

**MINUTES OF COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 8 DECEMBER 2025 at 7:02 PM**

PRESENT	Cr. Kris Bolam (Mayor) Cr. Steffie Conroy (Deputy Mayor) Cr. David Asker Cr. Sue Baker Cr. Nathan Butler Cr. Emily Green Cr. Brad Hill Cr. Michael O'Reilly Cr. Cherie Wanat
APOLOGIES:	Nil.
ABSENT:	Nil.
OFFICERS:	Cam Arullanantham, Interim Chief Executive Officer Caroline Reidy, Acting Director Corporate and Commercial Services Tammy Beauchamp, Acting Director Communities Luke Ure, Acting Director Infrastructure and Operations Nathan Upson, Acting Director Customer Innovation and Arts Brianna Alcock, Manager Governance Sam Clements, Manager Development Services (via Zoom) Claire Benzie, Manager Family Health Support Services (via Zoom) Tracey Greenaway, Acting Manager Community Strengthening (via Zoom) Jamey Barbakos, Coordinator Major Development (via Zoom) Karen Wheeler, Coordinator Children's Services (via Zoom) Stuart Caldwell, Coordinator Statutory Planning (via Zoom) Jessica Baguley, Senior Governance Officer Connor Rose, Systems Support Officer Josh Lacey, Supervising Technician
EXTERNAL REPRESENTATIVES:	Nil.

COUNCILLOR STATEMENT

Councillor Steffie Conroy 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.”

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Councillor Steffie Conroy acknowledged the Bunurong People of the Kulin Nation – the Traditional Custodians of the land on which we stand, and paid respect to Elders past, present and future. Respect was also extended to Elders of other communities who may have been present.

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1. APOLOGIES

NIL.

2. COUNCILLOR APPRECIATION AWARDS**2.1 PRESENTATION TO CRISTINA SAVANJKA**

COUNCILLOR STEFFIE CONROY PRESENTED A COUNCILLOR APPRECIATION AWARD TO CRISTINA SAVAJIKA IN RECOGNITION OF THE DEDICATION TO SUPPORTING LOCAL AND WOMEN'S OWNED BUSINESSES WITHIN THE MUNICIPALITY.

THE COMMITMENT TO THE COMMUNITY AND SMALL BUSINESS GROWTH IS SHOWN THROUGH THE 'WOMEN IN BUSINESS' EVENT THAT WAS LED AND FUNDED BY CRISTINA. THE EVENT WAS HELD TO ENSURE SMALL BUSINESSES, ESPECIALLY WOMEN, WERE PROVIDED WITH A PLATFORM FOR NETWORKING AND CONNECTION, OPPORTUNITIES FOR GROWTH AND CELEBRATING LOCAL TALENT AND ENTERPRISES.

CRISTINA EXEMPLIFIES CIVIC LEADERSHIP AND ECONOMIC RESILIENCE WITHIN THE FRANKSTON CITY COMMUNITY.

3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Council Meeting No. CM17 held on 17 November 2025.

Council Decision

Moved: Councillor Butler

Seconded: Councillor Green

That the minutes of the Council Meeting No. CM17 held on 17 November 2025 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Nil.

5. PUBLIC QUESTION TIME

There was one (1) question submitted to Council with notice and no questions submitted without notice. At the request of the Mayor, the Interim Chief Executive Officer read the questions and answers to the gallery. The questions and answers will be provided in the Minutes of the next Council Meeting.

6. HEARING OF PUBLIC SUBMISSIONS

Richard Casley made a submission to Council regarding Item 11.1 Town Planning Application 512/2021/P - To use the land for a Residential Building (rooming house) in a General Residential Zone (GRZ) at 8 Franklin Court Frankston;

Patrick Brennan made a submission to Council regarding Item 11.3 Planning Application 530/2022/P - 347-349 Nepean Highway, Frankston -To construct a ten (10) storey mixed-use building and construct or carry out works, use the land for a food and drink premises (cafe) and create or alter to access to a road in a Transport Zone 2;

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Andrew Bromley made a submission to Council regarding Item 11.4 Planning Application 334/2025/P - 431 Nepean Highway, Frankston - To construct a fourteen (14) storey mixed-use building and construct and carry out works; use the land for dwellings; reduce the number of car parking spaces required; and create or alter access to a road in a Transport Zone 2;

Michael Meyer made a submission to Council regarding Item 11.5 Planning Application 492/2017/P/G - 424-426 Nepean Highway, Frankston - S72 application to amend the planning permit and plans to allow for changes to a fourteen (14) storey mixed use building; and

Jacqui Young made a submission to Council regarding Item 12.8 Response to Kindergarten Registration Process Petition.

7. ITEMS BROUGHT FORWARD

Items Brought Forward

Council Decision

Moved: Councillor Butler

Seconded: Councillor Hill

That the following Items be brought forward.

- 11.1 Town Planning Application 512/2021/P - To use the land for a Residential Building (rooming house) in a General Residential Zone (GRZ) at 8 Franklin Court Frankston.
- 11.3 Planning Application 530/2022/P - 347-349 Nepean Highway, Frankston - To construct a ten (10) storey mixed-use building and construct or carry out works, use the land for a food and drink premises (cafe) and create or alter to access to a road in a Transport Zone 2
- 11.4 Planning Application 334/2025/P - 431 Nepean Highway, Frankston - To construct a fourteen (14) storey mixed-use building and construct and carry out works; use the land for dwellings; reduce the number of car parking spaces required; and create or alter access to a road in a Transport Zone 2
- 11.5 Planning Application 492/2017/P/G - 424-426 Nepean Highway, Frankston - S72 application to amend the planning permit and plans to allow for changes to a fourteen (14) storey mixed use building
- 12.8 Response to Kindergarten Registration Process Petition

Carried Unanimously

Block Motion

Council Decision

Moved: Councillor Butler

Seconded: Councillor Hill

That the items listed below be block resolved:

- 11.6 Statutory Planning Progress Report for October 2025
- 12.1 Governance Matters Report for 8 December 2025
- 12.2 Hot Topics for 8 December 2025
- 12.3 Freedom of Information Annual Summaries - 2023-2024 and 2024-2025
- 12.4 Adoption of Frankston City Business Grants Policy
- 12.5 Proposed Lease of Council Land for Community Battery - Part of 47R Luscombe Avenue Carrum Downs (Banyan Reserve)
- 12.7 Sherlock and Hay Development Project - Stage 2

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- 12.9 Award of Contract CN11456 Asset Management System Replacement

Carried Unanimously

8. PRESENTATIONS / AWARDS

Acting Director Communities, Tammy Beauchamp, highlighted Frankston City Council's recent Gold Award in the 2025 Australian Crime and Violence Prevention Awards, administered by the Australian Institute of Criminology. Council received recognition for the Community Connectors program, delivered by South East Community Links in partnership with Metro Trains Melbourne, and other LGA's.

This award recognises programs that reduce crime and violence in Australia through practical projects that reduce violence and other types of crime in the community.

The Community Connectors program was awarded gold for its placement of trained outreach workers to support people in crisis and prevent harm through its assertive outreach model which provides immediate, compassionate assistance to people experiencing homelessness, mental health challenges, family violence or substance use.

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil.

10. DELEGATES' REPORTS

Nil.

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ITEMS BROUGHT FORWARD**11.1 Town Planning Application 512/2021/P - To use the land for a Residential Building (rooming house) in a General Residential Zone (GRZ) at 8 Franklin Court Frankston.***(TB Communities)***Council Decision****Moved: Councillor Wanat****Seconded: Councillor O'Reilly**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect of Planning Permit Application number 512/2021/P for:

<u>Clause</u>	<u>Matter for which the permit has been granted</u>
Clause 32.08-2	To use the land for a residential building (rooming house)

at 8 Franklin Court Frankston, 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 drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application *Project Number MO144 13 sheets prepared by Modo Project Builders dated 11 October 2021 Issue A* but modified to show:
 - a) Driveway and parking spaces dimensioned.
 - b) Corner splay/areas nominated in accordance with Clause 52.06-9.
 - c) Bollard lighting within the parking area.
 - d) Use Management Plan in accordance with Condition 8.
 - e) Waste Management Plan in accordance with Condition 13.

No Alterations or Changes

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

Engineering

3. Vehicle crossing must be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
4. Before the occupation of the development, areas set aside for parking vehicles, loading bays, access lanes and paths as shown on the endorsed plans must be:
 - a) Constructed to the satisfaction of the Responsible Authority.
 - b) Properly formed to such levels that they can be used in accordance with the plans.
 - c) Surfaced with an all-weather sealcoat; and
 - d) Drained and maintained to the satisfaction of the Responsible Authority.

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Car spaces, access lanes and driveways must be always kept available for these purposes.

5. Car spaces must not be used for any other purpose other than the parking of vehicles in association with residents of and visitors to the land, to the satisfaction of the Responsible Authority.

Use

6. Before the use starts, the building must comply with the Building Regulations to enable use as a 'rooming house', Public Health and Wellbeing Regulations 2009 and be registered as a 'rooming house' by the Responsible Authority, to the satisfaction of the Responsible Authority.
7. Any resident of the rooming house must occupy their room subject to a shared room right in accordance with s 92B of the Residential Tenancies Act 1997 only (and must not have an exclusive occupancy right of the room).
8. Before the use starts, a Use Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The use must be conducted in accordance with the endorsed Use Management Plan. The management plan must include:
 - a) set out the proposed method of operation of the use carried out on the land including the use of outdoor areas, maintenance of grounds and landscaping, storage, and collection of garbage;
 - b) set out the house guest rules to be observed and the action to be taken if they are not observed;
 - c) explain the role of the Manager/caretaker and their 24-hour contact details;
 - d) Detail how the shared room rights will be managed including but not limited to tenant selection and room allocation, settling disputes;
 - e) provide that management arrangements to be put in place when the manager/caretaker is not on the site;
 - f) set out a process or procedure that will be available to neighbours if they need to contact the Manager/caretaker in relation to some aspect of the operation of the use; and
 - g) any other matter that is relevant to the conduct of the use in accordance with the conditions of this permit.
9. A copy of this permit and the Use Management Plan must always be displayed in a prominent location within the premises to the satisfaction of the Responsible Authority.
10. A telephone number or numbers with 24-hour access to the operator, manager and/or caretaker of the residential building must be displayed on the front door entry so any person can register a complaint or address any other matter arising from the use of the site at any time.

Maximum Number of Residents

11. No more than 24 residents may be accommodated on the premises at any one

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time unless with the prior written consent of the Responsible Authority.

Amenity

12. The amenity of the area must not be detrimentally affected by the use or development, through the:
 - a) Transportation 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, wastewater, waste products, grit or oil.
 - d) Presence of vermin, or
 - e) In any other way.

Waste Management

13. Before the use starts, a Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. When approved, the WMP will be endorsed and will then form part of the permit.
14. All waste generated by the development must be collected in accordance with the endorsed WMP, to the satisfaction of the Responsible Authority.

Urban Design

15. Air-conditioning plant, compressors and exhaust fans must be located to minimise adverse amenity impacts on abutting and nearby residential properties, to the satisfaction of the Responsible Authority.
16. Outdoor lighting, external sign lighting and building illumination must always be designed, baffled, and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
17. All fences must be maintained in sound condition, to the satisfaction of the Responsible Authority.
18. All bins and receptacles must be screened from view and be maintained in a clean and tidy condition and free from offensive odour.
19. All plumbing work, sewer pipes etc. (except for spouting and stormwater pipes) associated with the new dwelling shall be concealed from general view.

Permit Expiry

20. This permit will expire if:
 - a) The use is not commenced within two (2) years of the date of this permit; or
 - b) The use is discontinued for a continuous 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.

Permit Notes

A. Extension of Time

Section 69 of the *Planning and Environment Act, 1987* provides that before the permit expires or within 6 months afterwards, the owner or occupier of the land to which the

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permit applies may ask the responsible authority for an extension of time. Please note, if a request is made out of time, the Responsible Authority cannot consider the request and the permit holder will not be able to apply to VCAT for a review of the matter.

Any extension of time request must be lodged with the relevant administration fee.

B. Variation to Planning Permit

Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.

C. Requirement for Updated Occupancy Permit Under Building Act (1993)

A revised Occupancy Permit must be obtained pursuant to the Building Act (1993) before the building is occupied by more than 12 persons (current occupation limit).

D. Building Work

An owner/occupier is required by law to ensure full compliance with the requirements of the *Building Regulations 2018* and the *Building Act 1993*. Before any building work starts, the *Building Act 1993* requires that a building permit is obtained and be available for inspection during all times of construction.

Carried

For the Motion: Crs Asker, Baker, Conroy, Hill, O'Reilly and Wanat (6)

Against the Motion: Crs Butler and Green (2)

Abstained: Cr Bolam (1)

11.3 Planning Application 530/2022/P - 347-349 Nepean Highway, Frankston - To construct a ten (10) storey mixed-use building and construct or carry out works, use the land for a food and drink premises (cafe) and create or alter to access to a road in a Transport Zone 2

(TB Communities)

Council Decision

Moved: Councillor O'Reilly

Seconded: Councillor Hill

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 530/2022/P for:

Clause	Matter for which the permit has been granted
37.08-2	To use the land for a food and drink premises (cafe)
37.08-5	To construct a building or construct or carry out works
52.29-2	To create or alter access to a road in a Transport Zone 2

at 347-349 Nepean Highway, Frankston subject to the following conditions:

Plans

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application prepared by Rothelowman, Drawing No. TP00.01 B, TP00.02 B, TP01.01 B, TP01.02 B, TP01.05 B, TP01.06 B, TP01.08 B, TP01.10 B, TP01.12 B, TP01.13 B, TP01.14 B, TP02.01 B, TP02.02 B, TP02.03 , TP02.04 B dated 16/05/2025 and TP01.03 C and TP01.04 C dated 14/08/2025 but modified to show:
 - a) Increase the floor-floor height for the Ground Level to 4.0m.
 - b) Application of surface treatment (e.g. public art, pre-cast patterned concrete or other to the satisfaction of the Responsible Authority) to the AF02 Aggregate finish at Ground Level and Level 1 on the north and south elevations for the Café, Car Park Entry and Resident Amenity.
 - c) Delineation between common property and private terraces areas for dwellings Tye 3A on Level 1 to be annotated on the plans.
 - d) Dimensions and details of the proposed structures/screening of rooftop services demonstrating that it has been integrated into the overall design of the building to the satisfaction of the Responsible Authority.
 - e) The MC01 Metal Cladding Vertical (Bronze) for the west-facing Balustrading on Level 03 to include visual permeability or other to the satisfaction of the Responsible Authority.
 - f) All windows and glazing at ground level as being 75% clear between heights of 0.5m – 2.0m above the footpath/ground level.
 - g) Provision for additional north-facing windows in the bedrooms of the north-west apartment of Level 02.
 - h) The location and dimensions of signage associated with the address of the building.

