



## COUNCIL MEETING AGENDA

### 2023/CM01

### Monday 30 January 2023



# 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](http://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. **This Council Meeting will be held in the Council Chambers, Frankston Civic Centre, 30 Davey Street (entry via Young Street).** Livestream footage can be viewed via our website, [www.frankston.vic.gov.au](http://www.frankston.vic.gov.au).

Council meeting dates are posted at Young Street entrance to the Civic Centre (upper level) and also on our website, [www.frankston.vic.gov.au](http://www.frankston.vic.gov.au).

## **Frankston City Council Governance Rules (adopted 31 August 2020 and amended 5 September 2022)**

### **25. Chair's Duty**

Any motion which is determined by the *Chair* to be:

- 25.1 *defamatory of or embarrassing to any Councillor, member of Council staff or other person;*
- 25.2 *abusive or objectionable in language or nature;*
- 25.3 *a direct negative of the question before the Chair;*
- 25.4 *vague or unclear in intention;*
- 25.5 *outside the powers of Council; or*
- 25.6 *irrelevant to the item of business on the agenda and has not been admitted as*

**79. Chair May Remove**

- 79.1 *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 given under sub-Rule 78.2, or cause the removal of any object or material that is deemed by the Chair as being objectionable or disrespectful.*
- 79.2 *Any person removed from the meeting under sub-Rule 79.1 must not return to the meeting without the approval of the Chair or Council.*

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

The Governance Local Law 2020 creates the following offences in relation to behaviour at Council meetings:

- Refusing to leave a meeting when requested to do so by the Chair (following improper or disorderly conduct)
- Failing to comply with a direction of the Chair

Each of these offences carries a penalty of 2 penalty units.

**Live Streaming of Council Meetings**

Frankston City Council is now Live Streaming its Council Meetings.

**Council is 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.

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.

As per Council's Governance Rules 77.2 – the proceedings will be live streamed and recordings of the proceedings will be retained and will be published on Council's website within 24 hours from the end of the meeting.

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. Please note that it is not intended that public speakers will be visible in a live stream of a meeting and care is taken to maintain a person's privacy as an attendee in the gallery, however they may be unintentionally captured in the recording. If public speakers do not wish to be audio recorded they will need to contact the Councillors Office on telephone (03) 9768 1632 or via email [councillors.office@frankston.vic.gov.au](mailto:councillors.office@frankston.vic.gov.au) to discuss alternative options prior to the meeting.

In the event Council encounters technical issues with the livestreaming, the meeting will be adjourned for up to 30 minutes until the matter is resolved. If the matter cannot be resolved, the meeting will be postponed to another evening.

## **The Formal Council Meeting Agenda**

The Council meeting agenda is available for public inspection immediately after it is prepared, which is normally on the Thursday afternoon two (2) business 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](http://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](http://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](mailto: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 Council 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](mailto: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](http://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](http://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. The proceedings will be live streamed and recordings of Council meetings will be made available to members of the public within 24 hours of the meeting.

Members of the public who address the Council will be heard on the live stream and audio of them speaking will be recorded. It is not intended that submitters or members of the public in the gallery will be visible in the live streaming or recording of the meeting. If a submitter does not wish to be recorded they must advise the Chair at the commencement of their public submission or prior to the Council Meeting.

### **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 a Council Meeting of the Council will be held at the Civic Centre, Davey Street, Frankston, on 30 January 2023 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

*I acknowledge the Traditional Custodians of the land on which we meet today, the Bunurong People of the Kulin Nation, and pay my respect to Elders past, present and future. I would like to extend that respect to Elders of other communities who may be here today.*

**BUSINESS****1. COUNCILLOR APPRECIATION AWARDS**

Nil

**2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Council Meeting No. CM18 held on 12 December 2022.

**3. APOLOGIES**

Nil

**4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST****5. PUBLIC QUESTIONS**

Nil

**6. HEARING OF SUBMISSIONS****7. ITEMS BROUGHT FORWARD****8. ITEMS TO BE TABLED**

- 8.1 Frankston City Council & Cr S Hughes (IAP 2022-21) -  
Application for an internal arbitration process to make finding of  
misconduct .....3

**9. PRESENTATION OF PETITIONS AND JOINT LETTERS**

Nil

**10. DELEGATES' REPORTS**

Nil

**11. CONSIDERATION OF CITY PLANNING REPORTS**

- 11.1 Planning Application 446/2022/P - 383-389 Nepean Highway,  
Frankston - Use and develop a five to six (5-6) storey office  
building in a Mixed Use Zone, Design and Development Overlay  
(Schedule 5) and Special Building Overlay, reduction to car  
parking requirements of Clause 52.06 of the Frankston Planning  
Scheme, construction and display of two business identification  
signs and one floodlit identification sign and alteration to access  
to a road in a Transport Zone 2 .....21
- 11.2 Planning Application 44/2022/P - 135 Golf Links Road, Frankston  
South - To construct a Telecommunications Facility (including  
telecommunications tower and associated equipment) in a Rural  
Conservation Zone Schedule 3 (RCZ3) and to remove one (1)  
tree in a Significant Landscape Overlay Schedule 1 (SLO1). .....106
- 11.3 Statutory Planning Progress Report - November and December  
2022 .....131

