Manager Sustainable Assets

**CC:** EMT and Councillor's office

**REF:** A4109063

**DATE:** 3 December 2019

**RE:** Update on Long Term Infrastructure Plan Funding Strategies and Borrowings

Dear Councillors,

## Purpose

The purpose of this memo is to provide an update and clarification on the recent changes that have been made to the proposed funding strategy and borrowing options that were presented to Council at the Briefing last night, 2 December 2019.

## Background

Throughout the Long Term Infrastructure Plan (LTIP) and 2020/21 Capital Works Program development discussions, capital funding pressures and the potential of using borrowings to fund major projects in the LTIP has been a key consideration for Councillors.

Due to an increase in the cost escalation applied to the LTIP (a result of increasing construction costs), coupled with the availability of low-interest government sponsored loans and standard borrowings; it is prudent to consider the benefits that borrowing money can provide as a financing strategy for Council given the current economic environment.

## Update to the Proposed Funding Strategy

In the presentation to Councillors at last night's briefing, Councillors were provided with an update to the changes that have been made to the proposed funding options available to Council that have occurred since the Councillor Briefing on 25 November 2019.

Please refer to the table in Attachment A. The changes that have occurred are as follows:

- Pat Rollo Reserve Pavilion has been re-allocated from the Sporting Community Infrastructure Loans Scheme (CSILS) to Standard Borrowings. This is due to information that has come to light that a 'hard

cap' of \$10M will be applied to each Council's application. By reallocating Pat Rollo Pavilion, this maximises Council's potential benefit (\$9.25M) of the significantly low interest rate available.

- The provision of car-parking for the Belvedere Precinct (Linen House and Belvedere Bowls Club) has been requested by Cr Bolam. On the advice of staff from Engineering Services, a preliminary estimate of \$400K has been incorporated into the Linen House major project. As a result, the current estimated project cost has increased from \$2.5M to \$2.9M.
- A request was made by Cr Bolam to fund Belvedere Bowls Club from Strategic Reserve rather than Standard Borrowing. No change has occurred to date, this is a matter for Councillors' consideration to be discussed in further detail at the Briefing next Monday 9 December 2019.

It should be noted that the approximate balance of \$14M in Strategic Reserve (as shown in the table in Attachment A), a total of \$9.7M is proposed to be drawn down for the major projects listed in this funding stream, resulting in a balance of ~\$4.7M.

If Councillors resolve to reallocate Belvedere Bowls Club as a project to utilise funding from Strategic Reserve, the remaining balance would be ~\$2.32M.

It should be noted that approvals to the government sponsored loan applications are not guaranteed, and officers will be seeking Council's commitment to utilise standard borrowings for any unsuccessful applications.

#### **Summary & Way Forward**

The amendments made to the proposed LTIP funding strategy were discussed at last night's Briefing and for the benefit of Councillors who were not in attendance, this memo has been distributed to provide a detailed update in preparation of further discussions next Monday 9 December 2019.

At the Councillor's Briefing next Monday night 9 December 2019, officers will provide copies of the draft LTIP profiled with the funding strategy in Attachment A. Councillors will receive a presentation on the officer's assessment of the Councillor Capital Works proposals received through the nomination period.

Subsequent to the briefing, the voting period for Councillors will commence, which has been extended from 10 December 2019 through to CoB Friday 17 January 2020 as requested.

In February 2020, officers will present a balanced 10 year LTIP, including the approved councillor project nominations.

If you have any queries, please contact me on 9784 1039 or via email [REDACTED]

Kind Regards,

[REDACTED]

Manager Sustainable Assets

**Attachment A – LTIP Funding Strategy**



## Attachment A – LTIP Funding Strategy

Funding Vehicle  
Statewide Program

**Total Requirement [\$]**  
Term [in Years]  
Interest Rate  
Interest Component [\$] [PV]  
Cost Escalation in Year 10 [\$]  
**Interest Vs CEF (\$)**  
Favourable/(Unfavourable)

CIS Loan		Sporting CIIS Loan		Standard Borrowing		Strategic Reserve	
\$100M		\$100M				\$14M	
Project	Required Funding [\$]	Project	Required Funding [\$]	Project	Required Funding [\$]	Project	Required Funding [\$]
Ballam Park (\$3,000,000)	3,000,000	Eric Bell Reserve Pavilion (\$6,750,000)	6,250,000	Pat Rollo Reserve Pavilion (\$2,750,000)	2,750,000	Belvedere Reserve Linen House (\$2,900,000)	2,900,000
Evelyn Park Open Space (\$1,300,000)	1,300,000	Kevin Collopy New Pavilion (\$3,000,000)	3,000,000	Belvedere Bowls Club (\$2,300,000)	1,980,000	Monterey Res Soccer Pavilion (\$3,900,000)	3,300,000
				Bruce Park Pavilion (\$7,000,000)	7,000,000	Langwarrin FC Pavilion (\$6,500,000)	3,500,000
				Bayside Gymnastic	-		
				Centenary Golf Pavilion	-		
	<b>4,300,000</b>		<b>9,250,000</b>		<b>11,730,000</b>		<b>9,700,000</b>
	10		10		10		10
	1.50%		0.98%		2.80%		Not Appl
	<b>301,000</b>		<b>420,000</b>		<b>1,565,000</b>		Not Appl
	<b>1,240,000</b>		<b>2,800,000</b>		<b>3,460,000</b>		<b>3,830,000</b>
	<b>939,000</b>		<b>2,380,000</b>		<b>1,895,000</b>		