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- i) All ESD initiatives included in endorsed BESS Report and the Sustainable Management Plan must be identified on the architectural plans including IEQ, Water, WELS rating, Material, waste, urban ecology initiatives and electric vehicle (EV) charging station, PV panels size, Energy rating, heating and cooling type and efficiency, hot water type and efficiency.
- j) A 3D digital model in accordance with 3D Digital Model Submission Guide prepared by the Department of Transport and Planning addressing the required modifications under Condition 1.
- k) A Landscape Plan in accordance with Condition 6.
- l) A Landscape Maintenance Plan in accordance with Condition 10.
- m) All trees growing on the site and on the adjoining properties within 3m of the boundaries clearly illustrated on all relevant plans to demonstrate canopy width, trunk location and clearly labelled in accordance with the Tree Assessment Report prepared by Arbor Survey dated 04/07/2022 stating whether the tree is to be retained or removed.
- n) The Tree Protection Zone (TPZ), Structural Root Zone (SRZ) and the tree protection locations for all trees to be retained illustrated on all relevant plans.
- o) Tree Protection Management Plan in accordance with Condition 12.
- p) A Stormwater Management Strategy in accordance with Condition 15.
- q) A Sustainable Management Plan in accordance with Condition 16.
- r) A Green Travel Plan in accordance with Condition 19.
- s) A Reflected Glare Assessment Report in accordance with Condition 23.
- t) A Waste Management Plan in accordance with Condition 27.
- u) An Acoustic Report in accordance with Condition 29.

No Alterations

- 2. The use and/or development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

Completion of Works

- 4. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 5. Unless with the further written consent of the Responsible Authority, the building must not be occupied until all buildings and works as shown on the endorsed plans have been completed to the satisfaction of the Responsible Authority.

Landscape Plans

- 6. Before the development starts, a detailed landscape plan consistent with Frankston City Council's Landscape Plan Guidelines (2024) 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 prepared by a suitably qualified landscape designer, drawn to scale with dimensions. The plan must be generally in accordance with the concept landscape plan, prepared by

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Site Image Landscape Architects, dated September 2024, but modified to show:

- a) Address the plans to be endorsed under Condition 1.
- b) Existing trees on the neighbouring property must be numbered in accordance with the Arborist Report prepared by Arbor Survey dated 4 July 2022.
- c) A survey (including botanical names) of all existing vegetation on the site and those located within 3m of the site boundary 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.
- d) Relocate the bike racks at ground floor level and move the garden bed to the front of the site to optimise the deep soil zone.
- e) Demonstrate the minimum deep soil zone area has been achieved.
- f) Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) of retained trees illustrated with notations regarding protection methods during construction.
- g) Buildings on neighbouring properties within three metres of the boundary.
- h) 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.
- i) A diversity range of plant types from ground covers to large shrubs and trees of coastal character.
- j) Maximise landscaping and planting within all open areas of the site and utilising opportunities on all upper-level balconies of the building to soften the built form and reduce heating absorption.
- k) Increase in width to the garden bed area along the northern boundary to accommodate the two proposed *Banksia integrifolia*.
- l) Adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals).
- m) A planting theme of a minimum 40% indigenous and 40% native.
- n) Replace paving within the front setback of the building with paving that is warm in tone such as sandstone colour or similar to the satisfaction of the Responsible Authority.
- o) Integrated seating along planter beds within the front setback or alternative location to the satisfaction of the Responsible Authority.
- p) Denote location and type of any feature lighting proposed for the building's exterior including any up-lighting, spot lighting, feature lighting etc.
- q) All existing environmental weed species must be removed from the site and environmental and noxious weeds found in the 'Frankston City Council Invasive Species Guide (2019)' must not be planted.
- r) No reduction to the number and size of the canopy trees nominated on

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the concept plan ensuring there is suitable soil volume for growth and including additional trees to be provided in the following locations:

- ☐ One (1) tree with a minimum mature height of 7m within each of the private open space areas of the dwellings to the south of the site at ground floor level.
- s) The provision of notes on the landscape plan regarding site preparation, including removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- t) All tree stock used must be in accordance with AS2303-2015 Tree stock for Landscape Use.
- u) Preparation of a Public Realm Plan detailing the following:
 - i. Identification of all public realm works within or directly integrating with the development site including landscaping, outdoor dining, footpaths, public seating etc.
 - ii. Proposed programming and events including outdoor dining or play opportunities.
 - iii. The location of lighting including street, pedestrian and feature lighting, seating, signage, tables, bike hoops, paving and edging, planting and greening including planter boxes and green walls and screens, bins, bollards, retaining walls, public art, screening, balustrades / fencing, awnings, signage and wayfinding, and other features and inclusions as relevant.
 - iv. Product details including materials, colours, finishes, quantities and dimensions for the above as relevant.
 - v. Location of all other relevant existing features including property boundaries, roadways, waterways, vegetation, services and infrastructure etc.
- 7. The landscaping as shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or commencement of the use.
- 8. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged trees are to be replaced.
- 9. The lighting as shown on the endorsed Landscape Plan must be installed in accordance with the Landscaping and Public Realm Plan and maintained and operated for the life of the building.

Landscape Maintenance Plan

- 10. Before the development starts, a landscape maintenance plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must include:
 - a) Plant establishment schedule and period.
 - b) Ongoing annual planting maintenance schedule (monitoring of plants, weeding, watering, pruning, re-mulching, pest and disease management, fertilising, re-planting).
 - c) Ongoing maintenance schedule for structures and surfaces (cyclic,

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routine, reactive, emergency and renovation).

- d) Replacement timeframes for poorly performing plant stock.
- e) Irrigation specification and irrigation maintenance schedule.
- f) Maintenance responsibilities for landscaping establishment and ongoing maintenance.

11. The landscaping shown on the endorsed plans must be maintained on the site in accordance with the Landscape Maintenance Plan to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged trees are to be replaced.

Tree Protection Management Plan

12. Before works start (including any demolition, levelling of the site, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), a Tree Protection Management Plan (TPMP) prepared in accordance with Frankston City Council's 'Arboricultural Report Writing Guide' must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the permit. The TPMP must be prepared by a suitably qualified and experienced Arborist in relation to the management and maintenance of trees numbered 8 and 11. The TPMP must make specific recommendations in accordance with *AS4970: 2009 – Protection of Trees on Development Sites* and detail the following where relevant but not limited to ensuring that the trees remain healthy and viable during and following construction:

- a) A site plan showing tree protection zones (TPZ) and structural root zones (SRZ), tree protection fence locations and any tree protection fence relocations required where ground protection systems will be used.
- b) A clear photograph of each tree.
- c) Any specific damage/faults evident within each tree prior to demolition or construction. These photographs must be supplied within the TPMP as a preliminary dilapidation report.
- d) Restricted activities in the TPZ.
- e) Key supervision and monitoring stages of the development including pre-demolition, pre-construction, and post construction stages.
- f) Details of any TPZ encroachments including if necessary.
 - a. any arborist supervision
 - b. any root pruning.
- g) Methods for installation of services e.g., sewerage, storm water, telecommunications, electricity etc.
- h) Remedial pruning works as required including a detailed photographic diagram specifying what pruning will occur.
- i) Final Certification of Tree protection template.
- j) Tree protection must be carried out in accordance with *AS 4970-2009 Protection of trees on development sites* and the endorsed TPMP to the satisfaction of the Responsible Authority.

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13. Prior to occupation of the development or at such later date as is approved by the Responsible Authority in writing, the Final Certification Report Template as required in the Tree Protection Management Plan must be completed and submitted to the satisfaction of the Responsible Authority.

Tree Pruning

14. Any tree pruning must be carried out by a qualified and experienced Arborist who has thorough knowledge of tree physiology and pruning methods. Pruning must be carried out in accordance with *AS 4373-2007 Pruning of Amenity Trees* and to the satisfaction of the Responsible Authority. Any pruning works must be undertaken before works start. Any pruning of trees located on a neighbouring property should be undertaken in consultation with the property owner.

Stormwater Management Strategy

15. A Stormwater Management Strategy must be submitted and approved by the Responsible Authority. The strategy must demonstrate that effective disposal of stormwater drainage can be provided without detriment to the proposed site and other properties to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and form part of the permit.

Sustainable Management Plan

16. Before the development starts, an amended Sustainable Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan will be endorsed and will then form part of the permit. The plan must be generally in accordance with the SMP prepared by JBA Consulting Engineers dated 20 September 2024 but modified to:

a) Address the plans to be endorsed under Condition 1.

17. All works must be undertaken in accordance with the endorsed Sustainability Management Plan (SMP) to the satisfaction of the Responsible Authority. No alterations to the SMP may occur without the written consent of the Responsible Authority.

18. Before the occupation of any building approved under this permit, a report from the author of the SMP, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.

Green Travel Plan

19. Before the development starts, excluding the early works endorsed under Condition 2, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Sustainable Management Plan will be endorsed and will then form part of the permit. The Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Traffix Group, dated October 2024 but modified to:

b) Address the plans to be endorsed under Condition 1.

20. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and thereafter complied with to the satisfaction of the Responsible Authority.

Wind Assessment Report

21. The Wind Assessment Report as prepared by RWDI Australia and dated 22 April

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2025 is endorsed and forms part of the permit.

22. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and thereafter complied with to the satisfaction of the Responsible Authority.

Reflected Glare Assessment Report

23. Prior to commencement of buildings and works, a Reflected Glare Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Reflected Glare Assessment will be endorsed and will form part of this permit. The Reflected Glare Assessment must include, but not be limited to, the following:

- a) Address the plans to be endorsed under Condition 1.
- b) The applied method used for the reflected glare assessment.
- c) Any assessment assumptions.
- d) Identification of potential observers receiving glare.
- e) Review of materials, finishes and reflectors.
- f) Assessment of the proposed development's disability and discomfort glare.
- g) Mitigation measure for reflected glare.

24. The provisions, recommendations and requirements of the Reflective Glare Assessment must be implemented and thereafter complied with to the satisfaction of the Responsible Authority.

Construction Environmental Management Plan

25. Prior to the commencement of works, a Construction Environmental Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed to form part of the permit. Any plans submitted must be consistent with all other documents approved as part of this permit. The plan must be drawn to scale with dimensions and include the following information:

- a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure.
- b) Works necessary to protect road and other infrastructure.
- c) Remediation of any damage to road and other infrastructure.
- d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land.
- e) Facilities for vehicle washing.
- f) Location and specifications of sediment control devices on/off site.
- g) Location and specification of surface water drainage controls.
- h) Proposed drainage lines and flow control measures.
- i) Location and specifications of fencing for the protection of trees and/or vegetation as required by the permit.
- j) Response measures and monitoring systems to minimise any environmental hazards including, but not limited to:

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- i. Vegetation protection;
 - ii. Runoff and erosion;
 - iii. Contaminated soil;
 - iv. Materials and waste;
 - v. Litter, noise and light;
 - vi. stormwater contamination from run-off and wash-waters;
 - vii. sediment from the land on roads;
 - viii. washing of concrete trucks and other vehicles and machinery;
and
 - ix. spillage from refuelling cranes and other vehicles and machinery.
- k) The construction program.
- l) Location of all stockpiles and storage of building materials.
- m) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street.
- n) Parking facilities for construction workers.
- o) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency.
- p) Traffic management plans that show proposed traffic control measures during construction, the heavy vehicle route to and from the site, loading bay/works zone and access and egress from the site.
- q) Identification of how all construction vehicles, including piling rigs, will access the site in a manner that minimises impact upon existing street trees and lowhanging branches identified for retention.
- r) Site security.
- s) Details to demonstrate compliance with relevant EPA guidelines.
- t) Target of recycling and re-using a minimum of 80% of construction and demolition waste by weight.
- u) Hours during which construction activity will take place.
- v) Measures to ensure that all work on the land will be carried out in accordance with the Construction Environmental Management Plan.
- w) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services.
- x) Contact numbers of responsible owner/contractor including an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced.
- y) Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be

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given to:

- i. Using lower noise work practice and equipment;
- ii. The suitability of the land for the use of an electric crane;
- iii. Silencing all mechanical plant by the best practical means using current technology;
- iv. Fitting pneumatic tools with an effective silencer; and
- v. Other relevant considerations.

z) Any site-specific requirements.

26. The provisions, recommendations and requirements of the endorsed Construction Environmental Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

27. Before the development starts, an amended Waste Management Plan to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will then form part of the permit. The Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Traffix Group and dated July 2022 but modified to:

a) Address the plans to be endorsed under Condition 1.

28. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and thereafter complied with to the satisfaction of the Responsible Authority.

Acoustic Report

29. Before the development starts, an Acoustic Report, prepared by a suitably qualified person, must be submitted and approved by the Responsible Authority. When approved, the report will be endorsed and will form part of the permit. The Acoustic Report must:

a) Address the plans to be endorsed under Condition 1.

b) Address the requirements of Clause 58.04-3 (Noise impacts) of the Frankston Planning Scheme.

c) Detail how noise impacts to residential uses from within the development and from surrounding uses and development including road and rail noise will be mitigated.

30. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and thereafter complied with to the satisfaction of the Responsible Authority.

31. Before the occupation of any building approved under this permit, a report from the author of the Acoustic Report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Acoustic Report have been implemented in accordance with the approved Plan.

32. By a date no later than three months after a use starts, a further Acoustic Report must be prepared by a suitably qualified acoustic consultant to the satisfaction of the Responsible Authority demonstrating that compliance with the Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial

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and Trade Premises and Entertainment Venues (Publication 1826.2, Environment Protection Authority) ('Noise Protocol') has been achieved. If noise emitted from the food and drink premises exceeds the recommended noise limits, the report must address additional noise control treatments required to the satisfaction of the Responsible Authority.

During Construction

33. Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines.
34. Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system.
35. Vehicle borne material must not accumulate on the roads abutting the land.
36. The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads.
37. All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
38. Any damage caused to Council land due to construction or operational works must be restored at the expense of the owner/developer to the satisfaction of the Responsible Authority.
39. 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.
40. 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.
41. All relevant permits must be obtained from Council for works within the existing road reserves, in addition to the planning permit.

Vehicle Crossovers

42. Before the occupation of the development, new or altered vehicle crossings servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/kerb and channel, to the satisfaction of the Responsible Authority.

Development Contributions

43. Development Infrastructure Levy in accordance with the approved Development Contributions Plan which applies to the land must be paid to Frankston City Council as the Collecting Agency prior to the grant of a building approval or the development of any buildings and works associated with the permitted development, whichever occurs first; or the Owner must enter into an agreement with Frankston City Council as the Collecting Agency to pay the Development Infrastructure Levy within a time specified in the agreement.

Car Parking and Access

44. Before the occupation of the development or the use starts, areas set aside for parking vehicles and bicycles, loading bays, access lanes and paths as shown on the endorsed plans must be :-

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- a) Constructed to the satisfaction of the Responsible Authority.
- b) Properly formed to such levels that they can be used in accordance with the plans.
- c) Surfaced with an all-weather sealcoat.
- d) Drained and maintained to the satisfaction of the Responsible Authority.
- e) Line-marked to indicate each car space, loading bay and all access lanes and if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.

