



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 3 APRIL 2017 at 7PM**

PRESENT	Cr. Brian Cunial (Mayor) Cr. Sandra Mayer Cr. Glenn Aitken Cr. Colin Hampton Cr. Michael O'Reilly Cr. Steve Toms Cr. Quinn McCormack Cr. Kris Bolam Cr. Lillian O'Connor
APOLOGIES:	Nil.
ABSENT:	Nil.
OFFICERS:	Mr. Dennis Hovenden, Chief Executive Officer Mr. Tim Frederico, Director Corporate Development Ms. Leonie Reints, Manager Community Safety Mr. Michael Papageorgiou, Manager Planning & Environment Mr. Robert Lean, Strategic Planner Mr. George Vass, Manager Commercial Services Mr. Michael Craighead, Manager Administration & Corporate Projects Ms. Natalie Cincotta, Coordinator Communications Ms. Andrea Gaynor, Executive Manager Mayor & CEO Office
EXTERNAL REPRESENTATIVES:	Nil

COUNCILLOR STATEMENT

Councillor Hampton made the following statement:

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

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

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

Chairperson's initials

PRAYER

At the request of the Mayor, Councillor O'Connor read the Opening Prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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



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1. PRESENTATION TO COMMUNITY GROUPS

Councillor Steve Toms on behalf of Frankston City Council presented a Certificate of Appreciation to the Rotary 2.0 Community Group for their contribution to the Birth Tree Project.

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM298 held on 14 March 2017.

Council Decision

Moved: Councillor O'Connor

Seconded: Councillor Toms

That the minutes of the Ordinary Meeting No. OM298 held on 14 March 2017 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES

Nil

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

The Mayor declared an interest in Item 11.4 Planning Application 556/2016/P – 223 Beach Street, Frankston – To use the land to sell liquor (NQR Beach Street). The declaration has been made in writing to the Chief Executive Officer. The Mayor will leave the Chamber during discussion and voting on the matter.

Councillor Toms declared an interest in Item 12.2: 2017 National General Assembly of Local Government from 18 to 21 June 2017 - Canberra ACT. The declaration was made prior to the item being brought before the Council for consideration.

5. PUBLIC QUESTION TIME

Four (4) persons submitted questions with notice to Council. At the request of the Mayor, the Chief Executive Officer read the questions and answers to the gallery. The questions and answers are contained in Appendix.

6. HEARING OF PUBLIC SUBMISSIONS

Mr. Brian Bird made a submission to Council regarding Item 11.1: Town Planning Application 392/2016/P – 66a Cliff Road, Frankston South – To construct two (2) double storey dwellings and to construct buildings and works in a Design and Development Overlay (Schedule 9);

Mr Kerry Shade made a submission to Council regarding Item 11.1: Town Planning Application 392/2016/P – 66a Cliff Road, Frankston South – To construct two (2) double storey dwellings and to construct buildings and works in a Design and Development Overlay (Schedule 9);

Ms Julia Freebourne made a submission to Council regarding Item 13.5: NOM 1299 – Level Crossing Removal;

Mr Alex Ivanov made a submission to Council regarding Item 13.5: NOM 1299 – Level Crossing Removal;

Ms Moira Harbour made a submission to Council regarding Item 13.5: NOM 1299 – Level Crossing Removal;

Mr Michael Telleson made a submission to Council regarding Item 13.5: NOM 1299 – Level Crossing Removal;

Mr Mike Robertson made a submission to Council regarding Item 11.4: Planning Application 556/2016/P – 223 Beach Street, Frankston – To use the land to sell liquor (NQR Beach Street);

Ms Linnea Gosewinckel made a submission to Council regarding Item 11.2: Planning application 348/2016/P – 14 Sandpiper Place Frankston – Change of use of the existing building into forty-four (44) dwellings through internal works and a reduction of car parking;

Ms Katelyn Nash made a submission to Council regarding Item 11.2: Planning application 348/2016/P – 14 Sandpiper Place Frankston – Change of use of the existing building into forty-four (44) dwellings through internal works and a reduction of car parking;

Ms Dianeme Rasmussen made a submission to Council regarding Item 11.2: Planning application 348/2016/P – 14 Sandpiper Place Frankston – Change of use of the existing building into forty-four (44) dwellings through internal works and a reduction of car parking;

7. ITEMS BROUGHT FORWARD

Items Brought Forward

Council Decision

Moved: Councillor Hampton

Seconded: Councillor McCormack

That items:

- 11.1: Town Planning Application 392/2016/P – 66a Cliff Road, Frankston South – To construct two (2) double storey dwellings and to construct buildings and works in a Design and Development Overlay (Schedule 9);
- 11.2: Planning application 348/2016/P – 14 Sandpiper Place Frankston – Change of use of the existing building into forty-four (44) dwellings through internal works and a reduction of car parking;
- 11.4: Planning Application 556/2016/P – 223 Beach Street, Frankston – To use the land to sell liquor (NQR Beach Street);
- 13.5: NOM 1299 – Level Crossing Removal and;
- C.2: Frankston District Basketball Association – Update

be brought forward.