**12. CONSIDERATION OF REPORTS OF OFFICERS**

12.1	Council Resolution Status Update for 30 January 2023 .....	201
12.2	Chief Executive Officer's Quarterly report - October - December 2022 period.....	207
12.3	Frankston Business Collective update.....	212
12.4	E-bikes trial progress report.....	228
12.5	Appointment of Directors to the Board of Peninsula Leisure Pty Ltd .....	232
12.6	Appointment of Independent Member to the Audit and Risk Committee .....	236
12.7	Appointment of Chairperson to the Audit and Risk Committee 2023 .....	238
12.8	Outcomes of the Audit & Risk Committee Meeting - 2 December 2022 .....	240

**13. RESPONSE TO NOTICES OF MOTION**

Nil

**14. NOTICES OF MOTION**

14.1	2023/NOM1 - Kananook Railway Station Sound Wall .....	242
14.2	2023/NOM2 - Release of Closed Council Report on Proposed Long St Kindergarten and MCH.....	245

**15. REPORTS NOT YET SUBMITTED**

Nil

**16. URGENT BUSINESS****17. CONFIDENTIAL ITEMS**

Nil

Phil Cantillon

**CHIEF EXECUTIVE OFFICER**

25/01/2023

**8.1 Frankston City Council & Cr S Hughes (IAP 2022-21) - Application for an internal arbitration process to make finding of misconduct**

In accordance with section 147(4) of the Local Government Act 2020, the arbiter's decision and statement of reasons on the matter of Frankston City Council & Hughes (IAP 2022-21) – Application for an internal arbitration process to make findings of misconduct (attached) is tabled and recorded in the minutes of the meeting.

---

**ATTACHMENTS**

Attachment A: [↓](#) Arbiter's Decision and Statement of Reasons - 23 January 2023

INTERNAL ARBITRATION PROCESS - FRANKSTON CITY COUNCIL

In the matter of an Application by the Frankston City Council concerning  
Councillor Steven Hughes

HEARING PURSUANT TO DIVISION 5 OF PART 6 OF THE *LOCAL GOVERNMENT ACT 2020*

Application Number: IAP 2022-21  
Applicant: Frankston City Council (represented by the Mayor  
Councillor Nathan Conroy)  
Respondent: Councillor Steven Hughes  
Hearing Date: 7 December 2022  
Before: Arbiter Matthew Evans

**DETERMINATION**

The Arbiter has determined that the Respondent, Councillor Steven Hughes, has breached the prescribed Standards of Conduct included in section 2 of the Frankston City Council Councillor Code of Conduct 2021 in relation to four of the eight allegations, and has made a finding of misconduct in respect of these breaches. These are summarised as follows:

- Allegation 1 - breached Standards of Conduct 2.2 and 2.4(a)  
(Standards 2 & 4(1) of the prescribed standards of conduct)
- Allegation 2 - breached Standard of Conduct 2.1  
(Standard 1 of the prescribed standards of conduct)
- Allegation 3 - breached Standard of Conduct 2.2  
(Standard 2 of the prescribed standards of conduct)
- Allegation 7 - breached Standard of Conduct 2.1  
(Standard 1 of the prescribed standards of conduct)

The Arbiter has made no finding of misconduct in relation to four allegations (numbers 4,5,6 and 8). As there had been no breach of the prescribed standards of conduct, the Application in relation to these allegations is dismissed.



## STATEMENT OF REASONS FOR DECISION

### The Application

1. On 15 June 2022, the Applicant applied under section 143 of the *Local Government Act 2020* (the Act) for an Arbiter to make a finding of misconduct against the Respondent.
2. The Principal Councillor Conduct Registrar (the Registrar) examined the application under section 144 of the Act, and on 30 August 2022, the Registrar appointed the Arbiter under sections 144 and 149 of the Act after forming the opinion that the application was not frivolous, vexatious, misconceived or lacking in substance and that there was sufficient evidence to support a breach of the Frankston City Council Councillor Code of Conduct.

### Jurisdiction of the Arbiter in relation to this Application

3. Section 143 of the Act provides that an Arbiter may hear an application that alleges misconduct by a Councillor.
4. The Arbiter was appointed pursuant to section 144 of the Act.
5. Pursuant to section 147 of the Act, an Arbiter may determine whether a Councillor has engaged in misconduct.
6. At the time of the Application, 'misconduct' was defined in section 3 of the Act as "...any breach by a Councillor of the prescribed standards of conduct included in the Councillor Code of Conduct".
7. The prescribed standards of conduct are set out in Schedule 1 of the Local Government (Governance and Integrity) Regulations 2020. A copy of the standards is attached as Attachment 1.
8. These standards are included in section 2 of the Frankston City Council Councillor Code of Conduct. The Code was adopted and signed by all Council members.

### The Hearings

9. On 7 September 2022, the Arbiter wrote to the Council's Councillor Conduct Officer and the parties advising that a directions hearing would be held on 14 September 2022. An additional Direction was issued on 11 September 2022 accepting a request from parties that the directions hearing be held remotely.
10. Following the directions hearing, directions were made for the filing and serving of documents on which the parties intended to rely at the hearing, and a hearing date was set down for 4 November 2022.
11. Due to a delay in the filing of the Applicant's documents, additional directions were made on 20 October 2022 providing revised deadlines for the filing and serving of documents by the parties.

