Frankston City Council

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COUNCIL MEETING AGENDA

2020/OM5

Monday 20 April 2020

Being held at Frankston Arts Centre

cnr Young & Davey Streets, Frankston

Frankston City Council is encouraging residents to watch Ordinary and Special Meetings via online live streaming instead of attending in person during the COVID-19 Pandemic. These measures have been introduced with regard to the Commonwealth Government's guidance on social distancing and for the safety of our community and will remain in place for all future Council Meetings until further notice. If these arrangements need to change updates will be provided.

Verbal Submissions

If you have registered or intend to register to speak to an item on the Council Meeting Agenda, speakers will have the option of:

- Attending in person (this will be limited to one person at a time in the Frankston Arts Centre). If attending, speakers will be seated in the Peninsula room and must adhere to the social distancing requirements to minimise the risks of any transmissions; or
- Making a verbal submission via telephone. Officers will make contact and the speaker will be greeted by the Chair who will invite the speaker to make their verbal submission.

There are no changes to the limit on speakers i.e. the limit is still a maximum of 10 speakers and it will be at the discretion of the Chair, if further speakers are permitted. Speakers still have 3 minutes to address Council, with the exception of S223 submitters who will receive 5 minutes.

Questions with/without notice

If you wish to submit questions with or without notice, the same timeframes apply. It is strongly encouraged to submit questions via email or on-line by the specified timeframes. If you still prefer to submit these in person, a box will be placed at the front entrance in the Civic Centre only. It should be noted that the questions, including responses will not be read by the CEO at the Council Meeting. All questions will be taken on notice and a written response will be provided within 5-7 business days.

Live streaming is available from the below link:

https://www.facebook.com/FrankstonCityCouncil

THE COUNCIL MEETING

Welcome to this Meeting of the Frankston City Council

The Council appreciates residents, ratepayers and other visitors taking their places in the Public Gallery, as attendance demonstrates an interest in your Council and community affairs. Community spirit is encouraged.

This information sheet is designed to help you to understand the procedures of Council and help you to gain maximum value from your attendance.

The law regarding the conduct of Council meetings enables the public to observe the session. However, to ensure the manageability of Council meetings, opportunities for public participation are limited to Question Time and registered submissions in accordance with Council's guidelines, which are available from Council's Councillors Office (call 9768 1632) and on our website, www.frankston.vic.gov.au. It is not possible for any visitor to participate in any Council debate unless specifically requested by the Chairperson to do so.

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

When are they held?

Generally speaking, the Council meets formally every three (3) weeks on a Monday and meetings start at 7.00 pm, unless advertised otherwise. **The Ordinary Meeting 2020/OM4 has been moved to the Frankston Arts Centre, Cnr Young & Davy Streets, Frankston due to the COVID-19 crisis and to support the State/Federal Government directive to adhere to social distancing.**

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

Governance Local Law No. 1 – Meeting Procedure

34. Chair's Duty

Any motion which is determined by the Chair to be:

(1) defamatory of or embarrassing to any Councillor, member of Council staff or other person;

(2) abusive or objectionable in language or nature;

(3) a direct negative of the question before the Chair;

(4) vague or unclear in intention;

(5) outside the powers of Council; or

(6) irrelevant to the item of business on the agenda and has not been admitted as Urgent Business, or purports to be an amendment but is not,

must not be accepted by the Chair.

88. Chair May Remove

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

(2) Any person removed from the meeting under sub-clause 0 must not return to the meeting without the approval of the Chair or Council.

> *It is intended that this power be exercisable by the Chair, without the need for any Council resolution. The Chair may choose to order the removal of a person whose actions immediately threaten the stability of the meeting or wrongly threatens his or her authority in chairing the meeting.*

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

Live Streaming of Council Meetings

Frankston City Council is now Live Streaming its Council Meetings.

During the COVID-19 crisis, Council is strongly encouraging residents to view the meetings via the live streaming.

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

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

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

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

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

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

The Formal (Ordinary) Meeting Agenda

The Council meeting agenda is available for public inspection immediately after it is prepared, which is normally on the Thursday afternoon four (4) clear days before the meeting. It is available from the Reception desk at the Civic Centre (upper level), on our website www.frankston.vic.gov.au or a copy is also available for you in the chamber before the meeting.

The following information is a summary of the agenda and what each section means:-

- **Items Brought Forward**

  These are items for discussion that have been requested to be brought forward by a person, or a group of people, who have a particular item on the Agenda and who are present in the Public Gallery.

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

  Question Time forms are available from the Civic Centre and our website, www.frankston.vic.gov.au.

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

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

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

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

- **Presentation of Petitions and Joint Letters**

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

- **Presentation of Reports**

  Matters requiring a Council decision are dealt with through officer reports brought before the Council for consideration. When dealing with each item, as with all formal meeting procedures, one Councillor will propose a motion and another Councillor will second the motion before a vote is taken. If the members of the public wish to clarify any of the items on the Agenda, please contact the relevant manager by phoning 1300 322 322.

- **Presentation of Delegate Reports**

  A Councillor or member of Council staff who is a delegate may present to Council on the deliberations of the external body, association, group or working party in respect of which he or she is a delegate or an attendee at a Council approved conference / seminar.

- **Urgent Business**

  These are matters that Councillors believe require attention and action by Council. Before an item can be discussed, there must be a decision, supported by the majority of Councillors present, for the matter to be admitted as "Urgent Business".

- **Closed Meetings**

Because of the sensitive nature of some matters, such as personnel issues, contractual matters or possible legal action, these matters are dealt with confidentially at the end of the meeting.

Opportunity to address Council

Any person who wishes to address Council must pre-register their intention to speak before 4.00pm on the day of the meeting, by telephoning Council's Councillors Office (call 9768 1632) or by submitting the online web form or by using the application form both available on the website, www.frankston.vic.gov.au.

The submissions process is conducted in accordance with guidelines which are available from Council's Councillors Office and on our website. All submissions will be limited to 3 minutes in duration, except for Section 223 submitters, who have a maximum of 5 minutes. No more than ten (10) members of the public are to be permitted to address the Council. Further speakers will be permitted to address the meeting at the discretion of the Chair. All speakers need to advise if they are speaking on behalf of an organisation and it is deemed that they have been appropriately authorised by that said organisation.

Public submissions and any subsequent discussion will be recorded as part of the meeting, and audio recordings of Council meetings will be made available to members of the public. If a submitter does not wish to be recorded, they must advise the Chair at the commencement of their public submission.

Disclosure of Conflict of Interest

If a Councillor considers that they have, or might reasonably be perceived to have, a direct or indirect interest in a matter before the Council or a special committee of Council, they will declare their interest and clearly state its nature before the matter is considered. This will be done on every occasion that the matter is considered by the Council or special committee.

If a Councillor has an interest in a matter they will comply with the requirements of the Local Government Act, which may require that they do not move or second the motion and that they leave the room in which the meeting is being held during any vote on the matter and not vote on the matter.

If a Councillor does not intend to be at the meeting, he or she will disclose the nature of the interest to the Chief Executive Officer, Mayor or Chairperson prior to the meeting commencing.

MAYOR

NOTICE PAPER

ALL COUNCILLORS

NOTICE is hereby given that an Ordinary Meeting of the Council will be held at the Frankston Arts Centre, Cnr Davey and Young Streets, Frankston, on 20 April 2020 at 7.00pm.

COUNCILLOR STATEMENT

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

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

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

OPENING WITH PRAYER

Almighty God, we ask for your blessing upon this Council. Direct and prosper its deliberations to the advancement of your glory and the true welfare of the people of Frankston City. Amen.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

We respectfully acknowledge that we are situated on the traditional land of the Boon Wurrung and Bunurong in this special place now known by its European name, Frankston. We recognise the contribution of all Aboriginal and Torres Strait Islander people to our community in the past, present and into the future.

BUSINESS

CEO STATEMENT ON FORESHORE RESTRICTIONS

1. PRESENTATION TO COMMUNITY GROUPS

Nil

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM4 held on 30 March 2020.

3. APOLOGIES

Nil

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

5. PUBLIC QUESTIONS AND SUBMISSION TIME

Nil

6. HEARING OF SUBMISSIONS

7. ITEMS BROUGHT FORWARD

8. PRESENTATIONS / AWARDS

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil

10. DELEGATES' REPORTS

Verbal Report on MAV Mayoral Forum held on 2 April 2020.

11. CONSIDERATION OF TOWN PLANNING REPORTS

11.1 Planning application 579/2018/P - 35 - 37 McMahons Road Frankston - The use and development of the land for a Medical Centre, alter access to a road in a Road Zone Category 1 and a reduction in the car parking requirements of Clause 52.06. 4

11.2 Amendment to the approved development plan in accordance with Clause 43.04 (Development Plan Overlay Schedule 3) to allow consideration to an Amedment to Planning Permit 229/2018/P to alter the loaction of an approved convienance shop and associated works to the existing carpark at 40-46 McMahons Road, Frankston.....42

11.3 Planning application 432/2019/P - 159 Nepean Highway Seaford - To construct ten (10) apartments in a three storey building, to construct a building over 7.0 metres in height in a Design and Development Overlay Schedule 6 (DDO6) and to create and alter access to a Road in a Road Zone Category 1 65

12. CONSIDERATION OF REPORTS OF OFFICERS

12.1 Council Resolution Status Update for 20 April 2020.....106

12.2 Record of Assemblies of Councillors 122
12.3 Instrument of Delegation S6 from Council to members of Council staff.....139
12.4 Public notice of the making of Short Stay Rental Accommodation Local Law 2020 247
12.5 Proposed Leasing of Council owned and managed land - Electrical Sub-Stations - United Energy.....251
12.6 Further Community Consultation for Sweetwater Precinct Local Area Traffic Management Study 259
12.7 Langwarrin Dog Park.....295
12.8 Fireworks in Frankston City 302
12.9 Frankston Foreshore Boardwalk Lighting Project.....324
12.10 Review of Paths Development Plan 330
12.11 Jubilee Park Indoor Stadium Redevelopment.....356
12.12 Sandhurst Club Asset Transfer Proposal 377
12.13 Update on Coronavirus (COVID-19).....411

13. RESPONSE TO NOTICES OF MOTION

13.1 Response to 2018/NOM56 - Proposed Boulevard Tree Planting Works along Cranbourne Road and Nepean Highway.....416

14. NOTICES OF MOTION

Nil

15. REPORTS NOT YET SUBMITTED

Nil

16. URGENT BUSINESS

17. CONFIDENTIAL ITEMS

C.1 Standing Grants Program 2020/2021 437
C.2 Clublinks - Operation of The Social Golf Club at the Centenary Park Golf Course.....437
C.3 Further response to 2018/NOM51 - Prospective land acquisitions and update on offset opportunities 437
C.4 Mid-Year Strategic Risk Management Report 437
C.5 Award of Contract 2019/20 – 48 The Management & Operation of Pines Forest Aquatic Centre.....437
C.6 Award of Fuel Contract - Procurement Australia Contract Number: 2206-0108.....437

C.7 Chief Executive Officer's Quarterly Report - April 2020 438
C.8 Debrief of Ordinary Council Meeting.....438

Phil Cantillon

CHIEF EXECUTIVE OFFICER

15/04/2020

Executive Summary

11.1 Planning application 579/2018/P - 35 - 37 McMahons Road Frankston - The use and development of the land for a Medical Centre, alter access to a road in a Road Zone Category 1 and a reduction in the car parking requirements of Clause 52.06.

Enquiries: (Stuart Caldwell: Communities)

Council Plan

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

Purpose

This report considers the merits of the planning application to use the land for a medical centre, to construct buildings and works in a Mixed Use Zone, alter access to a road in a Road Zone Category 1 and a reduction in the car parking requirements of Clause 52.06 at 35 – 37 McMahons Road Frankston.

Recommendation (Director Communities)

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

Key Points / Issues

- The proposal is to construct a purpose built facility to be used to provide medical services including a radiology clinic and consulting rooms.
- The building is proposed to be two storeys with basement carparking. The radiology clinic is proposed to be located on the ground floor with the consulting suites on the first floor.
- The proposal will provide thirty three (33) car parks within the basement. Technically, the proposal is seeking a reduction to the car parking requirements of the Frankston Planning Scheme of nine (9) car parks as the site is located within the Parking Overlay. The applicant has limited the number of persons providing health services to ten persons and therefore will provide the number of car parks required if the site were not within land affected by the Parking Overlay.
- One objection has been received. The main areas of concern were the impact of overshadowing of secluded open space and solar panels.
- The application was amended post advertising reducing the floor area by deleting the second storey and reducing the reduction in the number of carparking spaces. Formal notification of the amendment was not given as the amended proposal will not result in any additional material detriment. However, a copy of the amending plans has been sent to the objector who has not withdrawn their objection at this time.
- The proposal is consistent with the planning controls and policy as it provides for a medical use in a mixed use area, which is part of the Frankston Metropolitan Activity Centre identified as being an area where health and education uses are encouraged.
- The application is being reported to Council as it has been called in by Councillor McCormack.

11.1 Planning application 579/2018/P - 35 - 37 McMahons Road Frankston - The use and development of the land for a Medical Centre, alter access to a road in a Road Zone Category 1 and a reduction in the car parking requirements of Clause 52.06.

Executive Summary

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

Financial Impact

The permit application fee paid to Council is $3330.70. The average cost to process a planning permit application is $2,264 which represents a difference of $1066.70.

Consultation

1. External Referrals

   The application was referred externally to VicRoads who offered no objection subject to the inclusion of conditions on any permit issued.

2. Internal Referrals

The application was referred internally to Urban Design, Engineering Services (drainage and traffic) who offer no objections to the proposal.

Notification of Proposal

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

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

As a result of the public notification, one (1) objection was received. The grounds of objection are summarised in the officer's assessment contained within this report.

Analysis (Environmental / Economic / Social Implications)

The proposal will have no impact on the environment. The site is cleared of all vegetation. The redevelopment of the site includes opportunities for landscaping of appropriate species to make a positive contribution to the landscape values of Frankston. The proposed use of the site is considered to result in a positive contribution to the social needs and economic viability of the area. It will provide additional medical services in an area which has been designated as a future health and education hub.

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

Legal

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

11.1 Planning application 579/2018/P - 35 - 37 McMahons Road Frankston - The use and development of the land for a Medical Centre, alter access to a road in a Road Zone Category 1 and a reduction in the car parking requirements of Clause 52.06.

Executive Summary

Policy Impacts

Council officers have assessed the planning permit application in accordance with the following State and Local Planning Policy provisions, zones, overlays, particular and general provisions of the Frankston Planning Scheme.

State and Local Policy Frameworks – Clauses 11, 15, 21.03, 21.04 and 21.10.

Zone and Overlays – Clause 32.04 – Mixed Use Zone, Clause 43.02 – Design & Development Overlay (Schedule 13) and Clause 45.09 – Parking Overlay.

Particular Provisions — Clause 52.06 – Car parking, Clause 52.29 – To alter access to a road in a Road Zone Category 1, Clause 65 – Decision Guidelines.

Reference documents - Frankston Metropolitan Activity Structure Plan, May 2015.

Officer's Declaration of Interests

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

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

Risk Mitigation

There are no particular risks associated with this matter.

Conclusion

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

ATTACHMENTS

Attachment A:⇩ Development Plans

Attachment B:⇩ Locality Map

Attachment C:⇩ Locality Map (Aerial)

11.1 Planning application 579/2018/P - 35 - 37 McMahons Road Frankston - The use and development of the land for a Medical Centre, alter access to a road in a Road Zone Category 1 and a reduction in the car parking requirements of Clause 52.06.

Officers' Assessment

Summary

Existing Use	Vacant
Site Area	1234 square metres
Proposal	The use and development of the land for a Medical Centre, alter access to a road in a Road Zone Category 1 and a reduction in the car parking requirements of Clause 52.06.
Site Cover	68%
Zoning	Mixed Use Zone
Overlays	Design and Development Overlay (Schedule 13) Parking Overlay (Schedule 1)
Reason for Reporting to Council	Councillor call in by Councillor McCormack

Background

Subject Site

The subject site comprises of two separate titles, is rectangular in shape and is located on the west side of McMahons Road in Frankston.

The site has front and rear boundaries with a width of 30 metres and north and south boundaries of 40.23 metres and an overall area of 1234.5m2.

No easements affect the land.

The subject site is vacant containing no vegetation. A street tree is located centrally along the site frontage. Two vehicle cross-overs are located near of the northern boundary of each of the lots.

No on-street parking is permitted along Moorooduc Highway in front of or near the subject site.

Locality

To the north is single storey building which is used for a veterinary clinic. To the south is a single storey dwelling located to the rear of the site.

To the west are single dwellings oriented to Burns Street with large rear gardens facing the subject site.

To the east is McMahons Road with Bunnings directly opposite the site.

Site History

No previous planning applications have been made in relation to the subject site.

11.1 Planning application 579/2018/P - 35 - 37 McMahons Road Frankston - The use and development of the land for a Medical Centre, alter access to a road in a Road Zone Category 1 and a reduction in the car parking requirements of Clause 52.06.

Officers' Assessment

Proposal

It is proposed to construct a purpose built two storey building to be used for a medical centre comprising of a radiology clinic on the ground level and specialist medical suites on the first floor.

The total net floor area of use will be 1,216 square metres, not including the basement. The building has an overall height of 7.6 metres with 11 metres to the entry area facing McMahons Road.

Basement car park will accommodate 33 car parking spaces with 15 mechanical parking spaces (stackers), waste storage area, lift and two stairwells. The mechanical parking spaces will be allocated to medical centre staff. Entry into the basement will be via a new vehicle crossover from McMahons Road.

The building is proposed to have a front setback of 3 metres to McMahons Road with a setback to the rear of 3 metres with the areas to be used for landscaping. The basement will be setback 3 metres from the front and rear with a 1 metre setback from the south (side) boundary and will directly abut the north (side) boundary. The ground and first floor are proposed to have similar setbacks to the basement other than the setback from the south side boundary which is proposed to be 3.8 metres other than the wall of the stairwell which is proposed to be setback 1.45 metres.

A second storey element above the front entry and stairwell is proposed to identify the entry to the building, create visual interest and enable space for signage. It is noted that the application does not include signage and no details of any signage has been provided.

Plant and equipment is located on the roof and is proposed to be screened.

Landscaping is shown around the perimeter of the site and a total of 4 bicycle parking spaces are proposed on site at the ground level entry to the building.

State and Local Planning Policy Frameworks

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

- Clause 11: Settlement
- Clause 15: Built Environment and Heritage
- Clause 17: Economic Development
- Clause 18: Transport
- Clause 19: Infrastructure

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

- Clause 21.01 Municipal profile
- Clause 21.02 Key influences
- Clause 21.03 Vision and strategic framework
- Clause 21.04 Settlement
- Clause 21.08 Economic Development

- Clause 21.11 Transport
- Clause 21.12 Infrastructure
- Clause 22.04 Non-Residential uses in Residential Zones Policy

Planning Scheme Controls

A Planning Permit is required pursuant to:

- Clause 32.04-2 – Mixed Use Zone of the Frankston Planning Scheme for the use of the land for a medical centre where the floor area exceeds 250 sqm;
- Clause 32.04-9 – Mixed Use Zone of the Frankston Planning Scheme to construct or carry out buildings and works
- Clause 43.02 – Design and Development Overlay - Schedule 13 of the Frankston Planning Scheme to construct or carry out buildings and works;
- Clause 52.06 – Car parking to reduce the number of car parking spaces required under Clause 52.06-5; and
- Clause 52.27 – To alter access to a Road in a Road Zone Category 1.

Notification of Proposal

The grounds of objection are summarised as follows:

- Overshadowing of rear private open space of a residential dwelling
- Overshadowing of solar panels on the roof of the existing dwelling resulting in the loss of solar power in the mornings

Referrals

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

Urban Design

- The application was referred to Council's Urban Designer who have advised that the proposal is considered consistent with the preferred future use identified in the FMAC Structure Plan and that they have no concerns with the proposal subject to modifications.

Drainage Engineer

- There is no Council drainage in the immediate vicinity of the subject site. The only pipes are in Burns St or on the east side of McMahons Rd.
- A drainage strategy is required prior to commencement of works.
- No objection subject to the inclusion of conditions on any permit issued.

Traffic Engineer

The application was referred to Council's Traffic Engineer who have advised they have no concerns with the proposal;

- The reduction of nine car parks is satisfactory.
- The carpark layout and access arrangements are satisfactory.

11.1 Planning application 579/2018/P - 35 - 37 McMahons Road Frankston - The use and development of the land for a Medical Centre, alter access to a road in a Road Zone Category 1 and a reduction in the car parking requirements of Clause 52.06.

Officers' Assessment

External Referrals

The application has been referred externally to VicRoads who offered no objection subject to the inclusion of conditions on any permit issued.

Discussion

State and Local Planning Policy

The proposed use and development is generally consistent with the objectives of the Frankston MAC Structure Plan and the Mixed Use Zone.

The proposed use of the land for a medical centre in a purpose built facility is supported by the strategic framework which seeks to strengthen Frankston's role as a major health and education hub and to encourage uses associated with health and education which this proposal fully accords with. The proposal is well located on a site that has access to an arterial road network and in close proximity to Monash University, Frankston Hospital and other allied health services.

It is envisaged that in the medium term, this precinct will be further developed with similar purpose built medical and education facilities. However, in the interim, it is important that the amenity of the current residents is maintained during the transition from predominately residential to medical and health services. Conditions limiting the hours of operation and the number of patrons can be included on any permit issued to ensure that offsite amenity impacts will be minimised.

Buildings and Works

The layout of the proposal with the radiology located on the ground floor and basement carparking ensures that engagement with the street and opportunities for passive surveillance are maximised.

The scale and overall building height is considered acceptable. The building is two storey with an overall height of 11 metres (according to the elevation plans) from natural ground level which is well within the 14 metre preferred height of the FMAC structure plan and DDO13.

At the ground floor a 3 metre setback to the street is provided and a 1 metre setback is provided on the south and north boundary boundaries for a minimum length of 5 metres from the front of the site consistent with DDO13. The extensive use of glazing and varied use of materials also assists to create a sense of articulation appropriate for the location on a main road.

The canopy and wing wall adjacent to the proposed lobby area project into the McMahons Road frontage and do not accord with the DDO13 setback requirements. The variation in the front setback requirements of the DDO13 only applies to a small portion of the building and provides for weather protection at the entry to the building and is therefore considered acceptable. Additionally, the design provides a front building entry that is easily identifiable and complements the overall architectural design. Therefore these variations are considered to be acceptable.

11.1 Planning application 579/2018/P - 35 - 37 McMahons Road Frankston - The use and development of the land for a Medical Centre, alter access to a road in a Road Zone Category 1 and a reduction in the car parking requirements of Clause 52.06.

Officers' Assessment

It is noted that the basement is built to the north boundary (which does not comply with DDO13) and off-set 1 metre from the southern which impacts on the potential for landscaping. The setback from the north boundary is considered reasonable. The development on the land to the north is a single storey purpose built veterinary clinic which has a zero setback to the shared boundary with the subject site. The proposal has responded to the sensitive interface with the adjoining properties to the rear through the use of materials, colours and additional windows to create visual interest and to alleviate the impact of a two storey, commercial building.

Furthermore, it is considered that the site can be appropriately landscaped to soften the built form and provide screening to adjoining residential properties. Deep soil zones are provided within the front setback and to the rear to enable planting of large canopy trees. Conditions can be included to provide canopy tree planting in the front and rear setback and screen planting along the rear boundary with a minimum mature height of 3.0 metres. The provision of 3.0 metre screen planting to the rear boundary will assist in softening the appearance of the building and the impact on the adjoining residential properties and secluded private open space areas which adjoin the subject site. A condition can be included on any permit issued to require the submission of a landscape plan providing for permeable paving, the planting of appropriate hardy and low maintenance species and the screen and canopy tree planting noted.

A 9 metre separation has been achieved to the dwellings to the west. However, a separation distance of approximately 7 metres is provided to the dwelling to the south. The proposed setback to the dwelling to the south is considered satisfactory given the future strategic directions for the precinct and the potential for redevelopment of the adjoining site.

Overall the proposed building is considered to respond appropriately to the site context with a well-articulated built form and setbacks from the adjoining properties as sought by the objectives and decision guidelines of the DDO13.

Car Parking/Vehicle Access:

In accordance with Clause 52.06, under Column B, a car parking rate of 3.5 spaces per 100square metres is required. The total net floor area is 1,216m^2 which equates to a requirement for 42 car spaces. The Traffic Report assumes an additional eight support staff will be required in addition to the 10 nominated practitioners. As the application proposes the provision of 33 car spaces with 15 being mechanical car spaces, a reduction of 9 car spaces is sought.

If the site had not been in the Parking Overlay or in a Principal Public Transport Network area, the car parking rate would have been based on the number of persons providing health services rather than the floor area. Under Column A of the Table 1 to Clause 52.06, a medical centre requires 5 car spaces to be provided for the first person providing health services with 3 car spaces to each subsequent health service provider. The applicant has stated that the number of persons providing health services will be 10 and therefore 32 car spaces are required and 33 will be provided.

11.1 Planning application 579/2018/P - 35 - 37 McMahons Road Frankston - The use and development of the land for a Medical Centre, alter access to a road in a Road Zone Category 1 and a reduction in the car parking requirements of Clause 52.06.

Officers' Assessment

The applicant's traffic consultant has submitted that the demand for car parking is strongly related to the number of health service providers rather than the floor area. On this basis it is argued that the assessment of the likely car parking demand would be better based on the number of health service providers as it is a more practical way to determine parking requirements. Using the column A requirements results in the proposal providing more than what would be required by the Planning Scheme. The applicant has further advised that the type of medical practitioners occupying the building will be specialists. Typically the length of time for appointments are longer in comparison to general practitioners and therefore the demand for carparking is anticipated to be lower.

Overall, it is considered that the technical reduction in the number of carparking spaces is acceptable, noting that the shortfall is more a function of a quirk in the Parking Overlay than a material shortfall. This been reviewed by Council's traffic engineers who have not raised any concerns. A condition of any permit issued will require that the number of persons providing health services including radiology must not exceed 10. This does not include assistants, including nurses who assist medical professionals, dental nurses or administrative staff.

Because the proposal generates a technical shortfall in parking, Council could seek to apply a car parking levy. However, this is not recommended, in part because the shortfall is a technicality resulting from a quirk in the Parking Overlay. Further, given the location of the site away from the Frankston Metropolitan Activity Centre (FMAC), it is considered that a financial contribution is not warranted as the site would be unlikely to see benefit from any consolidated public car parking that may be constructed in the future in central Frankston.

In addition the FMAC Parking Precinct Plan referenced in the overlay outlines a number of actions to alleviate the demand for car parking within the FMAC area including improvements to active transport including cycling and walking. However given the use of the site for a medical centre, patrons considered are unlikely to use public transport or walk/cycle to the site and any contributions towards these actions would not benefit the site.

The carpark layout is considered to meet the design standards of Clause 52.06. Mechanical car parking in the basement car park is proposed as shuffle style mechanical parking unit (i.e. Klaus Trendvario or Wohr Combilift) with a pit and entry level at ground. Council's traffic engineers have reviewed the proposal and have not raised any concerns with the use of mechanical carparking. A condition of any permit issued will require the submission of a car parking management plan to ensure that the basement car park is available for patients during opening hours and the mechanical carparking to be allocated to staff.

Urban Design and Landscaping

Council's Urban Designer has also recommended some minor modifications to the development which can be made by permit condition. These are the addition of vertical shading devices to windows on the western façade to improve energy efficiency and increasing the width of the hallway adjacent to the toilets/service and providing sliding doors to all disabled/accessible toilets to provide better access for wheelchair users.

A discussion was also held with Council's Landscape Architect and a Landscape Plan can be required as a condition of permit. The landscape plan can require canopy tree planting to the front and rear of the development, the use of permeable paving to the side/rear and screen planting to the rear to minimise the impact of the development on the adjoining residential properties to the west.

Clause 52.29

A permit is required to alter access to a Road in a Road Zone Category 1. McMahons Road is a Road Zone Category 1. VicRoads have reviewed the proposal and have granted conditional consent subject to conditions requiring minor alterations to the access. The applicant has submitted amending plans addressing VicRoads requirements.

Other Matters

The amended plans show a reference to signage on the McMahons Road frontage and side elevations. As the application does not include "signs" and no detail has been provided it is considered that the elevations should be amended to delete any reference to signs. The site is located within a Mixed Use Zone which is in Category 3 of Clause 52.05-13: Catergory 3: High Amenity Areas. The signs will require a planning permit and given the site's location on a main road, careful consideration and assessment needs to be given. The applicant will be able to make an application once details of the signs are confirmed.

Response to Objectors

- *Overshadowing of rear private open space of a residential dwelling*

The application includes shadow diagrams that demonstrate that the secluded open space of the dwellings to the west will be impacted by overshadowing at 9am at the September Equinox. However by 10 am, there will be no additional overshadowing caused by the development ensuring that the secluded open space of the dwellings to the west will receive at least 5 hours of sunlight between the hours of 9am to 3 pm which is well within the minimum encouraged by Clause 55.

- *Overshadowing of solar panels on the roof of the existing dwelling resulting in the loss of solar power in the mornings*

It is considered that the proposal is unlikely to cause any loss of sunlight to the solar panels on the dwelling to the south west of the site. Planning Practice Note 88 provides information and guidance for developments that may overshadow an existing rooftop solar energy facility. The solar panels are located on the roof of the double storey section of the dwelling away from the rear boundary which will assist to protect the panels from any overshadowing caused by the development. As discussed above, the secluded open space of dwellings to the west are impacted by overshadowing at 9am and by 10am, the proposal does not cause any overshadowing to adjoining properties which further indicates that the proposal will have minimal impact on the rooftop solar panels.

11.1 Planning application 579/2018/P - 35 - 37 McMahons Road Frankston - The use and development of the land for a Medical Centre, alter access to a road in a Road Zone Category 1 and a reduction in the car parking requirements of Clause 52.06.

Officers' Assessment

Cultural Heritage Management Plan

While part of the subject site is located within an area of Aboriginal Cultural Heritage Sensitivity, the proposed works do not trigger the need for a Cultural Heritage Management Plan. The site has been subject to significant ground disturbance through the demolition of the existing dwellings and structures, and the levelling of the lots. This is further supported by the desktop report prepared by Andrew Long & Associates.

Conclusion

On balance, it is considered that the proposal satisfies the requirements of the State and Local Planning Policy Framework and the purpose of the Mixed Use Zone and other relevant provisions of the Frankston Planning Scheme and warrants support.

Recommendation (Director Community Development)

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 579/2018/P for the use and development of the land for a Medical Centre, alter access to a road in a Road Zone Category 1 and a reduction in the car parking requirements of Clause 52.06. at 35 – 37 McMahons Road Frankston subject to the following conditions:

Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be substantially in accordance with the plans submitted with the application but modified to show:

    a. Deletion of notations referring to signage on all elevations

    b. Vertical shading devices to windows on the western façade.

    c. The width of the hallway adjacent to the toilets/services area increased to a minimum of 1.2 metres.

    d. Sliding doors provided to all disabled/accessible toilets.

    e. All paving to in the south (side) and rear (west) of the building to be permeable.

    f. A Landscape Plan in accordance with Condition 4.

    g. A Drainage Strategy in accordance with Conditions 8, 9 and 10.

    h. Amendments required by VicRoads Conditions 26-27.

No Alterations

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

11.1 Planning application 579/2018/P - 35 - 37 McMahons Road Frankston - The use and development of the land for a Medical Centre, alter access to a road in a Road Zone Category 1 and a reduction in the car parking requirements of Clause 52.06.

Officers' Assessment

Prior to Occupation

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

Landscape Plans

4. Before the development starts, a landscape plan in accordance with the submitted development plan, prepared by a suitably qualified landscape professional must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
   a) A survey (including botanical names) of all existing vegetation on the site and those located within three (3) metres of the boundary of the site on adjoining properties, accurately illustrated to represent canopy width and labelled with botanical name, height and whether the tree is proposed to be retained and/or removed.
   b) The tree number, T.P.Z., S.R.Z. and notations regarding protection methods during construction of retained trees.
   c) Buildings on neighbouring properties within three metres of the boundary.
   d) The delineation and details of surface finishes of all garden beds, grassed areas, pathways, access ways, retaining walls and other landscape works including areas of cut and fill throughout the development site.
   e) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant.
   f) A range of plant types from ground covers to large shrubs and trees.
   g) Landscaping and planting within all open areas of the site.
   h) Adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals).
   i) The provision of screen planting (minimum mature height of 3m) along the rear boundary.
   j) A planting theme of a minimum 20% indigenous and 40% native within each plant group.
   k) All existing environmental weed species are to be removed from the site and environmental and noxious weeds found in the 'Sustainable Gardening in Frankston City' (2018) booklet are not to be planted.
   l) The provision of suitable canopy trees (minimum two metres tall when planted) in the areas specified below (trees are not to be sited over easements) with species chosen to be approved by the Responsible Authority:
      i. Three (3) upright canopy trees within the front setback a minimum mature height of 7m.
      ii. Two (2) canopy trees within the rear of the development with a minimum mature height of 8m.

m) The provision of notes on the landscape plan regarding site preparation, including in-ground irrigation system to be provided to all landscaped areas, removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
n) All tree stock used must be in accordance with AS2303-2015 Tree stock for Landscape Use.

Number of Persons Providing Health Services

5. No more than 10 persons providing health services are permitted to practice at or conduct consultations from the premises at any one time unless with the further written consent of the Responsible Authority. This includes persons providing radiology services.

Hours of Operation

6. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the hours of:

- Monday to Friday (other than public holidays): 8 am to 7 pm; and
- Saturday: 9 am to 1 pm.

Medical Waste Disposal

7. The permit holder must ensure that all medical waste is disposed of by an authorised collection/disposal agency to the satisfaction of the Responsible Authority.

Drainage

8. 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.

9. 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.

10. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
- On-site stormwater detention and rainwater tanks.
- Soil percolation
- Stormwater harvesting and Re-use of stormwater for garden watering, toilet flushing, etc
- On-site ‘bio-treatment’ to reduce dissolved contaminants and suspended solids.

Engineering Requirements

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

12. All disused vehicle crossings shall be removed and the area reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.

13. Concrete kerbs and barriers shall be provided to the satisfaction of the responsible authority to prevent direct vehicle access to an adjoining road other that by a vehicle crossing.

14. Before the use allowed by this permit starts, areas set aside for parking vehicles, loading bays, access lanes and paths as shown on the endorsed plans must be :-

    a. Constructed to the satisfaction of the Responsible Authority.

    b. Properly formed to such levels that they can be used in accordance with the plans.

    c. Surfaced with an all-weather sealcoat.

    d. Drained and maintained to the satisfaction of the Responsible Authority.

    e. Line-marked to indicate each car space, loading bay and all access lanes and if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.

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

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

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

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

Car Parking Management Plan

16. Prior to the commencement of the use, a Car Parking Management Plan must be submitted and must be approved by the Responsible Authority. The Car Parking Management Plan must:

    a. include a requirement that the security door to the basement the open at all times that the medical centre is operational;

    b. show the allocation of spaces between staff and visitors;

    c. maximise the efficient use of the car parking spaces set aside for staff;

    d. lighting of parking areas, entries and exits;

    e. signage to direct staff and patients to their designated spaces;

    f. arrangements for the loading and unloading of goods and materials; and

g. Measures for the management of the car park in accordance with this plan.

Once approved the Car Parking Management Plan will form part of the permit and must be complied with at all times.

17. The Car Parking Management Plan can only be modified with the written consent of the Responsible Authority.

Construction Management Plan

18. Prior to the commencement of works (including vegetation removal) a Construction and Environment 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 vegetation protection, fauna protection, runoff, erosion, dust, litter, noise and light.
    d. Location and specifications of sediment control devices on/off site.
    e. Location and specifications of surface water drainage controls.
    f. Location and specifications of fencing for the protection of trees and/or vegetation as required by the permit.
    g. Proposed drainage lines and flow control measures.
    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. Hours during which construction activity will take place.
    l. Any other relevant matters, including the requirements of VicRoads.

Urban Design

19. 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.

20. The plant and equipment on the roof of the building must be screened in a manner to complement the appearance of the building to the satisfaction of the Responsible Authority.

21. All materials stored on the land must be stored out of view and must not be unsightly when viewed from nearby lands or roadways to the satisfaction of the Responsible Authority.

22. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by the Standards Australia International Ltd and be connected to a security service.

11.1 Planning application 579/2018/P - 35 - 37 McMahons Road Frankston - The use and development of the land for a Medical Centre, alter access to a road in a Road Zone Category 1 and a reduction in the car parking requirements of Clause 52.06.

Officers' Assessment

Amenity

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

24. Lighting must be provided near the front entrance and within the development, and must not cause adverse impact on adjoining land, all to the satisfaction of the Responsible Authority.

25. Noise emitted from the premises must not exceed limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.

VicRoads Requirements

26. Plan are to be amended to show a passing area that provides a passing area at the entrance at least 6.1 metres wide and 7 metres long to the satisfaction of the Responsible Authority.

27. The redundant crossover must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.

28. Prior to the commencement of the use or the occupation of the buildings or works hereby approved, the access arrangements to McMahons Road and associated works, must be provided and available for use to the satisfaction the Responsible Authority and at no cost to VicRoads and the Responsible Authority.

Satisfactorily Completed

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

Permit Expiry

30. 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 six (6) months of the completion of the development.
- The use ceases 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.

11.1 Planning application 579/2018/P - 35 - 37 McMahons Road Frankston - The use and development of the land for a Medical Centre, alter access to a road in a Road Zone Category 1 and a reduction in the car parking requirements of Clause 52.06.

Officers' Assessment

Notes

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

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

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

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

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

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

D. This permit only relates to the use and/or development of the land and does not comprise an approval for the erection of any advertising signs. The location and details of any advertising signs to be erected on the land must be the subject of a separate application.

E. This permit only relates to the use and development of the land and does not comprise an approval to construct or put up for display any signs. The location and details of any signs to be constructed or displayed on the land must be the subject of a separate application.

CONTENTS

URBAN CONTEXT & SITE ANALYSIS
TP01 SITE LOCATION & CONTEXT PLAN
TP02 NEIGHBOURHOOD & SITE DESCRIPTION - SITE PLAN
TP04 DESIGN RESPONSE - OPPORTUNITIES & CONSTRAINTS
TP05 DEVELOPMENT ANALYSIS

FLOOR PLANS
TP10 BASEMENT LEVEL PLAN
TP11 GROUND FLOOR AND CONCEPT LANDSCAPE PLAN
TP12 LEVEL 1 PLAN
TP13 ROOF PLAN

ELEVATIONS
TP20 EAST ELEVATION / McMAHONS RD, STREETSCAPE
TP21 NORTH ELEVATION
TP22 WEST ELEVATION
TP23 SOUTH ELEVATION

SECTIONS
TP30 SECTIONS A & B

SHADOW DIAGRAMS
TP40 SHADOW DIAGRAMS - SEPTEMBER 22 9AM & 10AM
TP41 SHADOW DIAGRAMS - SEPTEMBER 22 11AM & 12PM
TP42 SHADOW DIAGRAMS - SEPTEMBER 22 1PM & 2PM
TP43 SHADOW DIAGRAMS - SEPTEMBER 22 3PM

FINISHES
TP50 MATERIALS SCHEDULE

CACTUS ARCHITECTS
115 CHURCH STREET HAWTHORN VIC 3122
P: 0418 990 220 **W:** CACTUSARCHITECTS.COM.AU

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.
DRAWINGS NOT TO BE SCALED.

REV	DATE	DESCRIPTION	DWN
A	03.10.18	TOWN PLANNING APPLICATION	IB
B	13.11.18	REVISED TOWN PLANNING APPLICATION	IB
C	03.09.19	RESPONSE TO COUNCIL RFI	EM
D	18.10.19	RESPONSE TO COUNCIL RFI 2	BD
E	03.04.20	RESPONSE TO COUNCIL RFI 2 (3)	BD

LEGEND

PROJECT
FRANKSTON MEDICAL CENTRE
35-37 McMAHONS ROAD FRANKSTON

DRAWING
COVER SHEET

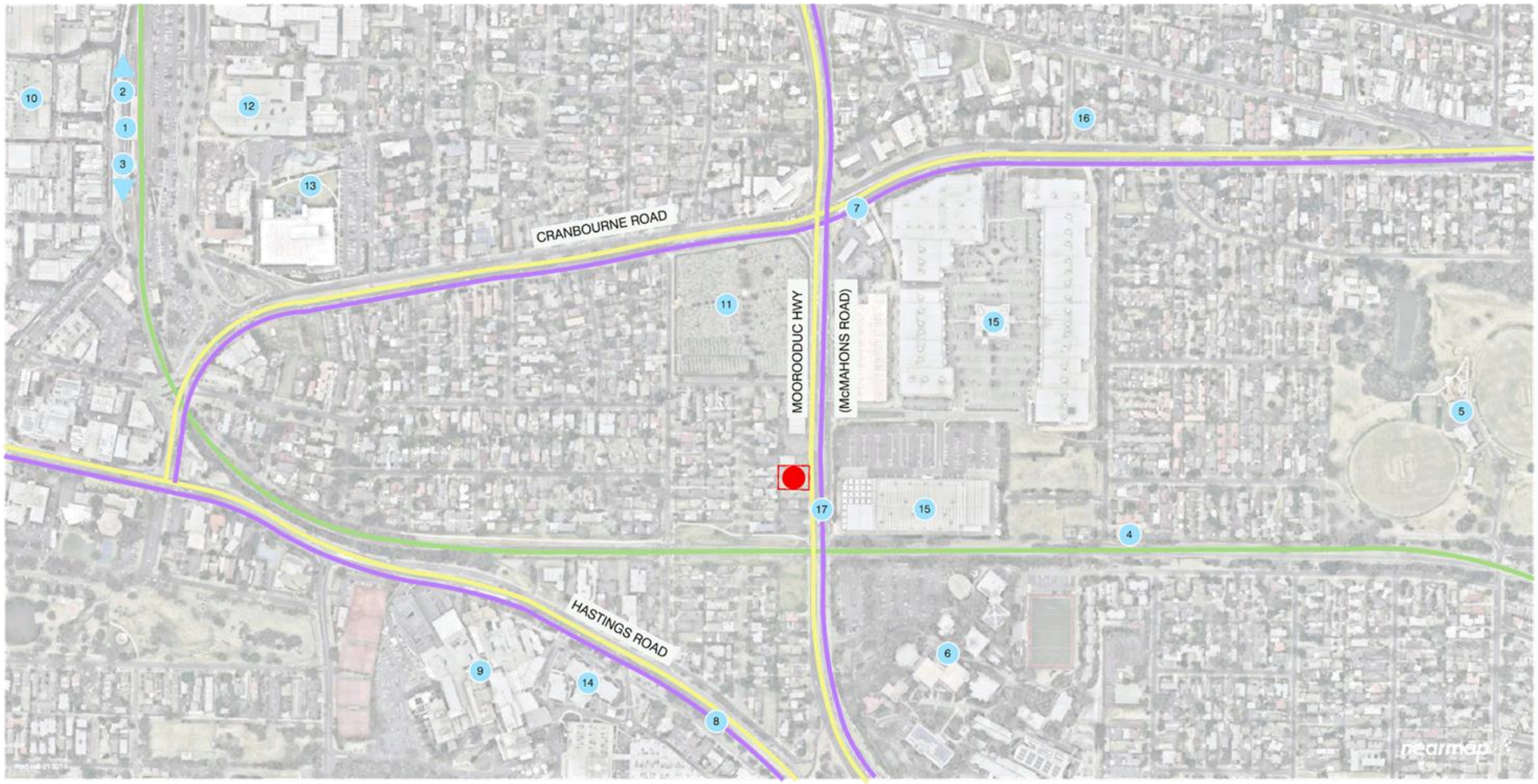
NORTH

ISSUE
TOWN PLANNING ISSUE

PLOT DATE	SCALE	DRAWN
04.03.2020	NTS	IB

PROJECT NO	DWG NO	REVISION
181901	**TP00**	**E**

CACTUS ARCHITECTS



MAJOR ROAD
TRAIN ROUTE
BUS ROUTE

- SUBJECT SITE
- 1 FRANKSTON STATION
- 2 TRAINS TO CITY
- 3 TRAINS TO STONY POINT
- 4 LEAWARRA STATION
- 5 JUBILEE PARK
- 6 MONASH UNIVERSITY PENINSULA CAMPUS
- 7 BUS ROUTES 789, 790 & 791
- 8 BUS ROUTES 772,775,776,782 & 783
- 9 FRANKSTON HOSPITAL
- 10 BAYSIDE SHOPPING CENTRE
- 11 FRANKSTON MEMORIAL PARK
- 12 CHISHOLM INSTITUE
- 13 PENINSULA AQUATIC RECREATION CENTRE & FRANKSTON SKATE PARK
- 14 FRANKSTON INTEGRATED HEALTH CENTRE
- 15 FRANKSTON POWER CENTRE & BUNNINGS
- 16 CRANBOURNE ROAD MEDICAL CENTRE
- 17 BUS ROUTE 887

CACTUS ARCHITECTS
304/91 MURPHY ST, RICHMOND VIC 3121
P: 03 9429 9191 **W:** cactusarchitects.com.au

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.
DRAWINGS NOT TO BE SCALED.

REV	DATE	DESCRIPTION	DWN
A	03.10.18	TOWN PLANNING APPLICATION	IB
B	13.11.18	REVISED TOWN PLANNING APPLICATION	IB
C	18.10.19	RESPONSE TO COUNCIL RFI 2	BD

LEGEND

PROJECT
FRANKSTON MEDICAL CENTRE
35-37 McMAHONS ROAD FRANKSTON

DRAWING
SITE LOCATION& CONTEXT PLAN

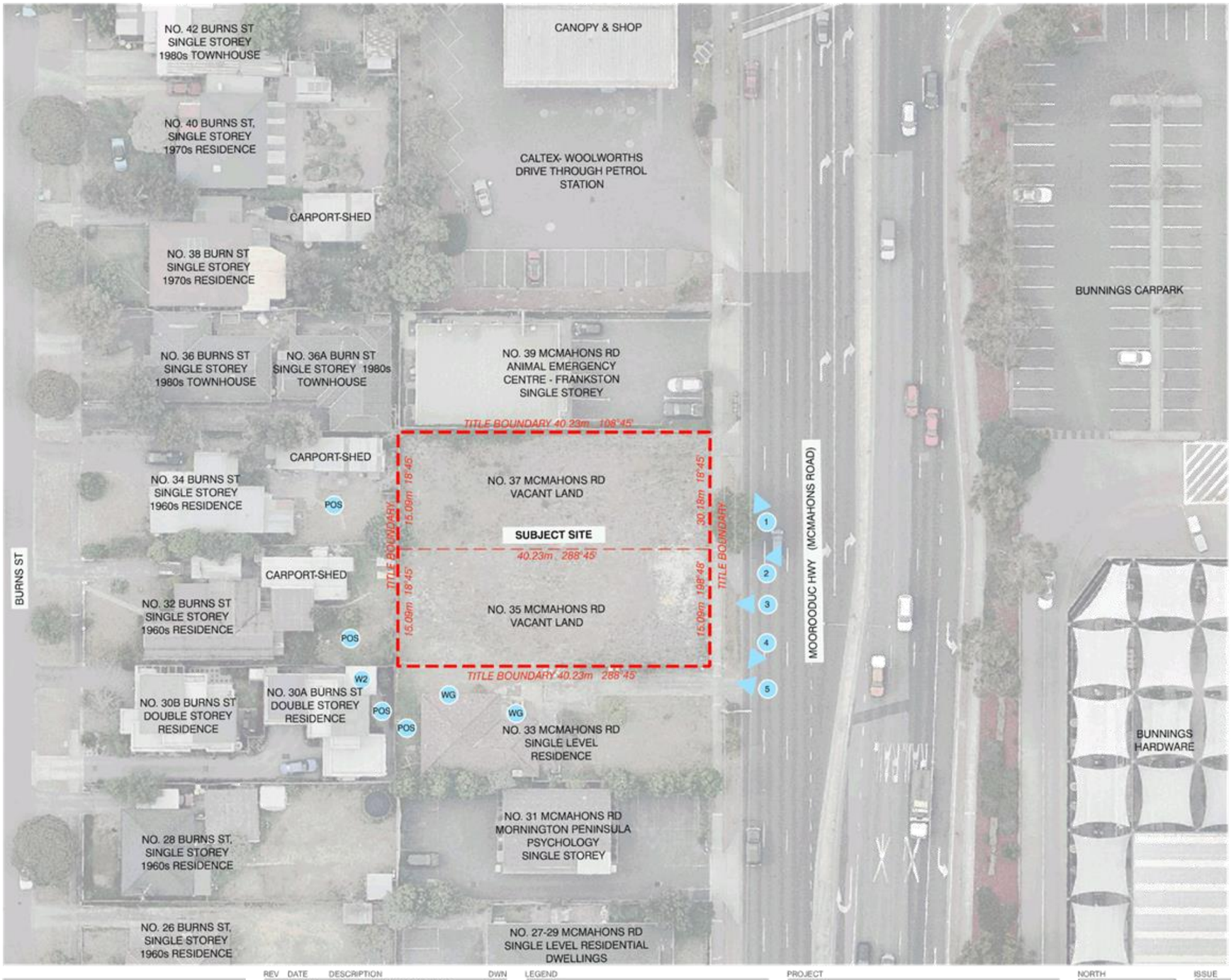
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ISSUE
TOWN PLANNING ISSUE

PLOT DATE	SCALE	DRAWN
16.10.2019	NTS	IB

PROJECT NO	DWG NO	REVISION
181901	TP01	C

CACTUS ARCHITECTS



CACTUS ARCHITECTS
304/91 MURPHY ST, RICHMOND VIC 3121
P: 03 9429 9191 **W:** cactusarchitects.com.au

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.
DRAWINGS NOT TO BE SCALED.

0 5 10 30M
SCALE 1:500@A3

REV	DATE	DESCRIPTION	DWN
A	03.10.18	TOWN PLANNING APPLICATION	IB
B	13.11.18	REVISED TOWN PLANNING APPLICATION	IB
C	18.10.19	RESPONSE TO COUNCIL RFI 2	BD

LEGEND

PROJECT
FRANKSTON MEDICAL CENTRE
35-37 McMAHONS ROAD FRANKSTON

DRAWING
NEIGHBOURHOOD & SITE DESCRIPTION

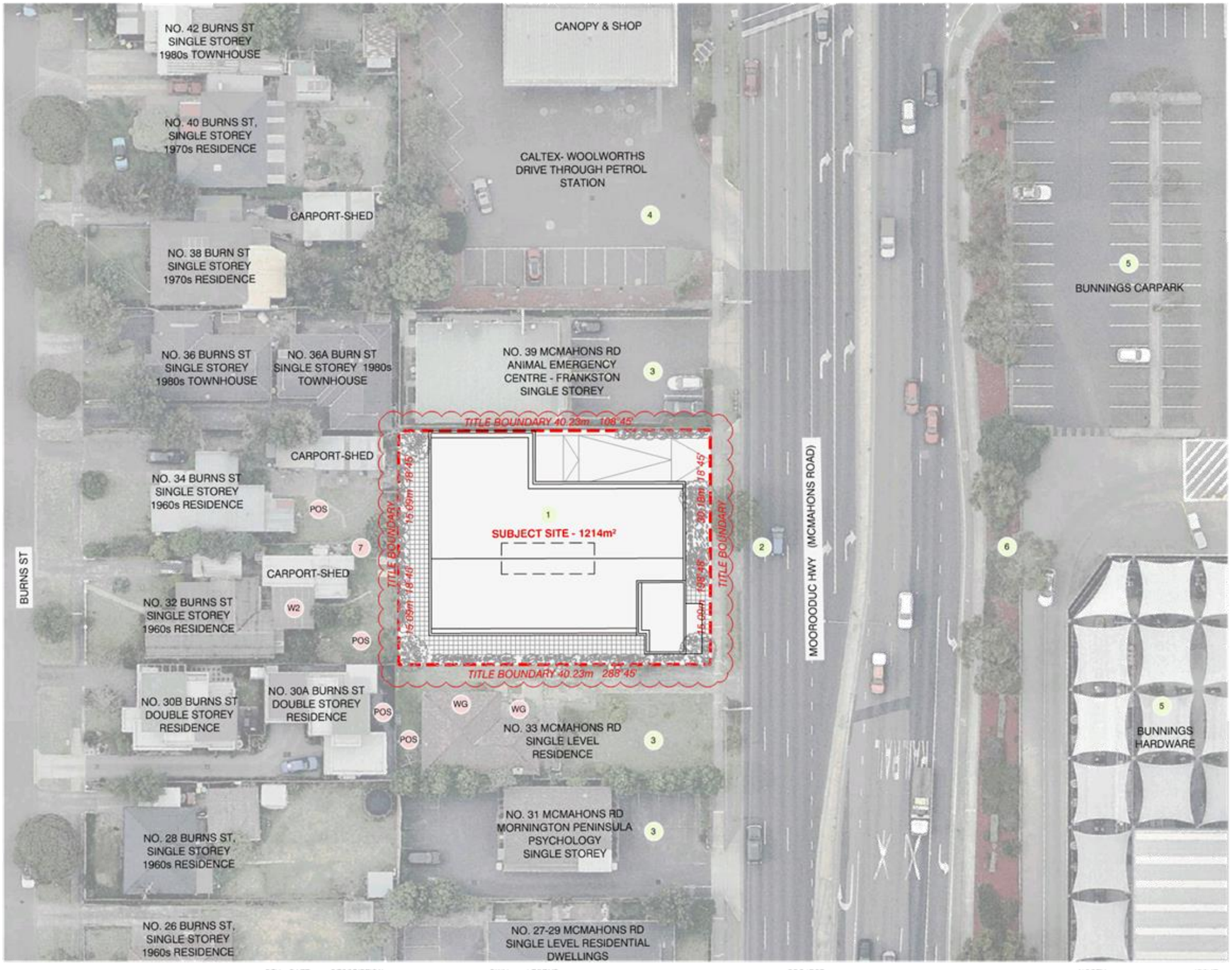
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ISSUE
TOWN PLANNING ISSUE

PLOT DATE	SCALE	DRAWN
18.10.2019	1:500	IB

PROJECT NO	DWG NO	REVISION
181901	**TP02**	**C**

CACTUS ARCHITECTS



LEGEND

SUBJECT SITE BOUNDRY

OPPORTUNITIES

1 SITE WITHIN MIXED USE ZONE (MUZ) SUITABLE FOR COMMERCIAL RE-DEVELOPMENT

2 HIGH EXPOSURE SITE ADJACENT TO ROAD ZONE CATEGORY 1 (RDZ 1)

3 LIKELY REDEVELOPMENT SITES WITHIN MIXED USE ZONE (MUZ)

4 SERVICE STATION WITHIN MIXED USE ZONE (MUZ)

5 COMMERCIAL 2 ZONE (PREVIOUSLY BUSINESS 4 ZONE).

6 OUTLOOK ACROSS THE ROAD DOMINATED BY BUNNINGS HOMEMAKER CENTRE & CARPARK

CONSTRAINTS

7 SENSITIVE INTERFACE TO EXISTING RESIDENTIAL USE (IN MUZ)

WG GROUND FLOOR HABITABLE WINDOWS

W2 SECOND STOREY HABITABLE WINDOWS

POS SECLUDED PRIVATE OPEN SPACE

CACTUS ARCHITECTS
115 CHURCH STREET HAWTHORN VIC 3122
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CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.
DRAWINGS NOT TO BE SCALED.

0 5 10 30M
SCALE 1:500@A3

REV	DATE	DESCRIPTION	DWN
A	03.10.18	TOWN PLANNING APPLICATION	IB
B	13.11.18	REVISEDTOWN PLANNING APPLICATION	IB
C	18.10.19	RESPONSE TO COUNCIL RFI 2	BD
D	03.03.20	RESPONSE TO COUNCIL RFI 2 (3)	BD

LEGEND

PROJECT
FRANKSTON MEDICAL CENTRE
35-37 McMAHONS ROAD FRANKSTON

DRAWING
DESIGN REPONSE PLAN

NORTH

ISSUE
TOWN PLANNING ISSUE

PLOT DATE	SCALE	DRAWN
04.03.2020	1:500	IB

PROJECT NO	DWG NO	REVISION
181901	**TP04**	**D**

CACTUS ARCHITECTS

DEVELOPMENT AREA SUMMARY

	BASEMENT	GROUND	LEVEL 1	TOTAL
NET USEABLE AREA (sqm)	0	604	612	**1216**
AMENITIES CIRCULATION & SERVICES (sqm)	56	122	121	**299**
DEVELOPMENT GROSS FLOOR AREA (sqm)	**863**	**747**	**763**	**2373**

DEVELOPMENT SUMMARY

	NO.
CAR PARKING SPACES	33

SITE COVERAGE & PERMEABILITY

SITE AREA (sqm)	1214
SITE COVERAGE (%)	68
PERMEABILITY (%)	32

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CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.
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A	03.10.18	TOWN PLANNING APPLICATION	IB
B	13.11.18	REVISEDTOWN PLANNING APPLICATION	IB
C	18.10.19	RESPONSE TO COUNCIL RFI 2	BD
D	06.02.20	RESPONSE TO COUNCIL RFI 2 (2)	BD
E	03.04.20	RESPONSE TO COUNCIL RFI 2 (3)	BD

LEGEND

PROJECT
FRANKSTON MEDICAL CENTRE
35-37 McMAHONS ROAD FRANKSTON

DRAWING
DEVELOPMENT ANALYSIS

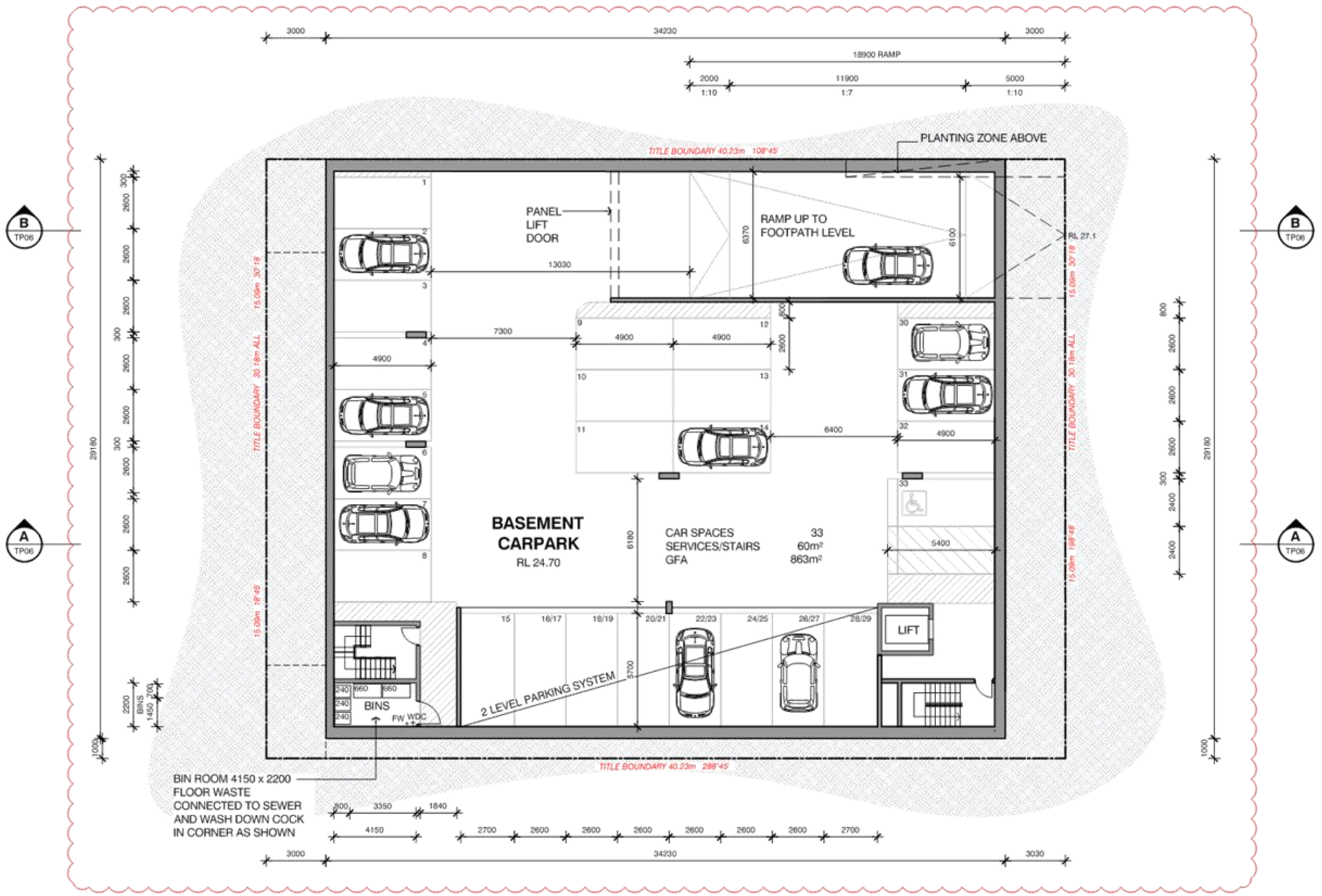
NORTH

ISSUE
TOWN PLANNING ISSUE

PLOT DATE	SCALE	DRAWN
04.03.2020	NTS	IB

PROJECT NO	DWG NO	REVISION
181901	**TP05**	**E**

CACTUS ARCHITECTS



CACTUS ARCHITECTS
115 CHURCH STREET HAWTHORN VIC 3122
P: 0418 990 220 **W:** CACTUSARCHITECTS.COM.AU

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.
DRAWINGS NOT TO BE SCALED.

0 2 4 SCALE 1:200@A3 10M

REV	DATE	DESCRIPTION	DWN
A	03.10.18	TOWN PLANNING APPLICATION	IB
B	13.11.18	REVISEDTOWN PLANNING APPLICATION	IB
C	03.09.19	RESPONSE TO COUNCIL RFI	EM
D	18.10.19	RESPONSE TO COUNCIL RFI 2	SD

LEGEND
ALL RLS ON PLANS AND ELEVATIONS ARE TO AHD

PROJECT
FRANKSTON MEDICAL CENTRE
35-37 McMAHONS ROAD FRANKSTON

DRAWING
BASEMENT PLAN

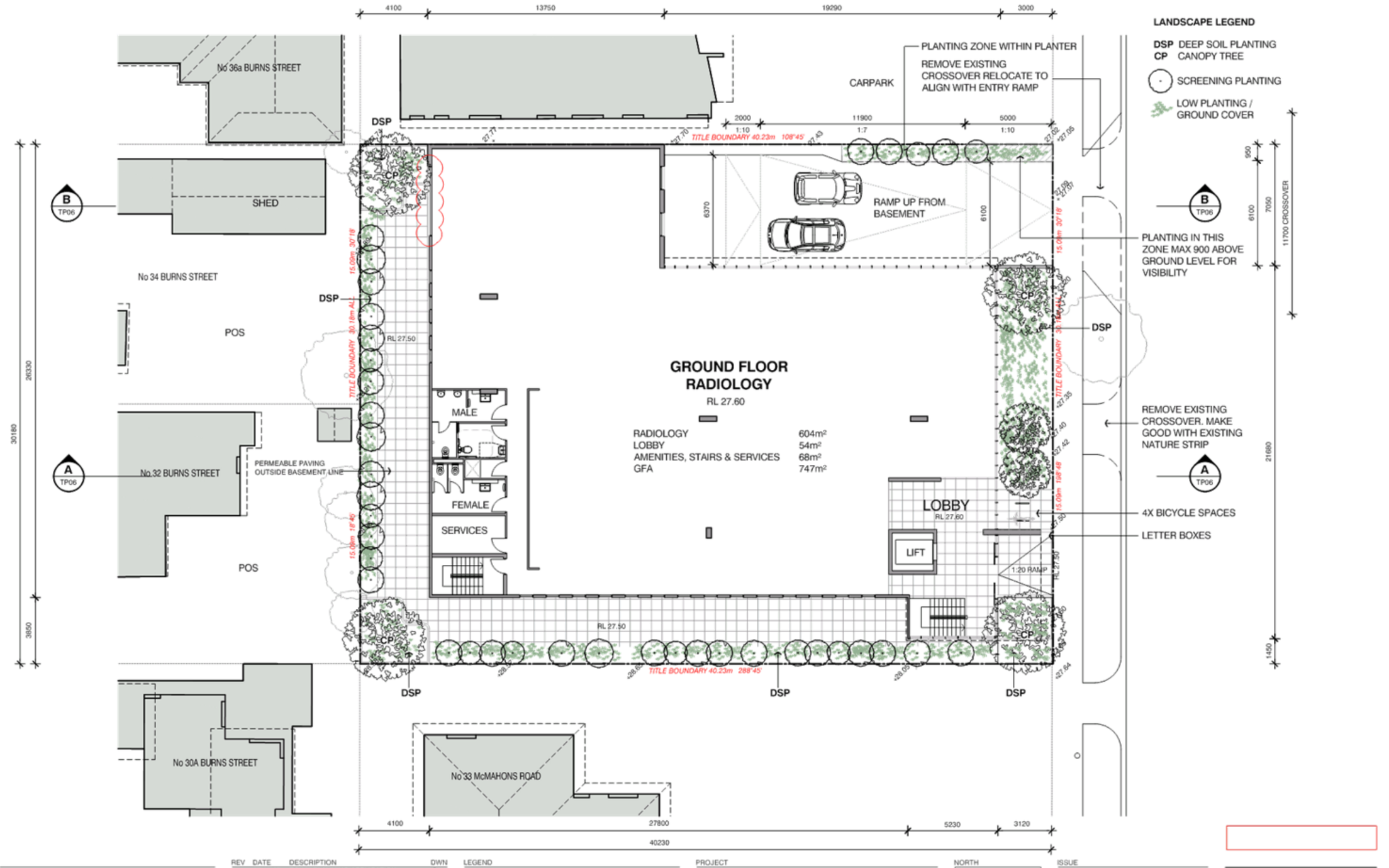
NORTH

ISSUE
TOWN PLANNING ISSUE

PLOT DATE	SCALE	DRAWN
04.03.2020	1:200	IB

PROJECT NO	DWG NO	REVISION
181901	**TP10**	**D**

CACTUS ARCHITECTS



REV	DATE	DESCRIPTION	DWN
A	03.10.18	TOWN PLANNING APPLICATION	IB
B	13.11.18	REVISEDTOWN PLANNING APPLICATION	IB
C	03.09.19	RESPONSE TO COUNCIL RFI	EM
D	11.10.19	BICYCLE SPACES ADDED	EM
E	18.10.19	RESPONSE TO COUNCIL RFI 2	BD
F	06.02.20	RESPONSE TO COUNCIL RFI 2 (2)	BD

CACTUS ARCHITECTS
115 CHURCH STREET HAWTHORN VIC 3122
P: 0418 990 220 **W:** CACTUSARCHITECTS.COM.AU

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.
DRAWINGS NOT TO BE SCALED.

0 2 4 10M
SCALE 1:200@A3

LEGEND
ALL RLS ON PLANS AND ELEVATIONS ARE TO AHD

PROJECT
FRANKSTON MEDICAL CENTRE
35-37 McMAHONS ROAD FRANKSTON

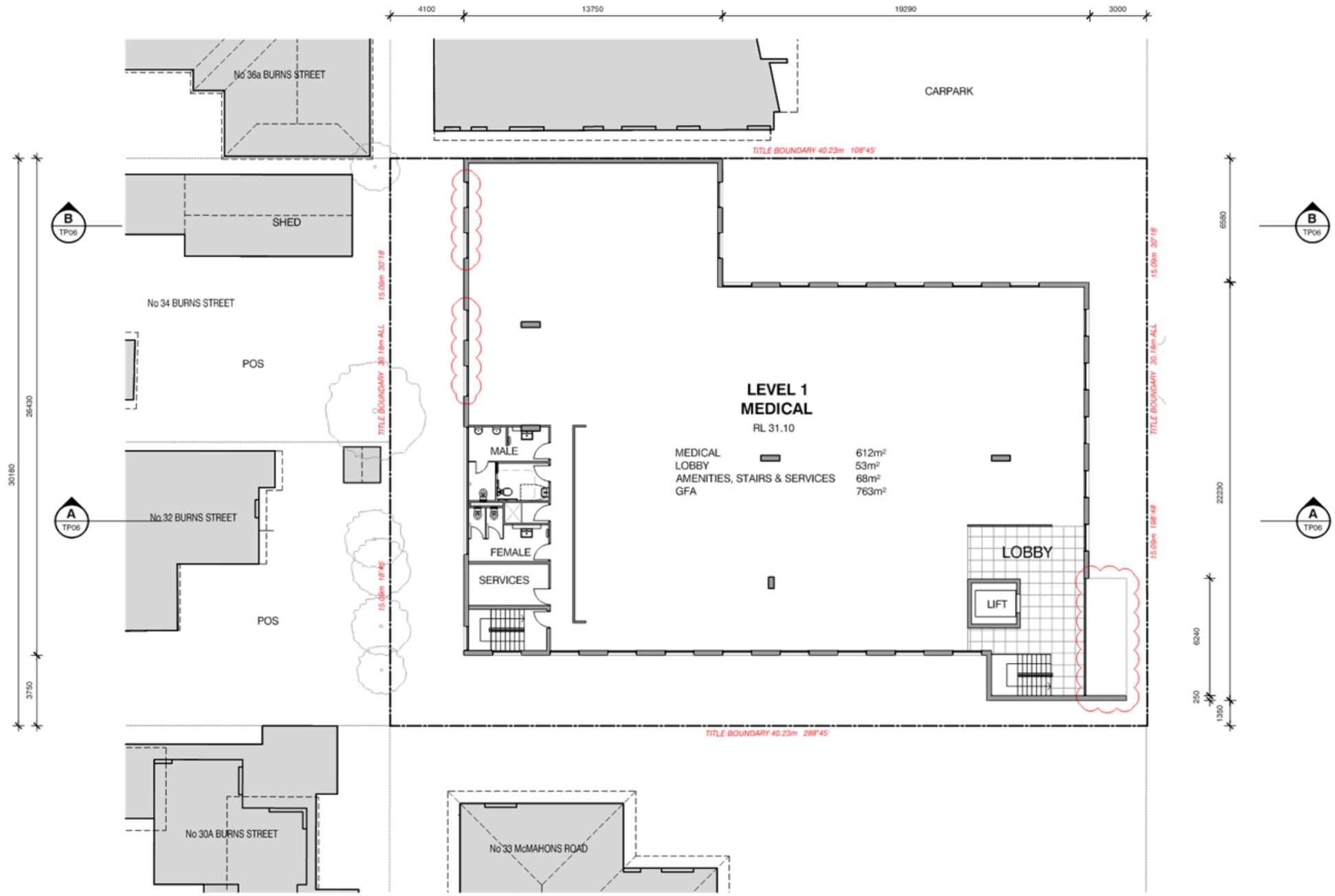
DRAWING
GROUND FLOOR AND LANDSCAPE CONCEPT PLAN

NORTH

ISSUE
TOWN PLANNING ISSUE

PLOT DATE	SCALE	DRAWN
04.03.2020	1:200	IB
PROJECT NO	DWG NO	REVISION
181901	TP11	F

CACTUS ARCHITECTS



CACTUS ARCHITECTS
115 CHURCH STREET HAWTHORN VIC 3122
P: 0418 990 220 **W:** CACTUSARCHITECTS.COM.AU

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.
DRAWINGS NOT TO BE SCALED.

0 2 4 10M
SCALE 1:200@A3

REV	DATE	DESCRIPTION	DWN
A	03.10.18	TOWN PLANNING APPLICATION	IB
B	13.11.18	REVISEDTOWN PLANNING APPLICATION	IB
C	03.09.19	RESPONSE TO COUNCIL RFI	EM
D	18.10.19	RESPONSE TO COUNCIL RFI 2	BD
E	06.02.20	RESPONSE TO COUNCIL RFI 2 (2)	BD
F	03.04.20	RESPONSE TO COUNCIL RFI 2 (3)	BD

LEGEND
ALL RLS ON PLANS AND ELEVATIONS ARE TO AHD

PROJECT
FRANKSTON MEDICAL CENTRE
35-37 McMAHONS ROAD FRANKSTON

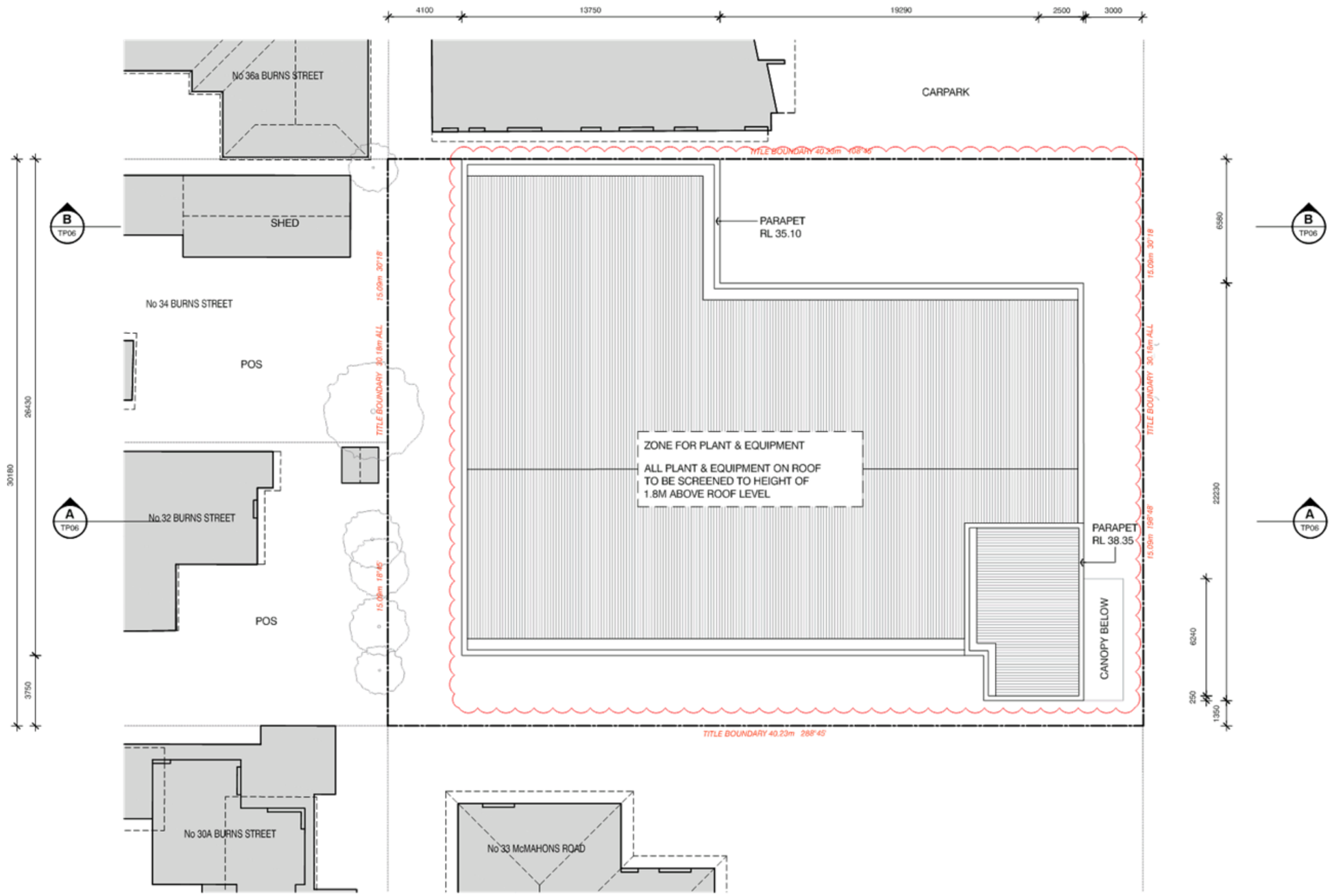
DRAWING
LEVEL 1 PLAN

NORTH

ISSUE
TOWN PLANNING ISSUE

PLOT DATE	SCALE	DRAWN
04.03.2020	1:200	IB
PROJECT NO	DWG NO	REVISION
181901	TP12	F

CACTUS ARCHITECTS



CACTUS ARCHITECTS
115 CHURCH STREET HAWTHORN VIC 3122
P: 0418 990 220 **W:** CACTUSARCHITECTS.COM.AU

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.
DRAWINGS NOT TO BE SCALED.

0 2 4 10M
SCALE 1:200@A3

REV	DATE	DESCRIPTION	DWN
A	03.10.18	TOWN PLANNING APPLICATION	IB
B	13.11.18	REVISEDTOWN PLANNING APPLICATION	IB
C	03.09.19	RESPONSE TO COUNCIL RFI	EM
D	18.10.19	RESPONSE TO COUNCIL RFI 2	BD
E	06.02.20	RESPONSE TO COUNCIL RFI 2 (2)	BD
F	03.04.20	RESPONSE TO COUNCIL RFI 2 (3)	BD

LEGEND
ALL RLS ON PLANS AND ELEVATIONS ARE TO AHD

PROJECT
FRANKSTON MEDICAL CENTRE
35-37 McMAHONS ROAD FRANKSTON

DRAWING
ROOF PLAN

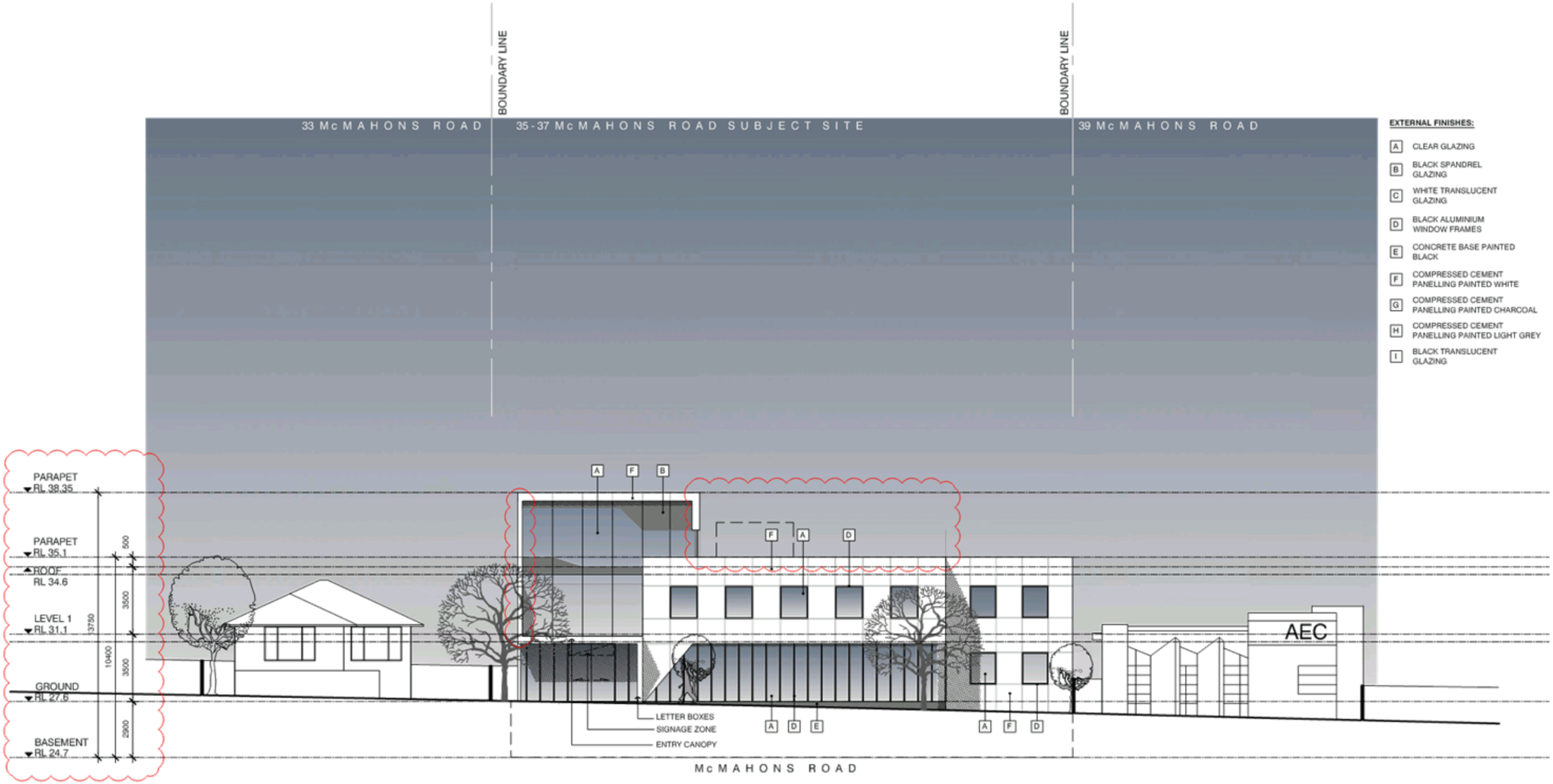
NORTH

ISSUE
TOWN PLANNING ISSUE

PLOT DATE	SCALE	DRAWN
04.03.2020	1:200	IB

PROJECT NO	DWG NO	REVISION
181901	**TP13**	**F**

CACTUS ARCHITECTS



CACTUS ARCHITECTS
115 CHURCH STREET HAWTHORN VIC 3122
P: 0418 990 220 **W:** CACTUSARCHITECTS.COM.AU

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.
DRAWINGS NOT TO BE SCALED.

0 2 4 10M
SCALE 1:200@A3

REV	DATE	DESCRIPTION	DWN
A	03.10.18	TOWN PLANNING APPLICATION	IB
B	13.11.18	REVISEDTOWN PLANNING APPLICATION	IB
C	18.10.19	RESPONSE TO COUNCIL RFI 2	BD
D	06.02.20	RESPONSE TO COUNCIL RFI 2 (2)	BD
E	03.04.20	RESPONSE TO COUNCIL RFI 2 (3)	BD

LEGEND

PROJECT
FRANKSTON MEDICAL CENTRE
35-37 McMAHONS ROAD FRANKSTON

DRAWING
EAST ELEVATION

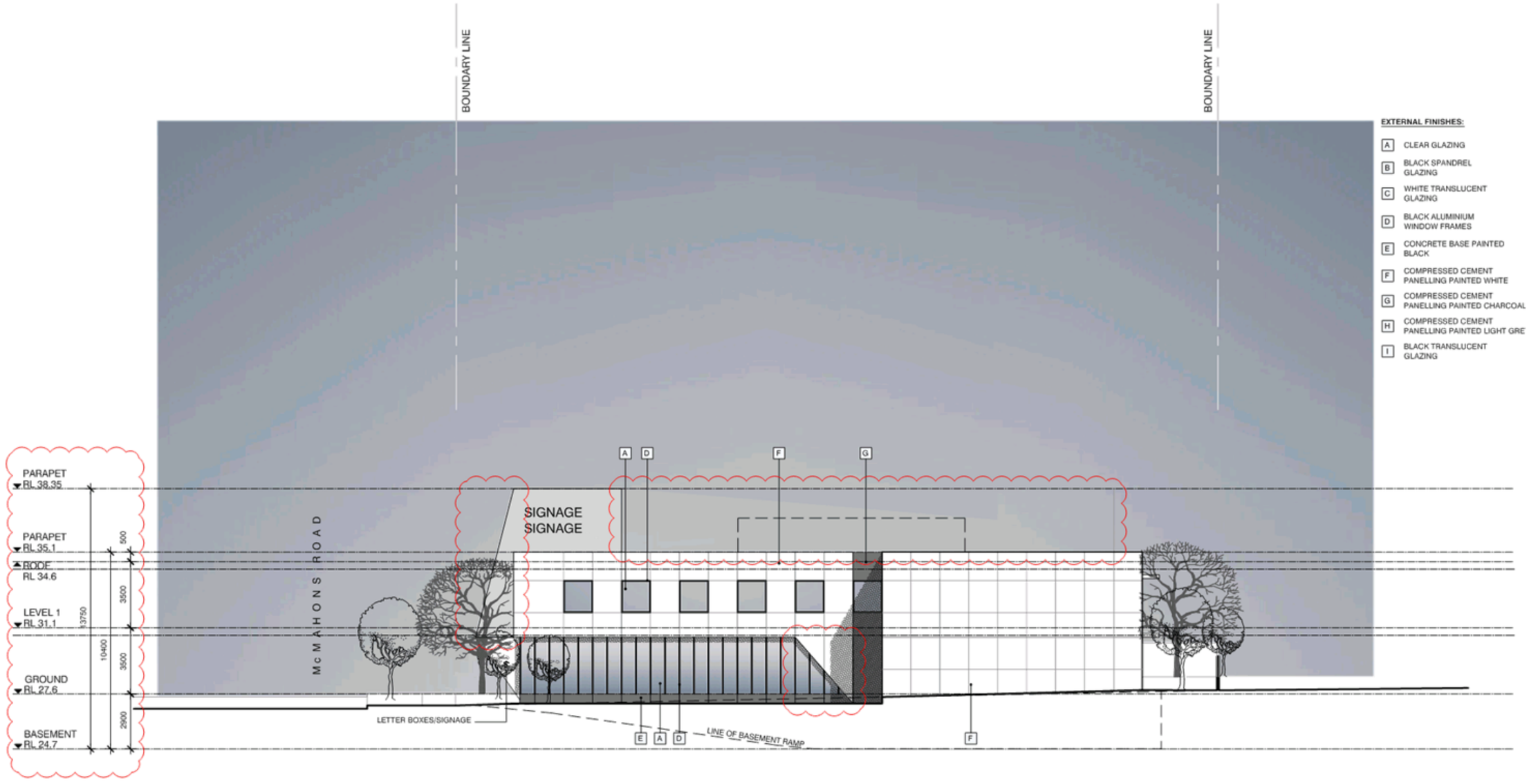
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ISSUE
TOWN PLANNING ISSUE

PLOT DATE	SCALE	DRAWN
04.03.2020	1:200	IB

PROJECT NO	DWG NO	REVISION
181901	**TP20**	**E**

CACTUS ARCHITECTS



CACTUS ARCHITECTS
115 CHURCH STREET HAWTHORN VIC 3122
P: 0418 990 220 **W:** CACTUSARCHITECTS.COM.AU

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.
DRAWINGS NOT TO BE SCALED.

0 2 4 SCALE 1:200@A3 10M

REV	DATE	DESCRIPTION	DWN
A	03.10.18	TOWN PLANNING APPLICATION	IB
B	13.11.18	REVISEDTOWN PLANNING APPLICATION	IB
C	18.10.19	RESPONSE TO COUNCIL RFI 2	BD
D	06.02.20	RESPONSE TO COUNCIL RFI 2 (2)	BD
E	03.04.20	RESPONSE TO COUNCIL RFI 2 (3)	BD

LEGEND

PROJECT
FRANKSTON MEDICAL CENTRE
35-37 McMAHONS ROAD FRANKSTON

DRAWING
NORTH ELEVATION

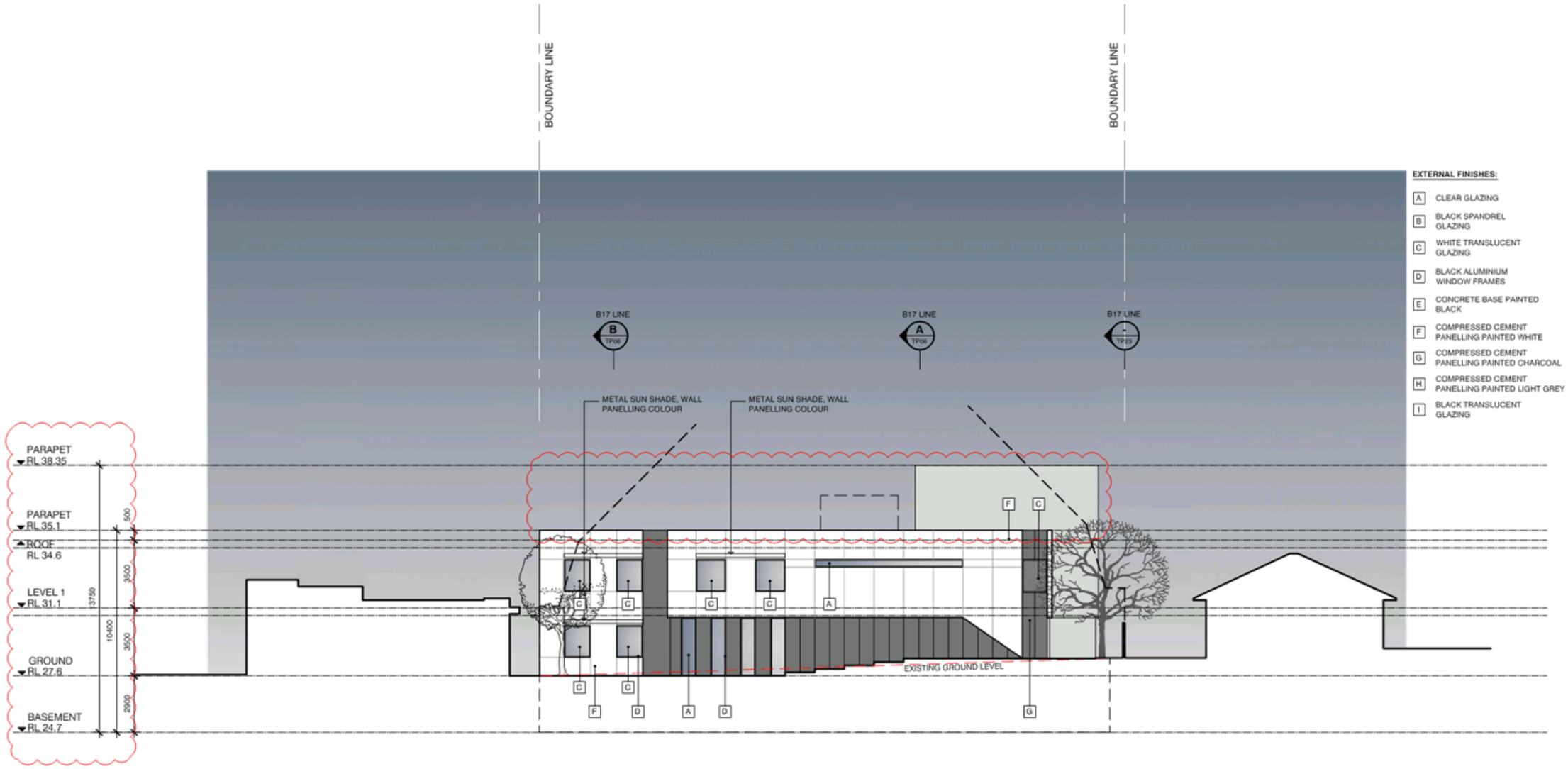
NORTH

ISSUE
TOWN PLANNING ISSUE

PLOT DATE	SCALE	DRAWN
04.03.2020	1:200	IB

PROJECT NO	DWG NO	REVISION
181901	TP21	E

CACTUS ARCHITECTS



CACTUS ARCHITECTS
115 CHURCH STREET HAWTHORN VIC 3122
P: 0418 990 220 **W:** CACTUSARCHITECTS.COM.AU

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.
DRAWINGS NOT TO BE SCALED.

0 2 4 10M
SCALE 1:200@A3

REV	DATE	DESCRIPTION	DWN
A	03.10.18	TOWN PLANNING APPLICATION	IB
B	13.11.18	REVISEDTOWN PLANNING APPLICATION	IB
C	18.10.19	RESPONSE TO COUNCIL RFI 2	BD
D	06.02.20	RESPONSE TO COUNCIL RFI 2 (2)	BD
E	03.04.20	RESPONSE TO COUNCIL RFI 2 (3)	BD

LEGEND

PROJECT
FRANKSTON MEDICAL CENTRE
35-37 McMAHONS ROAD FRANKSTON

DRAWING
WEST ELEVATION

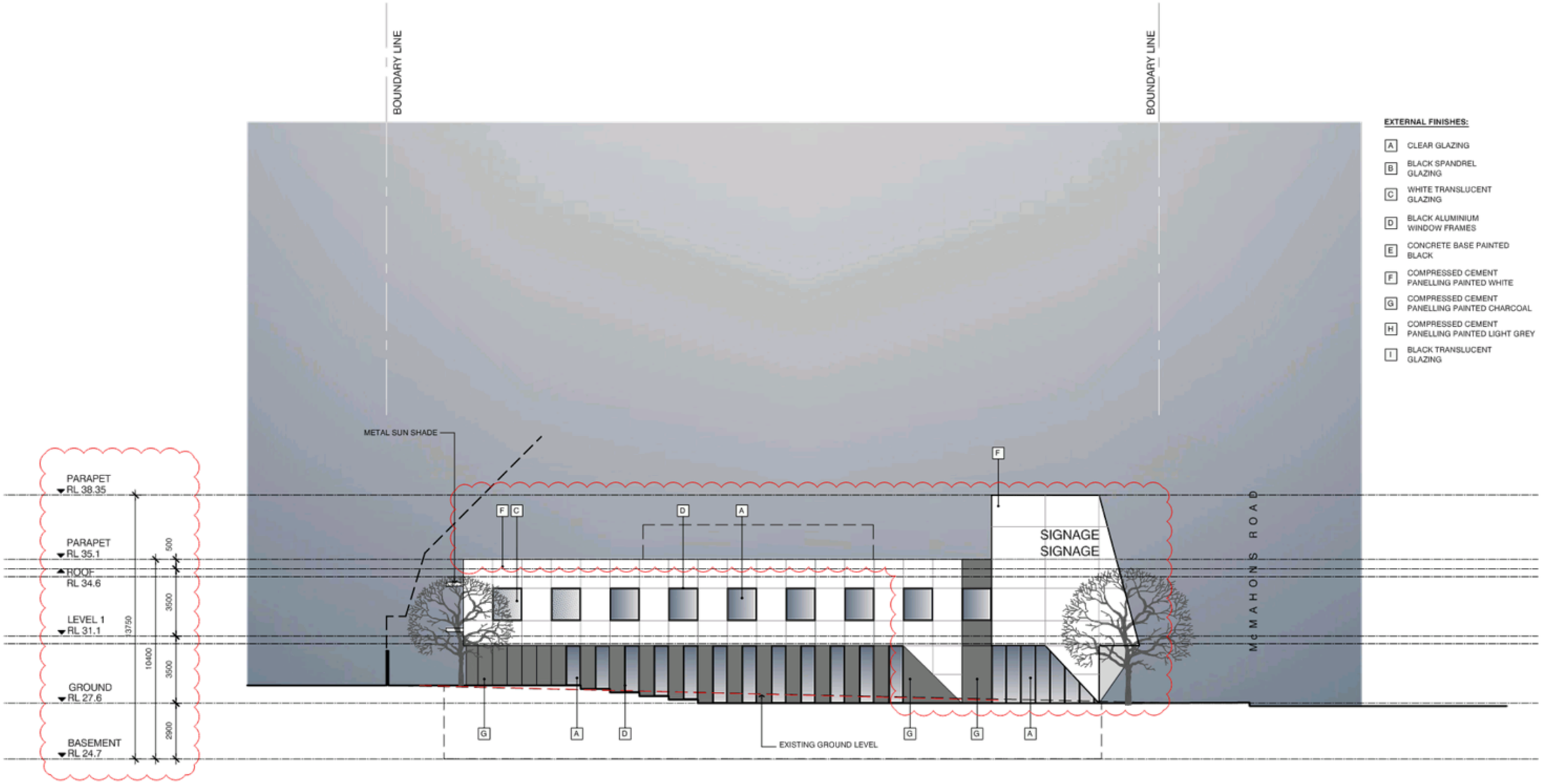
NORTH

ISSUE
TOWN PLANNING ISSUE

PLOT DATE	SCALE	DRAWN
04.03.2020	1:200	IB

PROJECT NO	DWG NO	REVISION
181901	TP22	E

CACTUS ARCHITECTS



CACTUS ARCHITECTS
115 CHURCH STREET HAWTHORN VIC 3122
P: 0418 990 220 **W:** CACTUSARCHITECTS.COM.AU

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.
DRAWINGS NOT TO BE SCALED.

0 2 4 **SCALE** 1:200@A3 10M

REV	DATE	DESCRIPTION	DWN
A	03.10.18	TOWN PLANNING APPLICATION	IB
B	13.11.18	REVISEDTOWN PLANNING APPLICATION	IB
C	18.10.19	RESPONSE TO COUNCIL RFI 2	BD
D	06.02.19	RESPONSE TO COUNCIL RFI 2 (2)	BD
E	03.04.20	RESPONSE TO COUNCIL RFI 2 (3)	BD

LEGEND

PROJECT
FRANKSTON MEDICAL CENTRE
35-37 McMAHONS ROAD FRANKSTON

DRAWING
SOUTH ELEVATION

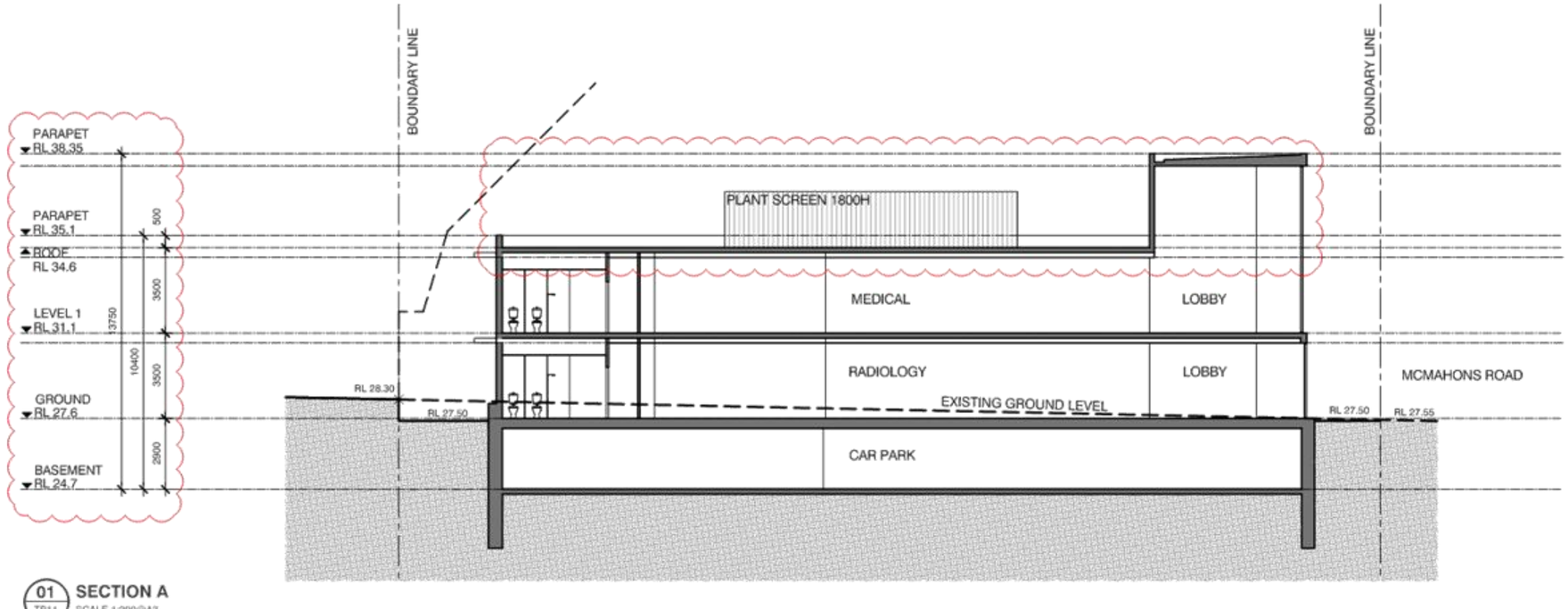
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ISSUE
TOWN PLANNING ISSUE

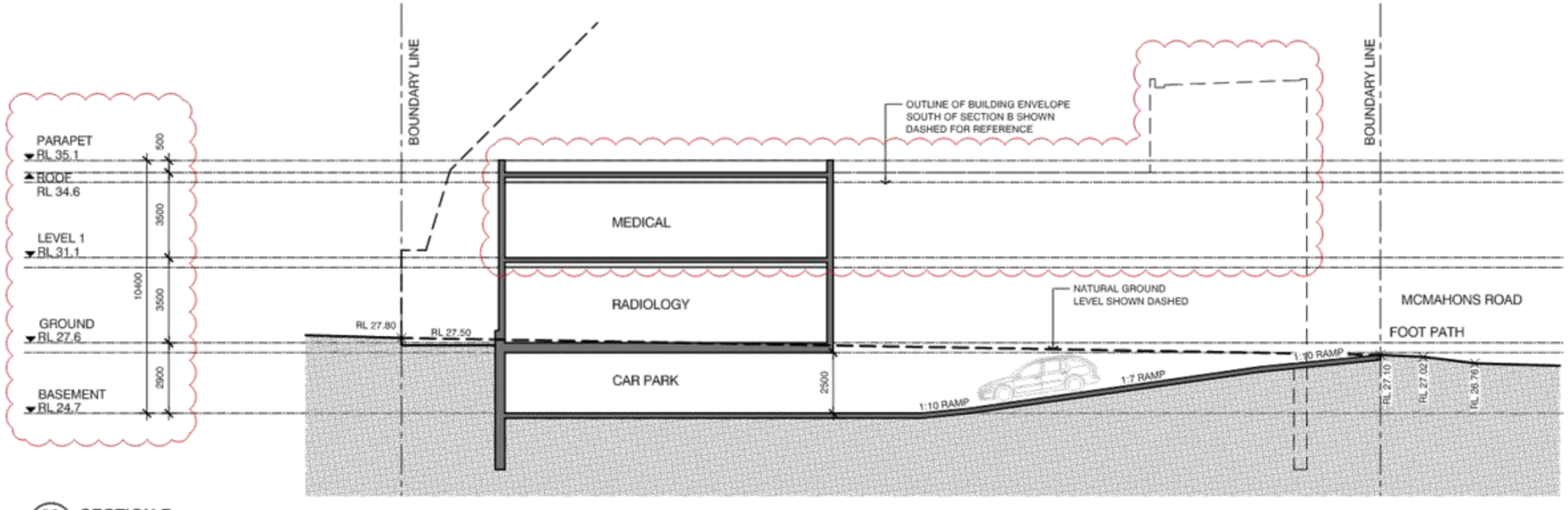
PLOT DATE	SCALE	DRAWN
04.03.2020	1:200	IB

PROJECT NO	DWG NO	REVISION
181901	**TP23**	**E**

CACTUS ARCHITECTS



01 TP11 **SECTION A**
SCALE 1:200@A3



02 TP11 **SECTION B**
SCALE 1:200@A3

CACTUS ARCHITECTS
115 CHURCH STREET HAWTHORN VIC 3122
P: 0418 990 220 **W:** CACTUSARCHITECTS.COM.AU

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.
DRAWINGS NOT TO BE SCALED.

0 2 4 10M
SCALE 1:200@A3

REV	DATE	DESCRIPTION	DWN
A	03.10.18	TOWN PLANNING APPLICATION	IB
B	13.11.18	REVISEDTOWN PLANNING APPLICATION	IB
C	03.09.19	RESPONSE TO COUNCIL RFI	EM
D	18.10.19	RESPONSE TO COUNCIL RFI 2	BD
E	06.02.20	RESPONSE TO COUNCIL RFI 2 (2)	BD
F	03.04.20	RESPONSE TO COUNCIL RFI 2 (3)	BD

LEGEND
ALL RLS ON PLANS AND ELEVATIONS ARE TO AHD

PROJECT
FRANKSTON MEDICAL CENTRE
35-37 McMAHONS ROAD FRANKSTON

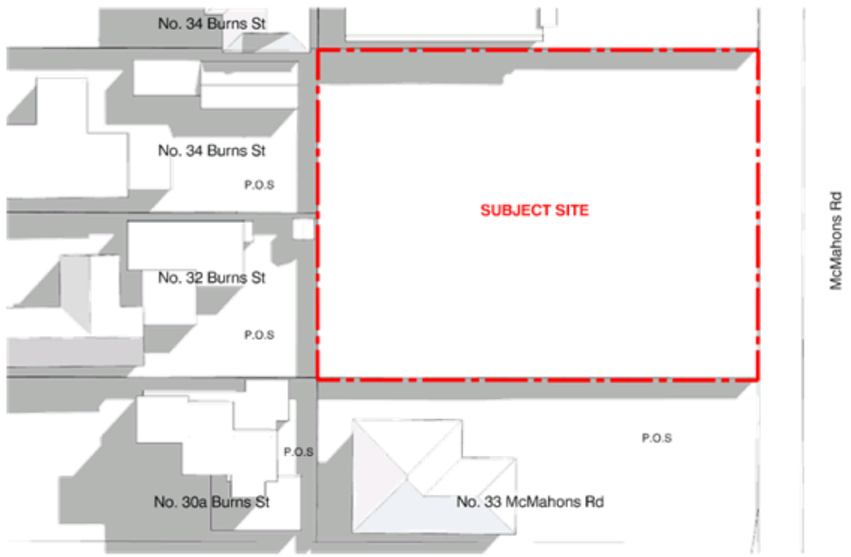
DRAWING
SECTIONS A AND B

NORTH

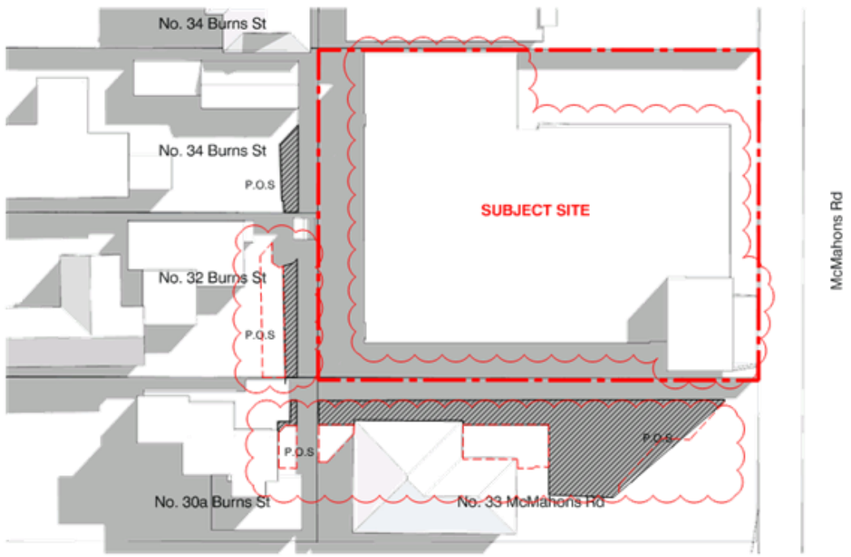
ISSUE
TOWN PLANNING ISSUE

PLOT DATE	SCALE	DRAWN
04.03.2020	1:200	IB
PROJECT NO	DWG NO	REVISION
181901	**TP30**	F

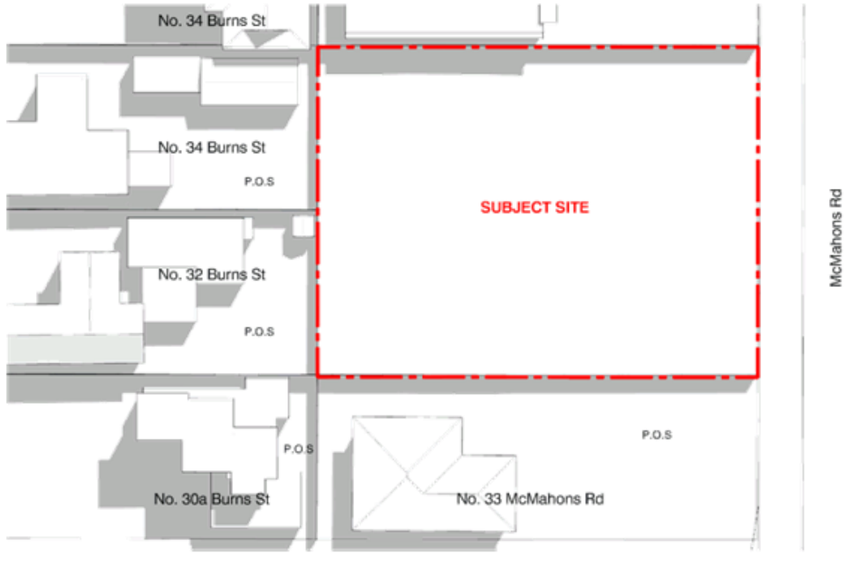
CACTUS ARCHITECTS



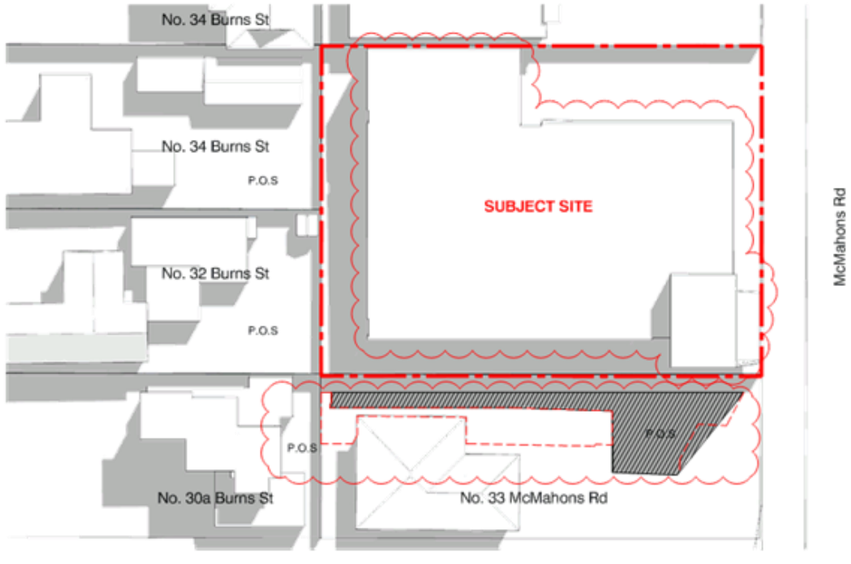
01 **EXISTING SHADOWS - SEPTEMBER 22 9AM**
SCALE 1:500@A3



02 **PROPOSED SHADOWS - SEPTEMBER 22 9AM**
SCALE 1:500@A3



03 **EXISTING SHADOWS - SEPTEMBER 22 10AM**
SCALE 1:500@A3



04 **PROPOSED SHADOWS - SEPTEMBER 22 10AM**
SCALE 1:500@A3

CACTUS ARCHITECTS
115 CHURCH STREET HAWTHORN VIC 3122
P: 0418 990 220 **W:** CACTUSARCHITECTS.COM.AU

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.
DRAWINGS NOT TO BE SCALED.