**14.1 2020/NOM2 - Smart City Strategy**

On 8 January 2020 Councillor Toms gave notice of his intention to move the following motion:

That Council:

1. Notes the advantages of smart cities enable increased economic competitive advantage and lifestyle benefits for residents.
2. Authorises the CEO to propose to the SEM Board a Smart City Strategy be explored as a South East Melbourne City Deal project.

**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?	YES
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

**14.1 2020/NOM2 - Smart City Strategy**

Question for Consideration	
<b>12. Can the NoM be implemented without diversion of allocated Council funds?</b>	<b>YES</b>
<b>13. Are funds available in the adopted budget to implement the NoM?</b>	No funds required to address this NOM
<b>14. What is the estimated cost of implementing the NoM?</b>	As this would be a multiple Council project funded by state and federal government is cannot be estimated at this time Year 1: \$ Recurring: \$ Comments: if applicable

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**ATTACHMENTS**

Nil

**14.2 2020/NOM3 - Gambling Royal Commission Reform**

On 4 December 2019 Councillor Bolam gave notice of his intention to move the following motion:

That Council:

1. Approves the following proposed ALGA Notice of Motion:

*That the Australian Local Government Association calls on the Federal Government to:*

1. *Establish a Royal Commission into the gambling industry and the \$24 billion in annual gambling losses nationally, the highest in the world in per capita terms.*
2. *Embrace national harm minimisation policies to reduce gambling harm in Australia such as:*
  - a) *Following the lead of the UK Labour Party in supporting a ban on credit card usage with Australian licensed online gambling companies;*
  - b) *Introducing further restrictions on gambling advertising, emulating the approach taken with the tobacco industry;*
  - c) *Establishing a national ombudsman scheme to process consumer complaints and resolve customer disputes with online gambling companies;*
  - d) *Introducing a ban on federally registered political parties from owning gambling licences issued by Australian governments, including for the operation of poker machine venues.*
3. *Investigate the gambling industry's influence on the democratic process, including political donations and third party campaigning*

2. Notes the letter of support from the Alliance for Gambling Reform in relation to the proposed ALGA Notice of Motion;
3. Prepares a joint letter with the Alliance for Gambling Reform to all Mayors in Australia calling on similar Council resolutions (including a generic Notice of Motion template), and support for the ALGA Notice of Motion; and
4. Resolves to not accept any corporate sponsorship for Council based activities from gambling/gaming entities, without exception.

**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

## 14.2 2020/NOM3 - Gambling Royal Commission Reform

Question for Consideration	
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 Gambling is regulated by State Government hence the advocacy.
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
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?	Approximately \$750 for mail-out.

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**ATTACHMENTS**Attachment A: [↓](#) ALGA NOM - Gambling Royal Commission ReformAttachment B: [↓](#) AGR Letter of Support Frankston NOM



## 2020 National General Assembly – Call for Motions

### Frankston City Council's 'draft' motions 2020 (Victoria)

#### Motion:

#### 4. Royal Commission for gambling and gaming

Current wording below – updated from Cr Bolam's MAV State Council motion submitted 28 October 2019 meeting that was not adopted. THE BELOW WORDING HAS BEEN APPROVED BY THE ALLIANCE FOR GAMBLING REFORM

#### Gambling Royal Commission

That the Australian Local Government Association calls on the Federal Government to:

1. Establish a Royal Commission into the gambling industry and the \$24 billion in annual gambling losses nationally, the highest in the world in per capita terms.
2. Embrace national harm minimisation policies to reduce gambling harm in Australia such as:
  - a) Following the lead of the UK Labour Party in supporting a ban on credit card usage with Australian licensed online gambling companies;
  - b) Introducing further restrictions on gambling advertising, emulating the approach taken with the tobacco industry;
  - c) Establishing a national ombudsman scheme to process consumer complaints and resolve customer disputes with online gambling companies;
  - d) Introducing a ban on federally registered political parties from owning gambling licences issued by Australian governments, including for the operation of poker machine venues.
3. Investigate the gambling industry's influence on the democratic process, including political donations and third party campaigning

#### RATIONALE:

This NOM seeks an Australian Gambling Royal Commission and Reform to address three issues of grievous concern including, the level of regulation on the industry, the impacts of gambling harm in Australian communities, and the interests of the gambling industry in Australian democratic processes.