12. An additional direction was made on 3 November 2022 agreeing to postpone the 4 November 2022 hearing, following a request from the Applicant's representative. This was followed by a direction that was made on 23 November 2022 setting a new hearing date for 7 December 2022.
13. After hearing submissions from the parties at the hearing, and considering the documents filed by them, the Arbiter reserved his decision.

#### **Evidence Provided**

14. The Application contains eight separate allegations. Written submissions and evidence including copies of emails, screenshots of social media posts, copies of media articles, links to the recorded livestream of Council meetings and a 'debrief' (following a Council meeting) and other material was submitted by both the Applicant and Respondent prior to the hearing. In addition, the Mayor Councillor Nathan Conroy lodged a personal Witness Statement.
15. At the hearing on 7 December 2022, both the Applicant and Respondent made verbal submissions regarding the eight allegations of a breach of the Standards of Conduct. During the hearing, a video of the livestream of the Council meeting of 26 April 2022 was also viewed.

#### **Findings of the Arbiter and Reasons**

##### Allegation 1

16. The Applicant alleged that Councillor Hughes had breached Standards of Conduct in the Code by not removing from his public Facebook page any of the posts referred to in the Arbiter's Determination and Reasons dated 27 July 2021. This is a reference to the decision of the Arbiter Hon. Shane Marshall AM.
17. The Applicant argued that Councillor Hughes was requested to remove the posts by the then Mayor Councillor Kris Bolam on 4 October 2021 and on 22 October 2022, and copies of these requests were provided as part of the Applicant's evidence. Councillor Hughes did not comply with that request.
18. Council contended that continued publication of the relevant posts (especially after a request for their removal had been made) constituted a breach of paragraphs 2.1, 2.2 and/or 2.4 of the Councillor Code of Conduct.
19. Specifically, the Applicant alleged that Councillor Hughes' continued to breach:
  - (a) paragraph 2.1 of the Code in that Councillor Hughes' continued publication of the posts treats the office of Mayor and Councillor Bolam (as the Mayor at the time that the posts were originally published) with a lack of courtesy and respect;
  - (b) paragraph 2.2 of the Code in that Councillor Hughes' continue publication of the posts means that he is not performing the role of Councillor responsibly; and/or
  - (c) paragraph 2.4 of the Code in that Councillor Hughes' continued publication of the posts brings discredit upon Council and/or involves Councillor Hughes deliberately misleading the public.

20. The Applicant alleged that the continued publication of social media content that has been found to breach a Standard of Conduct is itself a breach of the Standards of Conduct. The Applicant explained that were it to be otherwise, a Councillor who had been found to breach a Standard of Conduct could continue to:
- (a) show a lack of courtesy and respect to others;
  - (b) not perform the role of Councillor responsibly; and/or
  - (c) bring discredit upon Council or deliberately mislead the public.
21. The Applicant submitted that if a member of the public were to read the posts subsequent to the Arbiter's decision (27 July 2021), they may have been unaware of that decision or the findings that Councillor Hughes had breached the Standards of Conduct. That member of the public would, in any event, have been confronted with content that (according to the Arbiter's decision) exhibited a lack of dignity, courtesy or respect for the office of Mayor (or, Councillor Bolam, as the immediate past Mayor) or which brought discredit upon Council.
22. In his Witness Statement, Councillor Conroy provided a screenshot of the relevant parts of Councillor Hughes' public Facebook page as it appeared on 20 October 2022. This contains two posts:
- (i) The first was posted 1 March 2021 and opens with "A taste of North Korean justice comes to Frankston with a move that would make Kim Jon-Un nod in approval"; and,
  - (ii) The second was posted 18 February 2021 and opens with 'The odds have shortened on a rate rise next year as council votes to reject a rate reduction'.
- Both parties acknowledged a third post that was also originally contentious, but there was a common understanding that the Respondent had removed this at the time of the previous Arbitration due to a 'technical error'.
23. At the hearing, Councillor Hughes explained that every time he discussed a council decision he disagreed with, he feels he may be in breach of the Code of Conduct and open to further sanctioning. He explained that he equates this to the silencing of free speech that he experienced when visiting North Korea. The 'North Korea' post focuses on Councillor Hughes' position on the Frankston Code of Conduct's Communication Policy, which had remained in place, but was recently removed from the Code via a resolution of Council. With the removal of the Code of Conduct's Communication Policy, I questioned whether Councillor Hughes would now agree to remove the 'North Korea' post. Councillor Hughes confirmed that he would. No clear explanation was provided by Councillor Hughes as to why the post had not already been removed.
24. In relation to the Facebook post on rates (18 February 2021), Councillor Hughes made submissions on this in relation to Allegation 1 and Allegation 3. In relation to Allegation 1, he submitted in his oral evidence that the post was his only recourse when Council promotes resolutions about the level of rates that he had voted against, and Council's communications neglected to inform that he voted against the resolution.
25. Whilst I note Councillor Hughes' explanation for producing, posting and retaining these two items on Facebook, I do not accept that he could not have originally written them in such a way as to make his point without breaching the Code. After considering submissions from the parties and their evidence I am satisfied that Councillor Hughes social media posts continue to breach the Standard of Conduct as follows:

- Standard of Conduct 2.2 of the Code in that Councillor Hughes' continued publication of the posts means that he is not performing the role of Councillor responsibly; and
- Standard of Conduct 2.4(a) of the Code in that Councillor Hughes' continued publication of the posts brings discredit upon Council.