0 5 10 25M
SCALE 1:500@A3

REV	DATE	DESCRIPTION	DWN
A	03.10.18	TOWN PLANNING APPLICATION	IB
B	13.11.18	REVISEDTOWN PLANNING APPLICATION	IB
C	06.02.20	RESPONSE TO COUNCIL RFI 2 (2)	BD
D	03.04.20	RESPONSE TO COUNCIL RFI 2 (3)	BD

LEGEND
EXISTING SHADOWS
PROPOSED ADDITIONAL SHADOWS TO PROPERTIES

PROJECT
FRANKSTON MEDICAL CENTRE
35-37 McMAHONS ROAD FRANKSTON

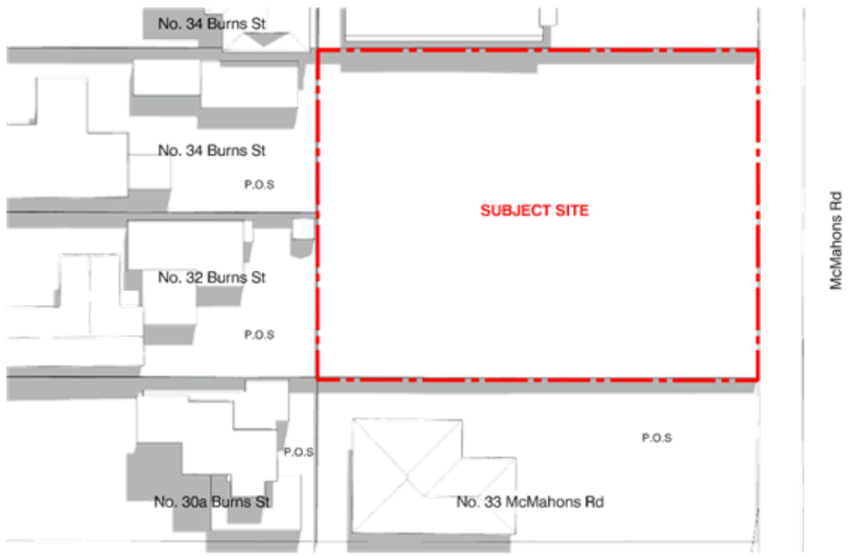
DRAWING
SHADOWS 9.00AM & 10.00AM

NORTH

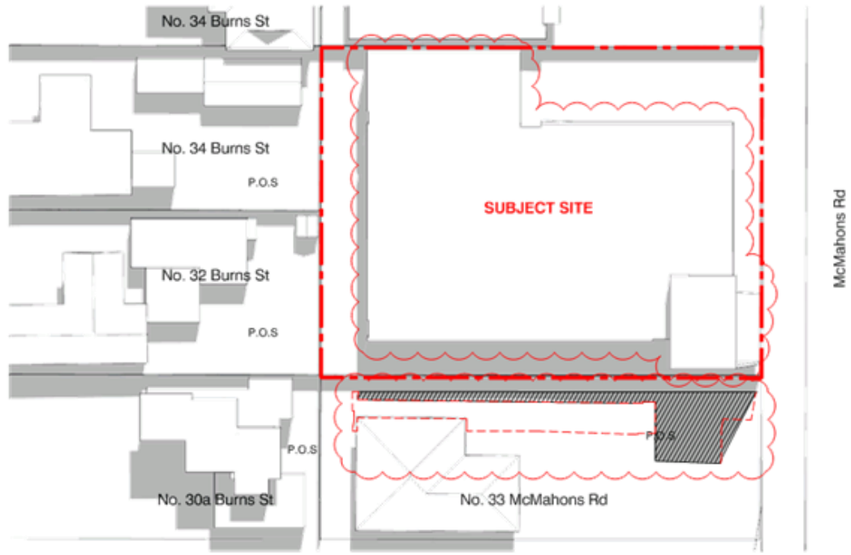
ISSUE
TOWN PLANNING ISSUE

PLOT DATE	SCALE	DRAWN
04.03.2020	1:500	IB
PROJECT NO	DWG NO	REVISION
181901	**TP40**	**D**

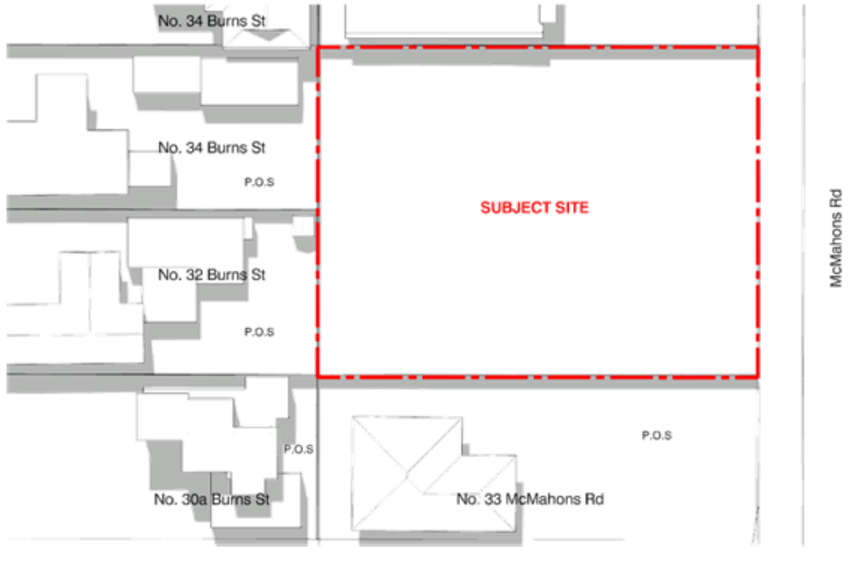
CACTUS ARCHITECTS



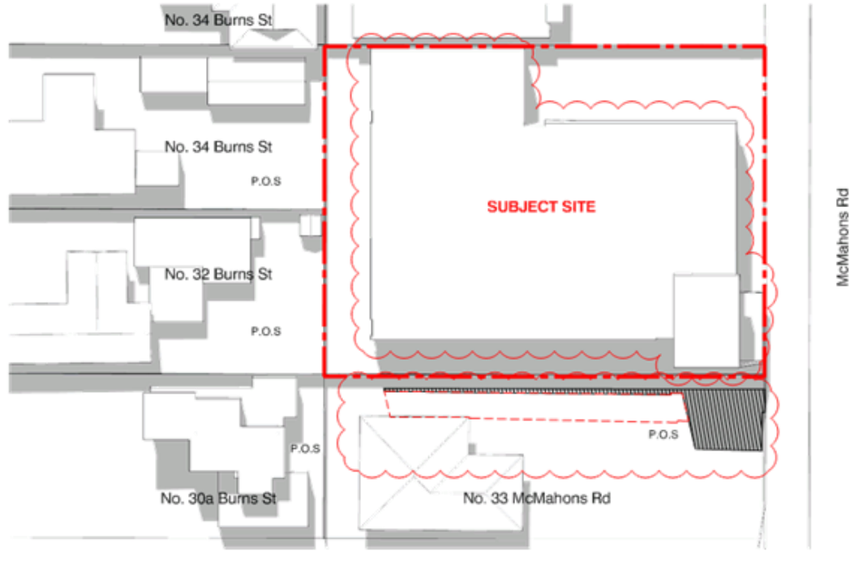
01 **EXISTING SHADOWS - SEPTEMBER 22 11AM**
SCALE 1:500@A3



02 **PROPOSED SHADOWS - SEPTEMBER 22 11AM**
SCALE 1:500@A3



03 **EXISTING SHADOWS - SEPTEMBER 22 12.00 NOON**
SCALE 1:500@A3



04 **PROPOSED SHADOWS - SEPTEMBER 22 12.00 NOON**
SCALE 1:500@A3

CACTUS ARCHITECTS
115 CHURCH STREET HAWTHORN VIC 3122
P: 0418 990 220 **W:** CACTUSARCHITECTS.COM.AU

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.
DRAWINGS NOT TO BE SCALED.

0 5 10 25M
SCALE 1:500@A3

REV	DATE	DESCRIPTION	DWN
A	03.10.18	TOWN PLANNING APPLICATION	IB
B	13.11.18	REVISEDTOWN PLANNING APPLICATION	IB
C	06.02.20	RESPONSE TO COUNCIL RFI 2 (2)	BD
D	03.04.20	RESPONSE TO COUNCIL RFI 2 (3)	BD

LEGEND
EXISTING SHADOWS
PROPOSED ADDITIONAL SHADOWS TO PROPERTIES

PROJECT
FRANKSTON MEDICAL CENTRE
35-37 McMAHONS ROAD FRANKSTON

DRAWING
SHADOWS11.00AM & 12.00AM

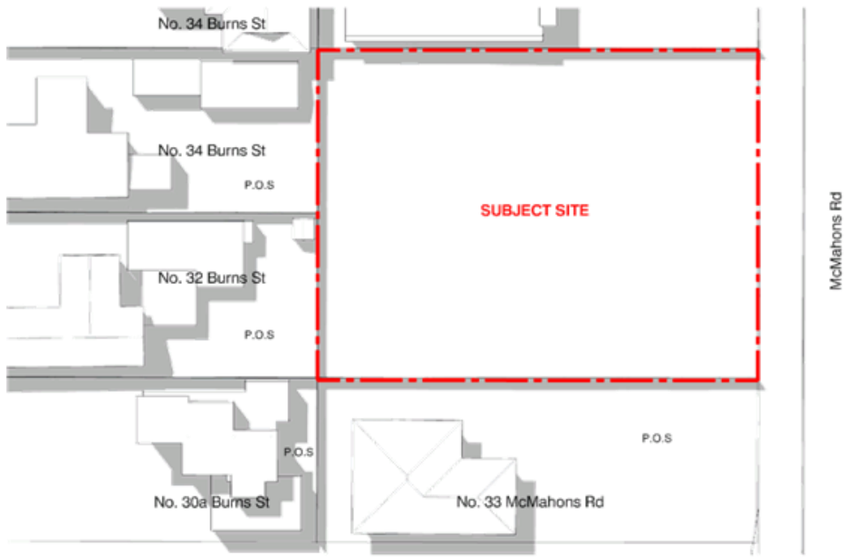
NORTH

ISSUE
TOWN PLANNING ISSUE

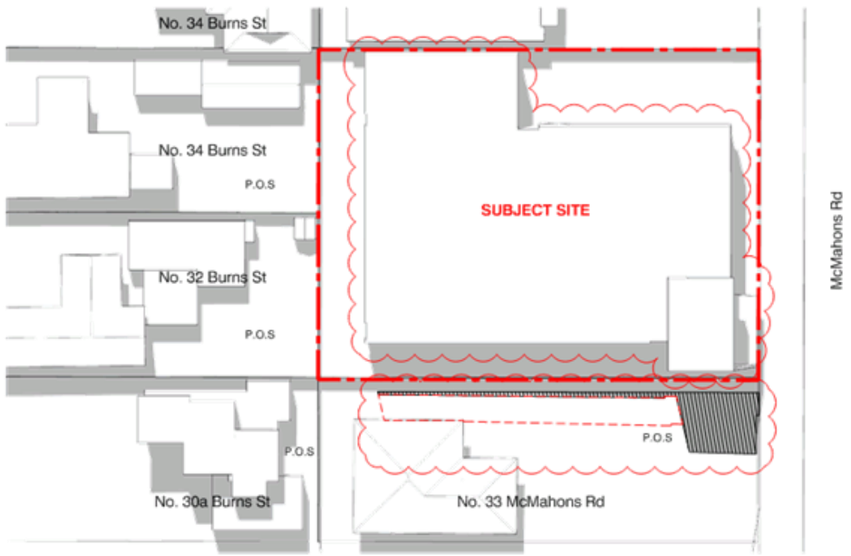
PLOT DATE	SCALE	DRAWN
04.03.2020	1:500	IB

PROJECT NO	DWG NO	REVISION
181901	TP41	D

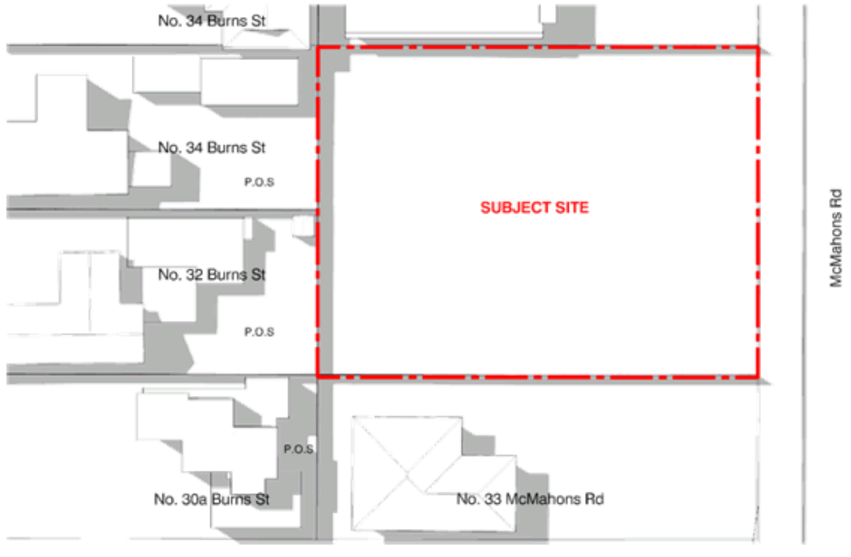
CACTUS ARCHITECTS



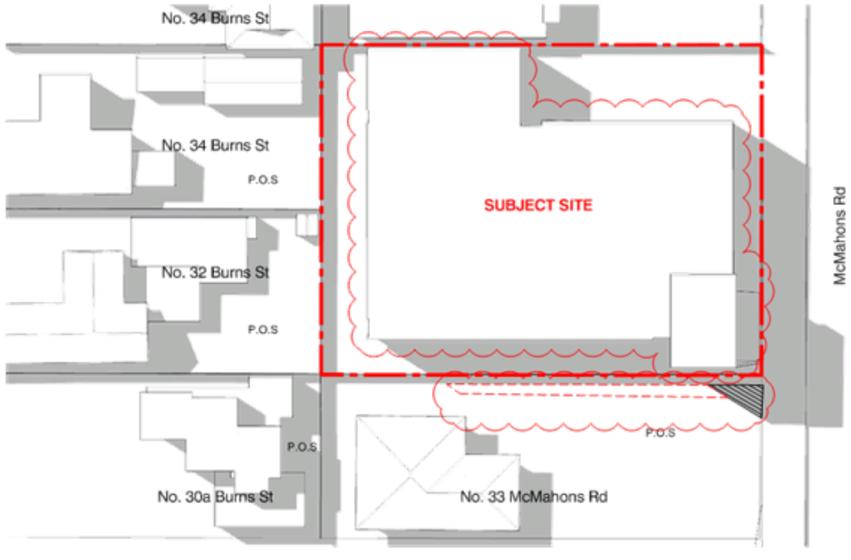
01 **EXISTING SHADOWS - SEPTEMBER 22 1.00 PM**
SCALE 1:500@A3



02 **PROPOSED SHADOWS - SEPTEMBER 22 1.00 PM**
SCALE 1:500@A3



03 **EXISTING SHADOWS - SEPTEMBER 22 2.00 PM**
SCALE 1:500@A3



04 **PROPOSED SHADOWS - SEPTEMBER 22 2.00 PM**
SCALE 1:500@A3

CACTUS ARCHITECTS
115 CHURCH STREET HAWTHORN VIC 3122
P: 0418 990 220 **W:** CACTUSARCHITECTS.COM.AU

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.
DRAWINGS NOT TO BE SCALED.

0 5 10 25M
SCALE 1:500@A3

REV	DATE	DESCRIPTION	DWN
A	03.10.18	TOWN PLANNING APPLICATION	IB
B	13.11.18	REVISEDTOWN PLANNING APPLICATION	IB
C	06.02.20	RESPONSE TO COUNCIL RFI 2 (2)	BD
D	03.04.20	RESPONSE TO COUNCIL RFI 2 (3)	BD

LEGEND
EXISTING SHADOWS
PROPOSED ADDITIONAL SHADOWS TO PROPERTIES

PROJECT
FRANKSTON MEDICAL CENTRE
35-37 McMAHONS ROAD FRANKSTON

DRAWING
SHADOWS 1.00 PM & 2.00 PM

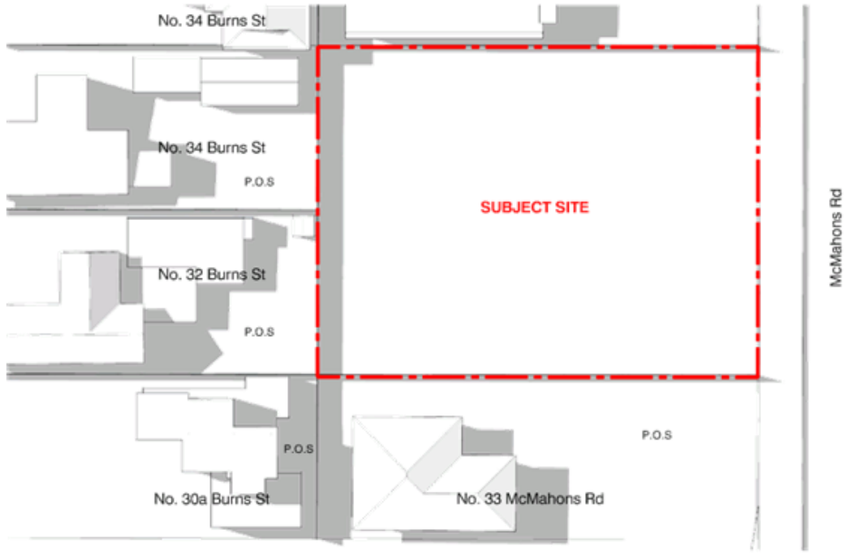
NORTH

ISSUE
TOWN PLANNING ISSUE

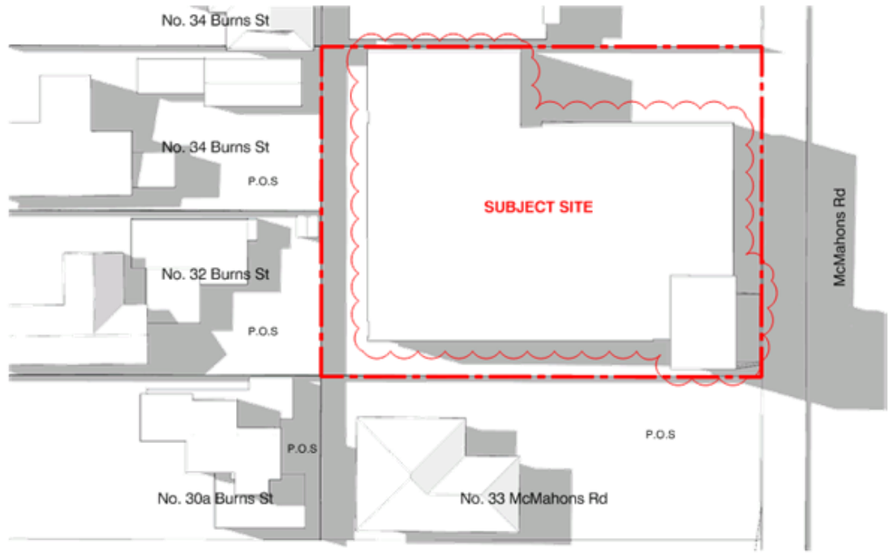
PLOT DATE	SCALE	DRAWN
04.03.2020	1:500	IB

PROJECT NO	DWG NO	REVISION
181901	TP42	D

CACTUS ARCHITECTS



01 **EXISTING SHADOWS - SEPTEMBER 22 3.00 PM**
SCALE 1:500@A3



02 **PROPOSED SHADOWS - SEPTEMBER 22 3.00 PM**
SCALE 1:500@A3

CACTUS ARCHITECTS
115 CHURCH STREET HAWTHORN VIC 3122
P: 0418 990 220 **W:** CACTUSARCHITECTS.COM.AU

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.
DRAWINGS NOT TO BE SCALED.

0 5 10 25M
SCALE 1:500@A3

REV	DATE	DESCRIPTION	DWN
A	03.10.18	TOWN PLANNING APPLICATION	IB
B	13.11.18	REVISEDTOWN PLANNING APPLICATION	IB
C	06.02.20	RESPONSE TO COUNCIL RFI 2 (2)	BD
D	03.04.20	RESPONSE TO COUNCIL RFI 2 (3)	BD

LEGEND
EXISTING SHADOWS
PROPOSED ADDITIONAL SHADOWS TO PROPERTIES

PROJECT
FRANKSTON MEDICAL CENTRE
35-37 McMAHONS ROAD FRANKSTON

DRAWING
SHADOWS 3.00 PM

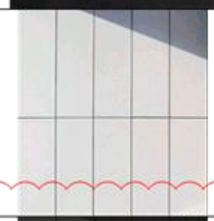
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ISSUE
TOWN PLANNING ISSUE

PLOT DATE	SCALE	DRAWN
04.03.2020	1:500	IB
PROJECT NO	**DWG NO**	**REVISION**
181901	**TP43**	**D**

CACTUS ARCHITECTS

EXTERNAL FINISHES SCHEDULE

A	WINDOWS - CLEAR GLASS		E	OFF FORM CONCRETE - PAINTED BLACK	
B	WINDOWS - BLACK SPANDREL		F	COMPRESSED CEMENT PANELING PAINTED WHITE	
C	WINDOWS - WHITE TRANSLUCENT GLASS		G	COMPRESSED CEMENT PANELING PAINTED CHARCOAL	
D	ALUMINIUM WINDOW FRAMES - BLACK		H	COMPRESSED CEMENT PANELING PAINTED LIGHT GREY	
			I	WINDOWS - BLACK TRANSLUCENT GLASS	

CACTUS ARCHITECTS
115 CHURCH STREET HAWTHORN VIC 3122
P: 0418 990 220 **W:** CACTUSARCHITECTS.COM.AU

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.
DRAWINGS NOT TO BE SCALED.

REV	DATE	DESCRIPTION	DWN
A	03.10.18	TOWN PLANNING APPLICATION	IB
B	13.11.18	REVISEDTOWN PLANNING APPLICATION	IB
C	06.02.20	RESPONSE TO COUNCIL RFI 2 (2)	BD

LEGEND

PROJECT
FRANKSTON MEDICAL CENTRE
35-37 McMAHONS ROAD FRANKSTON

DRAWING
MATERIALS SCHEDULE

NORTH

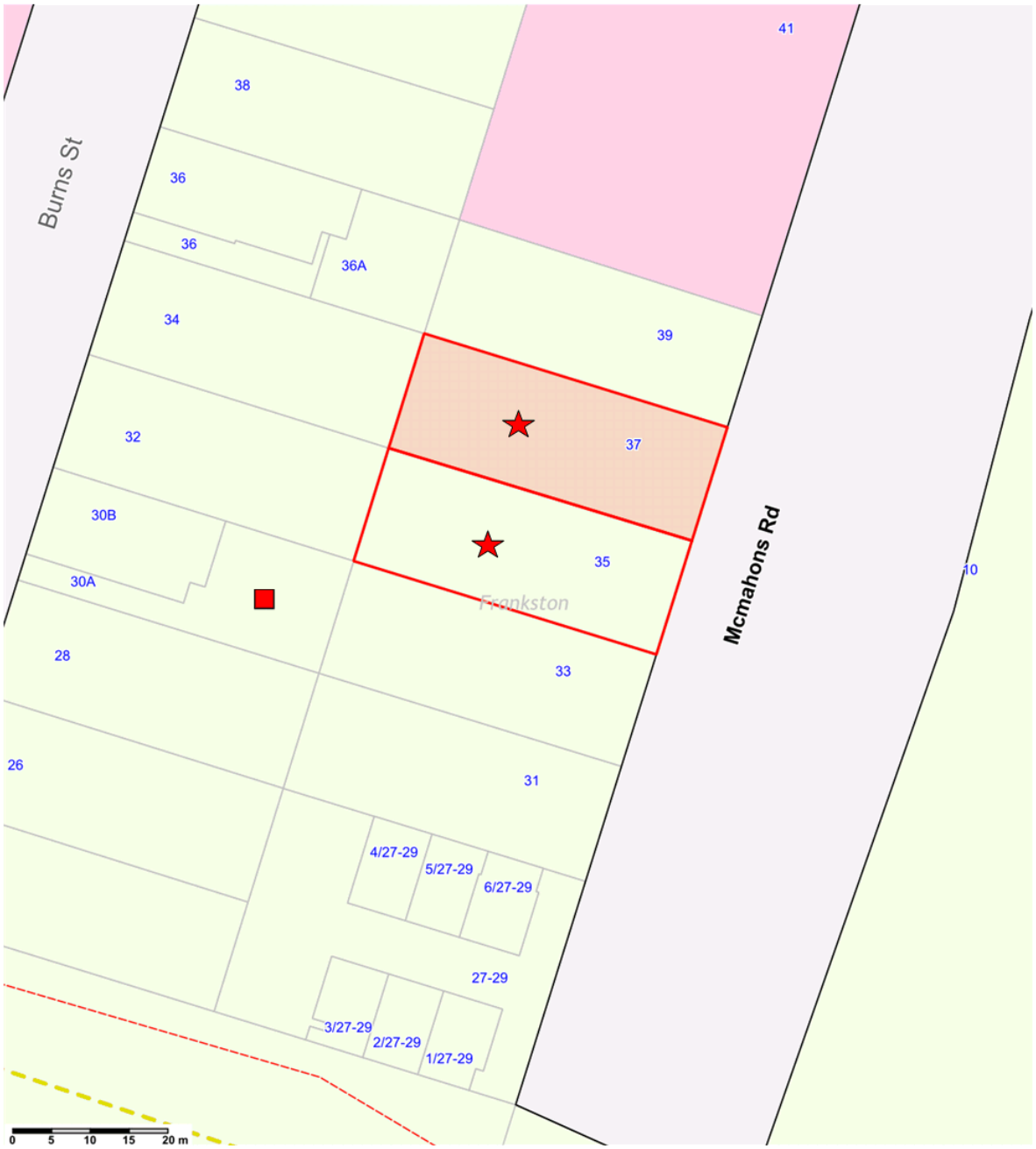
ISSUE
TOWN PLANNING ISSUE

PLOT DATE	SCALE	DRAWN
04.03.2020	NTS	IB

PROJECT NO	DWG NO	REVISION
181901	**TP50**	**C**

CACTUS ARCHITECTS

Town Planning Application 579/2018/P – 35-37 McMahons Rd Frankston
Subject Site ★ **Objection** ■



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Projection: GDA94 / MGA zone 55
Scale: 1:665
Date Printed: 12/02/2020
Time Printed: 2:12 PM
Issued by: Leah Horne

N

Frankston City

Town Planning Application 579/2018/P – 35-37 McMahons Rd Frankston
Subject site



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Projection: GDA94 / MGA zone 55
Scale: 1:665
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N

Frankston City

Executive Summary

11.2 Amendment to the approved development plan in accordance with Clause 43.04 (Development Plan Overlay Schedule 3) to allow consideration to an Amedment to Planning Permit 229/2018/P to alter the loaction of an approved convienance shop and associated works to the existing carpark at 40-46 McMahons Road, Frankston

Enquiries: (Stuart Caldwell: Communities)

Council Plan

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

Purpose

This report considers the merits to amend an approved development plan to enable consideration to be given to an amended town planning application 229/2018/P to alter the location for the approved use and development of the land for a Restricted Retail Premises and associated works to the existing car park at 40-46 McMahons Road Frankston.

Recommendation (Director Communities)

That Council:

- Approve an amended development plan pursuant to Schedule 3 of the Development Plan Overlay; and
- Approve an amended planning permit 229/2018/P for the "use and development of the land for a Restricted Retail Premises and associated works to the existing car park to an existing service station" be issued with modified conditions, as contained in the officers assessment.

Key Points / Issues

Amended development plan

- It is proposed to amend the approved development plan of Schedule 3 of the Development Plan Overlay (Frankston Power Centre).
- The development plan has previously been amended on 26 February 2018 to allow for a 300 square metre area in the south west corner of the site to be used for a restricted retail premises.
- The development plan is proposed to be amended to relocate a proposed building (which has not been constructed) to the south east corner of the site and increase the allowed floor space of the building from 300 square metres to 353 square metres.
- The amended development plan is considered to be consistent with the strategic directions for the site which is located within the Bulky Goods precinct and the previous approval.

Amended Planning Permit Application

- The reason the development plan is being amended is to allow consideration to be given to a proposed amendment to Planning Permit 229/2018/P which was issued for the use and development of the land for a convenience shop and associated works to the existing car park on 26 February 2018. The original approval of this permit was in accordance with the above mentioned development plan.

11.2 Amendment to the approved development plan in accordance with Clause 43.04 (Development Plan Overlay Schedule 3) to allow consideration to an Amedment to Planning Permit 229/2018/P to alter the loaction of an approved convienance shop and associated works to the existing carpark at 40-46 McMahons Road, Frankston

Executive Summary

- The proposed amendment to the Planning Permit is to alter the location of the approved convenience shop and associated works to the existing car park from the south west corner of the site to the south east corner of the site and increase the floor area from 300 square metres to 353 square metres.
- It is also proposed to use the building as a "restricted retail premises" and therefore it is recommended that the preamble of the permit should be amended to allow "restricted retail premises".
- The application for an Amended Planning Permit is considered to be consistent with the relevant planning controls and policy once the Amended Development Plan has been approved.

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

Financial Impact

The permit application fee paid to Council is $1,547.70. The average cost to process a planning application is $1,729 which represents a shortfall of $181.30.

Consultation

1. External Referrals

   External referrals were not required.

2. Internal Referrals

   The application was referred internally to the Traffic and Drainage Departments who offered no objection subject to the inclusion of conditions.

Notification of Proposal

Public consultation of the proposed amendment to the development plan was given in the form of sending letters to adjoining owners and occupiers providing affected parties with one month to make submissions.

No submissions have been received.

In terms of the amended planning permit application, Clause 43.04-3 provides an exemption from notice and review provisions of Section 52 of the *Planning and Environment Act 1987*.

Analysis (Environmental / Economic / Social Implications)

It is considered that the proposal will make a positive contribution to the economic and social impact of the local area with the creation of jobs and provide additional local services for the area.

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

11.2 Amendment to the approved development plan in accordance with Clause 43.04 (Development Plan Overlay Schedule 3) to allow consideration to an Amedment to Planning Permit 229/2018/P to alter the loaction of an approved convienance shop and associated works to the existing carpark at 40-46 McMahons Road, Frankston

Executive Summary

Legal

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

Policy Impacts

Council officers have assessed the amendment to the Development Plan and the amended planning permit application in accordance with the following State and Local Planning Provisions, zones, overlays, particular and general provisions of the Frankston Planning Scheme.

State and Local Policy Frameworks – Clauses 11, 15, 17, 21.04, 21.08, 21.10

Zones and Overlays – Clause 34.02 – Commercial 2 Zone and Clause 54.04 Development Plan Overlay Schedule 3.

Particular and General Provisions: Clause 52.06 – Car Parking

Clause 65 Decision Guidelines

Officer's Declaration of Interests

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

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

Risk Mitigation

There are no particular risks associated with this matter.

Conclusion

Approval of the amended development plan is required to enable approval of the amended planning permit application. The proposed amendments are considered to be consistent with the strategic directions for the site as a bulky good precinct.

Approval of the amended development plan will exempt the proposal under the amended planning permit from public notice and review as the proposal will be generally in accordance with the amended development plan.

The alteration to the approved location of the use and development of the site as proposed by the amended planning permit application is consistent with the amended development plan and can be supported.

ATTACHMENTS

Attachment A:⇩ Development Plans

Attachment B:⇩ Locality Map

Attachment C:⇩ Locality Map (Aerial)

11.2 Amendment to the approved development plan in accordance with Clause 43.04 (Development Plan Overlay Schedule 3) to allow consideration to an Amedment to Planning Permit 229/2018/P to alter the loaction of an approved convienance shop and associated works to the existing carpark at 40-46 McMahons Road, Frankston

Officers' Assessment

Summary

Existing Use	Service Station
Site Area	2,290m^2
Proposal	To amend the existing development plan to facilitate the an amendment to the location of approved use and development of a restricted retail premises
Zoning	Commercial 2 Zone
Overlays	Development Plan Overlay – Schedule 3
Reason for Reporting to Council	Councillor approval

Background

Council approved an amendment to the development plan at the Council meeting of 18 February 2019. The amendment facilitated the granting of planning permit 229/2018/P for the use and development of the land for a Restricted Retail and associated works to the existing car park to an existing service station. The location of this approved building has proposed to be amended which requires a further amendment to the Development Plan to allow consideration to the Amended Planning Permit application.

Subject Site

The site is irregular in shape and located on the south eastern corner of McMahons and Cranbourne Roads in Frankston.

The site has front and rear boundaries of 20.8 metres and 16.5 metres with side boundaries of 110.5 metres and 106.4 metres. The overall area of the site is 2,290m^2. A 1.8 metre wide drainage and sewerage easement traverses the site from the eastern side boundary to the western side boundary.

The site is currently occupied by a number of buildings used as a service station and convenience store, Subway restaurant, Magic car wash and car parking facilities.

Access to the site is provided from Cranbourne Road and Moorooduc Highway.

A portion of the land in the south east corner of the site is undeveloped.

Locality

The site is located adjacent to the Frankston Power Centre and the Homemaker Centre fronting Moorooduc Highway.

A service station, car wash and fast food premises is situated on each corner of Moorooduc Highway and Cranbourne Road to the north. The Frankston Cemetery is location on the south-west corner of Cranbourne and Moorooduc Highway.

11.2 Amendment to the approved development plan in accordance with Clause 43.04 (Development Plan Overlay Schedule 3) to allow consideration to an Amedment to Planning Permit 229/2018/P to alter the loaction of an approved convienance shop and associated works to the existing carpark at 40-46 McMahons Road, Frankston

Officers' Assessment

The site is about 1.3 km from Frankston Metropolitan Activity Centre and included in the Frankston MAC structure plan boundaries within Precinct 10 'large format retail'.

Site History

Previous planning permit applications for the site include:

- Planning permit 837/2001/P issued on 5 July 2002 for a convenience restaurant.
- The approved development plan, which was part of the Bulky Goods Precinct Stage 1 combined planning scheme amendment and development application, was issued on 18 January 2000 and subsequently amended to allow for the convenience restaurant.
- The approved development plan was amended and a use/development application was issued on 26 February 2019 for the use and development of the land for a convenience shop and associated works to the existing car park to an existing service station. This is the permit that is proposed to be amended through this application.

Proposal

Development Plan

It is proposed to amend the approved development plan to allow for a changes to buildings (described below) and a reconfiguration of car parking facilities from the south west corner of the site to the south east corner of the site. The use of the relocated building is proposed for a restricted retail premises.

Amended Planning Permit Application

The approved building with a floor area of 250m^2 in the south western corner of the site for use as a restricted retail premises is proposed to be relocated to the south eastern corner of the site.

The footprint of the building is proposed to increase to 353m^2.

The proposed building will result in a net loss of 13 car parking spaces.

While there continues to be no end user there is currently no proposed alterations to the proposed number of staff or hours of operation that were originally approved:

- 2-3 staff at any one time.
- Monday to Wednesday 9.00am to 6.00 pm
  Thursday to Friday 9.00 am to 9.00 pm
  Saturday 9.00 am to 5.00 pm
  Sunday 10.00 am to 5.00 pm

The building continues to be proposed to be constructed with concrete panels in grey tones and shop front glazing as was originally approved.

State and Local Planning Policy Frameworks

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

- Clause 11.03-01S – Activity Centres
- Clause 15.01-1 – Urban Design
- Clause 15.03-2 – Aboriginal Cultural Heritage
- Clause 17.02 – Business
- Clause 18.02-4 – Car parking

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

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

Planning Scheme Controls

A Planning Permit is required pursuant to:

- Clause 34.02-4 – Commercial 2 Zone of the Frankston Planning Scheme to construct a building and/or carry out works.
- Clause 43.01-1 – Development Plan Overlay – Schedule 3 of the Frankston Planning Scheme states that a permit must not be granted to construct a building or construct or carry out works unless such development is generally in accordance with the approved development plan.

Particular provisions

- Clause 52.06 – Car Parking.

Particular provisions

- Frankston Metropolitan Activity Centre Structure Plan, April 2016.

Notification of Proposal

Consultation of the proposed amended Development Plan was undertaken in the form of a letter which was sent to adjoining and opposite landowners giving a period of one month within which to make submissions.

No submissions were received.

Clause 43.01-4 of the Development Plan Overlay provides an exemption of notice and review for planning permit applications. Therefore notice of the amended Planning Permit Application was not given.

Internal referrals

Traffic Engineers

No objection to the proposal. Car parking spaces provisions, accessway layout, pedestrian access and signage are adequately provided.

11.2 Amendment to the approved development plan in accordance with Clause 43.04 (Development Plan Overlay Schedule 3) to allow consideration to an Amedment to Planning Permit 229/2018/P to alter the loaction of an approved convienance shop and associated works to the existing carpark at 40-46 McMahons Road, Frankston

Officers' Assessment

Drainage Engineers

No objection subject to the inclusion of conditions.

Discussion

Use definition

The use of the building will be assessed as a 'restricted retail premises' for the report as this is considered the correct definition of the proposal. The preamble of the permit can also be altered to be 'restricted retail premises' rather than the previous 'convenience shop', to be consistent with the use in the conditions of the permit.

Amendment to the Development Plan

The approved Development Plan of Schedule 3 relates to Stage 1 of the development of the Bulky Goods precinct. Stage 1 of the Bulky Goods precinct included several parcels of land, which were included within the Development Plan Overlay to provide a level of integration across the area.

The approved Development Plan, which was last amended on 26 February 2019, includes the subject site and the adjoining land to the south between McMahons Road and Bryan Street.

The purpose of Clause 43.04 – Development Plan Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which require the form and condition of future use development to be shown on a development Plan before a permit can be granted to use or develop the land.
- To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.

Clause 43.04-2 states that a planning permit must not be granted until a development plan has been prepared to the satisfaction of the responsible authority and any permit granted must be generally in accordance with the approved development plan.

Clause 43.04-3 provides an exemption from public notice and review for any planning permit application submitted for approval.

Clause 43.04-4 – Preparation of the development plan allows a development plan to be amended to the satisfaction of the responsible authority.

Schedule 3 to the Development Plan Overlay – Restricted retail area between McMahons Road and Bryan Street Frankston outlines the following requirements for a development plan:

The Development Plan must show:

- The extent to which the proposed development integrates with existing or proposed development.
- The effect of any proposed development on adjoining land uses, including residential properties
- The size and location of all building.

- Car parking, loading and unloading bays, waste bin areas and internal access lanes.
- On-site car parking provided at a ratio of not less than 2 spaces per 100m^2 leasable floor area for Restricted Retail premises.
- A loading bay provided for the development and/or each tenancy with access from Gertrude Street.
- Landscaping of the site and adjoining road reserves.
- The interface treatment between Bryan Street and the subject site including acoustic fencing and landscaping.
- Pedestrian and vehicular management.
- The elevations of all buildings, including details of colour and cladding materials.
- Road works in or access to McMahons Road (Moorooduc Highway), and/or Cranbourne Road to the requirements of VicRoads.
- Road works required in Bryan Street and/or Gertrude Street.
- Lighting in common areas.
- The theme and location of main identification signage, that is limited to advertising the business operating from the site only and not displaying short term sales using signage that will detract from the amenity of the area and presentation of the site.

The development plan for the site must be generally in accordance with the concept plan dated March 2000, for the restricted retail area between McMahons Road and Bryan Street, Frankston.

The amended development plan incorporates all requirements of Clause 43.04-4 and those of Schedule 3 as outlined above.

The changes proposed to the approved development plan are considered to be consistent with the purpose of Schedule 3 and the previous amendments to the Development Plans which is to facilitate development in an orderly manner for primarily 'Restricted Retail' uses.

State and Local Planning Policy

The proposed modifications to the approved Development Plan and the proposal are considered to be consistent with the relevant provisions of the Planning Policy Framework at Clause 11, 15, 17 and 18 of the Frankston Planning Scheme.

Use of the building for Restricted Retail Premises is consistent with strategic objectives of the Municipal Strategic Statement which identifies the site and precinct for "Bulky Goods" at Clause 21.08. The Frankston Metropolitan Activity Centre Structure Plan which includes the land in Precinct 10 – Large Format Retail, the objective of which is to:

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

11.2 Amendment to the approved development plan in accordance with Clause 43.04 (Development Plan Overlay Schedule 3) to allow consideration to an Amedment to Planning Permit 229/2018/P to alter the loaction of an approved convienance shop and associated works to the existing carpark at 40-46 McMahons Road, Frankston

Officers' Assessment

Building and works

It is considered the proposed building and reconfiguration of the car park proposal under the planning permit application is consistent with the objectives of the Commercial 2 Zone.

The proposed building design and location will utilise an area of undeveloped land facilitated by the reconfiguration of the car park.

The building design is similar to the previously approved development with a slightly increased floor area of approximately 53m^2 for a total floor area of 353m^2. This increase in floor area is considered relatively minor and will create no further amenity impacts.

The overall height of the building is 4.8 metres and designed with substantial glazing along the front facade. The rest of the building is tilt-up concrete slab construction. Materials and colours are considered acceptable given they are generally consistent with what was originally approved and the surrounding development.

The proposed new location is considered to be an acceptable location as it allows for existing vegetation that was previously approved to be removed to now be retained.

Given there is now no proposed removal of vegetation a number of Tree protection conditions and replanting conditions from the original permit can be removed including conditions 1(a),(b), (g), (h), (i), (j), 3 6, 7 and 8. Overall the amendments to the design of the development is acceptable.

Car Parking

The proposed building will result in a net loss of 13 car parking spaces. This is considered satisfactory in this instance as the proposal continues to provide on-site car parking in excess of the requirements of the Development Plan Overlay and the Parking Overlay Schedule 1 that affects the subject site.

The Development Plan Overlay Schedule 3 requires 2 car spaces per 100 square metres of leasable floor area for restricted retail premises. The subject site also contains a service station/convenience restaurant and carwash all of which are not classed as restricted retail and therefore do not trigger car parking requirements within the Development Plan Overlay. The neighbouring property to the south at 20 McMahons Road is also included within the Development Plan Overlay which does include some ‘restricted retail premises’ including BCF, Beacon lighting and Super Cheap Auto and a number of ‘shops’. In total the Development Plan Overlay has approximately 7,353 square metres of ‘Restricted Retail Premises’ and therefore 147 car spaces are required to be provided to comply with Overlay. A total of 156 car spaces will be provided which is in excess of these requirements.

The subject site is also located within the Parking Overlay Schedule 1 which requires 3 car spaces to be provided to each 100 square metres of leasable floor area for a shop. As a result, to comply with the Parking Overlay a total of 37 car spaces would be required for the site (40-46 McMahons Road). It is note that the site will provide a total of 46 car spaces which is significantly more than this requirements of the Development Plan Overlay and the Parking Overlay.

11.2 Amendment to the approved development plan in accordance with Clause 43.04 (Development Plan Overlay Schedule 3) to allow consideration to an Amedment to Planning Permit 229/2018/P to alter the loaction of an approved convienance shop and associated works to the existing carpark at 40-46 McMahons Road, Frankston

Officers' Assessment

Council's Traffic Engineers have also reviewed the proposal and have raised no concerns in relation to the proposal as it complies with the car parking requirements of the scheme. A number of the existing conditions of the planning permit related to traffic are also no longer required through the change in location of the premises and can be removed. This included Condition 1(c), (d), (e) and (f).

Conclusion

Approval of the amended Development Plan is considered appropriate as the modifications are consistent with the strategic directions for the land and broader bulky goods precinct and required to enable the approval of the planning permit application.

Subject to the approval of the amended Development Plan, the proposed amendment to the planning permit application is exempt from public notice and review and considered to be generally consistent with the approved Development Plan.

The alteration to the location of the approved use and development and increase in floor area from Planning Permit 229/2018/P is considered appropriate and can be supported.

Recommendation (Director Communities)

1. That Council resolves to approve the amended development plan prepared by Bill Jabobs Pty. Ltd. dated February 2020 Job No. 191106 Sheet 01, pursuant to Schedule 3 of the Development Plan Overlay.

   AND

2. That Council resolves to issue an Amended Planning Permit 229/2018/P for the Use and Development of the land for a Restricted Retail Premises and associated works to the existing car park to an existing service station, at 40-46 McMahons Road, Frankston with the following modified conditions:

Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application, but modified to show:

   (a) REMOVED

   (b) REMOVED

   (c) REMOVED

   (d) REMOVED

   (e) REMOVED

   (f) REMOVED

   (g) REMOVED

   (h) REMOVED

11.2 Amendment to the approved development plan in accordance with Clause 43.04 (Development Plan Overlay Schedule 3) to allow consideration to an Amedment to Planning Permit 229/2018/P to alter the loaction of an approved convienance shop and associated works to the existing carpark at 40-46 McMahons Road, Frankston

Officers' Assessment

(i) REMOVED

(j) REMOVED

(k) A Landscape Plan in accordance with condition 3;

(l) A Stormwater Drainage Plan in accordance with condition 16;

(m) Waste Management Plan in accordance with condition 21.

No Alterations

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

3. REMOVED

Prior to Occupation

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

5. 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.

6. REMOVED

7. REMOVED

8. REMOVED

Use

9. The hours of the use of the restricted retail premises are restricted to 9.00 am to 9.00 pm Monday to Wednesday; 9.00 am to 9.00 pm Thursday to Friday, 9.00 am to 5.00 pm Saturday and Sunday.

Amenity

10. Without the prior written consent of the Responsible Authority any form of public address system or sound amplification equipment used on the premises must not be audible outside the premises.

11. Noise emitted from the premises must not exceed limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. SEPP N-1.

12. The amenity of the area must not be detrimentally affected by the development and/or use through the:-

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

11.2 Amendment to the approved development plan in accordance with Clause 43.04 (Development Plan Overlay Schedule 3) to allow consideration to an Amedment to Planning Permit 229/2018/P to alter the loaction of an approved convienance shop and associated works to the existing carpark at 40-46 McMahons Road, Frankston

Officers' Assessment

Loading and Unloading

13 The loading and unloading of goods from vehicles must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land.

14. Goods must not be stored within the frontage setback, landscaped area, car parking or vehicle access areas at any time.

Drainage

15. 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. Including providing over-land stormwater surcharge routes and cut-off drains for the safe and effective passage of stormwater flows arising from the subject land.

16. 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.

17. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not limited to the following:

- On-site stormwater detention and rainwater tanks;
- Soil percolation;
- Stormwater harvesting and re-use of stormwater for garden watering, toilet flushing, etc. and
- On-site bio-treatment to reduce dissolved contaminants and suspended solids.

18. Prior to commencement of the use of the building hereby permitted, all works required for the re-configuration of the car park including the removal and re-instatement of car spaces, loading bays, access lanes and paths as shown on the endorsed plans must be completed:

(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.

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

19. 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.

20. Unless otherwise agreed in writing by Frankston City Council, finished floor levels of the new building approved under this permit must be a minimum of 300mm above the applicable flood level.

Waste Management

21. All waste generated by the use must be managed in accordance with an approved Waste Management Plan and collected by a Private Waste Contractor to the satisfaction of the responsible authority.

Satisfactorily Completed

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

Permit Expiry

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

- The development is not started within two (2) years of the date of this permit.
- The development is not completed within four (4) years of the issued date of this permit.

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

Notes

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

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

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

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

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

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

11.2 Amendment to the approved development plan in accordance with Clause 43.04 (Development Plan Overlay Schedule 3) to allow consideration to an Amedment to Planning Permit 229/2018/P to alter the loaction of an approved convienance shop and associated works to the existing carpark at 40-46 McMahons Road, Frankston

Officers' Assessment

This permit has been amended as follows:

Date of Amendment	Brief Description
	This permit was amended pursuant to section 74 of the Planning and Environment Act 1987, by considering amended plans and the deletion of conditions 1(a)-(j), 3, 6, 7 and 8.

ADVERTISED PLAN

TP00 - COVER PAGE
TP01 - SITE LOCALITY PLAN
TP02 - SITE & CONTEXT PLANS
TP03 - EXISTING CONDITIONS SITE PLAN
TP04 - PROPOSED SITE PLAN
TP05 - PROPOSED FLOOR PLAN & ELEVATIONS

40-46 McMAHONS ROAD
Frankston, Vic 3199

ISSUED FOR
AMENDMENT TO PLANNING PERMIT
December 18th 2019

AMENDMENT TO PLANNING PERMIT 229/2018/P

BILL JACOBS PTY LTD
121 BUCKLEY STREET
ESSENDON VICTORIA 3040
TELEPHONE : (03) 9331-4444
FACSIMILE: (03) 9331-4433
EMAIL: info@billjacobs.com.au ABN: 19 007 453 401

ADVERTISED PLAN



LOCALITY PLAN (EXISTING CONDITIONS PLAN TO CREEK / WATERWAY)
SCALE 1:2000

18.12.19	-	AMENDMENT TO PLANNING PERMIT 229/2018/P

General Notes:
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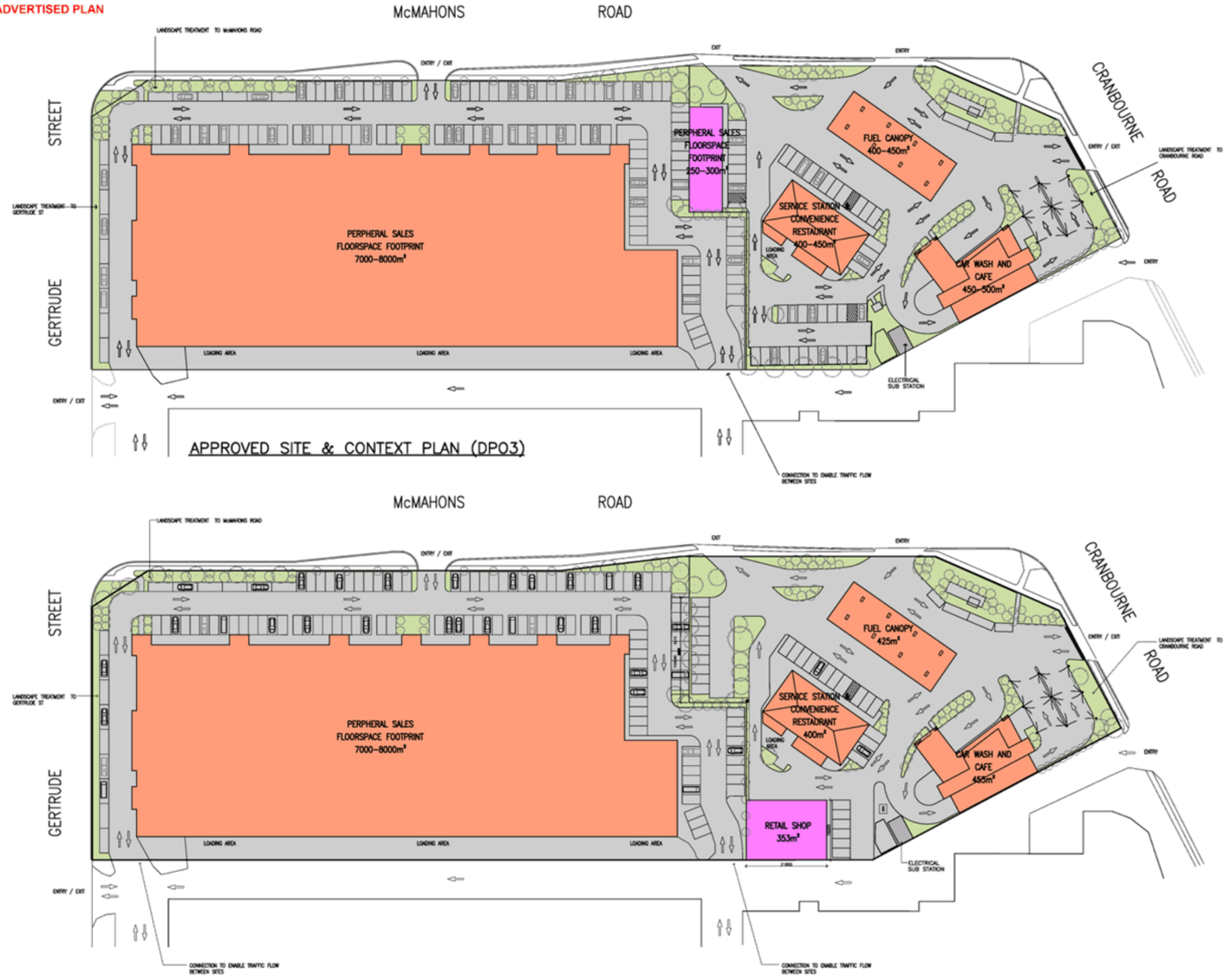
Issued for: -
ORIGINAL SHEET SIZE A1 - 841 horz X 594 vert.
WHEN PRINTED AT ORIGINAL SCALE

North:

Drawn: PA	Date: DEC 2019	Client: S.SALKIOS & N MITSIOS	Project: PRPOSED NEW BUILDING PREMISES - RETAIL
Checked: WBJ	Revision: -		Sheet No: TP01
Sequence:	Job No: 191106	Project Address: 40-46 McMAHONS ROAD FRANKSTON	Dwg Title: SITE LOCALITY PLAN
Scales: SCALE: 1:2000			Sheets in Set: 6

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ADVERTISED PLAN



NOTE:
SHADING REPRESENTS LANDSCASPED AREAS.

NOTE:
SHADING REPRESENTS EXISTING BUILDINGS FOOTPRINT.

NOTE:
SHADING REPRESENTS PROPOSED BUILDINGS FOOTPRINT.

NOTE:
SHADING REPRESENTS PAVED AREA.

NOTE:
INTERNAL MOVEMENTS FOR TRAFFIC FLOW

18.12.19	–	AMENDMENT TO PLANNING PERMIT 229/2018/P

General Notes:
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ORIGINAL SHEET SIZE A1 - 841 horz X 594 vert. WHEN PRINTED AT ORIGINAL SCALE

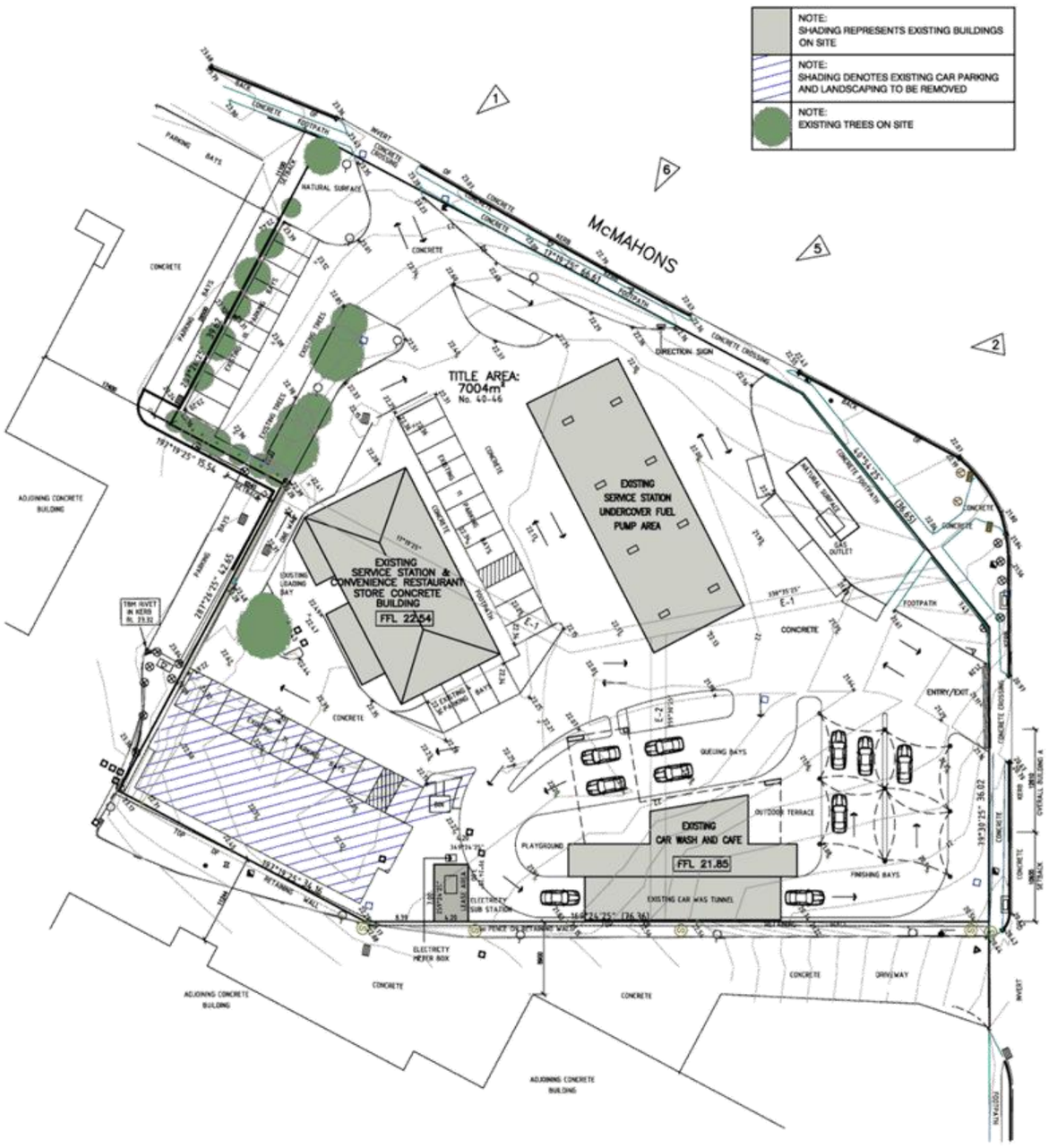
North:

Drawn: PA | Date: DEC 2019
Checked: WBJ | Revision: –
Sequence: | Job No: 191106
Scales: SCALE : 1:500

Client: S.SALKIOS & N MITSIOS
Project Address: 40-46 McMAHONS ROAD FRANKSTON
Project: PRPOSED NEW BUILDING PREMISES - RETAIL
Dwg Title: SITE & CONTEXT PLANS
Sheet No: TP02
Sheets in Set: 6

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ADVERTISED PLAN



EXISTING CONDITIONS SITE PLAN
SCALE 1:300


VIEW 1


VIEW 2


VIEW 3


VIEW 4


VIEW 5


VIEW 6

AREA ANALYSIS:

TOTAL SITE AREA=	**7004 m2**
EXIST. SERVICE STATION & CONVENIENCE RESTURANT=	**350 m2**
EXIST. CAR WASH=	**308 m2**
TOTAL =	**658 m2**
TOTAL SITE AREA =	**7004 m2**
% SITE COVERAGE =	**10.6 %**

LEGEND
TITLE BOUNDARY, BACK OF CONCRETE KERB, TOP OF CONCRETE KERB, TOP OF RETAINING WALL, CAR PARKING BAYS, TOE OF BANK
SIDE ENTRY PIT, BOLLARD, FIRE HYDRANT, GRATED PIT, LIGHT POLE
IRRIGATION VALVE, UNKNOWN UTILITY, GAS VALVE, JUNCTION PIT, SEWERAGE PIT, UNDERGROUND PIPE, TRAFFIC SIGNAL PIT
WATER TAP, SIGN, STOP VALVE, TELSTRA PIT, TREE, TBH, TRAFFIC LIGHT

10.12.19	–	AMENDMENT TO PLANNING PERMIT 226/2018/P

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Issued for: FOR CONSTRUCTION
ORIGINAL SHEET SIZE A1 - 841 horz X 594 vert WHEN PRINTED AT ORIGINAL SCALE
North:
Drawn: PA | Date: DEC 2019
Checked: WBJ | Revision: Ø
Sequence: | Job No: 191106
Scales: SCALE: 1:300
Client: S.SALKOSS & N.MITSIOS
Project Address: 40-46 McMAHONS ROAD FRANKSTON
Project: PRPOSED NEW BUILDING PREMISES - RETAIL
Dwg Title: EXISTING SITE / GROUND FLOOR PLAN
Sheet No: TP03
Sheets In Set: 6

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ADVERTISED PLAN



PROPOSED SITE PLAN
SCALE 1:300

NOTE:
EXISTING TREES ON SITE TO REMAIN

NOTE:
THE FOLLOWING CONDITIONS AS SET OUT IN PLANNING PERMIT 224/2018/P ARE TO BE CARRIED OUT PRIOR TO THE COMMENCEMENT OF BUILDINGS & WORKS:

- PRIOR TO THE COMMENCEMENT OF BUILDINGS & WORKS A LANDSCAPE PLAN IS TO BE SUBMITTED FOR APPROVAL AS PER CONDITION 3 OF PLANNING PERMIT.
- PRIOR TO THE COMMENCEMENT OF ANY WORKS A TREE PROTECTION MANAGEMENT PLAN IS TO BE SUBMITTED FOR APPROVAL AS PER CONDITION 6 OF PLANNING PERMIT.
- A STORM WATER DRAINAGE PLAN IS TO BE SUBMITTED FOR APPROVAL PRIOR TO THE COMMENCE OF WORKS, AS PER CONDITION 16 OF PLANING PERMIT.
- A WASTE MANAGEMENT PLAN IS TO BE ACCORDANCE WITH CONDITION 21 OF PLANING PERMIT.

NOTE:
SHADING REPRESENTS PROPOSED BUILDINGS.

NOTE:
SHADING REPRESENTS EXISTING BUILDINGS ON SITE

NOTE:
SHADING REPRESENTS PROPOSED PAVED AREAS.

NOTE:
SHADING REPRESENTS EXISTING LANDSCAPING AREAS

AREA ANALYSIS:

TOTAL SITE AREA=	7004 m2
EXIST. SERVICE STATION & CONVENIENCE RESTURANT=	400 m2
EXIST. CAR WASH=	308 m2
NEW BUILDING =	353 m2
TOTAL =	893 m2
TOTAL SITE AREA =	7004 m2
% SITE COVERAGE =	15.15 %

CAR PARKING ANALYSIS:

EXIST. 7-11 SERVICE STATION / CONVENIENCE RESTAURANT STORE (400 m2) (BASED ON 3.5 CARS / 100m2)
CARS REQUIRED = 14 CARS

EXIST. MAGIC CAR WASH
CARS REQUIRED = 11 CARS

NEW BUILDING = 352 m2
(BASED ON 3.5 CARS / 100m2)
CARS REQUIRED = 12 CARS

TOTAL CARS REQUIRED = 37 CARS

TOTAL CARS PROVIDED = 46 CARS

LEGEND

TITLE BOUNDARY
BACK OF CONCRETE KERB
TOP OF CONCRETE KERB
TOP OF RETAINING WALLS
CAR PARKING BAYS
TOE OF BANK
SIDE ENTRY PIT
BOLLARD
FIRE HYDRANT
GRATED PIT
LIGHT POLE
IRRIGATION VALVE
UNKNOWN UTILITY
GAS VALVE
JUNCTION PIT
SEWERAGE PIT
UNDERGROUND PIPE
TRAFFIC SIGNAL PIT
WATER TAP
SIGN
STOP VALVE
TELSTRA PIT
TREE
TBM
TRAFFIC LIGHT

GENERAL NOTES:

ALL CARPARKING BAYS TO BE MARKED AS PER COUNCIL REQUIREMENTS.

PROVIDE 150mm HIGH CONCRETE KERB TO ALL DRIVEWAYS & PARKING AREAS.

CROSSOVERS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH COUNCIL REQUIREMENTS.

DRIVEWAYS / CARSPACES TO BE SURFACED WITH AN ALL-WEATHER-SEAL COAT & DRAINED TO THE LEGAL POINT OF DISCHARGE AS PER COUNCIL REQUIREMENTS.

STORMWATER RUN-OFF NOT PERMITTED BEYOND TITLE BOUNDARY

AUSTROADS DESIGN PRIME MOVER & SEMI - TRAILER (19M)
12.5M MINIMUM RADIUS, MAXIMUM TRUCK TURNING SPEED 5 KM/H.

PROPOSED BUILDING AND EXTERNAL CAR PARK AREA TO BE PROVIDED WITH ADEQUATE SECURITY LIGHTING AS REQUIRED.
ALL EXTERNAL SECURITY LIGHTING WILL BE BAFFLED AND NO GLARE WILL SPILL BEYOND SITE BOUNDARIES.

18.12.19	–	AMENDMENT TO PLANNING PERMIT 224/2018/P

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Issued for: 18.12.19
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North:

Drawn: PA | Date: DEC 2019
Checked: WBJ | Revision: @
Sequence: | Job No: 191106
Scales: SCALE: 1:300

Client: S.SALKOSS & N MITSIOS
Project Address: 40-46 McMAHONS ROAD FRANKSTON

Project: PROPOSED NEW BUILDING PREMISES - RETAIL
Dwg Title: PROPOSED SITE / GROUND FLOOR PLAN

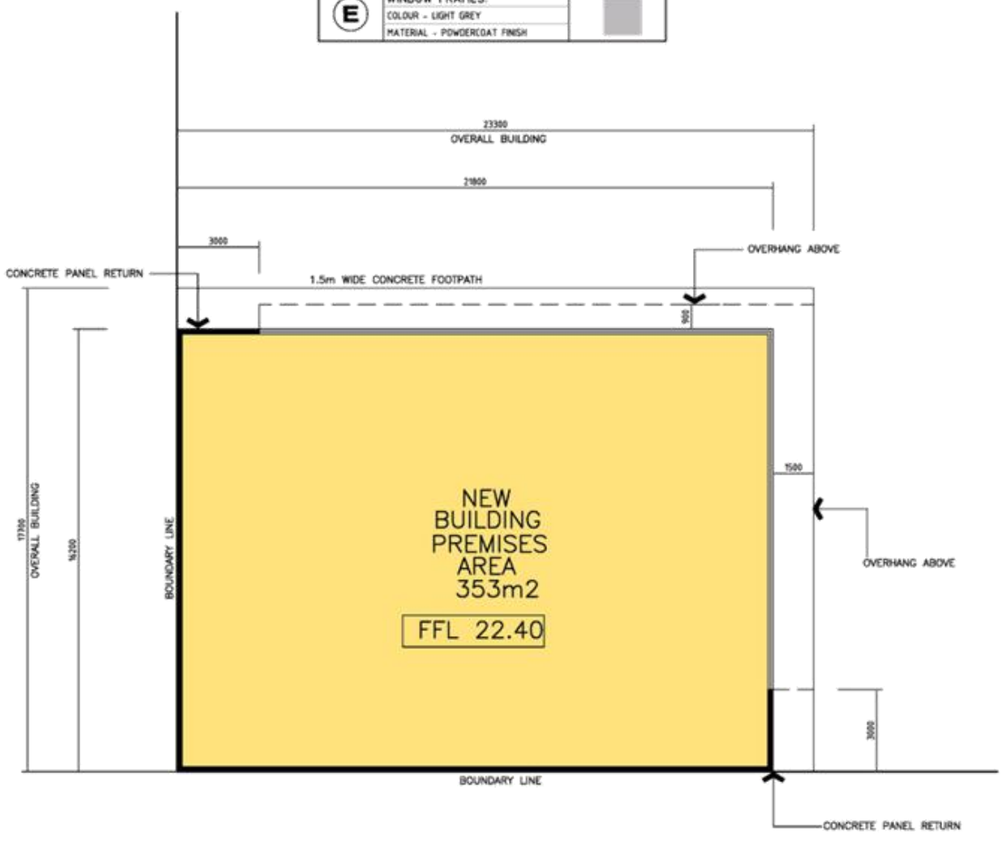
Sheet No: TP04
Sheets in Set: 6

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ADVERTISED PLAN

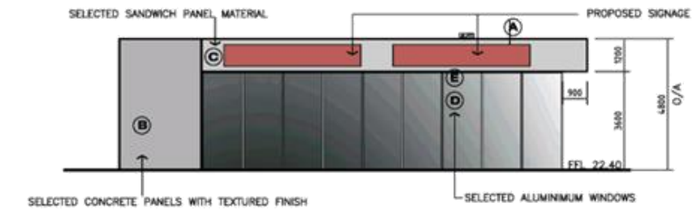
COLOUR & MATERIALS SCHEDULE

SYMBOL	DESCRIPTON	COLOUR SWATCH
A	ROOFING & GUTTERS: COLOUR - IRON STONE MATERIAL - COLORBOND FINISH	
B	CONCRETE PANELS: COLOUR - LIGHT GREY TEXTURED FINISH MATERIAL - CONCRETE	
C	CANOPY FASCIA: COLOUR - GREY METALLIC MATERIAL - SELECTED SANDWICH PANEL	
D	WINDOWS(GLASS) COLOUR - SMOKED GREY TINT MATERIAL - SELECTED GLASS	
E	WINDOW FRAMES: COLOUR - LIGHT GREY MATERIAL - POWDERCOAT FINISH	

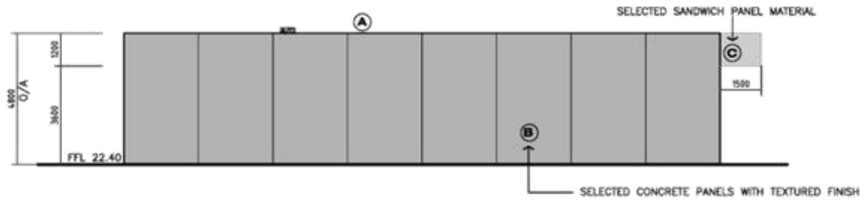


PROPOSED BUILDING FLOOR PLAN

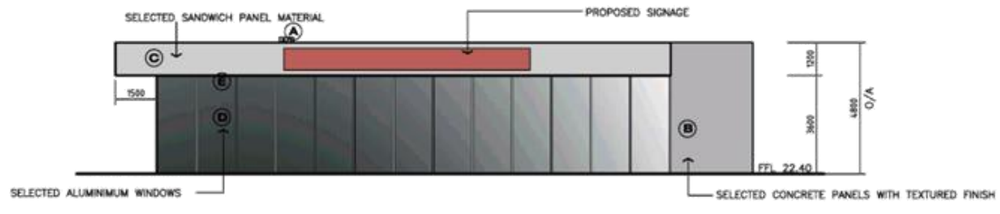
SCALE 1:100



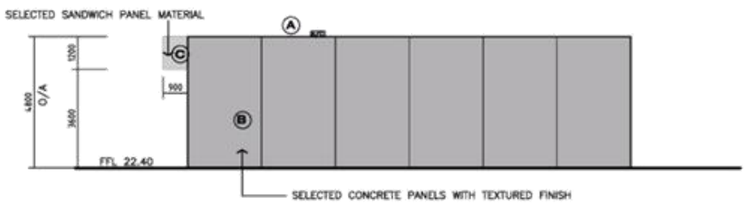
NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION



SOUTH ELEVATION

18.12.19	-	AMENDMENT TO PLANNING PERMIT 229/2019/P

General Notes:
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Issued for: FOR CONSTRUCTION
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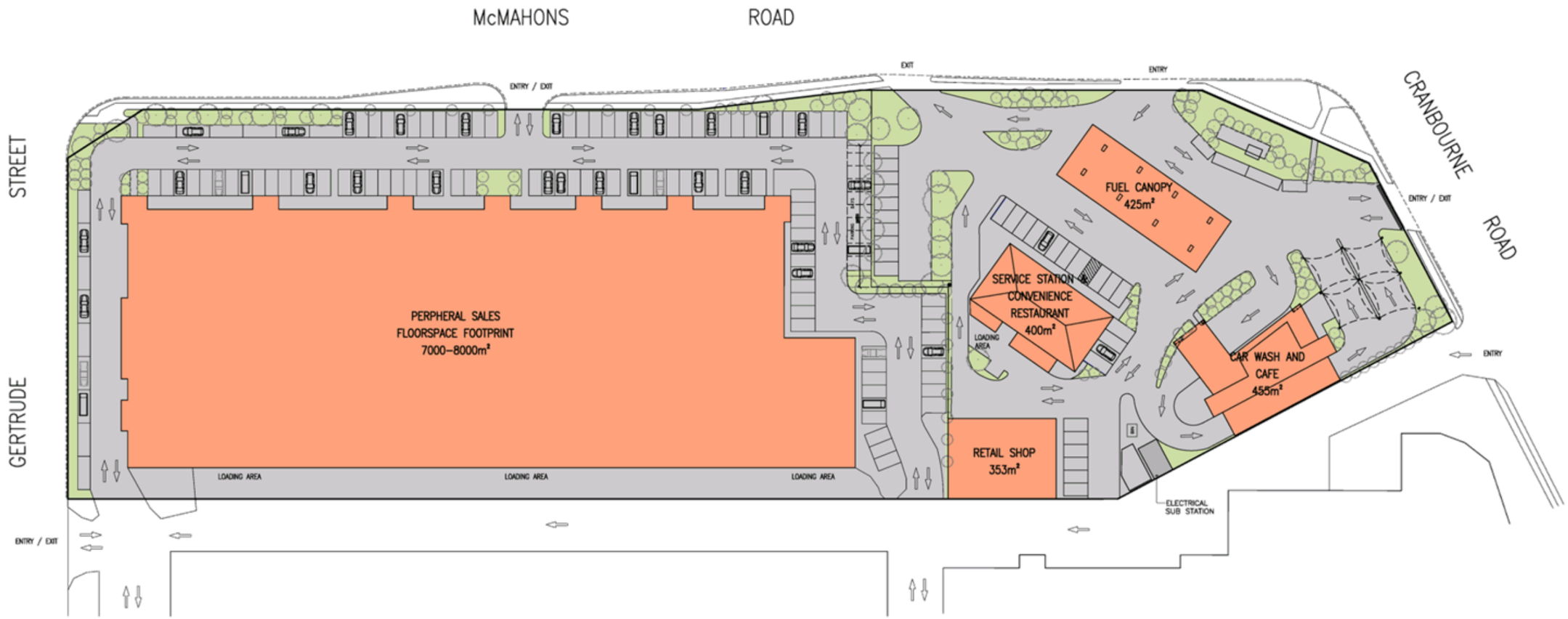
North:

Drawn: PA | Date: DEC 2019
Checked: WBJ | Revision: Ø
Sequence: | Job No: 191106
Scales: SCALE: 1:100

Client: S.SALKIOIS & N MITSIOS
Project Address: 40-46 McMAHONS ROAD FRANKSTON
Project: PROPOSED NEW BUILDING PREMISES
Dwg Title: GROUND FLOOR PLAN & ELEVATIONS
Sheet No: TP05
Sheets in Set: 6

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ADVERTISED PLAN



DEVELOPMENT PLAN OVERLAY – SCHEDULE 3

SCALE 1:400

NOTE:
SHADING REPRESENTS BUILDINGS FOOTPRINT.

NOTE:
SHADING REPRESENTS
PAVED AREA.

NOTE:
SHADING REPRESENTS
LANDSCASPED AREAS.

NOTE:
INTERNAL MOVEMENTS FOR TRAFFIC FLOW

DATE	ISSUE	REVISION

DATE	ISSUE	REVISION

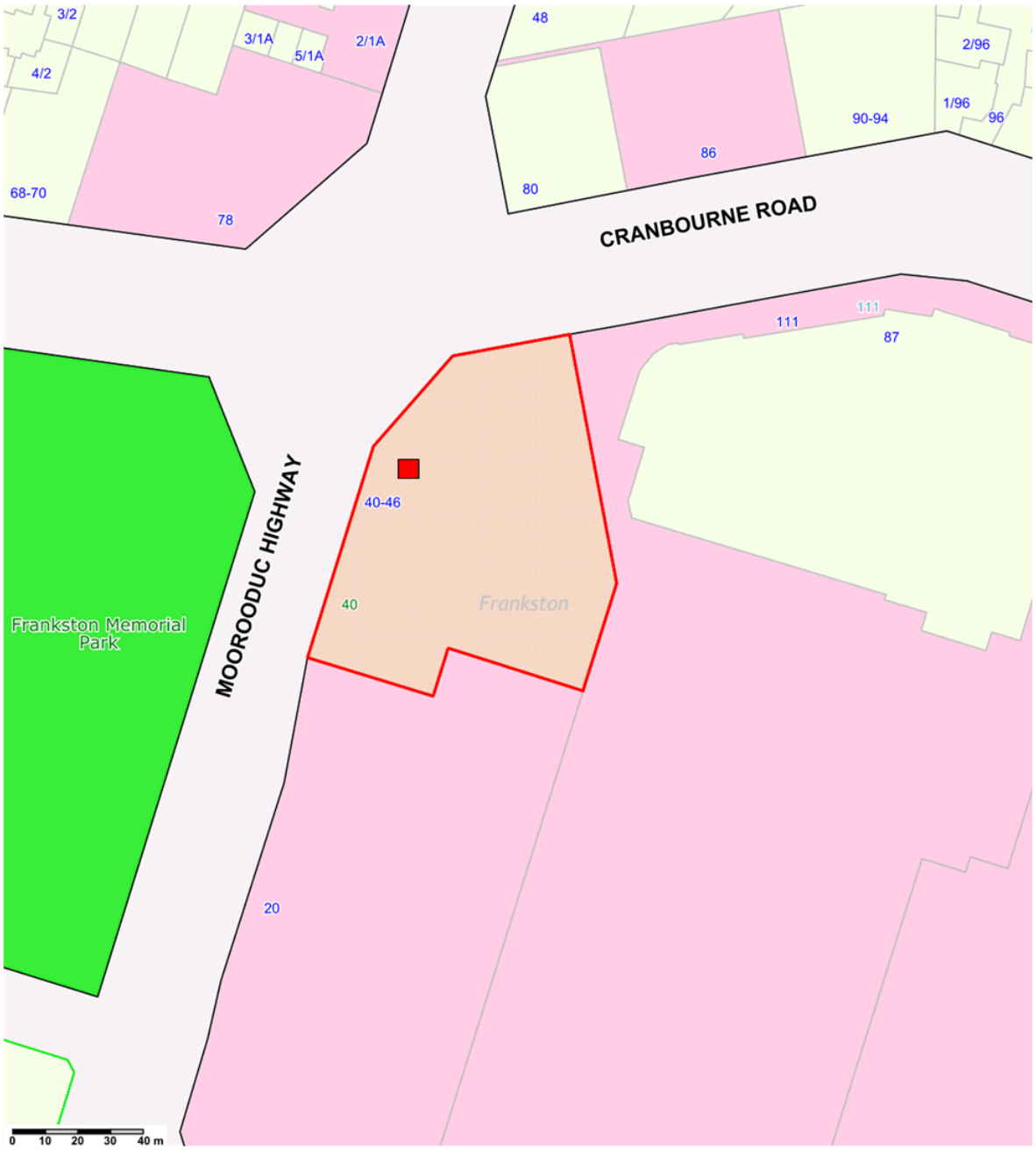
GENERAL NOTES:
THESE DRAWINGS ARE NOT TO BE SCALED - REFER TO FIGURED DIMENSIONS ONLY. CONTRACTORS ARE REQUIRED TO VERIFY ALL DIMENSIONS, SITE CONDITIONS & LEVELS ON SITE AND REPORT ANY DISCREPANCIES PRIOR TO COMMITMENT OF WORKS TO THE BUILDING DESIGNER FOR DIRECTIONS. ALL WORKMANSHIP IS TO COMPLY WITH RELEVANT REGULATIONS, AUSTRALIAN STANDARDS, RELEVANT AUTHORITY, MUNICIPAL REGULATIONS & BY-LAWS. THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE PROJECT SPECIFICATIONS, CONSULTANT'S DRAWINGS, COMPUTATIONS, REPORTS & AUTHORITY INFORMATION & THE LIKE RELEVANT TO THE WORKS. ALL STRUCTURAL WORKS TO BE IN ACCORDANCE WITH THE RELEVANT AUSTRALIAN STANDARDS, DESIGN CODES, CODES OF PRACTICE & RELEVANT LEGISLATION.

Issued for: TOWN PLANNING (ORIGINAL SHEET SIZE: A1 - 841 horz X 594 vert WHEN PRINTED AT ORIGINAL SCALE)	North:	Client: S. SALIKIDIS & N. MITSIOS	Project: PROPOSED DESIGN DEVELOPMENT OVERLAY PLAN	Drawn: IB	Date: FEB 2020	Job No: 191106
				Checked: BJ	Sheets in Set:1	
		Project Address: 40-46 McMAHONS ROAD FRANKSTON	Dwg Title: PROPOSED DEVELOPMENT PLAN	Scale: 1:400 @ A1	Sheet No: 01	Revision: A

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121 BUCKLEY STREET
ESSENDON. VICTORIA. 3040
TELEPHONE : (03) 9331-4444
EMAIL: info@billjacobs.com.au ABN: 19 067 463 401

Town Planning Application 229/2018/P – 40-46 McMahons Road Frankston

Subject site **Objectors**



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Projection: GDA94 / MGA zone 55
Scale: 1:1577
Date Printed: 6/02/2019
Time Printed: 9:55 AM
Issued by: Andrew Howieson

N

Frankston City

Town Planning Application 229/2018/P – 40-46 McMahons Road Frankston

Subject site **Objectors**



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Scale: 1:1577

Date Printed: 6/02/2019

Time Printed: 10:04 AM

Issued by: Andrew Howieson

N

Frankston City

Executive Summary

11.3 Planning application 432/2019/P - 159 Nepean Highway Seaford - To construct ten (10) apartments in a three storey building, to construct a building over 7.0 metres in height in a Design and Development Overlay Schedule 6 (DDO6) and to create and alter access to a Road in a Road Zone Category 1

Enquiries: (Stuart Caldwell: Communities)

Council Plan

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

Purpose

This report considers the merits of the planning application to construct ten (10) apartments in a three storey building.

Recommendation (Director Communities)

That the VCAT and parties to this application be advised that should an application for review not have been lodged under S79 of the Planning and Environment Act 1987 at the Victorian Civil and Administrative Tribunal, Council would have issued a Notice of Decision to Grant a Planning Permit to construct ten (10) apartments in a three storey building, to construct a building over 7.0 metres in height in a Design and Development Overlay Schedule 6 (DDO6) and to create and alter access to a Road in a Road Zone Category 1, subject to the conditions contained in the officers assessment.

Key Points / Issues

- It is proposed to construct a three (3) storey building comprising of ten (10) apartments.
- The site has been subject to a previous planning application 160/2017/P which was approved by Council at its Ordinary Meeting on 2 July 2018, and subsequently refused at VCAT. The VCAT was critical of internal amenity for the apartments and consideration of overshadowing impacts to neighbours.
- The new application has generally responded to the main areas of concern identified by VCAT including reducing the number of apartments from 11 to 10 and increasing setbacks from the side and rear boundaries to address the issue of overshadowing.
- Thirteen carparking spaces are proposed to be provided in the undercroft car park comprising of 2 visitor car spaces and 11 spaces to the dwellings. The number of car parking spaces meets the requirements of Clause 52.06: Car parking.
- The proposal is consistent with the Planning Policy Frameworks, Neighbourhood Character Policy and the planning requirements of the Frankston Planning Scheme.
- This application is being reported to Council as it has been called in by Councillor Hampton.

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

11.3 Planning application 432/2019/P - 159 Nepean Highway Seaford - To construct ten (10) apartments in a three storey building, to construct a building over 7.0 metres in height in a Design and Development Overlay Schedule 6 (DDO6) and to create and alter access to a Road in a Road Zone Category 1

Executive Summary

Financial Impact

The permit application fee paid to Council is $3413. The average cost to process a planning application is $1,729.

Consultation

1. External Referrals

   The application was referred externally to Department of Transport (formerly known as VicRoads) who do not object to the application subject to conditions.

2. Internal Referrals

   The application was referred internally to Council's Traffic Engineers, Drainage Engineer, Environment Officer and Urban Designer who did not object to the proposal.

Notification of Proposal

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

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

As a result of the public notification, eleven (11) objections were received. The grounds of objection are summarised in the officer's assessment contained within this report.

Analysis (Environmental / Economic / Social Implications)

The proposed development will provide social and economic benefit to the area through the urban consolidation of the land and the provision of diversity in housing stock in an area that is accessible to a wide range of community and commercial facilities, services and transport networks. The proposal development will offer an alternate housing type to cater for future housing needs in this area. Any environmental impacts can be ameliorated by future landscaping of the site.

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

Legal

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

Policy Impacts

Council officers have assessed the planning permit application in accordance with the following State and Local Planning Policy provisions, zones, overlays, particular and general provisions of the Frankston Planning Scheme.

11.3 Planning application 432/2019/P - 159 Nepean Highway Seaford - To construct ten (10) apartments in a three storey building, to construct a building over 7.0 metres in height in a Design and Development Overlay Schedule 6 (DDO6) and to create and alter access to a Road in a Road Zone Category 1

Executive Summary

State and Local Policy Frameworks – Clauses 09, 11, 15, 16, 21.03, 21.04, 21.07, 21.10 and 22.08.

Zone and Overlays – Clause 32.08 – General Residential Zone and Clause 43.02 – Design and Development Overlay – Schedule 6.

Particular Provisions –Clause 52.06 – Car parking, Clause 55 – ResCode and Clause 52.29 – Land adjacent to a Road Zone, Category 1

Frankston Housing Strategy 2018.

Officer's Declaration of Interests

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

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

Risk Mitigation

There are no particular risks associated with this matter.

Conclusion

The proposal will assist in providing diversity in housing form for future residents consistent with Council's strategic directions for the area.

The amending plans include changes to the overall design of the development so that it responds appropriately to the site and context and is considered to be respectful of the existing local character of the area. The amended proposal has responded to the main areas of concern raised during the previous VCAT hearing

It is considered the proposal should be supported and that the Tribunal be informed that Council supports the application.

ATTACHMENTS

Attachment A:⇩ Locality Map (Aerial)

Attachment B:⇩ Locality Map (Objectors)

Attachment C:⇩ Development Plans

11.3 Planning application 432/2019/P - 159 Nepean Highway Seaford - To construct ten (10) apartments in a three storey building, to construct a building over 7.0 metres in height in a Design and Development Overlay Schedule 6 (DDO6) and to create and alter access to a Road in a Road Zone Category 1

Officers' Assessment

Summary

Existing Use	Double storey residential dwelling
Site Area	977 square metres
Proposal	To construct ten (10) apartments in a three storey building, to construct a building over 7.0 metres in height in a Design and Development Overlay Schedule 6 (DDO6) and to create and alter access to a Road in a Road Zone Category 1
Site Cover	57.3%
Permeability	35.8%
Zoning	General Residential Zone Abuts Road Zone Category 1
Overlays	Design and Development Overlay – Schedule 6
Neighbourhood Character Precinct	Seaford 7
Reason for Reporting to Council	Councillor call in by Councillor Hampton

Background

Subject Site

The subject site is situated on the east side of Nepean Highway in Seaford just south of Brodie Street.

The subject site has a frontage of 19.2 metres to Nepean Highway and side boundaries of 49.38 metres with an overall area of 978m^2.

The rear boundary of the site abuts Beckwith Grove. Both Brodie Street and Beckwith Grove are local, unsealed roads.

A single double storey dwelling has a front setback of about 6.5 metres with a single storey detached garage adjacent to the dwelling exists on site. To the rear of the site is a double storey habitable building sited close to the rear property boundary.

Minimal vegetation exists on the site except for a number of canopy trees within the front setback.

Locality

The area within which the subject site is located is a narrow strip of land between the Nepean Highway and Kananook Creek.

This area contains an eclectic mix of dwelling types ranging from single detached dwellings, older style unit development to more recent medium density development.

11.3 Planning application 432/2019/P - 159 Nepean Highway Seaford - To construct ten (10) apartments in a three storey building, to construct a building over 7.0 metres in height in a Design and Development Overlay Schedule 6 (DDO6) and to create and alter access to a Road in a Road Zone Category 1

Officers' Assessment

Much of the newer housing along Nepean Highway in Seaford has been designed to capture the bay and creek views being two and three storeys in height.

The subject site is situated within walking distance of and to the north of the Seaford Neighbourhood Activity Centre, Recreational Ground and Seaford Road. The subject site is situated to the west of Kananook Creek but has no direct abuttal to the creek environs.

Directly to the south of the site is a newer medium density development comprising of a mix of double and single storey dwellings. To the north is an older style unit development of six attached dwellings in two groups. To the east, the land contains a single storey dwelling with access from Beckwith Grove and a garage on the common boundary of the subject site.

Site History

Previous planning permit applications for the site include:

- Planning Application 160/2017/P to construct 11 apartments in a three storey building was approved by Council on 2 July 2018. An appeal against Council's decision to grant a permit was lodged by an objector and subsequently overturned by VCAT.

Proposal

The proposal is summarised as:

- A three (3) storey building with an overall height of 9.9 metres.
- The building facade and roof forms have been amended removing the flat roof element at the front of the building and adding a low hipped roof form.
- Ten (10) apartments (8 x 2-bedroom, 1 x 3-bedroom and 1 x 1-bedroom).
- Undercroft car parking comprising of 11 resident car spaces and 2 visitor car spaces.
- Secluded private open space is provided in the form of a balcony with a minimum area of 10m2 for apartments 2-9 and 36m2 for apartment 10.
- Apartment 1 has secluded private open space with an area of 39m2 within the front setback.
- The building has a front setback of 7m, side setbacks varying between 1.2m-2.4m and rear setback varying between 2.6m-3m to the undercroft car park.
- A 1.4m high retaining wall is proposed along the undercroft car parking boundaries.
- Storage is provided for each apartment within the undercroft car park.
- Vehicle access to the site is proposed near the south-west boundary.
- Site coverage is 57.3% and garden area/permeability of 35.8%.
- Landscaping is proposed within the front setback, rear and side boundaries.

11.3 Planning application 432/2019/P - 159 Nepean Highway Seaford - To construct ten (10) apartments in a three storey building, to construct a building over 7.0 metres in height in a Design and Development Overlay Schedule 6 (DDO6) and to create and alter access to a Road in a Road Zone Category 1

Officers' Assessment

State and Local Planning Policy Frameworks

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

- Clause 9 – Plan Melbourne
- Clause 11 – Settlement
- Clause 15 – Built Environment and Heritage
- Clause 16 – Housing
- Clause 18 - Transport

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

- Clause 21.03 – Vison and Strategic Framework
- Clause 21.04 – Settlement
- Clause 21.06 – Environmental and Landscape Values
- Clause 21.07 – Housing
- Clause 21.10 – Built Environment and Heritage
- Clause 22.08 – Neighbourhood Character Policy

Planning Scheme Controls

A Planning Permit is required pursuant to:

- Clause 32.08-8 – General Residential Zone for the construction of 2 or more dwellings on the lot.
- Clause 43.02 – Design and Development Overlay - Schedule 6 to construct or carry out buildings and works for more than one dwelling and to construct a building over 7.0 metres in height.
- Clause 52.29 – Land adjacent to a Road Zone, Category 1 to create/alter access to a road in a Road Zone.

Particular Provisions

- Clause 52.06 – Car Parking
- Clause 52.34 – Bicycle Facilities
- Clause 55 – ResCode

Notification of Proposal

The grounds of objection are summarised as follows:

- Development is not consistent with the Seaford 7 Neighbourhood Character Precinct as the development does not reflect the existing pattern of development or the rhythm of existing dwelling spacing.
- Development is not consistent with the existing streetscape and low density development nearby.

- The development does not provide adequate green spaces for landscaping to minimise the visual bulk and mass.
- The development will have an unreasonable impact on neighbouring properties due to the visual bulk and mass of the building.
- No diversity in apartments is provided.
- There is inadequate car parking for residents on site and the proposal fails to comply with Council's Medium Density Visitor Car Parking guidelines.
- Traffic issues with access entering and exiting the site onto Nepean Highway.
- Multiple garbage bins and odour.
- The development will result in unreasonable amenity impacts through noise, overlooking and overshadowing of neighbouring properties, particularly to the south.
- Unacceptable noise from the proposed air conditioner units on balconies.
- The proposal represents an overdevelopment of the site.
- Loss of property values.

A Residents Discussion Meeting was not held. A meeting was held as part of the previous application whereby all issues had been discussed. Hence the applicant declined as the objections had not raised any additional matters than what was previously considered by Council and VCAT.

Internal referrals

Drainage Engineer

Council's Drainage Engineers do not object to the proposal and provide the following comments (summarised):

- Legal Point of Discharge (LPD) for this development is to an existing SEP in Beckwith Grove.
- Water quality, harvesting and reuse to be incorporated in the design of the development.
- Developer to design and construct a drainage outfall to Council satisfaction.

Traffic Engineer

Council's Traffic Engineers do not object to the proposal and have provided the following comments (summarised):

- Proposal complies with the car parking requirements of Clause 52.06 of the Frankston Planning Scheme as 11 resident and 2 visitor car spaces provided.
- Proposal does not comply with Council's Multi Visitor Car Parking Guidelines which requires a total of 3 visitor car spaces to be provided on site.
- Provision of a passing area at the entrance at least 6.1m wide and 7m long as the access-way serves ten or more car parking spaces and connects to a road in a road zone Category 1 (Nepean Hwy).

- A minimum of 2.1m headroom to be provided above spaces and internal access way in accordance with Clause 52.06-9.
- Provision of a corner splay at the entrance of the site to be in accordance with Clause 52.06-9.
- Minimum clearance between power pole and proposed crossover shall be 1.5m. Lesser clearance or location of assets within the crossing must be approved by the relevant authority prior to applying for a permit.

Environment Officer

Council's Environment officer does not object to the proposal and provides the following comments (summarised):

- Arborist Report prepared by Dbhorticulture Pty Ltd considers a total of 15 trees, five of which are located on the neighbouring properties.
- The majority of trees on the site have low significance and are poor specimens.
- Trees 1–5 on the neighbouring properties can all remain unaffected if protected via permit conditions should a permit be issued.
- Planting selection should be from the Coastal Banksia EVC. The southern garden area will also experience a lot of shade which must be considered during plant selection. Consideration should be given to the use of planter boxes on the balconies.

Urban Designer

Council's Urban Designer does not object to the proposal and provides the following comments (summarised):

- The proposal for a higher density residential development is in principle an appropriate future use in this location subject to satisfactory design and interface responses.
- The provision of a dwelling at ground level is a positive addition to the streetscape. The development's interface is softened through the use of curved and permeable front fencing which presents well to the street and activates the frontage.
- Consideration should be given to increasing north facing habitable room windows for living areas and minimising the use of obscure glazing where not required for overlooking purposes.
- Any proposed services (eg. boosters, sprinklers) should be screened, integrated into the overall design of the development and located away from the front setback.

Setbacks, screening and internal amenity

- The overhang proposed for Apartment 10 over Apartment 6 of the floor below is considered to be an extremely poor design outcome which will have significant adverse impacts on the internal amenity of Apartment 6. This has improved the amenity of the balcony space in comparison to the previous application (refused at VCAT) but has degraded the internal amenity of the living area. As a south-facing dwelling, Apartment 6 will already have restricted access to daylight. The floor overhang combined with the proposed screening of all the apartment

windows will exacerbate this. A setting back of Apartment 10 so as not to overhang the Apartment below is strongly recommended. This would provide a gradual 'stepping-back' of the building, rather than the appearance of leaning outward and will assist in alleviating internal amenity concerns for Apartment 6. Will require a reconfiguration of Apartment 10. However, to sufficiently address the internal amenity concern stemming from the considerable screening, Apartments 6 and 7 would be merged to become a larger, more amenable apartment. This would also contribute to a greater variation in dwelling type within the development.

- Similar to Apartment 6, the internal amenity of Apartment 3 is poor. Although the apartment will have reasonable access to daylight given its north aspect, the outlook is greatly restricted by the proposed screening of all windows and balcony space. As with the above comment, it would be preferable for Apartment 3 to be merged with Apartment 2 to form a single, more amenable apartment.
- There is considerable screening of windows and balconies along the north, east and south elevations. That screening has been provided along the eastern elevation is curious and appears to be unnecessary given that the space the balconies are overlooking is essentially 1 Beckwith Grove's front yard, and not their private open space which is located along Kananook Creek at the rear of the property. Removal of the proposed screening along this aspect will considerably improve the outlooks of apartments 4, 5 and 9 (from narrow living areas) who would otherwise have no un-screened outlooks.
- There appears to be scope for additional north-facing windows in the living areas of Apartments 1 and 8 and an additional north-facing window in bedroom 1 of Apartment 4.

Materials

- The proposed material palette (external finishes) is somewhat heavy-handed in its application and presents bleakly towards the properties at 157 and 160 Nepean Highway.
- As a general rule, it is preferable for lighter colours and materials/finishes to be applied at upper levels to reduce the appearance of visual bulk and 'top-heaviness'
- At present the colour palette is not considered to complement the vegetation and coastal setting of the surrounding area as a preferred neighbourhood character objective.
- Greater application of lighter colours and materials (eg timber and stone) more reflective and sympathetic of the coastal and creek environs is recommended along all elevations.

Waste Management

Council's Waste Management officer does not object to the proposal and provides the following comments (summarised):

- All waste is collected on-site by a Private Waste Collection Agency.
- A Waste Management Plan consistent with Council's Waste Management Guidelines is provided to Council's satisfaction.

11.3 Planning application 432/2019/P - 159 Nepean Highway Seaford - To construct ten (10) apartments in a three storey building, to construct a building over 7.0 metres in height in a Design and Development Overlay Schedule 6 (DDO6) and to create and alter access to a Road in a Road Zone Category 1

Officers' Assessment

External Referral

The application has been referred externally to Department of Transport who offered no objection subject to the inclusion of conditions on any permit issued.

Discussion

State and Local Planning Policy

The proposal is considered to be consistent with State and Local Planning Policies at Clauses 11 and 16 which seek to promote the consolidation of existing urban areas for the efficient use of existing infrastructure and services.

The Frankston Housing Strategy 2018 includes the site in an area identified for "incremental change". The site is within the General Residential Zone which is consistent with this classification.

The proposal will increase the supply and diversity of housing stock within the municipality which increases housing choice for existing and future residents consistent with Clauses 11, 16, 21.04 and 21.07. The apartment style development offers an alternate style of accommodation with smaller open space areas that require less maintenance than traditional dwellings and has excellent access to the Seaford foreshore, Kananook Creek, Seaford Neighbourhood Activity Centre and formal recreational areas.

While the development presents as a new and different housing typology to that existing nearby, it has been designed to respect the local neighbourhood character of the area which is now evolving as new, modern designed development emerges along Nepean Highway between Seaford and Mile Bridge. The building design has been modified to address and minimise any potential offsite amenity impacts to adjoining properties.

Neighbourhood Character Policy

Council's Neighbourhood Character Policy (Clause 22.08) seeks to ensure that development is responsive to the key characteristics that make up the preferred character of each precinct. The site is located within the Seaford 7 Precinct which applies to the Seaford coastal strip, west of Kananook Creek and north of Mile Bridge.

The Preferred Character of the Precinct is:

> "*The seaside character of the area will be maintained, and the indigenous coastal vegetation and relationship with the creek and foreshore environs will be strengthened".*

The relevant Objectives of the Seaford 7 Precinct are:

- *To use lighter looking building materials and finishes that complements the vegetation and coastal setting.*
- *To strengthen the coastal character of the areas by planting of appropriate coastal species.*
- *To encourage the retention and planting of indigenous vegetation.*
- *To provide for reasonable sharing of views to the ocean, creek or coast.*
- *To reflect the rhythm of existing dwelling spacing.*
- *To minimise the visibility of buildings when viewed from the beach.*

- *To encourage innovative architecture that respects the coastal settings.*
- *To minimise the impact of buildings over two storeys on the streetscape.*
- *To maintain the openness of the streetscape.*

While the design of the development is contemporary and a different housing typology than that which exists nearby, the design has responded to the objectives of the character precinct to a level that warrants support of the proposal.

The proposed development provides adequate side and rear setbacks to reduce any unreasonable impacts on vegetation on adjoining properties. The 1.4m high retaining wall has been relocated to align with the building footprint of the undercroft car park. This addresses a number of concerns raised by Council's Environment Officer as it maintains the existing ground surface levels within the side setbacks, reduces any encroachment into the Tree Protection Zones (TPZ) of neighbouring trees to less than 10% of the TPZ area; and improves opportunities for canopy tree planting. Opportunities also exist for canopy tree planting within the front setback which will soften the scale of the development from the streetscape.

Given the orientation of the dwellings either side of the subject site, the proposed development will have minimal impact on views from these dwellings to the foreshore. Conversely, the proposed development at just under 10 metres in height is unlikely to be visible from the Seaford foreshore as it will be largely screened by the coastal vegetation on the sand dune on the west side of Nepean Highway.

The development has been designed to minimise the impact of the building on the streetscape by providing a front setback consistent with development either side of the subject site and by recessing the third storey by 2.35 metres from the double storey element below. The proposed setback of the third storey is considered to reflect the intent of the objective and coupled with the use of glass balustrades and a mix of lighter colours and materials is considered to complement the coastal setting.

A 1.7 metre high curved rendered masonry and post fence is proposed to the front of the ground floor dwelling to protect the amenity of the dwelling and provide for secluded private open space. The proposed fence is setback 1.5 metres from the front property boundary and provides opportunities for landscaping. As Nepean Highway is a major arterial road, this treatment at the front of the site is acceptable.

The proposal development reflects the rhythm of the existing dwelling spacing in the area. The building will be setback from both side boundaries creating the appearance of space and to enable landscaping along both side boundaries. Much of the housing nearby is single detached dwellings, with the exception of the development on the southern property boundary of the subject site. The adjoining site to the south has been developed with two single detached dwellings to the front and five attached dwellings to the rear.

Notwithstanding the above, the apartment style development is representative of the evolving character of the area within the Seaford 7 neighbourhood character precinct and one that is supported by the strategic directions contained in Council's Housing Strategy, 2018 for this area.

Overall, the new proposal is considered to provide an appropriate response from a policy perspective. The proposal is considered to be well located within an area identified for residential development and in reasonable proximity to the Seaford Activity Centre.

11.3 Planning application 432/2019/P - 159 Nepean Highway Seaford - To construct ten (10) apartments in a three storey building, to construct a building over 7.0 metres in height in a Design and Development Overlay Schedule 6 (DDO6) and to create and alter access to a Road in a Road Zone Category 1

Officers' Assessment

Design and Development Overlay – Schedule 6

The DDO6 triggers a planning permit to construct two or more dwellings on a site. The following requirement is relevant to the consideration of this proposal:

- Buildings and works must not exceed 12 metres in height if located north of the Mile Bridge, Frankston or between the Mile Bridge and the Frankston Principal Activity Centre and east of Kananook Creek. This cannot be varied with a permit.

The decision guidelines of DDO6 require consideration to be given to the following when assessing a development proposal:

- The extent to which the proposed development meets the objectives and design responses contained in the relevant Neighbourhood Character Study Character Statement precinct brochure for the area.
- The appropriateness of the development having regard to the Preferred Neighbourhood Character statement for the area.
- The extent to which the development provides sufficient unpaved area and landscaping appropriate to the coastal setting.

Where a development exceeds 7 metres in height the following should be considered when assessing a development proposal:

- The need for a particular roof form or architectural feature that assists in achieving the preferred neighbourhood character of the area; or
- Whether the height assist in achieving the preferred neighbourhood character of the area; or
- In the area north of the Mile Bridge, the extent to which the development assists in achieving the Council's housing objectives contained in the Municipal Strategic Statement.

The development does not exceed the maximum permitted height of 11 metres in accordance with the zone provisions and is therefore well within the height controls specified in DDO6.

The development has been designed with undercroft car parking to minimise excavation of the site and reduce the overall height of the building.

The contemporary design of the building with a combination of a low hip roof form and mansard form further assists in reducing overall height.

The additional height above the 7 metres allows for increased housing densities in the number of apartments that can be accommodated on the site, consistent with Council's housing objectives for this area.

Clause 52.06: Car Parking

Clause 52.06 – Car Parking seeks (among other matters):

- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

11.3 Planning application 432/2019/P - 159 Nepean Highway Seaford - To construct ten (10) apartments in a three storey building, to construct a building over 7.0 metres in height in a Design and Development Overlay Schedule 6 (DDO6) and to create and alter access to a Road in a Road Zone Category 1

Officers' Assessment

The proposal complies with Clause 52.06 as two car spaces will be provided for the three bedroom apartment and one car space to each remaining apartment. Two visitor car spaces will also be provided within the undercroft car parking area.

While the proposal does not meet Council's Multi-dwelling Visitor Car Parking Guidelines, which would require the provision of three visitor car spaces to be provided on site, it is considered that adequate visitor car parking facilities are provided on-site and on-street parking is available along the Nepean Highway frontage of the site and within walking distance to the subject site. As Council is aware, the Visitor Car Parking Guidelines do not have statutory weight and have been the subject of previous criticism by the VCAT.

The layout and design of the undercroft car park and access way generally complies with the design standards of Clause 52.06-8. The modifications required by Council's Traffic Engineer are recommended as conditions should a permit be issued.

Clause 52.29 Alteration of Access to a road in a Road Zone Category 1

Clause 52.29 requires planning approval to alter or create a new access to a road in a Road Zone Category 1 and any application is required to be referred to VicRoads under S55 of the Act.

It is proposed to remove the existing access to Nepean Highway near the northern property boundary of the subject site and create a new vehicle access to the southern property boundary.

Department of Transport who are the determining referral authority had previously advised that they objected to the access arrangements into the site. This has been subsequently resolved and Department of Transport have revised their position to support the application subject to conditions requiring amending plans should a permit be issued.

Clause 55 – ResCode

In accordance with the provisions of the General Residential Zone an assessment against the provisions of Clause 55 is required as follows:

Neighbourhood Character and Infrastructure

On balance, it is considered the design has responded to the objectives of the Seaford 7 Neighbourhood Character Precinct and the Design and Development Overlay Schedule 6. The proposed development is considered to be consistent with Council's long term strategic directions for housing along Nepean Highway where the current planning controls encourage development up to a height of 12 metres. In the previous VCAT decision for the site, the member stated:

> *"In terms of a character assessment, I find the proposal is acceptable. Whilst it is a different typology than found in the surrounding area, there is nothing in the Scheme that prevents such an outcome prescriptively."*

Council's Drainage Engineers raise no objection to the proposal, subject to permit conditions. It is considered that the proposal will not overload infrastructure and provides reasonable pedestrian and vehicle connections to existing infrastructure.

Given the scale of the development, the range of dwelling types and sizes is considered acceptable particularly in the broader neighbourhood context.

Passive surveillance of the public realm is achieved through the design of the ground floor dwelling and use of balconies and glazing facing Nepean Highway with primary access to remaining apartments adjacent to the ground floor dwelling with entry legible from Nepean Highway frontage.

Site Layout and Building Massing

The development has been designed to reflect the prevailing front setbacks of dwellings either side of the subject site. The front setback is generous at 7 metres and there are opportunities for planting to soften the building form. The recessing of the third storey reduces the impact of the development when viewed from the streetscape and generally presents similar in scale and height to the existing double storey dwelling on the subject site and at 160 Nepean Highway.

The overall height of the building at 9.9 metres is less than the maximum building height under the zone of 11 metres. The building design provides a satisfactory response to the single storey dwellings to the north and the double storey dwellings to the south by graduating the height and punctuating the building walls alongside boundaries.

Site coverage is at the higher end of the allowable limit at 57.3% with permeability being 35%. Given the housing typology this is considered acceptable.

The main entry to the apartment building is visible from the street and landscaping can be achieved within the front setback and along all boundaries to a satisfactory level.

Only one vehicle crossover is proposed and parking is considered to be convenient and secure for residents and visitors.

Amenity Impacts

The building sits comfortably within the side setbacks encouraged by Standard B17, especially in relation to the south side boundary which is considered to be the more sensitive interface given the location of habitable room windows and small areas of secluded open space. The building is proposed to be setback a minimum of 2.0 metres from the south (side) boundary with the first and second storeys setback 3.5 metres and 4.2 metres respectively.

Setbacks of the undercroft car park to the southern boundary range from 2 metres to 3 metres with the first floor being setback a minimum of 3 metres increasing to 4.8 metres in some locations. The second floor has a southern boundary setback of a minimum of 4.2 metres increasing to a maximum of 5 metres.

To the rear of the site, the development is setback between 2.6 and 3 metres at ground level. The setback increases to 5.2 metres at the first floor, noting that the balconies of apartment 4 and 5 project into this setback by 2.4 metres. The second floor will be setback 6.2 metres with the balcony of apartment 9 projecting by 2.4 metres. Given the existing mature vegetation along the rear boundary, the neighbour's garage and vehicle cross-over being sited on the rear boundary, the proposed setbacks are considered acceptable. It is also noted that these setbacks have been increased from the previous application

To the north, the dwellings at 157 Nepean Highway are separated from the subject site by a shared driveway and setback a minimum of 3 metres from the common property boundary. The balcony of apartment 3 is positioned opposite the carport of unit 3/157 Nepean Highway and considered acceptable.

11.3 Planning application 432/2019/P - 159 Nepean Highway Seaford - To construct ten (10) apartments in a three storey building, to construct a building over 7.0 metres in height in a Design and Development Overlay Schedule 6 (DDO6) and to create and alter access to a Road in a Road Zone Category 1

Officers' Assessment

The development allows adequate solar access and adequate daylight to existing habitable room windows of the dwellings to the south in accordance with ResCode standards. There is a combined setback of a minimum of 5 metres at the first floor which increases to 6.2 metres at the second floor and with wall heights of between 5.9 metres to 7 metres (first floor) and 9.5 metres (top of roof of second floor), the proposal complies. There is the potential to improve the northern orientation of apartments 1 and 8 by adding a north facing window to each living room as recommended by Council's Urban Designer.

The overshadowing diagrams show some shadowing of the private open space of the dwellings to the south and the common property boundary of the subject site.

160A Nepean Highway is located at the front of the site and has a side setback to the common boundary of 1.8 metres. This dwelling has private open space located at the front in the form of a balcony and at ground level with another small area to the rear of the dwelling. It is noted that the primary area of secluded private open space is to the front of the dwelling with the rear area primarily utilised for services. At 9 and 10am, the proposal will result in additional overshadowing particularly to the area to the rear of the dwelling, however this is considered acceptable as the dwelling will still be provided with more than 40 square metres of secluded private open space (in the area to the front of the dwelling) that will receive a minimum of 5 hours of sunlight.

160B Nepean Highway is located within the centre of the site and has a side setback of 2.0 metres from the shared boundary. This dwelling has private open space located on to the rear and contains a swimming pool with an area of approximately 100.0 square metres. A second area of private open space is located on the south side between the dwelling and the driveway which will not be impacted by the proposal. The proposal will result in very minor additional overshadowing of the private open space to the rear, however in excess of 40 square metres (approximately 90.0 square metres) will receive sunlight for a minimum of 5 hours as required by the standard.

1/160 Nepean Hwy is located to the east and has approximately 28 square metres of private open space located to its north. The shadow diagrams provided with the application demonstrate there will be no additional overshadowing of the private open space. With the removal of the double storey building at the rear of the subject site, it is likely there will be some improvement to solar access to this area which is currently very compromised by the siting of buildings on the adjoining properties to the north.