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

- 45. No fewer than the proposed 78 car space/s must be provided on the land for the use and development, including the one proposed car space clearly marked for the use of disabled persons.
- 46. Wheel Stops or other suitable barriers must be provided in car parking spaces to prevent damage to boundary walls and/or to deter parked vehicles from encroaching into abutting parking areas such as loading zone and motor cycle parking spaces in basement levels 1 and 2.
- 47. Low intensity lighting must be provided to ensure that car park areas and pedestrian accessways are adequately illuminated without any loss of amenity to the surrounding area, to the satisfaction of the Responsible Authority.

Carpark Control

- 48. Before the commencement of the use or occupation of the development, details of any car park control equipment (controlling access to and egress from the basement car parks) must be submitted to and approved in writing by the Responsible Authority. These details must include a car park control device which can be accessed by residents to the development including clear instructions on how to operate any security system, to the satisfaction of the Responsible Authority.

Security Gate

- 49. Any security boom, barrier or similar device controlling vehicular access to the premises must be located a minimum of six metres inside the property to allow vehicles to prop clear of Nepean Highway.

Drainage and Engineering

- 50. Before the development starts, detailed design plans and drainage computations of the internal stormwater drainage system including the method of connection to the existing Council drainage infrastructure to the satisfaction of the Responsible Authority must be submitted to and approved by Responsible Authority.
- 51. 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.
 - Permeable driveways and porous pavements.
 - Rain gardens and bioretention basins.
 - Gross pollutant traps.
 - On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.

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52. Before the development is completed, all works detailed on the approved drainage plans, including the stormwater drainage system, must be constructed in accordance with the approved plans to the satisfaction of the Responsible Authority.
53. Stormwater drainage must be connected to stormwater Legal Point of Discharge as nominated by and to the satisfaction of the Responsible Authority.
54. Stormwater runoff must achieve the following objectives for environmental quality, as set out in the Urban Stormwater Best Practice Environmental Guidelines (CSIRO) 1999:
 - 80% retention of the typical annual load of suspended solids.
 - 45% retention of typical annual load of total phosphorous, and
 - 45% retention of typical annual load of total nitrogen.

Urban Design

55. 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.
56. Mailboxes shall be provided within the development to the satisfaction of the Responsible Authority and Australia Post.
57. All plumbing work, sewer pipes etc. associated with the building shall be concealed from general view.
58. All roof plant and equipment must be screened so as not to be visible from public areas.
59. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.
60. External building materials and finishes must not result in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.

Noise

61. Noise emissions from the premises must comply with the requirements of EPA Publication 1826/4 'Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues Part II' to the satisfaction of the Responsible Authority.
62. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, except for emergency broadcast, announcement, alarm and siren (including testing).

Land Use

63. Except with the prior written consent of the Responsible Authority, the Food and Drink Premises (cafe) use authorised by this permit may only operate between 7.00am and 7.00pm, seven days a week.

Amenity

64. The amenity of the area must not be detrimentally affected by the use or development through the:
 - a) Transport of materials, goods or commodities to or from the land.

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- 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.
- f) to the satisfaction of the Responsible Authority.

65. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.
66. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.
67. The loading and unloading of goods from vehicles must only be carried out within the designated loading bay area on site.
68. Air-conditioning and other plant and equipment installed on or within the buildings must be so positioned and baffled that any noise emitted complies with the appropriate Australian Standards and EPA requirements.

Department of Transport and Planning

69. Prior to occupation of the building, the crossover and driveway must be constructed at no cost to the Head, Transport for Victoria and to the satisfaction of the Responsible Authority.
70. Prior to occupation of the building, the proposed 'Stop-Go System' with a default setting towards priority for entering traffic at all periods, must be installed to the satisfaction of the Responsible Authority.

Satisfactorily Completed

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

Completion Prior to Occupancy

72. Unless with the written consent of the Responsible Authority, the building must not be occupied until all buildings and works as shown on the endorsed plans have been completed to the satisfaction of the Responsible Authority.

Permit Expiry

73. 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 four 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.

Council's Notes

- Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- Before the development starts the operator of this planning permit must obtain a non-refundable Asset Protection Permit from Council's Engineering Services

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Department.

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

Department of Transport and Planning Note

- The proposed development requires roadworks within the road reserve. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport and Planning prior to commencing any work.

Carried Unanimously

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11.4 Planning Application 334/2025/P - 431 Nepean Highway, Frankston - To construct a fourteen (14) storey mixed-use building and construct and carry out works; use the land for dwellings; reduce the number of car parking spaces required; and create or alter access to a road in a Transport Zone 2

(TB Communities)

Council Decision

Moved: Councillor O'Reilly

Seconded: Councillor Hill

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 334/2025/P for:

Clause	Matter for which the permit has been granted
37.08-2	To use the land for dwellings
37.08-5	To construct a building or construct or carry out works
44.05-2	To construct a building or construct or carry out works
52.06-3	To reduce the number of car parking spaces required
52.29-2	To create or alter access to a road in a Transport Zone 2

at 431 Nepean Highway 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 generally in accordance with the plans submitted with the application prepared by VIA Architects, and dated 14/08/2025 including Drawing No.TP-011, Rev E, TP-100, Rev E, TP-102 and TP-103, Rev F, TP104 to TP-109, Rev E, TP-200, Rev F, TP-202, Rev F, TP-210, Rev F, TP-211, Rev F, TP-300, Rev E, TP-900 to TP-905, Rev E, TP-950, Rev E, but amended to show:
 - a) All dimensions shown on the elevations consistent with those shown on the corresponding floor plans.
 - b) Rooftop services and plant rooms to be discreetly screened and integrated into the overall design of the development.
 - c) The 1:10 internal ramp from the car park to the residential lobby to be designed to DDA requirements.
 - d) The numbering of each street tree for identification purposes.
 - e) The removal of the street tree located in front of the proposed vehicle accessway and crossover along Keys Street.
 - f) An annotation on all retail/commercial spaces that the proposed retail use is a "Section 1 use – permit not required, in accordance with the Activity Centre Zone, Schedule 1".
 - g) An annotation that the land measuring 3.4m in width located to the south of the proposed building is a 'pedestrian link'.
 - h) The provision of an additional residential entrance to the southern side

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of the building centrally aligned with the pedestrian link.

- i) Gates to the eastern and western ends of the pedestrian link accessed by a swipe card (or similar locking system).
- j) Adjustment of the retail entrance currently shown on the western end of the pedestrian link to avoid conflict with the gate location.
- k) Murals or artistic treatments, integrated lighting, and design elements within the building in the residential lobby including Level 1, ensuring these features are visible through external glazing adjacent to the southern pedestrian link to create visual interest from the public realm.
- l) Lighting and surface treatment (such as striping or texturing) along the southern façade to reinforce articulation at the ground level.
- m) All sustainability features that are required as part of the Sustainable Management Plan and BESS report noted on the plans including NatHERS energy rating for residential dwellings, glazing specifications in accordance with energy rating and daylight modelling, WELS ratings for all water fixtures, heating and cooling types and efficiencies, hot water system type and efficiency, solar PV system size and location, rainwater tank size, location and connection to toilets and irrigation areas, indoor environmental quality (IEQ) initiatives, waste management initiatives, EV charging station, bicycle parking spaces, all-electric facilities, material selection initiatives, lighting efficiency initiatives, and overall management initiatives.
- n) Schedule of materials and colours, including physical samples to be provided. Materials must be high quality, durable and suitable for a coastal environment to ensure long-term performance.
- o) A 3D digital model in accordance with 3D Digital Model Submission Guide prepared by the Department of Transport and Planning addressing the required modifications under Condition 1.
- p) A Green Travel Plan in accordance with Condition 8.
- q) An amended Landscape and Public Realm Plan in accordance with Condition 13.
- r) A Landscape Maintenance Plan in accordance with Condition 16.
- s) All trees growing on the site and on the adjoining properties within 10m of the boundaries clearly illustrated on all relevant plans to demonstrate canopy width, trunk location and clearly labelled in accordance with the Tree Assessment Report prepared by John Patrick Landscape Architects dated 30.9.2024 stating whether the tree is to be retained or removed.
- t) The Tree Protection Zone (TPZ), Structural Root Zone (SRZ) and the tree protection locations for all trees to be retained illustrated on all relevant plans
- u) Tree protection conditions noted on all relevant plans in accordance with Conditions 20, 22 and 23.
- v) A Tree Protection Management Plan in accordance with Condition 20.

No Alterations

- 2. The use and/or development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. No equipment, services, architectural features or structures of any kind,

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including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

Pedestrian Link

4. Before the development starts, the owner/s of the land must enter into an Agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 (Vic). The agreement must provide for the following, or as otherwise agreed in writing with the Responsible Authority:

- a) The pedestrian link adjacent to the southern boundary (as shown on the endorsed plans) must be gated and inaccessible to the public until an adjoining pedestrian link at 19 Keys Street is constructed.
- b) Residents of the development hereby approved must access the gated link via a secure swipe card (or similar locking) system.
- c) Upon construction of the pedestrian link at 19 Keys Street, the pedestrian link at 431 Nepean Hwy must be made fully accessible to the public, ungated and unfenced, and maintained as a public pedestrian thoroughfare 24 hours a day, 365 days a year to ensure a continued connection from Nepean Highway to Keys Street. The link must remain in private ownership and be maintained by the owners' corporation of the development. All gating and fencing which is to be removed to make the pedestrian link accessible to the public, must be removed at the full cost of the owner.
- d) The owner must construct the pedestrian link at 431 Nepean Hwy in accordance with the endorsed plans and bear all associated costs.
- e) The owner must indemnify Frankston City Council against any claims arising from the use of the pedestrian link.
- f) Regular maintenance of the pedestrian link including any awnings, landscaping or architectural features to ensure the continued safety of the pedestrian link and to ensure any risk to public safety is minimised.
- g) That the pedestrian link must, at all times, be maintained in good and tenantable repair with any necessary make good or renewal undertaken without delay to maintain the pedestrian link in good tenantable repair.
- h) That the pedestrian link is regularly cleaned and kept clean.
- i) That the permit holder will construct the balance of the pedestrian link at 19 Keys Street and contribute to 50% of the cost of the agreed works if:
 - i. The land at 19 Keys Street is made available for the works;
 - ii. Council demolishes the existing buildings; and
 - iii. Council clears and makes ready the land for construction.

prior to the topping out of the structure of the approved development (being the completion of the highest structural element of the building). The timing, design, and delivery of the pedestrian link must be to the satisfaction of the Responsible Authority and in accordance with the terms specified in the Section 173 Agreement.

Before the development starts, the Section 173 agreement must be registered on

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the title to the land. All reasonable costs and expenses involved in the drafting, negotiating, reviewing, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the owner/s of the land.

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

Sustainable Management Plan

5. The Sustainable Management Plan (SMP) as prepared by Energy Water Environment and dated 20/8/25 is endorsed and forms part of the permit.
6. All works must be undertaken in accordance with the endorsed SMP to the satisfaction of the Responsible Authority. No alterations to the SMP may occur without the written consent of the Responsible Authority.
7. Before the occupation of any building approved under this permit, a report from the author of the SMP, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved SMP.

Green Travel Plan

8. Before the development starts, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Sustainable Management Plan will be endorsed and will then form part of the permit. The Green Travel Plan must:
 - a) Address the plans to be endorsed under Condition 1.
 - b) Promote travel alternatives such as public transport, cycling, and walking.
 - c) Reduce car dependency and greenhouse gas emissions.
 - d) Manage car parking demands.
 - e) Improve information and opportunities for those without access to a car.
 - f) Include a management and implementation plan.
9. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and thereafter complied with to the satisfaction of the Responsible Authority.

Wind Assessment Report

10. The Wind Assessment Report as prepared by Mel Consultants and dated 20 December 2024 is endorsed and forms part of the permit.
11. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and thereafter complied with to the satisfaction of the Responsible Authority.

Disability Access

12. Prior to the commencement of buildings and works, written confirmation must be submitted to the satisfaction of the Responsible Authority from a suitably qualified DDA consultant that the approved development has been assessed against the relevant legislation and deemed to be acceptable.

Landscape and Public Realm Plan

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13. Before the development starts, a detailed Landscape and Public Realm plan consistent with Frankston City Council's Landscape Plan Guidelines (2024) and Clause 58.03-5 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 prepared by a suitably qualified landscape architect, drawn to scale with dimensions. The plan must be consistent with the plans prepared by VIA Architects dated 16/10/2024, Revision F, Drawing no. TP-950 and must show:
- a) Address the plans to be endorsed under Condition 1.
 - b) A survey (including botanical names) of street trees, accurately illustrated to represent canopy width and labelled with botanical name, height and whether the tree is proposed to be retained and/or removed.
 - c) Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) of retained trees illustrated with notations regarding protection methods during construction.
 - d) buildings on neighbouring properties within three metres of the boundary.
 - e) 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.
 - f) detailed designs of all planter boxes.
 - g) 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.
 - h) a range of plant types from ground covers, climbers to large shrubs and trees.
 - i) landscaping and planting within all open areas of the site.
 - j) adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals).
 - k) increased planting density with a coastal planting theme of a minimum 40% indigenous and 40% native.
 - l) suitable soil volumes to be provided within planter boxes to sustain the proposed eleven small trees shrubs as nominated in plans VIA Architects dated 16/10/2024, Revision F, Drawing no. TP-950.
 - m) the provision of notes on the landscape plan regarding site preparation, including removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
 - n) all tree stock used must be in accordance with AS2303-2015 Tree stock for Landscape Use.
 - o) lighting including pedestrian and feature lighting.
 - p) preparation of a Public Realm Plan detailing the following (as relevant):
 - i. Identification of all public realm works within or directly integrating with the development site including the pedestrian link, footpaths, roads, outdoor dining, public seating, plazas and parks.
 - ii. greening/landscaping and lighting to the pedestrian link.
 - iii. CCTV along the pedestrian link.
 - iv. The location of levels/DDA paths of travel and accessibility, lighting including street, pedestrian and feature lighting, seating

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(including prefab and in-situ), signage, tables, paving and edging, planting and greening including planter boxes and green walls and screens, bins, bollards, public art, screening, balustrades, awnings, signage and wayfinding.

- v. Product details including suppliers/brand, materials, colours, finishes, quantities and dimensions in accordance with Council's preferred material palette.
 - vi. Notation of relevant dimensions and offset distances.
 - vii. Location of all other relevant existing features including property boundaries, roadways, waterways, vegetation, services and infrastructure etc.
14. The landscaping as shown on the endorsed Landscape and Public Realm Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or commencement of the use.
15. The lighting as shown on the endorsed Landscape and Public Realm Plan must be installed in accordance with the Landscape and Public Realm Plan and maintained and operated for the life of the building.

Landscape Maintenance Plan

16. Before the development starts, a Landscape Maintenance Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must include:
- a) Plant establishment schedule and period.
 - b) Ongoing annual planting maintenance schedule (monitoring of plants, weeding, watering, pruning, re-mulching, pest and disease management, fertilising, re-planting).
 - c) Ongoing maintenance schedule for structures and surfaces (cyclic, routine, reactive, emergency and renovation).
 - d) Replacement timeframes for poorly performing plant stock.
 - e) Irrigation specification and irrigation maintenance schedule.
 - f) Maintenance responsibilities for landscaping establishment and ongoing maintenance.
17. The landscaping shown on the endorsed plans must be maintained in accordance with the endorsed Landscape Maintenance Plan and to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged trees are to be replaced.