#### Allegation 2

26. The Applicant alleged Councillor Hughes has breached paragraph 2.1, 2.2 and/or 2.4 of the Councillor Code of Conduct. It was alleged that at a Councillor Briefing on 21 March 2022 Councillor Hughes made serious allegations about members of Council staff associated with the handling of a petition from residents in Ozone Avenue, Frankston. Councillor Hughes alleged that a member of Council staff advised the residents objecting to an application for a crossover that they should delay submitting a petition to Council, and that Council staff did this so they could make a decision (using delegated authority) on the crossover before the existence of the petition became known to Councillors.
27. To support the allegation, the Applicant provided evidence including an email from Council's CEO to Councillor Hughes sent on 3 May 2022 containing a review into the circumstances surrounding the petition. Contrary to Councillor Hughes' understanding of the potential for Councillors to 'call the matter in' and use discretion to decide the application, the review noted that little discretion was available. As part of a 'Chronology' of key events, the review noted that on 6 May 2021, an email was sent by C Hughes to various officers, including advice that 'They (residents) have started to form a petition from their neighbours, but I asked them to hold off until we can find out what is going on'. The CEO concluded that in relation to how the crossover application was handled by Council there was no further action required in relation to the matter.
28. I have reviewed a recording of the Council Briefing of the 21 March 2022, during which Councillor Hughes is alleged to have asserted that staff associated with the handling of the petition had acted improperly, seemingly with nefarious intentions. Councillor Hughes' allegation was unqualified, and no definitive evidence was presented to support his claims.
29. In response to the allegation, Councillor Hughes highlighted that the CEO's review was limited insofar as it did not seek the views of residents. However, I have reviewed statements provided by Councillor Hughes, which outlines the residents' grievances in some detail. In his evidence Councillor Hughes asserts that officers were in some way seeking to deceive residents, even referring to this as '*trickery*'.
30. In his defence, Councillor Hughes also emphasised that his questioning of how Council officers dealt with the matter was in a closed Council briefing session, which he referred to as 'in-private' rather than a meeting open to the public, and that he did not name the staff member whom it is claimed encouraged residents to delay lodgement of a petition. However, in addition to the Mayor and Councillors, Council's executive leadership team and several managers were in attendance including officers that managed the team that Councillor Hughes alleged had misled residents.
31. Section 2.1 'Treatment of Others' of the Councillor Code of Conduct is clear that members of Council staff are entitled to be treated with dignity, fairness, objectivity, courtesy, and respect.

32. After considering submissions from the parties and evidence, I am satisfied that Councillor Hughes breached Standard of Conduct 2.1 as he did not treat Council staff with dignity, fairness, objectivity, courtesy, and respect. Councillor Hughes derided Council staff in front of the elected Council and senior officers of the Council, after he formed a position on this matter without providing substantive evidence.

Allegation 3

33. On the 31 March 2022, Councillor Hughes posted on his public Facebook Page information purporting to set out the level of Frankston City Council's rates compared with the level of rates in other municipal districts. A screenshot of the post was provided in the Application. The Application contends that in doing so, he did not explain that each council's level of rates is affected by the mix and distribution of the rates burden, with some councils having a heavier reliance on rates referable to residential properties than others.

34. The Applicant therefore alleges that Councillor Hughes' failure to present a complete account of the comparative rates data breached:

- (i) Paragraph 2.2 of the Code, in that Councillor Hughes failed to perform the role of Councillor responsibly; and/or
- (ii) Paragraph 2.4 of the Code, in that Councillor Hughes deliberately misled the public.

In addition, it was alleged that the breaches were due to his failure to attend Councillor briefings dedicated to Council's financial affairs, held on 21 July 2021 and 9 February 2022, thereby breaching paragraph 2.2 of the Code by failing to perform the role of Councillor responsibly (and more particularly, by failing to diligently use Council processes to become informed about matters which are subject to Council decisions).

35. The Applicant's outline of argument referred to an earlier decision (dated 27 July 2021) of the Arbiter Hon. Shane Marshall AM. This was in relation to a social media post by Councillor Hughes that also referred to the relative level of rates across municipalities. The Applicant argued that "As the Arbiter's Decision and Reasons indicated (at para 21), it is important that anything said about rates presents the full story. Otherwise, there is the risk that members of the public are misled and that Council is brought into disrepute".
36. The Applicant submitted that the 31 March 2022 social media post by Councillor Hughes did not contain relevant qualifications about the information presented. It failed to distinguish between the mix and distribution of residential and commercial rateable properties within municipalities, and that such qualifying information is important in order to compare rates within different municipalities. This failure to present the 'full story' (as Mr Marshall referred to it in para 21) meant that Councillor Hughes breached paragraph 2.2 and/or 2.4 of the Councillor Code of Conduct.
37. In addition, the Applicant submitted that had Councillor Hughes attended Councillor Briefings dedicated to Council's financial position, and rating strategies more particularly, he would have better understood the 'full story' and appropriately qualified his post. Such briefings took place on 21 July 2021 and 9 February 2022. It was submitted that a failure to attend those Councillor briefings meant that Councillor Hughes failed to diligently use council processes to become informed about matters which were the subject of Council decisions. Attached to the witness

statement of the Mayor Councillor Conroy was a record of Councillor attendance at Councillor Briefings between 1 November 2020 and 6 June 2022. I agree this illustrates a decline in attendance at Councillor Briefings by Councillor Hughes particularly from around 1 July 2021.