1 Beckwith Grove which is to the east of the subject site, part of the garage and driveway will be in shadow by 3.00 pm. As this is not private open space, the extent of shadow is acceptable. The wall heights and overall height of the proposal has been lowered to further ensure overshadowing of the adjoining properties is minimised and will not cause any further overshadowing than what is currently occurring

Overlooking has been addressed by way of screens to habitable room windows of the development within 9 metres of private open space or habitable room windows in dwellings on adjoining lots. The balconies have a 1.7 m high balustrade to address potential for overlooking. A number of east facing windows and balconies at the first and second floors do not need to be screened as there is no overlooking of habitable room windows or private open space. It is noted that the rear of the site abuts the front yard/driveway to the property at 1 Beckwith Grove located to the east of the site.

It is noted that there is some minor overlooking on the south side of the balconies to Dwellings 5 and 9 into the open space areas of the properties to the south which could be addressed by permit condition.

Council's Urban Designer has made a number of recommendations in relation to this aspect which will improve the internal amenity for future residents and these are recommended to be included as conditions should a planning permit be issued.

Windows and balconies of the development have been designed to limit internal overlooking within the development

On-Site Amenity and Facilities

The entry into the building will be clearly identifiable from Nepean Highway.

Adequate daylight is provided to all new habitable room windows.

Each dwelling will be provided with private open space in the form of a balcony. Other than for apartment 6, the balconies are located on the west, north and east sides of the building and will receive appropriate access to daylight and solar orientation. Each balcony be provided with a minimum of 8 square metres and will be of adequate width and size to accommodate the condensers of the air conditioner units.

External storage areas for each dwelling will be provided within the undercroft carpark.

Detailed Design

The design of the building is contemporary. The variation along the side boundaries and upper storey setbacks combined with the use of a mix of materials and colours achieve an acceptable building form that is considered to be visually compatible with the existing development nearby.

It is noted that Council's Urban Designer has raised concern with a high reliance on screening to address overlooking to the north of Dwelling 3 resulting in a poor amenity for the dwelling. This is considered acceptable as on balance the other dwellings within the development are less reliant on screening and have good internal amenity.

Council's Urban Designer was supportive of the design and placement of the proposed front fence.

Communal areas including the car park, open space, access and site facilities are practical and should be easily maintained.

Apartment Developments

As the building typology is in the form of an apartment, ResCode requires consideration of Clause 55.07 as follows:

Overall the orientation of apartments is acceptable with all achieving good solar access except for apartment 6 which is south facing. Living rooms and balconies of most apartments are orientated to the north, east or west, some with views towards the bay and should receive direct sunlight for most of the day.

In response to the Tribunal member's comments in relation to internal amenity Apartment 6 has been redesigned so that the balcony is situated in front of the apartment on the south side of the building. However, it is considered that the redesign has resulted in an outcome creating a lower level of internal amenity. Access to natural daylight to all habitable room windows is restricted by the overhang in addition to the requirement for screening which is compounded by the southern orientation and sole aspect of the apartment.

11.3 Planning application 432/2019/P - 159 Nepean Highway Seaford - To construct ten (10) apartments in a three storey building, to construct a building over 7.0 metres in height in a Design and Development Overlay Schedule 6 (DDO6) and to create and alter access to a Road in a Road Zone Category 1

Officers' Assessment

It is acknowledged that it is the only dwelling within the development with a sole aspect to the south. However, the redesign is considered to result in a less desirable outcome than the previous design. A condition of any permit issued would require the south setback of the storey above to be increased to ensure that there will be no overhang of the balcony. This will assist to provide daylight to the living areas of apartment 6.

Likewise, the member identified concerns with the use of screening of the balconies for apartments 4, 5 and 9 and the impact on internal amenity. Apartment 9 has been reconfigured to add north facing windows. The balconies of apartments 4, 5 and 9 are shown to have screening to a height of 1.7 metres along the east elevation. These balconies face east into what is essentially the front yard of 1 Beckwith Grove and it would appear unnecessary to require screening on the east elevation. A condition of any permit issued would require the deletion of screening on the east elevation of these balconies. This would further assist to improve the internal amenity of these apartments especially apartments 4 and 5 which have a sole aspect to their living areas.

Adequate landscaping is proposed with a minimum of 5% of the area available for canopy tree planting.

The location of A/C condensers for the first floor are shown and generally located on the balconies. Second floor A/C condensers are located on the roof within an enclosure. Bin storage and hard rubbish are shown within the undercroft car park which will be required to be screened.

The entries to the ground floor dwelling and apartment building are accessible for people with limited mobility. An internal lift is proposed for easy access to upper levels. Adequate daylight is provided to all habitable room windows of the development.

Secluded private open space has been provided in the form of balconies with a minimum area of $8m^2$ for all dwellings with the exception of the ground floor dwelling which has total area of $39m^2$. With the exception of the south facing balcony for apartment 6, all other balconies have reasonable solar access.

Internal storage for all dwellings is provided within the bedrooms however, the quantum is not identified. This can be included as a condition should a planning permit be issued. Storage is shown for each dwelling in the undercroft car park.

A Waste Management Plan prepared by Waste Tech Services Pty Ltd has been submitted which provides information on the collection and recycling of waste generated by the development.

Overall the internal layout of living spaces and bedrooms is satisfactory given the east-west orientation of the site. All bedrooms comply with the size requirements of Standard B46.

The proposed ceiling height is 2.7 metres measured from finished floor level to finished ceiling level. All single aspect habitable rooms do not exceed a room depth of 2.5 times the ceiling height.

All habitable rooms have external opening windows.

Cultural Heritage Management Plan

A Cultural Heritage Management Plan No. 15040 prepared by Terra Rosa Consulting was received by Council on 21 February 2018 and has the approval of the AAV.

11.3 Planning application 432/2019/P - 159 Nepean Highway Seaford - To construct ten (10) apartments in a three storey building, to construct a building over 7.0 metres in height in a Design and Development Overlay Schedule 6 (DDO6) and to create and alter access to a Road in a Road Zone Category 1

Officers' Assessment

Response to Grounds of Objections

The concerns raised by objectors in relation to the potential impact on amenity due to the building height, location of south facing balconies and side setbacks have been addressed through the redesign of the layout of the building and reduction in the number of apartments.

- *Neighbourhood Character*

As outlined in the above report, the proposal addresses the objectives of the Seaford 7 (SF7) Neighbourhood Character Precinct Policy which is reflective of the emerging character of the area and appropriate landscaping throughout the site including canopy tree planting. As discussed in the report, the tribunal found that the previous proposal with its three storey built form was an acceptable response to the character of the area. This proposal has responded to the matters raised by the tribunal which were primarily amenity based.

- *Overdevelopment of the site*

The intensity and scale of the development is considered to be appropriate infill for the site. The proposal meets the planning requirements of the Frankston Planning Scheme in terms of Clause 55 (ResCode), car parking and garden area.

The dwellings present a well-articulated built form with recessed upper levels, and use a combination of complementary external finishes and neutral colours. A condition of approval will reinforce the requirement for a detailed colour and external materials schedule. The proposal allows for a generous front setback, and is largely setback from all other boundaries. There is opportunity to undertake appropriate landscaping throughout the site including canopy tree planting.

- *Increased traffic and parking*

Council's Traffic Engineer has reviewed the proposal and offers no objection subject to standard conditions included on the approval. The proposal provides an adequate number of car spaces and visitor spaces as required by Clause 52.06 of the Frankston Planning Scheme and Council's Multi Dwelling Visitor Car Parking Guidelines.

The residents' concerns are acknowledged, however, the proposed development is not likely to cause traffic generation which is beyond the capacity of the road network or other related amenity impacts. Furthermore, Department of Transport's requirements to widen the entrance into the development will assist to ensure that safe egress and ingress from the site can be achieved.

- *Loss of amenity*

Loss of amenity as a result of overshadowing, overlooking and noise are a concern raised by some objectors. These matters are considered in the ResCode assessment (Clause 55) and where identified have merit, are to be resolved through conditional requirements.

- *Loss of property values*

The loss of property values do not hold planning merit and is something which has been dismissed by the Victorian Civil and Administrative Tribunal in the past.

11.3 Planning application 432/2019/P - 159 Nepean Highway Seaford - To construct ten (10) apartments in a three storey building, to construct a building over 7.0 metres in height in a Design and Development Overlay Schedule 6 (DDO6) and to create and alter access to a Road in a Road Zone Category 1

Officers' Assessment

Conclusion

The proposal is considered to be consistent with the State and Local Planning Policy Frameworks including Council's strategic directions as they relate to housing in the municipality.

The design of the development provides for an alternative housing form and style which is considered to add to the mix of housing in the area. The design of the development has been modified by amending plans with a view of addressing objectors concerns.

It is considered the proposal is respectful of the existing local character of the area and can be supported.

It is recommended that the proposal be supported and a Notice of Decision to Grant a Planning Permit be issued.

Recommendation (Director Community Development)

That the VCAT and parties to this application be advised that should an application for review not have been lodged under S79 of the Planning and Environment Act 1987 at the Victorian Civil and Administrative Tribunal, Council would have issued a Notice of Decision to Grant a Planning Permit to construct ten (10) apartments in a three storey building, to construct a building over 7.0 metres in height in a Design and Development Overlay Schedule 6 (DDO6) and to create and alter access to a Road in a Road Zone Category 1, subject to the following conditions:

Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application but modified to show:

   (a) The setback of apartment 11 to the south boundary increased so that no part of the floor overhangs the balcony of apartment 6.

   (b) Provision of a north facing window to the living room of apartments 1 and 8 and any screening if required.

   (c) Deletion of east facing screening of balconies to apartments 4, 5 and 9.

   (d) Screening with a maximum transparency of 25% to a height of 1.7 metres on the south side of the balconies to Dwellings 5 and 9.

   (e) All trees growing on the site and on the adjoining properties within 3m of the boundaries must be clearly illustrated on all relevant plans and in accordance with the Arboricultural Assessment and Construction Impact Assessment Report prepared by DB Horticulture September 2019 to demonstrate canopy width, trunk location and clearly state whether the tree is to be retained or removed.

   (f) Tree Protection Zones, Structural Root Zones and tree protection fencing for all trees to be retained on all relevant plans.

   (g) Tree protection conditions noted on all relevant plans in accordance with Condition 5.

(h) Materials, finishes and colours schedule in accordance with Condition 4.

(i) Landscape plan in accordance with Condition 6

(j) A Stormwater Management Strategy detailing all proposed stormwater quality works within the development and drainage outfall from the development to existing SEP at 6 Beckwith Grove site frontage in accordance with Condition 7.

(k) Any changes as required by Department of Transport and Condition 20.

No Alterations

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

Prior to Occupation

3. 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.

Materials, finishes and colour schedule

4. Prior to the commencement of building and works, a colour and materials schedule 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. Increased use of lighter colours and materials that are more reflective and sympathetic of the coastal and creek environs should be utilised**.** When approved, the schedule will form part of the permit.

Tree Protection

5. Before the development starts, including vegetation removal, tree protection for Trees 1, 2, 3, G4 and 5 must be carried out in accordance with the following sections of the Arboricultural Assessment and Construction Impact Assessment Report prepared by DB Horticulture September 2019:

- Section 10 – Construction Impact Assessment (page 12).
- Section 11 – Tree Protection Requirements (pages 12 – 13).
- Section 13 – Tree Protection Plan (page 16).

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

Landscaping

6. Before the commencement of buildings and works, a landscape plan in accordance with the submitted development plan, prepared by a suitably qualified landscape professional must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:

a) Any modifications as a result of VicRoads requirements.

b) A survey (including botanical names) of all existing vegetation on the site and those located within three (3) metres of the boundary of the site on adjoining properties, accurately illustrated to represent canopy width and labelled with botanical name, height and whether the tree is proposed to be retained and/or removed.

b) The tree number, T.P.Z., S.R.Z. and notations regarding protection methods during construction of retained trees.

c) Buildings on neighbouring properties within three metres of the boundary.

d) The delineation and details of surface finishes of all garden beds, grassed areas, pathways, driveways, retaining walls and other landscape works including areas of cut and fill throughout the development site.

e) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant.

f) A range of plant types from ground covers to large shrubs and trees.

g) Landscaping and planting within all open areas of the site.

h) Adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals).

i) A planting theme of a minimum 20% indigenous and 40% native within each plant group.

j) All existing environmental weed species are to be removed from the site and environmental and noxious weeds found in the 'Sustainable Gardening in Frankston City' (2015) booklet are not to be planted.

k) Canopy trees (minimum two metres tall when planted) in the following areas:

(i) Two (2) within the front setback with a minimum height of 9.0 metres.

(ii) Five (5) along each side boundary and along the rear boundary (fifteen (15) trees total) with a minimum height of 7.0 metres.

l) The provision of notes on the landscape plan regarding site preparation, including in-ground irrigation system to be provided to all landscaped areas, removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.

m) All tree stock used must be in accordance with AS2303-2015 Tree stock for Landscape Use.

Drainage

7. Prior to commencement of development construction detailed design plans and drainage computations of the internal stormwater drainage system including the method of connection to the existing Council drainage infrastructure are to be submitted and approved to the satisfaction of the Responsible Authority.

8. Stormwater Drainage Outfall is to be constructed to the satisfaction of the responsible authority.

9. 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.

    Water Quality works within the development must be provided to achieve compliance with the above best practice standards to the satisfaction of the Responsible Authority.

10. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:

    - On-site stormwater detention and rainwater tanks.
    - Soil percolation.
    - Stormwater harvesting and Re-use of stormwater for garden watering, toilet flushing, etc.
    - On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.

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

12. Existing vehicle crossing shall be removed and reconstructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.

13. Prior to occupation of the dwellings hereby permitted by this permit starts, areas set aside for parking vehicles, loading bays, access lanes and paths as shown on the endorsed plans must be:

    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.
    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.

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

14. 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

15. Prior to the commencement of buildings and works, an amended Waste Management Plan in accordance with Council's Waste Management Guidelines, May 2017 must be submitted to the satisfaction of the Responsible Authority and be approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit.

16. All waste generated by the development must be collected by a Private Waste Management Agency to the satisfaction of the responsible authority.

Construction Management Plan

17. 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 acid sulphate soils, vegetation protection, fauna protection, runoff, erosion, dust, litter, noise and light.
    d. Location and specifications of fencing for the protection of trees and/or vegetation as required by the permit.
    e. Proposed drainage lines and flow control measures.
    f. Location of all stockpiles and storage of building materials.
    g. Location of parking for site workers and any temporary buildings or facilities.
    h. Details to demonstrate compliance with relevant EPA guidelines.
    i. Target of recycling and re-using a minimum of 80% of construction and demolition waste by weight.
    j. Hours during which construction activity will take place.

Urban Design

18. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.

19. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

Department of Transport Requirements

20. Prior to the commencement of the development, amended plans must be submitted to VicRoads for approval. Once approved, the plans may be endorsed by the responsible authority and will then become part of the permit. The amended plans shall be generally in accordance with Design Response- Ground Floor Plan Drg No.PA 16022-TP3(2) but modified to show:

    - A crossover that is at least 6.1 metres wide at the property boundary and with the edges of the crossover angled at 60 degrees to the road reserve boundary, at least for the first 3 metres from the edge of the road with 3.0 metre radial turnouts.

21. Prior to the commencement of the use or occupation of the development, all disused or redundant vehicle crossings must be removed, and the area reinstated to the satisfaction of the Responsible Authority (RA) and at no cost to Head, Transport for Victoria.

22. Prior to the occupation of the development a sealed crossover and accessway must be constructed to the satisfaction of the responsible authority and at no cost to Head, Transport for Victoria.

23. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 2017 and any other relevant acts or regulations created under those Acts.

Satisfactorily Completed

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

Permit Expiry

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

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

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

Notes

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

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

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

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

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

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

Town Planning Application 432/2019/P – 159 Nepean Hwy Seaford
Subject Site



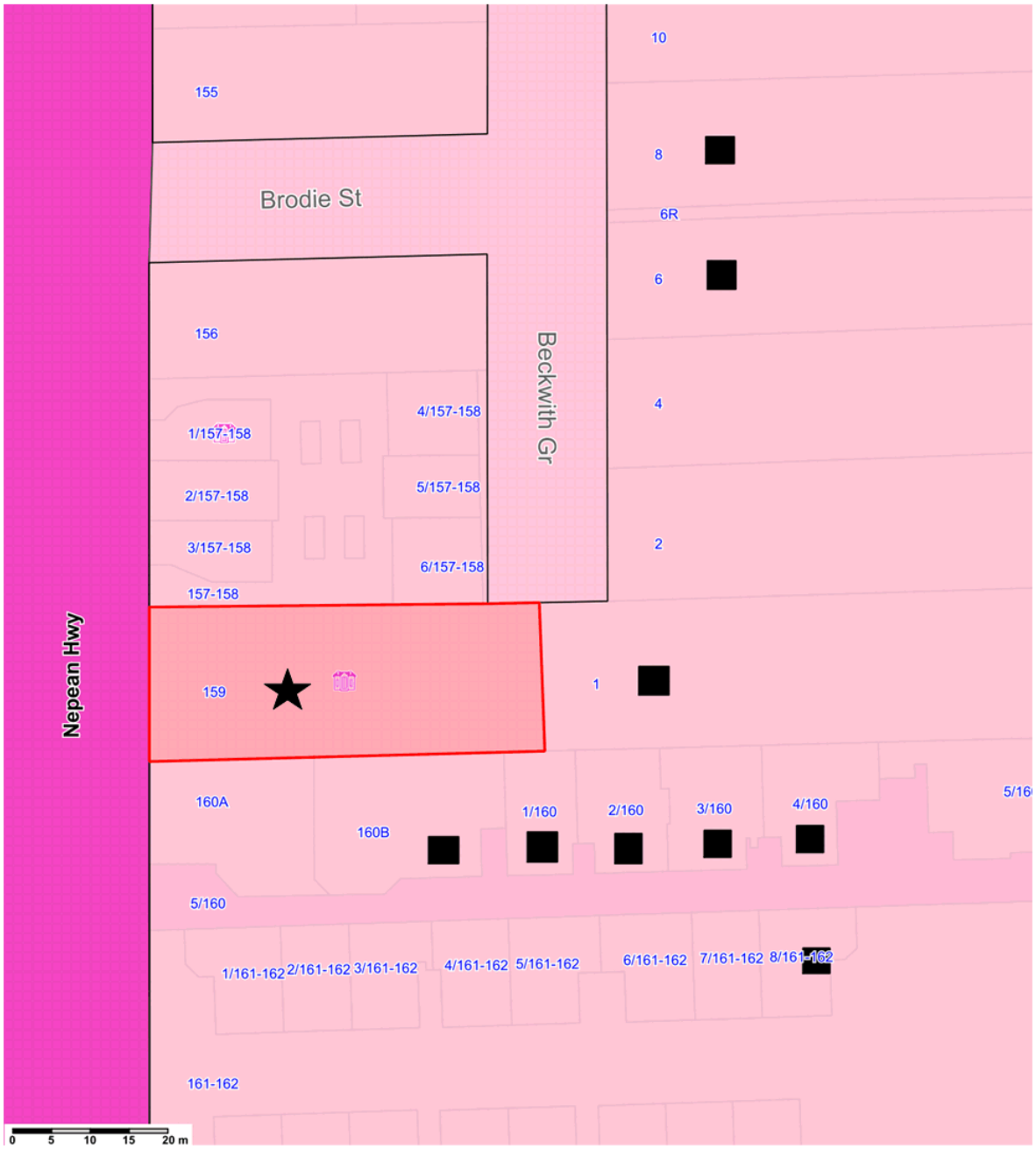
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Issued by: Leah Horne

N

Frankston City

Town Planning Application 432/2019/P – 159 Nepean Hwy Seaford
Subject Site ★ **Objection (not all shown)** ■



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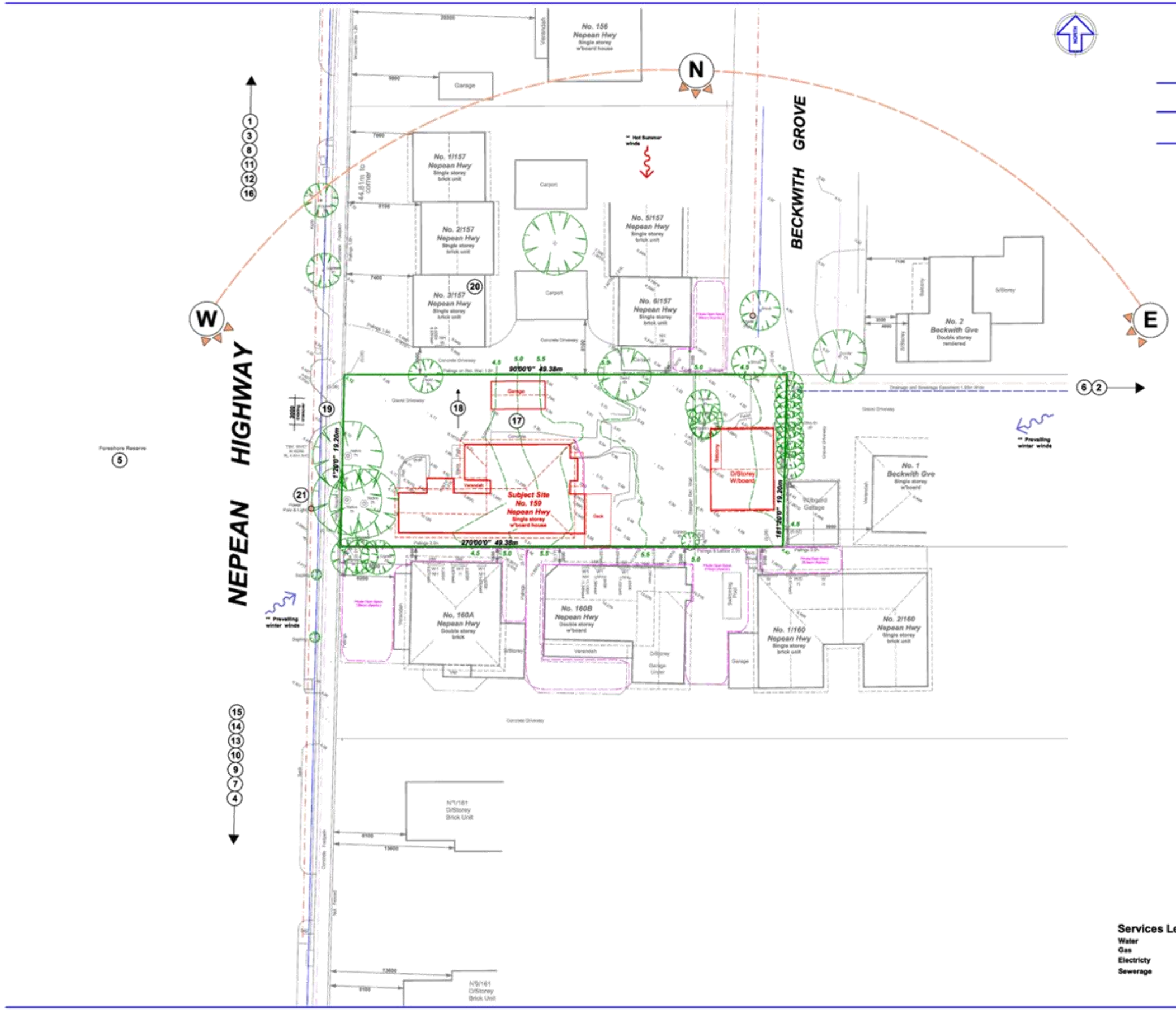
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Frankston City

159 Nepean Hwy, Seaford

Proposed 10 Apt. Development

Site Description Plan



Site Context Legend -

The Locality :-

1. Approx. within 400m from Seaford shopping strip

Public Transport :-

2. Bus service in Railway Pde 200m East.
3. Seaford train station 350m North East.
4. Seaford Rd connection 1.1Km East. Provides access to Frankston Fwy & Eastlink.

Public Open Space :-

5. Port Phillip Bay Foreshore Reserve 50m West.
6. Seaford Reserve 100m East.
7. R.F Miles Reserve 300m South.

Shops :-

8. Seaford Shopping Strip 400m North of site.
9. Woolworths 200m South.
10. Frankston Central 3.8Km South of site.

Schools :-

11. Kindergarten 400m North/East of site, along Railway Pde.
12. Seaford primary school 500m North/East.
13. Monterey Secondary College 2.7Km South.

Public Buildings :-

14. Frankston Hospital 4.6Km South of site.
15. Frankston Library 4.6Km South of site.
16. Seaford Community Centre 500m North.

General :-

17. The subject site is predominantly flat from fron tto back with a raised section of approximately 1.2m central to the site.
18. North orientation to the side of the site.
19. Existing crossover to the North/West corner of the site.
20. Existing unit development to the adjacent subject site to the North.
21. Some street front assets are located within nature strip which should be noted.

Services Legend

Water
Gas
Electricity
Sewerage

Drg No. PA 16022 - TP1(2)

Project :
3 Storey - 10 Apt. Development

Proprietor :
Scott Giannuzzi

Job Location :
159 Nepean Hwy, Seaford

Drawn By. : J.A.G, A.G *Date :* 23/09/19
Mel. Ref. : 99 D4 *Job No. :* 16022
Sheet No. : 1 OF 6(2) *Scale. :* 1:200

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ADVERTISED PLAN
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159 Nepean Hwy, Seaford

Proposed 10 Apt. Development

Design Response Site/Roof Plan

NEPEAN HIGHWAY

BECKWITH GROVE

Subject Site
No. 159 Nepean Hwy
Proposed three storey Apt. building

No. 3/157 Nepean Hwy
Single storey brick unit

No. 6/157 Nepean Hwy
Single storey brick unit

No. 160A Nepean Hwy
Double storey brick

No. 160B Nepean Hwy
Double storey w'board

No. 1/160 Nepean Hwy
Single storey brick unit

No. 2/160 Nepean Hwy
Single storey brick unit

No. 1 Beckwith Gve
Single storey w'board

Carport
Concrete Driveway
Gravel Driveway
Verandah
Garage
W/board Garage
Garage Under
Swimming Pool
S/Storey
D/Storey
Paings 1.6h
Paings 2.0h
Proposed 2m high paling fence
Drainage and Sewerage Easement 1.83m Wide
Existing crossover shown dashed to be removed
Existing power pole re-located at owners cost
Private Open Space 126sqm (Approx.)
Private Open Space 210sqm (Approx.)
Private Open Space 28.3sqm (Approx.)
Lift overrun & A/C condensers for Level 2 apartments within enclosure

160A Nepean Hwy	Area of Secluded Private Open Space	sqm of existing shadow of SPOS	% of existing shadow of SPOS	sqm of additional proposed shadow	% of additional proposed shadow
9am	126sqm	88.8sqm	68.6%	13.1sq	10.3%
10am		43.7sqm	34.6%	4.3sqm	3.4%
11am		29.4sqm	23.3%	0.8sqm	0.6%
12pm		28.3sqm	22.4%	0sqm	0%
1pm		30.3sqm	23.9%	0sqm	0%
2pm		29.1sqm	23.0%	0sqm	0%
3pm		20.3sqm	16.1%	0sqm	0%

160B Nepean Hwy	Area of Secluded Private Open Space	sqm of existing shadow of SPOS	% of existing shadow of SPOS	sqm of additional proposed shadow	% of additional proposed shadow
9am	210sqm	150.1sqm	71.4%	0.5sqm	0.2%
10am		98.7sqm	47.4%	4.7sqm	2.0%
11am		78.6sqm	37.4%	3.3sqm	1.6%
12pm		60.1sqm	28.6%	1.6sqm	0.7%
1pm		96.1sqm	45.7%	0sqm	0%
2pm		102sqm	48.7%	0sqm	0%
3pm		112.6sqm	53.6%	0sqm	0%

1/160 Nepean Hwy	Area of Secluded Private Open Space	sqm of existing shadow of SPOS	% of existing shadow of SPOS	sqm of additional proposed shadow	% of additional proposed shadow
9am	28.3sqm	28.3sqm	100%	0sqm	0%
10am		22.8sqm	80.6%	0sqm	0%
11am		21.3sqm	75.2%	0sqm	0%
12pm		20.3sqm	71.7%	0sqm	0%
1pm		15.3sqm	54.0%	0sqm	0%
2pm		11sqm	38.8%	0sqm	0%
3pm		6.4sqm	22.6%	0sqm	0%

Note:
Secluded Private Open Space & depiction of adjoining property details depicted from Land Survey & aerial satellite imagery. Some variations may exist.
Existing shadow areas & percentages calculated as accurately as practically possible based on the available information. Existing shadows calculated include existing adjoining properties, fencelines & features

Existing trees to be removed | Existing trees to remain | Proposed trees, plants schematic only

Proposed landscape layout shown indicative only. Refer Landscape Designers drawings

Drg No. PA 16022 - TP2(2)

Project :
3 Storey - 10 Apt. Development
Proprietor :
Scott Giannuzzi
Job Location :
159 Nepean Hwy, Seaford
Drawn By : J.A.G, A.G Date : 23/09/19
Met. Ref. : 99 D4 Job No. : 16022
Sheet No. : 2 OF 6(2) Scale. : 1:100

JOHN ANTHONY GAROFALO
BUILDING DESIGN CONSULTANTS
REGISTERED BUILDING PRACTITIONER DP-
23 Nirvana Avenue, Malvern East, 3145
PHONE & FAX : 9573 0991 MOBILE : 0407 351

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ADVERTISED PLAN

159 Nepean Hwy, Seaford

Proposed 10 Apt. Development

Design Response Ground Floor Plan

Site Analysis

Site Area :-	948sqm
Building Area :- (Ground Floor Entry Footprint)	543.7sqm
Site Coverage % :-	57.3 %
Hard surface Area :-	607.7sqm - 64.1%
Permeability Area :-	339.4sqm - 35.8 % (shown shaded green)
No. of Units :-	1 x 3 bed Apartment 8 x 2 bed Apartments 1 x 1 bed Apartment
Density :-	1:94.8sqm
No. of Carspaces :-	13 Total = 1 x car space per 1/2 Bed Apt. 2 x car spaces per 3 Bed Apt. 2 x visitors spaces



Drg No. PA 16022 - TP3(2)

Project :
3 Storey - 10 Apt. Development

Proprietor :
Scott Giannuzzi

Job Location :
159 Nepean Hwy, Seaford

Drawn By. :	J.A.G, A.G	Date :	23/09/19
Mel. Ref. :	99 D4	Job No. :	16022
Sheet No. :	3 OF 6(2)	Scale. :	1:100

JOHN ANTHONY GAROFALO
BUILDING DESIGN CONSULTANT
REGISTERED BUILDING PRACTITIONER DP - 15
23 Nirvana Avenue, Malvern East. 3145
PHONE & FAX : 9573 0901 MOBILE : 0407 351 5

ADVERTISED PLAN
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159 Nepean Hwy, Seaford

Proposed 10 Apt. Development

Design Response
First Floor Plan

NEPEAN HIGHWAY

BECKWITH GROVE



Drg No. PA 16022 - TP4(2)

Project :
3 Storey - 10 Apt. Development

Proprietor :
Scott Giannuzzi

Job Location :
159 Nepean Hwy, Seaford

Drawn By. : J.A.G, A.G Date : 23/09/19
Mel. Ref. : 99 D4 Job No. : 16022
Sheet No. : 4 OF 6(2) Scale. : 1:100

JOHN ANTHONY GAROFALO
BUILDING DESIGN CONSULTANT
REGISTERED BUILDING PRACTITIONER DP-1
23 Nirvana Avenue, Malvern East, 3145
PHONE & FAX : 9572 0661 MOBILE : 0407 351 5

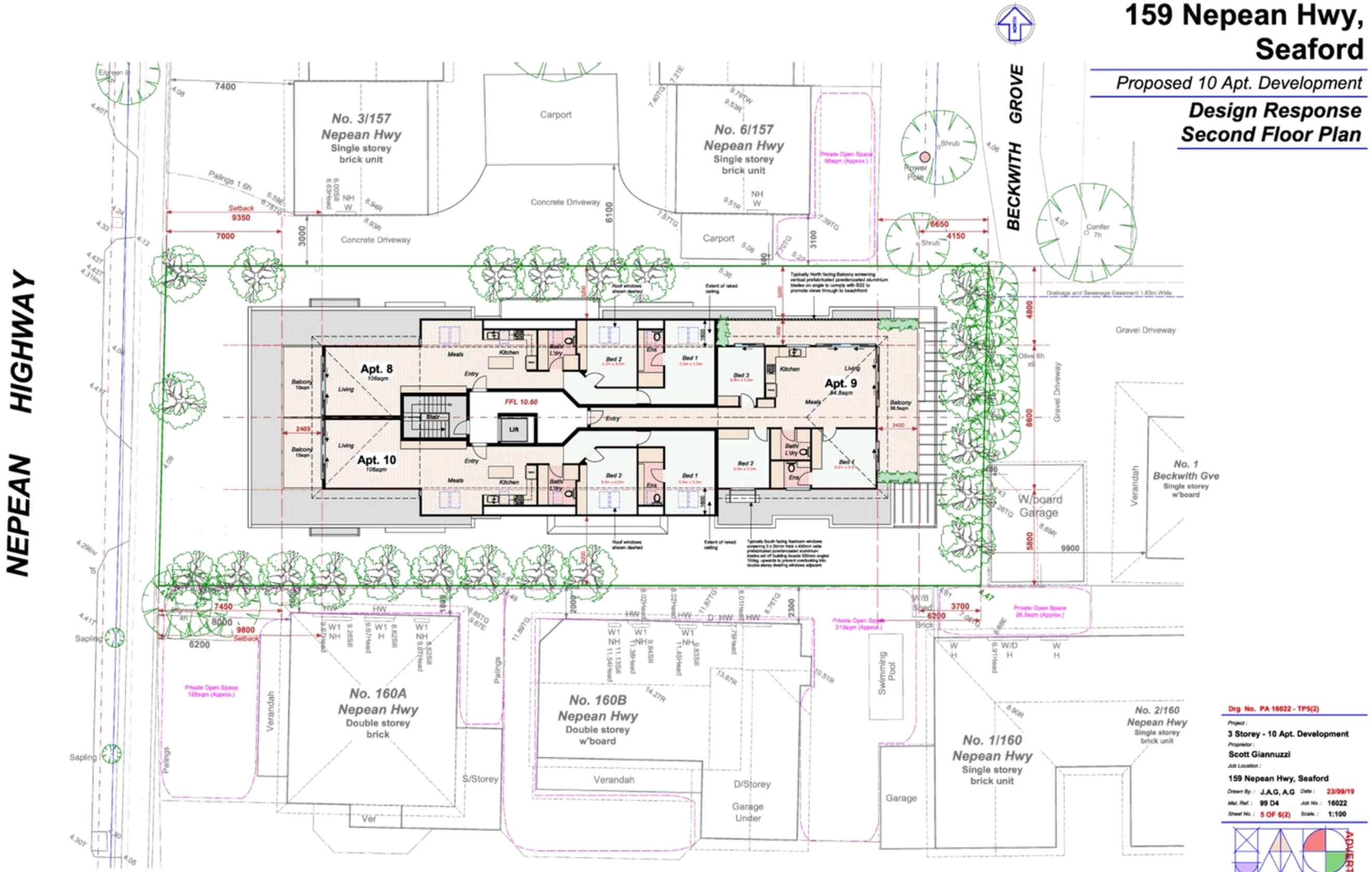
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ADVERTISED PLAN

159 Nepean Hwy, Seaford

Proposed 10 Apt. Development

Design Response
Second Floor Plan



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159 Nepean Hwy, Seaford

Proposed 10 Apt. Development

Streetscape & Elevations

Finishes Schedule

CLADDING

- Acrylic rendered finish to walls/balustrades/fence
- Acrylic rendered finish to walls/balustrades/fence
- Powdercoated aluminium windows & doors
- Acrylic painted finish to steel frames
- Klip-Lok 700 Hi strength walling Colorbond 'Basalt'
- Acrylic rendered finish to walls

BALUSTRADE

- Anodised aluminium framed frosted & clear glass
- Klip-Lok 700 Hi strength roof sheeting Colorbond 'Basalt' behind parapet



West Elevation - *Nepean Hwy Streetscape*

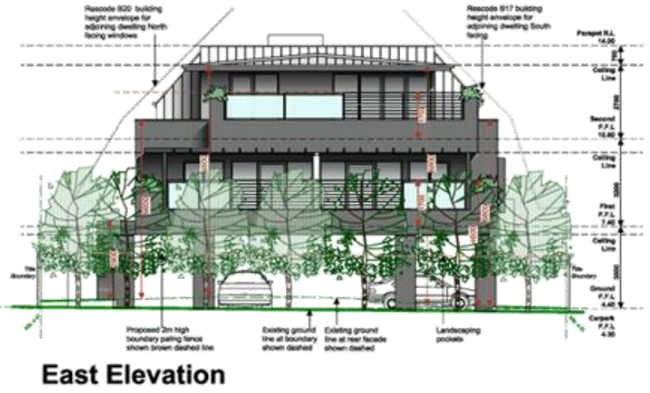
Adjoining Site North
No. 157 Nepean Hwy
Multi-Unit development

Subject Site
No.159 Nepean Hwy

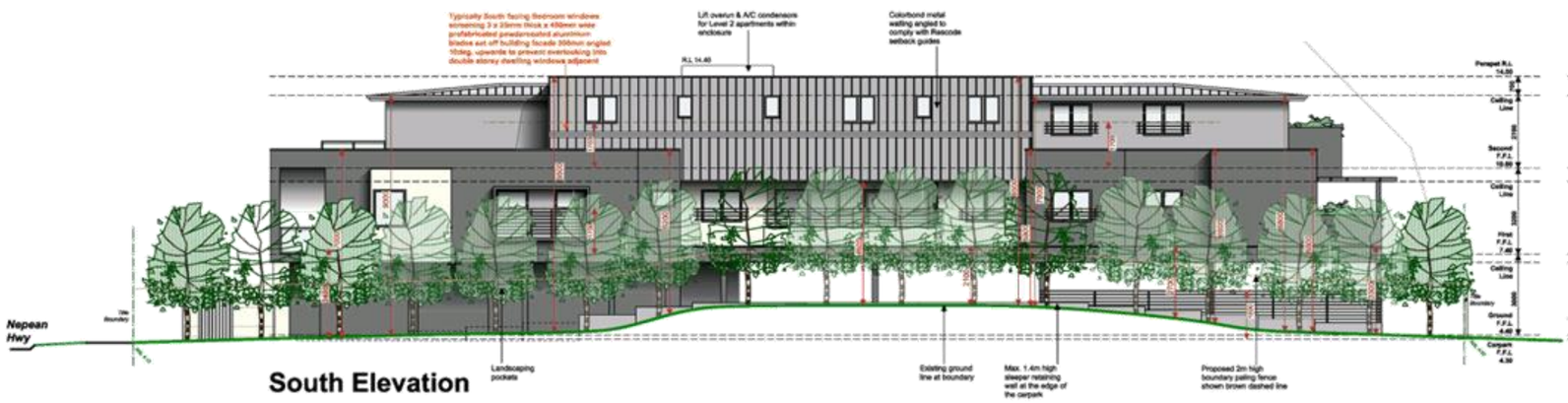
Adjoining Site South
No.168A Nepean Hwy
Multi-Unit Development



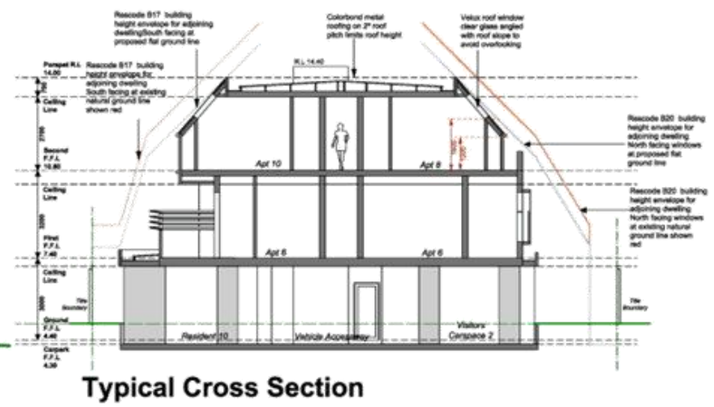
North Elevation



East Elevation



South Elevation



Typical Cross Section

Drg No. PA 16022 - TP6(2)

Project :
3 Storey - 10 Apt. Development
Proprietor :
Scott Giannuzzi
Job Location :
159 Nepean Hwy, Seaford

Drawn By.: J.A.G, A.G *Date :* 13/09/19
Mat. Ref. : 99 D4 *Job No. :* 16022
Sheet No.: 6 OF 6(2) *Scale. :* 1:100

JOHN ANTHONY GAROFALO
BUILDING DESIGN CONSULTANTS
REGISTERED BUILDING PRACTITIONER DP - 1015
23 Nirvana Avenue, Malvern East. 3145
PHONE & FAX : 9572 0601 MOBILE : 0407 351 543

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159 Nepean Hwy, Seaford

Proposed 10 Apt. Development

Streetscape & Elevations

Finishes Schedule

CLADDING

- Acrylic rendered finish to walls/balustrades/fence
- Acrylic rendered finish to walls/balustrades/fence
- Powdercoated aluminium windows & doors
- Acrylic painted finish to steel frames
- Klip-Lok 700 Hi strength walling Colorbond 'Basalt'
- Acrylic rendered finish to walls

BALUSTRADE

- Anodised aluminium framed frosted & clear glass

- Klip-Lok 700 Hi strength roof sheeting Colorbond 'Basalt' behind parapet



West Elevation - *Nepean Hwy Streetscape*

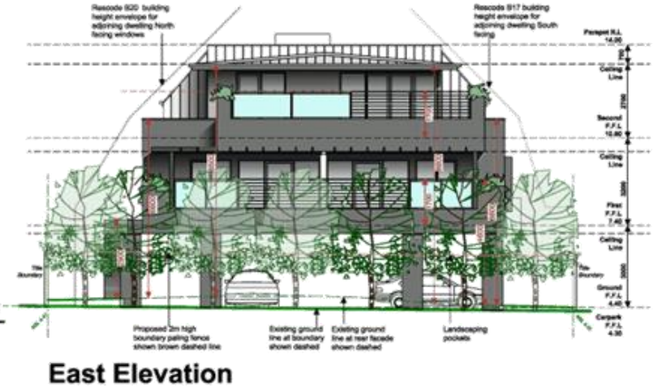
Adjoining Site North
No. 157 Nepean Hwy
Multi-Unit development

Subject Site
No.159 Nepean Hwy

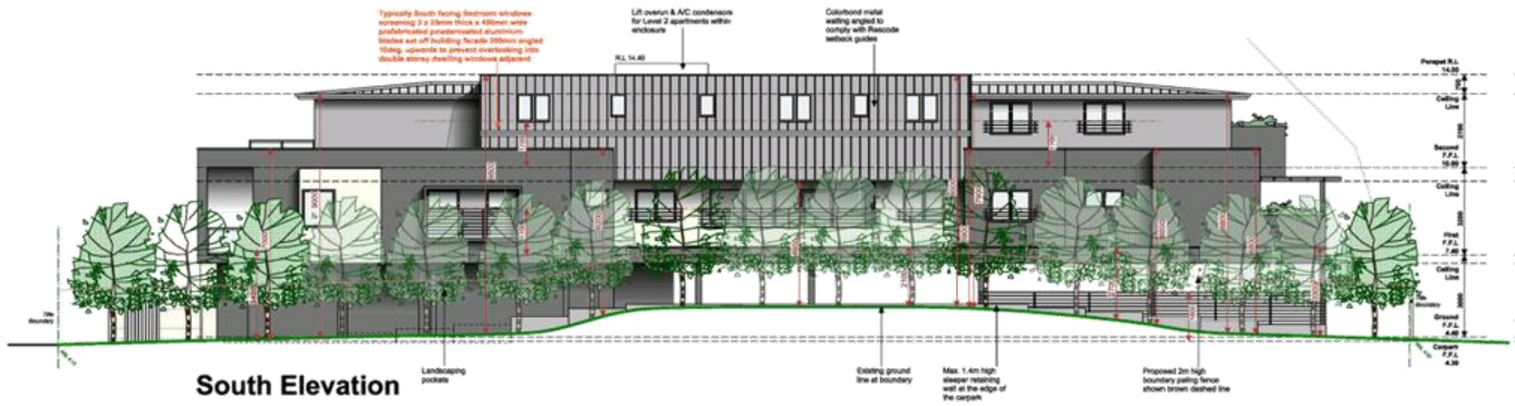
Adjoining Site South
No.158A Nepean Hwy
Multi-Unit Development



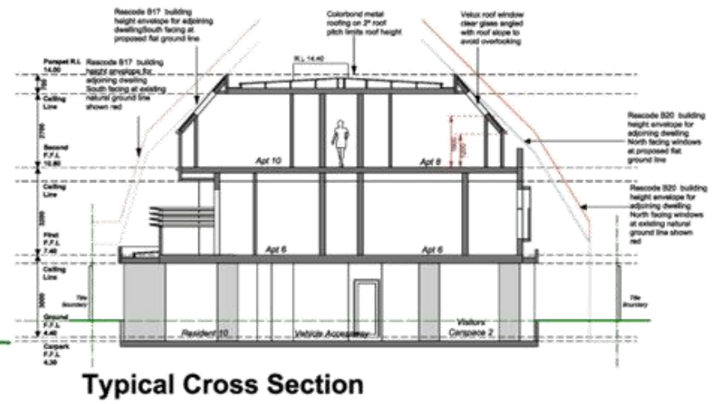
North Elevation



East Elevation



South Elevation



Typical Cross Section

Drg No. PA 16022 - TP6(2)

Project :
3 Storey - 10 Apt. Development

Proprietor :
Scott Giannuzzi

Job Location :
159 Nepean Hwy, Seaford

Drawn By.: J.A.G, A.G *Date :* 23/09/19
Mat. Ref. : 99 D4 *Job No. :* 16022
Sheet No.: 6 OF 6(2) *Scale. :* 1:100

JOHN ANTHONY GAROFALO
BUILDING DESIGN CONSULTANTS
REGISTERED BUILDING PRACTITIONER DP - 1015
23 Nirvana Avenue, Malvern East. 3145
PHONE & FAX : 9573 0601 MOBILE : 0407 351 543

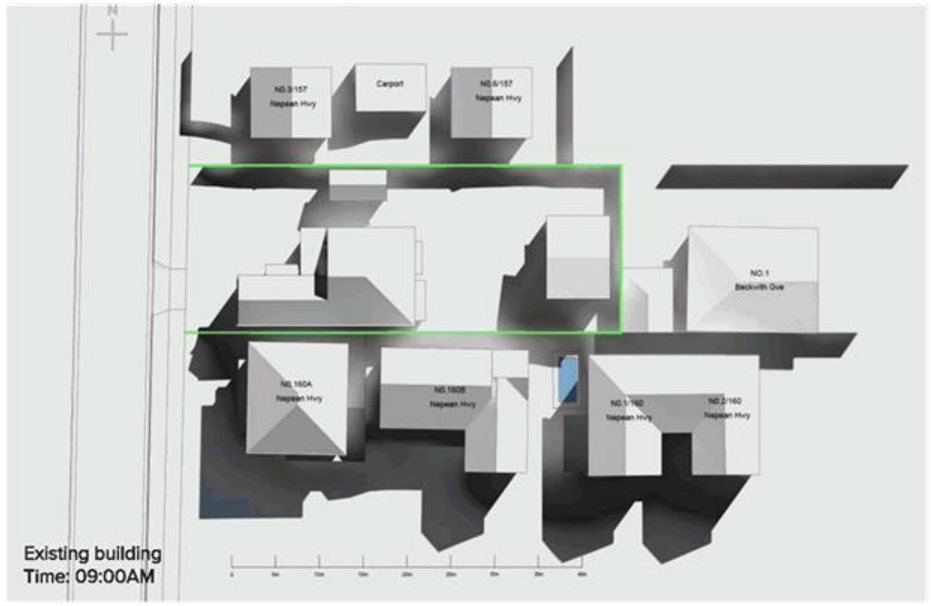
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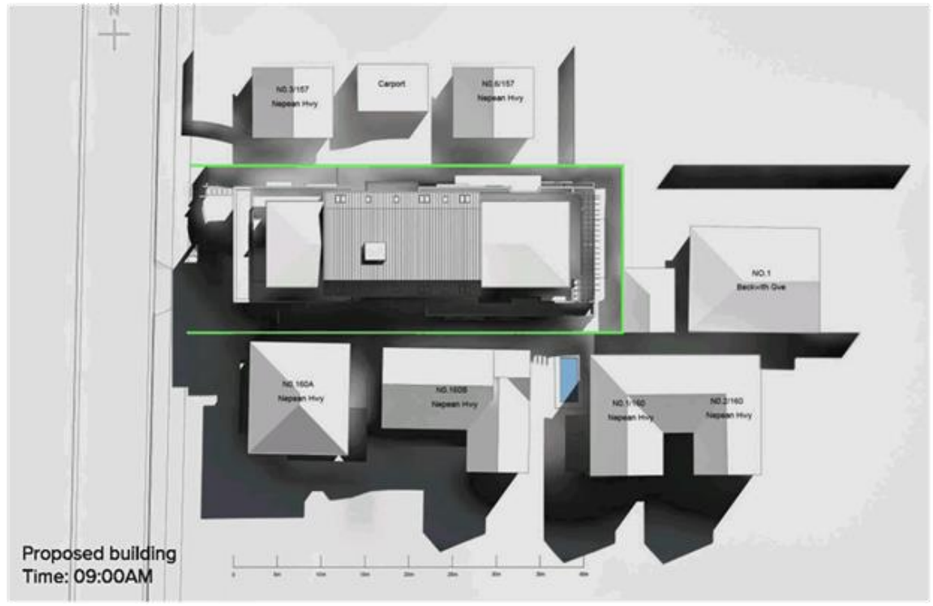
SHADOW DIAGRAMS OF EXISTING AND PROPOSED BUILDING AT 159 NEPEAN HIGHWAY, SEAFORD (PAGE 1 OF 7)

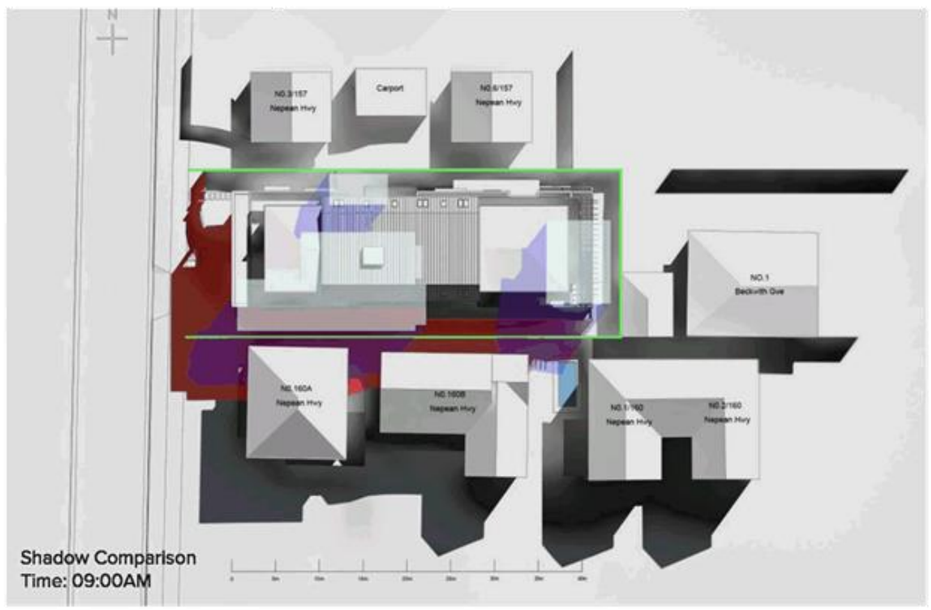
ADVERTISED PLAN

PRODUCTION INFORMATION

Latitude: -38.107858
Longitude: 145.125984
Date in consideration: 22nd September (Equiniox)
Software used: Autodesk 3D Max







Site Boundary

Shadow from Existing Building

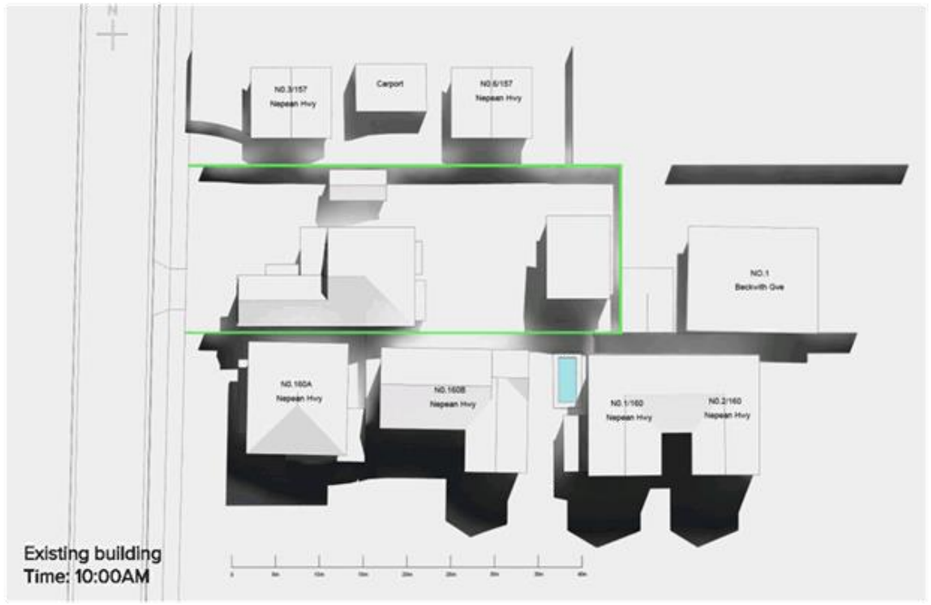
Shadow from Proposed Building

SHADOW DIAGRAMS OF EXISTING AND PROPOSED BUILDING AT 159 NEPEAN HIGHWAY, SEAFORD (PAGE 2 OF 7)

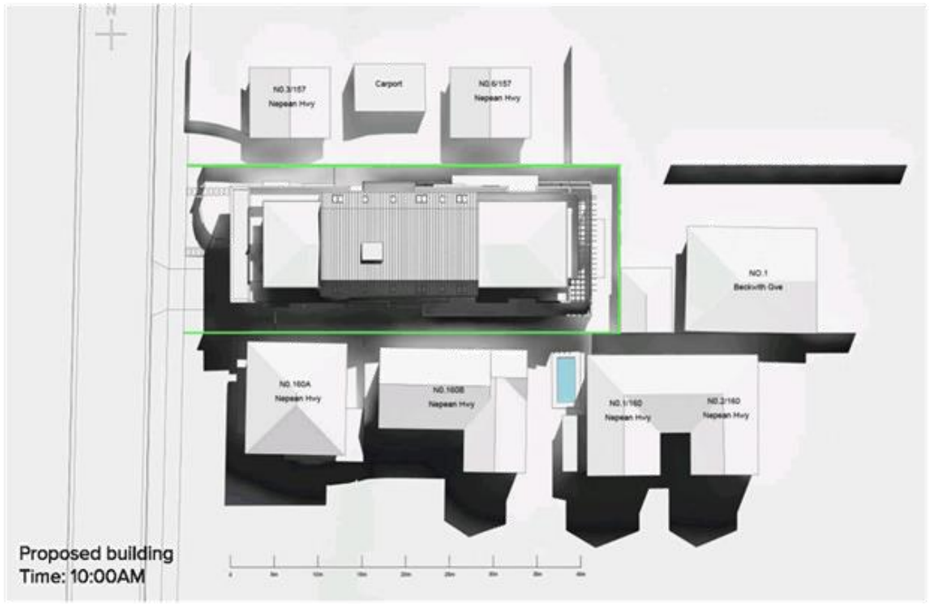
ADVERTISED PLAN

PRODUCTION INFORMATION

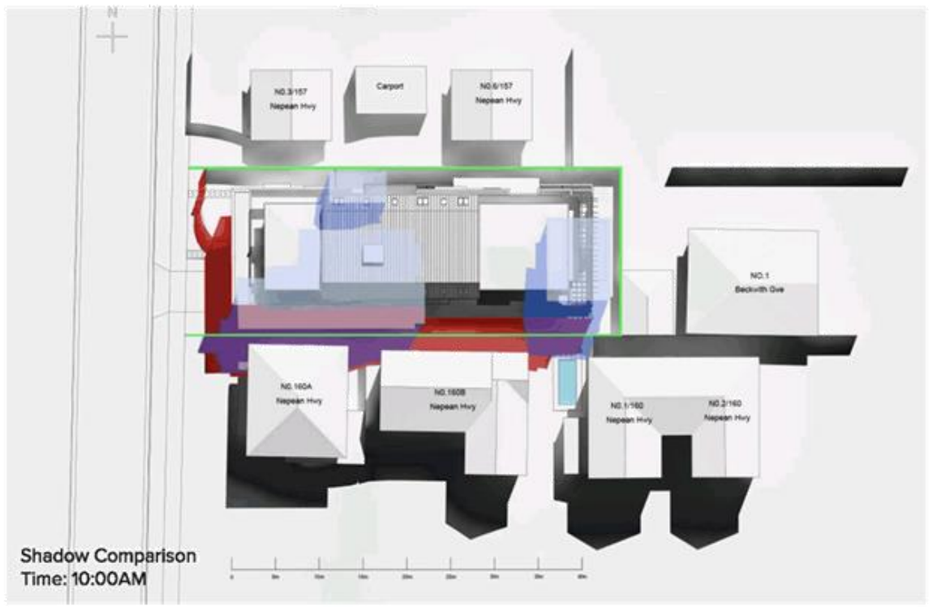
Latitude: -38.107858
Longitude: 145.125984
Date in consideration: 22nd September (Equiniox)
Software used: Autodesk 3D Max



Existing building
Time: 10:00AM



Proposed building
Time: 10:00AM



Shadow Comparison
Time: 10:00AM

Site Boundary

Shadow from Existing Building

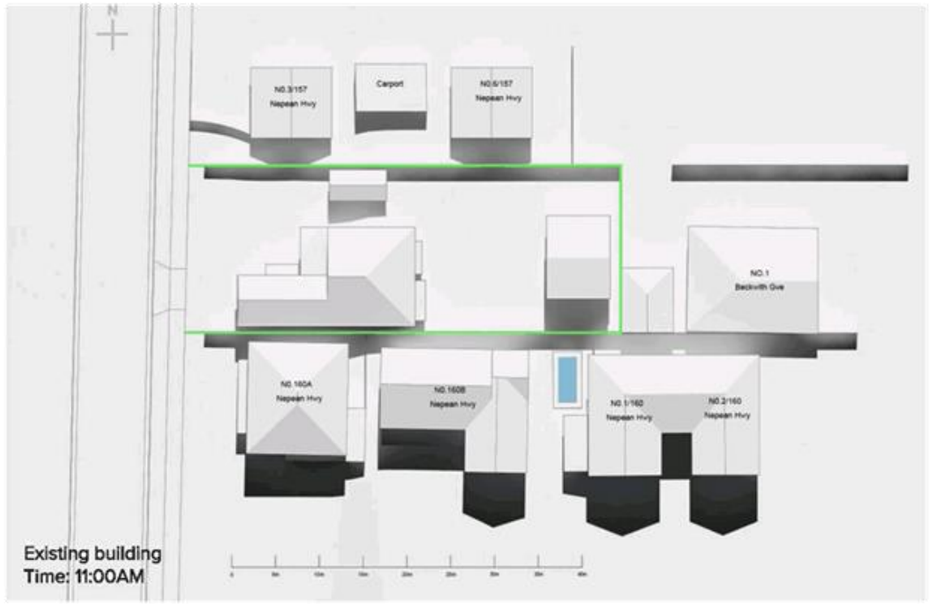
Shadow from Proposed Building

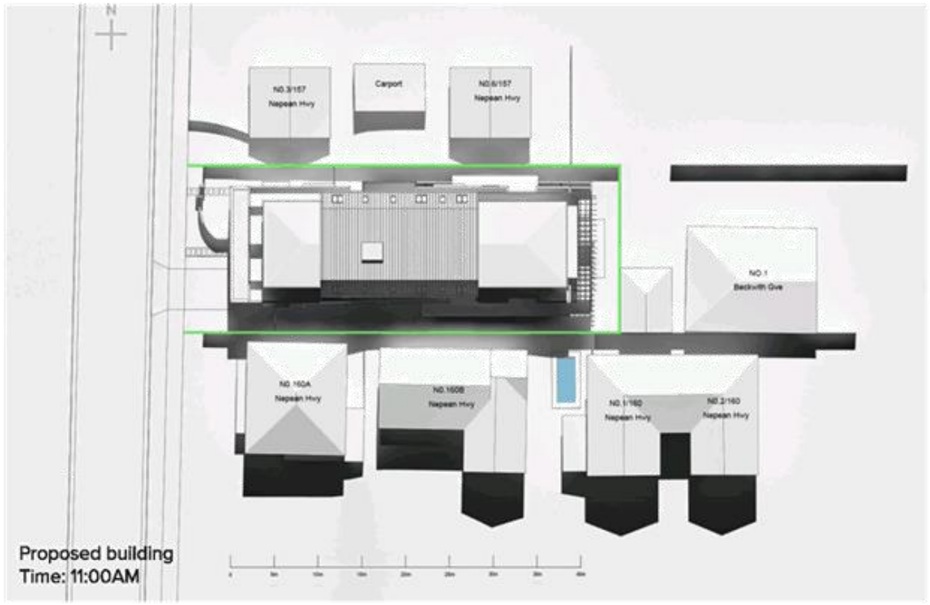
SHADOW DIAGRAMS OF EXISTING AND PROPOSED BUILDING AT 159 NEPEAN HIGHWAY, SEAFORD (PAGE 3 OF 7)

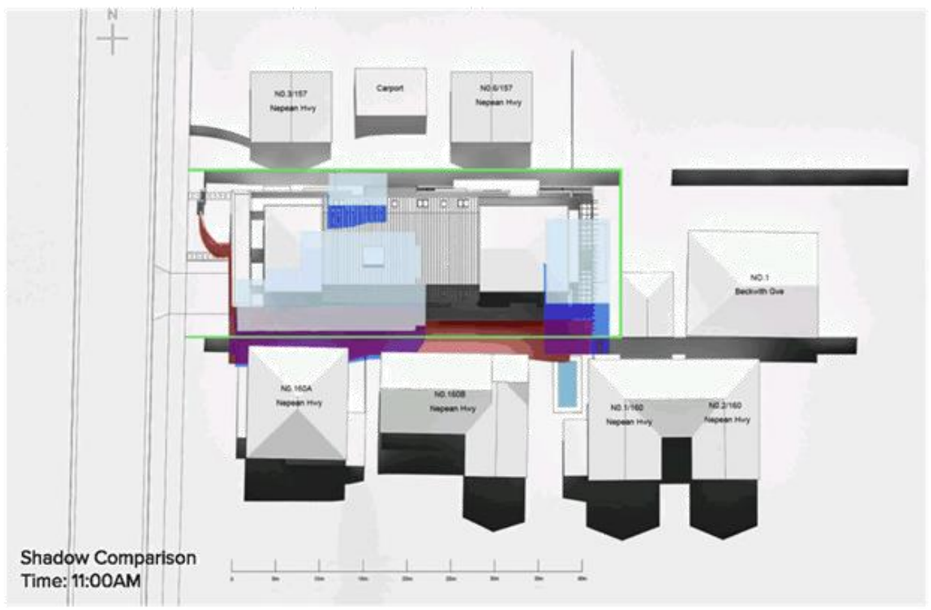
ADVERTISED PLAN

PRODUCTION INFORMATION

Latitude: -38.107858
Longitude: 145.125984
Date in consideration: 22nd September (Equiniox)
Software used: Autodesk 3D Max







Site Boundary

Shadow from Existing Building

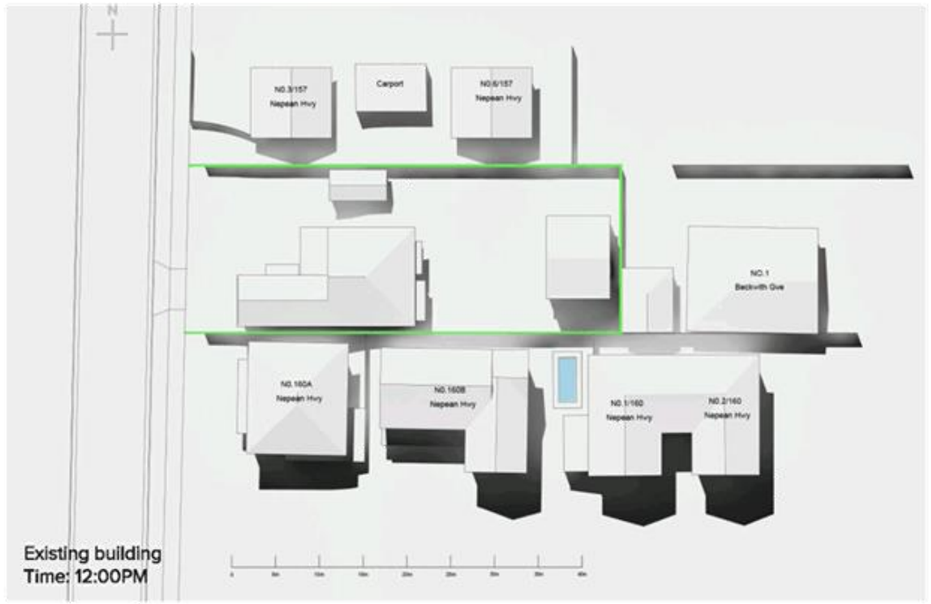
Shadow from Proposed Building

SHADOW DIAGRAMS OF EXISTING AND PROPOSED BUILDING AT 159 NEPEAN HIGHWAY, SEAFORD (PAGE 4 OF 7)

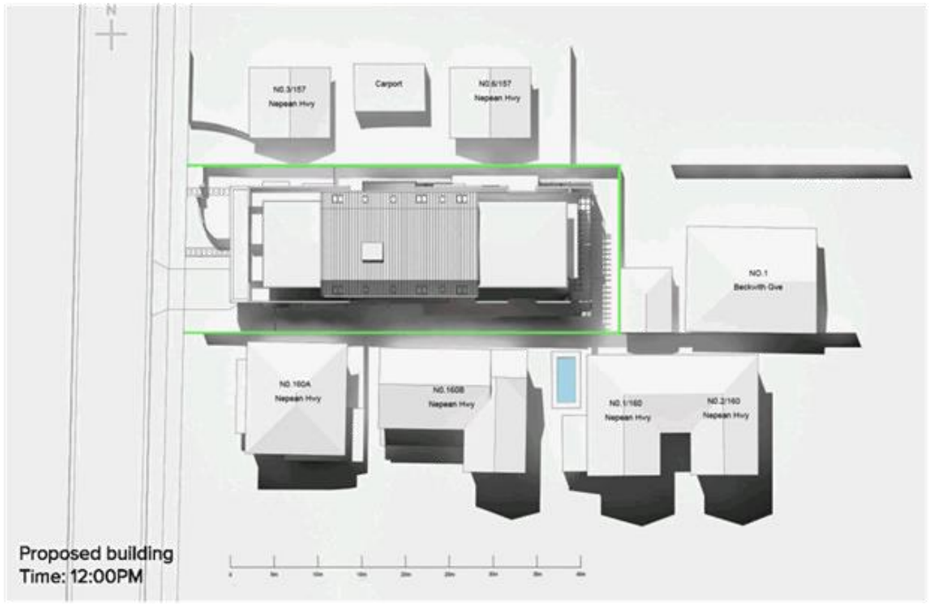
ADVERTISED PLAN

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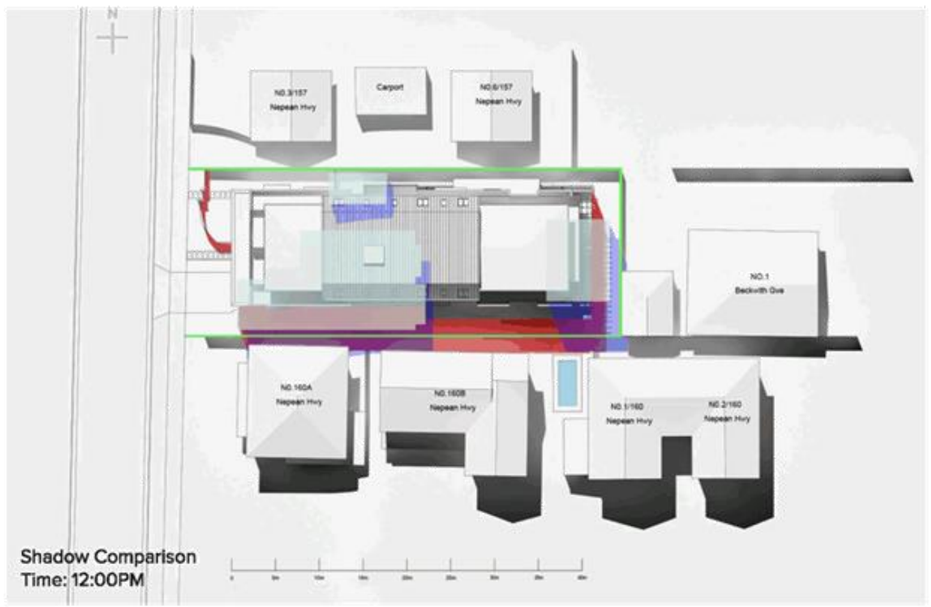
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Longitude: 145.125984
Date in consideration: 22nd September (Equiniox)
Software used: Autodesk 3D Max



Existing building
Time: 12:00PM



Proposed building
Time: 12:00PM



Shadow Comparison
Time: 12:00PM

Site Boundary

Shadow from Existing Building

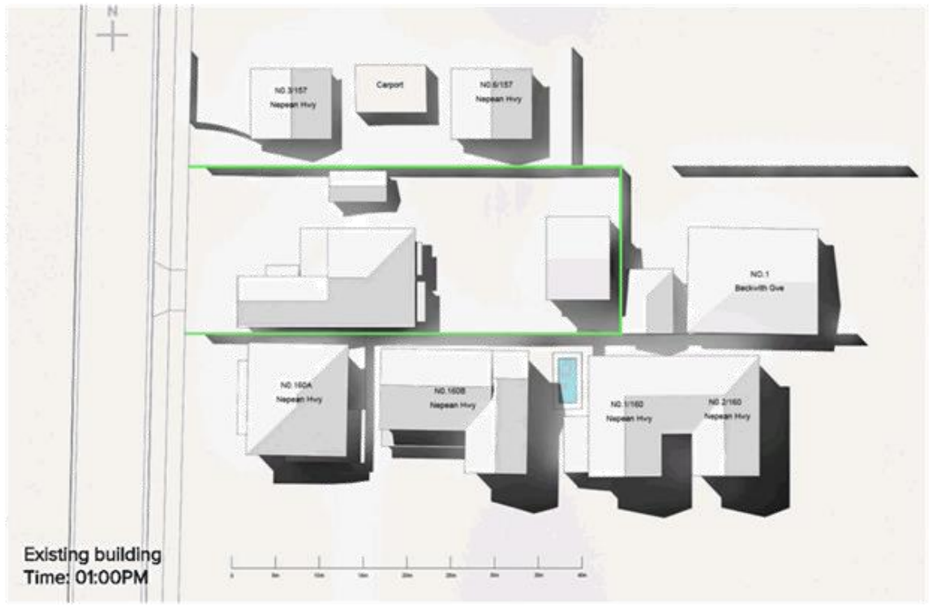
Shadow from Proposed Building

SHADOW DIAGRAMS OF EXISTING AND PROPOSED BUILDING AT 159 NEPEAN HIGHWAY, SEAFORD (PAGE 5 OF 7)

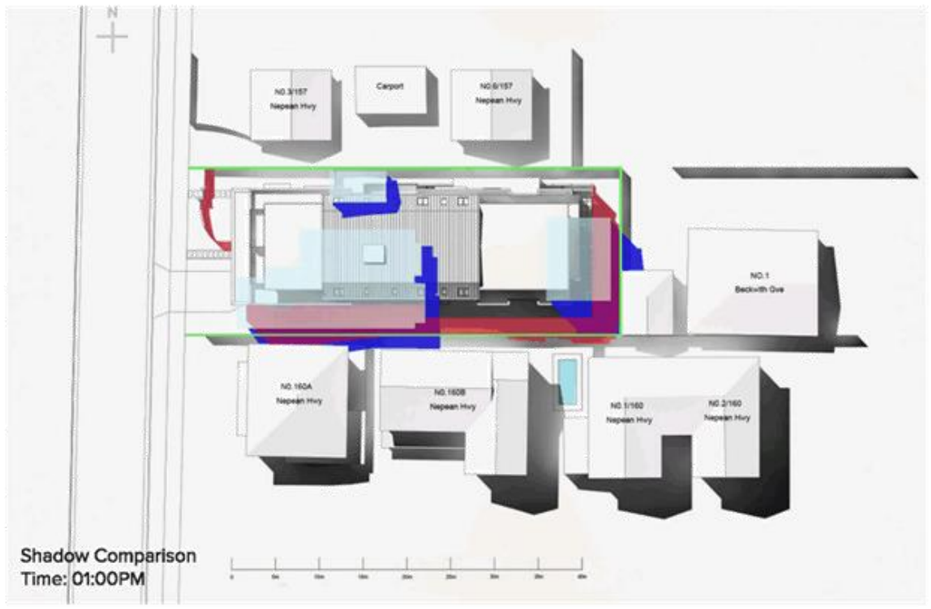
ADVERTISED PLAN

PRODUCTION INFORMATION

Latitude: -38.107858
Longitude: 145.125984
Date in consideration: 22nd September (Equiniox)
Software used: Autodesk 3D Max







Site Boundary

Shadow from Existing Building

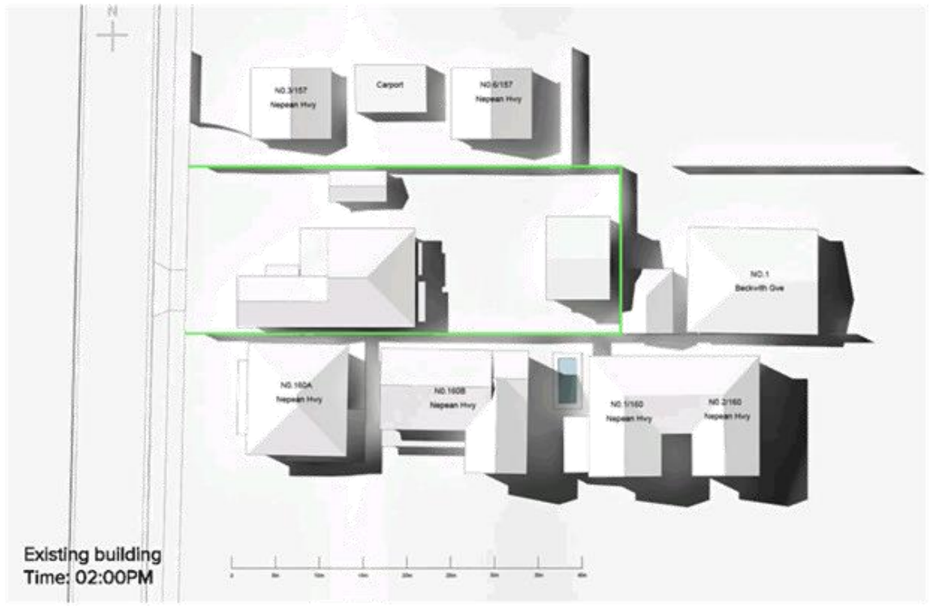
Shadow from Proposed Building

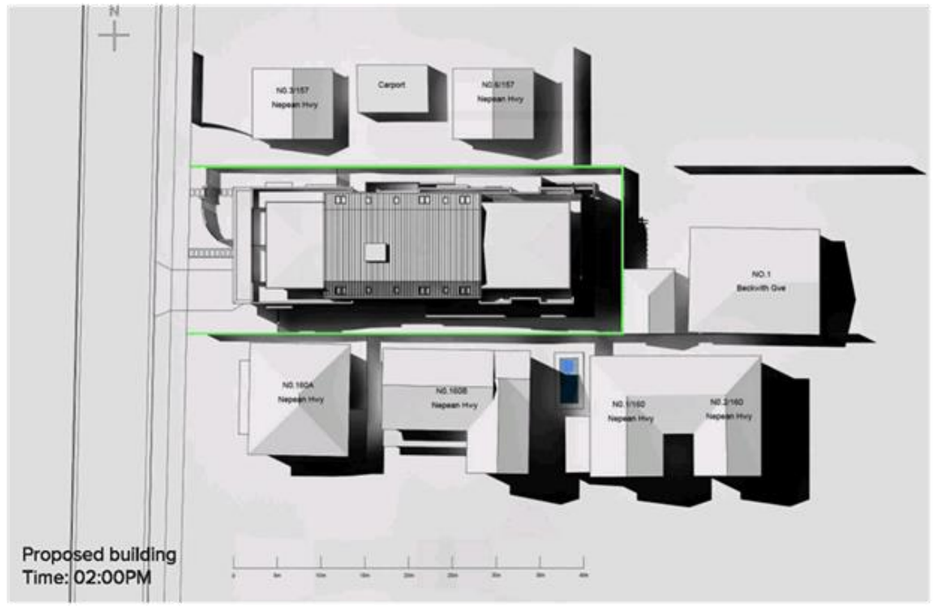
SHADOW DIAGRAMS OF EXISTING AND PROPOSED BUILDING AT 159 NEPEAN HIGHWAY, SEAFORD (PAGE 6 OF 7)

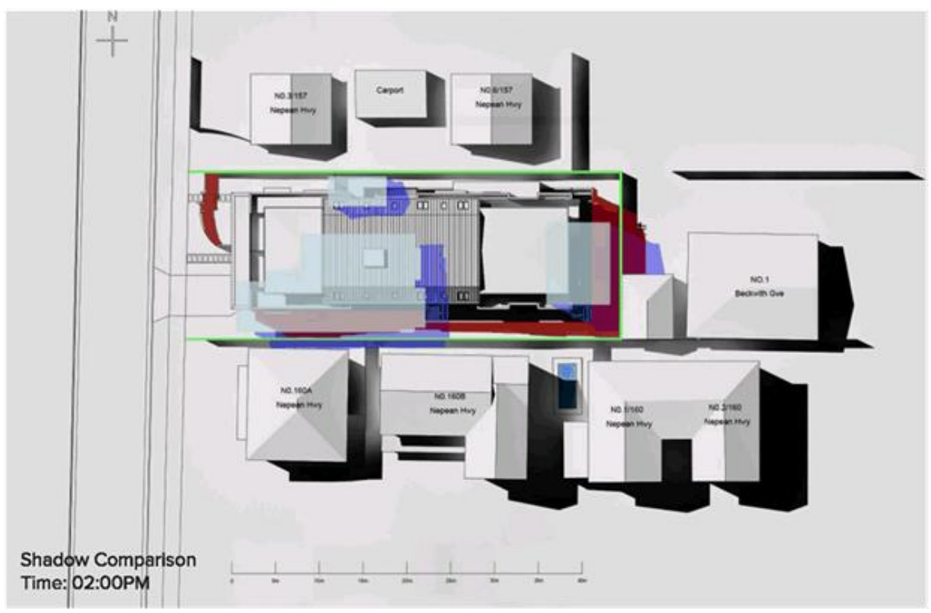
ADVERTISED PLAN

PRODUCTION INFORMATION

Latitude: -38.107858
Longitude: 145.125984
Date in consideration: 22nd September (Equiniox)
Software used: Autodesk 3D Max







Site Boundary

Shadow from Existing Building

Shadow from Proposed Building

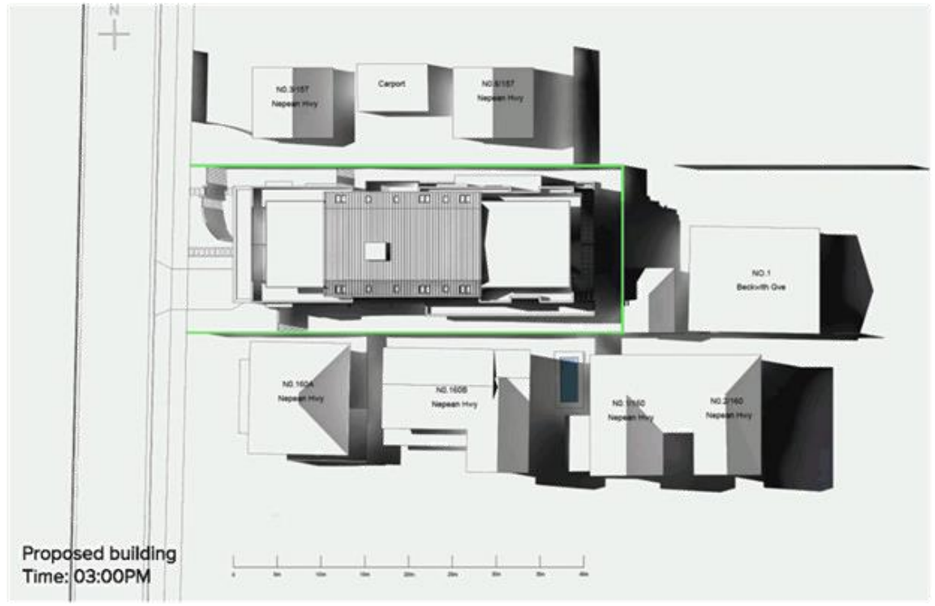
SHADOW DIAGRAMS OF EXISTING AND PROPOSED BUILDING AT 159 NEPEAN HIGHWAY, SEAFORD (PAGE 7 OF 7)

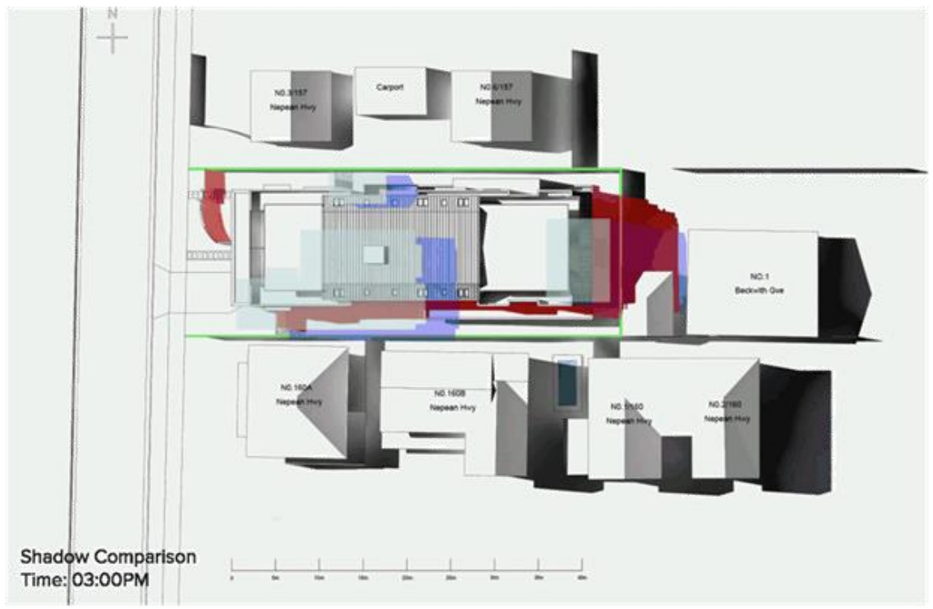
ADVERTISED PLAN

PRODUCTION INFORMATION

Latitude: -38.107858
Longitude: 145.125984
Date in consideration: 22nd September (Equiniox)
Software used: Autodesk 3D Max







Site Boundary

Shadow from Existing Building

Shadow from Proposed Building

Executive Summary

12.1 Council Resolution Status Update for 20 April 2020

Enquiries: (Brianna Alcock: Chief Financial Office)

Council Plan

Community Outcome:	3. A Well Governed City
Strategy:	3.1 Accountable Governance
Priority Action	3.1.1 The elected representatives will provide clear and unified direction, transparent decision makers and good governance

Purpose

To update and brief Council on the current status of resolutions.

Recommendation (Chief Financial Officer)

That Council:

1. Receives the Notices of Motion Report as at 20 April 2020;
2. Receives the Urgent Business Status Update as at 20 April 2020;
3. Notes four Notice of Motions have been reported as being complete:
   - 2018/NOM66 - Peninsula Link
   - 2019/NOM45 - Karingal Bulls
   - 2018/NOM69 - White Street Mall Revitalisation
   - 2019/NOM54 - Mass Tree Planting Program
4. Notes the reports listed below will not be presented back to Council by its advised date and a detailed explanation is provided in the body of the report:
   - Response to 2019/NOM37 - Overport Park Masterplan - Preliminary Consultation Summary
   - Response to 2019/NOM39 - Lighting Frankston
   - Response to 2019/NOM62 – Hoon Driving
   - Response to 2020/NOM9 - Creation of Employment Opportunities
   - Response to 2020/NOM10 – Reforms
   - Feasibility to Relocate Council's Operations Centre:
   - Response to Urgent Business - Casey City Council Corruption allegations
   - Accountability and Transparency Reform Update
5. Notes since 2020/OM4 on 30 March 2020, 45 resolutions have been completed, as listed in the body of the report.

12.1 Council Resolution Status Update for 20 April 2020

Executive Summary

Key Points / Issues

- At its meeting on 19 December 2016, Council resolved that:

  "That the Chief Executive Officer is directed to provide regular updates to Council on the progress or status of Council's resolutions resulting from Notices of Motion raised by Councillors. In order to facilitate this, a brief progress report (detailing the status of each outstanding resolution) is required to be presented to Council at each of its Ordinary Meetings in future commencing with Ordinary Meeting 296 (scheduled for the 30 January 2017)."

- Additionally, at its meeting on 22 July 2019, Council resolved that:

  "4. a) Includes in the attached monthly report (Notice of Motion Cost Summary), the number of Urgent business items per councillor

  b) Includes the updates of the status of Urgent Business items in the attached monthly report (Notice of Motion Report)"

- The Notices of Motion Report as at 20 April 2020 is attached and will continue to be updated and reported at each Ordinary Council Meeting. Note there are no items listed under confidential, as such this report has not been attached.
- The Urgent Business Status Update report is attachment (Attachment C) as at 20 April 2020, and will continue to be reported at each Ordinary Council Meeting.
- There are four Notice of Motion actions that have been reported as complete:
  - 2018/NOM66 - Peninsula Link
  - 2019/NOM45 - Karingal Bulls
  - 2018/NOM69 - White Street Mall Revitalisation
  - 2019/NOM54 - Mass Tree Planting Program
- Due to various factors, it is sometimes not possible for reports to be brought back before Council in accordance with the time frames resolved. There are seven reports listed as being delayed for this meeting. Progress updates have been supplied for the items set out below:
  - Response to 2019/NOM37 - Overport Park Masterplan - Preliminary Consultation Summary

    Due to the Community Engagement process, an update to Councillors at its Briefing on 4 May 2020 would not be feasible. As such, an update to Councillors will be provided at its Councillor Briefing on 18 May 2020.

Executive Summary

- Response to 2019/NOM39 - Lighting Frankston

  Securing a consultant to undertake the work has delayed the preparation of the report, which is now anticipated to be presented to Council at its May 2020 Ordinary Meeting.

- Response to 2019/NOM62 – Hoon Driving

  This report has been delayed to 2020/OM6 – 11 May 2020 to receive input from Councillors.

- Response to 2020/NOM9 - Creation of Employment Opportunities

  COVID-19 impacts on local jobs and economy has fundamentally changed the focus of business needs and employment situation within Frankston city causing unprecedented job losses. Thus, the issues identified in this NOM which are to be responded to will now need to reassess the local job opportunities and appropriate interventions once there is a clearer understanding of how local businesses and industries emerge.

  It is recommended that this report be delayed until at least June (status to reviewed at that time), and may be incorporated into a broader report in relation to COVID-19 economic development recovery responses.

- Response to 2020/NOM10 - Reforms

  Consideration needs to be given to the new Local Government Act 2020 which includes changes that will come into effect relating to Complaints Handling. A report will be presented to Council at its Ordinary Meeting on 11 May 2020.

- Feasibility to Relocate Council's Operations Centre:

  Officers are still developing the options available for relocation of the Operations Centre. A report will be presented to Council at its July 2020 Ordinary Meeting.

- Response to Urgent Business - Casey City Council Corruption allegations

  The report is currently being finalised by Council's Internal Auditors. A report will be presented to Council at its May 2020 Ordinary Meeting.

- Accountability and Transparency Reform Update

  This report has been delayed to 2020/OM6 – 11 May 2020 to receive further feedback from Cr Bolam.

- Since 2020/OM4 on 30 March 2020, the following 45 resolution actions have been reported as 'complete'. A detailed report has been provided in Attachment D.
  - Response to NOM25 Investment in CCTV
  - RF Miles Reserve Update
  - Response to Petition - Provision of Parking Bays at Homestead Road, Langwarrin
  - Further Response to Petition - Construction of Kelvin Grove, Langwarrin
  - Delegates to External/Internal Organisations (2019/OM14)
  - Response to 2019/NOM20 - Reaffirmation of Victorian Local Government Women's Charter
  - Live Streaming Policy
  - Policy and Protocol Framework

12.1 Council Resolution Status Update for 20 April 2020

Executive Summary

- Community Engagement for Short Stay Rental Accommodation Local Law 2020
- Petition - 3 hour Parking Limit (except for residents) in McKenzie Street, Seaford
- Urgent Business - Council's representative to the Peninsula Leisure Pty Ltd Board
- Decision of the Councillor Conduct Panel in the matter of O'Reilly and Toms (Application 2019-1)
- Delegates to External/Internal Organisations (2020/OM1)
- Record of Assemblies of Councillors (2020/OM1)
- Proposed Assignment of Lease - Beach Cafe Seaford - 2/10N Nepean Highway Seaford (Seaford Foreshore Reserve)
- Delegate Report by Cr Steve Toms - Councillor Development Weekend 26 to 28 July 2019
- Town Planning Application 330/1999/P/A - 300N Centenary Park Drive Frankston North - To amend the planning permit to increase the licenced area (red line area) for a place of assembly use and associated licenced bar
- Notice of Motion and Deferred Report Status Update for 17 February 2020
- Delegates to Internal Organisations (2020/OM2)
- Endorsement of the draft Short Stay Rental Accommodation Local Law 2020 for consultation
- December 2019 Quarterly Financial Report
- Final Community Engagement Policy and Framework
- Miscellaneous Grants and Frankston Arts Centre Discounts and Concessions - October, November, December 2019
- Response to 2019/NOM64 - Release of Monitor's Report
- Instrument of Delegation S6 from Council to members of Council staff
- Response to Petition: Animals Housed at Warrandyte Road Langwarrin
- Debrief of Ordinary Council Meeting (2020/OM2)
- Planning Application 396/2019/P - 16-22 Playne Street Frankston - To use the land for a Place of Assembly (Amusement parlour and indoor bowling facility), the sale and consumption of liquor (on premises licence), to construct or carry out building...
- January 2020 Planning & Environment Progress Report
- Council Resolution Status Update for 10 March 2020
- Record of Assemblies of Councillors (2020/OM3)
- Committee Minutes (2020/OM3)
- Sport and Recreation Victoria - Grant Submission
- Capital Works Quarterly Report - Q2 - October - December 2019/20
- Further Response to Petition - Provision of Parking Bays at Homestead Road, Langwarrin
- Debrief of Ordinary Council Meeting (2020/OM3)
- Appointment of Frankston City Council's representative to the Board of Management of the Frankston Football Club Incorporated

- Capital Works Budget Variation - Sports Ground Infrastructure (Ballam Park & Jubilee Park)
- Council Resolution Status Update for 30 March 2020
- Review of S5 Instrument of Delegation to the Chief Executive Officer and Amendment to Exercise of Delegation Policy
- External Committee Minutes for the CEO and Executive Management Team
- Live Streaming and Recordings of Meetings Policy
- Quarterly Performance Report - Quarter Two - October - December 2019
- Outcomes of the Audit and Risk Committee meetings (2020/OM4)
- Debrief of Ordinary Council Meeting (2020/OM4)

Financial Impact

There are no financial implications associated with this report.

Consultation

1. External Stakeholders

Nil.

2. Other Stakeholders

Nil.

Analysis (Environmental / Economic / Social Implications)

Making the written records available may provide some confidence regarding transparency in decision making, and is in keeping with best practice advice from the Victorian Ombudsman.

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

Legal

There are no legal implications associated with this report.

Policy Impacts

There is no impact on Council policies.

Officer's Declaration of Interests

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

Risk Mitigation

There is no risk associated with this report.

12.1 Council Resolution Status Update for 20 April 2020

Executive Summary

Conclusion

The purpose of this report is to brief and update Council on the implementation and status of resolutions including Notices of Motion and Urgent Business items. Council Officers are continuously working to implement a range of Council resolutions and in addition to noting the work completed, it is recommended that the Notices of Motion as listed within this report now be archived.

ATTACHMENTS

Attachment A:⇩ Notices of Motion Cost Summary as at 20 April 2020

Attachment B:⇩ Notices of Motion Report as at 20 April 2020

Attachment C:⇩ Urgent Business Status Update as at 20 April 2020

Attachment D:⇨ Closed / Completed Resolutions as at 20 April 2020 *(Under Separate Cover)*

Notice of Motion Report - 2020 - OM5 - for the 20 April Council Meeting (A4186221).XLSX

Notice of Motions Estimated Costs
By Councillor
2016 – 2020 Term

Councillor	Number	Primary Cost	Ongoing Cost	Outcome Cost	2019/20 Budget Cost *	Urgent Business
Cr Cunial	12	$0	$128,800	$257,500	$35,000	1
Cr McCormack	19	$17,375	$11,300	$258,000	$140,000	4
Cr Toms	35	$7,240	$70,000	$259,158	$87,000	1
Cr Aitken	45	$7,315	$0	$84,750	$85,000	11
Cr Bolam	109	$76,553	$842,392	$708,800	$1,005,000	8
Cr O'Connor	18	$2,600	$4,000	$25,163	$80,000	1
Cr Mayer	4	$200	$66,000	$0	-	6
Cr Hampton	30	$10,725	$4,200	$208,749	$190,000	2
Cr O'Reilly	4	$0	$0	$0	-	1
TOTAL	**282**	**$ 122,008**	**$ 1,126,692**	**$ 1,802,120**	**$ 1,622,000**	**35**

NOTE: There may be occassions when the Ongoing Cost is ALSO reported under Outcome costs: this is on the occassions when the ongoing cost has a KNOWN FINITE total. This is to note for budgeting purposes (for eg: $121,000 total over 11 years = $11,000 budgeted per year). Notes/comments are provided in the report when this occurs

* 2019/20 Budget Cost: these are totals reflective of costs associated with project requests that Councillors have submitted as part of the 2019/2020 Budget Process and not associated with the outcomes of Notices of Motion submissions.

Notice of Motion Report - 2020 - OM5 - for the 20 April Council Meeting (A4186221).XLSX

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
16-Oct-17	14.1	NOM 1376 - Inconsistencies of Clause 52.48 - Bushfire Protection Exemptions (Known as the 10/30 Right) Cr Aitken	Council Decision: That Council make representations through all local Members of Parliament with reference to the inconsistencies of the Clause 52.48 – Bushfire Protection Exemptions (otherwise known as the 10/30 Right) The introduction of a uniform ability for residents to remove trees without any impediment when located withir 10 metres of their house (if constructed or approved prior to September 2009), entirely negates the recognition particularly of highly important or heritage trees that contribute greatly to the streetscape. The irreparable damage to the character of local communities by the provision of this exemption as it currently stands means that vast numbers of trees are being removed throughout the greater Melbourne area in situations that are at either very low or negligible fire risk because of the blanket status of this provision. This is entirely against widely upheld state policy of greening our suburbs and represents an administrative measure which was taken at a moment of understandably high public emotion following the devastating bushfires of 2009. However, as outlined above the unfortunate nett effect is that vegetation has been removed from locations where it cannot be reasonably justified. Carried Unanimously	Stuart Caldwell	2 April 2020 - There is no further update in respect of this matter. 13 March 2020 - There is no further update on this matter. 24 February 2020 - There is no further update on this matter. 3 February 2020 - There is no further update on this matter from DELWP. This remains unlikely in the short term in the context of recent bushfires. 13 January 2020 - There is no further update on this matter from DELWP. It unlikely that there will be material attention given to this request by State Government in the context of the current fire season. 2 December 2019 - There is no further update from DELWP on this matter. 1 November 2019 - Officers have again contacted DELWP however, to date there is still no response. 1 October 2019 - Currently there is still no response from DELWP on this matter. 10 September 2019 - Currently there is still no response from DELWP on this matter. Revised Target Date changed by: Hall-davis, Tracee From: 13 Sep 2019 To: 27 Sep 2019 20 August 2019 - Still no response from DELWP in this matter. 30 July 2019 - There is still no response from DELWP on Council's numerous proposals to the State Government to date to review the application of the Bushfire vegetation clearing exemptions to Frankston. 9 July 2019 - There is as yet no response from DELWP on Council's requested changes. 18 June 2019 - Council officers met on 24/5 with officers from Casey, Cardinia and Morning Peninsula Councils to consider a joint submission to the State Government on this matter.	Council has met with neighbouring Council to discuss a joint submission. Possible planning scheme amendment. Priority project in Resilient Melbourne. Direct Cost: $5,000
19-Feb-18	14.3	2018/NOM6 - Letter to the Minister regarding Level Crossing Removal Projects Cr Bolam	Council Decision: That in light of the fact that no funding packages have been made available to communities and businesses affected by the Level Crossing Removal at Skye/Overton Road, the closure of Eel Race Road, and the government's decision to locate a new train stabling facility at Kananook, that Council write to the Minister for Public Transport, the Hon. Jacinta Allan MP, to call for a consistent approach to the provision of funding to communities and businesses affected by Level Crossing Removal Projects (defined community benefit/compensation). The letter should also include a request that all crossing removal projects should incorporate a common protocol for asset ownership and maintenance to ensure consistency and equity for all local government areas impacted by Level Crossing Removal. Carried Unanimously	Doug Dickins	2 April 2020 - A letter was sent to the Minister for Public Transport in March 2018 and a response was received in June 2018. Discussion and negotiation has been held with DOT and LCRP in relation to Council's advocacy for funding to compensate for assets handed over as a result of the works. Recently progress was made in the negotiations with LCRP agreeing to consider a package of works in lieu of providing maintenance funding. This was reported to Council in a confidential report on 17 February 2020. Officers are now progressing this matter and any further outcomes will be reported through the action item associated with 17 February 2020 C.5 report., This item has been completed and request this to now be archived. 13 March 2020 - Following on from the report in February, Council officers have had further discussion with Level Crossing Removal Project officers in relation to asset ownership and maintenance. 24 February 2020 - A report was presented to Council at its February meeting to discuss handover of assets following Level Crossing removal works and is being investigated by officers. 3 February 2020 - A report is to be presented to Council at its February meeting to discuss handover of assets following Level Crossing removal works. 13 January 2020 - Councillors were updated by Memo on 16 December 2019 and will be briefed on 3 February 2020. 2 December 2019 - A meeting has been scheduled on 6 December with LCRP to discuss Asset Handover Responsibilities. 1 November 2019 - Council officers have assessed the financial impact of the assets being created and are pursuing discussions with LCRP regarding proposed ongong asset ownership and maintenance. 1 October 2019 - This matter is ongoing. 10 September 2019 - This matter is ongoing with discussion relating to asset handover and responsibility	Primary Cost: $995 (letters sent & large meeting held)
22-Oct-18	14.4	2018/NOM65 - New Bylaws Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Toms That the next review of Council's 2016 General Local Law No 8 pending legal advice is to consider the following bylaws for adoption: 1. Brimbank City Council's bylaw offence: participating (including bystanding) in 'hoon events'; 2. Melton City Council's bylaw offence: noise from vehicle sound equipment; and 3. City of Onkaparinga (SA) bylaw offence: flying a drone aircraft in an unsafe manner and/or (by flying a drone aircraft) detracting from another person's lawful use and enjoyment of public land. Carried	Leonie Reints / Brianna Alcock	2 April 2020 - This report has been deferred to April 2020 ordinary meeting to seek approval to release the Local Law for Public Exhibition. 13 March 2020 - No further update. 24 February 2020 - The draft Community Local Law will be presented to Councillors at Ordinary Meeting 30 March 2020 seeking approval to release the Local Law for public exhibition. 3 February 2020 - No further update, report due OM February 2020 13 January 2020 - No further update, report due OM February 2020 2 December 2019 - No further update, report due OM February 2020 1 November 2019 - Councillors have provided comments on the draft. Formatting, updating and legal review will be undertaken. A further report will be presented to Councillors in early 2020. Draft Community Local Law has been sent to lawyers for legal review. A further report will be presented to Councillors in February 2020 seeking endorsement for community consultation. 1 October 2019 - Officers have undertaken the initial review of General Local Law 2016 No 8 and have added the suggested new local laws into the document. Officers will be presenting the first draft of the document to Councillors at the Council Briefing 30 September 2019 10 September 2019 - No further update at this stage. 20 August 2019 - Officers are currently reviewing General Local Law 2016 No 8. As part of the review officers will consider the 3 options put forward by Councillors in NOM65. Officers will present the draft Local Law at the Councillor Briefing on 30 September 2019. 30 July 2019 - Officers across the organisation are continuing to review the General Local Law No. 8 with a view to having first draft finalised later in	
19-Nov-18	14.1	2018/NOM66 - Peninsula Link Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken That 1. Council writes to Southern Way Pty Ltd and Lendlease Operations who are the relevant authority about the poor state and seemingly lack of maintenance of road bridges and pedestrian overpass bridges throughout the Peninsula Link Freeway. Identified issues range from graffiti, vandalism, substandard installation works and general wear and tear. Furthermore, Council is to register concern about dumped rubbish on land adjoining the Peninsula Link, beyond its main roadways, where displaced ecosystems were relocated to make way for the Peninsula Link development (i.e. Pobblebonk Reserve). 2. Council is to coordinate with Victoria Police, Southern Way Pty Ltd and Lendlease Operations on methods to quell the prevalence of monkey bike / motor cross bike usage on bike paths and walking paths associated with, and connected to, the Peninsula Link (i.e.. Peninsula Link Track). This is to include letterboxing residents in the affected vicinity encouraging them to report hooning, specific Police/Council operations to identify offenders; and the potential installation of speed traps. A report is to be provided to Council on the status of this effort at the February 2019 Ordinary Meeting. 3. Further to recommendation point 2., the Seaford Wetlands – given recent damage caused by motorised bikes – is to also be included in the scope of this effort. Carried Unanimously	Leonie Reints	2 April 2020 - Request to close - please refer to Action 18/2/19. 13 March 2020 - Refer to Response to NOM18/2/19 for further update. 24 February 2020 - Report was presented to Council at its OM on 17 February 2020. 3 February 2020 - Reopened at the request of Cr Bolam. 1) No responses had been received by Lend Lease or Southern Way. New letters have been re-sent and mailed 8/1/20 2 April 2019 - As per Council Resolution at its 1 April 2019 OM, this NOM is now archived 18 March 2019 - Letters were sent to Southern Way P/L and Lendlease Operations. Report was submitted to OM 18/2/19. Refer to 18/2/19 recommendation. Request to archive 25 February 2019 - Report was submitted to OM 18/2/19. Refer to Minutes of OM2 18/2/19 for recommendation. 4 February 2019 - No further update 14 January 2019 - 1) Letters will be prepared. 2) Noted and a report will be scheduled for OM 18/2/2019 3) Noted Revised Target Date changed by: Hall-davis, Tracee From: 10 Dec 2018 To: 25 Feb 2019 - Reason: Report Scheduled for OM 18/2/2019	

Notice of Motion Report - 2020 - OM5 - for the 20 April Council Meeting (A4186221).XLSX

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
10-Dec-18	14.1	2018/NOM67 - Kananook Railway Station Improvements Cr Bolam	Moved: Councillor Bolam Seconded: Councillor Aitken That Council: 1. Writes to The Hon. Jacinta Allan MP, Minister for Public Transport seeking a meeting to discuss the current changes underway to Kananook Railway Station and surrounds as a result of the Level Crossing Removal Authority projects. In particular to discuss the impacts of these projects and opportunities available to better enhance the public use of the precinct such as improving disability access, landscaping and urban design improvements (e.g. lighting). 2. Offers to work with the relevant State Government Departments to develop a Kananook Railway Station Precinct Plan. C/U	Doug Dickins/ Stuart Caldwell	2 April 2020 - 1. A Further letter has been sent to the Hon Jacinta Allan MP, Minister for Public Transport seeking support for a Kananook station precinct plan (A4175041)., 2. Officers have worked with Government Departments and provided comments on improvements at Kananook, in particular te sound wall. Relevant Councillors have been updated. 13 March 2020 - 1. Letter sent to the Hon Jacinta Allan MP, Minister for Public Transport (A3770883)., 2. Officers have worked with Government Departments and provided comments on improvements at Kananook, in particular te sound wall. Relevant Councillors have been updated. 24 February 2020 - Councillor officers continue to advocate with PTV / LCRP on the design outcomes of the sound wall. 3 February 2020 - Letter from Hon Jacinta Allan MP appeared in the Councillor Bulletin. 13 January 2020 - A letter of response from Hon Jacinta Allan MP has been received and circulated to Councillors in Edition 1 2020 Councillor Bulletin. Officers are working with PTV on the design of the sound wall. 2 December 2019 - Awaiting a response fo Council's letter of 12 August 2019 1 November 2019 - There has been no response to the letter to Hon Jacinta Allan MP of 12 August 2019 1 October 2019 - No response has been received to date 10 September 2019 - No response has been received to date 20 August 2019 - A further letter was sent to Hon Jacinta Allan, Minister for Public Transport in relation to issues at Kananook Stabling Facility (2019/NOM17) which also referred to this outstanding matter. (A4013947). 30 July 2019 - No change to the status. 9 July 2019 - no further update. 18 June 2019 - Director Community Assets - "no meeting obtained as yet but project proceeding. Follow up calls about a meeting to be organised made via CEO's office on 5 February, 13 February, 26 February, 21 March, 9 April and 17 April 2019." 21 May 2019 - CEO commented, "no meeting obtained as yet but project proceeding." Follow up calls about a meeting to be organised made via CEO's office on 5 February, 13 February, 26 February, 21 March, 9 April and 17 April 2019. 29 April 2019 - A response is yet to be received to the letters sent. 8 April 2019 - A response is yet to be received to the letters sent	Primary cost: $600 (letters sent)
10-Dec-18	14.3	2018/NOM69 - White Street Mall Revitalisation Cr Bolam	Council Decision Moved: Concillor Bolam Seconded: Councillor Toms That: 1. Council notes the recent comments made by Mr Paul Edbrooke MP, Member for Frankston to Councillors and Council officers with respect to his commitment to working with Council on the revitalisation of the White Street Mall in Central Frankston, including accepting a design from Council. 2. On the basis, Council submits a revitalisation plan for the White Street Mall to Mr Paul Edbrooke MP, Member Frankston and ask that he provides, in writing, confirmation of the State Government's funding for this project, subject to Council making application for the funding. 3. A meeting with Mr Paul Edbrooke, MP, Member for Frankston and Council officers be held to discuss the White Street Mall in Central Frankston. 4. A report be provided to Council at the April Ordinary Meeting 2019 detailing the response from Mr Paul Edbrooke MP, Member for Frankston and potential funding to the 2019/2020 Annual Budget for White Street Mall upgrade design works. Carried Unanimously	Sally Prideaux	2 April 2020 - Report was presented to OM4- 30/3 and revitalisation approach endorsed by Council. Request to close. 13 March 2020 - Presented to MPAC meeting and Councillor feedback was noted. Proceeding to consider further activation options. 24 February 2020 - Options was presented to the MPAC meeting 26/2/2020. 3 February 2020 - This report is likely to come back to OM3 to update Councillors on further concept designs. 13 January 2020 - A briefing time in early new year is being sought to enable Councillors to review concepts. 2 December 2019 - Officers are continuing to work on options. 1 November 2019 - A report to Council with concept options was prepared and on hold until outcomes of a meeting with Cr Aitken. Officers are now preparing an alternative option for inclusion in a report to Council in December. 1 October 2019 - Investigation of options for the site is continuing. 10 September 2019 - Council officers have met with Cr Aitken to discuss the proposal. Cr Aitken has requested officers investigate a few more options for the site and this process is now underway. This report will now be brought to Council in November 2019. 20 August 2019 - A report will be presented to 23 September Ordinary Meeting. 30 July 2019 - No change to the status. 9 July 2019 - On behalf of CEO: The report to Council has been delayed pending a presentation by external stakeholders, scheduled for August, which could have a potential to impact on the current proposals for White Street Mall. The report will be rescheduled after this presentation, likely in September 2019. 18 June 2019 - A further update was presented at the May 29th MPAC meeting. Several Councillors were apologies at this meeting so meetings with individual Councillors to provide an update on concepts are underway. Currently awaiting confirmation of a meeting opportunity with Paul Edbrooke before reporting to Council on 23 July 2019.	Primary Cost: $620.00 (meetings held) 2x officer time (stakeholder discussions and prep for concepts x4hrs) Concept cost to be added when known
23-Apr-19	14.2	2019/NOM8 - Local Law to regulate Short Stay Rental Accommodation Cr McCormack	Council Decision Moved: Councillor McCormack Seconded: Councillor Toms 1. That Frankston Council develops and implements a Local Law to provide clear guidelines on the required standards for the operation of Short Stay Rental Accommodation within the municipality. 2. That the objectives of the Local Law, replicate those of the Mornington Peninsula Shire Council, namely: a) Regulate and control the use of Short Stay Rental Accommodation within the municipality of Frankston; b) Ensure an appropriate standard of management and presentation of such accommodation; c) Minimise the risk of such accommodation affecting neighbouring properties and the peace of neighbours; d) Implement a registration requirement; and e) Provide for a Code of Conduct under the Local Law. 3. The local law be implemented by December 2019. Carried Unanimously	Leonie Reints	2 April 2020 - The Short Stay Local Law was endorsed at OM30/3/20. Officers are preparing documentation for gazetting of the Local Law. 13 March 2020 - The Short Stay Local Law is currently out for Community consultation which closes 23/3. The report will then come back to Council OM 30/3. 24 February 2020 - Following Council's decision on 28 January 2020 to make the Short Stay Rental Accommodation Local Law, officers identified some errors in the process for making the Local Law. A report was presented at Ordinary Meeting 17 February 2020 seeking endorsement for the revised draft Short Stay Rental Accommodation Local Law for the commencement of the statutory procedure for the making of the new Local Law and approval to release the Local Law for public exhibition. 3 February 2020 - The Short Stay Rental Accommodation (SSRA) Local Law was endorsed at Ordinary Meeting 28 January 2020. The objectives of the Local Law have been based on those of the Mornington Peninsula Shire Council. This includes the aim of regulating and controlling the use of SSRA within the Frankston Muncipality, includes a standard of management, minimises the risk of such accommodation affecting neighbouring properties and the peace of neighbours and implements a registration process. The Code of Conduct forms part of the Local Law. An error has been made in the law making process and a further report is coming back to Council 17 Feb 2020 - OM2. 13 January 2020 - Endorsement was received at OM 16 December 2019 to put out for Community Engagement. A report will come back to January Ordinary Meeting with evaluation of community submissions and to seek endorsement of the Short Stay Rental Accommodation Local Law. 2 December 2019 - A report seeking approval for Community Engagement in relation to Short Stay Rental Accommodation Local Law will be submitted at 16 December 2019 Ordinary Meeting. 1 November 2019 - Councillors have provided feedback. The draft Short Term Rental Local Law will be submitted to Council by December. Feedback has been received from lawyers and Short Term Rental Local Law is going out for community consultation end of October. A report will be	Direct Cost (once-off) - $14,000 Direct Cost (recurring) - $11,300 Coming back to Council in December 2019 Costs for officer time to investigate, develop and implement the new local law; legal advice and initial set up costs with BNB Guard. Ongoing Annual costs - monthly BNB Guard reports and administrative support.
22-Jul-19	14.1	2019/NOM17 - Kananook Rail Stabling Facility Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken That Council writes to the Hon. Jacinta Allan MP, Minister for Public Transport, the Hon. David Davis MLC, Shadow Minister for Public Transport and Ms Sonya Kilkenny MP (State Member for Carrum) requesting that the current design and construction of the Kananook Rail Stabling Facility incorporate: 1. Effective noise mitigation measures to attenuate noise disturbance from the operation of the facility to adjoining residential areas with relevant project team staff that are delivering the facility to be available to consult and appropriately explain the noise testing data and design measures to residents and interest groups; 2. A permanent security presence to deter inappropriate behaviour and activities attributable to the facility; 3. Work sheds to house operating rail infrastructure to improve the overall aesthetics of the facility. Carried Unanimously	Doug Dickins	2 April 2020 - Letters were signed by the Mayor and sent to Hon Jacinta Allan, Minister for Public Transport, David Davis, Shadow Minister and Sonya Kilkenny MP on 14 August 2019 (A4013947)., A response from Sonya Kilkenny was received on 3 September 2019 (A4042679) offering to meet to discuss this matter. Subsequently a response from Hon Jacinta Allan MP was received on 6 December 2019 (A4111636) and circulated to Councillors. This letter advised the following:, 1. That based on noise modelling undertaken there is no need for noise mitigation as the facility complies with the requirements. , 2. Proposed security measures include a non-scalable security fence and CCTV, additionally there will be 24hour security presence when the facility is operational., 3. The scope of works includes storage for six trains and maintenance vehicles together with operational buildings. Whilst the site is large enough for more storage there is currently no commitment for a second stage of works. There are limited opportunities for architectual design at the facility as there are strict MTM for rail infrastructure. It was noted there is some opportunity for screening vegetation., All points of this action item have been addressed. Request this item be closed. 13 March 2020 - A draft letter to the Hon. Jacinta Allan MP has been prepared for the Mayor's signature (A4175041). A meeting with Sonya Kilkenny MP to disucsuss the matter is to be arranged. 24 February 2020 - Meeting with Sonya Kilkenny MP yet to be arranged. 3 February 2020 - A meeting with Sonya Kilkenny MP is to be arranged. 13 January 2020 - A letter of response from Hon Jacinta Allan MP has been received and circulated to Councillors in Edition 1 2020 Councillor Bulletin. Officers will follow up to arrange meeting with Ms Sonya Kilkenny MP. 2 December 2019 - No further update	Primary cost: letters sent $400

Notice of Motion Report - 2020 - OM5 - for the 20 April Council Meeting (A4186221).XLSX

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
22-Jul-19	14.5	2019/NOM22 - Save our Red Gums Cr Aitken	Council Decision Moved: Councillor Aitken Seconded: Councillor Toms That Council makes representation to the Premier, the Hon. Daniel Andrews MP, Minister for Energy, Environment & Climate Change, Minister for Planning, Minister for Aboriginal Affairs and all local members of Parliament requesting a special significant classification be placed over the native Red Gum (Eucalyptus Camaldulensis) population in the municipality of Frankston City. Of particular importance are the more mature trees ranging in age between 100 years and in excess of 500 years. We also note that, given the life span of this species (around 1000 years), the older trees occupy a highly significant place in both landscape and history, pre-dating European settlement, and therefore are an irreplaceable living link with traditional owners of this land to the present day and, as such, should be enshrined as part of the national heritage. Supporting information can be sought at https://www.nationaltrust.org.au/treeoftheyear/ To support the basis of this Motion, other examples of strict legislation on the protection of native trees include: • Sequoiadendron Giganteum, United States • Quercus Robur, United Kingdom Carried Unanimously	Stuart Caldwell	2 April 2020 - There is no further update on this matter. 13 March 2020 - There is no further update on this matter. 24 February 2020 - There is no further update on this matter at this time. 3 February 2020 - Officers are awaiting advice from the MAV on their advocacy regarding this matter, and also response from DELWP to Council's previous submission. 2 December 2019 - It is noted that this matter was the subject of a successful motion at the MAV in respect of sector advocacy. No further update on the submission to DELWP at this time. 6 November 2019 - Note that the motion to MAV was approved at the State Council Meeting held in October 2019. 1 November 2019 - No further update at this stage. 1 October 2019 - A submission has been made to the DELWP seeking engagement and advice on progression of this issue with the identified Ministers and local members of parliament. 10 September 2019 - No further update at this stage. 20 August 2019 - A submission to the State Council is currently in preparation consistent with the Council resolution. 30 July 2019 - Officers have receved the recent resolution by Council and are commencing the research required to support a case for enhanced regulatory protection for red gums in Frankston City.	
12-Aug-19	14.1	2019/NOM25 - Recycled Water Scheme Projects Cr Hampton	Council Decision Moved: Councillor Hampton Seconded: Councillor Mayer That Council: 1. Reviews the outcomes achieved following completion of the Stage 1 Robinson Recycled Water Scheme Project that connected Baxter and Robinsons Parks; 2. Uses this analysis to complete the feasibility study of potential future projects, including a continuation of the pipeline from Robinsons Park to Lawton Reserve; and 3. Provides a report to Council by the March 2020 Ordinary Meeting. Carried Unanimously	Luke Ure	2 April 2020 - 1. No further update., 2. No further update., 3. A status report will be presented to Council at its Ordinary Meeting on 30 March 2020, and a final report to be presented to Council in June 2020, pending the impacts of COVID-19. 13 March 2020 - 1. A review of the outcome of the Stage 1 Robinsons Recycled Water Scheme including cost benefit analysis is underway. 2. The feasibility of potential future projects including Stage 2 from Robinsons Park to Lawton Reserve is underway. Consultation with South East Water is ongoing as well as assessment of all alternative water source options. 3. A report will be presented to the March or April 2020 OM. 24 February 2020 - Officers are continuing to work on a review of the outcomes of the Stage 1 Robinson Recycled Water Scheme, including a cost benefit analysis and feasibility study of future recycled water projects. In particular, the continuation of the pipeline from Robinsons Park to Lawton Reserve (Stage 2) is part of the assessment. 3 February 2020 - Officers are continuing to work on a review of the outcomes of the Stage 1 Robinson Recycled Water Scheme, including a cost benefit analysis and feasibility study of future recycled water projects. In particular, the continuation of the pipeline from Robinsons Park to Lawton Reserve (Stage 2) is part of the assessment. 13 January 2020 - Officers are continuing to work on a review of the outcomes of the Stage 1 Robinson Recycled Water Scheme, including a cost benefit analysis and feasibility study of future recycled water projects. In particular, the continuation of the pipeline from Robinsons Park to Lawton Reserve (Stage 2) is part of the assessment. 2 December 2019 - No further update at this stage. 1 November 2019 - Officers are continuing to work on a review of the outcomes of the Stage 1 Robinson Recycled Water Scheme, including a cost benefit analysis and feasibility study of future recycled water projects. In particular, the continuation of the pipeline from Robinsons Park to Lawton	
12-Aug-19	14.5	2019/NOM29 - Public Art Murals Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken That Council: 1. Notes the cost to create two high quality art pieces under the Fletcher Road overpass is strictly capped at $60K; 2. Ensures adherence to the prescribed budget with a local and regarded artist to undertake the mural works; 3. Ensures that the selected artist works with the Frankston Arts Board on the proposed imagery for the two locations; and 4. Refers the sought funding be considered at the 2019/2020 Midyear Budget for consideration. Carried Unanimously	Andrew Moon / Kim Jaensch	2 April 2020 - Item to remain open until completion of works. Update due in May 2020. 11 March 2020 - As per Council Resolution at its 10 March 2020 OM, this action will now be archived. 24 February 2020 - Works have been scheduled. This is requesting closure. 3 February 2020 - Work on murals tentatively scheduled to commence May 13 January 2020 - $60K approved at Ordinary Meeting 16/12/19. Approvals process from appropriate authorities and project planning will commence in January 2020. 2 December 2019 - Waiting for mid-year budget review. No update. 1 November 2019 - Awaiting mid-year budget review. 1 October 2019 - The Board recommended an Artists Brief EOI be advertised in the open market in order to procure the right artwork and artist that is required for such a site. This project will be going to the mid-year budget review seeking funding 10 September 2019 - The cost to create two high quality art pieces under the Fletcher Road overpass is strictly capped at $60K and the sought funding has been listed for consideration at the 2019/2020 Mid-year Budget review. 20 August 2019 - 1) Noted 2) Noted 3) Noted 4) Manager A & C to liaise with Manager Finance	$60K to be considered at 19/20 mid-year budget (not committed at this stage, so not reflected in totals)
12-Aug-19	14.6	2019/NOM30 - Investigation of Major Projects Cr Aitken	Council Decision Moved: Councillor Aitken Seconded: Councillor Toms Officers are to create a register for all major projects to monitor incremental loss or impact and replacement of environmental attributes. The register must record and also enable a red flag system on any of the elements listed below: The register must record: 1. Loss of green space 2. Loss of vegetation 3. Increase of bitumen, which actively increases the heat bank effect 4. Replacement of any vegetation loss with an increase of canopy cover trees in car parks which must also: a. take into account safety risks for pedestrians and vehicles in storm events b. enhance the visual appeal of an urban forest Carried Unanimously	Stuart Caldwell	2 April 2020 - A further update will be provided in July 2020. 13 March 2020 - No further update. 24 February 2020 - Environment officers are finalising a trial recording system in concert with Capital Works Delivery. The system may be developed further following the trial through implementation of the Urban Forest Action plan. 13 January 2020 - No further update. Due to be presented to Council at a briefing in January 2020. 2 December 2019 - Due to be presented to Council at a briefing in January 2020. 1 November 2019 - Officers are still working on the recording system. 1 October 2019 - Officers have commenced work on a recording system which will integrate with the Urban Forest Action Plan in respect of outcome recording in the first instance. 10 September 2019 - Officers will consider the most effective way to design and implement the monitoring system that has been required by Council with this reolution. Initially, this will be inlcuded as a separate action within the forthcoming urban Forest Action Plan. It may be necessary to commission a consultatn study to confirm the most effective way to undertake the proposed monitoring and measurement. of environmental impaccts of major projects.	