An Australian Gambling Royal Commission will address the social, political and industry regulation concerns arising from the continued escalation of revenues spent, and harms caused by problem gambling in communities across Australia. An Australia Royal Commission will enable a considered approach to reviewing current and preferred practices for the gaming and gambling industry to reduce any negative impacts on Australia's economy, culture and politics.

#### National Objective:

NEED TO INSERT ONCE FORMAT CONFIRMED WITH CONFERENCE ORGANISER.

#### Summary of Key Arguments: Background information and supporting arguments (Maximum 500 words)?

While gambling industry regulation has historically belonged to the states and territories, since support for a national approach to problem gambling was established in 1996 the Commonwealth Government has taken a more active role in this arena, facilitating increased scope for the adoption of much needed national standards for the gambling and gaming industry.

In November 2019 the Victorian Government announced a state-wide *Responsible Gambling Code of Conduct Review* following recognition of the need for increased and externalised regulation of the gambling industry in Victoria.

Australia's national gambling losses are the highest in the world per capita, with Australians betting more than \$208 billion in 2016-17<sup>i</sup>. Research shows that 1 in 5 people who gamble may be experiencing harm from gambling in Australia.

Given the extent of influence exerted by the gaming and gambling industry in Australia, nothing short of a national wide royal commission will achieve the degree of industry regulation and reform required to reduce the industry's impacts in this lucky country.

The ALGA asserts that regulation of the gaming and gambling industry remains paramount to preventing continued or increasing harms caused by problem gambling in Australia. The UK government has successfully introduced legislative processes to reduce the harmful impacts of problem gambling within state and national jurisdictions.

NEED TO INSERT ONCE FORMAT CONFIRMED WITH CONFERENCE ORGANISER.

**Declaration:** This motion was endorsed by Council – TBC  
Uploaded onto ALGA website – TBC

**Contact Officer:** Dr Gillian Kay, Director Community Development

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<sup>i</sup> Australian Gambling Statistics, 2017, [Australian Gambling Statistics Report](#)

Ground Floor, 60 Leicester St  
Carlton, VIC 3056  
(03) 9999 7372 – [info@agr.org.au](mailto:info@agr.org.au)  
[www.pokiesplayyou.org.au](http://www.pokiesplayyou.org.au)



20/01/2020

To Mayor and Councillors  
Frankston City Council

**Re: Notice of Motion calling for a Royal Commission into Gambling**

Dear Mayor and Councillors,

The Alliance for Gambling Reform welcomes Frankston City Council's Notice of Motion to call on the Federal Government to establish a Royal Commission into the gambling industry.

Australia has the highest per capita gambling losses in world, with \$25 billion dollars of annual losses. In Frankston alone, over \$62 million dollars were lost in 2018-2019, with an average \$170,557 lost daily in your community.

We congratulate Frankston City Council for its leadership in calling for reform of the gambling industry, and thank them for their continued partnership with the Alliance for Gambling Reform as a Leadership Council.

In particular, we applaud the view to call for an investigation into the gambling industry's influence on the democratic process, especially around political donations and other third party campaigning.

Similarly, we endorse Council's resolution to not accept corporate sponsorship for council-based activities from gambling/gaming based entities. We believe this shows great leadership.

Thank you for your continued advocacy.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Costello".

Reverend Tim Costello,  
Chief Advocate and Spokesperson  
Alliance for Gambling Reform

**14.3 2020/NOM6 - Audit of Tree Branches**

On 14 January 2020 Councillor Hampton gave notice of his intention to move the following motion:

That Council:

1. Prepares a report on the costs and resources required to conduct an audit of tree branches overhanging Council roads with a view to prioritising the removal of unsafe branches. The report must include risk and liability concerns.
2. Writes to VicRoads seeking their support to audit tree branches overhanging VicRoads roads with a view to prioritising the removal unsafe branches.

**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?	NO All Council trees are inspected as part of the tree maintenance contract on a 2 year cycle. Attached is information available on the Council website.
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?	YES
10. Is the NoM consistent with Council's adopted strategic plan?	YES

## 14.3 2020/NOM6 - Audit of Tree Branches

Question for Consideration	
11. Can the NoM be implemented without diversion of existing resources?	<b>YES</b> Costs for this are included in the lump sum contract. The inspection and rectification list is reviewed by Councils' Senior Arborist and audited once remediation works are complete. This does not include VicRoads trees which would incur additional costs.
12. Can the NoM be implemented without diversion of allocated Council funds?	<b>YES</b> See above comments.
13. Are funds available in the adopted budget to implement the NoM?	<b>YES</b> See above comments.
14. What is the estimated cost of implementing the NoM?	Should additional Council audit be required, there would be additional costs for Council which are indicated under separate cover due to commercial in confidence costs associated with the current contract.

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**ATTACHMENTS**

Attachment A: [!\[\]\(0aff635c4179ba9e710b00f4b01d3b20\_img.jpg\)](#) Tree Maintenance Pruning Schedule 2018-2022 updated 31 Jan 2019

Attachment B: [!\[\]\(830769b31eeeaca920791081939ff8ba\_img.jpg\)](#) Tree Pruning Contract Email (*Under Separate Cover*)





## Frankston City Council's Street Tree Management Program

An urban forest is a vital asset for any municipality and one that requires proper care. As such, Frankston City Council has a two year cyclic tree management program in place. The purpose of the program is primarily to maximise public safety by assessing trees for poor health of any sort. The program also aims to present an aesthetically pleasing tree network through appropriate planting and pruning work during the life of each tree.