Street Tree Protection Bond

18. Prior to the commencement of works, the permit holder must pay a bond as agreed by the Responsible Authority as security for the protection of the street tree(s). The bond will be returned 12 months after the completion of the works, provided the tree(s) are not damaged and all protection measures stipulated within the Tree Protection Management Plan are complied with. Any damage may result in partial or full forfeiture of the bond.

Street Tree Removal

19. Before the crossover is constructed the 'Request Form - Council Tree Removal for Private Development' and payment for the removal of the Council Street Tree, Tree 5, Platanus orientalis var. insularis located on the footpath in Keys St

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shall be provided to Frankston City Council in accordance with the fees for a large street tree outlined in Council's Guidelines for Council Tree Removal for Private Development. Upon receipt of the form and payment the street tree removal will be actioned.

Tree Protection Management Plan

20. Before works start (including any demolition, levelling of the site, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), a Tree Protection Management Plan (TPMP) prepared in accordance with Frankston City Council's 'Arboricultural Report Writing Guide' shall be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the permit. The TPMP must be prepared by a suitably qualified and experienced Arborist in relation to the management and maintenance of trees numbered 1-4. The TPMP shall make specific recommendations in accordance with AS4970: 2025 - Protection of Trees on Development Sites and detail the following where relevant but not limited to ensuring that the trees remain healthy and viable during and following construction:
- a) A site plan showing tree protection zones (TPZ) and structural root zones (SRZ), tree protection fence locations and any tree protection fence relocations required where ground protection systems will be used;
 - b) A clear photograph of each tree;
 - c) Any specific damage/faults evident within each tree prior to demolition or construction. These photographs must be supplied within the TPMP as a preliminary dilapidation report.
 - d) Restricted activities in the TPZ;
 - e) Key supervision and monitoring stages of the development including pre-demolition, pre-construction, and post construction stages;
 - f) Details of any TPZ encroachments including if necessary;
 - i. arborist supervision
 - ii. any root pruning
 - iii. methods by which to protect tree branches from temporary works, such as scaffold or similar
 - g) Methods for installation of services e.g.; sewerage, storm water, telecommunications, electricity etc;
 - h) Any remedial pruning works as required including a detailed photographic diagram specifying what pruning will occur;
 - i) Final Certification of Tree protection template.
21. Prior to occupation of the development or at such later date as is approved by the Responsible Authority in writing, the Final Certification Report Template as required in the Tree Protection Management Plan shall be completed and submitted to the satisfaction of the Responsible Authority.
22. Tree protection shall be carried out in accordance with AS 4970-2025 Protection of trees on development sites and the endorsed TPMP to the satisfaction of the Responsible Authority.

Tree Pruning

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23. Any tree pruning shall be carried out by a qualified and experienced Arborist who has thorough knowledge of tree physiology and pruning methods. Pruning of Council trees shall be carried out in accordance with AS 4373-2007 Pruning of Amenity Trees with the permission of, and to the satisfaction of the Responsible Authority.

Construction Environmental Management Plan

24. Prior to the commencement of works, a Construction Environmental Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed to form part of the permit. Any plans submitted must be consistent with all other documents approved as part of this permit. The plan must be drawn to scale with dimensions and include the following information:
- a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure.
 - b) Works necessary to protect road and other infrastructure.
 - c) Remediation of any damage to road and other infrastructure.
 - d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land.
 - e) Facilities for vehicle washing.
 - f) Location and specifications of sediment control devices on/off site.
 - g) Location and specification of surface water drainage controls.
 - h) Proposed drainage lines and flow control measures.
 - i) Location and specifications of fencing for the protection of trees and/or vegetation as required by the permit.
 - j) Response measures and monitoring systems to minimise any environmental hazards including, but not limited to:
 - i. Vegetation protection;
 - ii. Runoff and erosion;
 - iii. Contaminated soil;
 - iv. Materials and waste;
 - v. Litter, noise and light;
 - vi. Stormwater contamination from run-off and wash-waters;
 - vii. Sediment from the land on roads;
 - viii. Washing of concrete trucks and other vehicles and machinery; and
 - ix. Spillage from refuelling cranes and other vehicles and machinery.
 - k) The construction program.
 - l) Location of all stockpiles and storage of building materials.
 - m) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street.
 - n) Parking facilities for construction workers.
 - o) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency.

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- p) Traffic management plans that show proposed traffic control measures during construction, the heavy vehicle route to and from the site, loading bay/works zone and access and egress from the site.
 - q) Identification of how all construction vehicles, including piling rigs, will access the site in a manner that minimises impact upon existing street trees and low hanging branches identified for retention.
 - r) Site security.
 - s) Details to demonstrate compliance with relevant EPA guidelines.
 - t) Target of recycling and re-using a minimum of 80% of construction and demolition waste by weight.
 - u) Hours during which construction activity will take place.
 - v) Measures to ensure that all work on the land will be carried out in accordance with the Construction Environmental Management Plan.
 - w) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services.
 - x) Contact numbers of responsible owner/contractor including an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced.
 - y) Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - i. Using lower noise work practice and equipment;
 - ii. The suitability of the land for the use of an electric crane;
 - iii. Silencing all mechanical plant by the best practical means using current technology;
 - iv. Fitting pneumatic tools with an effective silencer; and
 - v. Other relevant considerations.
 - z) Any site-specific requirements.
25. The provisions, recommendations and requirements of the endorsed Construction Environmental Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

26. The Waste Management Plan as prepared by Quantum Traffic and dated 17/06/2025 is endorsed and forms part of the permit.
27. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and thereafter complied with to the satisfaction of the Responsible Authority.

Acoustic Report

28. The Acoustic Report prepared by Acoustic Logic, dated 26/08/2025 is endorsed and forms part of the permit.
29. The provisions, recommendations and requirements of the endorsed Acoustic

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Report must be implemented and thereafter complied with to the satisfaction of the Responsible Authority.

30. Before the occupation of any building approved under this permit, a report from the author of the Acoustic Report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Acoustic Report have been implemented in accordance with the approved Plan.

Canopy Encroachments of the Nepean Highway and Keys Street Road Reserve

31. Prior to the commencement of the any building and works, the owner of the land must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act* 1987 in respect to canopy encroachments of the Nepean Highway and Keys Street Road Reserve and to provide for:

- a) Public Liability Insurance;
- b) Indemnity for Frankston City Council and Crown;
- c) Continuity of appropriate maintenance to ensure the continued safety of the structure and to ensure any risk to public safety is minimised.

Before the development starts, the Section 173 agreement must be registered on the title to the land. All reasonable costs and expenses involved in the drafting, negotiating, reviewing, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the owner/s of the land.

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

During Construction

32. Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines.
33. Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system.
34. Vehicle borne material must not accumulate on the roads abutting the land.
35. The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads.
36. All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
37. Any damage caused to Council land due to construction or operational works must be restored at the expense of the owner/developer to the satisfaction of the Responsible Authority.
38. 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.
39. 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.
40. All relevant permits must be obtained from Council for works within the existing

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road reserves, in addition to the planning permit.

Prior to Occupation

41. Prior to the occupation of the building, areas set aside for parking vehicles, loading bays, bicycles, access lanes and paths as shown on the endorsed plans must be:
- a) Constructed to the satisfaction of the Responsible Authority;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat;
 - d) Drained and maintained to the satisfaction;
 - e) Line marked to show the direction in which vehicles are to travel;
 - f) Sign marked identifying the allocation of car spaces; and
 - g) Properly lit. to the satisfaction of the Responsible Authority.
42. Car spaces, access lanes, bicycle facilities, loading areas and driveways must be kept available for these purposes at all times.

Vehicle Crossovers

43. Any security boom, barrier or similar device controlling vehicular access to the premises must be located a minimum of six metres inside the property to allow vehicles to prop clear of Keys Street.
44. Proposed vehicle crossings must be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
45. Any redundant vehicle crossing must be removed, and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority.

Engineering and Drainage

46. Before the development starts, detailed design plans and drainage computations of the internal stormwater drainage system including the method of connection to the existing Council drainage infrastructure to the satisfaction of the Responsible Authority must be submitted to and approved by Responsible Authority.
47. A stormwater detention system with a volume capable of retarding the 10% Annual Exceedance Probability (AEP) flow from the development site back to a 20% AEP pre-development value must be constructed to the satisfaction of the Responsible Authority.
48. Geotechnical report including groundwater investigations must be carried out by qualified Geotechnical Engineers for proposed basement and lower ground levels and submitted to the satisfaction of the Responsible Authority.
49. 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:
- Permeable driveways and porous pavements.
 - Rain gardens and bioretention basins.
 - Gross pollutant traps.
 - On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.

50. The stormwater treatment system must be designed to meet the current best

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practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) in compliance with Standard B9 Permeability and stormwater management objectives.

51. Before the development is completed, all works detailed on the approved drainage plans, including the stormwater drainage system, must be constructed in accordance with the approved plans to the satisfaction of the Responsible Authority.
52. Stormwater drainage outfall may need to be constructed to the satisfaction of the Responsible Authority.
53. Stormwater drainage must be connected to stormwater Legal Point of Discharge as nominated by and to the satisfaction of the Responsible Authority.

Urban Design

54. External building materials and finishes must not result in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.
55. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.
56. 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.
57. Mailboxes shall be provided within the development to the satisfaction of the Responsible Authority and Australia Post.
58. All plumbing work, sewer pipes etc. associated with the building shall be concealed from general view.
59. All roof plant and equipment must be screened so as not to be visible from public areas.
60. Light reflectivity from external materials and finishes must not reflect more than 22% of specular visible light, to the satisfaction of the Responsible Authority.

Noise

61. Noise emissions from the premises must comply with the requirements of EPA Publication 1826/4 'Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues Part II' to the satisfaction of the Responsible Authority.
62. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, except for emergency broadcast, announcement, alarm and siren (including testing).

Amenity

63. The amenity of the area must not be detrimentally affected by the use or 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,

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steam, soot, ash, dust, waste water, waste products, grit or oil.

d) Presence of vermin.

e) In any other way. to the satisfaction of the Responsible Authority.

64. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.
65. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.
66. The loading and unloading of goods from vehicles must only be carried out within the designated loading bay area on site.
67. Air-conditioning and other plant and equipment installed on or within the buildings must be so positioned and baffled that any noise emitted complies with the appropriate Australian Standards and EPA requirements.

Development Contributions

68. Development Infrastructure Levy in accordance with the approved Development Contributions Plan which applies to the land must be paid to Frankston City Council as the Collecting Agency prior to the grant of a building approval or the development of any buildings and works associated with the permitted development, whichever occurs first; or the Owner must enter into an agreement with Frankston City Council as the Collecting Agency to pay the Development Infrastructure Levy within a time specified in the agreement.

Department of Transport and Planning

69. All disused or redundant vehicle crossings on the Nepean Highway must be removed, and the area reinstated to the satisfaction of and at no cost to the Head, Transport for Victoria.

Satisfactorily Completed

70. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
71. Before the building is occupied, the pedestrian link along the southern boundary of the site must be constructed:
- (a) in accordance with Council's standards and preferred material palette;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.

Completion Prior to Occupancy

72. Unless with the written consent of the Responsible Authority, the building must not be occupied until all buildings and works as shown on the endorsed plans have been completed to the satisfaction of the Responsible Authority.

Permit Expiry

73. 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 five years of the date of this permit.

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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.** Before the development starts, the operator of this planning permit must obtain a non-refundable Asset Protection Permit from Frankston City Council's Engineering Services 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

11.5 Planning Application 492/2017/P/G - 424-426 Nepean Highway, Frankston - S72 application to amend the planning permit and plans to allow for changes to a fourteen (14) storey mixed use building*(TB Communities)***Council Decision****Moved: Councillor Butler****Seconded: Councillor Baker****Recommendation (Director Communities)**

That Council resolves to issue an Amended Planning Permit in respect to Planning Permit Application number 492/2017/P/G for:

Clause	Matter for which the permit has been granted
37.08-2	To use the land for dwellings
37.08-5	To construct a building or construct or carry out works
52.06-3	To reduce the number of car parking spaces required relating to the commercial tenancies

at 424-426 Nepean Highway, Frankston, subject to the following conditions:

Amended Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application Bruce Henderson Architects, TP200-TP204, TP206-TP213, TP300-TP303, TP401-TP402, TP500-TP518, TP531-TP535, TP537 and TP539-TP553, Revision 17, dated 16 July 2025 and TP205, Revision 16, dated 16 July 2025, but modified to show:
 - a) Deleted;
 - b) Deleted;
 - c) Deleted;
 - d) Deleted;
 - e) Deleted;
 - f) Location of any cooling or heating unit for each dwelling.
 - g) Deleted;
 - h) Building service locations and screening;
 - i) Deleted;
 - j) Allocation of car spaces to dwellings, retail space and visitors;
 - k) Habitable room walls adjacent to communal space/roof garden, lifts or service area to be acoustically treated;
 - l) Detailed materials, finishes and colour schedule in accordance with condition 21;

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- m) Deleted;
- n) Any changes arising from the Landscaping Plan in accordance with condition 3;
- o) Deleted;
- p) Deleted;
- q) Shadow diagrams and any changes to built form to ensure that the proposal complies with clause 58.03-3 (Solar access to communal open space) which requires 'at least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June';
- r) Changes to the building including the provision of dimensioned plans and nomination of rooms/spaces demonstrating compliance with standard D18 of clause 58.05-1 (Accessibility), standard D19 of clause 58.05-2 (Building entry and circulation), standard D20 of clause 58.05-3 (Private Open Space), standard D21 of clause 58.05-4 (Storage), standard D22 of clause 58.06-1 (Common property), standard D23 of clause 58.06-2 (Site Services), standard D26 of clause 58.07-1 (Functional layout), standard D27 of clause 58.07-2 (Room depth) and standard D29 of clause 58.07-4 (Natural ventilation) of the Frankston Planning Scheme;
- s) A more unified, consistent design expression across the building by incorporating key design elements of the west elevation along the north, east and south elevations;
- t) Round off the corner of the ground level planter in north-west corner to replicate curvature of the podium and awning above and delete the handrail;
- u) Deletion of the platform lift along the west interface in association with a reconfiguration of level changes within the building to improve integration with, and equitable access between the building and the public realm;
- v) Provision of DDA access from the basement 01 car park;
- w) Curve the corners of the north-east podium level as presented to Beach Street / Nepean Highway for greater design consistency;
- x) Plans to denote all windows at ground level (Basement 01 and Ground Floor) interfacing with the Nepean Highway, Beach Street and Kananook Creek Boulevard as having 75% clear glazing between the heights of 0.5m – 2.0m above the footpath/public realm;
- y) Plans to denote all windows within the podium levels above ground level (Ground Floor, Mezzanine, Level 01, 02 and 03) as being clear and free of tinting/obscured glazing;
- z) Elevations to accurately denote all proposed materials and finishes;
- aa) The street awning to cover the entirety of the north section and extended south to property boundary where it adjoins 428-430 Nepean Highway;
- bb) Provision for more fine grain coastal-inspired materials (e.g. stone or

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weathered timber) within the podium at ground level;

- cc) Any changes arising from the Tree Protection Management Plan in accordance with Condition 14;
- dd) Any changes arising from the Sustainable Management Plan in accordance with Condition 15;
- ee) All ESD initiatives included in the endorsed BESS Report and the Sustainable Management Plan must be identified on the architectural plans including Lighting initiative, WESL star rating for water fixtures, IEQ initiatives and EV charging station;
- ff) Any changes arising from the Green Travel Plan in accordance with Condition 17;
- gg) Any changes arising from the A Reflected Glare Assessment in accordance with Condition 18;
- hh) Any changes arising from the A Wind Assessment Report in accordance with Condition 20;
- ii) Nomination of the use/delineation of the two tandem residential parking spaces shown on the Level 02 Plan;
- jj) Pedestrian visibility splays at the proposed new crossover;
- kk) Address the requirements of Melbourne Water in accordance with Conditions 52, 53 and 54 to the satisfaction of Melbourne Water and the Responsible Authority.
- ll) The level 1 corridor accessing apartments 105 and 106 must be widened to at least 1.6 metres;
- mm) Adjustments to the basement car parking arrangements as per the recommendations detailed at section 6.1 of Mr Russell Fairlie's expert evidence statement dated 25 July 2024 and generally in accordance with the drawings attached at Appendix B of the expert evidence statement.
- nn) Modification of nooks at ground level on Nepean Highway frontage to mitigate potential unsocial outcomes.
- oo) Modification of the east end of the south-facing wall including additional glazing generally in accordance with the sketch prepared by Bruce Henderson Architects dated 15 August 2024 (Drawing SKD-401).
- pp) Acoustic attenuation measures from the Acoustic Report to be annotated on the architectural plans in accordance with Condition 40.

all to the satisfaction of the responsible authority.