Notice of Motion Report - 2020 - OM5 - for the 20 April Council Meeting (A4186221).XLSX

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
2-Sep-19	14.2	2019/NOM33 - Investigation into the Sale of Evelyn Street Cr Aitken	Council Decision Moved: Councillor Aitken Seconded: Councillor Bolam That a forensic investigation be carried out in relation to all aspects of the previously proposed sale of Evelyn Street public land capped at $10,000, subject to further review by Council if additional funds are required.. Carried	Brianna Alcock	2 April 2020 - In progress. Council's internal auditors HLB MANN JUDD will provide and update to the ARC at its meeting in May 2020. 13 March 2020 - In progress. Council's internal auditors HLB MANN JUDD provided a verbal update to the Audit and Risk Committee (ARC) on Friday 21 February 2020. Auditors have made contact with one party and interviewed a councillor. A report may be provided to the ARC in the coming weeks and will include recommendations. A final update is expected to the ARC at its meeting in May 2020. 24 February 2020 - Council's internal auditors HLB MANN JUDD provided a verbal update to the Audit and Risk Committee on Friday 21 February 2020. Auditors have made contact with one party and interviewed a councillor. A report may be provided to the Audit and Risk Committee in the coming weeks and will include recommendations. 3 February 2020 - A quote was provided by Council's internal auditors, HLB MANN JUDD, in response to the revised Brief with request for quote. The amount quoted was within the range of $10,000 provided in the Council resolution. An email was sent to Councillors advising of this and seeking further feedback. The quote was then accepted on 29 January 2020. Work on the investigation commenced on 30 January 2020. 13 January 2020 - Two (2) quotes were received in response to the Brief with request for quote. A Council Report was prepared for the Council Meeting on 16 December 2019 seeking approval for additional funds to meet the quoted cost range. Councillors requested for this to be considered further and that the Brief be provided to Council's newly appointed internal auditors seeking a request for quote under the current fee structure. This was provided and a response is awaited. 2 December 2019 - A brief for the investigation into the proposed Sale of Evelyn Street has been issued to four external auditors seeking a request for quote. An update on this matter in the CEO's report was noted by the Audit and Risk Committee on 23 November 2019 and the Brief was emailed to the Committee as an out of session paper. A report to Council may be required for approval of additional funding, should quotes exceed $10,000, being the amount nominated in the NOM.	Direct Cost (once-off): $10,000 A forensic investigation is required and has been requested to be conducted by an external auditor. The current funding allocated is $10,000 with quotes being sought to determine the cost for an external audit to be conducted. Should the cost be more than $10,000 a report will be required to Council for a further decision.
2-Sep-19	14.6	2019/NOM37 - Overport Park Cr McCormack	Council Decision That the $35,000 funding allocation in the 2019/2020 budget for the planning and design works for the Overport Park Netball courts, be put on hold and the balance of any unspent funding be removed from the budget at the mid-year review, pending the completion of a full community consultation process and development of an updated Master Plan for Overport Park and that this community consultation process be conducted and the report brought back to Council at the first Council Meeting in 2020. Carried	Claire Benzie	2 April 2020 - Council supported the second round of consultation based on 'themes' and also requested consideratiion of strategic priorities. Open Space recommendations are also being included in the second round of consultations. A report is scheduled to be submitted to the June meeting. 13 March 2020 - Proposed master plan directions to be presented to Councillors at Ordinary Meeting 30 March 2020. 24 February 2020 - The matter is being tabled at the Major Projects Advisory Committee meeting on 26 February 2020. 3 February 2020 - No further update. A report is scheduled to be presented to Council at its Ordinary Meeting on 17 February 2020. 13 January 2020 - A report will be presented to Council no later than February 2020. 2 December 2019 - A consultation session at the local clubs was undertaken on 13 November 2019. A community drop in in consultation is scheduled for 10 December 2019. 1 November 2019 - The community and stakeholder consultations are scheduled as follows: Round 1 - Week ending Oct 18th 2019 Round 2 - Week ending Nov 15th 2019 In order to facilitate Councillor participation in community consultations, these sessions have been rescheduled for November 2019. Details to be provided. 1 October 2019 - Concept design has been previously completed. No further work will be completed as remaining budget and its use is now on hold. Planning has commenced to undertake the community consultation process as requested. Further information will be provided as this develops. Community consultation process has been developed and will be implemented in the coming weeks. 10 September 2019 - Planning and design works have been put on hold. Planning has commenced to undertake the community consultation process as requested. Further information will be provided as this develops.	
23-Sep-19	14.1	2019/NOM39 - Lighting Frankston Cr Bolam	Council Decision That Council develops a strategy with respect to the implementation of a LED Lighting Program across the municipality, to ensure a strategic rationalised approach to installation. That such a strategy be brought before Council for adoption by April 2020. Carried	Stuart Caldwell	2 April 2020 - The report is currently scheduled for 11 May 2020 OM. 13 March 2020 - No further update. 24 February 2020 - Following the development of a project brief, a report is now anticipated in May 2020 3 February 2020 - Officers are continuing to work on this project with a view to a report in April 2020 13 January 2020 - Officers have commenced work on a lighting approach and will bring a report to the April 2020 meeting. 2 December 2019 - No further update at this stage 1 November 2019 - No further update 1 October 2019 - Council will develop a strategy to implement a LED Lighting Program across the municipality and will be brought back to Council for adoption by April 2020.	
23-Sep-19	14.2	2019/NOM40 - Trial Program Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken That: 1. A new initiative be considered for the implementation of public art at pilot locations on ten utility power boxes throughout the municipality if supported by the utility provider. 2. A memo be provided to Councillors in December on the pilot locations to be considered as part of a potential future trial. Carried Unanimously	Andrew Moon	2 April 2020 - On hold as funds have been diverted from 20/21 budget for COVID-19 community support. 13 March 2020 - No further update 24 February 2020 - Work to resume on this project in April 2020. 3 February 2020 - Work to resume on this trial in April 13 January 2020 - A memo was sent to Councillors in December 19. 2 December 2019 - A proposed a series of utility boxes have been identified, which are on the perimeter of the CAA in high pedestrian traffic areas. An artistic treatment for the vinyl wrap is yet to be determined. 1 November 2019 - Investigation of possible locations scheduled for early November. 1 October 2019 - A memo will be prepared for Councillors in December on the pilot locations to be considered in the future trial once support is gained by the utility provider.	
23-Sep-19	14.6	2019/NOM44 - Strip Shopping Improvement Schedule Cr Bolam	Council Descision Moved: Councillor Bolam Seconded: Councillor Aitken That Council develop a strategy with respect to Strip Shopping improvements in locations across the municipality, to support the justification and demand for enhancement, including a list of priority projects, with any funding allocated in the 19/20 budget being held in abeyance pending the development implementation of the strategy. Such a strategy is to be returned to Council for adoption by March 2020 Carried Unanimously	Stuart Caldwell	2 April 2020 - An update report on progress of this work was provided to Council at its 30 March Ordinary Meeting. Target date changed from 07 April 2020 to 31 July 2020 - Further work required to progress this matter as advised to Council OM4-March 2020 13 March 2020 - A update report is being prepared for the 30 March 2020 Ordinary Meeting. 24 February 2020 - A report is scheduled to be presented to Council at its 30 March 2020 OM. 3 February 2020 - Officers have engaged a consultant and are working with a view to presenting a report to the March 2020 13 January 2020 - A consultant's brief is being prepared for this work to be undertaken. Timeframes will be reviewed and updated when work is let. 2 December 2019 - No further update at this stage. 1 November 2019 - No change to status. 1 October 2019 - A strategy will be developed to identify strip shopping improvement locations across the municipality. The strategy will be brought back for Council adoption by March 2020.	

Notice of Motion Report - 2020 - OM5 - for the 20 April Council Meeting (A4186221).XLSX

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
14-Oct-19	14.1	2019/NOM38 - Economic Incentives Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Mayer 1. That $60k annual recurrent funding be referred for consideration to Budget 2020/2021 for ongoing Place Activation. This amount is to enable operators to make their businesses more inviting, while also promoting campaigns and activations in the City Centre. Specifically the funding should be allocated to the following programs that will cease at the conclusion of the State Government funded Frankston Transit Interchange Precinct Upgrade Place Activation grant: a) Façade Improvement Program - $15,000 b) Kerbside Dining Encouragement Grant - $20,000 ($10K city centre, $10K city wide) c) Marketing campaigns and promotional activations - $25,000 2. That performance measures be developed to ensure the benefits are clearly understood and provided to Councillors in a memorandum by December 2019 assessing the past and present efficiency of the proposed initiatives. 3. That $30k annual recurrent funding be referred for consideration to Budget 2020/2021 for ongoing support of the tourism sector. This amount is to enable Council to deliver a program to support existing tourism businesses to increase visitor dispersal and enhanced customer experience consistent with the 2019-2024 Visitor Economy Strategy, and may include initiatives such as: • Collaboration through partnership and product packaging • Strengthening digital marketing skills (focussing on how to get visitors to drive this) • Visitor and Customer Service Training • Business expansion programs that help existing operators develop new experiences • Working with industry to attract more business events and conferencing 4. Where appropriate outcomes of these two programs be incorporated into the quarterly economic scorecard. Carried Unanimously	Sam Jackson	2 April 2020 - 1 & 3 Funding has been factored into the draft 2020-2021 budget and is now on exhibition. 2 The memo has prepared and distributed on 6 January 2020. This item is now complete from a reporting perspective 4 Noted although not able to be fully acted upon until the 2020-2021 budget is adopted. 13 March 2020 - 1 & 3 Funding has been factored into the draft 2020-2021 budget preparation process for Council's consideration 2 The memo has prepared and distributed on 6 January 2020. This item is now complete from a reporting perspective 4 Noted although not able to be fully acted upon until the 2020-2021 budget is adopted. 24 February 2020 - 1 & 3 Funding has been factored into the draft 2020-2021 budget preparation process for Council's consideration 2 The memo has prepared and distributed on 6 January 2020. This item is now complete from a reporting perspective 4 Noted although not able to be fully acted upon until the 2020-2021 budget is adopted. 13 January 2020 - 1 & 3 Funding has been factored into the draft 2020-2021 budget preparation process for Council's consideration 2 The memo has prepared and distributed on 6 January 2020. This item is now complete from a reporting perspective 4 Noted although not able to be fully acted upon until the 2020-2021 budget is adopted. 2 December 2019 - No further update 1 November 2019 - Items 1 & 3 will be referred to the 2020/2021 Budget process for consideration. The funding has been referred to the mid-year-budget review for considerations. Officers are currently developing the KPIs with the aim of providing these to Councillors in a memo in accordance with the resolution.	
14-Oct-19	14.2	2019/NOM45 - Karingal Bulls Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken That Council 1. Notes that the cost for two new coaches boxes at Ballam Park Oval is $20K. 2. Notes that the Karingal Bulls Football Club has applied for a Federal Government grant of $10K for the coaches boxes. 3. Refers to fund up to $10K the 2020/2021 Capital Works program to augment the grant, should the funding application be successful. Carried	Vishal Gupta / Luke Ure / Kim Jaensch	2 April 2020 - 1. Noted., 2. Noted., 3. A report was presented to Council on 10 March 2020 OM and Council resolved to rescind the NOM, expedite the delivery of the project to meet the funding conditions and commit funds (total project cost $43K) to the project., All points within this action item have been fully completed; request that this item is closed. 13 March 2020 - 1. Noted., 2. Noted. 3. A report will be presented to Council on 10 March 2020 OM, to rescind the NOM, expedite the delivery of the project to meet the funding conditions and commit funds (total project cost $43K) to the project. 24 February 2020 - A Capital Works variation has been raised in the current financial year (2019/20) to deliver the coaches boxes before the commencement of the football season. Expediting the delivery of the works has occurred to due to funding conditions of the grant.. 3 February 2020 - No change to the status. 13 January 2020 - $10K will be referred to the 2020/2021 Capital Works Program to augment the grant, should the funding application to the Federal Government be successful. 2 December 2019 - No change in status. 1 November 2019 - $10K will be referred to the 2020/2021 Capital Works program to augment the grant, should the funding application to the Federal Government be successful. This item doesn't require any action from Capital Works Delivery Department at this time. Once funding is allocated in the Capital Works Program in 2020/21 and grant is confirmed, arrangements will be made for delivery of the works in 2020/21. No update from project delivery perspective at this time.	Outcome Cost: $40,000 (Costs as noted in resolution)
14-Oct-19	14.3	2019/NOM46 - Seaford Foreshore Activation Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken 1. Council officer's advocate and negotiate with DELWP for enhanced experience of the Seaford Foreshore. 2. Pending DELWP support in principle Council refers $40K to the 2020/21 capital works budget for planning and design, which is to be sympathetic of the coastal location and colours. 3. Notes a report outlining the detailed budget will be presented to Council for inclusion in the draft Capital Works program once planning and design has been completed Carried Unanimously	Luke Ure / Stuart Caldwell / Brad Hurren / Kim Jaensch	2 April 2020 - 1. Council officers met with DELWP to test their interest regarding Seaford Foreshore activation. The response from DELWP was that they would not consider the proposal without a plan, community consultation or strategic justification., 2. $40K has been allocated to the FY20/21 draft CW budget to develop a proposal (Planning and Concept design) which will be presented to DELWP for their consideration., 3. Subject to DELWP approval a report will be presented to council in FY 20/21 outlines the total budget implication for detail design and implimentation/construction 13 March 2020 - 1. Council officers will write a letter to DELWP to seek their in principle agreement for works to enhance experience at the Seaford Foreshore; 2. $40K has been allocated to the 2020/21 CWP using developer open space contribution for the Seaford area. However if DELWP approval is not provided funding will return to reserve; 3. A report will be presented to Council once the design is completed in FY 2020/21. 24 February 2020 - $40K has been allocated to the 2020/21 Capital Works Program utilising developer open space contributions for the Seaford area. Project will require DELWP support for the proposed works. A report will be presented to Council once the necessary planning and design has been undertaken, which will be sympathetic of the coastal location and colours. 3 February 2020 - $40K will be referred to the 2020/21 Capital Works program should DELWP support the proposed works. 13 January 2020 - $40K will be referred to the 2020/21 Capital Works program, should DELWP support the proposed works. 2 December 2019 - No further update at this stage 1 November 2019 - $40K will be referred to the 2020/2021 Capital Works program, should DELWP support the proposed works.	Outcome Cost: $40,000 (Costs as noted in resolution - pending DEWLP funding)
14-Oct-19	14.6	2019/NOM49 - Glyphosate Herbicide Cr Aitken	Council Decision Moved: Councillor Aitken Seconded: Councillor Mayer That Frankston City discontinue the use of the current herbicide regime ie. Glyphosate, effective 1 July 2020. This applies to Council staff and contractors employed by Frankston City Council. Carried Unanimously	Brad Hurren / Kim Jaensch	2 April 2020 - Status report presented to Council at its meeting of 30 March 2020 advising of progress in implementing the glyphosate ban on 1 July 2020. 13 March 2020 - Councillors were briefed on 24 February 2020 regarding this matter. This briefing included advice on positive and proactive actions taken by officers to implement the Glyphosate Ban by ceasing use of all herbicides as of 1 Jan 2020 at high priority sites such as preschools and playgrounds., A report to Council is scheduled for March/April 2020. 24 February 2020 - A briefing of councillors is scheduled for Monday 24 February regarding this matter 3 February 2020 - A review of the Glyphosate action is scheduled to be presented to Councillors at the Briefing held on 24 February 2020. 13 January 2020 - A council briefing report is currently being prepared for February 2020 to update councilors on progress with this NOM. Some positive improvements have already been implemented, we are investigating a range of changes to how we deliver our services and consulting the industry to ensure best practice weed management. 2 December 2019 - No change to status. 1 November 2019 - Will discuss with Manager Operations on the impact this will have on the 2020/2021 budget and incorporate relevant financial impact into the budget.	

Notice of Motion Report - 2020 - OM5 - for the 20 April Council Meeting (A4186221).XLSX

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
18-Nov-19	14.1	2019/NOM50 - Climate Emergency Cr Mayer	Council Decision Moved: Councillor Hampton Seconded: Councillor Cunial 1. That Frankston Council: a. Acknowledges that current levels of global warming and future warming already committed constitute nothing less than a climate emergency for most life on this planet, requiring an emergency response by all levels of government, including local government; b. Resolves to review and update Council's Climate Change Impact and Adaption Plan (2011) to guide the climate emergency response by Council, to be prepared by the Chief Executive Officer within 12 months of the date of this resolution; and c. Undertakes to work with the Frankston community to raise awareness of the climate emergency and support community action to mitigate greenhouse gas emissions and build resilience. 2. Council calls upon the Australian State and Federal Governments to: a. Declare a climate emergency; and b. Back this up with legislated programs to drive emergency action to reduce greenhouse gases and meet the lower target of the Paris Agreement to keep global warming below 1.5 degrees. Carried Unanimously	Luke Ure	2 April 2020 - 1A. Noted, 1B. A Climate Change Governance Group has been established to commence, amongst many other actions, the review and update of Councils Climate Change Impact and Adaption Plan to guide Council's Climate Emergency Response. This will be presented to Council in November 2020., 1C. Opportunities to raise community awareness is currently being assessed by the Climate Change Governance Group., 2A. No further update. , 2B. No further update. 13 March 2020 - 1A. Noted, 1B. Officers have commenced a review and update of Councils Climate Change Impact and Adaption Plan to guide Council's Climate Emergency Response. This will be presented to Council in November 2020. 1C. Opportunities to raise community awareness is currently being assessed by officers. 2A. Letters have been prepared and sent to relevant State and Federal Government MPs as a call for action. , 2B. Council is advocating for the implementation of legislated programs to drive emergency action to reduce greenhouse gases and meet the lower target of the Paris Agreement to keep global warming below 1.5 degrees. This statement was outlined in the letter noted above. Additionally, Council officers will review and update Council's Climate Change Impact and Adaptation Plan (2011) to guide the climate emergency response by Council and a report will be presented to Council by November 2020. 24 February 2020 - Frankston Council has declared a climate emergency. Subsequently letters have been prepared and sent to relevant State and Federal Government MPs as a call for action. Council is advocating for the implementation of legislated programs to drive emergency action to reduce greenhouse gases and meet the lower target of the Paris Agreement to keep global warming below 1.5 degrees. Additionally, Council officers will review and update Council's Climate Change Impact and Adaption Plan (2011) to guide the climate emergency response by Council and a report will be presented to Council by November 2020. As another key component of the emergency response, Council will work with the Frankston community to raise awareness of the climate emergency and support community action to mitigate greenhouse gas emissions and build resilience. 3 February 2020 - Frankston Council has declared a climate emergency. Subsequently Council officers will: - Review and update Council's Climate Change Impact and Adaption Plan (2011) to guide the climate emergency response by Council and a report will be presented to Council by November 2020. - Undertake work with the Frankston community to raise awareness of the climate emergency and support community action to mitigate greenhouse gas emissions and build resilience. - Advocate to the Australian State and Federal Governments to: a. Declare a climate emergency; and	
18-Nov-19	14.2	2019/NOM51 - Community Safety in the CAA Cr Aitken	Council Decision That Council notes the recent Community Safety Meetings held by Cr Toms and continued by Cr Aitken which has involved a number of participants including council officers, John Billings representing Frankston Traders Group, various traders and other parties. Requests that future meetings be closely minuted detailing issues and suggestions, and that such minutes be tabled with Council at the next Ordinary Meeting in the Open Agenda. Requests further that any issues raised at these meetings, initiatives or ideas and/or requests to Frankston Police, be forwarded in detail to Frankston Police requesting detailed responses to the issues and in turn these responses be tabled in a report for the next appropriate Ordinary Meeting.	Sam Jackson / Leonie Reints	2 April 2020 - Due to the COVID-19 Pandemic officers were not able to proceed with the March meeting. Rescheduling of this meeting will be reviewed again once social distancing restrictions are reduced and the business community is better able to participate in these type of initiatives. This will be regularly monitored. 13 March 2020 - Further meetings will be scheduled on a quarterly basis - with the next meeting likely to be in March. Minutes will be tabled at the next available Ordinary Meeting.Any issues, initiatives or ideas raised will be forwarded to Frankston Police requesting detailed responses to be tabled at the next available Ordinary Meeting. 24 February 2020 - Further meetings will be scheduled on a quarterly basis - with the next meeting likely to be in March. Minutes will be tabled at the next available Ordinary Meeting.Any issues, initiatives or ideas raised will be forwarded to Frankston Police requesting detailed responses to be tabled at the next available Ordinary Meeting. 3 February 2020 - Further meetings will be scheduled on a quarterly basis - with the next meeting likely to be in February to ensure timing is appropriate for traders. Minutes will be tabled at the next available Ordinary Meeting. Any issues, initiatives or ideas raised will be forwarded to Frankston Police requesting detailed responses to be tabled at the next available Ordinary Meeting. 13 January 2020 - Further meetings will be scheduled on a quarterly basis - with the next meeting likely to be in February to ensure timing is appropriate for traders. Minutes will be tabled at the next available Ordinary Meeting. Any issues, initiatives or ideas raised will be forwarded to Frankston Police requesting detailed responses to be tabled at the next available Ordinary Meeting. 2 December 2019 - Further meetings will be scheduled on a quarterly basis and minuted. Minutes will then be tabled at the next available Ordinary Meeting. Any issues, initiatives or ideas raised will be forwarded to Frankston Police requesting detailed responses to be tabled at the next available	
18-Nov-19	14.3	2019/NOM52 - Kananook Creek Arboretum Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken That a report be provided no later than February 2020 to the Ordinary Meeting on the scope and funding options for the 'Kananook Creek Arboretum' proposal that has been heralded by the Kananook Creek Association and the Frankston Beach Association. Carried Unanimously	Sally Prideaux	2 April 2020 - Report was presented to OM3 - approach to design and consultation for improvement works endorsed by Council. 13 March 2020 - No further update 24 February 2020 - Report was presented to OM2 February Ordinary Meeting and Council resolved to proceed with the project. Further work to action Council's resolution will be programmed by the Urban Design team in accordance with the report presented and resolution. 3 February 2020 - No change to status. 13 January 2020 - Officers are currently working on a report to be presented to the February 2020 Ordinary meeting. 2 December 2019 - Meetings with KCA and interested Councillors will be held to provide input into the project scope and costings which will be reported to Council OM February 2020.	
18-Nov-19	14.4	2019/NOM53 - Councillors Code of Conduct Cr Aitken	Council Decision Moved: Councillor Aitken Seconded: Councillor Bolam That the Councillor Code of Conduct be reconsidered in respect of the wording and points laid out. This is to be undertaken in the first instance with individual councillors and any suggestions they may have. Then followed up by general discussion and finally resolved through a formal resolution if any changes are made. Carried Unanimously	Brianna Alcock	2 April 2020 - In progress. Discussions are due to commence with Councillors on the review of the Councillor Code of Conduct. The Local Government Act 2020, which will come into operation from 6 April 2020, outlines the requirements that must be included within the Councillor Code of Conduct. This, along with the comments provided by Councillors, will need to be considered as part of this review. Progress on this item has been delayed due to priorities focused on strengthening governance across the orgnisation occurring in February. 13 March 2020 - In progress. Discussions are due to commence with Councillors on the review of the Councillor Code of Conduct. The impending introduction of the new Local Government Bill 2020 will prescribe further requirements and should also be considered as part of this review. Progress on this item has been delayed due to priorities focused on strengthening governance across the organisation occurring in February. 24 February 2020 - Communication and discussion on the review of the Councillor Code of Conduct will commence in February 2020. 13 January 2020 - Communication and discussion on the review of the Councillor Code of Conduct will commence at the start of February 2020. 2 December 2019 - Council has resolved that the Councillor Code of Conduct be reconsidered in respect of the wording and points laid out. This is to be undertaken in the first instance with individual councillors and any suggestions they may have. Then followed up by general discussion and finally resolved through a formal resolution if any changes are made. Preparation is now required to commence discussions with Councillors on the review of the Councillor Code of Conduct.	
18-Nov-19	14.5	2019/NOM54 - Mass Tree Planting Program Cr Bolam	Council Decision That the Urban Forest Action Plan report, due before Council in early 2020, is to include an option for the consideration by Council for the implementation of a bulk tree planting program throughout the municipality within a twelve - fifteen month period. The option detail in the report is to include areas where plantings could be located, the kind of plantings, public and private uptake, potential costs and the approaches employed by other municipalities that have initiated similar (if not greater) mass tree planting initiatives within a twelve month period such as Hornsby, Maroondah, Onkaparinga and Murray.	Stuart Caldwell	2 April 2020 - Actions included in Urban Forest Action Plan considered by Council at OM4 - 30/3 - endorsed by Council for community consultation. Request to close. 13 March 2020 - Scheduled for 30 March OM. 24 February 2020 - A report is scheduled to be presented to Council at its meeting on 10 March 2020 OM3. 3 February 2020 - This option is being included in the Urban Forest Action Plan, which is pending report to Council. 13 January 2020 - Work on the Urban Forest Action Plan is continuing and options for tree planting will be incorporated in the plan due to be presented to Council. 2 December 2019 - Noted. Options for bulk tree planting program will be included in the Urban Forest Action Plan report scheduled for Council early 2020 for Council consideration.	

Notice of Motion Report - 2020 - OM5 - for the 20 April Council Meeting (A4186221).XLSX

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
16-Dec-19	14.4	2019/NOM60 - Two Storey Limitation in Seaford Township Cr Aitken	Council Decision Moved: Councillor Aitken Seconded: Councillor Bolam That Council be provided a report of the costing associated with a planning amendment, which would seek to limit building construction to two-stories in Seaford township environs. Carried	Stuart Caldwell	2 April 2020 - Draft report to OM4 - March 2020 was withdrawn. Report will be revised and presented to future Council meeting - likely May 2020. 13 March 2020 - A report is being prepared for Council consideration at its Ordinary Meeting of 30 March 2020 24 February 2020 - Officers are reviewing options for a study and amendment, anticipated to be presented to Council in the requested report to OM4 - 30 March 2020. 13 January 2020 - A report will be scheduled advising Council of the costs associated with a planning amendment.	
16-Dec-19	14.5	2019/NOM61 - PARC Swim Research Study Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken That Council provides a report to the February 2020 Ordinary Meeting to consider partnering with Deakin University (DU) and Peninsula Leisure P/L (PL) in the development of a research paper that will potentially gain international and local industry interest. PL and DU propose to undertake an extensive study, to focus specifically on: • The developmental stage at which children establish foundational swimming skills; and • Three schools for which regular and frequent learn-to-swim instruction is not commonplace. The proposed target schools are located in Karingal and Frankston North, which are areas where statistical socioeconomic disadvantage exists. The schools that will be participating in this program are Mahogany Rise PS, Aldercourt PS and Ballam Park PS. The study is expected to benefit between 200-300 children; and will incentivise students and their families to participate in free swimming lessons to improve their swimming capabilities. There is an opportunity to seek Victorian Government funding to offset funding required by PL and Council. The report will provide details of any proposed Council contribution to this initiative. Carried Unanimously	Kim Jaensch	2 April 2020 - Discussions have commenced with Peninsula Leisure as to how Council can support and participate in the PARC Study to finalise the study's parameters and present back to Council a report in June 2020. The recent PARC closure due to the COVID-19 situation may have an impact on the project. 13 March 2020 - Council discussed the report on the PARC Swim Research Study in open Council on 17 February 2020. Council did elect however to not proceed with the recommendations and instead passed a motion deferring consideration of the report with the wording as follows: , 'That the matter be deferred until the June 2020 Ordinary Meeting to allow Peninsula Leisure more time to finalise the study's parameters.', Council will now wait until Peninsula Leisure has finalised the study parameters. 24 February 2020 - At its 17 February OM, the matter was deferred to June 2020 Ordinary Meeting. 3 February 2020 - A report will be prepared for the February 2020 Ordinary Meeting to consider partnering with Deakin University (DU) and Peninsula Leisure P/L (PL) in the development of a research paper that will potentially gain international and local industry interest. A meeting has been scheduled with the CEO of PL to discuss further. 13 January 2020 - A report will be prepared for the February 2020 Ordinary Meeting to consider partnering with Deakin University (DU) and Peninsula Leisure P/L (PL) in the development of a research paper that will potentially gain international and local industry interest.	
16-Dec-19	14.6	2019/NOM62 - Hoon Driving Report Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken That Council: 1. Notes the enormous damage hoon driving of all fashions has had, and will continue to have, on the amenity and people of Frankston; 2. Provides a report in April 2020 on the use of a 'bounty' initiative to incentivise the public to provide integral intel that leads to the fining and/or prosecution of people that commit hooning offences using either on-road vehicles or off-road powered bikes (monkey bikes). The report is to consider the approaches utilised by many municipalities that provide bounties for local laws based infractions/delegated infringement powers (ie. Shire of York, Western Australia). The report should consider the annual sinking allocation for bounties, Police cooperation, the threshold for a bounty being paid and the process for 'dobbing in' hoon offenders; 3. Considers in the same report, the approach presently undertaken by Hume City Council where council staff lay on roads a coarse spray seal. This treatment can burn through rubber, destroying the tyres of cars attempting skids and burnouts. This component of the report is to cover spray costs, signage and the	Leonie Reints	2 April 2020 - The report is currently scheduled for 11 May 2020 OM. 13 March 2020 - No further update. 24 February 2020 - No change to status. 3 February 2020 - Report is currently being prepared and will be presented to Council in April 2020. 13 January 2020 - 1) Noted 2) A report has been scheduled to come back to Council in April 2020. 3) Noted 4) Noted 5) Noted	
16-Dec-19	14.7	2019/NOM63 - Free Wi-Fi Zones Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Cunial That Council provides a report to the March 2020 Ordinary Meeting on the potential of 'Free Wi-Fi Zones' for free public use. This approach, as practiced by other municipalities (i.e. the City of Greater Dandenong, the City of Melbourne and the Mildura Rural City Council etc.), will allow the public to utilise free Wi-Fi in strategic locations such as the Frankston and Seaford town centres. Prospective locations, in lieu of Wi-Fi coverage, are to also have signage and be listed on the council website. The report is to also consider any health implication/s relative to 5G and electromagnetic frequency concerns expressed by members of the public.	David Tipton	2 April 2020 - Was tabled at OM4 and recommendations carried unanimously. IT will now start working with Communications on a plan for the advertising campaign. 24 February 2020 - Initital draft of the Council report will be completed this week for review and discussion. 3 February 2020 - Investigations are ongoing into the potential for free Wi-Fi 13 January 2020 - Investigations have commenced into the potential of free Wi-Fi Zones for the public within the Frankston municipality. A report will be prepared for the March 2020 Council meeting.	
16-Dec-19	14.9	2019/NOM65 - Cemetery Caretaker Provisions Cr McCormack	Council Decision Moved: Councillor McCormack Seconded: Councillor Aitken 1. That a report be prepared for consideration by Council in relation to options for re-instating the caretaker at the Frankston Cemetery following the abrupt cessation of the caretaker role, without community consultation. 2. That the report consider options for replacement of the position which includes the administrative requirements that the role requires, as well as options for cemetery maintenance. 3. That the report be brought back to Council for consideration in March 2020. Carried Unanimously	Brianna Alcock	2 April 2020 - In progress. A report will be presented to Council on the progress for consideration at the Council Meeting in May 2020. 1. In progress. A report is being prepared for consideration by Council in relation to options for re-instating the caretaker at the Frankston Cemetery following the abrupt cessation of the caretaker role, without community consultation. 2. In progress. The report will consider options for replacement of the position which includes the administrative requirements that the role requires, as well as options for cemetery maintenance. 3. In progress. A report will be presented to Council on the progress for consideration at the Council Meeting in May 2020. Officers will also consult with the community on their preferences and needs for a caretaker which will be included in the report back to Council. 13 March 2020 - In progress. A report will be presented to Council on the progress for consideration at the Council Meeting on 30 March 2020. 1. In progress. A report is being prepared for consideration by Council in relation to options for re-instating the caretaker at the Frankston Cemetery following the abrupt cessation of the caretaker role, without community consultation. 2. In progress. The report will consider options for replacement of the position which includes the administrative requirements that the role requires, as well as options for cemetery maintenance. , 3. In progress. A report will be presented to Council on the progress for consideration at the Council Meeting on 30 March 2020. 24 February 2020 - No change to status. 13 January 2020 - A response to NOM report will be brought back to Council for consideration in March 2020.	
28-Jan-20	14.1	2020/NOM2 - Smart City Strategy Cr Toms	Council Decision Moved: Councillor Toms Seconded: Councillor Aitken That Council: 1. Notes the advantages of smart cities enable increased economic competitive advantage and lifestyle benefits for residents. 2. Authorises the CEO to propose to the SEM Board a Smart City Strategy be explored as a South East Melbourne City Deal project. Carried Unanimously	Sam Jackson	2 April 2020 - Noted. At such stage as projects are being identified as part of the SEM City Deal the option of a smart city will be presented, however, at this stage discussions appear to have been placed on hold while the immediate impact of COVID-19 and the appropriate regional response to it are identified. 13 March 2020 - Noted. At such stage as projects are being identified as part of the SEM City Deal the option of a smart city will be presented. 24 February 2020 - Noted. At such stage as projects are being identified as part of the SEM City Deal the option of a smart city will be presented.	

Notice of Motion Report - 2020 - OM5 - for the 20 April Council Meeting (A4186221).XLSX

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
28-Jan-20	14.2	2020/NOM3 - Gambling Royal Commission Reform Cr Bolam	That Council: 1. Affirms the Australian Local Government Association commitment to support the City of Yarra Notice of Motion in calling on the Federal Government to: 1. Establish a Royal Commission into the gambling industry and the $24 billion in annual gambling losses nationally, the highest in the world in per capita terms. 2. Embrace national harm minimisation policies to reduce gambling harm in Australia such as: a) Following the lead of the UK Labour Party in supporting a ban on credit card usage with Australian licensed online gambling companies; b) Introducing further restrictions on gambling advertising, emulating the approach taken with the tobacco industry; c) Establishing a national ombudsman scheme to process consumer complaints and resolve customer disputes with online gambling companies; d) Introducing a ban on federally registered political parties from owning gambling licences issued by Australian governments, including for the operation of poker machine venues. 2. Calls on the Federal Government, through support of the Australian Local Government Association, to investigate the gambling industry's influence on the democratic process, including political donations and third party campaigning; 3. Notes the letter of support from the Alliance for Gambling Reform in relation to this Notice of Motion; 4. Prepares a joint letter with the Alliance for Gambling Reform to all Mayors in Australia calling on similar council resolutions (including a generic Notice of Motion template); and 5. Resolves to not accept any corporate sponsorship for council based activities from gambling/gaming entities, without exception.	Gill Kay	2 April 2020 - Letters are being received and collected from Councils across Australia. Advice to Councillors on the status of support will be provided in May 2020. 13 March 2020 - Letters were sent 10 March 2020. 24 February 2020 - Letters are currently being written for signing by the Mayor.	
28-Jan-20	14.4	2020/NOM7 - Meeting Local Law Refinements Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken 1. Council notes the proposed Local Government Bill 2019 is anticipated to be passed in Parliament in February 2020. The Bill focuses on five (5) key reform themes; improved service delivery, improved councillor conduct, stronger local democracy, community confidence and new relationships. 2. Subsequent to implementation of likely improvements associated with the Local Government Bill 2019, Frankston City Council's Governance Local Law No 1 of 2018 be formally reviewed and give consideration to the following: a) City of Monash Meeting Procedures Local Law No.1 – 35. Demand Documents b) Knox City Council Meeting Procedure and Use of Common Seal 2019 – 49. Personal Explanation c) Moreland City Council Meeting Procedure Local Law – 71. Contradiction or opinion d) Greater Dandenong City Council Meeting Procedure Local Law No. 1 – 25. Mayoral / Councillor Presentation e) Greater Dandenong City Council Meeting Procedure Local Law No.1 – 29. Correspondence Inwards f) Buloke Shire Council Meetings Procedure and Common Seal – 27. Meetings Closed to the Public g) Buloke Shire Council Meetings Procedure and Common Seal – 93. Councillor Presenting Petition – Obligation 3. Council notes that under section 60 of the Local Government Bill 2019 the Governance Rules must be developed, ensuring that a process of community engagement is followed, and adopted on or before 1 September 2020. This will replace the Governance Local Law No 1 of 2018. 4. Council officers investigate the timeframes for making the agenda public and any other related material for Ordinary meetings at least six (6) days before the meeting and the draft minutes available to the public within 48 hours of the meeting. Carried Unanimously	Brianna Alcock	2 April 2020 - 1. Complete. Council noted the proposed Local Government Bill 2019 is anticipated to be passed in Parliament in February 2020. 2. In progress. The Governance Local Law and meeting procedures will need to be revised and changed to Governance Rules as per the Local Government Act 2020, which will come into operation from 6 April 2020 in four stages. The Governance Rules is expected to be adopted by 1 September 2020, however, in light of COVID-19, there is a four month grace period for this to be finalised. 13 March 2020 - In progress. The Governance Local Law and meeting procedures will be reviewed pending an update on the status of the Local Government Bill 2019. 1. Complete. Council noted the proposed Local Government Bill 2019 is anticipated to be passed in Parliament in February 2020. 2. In progress. The Governance Local Law will be reviewed, pending the status of the Local Government Bill. 24 February 2020 - The Governance Local Law and meeting procedures will be reviewed pending an update on the status of the Local Government Bill 2019.	
17-Feb-20	14.1	2020/NOM9 - Creation of Employment Opportunities Cr Cunial	Council Decision Moved: Councillor Cunial Seconded: Councillor Hampton Notwithstanding Council's significant investment in business support and attraction programs, it is noted that there is less than one job per three residents in Frankston City. Council calls for a report to the April 2020 Ordinary Council Meeting outlining any opportunities to be further investigated regarding changes to processes, strategic position and policy that could aid with the creation of more employment opportunities within the City.	Sam Jackson	2 April 2020 - Preparation of the report for the April Meeting has been delayed while resources have been redirected towards providing an immediate response to support businesses through COVID-19. It is likely at this stage that this report may need to be delayed to the 1 June Ordinary Council meeting, by which stage Officers will be better placed to understand in light of significant business closures, what are the measures to best create employment opportunities in response to this NOM. 13 March 2020 - Officers are preparing a report for the April Ordinary meeting in accordance with the resolution.	
10-Mar-20	14.1	2020/NOM10 - Reforms Cr Bolam	Deferred from OM2 14 February 2020 Council Decision Moved: Councillor Bolam Seconded: Councillor Aitken That Council prepares a report for the Ordinary Meeting on 20 April 2020 that explores enhancing the independence of internal investigations, including: a) The process for referral of internal investigations by the CEO to the Internal Ombudsman, the Audit and Risk Committee or IBAC; b) Steps to safeguard against interference in how internal investigations are undertaken; c) Ensuring the independence of the Internal Ombudsman position and their investigations without undue influence or institutional favour.	Brianna Alcock	2 April 2020 - Consideration needs to be given to the new Local Government Act 2020 which includes changes that will come into effect relating to Complaints Handling. A report will be presented to Council at its Ordinary Meeting on 11 May 2020. 13 March 2020 - Noted. Report is to be prepared for the 20 April 2020 Ordinary meeting. 24 February 2020 - At its Meeitng on 17 February 2020 the matter was deferred to next Ordinary Meeting (10 March 2020)	

Notice of Motion Report - 2020 - OM5 - for the 20 April Council Meeting (A4186221).XLSX

Urgent Business

Meeting Date	NOM Title and Councillor	Council Resolution	Responsibility	Comments
16-Dec-19	Urgent Business – Casey City Council Corruption allegations Moved: Cr Bolam	Council Decision Moved: Councillor Bolam Seconded: Councillor Hampton That a comprehensive public report be provided at the February Ordinary Meeting (without delay) concerning the fallout from the ongoing IBAC investigation relative to Casey City Council, namely: a) Whether any of the developers or named actors have had applications lodged in Frankston or have made representations to Frankston City Council; b) What increased processes Frankston City Council could implement to ensure that the allegations vis-a-vis Casey City Council do not occur at Frankston City Council; c) What additional future processes (if any) will Frankston City Council consider to further strengthen and protect its planning decisions; and d) That a stocktake of planning decisions - recent (previous 5 years) and current - be considered as part of Council's next Internal Audit. Carried Unanimously	Kim Jaensch	2 April 2020 - Extensive work has been carried out by the internal auditors and a verbal update was provided at the 21 February 2020 Audit and Risk Committee meeting. The field work is continuing and the internal auditors have indicated that the work will be finalised ready to provide a comprehensive public report at the April Ordinary Meeting. 13 March 2020 - Extensive work has been carried out by the internal auditors and a verbal update was provided at the 21 February 2020 Audit and Risk Committee meeting. The field work is continuing and the internal auditors have indicated that the work will be finalised ready to provide a comprehensive public report at the April Ordinary Meeting. 24 February 2020 - Extensive work has been carried out by the internal auditors and a verbal update was provided at the 21 February 2020 Audit and Risk Committee meeting. The field work is continuing and the internal auditors have indicated that the work will be finalised ready to provide a comprehensive public report at the April Ordinary Meeting. 3 February 2020 - A comprehensive public report is intended to be provided at the February Ordinary Meeting pending completion by Council's internal auditors within the requested timeframe. The internal auditors have prepared a scope and approval was provided by the Audit and Risk Committee and Cr Bolam (who raised the NoM). The field work is underway. 13 January 2020 - A comprehensive public report will be provided at the February Ordinary Meeting pending availability of Council's internal auditors concerning the fallout from the ongoing IBAC investigation relative to

Executive Summary

12.2 Record of Assemblies of Councillors

Enquiries: (Brianna Alcock: Chief Financial Office)

Council Plan

Community Outcome:	3. A Well Governed City
Strategy:	3.1 Accountable Governance
Priority Action	3.1.1 The elected representatives will provide clear and unified direction, transparent decision makers and good governance

Purpose

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

Recommendation (Chief Financial Officer)

That Council receives the following written records for the Assembly of Councillors on:

- 24 February 2020 (Councillor Briefing);
- 26 February 2020 (Major Projects Advisory Committee Meeting);
- 2 March 2020 (Councillor Briefing);
- 10 March 2020 (Pre-Agenda Council Meeting);
- 16 March 2020 (Councillor Briefing);
- 23 March 2020 (Councillor Briefing); and
- 30 March 2020 (Pre-Agenda Council Meeting).

Key Points / Issues

Council is required under the *Local Government Act* 1989 to keep a written record for the Assembly of Councillors, including:

- the names of all Councillors and members of Council staff attending a Councillor Briefing or other meeting
- any matters considered
- any conflict of interest disclosures made by a Councillor or member of Council staff
- if the Councillor or member of staff who disclosed a conflict of interest, left the meeting.

Financial Impact

There are no financial implications associated with this report.

Consultation

1. External Stakeholders

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

2. Other Stakeholders

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

Analysis (Environmental / Economic / Social Implications)

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

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

Legal

Under Section 76AA of the *Local Government Act 1989*, Council is required to make a written record of all Councillors who participate in;

- An Advisory Committee where at least one (1) Councillor and a member of Council staff is present; and
- A planned or scheduled meeting where at least half the Councillors and a member of staff is present.

Policy Impacts

There are no policies that will impact the decision of this report.

Officer's Declaration of Interests

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

Risk Mitigation

There are no risks associated with this report.

Conclusion

It is recommended that the written records as attached to the report be received.

12.2 Record of Assemblies of Councillors

Executive Summary

ATTACHMENTS

Attachment A:⇩	Record of Assembly of Councillors - 24 February 2020 (Councillor Briefing)
Attachment B:⇩	Record of Assembly of Councillors - 26 February 2020 (Major Projects Advisory Committee Meeting)
Attachment C:⇩	Record of Assembly of Councillors - 2 March 2020 (Councillor Briefing)
Attachment D:⇩	Record of Assembly of Councillors - 10 March 2020 (Pre-Agenda Council Meeting)
Attachment E:⇩	Record of Assembly of Councillors - 16 March 2020 (Councillor Briefing)
Attachment F:⇩	Record of Assembly of Councillors - 23 March 2020 (Councillor Briefing)
Attachment G:⇩	Record of Assembly of Councillors - 30 March 2020 (Pre-Agenda Council Meeting)

RECORD OF ASSEMBLY OF COUNCILLORS

Title of Meeting: Councillor Briefing			
Meeting Date: 24 February 2020			
Commencement Time: 6.00pm		**Location:**	
Finish Time: 8.09pm		Council Chambers	
Matters Considered: *(Heading only)* **CEO Time, Planning Scheme Amendment C130 - Rezone inappropriately zoned public open space reserves within Frankston Municipality to Public Park and Recreation Zone, Public Conservation and Resource Zone and Public Use Zone (including Evelyn Street Reserve), Review of Glyphosate action, Frankston Health and Wellbeing Hub - EOI update, Options for Frankston Metropolitan Activity Centre Structure Plan, General Business, Notes from previous briefing held on 10 February 2020**			
Councillors	**Present**	**Arrival and Departure**	
Cr Sandra Mayer	☒ Yes ☐ Apology ☐ No	Arrived: 6.00pm	Left: 8.09pm
Cr Glenn Aitken	☒ Yes ☐ Apology ☐ No	Arrived: 6.00pm	Left: 8.09pm
Cr Kris Bolam	☐ Yes ☐ Apology ☒ No	Arrived:	Left:
Cr Brian Cunial	☐ Yes ☐ Apology ☒ No	Arrived:	Left:
Cr Colin Hampton	☒ Yes ☐ Apology ☐ No	Arrived: 6.00pm	Left: 8.06pm
Cr Quinn McCormack	☒ Yes ☐ Apology ☐ No	Arrived: 6.17pm	Left: 8.09pm
Cr Lillian O'Connor	☐ Yes ☒ Apology ☐ No	Arrived:	Left:
Cr Michael O'Reilly	☐ Yes ☒ Apology ☐ No	Arrived:	Left:
Cr Steve Toms	☒ Yes ☐ Apology ☐ No	Arrived: 6.00pm	Left: 8.09pm

Council Staff Attendance:
☒ Phil Cantillon ☒ Kim Jaensch ☐ Dr. Gillian Kay ☒ Cam Arullanantham ☒ Tim Bearup Leonie Reints, Anne Sorrenson, Stuart Caldwell, Brad Hurren, Simone Bonella, Byron Douglas, Allan Wallis,
Others in attendance (including titles):
Conflict of Interest Disclosures ***"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"*** **Nil**
Whether a Councillor(s), having disclosed a conflict of interest, left the assembly: **Not applicable**
Name of Council Staff Member responsible for this written record: Kim Jaensch
Position Title: Acting Chief Financial Officer

Please submit completed form to Governance within 24 hours of the meeting

RECORD OF ASSEMBLY OF COUNCILLORS

Title of Meeting: Major Projects Advisory Committee (MPAC)			
Meeting Date: 26 February 2020			
Commencement Time: 6.00pm		**Location:** Acacia Room, Civic Centre	
Finish Time: 8.49 pm			
Matters Considered: *(Heading only)* • Jubilee Netball Centre • White Street Mall • Path Development Plan • Belvedere Bowls Club Refurbishment • Linen House – Stage 2 Proposal • Draft Project Management Framework • Overport Park Masterplan • Jubilee Netball Centre Management Model			
Councillors	**Present**	**Arrival and Departure**	
Cr Sandra Mayer	☒ Yes ☐ Apology ☐ No	Arrived: 5.40pm	Left: 8.49pm
Cr Glenn Aitken	☒ Yes ☐ Apology ☐ No	Arrived: 6.00pm	Left: 8.49pm
Cr Kris Bolam	☒ Yes ☐ Apology ☐ No	Arrived: 6.35pm (via phone)	Left: 8.49pm
Cr Brian Cunial	☐ Yes ☐ Apology ☒ No	Arrived:	Left:
Cr Colin Hampton	☐ Yes ☐ Apology ☒ No	Arrived:	Left:
Cr Quinn McCormack	☒ Yes ☐ Apology ☐ No	Arrived: 6.50pm	Left: 8.49pm
Cr Lillian O'Connor	☐ Yes ☐ Apology ☒ No	Arrived:	Left:
Cr Michael O'Reilly	☐ Yes ☐ Apology ☒ No	Arrived:	Left:
Cr Steve Toms	☒ Yes ☐ Apology ☐ No	Arrived: 5.40pm	Left: 8.49pm

Council Staff Attendance:
☒ Phil Cantillon ☒ Kim Jaensch ☐ Dr. Gillian Kay ☒ Cam Arullanantham ☒ Tim Bearup Leonie Reints (Acting Director Communities)
Others in attendance (including titles): Simone Bonella, Stuart Caldwell, Doug Dickins, Byron Douglas, Alison Frowd, Roy Furtado, Dana Harding, James Lim, Sally Prideaux, James Robinson, Luke Ure
Conflict of Interest Disclosures ***"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"***
Whether a Councillor(s), having disclosed a conflict of interest, left the assembly:
Name of Council Staff Member responsible for this written record: Luke Ure
Position Title: Manager Sustainable Assets

Please submit completed form to Governance within 24 hours of the meeting

RECORD OF ASSEMBLY OF COUNCILLORS

Title of Meeting: Councillor Briefing			
Meeting Date: 2 March 2020			
Commencement Time: 6.00pm		**Location: Council Chambers**	
Finish Time: 8.54pm			
Matters Considered: *(Heading only)* **CEO Time** **Budget Session** **Agenda Review**			
Councillors	**Present**	**Arrival and Departure**	
Cr Sandra Mayer	☒ Yes ☐ Apology ☐ No	Arrived: 6.00pm	Left: 8.54pm
Cr Glenn Aitken	☒ Yes ☐ Apology ☐ No	Arrived: 6.00pm	Left: 8.54pm
Cr Kris Bolam	☒ Yes ☐ Apology ☐ No	Arrived: 6.00pm (On Phone)	Left: 8.54pm
Cr Brian Cunial	☐ Yes ☒ Apology ☐ No	Arrived:	Left:
Cr Colin Hampton	☐ Yes ☒ Apology ☐ No	Arrived:	Left:
Cr Quinn McCormack	☒ Yes ☐ Apology ☐ No	Arrived: 6.10pm	Left: 8.54pm
Cr Lillian O'Connor	☐ Yes ☒ Apology ☐ No	Arrived:	Left:
Cr Michael O'Reilly	☒ Yes ☐ Apology ☐ No	Arrived: 6.00pm	Left: 8.10pm
Cr Steve Toms	☐ Yes ☒ Apology ☐ No	Arrived:	Left:

Council Staff Attendance:
☒ Phil Cantillon ☒ Kim Jaensch ☐ Dr. Gillian Kay ☒ Cam Arullanantham ☒ Tim Bearup Leonie Reints, James Robinson, Vera Roberts, Brianna Alcock, Anne Sorrenson, Oliver, Stuart Caldwell, Doug Dickens, Luke Ure, Stephen Cavanagh, Nicole Auchettl, Sam Jackson, Vishal Gupta
Others in attendance (including titles):
Conflict of Interest Disclosures ***"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"*** Nil
Whether a Councillor(s), having disclosed a conflict of interest, left the assembly: **Not applicable**
Name of Council Staff Member responsible for this written record: Kim Jaensch
Position Title: Acting Chief Financial Officer

Please submit completed form to Governance within 24 hours of the meeting

RECORD OF ASSEMBLY OF COUNCILLORS

Title of Meeting: Pre-Agenda Review Session			
Meeting Date: 10 March 2020			
Commencement Time: 6.00pm		**Location: Acacia Room**	
Finish Time: 7.00pm			
Matters Considered: *(Heading only)* Pre-agenda review			
Councillors	**Present**	**Arrival and Departure**	
Cr Sandra Mayer	☒ Yes ☐ Apology ☐ No	Arrived: 6.00pm	Left: 7.00pm
Cr Glenn Aitken	☒ Yes ☐ Apology ☐ No	Arrived: 6.00pm	Left: 7.00pm
Cr Kris Bolam	☒ Yes ☐ Apology ☐ No	Arrived: 6.00pm	Left: 7.00pm
Cr Brian Cunial	☐ Yes ☒ Apology ☐ No	Arrived:	Left:
Cr Colin Hampton	☒ Yes ☐ Apology ☐ No	Arrived: 6.00pm	Left: 7.00pm
Cr Quinn McCormack	☒ Yes ☐ Apology ☐ No	Arrived: 6.26pm	Left: 7.00pm
Cr Lillian O'Connor	☐ Yes ☒ Apology ☐ No	Arrived:	Left:
Cr Michael O'Reilly	☒ Yes ☐ Apology ☐ No	Arrived: 6.45pm	Left: 7.00pm
Cr Steve Toms	☒ Yes ☐ Apology ☐ No	Arrived: 6.00pm	Left: 7.00pm

Council Staff Attendance:
☒ Phil Cantillon ☒ Kim Jaensch ☐ Dr. Gillian Kay ☒ Cam Arullanantham ☒ Tim Bearup Leonie Reints, Brianna Alcock, Sam Jackson, Anne Sorenson, Stuart Caldwell, Luke Ure, Tenille Craig, Sharon Lozsan, Vishal Gupta, Oliver Rees, Sarah Pye, Doug Dickins, Dana Harding
Others in attendance (including titles):
Conflict of Interest Disclosures ***"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"*** **Nil**
Whether a Councillor(s), having disclosed a conflict of interest, left the assembly: **N/A**
Name of Council Staff Member responsible for this written record: Kim Jaensch
Position Title: Acting Chief Financial Officer

Please submit completed form to Governance within 24 hours of the meeting

RECORD OF ASSEMBLY OF COUNCILLORS

Title of Meeting: Councillor Briefing			
Meeting Date: 16 March 2020			
Commencement Time: 5.45pm		**Location: Council Chambers**	
Finish Time: 7.52pm			
Matters Considered: *(Heading only)* Pandemic Update over dinner with Ron Barbary (VicPol) Demonstration of the new microphone system CEO Time including debrief notes People Strategy and Staff Survey Budget Initiatives Frankston Sunday Market Strategic Groups for Frankston Health & Wellbeing Hub General Business Councillor Briefing Notes - 2 March 2020			
Councillors	**Present**	**Arrival and Departure**	
Cr Sandra Mayer	☒ Yes ☐ Apology ☐ No	Arrived: 6.00pm By Phone	Left: 7.52pm
Cr Glenn Aitken	☒ Yes ☐ Apology ☐ No	Arrived: 5.40pm	Left: 7.52pm
Cr Kris Bolam	☒ Yes ☐ Apology ☐ No	Arrived: 6.00pm By Phone	Left: 7.52pm
Cr Brian Cunial	☐ Yes ☒ Apology ☐ No	Arrived:	Left:
Cr Colin Hampton	☐ Yes ☒ Apology ☐ No	Arrived:	Left:
Cr Quinn McCormack	☒ Yes ☐ Apology ☐ No	Arrived: 5.52pm	Left: 7.52pm
Cr Lillian O'Connor	☐ Yes ☒ Apology ☐ No	Arrived:	Left:
Cr Michael O'Reilly	☒ Yes ☐ Apology ☐ No	Arrived: 5.57pm	Left: 7.52pm
Cr Steve Toms	☐ Yes ☒ Apology ☐ No	Arrived:	Left:

Council Staff Attendance:
☒ Phil Cantillon ☒ Kim Jaensch ☒ Dr. Gillian Kay ☒ Cam Arullanantham ☒ Tim Bearup Sam Jackson, Doug Dickens, Jarred Stevens, Matt Harvey, Fran Boyd, Ilona Ellerton
Others in attendance (including titles): Senior Sergeant - Ron Barbary (Victoria Police)
Conflict of Interest Disclosures ***"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"*** **Nil**
Whether a Councillor(s), having disclosed a conflict of interest, left the assembly: **N/A**
Name of Council Staff Member responsible for this written record: Kim Jaensch
Position Title: Acting Chief Financial Officer

Please submit completed form to Governance within 24 hours of the meeting

RECORD OF ASSEMBLY OF COUNCILLORS

Title of Meeting: Councillor Briefing			
Meeting Date: 23 March 2020			
Commencement Time: 6.00pm		**Location: Council Chambers**	
Finish Time: 8.55pm			
Matters Considered: *(Heading only)* CEO Time Council Agenda Review			
Councillors	**Present**	**Arrival and Departure**	
Cr Sandra Mayer	☒ Yes ☐ Apology ☐ No	Arrived: 5.45pm	Left: 8.55pm
Cr Glenn Aitken	☒ Yes ☐ Apology ☐ No	Arrived: 6.00pm Phone in	Left: 8.55pm
Cr Kris Bolam	☒ Yes ☐ Apology ☐ No	Arrived: 6.00pm Phone in	Left: 8.55pm
Cr Brian Cunial	☐ Yes ☒ Apology ☐ No	Arrived:	Left:
Cr Colin Hampton	☐ Yes ☒ Apology ☐ No	Arrived:	Left:
Cr Quinn McCormack	☒ Yes ☐ Apology ☐ No	Arrived: 5.55pm	Left: 8.55pm
Cr Lillian O'Connor	☐ Yes ☒ Apology ☐ No	Arrived:	Left:
Cr Michael O'Reilly	☐ Yes ☒ Apology ☐ No	Arrived:	Left:
Cr Steve Toms	☒ Yes ☐ Apology ☐ No	Arrived: 6.00pm	Left: 8.55pm

Council Staff Attendance:
☒ Phil Cantillon ☒ Kim Jaensch ☒ Dr. Gillian Kay ☒ Cam Arullanantham ☒ Tim Bearup Vera Roberts, Brianna Alcock, Luke Ure, Stuart Caldwell (Phone in)
Others in attendance (including titles):
Conflict of Interest Disclosures ***"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"*** **Nil**
Whether a Councillor(s), having disclosed a conflict of interest, left the assembly: **N/A**
Name of Council Staff Member responsible for this written record: Kim Jaensch
Position Title: Acting Chief Financial Officer

Please submit completed form to Governance within 24 hours of the meeting

RECORD OF ASSEMBLY OF COUNCILLORS

Title of Meeting: Pre-Agenda Meeting			
Meeting Date: 30 March 2020			
Commencement Time: 6.00pm		**Location: Frankston Arts Centre**	
Finish Time: 7.05pm			
Matters Considered: *(Heading only)* Pre-Agenda Meeting			
Councillors	**Present**	**Arrival and Departure**	
Cr Sandra Mayer	☒ Yes ☐ Apology ☐ No	Arrived: 6.00pm	Left: 7.05pm
Cr Glenn Aitken	☒ Yes ☐ Apology ☐ No	Arrived: 6.00pm	Left: 7.05pm
Cr Kris Bolam	☐ Yes ☒ Apology ☐ No	Arrived:	Left:
Cr Brian Cunial	☐ Yes ☒ Apology ☐ No	Arrived:	Left:
Cr Colin Hampton	☒ Yes ☐ Apology ☐ No	Arrived: 6.00pm	Left: 7.05pm
Cr Quinn McCormack	☒ Yes ☐ Apology ☐ No	Arrived: 6.00pm	Left: 7.05pm
Cr Lillian O'Connor	☒ Yes ☐ Apology ☐ No	Arrived: 6.00pm	Left: 7.05pm
Cr Michael O'Reilly	☒ Yes ☐ Apology ☐ No	Arrived: 6.00pm	Left: 7.05pm
Cr Steve Toms	☒ Yes ☐ Apology ☐ No	Arrived: 6.00pm	Left: 7.05pm

Council Staff Attendance:
☒ Phil Cantillon ☒ Kim Jaensch ☒ Dr. Gillian Kay ☒ Cam Arullanantham ☒ Tim Bearup Brianna Alcock, Stuart Caldwell, Taylor McVean, Luke Ure, Vera Roberts, Michelle Tipton
Others in attendance (including titles): Gerard Scholten, Communications Consultant
Conflict of Interest Disclosures ***"This is an assembly of Councillors as defined in the Local Government Act. Does any Councillor present have a conflict of interest in any of the matters to be considered at this assembly?"*** Nil
Whether a Councillor(s), having disclosed a conflict of interest, left the assembly: Not Applicable
Name of Council Staff Member responsible for this written record: Kim Jaensch
Position Title: Acting Chief Financial Officer

Please submit completed form to Governance within 24 hours of the meeting

Executive Summary

12.3 Instrument of Delegation S6 from Council to members of Council staff

Enquiries: (Brianna Alcock: Chief Financial Office)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.3 Ensure good governance and management of Council resources
Priority Action	3.3.2 Implement a schedule of reviews of services, plans, policies and protocols to ensure good governance

Purpose

To adopt the S*6. Instrument of Delegation - Council to members of Council staff* which reflects updates to legislation and role changes since it was last adopted by Council at its meeting on 17 February 2020.

Recommendation (Chief Financial Officer)

That Council:

1. In the exercise of power conferred by Section 98(1) of the *Local Government Act* 1989 and the other legislation referred to in *S6. Instrument of Delegation - Council to members of Council staff* (attached as Attachment A), resolves that these powers, duties and functions be delegated to staff. This is subject to the conditions and limitations specified in the Instrument of Delegation;
2. Notes the Instrument of Delegation referred to above:
   (i) Be signed and sealed;
   (ii) Come into force immediately that the Common Seal of Council is affixed to the Instrument; and
   (iii) Remain in force until Council determines to vary or revoke the Instrument.
3. On the coming into force of the Instrument, notes the previous Instrument which was adopted by Council on 17 February 2020 is revoked; and
4. Notes the duties and functions set out in the Instrument of Delegation are performed and the powers, duties and functions be executed in accordance with any guidelines or policies that Council may from time to time adopt.

Key Points / Issues

- At its Ordinary Meeting on 10 July 2017, Council resolved that:

  Appointment and revocation (including the reasoning) of staff delegation between Ordinary meetings be reported and must be kept up to date.

- Council has the power under section 98 of the *Local Government Act* 1989, or any other act, to delegate a member of its staff a power, duty or function of Council.
- Local Government is less operationally efficient if Council does not delegate the majority of its powers, duties and functions to staff.
- To ensure Council's powers are exercised lawfully, delegations should be reviewed regularly to accommodate changes to legislation or staff structure. This review is conducted every six months.
- This update takes into account legislative changes received in July 2019 from Council's lawyers, Maddocks, covering changes from 24 June 2019 to 29 January 2020 which affect Council's powers, duties and functions.

12.3 Instrument of Delegation S6 from Council to members of Council staff

Executive Summary

- Highlights of these changes are outlined below:
    - On 2 December 2019 the Rail Safety (Local Operations) Act 2006 (Vic) was repealed by s118 of the Rail Safety Legislation Amendment (National Services Delivery and Related Reforms) Act 2019 (Vic) (RSL Amendment Act) and has been removed from the S6;
    - Sections 91ZU(1), 91ZZE(1), 91ZZE(3), 206AZA(2), 207ZE(2), 311A(2), 317ZDA(2) of the Residential Tenancies Act 1997 (Vic) (RTA) have been inserted by the *Residential Tenancies Amendment Act 2018* (Vic). In addition, sections 252, 262(1) and 262 (3) of the RTA will be repealed on 1 July 2020; and
    - Schedule 2 Clause 4 and sections 14(4), 14(7), 119(2), 120(1), 120(2) of the Road Management Act 2014 (Vic) have been amended to reflect the changes made by the Transport Legislation Amendment Act 2019 (Vic).
- Recent changes to the organisation structure have resulted in changes to some position titles which have been reflected in this update.
- A marked up version of the changes to the *S6. Instrument of Delegation – Council to members of Council staff* is attached as Attachment B.
- Other changes to note include:
    - Both Director Communities and Manager Community Safety positions have been removed from provision 19(2)(a), 19(2)(a), s19(2)(b), s19CB(4)(b), s19E(1)(d), s19GB, s19M(4)(a) & 5, s19NA (1), s19W, s19W(3)(a) and s19W(3)(b), as these provisions relate to orders being issued under the Food Act, and this orders can only be issued by an qualified Environmental Health Officer (EHO) appointed by Council.
    - Director Communities and Manager Community Safety positions have been removed from provision s38AA(5), s38A(4), s38B(1)(a), s38B(1)(b),s38B(2), s38D(1), s38D(2), s38D(3) and s38E(2), s38E(4), s38F(3)(b), s39A, are daily tasks that EHO's undertake and can only be administered by qualified EHO appointed by Council.
    - s43F(7) and s43(7) provisions of the Food Act 1984 relate to the registration of food businesses and require the qualification and training of an EHO, however it has been noted that in exceptional circumstances, Manager and Director approval would be sought.
    - Cladding Rectification Agreements are a three-way voluntary agreement between an owner or owners corporation, lender and Council to fund cladding rectification works, with the loan repayments being paid back through Council rate system over time, s185L(4) of the Local Government Act 1989 has been revised to enable the decision to be made at a higher level with the inclusion of Chief Executive Officer and Directors (Executive Management Team), in consultation with the Municipal Building Inspector.

Financial Impact

There are no financial implications associated with this report. In regard to the infrastructure levies, Council does not collect, process and remit any funds to the government. Staff are merely required to sight a certificate issued by the State Revenue Office prior to approving any major development.

12.3 Instrument of Delegation S6 from Council to members of Council staff

Executive Summary

Consultation

1. Internal Stakeholders

Council officers were consulted as part of this review to ensure that any updates are accurate and meet operational requirements.

2. Other Stakeholders

Maddocks lawyers provide a model document for the S6. Instrument of Delegation to various councils as guidance and this has been adhered to in this Instrument of Delegation update.

Analysis (Environmental / Economic / Social Implications)

Delegation of powers enables efficient decision making on behalf of Council for delivery of services to the community.

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

Legal

The *Local Government Act* 1989, as well as other legislation, makes provision for the appointment of delegates to act on behalf of Council and a requirement to review all delegations within twelve months of an election.

Policy Impacts

There are no known policies impacts for this report.

Officer's Declaration of Interests

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

Risk Mitigation

Councils are required to update the Instruments of Delegation on a regular basis to accommodate any changes to legislation, organisational structure and position titles. Failure to provide regular updates may lead to decisions made becoming invalid or there may be financial or reputational consequences.

Conclusion

The Instrument of Delegation maintains Council's powers, duties and functions that are delegated to staff.

The updates to the *S6. Instrument of Delegation - Council to members of Council staff* take into account legislative changes, staff position title and responsibility changes since it was last adopted by Council at its meeting on 20 February 2020.

12.3 Instrument of Delegation S6 from Council to members of Council staff

Executive Summary

ATTACHMENTS

Attachment A:⇩ s6 Instrument of Delegation - Council to Members of Council Staff

Attachment B:⇩ Marked up version S6 Instrument of Delegation - Council to Members of Council staff

Frankston City Council

S6. Instrument of Delegation

Council
to
Members of Staff

S6 Instrument of Delegation - Members of Staff

1. In exercise of the power conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached Schedule, the Council:

   delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;

2. records that references in the Schedule are as follow:

CAP means	Coordinator Asset Planning
CBP means	Coordinator Business Partnering
CCI means	Coordinator Civil Infrastructure
CCW means	Coordinator City Works
CEO means	Chief Executive Officer
CES means	Coordinator Engineering Services
CFO means	Chief Financial Officer
COS means	Coordinator Open Spaces
CP means	Coordinator Prosecutions
CPM means	Coordinator Property Management
CPS means	Coordinator Payroll Services
CPV means	Coordinator Parks Vegetation
CSC means	Coordinator Compliance and Safety
CSM means	Manager Community Safety
CPV means	Coordinator Parks Vegetation
CS means	Construction Supervisor
CSC means	Coordinator Compliance and Safety
CStrP means	Coordinator Strategic Planning
CWLA means	Capital Works Landscape Architect
CWME means	Civil Works Maintenance Engineer
CWPM means	Capital Works Project Manager
CWSPM means	Capital Works Senior Project Manager
DBIC means	Director Business Innovation and Culture
DComm means	Director Communities
DIO means	Director Infrastructure and Operations
DMBS means	Deputy Municipal Building Surveyor
EHC means	Coordinator Environmental Health
EHO means	Environmental Health Officers
EHT means	Environmental Health Technician
GC means	Governance Coordinator
GCO means	Governance Compliance Officer
GLA	Governance Legal Advisor
GMPO means	Governance Memorial Park Officer
GPBSO means	Governance Information Project Business Support Officer
HRBP means	Human Resources Business Partner
MGI means	Manager Governance and Information
MBS means	Municipal Building Surveyor
MCS means	Manager Commercial Services
MCWD means	Manager Capital Works Delivery
MES means	Manager Engineering Services
MFCP means	Manager Finance and Corporate Planning
MFPO means	Municipal Fire Prevention Officer
MPC means	Manager People and Culture
MPP means	Major Projects Planner
MSA means	Manager Sustainable Assets
OPM means	Operations Manager
OSMO means	Open Space Maintenance Officer

PAEM means	Planning and Environment Manager
PIO means	Planning Investigations Officer
PLSP means	Practice Leader Statutory Planning
PO means	Prosecutions Officer
PPIO means	Planning Prosecutions Investigations Officer
SBS means	Senior Building Surveyor
SEHO means	Senior Environmental Health Officer
SIS means	Strategic Infrastructure Specialist
SLH means	Section Leader Horticulture
SPC means	Statutory Planning Coordinator
SPTO means	Statutory Planning Technical Officer
SSP means	Senior Statutory Planner
SSTRP means	Senior Strategic Planner
StatP means	Statutory Planner
StrP means	Strategic Planner
SUBO means	Subdivisions Officer
TLCWH means	Team Leader CAA Waterfront Horticulture
TLPES means	Team Leader Planning & Environment Support
TLRFH means	Team Leader Roadside and Facility Horticulture
TLSP means	Team Leader Statutory Planning

3. records that on the coming into force of this Instrument of Delegation from Council to Council Members Staff each delegation under the instrument dated 17 February 2020 is revoked.

4. declares that:

4.1 this Instrument of Delegation is authorised by a resolution of Council passed on the 20 April 2020; and

4.2 the delegation:

4.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;

4.2.2 remains in force until Council resolves to vary or revoke it;

4.2.3 is subject to any conditions and limitations set out in sub-paragraph and the Schedule; and

4.2.4 must be exercised in accordance with any guidelines or policies, which Council from time to time adopts;

4.3 the delegate must not determine the issue, take the action or do the act or thing:

4.3.1 if the issue, action, act or thing is an issue, act or thing which Council has previously designated as an issue, act or thing which must be the subject of a Resolution of Council; or

4.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a

(a) policy; or

(b) strategy

(c) adopted by Council; or

4.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or

4.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

THE COMMON SEAL of)

FRANKSTON CITY COUNCIL)

was affixed in the presence of:)

Councillor _____

Chief Executive Officer _____

Index

Cemeteries and Crematoria Act 2003 7
Domestic Animals Act 1994 13
Environment Protection Act 1970 13
Food Act 1984 13
Heritage Act 2017 16
Local Government Act 1989 16
Planning and Environment Act 1987 17
Residential Tenancies Act 1997 39
Road Management Act 2004 40
Cemeteries and Crematoria Regulations 2015 47
Planning and Environment Regulations 2015 49
Planning and Environment (Fees) Regulations 2016 49
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010 50
Road Management (General) Regulations 2016 51
Road Management (Works and Infrastructure) Regulations 2015 52

Schedule

S6 Instrument of Delegation - Members of Staff

Cemeteries and Crematoria Act 2003
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Provision	Item Delegated	Delegate	Conditions and Limitations
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	CFO , MGI	Where Council is a Class B cemetery trust
s 12(1)	Function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	Where Council is a Class B cemetery trust
s 12(2)	Duty to have regard to the matters set out in paragraphs (a) - (c) in exercising its functions	CFO , GC, MGI	Where Council is a Class B cemetery trust
s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 14	Power to manage multiple public cemeteries as if they are one cemetery.	CFO , MGI	
s 15(1) and (2)	Power to delegate powers or functions other than those listed	CFO , GC, MGI	
s 15(4)	Duty to keep records of delegations	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 17(1)	Power to employ any persons necessary	CFO , DIO, MGI, OPM, CPV	
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	
s 17(3)	Power to determine the terms and conditions of employment or engagement	CFO , DBIC, DIO, MGI, MPC, OPM	Subject to any guidelines or directions of the Secretary
s 18(3)	Duty to comply with a direction from the Secretary	CFO , DIO, GC, GCO, GMPO, GPBSO, MGI, OPM	
s 19	Power to carry out or permit the carrying out of works	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	
s 20(1)	Duty to set aside areas for the interment of human remains	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	CFO , MGI	
s 20(3)	Power to set aside areas for those things in paragraphs (a) - (e)	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	CFO , MGI	
s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	CFO , DIO, MGI, OPM	Subject to the approval of the Minister

Cemeteries and Crematoria Act 2003 [##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	To be retained by Council	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	CFO , GC, GCO, GMPO, MGI	
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	To be retained by Council	Provided the street was constructed pursuant to the Local Government Act 1989
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	CFO , GC, GCO, GMPO, MGI	Report must contain the particulars listed in s 57(2)
s 59	Duty to keep records for each public cemetery	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 60(2)	Power to charge fees for providing information	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 64B(d)	Power to permit interments at a reopened cemetery	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	CFO , GC, MGI	The application must include the requirements listed in s 66(2)(a)-(d)
s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 70(1)	Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 70(2)	Duty to make plans of existing place of interment available to the public	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 71(2)	Power to dispose of any memorial or other structure removed	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 72(2)	Duty to comply with request received under s 72	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 73(1)	Power to grant a right of interment	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 73(2)	Power to impose conditions on the right of interment	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	CFO , GC, GCO, GMPO, GPBSO, MGI	

Cemeteries and Crematoria Act 2003 [##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s 77(4)	Power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	CFO , MGI	
s 80(1)	Function of receiving notification and payment of transfer of right of interment	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 80(2)	Function of recording transfer of right of interment	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment (sole holder)	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	CFO , GC, GCO, GMPO, GPBSO, MGI	
s.85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	CFO , GC, GCO, GMPO, GPBSO, MGI	The notice must be in writing and contain the requirements listed in s 85(2)
s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	CFO , GC, GCO, GMPO, GPBSO, MGI	Does not apply where right of internment relates to remains of a deceased veteran.
85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of internment or; remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of internment is not extended or converted to a perpetual right of interment
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of internment to a perpetual right of interment	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	
s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	

Cemeteries and Crematoria Act 2003 [##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	
s.86(4)	power to take action under s.86(4) relating to removing and re-interring cremated human remains	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	
s.86(5)	duty to provide notification before taking action under s.86(4)	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	
s 87(3)	Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 91(1)	Power to cancel a right of interment in accordance with s 91	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 91(3)	Duty to publish notice of intention to cancel right of interment	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 92	Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 99(4)	Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 100(1)	Power to require a person to remove memorials or places of interment	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	
s 100(2)	Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with s 100(1)	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	
s 100(3)	Power to recover costs of taking action under s 100(2)	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 102(1)	Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	CFO , GC, GCO, GMPO, GPBSO, MGI	

Cemeteries and Crematoria Act 2003 [##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 103(1)	Power to require a person to remove a building for ceremonies	CFO , DIO, MGI, OPM	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	CFO , DIO, MGI, OPM	
s 103(3)	Power to recover costs of taking action under s 103(2)	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 106(1)	Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 106(4)	Power to repair or - with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not complied with	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, SLH, TLCWH, TLRFH	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	CFO , DIO, MGI, OPM	
s 107(2)	Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with	CFO , DIO, MGI, OPM	
s 108	Power to recover costs and expenses	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 109(1)(a)	Power to open, examine and repair a place of interment	CFO , DIO, MGI, OPM	Where the holder of right of interment or responsible person cannot be found
s 109(1)(b)	Power to repaid a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	CFO , DIO, MGI, OPM	Where the holder of right of interment or responsible person cannot be found
s 109(2)	Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	CFO , DIO, MGI, OPM	Where the holder of right of interment or responsible person cannot be found
s 110(1)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	CFO , GC, GCO, GMPO, GPBSO, MGI	

Cemeteries and Crematoria Act 2003 [##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s 110(2)	Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	CFO , DIO	
s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	CFO , DIO, MGI, OPM	
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 112	Power to sell and supply memorials	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 119	Power to set terms and conditions for interment authorisations	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 131	Function of receiving an application for cremation authorisation	To be retained by Council	
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	To be retained by Council	Subject to s 133(2)
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	CFO , DIO, MGI, OPM	
s 146	Power to dispose of bodily remains by a method other than interment or cremation	CFO , DIO, MGI, OPM	Subject to the approval of the Secretary
s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	CFO , DIO, MGI, OPM	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	CFO , DIO, MGI, OPM	
s 150 & 152(1)	Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 151	Function of receiving applications to inter or cremate body parts	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	CFO , GC, GCO, GMPO, GPBSO, MGI	

Domestic Animals Act 1994			
Provision	**Item Delegated**	**Delegate**	**Conditions and Limitations**

Domestic Animals Act 1994			
s 41A(1)	Power to declare a dog to be a menacing dog	CSC, CSM, DComm	Council may delegate this power to a Council authorised officer

Environment Protection Act 1970			
Provision	**Item Delegated**	**Delegate**	**Conditions and Limitations**
s 53M(3)	Power to require further information	CSM, DComm, EHC, EHO, SEHO	
s 53M(4)	Duty to advise applicant that application is not to be dealt with	CSM, DComm, EHC, EHO, SEHO	
s 53M(5)	Duty to approve plans, issue permit or refuse permit	CSM, DComm, EHC, EHO, SEHO	Refusal must be ratified by Council or it is of no effect
s 53M(6)	Power to refuse to issue septic tank permit	CSM, DComm, EHC, EHO, SEHO	Refusal must be ratified by Council or it is of no effect
s 53M(7)	Duty to refuse to issue a permit in circumstances in (a)-(c)	CSM, DComm, EHC, EHO, SEHO	Refusal must be ratified by Council or it is of no effect

Food Act 1984			
Provision	**Item Delegated**	**Delegate**	**Conditions and Limitations**
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	EHC, EHO, SEHO	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	EHC, EHO, SEHO	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	CEO, CSM, DComm, EHC	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	CEO, CSM, DComm, EHC	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	CSM, DComm, EHC, EHO, SEHO	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	CSM, DComm, EHC, EHO, SEHO	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	To be retained by Council	Where Council is the registration authority

Food Act 1984			
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	To be retained by Council	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	To be retained by Council	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	EHC, EHO, SEHO	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	EHC, EHO, SEHO	Where Council is the registration authority
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	EHC, EHO, SEHO	Where Council is the registration authority
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	EHC, EHO, SEHO	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	EHC, EHO, SEHO	Where Council is the registration authority
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	CSM, DComm, EHC, EHO, SEHO	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	CSM, DComm, EHC, EHO, SEHO	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	EHC, EHO, SEHO	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	EHC, EHO, SEHO	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	EHC, EHO, SEHO	Where Council is the registration authority
	Power to register, renew or transfer registration	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority refusal to grant/renew/transfer

Food Act 1984			
			registration must be ratified by Council or the CEO (see s 58A(2))
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	EHC, EHO, SEHO	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	EHC, EHO, SEHO	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	EHC, EHO, SEHO	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	EHC, EHO, SEHO	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	EHC, EHO, SEHO	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	EHC, EHO, SEHO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	EHC, EHO, SEHO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	EHC, EHO, SEHO	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	EHC, EHO, SEHO	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	EHC, EHO, SEHO	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	EHC, EHO, SEHO	Where Council is the registration authority
s 39A	Power to register, renew or transfer food premises despite minor defects	EHC, EHO, SEHO	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	CSM, DComm, EHC, EHO, SEHO	

Food Act 1984			
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	CSM, DComm, EHC	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	EHC, EHO, SEHO	Where Council is the registration authority. In exceptional circumstances CSM and DComm approval is required.
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	EHC, EHO, SEHO	Where Council is the registration authority. In exceptional circumstances CSM and DComm approval is required.
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority

Heritage Act 2017			
Provision	**Item Delegated**	**Delegate**	**Conditions and Limitations**
s 116	Power to sub-delegate Executive Director's functions, duties or powers	DComm, PAEM	Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

Local Government Act 1989			
Provision	**Item Delegated**	**Delegate**	**Conditions and Limitations**
s 181H	Power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	To be retained by the CEO	The Chief Executive Officer must not delegate the power delegated to the CEO under subsection 181H to any other person
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO, All Directors, MFCP	In consultation with MBS.

Planning and Environment Act 1987			
Provision	**Item Delegated**	**Delegate**	**Conditions and Limitations**
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	To be retained by Council	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	CStrP, DComm, PAEM	
s 4H	Duty to make amendment to Victoria Planning Provisions available	CStrP, DComm, PAEM	
s 4I	Duty to keep Victorian Planning Provisions and other documents available	CStrP, DComm, PAEM	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	CStrP, DComm, PAEM	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	CStrP, DComm, PAEM	
s 8A(5)	Function of receiving notice of the Minister's decision	CStrP, DComm, PAEM	
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	CStrP, DComm, PAEM	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	To be retained by Council	
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	To be retained by Council	
s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s19 of the Planning and Environment (Planning Schemes) Act 1996)	To be retained by Council	
s 12B(1)	Duty to review planning scheme	CStrP, DComm, PAEM	
s 12B(2)	Duty to review planning scheme at direction of Minister	CStrP, DComm, PAEM	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	CStrP, DComm, PAEM	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	CStrP, DComm, MPP, PAEM	
s 17(1)	Duty of giving copy amendment to the planning scheme	CStrP, DComm, MPP, PAEM	
s 17(2)	Duty of giving copy s 173 agreement	CStrP, DComm, MPP, PAEM	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CStrP, DComm, MPP, PAEM	
s 18	Duty to make amendment etc. available	CStrP, DComm, MPP, PAEM	

Planning and Environment Act 1987			
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	To be retained by Council	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	To be retained by Council	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	To be retained by Council	
s 21(2)	Duty to make submissions available	CStrP, DComm, MPP, PAEM	
s 21A(4)	Duty to publish notice	CStrP, DComm, MPP, PAEM	
s 22	Duty to consider all submissions	CStrP, DComm, MPP, PAEM	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CStrP, PAEM	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	To be retained by Council	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SSP, TLSP	
s 26(1)	Power to make report available for inspection	CStrP, DComm, MPP, PAEM, PLSP, SPC, SSP, TLSP	
s 26(2)	Duty to keep report of panel available for inspection	CStrP, DComm, MPP, PAEM, PLSP, SPC, SSP, TLSP	
s 27(2)	Power to apply for exemption if panel's report not received	To be retained by Council	
s 28	Duty to notify the Minister if abandoning an amendment	CStrP, DComm, MPP, PAEM, PLSP, SPC, SSP, TLSP	Note: the power to make a decision to abandon an amendment cannot be delegated
s 30(4)(a)	Duty to say if amendment has lapsed	CStrP, DComm, MPP, PAEM	
s 30(4)(b)	Duty to provide information in writing upon request	CStrP, DComm, MPP, PAEM	
s 32(2)	Duty to give more notice if required	CStrP, DComm, MPP, PAEM	
s 33(1)	Duty to give more notice of changes to an amendment	CStrP, DComm, MPP, PAEM	
s 36(2)	Duty to give notice of approval of amendment	CStrP, DComm, MPP, PAEM	
s 38(5)	Duty to give notice of revocation of an amendment	CStrP, DComm, MPP, PAEM	

Planning and Environment Act 1987			
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	CStrP, DComm, MPP, PAEM	
s 40(1)	Function of lodging copy of approved amendment	CStrP, DComm, MPP, PAEM	
s 41	Duty to make approved amendment available	CStrP, DComm, MPP, PAEM	
s 42	Duty to make copy of planning scheme available	CStrP, DComm, MPP, PAEM	
s 46AW	Function of being consulted by the Minister	CStrP, DComm, PAEM, SPC	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	CStrP, DComm, PAEM, SPC	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	CStrP, DComm, MPP, PAEM	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	CStrP, DComm, PAEM, SPC	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	CStrP, DComm, PAEM, SPC	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	CStrP, DComm, PAEM, SPC	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	CStrP, DComm, PAEM, SPC	
s 46GP	Function of receiving a notice under s 46GO	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	CStrP, DComm, PAEM, SPC	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	CStrP, DComm, PAEM, SPC	

Planning and Environment Act 1987			
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	CStrP, DComm, PAEM, SPC	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	CStrP, DComm, PAEM, SPC	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	CStrP, DComm, PAEM, SPC	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CStrP, DComm, PAEM, SPC	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	CStrP, DComm, PAEM, SPC	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	CStrP, DComm, PAEM, SPC	
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	CStrP, DComm, PAEM, SPC	
s 46GV(3)	f\Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	DComm	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DComm	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DComm	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	CStrP, DComm, PAEM, SPC	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency

Planning and Environment Act 1987			
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 1989	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	DComm	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan,as responsible for those works, services or facilities	CStrP, DComm, PAEM	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	DComm	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	CFO , CStrP, DComm, MFCP, PAEM, TLPES	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also

Planning and Environment Act 1987			
			the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	DComm	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	CFO , CStrP, DComm, MFCP, PAEM, TLPES	If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZ(9)	Function of receiving the fee simple in the land	DComm	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	CStrP, DComm, PAEM, SPC	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 1989	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	CStrP, DComm, PAEM, SPC	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	CStrP, DComm, PAEM	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	CStrP, DComm, PAEM, SPC	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	CStrP, DComm, PAEM	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	CFO , DComm, MFCP, PAEM	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	DComm	Where Council is the development agency under an approved infrastructure contributions plan
s.46GZF(3)	Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	CStrP, DComm, PAEM, SPC	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	s 46GZF(3)(a) function of receiving proceeds of sale	DComm	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	CFO , DComm, MFCP, PAEM	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	DComm	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	DComm	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	DComm, PAEM	
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	DComm, DMBS, MBS, PAEM, SBS	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	DComm, PAEM	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 46Q(1)	Duty to keep proper accounts of levies paid	CFO , MFCP	
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency or plan preparation costs incurred by a development agency	CFO , CStrP, DComm, MFCP, PAEM, TLPES	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	CFO , DComm, DIO, MES, MFCP, PAEM	

Planning and Environment Act 1987			
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	DComm, PAEM	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	CFO , DComm, MFCP, PAEM	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	CStrP, DComm, MPP, PAEM	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	CES, CFO , DIO, MCWD, MES, MFCP	With the consent of, and in the manner approved by, the Minister
s 46QC	Power to recover any amount of levy payable under Part 3B	CFO , DComm, MFCP, PAEM	
s 46QD	Duty to prepare report and give a report to the Minister	DComm, PAEM	Where Council is a collecting agency or development agency
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	CStrP, DComm, MPP, PAEM	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	CES, DComm, DIO, MES, PAEM	
s 47	Power to decide that an application for a planning permit does not comply with that Act	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, SUBO, TLSP	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, SUBO, TLPES, TLSP	
s 49(2)	Duty to make register available for inspection	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, SUBO, TLPES, TLSP	
s 50(4)	Duty to amend application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, SUBO, TLSP	
s 50(5)	Power to refuse to amend application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 50(6)	Duty to make note of amendment to application in register	DComm, PAEM, PLSP, SPC, TLSP	

Planning and Environment Act 1987			
s 50A(1)	Power to make amendment to application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 50A(4)	Duty to note amendment to application in register	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 51	Duty to make copy of application available for inspection	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 52(3)	Power to give any further notice of an application where appropriate	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	

Planning and Environment Act 1987			
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 54(1)	Power to require the applicant to provide more information	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 54(1B)	Duty to specify the lapse date for an application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	To be retained by Council	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 57(5)	Duty to make available for inspection copy of all objections	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	

Planning and Environment Act 1987			
s 57A(5)	Power to refuse to amend application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 57A(6)	Duty to note amendments to application in register	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 57B(1)	Duty to determine whether and to whom notice should be given	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 57C(1)	Duty to give copy of amended application to referral authority	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 58	Duty to consider every application for a permit	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 58A	Power to request advice from the Planning Application Committee	DComm, PAEM, PLSP, SPC, TLSP	
s 60	Duty to consider certain matters	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 60(1A)	Duty to consider certain matters	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO	
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	DComm, MPP, PAEM, PLSP, SPC, TLSP	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	DComm, PAEM, SPC, TLSP	

Planning and Environment Act 1987			
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(2)	Power to include other conditions	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(3)	Duty not to issue a permit until after the specified period	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	This provision applies also to a decision to grant an amendment to a permit - see s 75

Planning and Environment Act 1987			
s 64(5)	Duty to give each objector a copy of an exempt decision	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s 69(1)	Function of receiving application for extension of time of permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 69(1A)	Function of receiving application for extension of time to complete development	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 69(2)	Power to extend time	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	

Planning and Environment Act 1987			
s 70	Duty to make copy permit available for inspection	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 71(1)	Power to correct certain mistakes	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 71(2)	Duty to note corrections in register	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 73	Power to decide to grant amendment subject to conditions	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 74	Duty to issue amended permit to applicant if no objectors	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	

Planning and Environment Act 1987			
s 83	Function of being respondent to an appeal	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 83B	Duty to give or publish notice of application for review	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 84AB	Power to agree to confining a review by the Tribunal	DComm	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	DComm, PAEM, PPIO, SPC	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	DComm, PAEM, PIO, PPIO, SPC	
s 91(2)	Duty to comply with the directions of VCAT	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	DComm, MPP, PAEM, PIO, PLSP, PPIO, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 93(2)	Duty to give notice of VCAT order to stop development	DComm, MPP, PAEM, PIO, PLSP, PPIO, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 95(3)	Function of referring certain applications to the Minister	DComm, PAEM, PLSP, SPC, TLSP	

Planning and Environment Act 1987			
s 95(4)	Duty to comply with an order or direction	DComm, MPP, PAEM, PIO, PLSP, PPIO, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	DComm, PAEM, PLSP, SPC, TLSP	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DComm, PAEM, PLSP, SPC, TLSP	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	To be retained by Council	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	To be retained by Council	
s 96F	Duty to consider the panel's report under s 96E	To be retained by Council	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996)	To be retained by Council	
s 96H(3)	Power to give notice in compliance with Minister's direction	CStrP, DComm, MPP, PAEM, PLSP, SPC, SSP, StatP, TLSP	
s 96J	Power to issue permit as directed by the Minister	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 97C	Power to request Minister to decide the application	To be retained by Council	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	

Planning and Environment Act 1987			
s 97L	Duty to include Ministerial decisions in a register kept under s 49	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	To be retained by Council	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 97Q(4)	Duty to comply with directions of VCAT	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	DComm, PAEM, SPC	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	DComm, PAEM, SPC	
s 101	Function of receiving claim for expenses in conjunction with claim	DComm, PAEM, SPC	
s 103	Power to reject a claim for compensation in certain circumstances	DComm, PAEM, SPC	
s.107(1)	function of receiving claim for compensation	DComm, PAEM, SPC	
s 107(3)	Power to agree to extend time for making claim	DComm, PAEM, SPC	
s 114(1)	Power to apply to the VCAT for an enforcement order	DComm, PAEM, PIO, PPIO, SPC	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	DComm, PAEM, PIO, PPIO, SPC	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	DComm, PAEM, PIO, PPIO, SPC	
s 123(1)	Power to carry out work required by enforcement order and recover costs	DComm, PAEM, PIO, PPIO, SPC	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	DComm, PAEM, SPC	Except Crown Land
s 129	Function of recovering penalties	DComm, PAEM, PIO, PPIO, SPC	

Planning and Environment Act 1987			
s 130(5)	Power to allow person served with an infringement notice further time	DComm, PAEM, PIO, PPIO, SPC	
s 149A(1)	Power to refer a matter to the VCAT for determination	To be retained by Council	
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	DComm, PAEM, SPC	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B)power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	CStrP, DComm, PAEM, SPC	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	CStrP, DComm, PAEM, SPC	
s 171(2)(g)	Power to grant and reserve easements	DComm, PAEM, SPC	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	DComm	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	DComm	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	DComm	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	DComm, PAEM	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	DComm, PAEM	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	DComm, PAEM, PLSP, SPC, TLSP	
	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	DComm, PAEM, PLSP, SPC, TLSP	
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DComm, PAEM, SPC	

Planning and Environment Act 1987			
s 178	power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DComm, PAEM, SPC	
s 178A(1)	Function of receiving application to amend or end an agreement	DComm, PAEM, SPC	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	DComm, PAEM, SPC	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DComm, PAEM, SPC	
s 178A(5)	Power to propose to amend or end an agreement	DComm, PAEM, SPC	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	DComm, PAEM, SPC	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	DComm, PAEM, SPC	
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	DComm, PAEM, SPC	
s 178C(4)	Function of determining how to give notice under s 178C(2)	DComm, PAEM, SPC	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	DComm, PAEM, SPC	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	DComm, PAEM, SPC	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DComm, PAEM, SPC	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	DComm, PAEM, SPC	If no objections are made under s 178D Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	DComm, PAEM, SPC	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DComm, PAEM, SPC	After considering objections, submissions and matters in s 178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	DComm, PAEM, SPC	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	DComm, PAEM, SPC	After considering objections, submissions and matters in s 178B

Planning and Environment Act 1987			
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	DComm, PAEM, SPC	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	DComm, PAEM, SPC	
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	DComm, PAEM, SPC	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	DComm, PAEM, SPC	
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	DComm, PAEM, SPC	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DComm, PAEM, SPC	
s 179(2)	Duty to make available for inspection copy agreement	DComm, PAEM, SPC, TLPES	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	DComm, PAEM, SPC	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	DComm, PAEM, SPC	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	DComm, PAEM, SPC	
s 182	Power to enforce an agreement	DComm, PAEM, PIO, PPIO, SPC	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	DComm, PAEM, SPC	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	DComm, PAEM, SPC	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	DComm, PAEM, SPC	
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	DComm, PAEM, SPC	
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	DComm, PAEM, SPC	
s 184G(2)	Duty to comply with a direction of the Tribunal	DComm, PAEM, SPC	
s 184G(3)	Duty to give notice as directed by the Tribunal	DComm, PAEM, SPC	
s 198(1)	Function to receive application for planning certificate	DComm, PAEM, SPC, TLPES	

Planning and Environment Act 1987			
s 199(1)	Duty to give planning certificate to applicant	DComm, PAEM, SPC, TLPES	
s 201(1)	Function of receiving application for declaration of underlying zoning	CStrP, DComm, PAEM, SPC, TLSP	
s 201(3)	Duty to make declaration	DComm, PAEM, PLSP, SPC, TLSP	
	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	DComm, MPP, PAEM, PLSP, SPC, TLSP	
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	DComm, MPP, PAEM, PLSP, SPC, TLSP	
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
	Power to give written authorisation in accordance with a provision of a planning scheme	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	

Residential Tenancies Act 1997			
Provision	**Item Delegated**	**Delegate**	**Conditions and Limitations**
s 91ZU(1)	Power to give a renter a notice to vacate rented premises	CFO , CPM, MCS	Where Council is a public statutory authority engaged in the provision of housing Note: this power is not yet in force and will commence on 1 July 2020, unless proclaimed earlier
s 91ZZC(1)	Power to give a renter a notice to vacate rented premises	CFO , CPM, MCS	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes Note: this power is not yet in force and will commence on 1 July 2020, unless proclaimed earlier
s 91ZZE(1)	Power to give a renter a notice to vacate rented premises	CFO , CPM, MCS	Where Council is a public statutory authority engaged in the provision of housing Note: this power is not yet in force and will commence on 1 July 2020, unless proclaimed earlier
s 91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing	CFO , CPM, MCS	Where Council is a public statutory authority engaged in the provision of housing

Residential Tenancies Act 1997			
			Note: this power is not yet in force and will commence on 1 July 2020, unless proclaimed earlier
s 142D	Function of receiving notice regarding an unregistered rooming house	CSM, DComm, EHC, EHO, EHT, SEHO	
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	CSM, DComm, DMBS, EHC, EHO, EHT, MBS, SBS, SEHO	
s 142G(2)	Power to enter certain information in the Rooming House Register	CSM, DComm, EHC, EHO, EHT, SEHO	
s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	CSM, DComm, EHC, EHO, EHT, SEHO	
s 206AZA(2)	Function of receiving written notification	CFO , CPM, CSM, DComm, EHC, EHO, MBS, MCS	Note: this function is not yet in force and will commence on 1 July 2020, unless proclaimed earlier
s 207ZE(2)	Function of receiving written notification	CFO , CPM, CSM, DComm, EHC, EHO, MBS, MCS	Note: this function is not yet in force and will commence on 1 July 2020, unless proclaimed earlier
s 252	Power to give tenant a notice to vacate rented premises if s 252(1) applies	CFO , CPM, DComm, DMBS, MBS, MCS, SBS	Where Council is a public statutory authority engaged in the provision of housing Note: this provision will be repealed on 1 July 2020, unless proclaimed earlier
s 262(1)	Power to give tenant a notice to vacate rented premises	CFO , CPM, DComm, DMBS, MBS, MCS, SBS	Where Council is a public statutory authority engaged in the provision of housing Note: this provision will be repealed on 1 July 2020, unless proclaimed earlier
s 262(3)	Power to publish its criteria for eligibility for the provision of housing by Council	CFO , CPM, DComm, DMBS, MBS, MCS, SBS	Where Council is a public statutory authority engaged in the provision of housing Note: this provision will be repealed on 1 July 2020, unless proclaimed earlier
s 311A(2)	Function of receiving written notification	CFO , CPM, CSM, DComm, EHC, EHO, MBS, MCS	
s 317ZDA(2)	Function of receiving written notification	CFO , CPM, CSM, DComm, EHC, EHO, MBS, MCS	
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	CSM, DComm, DMBS, EHC, EHO, EHT, MBS, SBS, SEHO	

Residential Tenancies Act 1997			
s 522(1)	Power to give a compliance notice to a person	DMBS, EHC, EHO, EHT, MBS, SBS, SEHO	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CSM, DComm	
s 525(4)	Duty to issue identity card to authorised officers	CBP, CPS, CSM, DBIC, DComm, MPC	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	CSM, DComm	
s 526A(3)	Function of receiving report of inspection	CSM, DComm, DMBS, EHC, EHO, EHT, MBS, SEHO	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CP, CSM, DComm, DMBS, EHC, EHT, MBS, PO, SEHO	

Road Management Act 2004			
Provision	**Item Delegated**	**Delegate**	**Conditions and Limitations**
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	CFO , GC, GCO, MGI	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	CFO , GC, GCO, MGI	
s 11(9)(b)	Duty to advise Registrar	CFO , GC, GCO, GLA, MGI	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	CFO , GC, GCO, GLA, MGI	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	CFO , GC, GCO, GLA, MGI	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	To be retained by Council	Where Council is the coordinating road authority
s 12(4)	Power to publish, and provide copy, notice of proposed discontinuance	CFO , GC, GLA, MGI	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(5)	Duty to consider written submissions received within 28 days of notice	CFO , GC, GLA, MGI	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies

Road Management Act 2004			
s 12(6)	Function of hearing a person in support of their written submission	To be retained by Council	Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	CFO , GC, GLA, MGI	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(10)	Duty to notify of decision made	CFO , MGI	Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	CFO , DIO, GC, GLA, MGI, MSA	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	CFO , DIO, MES, MGI, MSA	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	CFO , DIO, MES, MGI, MSA	
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	CES, DIO, MES, MSA, OPM	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DIO, MES, MSA, OPM	
s 15(2)	Duty to include details of arrangement in public roads register	CAP, DIO, MSA	
s 16(7)	Power to enter into an arrangement under s 15	DIO, MSA, OPM	
s 16(8)	Duty to enter details of determination in public roads register	CAP, DIO, MSA	
s 17(2)	Duty to register public road in public roads register	CAP, DIO, MSA	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	CAP, DIO, MSA	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	CAP, DIO, MSA	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	CAP, CFO , DIO, MES, MGI, MSA	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	CAP, DIO, MSA	Where Council is the coordinating road authority

Road Management Act 2004			
s 18(1)	Power to designate ancillary area	CAP, DIO, MSA	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	CAP, DIO, MSA	Where Council is the coordinating road authority
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	CAP, DIO, MSA	
s 19(4)	Duty to specify details of discontinuance in public roads register	CAP, DIO, MSA	
s 19(5)	Duty to ensure public roads register is available for public inspection	CAP, DIO, MSA	
s 21	Function of replying to request for information or advice	CAP, DIO, MSA	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	CAP, DIO, MSA	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	CAP, DIO, MSA	
s 22(5)	Duty to give effect to a direction under s 22	CAP, DIO, MSA	
s 40(1)	Duty to inspect, maintain and repair a public road.	CAP, CCI, CCW, CES, CS, CWME, CWPM, CWSPM, DIO, MCWD, MES, MSA, OPM	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	CAP, CCW, CES, CWME, DIO, MES, MSA, OPM	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	CCI, CCW, CES, CS, CWME, CWPM, CWSPM, DIO, MCWD, MES, MSA, OPM	
s 42(1)	Power to declare a public road as a controlled access road	CAP, DIO, MSA	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	CAP, DIO, MSA	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with VicRoads before road is specified	CAP, DIO, MSA	Where Council is the coordinating road authority If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	CES, DIO, MES, MSA	Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road

Road Management Act 2004			
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	CAP, DIO, MES, MSA	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	CAP, DIO, MSA	
s 49	Power to develop and publish a road management plan	CAP, DIO, MSA	
s 51	Power to determine standards by incorporating the standards in a road management plan	CAP, DIO, MSA	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	CAP, DIO, MSA	
s 54(2)	Duty to give notice of proposal to make a road management plan	CAP, DIO, MSA	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	CAP, DIO, MSA	
s 54(6)	Power to amend road management plan	CAP, DIO, MSA	
s 54(7)	Duty to incorporate the amendments into the road management plan	CAP, DIO, MSA	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	CAP, DIO, MSA	
s 63(1)	Power to consent to conduct of works on road	CCI, CCW, CES, CS, CWME, CWPM, CWSPM, DIO, MCWD, MES, MSA, OPM	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	CCI, CCW, CES, CS, CWME, CWPM, CWSPM, DIO, MCWD, MES, MSA, OPM	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	CES, DIO, MES, MSA, OPM	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	DIO, MES, MSA, OPM	Where Council is the coordinating road authority
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	DIO, MES, OPM	Where Council is the coordinating road authority
s 67(3)	Power to request information	DIO, MES, MSA, OPM	Where Council is the coordinating road authority
s 68(2)	Power to request information	DIO, MCWD, MES, MSA, OPM	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	CEO, DIO	
s 72	Duty to issue an identity card to each authorised officer	CBP, DBIC, DIO, HRBP, MCWD, MES, MPC, MSA, OPM	

Road Management Act 2004			
s 85	Function of receiving report from authorised officer	CCW, COS, CPV, CWME, DIO, MCWD, MES, MSA, OPM	
s 86	Duty to keep register re s 85 matters	DIO, MCWD, MES, MSA, OPM	
s 87(1)	Function of receiving complaints	CCW, COS, CPV, CWME, DIO, MCWD, MES, MSA, OPM	
s 87(2)	Duty to investigate complaint and provide report	CCW, COS, CPV, CWME, DIO, MCWD, MES, MSA, OPM	
s 112(2)	Power to recover damages in court	CFO , DIO, MCWD, MES, MFCP, MSA, OPM	
s 116	Power to cause or carry out inspection	CCI, CCW, CS, CWME, CWPM, CWSPM, DIO, MCWD, MES, MSA, OPM	
s 119(2)	Function of consulting with the Head, Transport for Victoria	CCI, CCW, COS, CPV, CS, CWME, CWPM, CWSPM, DIO, MCWD, MES, MSA, OPM	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	CCI, CCW, COS, CPG, CPV, CS, CWME, CWPM, CWSPM, DIO, MCWD, MES, MSA, OPM	
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	COS, CPG, CPV, DIO, MCWD, MES, MSA, OPM	
s 121(1)	Power to enter into an agreement in respect of works	DIO, MCWD, MES, MSA, OPM	
s 122(1)	Power to charge and recover fees	DIO, MCWD, MES, MSA, OPM	
s 123(1)	Power to charge for any service	DIO, MCWD, MES, MSA, OPM	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	DIO, MES, MSA	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	DIO, MES, MSA	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	DIO, MES, MSA	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	CES, DComm, DIO, MCWD, MES, MSA, PAEM, SIS	
sch 2 cl 5	Duty to publish notice of declaration	CAP, CES, DIO, MES, MSA	

Road Management Act 2004			
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	CAP, CCI, CES, COS, CWPM, CWSPM, DIO, MCWD, MES, MSA	Where Council is the infrastructure manager or works manager
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	CCI, CES, COS, CWPM, CWSPM, DIO, MCWD, MES, MSA, OPM	Where Council is the infrastructure manager or works manager
sch 7 cla 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	CCI, CES, COS, CWPM, CWSPM, DIO, MCWD, MES, MSA, OPM	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	CCI, CES, COS, CWPM, CWSPM, DIO, MCWD, MES, MSA, SIS	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	CAP, CCI, CCW, CES, COS, CWME, CWPM, CWSPM, DIO, MCWD, MES, MSA, OPM	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	CCI, CES, COS, CWPM, CWSPM, DIO, MCWD, MES, MSA	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	CCI, CES, COS, CWPM, CWSPM, DIO, MCWD, MES, MSA	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	CCI, COS, CS, CWPM, CWSPM, DIO, MCWD, MES, MSA	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	CFO , DIO, MCS, MCWD, MES, MSA, OPM	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	CCI, CES, COS, CWPM, CWSPM, DIO, MCWD, MES, MSA, OPM	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	CCI, CES, COS, DIO, MCWD, MES, MSA, OPM	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	CCI, COS, DIO, MCWD, MES, OPM	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	CES, DIO, MCWD, MES, OPM	Where Council is the coordinating road authority

Road Management Act 2004			
sch 7 cl 16(4)	Duty to consult	CAP, CES, DIO, MCWD, MES, MSA, OPM	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	CES, DIO, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	CES, DIO, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	CES, DIO, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	CES, DIO, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7 cl18(1)	Power to enter into an agreement	CES, DIO, MCWD, MES, OPM	Where Council is the coordinating road authority
sch7 cl 19(1)	Power to give notice requiring rectification of works	CES, DIO, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	CCW, CES, CWME, DIO, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	CES, COS, CWLA, CWPM, CWSPM, DIO, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	CCI, CCW, CES, COS, CWME, DIO, MCWD, MES, OPM, CWPM, CWSPM, CWLA	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	CCI, CES, COS, DIO, MCWD, MES	Where Council is the responsible road authority
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	CCI, CES, COS, DIO, MCWD, MES	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	CCI, CES, COS, DIO, MCWD, MES	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

Cemeteries and Crematoria Regulations 2015
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the Cemeteries and Crematoria Act 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Provision	**Item Delegated**	**Delegate**	**Conditions and Limitations**

Cemeteries and Crematoria Regulations 2015 [##These provisions apply to Councils appointed as a cemetery trust under section 5 of the Cemeteries and Crematoria Act 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
r 24	Duty to ensure that cemetery complies with depth of burial requirements	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, OSMO, SLH, TLCWH, TLRFH	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, OSMO, SLH, TLCWH, TLRFH	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, OSMO, TLCWH, TLRFH	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	CFO , DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, OSMO, SLH, TLCWH, TLRFH, CPV	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	CFO , DIO, MGI, OPM	
r 48(2)	Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	
	Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules	Note only	
sch 2 cl 4	Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2	CFO , DIO, MGI, OPM	See note above regarding model rules
sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	CFO , GC, GCO, GMPO, GPBSO, MGI	See note above regarding model rules
sch 2 cl 5(2)	Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	CFO , GC, GCO, GMPO, GPBSO, MGI	See note above regarding model rules
sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	See note above regarding model rules
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	See note above regarding model rules

Cemeteries and Crematoria Regulations 2015 [##These provisions apply to Councils appointed as a cemetery trust under section 5 of the Cemeteries and Crematoria Act 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	See note above regarding model rules
sch 2 cl 11(2)	Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	See note above regarding model rules
sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	See note above regarding model rules
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	CFO , GC, GCO, GMPO, GPBSO, MGI	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	CEO, CFO , MGI	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	CEO, CFO , MGI	See note above regarding model rules
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	See note above regarding model rules

Planning and Environment Regulations 2015			
Provision	**Item Delegated**	**Delegate**	**Conditions and Limitations**
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	CStrP, DComm, PAEM	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	DComm, MPP, PAEM, PLSP, SPC, TLSP	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	where Council is the responsible authority

Planning and Environment Regulations 2015			
r.25(b)	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	where Council is not the responsible authority but the relevant land is within Council's municipal district
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	CStrP, DComm, PAEM, SSTRP, StrP	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.