Over the two year period every one of our 67,000 plus street trees and park trees within the vicinity of active park infrastructure (playgrounds, car parks, paths etc.) is formally inspected by a qualified arborist. Any required work that is identified during the inspection is then carried out within the following two months.

Council has an obligation to ensure that at all times it:

- Complies with State Government power line clearance regulations
- Provides clear road and footpath envelopes in accordance with our Road Management Plan
- Corrects and improves tree structure and health

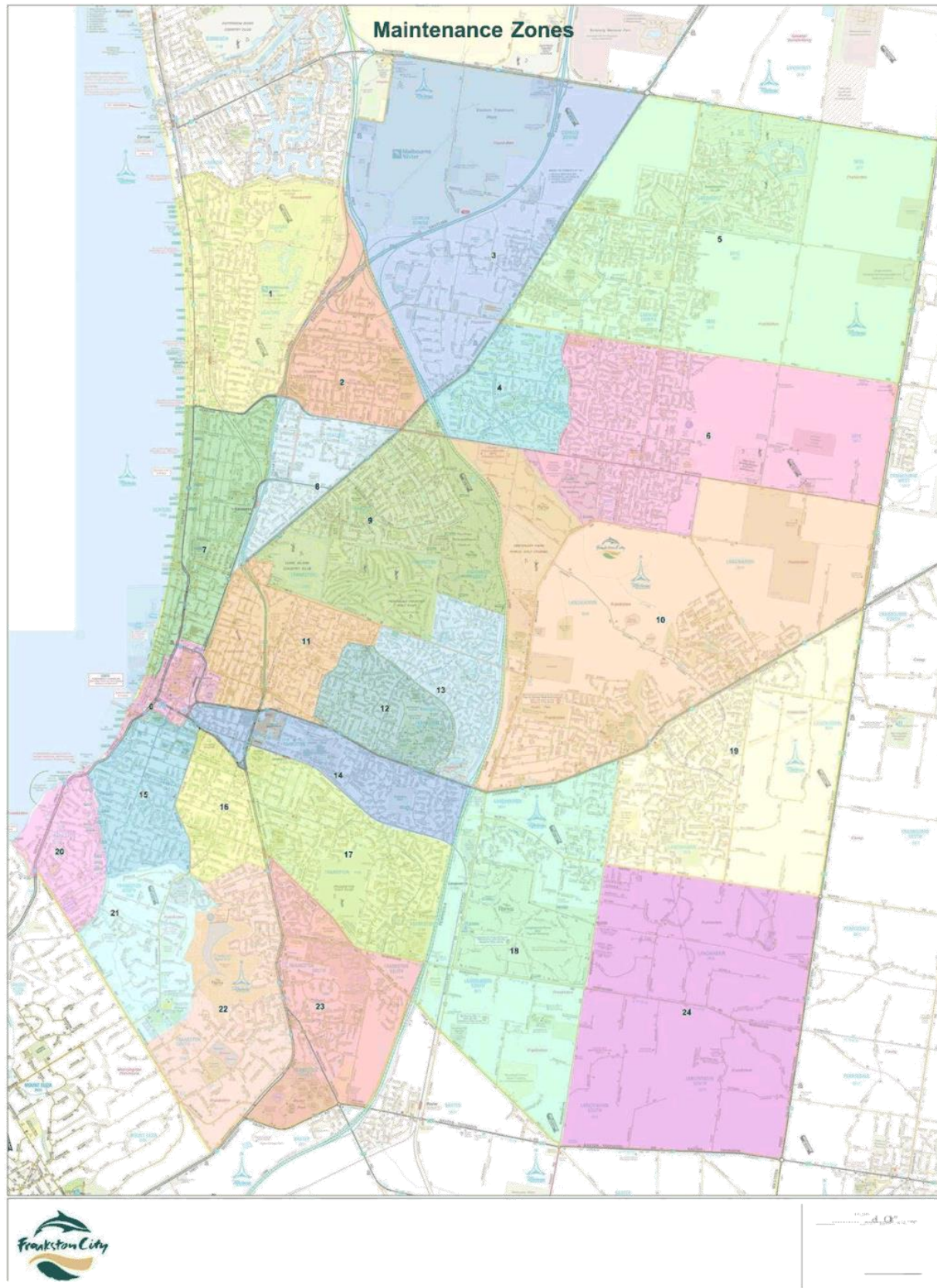
The following timetable and map has been provided so all residents of Frankston are informed as to when work is to be undertaken in their local area. Maintenance work is usually undertaken by one of our three contractors and overseen by Council's Senior Arborist. Smaller tasks may also be undertaken by appropriately qualified in house staff.

