



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 1 MAY 2017 at 7.02 PM**

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| PRESENT | Cr. Brian Cunial (Mayor) Cr. Sandra Mayer Cr. Glenn Aitken Cr. Michael O'Reilly Cr. Steve Toms Cr. Quinn McCormack Cr. Kris Bolam Cr. Lillian O'Connor |
| APOLOGIES: | Cr. Colin Hampton |
| ABSENT: | Nil. |
| OFFICERS: | Mr. Dennis Hovenden, Chief Executive Officer Mr. Tim Frederico, Director Corporate Development Dr. Gillian Kay, Director Communities Development Mr. Michael Papageorgiou, Manager Planning & Environment Mr. James Smith, Coordinator Strategic Town Planning Mr. Oliver Rees, Senior Statutory Planner Ms. Natalie Cincotta, Coordinator Communications Ms. Vera Roberts, Executive Assistant to Mayor |
| EXTERNAL REPRESENTATIVES: | Nil |

COUNCILLOR STATEMENT

Councillor Michael O'Reilly made the following statement:

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

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

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

PRAYER

The Mayor, Councillor Brian Cunial read the Opening Prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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



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The Mayor welcomed former Councillor and Mayor Rogan Ward to the Chamber

1. PRESENTATION TO COMMUNITY GROUPS

Nil

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM299 held on 3 April 2017.

Council Decision

Moved: Councillor Toms

Seconded: Councillor O'Reilly

That the minutes of the Ordinary Meeting No. OM299 held on 3 April 2017 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

Special Meeting No. SP201 held on 12 April 2017.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor O'Connor

That the minutes of the Special Meeting No. SP201 held on 12 April 2017 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES

The Mayor, Cr Cunial informed the gallery that Cr Hampton had tendered his apology and would not be present at the meeting.

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

The Mayor declared a conflict of interest in Item 11.7: January Town Planning Report. The declaration has been made in writing to the Chief Executive Officer. The Mayor will leave the Chamber during discussion and voting on the matter.

Cr Kris Bolam declared an interest in Item C.2: Frankston Charitable Fund Grants. The declaration was made to the CEO prior to the meeting and Cr Bolam will leave the chamber during discussion and voting on the matter.

5. PUBLIC QUESTION TIME

One (1) person submitted questions to With Notice to Council and two (2) persons submitted questions Without Notice to Council. At the request of the Mayor, the Chief Executive Officer read the questions and answers to the gallery. The questions and answers are contained in Appendix.

6. HEARING OF PUBLIC SUBMISSIONS

Mr. Robert Steward made a submission to Council regarding Item 11.1: VCAT Review - Council Position - 44/2016/P - To construct four (4) double storey and four (4) three storey dwellings (eight (8) dwellings), one (1) building for common use and a reduction in car parking - 56 High Street Frankston;

Mr. Geoff Collins made a submission to Council regarding Item 11.1: VCAT Review - Council Position - 44/2016/P - To construct four (4) double storey and four (4) three storey dwellings (eight (8) dwellings), one (1) building for common use and a reduction in car parking - 56 High Street Frankston;

Ms. Glenyss Bourne made a submission to Council regarding Item 11.1: VCAT Review - Council Position - 44/2016/P - To construct four (4) double storey and four (4) three storey dwellings (eight (8) dwellings), one (1) building for common use and a reduction in car parking - 56 High Street Frankston;

Mr. Robert Steward made a submission to Council regarding Item 11.1: VCAT Review - Council Position - 44/2016/P - To construct four (4) double storey and four (4) three storey dwellings (eight (8) dwellings), one (1) building for common use and a reduction in car parking - 56 High Street Frankston;

Ms. Lyndel McGorlick made a submission to Council regarding Item 11.1: VCAT Review - Council Position - 44/2016/P - To construct four (4) double storey and four (4) three storey dwellings (eight (8) dwellings), one (1) building for common use and a reduction in car parking - 56 High Street Frankston;

Mr. Kevin Dainton made a submission to Council regarding Item 11.3: Amendment to Planning Permit 494/2014/P - 560 Frankston-Dandenong Road, Carrum Downs - To use and develop the site for a Micro-brewery; sale and consumption of liquor; cafe (food and drink premises) and a variation to the car parking requirements;

Ms. Sarah McQuillen made a submission to Council regarding Item 11.4: Frankston Planning Scheme Amendment C123 - Report on findings and recommendations of Panel Report;

Ms. Hilary Poad made a submission to Council regarding Item 11.4: Frankston Planning Scheme Amendment C123 - Report on findings and recommendations of Panel Report;

Ms. Jenni Alexander made a submission to Council regarding Item 11.4: Frankston Planning Scheme Amendment C123 - Report on findings and recommendations of Panel Report;

Mr. Geoff Crowder made a submission to Council regarding Item 11.4: Frankston Planning Scheme Amendment C123 - Report on findings and recommendations of Panel Report;

Ms. Robyn Pendlebury made a submission to Council regarding Item 11.4: Frankston Planning Scheme Amendment C123 - Report on findings and recommendations of Panel Report;

Ms. Rogan Ward made a submission to Council regarding Item 11.4: Frankston Planning Scheme Amendment C123 - Report on findings and recommendations of Panel Report;

Ms. Nicole Clark made a submission to Council regarding Item 11.4: Frankston Planning Scheme Amendment C123 - Report on findings and recommendations of Panel Report;

Mr. George Scerri made a submission to Council regarding Item 12.6: Construction of Valley Road;

Ms. Madeleine Frizell made a submission to Council regarding Item 12.6: Construction of Valley Road;

Mr. Michael Telleson made a submission to Council regarding Item 13.2: NOM 1301 – Eel Race Road Closure Opposition;

Ms. Fiona Telleson made a submission to Council regarding Item 13.2: NOM 1301 – Eel Race Road Closure Opposition.