38. From the Respondent's opening remarks at the hearing, it was clear that he prioritises the issue of Council's financial accountability in his role as a Councillor. I agree with the observation in his written statement that 'the amount charged in rates in Frankston is a vexed issue'. He maintains that the social media post of the 31 March 2022 is accurate and provides complete information that is not misleading. He also references his efforts to improve the post of the 31 March 2022 based upon feedback from the earlier decision (dated 27 July 2021) of the Arbiter Hon. Shane Marshall AM.
39. After considering submissions from the parties and evidence I find that there is agreement between the parties that Councillor Hughes has the right to say that rates are too high. In his oral evidence, Councillor Conroy acknowledged this point. But where the parties diverge is in relation to ensuring that Councillor Hughes does not simplify a complex decision of council to fit a narrative, or that he does not provide misleading or incomplete information. It is not consistent with the Code to continue to give the impression that Council rates in Frankston are unreasonable without giving the full story. For example, Councillor Hughes selectively refers to the impact on rates of Council pursuing various capital projects. But other important factors such as differences in the mix and proportion of categories of residential property or commercial/industrial properties, and the fact that these will each pay a higher or lower rate in the dollar in each municipality must be included in any reasonable comparison between municipalities or their localities. Other factors may include, for example, historic investment levels in infrastructure and maintenance across municipalities, which can also significantly impact decisions on rates and distort comparisons like those provided in Councillor Hughes' post.
40. It is noted that Council's website provides a significant amount of information and responses to frequently asked questions about how rates are calculated. This information is fair, balanced and helpful.
41. I am comfortably satisfied that Councillor Hughes' social media post breached Standard of Conduct 2.2 of the Councillor Code of Conduct and that Councillor Hughes failed to perform the role of Councillor responsibly. However, I am not satisfied it was Councillor Hughes intention to deliberately mislead so have not found a breach of the Standard of Conduct 2.4(b).
42. It is not at all helpful that Councillor Hughes fails to attend Councillor Briefings dedicated to Council's financial affairs, such as those held on 21 July 2021 and 9 February 2022. Whilst it was alleged that these breaches can be attributed to Councillor Hughes non-attendance, on-balance I find that Councillor Hughes non-attendance does not breach Standard of Conduct 2.2 of the Code.

#### Allegation 4

43. Upon being elected, all Frankston Councillors have taken oath or affirmation of office as prescribed in Regulation 5 of the Local Government (Governance and Integrity) Regulations 2020. This requires each Councillor to swear or affirm that they will undertake the duties of the office of Councillor in the best interests of the municipal community.



44. Against this backdrop, the Applicant alleged that Councillor Hughes made very direct allegations against several Councillors at the 'debrief' meeting (not open to the public) following the end of the Council meeting on 26 April 2022. It was alleged that Councillor Hughes effectively claimed that each of the named Councillors were guided by political affiliations at the expense of the broader interests of the community. The quality of the recording of the debrief is not great and there was some contention over whether some Councillors were referred to as 'former' members of political parties.
45. According to the Applicant, each named Councillor was really being said to have elevated political priorities above interests of the broader community. The Applicant alleged that in making these claims at the 'debrief' Councillor Hughes breached paragraph 2.1, 2.2 and/or 2.4 of the Councillor Code of Conduct.
46. The Applicant noted the comments were made only to Councillors and those members of Council staff who continued to be present in the meeting's aftermath. Therefore, it cannot be said that any element of robust public debate existed as a defence.
47. A recording of the 26 April 2022 Council meeting debrief was viewed.
48. In response, Councillor Hughes explained that a significant amount of Councillor time had been spent focussing on a controversy due to a federal election candidate appearing in a council photo, and this controversy had dominated Councillor discussions prior to the Council meeting on the 26 April 2022, and in the 'pre meeting' on the night of the Council meeting. Councillor Conroy did not dispute that Council had spent considerable time focussing on that issue. This appears to have contributed to some frustration for Councillor Hughes who was focusing on a matter that required a Council decision, being the level of funding for a Toy Library.
49. After considering submissions from the parties, I accept the evidence of Councillor Hughes and find there to be no breach of the Standards of Conduct. I accept that Councillor Hughes reference to political affiliations did not amount to Councillors disregarding their oath or affirmation. Rather, Councillor Hughes was expressing some frustration at the result of Council's resolution on the Toy Library issue, and it was his view that Council should have been more focussed on that issue rather than other issues outlined above.

#### Allegation 5

50. Allegation 5 alleged that Councillor Hughes made an accusation on social media that Councillors' political associations were given priority over their concern for the community.
51. Specifically, evidence presented focused on a social media exchange on or about the 27 April 2021, whereby Councillor Hughes questioned the motivation of 'other Councillors'. Councillor Hughes' comment was part of a lengthy exchange, which included Councillor Hughes drawing a distinction between he and Councillor Liam Hughes with other Councillors. He claimed that 'Unlike...other Councillors, we are not political party operatives'. This goes to the reputation or character of Councillors. The Applicant alleges that this constituted a breach of paragraph 2.1, 2.2 and/or 2.4 of the Councillor Code of Conduct.