Planning and Environment (Fees) Regulations 2016			
Provision	**Item Delegated**	**Delegate**	**Conditions and Limitations**
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CStrP, DComm, PAEM	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	DComm, PAEM, PLSP, SPC, TLSP	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20	CStrP, DComm, PAEM, PLSP, SPC, TLSP	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
Provision	**Item Delegated**	**Delegate**	**Conditions and Limitations**
r 7	Function of entering into a written agreement with a caravan park owner	CFO , CPM, CSM, DComm, DMBS, EHC, EHO, EHT, MBS, MCS, SBS, SEHO	EHC and MBS in a coordinated approach
r 11	Function of receiving application for registration	EHC, EHO, EHT, SEHO	
r 13(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	EHC, EHO, EHT, SEHO	
r 13(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	EHC, EHO, EHT, SEHO	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CSM, DComm, EHC	
r 13(4) & (5)	Duty to issue certificate of registration	CSM, DComm, EHC	
r 15(1)	Function of receiving notice of transfer of ownership	EHC, EHO, EHT, SEHO	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
r 15(3)	Power to determine where notice of transfer is displayed	EHC, EHO, EHT, SEHO	
r 16(1)	Duty to transfer registration to new caravan park owner	EHC, EHO, EHT, SEHO	
r 16(2)	Duty to issue a certificate of transfer of registration	CSM, DComm, EHC	
r 17(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	CSM, DComm, EHC	
r 18	Duty to keep register of caravan parks	CSM, DComm, EHC	
r 19(4)	Power to determine where the emergency contact person's details are displayed	EHC, EHO, EHT, SEHO	
r 19(6)	Power to determine where certain information is displayed	EHC, EHO, EHT, SEHO	
r 22A(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	CSM, DComm, DMBS, EHC, EHO, EHT, MBS, SBS, SEHO	
r 22A(2)	Duty to consult with relevant emergency services agencies	CSM, DComm, DMBS, EHC, EHO, EHT, MBS, SBS, SEHO	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	CSM, DComm, EHC, EHO, EHT, SEHO	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	CSM, DComm, DMBS, EHC, EHO, EHT, MBS, SBS, SEHO	
r 25(3)	Duty to consult with relevant floodplain management authority	CSM, DComm, EHC, EHO, EHT, MBS, MFPO, SEHO	EHO, EHT, SEHO, EHC and MBS in coordinated approach
r 26	Duty to have regard to any report of the relevant fire authority	CSM, DComm, DMBS, EHC, EHO, EHT, MBS, MFPO, SBS, SEHO	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	CSM, DComm, EHC, EHO, EHT, SEHO	
r 39	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	CSM, DComm, DMBS, EHC, MBS, SBS, SEHO	
r 39(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	CSM, DComm, DMBS, EHC, MBS, SBS, SEHO	
r 40(4)	Function of receiving installation certificate	CSM, DComm, DMBS, EHC, EHO, EHT, MBS, SBS, SEHO	
r 42	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	CSM, DComm, DMBS, EHC, EHO, EHT, MBS, SBS, SEHO	
sch 3 cl4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	CSM, DComm, DMBS, EHC, EHO, EHT, MBS, SBS, SEHO	

Road Management (General) Regulations 2016			
Provision	**Item Delegated**	**Delegate**	**Conditions and Limitations**
r 8(1)	Duty to conduct reviews of road management plan	CAP, DIO, MSA	
r 9(2)	Duty to produce written report of review of road management plan and make report available	CAP, DIO, MSA	
r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	CAP, DIO, MSA	Where Council is the coordinating road authority
r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	CAP, DIO, MSA	
r 13(1)	Duty to publish notice of amendments to road management plan	CAP, DIO, MSA	where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	CAP, DIO, MSA	
r 16(3)	Power to issue permit	CES, CWME, DIO, MES, OPM	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	CES, CWME, DIO, MES, OPM	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	CES, DIO, MES, MSA	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	CES, CFO , DIO, MES, MFCP, MSA	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	CCI, CCW, CES, CS, CWME, DIO, MCWD, MES, OPM	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3)	CCW, CES, CWME, DIO, MES, OPM	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	CES, CFO , DIO, MES, MFCP, OPM	

Road Management (Works and Infrastructure) Regulations 2015 Note: these regulations commenced on 20 June 2015, replacing the Roads Management (works & infrastructure) Regulations 2005, which expired on 21 June 2015.			
Provision	**Item Delegated**	**Delegate**	**Conditions and Limitations**
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	CES, CWME, DIO, MES, OPM	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	CES, CWME, DIO, MES, OPM	Where Council is the coordinating road authority

Frankston City Council

S6. Instrument of Delegation

Council
to
Members of Staff

Marked Up Version

RED = Deleted
BLUE = New
Green = Changed

S6 Instrument of Delegation - Members of Staff

1. In exercise of the power conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached Schedule, the Council:

   delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;

2. records that references in the Schedule are as follow:

CAP means	Coordinator Asset Planning
CBP means	Coordinator Business Partnering
CCI means	Coordinator Civil Infrastructure
CCW means	Coordinator City Works
CEO means	Chief Executive Officer
CES means	Coordinator Engineering Services
CFO means	Chief Financial Officer
COS means	Coordinator Open Spaces
CP means	Coordinator Prosecutions
CPM means	Coordinator Property Management
CPS means	Coordinator Payroll Services
CPV means	Coordinator Parks Vegetation
CS means	Construction Supervisor
CSC means	Coordinator Compliance and Safety
CSM means	Manager Community Safety
CPG means	Coordinator Parks and Gardens
CPV means	Coordinator Parks Vegetation
CSC means	Coordinator Compliance and Safety
CStrP means	Coordinator Strategic Planning
CWLA means	Capital Works Landscape Architect
CWME means	Civil Works Maintenance Engineer
CWPM means	Capital Works Project Manager
CWSPM means	Capital Works Senior Project Manager
DBIC means	Director Business Innovation and Culture
DComm means	Director Communities
DIO means	Director Infrastructure and Operations
DMBS means	Deputy Municipal Building Surveyor
EHC means	Coordinator Environmental Health
EHO means	Environmental Health Officers
EHT means	Environmental Health Technician
GC means	Governance Coordinator
GCO means	Governance Compliance Officer
GLA	Governance Legal Advisor
GMPO means	Governance Memorial Park Officer
GPBSO means	Governance Information Project Business Support Officer
HRBP means	Human Resources Business Partner
HRA means	Human Resources Officer
MGI means	Manager Governance and Information
MBS means	Municipal Building Surveyor
MCS means	Manager Commercial Services
MCWD means	Manager Capital Works Delivery
MES means	Manager Engineering Services
MFCP means	Manager Finance and Corporate Planning
MFPO means	Municipal Fire Prevention Officer
MPC means	Manager People and Culture
MPP means	Major Projects Planner
MSA means	Manager Sustainable Assets

OPM means	Operations Manager
OSMO means	Open Space Maintenance Officer
PAEM means	Planning and Environment Manager
PIO means	Planning Investigations Officer
PLSP means	Practice Leader Statutory Planning
PLT means	Payroll Team Leader
PO means	Prosecutions Officer
PPIO means	Planning Prosecutions Investigations Officer
SBS means	Senior Building Surveyor
SEHO means	Senior Environmental Health Officer
SHRA means	Senior Human Resource Coordinator
SIS means	Strategic Infrastructure Specialist
SLH means	Section Leader Horticulture
SPC means	Statutory Planning Coordinator
SPTO means	Statutory Planning Technical Officer
SSP means	Senior Statutory Planner
SSTRP means	Senior Strategic Planner
StatP means	Statutory Planner
StrP means	Strategic Planner
SUBO means	Subdivisions Officer
TLCWH means	Team Leader CAA Waterfront Horticulture
TLPES means	Team Leader Planning & Environment Support
TLRFH means	Team Leader Roadside and Facility Horticulture
TLSP means	Team Leader Statutory Planning

3. records that on the coming into force of this Instrument of Delegation from Council to Council Members Staff each delegation under the instrument dated 17 February 2020 is revoked.

4. declares that:

   4.1 this Instrument of Delegation is authorised by a resolution of Council passed on the 20 April 2020; and

   4.2 the delegation:

      4.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;

      4.2.2 remains in force until Council resolves to vary or revoke it;

      4.2.3 is subject to any conditions and limitations set out in sub-paragraph and the Schedule; and

      4.2.4 must be exercised in accordance with any guidelines or policies, which Council from time to time adopts;

   4.3 the delegate must not determine the issue, take the action or do the act or thing:

      4.3.1 if the issue, action, act or thing is an issue, act or thing which Council has previously designated as an issue, act or thing which must be the subject of a Resolution of Council; or

      4.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a

         (a) policy; or

         (b) strategy

         (c) adopted by Council; or

4.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or

4.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

THE COMMON SEAL of)

FRANKSTON CITY COUNCIL)

was affixed in the presence of:)

Councillor _____

Chief Executive Officer _____

Index

Cemeteries and Crematoria Act 2003 7
Domestic Animals Act 1994 13
Environment Protection Act 1970 13
Food Act 1984 13
Heritage Act 2017 16
Local Government Act 1989 16
Planning and Environment Act 1987 17
Rail Safety (Local Operations) Act 2006 38
Residential Tenancies Act 1997 38
Road Management Act 2004 40
Cemeteries and Crematoria Regulations 2015 48
Planning and Environment Regulations 2015 50
Planning and Environment (Fees) Regulations 2016 50
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010 51
Road Management (General) Regulations 2016 53
Road Management (Works and Infrastructure) Regulations 2015 53

Schedule

S6 Instrument of Delegation - Members of Staff

Cemeteries and Crematoria Act 2003
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Provision	Item Delegated	Delegate	Conditions and Limitations
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	CFO , MGI	Where Council is a Class B cemetery trust
s 12(1)	Function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	Where Council is a Class B cemetery trust
s 12(2)	Duty to have regard to the matters set out in paragraphs (a) - (c) in exercising its functions	CFO , GC, MGI	Where Council is a Class B cemetery trust
s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 14	Power to manage multiple public cemeteries as if they are one cemetery.	CFO , MGI	
s 15(1) and (2)	Power to delegate powers or functions other than those listed	CFO , GC, MGI	
s 15(4)	Duty to keep records of delegations	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 17(1)	Power to employ any persons necessary	CFO , DIO, MGI, OPM, CPV	
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	
s 17(3)	Power to determine the terms and conditions of employment or engagement	CFO , DBIC, DIO, MGI, MPC, OPM	Subject to any guidelines or directions of the Secretary
s 18(3)	Duty to comply with a direction from the Secretary	CFO , DIO, GC, GCO, GMPO, GPBSO, MGI, OPM	
s 19	Power to carry out or permit the carrying out of works	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	
s 20(1)	Duty to set aside areas for the interment of human remains	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	CFO , MGI	
s 20(3)	Power to set aside areas for those things in paragraphs (a) - (e)	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	CFO , MGI	
s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	CFO , DIO, MGI, OPM	Subject to the approval of the Minister

Cemeteries and Crematoria Act 2003 [##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	To be retained by Council	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	CFO , GC, GCO, GMPO, MGI	
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	To be retained by Council	Provided the street was constructed pursuant to the Local Government Act 1989
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	CFO , GC, GCO, GMPO, MGI	Report must contain the particulars listed in s 57(2)
s 59	Duty to keep records for each public cemetery	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 60(2)	Power to charge fees for providing information	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 64B(d)	Power to permit interments at a reopened cemetery	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	CFO , GC, MGI	The application must include the requirements listed in s 66(2)(a)-(d)
s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 70(1)	Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 70(2)	Duty to make plans of existing place of interment available to the public	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 71(2)	Power to dispose of any memorial or other structure removed	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 72(2)	Duty to comply with request received under s 72	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 73(1)	Power to grant a right of interment	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 73(2)	Power to impose conditions on the right of interment	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	CFO , CPM, GC, GCO, GMPO, GPBSO, MGI	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	CFO , GC, GCO, GMPO, GPBSO, MGI	

Cemeteries and Crematoria Act 2003 [##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s 77(4)	Power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	CFO , MGI	
s 80(1)	Function of receiving notification and payment of transfer of right of interment	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 80(2)	Function of recording transfer of right of interment	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment (sole holder)	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	CFO , GC, GCO, GMPO, GPBSO, MGI	
s.85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	CFO , GC, GCO, GMPO, GPBSO, MGI	The notice must be in writing and contain the requirements listed in s 85(2)
s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	CFO , GC, GCO, GMPO, GPBSO, MGI	Does not apply where right of internment relates to remains of a deceased veteran.
85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of internment or; remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of internment is not extended or converted to a perpetual right of interment
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of internment to a perpetual right of interment	CFO , CPV,CPG, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	
s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	CFO , CPV, CPG, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	

Cemeteries and Crematoria Act 2003 [##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	CFO , CPV, CPG, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	
s.86(4)	power to take action under s.86(4) relating to removing and re-interring cremated human remains	CFO , CPV, CPG, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	
s.86(5)	duty to provide notification before taking action under s.86(4)	CFO , CPV, CPG, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	CFO , CPV, CPG, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	
s 87(3)	Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 91(1)	Power to cancel a right of interment in accordance with s 91	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 91(3)	Duty to publish notice of intention to cancel right of interment	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 92	Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 99(4)	Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 100(1)	Power to require a person to remove memorials or places of interment	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	
s 100(2)	Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with s 100(1)	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	
s 100(3)	Power to recover costs of taking action under s 100(2)	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 102(1)	Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	CFO , GC, GCO, GMPO, GPBSO, MGI	

Cemeteries and Crematoria Act 2003 [##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 103(1)	Power to require a person to remove a building for ceremonies	CFO , DIO, MGI, OPM	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	CFO , DIO, MGI, OPM	
s 103(3)	Power to recover costs of taking action under s 103(2)	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 106(1)	Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 106(4)	Power to repair or - with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not complied with	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, SLH, TLCWH, TLRFH	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	CFO , DIO, MGI, OPM	
s 107(2)	Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with	CFO , DIO, MGI, OPM	
s 108	Power to recover costs and expenses	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 109(1)(a)	Power to open, examine and repair a place of interment	CFO , DIO, MGI, OPM	Where the holder of right of interment or responsible person cannot be found
s 109(1)(b)	Power to repaid a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	CFO , DIO, MGI, OPM	Where the holder of right of interment or responsible person cannot be found
s 109(2)	Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	CFO , DIO, MGI, OPM	Where the holder of right of interment or responsible person cannot be found
s 110(1)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	CFO , GC, GCO, GMPO, GPBSO, MGI	

Cemeteries and Crematoria Act 2003 [##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s 110(2)	Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	CFO , DIO	
s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	CFO , DIO, MGI, OPM	
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 112	Power to sell and supply memorials	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 119	Power to set terms and conditions for interment authorisations	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 131	Function of receiving an application for cremation authorisation	To be retained by Council	
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	To be retained by Council	Subject to s 133(2)
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	CFO , DIO, MGI, OPM	
s 146	Power to dispose of bodily remains by a method other than interment or cremation	CFO , DIO, MGI, OPM	Subject to the approval of the Secretary
s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	CFO , DIO, MGI, OPM	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	CFO , DIO, MGI, OPM	
s 150 & 152(1)	Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 151	Function of receiving applications to inter or cremate body parts	CFO , GC, GCO, GMPO, GPBSO, MGI	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	CFO , GC, GCO, GMPO, GPBSO, MGI	

Domestic Animals Act 1994			
Provision	**Item Delegated**	**Delegate**	**Conditions and Limitations**

Domestic Animals Act 1994			
s 41A(1)	Power to declare a dog to be a menacing dog	CSC, CSM, DComm	Council may delegate this power to a Council authorised officer

Environment Protection Act 1970			
Provision	**Item Delegated**	**Delegate**	**Conditions and Limitations**
s 53M(3)	Power to require further information	CSM, DComm, EHC, EHO, SEHO	
s 53M(4)	Duty to advise applicant that application is not to be dealt with	CSM, DComm, EHC, EHO, SEHO	
s 53M(5)	Duty to approve plans, issue permit or refuse permit	CSM, DComm, EHC, EHO, SEHO	Refusal must be ratified by Council or it is of no effect
s 53M(6)	Power to refuse to issue septic tank permit	CSM, DComm, EHC, EHO, SEHO	Refusal must be ratified by Council or it is of no effect
s 53M(7)	Duty to refuse to issue a permit in circumstances in (a)-(c)	CSM, DComm, EHC, EHO, SEHO	Refusal must be ratified by Council or it is of no effect

Food Act 1984			
Provision	**Item Delegated**	**Delegate**	**Conditions and Limitations**
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	EHC, EHO, SEHO, CSM, DComm,	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	EHC, EHO, SEHO, CSM, DComm,	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	CEO, CSM, DComm, EHC	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	CEO, CSM, DComm, EHC, SEHO	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	CSM, DComm, EHC, EHO, SEHO	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	CSM, DComm, EHC, EHO, SEHO	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	To be retained by Council	Where Council is the registration authority

Food Act 1984			
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	To be retained by Council	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	To be retained by Council	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	EHC, EHO, SEHO, CSM, DComm,	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	EHC, EHO, SEHO, CSM, DComm,	Where Council is the registration authority
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	EHC, EHO, SEHO, CSM, DComm,	Where Council is the registration authority
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	EHC, EHO, SEHO, CSM, DComm,	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	EHC, EHO, SEHO, CSM, DComm,	Where Council is the registration authority
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	CSM, DComm, EHC, EHO, SEHO	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	CSM, DComm, EHC, EHO, SEHO	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	EHC, EHO, SEHO, CSM, DComm,	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	EHC, EHO, SEHO, CSM, DComm,	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	EHC, EHO, SEHO, CSM, DComm,	Where Council is the registration authority
	Power to register, renew or transfer registration	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority refusal to grant/renew/transfer

Food Act 1984			
			registration must be ratified by Council or the CEO (see s 58A(2))
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	EHC, EHO, SEHO, CSM, DComm,	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	EHC, EHO, SEHO, CSM, DComm,	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	EHC, EHO, SEHO, CSM, DComm,	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	EHC, EHO, SEHO, CSM, DComm,	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	EHC, EHO, SEHO, CSM, DComm,	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	EHC, EHO, SEHO, CSM, DComm,	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	EHC, EHO, SEHO, CSM, DComm,	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	EHC, EHO, SEHO, CSM, DComm,	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	EHC, EHO, SEHO, CSM, DComm,	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	EHC, EHO, SEHO, CSM, DComm,	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	EHC, EHO, SEHO, CSM, DComm,	Where Council is the registration authority
s 39A	Power to register, renew or transfer food premises despite minor defects	EHC, EHO, SEHO, CSM, DComm,	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	CSM, DComm, EHC, EHO, SEHO	

Food Act 1984			
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	CSM, DComm, EHC	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	EHC, EHO, SEHO, CSM, DComm,	Where Council is the registration authority. In exceptional circumstances CSM and DComm approval is required.
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	EHC, EHO, SEHO, CSM, DComm,	Where Council is the registration authority. In exceptional circumstances CSM and DComm approval is required.
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	CSM, DComm, EHC, EHO, SEHO	Where Council is the registration authority

Heritage Act 2017			
Provision	**Item Delegated**	**Delegate**	**Conditions and Limitations**
s 116	Power to sub-delegate Executive Director's functions, duties or powers	DComm, PAEM	Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

Local Government Act 1989			
Provision	**Item Delegated**	**Delegate**	**Conditions and Limitations**
s 181H	Power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	To be retained by the CEO	The Chief Executive Officer must not delegate the power delegated to the CEO under subsection 181H to any other person
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO, All Directors, MBS, MFCP, CFO	in consultation with MBS

Planning and Environment Act 1987			
Provision	**Item Delegated**	**Delegate**	**Conditions and Limitations**
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	To be retained by Council	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	CStrP, DComm, PAEM	
s 4H	Duty to make amendment to Victoria Planning Provisions available	CStrP, DComm, PAEM	
s 4I	Duty to keep Victorian Planning Provisions and other documents available	CStrP, DComm, PAEM	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	CStrP, DComm, PAEM	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	CStrP, DComm, PAEM	
s 8A(5)	Function of receiving notice of the Minister's decision	CStrP, DComm, PAEM	
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	CStrP, DComm, PAEM	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	To be retained by Council	
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	To be retained by Council	
s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s19 of the Planning and Environment (Planning Schemes) Act 1996)	To be retained by Council	
s 12B(1)	Duty to review planning scheme	CStrP, DComm, PAEM	
s 12B(2)	Duty to review planning scheme at direction of Minister	CStrP, DComm, PAEM	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	CStrP, DComm, PAEM	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	CStrP, DComm, MPP, PAEM	
s 17(1)	Duty of giving copy amendment to the planning scheme	CStrP, DComm, MPP, PAEM	
s 17(2)	Duty of giving copy s 173 agreement	CStrP, DComm, MPP, PAEM	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CStrP, DComm, MPP, PAEM	
s 18	Duty to make amendment etc. available	CStrP, DComm, MPP, PAEM	

Planning and Environment Act 1987			
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	To be retained by Council	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	To be retained by Council	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	To be retained by Council	
s 21(2)	Duty to make submissions available	CStrP, DComm, MPP, PAEM	
s 21A(4)	Duty to publish notice	CStrP, DComm, MPP, PAEM	
s 22	Duty to consider all submissions	CStrP, DComm, MPP, PAEM	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CStrP, PAEM	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	To be retained by Council	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SSP, TLSP	
s 26(1)	Power to make report available for inspection	CStrP, DComm, MPP, PAEM, PLSP, SPC, SSP, TLSP	
s 26(2)	Duty to keep report of panel available for inspection	CStrP, DComm, MPP, PAEM, PLSP, SPC, SSP, TLSP	
s 27(2)	Power to apply for exemption if panel's report not received	To be retained by Council	
s 28	Duty to notify the Minister if abandoning an amendment	CStrP, DComm, MPP, PAEM, PLSP, SPC, SSP, TLSP	Note: the power to make a decision to abandon an amendment cannot be delegated
s 30(4)(a)	Duty to say if amendment has lapsed	CStrP, DComm, MPP, PAEM	
s 30(4)(b)	Duty to provide information in writing upon request	CStrP, DComm, MPP, PAEM	
s 32(2)	Duty to give more notice if required	CStrP, DComm, MPP, PAEM	
s 33(1)	Duty to give more notice of changes to an amendment	CStrP, DComm, MPP, PAEM	
s 36(2)	Duty to give notice of approval of amendment	CStrP, DComm, MPP, PAEM	
s 38(5)	Duty to give notice of revocation of an amendment	CStrP, DComm, MPP, PAEM	

Planning and Environment Act 1987			
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	CStrP, DComm, MPP, PAEM	
s 40(1)	Function of lodging copy of approved amendment	CStrP, DComm, MPP, PAEM	
s 41	Duty to make approved amendment available	CStrP, DComm, MPP, PAEM	
s 42	Duty to make copy of planning scheme available	CStrP, DComm, MPP, PAEM	
s 46AW	Function of being consulted by the Minister	CStrP, DComm, PAEM, SPC	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	CStrP, DComm, PAEM, SPC	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	CStrP, DComm, MPP, PAEM	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	CStrP, DComm, PAEM, SPC	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	CStrP, DComm, PAEM, SPC	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	CStrP, DComm, PAEM, SPC	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	CStrP, DComm, PAEM, SPC	
s 46GP	Function of receiving a notice under s 46GO	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	CStrP, DComm, PAEM, SPC	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	CStrP, DComm, PAEM, SPC	

Planning and Environment Act 1987			
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	CStrP, DComm, PAEM, SPC	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	CStrP, DComm, PAEM, SPC	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	CStrP, DComm, PAEM, SPC	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CStrP, DComm, PAEM, SPC	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	CStrP, DComm, PAEM, SPC	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	CStrP, DComm, PAEM, SPC	
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	CStrP, DComm, PAEM, SPC	
s 46GV(3)	f\Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	DComm	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DComm	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DComm	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	CStrP, DComm, PAEM, SPC	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency

Planning and Environment Act 1987			
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 1989	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	DComm	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan,as responsible for those works, services or facilities	CStrP, DComm, PAEM	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	DComm	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	CFO , CStrP, DComm, MFCP, PAEM, TLPES	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also

Planning and Environment Act 1987			
			the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	DComm	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	CFO , CStrP, DComm, MFCP, PAEM, TLPES	If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZ(9)	Function of receiving the fee simple in the land	DComm	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	CStrP, DComm, PAEM, SPC	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 1989	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	CStrP, DComm, PAEM, SPC	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	CStrP, DComm, PAEM	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	CStrP, DComm, PAEM, SPC	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	CStrP, DComm, PAEM	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	CFO , DComm, MFCP, PAEM	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	CStrP, DComm, PAEM, SPC	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	DComm	Where Council is the development agency under an approved infrastructure contributions plan
s.46GZF(3)	Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	CStrP, DComm, PAEM, SPC	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	s 46GZF(3)(a) function of receiving proceeds of sale	DComm	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	DComm	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	CFO , DComm, MFCP, PAEM	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	DComm	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	DComm	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	DComm, PAEM	
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	DComm, DMBS, MBS, PAEM, SBS	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	DComm, PAEM	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 46Q(1)	Duty to keep proper accounts of levies paid	CFO , MFCP	
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency or plan preparation costs incurred by a development agency	CFO , CStrP, DComm, MFCP, PAEM, TLPES	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	CFO , DComm, DIO, MES, MFCP, PAEM	

Planning and Environment Act 1987			
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	DComm, PAEM	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	CFO , DComm, MFCP, PAEM	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	CStrP, DComm, MPP, PAEM	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	CES, CFO , DIO, MCWD, MES, MFCP	With the consent of, and in the manner approved by, the Minister
s 46QC	Power to recover any amount of levy payable under Part 3B	CFO , DComm, MFCP, PAEM	
s 46QD	Duty to prepare report and give a report to the Minister	DComm, PAEM	Where Council is a collecting agency or development agency
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	CStrP, DComm, MPP, PAEM	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	CES, DComm, DIO, MES, PAEM	
s 47	Power to decide that an application for a planning permit does not comply with that Act	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, SUBO, TLSP	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, SUBO, TLPES, TLSP	
s 49(2)	Duty to make register available for inspection	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, SUBO, TLPES, TLSP	
s 50(4)	Duty to amend application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, SUBO, TLSP	
s 50(5)	Power to refuse to amend application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 50(6)	Duty to make note of amendment to application in register	DComm, PAEM, PLSP, SPC, TLSP	

Planning and Environment Act 1987			
s 50A(1)	Power to make amendment to application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 50A(4)	Duty to note amendment to application in register	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 51	Duty to make copy of application available for inspection	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 52(3)	Power to give any further notice of an application where appropriate	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	

Planning and Environment Act 1987			
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 54(1)	Power to require the applicant to provide more information	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 54(1B)	Duty to specify the lapse date for an application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	To be retained by Council	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 57(5)	Duty to make available for inspection copy of all objections	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	

Planning and Environment Act 1987			
s 57A(5)	Power to refuse to amend application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 57A(6)	Duty to note amendments to application in register	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 57B(1)	Duty to determine whether and to whom notice should be given	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 57C(1)	Duty to give copy of amended application to referral authority	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 58	Duty to consider every application for a permit	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 58A	Power to request advice from the Planning Application Committee	DComm, PAEM, PLSP, SPC, TLSP	
s 60	Duty to consider certain matters	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 60(1A)	Duty to consider certain matters	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO	
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	DComm, MPP, PAEM, PLSP, SPC, TLSP	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	DComm, PAEM, SPC, TLSP	

Planning and Environment Act 1987			
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(2)	Power to include other conditions	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(3)	Duty not to issue a permit until after the specified period	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	This provision applies also to a decision to grant an amendment to a permit - see s 75

Planning and Environment Act 1987			
s 64(5)	Duty to give each objector a copy of an exempt decision	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s 69(1)	Function of receiving application for extension of time of permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 69(1A)	Function of receiving application for extension of time to complete development	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 69(2)	Power to extend time	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	

Planning and Environment Act 1987			
s 70	Duty to make copy permit available for inspection	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 71(1)	Power to correct certain mistakes	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 71(2)	Duty to note corrections in register	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 73	Power to decide to grant amendment subject to conditions	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 74	Duty to issue amended permit to applicant if no objectors	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	

Planning and Environment Act 1987			
s 83	Function of being respondent to an appeal	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 83B	Duty to give or publish notice of application for review	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 84AB	Power to agree to confining a review by the Tribunal	DComm	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	DComm, PAEM, PPIO, SPC	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	DComm, PAEM, PIO, PPIO, SPC	
s 91(2)	Duty to comply with the directions of VCAT	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	DComm, MPP, PAEM, PIO, PLSP, PPIO, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 93(2)	Duty to give notice of VCAT order to stop development	DComm, MPP, PAEM, PIO, PLSP, PPIO, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 95(3)	Function of referring certain applications to the Minister	DComm, PAEM, PLSP, SPC, TLSP	

Planning and Environment Act 1987			
s 95(4)	Duty to comply with an order or direction	DComm, MPP, PAEM, PIO, PLSP, PPIO, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	DComm, PAEM, PLSP, SPC, TLSP	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DComm, PAEM, PLSP, SPC, TLSP	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	To be retained by Council	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	To be retained by Council	
s 96F	Duty to consider the panel's report under s 96E	To be retained by Council	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996)	To be retained by Council	
s 96H(3)	Power to give notice in compliance with Minister's direction	CStrP, DComm, MPP, PAEM, PLSP, SPC, SSP, StatP, TLSP	
s 96J	Power to issue permit as directed by the Minister	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 97C	Power to request Minister to decide the application	To be retained by Council	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	

Planning and Environment Act 1987			
s 97L	Duty to include Ministerial decisions in a register kept under s 49	CStrP, DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	To be retained by Council	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 97Q(4)	Duty to comply with directions of VCAT	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLSP	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	DComm, PAEM, SPC	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	DComm, PAEM, SPC	
s 101	Function of receiving claim for expenses in conjunction with claim	DComm, PAEM, SPC	
s 103	Power to reject a claim for compensation in certain circumstances	DComm, PAEM, SPC	
s.107(1)	function of receiving claim for compensation	DComm, PAEM, SPC	
s 107(3)	Power to agree to extend time for making claim	DComm, PAEM, SPC	
s 114(1)	Power to apply to the VCAT for an enforcement order	DComm, PAEM, PIO, PPIO, SPC	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	DComm, PAEM, PIO, PPIO, SPC	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	DComm, PAEM, PIO, PPIO, SPC	
s 123(1)	Power to carry out work required by enforcement order and recover costs	DComm, PAEM, PIO, PPIO, SPC	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	DComm, PAEM, SPC	Except Crown Land
s 129	Function of recovering penalties	DComm, PAEM, PIO, PPIO, SPC	

Planning and Environment Act 1987			
s 130(5)	Power to allow person served with an infringement notice further time	DComm, PAEM, PIO, PPIO, SPC	
s 149A(1)	Power to refer a matter to the VCAT for determination	To be retained by Council	
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	DComm, PAEM, SPC	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B)power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	CStrP, DComm, PAEM, SPC	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	CStrP, DComm, PAEM, SPC	
s 171(2)(g)	Power to grant and reserve easements	DComm, PAEM, SPC	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	DComm	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	DComm	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	DComm	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	DComm, PAEM	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	DComm, PAEM	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	DComm, PAEM, PLSP, SPC, TLSP	
	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	DComm, PAEM, PLSP, SPC, TLSP	
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DComm, PAEM, SPC	

Planning and Environment Act 1987			
s 178	power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DComm, PAEM, SPC	
s 178A(1)	Function of receiving application to amend or end an agreement	DComm, PAEM, SPC	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	DComm, PAEM, SPC	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DComm, PAEM, SPC	
s 178A(5)	Power to propose to amend or end an agreement	DComm, PAEM, SPC	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	DComm, PAEM, SPC	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	DComm, PAEM, SPC	
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	DComm, PAEM, SPC	
s 178C(4)	Function of determining how to give notice under s 178C(2)	DComm, PAEM, SPC	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	DComm, PAEM, SPC	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	DComm, PAEM, SPC	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DComm, PAEM, SPC	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	DComm, PAEM, SPC	If no objections are made under s 178D Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	DComm, PAEM, SPC	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DComm, PAEM, SPC	After considering objections, submissions and matters in s 178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	DComm, PAEM, SPC	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	DComm, PAEM, SPC	After considering objections, submissions and matters in s 178B

Planning and Environment Act 1987			
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	DComm, PAEM, SPC	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	DComm, PAEM, SPC	
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	DComm, PAEM, SPC	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	DComm, PAEM, SPC	
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	DComm, PAEM, SPC	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DComm, PAEM, SPC	
s 179(2)	Duty to make available for inspection copy agreement	DComm, PAEM, SPC, TLPES	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	DComm, PAEM, SPC	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	DComm, PAEM, SPC	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	DComm, PAEM, SPC	
s 182	Power to enforce an agreement	DComm, PAEM, PIO, PPIO, SPC	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	DComm, PAEM, SPC	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	DComm, PAEM, SPC	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	DComm, PAEM, SPC	
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	DComm, PAEM, SPC	
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	DComm, PAEM, SPC	
s 184G(2)	Duty to comply with a direction of the Tribunal	DComm, PAEM, SPC	
s 184G(3)	Duty to give notice as directed by the Tribunal	DComm, PAEM, SPC	
s 198(1)	Function to receive application for planning certificate	DComm, PAEM, SPC, TLPES	

Planning and Environment Act 1987			
s 199(1)	Duty to give planning certificate to applicant	DComm, PAEM, SPC, TLPES	
s 201(1)	Function of receiving application for declaration of underlying zoning	CStrP, DComm, PAEM, SPC, TLSP	
s 201(3)	Duty to make declaration	DComm, PAEM, PLSP, SPC, TLSP	
	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	DComm, MPP, PAEM, PLSP, SPC, TLSP	
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	DComm, MPP, PAEM, PLSP, SPC, TLSP	
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	DComm, MPP, PAEM, PLSP, SPC, TLSP	
	Power to give written authorisation in accordance with a provision of a planning scheme	DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	CStrP, DComm, MPP, PAEM, PLSP, SPC, TLSP	

Rail Safety (Local Operations) Act 2006			
Provision	**Item Delegated**	**Delegate**	**Conditions and Limitations**
s 33	Duty to comply with a direction of the Safety Director under s 33	CES, DIO, DComm, MCWD, MES, OPM	Where Council is a utility under s 3
s 33A	Duty to comply with a direction of the Safety Director to give effect to arrangements under s 33A	CES, DIO, DComm, MCWD, MES, OPM	Duty of Council as a road authority under the Road Management Act 2004
s 34	Duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under s 33(1)	CES, CWME, DIO, DComm, MCWD, MES, OPM	Where Council is a utility under s 3
s 34C(2)	Function of entering into safety interface agreements with rail infrastructure manager	CES, DIO, DComm, MCWD, MES, MSA, OPM	Where Council is the relevant road authority
s 34D(1)	Function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	CCW, CES, CWME, DIO, DComm, MCWD, MES, OPM	Where Council is the relevant road authority
s 34D(2)	Function of receiving written notice of opinion	CES, DIO, DComm, MCWD, MES, OPM	Where Council is the relevant road authority

Rail Safety (Local Operations) Act 2006			
s 34D(4)	Function of entering into safety interface agreement with infrastructure manager	CES, DIO, DComm, MCWD, MES, MSA, OPM	Where Council is the relevant road authority
s 34E(1)(a)	Duty to identify and assess risks to safety	CCW, CES, CWME, DIO, DComm, MES, OPM	Where Council is the relevant road authority
s 34E(1)(b)	Duty to determine measures to manage any risks identified and assessed having regard to items set out in s 34E(2)(a)-(c)	CES, CWME, DIO, DComm, MES, OPM	Where Council is the relevant road authority
s 34E(3)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager	CES, DIO, DComm, MES, MSA, OPM	Where Council is the relevant road authority
s 34F(1)(a)	Duty to identify and assess risks to safety, if written notice has been received under s 34D(2)(a)	CES, CWME, DIO, DComm, MES, OPM	Where Council is the relevant road authority
s 34F(1)(b)	Duty to determine measures to manage any risks identified and assessed, if written notice has been received under s 34D(2)(a)	CES, CWME, DIO, DComm, MES, OPM	Where Council is the relevant road authority
s 34F(2)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager	CES, DIO, DComm, MES, MSA, OPM	Where Council is the relevant road authority
s 34H	Power to identify and assess risks to safety as required under s 34B, 34C, 34D, 34E or 34F in accordance with s 34H(a)-(c)	CES, CWME, DIO, DComm, MES, OPM	Where Council is the relevant road authority
s 34I	Function of entering into safety interface agreements	CES, DIO, DComm, MES, MSA, OPM	Where Council is the relevant road authority
s 34J(2)	Function of receiving notice from Safety Director	CES, DIO, DComm, MES, OPM	Where Council is the relevant road authority
s 34J(7)	Duty to comply with a direction of the Safety Director given under s 34J(5)	CES, CWME, DIO, DComm, MES, OPM	Where Council is the relevant road authority
s 34K(2)	Duty to maintain a register of items set out in s 34K(a)-(b)	CAP, CCW, CWME, DIO, DComm, MES, MSA, OPM	Where Council is the relevant road authority

Residential Tenancies Act 1997			
Provision	**Item Delegated**	**Delegate**	**Conditions and Limitations**
s 91ZU(1)	Power to give a renter a notice to vacate rented premises	CFO , CPM, MCS	Where Council is a public statutory authority engaged in the provision of housing Note: this power is not yet in force and will commence on 1 July 2020, unless proclaimed earlier
s 91ZZC(1)	Power to give a renter a notice to vacate rented premises	CFO , CPM, MCS	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes Note: this power is not yet in force and will commence on 1 July 2020, unless proclaimed earlier

Residential Tenancies Act 1997			
s 91ZZE(1)	Power to give a renter a notice to vacate rented premises	CFO , CPM, MCS	Where Council is a public statutory authority engaged in the provision of housing Note: this power is not yet in force and will commence on 1 July 2020, unless proclaimed earlier
s 91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing	CFO , CPM, MCS	Where Council is a public statutory authority engaged in the provision of housing Note: this power is not yet in force and will commence on 1 July 2020, unless proclaimed earlier
s 142D	Function of receiving notice regarding an unregistered rooming house	CSM, DComm, EHC, EHO, EHT, SEHO	
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	CSM, DComm, DMBS, EHC, EHO, EHT, MBS, SBS, SEHO	
s 142G(2)	Power to enter certain information in the Rooming House Register	CSM, DComm, EHC, EHO, EHT, SEHO	
s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	CSM, DComm, EHC, EHO, EHT, SEHO	
s 206AZA(2)	Function of receiving written notification	CFO , CPM, CSM, DComm, EHC, EHO, MBS, MCS	Note: this function is not yet in force and will commence on 1 July 2020, unless proclaimed earlier
s 207ZE(2)	Function of receiving written notification	CFO , CPM, CSM, DComm, EHC, EHO, MBS, MCS	Note: this function is not yet in force and will commence on 1 July 2020, unless proclaimed earlier
s 252	Power to give tenant a notice to vacate rented premises if s 252(1) applies	CFO , CPM, DComm, DMBS, MBS, MCS, SBS	Where Council is a public statutory authority engaged in the provision of housing Note: this provision will be repealed on 1 July 2020, unless proclaimed earlier
s 262(1)	Power to give tenant a notice to vacate rented premises	CFO , CPM, DComm, DMBS, MBS, MCS, SBS	Where Council is a public statutory authority engaged in the provision of housing Note: this provision will be repealed on 1 July 2020, unless proclaimed earlier
s 262(3)	Power to publish its criteria for eligibility for the provision of housing by Council	CFO , CPM, DComm, DMBS, MBS, MCS, SBS	Where Council is a public statutory authority engaged in the provision of housing Note: this provision will be repealed on 1 July 2020, unless proclaimed earlier
s 311A(2)	Function of receiving written notification	CFO , CPM, CSM, DComm, EHC, EHO, MBS, MCS	

Residential Tenancies Act 1997			
s 317ZDA(2)	Function of receiving written notification	CFO , CPM, CSM, DComm, EHC, EHO, MBS, MCS	
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	CSM, DComm, DMBS, EHC, EHO, EHT, MBS, SBS, SEHO	
s 522(1)	Power to give a compliance notice to a person	DMBS, EHC, EHO, EHT, MBS, SBS, SEHO, CSM, DComm	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CSM, DComm	
s 525(4)	Duty to issue identity card to authorised officers	CBP, CPS, CSM, DBIC, DComm, MPC	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	CSM, DComm	
s 526A(3)	Function of receiving report of inspection	CSM, DComm, DMBS, EHC, EHO, EHT, MBS, SEHO	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CP, CSM, DComm, DMBS, EHC, EHT, MBS, PO, SEHO	

Road Management Act 2004			
Provision	**Item Delegated**	**Delegate**	**Conditions and Limitations**
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	CFO , GC, GCO, MGI	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	CFO , GC, GCO, MGI	
s 11(9)(b)	Duty to advise Registrar	CFO , GC, GCO, GLA, MGI	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	CFO , GC, GCO, GLA, MGI	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	CFO , GC, GCO, GLA, MGI	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	To be retained by Council	Where Council is the coordinating road authority

Road Management Act 2004			
s 12(4)	Power to publish, and provide copy, notice of proposed discontinuance	CFO , GC, GLA, MGI	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(5)	Duty to consider written submissions received within 28 days of notice	CFO , GC, GLA, MGI	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	To be retained by Council	Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	CFO , GC, GLA, MGI	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(10)	Duty to notify of decision made	CFO , MGI	Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	CFO , DIO, GC, GLA, MGI, MSA	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the VicRoads Head, Transport for Victoria	CFO , DIO, MES, MGI, MSA	
s 14(7)	Power to appeal against decision of the VicRoads Head, Transport for Victoria	CFO , DIO, MES, MGI, MSA	
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	CES, DIO, MES, MSA, OPM	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DIO, MES, MSA, OPM	
s 15(2)	Duty to include details of arrangement in public roads register	CAP, DIO, MSA	
s 16(7)	Power to enter into an arrangement under s 15	DIO, MSA, OPM	
s 16(8)	Duty to enter details of determination in public roads register	CAP, DIO, MSA	
s 17(2)	Duty to register public road in public roads register	CAP, DIO, MSA	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	CAP, DIO, MSA	Where Council is the coordinating road authority

Road Management Act 2004			
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	CAP, DIO, MSA	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	CAP, CFO , DIO, MES, MGI, MSA	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	CAP, DIO, MSA	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	CAP, DIO, MSA	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	CAP, DIO, MSA	Where Council is the coordinating road authority
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	CAP, DIO, MSA	
s 19(4)	Duty to specify details of discontinuance in public roads register	CAP, DIO, MSA	
s 19(5)	Duty to ensure public roads register is available for public inspection	CAP, DIO, MSA	
s 21	Function of replying to request for information or advice	CAP, DIO, MSA	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	CAP, DIO, MSA	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	CAP, DIO, MSA	
s 22(5)	Duty to give effect to a direction under s 22	CAP, DIO, MSA	
s 40(1)	Duty to inspect, maintain and repair a public road.	CAP, CCI, CCW, CES, CS, CWME, CWPM, CWSPM, DIO, MCWD, MES, MSA, OPM	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	CAP, CCW, CES, CWME, DIO, MES, MSA, OPM	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	CCI, CCW, CES, CS, CWME, CWPM, CWSPM, DIO, MCWD, MES, MSA, OPM	
s 42(1)	Power to declare a public road as a controlled access road	CAP, DIO, MSA	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	CAP, DIO, MSA	Power of coordinating road authority and sch 2 also applies

Road Management Act 2004			
s 42A(3)	Duty to consult with VicRoads before road is specified	CAP, DIO, MSA	Where Council is the coordinating road authority If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	CES, DIO, MES, MSA	Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	CAP, DIO, MES, MSA	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	CAP, DIO, MSA	
s 49	Power to develop and publish a road management plan	CAP, DIO, MSA	
s 51	Power to determine standards by incorporating the standards in a road management plan	CAP, DIO, MSA	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	CAP, DIO, MSA	
s 54(2)	Duty to give notice of proposal to make a road management plan	CAP, DIO, MSA	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	CAP, DIO, MSA	
s 54(6)	Power to amend road management plan	CAP, DIO, MSA	
s 54(7)	Duty to incorporate the amendments into the road management plan	CAP, DIO, MSA	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	CAP, DIO, MSA	
s 63(1)	Power to consent to conduct of works on road	CCI, CCW, CES, CS, CWME, CWPM, CWSPM, DIO, MCWD, MES, MSA, OPM	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	CCI, CCW, CES, CS, CWME, CWPM, CWSPM, DIO, MCWD, MES, MSA, OPM	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	CES, DIO, MES, MSA, OPM	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	DIO, MES, MSA, OPM	Where Council is the coordinating road authority
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	DIO, MES, OPM	Where Council is the coordinating road authority

Road Management Act 2004			
s 67(3)	Power to request information	DIO, MES, MSA, OPM	Where Council is the coordinating road authority
s 68(2)	Power to request information	DIO, MCWD, MES, MSA, OPM	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	CEO, DIO	
s 72	Duty to issue an identity card to each authorised officer	CBP, DBIC, DIO, HRBP, HRA, SHRA, MCWD, MES, MPC, MSA, OPM	
s 85	Function of receiving report from authorised officer	CCW, COS, CPV, CWME, DIO, MCWD, MES, MSA, OPM	
s 86	Duty to keep register re s 85 matters	DIO, MCWD, MES, MSA, OPM	
s 87(1)	Function of receiving complaints	CCW, COS, CPV, CWME, DIO, MCWD, MES, MSA, OPM	
s 87(2)	Duty to investigate complaint and provide report	CCW, COS, CPV, CWME, DIO, MCWD, MES, MSA, OPM	
s 112(2)	Power to recover damages in court	CFO , DIO, MCWD, MES, MFCP, MSA, OPM	
s 116	Power to cause or carry out inspection	CCI, CCW, CS, CWME, CWPM, CWSPM, DIO, MCWD, MES, MSA, OPM	
s 119(2)	Function of consulting with the VicRoads Head, Transport for Victoria	CCI, CCW, COS, CPV, CS, CWME, CWPM, CWSPM, DIO, MCWD, MES, MSA, OPM	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the VicRoads Head, Transport for Victoria)	CCI, CCW, COS, CPG, CPV, CS, CWME, CWPM, CWSPM, DIO, MCWD, MES, MSA, OPM	
s 120(2)	Duty to seek consent of the VicRoads Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	COS, CPG, CPV, DIO, MCWD, MES, MSA, OPM	
s 121(1)	Power to enter into an agreement in respect of works	DIO, MCWD, MES, MSA, OPM	
s 122(1)	Power to charge and recover fees	DIO, MCWD, MES, MSA, OPM	
s 123(1)	Power to charge for any service	DIO, MCWD, MES, MSA, OPM	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	DIO, MES, MSA	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	DIO, MES, MSA	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	DIO, MES, MSA	

Road Management Act 2004			
sch 2 cl 4	Function of receiving details of proposal from the VicRoads Head, Transport for Victoria	CES, DComm, DIO, MCWD, MES, MSA, PAEM, SIS	
sch 2 cl 5	Duty to publish notice of declaration	CAP, CES, DIO, MES, MSA	
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	CAP, CCI, CES, COS, CWPM, CWSPM, DIO, MCWD, MES, MSA	Where Council is the infrastructure manager or works manager
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	CCI, CES, COS, CWPM, CWSPM, DIO, MCWD, MES, MSA, OPM,	Where Council is the infrastructure manager or works manager
sch 7 cla 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	CCI, CES, COS, CWPM, CWSPM, DIO, MCWD, MES, MSA, OPM, EHC, EHO, SEHO,	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	CCI, CES, EMFR, COS, CWPM, CWSPM, DIO, MCWD, MES, MSA, SIS	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	CAP, CCI, CCW, CES, COS, CWME, CWPM, CWSPM, DIO, MCWD, MES, MSA, OPM,	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	CCI, CES, COS, CWPM, CWSPM, DIO, MCWD, MES, MSA,	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	CCI, CES, COS, CWPM, CWSPM, DIO, MCWD, MES, MSA	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	CCI, COS, CS, CWPM, CWSPM, DIO, MCWD, MES, MSA	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	CFO , DIO, MCS, MCWD, MES, MSA, OPM, MFCP,	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	CCI, CES, COS, CWPM, CWSPM, DIO, MCWD, MES, MSA, OPM,	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	CCI, CES, COS, DIO, MCWD, MES, MSA, OPM	Where Council is the coordinating road authority

Road Management Act 2004			
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	CCI, COS, DIO, MCWD, MES, OPM	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	CES, DIO, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	CAP, CES, DIO, MCWD, MES, MSA, OPM	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	CES, DIO, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	CES, DIO, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	CES, DIO, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	CES, DIO, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7 cl18(1)	Power to enter into an agreement	CES, DIO, MCWD, MES, OPM	Where Council is the coordinating road authority
sch7 cl 19(1)	Power to give notice requiring rectification of works	CES, DIO, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	CCW, CES, CWME, DIO, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	CES, COS, CWLA, CWPM, CWSPM, DIO, MCWD, MES, OPM	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	CCI, CCW, CES, COS, CWME, DIO, MCWD, MES, OPM, CWPM, CWSPM, CWLA	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	CCI, CES, COS, DIO, MCWD, MES	Where Council is the responsible road authority
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	CCI, CES, COS, DIO, MCWD, MES	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	CCI, CES, COS, DIO, MCWD, MES	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

Cemeteries and Crematoria Regulations 2015 [##These provisions apply to Councils appointed as a cemetery trust under section 5 of the Cemeteries and Crematoria Act 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Provision	**Item Delegated**	**Delegate**	**Conditions and Limitations**
r 24	Duty to ensure that cemetery complies with depth of burial requirements	CFO , CPG, CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, OSMO, SLH, TLCWH, TLRFH	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	CFO , CPG, CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, OSMO, SLH, TLCWH, TLRFH	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	CFO , CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, OSMO, TLCWH, TLRFH	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	CFO, CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, OSMO, SLH, TLCWH, TLRFH	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	CFO , DIO, MGI, OPM	
r 48(2)	Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	CFO, CPG, CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	
	Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules	Note only	
sch 2 cl 4	Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2	CFO , DIO, MGI, OPM	See note above regarding model rules
sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	CFO, CPG, GC, GCO, GMPO, GPBSO, MGI	See note above regarding model rules
sch 2 cl 5(2)	Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	CFO, CPG, GC, GCO, GMPO, GPBSO, MGI	See note above regarding model rules
sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	CFO , CPG, CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	See note above regarding model rules
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	CFO , CPV, CPG, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	CFO , CPV, CPG, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	See note above regarding model rules

Cemeteries and Crematoria Regulations 2015 [##These provisions apply to Councils appointed as a cemetery trust under section 5 of the Cemeteries and Crematoria Act 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	CFO , CPV, CPG, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	See note above regarding model rules
sch 2 cl 11(2)	Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	CFO , CPV, CPG, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	See note above regarding model rules
sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	CFO , CPV, CPG, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	See note above regarding model rules
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	CFO , GC, GCO, GMPO, GPBSO, MGI	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	CEO, CFO , MGI	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	CEO, CFO , MGI	See note above regarding model rules
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	CFO , CPG, CPV, DIO, GC, GCO, GMPO, GPBSO, MGI, OPM, SLH, TLCWH, TLRFH	See note above regarding model rules
Planning and Environment Regulations 2015			
Provision	**Item Delegated**	**Delegate**	**Conditions and Limitations**
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	CStrP, DComm, PAEM	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	DComm, MPP, PAEM, PLSP, SPC, TLSP	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	where Council is the responsible authority

Planning and Environment Regulations 2015			
r.25(b)	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	DComm, MPP, PAEM, PLSP, SPC, SPTO, SSP, StatP, SUBO, TLPES, TLSP	where Council is not the responsible authority but the relevant land is within Council's municipal district
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	CStrP, DComm, PAEM, SSTRP, StrP	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.

Planning and Environment (Fees) Regulations 2016			
Provision	**Item Delegated**	**Delegate**	**Conditions and Limitations**
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CStrP, DComm, PAEM	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	DComm, PAEM, PLSP, SPC, TLSP	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20	CStrP, DComm, PAEM, PLSP, SPC, TLSP	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
Provision	**Item Delegated**	**Delegate**	**Conditions and Limitations**
r 7	Function of entering into a written agreement with a caravan park owner	CFO , CPM, CSM, DComm, DMBS, EHC, EHO, EHT, MBS, MCS, SBS, SEHO,	EHC and MBS in a coordinated approach
r 11	Function of receiving application for registration	CSM, DComm, EHC, EHO, EHT, SEHO	
r 13(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	CSM, DComm, EHC, EHO, EHT, SEHO	
r 13(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	EHC, EHO, EHT, SEHO	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CSM, DComm, EHC	
r 13(4) & (5)	Duty to issue certificate of registration	CSM, DComm, EHC, EHO, EHT, SEHO	
r 15(1)	Function of receiving notice of transfer of ownership	CSM, DComm, EHC, EHO, EHT, SEHO	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
r 15(3)	Power to determine where notice of transfer is displayed	CSM, DComm, EHC, EHO, EHT, SEHO	
r 16(1)	Duty to transfer registration to new caravan park owner	CSM, DComm, EHC, EHO, EHT, SEHO	
r 16(2)	Duty to issue a certificate of transfer of registration	CSM, DComm, EHC	
r 17(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	CSM, DComm, EHC	
r 18	Duty to keep register of caravan parks	CSM, DComm, EHC	
r 19(4)	Power to determine where the emergency contact person's details are displayed	CSM, DComm EHC, EHO, EHT, SEHO	
r 19(6)	Power to determine where certain information is displayed	CSM, DComm EHC, EHO, EHT, SEHO	
r 22A(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	CSM, DComm, DMBS, EHC, EHO, EHT, MBS, SBS, SEHO	
r 22A(2)	Duty to consult with relevant emergency services agencies	CSM, DComm, DMBS, EHC, EHO, EHT, MBS, SBS, SEHO	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	CSM, DComm, EHC, EHO, EHT, SEHO	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	CSM, DComm, DMBS, EHC, EHO, EHT, MBS, SBS, SEHO	
r 25(3)	Duty to consult with relevant floodplain management authority	CSM, DComm, EHC, EHO, EHT, MBS, MFPO, SEHO	EHO, EHT, SEHO, EHC and MBS in coordinated approach
r 26	Duty to have regard to any report of the relevant fire authority	CSM, DComm, DMBS, EHC, EHO, EHT, MBS, MFPO, SBS, SEHO	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	CSM, DComm, EHC, EHO, EHT, SEHO	
r 39	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	CSM, DComm, DMBS, EHC, MBS, SBS, SEHO	
r 39(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	CSM, DComm, DMBS, EHC, MBS, SBS, SEHO	
r 40(4)	Function of receiving installation certificate	CSM, DComm, DMBS, EHC, EHO, EHT, MBS, SBS, SEHO	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
r 42	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	CSM, DComm, DMBS, EHC, EHO, EHT, MBS, SBS, SEHO	
sch 3 cl4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	CSM, DComm, DMBS, EHC, EHO, EHT, MBS, SBS, SEHO	

Road Management (General) Regulations 2016			
Provision	**Item Delegated**	**Delegate**	**Conditions and Limitations**
r 8(1)	Duty to conduct reviews of road management plan	CAP, DIO, MSA	
r 9(2)	Duty to produce written report of review of road management plan and make report available	CAP, DIO, MSA	
r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	CAP, DIO, MSA	Where Council is the coordinating road authority
r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	CAP, DIO, MSA	
r 13(1)	Duty to publish notice of amendments to road management plan	CAP, DIO, MSA	where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	CAP, DIO, MSA	
r 16(3)	Power to issue permit	CES, CWME, DIO, MES, OPM	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	CES, CWME, DIO, MES, OPM	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	CES, DIO, MES, MSA	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	CES, CFO , DIO, MES, MFCP, MSA	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	CCI, CCW, CES, CS, CWME, DIO, MCWD, MES, OPM	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3)	CCW, CES, CWME, DIO, MES, OPM	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	CES, CFO , DIO, MES, MFCP, OPM	

Road Management (Works and Infrastructure) Regulations 2015 Note: these regulations commenced on 20 June 2015, replacing the Roads Management (works & infrastructure) Regulations 2005, which expired on 21 June 2015.			
Provision	**Item Delegated**	**Delegate**	**Conditions and Limitations**
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	CES, CWME, DIO, MES, OPM	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	CES, CWME, DIO, MES, OPM	Where Council is the coordinating road authority

Executive Summary

12.4 Public notice of the making of Short Stay Rental Accommodation Local Law 2020

Enquiries: (Brianna Alcock: Chief Financial Office)

Council Plan

Community Outcome:	4. A Well Managed City
Strategy:	4.1 Services
Priority Action	4.1.1 Identify service assets and service levels required to meet future community needs

Purpose

To obtain a Council resolution to provide for the public notice of the making of the Short Stay Rental Accommodation Local Law 2020 to be published in a different newspaper.

Recommendation (Chief Financial Officer)

That Council:

1. Notes that the Local Government Act 1989 requires public notices to be published in a hard copy newspaper;
2. Notes that at Special Meeting SP198 on 7 November 2016, Council nominated the Frankston Standard Leader as the primary newspaper to be used for public notices;
3. Notes that the Frankston Standard Leader has ceased printing hard copy newspapers;
4. Notes the resolution made on 7 November 2016 and referred to in paragraph 2 of this resolution, directs that, on this occasion, public notice of the making of the Short Stay Rental Accommodation Local Law is given by publishing a public notice in The Age;
5. Further to the resolution made on 7 November 2016 and referred to in paragraph 2 of this resolution:
   a. nominates The Frankston Times and The Age as newspapers which may be used for the purpose of publishing public notices where the notice cannot be published in the Frankston Standard Leader, whether due to time constraints or otherwise; and
   b. authorises the Chief Executive Officer to determine which of the two alternative newspapers (i.e. The Frankston Times or The Age) will be used in any particular circumstance.

Key Points / Issues

- At its meeting on 30 March 2020, Council resolved to make the Short Stay Rental Accommodation Local Law 2020 ('Local Law'), as follows:

  That Council:

  1. Having complied with the requirements of the *Local Government Act* 1989, and having considered the submissions in respect of the proposed local law, resolves to make the Short Stay Rental Accommodation Local Law for the following reasons:

Executive Summary

a. The Short Stay Rental Accommodation Local Law provides a means of regulating and controlling the use of short stay rental accommodation within the Council's municipal district.

b. The proposed Local Law addresses issues with the standard of management and presentation of short stay rental accommodation; minimises the risk of such accommodation affecting the peace of neighbours; and implements a registration requirement.

c. Nine submissions were received in response to the public exhibition process, eight of which are generally supportive of the intent and purpose of the proposed Local Law.

d. The submitters' views have been considered, and none of the issues raised warrant the deferral of the matter, or modification of the proposed Local Law.

2. Authorises the Short Stay Rental Accommodation Local Law to be signed and sealed.

3. Gives notice in the Victoria Government Gazette, and a public notice, of the making of the Short Stay Rental Accommodation Local Law.

4. Sends a copy of the Short Stay Rental Accommodation Local Law to the Minister for Local Government.

5. Reviews the effectiveness or otherwise of the Short Stay Rental Accommodation Local Law, 12 months after its adoption.

- Notice of the making of the Local Law was published in the Victoria Government Gazette on 9 April 2020. A notice was also published on Council's website, together with a copy of the new Local Law.
- However, upon submitting copy for the public notice to the Frankston Standard Leader, officers were advised that the Frankston Standard Leader has ceased publishing print copies. Officers are still awaiting clarification as to whether this is a temporary COVID-19 response, or a permanent arrangement.
- The Local Government Act 1989 ('LGA 1989') requires public notices to be published in a hard copy newspaper "circulating in the municipal district of the Council chosen for the purpose by … the Council".
- At Special Meeting SP198 on 7 November 2016, Council nominated the Frankston Standard Leader as the primary newspaper for public notices, as follows:

  1. For the purposes of giving public notice, Council nominates the *Frankston Standard Leader* as the primary newspaper to be used for public notices, except where paragraph 2 applies.

  2. In urgent circumstances where the copy deadline for publication of a notice in the *Frankston Standard Leader* cannot be met, and publication of the notice cannot reasonably be deferred until the following week, Council nominates The Age as the alternative newspaper to be used for public notices.

3. Where public notice is given in *The Age* in accordance with paragraph 2, a corresponding notice will also be published in the next edition of the *Frankston Standard Leader*, and on Council's website. Any statutory time frame associated with the giving of public notice will commence from the date on which the notice is published in *The Age*.

- Council has clearly 'chosen' the Frankston Standard Leader as the newspaper in which public notices will be published, and the only circumstances in which the Frankston Standard Leader will not be the chosen publication is in 'urgent circumstances where the copy deadline…cannot be met'.
- Legal advice confirms that this exception will not apply in the present circumstances, for the following reasons:
    - There is no deadline for the publication of a public notice under s 119(3) of the LGA 1989– it must simply be published 'after a local law is made'. It cannot, therefore, properly be said either that a 'deadline' cannot be met; or there are 'urgent circumstances'.
    - In any event, an indefinite closure of the Frankston Standard Leader will not engage any kind of 'copy deadline' as envisaged by paragraph 2 of the 2016 resolution.
    - There will be no way of satisfying the condition that the public notice is published in the 'next edition of the Frankston Standard Leader'.
- It is not open to the CEO to select a different newspaper in which to publish the public notice. This is because the matter has been determined by Council resolution, which cannot be overridden by a delegate's decision.
- Therefore, the only way to address the public notice requirement is to obtain a further Council resolution providing for this public notice to be published in a different newspaper.

Financial Impact

The cost of publishing the notice in The Age and/or the Frankston Times can be accommodated within the existing budget.

Consultation

Legal advice has been received from external lawyers.

Legal

- It is noted that the Local Government Act 2020 ('LGA 2020') received Royal Assent on 24 March 2020, and is being implemented in 4 stages. The LGA 2020 local law provisions are not due to commence operation until 1 July 2021 (unless proclaimed sooner). For the time being, any local laws must be made under the process prescribed in the LGA 1989.
- Section 119 of the LGA 1989 prescribes the procedure for making a local law. Section 223 sets out further statutory requirements in relation to the right to make a submission in relation to a proposal to make a local law.
- Section 119(3) requires that after a local law has been made, the Council "must give a notice in the Government Gazette and a public notice specifying" the title, purpose and general purport, and the arrangements for inspecting the new local law.

12.4 Public notice of the making of Short Stay Rental Accommodation Local Law 2020

Executive Summary

- "Public notice" is defined in the 1989 Act, as follows:

  "Public notice means a notice published in a newspaper generally circulating in the municipal district of the Council chosen for the purpose by –

  (a) if the notice is required to be given by the Council, the Council;"

- Section 121(2) provides:

  "Even though a local law has come into operation –

  (a) a person cannot be convicted of an offence against the local law if it is proved that at the time of the alleged offence the Council had not complied with section 119(3) … unless it is proved that at that time reasonable steps had been taken for the purpose of bringing the general purport of the local law to the notice of the public …"

There may be an argument that Council has taken all "reasonable steps" in accordance with s.121(2), by publishing the gazette notice, and the notice on Council's website, and by notifying all submitters in writing of Council's decision to make the Local Law. However, it is recommended that Council should wait until this public notice issue has been fully resolved before it takes further action to implement or enforce the new local law, notwithstanding that it has come into operation.

Risk Mitigation

The intent of the proposed Short Stay Rental Accommodation Local Law is to regulate and control the use of such properties, ensure an appropriate standard of management and presentation, minimise the risk of affecting the peace of neighbours and implement a compulsory registration requirement.

Conclusion

Council has previously resolved that the Frankston Standard Leader is to be used for public notices. However, the Frankston Standard Leader has ceased printing hard copy newspapers. A resolution is sought to enable public notice of the making of the Short Stay Rental Accommodation Local Law to be given by publishing a public notice in The Age.

Additionally, to avoid similar issues arising in the future it is recommended that Council nominates The Frankston Times and The Age as newspapers which may be used for the purpose of publishing public notices where the notice cannot be published in the Frankston Standard Leader, whether due to time constraints or otherwise; and authorises the Chief Executive Officer to determine which of the two alternative newspapers (i.e. The Frankston Times or The Age) will be used in any particular circumstance.

ATTACHMENTS

Nil

Executive Summary

12.5 Proposed Leasing of Council owned and managed land - Electrical Sub-Stations - United Energy

Enquiries: (Martin Poole: Chief Financial Office)

Council Plan

Community Outcome:	3. A Well Governed City
Strategy:	3.1 Accountable Governance
Priority Action	3.1.1 The elected representatives will provide clear and unified direction, transparent decision makers and good governance

Purpose

To seek approval to conclude the statutory procedures for the leasing of Council owned and managed land, for the purposes of two (2) electrical sub-stations.

Recommendation (Chief Financial Officer)

That Council:

1. Acting in its capacity as the registered proprietor and Public Land Manager and in accordance with s.190(3b) of the Local Government Act 1989 (the Act), having complied with the provisions of s.223 of the Act with no submissions received, resolves to enter into a lease with United Energy Distribution Pty Limited, for a term of 10 years, with a further term of 10 years, for the sum of 10 cents per annum if demanded, for the purposes of the construction and use of the land for an electrical sub-station at the following sites:
   a) 260R Cranbourne Road Frankston, being part of Lot 5 LP21687, known as Ballam Park and,
   b) 3N High Street Frankston, being part of Crown Allotment 3B section 19 Township of Frankston, Parish of Frankston, Permanently Reserved for the purposes of Public Recreation, known as Frankston Park;
2. Notes that due to a potential minor change in location, the proposed public notification for the lease at 30R Davey Street Frankston, being part of Crown Allotment 1 section 4, Township of Frankston, Parish of Frankston, known as the Frankston Civic Centre, has been deferred until such time as the location has been confirmed;
3. Authorises the Chief Executive Officer to finalise lease negotiations; and
4. Authorises the common seal to be affixed and the lease agreements to be signed.

Key Points / Issues

- In the 1980's and 1990's, Council entered into a number of lease agreements with the State Electricity Commission of Victoria (SECV). The lease agreements provided for the construction and ongoing use of Council's land for electrical sub-stations.
- The electricity industry was privatised in 1993. The property and liability rights of the SECV for the distribution and retailing of electricity then passed to Electricity Services Victoria. These rights were subsequently allocated to a number of different entities, depending on their geographical location. For the Frankston area, rights were passed to United Energy Distribution Pty Limited (UE).

12.5 Proposed Leasing of Council owned and managed land - Electrical Sub-Stations - United Energy

Executive Summary

- A number of approved capital works projects, as well as changes to the industry's regulatory requirements, has resulted in a need to update, or enter into new lease agreements, with UE in respect of the sub-stations.
- Council has the power pursuant to *s.190* of the *Local Government Act 1989* (LGA), to enter into a lease agreement with any person for a term not exceeding 50 years.
- Leases are proposed for the following three (3) locations:
  1. part of 30R Davey Street Frankston (Council owned land known as the Frankston Civic Centre); and,
  2. part of 260R Cranbourne Road Frankston (Council owned land known as Ballam Park); and,
  3. part of 3N High Street Frankston (Crown land managed by Council known as Frankston Park).
- As Frankston Park is Crown Land, any proposed lease must be approved by the Department of Environment, Land, Water and Planning (DELWP). DELWP has issued Grant and Purpose (first stage approval), in respect of the new lease for Frankston Park.
- Copies of the proposed Lease areas are shown in Attachment A, B. Attachment C contains an indicative Lease Plan for the Civic Centre, the exact location of which will be confirmed at a later date.

Financial Impact

There are financial costs, however, these costs can be accommodated within existing budgets. The rental under each proposed lease agreement is 10 cents per annum.

As a general rule, lease agreements with services authorities such as electricity providers do not generate revenue. In these cases, the sub-stations are a regulatory requirement necessary to facilitate the ongoing use of land or a major project, which could not otherwise occur. Legal fees to seek advice on the proposed lease terms if required, are anticipated to be in the range of $3,500 exclusive of GST in total.

Consultation

1. External Stakeholders

Officers have been in ongoing discussions United Energy Pty Ltd. Council's solicitors may be consulted in respect of advice on proposed lease terms. Public notice of two (2) the proposed leases has provided an opportunity for public comment, pursuant to s.*223* of the *LGA 1989*.

DELWP has provided first stage approval (Grant and Purpose) in respect of the new lease agreement at Frankston Park.

2. Other Stakeholders

Building and Facilities (Facilities Management and Major Projects)

Capital Works Delivery (Civil Infrastructure)

Analysis (Environmental / Economic / Social Implications)

It is considered there are no adverse implications of commencing statutory procedures for the leasing of land.

12.5 Proposed Leasing of Council owned and managed land - Electrical Sub-Stations - United Energy

Executive Summary

30R Davey Street Frankston - Civic Centre

The existing electrical sub-station on this site is located within the staff tea room on the lower floor of the Civic Centre, and does not meet industry regulations. The sub-station is proposed to be relocated outside of the building to meet current regulations and allow for appropriate access for maintenance purposes.

The previous lease agreement with SECV was entered into for a 30 year term in 1986, and has now expired. A new lease is required to facilitate the installation of the new sub-station.

Since the initial report, a potential change to the exact location of the new sub-station has been flagged. As a result public notification of this proposal has been deferred until such time as the exact location is determined.

260R Cranbourne Road Frankston - Ballam Park

The previous electrical sub-station on this site was replaced as part of the construction of the new Ballam Park Soccer Pavilion. The new sub-station also facilitates upgraded public lighting within Ballam Park, as well as providing for future sports lighting on the adjacent sporting oval.

A new lease is required to provide tenure for the new sub-station, with the existing lease being surrendered concurrently.

3N High Street Frankston – Frankston Park

A new electrical sub-station is required at this location, to facilitate the installation of broadcast quality sports lighting for VFL and AFLW, for which a new lease is required.

None of the installations of sub-stations require the removal of vegetation, all have minimal footprints encompassing the physical sub-station itself and a safe area to allow for maintenance access, and all will enable the ongoing use of facilities for either Council or the community.

Historically, the former SECV entered into long term lease agreements (usually 30 years with a 30 year option term), also requiring caveats to be lodged against the freehold titles of the land over which a lease was issued. As this is no longer standard practise for UE, officers will seek removal of the existing caveats over Council's titles for Ballam Park and the Civic Centre, as each of these processes are finalised.

Lease agreements will be entered into under the *Transfer of Land Act 1958* (Council owned properties) and the *Crown Land (Reserves) Act 1978*.

Beautification

At the 30 March 2020 Ordinary Meeting Councillors resolved to remove the budget associated with beautification of electrical sub-stations from the 2020/21 Budget to fund the COVID-19 response. If the 2020/21 budget is adopted without these funds these works may be looked at again in future years.

In 2019, a Notice of Motion (2019/NOM40) was raised regarding the potential for the implementation of a public art programme on power boxes within the municipality. This measure essentially recommends the beautification of electrical utility installations, such as sub-stations. Any measures for beautification must be approved for United Energy, and the location and nature of each sub-station needs to be assessed to determine the appropriateness or otherwise of the suggested beautification measure.

12.5 Proposed Leasing of Council owned and managed land - Electrical Sub-Stations - United Energy

Executive Summary

For example some sub-stations are fenced for safety, and it may therefore be appropriate to beautify the fence itself rather than the physical sub-station to maximise the visual amenity impact and address access issue. Some sub-stations are located in road reserves, are more accessible and prone to vandalism such as graffiti, so measures to assist in addressing this may be more suitable.

Some options for beautification include:

- Painting, including using street artists to create murals
- Vinyl wrap coating, such as those already in use in Young Street
- Cladding to the sub-station or enclosure fencing, which can be of different types, styles and materials.
- Enclosure sculptural work, such as metal work that has been used with great effect in Warragul.

If Council wishes to support the beautification of sub-stations, it is recommended that rather than an ad hoc approach, which can be resource intensive and time consuming, a rolling programme is created that sub-stations and utility boxes can be referred to. This may be best directed by the Frankston Arts Board sub-committee.

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

Legal

Pursuant to s.*190* of the *LGA 1989,* Council may enter into a lease for a term not exceeding 50 years. Pursuant to s.*190(3)(b)* and *(c)* of the *LGA 1989,* if Council intends to enter into a lease exceeding ten (10) years (which includes any option terms), or a building or improving lease, public notice of the proposed lease must be published at least four (4) weeks before the lease is made, unless one of the exemptions in s.*191 LGA* apply.

UE do not satisfy the exemption criteria, and therefore statutory procedures for the leasing of Council owned and managed land were required to be undertaken.

Policy Impacts

Nil

Officer's Declaration of Interests

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

Risk Mitigation

It is considered there are minimal risks associated with the conclusion of statutory procedures for the leasing of Council owned and managed land. The final lease agreements will be subject to further negotiation and agreement between Council and UE.

12.5 Proposed Leasing of Council owned and managed land - Electrical Sub-Stations - United Energy

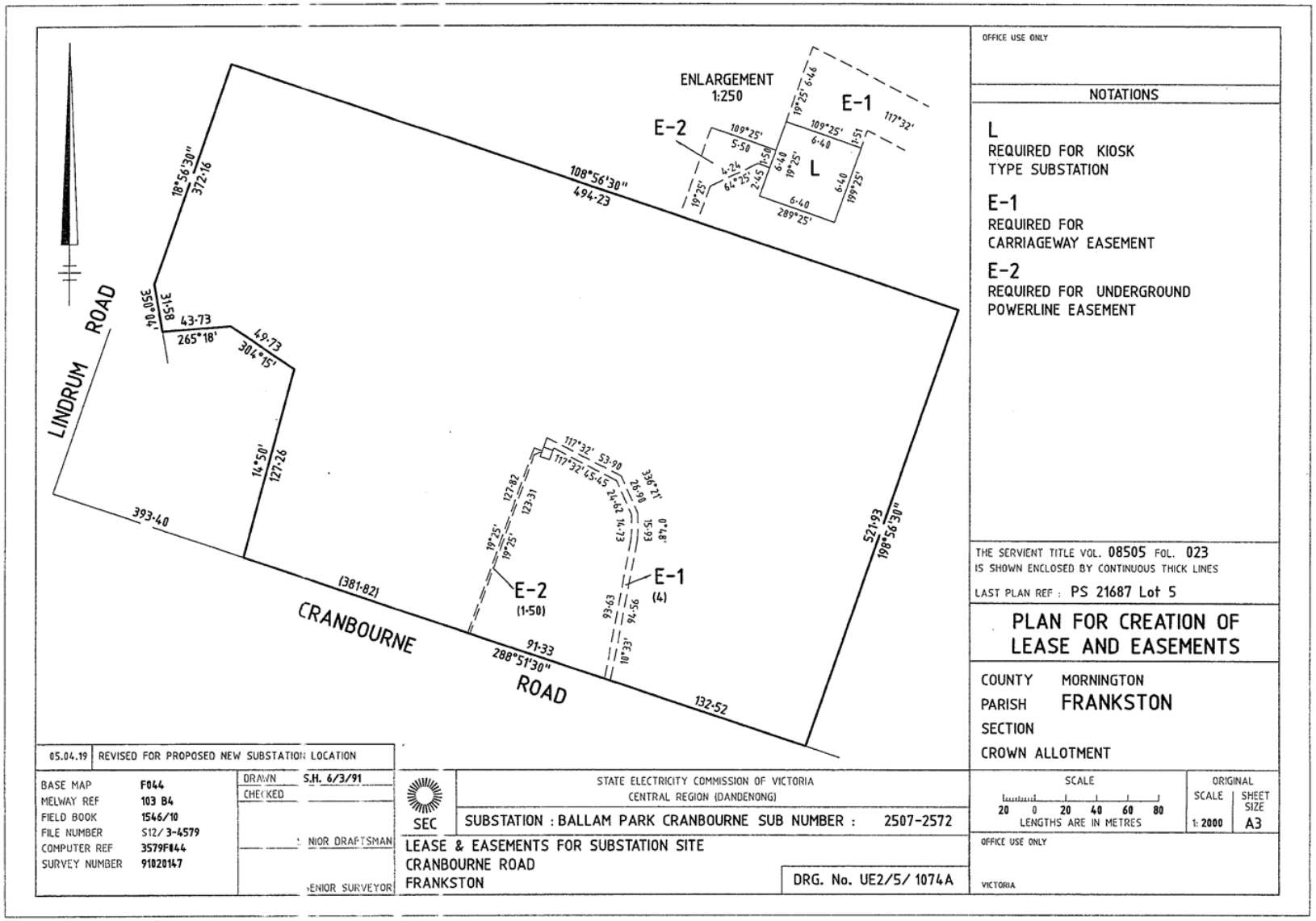
Executive Summary

Conclusion

The conclusion of statutory procedures for the leasing of two (2) sites, one Council owned and one managed, is recommended, to allow the tenure arrangements for the new electrical sub-stations with UE to be finalised.

ATTACHMENTS

Attachment A:⇩	Lease Plan - Ballam Park - Part of 260R Cranbourne Road Frankston
Attachment B:⇩	Lease Plan - Frankston Park - Part of 3N High Street Frankston
Attachment C:⇩	Indicative Lease Plan (exact location to be confirmed) - Civic Centre - Part of 30R Davey Street Frankston



OFFICE USE ONLY

NOTATIONS

L
REQUIRED FOR KIOSK TYPE SUBSTATION

E-1
REQUIRED FOR CARRIAGEWAY EASEMENT

E-2
REQUIRED FOR UNDERGROUND POWERLINE EASEMENT

THE SERVIENT TITLE VOL. 08505 FOL. 023
IS SHOWN ENCLOSED BY CONTINUOUS THICK LINES

LAST PLAN REF : PS 21687 Lot 5

PLAN FOR CREATION OF LEASE AND EASEMENTS

COUNTY MORNINGTON
PARISH FRANKSTON
SECTION
CROWN ALLOTMENT

05.04.19	REVISED FOR PROPOSED NEW SUBSTATION LOCATION

BASE MAP	F044
MELWAY REF	103 B4
FIELD BOOK	1546/10
FILE NUMBER	S12/ 3-4579
COMPUTER REF	3579F044
SURVEY NUMBER	91020147

DRAWN S.H. 6/3/91
CHECKED
NIOR DRAFTSMAN
ENIOR SURVEYOR

SEC

STATE ELECTRICITY COMMISSION OF VICTORIA
CENTRAL REGION (DANDENONG)

SUBSTATION : BALLAM PARK CRANBOURNE SUB NUMBER : 2507-2572

LEASE & EASEMENTS FOR SUBSTATION SITE
CRANBOURNE ROAD
FRANKSTON

DRG. No. UE2/5/ 1074A

SCALE
20 0 20 40 60 80
LENGTHS ARE IN METRES

ORIGINAL SCALE 1: 2000 | SHEET SIZE A3

OFFICE USE ONLY

VICTORIA

HIGH STREET
PLOWMAN PLACE
YOUNG STREET
L (PROPOSED LOCATION)
ENLARGEMENT 1:250
L
18°09'
6.4
288°09'
6.4
108°09'
6.4
198°09'
6.4
OFFICE USE ONLY
NOTATIONS
L
REQUIRED FOR KIOSK TYPE SUBSTATION
THE LOWER LIMIT OF THE SUBSTATION IS GROUND LEVEL
THE UPPER LIMIT OF THE SUBSTATION IS 3.65m ABOVE GROUND LEVEL
THE SERVIENT TITLE VOL. 11796 FOL. 544
IS SHOWN ENCLOSED BY CONTINUOUS THICK LINES
LAST PLAN REF : CROWN ALLOTMENT 3B SECTION 19
PLAN FOR CREATION OF LEASE AND EASEMENTS
COUNTY -
PARISH FRANKSTON
SECTION 19
CROWN ALLOTMENT 3B
SCALE
20 0 20 40 60 80
LENGTHS ARE IN METRES
OFFICE USE ONLY
ORIGINAL SHEET SIZE A3
SCALE 1:2000
VICTORIA
DRG. No. UE2/07/2575
UNITED ENERGY Ltd.
ACN 064 651 029
Zinfra
SUBSTATION : HIGH N3 BAY
SUB NUMBER : 2507-2575
LEASE & EASEMENTS FOR SUBSTATION SITE
FRANKSTON FOOTBALL OVAL
PLOWMAN STREET, FRANKSTON VIC 3199
DRAWN Sue Harker 15/03/19
CHECKED
RECOMMENDED
APPROVED
WBS ELEMENT UED-CSA-001292
MELWAY REF 100A B9
FIELD BOOK -
SURVEY NUMBER -

OFFICE USE ONLY
NOTATIONS
L
REQUIRED FOR KIOSK
TYPE SUBSTATION
THE LOWER LIMIT OF THE SUBSTATION IS GROUND LEVEL
THE UPPER LIMIT OF THE SUBSTATION IS 1.65m ABOVE GROUND LEVEL
THE SERVIENT TITLE VOL. 5750 FOL. 839
IS SHOWN ENCLOSED BY CONTINUOUS THICK LINES
LAST PLAN REF : -
PLAN FOR CREATION OF
LEASE AND EASEMENTS
COUNTY -
PARISH FRANKSTON
SECTION 4
CROWN ALLOTMENT 1
SCALE
5 0 5 10 15 20
LENGTHS ARE IN METRES
OFFICE USE ONLY
VICTORIA
ORIGINAL SHEET SIZE A3
SCALE 1:500
DRG. No. UE2/3001945
UNITED ENERGY Ltd.
ACN 064 657 029
SUBSTATION : CIVIC CENTRE YOUNG SUB NUMBER : 2507-____
LEASE & EASEMENTS FOR SUBSTATION SITE
30 DAVEY STREET
FRANKSTON
DRAWN Sue Harker 13/02/19
CHECKED
RECOMMENDED
APPROVED
WBS ELEMENT UED-CSA-001945
MELWAY REF 100A C9
FIELD BOOK -
SURVEY NUMBER -
YOUNG STREET
DAVEY STREET
PROPOSED PLAN
EXACT LOCATION OF SUBSTATION TO BE CONFIRMED
L
6.40
6.40
6.40
6.40
27°48'
(50·29)
27°48'
117°37'
40.24
207°58'
62·85
207°58'
40.24

Executive Summary

12.6 Further Community Consultation for Sweetwater Precinct Local Area Traffic Management Study

Enquiries: (Doug Dickins: Infrastructure and Operations)

Council Plan

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

Purpose

To brief Council on the outcome of the Sweetwater Precinct Local Area Traffic Management Study and seek Council endorsement for the Sweetwater Precinct Local Area Traffic Management Plan.

Recommendation (Director Infrastructure and Operations)

That Council:

1. Notes the results and summary of further community consultation carried out between 27 February 2020 and 20 March 2020 regarding the Sweetwater Precinct Local Area Traffic Management (LATM) Plan;
2. Adopts the proposed Stage 1 treatments of the LATM Plan for the Sweetwater Precinct as detailed in Sweetwater Precinct LATM Plan Stage 1 – March 2020;
3. Notes funding of $250,000 is currently allocated in the 2019/20 Capital Works Program to commence the LATM Plan, with $621,000 in the draft 2020/21 Capital Works Program to implement the Stage 1 treatments;
4. Supports monitoring traffic speeds and behaviour for a period of 12 months after its implementation, and further-consulting with the residents to assess the need for further traffic treatments in the Sweetwater Precinct; and
5. Continues to promote the use of Crime Stoppers as an effective tool to reduce incidents of irresponsible and anti-social driving behaviour in the precinct.

Key Points / Issues

- As part of Frankston City Council's Local Area Traffic Management (LATM) Strategy, Sweetwater Precinct LATM Study was one of the three studies carried out in 2018/19.
- Sweetwater Precinct is bounded by Davey Street to the north, Kars Street and Baden Powell Drive to the east, Humphries Road and Gulls Way to the south, and Nepean Highway and Port Phillip Bay to the west.
- Traffic engineering consultant, HDS Australia Pty Ltd, was commissioned in September 2018 to assist Council in developing a LATM Plan aimed at addressing traffic and road safety concerns in the Sweetwater Precinct.
- The major traffic issues reported by residents in the precinct are high traffic speeds, ineffective roundabouts, rat-running along a number of streets, lack of footpaths on some narrow roads and irresponsible driving.

12.6 Further Community Consultation for Sweetwater Precinct Local Area Traffic Management Study

Executive Summary

- Residents in the precinct were consulted in October 2018 through an initial survey at the start of the study to find out their traffic concerns, and through a second survey in February 2019 to seek their views on the draft Local Area Traffic Management Plan. A Resident Traffic Committee was created with residents who were interested in participating.
- Emergency services (Country Fire Authority, Victoria Police and Ambulance Victoria) were requested to provide feedback on the draft LATM Plan with no responses received.
- Public Transport Victoria (PTV) and the public bus service provider were advised of the proposal and sought further information. Council officer provided further details to PTV who then advised it offered no objection to the LATM Plan.
- Arising from the LATM Study, a comprehensive Traffic Management Plan has been developed to address road safety concerns identified by the community and the traffic engineering consultant's investigations.
- At its meeting on 1 July 2019 council considered a report which presented the outcomes of the consultation and the final report, "Local Area Traffic Management Study – Sweetwater Precinct". At this meeting Council resolved the following;

  That Council:

  1. *Adopts the recommended Local Area Traffic Management Plan for the Sweetwater Precinct as detailed in the report Sweetwater Precinct LATM Study 2019.*
  2. *Notes funding of $500,000 is currently allocated in the 2019/20 Capital Works Program to commence the Local Area Traffic Management Plan, with the balance of the project expected to be completed as part of the 2020/21 and 2021/22 Capital Works Programs.*
  3. *Notes ongoing consultation with residents and property owners directly abutting the proposed traffic treatments at the design and implementation stages of the project.*
  4. *Continues to promote the use of Crime Stoppers as an effective tool to reduce incidents of irresponsible and anti-social driving behaviour in the precinct.*
  5. *Supports monitoring traffic speeds and behaviour for a period of 12 months after its implementation.*
- Attachment A contains Sweetwater Precinct LATM Study 2019.
- Council officers in consulting further with residents and property owners regarding the proposed traffic treatments have received feedback and objection not supporting several of the proposed treatments comprising the project.
- As a result of this further feedback Council officers have advised that proposed speed humps along Violet Street, Warringa Road and Nolan Street will not proceed for at least twelve months, and that further investigation will be carried out before any installation of these treatments.

12.6 Further Community Consultation for Sweetwater Precinct Local Area Traffic Management Study

Executive Summary

- A program of further community consultation was carried out in February and March 2020. This comprised seeking input and response to a survey from all residents and property owners in the precinct. A copy of the letter, information sheet and survey is shown in Attachment B.
- Three drop-in sessions were arranged at different times during the week from 11 March 2020 to 14 March 2020. Two sessions were held at Mechanics Hall and one session at Norman Avenue shops.
- Officers have considered all the feedback and responses received from residents and property owners as part of this consultation. Following review of the feedback a revised implementation plan, Stage 1, has been developed to install treatments for which support was received.
- Stage 1 can be progressively implemented over the remainder of 2020. Attachment C provides a summary of the consultation responses received and the projects proposed for Stage 1 implementation. This implementation plan is shown in Attachment D with the proposed treatments highlighted in green.
- It is proposed to review the effectiveness of the project after Stage 1 implementation of treatments. Further consultation will then be conducted with the community to determine what additional works are required to complement the first stage of treatments. This process could include further investigation into traffic speeds and volumes as well as an assessment of crash statistics.

Financial Impact

VicRoads and Transport Accident Commission (TAC) introduced a new *Safe Travel in Local Streets (STiLS)* funding program in early 2018, targeted at addressing safety in local streets. LATM treatments are eligible to be funded through this program with the overall delivery contribution on a 50:50 arrangement, up to a maximum of $1 million, with this grant to be expended by June 2020. This timeframe has been extended to December 2020.

The initial estimate for works in Sweetwater Precinct LATM is $1,560,000. The estimated cost for Stage 1 implementation is $844,000. Currently Council has $871,000 for this project, being $250,000 allocated in the 2019/20 Capital Works Program and has $621,000 identified for this project in the draft 2020/21 Capital Works budget. This includes income of $250,000 from TAC as part of the STiLS funding program.

It is anticipated that any further works proposed in this precinct following further consultation after Stage 1 implementation will be funded as part of Council's 2020/21 and 2021/22 Capital Works Programs, noting that Council's Long Term Infrastructure Program has identified $828,000 in 2021/22 for Sweetwater Precinct LATM.

Consultation

1. External Stakeholders

Initial consultation with residents was carried out in 2018/19 prior to the initial adoption of Sweetwater LATM by Council on 1 July 2019. A further round of consultation with residents and property owners has been carried out in March 2020.

This consultation in March 2020 comprised letters, personally addressed where possible, sent to residents and/or property owners, three drop-in sessions at various times to maximise opportunity to attend a session by residents, a "Have Your Say" section on Council's website and a feedback survey.

The survey sought to determine support or otherwise for each treatment and also general comments. The street of the respondent was also requested to assist in evaluation of each treatment.

A summary of the statistical survey results is contained in Attachment C and the proposed treatments for Stage 1. Attachment D is a map of these Stage 1 with the proposed treatments highlighted in green.

There were 320 responses to consultation representing 13.8% of the properties within the area, of which 99 respondents chose to be anonymous. The majority of these were in the form of submitted survey forms or on-line surveys. Generally the responses were in support of the individual treatments, although there were several responses questioning the need for the project, the process followed in developing the project and the consultation process. Comments are provided in Attachment E which address the comments and feedback provided. Attachment F provides copies of two specific submissions received.

2. Other Stakeholders

Internal stakeholders were consulted throughout the study as required. Ward Councillors were consulted and any feedback was incorporated.

Internal stakeholders will also be consulted during the implementation phase of the Plan on particular issues, for example, related to parking or drainage.

Analysis (Environmental / Economic / Social Implications)

Implementing the proposed LATM Plan aims to decrease the potential for crash incidents in the local streets making the roads a safer environment for the community.

Slowing of traffic and improved safety is expected to improve amenity in the precinct and encourage a greater number of people to walk and cycle, thus improving social interaction and health. Some treatments may result in some additional noise at speed humps. Further lighting will be required at some locations, for example, to illuminate slow points and speed humps, however adverse effects can be mitigated through careful site selection.

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

Legal

Not applicable.

Policy Impacts

Council is obligated under the Road Management Act 2004 to manage Council's road network in a manner that ensures its efficiency and safety of road users.

Council's Integrated Transport Strategy 2013 – Action 8-2 is to Develop a Local Area Traffic Management (LATM) 20 year program, including implementing LATM projects.

Officer's Declaration of Interests

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

12.6 Further Community Consultation for Sweetwater Precinct Local Area Traffic Management Study

Executive Summary

Risk Mitigation

The risk associated with the potential for crashes within the precinct is anticipated to reduce as the LATM Plan is implemented by reducing vehicles speeds in the local network and accordingly reducing traffic volume, thus making the roads a safer environment for motorists, cyclists and pedestrians.

Conclusion

Following the first phase of community engagement Council received some opposition to the proposal at the time the project was to be implemented. Consequently a further round of consultation was conducted to give as many residents and property owners within the area the opportunity to comment on the proposed Sweetwater precinct LATM.

Analysis of the second round of consultation indicates there is general support of the LATM project from those responding, however there was concern expressed by residents in some areas as to the need for the project. Therefore it is proposed to implement Sweetwater LATM project through a staged approach whereby a range of treatments are addressed in the first Stage and that further consultation occur prior to implementing any further components of the project.

ATTACHMENTS

Attachment A: ⇨ Sweetwater Precinct LATM Report - June 2019 *(Under Separate Cover)*

Attachment B: ⇩ Sweetwater Precinct LATM Further Consultation Circular and Survey - February 2020

Attachment C: ⇩ Sweetwater LATM Consultation Summary - March 2020

Attachment D: ⇩ Sweetwater Precinct LATM Plan Stage 1 - March 2020

Attachment E: ⇩ Sweetwater Precinct LATM Consultation Detailed Comments

Attachment F: ⇨ Sweetwater Precinct LATM - Written Submissions - March 2020 *(Under Separate Cover)*

12.6 Further Community Consultation for Sweetwater Precinct Local Area Traffic Management Study

Officers' Assessment

Issues and Discussion

Initial Community Consultation

A community circular was distributed to all households within the study area in October 2018 including a questionnaire survey on amenity and traffic. The survey sought community suggestions to overcome these traffic problems, and nominations to be part of the Resident Traffic Committee.

A public meeting was held at Mechanics Hall, Frankston, on Thursday 15 November 2018. Residents and other interested parties were invited to attend via the community circular. The purpose of the public meeting was to outline the traffic study process, provide residents with the opportunity to discuss any local traffic issues and take nomination from community volunteers to form the Resident Traffic Committee group.

Further consultation to the Sweetwater Precinct community through a second community circular and survey in late February 2019. Community comments on the proposed LATM Plan were accepted until April 2019.

The circular included a plan detailing the proposed LATM Plan and some images of typical treatments. The circular sought the community's opinions on whether they support the individual proposed treatments. Residents also had the opportunity to provide their feedback via the Council website.

Council considered the Sweetwater Precinct LATM Plan at its meeting on 1 July 2019 and resolved to adopt the recommended plan.

Further Community Consultation

2,816 letters, personally addressed where possible, were sent to residents and/or property owners of properties in Sweetwater LATM. These letters represented approximately 2,315 properties in the area. A copy of the letter is in Attachment B. The letters contained;

- An introductory letter advising of the Sweetwater LATM project background;
- Inviting residents to attend one of three drop-in sessions were to be conducted;
- An information sheet describing the works proposed in the Sweetwater Precinct LATM plan;
- A paper based survey form seeking input from residents about the specific treatments and also any general feedback;
- Advice that the survey was also available on-line should residents wish to do so; and
- Advice that Council will consider this matter at its meeting in April.

Three drop-in sessions were conducted, at the following times and locations;

- Wednesday 11 March 2020 – 5pm to 7pm - Mechanics Hall
- Thursday 12 March 2020 – 3pm to 5pm - Mechanics Hall
- Saturday 14 March 2020 – 10am to 12 noon - Norman Avenue shops

The location and times were varied to provide opportunity for residents to participate at the most suitable time.

Officers' Assessment

The final session was held at Norman Avenue shops on a Saturday morning to make the most of the passing local pedestrian traffic. Whilst the sessions were attended by a small number of residents, they were valuable in providing further information and in discussing concerns with residents.

Further information was available on Council's "Have Your Say" webpage together with the survey seeking feedback.

Following the survey and drop-in sessions a total of 320 responses provided feedback, in the form of support or otherwise of a range of specific traffic treatments proposed in the Sweetwater Precinct LATM Plan. In order to assess the support within a particular street for each treatment, respondents were asked to nominate the street in which they live. Of the 320 respondents, 99 chose to be anonymous

A summary of the statistical results of the consultation is contained in Attachment C. This indicates that of the respondents, there was general support for the projects across the precinct. However some individual treatments were not supported by residents with the street(s). Therefore in considering the results of the consultation the local support was a key part of the development of the stage 1 works proposed.

Attachment E contains details of all responses received, together with officer's comment where appropriate.

This consultation generally supported the initial consultation in 2018/19 however further information was obtained to gauge support from within each street for particular treatments. This 2018/19 consultation had a response from 16.6% of residents, and showed general support for treatments to range from 64% to 82%.

Analysis

The results of the community engagement indicated that there was support for most treatments from those that responded, although it is noted that some treatments were not supported by those respondents who lived in the street.

In determining the way forward for this LATM project it is recognised that not all treatments should be implemented. It is proposed that a Stage 1 package of treatments be implemented where the respondents indicated general support, however a number of the initially proposed treatments should not be implemented as stage 1.

Attachment C indicates the levels of support for treatments and therefore which projects are proposed to be implemented as part of Stage 1.

Following the implementation of Stage 1 works through 2020 an assessment of the effectiveness of the treatments is proposed with further engagement with the community to determine;

- Which treatments were considered to be effective?
- Is there support within the area for implementation of any of the remaining treatments proposed as part of the Sweetwater Precinct LATM Plan?
- Are there any additional treatments supported by the area for implementation?

From this assessment it can then be determined what additional works are required and ensure there is sufficient Council budget for the additional treatments.

Officers' Assessment

Conclusion

A Sweetwater Precinct LATM Plan was prepared in 2019 and has now been further communicated and consulted with the community. Following this further consultation the respondents indicated most treatments are supported, however not all treatments are supported by the residents of the street. Therefore a staged implementation process is proposed.

In Stage 1 a range of projects as shown in Attachment D are proposed for implementation through the remainder of 2020. Following this implementation a review and further engagement is recommended to determine the effectiveness of treatments in the area and whether any further treatments could be implemented. This would be based upon community feedback, traffic data and traffic management expertise.

Frankston City Council
30 Davey Street, Frankston, Victoria, Australia
Telephone: 1300 322 322 » +613 9784 1888 » Facsimile: +613 9784 1094
PO Box 490, Frankston VIC 3199
info@frankston.vic.gov.au
Website: frankston.vic.gov.au
ABN: 49 454 768 065

Reference: A4155964
Local Area Traffic Management Study

<< Property Owner Name >>
<< Street Number & Name >>
FRANKSTON SOUTH Vic 3199

27 February 2020

Dear Sir/Madam

Sweetwater Precinct Local Area Traffic Management Study
Invitation to Residents for Further Consultation

I am writing to you regarding the Sweetwater precinct Local Area Traffic Management (LATM) Study which was carried out in 2018/2019 as part of Council's LATM Strategy. The objective of the study is to develop an LATM plan, consisting of practical traffic management measures, to address traffic issues in the precinct. Following the completion of this study, a report was presented to Council at its meeting on 1 July 2019 for adoption.

Traffic issues were raised by residents through a consultation process, together with issues identified through visual inspection and assessment of technical data such as traffic speeds, traffic volumes and crash statistics, as well as consideration of traffic issues.

Community consultation was carried out between October 2018 and June 2019 through community circulars and surveys to all properties in the study area. The surveys sought feedback from residents on traffic concerns and nominations to form a Resident Traffic Committee (RTC) to work with the project team to develop an appropriate LATM plan. A public meeting was also held on Thursday 15 November 2018 to outline the process, present the findings of the questionnaire thus far, and provide an opportunity to further discuss local traffic issues with the project team.

Prior to adoption by Council, a further round of consultation was carried out through a second community circular with a follow up questionnaire in late February 2019 seeking additional feedback. This circular detailed the proposed LATM treatments, and was also distributed to other stakeholders such as emergency services (Fire, Ambulance and Police) and public bus service providers for feedback.

Further consultation

The implementation of the study was scheduled to begin in February 2020, and the properties that would be directly impacted during construction of the first traffic management measures were advised. A number of concerns were raised about the consultation process and the need for the LATM project. Therefore to ensure that the project meets the needs of the community as a whole, further consultation will be carried out through this letter, an on-line survey and three public drop in sessions. This will give residents another opportunity to contribute to the project.

How to get involved

I would greatly appreciate your participation, and highly encourage you to take this opportunity to express your views. This can be done by completing an on-line survey or visiting us at one of our three drop in sessions to be held on the following dates:

	Date	Time	Venue
1.	Wednesday 11 March 2020	5pm – 7pm	Mechanics Hall, 1A Plowman Place, Frankston
2.	Thursday 12 March 2020	3pm – 5pm	Mechanics Hall, 1A Plowman Place, Frankston
3.	Saturday 14 March 2020	10am – 12pm	Norman Avenue Shopping Strip

The survey is available online in the **Have Your Say** section of Frankston City Council's website (www.frankston.vic.gov.au/Your_Council/Have_Your_Say) and takes about ten minutes to complete. Alternatively you can complete the attached questionnaire and return it to Frankston City Council's Engineering Services Department by Friday 20 March 2020 via the enclosed 'Reply Paid' envelope, or emailing your response form to EngServices@frankston.vic.gov.au.

Following the consultation period, all responses will be considered and a report on the outcome of this consultation process will be presented to Council at its meeting on Monday 20 April 2020.

If you have any queries, please contact
on 1300 322 322.

Yours faithfully

Douglass Dickins
MANAGER ENGINEERING SERVICES

Sweetwater Precinct LATM Study

Community Survey - Proposed Traffic Management Plan

SWEETWATER NORTH SUB-PRECINCT

Kars Street

Key Issues:

- Roundabouts on Kars Street do not effectively slow down traffic.

Proposed treatments:

- Modify existing roundabouts to improve deflection.
- Investigate possibility of new roundabout at Gweno Avenue and Liddesdale Avenue intersections.

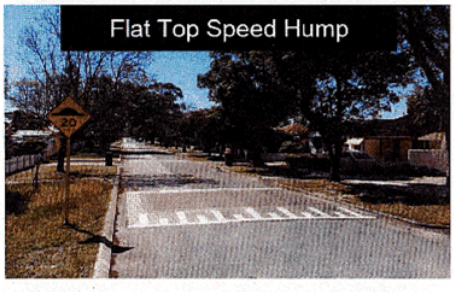
High Street / Esplanade / Nolan Street / Williams Street

Key Issues:

- Cars traveling on the wrong side on High Street and Esplanade not realising they are two way roads.
- High speeds on High Street during peak hours, and a high level of parking on High Street often means vehicles parking too close to driveways blocking access.
- Vehicles traveling too fast at the bend, and reported near misses.
- High traffic speeds reported in Nolan Street are a concern due to the level of parking.
- Lack of parking in Williams Street has led to illegal parking along the nature-strip.
- Pedestrian safety crossing Esplanade close to Williams Street.

Proposed treatments:

- Install parking lane or hockey stick linemarking along High Street to organise and manage parking.
- Convert painted median island at the bend on Esplanade / High Street to a mountable concrete median.
- Install a bus friendly flat top speed hump on High Street at No. 22.
- Install 'Watts Profile' speed hump at No. 12 and No. 20 on Nolan Street.
- Construct kerb & channel with parking along south side of Williams Street.



- Install 'Watts Profile' speed hump on Williams Street at No. 17 & 18 and two 'Watts Profile' speed humps on Esplanade on either side of pedestrian crossing facility.



Liddesdale Avenue

Key Issues:

- Significant rat-running on Liddesdale Avenue at high speeds. 85th percentile speeds were found to be 54.2 km/h west of Cliff Road, and 58.4 km/hr west of Hillside Grove.
- Residents close to the intersection of Nepean Highway reported difficulty accessing their driveways due to boat trailers parking along Liddesdale Avenue to avoid parking fees at the foreshore boat ramp car park.

Proposed treatments:

- Install raised pavements at intersections at intersections with Fenton Crescent and Cliff Road.
- Install two 'Watts Profile' speed humps on Liddesdale Avenue at No.3/No.5 and No.27/No.30-30A.
- Advocate to DoT to signalise intersection with Nepean Highway.