7. ITEMS BROUGHT FORWARD**Items Brought Forward****Council Decision****Moved: Councillor McCormack****Seconded: Councillor Toms**

That items:

- 11.1: VCAT Review - Council Position - 44/2016/P - To construct four (4) double storey and four (4) three storey dwellings (eight (8) dwellings), one (1) building for common use and a reduction in car parking - 56 High Street Frankston;
- 11.3: Amendment to Planning Permit 494/2014/P - 560 Frankston-Dandenong Road, Carrum Downs - To use and develop the site for a Micro-brewery; sale and consumption of liquor; cafe (food and drink premises) and a variation to the car parking requirements;
- 11.4: Frankston Planning Scheme Amendment C123 - Report on findings and recommendations of Panel Report
- 12.6: Construction of Valley Road;
- 13.2: NOM 1301 – Eel Race Road Closure Opposition., and;
- 13.5: NOM 1304 – Frankston Basketball Association Building Extension process investigation

be brought forward.

Carried Unanimously**8. PRESENTATIONS / AWARDS**

Nil

9. PRESENTATION OF PETITIONS AND JOINT LETTERS**Petition – Remove no Stopping Signs from Alexander Mews****Council Decision****Moved: Councillor Mayer****Seconded: Councillor Aitken**

That the petition requesting the removal of stopping signs from Alexander Mews containing 14 signatures be accepted.

Carried Unanimously**10. DELEGATES' REPORTS**

Nil

*The meeting was adjourned at 8.22 pm**The meeting resumed at 8.28 pm*

ITEMS BROUGHT FORWARD

- 11.1 VCAT Review - Council Position - 44/2016/P - To construct four (4) double storey and four (4) three storey dwellings (eight (8) dwellings), one (1) building for common use and a reduction in car parking - 56 High Street Frankston**
(MP Community Development)

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

That Council's position is amended to support the application based on the revised plans submitted to VCAT prior to the hearing and the conditions below.

Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application but modified to show:
 - (a) The deletion of the proposed WSUD watercourse.
 - (b) Lighting to the pathways and communal areas in accordance with Condition 17.
 - (c) A Landscape Plan in accordance with Condition 3.
 - (d) A Site Management Plan in accordance with Condition 6.
 - (e) The Tree Number, Tree Protection Zone and Structural Root Zone of all trees on and adjacent the subject site as contained within the arborist report prepared by Melbourne Arborist Reports dated 27 October 2015.
 - (f) A Tree Protection Management Plan in accordance with Condition 5.
 - (g) A further 1 metre setback to Spring Lane; and
 - (h) A further 50 cm reduction in height of the buildings at the rear.

No Alterations

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

Landscape Plans

3. Before the commencement of buildings and works, a landscape plan prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) 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 3.0 metres of the boundary.
 - c) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant.
 - d) The location of each species to be planted.

Chairperson's initials



- e) A planting theme of a minimum 40% indigenous, 40% exotic and 20% native species within each planting group.
- f) A range of plant types from ground covers to large shrubs and trees;
- g) Adequate planting densities (e.g.: plants with a mature width of 1.0 metre, planted at 1.0 metre intervals).
- h) The delineation of garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development.
- i) Canopy trees (minimum 2.0 metres tall when planted) in the following areas:
 - i. Two (2) to the front of Dwellings 1-2.
 - ii. Three (3) within the development.

Completion of Landscaping

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

Tree Protection Management Plan

- 5. A Tree Protection Management Plan prepared in accordance with Frankston City Council's 'Arboricultural Report Writing Guide' must be submitted to and approved by the Responsible Authority prior to the commencement of the approved development and works (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings) and when approved will be endorsed and form part of this permit. The plan must contain as a minimum but not limited to the following information:
 - (a) Tree Protection Fencing specifications and locations.
 - (b) Removal of existing structures from within the Tree Protection Zone
 - (c) Ground protection requirements
 - (d) Methods for installation of services to minimise the impact on the retained trees e.g.; sewerage, storm water, telecommunications, electricity etc.
 - (e) Supervision as required
 - (f) Alternative construction techniques
 - (g) Remedial works as required

Site Management Plan

- 6. A Site Management Plan must be submitted to and approved by the Responsible Authority prior to the development commencing and include the following:
 - (a) A plan clearly identifying the shared areas within the development.
 - (b) Details on how the shared areas will be managed.
 - (c) Details on the proposed use and management of the Common House.

Section 173 Agreement

7. Prior to occupation of the development the Owner of the site must enter into an agreement under Section 173 of the Planning and Environment Act with the Responsible Authority and/or (name of authority) to provide for the following:
- The Site Management Plan endorsed under Condition 6 of Planning Permit No. 44/2016/P is to be included as part of the Agreement and is to run with the land.
 - The Common House is not to be used as an additional dwelling.
 - If the land is to be subdivided all communal facilities must be contained within common property.

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

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

Drainage

8. Provision of a Stormwater Detention System with a volume capable of retarding the 10 year ARI flow from the development site back to a 5 year ARI pre-development value to the satisfaction of the Responsible Authority.
9. 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. The vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
12. Prior to the occupation of the dwellings hereby permitted by this permit commencing, 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.