No Alterations or Changes

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

Landscaping

3. Before the development starts, a detailed Landscape Plan consistent with Frankston City Council's Landscape Plan Guidelines (2020) must be submitted to and approved by the Responsible Authority. When approved, the plan will be

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endorsed and will then form part of the permit. The plan must be to the satisfaction of the Responsible Authority and prepared by a suitably qualified landscape designer, drawn to scale with dimensions. The plan must be generally in accordance with the landscape plans prepared by Hansen Partnership drawing nos. LCD-002– LCD-004 and LCD-008 (Revision C, dated 7 August 2025) and LCD-001 and LCD-005 – LCD-007 (Revision D, dated 7 August 2025), but modified to show:

- a) Address the plans to be endorsed under Condition 1;
- b) Provision of planter boxes within west facing balconies of the Mezzanine Level and Level 01;
- c) Plans to identify the location of public, ambient and feature lighting including street lighting, signage illumination, lighting of architectural features such as uplighting/down-lighting etc;
- d) A plant species to the north-west planter at ground level to ensure that it is of a height that it does not pose a trip hazard;
- e) A Public Realm Plan detailing the following:
 - i. Identification of works for all ‘public realm’ areas within or directly integrating with the development site including for example pedestrian links, footpath connections and extensions, outdoor dining, public seating and parks and recreation areas;
 - ii. The location of lighting including street lighting, pedestrian lighting and feature lighting (including external lighting on the building itself the building itself), bollards, signage and wayfinding, seating, bike hoops, retaining walls, planter boxes, public art, paving, glazing, garden beds/planting areas, bins and balustrades;
 - iii. Select alternative to *Correa reflexa* and any other shrub species not clearly identified. Planting should maintain a low profile, excluding street trees.
- f) Additional landscaping on Level 3.

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

The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development or at a later date for the landscaping of the Public Realm Plan as approved and agreed with the payment of a ‘Incomplete Landscape Works’ bond by the Responsible Authority in writing.

4. Concurrent with the submission of the amended plans, a landscape management plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must include:
 - a) Details of the initial Plant Established period;
 - b) Long term maintenance regime for all landscaped areas including balcony planter boxes and roof garden to include detail on but not limited to the following: maintenance schedule including inspections, weeding, watering and inspection of any irrigation systems, pruning and replacement of any plants that fail, mulching, pest and disease control;

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- c) Maintenance responsibilities for landscaping.
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 commencement of the use or at such later date as is approved by the Responsible Authority in writing.

S173 Agreement

6. Prior to the commencement of the any building and works, the owner of the land must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 (Vic) in respect to canopy encroachments and to provide for:
- a) Public Liability Insurance;
 - b) Indemnity for City of Frankston and Crown;
 - c) Continuity of appropriate maintenance to sure the continued safety of the structure and ensure any risk to Public Safety is minimised.

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

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

Serviced Apartments

- 7. Deleted.
- 8. Deleted.
- 9. Deleted.
- 10. Deleted.
- 11. Deleted.
- 12. Deleted.
- 13. Deleted.

Tree Protection Management Plan

14. Before works start (including any demolition, levelling of the site, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), a Tree Protection Management Plan (TPMP) prepared in accordance with Frankston City Council's 'Arboricultural Report Writing Guide' must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the permit. The TPMP must be prepared by a suitably qualified and experienced Arborist in relation to the management and maintenance of street trees. The TPMP must make specific recommendations in accordance with AS4970: 2009 - Protection of Trees on Development Sites and detail the following where relevant but not limited to ensuring that the trees remain healthy and viable during and following construction:
- a) A site plan showing tree protection zones (TPZ) and structural root zones (SRZ), tree protection fence locations and any tree protection fence relocations required where ground protection systems will be used;
 - b) A clear photograph of each tree;
 - c) Any specific damage/faults evident within each tree prior to demolition or construction. These photographs must be supplied within the TPMP as a

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- preliminary dilapidation report;
- d) Restricted activities in the TPZ;
- e) Key supervision and monitoring stages of the development including pre-demolition, pre-construction, and post construction stages.
- f) Details of any TPZ encroachments including if necessary.
 - i. details of exploratory root investigation;
 - ii. alternative construction techniques;
 - iii. root pruning;
- g) Methods for installation of services e.g., sewerage, storm water, telecommunications, electricity etc.;
- h) Remedial pruning works as required including a detailed photographic diagram specifying what pruning will occur; and
- i) Final Certification of Tree protection template

Before the development is occupied or at such later date as is approved by the Responsible Authority in writing, the Final Certification Report Template as required in the Tree Protection Management Plan must be completed and submitted to the satisfaction of the Responsible Authority.

The provisions, recommendations and requirements of the endorsed Tree Protection Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainable Management Plan

15. Before the development starts, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Sustainable Management Plan will be endorsed and will then form part of the permit. The Sustainable Management Plan must be generally in accordance with the Sustainability Management Plan (SMP) prepared by GIW Environmental Solutions and dated 15 August 2025, but modified to:

- a) Reflect and address the plans to be endorsed under Condition 1 with no reduction in the commitments and rating nominated under the BESS assessment in the Sustainable Management Plan.

The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

No alterations to the Sustainable Management Plan may occur without the written consent of the Responsible Authority.

16. Before the occupation of any building approved under this permit, a report from the author of the Sustainable Management Plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Sustainable Management Plan have been implemented in accordance with the approved Plan.

Green Travel Plan

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17. Before the development commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:

- a) Address the plans to be endorsed under Condition 1;
- b) Promote travel alternatives such as public transport, cycling, and walking,
- c) Reduce car dependency and greenhouse gas emissions;
- d) Manage car parking demands;
- e) Improve information and opportunities for those without access to a car, and
- f) Include a management and implementation plan.

The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Reflected Glare Assessment

18. Prior to commencement of buildings and works, a Reflected Glare Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Reflected Glare Assessment will be endorsed and will form part of this permit. The Reflected Glare Assessment must include, but not be limited to, the following:

- a) Address the plans to be endorsed under Condition 1;
- b) The applied method used for the reflected glare assessment;
- c) Any assessment assumptions;
- d) Identification of potential observers receiving glare;
- e) Review of materials, finishes and reflectors;
- f) Assessment of the proposed development's disability and discomfort glare;
- g) Mitigation measure for reflected glare.

The provisions, recommendations and requirements of the Reflective Glare Assessment must be implemented and thereafter complied with to the satisfaction of the Responsible Authority.

Geotechnical Report

19. Prior to the commencement of the development, a geotechnical report prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. When approved, the Geotechnical Report will be endorsed and will then form part of the permit. The Geotechnical Report must identify the potential for acid sulfate soils and any management recommendations having regard to:

- a) Address the plans to be endorsed under Condition 1;
- b) The condition of the soil on the site and in the surrounding area;
- c) How the development will mitigate detrimental impacts to the soils in the

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area;

- d) How the development will protect itself from any adverse affects from the soils and ground conditions in the area; and
- e) How the development accords with the Victorian Coastal Acid Sulfate Soils Strategy 2009.

The provisions, recommendations and requirements of the endorsed Geotechnical Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Assessment Report

20. Before the development starts, an amended Wind Assessment Report to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the Wind Assessment Report will be endorsed and will then form part of the permit. The Wind Assessment Report must be generally in accordance with the Pedestrian Wind Environment Statement prepared by Windtech, dated 12 August 2025 but modified to:

- a) Address the plans to be endorsed under Condition 1 including consideration of any necessary modifications to the built form which would assist with wind mitigation;
- b) Include Wind Tunnel Testing;
- c) Address the sitting, standing and walking criteria specified in Clause 58.04-4 (Wind Impacts) of the Frankston Planning Scheme.

The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and thereafter complied with to the satisfaction of the Responsible Authority.

Materials, finishes and colour schedule

21. Concurrent with the submission of the amended plans, a colour schedule and sample panel of all external materials and finishes showing materials, colours and finishes, roof and glazing treatments including colour copies suitable for endorsing, must be submitted to the satisfaction and approval by the Responsible Authority. When approved, the schedule will form part of the permit.

22. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the responsible authority.

Tree Protection

23. The development must be undertaken in accordance with Australian Standard AS 4970-2009 Protection of trees on development sites to ensure that the development does not adversely impact on the health, life expectancy and structural stability of any street trees, to the satisfaction of the Responsible Authority.

24. 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

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metal mesh or netting with a high visibility plastic hazard tape, must be installed at a radius of not less than the Tree Protection Zone for all street trees adjacent to the site, to the satisfaction of the Responsible Authority. A fixed sign is to be provided on all visible sides of the Tree Preservation Fencing, stating "Tree Preservation Zone – No entry without permission from Frankston City Council". Fencing must be inspected by a suitable qualified and experienced arborist prior to commencement of construction works. The requirements below must be observed within this area –

- a) No vehicular or pedestrian access;
- b) The existing soil level must not be altered either by fill or excavation;
- c) The soil must not be compacted or the soil's drainage changed;
- d) No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are to be disposed of or stored;
- e) No storage of equipment, machinery or material is to occur;
- f) 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;
- g) Nothing whatsoever, including temporary services wires, nails, screws or any other fixing device, is to be attached to any tree;
- h) Tree roots must not be severed or injured;
- i) Machinery must not be used to remove any existing concrete, bricks or other materials.

Drainage

- 25. 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.
- 26. 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.
- 27. 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:
 - a) On-site stormwater detention and rainwater tanks.
 - b) Soil percolation
 - c) Stormwater harvesting and Re-use of stormwater for garden watering, toilet flushing, etc
 - d) On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.

Vehicles

- 28. New vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.

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29. All disused vehicle crossing shall be removed and are reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.
30. Prior to the occupation of the building, areas set aside for parking vehicles, loading bays, bicycles, access lanes and paths as shown on the endorsed plans must be:
- a) Constructed to the satisfaction of the Responsible Authority;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat;
 - d) Drained and maintained to the satisfaction;
 - e) Line marked to show the direction in which vehicles are to travel;
 - f) Sign marked identifying the allocation of car spaces; and
 - g) Properly lit,

to the satisfaction of the responsible authority.

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

Security Gate

31. Any security boom, barrier or similar device controlling vehicular access to the premises must be located a minimum of six metres inside the property to allow vehicles to prop clear of Beach Street.
32. 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 conditions

33. Before the development starts, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will then form part of the permit. The Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design, dated 2 September 2025 but modified to:
- a) Address the plans to be endorsed under Condition 1;
 - b) Base waste generation rates in Table 1.2 on Sustainability Victoria's Guide Waste Management and Recycling in Multi-unit Developments;
 - c) Provide chutes for all waste streams;

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- d) Apply full generation rates for organic waste;
- e) Delete reference to allowing “certified compostable liners” to be used;
- f) Ensure that the bin schedule and capacity of bins collection in Table 2 is sufficient for the waste generation of the residential properties based on Sustainability Victoria’s Guide Waste Management and Recycling in Multi-unit Developments;
- g) Provide an area for e-waste in the bin store for at least a 120L-240L MGB for residents in addition to the hard waste area allocated.

The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

- 34. All waste generated by the development must be collected by a Private Waste Management Agency to the satisfaction of the responsible authority.
- 35. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.
- 36. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.
- 37. The loading and unloading of goods from vehicles must only be carried out within the designated loading bay area on site.
- 38. Air-conditioning and other plant and equipment installed on or within the buildings must be so positioned and baffled that any noise emitted complies with the appropriate Australian Standards and EPA requirements.

Construction and Environment Management Plan

- 39. Prior to the commencement of the development, a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed to form part of the permit. Any plans submitted must be consistent with all other documents approved as part of this permit. The information must be drawn to scale with dimensions and three copies must be provided. The Plan is to include details of the following:
 - a) Contact Numbers of responsible owner/contractor including emergency/24 hour mobile contact details;
 - b) Identification of possible environmental risks associated with development works;
 - c) Response measures and monitoring systems to minimise identified environmental risks, including but not limited to creek protection, vegetation protection, runoff, erosion, dust, litter, noise and light;
 - d) Location and specifications of sediment control devices on/off site;
 - e) Location and specification of surface water drainage controls;
 - f) Proposed drainage lines and flow control measures;
 - g) Location and specifications of fencing for the protection of trees and/or vegetation as required by the permit;

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- h) Location of all stockpiles and storage of building materials;
- i) Location of parking for site workers and any temporary buildings or facilities;
- j) Details to demonstrate compliance with relevant EPA guidelines;
- k) Target of recycling and re-using a minimum of 80% of construction and demolition waste by weight;
- l) Hours during which construction activity will take place;
- m) Traffic management plans that show proposed traffic control measures during construction, the heavy vehicle route to and from the site, loading bay/works zone and access and egress from the site;
- n) An Acid Sulphate Management Plan to manage any soil conditions identified in the Geotechnical Report endorsed under Condition 19.

The provisions, recommendations and requirements of the endorsed Construction Environmental Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

- 40. The Acoustic Report prepared by Acoustic Logic dated 5 August 2025 is endorsed and forms part of the permit.
- 41. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and thereafter complied with to the satisfaction of the Responsible Authority.
- 42. Before the occupation of any building approved under this permit, a report from the author of the Acoustic Report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Acoustic Report have been implemented in accordance with the approved Plan.
- 43. By a date no later than three months after the occupation starts, a further Acoustic Report must be prepared by a suitably qualified acoustic consultant to the satisfaction of the Responsible Authority demonstrating that compliance with the Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Publication 1826.2, Environment Protection Authority) ('Noise Protocol') has been achieved. If noise emitted from the commercial premises exceeds the recommended noise limits, the report must address additional noise control treatments required to the satisfaction of the Responsible Authority.