If an inspection identifies that a street tree is required to be removed for any reason the property that this tree is in front of will receive written advice of the pending removal and a reason as to why this is required. All other works will be undertaken without pre-advice to residents.

Council also has a reactive tree maintenance program in place and residents are invited to call in at any time to raise concerns they may have with any street or park tree within the municipality.

**Item 14.3 Attachment A: Tree Maintenance Pruning Schedule 2018-2022 updated 31 Jan 2019**
**2 YEAR CYCLIC PRUNING SCHEDULE**

Zone	<u>2018/19</u>	<u>2019/20</u>	<u>2020/21</u>	<u>2021/22</u>	<u>Years 1 &amp; 2</u>
	Year 1	Year 2	Year 3	Year 4	Month/s Scheduled
20	X		X		March 18
24	X		X		April 18
18	X		X		May 18
2	X		X		June 18
22	X		X		July 18
4	X		X		August 18
23	X		X		September 18
15	X		X		October 18
1	X		X		November 18
0	X		X		December '18
5	X		X		December '18
21	X		X		January '19
8	X		X		February 19
6 a&b		X		X	March 19
17 a&b		X		X	April 19
14		X		X	May 19
13		X		X	June 19
11 a&b		X		X	July 19
12		X		X	August 19
7		X		X	September 19
9		X		X	October 19
3		X		X	November 19
16		X		X	December '19
0		X		X	December '19
10		X		X	January '20
19		X		X	February 20



**14.4 2020/NOM7 - Meeting Local Law Refinements**

On 01 January 2020 Councillor Bolam gave notice of his intention to move the following motion:

1. Council notes the proposed Local Government Bill 2019 is anticipated to be passed in Parliament in February 2020. The Bill focuses on five (5) key reform themes; improved service delivery, improved councillor conduct, stronger local democracy, community confidence and new relationships.
2. Subsequent to implementation of likely improvements associated with the Local Government Bill 2019, Frankston City Council's Governance Local Law No 1 of 2018 be formally reviewed and give consideration to the following:
  - a) City of Monash Meeting Procedures Local Law No.1 – 35. *Demand Documents*
  - b) Knox City Council Meeting Procedure and Use of Common Seal 2019 – 49. *Personal Explanation*
  - c) Moreland City Council Meeting Procedure Local Law – 71. *Contradiction or opinion*
  - d) Greater Dandenong City Council Meeting Procedure Local Law No. 1 – 25. *Mayoral / Councillor Presentation*
  - e) Greater Dandenong City Council Meeting Procedure Local Law No.1 – 29. *Correspondence Inwards*
  - f) Buloke Shire Council Meetings Procedure and Common Seal – 27. *Meetings Closed to the Public*
  - g) Buloke Shire Council Meetings Procedure and Common Seal – 93. *Councillor Presenting Petition – Obligation*
3. Council notes that under section 60 of the Local Government Bill 2019 the Governance Rules must be developed, ensuring that a process of community engagement is followed, and adopted on or before 1 September 2020. This will replace the Governance Local Law No 1 of 2018.
4. Council officers investigate the timeframes for making the agenda public and any other related material for Ordinary meetings at least six (6) days before the meeting and the draft minutes available to the public within 48 hours of the meeting.

**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
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

## 14.4 2020/NOM7 - Meeting Local Law Refinements

Question for Consideration	
3. Is the NoM clear and well worded?	YES
4. Is the NoM capable of being implemented?	YES Comments: If the new Local Government Bill comes into operation early this year, consideration will be given to the suggestions detailed within the Notice of Motion as part of the development of the Governance Rules, which will replace the Governance Local Law No 1 of 2018.
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?	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
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?	Not applicable
14. What is the estimated cost of implementing the NoM?	Nil Year 1: \$NIL Recurring: \$NIL

## ATTACHMENTS

Nil



**14.5 2020/NOM8 - Green Wedge Management Plan**

On 15 January 2020 Councillor Colin Hampton gave notice of his intention to move the following motion:

1. The authority to write to the Minister for Planning about amending the Frankston Planning Scheme to include the Frankston Green Wedge Management Plan is withdrawn.
2. Council does not proceed with implementing its Resolution of 14 October 2019 concerning the Frankston Green Wedge Management Plan.
3. Instead, Council adopts the following position:

**PART A****(Investigation of industrial land expansion in Carrum Downs)**

That Council:

Adopts the draft Green Wedge Management Plan (GWMP) with the recommendations arising from the public consultation based on majority support from submissions, incorporating investigation of modest industrial land expansion abutting the existing Carrum Downs Industrial Estate, with additional provisions relating to protection of significant vegetation (including River Red Gums), provision of large numbers of canopy trees, and Environmentally Sustainable Design, Renewable Energy, Water Sensitive Design, and Six Star Green Star initiatives. To achieve this the following specific wording modifications to the draft Green Wedge Management Plan are to be made:

- a. Remove third dot point on Page 86 of the draft GWMP 'Poultry Farm (name unknown) – located off Ballarto Road, Skye'.
- b. That the reference to the draft Westernport Green Wedge Management Plan prepared by City of Casey be amended to note that the Plan has been adopted on Page 24.
- c. Amend the timeframe for Action 19 from Short to Immediate
- d. Include an additional action in the draft Plan for Council to work with VicRoads to apply the appropriate land use zones to areas affected by the Peninsula Link Freeway. The timeframe for this action will be immediate as an Amendment is currently being prepared by VicRoads.
- e. That further clarification is provided to the statement on Page 86 that 'areas of land suitable only for grazing agricultural activities in Precinct 2 may be better utilised for purposes other than agriculture – e.g. for employment or residential uses'. If the intent of this statement is that it applies to large land holdings within Precinct 2 then it is not supported by Council officers and must be removed from the document.
- f. That the Legends of the Zoning Maps for all the precincts are amended so that colours shown in the legend reflect the colours shown on the maps. In particular, the Urban Floodway Zone should be shown as light blue in the legends and the Special Use Zone should be shown as a light green (Pages 31, 78, 88, 101, 111, 119 and 128).
- g. That the Skye Golf Driving Range & Golf Course not be nominated as a 'public course' and that this use is not nominated as a 'non-economic activity'.
- h. That the RCZ1 be noted as having a minimum lot size of 4ha in section 7.2.4 – Housing and Settlement on Page 101.

**14.5 2020/NOM8 - Green Wedge Management Plan**

- i. That the final sentence of Page 100 be re-worded to acknowledge that the listed uses are innominate uses (not specifically defined in the Frankston planning scheme) and as such can be considered for approval under the current planning regime.

and

- j. That investigation proposed under Action 19 includes:
  - i. Provision for any significant vegetation, including River Red Gums, to be protected and/or retained under an appropriate planning mechanism.
  - ii. Provisions which require large numbers of canopy trees to be planted in any future industrial development or future subdivision.
  - iii. A new Action to incorporate Environmentally Sustainable Design initiatives, Renewable Energy initiatives and Water Sensitive Urban Design initiatives. This would also provide the scope/provision for any investigation to include the Six Star Green Star initiative specified in Attachment B.
  - iv. That investigation proposed under Action 19 be in conjunction with Action 4, 12, 13, 15, 20, 23, 26 and 36.
  - v. That Action 12 to be re-worded to the following: *Assess the potential for additional native vegetation planting along roadsides and in any future development or future subdivision to bolster habitat linkages and enhance canopy cover.*

and

Authorises officers to write to the Minister for Planning to request authorisation to prepare and exhibit a Planning Scheme Amendment to include the Frankston Green Wedge Management Plan into the Frankston Planning Scheme

and

Endorses the Action Plan noting that implementation will be subject to the annual budget process.

**PART B****(Investigation of residential land use potential in Carrum Downs, Skye, Langwarrin and Frankston South)**

That Council:

Adopts the draft Green Wedge Management Plan (GWMP) with the recommendations arising from the public consultation based on majority support from submissions, incorporating investigation of some increased residential land use potential with additional provisions relating to protection of significant vegetation (including River Red Gums), provision of large numbers of canopy trees, and Environmentally Sustainable Design, Renewable Energy, Water Sensitive Design, and Six Star Green Star initiatives. To achieve this the following specific wording modifications to the draft Green Wedge Management Plan are to be made being:

- a. Remove third dot point on Page 86 of the draft GWMP 'Poultry Farm (name unknown) – located off Ballarto Road, Skye'.
- b. That the reference to the draft Westernport Green Wedge Management Plan prepared by City of Casey be amended to note that the Plan has been adopted on Page 24.

**14.5 2020/NOM8 - Green Wedge Management Plan**

- c. That more rationale is provided in the section relating to Precinct 3 to justify Actions 42 & 43 for this area (please see note below RE Action 42 & 43).
- d. Amend the timeframe for Action 19 from Short to Immediate.
- e. Include an additional action in the draft Plan for Council to work with VicRoads to apply the appropriate land use zones to areas affected by the Peninsula Link Freeway. The timeframe for this action will be immediate as an Amendment is currently being prepared by VicRoads.
- f. That further clarification is provided to the statement on Page 86 that 'areas of land suitable only for grazing agricultural activities in Precinct 2 may be better utilised for purposes other than agriculture – e.g. for employment or residential uses'. If the intent of this statement is that it applies to large land holdings within Precinct 2 then it is not supported by Council officers and must be removed from the document.
- g. Remove the reference to Melbourne Water in Figure 30 on Page 118. Additionally, the land to the west of Stotts Lane and east of Frankston-Flinders Road be identified as part of the Precinct 5 logical inclusions in the draft GWMP document (as Action 42 describes).
- h. That the Legends of the Zoning Maps for all the precincts are amended so that colours shown in the legend reflect the colours shown on the maps. In particular, the Urban Floodway Zone should be shown as light blue in the legends and the Special Use Zone should be shown as a light green (Pages 31, 78, 88, 101, 111, 119 and 128).
- i. That the Skye Golf Driving Range & Golf Course not be nominated as a 'public course' and that this use is not nominated as a 'non-economic activity'.
- j. That the RCZ1 be noted as having a minimum lot size of 4ha in section 7.2.4 – Housing and Settlement on Page 101.
- k. That the final sentence of Page 100 be re-worded to acknowledge that the listed uses are innominate uses (not specifically defined in the Frankston planning scheme) and as such can be considered for approval under the current planning regime.