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.

Satisfactorily Completed

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

Permit Expiry

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

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

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

Notes

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

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

C. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made. Pursuant to Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the periods referred to if a request is made in writing within the following prescribed timeframes:

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

- b. Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

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

Carried

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

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

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

(MP Community Development)

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Mayer

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

Plans

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

No Alterations

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

Liquor Licence Requirements

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

| | |
|---------------------|--------------------|
| Thursday | 12 noon – 10:30 pm |
| Friday and Saturday | 12 noon – 12:00 am |
| Sunday | 12 noon – 9 pm |
6. Not more than 110 patrons may be present on the premises at any one time in association with the tasting room and café (Manufacturing sales and food and drink premises).
7. The Brewery (industry) hereby permitted may operate only between the hours of:

| | |
|-------------------------------|---|
| Monday to Wednesday | 8am - 6pm |
| Thursday, Friday and Saturday | 8am - 4pm (no deliveries after 12 noon) |
8. Car parking spaces 1 – 5 and 6 – 14 must be kept clear for truck turning areas of deliveries during the hours of the Brewery (industry) (refer to Condition 7).

9. The licensee/permit holder shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence/permit relates during or immediately after trading hours authorised by the licence/permit.
10. Liquor must not be consumed in the licensed area by members of the public outside the opening hours of the café.
11. Sales of packaged liquor to members of the public for consumption on or off the licensed premises must not take place on the land outside the opening hours of the café.

Amenity

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

Environment Protection Authority (EPA)

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

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

 - Connected to reticulated sewer, in accordance with the Trade Waste Agreement; or
 - Collected by an EPA permitted contractor, as appropriate.
16. A secondary containment system shall be provided for liquids and chemicals which if split are likely to cause pollution or pose an environmental hazard, in accordance with the Building Guidelines (EPA Publication No. 347, 1992).
17. Noise emissions from the premises must meet the objectives of State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) N-1.

18. Odours offensive to the senses of human beings must not be discharged beyond the boundaries of the premises.
19. All putrescible waste (including spent grains/yeast etc) must be sorted in sealed and lidded bins and removed from the premises as frequently as required to prevent the discharge of offensive odours.
20. There must be no visible discharge of dust beyond the boundary of the premises. All waste discharges to the external atmosphere must be:
 - Discharged from a stack outlet at least 3 metres above the roofline of any building or
 - Obstruction within a 15 metre radius;
 - Discharged with an efflux velocity of at least 10 metres per second; and
 - Not be obstructed at the stack outlet by a weather cap, cowl or other obstruction.

Drainage

21. Prior to commencement of development construction detailed design plans and drainage computations of the internal stormwater drainage system including the method of connection to the existing Council drainage infrastructure are to be submitted and approved to the satisfaction of the Responsible Authority.
22. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
23. Concrete kerbs and barriers shall be provided to the satisfaction of the responsible authority to prevent direct vehicle access to an adjoining road other than by a vehicle crossing.
24. Where the development involves work on or access to Council controlled land including roads, reserves and right of way, the owner, operator and their agents under this permit must at all times take adequate precautions to maintain works to the highest public safety standards, to the satisfaction of the Responsible Authority.

Precautions must include, appropriate signage to AS 1743 Road Works Signing Code of Practice, the provision of adequate barricading of works, including trenches of Service Authorities and any other road openings, sufficient to ensure public safety.

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

Car Parking and Access

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

Chairperson's initials



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

Satisfactorily Completed

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

Permit Expiry

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

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

Notes

- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- B. Prior to the commencement of construction the operator of this planning permit must obtain a non-refundable Asset Protection Permit from Frankston City Council's Infrastructure Department.
- C. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made. Pursuant to Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the periods referred to if a request is made in writing within the following prescribed timeframes:
- a) Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started;
 - b) Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.
- If a request is made out of time, the Responsible Authority cannot consider the request and the permit holder will not be able to apply to VCAT for a review of the matter.
- D. The owner/applicant of the subject site should join and comply with the Frankston Liquor Industry Accord, which requires the member to serve liquor in a responsible manner.

Asset Protection Permit

- E. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
- On-site stormwater detention and rainwater tanks.
 - Soil percolation

- Stormwater harvesting and Re-use of stormwater for garden watering, toilet flushing, etc

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

Carried Unanimously

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

(MP Community Development)

Recommendation (Director Community Development)

That Council notes the Panel Report and authorises officers to request the Minister for Planning to adopt Frankston Planning Scheme Amendment C123 as exhibited, subject to the following changes:

1. Amend the Precinct Map in Clause 5.1-1 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to designate the western and southern boundaries of Precinct 1B as 'sensitive interface' areas.
2. Amend the Precinct objectives in Clause 5.1-2 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to include the following:

To ensure that development along the western and southern boundaries of Sub-precinct 1B responds to the sensitive interfaces with Kananook Creek and the surrounding foreshore and established residential areas.
3. Amend the Precinct guidelines in Clause 5.1-4 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to include guidelines (to be developed by Frankston City Council) that guide development in the sensitive interface areas of Precinct 1B.
4. Amend the Precinct objectives in Clause 5.2-2 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to include the following:

To ensure that use and development is responsive to current and planned railway operations, having regard to the primacy of the transport of the railway land.
5. Include the following application requirement in Clause 6.0 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B:

VicTrack land – potential contamination

An application for a sensitive use (residential use, child care centre, pre-school centre or primary school), or the construction or carrying out of buildings and works in association with a sensitive use, on land owned or formerly owned by VicTrack must be accompanied by an Environmental Site Assessment detailing the likelihood on contamination on the land, to the satisfaction of the responsible authority.
6. Make other policy neutral drafting changes shown in Appendix B to this Report (Panel Report) to improve the operation of Schedule 1 to the Activity Centre Zone.