Warringa Road / Violet Street / Cliff Road

Key Issues:

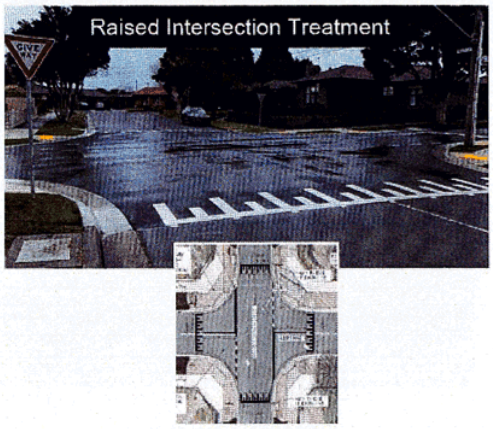
- Reported sightline issues, high speeds traveling south on Cliff Road towards the Warring Road intersection, and a history of crashes were found.
- Some rat-running reported on Violet Street and Warringa Road, with an expected increase in rat-running once Liddesdale Avenue is treated.

Proposed treatments:

- A raised intersection treatment at Cliff Road and Warringa Road.
- Monitor speeds and volumes on Warringa Road and Violet Street after Liddesdale Avenue is treated. If an increase in high speeds and volumes are prevailing, consult with residents to install traffic calming treatments.

Sweetwater Precinct LATM Study

Community Survey - Proposed Traffic Management Plan



Fenton Crescent / Hoadley Avenue / Harcourt Avenue / Neil Street

Key Issues:

- Some rat-running reported on these streets, with an expected increase in rat-running once Liddesdale Avenue is treated.

Proposed treatments:

- Raised intersection treatments at Fenton Crescent / Thames Street, Fenton Crescent / Neil Street, Neil Street / Hillside Grove and Hoadley Avenue / Harcourt Avenue.
- One 'Watts Profile' speed hump on Hoadley Avenue at No. 22/No.33.
- Two 'Watts Profile' speed humps on Harcourt Avenue at No.9/No.14 and No.34-36.
- Convert existing painted median to concrete median at Fenton Crescent/Hoadley Avenue bend.
- Convert existing painted splitter island to fully mountable splitter island on Harcourt Avenue.

SWEETWATER SOUTH SUB-PRECINCT

Brighton Street

Key Issues:

- Reported significant rat-running on Brighton Street as it is a short cut between Humphries Road and Baden Powell Drive. Currently carries about 2,000 vehicles a day which is significantly high for its intended function.
- Pedestrian safety due to lack of footpaths mixed with the high traffic speeds, traffic volumes, use of existing bus stops, and due to narrowness of the road between Humphries Road and Norman Avenue.

Proposed treatments:

- Allow one-way (eastbound) for vehicular traffic between Humphries Road and Norman Avenue.
- Retain two-way traffic for the rest of Brighton Street.
- Intersection modification at Humphries Road/Norman Avenue intersection.
- Install bus friendly Flat Top speed hump at No.9/No.16 Brighton Street.
- Modify roundabout at Baden Powell Drive to improve vehicle deflection.

Picnic Street

Key Issues:

- Expected increase in traffic and speeds due to the proposed changes on Brighton Street, particularly towards Humphries Road from Baden Powell Drive.

Proposed treatments:

- Raised intersection treatments at Picnic Street / Hotham Street and Picnic Street / Mitic Court.
- Install a short channelised right turn lane from Baden Powell Drive into Picnic Street.

Fleetwood Crescent

Key Issues:

- Reported rat-running with high traffic volumes and speeds.
- Dangerous intersection at Fleetwood Crescent and Norman Avenue.

Proposed treatments:

- Investigate possibility of a roundabout at Norman Avenue intersection.
- Raised intersection treatments at intersections with Ithaca Road, Dunstan Street, McComb Boulevard and Rose Street.
- Three speed humps at No.12/No.13, No.36/No.37, and No.64/No.73.

McComb Boulevard / Bowes Street / Norman Avenue / Dunstan Street / Ithaca Road

Key Issues:

- Reported rat-running with high traffic and speeds in this pocket.

Proposed treatments:

- Investigate possibility of a roundabout at Norman Avenue intersection.
- Raised intersection treatments at selected intersections, and five intersections are to be monitored for high speeds and volumes. Consult with residents to install raised intersections if problems prevail.

Sweetwater Precinct LATM Study

Community Survey - Proposed Traffic Management Plan

Please complete and return the questionnaire to Council by Friday 20 March 2020.
E-mail to EngServices@frankston.vic.gov.au or use the enclosed 'Reply Paid' envelope.

Name (optional):

_____

Phone No (optional):

_____

Property Number (optional):

_____

Street Name (Required):

_____

SWEETWATER NORTH SUB-PRECINCT

High Street:
- Speed hump outside No. 22 Y | N
- Line mark parking lane and reposition centre-line at Esplanade Y | N

Nolan Street:
- Speed hump outside No. 12 Y | N
- Speed hump outside No. 20 Y | N

Esplanade:
- Speed hump outside No. 17 Y | N
- Speed hump outside No. 19 Y | N
- Convert existing painted centre median to concrete median Y | N

Williams Street:
- Speed hump outside No 17 & 18 Y | N
- Construction of kerb & channel & indented parking along south side Y | N

Cliff Road:
- Raised intersection at Warringa Road Y | N

Gweno Avenue:
- Raised intersection at Geofrey Street Y | N

Warringa Road (after monitoring for a year):
- Speed hump outside No. 30 Y | N
- Speed hump outside No. 12 & 7-7A Y | N

Violet Street (after monitoring for a year):
- Speed hump outside No. 23 & 24 Y | N
- Raised intersection at Hillside Grove Y | N

Liddesdale Avenue:
- Speed hump outside No. 3 & 5 Y | N
- Raised intersection at Fenton Crescent Y | N
- Raised intersection at Cliff Road Y | N
- Speed hump outside No. 27 & 30-30A Y | N
- Signalise intersection at Nepean Hwy Y | N
- 3P parking from Nepean Hwy to bend Y | N

Fenton Crescent:
- Raised intersection at Thames Street Y | N
- Raised intersection at Neil Street Y | N

Hoadley Avenue:
- Concrete median at Fenton Crescent bend Y | N
- Raised intersection at Harcourt Avenue Y | N
- Speed hump outside No. 22 & 33 Y | N

Neil Street:
- Raised intersection at Hillside Grove Y | N

Harcourt Avenue:
- Speed hump outside No. 9 & 14 Y | N
- Fully mountable island outside No. 24 Y | N
- Speed hump outside No. 34-36 Y | N

Kars Street:
- Modify 3 existing roundabouts (R/As) Y | N
- Investigate possibility of R/A at Gweno Ave Y | N
- Investigate possibility of R/A at Liddesdale Avenue Y | N

SWEETWATER SOUTH SUB-PRECINCT

Grange Road:
- Raised intersection at Bruarong Court Y | N

Fleetwood Crescent:
- Speed hump outside No.12 & 13 Y | N
- Speed hump outside No. 36 & 37 Y | N
- Speed hump outside No. 64 & 73 Y | N
- Raised intersection at Rose Street Y | N
- Raised intersection at McComb Boulevard Y | N
- Raised intersection at Dunstan Street Y | N
- Raised intersection at Ithaca Road Y | N
- Investigate possibility of roundabout at Norman Ave Y | N

McComb Boulevard:
- Raised intersection at Ithaca Road Y | N
- Raised intersection at Dunstan Street Y | N
- Raised intersection at Norman Avenue Y | N
- Raised intersection at Ronald Avenue Nth Y | N

Sweetwater Precinct LATM Study

Community Survey - Proposed Traffic Management Plan

McComb Boulevard (continued):

- Raised intersection at Palmerston Crescent North Y | N
- Raised intersection at Rose Street Y | N
- Speed hump outside No. 64 & 85 Y | N

Bowes Street:

- Raised intersection at Ithaca Road Y | N
- Raised intersection at Dunstan Street Y | N
- Raised intersection at Norman Avenue Y | N
- Raised intersection at Ronald Avenue Y | N

Ithaca Road:

- Concrete median island at Nepean Hwy Y | N

Brighton Street:

- Modify Humphries Road intersection to only allow vehicles to enter Y | N
- One Way from Humphries Road to Norman Avenue Y | N
- Intersection modification at Norman Ave Y | N
- Keep two way vehicle movement from Norman Avenue to Baden Powell Drive Y | N
- Raised intersection at Hotham Street Y | N
- Speed hump outside No. 9 & 16 Y | N
- Provide footpath along entire Brighton St Y | N

Picnic Street

- Raised intersection at Hotham Street Y | N
- Raised intersection at Mitic Court Y | N

Nepean Highway:

- Advocate to VicRoads for speed reduction near Humphries Road Y | N

Baden Powell Drive:

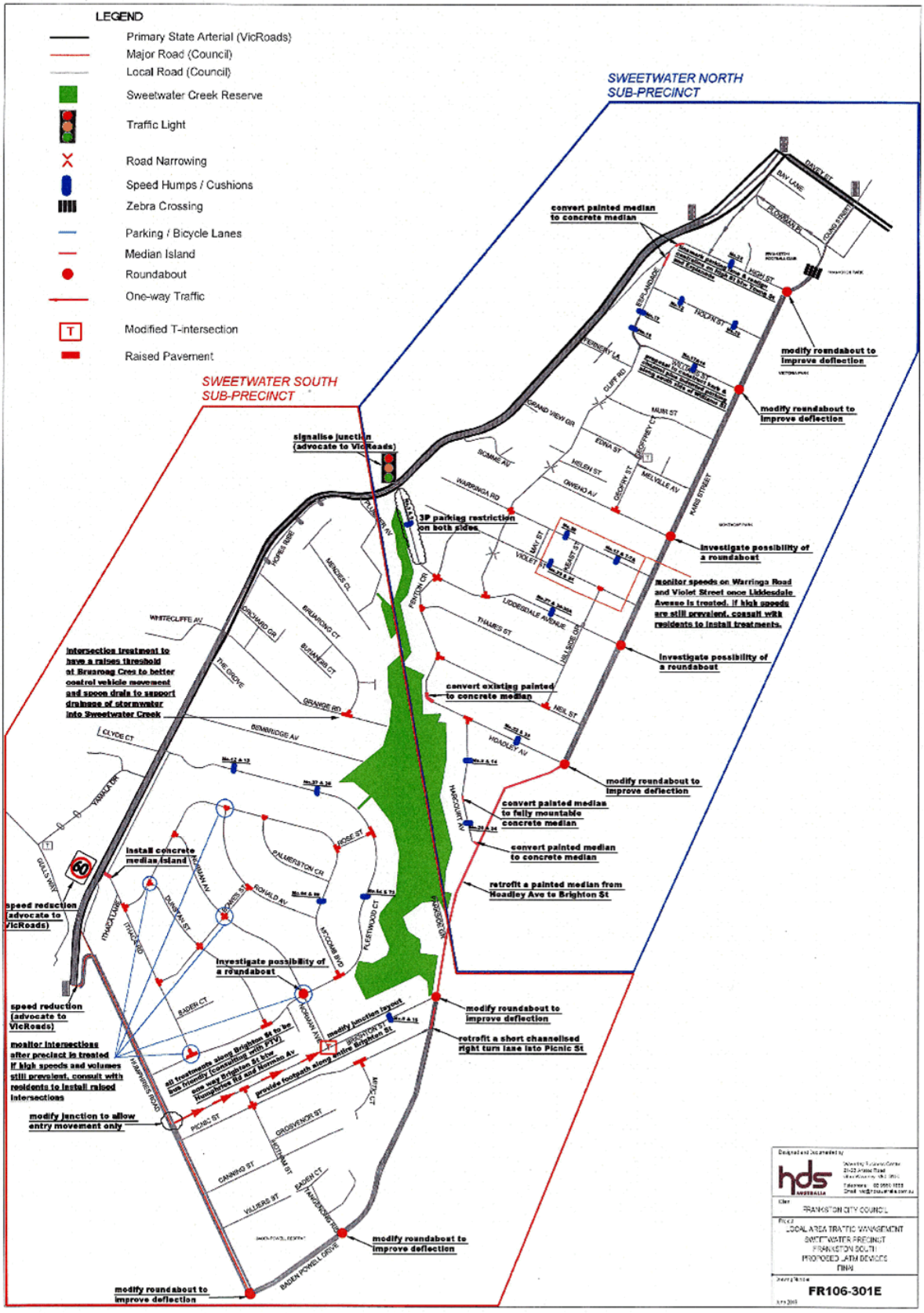
- Modify 3 existing R/As Y | N
- Retrofit painted median treatment from Hoadley Avenue to Brighton Street Y | N
- Retrofit a short channelised right turn southbound into Picnic Street Y | N

Please use the space on the other half of the page to provide any specific feedback regarding the proposed Traffic Management Plan.
Thank you for your time.

If you replied 'No' to any of the proposed treatments, please outline your reasons below.

If you have any further comments in relation to traffic matters in the local area, please provide your comments below.

Privacy
Frankston City Council is committed to protecting your privacy. You can choose to respond to this consultation survey anonymously, however you are required to specify your street. Any information you provide in your survey response will be shared with HDS Australia and used for the purpose of analysing, reporting on and planning for traffic management and road safety in the study area. Public reports regarding the project will include aggregate responses and not identify individuals. If you choose to provide your name and contact details, you may be contacted for further information or with updates regarding the study. Your personal information will only be used and disclosed as authorised by law. For further information about how Council handles personal information, or to request access to your personal information, see www.frankston.vic.gov.au or contact Council's privacy officer on 1300 322 322. For further information about how HDS Australia handle personal information, contact HDS Australia on (03) 9550 1858.


LEGEND
Primary State Arterial (VicRoads)
Major Road (Council)
Local Road (Council)
Sweetwater Creek Reserve
Traffic Light
Road Narrowing
Speed Humps / Cushions
Zebra Crossing
Parking / Bicycle Lanes
Median Island
Roundabout
One-way Traffic
Modified T-intersection
Raised Pavement
SWEETWATER NORTH SUB-PRECINCT
SWEETWATER SOUTH SUB-PRECINCT
convert painted median to concrete median
modify roundabout to improve deflection
modify roundabout to improve deflection
signalise junction (advocate to VicRoads)
3P parking restriction on both sides
investigate possibility of a roundabout
monitor speeds on Warringa Road and Violet Street once Liddesdale Avenue is treated. If high speeds are still prevalent, consult with residents to install treatments.
investigate possibility of a roundabout
intersection treatment to have a raised threshold at Bruaroag Cres to better control vehicle movement and spoon drain to support drainage of stormwater into Sweetwater Creek
convert existing painted to concrete median
modify roundabout to improve deflection
convert painted median to fully mountable concrete median
convert painted median to concrete median
retrofit a painted median from Hoadley Ave to Brighton St
install concrete median island
speed reduction (advocate to VicRoads)
investigate possibility of a roundabout
modify roundabout to improve deflection
speed reduction (advocate to VicRoads)
monitor intersections after precinct is treated if high speeds and volumes still prevalent, consult with residents to install raised intersections
modify junction layout
retrofit a short channelised right turn lane into Picnic St
all treatments along Brighton St to be bus friendly (consulting with PTV)
one way Brighton St btw Humphries Rd and Normans Av.
provide footpath along entire Brighton St
modify junction to allow entry movement only
modify roundabout to improve deflection
modify roundabout to improve deflection
FRANKSTON CITY COUNCIL
LOCAL AREA TRAFFIC MANAGEMENT
SWEETWATER PRECINCT
FRANKSTON SOUTH
PROPOSED LATM DEVICES
FINAL
FR106-301E

Sweetwater LATM Consulation Summary and Proposed Implementation

PROPOSED TREATMENT	Total Responses		Responses from within Street		RECOMMENDATION	COST ESTIMATE
	SUPPORT	OBJECT	SUPPORT	OBJECT		
SWEETWATER NORTH SUB PRECINCT						
High Street						
Speed hump outside No. 22	110	47	3	-	REVIEW AFTER STAGE 1	
Line mark parking lane & reposition centre-line at Esplanade	133	22	2	-	IMPLEMENT IN STAGE 1	$ 10,000
Nolan Street						
Speed hump outside No. 12	104	54	6	8	REVIEW AFTER STAGE 1	
Speed hump outside No. 20	107	49	6	7	REVIEW AFTER STAGE 1	
Esplanade						
Speed hump outside No. 17	109	58	3	3	REVIEW AFTER STAGE 1	
Speed hump outside No. 19	101	63	3	3	REVIEW AFTER STAGE 1	
Convert existing painted centre median to concrete median	117	49	5	1	CONSTRUCT IN STAGE 1	$ 22,500
Williams Street						
Speed hump outside No 17 & 18	106	56	5	4	REVIEW AFTER STAGE 1	
Construction of kerb & channel & indented parking	121	41	5	5	REVIEW AFTER STAGE 1	
Cliff Road						
Raised intersection at Warringa Road	129	46	13	4	CONSTRUCT IN STAGE 1	$ 65,000
Gweno Avenue						
Raised intersection at Geofrey Street	115	47	7	3	CONSTRUCT IN STAGE 1	$ 50,000
Warringa Road						
Speed hump outside No. 30	106	57	3	9	REVIEW AFTER STAGE 1	
Speed hump outside No. 12 & 7-7A	100	64	3	9	REVIEW AFTER STAGE 1	
Violet Street						
Speed hump outside No. 23 & 24	108	59	8	5	REVIEW AFTER STAGE 1	
Raised intersection at Hillside Grove	105	42	10	3	REVIEW AFTER STAGE 1	
Liddesdale Avenue						
Speed hump outside No. 3 & 5	112	67	10	4	CONSTRUCT IN STAGE 1	$ 8,500
Raised intersection at Fenton Crescent	125	60	18	1	CONSTRUCT IN STAGE 1	$ 70,000
Raised intersection at Cliff Road	132	52	18	3	CONSTRUCT IN STAGE 1	$ 35,000
Speed hump outside No. 27 & 30-30A	118	61	11	3	CONSTRUCT IN STAGE 1	$ 8,500

Sweetwater LATM Consulation Summary and Proposed Implementation

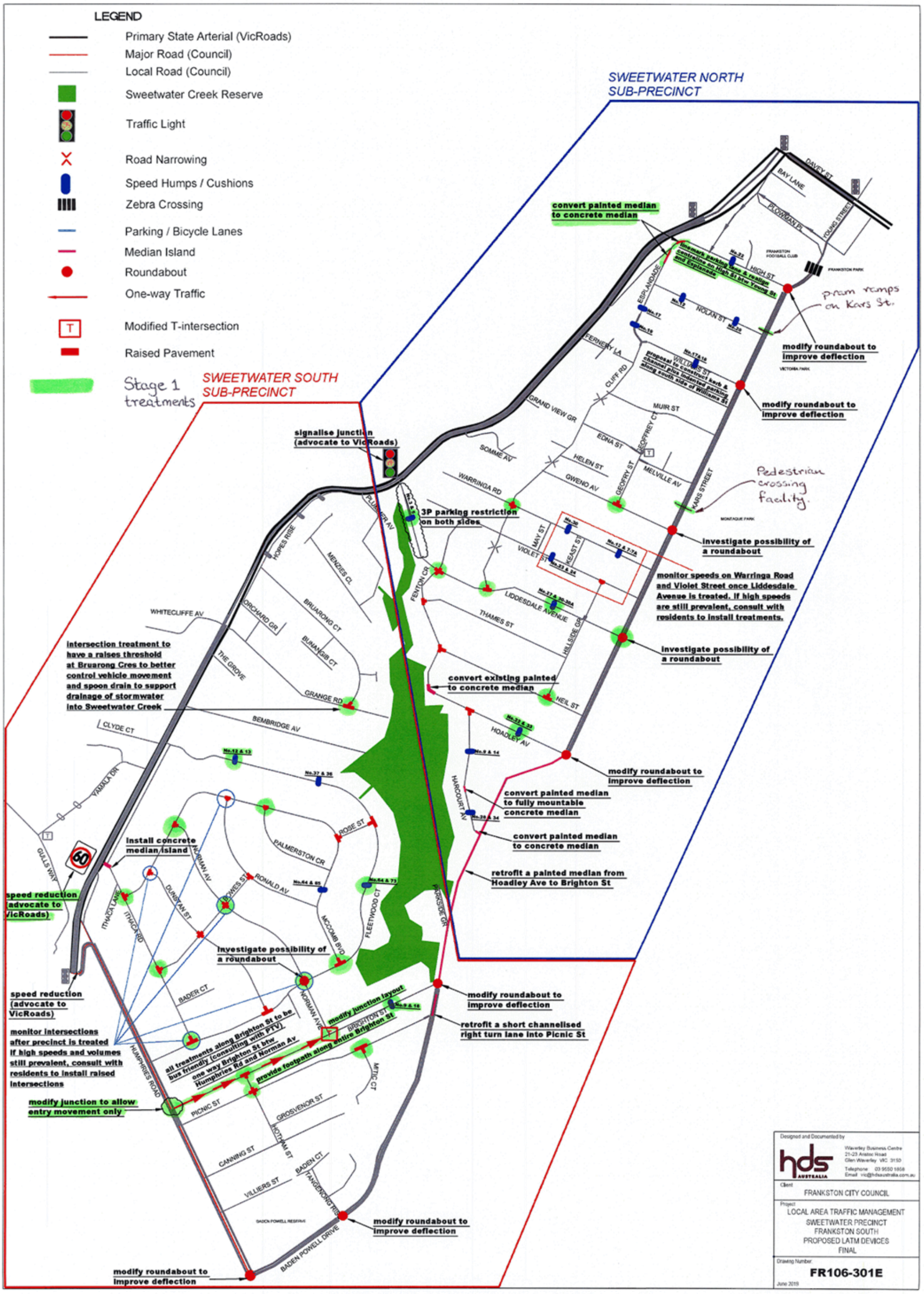
PROPOSED TREATMENT	Total Responses		Responses from within Street		RECOMMENDATION	COST ESTIMATE
	SUPPORT	OBJECT	SUPPORT	OBJECT		
Advocate to Department of Transport (DoT) to install taffic signals at at Nepean Hwy	116	82	5	7	REVIEW AFTER STAGE 1	
3P parking from Nepean Hwy to bend	131	49	10	2	REVIEW AFTER STAGE 1	
Fenton Crescent						
Raised intersection at Thames Street	107	53	5	2	REVIEW AFTER STAGE 1	
Raised intersection at Neil Street	108	54	6	1	REVIEW AFTER STAGE 1	
Hoadley Avenue						
Concrete median at Fenton Crescent bend	112	45	11	3	REVIEW AFTER STAGE 1	
Raised intersection at Harcourt Avenue	102	54	8	6	REVIEW AFTER STAGE 1	
Speed hump outside No. 22 & 33	102	55	7	3	CONSTRUCT IN STAGE 1	$ 8,500
Neil Street						
Raised intersection at Hillside Grove	100	52	3	2	CONSTRUCT IN STAGE 1	$ 35,000
Harcourt Avenue						
Speed hump outside No. 9 & 14	95	61	2	4	REVIEW AFTER STAGE 1	
Fully mountable island outside No. 24	101	51	2	4	REVIEW AFTER STAGE 1	
Speed hump outside No. 34-36	96	59	2	4	REVIEW AFTER STAGE 1	
Kars Street						
Modify 3 existing roundabouts (R/As)	137	50	7	1	REVIEW AFTER STAGE 1	
Investigate possibility of R/A at Gweno Avenue	112	74	7	2	REVIEW AFTER STAGE 1	
Investigate possibility of R/A at Liddesdale Avenue	132	59	8	-	DESIGN IN STAGE 1	$ 10,000
Prams ramps at Nolan Street to assist pedestrians	New treatment				CONSTRUCT IN STAGE 1	$ 6,000
Pedestrian crossing facility at Montague Park	New treatment				CONSTRUCT IN STAGE 1	$ 30,000

Sweetwater LATM Consulation Summary and Proposed Implementation

PROPOSED TREATMENT	Total Responses		Responses from within Street		RECOMMENDATION	COST ESTIMATE
	SUPPORT	OBJECT	SUPPORT	OBJECT		
SWEETWATER SOUTH SUB PRECINCT						
Grange Road						
Raised intersection at Bruarong Court	94	53	6	5	CONSTRUCT IN STAGE 1	$ 30,000
Fleetwood Crescent						
Speed hump outside No.12 & 13	110	57	11	6	CONSTRUCT IN STAGE 1	$ 12,000
Speed hump outside No. 36 & 37	104	61	9	8	REVIEW AFTER STAGE 1	
Speed hump outside No. 64 & 73	108	59	11	6	CONSTRUCT IN STAGE 1	$ 12,000
Raised intersection at Rose Street	103	60	9	8	REVIEW AFTER STAGE 1	
Raised intersection at McComb Boulevard	109	55	15	9	CONSTRUCT IN STAGE 1	$ 35,000
Raised intersection at Dunstan Street	105	60	10	9	REVIEW AFTER STAGE 1	
Raised intersection at Ithaca Road	116	53	16	7	CONSTRUCT IN STAGE 1	$ 35,000
Investigate possibility of roundabout at Norman Ave	137	43	21	2	DESIGN IN STAGE 1	$ 10,000
McComb Boulevard						
Raised intersection at Ithaca Road	111	48	11	3	CONSTRUCT IN STAGE 1	$ 35,000
Raised intersection at Dunstan Street	101	57	7	6	REVIEW AFTER STAGE 1	
Raised intersection at Norman Avenue	115	49	13	3	CONSTRUCT IN STAGE 1	$ 40,000
Raised intersection at Ronald Avenue Nth	105	52	8	6	REVIEW AFTER STAGE 1	
Raised intersection at Palmerston Crescent North	102	52	8	3	CONSTRUCT IN STAGE 1	$ 40,000
Raised intersection at Rose Street	101	53	8	2	REVIEW AFTER STAGE 1	
Speed hump outside No. 64 & 85	100	57	8	3	REVIEW AFTER STAGE 1	
Bowes Street						
Raised intersection at Ithaca Road	102	50	3	3	CONSTRUCT IN STAGE 1	$ 35,000
Raised intersection at Dunstan Street	97	53	1	3	REVIEW AFTER STAGE 1	
Raised intersection at Norman Avenue	104	50	5	1	CONSTRUCT IN STAGE 1	$ 45,000
Raised intersection at Ronald Avenue	97	53	1	4	REVIEW AFTER STAGE 1	
Ithaca Road						
Concrete median island at Nepean Hwy	119	44	2	3	REVIEW AFTER STAGE 1	

Sweetwater LATM Consulation Summary and Proposed Implementation

PROPOSED TREATMENT	Total Responses		Responses from within Street		RECOMMENDATION	COST ESTIMATE
	SUPPORT	OBJECT	SUPPORT	OBJECT		
Brighton Street						
Modify Humphries Road intersection (vehicles to enter only)	128	64	26	6	CONSTRUCT IN STAGE 1	$ 20,000
One Way from Humphries Road to Norman Avenue	127	72	27	7	CONSTRUCT IN STAGE 1	$ 2,000
Intersection modification at Norman Ave	139	53	22	5	CONSTRUCT IN STAGE 1	$ 20,000
Keep two way vehicle movement from Norman Ave to Baden Powell Drv	167	30	26	2	CONSTRUCT IN STAGE 1	$ 2,000
Raised intersection at Hotham Street	121	64	24	5	CONSTRUCT IN STAGE 1	$ 30,000
Speed hump outside No. 9 & 16	127	60	21	6	CONSTRUCT IN STAGE 1	$ 12,000
Provide footpath along entire Brighton St	171	26	28	1	CONSTRUCT IN STAGE 1 - This project is seperately budgetted for in 2020/21 Capital Works Program.	
Picnic Street						
Raised intersection at Hotham Street	116	48	13	-	CONSTRUCT IN STAGE 1	$ 35,000
Raised intersection at Mitic Court	108	55	13	3	CONSTRUCT IN STAGE 1	$ 35,000
Nepean Highway						
Advocate to DoT for speed reduction near Humphries Road	120	72	3	1	IMPLEMENT IN STAGE 1	$ -
Baden Powell Drive						
Modify 3 existing R/As	123	49	1	3	REVIEW AFTER STAGE 1	
Retrofit painted median treatment from Hoadley Avenue to Brighton Street	120	43	1	3	REVIEW AFTER STAGE 1	
Retrofit a channelised right turn southbound into Picnic Street	117	50	2	3	REVIEW AFTER STAGE 1	
	Total Cost Estimate					**$ 844,000**
	Proposed budget 2019/20 and 2020/21					**$ 871,000**


LEGEND
Primary State Arterial (VicRoads)
Major Road (Council)
Local Road (Council)
Sweetwater Creek Reserve
Traffic Light
Road Narrowing
Speed Humps / Cushions
Zebra Crossing
Parking / Bicycle Lanes
Median Island
Roundabout
One-way Traffic
Modified T-intersection
Raised Pavement
Stage 1 treatments
SWEETWATER NORTH SUB-PRECINCT
SWEETWATER SOUTH SUB-PRECINCT
convert painted median to concrete median
pram ramps on Kars St.
modify roundabout to improve deflection
modify roundabout to improve deflection
Pedestrian crossing facility.
signalise junction (advocate to VicRoads)
3P parking restriction on both sides
investigate possibility of a roundabout
monitor speeds on Warringa Road and Violet Street once Liddesdale Avenue is treated. If high speeds are still prevalent, consult with residents to install treatments.
investigate possibility of a roundabout
intersection treatment to have a raises threshold at Bruarong Cres to better control vehicle movement and spoon drain to support drainage of stormwater into Sweetwater Creek
convert existing painted to concrete median
modify roundabout to improve deflection
convert painted median to fully mountable concrete median
convert painted median to concrete median
retrofit a painted median from Hoadley Ave to Brighton St
Install concrete median island
speed reduction (advocate to VicRoads)
speed reduction (advocate to VicRoads)
monitor intersections after precinct is treated if high speeds and volumes still prevalent, consult with residents to install raised intersections
investigate possibility of a roundabout
modify roundabout to improve deflection
retrofit a short channelised right turn lane into Picnic St
all treatments along Brighton St to be bus friendly (consulting with PTV)
one way Brighton St btw Humphries Rd and Norman Av
modify junction layout
provide footpath along entire Brighton St
modify junction to allow entry movement only
modify roundabout to improve deflection
modify roundabout to improve deflection
DAVEY ST
BAY LANE
FLORIMAN PL
YOUNG STREET
ESPLANADE
HIGH ST
NOLAN ST
FERNERY LA
CLIFF RD
WILLIAMS ST
GRAND VIEW GR
MUIR ST
EDNA ST
GEOFFREY CT
HELEN ST
GWENO AV
MELVILLE AV
GEOFFRY ST
KARS STREET
SOMME AV
WARRINGA RD
MAY ST
VIOLET ST
KEAST ST
FENTON CR
LIDDESDALE AVENUE
THAMES ST
HILLSIDE GR
HEIL ST
HOADLEY AV
HARCOURT AV
PLUMMER AV
HOPES RIDGE
MENZIES CL
ORCHARD GR
BRUARONG CT
BUNANGIB CT
WHITECLIFFE AV
THE GROVE
GRANGE RD
BEMBRIDGE AV
CLYDE CT
YAMALA DR
GULLS WAY
ROSE ST
PALMERSTON CR
NORMAN AV
RONALD AV
HOLMES ST
DUNSTAN ST
ITHACA LANE
ITHACA RD
BADER CT
MCCOMB BVD
FLEETWOOD CT
PARKSIDE GR
NORMAN AVE
BRIGHTON ST
METIC CT
HUMPHRIES ROAD
PICNIC ST
GROSVENOR ST
ROTHAM ST
CANNING ST
VILLIERS ST
BADEN CT
HANGENHORN RISE
BADEN POWELL RESERVE
BADEN POWELL DRIVE
MONTAGUE PARK
FRANKSTON FOOTBALL CLUB
FRANKSTON PARK
VICTORIA PARK
Designed and Documented by
hds AUSTRALIA
Waverley Business Centre
21-23 Aristoc Road
Glen Waverley VIC 3150
Telephone 03 9550 1858
Email vic@hdsaustralia.com.au
Client
FRANKSTON CITY COUNCIL
Project
LOCAL AREA TRAFFIC MANAGEMENT
SWEETWATER PRECINCT
FRANKSTON SOUTH
PROPOSED LATM DEVICES
FINAL
Drawing Number
FR106-301E
June 2019

Sweetwater Precinct LATM Consultation Detailed Comments

Comments in Survey Responses	General / Street	Response
The draft traffic management plan looks like a solution in search of a problem. I keep looking at it and wondering if I am living in the inner city with cars constantly zipping around everywhere. This seems like a grand over kill. Ultimately, the frequency and location of most proposed 'treatments' seem totally disproportionate to treatments in other much busier areas. Towerhill Road, Ashleigh Avenue, Lindrum Road and Bondi Avenue are busy roads that have only half the frequency of treatments that are being proposed for us. These three roads have treatments spread at 200m (10 houses) or more intervals. Our treatments are proposed to be every 5 houses or 100m.	General comment	Treatments are generally positioned at 80m - 100m intervals in local streets to ensure they are effective in slowing down traffic, and between 120m - 150m in collector streets that serve a different function and are generally designed to carry higher volumes of traffic. It is expected that individual perceptions on traffic issues within the precinct will vary, Through the consultation process many residents have raised traffic issues, and the majority of respondents to the consultation supported the proposed treatments in the LATM plan.
It has not been proven that a problem exists to even begin any of these works or what these "improvements " will bring to the community in the form of reduced accidents/injuries or deaths. At the moment, none of these issues exist in our locale which may I remind you is a blue chip area and does not need any traffic modifications. There are many other solutions. But I repeat : THERE IS NO PROBLEM WHICH IS SUPPORTED BY THE VAST MAJORITY OF RESIDENTS IN VIOLET STREET,WARRINGA ROAD AND NOLAN STREET. All because they were informed and made aware of the alternatives which are many. Again, I repeat, nothing needs to be done. Put the whole report in the bin where it belongs!!!!!	General comment	Council has given all residents in the study area the opportunity to provide their feedback and input into the formation of the LATM plan. It is expected that views and perceptions of individuals will vary. This consultation process aims to consider as many views and observations as possible. Officers have advised that no works are proposed along Violet Street, Warringa Road and Nolan Street as part of Stage 1 works, although a raised intersection treatment is proposed at the Cliff Road / Warringa Road intersection.
A resident advisory committee of 9 members elected from the 20 meeting attendees was not a statistically valid sample to make any recommendations on behalf of all the residents in the very big precinct.	General comment	The Resident Traffic Committee (RTC) was part of a process that included feedback from the community through two questionnaire surveys, e-mail submissions and the public meeting. From the volunteers who nominated themselves to be part of the RTC, the volunteers were selected from various parts of the study area as best as possible for fair representation. The RTC complemented the process but was not the only means of input into the recommendations of the final LATM plan.

Sweetwater Precinct LATM Consultation Detailed Comments

Comments in Survey Responses	General / Street	Response
The Study was selective in its reach, omitted most secondary roads from traffic studies, made non – objective and biased assumptions about interventions needed on secondary roads, and mapped these from extrapolations Council acknowledged that speed humps proposed for many streets, including Violet Street, Warringa Road, Nolan Street and others, were not based on any data from the investigations.	General comment	The LATM study recognises the need for education, enforcement and engineering to effectively tackle traffic and hoon behaviour issues on our roads. The LATM plan aims to treat a precinct rather than individual streets in an effort to eliminate the transfer of traffic issues from one street to another, and recognises the hierarchy and function of streets in the area. Traffic calming devices are typical practical treatments that meet relevant VicRoads and AustRoads standards and guidelines. Engineering treatments are one component to address road safety in local streets and is supported by TAC. In addition TAC provide a broader awareness and information campaign relating to driver behaviours and the impact speed and other behaviours have on road safety. Enforcement is provided through Victoria Police, Council reports speed and traffic concerns of residents when they are aware of these concerns. In June 2015, the 'Hoon Hotline' was redirected to Crime Stoppers upon the suggestion of Victoria Police. Residents are encouraged to report hooning and speeding to Crime Stoppers on either 1800 333 000 or https://www.crimestoppersvic.com.au/report-a-crime. This assists Victoria Police in allocating and prioritising the necessary enforcement resources within the community. In addition to traffic data and crash statistics, residents' inputs into the problems they face on their street and surrounding streets are a key input into the process. While data is one source of information for the study, resident input is another important and valued source.

Sweetwater Precinct LATM Consultation Detailed Comments

Comments in Survey Responses	General / Street	Response
A council survey was not a valid survey in its format, requiring answers that the average person would not reasonably know and compelling judgements and guesstimates about streets outside a resident's area of knowledge.	General comment	Residents in the whole study area were able to provide input regarding each treatment proposed for the precinct, however consideration is given to responses from each street and properties adjacent to treatments in deciding whether a treatment is to be implemented in Stage 1 of the proposed works.
The commissioned Study indicated its objective was to prepare a LATM Plan to address traffic risks in the area thereby pre – empting the outcome of the investigation that a plan would be required and that there were risks that warranted interventions over and above those already in place.	General comment	The LATM study was undertaken to address concerns about traffic behaviour within local streets in the area. Traffic data and resident feedback provided information that was used to investigate concerns and provide a LATM plan to address the concerns raised.
Speed humps will restrict parking. Intersection treatments are the most sensible form of speed restrictions.	General comment	Speed humps don't restrict parking as vehicles can park over speed humps, however in the updated LATM plan it is proposed to focus on raised intersection treatments and include only a few speed humps that have had a high level of support from the community and the residents of those particular streets. The traffic in the untreated streets will be monitored for a period of 12 months after implementation to assess effectiveness, and review the need for further traffic treatments at a future stage.
Traffic lights at the intersection of Nepean Highway and Liddesdale Avenue are dangerous.	General comment	Due to a lack of support from respondents this is not proposed to be considered in Stage 1 implementation.
There are too many raised intersections and they are too close together.	General comment	Treatments are generally positioned at 80m - 100m intervals in local streets to ensure they are effective in slowing down traffic. The treatments proposed for implementation in Stage 1 are proposed based upon support of respondents to the recent consultation. Consultation is proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1.

Sweetwater Precinct LATM Consultation Detailed Comments

Comments in Survey Responses	General / Street	Response
The number of speed humps is becoming an extreme expense to ratepayers and unnecessary. Many young drivers go over them at speed and don't slow down. Most normal drivers find them a nuisance.	General comment	Treatments are generally positioned at 80m - 100m intervals in local streets to ensure they are effective in slowing down traffic. The treatments proposed for implementation in Stage 1 are proposed based upon support of respondents to the recent consultation. Consultation is proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1.
There must be a better way to spend my rates than on raised road surfaces. You don't have to waste the money on this stuff when there are bigger needs in Frankston.	General comment	Department of Transport and Transport Accident Commission (TAC) introduced a new Safe Travel in Local Streets (STiLS) funding program in early 2018, targeted at addressing safety in local streets. Sweetwater Precinct LATM treatments are being funded in partnership with this program.
Speed humps are not environmentally friendly, cause wear on cars and noise.	General comment	Traffic treatments are intended to improve safety within a local area through reduction in speed, a process supported by TAC. It is acknowledged that each treatment can have advantages and disadvantages and there may be an increase in some noise associated with traffic treatments. Community feedback where respondents supported treatments has been used to assist in determining treatments proposed in Stage 1 implementation.
Would like all proposed treatments to go ahead if council has sufficient monies. Priority should be given to introduction of roundabouts, speed humps and raised intersections. These need to be attended to first.	General comment	Based upon the consultation it is proposed to implement a series of treatments as Stage 1, with consultation proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1.
Raised intersections are a waste of money and as many are on inclines will channel rain water from main streets in to side roads causing drainage problems.	General comment	The design of treatments, including raised intersections, will consider drainage. Raised intersections will be constructed without impacting on existing kerb and channel where possible.
Apply to the Vic State Govt for some/all funds. All Vic registered vehicles pay rego fees: these need to be allocated to their intended use, ie. as a road improvement tax, not into general revenue.	General comment	Department of Transport and Transport Accident Commission (TAC) introduced a new Safe Travel in Local Streets (STiLS) funding program in early 2018, targeted at addressing safety in local streets. Sweetwater Precinct LATM treatments are being funded in partnership with this program.

Sweetwater Precinct LATM Consultation Detailed Comments

Comments in Survey Responses	General / Street	Response
High traffic speeds on Kars Street and needs to be slowed down. This is answer to most issues.	Kars Street	Investigations into an additional roundabout on Kars Street included in Sweetwater Precinct LATM plan. However it is not proposed to investigate this matter as part of Stage 1 implementation, with further consultation proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1.
Regarding roundabout at Kars Street/Williams Street, traffic travels along Williams Street at high speeds with little care for vehicles traveling along Kars Street. Need much larger roundabout not like the existing small one. Vehicles race through in a straight line and don't slow.	Kars Street and Williams Street	Investigations into an additional roundabout on Kars Street included in Sweetwater Precinct LATM plan. However it is not proposed to investigate this matter as part of Stage 1 implementation, with further consultation proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1.
I strongly feel that much of Kars Street is unsafe for children to cross. I see the need for traffic signals between Nolan Street & Liddesdale Avenue.	Kars Street	A pedestrian crossing facility is proposed in Kars Street at Montague Park as part of the Stage 1 implementation. It is also proposed to construct pedestrian ramps in Kars Street near Nolan Street.
Object to speed humps on Esplanade. A raised intersection at Nolan Street & Esplanade is a better treatment.	Esplanade & Nolan Street	Speed humps were proposed in Sweetwater Precinct LATM Plan however not proposed as part of Stage 1 implementation. Further consultation is proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1 and at this time consideration can be given to the proposed alternative treatment at Nolan Street / Esplanade intersection.
Objection to the treatments on Nolan Street.	Nolan Street	Treatments on Nolan Street are not proposed to be implemented as part of Stage 1 works. Further consultation is proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1. This further consultation will include review and need for treatments in Nolan Street.
It is difficult coming from Cliff Road/Esplanade, to do a left hand turn into the down hill slip lane feeding into Nepean Highway, I think creating a concrete median would create a bigger problem.	Esplanade	A treatment at this location is proposed as part of Stage 21 implementation. Design of the treatment will need to ensure that vehicle movements are catered for appropriately.

Sweetwater Precinct LATM Consultation Detailed Comments

Comments in Survey Responses	General / Street	Response
Williams Street is one of the few remaining old streetscapes, it would be ruined by concrete kerbs and constructed indented parking. Parking is a problem but some years ago council hard on the shoulder for parking which was within keeping of the streetscape, please leave it as it is.	Williams Street	It is not proposed to construct indented parking in William Street as part of Stage 1 implementation. Further consultation is proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1. This further consultation will include review and need for parking in William Street.
Will the indented parking bays in Williams Street require the removal of any mature gum trees there? Also will the bays be parallel or angle parking.	Williams Street	It is not proposed to construct indented parking in William Street as part of Stage 1 implementation. Further consultation is proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1. This further consultation will include review and need for parking in William Street.
Gweno Avenue is full of parked cars and raised intersection makes through traffic harder to drive through.	Gweno Avenue	The raised intersection in Gweno Street is proposed to reduce the speed of vehicles and modify traffic behaviour. However the design of the treatment will minimise the impact of the treatment on parking.
Gweno Avenue has no footpaths, high density living with many units and on street parking. With the surrounding streets having speed humps or speed deterrents, Gweno Avenue will become a thoroughfare & speed is already an issue.	Gweno Avenue	The raised intersection in Gweno Street is proposed to reduce the speed of vehicles and modify traffic behaviour. However the design of the treatment will minimise the impact of the treatment on parking.
Roundabout at Gweno is stupid, volume of traffic does not warrant it, same for raised platform in Cliff Rd. Cliff Rd has enough restrictions, volume of traffic is small, don't waste money.	Gweno Avenue	It is not proposed to investigate a roundabout at the intersection of Gweno Avenue / Kars Street as part of Stage 1 implementation. Raised platforms at intersections in Cliff Road are proposed to reduce speed at the intersection where there is difficult geometry. Further consultation is proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1.
Gweno Avenue is not an issue so a roundabout there is not warranted. We need one at the intersection of Melville Avenue and George Street, it is always dangerous to cross or turn.	Gweno Avenue	It is not proposed to investigate a roundabout at the intersection of Gweno Avenue / Kars Street as part of Stage 1 implementation. Further consultation is proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1.

Sweetwater Precinct LATM Consultation Detailed Comments

Comments in Survey Responses	General / Street	Response
Please include speed humps & raised intersections for Gwen Avenue. Proposed roundabout on Kars Street if situated at Gweno will also encourage use of this street.	Gweno Avenue	A raised intersection in Gweno Street is proposed to reduce the speed of vehicles and modify traffic behaviour. It is not proposed to investigate a roundabout at the intersection of Gweno Avenue / Kars Street as part of Stage 1 implementation. Further consultation is proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1.
Objection to the placement of 2 speed humps in Warringa Road.	Warringa Road	Officers have advised that no works are proposed along Violet Street, Warringa Road and Nolan Street as part of Stage 1 works, although a raised intersection treatment is proposed at the Cliff Road / Warringa Road intersection. Further consultation is proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1. This further consultation will include review and need for treatments in Warringa Road.
We do agree that a raised intersection is needed on Cliff Road/Warringa Road. Vehicles travel above speed limit, going downhill south of Cliff Road.	Cliff Road and Warringa Road	A raised intersection treatment is proposed at the Cliff Road / Warringa Road intersection as part of Stage 1 implementation.

Sweetwater Precinct LATM Consultation Detailed Comments

Comments in Survey Responses	General / Street	Response
What we do wish to raise as dangerous is the intersection of Warringa Road and Cliff Road. We regularly enter this intersection from the east, and turn either north or south into Cliff Road. There is a stop sign for Warringa Road traffic at this intersection, and that is important. The issue is that southbound traffic along Cliff Road approaches the Warringa Road intersection around a combined curve and hump, and are almost impossible to see when stopped at the stop sign. There are often cars parked on Cliff Road at this critical point. When turning north on Cliff Road, drivers need to move onto Cliff Road in order to see if there is oncoming traffic. This is very, very dangerous. We would much prefer that this intersection is made safer rather than speed humps on Warringa Road. Perhaps you could do something about parked cars at this intersection that conceal oncoming traffic. I think that the majority of what is proposed within this precinct is an overkill and a waste of money. Focus ought to be only on those issues that pose a danger to vehicles or pedestrians.	Cliff Road and Warringa Road	A raised intersection treatment is proposed at the Cliff Road / Warringa Road intersection as part of Stage 1 implementation. Further consultation is proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1.
Objection to the treatments on Violet Street.	Violet Street	Officers have advised that no works are proposed along Violet Street, Warringa Road and Nolan Street as part of Stage 1 works. Further consultation is proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1. This further consultation will include review and need for treatments in Violet Street.
Raised intersections are required at Keast Street & May Street in Violet Street.	Violet Street	Officers have advised that no works are proposed along Violet Street, Warringa Road and Nolan Street as part of Stage 1 works. Further consultation is proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1. This further consultation will include review and need for treatments in Violet Street.

Sweetwater Precinct LATM Consultation Detailed Comments

Comments in Survey Responses	General / Street	Response
Some proposals are on blind corners (ie. Liddesdale Avenue + Cliff Road), and at night would create issues with headlights flashing waiting drivers. Speed humps are better options.	Liddesdale Avenue	Treatments are proposed on Liddesdale Avenue as part of Stage 1 implementation to improve traffic behaviour by slowing traffic. Raised intersections and speed humps that are at bends or have sightline issues will have advanced warning signs to inform motorists they are approaching a traffic treatment.
Liddesdale Avenue has become a nightmare for residents. Hoon drivers, trucks and motorbikes speed not only at night but during the day, especially weekends. It is a death trap.	Liddesdale Avenue	Treatments are proposed on Liddesdale Avenue as part of Stage 1 implementation to improve traffic behaviour by slowing traffic. Raised intersections and speed humps that are at bends or have sightline issues will have advanced warning signs to inform motorists they are approaching a traffic treatment.
No parking on Liddesdale going downhill on left side between Fenton to Nepean Highway.	Liddesdale Avenue	Officers will investigate parking arrangements in Liddesdale Avenue
Reduce visual obstruction at roundabouts in Kars Street. With regard to Liddesdale Ave from Nepean Hwy to Fenton Crescent, to help flow of traffic, stop parking on the Sweetwater Creek side of the road because during summer, the avenue can be almost impossible to navigate. Also place a slip lane at Nepean Highway.	Liddesdale Avenue	Officers will investigate parking arrangements in Liddesdale Avenue
The 'T' intersection between Cliff Road and Liddesdale Avenue is dangerous due to speed of vehicles traveling up the hill coming around the bend so little warning for vehicles entering Liddesdale from Cliff Road.	Liddesdale Avenue and Cliff Road	Treatments are proposed on Liddesdale Avenue as part of Stage 1 implementation to improve traffic behaviour by slowing traffic. Raised intersections and speed humps that are at bends or have sightline issues will have advanced warning signs to inform motorists they are approaching a traffic treatment.
Very pleased with the proposed treatments. We have a lot of traffic that speed around the corner of Fenton Crescent and Neil Street. Big concern as lots of young children in Neil Street on bikes. These plans will address this concern. Thank you.	Fenton Crescent and Neil Street	Treatments are proposed to improve traffic behaviour in the area, including these streets, however the treatment at Fenton Crescent / Neil Street is not proposed in Stage 1 implementation. Further consultation is proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1.
One less speed hump in Harcourt Avenue please.	Harcourt Avenue	Treatments are not proposed in Harcourt Avenue as part of Stage 1 implementation. Further consultation is proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1.

Sweetwater Precinct LATM Consultation Detailed Comments

Comments in Survey Responses	General / Street	Response
Proposed treatments on Hoadley Avenue is totally unnecessary. What we need is a footpath on one side of the road. People walk morning and night with dogs and its hazardous with no path and cars parked on both sides of the road.	Hoadley Avenue	A speed hump treatment is proposed in Hoadley Street as part of Stage 1 implementation. Consultation indicated support for this treatment by respondents. Further consultation is proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1. A footpath could be considered as part of Council's Paths Development Plan.
Agree with all modifications. The amount of cars speeding along Hoadley Avenue is concerning. I would feel safer for having more traffic management.	Hoadley Avenue	A speed hump treatment is proposed in Hoadley Street as part of Stage 1 implementation. Consultation indicated support for this treatment by respondents. Further consultation is proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1.
Road narrowing or a chicane would be much preferable to speed humps in Harcourt Avenue. It is a short cut with occasional speeding cars. Raised concrete islands would create problems when passing parked cars.	Harcourt Avenue	Treatments are not proposed in Harcourt Avenue as part of Stage 1 implementation. Further consultation is proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1.
We have a big issue coming out of Grange Road and turning right into Nepean Highway. We need a roundabout to accommodate the weekend tourists who U-turn there, plus residents and locals U-turning from Bruarong Crescent.	Grange Road and Bruarong Crescent	This intersection is not suitable for a roundabout. There is a treatment proposed the intersection at Grange Road and Bruarong Crescent that will support better traffic movement at the intersection.
I personally have never had any trouble with two way traffic on Brighton Street	Brighton Street	Treatments are proposed in Brighton Street as part of Stage 1 implementation. consultation indicated a high level of support for these treatments for respondents. The proposed works will allow for construction of a footpath, better manage vehicle behaviour and deter the use of Brighton Street by through traffic.

Sweetwater Precinct LATM Consultation Detailed Comments

Comments in Survey Responses	General / Street	Response
From Mitic I need to travel to and from Norman Avenue via Brighton Street and Hotham Street and Picnic Street. Having to go down Brighton Street to access Norman Avenue shops or get home again will be greatly inconvenient. A 'U' turn at Baden Powell Drive will not be sensible for traffic flow.	Brighton Street	Treatments are proposed in Brighton Street as part of Stage 1 implementation. consultation indicated a high level of support for these treatments for respondents. The proposed works will allow for construction of a footpath, better manage vehicle behaviour and deter the use of Brighton Street by through traffic. However there will be some inconvenience to road users as a result of this proposal.
Brighton Street changes not convenient for the residents who live at Brighton Street, to travel to Mt Eliza via Humphries Road.	Brighton Street	Treatments are proposed in Brighton Street as part of Stage 1 implementation. consultation indicated a high level of support for these treatments for respondents. The proposed works will allow for construction of a footpath, better manage vehicle behaviour and deter the use of Brighton Street by through traffic. However there will be some inconvenience to road users as a result of this proposal.
As a resident of Brighton Street near Humphries Road, I have no problem with putting a footpath in, however turning this end into a oneway is fravent with danger by restricting parking to one side where are visitors to residents on both sides supposed to park. This is just not the room. I live in units and this is unacceptable and unworkable. I hope the Council will consult more with residents before making any decisions.	Brighton Street	Treatments are proposed in Brighton Street as part of Stage 1 implementation. consultation indicated a high level of support for these treatments for respondents. The proposed works will allow for construction of a footpath, better manage vehicle behaviour and deter the use of Brighton Street by through traffic. However there will be some inconvenience to road users as a result of this proposal.
One way traffic on upper end of Brighton Street would cause the traffic from Baden Powell Drive to travel up Picnic Street, to go to residences at top of Brighton Street. The traffic would use Picnic Street as a fast lane, as it is currently experiencing many cars etc speeding up/down Picnic Street. If one way goes ahead, I suggest 40k speed on Picnic Street.	Picnic Street	Two raised intersections treatments on Picnic Street to slow traffic are proposed as part of Stage 1 implementation. Further consultation is proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1.

Sweetwater Precinct LATM Consultation Detailed Comments

Comments in Survey Responses	General / Street	Response
I have a concern that turning Brighton Street into one way will push more traffic on to Fleetwood Crescent.	Fleetwood Crescent	The proposal may increase traffic volume on Fleetwood Crescent between Humphries Road and Norman Avenue, however this is not expected to exceed Fleetwood Crescent's capacity. The proposed raised intersection at Ithaca Road, and a roundabout to be investigated at Norman Avenue as part of Stage 1 implementation may assist with safe vehicle movement. Further consultation is proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1.
Concrete median on Ithaca Road at Nepean Highway will make it hard to exit from service lane heading to Mornington and harder with a trailer.	Ithaca Road	The concrete median on Ithaca Road at Nepean Highway is not proposed as part of Stage 1 implementation. Further consultation is proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1.
Nepean Hwy/Humphries Road speed reduction to Olivers Hill should be consistent 60, and then 80.	Nepean Highway	It is proposed that council advocate to Department of Transport seeking reduction in the speed limit on Nepean Highway near Humphries Road. Department of Transport is responsible for Nepean highway and have strict guidelines with regards to speed limit changes.
Through traffic from Baden Powell to Humphries Road should be encouraged to proceed to Baden Powell/Humphries Road roundabout. Would like to see "Local Traffic Only" sign at corner of Picnic Street, and Baden Powell Drive.	Picnic Street	Two raised intersections treatments on Picnic Street to slow traffic are proposed as part of Stage 1 implementation. Further consultation is proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1.
If you deflect traffic from Brighton Street to Picnic Street, it does not solve problem (if any). Reduce speed limit to 20kmph in Brighton & Picnic Streets.	Picnic Street	Two raised intersections treatments on Picnic Street to slow traffic are proposed as part of Stage 1 implementation. It is unlikely Council will received approval for 20kmh speed limit in these streets. Further consultation is proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1.
No to a footpath on Brighton Street from Norman Avenue to Baden Powell Drive. Very rare to see a person walking this steep area. Not necessary and a huge waste of our money. Who pays?	Brighton Street	Council is proposing to construct a footpath in Brighton Street as part of its Capital Works program. Consultation indicated a high level of support for this project from respondents.

Sweetwater Precinct LATM Consultation Detailed Comments

Comments in Survey Responses	General / Street	Response
If new painted median on Baden Powell Drive, then on-street parking must be banned.	Baden Powell Drive	No treatments are proposed on Baden Powell Drive as part of Stage 1 implementation. Further consultation is proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1.
A footpath along Brighton St would be a huge improvement. It's very dangerous to walk a pram along there currently.	Brighton Street	Council is proposing to construct a footpath in Brighton Street as part of its Capital Works program. Consultation indicated a high level of support for this project from respondents.
Traffic on McComb Boulevard moves far too quickly, there are a lot of kids in the neighbourhood and I think people speeding on this road is extremely dangerous.	McComb Boulevard	Treatments are proposed on McComb Boulevard as part of Stage 1 implementation. Further consultation is proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1, which could include consideration of additional treatments.
I have been using the Hotham/Brighton St bus stop since 1976. I don't drive. You have stated about the existing bus stops in Brighton Street. I certainly hope you won't be moving that one.	Brighton Street	This bus stop will not be relocated, and will remain where it is.
With the new one way restriction on Brighton Street between Humphries Road and Norman Avenue, and the construction o the footpath (thank you!!), Brighton Street will be narrower, therefore we hope parking will be allowed only on one side of the road (the left side going down?) The footpath is the No. 1 priority - can it be done first please?	Brighton Street	Noted.
Speed on Baden Powell is an issue. Hopefully the roundabout work will help address this. Good luck	Baden Powell Drive	No treatments are proposed on Baden Powell Drive as part of Stage 1 implementation. Further consultation is proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1.

Sweetwater Precinct LATM Consultation Detailed Comments

Comments in Survey Responses	General / Street	Response
I suggested Ronald Avenue Sth + McComb Blvd intersection needs review. Not a raised intersection, but the traffic lines exiting Ronald Ave do not leave enough room for two lanes of traffic with parked cars. Plus this is a blind corner on McComb Boulevard. They really need to be pushed back and there is plenty of space to do so, please consider. The most important spot on McComb Blvd to slow speeds is the SE corner with Ronald Avenue.	Ronald Avenue and McComb Boulevard	No treatment is proposed at this intersection as part of Stage 1 implementation. Further consultation is proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1, which could include consideration of a treatment at this intersection.
Do you have a plan of parking for which side of Brighton Street in its redesign?	Brighton Street	On street parking is proposed on the north side of Brighton Street.
Whatever can be done to reduce traffic speed on Baden Powell Drive near the intersection of Harcourt Avenue would be appreciated. Please close off Harcourt Ave/Baden Powell Drive intersection. A very acute turn and speeding traffic.	Baden Powell Drive	No treatments are proposed on Baden Powell Drive as part of Stage 1 implementation. Further consultation is proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1, including an treatments on Baden Powell Drive.
Sweetfern Dell has a drainage problem. Will the construction of a raised intersection with spoon drain be sufficient for the water coming down Grange Road continue to the creek and not go down Bruarong Crescent to continue to Sweet Ferndale?	Sweetfern Dell	There is a treatment proposed the intersection at Grange Road and Bruarong Crescent that will support better traffic movement at the intersection, but will also address drainage concerns at this location. It is proposed as part of Stage 1 implementation.
Brighton Street needs a wider underground stormwater pipe.	Brighton Street	As part of Brighton Street works it is proposed to investigate the road and drainage and upgrade as necessary.
Brighton Street - lower speed limit also have white lines as to where people can park, so they don't park one on either side or the bus can't get past. 2 spaces outside each house alternatively and same on other side.	Brighton Street	This is considered in the design stage of Brighton Street. We will continue to communicate with Brighton Street residents to address residents concerns. It is unlikely Council will receive approval to reduce the speed limit in Brighton Street.
Grange Road requires traffic treatments, particularly close to 21 and 18 Grange Road to slow down traffic as it approaches the bend where children live and play and cross the street. Traffic cannot see oncoming traffic or pedestrians walking on road as no footpath.	Grange Road	No treatments are proposed at this location in Grange Road as part of Stage 1 implementation. Further consultation is proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1, and can include investigation of additional treatments in Grange Road.

Sweetwater Precinct LATM Consultation Detailed Comments

Comments in Survey Responses	General / Street	Response
Bembridge Avenue has a high level of speeding and requires traffic calming treatments. There are many families with little ones living in the avenue and they often play on the road. This needs to be addressed before there is a fatality.	Bembridge Avenue	No treatments are proposed in Bembridge Avenue as part of Stage 1 implementation. Further consultation is proposed prior to any further implementation of Sweetwater Precinct LATM Plan after Stage 1, and can include investigation of treatments in Bembridge Avenue.
Further comments to be addressed separately from LATM Study		
So many streets in this precinct are narrow when vehicles are allowed to park on both sides of the streets often there is very little space for through traffic to negotiate. Can thought be given to restrict parking to just one side of roads where applicable.	General comment	Concerns with on-street parking in specific streets can be investigated individually through Council's Engineering Services team, in consultation with residents and stakeholders.
We live in High Street, and we continually have problems with people parking across our driveway, or 'in' our driveway. I would like a resolution on that issue asap.	High Street	This parking request will be investigated by council's Engineering Services team in conjunction with Council's Local Laws team.
How about providing footpath for Gweno Avenue. We have to walk on road with pusher with grandkids. No safe pedestrian access along Gweno Avenue exists.	Gweno Avenue	Council is proposing a review of it's Paths Development Plan. This request can be referred to the Paths Development Plan for consideration.
Nolan Street has too many cars parked on both sides. Provide 'Resident Parking' permits to Nolan Street properties and restrict parking	Nolan Street	This parking request will be investigated by council's Engineering Services team in conjunction with Council's Local Laws team.
There is a parking issue for residents around the Kars Street, High Street and Nolan Street area. Parking does not seem to be addressed, many of the cars parked are by Council employees. If Council were to address the issue by providing adequate parking, it would solve a few problems experienced by residents.	Kars Street	There is a high demand for parking within Frankston and in particular in close proximity to shops, public transport and places of employment. Council will continue to investigate how parking in the city centre can be managed.
The Norman Avenue shopping strip now has 2 cafes. At many times it is one lane traffic along Fleetwood to McComb, and Norman Ave west of Fleetwood. It can be quite treacherous. And parking over driveways.	Fleetwood Crescent and McComb Boulevard	Council recently made some changes to parking in Norman Avenue in consultation with traders. Parking in the vicinity of Norman Avenue shops will be investigated by the Engineering Services team.

Sweetwater Precinct LATM Consultation Detailed Comments

Comments in Survey Responses	General / Street	Response
Please make parking on one side of Brighton, Ithaca and Fleetwood. No parking within a safe distance of the Brighton/Norman and Norman/Fleetwood intersections - many park on the corner when ducking into the shops.	Fleetwood Crescent, Brighton Street and Norman Avenue	Council recently made some changes to parking in Norman Avenue in consultation with traders. Parking in the vicinity of Norman Avenue shops will be investigated by the Engineering Services team.
Very little traffic on Bowes Street and do not see raised intersections making any real impact. Bigger issue is parked cars in Bowes Street near tennis courts, blocking vision of on coming cars. Maybe park on one side of the road.	Bowes Street	some treatments are proposed in Bowes Street as part of Stage 1 implementation based upon support from respondents and to address concerns in Ithaca Road. This parking request will be investigated by the Engineering Services team.
No footpaths on Picnic St, Mitic Court has footpaths from the 60s and still nothing connecting to them in Picnic Street.	Picnic Street	Council is proposing a review of it's Paths Development Plan. This request can be referred to the Paths Development Plan for consideration.
Nepean Highway near Humphries is a dangerous areas and needs a proper footpath for pedestrians and thoroughfare. There is nothing there at present.	Nepean Highway	Council is proposing a review of it's Paths Development Plan. This request can be referred to the Paths Development Plan for consideration.

Executive Summary

12.7 Langwarrin Dog Park

Enquiries: (Gillian Kay: Communities)

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.3 Health and Well-being
Priority Action	2.3.3 Enhance equitable access to sport and leisure opportunities

Purpose

To brief Council on the request from Langwarrin Community Centre for Council support of a request for a letter of support for an extension time for grants.

Recommendation (Director Communities)

That Council:

1. Notes Langwarrin Community Centre (LCC) has verbally requested Council write a letter of support for a second extension of their grants (approved by external funding bodies) for a free roam dog park in Langwarrin, or alternatively Council undertake the works by June 2020;
2. Notes the site proposed by LCC for the purpose of the original grant/s has not been formally approved by Frankston City Council or Melbourne Water;
3. Approves Option 3 to apply the grants to Maleleuca Reserve, Langwarrin and seek approval from Melbourne Water for same as an alternative site of the proposed roam free dog park;
4. Notes Officers have written to Melbourne Water advising that subject to Council's endorsement of options 3 at 2020/OM5 Council seeks their approval of the works at Maleleuca Reserve;
5. Notes, Option 3 enables the Operations Centre undertaking the work who will invoice Langwarrin Community Centre for the work;
6. Authorises officers to write to the Chairman of LCC to advise him of Council's decision.

Key Points / Issues

- In February 2020 the Chairperson of the Langwarrin Community Centre advised Council officers that grants received by the centre to construct an off leash dog park on the Monique Reserve, Langwarrin, owned jointly by Melbourne Water and Frankston City Council were due to expire June 2020. The Chairman is seeking a Council support letter for an extension of the grants (which have previously been extended), or, construction of the park by Council by June 2020.
- The grants include:
  - State Government $18,430
  - Langwarrin Community centre $10,000
  - Langwarrin Township Committee $ 5,000
  - Andrews Foundation $ 5,000
  - **TOTAL** **$ 38,430**
- History of the request for a fenced off leash dog park incudes:

- The initial proposal was discussed with Council officers June 2017, however, there were no plans, costings, funding or agreements with land owners. LCC was advised that the proposal could be considered in the next review of the Domestic Animal Management Plan, which is currently underway.
- LCC subsequently approached Council in February 2018 for co-funding. In March 2018, Council wrote to LCC advising the approval of an off leash area is subject to formal process of approval and government gazettal, ideally undertaken as part of the review and adoption of the Domestic Animal Management Plan. Further advised that Council has 33 designated free roam areas including Melaleuca Reserve in Monique Drive Langwarrin.
- In January 2019, LCC sought Ward Councillors support for a grants application for a disability/ friendly dog park, which was subsequently successful. Stakeholders in the construction of the dog park including Council officers were invited to attend a meeting at LCC to discuss the proposed park. Nothing further was received by Council by way of plans or application for approval. It has been advised the LCC project manager for the grant resigned leaving no one to pursue the project.
- The LCC chairman is now seeking Council's support to request a second extension or undertake the construction of the park by June 2020. Landscaping plans for the park have been received Council and costs, estimated at $178K, include fencing of the off leash area. Discussion with the LCC Chairman confirm that expectations may be modified to adapt to the grants.
- Frankston City Council now has 34 free roam area of which 3 are fenced. Typically fencing is not recommended because dog parks require additional measures to ensure dogs interact safely. Providing a fence only can result in aggressive dog behaviour, to counteract this behaviour it is recommended dog parks include:
  - Activity' spaces - visual & physical barriers
  - Lots of sensory/curiosity/physical elements
  - Confidence development elements e.g. clatter
  - Bridges, open slatted bridges, educational equipment

  Research has proven that without these elements there is an increase of dog attacks and such areas overtime are worn down due to a lack of appropriate design and infrastructure installations such as, natural flora, drainage and appropriate grass / rock surfaces.

- Council is currently undertaking Open Space Strategy community engagement and consultation in regard to 4 reserves in Langwarrin. In addition, a review and community consultation is commencing with regard to the Domestic Animal Management Plan. However, the timeframes for this do not meet the exiting deadline for the grants received by LCC.
- Options:

  1. Advise Langwarrin Community Centre Council is willing to support a request for an extension of 12 months to allow for the completion and adoption of the Domestic Animal Management Plan, which would allow for broad community feedback on the need for another free roam / off leash dog park in Langwarrin. Should the extension be approved Council may have to contribute

capital funds to complete the works which would be referred to the 20/21 mid-year budget review.

2. Advise Langwarrin Community Centre that the impact of the COVID19 has placed extraordinary demands on State and Local Government budgets. As such, it is unlikely that additional Council funds for a dog park or an extension of the grants would be agreed by the relative parties.

3. Request, subject to Council approval, funding authorities and Melbourne Water to apply the grants to the Melaleuca Reserve, Langwarrin, which currently is a gazetted roam free dog area. The available funds would be used to improve outer perimeter fencing, construct disability limited access paths from the eastern and western ends of the reserve together with seating and dog drinking taps.

This potential option has been explored with the Chairperson for the Langwarrin Community centre who has provided verbal support an option to resolve the current dilemma.

It is proposed that should this option be supported Council's Operations Centre undertakes the work according to the funding available and invoices the Community Centre. This option will require letters to the funding authorities and Melbourne water prior to performing the work.

Financial Impact

There are financial costs estimated at $38K. However, these costs will be invoiced to Langwarrin Community Centre.

Consultation

1. External Stakeholders

'Without Prejudice' consultation has been undertaken with the Langwarrin Community Centre and Infrastructure and Operations Directorate. Subject to Council support for communication will be undertaken with Melbourne Water and funding authorities.

It is proposed no further community consultation is required for minor amenity improvements of the Melaleuca Reserve, however, should Option 1 or 2 be resolved broad community consultation will be required through the Open Space - Langwarrin reserves community engagement plan and also the review and revision of the Domestic Animal Management Plan.

2. Other Stakeholders

Langwarrin Community Centre

Melbourne Water

Analysis (Environmental / Economic / Social Implications)

Free roam parks enable dog owners the opportunity to let their dogs off leash for additional exercise. It should be noted that this still requires responsible pet ownership and the ability to keep the animal under the owners control at all times.

12.7 Langwarrin Dog Park

Executive Summary

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

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

Legal

Installation of free roam areas are subject to statutory requirements and the Domestic Animal Management Plan. Each free roam area is required to be gazetted.

Policy Impacts

Free roam areas are designed to meet CPTED safety and responsible pet ownership.

Officer's Declaration of Interests

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

Risk Mitigation

Grants applications for use of publicly owned land is subject to a higher level of assessment and a range of legislative requirements. In this situation the grants were approved by the funders without Council being a party to the applications.

Council is now seeking to moderate the risk impact by undertaking the works at Maleleuca Reserve, which currently is a gazetted free roam dog park.

Conclusion

Langwarrin Community Centre is seeking assistance of Council to achieve a free roam area in Langwarrin. An approved grant to the centre is now at risk of lapsing and the funding being lost.

Officers have presented 3 options to Council for consideration. Following a without prejudice discussion with the Chairperson of the Langwarrin Community centre Option 3 is recommended.

ATTACHMENTS

Attachment A:⇩ Melaleuca Reserve Aerial

Attachment B:⇨ Memo to Councillors re Proposed Dog Park in Langwarrin - March 2020 (A4176825).pdf *(Under Separate Cover)*

Attachment C:⇩ YOUR PET - OUR CITY - Dog free roam brochure 2016

Melaleuca Reserve



FREE ROAM RULES

YOUR PET OUR CITY

It is an offence to have dogs off-leash in all public areas unless it is a designated free roam area.

- **Your dog must be under effective control in a free roam area, this means immediate recall response and the owner must carry a lead at all times.**
- **Dogs are prohibited at all times in the Frankston city centre bordered by Fletcher Road, Baxter Street, Davey Street and Kananook Creek.**
- **Dogs are not allowed in the Peninsula Aquatic Recreation Centre (PARC) precinct (includes Skate Park and Retarding Basin)**
- **Council is authorised to seize dogs if the owner refuses to leave Frankston city centre.**

DOG POOP



Owners of dogs should ensure they have a plastic bag or an acceptable item to clean up after their dogs as failure to do so can result in an infringement being issued. Some reserves/parks and foreshore areas have facilities provided.

Dogs and Cats are prohibited in the following environmentally sensitive areas:

- Bunarong Park
- Casuarina Reserve
- George Pentland Botanic Gardens
- Langwarrin Flora and Fauna Reserve
- Paratea Reserve
- Studio Park

BEACH

Dogs are **not permitted** on Frankston or Seaford beach during the months of December, January, February and March, between the hours of **9.30am and 7.30pm**. Dogs are permitted at other times, provided they are on a lead.

Please respect sporting teams by:

- picking up after your dog
- using alternative areas if training / games are underway

Please note: In the case of a dog attack your animal may be declared dangerous, menacing or destroyed and you may be sued for injury or loss caused.

Dogs must be on-leash within 10 metres of:

- an organised sporting event
- children's playground
- barbecue / picnic area

Please note: There are no fenced areas in the free roam parks. If your dog is not under your control then it should not be exercised off-leash

Please obey all signs in place



Frankston City

FREE ROAM AREAS

WHERE TO WALK YOUR DOG OFF-LEASH

Area ID	Reserve Name	Reserve Address	Melway Ref
1	**Riviera Reserve**	Eel Race Road, Seaford	97 F10
2	**Armstrongs Reserve**	Off Railway Parade and Ireland Street, Seaford	97 E11
3	**Seaford North Reserve**	Railway Parade, Seaford	99 E2
4	**Kananook Reserve**	Kirkwood Avenue, Seaford	99 F8
5	**Wisewould Reserve**	14–24 Wisewould Avenue, Seaford	99 E10
6	**Hadley Reserve**	14–16 Hadley Street , Seaford	99 G9
7	**Bruce Aitken Reserve**	Corner Holroyd Street and Stawell Street, Seaford	99 H6
8	**Maple Reserve**	Brunel Road, Seaford	99 H2
9	**Banyan Reserve**	Luscombe Avenue, Carrum Downs	100 G1
10	**Sandfield Reserve**	Sandfield Drive, Carrum Downs	100 J4
11	**Boggy Creek Link**	Between Paddington Avenue and Lyrebird Drive, Carrum Downs	100 D5
12	**Pat Rollo Reserve**	Silver Avenue, Frankston North	100 B6
13	**Whistlestop Reserve**	Corner Skye Road and Dalpura Circuit, Frankston	100 C12
14	**Centenary Park**	McClelland Drive, Frankston	100 E12
15	**Peninsula Reserve**	Between 67 and 77 Frank Street, Frankston	102 H1
16	**Worland Park**	Between 5 and 17 Belar Avenue, Frankston	103 B2
17	**Lee Street Reserve**	Between Lee Street and Lipton Drive, Frankston	102 K5
18	**Woodside Avenue Reserve**	Woodside Avenue, Frankston South	102 J12
19	**Victoria Park**	Corner Nolan Street and Spring Street, Frankston	102 C4
20	**Montague Park**	Between 59 and 65 Kars Street, Frankston	102 C5
21	**The Heights Reserve**	End of The Heights, Frankston South	102 B6
22	**Baxter Park**	Frankston-Flinders Road and Sages Road, Frankston	106 H3
23	**Ballam Park**	Karingal Drive / Naranga Crescent, Frankston	103 C4
24	**Delacombe Park**	Corner Foot Street / Towerhill Road, Frankston South	102 D7
25	**Baden Powell Reserve**	Corner Baden Powell Drive and Humphries Road, Frankston South	101 K10
26	**Derinya Reserve**	Corner Derinya Drive and Wandana Court, Frankston South	102 D10
27	**Overport Park**	Overport Road, Frankston South	106 C1
28	**Lawton Park**	Barretts Road, Langwarrin South	107 F1
29	**Lloyd Park**	Cranbourne Road, Langwarrin	103 J3
30	**Stevens Road Reserve**	Between Huntly Court and Stevens Road, Langwarrin	136 A1
31	**Melaleuca Reserve**	Melaleuca Crescent, Langwarrin	136 B5
32	**Monterey Community Park**	Lehmann Crescent, Frankston North	99 K8
33	**Robinsons Park**	Robinsons Road, Frankston South	103 A11

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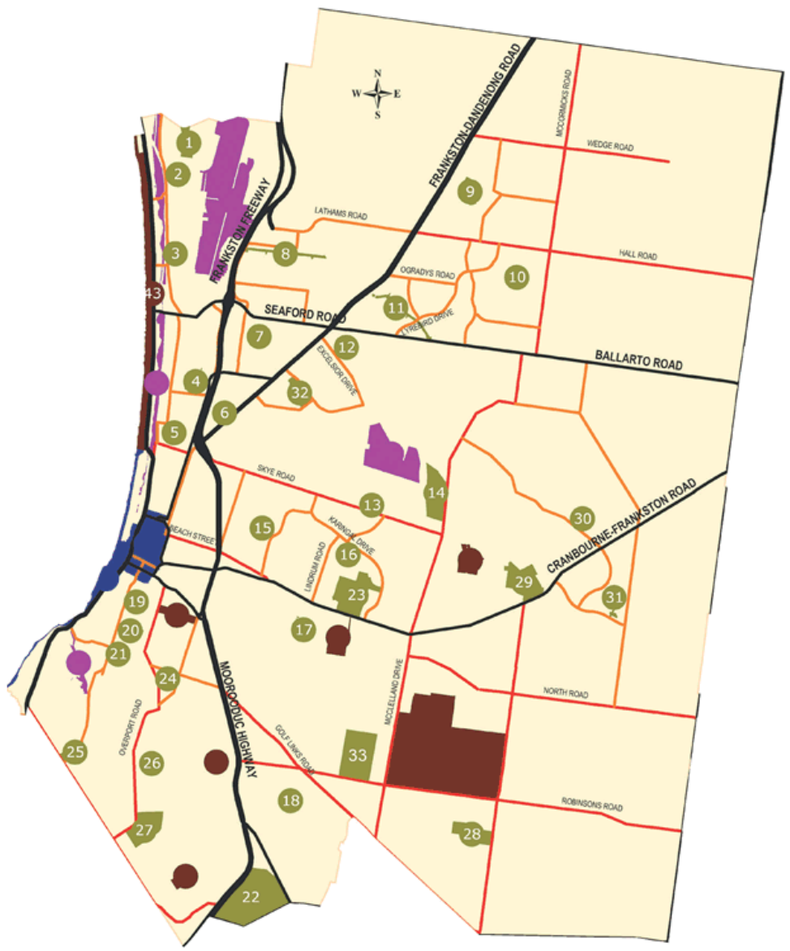
Dogs may only be exercised off-leash in a designated free roam area if they are under effective control – this means immediate recall response.





YOUR PET & OUR CITY

For more information contact:
Frankston City Council
1300 322 322
frankston.vic.gov.au



Executive Summary

12.8 Fireworks in Frankston City

Enquiries: (Andrew Moon: Communities)

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.2 Vibrant and Engaged
Priority Action	2.2.2 Promote Frankston City's reputation as an arts, festivals and events destination

Purpose

To brief Council on the community consultation results regarding Fireworks in Frankston City.

Recommendation (Director Communities)

That Council:

1. Notes an analysis of fireworks and their alternatives (laser lights, drones and projections) has been undertaken with a view to developing a policy;
2. Notes the public safety risks are included in the report together with the comparative costs (based on one event) are estimated at:
    a. Fireworks $7,000-$10,000 (depending on the scope);
    b. Drones $171,428;
    c. Laser light show $20,000-$100,000 (depending on the scope); and
    d. Projections $50,000-$100,000 (depending on the scope).
3. Notes community consultation to date highlights the majority of survey respondents support the continuation of fireworks;
4. Notes permits for fireworks at externally run events are authorised and issued by Worksafe as per State Government regulations and illegal fireworks are enforced by Victoria Police; and
5. Endorses the continuation of fireworks at both *Frankston's Christmas Festival of Lights* and *The Waterfront Festival* with a view to developing a fireworks policy.

Key Points / Issues

- At OM1 28 January 2020, Council resolved to:

  That Council:

  1. *Endorses the following means of supporting communities affected by bushfires which have already commenced implementation (Councillors views and support were canvassed, where this has involved waiving fees):*
     a. *Making relevant staff available to support the emergency management and recovery process (commenced 26 December 2019)*
     b. *Waiving fees for overdue or lost items at Frankston Libraries for patrons caught in the 2019-2020 Australian bushfires (commenced 6 January 2020)*

Executive Summary

c. *Waiving of hall hire fees for legitimate fundraising activities for victims of the 2019-2020 Victorian bushfires between 1 January - 31 March 2020 (commenced 6 January 2020)*

d. *Frankston Libraries being a collection and creation point for hand knitted pouches for wildlife (commenced 6 January 2020)*

e. *Donation of wildlife nesting boxes (occurred 6 January 2020)*

f. *Establishment of a concierge service to provide a higher level of support and reduce red tape for fund raising activities (commenced 6 January 2020)*

g. *Comprehensive communications about fundraising support, managing health issues due to smoke etc. (internal and external) (commenced 3 January 2020)*

h. *Key Council sites providing donation tins (commenced 6 January 2020)*

2. *Endorses The Waterfront Festival (15-16 February 2020) and Ventana Fiesta Day (29 February 2020) being promoted as Council's major fundraising opportunities, with all of the funds collected being allocated to the Victorian Bushfire Appeal.*

3. *Requires a further report to come back to Council in April 2020 with a view to developing a policy on Council held fireworks displays and an outline of how the community will be engaged in this process.*

4. *Notes that further investigation is underway into the appropriate mechanism for providing a clear and consistent process around requests from the community for support in disaster situations.*

5. *In lieu of having a formal mechanism to assess and approve the following requests from the community, Council endorses:*

a. *$1,200 cash donation for Sundown at McClelland Sculpture Park (being held on 8 February 2020) to go towards event logistics expected with a larger crowd*

b. *The waiving of up to $972 of commission from green fees due to Council at Centenary Golf Club stemming from a Charity Golf Event to be held on 7 February 2020*

- Following the 2019/2020 summer, bushfires throughout Victoria and other parts of Australia, the suitability of fireworks displays were raised as safety concerns due to fire risk and environmental impacts and in some instances alternatives were adopted. As an example, Wyndham Council cancelled their 2020 Australia Day fireworks and replaced them with a laser light show. Adelaide City Council has voted to phase out fireworks at its annual New Year's Eve event (starting December 2020), it is reported that Adelaide Council are still working through the feasibility and cost implications, reports indicate their fireworks display was around $75,000 compared to the proposed costs of $100,000-$500,000 for the laser light show.
- The community were consulted on the matter at The Waterfront Festival 2020, and during a specific broader fireworks consultation process.
- Alternatives to fireworks are summarised below a more detailed examination is included in Attachment C.

12.8 Fireworks in Frankston City

Executive Summary

- **Fireworks:**

  Historically the community have enjoyed fireworks displays provided by Council. The estimated annual cost is $17K. The use of fireworks results in the generation of greenhouse gas emissions (emissions such as carbon dioxide, carbon monoxide and nitrogen oxide, however, there is no widely accepted method in Australia for calculating the emissions.

  Council, to reduce the emissions from its use of fireworks, could require its contractor/s to offset both the embodied emissions associated with the fireworks products, as well as the emissions from their use.

  Community Safety advise there have been no significant increase in dog 'scapes' due to fireworks.

- **Drones:**

  A supplier has advised that to create the effect of a drone show approximately 80 drones would be required at an estimated cost of $105,000USD ($171,428AUD).

  There are significant risks. No Australian company could be found take on the risk resulting in the need for a crew and producers to fly from Singapore which is on top of the indicative price above.

  The Civil Aviation Safety Authority (CASA) and the relevant regulations would limit the capabilities of a drone show, particularly given the proximity of the events spaces to the hospital and potential helicopter traffic. Drones are also impacted by bad weather in which they are not able to fly.

- **Light Shows**

  Two Victorian based companies were contacted in relation to light and laser shows. Conditions for light shows include blank wall or building with minimal windows, artificial haze (required due to Frankston's good air quality), and restrictions on colour choice due to safety for any nearby vessels / air traffic).

  In term of environmental impact, lasers draw on power and the constant hazers utilise paraffin oil which is biodegradable.

  A laser show only is ball parked at $20,000-$30,000 and a laser, projection, water screen and water fountain show (which would need to happen at The Waterfront Festival to have a chance of being feasible and visible) is estimated at over $100,000.

- **Projections:**

  Events sites limit projection mapping as an option as there are few building/surfaces.

  The programming of the content takes between 6-12 months to complete and technicians need to physically set up and map a building no less than a week prior to the event. Any windows on the buildings would need to be blackened to ensure the projections did not get through any gaps into the building.

  A major consideration would be VicRoads approval and road safety management requirements.

  The estimated cost for this exercise would be $50,000-$100,000.

  On balance and having considered the risks and limitations of the alternatives to fireworks officers propose consideration of the following three options:

12.8 Fireworks in Frankston City

Executive Summary

- **Options:**
  - Option 1: Continue the fireworks displays at both The Waterfront Festival and Frankston's Christmas Festival of Lights at a cost of $17K, which is currently included in the draft annual budget
  - Option 2: Continue the fireworks display for one key event only at a cost of $10K which is currently included in the draft annual budget.
  - Option 3: Require fireworks contractors to offset the carbon production and use emissions at an additional cost to council of $750.

Financial Impact

$17K is currently included in the budget for fireworks at the Christmas Festival and the Waterfront Festival.

Consultation

1. External Stakeholders

Consultation has occurred with 457 people responding through The Waterfront Festival post-event survey and 708 people through a fireworks specific consultation; totalling 1,165 people consulted.

The fireworks specific consultation allowed the community to submit their feedback via the Council website, paper forms at Council's customer service centres and libraries, by phoning Council or posting their feedback to Council. It was also promoted on many of Council's website and social media platforms, Frankston City News and e-newsletters.

84% of respondents from The Waterfront Festival survey indicating they support future fireworks displays, with many comments in support of the spectacle and entertainment fireworks displays bring.

52.54% of respondents from the fireworks specific consultation supported fireworks at future events. Comments varied from respondents interested in laser light shows or drone alternatives. A portion of respondents noted concerns about environmental impacts and identifying the expense of the fireworks a reason to not continue with them.

When asked to comment and rate specific impacts, the majority of respondents indicated disturbance to pets, native wildlife and money that could be better allocated as issues they have with fireworks.

Both surveys indicated a preference to keep the fireworks at future events.

2. Other Stakeholders

Consultation has occurred with Council's events, tourism, community safety, sustainable assets, Frankston Arts Centre and planning and environment teams.

The conversations and input has been included in the discussion section further in this report as well as in Attachment C.

Analysis (Environmental / Economic / Social Implications)

While light shows including fireworks attract crowds, enhance social inclusion and boost economic activity they also present risks to pet welfare, community safety and the environment.

12.8 Fireworks in Frankston City

Executive Summary

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

Legal

Fireworks approval is managed by the State Government, who has delegated this to WorkSafe. Council is unable to restrict fireworks use outside of Council run events.

Policy Impacts

The use of fireworks is covered by state legislation

Officer's Declaration of Interests

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

Risk Mitigation

A Risk matrix indicating the level of impact for fireworks has been conducted with no significant risks identified.

Conclusion

Both surveys indicated a community preference to keep the fireworks at future events. The margins of preference do differ with the fireworks specific consultation having a smaller margin between preferences. It could be argued the margin is higher with The Waterfront Festival event survey as those attending the event could have had a higher interest in the fireworks display. If we were to conduct a survey of Frankston's Christmas Festival of Lights participants one would expect a higher rate of those in favour of the fireworks also.

Overall the support of fireworks to continue in the municipality is supported by the majority of survey respondents.

Based on the survey results and prohibitive costs of alternatives the preferred option is to continue with fireworks at the Waterfront and Christmas Lights Festivals.

It is recommended to develop a fireworks policy.

ATTACHMENTS

Attachment A:⇩ Fireworks Consultation Summary

Attachment B:⇩ The Waterfront Festival Survey Summary

Attachment C:⇩ Detailed Comparative Analysis

Fireworks specific consultation, survey – March 2020

Question 1: Do you think there should be a ban on fireworks at future events in Frankston City? i.e. Frankston's Christmas Festival of Lights and The Waterfront Festival

Answer Choices	Responses	
Yes	47.46%	336
No	52.54%	372
Any comments		323
	Answered	**708**
	Skipped	**0**

**In order to provide a summary of this report from the 323 comments we received for question 1, we have selected the most common sentiments, verbatim from the survey.*

"So many people, myself and familu included, go to these events just for the fireworks. We always end up spending more time at said event, because we enjoy what's there."

"Whilst fireworks are spectacular, they are also noisy, polluting, present a potential fire risk, are terrifying to animals and some children and can cause harm if in the wrong hands. Non-explosive alternatives using sound, images and light are just as effective and are more peaceable."

"Fireworks are an important and lively way of celebrating as a community. They help solidify fond memories of summertime activities. I look forward every year to bringing my 4 sons down to 'see the fireworks'. As they are planned, there is ample time for pet owners to prepare their pets. I have never had problems with any of my pets."

"The expense if this is exorbitant and wasteful, consisting the massive social problems we have in Frankston. Huge sums of money keep getting thrown on ridiculous things like that gnome instead of helping the local homeless, for instance."

"I think limited events where the community is forewarned is appropriate. I think it would be very sad if children weren't able to share in this magical experience anymore."

"In our current environmental, economic and social situation, I believe the effect of having fireworks is not justified. I believe that such money could be better used for green projects as well as celebrating through decorating the streets for Christmas."

"Frankston is a really great place to bring up a family with lots of wonderful festivals on that a lot of other suburbs done have. Lots of families love the tradition of going to the Christmas festival every year so it would be a real shame to take away the magic of the fireworks for the kids."

"Due to the cost and the environmental factors. I do believe that the money can be used for projects assisting the homeless IE short term housing, emergency material relief or put into mental health programs for both youth and adults."

"While they may be seen as an unnecessary expense, we need to respect the value of community celebrations as well as the bottom line. Fireworks are a traditional highlight, bringing people

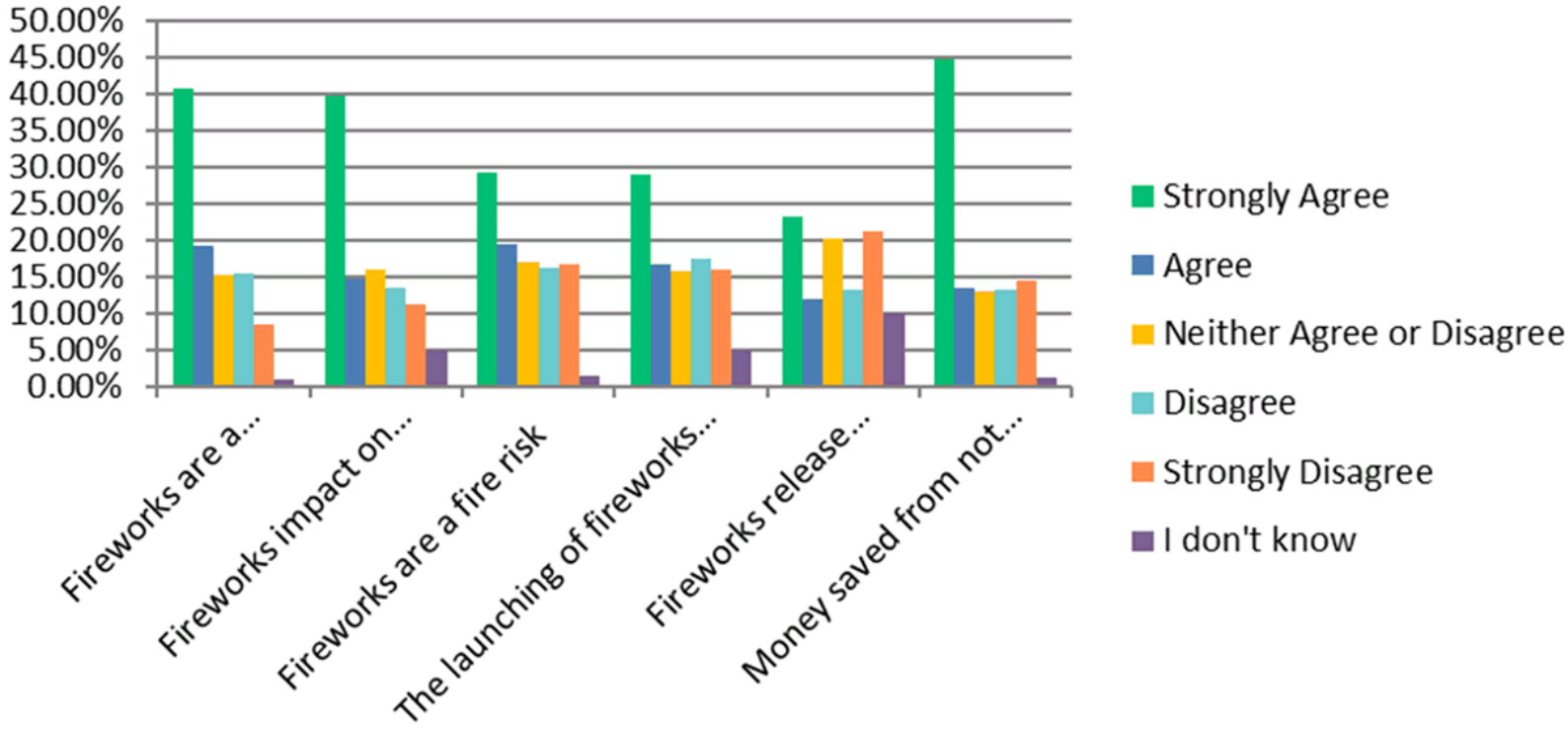
together for a joint spectacle as the finale of the event. The goodwill and community spirit generated by such activities is well worth the expense."

"Fireworks have a negative environmental impact with both greenhouse gas emissions and potential contamination. Especially with the recent devastating bushfires, fireworks are extremely insensitive and in poor taste. A better option would be to have a light show, or other non-damaging visual event."

"Please don't ban them, they are the draw card for these events, the events will slowly die and lose life. We look forward to them annually, they are a key part of celebrations, they are controlled. We are becoming too politically correct, this would be going too far, we just need to let some things be... They taught my daughter to not fear big sounds, she focused on watching the beauty of them and got over her fear, since seeing them she has become better in assembly, with thunder and other noisy areas and events. Our summer and Christmas breaks would not be the same without them!"

Fireworks specific consultation, survey – March 2020

Question 2: For the below statements, please indicate how much you agree or disagree



Fireworks specific consultation, survey – March 2020

**In order to provide a summary of this report from the 126 comments we received for question 2, we have selected the most common sentiments, verbatim from the survey.*

"These events are traditional for us, part of what we look forward to as Aussie families, the whole neighbourhood coming to the Frankston City to enjoy them. Emergency relief is still important, however so is free family entertainment such as Fireworks"

"The money saved should put into other entertainment that will attract families into a city like light shows because these type of events really bring the community together and are important"

"The amount spent on fireworks and their frequency must make a minor impact on emergency relief, greenhouse emissions and air quality over the course of a year. Surely community involvement & local entertainment leaves a far more lasting impression on locals and goes along way to improve the image of the council given recent headlines and increases in rates"

"Pet owners have a responsibility to protect their own pets. Controlled fireworks are not a fire risk. Impact on native or marine life is minimal towards jet skis, boats, cigarettes buts, car emissions and factories etc."

"Waste of money and causes noice and light pollution, scares pets, causes dogs and cats to flee causing lost pets and injury, scares wildlife and causes them to flee and become very stressed, stess can kill wildlife (capture myopathy)"

"I think there is a balance which can be met between keeping up the tradition of fireworks but also being mindful of environmental factors. Maybe use money saved for more recycling bins by the beach."

"I have no issue with a large spectacle but it would be great if we found an enormous canvas to project laser shows on to like the arts centre flytower etc. Fireworks are no longer appropriate in a greener and more sustainable environment"

"Instead of fireworks we could have light shows. The noise from fireworks scares a variety of the community ie people suffering mental health like PTSD.. Anxiety.. kids and adults on spectrum etc."

"It's hard for me to say if the money could be put to better use as I don't know how much money it brings in. Potentially having fireworks at events brings in more people keen to see them who are willing to spend money , thus helping out local businesses and food trucks etc. Certainly for me, fireworks are not a drawcard to events. I find them loud and don't enjoy them. I don't like the idea of breathing in their fumes. I worry during hot weather that they could start fires. If you do continue to run fireworks, please make them carbon neutral https://www.terrapass.com/fireworks-impact-environment I would be more likely to attend the event for a band or lots of healthy food being available or free dance classes etc."

"As long as council are responsible in their handling of fireworks there is no reason for the to be cancelled. If council did decide to cancel one definitely keep the lighting of the lights one! Maybe for the waterfront festival one look at putting money into a good band /performer for a big concert at the end of the Saturday night and a laser show!"

Fireworks specific consultation, survey – March 2020

Question 3: Please select the statement which best reflects how you feel about fireworks in general

Answer Choices	Responses	
I enjoy fireworks displays and attend the events within the municipality because of their fireworks displays	40.25%	285
I enjoy fireworks displays and watch them away from the event site (i.e. at another location, or at a residential property)	17.66%	125
I do not enjoy the fireworks displays as they upset my pets at home	19.07%	135
I do not enjoy the fireworks displays due to other reasons	23.02%	163
Any comments		145
Answered		**708**
Skipped		**0**

**In order to provide a summary of this report from the 145 comments we received for question 3, we have selected the most common sentiments, verbatim from the survey.*

"I enjoy fireworks displays but can no longer justify the cost to the community when there is so much need for basic living support. The cost of the fireworks could be better put to use. I also believe that the fireworks seem to provide an excuse for increased alcohol consumption and problem behaviour within our community"

"I love attending the community events where fireworks are being held, it is great to see the whole community get together to enjoy the entertainment, eat the food and watch the firework displays at the end of the event."

"I do not enjoy them but accept that others do. I'm not against all fireworks just restrict to one council funded display a year"

"Fireworks are a symbol of community, joy, family and togetherness. Council needs to not just listen to a minority but of the majority of the community."

"They're great to look at, but this is not enough to justify continuing to use them. Our enjoyment is not enough anymore, we need to look forward and consider the environmental impacts, as well as impacts to animals. It is time to move forward, we can find enjoyment elsewhere at a lower cost to our planet."

Fireworks specific consultation, survey – March 2020

Question 4: If there are no feasible alternatives to a fireworks display for Council run events (i.e. a light show), do you support fireworks to continue at these events?

Answer Choices	Reponses	
Yes	52.24%	384
No	45.76%	324
Any comments		117
	Answered	**708**
	Skipped	**0**

**In order to provide a summary of this report from the 117 comments we received for question 4, we have selected the most common sentiments, verbatim from the survey.*

"A light show would be good but you would miss the thrill of the fireworks"

"not when it's severe fire danger or current local disaster when it feels inappropriate, disrespectful."

"Humans are so selfish - they want to be entertained 24/7 and hang whatever stress it causes to other creatures living on this planet - hang what damage it causes the environment! In these days of climate change, issues such as covid 19, population explosions etc it is high time we started focusing on preserving what we have - not blowing thousands of dollars (millions in the city!) to create a few minutes of 'fun' that is not fun for any non humnas!"

"There is no alternatives, fireworks are unique and lightshow will not be the same"

"A light show is not as spectacular. The only effective light show I have seen was in Singapore... and that would cost more than the fireworks!"

"There are viable alternatives, such as a light show, and if it is cost prohibitive (which I suspect a light show wouldn't be) my family of 5 would be comfortable in not having a fireworks display."

"Wether there are feasible alternatives or not the support of fireworks events in Frankston is of benefit light shows are also expensive and a pollutant to native animals/birds"

"There is no alternative to fireworks light shows simply do not cut it and never will drones do not cut it and will cost council more than there entire event and then more than likely be cancelled due to weather constraints as they don't work in the rain or wind .BUT fireworks can work on most rain and some wind depending on the site."

Fireworks specific consultation, survey – March 2020

Question 5: If an external event (not run by Council) obtained the correct licenses and permits to hold a fireworks display, would you support these fireworks displays?

Answer Choices	Reponses	
Yes	48.31%	342
No	51.69%	366
Any comments		74
	Answered	**708**
	Skipped	**0**

**In order to provide a summary of this report from the 74 comments we received for question 5, we have selected the most common sentiments, verbatim from the survey.*

"Provided that they met all the controls to mitigate the risks and there was a limit on the number per year and at any one time."

"I believe that if somebody would like a firework display for their own personal event (eg. wedding) and they have obtained the correct permits then yes I believe they should be able to have them at their event."

"If there is a Frankston municipality ban on fireworks then there is a ban...for everyone. Council should not be offering a fireworks permit if the council themselves vote to ban fireworks displays at council run events."

"Only if the party having the fireworks was paying for them privately and not rate payers funding or government funding."

"I think any event that occurs within the Municipality is deemed a Council run event by the community - it's hard to distinguish, and in the end the community don't really care/understand the difference. I think the ban should just be for any events within the Municipality. And the promotion of this Ban needs to have a positive tone!"

Fireworks specific consultation, survey – March 2020

Question 6: Do you have anything additional you would like to comment about this topic?

**In order to provide a summary of this report from the 707 comments we received for question 6, we have selected the most common sentiments, verbatim from the survey.*

"While I do consider fireworks to have detrimental impacts they seem to have a positive social impact too, and there are many things that are worse. Displays should be limited to one or two high value occasions each year."

"I am very pleased that you are seriously considering this issue. So many more vital things could be provided to our community long term (as opposed to 10 minuted) with the money saved from fireworks. Our environment & wildlife now needs ALL the help they can get - PLEASE be a forward thinking council and stop the fireworks! "

"Fireworks are a great attraction for Frankston, bringing lots of people together on the foreshore and good for business."

"Firework are a very visual example, but with the recent Climate Emergency declaration, Frankston Council must show leadership and not only ban all fireworks but also move towards zero-waste and carbon neutral events."

"Everyone loves fireworks, it's an experience our kids need to have. As long as all the necessary licenses and measures are taken to care for our environment and more communication to the community is rolled out there is no reason this can't attend. There are so few fireworks throughout the year it would be a shame to cut them back even more. Licensing is not easy which prevents a lot of abuse and risks of fireworks"

"Invest into the community long term sustainable uses for money. Not a huge waste of money that literally blows up in your face within 5 minutes."

"I believe fireworks are great to be held at events, it brings the whole community together and with everyone in the community attending these events we actually put more money back into the local business (eg food trucks). There are some people who are under the assumption that fireworks create 'fires' and believe that fireworks should be banned for this reason only, however when you look further into how bush fires actually start, it never starts from a firework display. So in conclusion I don't think fireworks should be cancelled."

"Community sentiment is turning against fireworks. I would like to see my council make a stand and commit to other forms of entertainment like a drone light show or something similar that would look really pretty over the bay and not harm the environment."

"I believe planned fireworks for main events like the waterfront festival and Xmas lights should go on - any pet owners get plenty of notice prior to insure their pets are safe. I may not go to every event but I insure my dogs that do freak out at fireworks are indoors."

"Many alternatives to fireworks such as projections, drones, light shows with reduced fire risk and noise."

Fireworks specific consultation, survey – March 2020

"Fireworks are a tradition for Frankston that all generations, religions and culture can enjoy...its amazing seeing the joy on all the peoples faces, watching the cars pull over on olivers hill when they realise what is happening."

"Frankston City should consider the cessation of fireworks as part of its Climate Emergency Declaration. The emissions and potential dangers that fireworks pose to our local communities should come before an expensive 10–15 minute sound and light show."

"After the fire season we have just lived through it seems to be nonsense to continue with fireworks. Find another way to celebrate."

"I agree that too many fireworks displays in a year makes the novelty wear off, but a handful per year is perfect. Pets can (and should) be kept inside to keep them safe and secure. I understand a minority might be located close to the display area where avoiding the noise is difficult, but I think Frankston has done a great job to locate the displays away from residential areas. Their impact on the environment is low in the scheme of things with only a small amount of litter (mostly clay and paper), and the greenhouse gases are minimal, is guess less than a car! Perhaps a small volley should be launched 10-15 mins prior to the actual show, so wild animals could locate a place they feel safe if the noise affects them - but it would be similar to a thunderclap. May the fireworks delights the children and adults (big children) for generations to come!"

Preface

This survey was conducted as part of The Waterfront Festival 2020. Surveys were conducted at the event and advertised on social media following the event. We asked the community who did attend and who didn't attend to complete the survey.

Please note the full survey has not been included as part of this extraction, but rather relevant questions to the Fireworks report, with the comments provided further summarised to provide an overview.

Question 2: Did you attend The Waterfront Festival 2020?

Answer Choices	Responses	
Yes	98.91%	452
No	1.09%	5
	Answered	**457**
	Skipped	**0**

- There were 457 respondents to the survey; 452 of whom attended the Watrfront Festival in 2020.

  Of these respondents 84% (378 people) support fireworks displays at future events in Frankston.
  16% or 72 respondents did not support fireworks displays.
  55 of the respondents provided comments with their answer choices.

  Comments:

**In order to provide a summary of this report from the 55 comments we received for question 15, we have selected the most common sentiments, verbatim from the survey.*

"This is mostly why we go the kids teenager adults and grandparents love watching the fire works"

"It brings family and community together"

"Fireworks are rare, we all love them!"

"I think if we have declared a Climate Emergency, we need to consider these types of activities for the future"

"I think fireworks are outdated. The money could be better spent. Considering the devastation of fires this year fireworks seem so distasteful."

"I think fireworks being held this year was rather insensitive given the fires that have ravaged parts of the country. I normally love fireworks but I think at least out of respect they should have been off the list this year"

Question 16: If you think Council should ban fireworks at future events, what are your reasons for this?

**In order to provide a summary of this report from the 450 comments (7 skipped this question) we received for question 16, we have selected the most common sentiments, verbatim from the survey.*

"No I don't believe so. I think they were considered bad taste and a waste of resources over the NY period due to fires but this is our new normal and I'm sure fireworks can be enjoyed safely and without deviating needed resources and fire fighters."

"As above - feel the environmental impact is too great and the large cost could be better spent - I feel the event itself is enough and could Be made even bigger as better"

"I don't believe the council should ban the fireworks, maybe ask for a gold coin donation to go towards a cause in order to make the fire works and entertainment worth while and rewarding."

"No, professionals know what they are doing and Frankston is not compromised by drought. If that were to change I may support a ban"

"To not have fire works would be political correctness gone mad For what reason has this question been asked The enjoyment thousands of people get from the fireworks is irreplaceable"

"They shouldn't ban fireworks because there's no harm in them and it makes these events that more awesome. And little kids love fireworks, everyone loves fireworks."

"No I don't think they should be banned. Maybe just warn the community so they can keep animals safe."

"Climate emergency declared. It is also a big expense. That money could be invested in more activities for the day"

"The fireworks bring people together"

"Don't ban them! It's the whole reason I go."

"Donate it to worthy causes; Frankston homeless for example"

"I think fireworks are outdated. The money could be better spent. Considering the devastation of fires this year fireworks seem so distasteful."

"Don't ban, but good to offer an alternative such as laser show"

"Keep them contained to the professionals"

"Only if it disturbs the wildlife too much as we must always be considerate of their needs too"

"So long as they are done safely I have no problem with it"

"Depending on the weather and if the firwEworks budget would be contributed to a community disaster"

"No just handle safely or lower amount if nssasary"

Issues and Discussion

A summary of the issues and discussion points from the fireworks report has been included, however for more detail please see the full discussion points below.

Fireworks

Community Safety indicated they do not see a rise in dog escapes due to fireworks throughout the municipality, excluding New Year's Eve, (there are no Council fireworks displays on New Years Eve) where they do see a rise. It is worth noting fireworks within the municipality on New Year's Eve are unauthorised fireworks with presumably no permits sought from WorkSafe or the CFA as they are allegedly launched from residential areas where permits would not be granted.

Fireworks displays, which Council are made aware of through event applications or the notification process with reputable fireworks contractors are requested to complete resident notifications for a recommended 1km radius around the fireworks site. Council request this to ensure local residents are notified of the display in a timely manner to ensure they are able to make considerations for any pets who may be distressed.

The production and use of fireworks results in the generation of greenhouse gas emissions (emissions). During the use of fireworks, the metal salts and explosives undergo chemical changes by combining with oxygen (combustion). This chemical reaction results in the release of smoke and greenhouse gases such as carbon dioxide, carbon monoxide and nitrogen oxide.

There is no widely accepted method in Australia for calculating the emissions from fireworks. Industry groups are known to only assess the impact of carbon dioxide emissions alone, whereas City of Sydney includes the emissions from both carbon dioxide and nitrous oxide. Nitrous oxide has a much higher emissions intensity resulting in more emissions being produced when compared to carbon dioxide. Using City of Sydney's more conservative approach, the emissions likely to have been generated from the use of fireworks at The Waterfront Festival equates to 6 tonnes. This is equivalent to 0.04% of Council's total emissions (16,202 tonnes) reported for 2018-19 and is considered a minor contributor to Council's emissions. Note that this does not include the emissions associated with the production of the fireworks (embodied emissions) which would be in addition to this.

One option for Council to reduce the emissions from its use of fireworks would be to require its contractor/s to offset both the embodied emissions associated with the fireworks products, as well as the emissions from their use. This would take the form of the contractor purchasing the necessary eligible carbon offsets under the Climate Active Carbon Neutral Standard and providing Council with proof of purchase. For The Waterfront Festival this would cost the contractor approximately $700. It would be prudent for Council to consider this option in the future due to its recent climate emergency declaration and target to achieve zero net emissions by 2025.

During their use, fireworks impact on air, land and water quality through the release of gases as well as small particles which are known as particulate matter. However, the extent of this is unclear. Research indicates that the increased concentrations of particulate matter in the air, whilst reducing air quality, typically only last for a short amount of time. There is also a distinct lack of evidence in Australia on both the short and long-term environmental impacts of fireworks. Environmental impacts of fireworks have also been found to be influenced by a range of factors that can vary between

countries, such as the composition of the fireworks, geographical location and weather conditions of the site where the fireworks are released.

Wildlife residing in locations of Council's firework displays are considered as part of the event, particularly the foreshore (as naturally more wildlife are situated there). The nocturnal population residing at the foreshore may be disturbed by a fireworks display; however it is worth noting they would already be impacted by the increased patronage and subsequent noise and light generated from the event.

There has been no evidence Council officers were able to find which would suggest bushfires are started as a result of "approved" or "legal" fireworks displays. Council run events, which have fireworks displays work quite closely with the Country Fire Authority (CFA).

The air quality immediately following a fireworks display has minimal impact to patrons. There have not been any incidents of breathing difficulties reporting to first aid or event organisers, indicating this is not a high risk. Fireworks are launched at least 45metres away from a crowd (most fireworks stipulate a 30metre radius) at Council's events, which assist to dissipate any smoke from the fireworks. The State Emergency Service (SES) are also on hand, along with security and the Country Fire Authority (CFA) to assist in moving crowds away from where the wind might be blowing any smoke etc. directly into a crowd. The smoke emitted from fireworks displays generally last a few minutes. The compromised air quality Victoria experienced in January/ February 2020 would be more of a concern and would be a consideration for an event and subsequent fireworks display to be cancelled due to the EPA guidelines surrounding air quality.

The Frankton's Christmas Festival of Lights fireworks display costs Council between $7,000 and $10,000, which varies each year to work with the changing tree lighting performance. The Waterfront Festival fireworks display costs Council around $7,000.

Throughout the consultation a common theme was around the alternatives to fireworks, with some suggesting drone shows or laser or light shows as feasible options. These are discussed in more detail below.

Drones

In researching the possibilities of a drone show for Frankston's Christmas Festival Lights in 2018, the supplier revealed to create the effect of a show, we would require approximately 80 drones, which would cost around $105,000USD ($171,428AUD). The events team also investigated an Australian company to perform the drone show at the time there was no company they could find which would take on the risk, and therefore they would also need to pay for the crew and producers to fly from Singapore which is on top of the indicative price above.