Urban Design

- 44. 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.
- 45. Mailboxes must be provided within the development to the satisfaction of the Responsible Authority and Australia Post.
- 46. All plumbing work, sewer pipes etc. associated with the building must be concealed from general view.
- 47. Power and telephone lines to the development must be placed underground from the main points of service outside the boundaries of the site.

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48. All roof plant and equipment must be screened so as not to be visible from public areas.
49. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

Amenity

50. The amenity of the area must not be detrimentally affected by the use or 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) In any other way,
- to the satisfaction of the Responsible Authority.
51. Unless with the prior written consent of the Responsible Authority, the outdoor dining areas must only operate between the hours of:
- a) Monday to Thursday: 8.00 am to 10.00 pm.
 - b) Friday and Saturday: 8.00 am to 11.00 pm.
 - c) Sunday and public holidays: 8.00 am to 10:00 pm.

Noise

52. Noise emissions from the premises must comply with the requirements of EPA Publication 1826/4 'Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues Part II' to the satisfaction of the Responsible Authority.
53. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, except for emergency broadcast, announcement, alarm and siren (including testing).

Completion of Buildings and Works

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

Completion Prior to Occupancy

55. Unless with the further written consent of the responsible authority, the building must not be occupied until all buildings and works as shown on the endorsed plans have been completed to the satisfaction of the responsible authority.

Melbourne Water

56. The Finished Floor Levels (FFLs) of all ground floor areas, including all lift and stair lobbies, must be set no lower than 3.0 metres to Australian Height Datum (AHD) (with the exception of transitional areas containing landings, steps or

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ramps to the satisfaction of Melbourne Water), which is 600mm above the applicable flood level of 2.4m to AHD.

57. All doors, windows, vents, openings and access points to the basement that could allow entry of floodwaters to the basement levels, must be set no lower than 3.0 metres to Australian Height Datum, which is 600mm above the applicable flood level of 2.4m to AHD.

58. Prior to the commencement of works a separate application to Melbourne Water must be made and approved of any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.

Permit Expiry

59. This permit will expire if:

- (a) The development has not started within three (3) years of the date of this permit;
- (b) The development is not completed within five (5) years of the date of this permit.

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

– End of conditions –

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:

- 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.

This permit has been amended as follows:

Date of Amendment	Brief Description

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21 November 2024	<p>This permit was amended pursuant to Section 74 of the <i>Planning and Environment Act 1987</i> in accordance with VCAT's order dated 21 November 2024.</p>								
	<p>This permit was amended pursuant to section 74 of the <i>Planning and Environment Act 1987</i>, by:</p> <ul style="list-style-type: none"> An amendment to the permit preamble to state: <table border="1"> <tr> <th>Clause</th><th>Matter for which the permit has been granted</th></tr> <tr> <td>37.08-2</td><td>To use the land for dwellings</td></tr> <tr> <td>37.08-5</td><td>To construct a building or construct or carry out works</td></tr> <tr> <td>52.06-3</td><td>To reduce the number of car parking spaces required relating to the commercial tenancies</td></tr> </table> The following amendments to the permit conditions: <ul style="list-style-type: none"> An amendment to Condition 1 to replace the plan references with "Bruce Henderson Architects, TP200-TP204, TP206-TP213, TP300-TP303, TP401-TP402, TP500-TP518, TP531-TP535, TP537 and TP539-TP553, Revision 17, dated 16 July 2025 and TP205, Revision 16, dated 16 July 2025." Amendment of Condition 1 f) on existing permit to delete to reference to "serviced apartment." The inclusion of new Conditions 1 pp). An amendment to Condition 2 to include 'use and/or'. Amendment to Condition 3 (Landscape Plan) to replace plan references with the landscape plans prepared by Hansen Partnership drawing nos. LCD-002– LCD-004 and LCD-008 (Revision C, dated 7 August 2025) and LCD-001 and LCD-005 – LCD-007 (Revision D, dated 7 August 2025). The inclusion of a new Condition 3(e)iii and 3(f). Amendment to Condition 15 (Sustainable Management Plan) to replace report reference prepared by GIW Environmental Solutions, dated 15 August 2025. Amendment to Condition 20 (Wind Assessment Report) to replace report reference with prepared by Windtech, dated 12 August 2025. Amendment to Condition 33 (Waste Management Plan) to replace report reference with prepared by Leigh Design, dated 2 September 2025. The inclusion of new Conditions 40-43 in relation to the Acoustic Report. 	Clause	Matter for which the permit has been granted	37.08-2	To use the land for dwellings	37.08-5	To construct a building or construct or carry out works	52.06-3	To reduce the number of car parking spaces required relating to the commercial tenancies
Clause	Matter for which the permit has been granted								
37.08-2	To use the land for dwellings								
37.08-5	To construct a building or construct or carry out works								
52.06-3	To reduce the number of car parking spaces required relating to the commercial tenancies								

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	<ul style="list-style-type: none">• The renumbering of Conditions 40-55 to Condition 44-59.
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Carried Unanimously

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12.8 Response to Kindergarten Registration Process Petition*(TB Communities)***Council Decision****Moved: Councillor Butler****Seconded: Councillor Green**

That Council:

1. Notes the petition received by Council at the 11 August Council meeting. The petition contained 468 signatures and related to the three and four year old kindergarten registration process. Community advocated for improvements to the current procedure which included program continuity at the same location, expanded sibling priority, and multiple preference options to be included in the assessment criteria;
2. Notes through the endorsement of the Municipal Early Years Plan (MEYP), officers committed to survey all 2026 kindergarten applicants by October 2025 to inform improvements to the registration process and to brief Councillors on the findings in November 2025;
3. Notes the current process has generally functioned well in previous years, 2025 saw an unprecedented number of families unable to secure their preferred kindergarten location for the 2026 program;
4. Notes a survey containing a variety of questions related to the kindergarten registration process was issued in September for a period of four weeks to over 3000 families to seek their feedback on the current process;
5. Notes the kindergarten registration survey received strong community engagement, with 483 participants providing input. Analysis of responses revealed a clear prioritisation of continuity for children transitioning from three to four year old programs at the same location, followed by preferences for local residency, sibling connections, and consideration of late and out of area registrations;
6. Notes officers developed a new Kindergarten Central Registration Protocol. Improvements have been made to include the key findings of the survey, noting this has been endorsed by the Interim CEO and will commence in 2026 for registrations received for kindergarten programs commencing in 2027; and
7. Notes the Kindergarten Central Registration Protocol will continue to undergo annual review as part of Council's commitment to continuous improvement and customer satisfaction. This ensures the process remains responsive to community needs and evolving service demands.

Carried Unanimously

11. CONSIDERATION OF CITY PLANNING REPORTS**11.2 Town Planning Application to amend Planning Permit (730/2024/P) to use the land for a Rooming House in a General Residential Zone (R1Z) by Section 72 of the Planning and Environment Act 1987.***(TB Communities)***Council Decision****Moved: Councillor Wanat****Seconded: Councillor Green**

That Council resolves to issue an Amended Planning Permit in respect of Planning Permit Application number 730/2024/P for:

Clause	Matter for which the permit has been granted
Clause 32.08-7	Section 72 – To use the land for a Rooming House in a General Residential Zone (R1Z)

at 48 Roberts Street, Frankston, subject to the following conditions:

Plans

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) Rooming House Management Plan in accordance with Condition 6.
 - b) Amended Waste Management Plan in accordance with Condition 7.
 - c) All trees growing on the site and on the adjoining properties within 3m of the boundaries clearly illustrated on all relevant plans to demonstrate canopy width, trunk location and be clearly labelled, stating whether the tree is to be retained or removed
 - d) The Tree Protection Zone (TPZ), Structural Root Zone (SRZ) and the tree protection locations for all trees to be retained illustrated on all relevant plans.
 - e) Tree pruning conditions noted on all relevant plans in accordance with Condition 9.
 - f) Tree protection conditions noted on all relevant plans in accordance with Conditions 10 and 11.
 - g) Tree protection fencing at the nominated TPZ distance adjacent to the building footprint in accordance with Condition 10.

No Alterations

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

Use

3. No more than twelve (12) residents may be accommodated within the building at

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any one time.

4. Cooking facilities must only be provided in communal areas to the satisfaction of the Responsible Authority.
5. The amenity of the area must not be adversely affected by the use or development because of:
 - a) Transport of materials, goods, or commodities to or from the land.
 - b) Appearance of any building, work, stored goods, or materials.
 - c) Emission of noise, artificial light, vibration, smell, fume, smoke, steam, soot, ash, dust, wastewater, waste products or oil; or
 - d) The presence of vermin.

To the satisfaction of the Responsible Authority.

Management Plan

6. Before the use starts, the Rooming House Management Plan prepared by Steradian dated 1 October 2024 must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will form part of the permit.

Waste Management Plan

7. Before the use starts, an amended Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan will be endorsed and will then form part of the permit. The plan must be generally in accordance with the WMP prepared by Steradian and dated 1 October 2024 but modified to include or show:
 - a) Bins are not to be presented for collection on Council's nature strip. The private waste contractor is to wheel bins out for servicing and return empty bins back into property following collection.
8. All waste generated by the use must be collected by a private waste management agency in accordance with the endorsed WMP and the EPA Victoria Publication 1254.2 Noise Control Guidelines to the satisfaction of the Responsible Authority.

Tree Pruning

9. Any tree pruning, including root pruning, must be carried out only by a qualified and experienced Arborist who has thorough knowledge of tree physiology and pruning methods. Pruning must be carried out in accordance with AS 4373:2007 Pruning of amenity trees and to the satisfaction of the Responsible Authority. Any pruning works must be undertaken before works start. Any pruning of trees located on a neighbouring property must be undertaken in consultation with the property owner.

Tree Protection Fencing

10. Tree protection must be carried out in accordance with AS 4970-2025 Protection of trees on development sites to the satisfaction of the Responsible Authority.
11. Before works start (including any demolition, levelling of the site, excavations, delivery of building/construction materials and/or temporary buildings), a Tree Protection Fence defined by a 1.8 metre high (minimum) temporary fence

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constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting with a high visibility plastic hazard tape, must be installed at the TPZ radius adjacent to the building footprint to the satisfaction of the Responsible Authority. A fixed sign is to be provided on all visible sides of the Tree Preservation Fencing, stating "Tree Preservation Zone – No entry without permission from Frankston City Council".

Parking Requirements

12. Before the use starts, areas set aside for parking vehicles and bicycles, access lane and paths as shown on the endorsed plans must be: -

- a) Constructed to the satisfaction of the Responsible Authority.
- b) Properly formed to such levels that they can be used in accordance with the plans.
- c) Surfaced with an all-weather sealcoat.
- d) Drained and maintained to the satisfaction of the Responsible Authority.
- e) Line-marked to indicate each car space, and if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.

Car spaces, bicycle spaces, access lane and driveway must be always kept available for these purposes.

Permit Expiry

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

- a) The use is not started within two (2) years of the date of this permit; or
- b) The use is discontinued for a period of two (2) years or more.

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

Notes

A. Extension of Time

Section 69 of the Planning and Environment Act, 1987 provides that before the permit expires or within 6 months afterwards, the owner or occupier of the land to which the permit applies may ask the responsible authority for an extension of time. Please note, if a request is made out of time, the Responsible Authority cannot consider the request and the permit holder will not be able to apply to VCAT for a review of the matter.

Any extension of time request must be lodged with the relevant administration fee.

B. Variation to Planning Permit

Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.

Application Number	Amendment Date	Description	RA	Act Section
730/2024/P	8 December 2025	This permit was amended by amending the permit preamble from "To use the land for a	FCC	Section 74.

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		Rooming House in a General Residential Zone (R1Z)" to "To use the land and construct buildings and works for a Rooming House in a General Residential Zone (R1Z)", the addition of Conditions 1(c) to (g), 9, 10 and 11, and considering amended plans.		
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Carried

For the Motion: Crs Asker, Baker, Bolam, Conroy, Green, Hill, O'Reilly and Wanat (8)

Against the Motion: Nil

Abstained: Cr Butler (1)

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11.6 Statutory Planning Progress Report for October 2025*(TB Communities)***Council Decision****Moved: Councillor Butler****Seconded: Councillor Hill**

That Council:

1. Receives the Statutory Planning Progress Report for the months of October 2025;
2. Notes in October 75% of 'standard' applications were determined within the statutory timeframe. This is above Council's 70% target;
3. Notes in October 74% of 'VicSmart' applications were determined within the statutory timeframe. This is above Council's 70% target;
4. Notes this Progress report contains a register as to the number of planning decisions made by the Minister of Planning in relation to applications in the Frankston municipality, and that no delegated comments were provided to the Minister during the period;
5. Notes there have been significant amendments made to Planning regulations during 2025, including changes to provisions relating to Activity Centres, residential development and subdivision, and tree canopy;
6. Notes further a common characteristic of recent changes to Planning regulations has been the exclusion or limitation of third party participation in statutory planning processes, whilst substantially changing the nature of assessment requirements and likely outcomes in many areas;
7. Notes the Minister for Planning has introduced the *Planning Amendment (Better Decisions Faster) Bill 2025* into Parliament which intends to make substantial changes to overarching Planning laws in Victoria and consequently to regulatory processes which operate pursuant to those laws;
8. Notes further that the *Planning Amendment (Better Decisions Fast) Bill 2025* has been developed without formal engagement with the local government sector;
9. Notes the Municipal Association of Victoria has expressed serious concerns about the *Planning Amendment (Better Decisions Faster) Bill 2025* and has commenced an advocacy campaign seeking both engagement with local government and changes to the legislation; and
10. Resolves Attachment B (Major Development Updates) and Attachment C (General applications of Councillor interest) remain confidential indefinitely on the grounds that they contain land use planning information and private commercial information (*Local Government Act 2020, s.3(1)(c) and (g)*). These grounds apply because it contains private information and would, if prematurely released, impact the reputation of Councillors and Council.

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved.

Chairperson's initials.....