Recommendation (Director Community Development)

Moved: Councillor Bolam

Seconded: Councillor Mayer

That Council notes the Panel Report and authorises officers to request the Minister for Planning to adopt Frankston Planning Scheme Amendment C123 as exhibited, subject to the following changes:

1. Amend the Precinct Map in Clause 5.1-1 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to designate the western and southern boundaries of Precinct 1B as 'sensitive interface' areas.
2. Amend the Precinct objectives in Clause 5.1-2 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to include the following:

Chairperson's initials 

To ensure that development along the western and southern boundaries of Sub-precinct 1B responds to the sensitive interfaces with Kananook Creek and the surrounding foreshore and established residential areas.

3. Amend the Precinct guidelines in Clause 5.1-4 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to include guidelines (to be developed by Frankston City Council) that guide development in the sensitive interface areas of Precinct 1B.
4. Amend the Precinct objectives in Clause 5.2-2 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to include the following:

To ensure that use and development is responsive to current and planned railway operations, having regard to the primacy of the transport of the railway land.
5. Include the following application requirement in Clause 6.0 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B:

VicTrack land – potential contamination
An application for a sensitive use (residential use, child care centre, pre-school centre or primary school), or the construction or carrying out of buildings and works in association with a sensitive use, on land owned or formerly owned by VicTrack must be accompanied by an Environmental Site Assessment detailing the likelihood on contamination on the land, to the satisfaction of the responsible authority.
6. Insert a new subsection in the table to *Clause 5.1.3 Precinct requirements* that stipulates a preferred maximum building height of 20 metres in sub-precinct 1B for the area bounded by Plowman Place, Kananook Creek, Beach Street and Nepean Highway.
7. Make other policy neutral drafting changes shown in Appendix B to this Report (Panel Report) to improve the operation of Schedule 1 to the Activity Centre Zone.
8. Make other policy neutral drafting changes shown in Appendix B to this Report (Panel Report) to improve the operation of Schedule 1 to the Activity Centre Zone.
9. Amend the Precinct guidelines listed in Clause 5.1-4 of Schedule 1 to the Activity Centre Zone to include the following residential character guideline statements:
 - *New development is designed to enhance the quality of the public realm and to safeguard residential amenity for future residents, consistent with the delivery of a functional and attractive mixed use residential environment.*
 - *Within the interface between the residential area of Gould Street and Precinct 1B, new development is to be specifically designed to protect the amenity of this residential area. The overall design intent is to articulate frontages, avoid dominant built form and to appropriately celebrate and respect the foreshore and creek interface.*
10. As an additional measure, following adoption of Am C123 by Council, officers are requested to prepare a draft reference document including illustrative guidelines that address neighbourhood character and urban design outcomes for Precincts 1A and 1B and for this to be submitted for Council consideration by September 2017.

Cr Bolam withdrew his support for this motion

Recommendation (Director Community Development)**Moved: Councillor McCormack****Seconded: Councillor Mayer**

That Council notes the Panel Report and authorises officers to request the Minister for Planning to adopt Frankston Planning Scheme Amendment C123 as exhibited as an interim measure, subject to the following changes:

1. Amend the Precinct Map in Clause 5.1-1 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to designate the western and southern boundaries of Precinct 1B as 'sensitive interface' areas.
2. Amend the Precinct objectives in Clause 5.1-2 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to include the following:
To ensure that development along the western and southern boundaries of Sub-precinct 1B responds to the sensitive interfaces with Kananook Creek and the surrounding foreshore and established residential areas.
3. Amend the Precinct guidelines in Clause 5.1-4 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to include guidelines (to be developed by Frankston City Council) that guide development in the sensitive interface areas of Precinct 1B.
4. Amend the Precinct objectives in Clause 5.2-2 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B, to include the following:
To ensure that use and development is responsive to current and planned railway operations, having regard to the primacy of the transport of the railway land.
5. Include the following application requirement in Clause 6.0 of Schedule 1 to the Activity Centre Zone, as shown in Appendix B:
VicTrack land – potential contamination
An application for a sensitive use (residential use, child care centre, pre-school centre or primary school), or the construction or carrying out of buildings and works in association with a sensitive use, on land owned or formerly owned by VicTrack must be accompanied by an Environmental Site Assessment detailing the likelihood on contamination on the land, to the satisfaction of the responsible authority.
6. Insert a new subsection in the table to *Clause 5.1.3 Precinct requirements* that stipulates a preferred maximum building height of 20 metres in sub-precinct 1B for the area bounded by Plowman Place, Kananook Creek, Beach Street and Nepean Highway.
7. Make other policy neutral drafting changes shown in Appendix B to this Report (Panel Report) to improve the operation of Schedule 1 to the Activity Centre Zone.
8. Make other policy neutral drafting changes shown in Appendix B to this Report (Panel Report) to improve the operation of Schedule 1 to the Activity Centre Zone.
9. Amend the Precinct guidelines listed in Clause 5.1-4 of Schedule 1 to the Activity Centre Zone to include the following residential character guideline statements:
 - *New development is designed to enhance the quality of the public realm and to safeguard residential amenity for future residents, consistent with the delivery of a functional and attractive mixed use residential environment.*
 - *Within the interface between the residential area of Gould Street and Precinct 1B, new development is to be specifically designed to protect the amenity of this residential area. The overall design intent is to articulate frontages, avoid dominant built form and to appropriately celebrate and respect the foreshore and creek interface.*

Chairperson's initials



10. As an additional measure, following adoption of Am C123 by Council, officers are requested to prepare a draft reference document including illustrative guidelines that address neighbourhood character and urban design outcomes for Precincts 1A and 1B and for this to be submitted for Council consideration by September 2017.