Carried Unanimously

8. PRESENTATIONS / AWARDS

NIL

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

NIL

10. DELEGATES' REPORTS

NIL

ITEMS BROUGHT FORWARD**11.1 Town Planning Application 392/2016/P - 66a Cliff Road, Frankston South - To construct two (2) double storey dwellings and to construct buildings and works in a Design and Development Overlay (Schedule 9)**

(MP Community Development)

Recommendation (Director Community Development)

That:

1. Council notes receipt of the petition tabled at 14 March Ordinary Meeting.
2. The Head Petitioner be advised in writing of the action taken.
3. Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 392/2016/P to construct two (2) double storey dwellings and to construct buildings and works in a Design and Development Overlay (Schedule 9) at 66a Cliff Road Frankston South, subject to the following conditions:

Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application but modified to show:
 - (a) The redesign of Dwelling 2's kitchen/living/meals room and WC/laundry/pantry to improve access to natural daylight in accordance with Standard B10 of Clause 55.03 of the Frankston Planning Scheme.
 - (b) Deletion of the notation "existing crossover" for Dwelling 1 and replace with "proposed crossover".
 - (c) Provision of an external material finishes and colours schedule, including details of all external screening measures.
 - (d) Setback of the garage of Dwelling 2 from the southern boundary increased to a minimum of 4 metres with the double garage reduced to a single garage and a tandem space.
 - (e) The location of the pump and filters of the swimming pools. The locations of these services are to be located away from adjoining habitable rooms to protect of adjoining properties from associated noise.
 - (f) A minimum of 6 square cubic metres of storage facilities for both dwellings in accordance with Standard B30: Clause 55.05 of the Frankston Planning Scheme.
 - (g) The provision of a freestanding trellis in accordance with Condition 3;
 - (h) A Landscape Plan in accordance with Condition 4;
 - (i) All trees growing on the site and on the adjoining properties within 3m of the boundaries must be clearly illustrated on all relevant plans to demonstrate canopy width, trunk location and clearly labelled in accordance with the Arboricultural Impact Assessment Report prepared by Independent Arb Services dated 27th May 2016 and clearly state whether the tree is to be retained or removed to the satisfaction of the Responsible Authority.
 - (j) The Tree Protection Zone and Structural Root Zone for all trees to be retained and the tree protection fence locations must be illustrated on all

Chairperson's initials



relevant plans to the satisfaction of the Responsible Authority.

- (k) Tree protection conditions noted in accordance with Condition 6, 7 and 8;
- (l) A Tree Protection Management Plan in accordance with Condition 9 and 10;
- (m) A notation of the driveway to Dwelling 2 to be constructed in accordance with Conditions 14 & 15; and
- (n) Lighting in accordance with Condition 26.

No Alterations

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

Prior to Occupation

- 3. Prior to the occupation of the development, a freestanding trellis (maximum 25% openings) must be erected above the existing fence to the north, west and east boundary of the site. The trellis must have an overall height of 2.2 metres above natural ground level, to restrict overlooking into the adjoining residential property to the satisfaction of the Responsible Authority. The trellis must be framed and thereafter maintained to the satisfaction of the Responsible Authority.

Landscape Plans

- 4. Before the commencement of buildings and works, a landscape plan in prepared by a suitability qualified person must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - (a) A Survey (including botanical names) of all existing vegetation on the site and those located within three (3) metres of the boundary of the site on adjoining properties, accurately illustrated to represent canopy width and labelled with botanical name, height and whether the tree is proposed to be retained and/or removed;
 - (b) Buildings on neighbouring properties within three metres of the boundary;
 - (c) the delineation and details of surface finishes of all garden beds, grassed areas, pathways, driveways, retaining walls and other landscape works including areas of cut and fill throughout the development site;
 - (d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;
 - (e) a range of plant types from ground covers to large shrubs and trees;
 - (f) landscaping and planting within all open areas of the site
 - (g) adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - (h) the provision of screen planting (minimum mature height of 1.5m) within a landscape strip of 60cm at the interface of the property boundary and driveway;
 - (i) A planting theme of a minimum 20% indigenous, 40% native within each plant group;
 - (j) All existing environmental weed species are to be removed from the site

and environmental and noxious weeds found in the 'Sustainable Gardening in Frankston City' (2015) booklet are not to be planted;

