



COUNCIL MEETING AGENDA 2019/OM1 Tuesday 29 January 2019



COUNCIL CHAMBERS

Dennis Hovenden Chief Executive Officer	Cr Michael O'Reilly Mayor	Tim Frederico Director Corporate Development
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EA to Mayor & Councillor Business Support Officer	Council Core Business Support Coordinator	Prue Digby Municipal Monitor
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Cr. O'Connor

Cr. McCormack

Cr. Cunial

Cr. Hampton

Cr Bolam

Cr. Mayer

Cr. Aitken

Cr. Toms

EMT

EMT

Guest Speaker

MEDIA

MEDIA

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. It is not possible for any visitor to participate in any Council debate unless specifically requested by the Chairperson to do so.

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

When are they held?

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

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

Governance Local Law No. 1 – Meeting Procedure

34. Chair's Duty

Any motion which is determined by the Chair to be:

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

must not be accepted by the Chair.

88. Chair May Remove

- (1) *The Chair may order and cause the removal of any person, including a Councillor, who disrupts any meeting or fails to comply with a direction, or cause the removal of any object or material that is deemed by the Chair as being objectionable or disrespectful.*
- (2) *Any person removed from the meeting under sub-clause (1) 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.

- (3) *In the event the Chair causes the removal of a Councillor from a meeting, the Chair must specify the period of time for which the removal will take effect.*

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

Live Streaming of Council Meetings

Frankston City Council has been Live Streaming Council Meetings from Monday 29 January 2018.

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 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 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. Questions may also be submitted online using the Question Time web form. "Questions on notice" are to be submitted and received by Council before 12 noon on the Friday before the relevant Ordinary Meeting.

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

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

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

- **Presentation of Petitions and Joint Letters**

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

The submissions process is conducted in accordance with guidelines which are available from the 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

ALL COUNCILLORS

NOTICE is hereby given that an Ordinary Meeting of the Council will be held at the Civic Centre, Davey Street, Frankston, on 29 January 2019 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 10 December 2018.
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**
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Nil
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Dennis Hovenden

CHIEF EXECUTIVE OFFICER

23/01/2019



Executive Summary**10.1 Update on Youth Mayor Activities**

Enquiries: (Tenille Craig: 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 provide an update to Council on the Youth Mayor's recent activities.

Recommendation (Director Chief Executive Office)

That Council notes the activities undertaken by the Youth Mayor since August 2018.

Key Points / Issues

- At its meeting on 19 February 2018, Council appointed Gerard Felipe as the Youth Mayor for 2018.
- The tenure for the Youth Mayor role is twelve (12) months.
- Throughout the Youth Mayor's term, the Youth Mayor is required to attend some Council events that are held during the year, including participation at the Frankston Youth Council Meetings.
- The purpose of the role is to advocate for the Frankston Youth by assisting Council with the identification of issues that may affect young people, developing partnerships and building connections with its youth population.
- The Youth Mayor has participated in the following community engagement and Youth Council activities since August 2018 to date:
 - Meeting with State Member for Frankston, Paul Edbrooke MP on behalf of young people.
 - Consultations with Federal Member for Dunkley, Chris Crewther MP on youth related matters.
 - Initiated the Youth Mayor's Stay Safe & Healthy Expo for the benefit for young people in the community
 - Initiated the School Captains Conference of Frankston to empower young people in the community
 - Consultations with Mayor Collin Hampton; CEO Dennis Hovenden and Mayor Michael O'Reilly regarding matters related to youth
 - Chaired monthly meetings of the School Captains Conference of Frankston with representation from seven local schools
 - Attended and was part of the panel at the Local Mental Health Forum in Frankston
 - Attended the Mayor's Family Picnic
 - Attended the Mind shop Excellence Presentation by EMC students at Frankston Council

10.1 Update on Youth Mayor Activities**Executive Summary**

- Conducted a Youth Homelessness presentation at Frankston High School
 - Attended as a Judge during EMC's 2nd Science Fair
 - Consultations with Youth Councillors on youth related matters
 - Attended the 10th Birthday Celebration of Headspace Frankston
 - Consultation with local Police officers during "Coffee with a Cop" on youth related matters
 - Attended the Frankston History Day Presentations at the Frankston Arts Center
 - Attended the Official Opening of the newly developed Frankston Train Station accompanied by Councilor's Steve Toms and Glen Aitken
 - Attended McClelland College's Media & Art Exhibition
 - Attended the 2018 Peninsula Karate Championships
 - Attended the launch of the newly constructed training café at the Frankston South Community Center
 - Meeting with Brotherhood of St Laurence's Youth Leadership Group from David Scott School
 - Attended and participated in the annual "Blessing of the Fleet" at Frankston Pier
 - Attended and participated in the Local Government Symposium on Mental Health in Melbourne City conducted by Mental Health Foundation Australia
 - Addressed Assembly at Frankston Primary School
 - Attended the SLC & International Student's Luncheon at FHS
 - Attended Reception at Government House meeting with Her Excellency, Governor Linda Dessau and Premier Daniel Andrews
 - Attended the Order of Australia: Mornington Peninsula Regional Group's Luncheon.
- The School Captains Forum, formed with representatives from local secondary schools, continued to participate in monthly forums to analyse, discuss and debate key issues affecting Frankston. The previously desired focus of youth disengagement was deliberated within these meetings, and thus led to productively engaging them in the community.
 - Throughout the numerous visits and interactions with youth, it became clear that young people have a strong desire to see more community consultations and more awareness of the opportunities available to them. It has been a common theme amongst young people that there is a strong need to have more promotion of the resources and services available to them.
 - As a result of the School Captains Forum, the Youth Mayor has successfully advocated for a Local Youth/Careers Expo, titled "Youth Mayor Stay Healthy Expo". A report was provided to Council at its November 2018 Ordinary Meeting, where it endorsed the expo, scheduled for 23 January 2019. It is acknowledged that this Expo has the potential to bring a sense of local pride amongst youth and invites them to be part of the local community, giving them further opportunity to be engaged.

10.1 Update on Youth Mayor Activities**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 three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.5 per cent for 2019-2020.

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 Youth Mayor has established a School Captains Forum which has student representatives from high schools within the municipality. This Forum provides the students with the opportunity to share ideas and to discuss any areas of concerns. It has been a good networking opportunity for these students with many sharing the same concerns/experiences.

2. Other Stakeholders

The Youth Mayor has engaged officers within the Councillors Office and Youth Services to assist in the promotion of events and scheduling of meetings for a number of the activities that have been undertaken to date.

Analysis (Environmental / Economic / Social Implications)

There are no environmental or economic implications associated with this report.

As part of the role, the Youth Mayor is required to advocate for the Youth and be able to work with Council to help find ways of making facilities and activities more accessible and youth friendly. Youth disengagement is a problem not only for the individuals concerned, but for society as a whole. When young people are unable to complete school or to move successfully either into further education or directly into employment, they face a difficult future.

Youth disengagement has been a key area of interest to the Youth Mayor and he is keen to work with the youth in the municipality and to see changes made in this area. He is working with the Youth Council on ways to help the youth in this 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

There are no legal implications associated with this report.

Policy Impacts

There are no policy or protocols that affect the decision of this report.

10.1 Update on Youth Mayor Activities**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

There are no risks associated with this report.

Conclusion

The Youth Mayor has participated in a number of activities during his term. A common theme that has been raised by the youth is the need for more engagement at an earlier age about their career path and opportunities to assist in their preparation for VCE. There has also been a number of students who are not aware of the services or resources that are available at the Youth Hangout and more promotion of the resources and services offered need to be explored.

ATTACHMENTS

Nil

Executive Summary**11.1 Planning Permit Application 405/2018/P - 111 Cranbourne Road Frankston - Use of an existing building for a supermarket and shops, alterations to the existing building and a reduction in car parking 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 the planning application to use an existing building at 111 Cranbourne Road Frankston for a supermarket and shops, alterations to the existing building and a reduction in the car parking requirements.

Recommendation (Director Community Development)

That a Notice of Decision to Grant a Planning Permit be issued to use an existing building at 111 Cranbourne Road Frankston for a supermarket and shops, alterations to the existing building and a reduction in the car parking requirements subject to the conditions contained in the officer's assessment.

Key Points / Issues

- The proposal is to use part of the existing building, currently occupied by Spotlight and Forty Winks for a 'full line' supermarket and shops. A reduction in the car parking requirements in accordance with Clause 52.06 is sought for the uses.
- The Power Centre is identified as a 'bulky goods' precinct according to the local planning policy framework and has primarily been developed for such uses.
- The proposal is considered to be consistent with State and local planning policy as it provides community benefit and achieves a balance between the objectives of the Commercial 2 Zone, preservation of the 'bulky goods' precinct and the existing activity centre hierarchy. The proposal will have limited impact on the viability of existing activity centres nearby and the existing supply of car parking onsite can reasonably cater for parking demands throughout the year.
- The submitted Economic Impact Assessment predicts that there will be no long term economic impact on nearby activity centres.

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 three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.50 per cent for 2019-2020.

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.

11.1 Planning Permit Application 405/2018/P - 111 Cranbourne Road Frankston - Use of an existing building for a supermarket and shops, alterations to the existing building and a reduction in car parking requirements**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.

The permit application fee paid to Council is \$3,973. The average cost to process a planning application is \$2,264. In this case, this represents a difference of \$1,709.

Consultation**1. External Referrals**

External referrals were not required.

2. Internal Referrals

The application was referred internally to Council's Traffic Engineering and Strategic Planning units.

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 at the frontage of the existing building

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

Analysis (Environmental / Economic / Social Implications)

The use of the existing building for a supermarket and shops will provide the local community with convenience retail facilities within a commercial precinct that primarily provides for bulky goods retailing. A supermarket use is likely to service the day to day shopping needs of the residents within the local area and therefore increase the level of activity within the commercial centre. The redevelopment of the Food Court at the Power Centre coupled with a supermarket is likely to improve the economic vitality of the centre. Potential off-site amenity impacts would need to be addressed to ensure the amenity of nearby residents is protected.

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

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

Legal

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

11.1 Planning Permit Application 405/2018/P - 111 Cranbourne Road Frankston - Use of an existing building for a supermarket and shops, alterations to the existing building and a reduction in car parking requirements**Executive Summary**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.

State and Local Policy Frameworks – Clauses 11, 12, 13, 15, 17, 18, 19, 21.03, 21.04, 21.06, 21.08, 21.10 and 21.11.

Zone and Overlays – Clause 34.02 – Commercial 2 Zone and Clause 44.05 – Special Building Overlay (part of site).

Particular provisions - Clause 52.06 – Car parking

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 particular risks associated with this application.

Conclusion

The proposal is considered to be consistent with the State and Local Planning Policies of the Frankston Planning Scheme. The Power Centre is within the broader structure plan boundaries of the Frankston MAC and is not considered to be an out-of-centre activity. The scale of the proposed supermarket within the bulky goods precinct will not undermine its longer term strategic role nor the hierarchy of activity centres. The use is unlikely to have a long term negative economic impact on nearby activity centres.

A reduction in car parking is reasonable given the existing supply on site and that any additional demand generated by the use can comfortably be catered for within the existing car parking facilities.

On balance, it is considered that the proposal can be supported and a planning permit issued subject to conditions.

ATTACHMENTS

- Attachment A:[↓](#) Zoning Map
- Attachment B:[↓](#) Locality Aerial Map
- Attachment C:[↓](#) Development Plans
- Attachment D:[↓](#) Economic Impact Assessment

11.1 Planning Permit Application 405/2018/P - 111 Cranbourne Road Frankston - Use of an existing building for a supermarket and shops, alterations to the existing building and a reduction in car parking requirements

Officers' Assessment

Summary

Existing Use	Bulky Goods Precinct
Site Area	9 ha
Proposal	Use of an existing building for a supermarket and shops, alterations to the existing building and a reduction in car parking requirements
Zoning	Commercial 2 Zone
Overlays	<ul style="list-style-type: none"> • Parking Overlay • Special Building Overlay (Part of site)
Reason for Reporting to Council	Councillor interest

Background

Subject Site

The Frankston Power Centre is situated on the corner of Cranbourne Road and Moorooduc Highway, Frankston and has been developed as a large restricted retail 'bulky goods' centre.

The Centre has been developed with large buildings on the boundaries with a central food court, surrounded by car parking.

The Spotlight and Forty Winks tenancies, proposed to be used as a supermarket and shops, forms part of the building complex located along the eastern boundary. Combined, these two restricted retail tenancies have a floor area of 6,255m² with an open building floor plan layout inclusive of back of house dispatch areas and staff amenities. Loading and unloading facilities are provided to tenancies within the eastern building complex from an access way between the building and the eastern boundary abutting Deane Street. The common access extends the full length of the building entering from Gertrude Street and exit to Cranbourne Road. There is no vehicle access from Deane Street to the east.

The Frankston Power Centre has been developed as a "restricted retail" commercial centre with both large and smaller scale tenancies, including Harvey Norman, Nick Scali, Spotlight, Forty Winks, Anaconda and the like. The total leasable floor area is 45,090m² which includes 1,000m² for food and beverage activities. The total number of existing car spaces on site is 1,320 including 429 car spaces within the basement car park underneath Harvey Norman.

11.1 Planning Permit Application 405/2018/P - 111 Cranbourne Road Frankston - Use of an existing building for a supermarket and shops, alterations to the existing building and a reduction in car parking requirements**Officers' Assessment*****Locality***

The Power Centre is situated approximately 1.3 kilometres to the east of the Frankston Station and located on the south-east corner of Cranbourne Road and Moorooduc Highway, Frankston. A service station, car wash and a number of restricted retail premises including Kathmandu & JB Hi Fi (Stage 1 Bulky Goods Precinct) are located between the subject site and McMahons Road. Bunnings Warehouse is located to the south of Gertrude Street and the land to the east has been developed for housing. The vacant land to the south-east of the site on the railway line is in the same ownership as the subject land and is in the Commercial 2 Zone.

Primary access to the site is provided via traffic signals at the intersections of Moorooduc Highway/Gertrude Street and Cranbourne Road/internal road. Secondary site access points are also available from Gertrude Street and Cranbourne Road.

The Frankston Power Centre is included within the structure plan boundaries of the Frankston MAC and is located within Precinct 10 'large format retail'.

Site History

Frankston Planning Scheme Amendments C42 and C77 were incorporated into the planning scheme at Clause 52.03 providing for the use and development of the land for the purpose of a Bulky Goods Precinct without the need for further planning approvals, providing the conditions of the Frankston Bulky Goods Precinct – Stage 2, October 2011 (as amended) were met. The Incorporated Document sought to limit the total leasable floor area of the development used for restricted retail premises to 44,090m² and the total leasable floor area for food and drink to 1,000m² at the time the Frankston Power Centre was developed in 2008.

However the above restriction does not prohibit or prevent a planning permit application being made for the use or development of the land which does not accord with the Incorporated Document.

A number of planning permits have recently been approved including approval to expand the existing Food Court to provide for an increase in the total leasable floor to accommodate the relocation of the existing Children's Entertainment Centre, a Gym, and to increase the food and drink area and restricted retail tenancies. Once constructed, this development would see a revised total provision of 1,226 car spaces.

Proposal

The proposal seeks to:

- Combine the restricted retail tenancy floor area currently occupied by Spotlight and Forty Winks for a full line supermarket with a proposed leasable floor area of 4,520m² (includes back of house and loading bay);
- Establish four (4) new shop tenancies with a combined leasable floor area of 498m²;
- Establish two (2) new restricted retail tenancies totalling 695m²;
- Reduce the existing number of on-site car spaces by seven (7) to provide for trolley bays for the supermarket;
- Undertake external works to the building façade and reconfigure the loading dock facilities;

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- Provide new business identification signage to replace existing;

The hours of operation proposed for the supermarket are 6.00 am to midnight seven days per week. The hours of operation proposed for the shops and restricted retail tenancies are 7.00 am to 9.00 pm seven days a week. The hours proposed for the delivery of goods for the supermarket and shops will be the same as the proposed operating hours.

Delivery of goods to the supermarket proposed via a new internalised loading bay to the rear of the premise from the laneway. The new shops and retail premises will be front loaded. A private waste contractor will provide waste collection services for the supermarket.

State and Local Planning Policy Frameworks

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

- Clause 11.01-1R – Settlement – Metropolitan Melbourne
- Clause 11.03-1S – Activity Centres
- Clause 15.01-2S – Building design
- Clause 15.01-4R – Healthy neighbourhoods – Metropolitan Melbourne
- Clause 15.01-1R – Urban design – Metropolitan Melbourne
- Clause 17.02-1S - Business
- Clause 17.02-2S – Out of Centre
- Clause 18.02-1S – Sustainable personal transport
- Clause 18.02-4S – Car parking

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

- Clause 21.03 – Vision and Strategic Framework
- Clause 21.04 – Settlement
- Clause 21.08 – Economic Development
- Clause 21.10 – Built Environment
- Clause 21.11 – Transport

Planning Scheme Controls

A Planning Permit is required pursuant to:

- Clause 34.02-1 – Commercial 2 Zone of the Frankston Planning Scheme for the use of the land for a supermarket as the gross leasable floor area exceeds 1800m²;
- Clause 34.02-4 – Commercial 2 Zone of the Frankston Planning Scheme to construct or carry out buildings and works;
- Clause 52.06 – Reduction in car parking requirements.

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- Clause 52.06 – Car parking

Relevant Strategic documents

- Frankston Metropolitan Activity Centre Structure Plan, April 2015

Notification of Proposal

The grounds of objection are summarised as follows:

- No “net community benefit” is delivered as the proposed uses do not improve choice, access to facilities or enhance productivity;
- The proposed uses undermine the orderly development and investment in the established hierarchy of core retail centres within Frankston;
- There is no excess demand or lack of choice/competition evident for supermarkets in the area;
- The surplus demand identified by the Applicant is marginal, is historically focussed and does not take account of changing retail behaviour such as on-line shopping;
- There is potential to impact on a range of existing local convenience supermarkets in the area and the proposal has the potential to limit future re-investment in designated activity centres.

A Residents Discussion Meeting was not held.

Internal Referrals**Strategic Planning**

Council’s Strategic Team provided the following comments (as summarised):

- Concerns were raised regarding the appropriateness of a retail use, in particular a full line supermarket within an area designated as a ‘bulky goods’ precinct.
- Planning Scheme Amendment C124 proposes to rezone the southern portion of land from a General Residential Zone to a Mixed Use Zone. This was based on discussions and submissions by the owner/applicant for the use and development of this land for a supermarket and high density residential development.
- Relocation of Spotlight, a restricted retail premise, to the land to be rezoned Mixed Use Zone is not consistent with the intent of the Mixed Use Zone.

Traffic Engineer

Council’s Traffic Engineer does not object to the proposal and provided the following comments (as summarised):

- Based on the Traffic and Transport Assessment there is no objection to the reduction in car spaces as proposed.
- Plans should clearly show the location for the trolley bays and the deletion of the car spaces.
- Loading requirements meet relevant standards and swept paths of the truck movements demonstrate a 19m semi-trailer and 12.5 SU Truck can satisfactorily navigate the loading bay.

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- The Cardno August 2018 report does not address the frequency of deliveries for the new use which is expected to have more regular loading activities. An updated report was submitted providing this information.
- Access by heavy vehicles to the loading bay should be indicated on the plan with ingress via Gertrude Street (west from Moorooduc Highway) and egress via vehicles access (north onto Cranbourne Road. The laneway at the loading dock is on-way.
- The existing bulky goods operating hours are lesser when compared to the proposed supermarket under existing planning permits. The extended delivery hours have the potential to impact on the amenity of residents nearby.

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

State planning policy supports the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies (Clause 11.03-1S - Activity centres). State planning policy also encourages a city of 20-minute neighbourhoods where every day needs of people can be met within a 20 minute walk, cycle or local public transport trip from their home (Clause 15.01-4R – Healthy neighbourhoods).

The Power Centre forms part of the Frankston MAC and therefore the proposed use does not constitute an out-of-centre activity (Clause 17.02-2S). Some community benefit will be derived from the use of the existing building for a full-line supermarket through the offering of a wide range of food and groceries within close proximity to the existing residential area. The scale of the proposed supermarket as the only supermarket in the bulky goods precinct is unlikely to undermine the strategic intent and purpose of the precinct nor will it have any meaningful impact in terms of the hierarchy of the activity centres or long term economic impact on these centres.

Is there strategic support for the proposal?

The Frankston Power Centre is situated within the Frankston Metropolitan Activity Centre structure plan boundaries and identified as an area for 'bulky goods' according to Clause 21.08 of the Municipal Strategic Statement. The Frankston MAC structure plan includes the site within Precinct 10 – Large Format Retail.

This precinct is described as:

The Large Format Retail Precinct provides a location for bulky goods stores that are complementary to the retail and commercial core of the City Centre. The Power Centre will continue to play an important role in the economy of Frankston by providing large format retailing that is conveniently accessed.

The objective for this precinct is:

To provide a location for bulky goods retailing and associated commercial and business activities.

The Frankston Power Centre is not identified as an 'activity centre' in the Strategic Land Use Framework Plan at Clause 21.03 or the Economic Development Framework Plan at Clause 21.08 and not considered as an 'activity centre' in the hierarchy of activity centres for the municipality as it is contained within the boundaries of the structure plan of the Frankston MAC.

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The Frankston Power Centre is situated at the outer edge of the Frankston MAC, approximately 1.3 km from the retail core and located near the Monash University (south) and Frankston Hospital (east) with land use beyond the FMAC structure plan boundaries being primarily residential. The Frankston Power Centre is considered to play a complementary role to the Frankston MAC in providing a location for restricted retail activities as the core land use activities within the centre.

However, its role as a 'bulky goods' precinct does not preclude consideration being given to the use of part of the site for a supermarket as the objective for the precinct is to consider other uses including 'associated commercial and business activities' in addition to bulky goods retailing.

Planning Scheme Amendment C124 proposes to rezone a vacant parcel of land located to the south-east of the Power Centre from General Residential Zone to Mixed Use Zone.

The purpose of the rezoning was to enable the site to be developed for a supermarket combined with higher density form of residential development once the land was rezoned, as under the current residential zone a supermarket use is prohibited.

Amendment C124 has been adopted by Council and is currently awaiting approval by the Minister for Planning and therefore can be considered to be a seriously entertained strategic document.

Amendment C124 does not propose any changes to the land within the boundaries of the Power Centre by way of rezoning or change to the strategic land use as a 'bulky goods' precinct.

The recent changes to the Commercial 2 Zone by Amendment VC100 facilitates retail in other locations by allowing small supermarkets as of right and larger full line supermarkets subject to planning approval.

The Commercial 2 Zone allows the use of land for a small supermarket up to 1800m² as-of-right which must have access to an arterial road. If the leasable floor area of a proposed supermarket exceeds this threshold then planning approval is required.

The Commercial 2 Zone encourages, amongst other things, bulky goods retailing, other retail uses, and associated business and commercial services providing such uses do not have an unreasonable impact on the amenity and safety of sensitive uses nearby.

The main source of potential impact from the proposed use on the amenity of the nearby residents is considered to be the extended operating hours of the supermarket (6.00am to midnight) whereas the existing businesses currently close at 9.00 pm, and an increase in the frequency of deliveries and the number of deliveries made outside normal business hours.

It is considered that any potential impact on the amenity of sensitive uses can be managed by way of conditions that reduce the hours of operation and for delivery of goods to the supermarket. It is also recommended that an audit report of the existing acoustic barrier be required as a condition of permit and any upgrading of the existing acoustic barriers be facilitated prior to commencement of the proposed use, as discussed in the car parking section.

Will approval of a supermarket undermine the strategic intent of the precinct?

The Frankston Power Centre is Frankston's largest restricted retail centre in the municipality with a total gross leasable floor (GLA) area of 44,678m².

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A breakdown of the existing gross leasable floor area for the Frankston Power Centre is shown in the table below - this does not include land uses beyond the subject site such as Bunnings or the Homemaker Centre.

Land Use			Existing GLA
Restricted Tenancies	Retail/Trade	Supplies	43,688m ²
Food and Drink Premises			212m ²
Children's Entertainment Centre			778m ² (180 patrons)
TOTAL			44,678m ²

The works allowed by recent planning approvals will see a small increase in the overall GLA to 47,749m² with an increase in the leasable floor area of Food and Drink Premises, the provision of a gym and an increase in the floor area allocated to the Children's Entertainment Centre.

The area identified as the "bulky goods" precinct in the planning scheme also includes other large format restricted retail operators surrounding the subject site, including Bunnings to the south, a Homemaker Centre to the east and a service station with car wash, Subway and a convenience store.

A masterplan has been prepared by the applicant which proposes the redevelopment of the Power Centre in three stages. The first stage is to alter the Food Court building and reconfigure the car park in accordance with existing planning approvals. The second stage is to replace Spotlight and Forty Winks with the supermarket and shops. The third stage proposes the development of the vacant land to the south with a large building to enable the relocation of Spotlight, which would be subject to planning approval.

The combined gross leasable floor area of the full line supermarket and four shops is 5,018m². This represents 8.9% of the total gross leasable floor area of the Power Centre which is considered a relatively small percentage of the whole site being proposed for retail use.

It is considered that a small portion of the site being used for a discrete type of retail use such as a supermarket would not undermine the intent and integrity of the broader planning land use objectives to sustain and retain a 'bulky goods' precinct as the majority of the leasable floor space remains as restricted retail.

Is the proposal an 'out of centre' activity?

The Power Centre is situated within the structure plan boundaries of the Frankston MAC and is located 1.3 km from the retail core and on the extreme edge of the activity centre. It is clear by its designation as a bulky goods precinct that it is not intended to operate as a separate activity centre in its own right but performs a complementary role at the edge of the Frankston metropolitan activity centre, which as a metropolitan activity centre services the needs of a regional population within the Mornington Peninsula.

Although it is only the supermarket component that requires planning approval (restricted retail premises and shop (*subject to meeting the conditions*) are as of right), the proposal comprises a number of complementary land uses that are all "retail" according to the planning scheme.

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The proposal is considered to be consistent with Clause 17.02-2S in that it complies with the strategic direction to give preference to locations in or on the border of an activity centre for expansion of single use retail, commercial and recreational facilities.

Does the supermarket offer any net community benefit?

Clause 17.02-2S only requires consideration to be given to 'net community benefit' where land use proposals are 'out-of-centre'. In this case, where a proposal is considered to be within or on the border of an activity centre the test of net community benefit would not strictly apply.

Notwithstanding the above, it is considered the proposed supermarket would provide improved access to a range of convenience shopping in a location that is serviced by public transport and close to existing residential development. In fact, many residents are within 400 metres walking distance of the Power Centre and the provision of a supermarket would enable improved pedestrian access to a range of day to day shopping opportunities for local residents.

A full line supermarket will offer a greater range of consumable and non-consumable goods as opposed to a smaller scale convenience store or local milk bar.

Some refurbishment of the existing building is proposed with a focus on enhancing the appearance of the façade. While no specific public realm improvements are proposed as part of this proposal, the proposed upgrading of the Food Court includes indoor and outdoor dining areas inclusive of landscaping. Once constructed this will provide an attractive environment for local residents to meet and socialise.

What impact will the proposal have on the hierarchy of activity centres?

It is unlikely that a supermarket of the scale proposed, located within a bulky goods precinct, will have any adverse impact on the network of hierarchy of activity centres within the immediate area or the municipality. However, it will be important that the extent of retail activities is limited within the Power Centre to ensure that the purpose and intent of the Centre as a bulky goods precinct remains into the future.

The applicant has provided an Economic Impact Assessment. This assessment provides an analysis of the demand and need for a supermarket on the proposed site.

The EIA report identifies that there are 18 supermarkets within the municipality with a total floor space of approximately 45,440m², representing an average provision rate of 324m² per 1,000 residents across the municipality. Woolworths has six existing supermarkets with a total floor area of 22,820m² and Coles has four existing supermarkets with a total floor area of 12,500m². Aldi (4 supermarkets), IGA (5 supermarkets) and one Foodworks store share the remaining floor space. Woolworths and Coles have a 77% share of the existing floor space and market share.

The scale of the proposed supermarket use at 4,520m² is not excessive and is similar in size to the existing two 'full line' Woolworths supermarkets operating at the Karingal Hub Shopping Centre.

Council has recently approved a major redevelopment of the Karingal Hub Shopping Centre which is the only 'major activity' category centre in the municipality.

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This expansion allows for an increase of 13,531m² of additional retail floor space, a Town Centre, a restaurant and community spaces. Part of the additional retail floor space comprises of a supermarket with a floor space of 5,684m² increasing the total floor space of supermarket use within the shopping centre to around 12,000m². The expansion of the Karingal Hub Shopping Centre results in a total retail floor area in the order of 55,530m² and will connect the existing two separate commercial hubs. The redevelopment of the shopping centre will create a centre that will offer a wide range of entertainment, commercial and retail activities and provide a place for the community to congregate for social activities.

The Bayside Shopping Centre is the core retail area of Frankston MAC with approximately 90,500m² floor space, anchored by Myer, Target, Kmart, Coles and Woolworths. A Hoyts cinema complex, retailing comprising of a wide range of cafes, restaurants, office and commercial activities fan out from the core retail centre in all directions supporting the regional role of the metropolitan activity centre.

Both the Frankston MAC and Karingal Hub Shopping Centre offer an extensive array of goods and services to a local and regional population, consistent with higher order activity centre.

Given the scale and role of the metropolitan and major activity centres above, the approval of a supermarket as proposed is not considered to have any implications in terms of hierarchy of activity centres in Frankston.

Is there a demonstrated demand and need for such a use in this location?

The EIA provided by the applicant relies on a continued estimated population growth of 0.7% with forecasts of growth in population in the catchment area from 75,087 (June 2018) to more than 80,000 by 2027.

The EIA report for Food and Groceries, forecasts an average growth rate of 2.2% per annum over the next 9 years to reach \$546.7 million by 2027 based on the anticipated population growth and spend per capita growth. The report states that this represents an increase of \$95.6 million in annual spending on the types of products sold at supermarkets and underpins demand for additional supermarket floorspace in the area for at least two supermarkets of the scale proposed.

In terms of trading impacts, the EIA report at page 20 states:

".....the most significant nominal effects are likely to be experienced by major shopping locations such as Bayside Shopping Centre and Karingal Hub where the closest existing full-line supermarkets are located.

When measured in percentage terms these effects on the major centres are relatively small. The largest proportional impact is likely to be experienced by the nearby Towerhill Shopping Centre which contains a Ritchies IGA supermarket, at -9% of sales.

The average impact across centres within the catchment (excluding the effect of the additional sales at Frankston Power Centre) is forecast to be -2.2%.

This level of impact represents approximately one year of local spending growth and, in this context, is modest and within the limits expected in a properly functioning retail system.

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Shopping centres such as Bayside and Karingal Hub will continue to accommodate their full-line supermarkets and will be largely unaffected. Other local centre within proximity to the site will experience some level of impact, but would continue to play roles as small neighbourhood centres serving the convenience needs of local residents."

While there may be some initial economic impact in the short term, this is considered to be relatively modest and within the limits expected in a properly functioning retail system.

Car parking

Car parking requirements

Clause 52.06- Car parking sets out the car parking requirements for new uses.

The purpose of Clause 52.06 is (amongst others):

- *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 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.*

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

Proposed use	Leasable Floor Area	Statutory Rate Column B - PPTN	Statutory requirement	Proposed parking provision
Supermarket	4,165 m ²	5 spaces/100m ² leasable floor area	208 spaces	0
Shops	498m ²	3 spaces/100m ² leasable floor area*	14 spaces	0
Restricted Retail	695m ²	2.5 spaces/100m ² leasable floor area	17 spaces	0
TOTAL			239 spaces	0

* Applies the car parking rate of Clause 45.09 – Parking Overlay as the site is within the FMAC structure plan boundaries.

When the Power Centre was originally approved as a bulky goods precinct, a car parking rate of 2.9 car spaces/100m² leasable floor area was applied to the restricted retail floor space.

When calculating a car parking credit for the existing Spotlight and Forty Winks restricted retail uses, it is considered that the rate of 2.9 car spaces/100m² leasable floor area should apply in lieu of the current car parking rate of 2.5 spaces/100m² leasable floor area, as this is the rate applied at the time the development and use was approved.

Based on the above rate, a credit of 155 car spaces would apply (5358m² x 2.9 spaces/100m² leasable floor area) leaving a car parking requirement for 84 car spaces.

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The applicant is seeking a reduction in the car parking requirement for the new uses based on the existing supply of parking for the centre.

Further to this, seven (7) existing car spaces will be required to be removed to facilitate the provision of trolley bays within the car parking area close to the proposed supermarket use. The plans will be required to be modified to clearly show the car spaces to be removed for the provision of trolley bays should the proposal be supported.

Presently there are 1,320 car spaces within the car parking area. The removal of seven (7) car spaces will reduce the existing supply of car spaces to 1,313. This reduction is considered to be minor in nature and have no material impact on the overall supply of car parking.

The previous approval of the expansion of the Food Court will see a further reduction in car parking facilities by the removal of 101 existing on-site car spaces once the development has been completed.

The applicant relies on the Traffic and Transport Assessment prepared by Cardno dated August 2018, in particular the car parking occupancy surveys carried out to determine existing parking demands for the site. The data collected by the surveys which have been undertaken in September 2018, identified that 50% or in the order of 600 car spaces of the existing car parks were vacant at peak times on both the Friday and Saturday survey days. This is consistent with the data collected from previous surveys undertaken on an annual basis for the past three years.

The Cardno report has also made an empirical car parking assessment of demand based on case study data collected from large restricted retail centres operating within metropolitan Melbourne and based on this data have identified that there would be a surplus of about 300 car spaces based on the supply of 1,219 car spaces within the centre.

As a result of the surveys and the empirical car parking assessment, the Cardno report identifies that there is sufficient spare capacity to cater for the anticipated peak demand generated by the proposed uses.

Council's Traffic Engineers were satisfied that a reduction in car parking could be supported on the basis of the analysis presented in the Cardno report.

The Parking Overlay now applies to the site which benefits from the reduced rates for the shop use only.

This overlay allows Council to seek a financial contribution in lieu of the provision of car spaces being provided on site as required under the planning scheme (Clause 45.09 and 52.06).

In this case, it is considered that it would be inappropriate to seek such a financial contribution for the reduction of any car spaces given the existing supply on-site. This is on the basis that the anticipated demand generated by the proposed uses can be easily accommodated within the existing car parking facilities within the centre. Accordingly there will not be overspill parking demand which would be required to be absorbed into public car parking facilities (and accordingly no nexus to require a financial contribution to new public parking facilities).

Loading

It is proposed to utilise the existing access and loading bay arrangements that currently exist for the restricted retail uses for the proposed supermarket.

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Some upgrading of the existing loading bay facilities is proposed. The reconfiguration of the loading bay will comprise an internalised new heavy vehicle loading docking area that includes a supermarket scissor lift, a new compactor facility and waste storage area.

Hours proposed for the delivery of goods to the supermarket are the same as the operating hours (6.00 am to midnight). In support of this proposal, the applicant has provided further information from Cardno in relation to the frequency and number of anticipated deliveries and expected timing of deliveries to the supermarket based on data from a number of case studies.

Based on this data, the report anticipates that the supermarket and shops will generate up to 28 deliveries per day, including 22 deliveries during business hours (8am to 6pm).

In addition, an acoustic report prepared by Clarity Acoustics has been submitted. This report indicates that the relevant noise criteria for the proposed supermarket use are predicted to be met. The report also recommends a full audit of the existing acoustic wall be undertaken.

The proposed supermarket use has the potential to impact on the amenity of the dwellings to the east as the supermarket hours of operation are beyond the existing opening and closing hours of the Centre. The proposed use will also increase the frequency and hours for deliveries to midnight.

Given the close proximity of the residential properties and that the existing hours of operation and deliveries are generally restricted to between 9.00am and 9.00pm, it is considered that the hours for the supermarket use and for the delivery of goods to the supermarket should be restricted to operate from 6.00am to 10.00 pm. This is a reasonable compromise given the proximity of residential properties to what is an existing commercial centre.

It is also recommended that a condition be included, should a permit be issued, that requires a full audit and the findings of this audit implemented for the acoustic barrier along the eastern boundary as it is currently in need of maintenance.

Cultural Heritage Management Plan

While the subject site is located within an area of Aboriginal Cultural Heritage Sensitivity, the proposed use of the land for a supermarket and shops does not trigger the need for a Cultural Heritage Management Plan.

Conclusion

The proposal is considered to be consistent with the State and Local Planning Policies of the Frankston Planning Scheme. The Power Centre is within the broader structure plan boundaries of the Frankston MAC and is not an out-of-centre activity. The scale of the proposed supermarket within the bulky goods precinct will not undermine its longer term strategic role nor the hierarchy of activity centres. The use is unlikely to have a long term negative economic impact on nearby activity centres.

A reduction in car parking is reasonable given the existing supply on site and that any additional demand generated by the use and comfortably be catered for within the existing car parking facilities.

On balance, it is considered that the proposal can be supported and a planning permit issued subject to conditions.

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That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 405/2018/P for Use of part of an existing building for a Supermarket and Shops, alterations to the existing building and a reduction in car parking requirements at 111 Cranbourne Road, Frankston, 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 identified as Buchan, Project 715136, 13/06/18, A-DA-0000-002, A-DA-0300, A-DA-1000, A-DA-1200, A-DA-2000, A-DA-3000-1, A-DA-7000-2, Revision A, but modified to show:
 - (a) Provision of public seating internally within the building, as well as externally near the entrance points to the building;
 - (b) Provision for trolley bays and removal of the seven car spaces;
 - (c) An Audit Report in accordance with Condition 20;
 - (d) A Waste Management Plan in accordance with Condition 18.

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.

Use

3. The hours of the use of the Supermarket are restricted to 6.00 am to 10.00 pm, daily.
4. The hours of the use of the shops and restricted retail premises are restricted to 7.00 am to 9.00 pm, daily.

Floor area

5. The maximum leasable floor space of the Supermarket must not exceed 4552m².
6. The combined total maximum leasable floor space of the shops must not exceed 500m².

Amenity

7. 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.
8. The approved use must not cause any nuisance or annoyance to persons beyond the land because of the emission of noise or otherwise to the satisfaction of the Responsible Authority.
9. Noise emitted from the premises must not exceed limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. SEPP N-1.
10. The amenity of the area must not be detrimentally affected by the development

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and/or use through the:-

- a) Transport of materials, goods or commodities to or from the land;
- b) Appearance of any building, works or materials;
- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
- d) Presence of vermin;
- e) In any other way.

Loading and Unloading

11. The loading and unloading of goods from vehicles must only be carried out on the land, within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land.
12. The loading and unloading of goods from vehicles to the supermarket use must be undertaken within the designated loading bay to the rear of the building.
13. Access by articulated vehicles to the loading bay must ingress via Gertrude Street (west from Moorooduc Highway) and egress via the laneway to the east onto Cranbourne Road.
14. The hours for the loading and unloading of goods to the supermarket are restricted to between 6.00 am to 10.00 pm, daily.
15. The hours for the loading and unloading of goods to the shops is restricted to between 7.00 am to 9.00 pm, daily.

Drainage

16. Prior to use of the building hereby permitted, all works required for the removal of car spaces and provision of trolley bays, loading bays, access lanes and paths as shown on the endorsed plans must be completed to the satisfaction of the responsible authority.

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

17. 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

Waste Management

18. All waste generated by the supermarket and shop uses must be managed in accordance with an approved Waste Management Plan and collected by a Private Waste Contractor to the satisfaction of the responsible authority.
19. The collection of waste by the Private Waste Contractor must not take place between the hours of 10.00 pm to 6.00 am, daily.

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20. Prior to the commencement of the use, a full audit of the existing barrier along the eastern property boundary must be undertaken and the Audit Report submitted to the satisfaction of the responsible authority.
21. Prior to the commencement of the use, the finding of the Audit Report must be undertaken and works for the repair or replacement of the acoustic barrier along the eastern boundary must be completed to the satisfaction of the responsible authority.

Satisfactorily Completed

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

Permit Expiry

23. 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 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.

Town Planning Application 405/2018/P - 111 Cranbourne Road, Frankston

Subject site 

Objectors - ISPT Pty Ltd - "Karingal Hub" 330 Cranbourne Rd, Frankston VIC 3199 



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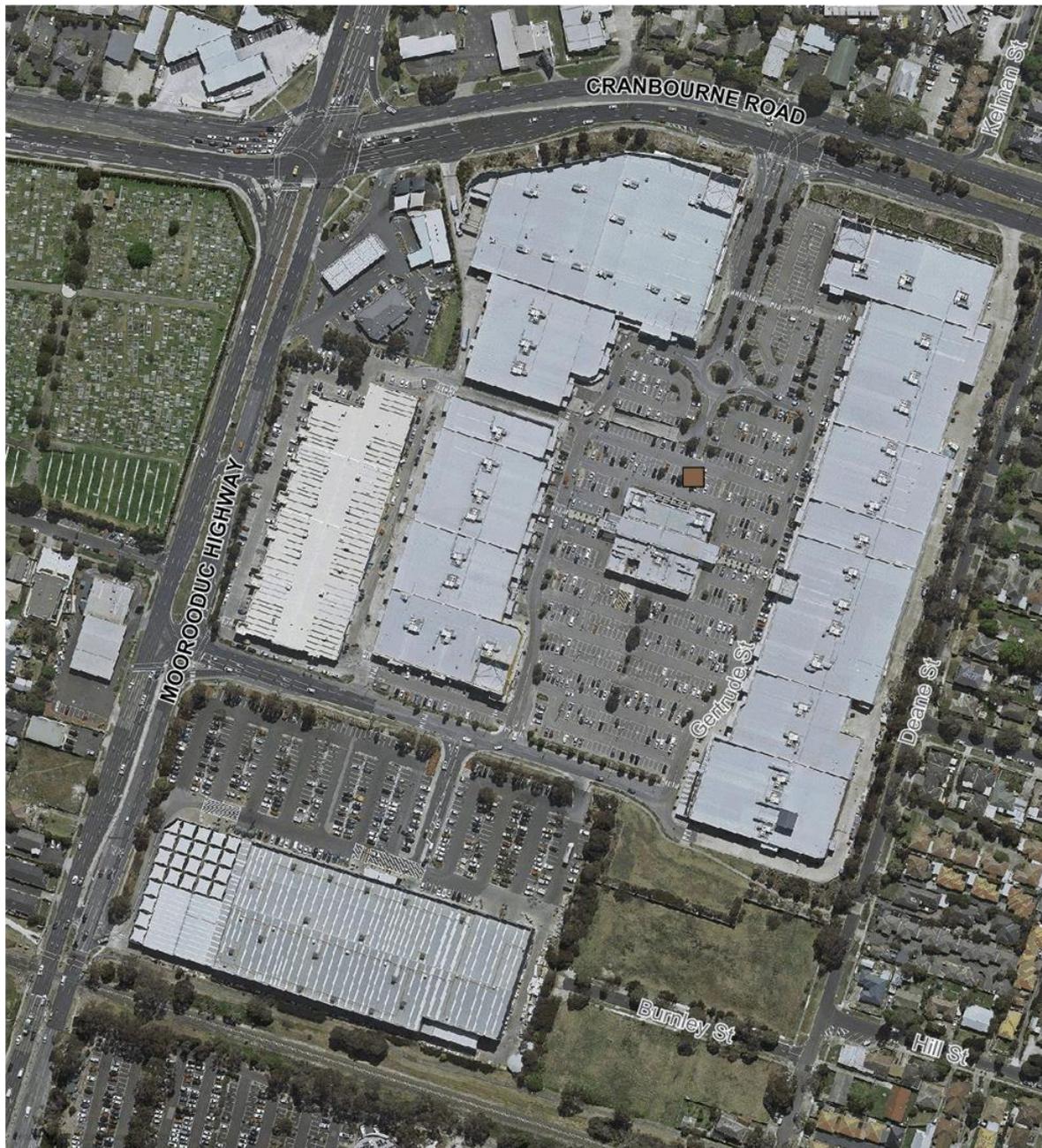
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FRANKSTON POWER CENTRE

SUPERMARKET REDEVELOPMENT

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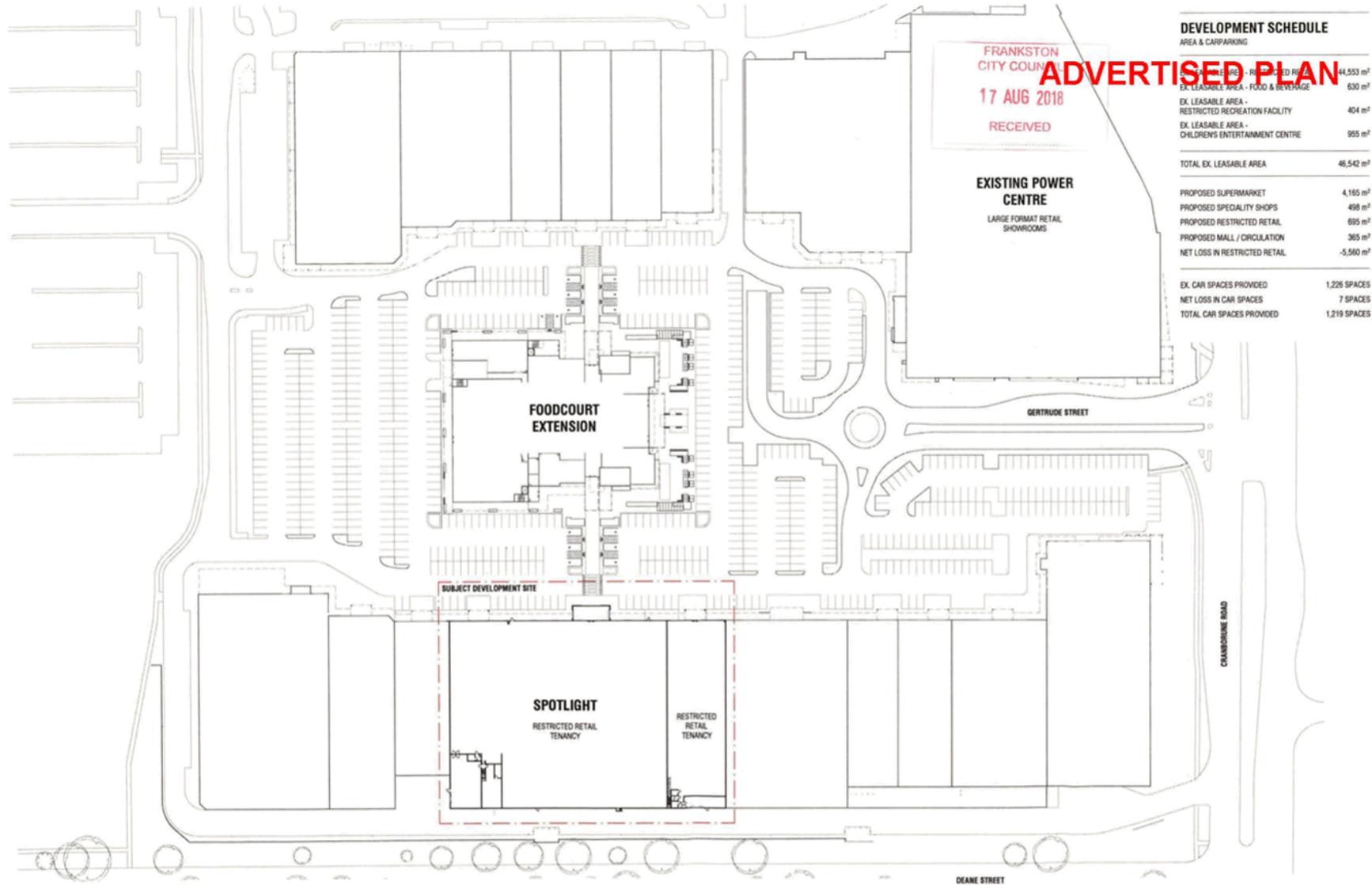
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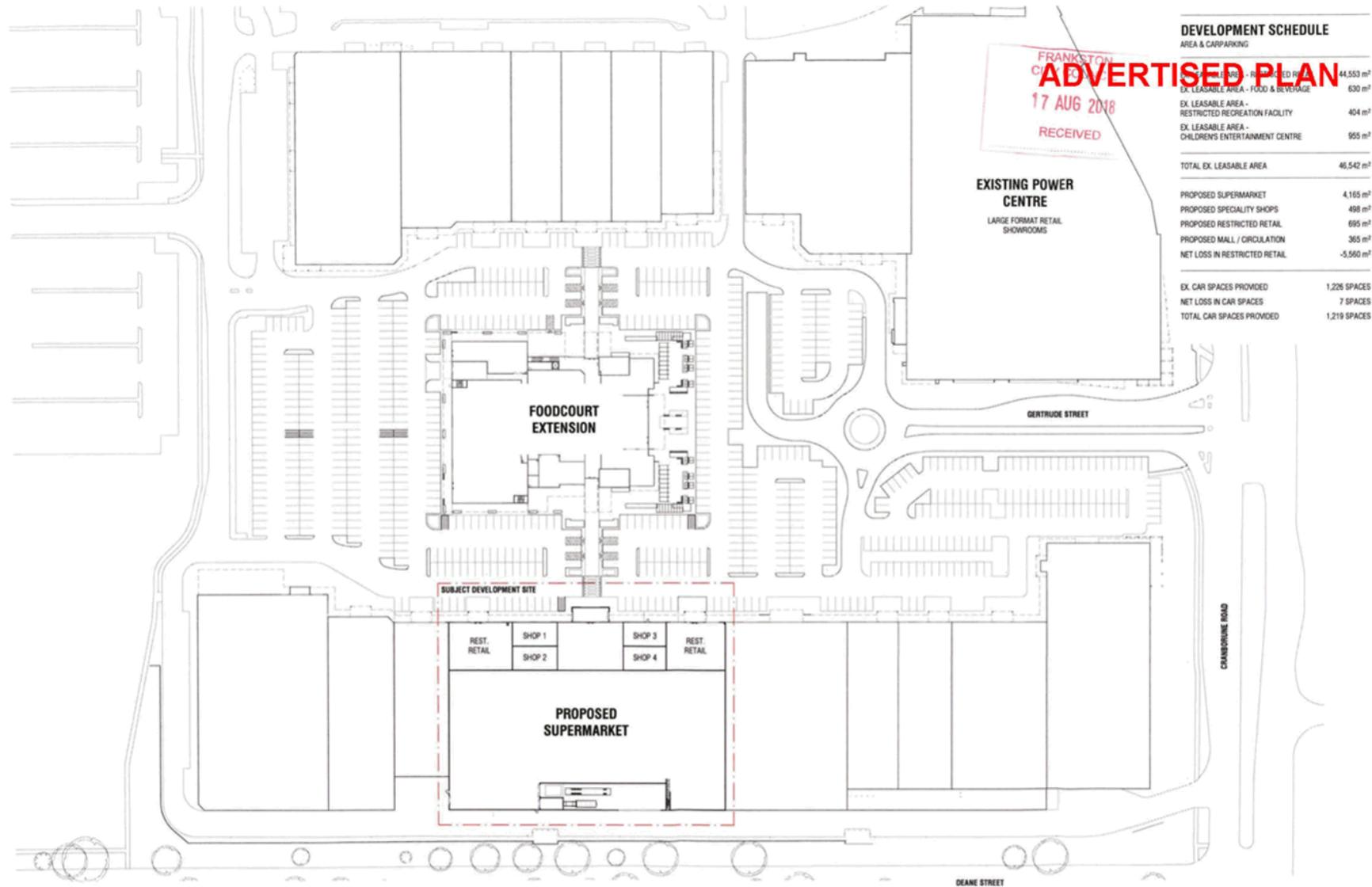
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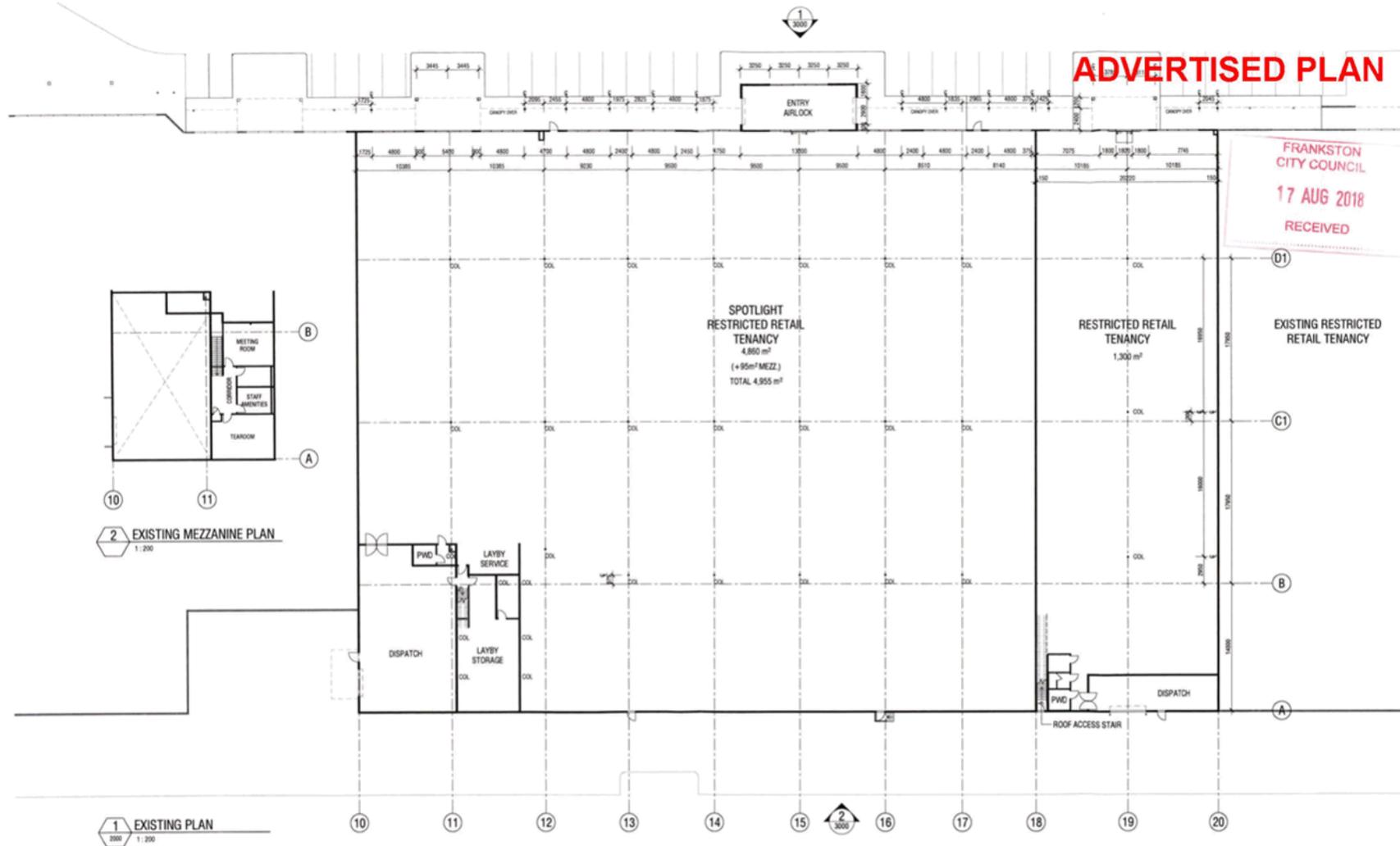
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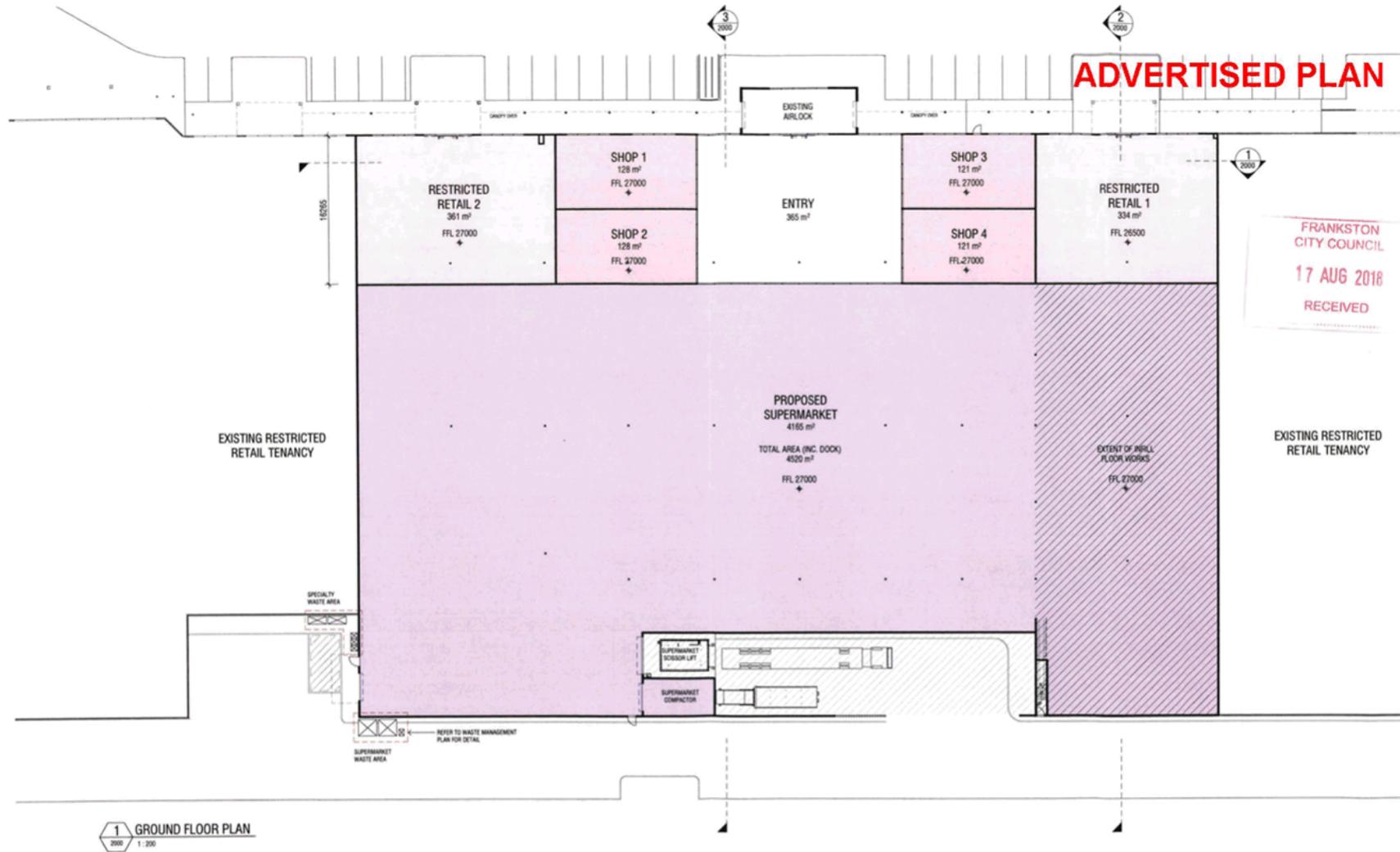
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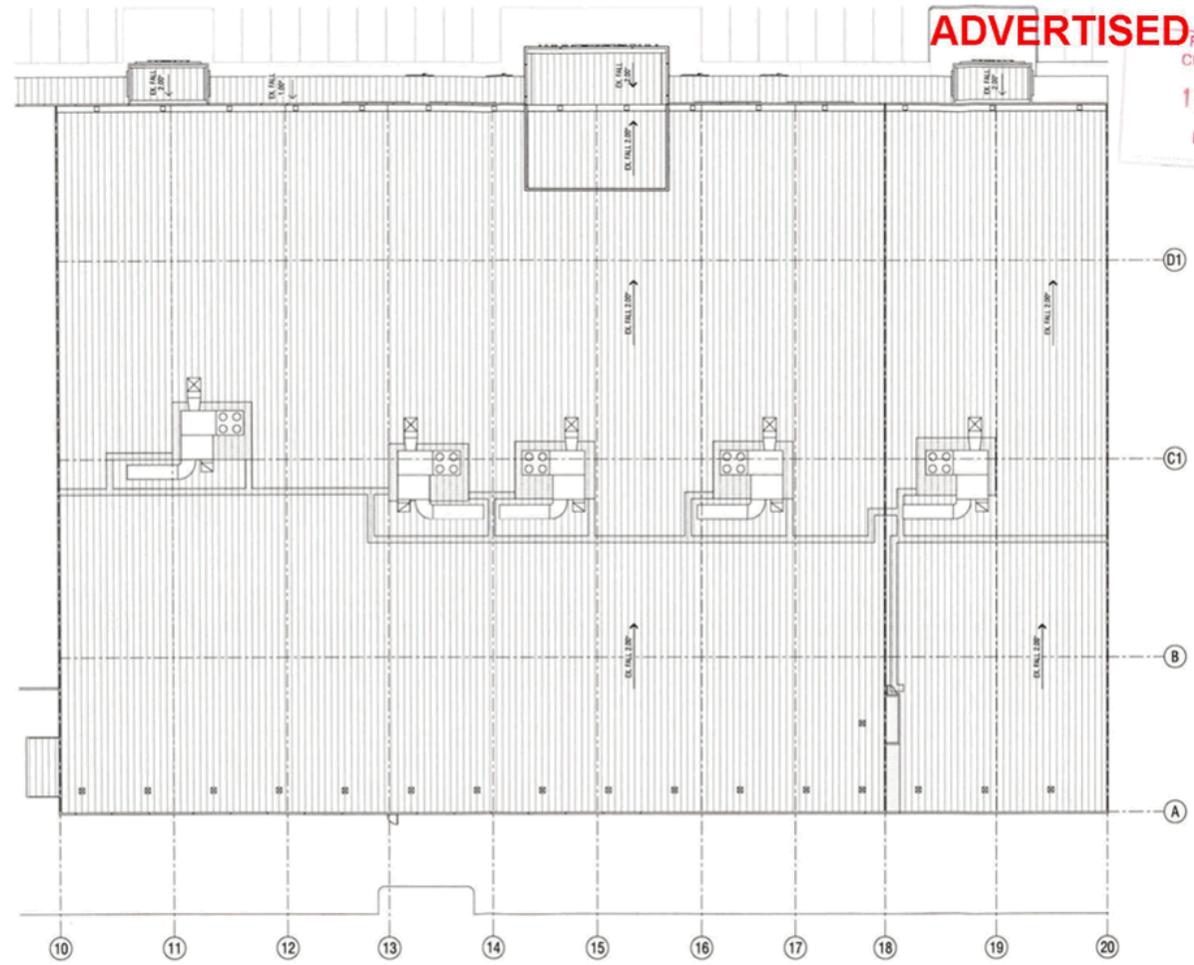
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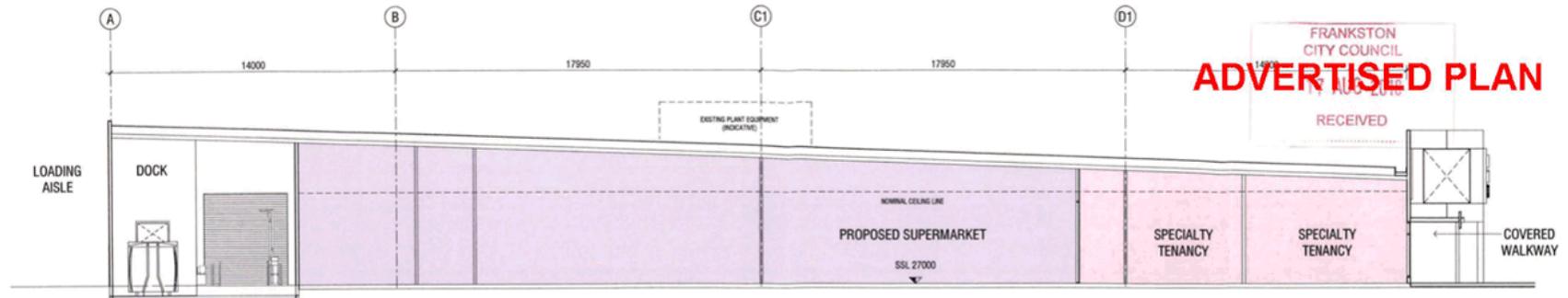
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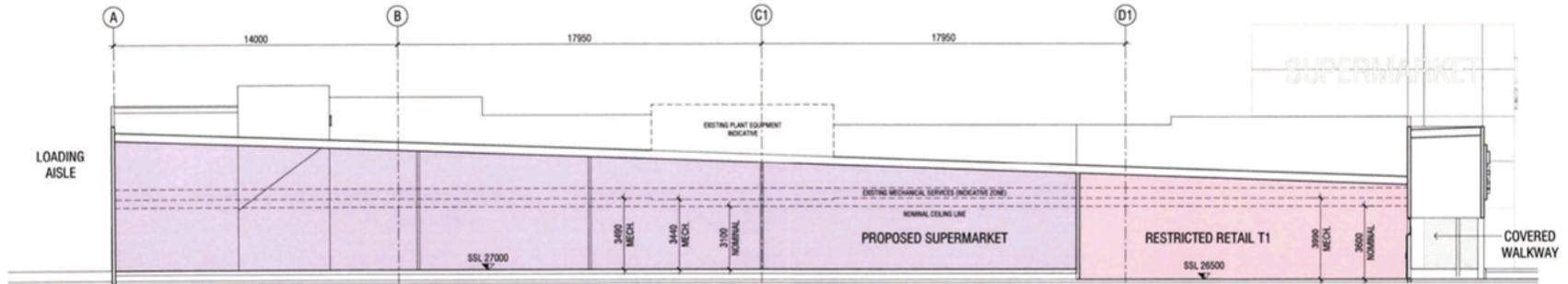
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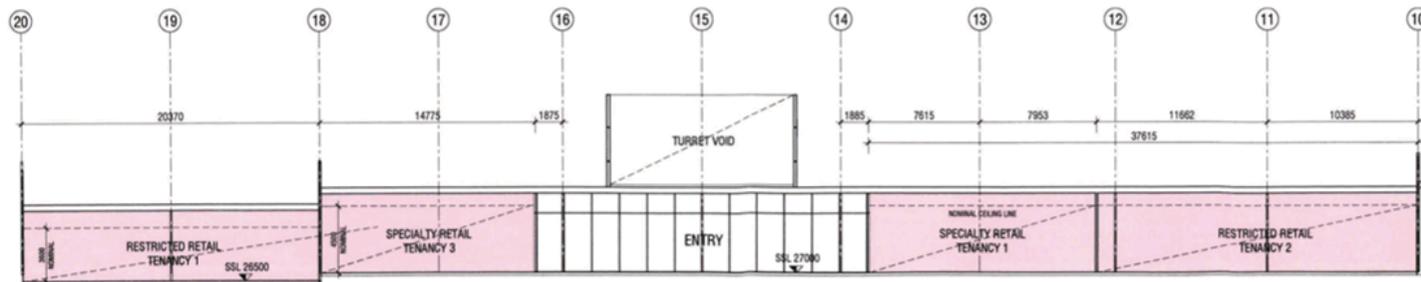
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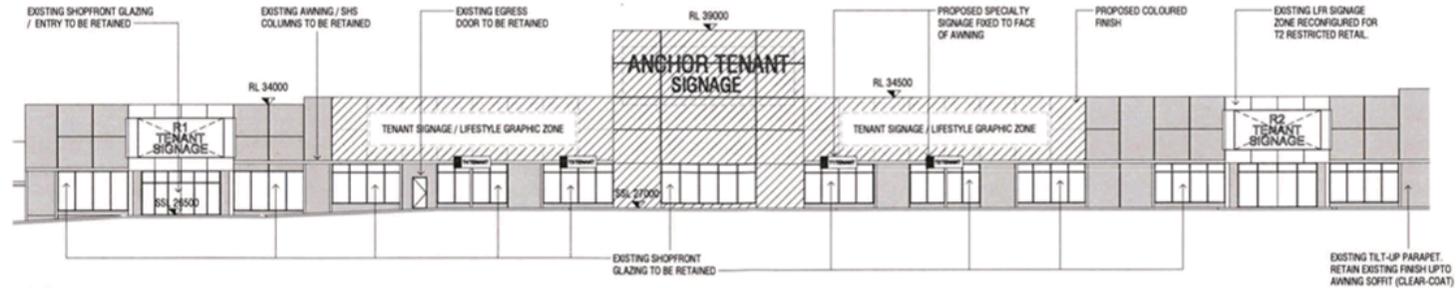
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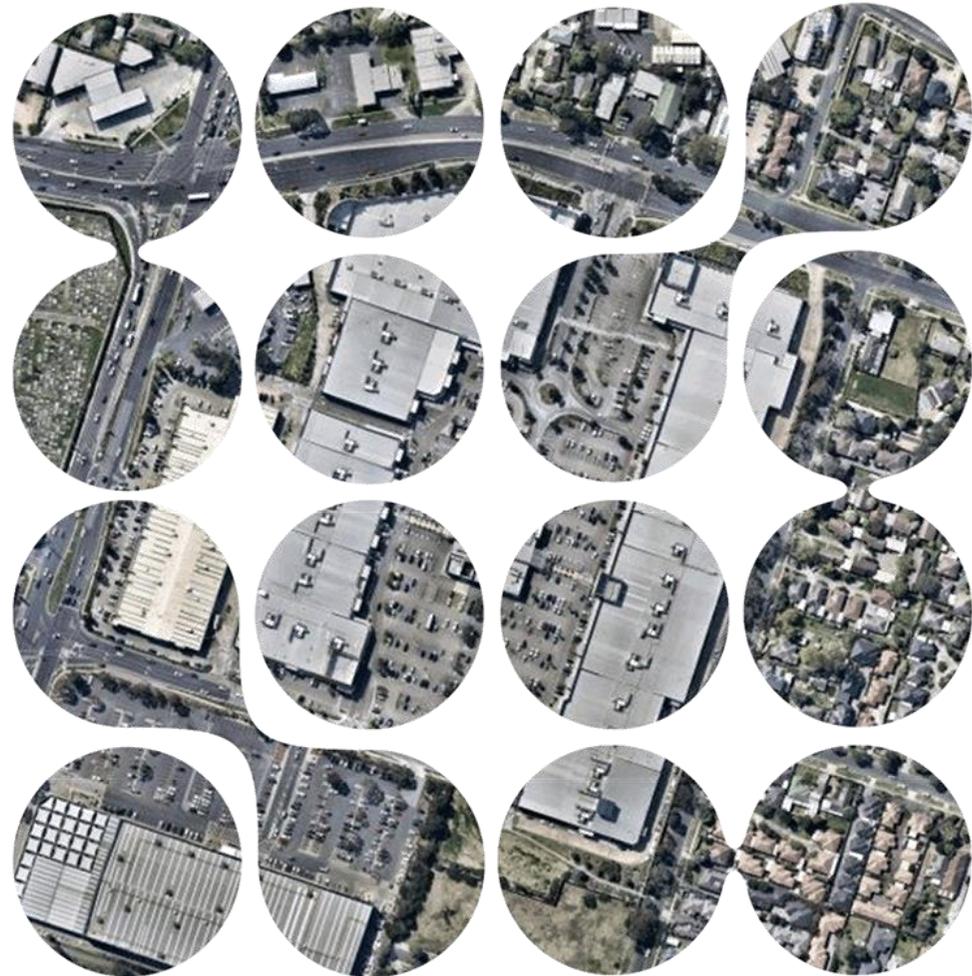
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Frankston Power Centre Redevelopment

Economic Impact Assessment

Spotlight Property Group
17 December 2018



Deep End Services

Deep End Services is an economic research and property consulting firm based in Melbourne. It provides a range of services to local and international retailers, property owners and developers including due diligence and market scoping studies, store benchmarking and network planning, site analysis and sales forecasting, market assessments for a variety of land uses, and highest and best use studies.

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Document Name

Spotlight Property Group - Frankston Power Centre
redevelopment EIA - 17 Dec 18

Assumptions and data sources

All spending data includes GST and is expressed in future dollars.

Sources include:

Australian Bureau of Statistics

- 2016 Census
- Dwelling approvals, 2011/12-2015/16
- Estimated resident population updates, 2012-2017

Blueprint Australia

- Site masterplan package

Deloitte Access Economics

- Spend per capita estimates and forecasts by category, 2012-2026

Forecast.id

- Small area population projections, 2018-2027

Market Data Systems

- MarketInfo retail spending propensity by category, 2011/12

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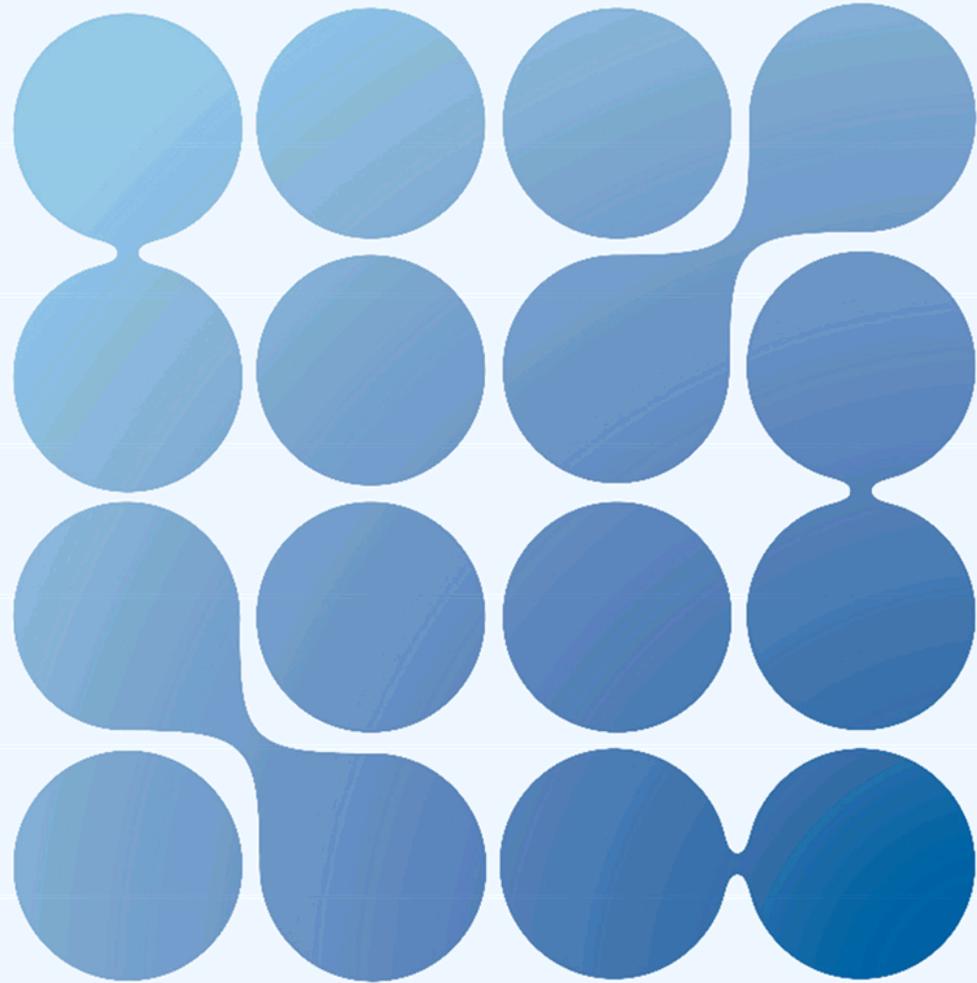
This report should be read in its entirety, as reference to part only may be misleading.

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1

Introduction



1.1 Regional context

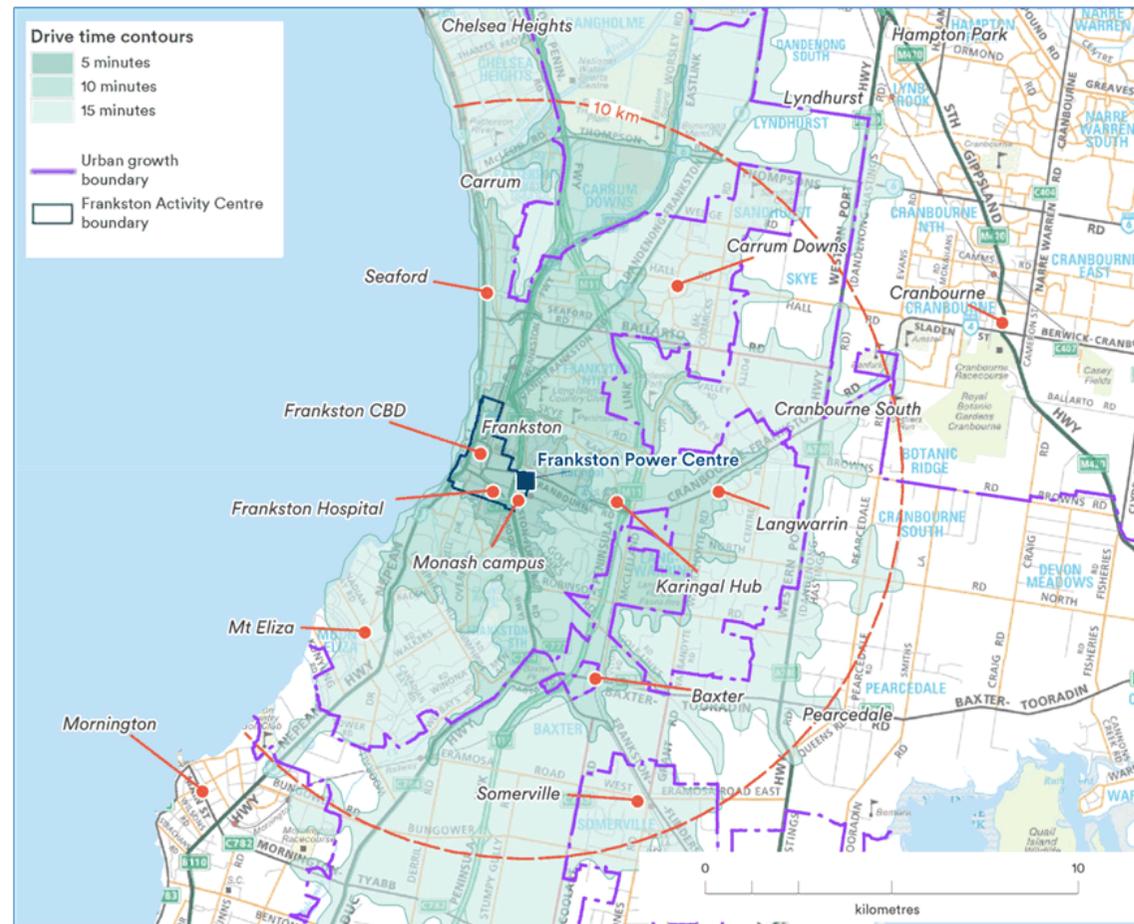
Frankston Power Centre is located at 111 Cranbourne Road, approximately 2km to the east of Frankston Station and the adjacent Frankston CBD, and 45km south of Melbourne CBD. Cranbourne is 15km to the east.

Frankston is at the northern ‘head’ of the Mornington Peninsula where coastal suburbs from Carrum southwards are separated from Lyndhurst and Cranbourne by ‘green wedge’ farmland. Active residential estates are in Carrum Downs and Langwarrin, with infill development occurring throughout more established parts of the region.

Frankston is the major regional shopping and business centre serving people living in the Mornington Peninsula, and is designated as a Metropolitan Activity Centre in Plan Melbourne. This designation provides strong support for an increasingly diverse range of businesses, services, jobs and housing.

The Frankston Structure Plan identifies the Metropolitan Activity Centre as encompassing the ‘CBD’ core between the railway line and Kananook Creek, and extending eastwards to include Frankston Power Centre within a defined ‘Large format retail’ precinct. The activity centre is envisaged to accommodate a growing residential population.

Figure 1—Regional context



Source: Deep End Services; Ausway

1.2 Site context

Frankston Power Centre is a large format retail ('LFR') centre of 44,678 sqm NLA / 45,478 sqm GLA, making it the third largest homemaker centre in Victoria.

The centre contains a range of national brand retailers including Harvey Norman, Spotlight, Super Amart, Anaconda, Nick Scali, The Good Guys and Freedom. Tenants are configured around a central car park which contains 1,320 parking spaces.

Bunnings is situated on land to the south-west while a collection of LFR showrooms known as McMahons Road Homemaker Centre is immediately to the west fronting Moorooduc Highway. The site on the south-east corner of the intersection with Cranbourne Road contains a 7-Eleven petrol station and convenience store co-located with a Subway. A small group of other commercial uses are located to the north on Cranbourne Road.

Moorooduc Highway is a busy road at the termination of the Frankston Freeway carrying an average of 31,000 vehicles per day ("vpd"), while Cranbourne Road carries 20,000 vpd along the frontage to the centre heading east towards Karingal and Langwarrin.

Local road access and connections to the regional arterial road network are excellent.

Figure 2—Site context



Source: Deep End Services; Nearmap

1.3 Development proposal

Frankston Power Centre is proposed to be redeveloped in 3 stages:

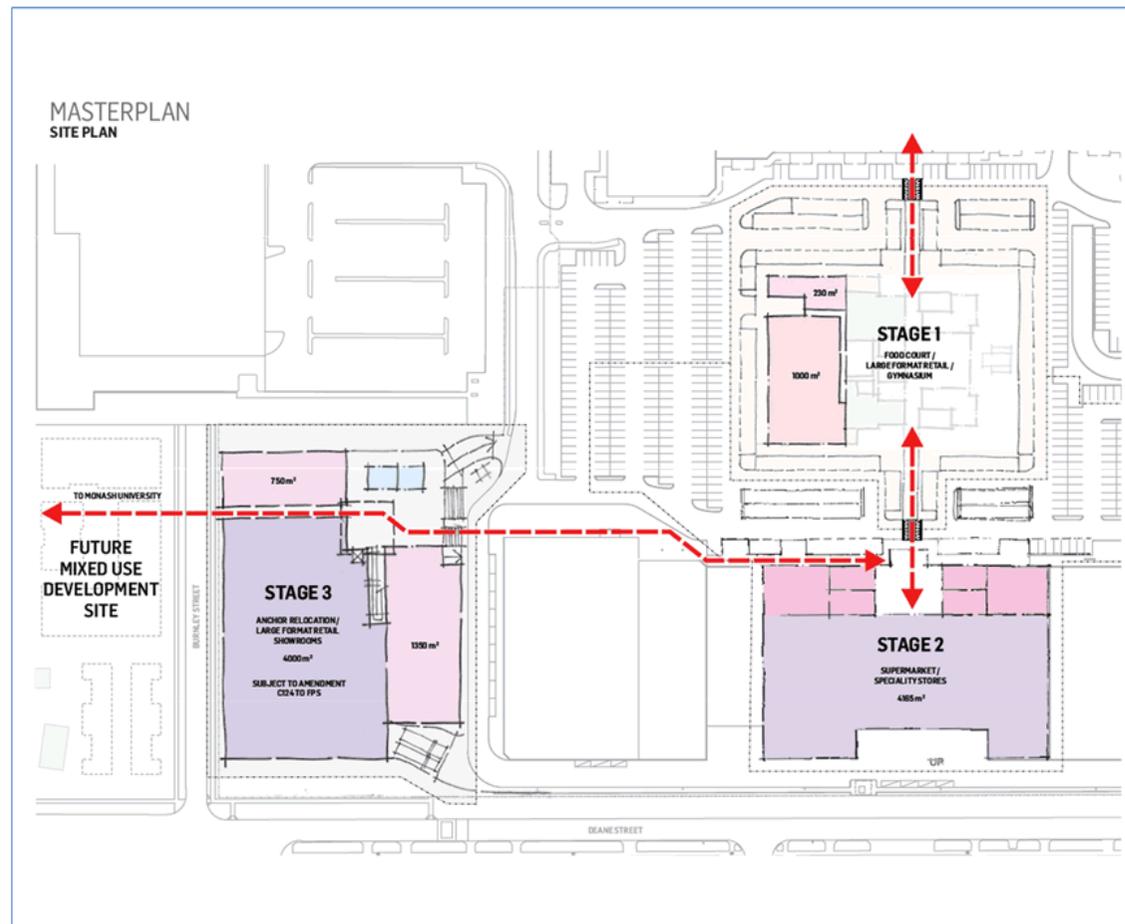
- Stage 1:
 - Reconfigure car park building
 - Increase of 1,460 sqm retail NLA
 - Gym (404 sqm) on upper level.
- Stage 2:
 - Replace Spotlight tenancy with full-line supermarket (4,165 sqm)
 - Plus shop tenants (498 sqm)
 - Plus restricted retail tenants (695 sqm)
- Stage 3 (future):
 - New building with relocated Spotlight (4,000 sqm)
 - Plus other tenancies (2,100 sqm).

Upon completion of Stage 3, the total NLA would increase by 7,067 sqm from the current 44,678 sqm to 51,745 sqm.

Economic analysis in this report is based on conclusion of stages 1 and 2 (i.e. excluding Stage 3 which would be subject to other planning approvals/processes).

The redevelopment is to be completed in stages. Stage 1 is scheduled to be completed by mid-2019, Stage 3 by September 2019 and Stage 2 by January 2020. The first full financial year of trading for the supermarket would be 2020/21.

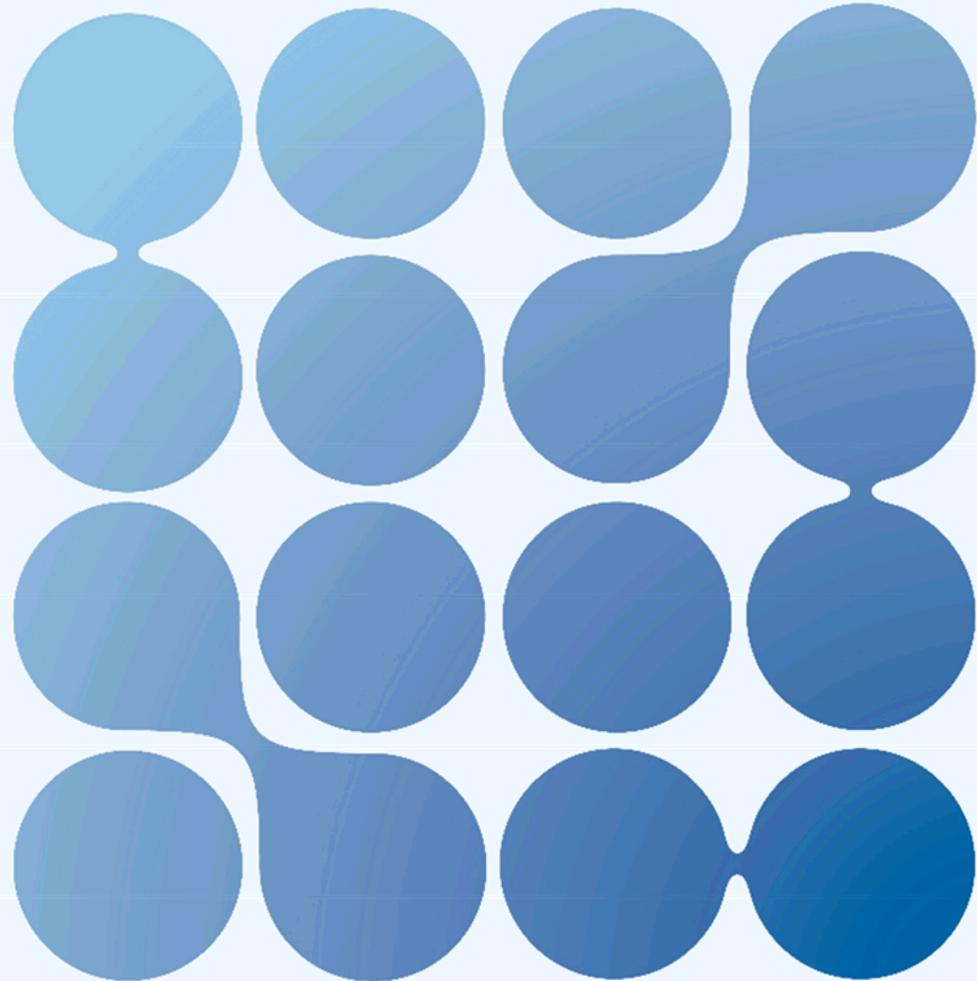
Figure 3—Proposed redevelopment plan



Source: The Buchan Group; Nearmap

2

Supermarket need assessment



2.1 Supermarket provision

The location of existing supermarkets in the Frankston region is shown in Figure 4. For the purposes of this analysis, supermarkets are defined to be those stores that are more than 400 sqm, with smaller formats (including small IGA Express stores) essentially operating as milk bars or general stores. Convenience stores such as 7-Eleven are also not included in the analysis.

Within the Frankston Local Government Area ('LGA') there are 18 supermarkets comprising

- 6 Woolworths
- 4 Coles
- 2 ALDI
- 5 IGA
- 1 Foodworks

Total floorspace at these supermarkets is approximately 45,440 sqm, representing an average provision rate of 324 sqm per 1,000 residents across the municipality.

In terms of total floorspace, Woolworths dominates with aggregate floorspace of approximately 22,820 sqm, with Coles having a network of fewer, smaller stores with a total of 12,500 sqm.

Figure 4—City of Frankston supermarket provision



Source: Deep End Services; Ausway

2.2 Provision rate analysis

Figure 5 contrasts Frankston’s supermarket floorspace provision rate of 324 sqm per 1,000 residents against other comparable outer metropolitan municipalities.

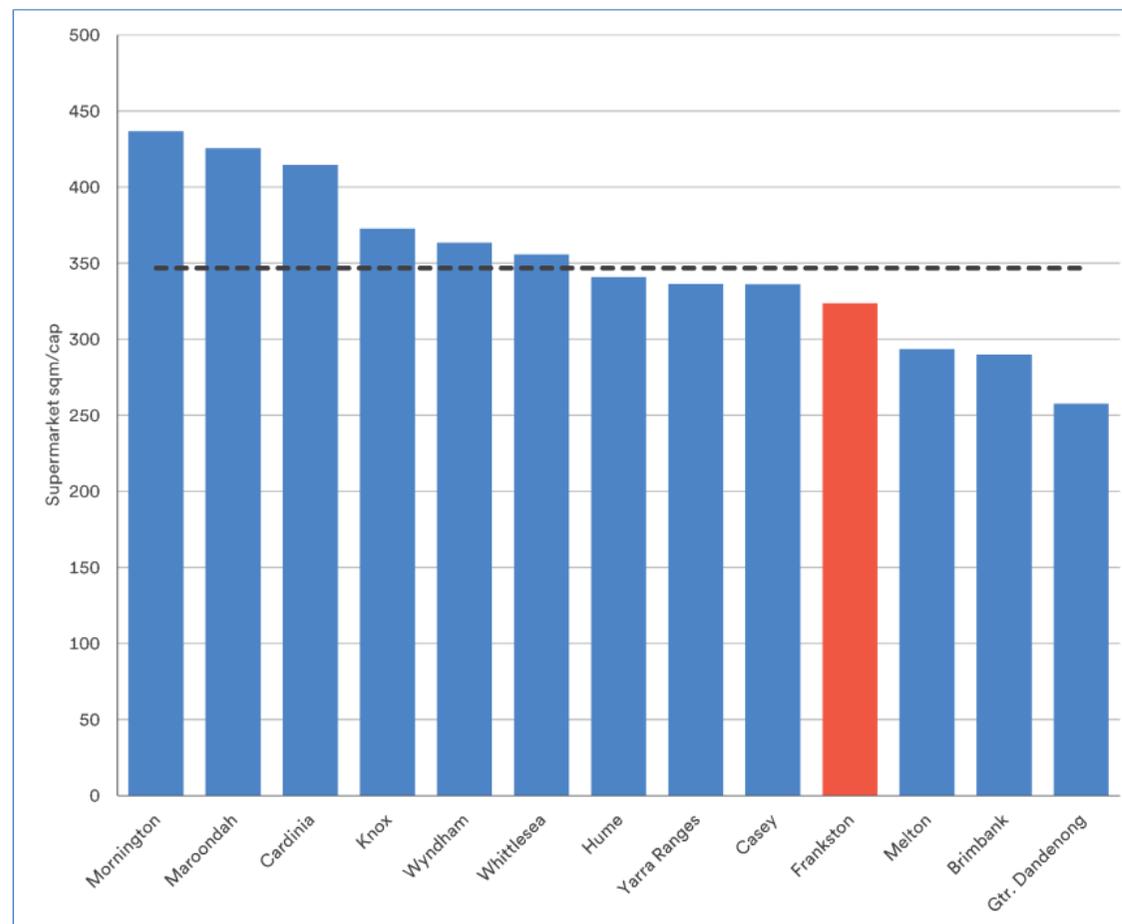
Average provision rates in these LGAs range from just 258 sqm per 1,000 residents in Greater Dandenong, to 437 sqm per 1,000 residents in Mornington Peninsula Shire.

The average across the comparable LGAs is 347 sqm per 1,000 residents; Frankston’s provision rate is therefore below the typical average for outer municipalities.

With continued population growth, Frankston’s provision rate will decline unless new development opportunities are facilitated.

The inclusion of a new supermarket of 4,165 sqm at the Frankston Power Centre in 2020, combined with the assumed new supermarket floorspace associated with the approved expansion of Karingal Hub, would increase the provision rate to 383 sqm per 1,000 residents. Whilst slightly above average, this provision rate is still well under the current provision rate for municipalities such as Mornington, Maroondah and Cardinia.

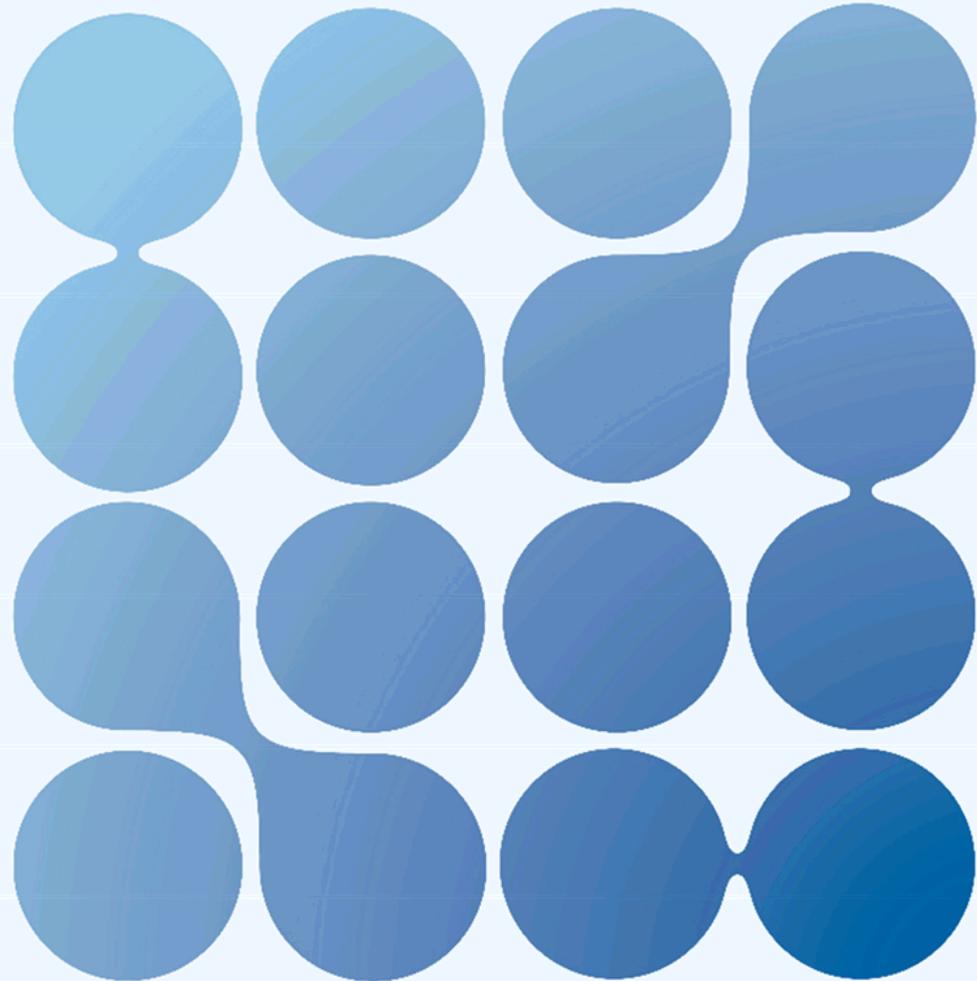
Figure 5—Average supermarket floorspace provision per 1,000 residents by LGA, 2018



Source: Deep End Services; ABS; VIFSA 2016

3

Supermarket catchment analysis



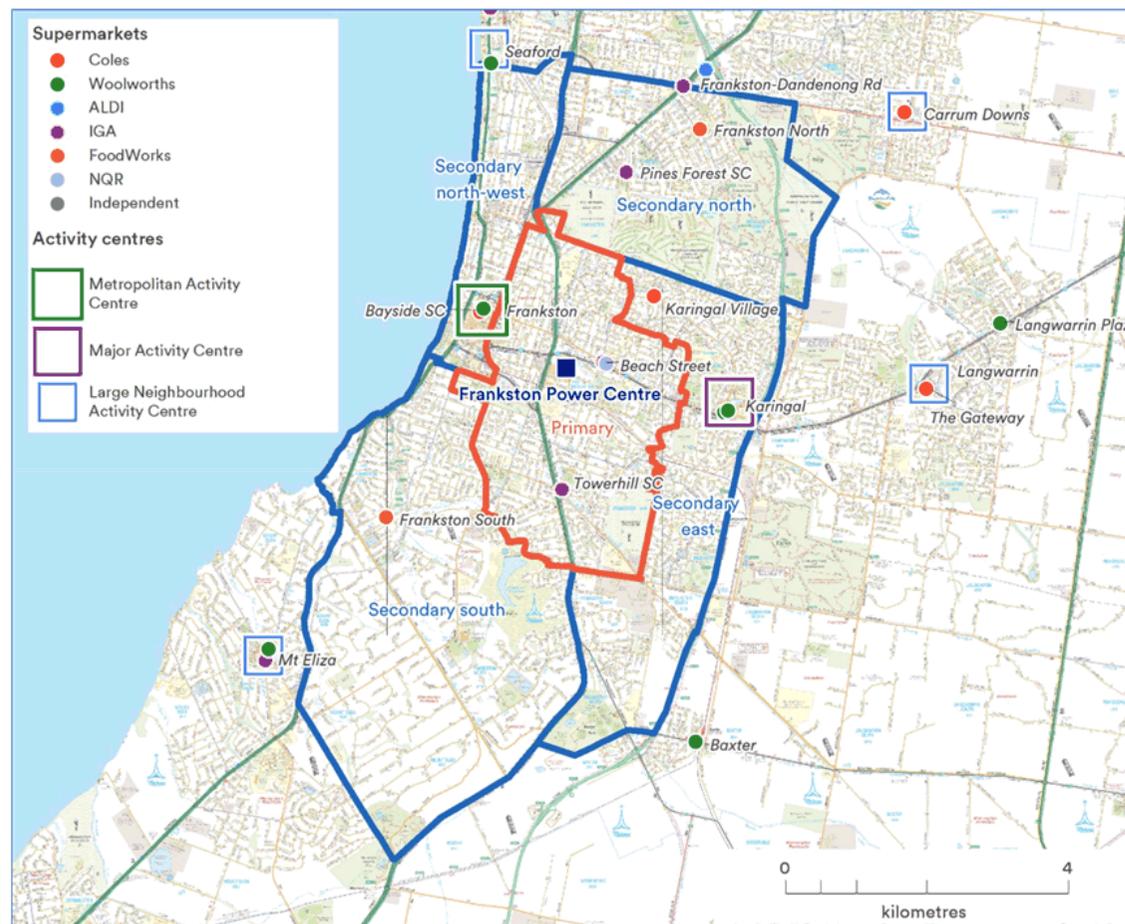
3.1 Catchment definition

The proposed supermarket at the Frankston Power Centre would provide a new shopping opportunity for people living in the surrounding area. The extent of the catchment served by the supermarket would be influenced by a range of factors including the region's road network (and particularly the ease of access via Moorooduc Highway, Peninsula Link and Cranbourne Road) and the location of other supermarkets.

Having regard to these factors, the defined catchment consists of the following sectors:

- Primary sector extending immediately around the centre into Frankston and Karingal where residents have easy and convenient access
- Secondary north sector extending into Frankston North and the eastern part of Seaford
- Secondary east consisting of the remainder of Karingal and into Frankston South
- Secondary south extending into Frankston South and Mt Eliza
- Secondary north-west comprising the Frankston CBD and the southern coastal part of Seaford.

Figure 6—Catchment area



Source: Deep End Services; MapInfo

3.2 Demographics

The key demographic features of the catchment area are as follows (compared to Melbourne averages):

- Smaller household sizes, particularly in the Secondary north-west where almost half of all households were lone person households
- Below-average rates of tertiary educated residents and a lower proportion of white collar workers, with the exception of the Secondary south sector
- Below-average household income levels other than in the Secondary south
- A more homogenous population in terms of ethnic diversity
- A strong skew towards renters in the Primary and the northern parts of the catchment
- Lower shares of the population in traditional family households (couples with children).

Overall, the more established coastal suburbs of Frankston and Seaford are characterised by older residents more likely to be retired and with generally lower levels of education and income. Inland suburbs such as Carrum Downs and Langwarrin were settled and developed more recently and therefore have higher rates of mortgagees. Suburbs to the south contain more affluent residents in attractive coastal suburbs such as Mt Eliza.

Table 1—Catchment population characteristics, 2016

Demographic characteristic	Primary	Secondary north-west	Secondary north	Secondary east	Secondary south	Total catchment	Melbourne
Persons and dwellings							
Usual resident population	22,437	5,347	10,051	15,322	18,250	71,407	4,485,211
Total private dwellings	10,832	3,239	4,614	6,284	7,159	32,128	1,831,918
Average household size ⁽³⁾⁽⁷⁾	2.23	1.90	2.31	2.51	2.70	2.38	2.66
Economic indicators							
White collar workers ⁽²⁾	41%	44%	32%	40%	56%	44%	53%
Bachelor degree or higher ⁽²⁾⁽⁵⁾	14%	16%	9%	14%	27%	17%	27%
Age group							
0-9	12%	9%	13%	12%	13%	12%	13%
10-19	10%	8%	10%	12%	13%	11%	12%
20-34	22%	23%	21%	19%	13%	19%	24%
35-49	20%	23%	19%	19%	21%	20%	21%
50-64	18%	20%	19%	19%	21%	19%	17%
65+	18%	18%	18%	19%	19%	18%	14%
Annual household income ⁽¹⁾⁽²⁾⁽⁵⁾							
Average household income	\$69,621	\$70,653	\$62,211	\$83,154	\$111,525	\$80,988	\$98,420
Variation from Melbourne average	-29%	-28%	-37%	-16%	13%	-18%	-
Top 4 regions of ancestry ⁽⁴⁾⁽⁸⁾							
North-West European	76%	82%	73%	81%	84%	79%	53%
Oceanian	39%	37%	43%	41%	40%	40%	28%
Southern and Eastern European	13%	13%	12%	11%	12%	12%	20%
Southern and Central Asian	4%	2%	2%	2%	1%	2%	9%
Occupied private dwelling tenure ⁽⁴⁾⁽⁵⁾⁽⁶⁾							
Fully owned	27%	25%	27%	33%	39%	31%	32%
Being purchased	30%	25%	32%	43%	45%	36%	37%
Rented	44%	51%	41%	24%	17%	34%	31%
Dwelling type ⁽⁴⁾⁽⁷⁾							
Separate house	68%	49%	85%	90%	90%	78%	68%
Townhouse/semi-detached	27%	31%	15%	9%	9%	18%	17%
Apartment	6%	20%	0%	1%	1%	4%	15%
Household composition ⁽⁴⁾⁽⁵⁾							
Couples with children	22%	16%	21%	30%	41%	28%	36%
Couples without children	22%	21%	20%	27%	28%	24%	25%
One parent family	15%	11%	20%	15%	9%	14%	11%
Lone person	35%	47%	34%	25%	20%	30%	24%
Group	5%	5%	5%	3%	2%	4%	5%

(1) Excludes not stated; (2) 15 years and over and excludes not stated; (3) Excludes inadequately described and/or partially stated; (4) Excludes other; (5) Occupied private dwellings; (6) Includes visitor only households; (7) Excludes visitor only households; (8) Multi-response question; total sums to >100%

3.3 Population

The population of the catchment area was estimated to be 75,087 at June 2018, having grown at an average rate of 0.7% since 2011.

The Primary sector contained an estimated 23,609 residents in 2018, or 31% of the total catchment population.

Growth rates have been strongest in the Primary and Secondary north-west sectors where larger-scale development projects close to Frankston CBD have occurred.

The current pace of population growth is anticipated to continue through further infill development, with the largest share of growth continuing to occur in the key Primary sector.

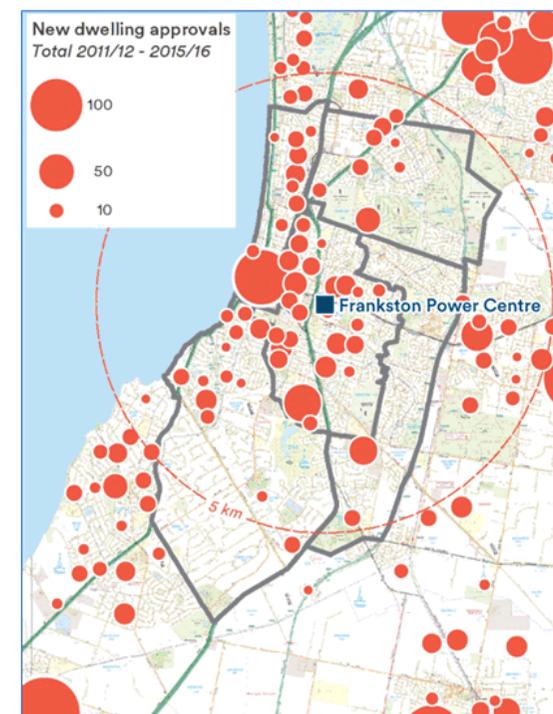
By 2021, the catchment area is forecast to contain a population of 76,777 people, after which it will grow to just over 80,000 by 2027. This equates to an increase of 4,946 people over the next nine years (2018-2027), at an average growth rate of 0.7% per annum.

Table 2— Catchment area population, 2011-2027

Catchment area sector	2011	2018	2021	2024	2027
Population					
Primary	22,050	23,609	24,337	25,037	25,760
Secondary north-west	5,131	5,701	5,981	6,233	6,462
Secondary north	10,163	10,487	10,683	10,890	11,043
Secondary east	15,904	16,015	16,216	16,415	16,556
Secondary south	18,405	19,275	19,561	19,869	20,212
Total	71,653	75,087	76,777	78,444	80,033
Population growth (No. per annum)					
Primary	-	223	243	233	241
Secondary north-west	-	81	93	84	76
Secondary north	-	46	65	69	51
Secondary east	-	16	67	66	47
Secondary south	-	124	95	103	114
Total	-	491	564	556	529
Population growth (% per annum)					
Primary	-	1.0%	1.0%	0.9%	1.0%
Secondary north-west	-	1.5%	1.6%	1.4%	1.2%
Secondary north	-	0.4%	0.6%	0.6%	0.5%
Secondary east	-	0.1%	0.4%	0.4%	0.3%
Secondary south	-	0.7%	0.5%	0.5%	0.6%
Total	-	0.7%	0.7%	0.7%	0.7%

Source: Deep End Services; ABS; forecast.id

Figure 7— New dwelling approvals, 2011/12-2015/16



Source: Deep End Services; ABS; MapInfo

3.4 Average retail spending

Average per capita spending on retail goods and services has been derived from the MarketInfo spending propensity model, which uses the results of the Household Expenditure Survey and takes into account demographic variables such as income, ethnicity, age and education to estimate local spending variations.

According to this data, average retail spending by catchment residents, at \$15,205/person in 2018, is approximately 1.4% below the Melbourne average of \$15,355/person.

These estimates are displayed in Table 3 to the right, showing that there are variations across the catchment, with spending rates ranging from 10% above the Melbourne average for Secondary south residents, to 13% below average for Secondary north residents.

Catchment resident spending on Food & Groceries, which is the sector of relevance for supermarket shopping, is 5.6% above the Melbourne average.

Table 3—Catchment area average retail spending, 2018

Spending category	Primary	Secondary north-west	Secondary north	Secondary east	Secondary south	Total	Melbourne
<i>Spend per capita</i>							
Food & Groceries	\$6,028	\$6,283	\$5,976	\$5,897	\$6,013	\$6,008	\$5,692
Other food	\$2,783	\$3,258	\$2,431	\$2,757	\$3,148	\$2,858	\$3,050
Non-food & retail services	\$5,884	\$6,452	\$5,028	\$6,203	\$7,687	\$6,338	\$6,613
Total	\$14,695	\$15,993	\$13,435	\$14,857	\$16,848	\$15,205	\$15,355
<i>Comparison to Melbourne average</i>							
Total	-4.3%	4.2%	-12.5%	-3.2%	9.7%	-1.4%	

Source: Deep End Services; ABS; Market Data Systems; Deloitte Access Economics

Note:

Food & Groceries (F&G) is the majority of supermarket turnover and includes perishable and non-perishable food, cigarettes, personal care and non-prescription pharmaceuticals, magazines & stationery

Other Food includes take-home liquor, takeaway food, dining out at cafés and restaurants

Non-food & retail services include auto accessories, fashion, furniture & furnishings, hardware & garden, pharmaceuticals, home appliances & entertainments, homewares, reading & writing, recreational goods, hairdressing & personal care, dry cleaning, optical, repairs & alterations, photo developing & video hire.

3.5 Total retail spending

Total retail spending is calculated by combining population estimates and forecasts with per capita spending levels shown in Table 3. Projections are based on application of Deloitte Access Economics forecasts of changes in consumption expenditure, aligned with retail spending product types.

The analysis shows that total retail spending was \$1,141.7 million in 2018 and is forecast to increase to \$1,167.8 million in 2021 and reach \$1,368.9 million in 2027.

Spending on Food & Groceries (‘F&G’) was \$451.2 million in 2018, having grown by 3.5% per annum, or \$97.5 million, between 2011 and 2018.

With anticipated population and spend per capita growth, the F&G market is forecast to grow at an average rate of 2.2% per annum over the next 9 years to reach \$546.7 million by 2027. This represents an increase of \$95.6 million in annual spending on the types of products sold at supermarkets, and underpins demand for additional supermarket floorspace in the area.

Indeed, the increase in F&G spending forecast for the catchment over the next nine years is of a scale that would support at least 2 new large supermarkets.

Table 4—Catchment area retail spending, 2011-2027

Spending category	Spending market (\$m)					Average change (%pa)			
	2011	2018	2021	2024	2027	2011-18	2018-21	2021-24	2024-27
Food & Groceries									
Primary	108.8	142.3	144.5	159.7	174.9	3.9%	0.5%	3.4%	3.1%
Secondary north-west	26.3	35.8	36.9	41.3	45.5	4.5%	1.0%	3.8%	3.3%
Secondary north	49.4	62.7	62.3	67.9	73.0	3.5%	-0.2%	2.9%	2.4%
Secondary east	77.2	94.4	94.7	103.4	111.3	2.9%	0.1%	3.0%	2.5%
Secondary south	92.1	115.9	118.1	130.3	142.1	3.3%	0.6%	3.3%	2.9%
Total	353.6	451.2	456.5	502.7	546.7	3.5%	0.4%	3.3%	2.8%
Other food									
Primary	52.0	65.7	72.9	79.8	88.4	3.4%	3.5%	3.1%	3.5%
Secondary north-west	14.2	18.6	21.0	23.2	25.9	3.9%	4.1%	3.5%	3.7%
Secondary north	20.9	25.5	27.9	30.2	33.0	2.9%	3.0%	2.8%	2.9%
Secondary east	37.1	44.1	48.1	51.8	56.2	2.5%	2.9%	2.5%	2.8%
Secondary south	49.1	60.7	66.3	71.7	78.5	3.1%	3.0%	2.7%	3.1%
Total	173.3	214.6	236.0	256.8	282.1	3.1%	3.2%	2.9%	3.2%
Non-food & retail services									
Primary	114.5	138.9	139.9	151.0	161.4	2.8%	0.2%	2.6%	2.2%
Secondary north-west	29.2	36.8	37.7	41.2	44.4	3.4%	0.8%	3.0%	2.5%
Secondary north	45.1	52.7	52.4	56.1	59.1	2.3%	-0.2%	2.3%	1.7%
Secondary east	86.9	99.3	98.3	104.4	109.5	1.9%	-0.4%	2.1%	1.6%
Secondary south	125.0	148.2	147.1	156.9	165.7	2.5%	-0.2%	2.2%	1.8%
Total	400.7	475.9	475.4	509.6	540.0	1.5%	2.4%	2.9%	2.6%
Total									
Primary	275.3	346.9	357.2	390.6	424.7	3.4%	1.0%	3.0%	2.8%
Secondary north-west	69.6	91.2	95.5	105.7	115.8	3.9%	1.6%	3.4%	3.1%
Secondary north	115.4	140.9	142.6	154.2	165.0	2.9%	0.4%	2.6%	2.3%
Secondary east	201.2	237.9	241.1	259.7	276.9	2.4%	0.4%	2.5%	2.2%
Secondary south	266.1	324.7	331.5	358.9	386.3	2.9%	0.7%	2.7%	2.5%
Total	927.6	1,141.7	1,167.8	1,269.1	1,368.9	3.0%	0.8%	2.8%	2.6%

Source: Deep End Services; ABS; Market Data Systems; Deloitte Access Economics

3.6 Retail hierarchy

Catchment area

The site is within the defined **Frankston Metropolitan Activity Centre** which is one of nine such centres designated in Plan Melbourne and serves the higher order retail and commercial needs for the broader southern Melbourne bayside and Mornington Peninsula region. The main retail core is focused on the Bayside Shopping Centre and surrounding Frankston CBD precinct, with large format retailing on the eastern edge of the activity centre.

- **Bayside Shopping Centre** – located 1.5 km west of the Frankston Power Centre in the heart of the Frankston CBD, this regional shopping centre contains 90,500 sqm floorspace and is anchored by Myer, Target, Kmart, Coles and Woolworths and includes a Hoyts cinema complex.
- **Balance of Frankston CBD** – extensive strip based retailing comprising a wide range of cafes, restaurants, other specialty retailers and non-retail services, extending to the Frankston foreshore to the east, the Frankston train station to the west, the Law Courts to the north and the Arts and Civic precinct to the south. An additional small

retail cluster is located 400 metres east of the city centre on Beach Street.

- **Frankston Power Centre** – the 44,678 sqm large format retail centre, situated on the eastern periphery of the Frankston MAC, contains many national branded retailers, including Harvey Norman, Spotlight, The Good Guys, Nick Scali and Super Amart. A redevelopment and extension of the centre is planned, with one component of the redevelopment – a proposed full-line supermarket and supporting shop floorspace – the focus of this report.
- **Balance large format retail** – Adjoining the Frankston Power Centre to the west is a service centre and a collection of large format retail showrooms fronting Moorooduc Highway. A Bunnings Warehouse of 13,843 sqm anchors the southern end of the precinct.

Karingal is a designated Major Activity Centre located 2.2 km east of the Frankston Power Centre on Cranbourne Road. The main shopping component is Karingal Hub, a 41,787 sqm sub-regional shopping centre anchored by Big W, two Woolworths supermarkets and a Village cinema complex. On adjacent land there is a Dan Murphy's large format liquor store, Petbarn and a Mitre 10 facing Cranbourne Road. An expansion of the centre was approved in October 2018 that will result in an increase of 13,581 sqm of retail floorspace, including additional supermarket floorspace. The expansion will integrate the existing mall with the cinema complex sitting behind it.