Deferral Motion to another Council Meeting

Moved: Councillor Bolam

Seconded: Councillor Toms

That the matter be deferred for further consideration.

Carried

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

Against the Motion: Crs Aitken and O'Reilly

12.6 Construction of Valley Road

(AW Community Development)

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

That Council:

1. Notes previous outcome of Special Charge Scheme consultation and various road interventions undertaken.
2. Notes the outcome of the Valley Road Stakeholder Forum with residents.
3. Supports recommendations to develop detailed road design and undertake community consultation on road options for traffic calming, opportunities to commence the project as early as possible subject to financial approval and options for road maintenance and dust suppression in the intervening period prior to road construction taking place.
4. Consider \$800,000 funding in FY 2018/19 Capital Works budget review for construction of Valley Road. This amount will be considered as part of the capital works draft budget process.

Carried Unanimously

13.2 NOM 1301 - Eel Race Road Closure Opposition

(CM Chief Executive Office)

Councillor Recommendation

That Frankston City Council writes to the Premier of Victoria (The Hon. Daniel Andrews), the Opposition Leader of Victoria (The Hon. Matthew Guy), the Minister for Transport (The Hon. Jacinta Allan) and the State Members for Frankston (Mr. Paul Edbrooke) and Carrum (Ms. Sonya Kilkenny), as well as the LXRA organisation, expressing disappointment regarding the recent decision to close Eel Race Road.

Not only was this decision made despite Council's publicised position on grade separation works (Council supports keeping Eel Race Road open but without the need for any grade separation upgrade/s) but, much like the recent decisions relating to Overton Road (Seaford), Seaford Road (Seaford) and the sudden announcement of a train stabling facility at the Kananook Railway Station (Seaford), the process has once again failed Frankston residents in that no consultation and no justification was evident in arriving at this decision.

Frankston City Council formally opposes the closure of Eel Race Road on a number of grounds including the increase of congestion, particularly on Railway Parade (Seaford), Armstrongs Road (Seaford) and Station St (Seaford); and the impact that this will have on the amenity/character of Seaford and pedestrian safety. Frankston City Council implores the State Government and LXRA to reconsider the council position on Eel Race Road.

Councillor Bolam sought leave of Council to amend his Notice of Motion 1301

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

That Frankston City Council writes to LXRA, the Premier of Victoria (The Hon. Daniel Andrews), the Opposition Leader of Victoria (The Hon. Matthew Guy), the Minister for Transport (The Hon. Jacinta Allan) and the State Member for Carrum (Ms. Sonya Kilkenny), expressing concern of the closure of Eel Race Road.

Much like the recent decisions relating to Overton Road (Seaford), Seaford Road (Seaford) and the sudden announcement of a train stabling facility at the Kananook Railway Station (Seaford), the process has once again failed Frankston residents in that no consultation and no justification was evident in arriving at this decision.

Frankston City Council formally opposes the closure of Eel Race Road on a number of grounds including the increase of congestion, particularly on Railway Parade (Seaford), Armstrongs Road (Seaford) and Station St (Seaford); and the impact that this will have on the amenity/character of Seaford and pedestrian safety.

Council commits to this new position given contemporary community feedback.

Carried Unanimously

13.5 NOM 1304 - Frankston Basketball Association Building Extension process investigation

(MT Chief Executive Office)

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

That a detailed independent report be made into all processes and negotiations of the Frankston Basketball Association Building Extension project. This report will be fully inclusive from inception to contemporaneous end.

Lost on the Casting Vote of the Mayor

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

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

Cr Aitken requested for another vote on the matter

The Mayor called for the vote to be recounted by way of show of hands.

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

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

The matter was lost on the casting vote of the Mayor

The Meeting was adjourned at 9.45 pm

The Meeting resumed at 9.52 pm

11. CONSIDERATION OF TOWN PLANNING REPORTS

11.2 Town Planning Application 118/2016/P - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings) - 94 Heatherhill Road, Frankston

(MP Community Development)

Council Decision

Moved: Councillor Toms

Seconded: Councillor Bolam

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 118/2016/P to construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings) at 94 Heatherhill Road, Frankston, subject to the following conditions:

Amended Plans

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application but modified to show:
 - (a) Carport modified to relocate supporting posts away from the path of travel of vehicles exiting Dwelling 2.
 - (b) Turning circles to enable vehicles to exit the site in a forward direction.
 - (c) At least 3 metre east side setback to the double garage (Dwelling 2).
 - (d) Carport (Dwelling 1) moved southwards and provided transparent roofing.
 - (e) Dwellings 1 and 2 to be separated by at least one (1) metre eave to eave and Bedroom 3 (Dwelling 1) to comply with Clause 55.04-3.1
 - (f) Extent of internal fencing and a single fence provided between Dwellings 1 and 2.
 - (g) Freestanding trellis in accordance with Condition 5.
 - (h) Corner splay in accordance with Clause 52.06-8 and Design Standard 1.
 - (i) A landscape plan in accordance with Condition 3.
 - (j) Outdoor lighting in accordance with Condition 13.