and

- l. That investigation proposed under Action 42 and 43 includes:
  - i. Provision for any significant vegetation, including River Red Gums, to be protected and/or retained under an appropriate planning mechanism.
  - ii. Provisions which require large numbers of canopy trees to be planted in any future industrial development or future subdivision.
  - iii. A new Action to incorporate Environmentally Sustainable Design initiatives, Renewable Energy initiatives and Water Sensitive Urban Design initiatives. This would also provide the scope/provision for any investigation to include the Six Star Green Star initiative specified in Attachment B.
  - iv. That investigation proposed under Action 42 & 43 be in conjunction with Action 4, 12, 13, 15, 20, 23, 26 and 36.
  - v. That Action 12 to be re-worded to the following: *Assess the potential for additional native vegetation planting along roadsides and in any future development or future subdivision to bolster habitat linkages and enhance canopy cover.*

**14.5 2020/NOM8 - Green Wedge Management Plan**

and

Authorises officers to write to the Minister for Planning to request authorisation to prepare and exhibit a Planning Scheme Amendment to include the Frankston Green Wedge Management Plan into the Frankston Planning Scheme

and

Endorses the Action Plan noting that implementation will be subject to the annual budget process.

**COMMENTS BY DIRECTOR CORPORATE DEVELOPMENT**

Legal advice was sought to determine if a Notice of Motion could be raised to reverse the decision of Council on Frankston's Green Wedge Management Plan which was endorsed by Council at its meeting on 14 October 2019. A copy of the legal advice has been provided to Councillors under separate cover.

**COMMENTS BY MANAGER PLANNING AND ENVIRONMENT**

The various actions in the Draft Green Wedge Management Plan referenced in the motion are as follows:

**Action 19** is to: Undertake an industrial land supply strategy for Green Wedge land abutting Carrum Downs Industrial Estate to be repurposed to increase industrial land supply.

**Action 42** is to: Investigate the potential for Urban Growth Boundary (UGB) relocations in Precincts 1, 2, 3 and 5. Further investigate logical inclusions in these precincts.

**Action 43** is to: Investigate the possibility of a reduction in minimum lot sizes in Precincts 2 and 3. *(Please note that this relates to land that would not be included within the UGB if any investigation under Action 42 was to be deemed justified.)*

**Action 4** is to: Produce a set of built form and landscape guidelines for each green wedge precinct to ensure that development is appropriately sited.

**Action 13** is to: Investigate the need and feasibility of introducing threatened flora and fauna species into reserves.

**Action 15** is to: Council to investigate a mechanism to help fund natural habitat conservation areas and any potential public land acquisition for the expansion of existing or purchase of new recreational assets in the Green Wedge.

**Action 20** is to: Investigate means to protect agricultural and horticultural land and minimise the potential for land use conflicts when assessing planning permits in sensitive areas.

**Action 23** is to: Undertake an agriculture and horticulture viability study to determine highest and best uses for agriculture land in the green wedge.

**Action 26** is to: Collaborate with water authorities to explore the ongoing provision of grey water generated by the Eastern Treatment Plant to improve the efficiency and sustainability of water use in the Green Wedge.

**Action 36** is to: Implement specialised planning controls to achieve the environmental objectives outlined in this Green Wedge Management Plan.

## 14.5 2020/NOM8 - Green Wedge Management Plan

Question for Consideration	
1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?	<b>YES</b>  Councillor Hampton discussed a proposed motion with staff shortly after the meeting at which the original resolution of the Green Wedge Management Plan occurred. Officers have assisted Cr. Hampton with the draft wording to achieve the modifications which he has indicated he wishes to have reflected.
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?	<b>YES</b>
3. Is the NoM clear and well worded?	<b>YES</b>
4. Is the NoM capable of being implemented?	<b>YES</b>  Councillor Hampton is able to modify Council's previous resolution by Notice of Motion as per legal advice received which is under separate cover because it has not yet been acted upon, given notice to Council's Governance team from Councillor Hampton that he would pursue a motion.
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?	<b>NO</b>
6. Is the NoM within the powers of a municipal Council?	<b>YES</b>  Councillor Hampton is able to modify Council's previous resolution by Notice of Motion.
7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?	<b>YES</b>  The Notice of Motion would significantly vary Council's adopted position on management of Green Wedge areas pursuant its function as a Planning Authority.
8. Is the NoM consistent with all relevant legislation?	<b>YES</b>  The Notice of Motion would significantly vary Council's adopted position on management of Green Wedge areas pursuant its function as a Planning Authority.