Several smaller neighbourhood and local centres of relevance are also within the catchment. The closest of these is a local retail strip situated 500 metres east of the Frankston Power Centre along Beach Street, anchored by a Ritchie's IGA (1,010 sqm). Other centres nearby include the Tower hill Shopping Centre precinct, 2 km south of the Frankston Power Centre and anchored by Ritchie's IGA (1,060 sqm), and Karingal Village, a small neighbourhood centre situated 2 km north, anchored by a 1,501 sqm Coles (former Bi-Lo).

Other small local centres are located further afield such as in Frankston North. These centres are typically anchored by small Foodworks and IGA X-press supermarkets, and cater to the everyday convenience needs of local residents, rather than providing an alternative supermarket shopping function.

Beyond catchment

The relevant centres beyond the catchment comprise:

- Langwarrin, which includes two centre anchored by Coles supermarket and Woolworths respectively
- Mount Eliza, which contains a Woolworths and a Ritchies Supa IGA in an attractive strip environment
- Seaford, which contains a Woolworths and small IGA
- Seaford East, which consists of ALDI and a group of shops containing a Ritchies Supa IGA
- Baxter, which contains a Woolworths supermarket
- Carrum Downs Plaza, on Ballarto Road to the north-east of the catchment.

Retail floorspace estimates are shown in Table 5.

Table 5—Floorspace by category

Activity centre/precinct	Supermarkets	Other food	Total food	Non-food & services	Total retail	Major tenants
WITHIN CATCHMENT						
Metropolitan Activity Centre						
Bayside Shopping Centre	9,564	5,865	15,429	65,531	80,960	Myer, Target, Kmart, Coles, Woolworths
Balance Frankston CBD	0	10,264	10,264	17,682	27,946	Office Works, Dan Murphy's (x2)
Sub-total Frankston CBD	9,564	16,129	25,693	83,213	108,906	
Frankston Power Centre	0	163	163	42,201	42,364	Harvey Norman, Spotlight
Balance Frankston LFR Precinct	0	500	500	21,253	21,753	Bunnings
Sub-total Frankston LFR Precinct	0	663	663	63,454	64,117	
Total Frankston	9,564	16,792	26,356	146,667	173,023	
Major Activity Centre						
Karingal Hub	7,740	4,237	11,977	18,205	30,182	Big W, Woolworths (x2)
Balance Karingal Hub Precinct	0	850	850	2,165	3,015	Mitre 10, Dan Murphy's
Total Karingal	7,740	5,087	12,827	20,370	33,197	
Neighbourhood Activity Centres/Local Centres						
Beach Street	1,330	570	1,900	900	2,900	Ritchie's IGA, NQR
Towerhill Shopping Centre	1,060	950	2,010	520	2,530	Ritchie's IGA
Karingal Village	1,501	660	2,161	300	2,461	Coles
Frankston North	515	510	1,025	100	1,125	Foodworks
Pines Forest Shopping Centre	500	370	870	180	1,050	IGA
Frankston South	250	480	730	120	850	Foodworks
Total neighbourhood/local centres	5,156	3,540	8,696	2,120	10,816	
Total centres in catchment	22,460	25,419	47,879	169,157	217,036	
BEYOND CATCHMENT						
Langwarrin Plaza	3,224	1,100	4,324	300	4,624	Woolworths
The Gateway	3,610	1,310	4,920	3,060	7,980	Coles, Target Country
Balance Langwarrin	0	910	910	390	1,300	
Sub-total Langwarrin	6,834	3,320	10,154	3,750	13,904	
Mount Eliza	3,670	4,370	8,040	5,792	13,832	Woolworths, Ritchie's IGA
Seaford	3,932	2,140	6,072	1,750	7,822	Woolworths, IGA X-press
Frankston-Dandenong Road precinct	3,154	3,170	6,324	1,015	7,339	ALDI, Ritchie's IGA, Dan Murphy's
Baxter	3,200	1,985	5,185	1,185	6,370	Woolworths
Carrum Downs	3,200	1,230	4,430	800	5,230	Coles

Source: Deep End Services floorspace survey January 2018; Property Council Australia

Note: 'Other food' includes non-supermarket food specialities, take-home liquor stores, takeaway food, cafés and restaurants

3.7 Centre performance

The identified centres and precincts within the catchment generated total estimated retail sales of \$1,226.1 million in 2017. This is based on information in published sources such as Shopping Centre News, and supplemented by Deep End Services' databases and observations.

Sales within the Frankston Metropolitan Activity Centre are estimated at \$907.1 million, including \$422.5 million generated by Bayside Shopping Centre and \$158.8 million generated by existing tenants at the Frankston Power Centre.

Karingal Major Activity Centre generates a further estimated \$231.0 million in retail sales.

Of centres beyond the catchment, the most significant in terms of total sales are the combined centres in Langwarrin (\$143.1 million) and the strip centre in Mount Eliza (\$134.3 million).

The City of Frankston approved an expansion of the Karingal Hub Shopping Centre on 22 October 2018. Council expects the project to begin construction within the next one to two years. However, for the purposes of our analysis, it is assumed the expansion will be in place before or concurrent to the redevelopment of the Frankston Power Centre (i.e. 2021). Based on available information, our assumptions for the expanded Karingal Hub are as follows:

- Net additional retail floorspace of 13,531 sqm.

- Expansion will include one major supermarket of 4,000 sqm (assumed to be Coles) and a discount supermarket of 1,500 sqm (assumed to be ALDI).
- The centre will be repositioned towards leisure, dining and entertainment and integrated with the existing cinemas.

With no further retail developments in the area assumed over the period from 2017 to 2021, the combined retail sales for the centres and precincts within the catchment is forecast to increase to \$1,335.4 million, representing a growth rate of around 2.1% per annum. This estimate assumes that the expansion of Karingal Hub is in place, but the proposed redevelopment of the Frankston Power Centre does not proceed (i.e. it is a base case scenario).

Total sales by food retailers within the catchment is forecast to increase from \$468.2 million in 2017 to \$536.8 million in 2021, representing growth of \$68.7 million in annual sales. This is the market in which the proposed new supermarket would be operating when it opens in 2020.

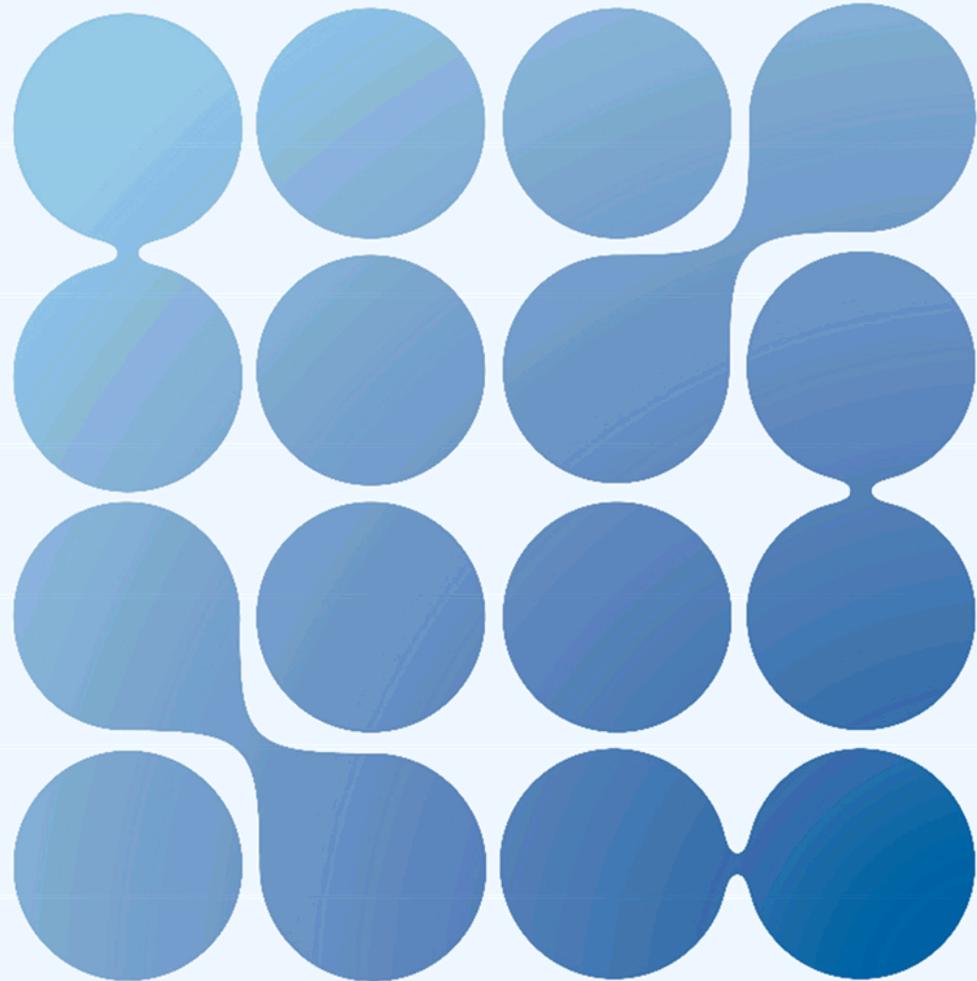
Table 6—Centre sales performance, 2017 and 2021 (base case)

Activity centre/ precinct	Floorspace (sqm)			Trading level 2017 (\$/sqm)			Centre sales 2017 (\$m)			Centre sales 2021 (\$m) – base case		
	Total food	Non-food & services	Total retail	Total food	Non-food & services	Total retail	Total food	Non-food & services	Total retail	Total food	Non-food & services	Total retail
WITHIN CATCHMENT												
Metropolitan Activity Centre												
Bayside Shopping Centre	14,615	66,345	80,960	\$9,600	\$4,253	\$5,218	140.3	282.2	422.5	134.5	284.3	418.8
Balance Frankston CBD	12,704	17,682	30,386	\$10,231	\$6,065	\$7,807	130.0	107.2	237.2	138.3	107.1	245.4
Sub-total Frankston CBD	27,319	84,027	111,346	\$9,893	\$4,634	\$5,925	270.3	389.4	659.7	272.9	391.4	664.2
Frankston Power Centre	163	42,201	42,364	\$4,000	\$3,749	\$3,750	0.7	158.2	158.8	0.7	164.0	164.7
Balance Frankston LFR Precinct	500	21,253	21,753	\$4,000	\$4,071	\$4,069	2.0	86.5	88.5	2.2	89.1	91.3
Sub-total Frankston LFR Precinct	663	63,454	64,117	\$4,000	\$3,857	\$3,858	2.7	244.7	247.4	2.9	253.1	256.0
Total Frankston	27,982	147,481	175,463	\$9,754	\$4,300	\$5,169	272.9	634.1	907.1	275.7	644.5	920.3
Major Activity Centres												
Karingal Hub	11,134	19,048	30,182	\$10,113	\$5,137	\$6,973	112.6	97.9	210.5	177.2	128.9	306.1
Balance Karingal Hub Precinct	850	2,165	3,015	\$16,000	\$3,229	\$6,829	13.6	7.0	20.6	13.8	6.5	20.3
Total Karingal	11,984	21,213	33,197	\$10,530	\$4,943	\$6,960	126.2	104.8	231.0	191.0	135.4	326.4
Neighbourhood Activity Centres/Local Centres												
Beach Street	1,687	1,113	2,800	\$8,437	\$5,818	\$7,396	14.2	6.5	20.7	14.5	6.5	21.0
Towerhill Shopping Centre	1,840	690	2,530	\$9,454	\$6,230	\$8,575	17.4	4.3	21.7	17.4	4.1	21.5
Karingal Village	1,921	540	2,461	\$10,891	\$8,390	\$10,342	20.9	4.5	25.5	20.7	4.2	24.9
Frankston North	943	182	1,125	\$6,877	\$6,581	\$6,829	6.5	1.2	7.7	6.8	1.2	8.1
Pines Forest Shopping Centre	790	260	1,050	\$7,095	\$6,077	\$6,843	5.6	1.6	7.2	5.8	1.6	7.4
Frankston South	690	160	850	\$6,413	\$5,875	\$6,312	4.4	0.9	5.4	4.8	1.0	5.8
Total neighbourhood/local centres	7,871	2,945	10,816	\$8,775	\$6,459	\$8,144	69.1	19.0	88.1	70.1	18.6	88.7
Total centres in catchment	47,838	171,638	219,476	\$9,787	\$4,416	\$5,587	468.2	758.0	1,226.2	536.8	798.5	1,335.4
BEYOND CATCHMENT												
Langwarrin	10,136	4,768	14,904	\$10,624	\$7,430	\$9,602	107.7	35.4	143.1	110.6	35.2	145.8
Mount Eliza	7,453	6,379	13,832	\$12,266	\$6,720	\$9,708	91.4	42.9	134.3	99.7	44.5	144.1
Seaford	5,443	2,379	7,822	\$12,681	\$8,777	\$11,494	69.0	20.9	89.9	75.0	21.6	96.7
Frankston-Dandenong Road precinct	5,819	1,520	7,339	\$11,506	\$8,074	\$10,795	67.0	12.3	79.2	70.3	11.7	82.0
Baxter	4,673	1,697	6,370	\$9,530	\$6,810	\$8,805	44.5	11.6	56.1	48.2	12.0	60.2
Carrum Downs	3,918	1,312	5,230	\$10,922	\$8,341	\$10,274	42.8	10.9	53.7	46.0	11.1	57.2

Source: Deep End Services floorspace survey January 2018; Property Council Australia; Shopping Centre News

4

Economic impact assessment



4.1 Sales forecast

Supermarket

The proposed Frankston Power Centre supermarket is forecast to achieve total sales of \$37.8 million during the first full financial year in 2021, based on anticipated market share performance set out in Table 7.

As indicated in the table, a market share of 15.5% would be expected to be achieved in the Primary sector, with a lower average share of 2.4% throughout the secondary sectors.

Total net change in sales

Table 8 presents a summary of the forecast net change in sales as a result of the proposed redevelopment of the Frankston Power Centre, and accounts for the reconfiguration of uses across Stage 1 and Stage 2.

According to this analysis, as at 2021 assuming conclusion of Stage 2, the centre would achieve a net increase of +\$30.5 million in sales compared to the base case in which the redevelopment does not proceed.

Table 7—Forecast Frankston Power Centre supermarket sales, 2021

Catchment sector	F&G spending (\$m)	Market share (%)	Turnover (\$m)
Primary	144.5	15.5%	22.4
Secondary:			
Secondary north-west	36.9	1.3%	0.5
Secondary north	62.3	2.2%	1.4
Secondary east	94.7	2.2%	2.1
Secondary south	118.1	3.0%	3.5
Total secondary	312.0	2.4%	7.5
Total catchment area	456.5	6.5%	29.9
Beyond sales (@ 14%)			4.9
Total F&G sales			34.7
Non-F&G sales (@ 8%)			3.0
Total			37.8

Source: Deep End Services

Table 8—Forecast net change in Frankston Power Centre Sales, 2021

Location/ tenancy	Floorspace (sqm GLA)	Sales (\$m)	Trading level (\$/sqm)	Sales by category (\$m)		
				Food	NF & Services	Total retail
Stage 2						
Supermarket	+4,165	37.8	\$9,064	34.7	3.0	37.8
Other retail	+1,193	5.5	\$4,635	3.1	2.4	5.5
Sub-total	+5,358	43.3	\$8,078	37.8	5.5	43.3
Stage 1						
LFR	-4,187	-14.7	\$3,500	0.0	-14.7	-14.7
Other retail	+416	1.9	\$4,500	1.9	0.0	1.9
Sub-total	-3,771	-12.8	\$3,390	1.9	-14.7	-12.8
Total retail	1,587	30.5		39.7	-9.2	30.5

Source: Deep End Services

4.2 Trading impacts

The trading impacts resulting from the proposed redevelopment are presented in Table 9 on the following page.

The approach in undertaking this analysis is to estimate the likely redirection in sales from other centres having regard to factors such as:

- The proximity of the competing centre or precinct
- The 'substitutability' of retail offer in each centre (i.e. with greater proportional impact on other centres also containing a full-line supermarket)
- Existing travel patterns
- Existing market share achieved by each centre.

Impacts are separately examined for each of the proposed elements of the redevelopment (supermarket, other retail, additional LFR), and the combined impact is presented by retail type (Food, Non-food & services).

The measured impacts are quoted in terms of nominal dollar impacts and percentage impacts as a proportion of base case sales in the absence of the development.

As shown in the table, the most significant nominal effects are likely to be experienced by major shopping locations such as Bayside Shopping Centre and Karingal Hub where the closest existing full-line supermarkets are located.

When measured in percentage terms these effects on the major centres are relatively small. The largest proportional impact is likely to be experienced by the nearby Towerhill Shopping Centre which contains a Ritchies IGA supermarket, at -9% of sales.

The average impact across centres within the catchment (excluding the effect of the additional sales at Frankston Power Centre) is forecast to be -2.2%.

This level of impact represents approximately one year of local spending growth and, in this context, is modest and within the limits expected in a properly functioning retail system.

Shopping centres such as Bayside and Karingal Hub will continue to accommodate their full-line supermarkets and will be largely unaffected. Other local centres within proximity to the site will experience some level of impact, but would continue to play roles as small neighbourhood centres serving the convenience needs of local residents.

Given this, the proposed redevelopment of the Frankston Power Centre with the inclusion of a new supermarket will not have an unreasonable detrimental economic impact on the commercial viability of any activity centre.

Table 9—Forecast trading impacts (Stage 1 & 2), 2021 (compared to base case)

Activity centre/precinct	Base case sales 2021			Post development sales 2021			Impacts \$m			Impacts %		
	Total food	Non-food & Services	Total retail	Total food	Non-food & Services	Total retail	Total food	Non-food & Services	Total retail	Total food	Non-food & Services	Total retail
Frankston Power Centre net sales change (2021)	-	-	-	39.7	-9.2	30.5	-	-	-	-	-	-
WITHIN CATCHMENT												
Metropolitan Activity Centre												
Bayside Shopping Centre	134.5	284.3	418.8	126.6	284.8	411.4	-7.9	+0.5	-7.5	-5.9%	0.2%	-1.8%
Balance Frankston CBD	138.3	107.1	245.4	138.3	107.8	246.1	-	+0.7	+0.7	0.0%	0.7%	0.3%
Frankston CBD	272.9	391.4	664.2	264.9	392.6	657.5	-7.9	+1.2	-6.7	-2.9%	0.3%	-1.0%
Frankston Power Centre	0.7	164.0	164.7	40.2	157.1	197.3	+39.5	-6.9	+32.6	5576.0%	-4.2%	19.8%
Balance Frankston LFR Precinct	2.2	89.1	91.3	2.2	89.7	91.8	-	+0.6	+0.6	0.0%	0.6%	0.6%
Frankston LFR Precinct	2.9	253.1	256.0	42.4	246.8	289.2	+39.5	-6.3	+33.2	1370.2%	-2.5%	13.0%
Total Frankston	275.7	644.5	920.3	307.3	639.4	946.7	+31.6	-5.2	+26.4	11.4%	-0.8%	2.9%
Major Activity Centres												
Karingal Hub	177.2	128.9	306.1	165.3	129.3	294.6	-11.9	+0.5	-11.5	-6.7%	0.4%	-3.7%
Balance Karingal Hub Precinct	13.8	6.5	20.3	13.8	6.8	20.6	-	+0.3	+0.3	0.0%	4.2%	1.4%
Total Karingal	191.0	135.4	326.4	179.1	136.1	315.2	-11.9	+0.7	-11.2	-6.2%	0.5%	-3.4%
Neighbourhood Activity Centres/Local Centres												
Beach Street	14.5	6.5	21.0	12.9	6.5	19.4	-1.6	-	-1.6	-11.0%	0.0%	-7.6%
Towerhill Shopping Centre	17.4	4.1	21.5	15.4	4.1	19.5	-2.0	-	-2.0	-11.4%	0.0%	-9.2%
Karingal Village	20.7	4.2	24.9	19.2	4.2	23.4	-1.6	-	-1.6	-7.7%	0.0%	-6.4%
Frankston North	6.8	1.2	8.1	6.5	1.2	7.7	-0.4	-	-0.4	-5.8%	0.0%	-4.9%
Pines Forest Shopping Centre	5.8	1.6	7.4	5.4	1.6	7.0	-0.4	-	-0.4	-6.9%	0.0%	-5.3%
Frankston South	4.8	1.0	5.8	4.4	1.0	5.4	-0.4	-	-0.4	-8.3%	0.0%	-6.9%
Total neighbourhood/local centres	70.1	18.6	88.7	63.7	18.6	82.3	-6.4	-	-6.4	-9.1%	0.0%	-7.2%
Total centres in catchment	536.8	798.5	1,335.4	550.1	794.1	1,344.2	+13.3	-4.4	+8.9	2.5%	-0.6%	0.7%
BEYOND CATCHMENT												
Langwarrin	110.6	35.2	145.8	108.6	35.2	143.8	-2.0	-	-2.0	-1.8%	0.0%	-1.4%
Mount Eliza	99.7	44.5	144.1	98.5	44.5	142.9	-1.2	-	-1.2	-1.2%	0.0%	-0.8%
Seaford	75.0	21.6	96.7	74.2	21.6	95.9	-0.8	-	-0.8	-1.1%	0.0%	-0.8%
Frankston-Dandenong Road precinct	70.3	11.7	82.0	68.9	11.7	80.6	-1.4	-	-1.4	-2.0%	0.0%	-1.7%
Baxter	48.2	12.0	60.2	47.8	12.0	59.8	-0.4	-	-0.4	-0.8%	0.0%	-0.7%
Carrum Downs	46.0	11.1	57.2	45.2	11.1	56.4	-0.8	-	-0.8	-1.7%	0.0%	-1.4%
Other centres/locations	-	-	-	-	-	-	-6.7	+4.4	-2.3	-	-	-
Total	-	-	-	-	-	-	-39.7	+9.2	-30.5	-	-	-

Source: Deep End Services

4.3 Economic outcomes

The proposed development would generate several important positive economic outcomes.

Employment

The reconfigured retail elements would generate a net change of +145 jobs, with another 5 jobs likely to be created by the proposed gym in the upper level tenancy on Stage 1.

The total 150 direct jobs are equivalent to an estimated increase of 59 full-time equivalent ('FTE') positions. With the employment multiplier, another 74 FTE jobs would be created elsewhere in the local, regional and national economies through production of inputs and expenditure of wages.

The new on-site employment will be particularly attractive for local students, semi-retired, unemployed youth and those looking to work close to home with part-time hours fitting around family care and duties.

Other effects

The development will enhance the range and choice of supermarket shopping available to residents in the area, within a centre already provided with appropriate infrastructure and easily accessible for the surrounding community.

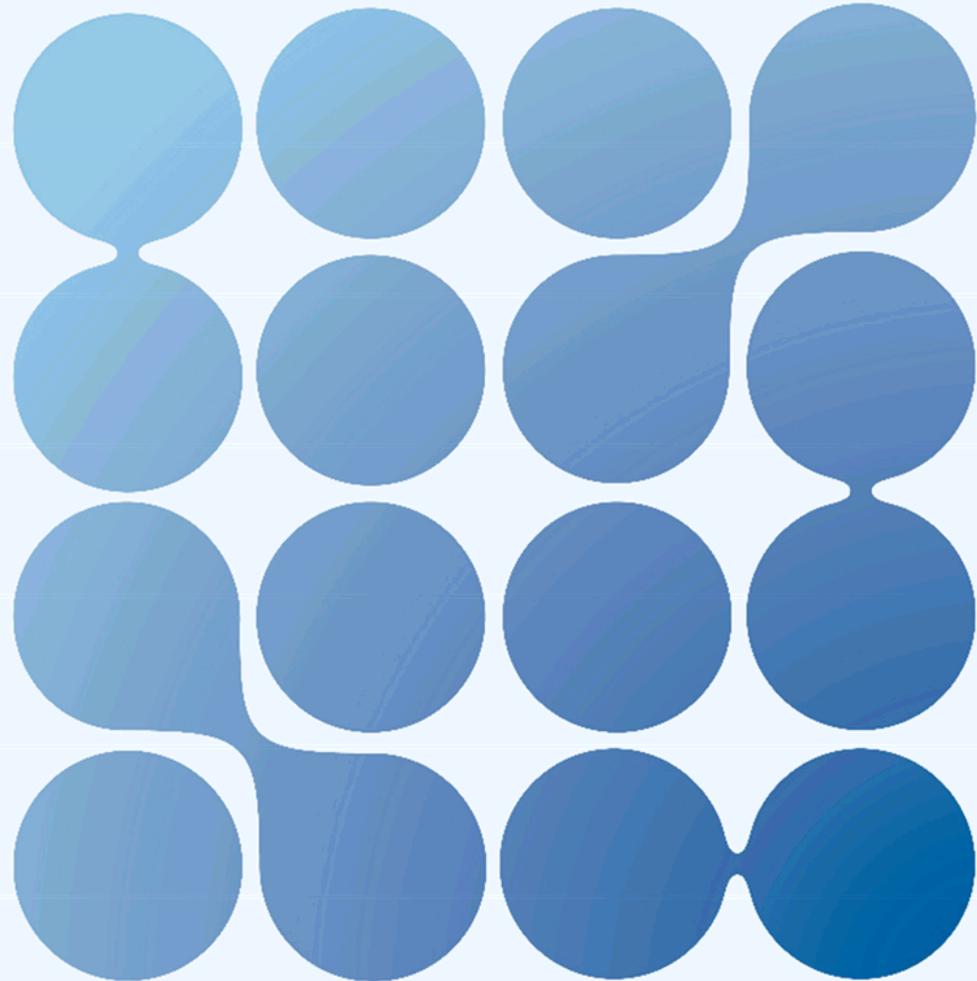
Table 10—Estimated employment effects

Use type	Floorspace (sqm)	Provision rate (sqm/job)	Direct jobs	Direct FTE jobs	Indirect FTE jobs	Total FTE jobs
Supermarket	4,165	25	165	74	92	166
Other retail	1,609	45	35	23	29	52
Net change in LFR	-4,187	75	-55	-41	-51	-92
Sub-total retail	1,587	11	145	56	70	126
Restricted recreation facility	404	90	5	3	4	7
Total	1,991	13	150	59	74	133

Source: Deep End Services; ABS Employment Multipliers

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Summary



1. Frankston Power Centre forms part of the designated Frankston Metropolitan Activity Centre
2. A proposed redevelopment of the centre will, among other things, incorporate a full-line supermarket and small group of shops within the existing Spotlight tenancy.
3. Supermarket floorspace provision in the City of Frankston is relatively low when compared against other outer metropolitan municipalities, and has historically been dominated by Woolworths. The inclusion of a new full-line supermarket would not lead to overprovision of supermarket floorspace.
4. The proposed supermarket would serve a catchment determined by ease of access and location of competition, extending from parts of Seaford and Carrum Downs in the north to Frankston South and part of Mount Eliza to the south, and including Karingal in the east.
5. The catchment is experiencing modest population growth through infill development, with much of this growth focussed within or close to Frankston CBD where such development enjoys strong policy support.
6. The proposed development would trade successfully when completed, with forecast supermarket sales of \$37.8 million in 2021, and an overall net change in sales at the Frankston Power Centre of \$30.5 million (at the conclusion of Stages 1 and 2).
7. These sales would be redirected from existing facilities located within and beyond the catchment area, but the size of the impact is relatively modest on most centres.
8. The largest nominal trading impacts would be experienced by Bayside Shopping Centre and Karingal Hub, but these impacts would have little or no overall effect on the retail offer or trading performance of these centres.
9. The largest percentage impacts are likely to be on Towerhill Shopping Centre where a Ritchies IGA serves the surrounding community. However, the one-off impact is less than -10% and the centre will continue to perform its role as a small neighbourhood centre.
10. Other effects generated by the proposal include an estimated net change of +150 on-site jobs (or +59 jobs when measured in FTE terms), with additional indirect employment created in the wider economy through the employment multiplier. A wider range of supermarkets and greater competition between operators would also generate benefits for local residents.
11. **It is our opinion that the proposed development would therefore generate a positive net community benefit for the Frankston region.**

Executive Summary**11.2 Planning Permit Application 297/2018/P - 1-15 Hartnett Drive, Seaford - To construct building and works for the erection of an above ground fuel tank within the Industrial 1 Zone and the construction of buildings and works within a Special Building Overlay**

Enquiries: (Stuart Caldwell: Community Development)

Council Plan

Community Outcome:	1. Planned City
Strategy:	1.2 Development and Housing
Priority Action	1.2.1 Attract investment for new industry

Purpose

This report considers the merits of the planning application to construct buildings and works for the erection of an above ground fuel tank at 1-15 Hartnett Drive Seaford within the Industrial 1 Zone (I1Z) and the construction of buildings and works within a Special Building Overlay (SBO).

Recommendation (Director Community Development)

That a Notice of Decision to Grant a Planning Permit to construct buildings and works for the erection of an above ground fuel tank at 1-15 Hartnett Drive, Seaford be issued, subject to the conditions contained in the officer's assessment.

Key Points / Issues

- It is proposed to erect an above ground fuel tank on the existing industrial property at 1-15 Hartnett Drive, Seaford.
- The tank will be positioned 61.45 metres from the eastern boundary (the rear property boundaries of Holroyd Street) and approximately 25.61 metres from the northern boundary (the rear property boundaries of Seaford Road).
- The tank will operate as a 'split-tank', providing 4,000 litres of diesel (DSL) and 4,000 litres of un-leaded petrol (ULP) within a single bunded tank.
- The tank will be used in association with the existing car warehouse/distribution centre which requires fuel in order to transport cars short distances.
- A request for call-in of the planning application for consideration by Council was completed by Councillor Bolam on 17 October 2018 with the principal grounds cited as neighbourhood character concerns.
- The application was reported to the Ordinary Council meeting of 10 December 2018. A submitter addressed the meeting and requested that the matter be deferred to enable an inspection of a similar type of facility by objecting parties. Council resolved to defer consideration of the application to the 29 January 2019 meeting.
- The applicant and interested objecting parties did inspect a similar type of storage tank at Commonwealth Golf Club. No changes have been made to the application and no objections have been withdrawn or amended.
- The recommendation previously presented to the meeting of 10 December 2018 is re-presented, with additional conditions added restricting the hours of refuelling from the tank to be between 9am and 5pm, Monday to Friday - to which the applicant has agreed.

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

11.2 Planning Permit Application 297/2018/P - 1-15 Hartnett Drive, Seaford - To construct building and works for the erection of an above ground fuel tank within the Industrial 1 Zone and the construction of buildings and works within a Special Building Overlay**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 three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.5 per cent for 2019-2020.

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 is \$1,473.60. The average cost to process a planning application is \$2,264. This represents a difference of \$790.40.

Consultation**1. External Referrals**

The application was referred externally to the following departments:

- Melbourne Water
- Environment Protection Authority (EPA)
- Country Fire Authority (CFA)

Melbourne Water did not object to the proposal and advised that the property is not subject to flooding from a Melbourne Water drain or waterway.

The Environment Protection Authority (EPA) did not object to the proposal, subject to the inclusion of conditions.

The Country Fire Authority (CFA) did not object to the proposal, but included further comments recommending that all installations adhere to the relevant Australian Standards and for the preparation of an emergency management plan.

2. Internal Referrals

The application was referred internally to Council's Drainage Engineers who did not object to the proposal and offered no conditions.

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;

As a result of the public notification, six (6) objections were received. The grounds of objection are summarised in the officer's assessment contained within this report.

11.2 Planning Permit Application 297/2018/P - 1-15 Hartnett Drive, Seaford - To construct building and works for the erection of an above ground fuel tank within the Industrial 1 Zone and the construction of buildings and works within a Special Building Overlay**Executive Summary**

Following the notice period, a Resident's Discussion Meeting (RDM) was held on 18 October 2018. As a result of discussions during the meeting, the applicant expressed his intention to amend the application to provide one (1) fire-rated bunded tank, rather than two (2) separate fuel tanks, along with additional safety measures.

The application was formally amended on 31 October 2018, but was not readvertised as the nominated fuel tank will remain within the same location as previously proposed.

Analysis (Environmental / Economic / Social Implications)

It is expected the proposed development would result in positive economic benefits to the Seaford community and benefit the existing car warehousing/distribution business with their economic activities. The proposal is expected to generate investment in the municipality.

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

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

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

Legal

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

State and Local Policy Frameworks:

- Clause 13: Environmental Risks and Amenity
 - Clause 13.06: Air Quality
 - Clause 13.07: Amenity and Safety
- Clause 17: Economic Development
 - Clause 17.01: Employment
 - Clause 17.02: Commercial
- Clause 18: Transport
- Clause 21.05: Environmental Risk
- Clause 21.08: Economic Development
- Clause 21.11: Transport

11.2 Planning Permit Application 297/2018/P - 1-15 Hartnett Drive, Seaford - To construct building and works for the erection of an above ground fuel tank within the Industrial 1 Zone and the construction of buildings and works within a Special Building Overlay**Executive Summary**

Zones/Overlays:

- Clause 33.01: Industrial 1 Zone (I1Z)
- Clause 44.05: Special Building Overlay (SBO)

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.

Conclusion

The proposal is consistent with the future strategic directions for the site, the current zone and overlays; and State and Local planning policies.

The proposed fuel tanks are consistent with the existing industrial use of the site and will be designed in a manner that will protect the existing amenity of surrounding residential properties.

The potential for off-site amenity impacts has been mitigated through the design and layout of the development.

On this basis the proposal is recommended for support.

ATTACHMENTS

Attachment A: [↓](#) Locality Map - Aerial

Attachment B: [↓](#) Locality Map

Attachment C: [↓](#) Submitted Plans

11.2 Planning Permit Application 297/2018/P - 1-15 Hartnett Drive, Seaford - To construct building and works for the erection of an above ground fuel tank within the Industrial 1 Zone and the construction of buildings and works within a Special Building Overlay

Officers' Assessment

Summary

Existing Use	Warehouse/Distribution Centre
Site Area	38,000 square metres
Proposal	To construct buildings and works for the erection of an above ground fuel tank within the Industrial 1 Zone (I1Z) and the construction of buildings and works within a Special Building Overlay (SBO).
Zoning	Industrial 1 Zone (I1Z)
Overlays	Special Building Overlay (SBO) - Partial
Neighbourhood Character Precinct	N/A
Reason for Reporting to Council	Councillor Call In

Subject Site

The subject site is an industrial property situated on the eastern side of Hartnett Drive, the southern side of Seaford Road and the western side of Holroyd Street in Seaford.

The site has a northern (side) boundary of 253.30 metres, a southern (side) boundary of 253.81 metres, an eastern (rear) boundary of 146.33 metres, a western (front) boundary of 82.51 metres and an overall area of 38,000 square metres.

The site directly adjoins a number of residential properties on the northern (Seaford Road) and eastern (Holroyd Street) boundaries of the site.

Vehicles presently enter and exit the site along the southern crossover to Hartnett Drive.

Locality

The site is occupied by a number of tenancies within the existing building. Tenancy 1 (at the rear of the building) is occupied by Jefferson Automotive Group, which specialises in the pre-delivery inspection of vehicles for numerous car dealerships.

As stated, the site is situated within an existing industrial precinct and is surrounded by residential properties fronting Seaford Road and Holroyd Street.

Site History

Previous planning permit applications for the site include:

- Planning Permit No. FR 4005 was approved on 8 December 1987 for the construction of two (2) factories.
- Planning Permit No. 262/2013/P was approved on 11 June 2013 to use the site for a multi-disciplinary centre.

11.2 Planning Permit Application 297/2018/P - 1-15 Hartnett Drive, Seaford - To construct building and works for the erection of an above ground fuel tank within the Industrial 1 Zone and the construction of buildings and works within a Special Building Overlay**Officers' Assessment*****Proposal***

- It is proposed to erect an above-ground fuel tank on the site at 1-15 Hartnett Drive, Seaford, over an existing outdoor concrete slab and canopy within the tenancy.
- The tank will have a maximum height of 1.50 metres, with the tank vents (and breather traps) having a maximum height of 5.40 metres.
- The fuel tank will operate as a 'split-tank' and be appropriately fire-rated, providing 4,000 litres of diesel (DSL) and 4,000 litres of un-leaded petrol (ULP) within a single bunded tank.
- The tank will be positioned 61.45 metres from the eastern boundary (the rear property boundaries of Holroyd Street) and approximately 25.61 metres from the northern boundary (the rear property boundaries of Seaford Road).
- The tank will incorporate a variety of safety measures, which including:
 - The inclusion of bunding beneath the existing refuelling area.
 - The incorporation of appropriate dry chemical and foam fire extinguishers and spill-kits.
 - Emergency stop buttons and safety signage.
 - The incorporation of security activation keys in order to dispense fuel.
 - Construction of steel rails to limit accessibility to the fuel tank.
 - The installation of "breather traps" to the top of the fuel vents to minimise excess vapour.
- The tank will be used in association with the existing car warehouse/distribution centre which requires fuel in order to transport cars short distances.
- The fuel tank is proposed to be painted white.

State and Local Planning Policy Frameworks

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

- Clause 13: Environmental Risks and Amenity
- Clause 17: Economic Development

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

- Clause 21.05: Environmental Risk
- Clause 21.08: Economic Development
- Clause 21.11: Transport

Planning Scheme Controls

A planning permit is required pursuant to:

- To construct a building or construct or carry out works [Industrial 1 Zone] (Clause 33.01-4).

11.2 Planning Permit Application 297/2018/P - 1-15 Hartnett Drive, Seaford - To construct building and works for the erection of an above ground fuel tank within the Industrial 1 Zone and the construction of buildings and works within a Special Building Overlay**Officers' Assessment**

- To construct a building or construct or carry out works [Special Building Overlay] (Clause 44.05-2).

Notification of Proposal

The grounds of objection are summarised as follows:

- *Unwanted odours.*
- *Potential fire risks.*
- *Traffic Issues.*
- *Associated drainage/sewerage/flooding issues.*
- *Impact on Neighbourhood Character.*
- *Increased Criminal Activity.*
- *Noise Concerns.*
- *Devaluing of property values.*
- *Proximity of fuel tanks to residential properties.*

A Residents Discussion Meeting (RDM) was held on 18 October 2018. The meeting was attended by the applicant, the current business owner, a number of objectors, and planning officers. The meeting provided an opportunity to discuss the key concerns of the objectors and provide clarification of the proposal.

As a result of discussions, the owner and applicant agreed to amend the application to provide one (1) fire-rated bunded tank, rather than two (2) separate fuel tanks, along with the inclusion of various additional safety measures.

No objections were withdrawn following the RDM.

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

The proposal is considered to be consistent with the relevant planning controls, State and Local Planning policies.

The proposed development will improve the overall functionality and operation of the existing tenancy and has included sufficient safety measures to protect the safety and amenity of existing residential properties.

The proposed development is consistent with the industrial nature of the precinct and is considered to have a minimal impact on the existing area.

Industrial 1 Zone (I1Z)

The proposed development requires planning approval for the construction of buildings and works within the Industrial 1 Zone (I1Z).

11.2 Planning Permit Application 297/2018/P - 1-15 Hartnett Drive, Seaford - To construct building and works for the erection of an above ground fuel tank within the Industrial 1 Zone and the construction of buildings and works within a Special Building Overlay**Officers' Assessment**

As stated, the proposed fuel tank will be positioned 61.45 metres from the eastern boundary and 25.61 metres from the northern boundary. The tank will have a maximum height of 1.50 metres, a maximum width of 2.25 metres and an overall length of 6.00 metres. This distance of the tank is considerably further than the minimum 'hazard zone' distances outlined within the relevant Australian Standards and will have a limited visual impact when viewed from residential properties. Whilst the associated structural column and tank vents/breather traps will have noticeable height, the inclusions of these structures will assist in minimising excess vapour and unpleasant odours. It is noted that the northern and eastern property boundaries are well vegetated and provide an acceptable level of screening such that the proposed works would not be visually intrusive.

The proposed fuel tank will include appropriate safety measures, including bunding, dry chemical and foam fire extinguishers, spill-kits, emergency buttons, security keys, breather traps and so on.

The proposal will not impact on existing movement vehicles and will be used to provide small volumes of fuel in association with the existing use.

Conditions are recommended to be included to appropriately manage its hours of operation and when the fuel tank is refuelled (9am to 5pm Monday to Friday). Subject to the following restrictions, the proposal is consistent with the requirements outlined within the Industrial 1 Zone (I1Z).

Special Building Overlay (SBO)

Whilst the proposed fuel tank will be positioned outside of the flood path outlined by the Special Building Overlay (SBO), the proposed bunding and roll-over kerbs will be situated within the nominated flood path and will require planning approval.

Council's Drainage Engineers have reviewed the proposed works associated with the fuel tank and do not object to their construction.

Cultural Heritage Management Plan (CHMP)

Whilst the subject site is situated within an area of Aboriginal Cultural Heritage Sensitivity, the proposed buildings and works will be situated above ground and will not result in significant ground disturbance. As such, a Cultural Heritage Management Plan is not required.

Response to Objections

- *"The proposed tank will result in unwanted odours".*

The proposal will incorporate breather traps to the top of the fuel vents to minimise excess vapour and potential odours. Refuelling hours will also be limited to ensure that potential odours are restricted to specific periods of the day.

- *"The proposed tank will result in potential fire risks".*

The fuel tanks will be appropriately fire-rated and constructed to specific Australian Standards, including appropriate spill-kits and fire hydrants in the case of emergencies.

- *"The proposed tank will result in increased traffic issues and unwanted noise".*

11.2 Planning Permit Application 297/2018/P - 1-15 Hartnett Drive, Seaford - To construct building and works for the erection of an above ground fuel tank within the Industrial 1 Zone and the construction of buildings and works within a Special Building Overlay**Officers' Assessment**

It is noted that planning enforcement proceedings have been undertaken to limit the number of vehicles utilising the southern and eastern portions of the site. Notwithstanding, the proposed fuel tank will not interfere with the existing movement of vehicles within the tenancy.

- *“The proposed tank will result in associated drainage, sewerage and flooding issues”.*

The proposed development has been reviewed by Melbourne Water and Council's Drainage Engineers who offered no objections to the proposal. The fuel tank will be constructed over an existing concrete slab and will not impact on exiting flood paths.

- *“The proposed tank will impact on the existing neighbourhood character”.*

The proposed fuel tank will have a maximum height of 1.50 metres and is positioned a considerable distance from neighbouring residential properties. The fuel tank is consistent with the existing industrial use and is minor in scale and appearance.

- *“The proposed tank will result in increased criminal activity”.*

The proposed fuel tank will be constructed with appropriate security keys to ensure it is not used by external parties without approval. The existence of a fuel tank will not result in increased crime in the broader area.

- *“The proposed tank will devalue existing properties”*

The potential financial consequences of the proposal are outside of the scope of assessment and are not a relevant planning consideration.

Conclusion

Overall, the proposal is consistent with the relevant State and Local Policies, along with the requirements of the Industrial 1 Zone (I1Z) and the Special Building Overlay (SBO).

The proposal will include appropriate safety measures in accordance with Australian Standard 1940 (AS1940) and has conditional support from the CFA and EPA.

The fuel tank is considered to be situated an appropriate distance from the neighbouring residential interface, with conditions dictating its hours of operation and the periods in which the tank is refuelled.

The proposed tank will promote the functionality of the existing tenancy and would minimise the unnecessary movement of vehicles to obtain fuel externally. Overall, the proposal will promote the existing purposes of the industrial area and is sensitive to the existing adjoining residential properties.

11.2 Planning Permit Application 297/2018/P - 1-15 Hartnett Drive, Seaford - To construct building and works for the erection of an above ground fuel tank within the Industrial 1 Zone and the construction of buildings and works within a Special Building Overlay**Officers' Assessment****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 297/2018/P for the construction of buildings and works for the erection of an above ground fuel tank within the Industrial 1 Zone (I1Z) and the construction of buildings and works within a Special Building Overlay (SBO) at 1-15 Hartnett Drive, Seaford subject to the following conditions:

No Alterations or Changes

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

Operation of Fuel Tank

2. Unless with the prior written approval of the Responsible Authority, the operation of the fuel tank must only occur between the following hours:
 - Monday to Friday: 9:00am – 5:00pm

Refuelling Hours

3. Unless with the prior written approval of the Responsible Authority, re-fuelling of the fuel tank must only occur between the following hours:
 - Monday to Friday: 9:00am – 5:00pm

EPA Conditions

4. All processing, drainage, storage and general handling of contaminated water, prescribed industrial waste, oils and chemicals must be conducted on impervious surface in a bunded area in accordance with the "Bunding Guidelines" (*EPA Publication 347.1 Bunding Guidelines 2015 or as amended*).
5. The permit holder must not contaminate land or groundwater.
6. Surface water discharge from the premises must not be contaminated with waste.
7. Effective noise levels from the use of the premises must comply with the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.

Amenity

8. The amenity of the area must not be detrimentally affected by the development through the:
 - a. Transport of materials, goods or commodities to or from the land;
 - b. Appearance of any building, works or materials;
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d. Presence of vermin;
 - e. Others as appropriate or in any other way.

11.2 Planning Permit Application 297/2018/P - 1-15 Hartnett Drive, Seaford - To construct building and works for the erection of an above ground fuel tank within the Industrial 1 Zone and the construction of buildings and works within a Special Building Overlay**Officers' Assessment****Permit Expiry**

9. 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.

Town Planning Application 297/2018/P – 1-15 Hartnett Drive Seaford

Subject site ■



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Projection: GDA94 / MGA zone 55

Scale: 1:1768

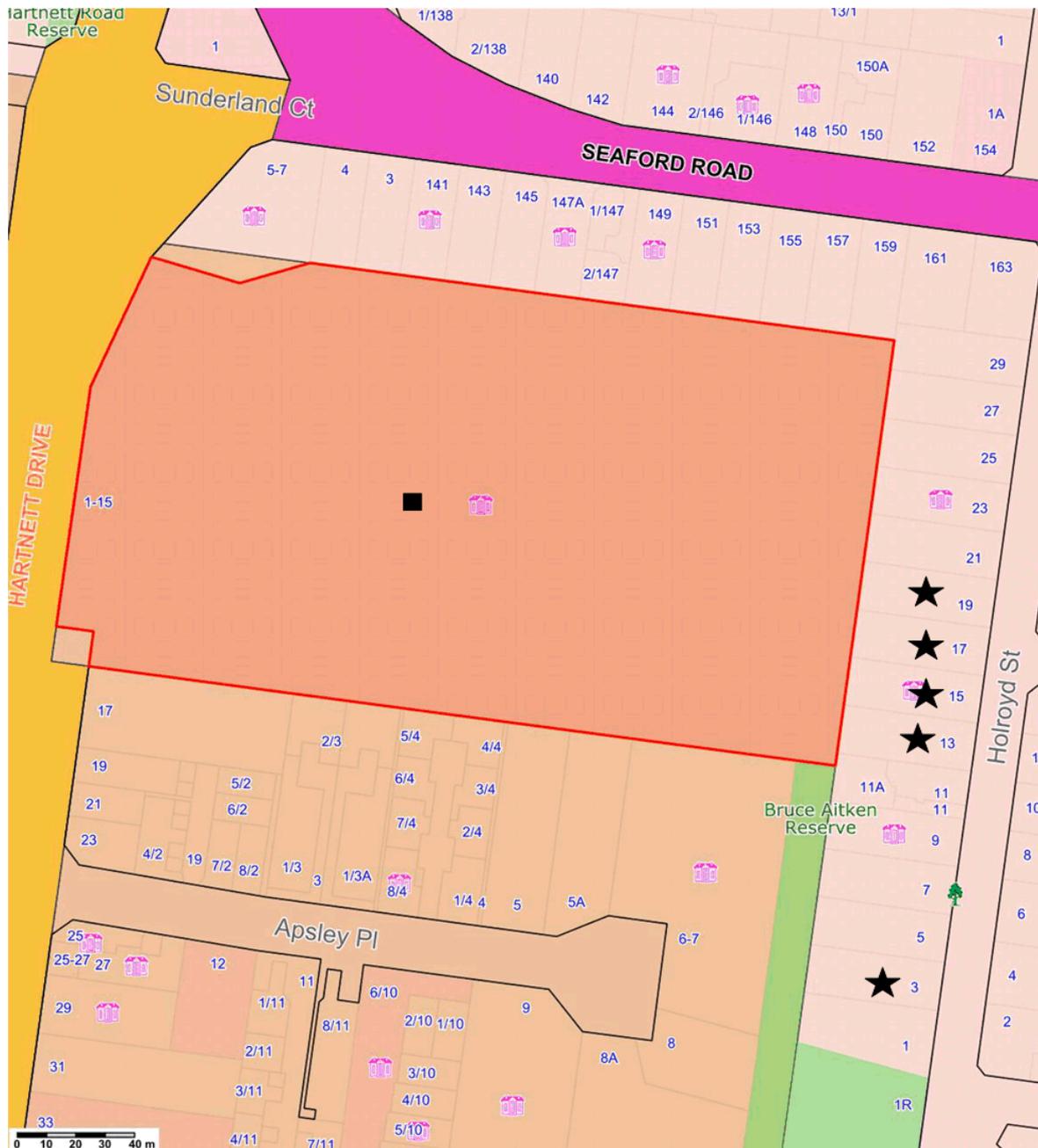
Date Printed: 23/11/2018

Time Printed: 11:58 AM

Issued by: Leah Horne



Town Planning Application 297/2018/P – 1-15 Hartnett Drive Seaford
 Subject site ■ Objectors (1 not shown) ★



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Projection: GDA94 / MGA zone 55

Scale: 1:1768

Date Printed: 23/11/2018

Time Printed: 11:51 AM

Issued by: Leah Home





Office Use Only	
Application No:	Fee: \$
Date Lodged: / /	Receipt No:
Date Allocated: / /	Ward:
Allocated to:	Zone(s):
	Overlay(s):

Application to Amend an Application for Planning Permit

Use this form to amend a planning permit application under section 50 or 57A of the *Planning and Environment Act 1987* where a decision has not yet been made by the Responsible Authority.

Privacy notice

All information collected as part of this permit application will be available for public inspection in accordance with Section 51 of the Planning and Environment Act 1987, unless you specifically request confidentiality. The information collected about you as part of the planning permit process will be made available at the council, should you wish to inspect it.

The land

1. Address of the land	Street No: 1-15	Street Name: HARTNETT DRIVE
	Lot No: []	on Lodged Plan / Plan of Subdivision No. []
	Suburb/Locality: SEAFORD	Postcode: 3198

The Application Number

2.	297/2018/P
----	------------

The proposed amendment

3. Provide details of the amendment being applied for.

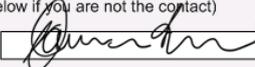
b. What does the amendment propose? Describe the changes proposed including any changes to the plans or to any other documents included with the application.	1. SUPPLY & INSTALL A COMBINED FIRE RATED TANK (ABOVEGROUND) IN LIEU OF INDIVIDUAL A/G TANKS 2. ALSO... TANK VENTS TO INCLUDE BREATHERS TRAPS TO PREVENT EXCESS VAPOR (IF ANY) 3. VEHICLE REFUELLING AREA TO BE BUNDED AND NOT CONNECTED TO STORMWATER, THUS ELIMINATES ANY NEED TO TRENCH/EXCAVATE.
---	--

Supporting information (attachments – plans/drawings/reports)

4. List the documents you are attaching to support this amendment to application, including the title, plans etc plans, etc.

	Quantity	Document	Document date
a)	1	BD-JFP-0900 rev 3 UPDATED SITE LOCATION	22/10/18
b)	1	BD-JFP-0901 rev 3 UPDATED FUEL SYSTEM	22/10/18
c)	1	BD-JFP-0902 rev 3 UPDATED ELEVATIONS	22/10/18
d)	1	BD-JFP-1401 rev 3 UPDATED FUEL DRAIN	22/10/18
e)	1	BD-JFP-0201 rev 3 UPDATED HAZARDOUS	22/10/18
f)	1	BD-JFP-DE01 rev 3 UPDATED DG / FIVE	22/10/18
g)			/ /
h)			/ /

Declaration

<p>5. This form must be signed</p> <p>Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.</p>	<p>I declare that all the information in this application is true and correct and the owner (if not myself) has been advised of the permit application.</p> <p>Name: <u>DARLEN RECK</u></p> <p>I am the: (tick all that apply)</p> <p><input type="checkbox"/> Owner</p> <p><input checked="" type="checkbox"/> Applicant</p> <p><input type="checkbox"/> Contact</p> <p><input checked="" type="checkbox"/> Agent for the applicant or owner (provide details in the Agent section below if you are not the contact)</p> <p>Signature: <u></u></p> <p>Date: <u>31/10/18</u></p>
<p>Agent If you are an agent for the applicant or owner and not the contact as well, please provide your details.</p>	<p>Organisation (if applicable): <u>FUELSITE PTY LTD</u></p> <p>Postal address: <u>2 VICTORIA GROVE HAWTHORN EAST</u></p> <p>Postcode: <u>3123</u></p>

Lodgement

<p>Lodge the completed and signed form and all documents with:</p>	<p>Council Name: Frankston City Council</p> <p>Council Address: Civic Centre, Davey Street, Frankston</p> <p>Council Address: PO Box 490, Frankston, Victoria, 3199</p> <p>Council Address: DX 19913 Frankston</p> <p>For help or more information</p> <p>Telephone: 03 9784 1888</p> <p>Fax: 03 9781 3117</p> <p>Email: correspondence@frankston.vic.gov.au</p>
--	---



TANK SCHEDULE				
TANK No	PRODUCT	PROD. CLASS	DIMENSIONS mm	TANK CAP's Ltrs
1	ULP	CLASS 3 PG II	ABOVE GROUND SELF BUNDED STEEL TANK	4,000
2	DIESEL	COMBUSTIBLE C1	ABOVE GROUND SELF BUNDED STEEL TANK	4,000

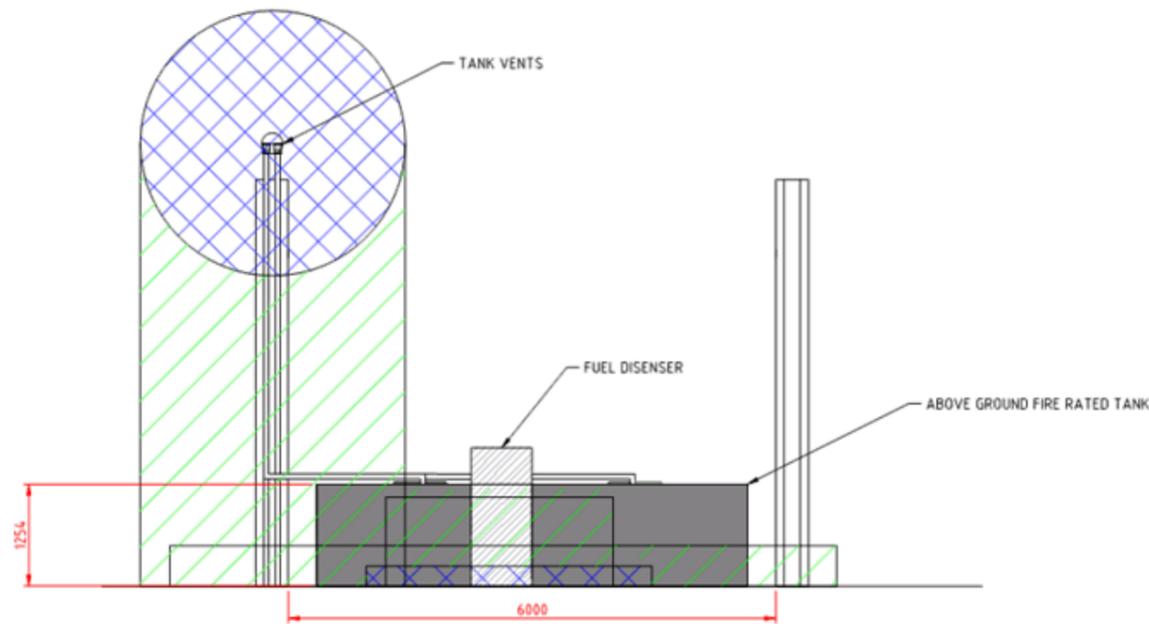
PUMP SCHEDULE		
No	PRODUCT	DISPENSER
1	ULP/DSL	DUAL DISPENSER

HAZARDOUS ZONES

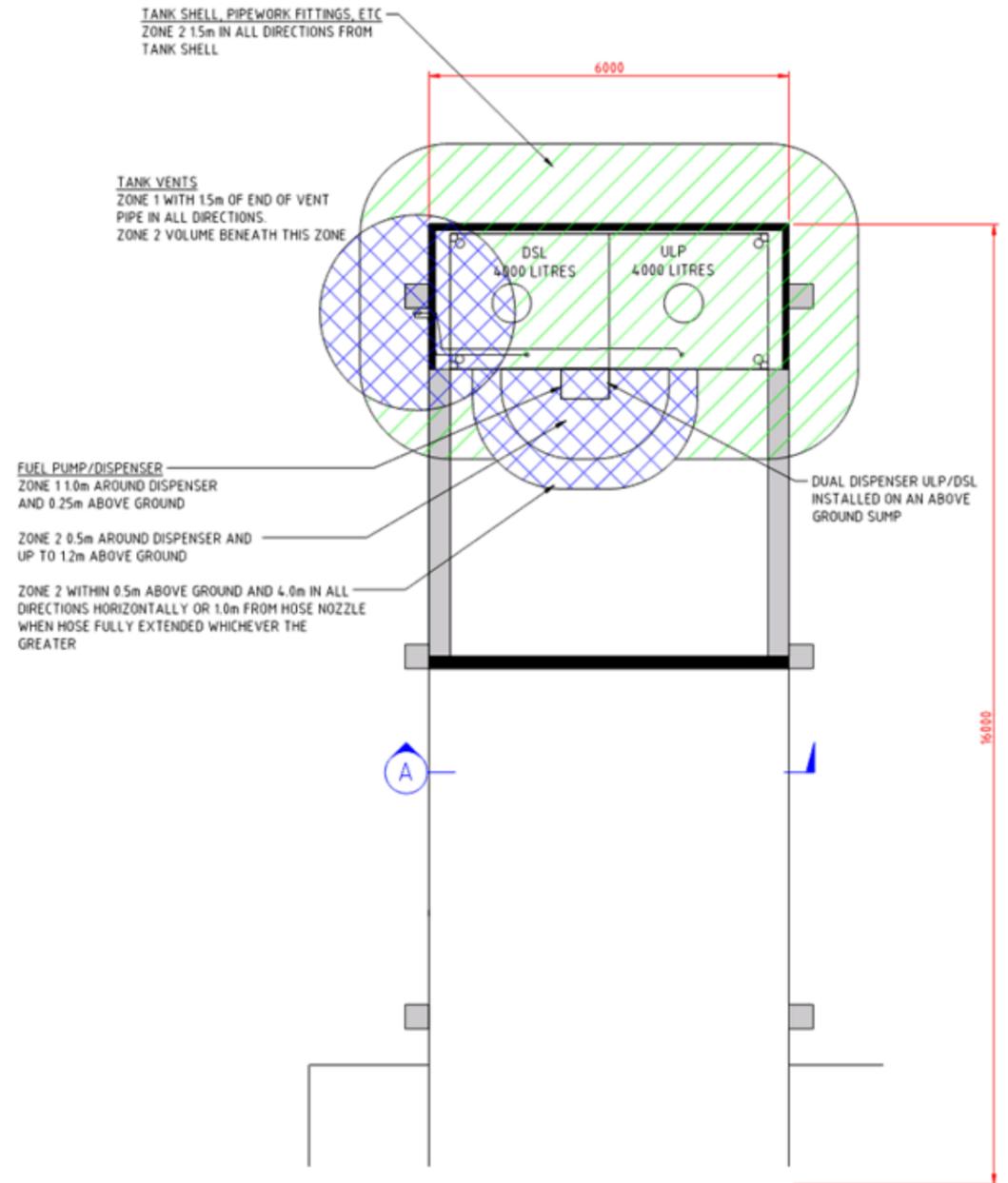
- HAZARDOUS ZONE 1
- HAZARDOUS ZONE 2

NOTE

ALL HAZARDOUS ZONES AS PER AS 60079.10.1-2009



VIEW A
 SCALE 1:100 @ A3



HAZARDOUS AREA LAYOUT

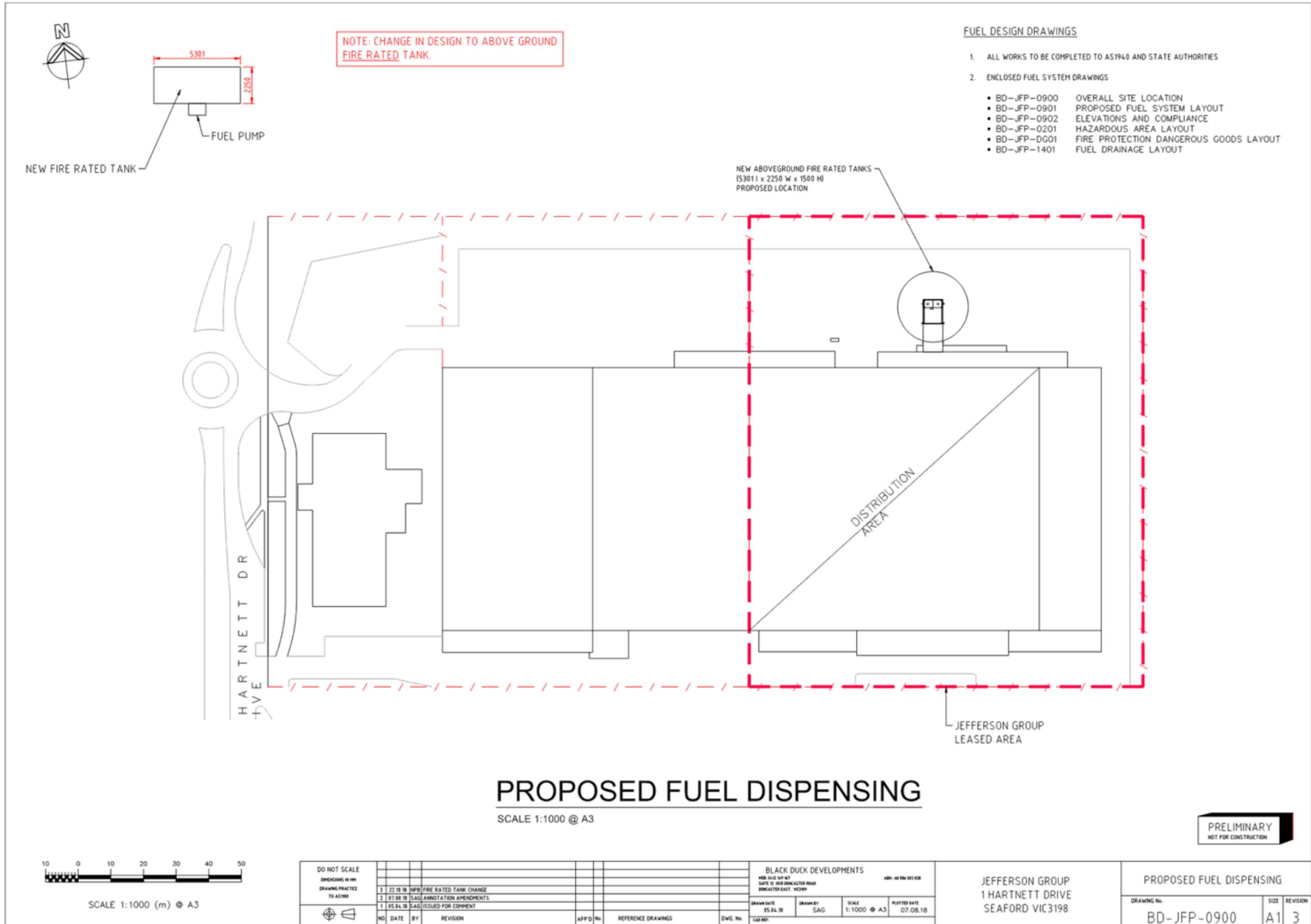
SCALE 1:100 @ A3

PRELIMINARY
 NOT FOR CONSTRUCTION



SCALE 1:100 @ A3

DO NOT SCALE				BLACK DUCK DEVELOPMENTS				JEFFERSON GROUP		HAZARDOUS AREA LAYOUT	
DRAWING PRACTICE TO AS1100				NO: 0412 140 167 SUITE 12, 1020 DONCASTER ROAD DONCASTER EAST, VIC3109				1 HARTNETT DRIVE SEAFORD VIC3198		DRAWING No.	
3	22.10.18	INP	FIRE RATED TANK	DRAWN DATE	DRAWN BY	SCALE	PLOTTED DATE	BD-JFP-0201		SIZE	REVISION
2	07.08.18	SAG	ANNOTATION AMENDMENT	16.04.18	SAG	1:50 @ A1	07.08.18	A1		3	
1	16.04.18	SAG	ISSUED FOR COMMENT	APP'D No.		REFERENCE DRAWINGS		DWG. No.		AS REF.	



PROPOSED FUEL DISPENSING

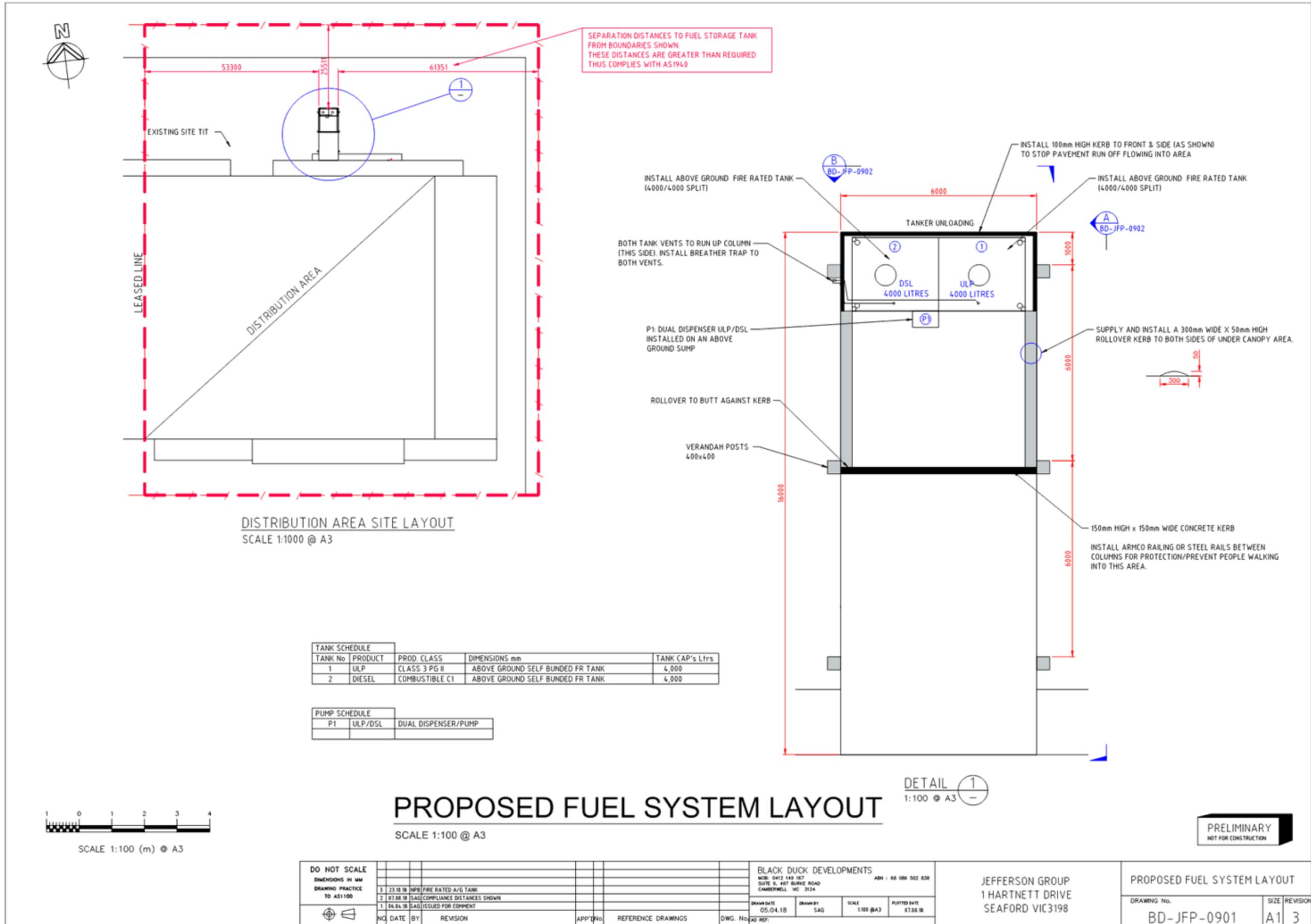
SCALE 1:1000 @ A3

PRELIMINARY
NOT FOR CONSTRUCTION



SCALE 1:1000 (m) @ A3

DO NOT SCALE				BLACK DUCK DEVELOPMENTS				JEFFERSON GROUP		PROPOSED FUEL DISPENSING	
DIMENSIONS IN MM				108-0412 147 877 SITE 15 VON DRINGHAM ROAD DUNCASTER EAST, VIC3084				1 HARTNETT DRIVE SEAFORD VIC3198		DRAWING No.	
DRAWING PRACTICE TO AS1909				APR 18 09 501 838						SIZE	
3 22 10 18 INF0 FIRE RATED TANK CHANGE				DRAWN DATE 05.04.18				SCALE 1:1000 @ A3		REVISION	
2 07 08 18 (SAG) ANNOTATION AMENDMENTS				DRAWN BY SAG				PLOTTED DATE 07.08.18			
1 05.04.18 SAG ISSUED FOR COMMENT				APP'D No.				REFERENCE DRAWINGS		DWG. No.	
NO.	DATE	BY	REVISION								
										BD-JFP-0900	
										A1 3	



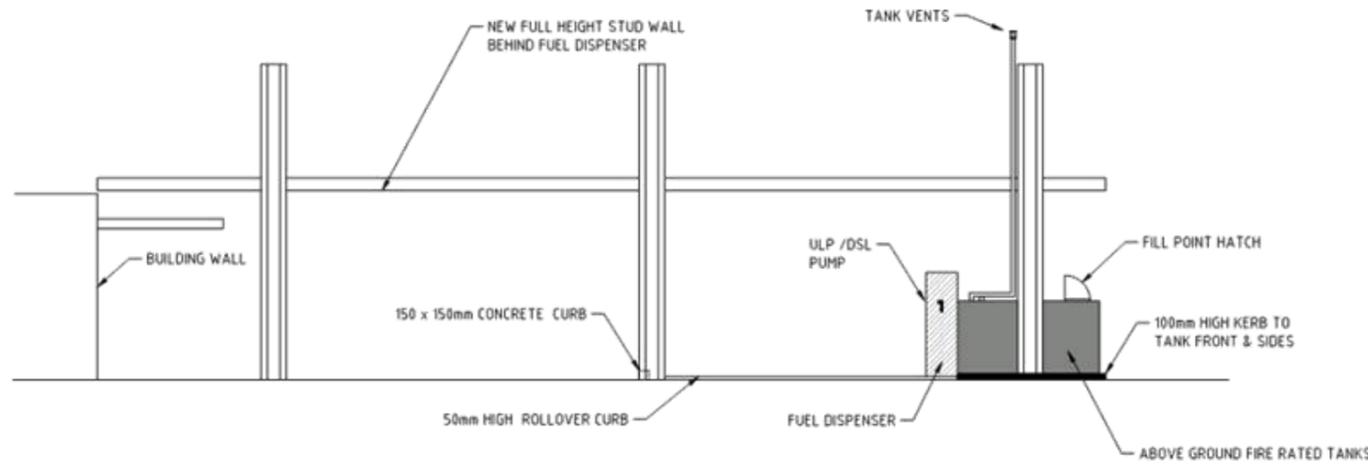
TANK SCHEDULE				
TANK No	PRODUCT	PROD. CLASS	DIMENSIONS mm	TANK CAP's Ltrs
1	ULP	CLASS 3 PG II	ABOVE GROUND SELF BUNDED FR TANK	4,000
2	DIESEL	COMBUSTIBLE C1	ABOVE GROUND SELF BUNDED FR TANK	4,000

PUMP SCHEDULE		
P1	ULP/DSL	DUAL DISPENSER/PUMP

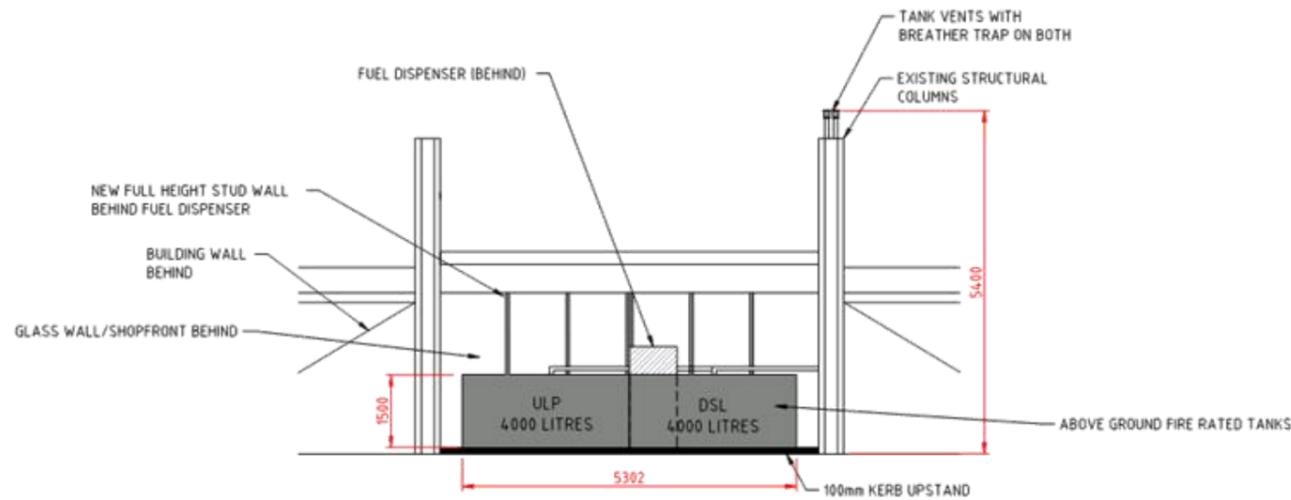


SCALE 1:100 (m) @ A3

DO NOT SCALE DIMENSIONS IN MM DRAWING PRACTICE TO AS1100	3	23.10.18	INP	FIRE RATED A/G TANK	BLACK DUCK DEVELOPMENTS NO: 0412 140 167 SUITE 6, 497 BURKE ROAD CAMBERWELL VIC 3124 ABN: 68 086 502 838	JEFFERSON GROUP 1 HARTNETT DRIVE SEAFORD VIC3198	PROPOSED FUEL SYSTEM LAYOUT	
	2	07.08.18	SAG	COMPLIANCE DISTANCES SHOWN			DRAWN DATE: 05.04.18 DRAWN BY: SAG SCALE: 1:100 @A3 PLOTTED DATE: 07.08.18	DRAWING No. BD-JFP-0901
	1	04.04.18	SAG	ISSUED FOR COMMENT				
	NO	DATE	BY	REVISION	APP'D No	REFERENCE DRAWINGS	DWG. No	AS REF.



VIEW A
150 BD-JFP-0901



VIEW B
150 BD-JFP-0901

NOTE
ACTUAL TANK EXTERNAL COLOURS ARE "WHITE"
THE COLOURS SHOWN ON THE DRAWINGS SIGNIFY
THE PRODUCT CLASS

TANK SCHEDULE				
TANK No	PRODUCT	PROD. CLASS	DIMENSIONS mm	TANK CAP's Ltrs
1	ULP	CLASS 3 PG II	ABOVE GROUND SELF BUNDED STEEL TANK	4,000
2	DIESEL	COMBUSTIBLE C1	ABOVE GROUND SELF BUNDED STEEL TANK	4,000

PUMP SCHEDULE		
1	ULP/DSL	DUAL DISPENSER

ABOVEGROUND FUEL TANK COMPLIANCE

- TANKS: SELF BUNDED ABOVEGROUND FIRE RATED TANK.
- PRODUCT: DIESEL (COMBUSTIBLE) CLASS C1
ULP (FLAMMABLE) CLASS 3 PGII

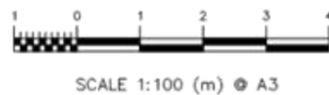
1: AS1940 SECTION 3-ACHIEVED.
2: CLAUSE 5.7.2 SEPARATION DISTANCES ACHIEVED.
3: CLAUSE 5.7.6 TANK CONSTRUCTION COMPLIES.
4: CLAUSE 5.9 ACHIEVED COMPLIANCE.
5: DRAINAGE COMPLIANCE BUNDED AREA
6: AS1940 SECTION 7- ACHIEVE WHERE APPLICABLE.
SECTION 8 - ACHIEVED/COMPLIES
7: SIGNAGE ALL TANKS/PRODUCTS TO BE SIGNED.

THE TANK/S AND PRODUCTS ARE LOCATED AS SUCH THAT COMPLIANCE IS ACHIEVED AS PER THE RELEVANT CODES AND STANDARDS. THE ABOVE POINTS ARE A PARTIAL REPRESENTATIVE ONLY OF THE CODE- REFER TO THE DESIGN CERTIFICATION AND RISK ASSESSMENT DOCUMENTATION

REFER TO TANK MANUFACTURERS DRAWING
No. LSK-4500-GA FOR TANK DETAILS

ELEVATIONS AND COMPLIANCE
SCALE 1:100 @ A3

PRELIMINARY
NOT FOR CONSTRUCTION



DO NOT SCALE				BLACK DUCK DEVELOPMENTS				JEFFERSON GROUP		ELEVATIONS AND COMPLIANCE	
DIMENSIONS IN MM DRAWING PRACTICE TO AS1100				108-61/2 W/4 RT SUITE 4, 117 BUNBIE ROAD CARBONELL VIC 3018				1 HARTNETT DRIVE SEAFORD VIC3198		DRAWING No. SIZE REVISION	
3	23 10 18	INR	FIRE RATED A/G TANK	DRAWN DATE	DRAWN BY	SCALE	PLOTTED DATE	BD-JFP-0902		A1 3	
2	07 08 18	SAG	ANNOTATION AMENDMENT	16.04.18	SAG	1:100 @ A3	07.08.18				
1	16.04.18	SAG	ISSUED FOR COMMENT								
NO	DATE	BY	REVISION	APP'D No.	REFERENCE DRAWINGS	DWG. No.	AS REF.				

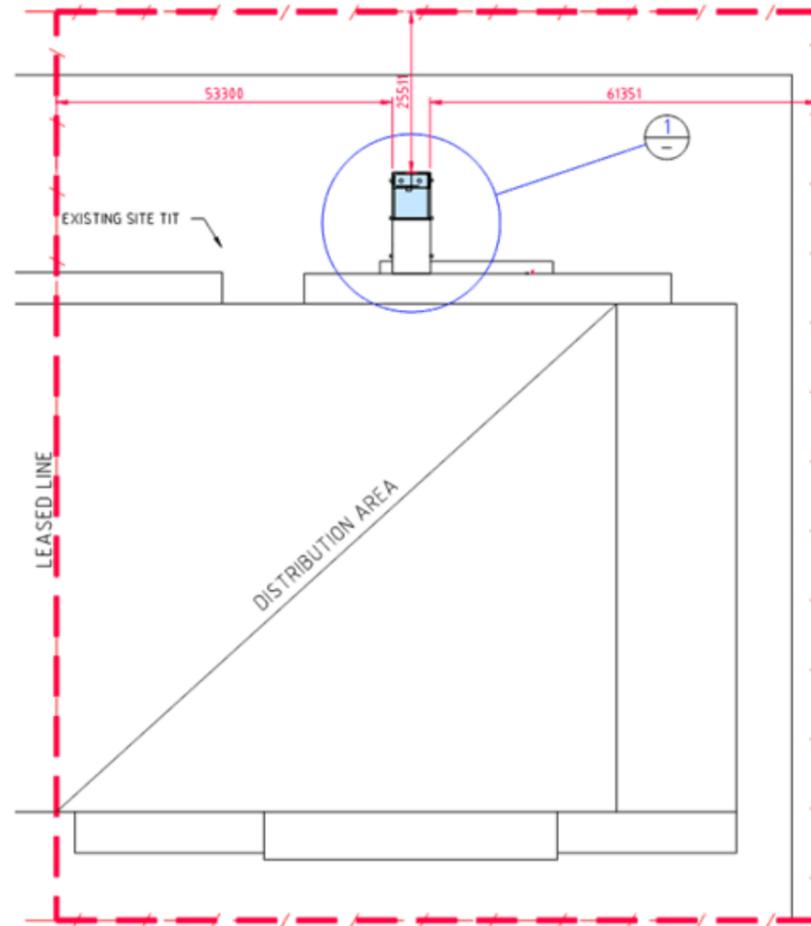


FUEL DRAINAGE COMPLIANCE - AS1940 COMPLIANCE

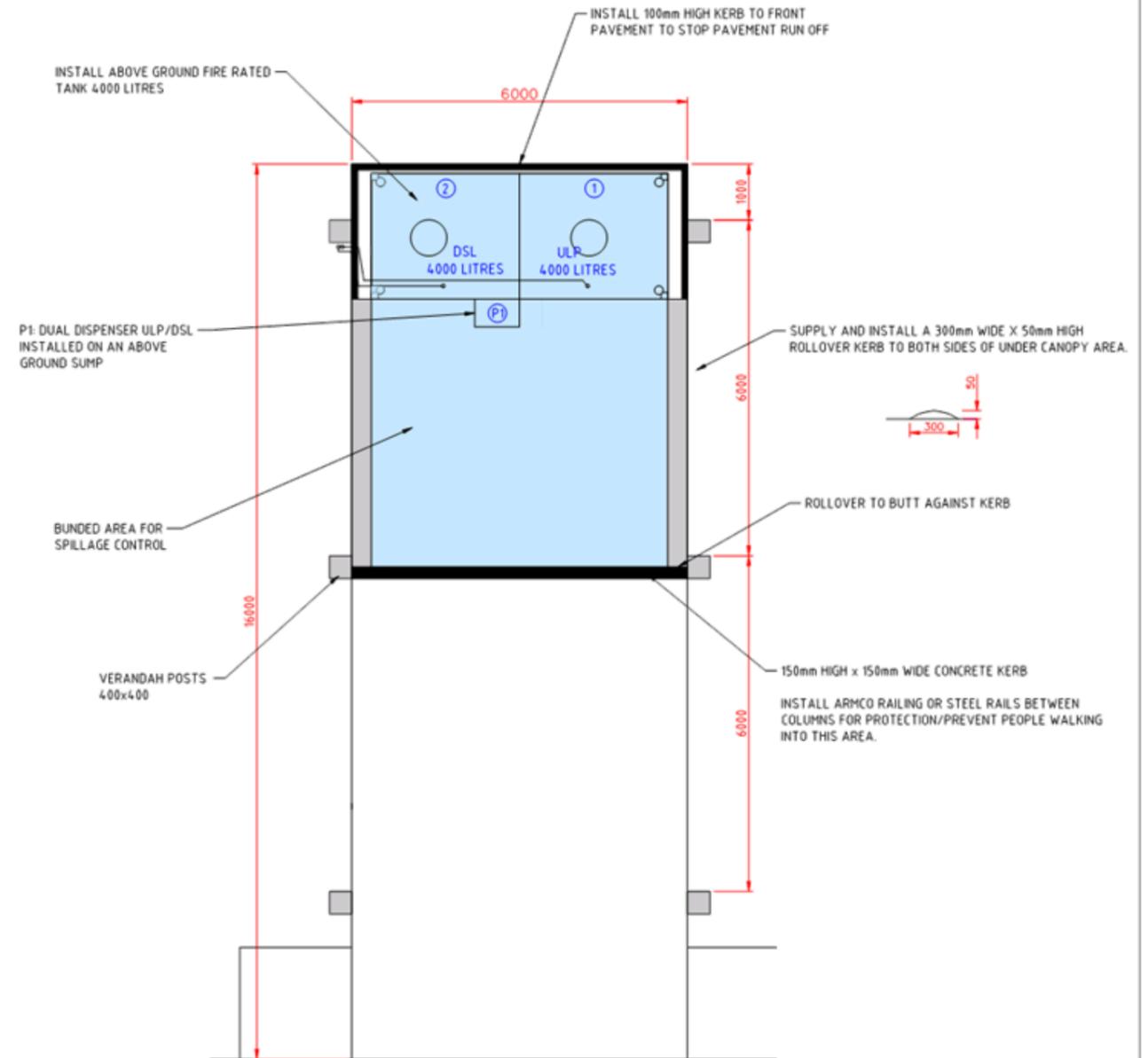
- 1: ABOVE GROUND SELF BUNDED TANKS TO BE USED
 - 2: TANKER UNLOADING (TANKER TO TANK) TO BE PERFORMED WITH HOSE REEL CONNECTION
 - 3: DRIPS AND SPILLS AT FUEL DISPENSER TO BE CAPTURED & CONTAINED IN BUNDED AREA
 - 4: CLEAR VISIBLE SIGNAGE TO BE INSTALLED. SPILL KIT TO BE PRESENT
- NOTE 1- THIS SYSTEM SATISFIES ALL CURRENT FUEL CODE AND GOVERNMENT REGULATIONS

TANK SCHEDULE				
TANK No	PRODUCT	PROD. CLASS	DIMENSIONS mm	TANK CAP'S Ltrs
1	ULP	CLASS 3 PG II	ABOVE GROUND SELF BUNDED STEEL TANK	4,000
2	DIESEL	COMBUSTIBLE C1	ABOVE GROUND SELF BUNDED STEEL TANK	4,000

PUMP SCHEDULE	
1	ULP/DSL DUAL DISPENSER



DISTRIBUTION AREA SITE LAYOUT
 SCALE 1:1000 @ A3



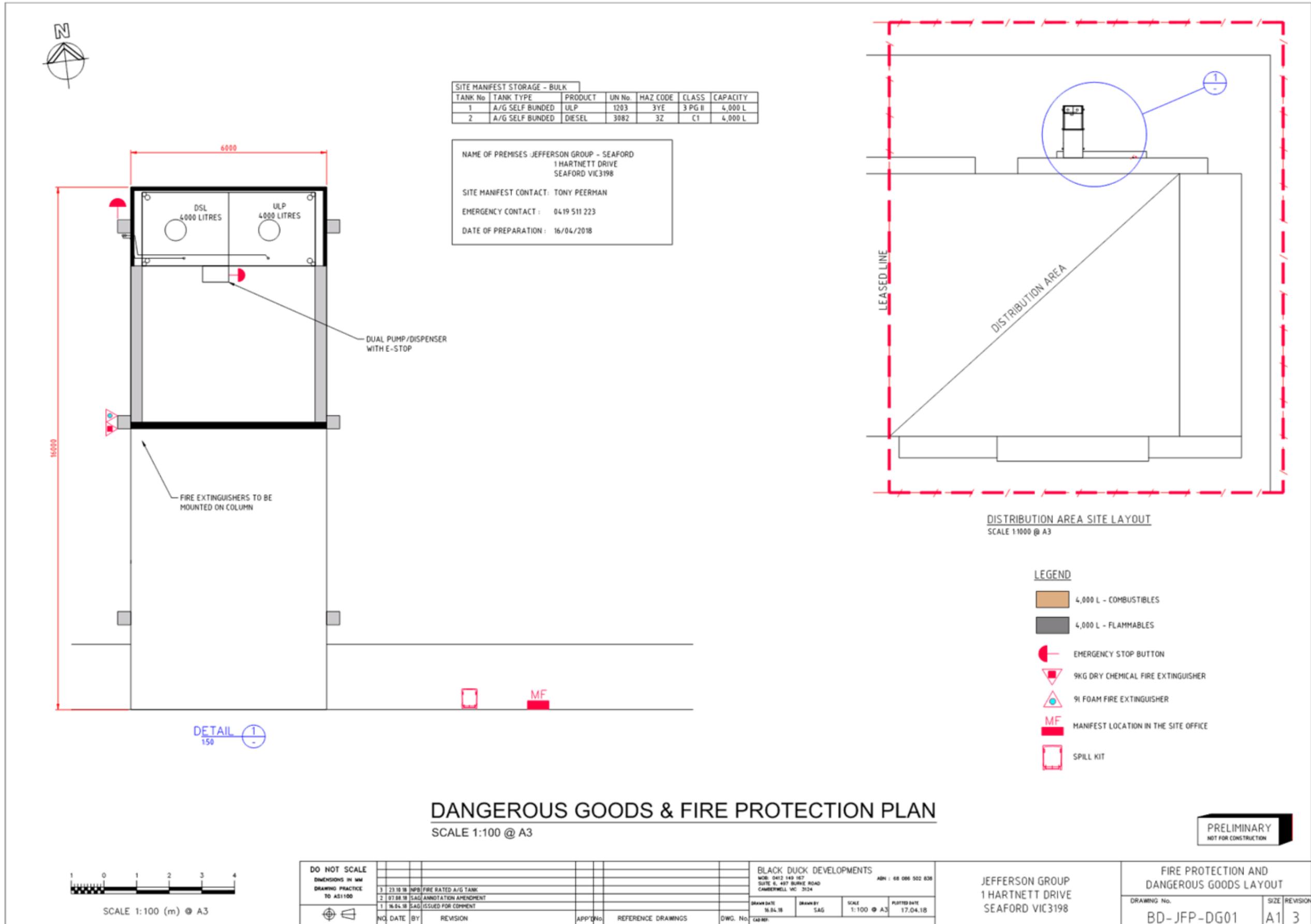
DRAINAGE COMPLIANCE
 SCALE 1:100 @ A3

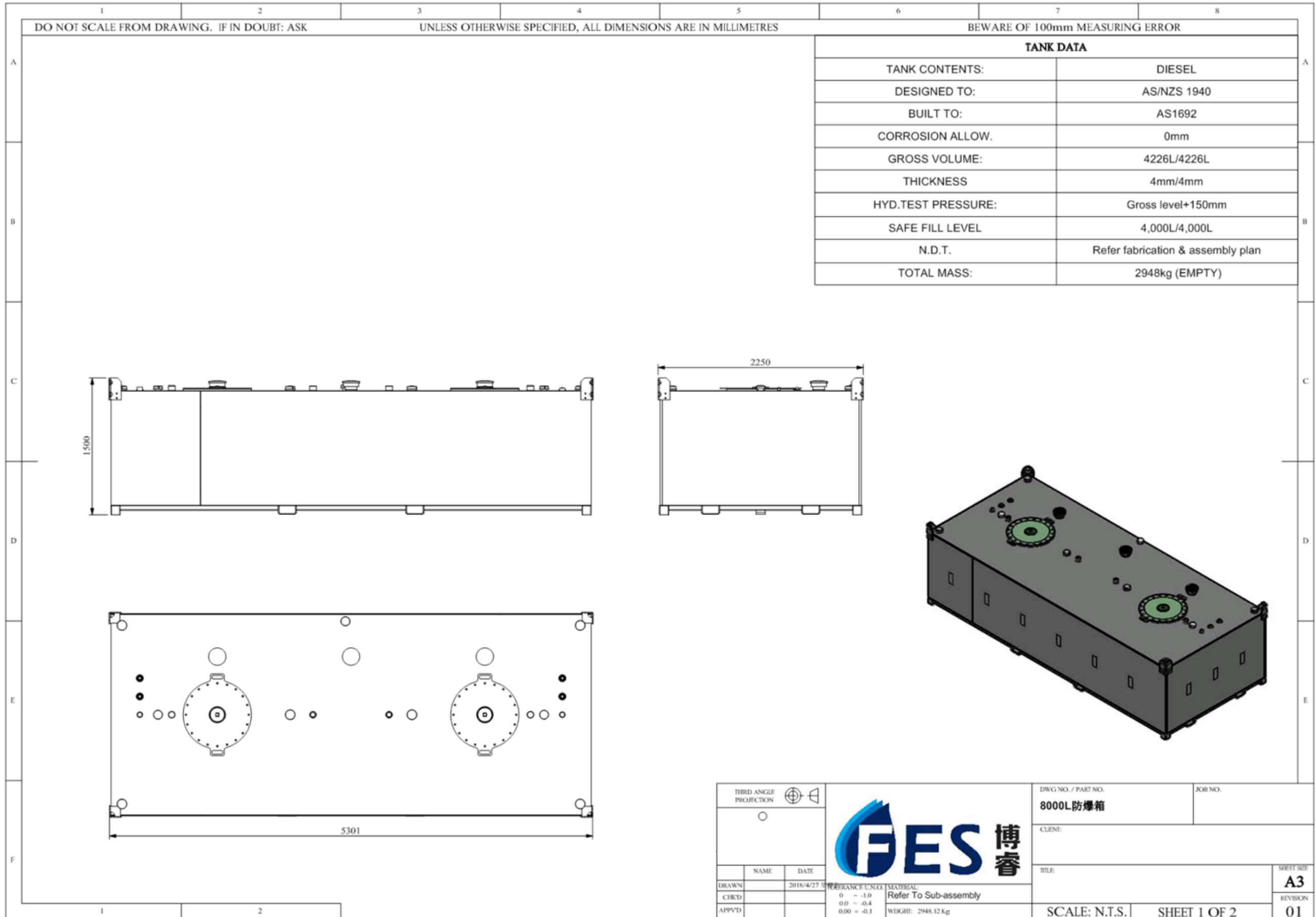
PRELIMINARY
 NOT FOR CONSTRUCTION

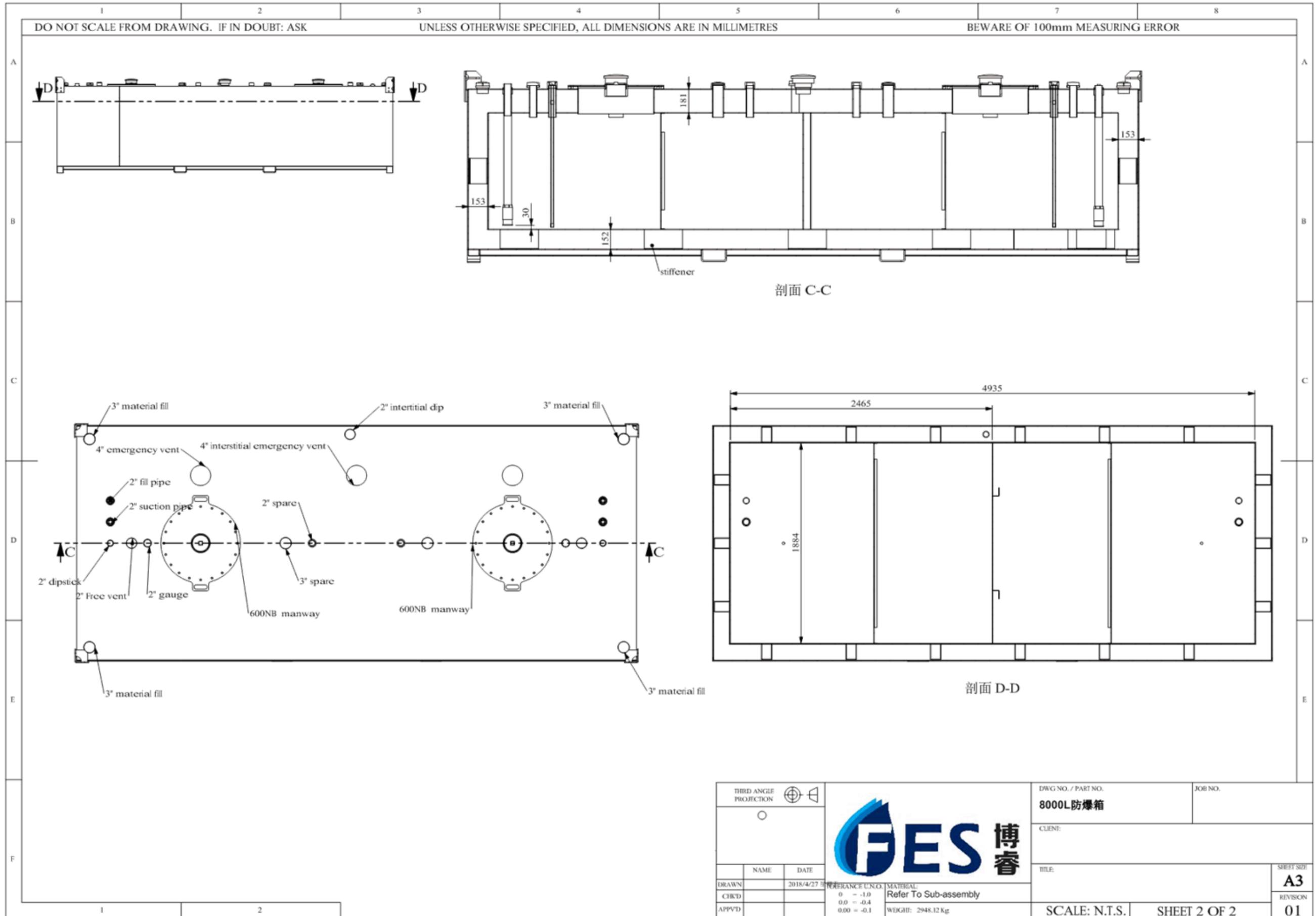


SCALE 1:100 (m) @ A3

DO NOT SCALE				BLACK DUCK DEVELOPMENTS				JEFFERSON GROUP		DRAINAGE COMPLIANCE			
DIMENSIONS IN MM				POB: 61/52 W4 RD SUITE 4, LIFT BARGE ROAD CAMDENHILL VIC 3103				1 HARTNETT DRIVE SEAFORD VIC3198		DRAWING No.			
DRAWING PRACTICE TO AS1180				ADM: 18 006 542 038						SIZE			
3	23 10 18	INP	FIRE RATED TANK	DRAWN DATE	16.04.18	DRAWN BY	SAG	SCALE	150 @ A1	PLOTTED DATE	07.08.18	BD-JFP-1401	
2	07 08 18	SAG	TRENCH DETAIL ADDED ANNOTATION AMENDMENT									A1	3
1	16.04.18	SAG	ISSUED FOR COMMENT										
NO.	DATE	BY	REVISION	APPD No.	REFERENCE DRAWINGS	DWG. No.	CAD REF.						









PRODUCT PROFILE

BULK FUEL & LUBE FILTRATION PRODUCT RANGE

3 micron T.R.A.P.™ Breather with pressure relief valve and air flow restriction indicator

Specifications

Air Flow Up To

500 Lpm

Filter Efficiency

<3µm at 97%

Connection

1 ½" BSP Socket

Application

1 Breather assembly for tanks up to 40,000L

For tanks larger than 40,000L use multiple assemblies are required.

(If unsure, contact a Donaldson Representative)

The Donaldson T.R.A.P.™ Breather reduces the risk of dust and moisture entering storage tanks from the vent while allowing high flow rates of fluid to be pumped into and out of the tank.



Product Image	Part No.	Pack Qty	Description
	DFF0078	1	Bulk tank breather assembly includes: <ul style="list-style-type: none"> • Breather • Restriction Indicator • Brass fittings with a 1 ½" BSP Socket
	P923075	1	Replacement breather dimensions: O.D.: 165mm Body Height: 220mm

Donaldson Australasia Pty Ltd
 PO Box 153, Wyong NSW 2259

Free call: 1800 345 837
 Ph: +61 2 4350 2000
 Fax: +61 2 4351 2036

Donaldson New Zealand
 PO Box 14-770, Panmure 1741 Auckland

Ph: +64 9 579 2790
 Fax: +64 9 579 0322

Product Profile No. 11BFLF005 (12/11)
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www.donaldsonfilters.com.au

Executive Summary**11.3 Town Planning application 539/2018/P - Shop 1-131 Nepean Highway Seaford - To use the land for the sale and consumption of liquor (Restaurant and Cafe Licence)**

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 Shop 1-131 Nepean Highway Seaford for the sale and consumption of liquor (Restaurant and Cafe Licence).

Recommendation (Director Community Development)

That a Notice of Decision to Grant a Planning Permit be issued , to use the land at Shop 1-131 Nepean Highway Seaford for the sale and consumption of liquor (Restaurant and Cafe Licence) subject to the conditions contained in the officer's assessment.

Key Points / Issues

- It is proposed to use the site for consumption and sale of liquor in association with a restaurant. Since the site is within the Commercial 1 zone, a planning permit is not required to use the shop as a restaurant.
- A maximum capacity of 110 patrons is proposed. The operating hours will be between 11 am to 12.00 midnight from Monday to Sunday and from 12 noon to 12 midnight on Anzac Day and Good Friday.

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 three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.50 per cent for 2019-2020.

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 is \$1,635.10. The average cost to process a planning permit application is \$2,264 which represents a difference of \$628.90.

11.3 Town Planning application 539/2018/P - Shop 1-131 Nepean Highway Seaford - To use the land for the sale and consumption of liquor (Restaurant and Cafe Licence)**Executive Summary****Consultation**1. External Referrals

The application was referred externally to Victoria Police. No comments have been received.

2. Internal Referrals

The application was referred internally to Community Strengthening Department who support the proposal subject to opening hours being restricted until 12 midnight and consistent with other similar businesses.

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, 2 objections 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 have no impact on the environment.

It is considered that the proposed licensing of the restaurant will bring economic growth and employment opportunities in the area.

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

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

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

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

Legal

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

- Clause 52.27 (Licensed Premises).

Policy Impacts

- Clause 11 – Settlement
- Clause 17 – Economic Development

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

11.3 Town Planning application 539/2018/P - Shop 1-131 Nepean Highway Seaford - To use the land for the sale and consumption of liquor (Restaurant and Cafe Licence)**Executive Summary**Officer's Declaration of Interests

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

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

Risk Mitigation

There are no particular risks associated with this application.

Conclusion

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

ATTACHMENTS

- Attachment A: [↓](#) Locality Map
Attachment B: [↓](#) Locality map (Aerial)
Attachment C: [↓](#) Site plan and proposed Red Line Plan

11.3 Town Planning application 539/2018/P - Shop 1-131 Nepean Highway Seaford - To use the land for the sale and consumption of liquor (Restaurant and Cafe Licence)

Officers' Assessment

Summary

Existing Use	Retail premises
Site Area	Approximately 725.15m ²
Proposal	Use the land for the sale and consumption of Liquor (restaurant and café licence)
Site Cover	Not applicable
Permeability	Not applicable
Zoning	Commercial 1 Zone
Overlays	Design and Development Overlay Schedule 6
Neighbourhood Character Precinct	Not Applicable (Commercial Zone)
Reason for Reporting to Council	Application associated with Liquor

Background

Subject Site

The site is already developed and operating as a retail premises. It is located on the eastern side of Nepean Highway in Seaford.

The site is regular in shape, with a frontage of approximately 15 metres to Nepean Highway and depth of approximately 45 metres. It has an overall area of approximately 694 square metres and is not affected by any easements. The east (rear) boundary abuts a laneway which provides vehicle access to the site.

The subject site currently contains a single storey building with 4 retail shops.

Locality

The subject site is located within the Seaford Neighbourhood Activity Centre, and is surrounded by commercial developments. Other shops are located on adjoining lots to the north and south. To the west of the site is the Seaford Foreshore Reserve and site abuts a laneway to the east.

Site History

Previous planning permit applications for the site include:

- Planning permit 687/2013/P was issued on 21 August 2014 to construct buildings and works (two (2) retractable roofs).
- Planning Permit 580/2006/P was issued on 2 January 2007 for Shop 2 within the building to sell and serve alcohol (on-premises liquor licence) to customers seated in the café premises.

11.3 Town Planning application 539/2018/P - Shop 1-131 Nepean Highway Seaford - To use the land for the sale and consumption of liquor (Restaurant and Cafe Licence)**Officers' Assessment*****Proposal***

The proposal is to use the land to sell and consume liquor with a Restaurant and Café Licence. The proposed hours for the serving of liquor are:

- Monday to Sunday, 7:00 am – 12 midnight
- Anzac Day 12 noon to 12am
- Good Friday 9am to 12am

The maximum capacity of the restaurant will be 110 patrons. The seats are shown on the floorplan within the building and outdoor areas and proposed to be included in the licenced area.

It is noted that the advertised documents stated that there will be 146 patrons on site at any one time and operating hours from 7am to 1am for 7 days. However, in addressing the objections received and the Community Strengthening Department's comments, the applicant has suggested they could reduce the patron numbers to 110 and operating hours from 7am to 12 midnight for 7 days.

State and Local Planning Policy Frameworks

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

- Clause 11 – Settlement
- Clause 15.01 – Urban Environment
- Clause 17 – Economic Development

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

- Clause 21.04 – Settlement
- Clause 21.08 – Economic Development

Planning Scheme Controls

A Planning Permit is required pursuant to:

- Clause 52.27 (Licensed Premises).

Notification of Proposal

The grounds of two objections received are summarised as follows:

- 146 patrons and opening hours from 7am to 1am is extraordinary and not consistent with the Seaford Village feel.
- Car parking issues.
- No toilets on premises.
- Noise
- The application form is not indicating correct information.

A Residents Discussion Meeting was not held as there were less than 4 objections.

11.3 Town Planning application 539/2018/P - Shop 1-131 Nepean Highway Seaford - To use the land for the sale and consumption of liquor (Restaurant and Cafe Licence)**Officers' Assessment****Internal Referrals**

A summary of internal referral comments regarding the proposal are provided below.

- **Community Strengthening Department**

The application was referred internally to Community Strengthening Department who support the proposal subject to opening hours being restricted until 12 midnight consistent with the other similar businesses.

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

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

Clause 52.06 Car Parking

The site is within the Principal Public Transport Network Area. The premises will accommodate 110 patrons on site at any one time and the area of the existing shop and outdoor space is approximately 170m². Under Clause 52.06-5, 5 car parking spaces are required at the rate of 3.5 spaces per 100m². Only two car parking spaces are available for shop 1 at the rear of the site. However, pursuant to Clause 52.06-3, a planning permit is not required to reduce car parking spaces for a new use of an existing building if the following requirements are met;

- *The building is in the Commercial 1 Zone, Commercial 2 Zone, Commercial 3 Zone or Activity Centre Zone.*
- *The gross floor area of the building is not increased.*
- *The reduction does not exceed 10 car parking spaces.*
- *The building is not in a Parking Overlay with a schedule that allows a financial contribution to be paid in lieu of the provision of the required car parking spaces for the use.*

The proposal complies with all the above requirements and thus, no permit is required to reduce the required car parking spaces.

Clause 52.34 Bicycle Parking

Pursuant to clause 52.34-1, one bicycle parking space is required for the new use. The plans do not show any bicycle parking spaces. A condition will apply on any permit issued to show one bicycle parking space in a suitable location.

Clause 52.27 Licence Premises

Purpose;

- *To ensure that licensed premises are situated in appropriate locations.*
- *To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.*

11.3 Town Planning application 539/2018/P - Shop 1-131 Nepean Highway Seaford - To use the land for the sale and consumption of liquor (Restaurant and Cafe Licence)**Officers' Assessment**

The proposal meets the purposes of Clause 52.27 (Licensed Premises), subject to a reduced number of patrons and operating hours as mentioned above. The site is considered appropriately located as it is within the existing commercial area. The amenity impacts are reasonably limited as liquor is to be sold with food.

Type of Licence

The Restaurant and Café Licence is appropriate for businesses whose predominant activity at all times is the preparation and serving of meals for consumption on the premises. The site (Shop 1) will be operated as a restaurant and meals will be available throughout the entire opening hours. Thus, the predominant service on the subject shop will be serving of meals and it is considered that the proposed type of liquor licence is appropriate in this instance.

Amenity

As the land is located in a commercial area and does not have abutting residential neighbours, the consumption of liquor will not likely impact upon the amenity of the area. Council's Social and Community Planning Branch has not objected to the proposal subject to conditions. General amenity conditions restricting noise generation are recommended to be included in an approval.

However, a start time of 7am is not supported and a condition requiring a later start time for the serving of liquor of 11.00 am is recommended, consistent with Council's approach to licensed premises. Further, Anzac Day and Good Friday operating hours also should be 12 noon – 12 midnight to ensure the impact of the licensed premises is minimal to the surrounding area.

Cumulative Impact

The State Government has prepared Practice Note 61 ('Licensed premises: Assessing cumulative impact') which provides guidance for assessing the cumulative impact of licensed premises as part of a planning permit application under Clause 52.27 of the planning scheme. According to the practice note, 'Cumulative Impact' refers to both the positive and negative impacts that can result from the clustering of licensed premises. It is a product of the number and type of venues present, the way they are managed, and the capacity of the local area to accommodate these venues.

The Practice Note states that it should be used for new or expanded licensed premises that will trade past 11 pm and are located in a 'cluster' of licensed premises, i.e. where there are three or more licensed premises within a radius of 100m from the subject land; or, 15 or more licensed premises within a radius of 500m from the subject land.

Given the applicant is proposing to serve liquor until 12.00 midnight and there are a number of licensed premises located close to the subject site, a Cumulative Impact Assessment of the proposal is required.

- *Is the proposal consistent with the planning outcomes encouraged in the policy, zoning and other planning controls in the area?*

A planning permit is not required to use land for a restaurant in a Commercial 1 Zone and accordingly the proposed restaurant and café licence is consistent with the planning outcomes sought for this area.

- *Will the proposal significantly increase the number of patrons near sensitive uses at any time? Will the proposal generate amenity impacts beyond what is reasonable?*

11.3 Town Planning application 539/2018/P - Shop 1-131 Nepean Highway Seaford - To use the land for the sale and consumption of liquor (Restaurant and Cafe Licence)**Officers' Assessment**

The site is at least 45 metres away from residential properties which front Nepean Highway. With the site being located within and inside a building complex, the impact of the patron numbers will have minimal impacts on the sensitive uses. Further the site is located within the Seaford Activity Centre and the 110 patrons sought during these hours is not an excessive amount for a restaurant.

- *Does the proposal contribute to the diversity of activities and vibrancy of the area?*

The proposal will add a restaurant in an area where activities are generally limited to food and drink premises which operate mainly during daytime hours. It will therefore add to the diversity and vibrancy of the area.

- *Is the proposed licensed premises' location or characteristics likely to contribute to any problems for patron dispersal?*

Given the good availability of public transport and the location adjacent to an arterial road it is unlikely patron dispersal will be an issue.

- *Will the proposal reinforce any existing or create any new impacts arising from licensed premises closing times and patron dispersal in the area?*

The closing times of the licensed premises is to be 12 midnight. This is consistent with the other similar businesses of the area and it is therefore unlikely patrons will remain in the area to consume liquor elsewhere. Given the proposal is for a restaurant and accordingly liquor will be served with food, it is unlikely there will be any new impacts due to the proposed closing time.

Given the nature of the proposal and the unlikelihood of negative cumulative impacts, no mitigation measures are considered necessary, beyond those which will be required for the licence itself as part of the licencing process.

Overall, it is unlikely there will be a negative cumulative impact resulting from the proposal, given the nature of the licence sought and the closing time being similar to other licensed venues in the area.

Liquor Accord

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

Analysis (Economic and Social Implications)

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

Response to objection concerns

One of the objections raised concerns with the details shown on the application form submitted with the application. These concerns were later clarified by the applicant and the application form was corrected.

The objector also raised concerns regarding the number of patrons and accordingly, the applicant has chosen to reduce patron numbers from 146 to 110 patrons. It is noted that the site has capacity to cater to this number and no parking waiver is required.

11.3 Town Planning application 539/2018/P - Shop 1-131 Nepean Highway Seaford - To use the land for the sale and consumption of liquor (Restaurant and Cafe Licence)**Officers' Assessment**

The other concerns raised by the second objection have been discussed earlier, however, those which have not been addressed are as follows:

- Toilets are not available within the site

It is noted that there are 3 toilets available within the building complex and shown on the site plan.

- Noise

The definition of a restaurant in Clause 74 (Land Use Terms) of the Frankston Planning Scheme includes "entertainment and dancing". As a planning permit is not required for the use of land for a restaurant in the Commercial 1 Zone, the playing of live music for entertainment or dancing in association with the restaurant is allowed under the Scheme. However, a condition will apply on any permit issued to ensure the noise generated on the site will comply with the State Environment Protection Policy.

Conclusion

On balance, it is considered that the proposal satisfies the requirements of the State and Local Planning Policy Framework and the purpose of the 52.27 (Licensed Premises) of the Frankston Planning Scheme and warrants support.

Therefore, it is recommended that a Notice of Decision to Grant a Planning Permit be issued.

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 539/2018/P to use the land for the sale and consumption of liquor (Restaurant and café licence) subject to the following conditions:

Plans

1. Before the use 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 substantially in accordance with the plans submitted with the application (or some other specified plan) but modified to show:
 - (a) One (1) bicycle parking space within shop 1 area.

No Alterations

2. The use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Under this permit activities undertaken at the site must at all times satisfy the as-of-right commercial use zone provisions under the Frankston Planning Scheme.

Liquor Licence Requirements

4. Unless with the prior written consent of the Responsible Authority, the selling or consumption of alcohol must only take place at the premises during the following hours:
 - 11am – 12:00 midnight Monday – Sunday
 - 12 noon – 12 midnight – Good Friday and Anzac Day

11.3 Town Planning application 539/2018/P - Shop 1-131 Nepean Highway Seaford - To use the land for the sale and consumption of liquor (Restaurant and Cafe Licence)**Officers' Assessment****Amenity**

5. Noise generated from the premises (including the operation of plant and equipment) must at all times comply with the standards set out in State Environment Protection Policy No. N-1 (Control of Noise from Commerce, Industry and Trade) and N-2 (Control of Music Noise from Public Premises), or any other relevant state guidelines. This includes ensuring windows and doors are adequately closed when amplified music is played.
6. The amenity of the area must not be detrimentally affected by the use through:
 - (a) Transport of materials, goods or commodities to or from the land.
 - (b) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
7. No external sound amplification equipment or loudspeakers shall be used for the purpose of announcements, broadcast, playing of music or similar purposes.
8. Any outdoor lighting of the site must be baffled to prevent light from the site causing any detriment to the locality.
9. Seating must be available at all times for patrons utilising the outdoor area.