- (k) the provision of suitable canopy trees (minimum two metres tall when planted) in the areas specified below (trees are not to be sited over easements) with species chosen to be approved by the Responsible Authority:
 - (i) Two (2) with the front setback with a minimum mature height of eight (8) metres;
 - (iii) One (1) within each private open space of all dwellings to a minimum mature height of seven (7) metres.
- (l) the provision of notes on the landscape plan regarding site preparation, including in-ground irrigation system to be provided to all landscaped areas, removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.

Trees are not to be sited over easements.

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

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

Tree Protection

- 6. Tree protection must be carried out in accordance with the Australian Standard AS 4970 – 2009 Protection of trees on development sites to the satisfaction of the Responsible Authority. The tree protection fence must remain in place for the duration of building and works to the satisfaction of the Responsible Authority.
- 7. Prior to the commencement of the development (including vegetation removal), a Tree Protection Fence defined by a 1.8 metre high (minimum) temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting with a high visibility plastic hazard tape, must be installed around the T.P.Z. of retained trees where occurring on the subject site and reduced by the minimum amount to construct approved works to the satisfaction of the Responsible Authority. Fences should not obstruct the nature strip. A fixed sign is to be provided on all visible sides of the Tree Preservation Fencing, stating "Tree Preservation Zone – No entry without permission from Frankston City Council".

The following requirements must be observed within the tree preservation zone area –

- (a) Course mulch laid to a depth of 50-100 mm (excluding street trees).
- (b) No vehicular or pedestrian access.
- (c) The existing soil level must not be altered either by fill or excavation.
- (d) The soil must not be compacted or the soil's drainage changed.
- (e) No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are to be disposed of or stored.
- (f) No storage of equipment, machinery or material is to occur.
- (g) Open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used unless approved by the Responsible authority to tunnel beneath.
- (h) Nothing whatsoever, including temporary services wires, nails, screws or any other fixing device, is to be attached to any tree.

- (i) Tree roots must not be severed or injured,
- (j) Machinery must not be used to remove any existing concrete, bricks or other materials.

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

Tree Pruning

8. All tree pruning is to be carried out by a qualified and experienced Arborist who has a thorough knowledge of tree physiology and pruning methods. Pruning must be carried out in accordance with Australian Standard AS4373-2007 Pruning of Amenity Trees. If pruning works are to be undertaken then these works should be carried out prior to any construction works beginning on site. Any pruning of trees located on a neighbouring property should be undertaken in consultation with the property owner.

Tree Protection Management Plan

9. A Tree Protection Management Plan prepared in accordance with Frankston City Council's 'Arboricultural Reporting Guidelines' must be submitted to and approved by the Responsible Authority prior to the commencement of the approved development and works (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings) and when approved will be endorsed and form part of this permit. The plan must contain as a minimum but not limited to the following information:
- (a) The Tree Protection Zones (TPZ) for each tree being retained including restricted activities and required actions within the protection zones;
 - (b) Details on the Tree Protection Fence locations, any ground protection requirements and site access route(s);
 - (c) Identify construction methods and equipment to be utilised for the root sensitive footings for the dwellings and fences. Details to include non-invasive root exploration, footing relocation (when/where deemed necessary) and root pruning;
 - (d) Identify construction methods and materials for the section of the garage and driveway for the protection of Tree *Quercus robur*;
 - (e) Identify pre and post construction care measures;
 - (f) Identify any tree canopy pruning necessary to provide clearance for the development to and any remedial works required;
 - (g) Identify key supervision and monitoring stages of the development;
 - (h) Location of all underground services;
 - (i) Calculation of % encroachment of works;
 - (j) Develop a communication plan that provides contact information for a designated individual responsible for ensuring work adheres to the approved Tree Protection Plan. The designated individual will also ensure contractors working at the development site are aware of the Approved Tree Protection Plan.
10. All proposed and existing overhead and underground services must be indicated on the relevant plans ensuring any underground services are diverted around the trees protection zone where possible or laid beneath the root profile by method of directional boring to the satisfaction of the Responsible authority.
11. The development must be undertaken in accordance with the recommendations of the approved Tree Protection Management Plan to ensure that the development does not adversely impact on the health, life expectancy and structural stability of the trees to be retained, to the satisfaction of the Responsible Authority.
12. Tree protection fences must be installed prior to the commencement of the

development (including demolition) and remain in place for the duration of works (unless stated otherwise in the approved Tree Protection Management Plan) to the satisfaction of the Responsible Authority.