## 14.5 2020/NOM8 - Green Wedge Management Plan

Question for Consideration	
9. Is the NoM consistent with existing Council or State policy or position?	<p><b>YES</b></p> <p>The Notice of Motion would significantly vary Council's adopted position on management of Green Wedge areas pursuant its function as a Planning Authority.</p>
10. Is the NoM consistent with Council's adopted strategic plan?	<p><b>YES</b></p>
11. Can the NoM be implemented without diversion of existing resources?	<p><b>YES</b></p> <p>The Notice of Motion would significantly vary some of the investigative work to be undertaken pursuant to the plan, however this would not require diversion of resources allocated for the adoption of the Green Wedge Management Plan.</p>
12. Can the NoM be implemented without diversion of allocated Council funds?	<p><b>YES</b></p> <p>As per above comment.</p>
13. Are funds available in the adopted budget to implement the NoM?	<p><b>YES</b></p>
14. What is the estimated cost of implementing the NoM?	<p><b>YES</b></p> <p>The estimated cost of implementing the Notice of Motion would approximately be \$3,000 to make the required amendments to the Green Wedge Management Plan, however this would approximately be the same estimated cost to make the required amendments that were resolved on the 14 October 2019. This cost can be accommodated within the 2019-2020 Strategic Planning budget.</p> <p>In regard to the proposed investigations (Actions 19, 42 and 43) under this Notice of Motion, the estimated cost would approximately be \$50,000 each - \$100,000 in total. This would be accommodated in future budgets if requested.</p>

**14.5 2020/NOM8 - Green Wedge Management Plan**

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**ATTACHMENTS**

Attachment A: [⇒](#) Maddocks Legal Advice - Green Wedge Management Plan - 1  
November 2019 (*Under Separate Cover*)

Attachment B: [↓](#) Six Star Green Star Community Initiatives

- WiFi hotspots in key parks and open spaces.
- Improved ecological value and biodiversity enhancement through the implementation of EPBC measures.
- Housing product diversity encouraging affordability.
- Community Development Officer for life of the project.
- Maximum 400m distance to recreational facilities for all residents.
- Access to several prominent higher education facilities within 10km.
- Increased permanent local area employment opportunities Variety of cultural heritage enhancement parks.
- Reduced heat island effect through the use of beneficial landscaping and building elements, including green open space and light roofing.
- Four community gardens exceeding 1200sqm in total area.
- All homes to be provided with Class A recycled water via purple pipes.
- Recycled Water can be used for toilet flushing and garden use.
- Will also be irrigated using recycled water.
- Minimum 60% reduction in construction waste through various recycling initiatives.
- Inclusive Playspaces (catering to disabled / all ability children).
- Kinetic play equipment – harnessing kinetic energy for powering public lighting and electronics.
- Solar trees harnessing solar power for charging phones/iPads etc.

**17. 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 discuss the following Agenda items and all documents associated with the consideration and discussion of it, that are designated confidential information by me, pursuant to Section 77(2)(c) of the Local Government Act 1989 (the Act) on the following grounds

**C.1 Chief Executive Officer's Quarterly Report - January 2020**

Agenda Item C.1 Chief Executive Officer's Quarterly Report - January 2020 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.2 Audit and Risk Committee – Chairperson's Annual Report to Council**

Agenda Item C.2 Audit and Risk Committee – Chairperson's Annual Report to Council is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

**C.3 Outcomes of the Audit and Risk Committee meetings**

Agenda Item C.3 Outcomes of the Audit and Risk 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.4 Appointment of Chairperson to the Audit and Risk Committee**

Agenda Item C.4 Appointment of Chairperson to the Audit and Risk Committee 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.5 Peninsula Leisure Pty Ltd - Quarterly Report period ending 30 September 2019**

Agenda Item C.5 Peninsula Leisure Pty Ltd - Quarterly Report period ending 30 September 2019 is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

**C.6 Authorisation of Use of Council Seal for Years of Service Certificates**

Agenda Item C.6 Authorisation of Use of Council Seal for Years of Service Certificates is designated confidential as it relates to personnel matters (s89 2a)

**C.7 Awarding Invest Frankston Business Grants 2019-2020**

Agenda Item C.7 Awarding Invest Frankston Business Grants 2019-2020 is designated confidential as it relates to contractual matters (s89 2d)

**C.8 Award of Contract 2019/20-43 - Len Phelps Pavilion Internal Alterations**

Agenda Item C.8 Award of Contract 2019/20-43 - Len Phelps Pavilion Internal Alterations is designated confidential as it relates to contractual matters (s89 2d)

**C.9 Proposed Assignment of Lease - Beach Cafe Seaford - 2/10N Nepean Highway Seaford (Seaford Foreshore Reserve)**

Agenda Item C.9 Proposed Assignment of Lease - Beach Cafe Seaford - 2/10N Nepean Highway Seaford (Seaford Foreshore Reserve) is designated confidential as it relates to contractual matters (s89 2d):

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Signed by the CEO