Permit Expiry

10. This permit will expire if one of the following circumstances applies:
 - (a) The use is not started within two years of the date of this permit.
 - (b) 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

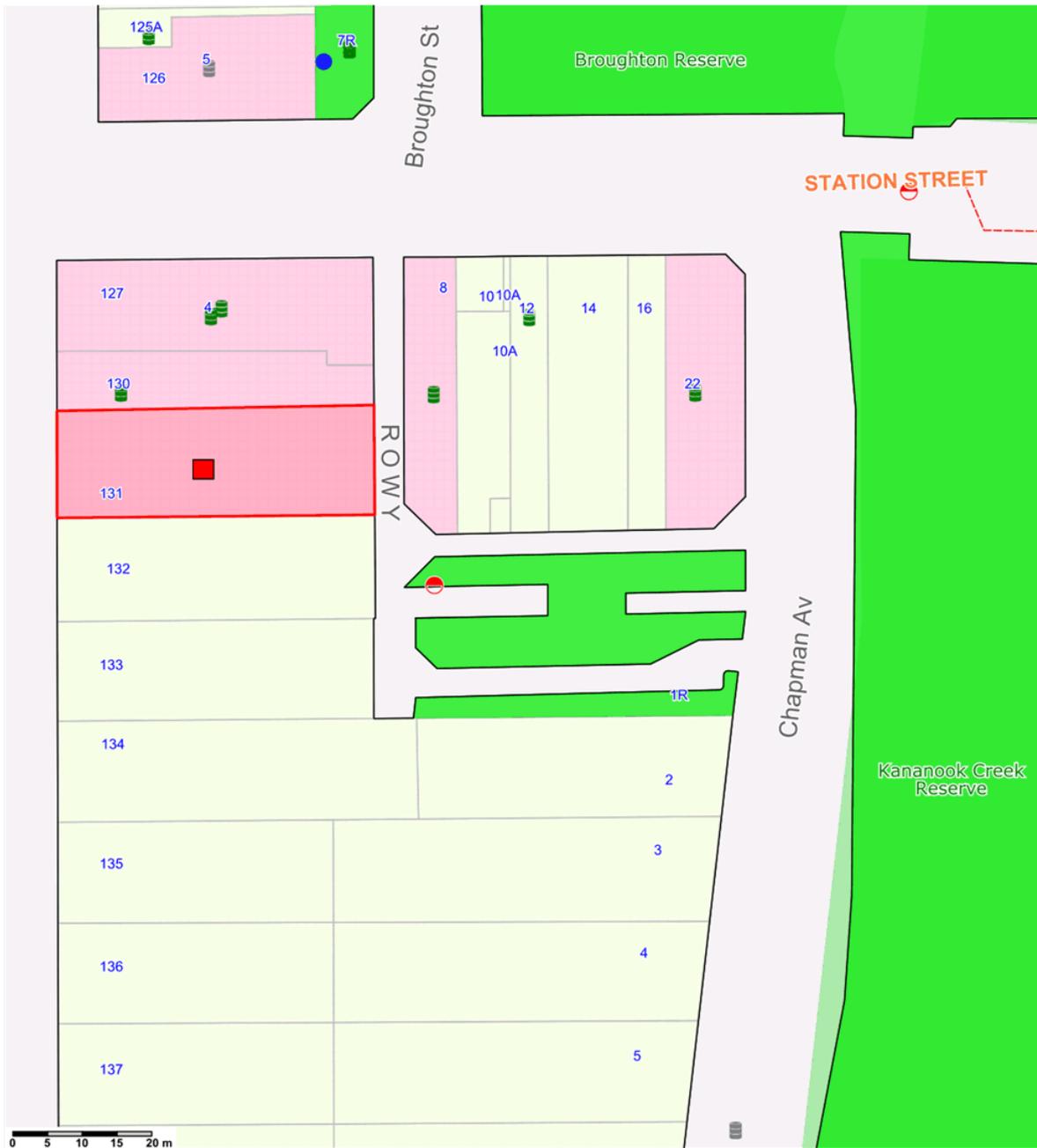
- A. The owner/applicant of the subject site should join and comply with the Frankston Liquor Industry Accord, which requires the member to serve liquor in a responsible manner.
- B. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- C. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made. Pursuant to Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the periods referred to if a request is made in writing within the following prescribed timeframes:
 - Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started;
 - Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

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

Town Planning Application 539/2018/P – 1/131 Nepean Highway Seaford

Subject site 

Objector – 145 Nepean Hwy Seaford (not shown) 



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Projection: GDA94 / MGA zone 55

Scale: 1:759

Date Printed: 10/01/2019

Time Printed: 9:51 AM

Issued by: Leah Horne



Town Planning Application 539/2018/P – 1/131 Nepean Highway Seaford

Subject site 



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Projection: GDA94 / MGA zone 55

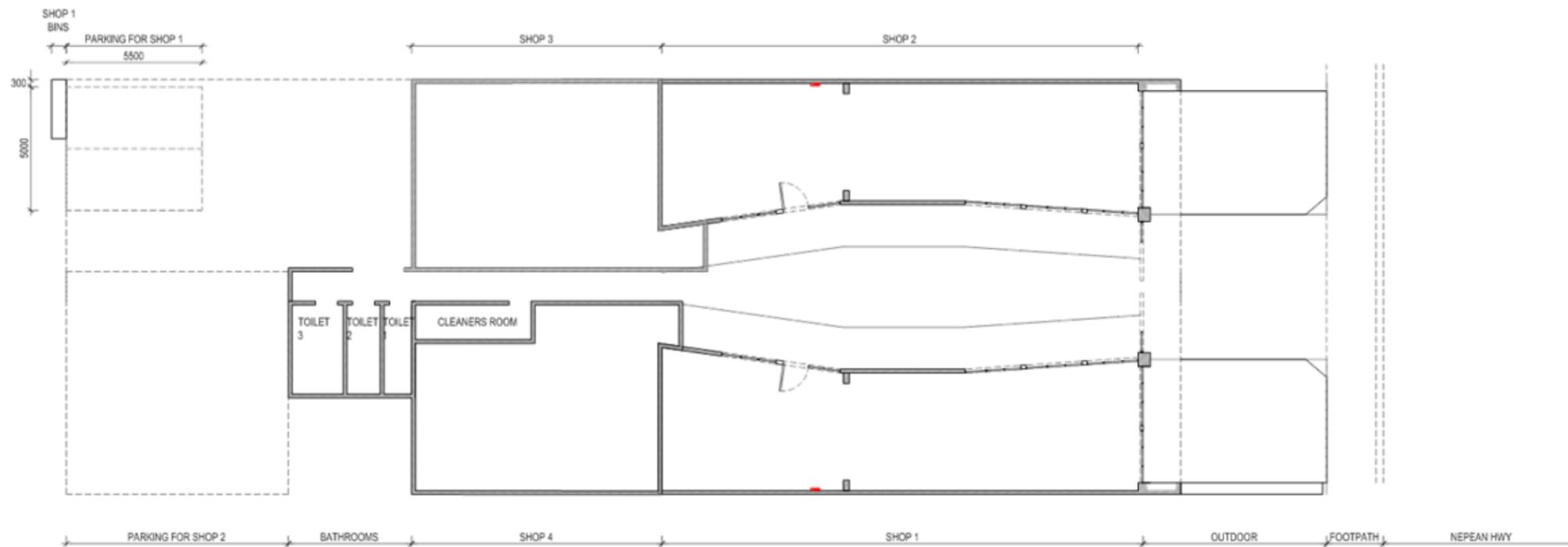
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Date Printed: 10/01/2019

Time Printed: 10:04 AM

Issued by: Leah Horne





SITE PLAN

1:200

STANDARD NOTES:

1. Do not scale drawings, figured dimensions are to be followed. All drawings are in millimeters.
2. Copyright of these drawings and related documents reserved by the designer.
3. All dimensions are to be confirmed on site by qualified persons, any incongruencies must be reported to the appropriate authority.
4. In the event of encountering any discrepancies on these drawings, specifications or further instructions issued, the builder/subcontractor shall contact the designer or appropriate authority before proceeding with any work.
5. It is the contractor's responsibility to obtain approvals from appropriate authorities including local council and water board for all architectural and structural documentation.

6. Measurements for the fabrication of secondary components such as windows, doors, internal frames, structural steel components and the like, are not to be taken from these documents. Measurements must be taken on site to suit the work as constructed.
7. All structural components shall be in strict accordance to details and specifications as prepared by a structural engineer, and those details form part of the total specification.
8. All architectural documentation are to be read in conjunction with the structural Engineer's details, specification and all other related documents.

REV.	DATE	ISSUE & AMENDMENTS	INI.
-	18.10.18	ISSUED COUNCIL FOR PRE-APPLICATION MEETING	--

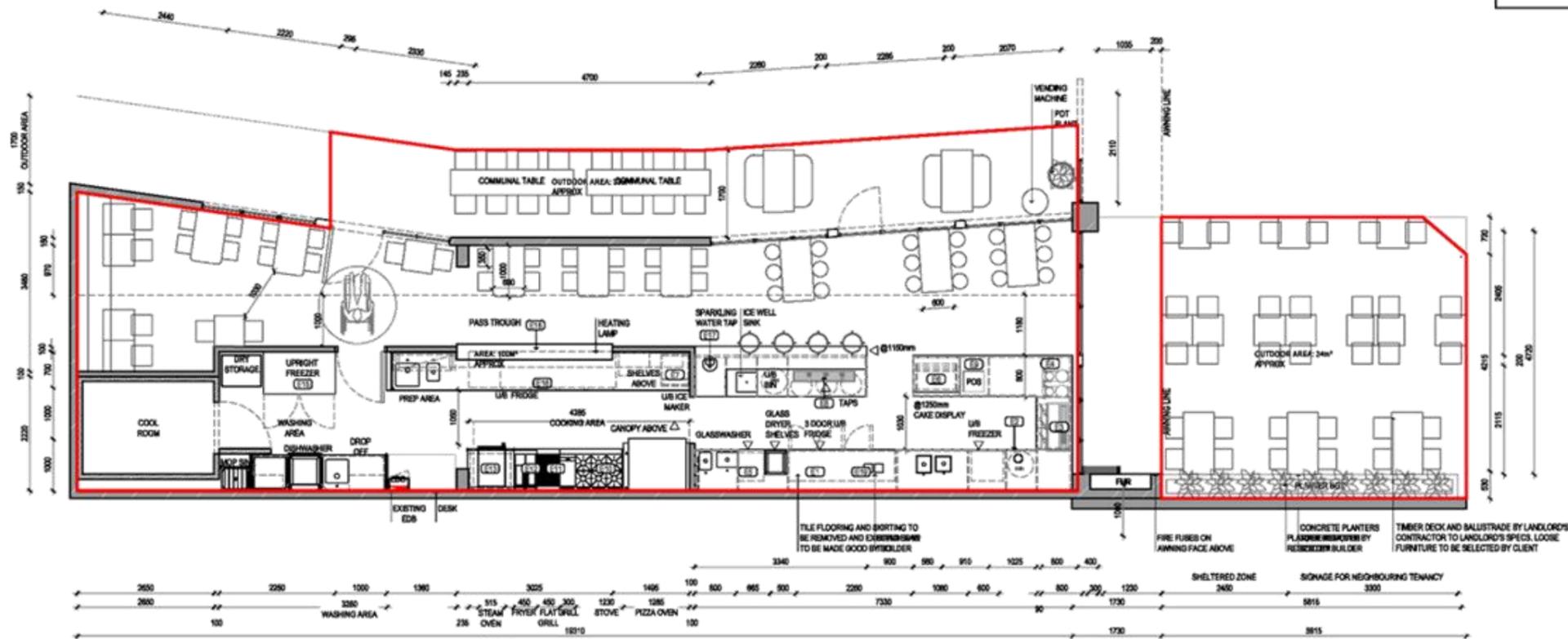
**STUDIO.
EQUATOR**
71 BALMAIN STREET, RICHMOND, VIC 3121
PHONE: 03 9510 8855
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38 SOUTH
131 NEPEAN HWY
SEAFORD, VIC, 3198
AREA: 100 m²

DRAWN BY	REVISION	SCALE OF THE DRAWING
LM	-	AS SHOWN @A3

PLANNING PERMIT ISSUE		
DRAWING TITLE		
SITE PLAN		
DATE	PROJECT N°	DWG N°
18.10.18	4353	WD_SITE 02

- NOTES:**
1. SHOPFITTER TO CHECK ALL DIMENSIONS ON SITE PRIOR TO INSTALLATION
 2. SHOPFITTER TO CONFIRM EQUIPMENT SIZES PRIOR TO FABRICATION OF NEW EXHAUST.
 3. REFER TO SEPARATE MECHANICAL DRAWINGS FOR MECHANICAL SERVICES
 4. SHOPFITTER TO CHECK ALL FIRE SERVICES REQUIREMENT WITH QUALIFIED PERSONNEL PRIOR TO INSTALLATION.
 5. ALL RELEVANT SERVICES TO BE PAINTED IN BLACK.



WD_LIQ LIQUOR LICENSE RED LINE
 1:100

<p>STANDARD NOTES:</p> <ol style="list-style-type: none"> 1. Do not scale drawings, figured dimensions are to be followed. All drawings are in millimeters. 2. Copyright of these drawings and related documents reserved by the designer. 3. All dimensions are to be confirmed on site by qualified persons, any incongruencies must be reported to the appropriate authority. 4. In the event of encountering any discrepancies on these drawings, specifications or further instructions issued, the builder/subcontractor shall contact the designer or appropriate authority before proceeding with any work. 5. It is the contractor's responsibility to obtain approvals from appropriate authorities including local council and water board for all architectural and structural documentation. 6. Measurements for the fabrication of secondary components such as windows, doors, internal frames, structural steel components and the like, are not to be taken from these documents. Measurements must be taken on site to suit the work as constructed. 7. All structural components shall be in strict accordance to details and specifications as prepared by a structural engineer, and those details form part of the total specification. 8. All architectural documentation are to be read in conjunction with the structural Engineer's details, specification and all other related documents. 	<p>REV. DATE ISSUE & AMENDMENTS INL</p> <table border="1"> <tr> <td>-</td> <td>18.10.18</td> <td>ISSUED COUNCIL FOR PRE-APPLICATION MEETING</td> <td>-</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	-	18.10.18	ISSUED COUNCIL FOR PRE-APPLICATION MEETING	-													<p>STUDIO EQUATOR 71 BALMAIN STREET, RICHMOND, VIC 3121 PHONE: 03 9510 8855 © COPYRIGHT 2018</p>	<p>38 SOUTH 131 NEPEAN HWY SEAFORD, VIC, 3198 AREA: 100 m²</p>	<p>PLANNING PERMIT ISSUE</p>		
		-	18.10.18	ISSUED COUNCIL FOR PRE-APPLICATION MEETING	-																	
<p>DRAWN BY: LM</p>	<p>REVISION: -</p>	<p>SCALE OF THE DRAWING: AS SHOWN @A3</p>	<p>DATE: 18.10.18</p>	<p>PROJECT N°: 4353</p>	<p>DWG N°: WD_LIQ</p>																	

Executive Summary**11.4 Planning Permit No. 38/2018/S173 - 95 Humphries Road, Frankston South - To end section 173 agreement AM547693M which affects Lot 1 on Plan of Subdivision 731726Y**

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 end the section 173 agreement AM547693M which affects Lot 1 on Plan of Subdivision 731726Y (95 Humphries Road, Frankston South).

Recommendation (Director Community Development)

That Council agree to end the registered Section 173 agreement AM547693M which affects Lot 1 on Plan of Subdivision 731726Y located at 95 Humphries Road, Frankston South.

Key Points / Issues

- This proposal is to end a Section 173 agreement under the *Planning and Environment Act 1987*.
- The purposes of the registered Section 173 agreement is to ensure that bushfire mitigation measures outlined in the Bushfire Management Plan are adhered to if a dwelling were to be constructed.
- The site was previously situated within the Bushfire Management Overlay (BMO), but was removed from the BMO under Amendment GC13 (gazetted on 3 October 2017).
- The proposal will allow the applicant to amend the existing development permit approved on the site or apply for a separate planning application without being affected by the requirements of the BMO.
- Notice of the application was given and no objections were received.
- The proposal is being reported to Council as the application is to end a Section 173 agreement.

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 three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.50 per cent for 2019-2020.

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 fee paid for this application is \$748.00. The average planning application fee is \$2,265. This represents a difference in this case of \$1,517.00.

11.4 Planning Permit No. 38/2018/S173 - 95 Humphries Road, Frankston South - To end section 173 agreement AM547693M which affects Lot 1 on Plan of Subdivision 731726Y**Executive Summary****Consultation**1. External Referrals

No external referrals are required for this application.

2. Internal Referrals

No internal referrals are required for this application.

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:

- Sending notices to all affected parties.

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

Analysis (Environmental / Economic / Social Implications)

The proposed development will have a negligible impact on the environment.

The proposed ending the Section 173 agreement will facilitate appropriate development of the site, establishing short-term employment opportunities and longer term economic benefits by the increase in the resident population who will assist in stimulating the economy.

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

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

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

Legal

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

Council has assessed the ending of the section 173 agreement in accordance with the relevant sections of the *Planning and Environment Act 1987*.

Policy Impacts

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

Officer's Declaration of Interests

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

11.4 Planning Permit No. 38/2018/S173 - 95 Humphries Road, Frankston South - To end section 173 agreement AM547693M which affects Lot 1 on Plan of Subdivision 731726Y**Executive Summary**

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

Risk Mitigation

There are no risk implications.

Conclusion

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

ATTACHMENTS

Attachment A:[↓](#) Certificate of Title/Section 173 Agreement

Attachment B:[↓](#) Planning Permit - 480/2014/P

11.4 Planning Permit No. 38/2018/S173 - 95 Humphries Road, Frankston South - To end section 173 agreement AM547693M which affects Lot 1 on Plan of Subdivision 731726Y

Officers' Assessment

Summary

Existing Use	Vacant Lot
Site Area	1,176 square metres
Proposal	To end the registered section 173 agreement AM547693M which affects Lot 1 on Plan of Subdivision 731726Y at 95 Humphries Road, Frankston South.
Site Cover	N/A
Permeability	N/A
Zoning	General Residential Zone (GRZ)
Overlays	Design and Development Overlay – Schedule 1 (DDO1) Significant Landscape Overlay – Schedule 3 (SLO3)
Neighbourhood Character Precinct	Frankston South 8 (FS8)
Reason for Reporting to Council	Application to end a section 173 agreement

Background

Subject Site

The subject site is regular in shape and located on the north-eastern side of Humphries Road in Frankston South. The subject is classified as Lot 1 on Plan of Subdivision 731726Y and has an approximate overall area of 1,176 square metres.

The subject site is presently vacant with remnant vegetation scattered throughout the site. Vehicle access to the site is provided on the south-western side of the site.

Locality

The site is situated on the northern-eastern side of Humphries Road in Frankston South. Surrounding residential development consists of a semi-rural character, with open/farm style front boundary treatments and dwellings on moderately sized allotments.

Site History

Previous planning permit applications for the site include:

- Planning Permit 480/2014/P was approved on 30 June 2015 for a two (2) lot subdivision (realignment of boundary). Condition 12 of the Planning Permit required the preparation of a Section 173 agreement in accordance with the requirements of the Bushfire Management Overlay (BMO).
- Planning Permit 565/2017/P was approved on 16 May 2018 for the construction of construct one (1) double storey dwelling exceeding 7.0 metres in height, to

11.4 Planning Permit No. 38/2018/S173 - 95 Humphries Road, Frankston South - To end section 173 agreement AM547693M which affects Lot 1 on Plan of Subdivision 731726Y**Officers' Assessment**

remove substantial trees and to undertake works within the Tree Protection Zone of substantial trees. An amendment to the permit was subsequently lodged on 5 July 2018 and approved on 23 August 2018.

Proposal

The proposal is to end the registered Section 173 agreement AM547693M which affects Lot 1 on Plan of Subdivision 731726Y located at 95 Humphries Road, Frankston South.

Restrictions on Title***Details of Section 173 Agreement***

The title to the subject land is affected by an agreement under Section 173 of the *Planning and Environment Act 1987* (Instrument No. AM547693M, dated 10 February 2016).

Notification of Proposal

Notification of the application to end the Section 173 agreement was given pursuant to the requirements outlined in Section 178C of the *Planning and Environment Act 1987*, whereby all affected parties were notified of the request to end the Section 173 agreement.

Notification was given in the form of:

- Sending notices to all affected parties.

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

Discussion

In assessing the application to end the Section 173 agreement, consideration has been given to the following:

- The purpose of the registered Section 173 agreement is to ensure that bushfire mitigation measures outlined in the Bushfire Management Plan are adhered to if a dwelling were to be constructed.
- The agreement is no longer required as the subject site is no longer subject to the Bushfire Management Overlay.
- Residential development is encouraged in the General Residential Zone (GRZ) and any planning approvals would be assessed against the relevant sections of the Frankston Planning Scheme.
- A new application for the construction of a dwelling would still require separate planning approval under the zones and overlays presently affecting the subject site.
- Council approval is required to end the existing Section 173 agreement that applies to 95 Humphries Road (Lot 1 on Plan of Subdivision 731726Y).

11.4 Planning Permit No. 38/2018/S173 - 95 Humphries Road, Frankston South - To end section 173 agreement AM547693M which affects Lot 1 on Plan of Subdivision 731726Y**Officers' Assessment****Conclusion**

It is considered the proposal to end the Section 173 agreement will not have a negative impact on the amenity of the surrounding area. Therefore, in accordance with the recommendations of this report, it is considered that the application should be supported.

Recommendation (Director Community Development)

That Council having given consideration to Section 178E(2)(a) and all other matters under Section 178B of the *Planning and Environment Act 1987* in respect to Planning Application 38/2018/S173, resolves to end Section 173 agreement AM547693M which affects Lot 1 on Plan of Subdivision 731726Y located at 95 Humphreys Road, Frankston South.



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**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

Page 1 of 1

VOLUME 11690 FOLIO 188

Security no : 124073909187F
Produced 13/09/2018 10:30 am

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 731726Y.
PARENT TITLES :
Volume 08496 Folio 607 Volume 08895 Folio 683
Created by instrument PS731726Y 09/07/2016

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
RYAN ANTHONY MINEHAN
AMY CARA RYNSENT both of 95 HUMPHRIES ROAD FRANKSTON SOUTH VIC 3199
AN061600W 31/08/2016

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AN061601U 31/08/2016
AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

AGREEMENT Section 173 Planning and Environment Act 1987
AM547693M 10/02/2016

DIAGRAM LOCATION

SEE PS731726Y FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 95 HUMPHRIES ROAD FRANKSTON SOUTH VIC 3199

ADMINISTRATIVE NOTICES

NIL

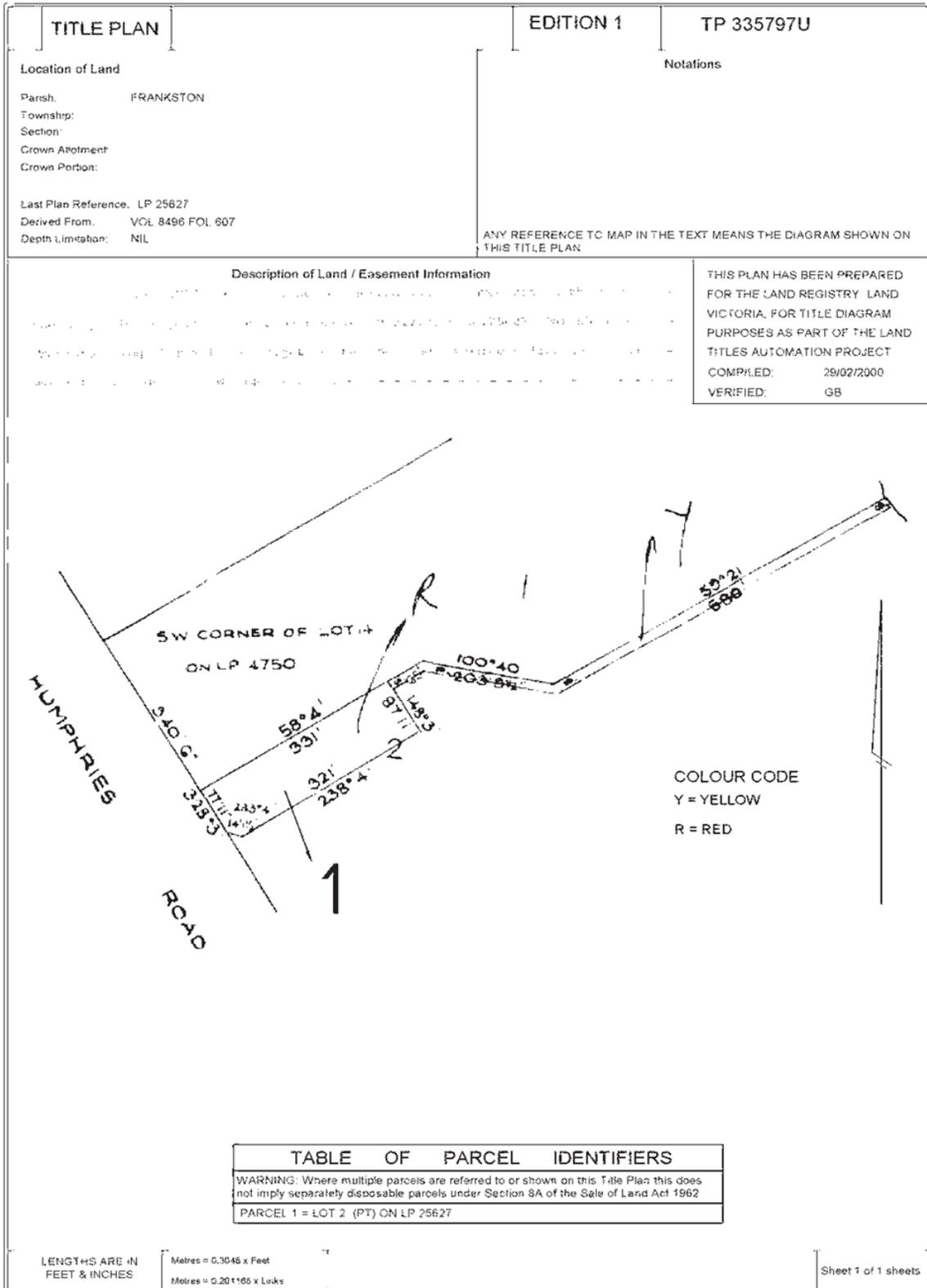
eCT Control 16165A ANZ RETAIL AND SMALL BUSINESS
Effective from 22/10/2016

DOCUMENT END

Certificate of Title/Section 173 Agreement

Delivered by LANDATA® Land Victoria timestamp 07/07/2014 09:31 Page 1 of 1

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PLAN OF SUBDIVISION
 PART OF CROWN ALLOTMENT 8 SECTION 4
 PARISH OF FRANKSTON
 COUNTY OF MORNINGTON

LP89565
 EDITION 1
 APPROVED 20/10/70



ENCUMBRANCES:-

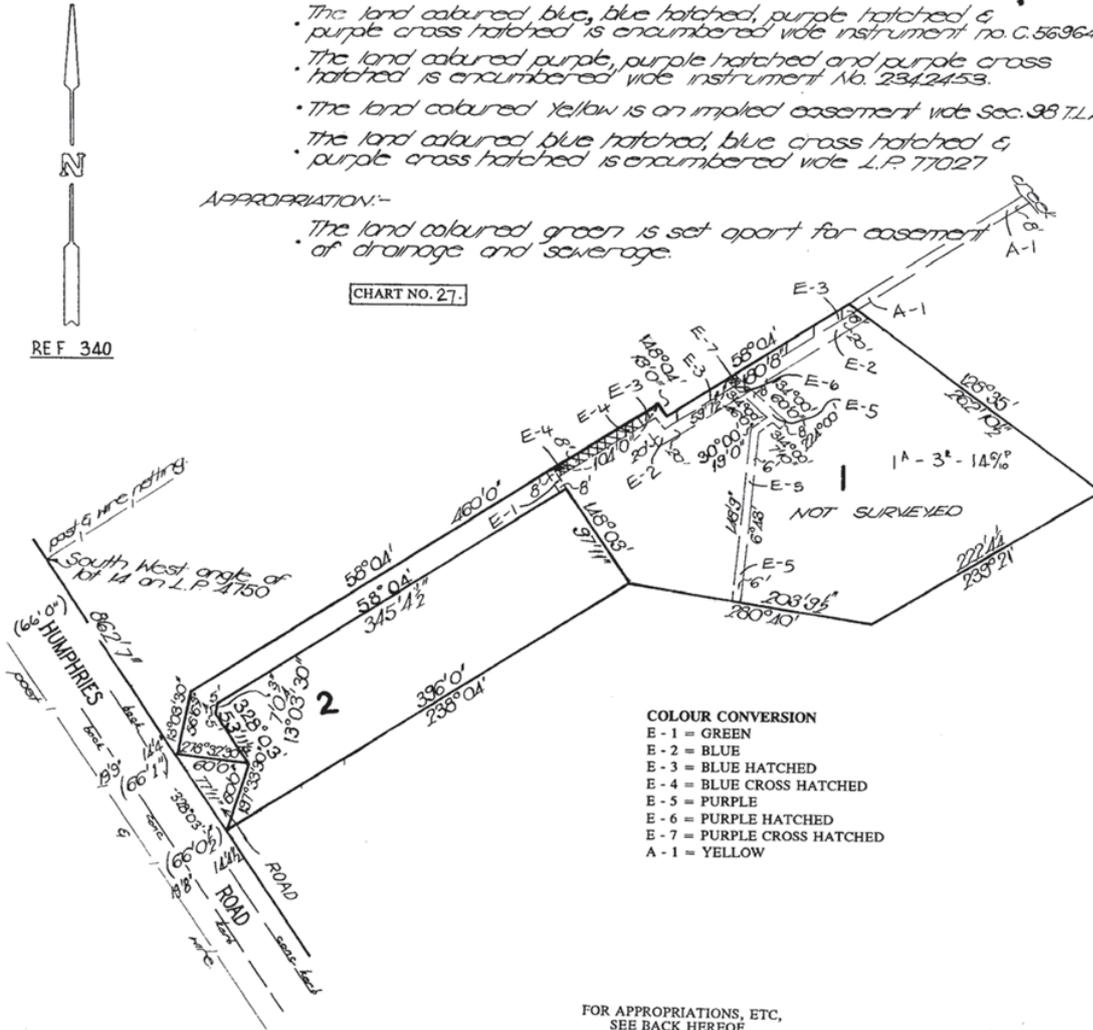
- The land coloured blue, blue hatched, purple hatched & purple cross hatched is encumbered vide instrument no. C.569648
- The land coloured purple, purple hatched and purple cross hatched is encumbered vide instrument No. 2342453.
- The land coloured yellow is an implied easement vide Sec.98 T.L.A
- The land coloured blue hatched, blue cross hatched & purple cross hatched is encumbered vide L.P. 77027

APPROPRIATION:-

- The land coloured green is set apart for easement of drainage and sewerage.

CHART NO. 27.

REF 340



COLOUR CONVERSION

E-1	=	GREEN
E-2	=	BLUE
E-3	=	BLUE HATCHED
E-4	=	BLUE CROSS HATCHED
E-5	=	PURPLE
E-6	=	PURPLE HATCHED
E-7	=	PURPLE CROSS HATCHED
A-1	=	YELLOW

FOR APPROPRIATIONS, ETC,
 SEE BACK HEREOF

CERTIFICATE OF TITLE V. 8680 F. 531/2 ✓
LODGED BY MILLER & PUKSMANN ✓
DEALING No. DATE 13.8.1970 ✓
DECLARED BY P.G. SPEEDIE 14.11.1969 ✓
CONSENT OF COUNCIL CITY OF FRANKSTON
15.12.1969 ✓
APPROVED
PLAN MAY BE LODGED 20.10.1970 TIME 9:45 ✓

LP 89565
BACK OF SHEET 1

THE LAND COLOURED GREEN
IS APPROPRIATED
OR SET APART FOR
EASEMENTS OF DRAINAGE & SEWERAGE.

PARCELS INDEX
FRANKSTON 27

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Application by a Responsible Authority for the making of a Recording of an Agreement
Section 181 Planning and Environment Act 1987

AM547693M



Form 21

Lodged by:

Name: MADDOCKS
Phone: 9258 3555
Address: Level 6, 140 William Street, Melbourne, Victoria, 3000
Ref: KAL:A01C:6666742
Customer Code: 11B7E

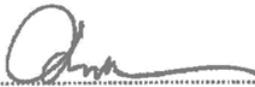
The Authority having made an agreement referred to in section 181(1) of the Planning and Environment Act 1987 requires a recording to be made in the Register for the land.

Land: Volume 8895 Folio 683 and Volume 8498 Folio 607

Responsible Authority: Frankston City Council of Davey Street, Frankston, Victoria

Section and Act under which agreement made: Section 173 of the Planning and Environment Act 1987

A copy of the agreement is attached to this application

Signature for the Authority: 
Name of officer: DEBRA HOVENOR
Position Held: CHIEF RECORDS OFFICER
Date: 1 - 2 - 16

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Maddocks

Lawyers
140 William Street
Melbourne Victoria 3000 Australia
Telephone 01 3 9258 3665
Facsimile 01 3 9258 3666
Info@maddocks.com.au
www.maddocks.com.au
DX 259 Melbourne

AM547693M

10/02/2016 \$199.70 173



**Agreement under section 173
of the Planning and Environment Act 1987**
Subject Land: 95-97 Humphries Road, Frankston South

Frankston City Council
and

Nicole Louise Jackson

[6666742; 15942804_1]

Interstate offices
Canberra Sydney
Affiliated offices around the world through the
Advoc network - www.advoc.com

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AM547693M

10/02/2016 \$110.70 173



Maddocks

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AM547693M

10/02/2016 \$119.70 173



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7. Owner's further obligations

7.1 Notice and registration

The Owner must bring this Agreement to the attention of all prospective occupiers, purchasers, lessees, licensees, mortgagees, chargees, transferees and assigns.

7.2 Further actions

The Owner:

- 7.2.1 must do all things necessary to give effect to this Agreement;
- 7.2.2 consents to Council applying to the Registrar of Titles to record this Agreement on the certificate of title of the Subject Land in accordance with s 181 of the Act; and
- 7.2.3 agree to do all things necessary to enable Council to do so, including:
 - (a) sign any further agreement, acknowledgment or document; and
 - (b) obtain all necessary consents to enable the recording to be made.

7.3 Fees

The Owner must pay any Satisfaction Fee to Council within 14 days after a written request for payment.

7.4 Council's costs to be paid

The Owner must pay to Council within 14 days after a written request for payment, Council's costs and expenses (including legal expenses) relating to this Agreement, including:

- 7.4.1 preparing, drafting, finalising, signing, recording and enforcing this Agreement;
- 7.4.2 preparing, drafting, finalising and recording any amendment to this Agreement;
- 7.4.3 determining whether any of the Owner's obligations have been undertaken to Council's satisfaction; and
- 7.4.4 preparing, drafting, finalising and recording any document to give effect to the ending of this Agreement.

7.5 Time for determining satisfaction

If Council makes a request for payment of:

- 7.5.1 a fee under clause 7.3; or
- 7.5.2 any costs or expenses under clause 7.4.3,

the Parties agree that Council will not decide whether the Owner's obligation has been undertaken to Council's satisfaction, or whether to grant the consent sought, until payment has been made to Council in accordance with the request.

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Signing Page

Signed, sealed and delivered as a deed by the Parties.

The Common Seal of the Frankston City Council was affixed in the presence of -

Councillor

Chief Executive Officer



Signed sealed and delivered by Nicole Louise Jackson in the presence of:

Witness

MARGA JACKSON
MBBS FRANK
B MED SCI
DR ACOS

AM547693M



Mortgagee's Consent

Australia and New Zealand Banking Group Ltd as Mortgagee under Instruments of mortgage no. U884956A and AC721001P consents to the Owner entering into this Agreement and in the event that the Mortgagee becomes mortgagee-in-possession, agrees to be bound by the covenants and conditions of this Agreement.

EXECUTED by AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED ABN 11 005 357 522 by being SIGNED by its Attorney

Wendy Leong
under Power of Attorney dated 28/04/2005 a certified copy of which is filed in the permanent order Book Number 277 at Page 19 Item 6 in the presence of

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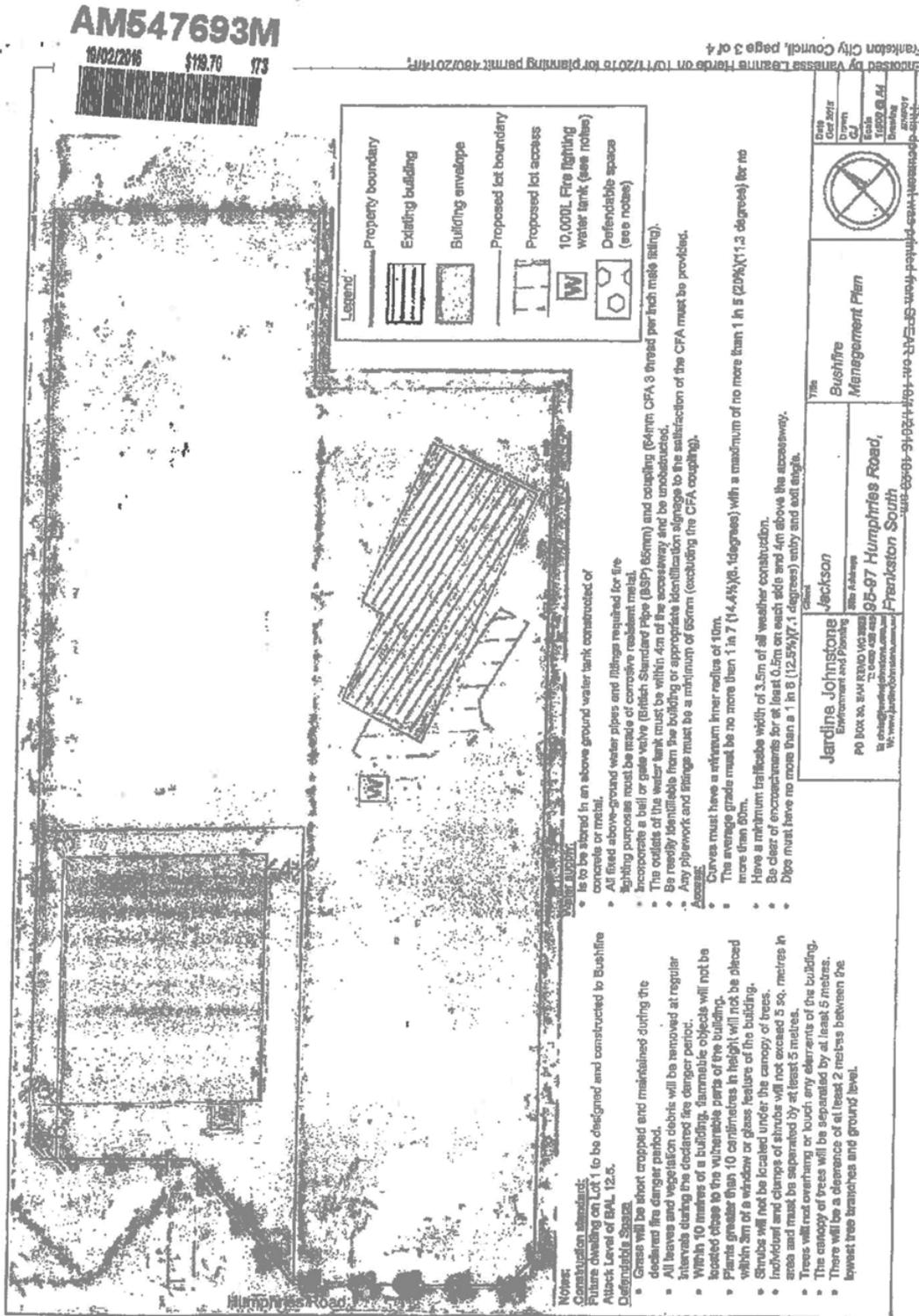


|||||
Maddocks
|||||

Annexure 1 – Bushfire Management Plan

AM547693M
01/02/2016 11:30 073

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Planning Permit 480/2014/P, issued on 30/06/2015 by Vanessa Leanne Herde (Frankston City Council). SPEAR Ref: S055213J



PLANNING PERMIT

FORM 4 Section 63 & 86

PERMIT NUMBER:	480/2014/P
RESPONSIBLE AUTHORITY:	Frankston City Council
PLANNING SCHEME:	Frankston Planning Scheme
ADDRESS OF THE LAND:	95-97 Humphries Road, Frankston South 3199
THE PERMIT ALLOWS:	Two (2) lot subdivision (realignment of boundary)

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans

1. Before the Plan of Subdivision is certified under the Subdivision Act 1988, 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 and provided 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. An amended Bushfire Management Plan in accordance with condition 11 of this permit.
 - b. The realignment of the proposed access to Lot 1 to utilize the existing concrete crossover located to the east of the site.
 - c. 10,000 litres of effective water supply for fire fighting purposes on each lot to be supplied in accordance with condition 15.

No Alterations or Changes

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

Drainage Requirements

3. Each lot shown on the endorsed plans must be drained to the satisfaction of the Responsible Authority.
4. Each lot shown on the endorsed plans must be provided with a stormwater legal point of discharge to the satisfaction of the Responsible Authority.
5. Prior to the issue of Statement of Compliance buildings and structures retained on Lot 2 must be connected to storm water legal point of discharge nominated and to the satisfaction of the responsible authority.
6. 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

Date Issued: 30 June 2015

Signature for the
Responsible Authority _____

Page 1 of 7

Planning Permit 480/2014/P, issued on 30/06/2015 by Vanessa Leanne Herde (Frankston City Council). SPEAR Ref: S055213J



PLANNING PERMIT

PERMIT NUMBER: 480/2014/P

Conditions Continued –

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.

Utility Requirements

7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
8. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
9. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

Environment Conditions

10. Street Trees

Prior to the construction of the driveway to Lot 1, payment for the removal of the Council Street Trees Pinus Radiate must be made to Frankston City Councils Planning and Environment Department in accordance with the fees for a Large Street Tree outlined in Council's Guidelines for Street Tree Removal for Private Development.

CFA Conditions

Amended Bushfire Management Plan

11. Before certification under the Subdivision Act 1988, an amended bushfire management plan must be submitted to and approved by the Responsible Authority. The plan must be endorsed to form part of the permit and annexed to the Section 173 Agreement.

The Bushfire Management Plan must show the following bushfire mitigation measures, unless otherwise agreed in writing by the CFA and the Responsible Authority"

Building Envelope

- 11.1 Show the location and setback of the building envelope/s for each lot from adjacent property boundaries.

Date Issued: 30 June 2015

Signature for the
Responsible Authority _____

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Planning Permit 480/2014/P, issued on 30/06/2015 by Vanessa Leanne Herde (Frankston City Council). SPEAR Ref: S055213J



PLANNING PERMIT

PERMIT NUMBER: 480/2014/P

Conditions Continued –

Defendable Space

11.2 Show an area of defendable space to the property boundary for both lots where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

- 11.2.1 Grass must be short cropped and maintained during the declared fire danger period.
- 11.2.2 All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- 11.2.3 Within 10 metres of a building, flammable objects must not be located close to vulnerable parts of the building.
- 11.2.4 Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
- 11.2.5 Shrubs must not be located under the canopy of trees.
- 11.2.6 Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.
- 11.2.7 Trees must not overhang or touch any elements of the building.
- 11.2.8 The canopy of trees must be separated by at least 5 metres.
- 11.2.9 There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Construction Standards

11.3 Nominate a minimum Bushfire Attack Level of BAL – 12.5 that the building on Lot 1 will be designed and constructed.

Water Supply

11.4 Show 10,000 litres of effective water supply for fire fighting purposes on each lot which meets the following requirements:

- 11.4.1 Is stored in an above ground water tank constructed of concrete or metal.
- 11.4.2 All fixed above-ground water pipes and fittings required for fire fighting purposes must be made of corrosive resistant metal.
- 11.4.3 Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64mm CFA 3 thread per inch male fitting).
- 11.4.4 The outlet/s of the water tank must be within 4 metres of the access way and be unobstructed.
- 11.4.5 Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.
- 11.4.6 Any pipework and fittings must be a minimum of 65mm (excluding the CFA coupling).

Date Issued: 30 June 2015

Signature for the
Responsible Authority _____

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Planning Permit 480/2014/P, issued on 30/06/2015 by Vanessa Leanne Herde (Frankston City Council). SPEAR Ref: S055213J



PLANNING PERMIT

PERMIT NUMBER: 480/2014/P

Conditions Continued –

Access

11.5 Show the access for fire fighting purposes on each lot in the subdivision which meets the following requirements:

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

Matters to be set put in the Section 173 Agreement

12 To give effect to the requirements of Clause 44.06-3 of the Frankston Planning Scheme the section 173 Agreement prepared in accordance with Clause 44.06-3 must specify the following:

12.1 Explicitly exclude Lot 2 from the following exemption under Clause 44.06-1 of the Frankston Planning Scheme:

- 12.1.1 A building or works consistent with an agreement under Section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of clause 44.06-3.

Maintenance of defensible space

13 Before the Statement of Compliance is issued under the Subdivision Act 1988 defensible space on each lot in the subdivision must be implemented and maintained as specified on the Bushfire Management Plan, unless otherwise agreed in writing by the CFA and the Responsible Authority.

Prior to Statement of Compliance

14 Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:

- 14.1 State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-1 of the Frankston Planning Scheme.
- 14.2 Incorporate the plan prepared in accordance with Clause 52.47-2.4 of this planning scheme and approved under this permit.
- 14.3 State that if a dwelling is constructed on the land without a planning permit that the bushfire mitigation measures set out in the plan incorporated into the agreement must be

Date Issued: 30 June 2015

Signature for the
Responsible Authority _____

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Planning Permit 480/2014/P, issued on 30/06/2015 by Vanessa Leanne Herde (Frankston City Council). SPEAR Ref: S055213J



PLANNING PERMIT

PERMIT NUMBER: 480/2014/P

Conditions Continued –

implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

Permit Expiry

15 This permit will expire if one of the following circumstances applies :-

- (a) The subdivision is not certified within two years of the date of this permit.
- (b) The subdivision is not registered within five years of the date of certification.

The Responsible Authority may extend the periods referred to in (a) if a request is made in writing before permit expiry or within six (6) months of the permit expiry date.

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.

Notes

- A. Prior to the sale, transfer, assignment or other disposal of or leasing or parting with possession of any part of the land subject to this permit, a copy of the permit must be given to the purchaser, transferee, assignee, lessee, occupier or other person of that part of the land.
- B. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- C. Property addresses are allocated by Council. This is usually formalised at the time of the issue of a certified plan, however it is Council's intention to number the proposed allotments as follows:

Lot 1 95 Humphries Road Frankston South
Lot 2 97 Humphries Road Frankston South

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

Please be advised that Council cannot at any stage guarantee any proposed or current street numbering will remain unchanged.

- D. Asset Protection Permit

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

Date Issued: 30 June 2015

Signature for the
Responsible Authority _____

Planning Permit 480/2014/P, issued on 30/06/2015 by Vanessa Leanne Herde (Frankston City Council). SPEAR Ref: S055213J



PLANNING PERMIT

PERMIT NUMBER: 480/2014/P

Conditions Continued –

- E. The required Bushfire Management Plan should only include information contained within the above permit requirements. All of the information should be omitted from the plan.

The plan should also include relevant reference information such as

- Title, orientation, date, version.
- Omit any detail which is not required to depict the above information. This includes but is not limited to omitting site features survey information.
- Use labelling techniques that enable the plan to be reproduced and interpreted in black and white.
- Some examples of what the plan should look like when completed are available for viewing on the CFA website at the following address:
- <http://www.cfa.vic.gov.au/plan-prepare/planning-and-bushfire-managment-overlay/>

This document was printed from SPEAR on: 01/07/2015 08:00 am.

Date Issued: 30 June 2015

Signature for the
Responsible Authority _____

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TP150_22/05/2009

Planning Permit 480/2014/P, issued on 30/06/2015 by Vanessa Leanne Herde (Frankston City Council). SPEAR Ref: S055213J

IMPORTANT INFORMATION ABOUT THIS PERMIT

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**.)

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The Responsible Authority may amend this permit under Division 1A 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, Ground Floor 55 King Street Melbourne or by contacting VCAT customer service on (03) 9628-9777.

(LAST PAGE OF PERMIT)

Executive Summary**11.5 November 2018 Town Planning Progress Report**

Enquiries: (Stuart Caldwell: Community Development)

Council Plan

Community Outcome:	4. A Well Managed City
Strategy:	4.2 Systems
Priority Action	4.2.3 Facilitate informed decision making through informed reporting and data management

Purpose

To provide Council with an update on the exercise of planning delegations by Council officers for the month of November 2018.

Recommendation (Director Community Development)

That Council receives and notes the November 2018 Town Planning Progress Report.

Key Points / Issues

This report provides Council with an update on the exercise of planning delegations by Council officers on the following items:

- Planning applications received;
- Planning decisions;
- Subdivision applications received;
- Subdivision decisions;
- Planning scheme amendments;
- VCAT appeal register; and
- VCAT decisions.

In November 2018, 134 applications for planning permits or amendments to permits were received, and 100 applications determined. A total of 46.4% of permit decisions were made within 60 days.

Thirteen decisions related to multi-dwelling applications. All of these applications complied with the Multi-Dwelling Visitor Car Parking Guidelines.

Seven VCAT decisions were handed down. Three set aside Council's decision, one affirmed Council's decision, and 3 were decided by consent.

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 three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.50 per cent for 2019-2020.

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.

11.5 November 2018 Town Planning Progress Report**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.

Of the seven VCAT cases decided, Council was represented by officers in three cases, and consultants in four cases at an average cost of around \$5,000 per case. The cost of this is covered by the Planning and Environment budget.

Consultation

This report provides details of all planning applications and decisions that are required to be considered in accordance with the Frankston Planning Scheme and the Planning and Environment Act (1987).

Consultation occurs with the community as part of the planning process of each application that requires public advertising.

Analysis (Environmental / Economic / Social Implications)

This report will not result in any identified environmental, economic or social impacts.

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

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 2018.

ATTACHMENTS

Attachment A: [↓](#) Town Planning Progress Report - November 2018

Progress Report – Planning Applications Received				
For The Application Date: From 1/11/2018 To 30/11/2018				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
544/2018/P	North-East	1 Broderick Road, Carrum Downs 3201	To construct one (1) dwelling to the rear of existing dwelling (two (2) dwellings)	5/11/2018
542/2018/P	North-East	3 Sunbird Crescent, Carrum Downs 3201	To construct one (1) new double storey dwelling to the rear of existing dwelling (two (2) dwellings)	5/11/2018
547/2018/P	North-East	18 Dorchester Crescent, Carrum Downs 3201	Two (2) Lot subdivision	5/11/2018
549/2018/P	North-East	21 Edward Street, Langwarrin 3910	Six (6) Lot Subdivision	8/11/2018
554/2018/P	North-East	1M Rossiter Road, Carrum Downs 3201	Bulk earthworks and associated removal of native vegetation	9/11/2018
555/2018/P	North-East	1M Rossiter Road, Carrum Downs 3201	For the use and development of a 17 megawatt photovoltaic solar farm	9/11/2018
568/2018/P	North-East	291 North Road, Langwarrin 3910	Three (3) Lot Subdivision	9/11/2018
562/2018/P	North-East	122 Union Road, Langwarrin 3910	To construct two (2) double storey dwellings	12/11/2018
558/2018/P	North-East	23 Lorraine Avenue, Langwarrin 3910	To construct and extend two (2) dwellings on a lot	13/11/2018
101/2018/VS	North-East	8/91 Clifton Grove, Carrum Downs 3201	To undertake buildings and works in an Industrial 1 Zone	13/11/2018
560/2018/P	North-East	150 Taylors Road, Skye 3977	To use and develop part of the land for rural industry	13/11/2018
5/2018/P	North-East	117 Lyrebird Drive, Carrum Downs 3201	To construct one (1) double storey dwelling next to existing single storey dwelling. Two (2) dwellings	20/11/2018
573/2018/P	North-East	5 Guava Court, Langwarrin 3910	To construct one (1) single storey dwelling within the Bushfire Management Overlay (Schedule 1)	21/11/2018
608/2018/P	North-East	52 Boundary Road, Carrum Downs 3201	To construct buildings and carry out works in association with a Section 2 Use in a Green Wedge Zone (GWZ) and to construct buildings in an Environmental Significance Overlay Schedule 2 (ESO2)	22/11/2018
575/2018/P	North-East	482 McClelland Drive, Langwarrin 3910	Three (3) Lot Subdivision	23/11/2018
641/2018/P	North-East	46 Anthony Street, Langwarrin 3910	To construct two (2) dwellings	23/11/2018

Progress Report – Planning Applications Received				
For The Application Date: From 1/11/2018 To 30/11/2018				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
578/2018/P	North-East	61 Gum Nut Drive, Langwarrin 3910	To undertake buildings and works for a verandah and deck in an Environmental Significance Overlay Schedule 1.	23/11/2018
583/2018/P	North-East	6 Larch Street, Langwarrin 3910	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	26/11/2018
585/2018/P	North-East	Frankston East Tennis Club 240N Centenary Park Drive, Frankston	Construction of sports facility, removal of native vegetation and a reduction in the car parking requirements of Clause 52.06 of the Frankston Planning Scheme.	27/11/2018
587/2018/P	North-East	181 Ballarto Road, Carrum Downs 3201	To construct a Dependent Person's Unit in a Bushfire Management Overlay Schedule 1 (BMO1)	27/11/2018
634/2018/P	North-East	19 Pardalote Avenue, Carrum Downs 3201	Two (2) Lot Subdivision	28/11/2018
7/2018/P	North-East	29 Hafey Way, Langwarrin 3910	Removal of one (1) tree	30/11/2018
639/2018/P	North-East	70 Kelvin Grove, Langwarrin 3910	To undertake buildings and works for an outbuilding	30/11/2018
North-East Ward Total - 23				
98/2018/VS	North-West	66 Seaford Grove, Seaford 3198	To construct an extension to an existing dwelling and verandah in a Special Building Overlay (SBO)	8/11/2018
553/2018/P	North-West	73 Rosemary Crescent, Frankston North 3200	To construct Two (2) double storey dwellings	9/11/2018
572/2018/P	North-West	6-7 Apsley Place, Seaford 3198	To use the land as a Warehouse (Store) in an Industrial 1 Zone	12/11/2018
100/2018/VS	North-West	49 Brunel Road, Seaford 3198	To construct buildings and carry out works to an existing warehouse in an Industrial 1 Zone (IN1Z)	13/11/2018
564/2018/P	North-West	335 Frankston-Dandenong Road, Frankston North 3200	To construct three (3) double storey dwellings	13/11/2018
106/2018/VS	North-West	5 Mahoney Crescent, Seaford 3198	To construct a building and carry out works to an existing dwelling in a Special Building Overlay (SBO)	20/11/2018
574/2018/P	North-West	58-60 Hadley Street, Seaford 3198	To construct six (6) single storey dwellings	21/11/2018

Progress Report – Planning Applications Received				
For The Application Date: From 1/11/2018 To 30/11/2018				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
577/2018/P	North-West	33 Pimpala Avenue, Seaford 3198	To undertake buildings and works in association with an existing Section 2 Use (retirement village).	23/11/2018
108/2018/VS	North-West	49 Queen Street, Frankston 3199	Two (2) Lot Subdivision	23/11/2018
109/2018/VS	North-West	8 Savannah Court, Frankston 3199	To construct an outbuilding in a Special Building Overlay	26/11/2018
648/2018/P	North-West	2/24 Nepean Highway, Seaford 3198	To construct one (1) double storey dwelling	26/11/2018
580/2018/P	North-West	40 Cumberland Drive, Seaford 3198	To use the site for Animal Keeping (Dog Day Care) within an Industrial 1 Zone (IN1Z)	26/11/2018
586/2018/P	North-West	39 Halifax Street, Seaford 3198	Two (2) lot subdivision	27/11/2018
635/2018/P	North-West	1 New Street, Frankston 3199	To construct and display three (3) business identification signs	29/11/2018
632/2018/P	North-West	Shop 8 Station Street, Seaford 3198	Use of the land to sell and consume liquor	29/11/2018
638/2018/P	North-West	89 Centenary Street, Seaford 3198	To undertake buildings and works for accommodation (Dependant Persons Unit) in a Bushfire Management Overlay	30/11/2018
643/2018/P	North-West	13 Poplar Street, Frankston North 3200	Two (2) Lot Subdivision	30/11/2018
North-West Ward Total - 17				
97/2018/VS	South	90 Barretts Road, Langwarrin South 3911	To construct an outbuilding	2/11/2018
541/2018/P	South	42 Bergman Road, Langwarrin 3910	To construct buildings and works within a Design and Development Overlay - Schedule 4 (DDO4), construct buildings and works within the Tree Protection Zone of substantial trees within a Significant Landscape Overlay - Schedule 1 (SLO1) and construct buildings and works exceeding 100 square metres within a Bushfire Management Overlay (BMO)	2/11/2018
540/2018/P	South	92 Cranhaven Road, Langwarrin 3910	To construct one (1) dwelling at the side of existing dwelling. (Two (2) dwellings)	2/11/2018

Progress Report – Planning Applications Received				
For The Application Date: From 1/11/2018 To 30/11/2018				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
545/2018/P	South	48 Casuarina Drive, Frankston South 3199	To construct buildings and carry out works to an existing dwelling in a Design and Development Overlay Schedule 9 (DDO9)	5/11/2018
548/2018/P	South	60 Towerhill Road, Frankston 3199	Two (2) lot subdivision	5/11/2018
550/2018/P	South	19 Gum Hill Drive, Langwarrin 3910	To construct two (2) outbuildings and to construct and carry out works in the Tree Protection Zone of substantial trees	7/11/2018
552/2018/P	South	305 Centre Road, Langwarrin 3910	To construct buildings and carry out works to an existing dwelling in a Design and Development Overlay Schedule 4	8/11/2018
551/2018/P	South	20 Palmerston Crescent, Frankston South 3199	To undertake buildings and works for a domestic swimming pool in a Design and Development Overlay Schedule 9	8/11/2018
99/2018/VS	South	141 Overport Road, Frankston South 3199	To construct a deck and pergola	9/11/2018
4/2018/P	South	Shop 12/Ground Flr 27 Wells Street, Frankston 3199	Installation of two (2) in ground sleeve and socket umbrellas and four (4) barriers	12/11/2018
557/2018/P	South	19 Norman Avenue, Frankston South 3199	To construct buildings and carry out works to an existing dwelling in a Design and Development Overlay Schedule 9 and to construct a front fence in a Significant Landscape Overlay Schedule 4	12/11/2018
561/2018/P	South	11 Helvetia Court, Frankston 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	12/11/2018
556/2018/P	South	57 Brighton Street, Frankston South 3199	To construct two (2) double storey dwellings, construct buildings and works within a Significant Landscape Overlay - Schedule 4 (SLO4) and construct buildings and works within a Design and Development Overlay - Schedule 9 (DDO9)	12/11/2018
567/2018/P	South	23 Frome Avenue, Frankston 3199	To construct two (2) double storey dwellings.	13/11/2018
563/2018/P	South	633 Nepean Highway, Frankston South 3199	To remove three (3) substantial trees in a Significant Landscape Overlay Schedule 4.	13/11/2018

Progress Report – Planning Applications Received				
For The Application Date: From 1/11/2018 To 30/11/2018				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
102/2018/VS	South	21 Cambridge Street, Frankston 3199	To construct Community Care Accommodation within the Special Building Overlay (SBO)	14/11/2018
569/2018/P	South	8 Cambridge Street, Frankston 3199	Two (2) lot Subdivision	15/11/2018
570/2018/P	South	30 Dunstan Street, Frankston South 3199	Two (2) Lot Subdivision	15/11/2018
566/2018/P	South	17 Peter Chance Crescent, Langwarrin 3910	Four (4) lot subdivision and to remove three (3) native trees.	19/11/2018
104/2018/VS	South	5 Karina Street, Frankston South 3199	To construct an outbuilding in a Design and Development Overlay Schedule 1 and to remove one (1) substantial tree in a Significant Landscape Overlay Schedule 3.	19/11/2018
565/2018/P	South	4 Elizabeth Street, Frankston 3199	To construct three (3) double storey dwellings	19/11/2018
105/2018/VS	South	21 Grosvenor Street, Frankston South 3199	To undertake extensions to an existing dwelling in a Design and Development Overlay Schedule 9.	19/11/2018
571/2018/P	South	10 Carter Court, Frankston 3199	To construct one (1) double storey dwelling to the rear of existing dwelling (two (2) dwellings)	20/11/2018
579/2018/P	South	35-37 McMahons Road, Frankston 3199	To undertake buildings and works and to use the land for a Medical Centre and to create access to a road in a Road Zone Category 1.	23/11/2018
582/2018/P	South	34A Wells Street, Frankston 3199	To use the site for a restricted recreation facility	25/11/2018
4/2018/P	South	2/11 Franklin Court, Frankston 3199	Certificate of Compliance	26/11/2018
110/2018/VS	South	8 Heritage Avenue, Frankston South 3199	To construct buildings and works in a Design and Development Overlay - Schedule 9 and construct buildings and works within the Tree Protection Zone of substantial trees in a Significant Landscape Overlay - Schedule 4	26/11/2018
584/2018/P	South	85 McComb Boulevard, Frankston South 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings).	26/11/2018
581/2018/P	South	30 Baden Powell Drive, Frankston South 3199	To undertake alterations and additions to existing dwelling	26/11/2018

Progress Report – Planning Applications Received				
For The Application Date: From 1/11/2018 To 30/11/2018				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
111/2018/VS	South	7 Willora Court, Frankston South 3199	To extend existing carport and enclose it to create a garage.	29/11/2018
633/2018/P	South	10 Holmes Street, Frankston 3199	Two (2) Lot Subdivision	29/11/2018
642/2018/P	South	35 Playne Street, Frankston 3199	Mixed used development comprising of retail, office space, restaurants, gym and 77 dwellings.	30/11/2018
640/2018/P	South	1/2 Plowman Place, Frankston 3199	The development of a 12 storey apartment block	30/11/2018
644/2018/P	South	11 Screen Street, Frankston 3199	Three (3) Lot Subdivision	30/11/2018
South Ward Total - 34				
611/2018/P		Cranbourne-Frankston Road, Langwarrin	To develop land for two internally illuminated promotion signs in accordance with Clause 52.05 Signs.	28/11/2018
612/2018/P		Cranbourne-Frankston Road, Langwarrin	To develop land for two internally illuminated promotion signs in accordance with Clause 52.05 Signs.	28/11/2018
613/2018/P		Cranbourne-Frankston Road, Langwarrin	To develop land for two internally illuminated promotion signs in accordance with Clause 52.05 Signs.	28/11/2018
614/2018/P		Cranbourne-Frankston Road, Langwarrin	To develop land for two internally illuminated promotion signs in accordance with Clause 52.05 Signs.	28/11/2018
615/2018/P		Cranbourne Road, Frankston	To develop land for two internally illuminated promotion signs in accordance with Clause 52.05 Signs.	28/11/2018
616/2018/P		Cranbourne Road, Frankston	To develop land for two internally illuminated promotion signs in accordance with Clause 52.05 Signs.	28/11/2018
617/2018/P		Nepean Highway, Frankston South	To develop land for two internally illuminated promotion signs in accordance with Clause 52.05 Signs.	28/11/2018
618/2018/P		Frankston-Flinders Road, Frankston South	To develop land for two internally illuminated promotion signs in accordance with Clause 52.05 Signs.	28/11/2018
619/2018/P		Frankston-Flinders Road, Frankston South	To develop land for two internally illuminated promotion signs in accordance with Clause 52.05 Signs.	28/11/2018

Progress Report – Planning Applications Received				
For The Application Date: From 1/11/2018 To 30/11/2018				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
620/2018/P		Frankston-Flinders Road, Frankston South	To develop land for two internally illuminated promotion signs in accordance with Clause 52.05 Signs.	28/11/2018
621/2018/P		Frankston-Dandenong Road, Seaford	To develop land for two internally illuminated promotion signs in accordance with Clause 52.05 Signs.	28/11/2018
622/2018/P		Frankston-Dandenong Road, Carrum Downs	To develop land for two internally illuminated promotion signs in accordance with Clause 52.05 Signs.	28/11/2018
623/2018/P		Frankston-Dandenong Road, Carrum Downs	To develop land for two internally illuminated promotion signs in accordance with Clause 52.05 Signs.	28/11/2018
624/2018/P		Frankston-Dandenong Road, Frankston North	To develop land for two internally illuminated promotion signs in accordance with Clause 52.05 Signs.	28/11/2018
625/2018/P		Frankston-Dandenong Road, Carrum Downs	To develop land for two internally illuminated promotion signs in accordance with Clause 52.05 Signs.	28/11/2018
626/2018/P		Frankston-Dandenong Road, Carrum Downs	To develop land for two internally illuminated promotion signs in accordance with Clause 52.05 Signs.	28/11/2018
627/2018/P		Frankston-Dandenong Road, Carrum Downs	To develop land for two internally illuminated promotion signs in accordance with Clause 52.05 Signs.	28/11/2018
628/2018/P		Frankston-Dandenong Road, Carrum Downs	To develop land for two internally illuminated promotion signs in accordance with Clause 52.05 Signs.	28/11/2018
629/2018/P		Frankston-Dandenong Road, Carrum Downs	To develop land for two internally illuminated promotion signs in accordance with Clause 52.05 Signs.	28/11/2018
630/2018/P		Frankston-Dandenong Road, Carrum Downs	To develop land for two internally illuminated promotion signs in accordance with Clause 52.05 Signs.	28/11/2018
595/2018/P		Nepean Highway, Frankston	To display internally illuminated promotion signage within a Category 1 - Commercial Area (Clause 52.05)	28/11/2018
600/2018/P		Nepean Highway, Frankston	To display internally illuminated promotion signage within a Category 1 - Commercial Area (Clause 52.05)	28/11/2018
606/2018/P		Frankston-Dandenong Road, Seaford	To display internally illuminated promotion signage within a Category 1 - Commercial Area (Clause 52.05)	28/11/2018

Progress Report – Planning Applications Received				
For The Application Date: From 1/11/2018 To 30/11/2018				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
610/2018/P		Frankston-Flinders Road, Frankston South	To display internally illuminated promotion signage within a Category 1 - Commercial Area (Clause 52.05)	28/11/2018
588/2018/P		Cranbourne Road, Frankston	To display internally illuminated promotion signage within a Category 3 - High Amenity Area (Clause 52.05)	28/11/2018
589/2018/P		Cranbourne Road, Frankston	To display internally illuminated promotion signage within a Category 3 - High Amenity Area (Clause 52.05)	28/11/2018
590/2018/P		Cranbourne Road, Frankston	To display internally illuminated promotion signage within a Category 3 - High Amenity Area (Clause 52.05)	28/11/2018
591/2018/P		Cranbourne Road, Frankston	To display internally illuminated promotion signage within a Category 3 - High Amenity Area (Clause 52.05)	28/11/2018
592/2018/P		Cranbourne Road, Frankston	To display internally illuminated promotion signage within a Category 3 - High Amenity Area (Clause 52.05)	28/11/2018
593/2018/P		Frankston-Dandenong Road, Carrum Downs	To display internally illuminated promotion signage within a Category 3 - High Amenity Area (Clause 52.05)	28/11/2018
594/2018/P		Frankston-Dandenong Road, Carrum Downs	To display internally illuminated promotion signage within a Category 3 - High Amenity Area (Clause 52.05)	28/11/2018
596/2018/P		Moorooduc Highway, Frankston	To display internally illuminated promotion signage within a Category 3 - High Amenity Area (Clause 52.05)	28/11/2018
597/2018/P		Nepean Highway, Frankston South	To display internally illuminated promotion signage within a Category 3 - High Amenity Area (Clause 52.05)	28/11/2018
598/2018/P		Nepean Highway, Frankston South	To display internally illuminated promotion signage within a Category 3 - High Amenity Area (Clause 52.05)	28/11/2018
599/2018/P		Nepean Highway, Frankston South	To display internally illuminated promotion signage within a Category 3 - High Amenity Area (Clause 52.05)	28/11/2018
601/2018/P		Frankston-Dandenong Road, Frankston North	To display internally illuminated promotion signage within a Category 3 - High Amenity Area (Clause 52.05)	28/11/2018
602/2018/P		Frankston-Dandenong Road, Frankston North	To display internally illuminated promotion signage within a Category 3 - High Amenity Area (Clause 52.05)	28/11/2018

Progress Report – Planning Applications Received For The Application Date: From 1/11/2018 To 30/11/2018				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
603/2018/P		Frankston-Flinders Road, Frankston South	To display internally illuminated promotion signage within a Category 3 - High Amenity Area (Clause 52.05)	28/11/2018
604/2018/P		Cranbourne Road, Frankston	To display internally illuminated promotion signage within a Category 3 - High Amenity Area (Clause 52.05)	28/11/2018
605/2018/P		Frankston-Dandenong Road, Carrum Downs	To display internally illuminated promotion signage within a Category 3 - High Amenity Area (Clause 52.05)	28/11/2018
607/2018/P		Hastings Road, Frankston	To display internally illuminated promotion signage within a Category 3 - High Amenity Area (Clause 52.05)	28/11/2018
609/2018/P		Hastings Road, Frankston	To display internally illuminated promotion signage within a Category 3 - High Amenity Area (Clause 52.05)	28/11/2018
636/2018/P		McClelland Drive, Langwarrin	Removal of native vegetation associated with the construction of concrete path	30/11/2018
Bus Stop Signage Total - 43				
Total Applications - 117				

Progress Report – Amendments to Planning Permits - Received				
For The Application Date: From 1/11/2018 To 30/11/2018				
Application No	Ward	Property Address	Application Description	Date
169/2018/P/B	North-East	1447 Dandenong-Hastings Road, Langwarrin 3910	Secondary consent - To construct one (1) single storey dwelling in a Bushfire Management Overlay and to build outside the designated building envelope	19/11/2018
592/2017/P/C	North-East	50 Access Way, Carrum Downs 3201	Secondary Consent - The use and development of the land for two (2) warehouses and associated offices.	23/11/2018
144/2018/P/B	North-East	27 Alder Street, Langwarrin 3910	Section 72 - To construct one (1) dwelling to the rear of the existing dwelling (two (2) dwellings) and additions to the existing dwelling	27/11/2018
North-East Total - 3				
482/2014/P/B	North-West	53 Sassafras Drive, Frankston 3199	Secondary Consent - To construct two (2) single storey dwellings	1/11/2018
75/1999/P/A	North-West	1/197-198 Nepean Highway, Seaford 3198	Secondary Consent - Seven Dwellings	2/11/2018
132/2016/P/C	North-West	16 Chevron Court, Seaford 3198	Extension of time - To construct two (2) double storey dwellings	19/11/2018
649/2015/P/D	North-West	9 Telopea Court, Frankston North 3200	Extension of Time - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	20/11/2018
334/2016/P/C	North-West	15 Mereweather Avenue, Frankston 3199	Secondary Consent - The use and development of the land for four (4) double storey dwellings	20/11/2018
40/2018/P/A	North-West	69 Armata Crescent, Frankston North 3200	Section 72 - To construct two (2) single storey dwellings to the rear of the existing dwellings (three (3) dwellings)	20/11/2018
306/2006/P/J	North-West	23 Forest Drive, Frankston North 3200	Section 72 - Development and use of the site for a 180 bed aged care facility within a single storey building, removal of native vegetation, and associated works	23/11/2018
332/2016/P/B	North-West	20 Mahogany Avenue, Frankston North 3200	Extension of time - The construction of two (2) single storey dwellings	26/11/2018
257/2016/P/C	North-West	5 Margaret Avenue, Seaford 3198	Extension of time - The construction of one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	30/11/2018
North-West Total - 9				

Progress Report – Amendments to Planning Permits - Received For The Application Date: From 1/11/2018 To 30/11/2018				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
546/2014/P/D	South	12 Balmoral Street, Frankston 3199	Secondary Consent - To use and develop the land for a five (5) storey building containing sixty (60) dwellings, food and drink premises and associated reduction of car parking	7/11/2018
74/2014/P/D	South	616 Nepean Highway, Frankston South 3199	Section 72 - Six (6) lot subdivision (realignment of boundaries) in accordance with the Oliver's Hill Restructure Plan (Planning Scheme Amendment C46 Part 1) and variation to easements.	12/11/2018
245/2014/P/B	South	19 Genista Street, Frankston South 3199	Extension of time - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings) and the removal of substantial trees	27/11/2018
31/2018/P/A	South	4 Healsview Court, Langwarrin South 3911	Section 72 - Construct works within the tree protection zone of a substantial tree	30/11/2018
75/1999/P/A		197-198 Nepean Highway, Seaford 3198	Secondary Consent - Seven Dwellings	2/11/2018
South Ward Total - 5				
Total Amendments - 17				

Progress Report – Planning Application Decisions For The Application Date: From 1/11/2018 To 30/11/2018					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
334/2018/P	North-East	3 Yarralumla Drive, Langwarrin 3910	To construct one (1) single storey dwelling to the rear of existing dwelling (two (2) dwellings)	Permit Approved	1/11/2018
365/2018/P	North-East	35 Hafey Way, Langwarrin 3910	To remove Native Vegetation, to construct one (1) dwelling and use of the site for a dwelling in the Rural Conservation Zone Schedule 4 (RCZ4)	Condition 1 Plans approved	1/11/2018
471/2018/P	North-East	407 McClelland Drive, Langwarrin 3910	Two (2) lot subdivision	Permit Approved	1/11/2018
372/2018/P	North-East	4 Pekina Court, Carrum Downs 3201	To construct an extension to an existing dwelling within the Bushfire Management Overlay (BMO)	Permit Approved	9/11/2018
96/2018/VS	North-East	39A Tova Drive, Carrum Downs 3201	To construct and carry out works to an existing building in an Industrial 1 Zone (IN1Z)	Permit Approved	9/11/2018
446/2018/P	North-East	42 McCormicks Road, Skye 3977	To construct one (1) double storey dwelling in front of the existing dwelling (two (2) dwellings)	Permit Approved	9/11/2018
364/2018/P	North-East	75 Boundary Road, Carrum Downs 3201	Construction of a warehouse and associated office	Permit Approved	16/11/2018
515/2018/P	North-East	71 Paddington Avenue, Carrum Downs 3201	To construct a dependant persons unit within the Bushfire Management Overlay (Schedule 1)	Permit Approved	16/11/2018
440/2018/P	North-East	10 Amayla Crescent, Carrum Downs 3201	To display animated business identification signage	Permit Approved	16/11/2018
242/2018/P	North-East	8 Access Way, Carrum Downs 3201	To use and development of the land for two (2) factories/warehouses and associated offices	Permit Approved	20/11/2018
383/2018/P	North-East	39 Titan Drive, Carrum Downs 3201	Buildings and works to an existing warehouse and a reduction in the car parking requirements of Clause 52.06 of the Frankston Planning Scheme	Permit Approved	27/11/2018
317/2018/P	North-East	Factory 13/684-700 Frankston-Dandenong Road, Carrum Downs 3	To use the land for a restaurant, to sell and consume liquor (On Licence Premises) and a reduction in the bicycle facilities requirement of Clause 52.34 of the Frankston Planning Scheme.	Permit Approved	27/11/2018

Progress Report – Planning Application Decisions For The Application Date: From 1/11/2018 To 30/11/2018					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
407/2018/P	North-East	31 Boundary Road, Carrum Downs 3201	To use the site for a Place of Assembly (Scouts Hall) within an Industrial 1 Zone, construct buildings and works within an Industrial 1 Zone and reduce the car parking requirements under Clause 52.06 of the Frankston Planning Scheme	Permit Approved	28/11/2018
547/2018/P	North-East	18 Dorchester Crescent, Carrum Downs 3201	Two (2) Lot subdivision	Permit Approved	28/11/2018
351/2017/P	North-East	7 Edward Street, Langwarrin 3910	Construction of two or more dwellings on a lot in the General Residential Zone	Permit Approved	29/11/2018
351/2017/P	North-East	9 Edward Street, Langwarrin 3910	Construction of two or more dwellings on a lot in the General Residential Zone	Permit Approved	29/11/2018
351/2017/P	North-East	5 Edward Street, Langwarrin 3910	Construction of two or more dwellings on a lot in the General Residential Zone	Permit Approved	29/11/2018
293/2018/P	North-East	2 Laurel Crescent, Carrum Downs 3201	To construct one (1) single storey dwelling to the rear of an existing dwelling (two (2) dwellings)	Permit Approved	29/11/2018
North-East ward Total - 18					
461/2018/P	North-West	184 Frankston-Dandenong Road, Seaford 3198	Four (4) lot subdivision	Decision to Issue - Section 71 Correction	1/11/2018
100/2017/P	North-West	6 Raymond Road, Seaford 3198	To construct two (2) double storey dwellings and one (1) single storey dwelling (three (3) dwellings)	Permit Approved	1/11/2018
403/2018/P	North-West	5 Nabilla Avenue, Seaford 3198	Two (2) lot subdivision	Permit Approved	1/11/2018
548/2017/P	North-West	4 Longleaf Street, Frankston North 3200	To construct three (3) double storey dwellings	Permit Approved	2/11/2018
203/2017/P	North-West	341 Frankston-Dandenong Road, Frankston North 3200	To construct three (3) double storey dwellings	Permit Approved	7/11/2018
94/2018/VS	North-West	25 Hannah Street, Seaford 3198	Construction of fencing (front and side boundary) in a Special Building Overlay	Permit Approved	9/11/2018

Progress Report – Planning Application Decisions For The Application Date: From 1/11/2018 To 30/11/2018					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
465/2017/P	North-West	7 Moresby Avenue, Seaford 3198	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Permit Approved	9/11/2018
202/2018/P	North-West	13 Fellowes Street, Seaford 3198	To construct one (1) double storey dwelling to the rear of an existing dwelling (two (2) dwellings)	Permit Approved	12/11/2018
346/2017/P	North-West	14 Bragge Street, Frankston 3199	To construct six (6) triple storey dwellings	Permit Approved	12/11/2018
97/2018/P	North-West	154 Seaford Road, Seaford 3198	To construct two (2) double storey and one (1) one storey dwellings (three (3) dwellings)	Permit Approved	12/11/2018
194/2018/P	North-West	54-55 Wells Road, Seaford 3198	Motor vehicle sales use and business identification signage	Permit Approved	16/11/2018
194/2018/P	North-West	53 Wells Road, Seaford 3198	Motor vehicle sales use and business identification signage	Permit Approved	16/11/2018
475/2018/P	North-West	66 Centenary Street, Seaford 3198	Three (3) lot subdivision	Permit Approved	16/11/2018
438/2018/P	North-West	1A Hannah Street, Seaford 3198	To construct fencing in a Special Building Overlay	Permit Approved	16/11/2018
105/2018/P	North-West	8 Fellowes Street, Seaford 3198	To construct four (4) double storey dwellings	Permit Approved	16/11/2018
435/2018/P	North-West	2 Jarrah Court, Frankston North 3200	To construct one (1) double storey dwelling to the rear of an existing dwelling (two (2) dwellings on a lot)	Permit Approved	16/11/2018
240/2018/P	North-West	25 Bouvardia Crescent, Frankston North 3200	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Permit Approved	16/11/2018
203/2018/P	North-West	9 Drum Close, Frankston 3199	To construct two (2) double storey dwellings	Permit Approved	16/11/2018
349/2017/P	North-West	19 Ashleigh Avenue, Frankston 3199	To construct two (2) dwellings (one (1) single storey and one (1) double storey)	Permit Approved	16/11/2018
441/2018/P	North-West	55-57 Beach Street, Frankston 3199	To display animated business identification signage	Permit Approved	16/11/2018
577/2016/P	North-West	12 Mereweather Avenue, Frankston 3199	To use and develop the land for two (2) triple storey buildings containing six (6) dwellings	Permit Approved	16/11/2018

Progress Report – Planning Application Decisions For The Application Date: From 1/11/2018 To 30/11/2018					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
219/2018/P	North-West	95 Nepean Highway, Seaford 3198	Two (2) lot subdivision	Permit Approved	16/11/2018
356/2018/P	North-West	185 Old Wells Road, Seaford 3198	Two (2) lot subdivision	Permit Approved	16/11/2018
378/2018/P	North-West	7 James Street, Seaford 3198	To construct two (2) dwellings on a lot	Application Refused	20/11/2018
332/2018/P	North-West	3 Ozone Avenue, Seaford 3198	To construct one (1) double storey dwelling	Permit Approved	22/11/2018
218/2018/P	North-West	13 Centenary Street, Seaford 3198	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Permit Approved	22/11/2018
17/2018/P	North-West	149 Beach Street, Frankston 3199	Use and development of the land for a three storey building with retail on ground floor, nine (9) apartments and a reduction in car parking requirement of Clause 52.06 of the Frankston Planning Scheme.	Permit Approved	22/11/2018
17/2018/P	North-West	147 Beach Street, Frankston 3199	Use and development of the land for a three storey building with retail on ground floor, nine (9) apartments and a reduction in car parking requirement of Clause 52.06 of the Frankston Planning Scheme.	Permit Approved	22/11/2018
98/2018/VS	North-West	66 Seaford Grove, Seaford 3198	To construct an extension to an existing dwelling and verandah in a Special Building Overlay (SBO)	Permit Approved	23/11/2018
357/2018/P	North-West	27 Havana Crescent, Frankston 3199	To construct three (3) double storey dwellings	Application Refused	23/11/2018
106/2018/VS	North-West	5 Mahoney Crescent, Seaford 3198	To construct a building and carry out works to an existing dwelling in a Special Building Overlay (SBO)	Permit Approved	28/11/2018
502/2017/P	North-West	2/35 Longleaf Street, Frankston North 3200	To construct one (1) double storey dwelling and carport on a lot less than 300 square metres.	Permit Approved	28/11/2018
526/2018/P	North-West	88 Dunsterville Crescent, Frankston 3199	To construct a building to be used for accommodation (habitable outbuilding) in a Bushfire Management Overlay Schedule 1 (BMO1)	Permit Approved	29/11/2018

Progress Report – Planning Application Decisions For The Application Date: From 1/11/2018 To 30/11/2018					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
439/2018/P	North-West	Shop 2/330 Cranbourne Road, Frankston 3199	To display animated electronic business identification signage	Permit Approved	29/11/2018
450/2018/P	North-West	6 Stawell Street, Seaford 3198	Three (3) lot subdivision	Permit Approved	30/11/2018
North-West Ward Total - 35					
95/2018/VS	South	107B Kars Street, Frankston South 3199	Construction of buildings and works (deck and verandah) in a Significant Landscape Overlay Schedule 6	Permit Approved	9/11/2018
371/2018/P	South	17 Gweno Avenue, Frankston 3199	Extension and alterations to an existing dwelling exceeding 7m in height.	Permit Approved	9/11/2018
502/2018/P	South	84 Heatherhill Road, Frankston 3199	Three (3) lot subdivision	Permit Approved	9/11/2018
93/2018/VS	South	85 Kars Street, Frankston South 3199	To construct a front fence and carry out works within the Tree Protection Zone of substantial trees in a Significant Landscape Overlay Schedule 6	Permit Approved	9/11/2018
420/2018/P	South	8 Chetwyn Court, Frankston South 3199	To remove three (3) substantial trees and undertake buildings and works within the tree protection zone of a substantial tree within the Significant Landscape Overlay (Schedule 3)	Permit Approved	9/11/2018
451/2018/P	South	53 Lawson Avenue, Frankston South 3199	Two (2) lot subdivision	Permit Approved	9/11/2018
18/2018/P	South	19 Rosedale Grove, Frankston South 3199	To construct extensions to the existing dwelling, to remove significant trees and to construct a private tennis court and habitable outbuilding.	Permit Approved	12/11/2018
76/2018/P	South	24 Foot Street, Frankston 3199	To construct three (3) double storey dwellings	Permit Approved	12/11/2018
119/2018/P	South	38 Brighton Street, Frankston South 3199	Two (2) lot subdivision	Permit Approved	12/11/2018

Progress Report – Planning Application Decisions For The Application Date: From 1/11/2018 To 30/11/2018					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
99/2018/VS	South	141 Overport Road, Frankston South 3199	To construct a deck and pergola	Permit Approved	16/11/2018
71/2018/VS	South	22 Fleetwood Crescent, Frankston South 3199	To construct a front fence in a Significant Landscape Overlay Schedule 4.	Permit Approved	16/11/2018
35/2018/P	South	4 Scoble Street, Frankston South 3199	To construct additions and alterations to an existing single storey dwelling in a Design and Development Overlay Schedule 9	Permit Approved	16/11/2018
432/2018/P	South	46 Sycamore Road, Frankston South 3199	To construct and carry out buildings and works to the existing dwelling in a Design and Development Overlay Schedule 9	Permit Approved	16/11/2018
535/2015/P	South	29 Denbigh Street, Frankston 3199	To construct three (3) double storey dwellings	Permit Approved	16/11/2018
276/2018/P	South	252 Frankston-Flinders Road, Frankston South 3199	Buildings and works to an existing place of worship	Permit Approved	22/11/2018
521/2018/P	South	14 Maxwell Court, Langwarrin 3910	To construct a dependent person's unit in a Bushfire Management Overlay Schedule 1 (BMO1)	Permit Approved	22/11/2018
474/2018/P	South	33 Denbigh Street, Frankston 3199	To construct two (2) dwellings on a lot and to construct and carry out works in a Design and Development Overlay Schedule 6 (DDO6) and Special Building Overlay (SBO)	Application Lapsed	22/11/2018
130/2018/P	South	214 North Road, Langwarrin 3910	To construct two (2) single storey and four (4) double storey dwellings (six (6) dwellings) and construct buildings and works in association with accommodation under a Bushfire Management Overlay (BMO)	Permit Approved	22/11/2018
92/2018/VS	South	121 Donald Road, Langwarrin 3910	To construct a carport in a Design and Development Overlay Schedule 4.	Permit Approved	28/11/2018

Progress Report – Planning Application Decisions For The Application Date: From 1/11/2018 To 30/11/2018					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
454/2018/P	South	44 Gowrie Avenue, Frankston South 3199	To construct buildings and carry out works to an existing dwelling in a Design and Development Overlay Schedule 9 (DDO9)	Permit Approved	28/11/2018
102/2018/VS	South	21 Cambridge Street, Frankston 3199	To construct Community Care Accommodation within the Special Building Overlay (SBO)	Permit Approved	28/11/2018
509/2018/P	South	9 Manchelle Close, Frankston South 3199	To remove Trees 1 and 2 (Hesperocyparis macrocarpa (Monterey cypress) trees) and the dead gum tree near Tree 3 in a Significant Landscape Overlay Schedule 3	Permit Approved	28/11/2018
105/2018/VS	South	21 Grosvenor Street, Frankston South 3199	To undertake extensions to an existing dwelling in a Design and Development Overlay Schedule 9.	Permit Approved	28/11/2018
444/2018/P	South	46 McMahons Road, Frankston 3199	To display animated electronic business identification signage	Permit Approved	29/11/2018
455/2018/P	South	1 Fontayne Court, Frankston South 3199	To remove three (3) substantial trees in a Significant Landscape Overlay Schedule 3	Permit Approved	29/11/2018
548/2018/P	South	60 Towerhill Road, Frankston 3199	Two (2) lot subdivision	Permit Approved	29/11/2018
374/2018/P		Newton Avenue, Langwarrin South	To remove substantial trees and native vegetation to facilitate road reconstruction and drainage works	Permit Approved	28/11/2018
South Ward Total - 27					
Total Applications - 80					

Progress Report – Amendment to Planning Application Decisions For The Application Date: From 1/11/2018 To 30/11/2018					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
178/2014/P/A	North-East	35 Sycamore Street, Langwarrin 3910	Secondary consent - To construct a single storey dwelling at the rear of the existing dwelling and additions to existing dwelling (two (2) dwellings)	Secondary Consent Approved	13/11/2018
396/2016/P/B	North-East	1181 Frankston-Dandenong Road, Carrum Downs 3201	Secondary Consent - Use and building and works to construct a medical centre, alteration of access to a Road Zone Category 1 and to display business identification signs	Secondary Consent Approved	16/11/2018
789/2010/P/C	North-East	301-303 Ballarto Road, Carrum Downs 3201	Section 72 amendment - To construct buildings and works for an extension to an existing building for the use as a medical centre and the erection of a business identification sign and to alter access to a Road Zone Category 1	Permit Approved	19/11/2018
81/2018/P/A	North-East	58 Luscombe Avenue, Carrum Downs 3201	Section 72 amendment - To construct one (1) single storey dwelling to the rear of an existing dwelling (Two (2) dwellings) and a two (2) lot subdivision	Permit Approved	20/11/2018
316/2017/P/A	North-East	Shop 8/1095 Frankston-Dandenong Road, Carrum Downs 3201	Section 72 - The permit allows for the supply and consumption of liquor for a restaurant and cafe licence associated with the use of part of the land as a food and drink premises (as of right) in a Commercial 1 Zone - The s72 application seeks to amend the planning permit by increasing the trading hours for the sale and consumption of alcohol on the premise, increasing the floor area/licensed area by 50 square metres, and increasing the patrons from 121 to 143 persons.	Permit Approved	27/11/2018

Progress Report – Amendment to Planning Application Decisions For The Application Date: From 1/11/2018 To 30/11/2018					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
169/2018/P/B	North-East	1447 Dandenong-Hastings Road, Langwarrin 3910	Secondary consent - To construct one (1) single storey dwelling in a Bushfire Management Overlay and to build outside the designated building envelope	Secondary Consent Approved	30/11/2018
North-East Ward Total - 6					
475/2016/P/A	North-West	326-356 Frankston-Dandenong Road, Seaford 3198	Extension of time - The construction of a carport and associated building and works	Extension of Time Approved	1/11/2018
156/2015/P/D	North-West	31 Bouvardia Crescent, Frankston North 3200	Secondary Consent - To construct one (1) dwelling to the rear of the existing dwelling (two (2) dwellings)	Secondary Consent Approved	5/11/2018
397/2015/P/C	North-West	1 Weatherston Road, Seaford 3198	Section 72 amendment - To construct three (3) double storey dwellings and vegetation removal	Application Lapsed	20/11/2018
North-West Ward Total – 3					
427/2016/P/C	South	20 Bembridge Avenue, Frankston South 3199	Section 72 Amendment To construct extensions within two (2) metres of side boundary within a Design and Development Overlay Schedule 9 (DDO9) to construct extension to an existing building used for a dwelling within a Bushfire Management Overlay (BMO) to construct buildings and works within the Tree Protection Zone of substantial trees under a Significant Landscape Overlay Schedule 4 (SLO4)	Permit Approved	1/11/2018
173/2014/P/C	South	28 Overport Road, Frankston South 3199	Extension of Time - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Extension of Time Approved	8/11/2018

Progress Report – Amendment to Planning Application Decisions For The Application Date: From 1/11/2018 To 30/11/2018					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
546/2014/P/D	South	12 Balmoral Street, Frankston 3199	Secondary Consent - To use and develop the land for a five (5) storey building containing sixty (60) dwellings, food and drink premises and associated reduction of car parking	Secondary Consent Approved	8/11/2018
468/2013/P/D	South	571 Nepean Highway, Frankston 3199	Extension of Time - Construction of a dwelling over seven metres high. Buildings and works associated with a dwelling in an Erosion Management Overlay.	Extension of Time Refused	12/11/2018
400/2014/P/C	South	3 Grand View Grove, Frankston 3199	Extension of time - The construction of three (3) triple storey dwellings and buildings and works in an Erosion Management Overlay	Extension of Time Approved	14/11/2018
400/2014/P/C	South	2 Grand View Grove, Frankston 3199	Extension of time - The construction of three (3) triple storey dwellings and buildings and works in an Erosion Management Overlay	Extension of Time Approved	14/11/2018
116/2017/P/B	South	5 The Range, Frankston South 3199	Section 72 - Two (2) lot subdivision	Permit Approved	20/11/2018
371/2012/P/G	South	16 Nirvana Close, Langwarrin South 3911	Section 72 - To construct a double storey dwelling exceeding 7 metres in height, lopping of native vegetation	Permit Approved	22/11/2018
523/2009/P/D	South	34-38 Nirvana Close, Langwarrin South 3911	Section 72 Amendment - Three (3) lot subdivision and native vegetation removal - Change the location of the designated building envelope	Permit Approved	22/11/2018
553/2014/P/F	South	21 Warrandyte Road, Langwarrin 3910	Section 72 - To construct twelve (12) single storey dwellings and seventeen (17) double storey dwellings (twenty nine (29) dwellings) and vegetation removal in stages	Permit Approved	28/11/2018

Progress Report – Amendment to Planning Application Decisions For The Application Date: From 1/11/2018 To 30/11/2018					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
547/2015/P/D	South	185 Warrandyte Road, Langwarrin 3910	Section 72 - To undertake buildings and works and to use the land for a childcare centre and to remove native vegetation.	Permit Approved	30/11/2018
South Ward Total - 11					
Total Applications - 20					

Progress Report – Subdivision Application Received				
For The Application Date: From 1/11/2018 To 30/11/2018				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
134/2018/S	North-East	88 Northgateway, Langwarrin 3910	two (2) lot subdivision	5/11/2018
135/2018/S	North-East	18 Dorchester Crescent, Carrum Downs 3201	Two (2) lot subdivision	9/11/2018
137/2018/S	North-East	21 Edward Street, Langwarrin 3910	Six (6) lot subdivision	8/11/2018
138/2018/S	North-East	291 North Road, Langwarrin 3910	Three Lot (3) Subdivision	9/11/2018
141/2018/S	North-East	482 McClelland Drive, Langwarrin 3910	Three (3) lot Subdivision	23/11/2018
142/2018/S	North-East	315 North Road, Langwarrin 3910	Forty one (41) lot Subdivision	23/11/2018
143/2018/S	North-East	56 Maria Drive, Langwarrin 3910	Two (2) Lot Subdivision	23/11/2018
146/2018/S	North-East	19 Pardalote Avenue, Carrum Downs 3201	Two (2) Lot Subdivision	28/11/2018
144/2018/S	North-West	49 Queen Street, Frankston 3199	Two (2) lot Subdivision	23/11/2018
145/2018/S	North-West	39 Hallifax Street, Seaford 3198	Two (2) lot subdivision	27/11/2018
147/2018/S	North-West	13 Poplar Street, Frankston North 3200	Two (2) Lot Subdivision	30/11/2018
139/2018/S	South	8 Cambridge Street, Frankston 3199	Two (2) lot Subdivision	15/11/2018
140/2018/S	South	30 Dunstan Street, Frankston South 3199	Two (2) lot subdivision	20/11/2018
148/2018/S	South	11 Screen Street, Frankston 3199	Three (3) Lot subdivision	30/11/2018
Total Applications - 14				

Progress Report – Subdivision Decisions					
For The Application Date: From 1/11/2018 To 30/11/2018					
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
9/2016/S	North-East	57 McCormicks Road, Carrum Downs 3201	Nine (9) lot subdivision	Application Withdrawn (M)	13/11/2018
139/2017/S	North-East	44 McCormicks Road, Skye 3977	Nine (9) lot subdivision	Certification and SOC Issued	29/11/2018
83/2016/S	North-West	31 Bouvardia Crescent, Frankston North 3200	Two (2) lot subdivision	SOC Issued (M)	7/11/2018
112/2017/S	North-West	10 Wynnstay Road, Seaford 3198	Two (2) lot subdivision	Certification and SOC Issued	13/11/2018
151/2017/S	North-West	52 Railway Parade, Seaford 3198	Two (2) lot subdivision	SOC Issued (M)	13/11/2018
149/2014/S	North-West	44 Centenary Street, Seaford 3198	Two (2) lot subdivision	SOC Issued (M)	26/11/2018
17/2018/S	North-West	1/39 Lorna Street, Seaford 3198	Two (2) lot subdivision	SOC Issued (M)	27/11/2018
17/2018/S	North-West	2/39 Lorna Street, Seaford 3198	Two (2) lot subdivision	SOC Issued (M)	27/11/2018
4/2016/S	South	616 Nepean Highway, Frankston South 3199	Six (6) lot subdivision	SOC Issued (M)	7/11/2018
67/2017/S	South	16 Clyde Street Mall, Frankston 3199	Sixty eight (68) lot subdivision	SOC Issued (M)	7/11/2018
54/2016/S	South	37 Culcairn Drive, Frankston South 3199	Seven (7) lot subdivision	SOC Issued (M)	26/11/2018
48/2017/S	South	64 Overport Road, Frankston South 3199	Realignment of the boundaries	Certified	29/11/2018
Total Applications - 12					

Town Planning Applications – Direction To Advertise Issued From 1/11/2018 To 30/11/2018				
Application No	Ward	Property Address	Application Description	Application Date
211/1998/P/D	East	1075 Dandenong-Hastings Road, Langwarrin 3910	Section 72 - Retail plant nursery and caretakers residence The amend the hours of operation under Condition 8 of the planning permit so the use may be operational between the hours of 7am to 5.30pm Monday to Friday, and 7.30am to 5.00pm Saturday	23/08/2018
211/1998/P/B	East	1075 Dandenong-Hastings Road, Langwarrin 3910	Section 72 - Retail plant nursery and caretakers residence s72 - To Amend Condition 1c (location of ramp)	28/05/2018
434/2018/P	North-East	88 Southgateway, Langwarrin 3910	To construct of one (1) double storey dwelling to the rear of existing dwelling (two (2) dwellings)	5/09/2018
664/2002/P/B	North-East	24 Malcolm Road, Langwarrin 3910	Section 72 - Amendment to the existing permit to allow an increase of children allowed on the premises at any one time from 45 to 56	5/09/2018
267/2018/P	North-East	40 Shearwater Drive, Carrum Downs 3201	To construct two (2) double storey dwellings and one (1) single storey dwelling (three (3) dwellings)	15/06/2018
413/2018/P	North-East	22 Northgateway, Langwarrin 3910	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwelling)	23/08/2018
350/2018/P	North-East	4 Fernwood Drive, Langwarrin 3910	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	24/07/2018
291/2018/P	North-East	469 North Road, Langwarrin 3910	To amend Section 173 Agreement No. AL268856X	27/06/2018
418/2018/P	North-East	586 Frankston-Dandenong Road, Carrum Downs 3201	To use the land as an Indoor Recreation Facility (Indoor Play Facility) within the Commercial 2 Zone (C2Z) and display business identification and internally illuminated signage within a Category 1 area	27/08/2018
421/2018/P	North-East	52 Boundary Road, Carrum Downs 3201	Alterations and additions to temple and construction of a shed	28/08/2018

422/2018/P	North-East	9 Poplar Grove, Langwarrin 3910	To construct one (1) dwelling to the rear of the existing dwelling (two (2) dwellings)	28/08/2018
375/2018/P	North-East	67 Southgateway, Langwarrin 3910	To construct one (1) double storey dwelling to the rear of the existing dwelling (two dwellings); alterations to the existing dwelling and subdivide the land into two (2) lots.	31/07/2018
580/2014/P/C	North-West	66 - 68 Fortescue Avenue, Seaford 3198	Section 72 - To construct four (4) double storey dwellings and two (2) single storey dwellings (six (6) dwellings) and a six (6) lot subdivision	1/08/2018
130/1993/P/E	North-West	180-181 Nepean Highway, Seaford 3198	Section 72 Amendment - To construct one (1) building with four (4) dwellings. Amendment - deletion of one (1) visitor car parking space (Visitor Space 3).	5/10/2018
53/2018/P	North-West	1/151-153 Beach Street, Frankston 3199	To use land to sell and consume liquor (Restaurant and Cafe Liquor Licence) and reduction in car parking requirements of Clause 52.06 of the Frankston Planning Scheme	6/02/2018
386/2018/P	North-West	9 Corlett Street, Frankston 3199	To construct one (1) double storey dwelling at the rear of existing dwelling (two (2) dwellings)	10/08/2018
392/2018/P	North-West	126 Wangarra Road, Frankston 3199	To construct two (2) double storey dwellings	14/08/2018
519/2018/P	North-West	4 Milne Avenue, Seaford 3198	To construct two (2) double storey dwellings.	23/10/2018
523/2018/P	North-West	5 Kerry Street, Seaford 3198	To construct six (6) double storey dwellings	24/10/2018
539/2018/P	North-West	Shop 1/131 Nepean Highway, Seaford 3198	Restaurant and cafe Liquor license	31/10/2018
256/2018/P	South	16 Glenview Crescent, Frankston 3199	To construct two (2) double storey dwellings and one (1) single storey dwelling	8/06/2018
495/2018/P	South	1-2 Merrigal Court, Frankston South 3199	To construct one (1) single storey dwelling.	10/10/2018
501/2018/P	South	110 Cranbourne-Frankston Road, Langwarrin 3910	To construct ten (10) double storey and nine (9) single storey dwellings (nineteen (19) dwellings); to subdivide nineteen (19) lots and create and alter access and subdivide adjacent to a road in a Road Zone - Category 1 (RDZ1)	12/10/2018
389/2018/P	South	100 Barretts Road, Langwarrin South 3911	To construct a shed and remove three (3) trees	13/08/2018

345/2018/P	South	13 Bembridge Avenue, Frankston South 3199	Two (2) lot subdivision and removal of vegetation	19/07/2018
410/2018/P	South	6 Bridgewater Court, Langwarrin 3910	To construct one (1) outbuilding, a veranda and pergola	20/08/2018
467/2018/P	South	32 Denbigh Street, Frankston 3199	To construct two (2) double storey dwellings to the rear of existing dwelling and construction of a garage for the existing dwelling Three (3) dwellings)	24/09/2018
468/2018/P	South	6 Blair Avenue, Frankston South 3199	To construct one (1) double storey dwellings to the rear of the existing dwelling (two (2) dwellings) and removal of trees.	24/09/2018
427/2018/P	South	18 Argyle Street, Frankston 3199	To construct six (6) dwellings (5 dwellings for people living with extreme functional impairments or very high support needs and one (1) live - in carers dwelling) and reduction of car parking requirements of Clause 52.06 of Frankston Planning Scheme.	29/08/2018
531/2018/P	South	44 Newton Avenue, Langwarrin South 3911	To construct a single storey dwelling.	29/10/2018
373/2018/P	North-East	240-242 McCormicks Road, Skye 3977	To construct one (1) double storey dwelling to the front of the existing dwelling (two dwellings) and 2 lot subdivision	1/08/2018
47/2018/P	North-East	125 Union Road, Langwarrin 3910	To end Section 173 Agreement AJ372169E which affects lot 1 of Plan of Subdivision 627056B (125 Union Road Langwarrin)	5/11/2018
558/2018/P	North-East	23 Lorraine Avenue, Langwarrin 3910	To construct and extend two (2) dwellings on a lot	13/11/2018
510/2018/P	North-East	63 Cranbourne-Frankston Road, Langwarrin 3910	To construct four (4) double storey dwellings and create and alter access to a road in a Road Zone, Category 1 (RDZ1)	17/10/2018
342/2018/P	North-East	7 Greenwood Drive, Carrum Downs 3201	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	19/07/2018
406/2018/P	North-East	20 Brunnings Road, Carrum Downs 3201	To construct twelve (12) double storey dwellings	23/08/2018
353/2018/P	North-East	610 Ballarto Road, Skye 3977	To construct one (1) single storey dwelling and associated vegetation removal	24/07/2018

529/2018/P	North-East	20 Paddington Avenue, Carrum Downs 3201	To construct one (1) double storey dwelling to the rear of existing dwelling (two (2) dwellings)	26/10/2018
473/2018/P	North-West	15 Belvedere Road, Seaford 3198	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwelling)	1/10/2018
430/2018/P	North-West	28 McAlister Street, Frankston 3199	To construct one (1) single double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and a two (2) lot subdivision	4/09/2018
154/2015/P/E	North-West	78-83 Nepean Highway, Seaford 3198	<p>Section 72 - To construct four, four storey buildings containing up to 140 dwellings in a General Residential Zone, Design and Development Overlay, Land Subject to Inundation Overlay and Bushfire Management Overlay, removal of native vegetation (Clause 52.17) and alteration to access in a Road Zone Category 1 (Clause 52.29)</p> <ul style="list-style-type: none"> - Extensions and reconfigurations of the basement level. - Alterations to finished floor levels. - Removal of the 'Lower Ground Floor' and the raising of the basement floor. - Modifications to the basement entry ramp. - Removal of the proposed link bridges. - Reduction in setbacks between each building. - Adjustments to the terraces along the 'Third Floor Plan'. - Modifications to the overall building heights. - Modifications to the landscaping arrangement. 	5/09/2018

329/2015/P/E	North-West	290 Nepean Highway, Seaford 3198	<p>Section 72 - Construction of a four storey building containing 31 dwellings in a General Residential Zone 1, Design and Development Overlay (DDO6), Land Subject to Inundation Overlay (LSIO) and Bushfire Management Overlay (BMO), and alteration of access to a road in a Road Zone Category 1.</p> <ul style="list-style-type: none"> - Modifications to the internal basement configuration. - Internal layout changes along the Lower Ground, Ground Floor, First Floor and Second Floors. - Variations to the existing floor levels. - Minor modifications to setbacks from property boundaries. - Modifications to the existing landscaping arrangement. - Relocation of roof-top amenities. - Variations to overall building heights and external facade treatments. 	5/09/2018
493/2018/P	North-West	1/2-8 Peninsula Boulevard, Seaford 3198	The use the land for a medical centre (physiotherapy) and a reduction in the car parking requirements of Clause 52.06 of the Frankston Planning Scheme.	9/10/2018
387/2018/P	North-West	17 Madden Street, Seaford 3198	To construct two (2) double storey dwellings	10/08/2018
264/2018/P	North-West	16 East Road, Seaford 3198	To construct four (4) double storey dwellings and four (4) lot subdivision	12/06/2018
508/2018/P	North-West	47 Hunt Drive, Seaford 3198	To construct (4) double storey dwellings	16/10/2018
580/2018/P	North-West	40 Cumberland Drive, Seaford 3198	To use the site for Animal Keeping (Dog Day Care) within an Industrial 1 Zone (IN1Z)	26/11/2018
425/2018/P	North-West	232 Seaford Road, Seaford 3198	To construct two (2) double storey dwellings, construct buildings and works within a Special Building Overlay (SBO) and alter access to a road in a Road Zone, Category 1 (RDZ1)	29/08/2018

254/2018/P	South	475 Baxter-Tooradin Road, Langwarrin South 3911	To change the use of the land to Animal Production (production of free range eggs).	1/06/2018
484/2018/P	South	48 Norman Avenue, Frankston South 3199	To use the land to sell and consume liquor (restaurant and cafe licence) and a reduction in the car parking requirements of Clause 52.06 of the Frankston Planning Scheme.	4/10/2018
481/2018/P	South	62 Towerhill Road, Frankston 3199	To construct two double storey dwellings	5/10/2018
545/2018/P	South	48 Casuarina Drive, Frankston South 3199	To construct buildings and carry out works to an existing dwelling in a Design and Development Overlay Schedule 9 (DDO9)	5/11/2018
485/2018/P	South	2 Sherwood Court, Langwarrin South 3911	To construct an outbuilding, to construct a building within the Tree Protection Zone of substantial trees and to remove Native Vegetation.	8/10/2018
552/2018/P	South	305 Centre Road, Langwarrin 3910	To construct buildings and carry out works to an existing dwelling in a Design and Development Overlay Schedule 4	8/11/2018
320/2018/P	South	18 Bembridge Avenue, Frankston South 3199	To construct one (1) double storey dwelling adjacent to the existing dwelling (two (2) dwellings), construct buildings and works in a Design and Development Overlay - Schedule 9 (DDO9) and construct buildings and works within the Tree Protection Zone of any substantial trees in a Significant Landscape Overlay - Schedule 4 (SLO4)	11/07/2018
498/2018/P	South	69 Brighton Street, Frankston South 3199	To construct a building and carry out works to an existing dwelling in the Design and Development Overlay Schedule 9 (DDO9)	12/10/2018

556/2018/P	South	57 Brighton Street, Frankston South 3199	To construct two (2) double storey dwellings, construct buildings and works within a Significant Landscape Overlay - Schedule 4 (SLO4) and construct buildings and works within a Design and Development Overlay - Schedule 9 (DDO9)	12/11/2018
557/2018/P	South	19 Norman Avenue, Frankston South 3199	To construct buildings and carry out works to an existing dwelling in a Design and Development Overlay Schedule 9 and to construct a front fence in a Significant Landscape Overlay Schedule 4	12/11/2018
459/2018/P	South	49 Lardner Road, Frankston 3199	Two (2) lot subdivision	13/09/2018
279/2018/P	South	155 Humphries Road, Frankston South 3199	To construct one (1) double storey dwelling	18/06/2018
512/2018/P	South	57 Barretts Road, Langwarrin South 3911	To construct an outbuilding in a Design and Development Overlay Schedule 4 and to construct and carry out works within the Tree Protection Zone of a substantial tree in a Significant Landscape Overlay Schedule 1	18/10/2018
514/2018/P	South	25 Natina Court, Langwarrin 3910	Construction of an Outbuilding in the Design and Development Overlay Schedule 4	19/10/2018
229/2018/P	South	40-46 McMahons Road, Frankston 3199	Use and development of the land for a convenience shop and associated works to the existing car park to an existing service station	21/05/2018
411/2018/P	South	87 Kars Street, Frankston South 3199	To construct three (3) dwellings (Two (2) triple storey dwellings and One (1) single storey)	21/08/2018
533/2018/P	South	12 Coogee Avenue, Frankston 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings).	29/10/2018

<u>Legend</u>	
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 2018									
<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>
P1454/2017	586/2016/P	23 Coogee Avenue Frankston	To modify the Restrictive Covenant contained in Instrument of Transfer 1306858 dated 3 April 1924 to delete the wording: "and will not at any time hereafter erect or allow to be erected more than one private dwelling on either of the said lots hereby transferred, and the building line of any such dwelling to be erected shall not be less than Thirty five feet distant from the Street or Road facing which it is to be erected" and replace with wording "will not erect or allow to be erected on the said lot works of any kind whatsoever other than three private dwellings on the said lot hereby transferred and the building line of any such dwelling to be erected shall not be less than the local authority approved distance from the street or road facing which it is to be erected"	11-Jul-17	Refusal	Refusal to grant a permit	06-Sep-18	Refused	8-Nov-18

P1662/2017	206/2016/P	4 Dingle Avenue Frankston	Construction of double storey dwellings and waiving of visitor parking	1-Aug-17	NA	Amendment to Planning permit	01-Feb-18		
P2707/2017	481/2016/P	634A and 634B Nepean Highway Frankston South	The (re)Subdivision of the Land into 2 Lots and Road	29-Nov-17	Notice of Decision	Decision to grant a permit	28-May-18		
P2928/2017	481/2016/P	634A and 634B Nepean Highway Frankston South	The (re)Subdivision of the Land into 2 Lots and Road	29-Dec-17	Notice of Decision	Decision to grant a permit	28-May-18		
P2929/2017	481/2016/P	616 Nepean Highway Frankston	The (re)Subdivision of the Land into 2 Lots and Road	21-Dec-17	Notice of Decision	Decision to grant a permit	28-May-18		
P2893/2017	546/2014/P	4 Clyde Street Mall Frankston	To use and develop the land for a five (5) storey building containing sixty (60) dwellings, food and drink premises and associated reduction of car parking	1-Dec-17	Approval	Failure to determine amending plans	05-Mar-18		
P45/2018	226/2017/P	45 Kenilworth Avenue Frankston	To construct four (4) double storey dwellings	9/01/2018	Refusal	Refusal to grant a permit	08-Oct-18	Approved	16-Nov-18
P199/2018	936/2005/P/D	12 Hi-Tech Place Seaford	Two (2) storey office and warehouse development	26-Jan-18	Approval	Appeal against conditions	05-Dec-18		
P325/2018	358/2017/P	218 Heatherhill Road Frankston	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	16/03/18 (Vacated)	Notice of Decision	Decision to grant a permit	05-Dec-18		
P489/2018	200/2016/P	115-119 Union Road Langwarrin	Five (5) Lot Subdivision	15-Mar-18	Approval	Appeal against conditions	05-Sep-18		

P506/2018	789/2010/P	301-303 Ballarto Road Carrum Downs	To construct buildings and works for an extension to an existing building for the use as a medical centre and the erection of a business identification sign and to alter access to a Road Zone Category 1	19-Mar-18	Approval	Appeal against conditions	20-Sep-18	Approved	9-Nov-18
P649/2018	450/2015/P	104 Gamble Road Carrum Downs (formally known as 39 McCormicks Road Carrum Downs)	Five (5) lot subdivision	29-Mar-18	Approval	Act: Subdivision Act 1988 Section: 36	04-Oct-18		
P708/2018	351/2017/P	5, 7 and 9 Edward Street Langwarrin	To construct twenty two (22) double storey dwellings	5-Apr-18	Not yet Determined	Failure to determine	29-Nov-18	Approved	26-Nov-18
P600/2018	345/2017/P	469 North Road Langwarrin	To construct an outbuilding (shed) outside of the building envelope and to vary the boundary setback under the Design and Development Overlay Schedule 4 (DDO4).	22-Mar-18	Approval	Appeal against conditions			
P917/2018	430/2005/P/D	325 Nepean Highway Frankston (units 102 &49)	Development and use of the land for 110 dwellings and office(s), reduction in the carparking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for loading/unloading bay, in accordance with the endorsed plan/s.	30-Apr-18	Refused	Appeal against conditions			

P1037/2018	346/2017/P	14 Bragge Street, Frankston 3199	To construct six (6) triple storey dwellings	4/06/18	refusal	failure to determine	29-Oct-18	Approved	8-Nov-18
P1233/2018	518/2017/P	105 Humphries Road, Frankston South 3199	To construct one (1) building, use of site as child care centre and vegetation removal	28/06/18	Not yet Determined	failure to determine	07-Nov-18		
P1215/2018	2/2018/P	14 Grain Store Court, Langwarrin 3910	To construct two (2) double storey dwellings and three (3) single storey dwellings (five (5) dwellings)	28/06/18	application Refused	Refusal to grant a permit	14-Dec-18		
P1282/2018	385/2017/P	7 The Range, Frankston South 3199	To construct two (2) double storey dwellings	9/07/18	application Refused	Refusal to grant a permit	07-Dec-18	Approved	30-Nov-18
P1393/2018	342/2017/P	7 Sussex Crescent, Seaford 3198	To construct one (1) single storey dwelling to the rear of the existing dwellings (two (2) dwellings)	6/07/18	Refused	Refusal to grant a permit	14-Jan-19		
P1392/2018	507/2017/P	155 Potts Road Langwarrin	Use and building and works to construct one (1) double storey dwelling with bed and breakfast accommodation and associated outbuilding for storage exceeding 100sqm.	25/07/18	Notice of Decision	Decision to grant a permit	21-Jan-19		
P1456/2018	160/2017/P	159 Nepean Highway Seaford	To construct eleven (11) dwellings within a three (3) storey building	23/07/18	Notice of Decision	Decision to grant a permit	29-Jan-19		
OC754/2018	289/2010/P	57 Rosslyn Avenue Seaford	Two lot subdivision (PM witness)				07-Feb-19		
P1718/2018	448/2017/P	217 Nepean Highway Seaford	Three (3) lot subdivision and three (3) dwellings	29/08/28 and 30/08/18	Notice of Decision	Decision to grant a permit	12-Mar-19		

P1283/2018	290/2017/P	38 Hillcrest Road Frankston	To construct five (5) double storey dwellings	28/06/18	Refusal	Refusal to grant a permit	07-Jan-19		
P1785/2018	442/2017/P	Level 1, 27 Wells Street Frankston	Liquor License (On premises license)	6/09/18	Refusal	Refusal to grant a permit	06-Feb-19		
P1615/2018	53/2017/P/A	605 Dandenong-Hastings Road, Skye	To undertake earthworks	10/08/18	Not yet Determined	Failure to determine	01-Mar-19		
P1684/2018	252/2018/P	13-15 Bouvardia Crescent Frankston North	To construct six (6) double storey dwellings	27/08/18	Refusal	Refusal to grant a permit	19-Mar-19		
P1869/2018	477/2017/P	25 Donald Road, Langwarrin 3910	To construct buildings and works within a Design and Development Overlay – Schedule 4 (DDO4), to construct outbuildings within a Bushfire Management Overlay (BMO), construct buildings and works within the Tree Protection Zone of substantial trees under a Significant Landscape Overlay – Schedule 1 (SLO1) and to use the site for a Home Based Business exceeding 100 square metres	25/09/18	Not yet Determined	failure to determine	01-Apr-19		
P1951/2018	182/2018/P	153 North Road, Langwarrin 3910	To construct two (2) double storey dwellings	4/10/18	Notice of Decision	Decision to grant a permit	08-Apr-19		
P1982/2018	420/2017/P	42 Nepean Highway Seaford	To construct eight (8) triple storey dwellings and to create or alter access to a road in a Road Zone Category 1	4/10/18	Notice of Decision	Decision to grant a permit	07-Jan-19	Refused	28-Nov-18

P2126/2018	303/2018/P	4/87 Clifton Grove Carrum Downs	To use the land as a 'Retail Premises' (Photography Studio)	24/10/18	Refusal	Refusal to grant a permit	28-May-19		
P2306/2018	26/2018/P	77 Humphries Road Frankston South	Three (3) lot subdivision	3/12/18	Approval	Appeal against conditions	20-May-19		
P979/2018	203/2017/P	341 Frankston- Dandenong Road, Frankston North	Three (3) double storey dwellings and creation/alteration of access to a road in a Road Zone Category 1.	4/6/18	Refusal	Refusal to grant a permit	8-Nov-18	Approved	2-Nov-18

Progress Report – VCAT Determination – Policy Implications November 2018			
<u>Appeal No</u>	<u>Application No</u>	<u>Address</u>	<u>VCAT Determination – Policy Implications</u> <u>November 2018</u>
<u>P979/2018</u>	<u>203/2017/P</u>	341 Frankston-Dandenong Road, Frankston North	The application related to a proposal to construct 3 dwellings on the land with access from a main road. The application was refused on a variety of grounds primarily related to ResCode compliance. Prior to the hearing the applicant developed amended plans which addressed the substantive issues in the refusal grounds. On the basis of these amended plans and additional conditions, the VCAT ordered the granting of a permit with the consent of the parties.
<u>P1454/2017</u>	<u>586/2016/P</u>	23 Coogee Avenue, Frankston	The applicant proposed the variation of a restrictive covenant and the construction of three dwellings. The application was refused on the basis of objections lodged by beneficiaries of the covenant and compliance with planning scheme requirements including ResCode. The VCAT could not be satisfied that the modification of the covenant to allow the construction of the dwellings as proposed would not create detriment to beneficiaries of the covenant. For this reason it determined to order that no permit be granted.
<u>P1037/2018</u>	<u>346/2017/P</u>	14 Bragge Street, Frankston	The applicant proposed the construction of six triple storey dwellings. Council refused to grant a permit on the basis that the proposal presented a poor design response to the character of the Ebdale precinct and that insufficient amenity was provided for future residents. Ultimately the VCAT found that a permit should be granted, subject to some changes to the design.
<u>P506/2018</u>	<u>789/2010/P/C</u>	301-303 Ballarto Road, Carrum Downs	The applicant proposed to expand the use of the land as a medical centre via amendments to an existing permit. Council resolved to amend the permit in part, and subject to further conditions of permit which limited the number of practitioners able to operate in the facility and the hours of operation. The applicant sought review of the limiting conditions. The VCAT determined to grant the greater spread of operating hours sought by the applicant, subject to conditions requiring the improvement of an existing acoustic fence to assist in reducing amenity impacts to neighbours.