13. A representative from Council's Planning & Environment Department is required to inspect the Vegetation Protection Fencing prior to any works commencing on site.

Tree Protection: Construction

14. Within 10.6 metres of the Tree Protection Zone associated with Tree *Quercus robur* the following is required to the satisfaction of the Responsible Authority.
 - (a) No excavation works are to be undertaken within the structural root zone of the Tree *Quercus robur*,
 - (b) Accurately survey and stakeout the area of the excavation for the footings;
 - (c) Any excavation within the T.P.Z. of the *Quercus robur* must be done by hand and in the presence of a Qualified Arborist;
 - (d) Smaller roots can be cut cleanly with a sharp implement in accordance with AS4373-2007 by a suitably qualified and experience Arborist.
15. The driveway for Dwelling 2 must be constructed above the existing soil grade and be of air and water permeable material such as sand based paving, no fine concrete or similar is to be used within the Tree Protection Zone of *Quercus robur*.

Drainage

16. The swimming pool backwash must be connected to the sewerage system to the satisfaction of the Responsible Authority.
17. Provision of a Stormwater Detention System with a volume capable of retarding the 10 year ARI flow from the development site back to a 5 year ARI pre-development value to the satisfaction of the Responsible Authority.
18. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
 - On-site stormwater detention and rainwater tanks.
 - Soil percolation
 - Stormwater harvesting and Re-use of stormwater for garden watering, toilet flushing, etc
 - On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.
19. Prior to commencement of development construction detailed design plans and drainage computations of the internal stormwater drainage system including the method of connection to the existing Council drainage infrastructure are to be submitted and approved to the satisfaction of the Responsible Authority.
20. Existing vehicle crossing to be retained. Should the crossing be damaged during the construction works, the crossing must be reconstructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
21. All new Vehicle Crossings must be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
22. Where the development involves work on or access to Council controlled land including roads, reserves and right of way, the owner, operator and their agents under this permit must at all times take adequate precautions to maintain works to the highest public safety standards, to the satisfaction of the Responsible Authority.

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

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

Urban Design

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

Completion of Buildings and Works

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

Permit Expiry

28. This permit will expire if one of the following circumstances applies:
 - The development is not commenced within two (2) years of the date of this permit.
 - The development is not completed within four (4) years of the date of this permit.

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

Notes

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

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

D. Street Numbering

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

Proposed Street Numbering is provided by the following:

Unit 1 on 392/2016/P - 66B Cliff Road Frankston South VIC 3199 (next door to 66 Cliff Road)

Unit 2 on 392/2016/P - 66A Cliff Road Frankston South (next door to 68 Cliff Road)

This numbering is in accordance with 4018:2011 Rural and Urban Addressing Standards. There is no alternative numbering available for this development.

Cr Bolam left the Chamber at 8.22pm.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor McCormack

That Council resolves to issue a notice of refusal to grant the planning permit. The grounds for refusal being:

1. The proposal is inconsistent with current neighbourhood character and does not meet the objectives of DD09.
2. The proposed set backs are inconsistent with the predominant set backs in the street.
3. Failure to sufficiently address adequate provision for canopy vegetation given particularly that this application falls within the DD09 (Sweetwater Creek area).
4. That Council notes that vegetation removal consent has been sought retrospectively.

Carried Unanimously

Cr Bolam was absent from the Chamber for the vote.

11.2 Planning application 348/2016/P - - 14 Sandpiper Place Frankston - Change of use of the existing building into forty-four (44) dwellings through internal works and a reduction of car parking

(MP Community Development)

Cr Bolam returned to the Chamber at 8.25pm.