12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Governance Matters Report for 8 December 2025***(CR Corporate and Commercial Services)***Council Decision****Moved: Councillor Butler****Seconded: Councillor Hill**

That Council:

Council Resolution Status Update

1. Receives the Council Resolution Status update, including:
 - i. Notice of Motion Cost Summary, Notice of Motion Report and Urgent Business update for 8 December 2025;
 - ii. Notes there are six (6) Notice of Motion actions reported as complete by officers;
 - iii. Notes there are no Urgent Business updates for 8 December 2025;
 - iv. Notes since the Council Meeting, held on 17 November 2025, twelve (12) resolution actions have been completed;

Councillor Briefings Record

2. Receives the record of Councillor Briefing meetings held since the date of last Council Meeting held on 17 November 2025, as listed in the body of the report;

Common Seal Policy

3. Notes the Letter Under Seal Policy was last adopted by Council on 18 November 2019 and has been revised;
4. Notes the revised policy has been renamed and developed as a new Common Seal Policy, expanding the scope to incorporate all occasions where the Seal may be applied;
5. Notes, under the new Policy and Protocol Framework, this policy is deemed to be Administrative and has been authorised by the CEO and will be published on Council's website following this meeting;
6. Revokes the Letter Under Seal Policy;

Communications Policy

7. Notes the Communications Policy was last adopted by Council on 19 April 2021 and has been revised to incorporate legislative changes and responses to community needs and expectations;
8. Notes the revised Communications Policy incorporates the following key changes:
 - a) Clear delegations and authorisations (s124 LGA 2020);
 - b) C.A.P.T.I.V.E Communications Principles;
 - c) Defined use of channels by audience and purpose;
 - d) Corporate communications prioritisation over ad hoc requests;
 - e) Reputation and risk management strengthened;
 - f) Recognition of Imagine Frankston brand;
 - g) Alignment with legislation and codes of conduct;
9. Notes, under the new Policy and Protocol Framework, this policy is deemed to be Administrative and has been authorised by the CEO and will be published on Council's website following this meeting;

Chairperson's initials.....

Municipal Early Years Plan (MEYP) – 2026-2030

10. Notes the final year 4 Municipal Early Years Plan (MEYP) report was endorsed at the 11 August 2025 Council meeting;
11. Notes that planning for the new MEYP 2026-2030 was scheduled to commence in 2025 in preparation for the new plan to be adopted by June 2026;
12. Notes that due to workload capacity challenges, planning and preparation of the new plan has been delayed;
13. Endorses that the new MEYP 2026-2030 will come to Council for adoption by December 2026;

Rugby Feasibility Study

14. Notes at the 2 June 2025 Council Meeting, it was resolved that Council:
 12. a) *Notes the increasing popularity of both rugby league and rugby union (and the aged infrastructure of existing facilities) within the Frankston municipality*
 - b) *Resolves that \$30,000 be committed to the 2025/26 Midyear Budget to complete a feasibility study to investigate sites or facilities that would be suitable to base a 'rugby hub' (or alternate rugby facility) within the Frankston municipality. The feasibility study would consider the opportunity for shared user arrangements and indicate a preliminary costing/s;*
 - c) *Ensures that the feasibility study is completed by July 2026 to enable relevant clubs (such as the Frankston Raiders) to lobby politicians and candidates in the lead-up to the next Victorian State Election;*
 - d) *Resolves that a report be presented to Council by the August 2026 Council Meeting on the findings of the feasibility study, and the way forward for rugby facilities within the Frankston municipality.*
15. Notes a Request for Quotation procurement process has been completed;
16. Notes the revised cost to complete the feasibility study is \$60,000;
17. Refers an additional \$30,000 to the 2025/26 Midyear Budget, to total \$60,000, to complete the feasibility study by July 2026 to enable relevant clubs (such as the Frankston Raiders) to lobby politicians and candidates in the lead-up to the next Victorian State Election;

Animal Control Orders

18. Notes it endorsed the Animal Control Orders at its 17 November 2025 meeting;
19. Notes an administrative correction is required on the Orders prior to these being Gazetted, as follows:
 - i. Correction of duplicate section 3, renumbered to Section 4
 - ii. Amended Section 1 to reference corrected Section 4(a)
 - iii. Updated meeting reference date of endorsement to 8 December 2025
20. Resolves to make the attached Orders, under sections 25(2) and 26(2) of the Domestic Animals Act 1994;
21. Authorises the Chief Executive Officer to publish the notice of the making of these Council orders in the Victorian Government Gazette, in the Herald Sun and on Council's website;

Maintenance Service Contracts

Chairperson's initials.....

22. Notes Contract CN10128 – Tree Maintenance Services Panel is a schedule of rates contract that has been highly utilised by the organisation to achieve greater efficiency, expedite project delivery and leverage competitive pricing as well as utilisation for reactive emergency tree works and the tree planting initiative;
23. Notes that due to this increased usage, the estimated total expenditure under this panel contract has increased to approximately \$16,931,729 (ex GST);

Naming Proposal for Frankston South Community and Recreation Centre

24. Notes its previous resolution from 29 January 2025 to commence community engagement on the formal renaming of Frankston South Community and Recreation Centre to be re-named as “Frankston South Community Centre”, on Council’s Engage Frankston for a period of 30 days;
25. Considers the results from community engagement, where a total of 140 responses were received, with 85 submissions in support of the proposed name “Frankston South Community Centre”;
26. As the naming authority, rejects the formal naming proposal and does not rename the site on the following grounds;
 - a. Lack of overwhelming support from the community and community engagement results;
 - b. Reputational risk to Council;
 - c. Services of the site are defined within the current name;
27. Retains the current name Frankston South Community and Recreation Centre; and
28. Notifies relevant stakeholders and engagement participants of the outcome of community consultation and Council decision through the Engage Frankston Platform.

Carried Unanimously

Note: Refer to page 4 of these Minutes where this item was Block Resolved.

Chairperson’s initials.....

12.2 Hot Topics for 8 December 2025*(AG Infrastructure and Operations)***Council Decision****Moved: Councillor Butler****Seconded: Councillor Hill**

That Council:

1. Acknowledges the update on Hot Topics of interest to Councillors outlined in this report, reinforcing confidence in the effective management of these important issues;

Communication and Advocacy

2. Notes the issues management, media, social media and community sentiment in confidential *Attachment A*;
3. Notes the social media campaign for 'Imagine Frankston';
4. Notes a review is being undertaken of Frankston City News distribution and Councillors will be briefed in February 2026;

Grants

5. Notes three (3) grant application outcomes were announced in September-October 2025, securing \$110,000 in external funding as follows:
 - a. \$110,000 towards maintenance dredging at Kananook Creek entrance (State Government);
6. Notes one (1) new grant application seeking \$95,000 was submitted in September-October 2025 as follows:
 - a. \$95,000 towards Waterfront Festival 2026 (Victorian Government);

Local Support Package

7. Notes the ongoing promotion of the Local Support Package across various tactics (media releases, social media posts, website, flyer) being implemented;

Awards and Accreditation

8. Notes that Frankston City Council recently submitted one application for awards and accreditations in October - November 2025:
 - a. Volunteer award;
9. Notes that Frankston City Council was successful in winning the following awards:
 - a. Keep Australia Beautiful Victoria - Environment category - for Growing our urban forest: 60,000 trees;
 - b. Keep Australia Beautiful Victoria - 2025 Tidy City - Frankston City Council;
 - c. Environmental Health Professionals Australia Individual Excellence and Innovation Award - tobacco enforcement and education reducing tobacco harm in the community;
 - d. 2025 Australian Event Awards - South Side Festival - state winner for the best small event in Victoria;

Councillor Projects of Interest

10. Notes the progress of the 2025/26 Capital Works Councillor Projects of Interest detailed in *Attachment B*;
11. Endorses the reallocation of \$45K in the 2025/26 Capital Works Program from

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project '15065 – Monique Reserve Shade Sail' to a new project at Jubilee Park to fund the installation of a shade sail at the playspace;

Avian Influenza Update (H5N1)

12. Notes Council's responsibilities in preparing for the consequences of emergency animal disease H5N1 avian flu;

Community Connectors

13. Notes the Community Connectors program has been expanded from Young Street to also include Station Street and Shannon Street Mall;
14. Notes since it's commencement on 16 October 2025, the expanded Community Connectors program has engaged with sixty-five vulnerable people;

Reconciliation Event

15. Notes a Reconciliation Event will be held in May 2026, to align with Reconciliation Week. The event will be delivered in partnership with the Peninsula Community Legal Centre and the Regional Aboriginal Justice Advisory Committee;

76 Young Street Laneway Project

16. Notes the progress on the 76 Young Street Laneway Project;
17. Endorses completion of the Gender Impact Assessment and incorporation of findings into the preferred concept design;
18. Refers \$10,000 to the 2025/26 mid-year budget review to proceed with Year 1 activities, including final costings, engagement, and design procurement planning;
19. Refers the project to the Long-Term Infrastructure Plan (LTIP) and for further budget consideration as part of 2026/27 Capital Works Budget process;
20. Ensures any new naming associated with the 76 Young Street Laneway is undertaken in accordance with Council's Place Naming Policy and relevant legislative requirements, noting that this process can take time and should be aligned with the projects engagement phase and completion; and
21. Resolves *Attachment A* (Issues management, media, social media and community sentiment), and *Attachment C* (Hot Topics - Councillor Briefing Presentation – 29 September 2025) be retained confidential indefinitely, on the grounds they contain private commercial information, being information provided by a business, commercial or financial undertaking that - (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (Local Government Act 2020 s3(1)(g)). These grounds apply because it contains material Council is monitoring in relation to media interest, inclusive of commercial sensitive information and reduce Council's ability to properly perform its functions.

Carried Unanimously

Note: Refer to page 4 of these Minutes where this item was Block Resolved.

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12.3 Freedom of Information Annual Summaries - 2023-2024 and 2024-2025*(CR Corporate and Commercial Services)***Council Decision****Moved: Councillor Butler****Seconded: Councillor Hill**

That Council:

1. Notes for the item relating to Freedom of Information (FOI) in the Accountability and Transparency Reform (ATR) document, resolved by Council in 2020, a report of summary data about FOI requests is provided to Council annually;
2. Notes for the item relating to Freedom of Information in the Accountability Transparency Reform III document, resolved by Council in October 2023, a copy of this report will be added to the Transparency Hub; and
3. Notes the summary of FOI requests received in 2023/2024 and 2024/2025.

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved.

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12.4 Adoption of Frankston City Business Grants Policy*(TB Communities)***Council Decision****Moved: Councillor Butler****Seconded: Councillor Hill**

That Council:

1. Notes the Frankston City Business Grants Policy (Policy) was publicly exhibited for a period of four weeks and one written submission was received;
2. Notes the written submission was considered in the finalisation of the Policy;
3. Notes that, in alignment with the Policy and Protocol Framework, the Policy will be reviewed every four years to ensure continued relevance and effectiveness; and
4. Adopts the Frankston City Business Grants Policy 2025.

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved.

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12.5 Proposed Lease of Council Land for Community Battery - Part of 47R Luscombe Avenue Carrum Downs (Banyan Reserve)*(CR Corporate and Commercial Services)***Council Decision****Moved: Councillor Butler****Seconded: Councillor Hill**

That Council:

1. Notes the requirements of section 115(4) of the *Local Government Act 2020*, with respect to the proposed lease of land and Council's Community Engagement Policy;
2. Authorises and directs the Chief Executive Officer (CEO) to give public notice of Council's intention to enter into a lease with United Energy Distribution Pty Ltd of part of the Council land at 47R Luscombe Avenue Carrum Downs, being part of the Banyan Reserve and shown as Reserve 1 on Lodged Plan Number 148416 for:
 - a) the purposes of a community battery
 - b) a term of ten (10) years
 - c) a commencing rent of \$4,500 plus GST;
3. Directs that any submissions received in response to the public notice that are opposed to, or which suggest changes to the proposal, be presented to Council for its consideration at a future meeting;
4. Confirms that if no submissions are received or if the only submissions received in response to the public notice support the proposal without qualification, authorises the CEO to finalise the lease arrangements and execute the lease for and on behalf of Council; and
5. Confirms Council's costs in this matter are required to be paid by United Energy Distribution Pty Ltd, irrespective of the outcome of statutory procedures for the leasing of Council land.

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved.

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12.6 Vacant Retail Differential Rate

(CR Corporate and Commercial Services)

Council Decision**Moved: Councillor Butler****Seconded: Councillor Wanat**

That Council;

1. Writes to all potentially affected owners advising them of the proposal and the upcoming community engagement;
2. Proceeds with community engagement on the proposed new vacant retail differential rate;
3. Updates the Revenue and Rating Plan with the proposed rate; and
4. Reports the feedback from the engagement at a future briefing before the adoption of Budget 2026-2027.

*Councillor Green left the chamber at 8:30 pm.
Councillor Green returned to the chamber at 8:32 pm.*

**The Motion was
Carried**

For the Motion: Crs Asker, Baker, Bolam, Butler, Conroy, Green and Hill (7)

Against the Motion: Crs O'Reilly and Wanat (2)

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12.7 Sherlock and Hay Development Project - Stage 2*(CR Corporate and Commercial Services)***Council Decision****Moved: Councillor Butler****Seconded: Councillor Hill**

That Council:

1. Proceeds to a Best and Final Offer (BAFO) stage and enter final negotiations with the preferred proponent(s) as detailed within the Evaluation Report;
2. Commits funding of \$300,000 ex GST towards due diligence costs and authorises the Chief Executive Officer to make the necessary adjustments to the Mid-Year Budget Review;
3. Notes a report detailing outcomes of negotiations will be presented to a Council for consideration at a future Council meeting; and
4. Resolves Attachment B to this report be retained confidential on the grounds that it contains private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage, pursuant to the *Local Government Act 2020 s3(1)(g)*.

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved.

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12.9 Award of Contract CN11456 Asset Management System Replacement*(SB Customer Innovation and Arts)***Council Decision****Moved: Councillor Butler****Seconded: Councillor Hill**

That Council:

1. Notes the allocated budget of \$3.315 million towards the replacement of Council's Asset Management System in Council's Long Term Infrastructure Plan (LTIP);
2. Notes the outcome of the tender process for CN11456 Asset Management System Replacement;
3. Notes the annual licencing costs following project implementation will require a budget adjustment to be referred to the 2027/28 operating budget cycle, subject to negotiations;
4. Authorises officers to continue negotiations with the preferred vendor until terms are finalised to the satisfaction of the Chief Executive Officer (CEO);
5. Authorises the CEO to finalise and execute all necessary contract documentation for and on behalf of Council;
6. Notes the contract is an initial five (5) year term plus two (2) options to extend by two (2) years each (total maximum term nine (9) years) at Council's sole discretion;
7. Delegates authority to the Director Customer, Innovation and Arts to approve operational contract variations and extensions of the contract subject to the ongoing satisfactory performance of the contractor; and
8. Resolves *Attachment A* (Award Evaluation Report - CN11456 - Asset Management System Replacement) to this report be retained confidential on the grounds that it contains private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage, pursuant to the Local Government Act 2020 s3(1)(g).

Carried Unanimously**Note:** Refer to page 4 of these Minutes where this item was Block Resolved.

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13. RESPONSE TO NOTICES OF MOTION

Nil.

*The meeting was adjourned at 8.17pm.
The meeting resumed at 8.26pm.*

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14. NOTICES OF MOTION

*The Mayor stood down from the Chair.
The Deputy Mayor, Councillor Conroy, assumed the Chair.*

14.1 2025/NOM21 - Frankston Housing Acceleration Taskforce

(TB Communities)

That Council:

1. Notes that it is fully committed to participating in the Frankston Housing Accelerator Taskforce, in partnership with Federal MP Jodie Belyea and State MP Paul Edbrooke;
2. Notes it will play a critical role as an enabler, advocate, and partner - consistent with its recently adopted Affordable Housing Policy - rather than acting as a direct provider of housing;
3. Notes, to support the success of this initiative, it will consider providing in-kind contributions, including venue hire, catering, and secretariat support; and
4. Supports Councillor Baker, as the Councillor delegate representative on the Taskforce and the Frankston City Council CEO will also attend to ensure strong organisational engagement.