No Alterations

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

Landscaping

3. Before the commencement of buildings and works, a landscape plan prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - (a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;

- (b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;
- (c) details of surface finishes of pathways and driveways, retaining walls and areas of cut and fill;
- (d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;
- (e) A planting theme of a minimum 20% indigenous, 40% native and 40% exotic within each plant group;
- (f) landscaping to a minimum height of 1.5 metres to be incorporated along the west boundary of the common driveway;
- (g) landscaping to a minimum height of 1.5 metres to be incorporated along the front boundary to provide vegetated screening;
- (h) landscaping south of Bedroom 2 (Dwelling 1) and west of the living area (Dwelling 1);
- (i) landscape bed within the first nine (9) metres of the property frontage and adjacent west boundary reduced in width;
- (j) canopy trees to a minimum mature height of five metres (minimum two metres tall when planted) in the following areas;
 - (i) One (1) within the front setback
 - (ii) One (1) within the private open space of both dwellings

Trees are not to be sited over easements.

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

Prior to Occupation

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

Freestanding Trellis

5. Prior to the occupation of the development, a freestanding trellis (maximum 25% openings) must be erected above the existing fence on the east, west, and south boundary (as relevant) of the site to an overall height of 1.7 metres above finished floor level, to restrict overlooking from habitable room windows of Dwelling 2 and the private open space of Dwellings 1 and 2, into the adjoining residential property to the satisfaction of the Responsible Authority. The trellis must be framed and thereafter maintained to the satisfaction of the Responsible Authority.

Drainage

6. 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.
7. 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.

8. 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.
9. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.

Urban Design

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

Completion of Buildings and Works

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

Permit Expiry

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

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

Notes

- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- B. Prior to the commencement of construction the operator of this planning permit must obtain a non-refundable Asset Protection Permit from Frankston City Council's Infrastructure Department.
- C. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made. Pursuant to Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the periods referred to if a request is made in writing within the following prescribed timeframes:

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

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

D. Street Numbering

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

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

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

Carried Unanimously

11.5 Draft Frankston Housing Strategy 2017

(MP Community Development)

Recommendation (Director Community Development)

That Council:

1. Notes the finding and recommendations of the report.
2. Releases the draft Frankston Housing Strategy on public exhibition for 4 weeks consultation.

Deferral Motion to another Council Meeting

Moved: Councillor McCormack

Seconded: Councillor Bolam

That the matter be deferred to the next Ordinary Meeting on 22 May 2017.

Carried Unanimously

11.6 December Town Planning Progress Report

(MP Community Development)

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

That Council receives and notes the report.

Carried Unanimously

The Mayor declared a conflict of interest in this item and left the Chamber at 9.56 pm whilst discussion and voting takes place.

The Deputy Mayor assumed as the Chair of the Meeting.

11.7 January Town Planning Progress Report

(MP Community Development)

Council Decision

Moved: Councillor Aitken

Seconded: Councillor McCormack

That Council receives and notes the report.

Carried Unanimously

The Mayor returned to the Chamber at 9.57 pm

12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Urban Forest Policy - Consultation Summary**

(MP Community Development)

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

That Council:

1. Notes the submissions received and subsequent changes to the draft document.
2. Adopts the final Urban Forest Policy.

Carried Unanimously

12.2 Record of Assemblies of Councillors

(DH Chief Executive Office)

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

That Council receives the following written records:

- 7 November 2016 (Statutory Agenda Review)
- 14 November 2016 (Councillor Briefing)
- 28 November 2016 (Councillor Briefing)
- 30 November 2016 (Councillor Briefing)
- 5 December 2016 (Councillor Briefing)
- 7 December 2016 (Councillor Briefing)
- 12 December 2016 (Councillor Briefing)
- 19 December 2016 (Councillor Briefing)
- 16 January 2017 (Councillor Briefing)
- 17 January 2017 (Councillor Briefing)
- 23 January 2017 (Councillor Briefing)
- 24 January 2017 (Councillor Code of Conduct)
- 30 January 2017 (Councillor Briefing)
- 1 February 2017 (Councillor Briefing)
- 6 February 2017 (Councillor Briefing)
- 8 February 2017 (Councillor Briefing)
- 13 February 2017 (Councillor Briefing)
- 15 February 2017 (Councillor Briefing)
- 20 February 2017 (Councillor Briefing)
- 22 February 2017 (Councillor Briefing)
- 27 February 2017 (Councillor Briefing)
- 1 March 2017 (Councillor Briefing)
- 6 March 2017 (Councillor Briefing)
- 8 March 2017 (Councillor Briefing)
- 15 March 2017 (Councillor Briefing)
- 17 March 2017 (Councillor Briefing)
- 20 March 2017 (Councillor Briefing)
- 21 March 2017 (Councillor Briefing)

- 29 March 2017 (Councillor Briefing)
- 3 April 2017 (Councillor Briefing)
- 5 April 2017 (Councillor Briefing)

Carried Unanimously

12.3 Councillor Expense Reimbursement Policy

(MC Corporate Development)

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

That Council adopts the attached draft *Councillor Expense Reimbursement Policy* for immediate implementation.