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

That Council resolves to issue a Notice of Refusal to Grant a Planning Permit in respect to Planning Permit Application number 348/2016/P for a Change of use of the existing building into forty-four (44) dwellings through internal works and a reduction of car parking at 14 Sandpiper Place, Frankston, subject to the following grounds:

1. The proposed development is inconsistent with the objectives of the State and Local Policy Framework of the Frankston Planning Scheme, including:
 - Clause 15.01 – Urban Development
 - Clause 16.01 – Residential Development
 - Clause 21.07 – Housing
2. The proposal fails to achieve satisfactory compliance with the objectives and standards of Clause 55 of the Frankston Planning Scheme, in particular:
 - Clause 55.04 – Amenity Impacts
 - Clause 55.05 – On-site amenity and facilities
 - Clause 55.05-4 – Private Open Space
 - Clause 55.05-6 - Storage
3. The proposal fails to provide adequate on-site management or supervision of the proposed use to ensure that the use does not have a detrimental impact on the amenity of the area.
4. The purpose built building is not suitable for conversion into separate dwellings for individual independent use as proposed.
5. The proposal fails to provide adequate levels of internal amenity, privacy and secluded private open space.
6. The proposal fails to provide adequate onsite car parking facilities, management or control of the car parking facility in accordance with Clause 52.06 of the Frankston Planning Scheme.

Carried Unanimously

11.4 Planning Application 556/2016/P - 223 Beach Street, Frankston - To use the land to sell liquor (NQR Beach Street)

(MP Community Development)

The Mayor declared an interest and advised that he would leave the Chamber while discussions took place. The Mayor left the Chamber at 8.35pm.

The Deputy Mayor, Cr Toms took the Chair.

Cr McCormack left the Chamber at 8.37pm

Cr McCormack returned to the Chamber at 8.38pm

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

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 556/2016/P to use the land for the sale of packaged liquor at 223 Beach Street Frankston, subject to the following conditions:

No Alterations

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

Anti-Theft

2. The licensee/permit holder must install and maintain an anti-theft system to minimise the theft of products supplied by the licensee. The approved anti-theft system is to be installed within 28 days of the licensee commencing the supply of liquor from the increased red line area.

Liquor Licence Requirements

3. Unless with the prior written consent of the Responsible Authority, the sale of alcohol must only take place at the premises during the following hours:
 - Any day other than Sunday, Good Friday, Anzac Day or Christmas Day 9:00am to 8:00pm
 - Sunday 10:00am to 5:00pm
 - Anzac Day 12pm to 8:00pm

Amenity

4. The licensee/permit holder shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence/permit relates during or immediately after trading hours authorised by the licence/permit.

Permit Expiry

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

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

Notes

- A. Any request for an extension of time, or variation/amendment of this permit must

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be lodged with the relevant fee.

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

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

Carried Unanimously

The Mayor returned to the Chamber at 8.40pm.

13.5 NOM 1299 - Level Crossing Removal

(TH Community Development)

That Council:

1. Requests from the Level Crossing Removal Authority and the Hon Jacinta Allen MP, Minister for Transport, as a matter of urgency, the release of all technical reports and associated information to the Council and community, which provides justification for the chosen options for treatments at the Frankston railway line grade separations located within the Frankston municipality.
2. Notes that the State Government has failed to provide all of the information as requested previously by Council to date.

Cr McCormack sought leave of Council to amend Notice of Motion 1299.

Council Decision

Moved: Councillor McCormack

Seconded: Councillor Bolam

1. Requests from the Level Crossing Removal Authority and the Hon Jacinta Allen MP, Minister for Transport, as a matter of urgency, the release of all technical reports and associated information to the Council and community, which provides justification for the chosen options for treatments at the Frankston railway line grade separations located within the Frankston municipality.
2. Notes that the State Government has failed to provide all of the information as requested previously by Council to date.
3. Technical information also be sought on the proposed – and council opposed – Seaford/Kananook train stabling yard.

Carried Unanimously

Procedural Motion

Moved: Councillor Hampton

Seconded: Councillor Aitken

That the Item C.2: Frankston District Basketball Association – Update be brought into Open Council.

Carried Unanimously

C.2 Frankston District Basketball Association Update

(GV Corporate Development)

Items Brought Forward from Closed Council**Moved: Councillor Hampton****Seconded: Councillor Aitken**

That item C2: Frankston District Basketball Association Update be moved into Open Council.

Carried Unanimously

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

That Council:

1. Retracts all previous offers to the FDBA regarding rental and lease terms, but confirms that Council will honour the current lease arrangements for the existing premises.
2. Agrees to commit an additional \$1m to the Stage 1 redevelopment to replace the \$1m conditional commitment made by the Frankston District Basketball Association (FDBA), with this funding to be allocated from Council's Strategic Projects Reserve.
3. Confirms the Chief Executive Officer's (CEO) authority to enter into a contract with Devco Project and Construction Management Pty Ltd (Devco) for the Stage 1 Extension Project as previously approved by Council.
4. Requests the CEO to take all necessary measures to expedite the commencement of construction.
5. Requests that a further report on management and occupancy arrangements for the redeveloped facility be brought back before Council no later than 31 March 2018.
6. Authorises the CEO to proceed with planning and design work for Stage 2 of the redevelopment but not to proceed with the procurement of the Stage 2 works as previously agreed until funding is secured and a new lease, management or hire agreement is finalised. Such works are to include:
 - a. The installation of retractable seating, additional car parking and fire service upgrades,
 - b. Upgrade of the toilets and change rooms that were to be undertaken by the FDBA,
 - c. Administration and High performance areas.
7. Requests the CEO to advise the FDBA of Council's decision, in particular:
 - a. Any prior offer made by Council, including relief from rental during the construction period, is withdrawn.
 - b. Council will honour the current lease terms and conditions (including the current rental);
 - c. Council will require access over part of the demised lease area to allow construction work to be completed;
 - d. Council will consider future management / occupancy arrangements for the redeveloped facility by 31 March 2018,
 - e. Council will continue to plan, scope and design the Stage 2 works,

Chairperson's initials



- f. Written confirmation from the FDBA is required providing Council and its contractor with access to the leased premises to undertake the Stage 1 Extension works.

Carried

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

Against the Motion: Cr Aitken

Abstain: Crs Bolam, O'Connor

The meeting was adjourned by the Mayor for 5 minutes.

11. CONSIDERATION OF TOWN PLANNING REPORTS**11.3 Amend Section 173 Agreement 40/2016/S173 - 8/180-181 Nepean Highway,
Seaford - To Amend the Section 173 Agreement**

(MP Community Development)

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

That Council has given consideration to Section 178E(3)(a) and any other matters in Section 178B of the Planning and Environment Act 1987 in respect to Planning Application 40/2016/S173 and resolves to Amend Section 173 Agreement R116529C to insert into Section 3.2 the wording ‘...unless with the agreement of the responsible authority’.

Carried Unanimously

12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Footpath along Liddesdale Avenue**

(AW Community Development)

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

That Council:

1. Notes previous investigation for provision of footpath along Liddesdale Avenue
2. Allocates funding in the 2016/2017 Capital Works for construction of footpath on the south side of Liddesdale Avenue at an estimated cost of \$76,885 with a contingency of \$10K.
3. Approves a funding variation of \$36K to enable construction this financial year noting that the community will be notified of the project subject to Council approval.
4. Further considerations be tabled for future Capital Works funding and community consultation for completion of remaining section of footpath infrastructure from Fenton Crescent to Kars Street.

Carried Unanimously

12.2 2017 National General Assembly of Local Government from 18 to 21 June 2017 - Canberra ACT

(DH Chief Executive Office)

Cr Toms declared a conflict of interest in this item and left the Chamber whilst discussion and voting takes place.

The Mayor ordered Cr Aitken to leave the Chamber for five (5) minutes due to offensive words. Cr Aitken left the Chamber at 10.00pm.

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

That:

1. Council endorses the decision to register Cr Steve Toms to attend the National General Assembly held from 18 to 21 June 2017 in Canberra;
2. Other interested Councillors be registered to attend the National General Assembly held from 18 to 21 June 2017 in Canberra;
3. Expenditure for each attending Councillor is approved.
4. Attending Councillors also participate in any meetings relating to Council's Top 5 priorities and South East Melbourne's groups' Regional Plan objectives with Federal Ministers and Federal Shadow Ministers.

Carried Unanimously

Cr Toms returned to the chamber at 10.03pm

12.3 Minutes of the Frankston Arts Board – February Meeting

(AM Community Development)

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

That Council receives the Minutes of the Frankston Arts Board February Meeting.

Carried Unanimously

Cr Aitken was absent from the Chamber for the vote.

12.4 Progress of Council Resolutions resulting from Notice of Motions

(DH Chief Executive Office)

Cr Aitken returned to the Chamber at 10.05pm

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

That Council:

1. Receives the Notice of Motion Report as at 3 April 2017.
2. Notes that the following NOMs be archived from the Notice of Motion Report:
 - NOM 1242 – Readable Size of Print
 - NOM 1273 – Fees for Busking Permits
 - NOM 1287 – Mr Paul Bosdorf – Salvation Army
 - NOM 1288 – Removal of Naturestrip Planting Ban
 - NOM 1292 – Nepean Highway Congestion for Frankston Commuter

Carried Unanimously

12.5 Councillor Request Process

(DH Chief Executive Office)

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

That Council notes:

1. The content of the report;
2. That the Manager Administration and Corporate Projects will now have responsibility for the Councillor Request System;
3. That an additional resource will be provided to the Manager Administration and Corporate Projects to assist with the management of the Councillor Request System;
4. That the additional resource will be funded from within the existing Council budget;
5. That whilst the additional resource is sourced, the current interim arrangements will continue;
6. That the interim arrangements that relate to the Executive Management Team will now be put in place on a permanent basis;
7. That Information technology enhancement relating to the Councillor Request System will now be adopted; and
8. Regular reports on the process of the enhanced Councillor Request System be provided to Councillors.