<u>P45/2018</u>	<u>226/2017/P</u>	45 Kenilworth Avenue, Frankston	The applicant proposed the construction of four dwellings on the land. The application was refused on grounds relating to ResCode compliance and neighbourhood character. On review, the VCAT was satisfied that the proposed dwellings would not detrimentally impact on the streetscape or wider character of the neighbourhood. It considered that the proposal was a reasonable design which adequately protected the amenity of surrounding properties, and directed that a permit be granted.
<u>P128/2018</u>	<u>385/2017/P</u>	7 The Range, Frankston South	The applicant proposed the construction of two dwellings involving some tree removal. The application was refused on grounds relating to ResCode compliance, character and vegetation impacts. Prior to the hearing, the applicant amended the plans for the proposal to address the grounds of refusal, and a permit was issued for the amended proposal by consent.
<u>P708/2018</u>	<u>351/2017/P</u>	5, 7 and 9 Edward Street, Langwarrin	The applicant proposed to construct twenty-two dwellings on the land. Council advised the applicant that it did not support the application on grounds relating to character and ResCode compliance. The VCAT convened two Compulsory Conferences which were attended by Council officers and objectors. Following the conferences, all parties were able to agree on the issuance of a permit by consent, with conditions requiring modification of the proposal to address various concerns.

Strategic Unit - Planning Scheme Amendments – November 2018				
<u>Amendment</u>	<u>Address</u>	<u>Description</u>	<u>Status</u>	<u>Status Date</u>
C105	Health & Education precinct	Student Accommodation Policy	Will progress project after the Housing Strategy Amendment Exhibition.	13 December 2018
C111	Frankston City Car Parking Overlay	Implement a parking overlay over the FMAC	Adopted at 14 May 2018 Council Meeting. The Minister for Planning has approved the Amendment 17 October 2018 and gazetted into the Frankston Planning Scheme on 22 November 2018.	22 November 2018
C123	Frankston MAC	Implements the recommendations of the Frankston MAC Structure Plan	Adopted at 3 April 2018 Council Meeting. Submitted to the Minister for Planning for Approval with Council's recommendations.	13 December 2018
C124	Frankston MAC (balance)	Implements the recommendations of the Frankston MAC Structure Plan for areas other than city centre.	Adopted at 23 July 2018 Council Meeting. Submitted to the Minister for Planning for Approval with Council's recommendations.	13 December 2018
C127	Frankston City Council Wide	Public Open Space Contributions	Authorisation has been lodged to the Minister for Planning for their consideration.	13 December 18

Executive Summary**11.6 December 2018 Town Planning Progress Report**

Enquiries: (Stuart Caldwell: Community Development)

Council Plan

Community Outcome:	4. A Well Managed City
Strategy:	4.2 Systems
Priority Action	4.2.3 Facilitate informed decision making through informed reporting and data management

Purpose

To provide Council with an update on the exercise of planning delegations by Council officers for the month of December 2018.

Recommendation (Director Community Development)

That Council receives and notes the December 2018 Town Planning Progress Report.

Key Points / Issues

This report provides Council with an update on the exercise of planning delegations by Council officers on the following items:

- Planning applications received;
- Planning decisions;
- Subdivision applications received;
- Subdivision decisions;
- Planning scheme amendments;
- VCAT appeal register; and
- VCAT decisions.

In December 2018, 80 applications for planning permits or amendments to permits were received, and 79 applications determined. A total of 60% of permit decisions were made within 60 days.

Eleven decisions related to multi-dwelling applications. Six of these applications complied with the Multi-Dwelling Visitor Car Parking Guidelines.

Three VCAT decisions were handed down. Two set aside Council's decision and one was decided by consent.

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 three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.50 per cent for 2019-2020.

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.

11.6 December 2018 Town Planning Progress Report**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.

Of the three VCAT cases decided, Council was represented by officers in one case, by its solicitors in one case, by a consultant in another case at an average cost of around \$5,000-\$10,000 per case. This cost is covered by the Planning and Environment budget.

Consultation

This report provides details of all planning applications and decisions that are required to be considered in accordance with the Frankston Planning Scheme and the Planning and Environment Act (1987).

Consultation occurs with the community as part of the planning process of each application that requires public advertising.

Analysis (Environmental / Economic / Social Implications)

This report will not result in any identified environmental, economic or social impacts.

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

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 2018.

ATTACHMENTS

Attachment A: [↓](#) Town Planning Progress Report - December 2018

Progress Report – Planning Applications Received				
For The Application Date: From 1/12/2018 To 31/12/2018				
Application No	Ward	Property Address	Application Description	Date
645/2018/P	North-East	43 Jacana Drive, Carrum Downs 3201	Two (2) Lot Subdivision	3/12/2018
114/2018/P/VS	North-East	4 Kingston Road, Langwarrin 3910	To construct an ancillary outbuilding (carport) in a Design and Development Overlay Schedule 4 and to carry out works within the Tree Protection Zone of substantial trees in a Significant Landscape Overlay Schedule 1	4/12/2018
649/2018/P	North-East	8/1 Cadles Road, Carrum Downs 3201	To erect and display an internally illuminated business identification sign.	4/12/2018
657/2018/P	North-East	472 McClelland Drive, Langwarrin 3910	Two (2) Lot Subdivision	11/12/2018
117/2018/P/VS	North-East	2 Optic Way, Carrum Downs 3201	To construct a mezzanine floor and reduce the car parking requirement of Clause 52.06 of the Frankston Planning Scheme	12/12/2018
659/2018/P	North-East	7 Honeyeater Place, Carrum Downs 3201	Two (2) Lot Subdivision	12/12/2018
668/2018/P	North-East	13 Athol Court, Langwarrin 3910	To construct four (4) double storey dwellings	13/12/2018
663/2018/P	North-East	21 Golden Way, Skye 3977	Four (4) Lot Subdivision	14/12/2018
670/2018/P	North-East	7 Catherine Court, Langwarrin 3910	To construct one (1) new dwelling to the rear of the existing dwelling (two dwellings)	14/12/2018
671/2018/P	North-East	101 Boundary Road, Carrum Downs 3201	Building and works for warehouse development with reduction in car parking spaces under clause 52.06 -5	17/12/2018
669/2018/P	North-East	22 Cockatoo Drive, Carrum Downs 3201	To construct two (2) single storey dwellings on a lot	17/12/2018
676/2018/P	North-East	85 Boundary Road, Carrum Downs 3201	Building and works to a warehouse development	18/12/2018
3/2019/P	North-East	26 Sycamore Street, Langwarrin 3910	To construct four (4) double storey dwellings	18/12/2018
2/2019/P	North-East	531 Frankston-Dandenong Road, Carrum Downs 3201	Construction of a new double storey dwelling along with double garage and another double garage for existing dwelling.	21/12/2018
North-East Ward Total= 14				
113/2018/P/VS	North-West	Shop 8 Station Street, Seaford 3198	To construct a verandah within a Commercial 1 Zone	4/12/2018

Progress Report – Planning Applications Received				
For The Application Date: From 1/12/2018 To 31/12/2018				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
650/2018/P	North-West	5 Duncan Avenue, Seaford 3198	To undertake buildings and works to an existing dwelling in a Special Building Overlay (SBO)	5/12/2018
653/2018/P	North-West	1 Riversdale Avenue, Seaford 3198	To construct three (3) double storey dwellings	7/12/2018
654/2018/P	North-West	27 Park Street, Seaford 3198	To construct two (2) double storey dwellings	7/12/2018
655/2018/P	North-West	245 Nepean Highway, Seaford 3198	To construct two (2) double storey dwellings with roof top terrace, subdivide the land into two (2) lots and to create/alter access to a road in a Road Zone Category 1	7/12/2018
658/2018/P	North-West	89 Centenary Street, Seaford 3198	Dependable Person's Unit (DPU)	12/12/2018
118/2018/P/VS	North-West	143 Rosslyn Avenue, Seaford 3198	To construct an extension to an existing dwelling and verandah in a Special Building Overlay (SBO)	13/12/2018
660/2018/P	North-West	43 Barry Street, Seaford 3198	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings).	13/12/2018
119/2018/P/VS	North-West	32 Bainbridge Avenue, Seaford 3198	To undertake buildings and works for a front fence in a Special Building Overlay	13/12/2018
674/2018/P	North-West	325 Frankston-Dandenong Road, Frankston North 3200	To erect and display business identification signage	17/12/2018
10/2019/P	North-West	25 Oaklands Crescent, Frankston 3199	Construction of two (2) dwellings	19/12/2018
678/2018/P	North-West	5 Richardson Street, Seaford 3198	Construction of dwelling at the rear of existing dwelling. (Two (2) dwellings)	21/12/2018
680/2018/P	North-West	8 Lorna Street, Seaford 3198	Construction of three (3) double storey dwellings	21/12/2018
3/2019/P	North-West	Seaford Reserve - R F Miles Recreation Reserve 22R Seaford Rd Seaford	Demolition of existing pavilion and toilet block and construction of a new sports pavilion, carpark and associated works.	21/12/2018
679/2018/P	North-West	10 Duncan Avenue, Seaford 3198	Three (3) lot subdivision	21/12/2018
North-West Ward Total = 15				
647/2018/P	South	2 Binswood Lane, Frankston South 3199	To construct one (1) double storey dwelling	4/12/2018

Progress Report – Planning Applications Received				
For The Application Date: From 1/12/2018 To 31/12/2018				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
646/2018/P	South	22 Oxford Street, Frankston 3199	To undertake buildings and works for an outbuilding in a Special Building Overlay	4/12/2018
656/2018/P	South	6 Denbigh Street, Frankston 3199	Four (4) Lot Subdivision	7/12/2018
758/2011/P/C	South	1 Kenilworth Avenue, Frankston 3199	To construct six (6) double storey dwellings	7/12/2018
667/2018/P	South	48 Norman Avenue, Frankston South 3199	To undertake buildings and works for a deck	7/12/2018
651/2018/P	South	44 Seaview Road, Frankston South 3199	Two (2) lot subdivision	7/12/2018
116/2018/P/VS	South	Beauty Park 51N High Street, Frankston 3199	To construct a building (public toilet) in a Special Building Overlay (SBO)	11/12/2018
665/2018/P	South	365 Baxter-Tooradin Road, Langwarrin South 3911	To undertake buildings and works to an existing dwelling	12/12/2018
675/2018/P	South	33 Denbigh Street, Frankston 3199	To construct two (2) double storey dwellings on a lot and to construct buildings and carry out works in a Special Building Overlay (SBO)	13/12/2018
666/2018/P	South	94 Overport Road, Frankston South 3199	To undertake buildings and works to an existing dwelling in a Design and Development Overlay Schedule 1	13/12/2018
662/2018/P	South	87 Frankston-Flinders Road, Frankston 3199	Three (3) lot Subdivision	14/12/2018
672/2018/P	South	50B Woodlands Grove, Frankston 3199	To construct one (1) double storey dwelling	17/12/2018
673/2018/P	South	11 Oakfield Court, Frankston South 3199	To construct two (2) double storey dwellings and removal of vegetation	17/12/2018
677/2018/P	South	36 Sanders Road, Frankston South 3199	To construct a childcare centre and display business signage	18/12/2018
21/2018/P	South	17 Kimba Avenue, Frankston 3199	To construct a second dwelling and subdivide into two (2) lots	18/12/2018
25/2018/P	South	62 Cranbourne Road, Frankston 3199	Satisfaction of matter associated with a medical centre	19/12/2018
4/2019/P	South	28 Beach Street, Frankston 3199	To construct business identification signage on beach street bridge	21/12/2018

Progress Report – Planning Applications Received For The Application Date: From 1/12/2018 To 31/12/2018				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
681/2018/P	South	Jubilee Park 83R-85R Hillcrest Road, Frankston 3199	Building and Works - Playground and Vegetation removal.	24/12/2018
5/2019/P	South	6A Orchard Grove, Frankston South 3199	Construction of a Two (2) storey Dwelling	24/12/2018
11/2019/P	South	24 Roberts Street, Frankston 3199	To construct two (2) town houses and one (1) single storey unit. With attached double garages to each. Total Three (3) dwellings	24/12/2018
120/2018/P/VS	South	75 Yuille Street, Frankston South 3199	To undertake buildings and works for a deck and front fence in a Significant Landscape Overlay Schedule 6	24/12/2018
South Ward Total = 21				
Total New Applications = 50				

Progress Report – Amendments to Planning Permits - Received For The Application Date: From 1/12/2018 To 31/12/2018				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
287/2007/P/B	East	22 Fernwood Drive, Langwarrin 3910	Section 72 - The construction of a second dwelling on the land in accordance with the endorsed plan/s	4/12/2018
836/2004/P/C	East	145 Union Road, Langwarrin 3910	Section 72 - Thirty-four dwellings	18/12/2018
East Ward Total = 2				
515/2018/P/A	North-East	71 Paddington Avenue, Carrum Downs 3201	Secondary consent - To construct a dependant persons unit within the Bushfire Management Overlay (Schedule 1)	3/12/2018
287/2007/P/B	North-East	24 Fernwood Drive, Langwarrin 3910	Section 72 - The construction of a second dwelling on the land in accordance with the endorsed plan/s	4/12/2018
494/2014/P/D	North-East	560 Frankston-Dandenong Road, Carrum Downs 3201	Section 72 - 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	4/12/2018
579/2017/P/A	North-East	8 Blue Wren Rise, Carrum Downs 3201	Secondary Consent - To construct one (1) single storey dwelling within the Bushfire Management Overlay (BMO)	12/12/2018
592/2017/P/D	North-East	50 Access Way, Carrum Downs 3201	Section 72 - The use and development of the land for two (2) warehouses and associated offices.	14/12/2018
538/2018/P/A	North-East	124 Centre Road, Langwarrin 3910	Secondary Consent - To construct an ancillary outbuilding (shed) in a Design and Development Overlay Schedule 4 (DD04)	19/12/2018
407/2018/P/A	North-East	31 Boundary Road, Carrum Downs 3201	Secondary Consent - To use the site for a Place of Assembly (Scouts Hall) within an Industrial 1 Zone, construct buildings and works within an Industrial 1 Zone and reduce the car parking requirements under Clause 52.06 of the Frankston Planning Scheme	20/12/2018
North-East Ward Total = 7				
149/2016/P/B	North-West	211-279 Skye Road, Frankston 3199	Secondary consent - Construction of buildings and works (clubhouse including accommodation, proshop and sports centre) and removal of native vegetation.	3/12/2018

Progress Report – Amendments to Planning Permits - Received				
For The Application Date: From 1/12/2018 To 31/12/2018				
Application No	Ward	Property Address	Application Description	Date
395/2014/P/C	North-West	200-203 Nepean Highway, Seaford 3198	Extension of Time - The construction of eighteen (18) dwellings and alteration of access to a Road Zone Category 1	3/12/2018
632/2016/P/D	North-West	38 Moreton Street, Frankston North 3200	Section 72 - To construct one (1) double storey dwelling to rear of the existing dwelling (two (2) dwellings)	4/12/2018
103/2013/P/E	North-West	150 Nepean Highway, Seaford 3198	Section 72 - To construct one (1) three storey dwelling in front of the existing dwelling (two (2) dwellings) and alterations to an access on a Road Zone Category 1	7/12/2018
375/2016/P/D	North-West	104 Austin Road, Seaford 3198	Secondary Consent - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	12/12/2018
329/2017/P/B	North-West	6 Stawell Street, Seaford 3198	Secondary Consent - To construct two (2) double storey dwellings to the rear of the existing dwelling (three (3) dwellings)	14/12/2018
418/2016/P/D	North-West	85 Centenary Street, Seaford 3198	Extension of Time - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings), alterations to the existing dwelling, two (2) lot subdivision, and removal of an easement	14/12/2018
206/2015/P/C	North-West	47 Fortescue Avenue, Seaford 3198	Extension of Time - The construction of five (5) dwellings in accordance with the endorsed plans	17/12/2018
206/2015/P/C	North-West	45 Fortescue Avenue, Seaford 3198	Extension of Time - The construction of five (5) dwellings in accordance with the endorsed plans	17/12/2018
274/2017/P/B	North-West	105 Rosslyn Avenue, Seaford 3198	Secondary Consent - The construction of one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	21/12/2018
614/2016/P/A	North-West	197 Karingal Drive, Frankston 3199	Section 72 - To erect and display an internally illuminated, floodlit, electronic major promotion sign	21/12/2018
North-West Ward Total = 11				

Progress Report – Amendments to Planning Permits - Received				
For The Application Date: From 1/12/2018 To 31/12/2018				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
219/2014/P/C	South	31 Cliff Road, Frankston 3199	Section 72 - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and to construct a building that exceeds 7 metres in height in a Design and Development Overlay Schedule 6 (DDO6)	3/12/2018
260/2018/P/A	South	108 Rosedale Grove, Frankston South 3199	Section 72 - Alterations and Additions to an existing dwelling within the Bushfire Management Overlay (BMO)	3/12/2018
736/2013/P/D	South	114 Gould Street, Frankston 3199	Secondary Consent - To construct two (2) two storey dwellings and alterations to the existing three storey dwelling (three (3) dwellings)	3/12/2018
502/2018/P/A	South	84 Heatherhill Road, Frankston 3199	Section 72 - Three (3) lot subdivision	4/12/2018
535/2016/P/B	South	671 Nepean Highway, Frankston South 3199	Secondary Consent - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and create access (vehicle crossover) to a road in Road Zone Category 1	4/12/2018
755/2010/P/K	South	64 Baden Powell Drive, Frankston South 3199	Extension of Time - The construction of two (2) double storey dwellings to the rear of the existing dwelling (three (3) dwellings) and the removal of vegetation	10/12/2018
181/2016/P/D	South	8 Cambridge Street, Frankston 3199	Secondary Consent - For the construction of one (1) double storey dwelling at the rear of the existing single storey dwelling (two (2) dwellings)	13/12/2018
383/2012/P/D	South	79A Cranhaven Road, Langwarrin 3910	Extension of Time - To subdivide the land into forty nine (49) lots, in two stages, and removal of native vegetation	13/12/2018
494/2012/P/H	South	2/44 Seaview Road, Frankston South 3199	Secondary Consent - The construction of a single storey dwelling to the rear of the existing dwelling (two (2) dwellings) and buildings and works to the existing dwelling	17/12/2018
566/2016/P/B	South	6 Gowrie Avenue, Frankston South 3199	Secondary Consent - To construct a second storey extension to the existing dwelling	19/12/2018

South Ward Total = 10

Total Amendments = 30

Progress Report – Planning Application Decisions For The Application Date: From 1/12/2018 To 31/12/2018					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
334/2018/P	North-East	3 Yarralumla Drive, Langwarrin 3910	To construct one (1) single storey dwelling to the rear of existing dwelling (two (2) dwellings)	Permit Approved	4/12/2018
230/2018/P	North-East	75 Clifton Grove, Carrum Downs 3201	A twenty eight (28) lot subdivision	Permit Approved	5/12/2018
487/2018/P	North-East	Lloyd Park Netball Pavillion 9 Shute Drive, Langwarrin 3910	Removal of native vegetation to allow for works associated with the redevelopment of four (4) netball courts	Permit Approved	7/12/2018
467/2017/P	North-East	34 Brett Drive, Carrum Downs 3201	To construct eleven (11) warehouses	Permit Approved	7/12/2018
429/2018/P	North-East	1 Corella Court, Carrum Downs 3201	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings).	Permit Approved	7/12/2018
608/2018/P	North-East	52 Boundary Road, Carrum Downs 3201	Buildings and works to the existing Place of Worship and within 100 metres from a Road Zone Category 1 in a Green Wedge Zone (GWZ) and Environmental Significance Overlay Schedule 2 (ESO2)	Permit Approved	12/12/2018
422/2018/P	North-East	9 Poplar Grove, Langwarrin 3910	To construct one (1) dwelling to the rear of the existing dwelling (two (2) dwellings on a lot)	Permit Approved	12/12/2018
114/2018/P/VS	North-East	4 Kingston Road, Langwarrin 3910	To construct an ancillary outbuilding (carport) in a Design and Development Overlay Schedule 4 and to carry out works within the Tree Protection Zone of substantial trees in a Significant Landscape Overlay Schedule 1	Permit Approved	13/12/2018
573/2018/P	North-East	5 Guava Court, Langwarrin 3910	To construct one (1) single storey dwelling within the Bushfire Management Overlay (Schedule 1)	Permit Approved	13/12/2018
538/2018/P	North-East	124 Centre Road, Langwarrin 3910	To construct an ancillary outbuilding (shed) in a Design and Development Overlay Schedule 4 (DD04)	Permit Approved	14/12/2018
568/2018/P	North-East	291 North Road, Langwarrin 3910	Three (3) lot subdivision and vegetation removal	Permit Approved	18/12/2018

Progress Report – Planning Application Decisions For The Application Date: From 1/12/2018 To 31/12/2018					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
275/2018/P	North-East	8 Progress Drive, Carrum Downs 3201	To use the land for a Restricted Recreation Facility (gym), and to waive the bicycle facilities requirement at Clause 52.34 of the Frankston Planning Scheme.	Permit Approved	18/12/2018
304/2018/P	North-East	24 Barnett Avenue, Carrum Downs 3201	To construct one (1) single storey dwelling within the Tree Protection Zone of a substantial tree in a Significant Landscape Overlay Schedule 5	Permit Approved	20/12/2018
2/2018/P	North-East	14 Grain Store Court, Langwarrin 3910	To construct two (2) double storey dwellings and three (3) single storey dwellings (five (5) dwellings)	Permit Approved	21/12/2018
North-East Total = 14					
100/2017/P	North-West	6 Raymond Road, Seaford 3198	To construct two (2) double storey dwellings and one (1) single storey dwelling (three (3) dwellings)	Permit Approved	4/12/2018
446/2017/P	North-West	323 & 325A Nepean Highway, Frankston 3199	Use and development of the land for a service station and car wash and advertising signage	Permit Approved	4/12/2018
148/2018/P	North-West	14 Sandpiper Place, Frankston 3199	Use of the land for a Residential building for student accommodation	Permit Approved	4/12/2018
420/2017/P	North-West	42 Nepean Highway, Seaford 3198	To construct eight (8) triple storey dwellings and to create or alter access to a road in a Road Zone Category 1	Permit Approved	5/12/2018
108/2018/P/VS	North-West	49 Queen Street, Frankston 3199	Two (2) Lot Subdivision	Permit Approved	7/12/2018
91/2018/P/VS	North-West	32 Orwil Street, Frankston 3199	Two (2) lot subdivision	Permit Approved	10/12/2018
330/2018/P	North-West	22 Tooyal Street, Frankston 3199 1 New Street, Frankston 3199	Building and works for a motor repair centre and provision of car parking on another site	Permit Approved	12/12/2018

Progress Report – Planning Application Decisions For The Application Date: From 1/12/2018 To 31/12/2018					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
458/2018/P	North-West	42A Nepean Highway, Seaford 3198	Four (4) lot subdivision	Permit Approved	12/12/2018
109/2018/P/VS	North-West	8 Savannah Court, Frankston 3199	To construct an outbuilding in a Special Building Overlay	Permit Approved	12/12/2018
281/2018/P	North-West	5 Tyers Court, Frankston 3199	To construct three (3) double storey dwellings and construct buildings and works within a Special Building Overlay (SBO)	Notice of Decision	12/12/2018
100/2018/P/VS	North-West	49 Brunel Road, Seaford 3198	To construct buildings and carry out works to an existing warehouse in an Industrial 1 Zone (IN1Z) and a reduction in the car parking requirements of Clause 52.06 of the Frankston Planning Scheme.	Permit Approved	13/12/2018
369/2018/P	North-West	314 Skye Road, Frankston 3199	To construct one (1) single storey and two (2) double storey dwellings (three (3) dwellings)	Application Refused	13/12/2018
635/2018/P	North-West	1 New Street, Frankston 3199	To construct and display two (2) internally illuminated and one (1) non-illuminated business identification signs	Permit Approved	18/12/2018
45/2018/P	North-West	83 McMahons Road, Frankston 3199	To construct two (2) double storey dwellings	Permit Approved	19/12/2018
113/2018/P/VS	North-West	Shop 8 Station Street, Seaford 3198	To construct a verandah within a Commercial 1 Zone	Permit Approved	20/12/2018
347/2018/P	North-West	34 Johnstone Street, Seaford 3198	To construct three (3) double storey dwellings	Permit Approved	20/12/2018
208/2018/P	North-West	24 Austin Road, Seaford 3198	To construct two (2) double storey dwellings	Permit Approved	20/12/2018
118/2018/P/VS	North-West	143 Rosslyn Avenue, Seaford 3198	To construct an extension to an existing dwelling and verandah in a Special Building Overlay (SBO)	Permit Approved	21/12/2018
119/2018/P/VS	North-West	32 Bainbridge Avenue, Seaford 3198	To undertake buildings and works for a front fence in a Special Building Overlay	Permit Approved	21/12/2018
North-West Total = 19					
226/2017/P	South	45 Kenilworth Avenue, Frankston 3199	Construction of four (4) dwellings on a lot	Permit Approved	4/12/2018

Progress Report – Planning Application Decisions For The Application Date: From 1/12/2018 To 31/12/2018					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
217/2018/P	South	34 Partridge Crescent, Frankston 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Permit Approved	4/12/2018
385/2017/P	South	7 The Range, Frankston South 3199	The construction of two or more dwellings on a lot (two double storey dwellings) Buildings and works within a tree protection zone and removal of substantial trees within the Significant Landscape Overlay - Schedule 6 Buildings and works within the Design and Development Overlay - Schedule 9	Permit Approved	5/12/2018
504/2018/P	South	6 Bloom Street, Frankston 3199	Three (3) lot subdivision	Permit Approved	6/12/2018
389/2018/P	South	100 Barretts Road, Langwarrin South 3911	To undertake buildings and works for an outbuilding in a Design and Development Overlay Schedule 4 and to remove one (1) substantial tree in a Significant Landscape Overlay Schedule 1	Permit Approved	6/12/2018
73/2018/P/VS	South	20 Sibyl Avenue, Frankston South 3199	To construct buildings and works for a pergola within a Design and Development Overlay Schedule 1 and a Significant Landscape Overlay Schedule 3	Permit Approved	7/12/2018
525/2018/P	South	1 Minimbah Court, Frankston South 3199	To remove four (4) substantial trees in a Significant Landscape Overlay Schedule 3.	Permit Approved	7/12/2018
551/2018/P	South	20 Palmerston Crescent, Frankston South 3199	To undertake buildings and works for a domestic swimming pool in a Design and Development Overlay Schedule 9	Permit Approved	7/12/2018
518/2018/P	South	128 Moorooduc Highway, Frankston South 3199	To undertake buildings and works to an existing dwelling, remove a substantial tree and to remove native vegetation (5 trees)	Permit Approved	7/12/2018
211/2017/P	South	24 Whitford Way, Frankston 3199	The use and development of the land for a childcare centre	Under Appeal	10/12/2018

Progress Report – Planning Application Decisions For The Application Date: From 1/12/2018 To 31/12/2018					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
111/2018/P/VS	South	7 Willora Court, Frankston South 3199	To carry out buildings and works for a garage in a Design and Development Overlay Schedule 1.	Permit Approved	12/12/2018
497/2018/P	South	44 Cliff Road, Frankston 3199	To remove the restrictive covenant contained in the instrument of transfer 0878855 from certificate of title, volume 10824, folio 837	Permit Approved	12/12/2018
522/2018/P	South	4/36-38 Denbigh Street, Frankston 3199	To construct a carport to an existing dwelling on a lot of less than 300 square metres in a General Residential Zone (GRZ)	Permit Approved	13/12/2018
262/2018/P	South	111 Cranbourne Road, Frankston 3199	The partial removal of carriageway and vehicle parking easement E5 and the creation of carriageway and vehicle parking easement E15.	Permit Approved	14/12/2018
322/2018/P	South	510 Nepean Highway, Frankston 3199	To increase the area to sell and consume liquor, reduce the car parking requirements under Clause 52.06 (Car Parking), and create or alter access to a road in a Road Zone Category 1 (RDZ1)	Permit Approved	14/12/2018
490/2018/P	South	108 Weeroona Road, Langwarrin South 3911	To construct buildings and works associated with Accommodation (Dwelling) in a Bushfire Management Overlay	Permit Approved	18/12/2018
246/2018/P	South	2 Rex Street, Frankston 3199	To construct two (2) double storey dwellings	Permit Approved	18/12/2018
442/2017/P	South	Level 1, 27 Wells Street, Frankston 3199	To sell and consume liquor	Permit Approved	18/12/2018
116/2018/P/VS	South	Beauty Park 51N High Street, FRANKSTON 3199	To construct a building (public toilet) in a Special Building Overlay (SBO)	Permit Approved	19/12/2018
409/2018/P	South	5 Lardner Road, Frankston 3199	Four (4) lot subdivision	Permit Approved	20/12/2018
319/2018/P	South	69 Warrandyte Road, Langwarrin 3910	To construct one (1) double storey dwelling to the rear of an existing dwelling (two (2) dwellings)	Permit Approved	20/12/2018

Progress Report – Planning Application Decisions For The Application Date: From 1/12/2018 To 31/12/2018					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
464/2018/P	South	11 Black Wallaby Drive, Langwarrin 3910	To remove three (3) substantial trees in a Significant Landscape Overlay Schedule 1	Permit Approved	20/12/2018
341/2018/P	South	90 Donald Road, Langwarrin 3910	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	Permit Approved	21/12/2018
443/2018/P	South	45 Screen Street, Frankston 3199	Three (3) lot subdivision	Permit Approved	24/12/2018
540/2018/P	South	92 Cranhaven Road, Langwarrin 3910	To construct one (1) single storey dwelling at the side of existing dwelling (two (2) dwellings)	Permit Approved	24/12/2018
524/2018/P	South	3 Minimbah Court, Frankston South 3199	To erect and display three (3) internally illuminated business identification signs	Permit Approved	24/12/2018
524/2018/P	South	485 Golf Links Road, Langwarrin South 3911	To erect and display three (3) internally illuminated business identification signs	Permit Approved	24/12/2018
651/2018/P	South	44 Seaview Road, Frankston South 3199	Two (2) lot subdivision	Permit Approved	24/12/2018
South Ward Total = 28					
Total Decisions = 61					

Progress Report – Amendments to Planning Application Decisions For The Application Date: From 1/12/2018 To 31/12/2018					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
885/2004/P/A	East	45 McCormicks Road, Carrum Downs 3201	Section 72 amendment - Development of four dwellings	Permit Approved	4/12/2018
East Ward Total = 1					
200/2016/P/B	North-East	119 Union Road, Langwarrin 3910	Extension of time - Six (6) lot subdivision	Extension of Time Approved	20/12/2018
200/2016/P/B	North-East	115 Union Road, Langwarrin 3910	Extension of time - Six (6) lot subdivision	Extension of Time Approved	20/12/2018
592/2017/P/D	North-East	50 Access Way, CARRUM DOWNS 3201	Section 72 - The use and development of the land for two (2) warehouses and associated offices.	Permit Approved	20/12/2018
North-East Ward Total = 3					
517/2016/P/B	North-West	13 Hodges Street, Seaford 3198	Extension of time - The construction of three (3) double storey dwellings	Extension of Time Approved	6/12/2018
395/2014/P/C	North-West	200-203 Nepean Highway, SEAFORD 3198	Extension of Time - The construction of eighteen (18) dwellings and alteration of access to a Road Zone Category 1	Extension of Time Approved	7/12/2018
257/2016/P/C	North-West	5 Margaret Avenue, SEAFORD 3198	Extension of time - The construction of one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	Extension of Time Approved	7/12/2018
332/2016/P/B	North-West	20 Mahogany Avenue, Frankston North 3200	Extension of time - The construction of two (2) single storey dwellings	Extension of Time Approved	11/12/2018
619/2015/P/C	North-West	163A Frankston-Dandenong Road, FRANKSTON 3199	Section 72 amendment - To carry out earthworks, construct a golf ball barrier net and remove vegetation in association with existing golf course (practice range)	Permit Approved	11/12/2018
482/2014/P/B	North-West	53 Sassafras Drive, Frankston 3199	Secondary Consent - To construct two (2) single storey dwellings	Secondary Consent Approved	13/12/2018

Progress Report – Amendments to Planning Application Decisions For The Application Date: From 1/12/2018 To 31/12/2018					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
487/2014/P/D	North-West	11 Ebdale Street, Frankston 3199	Secondary Consent - To construct one (1) double storey residential building (community care facility) containing twenty (20) lodging rooms	Secondary Consent Approved	17/12/2018
487/2014/P/D	North-West	9 Ebdale Street, Frankston 3199	Secondary Consent - To construct one (1) double storey residential building (community care facility) containing twenty (20) lodging rooms	Secondary Consent Approved	17/12/2018
632/2016/P/D	North-West	38 Moreton Street, Frankston North 3200	Section 72 - To construct one (1) double storey dwelling to rear of the existing dwelling (two (2) dwellings)	Permit Approved	21/12/2018
North-West Ward Total = 9					
502/2018/P/A	South	84 Heatherhill Road, Frankston 3199	Section 72 - Three (3) lot subdivision	Permit Approved	12/12/2018
156/2014/P/C	South	6 Davey Street, Frankston 3199	Extension of time - To construct a seventeen (17) storey building containing sixty three (63) dwellings and offices	Extension of Time Refused	17/12/2018
736/2013/P/D	South	114 Gould Street, Frankston 3199	Secondary Consent - To construct two (2) two storey dwellings and alterations to the existing three storey dwelling (three (3) dwellings)	Secondary Consent Approved	19/12/2018
260/2018/P/A	South	108 Rosedale Grove, Frankston South 3199	Section 72 - Alterations and Additions to an existing dwelling within the Bushfire Management Overlay (BMO)	Permit Approved	20/12/2018
25/2018/P/A	South	78-80 High Street, Frankston 3199	Section 72 - Two (2) lot subdivision	Permit Approved	20/12/2018
South Ward Total = 5					
Total Amendment Decisions = 18					

Progress Report – Subdivision Application Received				
For The Application Date: From 1/12/2018 To 31/12/2018				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
150/2018/S	North-East	43 Jacana Drive, Carrum Downs 3201	Two (2) Lot Subdivision	3/12/2018
151/2018/S	North-East	58 Luscombe Avenue, Carrum Downs 3201	Two (2) lot Subdivision	7/12/2018
153/2018/S	North-East	472 McClelland Drive, Langwarrin 3910	Two (2) Lot Subdivision	11/12/2018
154/2018/S	North-East	7 Honeyeater Place, Carrum Downs 3201	Two (2) Lot Subdivision	12/12/2018
157/2018/S	North-East	21 Golden Way, Skye 3977	Four (4) Lot Subdivision	14/12/2018
156/2018/S	North-West	6-10 Govan Street, Seaford 3198	Three (3) Lot Subdivision	14/12/2018
158/2018/S	North-West	85 Brunel Road, Seaford 3198	Two (2) Lot Subdivision	18/12/2018
159/2018/S	North-West	10 Duncan Avenue, Seaford 3198	Three (3) lot Subdivision	21/12/2018
152/2018/S	South	6 Denbigh Street, Frankston 3199	Four (4) lot subdivision	7/12/2018
155/2018/S	South	87 Frankston-Flinders Road, Frankston 3199	Three (3) Lot Subdivision	14/12/2018
Total = 10				

Progress Report – Subdivision Decisions					
For The Application Date: From 1/12/2018 To 31/12/2018					
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
36/2018/S	North-East	31 Boundary Road, CARRUM DOWNS 3201	Thirty six (36) lot subdivision with common property	SOC Issued (M)	10/12/2018
136/2017/S	North-East	4 Fieldlark Court, CARRUM DOWNS 3201	Two (2) lot subdivision	Certification and SOC Issued	18/12/2018
54/2018/S	North-East	87 Edward Street, Langwarrin 3910	Four (4) lot subdivision with common property	Certified	20/12/2018
90/2017/S	North-East	6 Eucalyptus Walk, Carrum Downs 3201	Two (2) lot subdivision	Certified	20/12/2018
17/2018/S	North-West	1 & 2 /39 Lorna Street, SEAFORD 3198	Two (2) lot subdivision	SOC Issued (M)	4/12/2018
149/2017/S	North-West	29 Rosemary Crescent, Frankston North 3200	Two (2) lot subdivision	Certified	13/12/2018
44/2018/S	North-West	11 Stephen Street, SEAFORD 3198	Two (2) lot subdivision	Certification and SOC Issued	17/12/2018
55/2018/S	North-West	89 McMahons Road, Frankston 3199	Two (2) lot subdivision	Certification and SOC Issued	17/12/2018
156/2018/S	North-West	6-10 Govan Street, SEAFORD 3198	Three (3) Lot Subdivision	Certification and SOC Issued	18/12/2018
38/2018/S	North-West	23 Barry Street, Seaford 3198	Three (3) lot subdivision	Certification and SOC Issued	19/12/2018
127/2017/S	North-West	145 Fortescue Avenue, Seaford 3198	Three (3) lot subdivision	Certification and SOC Issued	20/12/2018
61/2015/S	North-West	6 Santa Barbara Drive, FRANKSTON 3199	Three (3) lot subdivision	Certification and SOC Issued	20/12/2018
88/2018/S	North-West	25 Portland Parade, Seaford 3198	Two (2) lot subdivision	Certified	20/12/2018
159/2016/S	North-West	16 Mereweather Avenue, Frankston 3199	Six (6) lot subdivision	Certified	21/12/2018
78/2018/S	South	24 Bayview Road, FRANKSTON 3199	Two (2) lot subdivision	SOC Issued (M)	4/12/2018
145/2017/S	South	11 Franklin Court, Frankston 3199	Two (2) lot subdivision	Certified	5/12/2018

Progress Report – Subdivision Decisions					
For The Application Date: From 1/12/2018 To 31/12/2018					
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
98/2018/S	South	22 Gweno Avenue, Frankston 3199	Certification of two (2) lot subdivision	Certified	18/12/2018
16/2018/S	South	16 Gweno Avenue, Frankston 3199	Three (3) lot subdivision	Certified	19/12/2018
Total = 18					

Town Planning Applications – Direction To Advertise Issued December 2018				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Application Date</u>
373/2018/P	North-East	240-242 McCormicks Road, Skye 3977	To construct one (1) double storey dwelling to the front of the existing dwelling (two dwellings) and 2 lot subdivision	1/08/2018
47/2018/P	North-East	125 Union Road, Langwarrin 3910	To end Section 173 Agreement AJ372169E which affects lot 1 of Plan of Subdivision 627056B (125 Union Road Langwarrin)	5/11/2018
558/2018/P	North-East	23 Lorraine Avenue, Langwarrin 3910	To construct and extend two (2) dwellings on a lot	13/11/2018
510/2018/P	North-East	63 Cranbourne-Frankston Road, Langwarrin 3910	To construct four (4) double storey dwellings and create and alter access to a road in a Road Zone, Category 1 (RDZ1)	17/10/2018
342/2018/P	North-East	7 Greenwood Drive, Carrum Downs 3201	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings)	19/07/2018
406/2018/P	North-East	20 Brunnings Road, Carrum Downs 3201	To construct twelve (12) double storey dwellings	23/08/2018
353/2018/P	North-East	610 Ballarto Road, Skye 3977	To construct one (1) single storey dwelling and associated vegetation removal	24/07/2018
529/2018/P	North-East	20 Paddington Avenue, Carrum Downs 3201	To construct one (1) double storey dwelling to the rear of existing dwelling (two (2) dwellings)	26/10/2018
473/2018/P	North-West	15 Belvedere Road, Seaford 3198	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwelling)	1/10/2018
430/2018/P	North-West	28 McAlister Street, Frankston 3199	To construct one (1) single double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and a two (2) lot subdivision	4/09/2018

<p>154/2015/P/E</p>	<p>North-West</p>	<p>78-83 Nepean Highway, Seaford 3198</p>	<p>Section 72 - To construct four, four storey buildings containing up to 140 dwellings in a General Residential Zone, Design and Development Overlay, Land Subject to Inundation Overlay and Bushfire Management Overlay, removal of native vegetation (Clause 52.17) and alteration to access in a Road Zone Category 1 (Clause 52.29)</p> <ul style="list-style-type: none"> - Extensions and reconfigurations of the basement level. - Alterations to finished floor levels. - Removal of the 'Lower Ground Floor' and the raising of the basement floor. - Modifications to the basement entry ramp. - Removal of the proposed link bridges. - Reduction in setbacks between each building. - Adjustments to the terraces along the 'Third Floor Plan'. - Modifications to the overall building heights. - Modifications to the landscaping arrangement. 	<p>5/09/2018</p>
<p>329/2015/P/E</p>	<p>North-West</p>	<p>290 Nepean Highway, Seaford 3198</p>	<p>Section 72 - Construction of a four storey building containing 31 dwellings in a General Residential Zone 1, Design and Development Overlay (DDO6), Land Subject to Inundation Overlay (LSIO) and Bushfire Management Overlay (BMO), and alteration of access to a road in a Road Zone Category 1.</p> <ul style="list-style-type: none"> - Modifications to the internal basement configuration. - Internal layout changes along the Lower Ground, Ground Floor, First Floor and Second Floors. - Variations to the existing floor levels. - Minor modifications to setbacks from property boundaries. - Modifications to the existing landscaping arrangement. - Relocation of roof-top amenities. - Variations to overall building heights and external facade treatments. 	<p>5/09/2018</p>

493/2018/P	North-West	1/2-8 Peninsula Boulevard, Seaford 3198	The use the land for a medical centre (physiotherapy) and a reduction in the car parking requirements of Clause 52.06 of the Frankston Planning Scheme.	9/10/2018
387/2018/P	North-West	17 Madden Street, Seaford 3198	To construct two (2) double storey dwellings	10/08/2018
264/2018/P	North-West	16 East Road, Seaford 3198	To construct four (4) double storey dwellings and four (4) lot subdivision	12/06/2018
508/2018/P	North-West	47 Hunt Drive, Seaford 3198	To construct (4) double storey dwellings	16/10/2018
580/2018/P	North-West	40 Cumberland Drive, Seaford 3198	To use the site for Animal Keeping (Dog Day Care) within an Industrial 1 Zone (IN1Z)	26/11/2018
425/2018/P	North-West	232 Seaford Road, Seaford 3198	To construct two (2) double storey dwellings, construct buildings and works within a Special Building Overlay (SBO) and alter access to a road in a Road Zone, Category 1 (RDZ1)	29/08/2018
254/2018/P	South	475 Baxter-Tooradin Road, Langwarrin South 3911	To change the use of the land to Animal Production (production of free range eggs).	1/06/2018
484/2018/P	South	48 Norman Avenue, Frankston South 3199	To use the land to sell and consume liquor (restaurant and cafe licence) and a reduction in the car parking requirements of Clause 52.06 of the Frankston Planning Scheme.	4/10/2018
481/2018/P	South	62 Towerhill Road, Frankston 3199	To construct two double storey dwellings	5/10/2018
545/2018/P	South	48 Casuarina Drive, Frankston South 3199	To construct buildings and carry out works to an existing dwelling in a Design and Development Overlay Schedule 9 (DDO9)	5/11/2018
485/2018/P	South	2 Sherwood Court, Langwarrin South 3911	To construct an outbuilding, to construct a building within the Tree Protection Zone of substantial trees and to remove Native Vegetation.	8/10/2018
552/2018/P	South	305 Centre Road, Langwarrin 3910	To construct buildings and carry out works to an existing dwelling in a Design and Development Overlay Schedule 4	8/11/2018

320/2018/P	South	18 Bembridge Avenue, Frankston South 3199	To construct one (1) double storey dwelling adjacent to the existing dwelling (two (2) dwellings), construct buildings and works in a Design and Development Overlay - Schedule 9 (DDO9) and construct buildings and works within the Tree Protection Zone of any substantial trees in a Significant Landscape Overlay - Schedule 4 (SLO4)	11/07/2018
498/2018/P	South	69 Brighton Street, Frankston South 3199	To construct a building and carry out works to an existing dwelling in the Design and Development Overlay Schedule 9 (DDO9)	12/10/2018
556/2018/P	South	57 Brighton Street, Frankston South 3199	To construct two (2) double storey dwellings, construct buildings and works within a Significant Landscape Overlay - Schedule 4 (SLO4) and construct buildings and works within a Design and Development Overlay - Schedule 9 (DDO9)	12/11/2018
557/2018/P	South	19 Norman Avenue, Frankston South 3199	To construct buildings and carry out works to an existing dwelling in a Design and Development Overlay Schedule 9 and to construct a front fence in a Significant Landscape Overlay Schedule 4	12/11/2018
459/2018/P	South	49 Lardner Road, Frankston 3199	Two (2) lot subdivision	13/09/2018
279/2018/P	South	155 Humphries Road, Frankston South 3199	To construct one (1) double storey dwelling	18/06/2018
512/2018/P	South	57 Barretts Road, Langwarrin South 3911	To construct an outbuilding in a Design and Development Overlay Schedule 4 and to construct and carry out works within the Tree Protection Zone of a substantial tree in a Significant Landscape Overlay Schedule 1	18/10/2018
514/2018/P	South	25 Natina Court, Langwarrin 3910	Construction of an Outbuilding in the Design and Development Overlay Schedule 4	19/10/2018
229/2018/P	South	40-46 McMahons Road, Frankston 3199	Use and development of the land for a convenience shop and associated works to the existing car park to an existing service station	21/05/2018
411/2018/P	South	87 Kars Street, Frankston South 3199	To construct three (3) dwellings (Two (2) triple storey dwellings and One (1) single storey)	21/08/2018

533/2018/P	South	12 Coogee Avenue, Frankston 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings).	29/10/2018
Total = 35				

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 2018									
<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>
P1454/2017	586/2016/P	23 Coogee Avenue Frankston	To modify the Restrictive Covenant contained in Instrument of Transfer 1306858 dated 3 April 1924 to delete the wording: "and will not at any time hereafter erect or allow to be erected more than one private dwelling on either of the said lots hereby transferred, and the building line of any such dwelling to be erected shall not be less than Thirty five feet distant from the Street or Road facing which it is to be erected" and replace with wording "will not erect or allow to be erected on the said lot works of any kind whatsoever other than three private dwellings on the said lot hereby transferred and the building line of any such dwelling to be erected shall not be less than the local authority approved distance from the street or road facing which it is to be erected"	11-Jul-17	Refusal	Refusal to grant a permit	06-Sep-18		

P1662/2017	206/2016/P	4 Dingle Avenue Frankston	Construction of double storey dwellings and waiving of visitor parking	1-Aug-17	NA	Amendment to Planning permit	01-Feb-18		
P2707/2017	481/2016/P	634A and 634B Nepean Highway Frankston South	The (re)Subdivision of the Land into 2 Lots and Road	29-Nov-17	Notice of Decision	Decision to grant a permit	28-May-18		
P2928/2017	481/2016/P	634A and 634B Nepean Highway Frankston South	The (re)Subdivision of the Land into 2 Lots and Road	29-Dec-17	Notice of Decision	Decision to grant a permit	28-May-18		
P2929/2017	481/2016/P	616 Nepean Highway Frankston	The (re)Subdivision of the Land into 2 Lots and Road	21-Dec-17	Notice of Decision	Decision to grant a permit	28-May-18		
P2893/2017	546/2014/P	4 Clyde Street Mall Frankston	To use and develop the land for a five (5) storey building containing sixty (60) dwellings, food and drink premises and associated reduction of car parking	1-Dec-17	Approval	Failure to determine amending plans	05-Mar-18		
P199/2018	936/2005/P/D	12 Hi-Tech Place Seaford	Two (2) storey office and warehouse development	26-Jan-18	Approval	Appeal against conditions	05-Dec-18	Varied	18-Dec-18
P325/2018	358/2017/P	218 Heatherhill Road Frankston	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	16/03/2018 (Vacated)	Notice of Decision	Decision to grant a permit	05-Dec-18		
P489/2018	200/2016/P	115-119 Union Road Langwarrin	Five (5) Lot Subdivision	15-Mar-18	Approval	Appeal against conditions	05-Sep-18		
P506/2018	789/2010/P	301-303 Ballarto Road Carrum Downs	To construct buildings and works for an extension to an existing building for the use as a medical centre and the erection of a business identification sign and to	19-Mar-18	Approval	Appeal against conditions	20-Sep-18		

			alter access to a Road Zone Category 1						
P649/2018	450/2015/P	104 Gamble Road Carrum Downs (formally known as 39 McCormicks Road Carrum Downs)	Five (5) lot subdivision	29-Mar-18	Approval	Act: Subdivision Act 1988 Section: 36	04-Oct-18		
P708/2018	351/2017/P	5, 7 and 9 Edward Street Langwarrin	To construct twenty two (22) double storey dwellings	5-Apr-18	Not yet Determined	Failure to determine	29-Nov-18		
P600/2018	345/2017/P	469 North Road Langwarrin	To construct an outbuilding (shed) outside of the building envelope and to vary the boundary setback under the Design and Development Overlay Schedule 4 (DDO4).	22-Mar-18	Approval	Appeal against conditions			
P917/2018	430/2005/P/D	325 Nepean Highway Frankston (units 102 &49)	Development and use of the land for 110 dwellings and office(s), reduction in the carparking requirements at Clause 52.05 of the Frankston Planning Scheme, alteration of access to the Nepean Highway, and waiver of the requirement for loading/unloading bay, in accordance with the endorsed plan/s.	30-Apr-18	Refused	Appeal against conditions			
P1037/2018	346/2017/P	14 Bragge Street, Frankston 3199	To construct six (6) triple storey dwellings	4/06/2018	refusal	Failure to determine	29-Oct-18		

P1233/2018	518/2017/P	105 Humphries Road, Frankston South 3199	To construct one (1) building, use of site as child care centre and vegetation removal	28/06/2018	Not yet Determined	Failure to determine	07-Nov-18		
P1215/2018	2/2018/P	14 Grain Store Court, Langwarrin 3910	To construct two (2) double storey dwellings and three (3) single storey dwellings (five (5) dwellings)	28/06/2018	application Refused	Refusal to grant a permit	14-Dec-18	Approved	19-Dec-18
P1393/2018	342/2017/P	7 Sussex Crescent, Seaford 3198	To construct one (1) single storey dwelling to the rear of the existing dwellings (two (2) dwellings)	6/07/2018	Refused	Refusal to grant a permit	14-Jan-19		
P1392/2018	507/2017/P	155 Potts Road Langwarrin	Use and building and works to construct one (1) double storey dwelling with bed and breakfast accommodation and associated outbuilding for storage exceeding 100sqm.	25/07/2018	Notice of Decision	Decision to grant a permit	21-Jan-19		
P1456/2018	160/2017/P	159 Nepean Highway Seaford	To construct eleven (11) dwellings within a three (3) storey building	23/07/2018	Notice of Decision	Decision to grant a permit	29-Jan-19		
OC754/2018	289/2010/P	57 Rosslyn Avenue Seaford	Two lot subdivision (PM witness)				07-Feb-19		
P1718/2018	448/2017/P	217 Nepean Highway Seaford	Three (3) lot subdivision and three (3) dwellings	29/08/2018 and 30/08/2018	Notice of Decision	Decision to grant a permit	12-Mar-19		
P1283/2018	290/2017/P	38 Hillcrest Road Frankston	To construct five (5) double storey dwellings	28/06/2018	Refusal	Refusal to grant a permit	07-Jan-19		
P1785/2018	442/2017/P	Level 1, 27 Wells Street Frankston	Liquor License (On premises license)	6/09/2018	Refusal	Refusal to grant a permit	06-Feb-19	Approved	18-Dec-18

P1615/2018	53/2017/P/A	605 Dandenong-Hastings Road, Skye	To undertake earthworks	10/08/2018	Not yet Determined	Failure to determine	01-Mar-19		
P1684/2018	252/2018/P	13-15 Bouvardia Crescent Frankston North	To construct six (6) double storey dwellings	27/08/2018	Refusal	Refusal to grant a permit	19-Mar-19		
P1869/2018	477/2017/P	25 Donald Road, Langwarrin 3910	To construct buildings and works within a Design and Development Overlay – Schedule 4 (DDO4), to construct outbuildings within a Bushfire Management Overlay (BMO), construct buildings and works within the Tree Protection Zone of substantial trees under a Significant Landscape Overlay – Schedule 1 (SLO1) and to use the site for a Home Based Business exceeding 100 square metres	25/09/2018	Not yet Determined	Failure to determine	01-Apr-19		
P1951/2018	182/2018/P	153 North Road, Langwarrin 3910	To construct two (2) double storey dwellings	4/10/2018	Notice of Decision	Decision to grant a permit	08-Apr-19		
2126/2018/P	303/2018/P	4/87 Clifton Grove Carrum Downs	To use the land as a 'Retail Premises' (Photography Studio)	24/10/2018	Refusal	Refusal to grant a permit	28-May-19		
P2306/2018	26/2018/P	77 Humphries Road Frankston South	Three (3) lot subdivision	3/12/2018	Approval	Appeal against conditions	20-May-19		
P2292/2018	357/2018/P	27 Havana Crescent Frankston	To construct three (3) double storey dwellings	19/11/2018	Refusal on 23/11/18	Failure to determine lodged 19/11/18	06-Jun-19		

P2182/2018		24 Centenary Street Seaford	To Construct eight (8) dwellings		Not yet Determined	Failure to determine	13-May-19		
P2469/2018	394/2007/P/A	6 Leisureland Drive Langwarrin	The construction of building and works to the existing building as a Place of Worship and Community Centre (Place of Assembly) and a Caretaker's House, with associated car parking in accordance with the endorsed plans	11/12/2018	Refusal	Refusal to grant an Amendment to permit	15-May-19		
P2496/2018	211/2017/P	24 Whitford Way Frankston	The use and development of the land for a childcare centre	11/12/2018	Refusal	Refusal to grant a permit	16-May-19		
P2523/2018	469/2008/P	211-212 Nepean Highway Seaford	Development of nineteen (19) dwellings and alteration of access to a road in Road Zone, Category 1	13/12/2018	Not yet Determined	Failure to determine	16-Apr-19		

Progress Report – VCAT Determination – Policy Implications December 2018			
<u>Appeal No</u>	<u>Application No</u>	<u>Address</u>	<u>VCAT Determination – Policy Implications</u> <u>December 2018</u>
<u>P199/2018</u>	<u>936/2005/P</u>	<u>12 Hi-Tech Place, Seaford</u>	The applicant sought review of conditions which limited the operating hours and patron numbers of a food and drink premises extension to an existing micro-brewery. Council had limited the number of patrons and hours due to concerns about the site location, parking availability and nature of the use. The VCAT effectively determined that because a permit had already been granted to establish the use, and other businesses are not currently operating at the proposed times of operation, the proposed expansion would not cause detrimental impacts and should be approved.
<u>P1785/2018</u>	<u>442/2017/P</u>	<u>27 Wells Street, Frankston</u>	The applicant sought permission to sell and consume liquor as part of the existing Cinema operation. Council had refused to grant a permit on grounds relating to amenity and patron impacts. The matter was listed before the Tribunal for Compulsory Conference, and agreement was reached on the issuance of a permit subject to additional restrictions. A permit was granted by consent.
<u>P1215/2018</u>	<u>2/2018/P</u>	<u>14 Grain Store Court, Langwarrin</u>	The applicant had sought permission to construct five dwellings on the land. Council refused to grant a permit on the basis of grounds relating to impacts on neighbourhood character. The VCAT noted that the proposed development achieved a high level of compliance with ResCode. In respect of neighbourhood character, it commented: <i>‘Council’s Neighbourhood Character Guidelines date back to the early 2000s and the extent of development in the area has now overtaken these guidelines, making them to some extent outdated. I note the guidelines’ ‘Precinct 5 Langwarrin’ is not particularly relevant for the built-up area that now exists. This is particularly so given the extent of high-density attached and detached dwellings to the north and east of the Court. I consider Frankston’s Housing Strategy 2018 will go towards addressing the future planning needs of the city, particularly for those older, larger sites that have the capacity for future suitable development, located in good proximity to services, facilities and transport.’</i> It directed that a permit be issued.

Strategic Unit - Planning Scheme Amendments – December 2018				
<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	11 January 2019
C123	Frankston MAC	Implements the recommendations of the Frankston MAC Structure Plan	Adopted at 3 April 2018 Council Meeting. Submitted to the Minister for Planning for Approval with Council's recommendations. Minister will not make a decision due to the VCAT appeal.	11 January 2019
C124	Frankston MAC (balance)	Implements the recommendations of the Frankston MAC Structure Plan for areas other than city centre.	Adopted at 23 July 2018 Council Meeting. Was submitted to the Minister for Planning for Approval with Council's recommendations on 10 August 2018	11 January 2019
C127	Frankston City Council Wide	Public Open Space Contributions	Authorisation has been lodged to the Minister for Planning for their consideration. Minister has requested more time to consider the Amendment.	11 January 2019

Executive Summary

12.1 Resolution Progress Update

Enquiries: (Michelle Tipton: 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 29 January 2019.
2. Approves the archiving of the following Notice of Motion from the Notices of Motion Report:
 - 2018/NOM29 – Significant trees between Fletcher Road and Frankston Train Station
 - 2018/NOM56 - Notice of Recission - Tree Removal Matter
 - 2018/NOM68 - Bus Shelters at the Frankston Railway Station
3. Notes that, since 27 November 2018, 52 resolutions have been completed, as detailed in the body of the report.
4. Notes that the report listed below will not be presented back to Council by its advised date and that a detailed explanation is provided in the body of the report:
 - Artwork for PARC & Pines Pool (outcome from 10/12/18 OM regarding Peninsula Leisure Pty. Ltd. 2017/2018 Annual report)
 - Status of International Investment Opportunities and Wuxi Sister City relationship

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).”
- The Notices of Motion Report as at 29 January 2019 is attached and will continue to be updated and reported at each Ordinary Council Meeting. Note that there are no reports listed under confidential, as such this report has not been attached.
- The following 3 Notice of Motion actions are reported as ‘complete’ and are proposed to be archived from the document:

12.1 Resolution Progress Update**Executive Summary**

- 2018/NOM29 – Significant trees between Fletcher Road and Frankston Train Station
- 2018/NOM56 - Notice of Recission - Tree Removal Matter
- 2018/NOM68 - Bus Shelters at the Frankston Railway Station
- Since 27 November 2018, the following 52 resolution actions have been reported as 'complete':
 - Frankston Basketball Stadium Expansion Project - Report for Approval to Commence Town Planning
 - Station Street Upgrade - Final Concept Plan
 - Investment Strategy
 - Frankston City Business Grants
 - Response to 2018/NOM4 - Emergency Grants
 - Application to Amend Planning Permit 142/2009/P under section 72 - Use of land as a Food and Drink premises (Restaurant) and associated Liquor Licence (On Premises Licence) and a reduction in the Car Parking requirement of the Frankston Planning Scheme
 - RF Miles Reserve
 - Frankston Park Oval Sports Lighting Upgrade to Broadcast Levels - Preliminary Design
 - Australian Government Community Sport Infrastructure Grant Program
 - Tender - Centenary Park Golf Course
 - Response to 2018/NOM59 - Discretionary provision of commercial rate-payer parking permits
 - Planning Application 316/2017/P/A - Shop 8/1095 Frankston-Dandenong Road, Carrum Downs
 - Planning Application 317/2018/P - Factory 13/684-700 Frankston-Dandenong Road, Carrum Downs - To use the land for a restaurant, to sell and consume liquor and a waiver of Clause 52.34 bicycle facilities requirements of the Frankston Planning Scheme.
 - Capital Works Quarterly Report - Q1 - July - September 2018/19
 - September 2018 Quarterly Financial Report
 - Council Plan Performance Report - Quarter one 2018-2019
 - Waste Minimisation and Management Plan - Year 3 Progress Report
 - Youth Mayor Youth Expo
 - Youth Grants Program 2018
 - Miscellaneous Grants and Frankston Arts Centre Discounts and Concessions - July, August, September 2018
 - Response to Petition - Objection to proposed parking restrictions in Halifax Street and Airlie Grove, Seaford
 - Compliance & Enforcement Policy

12.1 Resolution Progress Update**Executive Summary**

- Public Open Space Contribution Rates - Report on public exhibition feedback and recommended planning scheme amendment approach.
- Update to Response to Petition to provide 3 hours free car parking
- Response to 2018/NOM44 - Green Space in the CAD
- Olivers Hill Precinct Works - Safe Boat Refuge and Frankston Coast Guard Building
- Kananook Community Garden and Farmers Market Shed
- Establishment of a Process to Attract a New Signature Event to Frankston City
- Minutes of the Frankston Arts Board - 23 October 2018
- Award of Contract 2018/19-32 - McClelland Reserve Car Park, Frankston North
- Award of Construction Contract - 2018/19-20 Frankston Arts Centre Refurbishment and Upgrade Works
- Execution of Deed of Variation of Facilities Management Contract- Authorisation of affixing common seal
- Award of Contract 2018/19-18 - Overport Park Sports Pavilion Redevelopment
- Award of Consultancy Contract - Contract 2018/19-9 Jubilee Park Indoor Stadium Design Services
- Town Planning Application - 360/2018/P - 3 Allawah Avenue, Frankston - To construct buildings and works to a single dwelling that exceed 7 metres in height in a Design and Development Overlay - Schedule 6 (DDO6)
- Planning Permit 156/2014/P - 6 Davey Street Frankston - To construct a seventeen (17) storey building containing sixty-three (63) dwellings and offices - Extension of Time request
- Town Planning Application 53/2018/P - 1/151-153 Beach Street, Frankston 3199 - To sell and consume liquor (Restaurant and Cafe Licence) and reduction in car parking requirements of Clause 52.06 of the Frankston Planning Scheme
- Planning Application 322/2018/P - 510 Nepean Highway, Frankston - To increase the area to sell and consume liquor, reduce the car parking requirements under Clause 52.06 and create or alter access to a road in a Road Zone Category 1 (RDZ1)
- Town Planning Application 381/2018/P - 390 McClelland Drive, Langwarrin - To vary an existing liquor licence (Restaurant and Cafe) by increasing the maximum number of patrons, hours of operation and area for which alcohol can be served
- Planning Permit No. 39/2018/S173 - 1/72 Beech Street Langwarrin - To end Section 173 Agreement AQ930901M which affects Lot 1 of Plan of Subdivision 805500S
- October 2018 Town Planning Progress Report
- Draft 2018-2019 Mid-Year Budget Review

12.1 Resolution Progress Update**Executive Summary**

- Monterey Reserve Soccer Pavilion Project
- Urgent Business - Olivers Hill Precinct Works
- Appointment of Independent Member to the Audit and Risk Committee
- Award of Contract 2018/19 - 33 - McClelland Drive Shared Path between Centenary Park Drive and Darnley Drive, Langwarrin
- Award of Contract 2018/19 - 43 - McClelland Drive Road Pavement Rehabilitation Works between Golf Links and Robinsons Roads, Langwarrin
- Award of Contract 2018/19 - 41 - Valley Road Reconstruction between McClelland Drive and Potts Road, Langwarrin
- Award of Contract 2018/19 -26 - Design & Construct Multi-Sport Synthetic Surface Sportsfield Carrum Downs Recreation Reserve
- Award of Contract - 2018/19-10 Ballam Park South Pavilion Construction
- Execution of Payment Deed - Level Crossing Removal Authority
- VCAT Compulsory Conference - 27 Wells Street, Frankston
- Due to various factors, it is sometimes not possible for reports to be brought back before Council in accordance with the time frames resolved. However, progress updates have been supplied for the item set out below:
 - *Artwork for PARC & Pines Pool (outcome from 10/12/18 OM regarding Peninsula Leisure Pty. Ltd. 2017/2018 Annual report)*

A letter has been written to Peninsula Leisure seeking support for the joint funding of public art and Council is currently awaiting a response. A report will be scheduled for 18 February 2019 Ordinary Meeting to advise of options for the purchase of the two pieces of art to be located at the entrances to PARC and Pines Pool.
 - *Status of International Investment Opportunities and Wuxi Sister City relationship*

The report is not able to be included in the January agenda as a memo to the Councillors seeking their preliminary feedback to further inform the report is required. Due to the festive season, this has been difficult to coordinate to ensure maximised response rate. A report to Council will be provided once feedback from Councillors is sought.

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 three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.5 per cent for 2019-2020.

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.

12.1 Resolution Progress Update**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 ImpactCharter of Human Rights and Responsibilities

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

Legal

Nil.

Policy Impacts

There is no impact on Council policies.

Officer's Declaration of Interests

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

Risk Mitigation

There 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. 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.

ATTACHMENTS

Attachment A:[↓](#) Notices of Motion Cost Summary as at 29 January 2019

Attachment B:[↓](#) Notices of Motion as at 29 January 2019

Notice of Motion Report - 2019 - for the 29 January Council Meeting (A3763126).XLSX

Notice of Motions Estimated Costs By Councillor 2016 – 2020 Term

Table 1

Councillor	Number	Primary Cost	Ongoing Cost	Outcome Cost
Cr Cunial	9	\$0	\$128,800	\$227,500
Cr McCormack	13	\$3,025	\$0	\$238,000
Cr Toms	31	\$7,240	\$70,000	\$259,158
Cr Aitken	32	\$7,115	\$0	\$69,750
Cr Bolam	81	\$11,138	\$642,392	\$539,800
Cr O'Connor	18	\$2,600	\$4,000	\$25,163
Cr Mayer	3	\$200	\$66,000	\$0
Cr Hampton	24	\$6,565	\$4,200	\$32,850
Cr O'Reilly	3	\$0	\$0	\$0
TOTAL	194	\$ 37,883	\$ 915,392	\$ 1,392,221

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

Notice of Motion Report - 2019 - for the 29 January Council Meeting (A3763126).XLSX

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
4-Sep-17	14.2	NOM 1361 - Seaford Substation Cr Bolam	<p>Council Decision: That a report be provided to Council at the December Ordinary Meeting on the iconic Seaford Substation.</p> <p>The report should consider: 1. The internal and external status of the Seaford Substation site; 2. Whether there is the presence of asbestos, signs of concrete cancer, concerns with the building's structural integrity; and 3. Future plans for the site, and the possible public use of the substation for community purposes (i.e. local museum, community hub etc).</p> <p>Carried</p>	Phil Cantillon	<p>14 January 2019 - VicTrack has confirmed by email dated 22 November 2018 its support for the proposal and is happy to also make a co-contribution towards the capital cost for the proposed works subject to agreement on the ongoing commitment from either MTM (METRO) or Council for the ongoing maintenance of the proposed improvement works. Further negotiation are now underway with VicTrack and MTM to discuss best possible method of undertaking works and future maintenance arrangements.</p> <p>Awaiting response from VicTrack and MTM regarding ongoing commitment for future maintenance arrangements.</p> <p>26 November 2018 - No change to the status - currently awaiting response from VicTrack/Metro. Delay in receiving response due to change in responsible officer at VicTrack/Metro.</p> <p>5 November 2018 - A follow up request for an update was sent to VicTrack on 9 October 2018. Currently awaiting response from VicTrack on this matter.</p> <p>8 October 2018 - No change to the status - currently awaiting response from VicTrack/Metro which is expected shortly.</p> <p>17 September 2018 - Letter has been sent to VicTrack/Metro with revised plans and Council request for co-contribution of capital funds towards the project and Council preference for VicTrack to be responsible for the future ongoing maintenance. A copy of letter was also circulated to all Councillors via email dated 3 September 2018.</p> <p>27 August 2018 - A memo update to all councillors on the progress of project was circulated on 25 July. No additional update at this stage.</p> <p>31 July 2018 - Works are currently underway to refine the concept plans to incorporate feedback received from METRO. It is expected that revised plans will be submitted to METRO by August end/early September for further comments/approval. A memo update on the project has been prepared for distribution to Councillors.</p> <p>9 July 2018 - No change to the status.</p> <p>18 June 2018 - Open Space Delivery team is currently working on the revised plans to incorporate feedback received from Metro. It is expected that revised plans will be submitted to Metro in early August for further comments/approval.</p> <p>21 May 2018 - No change to the status.</p> <p>30 April 2018 - Council officers have received some initial feedback from Metro on engineering elements related to the proposed 'Green Wall' concept. Over the next few months, Council officers will further refine the proposal in consultation with Metro officers to progress this matter further.</p> <p>09 April 2018 - No change to the status.</p>	Primary Cost: \$620 (meeting held)
16-Oct-17	14.1	NOM 1376 - Inconsistencies of Clause 52.48 - Bushfire Protection Exemptions (Known as the 10/30 Right) Cr Aitken	<p>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.</p> <p>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.</p> <p>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.</p> <p>C/U</p>	Michael Papageorgiou	<p>14 January 2019 - Revised Target Date changed from: 27 Nov 2018 To: 30 Jan 2019</p> <p>26 November 2018 - As the State Government is now in caretaker period, there will be no news of any further progress on changes to the current bushfire exemption provisions until early next year (2019). Council Officers will pursue a meeting with NELWP officers prior to the end of January 2019.</p> <p>8 October 2018 - Still to meet with the DELWP Officer. No announcement likely prior to State Government caretaker period.</p> <p>17 September 2018 - There is no new update as we are still awaiting advice from the State Government.</p> <p>27 August 2018 - There is no new update information as we are awaiting advice from the State Government.</p> <p>31 July 2018 - A meeting has now been arranged with the DELWP bushfire planning officer. Should this be successful, a resolution favourable to Council may be achieved by the end of 2018.</p> <p>Revised Target Date changed by: Papageorgiou, Michael From: 27 Jul 2018 To: 27 Nov 2018; Reason: This will allow for negotiations with DELWP for revised bushfire exemption controls to be undertaken.</p> <p>9 July 2018 - A meeting has been sought with the Executive Director, Planning, Building and Heritage at DELWP by the end of the month. Awaiting confirmation from DELWP.</p> <p>Officers have undertaken an assessment of Council's current ESO4 (significant trees) trees and their standing in relation to the exemption. It has found that 54% of significant trees could be removed under the exemption. This report will be presented to DELWP to further justify our argument.</p> <p>Revised Target Date changed by: Hall-davis, Tracee From: 30 Jun 2018 To: 27 Jul 2018 Reason: Awaiting Meeting with DELWP.</p> <p>18 June 2018 - Revised Target Date changed by: Papageorgiou, Michael From: 31 May 2018 To: 30 Jun 2018 Reason: Meeting date is currently being sought with DELWP's project officer for late June 2018.</p> <p>21 May 2018 - Revised Target Date changed by: Hall-davis, Tracee From: 14 May 2018 To: 31 May 2018 Reason: Please refer to notes.</p>	Primary Cost:
16-Oct-17	14.6	NOM 1381 - Committee for the Future Occupancy of Linen House Cr Hampton	<p>Council Decision: That a committee of interested Councillors, Chief Executive Officer and appropriate Council officers be formed to oversee the future occupancy of Linen House including the Expressions of Interest (EOI) that go out to organisations interested in participating. That this committee meet on a monthly basis and report back to Council on the issues covered.</p> <p>C/U</p>	Liz Daley	<p>14 January 2019 - A Briefing of Councillors was held on 18 December 2018 and minutes of this meeting have been forwarded to all Councillors for their information.</p> <p>26 November 2018 - Revised Target Date changed by: Hall-davis, Tracee From: 1 Dec 2018 To: 18 Mar 2019 The next Committee meeting for Linen House is scheduled on 12 December 2018.</p> <p>5 November 2018 - As a result of Committee for Linen House meeting on 8 October 2018; the Mayor has met with St Kilda Football Club. The Committee will reconvene mid-November 2018.</p> <p>Revised Target Date changed by: Venter, Melissa From: 25 Oct 2018 To: 01 Dec 2018 Reason: Committee to reconvene in November 2018.</p> <p>8 October 2018 - The next Committee meeting for Linen House is being scheduled for early October.</p> <p>17 September 2018 - The next Committee meeting will be held early October.</p> <p>Revised Target Date changed by: Hall-davis, Tracee From: 25 Oct 2018 To: 25 Oct 2018</p> <p>27 August 2018 - Mayor has sought legal advice; Officers awaiting direction.</p> <p>31 July 2018 - A meeting is being held today (25 July 2018). Now scheduled to come back to Council in October 2018.</p> <p>Revised Target Date changed by: Hall-davis, Tracee From: 27 Jul 2018 To: 25 Oct 2018</p> <p>9 July 2018 - Critical to progress the Belvedere Precinct (Linen House) EOI is the clarification about the long term home of the Seaford Football Netball Club ie Belvedere or RF Miles. As such, a report will be presented to 2 July 2018 OM. Following Council's direction, the draft EOI can be refined and presented to the sub-committee for discussion prior to progressing to a briefing of Councillors.</p> <p>The Committee for Linen House meeting is scheduled on 25 July 2018 comprising interested Councillors, EMT and Officers.</p> <p>Revised Target Date changed by: Hall-davis, Tracee From: 25 May 2018 To: 27 Jul 2018</p> <p>18 June 2018 - Unfortunately the meeting with Sonya Kilkenny planned for 16/5/18 was cancelled and is being rescheduled.</p> <p>OM7 (June 2018) requires a letter to LXRA and Sonya Kilkenny to clarify RF Miles reserve funding and provide necessary clarification for Seaford Football Netball Club.</p> <p>21 May 2018 - Revised Target Date changed by: Hall-davis, Tracee From: 26 Apr 2018 To: 25 May 2018</p>	Primary Cost: \$350 (meetings held) Year 1: \$10,000

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Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
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	Phil Cantillon	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 December 2018 outlining projected cost impact. Discussions with TfV have confirmed draft code of practice is potentially two years away and will not provide any relief in the short term. The last wider update for Councillors on the wider LXRA issues was on 29 October 2018. A further update on wider LXRA issues is planned for the Councillors in March 2019. 26 November 2018 - Officers are following up on this matter. No update at this time. 5 November 2018 - Action reassigned to Cantillon, Phil 8 October 2018 - Draft Code of Practice for potential transfer of assets being developed by Transport for Victoria 27 August 2018 - MAV currently receiving feedback on proposed list of potential transfer of assets to be discussed with Transport for Victoria next. This will contribute to develop of draft guidelines/protocols to be circulated in early October. 31 July 2018 - Meeting is being held on 30 July 2018 at MAV which includes Kingston, Frankston, Dandenong, Monash and Glen Eira Councils to discuss common approach to asset ownership and maintenance for land in the rail corridor post crossing removal projects. 9 July 2018 - Discussions have been held at officer level to ensure compatible cross municipality schedule of asset ownership and maintenance. 18 June 2018 - Response received 01 June 2018, circulated to Councillors 1 June 2018. CEO Comment - based on the limited response provided to Council, a report will be prepared for the 23rd July 2018 Council meeting outlining options to go forward.	Primary Cost: \$200 (letters sent)
14-May-18	14.7	2018/NOM29 - Significant trees between Fletcher Road and Frankston Train Station Cr Toms	Council Decision Moved: Councillor Toms Seconded: Councillor Aitken That Council writes to the Level Crossing Removal Authority (LXRA) thanking it for its written response in providing reassurance for the two (2) mature gum trees within the VicTrack car park at Frankston Train Station be retained and seeks further assurances that no other trees will be removed. Carried	Sally Prideaux	14 January 2019 - No response received from LXRA. Works in this precinct are now practically complete and in the defects stage. Letter was sent in June 2018 but no official written response received. An informal email was received prior to the Council meeting to confirm that the Significant Trees were not impacted by the works and would be protected throughout the works. The Station works are now complete and the significant trees remain unaffected. Request that this item be closed. 5 November 2018 - No written response received to letter issued by Biodiversity Team in June 2018. Item will be followed up again with Adam Neville. 8 October 2018 - No response as yet received 27 August 2018 - Response to letter yet to be received. 31 July 2018 - Letter was prepared by Biodiversity department, no response received to date. Trees are currently unaffected by Station construction	Primary Cost:
4-Jun-18	14.2	2018/NOM31 - Improvements to the Planning Process Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken That Council: 1. Supports officers reporting the average legal and officer costs together with the number of planning consultants and lawyers associated with each month's resolved VCAT cases as part of the monthly Town Planning Report. 2. Approves officers conveying residents' and ratepayers' concerns (on their behalf where agreed) to Council's legal representatives where a related planning matter is scheduled for VCAT. 3. Mandates the amended 'town planning application call-in' template, which will be attached to all reports called in by Councillors (see attached). 4. Endorses Resident Discussion Meetings be required for all applications where there are more than three objectors and the applicant is willing to attend. 5. Notes that Town Planning Progress Reports will be presented no later than 2 months after the cessation of the month on the proviso that State Government data is available. 6. Seeks a report on the process for establishing a Frankston Native Vegetation Offsets Policy for the October Ordinary Meeting. 7. Notes that all planning matters that involve liquor or gaming machines are to be referred to the appropriate agency/organisation for expert advice (i.e. Frankston Liquor Accord, Frankston/Carrum Downs Police etc). All subsequent reports, with the above instances, must be accompanied with feedback from such agencies/organisations. Where such agencies/organisations have not provided formal responses, this is to be reflected in the report. Carried Unanimously	Michael Papageorgiou	14 January 2019 - No further update 26 November 2018 - A report on item 6 was considered by Council on 22 October 2018. As a result, a project budget bid for 2019-2020 for a local vegetation offsets program will now proceed through the normal budget process. Revised Target Date changed by: Hall-davis, Tracee From: 26 Oct 2018 To: 25 Feb 2019 Reason: Await budget review for 2019-2020. 5 November 2018 - Please refer to 22/10/2018 OM for update to resolution. 8 October 2018 - No further update. Report is scheduled for Council meeting of 22 October 2018 on a proposal for a Council based Vegetation Offsets scheme. 11 September 2018 - Archived NoM as per Council Decision at 10 September 2018 Ordinary Meeting. 27 August 2018 - Request to archive 31 July 2018 - Action completed by: Papageorgiou, Michael All actions have now been completed This NOM has been reopened. As per Council Resolution Business Rule 9, NOMs can only be closed by Council resolution. 9 July 2018 - Revised Target Date changed by: Hall-davis, Tracee From: 25 Jun 2018 To: 25 Jun 2018 Revised Target Date changed by: Hall-davis, Tracee From: 25 Jun 2018 To: 26 Oct 2018 A report will be presented to the October Ordinary Meeting on a Frankston Native Vegetation Offsets Policy. 18 June 2018 - All actions have been noted by Statutory Planning staff. A report is scheduled for 22/10 Ordinary Meeting.	Primary Cost:
2-Jul-18	14.1	2018/NOM35 - Proposed Downs Estate Business Case Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Cunial It is noted that the University of Melbourne is engaging with the Friends of the Downs Estate community group to prepare a business case on the future sustainability of the site as food security demonstration site. The business case will cost between \$80k to \$100k and subject to Council approval, the University of Melbourne is seeking \$25k contribution from Council. Should Council support the proposal, \$25k will be referred for consideration to the mid-year budget review. A report is to be provided to 10 September Ordinary Meeting outlining the proposal and considerations that will be detailed in the business case Carried Unanimously	Michael Papageorgiou / Kim Jaensch	14 January 2019 - An amount of \$25,000 has been considered and committed during the budget review process. These funds will be quarantined until such time as the Melbourne University business case has been approved. 26 November 2018 - This item has been noted and a provisional amount of \$25,000 has been flagged for consideration at the Mid-Year Budget review on the condition that the business case is approved. 5 November 2018 - This item has been noted and a provisional amount of \$25,000 has been flagged for consideration at the Mid-Year Budget review on the condition that the business case is approved. 17 September 2018 - This item has been noted and a provisional amount of \$25,000 has been flagged for consideration at the Mid-Year Budget review on the condition that the business case is approved. 27 August 2018 - Revised Target Date changed by: Hall-davis, Tracee From: 23 Jul 2018 To: 14 Sep 2018 Reason: Report being submitted to 10 September OM. 31 July 2018 - Noted and request to close this action. Item has been listed for MYBR consideration. Action completed by: Shannon, Jacqui A/Director approved to close This NOM has been reopened. As per Council Resolution Business Rule 9, NOMs can only be closed by Council resolution. Additionally, all actions	Primary Cost:

Notice of Motion Report - 2019 - for the 29 January Council Meeting (A3763126).XLSX

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
13-Aug-18	14.2	2018/NOM52 - Car Parking Forum August 2018 - Committee for Greater Frankston Cr Cunial	Council Decision Moved: Councillor Aitken Seconded: Councillor Toms In response to the Committee for Greater Frankston's request to attend a forum in August 2018 to discuss the provision of publicly available parking in Frankston (copy attached), that all Councillors be invited to the Committee. Further that the Chief Executive Officer is requested to make available the relevant officer(s) to also attend the forum to provide technical advice if required and advise the Committee of Council's decision.	Michelle Tipton	14 January 2019 - The Committee of Greater Frankston will be distributing information on the outcomes of the forum. 26 November 2018 - The Committee of Greater Frankston will be contacted to provide the outcomes of the forum and next steps. This information will then be distributed to Councillors. 5 November 2018 - Memo to Councillors to be prepared by Director Community Development on the outcome of the discussions held at the Car Parking Forum. CEO noted - no further follow up meeting has occurred as yet as an outstanding action from the forum. 8 October 2018 - The Car Parking Forum was held on 14 September 2018. Council officers attended the forum, but no Councillors were present. Michelle to speak with Dennis to see if a memo should be prepared to provide Councillors with an update on what was discussed at the forum and any outcomes/recommendations.	Primary Cost:
1-Oct-08	14.1	2018/NOM56 - Notice of Recission - Tree Removal Matter Cr Hampton	Council Decision Moved: Councillor Cunial Seconded: Councillor Mayer That Council requires a report by November 2018 outlining the community consultation, options, risks, costs and recommendations for all planned future projects or works that require substantial removal or bulk planting of all trees and/or native vegetation.	Phil Cantillon	14 January 2019 - Report on this matter was presented at Council meeting on 19 November 2018. This item can be now archived. Report on this matter was presented at Council meeting on 19 November 2018. This item can be now archived. 26 November 2018 - Report has been prepared and included in the agenda for Council meeting on 19 November. 5 November 2018 - Action reassigned to Gupta, Vishal by: Boyes, Selena for the reason: Phil has requested the action be reassigned to Vishal. Data is currently being collated for Council report which will be presented at Council meeting on 19 November 2018.	
1-Oct-18	14.3	2018/NOM60 - Artwork for Frankston Train Station Cr Toms	Council Decision Moved: Councillor Toms Seconded: Councillor Aitken That Council writes to the State Member for Frankston, Mr Paul Edbrooke MP and the Chief Executive Officer for the Level Crossing Removal Authority, Mr Kevin Devlin advocating for artwork or a sculpture as part of the new Frankston Train Station precinct and offering the services of the Frankston Arts Board on this matter and that a report come back to the 10 December 2018 Council meeting on any findings.	Andrew Moon	14 January 2019 - No further update 26 November 2018 - Letter requesting an Artwork for the new Frankston Train Station was sent to LXRA (Kevin Devlin) and cc'd to Paul Edbrooke on 9/11/18. No response has been received to date. Report will be deferred until early 2019. Revised Target Date changed by: Hall-davis, Tracee From: 12 Nov 2018 To: 04 Feb 2019. Reason: OM 29/1 pending responses back from LXRA and Paul Edbrooke. 5 November 2018 - At its October 23 2018 meeting, Frankston Arts Board approved their involvement with this NOM. The Manager Arts & Culture	Estimated between \$75K & \$100K
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	14 January 2019 - The next review date for the General Local Law is currently being considered. 26 November 2018 - The resolution has been noted and the next review date is being considered. 5 November 2018 - The resolution has been noted and the next review date will be considered.	
19-Nov-18	14.1	2018/NOM66 - Peninsula Link Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken That 1. Council writes to Southern Way Pty Ltd and Lendlease Operations who are the relevant authority about the poor state and seemingly lack of maintenance of road bridges and pedestrian overpass bridges throughout the Peninsula Link Freeway. Identified issues range from graffiti, vandalism, substandard installation works and general wear and tear. Furthermore, Council is to register concern about dumped rubbish on land adjoining the Peninsula Link, beyond its main roadways, where displaced ecosystems were relocated to make way for the Peninsula Link development (i.e. Pobblebonk Reserve). 2. Council is to coordinate with Victoria Police, Southern Way Pty Ltd and Lendlease Operations on methods to quell the prevalence of monkey bike / motor cross bike usage on bike paths and walking paths associated with, and connected to, the Peninsula Link (i.e.. Peninsula Link Track). This is to include letterboxing residents in the affected vicinity encouraging them to report hooning, specific Police/Council operations to identify offenders; and the potential installation of speed traps. A report is to be provided to Council on the status of this effort at the February 2019 Ordinary Meeting. 3. Further to recommendation point 2., the Seaford Wetlands – given recent damage caused by motorised bikes – is to also be included in the scope of this effort.	Leonie Reints	14 January 2019 - 1) Letters will be prepared. 2) Noted and a report will be scheduled for OM 18/2/2019 3) Noted Revised Target Date changed by: Hall-davis, Tracee From: 10 Dec 2018 To: 25 Feb 2019 - Reason: Report Scheduled for OM 18/2/2019	
10-Dec-18	14.1	201/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/ Michael Papageorgiou	14 January 2019 - Council Officers are currently drafting the letter to MP and likely to be forwarded next week.	
10-Dec-18	14.2	2018/NOM68 - Bus Shelters at the Frankston Railway Station Cr Bolam	WITHDRAWN	Michelle Tipton	14 January 2019 - This motion was withdrawn .No further action required. Request closure	

Notice of Motion Report - 2019 - for the 29 January Council Meeting (A3763126).XLSX

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
10-Dec-18	14.3	2018/NOM69 - White Street Mall Revitalisation Cr Bolam	<p>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.</p> <p>C/U</p>	Vishal Gupta	14 January 2019 - Action reassigned to Prideaux, Sally by: Gupta, Vishal for the reason: This is part of CAA initiatives which is managed by Sally Prideaux and Graeme Read. Consultation and investigations have commenced.	

Executive Summary

12.2 Live Streaming of Council Meetings Review

Enquiries: (Michelle Tipton: 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

For Council to note the progress of the live streaming of Council Meetings.

Recommendation (Director Chief Executive Office)

That Council:

1. Notes the progress of the live streaming of Council Meetings; and
2. Refers \$4,000 to the 2019/2020 Annual Budget for the purchase of up to three wireless camera bundles to stream meetings or events at external locations.

Key Points / Issues

- At its meeting on 14 August 2017, Council resolved:
“That Council:
 1. Supports the commencement of live streaming open council meetings and archiving the audio visual recordings of Council meetings on the council website, as a means of improving the accessibility of council meetings and increasing the transparency of Council’s decision making;
 2. Authorises the CEO to seek quotations and make arrangements to implement live streaming and archiving the audio-visual recordings of Council Meetings on Council’s website from the November Statutory Meeting or earlier if practicable, at an estimated initial cost of up to \$40,000 and an annual cost of up to \$20,000 thereafter;
 3. Receives a full review of the service 12 months after its commencement.
- Council commenced the live streaming of its Ordinary and Special Meetings on 29 January 2018 to improve accessibility and community participation in relation to the decision making process.
- The recordings are made publicly available within 24 hours of the Council Meeting. Confidential Council Meetings are not streamed live and is not available as a recording.
- Members of the public who address Council are heard on the live stream and only an audio of them speaking is recorded. It is not intended that public speakers or members of the public in the gallery will be visible in the live streaming or recording of a meeting. Cameras are currently positioned so that members of the public in the gallery are not visible.

12.2 Live Streaming of Council Meetings Review**Executive Summary**

- There are a few Councils that record the gallery or public submitters for its meeting, e.g. Kingston City Council and Bayside City Council, and Council may choose to amend its process to record its submitters which would need to be reflected in the Governance Local Law and Public Submissions and Question Time Policy.
- The camera positions provide live and recorded vision of all Councillors who are present, as well as the Chief Executive Officer and Director Corporate Development. There is also vision of some Council officers who are seated behind Councillors.
- The following analytics from Frankston City's Live Stream account provide an overview of the Council Meetings, including Special Meetings, that have been viewed to date:
 - An average of 10 people view the meetings live for each Council Meeting and Special Meeting;
 - There is an average of 160 unique views per meeting (unique views being the average number of people who view a meeting) following a Council Meeting;
 - The average viewing time is 14.42 minutes; and
 - 43.4% viewed the meetings on mobile phones, followed by 39.8% on desktop, 16.6% on tablet and 0.2% on connected TV.
- Following the first recorded meeting, a couple of minor improvements were made:
 - Recordings contain close up footage of the Councillor addressing Council; and
 - Title text of the Agenda item being debated appears on the bottom left hand side of the screen.

These changes were implemented to make it easier for the viewer to see who was speaking and the item that is being discussed.

- Whilst the average number of viewers is around 10 per meeting, there are many benefits with streaming. It provides community greater access to Council decisions and debates, it improves accessibility and community participation, it can be made available on many social platforms (should Council wish to consider doing this), you can watch the meeting as many times as you like and it is easy for viewers to engage with.
- There are opportunities for Council to use the live streaming for other types of events or community consultation processes such as Annual Budget, Federal and State Advocacy Forums and Council may want to consider purchasing a MEVO Auxiliary Wireless Camera Bundle Option at a cost of \$1,239 plus GST per bundle. This can be used in conjunction with the Livestream Studio platform or independently for on location streams using a mobile app. This would allow officers to stream at various locations and not be limited to streaming in its Council Chambers only. This would need to be referred to the 2019/2020 for consideration as part of the Annual Budget process.

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.

12.2 Live Streaming of Council Meetings Review**Executive Summary**

The rate cap over the past three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.50 per cent for 2019-2020.

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 may want to consider purchasing a MEVO Auxiliary Wireless Camera Bundle Option at a cost of \$1,239 plus GST per bundle. This can be used in conjunction with the Livestream Studio platform or independently for on location streams using a mobile app. This would allow officers to stream at various locations and not be limited to streaming in its Council Chambers only. This would need to be referred to the 2019/2020 for consideration as part of the Annual Budget process.

Consultation**1. External Stakeholders**

Live Streaming improves accessibility and community participation in relation to the decision making process. It provides more flexible and convenient access to a wider audience, by allowing the public to watch meetings in real time without the need to attend in person.

2. Other Stakeholders

Not applicable.

Analysis (Environmental / Economic / Social Implications)

Live Streaming gives the community greater access to Council decisions and debate and eliminates geographic and time barriers which may prevent the public from attending meetings in person.

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

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

Legal

There are no legal obligations associated with this report.

Policy Impacts

There are no policies that 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.

12.2 Live Streaming of Council Meetings Review**Executive Summary****Conclusion**

Council commenced the live streaming of its Ordinary and Special Meetings on 29 January 2018 to improve accessibility and community participation in relation to the decision making process.

This has provided the community with greater access to Council decisions and debate without the need to attend in person, thus providing more flexible and convenient access to a wider audience.

Council may want to consider purchasing a MEVO Auxiliary Wireless Camera Bundle which would need to be referred to the 2019/2020 Annual Budget for consideration.

It is recommended that Council notes the progress of the live streaming of its meetings.

ATTACHMENTS

Nil

Executive Summary

12.3 Record of Assemblies of Councillors

Enquiries: (Michelle Tipton: Chief Executive Office)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.3 Ensure good governance and management of Council resources
Priority Action	3.3.3 Continue to build organisational capability and a customer service culture

Purpose

To table the written records of the Assembly of Councillors (as defined by the *Local Government Act 1989*).

Recommendation (Chief Executive Office)

That Council receives the following written records:

- 3 September 2018 (Councillor Briefing);
- 10 September 2018 (pre-Agenda Council Meeting);
- 8 October 2018 (Councillor Briefing);
- 15 October 2018 (Councillor Briefing);
- 22 October 2018 (pre-Agenda Council Meeting);
- 29 October 2018 (Councillor Briefing);
- 12 November 2018 (Councillor Briefing);
- 19 November 2018 (pre-Agenda Council Meeting);
- 26 November 2018 (Councillor Briefing)
- 3 December 2018 (Councillor Briefing)

Key Points / Issues

Council is required under the *Local Government Act 1989* to keep a written record of the names of all Councillors and members of Council staff attending, the matters considered, any conflict of interest disclosures made by a Councillor attending and whether the Councillor 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 three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.5 per cent for 2019-2020.

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.

12.3 Record of Assemblies of Councillors**Executive Summary**

There are no financial implications associated with this report.

Consultation**1. External Stakeholders**

As it is a statutory requirement to present all written records of all Councillors who participate in an advisory committee, a planned or scheduled meeting to the next practicable Council meeting, it is not necessary to consult with external stakeholders.

2. Other Stakeholders

As it is a statutory requirement to present all written records of all Councillors who participate in an advisory committee, a planned or scheduled meeting to the next practicable Council meeting, it is not necessary to consult with internal stakeholders.

Analysis (Environmental / Economic / Social Implications)

Making the written records available to the public may provide some confidence in transparency in decision making and is in keeping with best practice advice from the Office of the Local Government Inspectorate.

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

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

Legal

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.

12.3 Record of Assemblies of Councillors

Executive Summary

ATTACHMENTS

Attachment A: [↓](#) Record of Assembly of Councillors - 3 September 2018 to 3 December 2018



RECORD OF ASSEMBLY OF COUNCILLORS

Title of Meeting: Councillor Briefing (not an Assembly as only 3 Councillors in attendance)			
Meeting Date: 3 September 2018			
Commencement Time: 5:30pm		Location: Acacia Room / Council Chamber	
Finish Time:			
Matters Considered: <i>(Heading only)</i> Aboriginal Gathering Place			
Councillors	Present	Arrival and Departure	
Cr Brian Cunial	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Mayor, Cr Colin Hampton	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left:
Cr Kris Bolam	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left:
Cr Sandra Mayer	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Glenn Aitken	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Quinn McCormack	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6:00pm	Left:
Cr Michael O'Reilly	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Lillian O'Connor	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Steve Toms	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Council Staff Attendance:			
<input checked="" type="checkbox"/> Dennis Hovenden <input checked="" type="checkbox"/> Tim Frederico <input checked="" type="checkbox"/> Dr Gillian Kay <input checked="" type="checkbox"/> Phil Cantillon Michael Papageorgiou, Michelle Tipton, Stuart Caldwell, Liz Daley, Byron Douglas,			

Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.

Others in attendance (including titles): <input checked="" type="checkbox"/> Prue Digby (Municipal Monitor)
<p>Conflict of Interest Disclosures <i>"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?"</i></p>
Whether a Councillor(s), having disclosed a conflict of interest, left the assembly:
Name of Council Staff Member responsible for this written record: Tim Frederico
Position Title: Director Corporate Development

Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.



RECORD OF ASSEMBLY OF COUNCILLORS

Title of Meeting: Frankston City News Editorial Committee Meeting			
Meeting Date: Monday 10 September 2018			
Commencement Time: 16.00pm		Location: Civic Centre Casuarina Room	
Finish Time: 16.30pm			
Matters Considered: <i>(Heading only)</i> Welcome, September-October 2018 edition comments and feedback, Schedule of stories for November-December 2018 edition, Review submissions from groups and other requests, Other business.			
Councillors	Present	Arrival and Departure	
Cr Brian Cunial	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input checked="" type="checkbox"/> No	Arrived:	Left:
Mayor, Cr Colin Hampton	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 16:00	Left: 16:30
Cr Kris Bolam	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input checked="" type="checkbox"/> No	Arrived:	Left:
Cr Sandra Mayer	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input checked="" type="checkbox"/> No	Arrived:	Left:
Cr Glenn Aitken	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input checked="" type="checkbox"/> No	Arrived:	Left:
Cr Quinn McCormack	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input checked="" type="checkbox"/> No	Arrived:	Left:
Cr Michael O'Reilly	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input checked="" type="checkbox"/> No	Arrived:	Left:
Cr Lillian O'Connor	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input checked="" type="checkbox"/> No	Arrived:	Left:
Cr Steve Toms	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Council Staff Attendance:			
<input type="checkbox"/> Dennis Hovenden <input type="checkbox"/> Tim Frederico <input type="checkbox"/> Dr Gillian Kay <input type="checkbox"/> Phil Cantillon			
Officers representing the following departments – Communications, Planning and Environment and Community Strengthening.			

Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.

Others in attendance (including titles): <input type="checkbox"/> Prue Digby (Municipal Monitor) Sam Jackson, Manager Community Relations
Conflict of Interest Disclosures <i>"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?"</i> Nil
Whether a Councillor(s), having disclosed a conflict of interest, left the assembly: N/A
Name of Council Staff Member responsible for this written record: Rachel Hill
Position Title: Communications Officer Publications

Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.



RECORD OF ASSEMBLY OF COUNCILLORS

Title of Meeting: Councillor briefing			
Meeting Date: 8 October 2018			
Commencement Time: 5:30pm		Location: Acacia Room / Council Chamber	
Finish Time: 8:25pm			
Matters Considered: (Heading only) FAC Tickets Councillor expenses policy Impact Volunteering Station and Clyde Street Mall improvements Cruden Farm			
Councillors	Present	Arrival and Departure	
Cr Brian Cunial	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6:00pm	Left: 7:20pm
Mayor, Cr Colin Hampton	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 8:25pm
Cr Kris Bolam	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 8:25pm
Cr Sandra Mayer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 8:25pm
Cr Glenn Aitken	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 7:25pm
Cr Quinn McCormack	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6:00pm	Left: 8:25pm
Cr Michael O'Reilly	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6:00pm	Left: 8:25pm
Cr Lillian O'Connor	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input checked="" type="checkbox"/> No	Arrived:	Left: 8:25pm
Cr Steve Toms	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 7:25pm
Council Staff Attendance: <input checked="" type="checkbox"/> Dennis Hovenden <input checked="" type="checkbox"/> Tim Frederico <input checked="" type="checkbox"/> Dr Gillian Kay <input checked="" type="checkbox"/> Phil Cantillon Andrew Moon, Brianna Alcock, Michelle Tipton, Liz Daley, Vishal Gupta, Doug Dickins, Sally Prideaux, Michael Papageorgiou,			

Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.

Others in attendance (including titles): <input type="checkbox"/> Prue Digby (Municipal Monitor) Gerard Filipe - Youth Mayor (for dinner only) Craig Stephens, Rebecca Orchard - Impact Volunteering
Conflict of Interest Disclosures <i>"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?"</i> Nil
Whether a Councillor(s), having disclosed a conflict of interest, left the assembly: N/A
Name of Council Staff Member responsible for this written record: Tim Frederico
Position Title: Director Corporate Development

Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.



RECORD OF ASSEMBLY OF COUNCILLORS

Title of Meeting: Councillor briefing			
Meeting Date: 15 October 2018			
Commencement Time: 5:30pm		Location: FAC Lounge	
Finish Time: 8:45pm			
Matters Considered: <i>(Heading only)</i> Safe Boat refuge Council Agenda review Meeting with Monitor, Mayor and Councillors and EMT General business			
Councillors	Present	Arrival and Departure	
Cr Brian Cunial	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input checked="" type="checkbox"/> No	Arrived:	Left:
Mayor, Cr Colin Hampton	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 8:45pm
Cr Kris Bolam	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 8:45pm
Cr Sandra Mayer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 8:45pm
Cr Glenn Aitken	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 8:45pm
Cr Quinn McCormack	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6:20pm	Left: 8:45pm
Cr Michael O'Reilly	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:45pm	Left: 8:45pm
Cr Lillian O'Connor	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6:50pm	Left: 8:45pm
Cr Steve Toms	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 8:45pm
Council Staff Attendance:			
<input checked="" type="checkbox"/> Dennis Hovenden <input checked="" type="checkbox"/> Tim Frederico <input checked="" type="checkbox"/> Dr Gillian Kay <input checked="" type="checkbox"/> Phil Cantillon Rob Savoia, Vishal Gupta, Michael Papageorgiou, Stuart Caldwell, Vera Roberts, Martin Poole, Doug Dickins, Sam Jackson, Oliver Vido, Rachel Weaver, Kim Jaensch,			

Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.

Others in attendance (including titles): <input checked="" type="checkbox"/> Prue Digby (Municipal Monitor) Michael Malouf, John Matthews
Conflict of Interest Disclosures <i>"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?"</i> Nil declared
Whether a Councillor(s), having disclosed a conflict of interest, left the assembly: N/A
Name of Council Staff Member responsible for this written record: Tim Frederico
Position Title: Director Corporate Development

Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.



RECORD OF ASSEMBLY OF COUNCILLORS

Title of Meeting: Councillor briefing			
Meeting Date: 22 October 2018			
Commencement Time: 5:30pm		Location: Acacia Room	
Finish Time: 6:45pm			
Matters Considered: (Heading only) Council Agenda review			
Councillors	Present	Arrival and Departure	
Cr Brian Cunial	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 6:45pm
Mayor, Cr Colin Hampton	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 6:45pm
Cr Kris Bolam	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 6:45pm
Cr Sandra Mayer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 6:45pm
Cr Glenn Aitken	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 6:45pm
Cr Quinn McCormack	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6:00pm	Left: 6:45pm
Cr Michael O'Reilly	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 6:45pm
Cr Lillian O'Connor	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6:15pm	Left: 6:45pm
Cr Steve Toms	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 6:45pm
Council Staff Attendance: <input checked="" type="checkbox"/> Dennis Hovenden <input checked="" type="checkbox"/> Tim Frederico <input checked="" type="checkbox"/> Dr Gillian Kay <input checked="" type="checkbox"/> Phil Cantillon Michael Papageorgiou, Stuart Caldwell, Oliver Vido, Rachel Weaver, Tenille Craig, Vera Roberts, Doug Dickins, Vishal Gupta, Kim Jaensch, Liz Daley, Byron Douglas, Michelle Tipton, Taylor McVean			

Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.

Others in attendance (including titles): <input checked="" type="checkbox"/> Prue Digby (Municipal Monitor)
Conflict of Interest Disclosures <i>"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?"</i> Nil declared
Whether a Councillor(s), having disclosed a conflict of interest, left the assembly: N/A
Name of Council Staff Member responsible for this written record: Tim Frederico
Position Title: Director Corporate Development

Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.



RECORD OF ASSEMBLY OF COUNCILLORS

Title of Meeting: Councillor briefing			
Meeting Date: 29 October 2018			
Commencement Time: 5:30pm		Location: Acacia Room	
Finish Time: 8:55pm			
Matters Considered: (Heading only) Review of Council Meeting Youth grants Review of neighbourhood character policy Civic Centre Green Wall Proof of concept LXRA works update Review of contributory schemes policy			
Councillors	Present	Arrival and Departure	
Cr Brian Cunial	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Mayor, Cr Colin Hampton	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 6:00pm
Cr Kris Bolam	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 8:55pm
Cr Sandra Mayer	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input checked="" type="checkbox"/> No	Arrived:	Left:
Cr Glenn Aitken	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6:15pm	Left: 8:55pm
Cr Quinn McCormack	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6:05pm	Left: 8:55pm
Cr Michael O'Reilly	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:55pm	Left: 8:55pm
Cr Lillian O'Connor	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 7:10pm	Left: 8:55pm
Cr Steve Toms	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 8:55pm
Council Staff Attendance: <input checked="" type="checkbox"/> Dennis Hovenden <input checked="" type="checkbox"/> Tim Frederico <input checked="" type="checkbox"/> Dr Gillian Kay <input checked="" type="checkbox"/> Phil Cantillon Doug Dickins, Sally Prideaux, Graeme Read, Liz Daley, Ken Liddicoat, Cristina Collinson, Imogen Newman, Michael Papageorgiou, Jeremy Starr, Vishal Gupta, Himalee Padmakar, Isuru Thilakaratne,			

Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.

<p>Others in attendance (including titles): <input checked="" type="checkbox"/> Prue Digby (Municipal Monitor) Quilesha Webber, Birdie Kelly, Katie Oakland - Youth Councillors</p>
<p>Conflict of Interest Disclosures <i>"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?"</i> Nil declared</p>
<p>Whether a Councillor(s), having disclosed a conflict of interest, left the assembly: N/A</p>
<p>Name of Council Staff Member responsible for this written record: Tim Frederico</p>
<p>Position Title: Director Corporate Development</p>

Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.



RECORD OF ASSEMBLY OF COUNCILLORS

Title of Meeting: Councillor briefing			
Meeting Date: 12 November 2018			
Commencement Time: 5:30pm		Location: Acacia Room / Council Chamber	
Finish Time: 7:55pm			
Matters Considered: <i>(Heading only)</i> South East Melbourne Manufacturing Alliance Agenda review			
Councillors	Present	Arrival and Departure	
Cr Brian Cunial	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:45pm	Left: 6:40pm
Mayor, Cr Colin Hampton	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Kris Bolam	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 7:55pm
Cr Sandra Mayer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:35pm	Left: 7:55pm
Cr Glenn Aitken	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Quinn McCormack	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 7:55pm
Cr Michael O'Reilly	<input type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Lillian O'Connor	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6:50pm	Left: 7:55pm
Cr Steve Toms	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Council Staff Attendance: <input checked="" type="checkbox"/> Dennis Hovenden <input checked="" type="checkbox"/> Tim Frederico <input checked="" type="checkbox"/> Dr Gillian Kay <input checked="" type="checkbox"/> Phil Cantillon Michelle Tipton, Michael Papageorgiou, Oliver Vito, Simon Scott, Rachel Weaver, Sam Jackson, Melanie Boulton, Roy Furtado, Bruce Howden, Rob Savoia, Doug Dickins, Vishal Gupta, Kim Jaensch			

Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.

Others in attendance (including titles): <input checked="" type="checkbox"/> Prue Digby (Municipal Monitor) Peter Angelico, Adrian Boden, Greg Northrop - South East Melbourne Manufacturing Alliance Monitor departed at 6:45pm
Conflict of Interest Disclosures <i>"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?"</i> Nil conflicts - Cr Bolam declared an interest in C3 as he had served on Lifegate Board with one of the nominees
Whether a Councillor(s), having disclosed a conflict of interest, left the assembly: Not applicable
Name of Council Staff Member responsible for this written record: Tim Frederico
Position Title: Director Corporate Development

Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.



RECORD OF ASSEMBLY OF COUNCILLORS

Title of Meeting: Councillor pre Council Meeting			
Meeting Date: 19 November 2018			
Commencement Time: 5:30pm		Location: Acacia Room	
Finish Time: 7:00pm			
Matters Considered: (Heading only) Agenda Review			
Councillors	Present	Arrival and Departure	
Cr Brian Cunial	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:45pm	Left:
Mayor, Cr Colin Hampton	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Kris Bolam	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left:
Cr Sandra Mayer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left:
Cr Glenn Aitken	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left:
Cr Quinn McCormack	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 6:00pm	Left:
Cr Michael O'Reilly	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:45pm	Left:
Cr Lillian O'Connor	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:45pm	Left:
Cr Steve Toms	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left:
Council Staff Attendance:			
<input checked="" type="checkbox"/> Dennis Hovenden <input checked="" type="checkbox"/> Tim Frederico <input checked="" type="checkbox"/> Dr Gillian Kay <input checked="" type="checkbox"/> Phil Cantillon			
Taylor McVean, Tenille Craig, Vera Roberts, Michelle Tipton, Michael Papageorgiou, Doug Dickins, Vishal Gupta, Cam Arullanantham, Katy Wills, Sam Jackson, Melanie Boulton, Oliver Vido, Mary-Kate Hockey, Joanne Drennan, Leonie Reints,			

Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.

Others in attendance (including titles): <input checked="" type="checkbox"/> Prue Digby (Municipal Monitor)
<p>Conflict of Interest Disclosures <i>"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?"</i> Nil conflicts - Cr Bolam declared an interest in C3 as he had served on Lifegate Board with one of the nominees. CEO declared an interest and PCG declared a conflict in item 10.0.</p>
<p>Whether a Councillor(s), having disclosed a conflict of interest, left the assembly: Not applicable</p>
<p>Name of Council Staff Member responsible for this written record: Tim Frederico</p>
<p>Position Title: Director Corporate Development</p>

Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.



RECORD OF ASSEMBLY OF COUNCILLORS

Title of Meeting: Councillor pre Council Meeting			
Meeting Date: 26 November 2018			
Commencement Time: 5:30pm		Location: Acacia Room	
Finish Time: 7:30pm			
Matters Considered: (Heading only) Kananook Creek sedimentation			
Councillors	Present	Arrival and Departure	
Cr Brian Cunial	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Mayor, Cr Colin Hampton	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Kris Bolam	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 7:30pm
Cr Sandra Mayer	<input checked="" 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:	Left:
Cr Quinn McCormack	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:50pm	Left: 7:30pm
Cr Michael O'Reilly	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:45pm	Left: 7:30pm
Cr Lillian O'Connor	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Steve Toms	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Council Staff Attendance:			
<input checked="" type="checkbox"/> Dennis Hovenden <input checked="" type="checkbox"/> Tim Frederico <input checked="" type="checkbox"/> Dr Gillian Kay <input checked="" type="checkbox"/> Phil Cantillon Vishal Gupta, Rob Savoia, Shekar Atla, Isuru Thilakararatne, Doug Dickins,			

Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.

Others in attendance (including titles): <input checked="" type="checkbox"/> Prue Digby (Municipal Monitor) David Machado, Linden Clarke, BMT Consulting Pty. Ltd.
Conflict of Interest Disclosures <i>"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?"</i> Nil
Whether a Councillor(s), having disclosed a conflict of interest, left the assembly: Not applicable
Name of Council Staff Member responsible for this written record: Tim Frederico
Position Title: Director Corporate Development

Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.



RECORD OF ASSEMBLY OF COUNCILLORS

Title of Meeting: Councillor Briefing			
Meeting Date: 3 December 2018			
Commencement Time: 5:30pm		Location: Acacia Room / Council Chamber	
Finish Time: 8:45pm			
Matters Considered: (Heading only) Councillor CEO and Monitor meeting held from 6:00pm to 7:30pm Review of previous Council meeting Mid Year budget review Council Agenda Review Long Term Infrastructure Plan			
Councillors	Present	Arrival and Departure	
Cr Brian Cunial	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 6:30pm
Mayor, Cr Colin Hampton	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 6:30pm
Cr Kris Bolam	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 8:45pm
Cr Sandra Mayer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 8:45pm
Cr Glenn Aitken	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Apology <input type="checkbox"/> No	Arrived:	Left:
Cr Quinn McCormack	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:50pm	Left: 8:45pm
Cr Michael O'Reilly	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:45pm	Left: 8:45pm
Cr Lillian O'Connor	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 8:30pm
Cr Steve Toms	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Apology <input type="checkbox"/> No	Arrived: 5:30pm	Left: 8:45pm
Council Staff Attendance: <input checked="" type="checkbox"/> Dennis Hovenden <input checked="" type="checkbox"/> Tim Frederico <input checked="" type="checkbox"/> Dr Gillian Kay <input checked="" type="checkbox"/> Phil Cantillon Vishal Gupta, Cam Arullanantham, Stuart Caldwell, Luke Ure, Ian Curwood, Oliver Vido, Kim Jaensch, Roy Furtado, Luke Walker, Michael Papageorgiou,			

Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.

Others in attendance (including titles): <input checked="" type="checkbox"/> Prue Digby (Municipal Monitor) Ms. Digby departed at 8:20pm
Conflict of Interest Disclosures <i>"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?"</i> Mayor Cr O'Reilly declared a Conflict of Interest in Council Agenda item C4 as it is considering his brother's (Cr Sean O'Reilly of Greater Bendigo) nomination to the MVM Board
Whether a Councillor(s), having disclosed a conflict of interest, left the assembly: Mayor Cr O'Reilly left the room during the discussion
Name of Council Staff Member responsible for this written record: Tim Frederico
Position Title: Director Corporate Development

Please submit completed form to the Councillor's Office within 24 hours of conclusion of meeting.

Executive Summary

12.4 Committee Minutes

Enquiries: (Michelle Tipton: Chief Executive Office)

Council Plan

Community Outcome:	4. A Well Managed City
Strategy:	4.1 Services
Priority Action	4.1.4 Optimise the community's ability to access services and information

Purpose

To table minutes of meetings of committees to which a Councillor delegate has been appointed.

Recommendation (Chief Executive Office)

That the minutes of the following Committee be received:

- Minutes – Ballam Park Homestead Advisory Committee and Heritage Assets and Promotion Committee – 11 December 2018;
- Minutes – Frankston Charitable Fund Committee of Management – 13 November 2018;
- Minutes – Frankston Charitable Fund Committee of Management – 10 December 2018;
- Minutes – Metropolitan Local Government Waste Forum Meeting Summary – 15 November 2018;
- Minutes – Municipal Emergency Relief and Recovery Committee Meeting – 1 November 2018; and
- Minutes – Municipal Emergency Relief and Recovery Committee Meeting – 21 November 2018.

Key Points / Issues

Council participates in a number of industry organisations and Council convened Committees servicing various Council interests. Council typically appoints a Councillor delegate to each of the organisations. Circulation of the minutes of Committee meetings is an important way of keeping others informed about the direction and activities of the Committees.

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 three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.5 per cent for 2019-2020.

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.

12.4 Committee Minutes
Executive Summary

There are no financial implications associated with this report.

Consultation**1. External Stakeholders**

Nil

2. Other Stakeholders

Nil

Analysis (Environmental / Economic / Social Implications)

Making Committee Minutes available to the public may provide some confidence in transparency in decision making.

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

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

Legal

There are no legal implications associated with this report.

Policy Impacts

There are no legal implications associated with 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

That the information be received.