52. At the hearing, the Respondent conceded that the wording of his comment underneath the social media post was 'very poor', and that as soon as this concern was brought to his attention he deleted the comment. The Respondent also described the exchange of comments as robust debate. I accept that this debate on social media was robust.

53. Whilst the social media comment is on the borderline of breaching substandard 2.4 (a), I find there to be no breach of the Standards of Conduct found in paragraph 2.1, 2.2 and 2.4 of the Councillor Code of Conduct. Notwithstanding, Councillor Hughes' social media comments were unhelpful, and this finding should not be misconstrued as a 'green light' for casting of aspersions about the impact of political affiliations, even in the context of robust debate.

#### Allegation 6

54. The Applicant alleged breaches of paragraph 2.1, 2.2 and/or 2.4 of the Councillor Code of Conduct in relation to allegation 6. At a meeting of Council on 21 February 2022, a matter regarding funding for the Frankston Toy Library was considered by Council.

55. The Application alleged that Councillor Hughes misrepresented Councillor Bolam's position when posting on his public Facebook page on or about 28 April 2022. The Application explained that Councillor Bolam's comments at the meeting on 21 February 2022 were confined to the amount of funds given to the Frankston Toy Library by Council, and that he said nothing about the overall financial position of the Frankston Toy Library. To support the allegation the Applicant provided an extract of Councillor Hughes' social media post.

56. In his post of 28 April 2022, Councillor Hughes states: *'He (Cr Bolam) made claims that the library was 'doing alright', with his statement being included in a local newspaper, potentially misleading residents to believe that the toy library was not in financial hardship'*.

57. The Application claimed that at a minimum this failed to treat Councillor Bolam fairly, and at worst it reflected a failure to act responsibly, by checking what had, in fact, been said, or it could even have been an act of deliberately misleading the public.

58. I have reviewed the publicly available livestream of the 21 February 2022 Council meeting to determine if Councillor Hughes' social media post fairly described Councillor Bolam's comments. When summing up his arguments in support of item 12.10 'Community Grants Program' on the Council Agenda, Councillor Bolam seeks to put the issue of the toy library's funding into a broader context. He comments on several aspects of the toy library including the "enormous amount of space", "zero rent" and proposed "\$15,000 contribution", quickly followed by the comment "So I think they're doing pretty well". He continued by comparing this toy library to other nearby toy libraries and stated that the toy library is "still doing very well in comparison to those other toy libraries".

59. A fair-minded objective observer of the meeting would conclude that Councillor Bolam's description did not amount to a toy library that was confronting financial hardship. Councillor Bolam's comments were not confined to the amount of funds allocated through the Community Grants Program but were broader, with reference to other merits of the toy library (space, zero rent) in addition to the funding, and he then makes a sweeping comparison between the Frankston Toy Library and other toy libraries.

60. In summary, whilst Councillor Hughes' social media post suggested that Councillor Bolam had used the words 'doing alright' when describing the position of the 'toy library', and this was not what he said, I do not find that Councillor Hughes description constitutes unfair treatment, a failure to act responsibly or was intentionally misleading. After considering submissions from the parties and evidence, I find that there has been no breach of the standards of conduct.

#### Allegation 7

61. Section 18 of the Act specifies the role of the Mayor. This includes a requirement to 'promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct', and to 'assist Councillors to understand their role'.

62. Also, for context, each Council including Frankston has Governance rules, made in accordance with section 60 of the Act. I have reviewed Frankston's Governance rules, and these do not differ in any consequential way from those at other Councils. These rules apply to meetings of Councils, requiring decisions which are balanced, ethical, impartial and on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations.

63. On 27 April 2022, the Mayor Councillor Nathan Conroy drafted and sent a memo titled 'Council Meeting reflections from Tuesday 26 April 2022'. This contained: the Mayor's observations (after a period of reflection), a summary of issues of concern about Councillor conduct, a commitment to strictly apply several Frankston City Council governance rules, a reminder that the chambers is a workplace subject to Council's obligations under the OHS Act, and finally a reminder of the conduct and standards that the Mayor expects in future meetings. After reviewing video of the conduct during the meeting and debrief, it is clear that this was the only responsible course of action for the Mayor. The memo was 'on-point' and consistent with the type of leadership envisaged by section 18 of the Act.

64. As a consequence, Councillor Hughes sent an email to the Mayor in response to the Memorandum, which was copied to all Councillors. A copy of the email was submitted as evidence by the Applicant. It included several personal and provocative statements including that the Mayor 'adhere(s) to the 'if you can't beat them, silence them' philosophy' and that the Mayor was destroying democracy to protect a friend. It refers to the Mayor's 'new rules' when the memo was simply a recommitment by Councillor Conroy to enforce the existing Governance rules. Any fair-minded objective observer of the 26 April 2022 meeting would have identified a need for the Governance rules to be applied as described in Councillor Conroy's Memorandum.