The Civil Aviation Safety Authority (CASA) who are the regulatory authority in Australia have rules which must be obeyed in order to keep a Remote Pilot Licence (RePL) which would limit the capabilities of a drone show:

- You are only allowed to fly one drone at a time
- You must always fly a drone within a visual line of sight – that is flying only during the day and by not using a video screen.
- You must not fly closer than 30metres to people or over or above people at any time or any height.
- Due to the heliports at Frankston hospital, any drones would also need to be grounded immediately upon a helicopter in use. This would also comply for any aircraft if a display was done over the Bay.

It was also noted drones have a smaller window of weather conditions in which they are able to fly. If it is raining or if there is wind, they are unable to fly.

Because of the cost and these other restrictions it is not feasible to have a drone show at either Frankston's Christmas Festival of Lights or The Waterfront Festival. The events team will stay across developments and CASA regulations and if any changes occur, it can be something they re-look into in the future.

Light Shows

Two Victorian based companies were contacted in relation to light and laser shows. In investigating a light show alternative, some considerations need to be noted, including:

- In order for light to be visible metres away, the surface needs to be solid to aim the light/projector on i.e. a blank wall or building with minimal windows.
- The air quality in Victoria is too good, in that you would need to use a haze machine in order to allow the lights to be visible. A smoke machine is not effective, as the smoke will float away too quickly, whilst a haze machine with its oil based liquid will ensure the light has something to catch/reflect off.
- There is an exclusion zone of 2.5m horizontally and 3m vertically according to the Australian standards for people. If we are wanting to look into a high power laser suitable for outdoor use this exclusion zone will increase, however this also impacts on how far you can have a laser go as CASA restrictions will be in effect at this level.
- Much like fireworks displays, CASA and Parks Victoria (in the instance of the foreshore) applications will need to be submitted. Unlike a fireworks display there is a greater risk for pilots, and therefore lasers are often recommended by CASA to be terminated onto buildings, trees or be a very low elevation beam to mitigate the risk. The downside of this is this limits the distance and density of a crowd to be able to see all aspects of the display.
- Parks Victoria provided some caution and consideration for the colours of the laser lights would potentially need to be restricted as the four main directional colours used for vessels are red, green, yellow and white. There is potential to undertake a wider notification process, which would ensure the vessels who might be operational are aware of the light show. The light show would need to be conducted off a barge, which would be subject to cancellation in rough weather (which is likely within the bay) and the set up and pack down would take several days, which would impact on the pier and residents' access to the foreshore.
- In producing a light show there is a higher risk of breeching CASA restrictions due to the millimetres often required to stay within CASA guidelines. This therefore poses a risk in programming these displays given we are in a high CASA restricted area due to the flight paths to Frankston Hospitals, and in the bay movements near Moorabbin, Tyabb and Melbourne Tullamarine (if a higher power laser is used to create a larger impact outside).
- CASA will always have right of way and a display will need to stop should an aircraft travel over the site.
- One of the companies recommended paring the laser show with a fireworks display to ensure maximum impact for the crowd as laser shows have a chance of not being seen or have a lower impact than crowds would be used to with fireworks.
- In terms of the environmental impact, the lasers utilise electricity usage. In addition the constant hazers utilise paraffin oil which is biodegradable.
- In regards to the health impact, places like the Frankston Arts Centre use a water based smoke machine for theatre shows, which won't impact someone's breathing capacity (in most instances). An oil-based hazer does have the potential to impact on someone's breathing capacity and when used in shows has left people coughing. The oil will also inevitably fall to the ground as the haze

subsides which will also create a slippery surface, which poses its own set of risks.

- Due to the location of the Frankston pier and lack of surfaces to reflect off we would need to utilise a water wall/stream in addition to the haze machines.
- The water walls/water jets are often used in fresh water situations, not in salt water. Without doing a full site inspection and review there may be considerations for additional maintenance/modifications so the water travels through the jets seamlessly. This would be investigated further if decided this was the course of action and may pose additional costs.
- A site inspection would need to be carried out in order to obtain an exact cost, however estimates have the display ball parked around $20,000-$30,000 for a laser show only and over $100,000 for a laser, projection, water screen and water fountain show (which would need to happen at The Waterfront Festival to have a chance of being feasible and visible).

For both light shows and drones shows, the impact of emissions from the embodied energy (i.e. the production of the laser lights or drones) would still be applicable. However, unlike fireworks, the laser lights and drones would be reused.

Light shows would rely on electricity and therefore also generate greenhouse gas emissions. However, they would not result in air pollution during their use compared to fireworks, but would temporarily contribute to light pollution for a short period of time. Similarly, the emissions from the light shows could be offset by the contractor purchasing eligible carbon offsets or sourcing a renewable energy supply. The emissions likely to be generated during a light show have not been investigated by Council officers.

Drones would also rely on electricity to charge the batteries and would also generate greenhouse gas emissions. However, they would not result in air pollution during their use compared to fireworks. Similarly, the emissions from the drones could be offset by the contractor purchasing eligible carbon offsets. The emissions likely to be generated by drones has not been investigated by Council officers.

Drones and light shows would not contribute to particulate matter ending up in their air, water and on land during the event (unlike fireworks), so these environmental impacts would be avoided locally. In addition, these new forms of technology would likely be reused or recycled in Victoria due to the Victorian Government's e-waste ban, which ensures that e-waste is recycled through specialist programs so that valuable materials can be used again and toxic chemicals diverted from landfill.

Projections

Projection mapping has only been investigated slightly as it became clear there were limitations to the event sites for The Waterfront Festival and Frankston's Christmas Festival of Lights sites.

Projection mapping would not be possible at The Waterfront Festival with the few buildings/surfaces at the foreshore.

Projection mapping could happen to some degree at Frankton's Christmas Festival of Lights. The Civic Centre would not be feasible due to the "Christmas tree" and other pine trees blocking the majority of the building. The building at 170 Young Street has some limitations with the existing structure (owner approval would also need to be sought), the Frankston Arts Centre would be possible – however, the patrons would need to look at the tree and then turn 180 degrees to see the Frankston Arts Centre and the existing awning could potentially block some patron's views.

Some other considerations are:

- The programming of the content takes between 6-12 months to complete.

- The technicians would need to start physically setting up and mapping the building no less than a week prior to the event. Considerations around this are asset security. Depending on the positions, the projectors would need to be, the roads out the front of the Frankston Arts Centre would require to be closed so the equipment could be set up. Unfortunately, these are VicRoads managed roads so we would not be permitted to close the roads for that duration of time.
- Any windows on the buildings would need to be blackened to ensure the projections did not get through any gaps into the building.
- An estimated cost for this exercise would be $50,000-$100,000.

Executive Summary

12.9 Frankston Foreshore Boardwalk Lighting Project

Enquiries: (Vishal Gupta: Infrastructure and Operations)

Council Plan

Community Outcome:	1. Planned City
Strategy:	1.3 Natural and sustainable environment
Priority Action	1.3.1 Protect the natural and coastal environment whilst maximising the use and enjoyment of the foreshore

Purpose

To brief Council on the proposed illumination of the boardwalk along Frankston Foreshore.

Recommendation (Director Infrastructure and Operations)

That Council:

1. Notes the two options proposed for the illumination of the boardwalk along Frankston Foreshore and the mixed views received from the community during consultation;
2. Notes $175,000 has been allocated in the 2019/20 Capital Works Budget to deliver the project; and
3. Withdraws the project and uses the remaining funding allocation of $146,000 from 2019/20 Capital Works Budget to strengthen the proposed Frankston City Council's COVID-19 Relief and Recovery Package.

Key Points / Issues

- The Frankston Foreshore currently has a lack of continuity of lighting along the length of the boardwalk. The section from the Frankston Life Saving Club to the Yacht Club is illuminated, however the section from Pier Promenade to Olivers Hill is not illuminated.
- The proposed works includes improving the amenity for users of the Frankston Foreshore during early morning/ late evening hours by lighting the approximately 600 metres long Boardwalk from the Waterfront Park at Pier Promenade southwards to the Oliver's Hill carpark. Refer location map as per attachment A.
- The purpose of the boardwalk lighting is not to encourage increased use of the Boardwalk all through the night but rather provide a safer experience for existing users in those few hours before sunrise and after sunset.
- Council has received requests from members of public who would like to use the Boardwalk at these times due to their working unconventional hours or preference to enjoy our marine and coastal environment during quieter times.
- If the lighting was installed it could be programmed to come on for example from 4am until sunrise and then from sunset to 11pm and then be either turned off entirely or dimmed to 25% during the night.
- Therefore the lighting can be programmed to have no illuminations at all between the example hours of 11pm – 4am and result in there being no change to the current situation between these hours.

12.9 Frankston Foreshore Boardwalk Lighting Project

Executive Summary

- Two options for the illumination of the Boardwalk have been considered. The details of both options including artist impressions are discussed in the Officers' assessment section of this report.

Financial Impact

There is a provision of $175,000 in the 2019/20 Capital Works Program to implement boardwalk illumination works.

The implementation of preferred option (option 1) is estimated to be around $200,000, which includes an allowance for contingencies, project management costs and expenditure to date

There were mixed views received from the community during the community consultation process in regard illumination of the Boardwalk.

The remaining budget of $146,000 could be reallocated to strengthen the proposed Frankston City Council's COVID-19 Relief and Recovery Package.

Consultation

1. **External Stakeholders**

   Council Officers have recently consulted with the community for the project seeking feedback on the proposal for the Boardwalk lighting. This occurred from 15th February 2020 to 13th March 2020 over a four week period.

   The consultation process involved distribution of approximately 55 letters to Residents in the vicinity of the Foreshore Reserve, bounded by Nepean Highway, the Esplanade, Cliff Road, High Street, Williams Street, Grand View Grove and Somme Avenue.

   In addition a 'Have Your Say' page was established on Council's website to allow the wider community the opportunity to view the proposal and provide feedback online.

   A letter and email feedback was also received from the members of Frankston Beach Association (FBA) stating FBA objection to the proposal. A detailed response providing further clarifications in this matter has been provided to FBA.

   Mixed views were expressed from the community during the consultation process, in regard to proceeding with the Frankston Foreshore Boardwalk Lighting Project.

2. **Other Stakeholders**

   Discussions are currently underway with the Department of Environment, Land, Water (DELWP) and Planning to seek their approval for the works.

Analysis (Environmental / Economic / Social Implications)

The proposal is aligned to Crime Prevention through Environmental Design or "CPTED" approach to crime prevention that takes into account the relationship between the natural environment and the users of that environment.

The proposed illumination of boardwalk lighting helps deliver on one of the three strategies of CPTED i.e. *Natural Surveillance*.

12.9 Frankston Foreshore Boardwalk Lighting Project

Executive Summary

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

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

Legal

No legal impact.

Policy Impacts

No policy impact.

Officer's Declaration of Interests

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

Risk Mitigation

Council may consider this project for inclusion in the Capital Works Program of future years to enhance a safer experience for existing users in the few hours before sunrise and after sunset.

Conclusion

As a result of the mixed view of the Frankston community during the community consultation process, it was determined that Council could withdraw the Frankston Boardwalk Lighting project and use the remaining funding allocation from 2019/20 Capital Works Budget to strengthen the proposed Frankston City Council's COVID-19 Relief and Recovery Package.

ATTACHMENTS

Attachment A:⇩ Local Map

Officers' Assessment

Options Available including Financial Implications

- A specialist lighting consultant was engaged, having experience in coastal lighting to prepare concepts for the illumination of the boardwalk.
- The following options were considered for the boardwalk lighting:

Option 1: the installation of a 2 watt light fitting in at 3.5 metre centres along the eastern side only of the boardwalk at approx. 1.2 metres height which would illuminate the boardwalk surface. Artist's impression of Option 1 is shown below:	
Option 2: the installation of 4 watt light at 2.0 metre centres along the eastern and western sides of the boardwalk at approx. 200 mm height which would up light the boardwalk and wash across the surface. Artist's impression of Option 2 is shown below:	

- Each of the above options are intended to be connected to the power grid, however the proposal also includes the installation of solar photovoltaic panels on to the roof of the amenities block at the Waterfront Playground. This will assist in reducing ongoing energy costs of the lighting as well as energy costs of the toilet block and BBQs in the playground.
- The implementation of Option 1 is estimated to be around $200,000, which includes an allowance for contingencies and project management costs excluding expenditure to date. This is the preferred option as it is significantly more cost effective than Option 2, while still meeting all Australian Standards for lighting of a public space.
- The implementation of Option 2 is estimated to be around $260,000. This is not the preferred option as it is more costly and the up-lighting component could create unnecessary light spillage into the night sky.

Community Consultation Outcomes

- Council Officers have recently consulted with the community on the project from 15th February 2020 to 13th March 2020 over a four week period. A total of 10 responses were received.
- Of the 10 responses received, the majority were via email and a letter was received from the Frankston Beach Association (FBA). All of those respondents who had provided contact information were contacted with an email providing additional information.
- Of the 5 respondents who were supportive of the project, 3 respondents supported Option 1 and 2 supported Option 2.

Officers' Assessment

- The 4 respondents (excluding the FBA) cited following reasons for not being supportive of the project:
    - Negative impact on residential amenity
    - Additional noise
    - Impact on nocturnal animals and bid species in the foreshore reserve
- Council also received a letter from FBA stating that they did not support the project and outlined their various concerns related to the proposal.
- Council officers have sent a detailed response to the letter from the FBA that addresses their concerns with a number of clarifications, as per below.
    - The purpose of the boardwalk lighting is not to encourage increased use of the Boardwalk all through the night but rather provide a safer experience for existing users in those few hours before sunrise and after sunset.
    - Council has received comments from the public requesting lighting for those who would like to use the Boardwalk at these times due to their working unconventional hours or preference to enjoy our marine and coastal environment during quieter times.
    - If the lighting was installed it would be programmed to come on for example from 4am until sunrise and then from sunset to 11pm and then be either turned off entirely or dimmed to 25% during the night.
    - To allay concerns, the lighting can be programmed to have no illuminations at all between the example hours of 11pm – 4am. Therefore there would be no change to the current situation between these hours.
    - Discussions with representatives from the Cities of Port Phillip, Kingston and Bayside have confirmed that lighting along the foreshore bay trails is a key component of their Public Open Space Strategy. Of the 11km of the City of Port Phillip's foreshore trail alone, 8kms have lighting. Refer to examples of foreshore lighting as per Attachment 2.
    - Internal discussions with Council's Environment & Bio-Diversity team to assess the impact of the proposed lighting on the nocturnal fauna along the route of the boardwalk have revealed that there will be little or no impact and team is generally supportive of the works to proceed.

Location Map



Executive Summary

12.10 Review of Paths Development Plan

Enquiries: (Doug Dickins: Community Assets)

Council Plan

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

Purpose

To brief Council on the review of the current Paths Development Plan and seek endorsement to consult with and seek feedback from the community on the draft Paths Development Plan 2020.

Recommendation (Director Community Assets)

That Council:

1. Notes the draft Paths Development Plan 2020;
2. Endorses the draft Paths Development Plan 2020 to be publicly exhibited for a period of six weeks;
3. Seeks a report back no later than August 2020, to adopt the Paths Development Plan 2020, taking into account any submissions received; and
4. Notes that the report back is subject to any potential delays and impacts associated with Council's response to the COVID-19 pandemic.

Key Points / Issues

- Council adopted the current Paths Development Plan 2015 at OM281 on 7 December 2015.
- The Paths Development Plan is a document intended to guide Council in the consideration, prioritisation and implementation of path projects across Frankston.
- The 2015 Plan prioritised a list of 151 path projects for development in the future through Council's Capital Works program, developer funded projects and grant funding.
- The current Paths Development Plan is now over four years old and requires updating, with many of the high priority projects now complete.
- Officers have reviewed the Paths Development Plan to consider the following aspects;
    - Review of prioritisation criteria and methodology
    - Review of current path needs across the municipality
    - Assessment and prioritisation of the paths projects
- A draft Paths Development Plan 2020 has now been prepared which reinforces the current criteria of safety, connectivity, strategic context and amenity.
- An updated list of projects has been developed taking into account those projects completed from the Paths Development Plan 2015 and those that have subsequently been identified.

Executive Summary

- The above criteria, which is included in the draft Paths Development Plan 2020 (Attachment A) was used to rank longer and minor path projects. Attachment B to this report contains the prioritised list of longer and minor paths with the scoring in each of the four criteria.
- The updated prioritised list is included in the draft Paths Development Plan 2020.
- In addition to longer paths projects, the draft Plan provides details of minor paths projects or missing links which could be completed should funding be made available through Council's Capital Works budget. Additionally a list of projects within reserves has been developed to assist in considering pedestrian accessibility as part of a recreational and nature reserve planning and management.
- It is considered appropriate that community views be sought for consideration by Council before adopting the draft Paths Development Plan 2020.
- This report seeks Council's endorsement for community consultation on the draft Paths Development Plan 2020.

Financial Impact

The Paths Development Plan will guide improvements to Council's pathway network and is critical in the enhancement of community accessibility to a range of essential, social and recreational services. Financial costs will appear in Council's Long Term Infrastructure Plan and be reviewed annually by Council as part of the budget development process.

Consultation

1. External Stakeholders

This reports seeks Council endorsement to consult with the community on the attached draft Paths Development Plan 2020. Feedback will be sought on the principles for prioritising projects within the plan and also on the need or importance of specific projects.

2. Other Stakeholders

A number of internal stakeholders have been consulted in developing the draft Paths Development Plan, including Operations, Community Strengthening, Sustainable Assets, Capital Works Delivery and Planning and Environment Departments.

Councillors were updated via a Memorandum and subsequently provided a prioritised list of projects seeking their feedback. Officers met with four Councillors individually to obtain their feedback. Information on the priority listing was provided to all Councillors.

Analysis (Environmental / Economic / Social Implications)

Paths provide a vital link to enable the community to maintain its physical and social connectivity. They allow for individuals to access the essential services they need in their daily life. In addition a connected path network provides transport choices for the community to reduce the dependence on motor vehicles and benefit the environment.

A well-built and well structure path network can deliver an alternative lifestyle to residents and enhance Frankston as the lifestyle capital of Victoria.

12.10 Review of Paths Development Plan

Executive Summary

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

Legal

Council has a requirement to ensure that its paths are safe and accessible to meet the needs of able bodied, disabled, elderly and younger pedestrians. Paths constructed should meet the obligations in Council's Road Management Plan and the Road Management Act 2004.

Policy Impacts

The report seeks endorsement for community consultation which will ultimately inform an up to date Council Paths Development Plan.

Officer's Declaration of Interests

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

Risk Mitigation

The Paths Development Plan provides a strategic basis behind the future development and enhancement of council's pathway network to provide safe and convenient pedestrian access for the community.

Conclusion

A draft Paths Development Plan 2020 has been developed for Council's consideration to update and replace the existing Plan adopted in 2015. Before adopting a revised Plan, Council should ensure the community are consulted and have input into the future plan. This report seeks Council endorsement to consult with the community on the draft Paths Development Plan 2020.

ATTACHMENTS

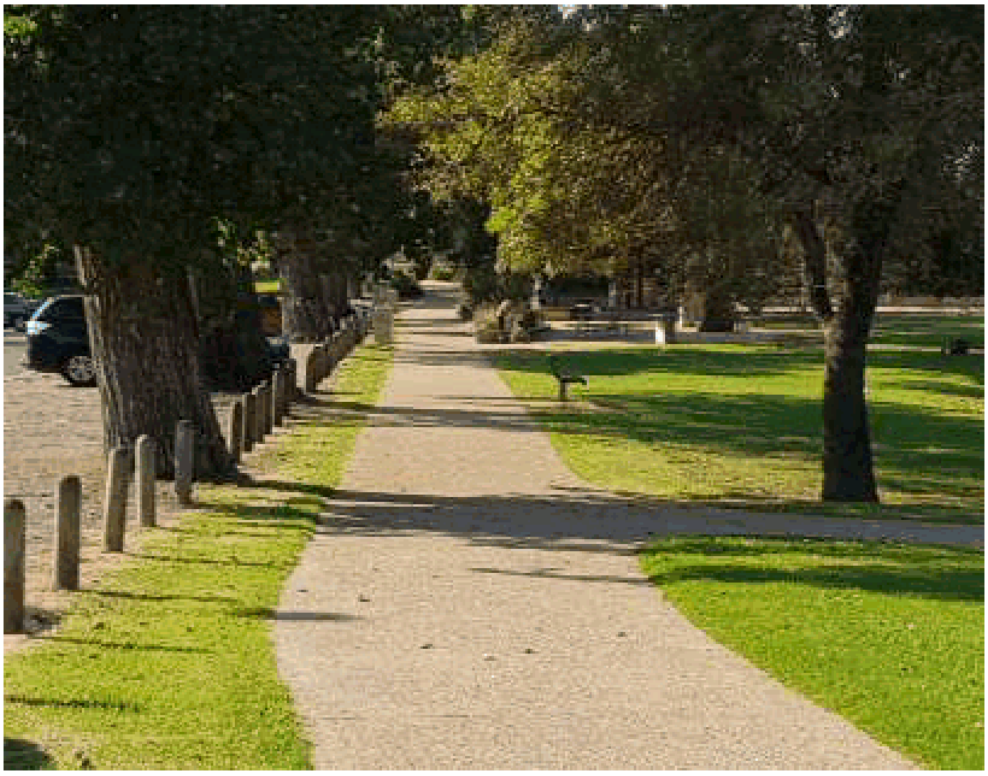
Attachment A:⇩ Draft Paths Development Plan 2020

Attachment B:⇩ Prioritised List of Longer Path Projects and Minor Path Projects With Scoring

Draft Paths Development Plan 2020

DRAFT 1 April 2020 (A4184926)

opportunity » growth » lifestyle



Seaford >> Frankston >> Langwarrin >> Karingal >> Skye >> Frankston South >> Frankston North >> Carrum Downs >> Langwarrin South >> Sandhurst

Table of Contents

Contents

Table of Contents....2
1.0 EXECUTIVE SUMMARY....4
2.0 INTRODUCTION....5
Plan Focus....5
Purpose of Plan....5
Relevant Strategic Objectives and Actions....5
Environmental Considerations....5
Plan Content....6
3.0 CITY ACCESS PATHWAYS AND PATHWAY USERS....7
3.1 City Pathways Network....7
3.2 Location of Paths in Streets and Roads....7
3.3 Pathway Users....8
Daily Trips....8
Age Profiles....8
Journey to Work....8
Walking and Cycling to School....9
4.0 RELEVANT POLICIES, STRATEGIES, PLANS AND PROJECTS....10
4.1 Relevant Policies and Strategies....10
4.2 Asset Management Framework....10
4.3 State Government Projects....10
5.0 IDENTIFICATION AND PRIORITISATION OF PATHWAY PROJECTS....11
5.1 Previously Listed and Newly Identified Projects....11
5.2 Benefits of a Systematic Approach to Paths Planning....11
5.3 Categorisation of Projects....11
6.0 PATHS IN ROADS AND STREETS....12
6.1 Prioritisation Methods....12
6.2 Project Prioritisation....12
6.3 Priorities for Longer Path Projects....12
6.4 Priorities for Minor Path Paths Projects in Roads and Streets....12
7.0 PATHS IN RESERVES....13
7.1 Responsibilities and Management....13
7.2 Paths on State Government Land....13

7.3 Paths in Council Nature Reserves....13
7.4 Paths in Other Council Reserves....13
Reserve Master Plans....13
Short Links Between Streets....13
Other Reserve Maintenance and Management....14
8.0 FUNDING AND PROGRAMMING....15
8.1 Funding Requirements....15
8.2 Sources of Funding....15
8.3 Long Term Infrastructure Plan and Annual Capital Expenditure Budgets....15
ATTACHMENT ONE: Description of Multi-Criteria Analysis Criteria and Weighting....16
ATTACHMENT TWO: Prioritised List of Major Paths in Roads and Streets....17
ATTACHMENT THREE: Prioritised List of Minor Paths in Roads and Streets....19
ATTACHMENT FOUR: List of Paths in Reserves....20

1.0 EXECUTIVE SUMMARY

In addition to providing recreation and exercise benefits, the availability of footpaths and shared paths provide essential access to such destinations as schools, shops and workplaces. Council already manages nearly 1,000 kilometres of formed paths to successfully meet these needs. However, there are parts of Frankston where the paths network has gaps that need filling in, or where roadside footpaths are absent entirely. In a few instances, access to destinations can also be improved by creating all weather surfaces through parks and reserves.

The principal purpose of the *Frankston Paths Development Plan (PDP*) is to assist Council in identifying and prioritising paths projects in order to program, fund and complete Frankston's pathway network. The 2020 PDP revises and updates the first Plan approved by Council in 2015

The PDP catalogues potential paths projects identified in the 2015 PDP and through later requests and investigation. In the first PDP adopted in in late 2015, 151 paths were identified for construction in subsequent years. Since then (to April 2020) 34 have been completed or substantially completed.

This PDP includes three broad categories of projects:

1. Longer length paths in road and streets;
2. Minor paths in road and streets; and
3. Paths located in off-road reserves, such as in parks and natures reserves.

Minor paths projects in road reserves could be funded through a specific allocation in Council's Capital Works budget to implement small paths projects and to respond to urgent small paths improvements.

To assist with the scheduling of the paths projects in roads and streets, each of the minor and larger identified projects has been ranked using a multi-criteria assessment (MCA) process based on such considerations as safety, access and completion of strategic networks. This methodology provides an ongoing systematic framework for assessing and ranking any newly identified projects in road reserves and for proposing projects for delivery through each future Council annual budget.

A group of paths in the PDP are located in Council reserves. Whilst the Plan prioritises these projects in terms of their role in providing access, it acknowledges that decisions about their scheduling are more likely to be influences by reserve planning and operational considerations, such as the maintenance costs of existing gravel paths.

A small number of paths in the PDP are also located on land controlled by the State Government. These are likely to be largely funded and managed by Council, but require approval of the relevant government organisation land owner.

In addition to paths planned to be funded and delivered by Council, the PDP includes reference to paths projects which are being funded and delivered by the State Government. These are expected to be managed by Council once completed.

The estimated cost of projects listed in the Plan is $9.318 million comprising:

Path Location/Type	**Est Cost $millions**
Minor Paths in Streets and Roads	0.178
Longer Paths in Streets and Roads	7.930
In Reserves	1.210
Total	9.318

It is expected that Council will fund the majority of the costs for the paths, but will continue seek State and Federal Government funding for these and any new paths projects. Additionally private funding of some paths may occur as part of development requirements in the statutory planning approval process.

2.0 INTRODUCTION

Having safe, convenient, well designed and maintained pathways are core community expectations for meeting the day to day walking needs of residents and their families - particularly for walking to school, work and public transport, and for shopping and recreation. City pathways are also used by cyclists and by those in wheelchairs or on mobility scooters.

City visitors, too, have the same expectations as Frankston's residents for using the City's on and off-road pathways.

Plan Focus

The PDP focuses on identifying and prioritising pathway projects which primarily provide an access function (as opposed to, for example, paths primarily used for recreation or leisure located in parks and reserves). It incorporates all paths that are within Council's responsibility, outside of the Frankston Major Activity Centre (FMAC). Planning for the pathway network in this area will occur in conjunction with strategic land use planning and as part of specific enhancement projects.

Purpose of Plan

To meet the expectations of residents and visitor, Frankston City Council is committed to planning, constructing and maintaining good quality paths throughout the City. The Frankston Paths Development Plan (PDP) assists in successfully carrying out these tasks. In particular, the Plan:

- Includes a comprehensive list of potential pathway projects for delivery or advancement by Council;
- Provides a sound methodology for ranking projects located in roads and streets taking into account their relative benefits; and
- Identifies access paths in nature and recreational reserves for inclusion in reserve development and management plans.

Incorporating these features into the Plan provides Council with a systematic and transparent basis for:

- Responding to community request for new paths;
- Assisting in allocating funding for paths projects in annual budgets;
- Seeking Federal and State Government funding for specific projects;
- Coordinating with the planning of other paths that may be provided in the course of private, government or Council developments;
- Maintaining and enhancing the existing pathways network; and
- Demonstrating progress towards achieving Council's Strategic Objectives

Relevant Strategic Objectives and Actions

Providing infrastructure for pedestrians and cyclists are important in achieving the following Council relevant objectives:

- Frankston City Council Plan 2017-2021 Council Plan Strategy 1.1.6 – "Ensure community infrastructure and services meet community needs".'
- Frankston Integrated Transport Strategy - Increase in trips made by walking from 11% (VISTA* 2009) to 14% of all trips by 2025.
- Frankston Integrated Transport Strategy: Action7-13 "Extend the footpath network".
- Frankston Open Space Strategy 2016-2036: Priority action 7 "Upgrade paths, links and crossing points across infrastructure barriers, routes accessing schools, and open space catering for play".

**VISTA is the Victorian Integrated Survey of Travel and Activity, undertaken by the Victorian Government that surveys households on ALL trips for ALL purposes.*

Environmental Considerations

Providing a long lasting and usable path may create challenges in some projects due to a lack of existing drainage flowpaths and the existing natural

vegetation. This will require Council to consider not only the social benefits to the community in providing safe and accessible connectivity but also the broader benefits of retention and enhancement of vegetation. In constructing paths as part of this plan Council will balance the need for appropriate accessibility particularly for disabled and disadvantaged members of the community, with the desire to minimise vegetation loss. In some cases there may be a need to remove or modify existing vegetation. In such circumstances every effort will be made to keep impact to a minimum and, further, appropriate revegetation will be incorporated into the project.

Plan Content

The remaining sections of the Plan are as follows:

3.0 City Pathways and Pathway Users:

4.0 Relevant Policies, Plans and Projects

5.0 Identification and Prioritisation of Paths Projects:

6.0 Paths in Streets and Roads:

7.0 Paths in Reserves:

8.0 Funding and Programing:

ATTACHMENT ONE: Description of Multi-Criteria Analysis Criteria and Weighting

ATTACHMENT TWO: List of Longer Paths

ATTACHMENT THREE: List of Minor Paths

ATTACHMENT FOUR: List of Paths in Reserves

Finally, the PDP is not a fixed plan but is a starting point for the future planning and delivery of Frankston's pathways. As noted earlier, the methodology adopted for the identification and prioritisation of potential pathway projects provides a sound systematic framework for assessing and ranking any new projects, and for proposing projects for implementation through future Council annual budgets and the Long Term Infrastructure Plan

3.0 CITY ACCESS PATHWAYS AND PATHWAY USERS

3.1 City Pathways Network

Pathways in Frankston comprise those which are the responsibility of the Frankston City Council and the Victoria State Government and its agencies.

In all, there are currently 994 kilometres of pathways within Frankston managed by the Frankston City Council.

State Government pathways mainly comprise part of the 25 km long Peninsula Link Trail, and paths in the Pines Flora and Fauna Reserve, Langwarrin Flora and Fauna Reserve and Frankston Nature and Conservation Reserve.

The main types of Council pathways are:

Roadside footpaths – constructed in concrete or asphalt and occasionally gravel surfaced and generally 1.4 metres wide but up to 2.5 metres in suburban areas and higher in shopping, school and service locations

Roadside Shared Paths – constructed of concrete or asphalt and mostly from 2.0 metres to 2.5 metres wide, but some up to 3.0 metres

Off-Road Formed Footpaths – constructed of concrete, asphalt or gravel and predominantly located in recreational and nature reserves, with some acting as connecting routes between roads/streets

Off-Road Shared Paths – of 2.0 to 3.0 metres in width with concrete, asphalt or gravel surfaces and predominantly located in recreational and nature reserves, with some acting as connecting routes between roads/streets

3.2 Location of Paths in Streets and Roads

Table 1 shows the length of path in the nine suburbs in Frankston, together with the proportion of path in each area. A percentage greater than 100 is possible as paths can be on both sides of the road and also within other reserves.

Carrum Downs, Frankston, Frankston North and Seaford are well provided with roadside footpaths. Sandhurst does not have as high a proportion as these four, but has a significant network of connecting off-road paths.

The lower proportion for Skye and Langwarrin are influenced by the extent of rural roads in the east of the City – though the lower proportion for Langwarrin is also influenced by the lack of footpaths in the western part of the Woodside Estate bordering McClelland Drive.

In two areas of Frankston South (between Kars Street/Baden Powell Drive and Nepean Highway and surrounding the Frankston Reservoir) many streets are without footpaths, resulting in a lower proportion overall compared to other established suburbs. Few footpaths exist in Langwarrin South because of its rural and semi-rural environment.

TABLE 1 – Proportion of Roads with Footpaths

Suburb	Footpath Total Length (km)	Arterial Road Length (km)	Sub-Arterial Road Length (km)	Local Road Length (km)	Total Road Length (km)	% Footpath
Carrum Downs	153.19	2.64	3.65	92.82	99.11	154.6%
Frankston	334.85	8.47	9.37	167.48	185.32	180.7%
Frankston North	63.41	1.32	-	27.40	28.72	220.8%
Frankston South	92.02	2.18	10.55	90.84	103.57	88.8%
Langwarrin	113.1	5.93	16.43	103.23	125.59	90.1%
Langwarrin South	0.95	1.31	8.42	13.34	23.07	4.1%
Sandhurst	27.46	0.17	2.33	23.46	25.96	105.8%
Seaford	169.59	5.24	-	74.42	79.66	212.9%
Skye	40.06	4.66	5.87	35.80	46.33	86.5%
TOTAL	994.63	31.92	56.62	628.79	717.33	138.7%

3.3 Pathway Users

Daily Trips

From 2009/10, the Victoria Integrated Survey of Travel and Activity (VISTA), 10.6 percent of daily trips made by Frankston residents were by walking and one percent by cycling. This compares with 9.4 percent and one percent respectively two years previously.

Age Profiles

Compared to the Greater Melbourne area, Frankston has a higher percentage of young people under 19 years and a higher percentage of people.

Young people, including school children and those who don't have access to a motor vehicle, frequently walk or cycle to access educational, social and sporting destinations

Older people often walk for recreational and/or social purposes and to maintain their fitness and are increasing using mobility scooters on footpaths.

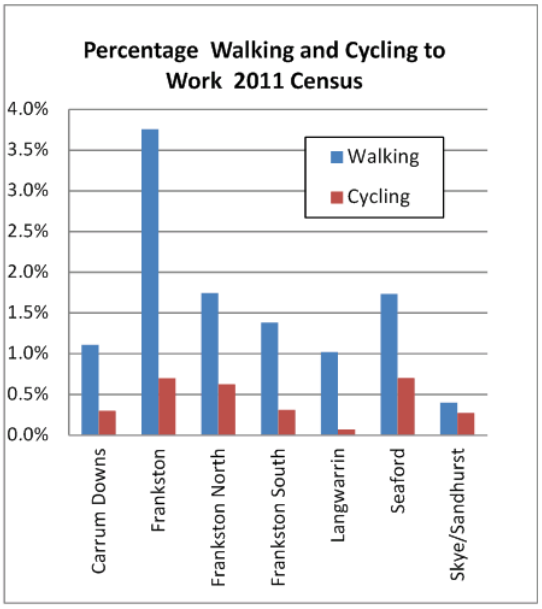
Journey to Work

According to the 2011 Census, only 1.6 percent of people living in Frankston City walked to work.

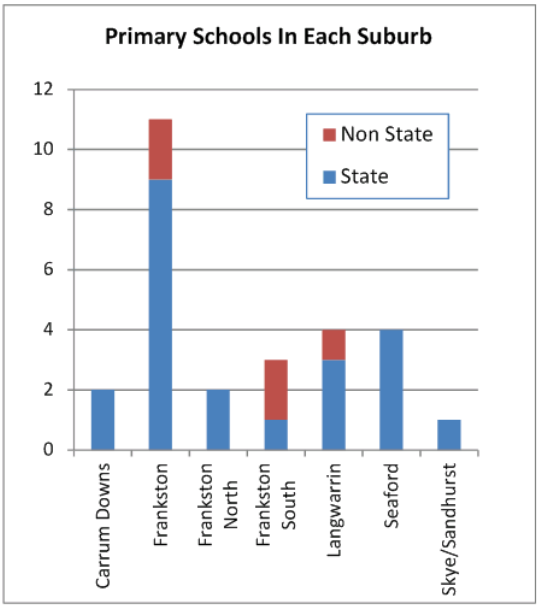
Whilst the proportion walking to work is low, a low proportion of employed residents (31.6 percent) work in the City. Assuming that only residents who live and work in Frankston walk to work, the percentage of these residents walking to work is much higher – about five percent.

Walking to work is highest in the areas of Frankston with the largest proportion of employment. In 2011, Frankston suburb residents recorded the highest percentage walking to work.

GRAPH 1 - Percentage Walking to Work from Each Suburb



GRAPH 2 – number of Primary Schools in Each Suburb



Source: ABS Census of Population and Housing 2011

Walking and Cycling to School

Over 20,500 students attend 41 schools in Frankston. Of the school pupils approximately 8,500 attend State primary schools, and 7,500 attend State secondary schools. Children aged 12 years and under are permitted to cycle on footpaths under Victoria Road Rules.

Walking is highest in the immediate areas surrounding primary schools with secondary schools having a larger walking catchment. Those suburbs with a higher proportion of schools per head of population are likely to see more pupils walking to school as walking distances will be generally shorter. Private schools have citywide catchments with a high proportion of students bussing, driving or being driven to school.

Graph 2 shows that the suburb of Frankston has by far the highest number of primary schools. The siting of State secondary schools is more evenly spread throughout Frankston.

4.0 RELEVANT POLICIES, STRATEGIES, PLANS AND PROJECTS

4.1 Relevant Policies and Strategies

As well as providing access to and from destinations within Frankston, walking and cycling on Frankston's on and off-road pathways are not only great ways to keep fit and healthy, they are also free and enjoyable modes of transport that are great for the environment.

In fulfilling these purposes, the PDP aims to achieve Council's transport and non-transport objectives and targets within the context of Council and State policies and plans. These include:

Frankston Integrated Transport Strategy (2013)

- Action 7-13: Continue to expand the footpath network
- Theme Objective: Encourage greater use of sustainable modes

Bicycle Strategies and Plans

- Frankston Bicycle Strategy identifies potential Shared Use Paths (SUPs)
- State Government's Principal Bicycle network includes SUPs
- Active Transport Victoria commits State Government funding for safer walking and cycling

Open Space Strategy (2015)

- Identifies pedestrian cyclist routes leading to and within reserves
- Advocates and plans for improvements to pedestrian and cyclist connections within and to reserves

4.2 Asset Management Framework

Council's Asset Management Policy guides how its assets, including paths, are programmed and managed. The PDP contributes to the asset management process within the overall context of Council decision making and corporate planning and operating as shown below.

Paths in the road reserve are also subject to the requirements of the Road Management Plan, which establishes a paths hierarchy linked to agreed levels of service.

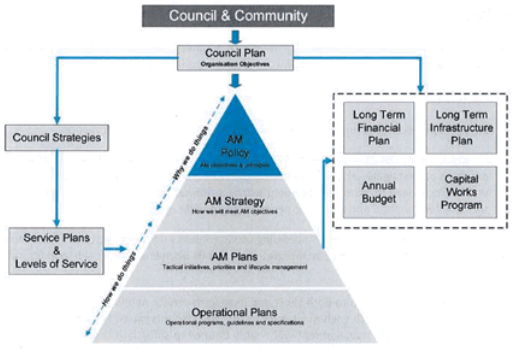


Figure 1: Asset Management Framework

4.3 State Government Projects

The State Government sponsored Peninsula Link opened in 2013. It included 25 kilometres of shared use paths (SOPs). Delivered by the Level Crossing Removal Projects (LCRP) the State Government is now constructing a seven kilometre long shared use path along the railway line between Carrum Station and Frankston Station. This is a welcome addition to the pedestrian and cycle network for the City. A number of identified paths in the PDP are a result of and connect to the Carrum to Frankston SUP.

The State Government is also currently funding $1.0 million of improvements to the SUP in Carrum Downs. A further $3-4 million of State funding is earmarked for extending the SUP network within and to the Seaford Wetlands.

Apart from raising the opportunity to extend or upgrade the linking complementary Council paths network, the State Government paths projects help promote greater community walking and cycling for recreation and to access schools, shops and work.

5.0 IDENTIFICATION AND PRIORITISATION OF PATHWAY PROJECTS

5.1 Previously Listed and Newly Identified Projects

Paths included in this Plan largely come from the 2015 Paths Development Plan where the methodology for sourcing these projects can found.

A moderate number of new projects since then have also been identified through the following:

- By Council staff in the course of their day to day responsibilities, for example, because of perceived safety risks.
- As a result of resident requests
- Through advocacy of Councillors

In addition, over the last three years State Government has been active in creating or planning new paths, notably the construction of a shared us path along the rail corridor between Carrum and Frankston, to be completed in 2020. A small number of new paths have been identified, or existing Paths Plan projects re-configured as the result of these projects.

5.2 Benefits of a Systematic Approach to Paths Planning

The PDP takes a systematic and comprehensive approach to identifying and prioritising pathway projects, the benefits of which include better assisting in:

- Responding to community request for new paths;
- Assisting in allocating funding for paths projects in annual budgets;
- Seeking Federal and State Government funding for specific projects;
- Coordinating with the planning of other paths that may be provided in the course of private, government or Council developments;
- Maintaining and enhancing the existing pathways network; and
- Demonstrating progress towards achieving Council's Strategic Objectives

5.3 Categorisation of Projects

The original PDP, included two separate lists of paths projects – one to be funded or part funded by Council and one expected to be delivered by developers. This PDP includes three broad categories of projects:

1. Longer length paths in road and streets;
2. Minor paths in road and streets; and
3. Paths located in off-road reserves, such as in parks and natures reserves.

Longer length projects are budgeted for separately. Over the last three years, expenditure on larger projects has averaged $1.72 million a year

Minor paths projects in road reserves could be funded through a specific allocation in Council's Capital Works budget to implement small paths projects and to respond to urgent small paths improvements.

Paths in Council reserves full into two categories:

— Paths in recreational reserves; and
— Paths in nature reserves;

Whilst the Plan prioritises these projects in terms of their role in providing access, it acknowledges that decisions about their prioritising is more likely to be influences by reserve planning and operational considerations, such a maintenance costs.

In addition to paths in Council reserves, a number of paths listed in the PDP are located on State Government Land. For these paths, it is expected that Council would contribute to all or much of funding for their construction.

6.0 PATHS IN ROADS AND STREETS

6.1 Prioritisation Methods

Council has finite financial resources and needs to balance competing community interests. A sound method of prioritising paths projects assists Council in developing a pathways construction program that will be funded and implemented over a number of years

A common way to prioritise projects is to carry out a multi-criteria assessment (MCA). This generally involves "scoring" each project according to agreed criteria and ranking the projects based on their total score. In addition some criteria may be given greater emphasis compared to others through a weighting process.

6.2 Project Prioritisation

For the PDP, a simplified multi criteria assessment (MCA) has been adopted to rank projects located in streets and roads using the following criteria categories:

- Safety;
- Connectivity;
- Strategic Objectives; and
- Amenity.

Information on the MCA criteria, how they are scored is found in ATTACHMENT ONE.

The prioritised list included in the PDP is based on a weighting of Safety 20%), Connectivity (50%) Strategic (20%) and Amenity (10%).

Desirably, projects which are in the higher priority

6.3 Priorities for Longer Path Projects

The PDP lists 76 longer-length paths projects located in city roads and streets. The prioritised list can be found in ATTACHMENT TWO. It includes standard 1.5 metre footpaths as well as paths shared by pedestrians and cyclists (Shared Use Paths or SUP).

The estimated cost of constructing these paths is $7,930,000.

Desirably, projects which score the highest MCA scores are to be programmed for construction first as they are assessed to have the highest benefits. However, it is recognised, that some priorities may change as annual budgets are set as a result of changes such as in community expectations, new developments, arising safety concerns and State Government initiatives.

6.4 Priorities for Minor Path Paths Projects in Roads and Streets

Council has created a new budget for funding the construction of minor paths. Such paths include short length paths, minor missing links, and urgent minor path improvements – all estimated cost $15,000 or less.

Where minor paths have been identified, they have been prioritised in the PDP using the MCA procedure. This will assist in developing a program aimed at completing the 20 minor paths listed in the PDP over a period of four to six years (see ATTACHMENT THREE). The estimated cost of these projects is $178,000.

7.0 PATHS IN RESERVES

7.1 Responsibilities and Management

Of the 23 paths identified within reserves, 18 are in Council reserves and the remainder are situated on State Government land. In the latter case, there is an expectation that any new paths will be funded and managed by Council.

Paths in Council's reserves are either located in nature reserves or recreational, link and passive community reserves.

In general, Council aims to leave paths in nature reserve as natural as possible without in many cases any surface treatments such as gravel surfaces.

New or upgraded paths in other Council reserves are generally planned for and funded in two main ways:

- As a component of reserve Master Plans: or
- Identified through ongoing maintenance and management.

The following sub-sections elaborate on the separate responsibilities for paths and how they are planned for and funded.

A list of paths identified in reserves and their respective priorities are is found in ATTACHMENT FOUR. The estimated cost to construct these paths is $1,210,000.

7.2 Paths on State Government Land

Three of the five paths located on State Government land are informal paths created over time on Melbourne Water reserves as people short-cut between streets. Although Melbourne Water manage and maintain their reserves, Council maintain a number of paths located in Water Reserves. The construction of any permanent paths is therefore expected to be funded by Council.

One of the remaining identified paths in located on railway land and the other on an access road to Penlink off McClelland Drive. Some State Government funding may be available to fund path construction as could be access benefits for the government agencies involved.

7.3 Paths in Council Nature Reserves

Concreting the gravel path between Henry Crescent and East Road through the Austin Reserve is the only identified path located in a nature reserve. It is important link for school children attending Seaford Park Primary School from the Austin Road area and also connects with Belvedere Reserve.

7.4 Paths in Other Council Reserves

Reserve Master Plans

Larger recreational reserves are generally developed through a Master Planning process, the aims of which are to develop a vision for the reserve and to establish the future direction and long term planning framework for its achievement. The process involves community and stakeholder consultation and results in recommended planned improvements covering landscaping, buildings, sporting facilities and pedestrian and vehicle access.

During the process of developing Master Plans account can be taken of pedestrian and cyclists access to, from and through the reserve.

Currently Master Plans are being developed for the Overport Reserve and Joh Monash Reserve

Short Links Between Streets

Within Frankston there are a large number of paths which links between streets, often of short-length such a connecting court bowls. Most of the existing paths are constructed of concrete or asphalt. Those nominated in the PDP are to upgrade to a concrete surface to improve the amenity and safety for users.

Whilst the short-link paths are generally located in narrow reserves there may be some opportunity for landscape improvements.

Other Reserve Maintenance and Management

A large number of reserves are maintained and improved on an ongoing basis without the development of Master Plans. This involves assessments of the need for reserve furniture and infrastructure to be upgraded or replaced. New paths may be constructed or upgraded as a result, particularly where maintenance costs will be reduced and the overall amenity of the reserve is being improved.

In some cases, paths will be upgraded on their own to reduce maintenance costs or to eliminate hazards for users.

8.0 FUNDING AND PROGRAMMING

8.1 Funding Requirements

An estimated $9.318 is required to fund the paths projects identified in the PDP. In summary, this is made up of:

Path Location/Type	Est Cost $millions
Minor Paths in Streets and Roads	0.178
Longer Paths in Streets and Roads	7.930
In Reserves	1.210
Total	9.318

8.2 Sources of Funding

The majority of costs for the projects in the PDP will be funded by Council. Developers may provide some of funding where they are required to provide pathway infrastructure as a part of planning approval conditions.

There is also potential for State or Federal Governments to contribute to paths construction via grants, as part of transport projects, or where there are direct benefits, such as sharing paths for access. Council will continue to advocate for paths grants and inclusion of paths construction or upgrading in future transport projects.

8.3 Long Term Infrastructure Plan and Annual Capital Expenditure Budgets

Council's Long Term Infrastructure Plan (LTIP) sets out its planned expenditure on capital works projects. Funding is for paths construction is specifically included in the current 2020-2030 LTIP in the following budgets:

- Minor Footpath Improvements $576,000
- Total of individual Major Paths Projects $5.8 million

Other LTIP budgets may also include allowance for paths construction or upgrading, such as in parks and reserves. Council is committed to improving its open space planning, including greater emphasis on coordinating the plans holistically across Council. This should ensure that PDP paths are included in relevant open space projects.

Whilst the LTIP informs the development of Council's annual capital works programs, the annual budgets can themselves contain new projects not previously identified or prioritised in the LTIP. Inclusion of an allocation for funding of minor paths in Council's Capital Works budget would be such an example.

The LITP will be updated each year in conjunction with the annual budget. It is expected that this PDP will not only inform development of the 2021/22 Council budget, but the updated LTIP as well.

ATTACHMENT ONE: Description of Multi-Criteria Analysis Criteria and Weighting

Category		Criteria	Explanation	Values	Scoring
ACCIDENT RISK (Current)	1	Traffic Volumes	A higher volume of traffic using a street or road increases the risk to pedestrians	>20,000 vpd	20
				10,000-19,999 vpd	14
				5,000-9,999 vpd	10
				2,500-4,999 vpd	6
				1,000-2,499 vpd	4
				<1,000 vpd	2
	2	Pedestrian and Cyclist Density	The higher the density of pedestrians and cyclists the higher the risk of accidents with passing vehicles (current, mainly comparative pedestrian, volumes)	Very High (e.g. Frankston CAA)	10
				High (e.g. area shops)	8
				Medium (e.g. local shops, schools)	6
				Low (e.g. local streets)	4
				Very Low (e.g. cul de sac)	2
				None	0
	3	Posted speed limit	The higher the speed of vehicles the greater the risk of accidents with pedestrians and cyclists and greater the severity	80 kph or >	20
				70 kph	16
				60 kph	12
				50 kph	8
				< 50 kph	4
	4	Road and Pedestrian Environment	The road and verge environment influence how close pedestrians and cyclist may be to vehicles, and affect the visibility and manouverability for both pedestrians/cyclists	Very Poor (e.g.narrow road/verge, poor sightlines and gradients)	9-10
				Poor (e.g.walking difficult but possible)	6-8
				Average (i.e. some impediments to walking	3-5
				Good/Very good (e.g.wide road/verge, good sightlines & gradients)	0-2
	5	Alternative Access	Availability of alternative access, such as a pathway on one side of the road, may influence whether pedestrians/cyclists walk or cycle	Not available (no alterative formed route or path available)	5
				Alternative route(s) need upgrading	2
				Available (e.g existing path on one side, alternative route available)	0
				RAW SCORE (Maximum 65)	65
				WEIGHTING 20% (WEIGHTED MAXIMUM SCORE)	20
CONNECTIVITY (Potential)	6	Activity Node 1	Activity nodes attract both pedestrians and cyclists. More intense activities generate higher demand which increases with proximity to the activity centre. Some activities, such as schools and retirement villages, are also accessed by the more vulnerable and require a higher standard of pathway.(Select highest score and if example not listed use similar	Multiple, primary or secondary schools, larger shopping area	10
				Primary or secondary school	8
				High use community or recreational facility	8
				Shopping centre e.g. Karingal. Carrum Downs	8
				Local shops	4
				Lower use community or recreational facility	4
				Local bus stop	2
					0
	7	Activity Node 2	(as for Activity Node 1)	(as for Activity Node 1)	10
	8	Adjacent Land Use	The type and density of adjacent land use influences the level of demand for pathway connections. Higher density areas require a higher standard of pedestrian and cyclists access to support the surrounding land use.	High Density Residential	20
				High density commercial	16
				Medium Density Residential e.g. units, low multi-level	16
				Suburban Residential	12
				Medium Density Commercial	12
				Low density suburban residential e.g. large lots	8
				Low density commercial	8
				Industrial	8
				Rural	4
				RAW SCORE (maximum 40)	40
				WEIGHTING 50% (WEIGHTED MAXIMUM SCORE)	50
STRATEGIC	9	Contributes to completion of existing network(s)	Proposed pathway may contribute to building up or completing a planned walking or cycling network	Major (e.g. constributes to strategic walking/cycling route)	10
				Moderate (e.g. contributes to neighbourhood network or links)	6
				Minor (e.g. contributes to local walking/cycling network or links)	3
	10	Supports landuse and other Council plans	Proposed pathway may be essential or contribute to a planned area development or land use activity	Major (e.g. essential component of area plan)	5
				Moderate (e.g. important but not essential component of area plan)	3
				Minor (e.g.desirable component of area plan)	1
				RAW SCORE (maximum 15)	15
				WEIGHTING 20% (WEIGHTED MAXIMUM SCORE)	20
AMENITY	11	Current amenity for pedestrians and cyclists	A new or upgraded pathway will improve the amenity for users and for adjacent land uses. Locations with currently poor amenity will benefit most from pathway construction or	Very poor (e.g. scrub covered, rough terrain, rough surface)	9-10
				Poor (e.g. poor landscaping, natural vegetaton)	6-8
				Average (e.g. partially landscaped, natural vegetation variable)	3-5
				Good (e.g. landscaped, good natural vegetation)	0-2
				RAW SCORE (maximum 10)	10
				WEIGHTING 10% (WEIGHTED MAXIMUM SCORE)	10
				TOTAL WEIGHTED SCORE	100.0

ATTACHMENT TWO: Prioritised List of Longer Paths in Roads and Streets

	Street	From	To	Suburb
1	Greaves Court	Old Wells Road	Seaford Wetlands	Carrum Downs
2	North Road (north side)	Warrandyte Road	Union Road	Langwarrin
3	North Road	Warrenwood Place	West edge of 315 North Rd developmen	Langwarrin
4	North Road (north side)	Union Road	13/261 Nth Road (Warrenwood S/D)	Langwarrin
5	North Road (north side)	151 North Road (west of Korina Court)	Warrandyte Road	Langwarrin
6	Tavistock Road	Towerhill Road	Sycamore Road	Frankston South
7	Nepean Highway (west side)	600 Nepean Highway	Gulls Way	Frankston South
8	Yuille Street	Hastings Road	Bus stop north of tennis club car park	Frankston
9	Ogrady Avenue	Dandenong Road West	Nepean Highway	Frankston
10	Gould Street	112 Gould Street	Nepean Highway	Frankston
11	Robinsons Road	Entrance to Bayside Christian College	Baxter Trail	Frankston
12	Warrandyte Road	Bevnol Road	Robinsons Road	Langwarrin
13	Woolston Drive	Pratt Avenue	Yuille Street	Frankston South
14	Williams Street	Kars Street	Cliff Road	Frankston
15	Kuranda Street	Warrandyte Road	Wahgunyah Crescent	Langwarrin
16	Jamboree Avenue	The Crest	Yuille Street	Frankston South
17	Hill Street	Random Street	Hillcrest Road	Frankston
18	Paratea Avenue	Sibyl Avenue	Rosedale Grove	Frankston South
19	Overport Road	120 Overport Road	Willora Court	Frankston South
20	Fleetwood Crescent	Nepean Highway	Western boundary of 49 Fleetwood	Frankston South
21	Aqueduct Road	Tisdall Drive	End of Aqueduct Road	Langwarrin
21	Lyons Avenue	Yuille Street	The Crest	Frankston South
23	Lang Road	Warrandyte Road	Lang Link	Langwarren
23	Rosedale Grove	Humphries Road	Alicudi Avenue	Frankston South
25	The Ridge / The Spur	Kars Street	The Crest	Frankston South
26	Saint Ives Avenue	Sibyl Avenue	Sweetwater Creek	Frankston South
27	Beech Street	McClelland Drive	Poplar Grove	Langwarrin
28	Sweetwater Drive	Overport Road	Caledenia Cicruit	Frankston South
29	Edward Street	McClelland Drive	Veroncia Street	Langwarrin
30	Veronica Street	Cranbourne-Frankston Road	Edward Street	Langwarrin
31	Wakfield Street	Woolston Drive	Pratt Avenue	Frankston South
32	Ballarto Road	Skye Primary School	Skye Recreation Reserve	Skye - Sandhurst
33	Ballarto Road	Western boundary 270 Ballarto	Entrance to Flinders Christian College	Carrum Downs
34	Cliff Road	Wiliams Street	Liddesdale Avenue	Frankston
35	Spring Street	Wiliams Street	High Street	Frankston
36	Centre Road	Aqueduct Road	North Road	Langwarrin
37	Sibyl Avenue	Humphries Road	Alicudi Avenue	Frankston South
38	Wedge Road	McCormicks Road	Hooper Drive (Whiting Court)	Skye - Sandhurst
39	Maple Street	Elm Grove	Poplar Grove	Langwarrin
40	Barratts Road	Robinsons Road	Lawton Reserve	Langwarrin
41	Cranbourne-Frankston Road	existing path at Skatepark (Lloyd Park)	Signals at Lloyd Park	Langwarrin
42	Derinya Drive	Overport Road	Derinya Primary School	Frankston South
43	Robinsons Road	McClelland Drive	Barretts Road	Langwarren
44	Myrtle Street	Beech Street	Larch Street	Langwarrin
45	Golf Links Road	Moorooduc Highway	Shearer Lane bus stop	Frankston South

46	Larch Street	Myrtle Street	Poplar Grove	Langwarrln
47	North Road (south side)	Bergman Road	Centre Road	Langwarrln
48	Frankston-Flinders Road (east side)	Escarpment Drive	Stotts Lane	Frankston South
49	Elm Grove	Larch Street	Sycamore Street	Langwarrln
50	The Crest	Pratt Avenue	Jasper Terrace	Frankston South
51	Pastoral Street	Kars Street	Scoble Street	Frankston South
52	Colemans Road	South Boundary 110R Colemans Road	North Boundary 110R Colemans Road	Carrum Downs
53	Pratt Avenue	The Crest	Idon Avenue	Frankston South
54	Williams Street	Foot Street	120 metres to west on north side	Frankston
55	Tara Drive	Towerhill Road	Tara Lane	Frankston
56	North Road (south side)	Flame Robin Drive	Existing path link to Black Sheoak Pl	Langwarrln
57	Kelvin Grove	Cranbourne-Frankston Road	McKays Road	Langwarrin
58	Fenton Crescent	Hoadley Avenue	Violet Street	Frankston South
58	Gweno Street	Kars Street	Cliff Road	Frankston
60	Kars Street	Leslie Avenue	20 m south of Pastoral Street	Frankston South
61	Raymond Avenue	Sycamore Street	Long Street	Langwarrln
62	Cedar Street	McClelland Drive	Poplar Grove	Langwarrln
63	Turner Road	Front of 56 Turner Road	Raymond Avenue	Langwarrln
64	Harcourt Avenue	Kars Street	Hoadley Avenue	Frankston South
65	Hoadley Avenue	Kars Street	Fenton Crescent	Frankston South
65	Neil Street	Kars Street	Fenton Crescent	Frankston South
65	Violet Street	Kars Street	Fenton Crescent	Frankston South
68	Alder Street	McClelland Drive	Poplar Grove	Langwarrln
69	Akora Court	Illira Avenue	Dunsterville Reserve	Frankston
70	Picinic Street	Mitic Court	Baden Powell Drive	Frankston South
71	Moorooduc Highway service road	Mountain Road	80 metres north of Harrow Court	Frankston South
72	Poplar Grove	Beech Street	Sycamore Street	Langwarrln
72	Scoble Street	Pastoral Street	Vista Court	Frankston South
74	Sycamore Street	Elm Grove	Turner Road	Langwarrln
75	Old Wells Road	Armstrongs Road	Greaves Court	Seaford
76	Stotts Lane	70 metres south of The Strand	Baxter-Toradin Road	Frankston South

ATTACHMENT THREE: Prioritised List of Minor Paths in Roads and Streets

	Street	From	To	Suburb
1	Reserve Rd	Nepean Highway	Riviera Street	Seaford
2	Smyth Street	Kelso Street	Oates Street	Frankston
3	Brunel Road	Seaford Road	Western end of Belvedere Road	Seaford
4	Brodie Street	Nepean Highway	Beckworth Grove	Seaford
5	Seabrook Way	Existing footpath on Seabrook Way	End of Seabrook Way	Seaford
6	16 Peninsula Crescent	Retirement Village entrance	Retirement Village entrance	Langwarrin
7	Centre Link	Jarman Drive	Cranbourne-Frankston Road	Langwarrin
8	Lorraine Avenue	In front of 1-5 Lorraine Ave	In front of 1-5 Lorraine Ave	Langwarrin
9	Aqueduct Road	Outside 53 Aqueduct Road	Outside 53 Aqueduct Road	Langwarrin
10	Valentine Road	In front of 42 Lorraine Ave	In front of 42 Lorraine Ave	Langwarrin
11	Clifton Grove	In front of Clifton Grove Reserve	In front of Clifton Grove Reserve	Carrum Downs
12	Lorraine Avenue	34 Lorraine Avenue	42 Lorraine Avenue	Langwarrin
13	Wedge Road	McCormicks Road	Bus Stop west of McCormicks Road	Skye - Sandhurst
14	John Monash Drive	1 John Monash Drive	5 John Monash Drive	Skye - Sandhurst
15	Industry Boulevard	Corner with Colemans Drive	Corner with Colemans Drive	Carrum Downs
15	Gateway Drive	Outside 8-10 Gateway Drive	Outside 8-10 Gateway Drive	Carrum Downs
17	Turner Road	In front of 67 Beech Street	In front of 67 Beech Street	Langwarrin
18	Cranbourne-Frankston Road	Outside 445 Cranbourne-Frankston Rd	Outside 445 Cranbourne-Frankston Rd	Langwarrin
19	Alicudi Avenue	Western Boundary of 33 Alicudi Ave	Sibyl Ave	Frankston South
20	Malcom Road	Paterson Ave	Parkleigh Court	Langwarrin

ATTACHMENT FOUR: List of Paths in Reserves

Reserve	From	To	Suburb
Orama Reserve	North west corner	Existing path	Carrum Downs
Wade Link	Wade Court	Melanue Court	Langwarrin
Riviera Reserve	Nepean Highway	Kananook Creek walkway	Seaford
Valley Link	Saint Austell Court	Sanoma Drive	Skye - Sandhurst
Jacana Reserve	Jacana Drive	Szer Way	Carrum Downs
Oakwood Reserve	Oakwood Drive	Dexter Mews	Carrum Downs
Lyster Close Reserve	Lyster Close	Boonong Avenue	Seaford
Swift Link	Swift Court	Woodvale Drive	Carrum Downs
Riviera Reserve	Milroy Crescent	Seabrook Way	Seaford
Pimmys Reserve	Pimmys Court	Minka Place, Darnley Place	Skye - Sandhurst
Roberts Reserve	Roberts Street	Screen Street	Frankston
Pat Rollo Reserve	Bursaria Crescent	Mitre Crescent	Frankston North
Sandgate Basin Reserve	Burleigh Court	Sandgate Avenue	Frankston
John Monash Reserve	Alfred Deakin Grove	John Monash Dr, McCormicks Rd	Skye - Sandhurst
Wingham Park	Bushwood Grove	Ashleigh Ave and Karingal Primary	Frankston
Peninsula Link Trail Access Track	Peninsula Link Trail	McClelland Drive	Langwarrin
Allied Reserve	Allied Drive	Sophia Court and Marcella Place	Carrum Downs
Southgateway Reserve	Existing shared path	Southgateway	Langwarrin
Austin Reserve	Henry Crescent	East Road	Seaford
Tertullian Reserve	Baxter Trail	Penlink Trail	Frankston
East Seaford Reserve	End of Belvedere Road	South of Austin Road	Seaford
Overport Park	Overport Road	Saint Ives Road	Frankston South
Banyan Reserve (S)	Oberon Drive	Luscombe Avenue	Carrum Downs
John Link	Union Road	Warrandyte Road	Langwarrin
Tertullian Reserve	Tertullian Court	Baxter Trail (Willow Road)	Frankston

Prioritised List of Longer Paths in Roads and Streets Including Criteria Assessment

	Street	From	To	Suburb	Safety 20%	Connect 50%	Strategic 20%	Amenity 10%	Total
1	Greaves Court	Old Wells Road	Seaford Wetlands	Carrum Downs	9.5	30.0	16.0	8.0	63.5
2	North Road (north side)	Warrandyte Road	Union Road	Langwarrln	12.9	32.5	8.0	10.0	63.4
3	North Road	Warrenwood Place	West edge of 315 North Rd development	Langwarrln	14.5	30.0	8.0	10.0	62.5
4	North Road (north side)	Union Road	13/261 Nth Road (Warrenwood S/D)	Langwarrln	11.7	32.5	8.0	10.0	62.2
5	North Road (north side)	151 North Road (west of Korina Court)	Warrandyte Road	Langwarrln	9.8	32.5	8.0	5.0	55.3
6	Tavistock Road	Towerhill Road	Sycamore Road	Frankston South	8.6	32.5	8.0	6.0	55.1
7	Nepean Highway (west side)	600 Nepean Highway	Gulls Way	Frankston South	17.5	25.0	8.0	3.0	53.5
8	Yuille Street	Hastings Road	Bus stop north of tennis club car park	Frankston	12.0	27.5	8.0	3.0	50.5
9	Ogrady Avenue	Dandenong Road West	Nepean Highway	Frankston	5.2	32.5	8.0	4.0	49.7
10	Gould Street	112 Gould Street	Nepean Highway	Frankston	8.3	27.5	6.7	5.0	47.5
11	Robinsons Road	Entrance to Bayside Christian College	Baxter Trail	Frankston	13.5	12.5	10.7	10.0	46.7
12	Warrandyte Road	Bevnol Road	Robinsons Road	Langwarrln	12.9	20.0	5.3	8.0	46.3
13	Woolston Drive	Pratt Avenue	Yuille Street	Frankston South	7.4	27.5	4.0	7.0	45.9
14	Williams Street	Kars Street	Cliff Road	Frankston	8.3	26.3	4.0	7.0	45.6
15	Kuranda Street	Warrandyte Road	Wahgunyah Crescent	Langwarrln	7.4	30.0	4.0	4.0	45.4
16	Jamboree Avenue	The Crest	Yuille Street	Frankston South	8.0	30.0	4.0	3.0	45.0
17	Hill Street	Random Street	Hillcrest Road	Frankston	8.3	21.3	8.0	7.0	44.6
18	Paratea Avenue	Sibyl Avenue	Rosedale Grove	Frankston South	8.9	22.5	4.0	9.0	44.4
19	Overport Road	120 Overport Road	Willora Court	Frankston South	10.8	27.5	4.0	1.0	43.3
20	Fleetwood Crescent	Nepean Highway	Western boundary of 49 Fleetwood	Frankston South	6.8	27.5	6.7	2.0	42.9
21	Aqueduct Road	Tisdall Drive	End of Aqueduct Road	Langwarrln	10.8	20.0	4.0	8.0	42.8
21	Lyons Avenue	Yuille Street	The Crest	Frankston South	6.8	30.0	4.0	2.0	42.8
23	Lang Road	Warrandyte Road	Lang Link	Langwarren	7.7	25.0	8.0	1.0	41.7
23	Rosedale Grove	Humphries Road	Alicudi Avenue	Frankston South	7.7	25.0	4.0	5.0	41.7
25	The Ridge / The Spur	Kars Street	The Crest	Frankston South	8.6	18.8	4.0	10.0	41.4
26	Saint Ives Avenue	Sibyl Avenue	Sweetwater Creek	Frankston South	5.8	26.3	8.0	1.0	41.1
27	Beech Street	McClelland Drive	Poplar Grove	Langwarrln	7.7	26.3	4.0	3.0	40.9
28	Sweetwater Drive	Overport Road	Caledenia Cicruit	Frankston South	7.1	25.0	6.7	2.0	40.7
29	Edward Street	McClelland Drive	Veroncia Street	Langwarrln	7.1	26.3	4.0	3.0	40.3
30	Veronica Street	Cranbourne-Frankston Road	Edward Street	Langwarrln	6.8	22.5	8.0	3.0	40.3
31	Wakfield Street	Woolston Drive	Pratt Avenue	Frankston South	6.5	27.5	4.0	2.0	40.0
32	Ballarto Road	Skye Primary School	Skye Recreation Reserve	Skye - Sandhurst	14.5	10.0	5.3	10.0	39.8
33	Ballarto Road	Western boundary 270 Ballarto	Entrance to Flinders Christian College	Carrum Downs	11.7	13.8	4.0	10.0	39.4
34	Cliff Road	Wiliams Street	Liddesdale Avenue	Frankston	6.5	23.8	6.7	2.0	38.9
35	Spring Street	Wiliams Street	High Street	Frankston	6.8	25.0	4.0	3.0	38.8
36	Centre Road	Aqueduct Road	North Road	Langwarrln	11.4	17.5	6.7	3.0	38.6
37	Sibyl Avenue	Humphries Road	Alicudi Avenue	Frankston South	6.8	22.5	4.0	5.0	38.3
38	Wedge Road	McCormicks Road	Hooper Drive (Whiting Court)	Skye - Sandhurst	7.7	22.5	4.0	4.0	38.2
39	Maple Street	Elm Grove	Poplar Grove	Langwarrln	7.1	23.8	4.0	3.0	37.8
40	Barratts Road	Robinsons Road	Lawton Reserve	Langwarrln	6.5	12.5	10.7	8.0	37.6
41	Cranbourne-Frankston Road	existing path at Skatepark (Lloyd Park)	Signals at Lloyd Park	Langwarrln	7.7	23.8	4.0	2.0	37.4
42	Derinya Drive	Overport Road	Derinya Primary School	Frankston South	7.1	25.0	1.3	4.0	37.4
43	Robinsons Road	McClelland Drive	Barretts Road	Langwarren	13.5	12.5	5.3	6.0	37.4
44	Myrtle Street	Beech Street	Larch Street	Langwarrln	6.5	23.8	4.0	3.0	37.2
45	Golf Links Road	Moorooduc Highway	Shearer Lane bus stop	Frankston South	9.5	11.3	8.0	8.0	36.8

Prioritised List of Longer Paths in Roads and Streets Including Criteria Assessment (Continued)

	Street	From	To	Suburb	Safety 20%	Connect 50%	Strategic 20%	Amenity 10%	Total
46	Larch Street	Myrtle Street	Poplar Grove	Langwarrln	6.5	20.0	4.0	6.0	36.5
47	North Road (south side)	Bergman Road	Centre Road	Langwarrln	12.0	7.5	6.7	10.0	36.2
48	Frankston-Flinders Road (east side)	Escarpment Drive	Stotts Lane	Frankston South	14.2	7.5	9.3	5.0	36.0
49	Elm Grove	Larch Street	Sycamore Street	Langwarrln	6.5	22.5	4.0	3.0	36.0
50	The Crest	Pratt Avenue	Jasper Terrace	Frankston South	7.7	21.3	4.0	3.0	35.9
51	Pastoral Street	Kars Street	Scoble Street	Frankston South	7.1	17.5	4.0	7.0	35.6
52	Colemans Road	South Boundary 110R Colemans Road	North Boundary 110R Colemans Road	Carrum Downs	9.2	13.8	4.0	8.0	35.0
53	Pratt Avenue	The Crest	Idon Avenue	Frankston South	6.5	22.5	4.0	2.0	35.0
54	Williams Street	Foot Street	120 metres to west on north side	Frankston	7.4	21.3	0.0	6.0	34.6
55	Tara Drive	Towerhill Road	Tara Lane	Frankston	4.6	25.0	4.0	1.0	34.6
56	North Road (south side)	Flame Robin Drive	Existing path link to Black Sheoak Pl	Langwarrln	8.0	12.5	4.0	10.0	34.5
57	Kelvin Grove	Cranbourne-Frankston Road	McKays Road	Langwarrin	11.7	7.5	4.0	10.0	33.2
58	Fenton Crescent	Hoadley Avenue	Violet Street	Frankston South	6.8	18.8	4.0	3.0	32.5
58	Gweno Street	Kars Street	Cliff Road	Frankston	6.8	18.8	4.0	3.0	32.5
60	Kars Street	Leslie Avenue	20 m south of Pastoral Street	Frankston South	7.7	17.5	4.0	3.0	32.2
61	Raymond Avenue	Sycamore Street	Long Street	Langwarrln	6.2	20.0	4.0	2.0	32.2
62	Cedar Street	McClelland Drive	Poplar Grove	Langwarrln	7.1	17.5	4.0	3.0	31.6
63	Turner Road	Front of 56 Turner Road	Raymond Avenue	Langwarrln	5.5	20.0	4.0	2.0	31.5
64	Harcourt Avenue	Kars Street	Hoadley Avenue	Frankston South	6.8	18.8	4.0	2.0	31.5
65	Hoadley Avenue	Kars Street	Fenton Crescent	Frankston South	6.5	18.8	4.0	2.0	31.2
65	Neil Street	Kars Street	Fenton Crescent	Frankston South	6.5	18.8	4.0	2.0	31.2
65	Violet Street	Kars Street	Fenton Crescent	Frankston South	6.5	18.8	4.0	2.0	31.2
68	Alder Street	McClelland Drive	Poplar Grove	Langwarrln	7.7	15.0	4.0	4.0	30.7
69	Akora Court	Illira Avenue	Dunsterville Reserve	Frankston	5.5	20.0	4.0	1.0	30.5
70	Picinic Street	Mitic Court	Baden Powell Drive	Frankston South	5.8	17.5	4.0	3.0	30.3
71	Moorooduc Highway service road	Mountain Road	80 metres north of Harrow Court	Frankston South	6.8	15.0	4.0	4.0	29.8
72	Poplar Grove	Beech Street	Sycamore Street	Langwarrln	6.8	15.0	4.0	3.0	28.8
72	Scoble Street	Pastoral Street	Vista Court	Frankston South	6.8	15.0	4.0	3.0	28.8
74	Sycamore Street	Elm Grove	Turner Road	Langwarrln	4.6	15.0	4.0	3.0	26.6
75	Old Wells Road	Armstrongs Road	Greaves Court	Seaford	9.8	7.5	4.0	4.0	25.3
76	Stotts Lane	70 metres south of The Strand	Baxter-Toradin Road	Frankston South	7.1	2.5	5.3	10.0	24.9

Prioritised List of Minor Paths in Roads and Streets Including Criteria Assessment

	Street	From	To	Suburb	Safety 20%	Connect 50%	Strategic 20%	Amenity 10%	Total
1	Reserve Rd	Nepean Highway	Riviera Street	Seaford	8.6	25.0	9.3	9.0	51.9
2	Smyth Street	Kelso Street	Oates Street	Frankston	8.6	32.5	4.0	5.0	50.1
3	Brunel Road	Seaford Road	Western end of Belvedere Road		10.8	25.0	9.3	3.0	48.1
4	Brodie Street	Nepean Highway	Beckworth Grove	Seaford	7.1	15.0	9.3	6.0	37.4
5	Seabrook Way	Existing footpath on Seabrook Way	End of Seabrook Way	Seaford	7.7	17.5	9.3	2.0	36.5
6	16 Peninsula Crescent	Retirement Village entrance	Retirement Village entrance	Langwarrin	4.6	26.3	4.0	0.0	34.9
7	Centre Link	Jarman Drive	Cranbourne-Frankston Road	Langwarrln	4.6	20.0	6.7	3.0	34.3
8	Lorraine Avenue	In front of 1-5 Lorraine Ave	In front of 1-5 Lorraine Ave	Langwarrln	5.8	20.0	4.0	1.0	30.8
9	Aqueduct Road	Outside 53 Aqueduct Road	Outside 53 Aqueduct Road	Langwarrln	6.5	10.0	4.0	8.0	28.5
10	Valentine Road	In front of 42 Lorraine Ave	In front of 42 Lorraine Ave	Langwarrln	10.5	2.5	9.3	5.0	27.3
11	Clifton Grove	In front of Clifton Grove Reserve	In front of Clifton Grove Reserve	Carrum Downs	8.3	8.8	4.0	6.0	27.1
12	Lorraine Avenue	34 Lorraine Avenue	42 Lorraine Avenue	Langwarrln	6.5	15.0	4.0	1.0	26.5
13	Wedge Road	McCormicks Road	Bus Stop west of McCormicks Road	Skye - Sandhurst	5.2	11.3	4.0	2.0	22.5
14	John Monash Drive	1 John Monash Drive	5 John Monash Drive	Skye - Sandhurst	4.9	12.5	4.0	0.0	21.4
15	Industry Boulevard	Corner with Colemans Drive	Corner with Colemans Drive	Carrum Downs	4.6	8.8	4.0	4.0	21.4
15	Gateway Drive	Outside 8-10 Gateway Drive	Outside 8-10 Gateway Drive	Carrum Downs	4.6	8.8	4.0	4.0	21.4
17	Turner Road	In front of 67 Beech Street	In front of 67 Beech Street	Langwarrln	6.5	8.8	4.0	2.0	21.2
18	Cranbourne-Frankston Road	Outside 445 Cranbourne-Frankston Road	Outside 445 Cranbourne-Frankston Road	Langwarrin	7.4	8.8	4.0	0.0	20.1
19	Alicudi Avenue	Western Boundary of 33 Alicudi Ave	Sibyl Ave	Frankston South	6.5	8.8	4.0	0.0	19.2
20	Malcom Road	Paterson Ave	Parkleigh Court	Langwarrln	6.5	6.3	4.0	0.0	16.7

Executive Summary

12.11 Jubilee Park Indoor Stadium Redevelopment

Enquiries: (James Robinson: Infrastructure and Operations)

Council Plan

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

Purpose

To brief Council on the Jubilee Park Indoor Stadium Redevelopment progress including schematic design and recent community engagement while also seeking Council approval to proceed with a town planning application in conjunction with commencing detailed design phase.

Recommendation (Director Infrastructure and Operations)

That Council:

1. Notes the outcome of community engagement undertaken by officers during 2019 and 2020;
2. Notes the current total project cost at schematic design, sits within the allocated budget of $34.9M;
3. Approves the current schematic design; and
4. Endorses the project to proceed with a town planning application and to progress with the detailed design phase.

Key Points / Issues

- On the 23 September 2019 (2019/0M12), Council resolved:
  1. *Notes the combined $14.56M in funding contributions from State and Federal Governments and the current funding shortfall of $9.74M to build the fully scoped $34.9M Jubilee Indoor Stadium project.*
  2. *Resolves* the *preferred funding model Option 3A to defer capital works to the value of $5.39M as per the Attachment E (with the exclusion of the Barretts Road Special Charge Scheme to the value of $703K in rates and the inclusion of Kevin Collopy pavilion to the value of $702K) and redirect those funds to the Jubilee project and then fund the shortfall of $4.36M from the Strategic Fund.*
  3. *Approves the preferred concept option as per Attachment A and authorises officers to proceed with the design development and future tendering.*
  4. *Releases the resolution immediately following the Council meeting.*
- Officers have progressed the design with a strong focus on retaining as many of the existing trees where possible while still providing enough car parking spaces to accommodate the new facility.
- Forty (40) additional trees were retained in the current schematic design (retaining 120 tress in total and dropping tree removal to 106 in total). Car park spaces were also still maintained at the required numbers (324 in total).

12.11 Jubilee Park Indoor Stadium Redevelopment

Executive Summary

- The preferred schematic design with revised carpark layout (Refer Attachment A) was presented to Councillors at the Major Projects Advisory Committee (MPAC) on 26 February 2020. There was overall positive support from Councillors for the current design, particularly around the revised carpark and solutions to increase tree retention.
- It was originally planned (following MPAC meeting) to host two community information sessions in March to present the preferred schematic design plans. Due to the evolving COVID-19 situation and Council's commitment to ensure community safety, it was decided to change the format of this event to a live Facebook video broadcast, which was held on 25 March 2020.
- The schematic design has been completed and the project is ready to proceed to the next design phase – town planning and detail design.

Schematic Design Process

- The revised carpark layout also responded to the community feedback received over the two community consultation sessions held in 2019, with a strong will on retaining as many of the existing trees where possible while still providing enough car parking spaces to accommodate the new facility.
- The new design now includes the retention of 40 additional trees (a total of 120 trees retained across the precinct), retains a significant visual canopy for neighbouring residents while also still achieving the parking requirements required by Town Planning.
- Project due diligence studies have also been completed which supports the preferred schematic design. These include:
    - Native Vegetation Impact Assessment
    - Arboriculture Assessment
    - Cultural Heritage Management Plan
    - Landfill gas risk assessment
    - Traffic Impact Assessment Report (conducted on revised car park layout)
    - Acoustic Test & Report
    - Stormwater & Flood Management Investigation
    - Geotechnical Investigation Report
    - Environmental Site Assessment
    - Site Services Review
    - Town Planning and Environmental Planning Review
    - Accessibility (DDA) report
    - Sustainable Management Plan
    - Waste Management Plan

Alternative Car Park Option (refer attachment B)

- In light of residence feedback around the creation of a carpark against their back fence officers investigated an alternative car parking layout which could provide a wider buffer between the eastern carpark and dwelling at Olympic Avenue

Executive Summary

- This can be achieved by removing 56 car parking spaces on the eastern edge of the proposed new carpark (along the neighbouring fence line). These spaces would be relocated to a second new carpark the north-east area of John Coburn Oval.
- There would be 107 car parking spaces in this new carpark, to accommodate the 56 spaces relocated from the eastern boundary and still provide the overflow car parking spaces which already exist informally within that area.
- This will increase the eastern carpark buffer between the new carpark and the neighbouring fence line from 11.6m to 16.5m at the widest section and 6.5m to 11.4m at the narrowest section.
- However, this alternative carpark option is not recommended by Officers primarily due to the cost impact on the current budget & additional community backlash that would arise.
- The implications (positive and negative) are summarised as below:
    - To construct the new 107 car parking spaces to the north-east of John Coburn Oval, including its associated works (linkage road, drainage, embankment, relocation of existing services, etc.), the preliminary estimated cost is $3.8M.
    - This is an additional cost that Council will need to commit to ontop of its current commitment.
    - Should Council elect this option, a more design work will need to be undertaken to ascertain the design details and inform costings. This will impact on the programme with furthers delays due to the re-design of the existing car park and new design.
    - There will be a significant loss of open space in north-west to the north and north-east of John Coburn Oval, totalling to an area of approximate 3,944sq. m.
    - There now becomes two separate construction sites / activates onsite which will greatly impact the precinct and park users during the build.
    - There would be a minor increase of green space and up to 15 existing trees retained along the eastern side boundary.
    - A new linkage road between the existing playground and John Coburn Oval will be constructed in very close proximity to the playground.
    - This is not a great outcome and additional protective measures such as a barriers and fencing will be required to protect children and other park users.

- This car park option is not recommended as there is an additional project cost estimated at $3.8M along with community & open space implications to Council if this option is adopted.

Programme

Below is the current programme based on submitting a Town Planning application during late April / early May.

Complete Concept Design	End of Sep 2019
Complete Schematic Design	End of April 2020
Complete Town Planning	End of Aug 2020
Complete Detailed Design	End of Aug 2020
Complete Tender Documentation	End of Oct 2020
Invite Tender for Construction	Early of Nov 2020
Close of Construction Tender	Mid December 2020
Award of Construction Tender	End Jan 2021
Construction commencement	March 2021
Complete Construction	End April 2023

Financial Impact

If Council choose to further investigate and then adopt the alternate carpark option (Refer attachment B). There will be an additional cost of $3.8M on top the total project cost of $34.9M

An independent Cost Plan was prepared for the preferred Schematic Design and the cost plan indicated the expected Total Project Cost (Excl. GST) incorporating building cost, consultant fees, contingencies, 12 months of escalation and authority charge allowance is $34.9M, which is within the approved project budget.

Consultation

1. External Stakeholders

Peak bodies and User Groups

The following stakeholders have been consulted during the development of the concept design option and schematic design:

- Sport and Recreation Victoria
- Netball Victoria
- Cricket Victoria
- Basketball Victoria
- Frankston District Netball Association (FDNA)
- Frankston District Basketball Association (FDBA)
- Frankston Peninsula Cricket Club
- YCW Football Netball Club
- Frankston RSL

- AFL South East

Community Engagement (2019 & 2020)

Two earlier community consultation sessions were held on 30 January 2019 and 9 February 2019. These sessions were held onsite at Jubilee Park with over 1000 local residences invited (via a letter drop) to 'drop-in'.

Across the two sessions, 21 local residents attended. A Memo was sent out to all Councillors (and EMT) on 14 February 2019 to provide a update on these drop-in sessions. Included in the memo was a summary of the feedback log.

More recently it was planned (following 26 Feb 2020 MPAC meeting) to host another two community information sessions in March 2020 to present the preferred schematic design.

Due to the evolving COVID-19 situation and Council's commitment to ensure community safety, it was decided to change the format of this event to a live Facebook video broadcast. This format still provided the community the opportunity to hear live directly from project officers and to post questions live via the comment section and have these answered directly during the broadcast.

The live broadcast had been promoted to residents and the broadcast was streamed live on Facebook on Wednesday 25 March 5pm.

Officers presented an overview of the project, walked viewers through the plans and answered questions live.

Facebook statistics for the video as at 31 March 2020:

- Total views: Over 2,400
- Estimated reach (how many people have seen it in their timeline): 5,492
- Reactions: 43 in total – all of which are likes or hearts
- Total comments: 36 positive comments supporting the project, 13 questions and 2 negative comments.
- Shares: 8

The recorded video was also uploaded on the Council Facebook page after the broadcast was concluded.

A memo to the Councillors (and EMT) dated 7 April 2020 was sent out to advise the process and outcome of the Facebook live video broadcast conducted on 25 March.

It must be noted that through the Town Planning phase the community will still have the opportunity to comment on the proposal.

2. Other Stakeholders

Project Advisory Group and Project Working Group were formed comprising Council representatives (including EMT), Club representatives and State

Government representative during the concept design development (that commenced in December 2018).

Analysis (Environmental / Economic / Social Implications)

Environmental

Through the carpark redesign 40 additional trees have been retained totalling 120 being retained across the project.

A Native Vegetation Impact Assessment report was prepared to address the native vegetation impacts associated with the development of this project and Clause 52.17 of the Frankston Planning Scheme

The principles of ecologically sustainable development (ESD) will be achieved throughout the design process including achieving a 4 Star green star rating and certification.

Officers are also looking at the vegetation offset (required for the project) to be contained within the Frankston municipality.

Social

Traffic Impact Assessment report was prepared to assess the traffic implications of the proposed Jubilee Park Indoor Stadium development project, including the adequacy of parking provisions, the suitability of the site access arrangements and the likely impacts on future traffic conditions.

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

Legal

Nil

Policy Impacts

Nil

Officer's Declaration of Interests

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

Risk Mitigation

There are incidental and unknown risks associated with the redevelopment of Jubilee Park Indoor Stadium. These risks will be reduced through consultation, accurate design documentation, project management, good practice and adhering to Council's adopted capital works program (CWP) framework which ensure that Council is not adversely impacted.

Executive Summary

The community consultation sessions have provided the local community with the opportunity to provide comments and feedback on the design. This will assist with the Town Planning process once the project is advertised for further community comment.

There would be very significant reputational and strategic risks to Council if it did not proceed with the project and was required to return the $14.56M in external funding.

Conclusion

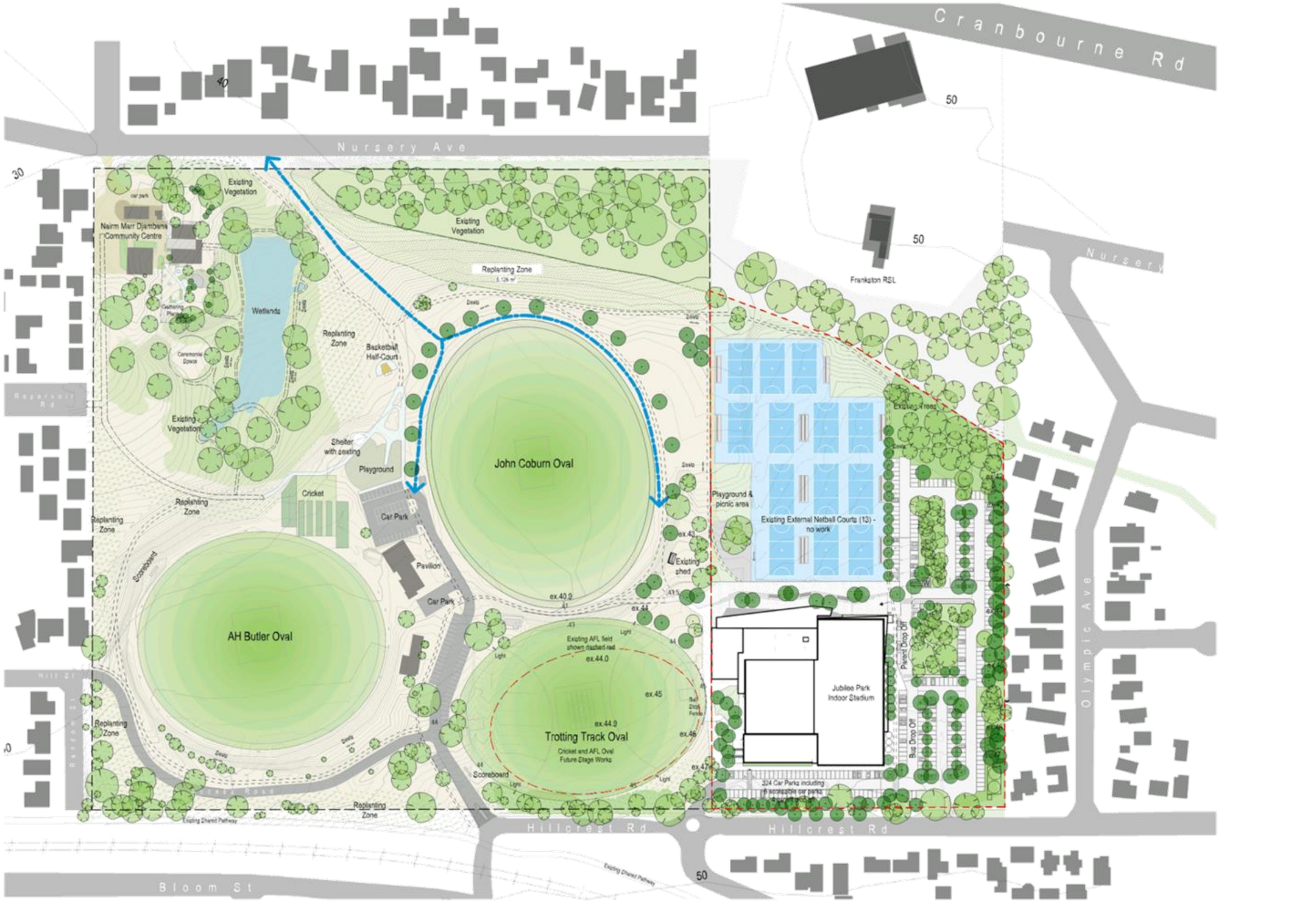
The schematic design has been completed with a preferred option presented to Councillors. All the relevant project due diligence and community engagement has been conducted and the project is ready to proceed to the next design phase – town planning and detail design.

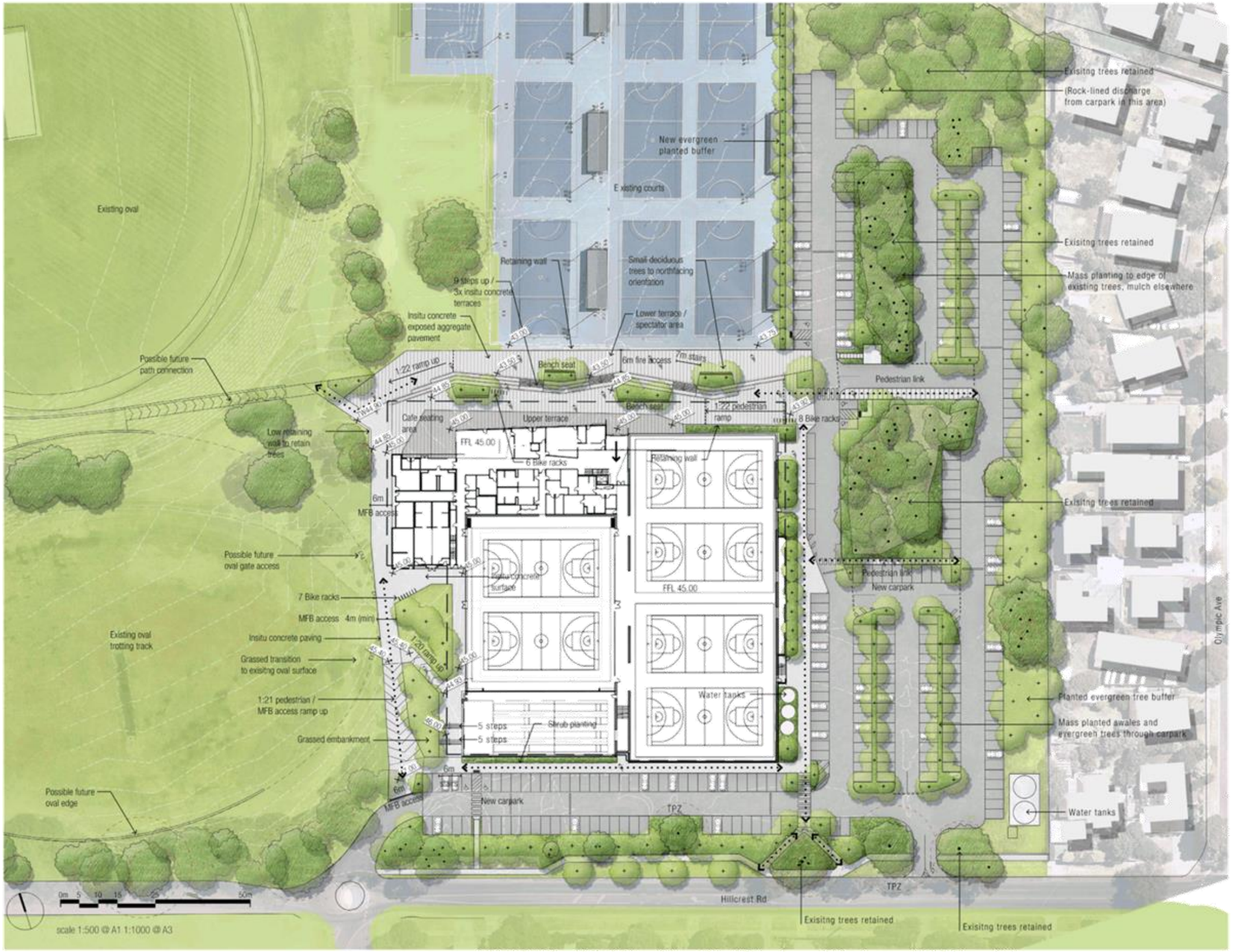
It is therefore recommended that Council approves the schematic design and approves officers to proceed with the town planning application and detail design phase (concurrently).

ATTACHMENTS

Attachment A:⇩ Preferred Schematic Design

Attachment B:⇩ Alternative Carpark Proposal


Cranbourne Rd
Nursery Ave
Nursery
Olympic Ave
Hillcrest Rd
Hillcrest Rd
Bloom St
Reynolds Rd
Hill St
Randall Rd
40
30
50
50
50
Nairm Marr Djambana Community Centre
car park
Existing Vegetation
Existing Vegetation
Wetlands
Gathering Place
Ceremonial Space
Existing Vegetation
Replanting Zone
Replanting Zone
Basketball Half-Court
Replanting Zone
Shelter with seating
Playground
Cricket
Car Park
Pavilion
Car Park
Scoreboard
Replanting Zone
Replanting Zone
AH Butler Oval
Existing Shared Pathway
Replanting Zone
John Coburn Oval
Existing AFL field shown dashed red
ex.44.0
ex.44.9
Trotting Track Oval
Cricket and AFL Oval Future Stage Works
Scoreboard
Light
Light
Light
Frankston RSL
Existing Trees
Playground & picnic area
Existing External Netball Courts (13) - no work
Existing shed
Jubilee Park Indoor Stadium
Parent Drop Off
Bus Drop Off
324 Car Parks including 6 accessible car parks
Existing Shared Pathway
ex.40.9
ex.41.5
ex.42
ex.43
ex.44
ex.45
ex.46
ex.47
Bat Direction
Bat Direction
Bat Direction