12.4 Committee Minutes
Executive Summary**ATTACHMENTS**

- Attachment A: [↓](#) Minutes - Ballam Park Homestead Advisory Committee and Heritage Assets and Promotion Committee - 11 December 2018
- Attachment B: [↓](#) Minutes - Frankston Charitable Fund Committee of Management - 10 December 2018
- Attachment C: [↓](#) Minutes - Frankston Charitable Fund Committee of Management - 13 November 2018
- Attachment D: [↓](#) Minutes - Metropolitan Local Government Waste Forum Meeting Summary - 15 November 2018
- Attachment E: [↓](#) Minutes - Municipal Emergency Relief and Recovery Committee Meeting - 1 November 2018
- Attachment F: [↓](#) Minutes - Municipal Emergency Management Planning Committee (MEMPC) - 21 November 2018

MEETING MINUTES - 11.12.2018

Ballam Park Homestead Advisory Committee & Heritage Assets and Promotion Committee

Attendees:	
Meghan Doherty	Urban Designer (FCC)
Carole Pico	(FCC)
Anne Ringer	Mornington Peninsula Family History Society
Michael Papageorgiou	Manager Planning and Environment (FCC)
Martin Jones	(Guest observer)
Apologies:	
Cr Quinn McCormack	Councillor (FCC)
Glenda Viner	President Frankston Historical Society
Cr Glenn Aitken	Councillor (FCC)

Agenda

Item and Discussion	Actions
<p>Scouts Panel(s) inclusion in the Frankston Heritage Trail</p> <ul style="list-style-type: none"> - The First South Frankston Scout Group again made contact with Council to discuss the installation of a series of interpretation panels celebrating the Frankston Jamboree at Montague Park. - The Committee initially agreed to their inclusion within the current Heritage trail project provided that the Scouts could fund their own panels. - The Scouts were unsuccessful in their bid for grant funding and so have approached the Committee seeking financial assistance. - The Committee agreed that, should funding be available within the existing budget, Council should sponsor the panel installation. 	<ul style="list-style-type: none"> - Investigate funding options for the proposed Scout panels within the existing budget. - Converse with Scouts regarding panel content and project timing if funding is available.
<p>Recap of the 2018 Frankston History Day</p> <ul style="list-style-type: none"> - The 2018 event was considered to be a great success - Approximately 230 people attended the day - an increase from the previous year's 180 attendees. - Council received much positive feedback - Donations for the day totalled \$246 <p>Areas identified for improvement are as follows:</p> <ul style="list-style-type: none"> o Advertising to reach a wider audience. Although attendance for the day has once again increased, a number of attendees were unaware of the event before having walked past the venue. o Direct engagement with schools for the student competition. It was agreed the schools were 	

Item and Discussion	Actions
<p>not given sufficient time to prepare entries for the competition and were not actively engaged. A suggestion was for Committee members to present directly to students at their school to better communicate the competition and its requirements.</p>	
<p>Ballam Park Homestead Issues - Item deferred in GV's absence.</p>	
<p>Heritage Overlay Review</p> <ul style="list-style-type: none"> - Request for public nominations for additions to the heritage register is expected to run in the first quarter of 2019. - Forms and information sheets will be handed to all Committee members when available. - A heritage consultant will be engaged to review the nominations and recommend additions to the register. 	<ul style="list-style-type: none"> - Nomination forms and processes to be finalised for public access in first quarter of 2019.
<p>Celebrating Frankston's History in 2019</p> <ul style="list-style-type: none"> - Committee eager to run another Frankston History event in 2019. - The Committee brainstormed potential themes for the 2019 event including: <ul style="list-style-type: none"> o Frankston Architecture o Sporting life in Frankston o Frankston as a holiday destination o Famous Frankston residents <p>The Committee were generally in agreement of the theme of Frankston Icons which could then incorporate a number of notable houses and establishments.</p> <ul style="list-style-type: none"> - CP suggested advertising the event as part of the History Week run by the Royal Historical Society. Dates for the 2019 event could then coincide with the History Week in October 2019. - AR also identified the opportunity to invite stallholders to attend the event to engage with the community and potential new members. 	<ul style="list-style-type: none"> - Date and theme for the 2019 event to be confirmed at next meeting. - Contact Royal Historical Society to discuss partaking in their History Week. - Delegate tasks for the 2019 event.
<p>General / Other Business</p> <ul style="list-style-type: none"> - CP raised the idea of hosting a luncheon in summer 2019/2020 using a retro menu from the Pier Hotel in the early 1900s. - The Committee were generally supportive of the idea. - MJ enquired as to whether Council was subscribed to the HERMES online database to access previous heritage and historical assessments of buildings. - The Committee were unaware of any subscription but felt it warranted investigation. 	<ul style="list-style-type: none"> - Investigate venue and date opportunities. - Investigate subscription to HERMES database.
<p>Meeting Close 6.10PM</p>	



Meeting Minutes

opportunity » growth » lifestyle

Meeting title:	Frankston Charitable Fund Committee of Management
Date:	Monday 10 December 2018
Time:	5:00pm to 5:15pm
Location:	Frankston City Council, Acacia Room Civic Centre, 30 Davey Street, Frankston
Attendees:	Mayor Councillor Michael O'Reilly, Mr Shane Thomas, Ms Karin Hann, Mr Michael Papageorgiou, Ms Liz Daley, and Ms Melissa Venter
Apologies:	Councillor Glenn Aitken, Ms Harriet McCallum, Ms Jackie Galloway and Ms Kathleen van der Weerden

Agenda

Item	Topic	Notes and Actions
1.	Application form	The amended application form was reviewed. Committee Decision: Moved: Karin Hann Seconded: Shane Thomas 1) Application form endorsed. Carried unanimously
2.	Evaluation form	The committee reviewed the amended evaluation template form. Committee Decision: Moved: Karin Hann Seconded: Shane Thomas 1) Application form endorsed. Carried unanimously



Meeting Minutes

opportunity » growth » lifestyle

Meeting title:	Frankston Charitable Fund Committee of Management
Date:	Tuesday 13 November 2018
Time:	5:30pm to 7:30pm
Location:	Frankston City Council, Acacia Room Civic Centre, 30 Davey Street, Frankston
Attendees:	Councillor Glenn Aitken (Chair), Mayor Councillor Michael O'Reilly, Mr Shane Thomas (Community Representative), Ms Jackie Galloway (Community Representative), Dr Gillian Kay, Ms Liz Daley, and Ms Melissa Venter
Apologies:	Ms Kathleen van der Weerden, Ms Harriet McCallum (Lord Mayor's Charitable Foundation (LMCF) Representative) and Ms Karin Hann (Community Representative)

Agenda

Item	Topic	Notes and Actions
1.	Welcome	Chair welcomed attendees and apologies noted.
2.	Minutes of previous meeting	Minutes of 8 May 2018 Meeting Moved: Shane Thomas Seconded: Jackie Galloway No opposition
3.	Actions from previous meeting	It was noted that categories outlined in the guidelines were reviewed and are appropriate in accordance to the Frankston Charitable Fund (FCF) objectives; however discussion on criteria point regarding administration and operational costs is required by all members of committee. Melissa advised committee that FCF 2017 good news case studies will be released as part of 2019 promotion of the fund both internally and externally post-Christmas period.

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Seaford >> Frankston >> Langwarrin >> Karingal >> Skye >> Frankston South >> Frankston North >> Carrum Downs >> Langwarrin South >> Sandhurst

4.	Confirmation of funds available to gift	\$36,704 confirmed and acknowledged by all.
5.	Grant program and timeframe	<p>Key timelines reviewed by the committee. All present members agreed to increase grant funding round to eight weeks instead of four weeks; therefore date of round opening confirmed for 15 December 2018 and date of closing confirmed for 15 February 2019.</p> <p>Action: Melissa to communicate and advertise funding round to appropriate stakeholders.</p>
6.	Guidelines	<p>The committee discussed criteria point “Grants may be provided for projects and programs but do not include administrative or operating cost (e.g. utility costs)”.</p> <p>Committee Decision: Moved: Dr Gill Kay Seconded: Jackie Galloway</p> <ol style="list-style-type: none"> 1) That up to 25% of funding may be considered for administration or operating costs i.e. utility costs; 2) Update guidelines criteria as follows: <ul style="list-style-type: none"> • “Grants may be provided for projects and programs where there is a demonstrated need” • “Up to 25% may be considered for administration or operating costs (e.g. utility costs) for total project” 3) Reflect changes made to criteria in application form. <p style="text-align: right;">Carried unanimously</p>
7.	Application form	<p>The current application form was reviewed by present committee members in accordance to the guidelines. It is noted the following inclusions are required on the application form:</p> <ol style="list-style-type: none"> 1) Add criteria question to address demonstrated need for project/program in community; 2) Add question regarding organisations’ capacity and experience; 3) Add details of applicants’ previous history and qualifications in contact field; 4) Change 2nd contact from Chief Executive Officer to Responsible Person; 5) Include new first question “When was your organisation first established?” under the organisation details section;

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		<p>6) Include new second question “what is your service model based on?” under the organisation details section;</p> <p>7) Add “in Frankston municipality” to the “Describe what your organisation does and what service they provide” question;</p> <p>8) Add two further questions to identify number of Frankston residents being assisted by services – 1) “If no Frankston residents assisted during last financial year, what is the anticipated quantum for this grant?” and 2) “What proportion of Frankston residents represents your total service base?”</p> <p>9) Add question regarding volunteer involvement in Frankston and if applicable, number of volunteers;</p> <p>10) Update question ‘C’ under description of project as follows “Please indicate the number of participants and target group/s both with City of Frankston and external to Frankston LGA (including if any recipients reside outside of the Frankston municipality)”;</p> <p>11) Incur questions from acquittal in regards to evaluation and project outcomes;</p> <p>12) Add helpful hints section to application form i.e. meaning of evaluation etc.;</p> <p>13) Provide example under risks and controls/mitigation such as ‘clients don’t access service, control incorporates communication plan etc.; and</p> <p>14) Include example of additional information that may be attached i.e. letters of support and references.</p> <p>Action: Melissa to update application form and distribute to committee prior to grant round opening. Application form and LMCF acquittal form to be placed in Cr Aitken’s pigeon hole and supplied to Tenille Craig.</p>
8.	Terms of Reference (ToR)	<p>The committee reviewed the current ToR and discussed the responsibility of the Committee of Management.</p> <p>Committee Decision: Moved: Jackie Galloway Seconded: Shane Thomas 1) “Where applicable” will be added to point 8 of responsibilities on ToR;</p>

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		<p>2) Point 8 of responsibilities on ToR will be linked to FCF guidelines and clause stating “Committee reserves the right to visit/meet grant recipient for the purpose of assessing grant or as part of an ongoing visitation program” added to FCF guidelines; and</p> <p>3) LMCF confirmation/advice obtain in regards to addition of “FCF is a sub-fund of LMCF and therefore operates with their governance requirements” to FCF guidelines.</p> <p style="text-align: right;">Carried unanimously</p>
9.	Evaluation form	<p>The committee reviewed the draft evaluation template form.</p> <p>It is noted the following amendments are required on the evaluation form:</p> <ol style="list-style-type: none"> 1) Remove ‘Eligibility’ section; 2) Decrease ‘Fund objectives’ weighting from 40% to 30%; 3) Under ‘Outcomes’ section, amend/change as follows: “The project contributes to long term solutions to problems and, or innovative solutions”, “The project primarily benefits Frankston residents” and, or “The project generates benefits that meet an identified gap or enhance a current service”; 4) Change title of ‘Organisational capacity’ to ‘Organisational capacity and experience’; 5) Increase ‘Organisational capacity and experience’ weighting from 10% to 20% and add in risk assessment. <p>Action: Melissa to complete amendments to evaluation template form. Committee to reconvene briefly to agree and accept the evaluation form and application form approximately 15 minutes prior to Ordinary Meeting (Ordinary Meeting (OM) 10/12/2018) before 15 December 2018. Evaluation form to be placed in Cr Aitken’s pigeon hole and supplied to Tenille Craig.</p>
10.	Other business	<p>It was noted that the Sharehouse Community Group Inc. received a 2017/18 FCF grant to fund a laptop for their group. The group submitted a request to spend their 2017/2018 FCF grant on alternate items (rent/public liability insurance) due to receiving a</p>

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[Seaford](#) >> [Frankston](#) >> [Langwarrin](#) >> [Karingal](#) >> [Skye](#) >> [Frankston South](#) >> [Frankston North](#) >> [Carrum Downs](#) >> [Langwarrin South](#) >> [Sandhurst](#)

		<p>laptop as a gift.</p> <p>Committee Decision: Moved: Dr Gill Kay Seconded: Cr Michael O'Reilly</p> <ol style="list-style-type: none">1) Letter signed by Mayor to Sharehouse Community Group Inc. thanking the group for their request and stating that funds need to spent on the purchase as per their original application or returned to the fund; and2) LMCF to confirm if returned funds will be referred to 2018/19 grant funding for gifting. <p style="text-align: right;">Carried</p> <p>Committee Decision: Moved: Dr Gill Kay Seconded: Jackie Galloway</p> <ol style="list-style-type: none">1) Letter to Council Staff to promote workplace giving program; and2) Larger employers and organisations to be approached for either workplace giving programs or individual giving. <p style="text-align: right;">Carried unanimously</p>
Meeting close: 7:20PM	Next meeting – Monday, 10 December 2018 (15 minutes before OM to agree and accept evaluation form and application form); Final meeting to consider applications – Tuesday, 9 April 2019	<p>Action: Melissa/Liz to distribute forms for adoption.</p> <p>Action: Melissa to distribute meeting folders inclusive of agenda and applications to committee members on 11 March 2019.</p>

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Metropolitan Local Government Waste Forum Meeting summary

Date: Thursday 15 November 2018
Time: 6.00pm
Location: Marriott Hotel, Corner Exhibition & Lonsdale Street, Melbourne

Item	Description
1.	Welcome to Forum – Cr Dot Haynes (Forum Chair) welcomed attendees and guests from Victorian Auditor-General's Office (VAGO) and Environment Protection Authority Victoria (EPA).
2.	Minutes of last meeting Moved: Cr Dick Gross (City of Port Phillip), Seconded: Cr Bruce Lancashire (Brimbank City Council) Motion carried. The minutes of the previous meeting held on 9 August 2018 were adopted.
3.	MWRRG update – Rob Millard (CEO MWRRG) stated MWRRG is operating under Caretaker Conventions in the lead up to the State election. Rob highlighted recent activities including the Forum 'Paddock to Plate' tour examining food waste and MWRRG's budget bid to extend the Local Buffer Support Program for four years. Rob updated progress on Advanced Waste Processing (AWP) including the release of the Metropolitan Regional Business Case in September and continued development of the South East Regional Business Case. Rob stated that social research on community attitude to AWP is currently underway, as well as an industry Market Sounding on recycling, landfill, AWP and organics. Outcomes of both of these activities will be shared with local government. Rob stated that the Victorian Government's Resource Recovery Facilities Audit Taskforce has released new guidelines on stockpiles. EPA will help industry to support compliance. Matt Nelson from EPA asked councils for co-operation in contacting local planning enforcement officers when inspecting stockpiles. EPA's position on Financial Assurance for landfills and works approvals was recently updated. Hamish Stewart from EPA was present for questions or comments. EPA representatives will attend next TARG meeting to explain the changes in detail. <i>(MWRRG presentation on Forum portal)</i>
4.	SPAG update – Cr Sam Alessi (SPAG Chair) highlighted SPAG's recent activities (refer to September SPAG meeting minutes), including updating SPAG's Terms of Reference. <u>MOTION:</u> To accept the 2018 SPAG Terms of Reference. Moved: Cr Sam Alessi (City of Whittlesea), Seconded: Cr Judy Hindle (City of Stonnington). Motion carried. The 2018 SPAG Terms of Reference were adopted. Sustainability Fund investment for waste and resource recovery – Position Paper – Cr Sam Alessi (SPAG Chair) spoke about the process and outcomes of the second annual SPAG/TARG investment workshop held on 22 September 2018 to identify funding priorities. The top three projects selected by workshop participants include: <ul style="list-style-type: none"> • purchasing and market development support for recycling products – with a focus on end-markets for plastics and road materials • education resources to support FOGO program, resource recovery services education, and e-waste • large scale Advanced Waste Processing – education and infrastructure Misty Johannsen (TARG Chair) highlighted the actions raised at the 2018 Investment Workshop against these three priority project areas (See 2018 Investment Workshop Position Paper for full details). Phil Robertson (City of Greater Dandenong) suggested that government funding be aligned with policy/strategy, and specific headings be included in the Position Paper to signal the alignment. <u>MOTION:</u> To note the Position Paper and accept the recommendations proposed on page 4. Moved: Cr Bruce Lancashire (Brimbank City Council), Seconded: Cr Simon Brooks (Morningside Peninsula Shire Council). Motion carried.

Metropolitan Local Government Waste Forum Meeting Minutes, Thursday 15 November 2018

5.	<p>TARG update – Misty Johannsen (TARG Chair) provided an update of the last TARG meeting (see September TARG meeting minutes), including Misty's reappointment as Chair. Misty presented an overview of changes to TARG's Terms of Reference.</p> <p><u>MOTION:</u> To accept the 2018 TARG Terms of Reference.</p> <p>Moved: Cr Sam Alessi (City of Whittlesea), Seconded: Cr Judy Hindle (City of Stonnington).</p> <p>Motion carried. The 2018 TARG Terms of Reference were adopted.</p>
6.	<p>Motion from the Chair – Cr Dot Haynes (Forum Chair) presented a motion to the Forum on behalf of the combined Victorian Local Government Waste Forum Chairs.</p> <p><u>MOTION:</u> That the Metropolitan Local Government Waste Forum supports the campaigns of the Victorian Local Government Waste Forum Chairs and the Municipal Association of Victoria to advocate for the waste and resource recovery issues on behalf of local government to the State and Federal Governments.</p> <p>Moved: Cr Bruce Lancashire (Brimbank City Council), Seconded: Cr Dot Haynes (City of Manningham).</p> <p>Cr Sam Alessi (City of Whittlesea) raised concerns about the broadness of the motion, specifically the reference to the campaigns of other bodies where it was unclear what those campaigns might be. Cr Colleen Gates (Hobsons Bay City Council) pointed out that the motion was worded differently to the one put to the MAV, which focusses on working with local government, not forum chairs.</p> <p>Cr Dot Haynes and Cr Bruce Lancashire agreed to review motion and revisit the topic after the table discussion.</p>
7.	<p>Food & Garden Organics Kerbside Recycling Guide – Gayle Seddon (Program Co-ordinator, MWRRG) delivered a presentation on <i>Introducing a kerbside food and garden organics collection service – A guide for local government</i> (FOGO Guide), released in September 2018. Gayle discussed the organic collective procurement network and its increased capacity to process green waste, and current council FOGO activities. Gayle highlighted the importance of councils providing an end market for compost. A training session on the use of the FOGO Guide will be held on 29 November 2018, and the Education Network will hold a 'paddock to plate to park' tour on 6 December 2018. (<i>Presentation on Forum portal</i>)</p>
8.	<p>Organics recycling: council perspectives</p> <p>Cr Lina Messina (City of Darebin) presented Darebin's recent food waste recycling trial. Evaluation has found: 36% of households participated; 80% of participants found council communication helpful; 72% of participants support wider rollout of the initiative. Next steps include further analysis and the development of a communication and engagement plan.</p> <p>Cr Jackie Fristacky, (City of Yarra) presented Yarra's food/green waste trial. Three different service arrangements were trialled for households, with two MUD collection areas. Green Eco Technology was used for MUDs. While the trial is in the early stages, positive results have been recorded so far. Next steps include a detailed analysis of trial results and installation of food dehydrators at MUD sites.</p> <p>Michelle Van Gerrevink, (Sustainability Coordinator, City of Glen Eira) presented Glen Eira's recent FOGO rollout. Glen Eira has had organics collection since 2003. Residents were provided with a free kitchen caddy for FOGO, with no bags allowed. Challenges include community concerns about odour, lack of compostable bags and shared bins in apartments. Glen Eira offers a discounted bin cleaning service. The council is consulting residents about the frequency of bin collections. (<i>Presentations on Forum portal</i>)</p>
9.	<p>Table group discussion on food and green waste recycling implementation issues and opportunities</p>
10.	<p>Continuation of item 6 - amended motion.</p> <p><u>MOTION:</u> That the Metropolitan Local Government Waste Forum continues to support the combined Victorian Waste Forum Chairs and the Municipal Association of Victoria to advocate for better resourcing of the essential services that Council provides in waste and resource recovery management to the State and Federal Governments.</p> <p>Moved: Cr Bruce Lancashire (Brimbank City Council), Seconded: Cr Dot Haynes (City of Manningham).</p> <p>Cr Sam Alessi (City of Whittlesea) raised concerns about the wording of the motion and the process adopted by the Chair. Cr Lina Messina (City of Darebin) also raised concerns about the process. Cr John Mortimore (City of Knox) proposed slight changes to the wording of the motion (see italics).</p> <p><u>MOTION:</u> That the Metropolitan Local Government Waste Forum continues to support the combined Victorian Waste Forum Chairs and the Municipal Association of Victoria to advocate for better resourcing of the essential services that <i>councils provide</i> in waste and resource recovery management to the State and Federal</p>

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	<p>Governments. Motion defeated.</p> <p>Cr Sam Alessi (City of Whittlesea) submitted an alternative motion, removing mention of specific other groups.</p> <p>MOTION: The Forum supports local government and local government peak bodies to advocate to State and Federal Government for better resourcing and product marketing of the essential services that councils provide in waste and resource recovery management.</p> <p>Moved: Cr Sam Alessi (City of Whittlesea). Seconded: Cr Brian Little (City of Monash).</p> <p>Cr Bruce Lancashire (Brimbank City Council) suggested that the exclusion of MAV and other groups weakened the motion.</p> <p>Motion carried.</p>
11.	<p>Panel Discussion – Bill Grant (Director, Blue Environment), Greg Mulcahy (Strategic Contracts Manager, MWRRG), Kelly Barnes (Environment Officer, Water, Waste & Litter, City of Darebin), Lisa Coffa, (Coordinator Waste Minimisation and Urban Agriculture, City of Yarra), James Roscoe (Coordinator Waste Services, City of Glen Eira).</p> <p>Panel discussion themes</p> <p>Data variability Bill Grant said data variation is due to varying intensity of councils behaviour change activities, and this has been seen in various case studies. James Roscoe suggested councils should consistently use Sustainability Victoria's guidelines for conducting waste audits. Forum members raised concerns that bin audits are not conducted consistently (e.g. seasonal variation).</p> <p>Bin collection frequency Greg Mulcahy said fortnightly residual waste reduces total waste to landfill (e.g. Nillumbik), however barriers include contamination, bin size and smell.</p> <p>Compost quality from FOGO Bill Grant said farmers will currently buy compost for \$10-20t. Greg Mulcahy noted that the market for compost is still growing, but contamination needs to be kept low to ensure the quality of the product.</p> <p>Nappies Bill Grant suggested deodorising liners as a solution for smelly nappies and council support for a nappy recycling service. Lisa Coffa noted that only two families requested help with nappy disposal, and council provided tips on reducing smell.</p> <p>Community resistance James Roscoe said Glen Eira City did not compel people to use the service, but will continue to consult and educate.</p>
12.	<p>Other business - Cr Dot Haynes (Forum Chair) presented upcoming Forum events and activities</p> <p><i>(Presentation on Forum portal)</i></p>
13.	<p>Close and Networking - Meeting closed at 8.20pm</p>
Attendees	
Councillors:	<p>Tom Melican, Peter Castaldo (Banyule City Council), Bruce Lancashire (Brimbank City Council), Collin Ross (Cardinia Shire Council), Lina Messina (Darebin City Council), Colleen Gates (Hobsons Bay City Council), John Mortimore (Knox City Council), Dot Haynes (Manningham City Council), Mike Symon (Maroondah City Council), Brian Little (Monash City Council), Simon Brooks (Mornington Peninsula Shire Council), Dick Gross (Port Phillip City Council), Judy Hindle (Stonnington City Council), Sam Alessi (Whittlesea City Council), Peter Maynard (Wyndham City Council), Jackie Fristacky (Yarra City Council)</p>
Council officers:	<p>Russell Darling (Banyule City Council), Steven White, Ken Bott (Bayside City Council), Robert Keenan (Brimbank City Council), Misty Johannsen (Cardinia Shire Council), Michael Jansen (Casey City Council), Kelly Barnes (Darebin City Council), Bruce Howden (Frankston City Council), Phil Robertson (Greater Dandenong City Council), James Roscoe, Michelle Van Gerrevink, Glen Greetham (Glen Eira City Council), Georgy Augustine (Hobsons Bay City Council), Bernadette Thomas, Simon Adams (Hume City Council), Matthew Hanrahan (Knox City Council), Drago Lijovic (Manningham City Council), Marianne DiGiallonardo, Tony Rocca (Maroondah City Council), Robert Kacela (Melton City Council), Simon Hill (Monash City Council), Daniel Hinson (Mornington Peninsula Shire Council), Ian Smith (Stonnington City Council), Melanie Kerr (Whitehorse City Council), Brad Byrne, Peter Ali (Whittlesea City Council), Lisa Coffa (Yarra City Council), Graham Brew (Yarra Ranges Shire Council)</p>

Metropolitan Local Government Waste Forum Meeting Minutes, Thursday 15 November 2018

MWRRG staff:	Rob Millard, Josephine Regel, Paul Clapham, Corey Hale, Slavka Scott, Greg Mulcahy, Gayle Seddon, Zandy Powell, Robert Komel, Shelley Markham, Nina Thomas, Katherine Cocks, Jess Hand, Katherine Lyttle, Christine Dirks, Angela Vangeli, Amara Paranagama, Dee Stanton
Others:	Theresa Glab (MWRRG Board Director), Hamish Steward, Ursula Trujillo, Matt Nelson (EPA Victoria), Jacob Kaye, Zoe Parer-Cook (VAGO), Bill Grant (Blue Environment)
Apologies:	Margaret Donnan, Evy Papadopoulos, John Watson (MWRRG Board Directors), Ian Campbell-Fraser (DELWP), Michael Heffernan (Bayside City Council), Phillip Healey (Boroondara City Council), Amanda Stapledon (Casey City Council), Colin Hampton, (Frankston City Council), Matthew Kirwan (Greater Dandenong City Council), Nina Taylor (Glen Eira City Council), Jack Medcraft (Hume City Council), Simon Crawford (Maribymong City Council), Cathy Oke (Melbourne City Council), Bob Turner (Melton City Council), John Sipek (Moonee Valley City Council), Dale Martin (Moreland City Council), Hugh Fraser (Mornington Peninsula Shire Council), Bill Bennett (Whitehorse City Council), Jim Child (Yarra Ranges Shire Council), Sue Phillips (Darebin City Council), Kaylene Johnson (Hobsons Bay City Council), Damian Thorp (Maroondah City Council), Melanie Oke (Melbourne City Council), Donna Schembri (Melton City Council), Noel Kiernan (Stonnington City Council), Ian Barnes (Whitehorse City Council), Simon Clay (Wyndham City Council)



Meeting Minutes

Municipal Emergency Relief and Recovery Committee Meeting

1 November 2018

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Meeting title:	Municipal Emergency Relief and Recovery Committee Meeting
Date:	1 November 2018
Time:	10:00am to 12:00pm
Location:	Council Chambers, Frankston City Council Civic Centre
Attendees:	FCC: [REDACTED] (Deputy MRM, Manager Community Safety), [REDACTED] (MRM, Fire & Emergency Officer), [REDACTED] (MERO, Coordinator Compliance and Safety), [REDACTED] (Coordinator Community Engagement), [REDACTED] (Coordinator Environmental Health), [REDACTED] (Minutes) [REDACTED] (MERC, Victoria Police), [REDACTED] (DHHS), [REDACTED] (VCC EM), [REDACTED] (VicSES)
Apologies:	FCC: [REDACTED] (Director Community Development), [REDACTED] (Manager Family Health Support Services), [REDACTED] (Manager Community Strengthening), [REDACTED] (Manager Environment and Planning) [REDACTED] (Anglicare Victoria), [REDACTED] (Community Support Frankston), [REDACTED] (Salvation Army), [REDACTED] (Ambulance Vic), [REDACTED] (Agriculture Vic), [REDACTED] (SalvoCare Eastern), [REDACTED] (Parks Vic/FFMV), [REDACTED] (CFA), [REDACTED] (Peninsula Health)

1. Welcome & apologies

[REDACTED] welcomed all attendees and noted that the apologies received by committee members would be reflected in these meeting minutes.

2. Minutes/actions from previous meeting

Actions from May 2018 meeting minutes (A36000072)

Action	Outcome
Beach Closure Procedure	It was discovered that this action from the May 2018 meeting had not yet been

	completed. Allie will arrange for the Beach Closure Procedure to be added to Crisisworks before the next MERRC meeting.
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3. Agency presentation

██████████ provided a brief presentation on the role of DHHS in emergency relief and recovery, key points included:

- The Department is focused on the welfare of vulnerable Victorians and is made up of health, human services, and sport and recreation branches.
- The Department, though their health services branch is the Control Agency for a Class 2 Health Emergency such as a pandemic, epidemic, chemical and biological hazard.
- They provide the Regional Recovery Coordination role and help for recovery coordination when escalated to state level with the social recovery environment.
- At the local level they are a service provider for emergency financial assistance and help Local Government Municipal Recovery Managers when their capacity is exceeded.
- Some of the support to the local level can include reviewing the Municipal Secondary Impact Assessment (MSIA) for impacts and helping to developing incident specific recovery plans based on the impacts. The Department can also assist local government with claims under the NDRRA.
- The Department is also involved in major events where there is long term recovery, for example they are still involved with some aspects of the Black Saturday recovery and will be involved in the lead up to the 10 year anniversary.

4. Single incident emergency assistance update

The committee reviewed the draft MEMP Attachment L – Single Incident Emergency Relief Protocol.

A discussion was has regarding the name of the protocol as the terminology ‘single incidents’ is no longer preferred and at the state level it has been determined that terminology such as ‘non-major emergency’ is preferred. It was raised that ‘non-major emergency’ may not be appropriate as the recent crane incident resulting in a significant evacuation of the Richmond community was deemed as a ‘non-major’ emergency for the responder agencies, whereas for the relief and recovery services this was major as it resulted in a relief centre being setup and emergency accommodation arranged for several residents. As such it was agreed to by the committee that ‘small impact emergency’ is the preferred terminology for the purposes of the protocol as this is consistent with the emergency impact level terminology in the MEMP.

██████████ also requested “emotional and spiritual care” be added to the description of VCCEM’s capacity in the Psychological Support Providers section.

The agreed changes have been captured in the marked up draft re-sent to the committee following the meeting.

DHHS suggested they would review the protocol and provide some further suggestions.

Action: ██████████ to make amendments to the draft protocol based on what was discussed and agreed to during the MERRC meeting and re-send to the committee following the meeting.

Action: ██████████ to review the protocol and provide feedback.

Action: ██████████ to contact Red Cross to seek their input into the protocol.

Some further discussion was also had regarding the list of accommodation providers contained in the protocol. ██████████ updated the committee on some difficulties other councils have faced in booking accommodation afterhours. It was determined that it was unnecessary to list absolutely all accommodation providers in the municipality and in neighbouring municipalities. Rather a few key hotels and motels have been identified with their capacity to take bookings after hours identified.

██████████ requested that Environmental Health review the list to ensure the providers included are suitable to be sending displaced person/s to.

Action: ██████████ to review list of accommodation providers in the protocol and provide feedback.

A further point of discussion was raised about how to ensure people who have experienced a small impact emergency but are not referred to council do not 'slip through the system'. It was acknowledged that without responder agencies contacting Council regarding persons displaced by an emergency, linking that persons in with support services where required is difficult.

To combat this Council has trained all its Building Surveyors in Psychological First Aid so that they can interact with community members they may encounter at emergency call-outs in a way that is sensitive to the trauma they've experience and can also ensure that the MRM is called when appropriate.

CFA has a brochure [After the Fire](#) which should be given from the responding brigade to a family if they have experience a house fire. This brochure informs people to contact their local council MRM for assistance. This can be complemented with some further education of local CFA Brigades and the Frankston SES unit to ensure they are activating both the Frankston Council Building Surveyor and MRM where a house has been damaged/ destroyed.

5. MEMP update

The MEMP Update Project which commenced last year involved a review of the entire MEMP with amendments made throughout. A draft was put to the MEMPC in March 2018 and was endorsed in principle pending the completion of the Single Incident Emergency Assistance (now Small Impact) Attachment. Given some time has elapsed since the in-principle endorsement it is going to be reindorsed by the MEMPC at their next meeting in late November along with the completed Attachment L - Small Impact Emergency Assistance Protocol.

As such, [REDACTED] will make the changes to Attachment L as per discussions in this meeting (see item 4) and distribute to the committee as soon as possible to allow for any further feedback. Further feedback will need to be provided by 13 November 2018 to allow for finalisation of the draft before the MEMPC meeting.

If endorsed by the MEMPC, the MEMP and all its updated attachments will go to the Council Ordinary Meeting for adoption in Jan/ February 2019 in preparation for the MEMP Audit in March 2019.

6. Natural Disaster Resilience Grant project outcome

Frankston City Council along with neighbouring councils City of Greater Dandenong, City of Kingston and Mornington Peninsula Shire have finished their work under the Natural Disaster Resilience Grant.

The project has resulted in an Emergency Preparedness Booklet, a suite of 8 animated videos and an interactive website.

[REDACTED] gave a presentation of the booklet which will be delivered to community and council facilities, showed the committee members the recovery animation and gave a brief introduction to interactive website.

The booklet and videos can be accessed from www.frankston.vic.gov.au/getpreparedvideos
The interactive website is available at www.emergencyprepare.com.au

7. Agency reports

Victoria Police - [REDACTED]

- [REDACTED] thanked everyone for their work on the Small Impact Emergency Assistance Protocol.
- Everything is business as usual for Victoria Police.

DHHS - [REDACTED]

- [REDACTED] also gave her appreciation for the work on the Small Impact Emergency Assistance Protocol.
- DHHS as business as usual, preparing for the summer.

VCC EM – [REDACTED]

- VCC EM were involved in outreach door knocking after the accident on Nepean Highway, Cheltenham.

VicSES – [REDACTED]

- Everything is business as usual for Victoria SES.

Frankston City Council – [REDACTED]

- Fire Danger Period has been declared by CFA to commence on 19/11/18.
- Council is busy preparing for the peak season ensuring plans and procedures are current and relief equipment is ready.
- Since May, Council has not has any major relief and recovery activations however has had a few small impact emergency incidents which have tested the interim arrangements with Red Cross and the arrangements are working appropriately.

8. General Business

The Frankston Business Chamber has ceased operation and so will be removed from this committee.

As [REDACTED] were unable to attend today's meeting, they have offered to do the agency presentation at the next meeting, tentative for May 2019.

Meeting Minutes



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Meeting title: **Municipal Emergency Management Planning Committee (MEMPC)**

Date: 21 November 2018

Time: 2.00pm – 4.00pm

Location: Council Chambers

FCC: [REDACTED] (MERO, MFPO), [REDACTED] (EMO, MRM), [REDACTED] (Deputy MRM), [REDACTED] (Deputy MRM), [REDACTED] (Deputy MERO, Environmental Health), [REDACTED] (MECC Manager, Risk) [REDACTED] (Municipal Building Surveyor), [REDACTED] (Minutes).

Attendees: [REDACTED] (VicPol – MERC), [REDACTED] (VicSES-Region), [REDACTED] (AVCG VF1), [REDACTED] (AVCG VF1), [REDACTED] (Peninsula Health), [REDACTED] (VicSE-Local), [REDACTED] (CFA), [REDACTED] (Agriculture Vic) [REDACTED] (CFA) [REDACTED] (Parks Vic/ FFMV), [REDACTED] (DHHS), [REDACTED] (VCCEM).

FCC: [REDACTED] (MECC Manager)

Apologies: [REDACTED] (Melb. Water – Eastern Treatment Plant), [REDACTED] (Brotherhood of St Laurence), [REDACTED] (Parks Vic/ FFMV), [REDACTED] (Parks Vic/ FFMV), [REDACTED] (VicRoads), [REDACTED] (Community Support Frankston),

FCC: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]

Absent: [REDACTED] (VicPol), [REDACTED] (Melb. Water – Eastern Treatment Plant), [REDACTED] (Frankston Life Saving Club), [REDACTED] (Ambulance Vic), [REDACTED] (DET), [REDACTED] (EcoDev), [REDACTED] (PenLink), [REDACTED] (EcoDev)



1. Welcome & Apologies

██████████ opened the meeting and welcomed everyone.

2. Review of minutes and business arising from previous meeting 27 July 2018

What	Who	Status
From 29 March 2018 meeting: Single Incident procedure page of MEMP to be completed and sent to MEMPC members for item endorsement via email.	██████████	Draft distributed to committee on 13 November 2018. Action now complete.
Once the strategy for single incident/ non-major emergency relief assistance is determined, an out of session vote by all committee members is required to endorse the inclusion of the new arrangements in the MEMP.	All members	Action carried forward to next meeting. See Item 3 for further.
Complete administrative amendments to Parts 1 and 11 of the MEMP & distribute to committee members.	██████████	Distributed on 3 August 2018. Action now complete.
Send the VicSES letter regarding MEMP auditing arrangements with July meeting minutes to the committee.	██████████	Distributed on 31 July 2018. Action now complete.
Send summary of the Emergency Management Planning Bill changes originally prepared for council with the July meeting minutes to the committee.	██████████	Distributed on 31 July 2018. Action now complete.

3. MEMP Updates

- The MEMP Update Project commenced in 2017 and involved a comprehensive project update to the content and structure of the entire MEMP including all sub plans.
- At the November 2017 MEMPC meeting an extensive presentation on the changes was given. Any changes made to the plan have been described in emails since then. As such there is no need to repeat all of that information again at this meeting.
- The MEMP and some of the sub-plans were endorsed in principle at the March MEMPC meeting pending the insertion of the policy on relief for single incident emergencies once finalised.
- A document which was designed to help committee members navigate the various parts of the MEMP and their status (A3741514 MEMP Update Outline for MEMPC Meeting – 21 November 2018).
- Allie confirmed that endorsement will be sought for the main body of the MEMP, and Attachments B, C, D & I.
- It was noted in regards to the other sub-plans:
 - Attachment A – Restricted Contact List, does not require committee endorsement as it is the restricted contact list and does not contain any emergency management policy.
 - Attachment E – Animal Management Sub-plan, was updated in preparation for the March MEMPC this year where it was endorsed by the committee. Since then there have been no wording/ policy changes only the inclusion of a document control section. As such no further endorsement is needed.
 - Attachment F – Pandemic Sub-plan, will need to be first reviewed by a working party (including Council Reps, DHHS, Ambulance Victoria and Peninsula Health).



Once it is updated it will be sent to the committee (likely in January 2019) for out of session endorsement.

- Attachment G – Municipal Storm and Flood Emergency Plan, went through a comprehensive update led by the SES in 2017 which was endorsed as a sub-plan to the MEMP at that time so it will not need to be updated again.
- Attachment H – Integrated Fire Management Plan, at the August and October IFMPC meetings we discussed the need update the fire management plan given it was developed in 2012. However the Commissioner previously wrote to fire management committees discouraging them for undertaking a wholesale review as the Minister was developing new fire management planning guidelines. There has never been any correspondence following that. However to ensure the plan maintains currency the committee have decided to prepare a brief addendum to the plan which will update the contents in the appendices. The IFMPC will work on this next month and I will send to this committee for endorsement out of session (likely in January 2019).
- Attachment J and K – Working in a MECC/ ERC Handbooks, are internal council handbooks for staff. At the November 2017 meeting It was determined that because the Handbooks are referenced in the MEMP they should be attached however because they are internally maintained they will not need MEMP endorsement for any future changes.
- Attachment L – Small Impact Emergency Relief Protocol, is still in draft as [REDACTED] is waiting on input from some of the relief service providers with specific responsibilities in the Protocol so will need to wait for this before finalising. Once the draft is finalised it will be sent to this committee for an out of session endorsement (should be in the next few weeks).

Main body of the MEMP

- The MEMP was displayed on the projector.
- [REDACTED] pointed out Sections 1.3.6 and 1.4.6 regarding the quorum for both this committee and the Municipal Emergency Relief and Recovery Committee and questions whether it should be changes prior to endorsement or if people were happy with the current proposed quorum (which requires that at a minimum the MERC, MERO & MRM (or acting delegates) and at least 3 different member agency representatives). The committee agreed that the quorum proposed in the draft MEMP was okay as it.
- Allie discussed that the only outstanding section which could not be finalised before this meeting was Part 2, Section 2.2 regarding climate information for Frankston. [REDACTED] explained this section had been updated in her absence and was not referenced and she could not find the source of some of this information online.
- She also raised that VCCEM had sent her some minor typos missed throughout the document just prior to the meeting.
- However to avoid delaying the endorsement it would still be sought at this meeting pending the typos being fixed in the final version and the climate information in Section 2.2 either sourced or replaced with appropriate information from the Bureau of Meteorology website.

- [REDACTED] moved a motion that the MEMPC endorse the MEMP pending the typos/ minor errors be fixed and Section 2.2 - Climate information be sourced or replaced.
Seconded: [REDACTED] Carried

Attachment B – Supporting Information

- Attachment B was distributed to the committee on 13 November to allow for review prior to the meeting. All changes made since it was last considered by the committee were marked/ highlighted.
- Allie noted the main change was in the unabridged/ unrestricted and abridged/ restricted distribution lists to change the list to reference positions not people.
- Attachment B was displayed on the projector.
- [REDACTED] moved a motion that the MEMPC endorse Attachment B.
- Seconded: [REDACTED] Carried

Attachment C – Emergency Communications Sub-plan

- Attachment C was distributed to the committee on 13 November to allow for review prior to the meeting. All changes made since it was last considered by the committee were marked/ highlighted.
- [REDACTED] noted the sub-plan was reviewed by the sub-committee. The agreed changes were mostly wording amendments. Some references to DHHS resources on EM-Cop for relief and recovery communications were added in to the sub-plan.
- Attachment C was displayed on the projector.
- [REDACTED] moved a motion that the MEMPC endorse Attachment C.
- Seconded: [REDACTED] Carried

Attachment D – Heatwave Sub-plan

- Attachment D was distributed to the committee on 13 November to allow for review prior to the meeting. All changes made since it was last considered by the committee were marked/ highlighted.
- Allie noted the sub-plan was reviewed by the sub-committee.
- Attachment D was displayed on the projector.
- [REDACTED] moved a motion that the MEMPC endorse Attachment D.
- Seconded: [REDACTED] Carried

Attachment E – Emergency Animal Management Sub-plan

- Attachment E was distributed to the committee on 9 November to allow for review prior to the meeting. All changes made since it was last considered by the committee were marked/ highlighted.
- Attachment E was displayed on the projector.
- [REDACTED] moved a motion that the MEMPC endorse Attachment E.
- Seconded: [REDACTED] Carried

Attachment I – Hazard Specific Operation Checklists for EMCG

- Attachment I was distributed to the committee on 9 November to allow for review prior to the meeting. All changes made since it was last considered by the committee were marked/ highlighted.
- Attachment I was displayed on the projector.

- [REDACTED] moved a motion that the MEMPC endorse Attachment I.
- Seconded: [REDACTED] Carried

Allie advised that the MEMP and all sub-plans will go to the Council Ordinary Meeting on 18 February 2019 for adoption before the MEMP Audit which is due on 11 March.

Jarred clarified with [REDACTED] if it was possible to get an extension on the MEMP Audit due date given there may be operational requirements over the peak season which take away from the time available to prepared. [REDACTED] confirmed extensions cannot be granted.

4. Training and Exercises

- [REDACTED] advised due to resourcing constrains training and exercising opportunities internally for council staff have been limited.
- [REDACTED] advise that council provided access to psychological first aid training to Building Surveyor staff, Environmental Health Officers and relief centre staff. The training was facilitated by VCCEM.
- [REDACTED] advised that DHHS have a Strengthening Resilience training session coming up in early December.
- There was also some discussion raised about the need to have a MEMEG where councils can support each other with training and exercising opportunities. See Item 6 below for further.
- [REDACTED] advised that the AVCG held an emergency Management field exercise on 3rd of October which was a success, showing the real time capability of the Flotilla in waters off Frankston. [REDACTED] raised some concerns that the exercise has not been formally validated or debriefed yet.

5. Review of CERA

- [REDACTED] advised no CERA risk was nominated at the July meeting for review at this meeting.
- It was also proposed that the committee hold off from nominating a risk for the next MEMPC as that meeting will be primarily focused on preparing for the MEMP audit.
- However once the new MEMP has been adopted, part of the TOR of the MEMPC requires that a review of a different risk on the CERA is undertaken at each meeting so we will need to start undertaking this from the mid-year meeting next year onwards.
- [REDACTED] advised that while it is ideal that a comprehensive/ full review of the CERA is done every 3 years, being able to demonstrate that the CERA has been considered by the committee and updated accordingly will be sufficient for the MEMP Audit.
- [REDACTED] suggested that next year the MEMPC look at emerging risks e.g. Thunderstorm asthma and determine if they need to be included in the CERA and a new sub-plan is required.

6. Regional Emergency Management Planning Committee (REMPC) Update

- Nothing major to report from the latest REMPC which was held in late October.
- There was some further discussion about the progress of the establishment of the MEMEG as some of the region's council's did not respond to the letter inviting them to participate in the establishment of the group.



- Presentations were given from the Jewish Community Crisis Management group, previously known as JEMP and Agriculture Vic talking about how they would handle a biosecurity emergency in Victoria and what the impacts on the community including significant economic impacts might be.

7. Municipal Emergency Relief and Recovery Committee (MERRC) Update

- Main topic of discussion for the committee was the small impact emergency relief protocol.
- DHHS also gave a brief presentation about their role in emergency management and local relief and recovery support available.
- The minutes will be distributed along with these MEMPC meeting minutes.

8. Integrated Fire Management Planning committee (IFMPC) Update

- All present advised of their pre-summer preparedness.
- The committee reviewed the Victorian Fire Risk Register (VFRR) and discussed the need for an addendum to the plan.
- The minutes for both the August and October IFMPC meetings will be distributed along with these MEMPC meeting minutes (the meeting originally scheduled for May was postponed until August due to low numbers available in May).

9. Other sub-committee updates

- Heatwave Sub-Plan Committee and the Emergency Communications Sub-plan committee held their pre-summer meetings.
- Main topic for these meetings was reviewing the relevant sub-plans.
- The heatwave meeting minutes will be distributed along with the minutes from this committee meeting.
- The Emergency Communications Sub-plan Committee does not keep minutes.

10. Upcoming Major Events Update

- Frankston's Christmas Festival of Lights will be held on 24 November from 5pm to 10pm
- 30,000 people are expected to attend.
- Frankston City Council have measures in place for community safety including road blocks, bollards, CCTV, extra security and a Police EMLO in the Event Coordination Centre.
- [REDACTED] will also be working the evening in the Police Surveillance Centre.

11. Non-compliant building cladding

- [REDACTED] gave an outline an ongoing issue with non-compliant cladding.
- Residential buildings with the non-compliant cladding are being inspected by Council Building Surveyors when brought to council's attention at the Surveyor is issuing an emergency order in consultation with the CFA and Victorian Building Authority so that urgent works are undertaken to rectify the issue.
- [REDACTED] advised that where a building is a high risk and temporary works cannot mitigate the risk this may result in an emergency order to vacate the building being issued.
- This will cause a significant impact on those vacated and so agencies, particularly those in relief and recovery need to think about how best to support people in this situation.
- Some questions raised included:

- Are these commercial buildings? – No individually owned
- Is insurance covering this? – Unsure, but it comes under the Building Surveyor.
- Are they new buildings? – No this goes back approx. 17 years

12. Agency Reports

FCC – [REDACTED]

- Minimal issues, a few cars into houses
- After hours contacts have changed to duty numbers for the MERO, MRM and Building Surveyor.
- Recently had a rooming house vacated and impacted residents referred to SalvoCare Eastern for support.
- Council was also involved in a factory fire incident which posed an environmental risk.
- This year Frankston beach will have paid lifeguards for the first time.
- Fire breaks have been cut in all council bushland reserves.
- Proactive inspections of fire hazards on private property have also completed.

Agriculture Vic – [REDACTED]

- Anthrax identified in sheep at Swan Hill
- [REDACTED] also queried if the CERA included animal health and welfare. [REDACTED] advised this will be looked at after the February MEMPC meeting as animal disease not currently identified in CERA.

VICSES – [REDACTED]

- Windstorm on Cup Day caused increased call outs for SES
- Intro to Emergency Management courses available next year. Matt will provide details to Allie to pass on to the committee.
- As previously discussed, the Emergency Management Planning bill will result in changes to the MEMP audit process. SES are working with the Inspector General for Emergency Management to determine how this will work.
- They have also been training personnel to ensure they meet the requirements to be able to go on to fire grounds over summer.

VCCEM – [REDACTED]

- Frankston Volunteers were involved in the recent Bourke Street incident.
- There is a meeting with all local volunteers scheduled for early December to get ready for summer.

CFA – [REDACTED]

- Fire Danger Period commenced on 19 November 2018.
- Pre summer training for Brigades and Crew leaders will be completed by end of November.
- Pre summer briefings for senior personnel have been occurring and an interagency briefing completed.
- Few issues with hoarding have been coming up locally.



Victoria Police – [REDACTED]

- [REDACTED] advised he recently joined Jarred and some of council's bushland management staff and wish to congratulate them for the management of fire risk in bushland reserves.
- All VicPol members have undertaken bushfire emergency awareness training

Frankston SES – [REDACTED]

- Last night's storm did not result in too many calls to for assistance in the municipality.
- Since 1 January 2018 – 1000 calls for assistance – of those 750 for storm and 75 road rescue.
- Frankston SES personnel have also done fire ground awareness training.

Parks Vic/ FFMV – [REDACTED]

- Report sent (to be distributed with these minutes).
- Fence repairs and rehab works have been completed in the Pines Flora and Fauna Reserve.
- Asset protection zones in the south east section of the Langwarrin Flora and Fauna Reserve have been upgraded.
- There is potential for lower resources to be available for local event due to resourcing needs across the state, particularly Gippsland.
- They have sent a letter to neighbouring residents provided information about why they delay cutting the grass in the breaks until it has seeded and cured to reduce the amount of calls being received.
- Further works also occurring in Frankston Reservoir.

DHHS – [REDACTED]

- Already in full readiness mode given Gippsland fire restrictions began in August.
- [REDACTED] also advised she recently participated in a 2-day course with the Bureau of Meteorology and would recommend it to anyone interested.

Coast Guard – [REDACTED]

- [REDACTED] acknowledged council's support for securing their Flotilla a new location.
- The Flotilla had a quiet winter. Within 3 months there was only 17 calls, 11 of those occurred in the last 28 days but none life threatening.
- EMV has been increasing the resourcing for the Flotilla with a new search and rescue vessel.
- [REDACTED] also advised that the Flotilla is a specialist CFA Brigade and wants to upskill its members in staging area management.
- Blessing of the fleet was well attended and gave good publicity.

Peninsula Health – [REDACTED]

- Currently monitoring for thunderstorm asthma.
- Seeing slight increase in presentations due to the heat.



13. Natural Disaster Resilience Grant (NDRG)

- The Emergency Preparedness booklet has been developed through the collaborative efforts of Frankston City Council, City of Greater Dandenong, City of Kingston and Mornington Peninsula Shire.
- [REDACTED] gave a presentation of the booklet which will be delivered to community and council facilities and has an interactive website. The focus is on promoting emergency preparedness and can also be accessed on the Frankston City Council website, visit:
 - Frankston.vic.gov.au/getpreparedvideos
 - Emergencyprepare.com.au

14. Other Business

- Next MEMPC meeting Wednesday 27 February 2018

Meeting closed 3:40pm

Executive Summary**12.5 Instrument of Delegation S6 from Council to members of Council staff**

Enquiries: (Brianna Alcock: Corporate Development)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.3 Ensure good governance and management of Council resources
Priority Action	3.3.2 Implement a schedule of reviews of services, plans, policies and protocols to ensure good governance

Purpose

To adopt the *S6. Instrument of Delegation - Council to members of Council staff* and reflect updates to legislation and role changes since it was last adopted by Council on 13 August 2018.

Recommendation (Director Corporate Development)

That:

1. In the exercise of power conferred by Section 98(1) of the *Local Government Act 1989* and the other legislation referred to in *S6. Instrument of Delegation - Council to members of Council staff* (attached as Attachment A) Council resolves that these powers, duties and functions be delegated to staff. This is subject to the conditions and limitations specified in the Instrument of Delegation.
2. The Instrument of Delegation referred to above:
 - (i) Be signed and sealed;
 - (ii) Come into force immediately that the Common Seal of Council is affixed to the Instrument; and
 - (iii) Remain in force until Council determines to vary or revoke the Instrument.
3. On the coming into force of the Instrument, the previous Instrument which was adopted by Council on 13 August 2018 is revoked.
4. The duties and functions set out in the Instrument of Delegation are performed and the powers, duties and functions be executed in accordance with any guidelines or policies that Council may from time to time adopt.

Key Points / Issues

- At its Ordinary meeting on 10 July 2017, Council resolved that:
Appointment and revocation (including the reasoning) of staff delegation between Ordinary meetings be reported and must be kept up to date.
- Council has the power under section 98 of the *Local Government Act 1989*, or any other act, to delegate a member of its staff a power, duty or function of Council.
- Local Government is less operationally efficient if Council does not delegate the majority of its powers, duties and functions to staff.
- To ensure Council's powers are exercised lawfully the delegations should be reviewed regularly to accommodate changes to legislation or staff structure. Council conduct this review and complete an update every six months.
- This update takes into account legislative changes from January 2018 to 25 June 2018, received from Maddocks lawyers in July 2018, and reflects changes to council powers, duties and functions.

12.5 Instrument of Delegation S6 from Council to members of Council staff**Executive Summary**

- Outlined below is a summary of these changes:
 - The conditions and limitations column for s41A(1) in the *Domestic Animal Act* 1994 has been updated to reflect the new language in the Act
 - The *Heritage Act* 1995 has been replaced by the *Heritage Act* 2017 and the relevant provision for council has now changed from s84 (2) to s116
 - s181H of the *Local Government Act 1989* has been included in the s6. Instrument of Delegation to clarify when and how it can be delegated, as this is a power that can only be delegated to the Chief Executive Officer
 - Changes to the *Planning and Environment Act 1987* prompted by the *Planning and Environment Amendment (Public Land Contributions) Act 2018*, which commenced on 2 July 2018
 - Further changes to the *Planning and Environment Act 1987* have been made by the *Planning and Environment Amendment (Distinctive Areas and Landscapes) Act 2018* which include the insertion of s46w and s46AZK
- There have been no organisational structure or position title changes since the instrument was last reviewed in August 2018.
- A marked up version highlighting the changes to the *S6. Instrument of Delegation – Council to members of Council staff* is attached as Attachment B.
- Note, there have been no legislative changes to the *S5. Instrument of Delegation - Council to Chief Executive Officer*. However, a review is currently underway to identify any other updates required.

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 three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.50 per cent for 2019-2020.

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 the report. In regard to the infrastructure levies, Council does not collect, process and remit any funds to the government. Staff is merely required to sight a certificate issued by the State Revenue Office prior to approving any major development.

Consultation**1. Internal Stakeholders**

Council officers were consulted as part of this review to ensure that any updates are accurate and meet operational requirements.

12.5 Instrument of Delegation S6 from Council to members of Council staff**Executive Summary****2. Other Stakeholders**

Maddocks lawyers provide a model document for the S6. Instrument of Delegation to various councils as guidance and it is adhered to in this Instrument of Delegation.

Analysis (Environmental / Economic / Social Implications)

Delegation of powers enables efficient decision making on behalf of Council for delivery of services to the community.

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

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

Legal

The *Local Government Act 1989*, as well as other legislation, makes provision for the appointment of delegates to act on behalf of Council and a requirement to review all delegations within twelve months of an election.

Policy Impacts

There are no known policies impacts for 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

Council are required to update the instruments of delegation on a regular basis to accommodate any changes to legislation, organisational structure and role titles. Failure to provide regular updates may lead to decisions made becoming invalid, financial or reputational consequences.

Conclusion

Updates to the *S6. Instrument of Delegation - Council to members of Council staff* take into account any legislative changes since it was last adopted by Council on 13 August 2018 and maintains Council's powers, duties and functions delegated to staff.

ATTACHMENTS

Attachment A:[↓](#) Draft S6. Instrument of Delegation by Council for members of staff

Attachment B:[↓](#) Mark Up Version S6. Instrument of Delegation by Council to members of staff



Frankston City Council

S6. Instrument of Delegation

**Council
to
Members of Staff**

S6 Instrument of Delegation - Members of Staff

1. In exercise of the power conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached Schedule, the Council:

delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;

2. records that references in the Schedule are as follow:

CAP means	Coordinator Asset Planning
CCW means	Coordinator City Works
CEO means	Chief Executive Officer
CES means	Coordinator Engineering Services
COS means	Coordinator Open Spaces
CP means	Coordinator Prosecutions
CPG means	Coordinator Parks and Gardens
CPM means	Coordinator Property Management
CSC means	Coordinator Community Safety
CSM means	Manager Community Safety
CStrP means	Coordinator Strategic Planning
CSV means	Coordinator Specialist Vegetation
CWME means	City Works Maintenance Engineer
DBS means	Deputy Building Surveyor
DCA means	Director Community Assets
DComm means	Director Community Development
DCorp means	Director Corporate Development
EHC means	Co-ordinator Environmental Health
EHO means	Environmental Health Officers
EHT means	Environmental Health Technician
EMFR means	Executive Manager Frankston Revitalisation
FMPO means	Frankston Memorial Park Officer
FOIG means	FOI and Governance Officer
GCO means	Governance Compliance Officer
MACP means	Manager Administration and Corporate Projects
MBS means	Municipal Building Surveyor
MCS means	Manager Commercial Services
MCWD means	Manager Capital Works Delivery
MES means	Manager Engineering Services
MFCP means	Manager Finance and Corporate Planning
MFPO means	Municipal Fire Prevention Officer
MHR means	Manager Human Resources
MPP means	Major Projects Planner
MSA means	Manager Sustainable Assets
OPM means	Operations Manager
PAEM means	Planning and Environment Manager
PIO means	Planning Investigations Officer
PLSP means	Practice Leader Statutory Planning
PLT means	Payroll Team Leader
PPIO means	Planning Prosecutions Investigations Officer
SBS means	Senior Building Surveyor
SEHO means	Senior Environmental Health Officer
SIC means	Strategic Infrastructure Coordinator
SPC means	Statutory Planning Co-ordinator
SPTO means	Statutory Planning Technical Officer
SSP means	Senior Statutory Planner

SSTRP means	Senior Strategic Planner
StatP means	Statutory Planner
StrP means	Strategic Planner
SUBO means	Subdivisions Officer
TLPES means	Team Leader Planning & Environment Support
TLPM means	Team Leader Parks Maintenance
TLRRR means	Team Leader Rapid Response and Roadsides
TLSP means	Team Leader Statutory Planning

3. records that on the coming into force of this Instrument of Delegation from Council to Council Members Staff each delegation under the instrument dated 13 August 2018 is revoked.
4. declares that:
 - 4.1 this Instrument of Delegation is authorised by a resolution of Council passed on the 29 January 2019; and
 - 4.2 the delegation:
 - 4.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 4.2.2 remains in force until Council resolves to vary or revoke it;
 - 4.2.3 is subject to any conditions and limitations set out in sub-paragraph and the Schedule; and
 - 4.2.4 must be exercised in accordance with any guidelines or policies, which Council from time to time adopts;
 - 4.3 the delegate must not determine the issue, take the action or do the act or thing:
 - 4.3.1 if the issue, action, act or thing is an issue, act or thing which Council has previously designated as an issue, act or thing which must be the subject of a Resolution of Council; or
 - 4.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategy
 - (c) adopted by Council; or
 - 4.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or

4.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

THE COMMON SEAL of)
FRANKSTON CITY COUNCIL)
was affixed in the presence of:)

Councillor _____

Chief Executive Officer _____

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Schedule

S6 Instrument of Delegation - Members of Staff

Cemeteries and Crematoria Act 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.8(1)(a)(ii)	power to manage one or more public cemeteries	DCorp, FMPO, GCO, MACP	
s.12(1)	function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	DCorp, FMPO, GCO, MACP	where Council is a Class B cemetery trust
s.12(2)	duty to have regard to the matters set out in paragraphs (a)-(c) in exercising its functions	DCorp, FMPO, GCO, MACP	where Council is a Class B cemetery trust
s.13	duty to do anything necessary or convenient to enable it to carry out its functions	DCorp, FMPO, GCO, MACP	
s.14	power to manage multiple public cemeteries as if they are one cemetery	DCorp, FMPO, GCO, MACP	
s.15(1) and (2)	power to delegate powers or functions other than those listed	DCorp, FMPO, GCO, MACP	
s.15(4)	duty to keep records of delegations	DCorp, FMPO, GCO, MACP	
s.17(1)	power to employ any persons necessary	DComm, DCorp, MACP, OPM	
s.17(2)	power to engage any professional, technical or other assistance considered necessary	CPG, DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	
s.17(3)	power to determine the terms and conditions of employment or engagement	DComm, DCorp, MACP, MHR, OPM	subject to any guidelines or directions of the Secretary
s.18(3)	duty to comply with a direction from the Secretary	DComm, DCorp, FMPO, GCO, MACP, OPM	
s.19	power to carry out or permit the carrying out of works	CPG, DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	
s.20(1)	duty to set aside areas for the interment of human remains	DCorp, FMPO, GCO, MACP	
s.20(2)	power to set aside areas for the purposes of managing a public cemetery	DCorp, FMPO, GCO, MACP	
s.20(3)	power to set aside areas for those things in paragraphs (a) - (e)	DCorp, FMPO, GCO, MACP	
s.24(2)	power to apply to the Secretary for approval to alter the existing distribution of land	DCorp, FMPO, GCO, MACP	
s.36	power to grant licences to enter and use part of the land or building in a public cemetery in accordance with this section	DCorp, FMPO, GCO, MACP	subject to the approval of the Minister

Cemeteries and Crematoria Act 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s.37	power to grant leases over land in a public cemetery in accordance with this section	To be retained by Council	subject to the Minister approving the purpose
s.40	duty to notify Secretary of fees and charges fixed under section 39	DCorp, FMPO, GCO, MACP	
s.47	power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	To be retained by Council	provided the street was constructed pursuant to the Local Government Act 1989
s.57(1)	duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	DCorp, FMPO, GCO, MACP	report must contain the particulars listed in s.57(2)
s.59	duty to keep records for each public cemetery	DCorp, FMPO, GCO, MACP	
s.60(1)	duty to make information in records available to the public for historical or research purposes	DCorp, FMPO, GCO, MACP	
s.60(2)	power to charge fees for providing information	DCorp, FMPO, GCO, MACP	
s.64(4)	duty to comply with a direction from the Secretary under section 64(3)	DCorp, FMPO, GCO, MACP	
s.64B(d)	power to permit interments at a reopened cemetery	DCorp, FMPO, GCO, MACP	
s.66(1)	power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	DCorp, FMPO, GCO, MACP	the application must include the requirements listed in s.66(2)(a)-(d)
s.69	duty to take reasonable steps to notify of conversion to historic cemetery park	DCorp, FMPO, GCO, MACP	
s.70(1)	duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	DCorp, FMPO, GCO, MACP	
s.70(2)	duty to make plans of existing place of interment available to the public	DCorp, FMPO, GCO, MACP	
s.71(1)	power to remove any memorials or other structures in an area to which an approval to convert applies	DCorp, FMPO, GCO, MACP	
s.71(2)	power to dispose of any memorial or other structure removed	DCorp, FMPO, GCO, MACP	
s.72(2)	duty to comply with request received under section 72	DCorp, FMPO, GCO, MACP	
s.73(1)	power to grant a right of interment	DCorp, FMPO, GCO, MACP	
s.73(2)	power to impose conditions on the right of interment	DCorp, FMPO, GCO, MACP	
s.75	power to grant the rights of interment set out in subsections (a) and (b)	DCorp, FMPO, GCO, MACP	
s.76(3)	duty to allocate a piece of interment if an unallocated right is granted	DCorp, FMPO, GCO, MACP	

Cemeteries and Crematoria Act 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s.77(4)	power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	DCorp, FMPO, GCO, MACP	
s.80(1)	function of receiving notification and payment of transfer of right of interment	DCorp, FMPO, GCO, MACP	
s.80(2)	function of recording transfer of right of interment	DCorp, FMPO, GCO, MACP	
s.82(2)	duty to pay refund on the surrender of an unexercised right of interment	DCorp, FMPO, GCO, MACP	
s.83(2)	duty to pay refund on the surrender of an unexercised right of interment (sole holder)	DCorp, FMPO, GCO, MACP	
s.83(3)	power to remove any memorial and grant another right of interment for a surrendered right of interment	DCorp, FMPO, GCO, MACP	
s.84(1)	function of receiving notice of surrendering an entitlement to a right of interment	DCorp, FMPO, GCO, MACP	
s.85(1)	duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	DCorp, FMPO, GCO, MACP	the notice must be in writing and contain the requirements listed in s.85(2)
s.85(2)(b)	duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	DCorp, FMPO, GCO, MACP	does not apply where right of interment relates to remains of a deceased veteran.
s.85(2)(c)	power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or; remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.	DCorp, FMPO, GCO, MACP	may only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment
s.86	power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	DCorp, FMPO, GCO, MACP	
s.86(2)	power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	CPG, DComm, DCorp, FMPO, FOIG, GCO, MACP, OPM, TLPM, TLRRR	
s.86(3)(a)	power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	CPG, DComm, DCorp, FMPO, FOIG, GCO, MACP, OPM, TLPM, TLRRR	
s.86(3)(b)	power to remove interred cremated human remains and take further action in accordance with s.86(3)(b)	CPG, DComm, DCorp, FMPO, FOIG, GCO, MACP, OPM, TLPM, TLRRR	

Cemeteries and Crematoria Act 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s.86(4)	power to take action under s.86(4) relating to removing and re-interring cremated human remains	CPG, DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	
s.86(5)	duty to provide notification before taking action under s.86(4)	CPG, DComm, DCorp, FMPO, FOIG, GCO, MACP, OPM, TLPM, TLRRR	
s.86A	duty to maintain place of interment and any memorial at place of interment, if action taken under s.86(3)	CPG, DComm, DCorp, FMPO, FOIG, GCO, MACP, OPM, TLPM, TLRRR	
s.87(3)	duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	DCorp, FMPO, GCO, MACP	
s.88	function to receive applications to carry out a lift and re-position procedure at a place of interment	DCorp, FMPO, GCO, MACP	
s.91(1)	power to cancel a right of interment in accordance with this section	DCorp, FMPO, GCO, MACP	
s.91(3)	duty to publish notice of intention to cancel right of interment	DCorp, FMPO, GCO, MACP	
s.92	power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	DCorp, FMPO, GCO, MACP	
s.98(1)	function of receiving application to establish or alter a memorial or a place of interment	DCorp, FMPO, GCO, MACP	
s.99	power to approve or refuse an application made under section 98, or to cancel an approval	DCorp, FMPO, GCO, MACP	
s.99(4)	duty to make a decision on an application under section 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	DCorp, FMPO, GCO, MACP	
s.100(1)	power to require a person to remove memorials or places of interment	DCorp, FMPO, GCO, MACP	
s.100(2)	power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with section 100(1)	DCorp, FMPO, GCO, MACP	
s.100(3)	power to recover costs of taking action under section 100(2)	DCorp, FMPO, GCO, MACP	
s.101	function of receiving applications to establish or alter a building for ceremonies in the cemetery	DCorp, FMPO, GCO, MACP	
s.102(1)	power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	DCorp, FMPO, GCO, MACP	

Cemeteries and Crematoria Act 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s.102(2) & (3)	power to set terms and conditions in respect of, or to cancel, an approval granted under section 102(1)	DCorp, FMPO, GCO, MACP	
s.103(1)	power to require a person to remove a building for ceremonies	DCorp, FMPO, GCO, MACP	
s.103(2)	power to remove and dispose of a building for ceremonies or remedy the failure to comply with section 103(1)	DCorp, FMPO, GCO, MACP	
s.103(3)	power to recover costs of taking action under section 103(2)	DCorp, FMPO, GCO, MACP	
s.106(1)	power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	DCorp, FMPO, GCO, MACP	
s.106(2)	power to require the holder of the right of interment to provide for an examination	DCorp, FMPO, GCO, MACP	
s.106(3)	power to open and examine the place of interment if section 106(2) not complied with	DCorp, FMPO, GCO, MACP	
s.106(4)	power to repair or - with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under section 106(1) is not complied with	DCorp, FMPO, GCO, MACP	
s.107(1)	power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	DCorp, FMPO, GCO, MACP	
s.107(2)	power to repair or take down, remove and dispose any building for ceremonies if notice under section 107(1) is not complied with	DCorp, FMPO, GCO, MACP	
s.108	power to recover costs and expenses	DCorp, FMPO, GCO, MACP	
s.109(1)(a)	power to open, examine and repair a place of interment	DCorp, FMPO, GCO, MACP	where the holder of right of interment or responsible person cannot be found
s.109(1)(b)	power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	DCorp, FMPO, GCO, MACP	where the holder of right of interment or responsible person cannot be found
s.109(2)	power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	DCorp, FMPO, GCO, MACP	where the holder of right of interment or responsible person cannot be found
s.110(1)	power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	DCorp, FMPO, GCO, MACP	
s.110(2)	power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	DCorp, FMPO, GCO, MACP	
s.110A	power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	DCorp, MACP	

Cemeteries and Crematoria Act 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s.111	power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	DCorp, FMPO, GCO, MACP	
s.112	power to sell and supply memorials	DCorp, FMPO, GCO, MACP	
s.116(4)	duty to notify the Secretary of an interment authorisation granted	DCorp, FMPO, GCO, MACP	
s.116(5)	power to require an applicant to produce evidence of the right of interment holder's consent to application	DCorp, FMPO, GCO, MACP	
s.118	power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	DCorp, FMPO, GCO, MACP	
s.119	power to set terms and conditions for interment authorisations	DCorp, FMPO, GCO, MACP	
s.131	function of receiving an application for cremation authorisation	To be retained by Council	
s.133(1)	duty not to grant a cremation authorisation unless satisfied that requirements of section 133 have been complied with	To be retained by Council	Subject to subsection (2)
s.145	duty to comply with an order made by the Magistrates' Court or a coroner	DCorp, FMPO, GCO, MACP	
s.146	power to dispose of bodily remains by a method other than interment or cremation	DCorp, FMPO, GCO, MACP	subject to the approval of the Secretary
s.147	power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	DCorp, FMPO, GCO, MACP	
s.149	duty to cease using method of disposal if approval revoked by the Secretary	DCorp, FMPO, GCO, MACP	
s.150 & 152(1)	power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	DCorp, FMPO, GCO, MACP	
s.151	function of receiving applications to inter or cremate body parts	DCorp, FMPO, GCO, MACP	
s.152(2)	power to impose terms and conditions on authorisation granted under section 150.	DCorp, FMPO, GCO, MACP	
Schedule 1 clause 8(3)	power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	DCorp, FMPO, GCO, MACP	
Schedule 1 clause 8(8)	power to regulate own proceedings	DCorp, FMPO, GCO, MACP	where Council is a Class B cemetery trust subject to clause 8
Schedule 1A clause 8(8)	power to regulate own proceedings	DCorp, FMPO, GCO, MACP	subject to clause 8

Domestic Animals Act 1994			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.41A(1)	power to declare a dog to be a menacing dog	CSC, CSM, DComm	Council may delegate this power to a Council authorised officer
Environment Protection Act 1970			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.53M(3)	power to require further information	CSM, DComm, EHC, EHO, SEHO	
s.53M(4)	duty to advise applicant that application is not to be dealt with	CSM, DComm, EHC, EHO, SEHO	
s.53M(5)	duty to approve plans, issue permit or refuse permit	CSM, DComm, EHC, EHO, SEHO	refusal must be ratified by Council or it is of no effect
s.53M(6)	power to refuse to issue septic tank permit	CSM, DComm, EHC, EHO, SEHO	refusal must be ratified by Council or it is of no effect
s.53M(7)	duty to refuse to issue a permit in circumstances in (a)-(c)	CSM, DComm, EHC, EHO, SEHO	refusal must be ratified by Council or it is of no effect
Food Act 1984			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.19(2)(a)	power to direct by written order that the food premises be put into a clean and sanitary condition	CSM, DComm, EHC, EHO, SEHO	If section 19(1) applies
s.19(2)(b)	power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	CSM, DComm, EHC, EHO, SEHO	If section 19(1) applies
s.19(3)	power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	CSM, DComm, EHC, EHO, SEHO	If section 19(1) applies Only in relation to temporary food premises or mobile food premises
s.19(4)(a)	power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	CSM, DComm, EHC, EHO, SEHO	If section 19(1) applies
s.19(6)(a)	duty to revoke any order under section 19 if satisfied that an order has been complied with	CSM, DComm, EHC, EHO, SEHO	If section 19(1) applies
s.19(6)(b)	duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	CSM, DComm, EHC, EHO, SEHO	If section 19(1) applies
s.19AA(2)	power to direct, by written order, that a person must take any of the actions described in (a)-(c).	To be retained by Council	where Council is the registration authority

Food Act 1984			
s.19AA(4)(c)	power to direct, in an order made under s.19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	To be retained by Council	Note: the power to direct the matters under s.19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s.19AA(7)	duty to revoke order issued under s.19AA and give written notice of revocation, if satisfied that that order has been complied with	To be retained by Council	where Council is the registration authority
s.19CB(4)(b)	power to request copy of records	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.19E(1)(d)	power to request a copy of the food safety program	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.19GB	power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.19M(4)(a) & (5)	power to conduct a food safety audit and take actions where deficiencies are identified	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.19NA(1)	power to request food safety audit reports	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.19U(3)	power to waive and vary the costs of a food safety audit if there are special circumstances	CSM, DComm, EHC, EHO, SEHO	
s.19UA	power to charge fees for conducting a food safety assessment or inspection	CSM, DComm, EHC, EHO, SEHO	except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39.
s.19W	power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.19W(3)(a)	power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.19W(3)(b)	power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
	power to register, renew or transfer registration	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see section 58A(2))
s.38AA(5)	power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority

Food Act 1984			
s.38AB(4)	power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1)	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.38A(4)	power to request a copy of a completed food safety program template	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.38B(1)(a)	duty to assess the application and determine which class of food premises under section 19C the food premises belongs	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.38D(1)	duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.38D(3)	power to request copies of any audit reports	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.38E(2)	power to register the food premises on a conditional basis	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority not exceeding the prescribed time limit defined under subsection (5).
s.38E(4)	duty to register the food premises when conditions are satisfied	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.39A	power to register, renew or transfer food premises despite minor defects	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority only if satisfied of matters in subsections (2)(a)-(c)
s.40(2)	power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	CSM, DComm, EHC, EHO, SEHO	
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.40D(1)	power to suspend or revoke the registration of food premises	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.43F(6)	duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.43F(7)	power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority

Food Act 1984			
s.46(5)	power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
Heritage Act 2017			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.116	power to sub-delegate Executive Director's functions, duties or powers	DComm, PAEM	must first obtain Executive Director's written consent Council can only sub-delegate if the instrument of delegation from the Executive Director authorises sub-delegation
Local Government Act 1989			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.181H	power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	CEO	The Chief Executive Officer must not delegate the power delegated to the CEO under subsection 181H to any other person
Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.4B	power to prepare an amendment to the Victorian Planning Provisions	To be retained by Council	if authorised by the Minister
s.4G	function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	CStrP, DComm, PAEM	
s.4H	duty to make amendment to Victoria Planning Provisions available	CStrP, DComm, PAEM	
s.4I	duty to keep Victorian Planning Provisions and other documents available	CStrP, DComm, PAEM	
s.8A(2)	power to prepare amendment to the planning scheme where the Minister has given consent under s.8A	CStrP, DComm, PAEM	
s.8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	CStrP, DComm, PAEM	
s.8A(5)	function of receiving notice of the Minister's decision	CStrP, DComm, PAEM	
s.8A(7)	power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	CStrP, DComm, PAEM	

Planning and Environment Act 1987			
s.8B(2)	power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	To be retained by Council	
s.12(3)	power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	To be retained by Council	
s.12A(1)	duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under section 19 of the Planning and Environment (Planning Schemes) Act 1996)	To be retained by Council	
s.12B(1)	duty to review planning scheme	CStrP, DComm, PAEM	
s.12B(2)	duty to review planning scheme at direction of Minister	CStrP, DComm, PAEM	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	CStrP, DComm, PAEM	
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	CStrP, DComm, MPP, PAEM	
s.17(1)	duty of giving copy amendment to the planning scheme	CStrP, DComm, MPP, PAEM	
s.17(2)	duty of giving copy s.173 agreement	CStrP, DComm, MPP, PAEM	
s.17(3)	duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CStrP, DComm, MPP, PAEM	
s.18	duty to make amendment etc. available	CStrP, DComm, MPP, PAEM	
s.19	power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under section 19 to a planning scheme	To be retained by Council	
s.19	function of receiving notice of preparation of an amendment to a planning scheme	To be retained by Council	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s.20(1)	power to apply to Minister for exemption from the requirements of section 19	To be retained by Council	
s.21(2)	duty to make submissions available	CStrP, DComm, MPP, PAEM	
s.21A(4)	duty to publish notice in accordance with section	CStrP, DComm, MPP, PAEM	
s.22	duty to consider all submissions	CStrP, DComm, MPP, PAEM	except submissions which request a change to the items in s.22(5)(a) and (b)
s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	CStrP, PAEM	

Planning and Environment Act 1987			
s.23(2)	power to refer to a panel submissions which do not require a change to the amendment	To be retained by Council	
s.24	function to represent Council and present a submission at a panel hearing (including a hearing referred to in section 96D)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SSP, TLSP	
s.26(1)	power to make report available for inspection	CStrP, DComm, MPP, PAEM, PLSP, SPC, SSP, TLSP	
s.26(2)	duty to keep report of panel available for inspection	CStrP, DComm, MPP, PAEM, PLSP, SPC, SSP, TLSP	
s.27(2)	power to apply for exemption if panel's report not received	To be retained by Council	
s.28	duty to notify the Minister if abandoning an amendment	CStrP, DComm, MPP, PAEM, PLSP, SPC, SSP, TLSP	Note: the power to make a decision to abandon an amendment cannot be delegated
s.30(4)(a)	duty to say if amendment has lapsed	CStrP, DComm, MPP, PAEM	
s.30(4)(b)	duty to provide information in writing upon request	CStrP, DComm, MPP, PAEM	
s.32(2)	duty to give more notice if required	CStrP, DComm, MPP, PAEM	
s.33(1)	duty to give more notice of changes to an amendment	CStrP, DComm, MPP, PAEM	
s.36(2)	duty to give notice of approval of amendment	CStrP, DComm, MPP, PAEM	
s.38(5)	duty to give notice of revocation of an amendment	CStrP, DComm, MPP, PAEM	
s.39	function of being a party to a proceeding commenced under section 39 and duty to comply with determination by VCAT	CStrP, DComm, MPP, PAEM	
s.40(1)	function of lodging copy of approved amendment	CStrP, DComm, MPP, PAEM	
s.41	duty to make approved amendment available	CStrP, DComm, MPP, PAEM	
s.42	duty to make copy of planning scheme available	CStrP, DComm, MPP, PAEM	
s.46AS(ac)	power to request the Victorian Planning Authority (VPA) to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria	CStrP, DComm, PAEM	
s.46AW	function of being consulted by the Minister	CStrP, DComm, PAEM, SPC	where Council is a responsible public entity
s.46AX	function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy	CStrP, DComm, PAEM, SPC	where Council is a responsible public entity

Planning and Environment Act 1987			
	power to endorse the draft Statement of Planning Policy		
s.46AZC(2)	duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	CStrP, DComm, MPP, PAEM	where Council is a responsible public entity
s.46AZK	duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	where Council is a responsible public entity
s.46GI(2)(b)(i)	power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s.46GJ(1)	function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	CStrP, DComm, PAEM, SPC	
s.46GK	duty to comply with a Minister's direction that applies to Council as the planning authority	CStrP, DComm, PAEM, SPC	
s.46GN(1)	duty to arrange for estimates of values of inner public purpose land	CStrP, DComm, PAEM, SPC	
s.46GO(1)	duty to give notice to owners of certain inner public purpose land	CStrP, DComm, PAEM, SPC	
s.46GP	function of receiving a notice under s.46GO	CStrP, DComm, PAEM, SPC	where Council is the collecting agency
s.46GQ	function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	CStrP, DComm, PAEM, SPC	
s.46GR(1)	duty to consider every submission that is made by the closing date for submissions included in the notice under s.46GO	CStrP, DComm, PAEM, SPC	
s.46GR(2)	power to consider a late submission duty to consider a late submission if directed to do so by the Minister	CStrP, DComm, PAEM, SPC	
s.46GS(1)	power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s.46GQ	CStrP, DComm, PAEM, SPC	
s.46GS(2)	duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	CStrP, DComm, PAEM, SPC	
s.46GT(2)	duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CStrP, DComm, PAEM, SPC	

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s.46GT(4)	function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	CStrP, DComm, PAEM, SPC	
s.46GT(6)	function of receiving, from the valuer-general, written notice of a determination under s.46GT(5)	CStrP, DComm, PAEM, SPC	
s.46GU	duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s.46GU(1)(a) and (b) are met	CStrP, DComm, PAEM, SPC	
s.46GV(3)	function of receiving the monetary component and any land equalisation amount of the infrastructure contribution power to specify the manner in which the payment is to be made	CStrP, DComm, PAEM, SPC	where Council is the collecting agency
s.46GV(3)(b)	power to enter into an agreement with the applicant	DComm	where Council is the collecting agency
s.46GV(4)(a)	function of receiving the inner public purpose land in accordance with s.46GV(5) and (6)	DComm	where Council is the development agency
s.46GV(4)(b)	function of receiving the inner public purpose land in accordance with s.46GV(5) and (6)	DComm	where Council is the collecting agency
s.46GV(7)	duty to impose the requirements set out in s.46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	CStrP, DComm, PAEM, SPC	
s.46GV(9)	power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	CStrP, DComm, PAEM, SPC	where Council is the collecting agency
s.46GX(1)	power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	where Council is the collecting agency
s.46GX(2)	duty, before accepting the provision of works, services or facilities by an applicant under s.46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	CStrP, DComm, PAEM, SPC	where Council is the collecting agency
s.46GY(1)	duty to keep proper and separate accounts and records	CStrP, DComm, PAEM, SPC	where Council is the collecting agency
s.46GY(2)	duty to keep the accounts and records in accordance with the Local Government Act 1989	CStrP, DComm, PAEM, SPC	where Council is the collecting agency
s.46GZ(2)(a)	duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	DComm	where Council is the collecting agency under an approved infrastructure contributions plan this duty does not apply where Council is that planning authority

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s.46GZ(2)(a)	function of receiving the monetary component	DComm	where the Council is the planning authority this duty does not apply where Council is also the collecting agency
s.46GZ(2)(b)	duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities	CStrP, DComm, PAEM	where Council is the collecting agency under an approved infrastructure contributions plan this provision does not apply where Council is also the relevant development agency
s.46GZ(2)(b)	function of receiving the monetary component	DComm	where Council is the development agency under an approved infrastructure contributions plan this provision does not apply where Council is also the collecting agency
s.46GZ(4)	duty to use any land equalisation amounts to pay land credit amounts under s.46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s.46GZ(5)	DComm	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZ(5)	duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	CStrP, DComm, DCorp, MFCP, PAEM, TLPES	where Council is the collecting agency under an approved infrastructure contributions plan this provision does not apply where Council is also the relevant development agency
s.46GZ(5)	function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	DComm	where Council is the development agency specified in the approved infrastructure contributions plan

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			this provision does not apply where Council is also the collecting agency
s.46GZ(7)	duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s.46GW	DComm	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZ(9)	duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	CStrP, DComm, DCorp, MFCP, PAEM, TLPES	if any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s.46GV(4) where Council is the collecting agency under an approved infrastructure contributions plan this duty does not apply where Council is also the development agency
s.46GZ(9)	function of receiving the fee simple in the land	DComm	where Council is the development agency under an approved infrastructure contributions plan this duty does not apply where Council is also the collecting agency
s.46GZA(1)	duty to keep proper and separate accounts and records	CStrP, DComm, PAEM, SPC	where Council is a development agency under an approved infrastructure contributions plan
s.46GZA(2)	duty to keep the accounts and records in accordance with the Local Government Act 1989	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	where Council is a development agency under an approved infrastructure contributions plan
s.46GZB(3)	duty to follow the steps set out in s.46GZB(3)(a) – (c)	CStrP, DComm, PAEM, SPC	where Council is a development agency under an approved infrastructure contributions plan
s.46GZB(4)	duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	CStrP, DComm, PAEM	if the VPA is the collecting agency under an approved infrastructure contributions plan where Council is a development agency

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			under an approved infrastructure contributions plan
s.46GZD(2)	duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s.46GZD(2)(a) and (b)	CStrP, DComm, PAEM, SPC	where Council is the development agency under an approved infrastructure contributions plan
s.46GZD(3)	duty to follow the steps set out in s.46GZD(3)(a) and (b)	CStrP, DComm, PAEM, SPC	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZD(5)	duty to make payments under s.46GZD(3) in accordance with ss.46GZD(5)(a) and 46GZD(5)(b)	CStrP, DComm, PAEM	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZE(2)	duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	DComm, MFCP, PAEM	where Council is the development agency under an approved infrastructure contributions plan this duty does not apply where Council is also the collecting agency
s.46GZE(2)	function of receiving the unexpended land equalisation amount	DComm	where Council is the collecting agency under an approved infrastructure contributions plan this duty does not apply where Council is also the development agency
s.46GZE(3)	duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s.46GZE(3)(a) and (b)	CStrP, DComm, PAEM, SPC	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZF(2)	duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	DComm	where Council is the development agency under an approved infrastructure contributions plan
s.46GZF(3)	duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	CStrP, DComm, PAEM, SPC	where Council is the development agency under an approved infrastructure contributions plan
s.46GZF(3)	s.46GZF(3)(a) function of receiving proceeds of sale	DComm	where Council is the collection agency under an approved infrastructure contributions plan

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			this provision does not apply where Council is also the development agency
s.46GZF(4)	duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s.46GZF(5)	DComm	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZF(6)	duty to make the payments under s.46GZF(4) in accordance with s.46GZF(6)(a) and (b)	DComm	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZH	power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	DComm	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZI	duty to prepare and give a report to the Minister at the times required by the Minister	DComm, MFCP, PAEM	where Council is a collecting agency or development agency
s.46GZK	power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	DComm	where Council is a collecting agency or development agency
s.46LB(3)	duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s.46LB (2)	DComm	
s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	DComm, PAEM	
s.46O(1)(a) & (2)(a)	power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	DBS, DComm, MBS, PAEM, SBS	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	DComm, PAEM	
s.46P(1)	power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	

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s.46Q(1)	duty to keep proper accounts of levies paid	DCorp, MFCP	
s.46Q(1A)	duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency or plan preparation costs incurred by a development agency	CStrP, DComm, DCorp, MFCP, PAEM, TLPES	
s.46Q(2)	duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	DCA, DCorp, MES, MFCP	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	DComm, PAEM	only applies when levy is paid to Council as a 'development agency'
s.46Q(4)(c)	duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal Council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s.46Q(4)(a)	DComm, DCorp, MFCP, PAEM	must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s.46Q(4)(d)	duty to submit to the Minister an amendment to the approved development contributions plan	CStrP, DComm, MPP, PAEM	must be done in accordance with Part 3
s.46Q(4)(e)	duty to expend that amount on other works etc.	DCA, DComm, DCorp, MES, MFCP	with the consent of, and in the manner approved by, the Minister
s.46QC	power to recover any amount of levy payable under Part 3B	DComm, PAEM	
s.46QD	duty to prepare report and give a report to the Minister	DComm, PAEM	where Council is a collecting agency or development agency
s.46V(3)	duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	CStrP, DComm, MPP, PAEM	
s.46Y	duty to carry out works in conformity with the approved strategy plan	DCA, DComm, MES, PAEM	
s.47	power to decide that an application for a planning permit does not comply with that Act	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, SUBO, TLSP	
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, SUBO, TLPES, TLSP	
s.49(2)	duty to make register available for inspection	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, SUBO, TLPES, TLSP	

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s.50(4)	duty to amend application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, SUBO, TLSP	
s.50(5)	power to refuse to amend application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.50(6)	duty to make note of amendment to application in register	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.50A(1)	power to make amendment to application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.50A(4)	duty to note amendment to application in register	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.51	duty to make copy of application available for inspection	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.52(1)(a)	duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.52(1)(b)	duty to give notice of the application to other municipal Councils where appropriate	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.52(1)(ca)	duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	

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s.52(1)(cb)	duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.52(3)	power to give any further notice of an application where appropriate	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.54(1)	power to require the applicant to provide more information	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.54(1A)	duty to give notice in writing of information required under section 54(1)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.54(1B)	duty to specify the lapse date for an application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time und section 54A(3)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	

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s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	To be retained by Council
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP
s.57(5)	duty to make available for inspection copy of all objections	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP
s.57A(4)	duty to amend application in accordance with applicant's request, subject to section 57A(5)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP
s.57A(5)	power to refuse to amend application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP
s.57A(6)	duty to note amendments to application in register	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP
s.57B(1)	duty to determine whether and to whom notice should be given	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP
s.57B(2)	duty to consider certain matters in determining whether notice should be given	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP
s.57C(1)	duty to give copy of amended application to referral authority	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP
s.58	duty to consider every application for a permit	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP
s.58A	power to request advice from the Planning Application Committee	DComm, PAEM, PLSP, SPC, TLSP

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s.60	duty to consider certain matters	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.60(1A)	power to consider certain matters before deciding on application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.60(1B)	duty to consider number of objectors in considering whether use or development may have significant social effect	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO	
s.61(1)	power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	DComm, MPP, PAEM, PLSP, SPC, TLSP	the permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006
s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.62(1)	duty to include certain conditions in deciding to grant a permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.62(2)	power to include other conditions	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.62(5)(b)	power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement	DComm, MPP, PAEM, PLSP, SPC, TLSP	

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s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.62(6)(a)	duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss.46N(1), 46GV(7) or 62(5)	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.62(6)(b)	duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in section 62(1)(a)	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64(3)	duty not to issue a permit until after the specified period	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64(5)	duty to give each objector a copy of an exempt decision	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64A	duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	this provision applies also to a decision to grant an amendment to a permit - see section 75A
s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.66(1)	duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority

Planning and Environment Act 1987			
s.66(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	if the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s.66(6)	duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under section 64 or 65	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s.69(1)	function of receiving application for extension of time of permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.69(1A)	function of receiving application for extension of time to complete development	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.69(2)	power to extend time	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.70	duty to make copy permit available for inspection	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.71(1)	power to correct certain mistakes	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.71(2)	duty to note corrections in register	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.73	power to decide to grant amendment subject to conditions	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.74	duty to issue amended permit to applicant if no objectors	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	

Planning and Environment Act 1987			
s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	if the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	if the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under section 64 or 76	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	if the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s.76D	duty to comply with direction of Minister to issue amended permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.83	function of being respondent to an appeal	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.83B	duty to give or publish notice of application for review	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.84(2)	duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.84(3)	duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	

Planning and Environment Act 1987			
s.84(6)	duty to issue permit on receipt of advice within 3 working days	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.84AB	power to agree to confining a review by the Tribunal	DComm	
s.86	duty to issue a permit at order of Tribunal within 3 working days	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	DComm, PAEM, PPIO, SPC	
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	DComm, PAEM, PIO, PPIO, SPC	
s.91(2)	duty to comply with the directions of VCAT	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.91(2A)	duty to issue amended permit to owner if Tribunal so directs	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	DComm, MPP, PAEM, PIO, PLSP, PPIO, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.93(2)	duty to give notice of VCAT order to stop development	DComm, MPP, PAEM, PIO, PLSP, PPIO, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.95(3)	function of referring certain applications to the Minister	DComm, PAEM, PLSP, SPC, TLSP	
s.95(4)	duty to comply with an order or direction	DComm, MPP, PAEM, PIO, PLSP, PPIO, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	DComm, PAEM, PLSP, SPC, TLSP	
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DComm, PAEM, PLSP, SPC, TLSP	
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	To be retained by Council	

Planning and Environment Act 1987			
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	To be retained by Council	
s.96F	duty to consider the panel's report under section 96E	To be retained by Council	
s.96G(1)	power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under section 23 of the Planning and Environment (Planning Schemes) Act 1996)	To be retained by Council	
s.96H(3)	power to give notice in compliance with Minister's direction	CStrP, DComm, MPP, PAEM, PLSP, SPC, SSP, StatP, TLSP	
s.96J	power to issue permit as directed by the Minister	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.96K	duty to comply with direction of the Minister to give notice of refusal	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.96Z	duty to keep levy certificates given to it under ss. 47 or 96A for no less than 5 years from receipt of the certificate	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.97C	power to request Minister to decide the application	To be retained by Council	
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.97G(3)	function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.97G(6)	duty to make a copy of permits issued under section 97F available for inspection	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.97L	duty to include Ministerial decisions in a register kept under section 49	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	

Planning and Environment Act 1987			
s.97MH	duty to provide information or assistance to the Planning Application Committee	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.97MI	duty to contribute to the costs of the Planning Application Committee or subcommittee	To be retained by Council	
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.97Q(4)	duty to comply with directions of VCAT	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	DComm, PAEM, SPC	
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	DComm, PAEM, SPC	
s.101	function of receiving claim for expenses in conjunction with claim	DComm, PAEM, SPC	
s.103	power to reject a claim for compensation in certain circumstances	DComm, PAEM, SPC	
s.107(1)	function of receiving claim for compensation	DComm, PAEM, SPC	
s.107(3)	power to agree to extend time for making claim	DComm, PAEM, SPC	
s.114(1)	power to apply to the VCAT for an enforcement order	DComm, PAEM, PIO, PPIO, SPC	
s.117(1)(a)	function of making a submission to the VCAT where objections are received	DComm, PAEM, PIO, PPIO, SPC	
s.120(1)	power to apply for an interim enforcement order where section 114 application has been made	DComm, PAEM, PIO, PPIO, SPC	
s.123(1)	power to carry out work required by enforcement order and recover costs	DComm, PAEM, PIO, PPIO, SPC	

Planning and Environment Act 1987			
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	DComm, PAEM, SPC	except Crown Land
s.129	function of recovering penalties	DComm, PAEM, PIO, PPIO, SPC	
s.130(5)	power to allow person served with an infringement notice further time	DComm, PAEM, PIO, PPIO, SPC	
s.149A(1)	power to refer a matter to the VCAT for determination	To be retained by Council	
s.149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	DComm, PAEM, SPC	
s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under subsection (2B)power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)	CStrP, DComm, PAEM, SPC	where Council is the relevant planning authority
s.171(2)(f)	power to carry out studies and commission reports	CStrP, DComm, PAEM, SPC	
s.172C	power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	DComm	where Council is a development agency specified in an approved infrastructure contributions plan
s.172D(1)	power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s.46GV(4)	DComm	where Council is a collecting agency specified in an approved infrastructure contributions plan
s.172D(2)	power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s.46GV(4)	DComm	where Council is the development agency specified in an approved infrastructure contributions plan
s.171(2)(g)	power to grant and reserve easements	DComm, PAEM, SPC	
s.173(1)	power to enter into agreement covering matters set out in section 174	DComm, PAEM	
s.173(1A)	power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	DComm, PAEM	where Council is the relevant responsible authority note: this provision is not yet in force and will commence on 1 June 2018, if not proclaimed earlier
	power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	DComm, PAEM, PLSP, SPC, TLSP	

Planning and Environment Act 1987			
	power to give consent on behalf of Council, where an agreement made under section 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	DComm, PAEM, PLSP, SPC, TLSP	
s.177(2)	power to end a section 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DComm, PAEM, SPC	
s.178	power to amend a s.173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DComm, PAEM, SPC	
s.178A(1)	function of receiving application to amend or end an agreement	DComm, PAEM, SPC	
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	DComm, PAEM, SPC	
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DComm, PAEM, SPC	
s.178A(5)	power to propose to amend or end an agreement	DComm, PAEM, SPC	
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	DComm, PAEM, SPC	
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	DComm, PAEM, SPC	
s.178C(2)	duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	DComm, PAEM, SPC	
s.178C(4)	function of determining how to give notice under s.178C(2)	DComm, PAEM, SPC	
s.178E(1)	duty not to make decision until after 14 days after notice has been given	DComm, PAEM, SPC	
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	DComm, PAEM, SPC	If no objections are made under s.178D Must consider matters in s.178B
s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	DComm, PAEM, SPC	If no objections are made under s.178D Must consider matters in s.178B
s.178E(2)(c)	power to refuse to amend or end the agreement	DComm, PAEM, SPC	If no objections are made under s.178D Must consider matters in s.178B
s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	DComm, PAEM, SPC	After considering objections, submissions and matters in s.178B
s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	DComm, PAEM, SPC	After considering objections, submissions and matters in s.178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	DComm, PAEM, SPC	After considering objections, submissions and matters in s.178B

Planning and Environment Act 1987			
s.178E(3)(d)	power to refuse to amend or end the agreement	DComm, PAEM, SPC	After considering objections, submissions and matters in s.178B
s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	DComm, PAEM, SPC	
s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	DComm, PAEM, SPC	
s.178F(4)	duty not to proceed to amend or end an agreement under s.178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	DComm, PAEM, SPC	
s.178G	duty to sign amended agreement and give copy to each other party to the agreement	DComm, PAEM, SPC	
s.178H	power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	DComm, PAEM, SPC	
s.178I(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DComm, PAEM, SPC	
s.179(2)	duty to make available for inspection copy agreement	DComm, PAEM, SPC, TLPES	
s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	DComm, PAEM, SPC	
s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement	DComm, PAEM, SPC	
s.181(1A)(b)	duty to apply to the Registrar of Titles, without delay, to record the agreement	DComm, PAEM, SPC	
s.182	power to enforce an agreement	DComm, PAEM, PIO, PPIO, SPC	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	DComm, PAEM, SPC	
s.184F(1)	power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	DComm, PAEM, SPC	
s.184F(2)	duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	DComm, PAEM, SPC	
s.184F(3)	duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	DComm, PAEM, SPC	
s.184F(5)	function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	DComm, PAEM, SPC	
s.184G(2)	duty to comply with a direction of the Tribunal	DComm, PAEM, SPC	

Planning and Environment Act 1987			
s.184G(3)	duty to give notice as directed by the Tribunal	DComm, PAEM, SPC	
s.198(1)	function to receive application for planning certificate	DComm, PAEM, SPC, TLPEs	
s.199(1)	duty to give planning certificate to applicant	DComm, PAEM, SPC, TLPEs	
s.201(1)	function of receiving application for declaration of underlying zoning	CStrP, DComm, PAEM, SPC, TLSP	
s.201(3)	duty to make declaration	DComm, PAEM, PLSP, SPC, TLSP	
	power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	DComm, MPP, PAEM, PLSP, SPC, TLSP	
	power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	DComm, MPP, PAEM, PLSP, SPC, TLSP	
	power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
	power to give written authorisation in accordance with a provision of a planning scheme	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.201UAB(1)	function of providing the Victoria Planning Authority with information relating to any land within municipal district	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.201UAB(2)	duty to provide the Victoria Planning Authority with information requested under subsection (1) as soon as possible	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.224(8)	duty to provide information requested by Victoria Planning Authority under s.201UAB(1) not yet provided to Growth Areas Authority to Victorian Planning Authority	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	
Rail Safety (Local Operations) Act 2006			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.33	duty to comply with a direction of the Safety Director under this section	DCA, DComm, MCWD, MES, OPM	where Council is a utility under section 3
s.33A	duty to comply with a direction of the Safety Director to give effect to arrangements under this section	DCA, DComm, MCWD, MES, OPM	duty of Council as a road authority under the Road Management Act 2004
s.34	duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under section 33(1)	CWME, DCA, DComm, MCWD, MES, OPM	where Council is a utility under section 3
s.34C(2)	function of entering into safety interface agreements with rail infrastructure manager	DCA, DComm, MCWD, MES, MSA, OPM	where Council is the relevant road authority

Rail Safety (Local Operations) Act 2006			
s.34D(1)	function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	CWME, DCA, DComm, MCWD, MES, OPM	where Council is the relevant road authority
s.34D(2)	function of receiving written notice of opinion	DCA, DComm, MCWD, MES, OPM	where Council is the relevant road authority
s.34D(4)	function of entering into safety interface agreement with infrastructure manager	DCA, DComm, MCWD, MES, MSA, OPM	where Council is the relevant road authority
s.34E(1)(a)	duty to identify and assess risks to safety	CWME, DCA, DComm, MES, OPM	where Council is the relevant road authority
s.34E(1)(b)	duty to determine measures to manage any risks identified and assessed having regard to items set out in section 34E(2)(a)-(c)	CWME, DCA, DComm, MES, OPM	where Council is the relevant road authority
s.34E(3)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	DCA, DComm, MES, MSA, OPM	where Council is the relevant road authority
s.34F(1)(a)	duty to identify and assess risks to safety, if written notice has been received under section 34D(2)(a)	CWME, DCA, DComm, MES, OPM	where Council is the relevant road authority
s.34F(1)(b)	duty to determine measures to manage any risks identified and assessed, if written notice has been received under section 34D(2)(a)	CWME, DCA, DComm, MES, OPM	where Council is the relevant road authority
s.34F(2)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	DCA, DComm, MES, MSA, OPM	where Council is the relevant road authority
s.34H	power to identify and assess risks to safety as required under sections 34B, 34C, 34D, 34E or 34F in accordance with subsections (a)-(c)	CWME, DCA, DComm, MES, OPM	where Council is the relevant road authority
s.34I	function of entering into safety interface agreements	DCA, DComm, MES, MSA, OPM	where Council is the relevant road authority
s.34J(2)	function of receiving notice from Safety Director	DCA, DComm, MES, OPM	where Council is the relevant road authority
s.34J(7)	duty to comply with a direction of the Safety Director given under section 34J(5)	CWME, DCA, DComm, MES, OPM	where Council is the relevant road authority
s.34K(2)	duty to maintain a register of items set out in subsections (a)-(b)	CAP, CCW, CWME, DCA, DComm, MES, MSA, OPM	where Council is the relevant road authority
Residential Tenancies Act 1997			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.142D	function of receiving notice regarding an unregistered rooming house	CSM, DComm, EHC, EHO, EHT, SEHO	
s.142G(1)	duty to enter required information in Rooming House Register for each rooming house in municipal district	CSM, DBS, DComm, EHC, EHO, EHT, MBS, SBS, SEHO	
s.142G(2)	power to enter certain information in the Rooming House Register	CSM, DComm, EHC, EHO, EHT, SEHO	

Residential Tenancies Act 1997			
s.142I(2)	power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	CSM, DComm, EHC, EHO, SEHO	
s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies	CPM, DBS, DComm, DCorp, MBS, MCS, SBS	where Council is the landlord
s.262(1)	power to give tenant a notice to vacate rented premises	CPM, DBS, DComm, DCorp, MBS, MCS, SBS	where Council is the landlord
s.262(3)	power to publish its criteria for eligibility for the provision of housing by Council	CPM, DBS, DComm, DCorp, MBS, MCS, SBS	
s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	CSM, DBS, DComm, DCorp, EHC, EHO, EHT, MBS, SBS, SEHO	
s.522(1)	power to give a compliance notice to a person	CSM, DBS, DComm, EHC, EHO, EHT, MBS, SBS, SEHO	
s.525(2)	power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	CSM, DComm	
s.525(4)	duty to issue identity card to authorised officers	CSM, DComm, PLT	
s.526(5)	duty to keep record of entry by authorised officer under section 526	CSM, DComm	
s.526A(3)	function of receiving report of inspection	CSM, DComm	
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	CP, CSM, DComm, EHC, EHT	
Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.11(1)	power to declare a road by publishing a notice in the Government Gazette	DCorp, GCO, MACP	obtain consent in circumstances specified in section 11(2)
s.11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	DCorp, GCO, MACP	
s.11(9)(b)	duty to advise Registrar	DCorp, GCO, MACP	
s.11(10)	duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	DCorp, GCO, MACP	clause subject to section 11(10A)
s.11(10A)	duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	DCorp, GCO, MACP	where Council is the coordinating road authority
s.12(2)	power to discontinue road or part of a road	To be retained by Council	were Council is the coordinating road authority
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	DCorp, GCO, MACP	power of coordinating road authority where it is the discontinuing body unless subsection (11) applies

Road Management Act 2004			
s.12(5)	duty to consider written submissions received within 28 days of notice	DCorp, MACP	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(6)	function of hearing a person in support of their written submission	To be retained by Council	function of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(7)	duty to fix day, time and place of meeting under subsection (6) and to give notice	DCorp, GCO, MACP	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(10)	duty to notify of decision made	DCorp, GCO, MACP	duty of coordinating road authority where it is the discontinuing body does not apply where an exemption is specified by the regulations or given by the Minister
s.13(1)	power to fix a boundary of a road by publishing notice in Government Gazette	DCorp, GCO, MACP	power of coordinating road authority and obtain consent under section 13(3) and section 13(4) as appropriate
s.14(4)	function of receiving notice from VicRoads	DCA, DCorp, MACP, MSA	
s.14(7)	power to appeal against decision of VicRoads	DCA, DCorp, MACP, MSA	
s.15(1)	power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	CES, DCA, DComm, MSA, OPM	
s.15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DCA, DComm, MSA, OPM	
s.15(2)	duty to include details of arrangement in public roads register	CAP, DCA, MSA	
s.16(7)	power to enter into an arrangement under section 15	DCA, DComm, MSA, OPM	
s.16(8)	duty to enter details of determination in public roads register	CAP, DCA, MSA	
s.17(2)	duty to register public road in public roads register	CAP, DCA, MSA	where Council is the coordinating road authority
s.17(3)	power to decide that a road is reasonably required for general public use	CAP, DCA, MSA	where Council is the coordinating road authority
s.17(3)	duty to register a road reasonably required for general public use in public roads register	CAP, DCA, MSA	where Council is the coordinating road authority
s.17(4)	power to decide that a road is no longer reasonably required for general public use	CAP, DCA, DComm, DCorp, GCO, MACP, MSA	where Council is the coordinating road authority

Road Management Act 2004			
s.17(4)	duty to remove road no longer reasonably required for general public use from public roads register	CAP, DCA, MSA	where Council is the coordinating road authority
s.18(1)	power to designate ancillary area	CAP, DCA, MSA	where Council is the coordinating road authority, and obtain consent in circumstances specified in section 18(2)
s.18(3)	duty to record designation in public roads register	CAP, DCA, MSA	where Council is the coordinating road authority
s.19(1)	duty to keep register of public roads in respect of which it is the coordinating road authority	CAP, DCA, MSA	
s.19(4)	duty to specify details of discontinuance in public roads register	CAP, DCA, MSA	
s.19(5)	duty to ensure public roads register is available for public inspection	CAP, DCA, MSA	
s.21	function of replying to request for information or advice	CAP, DCA, MSA	obtain consent in circumstances specified in section 11(2)
s.22(2)	function of commenting on proposed direction	CAP, DCA, MSA	
s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	CAP, DCA, MSA	
s.22(5)	duty to give effect to a direction under this section.	CAP, DCA, MSA	
s.40(1)	duty to inspect, maintain and repair a public road.	CCW, CWME, DCA, DComm, MCWD, MES, MSA, OPM	
s.40(5)	power to inspect, maintain and repair a road which is not a public road	CCW, CWME, DCA, DComm, MES, OPM	
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	CCW, CWME, DCA, DComm, MCWD, MES, MSA, OPM	
s.42(1)	power to declare a public road as a controlled access road	CAP, DCA, MSA	power of coordinating road authority and Schedule 2 also applies
s.42(2)	power to amend or revoke declaration by notice published in Government Gazette	CAP, DCA, MSA	power of coordinating road authority and Schedule 2 also applies
s.42A(3)	duty to consult with VicRoads before road is specified	CAP, DCA, MSA	where Council is the coordinating road authority if road is a municipal road or part thereof
s.42A(4)	power to approve Minister's decision to specify a road as a specified freight road	CES, DCA, MES	where Council is the coordinating road authority if road is a municipal road or part thereof and where road is to be specified a freight road

Road Management Act 2004			
s.48EA	duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	CAP, DCA, MSA	where Council is the responsible road authority, infrastructure manager or works manager
s.48M(3)	function of consulting with the relevant authority for purposes of developing guidelines under section 48M	CAP, DCA, MSA	
s.49	power to develop and publish a road management plan	CAP, DCA, MSA	
s.51	power to determine standards by incorporating the standards in a road management plan	CAP, DCA, MSA	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	CAP, DCA, MSA	
s.54(2)	duty to give notice of proposal to make a road management plan	CAP, DCA, MSA	
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	CAP, DCA, MSA	
s.54(6)	power to amend road management plan	CAP, DCA, MSA	
s.54(7)	duty to incorporate the amendments into the road management plan	CAP, DCA, MSA	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	CAP, DCA, MSA	
s.63(1)	power to consent to conduct of works on road	CCW, CES, CWME, DCA, DComm, MCWD, MES, MSA, OPM	where Council is the coordinating road authority
s.63(2)(e)	power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	CCW, CES, CWME, DCA, DComm, MCWD, MES, MSA, OPM	where Council is the infrastructure manager
s.64(1)	duty to comply with clause 13 of Schedule 7	DCA, DComm, MES, OPM	where Council is the infrastructure manager or works manager
s.66(1)	power to consent to structure etc	DCA, DComm, MES, OPM	where Council is the coordinating road authority
s.67(2)	function of receiving the name & address of the person responsible for distributing the sign or bill	DCA, DComm, MES, OPM	where Council is the coordinating road authority
s.67(3)	power to request information	DCA, DComm, MES, MSA, OPM	where Council is the coordinating road authority
s.68(2)	power to request information	DCA, DComm, MCWD, MES, MSA, OPM	where Council is the coordinating road authority

Road Management Act 2004			
s.71(3)	power to appoint an authorised officer	CEO, DCA, DComm	
s.72	duty to issue an identity card to each authorised officer	DCA, DComm, MCWD, MES, MHR, MSA, OPM	
s.85	function of receiving report from authorised officer	CCW, COS, CPG, CSV, CWME, DCA, DComm, MCWD, MES, MSA, OPM	
s.86	duty to keep register re section 85 matters	DCA, DComm, MCWD, MES, MSA, OPM	
s.87(1)	function of receiving complaints	CCW, COS, CPG, CSV, CWME, DCA, DComm, MCWD, MES, MSA, OPM	
s.87(2)	duty to investigate complaint and provide report	CCW, COS, CPG, CSV, CWME, DCA, DComm, MCWD, MES, MSA, OPM	
s.112(2)	power to recover damages in court	DCA, DComm, MCWD, MES, MFCP, MSA, OPM	
s.116	power to cause or carry out inspection	CCW, CWME, DCA, DComm, MCWD, MES, MSA, OPM	
s.119(2)	function of consulting with VicRoads	CCW, COS, CPG, CSV, CWME, DCA, DComm, MCWD, MES, MSA, OPM	
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	CCW, COS, CPG, CSV, CWME, DCA, DComm, MCWD, MES, MSA, OPM	
s.120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	COS, CPG, CSV, DCA, DComm, MCWD, MES, MSA, OPM	
s.121(1)	power to enter into an agreement in respect of works	DCA, DComm, MCWD, MES, MSA, OPM	
s.122(1)	power to charge and recover fees	DCA, DComm, MCWD, MES, MSA, OPM	
s.123(1)	power to charge for any service	DCA, DComm, MCWD, MES, MSA, OPM	

Road Management Act 2004			
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	DCA, MES, MSA	
Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	DCA, MES, MSA	
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	DCA, MES, MSA	
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	CES, DCA, DComm, EMFR, MCWD, MES, MSA, PAEM, SIC	
Schedule 2 Clause 5	duty to publish notice of declaration	CES, DCA, MES, MSA	
Schedule 7, Clause 7(1)	duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	CES, DCA, MCWD, MES, MSA	where Council is the infrastructure manager or works manager
Schedule 7, Clause 8(1)	duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	CES, DCA, DComm, MCWD, MES, MSA, OPM	where Council is the infrastructure manager or works manager
Schedule 7, Clause 9(1)	duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	CES, DCA, DComm, MCWD, MES, MSA, OPM	where Council is the infrastructure manager or works manager responsible for non-road infrastructure
Schedule 7, Clause 9(2)	duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	CES, DCA, EMFR, MCWD, MES, MSA, SIC	where Council is the infrastructure manager or works manager
Schedule 7, Clause 10(2)	where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	CAP, CCW, CES, CWME, DCA, DComm, MCWD, MES, MSA, OPM	where Council is the infrastructure manager or works manager
Schedule 7 Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	CES, DCA, DComm, MCWD, MES, MSA	where Council is the coordinating road authority
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	CES, DCA, MCWD, MES, MSA	where Council is the coordinating road authority

Road Management Act 2004			
Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	DCA, DComm, MCWD, MES, MSA	where Council is the coordinating road authority
Schedule 7 Clause 12(5)	power to recover costs	DCA, DComm, MCS, MCWD, MES, MSA, OPM	where Council is the coordinating road authority
Schedule 7, Clause 13(1)	duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2)	CES, DCA, DComm, MCWD, MES, MSA, OPM	where Council is the works manager
Schedule 7 Clause 13(2)	power to vary notice period	CES, DCA, DComm, MCWD, MES, MSA, OPM	where Council is the coordinating road authority
Schedule 7, Clause 13(3)	duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1)	DCA, DComm, MCWD, MES, OPM	where Council is the infrastructure manager
Schedule 7 Clause 16(1)	power to consent to proposed works	CES, DCA, DComm, MCWD, MES, OPM	where Council is the coordinating road authority
Schedule 7 Clause 16(4)	duty to consult	CAP, CES, DCA, DComm, MCWD, MES, MSA, OPM	where Council is the coordinating road authority, responsible authority or infrastructure manager
Schedule 7 Clause 16(5)	power to consent to proposed works	CES, DCA, DComm, MCWD, MES, OPM	where Council is the coordinating road authority
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	CES, DCA, DComm, MCWD, MES, OPM	where Council is the coordinating road authority
Schedule 7 Clause 16(8)	power to include consents and conditions	CES, DCA, DComm, MCWD, MES, OPM	where Council is the coordinating road authority
Schedule 7 Clause 17(2)	power to refuse to give consent and duty to give reasons for refusal	CES, DCA, DComm, MCWD, MES, OPM	where Council is the coordinating road authority

Road Management Act 2004			
Schedule 7 Clause 18(1)	power to enter into an agreement	CES, DCA, DComm, MCWD, MES, OPM	where Council is the coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	CES, DCA, DComm, MCWD, MES, OPM	where Council is the coordinating road authority
Schedule 7 Clause 19(2) & (3)	power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	CCW, CES, CWME, DCA, DComm, MCWD, MES, OPM	where Council is the coordinating road authority
Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	CES, DCA, DComm, MCWD, MES, OPM	where Council is the coordinating road authority
Schedule 7A Clause 2	power to cause street lights to be installed on roads	CCW, CES, CWME, DCA, MCWD, MES, OPM	power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
Schedule 7A Clause 3(1)(d)	duty to pay installation and operation costs of street lighting - where road is not an arterial road	CES, DCA, MCWD, MES	where Council is the responsible road authority
Schedule 7A Clause 3(1)(e)	duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	CES, DCA, MCWD, MES	where Council is the responsible road authority
Schedule 7A Clause (3)(1)(f),	duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with clauses 3(2) and 4	CES, DCA, MCWD, MES	duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal Council (re: operating costs)
Cemeteries and Crematoria Regulations 2015			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the Cemeteries and Crematoria Act 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.24	duty to ensure that cemetery complies with depth of burial requirements	CPG, DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	
r.25	duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	CPG, DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	
r.27	power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	