Carried Unanimously

12.6 Proposed community war memorial- Langwarrin Community Centre*(MC Corporate Development)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor O'Reilly**

That:

1. The proposal to build a local community war memorial on the grounds of the Langwarrin Community Centre be approved.
2. Council staff project manage the delivery of the project including grant and donated funds in conjunction with the Township Committee.
3. The cost of project supervision be met by Council on the basis that all other costs including any cost overruns are met by the Township Committee.
4. Arrangements be made for the memorial once completed to be dedicated prior to remembrance day on the 11 November 2017 to avoid any conflict with the RSL and our official functions held on that day.

Carried Unanimously

12.7 Response to NOM 1262 - Assistance to generationally challenged community groups and community sporting clubs

(LD Community Development)

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

That Council:

1. Notes the report which conveys that the current level of support is adequate.
2. Endorses an additional \$10K funding for a further category in the Miscellaneous Grants that target improving the capacity and, or membership of community groups.

Carried Unanimously

12.8 Live web streaming of Council Meetings

(MC Corporate Development)

Recommendation (Director Corporate Development)

That Council:

1. Supports the live streaming of Council Meetings as a way to give greater transparency and access to decision making;
2. Authorises the Chief Executive Officer to seek quotations and implement live streaming of Council Meetings as soon as practicable, at an estimated initial cost of up to \$40,000 and an annual cost of \$20,000 thereafter; and
3. Receives a full review of the service 12 months after its commencement.

Deferral Motion to another Council Meeting

Moved: Councillor Hampton

Seconded: Councillor Bolam

That:

1. The matter be deferred to the August 2017 Council Meeting; and
2. A three month trial ensue in the interim where audio recordings of Council meetings be prominently available for listening purposes on the Frankston City Council website, recordings must be uploaded no more than 24 hours after the conclusion of respective Council meetings within the trial period.

Carried

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

Against the Motion: Cr Aitken

12.9 Adoption of an organisational Statement of Commitment to Child Safety

(LR Community Development)

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

That Council:

- 1 Notes and supports the State Government endeavours to promote child safety, prevent child abuse and properly respond to allegations.
2. Council adopts the following organisational Statement of Commitment to Child Safety:

“Frankston City Council is committed to the health, safety and wellbeing of all children and to protecting them from child abuse.

Council does not tolerate child abuse and all allegations and safety concerns will be treated very seriously, reported and investigated.

Council will at all times listen to children respectfully and advocate for their right to feel safe, valued and protected.

Council will work in partnership with local organisations and services to protect children in our community from child abuse regardless of their age, gender, race, ability or their family’s religious beliefs, sexual orientation, or social background.

Council is committed to the ongoing training and education of Councillors, employees, contractors and volunteers on child safety.”
3. Notes there will be an initial cost of approximately \$30k per annum for Working With Children Check costs (@\$119.00 per person) to the organisation. This cost reduces to \$22k every five (5) years for renewals.

Carried Unanimously

**12.10 Response to Infrastructure Victoria Discussion Paper: Second Container Port
Advice – Evidence Base**

(SJ Corporate Development)

Cr Bolam left the Chamber at 10.26pm

Cr Bolam returned to the Chamber at 10.28pm

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

That:

1. Council notes this report
2. Council endorses Hastings as its preferred location for Melbourne's second container port
3. Council writes to Infrastructure Victoria advising its position and highlights the following issues associated with its discussion paper *Second Container Port Advice – Evidence Base*:
 - a. The larger population base in Melbourne's south and east and economic benefits
 - b. The impact of Port Phillip Heads channel deepening/widening and future ship sizes
 - c. Poor assumptions for port associated land uses
 - d. The advantage of having port side land already zoned in Hastings
 - e. Lack of transport connections from Bay West across Melbourne

Carried

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

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

12.11 Tree Planting in Parks and Reserves

(BH Community Development)

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

That Council:

1. Implements a tree planting program over the next 11 years comprising planting of 10 juvenile indigenous trees in 10 reserves each year at an annual cost of \$11,000 over the next 11 years; equating to a total of \$121,000 (at today's prices).
2. Refers an additional \$11,000 to the 2017 /18 capital budget for the additional tree planting.