Leave of Council

Moved: Councillor Bolam

Seconded: Councillor Asker

That Cr Bolam be granted leave of Council to amend 2025/NOM21 - Frankston Housing Accelerator Taskforce.

Carried Unanimously

Motion

Moved: Councillor Bolam

Seconded: Councillor Butler

That Council:

1. Notes that it is fully committed to participating in the Frankston Housing Acceleration Taskforce, in partnership with Federal MP Jodie Belyea and State MP Paul Edbrooke;
2. Notes it will play a critical role as an enabler, advocate, and partner - consistent with its recently adopted Affordable Housing Policy - rather than acting as a direct provider of housing;
3. Notes, to support the success of this initiative, it will consider providing in-kind contributions, including venue hire, catering, and secretariat support; and
4. Notes the Councillor Delegate representative for the Taskforce will be nominated at the Annual General Council Meeting on 10 December 2025.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Butler

That Council:

1. Notes that it is fully committed to participating in the Frankston Housing Acceleration Taskforce, in partnership with Federal MP Jodie Belyea and State MP Paul Edbrooke;

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2. Notes it will play a critical role as an enabler, advocate, and partner - consistent with its recently adopted Affordable Housing Policy - rather than acting as a direct provider of housing;
3. Notes, to support the success of this initiative, it will consider providing in-kind contributions, including venue hire, catering, and secretariat support; and
4. Notes the Councillor Delegate representative for the Taskforce will be nominated at the Annual General Council Meeting on 10 December 2025.

Carried Unanimously

14.2 2025/NOM22 - Mornington Peninsula Regional Tourism*(SB Customer Innovation and Arts)*

That Council:

1. Joins 'Mornington Peninsula Regional Tourism Visitor Economy Partnership' with a two-year 'trial' period at \$30K membership contribution per annum from 1 July 2026. Officers will start participating in the conversations with the group at the start of 2026;
2. Exits membership with South East Melbourne Manufacturers Alliance (SEMMA) and Association of Bayside Municipalities (ABM) from 2026/27 to offset membership contribution to the Mornington Peninsula Regional Tourism Visitor Economy Partnership;
3. Authorises the CEO to make necessary adjustments to fund the remaining membership contribution, as part of the development of the budget 2026/27; and
4. Supports Councillor Butler as the Councillor delegate representative and Frankston City Council CEO as the organisation's representative on the Mornington Peninsula Regional Tourism Board, at the commencement of Council's membership in 2026/27.

Leave of Council**Moved: Councillor Butler****Seconded: Councillor Green**

That Cr Bolam be granted leave of Council to amend 2025/NOM22 - Mornington Peninsula Regional Tourism.

Carried Unanimously**Motion****Moved: Councillor Bolam****Seconded: Councillor Butler**

That Council:

1. Endorses joining 'Mornington Peninsula Regional Tourism Visitor Economy Partnership' with a two-year 'trial' period at \$30K membership contribution per annum from 1 July 2026. Officers will start participating in the conversations with the group at the start of 2026 and these discussions will help inform the commencement of membership in the FY 2026/27;
2. Authorises the CEO to make necessary adjustments to fund the membership contribution, as part of the development of the budget 2026/27;
3. Notes Council's CEO will be the organisation's representative on the Mornington Peninsula Regional Tourism Board, at the commencement of Council's membership in 2026/27.

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

That Council:

1. Endorses joining 'Mornington Peninsula Regional Tourism Visitor Economy Partnership' with a two-year 'trial' period at \$30K membership contribution per annum from 1 July 2026. Officers will start participating in the conversations with the group at the start of 2026 and these discussions will help inform the

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commencement of membership in the FY 2026/27;

2. Authorises the CEO to make necessary adjustments to fund the membership contribution, as part of the development of the budget 2026/27;
3. Notes Council's CEO will be the organisation's representative on the Mornington Peninsula Regional Tourism Board, at the commencement of Council's membership in 2026/27.

Carried

For the Motion: Crs Asker, Bolam, Butler, Conroy, Green and Hill (6)

Against the Motion: Crs Baker, O'Reilly and Wanat (3)

The Mayor assumed the Chair.

Chairperson's initials.....

14.3 2025 NOM23 - Pickleball Feasibility Study*(TB Communities)*

That Council:

1. Notes Pickleball is a paddle sport that combines elements of tennis, badminton, and table tennis and is rapidly growing in popularity in Australia;
2. Notes pickleball's wide appeal in that it easy to learn, highly social, and accessible to players of all ages and skill levels which provides opportunities for increased levels of health and wellbeing as well as for community sport venues to attract a diverse membership base;
3. Notes the opportunity for Frankston City, especially within sporting clubs and recreation centres to capitalise on the demand for the sport; for one off court hire opportunities and structured opportunities for play, coaching, and competition; and increased facility bookings, club memberships, and event opportunities;
4. Notes Pickleball is played on a smaller sized court than Tennis, allowing for the temporary reconfiguration of tennis courts with line marking and removable nets if required; and
5. Resolves to commit \$30,000 in funding for a feasibility study to the 2026/27 budget planning process to assess current and potential options in line with further need for pickleball facilities.

Leave of Council**Moved: Councillor Butler****Seconded: Councillor Hill**

That Cr Wanat be granted leave of Council to amend 2025 NOM23 - Pickleball Feasibility Study.

Carried Unanimously**Council Decision****Moved: Councillor Wanat****Seconded: Councillor Butler**

That Council:

1. Notes Pickleball is a paddle sport that combines elements of tennis, badminton, and table tennis and is rapidly growing in popularity in Australia;
2. Notes pickleball's wide appeal in that it easy to learn, highly social, and accessible to players of all ages and skill levels which provides opportunities for increased levels of health and wellbeing as well as for community sport venues to attract a diverse membership base;
3. Notes the opportunity for Frankston City, especially within sporting clubs and recreation centres to capitalise on the demand for the sport; for one off court hire opportunities and structured opportunities for play, coaching, and competition; and increased facility bookings, club memberships, and event opportunities;
4. Notes Pickleball is played on a smaller sized court than Tennis, allowing for the temporary reconfiguration of tennis courts with line marking and removable nets if required; and
5. Resolves to refer \$30,000 in funding for a feasibility study to the 2026/27 budget planning process to assess current and potential options in line with further need for pickleball facilities.

Carried Unanimously

Chairperson's initials.....

14.4 2025/NOM24 - Sister Cities / Friendship Cities Framework*(SB Customer Innovation and Arts)***Council Decision****Moved: Councillor Baker****Seconded: Councillor Butler**

That Council:

1. Notes, at the 11 August 2025 Meeting, it was resolved that Council:
 6. *Supports the development of a strategic Sister and Friendship City relationship framework for consideration by no later than December 2026 that details a clear, consistent and strategic approach for how Council manages all current and future Sister and Friendship City relationships;*
2. Seeks the Framework be brought forward and a report be presented at the March 2026 Council Meeting with the draft Sister Cities Framework. This is in recognition that a number of actions have been highlighted in the Mayor's Delegate's Report following a recent overseas trip regarding Sister/Friendship Cities. To assist good governance and decision making about any actions proposed, Councillors would benefit from an agreed Framework on which to base this decision making;
3. Notes the Framework is to include, but not limited to, the following:
 - definitions of Sister/Friendship Cities;
 - the purpose for building relationships;
 - governance framework and risk management; and
 - process for new associations, renewals and exit strategy.

Carried Unanimously

*The Mayor stood down from the Chair.
The Deputy Mayor, Councillor Conroy, assumed the Chair.*

14.5 2025/NOM25 - Sister and Friendship City Relationships

(SB Customer Innovation and Arts)

That Council:

1. Notes it resolved at its meeting on 11 August 2025 to support the development of a strategic framework for sister and friendship city relationships;
2. Notes it has formal Sister City relationships with Susono (Japan), Wuxi (China), Suva (Fiji) and a formal Friendship City relationship with Annapolis (USA), which are registered with the Department of Foreign Affairs and Trade (DFAT) and all communications and engagements with international representatives must be declared as per DFAT requirements;
3. Notes the Mayor Cr Kris Bolam visited its Sister and Friendship Cities with overseas travel to Susono (Japan), Wuxi (China), Suva (Fiji) and Annapolis (USA) from 23 September to 12 October 2025 and approves the CEO to consider the key economic development and cultural exchange opportunities identified by the Mayor resulting from the trip;
4. Acknowledges the Frankston Business Chamber (formerly Frankston Business Collective) will consider establishing their own sister Chamber relationships with the following business and commerce industry chambers:
 - a) Australia Wuxi General Chamber of Commerce;
 - b) Wichita Chamber of Commerce;
 - c) Anne Arundel Chamber of Commerce;
 - d) Australia Italian Chamber of Commerce;
5. Approves to proceed with entering discussions on the formalisation of a Friendship City relationship with Wichita, Kansas (USA), and presents a report back to Council at its April 2026 Council Meeting for consideration;
6. Writes to the Xinyi Museum to invite them to hold an exhibition of their porcelain treasures at Frankston Art Centre and provides a report back to Council at its meeting in April 2026 outlining related costs and any associated requirements;
7. Writes to the Wuxi Municipal Government with an invitation to representatives to participate in an inbound delegation to visit Frankston in 2026 and provides a report back to Council at its meeting in April 2026 outlining related costs and any associated requirements; and
8. Receives a report at its meeting in April 2026 outlining any related costs or associated requirements to:
 - i. Arrange for the Mayor of the day or a Councillor delegate to visit the following Sister and Friendship cities:
 - Wuxi, China to celebrate the 15-year anniversary of the Frankston-Wuxi Sister City relationship, with a re-affirmation agreement signing to be undertaken for a further ten (10) year relationship;
 - Wichita, USA to finalise and sign the potential Friendship City relationship agreement;
 - Annapolis, USA to celebrate the one-year anniversary of the Friendship City relationship and unveiling their monument/sign; and
 - ii. Provide a dedicated Officer to support, resource, and manage strong

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and ongoing relationships with our Sister and Friendship cities through regular communications and opportunities for inbound and outbound delegations and pursue investment opportunities within the remit of Council.

Leave of Council

Moved: Councillor Butler

Seconded: Councillor Baker

That Cr Bolam be granted leave of Council to amend 2025/NOM25 - Sister and Friendship City Relationships.

Carried Unanimously

Motion

Moved: Councillor Bolam

Seconded: Councillor Butler

That Council:

1. Notes it resolved at its meeting on 11 August 2025 to support the development of a strategic framework for sister and friendship city relationships;
2. Notes it has formal Sister City relationships with Susono (Japan), Wuxi (China), Suva (Fiji) and a formal Friendship City relationship with Annapolis (USA), which are registered with the Department of Foreign Affairs and Trade (DFAT) and all communications and engagements with international representatives must be declared as per DFAT requirements;
3. Notes the Mayor Cr Kris Bolam visited its Sister and Friendship Cities with overseas travel to Susono (Japan), Wuxi (China), Suva (Fiji) and Annapolis (USA) from 23 September to 12 October 2025 and approves the CEO to consider the key economic development and cultural exchange opportunities identified by the Mayor resulting from the trip;
4. Acknowledges the Frankston Business Chamber (formerly Frankston Business Collective) will consider establishing their own sister Chamber relationships with the following business and commerce industry chambers:
 - a) Australia Wuxi General Chamber of Commerce;
 - b) Wichita Chamber of Commerce;
 - c) Anne Arundel Chamber of Commerce;
 - d) Australia Italian Chamber of Commerce;
5. Writes to the Xinyi Museum to explore options to hold an exhibition of their porcelain treasures and provides a report back to Council at its meeting in April 2026 outlining related costs and any associated requirements;
6. Writes to the Wuxi Municipal Government with an invitation to representatives to participate in an inbound delegation to visit Frankston in 2026 and provides a report back to Council at its meeting in April 2026 outlining related costs and any associated requirements.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Butler

That Council:

1. Notes it resolved at its meeting on 11 August 2025 to support the development of a strategic framework for sister and friendship city relationships;
2. Notes it has formal Sister City relationships with Susono (Japan), Wuxi (China),

Chairperson's initials.....

Suva (Fiji) and a formal Friendship City relationship with Annapolis (USA), which are registered with the Department of Foreign Affairs and Trade (DFAT) and all communications and engagements with international representatives must be declared as per DFAT requirements;

3. Notes the Mayor Cr Kris Bolam visited its Sister and Friendship Cities with overseas travel to Susono (Japan), Wuxi (China), Suva (Fiji) and Annapolis (USA) from 23 September to 12 October 2025 and approves the CEO to consider the key economic development and cultural exchange opportunities identified by the Mayor resulting from the trip;
4. Acknowledges the Frankston Business Chamber (formerly Frankston Business Collective) will consider establishing their own sister Chamber relationships with the following business and commerce industry chambers:
 - a) Australia Wuxi General Chamber of Commerce;
 - b) Wichita Chamber of Commerce;
 - c) Anne Arundel Chamber of Commerce;
 - d) Australia Italian Chamber of Commerce;
5. Writes to the Xinyi Museum to explore options to hold an exhibition of their porcelain treasures and provides a report back to Council at its meeting in April 2026 outlining related costs and any associated requirements; and
6. Writes to the Wuxi Municipal Government with an invitation to representatives to participate in an inbound delegation to visit Frankston in 2026 and provides a report back to Council at its meeting in April 2026 outlining related costs and any associated requirements.

Carried

For the Motion:	Crs Asker, Baker, Bolam, Butler, Green, Hill and Wanat (7)
Against the Motion:	Cr O'Reilly (1)
Abstained:	Cr Conroy (1)

The Mayor assumed the Chair.

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15. LATE REPORTS

Nil.

16. URGENT BUSINESS

Nil.

17. CONFIDENTIAL ITEMS

Nil Reports

The Mayor made a closing statement welcoming the appointment of the new Chief Executive Officer Tennille Bradley and thanking Interim Chief Executive Officer Cam Arullanantham and the Executive Manager to the CEO's office for their dedication.

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QUESTION TIME

Questions with Notice

The following questions were received with notice and responded to by Council officers during the Council Meeting (2025/CM17) held on 17 November 2025. The questions and responses have been provided below:

Lynne Williams

Question 1

Some time ago one councillor promoted the idea of self defence classes for women which never eventuated - given I recently spoke with a 70 yo female who had been brutally bashed at the Reservoir resulting in several weeks hospitalisation, will council consider subsidised self defence courses for our older residents?

Response

Self defence classes for our older residents will be considered for inclusion in the 2026 Seniors Festival delivered by Council in October each year. In addition, a local organisation may wish to apply for a Community Grant from Council to fund the delivery of self defence classes.

The meeting was closed to the public at 10.05 pm

CONFIRMED THIS

DAY OF

2025

.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Sue Baker, 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 8 December 2025 confirmed on Monday 10 December 2025.

.....
(Cr. Sue Baker, Chairperson – Council Meeting)

Dated this

day of

2025

Chairperson's initials.....