Carried Unanimously

12.4 Community Development Division - Resolution Progress Report

(GK Community Development)

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

That Council:

1. Notes Amendment C114 (Multi Dwelling Visitor Parking Guidelines) has been refused by the Minister for Planning.
2. Notes Amendment C111 (Parking Master Plan and Cash In Lieu Parking Scheme) has been approved to put on public exhibition by the Minister for Planning.
3. Notes part of Ballam Park has been closed for safety reasons due to a manufacturing fault detected in the sofffall. The sofffall is to be replaced at the cost of the supplier/manufacturer.

Carried Unanimously

12.5 Sports Development Plan - Implementation Progress

(GK Community Development)

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

That Council:

1. Notes this report was held over to enable a full report to the new Council.
2. Notes the status of delivering the Sports Development Plan 2013-2019.

Carried Unanimously

12.7 Annual Energy, Water and Greenhouse Performance Report 2015/16

(CD Corporate Development)

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

That Council receives and notes the results for the organisation's energy, water and greenhouse performance of Council's facilities and sites (where Council pays the utility bills and has full operational control) for 2015/16, including progress towards its adopted environmental targets.

Carried Unanimously

12.8 Community Grants Program Review - Guidelines and Policy

(LD Community Development)

Recommendation (Director Community Development)**Moved: Councillor O'Connor****Seconded: Councillor Toms**

That Council:

1. Approves the Draft Community Grants Policy 2017-2021.
2. Approves the Draft Community Grants Guidelines (May 2017).

Deferral Motion to another Council Meeting**Moved: Councillor Bolam****Seconded: Councillor Aitken**

That the matter be deferred to the Ordinary Meeting on 22 May 2017.

Carried Unanimously

12.9 Council response to Resilient Recovery Discussion Paper
(LR Community Development)

Council Decision

Moved: Councillor O'Connor

Seconded: Councillor Toms

That Council endorses the attached draft submission to the Resilient Recovery Discussion Paper which was submitted subject Council endorsement.

Carried Unanimously

12.10 Progress of Council Resolutions resulting from Notice of Motions

(DH Chief Executive Office)

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

That Council:

1. Receives the Notice of Motion Report as at 1 May 2017.
2. Notes that the following NOMs be archived from the Notice of Motion Report:
 - NOM 1229 – Frankston Yacht Club Exterior Building Maintenance
 - NOM 1231 - Tree Planting Program
 - NOM 1233 - Review of Councillor Request Process
 - NOM 1246 - Ongoing Delays on the Frankston Train Line
 - NOM 1257 - Cameras at Belvedere Shopping Centre
 - NOM 1262 - Assistance to generationally challenged community groups and community sporting clubs
 - NOM 1276 – Costs to Execute NOM's

Carried Unanimously

12.11 Recognition of Matthew Rizzo success at Stawell Gift 2017

(MT Chief Executive Office)

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

That a letter under seal be presented to Matthew Rizzo, in recognition of his outstanding win at the 2017 Stawell Gift Finals.

Carried Unanimously

13. NOTICES OF MOTION**13.1 NOM 1300 - Reinstatement of Full Voting Rights for Frankston City Council**

(CM Chief Executive Office)

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

That Frankston City Council writes to the Australian Local Government Association (ALGA) in relation to the Association bylaw which requires municipal member councils in Victoria to also be a member of the Municipal Association of Victoria (MAV).

Municipal councils in Victoria that are not members of the MAV are currently prevented from voting at all ALGA conferences. As Frankston City Council is not presently a member of the MAV, this bylaw effectively leaves Frankston City Council - and its 137,000 residents - disenfranchised.

Therefore, the Council formally requests that this bylaw be amended to allow all municipal councils throughout Australia to partake in voting on national matters under the ALGA umbrella regardless of state-based membership/s.

Carried Unanimously

13.3 NOM 1302 - Financial Literacy Classes

(CM Chief Executive Office)

Councillor Recommendation

That a report be provided to Council at the July Ordinary Meeting detailing the use of financial literacy classes/workshops to allow interested residents to consider methods to gain better control and understanding of their finances.

The report is to consider providers – Governmental, private and Not for Profit – who are able to appeal to residents of varying ages and societal circumstances. The report should consider areas of the municipality in high need of these classes/workshops; and how to attract residents to such classes/workshops.

The report is to also consider subsidies (by Council and local businesses such as community banks) to support such classes/workshops occurring within the municipality on a consistent basis.

Councillor Bolam sought leave of Council to amend his Notice of Motion 1302

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

That a report be provided to Council at the July Ordinary Meeting detailing the use of financial literacy classes/workshops to allow interested residents to consider methods to gain better control and understanding of their finances.

The report is to consider providers – Governmental, private and Not for Profit – who are able to appeal to residents of varying ages and societal circumstances. The report should consider areas of the municipality in high need of these classes/workshops; and how to attract residents to such classes/workshops.

The report is to also consider subsidies (by Council and local businesses such as community banks) to support such classes/workshops occurring within the municipality on a consistent basis.

That a section be made available on the FCC Website with a list of existing financial literacy programs in Frankston.

Carried

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

Against the Motion: Cr Cunial

13.4 NOM 1303 - Quality of Life / Anti Social Behaviour in the Frankston LGA

(CM Chief Executive Office)

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

1. Council officers identify the scope and costs of commissioning the preparation of a formal 'white paper' to both tiers of government detailing particulars on the type of crimes most prevalent in Frankston. The White Paper should explore potential legislative and Local Law reforms and what new funding options might be available to improve the municipality's liveability. Interested Councillors, key groups and individuals would also form a consultative group for the preparation of the paper which should include but not be limited to:
 - The status of the once successful Neighbourhood Watch program.
 - An analysis of the types of crime and crime rates currently committed in Frankston and the capacity of state legislation and local laws to respond effectively.
 - The Victorian Police regime of monitoring CCTV cameras and their consideration of the CCTV network's shortfalls.
 - A review the graffiti clauses in General Local Law Number 8 to consider potential enhancements to the Local Law and opportunities for state government grants funding.
 - Consideration of existing e referral systems and opportunities for Council's field staff, in their day to day work, to refer vulnerable people to services.