Carried

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

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

12.12 Response to NOM1277 - Strategy for advocacy for next state election

(SJ Corporate Development)

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

That Council:

1. Notes this report and the formation of the Advocacy Sub-Committee
2. Notes that a briefing with Councillors will be held 5 April 2017 to assist with the development of a comprehensive four-year strategic advocacy plan for Frankston City Council.

Carried Unanimously

13. NOTICES OF MOTION**13.1 NOM 1295 - Mental Health**

(VR Chief Executive Office)

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

That Frankston City Council writes to both the (State) Minister for Mental Health, The Hon. Martin Foley, and the (Federal) Minister for Health, the Hon. Greg Hunt, advocating for improved local mental health services and increased local mental health awareness.

Prior to this occurring, the CEO is to instruct officers to identify specific service shortfalls in Frankston which require rectification. This should be reflected in the letter to the relevant ministers. The final draft of this letter is to be provided at the May Council meeting for consideration. This letter should form the basis of Frankston City Council's future advocacy relating to mental health based outcomes in the Frankston municipality.

Carried Unanimously

13.2 NOM 1296 - Support for Self-Funded Retirees

(VR Chief Executive Office)

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

Council writes to the State Government formally seeking their support for a discount scheme for self-funded retirees relative to municipal rates.

Council's support for this advocacy measure would allow self-funded retirees access to the same discounts that pensioners receive on their annual council rates.

The Minister, in potentially allowing self-funded retirees a discount on their annual council rates, should devise a mechanism which prevents self-funded retirees with exceptional liquidity / assets from having access to the proposed discount.

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

That the meeting be extended to 11.30pm.

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

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

Against the Motion: Cr O'Reilly

13.3 NOM 1297 - Frankston Hall of Fame Resumption

(AG Chief Executive Office)

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

That a report be provided to Council on the resumption of the 'Frankston Hall of Fame' (HoF) to recognise people and organisations that have indelibly impacted upon the Frankston municipality - both internally and externally.

The report should consider:

1. The regularity of any rejuvenated HoF process;
2. Costings and staff resourcing associated with any rejuvenated HoF (ie. plaques, ceremony etc);
3. Strength of the potential recipient pool relative to any rejuvenated HoF; and
4. Potentially partnering with the Frankston business community to administer aspects of any rejuvenated HoF model.

The report should return for consideration in June.

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

That the motion be put.

Carried

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

Against the Motion: Cr Cunial

**The motion was then put
and Carried**

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

Against the Motion: Cr Hampton

13.4 NOM 1298 - Food Security in Frankston

(AG Chief Executive Office)

That in accordance with sections 53D and 53E of the Victorian Food Act 1984, Frankston City Council proceeds to disclose on the (state) Department of Health's 'Convictions Register' any local food premises that have been convicted of food safety contraventions. This must occur annually and without redaction.

All food businesses must be informed (in writing) of this course of action; and be further encouraged to practice adequate food safety practices.

Furthermore, councillors are to be supplied the outcome of inspections of food businesses annually (including any warning, breaches and fines issued).

Cr Bolam sought leave of Council to amend Notice of Motion 1298.

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

1. That Council continues to adhere to 53D and 53E of the Victorian Food Act 1984 – all local food premises convicted of food safety contraventions be put on the Victorian Department of Health's 'Convictions Register';
2. That all food premises be informed (in writing) of this process and be encouraged to practice adequate food practices;
3. Furthermore, all Councillors are to be supplied with the outcome of food businesses inspections (including any breaches and fines issued) in the form of either a report or briefing annually; and
4. The total number of convictions, breaches and fines be released publicly annually.

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

That the motion be put.

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

14. LATE REPORTS

Nil.

15. URGENT BUSINESS

Nil.

Chairperson's initials



16. CONFIDENTIAL ITEMS**Council Decision****Moved: Councillor Hampton****Seconded: Councillor O'Reilly**

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

C.1 Meals on Wheels Tender

Agenda Item C.1 Meals on Wheels Tender is designated confidential as it relates to contractual matters (s89 2d)

Carried Unanimously

The meeting was closed to the public at 11.21pm

CONFIRMED THIS

DAY OF

2017

.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Brian Cunial, Chairperson – Council Meeting hereby authorise the use of an electronic stamp of my initials to initial each page of these Minutes of the Council Meeting held on Monday 3 April 2017, confirmed on Monday 1 May 2017.

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

Dated this

day of

2017

Chairperson's initials