Cemeteries and Crematoria Regulations 2015			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the Cemeteries and Crematoria Act 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
r.33(1)	duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	CPG, DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	
r.46	power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	CPG, DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	
r.48(2)	power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	CPG, DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	
	Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules	Note only	
Schedule 2, clause 4	power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of Schedule 2	DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	see note above regarding model rules
Schedule 2, clause 5(1)	duty to display the hours during which pedestrian access is available to the cemetery	DCorp, FMPO, GCO, MACP	see note above regarding model rules
Schedule 2, clause 5(2)	duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	DCorp, FMPO, GCO, MACP	see note above regarding model rules
Schedule 2, clause 6(1)	power to give directions regarding the manner in which a funeral is to be conducted	CPG, DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	see note above regarding model rules
Schedule 2, clause 7(1)	power to give directions regarding the dressing of places of interment and memorials	CPG, DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	see note above regarding model rules
Schedule 2, clause 8	power to approve certain mementos on a memorial	CPG, DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	see note above regarding model rules
Schedule 2, clause 11(1)	power to remove objects from a memorial or place of interment	CPG, DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	see note above regarding model rules
Schedule 2, clause 11(2)	duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	DComm, OPM, TLPM	see note above regarding model rules
Schedule 2, clause 12	power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	CPG, DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	see note above regarding model rules

Cemeteries and Crematoria Regulations 2015			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the Cemeteries and Crematoria Act 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Schedule 2, clause 14	power to approve an animal to enter into or remain in a cemetery	DCorp, FMPO, GCO, MACP	see note above regarding model rules
Schedule 2, clause 16(1)	power to approve construction and building within a cemetery	CEO, DCorp	see note above regarding model rules
Schedule 2, clause 17(1)	power to approve action to disturb or demolish property of the cemetery trust	CEO, DCorp	see note above regarding model rules
Schedule 2, clause 18(1)	power to approve digging or planting within a cemetery	CPG, DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	see note above regarding model rules
Planning and Environment Regulations 2015			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	CStrP, DComm, PAEM	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	DComm, MPP, PAEM, PLSP, SPC, TLSP	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	where Council is the responsible authority
r.25(b)	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	where Council is not the responsible authority but the relevant land is within Council's municipal district
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	CStrP, DComm, PAEM, SSTRP, StrP	where Council is not the planning authority and the amendment affects land within Council's municipal district; or

Planning and Environment Regulations 2015			
			where the amendment will amend the planning scheme to designate Council as an acquiring authority.
Planning and Environment (Fees) Regulations 2016			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.19	power to waive or rebate a fee relating to an amendment of a planning scheme	CStrP, DComm, PAEM	
r.20	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	DComm, PAEM, PLSP, SPC, TLSP	
r.21	duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.19 or 20	CStrP, DComm, PAEM, PLSP, SPC, TLSP	
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.7	function of entering into a written agreement with a caravan park owner	CPM, CSM, DBS, DComm, EHC, EHO, EHT, MBS, MCS, SBS, SEHO	EHC and MBS in a coordinated approach
r.11	function of receiving application for registration	CSM, DComm, EHC, EHO, EHT, SEHO	
r.13(1)	duty to grant the registration if satisfied that the caravan park complies with these regulations	CSM, DComm, EHC, EHO, EHT, SEHO	
r.13(2)	duty to renew the registration if satisfied that the caravan park complies with these regulations	CSM, DComm, EHC, EHO, EHT, SEHO	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CSM, DComm, EHC	
r.13(4) & (5)	duty to issue certificate of registration	CSM, DComm, EHC, EHO, EHT, SEHO	
r.15(1)	function of receiving notice of transfer of ownership	CSM, DComm, EHC, EHO, EHT, SEHO	
r.15(3)	power to determine where notice of transfer is displayed	CSM, DComm, EHC, EHO, EHT, SEHO	
r.16(1)	duty to transfer registration to new caravan park owner	CSM, DComm, EHC, EHO, EHT, SEHO	
r.16(2)	duty to issue a certificate of transfer of registration	CSM, DComm, EHC	
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	CSM, DComm, EHC	
r.18	duty to keep register of caravan parks	CSM, DComm, EHC	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
r.19(4)	power to determine where the emergency contact person's details are displayed	CSM, DComm, EHC, EHO, EHT, SEHO	
r.19(6)	power to determine where certain information is displayed	CSM, DComm, EHC, EHO, EHT, SEHO	
r.22A(1)	duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	CSM, DBS, DComm, EHC, EHO, EHT, MBS, SBS, SEHO	
r.22A(2)	duty to consult with relevant emergency services agencies	CSM, DBS, DComm, EHC, EHO, EHT, MBS, SBS, SEHO	
r.23	power to determine places in which caravan park owner must display a copy of emergency procedures	CSM, DComm, EHC, EHO, EHT, SEHO	
r.24	power to determine places in which caravan park owner must display copy of public emergency warnings	CSM, DBS, DComm, EHC, EHO, EHT, MBS, SBS, SEHO	
r.25(3)	duty to consult with relevant floodplain management authority	CSM, DComm, EHC, EHO, EHT, MFPO, SEHO	EHO, EHT, SEHO, EHC and MBS in coordinated approach
r.26	duty to have regard to any report of the relevant fire authority	CSM, DBS, DComm, EHC, MBS, MFPO, SBS, SEHO	
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	CSM, DComm, EHC, EHO, EHT, SEHO	
r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	CSM, DBS, DComm, EHC, MBS, SBS, SEHO	
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	CSM, DBS, DComm, EHC, MBS, SBS, SEHO	
r.40(4)	function of receiving installation certificate	CSM, DBS, DComm, EHC, MBS, SBS, SEHO	
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	CSM, DBS, DComm, EHC, MBS, SBS, SEHO	
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	CSM, DBS, DComm, EHC, MBS, SBS, SEHO	
Road Management (General) Regulations 2016			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.8(1)	duty to conduct reviews of road management plan	CAP, DCA, MSA	

Road Management (General) Regulations 2016			
r.9(2)	duty to produce written report of review of road management plan and make report available	CAP, DCA, MSA	
r.9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	DCA, DComm, MSA	where Council is the coordinating road authority
r.10	duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act	CAP, DCA, MSA	
r.13(1)	Duty to publish notice of amendments to road management plan	CAP, DCA, MSA	where Council is the coordinating road authority
r.13(3)	duty to record on road management plan the substance and date of effect of amendment	CAP, DCA, MSA	
r.16(3)	power to issue permit	CES, CWME, DCA, DComm, MES, OPM	where Council is the coordinating road authority
r.18(1)	power to give written consent re damage to road	CES, CWME, DCA, DComm, MES, OPM	where Council is the coordinating road authority
r.23(2)	power to make submission to Tribunal	CES, DCA, MES, MSA	where Council is the coordinating road authority
r.23(4)	power to charge a fee for application under section 66(1) Road Management Act	CES, DCA, DComm, DCorp, MES, MFCP, MSA	where Council is the coordinating road authority
r.25(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	CCW, CES, CWME, DCA, DComm, MES, OPM	where Council is the responsible road authority
r.25(2)	power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	CCW, CES, CWME, DCA, DComm, MES, OPM	where Council is the responsible road authority
r.25(5)	power to recover in the Magistrates' Court, expenses from person responsible	CES, DCA, DComm, DCorp, MES, MFCP, OPM	
Road Management (Works and Infrastructure) Regulations 2015			
Note: these regulations commenced on 20 June 2015, replacing the Roads Management (works & infrastructure) Regulations 2005, which expired on 21 June 2015.			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.15	power to exempt a person from requirement under clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works	CES, CWME, DCA, DComm, MES, OPM	where Council is the coordinating road authority and where consent given under section 63(1) of the Act
r.22(2)	power to waive whole or part of fee in certain circumstances	CES, CWME, DCA, DComm, MES, OPM	where Council is the coordinating road authority



Frankston City Council

S6. Instrument of Delegation

Council to Members of Staff

MARKED UP VERSION

New Provision = Blue

Changed = Green

Removed = Red

S6 Instrument of Delegation - Members of Staff

1. In exercise of the power conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached Schedule, the Council:

delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;

2. records that references in the Schedule are as follow:

CAP means	Coordinator Asset Planning
CCW means	Coordinator City Works
CEO means	Chief Executive Officer
CES means	Coordinator Engineering Services
COS means	Coordinator Open Spaces
CP means	Coordinator Prosecutions
CPG means	Coordinator Parks and Gardens
CPM means	Coordinator Property Management
CSC means	Coordinator Community Safety
CSM means	Manager Community Safety
CStrP means	Coordinator Strategic Planning
CSV means	Coordinator Specialist Vegetation
CWME means	City Works Maintenance Engineer
DBS means	Deputy Building Surveyor
DCA means	Director Community Assets
DComm means	Director Community Development
DCorp means	Director Corporate Development
EHC means	Co-ordinator Environmental Health
EHO means	Environmental Health Officers
EHT means	Environmental Health Technician
EMFR means	Executive Manager Frankston Revitalisation
FMPO means	Frankston Memorial Park Officer
FOIG means	FOI and Governance Officer
GCO means	Governance Compliance Officer
MACP means	Manager Administration and Corporate Projects
MBS means	Municipal Building Surveyor
MCS means	Manager Commercial Services
MCWD means	Manager Capital Works Delivery
MES means	Manager Engineering Services
MFCP means	Manager Finance and Corporate Planning
MFPO means	Municipal Fire Prevention Officer
MHR means	Manager Human Resources
MPP means	Major Projects Planner
MSA means	Manager Sustainable Assets
OPM means	Operations Manager
PAEM means	Planning and Environment Manager
PIO means	Planning Investigations Officer
PLSP means	Practice Leader Statutory Planning
PLT means	Payroll Team Leader
PPIO means	Planning Prosecutions Investigations Officer
SBS means	Senior Building Surveyor
SEHO means	Senior Environmental Health Officer
SIC means	Strategic Infrastructure Coordinator
SPC means	Statutory Planning Co-ordinator
SPTO means	Statutory Planning Technical Officer
SSP means	Senior Statutory Planner

SSTRP means	Senior Strategic Planner
StatP means	Statutory Planner
StrP means	Strategic Planner
SUBO means	Subdivisions Officer
TLPES means	Team Leader Planning & Environment Support
TLPM means	Team Leader Parks Maintenance
TLRRR means	Team Leader Rapid Response and Roadsides
TLSP means	Team Leader Statutory Planning

3. records that on the coming into force of this Instrument of Delegation from Council to Council Members Staff each delegation under the instrument dated **13 August 2018 is revoked**.
4. declares that:
 - 4.1 this Instrument of Delegation is authorised by a resolution of Council passed on the **29 January 2019**; and
 - 4.2 the delegation:
 - 4.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 4.2.2 remains in force until Council resolves to vary or revoke it;
 - 4.2.3 is subject to any conditions and limitations set out in sub-paragraph and the Schedule; and
 - 4.2.4 must be exercised in accordance with any guidelines or policies, which Council from time to time adopts;
 - 4.3 the delegate must not determine the issue, take the action or do the act or thing:
 - 4.3.1 if the issue, action, act or thing is an issue, act or thing which Council has previously designated as an issue, act or thing which must be the subject of a Resolution of Council; or
 - 4.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategy
 - (c) adopted by Council; or
 - 4.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or

4.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

THE COMMON SEAL of)
FRANKSTON CITY COUNCIL)
was affixed in the presence of:)

Councillor _____

Chief Executive Officer _____

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Schedule

S6 Instrument of Delegation - Members of Staff

Cemeteries and Crematoria Act 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.8(1)(a)(ii)	power to manage one or more public cemeteries	DCorp, FMPO, GCO, MACP	
s.12(1)	function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	DCorp, FMPO, GCO, MACP	where Council is a Class B cemetery trust
s.12(2)	duty to have regard to the matters set out in paragraphs (a)-(c) in exercising its functions	DCorp, FMPO, GCO, MACP	where Council is a Class B cemetery trust
s.13	duty to do anything necessary or convenient to enable it to carry out its functions	DCorp, FMPO, GCO, MACP	
s.14	power to manage multiple public cemeteries as if they are one cemetery	DCorp, FMPO, GCO, MACP	
s.15(1) and (2)	power to delegate powers or functions other than those listed	DCorp, FMPO, GCO, MACP	
s.15(4)	duty to keep records of delegations	DCorp, FMPO, GCO, MACP	
s.17(1)	power to employ any persons necessary	DComm, DCorp, MACP, OPM	
s.17(2)	power to engage any professional, technical or other assistance considered necessary	CPG, DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	
s.17(3)	power to determine the terms and conditions of employment or engagement	DComm, DCorp, MACP, MHR, OPM	subject to any guidelines or directions of the Secretary
s.18(3)	duty to comply with a direction from the Secretary	DComm, DCorp, FMPO, GCO, MACP, OPM	
s.19	power to carry out or permit the carrying out of works	CPG, DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	
s.20(1)	duty to set aside areas for the interment of human remains	DCorp, FMPO, GCO, MACP	
s.20(2)	power to set aside areas for the purposes of managing a public cemetery	DCorp, FMPO, GCO, MACP	
s.20(3)	power to set aside areas for those things in paragraphs (a) - (e)	DCorp, FMPO, GCO, MACP	
s.24(2)	power to apply to the Secretary for approval to alter the existing distribution of land	DCorp, FMPO, GCO, MACP	
s.36	power to grant licences to enter and use part of the land or building in a public cemetery in accordance with this section	DCorp, FMPO, GCO, MACP	subject to the approval of the Minister

Cemeteries and Crematoria Act 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s.37	power to grant leases over land in a public cemetery in accordance with this section	To be retained by Council	subject to the Minister approving the purpose
s.40	duty to notify Secretary of fees and charges fixed under section 39	DCorp, FMPO, GCO, MACP	
s.47	power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	To be retained by Council	provided the street was constructed pursuant to the Local Government Act 1989
s.57(1)	duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	DCorp, FMPO, GCO, MACP	report must contain the particulars listed in s.57(2)
s.59	duty to keep records for each public cemetery	DCorp, FMPO, GCO, MACP	
s.60(1)	duty to make information in records available to the public for historical or research purposes	DCorp, FMPO, GCO, MACP	
s.60(2)	power to charge fees for providing information	DCorp, FMPO, GCO, MACP	
s.64(4)	duty to comply with a direction from the Secretary under section 64(3)	DCorp, FMPO, GCO, MACP	
s.64B(d)	power to permit interments at a reopened cemetery	DCorp, FMPO, GCO, MACP	
s.66(1)	power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	DCorp, FMPO, GCO, MACP	the application must include the requirements listed in s.66(2)(a)-(d)
s.69	duty to take reasonable steps to notify of conversion to historic cemetery park	DCorp, FMPO, GCO, MACP	
s.70(1)	duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	DCorp, FMPO, GCO, MACP	
s.70(2)	duty to make plans of existing place of interment available to the public	DCorp, FMPO, GCO, MACP	
s.71(1)	power to remove any memorials or other structures in an area to which an approval to convert applies	DCorp, FMPO, GCO, MACP	
s.71(2)	power to dispose of any memorial or other structure removed	DCorp, FMPO, GCO, MACP	
s.72(2)	duty to comply with request received under section 72	DCorp, FMPO, GCO, MACP	
s.73(1)	power to grant a right of interment	DCorp, FMPO, GCO, MACP	
s.73(2)	power to impose conditions on the right of interment	DCorp, FMPO, GCO, MACP	
s.75	power to grant the rights of interment set out in subsections (a) and (b)	DCorp, FMPO, GCO, MACP	
s.76(3)	duty to allocate a piece of interment if an unallocated right is granted	DCorp, FMPO, GCO, MACP	

Cemeteries and Crematoria Act 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s.77(4)	power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	DCorp, FMPO, GCO, MACP	
s.80(1)	function of receiving notification and payment of transfer of right of interment	DCorp, FMPO, GCO, MACP	
s.80(2)	function of recording transfer of right of interment	DCorp, FMPO, GCO, MACP	
s.82(2)	duty to pay refund on the surrender of an unexercised right of interment	DCorp, FMPO, GCO, MACP	
s.83(2)	duty to pay refund on the surrender of an unexercised right of interment (sole holder)	DCorp, FMPO, GCO, MACP	
s.83(3)	power to remove any memorial and grant another right of interment for a surrendered right of interment	DCorp, FMPO, GCO, MACP	
s.84(1)	function of receiving notice of surrendering an entitlement to a right of interment	DCorp, FMPO, GCO, MACP	
s.85(1)	duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	DCorp, FMPO, GCO, MACP	the notice must be in writing and contain the requirements listed in s.85(2)
s.85(2)(b)	duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	DCorp, FMPO, GCO, MACP	does not apply where right of interment relates to remains of a deceased veteran.
s.85(2)(c)	power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or; remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.	DCorp, FMPO, GCO, MACP	may only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment
s.86	power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	DCorp, FMPO, GCO, MACP	
s.86(2)	power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	CPG, DComm, DCorp, FMPO, FOIG, GCO, MACP, OPM, TLPM, TLRRR	
s.86(3)(a)	power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	CPG, DComm, DCorp, FMPO, FOIG, GCO, MACP, OPM, TLPM, TLRRR	
s.86(3)(b)	power to remove interred cremated human remains and take further action in accordance with s.86(3)(b)	CPG, DComm, DCorp, FMPO, FOIG, GCO, MACP, OPM, TLPM, TLRRR	

Cemeteries and Crematoria Act 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s.86(4)	power to take action under s.86(4) relating to removing and re-interring cremated human remains	CPG, DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	
s.86(5)	duty to provide notification before taking action under s.86(4)	CPG, DComm, DCorp, FMPO, FOIG, GCO, MACP, OPM, TLPM, TLRRR	
s.86A	duty to maintain place of interment and any memorial at place of interment, if action taken under s.86(3)	CPG, DComm, DCorp, FMPO, FOIG, GCO, MACP, OPM, TLPM, TLRRR	
s.87(3)	duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	DCorp, FMPO, GCO, MACP	
s.88	function to receive applications to carry out a lift and re-position procedure at a place of interment	DCorp, FMPO, GCO, MACP	
s.91(1)	power to cancel a right of interment in accordance with this section	DCorp, FMPO, GCO, MACP	
s.91(3)	duty to publish notice of intention to cancel right of interment	DCorp, FMPO, GCO, MACP	
s.92	power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	DCorp, FMPO, GCO, MACP	
s.98(1)	function of receiving application to establish or alter a memorial or a place of interment	DCorp, FMPO, GCO, MACP	
s.99	power to approve or refuse an application made under section 98, or to cancel an approval	DCorp, FMPO, GCO, MACP	
s.99(4)	duty to make a decision on an application under section 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	DCorp, FMPO, GCO, MACP	
s.100(1)	power to require a person to remove memorials or places of interment	DCorp, FMPO, GCO, MACP	
s.100(2)	power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with section 100(1)	DCorp, FMPO, GCO, MACP	
s.100(3)	power to recover costs of taking action under section 100(2)	DCorp, FMPO, GCO, MACP	
s.101	function of receiving applications to establish or alter a building for ceremonies in the cemetery	DCorp, FMPO, GCO, MACP	
s.102(1)	power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	DCorp, FMPO, GCO, MACP	

Cemeteries and Crematoria Act 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s.102(2) & (3)	power to set terms and conditions in respect of, or to cancel, an approval granted under section 102(1)	DCorp, FMPO, GCO, MACP	
s.103(1)	power to require a person to remove a building for ceremonies	DCorp, FMPO, GCO, MACP	
s.103(2)	power to remove and dispose of a building for ceremonies or remedy the failure to comply with section 103(1)	DCorp, FMPO, GCO, MACP	
s.103(3)	power to recover costs of taking action under section 103(2)	DCorp, FMPO, GCO, MACP	
s.106(1)	power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	DCorp, FMPO, GCO, MACP	
s.106(2)	power to require the holder of the right of interment to provide for an examination	DCorp, FMPO, GCO, MACP	
s.106(3)	power to open and examine the place of interment if section 106(2) not complied with	DCorp, FMPO, GCO, MACP	
s.106(4)	power to repair or - with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under section 106(1) is not complied with	DCorp, FMPO, GCO, MACP	
s.107(1)	power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	DCorp, FMPO, GCO, MACP	
s.107(2)	power to repair or take down, remove and dispose any building for ceremonies if notice under section 107(1) is not complied with	DCorp, FMPO, GCO, MACP	
s.108	power to recover costs and expenses	DCorp, FMPO, GCO, MACP	
s.109(1)(a)	power to open, examine and repair a place of interment	DCorp, FMPO, GCO, MACP	where the holder of right of interment or responsible person cannot be found
s.109(1)(b)	power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	DCorp, FMPO, GCO, MACP	where the holder of right of interment or responsible person cannot be found
s.109(2)	power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	DCorp, FMPO, GCO, MACP	where the holder of right of interment or responsible person cannot be found
s.110(1)	power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	DCorp, FMPO, GCO, MACP	
s.110(2)	power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	DCorp, FMPO, GCO, MACP	
s.110A	power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	DCorp, MACP	

Cemeteries and Crematoria Act 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s.111	power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	DCorp, FMPO, GCO, MACP	
s.112	power to sell and supply memorials	DCorp, FMPO, GCO, MACP	
s.116(4)	duty to notify the Secretary of an interment authorisation granted	DCorp, FMPO, GCO, MACP	
s.116(5)	power to require an applicant to produce evidence of the right of interment holder's consent to application	DCorp, FMPO, GCO, MACP	
s.118	power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	DCorp, FMPO, GCO, MACP	
s.119	power to set terms and conditions for interment authorisations	DCorp, FMPO, GCO, MACP	
s.131	function of receiving an application for cremation authorisation	To be retained by Council	
s.133(1)	duty not to grant a cremation authorisation unless satisfied that requirements of section 133 have been complied with	To be retained by Council	Subject to subsection (2)
s.145	duty to comply with an order made by the Magistrates' Court or a coroner	DCorp, FMPO, GCO, MACP	
s.146	power to dispose of bodily remains by a method other than interment or cremation	DCorp, FMPO, GCO, MACP	subject to the approval of the Secretary
s.147	power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	DCorp, FMPO, GCO, MACP	
s.149	duty to cease using method of disposal if approval revoked by the Secretary	DCorp, FMPO, GCO, MACP	
s.150 & 152(1)	power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	DCorp, FMPO, GCO, MACP	
s.151	function of receiving applications to inter or cremate body parts	DCorp, FMPO, GCO, MACP	
s.152(2)	power to impose terms and conditions on authorisation granted under section 150.	DCorp, FMPO, GCO, MACP	
Schedule 1 clause 8(3)	power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	DCorp, FMPO, GCO, MACP	
Schedule 1 clause 8(8)	power to regulate own proceedings	DCorp, FMPO, GCO, MACP	where Council is a Class B cemetery trust subject to clause 8
Schedule 1A clause 8(8)	power to regulate own proceedings	DCorp, FMPO, GCO, MACP	subject to clause 8

Domestic Animals Act 1994			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.41A(1)	power to declare a dog to be a menacing dog	CSC, CSM, DComm	Council may delegate this power to a Council authorised officer
Environment Protection Act 1970			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.53M(3)	power to require further information	CSM, DComm, EHC, EHO, SEHO	
s.53M(4)	duty to advise applicant that application is not to be dealt with	CSM, DComm, EHC, EHO, SEHO	
s.53M(5)	duty to approve plans, issue permit or refuse permit	CSM, DComm, EHC, EHO, SEHO	refusal must be ratified by Council or it is of no effect
s.53M(6)	power to refuse to issue septic tank permit	CSM, DComm, EHC, EHO, SEHO	refusal must be ratified by Council or it is of no effect
s.53M(7)	duty to refuse to issue a permit in circumstances in (a)-(c)	CSM, DComm, EHC, EHO, SEHO	refusal must be ratified by Council or it is of no effect
Food Act 1984			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.19(2)(a)	power to direct by written order that the food premises be put into a clean and sanitary condition	CSM, DComm, EHC, EHO, SEHO	If section 19(1) applies
s.19(2)(b)	power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	CSM, DComm, EHC, EHO, SEHO	If section 19(1) applies
s.19(3)	power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	CSM, DComm, EHC, EHO, SEHO	If section 19(1) applies Only in relation to temporary food premises or mobile food premises
s.19(4)(a)	power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	CSM, DComm, EHC, EHO, SEHO	If section 19(1) applies
s.19(6)(a)	duty to revoke any order under section 19 if satisfied that an order has been complied with	CSM, DComm, EHC, EHO, SEHO	If section 19(1) applies
s.19(6)(b)	duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	CSM, DComm, EHC, EHO, SEHO	If section 19(1) applies
s.19AA(2)	power to direct, by written order, that a person must take any of the actions described in (a)-(c).	To be retained by Council	where Council is the registration authority

Food Act 1984			
s.19AA(4)(c)	power to direct, in an order made under s.19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	To be retained by Council	Note: the power to direct the matters under s.19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s.19AA(7)	duty to revoke order issued under s.19AA and give written notice of revocation, if satisfied that that order has been complied with	To be retained by Council	where Council is the registration authority
s.19CB(4)(b)	power to request copy of records	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.19E(1)(d)	power to request a copy of the food safety program	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.19GB	power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.19M(4)(a) & (5)	power to conduct a food safety audit and take actions where deficiencies are identified	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.19NA(1)	power to request food safety audit reports	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.19U(3)	power to waive and vary the costs of a food safety audit if there are special circumstances	CSM, DComm, EHC, EHO, SEHO	
s.19UA	power to charge fees for conducting a food safety assessment or inspection	CSM, DComm, EHC, EHO, SEHO	except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39.
s.19W	power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.19W(3)(a)	power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.19W(3)(b)	power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
	power to register, renew or transfer registration	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see section 58A(2))
s.38AA(5)	power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority

Food Act 1984			
s.38AB(4)	power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1)	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.38A(4)	power to request a copy of a completed food safety program template	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.38B(1)(a)	duty to assess the application and determine which class of food premises under section 19C the food premises belongs	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.38D(1)	duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.38D(3)	power to request copies of any audit reports	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.38E(2)	power to register the food premises on a conditional basis	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority not exceeding the prescribed time limit defined under subsection (5).
s.38E(4)	duty to register the food premises when conditions are satisfied	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.39A	power to register, renew or transfer food premises despite minor defects	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority only if satisfied of matters in subsections (2)(a)-(c)
s.40(2)	power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	CSM, DComm, EHC, EHO, SEHO	
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.40D(1)	power to suspend or revoke the registration of food premises	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.43F(6)	duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
s.43F(7)	power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority

Food Act 1984			
s.46(5)	power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	CSM, DComm, EHC, EHO, SEHO	where Council is the registration authority
Heritage Act 1995 2017			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.84(2) s.116	power to sub-delegate Executive Director's functions, duties or powers	DComm, PAEM	must first obtain Executive Director's written consent Council can only sub-delegate if the instrument of delegation from the Executive Director authorises sub-delegation
Local Government Act 1989			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.181H	power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	CEO	The Chief Executive Officer must not delegate the power delegated to the CEO under subsection 181H to any other person
Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.4B	power to prepare an amendment to the Victorian Planning Provisions	To be retained by Council	if authorised by the Minister
s.4G	function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	CStrP, DComm, PAEM	
s.4H	duty to make amendment to Victoria Planning Provisions available	CStrP, DComm, PAEM	
s.4I	duty to keep Victorian Planning Provisions and other documents available	CStrP, DComm, PAEM	
s.8A(2)	power to prepare amendment to the planning scheme where the Minister has given consent under s.8A	CStrP, DComm, PAEM	
s.8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	CStrP, DComm, PAEM	
s.8A(5)	function of receiving notice of the Minister's decision	CStrP, DComm, PAEM	
s.8A(7)	power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	CStrP, DComm, PAEM	

Planning and Environment Act 1987			
s.8B(2)	power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	To be retained by Council	
s.12(3)	power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	To be retained by Council	
s.12A(1)	duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under section 19 of the Planning and Environment (Planning Schemes) Act 1996)	To be retained by Council	
s.12B(1)	duty to review planning scheme	CStrP, DComm, PAEM	
s.12B(2)	duty to review planning scheme at direction of Minister	CStrP, DComm, PAEM	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	CStrP, DComm, PAEM	
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	CStrP, DComm, MPP, PAEM	
s.17(1)	duty of giving copy amendment to the planning scheme	CStrP, DComm, MPP, PAEM	
s.17(2)	duty of giving copy s.173 agreement	CStrP, DComm, MPP, PAEM	
s.17(3)	duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CStrP, DComm, MPP, PAEM	
s.18	duty to make amendment etc. available	CStrP, DComm, MPP, PAEM	
s.19	power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under section 19 to a planning scheme	To be retained by Council	
s.19	function of receiving notice of preparation of an amendment to a planning scheme	To be retained by Council	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s.20(1)	power to apply to Minister for exemption from the requirements of section 19	To be retained by Council	
s.21(2)	duty to make submissions available	CStrP, DComm, MPP, PAEM	
s.21A(4)	duty to publish notice in accordance with section	CStrP, DComm, MPP, PAEM	
s.22	duty to consider all submissions	CStrP, DComm, MPP, PAEM	except submissions which request a change to the items in s.22(5)(a) and (b)
s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	CStrP, PAEM	

Planning and Environment Act 1987			
s.23(2)	power to refer to a panel submissions which do not require a change to the amendment	To be retained by Council	
s.24	function to represent Council and present a submission at a panel hearing (including a hearing referred to in section 96D)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SSP, TLSP	
s.26(1)	power to make report available for inspection	CStrP, DComm, MPP, PAEM, PLSP, SPC, SSP, TLSP	
s.26(2)	duty to keep report of panel available for inspection	CStrP, DComm, MPP, PAEM, PLSP, SPC, SSP, TLSP	
s.27(2)	power to apply for exemption if panel's report not received	To be retained by Council	
s.28	duty to notify the Minister if abandoning an amendment	CStrP, DComm, MPP, PAEM, PLSP, SPC, SSP, TLSP	Note: the power to make a decision to abandon an amendment cannot be delegated
s.30(4)(a)	duty to say if amendment has lapsed	CStrP, DComm, MPP, PAEM	
s.30(4)(b)	duty to provide information in writing upon request	CStrP, DComm, MPP, PAEM	
s.32(2)	duty to give more notice if required	CStrP, DComm, MPP, PAEM	
s.33(1)	duty to give more notice of changes to an amendment	CStrP, DComm, MPP, PAEM	
s.36(2)	duty to give notice of approval of amendment	CStrP, DComm, MPP, PAEM	
s.38(5)	duty to give notice of revocation of an amendment	CStrP, DComm, MPP, PAEM	
s.39	function of being a party to a proceeding commenced under section 39 and duty to comply with determination by VCAT	CStrP, DComm, MPP, PAEM	
s.40(1)	function of lodging copy of approved amendment	CStrP, DComm, MPP, PAEM	
s.41	duty to make approved amendment available	CStrP, DComm, MPP, PAEM	
s.42	duty to make copy of planning scheme available	CStrP, DComm, MPP, PAEM	
s.46AS(ac)	power to request the Victorian Planning Authority (VPA) to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria	CStrP, DComm, PAEM	
s.46GF	Duty to comply with directions issued by the Minister	DComm, PAEM, CStrP, MPP	
s.46AW	function of being consulted by the Minister	CStrP, DComm, PAEM, SPC	where Council is a responsible public entity
s.46AX	function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy	CStrP, DComm, PAEM, SPC	where Council is a responsible public entity

Planning and Environment Act 1987			
	power to endorse the draft Statement of Planning Policy		
s.46AZC(2)	duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	CStrP, DComm, MPP, PAEM	where Council is a responsible public entity
s.46AZK	duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	where Council is a responsible public entity
s.46GI(5)	duty to take action described in s.46GI(5)(c) – (e) where s.46GI(5)(a) and (b) applies.	DComm, PAEM, CStrP	
s.46GI(2)(b)(i)	power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s.46GJ(1)	function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	CStrP, DComm, PAEM, SPC	
s.46GK	duty to comply with a Minister's direction that applies to Council as the planning authority	CStrP, DComm, PAEM, SPC	
s.46GL	power to recover any amount of infrastructure levy as a debt due to Council	MFCP, DComm, PAEM	where council is a collecting agency
s.46GM	duty to prepare report and give a report to the Minister	MFCP, DComm, PAEM	where council is a collecting agency or development agency
s.46GN(1)	duty to arrange for estimates of values of inner public purpose land	CStrP, DComm, PAEM, SPC	
s.46GO(1)	duty to give notice to owners of certain inner public purpose land	CStrP, DComm, PAEM, SPC	
s.46GP	function of receiving a notice under s.46GO	CStrP, DComm, PAEM, SPC	where Council is the collecting agency
s.46GQ	function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	CStrP, DComm, PAEM, SPC	
s.46GR(1)	duty to consider every submission that is made by the closing date for submissions included in the notice under s.46GO	CStrP, DComm, PAEM, SPC	
s.46GR(2)	power to consider a late submission duty to consider a late submission if directed to do so by the Minister	CStrP, DComm, PAEM, SPC	
s.46GS(1)	power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s.46GQ	CStrP, DComm, PAEM, SPC	

Planning and Environment Act 1987			
s.46GS(2)	duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	CStrP, DComm, PAEM, SPC	
s.46GT(2)	duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CStrP, DComm, PAEM, SPC	
s.46GT(4)	function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	CStrP, DComm, PAEM, SPC	
s.46GT(6)	function of receiving, from the valuer-general, written notice of a determination under s.46GT(5)	CStrP, DComm, PAEM, SPC	
s.46GU	duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s.46GU(1)(a) and (b) are met	CStrP, DComm, PAEM, SPC	
s.46GV(3)	function of receiving the monetary component and any land equalisation amount of the infrastructure contribution power to specify the manner in which the payment is to be made	CStrP, DComm, PAEM, SPC	where Council is the collecting agency
s.46GV(3)(b)	power to enter into an agreement with the applicant	DComm	where Council is the collecting agency
s.46GV(4)(a)	function of receiving the inner public purpose land in accordance with s.46GV(5) and (6)	DComm	where Council is the development agency
s.46GV(4)(b)	function of receiving the inner public purpose land in accordance with s.46GV(5) and (6)	DComm	where Council is the collecting agency
s.46GV(7)	duty to impose the requirements set out in s.46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	CStrP, DComm, PAEM, SPC	
s.46GV(9)	power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	CStrP, DComm, PAEM, SPC	where Council is the collecting agency
s.46GX(1)	power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	where Council is the collecting agency
s.46GX(2)	duty, before accepting the provision of works, services or facilities by an applicant under s.46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	CStrP, DComm, PAEM, SPC	where Council is the collecting agency
s.46GY(1)	duty to keep proper and separate accounts and records	CStrP, DComm, PAEM, SPC	where Council is the collecting agency
s.46GY(2)	duty to keep the accounts and records in accordance with the Local Government Act 1989	CStrP, DComm, PAEM, SPC	where Council is the collecting agency
s.46GZ(2)(a)	duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	DComm	where Council is the collecting agency under an approved infrastructure

Planning and Environment Act 1987			
			contributions plan this duty does not apply where Council is that planning authority
s.46GZ(2)(a)	function of receiving the monetary component	DComm	where the Council is the planning authority this duty does not apply where Council is also the collecting agency
s.46GZ(2)(b)	duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities	CStrP, DComm, PAEM	where Council is the collecting agency under an approved infrastructure contributions plan this provision does not apply where Council is also the relevant development agency
s.46GZ(2)(b)	function of receiving the monetary component	DComm	where Council is the development agency under an approved infrastructure contributions plan this provision does not apply where Council is also the collecting agency
s.46GZ(4)	duty to use any land equalisation amounts to pay land credit amounts under s.46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s.46GZ(5)	DComm	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZ(5)	duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	CStrP, DComm, DCorp, MFCP, PAEM, TLPES	where Council is the collecting agency under an approved infrastructure contributions plan this provision does not apply where Council is also the relevant development agency

Planning and Environment Act 1987			
s.46GZ(5)	function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	DComm	where Council is the development agency specified in the approved infrastructure contributions plan this provision does not apply where Council is also the collecting agency
s.46GZ(7)	duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s.46GW	DComm	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZ(9)	duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	CStrP, DComm, DCorp, MFCP, PAEM, TLPES	if any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s.46GV(4) where Council is the collecting agency under an approved infrastructure contributions plan this duty does not apply where Council is also the development agency
s.46GZ(9)	function of receiving the fee simple in the land	DComm	where Council is the development agency under an approved infrastructure contributions plan this duty does not apply where Council is also the collecting agency
s.46GZA(1)	duty to keep proper and separate accounts and records	CStrP, DComm, PAEM, SPC	where Council is a development agency under an approved infrastructure contributions plan
s.46GZA(2)	duty to keep the accounts and records in accordance with the Local Government Act 1989	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	where Council is a development agency under an approved infrastructure contributions plan
s.46GZB(3)	duty to follow the steps set out in s.46GZB(3)(a) – (c)	CStrP, DComm, PAEM, SPC	where Council is a development agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
s.46GZB(4)	duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	CStrP, DComm, PAEM	if the VPA is the collecting agency under an approved infrastructure contributions plan where Council is a development agency under an approved infrastructure contributions plan
s.46GZD(2)	duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s.46GZD(2)(a) and (b)	CStrP, DComm, PAEM, SPC	where Council is the development agency under an approved infrastructure contributions plan
s.46GZD(3)	duty to follow the steps set out in s.46GZD(3)(a) and (b)	CStrP, DComm, PAEM, SPC	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZD(5)	duty to make payments under s.46GZD(3) in accordance with ss.46GZD(5)(a) and 46GZD(5)(b)	CStrP, DComm, PAEM	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZE(2)	duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	DComm, MFCP, PAEM	where Council is the development agency under an approved infrastructure contributions plan this duty does not apply where Council is also the collecting agency
s.46GZE(2)	function of receiving the unexpended land equalisation amount	DComm	where Council is the collecting agency under an approved infrastructure contributions plan this duty does not apply where Council is also the development agency
s.46GZE(3)	duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s.46GZE(3)(a) and (b)	CStrP, DComm, PAEM, SPC	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZF(2)	duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	DComm	where Council is the development agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
s.46GZF(3)	duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	CStrP, DComm, PAEM, SPC	where Council is the development agency under an approved infrastructure contributions plan
s.46GZF(3)	s.46GZF(3)(a) function of receiving proceeds of sale	DComm	where Council is the collection agency under an approved infrastructure contributions plan this provision does not apply where Council is also the development agency
s.46GZF(4)	duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s.46GZF(5)	DComm	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZF(6)	duty to make the payments under s.46GZF(4) in accordance with s.46GZF(6)(a) and (b)	DComm	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZH	power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	DComm	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZI	duty to prepare and give a report to the Minister at the times required by the Minister	DComm, MFCP, PAEM	where Council is a collecting agency or development agency
s.46GZK	power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	DComm	where Council is a collecting agency or development agency
s.46LB(3)	duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s.46LB (2)	DComm	
s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	DComm, PAEM	
s.46O(1)(a) & (2)(a)	power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	DBS, DComm, MBS, PAEM, SBS	

Planning and Environment Act 1987			
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	DComm, PAEM	
s.46P(1)	power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.46Q(1)	duty to keep proper accounts of levies paid	DCorp, MFCP	
s.46Q(1A)	duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency or plan preparation costs incurred by a development agency	CStrP, DComm, DCorp, MFCP, PAEM, TLPES	
s.46Q(2)	duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	DCA, DCorp, MES, MFCP	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	DComm, PAEM	only applies when levy is paid to Council as a 'development agency'
s.46Q(4)(c)	duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal Council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s.46Q(4)(a)	DComm, DCorp, MFCP, PAEM	must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s.46Q(4)(d)	duty to submit to the Minister an amendment to the approved development contributions plan	CStrP, DComm, MPP, PAEM	must be done in accordance with Part 3
s.46Q(4)(e)	duty to expend that amount on other works etc.	DCA, DComm, DCorp, MES, MFCP	with the consent of, and in the manner approved by, the Minister
s.46QC	power to recover any amount of levy payable under Part 3B	DComm, PAEM	
s.46QD	duty to prepare report and give a report to the Minister	DComm, PAEM	where Council is a collecting agency or development agency
s.46V(3)	duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	CStrP, DComm, MPP, PAEM	
s.46Y	duty to carry out works in conformity with the approved strategy plan	DCA, DComm, MES, PAEM	
s.47	power to decide that an application for a planning permit does not comply with that Act	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, SUBO, TLSP	

Planning and Environment Act 1987		
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, SUBO, TLPES, TLSP
s.49(2)	duty to make register available for inspection	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, SUBO, TLPES, TLSP
s.50(4)	duty to amend application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, SUBO, TLSP
s.50(5)	power to refuse to amend application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP
s.50(6)	duty to make note of amendment to application in register	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP
s.50A(1)	power to make amendment to application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP
s.50A(4)	duty to note amendment to application in register	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP
s.51	duty to make copy of application available for inspection	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP
s.52(1)(a)	duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP
s.52(1)(b)	duty to give notice of the application to other municipal Councils where appropriate	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP

Planning and Environment Act 1987			
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.52(1)(ca)	duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.52(1)(cb)	duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.52(3)	power to give any further notice of an application where appropriate	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.54(1)	power to require the applicant to provide more information	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.54(1A)	duty to give notice in writing of information required under section 54(1)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.54(1B)	duty to specify the lapse date for an application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	

Planning and Environment Act 1987			
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time und section 54A(3)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	To be retained by Council	
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.57(5)	duty to make available for inspection copy of all objections	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.57A(4)	duty to amend application in accordance with applicant's request, subject to section 57A(5)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.57A(5)	power to refuse to amend application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.57A(6)	duty to note amendments to application in register	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.57B(1)	duty to determine whether and to whom notice should be given	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.57C(1)	duty to give copy of amended application to referral authority	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	

Planning and Environment Act 1987			
s.58	duty to consider every application for a permit	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.58A	power to request advice from the Planning Application Committee	DComm, PAEM, PLSP, SPC, TLSP	
s.60	duty to consider certain matters	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.60(1A)	power to consider certain matters before deciding on application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.60(1B)	duty to consider number of objectors in considering whether use or development may have significant social effect	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO	
s.61(1)	power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	DComm, MPP, PAEM, PLSP, SPC, TLSP	the permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006
s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.62(1)	duty to include certain conditions in deciding to grant a permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.62(2)	power to include other conditions	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DComm, MPP, PAEM, PLSP, SPC, TLSP	

Planning and Environment Act 1987			
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.62(5)(b)	power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.62(6)(a)	duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss.46N(1), 46GV(7) or 62(5)	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.62(6)(b)	duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in section 62(1)(a)	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64(3)	duty not to issue a permit until after the specified period	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64(5)	duty to give each objector a copy of an exempt decision	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64A	duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	this provision applies also to a decision to grant an amendment to a permit - see section 75A
s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.66(1)	duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	

Planning and Environment Act 1987			
s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s.66(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	if the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s.66(6)	duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under section 64 or 65	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s.69(1)	function of receiving application for extension of time of permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.69(1A)	function of receiving application for extension of time to complete development	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.69(2)	power to extend time	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.70	duty to make copy permit available for inspection	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.71(1)	power to correct certain mistakes	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.71(2)	duty to note corrections in register	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.73	power to decide to grant amendment subject to conditions	DComm, MPP, PAEM, PLSP, SPC, TLSP	

Planning and Environment Act 1987			
s.74	duty to issue amended permit to applicant if no objectors	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	if the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	if the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under section 64 or 76	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	if the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s.76D	duty to comply with direction of Minister to issue amended permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.83	function of being respondent to an appeal	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.83B	duty to give or publish notice of application for review	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	

Planning and Environment Act 1987			
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.84(2)	duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.84(3)	duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.84(6)	duty to issue permit on receipt of advice within 3 working days	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.84AB	power to agree to confining a review by the Tribunal	DComm	
s.86	duty to issue a permit at order of Tribunal within 3 working days	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	DComm, PAEM, PPIO, SPC	
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	DComm, PAEM, PIO, PPIO, SPC	
s.91(2)	duty to comply with the directions of VCAT	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.91(2A)	duty to issue amended permit to owner if Tribunal so directs	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	DComm, MPP, PAEM, PIO, PLSP, PPIO, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.93(2)	duty to give notice of VCAT order to stop development	DComm, MPP, PAEM, PIO, PLSP, PPIO, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.95(3)	function of referring certain applications to the Minister	DComm, PAEM, PLSP, SPC, TLSP	
s.95(4)	duty to comply with an order or direction	DComm, MPP, PAEM, PIO, PLSP, PPIO, SPC, SPTO, SSP, StatP, SUBO, TLSP	

Planning and Environment Act 1987			
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	DComm, PAEM, PLSP, SPC, TLSP	
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DComm, PAEM, PLSP, SPC, TLSP	
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	To be retained by Council	
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	To be retained by Council	
s.96F	duty to consider the panel's report under section 96E	To be retained by Council	
s.96G(1)	power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under section 23 of the Planning and Environment (Planning Schemes) Act 1996)	To be retained by Council	
s.96H(3)	power to give notice in compliance with Minister's direction	CStrP, DComm, MPP, PAEM, PLSP, SPC, SSP, StatP, TLSP	
s.96J	power to issue permit as directed by the Minister	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.96K	duty to comply with direction of the Minister to give notice of refusal	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.96Z	duty to keep levy certificates given to it under ss. 47 or 96A for no less than 5 years from receipt of the certificate	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.97C	power to request Minister to decide the application	To be retained by Council	
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.97G(3)	function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.97G(6)	duty to make a copy of permits issued under section 97F available for inspection	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO,	

Planning and Environment Act 1987			
		SSP, StatP, SUBO, TLPES, TLSP	
s.97L	duty to include Ministerial decisions in a register kept under section 49	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.97MH	duty to provide information or assistance to the Planning Application Committee	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.97MI	duty to contribute to the costs of the Planning Application Committee or subcommittee	To be retained by Council	
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.97Q(4)	duty to comply with directions of VCAT	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	DComm, PAEM, SPC	
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	DComm, PAEM, SPC	
s.101	function of receiving claim for expenses in conjunction with claim	DComm, PAEM, SPC	
s.103	power to reject a claim for compensation in certain circumstances	DComm, PAEM, SPC	
s.107(1)	function of receiving claim for compensation	DComm, PAEM, SPC	
s.107(3)	power to agree to extend time for making claim	DComm, PAEM, SPC	
s.114(1)	power to apply to the VCAT for an enforcement order	DComm, PAEM, PIO, PPIO, SPC	

Planning and Environment Act 1987			
s.117(1)(a)	function of making a submission to the VCAT where objections are received	DComm, PAEM, PIO, PPIO, SPC	
s.120(1)	power to apply for an interim enforcement order where section 114 application has been made	DComm, PAEM, PIO, PPIO, SPC	
s.123(1)	power to carry out work required by enforcement order and recover costs	DComm, PAEM, PIO, PPIO, SPC	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	DComm, PAEM, SPC	except Crown Land
s.129	function of recovering penalties	DComm, PAEM, PIO, PPIO, SPC	
s.130(5)	power to allow person served with an infringement notice further time	DComm, PAEM, PIO, PPIO, SPC	
s.149A(1)	power to refer a matter to the VCAT for determination	To be retained by Council	
s.149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	DComm, PAEM, SPC	
s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under subsection (2B) power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)	CStrP, DComm, PAEM, SPC	where Council is the relevant planning authority
s.171(2)(f)	power to carry out studies and commission reports	CStrP, DComm, PAEM, SPC	
s.172C	power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	DComm	where Council is a development agency specified in an approved infrastructure contributions plan
s.172D(1)	power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s.46GV(4)	DComm	where Council is a collecting agency specified in an approved infrastructure contributions plan
s.172D(2)	power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s.46GV(4)	DComm	where Council is the development agency specified in an approved infrastructure contributions plan
s.171(2)(g)	power to grant and reserve easements	DComm, PAEM, SPC	
s.173(1)	power to enter into agreement covering matters set out in section 174	DComm, PAEM	
s.173(1A)	power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	DComm, PAEM	where Council is the relevant responsible authority

Planning and Environment Act 1987			
			note: this provision is not yet in force and will commence on 1 June 2018, if not proclaimed earlier
	power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	DComm, PAEM, PLSP, SPC, TLSP	
	power to give consent on behalf of Council, where an agreement made under section 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	DComm, PAEM, PLSP, SPC, TLSP	
s.177(2)	power to end a section 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DComm, PAEM, SPC	
s.178	power to amend a s.173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DComm, PAEM, SPC	
s.178A(1)	function of receiving application to amend or end an agreement	DComm, PAEM, SPC	
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	DComm, PAEM, SPC	
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DComm, PAEM, SPC	
s.178A(5)	power to propose to amend or end an agreement	DComm, PAEM, SPC	
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	DComm, PAEM, SPC	
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	DComm, PAEM, SPC	
s.178C(2)	duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	DComm, PAEM, SPC	
s.178C(4)	function of determining how to give notice under s.178C(2)	DComm, PAEM, SPC	
s.178E(1)	duty not to make decision until after 14 days after notice has been given	DComm, PAEM, SPC	
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	DComm, PAEM, SPC	If no objections are made under s.178D Must consider matters in s.178B
s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	DComm, PAEM, SPC	If no objections are made under s.178D Must consider matters in s.178B
s.178E(2)(c)	power to refuse to amend or end the agreement	DComm, PAEM, SPC	If no objections are made under s.178D Must consider matters in s.178B

Planning and Environment Act 1987			
s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	DComm, PAEM, SPC	After considering objections, submissions and matters in s.178B
s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	DComm, PAEM, SPC	After considering objections, submissions and matters in s.178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	DComm, PAEM, SPC	After considering objections, submissions and matters in s.178B
s.178E(3)(d)	power to refuse to amend or end the agreement	DComm, PAEM, SPC	After considering objections, submissions and matters in s.178B
s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	DComm, PAEM, SPC	
s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	DComm, PAEM, SPC	
s.178F(4)	duty not to proceed to amend or end an agreement under s.178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	DComm, PAEM, SPC	
s.178G	duty to sign amended agreement and give copy to each other party to the agreement	DComm, PAEM, SPC	
s.178H	power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	DComm, PAEM, SPC	
s.178I(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DComm, PAEM, SPC	
s.179(2)	duty to make available for inspection copy agreement	DComm, PAEM, SPC, TLPES	
s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	DComm, PAEM, SPC	
s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement	DComm, PAEM, SPC	
s.181(1A)(b)	duty to apply to the Registrar of Titles, without delay, to record the agreement	DComm, PAEM, SPC	
s.182	power to enforce an agreement	DComm, PAEM, PIO, PPIO, SPC	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	DComm, PAEM, SPC	
s.184F(1)	power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	DComm, PAEM, SPC	
s.184F(2)	duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	DComm, PAEM, SPC	

Planning and Environment Act 1987			
s.184F(3)	duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	DComm, PAEM, SPC	
s.184F(5)	function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	DComm, PAEM, SPC	
s.184G(2)	duty to comply with a direction of the Tribunal	DComm, PAEM, SPC	
s.184G(3)	duty to give notice as directed by the Tribunal	DComm, PAEM, SPC	
s.198(1)	function to receive application for planning certificate	DComm, PAEM, SPC, TLPEs	
s.199(1)	duty to give planning certificate to applicant	DComm, PAEM, SPC, TLPEs	
s.201(1)	function of receiving application for declaration of underlying zoning	CStrP, DComm, PAEM, SPC, TLSP	
s.201(3)	duty to make declaration	DComm, PAEM, PLSP, SPC, TLSP	
	power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	DComm, MPP, PAEM, PLSP, SPC, TLSP	
	power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	DComm, MPP, PAEM, PLSP, SPC, TLSP	
	power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
	power to give written authorisation in accordance with a provision of a planning scheme	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.201UAB(1)	function of providing the Victoria Planning Authority with information relating to any land within municipal district	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.201UAB(2)	duty to provide the Victoria Planning Authority with information requested under subsection (1) as soon as possible	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	
s.224(8)	duty to provide information requested by Victoria Planning Authority under s.201UAB(1) not yet provided to Growth Areas Authority to Victorian Planning Authority	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	
Rail Safety (Local Operations) Act 2006			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.33	duty to comply with a direction of the Safety Director under this section	DCA, DComm, MCWD, MES, OPM	where Council is a utility under section 3

Rail Safety (Local Operations) Act 2006			
s.33A	duty to comply with a direction of the Safety Director to give effect to arrangements under this section	DCA, DComm, MCWD, MES, OPM	duty of Council as a road authority under the Road Management Act 2004
s.34	duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under section 33(1)	CWME, DCA, DComm, MCWD, MES, OPM	where Council is a utility under section 3
s.34C(2)	function of entering into safety interface agreements with rail infrastructure manager	DCA, DComm, MCWD, MES, MSA, OPM	where Council is the relevant road authority
s.34D(1)	function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	CWME, DCA, DComm, MCWD, MES, OPM	where Council is the relevant road authority
s.34D(2)	function of receiving written notice of opinion	DCA, DComm, MCWD, MES, OPM	where Council is the relevant road authority
s.34D(4)	function of entering into safety interface agreement with infrastructure manager	DCA, DComm, MCWD, MES, MSA, OPM	where Council is the relevant road authority
s.34E(1)(a)	duty to identify and assess risks to safety	CWME, DCA, DComm, MES, OPM	where Council is the relevant road authority
s.34E(1)(b)	duty to determine measures to manage any risks identified and assessed having regard to items set out in section 34E(2)(a)-(c)	CWME, DCA, DComm, MES, OPM	where Council is the relevant road authority
s.34E(3)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	DCA, DComm, MES, MSA, OPM	where Council is the relevant road authority
s.34F(1)(a)	duty to identify and assess risks to safety, if written notice has been received under section 34D(2)(a)	CWME, DCA, DComm, MES, OPM	where Council is the relevant road authority
s.34F(1)(b)	duty to determine measures to manage any risks identified and assessed, if written notice has been received under section 34D(2)(a)	CWME, DCA, DComm, MES, OPM	where Council is the relevant road authority
s.34F(2)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	DCA, DComm, MES, MSA, OPM	where Council is the relevant road authority
s.34H	power to identify and assess risks to safety as required under sections 34B, 34C, 34D, 34E or 34F in accordance with subsections (a)-(c)	CWME, DCA, DComm, MES, OPM	where Council is the relevant road authority
s.34I	function of entering into safety interface agreements	DCA, DComm, MES, MSA, OPM	where Council is the relevant road authority
s.34J(2)	function of receiving notice from Safety Director	DCA, DComm, MES, OPM	where Council is the relevant road authority
s.34J(7)	duty to comply with a direction of the Safety Director given under section 34J(5)	CWME, DCA, DComm, MES, OPM	where Council is the relevant road authority
s.34K(2)	duty to maintain a register of items set out in subsections (a)-(b)	CAP, CCW, CWME, DCA, DComm, MES, MSA, OPM	where Council is the relevant road authority

Residential Tenancies Act 1997			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.142D	function of receiving notice regarding an unregistered rooming house	CSM, DComm, EHC, EHO, EHT, SEHO	
s.142G(1)	duty to enter required information in Rooming House Register for each rooming house in municipal district	CSM, DBS, DComm, EHC, EHO, EHT, MBS, SBS, SEHO	
s.142G(2)	power to enter certain information in the Rooming House Register	CSM, DComm, EHC, EHO, EHT, SEHO	
s.142I(2)	power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	CSM, DComm, EHC, EHO, SEHO	
s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies	CPM, DBS, DComm, DCorp, MBS, MCS, SBS	where Council is the landlord
s.262(1)	power to give tenant a notice to vacate rented premises	CPM, DBS, DComm, DCorp, MBS, MCS, SBS	where Council is the landlord
s.262(3)	power to publish its criteria for eligibility for the provision of housing by Council	CPM, DBS, DComm, DCorp, MBS, MCS, SBS	
s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	CSM, DBS, DComm, DCorp, EHC, EHO, EHT, MBS, SBS, SEHO	
s.522(1)	power to give a compliance notice to a person	CSM, DBS, DComm, EHC, EHO, EHT, MBS, SBS, SEHO	
s.525(2)	power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	CSM, DComm	
s.525(4)	duty to issue identity card to authorised officers	CSM, DComm, PLT	
s.526(5)	duty to keep record of entry by authorised officer under section 526	CSM, DComm	
s.526A(3)	function of receiving report of inspection	CSM, DComm	
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	CP, CSM, DComm, EHC, EHT	
Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.11(1)	power to declare a road by publishing a notice in the Government Gazette	DCorp, GCO, MACP	obtain consent in circumstances specified in section 11(2)
s.11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	DCorp, GCO, MACP	
s.11(9)(b)	duty to advise Registrar	DCorp, GCO, MACP	
s.11(10)	duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	DCorp, GCO, MACP	clause subject to section 11(10A)

Road Management Act 2004			
s.11(10A)	duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	DCorp, GCO, MACP	where Council is the coordinating road authority
s.12(2)	power to discontinue road or part of a road	To be retained by Council	were Council is the coordinating road authority
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	DCorp, GCO, MACP	power of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(5)	duty to consider written submissions received within 28 days of notice	DCorp, MACP	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(6)	function of hearing a person in support of their written submission	To be retained by Council	function of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(7)	duty to fix day, time and place of meeting under subsection (6) and to give notice	DCorp, GCO, MACP	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(10)	duty to notify of decision made	DCorp, GCO, MACP	duty of coordinating road authority where it is the discontinuing body does not apply where an exemption is specified by the regulations or given by the Minister
s.13(1)	power to fix a boundary of a road by publishing notice in Government Gazette	DCorp, GCO, MACP	power of coordinating road authority and obtain consent under section 13(3) and section 13(4) as appropriate
s.14(4)	function of receiving notice from VicRoads	DCA, DCorp, MACP, MSA	
s.14(7)	power to appeal against decision of VicRoads	DCA, DCorp, MACP, MSA	
s.15(1)	power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	CES, DCA, DComm, MSA, OPM	
s.15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DCA, DComm, MSA, OPM	
s.15(2)	duty to include details of arrangement in public roads register	CAP, DCA, MSA	
s.16(7)	power to enter into an arrangement under section 15	DCA, DComm, MSA, OPM	
s.16(8)	duty to enter details of determination in public roads register	CAP, DCA, MSA	
s.17(2)	duty to register public road in public roads register	CAP, DCA, MSA	where Council is the coordinating road authority

Road Management Act 2004			
s.17(3)	power to decide that a road is reasonably required for general public use	CAP, DCA, MSA	where Council is the coordinating road authority
s.17(3)	duty to register a road reasonably required for general public use in public roads register	CAP, DCA, MSA	where Council is the coordinating road authority
s.17(4)	power to decide that a road is no longer reasonably required for general public use	CAP, DCA, DComm, DCorp, GCO, MACP, MSA	where Council is the coordinating road authority
s.17(4)	duty to remove road no longer reasonably required for general public use from public roads register	CAP, DCA, MSA	where Council is the coordinating road authority
s.18(1)	power to designate ancillary area	CAP, DCA, MSA	where Council is the coordinating road authority, and obtain consent in circumstances specified in section 18(2)
s.18(3)	duty to record designation in public roads register	CAP, DCA, MSA	where Council is the coordinating road authority
s.19(1)	duty to keep register of public roads in respect of which it is the coordinating road authority	CAP, DCA, MSA	
s.19(4)	duty to specify details of discontinuance in public roads register	CAP, DCA, MSA	
s.19(5)	duty to ensure public roads register is available for public inspection	CAP, DCA, MSA	
s.21	function of replying to request for information or advice	CAP, DCA, MSA	obtain consent in circumstances specified in section 11(2)
s.22(2)	function of commenting on proposed direction	CAP, DCA, MSA	
s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	CAP, DCA, MSA	
s.22(5)	duty to give effect to a direction under this section.	CAP, DCA, MSA	
s.40(1)	duty to inspect, maintain and repair a public road.	CCW, CWME, DCA, DComm, MCWD, MES, MSA, OPM	
s.40(5)	power to inspect, maintain and repair a road which is not a public road	CCW, CWME, DCA, DComm, MES, OPM	
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	CCW, CWME, DCA, DComm, MCWD, MES, MSA, OPM	
s.42(1)	power to declare a public road as a controlled access road	CAP, DCA, MSA	power of coordinating road authority and Schedule 2 also applies
s.42(2)	power to amend or revoke declaration by notice published in Government Gazette	CAP, DCA, MSA	power of coordinating road authority and Schedule 2 also applies

Road Management Act 2004			
s.42A(3)	duty to consult with VicRoads before road is specified	CAP, DCA, MSA	where Council is the coordinating road authority if road is a municipal road or part thereof
s.42A(4)	power to approve Minister's decision to specify a road as a specified freight road	CES, DCA, MES	where Council is the coordinating road authority if road is a municipal road or part thereof and where road is to be specified a freight road
s.48EA	duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	CAP, DCA, MSA	where Council is the responsible road authority, infrastructure manager or works manager
s.48M(3)	function of consulting with the relevant authority for purposes of developing guidelines under section 48M	CAP, DCA, MSA	
s.49	power to develop and publish a road management plan	CAP, DCA, MSA	
s.51	power to determine standards by incorporating the standards in a road management plan	CAP, DCA, MSA	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	CAP, DCA, MSA	
s.54(2)	duty to give notice of proposal to make a road management plan	CAP, DCA, MSA	
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	CAP, DCA, MSA	
s.54(6)	power to amend road management plan	CAP, DCA, MSA	
s.54(7)	duty to incorporate the amendments into the road management plan	CAP, DCA, MSA	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	CAP, DCA, MSA	
s.63(1)	power to consent to conduct of works on road	CCW, CES, CWME, DCA, DComm, MCWD, MES, MSA, OPM	where Council is the coordinating road authority
s.63(2)(e)	power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	CCW, CES, CWME, DCA, DComm, MCWD, MES, MSA, OPM	where Council is the infrastructure manager
s.64(1)	duty to comply with clause 13 of Schedule 7	DCA, DComm, MES, OPM	where Council is the infrastructure manager or works manager
s.66(1)	power to consent to structure etc	DCA, DComm, MES, OPM	where Council is the coordinating road authority
s.67(2)	function of receiving the name & address of the person responsible for distributing the sign or bill	DCA, DComm, MES, OPM	where Council is the coordinating road authority

Road Management Act 2004			
s.67(3)	power to request information	DCA, DComm, MES, MSA, OPM	where Council is the coordinating road authority
s.68(2)	power to request information	DCA, DComm, MCWD, MES, MSA, OPM	where Council is the coordinating road authority
s.71(3)	power to appoint an authorised officer	CEO, DCA, DComm	
s.72	duty to issue an identity card to each authorised officer	DCA, DComm, MCWD, MES, MHR, MSA, OPM	
s.85	function of receiving report from authorised officer	CCW, COS, CPG, CSV, CWME, DCA, DComm, MCWD, MES, MSA, OPM	
s.86	duty to keep register re section 85 matters	DCA, DComm, MCWD, MES, MSA, OPM	
s.87(1)	function of receiving complaints	CCW, COS, CPG, CSV, CWME, DCA, DComm, MCWD, MES, MSA, OPM	
s.87(2)	duty to investigate complaint and provide report	CCW, COS, CPG, CSV, CWME, DCA, DComm, MCWD, MES, MSA, OPM	
s.112(2)	power to recover damages in court	DCA, DComm, MCWD, MES, MFCP, MSA, OPM	
s.116	power to cause or carry out inspection	CCW, CWME, DCA, DComm, MCWD, MES, MSA, OPM	
s.119(2)	function of consulting with VicRoads	CCW, COS, CPG, CSV, CWME, DCA, DComm, MCWD, MES, MSA, OPM	
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	CCW, COS, CPG, CSV, CWME, DCA, DComm, MCWD, MES, MSA, OPM	
s.120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	COS, CPG, CSV, DCA, DComm, MCWD, MES, MSA, OPM	
s.121(1)	power to enter into an agreement in respect of works	DCA, DComm, MCWD, MES, MSA, OPM	

Road Management Act 2004			
s.122(1)	power to charge and recover fees	DCA, DComm, MCWD, MES, MSA, OPM	
s.123(1)	power to charge for any service	DCA, DComm, MCWD, MES, MSA, OPM	
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	DCA, MES, MSA	
Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	DCA, MES, MSA	
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	DCA, MES, MSA	
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	CES, DCA, DComm, EMFR, MCWD, MES, MSA, PAEM, SIC	
Schedule 2 Clause 5	duty to publish notice of declaration	CES, DCA, MES, MSA	
Schedule 7, Clause 7(1)	duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	CES, DCA, MCWD, MES, MSA	where Council is the infrastructure manager or works manager
Schedule 7, Clause 8(1)	duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	CES, DCA, DComm, MCWD, MES, MSA, OPM	where Council is the infrastructure manager or works manager
Schedule 7, Clause 9(1)	duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	CES, DCA, DComm, MCWD, MES, MSA, OPM	where Council is the infrastructure manager or works manager responsible for non-road infrastructure
Schedule 7, Clause 9(2)	duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	CES, DCA, EMFR, MCWD, MES, MSA, SIC	where Council is the infrastructure manager or works manager
Schedule 7, Clause 10(2)	where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	CAP, CCW, CES, CWME, DCA, DComm, MCWD, MES, MSA, OPM	where Council is the infrastructure manager or works manager
Schedule 7 Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	CES, DCA, DComm, MCWD, MES, MSA	where Council is the coordinating road authority

Road Management Act 2004			
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	CES, DCA, MCWD, MES, MSA	where Council is the coordinating road authority
Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	DCA, DComm, MCWD, MES, MSA	where Council is the coordinating road authority
Schedule 7 Clause 12(5)	power to recover costs	DCA, DComm, MCS, MCWD, MES, MSA, OPM	where Council is the coordinating road authority
Schedule 7, Clause 13(1)	duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2)	CES, DCA, DComm, MCWD, MES, MSA, OPM	where Council is the works manager
Schedule 7 Clause 13(2)	power to vary notice period	CES, DCA, DComm, MCWD, MES, MSA, OPM	where Council is the coordinating road authority
Schedule 7, Clause 13(3)	duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1)	DCA, DComm, MCWD, MES, OPM	where Council is the infrastructure manager
Schedule 7 Clause 16(1)	power to consent to proposed works	CES, DCA, DComm, MCWD, MES, OPM	where Council is the coordinating road authority
Schedule 7 Clause 16(4)	duty to consult	CAP, CES, DCA, DComm, MCWD, MES, MSA, OPM	where Council is the coordinating road authority, responsible authority or infrastructure manager
Schedule 7 Clause 16(5)	power to consent to proposed works	CES, DCA, DComm, MCWD, MES, OPM	where Council is the coordinating road authority
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	CES, DCA, DComm, MCWD, MES, OPM	where Council is the coordinating road authority
Schedule 7 Clause 16(8)	power to include consents and conditions	CES, DCA, DComm, MCWD, MES, OPM	where Council is the coordinating road authority

Road Management Act 2004			
Schedule 7 Clause 17(2)	power to refuse to give consent and duty to give reasons for refusal	CES, DCA, DComm, MCWD, MES, OPM	where Council is the coordinating road authority
Schedule 7 Clause 18(1)	power to enter into an agreement	CES, DCA, DComm, MCWD, MES, OPM	where Council is the coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	CES, DCA, DComm, MCWD, MES, OPM	where Council is the coordinating road authority
Schedule 7 Clause 19(2) & (3)	power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	CCW, CES, CWME, DCA, DComm, MCWD, MES, OPM	where Council is the coordinating road authority
Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	CES, DCA, DComm, MCWD, MES, OPM	where Council is the coordinating road authority
Schedule 7A Clause 2	power to cause street lights to be installed on roads	CCW, CES, CWME, DCA, MCWD, MES, OPM	power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
Schedule 7A Clause 3(1)(d)	duty to pay installation and operation costs of street lighting - where road is not an arterial road	CES, DCA, MCWD, MES	where Council is the responsible road authority
Schedule 7A Clause 3(1)(e)	duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	CES, DCA, MCWD, MES	where Council is the responsible road authority
Schedule 7A Clause (3)(1)(f),	duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with clauses 3(2) and 4	CES, DCA, MCWD, MES	duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal Council (re: operating costs)
Cemeteries and Crematoria Regulations 2015			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the Cemeteries and Crematoria Act 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.24	duty to ensure that cemetery complies with depth of burial requirements	CPG, DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	

Cemeteries and Crematoria Regulations 2015			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the Cemeteries and Crematoria Act 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
r.25	duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	CPG, DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	
r.27	power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	
r.33(1)	duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	CPG, DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	
r.46	power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	CPG, DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	
r.48(2)	power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	CPG, DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	
	Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules	Note only	
Schedule 2, clause 4	power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of Schedule 2	DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	see note above regarding model rules
Schedule 2, clause 5(1)	duty to display the hours during which pedestrian access is available to the cemetery	DCorp, FMPO, GCO, MACP	see note above regarding model rules
Schedule 2, clause 5(2)	duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	DCorp, FMPO, GCO, MACP	see note above regarding model rules
Schedule 2, clause 6(1)	power to give directions regarding the manner in which a funeral is to be conducted	CPG, DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	see note above regarding model rules
Schedule 2, clause 7(1)	power to give directions regarding the dressing of places of interment and memorials	CPG, DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	see note above regarding model rules
Schedule 2, clause 8	power to approve certain mementos on a memorial	CPG, DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	see note above regarding model rules
Schedule 2, clause 11(1)	power to remove objects from a memorial or place of interment	CPG, DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	see note above regarding model rules

Cemeteries and Crematoria Regulations 2015			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the Cemeteries and Crematoria Act 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Schedule 2, clause 11(2)	duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	DComm, OPM, TLPM	see note above regarding model rules
Schedule 2, clause 12	power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	CPG, DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	see note above regarding model rules
Schedule 2, clause 14	power to approve an animal to enter into or remain in a cemetery	DCorp, FMPO, GCO, MACP	see note above regarding model rules
Schedule 2, clause 16(1)	power to approve construction and building within a cemetery	CEO, DCorp	see note above regarding model rules
Schedule 2, clause 17(1)	power to approve action to disturb or demolish property of the cemetery trust	CEO, DCorp	see note above regarding model rules
Schedule 2, clause 18(1)	power to approve digging or planting within a cemetery	CPG, DComm, DCorp, FMPO, GCO, MACP, OPM, TLPM, TLRRR	see note above regarding model rules
Planning and Environment Regulations 2015			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	CStrP, DComm, PAEM	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	DComm, MPP, PAEM, PLSP, SPC, TLSP	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	where Council is the responsible authority

Planning and Environment Regulations 2015			
r.25(b)	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	where Council is not the responsible authority but the relevant land is within Council's municipal district
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	CStrP, DComm, PAEM, SSTRP, StrP	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
Planning and Environment (Fees) Regulations 2016			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.19	power to waive or rebate a fee relating to an amendment of a planning scheme	CStrP, DComm, PAEM	
r.20	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	DComm, PAEM, PLSP, SPC, TLSP	
r.21	duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.19 or 20	CStrP, DComm, PAEM, PLSP, SPC, TLSP	
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.7	function of entering into a written agreement with a caravan park owner	CPM, CSM, DBS, DComm, EHC, EHO, EHT, MBS, MCS, SBS, SEHO	EHC and MBS in a coordinated approach
r.11	function of receiving application for registration	CSM, DComm, EHC, EHO, EHT, SEHO	
r.13(1)	duty to grant the registration if satisfied that the caravan park complies with these regulations	CSM, DComm, EHC, EHO, EHT, SEHO	
r.13(2)	duty to renew the registration if satisfied that the caravan park complies with these regulations	CSM, DComm, EHC, EHO, EHT, SEHO	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CSM, DComm, EHC	
r.13(4) & (5)	duty to issue certificate of registration	CSM, DComm, EHC, EHO, EHT, SEHO	
r.15(1)	function of receiving notice of transfer of ownership	CSM, DComm, EHC, EHO, EHT, SEHO	
r.15(3)	power to determine where notice of transfer is displayed	CSM, DComm, EHC, EHO, EHT, SEHO	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
r.16(1)	duty to transfer registration to new caravan park owner	CSM, DComm, EHC, EHO, EHT, SEHO	
r.16(2)	duty to issue a certificate of transfer of registration	CSM, DComm, EHC	
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	CSM, DComm, EHC	
r.18	duty to keep register of caravan parks	CSM, DComm, EHC	
r.19(4)	power to determine where the emergency contact person's details are displayed	CSM, DComm, EHC, EHO, EHT, SEHO	
r.19(6)	power to determine where certain information is displayed	CSM, DComm, EHC, EHO, EHT, SEHO	
r.22A(1)	duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	CSM, DBS, DComm, EHC, EHO, EHT, MBS, SBS, SEHO	
r.22A(2)	duty to consult with relevant emergency services agencies	CSM, DBS, DComm, EHC, EHO, EHT, MBS, SBS, SEHO	
r.23	power to determine places in which caravan park owner must display a copy of emergency procedures	CSM, DComm, EHC, EHO, EHT, SEHO	
r.24	power to determine places in which caravan park owner must display copy of public emergency warnings	CSM, DBS, DComm, EHC, EHO, EHT, MBS, SBS, SEHO	
r.25(3)	duty to consult with relevant floodplain management authority	CSM, DComm, EHC, EHO, EHT, MFPO, SEHO	EHO, EHT, SEHO, EHC and MBS in coordinated approach
r.26	duty to have regard to any report of the relevant fire authority	CSM, DBS, DComm, EHC, MBS, MFPO, SBS, SEHO	
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	CSM, DComm, EHC, EHO, EHT, SEHO	
r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	CSM, DBS, DComm, EHC, MBS, SBS, SEHO	
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	CSM, DBS, DComm, EHC, MBS, SBS, SEHO	
r.40(4)	function of receiving installation certificate	CSM, DBS, DComm, EHC, MBS, SBS, SEHO	
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	CSM, DBS, DComm, EHC, MBS, SBS, SEHO	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	CSM, DBS, DComm, EHC, MBS, SBS, SEHO	
Road Management (General) Regulations 2016			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.8(1)	duty to conduct reviews of road management plan	CAP, DCA, MSA	
r.9(2)	duty to produce written report of review of road management plan and make report available	CAP, DCA, MSA	
r.9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	DCA, DComm, MSA	where Council is the coordinating road authority
r.10	duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act	CAP, DCA, MSA	
r.13(1)	Duty to publish notice of amendments to road management plan	CAP, DCA, MSA	where Council is the coordinating road authority
r.13(3)	duty to record on road management plan the substance and date of effect of amendment	CAP, DCA, MSA	
r.16(3)	power to issue permit	CES, CWME, DCA, DComm, MES, OPM	where Council is the coordinating road authority
r.18(1)	power to give written consent re damage to road	CES, CWME, DCA, DComm, MES, OPM	where Council is the coordinating road authority
r.23(2)	power to make submission to Tribunal	CES, DCA, MES, MSA	where Council is the coordinating road authority
r.23(4)	power to charge a fee for application under section 66(1) Road Management Act	CES, DCA, DComm, DCorp, MES, MFCP, MSA	where Council is the coordinating road authority
r.25(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	CCW, CES, CWME, DCA, DComm, MES, OPM	where Council is the responsible road authority
r.25(2)	power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	CCW, CES, CWME, DCA, DComm, MES, OPM	where Council is the responsible road authority
r.25(5)	power to recover in the Magistrates' Court, expenses from person responsible	CES, DCA, DComm, DCorp, MES, MFCP, OPM	

Road Management (Works and Infrastructure) Regulations 2015

Note: these regulations commenced on 20 June 2015, replacing the Roads Management (works & infrastructure) Regulations 2005, which expired on 21 June 2015.

Provision	Item Delegated	Delegate	Conditions and Limitations
r.15	power to exempt a person from requirement under clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works	CES, CWME, DCA, DComm, MES, OPM	where Council is the coordinating road authority and where consent given under section 63(1) of the Act
r.22(2)	power to waive whole or part of fee in certain circumstances	CES, CWME, DCA, DComm, MES, OPM	where Council is the coordinating road authority

Executive Summary

12.6 Review of Governance Local Law (Meeting Procedure)

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 obtain Council's endorsement of the draft Governance Local Law (Attachment A), in order to commence the statutory process to make a new Local Law.

Recommendation (Director Corporate Development)

That Council:

1. Endorses the draft Governance Local Law (Attachment A), for commencement of the statutory procedure to make a new Local Law which amends the timeframe for submission of a notice of motion in clause 33(1) from "11 clear business days" to "11 clear days" before the meeting at which it is to be considered.
2. Notes that the statutory procedure for making a local law, as set out in section 119 of the Local Government Act 1989, includes the following steps:
 - a) Preparation of a detailed explanatory document ('community impact statement') which reflects the content in the endorsed draft Governance Local Law;
 - b) Giving public notice and notice in the Government Gazette of Council's intention to make a new Governance Local Law, and inviting submissions in accordance with section 223, with the option to be heard at a future Council meeting;
 - c) Ensuring that the draft local law and community impact statement are available for inspection for a minimum of 28 days;
 - d) Receiving and hearing any submissions at a future Council meeting;
 - e) Considering a detailed report at a future Council meeting regarding the outcome of the submissions process, and then determining whether to adopt the proposed new Governance Local Law.

Key Points / Issues

- On 22 October 2018, Council resolved to make Governance Local Law No. 1 of 2018. Notice of the making of the local law was published in the Victoria Government Gazette on 1 November 2018, and the local law commenced operation on 2 November 2018.
- Clause 33 of the local law deals with notices of motion. Subclause 1 provides that a notice of motion must be provided to the CEO "by no later than noon at least 11 clear business days before the meeting at which it is intended to be considered."

12.6 Review of Governance Local Law (Meeting Procedure)**Executive Summary**

- Clause 6 of the local law (Definitions and notes) states that “**business day**” means a period between 8.30am and 5.00pm on a day which is not a Saturday, Sunday or public holiday.’
- The explanatory note which appears in the box below clause 33(1) states: “If a Council meeting is scheduled for a Monday evening this means that any notice of motion must be lodged prior to noon on the Wednesday two weeks prior to the meeting date.” This note is inconsistent with the content of clause 33(1). As clause 6(2) provides that explanatory notes do not form part of the local law, the text of clause 33(1) prevails over what is in the box.
- Councillors have indicated a desire to amend the timeframe for lodging a notice of motion from “11 clear business days” to “11 clear days” before the meeting at which it is to be considered. This will require an amendment to the local law, including the normal public notice and section 223 submissions process.
- Attachment A is the draft Governance Local Law 2019 highlighting the proposed change from the current adopted Local Law.
- If Council endorses the new draft Local Law for public consultation, a community impact statement will be prepared and the statutory procedure prescribed in section 119 of the *Local Government Act 1989* (‘Act’) will commence with the giving of public notice in February. The submissions period will run for a minimum of 28 days and any submissions will be heard, and then a further report will be prepared to enable Council to formally consider any matters raised in submissions, and determine whether to adopt the new Local Law. If no submissions are received, a report will be prepared to enable Council to make the amended local law.

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 three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.50 per cent for 2019-2020.

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’s external solicitors have been consulted about the proposed amendment to the Governance Local Law. Public notice will be given and submissions will be invited after Council resolves to commence the statutory process for making a new local law.

2. Other Stakeholders

Some Councillors have indicated a desire to amend the timeframe for lodging a notice of motion.

12.6 Review of Governance Local Law (Meeting Procedure)**Executive Summary****Analysis (Environmental / Economic / Social Implications)**

It is good practice for a Council's Governance Local Law to be reviewed by each Council and revised where necessary, to ensure that the Councillors are comfortable with the rules which govern the operation of the meetings at which Council decisions are made.

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

When reviewing the Governance Local Law, consideration will need to be given to balancing the rights which are protected under the *Charter of Human Rights and Responsibilities Act 2006*, including:

- the right to take part in public life (s.18);
- the right to freedom of expression (s.15);
- the right to freedom of movement (s.12); and
- the right to privacy and reputation (s.13).

Legal

Council's power to make local laws is derived from section 111(1) of the Act. A local law must be consistent with any Act or regulation, and will be inoperative to the extent of any inconsistency (s. 111(2) & (3)).

Section 119 of the Act prescribes the statutory process for making a local law. The process includes inviting and considering public submissions in accordance with section 223 of the Act.

Division 2 of the Act also sets out various requirements in relation to Council meetings, and a local law which deals with Council meetings must be consistent with these provisions.

Policy Impacts

Not applicable.

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 clear and considered Governance Local Law contributes to Council's ability to make good decisions.

Conclusion

Following the adoption of the Governance Local Law 2018, clarification of clause 33(1) has been required regarding the timeframe for lodging a notice of motion. It is proposed to change this from "11 clear business days" to "11 clear days" before the meeting at which it is intended to be considered. This change will require an amendment to the local law, including completion of the public notice and section 223 submissions process. The attached draft has been prepared for formal consideration by Council. If Council resolves to endorse the attached draft, the public consultation phase of the statutory local law making procedure can be commenced.

12.6 Review of Governance Local Law (Meeting Procedure)

Executive Summary

ATTACHMENTS

Attachment A: [↓](#) Marked up draft Governance Local Law



Frankston City Council

Local Law No. 1

Governance Local Law

For consideration by Council in January 2019

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PART A – INTRODUCTION

1. Title

This Local Law will be known as the "Governance Local Law".

2. Purpose of this Local Law

- (1) The purpose of this Local Law is to provide for the orderly, efficient and equitable conduct of meetings of Council and Special Committees.
 - (2) Specifically, this Local Law is to:
 - (a) provide a mechanism to facilitate the good government of *Council* through its formal meeting procedure to ensure effective and efficient *Council* decisions are made in a manner which acknowledges the role of local government within the Australian system of government;
 - (b) promote and encourage community participation in the system of local government by providing mechanisms for *Council* to ascertain the community's views and expectations;
 - (c) provide for the election of the *Mayor* and Deputy Mayor;
 - (d) regulate the use of the *common seal*;
 - (e) prohibit unauthorised use of the *common seal* or any device resembling the *common seal*;
 - (f) provide for the procedures governing the conduct of *Council meetings* and *Special Committee* meetings, *Advisory Committee* meetings and Councillor Briefings, to facilitate their orderly, efficient and equitable operation;
 - (g) set the rules of behaviour for those participating in or present at *Council meetings* and *Special Committee* meetings, *Advisory Committee* meetings and Councillor Briefings; and
 - (h) provide for the role of the *Mayor* Deputy Mayor.
-

3. Authorising provision

This Local Law is made under section 111(1) of the *Local Government Act 1989*.

4. **Commencement and end dates**

This Local Law:

- (a) commences on the day following the day on which notice of the making of this Local Law is published in the *Victoria Government Gazette*, and operates throughout the *municipal district*; and
- (b) ends on the 10th anniversary of the day on which it commenced operation.

5. **Revocation of Local Law No. 1 of 2015**

On the commencement of this Local Law, Council's Governance Local Law No. 1 of 2015 is revoked.

6. **Definitions and notes**

- (1) In this Local Law:

"**Act**" means the Local Government Act 1989;

"**Advisory Committee**" means an advisory committee established by *Council* under section 86(1) of the *Act*;

"**agenda**" means the notice of a meeting setting out the business to be transacted at the meeting;

"**authorised officer**" means a member of Council staff who is authorised by *Council* to carry out specific functions under this Local Law;

"**business day**" means a period between 8.30am and 5.00pm on a day which is not a Saturday, Sunday or public holiday;

"**Chair**" means the Chairperson of a meeting and includes an acting, a temporary and a substitute Chairperson;

"**Chief Executive Officer**" means the Chief Executive Officer of *Council*;

"**common seal**" means the common seal of *Council*;

"**Council**" means Frankston City Council;

"**Council meeting**" includes a meeting at which the *Mayor* is elected, an *Ordinary meeting* and a *Special meeting*;

"**delegate**" means a Councillor or member of *Council* staff who, by virtue of a resolution, is *Council's* delegate, nominee or appointee to an external body, association, group or working party;

"**Mayor**" means the Mayor of *Council*;

"**minute book**" means the collective record of proceedings of *Council*;

"**municipal district**" means the municipal district of *Council*;

"**notice of motion**" means a notice setting out the text of a motion, which it is proposed to move at the next relevant meeting;

"**notice of rescission**" means a *notice of motion* to rescind a resolution made by *Council*;

"**offence**" means an act or default contrary to this Local Law;

"**Ordinary meeting**" means any meeting of *Council* which is not a *Special meeting*;

"**penalty units**" mean penalty units as prescribed in the *Sentencing Act 1992*;

"**senior officer**" has the same meaning as in the *Act*;

"**Special Committee**" means a special committee established by *Council* under section 86(1) of the *Act*;

"**Special meeting**" means a Special meeting of *Council* convened and held in accordance with section 84, 84A or 85 of the *Act*;

"**urgent business**" means business which is raised under clause 30;

"**visitor**" means any person (other than a Councillor, member of a *Special Committee*, or member of Council staff) who is in attendance at a *Council meeting* or a *Special Committee meeting*; and

"**written**" includes duplicated, lithographed, photocopied, printed and typed, and extends to both hard copy and soft copy form.

- (2) Introductions to Parts, headings and notes are explanatory notes and do not form part of this Local Law. They are provided to assist understanding.

7. Review of Local Law

To ensure the appropriate functioning of *Council meetings* this Local Law will be formally reviewed every four years before the public, or sooner if *Council* determines that a review is required by any particular circumstance.

This Local Law can be amended from time to time in accordance with the statutory procedure for making a local law, to best suit Council's circumstances.

PART B – ELECTION OF MAYOR

Introduction: This Part is concerned with the annual election of the *Mayor*. It describes how the *Mayor* is to be elected.

8. Election of the *Mayor*

- (1) A meeting to elect the *Mayor* must be held:
 - (a) as soon as practicable after the declaration of the results of a general election of Councillors;
 - (b) as soon as practicable after the fourth Saturday in October, in years between general elections of Councillors; and
 - (c) as soon as practicable after the office of *Mayor* otherwise becomes vacant.
- (2) A temporary *Chair* must be elected to facilitate the election of the *Mayor* in accordance with the provisions of this Local Law and the *Act*.

9. Method of voting

The election of the *Mayor* must be carried out by a show of hands.

10. Determining the election of the *Mayor*

- (1) The temporary *Chair* must open the meeting at which the *Mayor* is to be elected, and invite nominations for the office of *Mayor*.
- (2) Any nomination for the office of *Mayor* must be seconded.
- (3) Once nominations for the office of *Mayor* have been received and those nominated have accepted their nomination, the following provisions will govern the election of the *Mayor*:
 - (a) if there is only one nomination, the candidate nominated is deemed to be elected;
 - (b) if there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates and each of the candidates shall be allowed three minutes to speak to their nomination, which cannot be extended;
 - (c) in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;

- (d) in the event that no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates;
- (e) if one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;
- (f) in the event of two or more candidates having an equality of votes and one of them having to be declared:
 - (i) a defeated candidate; and
 - (i) duly electedthe declaration will be determined by lot.
- (g) if a lot is conducted, the *Chief Executive Officer* will have the conduct of the lot and the following provisions will apply:
 - (i) each candidate will draw one lot;
 - (ii) the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
 - (iii) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).

11. Election of Deputy Mayor and Chairs

- (1) At a meeting to elect the *Mayor, Council* will, immediately after the election of the Mayor, elect a Deputy Mayor.

- (2) Any election for:
- (a) the office of Deputy Mayor; or
 - (b) temporary *Chair*, in cases where a temporary *Chair* needs to be elected under clause 12
- will be regulated by clauses 8-10 (inclusive) of this Local Law, as if, in the case of any election for Deputy Mayor, the reference to the:
- (c) temporary *Chair* is a reference to the *Mayor*; and
 - (d) *Mayor* is a reference to the Deputy Mayor.
- (3) The role of the Deputy Mayor is to perform the duties ascribed to the Mayor where the Mayor is absent, unless the Deputy Mayor has a conflict or is unavailable.

12. Identity of temporary Chairs

If:

- (1) the *Mayor* and any Deputy Mayor are absent from a *Council meeting*;
- (2) it is a meeting to elect the *Mayor*; or
- (3) for any other reason a temporary *Chair* is required,

the Councillor who most recently served as *Mayor* will be the temporary *Chair* or, if no such Councillor is present, a Councillor who is elected by the meeting to be temporary *Chair* will become the temporary *Chair*.

PART C – COUNCIL’S COMMON SEAL

Introduction: The *common seal* is a device which formally and solemnly records the collective will of *Council*. The provisions in this Part are designed to protect the integrity of the *common seal*, and describe when it may be affixed to a document.

13. Council’s common seal

- (1) The *Chief Executive Officer* must ensure the security of the *common seal* at all times.
- (2) The affixing of the *common seal* to any document must be attested to by not less than two persons, comprising both:
 - (a) one Councillor and the *Chief Executive Officer*; or

- (b) in the absence of the *Chief Executive Officer*, one Councillor and a member of Council staff authorised to perform this function by the *Chief Executive Officer*.
- (3) Where *Council* authorises the *common seal* to be affixed to any document, the *Chief Executive Officer* must:
 - (a) cause the sealed document to be allocated a seal register number; and
 - (b) ensure that a description of the document sealed is entered into the seal register.

PART D – COUNCILLOR BRIEFING ARRANGEMENTS

Introduction: This Part describes the nature and procedure for some informal meetings of Councillors.

Councillors meet on a number of occasions monthly at "Councillor Briefings". These are "Assemblies of Councillors" within the meeting of the *Act*.

This Part provides for these informal meetings, and explains why and how they are held.

14. Councillor briefing arrangements

- (1) As part of *Council's* governance arrangements, Councillors may meet regularly at an informal gathering of Councillors known as a "Councillor Briefing" or such other name as *Council* from time to time adopts.
- (2) The purpose of such gatherings is for the organisation to provide advice to Councillors on items of a complex nature or of significant community impact. The briefing enables open discussion between the organisation and Councillors and assists both *Council* staff and Councillors develop better understanding of the matter for consideration.
- (3) The gatherings are not a decision-making forum.
- (4) The gatherings are not open to the public and will generally be held in the Civic Centre or in such other locations as *Council* nominates from time to time.
- (5) Clauses 86(5), 89, 90(1)(c) and (d), 92 and 93 apply to any gathering of Councillors at a scheduled briefing as if any reference to:
 - (a) the *Chair* is a reference to the Councillor chairing the gathering;
 - (b) the meeting is a reference to the gathering; and

- (c) the Chamber is a reference to the room in which the gathering is being held.
- (6) A Councillor who is unable to attend a scheduled briefing must give notice of their apology to the *Chief Executive Officer* as soon as possible but no later than four hours prior to the scheduled briefing commencement time, unless exceptional circumstances exist, so that reasonable notice can be given to other Councillors and Council staff if a briefing is to be cancelled due to insufficient numbers.
- (7) The operating meeting protocols and arrangements in relation to these gatherings will be reviewed from time to time and be subject to resolution of *Council*.

PART E – MEETINGS PROCEDURE

Introduction: This Part is divided into a number of Divisions. Each Division addresses a distinct aspect of the holding of a meeting. Collectively, the Divisions describe how and when a meeting is convened, when and how business may be transacted at a meeting.

DIVISION 1 – NOTICES OF MEETINGS AND DELIVERY OF AGENDAS

15. Dates and times of meetings

- (1) The dates, times and places of meetings are within the discretion of *Council*.
- (2) *Council* will, by resolution at the meeting at which the *Mayor* is to be elected, determine the day and time upon which any *Ordinary meetings* will be held and may by further resolution alter any such dates, times or places.
- (3) An *Ordinary meeting* may only be rescheduled or cancelled by a resolution of *Council*. *Council* must provide a reason for and reasonable notice of the change to the public.

16. Council / Committee meeting location

- (1) *Ordinary meetings* and *Special Committee* meetings will be held in the Council Chambers, or any building within the Civic Centre Precinct as determined by the *Mayor*, or another location outside the Civic Centre Precinct by resolution of *Council* or the *Special Committee* (as the case may be).
- (2) *Special meetings* may be held at the Council Chambers or elsewhere in the Civic Centre as determined by the *Mayor*.

17. Special meetings

- (1) The *Mayor* or at least three Councillors may by a written notice call a *Special meeting*.
- (2) The notice must:
 - (a) specify the date and time of the *Special meeting* and the business to be transacted; and
 - (b) be delivered or sent electronically to the *Chief Executive Officer* in sufficient time to enable reasonable notice of the *Special meeting* to be given to all Councillors.
- (3) The *Chief Executive Officer* must convene the *Special meeting* as specified in the notice.
- (4) Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the notice is to be transacted.
- (5) Subject to any resolution providing otherwise, the order of business of any *Special meeting* must be the order in which such business stands in the *agenda* for the meeting.

Council is also able to call a Special meeting. This must be done by resolution. The Chief Executive Officer can call a Special meeting to be held within 14 days of the result of the Council election being declared.

Apart from this, the only other type of Special meeting that can be convened is a "Call of the Council". This is provided for in section 85 of the Act. It is generally reserved for occasions on which all Councillors are required to attend and remain throughout a Council meeting lest Council be deprived of a quorum and be unable to transact an item of business which has, in the past, not been transacted because of some Councillors absenting themselves from the Chamber and preventing proper consideration of the matter.

18. Notice of meeting

- (1) A notice of meeting, incorporating or accompanied by an *agenda* of the business to be dealt with, must be delivered or sent electronically (at the option of the Councillor) to every Councillor for all *Ordinary meetings* after noon on a day which is at least four clear days before the meeting.

If a Council meeting is scheduled for a Monday evening, the notice of meeting (including the agenda) must be delivered or sent electronically by the immediately preceding Thursday evening.

- (2) A notice of meeting, incorporating or accompanied by an *agenda* of the business to be dealt with, must be delivered or sent electronically to every Councillor for any *Special meeting* within a reasonable time of the *Special meeting* being called. Generally, this means that a notice of meeting must be delivered to every Councillor at least 48 hours before the meeting. A period less than 48 hours may, however, be justified if exceptional circumstances exist.
- (3) Notwithstanding sub-clauses (1) and (2):
- (a) a draft *agenda* for each *Ordinary meeting* must be delivered or sent electronically (at the option of the Councillor) to every Councillor at least ten clear days before the meeting; and
 - (b) a notice of meeting or draft *agenda* need not be served on or sent to any Councillor who has been granted leave of absence unless the Councillor has requested the *Chief Executive Officer* in writing to continue to give notice of any meeting during the period of his or her absence.
- (4) Reasonable notice of each *Ordinary meeting* and *Special meeting* must be provided to the public. *Council* may do this:
- (a) for *Ordinary meetings* by preparing a schedule of meetings annually, and arranging publication of such schedule on *Council's* website and in a local newspaper either at various times throughout the year, or prior to each *Ordinary meeting*; and
 - (b) for any meeting by giving notice:
 - (i) in at least one local newspaper or daily metropolitan newspaper;
 - (ii) on its website; andunless time does not allow this to occur in a newspaper, in which case the posting of a notice setting out the details must be displayed on *Council's* website and the entrance of the Council Chambers and Civic Centre.

Section 89(4) of the Local Government Act 1989 requires at least seven days' notice of a council meeting to be given to the public. Subsection (4A) requires 'urgent or extraordinary circumstances' to exist and be recorded in the minutes where less than seven days' notice of a meeting has been given.

- (5) Copies of the *agenda* and any related material for *Ordinary meetings* must be made available to members of the public after noon on a day which is at least

four clear days before the meeting, by being made available at the Civic Centre and on *Council's* website.

If a Council meeting is scheduled for a Monday evening, the agenda and any related material must appear on Council's website by the immediately preceding Thursday evening. Hard copies of the agenda and any related material must be available for inspection or collection from the Friday morning immediately preceding the Monday evening meeting.

- (6) Copies of the *agenda* and any related material for *Special meetings* and *Special Committee* meetings must be made available to members of the public immediately after they are delivered or sent electronically to Councillors, by being made available at the Civic Centre and on *Council's* website.

19. Agenda

- (1) The *agenda* for an *Ordinary meeting* will be determined by the Mayor and the *Chief Executive Officer* jointly, but the views of Councillors expressed at any relevant Councillor briefing are to be taken into account in finalising the *agenda*.
- (2) Late reports can only be accepted into the *agenda* by a majority vote of Councillors.

DIVISION 2 – QUORUMS

20. Ordinary meetings

The quorum for *Ordinary meetings* is the presence of a majority of the Councillors.

21. Special meetings

The quorum for *Special meetings* is the presence of a majority of the Councillors.

22. Inability to obtain a quorum

If, after 30 minutes from the scheduled starting time of any *Ordinary meeting* or *Special meeting*, a quorum cannot be obtained, those Councillors present or, if there are no Councillors present, the *Chief Executive Officer* or, if the *Chief Executive Officer* is absent, any *senior officer* who is present, may adjourn the meeting for a period not exceeding seven days.

23. Inability to maintain a quorum

If during any *Ordinary meeting* or *Special meeting* or any adjournment of the meeting, a quorum cannot be maintained then clause 22 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.

24. Inability to achieve or maintain a quorum due to conflicts of interest of Councillors

If a quorum cannot be achieved or maintained due to the disclosure of conflicts of interest by one or more Councillors, the *Chair* or, if there is no *Chair*, the *Chief Executive Officer* or, if the *Chief Executive Officer* is absent, any *senior officer* who is present, may adjourn the meeting for a length of time sufficient to enable dispensation for the affected Councillors to be obtained from the Minister administering the *Act*.

25. Adjourned meetings

- (1) The *Chief Executive Officer* must give notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.
- (2) If it is impracticable for the notice given under sub-clause (1) to be in writing, the *Chief Executive Officer* must give notice to each Councillor by telephone, in person, by electronic mail or by SMS message.
- (3) Notice must also be provided to the public of the resumption of the adjourned meeting by either giving public notice (if time reasonably permits) or publishing details on *Council's* website and posting a notice at the entrance to the Council Chambers and Civic Centre.

26. Time limits for meetings

- (1) An *Ordinary meeting* and *Special meeting* must not continue for more than four hours from its commencement unless a majority of Councillors present vote in favour of its continuance.
- (2) Notwithstanding sub-clause (1), a motion to continue the meeting need not be moved until after consideration of that item of business which was before the meeting as soon as four hours passed since the commencement of the meeting.
- (3) A continuance must not exceed 30 minutes.
- (4) In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the *Chair* immediately prior to the meeting standing adjourned. In that event, the provisions of clause 25(1) and (2) apply.

DIVISION 3 – BUSINESS OF MEETINGS

27. The order of business

- (1) The business of an *Ordinary meeting* must be conducted in the following order unless the *Council* otherwise resolves:
- (a) Councillor statement regarding conflicts of interest, opening prayer and acknowledgement of Traditional Owners;
 - (b) Minutes of last meeting or meetings confirmed and signed;
 - (c) Apologies;
 - (d) Disclosure of interest and declarations of conflict of interest;
 - (e) Public questions and submissions time;
 - (f) Items brought forward;
 - (g) Consideration of reports of committees;
 - (h) Consideration of reports of officers;
 - (i) Presentation of petitions and joint letters;
 - (j) Delegates' reports
 - (k) Notices of motion;
 - (l) Late reports;
 - (m) Urgent business;
 - (n) Items to be dealt with in Closed Council:
 - (i) Disclosures of interest and declarations of conflict of interest;
 - (ii) Considerations of reports of officers;
 - (iii) Notices of motion; and
 - (iv) *Urgent business*.
- (2) Notwithstanding the above clause, the *Chief Executive Officer* may vary the order of business to take advantage of opportunities which may arise from time to time.

28. Change to order of business

Once an *agenda* has been sent to Councillors, the order of business for that meeting may only be altered by resolution of *Council*.

29. Conflicts of interest

- (1) A Councillor must disclose any conflict of interest which that Councillor has in an item of business at the time specified in the *agenda*.
- (2) Nothing in sub-clause (1) derogates from a Councillor's duty under the *Act* to disclose the existence, nature and class of any conflict of interest which that Councillor has in an item of business immediately before the consideration or discussion of that item of business.

Section 77A of the Act defines when a Councillor will have a conflict of interest. Any Councillor who has a conflict of interest must comply with the requirements of section 79 of the Act.

Among these requirements is the requirement to disclose the existence, nature and class of the conflict of interest. This must be done 'immediately' before the consideration or discussion of the item in which the Councillor has a conflict of interest.

So, even if the Councillor has disclosed the conflict of interest earlier in the meeting, the existence and nature of the conflict of interest must again be disclosed immediately before any consideration or discussion of the agenda item occurs.

30. Urgent business

- (1) Business which has not been listed on the *agenda* must only be raised as *Urgent Business* by resolution of *Council*.
- (2) Unless exceptional circumstances exist and *Council* approves by resolution, only items:
 - (a) of minimal impact; and
 - (b) which have arisen since distribution of the *agenda* and cannot safely and conveniently be deferred until the next *Council meeting*may be raised in *Urgent Business*.

- (3) The following items are deemed not to be items of minimal impact (and, therefore, unless exceptional circumstances exist and *Council* approves by resolution, cannot be raised in *Urgent Business*):
- (a) the creation or abolition of any office;
 - (b) the appointment of any person to any office or termination of that appointment;
 - (c) employment issues;
 - (d) the sale or lease of any assets;
 - (e) the declaration of any rate or charge;
 - (f) the creation, alteration or abolition of any strategy, policy or guideline;
 - (g) any request for an investigation which will unreasonably or substantially divert staff resources;
 - (h) any request for a report which will unreasonably or substantially divert staff resources;
 - (i) the commitment of funds, or in kind contributions, for any purposes which will exceed \$5,000; and
 - (j) the content, and provision, of any media release.

31. Reports of delegates

- (1) 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.
- (2) In presenting, the Councillor may for up to three minutes:
- (a) address *Council* on the contents of any *written* report which the Councillor has submitted for inclusion in the *agenda*; or
 - (b) provide a verbal report on any matters otherwise arising out of the deliberations of the external body, association, group or working party.

DIVISION 4 – MOTIONS AND DEBATE

32. Councillors may propose *notices of motion*

Councillors may ensure that an issue is listed on an *agenda* by lodging a *notice of motion*.

33. *Notice of motion*

- (1) A *notice of motion* must be in writing signed by a Councillor, and be delivered or sent electronically to the *Chief Executive Officer* by no later than noon at least **11 clear days** before the meeting at which it is intended to be considered.

If a Council meeting is scheduled for a Monday evening this means that any notice of motion must be lodged prior to noon on the Wednesday two weeks prior to the meeting date.

- (2) A *notice of motion* will not be accepted if it:
- (a) relates to a matter in respect of which *Council* has no power to act;

This does not preclude a notice of motion which calls for Council to advocate or lobby to other levels of government for change.

- (b) declares a rate or charge;
- (c) is defamatory, indecent, abusive or objectionable in language or substance;
- (d) promotes or is likely to facilitate a threat to public order or safety;
or
- (e) seeks to substantially affect the level of *Council* services, commit *Council* to significant expenditure not included in the adopted Budget or commit *Council* to any contractual arrangement, without first calling for a formal report to be prepared and presented to *Council* in response to the *notice of motion*.
- (3) The *Chief Executive Officer* may reject any *notice of motion* which is vague or unclear in intention but must:
- (a) notify the Councillor who lodged the *notice of motion* of the rejection and reasons for the rejection; and

- (b) provide reasonable assistance to the Councillor to help ensure that a *notice of motion*:
- (i) of similar intention; but
- (ii) which is neither vague nor unclear
- is lodged.
- (4) The full text of any *notice of motion* accepted by the *Chief Executive Officer* must be included in the *agenda* and, where practicable, will be accompanied by comments from a *senior officer* with responsibility for the subject matter or the issue to which the *notice of motion* relates.
- (5) The *Chief Executive Officer* must cause all *notices of motion* to be numbered, dated and entered in the *notice of motion* register in the order in which they were received.
- (6) Except by leave of *Council*, *notices of motion* before any meeting must be considered in the order in which they were entered in the *notice of motion* register.
- (7) If a Councillor who has given a *notice of motion* is absent from the meeting or fails to move the motion when called upon by the *Chair*, any other Councillor may move the motion.
- (8) If a *notice of motion* is not moved at the meeting at which it is listed, it lapses.
- (9) If a *notice of motion* is moved but not seconded, it lapses.
- (10) Except where the *notice of motion* is to confirm a previous resolution of *Council*, the *notice of motion* may be amended.
- (11) If the Councillor who has lodged or is moving a *notice of motion* wishes to amend it, he or she may do so by seeking leave of *Council* to amend the *notice of motion* prior to it being seconded. A motion must be put to the meeting to give approval for the Councillor moving the *notice of motion* to amend it, prior to putting forward the suggested amending words.
- (12) Once a *notice of motion* has been moved and seconded, the mover cannot amend it.
- (13) Notwithstanding sub-clause (11) another Councillor may move an amendment to the *notice of motion*, which motion must be dealt with in accordance with clause 35(2) of this Local Law.
- (14) A Councillor cannot foreshadow an alternate motion to amend another Councillor's *notice of motion*.

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*.

35. Introducing a motion or an amendment

- (1) The procedure for moving any motion or amendment is:
 - (a) the mover must state the motion without speaking to it;
 - (b) the motion must be seconded and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder;
 - (c) if a motion or an amendment is moved and seconded the *Chair* must ask:

“Does the mover wish to speak to the motion or amendment?”
 - (d) after the mover has addressed the meeting or been provided with an opportunity to address the meeting, the seconder may address the meeting;
 - (e) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting,) the *Chair* must invite debate or contributions by calling on any Councillor who wishes to speak to the motion (including the seconder if he or she has not already spoken to the motion), providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion; and

- (f) if, after the mover has addressed the meeting, the *Chair* has invited debate or contributions and no Councillor speaks to the motion, then the *Chair* must put the motion to the vote.
- (2) No discussion on the item being considered may take place until such time as a motion is before the *Chair*. Questions of clarification may be asked of the *Chair* or members of *Council* staff present at the meeting.
- (3) The *Chair* may only debate a motion by speaking immediately after the mover and seconder of the motion have been given opportunity to speak to the motion.
- (4) If the *Chair* wishes to move or second a motion then the *Mayor* (if the *Chair* is not the *Mayor*) or Deputy Mayor (if the *Chair* is the *Mayor*) must take the chair or, if there is no such Councillor in a position to take the chair, a temporary Chairperson must take the chair in accordance with clause 12 whereupon the *Chair* must vacate the chair and not return to it until the motion has been resolved upon.

36. Right of reply

- (1) The mover of a motion which has not been amended has a right of reply to matters raised during debate.
- (2) After the right of reply has been taken but subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion, the motion must immediately be put to the vote without any further discussion or debate.

37. Moving an amendment

- (1) Subject to sub-clause (2) a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.
- (2) A motion to confirm a previous resolution of *Council* cannot be amended.
- (3) An amendment must not be directly opposite to the motion.
- (4) The mover of an amendment cannot exercise any right of reply.

38. Who may propose and debate an amendment

- (1) An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.

- (2) Any one Councillor cannot, without the leave of the *Chair*, move more than two amendments in succession.
- (3) Any Councillor can debate an amendment irrespective of whether the Councillor has spoken or proposes to speak to the original motion.
- (4) Debate on an amendment must be restricted to the terms of the amendment.

39. How many amendments may be proposed

- (1) No more than three amendments may be proposed to a motion but only one amendment may be accepted by the *Chair* at any one time.
- (2) No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.

40. An amendment once carried

- (1) If the amendment is carried, the motion as amended then becomes the motion before the meeting, and the amended motion must then be put.
- (2) The mover of the original motion retains the right of reply to that motion.

41. Foreshadowing motions

- (1) At any time during debate a Councillor may foreshadow a motion so as to inform *Council* of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- (2) A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the *Chair* being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- (3) The *Chief Executive Officer* or person taking the minutes of the meeting is not required to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.
- (4) A foreshadowed motion has no procedural standing and is merely a means of assisting the flow of a *Council meeting*.

42. Withdrawal of motions

Before any motion is put to the vote, it may be withdrawn by the mover and seconder with leave of *Council*, in which case the *Chair* must call for a substitute mover and seconder and, if no such substitute is forthcoming, the motion will lapse.

43. Separation of motions

- (1) Where a motion contains more than one part:
 - (a) *Council* by resolution; or
 - (b) in the absence of a resolution, the *Chair* may require the motion to be put to the vote in separate parts.
- (2) Debate will not be permitted on any question that a motion in more than one part be put to the vote in separate parts.

44. Chair may separate motions or allow motions to be moved in block

- (1) The *Chair* may decide to put any motion to the vote in several parts.
- (2) The *Chair* may allow or request a Councillor to move items in block.

45. Priority of address

In the case of competition for the right to speak, the *Chair* must decide the order in which the Councillors concerned will be heard.

46. Motions in writing

- (1) The *Chair* may require that a long, complex or detailed motion be in writing.
- (2) *Council* may adjourn the meeting while the motion is being *written* or *Council* may defer the matter until the motion has been *written*, allowing the meeting to proceed uninterrupted.

47. Repeating motion and/or amendment

The *Chair* may request the person taking the minutes of the meeting to read the motion or amendment to the meeting before the vote is taken.

48. Debate must be relevant to the motion

- (1) Debate must always be relevant to the motion before the *Chair*, and, if not, the *Chair* must request the speaker to confine debate to the motion.
- (2) If after being requested to confine debate to the motion before the chair, the speaker continues to debate irrelevant matters, the *Chair* may direct the speaker not speak further in respect of the motion then before the *Chair*.
- (3) A speaker to whom a direction has been given under sub-clause (2) must comply with that direction.

49. Speaking times

- (1) A Councillor must not speak longer than the time set out below, unless granted an extension by *Council*:
 - (a) the mover of a motion or an amendment: three minutes;
 - (b) the mover of a motion exercising a right of reply: three minutes; and
 - (c) any other Councillor: three minutes.
- (2) Only one extension is permitted for each speaker.
- (3) A motion to extend the speaking time cannot be moved:
 - (a) until the original speaking time has expired; and
 - (b) if another speaker has already commenced his or her contribution to the debate,and must be seconded.
- (4) Any extended speaking time must not exceed three minutes.

50. Addressing the meeting

- (1) If the *Chair* so determines:
 - (a) any person addressing the *Chair* must refer to the *Chair* as:
 - (i) Madam *Mayor*; or
 - (ii) Mr *Mayor*; or
 - (iii) Madam *Chair*; or

- (iv) Mr *Chair*
as the case may be;
 - (b) all Councillors, other than the *Mayor*, must be addressed as Cr_____ (name).
 - (c) all members of *Council* staff, must be addressed as Mr or Ms_____ (name) as appropriate or by their official title.
- (2) Except for the *Chair*, any Councillor who addresses the meeting at an *Ordinary meeting* or *Special meeting* must direct all remarks through the *Chair*.

51. If lost

If a *notice of motion* is lost, a similar *notice of motion* cannot be put before *Council* for at least 90 days from the date it was lost unless *Council* resolves that such a *notice of motion* be listed sooner.

52. Right to ask questions

- (1) A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the *Chair*.
- (2) Any question asked of a member of *Council* staff must not have the effect of:
 - (a) embarrassing the member of staff; or
 - (b) drawing the member of staff into the debate.
- (3) Any question asked in contravention of sub-clause (2) may be disallowed by the *Chair*.
- (4) The *Chair* has the right to limit questions and direct that debate be commenced or resumed.

DIVISION 5 – PROCEDURAL MOTIONS

53. Procedural motions

- (1) Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the *Chair*.
- (2) Procedural motions require a seconder.
- (3) The mover of a procedural motion must not have moved, seconded or spoken to the question before the *Chair* or any amendment of it.

- (4) Notwithstanding any other provision in this Local Law, procedural motions must be dealt with in accordance with the following table:

PROCEDURAL MOTIONS TABLE

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
1. Adjournment of debate to later hour and/or date and place	That this matter be adjourned to *am/pm and/or *date	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of the <i>Council</i> has been made for that meeting in accordance with section 85 of the <i>Act</i> ; or (d) When the motion would have the effect of causing <i>Council</i> to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
3. The closure	That the motion be now put	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	During nominations for <i>Chair</i>	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected	No

DIVISION 6 – RESCISSION MOTIONS

54. Notice of rescission

- (1) A Councillor may propose a *notice of rescission* provided:
- (a) it has been signed and dated by at least four Councillors, including one Councillor who previously supported the resolution proposed to be rescinded;
 - (b) the resolution proposed to be rescinded has not been acted on; and
 - (c) the *notice of rescission* is delivered or sent electronically to the *Chief Executive Officer* within three *business days* of the conclusion of the meeting at which the resolution was carried, setting out:
 - (i) the resolution to be rescinded; and
 - (ii) the meeting and date when the resolution was carried.

It should be remembered that a notice of rescission is a form of notice of motion. Accordingly, all provisions in the Local Law regulating notices of motion equally apply to notices of rescission.

- (2) A resolution will be deemed to have been acted on if:
- (a) its contents have or substance has been communicated in writing to a person whose interests are materially affected by it; or
 - (b) a statutory process has been commenced
- so as to vest enforceable rights in or obligations on *Council* or any other person.

If Council resolves to give Notice of a Decision to Grant a Planning Permit and the Notice is physically issued to the planning permit applicant (or the applicant's agent) or a letter or email is sent to the planning permit applicant (or the applicant's agent) advising of Council's decision, the resolution will have been 'acted on'. Its contents will have been formally communicated to a person whose interests are materially affected so as to vest enforceable rights in the applicant and any objectors wishing to appeal, as well as obligations on Council to comply with its duties under the Planning and Environment Act 1987.

- (3) The *Chief Executive Officer* or an appropriate member of *Council* staff must defer implementing a resolution which:
- (a) has not been acted on; and
 - (b) is the subject of a notice of rescission which has been delivered or sent electronically to the *Chief Executive Officer* in accordance with sub-clause (1)(c).

unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

By way of example, assume that, on a Monday evening, Council resolves to have legal representation at a planning appeal to be heard on the following Monday. Assume also that, immediately after that resolution is made, a Councillor lodges a notice of motion to rescind that resolution. Finally, assume that the notice of rescission would not be dealt with until the next Monday evening (being the evening of the day on which the planning appeal is to be heard).

In these circumstances, deferring implementation of the resolution would have the effect of depriving the resolution of efficacy. This is because the notice of rescission would not be debated until after the very thing contemplated by the resolution had come and gone. In other words, by the time the notice of rescission was dealt with the opportunity for legal representation at the planning appeal would have been lost.

Clause 54(3) would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the resolution rather than deferring implementation of it.

55. If lost

If a *notice of rescission* is lost, a similar motion may not be put before *Council* for at least 90 days from the date it was last lost, unless *Council* resolves that the *notice of motion* be re-listed at a future meeting.

56. If not moved

If a *notice of rescission* is not moved at the meeting at which it is listed, it lapses and a similar motion may not be put before *Council* for at least 90 days from the date on which it lapsed.

57. May be moved by any Councillor

A notice of rescission listed on an agenda may be moved by any Councillor present but may not be amended.

58. When not required

A notice of rescission is not required where Council wishes to change policy.

DIVISION 7 – POINTS OF ORDER

59. Valid points of order

A point of order may be raised in relation to anything which:

- (a) is contrary to this Local Law;
- (b) is irrelevant to the matter under consideration;
- (c) is outside the powers of *Council*;
- (d) is an error of fact;
- (e) constitutes improper behaviour;
- (f) is offensive;
- (g) constitutes a tedious repetition of something already said; or
- (h) is an act of disorder.

Rising to express a difference of opinion or to contradict a speaker is not a point of order.

60. Procedure for point of order

A Councillor raising a point of order must:

- (a) state the point of order; and
- (b) state any section, clause, paragraph or provision relevant to the point of order.

61. Chair to decide

- (1) The *Chair* must decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the point raised without entering into any discussion or comment.
- (2) In the event a point of order is raised against the *Chair* then the *Mayor* (if the *Chair* is not the *Mayor*) or Deputy Mayor (if the *Chair* is the *Mayor*) must take the chair or, if there is no such Councillor in a position to take the chair, a temporary Chairperson must take the chair in accordance with clause 12 whereupon the *Chair* must vacate the chair and not return to it until the point of order has been resolved upon.
- (3) Should repeat points of order be raised during debate by a Councillor, which are ruled against by the *Chair*, the *Chair* may consider the conduct of the Councillor raising unsuccessful points of order disruptive for the purposes of clause 89 and, in accordance with that clause, order the removal of such Councillor from the Chamber for a specified period.