65. The Applicant alleged that in the circumstances there had been a breach of paragraph 2.1, 2.2 and/or 2.4. In support, the Applicant submitted that it is important that the office of Mayor be respected by all Councillors, and that this should be so irrespective of whether, during a particular meeting, the Mayor makes rulings that are adverse to the interests of any one particular Councillor. It submitted that Councillor Hughes' response was inflammatory (when referring to a destruction of democracy) and patently unfair in alleging a lack of impartiality and, indeed, hypocrisy. What was said went beyond robust public debate and involved allegations about character.

66. In his witness statement, Councillor Conroy described how he felt incredibly disappointed when he read the email from Councillor Hughes, which he described as factually wrong and failed to treat him fairly or with courtesy and respect.
67. In his evidence, Councillor Hughes colloquially 'doubled-down' calling the Memorandum a 'terrible attack on free speech, democratic principles or transparency and drastically limits the ability of a Councillor to represent the residents they were elected by'. He then proceeded to list several 'legal issues' with the memo, focusing on the Mayor's recommitment to enforce what are the existing Governance rules.
68. After considering submissions from the parties and evidence I find the allegation proven. Councillor Hughes' polarising response to the Mayor's memorandum, directed to the entire Council group, failed to treat the Mayor with fairness, objectivity, courtesy and respect (Standard of Conduct 2.1).

#### Allegation 8

69. On 28 April 2022, Councillor Hughes posted elements of the Mayor's Memorandum to all Councillors (sent on 27 April 2022) onto his public Facebook page. By making aspects of the Mayoral Memorandum available the Applicant alleged that there was a breach by Councillor Hughes of Standards of Conduct 2.1, 2.2 and/or 2.4 of the Councillor Code of Conduct.
70. To support the allegation the Applicant submitted that good governance depends, at least in part, on certain communications between and among Councillors (and between and among Councillors and senior members of Council staff) remaining private or confidential. Without labelling every document or every discussion 'private', 'confidential' or 'private and confidential', it will be apparent that the subject-matter of many documents and discussions are intended to remain accessible only to a very limited audience. This was the case with the Mayor's Memorandum to Councillors dated 27 April 2022.
71. In his witness statement Councillor Conroy explained that had he known that the Memorandum or its contents would be publicly available, the Memorandum might not have been sent. Instead, he suggested that a Councillor-only discussion may have been held. Alternatively, what was said in the Memorandum might have been heavily modified.
72. In addition, the Application alleged that Councillor Hughes' 28 April 2022 post which referred to aspects of the Memorandum suggested that the Memorandum was directed solely at the behaviour of himself and Councillor Liam Hughes. It was alleged that the imputation that the Memorandum was directed solely at two Councillors failed to accord the Mayor fairness and objectivity. It was therefore submitted that there was a breach of a paragraph 2.1 of the Councillor Code of Conduct by Councillor Hughes. It was also alleged that paragraphs 2.2 and/or 2.4 of the Councillor Code of Conduct were breached, in that the imputations were the product of a failure to perform the role of Councillor responsibly and/or involved Council and the public being deliberately misled.
73. In response Councillor Hughes submitted that the Applicant's claim that the information provided in the email by the Mayor was of a private nature and shouldn't have been shared, is legally incorrect and lacks transparency. The Respondent submitted that emails, meeting minutes and

council discussions are all available to the public under Freedom of Information laws, and that only items that are clearly stated as confidential are not available for discussion.

74. I accept the Applicant's submission that good governance depends, at least in part, on certain communications between and among Councillors (and between and among Councillors and senior members of Council staff) remaining private or confidential. However, I interpret Councillor Hughes decision on 28 April 2022 to post extracts of the memorandum with a commentary on his interpretation as 'robust public debate', which should not be unreasonably restricted by the Standards of Conduct. I therefore make no finding in relation to this allegation.
75. After considering submissions from the parties, as well as observing the conduct of several Councillors at the 26 April 2022 meeting, I am comfortable that a fair reading of the Memorandum suggests that it was not the intention of the Mayor to direct this solely at two Councillors. Whilst the Respondent's claim failed to accord the Mayor fairness and objectivity, I give Councillor Hughes the benefit of the doubt as he seems to sincerely believe that parts of the Memorandum are directed solely towards him and Councillor Liam Hughes. On balance, I therefore find there to be no breach.

#### Conclusion

76. For the reasons set out above, I find that the Respondent Councillor Hughes has failed to comply with the prescribed standards of conduct in section 2 of the Frankston Code of Conduct.
77. Pursuant to section 147(1) of the Act I make a finding of misconduct in respect of the breach of clauses 2.1, 2.2 and 2.4(a) of Code of Conduct in the application for the reasons set out earlier.
78. These breaches are summarised as follows:
- Allegation 1 - breached Standards of Conduct 2.2 and 2.4(a)  
(Standards 2 & 4(1) of the prescribed standards of conduct)
  - Allegation 2 - breached Standard of Conduct 2.1  
(Standard 1 of the prescribed standards of conduct)
  - Allegation 3 - breached Standard of Conduct 2.2  
(Standard 2 of the prescribed standards of conduct)
  - Allegation 7 - breached Standard of Conduct 2.1  
(Standard 1 of the prescribed standards of conduct)
79. I make no finding of misconduct in response to four allegations (numbers 4,5,6 and 8). As there had been no breach of the prescribed Standards of Conduct, the Application in relation to these allegations is dismissed.