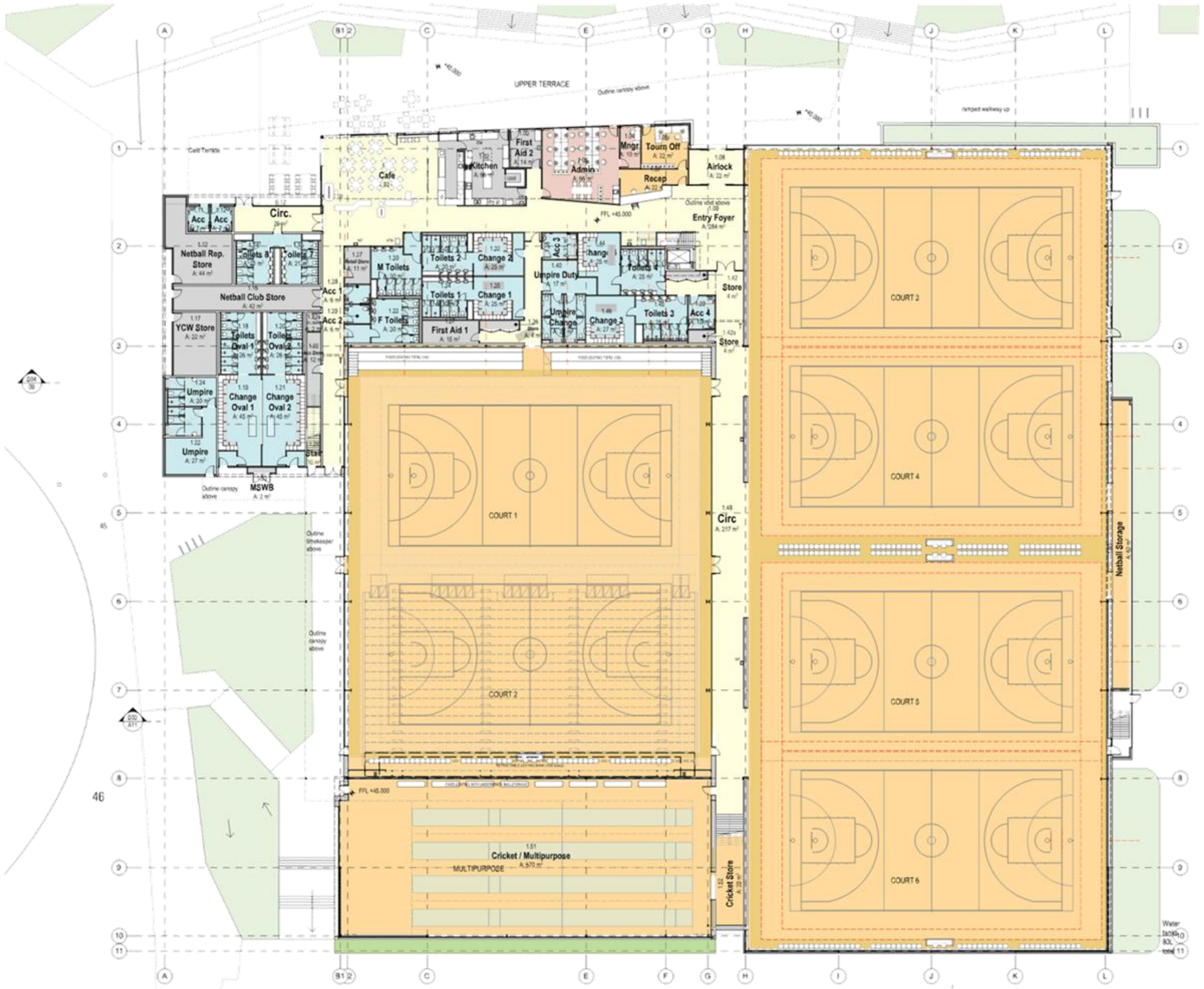
Design intent imagery

williams ross architects

Jubilee Park

Landscape Site Plan

Nov 2019
1:1
1827
03

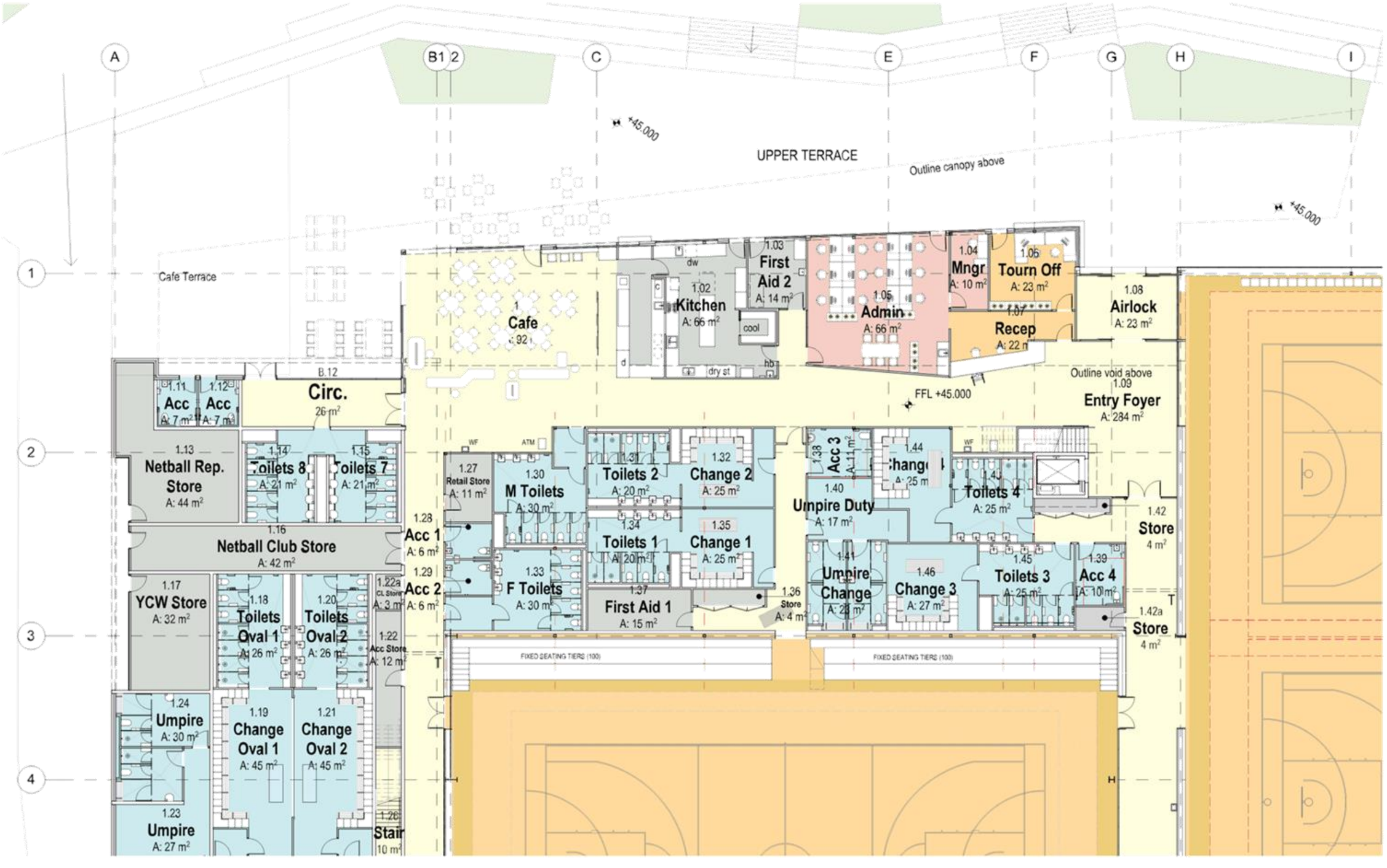


williams ross architects

Jubilee Park

Level 1 Floor Plan

Nov 2019
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1827
05

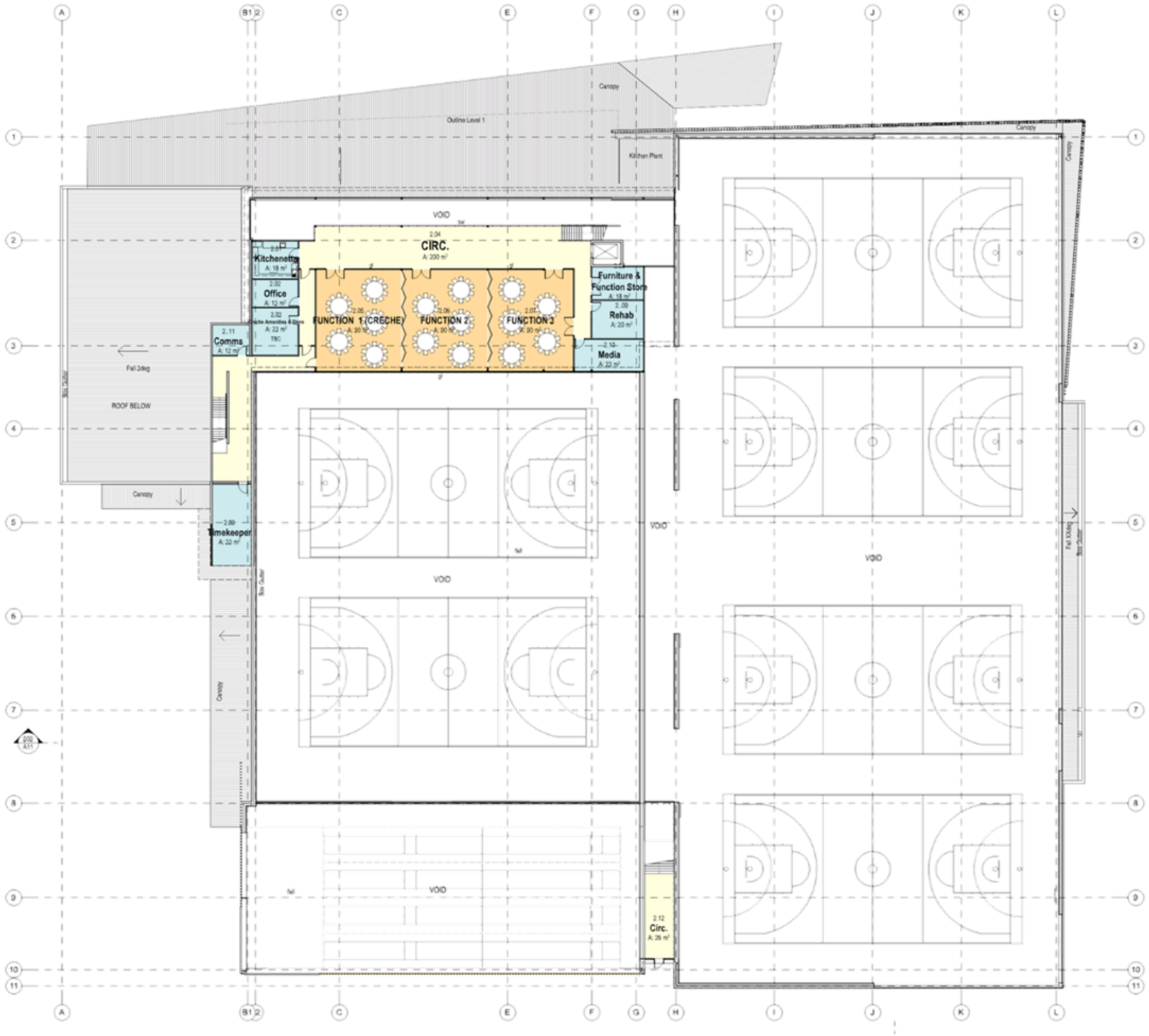


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Jubilee Park

Level 1 Detail Plan

Nov 2019
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1827
06



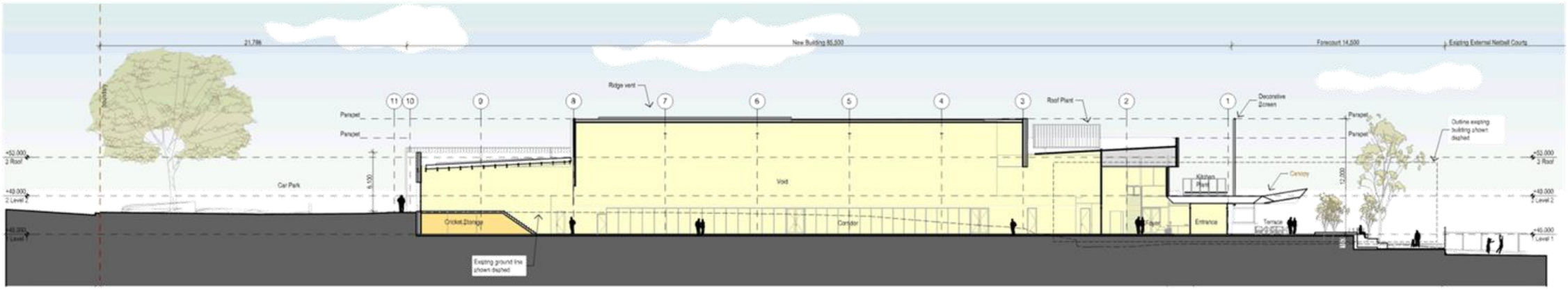
williams ross architects

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Jubilee Park

Level 2 Floor Plan

Nov 2019
1:200
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07





S02 Section 1:200



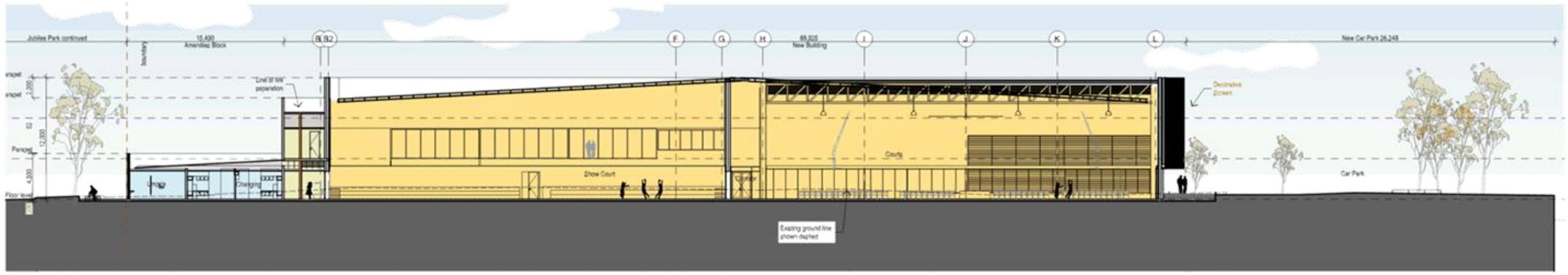
S02 3d 1:69.90

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Jubilee Park

Sections

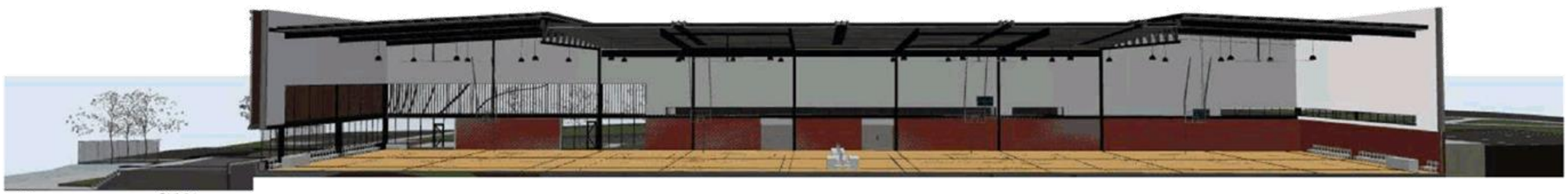
Nov 2019
1:200, 1:100
1827
08



S04 Section
1:200



Courts 3d
1:70.12



S06 3d
1:74.45



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Jubilee Park

Perspective View

Nov 2019
1827
10



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Jubilee Park

Perspective View

Nov 2019
1827
11

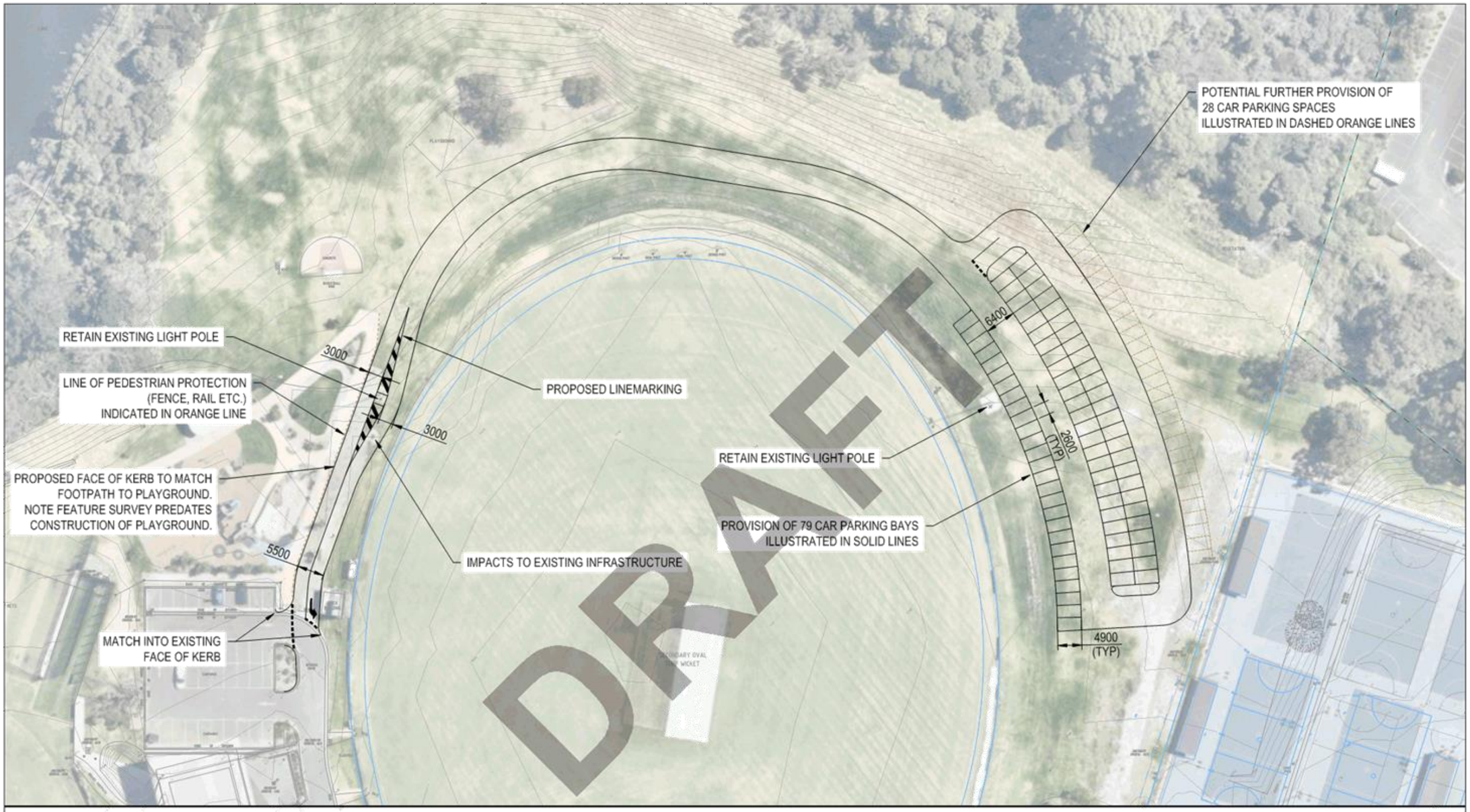


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Jubilee Park

Perspective View

Nov 2019
1827
12



18ME0669 SK038

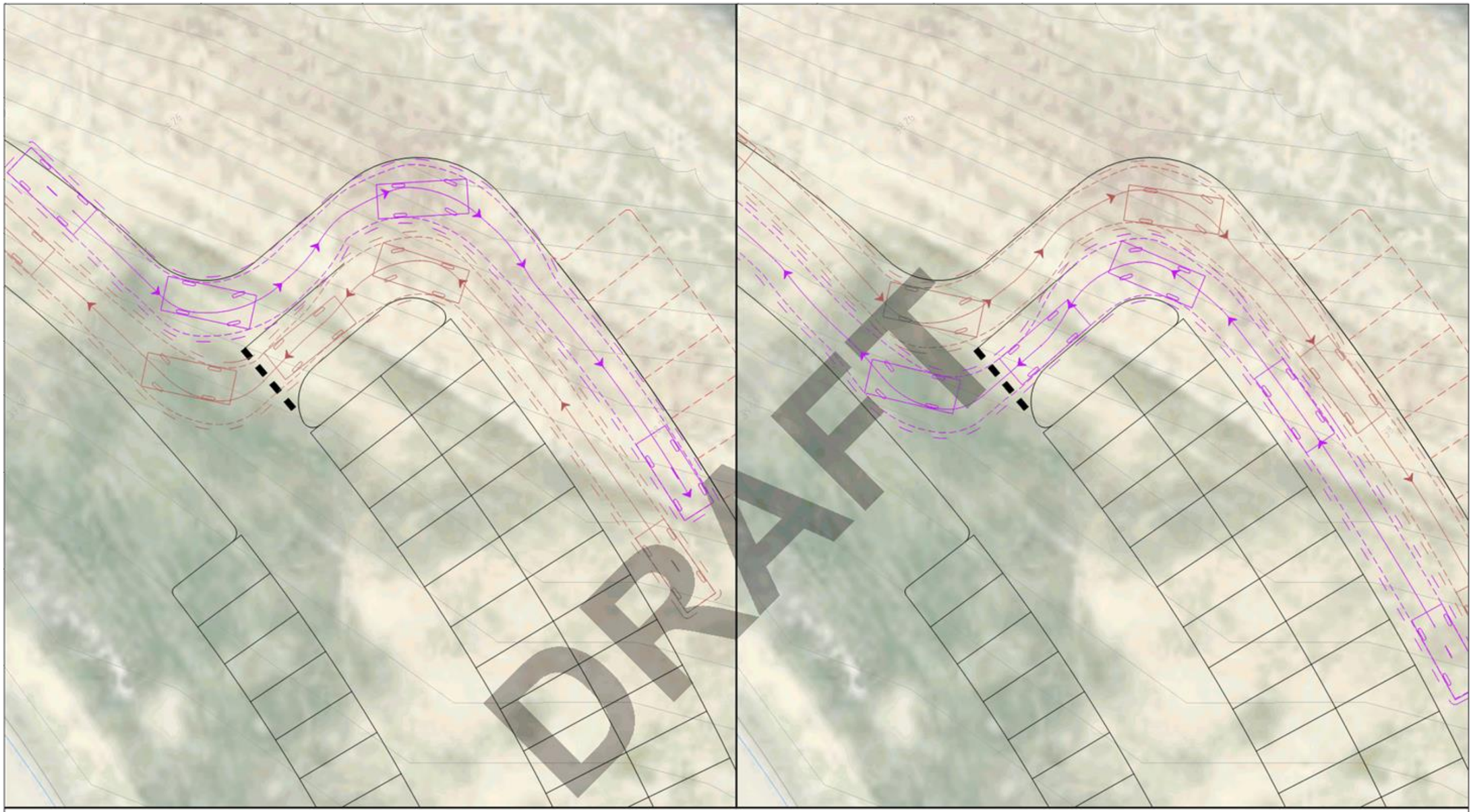
JUBILEE PARK - CAR PARK "OPTION B"
CONCEPT LAYOUT
SC4 30.03.2020

0 15 30m

SCALE 1:750 @A3

irwinconsult

NORTH



VEHICLE LEGEND

B85CAR 300mm CLEARANCE
B85CAR OVERHANG
B85CAR CENTRELINE
AUSTROADS B85CAR

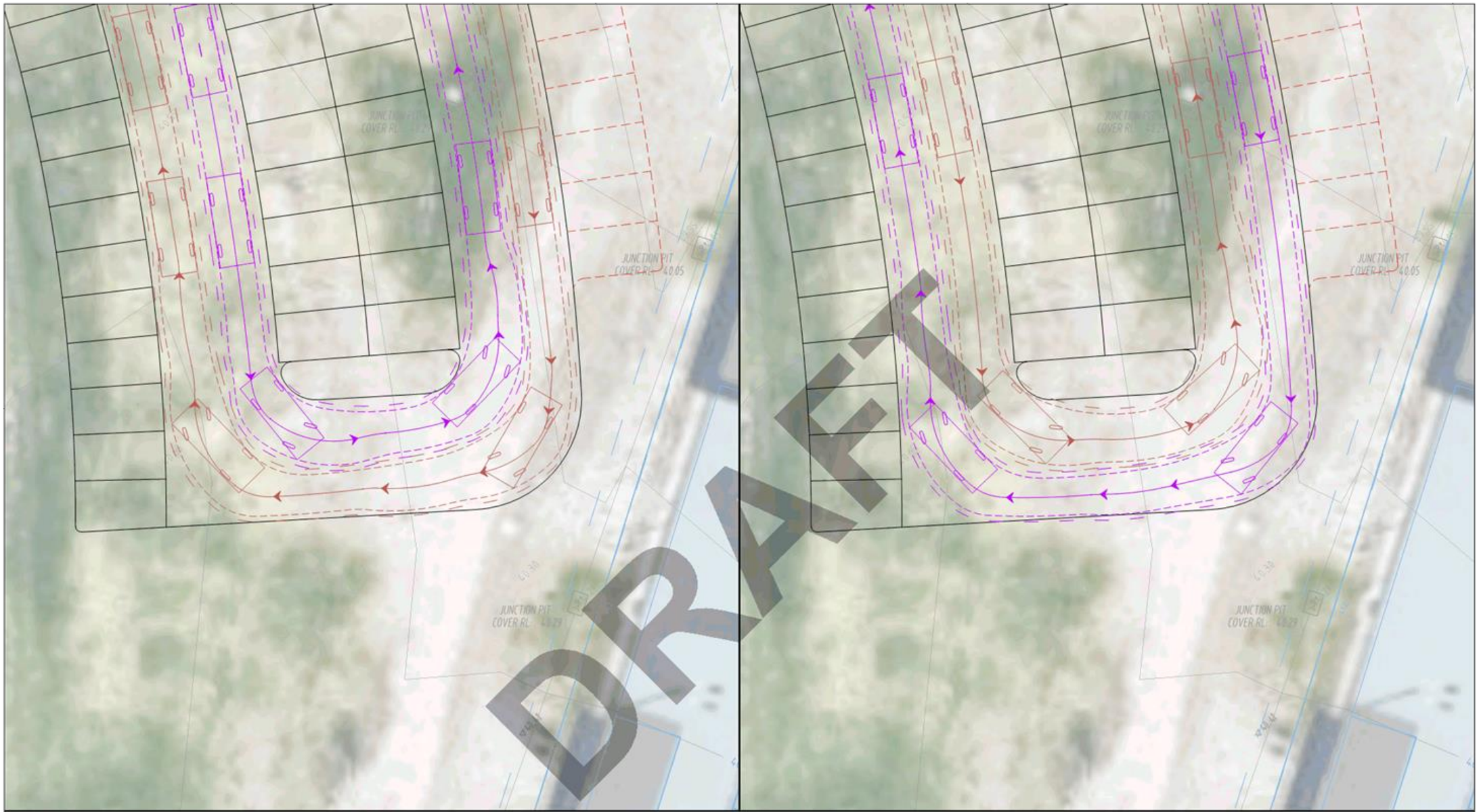
B99CAR 300mm CLEARANCE
B99CAR OVERHANG
B99CAR CENTRELINE
AUSTROADS B99CAR

18ME0669 SK039
AUSTROADS B85CAR & AUSTROADS B99CAR
SIMULTANEOUS PASSING MANOEUVRE 01
SC4 30.03.2020

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wsp

NORTH



VEHICLE LEGEND

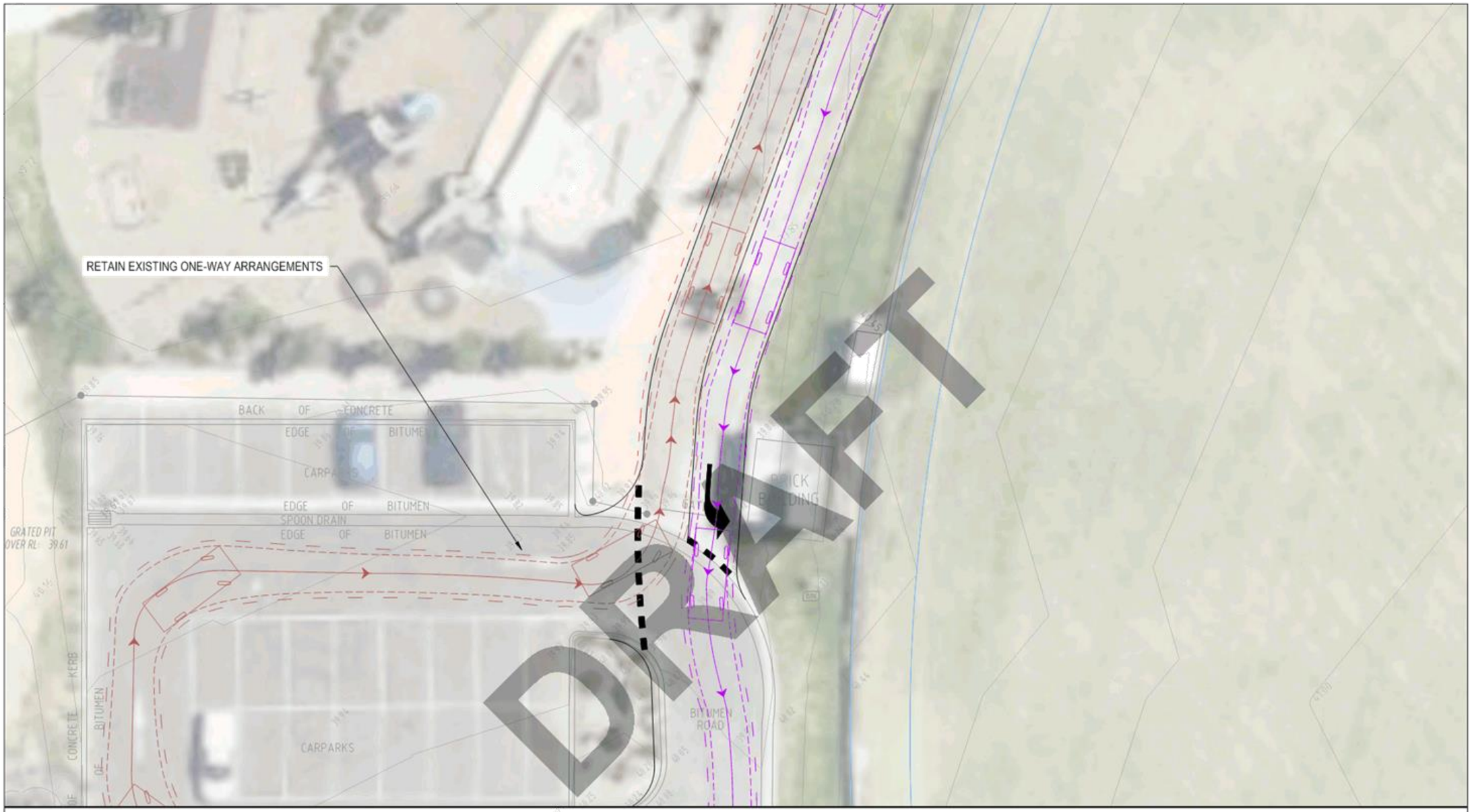
B85CAR 300mm CLEARANCE
B85CAR OVERHANG
B85CAR CENTRELINE
AUSTROADS B85CAR

B99CAR 300mm CLEARANCE
B99CAR OVERHANG
B99CAR CENTRELINE
AUSTROADS B99CAR

18ME0669 SK040
AUSTROADS B85CAR & AUSTROADS B99CAR
SIMULTANEOUS PASSING MANOEUVRE 02
SC4 30.03.2020

0 5 8m
SCALE 1:200 @A3

wsp
NORTH



VEHICLE LEGEND

- B85CAR 300mm CLEARANCE
- B85CAR OVERHANG
- B85CAR CENTRELINE
- B99CAR 300mm CLEARANCE
- B99CAR OVERHANG
- B99CAR CENTRELINE

AUSTROADS B85CAR

AUSTROADS B99CAR

18ME0669 SK041

AUSTROADS B85CAR & AUSTROADS B99CAR
SIMULTANEOUS PASSING MANOEUVRE 03
SC4 30.03.2020

0 5 8m
SCALE 1:200 @A3

NORTH

Executive Summary

12.12 Sandhurst Club Asset Transfer Proposal

Enquiries: (Cam Arullanantham: Infrastructure and Operations)

Council Plan

Community Outcome:	4. A Well Managed City
Strategy:	4.3 Resources
Priority Action	4.3.2 Undertake an ongoing review of Council's assets to ensure they meet community needs

Purpose

To clarify Council's supportive position for the proposal to transfer the responsibility for infrastructure assets from the Sandhurst Club via execution of an Asset Transfer Deed and Section 173 Amendment Agreement.

Recommendation (Director Infrastructure and Operations)

That Council:

1. Having considered Sandhurst Club's Asset Transfer proposal at the Ordinary Meeting on 30 March 2020, resolves to support the Asset Transfer proposal;
2. Authorises the Chief Executive Officer to execute the Sandhurst Estate Transfer Deed and Deed of Variation of the Section 173 Agreement (AB688953T) of the Planning and Environment Act (1987); and
3. Authorises the common seal to be affixed to both documents.

Key Points / Issues

- At Council's Ordinary Meeting held on 30 March 2020 Council resolved:

  That Council:

  1. *Notes the extensive consultation that has been undertaken with representatives from Sandhurst Club and Sandarra Estate Body Corporate since 2017 regarding the asset transfer proposal initiated by Sandhurst Club;*
  2. *Notes the complexities facing Sandarra Body Corporate under the Owners Corporation Act (2006) have culminated in Sandarra's decision not to partake in the current asset transfer proposal at this time;*
  3. *Having considered Sandhurst Club's asset transfer proposal, either:*
     (a) *Resolves to support the asset transfer proposal and authorises the Chief Executive Officer to execute the Sandhurst Estate Transfer Deed and Deed of Variation of the Section 173 Agreement (AB688953T) of the Planning and Environment Act (1987) and authorises the common seal to be affixed to both documents; or*
     (b) *Resolves to not support the asset transfer proposal; and*
  4. *Endorses the commencement of the Transition Period of three (3) years*, effective immediately from the execution of the deed.

- There was a very clear message at the pre agenda discussion on 30 March 2020 in support of the proposal leading to the matter being included in the bulk motion, which was subsequently resolved at the Ordinary Meeting.

12.12 Sandhurst Club Asset Transfer Proposal

Executive Summary

- The intention of the resolution wording contained in the report provided at the 30 March 2020 Ordinary Meeting was for Councillors to select their preference in regard to point 3(a) or 3(b). However, as this item was resolved via a bulk motion and was not debated at the meeting, the selection was not clarified.
- This report is provided to clarify Council's supportive position for the proposal.

Financial Impact

There are no financial implications associated with this report.

Consultation

1. External Stakeholders

Not applicable

2. Other Stakeholders

EMT and Councillors have previously been briefed on this issue.

Analysis (Environmental / Economic / Social Implications)

Not applicable.

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

Legal

There are no legal issues currently.

Policy Impacts

There are no impact to Council Policies.

Officer's Declaration of Interests

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

Risk Mitigation

There are no significant risks.

Conclusion

Councillors indicated support for the asset transfer proposal at the Pre Agenda discussion held just prior to the Ordinary Meeting on 30 March 2020 Councillors. As the item was resolved as part of the bulk motion, the resolution was not amended to reflect the Council's support.

The Council support be provided for the asset transfer accordingly.

12.12 Sandhurst Club Asset Transfer Proposal

Executive Summary

ATTACHMENTS

Attachment A: ⇩ Council report Sandhurst Proposal - 30 March 2020

Attachment B: ⇨ Sandhurst - Section 173 Agreement *(Under Separate Cover)*

Attachment C: ⇨ Sandhurst - Transfer Deed *(Under Separate Cover)*

Executive Summary

12.12 Sandhurst Club Asset Transfer Proposal

Enquiries: (Luke Ure: Infrastructure and Operations)

Council Plan

Community Outcome:	4. A Well Managed City
Strategy:	4.3 Resources
Priority Action	4.3.2 Undertake an ongoing review of Council's assets to ensure they meet community needs

Purpose

To present Council with a proposal to transfer the responsibility for infrastructure assets from the Sandhurst Club via execution of an Asset Transfer Deed and Section 173 Amendment Agreement.

Recommendation (Director Infrastructure and Operations)

That Council:

1. Notes the extensive consultation that has been undertaken with representatives from Sandhurst Club and Sandarra Estate Body Corporate since 2017 regarding the asset transfer proposal initiated by Sandhurst Club;
2. Notes the complexities facing Sandarra Body Corporate under the Owners Corporation Act (2006) have culminated in Sandarra's decision not to partake in the current asset transfer proposal at this time;
3. Having considered Sandhurst Club's asset transfer proposal, either:
   (a) Resolves to support the asset transfer proposal and authorises the Chief Executive Officer to execute the Sandhurst Estate Transfer Deed and Deed of Variation of the Section 173 Agreement (AB688953T) of the Planning and Environment Act (1987) and authorises the common seal to be affixed to both documents; or
   (b) Resolves to not support the asset transfer proposal; and
4. Endorses the commencement of the Transition Period of three (3) years, effective immediately from the execution of the deed.

Key Points / Issues

- Section 173 Agreement AB688953T (Attachment A) was entered into on 22 October 2002 between Frankston City Council and Sandhurst Golf Estate Pty Ltd for the responsibility for the maintenance of 'Public Land' as defined in the agreement within the estate. The 'Public Land' is all common property areas and includes carriageway and park lots.
- Whilst the Sandarra Estate is a separate enterprise it is still covered by the Section 173 Agreement as noted above.
- The Sandhurst Club has experienced a volatile period since 2008 which has seen a downturn in the residential and golf industries, which has resulted in the Developer to subsidise the shortfall.

Reports of Officers	**408**	**30 March 2020 2020/OM4**

12.12 Sandhurst Club Asset Transfer Proposal

Executive Summary

- Council has previously received a number of reports and representations (June 2007 OM 157; 31 March 2008 SP124) requesting a reduction in the differential rate for residents in the Sandhurst Club, the results of which were not successful.
- In December 2015 the Sandhurst Club engaged with Council to consider a proposal whereby a range of nominated infrastructure assets such as roads, footpaths, drainage, kerb and channel, bridges, street lights and signs be transferred to Council's ownership and management.
- Initial estimates made by Council officers of the total replacement value of infrastructure assets in both Sandhurst and Sandarra Estates totalled approximately $31 million.
- Following extensive consultation and negotiation with both Sandhurst Club and Sandarra body Corporate, the revised assets subject to the Asset Transfer Deed carry a total replacement value of $16.4 million.
- Given this considerable liability, Council officers modelled the lifecycle costs of this infrastructure. However, in the absence of as-constructed data, including current condition data, officers presented a report to Council on 21 May 2018 and Council subsequently approved funding of $70K to undertake asset condition audits and investigations into the road and drainage infrastructure.
- The pavement investigations enabled Council staff to better understand the infrastructure construction standards and the rate of deterioration the roads have incurred since construction. Furthermore, Council officers have used this information to ascertain the structural capacity of these roads based on traffic loading to assess future needs for pavement strengthening or re-sheeting.
- A layout of the area investigated and a marked copy of the remaining pavement lives as advised by SMEC consultants is attached (Attachment B).
- The results of the data were presented to Council on 11 February 2019 and found:
    - Total Sandhurst Estate cost of approximately $3.22M for the full road network which includes resurfacing of all roads and structural treatment of 170m of failed pavement.
    - The segment of road requiring structural treatment (HS2) has been referred to the Road Work Plan for Sandhurst Club's action as a prerequisite to any potential asset handover by Council.
    - Renewal of the road network could be undertaken incrementally over a 10 – 15 year period.
- Based on the improved condition information available for the road assets, officers' estimate that on average Council would need to spend approximately $120K per annum on maintenance and $282K per annum for renewal of the additional assets from Sandhurst to meet Council's current standards.
- These figures include renewal maintenance and operational costs associated with road related infrastructure pertaining to roads, bridges, stormwater pits, kerb and channel, traffic management devices, street lighting and street signage.

Reports of Officers	**409**	**30 March 2020 2020/OM4**

12.12 Sandhurst Club Asset Transfer Proposal

Executive Summary

- Assets excluded from the proposed asset transfer include all vegetation including street trees, all pathways and shared paths, parks, gardens and open space areas, fencing, pedestrian bridges, off-street carparks, decorative lighting and buildings and facilities.
- Following legal advice received on 30 September 2019 pertaining to the appropriate processes under the Owners Corporation Act (2006), it was determined that the Sandarra Body Corporate is required to ascertain 100% of the lot owners vote in support of any partial or full asset transfer to Frankston City Council.
- Considering the complexities involved with this process and concerns to achieve the requisite result, Sandarra Body Corporate has confirmed in writing they are not willing to continue to be involved in this current asset transfer proposal, but has indicated a willingness to collaborate with Council in the future.
- Significantly, the residents of Sandhurst Club contribute $2.29M in rates per annum to Council. Currently the only services they directly receive within the Estate is kerbside collection and payment of utility (street lighting) charges.
- Extensive consultation and negotiation has occurred to date, and Maddocks Lawyers have been engaged for the preparation of the Sandhurst Estate Asset Transfer Deed (Attachment C). This Deed facilitates the transfer of the road infrastructure assets from Sandhurst Club to Frankston City Council.
- In addition, to facilitate the transfer of lot parcels, a variation of the Section 173 Agreement is required. The Section 173 Amendment Agreement (Attachment D) amends the existing Section 173 Agreement AB688953T, to reflect the transfer of the road infrastructure assets from Sandhurst to Council. It is intended that this document will be lodged with Land Use Victoria in accordance with Section 183 of the Planning and Environment Act as an amendment to the existing Section 173 agreement after the asset transfer has been completed.
- All legal costs and the costs associated with drafting and lodging the documents to transfer parcels will be liable to Sandhurst Club.
- The asset categories and their ongoing demarcation have been set out in the definitions of Road Related Infrastructure in the Deed, and this will be further supported by demarcation maps which will be developed by Sandhurst Club at their own cost, prior to the asset transfer.
- Significantly, the Deed details a Road Works Plan, whereby asset inspections will be undertaken throughout a transitional period collaboratively with Sandhurst Club, and any defects or asset failures will be captured for Sandhurst Club's remedial action. This process is designed to ensure all infrastructure subject to the transfer is fit for purpose and meets Council's standards in accordance with its Road Management plan (2019).
- The Deed, if executed, will activate a Transition Period of three (3) years commencing from the Effective Date (date of signing).

Financial Impact

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

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

12.12 Sandhurst Club Asset Transfer Proposal

Executive Summary

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

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

There are financial costs associated with this report and should Council support Sandhurst Club's asset transfer proposal, these costs will need to be accommodated in future budgetary discussions.

Based on the lifecycle cost assessment of the proposed transfer assets, officers estimate that on average Council would need to spend approximately $120K per annum on maintenance and $282K per annum for renewal of the additional assets from Sandhurst Estate to meet Council's current levels of service.

As per the conditions of the Asset Transfer Deed, should the transfer transpire, Sandhurst Club is liable for the legal costs incurred by Council in order to facilitate the transfer.

Consultation

1. **External Stakeholders**

   Extensive consultation has occurred between Senior Officers and representatives from both the Sandhurst Club and the Sandarra Body Corporate. In principle agreement to the transfer was reached in 2018, and negotiations have been undertaken in good faith between the two parties.

   Council has engaged Maddocks Lawyers for the preparation of the Asset Transfer Draft deed and Amendment Agreement to the Section 173 Agreement.

   In 2018-19, Council also engaged external consultants to undertake pavement and drainage asset investigations to better ascertain the condition and rate of deterioration of the assets subject to the proposed asset transfer.

   Council officers have used this information to better understand the lifecycle costs associated with this proposal.

2. **Other Stakeholders**

   Internal consultation on this proposal has occurred with Engineering Services, Financial and Corporate Planning, Operations, Governance and Property and Risk.

Analysis (Environmental / Economic / Social Implications)

When deliberating on the matter of a potential asset transfer there are two perspectives that require thought, cost and the social equity.

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

Legal

At present there are no legal precedence for Council to accept this proposal, however, if the proposal is supported the Section 173 Agreement needs to be altered to acknowledge that Council has taken carriage of these assets (Attachment D).

12.12 Sandhurst Club Asset Transfer Proposal

Executive Summary

Legal advice provided by Maddocks states that clause 8.1 of the Section 173 Agreement provides Council with the discretion to accept these assets should the proprietor go into liquidation or administration.

It should be noted that on 16 October 2012, Council consent was given for the transfer of Sandhurst Golf Estates Pty Ltd interest in the carriageway and park lots to Sandhurst Common Property Pty Ltd; a wholly owned subsidiary of Sandhurst Club Limited.

Sandhurst Club is a guarantor given that Sandhurst Common Property Pty Ltd is a wholly owned subsidiary. In the event that the owner went into administration/liquidation and Council elected not to take a transfer of the roads and road infrastructure, then the land would remain in the name of the liquidator.

It is unlikely that Council would be able to enforce its obligations regarding maintenance against the owner as the owner is unlikely to be an entity of substance. In this event and as the roads are not public roads, then Council would be responsible for their maintenance under common law.

Policy Impacts

Council's Asset Management Policy (2019) requires Councillors to consider the full lifecycle cost implications of any asset acquisition decision. Council is required to acknowledge that the acceptance of new assets creates an additional ownership and risk liability and as a result there will be a need to provide the commensurate amount of funding to manage these assets to the desired service standards and compliance to the Road Management Plan.

Officer's Declaration of Interests

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

Risk Mitigation

By approving the asset condition audit and investigation in 2018, Council exercised due diligence in ensuring it fully understands the implications associated with a potential transfer and will be mitigating the significant risk of making uninformed decisions.

As a measure of risk mitigation, Council has insisted on a Transition Period of three (3) years whereby officers will work with Sandhurst Club to inspect and monitor asset defects and any potential failures to be addressed by Sandhurst Club prior to formal acceptance of these assets by Council. This measure protects Council's interests against any imminent failures and ensures the assets are fit for purpose and are in sound condition in accordance with Council's Road Management Plan (2019).

Conclusion

The common property areas, including carriageways and road related infrastructure, within Sandhurst Estate are the responsibility Club as per its Section 173 Agreement.

Sandhurst Club engaged with Council to consider a proposal by where nominated infrastructure assets such as roads, footpaths, drainage, kerb and channel, bridges, street lights and signs be transferred to Council's ownership and management.

Should an asset transfer transpire, initial estimates made by Council officers of the total replacement value of these assets totals approximately $16.4 million.

Based on the improved condition information available stemming from asset condition investigations, officers' estimate that on average Council would need to spend approximately $282K per annum for renewal and $120K per annum on maintenance of the additional assets from Sandhurst Club to meet Council's current service standards.

Reports of Officers **412** **30 March 2020**
2020/OM4

12.12 Sandhurst Club Asset Transfer Proposal

Executive Summary

If the asset transfer proposal is supported, it is recommended that Council authorises the Chief Executive Officer to execute the Sandhurst Estate Transfer Deed and Deed of Variation of the Section 173 Agreement (AB688953T) of the Planning and Environment Act (1987), and endorses the commencement of a Transition Period of three (3) years, effective immediately from the execution of the deed.

ATTACHMENTS

Attachment A: ⇩	Section 173 Agreement AB688953T Sandhurst Golf Estates Pty Ltd
Attachment B: ⇩	Asset Condition Investigations - Sandhurst and Sandarra Homogeneous Sections
Attachment C: ⇨	Sandhurst Estate Transfer Deed *(Under Separate Cover)*
Attachment D: ⇨	Section 173 Amendment Agreement – 20200317 *(Under Separate Cover)*

12.12 Sandhurst Club Asset Transfer Proposal

Officers' Assessment

Background

The Sandhurst Club was developed by Sandhurst Development Joint Venture (SDJV), originally comprising majority equity holders Roche Holdings, minor equity holders Mantello Holdings, Links Living and Peter Hamilton. Links Living, an experienced Manager, Developer and Investor in master planned golf lifestyle communities were engaged as the project managers and with assistance from external professionals were responsible for the majority of the design elements.

The founder of the original concept, acquirer of options on 6-7 land holdings forming the site and achieving planning re-zoning was Peter Hamilton. Bauenort Management were appointed to replace Links Living as the project managers in 2012 to complete the final stages of the development, the central core and represent SDJV through transition negotiations.

Since its inception in 1990, appointment of project manager in 1998 and planning approval in 2000, the development was essentially completed in 2017. In 2011, in realisation of the impending completion the then Developer Board commenced the process to effect transition from a Developer Board to a Member Board by appointing four Nominee Directors to represent members. To date this reconciliation process has been very beneficial to the Club.

In particular it produced a 5 year strategic plan and ensured the entire operation would be reviewed in detail and modified if required. An agreement to effect transition over three years was reached and presented to members in November 2013, receiving overwhelming support. The transition agreement signed in June 2014, included a Developer guarantee over three years (FY14, FY15 and FY16), injection of capital and the development of a joint Board (Nominee Directors and Developer) during the 3 year transition phase. The first joint Board meeting chaired by the first Member representative Chairman (Kevin Greaves) was held in February 2014.

The Residential component of Sandhurst comprises of 1318 lots set amongst two golf courses and vast open spaces including extensive sealed walking tracks, heritage gum trees, manicured gardens and parks with fitness and play equipment.

Sandhurst Club Ltd is an Australian public company limited by shares and guarantee. The limited shares are stapled to each residential lot in the Sandhurst development and are limited by guarantee. Sandhurst Club issues memberships which provide certain access rights to utilise certain Sandhurst Club facilities (e.g. golf courses, the health club, clubhouse hospitality facilities etc.) and other benefits. As a result of its membership it is a taxable entity but subject to the principle of mutuality.

Issues and Discussion

Pursuant to the Planning and Environment Act 1987, a Section 173 Agreement was entered into by the Club as a condition of Council's planning permit 00187 (original development plan permit) which stipulated the provision of services in accordance with relevant authorities (roads, energy, water, telecommunications etc.), provision of open space quantities, maximum number of residential lots, environmental compliance and ongoing responsibility to provide constructed services.

The Section 173 Agreement encompassed all of the original land area of the development site which included the area known as Sandarra located on the west side and separated by McCormick's Rd. Despite Sandarra being separated during the global financial crisis, developed and now operating independently of Sandhurst Club, the parties remain connected under the same Section 173 Agreement.

12.12 Sandhurst Club Asset Transfer Proposal

Officers' Assessment

Of particular importance was that the Section 173 Agreement stipulated that the public-access roads infrastructure would be a privately owned scheme making the Developer responsible for the cost of constructing and then maintaining the road infrastructure assets.

Subsequently, the Club upon completion of the development would then inherit this responsibility. All residential lot owners (resident shareholders) were aware of the private road scheme upon purchase as it was a conditional of the sale of contract for all lots.

Agreement to a private road scheme was contrary to normal development practice at the commencement of the development but it was necessitated by the Developer's objective to introduce highly innovative features, such as fast optic fibre cabling and third pipe reticulated re-cycled water.

At that time, there was no legislation to cover the legalities of ownership of the necessary cables and pipes under the public access roads, paths, bridges and parks so the Developer accepted ownership of these as part of the Section 173 Agreement. During this period there was no involvement by a public utility company.

However since that time, two significant changes have occurred:

- The recycled water pipes and infrastructure have now been handed over to South East Water, who have the rights to access of their assets under public roads, etc.; and
- The optic-fibre cabling is now owned by ClubCOM as an authorised telecommunications company, which too has the rights to access their assets under public roads, etc.

Sandhurst Club is now of the view that there is no longer any need for it to own the public access roads infrastructure to gain access to the in-ground cabling and re-cycled water pipes. The ownership of these assets by the Sandhurst Club means that it carries the responsibility for their on-going upkeep and the capital cost of their renewal when beyond maintenance.

In 2007 and again in 2008, the Sandhurst Club applied to the Council to reduce the annual rates paid by Sandhurst residents, on the basis that the Council does not provide any maintenance and upkeep of the public-access roads infrastructure assets in the Sandhurst estate, yet Sandhurst residents pay the full rate scale. The rate reduction was requested in the form of a rebate (in the order of 10 – 15%) on the rates paid by each individual Sandhurst property owner.

On both occasions the Councillors rejected the application (in a vote of 4 for, 5 against) on the basis that the Sandhurst Club had accepted ownership of the public-access roads infrastructure assets within the estate under the Section 173 Agreement and therefore their maintenance and upkeep are not the responsibility of the Frankston City Council. Further, Council informed that there is no precedent within the Frankston municipality for paying a rebate to any ratepayer except for people with specific disabilities.

12.12 Sandhurst Club Asset Transfer Proposal

Officers' Assessment

Whilst Sandhurst is unique within Frankston City Council, similar developments are becoming increasingly prevalent through Victoria and Australia. Settlers Run, Sanctuary Lakes, The Sands, Torquay, Eynesbury and Mandalay are all examples of similar residential communities that aim for a premier lifestyle. However, unlike Sandhurst, varying levels of service are provided by the respective municipalities. Ownership of the road networks at both Settlers Run and Mandalay sits with the local council and maintenance are conducted by the council. At The Sands in Torquay the roads are council owned and are maintained along with the footpaths throughout the complex, however, parks and gardens remain the responsibility of The Sands.

Sandhurst Club operates in a volatile golf and residential development industry, despite significant progress through transition to a member controlled Board in positioning the Club for a viable and robust future, it still faces challenges.

The Club has prepared a 20 year capital expenditure plan inclusive of all road infrastructure assets it is requesting to transfer to Council. This capital expenditure plan is balanced presently up to 2023-24 through the annual charging of a sinking fund levy to both golf and resident members. Unfortunately, beyond 2023-24 the capital expenditure plan does not balance as a result of the first major allowance for re-surfacing the asphalt roads.

The Club is optimistic that it can work mutually with the Council to accept responsibility for its road infrastructure assets as is often the case with a new residential developments within the municipality. This would alleviate the need for a substantial sinking fund increase, decrease in existing services or borrowings which would all put additional pressure on the Club's value proposition and its ability to remain viable and robust.

Sandhurst Club and its residents are requesting Council to assist in maintaining the Club's viability and its benefits to the wider community by accepting the transfer of the listed road infrastructure assets. It is considered by the Sandhurst Club that this approach would restore some fairness and equity to residents of Sandhurst who pay the same rates as other Frankston City ratepayers but are directly responsible for the provision of Sandhurst road infrastructure assets, landscaping of parks, gardens and open spaces, street sweeping, storm water collection and Estate lighting.

Alternatively there is an argument that Council should not support the transfer of road infrastructure assets from Sandhurst because it benefits the more affluent areas of the municipality at the expense of the less affluent. Additionally, Sandhurst residents agreed to purchase on the understanding via their contract of sale that it was a private road scheme.

The Sandhurst Club counters that view that both federal and local taxes already provide for an equitable society where contributions to government taxes are already weighted to ensure those with the most wealth contribute proportionally to costs of running society. A further measure would be extremely unfair and negatively impact on its ability to remain viable.

Options Available including Financial Implications

Since Sandhurst Club's most recent approach to Council in 2017, a number of options have been presented to Council for consideration in order to respond to the request to transfer assets to Council which are detailed in the table below:

Reports of Officers **416** **30 March 2020**
2020/OM4

12.12 Sandhurst Club Asset Transfer Proposal

Officers' Assessment

Option	Description	Comments
1	Maintain the status quo and decline the transfer proposal **(No cost to Council)**	While Council is well within its right to decline this request due to the Section 173 Agreement currently in place should the Sandhurst Club or Sandarra Body corporate go into liquidation or administration the responsibility will remain with the registered proprietor as long as they are solvent. Residents are likely to escalate action as they see the current situation as inequitable.
2	Decline the transfer proposal and offer a reduction in the rate differential for Sandhurst and Sandarra Est residents **(Cost to Council in foregone rate revenue)**	This option maintains the responsibility with the Sandhurst Club and Sandarra Body Corp in accordance with the Section 173 Agreement and provides residents with some rate relief, however, this may be absorbed by the Sandhurst Club and Sandarra Est to increase its infrastructure sinking fund
3	Accept the transfer proposal and transfer the assets to Council **(Increase cost to Council)**	Full ownership and responsibility to be transferred to Council where it would be required to increase its renewal and maintenance budgets by $282K per annum and $120K per annum respectively to ensure that the service standards as prescribed in the Road Management Plan are delivered. Also, potential additional roads funding of additional funds may be required for road infrastructure of $1.7M between years 3 to 15.
4	Accept the transfer proposal and request an ex-gratis payment from the Sandhurst Club's and Sandarra Estate infrastructure sinking fund levy to offset ongoing maintenance and renewal costs **(Partial cost recovery)**	Should Council elect to accept the transfer it could request an ex-gratis payment to cover the cost of the transfer and offset the budget required to maintain and renew these assets. These funds could be sourced from the Sandhurst Club's and Sandarra Estate infrastructure sinking fund and invested by Council.
5	Accept the transfer proposal and increase the rate differential to Sandhurst and Sandarra residents to offset ongoing maintenance and renewal costs **(Full cost recovery)**	Council may decide to accept the asset transfer and increase the differential rate for Sandhurst and Sandarra residents to recoup the cost for ongoing maintenance and renewal of infrastructure assets and the one off cost to execute the transfer. Further work needs to be completed to assess the feasibility of this option (Local Government Act 1989 and relevant regulations)

12.12 Sandhurst Club Asset Transfer Proposal

Officers' Assessment

Option	Description	Comments
6	Consider a transitional arrangement for the transfer of assets with maintenance responsibilities remaining with Sandhurst and Sandarra for 3 years in line with the pavement report **(Partial cost recovery)**	Should Council elect to accept a transitional transfer of assets where the responsibility maintenance costs would remain with Sandhurst and Sandarra for a 3 year period it could also request an ex-gratis payment to cover the cost of the transfer and offset the budget required to renew these assets. These funds could be sourced from the Sandhurst Club's infrastructure sinking fund and invested by Council. Sandhurst Club have indicated that they may be interested in providing an assurance or warranty to rectify specific areas of roadway which is of concern if they fail within a 3 or 5 year period.

At a Councillors Briefing on 11 February 2019, Councillors indicated an appetite to explore Option 6, whereby Officers were directed to prepare for Council's consideration a transitional arrangement for the transfer of assets with maintenance responsibilities remaining with Sandhurst Club for 3 years in line with the pavement investigation report.

Extensive consultation and negotiation has transpired since the Briefing, culminating in the preparation of the Asset Transfer Deed and Amendment Agreement to the Section 173 (Attachment C and Attachment D).

If Council endorses execution of the Deed, the Transitional Period will commence immediately upon signing and the organisation will work collaboratively with Sandhurst Club in accordance with the conditions set out in the Deed.

Currently, there are no additional resources included within the Annual Budget for this purpose. Funding will need to be referred to future budget processes to provide the required ongoing recurrent budget of $282K and $120K for the renewal and maintenance programs respectively.

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Maddocks

Date 22 / 10 /2002

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Email info@maddocks.com.au
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DX 259 Melbourne

Agreement under Section 173 of the Planning and Environment Act 1987

Management and Maintenance of Private Roads and Open Space

Subject Land: Sandhurst Development Land

Frankston City Council

and

Sandhurst Golf Estates Pty Ltd
ACN **089 884 766**

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12/11/2002 $59 173

[862723/TGM/M0031166:1]

Affiliated offices
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OFFICE OF TITLES R.I.J. VICTORIA

Form 13

AB688953T
12/11/2002 $59 173

APPLICATION BY A RESPONSIBLE AUTHORITY FOR THE MAKING OF A RECORDING OF AN AGREEMENT

***Planning and Environment Act* 1987**

Lodged at the Land Titles Office by:

Name: Maddocks
Phone: 9288 0555
Address: 140 William Street, Melbourne 3000 or DX 259 Melbourne
Ref: TGM:780178 **Customer Code:** 1167E

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

Land: Volume 9755 Folios 485 & 486, Volume 8202 Folio 069, Volume 10604 Folio 300, Volume 8820 Folio 849, Volume 5923 Folio 480, Volume 7180 Folio 888, and Volume 8140 Folio 737

Authority: Frankston City Council of Civic Centre, Davey Street, Frankston

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

A copy of the agreement is attached to this application

Signature for the Authority: .....

Name of officer: Jon Edwards

Office held: Chief Executive Officer

Date: 22 October 2002

[780178/TGM/M0041978:1]

12-11-02

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IMPORTANT NOTE

The developer of Sandhurst ("the Developer") and Council have entered into this agreement under the *Planning and Environment Act* 1987 in relation to the development and future maintenance of the Sandhurst development.

This agreement deals with the Management and Maintenance of private communal facilities and infrastructure. This is identified in this agreement as the "Public Land".

The Developer has established a company (Sandhurst Club Limited) which will be responsible for, among other things, ensuring a certain level of maintenance over the Public Land. The level of landscaping and maintenance of the Public Land is to be a higher standard than provided by Council generally in the municipality.

Council has requested that the Developer ensure that it will be and will always be responsible for adhering to the appropriate minimum standards referred to in this agreement and that it will be responsible for undertaking those maintenance works as well as day to day maintenance of the public land.

A maintenance schedule is attached to this agreement which identifies the minimum standards to which the Company must maintain the Public Land.

The Developer will, through Sandhurst Club Limited, ensure this is done.

Sandhurst Club Limited and its members(the owners) are responsible for the financing the cost of maintaining the Public Land including the capital cost of refurbishment and replacement of existing assets and assets installed after the date of this agreement.

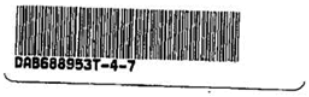
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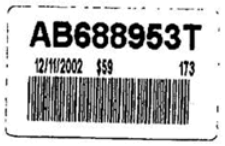
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12/11/2002 $59 173

Delivered by LANDATA®. Land Victoria timestamp 13/02/2017 15:28 Page 4 of 19

Table of Contents

1. DEFINITIONS 2
2. INTERPRETATION 3
3. REPAIRS AND MAINTENANCE 3
4. COUNCIL TO WAIVE RATES APPLYING TO PUBLIC LAND 3
5. PROVISIONS RELATION TO USE AND DEVELOPMENT OF PUBLIC LAND AND OPEN SPACE 3
6. STREET LIGHTING 4
7. DEFAULT OF THE OWNER 4
8. FAILURE OR NON-MAINTENANCE BY THE OWNER 4
9. ACCESS BY GENERAL PUBLIC 5
10. OWNER NOT TO SELL OR DISPOSE 5
11. INSURANCE AND INDEMNITY 5
12. FURTHER OBLIGATIONS OF THE OWNER 6
    12.1 Notice and Registration 6
    12.2 Further actions 6
    12.3 Council's Costs to be Paid 6
13. AGREEMENT UNDER SECTION 173 OF THE ACT 6
14. OWNER'S WARRANTIES 6
15. SUCCESSORS IN TITLE 6
16. GENERAL MATTERS 7
    16.1 Notices 7
    16.2 Service of Notice 7
    16.3 No Waiver 7
    16.4 Severability 7
    16.5 No Fettering of Council's Powers 7
17. COMMENCEMENT OF AGREEMENT 8
MORTGAGEE'S CONSENT 9





elivered by LANDATA®. Land Victoria timestamp 13/02/2017 15:28 Page 5 of 19

Agreement under Section 173 of the Planning and Environment Act 1987

DATE 22 / 10 /2002

THIS AGREEMENT UNDER SECTION 173 OF THE PLANNING AND ENVIRONMENT ACT 1987 is made on 2002

BETWEEN

FRANKSTON CITY COUNCIL
of Civic Centre, Davey Street, Frankston

(Council)

AND

SANDHURST GOLF ESTATES PTY LTD ACN 089 884 766
of Unit 4, 568 St Kilda Road, Melbourne

(Owner)

RECITALS

A. Council is the Responsible Authority pursuant to the Act for the Planning Scheme.

B. The Owner is or is entitled to be the registered proprietor of the Sandhurst Development Land.

C. The Public Land is within the Sandhurst Development. The Owner will be responsible for the ongoing management and maintenance of the Public Land.

D. As at the date of this Agreement, the Sandhurst Development Land is encumbered by Mortgage Nos. AB000322X and AB023159C in favour of the Mortgagee. The Mortgagee has consented to the Owner entering into this Agreement with respect to the Sandhurst Development Land.

E. The parties enter into this Agreement

- to achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Sandhurst Development Land;
- to set up a different structure for the maintenance of the Public land .

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AB688953T
12/11/2002 $59 173

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THE PARTIES AGREE

1. DEFINITIONS

In this Agreement the words and expressions set out in this clause have the following meanings unless the context admits otherwise:

Act means the *Planning and Environment Act* 1987;

Agreement means this agreement and any agreement executed by the parties expressed to be supplemental to this Agreement;

Maintenance Schedule means the schedule attached to this Agreement setting out the minimum standard requirements for maintenance of the Sandhurst Development Land;

Mortgagee means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Sandhurst Development Land or any part of it;

Open Space means those parts of the Sandhurst Development Land set aside in a plan or reserved under the Planning Scheme for public recreation or public resort, public parklands or for similar purposes. It does not include private recreation facilities (such as golf courses and golf course club house facilities);

Owner means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Sandhurst Development Land or any part of it and includes a Mortgagee-in-possession;

party or parties means the Owner and Council under this Agreement as appropriate;

Planning Scheme means the Frankston Planning Scheme and any other planning scheme that applies to the Sandhurst Development Land;

Public Land means those parts of the Sandhurst Development Land which are shown as C1 or P2 on plans of subdivision being land used or developed or set aside for community services and facilities, tennis courts, roads, roadside reserves, nature strips, Open Space (as defined in this Agreement) footpaths and bicycle paths irrespective of whether the are shown as common property or some other type of lot on the plan of subdivision but Public Land does not include rear cart paths being land marked P1 on a plan of subdivision and private recreational facilities (such as golf courses and golf course club house facilities etc);

Sandhurst Development means the development on the Sandhurst Development Land;

Sandhurst Development Land means the land bounded generally by Thompson Road, Taylors Road, Wedge Road and McCormicks Road, being the land referred to in Certificates of Title

- Volume 9755 Folio 485
- Volume 8202 Folio 069
- Volume 9755 Folio 486
- Volume 10604 Folio 300
- Volume 8820 Folio 849
- Volume 5923 Folio 480
- Volume 7180 Folio 888
- Volume 8140 Folio 737

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and any reference to the Sandhurst Development Land in this Agreement includes any consolidation of the abovementioned titles or any lot created by the subdivision of the Sandhurst Development Land or any part of it.

AB688953T
12/11/2002 $9 173

2. INTERPRETATION

In this Agreement unless the context admits otherwise:

2.1 The singular includes the plural and vice versa.

2.2 A reference to a gender includes a reference to each other gender.

2.3 A reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law.

2.4 If a party consists of more than one person this Agreement binds them jointly and each of them severally.

2.5 A term used in this Agreement has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act it has the meaning as defined in the Act.

2.6 A reference to an Act, Regulation or the Planning Scheme includes any Acts, Regulations or amendments amending, consolidating or replacing the Act, Regulation or Planning Scheme.

2.7 The introductory clauses to this Agreement are and will be deemed to form part of this Agreement.

2.8 The obligations of the Owner under this Agreement, will take effect as separate and several covenants which are annexed to and run at law and equity with the Sandhurst Development Land provided that if the Sandhurst Development Land is subdivided, this Agreement must be read and applied so that each subsequent owner of a lot is only responsible for those covenants and obligations which relate to that owner's lot.

3. REPAIRS AND MAINTENANCE

The Owner agrees to maintain the Public Land to at least the minimum standard set out in the Maintenance Schedule.

4. COUNCIL TO WAIVE RATES APPLYING TO PUBLIC LAND

Council agrees to waive all Council rates applying to the Public Land;

5. PROVISIONS RELATION TO USE AND DEVELOPMENT OF PUBLIC LAND AND OPEN SPACE

5.1 The Owner agrees that Council may include all Open Space which may be used for sporting events or have sporting facilities on them in Council's annual ground allocation programme to sporting and community groups within Council's municipality.

5.2 The Owner agrees that subject to priority being given to significant golfing events which the Owner arranges, Council may schedule and authorise local sporting and

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community groups to use the Open Space at a cost which Council may in its discretion determine provided that Council makes it a condition of the use of the Open Space that the user of the Open Space complies with any reasonable guideline concerning public safety or public liability.

5.3 The Owner agrees that following completion of the Sandhurst Development in accordance with the various planning permits that have been issued in respect of the Sandhurst Development Land, any further development of the Open Space areas must not be carried out without the consent of Frankston City Council

5.4 The Owner agrees that after the issue of a Statement of Compliance in respect of any plan of subdivision, other than maintenance in accordance with this Agreement, no further development of Public Land may occur unless the development is undertaken with the consent of Frankston City Council.

6. STREET LIGHTING

The Owner agrees that if street lighting on the Public Land is connected to Council's electricity grid, Council will invoice the Owner for the tariff or charge incurred by Council and the Owner must pay the invoice within the time specified on the invoice.

7. DEFAULT OF THE OWNER

The parties acknowledge and agree that:

7.1 where the Owner fails to maintain any part of the Land to the standard set out in the Maintenance Schedule then Council may issue a written notice to the Owner **(Maintenance Notice)** setting out the extent of the Owner's failure to comply with the requirements of the Maintenance Schedule and demanding that such work be done within 28 days provided that where Council's Chief Executive Officer is of the opinion that the matter is an emergency and must be remedied promptly, a shorter period may be specified in the Maintenance Notice;

7.2 where the Owner has not satisfied all or any of its obligations as set out in the Maintenance Notice, Council may engage its own maintenance contractors to do such works as are reasonably necessary to comply with the standard set out in the Maintenance Schedule;

7.3 where the circumstances are such that Council's Chief Executive Officer is of the opinion that the matter is an emergency and must be remedied promptly, Council may take such actions as are reasonably necessary; and

7.4 any amounts expended by Council in carrying out works under this clause may be recovered from the Owner as a debt in a court of competent jurisdiction.

8. FAILURE OR NON-MAINTENANCE BY THE OWNER

8.1 The Owner acknowledges and agrees that if the Owner either:

8.1.1 persistently fails to maintain any part of the Public Land after Council has given the Owner three separate Maintenance Notices as set out in clause 7.1; or is

8.1.2 placed into liquidation or has an administrator, receiver or manager appointed to it,

AB688953T 173 12/11/2002 $59

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Delivered by LANDATA®. Land Victoria timestamp 13/02/2017 15:28 Page 9 of 19

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then, Council may, in its discretion, take over the management and maintenance of the Public Land forthwith, this Agreement will end and the Owner will transfer the Public Land to Council at Council's request and at the Owner's cost in all respects.

8.2 The Owner warrants that all assets within the Public Land which the Owner may transfer to Council under clause 8.1 will be in good order. If Council is obliged to remedy any defects in the assets on the Public Land then Council's costs of undertaking such works will be a debt which the Owner will owe to Council.

8.3 The parties acknowledge and agree that Council:

8.3.1 will manage any assets on the Public Land which the Owner transfers to Council under clause 8.1 to the usual standard which Council uses throughout the municipality; and

8.3.2 will not be obliged to maintain any specialised services (including but not limited to private broadband internet communication infrastructure or grey water reuse systems) on the Public Land.

9. ACCESS BY GENERAL PUBLIC

The parties acknowledge and agree that:

9.1 Subject to clauses 9.2 and 9.3 the Owner will ensure the Public Land is open to the general public at all times;

9.2 the Owner may restrict public access to the Public Land or parts of the Public Land for the purposes of traffic control during events such as golf tournaments by implementing temporary security gates or other restrictive measures in locations and for a duration approved of by Council; and

9.3 the Owner is permitted to completely prevent access by the general public to the Public Land for not more than half an hour each year in order to prevent the Sandhurst Development Land becoming a public highway and vesting in Council provided that such access must be restricted in stages in order to minimise the effect on traffic within the Sandhurst Development.

10. OWNER NOT TO SELL OR DISPOSE

The Owner must not sell or dispose of any of the Public Land (including selling or disposing to another body corporate) except with the prior written consent of Council, which consent may be given subject to reasonable conditions.

11. INSURANCE AND INDEMNITY

The Owner acknowledges and agrees that:

11.1 the Owner must maintain insurance with a reputable insurer for public liability in the amount of at least $10 million (or such other amount as Council requires from time to time so as to ensure a reasonable level of cover is maintained over time) concerning one single event;

11.2 if demanded each year by Council, the Owner will provide Council with evidence of the required insurance; and

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Delivered by LANDATA®. Land Victoria timestamp 13/02/2017 15:28 Page 10 of 19

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11.3 the Owner indemnifies and holds harmless Council with respect to all claims resulting from any damage, loss, death or injury in connection with the Public Land whether caused or contributed to by the Owner or the Owner's contractors except to the extent that Council causes or contributes to the damage, loss, death or injury.

12. FURTHER OBLIGATIONS OF THE OWNER

12.1 Notice and Registration

The Owner further covenants and agrees that the Owner will bring this Agreement to the attention of all prospective purchasers, lessees, mortgagees, chargees, transferees and assigns of all residential lots in the Sandhurst Development.

12.2 Further actions

The Owner further covenants and agrees that:

12.2.1 the Owner will do all things necessary to give effect to this Agreement;

12.2.2 the Owner will consent to Council making application to the Registrar of Titles to make a recording of this Agreement in the Register on the Certificate of Title of the Sandhurst Development Land in accordance with Section 181 of the Act and do all things necessary to enable Council to do so including signing any further agreement, acknowledgment or document or procuring the consent to this Agreement of any mortgagee or caveator to enable the recording to be made in the Register under that section.

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12.3 Council's Costs to be Paid

The Owner further covenants and agrees that the Owner will immediately pay to Council, Council's reasonable costs and expenses (including legal expenses) of and incidental to the preparation, drafting, finalisation, engrossment, execution, registration and enforcement of this Agreement which are and until paid will remain a debt due to Council by the Owner.

13. AGREEMENT UNDER SECTION 173 OF THE ACT

Council and the Owner agree that without limiting or restricting the respective powers to enter into this Agreement and, insofar as it can be so treated, this Agreement is made pursuant to Section 173 of the Act.

14. OWNER'S WARRANTIES

Without limiting the operation or effect which this Agreement has, the Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Sandhurst Development Land which may be affected by this Agreement.

15. SUCCESSORS IN TITLE

Without limiting the operation or effect that this Agreement has, the Owner must ensure that, until such time as a memorandum of this Agreement is registered on the title to the Sandhurst Development Land, the Owner's successors in title shall be required to:

Delivered by LANDATA®. Land Victoria timestamp 13/02/2017 15:28 Page 11 of 19

DRB688953T-11-9

15.1 give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and

15.2 execute a deed agreeing to be bound by the terms of this Agreement.

16. GENERAL MATTERS

16.1 Notices

A notice or other communication required or permitted to be served by a party on another party must be in writing and may be served:

16.1.1 by delivering it personally to that party;

16.1.2 by sending it by prepaid post addressed to that party at the address set out in this Agreement or subsequently notified to each party from time to time; or

16.1.3 by sending it by facsimile provided that a communication sent by facsimile shall be confirmed immediately in writing by the sending party by hand delivery or prepaid post.

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16.2 Service of Notice

A notice or other communication is deemed served:

16.2.1 if delivered, on the next following business day;

16.2.2 if posted, on the expiration of two business days after the date of posting; or

16.2.3 if sent by facsimile, on the next following business day unless the receiving party has requested retransmission before the end of that business day.

16.3 No Waiver

Any time or other indulgence granted by Council to the Owner or any variation of the terms and conditions of this Agreement or any judgment or order obtained by Council against the Owner will not in any way amount to a waiver of any of the rights or remedies of Council in relation to the terms of this Agreement.

16.4 Severability

If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it must be severed and the other provisions of this Agreement will remain operative.

16.5 No Fettering of Council's Powers

It is acknowledged and agreed that this Agreement does not fetter or restrict the power or discretion of Council to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Sandhurst Development Land or relating to any use or development of the Sandhurst Development Land save that Council must exercise its discretion and powers in a way which is not inconsistent with the way it deals with other like developments in the municipality.

Delivered by LANDATA®. Land Victoria timestamp 13/02/2017 15:28 Page 12 of 19

17. COMMENCEMENT OF AGREEMENT

Unless otherwise provided in this Agreement, this Agreement commences from the date of this Agreement.

EXECUTED by the parties as a Deed on the date set out at the commencement of this Agreement.

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

.....
Councillor

.....
Chief Executive Officer

THE COMMON SEAL of SANDHURST GOLF ESTATES PTY LTD ACN 089 884 766 was affixed in the presence of authorised persons:

SANDHURST GOLF ESTATES PTY LTD A.C.N. 089 884 766 The Common Seal Of

.....
Director

KENNETH JAMES ROCHE
Level 4
568 St Kilda Road
Melbourne VIC 3004

Full name

Usual address

.....
Director (or Company Secretary)

DENIS ARTHUR ROCHE
Level 4
568 St Kilda Road
Melbourne VIC 3004

Full name

Usual address

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Delivered by LANDATA®, Land Victoria timestamp 13/02/2017 15:28 Page 13 of 19

Mortgagee's Consent

National Australia Bank Ltd as Mortgagee of registered mortgage No. AB000322X consents to the Owner entering into this Agreement and in the event that the Mortgagee becomes Mortgagee-in-possession, agrees to be bound by the covenants and conditions of this Agreement.

.....

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Mortgagee's Consent

Miramah Investments Pty Ltd (ACN 006 751 766) as Mortgagee of registered mortgage No. AB023159C consents to the Owner entering into this Agreement and in the event that the Mortgagee becomes Mortgagee-in-possession, agrees to be bound by the covenants and conditions of this Agreement.

THE COMMON SEAL of MIRAMAH INVESTMENTS PTY LTD (ACN 006 751 766) was affixed in the presence of authorised persons:)
)
)

..... Director

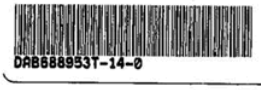
..... Full name

..... Usual address

..... Director (or Company Secretary)

..... Full name

..... Usual address





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Mortgagee's Consent

Frederick Michelmore as Mortgagee of registered mortgage No. AB023159C consents to the Owner entering into this Agreement and in the event that the Mortgagee becomes Mortgagee-in-possession, agrees to be bound by the covenants and conditions of this Agreement.

Fred Michelmore

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Mortgagee's Consent

Raymond Leslie Marriott as Mortgagee of registered mortgage No. AB023159C consents to the Owner entering into this Agreement and in the event that the Mortgagee becomes Mortgagee-in-possession, agrees to be bound by the covenants and conditions of this Agreement.

R.L. Marriott

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Mortgagee's Consent

Harland Thomas Gardiner as Mortgagee of registered mortgage No. AB023159C consents to the Owner entering into this Agreement and in the event that the Mortgagee becomes Mortgagee-in-possession, agrees to be bound by the covenants and conditions of this Agreement.

H-J. Gardiner

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Delivered by LANDATA®. Land Victoria timestamp 13/02/2017 15:28 Page 18 of 19

Mortgagee's Consent

Valmai Joyce Gardiner as Mortgagee of registered mortgage No. AB023159C consents to the Owner entering into this Agreement and in the event that the Mortgagee becomes Mortgagee-in-possession, agrees to be bound by the covenants and conditions of this Agreement.

Valmai J Gardiner

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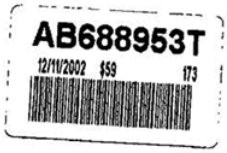
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Maintenance Schedule

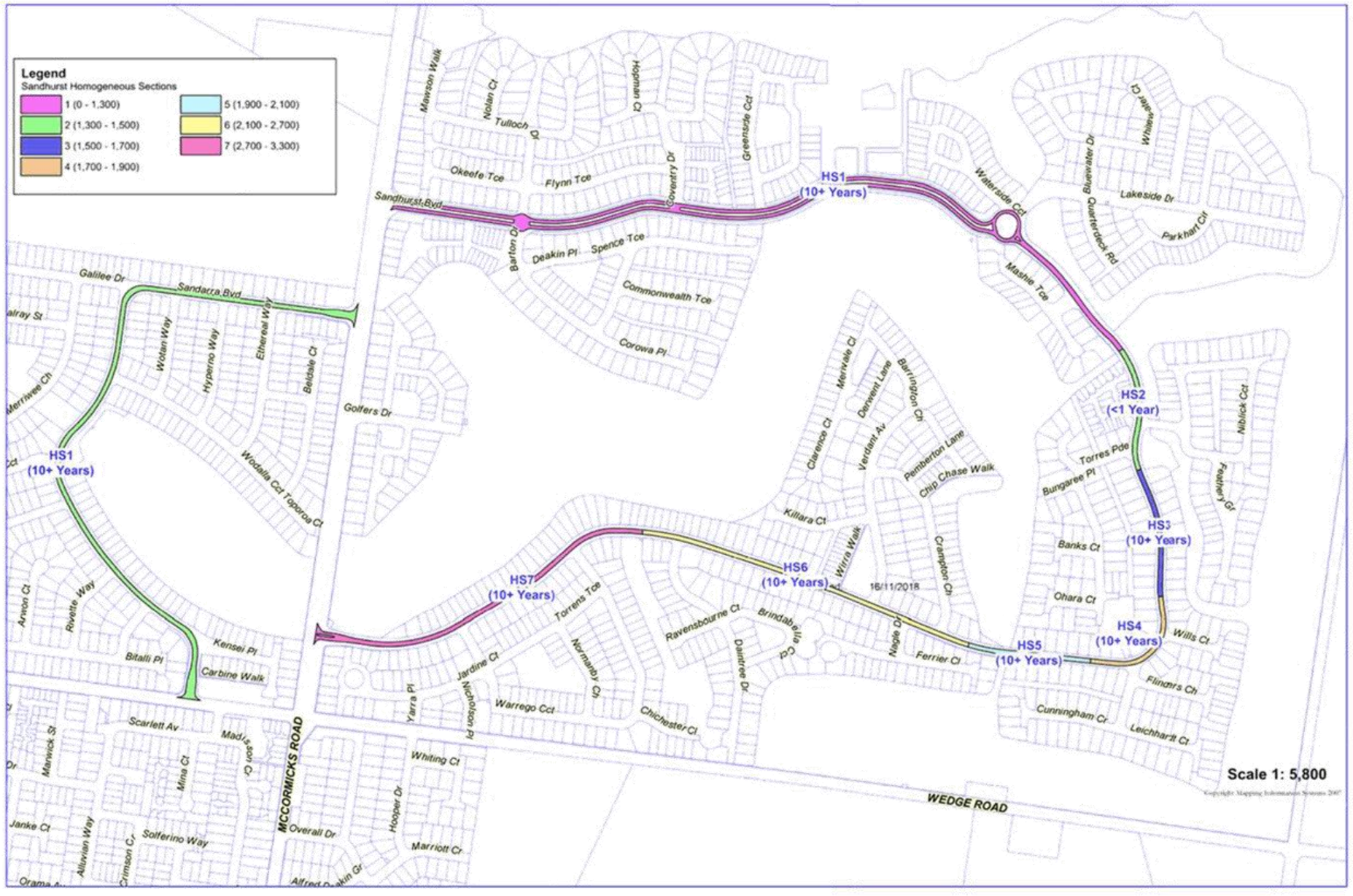
The Public Land is to be maintained to the standard adopted by Frankston City Council in residential areas throughout its municipal district as varied from time to time by Frankston City Council.

If no written standard for residential areas exists, the standard shall be as evidenced by actual maintenance performed by Frankston City Council in residential areas of its municipal district.





Sandhurst & Sandarra Estates Homogeneous Sections - Simplified Approach



Executive Summary

12.13 Update on Coronavirus (COVID-19)

Enquiries: (Phil Cantillon: Chief Executive Office)

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.1 Employment, education and economy
Priority Action	2.1.2 Develop a knowledge, creativity and skills based economy that generates employment opportunities

Purpose

To update Council on its response to the impacts of the Coronavirus (COVID-19).

Recommendation (Chief Executive Officer)

That Council:

1. Receives this report that outlines its response to the impacts of the Coronavirus (COVID-19).
2. Receives that an update will be provided to each Council meeting for the foreseeable future during this Pandemic.

Key Points / Issues

- The far reaching impact of the COVID-19 virus has become more and more apparent. Council has ensured that it has taken necessary steps to protect the safety and wellbeing of our workforce, visitors and community.
- Council has been extremely proactive and moved quickly to reduce the risk of exposure to COVID-19 to our staff and community, and our aim at this stage is to maintain as many services as possible operating while it is safe to do so.
- Our Municipal Emergency Management Plan and Pandemic Sub-plan was activated on Monday 16 March 2020 and an outcome of this was for the Emergency Management Coordination Group (EMCG) to be established. The Plan provides the overarching arrangements for how emergencies are coordinated in the Frankston City.
- The benefit of activating the EMCG was that the Team could concurrently coordinate the internal impact of the emergency on staff and service delivery, and be better positioned to consider the needs of vulnerable community members.
- Council's relief and recovery efforts have to date involved:
    - Coordination of contacting vulnerable people in our community to check on their health and wellbeing.
    - Coordinating resources and services to ensure key services continue to operate in the community to support the most vulnerable, like meals on wheels, Community Support Frankston and other key internal services such as family support services, direct care workers and family health and frontline customer service.

- Contacting key community support and volunteer groups (i.e. Red Cross) to understand their current and future demands. This includes any possible needs for additional support including the redeployment of Council staff to back fill volunteer roles.
- Identifying ways to better support the community, such as food packages, meals, medical needs, transport whilst also assisting to provide Councils overall care packages as agreed by Councillors.

- Communication with staff, Councillors and our community has been a key focus and various methods have been used over this period including continuation of the CEO's weekly email to staff, nearly daily emails to Councillors along with updates to our Community via our website, facebook and other mediums.
- To streamline internal communications and ensure there is only one source, all information and updates for staff have been be posted on the following external website: www.frankston.vic.gov.au/staffcoronaupdates.
- Further restrictions were put in place by the National Cabinet on 31 March 2020 that agreed to limit both indoor and outdoor gatherings to two persons only. While this did not apply to the work environment for those still required to work, Council has been required to adhere to social distancing guidelines in its daily activities.
- Given our evolving situation, this is occurring alongside flexible working arrangements which have been introduced to ensure social distancing, including changes to working hours, working from various Council facilities and working from home where appropriate.
- Never before has it been more important for the organisation to show visible leadership and support to our community who has endured a devastating impact on its employment and lifestyle.
- It continues to be essential for Council to balance the competing demands our relief and recovery efforts teams, alongside our efforts to minimise the disruption to our existing services.
- Staff have been encouraged to stay focussed on how they can best contribute to supporting the community, while being expected to devise creative ways to deliver their services, including taking on a different role should that be required.
- Working together in this way and for our community has been our exclusive purpose in these uncertain times. Some exceptional highlights include:
  - Our **Outdoor teams** are proactively working around the city to keep our community clean and safe;
  - Our **Arts Centre staff** quickly adapting and changing the arts centre main stage into a location for a Council Meeting;
  - **Community Safety Officers** supporting Meals on Wheels to deliver food to our most vulnerable people;
  - **Compliance Officers** assisting Community Support Frankston in delivering food and essential items to vulnerable people;
  - **Family Support Services** have been calling vulnerable people to just check in and make sure they are ok;

- **Facilities team** quickly installing perspex screens at the Civic Centre Customer Service counter, Langwarrin Service Centre, Frankston Community and Support Centre in Beach Street, Frankston.

Provision of Frontline Customer Service during COVID-19

Frankston City Council has been a leader within the sector in terms of its customer service to the community during these challenging times.

Whilst the vast majority of other Councils have ceased all face to face customer service functions, Frankston Council has taken an alternative route to ensure it can continue to support the community with this essential service. Although many customer service functions can now be managed online, there are still approximately 20% of households across the Frankston community who do not have any form of internet connection. Often it is our most vulnerable members of the community who are without this capacity to transact online. Therefore, Council was quick to install Perspex screens at the customer service desks in order to preserve the health and wellbeing of staff whilst also keeping the option of face to face service available to the community.

We remain only one of two Councils in both the Eastern and Southern suburbs of Metro Melbourne continuing to deliver this service (the other is Monash City Council).

Key highlights**:**

- Online transactions are up in March by 27%, however customers without this opportunity have taken advantage of the continued face to face services available through the Civic Centre and Langwarrin Service Centre (now averaging 84 people per day, mostly relating to cash payments and planning applications)
- Phone transactions have remained largely consistent during this period of community isolation with just under 10,000 phone calls (March was 7% higher than February).
- Online (via Social Media, Snap Send Solve and ePathway) – during the March quarter Council received 3,897 requests for service via these channels.

In a further demonstration of Council's innovation and commitment to servicing the local community, Council's Business Transformation Team in partnership with Customer Service have implemented the option for our residents to deal with Council through a 'Live Chat' channel via the website.

Early stats from the Live Chat which has been live since the end of March 2020 has the Council receiving a 4.8 out of 5 rating and averaging 100 – 120 chats per day.

Comments left by customers include:

- "Excellent, informative answers to my questions. I will definitely use this chat service in future"
- "Great service. Problem solved without fuss. Efficient use of ones most precious commodity - *time!"*

The other major advantage with this channel is that customer service officers can respond to multiply enquires at once as opposed to our phone channel which is a one to one relationship.

Other mediums are being explored during this time of social isolation and lock down including 'ChatBot' will initially answer questions relating to COVID-19 when a customer service officer is unavailable via 'Live Chat'. It will also answer questions afterhours when residents visit our website. The 'ChatBot' will progressively be expanded to field questions other than that of COVID-19.

Financial Impact

- These are obviously very dynamic times in respect of prudent financial management of Councils finances in terms of the impact of COVID-19.
- Council essentially operated as 'business as usual' through until the end of February 2020. However, March has seen a sliding scale as the impact of the virus has taken hold in Australia.
- Despite this, Council has actively focussed on managing its budgets and identifying the likely impacts of the current crisis, such as reduced income from facility closures and increased costs for cleaning.
- While this can be a moving feast, Council continues to actively monitor the financial outcomes and make the necessary adjustments to ensure it operates within the established budget parameters.
- In the meantime, Council endorsed for consultation on 30 March 2020, its proposed draft 2020-2021 Annual Budget. As a part of this, Council has set aside $3.37 million for a 'Relief and Recovery' Package to support local Coronavirus relief and recovery efforts.
- Further work has been done since this time with the Councillors, to expand on the scope and breadth of the Relief and Recovery Package to ensure that it appropriately responds to the community's immediate and long term needs.
- Alongside this, the Victorian Government has recently announced the $500million Working for Victoria Fund that would enable Council's to have the ability to employ additional workers to undertake essential service roles, particularly roles that are directly supporting the community at this difficult time.

Consultation

See above sections.

Analysis (Environmental / Economic / Social Implications)

Not applicable.

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

Legal

See above sections.

Policy Impacts

See above sections.

12.13 Update on Coronavirus (COVID-19)

Executive Summary

Officer's Declaration of Interests

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

Risk Mitigation

See above sections.

Conclusion

That the report be received.

ATTACHMENTS

Nil

Executive Summary

13.1 Response to 2018/NOM56 - Proposed Boulevard Tree Planting Works along Cranbourne Road and Nepean Highway

Enquiries: (Vishal Gupta: Infrastructure and Operations)

Council Plan

Community Outcome:	2. Liveable City
Strategy:	2.2 Vibrant and Engaged
Priority Action	2.2.5 Improve the presentation and cleanliness of Frankston City

Purpose

To brief Council on the outcome of the consultation undertaken in relation to the proposed Boulevard Tree Planting works along Cranbourne Road and Nepean Highway.

Recommendation (Director Infrastructure and Operations)

That Council:

1. Notes the positive outcome of community consultation undertaken in relation to the proposed Boulevard Tree Planting works along Cranbourne Road and Nepean Highway;
2. Notes the progress to date and the allocation of $80,000 for Retaining Wall Works along Cranbourne Road (2019/2020) Capital Works budget;
3. Withdraws the Capital Works budget allocations of $130,000 (2019/2020) and $205,000 (2020/2021), for Planting Works along Nepean Highway and Cranbourne Road, in order to strengthen the proposed Frankston City Council's COVID-19 Relief and Recovery Package; and
4. Refers the Boulevard Tree Planting works along Cranbourne Road and Nepean Highway to a future Capital Works Program for consideration given the strong community support.

Key Points / Issues

- At its meeting on 22 July 2019, Council received a report in response to 2018/NOM56 and resolved:

  That Council:

  1. *Notes the proposed planting plans for the section of Cranbourne Road and Nepean Highway;*
  2. *Authorises Council officers to commence consultation process with the key stakeholders and wider community on the proposed works; and*
  3. *Notes that report will be presented to Council on the outcomes of the consultation process prior to implementation of the works in 2019/20.*
  4. *a) Requests to the CEO where project savings can be achieved for/from the upcoming Cranbourne Road retaining wall works project and the citywide 'boulevard and gateway treatment' line-item, any remaining funds are to be allocated to improving the appearance and maintenance of existing trees, foliage and ground soil (through flower bombing) particularly between Ferndale Drive and Craig Street;*

     b) Provides a memorandum to Councillors by September 2019 on what these adjunct works will entail and whether savings were found; and

13.1 Response to 2018/NOM56 - Proposed Boulevard Tree Planting Works along Cranbourne Road and Nepean Highway

Executive Summary

5. Notes that plantings at the Karingal Hub development is a condition associated with the current planning permit issued to ISPT, the developer.

- This report has been prepared in response to item 2 and 3 of the above Council resolution. A memo update was provided to Councillors in October 2019 in response to item 4.
- Consultation with the wider community has revealed that generally the community is supportive of planting new trees with some concerns expressed with the condition of vegetation and loss of trees along major roads.
- Council officers have also been negotiating with the Department of Transport (DoT), previously VicRoads, to obtain approval for proposed works along Cranbourne Road (Stage 2) and Nepean Highway (Stage 3). Refer to proposed works as per attachment 1 and 2.
- DoT have indicated that they have no objection to the Stage 3 works given that no trees are proposed for removal along the 60km/hr section of Nepean Highway. Accordingly, no changes have been made to proposed planting works along Nepean Highway.
- There is no change in tree types or staging of works as reported to Council earlier as anticipated.
- Negotiations are also continuing on how bluestone can be sensibly incorporated into the proposed retaining wall works along Cranbourne Road whilst meeting DoT requirements.

Financial Impact

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

There is $130,000 available in the 2019/20 Capital Works Program to implement planting works along Nepean Highway. Additionally, $80,000 is available in 2019/20 for retaining wall works along Cranbourne Road. Combined expenditure on both budgets to date is around $40,000.

Also, provision of $205,000 is made in the draft 2020/21 Capital Works Program to undertake staged planting works along Cranbourne Road.

Consultation

1. External Stakeholders

As part of early engagement, Council officers have developed the proposal and concept plans in close consultation with representatives of Frankston Environmental Friends Network (FEFN).

Consultation with wider community occurred from 19 November 2019 to 24 December 2019 for a six week period. The details of outcome of community consultation process are discussed in the Officers' assessment section of this report.

Consultation with DoT is ongoing with DoT approval received for planting works along Nepean Highway. Works along Cranbourne Road are subject to further negotiations with DoT.

13.1 Response to 2018/NOM56 - Proposed Boulevard Tree Planting Works along Cranbourne Road and Nepean Highway

Executive Summary

2. Other Stakeholders

Council's Operations Team, Planning and Environment Team has been consulted in regards to proposed works.

Analysis (Environmental / Economic / Social Implications)

The implementation of the 'Boulevard Tree Planting' program will result in a positive impact on the environment enhancing amenity on key roads across the Frankston municipality.

Any loss of trees and vegetation will be offset in accordance with Planning Permit requirements and the independent Arborist Condition Assessment, as necessary.

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

Legal

A Local Law Permit is required to remove trees under Council's Tree Protection Local Law 2016 No.22.

Policy Impacts

No policy impact.

Officer's Declaration of Interests

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

Risk Mitigation

Any existing trees along Cranbourne Road and Nepean Highway in a poor condition pose risks to road safety and thus removal of any such tree as per independent Arborist Assessment will mitigate such risks.

Conclusion

Even though positive feedback was received from the community it is considered that the Tree Planting budget should be deferred to a future year to prioritise funding allocations in order to strengthen the proposed Frankston City Council's COVID-19 Relief and Recovery Package; and

Refers the Boulevard Tree Planting works along Cranbourne Road and Nepean Highway to a future Capital Works Program for consideration given the strong community support.

Council officers will continue to work with DoT in relation implementation of the retaining wall works. It is anticipated that these works will be delivered as part of 2019/20 Capital Works Program subject to DoT approval.

13.1 Response to 2018/NOM56 - Proposed Boulevard Tree Planting Works along Cranbourne Road and Nepean Highway

Executive Summary

ATTACHMENTS

Attachment A:⇩ Stage 2 - Cranbourne Road Works

Attachment B:⇩ Stage 3 - Nepean Highway Works

Attachment C:⇩ Typical Retaining Wall

Attachment D:⇩ Outcome of Community Consultation

13.1 Response to 2018/NOM56 - Proposed Boulevard Tree Planting Works along Cranbourne Road and Nepean Highway

Officers' Assessment

Issues and Discussion

- There are 4 proposed locations along Cranbourne Road where retaining walls that incorporate salvaged bluestone are proposed. Discussions with DoT have provided the following comments:
    - If the height of the structure exceeds 1.2m, the retaining wall will be considered as a major structure and will need to be reviewed by DoT's Structural Engineering Team. If it falls below this height, the structure will be considered as a minor structure and this review can be omitted.
    - It is preferred that a smooth surface is to be provided. This will reduce the chance that an errant vehicle will not "catch" onto the surface of the wall and tear the structure apart.
- The DoT requirements for a 'smooth surface' may preclude the use of salvaged bluestone in the retaining walls. The typically accepted style of retaining wall utilised on DoT roads comprises a steel post and concrete sleeper construction. Refer attachment 3.
- However negotiations are continuing on how bluestone can be sensibly incorporated in the wall façade and still meet the above DoT requirements.

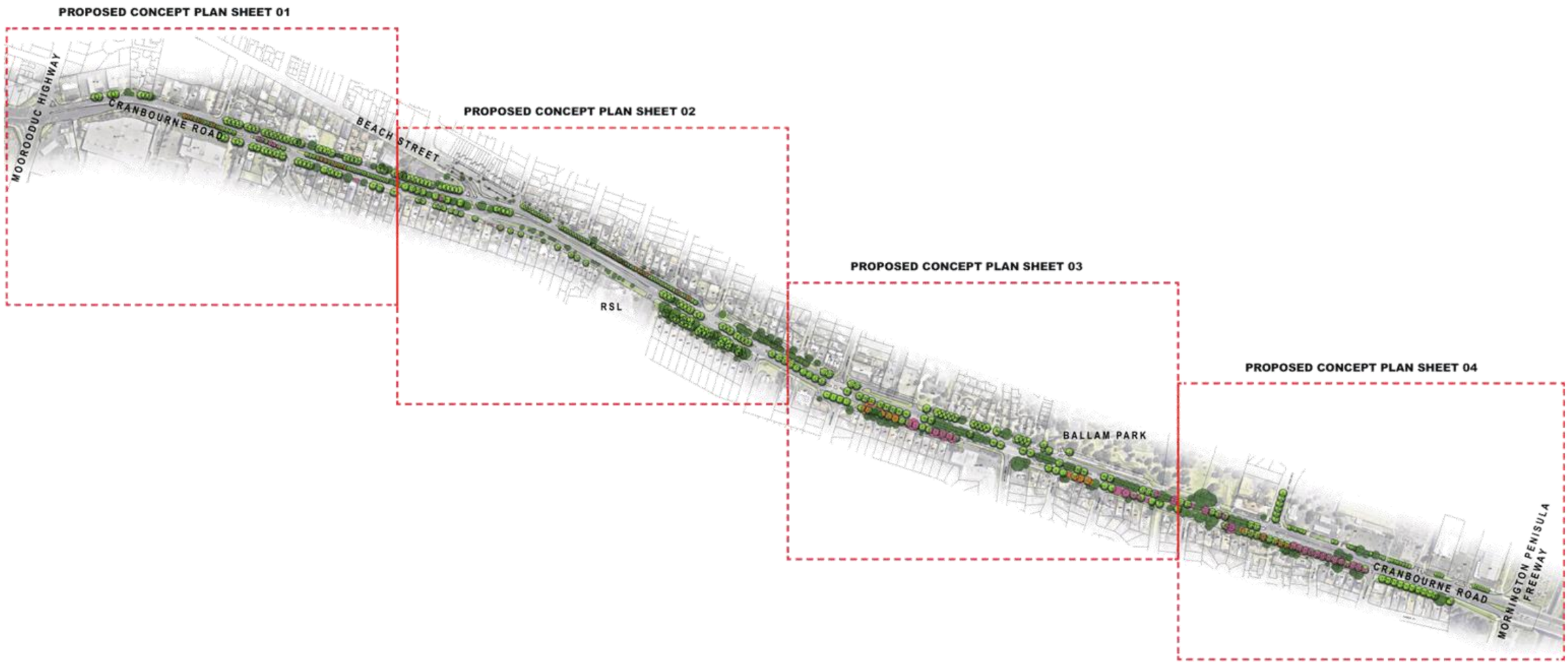
Community Consultation Outcomes

- The consultation process involved distribution of approximately 1200 letters to Traders and Residents in the vicinity of Cranbourne Road and Nepean Highway.
- The letter included information about the proposal including a project information sheet, a copy of the concept design for the Boulevard tree planting along each section of the Road and details on how to provide feedback.
- A 'Have Your Say' page was established on Council's website for the duration of the consultation period that included an online questionnaire to allow the wider community the opportunity to view the proposal and provide feedback online.
- In addition a total of 4 Community Drop-in Information Sessions were held during the consultation period to allow interested members of the public to view the plans and discuss them with Council officers.
- Council received 41 responses, 33 via 'Have your Say' and the remaining were comments received in person at the Community Drop-in Sessions.
- Tables of the responses from the online questionnaire and the 4 Community Drop-in Information Sessions are summarised in Attachment 4.
- A summary of the responses is provided below:
    - The majority were very supportive to plant new and replacement Avenue trees.
    - The majority were supportive of planting native trees similar to the existing native trees.
    - The majority were supportive of replacing some existing trees that have reached their end of life.
    - The majority were supportive to stage replacement works over a few years to allow new trees to establish.

- The majority were supportive to consider the installation of retaining walls to control erosion of nature strips.
- The majority of respondents were generally dissatisfied with the current condition of vegetation along the Boulevards.
- The majority were very concerned about the loss of existing trees and that they were currently not being replaced.

- As an outcome of the community consultation process, it is intended prior to implementation all tree replacement works would be preceded by an information sign and each tree would be clearly identified with a ribbon at least one month prior to the works to inform directly affected residents and avoid any instance of surprise.
- Members of the FEFN attended 2 of the 4 Community Drop-in Information Sessions and were very supportive of the proposals. Council officers were also very grateful for assistance from FEFN members in helping to explain the proposals to the attendees.
- Council officers will continue to work with the FEFN members to achieve mutually acceptable outcome in this matter.

STAGE 2 CRANBOURNE ROAD CONCEPT PLAN OVERVIEW



STAGE 2 CRANBOURNE ROAD CONCEPT PLAN
SHEET 01



STAGE 2 CRANBOURNE ROAD CONCEPT PLAN
SHEET 02



Legend

- EXISTING TREE/SHRUB TO BE RETAINED
- 'PHASE 1 TREES TO BE REPLACED' (1 YEAR)
- 'PHASE 2 TREES TO BE REPLACED' (5-10 YEARS)
- PROPOSED EVERGREEN TREE
- RETAINING WALL SUBJECT TO VICROADS APPROVAL

Angophora costata X 15 No.

Corymbia eximia Nana (Drawf form) X 36 No.

Corymbia maculata X 17 No.

Corymbia maculata X 14 No.

Corymbia eximia Nana (Drawf form) X 16 No.

Eucalyptus leucoxylon Scarlet X 10 No.

Leptospermum laevigatum X 20 No.

STAGE 2 CRANBOURNE ROAD CONCEPT PLAN
SHEET 03



Legend

- EXISTING TREE/SHRUB TO BE RETAINED
- 'PHASE 1 TREES TO BE REPLACED' (1 YEAR)
- 'PHASE 2 TREES TO BE REPLACED' (5-10 YEARS)
- PROPOSED EVERGREEN TREE
- RETAINING WALL SUBJECT TO VICROADS APPROVAL

Corymbia maculata X 9 No

Corymbia maculata X 14 No.

Eucalyptus leucoxylon Scarlet X 4 No.

Angophora costata X 14

Corymbia 'Scentuous' X 15 No.

Corymbia citriodora X 30 No.

Angophora costata X 13

STAGE 2 CRANBOURNE ROAD CONCEPT PLAN
SHEET 04



Corymbia maculata X 6 No.

Corymbia citriodora X 10 No.

Angophora hispida X 23No.



Corymbia citriodora 'Baby Citro' (Drawf form) X 31No.



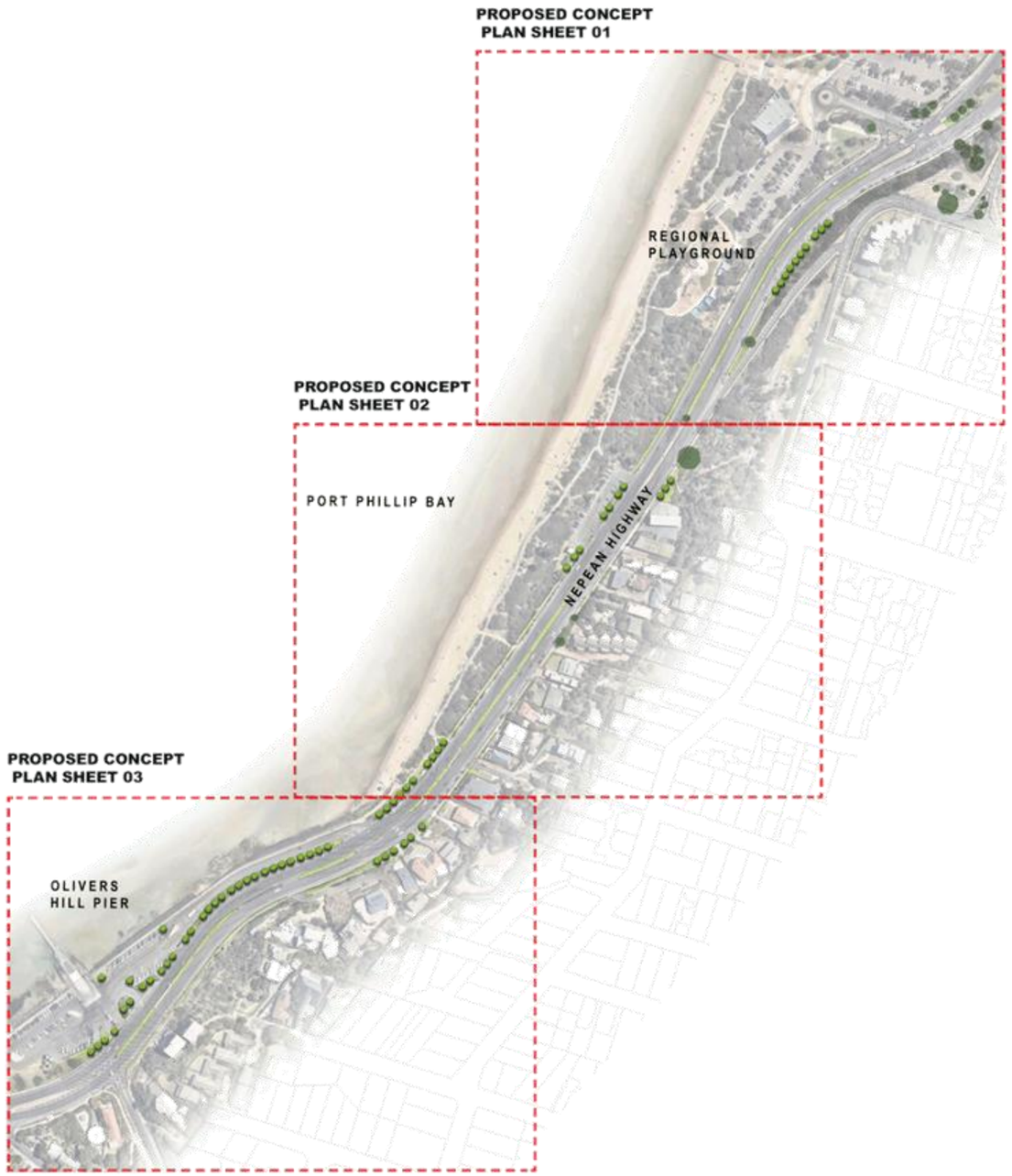
Corymbia citriodora X 11No.

Legend

- EXISTING TREE/SHRUB TO BE RETAINED
- 'PHASE 1 TREES TO BE REPLACED' (1 YEAR)
- 'PHASE 2 TREES TO BE REPLACED' (5-10 YEARS)
- PROPOSED EVERGREEN TREE
- RETAINING WALL SUBJECT TO VICROADS APPROVAL

NOTE: PROPOSED NEW TREES IN KARINGAL DRIVE MEDIAN STRIP AND IN NATURE STRIP ALONGSIDE BOUNDARY WITH KARINGAL HUB SHOPPING CENTRE TO BE FUNDED BY PROPERTY OWNER AS A REQUIREMENT OF THEIR PLANNING PERMIT.

STAGE 3 NEPEAN HIGHWAY CONCEPT PLAN OVERVIEW



STAGE 3 NEPEAN HIGHWAY CONCEPT PLAN
SHEET 01



PROPOSED EVERGREEN TREE



Allocasuarina littoralis X 10 No.

Legend

EXISTING TREE/SHRUB TO BE RETAINED

PROPOSED EVERGREEN TREE

STAGE 3 NEPEAN HIGHWAY CONCEPT PLAN
SHEET 02



PROPOSED EVERGREEN TREES



Allocasuarina littoralis X 3 No.



Banksia integrifolia X 11 No.

Legend

- EXISTING TREE/SHRUB TO BE RETAINED
- PROPOSED EVERGREEN TREE

STAGE 3 NEPEAN HIGHWAY CONCEPT PLAN
SHEET 03



PROPOSED EVERGREEN TREES



Allocasuarina littoralis X 6 No.



Banksia integrifolia X 35 No.

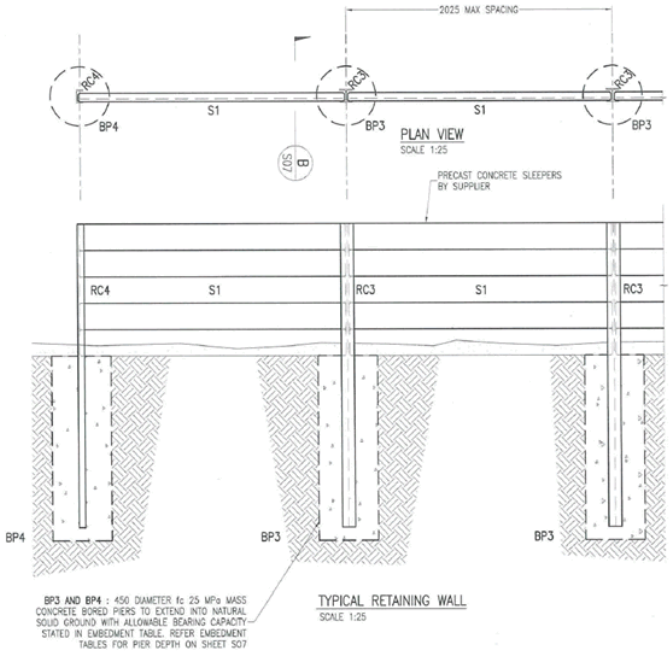
Legend

EXISTING TREE/SHRUB TO BE RETAINED

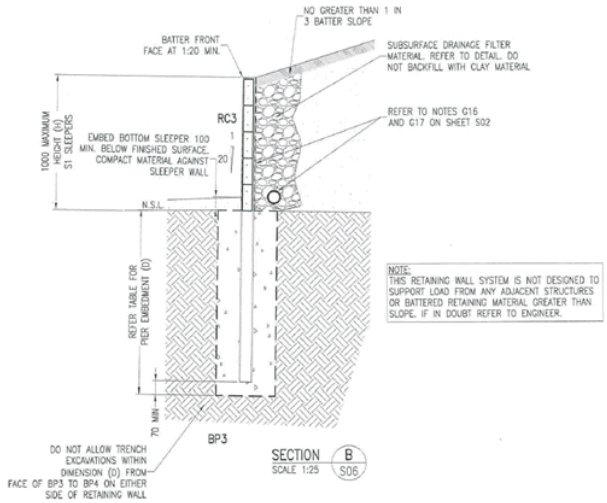
PROPOSED EVERGREEN TREE

CONCRETE SLEEPER RETAINING WALL

Typical Plan & Elevation:



Typical Section:



Boulevard Tree Planting – Stage 2 & 3

Community Drop-in Sessions Summary

opportunity » growth » lifestyle

FCC Meeting Title:	Community Drop-In Sessions for Boulevard Tree Planting Project along Cranbourne Road (Stage 2) & Nepean Highway (Stage 3)
Public Information Sessions Date and Time.	Session 1: Wednesday, 4 December 2019 – 4.00pm to 6.30pm Session 2: Saturday, 7 December 2019 – 10.00am to 12.00pm Session 3: Wednesday, 11 December 2019 – 5.30pm to 8.00pm Session 4: Tuesday, 17 December 2019 – 5.00pm to 7.00pm
Location:	Leawarra House, 200 Beach Street, Frankston (Stage 2) & Mechanics Institute, 1A Plowman Pl, Frankston (Stage 3)
Attendees:	Open to the Public
Subject	Boulevard Tree Planting – Stage 2 & Stage 3 Community Consultation

Additional Distribution	Frankston Environmental Friends Network (FEFN)		

Items Tabled

Drop-in Session	Attendees	Information given by FCC officers	Residents comments/ queries/concerns	Status
1.	Respondent 1	Boulevard Tree Planting project, methodology, existing trees demolition strategy, proposed planting was explained.	Requested to include understory planting and to include flowering natives like Callistemon and Banksia.	Supportive
2.	Respondent 2	Boulevard Tree Planting project, methodology, existing trees demolition strategy, proposed planting staging was explained. State of lower value trees compared to proposed species in reference with arborist report elaborately explained in response to the concerns expressed.	Concerned about existing trees to be removed. What species are proposed?	Supportive
2.	Respondent 3	Boulevard Tree Planting project, methodology, existing trees demolition strategy.	Concerned about existing trees to be removed and queried.	Supportive
3.	Respondents 4 & 5	Bulk Street Planting project, methodology, existing trees demolition strategy. State of lower value trees compared to proposed species in reference with arborist report elaborately explained in response to the concerns expressed. Stage 2 proposal explained in detail The type of species selected from wide native palette to consolidate existing character.	Concerned about existing trees to be removed. What removal of trees is required? What is councils replanting strategy?	Supportive
3.	Respondents 6 & 7	Boulevard Tree Planting project, methodology, existing trees demolition strategy. State of lower value trees compared to proposed species in reference with arborist report elaborately explained in response to the concerns expressed.	Which trees are to be removed?	Supportive

Drop-in Session	Attendees	Information given by FCC officers	Residents comments/ queries/concerns	Status
4.	Respondent 8	Boulevard Street Tree Planting project, methodology, existing trees demolition strategy.	Location of where the trees are proposed. The type of species selected from wide native palette to strengthen the existing foreshore character.	Supportive
4.	Respondent 9	Boulevard Street Tree Planting project, methodology, strategy.	Along Nepean Highway where are the new trees proposed, as central median will not be approved by VicRoads. What species and what is the proposed planting schedule? Commended Council on how it has progressed in working together with the community and Frankston Environmental Friends Network (FEFN).	Supportive

Are you satisfied with the current condition of the vegetation along Cranbourne Road?	How concerned are you about the loss of existing avenue trees not being replaced?	How supportive are you that Council plant new and replacement avenue trees along Cranbourne Road?	How supportive are you of planting native trees similar to the existing trees?	How supportive are you of replacing some existing trees that have reached their end of life ?	How supportive are you for Council to stage replacement works over a few years to allow new tree to establish?	How supportive are you for Council to consider the installation of retaining walls to control erosion of nature strips?	Do you have any other comments, questions or concerns?
Response	Response	Response	Response	Response	Response	Response	Open-Ended Response
Very satisfied	Neutral	Very unsupportive	Very supportive	Somewhat supportive	Somewhat supportive	Very unsupportive	This survey has questions written to provide a desired outcome. I do not believe this is ethical or democratic. The schizophrenic planting of non indigenous trees and plants throughout the municipality is shameful. This is a council failure from the top down and needs a overhaul of staff in the department concerned!
Somewhat dissatisfied	Very concerned	Very supportive	Very unsupportive	Very supportive	Very supportive	Very supportive	In the centre strip of Cranbourne road we would suggest Capitol Ornamental Pears.These have been used by the Mornington Council between Belura Hospital and Bunnings. We also suggest the sandy strip of land between the service Road and CranbourneRd.could be covered with mulch, native ground cover and some low growing natives.Ballarat Boulevard have used these trees and natives representing the returned soldiers[we used to have trees with plaques, on Nepean Highway].Turkey Oaks,Grevillea Cultivars[Scarlet Sprite]Calliistemon Great Balls of
Somewhat dissatisfied	Very concerned	Very supportive	Very supportive	Very supportive	Very supportive	Very supportive	
Somewhat satisfied	Very concerned	Very supportive	Very supportive	Very unsupportive	Very supportive	Very supportive	my comments concerns are we the people of Frankston do not want what happened in front of Parc ever again .. we did not want pine trees and the beautiful gums ripped out was disgusting ...we are also aware your arborist tells you what the age of trees are etc and would like an independent review by an independant tree arborist before you rip out any more
Neither satisfied nor dissatisfied	Very concerned	Somewhat supportive	Very supportive	Very supportive	Very supportive	Somewhat supportive	
Very dissatisfied	Very concerned	Somewhat unsupportive	Somewhat supportive	Somewhat supportive	Very supportive	Very unsupportive	Concerned that native trees have been removed but not replaced. Norfolk Island pines are not native to our area and look terrible. ? Bird attracting. Why are T trees being removed and not replaced. They are synonomous to Frankston especially on Hastings Road Service Road.
Somewhat satisfied	Neutral	Neutral	Somewhat unsupportive	Very supportive	Somewhat supportive	Somewhat supportive	Make sure it's maintained
Somewhat dissatisfied	Very concerned	Very supportive	Very supportive	Somewhat supportive	Somewhat supportive	Very unsupportive	rather than retaining walls I would like to see indigenous grasses used to control erosion. I would also like to see tall, canopy trees planted along here.
Somewhat satisfied	Very concerned	Somewhat unsupportive	Very supportive	Very supportive	Somewhat supportive	Somewhat supportive	Why were the trees in Cranbourne Rd between Fletcher Road and Moorooduc Highway replaced with Norfolk Pines. The destruction of native bird friendly trees in central Frankston over the past few years has been outrageous. That and the building of so many council assets on the very few park areas within a kilometre East and North of the CBD is appalling. Now I have read about a swimming centre at Kananook. Why not build on the parks to the South of the CBD? Perhaps the council should look at the old Nylex site or along Klauer Street for their next building project.
Somewhat dissatisfied	Very concerned	Very supportive	Very supportive	Very supportive	Very supportive	Very supportive	I would prefer indigenous or native trees be planted but I would like to see choises that would not attract wildlife such as possums to a median stip where they would be in danger from traffic.
Neither satisfied nor dissatisfied	Somewhat concerned	Somewhat supportive	Somewhat supportive	Very supportive	Very supportive	Very supportive	
Neither satisfied nor dissatisfied	Somewhat concerned	Somewhat supportive	Somewhat supportive	Somewhat supportive	Somewhat supportive	Somewhat supportive	The rest of frankston streets need more work then suggested spaces

Very satisfied	Very concerned	Somewhat supportive	Very supportive	Somewhat unsupportive	Neutral	Somewhat unsupportive	I would prefer native trees. Norfolk Island Pines are not natives, please make council officers aware of this fact.
Somewhat dissatisfied	Very concerned	Very supportive	Very supportive	Very supportive	Very supportive	Very supportive	
Somewhat dissatisfied	Very concerned	Very supportive	Very supportive	Very supportive	Very supportive	Very supportive	trees should be replaced with native's and gum trees. Using pine trees on frankston-cranbourne road is unsympathetic to the existing flora and fauna of the area.
Somewhat dissatisfied	Very concerned	Somewhat supportive	Very supportive	Neutral	Very supportive	Neutral	In need of more native trees. Against the removal original native trees. Hugely fearing that more trees are being cut down then replaced. In addition, I have found council workers not planting gums deep into the ground enough and after a year or so they have since fall in down so that's a concern.
Very dissatisfied	Very concerned	Very supportive	Very supportive	Somewhat supportive	Very supportive	Very supportive	I am not supportive of exotic tree use on council property. Make Frankston a beautiful green place to visit! Make the other towns jealous
	Very unconcerned	Somewhat unsupportive	Neutral	Very unsupportive	Somewhat supportive	Very supportive	
	Very concerned	Very supportive	Somewhat supportive	Somewhat supportive	Very supportive	Very supportive	No
	Very concerned	Very supportive	Very supportive	Very unsupportive	Very unsupportive	Somewhat unsupportive	Stop cutting down trees and planting new ones... Keep the old ones ffs
	Very concerned	Somewhat supportive	Neutral	Very unsupportive	Neutral	Somewhat supportive	Trees don't just get to 'end of life' the ecological benefits of established trees cannot be replicated by replanting and it will take decades for new growth to reach the potential that is already met by the existing flora. Removing existing trees will not only destroy habitats andincrease roadkill, it is completely contraveneing the widespread view that we should be preserving the nature around us and maintaining the beautifully green area that we live in
	Somewhat concerned	Very supportive	Somewhat supportive	Very supportive	Neutral	Somewhat supportive	Please use the best arborist and the best landscape architect possible. Follow their advice. I'd like councillors to trust and follow expert advice rather than provide uninformed/non-expert direction. Please select trees for future climate conditions. Please select large trees wherever possible for greatest tree benefits. Please do the best site preparation possible b4 planting. Ensure good quality plant stock, preferably direct sown in air pruned containers. Thanks
	Very concerned	Very supportive	Neutral	Very supportive	Very supportive	Somewhat	
	Very concerned	Very supportive	Very supportive	Very supportive	Somewhat supportive	Neutral	
	Somewhat concerned	Very supportive	Very supportive	Somewhat supportive	Somewhat supportive	Neutral	
	Very concerned	Very supportive	Very supportive	Very supportive	Very supportive	Somewhat supportive	Planting trees positively impacts on climate change, this should be considered across the whole municipality.
	Very concerned	Very supportive	Very supportive	Somewhat supportive	Very supportive	Somewhat supportive	This is a great initiative but I would love to see it extended, even into some of the local parks in Frankston that could have more trees, especially considering that mass planting of trees across Australia will help to reduce climate destruction.
	Somewhat concerned	Somewhat supportive	Very supportive	Somewhat unsupportive	Somewhat supportive	Somewhat supportive	No more Norfolk pines.
	Very concerned	Very supportive	Very supportive	Very supportive	Very supportive	Very supportive	What type of tree will be planted?
	Very concerned	Very supportive	Very supportive	Very supportive	Somewhat supportive	Very supportive	Seaford needs a lot more trees. The air quality in some pockets of Frankston City Council could be extremely improved by planting more trees. Tree and plant planting should be a priority.
	Very unconcerned	Very unsupportive	Neutral	Very unsupportive	Very unsupportive	Very unsupportive	Prioritise !

17. CONFIDENTIAL ITEMS

Section 89(2) of the Local Government Act 1989 enables the Council to close the meeting to the public if the meeting is discussing any of the following:

(a) Personnel matters;
(b) The personal hardship of any resident or ratepayer;
(c) Industrial matters;
(d) Contractual matters;
(e) Proposed developments;
(f) Legal advice;
(g) Matters affecting the security of Council property;
(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
(i) A resolution to close the meeting to members of the public.

Recommendation

That the Ordinary Council Meeting be closed to the public to discuss the following Agenda items and all documents associated with the consideration and discussion of it, that are designated confidential information by me, pursuant to Section 77(2)(c) of the Local Government Act 1989 (the Act) on the following grounds

C.1 Standing Grants Program 2020/2021

Agenda Item C.1 Standing Grants Program 2020/2021 is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.2 Clublinks - Operation of The Social Golf Club at the Centenary Park Golf Course

Agenda Item C.2 Clublinks - Operation of The Social Golf Club at the Centenary Park Golf Course is designated confidential as it relates to contractual matters (s89 2d)

C.3 Further response to 2018/NOM51 - Prospective land acquisitions and update on offset opportunities

Agenda Item C.3 Further response to 2018/NOM51 - Prospective land acquisitions and update on offset opportunities is designated confidential as it relates to contractual matters (s89 2d)

C.4 Mid-Year Strategic Risk Management Report

Agenda Item C.4 Mid-Year Strategic Risk Management Report is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.5 Award of Contract 2019/20 – 48 The Management & Operation of Pines Forest Aquatic Centre

Agenda Item C.5 Award of Contract 2019/20 – 48 The Management & Operation of Pines Forest Aquatic Centre is designated confidential as it relates to contractual matters (s89 2d)

C.6 Award of Fuel Contract - Procurement Australia Contract Number: 2206-0108

Agenda Item C.6 Award of Fuel Contract - Procurement Australia Contract Number: 2206-0108 is designated confidential as it relates to contractual matters (s89 2d)

C.7 Chief Executive Officer's Quarterly Report - April 2020

Agenda Item C.7 Chief Executive Officer's Quarterly Report - April 2020 is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.8 Debrief of Ordinary Council Meeting

Agenda Item C.8 Debrief of Ordinary Council Meeting is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h):

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Signed by the CEO