62. No debate

A Councillor must not debate a point of order or the merits of a point of order, however the *Chair* may request the Councillor to explain the point of order.

63. Chair may adjourn to consider

- (1) The *Chair* may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.
- (2) All other questions before *Council* are suspended until the point of order is decided.

64. Effect of ruling

If the *Chair*:

- (a) rules in favour of the point of order, the speaker may continue and no Councillor must do or say anything which would cause another like point of order to be raised; or
- (b) rules against the point of order, the speaker may continue.

65. Dissent from *Chair's* ruling

- (1) A Councillor may move that the meeting disagree with the *Chair's* ruling on a point of order, by moving:

"That the *Chair's* ruling [setting out that ruling or part of that ruling] be dissented from".
- (2) When a motion in accordance with this clause is moved and seconded:
 - (a) the *Chair* must leave the chair and the *Mayor* (if the *Chair* is not the *Mayor*) or Deputy Mayor must chair the meeting; or
 - (b) if there is no Deputy Mayor the *Chair* must leave the chair and the chair must be assumed by a temporary Chairperson.
- (3) The Deputy Mayor or the temporary Chairperson must invite the mover to state the reasons for his or her dissent and the *Chair* may then reply.
- (4) The Deputy Mayor or the temporary Chairperson must put the motion in the following form:

"That the *Chair's* ruling be dissented from."
- (5) If the vote is in the negative, the *Chair* resumes the chair and the meeting proceeds.
- (6) If the vote is in the affirmative, the *Chair* must then resume the chair, reverse or vary (as the case may be) his or her previous ruling and proceed.
- (7) The defeat of the *Chair's* ruling is in no way a motion of censure or non-confidence in the *Chair*, and should not be so regarded by the meeting.

DIVISION 8 – PUBLIC QUESTION TIME

66. Question time

- (1) There must be a public question time at every *Ordinary meeting* to enable members of the public to submit questions to *Council*. Questions may be asked of *Council*, and may not be directed to individual Councillors.
- (2) Public question time will be conducted in accordance with any policy adopted by *Council* from time to time.

The policy adopted by Council may distinguish between Questions With Notice (that are to be lodged a number of days before the Ordinary meeting, and which must be

the subject of a considered response at the meeting) and Questions Without Notice (that can be lodged shortly prior to the Ordinary meeting, and to which a written answer may need to be given in the days following the meeting).

- (3) Questions submitted to *Council* must be:
- (a) in hard copy or be sent electronically, state the name and address of the person submitting the question and generally be in a form approved or permitted by *Council*; and
 - (b) lodged at *Council's* offices (in the case of a question submitted in hard copy) or sent to *Council* (in the case of a question submitted electronically) by the time specified in any policy adopted by *Council* from time to time.
- (4) No person may submit more than three questions at any one meeting. A question may be split into a maximum of two parts only. If more than two parts to a question are received, only the first two parts will be considered. Similarly, if more than three questions are received, only the first three questions will be considered. All parts of the question must be relevant to the same subject of enquiry.
- (5) The *Chair* or *Chief Executive Officer* must read to those present at the meeting a question in its entirety which has been submitted in accordance with this clause.
- (6) Questions that relate to operational matters may be read but answered in writing by the *Chief Executive Officer* outside the meeting.
- (7) Notwithstanding sub-clause (5), the *Chair* or *Chief Executive Officer* may refrain from reading a question or having a question read if the person who submitted the question is not present in the gallery at the time when the question is due to be read.
- (8) A question may be disallowed by the *Chair* or *Chief Executive Officer* without causing it to be read if the *Chair* or *Chief Executive Officer* determines that it:
- (a) it is the nature of a statement or is so prefaced as to have its emphasis on a statement rather than a genuine enquiry (although, in that event, the *Chair* or *Chief Executive Officer* should, if practicable, read an edited version of the question);
 - (b) relates to a matter outside the duties, functions and powers of *Council*;
 - (c) is defamatory, abusive, offensive or objectionable in language or substance;

- (d) deals with a subject matter already answered; or
 - (e) is aimed at embarrassing a Councillor or a member of *Council* staff.
- (9) If a question is asked and is taken on notice or it is indicated that a written answer to the question will be given, the *Chief Executive Officer* must ensure that:
- (a) the questioner is asked to provide his or her contact details, unless those details are already known by *Council*;
 - (b) a written answer to the question is delivered or sent electronically to the questioner within seven days of the meeting or any contact details being provided (whichever occurs last); and
 - (c) the question be recorded in the minutes of the meeting, together with a copy of the written response.

DIVISION 9 – PETITIONS AND JOINT LETTERS

67. Petitions and joint letters

- (1) Unless *Council* determines to consider it as an item of *Urgent Business*, no motion (other than a motion to receive the same) may be made on any petition or joint letter until the next *Ordinary meeting* after that at which it has been presented.
- (2) It is incumbent on every Councillor presenting a petition or joint letter to acquaint himself or herself with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful to *Council*.
- (3) Every Councillor presenting a petition or joint letter to *Council* must confine himself or herself to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of any request.
- (4) Every petition or joint letter presented to *Council* must be written (other than pencil in a hard copy form), contain the request of the petitioners or signatories and, in the case of a petition, be signed by at least five people.
- (5) A petition must include a request on every page, consisting of the following words:

“We the undersigned hereby petition Frankston City Council””
- (6) Every petition or joint letter must be signed by the persons whose names are included in or appended to it by their names or marks, and, except in cases of

incapacity or sickness, by no one else, and the address of every petitioner or signatory must be clearly stated.

- (7) Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by *Council*.
- (8) A copy of the text of the petition or joint letter must be included on the agenda for the next *Ordinary meeting*.
- (9) Every page of a petition must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition.
- (10) The only motions that may be moved in relation to petitions set out in the *agenda* are:
 - (a) That the petition be received;
 - (b) That the petition be received and a report be submitted to a specific meeting cycle for consideration;
 - (c) That the petition be considered at a specific time or in conjunction with a specific item;
 - (d) That the petition be dealt with in conjunction with another item on the agenda or any other *Council* or *Special Committee agenda*; and
 - (e) That the petition be referred to the *Chief Executive Officer* for consideration and response and the response to the petition be submitted to a specific meeting cycle for finalisation.
- (11) If a petition relates to an operational matter, *Council* must refer it to the *Chief Executive Officer* for consideration.
- (12) No member of the public is permitted to speak to the petition when presented at an *Ordinary meeting*. Individuals may request to speak to the petition when any report on the item is considered by a *Special Committee* at a later meeting.

68. Submissions by incorporated associations

It will be assumed that a submission which is presented on an incorporated association's letterhead, and which purports to be on behalf of the incorporated association, has, in fact, been appropriately authorised.

DIVISION 10 – PUBLIC SUBMISSIONS

69. Individual presentations to *Special Committee* meetings and *Ordinary Meetings*

An individual wishing to present to a designated meeting of a *Special Committee* or at an *Ordinary meeting* or *Special meeting* may make a request to the *Chief Executive Officer* or his or her nominee.

70. Requests to present

- (1) A request to present must be received by the *Chief Executive Officer* or any member of *Council* staff nominated by him or her, before a time specified in any policy adopted by *Council* from time to time.
 - (2) A person requesting to present must, if asked to do so, specify their name, address and contact telephone number and must, in any event, nominate the item to which he or she wishes to speak.
 - (3) Requests received after the time referred to in sub-clause (1) will not be considered by the *Special Committee* or *Council* (as the case may be).
-

71. When a presentation can be made

A person may only present to a designated meeting of a *Special Committee* or an *Ordinary meeting* or *Special meeting* if he or she:

- (1) proposes to present to an item on the *agenda*; and
 - (2) has been registered to speak following a request made under clause 69.
-

72. Limitations upon speakers

If a *Special Committee* or *Council* at an *Ordinary meeting* or *Special meeting* determines to hear from an individual who has been registered to speak the person addressing the *Special Committee* or *Ordinary meeting* or *Special meeting* must comply with any policy relating to presentation adopted by *Council* from time to time.

73. Questions but no discussion permitted

Following a speaker's presentation, members of the *Special Committee* or Councillors at an *Ordinary meeting* or *Special meeting* or members of *Council* staff at either meeting may only ask the speaker questions or seek clarification of issues raised by

the speaker in his or her presentation which may assist in the deliberations prior to the elected body making a decision but no discussion will be allowed.

74. Individual presentation to section 223 *Special Committee*

- (1) Where a request to be heard has been received in accordance with section 223 of the *Act*, the speaker must be afforded a reasonable opportunity to speak up to a maximum period of five minutes. One extension of up to one minute may be granted by the *Chair*.
- (2) Councillors may, through the *Chair*, question or seek clarification of any submitter in relation to his or her submission.
- (3) Where a submitter has been heard in accordance with section 223 of the *Act* at a *Special Committee* established for that purpose, or where there are no submitters at a section 223 hearing, no further opportunity will be afforded to speak again on the subject matter when it is considered at the *Ordinary meeting* or *Special meeting*.

75. Relaxation of requirement

Nothing in this Division prevents:

- (a) the *Chief Executive Officer* determining which meeting will consider the request for the individual to be heard;
- (b) arranging for a deputation or individual to meet with a group of Councillors;
- (c) *Council* from resolving to hear from a deputation or individual at any time; or
- (d) Council from:
 - (i) terminating the appointment of, or not appointing, any *Special Committee*; or
 - (ii) resolving that a *Special Committee* empowered to hear an individual wishing to be heard, no longer hear from the individual wishing to be heard.

DIVISION 11 – VOTING

76. How motion determined

To determine a motion before a meeting, the *Chair* must first call for those in favour of the motion, those opposed to the motion and (if applicable) those abstaining from voting, and must then declare the result to the meeting.

77. Silence

Voting must take place in silence.

78. Recount

The *Chair* may direct that a vote be recounted to satisfy himself or herself of the result.

79. Casting vote

In the event of a tied vote, the *Chair* must exercise the casting vote in accordance with the *Act*.

There are some circumstances in which the Chair does not have a casting vote and the matter is to be determined by lot. These are to be found in section 90(2) of the Act.

80. By show of hands

Voting on any matter is by show of hands.

81. Procedure for a division

- (1) Immediately after any question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.
- (2) When a division is called for, the vote already taken must be treated as set aside and the division will decide the question, motion or amendment.
- (3) When a division is called for, the *Chair* must:

- (a) first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise one of his or her hands. The *Chair* must then state, and the *Chief Executive Officer* or any member of *Council* staff taking the minutes must record, the names of those Councillors voting in the affirmative;
- (b) then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one of his or her hands. The *Chair* must then state, and the *Chief Executive Officer* or any member of *Council* staff taking the minutes must record, the names of those Councillors voting in the negative; and
- (c) finally ask each Councillor wishing to abstain from voting to raise a hand and, upon such request being made, each Councillor wishing to abstain from voting must raise one of his or her hands. The *Chair* must then state, and the *Chief Executive Officer* or any member of *Council* staff taking the minutes must record, the names of those Councillors abstaining from voting.

82. No discussion once declared

Once a vote on a question has been taken, no further discussion relating to the question is allowed unless the discussion involves:

- (a) a Councillor requesting, before the next item of business is considered, that his or her opposition to a resolution be recorded in the minutes or a register maintained for that purpose; or
- (b) foreshadowing a *notice of rescission* where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

For example, clause 82 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a notice of rescission to rescind that resolution.

Equally, clause 82 would permit discussion about a matter which would otherwise be left in limbo because a notice of rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.

Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left in limbo. Hence the reference, in clause 82(b), to discussion about a positive motion were a resolution has just been rescinded.

DIVISION 12 – MINUTES

83. Confirmation of minutes

- (1) At every meeting of *Council* the minutes of the preceding meeting(s) must be dealt with as follows:
- (a) a copy of the draft minutes must be delivered to each Councillor no later than 48 hours after the Mayor has signed the minutes;
 - (b) if no Councillor indicates opposition, the minutes must be declared to be confirmed;
 - (c) if a Councillor is dissatisfied with the accuracy of the minutes, he or she must:
 - (i) state the item or items with which he or she is dissatisfied; and
 - (ii) propose a motion clearly indicating the alternative language necessary to amend the minutes;
 - (d) a resolution of *Council* must confirm the minutes and the minutes must, if practicable, be signed by the *Chair* of the meeting at which they have been confirmed;
 - (e) the minutes must be entered in the *minute book* and each item in the *minute book* must be entered consecutively;
 - (f) unless otherwise resolved or required by law, minutes of a *Special Committee* requiring confirmation by *Council* must not be available to the public until confirmed by *Council*; and
 - (g) the *Chief Executive Officer* (or other person authorised by the *Chief Executive Officer* to attend the meeting and to take the minutes of such meeting) must keep minutes of each *Council meeting*, and those minutes must record:
 - (i) the date, place, time and nature of the meeting;
 - (ii) the names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance;
 - (iii) the names of the members of Council staff present;
 - (iv) any disclosure of a conflict of interest made by a Councillor;

- (v) arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
 - (vi) each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
 - (vii) the vote cast by each Councillor, and any abstention from voting, when the vote was not unanimous or when the vote was taken upon a division;
 - (viii) the vote cast or any abstention from voting by any Councillor who has requested that his or her vote or abstention from voting be recorded in the minutes;
 - (ix) questions asked in Public Question Time and any answer given;
 - (x) the failure of a quorum;
 - (xi) any adjournment of the meeting and the reasons for that adjournment; and
 - (xii) the time at which standing orders were suspended and resumed.
- (2) Unless *Council* resolves otherwise and subject to any contrary requirements imposed by law, the minutes of any meeting of a committee established by *Council* must not be made public unless those minutes have been confirmed by *Council*.

It is possible that a Freedom of Information request is made for access to the unconfirmed minutes of a Committee meeting. If so and a decision on access needs to be made before Council can confirm the minutes the exceptions in sub-clause (2) allow access to the unconfirmed minutes to be given. This is an example of a contrary requirement "imposed by law".

84. No debate on confirmation of minutes

No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.

85. Deferral of confirmation of minutes

Council may defer the confirmation of minutes until later in the meeting or until the next meeting if considered appropriate.

86. Recording of meetings

- (1) The *Chief Executive Officer* or his/her delegate must record on suitable recording equipment all proceedings of an *Ordinary meeting* or *Special meeting* except where the meeting is closed to the public in accordance with section 82(2) of the *Act*. The copyright in the recordings of the proceedings will vest in *Council*, and permission must be sought to copy, communicate or transmit a recording of the proceedings, or part of a recording of the proceedings.
- (2) The proceedings will be live streamed and recordings of the proceedings will be retained and will be placed on *Council's* website within 24 hours of the end of the meeting.
- (3) Members of the public are to be advised that the meeting is being recorded and the recording will be made available to members of the public via *Council's* website. Members of the public are to be advised by appropriate signage that while care is taken to maintain a person's privacy as an attendee in the gallery, they may be recorded.
- (4) Subject to sub-clause (1) above, members of the public must not operate photographic audio or video recording equipment or any other recording device at any *Ordinary meeting* or *Special meeting* without first obtaining the consent of *Council*. Such consent may at any time during the course of such meeting be revoked by *Council*.

Penalty: 5 penalty units

A member of the public who breaches clause 86(3) may also be breaching other legislation or become civilly liable, such as where the recording unlawfully infringes the privacy, or gives rise to harassment, of another who is present at the meeting.

- (5) All Councillors must have their microphones switched on when speaking at a *Council meeting*.

DIVISION 13 – BEHAVIOUR

87. Display of placards and posters

A person must not:

- (1) display any offensive, indecent, insulting or objectionable item or words in the Council Chambers; or
- (2) obstruct the entrance to the Council Chambers or a building where a *Council meeting* or a *Special Committee* meeting is being or about to be held.

Penalty: 5 penalty units.

88. Public addressing the meeting

- (1) Members of the public do not have a right to address *Council* and may only do so under Division 10 or with the consent of *Council*.
 - (2) Any member of the public addressing *Council* must extend due courtesy and respect to *Council* and the processes under which it operates and must take direction from the *Chair* whenever called on to do so.
 - (3) A member of the public present at a *Council meeting* must not interject during the meeting.
-

89. 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 (1) 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 threaten his or her authority in chairing the meeting.

- (3) In the event the *Chair* causes the removal of a Councillor from a meeting, the *Chair* must specify the period of time for which the removal will take effect.

90. Offences

(1) It is an offence for:

- (a) a person to use the *common seal* or any device resembling the *common seal* without the authority of *Council*;

Penalty: 10 penalty units

- (b) a person to inscribe upon a petition or joint letter a name or signature purporting to be the name or signature of another person;

Penalty: 5 penalty units

- (c) any person, including a Councillor, who is guilty of any improper or disorderly conduct, to not leave the Chamber when requested by the *Chair* to do so; or

Penalty: 2 penalty units

- (d) any person to fail to comply with a direction of the *Chair* in relation to the conduct of the meeting and the maintenance of order

Penalty: 2 penalty units.

The penalty units set out in this sub-clause and elsewhere (eg clause 86(3)) represent the maximum amount, which a Court can order a person to pay. Even then, it requires a prosecution to be brought against the person in the Magistrates' Court. An alternative to prosecution is the infringement notice procedure outlined in sub-clause (2).

(2) An *authorised officer* may, as an alternative to prosecution, issue an infringement notice in accordance with the *Infringements Act 2006* and associated regulations to any person who has committed an offence against this Local Law.

(3) The fixed penalty in respect of an on the spot infringement is the amount set out in Schedule 1.

(4) Any infringement notice issued to a person under this Local Law may be served on or given to the person by:

- (a) delivering the notice to the person;

- (b) leaving the notice at his or her usual or last known place of residence or business with a person apparently over the age of 16 years and apparently residing or employed at that place; or
 - (c) sending the document by post addressed to the person at his or her last known place of residence or business.
- (5) The relevant *authorised officer* may withdraw the infringement notice within 28 days after its date by sending a notice to the person on whom the infringement notice was served.
- (6) If the person pays the penalty before the infringement notice is withdrawn, the person is entitled to a refund of the penalty.
- (7) If the person pays the penalty within the time specified in the notice or, if the relevant *authorised officer* allows, before a summons is served on the person in respect of the infringement, the following provisions apply:
 - (a) further proceedings for an offence are not to be taken against the person; and
 - (b) there is to be no conviction recorded against the person for the infringement.
- (8) A penalty paid under this clause must be applied as if the person who paid it was convicted of the infringement in a Magistrates' Court on the information of a person authorised by *Council* to bring proceedings on its behalf.
- (9) If a person served with an infringement notice has not paid the penalty within the time specified in the notice or any extension of that time or if an infringement notice is not withdrawn proceedings may still be taken or continued to prosecute the alleged offence.
- (10) To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.
- (11) A person issued with an infringement notice is entitled to disregard the infringement notice and defend any prosecution in court.

91. Chair may adjourn disorderly meeting

If the *Chair* is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the meeting, he or she may adjourn the meeting to a later time on the same day or to some later day as he or she thinks proper. In that event, the provisions of clause 25(1) and 25(2) apply.

92. Removal from Chamber

The *Chair* or *Council* may ask the *Chief Executive Officer* or *authorised officer* or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Local Law and whom the *Chair* has ordered to be removed from the meeting under clause 89 of this Local Law.

DIVISION 14 – ADDITIONAL DUTIES OF CHAIR

93. The *Chair's* duties and discretions

In addition to the duties and discretions provided in this Local Law, the *Chair*:

- (a) may demand retraction of any inappropriate statement or unsubstantiated allegation;
- (b) must ensure silence is preserved by all other persons while a Councillor or other speaker is addressing the meeting;
- (c) must call to order any member of the public who approaches the *Council* or *Committee* table during the meeting, unless invited by the *Chair* to do so;
- (d) must call to order any person who is disruptive or unruly during any meeting; and
- (e) must be impartial and fair, and must take steps to ensure that no Councillor is demeaned or denigrated during any Council meeting.

DIVISION 15 – SUSPENSION OF STANDING ORDERS

94. Suspension of standing orders

- (1) To expedite the business of a meeting, *Council* may suspend standing orders.

The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.

Its purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.

- (2) The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of *Council*. An appropriate motion would be:

"That standing order be suspended to enable discussion on....."

- (3) No motion can be accepted by the *Chair* or lawfully be dealt with during any suspension of standing orders.

- (4) Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:

"That standing orders be resumed."

DIVISION 16 – MISCELLANEOUS

95. Procedure not provided in Local Law

In all cases not specifically provided for by this Local Law, *Council* may determine the matter by resolution.

- (i) Policies and guidelines

Council may adopt any policies or guidelines from time to time for the purpose of exercising any discretion conferred by this Local Law.

DIVISION 17 – SPECIAL AND ADVISORY COMMITTEES

96. Application to *Special Committees* generally

- (1) If *Council* establishes a *Special Committee* composed solely of Councillors, all of the provisions of Divisions 1-16 of this Local Law apply to meetings of the *Special Committee*.
- (2) For the purposes of sub-clause (1), a reference in Division 1-16 of this Local Law to:
- (a) an *Ordinary meeting of Council* is to be read as a reference to a meeting of the *Special Committee*;
 - (b) a Councillor is to be read as a reference to a member of the *Special Committee*; and
 - (c) the *Mayor* is to be read as a reference to the *Chair* of the *Special Committee*.

97. Application to *Special Committees* specifically

Notwithstanding clause 96, if *Council* establishes a *Special Committee* composed solely of Councillors:

- (a) *Council* may; or
- (b) the *Special Committee* may, with the approval of *Council*

resolve that any provision(s) of Divisions 1-16 is or are (as appropriate) not to apply, whereupon that provision or those provisions will not apply until *Council* resolves, or the *Special Committee* with the approval of *Council* resolves, otherwise.

98. Application to *Advisory Committees* generally

- (1) If *Council* establishes an *Advisory Committee*, all of the provisions of Divisions 1-16 of this Local Law apply to meetings of the *Advisory Committee*.
- (2) For the purposes of sub-clause (1) a reference in Division 1-16 of this Local Law to:
 - (a) a *Council meeting* is to be read as a reference to a meeting of the *Advisory Committee*;
 - (b) a Councillor is to be read as a reference to a member of the *Advisory Committee*; and
 - (c) the *Mayor* is to be read as a reference to the *Chair* of the *Advisory Committee*.

99. Application to *Advisory Committees* specifically

Notwithstanding clause 98, if *Council* establishes an *Advisory Committee*:

- (a) *Council* may; or
- (b) the *Advisory Committee* may, with the approval of *Council*

resolve that any provision(s) of Divisions 1-16 is or are (as appropriate) not to apply, whereupon that provision or those provisions will not apply until *Council* resolves, or the *Advisory Committee* with the approval of *Council* resolves, otherwise.

100. Adoption of recommendation

If a recommendation of a *Special Committee* is adopted by *Council*, what has been recommended becomes a resolution of *Council*.

Schedule 1

Governance Local Law No. 1

Penalties Fixed for Infringement Notices

Local Law Provision	Offence	Penalty Units
86(3)	Recording meeting without prior approval	5
87	Displaying certain objects or words or obstructing entrance to Council Chambers or building	5
90(1)(a)	Using the <i>common seal</i> or replica without authority	10
90(1)(b)	Fraudulently signing a petition or joint letter	5
90(1)(c) and (d)	Call to Order – Failing to comply with a direction of the <i>Chair</i>	2

Executive Summary

12.7 Review of Contributory Schemes Policy

Enquiries: (Doug Dickins: Community Assets)

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 seek Council endorsement to engaging with the community on the proposed update of Council's Contributory Schemes Policy which was last reviewed in 2014.

Recommendation (Director Community Assets)

That Council:

1. Notes the need for an updated Contributory Schemes Policy;
2. Endorses the draft Contributory Schemes Policy 2019 and supports community consultation prior to the policy being presented to Council for formal adoption.

Key Points / Issues

- Council has a Contributory Schemes Policy which was originally adopted in 1996 and has been updated a number of times with the most recent revision on 17 December 2014.
- It is now considered timely to review the Contributory Schemes Policy to ensure it is meeting the needs of the community and reflects current legislation and practice.
- The Contributory Schemes Policy has been revised to meet current legislative requirements and Council's latest guidelines and policies (See Attachment A).
- It has also been reviewed to bring it into line with other outer metropolitan Councils which have similar issues and to take into account precedents set at Victorian Civil and Administrative Tribunal (VCAT).
- The major changes proposed to the policy are;
 - Scheme initiation priority (Section 2).

A review has been carried out on the current identified list of prioritised projects to be considered for initiation of a Special Charge Scheme for construction of a road. The list reflects the most recent information available for traffic counts, crash statistics, maintenance practices and resident requests. The list is included in the policy as Appendix C and is intended to guide Council in determining priorities for implementation of schemes. Schemes may be initiated by either Council or by residents and potential contributors.

This list now prioritises potential roads into five priority areas to assist in determining roads to be initiated as a special charge scheme. The revised list is based upon a range of criteria, however until a survey is conducted of owner on potential roads the level of support cannot be considered.

12.7 Review of Contributory Schemes Policy**Executive Summary**

If the level of support from potential contributors is insufficient, a scheme would not be proposed as the likelihood for a successful implementation would be low.

- Removal of Footpath and Bicycle Path Projects (Section 2 Appendix A)

At Council Meeting (OM290) on 18 June 2016, Council resolved to not continue with delivery of planned footpath infrastructure by Special Charge Scheme at this time, noting the increased cost to Council of its decision. Consequently Section 2 in Appendix A of the proposed policy has been amended to include this resolution.
- Minimise removal of native vegetation (Section 4 Appendix A)

A paragraph has been included in Section 4 of Appendix A that Council will seek to minimise the removal of native vegetation through the use of existing road alignments and the use of light rural pavements and water sensitive design principles.
- Council contribution (Section 4.1 Appendix A)

It is proposed to introduce a minimum contribution by Council of 20% for Contributory Schemes. Not only does this contribution recognise the benefit to the community of the scheme, but may also be an incentive to landowners to participate in and support a scheme. The contribution may also reduce objections by contributors and delays associated with objections.
- Clarification of Rural Areas (Section 4.4 Appendix A)

Defines rural areas as those outside the urban growth boundary. This is applicable in determining the type and standard of road to be proposed.
- Council contribution for broader community benefit (Section 4.5 Appendix A)

Provides a method through which Council intends to contribute to the scheme to recognise the broader benefit to the community through construction of a road. This section recognises that benefit through the level of through traffic utilising the road.
- Landowner contributions (Section 4.6 Appendix A)

Clarifies how benefit units can be applied in a variety of abuttal scenarios to provide for a policy basis for apportionment of costs.
- Multiple landowner contributions (Section 4.7 Appendix A)

Provides guidance in the apportionment of costs for projects in which properties may be able to obtain greater benefit from construction of the road. The examples included are for additional dwellings, bed and breakfast facilities, and potential subdivision.
- Landowner contributions in schemes involving mixed land use (Section 4.8 Appendix A)

Similar to the above section, includes guidance in apportionment of costs where there are land uses other than residential and reflects the different benefits obtained from these alternative uses.

12.7 Review of Contributory Schemes Policy**Executive Summary**

- Legal advice has been sought to ensure the proposed amendments are considered appropriate and reasonable. There are a number of suggestions made and so it is proposed to renew the policy document rather than update the existing policy document.
- Attachment A is the Draft Contributory Schemes Policy 2019. It is proposed that the community be consulted regarding this draft policy and that community feedback be incorporated into the policy prior to presentation at a future Council meeting for adoption.

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 three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.50 per cent for 2019-2020.

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 associated with the implementation of contributory schemes. Individual projects are to be included in Council’s Long Term Infrastructure Plan for inclusion in annual Capital Works Programs.

Consultation**1. External Stakeholders**

The Contributory Schemes Policies of other outer Melbourne Councils were considered as part of the review of this policy.

It is now proposed to engage with the community to seek feedback to ensure the policy meets the requirements of the community. Feedback will be incorporated into the policy prior to presentation for formal adoption by Council.

2. Other Stakeholders

Sustainable Assets and Operations team were consulted and assisted in the update of the prioritised list of unsealed roads.

Analysis (Environmental / Economic / Social Implications)

The implementation of a minimum Council contribution has been analysed by considering the six Special Charge Schemes most recently implemented by Council in the last five years. The Council contribution in each case was, as follows;

- Union Road Stage 2 (Collector Rd with through traffic) – Council contribution 100% due to the removal of a gate restricting access
- Potts Road (Collector Rd with through traffic) – Council contribution 45%
- Cranhaven Road Stage 1 (Collector Rd with through traffic) – Council contribution 45%
- Cranhaven Road Stage 2 (Urban local street with dead end) – Council contribution 35%

12.7 Review of Contributory Schemes Policy**Executive Summary**

- Nirvana Close (Rural dead end road)– Council contribution 13%
- Newton Road and Weeroona Avenue (Rural dead end road) – Council contribution 18%

As can be seen from the above, Council already contributes significantly in most Special Charge Schemes. The introduction of the 20% minimum Council contribution will reduce the likelihood of a scheme being quashed at VCAT and is generally in line with the savings over time in reduced maintenance costs.

Revision to the policy also provides greater guidance in the apportionment of costs which in turn can assist Council should the matter be referred to VCAT for consideration.

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

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

Legal

The policy is in line with current legislative requirements. Legal advice has been sought to ensure the proposed amendments are considered appropriate and reasonable. Due to the level of changes recommended, it is proposed that the reviewed policy be adopted as a new Contributory Schemes Policy rather than an updated one.

Policy Impacts

The revised policy will give Council a more consistent approach when setting priorities and dealing with requests for road construction.

Officer's Declaration of Interests

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

Risk Mitigation

The revised policy will lessen the potential for objections to schemes, hence shortening the process considerably.

Conclusion

Council's Contributory Schemes Policy is being reviewed to ensure it meets the needs of the community, reflects current legislation and practice, and is in line with Council's latest guidelines and policies.

Some amendments are proposed after considering other outer metropolitan Councils with similar issues and to take into account precedents set at Victorian Civil and Administrative Tribunal (VCAT). The amended policy has a number of changes proposed.

It is recommended that Council endorse the draft Contributory Schemes Policy 2019 and consult with the community regarding this proposed policy.

ATTACHMENTS

Attachment A: [↓](#) Draft Contributory Schemes Policy - January 2019



FRANKSTON CITY COUNCIL
DRAFT

CONTRIBUTORY SCHEMES POLICY

ADOPTED AT CM29 5.2.1996

(UPDATED CM42 3.6.1996)
(UPDATED OM07 28.7.1997)
(UPDATED OM14 08.12.97)
(UPDATED OM152 18.12.2006)
(UPDATED 17.12.2014)
(UPDATED 6.01.2019)

SPECIAL RATES AND CHARGES

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ADMINISTRATION POLICY

SPECIAL RATES AND CHARGES POLICY

1. INTRODUCTION

This Policy is intended as a procedural guide for the creation and implementation of all contributory projects by special rates and charges, providing works and services authorised under the Local Government Act 1989 and as a guide for the equitable distribution of costs between Council and property owners obtaining a special benefit. It is intended that community consultation and participation will play a large part in the development of specific projects, and that many proposals will only be implemented if they have the strong support of property owners.

The Local Government Act 1989 was introduced into State Parliament in November 1988 and is founded on two fundamental principles: that local government should have greater autonomy and should be democratically accountable to its community. The special rates and charges provisions of Section 163 of Part 8 of the Local Government Act 1989, unlike the Local Government Act 1958, are not prescriptive and provide Councils with modern progressive powers free from the previous legislative restraints. These powers were designed to enable Councils to raise funds, effectively manage their assets and defray expenses in relation to activities or works which are of special benefit to part of the municipality, by the equitable imposition of rates and charges.

Special rates or charges can be used to recover costs of Council performing a function or providing services this includes community facilities, studies/strategies, promotional marketing, purchase of properties, carparking etc, as well as the traditional Capital Works items, i.e. road construction, drainage, footpath, etc.

Specific guidelines for determining benefit and thus the apportionment of cost are included as appendices to this document. Appendix A provides guidelines in respect of schemes with which Council has had experiences, for example:

- o Road Construction
- o Drainage Construction
- o Off Street Carparking Areas

2. SCHEME INITIATION

Council has a "priority list", commenced in 2002/03, to implement schemes for unconstructed roads on the basis of rankings of factors including road hierarchy, condition, traffic frequency, safety and maintenance. Road schemes will be implemented generally in order of such listing, subject to over-riding issues in specific cases.

**Updated
OM152
18 Dec 2006**

Recently a review of this list was undertaken with the most recent traffic counts, accident statistics, maintenance frequencies and resident requests / complaints. This list is attached as Appendix C.

**Updated
Jan 2019**

Otherwise, the Special Rate or Charge process may be initiated by Councillors, members of the public, residents within the area, Council Officers or as a result of complaints from officers of Statutory Authorities with services in the area or providing

service to the area. The final outcome of many proposals will depend to a large degree on community support, and in some instances Council may not proceed following formal public consultation, where at least majority support has not been adequately demonstrated.

If a resident or members of the public wish a Scheme to be initiated, they need to demonstrate at least 50% support from property owners who would be involved in the Scheme.

Updated
CM42
3 June 96

Updated
Jan 2019

2.1 Preliminary Consultation and Report

Except for the case where the process has been initiated by a petition or a joint letter containing signatures of at least two thirds majority of potential contributors, the Responsible Officer shall circulate a questionnaire to identify the potential contributors and their level of support for a Scheme.

Having allowed fourteen (14) days for reply, the Responsible Officer shall prepare a preliminary report to the subsequent Council Meeting which may address the following:

- o background information detailing the reason for canvassing potential contributors;
- o a statistical analysis of results of responses and an assessment of their substance;
- o any previous proposals which may have been abandoned or unsuccessful;
- o the circumstances which may exist whereby the considerations of safety or other matters override all other considerations;
- o the need for the Scheme taking into account matters of health, safety and amenity;
- o identifications of the likely beneficiaries of the Scheme;
- o options for the scope, staging and funding of the Scheme;
- o preliminary estimated basis for apportionment;
- o a recommendation to Council to either proceed with the Scheme in recognition of the significant and justifiable level of support or because of compelling reasons relating to issues of safety, health or amenity or not to proceed due to a lack of support; and
- o any ongoing arrangements or liabilities for maintenance and/or reconstruction in the future.

2.2 10-year Capital Works Program

Following a resolution by Council to proceed with the Scheme, a preliminary estimate would be referred to the 10 Year Capital Works Program. When funding (if necessary) becomes available for the project, the Scheme could continue. Note that the typical timeframe for a project, from preliminary concept plan stage to construction stage is 3 to 4 years.

3. DETAILED SCHEME PREPARATION

Following Council's resolution to proceed with the Scheme, and process listing on the 10 Year Capital Works Program, the final design, estimates and apportionments shall be prepared. The officer responsible for the detailed preparation of the Scheme shall maintain a high level of consultation with parties to be affected by the proposal.

3.1 Formal Public Consultation

Following resolution by Council to proceed, a letter shall be sent to all parties likely to be affected which may include:

- o reference to the preliminary report including an indication of cost to potential contributors;
- o an explanation of the basic principles of the Scheme and the future steps leading to its finalisation;
- o the name of a Council Officer for contact in regard to individual enquiries;
- o concept options and associated preliminary estimates;
- o advice that a public meeting may be called to discuss designs; and
- o advice that, if necessary, a committee, including representatives of potential contributors, may be formed to provide input into the functional and conceptual aspects of the Scheme.

3.2 Financing Arrangements for Special Charge Schemes

It is in the interests of both Council and residents to provide the opportunity for payment options for residents required to contribute to Special Rate or Charge Schemes.

*Updated
OM07
28 July 97*

As indicated in Appendix B of this policy document, residents have a number of payment options. Once Council levies a Scheme, contributing residents will be required to notify Council which payment option is required. As most residents will most likely to request payment by instalments, Council will be required to borrow to fund the Scheme.

Council may borrow on the security of a Special Rate or Charge, to enable it to perform the functions and exercise the powers under the Local Government Act, but the amount must not exceed the estimated income from Special Rate or Charge (s. 139 (5)). This section was most likely intended to enable Councils to undertake works pending full payment of owner contributions (s. 140).

Within the provisions of the Local Government Act, Council could resolve to borrow specifically to implement each proposed Special Charge or Rating Scheme. This decision should be taken following public consultation and completion of preliminary design, estimates and apportionment of costs, but prior to Council resolving to declare a Special Rate or Charge. Any borrowings under the LGA (s. 139 (5)) are not required to be included in the Budget (s. 145 (1)) although they will impact on Council's prudential ratios.

By borrowing for specific Special Rate or Charge Scheme projects, Council would negotiate a fixed interest loan package and structure the levying of the Special Rate or Charge over a period of time with a number of specified due payment dates. This would in effect give residents an instalment payment option. However, residents would be exposed to the Penalty Interest Rate on payments not made by the due dates.

The benefits of deferring the decision on borrowing for specific projects until after public consultation and completion of preliminary design, estimates and cost apportionment are:-

- greater certainty of costs.
- greater certainty of residents preferred payment requirements.
- the ability to negotiate a project specific fixed interest loan package inclusive of any break or other costs.
- Council's borrowing will be secured against the special rate or charge, and ultimately against the property.
- Council would not be exposed to any financial risks.

Whilst Council can defer or waive payment of rates and charges (s. 170 & 171) in case of hardship, Council is not able to provide residents with instalment payment options at interest rates other than that prescribed under the Penalty Interest Rate Act. Council is able to exempt any person from paying all or part of any interest (s. 172 (3)), although Council would require a clear basis for considering exemption under this provision. There is no provision in the Local Government Act to vary the interest rate.

Loan borrowings to fund Special Charge or Rate Schemes on a project specific basis would be structured such that Council would not be exposed to any financial risks.

The use of loan funds to implement Special Charge or Rate Scheme projects will provide residents with a cost effective and flexible means of meeting their contribution obligations without exposing Council to any financial risks. The arrangement will need to be carefully structured to ensure Council was not acting ultra vires. This represents an important and socially responsible service to residents impacted by such Schemes.

4. STATUTORY REQUIREMENTS FOR SCHEME ADOPTION

4.1 Notification of Declaration

Prior to the declaration of a Special Charge Scheme, a Public Notice of the proposed Declaration will be required, at least 28 days prior to the making of Declaration (s. 163 (1A)).

*Updated
OM14
8 Dec 97*

The Public Notice will take the form of a notice in the local newspaper, a metropolitan Melbourne wide newspaper (e.g. The Age), a notice in Council's Website and letters to all property owners involved in the Scheme.

The Public Notice must (s. 163 (1B)):

- contain an outline of the proposed declaration;
- set out the date on which it is proposed to make declaration;
- advise that copies of the proposed declaration are available for inspection at the Council office for at least 28 days after the publication of notice; and
- advise that submissions made in accordance with Section 223 and objections under Section 163B of the Local Government Act 1989 will be considered by Council or a Council Committee.

**Updated
OM152
18 Dec 2006**

4.2 Public Notice

Following the intention of Council to declare the Special Rate or Charge a notice shall be published in a newspaper generally circulating in the municipal district of the Council chosen by the Council, in a newspaper generally circulating within metropolitan Melbourne and on Council's Website for the purpose of setting out the proposed Declaration and stating that submissions will be considered in accordance with Section 163B and Section 223 Local Government Act 1989. A copy of the public notice shall be mailed to each affected property owner.

The Responsible Officer shall ensure that copies of the advertisement are retained on file as confirmation that the notice was given.

4.3 Consideration of Submissions

Written submissions received by Council within the time prescribed in the public notice will be considered by either Council or a Committee of Council comprising Ward Councillors, the relevant Director and any other interested Councillors. Personal appearances to support written submissions will be encouraged, however, submitters must state their desire to appear before Council or the Committee in their written submission. A person entitled to speak may be represented by another person with written authorisation.

After the Committee considers all submissions, it will make a recommendation to Council for a final decision.

4.4 Council Resolution Following Submissions

Following consideration of submissions and the Committee's recommendation if established Council may resolve to:

- abandon the Scheme by not giving effect to the proposed declaration to levy the Special Rate or Charge or;
- prepare a new Special Rate or Charge Scheme due to the need to significantly modify the original Scheme, thereby requiring the process to be recommenced or;
- proceed with or without minor variation to the original Declaration.

Note: Any variation in the amount of the proposed rate or charge of more than plus 10% of the amount specified in the original notice will require the scheme to be returned to Council for consideration of a new declaration.

*Updated
Jan 2019*

All persons making submissions and all parties affected by the Scheme shall be advised of Council's resolution.

In the circumstance that no submissions are lodged, Council may resolve to declare and levy the Special Rate or Charge.

4.5 Declaration of Special Rate or Charge

Following the Scheme preparation, the Responsible Officer shall provide a report to Council which will contain a recommendation to Declare a Special Rate or Charge. This report will include:

- the objectives of the proposal specifying why the works are proposed and who the beneficiaries will be;
- the detailed design plans defining the scope of the Scheme;
- a recommendation for the use of a Special Rate, a Special Charge or the combination of both; and
- a guarantee that the final cost of the Scheme payable by the contributor shall be within a specified percentage, not exceeding 10% of the estimate forming the basis of the Declaration. *Updated
Jan 2019*

- a guarantee that the final cost of the Scheme payable by the contributor shall be within a specified percentage, not exceeding 10% of the estimate forming the basis of the Declaration.

The resolution for Council to Declare a Special Rate or Charge shall include:

- the period the Special Rate or Charge remains in force;
- the purpose of the Special Rate or Charge;
- a specification of the wards, groups, users or areas for which the Special Rate or Charge is declared;
- a specification of the land in relation to which the Special Rate or Charge is declared;
- a specification of the criteria which forms the basis of the Special Rate or Charge. For local street construction this will be the ownership of properties that abut or are adjacent to the project and/or derive benefit from improved access and amenity;
- a specification of the manner in which the Special Rate or Charge will be assessed and levied. In general, apportionment should be carried out using the traditional methods well established through regular application and supported by Victorian Civil & Administrative Tribunal determinations;
- an estimate of owners' liabilities. This estimate shall include ancillary costs such as survey, design, supervision and administration. Ancillary costs may be estimated using current industry standards and recent similar contracts;
- the impact of the Council's liability to the contribution in the event of over expenditure;

- period of maintenance required for the works (if works are relevant to the Special Rate or Charge);
- incentives to be given to ratepayers if any;
- planning policies and specific objectives (if any) as referred in Section 185 of the Local Government Act 1989; and
- the manner of payment of the Special Rate or Charge and the detail of the financing provisions to be accommodated by Council in regard to the Scheme; and
- the interest rate on the principal which will apply to persons liable to pay Special Rates or Charges.

The responsible officer for the Scheme in their report to Council will have regard to the Council policy which applies at the time in respect to the level of interest to be charged on the principal and any penalty interest which may apply to overdue repayment instalments.

4.6 Advice of Affected Persons

Should Council resolve to declare a Special Rate or Charge, a letter advising of this decision shall be sent to all owners and occupiers.

4.7 Levy of Special Rate or Charge

Council levies the Special Rate or Charge by sending a notice to all those liable to pay. This notice shall be in accordance with sub-sections 163(4) & (5) of the Local Government Act 1989 and shall contain prescribed information detailed in Regulation 10 of the Local Government (General) Regulations 1992. For minor scheme works, this can be combined with the notice to pay.

4.8. Appeal

Following the declaration of the Special Rate or Charge a person may apply for a review of Council's decision to the Victorian Civil and Administrative Tribunal (VCAT) within one month after the date of issue of a notice to the person of the Special Rate or Charge or combination thereof. Section 185 of the Local Government Act sets down the criteria for an appeal and provides the following grounds:

- (i) the works and projects or the period of maintenance for the purposes of which the Special Rate or Charge was imposed are not or will not provide a special benefit to that person; or
- (ii) the basis of distribution of the rate or charge amongst those persons who are liable to pay it is unreasonable; or
- (iii) if the planning scheme for the area contains any relevant policies or specific objectives, the works and projects proposed for the construction of a road or for the drainage of any land are inconsistent with those policies or objectives; or
- (iv) if the planning scheme for the area does not contain any relevant policies or specific objectives, the works and projects proposed for the construction of a road or for the drainage of the land are unnecessary, unreasonable, excessive insufficient, unsuitable or costly, having regard to the locality or environment and to the probable use of the road or drainage of land.

Following notification from VCAT of appeals lodged, contact may be made with appellants in order to carry out negotiations prior to the hearing. Failing this the Responsible Officer will prepare Council's case for the VCAT hearing.

Note: An aggrieved person may in addition or alternatively, appeal within 60 days to the County Court on the following grounds:

- (a) In the case of a rate (other than a special rate under s. 221), that the land in respect of which the rate was declared was not rateable land;
- (b) That the rate or charge assessment was calculated incorrectly; or
- (c) That the person levied with the rate or charge was not liable to be rated.

4.9 Council Options Following VCAT Decision

Where VCAT quashes a Scheme, Council could only proceed to declare a scheme for the same street if the new Scheme differs significantly from the quashed one and in particular in no way is inconsistent with VCAT's reasons for quashing the previous Scheme.

*Updated
OM152
18 Dec 2006*

Where VCAT upholds the Scheme entirely or varies it with respect to the applicants, Council must proceed with the scheme as determined by VCAT.

5. SCHEME IMPLEMENTATION AND FINALISATION

5.1 Implementation Process

The Responsible Officer shall ensure that the tasks necessary to implement the Scheme are carried out.

Schemes which involve provision of services or capital works for the provision of infrastructure shall comply with the provisions of Best Value legislation.

*Updated
OM152
18 Dec 2006*

If the tendered price for the contract works component of the Scheme exceeds the estimated cost by more than **10%**, the proposal shall be referred to Council for reconsideration and a resolution sought to either abandon the Scheme or accept the tendered price and proceed with the work.

*Updated
Jan 2019*

5.1.1 Notice Levying the Special Charge

Following the decision of Council to proceed with the Scheme and its implementation a Notice Levying the Special Charge will be served on all contributors indicating all the relevant Scheme details and the charge or rate based on the accepted estimated cost.

The Notice shall clearly indicate that this demand for payment is based on an estimated Scheme total cost and may be subject to variation of up to a maximum of 10% of the amount stated.

5.2 Reconciliation and Report to Council

5.2.1 Special Charge Schemes

Schemes shall be finalised and reconciled within two months of finalisation of the works.

The Responsible Officer shall report to Council immediately upon Scheme reconciliation advising:

- o that the works are complete and the costs are finalised;

- that the final apportioned costs are presented for adoption by Council; and
- where any variation has occurred between the original estimate and the final apportioned cost, the detail of such variation.

5.2.2 Special Rate Schemes

If, during the course of any Scheme which is implemented on the basis of a Special Rate, circumstances change to the extent that the rate is to be varied, the Responsible Officer shall immediately report to Council advising of the nature of the variation and recommending an appropriate course of action and if necessary that Council will bear all costs associated with any increase in the Special Rate beyond 10%.

*Updated
Jan 2019*

In any case where the Special Rate or Charge is varied by any amount, notice is required to be given to all affected parties pursuant to s. 166 (2) of the Local Government Act 1989.

APPENDIX A – APPORTIONMENT PRINCIPLES

SPECIAL RATES AND CHARGES POLICY

Officers responsible for the detailed development of cost apportionment for contributory schemes should have regard to the following principles:

1. BENEFIT RATIO

The calculation of the maximum total levy for a scheme shall comply with the Ministerial Guideline applying to Section 163 (2C) of the Local Government Act 1989 as promulgated in the Victoria Government Gazette G39 23 September 2004. In most cases this will yield the limiting amount for levying by way of a special charge scheme. However to ensure consistency with past practice the following guidelines shall also be regarded in determining the Benefit Ratio.

*Updated
OM152
18 Dec 2006*

2. FOOTPATH AND BICYCLE PATH PROJECTS

At OM 290 on 18 July 2016, Council resolved:-

“Not to continue with the delivery of other planned footpath infrastructure via Special Charge Schemes at this time, noting the increased cost to Council of this decision”.

Consequently all references to footpath construction by Special Charge Scheme have been deleted.

*Updated
Jan 2019*

3. DRAINAGE CONSTRUCTION SCHEMES

- o Full cost of works for property drainage systems charged to owners on a benefit/area basis using the co-efficient of runoff to modify the effective area.
- o Properties discharging and properties receiving protection. Properties discharging stormwater and properties being protected from stormwater runoff receive the same benefit weighting i.e. 1:1.
- o Council or drainage authority contributes towards outfall drains.
- o Council maintains constructed asset.

4. ROAD CONSTRUCTION SCHEMES

Full cost of vehicle crossings and footpath thickenings to owners.

Every effort will be made to minimise the removal of indigenous, native and significant vegetation in all cases by utilising existing road alignments where possible, In addition the design process will incorporate consideration of options to minimise the impact on vegetation, with the preferred option being selected taking into consideration environmental benefit, as well as safety and financial benefits.

*Updated
Jan 2019*

Council maintains constructed asset.

4.1 Council incentive contribution

Updated

Intent

Jan 2019

Council may make a contribution as an incentive to landowners and to recognise the benefit to Council of the scheme.

Implementation

As an incentive to landowners to participate in scheme proposals for the improvement of infrastructure throughout the municipality, a **minimum 20 percent** contribution is provided by Council towards proposed projects.

This contribution is in recognition of annual rates paid by landowners and the benefit to Council of the reduction in recurrent maintenance costs.

4.2 Residential Streets in Urban areas (within the Urban Growth Boundary)

Maximum of **80%** cost to owners – apportioned on the basis of benefit unit and/or area and/or frontage. Owners of corner allotments to be apportioned so that notional total charges over all abuttals is fair. A benefit unit may be developed as potential development of the property.

*Updated
OM152
18 Dec 2006*

Updated

Jan 2019

4.3 Non-Residential Street in Urban areas (within the Urban Growth Boundary)

Owners are required to contribute a maximum of **80%** cost of a road of sufficient standard to meet the owners access needs and Council would contribute the extra costs involved. ResCode for Residential Development can be used to determine the type of road required for access purposes.

*Updated
OM 14
8 Dec 97*

*UpdatedJan
2019*

Costs apportioned on the basis of benefit unit, area of property, frontage of property or a combination, owners of corner allotments to be apportioned so that notional total charges over all abutments is fair.

*Updated
OM 14
8 Dec 97
& OM152
18 Dec 2006*

4.4 Residential Streets in Rural Areas (outside the Urban Growth Boundary)

Where road construction schemes are implemented in rural areas, with low density residential development, Council may consider a treatment of lesser standard than required in higher density or urban areas.

*Updated
OM152
18 Dec 2006*

This will be assessed individually for each road, taking into account the current and potential traffic volumes, the existing road formation and subgrade quality, and preferences of the abutting property owners. Generally a treatment would consist of a 100mm layer of new compacted crushed rock over the existing road formation and shoulders, and a primer and spray seal over the trafficked part usually 5 metres wide. In addition, after individual assessment including geo-technical testing, the option to use stabilisation techniques which could result in cost savings may be considered. If in the future further construction is required, Council would be able to levy a special charge for new components (including kerb & channel, drainage, asphalt surface) but deduct the value of previously charged treatments.

4.5 Council contribution for broader community benefit

Updated

Intent

Jan 2019

The level of Council contribution defined in this section recognises the benefit to Council and the broader community of the project.

Implementation

A Council contribution is required in accordance with the Ministerial Guideline where the works or services will provide tangible and direct benefits to the broader community, other than those landowners determined as being liable for the special rate or charge.

The following ratios have been developed to recognise broader community benefit from infrastructure improvement works and are considered to accord with the Ministerial Guideline:

Road Improvements

Ratio to be derived from a comparison of local traffic use to through traffic use of the road, based on the assumption that each development unit generates ten trips per day on the road. For community or commercial facilities a study of the facility will be undertaken to establish trips per day.

% through traffic	Council	Landowners
less than 20%	20%	80%
greater than 20%	Council contribution increased by 2% for every 3% increase in through traffic volume above 20%	
<p>In preparing any scheme there will be peculiarities that may require variation to the guidelines presented above. With proper justification, flexibility should be allowed to ensure a fair and reasonable distribution of costs. Where required, such flexible requirements will be reported to Council on a scheme by scheme basis.</p>		

4.6 Landowner contributions

Intent

Whilst recognising that the apportionment methodology may have a number of variations, it is preferred to maintain a simplified approach in determining the contributions for each property. The development of the apportionment for a scheme will follow an approach which considers a number of factors and recognises that each scheme is different.

Implementation

It is recognised that within a proposed scheme the apportionment methodology may be considered in many ways, all of which may be acceptable to VCAT. For the purposes of this policy it is considered preferable that a simplified approach is taken.

When apportioning costs amongst properties the following factors should be considered:

- The current Frankston Planning Scheme zones and overlays, including tenement provisions if these apply.
- Existing use or development potential of a property, on a development unit basis (eg. commercial, industrial, residential, subdivision, higher density development etc.);
- Abuttal of a property to proposed works (generally road improvements); and
- Area of a property (generally drainage schemes).

For road improvements:

- Generally properties will be charged one development unit where primary access to the property is taken from the road being constructed;
- In recognition that some properties may have a larger abuttal to the works than others, the apportionment of costs may also have regard to property abuttal for up to 10% of the total charge per property;
- Properties that may be subdivided, have multiple dwellings, are used commercially, or are used in a more intensive way than a general residential property will require specific assessment and may incur a multiple development unit charge;

Updated

Jan 2019

- Where a property has only side or rear abuttal to the road being constructed, the property shall be apportioned one half of a development unit, on the basis that the primary access to the property is taken from an alternate road;
- Where a property has multiple existing houses that the property be apportioned only on the basis of direct access driveways, and where none exists that the property be apportioned one half benefit unit for any rearage or sideage abuttal to the road(s) being considered for improvement;
- Where a portion of property abuts a road that has previously been constructed or the proposed reconstruction works do not extend for the full length of the property abuttal, then a pro rata development unit shall be allocated to the property based upon the proportion of the property abuttal to the new road construction;
- Where a property abuts two or more roads that are to be constructed in the same scheme, no increase in charge will occur for the additional road abuttal(s);
- Where a property abuts two or more roads that are constructed through separate schemes at different times, an overall multiple development unit charge may be applied, however generally this should not exceed a total of one and one half development units. Investigation of the property's involvement in the past construction of the alternate road should be identified. Should the property have contributed a full share compared to other properties involved in that project, then the property's involvement in the current scheme should be treated as if the property has a side or rear abuttal; and

Where a property has only side or rear abuttal to the road being constructed and is responsible for a multiple charge due to existing or potential development of the property, an assessment is to occur to determine whether the potential development on the property will gain special benefit from the proposal. A half proportion of the multiple charge should apply where the potential improvements on the property will receive special benefit from the works (i.e. as described in section 4.5). A single half share should apply where the existing or potential development on the property will not receive special benefit.

4.7 Multiple landowner contributions

Updated

Intent

Jan 2019

There are instances when multiple contributions are determined for a property due to actual or potential development, as contained in this section.

Implementation

Multiple landowner contributions may apply in the following circumstances;

Dependant persons unit (Granny flat)	0 development unit
Bungalow / outbuilding	0 development unit
Additional occupiable / caretaker house	1 development unit
Bed and breakfast structure external to main dwelling	0.2 development unit per B&B
Potential subdivision	1 development unit per allotment

4.8 Landowner contributions in schemes involving mixed land use

Updated

Intent

Jan 2019

Some properties are used in a more intensive way than general residential properties. This section allows for a multiple development unit charge based upon the future potential of the property to determine how the different uses can be compared to general residential use.

Implementation

Properties that are used commercially or are used in a more intensive way than a general residential property will require specific assessment and may incur a multiple development unit charge.

An assessment of properties is to be undertaken, including a review of existing and/or proposed planning scheme amendments and permits. The apportioned charge to a property will be determined

having consideration to the area of the property, in conjunction with any development and/or use of the property. This will then be equated to a typical residential property ("equivalent house") for the proposed scheme.

The approach is based on the concept of "equivalence ratios" developed by the Victorian Department of Environment, Land, Water & Planning within its "Development Contribution Guidelines". This method determines how different uses (i.e. residential, agricultural/farming, retail/commercial/office, light industry/warehouse and other industrial uses) can be fairly compared as "equivalent houses".

<p>Retail / Commercial/Office</p> <p>200 sq m floor space in urban areas (separate comparative analysis may be required for rural areas, e.g. wineries, wine/fruit sales, etc. (including car parking and landscaping area)1 equivalent house</p>	<p>1 equivalent house</p>
<p>Industrial properties / warehouses</p> <p>800 sq m floor space (including hard stand and car parking areas)</p>	<p>1 equivalent house</p>
<p>Farming areas which may be subdivided.</p> <p>Where a property is capable of being subdivided in accordance with the Frankston Planning Scheme, then the potential lot yield shall be used and adopted as the number of equivalent houses. A discount may be applied to account for local circumstances. This discount for local circumstances may apply where the subdivision potential of a property would be reduced for the following reasons:-</p> <ul style="list-style-type: none"> ○ To protect remnant vegetation; ○ Land is subject to inundation/flooding; ○ Land is subject to landslip; or ○ Other restrictive aspects. <p>The assignment of "equivalence ratios" is for the express purposes of being able to compare special benefit that will be received by properties involved in a proposed special rate or charge. The assignment of "equivalence ratios" to a</p>	

<p>property based upon the intensive use of a property does not mean that the expectations of those “equivalent houses” can be realised as development rights or opportunities on the land.</p> <p>In many cases, particularly in rural areas, the opportunity to develop further houses is limited by the Frankston Planning Scheme. The ability to have more than one house will usually be determined through the ability to subdivide the land in accordance with the planning scheme.</p>	
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5. OFF-STREET CAR PARKING SCHEME

5.1 Retail/Commercial

The cost to be recovered shall be apportioned to those properties which will derive a benefit. Have regard to existing and potential shop size, type, proximity and any provision or contribution towards spaces provided.

APPENDIX B – METHODS OF PAYMENT

SPECIAL RATES AND CHARGES POLICY

The payment options for the people affected by the Special Charge are listed below:

- Payment in full when the Special Rate or Charge is levied.
- Road and Drainage Schemes – Quarterly instalments with interest over a 10 year period or other period as negotiated **Updated
OM14
8 Dec 97**
- Off Street Car Parking Schemes – Quarterly instalments with interest over a 5 year period.

Under special circumstances Council will consider cases of hardship and reconsider payment options for special rate or charge.

APPENDIX C – PRIORITISED LIST OF UNSEALED ROADS – 2019

Rank	Scheme Details				Length	Melway Ref.
	Road Name		Scheme Extents			
Priority 1	1	TAYLORS ROAD, SKYE	TAYLORS ROAD	BALLARTO ROAD to HALL ROAD	1647	132 D5
	2	MCKAYS ROAD, LANGWARRIN	MCKAYS ROAD	WESTERNPORT HIGHWAY to CENTRE ROAD	1300	136 E2
	3	BARRETT'S ROAD, LANGWARRIN SOUTH	BARRETT'S ROAD	ROBINSONS ROAD to GOLF LINKS ROAD	1740	107 E2
	4	WEST ROAD, LANGWARRIN SOUTH	WEST ROAD	BAXTER TOORADIN ROAD to ROBINSONS ROAD	1924	140 B3
	5	STOTTS LANE, FRANKSTON SOUTH	STOTTS LANE	NBL HN 23M-31M to BAXTER TOORADIN ROAD	585	106 K3
	6	BRODIE STREET, SEAFORD	BRODIE STREET	NEPEAN HIGHWAY to BECKWITH GROVE	51	99 D4
	*	NICHOLSON STREET, SEAFORD	NICHOLSON STREET	NEPEAN HIGHWAY to OZONE AVENUE	35	99 D7
	8	CANNING STREET, FRANKSTON SOUTH	CANNING STREET	HUMPHRIES ROAD to HOTHAM STREET (AND END OF SEAL TO DEAD END)	202	101 K9
Priority 2	9	TI-TREE GROVE, SEAFORD	TI-TREE GROVE	NEPEAN HIGHWAY to ENDS (NORTH & SOUTH)	99	97 D12
	10	OZONE AVENUE, SEAFORD	OZONE AVENUE	NORTH END to SOUTH END	84	99 D7
	11	TAYLORS ROAD, SKYE	TAYLORS ROAD	HALL ROAD to WEDGE ROAD	1653	132 E1
	12	TAYLORS ROAD, SKYE	TAYLORS ROAD	WEDGE ROAD to THOMPSONS ROAD	1655	128 J10
	13	WEDGE ROAD, SKYE	WEDGE ROAD	END OF SEAL to TAYLORS ROAD	1320	128 D11
	14	KELVIN GROVE, LANGWARRIN	KELVIN GROVE	CRANBOURNE ROAD to MCKAYS ROAD	912	136 F1
	15	BENNETT COURT, SEAFORD	BENNETT COURT	OLD WELLS ROAD to END	135	99 H2
	16	WEDGE COURT, SEAFORD	WEDGE COURT	WELLS ROAD to END	159	99 H1
	17	BEACH GROVE, SEAFORD	BEACH GROVE	ENTANCE LANE to END	247	99 D2
	18	BECKWITH GROVE, SEAFORD	BECKWITH GROVE	NORTH END to SOUTH END	150	99 D4
	19	LYPPARDS ROAD, LANGWARRIN	LYPPARDS ROAD	CRANBOURNE ROAD to END	885	132 F12
Priority 3	*	REX STREET, FRANKSTON	REX STREET	BEACH STREET to END	107	100A G7
	21	FRANKSTON DANDENONG SERVICE ROAD, SEAFORD	FRANKSTON DANDENONG SERVICE ROAD	FRANKSTON-DANDENONG ROAD to CENTENARY STREET	190	100 B5
	22	HELEN STREET, FRANKSTON	HELEN STREET	CLIFF ROAD to END	125	102 B5
	*	WYATT STREET, SEAFORD	WYATT STREET	NEPEAN HIGHWAY to END	79	99 D1
	24	HIGHFIELD DRIVE, LANGWARRIN SOUTH	HIGHFIELD DRIVE	BAXTER-TOORADIN ROAD to DEAD END	1000	107 J5
	25	BERGMAN ROAD, LANGWARRIN	BERGMAN ROAD	ROBINSONS ROAD to END	794	103 K12
	26	CLAYTON-HILL ROAD, LANGWARRIN SOUTH	CLAYTON-HILL ROAD	SHEPHERDS HUT ROAD to WEST ROAD	393	140 B2
	27	VALLEY ROAD, LANGWARRIN	VALLEY ROAD	ROUNDAABOUT (POTTS) to END	562	132B9
	28	ROCCHI AVENUE, FRANKSTON	ROCCHI AVENUE	GOULD STREET to END (BEACH)	55	100A D2
	*	FITZROY AVENUE, FRANKSTON	FITZROY AVENUE	BEACH END to GOULD STREET	17	100A B4
	30	GREAVES COURT, SEAFORD	GREAVES COURT	OLD WELLS ROAD to END	45	99 G3
	31	ANNIE STREET, FRANKSTON	ANNIE STREET	GOULD STREET to END	47	100A C3
	32	MOOROODUC SERVICE ROAD, FRANKSTON	MOOROODUC SERVICE ROAD	MOOROODUC HIGHWAY to END	95	106 F4
	33	CLYDE COURT, FRANKSTON SOUTH	CLYDE COURT	NEPEAN HIGHWAY to END	171	101 J7
	34	BELLBIRD COURT, LANGWARRIN	BELLBIRD COURT	WESTERNPORT HIGHWAY to END	380	136 F7
	35	CENTRE ROAD, LANGWARRIN	CENTRE ROAD	ROUNDAABOUT (NORTH) to END	314	136 B9
	36	GARDENERS ROAD, LANGWARRIN SOUTH	GARDENERS ROAD	ROBINSONS ROAD to END	491	107 J1
	37	SOMME AVENUE, FRANKSTON	SOMME AVENUE	END OF SEAL to END	142	102 A5
38	MOOROODUC SERVICE ROAD, FRANKSTON	MOOROODUC SERVICE ROAD	HUMPHRIES ROAD to END	194	106 E5	
Priority 4	39	BURROW STREET, FRANKSTON	BURROW STREET	STANLEY STREET to FINLAY STREET	99	102 F1
	40	VICTORIA ROAD, LANGWARRIN SOUTH	VICTORIA ROAD	WESTERNPORT HIGHWAY to WEST ROAD	949	140 D4
	41	MARY STREET, FRANKSTON	MARY STREET	GOULD STREET to END	61	99 C12
	42	ARMAGH ROAD, FRANKSTON SOUTH	ARMAGH ROAD	OVERPORT ROAD to END	308	106 C1
	43	ARMSTRONGS ROAD, SEAFORD	ARMSTRONGS ROAD	OLD WELLS ROAD to DEAD END	159	99 H1
	44	VICTORY ROAD, LANGWARRIN	VICTORY ROAD	WESTERNPORT HIGHWAY to FIRE TRACK ONLY SIGN	464	136 E12
	45	VICTORY ROAD, LANGWARRIN	VICTORY ROAD	FIRE TRACK ONLY SIGN to FIRE TRACK ONLY SIGN	324	140 C1
	46	VICTORY ROAD, LANGWARRIN	VICTORY ROAD	FIRE TRACK ONLY SIGN to ROBINSONS ROAD	321	140 C1
	47	BEACH STREET, FRANKSTON	BEACH STREET	KANANOOK CREEK to GOULD STREET	50	100A C5
	48	MARALINE ROAD, LANGWARRIN	MARALINE ROAD	BALLARTO ROAD to END	573	132 G7
	49	VICTOR AVENUE, SEAFORD	VICTOR AVENUE	NEPEAN HIGHWAY to END	55	99 42
	50	WEDGE ROAD, SKYE	WEDGE ROAD	WESTERNPORT HIGHWAY to END OF GRAVEL	420	128 J12
	51	CAMP ROAD, LANGWARRIN SOUTH	CAMP ROAD	WEST ROAD to FIRE ACCESS ONLY SIGN	584	140 C1
	52	CAMP ROAD, LANGWARRIN SOUTH	CAMP ROAD	FIRE ACCESS ONLY SIGN to FIRE ACCESS ONLY SIGN	294	140 D2
	53	CAMP ROAD, LANGWARRIN SOUTH	CAMP ROAD	FIRE ACCESS ONLY SIGN to WESTERN PORT HIGHWAY	467	140 D3
	54	HIGHVIEW ROAD, SKYE	HIGHVIEW ROAD	TAYLORS ROAD to END	415	132 D6
	55	SHEPHERDS HUT ROAD, LANGWARRIN SOUTH	SHEPHERDS HUT ROAD	NORTH END to SOUTH END	243	140 A2
	56	GAMBLE ROAD, SKYE	GAMBLE ROAD	EBL HN 156 to DEAD END	305	132 B6
Priority 5	59	ALLAWAH AVENUE, FRANKSTON	ALLAWAH AVENUE	NEPEAN HIGHWAY to END (KANANOOK CREEK)	22	99 D11
	60	BANYAN ROAD, CARRUM DOWNS	BANYAN ROAD	ROSSITER ROAD to END	357	98 C10
	61	BETHUNE COURT, SEAFORD	BETHUNE COURT	WELLS ROAD to END	21	99 H1
	62	KNOX STREET, CARRUM DOWNS	KNOX STREET	FRANKSTON-DANDENONG ROAD to CLIFTON GROVE	127	98 F12
	63	ROBINSON ROAD, CARRUM DOWNS	ROBINSON ROAD	BARRIER to END OF GRAVEL (NBL HN57-71)	318	97 K8
	64	ROSSITER ROAD, CARRUM DOWNS	ROSSITER ROAD	THOMPSONS ROAD to END	2373	98 C9
	65	THE HEIGHTS, FRANKSTON SOUTH	THE HEIGHTS	THE SPUR to END	51	102 C6
	66	WARRINGA ROAD, FRANKSTON SOUTH	WARRINGA ROAD	CLIFF ROAD to END	207	102 A5
67	WHITECLIFFE AVENUE, FRANKSTON	WHITECLIFFE AVENUE	NEPEAN HIGHWAY to END (B/L 624 NEPEAN HWY)	22	101 J6	
68	WORSLEY ROAD, CARRUM DOWNS	WORSLEY ROAD	END OF SEAL to DEAD END	808	98 F7	
LANES						
69	ADDICOTT LANE, FRANKSTON	ADDICOTT LANE	MCMAHONS ROAD to ADDICOTT STREET	83	102 G2	
70	CECIL LANE, FRANKSTON	CECIL LANE	FROME AVENUE to CECIL STREET	119	102 D5	
71	CORLETT LANE, FRANKSTON	CORLETT LANE	CORLETT STREET to END	50	99 F11	
72	ERSKINE LANE, FRANKSTON	ERSKINE LANE	ERSKINE STREET to END	160	100A F5	
73	FINLAY LANE, FRANKSTON	FINLAY LANE	TOWER AVENUE to END	53	100A H4	
74	ITHACA LANE, FRANKSTON SOUTH	ITHACA LANE	ITHACA ROAD to END	80	101 J8	
75	JOHNSTONE LANE, SEAFORD	JOHNSTONE LANE	WEATHERSTON ROAD to JOHNSTONE STREET	114	99 E5	
76	KANANOOK LANE, SEAFORD	KANANOOK LANE	KANANOOK AVENUE to END	33	99 E8	
77	LEWIS LANE, FRANKSTON	LEWIS LANE	END OF CONCRETE to END	40	100A F5	
78	LITTLE DANDENONG LANE, FRANKSTON	LITTLE DANDENONG LANE	DANDENONG ROAD EAST to ERSKINE LANE	52	100A F5	
79	MCKENZIE LANE, SEAFORD	MCKENZIE LANE	MORAE STREET to MCKENZIE STREET	95	99 E3	
80	MOUNT VIEW LANE, FRANKSTON	MOUNT VIEW LANE	MOUNT VIEW COURT to END	115	102 E5	
81	NOLAN LANE, FRANKSTON	NOLAN LANE	SPRING STREET to END	104	102 D4	
82	ROYLE LANE, FRANKSTON	ROYLE LANE	ROYLE STREET to END	51	102 G2	
83	SYBL LANE, FRANKSTON SOUTH	SYBL LANE	SYBL AVENUE to WEST BOUNDARY OF 32A SYBL AVENUE	108	106 D3	
84	SPRING LANE, FRANKSTON	SPRING LANE	HIGH LANE to SPRING STREET	200	100A C10	
85	TOWER LANE, FRANKSTON	TOWER LANE	DANDENONG ROAD EAST to TOWER AVENUE	197	100A F3	
86	WEATHERSTON LANE, SEAFORD	WEATHERSTON LANE	SEAFORD ROAD to WEATHERSTON ROAD	105	99 E5	
87	YARRAM LANE, FRANKSTON	YARRAM LANE	YARRAM COURT to END	46	100 D12	
UNFORMED ROAD RESERVE						
	ALDERSHOT ROAD, LANGWARRIN	ALDERSHOT ROAD	WOODLEA PLACE to END (SOUTH)		103 G9	
	BOUNDARY LANE, CARRUM DOWNS	BOUNDARY LANE	BOUNDARY ROAD to EASTLINK TOLLWAY		98 F10	
	BRETT LANE, CARRUM DOWNS	BRETT LANE	BRETT DRIVE to MW RESERVE (50M-52M LATHAMS ROAD)		100 C1	
	HIGHVIEW ROAD, SKYE	HIGHVIEW ROAD	END OF GRAVEL (WBL HN 50) to END (EBL HN 50)		132 E5	
	PAGETT ROAD, CARRUM DOWNS	PAGETT ROAD	WBL HN 16 to END (WEST)		98 E11	
	ROBINSON ROAD, CARRUM DOWNS	ROBINSON ROAD	END OF GRAVEL (NBL HN 57-71) to END (SBL HN 85M)		97 K9	
	SYBL LANE, FRANKSTON SOUTH	SYBL LANE	WEST BOUNDARY OF 32A SYBL AVENUE to ROSEDALE GROVE		106 D3	
	VALLEY ROAD, SKYE	VALLEY ROAD	END OF GRAVEL (HN165) to END (WEST)		132 C9	
	WADSLY ROAD, CARRUM DOWNS	WADSLY ROAD	LEARNMOUTH ROAD to ROSSITER ROAD		98 B8	
	WEDGE ROAD, SKYE	WEDGE ROAD	TAYLORS ROAD to START OF GRAVEL (WESTERN ACCESS TO KCC PARK)		128 G12	

* Under review

Executive Summary**12.8 Proposed Road Closure to Vehicular Traffic – Station Steet Mall Frankston**

Enquiries: (Doug Dickins: Community Assets)

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

For Council to consider commencing the statutory process for the proposed road closure to vehicular traffic of Station Street Mall and a short section of Station Street in Frankston.

Recommendation (Director Community Assets)

That Council:

1. Authorises commencement of the statutory process to consider the road closure on Station Street Mall and of a short section of Station Street in Frankston for vehicular traffic;
2. Gives public notice of the proposed road closure in accordance with the requirements of the Local Government Act 1989; and
3. Refers the proposal to emergency service authorities for comment.

Key Points / Issues

- The Station Mall Improvements are part of the Victorian Government's Frankston Station Precinct Redevelopment Master Plan to create better pedestrian connections, upgrade and activate laneways through to Young Street and Bayside Shopping Centre.
- The Station Mall Improvement project will be jointly funded by Council and the State Government through funds from the Frankston Station Precinct Revitalisation Project.
- At its meeting on 23 April 2018, Council endorsed the Concept Plan for the Station Street Mall Frankston Station Redevelopment Master Plan.
- Station Street Mall (between Shannon Mall and Clyde Street Mall) was gazetted as a pedestrian mall in year 1990 to include prohibition of passenger vehicles at all times with restricted emergency and service vehicle access. The proposed Station Mall improvements will provide the opportunity to formalise these arrangements.
- The extent of the proposed improvement works is along Station Street Mall between Shannon Mall and Clyde Street Mall and then a further 15 metres along Station Street, east of Clyde Street Mall.
- To allow for these improvement works to proceed and to create a pedestrian friendly environment, it is necessary to restrict access to vehicles, including emergency vehicles and service vehicles. Therefore formal closure of the road to vehicular traffic of the street is required.

12.8 Proposed Road Closure to Vehicular Traffic – Station Steet Mall Frankston**Executive Summary**

- The proposed road closure is in line with the Council endorsed concept for Station Mall. The improvements involve closing the Mall to traffic and creating an improved pedestrian area as shown on the plan (Attachment A). New timber decking, street furniture, lighting, street trees, CCTV and drainage works will be undertaken as part of the improvements. Removable bollards will be installed to prevent vehicle access.
- The currently paved section of Station Street between Clyde Street Mall and Station Street (approximately 15 metres beyond Clyde Street Mall) was not included in the previous gazettal notice. The area is currently not restricted to vehicles, however the area is paved as part of the Mall and over time usage has been primarily owners or occupiers of the adjacent properties.
- Following the proposed closure Station Street will become a no through road. Vehicles entering Station Street will not be able to access Clyde Street Mall. However vehicles will continue to be able to access Gallery Lane and a private roof top car park at 7 Station Street.
- The proposed road closure would require adjacent properties to continue to utilise Balmoral Street and Stiebel Lane for vehicle access, waste collection and deliveries. The proposed road closure will have no impact on existing pedestrian access.
- The proposed works will limit access along Station Street Mall for emergency vehicles, however there is existing access via Shannon Mall, Balmoral Avenue and Clyde Street Mall. Emergency service authorities will be consulted as part of the statutory process to consider the road closure.
- Station Mall is currently managed and maintained by Council. A road closure does not change the status of the land, so it will not affect the ability of street sweepers or other Council maintenance vehicles to access the road.

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 three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.5 per cent for 2019-2020.

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.

12.8 Proposed Road Closure to Vehicular Traffic – Station Steet Mall Frankston**Executive Summary**

Proposed Funding	Amount (excluding GST)
2018/19 Capital Works Program (including contribution of \$100,000 from Vicinity Centres)	\$838,169
2019/20 Capital Works Program (Proposed)	\$78,000
State Government Funding	\$360,000
Total Budget	\$1,276,169

Consultation**1. External Stakeholders**

During development of the Council endorsed Station Mall concept consultation occurred with Traders, Community, Businesses, State Government departments and the Frankston Revitalisation Board. Their input was incorporated into the endorsed concept.

Since adoption of the Station Mall concept plan by Council, officers have extensively consulted with traders and Vicinity Centres to discuss the proposed works and impact upon the businesses in the area. This included not only long term impacts but also the impacts during construction of the works.

A permanent road closure under clause 9, Schedule 11 of the Local Government Act, 1989, requires that under sections 207A and 223 that a person be given the opportunity to make a submission.

This requires the issuing of a public notice and a minimum 28 days for submissions to be made following the issuing of the public notice. Council must consider all submissions received in response before making a decision.

A public notice outlining the proposal will be advertised in The Age and on Councils website following Council resolution to commence the statutory process.

In accordance with Clause 9(2) of Schedule 11, consultation will also be undertaken with VicRoads.

A letter outlining the proposal will also be forwarded to owners and occupiers of properties considered to be directly affected.

Analysis (Environmental / Economic / Social Implications)

The proposed Mall improvements will contribute to the transformation of the Frankston City Centre into a safer, more modern place of business and activity. The positive environmental, economic and social implications that will flow from these improvements are numerous, however at the core, they are integral to a transformation of the long term performance and economic viability of our City Centre. An increase in investment and employment is likely to be realised from this project.

This project is part of a staged redevelopment of the station precinct and environs. The improvements aim to create improved amenity and pedestrian connectivity to stimulate activity between the Station and Bayside Shopping Centre. The improvements have the potential to encourage new commercial investment and residential activity to create a positive profile that can counter the observed anti-social behaviours within the area.

The environmental benefits from the improvements include:

12.8 Proposed Road Closure to Vehicular Traffic – Station Steet Mall Frankston**Executive Summary**

- Mitigation of the urban heat island effect via increased tree canopy, plantings and native species.
- Improved resilience to climate change and population growth
- Utilising robust materials, minimising replacement requirements
- Utilising endemic species to evoke a sense of place and establish vegetation cover quickly.
- Delivering water sensitive urban design with intent to passively irrigate new plantings.

It is anticipated that the project will have an economic benefit in increased business confidence and business trade in the precinct.

The social benefits will be greatly enhanced safety and comfort for all users of the Mall, opportunities for small events, activations and areas for social interaction. The project will help to promote local pride in the City and to enhance its image as the Lifestyle Capital of Victoria. It will also attract more people to the City Centre for entertainment, recreation and tourism events and activities.

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

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

Legal

The report accurately outlines the requirements of the Act in respect to the proposal.

Policy Impacts

The proposed Station Mall Improvement works requiring road closure for vehicular traffic contributes to the Council Plan strategic priority for a revitalised city centre.

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 Station Mall Improvement project has been developed on the basis of a rigorous examination of the critical elements needed to improve the City Centre for the future growth of the centre and the municipality's residents.

Statutory process for the proposed road closure will mitigate any risk arising of prohibition of vehicular traffic on Station Street Mall and a section of Station Street.

Conclusion

The purpose of this report is to seek Council resolution to commence the statutory procedures required to achieve closure of Station Mall, Frankston to vehicular traffic. A plan showing the proposed closure of the road are included (Attachment B).

Following the submission period a further report will be presented to Council to consider the formal closure of the road.

12.8 Proposed Road Closure to Vehicular Traffic – Station Steet Mall Frankston

Executive Summary

ATTACHMENTS

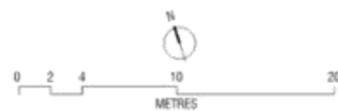
Attachment A: [↓](#) Station Street Mall Improvement Works Design Plan

Attachment B: [↓](#) Proposed Road Closure Plan for Public Advertising

- MATERIALS LEGEND**
- BRK
Reinstated Brick Pavement
 - TIM
Timber Decking Modules
 - GB
Mulched Garden Bed



NO.	DATE	DESCRIPTION	BY:	CHK:
01	08.10.2018	Issued for Information	CS	SK
02	19.11.2018	Revised for Pre Tender Review	CS	SK

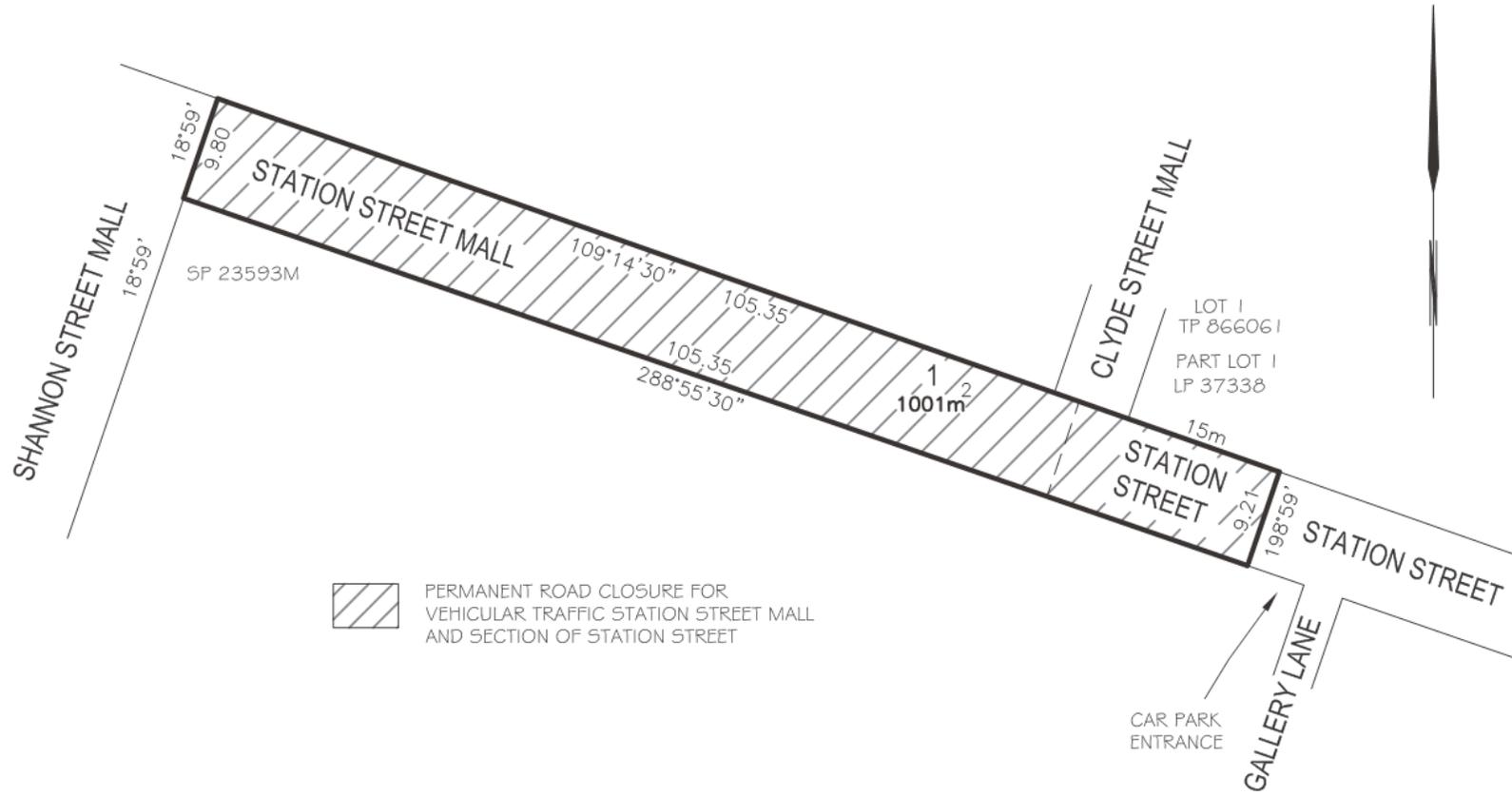


Project Design
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Client:
City of Frankston
 Date:
19.11.2018
 Drawing Scale:
1:200 (A1)

Drawing Title:
Landscape Site Plan
STATION STREET MALL FRANKSTON

ISSUED FOR PRE-TENDER REVIEW
 Drawing Revision:
02
 Drawing Number:
LA105



 PERMANENT ROAD CLOSURE FOR VEHICULAR TRAFFIC STATION STREET MALL AND SECTION OF STATION STREET

Executive Summary**12.9 Miscellaneous Grants and Frankston Arts Centre Discounts and Concessions - October, November, December 2018**

Enquiries: (Ken Liddicoat: Community Development)

Council Plan

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

Purpose

To brief Council on the funding allocation of grants in the Miscellaneous Grants Program, and the community concessions and discounts in the Frankston Arts Centre.

Recommendation (Director Community Development)

That Council notes the funding allocations in relation to grants in the Miscellaneous Grants Program, and community concessions and discounts in the Frankston Arts Centre.

Key Points / Issues

- Miscellaneous Grants and Frankston Art Centre community concessions and discounts to the community groups are reported to Council at the end of each quarter. This report relates to funding decisions made in quarter 2 being 1 October 2018 to 31 December 2018.
- The total Miscellaneous Grants budget is \$35,000 comprising \$15,000 to support the categories of Quick Response; Inclusion Support; Representative Support; and Charitable Support Grants; and a further \$20,000 shared between Community Membership Drive, Youth Action Grants and 2 new categories being launched in January 2019 being Neighbourhood Grants and Environmental Sustainability Grants.

This quarter, in Miscellaneous Grants a total of \$3,633.75 was distributed to 22 applicants (refer Attachment A, confidential list of individual recipients).

It is noted that no applications were submitted for the Community Membership Drive or Youth Actions Grants this quarter.

The total budget for Frankston Arts Centre Discounts and Concessions is \$224,550 and this quarter \$86,018 was allocated (refer Attachment B, confidential expenditure list).

- All expenditure quoted in this report is excluding GST.

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 three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.5 per cent for 2019-2020.

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.

**12.9 Miscellaneous Grants and Frankston Arts Centre Discounts and Concessions -
October, November, December 2018****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.

The annual Miscellaneous Grants Program and Frankston Art Centre concessions and discounts are within budget.

Consultation**1. External Stakeholders**

Miscellaneous Grants are advertised and available on Council's website. The Frankston Arts Centre discounts and concessions are available at point-of-sale to eligible organisations and groups.

2. Other Stakeholders

The Miscellaneous Grants sub-committee comprises the Mayor Cr Michael O'Reilly, Deputy Mayor Cr Sandra Mayer, Director Community Development, Director Corporate Development, with administrative support provided by the Program Integration Officer. The Manager Arts and Culture, Community Development Management Accountant and the Manager Community Strengthening have also been consulted.

Analysis (Environmental / Economic / Social Implications)

The assessment of Miscellaneous Grants and Frankston Arts Centre discounts and concessions includes reviewing the expected contribution a project or activity will make to the economic, social and/or environmental outcomes in Frankston City.

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

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

Legal

There are no statutory obligations or legal implications considered in this report.

Policy Impacts

The Community Grants Policy, the Miscellaneous Grants Guidelines and the Frankston Arts Centre Community Discounts Criteria and Guidelines guide the decision making for all allocations.

Officer's Declaration of Interests

Under Section 80C of the Local Government Act 1989, Council officers involved in the preparation of this report have no conflict of interest in this matter.

Risk Mitigation

Miscellaneous Grants are assessed against the Community Grants Policy and the Miscellaneous Grants Guidelines. The community discounts and concessions are assessed and allocated according to the Frankston Arts Centre Community Discounts Criteria and Guidelines. These processes reduce the risk of inappropriate funding contributions.

**12.9 Miscellaneous Grants and Frankston Arts Centre Discounts and Concessions -
October, November, December 2018****Executive Summary****Conclusion**

Funding allocations, discounts and concessions in the Miscellaneous Grants and Frankston Arts Centre programs are reported quarterly to Council. The grants provide valuable support to a range of community groups and individuals and add value to the Frankston Community.

ATTACHMENTS

- Attachment A: [⇒](#) Miscellaneous Grants Program - Q2 Report - Oct-Dec 2018
Successful Recipients (*Under Separate Cover*)
- Attachment B: [⇒](#) Community Grants - Frankston Arts Centre Discounts and
Concessions Budget – Q2 Budget – Q2 Report – Oct-Dec
2018.pdf (*Under Separate Cover*)

Executive Summary

12.10 Outcomes of Public Consultation - Draft Towards Zero Emissions Plan

Enquiries: (Luke Ure: Community Assets)

Council Plan

Community Outcome:	1. Planned City
Strategy:	1.3 Natural and sustainable environment
Priority Action	1.3.2 Reduce Council's energy use and greenhouse gas emissions and progress towards carbon neutrality

Purpose

To report to Council on the outcomes of the public consultation stage of Frankston City Council's draft Towards Zero Emissions Plan and to formally adopt the plan.

Recommendation (Director Community Assets)

That Council:

1. Notes the summary of the submissions received by Council through the public consultation of the draft Towards Zero Emissions Plan;
2. Adopts the Towards Zero Emissions Plan (inclusive of the recommended changes identified in Attachment B); and
3. Notes that implementation of the actions contained in the plan will be considered as part of Council's annual budget discussions.

Key Points / Issues

- Frankston City Council's draft Towards Zero Emissions Plan (2019-2023) (see **Attachment A**) sets out Council's priorities over 2019-2023 to decrease greenhouse gas emissions and lay the foundation for Council to become carbon neutral (achieve zero net emissions) by 2025.
- The draft Towards Zero Emissions Plan (herein referred to as the TZEP) is intended to replace Council's Carbon Neutral Action Plan, which concluded in 2016. The aim of the new Plan is to identify actions to minimise both Council and the community's impact on climate change through reducing the emissions that impact on climate change (known as greenhouse mitigation). In particular, the TZEP includes a prioritised list of actions to reduce Council's energy usage, emissions and costs, as well as actions to encourage and support the community to transition to a low emissions future.
- Between February and October 2018, Council developed the draft TZEP from both Councillor and officer feedback, as well as advice from consultancy firm Point Advisory.
- At Council's Ordinary Meeting on 22 October 2018 (OM13), Council endorsed the release of the draft TZEP for public consultation for six weeks from Tuesday 23 October to Monday 3 December 2018. Advertising and promotion of the public consultation stage was achieved through:
 - Hard copies of the TZEP and feedback forms were made available through Council's Customer Service Centres.
 - Two local 'listening posts' were held and attended by Council officers at the Frankston and Carrum Downs Libraries on the 8 and 28 November 2018 respectively.

12.10 Outcomes of Public Consultation - Draft Towards Zero Emissions Plan**Executive Summary**

- Articles were included and a media release was issued to the local newspapers (e.g. Frankston Standard Leader, Frankston Times)
- Council's website e.g. rolling banner on the main page, information on the 'Have Your Say' page, and access to the electronic copy of the plan and feedback form.
- Social media, e.g. Council's Facebook page and Instagram, specific Facebook groups and Council's internal Grapevine (intranet page).
- Council's e-newsletters, i.e. Business and Corporate eNEWS (3,018 subscribers), EnviroNews (4,186 subscribers).
- Direct written correspondence to key stakeholders with electronic copies of the plan was also provided.
- The feedback was received via three methods; an on-line feedback form, written submissions as well as feedback recorded from the two local listening posts. At conclusion of the public consultation stage, Council had received 10 written submissions (8 community members completed the on-line feedback form and 2 written submissions were received from Council staff). Feedback from 11 people who attended the listening posts was also received.
- As a result of this feedback, it is recommended that some of the content as well as minor formatting of the draft TZEP be adjusted. The attached document (**Attachment B**) outlines the feedback received and includes the Council officer comments and recommended changes. The main areas identified for changes to the draft TZEP include those relating to the 'Transport and Fleet' section and new actions to:
 - Increase Council's capacity to promote and encourage the greater use of low emission transport options (e.g. public transport, walking and cycling),
 - Enhance the Frankston Metropolitan Activity Centre (FMAC) (i.e. Frankston City Centre) through the development and implementation of an Integrated Transport Strategy to increase the use of low emission transport modes to reduce traffic congestion, improve liveability outcomes and emissions within the city centre, *and*
 - Continue to invest in and advocate for improvements to transport services and infrastructure in areas of greatest residential density, to increase the public use of low emission modes of transport.

Each of these actions above would be subject to Council's annual budgeting and prioritisation process, where additional budget is required.

Other feedback and suggestions have been noted by Council officers to inform Council's Greening Our Future environmental events series and community education and information services for sustainable living.

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 three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.50 per cent for 2019-2020.

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.

12.10 Outcomes of Public Consultation - Draft Towards Zero Emissions Plan**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.

New actions outlined within the TZEP that require additional funding will be subject to Council's annual budgeting and prioritisation process. Many actions within the TZEP are already funded.

Consultation**1. External Stakeholders**

During the public consultation stage, Council invited public feedback from the broader community as well as from key stakeholders to encourage feedback on the draft TZEP. This included written invitations to local Members of Parliament Chris Crewther, Paul Edbrooke, Sonya Kilkenny and Neale Burgess, as well as peak agencies and organisations including the Department of Environment, Land, Water and Planning (DELWP), Sustainability Victoria, United Energy, VicRoads, Municipal Association of Victoria, Peninsula Leisure, local schools including universities and Chisholm TAFE, South East Environment Network, Frankston Environmental Friends Network, South East Councils Climate Change Alliance, Ventia, Peninsula Environmentalists, Frankston Climate Action Group, plus neighbouring councils Mornington Peninsula Shire, City of Greater Dandenong, City of Kingston and City of Casey.

2. Other Stakeholders

Council officers also sought feedback from internal key stakeholders. Councillors were engaged at a briefing in September 2018. Staff from Council's Arts and Leisure, Business and Information Technology, Capital Works, Commercial Services, Community Relations, Community Strengthening, Engineering Services, Facilities and Buildings, Financial and Corporate Planning, Operations, Planning and Environment, Recycling Services and Sustainable Assets departments were consulted in addition to Council's Executive team. Internal feedback received has been considered and is included in the discussion in **Attachment B**.

Analysis (Environmental / Economic / Social Implications)

When Council reduces its energy usage and emissions it decreases the organisation's environmental impact, consumption of non-renewable resources and its contribution to climate change.

Socially, when Council shows leadership in reducing energy and emissions, it strengthens the call for our community and others to do the same. Many actions within the draft TZEP aim to support and empower the community to transition to a low emissions future. In addition, decreased energy use in Council's assets results in cost savings and frees up funds to deliver other important services to the community.

By Council reducing its energy usage and increasing its uptake of renewable energy, it is contributing to greater energy security, and through procurement has the opportunity to support and invest in local businesses in the renewable energy and energy efficiency sector.

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

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

12.10 Outcomes of Public Consultation - Draft Towards Zero Emissions Plan**Executive Summary**Legal

Council officers involved in the preparation of this report are not aware of any statutory obligations requiring Council to develop an energy and emissions reduction plan, however, it is probable that legislative changes will be introduced in the future, either by the Federal or Victorian Government, requiring local councils to measure and manage their emissions as a pollutant source.

Policy Impacts

Council's Environmental Sustainability Policy and Sustainability Policy are relevant to this report. Council's energy usage and emissions inform the progress made against the organisation's carbon neutral target as outlined in the Council's Greening Our Future: Environment Strategy 2014-2024.

Officer's Declaration of Interests

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

Risk Mitigation

The increasing cost of energy (electricity, gas, fuel) is an ongoing financial risk to Council. Having a strategic plan for Council's future investment in reducing energy use, costs and emissions will help to mitigate this risk.

There is a reputational risk to Council if the organisation does not implement energy and emission reduction activities (or support the community to do the same), or meet its adopted carbon neutral target through poor planning and/or insufficient investment. By having a new Plan and strategically identifying priorities for reducing energy usage, costs and emissions, Council can continue to show leadership in reducing its impact on climate change, whilst realising the social, economic and environmental benefits of taking action.

Conclusion

The new Towards Zero Emissions Plan (2019-2023) is required by Council to outline the organisation's decision-making framework and prioritised actions over the next four years to effectively manage greenhouse gas emissions and progress towards the organisation's target of carbon neutrality (i.e. zero net emissions). Delivery of TZEP will result in a reduction in Council's energy usage, costs and emissions, as well as actions to support the community to transition to a low emissions future. It is now recommended that Council adopts the Towards Zero Emissions Plan with all of the recommended changes outlined in **Attachment B** and that Year 1 actions of the plan come into effect from 1 July 2019.

ATTACHMENTS

- Attachment A: [↓](#) Draft Towards Zero Emissions Plan - Frankston City Council
Attachment B: [↓](#) Feedback and Officer recommendations on Council's draft Towards Zero Emissions Plan - January 2019

Towards Zero Emissions Plan

2019-2023



opportunity » growth » lifestyle





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Executive Summary

Our climate is changing and the effects are being felt around the world.

It will take a concerted and coordinated effort from nations, cities, communities and individuals to address the global threat of climate change facing humanity.

Local government and their communities are at the forefront in reducing their impact on climate change by decreasing their greenhouse gas emissions and demonstrating leadership in this area. Reducing impacts on climate change by driving emission reductions and increasing the use of cleaner energy will not only provide financial savings, but deliver co-benefits including improvements to air quality and public health, creating jobs and protecting the natural environment.

Frankston City Council is committed to reducing energy usage, greenhouse gas emissions and transitioning to more sustainable energy sources. Council has set the ambitious target of achieving zero net emissions by 2025 to drive action across the organisation.

In 1997, Council was one of the first Australian local governments to join the International Council for Local Environmental Initiatives (ICLEI) Cities for Climate Protection program. Two years later Council adopted its first Greenhouse Strategy, which was later replaced with its Carbon Neutral Action Plan in 2012.

Since 2000 Council has reduced its greenhouse gas emissions by 30% through a robust program of measuring, monitoring and reducing its emissions. Significant activities undertaken by Council to reduce emissions included a bulk changeover of street lights to more energy efficient lamps, energy efficiency auditing and improvements to Council's facilities, as well as increasing the use of renewable energy through solar power installations.

This four year Towards Zero Emissions Plan sets out Council's priorities over 2019 to 2023 to decrease greenhouse gas emissions and lay the foundation for Council to become carbon neutral (zero net emissions) by 2025. The Plan builds on Council's past success and learnings and includes actions to reduce emissions associated with Council's assets, operations and services, as well as actions to support the local community to transition to a low carbon future.

Priorities in the four year plan include a continued focus on energy efficiency improvements to Council's buildings and assets, shifting to cleaner energy sources, finalising a business case to replace existing street lights to energy efficient LEDs, as well as working in collaboration with major contractors to reduce emissions associated with the services they provide to Council.

By responding to climate change quickly and decisively, Council will reduce its contribution to global warming on both local and international communities, whilst maximising opportunities where they arise.

1. Introduction

Frankston City Council has long recognised the importance of taking a leadership role and action on climate change.

Climate change is a global problem, with the impacts currently being felt around the world.

The primary cause of climate change is the release of greenhouse gas emissions primarily from human activities, such as the burning of fossil fuels (coal, oil and natural gas), agriculture and land clearing¹.

Council is committed to reducing greenhouse gas emissions, saving energy and transitioning to low carbon fuel sources. Council has set a target to become carbon neutral (zero net emissions) by 2025.

This Towards Zero Emissions Plan (2019-2023) documents Council's energy efficiency and renewable energy priorities in progressing towards its zero net emissions target, as well as actions that aim to deliver multiple benefits beyond financial savings, such as social and environmental values.

In addition to reducing emissions, some of the co-benefits associated with taking action include:

- reduced energy costs
- resource conservation through energy efficiency and renewable energy, resulting in less dependence on non-renewable energy sources (e.g. coal and natural gas)
- less pollution from cleaner energy sources
- may improve property values through high efficiency green buildings
- improved comfort for building occupants by enhancing thermal performance
- reduced maintenance costs, for example, through products with a longer life
- supporting the electricity grid through efficiencies and renewable energy generation, reducing peak demand and lowering the risk of power outages

¹ Australian Government, Department of Environment and Energy, 2018. Source: environment.gov.au

This Plan replaces Council's former *Carbon Neutral Action Plan*.

Council will report on progress of the Plan through the Council Plan and annual reporting processes.

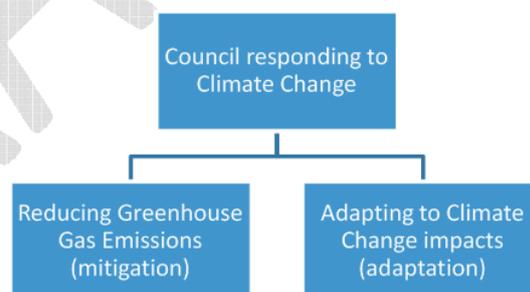
Purpose

The purpose of the Towards Zero Emissions Plan (2019-2023) is to provide a forward plan and a set of prioritised actions for Council to decrease its greenhouse gas emissions to set the foundation for Council to become carbon neutral by 2025.

The Plan includes actions to reduce greenhouse gas emissions associated with Council's assets, operations and services, as well as actions to support the local community transition to a low carbon future.

Council's Approach

Council is addressing climate change in two ways:



The Towards Zero Emissions Plan is Council's response to greenhouse mitigation, whereas Council's *Climate Change Impacts and Adaptation Plan* addresses adaptation.

Scope

The Towards Zero Emissions Plan outlines Council's key actions and direction for reducing the organisation's greenhouse gas emissions, i.e. those that Council can directly influence, control and typically measure and report on.

Actions that Council can undertake to reasonably influence or support emission reductions in the community are included, for example, though community education and engagement, city planning, contract management etc.

Plans and policies that support this plan

The following Council strategies, policies and plans relate to this Plan:

- Community Plan 2017-2021
- Frankston City Council Plan 2017-2021
- Carbon Neutral Action Plan 2012-2016
- Climate Change Impacts and Adaptation Plan 2011
- Asset Management Strategy 2013-2017
- Building Asset Management Plan 2016
- Frankston Integrated Transport Strategy 2013
- Municipal Health and Wellbeing Plan 2017-2021
- Greening Our Future – Environmental Strategy 2014-2024
- Integrated Water Action Plan 2016-2026
- Waste Minimisation and Management Plan 2015-2020
- Environmentally Sustainable Design (ESD) Standards for Council Buildings policy 2015
- Environmental Sustainability Policy 2010

Previous Achievements

Timeline of Council's journey to date

- 2017** – Commitment to Victorian Government's TAKE2 climate change pledge
Largest solar install on Council's Frankston Arts Centre (99.8 kilowatt)
- 2016** Large solar installation on Council's Operations Centre (96.5 kilowatt)
- 2015** – Frankston City awarded Australia's Sustainable City of the Year
ESD Standards for Council Buildings policy adopted
Greening Our Future – Environmental Strategy adopted
- 2012** – *Carbon Neutral Action Plan* adopted
Electric vehicle trial with the Victorian Government
- 2011** – *Climate Change Impacts Adaptation Plan* adopted
- 2010** – \$2.4 million bulk T5 street light changeover completed
- 2008** – Commitment to Carbon Neutrality by 2025
- 1999** – Greenhouse Strategy adopted
- 1997** – One of the first local councils to join the International Council for Local Environmental Initiatives (ICLEI) - Cities for Climate Protection program

Decision-making Principles

Council prioritises its energy and emission reduction initiatives through an Energy Reduction Hierarchy (see **Figure 1**) and five guiding principles. Both the hierarchy and the principles are used by Council when deciding on short and long term greenhouse gas emission reduction initiatives.

Energy Reduction Hierarchy

The Energy Reduction Hierarchy lists four steps to identify ways to manage and reduce energy usage and emissions. The steps, in order of priority are: avoidance of energy use, energy efficiency, switching to cleaner energy alternatives and purchasing offsets for any unavoidable (residual) emissions. See **Figure 1** for examples and further information.

These steps are particularly useful when making decisions around capital works (infrastructure) initiatives and in the consideration of energy usage in the development of new facilities.

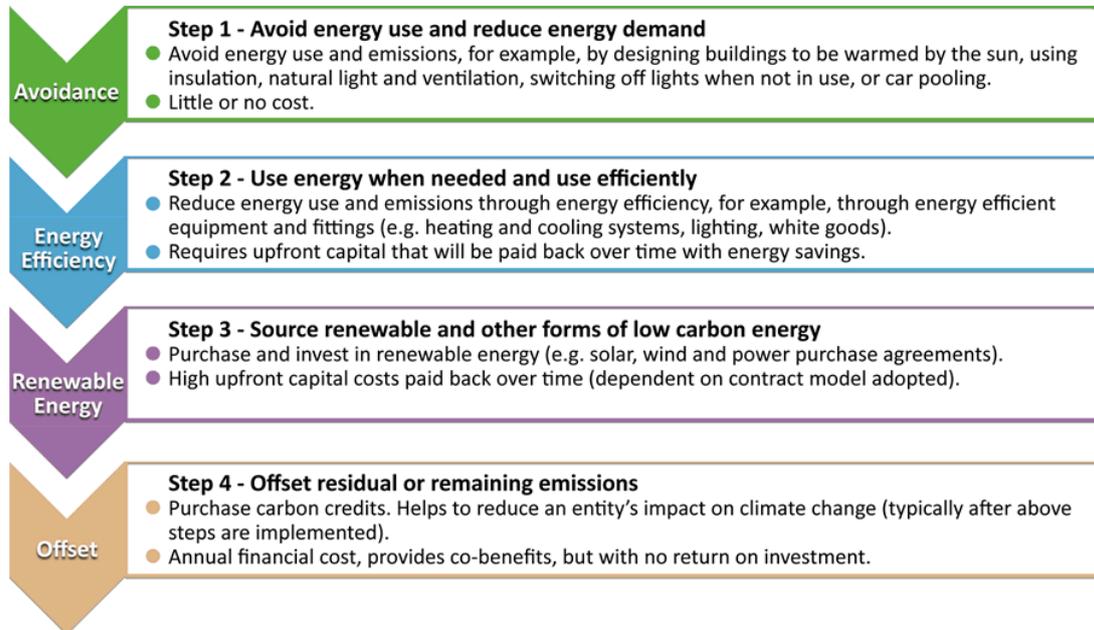
Guiding Principles

In addition to the Energy Reduction Hierarchy, Council uses the following principles to guide and prioritise its energy and greenhouse reduction initiatives. The guiding principles are:

- **Return of investment (payback)** – actions preferably with a payback period of 10 years or less (i.e. the period of time over which the investment pays for itself through the project savings) and that will deliver a high level of confidence in the resulting emissions reductions.
- **Future-proofing** – actions that will continue to be useful or successful in the future if the situation changes. The aim is to minimise negative effects and maximise positive effects to improve resilience.
- **Co-benefits** – actions that can deliver multiple benefits beyond financial savings, such as social and environmental value (e.g. improved comfort for building occupants).
- **Leadership by example** – opportunity for showing leadership and innovation in addressing climate change to the community.
- **Collaboration** – actions that promote working together with Council, partners and the broader community.



Figure 1: Energy Reduction Hierarchy



DRAFT

2. Council's Emissions

Council has been monitoring and recording greenhouse gas emissions associated with its activities since 1999. From 2005 onwards, Council has reported annually on its emissions.

Emissions Boundary

Council's current greenhouse gas emissions inventory boundary includes:

- emissions from all operations for which Council can clearly manage, measure and has full operational control, *plus*
- emissions that are managed by others on behalf of Council that we can seek to influence and readily measure (such as emissions associated with the fuel consumption of Council's major contractors and emissions associated with street lighting).

The inventory boundary currently excludes tenanted facilities where Council is not directly responsible for the operation of the facility, or payment of the energy bills.

In preparation for future emissions reporting associated with achieving carbon neutral certification, Council has established a new baseline year and modified its methodology to move towards aligning with the Australian Government's voluntary National Carbon Offset Standard (NCOS)² and the methods used within to measure its corporate emissions, where practicable and resources allow.

Council's emissions are now categorised into scope 1, 2 and 3 emissions. **Figure 2** shows the three scopes defined under the *National Greenhouse and Energy Reporting Act 2007* and what Council now accounts for in its emissions reporting under each scope.

Moving towards alignment with NCOS has led to the addition of four new emission sources in Council's inventory:

- major contractor fuels, *plus*
- emissions from three new facilities that were previously excluded from Council's reporting methodology because Council did not pay the energy bills.

As such, Council has re-assessed and elected 2016-17 as its new baseline year for reporting purposes, due to the availability and reliability of the data for these new emission sources.

This new baseline year is important for measuring ongoing performance by Council in reducing its emissions.

Emissions Profile

Figure 3 shows the change to Council's greenhouse gas emissions from 2000-01 to 2016-17, including changes to each emissions source over time (i.e. public and street lighting, corporate waste, buildings, *plus* fleet and transport). Due to the low percentage contribution of waste, this does not appear on **Figure 3**.

Between 2000-01 and 2015-16 Council successfully reduced its greenhouse gas emissions through a large focus on energy efficiency improvements to its buildings, the replacement of inefficient mercury vapour lamps with T5 technology as part of a bulk changeover of street lights on minor roads between 2009 and 2010, as well as the installation of solar power photovoltaic (PV) systems.

Between 2000-01 and 2015-16, Council reduced its emissions by 30%, from 14,224 tonnes of carbon dioxide equivalent (tCO₂-e) to 10,010 tCO₂-e.

The large increase in emissions between 2015-16 and 2016-17 is from Council revising its emissions boundary and reporting methodology.

² Australian Government, National Carbon Offset Standard (NCOS), 2018. Source: environment.gov.au

Figure 2: Frankston City Council's revised emissions boundary

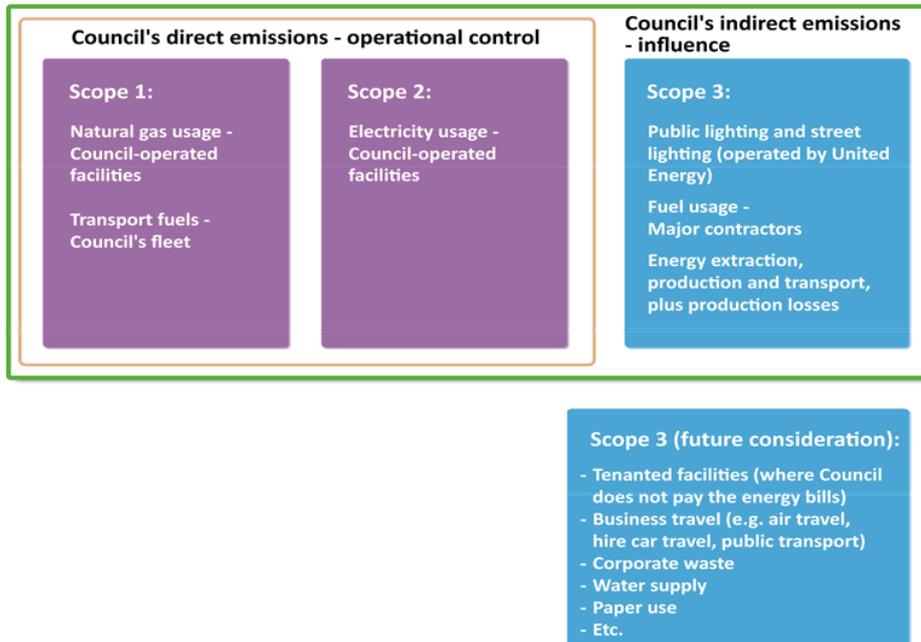
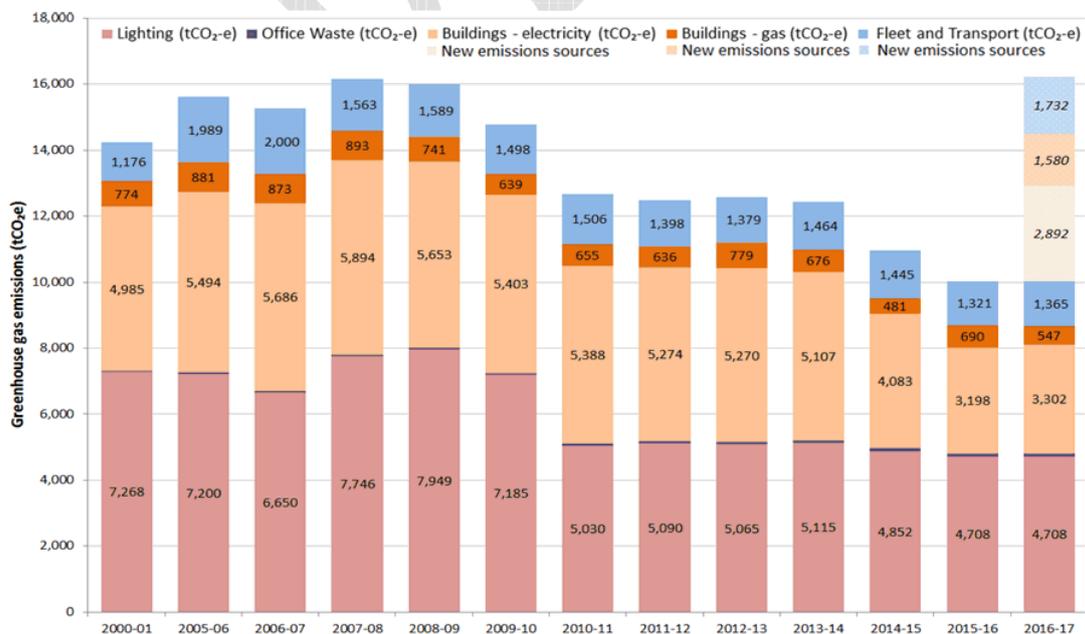


Figure 3: Frankston City Council's gross emissions by sector from 2000-01 to 2016-17





The four additional emission sources included in the 2016-17 baseline year (from the NCOS alignment) are the Peninsula Aquatic Recreation Centre, Pines Forest Aquatic Centre, Frankston Regional Recycling and Recovery Centre and major contractor fuels (for waste collection, asphaltting and facility maintenance works).

Figure 3 clearly shows the impact of these additional emission sources in 2016-17. In 2016-17, the Peninsula Aquatic Recreation Centre was responsible for 2,743 tCO₂-e or 44% of Council’s overall electricity generated emissions from its facilities, and 1,488 tCO₂-e or 70% of Council’s gas generated emissions from its facilities.

Table 1 shows that the largest contributor to Council’s greenhouse gas emissions in 2016-17 was building electricity and gas usage (51%), followed by public and street lighting (29%), transport and fleet (19%) and corporate waste (less than 1%).

Table 1: Frankston City Council’s emissions by sector 2016-17

Emissions source	Emissions tCO ₂ -e	%
Council buildings – Electricity	6,193	38%
Council buildings – Gas	2,127	13%
Public and street lighting	4,708	29%
Transport and fleet, including contractor fuels	3,097	19%
Waste – corporate	93	1%
TOTAL	16,218	100%

Reduction Target

To demonstrate leadership in reducing Council’s carbon footprint and greenhouse gas emissions, Council has a commitment to become carbon neutral by 2025.

Carbon neutrality means that the net emissions association with Council’s operations are equal to zero, through a combination of emission reductions and offsetting of unavoidable (remaining or residual) emissions.

TARGET: To reduce Frankston City Council’s organisational greenhouse gas emissions to zero net emissions (carbon neutrality) by 2025.

The actions outlined within this Plan have been established to drive Council’s emission reduction efforts towards carbon neutrality, however, carbon offsets will eventually be required to reduce the organisation’s remaining emissions and achieve zero net emissions, once all energy efficiency and renewable energy actions have been implemented.

3. Key Actions

A detailed Implementation Plan is outlined in section 5 highlighting Council’s energy and greenhouse emission reduction actions over the 2019-2023 period.

Actions cover both ‘Measured emissions’, those emissions directly associated with Council’s operations and that Council can directly influence, control and typically measure and report on, as well as ‘Broader emissions’ which are those emissions produced or managed by others but are able to be influenced or supported by Council.

Actions are categorised into the following key areas:

- Facilities
- Public Lighting
- Transport and Fleet
- Waste
- Offsets and additional considerations
- Planning and Environment
- Culture and Leadership
- Monitoring and Evaluation

Funding for the new actions are either within Council’s existing budget over the duration of the Plan, or will require further analysis and consideration through Council’s annual budgeting process. Some actions, for example energy efficiency works, may require additional feasibility assessments. Some actions may also attract external funding, particularly where community benefits or partnerships can be established.