The cost of the 'white paper' should be included in the Community Development Progress report to Council's June Ordinary Meeting.

2. Council authorises the Mayor to write to the Victorian Attorney General, the Honourable Martin Pakula, congratulating him and the Government for the prohibition of synthetic psychoactive drugs such as Kronik and further seek prohibition of selling glue with mind altering effects to children under the age of 18 years using Council's Local Law Number 8, Clause 3.3 as an analogy. This would reflect the existing regulatory requirement regarding the refusal of sale of aerosol/spray canisters to those under the age of eighteen in Victoria. ('Graffiti Prevention Act 2007').
3. That Council encourages residents and ratepayers of the municipality to promote downloading (free of charge) the official 'Crime Stoppers Victoria' smartphone and the 'MyFrankston' apps which will improve reporting suspected offences to Police. Increased use of both smartphone apps will assist the Police in growing intelligence gathering and holdings. Opportunities to promote the app include council's website, Facebook webpage and in the 'What's On' printed advertisements as well as through University of the Third Age, community centres and the library.

Carried Unanimously

13.6 NOM 1305 - Ban the Bag

(MT Chief Executive Office)

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

That Frankston City Council writes to Frankston Labour MP Paul Edbrooke, Environment Minister Lily D'Ambrosio and Victorian Premier Daniel Andrews MP to lobby the Andrews Labour Government to ban single use plastic bags in Victoria.

Carried Unanimously

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

Against the Motion: Cr Cunial

Procedural Motion**Moved: Councillor McCormack****Seconded: Councillor Aitken**

That the meeting be extended to 11.30 pm.

Carried Unanimously

13.7 NOM 1307 - Bullying in Frankston

(MT Chief Executive Office)

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

That Council requests that the Frankston Youth Council consider a package of recommendations to present to both tiers of government on methods to decrease bullying. All forms of bullying – particularly ‘cyber bullying – is having a catastrophic impact on our youth. The suite of suggestions by the Frankston Youth Council return to Frankston City Council in the form of a report at the July Ordinary Meeting.

Carried Unanimously

13.8 NOM 1308 - Port of Hastings

(MT Chief Executive Office)

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

That:

1. Frankston City Council writes to the Victorian Government and Infrastructure Victoria resolving not to support a second container Port at Hastings including the following:
 - (a) Opposing any form of capital dredging, widening, or deepening of channels in Westernport Bay.
 - (b) Outlining that any change in, or continuation of, the Port of Hastings operations must result in no net loss for the economy, environment and amenity.
 - (c) Requesting that they demonstrate and justify the need and timing for a second major container port in Victoria through comprehensive, evidence based assessment, including consideration of the current port capacity in Victoria and via a national approach.
 - (d) Requesting independent research be undertaken to determine the impact on inter alia:
 - (i) coastline including increased erosion and inundation;
 - (ii) tourism and the impact on visitation;
 - (iii) fishing and the impact to the recreational fishing industry; and
 - (iv) Marine life impact including penguins and whales that enter Westernport.
2. Frankston City Council removes the Port of Hastings expansion from its advocacy program.

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

That Cr McCormack be granted an extension of time.

Carried Unanimously**Motion be put****Moved: Councillor Bolam**

That the motion be put.

Lapsed on the want of a Seconder

**The motion was then put
and Carried**

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

Against the Motion: Crs Cunial and O'Reilly

14. LATE REPORTS

Nil.

15. URGENT BUSINESS

Urgent Business – Cr O'Reilly leave of absence

Council Decision

Moved: Councillor Mayer

Seconded: Councillor Toms

That the matter of Cr O'Reilly's leave of absence be accepted as urgent business.

Carried Unanimously

Council Decision

Moved: Councillor Mayer

Seconded: Councillor Toms

That leave of absence be granted to Cr Michael O'Reilly for the period of 2 May 2017 to 1 June 2017.

Carried Unanimously

16. CONFIDENTIAL ITEMS**Council Decision****Moved: Councillor Bolam****Seconded: Councillor Aitken**

That the Ordinary Council Meeting be closed to the public to consider the following items which are of a confidential nature, pursuant to section 89(2) of the Local Government Act (LGA) 1989 for the reasons indicated:

C.1 Re-Founding of City Life

Agenda Item C.1 Re-Founding of City Life 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 Frankston Charitable Fund Grants

Agenda Item C.2 Frankston Charitable Fund Grants 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 Contract 2016/17-16 Provision of Valuation Services

Agenda Item C.3 Contract 2016/17-16 Provision of Valuation Services is designated confidential as it relates to contractual matters (s89 2d)

Carried Unanimously

The meeting was closed to the public at 11.27 pm

CONFIRMED THIS

DAY OF

2017

.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Brian Cunial, Chairperson – Council Meeting hereby authorise the use of an electronic stamp of my initials to initial each page of these Minutes of the Council Meeting held on Monday 1 May 2017, confirmed on Monday, 22 May 2017.

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(Cr. Brian Cunial, Chairperson – Council Meeting)

Dated this

day of

2017