Table 2 outlines the energy efficiency and renewable energy actions identified in 2018³ to reduce Council’s emissions, that will require additional investment by Council within the duration of the Plan. These actions are included in *Section 5 – Implementation Plan*. For each action, the estimated emissions reduction in tonnes of carbon dioxide equivalent (tCO₂-e), level of investment required and payback period are included. This list of actions is not exhaustive, as emerging opportunities are likely to be identified.

Table 2: New energy efficiency and renewable energy actions to reduce Council’s emissions

Key Actions	Year 1 Estimated Emissions Reduction (tCO ₂ -e)	Estimated Investment (\$)	Estimated payback period (Years)
1. Heating, ventilation and air-conditioning (HVAC) upgrades and improvements			
Frankston Arts Centre - Optimise HVAC controls	80.70	\$100,000	16.0
Frankston Arts Centre - Boiler optimisation (controls and demand-side improvements) at the Frankston Arts Centre	33.26	\$15,000	2.5
Cube 37 - Air-conditioning controls upgrade	3.67	\$6,000	9.7
Operations Centre - Disable PAC unit and replace with energy efficient split systems	20.62	\$20,000	11.8

³ Emissions Management Plan consultancy report, Point Advisory, 2018.

Key Actions	Year 1 Estimated Emissions Reduction (tCO ₂ -e)	Estimated Investment (\$)	Estimated payback period (Years)
Operations Centre - Fix compressor air leaks – <i>now completed</i>	4.53	\$200	0.4
Ebdale Community Hub and Information Centre – Optimise procedures to ensure HVAC and lighting is turned off when not in use	3.67	NIL	0
2. Lighting upgrades - Facilities			
Frankston Arts Centre (internal lighting) - various lamp upgrades to LEDs	45.69	\$19,412	4.9
Frankston Arts Centre (car park lighting) - T8 lamp upgrades to LEDs	72.27	\$15,260	2.6
Meals on Wheels - T8 lamp upgrades to LEDs	7.72	\$2,700	2.1
Ebdale Community Hub and Information Centre - various lamp upgrades to LEDs	16.39	\$18,800	5.7
Carrum Downs Library - various lamp upgrades to LEDs or more efficient alternatives	26.05	\$60,000	13.4
Frankston South Community and Recreation Centre - various lamp upgrades to LEDs or more efficient alternatives	9.94	\$13,604	7.5
Lyrebird Community Centre - various lamp upgrades to LEDs or more efficient alternatives	22.23	\$30,000	7.8
Operations Centre – lamp upgrades from T8s (office) and outdoor (metal halides) to LEDs	38.67	\$18,750	5.3
Frankston Civic Centre (internal lighting) - T8 lamp upgrades to LEDs	95.04	\$61,042	6.6
3. Solar power photovoltaic (PV) installations*			
Peninsula Aquatic Recreation Centre - 99 kilowatt (kW) solar system (<i>Note: Does not include Kingspan Panel costs, which could be higher</i>)	148.56	\$165,500	11.9
Frankston North Community Centre - 4kW solar system	5.35	\$6,000	7.4
Karingal PLACE Neighbourhood Centre - 8kW solar system	10.71	\$12,000	7.1
Pines Forest Aquatic Centre - 31kW solar system	29.80	\$46,500	10.8
4. Street light upgrades#			
Upgrade 6,996 T5 (30.5W) street lights to 17W LED lights	450.28	\$1,467,901	10.0
Upgrade 1,423 Mercury Vapour MV80 (93.6W) street lights to 17W LED lights	534.60	\$547,414	4.5
TOTAL	1,659.75	\$2,625,883	

*A solar power system was considered for the Frankston Civic Centre; however, it was not deemed viable at the time due to issues regarding the condition and structural load bearing capacity of the roof. An action to address this is included in Section 5.

#Investment costs for the street light upgrades are subject to further research into lighting options, a public tender process, potential savings that may be available through the VEET scheme⁴ as well as electricity distributor requirements; therefore the payback could be higher.

⁴ Victorian Government, Victorian Energy Efficiency Target scheme, 2018. Source: veet.vic.gov.au

Additional investment in solar power photovoltaic (PV) installations on Council’s facilities are planned through Council’s 10-year Long Term Infrastructure Plan and existing capital works program (see **Appendix 1**). These solar projects are for Council’s tenanted facilities and are not listed in **Table 2** as they are not within Council’s emissions boundary, nor do they reduce Council’s electricity costs or emissions. These additional solar projects do however benefit the Frankston City community, helping to reduce their electricity usage and costs, emissions and their impact on climate change.

New actions that will require additional investment by Council throughout the duration of the Plan, but are unable to be accurately quantified in terms of Council’s emission reductions, or that have other economic, social and environmental benefits are outlined in **Table 3**. These actions are also included in **Section 5 – Implementation Plan**.

Table 3: Additional actions for reducing greenhouse gas emissions

No.	Key Actions	Estimated Investment (\$)	Benefit/s
F1	Ensure energy efficiency works are carried out under Council’s facilities maintenance contract and allocate additional funding for reactive works to enable high efficiency outcomes.	New operating (\$50k-\$100k per annum)	Improves capacity for Council to implement higher efficiency alternatives during reactive works (e.g. replacing low energy rated split systems with higher efficiency models) resulting in reduced emissions and ongoing energy cost savings.
F7	Continue to implement renewable energy technologies (e.g. solar power) on Council’s existing facilities per current capital works program and outcomes of the solar feasibility and detailed design study (Appendix 1).	New capital (\$227k)	Reduces emissions from Council’s tenanted facilities, can improve value of the asset, will assist tenants with cost savings on their electricity bills and future-proof them against raising energy costs. Savings can be redirected into providing community services.
T8	Review the corporate car-pooling system for Council’s passenger fleet, including best practice options in software and technology to maximise utilisation (e.g. by reducing single-person trips).	Funded, but outcomes of review could require new capital (\$40k)	Would enable improved utilisation of Council’s passenger fleet and car-pooling to reduce single-occupancy trips - reducing fuel usage, costs and emissions.
P1	Work with developers to improve local development standards to achieve optimum energy efficiency outcomes.	New operating (\$25k-\$30k)	Improves efficiency of building stock across Frankston City, resulting in better housing quality and community resilience against rising costs of power and effects of climate change (e.g. heat waves, cold snaps).
P2	Introduce an environmentally sustainable development (ESD) tool for assessing planning permit applications	New operating Annual costs: CASBE membership	Voluntary education and assessment that will encourage ESD to be considered in the early design stage by planning applicants – the best time to

No.	Key Actions	Estimated Investment (\$)	Benefit/s
	(e.g. Built Environment Sustainability Scorecard⁵) to ensure energy avoidance and efficiency opportunities are addressed in new developments, and for consistency in methodology across local councils.	(\$6k); BESS tool (\$7.5k)	maximise opportunities for good orientation and other initiatives including water efficiency, stormwater management, waste etc. Goes beyond the minimum energy efficiency requirements of the National Construction Code.
P4	Develop an ESD policy planning amendment to the local planning scheme.	New operating (\$40k)	Will require new planning applications to consider ESD at the planning stage right through to construction for both residential and non-residential buildings. Similar benefits to action above, but is not optional. Will require applicants to submit a Sustainable Design Assessment or Sustainability Management Plan with the planning permit application to Council (for example, using the BESS tool or equivalent – see Action P2 above).
P5	Resource a dedicated officer to conduct on-site ESD inspections for developments once built, to ensure compliance with the ESD policy planning amendment as above (see action P4).	New operating (\$82k-\$93k per annum)	Ensures developer and owner-builder compliance with Action P4 above.
TOTAL		\$337k once-off (higher estimate); plus \$207k per annum for ongoing initiatives	

⁵ Built Environment Sustainability Scorecard, 2018. Source: bess.net.au

Facilities

Council's buildings are the largest greenhouse gas emission contributor within Council's emission boundary, generating 8,320 tCO₂-e or 51% of emissions in 2016-17 through their use of electricity and gas. Council owns over 300 facilities, including Council offices and an operational depot, libraries, halls, community centres, maternal and child health centres, kindergartens, sporting pavilions, aquatic and recreations centres etc. Council operates and manages approximately 100 of the 300 buildings it owns.

To reduce emissions from its facilities, Council has identified a number of energy efficiency and renewable energy initiatives that will also reduce Council's energy usage and costs and future-proof Council from rising energy prices. As many of Council's facilities are ageing, a focus on upgrading old inefficient equipment and lighting is required. In addition, for all Council building projects, Council will continue to implement and make improvements to its Environmentally Sustainable Design (ESD)⁶ requirements. Other ongoing initiatives include the installation of solar PV technology and the consolidation of multiple facilities into single multipurpose buildings (where feasible) to maximise use and the sharing of facilities.

By further investing in energy efficiency and increasing Council's uptake of low carbon energy sources, Council will be contributing to greater energy security across the region, by reducing energy demand, and in particular, the impact of peak demand on the electricity grid.

As Council has already implemented over 525 kilowatts of solar capacity on its existing facilities, this is not a major focus of the Plan. Council's Peninsula Aquatic and Recreation Centre (PARC) is responsible for 2,743 tCO₂-e or 44% of Council's overall electricity generated emissions and 1,488 tCO₂-e or 70% of Council's natural gas generated emissions. Whilst PARC has been designed based on ESD principles, solar and operational improvements have been identified as improvement opportunities.

Key directions

Ensure energy efficiency works are carried out under Council's facilities maintenance contract and allocate additional funding for reactive works to enable high efficiency outcomes.
Ensure Council's building management systems (BMS) and heating, cooling and air-conditioning systems (HVAC) maximise energy performance.
Develop and implement a proactive program for energy efficiency upgrades in Council buildings.
Continue to implement and improve Council's ESD Standards for Council Buildings policy for all Council building projects to ensure better outcomes in environmentally sustainable design.
Continue to implement solar power on Council facilities as part of the existing capital works program and investigate future opportunities for Council buildings and other assets.
Educate staff and building users to ensure optimal outcomes in ESD and energy and water efficiency.
Review opportunities to embed energy efficiency and greenhouse reporting requirements into Council's building tenancy arrangements, e.g. Green Lease agreements.
Ensure governance arrangements and responsibility for energy and water costs are established and clearly defined in Council's lease/license agreements.

⁶ *Environmentally Sustainable Design Standards for Council Buildings* policy, Frankston City Council. Source: frankston.vic.gov.au

Public Lighting

The second largest greenhouse gas emission contributor for Council comes from public lighting (including street lighting), generating 4,708 tCO₂-e or 29% of emissions in 2016-17 through the use of electricity. Public lighting is a necessity for the safety of the community and the challenge to reduce energy and emissions associated with it requires large upfront costs.

Council has responsibility for approximately 12,000 street lights along its roads and in its public spaces. Street lights are owned, operated, and maintained by the local electricity distributor, United Energy. Council has responsibility for street lights on local roads and shares responsibility for lights on arterial and some major roads. Council pays the electricity costs, as well as the operational, maintenance and replacement costs for these lights and therefore has a stake in and can influence street light replacements.

Approximately 7,000 street lights are T5 fluorescent lights and over 3,000 consist of mercury vapour, metal halide, fluorescent and high pressure sodium lights with varying energy requirements. Council will research and develop a business case for the future upgrade of these lights to energy efficient LEDs.

All new developments across the Frankston municipality are required to install energy efficient LEDs, so it is only the old and ageing lights that need to be replaced.

In 2010, Council was one of the first councils in Australia to complete a bulk changeover of its 6,813 mercury vapour street lights to more energy efficient T5 lights along minor roads, reducing annual emissions by approximately 2,500 tCO₂-e each year. Council invested \$2.4 million in the project and achieved a return on investment in just over 6 years due to decreased electricity and maintenance costs. The T5 lights are now approaching their end of life and Council is working with United Energy to assess the feasibility of replacing the existing T5s with high efficiency LEDs.

Key directions

Finalise research and where feasible, undertake a bulk changeover of existing T5 fluorescent and mercury vapour (MV) street lights to energy efficient LED technology on local roads.
Investigate the feasibility of upgrading decorative and high pressure sodium lamps to more energy efficient alternatives (i.e. LED) on assets where Council pays the electricity bills.
Ensure Council's requirements for new public lighting requests achieve a high energy efficiency standard (i.e. LED, solar) and develop standards to achieve this.
Ensure Council's public lighting projects (e.g. car parks, reserves) achieve high energy efficiency outcomes using latest technology (i.e. LED, solar) and develop standards to achieve this.
Investigate a changeover to energy efficient LED technology for Council security lighting (buildings and free standing).
Specify high energy efficiency standards using latest technology (i.e. LED) for outdoor sports ground lighting at Council's tenanted facilities (e.g. sports and recreation groups), to reduce tenant costs and emissions.
Advocate to VicRoads for the upgrade of street lights to LED technology along VicRoads managed roads.

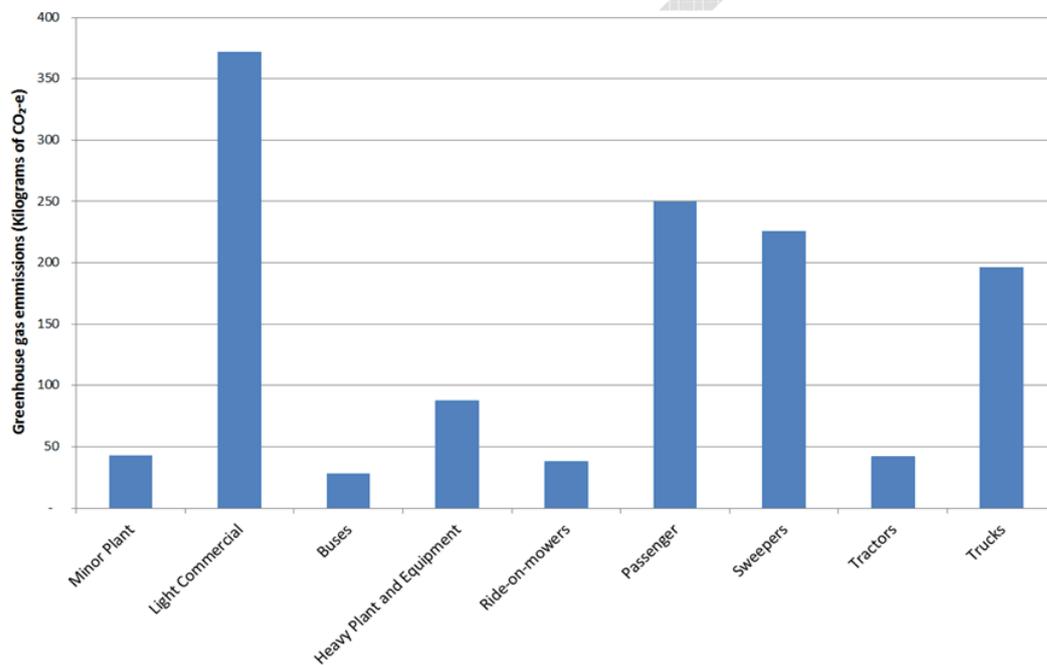


Transport and Fleet

The third largest greenhouse gas emission contributor for Council comes from transport and fleet. In 2016-17, 3,097 tCO₂-e or 19% of Council's emissions were from the use of fuels such as diesel, LPG and petrol, used in Council's transport and fleet. Council introduced its first passenger hybrid vehicle in 2004 and trialled an electric vehicle in 2012.

Council's transport and fleet emissions come from two areas, contractor fuels which make up the majority of emissions (11%) and the rest (8%) is from Council's owned and operated fleet. Within Council's owned and operated fleet, **Table 4** shows the vehicle types contributing to Council's fleet emissions.

Table 4: Council's emissions by fleet type 2016-17



Under Council's existing Motor Vehicle Private Use Scheme Policy, Council has set a minimum criterion for the environmental performance of its fleet, with a minimum 3.5 star green vehicle star rating for passenger vehicles and 2.5 star rating for AWD wagons, utilities and vans. Over the life of Plan, the policy will need to be updated to reflect changes to the Australian Government's Green Vehicle Guide and new performance measures. Other criteria for determining suitable vehicles include ANCAP safety rating, annual whole of life cost (including fuel consumption), greenhouse gas emissions, air pollution rating and suitability for Council operations.

Through the inclusion of contractor fuels in Council's greenhouse inventory, Council has the opportunity to influence the greater community and businesses in reducing their emissions. Sustainable transport options will also be a focus of the Plan with the continued implementation of Frankston City's *Integrated Transport Strategy* and the revised *Path Development Plan* to increase more sustainable transport options (such as cycling and walking) across Frankston City.



Key directions
Investigate and implement as part of the digital transformation project, the resources (technical, software, training, support, space) required for staff video and teleconferencing to reduce staff travel for business communication.
Continue to identify and research fuel efficiency opportunities to inform the procurement of Council's fleet, and implement where feasible.
Update Council's corporate motor vehicle code of practice to reflect changes to the Australian Government's Green Vehicle Guide and ensure best in class efficient vehicles are purchased.
Introduce a driver safety and eco-driving course for Council staff, to improve driver behaviour, reduce fuel consumption and expenditure, as well as educate staff through internal communications.
Review the utilisation of Council's fleet and rationalise where possible to improve efficiency, reduce fuel costs and emissions.
Include fuel efficiency standards and greenhouse reporting (fuel usage) requirements in Council's tender documents for major contracts, i.e. waste services, facilities maintenance, asphaltting.
Continue to implement and review Frankston City's Integrated Transport Strategy and the revised Path Development Plan to increase more sustainable transport options (e.g. cycling, walking) across Frankston City.

Waste

The disposal of waste to landfill and the decomposition of organic waste generate greenhouse gas emissions in the form of methane and carbon dioxide.

Council's waste was calculated in 2011 and 2015 from an internal waste audit of selected Council operated facilities and was less than 1% of Council's total greenhouse gas emissions or 94 tCO₂-e. To improve the accuracy of the waste audit data and reporting over time, Council will undertake a new waste audit and make changes to its methodology to ensure waste generation is being reduced and managed wherever possible.

To support the reduction of community waste to landfill, Council will continue to promote waste avoidance, diversion from landfill and recycling and resource recovery through staff and community engagement. Actions outlined in Council's *Waste Minimisation and Management Plan* will continue to be implemented.

Council is working towards the introduction of a kerbside food waste collection service for Frankston City residents within the duration of the Plan. As food waste makes up approximately 40-50% of an average household garbage bin, this initiative will have significant benefits in terms of reducing waste to landfill and associated greenhouse gas emissions.

The emissions from community waste are outside of Council's emissions boundary, as this is the householder's responsibility, however, the emissions associated with the collection of waste by Council's waste contractors and the operation of the Frankston Regional Recycling and Recovery Centre are included. Council includes emissions from contractor fuel as it is able to reasonably influence the emissions associated with the fuel usage of the trucks.

Key directions

Continue to **promote waste avoidance, diversion from landfill and recycling and resource recovery** through community education and engagement programs.

Undertake an internal **waste audit of Council facilities** to identify and implement opportunities to reduce waste to landfill from Council operations and improve reporting in this area.

Design and implement a system to **divert food waste from Council operations** once a food organics garden organics (FOGO) kerbside collection service is established.

Develop and implement a food organics garden organics (FOGO) **kerbside collection service to reduce food waste** and associated landfill emissions from community waste.

Continue to implement and review **Council's Waste Minimisation and Management Plan (2015-2020)**.

Offsets and additional considerations

Whilst Council is committed to implementing energy efficiency and renewable energy initiatives as outlined within this Plan, there will remain some unavoidable (residual) greenhouse gas emissions that need to be accounted for in order for Council to achieve and maintain its carbon neutral target by 2025 and beyond.

These remaining emissions will be counteracted through the purchase of approved carbon offsets. The identification of suitable offsets will be determined by following the guidance provided by the National Carbon Offset Standard (NCOS).

One carbon offset unit is equal to one tonne of emissions avoided or removed from the atmosphere. The cost of one carbon offset is dependent on the project that generated it and also the market supply and demand of offsets at the time of purchasing.

Examples of carbon offset projects that reduce or remove emissions from the atmosphere are energy efficiency actions which apply new technologies, processes or practices to achieve the same outcome while using less energy, as well as renewable energy such as wind, solar or hydro generated power and carbon sequestration through reforestation.

The benefit of purchasing offsets through NCOS approved programs means Council will be supporting projects that are implemented, run and managed properly and the credits generated represent real and actual emissions sequestered or avoided. Many of these types of projects also have the added bonuses of other environmental, social and economic benefits, such as improved water quality, increased biodiversity and increased Indigenous employment.

In addition to offsets, Council will investigate and stay abreast of emerging opportunities to invest in large-scale renewable energy projects such as the Melbourne Renewable Energy Project⁷. These types of projects could offer Council and other local organisations the ability to combine their purchasing power to procure renewable energy to reduce their emissions, whilst supporting the construction of new renewable energy projects in Victoria.

⁷ City of Melbourne, Melbourne Renewable Energy Project, 2018. Source: melbourne.vic.gov.au

Key directions

Continue to stay abreast of Council's potential to purchase **renewable energy** from large-scale generation projects to reduce emissions.

Planning and Environment

Council is able to influence community emissions through its statutory responsibility for administering the Frankston Planning Scheme. Within Victoria-wide planning laws, each municipality has a local planning scheme that describes what types of activities or developments may occur in areas of the municipality.

Many activities and developments require planning permits and development approvals, usually issued by Council. Conventionally these are assessed on a building-by-building basis within an overarching vision such as the Municipal Strategic Statement⁸ and the Local Planning Policy Framework, which are components of the Frankston Planning Scheme. Developments must abide by energy efficient provisions, such as considering the orientation of the block, avoiding excessive windows and shading as outlined in the National Construction Code⁹.

The energy efficient provisions in the National Construction Code are relatively weak in comparison to parts of Europe and North America, and discrepancies often arise between the predicted and actual performance once built¹⁰. Present trends in building envelopes, utilisation of passive solar design and use of natural lighting are often inefficient. Developers can be reluctant to take on board anything not mandated by the Construction Code.

Local governments within Victoria have come together to improve the environmental performance of proposed developments integrating environmental standards within the planning permit processes. The Council Alliance for a Sustainable Built Environment (CASBE) is a collection of Victorian municipal governments committed to the creation of a more sustainable built environment both within and beyond their municipalities. CASBE originally formed around the joint implementation, promotion and support of the Sustainable Design Assessment in the Planning Process (SDAPP) program.

To facilitate the SDAPP program, a design assessment tool called the Built Environment Sustainability Scorecard¹¹ (BESS) been developed for improving the Environmentally Sustainable Design (ESD) outcomes for new residential and non-residential developments beyond minimum legal requirements.

In the long-term, Council aspires to become involved in the SDAPP initiatives (or equivalent) but would require a specialised officer within the Planning and Environment Department to progress these sorts of assessments effectively. This officer would be able to advise residents and developers and assess applications for their ESD merits.

⁸ Frankston City Council Municipal Strategic Statement. Source: planning-schemes.delwp.vic.gov.au

⁹ For new residential buildings (including home renovations) this is a minimum six star (or equivalent) energy rating, and for multi-residential buildings a minimum of 5 stars (individually) or 6 stars (collectively). Source: vba.vic.gov.au/consumers/six-star-standard

¹⁰ CHOICE, Home energy efficiency ratings article, February 2018. Source: choice.com.au

¹¹ Built Environment Sustainability Scorecard, 2018. Source: bess.net.au

Key directions

Introduce an environmentally sustainable development (ESD) tool for assessing planning permit applications (e.g. Built Environment Sustainability Scorecard) to ensure energy avoidance and efficiency opportunities are addressed in new developments.

Train planning staff to effectively apply ESD principles in planning applications and provide information/material to applicants in the pre-application meetings to ensure ESD is taken into account during the site analysis and in the design response.

Develop an ESD policy planning amendment to the local planning scheme.

Work with other councils to advocate for a standard for ESD policies in planning schemes.

Finalise and implement the Biodiversity Action Plan e.g. planting trees as carbon sinks (i.e. to store carbon).

Work with developers to support distributed renewable energy (i.e. localised energy production) in new developments.

Culture and Leadership

Local governments are in a unique position as they are typically the closest level of government to their communities and can demonstrate leadership and foster a culture of environmental responsibility.

Council will continue to educate and engage its staff, tenants and the broader community in energy efficiency, renewable energy technologies and sustainable living initiatives to build local capacity.

Maintaining and establishing collaborative partnerships with stakeholders such as the Victorian Government and other local councils will also continue to play a key role in implementing collective solutions to climate change, sharing expertise and resources, as well as realising opportunities.

Council has signed up to the Victorian Government's TAKE2 climate change pledge¹² and will continue to publically report on Council's progress against the committed actions as part of this initiative.

In 2017, the Victorian Government independently surveyed over 3,000 Victorians to gain an insight into the attitudes, beliefs and behaviours of residents in relation to climate change¹³. The report provided a comprehensive picture of Victorian's perceptions of climate change.

Key findings of the survey included:

- 78% thought that climate change was an issue that required urgent action now
- Four in five Victorians believed that their actions could make a positive difference
- 78% were concerned about climate change and the impact on future generations (76%), the state of the planet (48%) and health and quality of life (38%).

The majority of Victorians surveyed were optimistic about making a positive difference on climate change and were willing to play their part. As a local council, Frankston City Council can continue to build on this

¹² Victorian Government, TAKE2 Climate Change pledge, 2018. Source: take2.vic.gov.au

¹³ Victorian Government, Victoria's Perceptions of Climate Change report, 2018. Source: sustainability.vic.gov.au

willingness to take action and support its community to reduce their carbon footprint and realise other benefits, such as saving money.

Council will also continue to advocate on behalf its community on issues and opportunities relating to greenhouse mitigation. Monitoring and reporting on the organisation's greenhouse gas emissions will continue to be an important part of understanding and managing Council's emissions.

Key directions

Publicly report on Council's energy costs, usage and greenhouse gas emissions.

Continue to develop, implement and promote targeted **education and engagement services across the community** to encourage the uptake of energy efficiency, renewable energy and emission reduction activities and behaviours.

Engage and educate Council staff on emission and energy saving actions and opportunities in every day work.

Investigate the costs and benefits of offering **Environmental Upgrade Finance for energy saving works** (i.e. via low interest loans collected via the rates system) to Frankston City's businesses and residents, and implement where feasible.

Provide **education and support to Council's tenants** to improve billing literacy, assist them to use energy more efficiently and identify energy efficiency opportunities.

Further develop and implement a **pilot project with South East Water and Council's Home and Community Care clients** to implement water efficiency and cost saving initiatives in their homes (Health and Wellbeing Plan key action) – expand if possible to include an energy efficiency focus.

Seek partnerships, external funding and advocate to the Federal and State Government, agencies and organisations on opportunities and matters relating to Council and community greenhouse gas emissions and low carbon alternatives.

4. Monitoring and Evaluation

The Towards Zero Emissions Plan will be reviewed on an annual basis to measure progress against the implementation plan and Council's carbon neutral target, as well as to capture and address any emerging challenges or opportunities.

Progress against individual actions will be recorded, alongside an analysis of Council's energy usage, costs and greenhouse gas emissions.

Council will also continue to report publicly on its greenhouse gas emissions inventory on an annual basis, through the form of a Council report and via other mechanisms, such as Council's Annual Report.

Key components of Council's monitoring and evaluation of the Plan will include:

- The ongoing collection, storage and analysis of Council's utility and emissions data, including energy and fuel data managed by third parties (e.g. contractors)
- Ongoing improvement to Council's data collection and quantification methods for calculating emissions and energy and emission reduction savings
- Communication with staff and tenants, where applicable, to assist in monitoring energy usage, as well as identifying and resolving anomalies
- Documenting learnings throughout implementation of the Plan, *plus*
- Reviewing data and learning outcomes for making ongoing improvements.

Progress and achievements will be communicated via Council's website and social media, e-newsletters, articles in Frankston City News and sharing of information through other communication channels and networks.

The Plan will be fully evaluated in 2023-24 and reported to Council.

For Council to achieve National Carbon Offset Standard (NCOS) certification for its carbon neutral target in 2025, it will be required to review and report on emissions annually. It should be noted that NCOS certification will require an initial independent audit and a public report of Council's emission reduction activities and achievements in 2025-26 and an independent audit every 3 years after that. As this Plan spans 2019-2023, the audit will not have a financial impact on Council during the life of the Plan.

5. Implementation Plan (2019-2023)

Ref No.	Action	By when or frequency	Investment (\$)	Responsible Council Department	Internal Partners	External Partners
FACILITIES						
Measured Emissions						
F1	Ensure energy efficiency works are carried out under Council's facilities maintenance contract and allocate additional funding for reactive works to enable high efficiency outcomes.	Ongoing	Partly funded, plus new operating (\$50k-\$100k per annum)	Facilities	Sustainable Assets	Facilities Maintenance Contractor
F2	Ensure Council's building management systems (BMS) and heating, cooling and air-conditioning systems (HVAC) maximise energy performance (see Table 2 for list of new initiatives).	Ongoing; plus new works (2019-20 to 2021-22)	Partly funded, plus new capital (\$141k – Table 2)	Facilities	Arts and Culture (Frankston Arts Precinct FAP); Operations	Facilities Maintenance Contractor
F3	Identify and follow up on energy cost and usage anomalies in Council facilities through regular monitoring, analysis and reporting.	Ongoing	Funded	Commercial Services; Facilities; Sustainable Assets	Facility and Service Managers	Facilities Maintenance Contractor
F4	Continue to implement Council's ESD Standards for Council Buildings policy for all Council building projects, to ensure high efficiency and solar on facilities that can support the technology.	Ongoing	New capital (embedded in base budget)	Facilities	Sustainable Assets; Facility and Service Managers	
F5	Review and improve Council's ESD Standards for Council Buildings policy to reflect ongoing industry/ regulatory changes and Council learnings.	2019-20	Funded	Sustainable Assets	Facilities	
F6	Investigate funding options and develop and implement a proactive program for energy efficiency upgrades in Council buildings and other assets (see Table 2 for list of new initiatives).	2019-20 to 2022-23	New capital (\$240k – Table 2)	Facilities; Sustainable Assets	Other areas (as needed)	
F7	Continue to implement renewable energy technologies (e.g. solar power) on Council's existing facilities per current capital works program and outcomes of the solar feasibility and detailed design study (Appendix 1).	Ongoing	New capital (\$227k – Appendix 1)	Facilities	Sustainable Assets; Other areas (as needed)	
F8	Investigate future opportunities and develop and finalise business cases for new renewable energy technologies on Council buildings and other assets, and implement where feasible (see Table 2 for list of new initiatives).	2019-20 to 2022-23	New capital (\$230k – Table 2)	Sustainable Assets (business case); Facilities (implement)	Other areas (as needed)	

Ref No.	Action	By when or frequency	Investment (\$)	Responsible Council Department	Internal Partners	External Partners
F9	Review outcomes of the 2018-19 solar feasibility assessment and roof condition audit for the Frankston Civic Centre and implement (or schedule for implementation) where feasible.	2019-20	New capital (based on outcomes from assessment/audit)	Facilities	Sustainable Assets	
F10	Continue to monitor and evaluate the performance of Council's existing solar power installations.	Ongoing	Funded	Sustainable Assets (monitoring)	Facilities (contract management); Commercial Services (data/ billing)	
F11	Continue to investigate and consolidate Council's building stock to decommission underutilised facilities and to maximise use and the sharing of facilities.	Ongoing, Long-term Infrastructure Plan	New capital (as opportunities arise)	Service Managers	Facilities; Sustainable Assets	
F12	Implement training with facilities staff and building users to ensure optimal outcomes in ESD and energy/ water efficiency.	On a needs basis, formal training every 2 years	Funded	Sustainable Assets (formal training and needs basis); Facilities (needs basis)	Facility and Service Managers	
F13	Develop guidelines for thermal comfort to support energy efficiency outcomes in Council facilities.	2020-21	Funded	Sustainable Assets	Facilities; Human Resources	
F14	Review outcomes of the 2018-19 energy audit and solar feasibility study for the Peninsula Aquatic Recreation Centre (PARC) and prioritise and implement recommendations (or schedule for implementation) where feasible.	2019-20	New capital (based on outcomes from audit/study)	Facilities	Sustainable Assets; Commercial Services	Peninsula Leisure
Broader Emissions						
F15	Review current practice and Council's position for investing, managing and maintaining solar power installations on Council's tenanted facilities .	2019-20	Funded	Sustainable Assets	Facilities; Commercial Services	
F16	Identify and embed energy efficiency and greenhouse reporting requirements (energy and water) in appropriate agreements with Council's building tenants e.g. Green Lease agreements.	2019-20 and ongoing	Funded	Sustainable Assets	Commercial Services; Facilities	
F17	Ensure governance arrangements and responsibility for energy and water usage and costs are established and clearly defined at the commencement of each building project and other assets, and outlined in Council's lease/ license agreements. This includes designing and installing optimum utility metering requirements.	Ongoing	Funded	Project Sponsors (Council - governance); Commercial Services (governance and metering advice)	Facilities (infrastructure and metering – install); Capital Works Delivery (infrastructure and metering – install)	

Ref No.	Action	By when or frequency	Investment (\$)	Responsible Council Department	Internal Partners	External Partners
PUBLIC LIGHTING						
Measured Emissions						
L1	Finalise research and where feasible, undertake a bulk changeover of existing T5 and MV street lighting to energy efficient LED technology on Council managed (minor) roads (Table 2 for new initiatives).	2019-20	New capital (\$2.01M – Table 2)	Engineering Services	Sustainable Assets; Commercial Services	United Energy
L2	Investigate the feasibility of upgrading decorative and high pressure sodium lamps to more energy efficient alternatives (i.e. LED) on assets where Council pays the electricity bills.	2019	Funded, outcomes of investigation could require new capital	Engineering Services	Sustainable Assets	VicRoads; United Energy
L3	Continue to specify high energy efficiency outcomes (i.e. LED, solar) for public lighting in new developments (i.e. gifted assets) .	Ongoing	Funded	Engineering Services	Planning and Environment	Developers
L4	Ensure Council’s requirements for new public lighting requests (reactive works) achieve high energy efficiency outcomes (i.e. LED, solar) and develop standards to achieve this.	Ongoing; New standards (2019-20)	Funded	Engineering Services	Sustainable Assets	
L5	Ensure Council’s public lighting capital works projects achieve high energy efficiency outcomes using latest technology (i.e. LED, solar) and develop standards to achieve this.	Ongoing; New standards (2019-20)	Funded	Engineering Services	Capital Works Delivery; Sustainable Assets	
L6	Investigate a changeover to energy efficient LED technology for Council security lighting (i.e. buildings and free standing).	Ongoing	Funded	Facilities	Engineering Services; Sustainable Assets	
L7	Identify and follow up on electricity cost and usage anomalies for street light assets on Council managed roads through regular monitoring, analysis and reporting.	Ongoing	Funded	Commercial Services; Engineering Services	Sustainable Assets	Electricity retailer/s
Broader Emissions						
L8	Advocate to VicRoads for the upgrade of street lights to LED technology along VicRoads managed roads.	Ongoing	Funded	Engineering Services	Sustainable Assets	VicRoads; United Energy; AusNet
L9	Pursue high energy efficiency standards using latest technology where available (i.e. LED) for outdoor sports ground lighting at Council’s tenanted facilities (e.g. sports and recreation groups), to reduce tenant costs and emissions.	Ongoing	Funded	Community Strengthening	Capital Works Delivery; Sustainable Assets	

Ref No.	Action	By when or frequency	Investment (\$)	Responsible Council Department	Internal Partners	External Partners
TRANSPORT AND FLEET						
Measured Emissions						
T1	Investigate and implement as part of the digital transformation project, the resources (technical, software, training, support, space) required for staff video and teleconferencing to reduce staff travel for business communication.	2019-20 (Skype licences)	Partly funded, plus new capital for meeting rooms conferencing technology as part of the digital transformation	Business and Information Technology	Community Relations (meeting rooms conferencing technology)	
T2	Continue to identify and research fuel efficiency opportunities to inform the procurement of Council's fleet, and implement where feasible.	Ongoing	Funded	Sustainable Assets	Human Resources	
T3	Continue to buy low emission vehicles for Council's fleet e.g. hybrid, electric vehicles.	Ongoing	Funded, but could require new capital	Sustainable Assets		
T4	Update Council's corporate motor vehicle code of practice to reflect changes to the Australian Government's Green Vehicle Guide and ensure best in class efficient vehicles are purchased.	2019	Funded, but changes could require new capital	Human Resources; Executive	Sustainable Assets; Financial and Corporate Planning	
T5	Introduce a driver safety and eco-driving course for Council staff, to improve driver behaviour, reduce fuel consumption and expenditure, as well as educate staff through internal communications.	2019-20	Funded	Sustainable Assets	Human Resources	
T6	Encourage staff to use public transport for business related travel by providing and promoting access to corporate MYKI cards in each department , resulting in savings in fuel and car parking costs.	2019-20	Funded	All Departments	Sustainable Assets	
T7	Include fuel efficiency standards and greenhouse reporting (fuel usage) requirements in Council's tender documents or contract reviews for major contracts, i.e. waste services, facilities maintenance, asphaltting, plus other contracts where relevant.	2018 (waste); 2020 (hard waste); 2021 (facilities maintenance); 2019 (asphaltting)	Funded	Recycling Services (waste); Facilities (facilities maintenance); Sustainable Assets (asphaltting)	Commercial Services; Capital Works Delivery; Other areas (as required)	
T8	Review the corporate car-pooling system for Council's passenger fleet, including best practice options in software and technology to maximise utilisation (e.g. by reducing single-person trips).	Ongoing	Funded, but outcomes of review could require new capital (\$40k)	Sustainable Assets		

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Ref No.	Action	By when or frequency	Investment (\$)	Responsible Council Department	Internal Partners	External Partners
T9	Review the utilisation of Council’s fleet and rationalise where possible to improve efficiency, reduce fuel costs and emissions.	Ongoing	Funded	Sustainable Assets; Executive	Human Resources	
Broader Emissions						
T10	Continue to implement and review Frankston City’s Integrated Transport Strategy.	Ongoing	New capital	Planning and Environment (strategic); Engineering Services (implement)	Capital Works Delivery	
T11	Finalise the review and implement the revised Path Development Plan to increase more sustainable transport options (e.g. cycling, walking) across Frankston City.	Review (2019); Implement (2019-20 and ongoing)	New capital TBD	Planning and Environment (strategic); Engineering Services (implement)	Capital Works Delivery	
T12	Investigate and where feasible implement actions to reduce indirect greenhouse gas emissions from Council’s road and path construction activities (e.g. through low carbon asphalt and concrete).	Asphalting (2019)	Funded	Sustainable Assets; Capital Works Delivery; Engineering Services	Other areas (as required)	
WASTE						
Measured Emissions						
W1	Undertake an internal waste audit of Council facilities to identify and implement opportunities to reduce waste to landfill from Council operations and improve reporting in this area.	Every two years, commencing 2019-20	Funded	Sustainable Assets	Facilities; Facility Managers; Recycling Services; Green Network	
W2	Design and implement a system to divert food waste from Council operations once a food organics garden organics (FOGO) kerbside collection service is established.	2019-20	New operating and capital	Recycling Services	Sustainable Assets	Kerbside waste contractor
Broader Emissions						
W3	Continue to promote waste avoidance, diversion from landfill and recycling and resource recovery through community education and engagement programs.	Ongoing	Funded	Sustainable Assets; Recycling Services	Community Relations	
W4	Develop and implement a food organics garden organics (FOGO) kerbside collection service to reduce food waste and associated landfill emissions from community waste.	2019-20 (commence) and ongoing	New operating and capital	Recycling Services	Sustainable Assets; Community Relations	Kerbside waste contractor; Metropolitan Waste and Resource Recovery Group
W5	Continue to implement and review Council’s Waste Minimisation and Management Plan (2015-2020).	Ongoing; Review (2020)	Funded	Sustainable Assets	Recycling Services	

Ref No.	Action	By when or frequency	Investment (\$)	Responsible Council Department	Internal Partners	External Partners
OFFSETS AND ADDITIONAL CONSIDERATIONS						
Measured Emissions						
O1	Continue to stay abreast of Council’s potential to purchase renewable energy from large scale generation projects to reduce emissions.	Ongoing	Funded	Commercial Services; Sustainable Assets		Renewable energy generators
PLANNING AND ENVIRONMENT						
Broader Emissions						
P1	Work with developers to improve local development standards to achieve optimum energy efficiency outcomes.	2019-20	New operating (\$25k-\$30k)	Planning and Environment	Sustainable Assets; Engineering Services	
P2	Introduce an environmentally sustainable development (ESD) tool for assessing permit applications (e.g. Built Environment Sustainability Scorecard) to ensure energy avoidance and efficiency opportunities are addressed in new developments, and for consistency in methodology across local councils.	2020-21	New operating Annual costs: CASBE membership (\$6k); BESS tool (\$7.5k)	Planning and Environment	Sustainable Assets; Facilities; Engineering Services; Capital Works Delivery	MAV – Council Alliance for a Sustainable Built Environment (CASBE)
P3	Train planning staff to effectively apply ESD principles in planning applications and provide information/ material to applicants in the pre-application meetings to ensure ESD is taken into account during the site analysis and in the design response.	2019-20	As above (see action P2)	Planning and Environment	Sustainable Assets	CASBE
P4	Develop an ESD policy planning amendment to the local planning scheme.	2020-21	New operating (\$40k)	Planning and Environment	Sustainable Assets; Facilities; Engineering Services; Capital Works Delivery	
P5	Resource a dedicated officer to conduct on-site ESD inspections for developments once built, to ensure compliance with the ESD policy planning amendment as above (see action P4).	2021-22	New operating (\$82k-\$93k per annum)	Planning and Environment		
P6	Work with other councils to advocate for a standard for ESD policies in planning schemes.	Ongoing	Funded	Planning and Environment	Sustainable Assets	Other councils
P7	Finalise and implement the Biodiversity Action Plan e.g. planting trees as carbon sinks (i.e. to store carbon) and deliver co-benefits such as reducing the urban heat island effect.	2019-20 and ongoing	TBD	Planning and Environment	Various – dependent on actions being considered	
P8	Work with developers to support distributed renewable energy (i.e. localised energy production) in new	Ongoing	Funded	Planning and Environment	Sustainable Assets	Developers; United Energy

Ref No.	Action	By when or frequency	Investment (\$)	Responsible Council Department	Internal Partners	External Partners
	developments, where opportunities arise.					
CULTURE AND LEADERSHIP						
Measured Emissions						
C1	Engage and educate Council staff on emission and energy saving actions and opportunities in every day work.	Ongoing	Funded	Sustainable Assets	Facilities, Community Relations; Green Network	
C2	Identify Council's major contracts (and others where feasible) where energy and emissions could be reduced and introduce high energy efficiency requirements to reduce the impact of operational and lifecycle energy usage/ costs and emissions.	Ongoing	Funded	Contract Managers, Sustainable Assets	Commercial Services	
C3	Include high energy efficiency requirements in the next tender for the lease of Council's multi-functional printers and copiers.	2019	Funded	Business and Information Technology	Commercial Services	
C4	Continue the roll-out of Council's workstation fleet with high energy efficiency requirements.	2019-20	Funded	Business and Information Technology	Commercial Services	
C5	Include fossil fuel evaluation criteria in Council's tender for banking services.	2019-20	Funded	Financial and Corporate Planning	Sustainable Assets	
C6	Continue to work with regional greenhouse alliances where practical and feasible to progress Council's <u>corporate</u> emission reduction priorities and opportunities (also see Action C14 under 'Broader Emissions').	Ongoing	Partly funded	Sustainable Assets	Various – dependent on opportunities being considered	Regional alliances
C7	Publically report on Council's energy costs, usage and greenhouse gas emissions.	Summary report (6 monthly); Full greenhouse inventory (annual)	Funded	Commercial Services (costs/ billing); Sustainable Assets (usage/ emissions)	Financial and Corporate Planning	
C8	Seek partnerships, external funding and advocate to the Federal and State Government, agencies and organisations on opportunities and matters relating to Council and community greenhouse gas emissions and low carbon alternatives.	Ongoing	Funded	Various – dependent on matter being considered		
C9	Continue to support the Victorian Government's TAKE2 climate change pledge and publically report on Council's progress against committed actions.	Ongoing	Funded	Sustainable Assets	Various – dependent on actions being considered	Sustainability Victoria

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Ref No.	Action	By when or frequency	Investment (\$)	Responsible Council Department	Internal Partners	External Partners
Broader Emissions						
C10	Continue to develop, implement and promote targeted education and engagement services across the community to encourage the uptake of energy efficiency, renewable energy and emission reduction activities and behaviours.	Ongoing	Funded	Sustainable Assets	Community Relations; Community Strengthening	
C11	Provide education and support to Council's tenants to improve billing literacy, assist them to use energy more efficiently and identify energy efficiency opportunities.	Ongoing	Funded	Sustainable Assets	Service Managers (internal); Commercial Services	
C12	Investigate the costs and benefits of offering Environmental Upgrade Finance for energy saving works (i.e. via low interest loans collected via the rates system) to Frankston City's businesses and residents, and implement where feasible.	2019-20	New operating (administration), if implemented	Sustainable Assets (investigation, promotion); Community Relations (promotion)	Financial and Corporate Planning (investigation, implementation if feasible)	
C13	Further develop and implement a pilot project with South East Water and Council's Home and Community Care clients to implement water efficiency and cost saving initiatives in their homes (Health and Wellbeing Plan key action) – expand if possible to energy efficiency focus.	2019; Future years dependent on funding	Funded	Community Strengthening; Sustainable Assets	Family Health Support Services	
C14	Continue to work with regional greenhouse alliances where practical and feasible to progress Council's community carbon emission reduction priorities and opportunities (also see C6 under 'Measured Emissions').	Ongoing	Partly funded	Sustainable Assets	Various – dependent on opportunities being considered	Regional alliances
C15	Advocate to the Victorian Government to improve the environmental performance standards of low cost housing (including rental properties) for improved thermal comfort, healthy living conditions and efficiency.	Ongoing	Funded	Planning and Environment	Sustainable Assets	
C16	Support community owned renewable energy generators and retailers, where possible.	Ongoing	Funded	Sustainable Assets; Planning and Environment		
C17	Encourage staff and community to TAKE2 – the Victorian Government's climate change pledge.	Ongoing	Funded	Sustainable Assets	Community Relations	Sustainability Victoria
C18	Continue to stay abreast of the latest research and innovations emerging from Smart City technologies for Council assets and through city and infrastructure planning , particularly as they relate to energy and emissions reduction.	Ongoing	Funded	Sustainable Assets; Facilities; Engineering Services; Capital Works Delivery	Business and Information Technology; Planning and Environment	

Ref No.	Action	By when or frequency	Investment (\$)	Responsible Council Department	Internal Partners	External Partners
MONITORING AND EVALUATION						
Measured Emissions						
M1	Maintain Council's utility management software (Utility Tracker) and GIS utility meter layer to capture energy, water and greenhouse data for Council.	Ongoing; GIS mapping update (every two years)	Funded	Commercial Services	Sustainable Assets	
M2	Monitor, evaluate and regularly report on Council's energy usage, costs and emissions , including following up and resolving billing anomalies.	Summary report (6 monthly); Full greenhouse inventory (annual)	Funded	Commercial Services (costs/ billing); Sustainable Assets (usage/ targets)	Financial and Corporate Planning; Various – dependent on asset	
M3	Investigate software options for future reporting on Council's energy and emissions, including provision of real time data for improved monitoring and reporting.	2020-21	Funded, but outcomes of options assessment could require new operating budget	Commercial Services	Sustainable Assets	
M4	Continue to align Council's greenhouse reporting methodology with the Australian Government's voluntary standards and guidelines where practical, and to prepare for the possibility of future legislative reporting requirements and Council's 2025 carbon neutral target and certification.	Annual review	Dependent on recommended changes	Sustainable Assets	Commercial Services	

6. Appendix 1

Table 5 highlights the additional solar power installations planned as part of Council’s Long-Term Infrastructure Plan and existing capital works program. This list is from a detailed solar feasibility and detailed design study undertaken by Council of its community use facilities. These systems are planned for Council’s existing tenanted facilities, and as such, do not contribute to reducing Council’s greenhouse gas emissions. The list is not exhaustive as ongoing opportunities for solar power installations will arise.

These actions are included in *Section 5 – Implementation Plan*.

Table 5: List of remaining solar power projects proposed for Council’s tenanted facilities, per original solar feasibility and detailed design study

Site	Estimated Investment (\$)	Solar Capacity (Kilowatts)	Estimated payback period (years)	Estimated Emissions Reduction (annual tCO ₂ -e)
Kevin Collopy Pavilion (Frankston Peninsula Cricket Club, Frankston YCW Football/Netball Club), Jubilee Park	\$36,000	15.00 kW	11	23.0
Long Island Soccer/Cricket Pavilion (Peninsula Strikers Junior Soccer), Ballam Park (aka Ballam South Pavilion)	\$30,900	10.00 kW	9	17.0
Soccer Pavilion (Frankston Pines), Monterey Reserve	\$43,200	15.00 kW	9	25.4
Yamala Park Bowling Clubhouse, Yamala Reserve	\$13,000	5.00 kW	10	8.0
Carrum Downs Football/Cricket Pavilion, Carrum Downs Recreation Reserve (Len Phelps Pavilion)	\$13,000	5.00 kW	10	8.6
Football/Cricket Pavilion, Delacombe Park Reserve	\$11,000	4.00 kW	10	6.0
Cricket/Rugby Pavilion (inc. Seaford Little Athletics), Riviera Reserve	\$50,600	17.50 kW	11	29.1
Senior Pavilion and Club Room (Langwarrin Football/Netball Club), Lloyd Park (Oval 1)	\$13,250	5.00 kW	9	8.0
Frankston BMX Track (Frankston BMX Club)	\$10,600	4.00 kW	11	5.0
Carrum Downs Tennis Clubhouse, Carrum Downs Recreation Reserve	\$5,500	2.00 kW	9	3.0

7. Glossary

Broader Emissions – Greenhouse gas emissions produced or managed by others but are able to be influenced or supported by Council.

Carbon Neutrality – Having a net zero carbon footprint or carbon neutrality. This means that the net emissions associated with Council's operations are equal to zero, through a combination of emission reductions and offsetting of unavoidable (remaining or residual) emissions.

Carbon Offsets – A carbon offset is an investment in a project or activity that reduces greenhouse gas emissions or sequesters carbon from the atmosphere, used to compensate for emissions from an entity's own activities.

Emissions Inventory – The itemisation and measurement of an organisation's total greenhouse gas emissions to the atmosphere, generated from its use of energy, production of waste and natural resources over a set period of time.

Council measures and reports annually on emissions generated from all operations which it has full operational control, plus emissions that are managed by others on behalf of Council that we can seek to influence and readily measure.

Energy Efficiency – Energy efficiency initiatives reduce the amount of energy required to produce a unit of output or to achieve a particular outcome. It is well recognised that improving energy efficiency is potentially one of the fastest and most cost-effective ways of reducing energy usage and greenhouse gas emissions. Improving energy efficiency delivers a range of benefits – for example, it reduces pressure on organisational and household budgets from increasing energy prices, it can improve the level of comfort in buildings, as well as provide greater energy security.

Energy Reduction Hierarchy – Provides a step by step approach to reducing energy use and improving energy efficiency. The Energy Reduction Hierarchy consists of four steps to identify ways to manage and reduce energy usage and emissions. The steps, in order of priority are: avoidance of energy use, energy efficiency, switching to cleaner energy alternatives and purchasing offsets for any unavoidable (residual) emissions.

Environmentally Sustainable Design (ESD) – In the context of Council facilities, the aim of ESD is to build facilities that are comfortable, improve the health of the occupants and have minimal impacts on the environment, for example, through good passive solar design, energy efficiency, choice of materials and the use renewable energy technologies.

ESD helps to protect the environment, future-proof against rising energy and water costs and reduce the impacts of climate change. ESD buildings include high efficiency outcomes and aim to be durable, adaptable and fit-for-purpose to create a sustainable asset for years to come.

Fleet – Are all Council owned vehicles which consist of passenger vehicles, light commercial vehicles, trucks and buses, heavy plant and equipment, plus minor plant.

Greenhouse Gas (GHG) Emissions – Any atmospheric gas that is capable of trapping and holding heat in the atmosphere by absorbing thermal infrared radiation which can contribute to global warming. Examples include carbon dioxide (CO₂), methane (CH₄), nitrous oxide (NO₂), and water vapour (H₂O). GHG emissions are often represented in tonnes of carbon dioxide equivalent (tCO₂-e) for reporting purposes.

Global Warming – The rise in the earth’s average temperature which is caused by increasing concentration of greenhouse gas emissions in the atmosphere, predominantly from human activities, like the burning of fossil fuels and deforestation.

Measured Emissions – Emissions directly associated with Council’s operations and that Council can directly influence, control and typically measure and report on.

National Carbon Offset Standard (NCOS) – The Australian Government introduced the National Carbon Offset Standard (NCOS) on 1 July 2010 and is a voluntary standard to manage greenhouse gas emissions and to achieve carbon neutrality. The standard sets guidance for measuring, reducing, offsetting, reporting and auditing the carbon footprint of an organisation, product and services, events, precincts and buildings. It also provides guidance on voluntary carbon offsets. Organisations use the NCOS to credibly claim carbon neutrality and to seek carbon neutral certification.

National Greenhouse and Energy Reporting (NGER) Scheme – Is a national framework introduced in 2007 to provide data and accounting for reporting on corporate greenhouse gas emissions and energy usage. The objectives of the Scheme are to; inform government policy formulation, help meet Australia’s international reporting obligations, plus avoid duplication of similar reporting requirements in the States and Territories by providing a single national reporting framework for data and accounting greenhouse gas emissions.

National Greenhouse and Energy Reporting Act 2007 (NGER Act) and Protocol – NGER is a national framework for the collation and reporting of greenhouse gas emissions and the energy usage of corporations. The NGER scheme or framework operates under the *NGER Act*.

Operational Control – The greatest authority to introduce and implement any or all of the following for a facility – operating policies, health and safety policies, environmental policies. Only one corporate entity can have operational control over a facility at any one time.

Renewable Energy – Renewable energy is generated from sources such as wind, solar, hydro, wave, geothermal and biomass, which produce no net greenhouse gas emissions and are not finite resources. Centralised renewable energy includes large-scale solar and wind farms and hydro schemes. Distributed renewable energy such as solar panels and small-scale wind turbines are typically installed on buildings and other assets to generate electricity to supplement or fully supply electricity needs.

These low-carbon industries can transform and develop the energy sector in our traditional market-based economy to significantly cut the amount of greenhouse gas emissions released into the atmosphere.



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Summary of public consultation submissions received – Council’s draft Towards Zero Emissions Plan – January 2019

1. Overview of public consultation

An online feedback form and a hard copy feedback form were provided to the Frankston City community and key stakeholders to complete and return to Council for feedback on the draft Towards Zero Emissions Plan. Ten individual submissions in total were received by Council (eight via the online feedback form, and two received as internal submissions by Council staff). No completed hard copy feedback forms were received. In addition to the feedback forms, 11 community members attended two local ‘listening posts’ at the local libraries (8 and 28 November 2018) to provide feedback by speaking directly to Council officers working in the area.

This section summarises the written submissions as well as local listening post feedback received on the draft Toward Zero Emissions Plan. The Council officer comments and recommendations address the issues and opportunities raised during the public consultation process as they relate to finalising the draft Toward Zero Emissions Plan for Council adoption.

2. Feedback received

Submission	Feedback form – question number	Feedback comments	Officer’s comments and recommendations
Online feedback form responses			
1	<i>Q1 Actions in the draft Plan that they are most interested in seeing implemented and why?</i>	- Zero emissions	No change recommended – Council has set an ambitious target of zero net emissions (carbon neutrality) by 2025. Actions within the plan are prioritised to achieve this goal.
1	<i>Q2 What actions have you implemented to reduce your energy use and greenhouse gas emissions</i> <i>Q3 Main barriers that prevent you from implementing actions to reduce energy use and greenhouse gas emissions</i>	- See table at the end of the report for the complete list of actions identified by respondents	No change recommended – Responses to Q2 and Q3 will be used to develop and target future education opportunities delivered by Council through the Greening Our Future event series and associated education initiatives.
1	<i>Q4 Actions they would like Council to prioritise</i>	- Provide green lidded bins to renters as well as rate payers - Provide free of charge compost bins to renters and ratepayers upon request - Reduce the cost for the public to take their unwanted and used goods to the Council funded Harold St Rubbish and recycle facility in Skye	No change recommended – - Council currently provides green waste (green lidded) bins to renters as a user-pays service. - Council has previously considered rebates for compost bins (in response

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			<p>to Notice of Motion 1336 Green Infrastructure), however, this was not supported at the time (OM308, 16 October 2017).</p> <p>- The prices charged at the Frankston Regional Recycling and Recovery Centre (FRRRC) are cost competitive when compared to other regional resource recovery centres. Many items are also accepted free of charge for local residents.</p>
<p>1</p>	<p><i>Q5 Addition actions not in the draft Plan that they would like to see Council implement to reduce its own greenhouse gas emissions</i></p>	<p>- Install timer devices on lights in the Civic Centre building and other local public buildings around Frankston that ensure the lights turn off and on at specific times</p>	<p>No change recommended –</p> <p>Action F2 ‘Ensure Council’s building management systems and heating, cooling and air-conditioning systems maximise energy performance’ and F6 ‘Investigate funding options and develop and implement a proactive program for energy efficiency upgrades in Council buildings’ both aim to improve the lighting performance of Council facilities, which will incorporate automated lighting control and education to support behavioural change, where appropriate.</p> <p>Council’s draft Capital Works program (via the Long Term Infrastructure Plan) includes an action in 2020-21 to implement an energy efficient lighting upgrade to the Civic Centre. The existing lighting control system was implemented prior to 2000 and is no longer fit-for-purpose.</p>

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1	<i>Q6 Final feedback/comments on the draft Plan</i>	- Get more Councillor’s on board with it	No change recommended – Council officers have presented the draft Towards Zero Emissions Plan to Councillors on a number of occasions during its development. Councillors support the Towards Zero Emissions Plan and have committed Council to becoming carbon neutral (zero net emissions) by 2025, which will require sustained investment and support.
2	<i>Respondent only commented on Questions 2 & 3, i.e.</i> <i>Q2 What actions have you implemented to reduce your energy use and greenhouse gas emissions</i> <i>Q3 Main barriers that prevent you from implementing actions to reduce energy use and greenhouse gas emissions</i>	- See table at the end of the report for the complete list of actions identified by respondents	No change recommended – Responses to Q2 and Q3 will be used to develop and target future education opportunities delivered by Council through the Greening Our Future event series and associated education initiatives.
3	<i>Q1 Actions in the draft Plan that they are most interested in seeing implemented and why</i>	- Street light replacement to LED	No change recommended – Action L1 ‘Finalise research and where feasible, undertake a bulk changeover of existing T5 and MV street lighting to energy efficient LED technology on Council managed (minor roads)’ is listed in the plan. Funding for the bulk replacement is included in the draft 2019-20 Capital Works program.
3	<i>Q2 What actions have you implemented to reduce your energy use and greenhouse gas emissions</i>	- See table at the end of the report for the complete list of actions identified by respondents	No change recommended – Responses to Q2 and Q3 will be used to develop and target future education

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	<i>Q3 Main barriers that prevent you from implementing actions to reduce energy use and greenhouse gas emissions</i>		opportunities delivered by Council through the Greening Our Future event series and associated education initiatives.
3	<i>Q4 Actions they would like Council to prioritise</i>	- Replacement of all street lights to LED	No change recommended – See commentary above for Q1.
4	<i>Q1 Actions in the draft Plan that they are most interested in seeing implemented and why</i>	- Energy saving and solar - Things to help households (workshops, more info) - Sustainable transport e.g. Shared paths for walking and cycling - Changing street lights over	No change recommended – Actions are identified throughout the plan to support energy saving, solar power, community education, progressing sustainable transport initiatives and changing street lights over to more energy efficient alternatives.
4	<i>Q2 What actions have you implemented to reduce your energy use and greenhouse gas emissions</i> <i>Q3 Main barriers that prevent you from implementing actions to reduce energy use and greenhouse gas emissions</i>	- See table at the end of the report for the complete list of actions identified by respondents	No change recommended – Responses to Q2 and Q3 will be used to develop and target future education opportunities delivered by Council through the Greening Our Future event series and associated education initiatives.
4	<i>Q4 Actions they would like Council to prioritise</i>	- Better transport options – safe shared paths that are connected around the city to encourage cycling and walking	No change recommended – Actions T10 ‘Continue to implement and review Frankston City’s Integrated Transport Strategy’ and T11 ‘Finalise the review and implement the revised Path Development Plan to increase more sustainable transport options (e.g. cycling, walking) across Frankston City’ outline Council’s commitment to improving local cycling and walking outcomes. Feedback re: desire for safe shared paths has been referred to Council’s Engineering Services

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			<p>Department and Planning and Environment Department for consideration in the review of Council’s Path Development Plan and Integrated Transport Strategy.</p> <p>Change recommended – Add an additional action in the ‘Transport and Fleet’ section to: ‘Promote and encourage the greater use of low emission transport options (e.g. public transport, walking and cycling) across Frankston City through planning, information provision, advocacy and program delivery.’</p> <p>Responsibility: Engineering Services. Resourcing: New operating budget may be required, subject to the annual budgeting and prioritisation process. Year: 2020-21 and ongoing.</p>
4	<p><i>Q5 Addition actions not in the draft Plan that they would like to see Council implement to reduce its own greenhouse gas emissions</i></p>	<p>- Stop putting up fairy lights and lights that are energy guzzling, not using solar on these lights etc.</p>	<p>No change recommended – Council’s Capital Works team are currently undertaking design for public illumination trials throughout the city at key locations and for bud lighting of some of the key tree boulevards. At these locations Council will require the use of energy efficient LED light fittings or reduce the number of light fittings where possible. Solar powered lighting is utilised for Council’s lighting projects where feasible.</p>

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		<ul style="list-style-type: none"> - Show electric vehicles to the community and have staff drive them around 	<p>No change recommended – Action T3 ‘Continue to buy low emission vehicles for Council’s fleet, e.g. hybrid, electric vehicles’ outlines Council’s commitment to this action. It is expected that further opportunities to introduce more hybrids or an electric vehicle on to Council’s fleet will be considered under Action T4 ‘Update Council’s corporate motor vehicle code of practice to reflect changes to the Australian Government’s Green Vehicle Guide and ensure best in class efficient vehicles are purchased.’</p>
4	<i>Q6 Final feedback/comments on the draft Plan</i>	<ul style="list-style-type: none"> - Good that the Council is aiming for zero nett emissions by 2025. Keep up the good work! 	<p>No change recommended – Positive feedback noted.</p>
5	<i>Q1 Actions in the draft Plan that they are most interested in seeing implemented and why</i>	<ul style="list-style-type: none"> - Developers – improve ESD standards in housing stock & public realm - Adopt biodiversity action plan – plant more trees 	<p>No change recommended – - Actions P2, P3, P4, P5 and P6 outline Council’s commitment to working with builders, developers, other councils and the Victorian Government etc. to improve ESD (environmentally sustainable design) outcomes for new buildings or alterations. In particular, Council officers are undertaking research into the establishment of an ESD policy planning scheme amendment (Action P4) that would require new planning applicants to consider ESD more thoroughly and provide a sustainable design assessment for Council review.</p>

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			<p>Changes recommended – Recommend rewording Action P7 to ‘Finalise and implement the Biodiversity Plan, e.g. planting trees as carbon sinks (to store carbon) and deliver co-benefits such as reducing the urban heat island effect’ to ‘Finalise and implement the Urban Forest and Biodiversity Action Plans, e.g. for planting trees as carbon sinks (to store carbon) and deliver co-benefits such as reducing the urban heat island effect.’</p> <p>Reasoning: Action P7 ‘Finalise and implement the Biodiversity Action Plan, e.g. planting trees as carbon sinks’ commits Council to finalising the Biodiversity Action Plan (subject to funding in 2019-20). Background work that will inform the Biodiversity Action Plan (Native Vegetation mapping) is currently underway. In addition, the Urban Forest Action Plan is to be developed this financial year (2018-19) and is also relevant to this action.</p>
5	<p><i>Q2 What actions have you implemented to reduce your energy use and greenhouse gas emissions</i></p> <p><i>Q3 Main barriers that prevent you from implementing actions to reduce energy use and greenhouse gas emissions</i></p>	- See table at the end of the report for the complete list of actions identified by respondents	<p>No change recommended – Responses to Q2 and Q3 will be used to develop and target future education opportunities delivered by Council through the Greening Our Future event series and associated education initiatives.</p>
5	<i>Q4 Actions they would like Council to prioritise</i>	- More information sessions	No change recommended –

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		- More recommendations based on Council’s in-house expertise & research (e.g. suppliers/ type of technology etc.)	As part of Action C10 ‘Continue to develop, implement and promote targeted education and engagement services across the community to encourage the uptake of energy efficient, renewable energy and emission reduction activities and behaviours,’ Council will continue to run its popular Greening Our Future environmental events series. Council officers will note the feedback to inform the range of events and information provided to the community.
5	<i>Q5 Addition actions not in the draft Plan that they would like to see Council implement to reduce its own greenhouse gas emissions</i>	- Street trees everywhere please	No change recommended – Council has a street tree planting program and allocated budget each year for the planting and maintenance of the trees. Trees provide many benefits to the local community and environment, including the ability to act as carbon sinks (i.e. storing carbon and reducing emissions).
5	<i>Q6 Final feedback/comments on the draft Plan</i>	- While the detail and the technical focus is to be applauded, I believe there is merit in developing an exec summary or ‘fast facts’ sheet/s for the community to digest more easily – making it a more accessible/inclusive document	No change recommended – It is intended that the plan be graphically designed once adopted by Council to highlight fast facts/key information throughout the document. A one page information/fast fact sheet will be developed by Council officers to assist in promoting the plan.
6	<i>Q1 Actions in the draft Plan that they are most interested in seeing implemented and why</i>	- I’m interested in seeing the solar panels installed. My kids and I have a game where we look for solar panels on buildings as we go around the city and every time my	No change recommended – As part of Action C10 ‘Continue to develop, implement and promote

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		daughter finds one we discuss how the people there must care about the environment enough to install them	targeted education and engagement services across the community to encourage the uptake of energy efficient, renewable energy and emission reduction activities and behaviours,’ Council will continue to run its popular Greening Our Future environmental events series, which includes sessions on solar power to empower the local community to make informed decisions about installing solar.
6	<p><i>Q2 What actions have you implemented to reduce your energy use and greenhouse gas emissions</i></p> <p><i>Q3 Main barriers that prevent you from implementing actions to reduce energy use and greenhouse gas emissions</i></p>	- See table at the end of the report for the complete list of actions identified by respondents	No change recommended – Responses to Q2 and Q3 will be used to develop and target future education opportunities delivered by Council through the Greening Our Future event series and associated education initiatives.
6	<p><i>Q4 Actions they would like Council to prioritise</i></p>	- Build bike paths that aren’t on the road with the traffic. I want to cycle to a lot of places in the city instead of taking the car, but I’m not a confident rider and I’m worried about getting my kids killed after my partner was hit by two (!) separate cars in a single day.	<p>Change recommended –</p> <p>Actions T10 ‘Continue to implement and review Frankston City’s Integrated Transport Strategy’ and T11 ‘Finalise the review and implement the revised Path Development Plan to increase more sustainable transport options (e.g. cycling, walking) across Frankston City’ outline Council’s commitment to improving local cycling and walking outcomes.</p> <p>However, a new action is proposed for the ‘Transport and Fleet’ section to ‘Enhance the Frankston Metropolitan</p>

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			<p>Activity Centre (FMAC) (i.e. Frankston city centre) through the development and implementation of an Integrated Transport Strategy to increase the use of low emission transport options (e.g. walking, cycling and public transport).</p> <p>Reasoning: Further work is required to continue to develop the FMAC as a functional, integrated transport hub for residents and commuters that encourages more active and low emission forms of transport to reduce traffic congestion, improve liveability outcomes and emissions.</p> <p>Responsibility: Engineering Services. Resourcing: New operating and capital budget will be required, subject to the annual budgeting and prioritisation process. Year: 2020-21 and ongoing.</p>
6	<i>Q5 Addition actions not in the draft Plan that they would like to see Council implement to reduce its own greenhouse gas emissions</i>	<ul style="list-style-type: none"> - Not a reduction as such, but it would be great to put up a poster at every location where improvements are being done that clearly outlines each action for that site and the before and after climate impacts 	<p>No change recommended – This is a good idea and will be implemented by Council officers where time and resources permit.</p>
6	<i>Q6 Final feedback/comments on the draft Plan</i>	<ul style="list-style-type: none"> - Even with the changes that Council is proposing for new developments, I don’t think the changes go far enough. All new builds should be required to meet significantly higher building standards where feasible: insulation in walls, ceilings and floors; solar panels sized for the property; water capture and grey water systems; energy efficient heating and cooling systems 	<p>No change recommended – Actions P2, P3, P4, P5 and P6 outline Council’s commitment to working with builders, developers, other councils and the Victorian Government etc. to improve ESD (environmentally sustainable design) outcomes for new buildings and alterations. In particular,</p>

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		<ul style="list-style-type: none"> - Government in Australia have to drive this change harder because, as noted in the plan, there is otherwise very little incentive for developments to do so - This is outside the scope of this plan, but I would be very interested to see if Council could work with land owners in the green wedge to develop a European style system of blending agricultural grazing land with small-scale solar farms 	<p>Council officers are undertaking research into the establishment of an ESD policy planning scheme amendment (Action P4) that would require new planning applicants to consider ESD more thoroughly and provide a sustainable design assessment for Council review.</p> <p>No change recommended – This feedback has been referred to Council’s Planning and Environment Department for consideration in the development of Council’s Green Wedge Management Plan which is currently underway.</p>
7	<p><i>Respondent skipped Question 1, but responded to questions 2 and 3, i.e.:</i></p> <p><i>Q2 What actions have you implemented to reduce your energy use and greenhouse gas emissions</i></p> <p><i>Q3 Main barriers that prevent you from implementing actions to reduce energy use and greenhouse gas emissions</i></p>	<ul style="list-style-type: none"> - See table at the end of the report for the complete list of actions identified by respondents 	<p>No change recommended – Responses to Q2 and Q3 will be used to develop and target future education opportunities delivered by Council through the Greening Our Future event series and associated education initiatives.</p>
7	<p><i>Q4 Actions they would like Council to prioritise</i></p>	<ul style="list-style-type: none"> - Soft plastic recycling, reduction of diesel buses and improvement of bike infrastructure 	<p>No changes recommended – - Council currently provides a soft plastic recycling collection point through its Special Recycling Hub at the Frankston Civic Centre. Rather than installing additional hubs which are costly to service and maintain, Council officers actively promote the REDcycle</p>

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			<p>program which provides a soft plastic recycling bin and collection service at most major supermarkets (including all Coles and Woolworth supermarkets).</p> <p>- Feedback regarding reducing diesel buses has been referred to Council’s Engineering Services Department for liaison with the local bus companies.</p>
7	<p><i>Q5 Addition actions not in the draft Plan that they would like to see Council implement to reduce its own greenhouse gas emissions</i></p>	<p>- Soft plastic recycling, reduction of diesel buses and improvement of bike infrastructure</p>	<p>See commentary above for Q4.</p>
8	<p><i>Respondent only provided feedback to Question 6, i.e.: Q6 Do you have any final feedback/comments on the draft Plan?</i></p>	<p>- In the report under Culture and Leadership, you state:</p> <p>“Maintaining and establishing collaborative partnerships with stakeholders such as the Victorian Government and other local councils will continue to play a key role in implementing collective solutions to climate change, sharing expertise and resources, as well as realising opportunities.”</p> <p>If this is true, in addition to signing pledge, why aren’t you part of the Cities Power Partnership (https://citiespowerpartnership.org.au) that partners up Councils to get mentoring and share ideas on how to really make a difference to switch to clean energy? Our neighbouring Councils have already joined, implying that Frankston is not in fact a leader in this space, but rather a lagger. Can we please join to get the support we need to catch up to other Councils? This will require action rather than just a token report!</p>	<p>Change recommended – Add a new action under the ‘Culture and Leadership’ section: ‘Investigate the benefits of joining organisations and groups working on greenhouse mitigation (e.g. Cities Power Partnership) to ensure Council keeps abreast of new projects, developments and opportunities as they arise.’</p> <p>Action: Ongoing, funded. Responsible department: Sustainable Assets.</p> <p>Reasoning: Council became a signatory to the Victorian Government’s free TAKE2 pledge in 2017-18, which commits Council to a range of initiatives that support emission reduction activities, including clean energy initiatives, as well as providing access to information and learnings from other</p>

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			<p>organisations who are working in this area.</p> <p>The Cities Power Partnership is a free national program that brings together local councils making the switch to clean energy. Council could benefit from the program through their peer support network and sharing of information. Local councils who join the partnership make five action pledges in either renewable energy, efficiency, transport or working in partnership to tackle climate change.</p>

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Local Listening Post feedback			
Frankston Library	Council Facilities / Culture and Leadership	<ul style="list-style-type: none"> • Are staff incentivised/educated to learn to turn off appliances/lights etc.? • Some buildings e.g. Civic Centre are over heated (set temperature range) to reduce heating usage/costs • Reward staff when their buildings energy usage goes down (as a group e.g. morning tea and promote to the community) • Use prompts to encourage people to "switch off" e.g. – promotion of this in local schools – communicate the message with pictures and words 	<p>No change recommended – Action F2 'Ensure Council's building management systems and heating, cooling and air-conditioning systems maximise energy performance' and F13 'Develop guidelines for thermal comfort to support energy efficiency outcomes in Council facilities' both aim to improve the efficiency of the heating and cooling systems within Council facilities. Recognition of staff and departments for their actions (where identifiable to individual staff/areas) is a good suggestion and can be implemented by Council officers within their existing plans through the organisation's Reward and Recognition program.</p> <p>As part of Action C10 'Continue to develop, implement and promote targeted education and engagement services across the community to encourage the uptake of energy efficient, renewable energy and emission reduction activities and behaviours,' Council will continue to support local schools in environmental sustainability to meet their needs and priorities, where budget and resources allow.</p>
Frankston Library	Public Transport	<ul style="list-style-type: none"> • Could Council follow up with local bus companies re: why they sit in idle in Frankston City Centre (e.g. wasting fuel/emissions) 	<p>No change recommended – - Feedback regarding the local bus companies has been referred to Council's Engineering Services</p>

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Local Listening Post feedback			
		<p>- Would like to know the reasoning as it adds to air pollution and traffic congestion</p> <ul style="list-style-type: none"> • Are the local buses oversized? Could be smaller buses be more efficient • Consider adding Shuttle bus runs for short trips in and around Frankston City - e.g. Up and down Kars Street • Better traffic control in the Frankston City Centre – to reduce Community Emissions • Bus services at peak times directly into industrial estate (Knox City Council bus – example) • Consider train line down to Baxter to minimise trips and relieve car parking and congestion in Frankston City Centre 	<p>Department for liaison with the companies on these issues.</p> <p>- Council will continue to advocate to the Victorian Government and other peak agencies for a review of bus services within Frankston City.</p> <p>- Council will continue to advocate for the electrification of the train line to Baxter and this is one of Council's top priorities included in the Council Plan 2017-2021.</p> <p>Changes recommended – A new action is proposed for the 'Transport and Fleet' section to 'Enhance the Frankston Metropolitan Activity Centre (FMAC) (i.e. Frankston city centre) through the development and implementation of an Integrated Transport Strategy to increase the use of low emission transport options (e.g. walking, cycling, public transport).</p> <p>Reasoning: Further work is required to continue to develop the FMAC as a functional, integrated transport hub for residents and commuters that encourages more active and low emission forms of transport to reduce traffic congestion, improve liveability outcomes and emissions.</p> <p>Responsibility: Engineering Services.</p>

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Local Listening Post feedback			
			Resourcing: New operating and capital budget will be required, subject to the annual budgeting and review process. Year: 2020-21 and ongoing
Frankston Library	Street lighting options for efficiency	<ul style="list-style-type: none"> • Vary light levels – off and on etc. but need to consider safety • Better urban design of streetscapes could increase safety, lead to more effective street lighting (reduce need) and efficient lighting 	<p>No change recommended – Action L1 'Finalise research and where feasible, undertake a bulk changeover of existing T5 and MV street lighting to energy efficient LED technology on Council managed (minor roads)' is listed in the plan. Varying lighting levels will be considered as part of this action. Funding for the bulk replacement is included in the draft 2019-20 Capital Works program.</p> <p>Improving urban design outcomes through Council projects should eliminate the risk of over or under lighting of areas and the introduction of more energy efficient lighting alternatives.</p>
Frankston Library	Waste	<ul style="list-style-type: none"> • Have community bins for some households to use to reduce the number of bin collections • Have a labelling system on product packaging on how to dispose of the waste e.g. recycle or garbage bin • Council needs to provide costings and benefits to the community on services/operations for the public to effectively comment/provide feedback e.g. cost of green waste not provided separately. • Educate local businesses/companies regarding composting/kitchen scraps where they can do it in their own building. Too much for waste collectors to manage at the moment 	<p>No change recommended –</p> <ul style="list-style-type: none"> - Providing community bins would be more complex to administer in regards to issues of accessibility, contamination and equity, and likely be less effective in reducing the number of bin collections when compared to changing the frequency of collection. - A new voluntary labelling system (the 'Australasian Recycling Label') for product packaging was introduced in September 2018, developed by Planet

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		<ul style="list-style-type: none"> • Another option is to extend the planned food waste collection service to businesses • Provide more soft plastic receptacles 	<p>Ark and the Australian Packaging Covenant Organisation. It is anticipated that this program will continue to increase in popularity and uptake over time.</p> <ul style="list-style-type: none"> - Costing and benefits of Council services/operations are included in the Annual Budget, but are not always itemised due to contractual issues and protecting confidential information (e.g. when items are deemed as commercial in confidence). - Council officers are working on a 'Waste and recycling' assessment for local food premises as part of the existing Frantastic Awards program. Information on options for food waste collection can be provided to businesses at this time with an interest or need in this area. Expanding Council's planned food organics collection service to local businesses can be considered in the review of Council's Waste Minimisation and Management Plan in 2020/21 and after evaluation of the household collection service. - Council currently provides a soft plastic recycling collection point through its Special Recycling Hub at the Frankston Civic Centre. Rather than installing additional hubs which are costly to service and maintain, Council officers actively promote the REDcycle program which provides a soft plastic recycling

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Local Listening Post feedback			
			bin and collection service at most major supermarkets (including all Coles and Woolworth supermarkets).
Frankston Library	Community Emissions	<ul style="list-style-type: none"> • Need to start in schools, educate the students, for example the Dolphin Research Institutes' "I Sea, I Care" program • Set a target for household energy usage to compare similar households. Could this be tied into a reward? • Maybe a competition – households share what they have done (bills and actions) and how far they have reduced. Council could run this • Hot water systems– educate people re: correct temperature settings and turning off the pilot when they are away • Promote energy saving actions <u>more</u> e.g. reducing heating temperature and wear a jumper, using fans. Could be promoted in the Leader, Frankston City News and/ or Times (not all households receive the Times) • Councils to advocate to state and energy authorities to make it easier/cheaper to come off the electricity grid • More networking/communication between people/groups • Work with industry and businesses to help them with sustainability 	<p>No change recommended –</p> <ul style="list-style-type: none"> - Council officers are currently reviewing the environmental sustainability services provided to local schools. Expanding or changing the services delivered will be informed by feedback from the schools via a survey (and may/or may not include support for the I Sea, I Care program). - Council officers will consider other suggestions listed when developing educational opportunities as part of Council's Greening our Future environmental events series and communication and engagement activities. - Off-grid living (i.e. disconnecting from the local electricity supply network) is an option for some households, however the cost of solar panels and sufficiently sized battery storage (and consideration for back-up generators when needed) can be cost-prohibitive. Council is unlikely to influence the cost of this infrastructure through advocacy. Rebates or a bulk buy incentive program may be effective in the future. However, Council has previously considered rebates for environmentally friendly products and services (in response to Notice of Motion 1336 Green

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			Infrastructure), but this was not supported at the time (OM308, 16 October 2017), particularly due to existing government rebates for items such as solar and batteries. Council has prioritised its education programs to focus on assisting residents with avoiding and reducing their electricity consumption wherever possible (the first two steps of the Energy Reduction Hierarchy).
Frankston Library	Planning and Environment	<ul style="list-style-type: none"> • Living Links Program – is this still used and referred to? Council should use this more • Reduce grass in nature strips (save on fuel, mowing, emissions, noise) and encourage the community to replace with plants/trees for community use (could create accessibility issues, so it does not create a safety risk) • Could use bark or mulch as well (owner would need to maintain it) 	<p>No change recommended –</p> <ul style="list-style-type: none"> - Living Links is an urban nature project working to create a web of green spaces across Melbourne’s south-east. Council is an active member of the program, but has not been successful in obtaining grant funding for any projects. - Feedback on the planting in naturestrips has been referred to Council’s Engineering Services Department. Residents can apply to Council for a permit to modify the nature strip adjacent to their property. In addition, Council’s ‘Development and Planting within Road Reserve Guidelines 2009’ will be reviewed by the Engineering Services Department for accuracy and improvement.
Frankston Library	Positive feedback received – Culture and Leadership	<ul style="list-style-type: none"> • Attended many of Council’s Greening our Future Events • Receive Council’s EnviroNews • Looking forward to Food Organics and Garden Organics (FOGO) waste collection • Council does great work in schools 	<p>No change recommended –</p> <p>Positive feedback noted.</p>

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Local Listening Post feedback			
		<ul style="list-style-type: none"> • Like that Council is reporting on Council's energy use and emissions (e.g. individual buildings) • Like the inclusion of contractor emissions in Council reporting 	

Internal Officer feedback			
Submission	Principle topic	Summary of submission	Officer's comments and recommendations
Officer 1	Executive Summary	The Executive Summary reads as though FCC is almost a sole entity. We just need an extra half sentence or so to at about paragraph 4 to state that we are driving change towards zero emissions across our community	Change recommended – While Council is not aiming for a 'zero emissions community', which is outside the scope of the plan, it is recommended that the following sentence be added to the Executive Summary: 'Council works closely with its local communities and other stakeholders to progress emission reductions through education, partnerships and projects. Throughout the duration of the Plan, Council will continue to show leadership, collaborate with its partners and encourage others to help achieve a low emissions future.'
Officer 1	Council's Approach	Page 4 regarding Council's Approach – can we include a third arm of <i>Leading/Influencing the community to respond to climate change?</i>	No change recommended – The image is simplified to convey the two distinct areas in addressing climate change, i.e. greenhouse mitigation versus climate change mitigation. 'Leading/influencing the community' is better represented in the 'how to' detail under the 'Key Actions' and related section (i.e. 'Culture and Leadership') within the plan.
Officer 1	Plans and Policies	Can we include <i>Strategies</i> in the heading? Can we put these in alphabetical or chronological order?	Change recommended – Reword title of this section from 'Plans and policies that support this plan' to 'Policies, strategies and plans that support this plan'

Internal Officer feedback			
Submission	Principle topic	Summary of submission	Officer's comments and recommendations
Officer 1	Previous Achievements	Can we include human connections such as the <i>Green Team</i> , <i>Green Network</i> , <i>EnviroNews</i> and the <i>Workshops</i> ?	Changes recommended – Council has implemented an environmental e-newsletter since 2001 and delivered environmental workshops prior to 2000. The internal Green Network (formerly the Green Team) is under review. Recommend adding the commencement of Council's successful community Greening Our Future environmental events series in 2013 to the timeline. Further changes are not recommended to maintain the simplicity of the existing list of Council's previous achievements and keep the focus on its more significant achievements in reducing emissions.
Officer 1	Transport and Fleet	Are we able to have a short explanation regarding the suitability or other of the hybrid vehicles and the electric vehicle?	No change recommended – Council currently has hybrid vehicles included as part of its fleet policy. Vehicles are assessed against the fleet policy and considered on an operational basis. Council will review opportunities to increase the number of hybrids and electric vehicles on its fleet as part of Action T4 'Update Council's corporate motor vehicle code of practice to reflect changes to the Australian Governments Green Vehicle Guide to ensure best in class efficient vehicles are purchased.'
Officer 1	Transport and Fleet	Can we specify that Council contractors must also have <i>approved minimum 3.5 green vehicle star for passenger vehicles and 2.5 green vehicle star for AWD wagons utilities and vans</i> ?	No change recommended – These green vehicle star ratings are outdated and need to be reviewed for relevance by Council in the context of its own fleet (related to Action T4 'Update

Internal Officer feedback			
Submission	Principle topic	Summary of submission	Officer's comments and recommendations
			Council's corporate motor vehicle code of practice to reflect changes to the Australian Government's Green Vehicle Guide and ensure best in class efficient vehicles are purchased.' However, per Action T7 Council will 'Include fuel efficiency standards and greenhouse reporting (fuel usage) requirements in Council's tender documents or contract reviews for major contracts, i.e. waste services, facilities maintenance, asphaltting, plus other contracts where relevant.'
Officer 1	Waste	Key Direction – can we include <i>food compost/waste bins in Council buildings</i> (or encourage each department have a staff member who brings a food scraps tub in every day!)?	No change recommended – Reliance on internal staff to voluntarily collect and dispose of food waste from Council facilities has for the most part previously been unsuccessful, due to staff absences and unreliability. However, Council is currently planning the introduction of a food waste collection service through the existing kerbside collection service. For Council facilities that utilise the kerbside collection service, food waste collection will be a possibility and will be explored by Council staff.
Officer 1	Culture and Leadership	Need a dot point in the Council Plan to state that achieving zero emissions and carbon neutrality are Council priorities	No change recommended – Councillors to note for the future review of the Council Plan.
Officer 1	Action Table additional partners	L9 – include <i>Tenants</i> as an <i>External Partner</i> T2 – include <i>Commercial Services</i> as an <i>Internal Partner</i> T3 – include <i>Finance</i> as an <i>Internal Partner</i> O1 – include <i>Finance</i> as an <i>Internal Partner</i>	Changes recommended – Include suggested changes (using correct titles of Council departments), as well as adding Human Resources to Action T3.

Internal Officer feedback			
Submission	Principle topic	Summary of submission	Officer's comments and recommendations
		C15 – Include the <i>State Government</i> as an <i>External Partner</i> M1 – Include <i>Information Services</i> as an <i>Internal Partner</i> M3 – Include <i>Information Services</i> as an <i>Internal Partner</i>	
Officer 1	Overall report - A number of small changes to improve the report and its contents.	<ul style="list-style-type: none"> - Page 4 regarding co-benefits for taking action – the point <i>may improve property values through high efficiency green buildings</i> could be changed to <i>probable property value increases through high efficiency green buildings</i> (reads better) - Page 17 – typo – 2nd bottom paragraph - <i>minimum 3.5 star green vehicle star...</i> - Appendix 1 – Table 5 – can we put these in size order? 	<p>Changes recommended – Minor grammatical changes per feedback for readability.</p> <p>Appendix 1 – change to alphabetical order of the name of site instead of the size of solar PV system.</p>
Officer 2	Executive Summary	<p>Final sentence change from <i>“By responding to climate change quickly and decisively, Council will reduce its contribution to global warming on both local and international communities, whilst maximising opportunities where they arise.”</i></p> <p>To <i>“By responding to climate change quickly and decisively, Council will reduce its contribution to global warming to benefit both local and international communities <u>and</u> <u>maximise</u> opportunities where they arise.”</i></p>	<p>Change recommended – Update wording per feedback for improved readability.</p> <p>(Note: A number of other wording and grammatical changes were suggested in this submission and where the intent of the text did not change, these amendments were accepted).</p>
Officer 2	Energy Reduction Hierarchy	Add the following sentence – Steps are listed from most to least preferred	Change recommended.
Officer 2	Reduction Target	Add the term and definition for “unavoidable” to the glossary	Change recommended.
Officer 2	Key Actions	Expand the term “PAC”	Change recommended – Change to Packaged Air Conditioner.
Officer 2	Facilities	Add a sentence to 2 nd paragraph with examples of the benefits of shared facilities. Elaborate on “maximise energy performance”	<p>No change recommended – Examples of shared facilities may become outdated within the duration of the plan.</p> <p>Change recommended –</p>

Internal Officer feedback			
Submission	Principle topic	Summary of submission	Officer's comments and recommendations
			Change action from 'Ensure Council's building management systems (BMS) and heating, cooling and air-conditioning systems (HVAC) maximise energy performance' to 'Ensure Council's building management systems (BMS) and heating, cooling and air-conditioning systems (HVAC) are fit-for-purpose and maximise energy efficiency outcomes.'
Officer 2	Public Lighting	Clarification around which lights Council is responsible for.	No change recommended – Broad responsibility for public lighting is outlined in the plan. Due to existing complexity and potential changes, further elaboration of ownership and roles/responsibilities is not recommended.
Officer 2	Culture and Leadership	Fourth point in the table - Provide examples of "energy saving works"	Change recommended – Add examples – e.g. lighting upgrades, insulation, solar power.
Officer 2	Implementation Plan	L3 – Add the term "Gifted Assets" to glossary C4 – Change "workstation fleet"	Changes recommended – Include in glossary and modify "workstation fleet" to "workstation computers and equipment".
Officer 2	Other comments provided	<ul style="list-style-type: none"> • Purchase "green energy" for all Council electricity needs not met by solar installations • ESD standards should limit the size of buildings depending on planned occupancy numbers (smaller size = less heating and cooling) and mandate passive design to reduce heating and cooling needs • Transition banking away from banks that lend to fossil fuel companies, even if this costs more (in terms of dollars) • Green walls and roofs, more street trees 	No changes recommended – - Section 'Offsets and additional considerations' outlines Council's commitment to achieving carbon neutrality (zero net emissions) and the need to purchase carbon offsets to achieve this. Action O1 'Continue to stay abreast of Council's potential to purchase renewable energy from large-scale generation projects to reduce

Internal Officer feedback			
Submission	Principle topic	Summary of submission	Officer's comments and recommendations
		<ul style="list-style-type: none"> • Planning for mixed use areas and advocate for better public transport (especially buses) to reduce car dependency • More protected, continuous and linked bike lanes to promote active transport and reduce car dependency • Encourage bike (including electric bikes) and public transport for staff travel and have bikes to loan for short local trips. (Must be stored undercover in a secure, accessible location) • Carpooling App (no need to reinvent the wheel, they already exist) to reduce single-person car travel to/from work for Council staff 	<p>emissions' could lead to Council purchasing green energy in the future.</p> <p>- Actions P2, P3, P4, P5 and P6 outline Council's commitment to working with builders, developers, other councils and the Victorian Government etc. to improve ESD (environmentally sustainable design) outcomes for new buildings and alterations. In particular, Council officers are undertaking research into the establishment of an ESD policy planning scheme amendment (Action P4) that would require new planning applicants to consider ESD more thoroughly and provide a sustainable design assessment for Council review.</p> <p>- Action C5 'Include fossil fuel evaluation criteria in Council's tender and banking services' demonstrates Council's intent to evaluate these contractors against their commitment to divest from fossil fuels, and will enable Council to make an informed decision on this criteria as part of the evaluation process.</p> <p>- Actions T10 'Continue to implement and review Frankston City's Integrated Transport Strategy' and T11 'Finalise the review and implement the revised Path Development Plan to increase more sustainable transport options (e.g. cycling, walking) across Frankston City' outline Council's commitment to improving local cycling outcomes.</p>

Internal Officer feedback			
Submission	Principle topic	Summary of submission	Officer's comments and recommendations
			<p>- Bicycles for Council staff have been trialled previously at the Civic Centre and were not successful due to limited use and OH&S concerns. Action T6 'Encourage staff to use public transport for business related travel by providing MYKI cards in each department' commits Council to promoting public transport use for staff travel.</p> <p>- A Carpooling App is a good suggestion and will be considered by Council officers in conjunction with the internal Green Network to reduce single-person car travel to/from work for Council staff.</p>

Other comments/suggested changes		
Principle Topic	Suggested Changes	Recommendations
Emissions Profile	<p>Council's greenhouse gas emissions inventory for 2016-17 was updated due to the availability of more accurate electricity and gas data (from previously estimated bills). As a result, Figure 3 in the plan (titled 'Frankston City Council's gross emissions by sector') will need to be updated with new data for 2016-17. The new data of 16,250 tonnes (versus the original reported 16,540 tonnes) was presented to Council as part of the six-monthly annual energy, water and greenhouse report (OM14, 19 November 2018) and will now be used for reporting purposes.</p> <p>Commentary in this section will also need to be updated to accurately reflect changes to the data.</p>	Changes recommended (see suggested changes).
Planning and Environment	<p>Modify the completion dates for selected actions in the 'Planning and Environment' section of the Implementation Plan per below, based on recent progress made by Council officers and a review of the project timelines:</p> <p>P2 – change to 2019-20 (instead of 2020-21) P4 – change to 2019-20 (instead of 2020-21) P5 – change to 2020-21 (instead of 2021-22)</p>	Changes recommended (see suggested changes).
Transport and Fleet	<p>Include commentary in the introduction of this section about the importance of Council staying abreast of electric vehicle technology and infrastructure and opportunities to support electric vehicles where feasible during the review of Council's Integrated Transport Strategy.</p>	Changes recommended (see suggested changes).

Other comments/suggested changes		
Principle Topic	Suggested Changes	Recommendations
Public lighting	Change figure on page 16 from 3,000 mercury vapour, metal halide, fluorescent and high pressure sodium lights to 4,000 lights to reflect new data.	Changes recommended (see suggested changes).
Terminology	Change references to 'low carbon future' throughout the document to 'low emissions future' to encompass all greenhouse gas emission sources more broadly (i.e. not just those from carbon dioxide). Change references to Council's emissions reduction target throughout the document from 'carbon neutral by 2025' to 'zero net emissions by 2025'.	Changes recommended (see suggested changes).
Transport and Fleet	Add new action in this section to 'Continue to invest in and advocate for improvements to transport services and infrastructure in areas of greatest residential density, to increase the public use of low emission modes of transport.' Responsibility: Engineering Services (strategic, implementation), Planning and Environment (strategic) Resourcing: New budget may be required (Operating and Capital) subject to the annual budgeting and prioritisation process. Timing: Ongoing	Changes recommended (see suggested changes).

3. Collated responses to Questions 2 and 3 (Feedback Form)

Question 2: Which of the actions below have you implemented (or are currently doing) to reduce your energy use and greenhouse gas emissions? (optional question)

You can select more than one action in your response.

Answer Choices	No. of Responses
Turning off lights and appliances when not in use	7
Reducing waste to landfill (e.g. limiting the amount of food thrown out)	7
Using fans, closing rooms off and/or other ways to reduce the need for heating and cooling systems	6
Energy efficient lighting (e.g. LEDs or fluorescent lights)	6
Walking, car pooling or catching public transport	5
Buying or using appliances that have a high energy star rating (i.e. are more energy efficient)	5
Window coverings (e.g. curtains, blinds, awnings)	5
Insulation in ceiling or walls/floors etc.	4
Driving a fuel efficient vehicle	2
Purchasing energy through a green power or renewable energy supplier	2
Fixing gaps and cracks around my doors and windows (i.e. draught proofing)	2
Solar power on my property	1
Solar hot water	1
Other (please specify): growing your own food to reduce food miles and transitioning from single use items to reusable ones	1

Question 3. What are the main barriers that prevent you from implementing these actions to reduce your energy use and emissions? (optional question)

You can select more than one barrier in your response.

Answer Choices	No. of Responses
Cost of making changes - i.e. can't afford them	6
Limited time to consider/ research/ implement changes	4
Lack of knowledge / skills	2
I am a renter and this limits what I can do	2
Other priorities	1
Other (please specify): some changes aren't feasible due to a lack of infrastructure or availability of resources	1

Executive Summary**12.11 Major Projects Advisory Committee - Terms of Reference**

Enquiries: (Luke Ure: Community Assets)

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 report on the operation and efficacy of the Major Projects Advisory Committee (MPAC) from May 2018 to December 2018 as per the NOM from Council meeting of 29 Jan 2018 Item 12.10.

Recommendation (Director Community Assets)

That Council notes the effective operation of the Major Projects Advisory Committee (MPAC) and retains the current Terms of Reference for the committee.

Key Points / Issues

- On 14 August 2017, Councillor Glenn Aitken tabled a Notice of Motion regarding NOM 1355 - Major Works and as a result Council resolved:
“Council re-establish the Major Projects Committee (Committee). That the terms of reference for this Committee be arranged in consultation with Councillors and further, this process is to be completed and the Committee activated no later than one (1) month after this resolution is passed by Council”
- On 29 January 2018 Council resolved:
*“1. Adopts the revised Terms of Reference, and
2. Amends the resolution from Council’s Ordinary Meeting on 25 September 2017 (OM307) for a report on the operation and efficacy of the Major Projects Advisory Committee from May 2018 to December 2018 so that the Terms of Reference may be reviewed and refined.”*
- Major Projects were defined as all Major discretionary (new and upgrade) Capital Works projects that significantly impact on Council and/or any substantial projects with total value greater than \$2,000,000 (excl GST).
- The role of the Committee is to:
 - Provide a level of input that will assist Major Projects achieve their intended outcomes and overall community benefits;
 - Receives a report for identified Major Projects that provides an update on time and cost performance and significant issues/risks;
 - Monitor and provide advice on actions in place to manage key issues related to project financials, milestones and risks that have a major implication for Council; and
 - Monitor and provide advice on actions to achieve open and effective stakeholder communication over the life of the project.

12.11 Major Projects Advisory Committee - Terms of Reference**Executive Summary**

- The following MPAC meetings were held in 2018:
 - Meeting No 1 – 12 April 2018 (deferred due to Councillor availability);
 - Meeting No 2 – 26 September 2018; and
 - Meeting No 3 – 28 November 2018.
- Regular updates have been provided on the 12 Major Projects identified in the Capital Works Program (see attachment), along with other projects of interest. Officers were on hand to answer questions raised by Councillors and minutes were taken and disseminated.
- Attendance at these meetings has been by Mayor, Councillors, EMT and officers (including Consultants from time to time) which has led to positive and productive discussions around key projects.
- The meetings have achieved the stated purpose of MPAC as per the Terms of Reference:

“Be updated on the performance and receive and provide advice on Major Projects for best practice project delivery and improved community outcomes.”
- The MPAC meetings should continue in accordance with the Terms of Reference.

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 three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.50 per cent for 2019-2020.

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 implementation of the Major Projects Advisory Committee has had no financial impacts.

Consultation**1. External Stakeholders**

The Major Projects identified are at various stages of consultation with the Community.

2. Other Stakeholders

The Major Projects identified are at various stages of consultation with key Stakeholders.

Analysis (Environmental / Economic / Social Implications)

There are no environmental impacts if the recommendations are adopted.

12.11 Major Projects Advisory Committee - Terms of Reference**Executive Summary**

Environmental, Economic and Social Implications are generally being considered as part of the development of the projects.

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

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

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

Legal

The Advisory Committee will have no delegated power of Council.

Policy Impacts

The establishment of a Major Projects Committee would, at least in part, duplicate other forums available for Council and Councillors to participate in, and oversight the delivery of, major projects.

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 review provided by the Major Projects Advisory Committee is intended to assist the successful delivery of Council's Major Projects.

Conclusion

The delivery of major projects is a component of the Council Plan.

The implementation of a Major Projects Advisory Committee has provided advice and updates on Major Projects for best practice project delivery and improved community outcomes.

It is recommended that the MPAC meetings continue in accordance with the Terms of Reference.

ATTACHMENTS

- Attachment A: [↓](#) Major Projects Advisory Committee - Terms of Reference
Attachment B: [↓](#) Key Major Projects Discussed at MPAC for 2018-19
Attachment C: [⇒](#) Minutes of MPAC Meeting 2 and Meeting 3 (*Under Separate Cover*)



The Major Projects Advisory Committee

Terms of Reference

Major Project Definition

All Major discretionary (new and upgrade) Capital Works projects that significantly impact on Council and/or any substantial projects with total value greater than \$2,000,000 (excl GST).

Membership of the Committee

The Advisory Committee shall consist of any interested Councillors in addition to the Chief Executive Officer (CEO), the Director Community Assets, Manager Sustainable Assets, Coordinator Capital Works Planning & Monitoring and other officers as nominated by the CEO.

A quorum shall comprise a minimum 4 Councillors.

The Committee shall meet every two months (six times per year), on the fourth Wednesday of the month at 6pm, unless otherwise required.

Delegation

The Advisory Committee shall have no delegated power of Council. This Committee shall not over-ride existing project governance structures such Project Control Groups or Project Steering Committees and will not be able to change scope or resources for a project.

Purpose

Be updated on the performance and receive and provide advice on Major Projects for best practice project delivery and improved community outcomes.

Role

The role of the Committee is to:

1. Provide a level of input that will assist Major Projects achieve their intended outcomes and overall community benefits;
2. Receives a report for identified Major Projects that provides an update on time and cost performance and significant issues/risks;
3. Monitor and provide advice on actions in place to manage key issues related to project financials, milestones and risks that have a major implication for Council; and
4. Monitor and provide advice on actions to achieve open and effective stakeholder communication over the life of the project.



Procedures of the Committee

1. The CEO brings before the Committee all major discretionary (new and upgrade) Capital Works projects that significantly impact on Council and/or any substantial projects with total value greater than \$2,000,000 (excl GST).
2. Both the Committee and/or Council can nominate other Council funded projects to be discussed by the Committee.
3. Council officers are to provide timely and comprehensive support and assistance to the Committee.
4. The CEO may call upon any person to assist the Committee to understand the projects purpose, scope and progress.
5. Meetings will be held in camera, as determined by the Committee.
6. A contract of confidentiality will be signed by all persons on the Committee.
7. The Committee may request the CEO to provide resources or engage a third party professional, at Council's expense, to advise the Committee.
8. The Committee is to be advised of issues affecting a project and where necessary may request a formal report to Council of its findings.
9. Where the Mayor is attending, the Mayor shall be offered the chair, otherwise the chairperson shall be the Deputy Mayor and in both the Mayor and Deputy Mayor absence, nominated by the remaining Committee members.
10. Any issues presented to the Committee regarding a Major Project will be delegated to the CEO to resolve within a set time frame or referred for formal Council direction where appropriate.
11. The Committee is to provide due consideration to the communication process as per the Community Engagement Policy.

Meeting Procedure

The agenda shall be of a standard format as initially agreed with the Chairperson, however, the Chairperson shall have the flexibility to amend the agenda items to ensure that the order of business during meeting is appropriate and all matters are considered as tabled. The execution of the meeting must be flexible, but allow for orderly discussions, and the advancement of information, decisions and guidance.

Minutes will be recorded and confirmed at the next Major Projects Advisory Committee Meeting. The minutes will be tabled in Closed Council at the next available Ordinary Meeting.

Next Review: December 2018



Key Major Projects Discussed at MPAC

Key Projects for 2018/19		
Department	Project No	Project Title
Facilities	4181	New Child & Family Centres -Seaford Langwarrin Belvedere
Capital Works Delivery	3909	Special Charge Scheme - Newton Avenue and Weeroona Road, Langwarrin
Capital Works Delivery	4194	Olivers Hill Coastal Breakwater & Frankston Coast Guard
Facilities	1906	Centenary Park Sporting Complex (Major Project)
Facilities	4102	Overport Park Pavilion
Facilities	4217	Ballam Park Soccer Pavilion
Facilities	4221	Jubilee Park Indoor Centre
Capital Works Delivery	4257	Frankston Park Oval 1 lighting
Capital Works Delivery	4260	Carrum Downs Oval 3 - Synthetic Surface (Major Project)
Capital Works Delivery	4276	Belvedere Reserve Upgrade
Facilities	4358	Pat Rollo Reserve Pavilion (Major Project)
Capital Works Delivery	4015	Station Street Mall Upgrade (Stage 1 - west of Clyde Street)

Executive Summary**13.1 Response to NOM1316 - Frankston Ambassador Site Status Report**

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 a status update on actions currently being undertaken to address issues at the Frankston Ambassador site.

Recommendation (Director Community Development)

That Council:

1. Notes the status report.
2. Notes that Council officers will continue to monitor and investigate any issues and/or breaches of relevant Acts and Regulations emanating from the Frankston Ambassador site.

Key Points / Issues

- A report "Response to NOM1316 – Former Frankston Ambassador Site" was presented at Ordinary Meeting 23 July 2017. As an outcome of that report Council requested:

8. "That a status report on the state of the Frankston Ambassador complex be provided in 6 months"

- Council officers continue to monitor the Frankston Ambassador Complex on a proactive basis to identify breaches of relevant Acts and Regulations with a zero tolerance approach to non-sanctioned dumped rubbish at the entrances of the complex and any other non-compliance of legislation or the General Local Law No. 8 - 2016. In the work to address safety concerns and anti-social behaviour officers continue to work with State Agencies including Victoria Police and Country Fire Authority (CFA).

- **Building Services**

51/325 Nepean Highway Frankston (the former chapel building)

- 2 November 2018 - Building officers issued an Emergency Order to vacate the building
- 20 November 2018 - a Building Notice was issued to show cause why the building is not being used for the approved use (the current residential use is not an approved use at this location).

The owners had until end of December 2018 to reply. As no response has been received officers are currently preparing a Building Order.

44/325 Nepean Highway Frankston

- 14 December 2018 a Building Notice was issued for the following:
 - Why the occupation of the building for residential use should not be prohibited

13.1 Response to NOM1316 - Frankston Ambassador Site Status Report**Executive Summary**

- Why the owner should not demolish and remove the roofed structures and fence extensions
- Why the owner should not remove the gate blocking access to Kitson Street that is to be used in case of an emergency

The owner had until 14 January 2019 to respond to the Building Notice. As no response has been received officers are currently preparing a Building Order.

• Compliance & Safety

There have been 4 complaints received in recent months:

- 3 October 2018 – Dumped litter – an investigation was undertaken; as no identification was found, the litter was removed by Council.
- 2 November 2018 – Animal at large – Animal was taken to Lost Dogs Home and released later to owner by Lost Dogs Home.
- 9 November 2018 - Dumped litter – an investigation was undertaken; as no identification was found, the litter was removed by Council.
- 6 December 2018 – Reported animal at large – when officers attended no animal could be found.

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 three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.50 per cent for 2019-2020.

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**

VicPol

CFA

SalvoCare

2. Other Stakeholders

Community Safety Department

Analysis (Environmental / Economic / Social Implications)

Council’s Local Laws and most State Government legislation aim to improve the fabric of the community through enforcement of appropriate controls over various activities.

13.1 Response to NOM1316 - Frankston Ambassador Site Status Report**Executive Summary****Legal / Policy / Council Plan Impact**Charter of Human Rights and Responsibilities

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

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

Legal

Litter is enforced under the Environment Protection Act 1970 (EPA) and specifically imposes an obligation on a person to not litter on any land. Litter has an exhaustive definition. In the case of Council's General Local Law 2016 - No. 8 Council has a regulatory role in enforcing requirements for waste management activities in their jurisdiction and in litter prevention, education and enforcement under the EPA.

Building safety concerns are enforced under the Building Act 1993.

Policy Impacts

It is not anticipated that there will be any impact on any existing 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

Anti-social behaviour and crime have a compounding impact. To mitigate against these impacts Council, police and other agencies work in partnership to share intelligence and provide a consistent approach to addressing any anti-social behaviour. This includes the issuing of Building Notices, Notices to Comply and proactive patrols of the public realm surrounding the Ambassador site.

Conclusion

Whilst it is acknowledged that anti-social behaviour exists, work continues with other agencies and members of the public to address these issues.

Officers are currently working with State Agencies including VicPol and CFA to address building safety concerns and anti-social behaviour.

Council officers will continue to monitor the Frankston Ambassador Complex on a proactive basis to identify any breaches of relevant Acts and Regulations with a zero tolerance approach to non-sanctioned dumped rubbish at the entrances of the complex.

ATTACHMENTS

Nil

Executive Summary**13.2 Response to 2018/NOM60 - Artwork for Frankston Train Station**

Enquiries: (Andrew Moon: Community Development)

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.2 Vibrant and Engaged
Priority Action	2.2.2 Promote Frankston City's reputation as an arts, festivals and events destination

Purpose

To brief Council on progress relating to advocacy for an artwork for Frankston train station.

Recommendation (Director Community Development)

That Council:

1. Notes response from LXRA.
2. Places the Frankston Train Station on the identified gateway sites for future consideration of an Artwork.
3. Notes Council officers will pursue discussions with State Government and present a proposal to the July 2019 Council meeting.

Key Points / Issues

- At Ordinary Meeting 1 October 2018, Councillor Toms put forward the following Notice of Motion:
“That Council writes to the State Member for Frankston, Mr Paul Edbrooke MP and the Chief Executive Officer for the Level Crossing Removal Authority, Mr Kevin Devlin advocating for artwork or a sculpture as part of the new Frankston Train Station precinct and offering the services of the Frankston Arts Board on this matter and that a report come back to the 10 December 2018 Council meeting on any findings.”
- At its 23 October 2018 Board meeting the Frankston Arts Board approved their involvement with 2018/NOM60.
- On 9 November 2018 council wrote to Mr Kevin Devlin, CEO Level Crossing Removal Authority and Mr Paul Edbrooke MP advocating for a piece of artwork to be installed within the new Frankston Train Station precinct. (See Attachment A.)
- On 2 January 2019 Council received a response from Mr Kevin Devlin, CEO Level Crossing Removal Authority offering the following:
*“The architecturally-designed station is part of the Victorian Government's \$63 million revitalisation program, however the installation of artwork was not in the scope of this project.
Notwithstanding, the Level Crossing Removal Authority (LXRA) would be happy to work with Council on any art installation Council chooses to fund in the precinct.” (See Attachment B)*

13.2 Response to 2018/NOM60 - Artwork for Frankston Train Station**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 three financial years has been 2.5 per cent, 2.0 per cent and 2.25 per cent respectively and has been set at 2.5 per cent for 2019-2020.

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.

Should Council choose to proceed with the commissioning of an Artwork for Frankston Train Station there would be a requirement to provide capital funds in future budgets in the order of \$150K – \$200K.

Consultation**1. External Stakeholders**

LXRA and State Member for Frankston, Mr Paul Edbrooke MP

2. Other Stakeholders

Frankston Arts Board

Analysis (Environmental / Economic / Social Implications)

Provision of an artwork at Frankston Train Station would contribute to providing a safe and engaging environment for the community.

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

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

Legal

N/A

Policy Impacts

Provision of an artwork at Frankston train station aligns to Council Plan Initiative 2.2.2 “Promote Frankston City’s reputation as an arts, festival and events destination”.

Officer’s Declaration of Interests

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

Risk Mitigation

N/A

Conclusion

Provision of an artwork at Frankston train station aligns to Council Plan Initiative 2.2.2 “Promote Frankston City’s reputation as an arts, festival and events destination”, and contributes to providing a safe and engaging environment for the community.

13.2 Response to 2018/NOM60 - Artwork for Frankston Train Station**Executive Summary**

It is proposed that Council officers with the assistance of the Frankston Arts Board pursue discussions with State Government regarding the development of a concept for an artwork at Frankston Train Station.

ATTACHMENTS

- Attachment A: [↓](#) Letter from CEO FCC to CEO of Level Crossing Removal Authority
- Attachment B: [↓](#) Level Crossing Removal Authority response letter dated 09 11 2018



Frankston City Council

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Mr Kevin Devlin
CEO Level Crossing Removal Authority
14/121 Exhibition Street
MELBOURNE VIC 3004

9 November 2018

Dear Kevin

FRANKSTON STATION - ARTWORK FOR FRANKSTON TRAIN STATION PRECINCT

At its Ordinary Meeting on 1 October, Councillor Toms moved a Notice of Motion advocating for a piece of artwork to be installed within the new Frankston Train Station precinct. Councillor Toms also sought support from the Council's Frankston Arts Board (the Board) to consider this great opportunity of enhancing the Frankston Train Station Precinct through perhaps, a projection / light installation or sculptural piece of art.

The Board, at its 23 October meeting unanimously agreed to support this venture and offered their services on the matter.

I am writing to you today to express Council's goal in providing a safe and engaging environment for the community and that it is our hope that by supporting artistic treatments of key areas throughout our municipality that we will make great leaps in achieving this.

Council is seeking your approval of this venture and look forward to working with you to attain our vision.

To discuss this matter further please feel free to contact myself on the details above.

Yours faithfully

Dennis Hovenden
CHIEF EXECUTIVE OFFICER

cc. Paul Edbrooke MP



Ref: COR/18/963878

Mr Dennis Hovenden
Chief Executive Officer
Frankston City Council
PO Box 490
FRANKSTON VIC 3199



Dennis
Dear Mr. Hovenden

Thank you for your letter of 9 November 2018 about a potential art installation for the Frankston Station precinct.

The architecturally-designed station is part of the Victorian Government's \$63 million revitalisation program, however the installation of artwork was not in the scope of this project.

Notwithstanding, the Level Crossing Removal Authority (LXRA) would be happy to work with Council on any art installation Council chooses to fund in the precinct.

Thank you for taking the time to write. I appreciate your interest in this vital infrastructure project. If you require further information, please contact LXRA via email contact@levelcrossings.vic.gov.au or phone 1800 105 105.

Yours sincerely

Kevin Devlin
Kevin Devlin
Chief Executive Officer

20/12/2018



Level 9, 121 Exhibition Street, Melbourne Victoria 3000
GPO Box 4509 Melbourne VIC 3001
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14.1 2019/NOM4 - Eel Race Road Rail Crossing

On 8 January 2019 Councillor Glenn Aitken gave notice of his intention to move the following motion:

That Council reaffirms its view that Eel Race Road, Seaford rail crossing be retained and that, accordingly, Council's resolution, adopted at its meeting on 1 May 2017, be expressed to the Premier, Minister for Transport Infrastructure and the Member for Carrum, Sonya Kilkenny, MP.

COMMENTS BY DIRECTOR COMMUNITY ASSETS

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 Comments: Only a letter is required to be issued.
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

14.1 2019/NOM4 - Eel Race Road Rail Crossing

Question for Consideration	
14. What is the estimated cost of implementing the NoM?	Year 1: \$ Recurring: \$ Comments: Costs are minimal because this NOM only requires a letter to be issued. Note that the State Government's construction involving the closure of the rail crossing at Carrum Station, requiring the closure of Eel Race Road, is expected to commence around March 2019.

ATTACHMENTS

Nil

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 Outcomes of the Audit and Risk Committee meetings

Agenda Item C.1 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.2 Authorisation of Use of Council Seal for Years of Service Certificates

Agenda Item C.2 Authorisation of Use of Council Seal for Years of Service Certificates is designated confidential as it relates to personnel matters (s89 2a)

C.3 Labour Hire Arrangements

Agenda Item C.3 Labour Hire Arrangements is designated confidential as it relates to personnel matters (s89 2a)

C.4 Minutes of the Frankston Arts Board - 20 November 2018

Agenda Item C.4 Minutes of the Frankston Arts Board - 20 November 2018 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 Mayoral Chains

Agenda Item C.5 Mayoral Chains 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 Award of Contract - Printer Replacement Contract

Agenda Item C.6 Award of Contract - Printer Replacement Contract is designated confidential as it relates to contractual matters (s89 2d)

C.7 Update on Big Picture Fest

Agenda Item C.7 Update on Big Picture Fest is designated confidential as it relates to proposed developments (s89 2e)

C.8 RF Miles Reserve Update

Agenda Item C.8 RF Miles Reserve Update 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.9 Audit and Risk Committee – Chairperson's Annual Report to Council

Agenda Item C.10 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):



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Signed by the CEO