#### Sanction options

80. Under section 147(2) of the Act, after a finding of misconduct, the Arbiter may do any one or more of the following—
- (a) direct the Councillor to make an apology in a form or manner specified by the Arbiter;
  - (b) suspend the Councillor from the office of Councillor for a period specified by the Arbiter not exceeding one month;

- (c) direct that the Councillor be removed from any position where the Councillor represents the Council for the period determined by the Arbiter;
- (d) direct that the Councillor is removed from being the chair of a delegated committee for the period determined by the Arbiter;
- (e) direct a Councillor to attend or undergo training or counselling specified by the Arbiter.

The Applicant's submission on sanction

81. At the Hearing, the Applicant was invited to make a submission on appropriate sanctions if a finding of 'Misconduct' was made in relation to any of the eight allegations.
82. In response, the Applicant requested that the Arbiter consider imposing a requirement for a verbal apology if the Arbiter found there to be a breach of the Code in relation to the treatment of others.
83. In addition, a request to consider a suspension of Councillor Hughes from the office of Councillor for a period of up to 30 days was made.
84. Finally, it was suggested that should a finding of 'Misconduct' be made, Councillor Hughes should be required to undergo training (including in 'emotional intelligence') to ensure he understands his role as a Councillor "but also as a colleague more than anything else".

The Respondent's submission on sanction

85. The Respondent was also invited to make a submission on appropriate sanctions if a finding of 'Misconduct' was made in relation to any of the eight allegations.
86. In response, he observed that during the Council's 'Dispute Resolution Procedure' that commenced prior to this internal arbitration process, he was willing to apologise 'in relation to a couple of points'.
87. Councillor Hughes found the Applicant's suggestion that an appropriate sanction could include emotional intelligence training to be 'offensive'.

Conclusion on sanctions

88. In relation to Allegation 2 whereby Councillor Hughes has been found to have breached Standard of Conduct 2.1, I note that he has not provided an apology to Council staff. I find the only appropriate remedy in this instance is for Councillor Hughes to provide a written apology, addressed to 'Council staff associated with the processing of the Ozone Avenue application, C/- the Frankston City Council CEO'. At a minimum:
- The apology will reference Councillor Hughes' breach of standard of conduct 2.1 of the Councillor Code of Conduct; and,
  - It will contain an apology for not treating Council staff with dignity, fairness, objectivity, courtesy, and respect; and,
  - It will contain an apology for deriding the Council staff member/s in front of the elected Council and senior officers of the Council, and for forming a position and raising serious allegations without providing substantive evidence; and,
  - Be unqualified and unconditional.



89. Consideration has been given to applying other potential sanctions available. This has included directing that Councillor Hughes be removed from any position where he represents Council, or from being the chair of a delegated committee. In addition to this sanction not being raised by the Applicant, I also do not see any nexus between these sanctions and Councillor Hughes' breaches of the standards of conduct. It is also not appropriate to direct a Councillor to attend or undergo training or counselling when such training has not been specified and identified.

90. A period of suspension from the office of Councillor for a period not exceeding 1 month is an available sanction. Given the multiple breaches as outlined in these findings, a period of suspension for 1 month would allow Councillor Hughes ample opportunity to reflect on the consequences of breaching standards of conduct that he agreed to abide by when he signed the Councillor Code of Conduct.

91. These sanctions are proportionate to Councillor Hughes' misconduct.

#### Order

92. My order to finalise this matter as a consequence of my decision is:

- (1) Pursuant to section 147(2)(b) of the Local Government Act 2020, the Respondent Councillor Steven Hughes, a Councillor of the Frankston City Council, is hereby suspended from the office of Councillor for a period of one calendar month commencing on the day after the meeting of Council at which this decision is tabled under section 147(4) of the Act.
- (2) Pursuant to section 147(2)(a) of the Local Government Act 2020, the Respondent Councillor Steven Hughes is to provide a written apology, addressed to 'Council staff associated with the processing of the Ozone Avenue application, C/- the Frankston City Council CEO'. At a minimum:
  - It will reference Councillor Hughes' breach of standard of conduct 2.1 of the Frankston City Council Councillor Code of Conduct; and,
  - It will contain an apology for not treating Council staff with dignity, fairness, objectivity, courtesy, and respect; and,
  - It will contain an apology for deriding the Council staff member/s in front of the elected Council and senior officers of the Council, and for forming a position and raising serious allegations without providing substantive evidence; and,
  - Be unqualified and unconditional.

The written apology is to be provided by Councillor Hughes to the CEO within two weeks from the date of the meeting of Council at which this decision is tabled. At his discretion, Council's CEO may then supply the letter to those staff member/s associated with the processing of the Ozone Avenue application which was the focus of allegation 2.

#### Other matters

93. The Frankston City Council Councillor Code of Conduct provides an opportunity for an internal Council mediation process in relation to disputes between Councillors before it reaches a stage of requiring an Internal Arbitration process.

94. At the Directions Hearing held on 14 September 2022, the parties advised that an internal Council mediation process in relation to allegations contained within Application IAP 2022-21 was ongoing. The willingness of the parties to pursue such a process was commended.
95. In a Direction issued by the Arbitrator on 4 October 2022, the parties were advised that should they come to a satisfactory resolution on any of the allegations that are contained within Application IAP 2022-21 before the Hearing, the Applicant may withdraw any of the allegations from the current live application for Internal Arbitration.
96. On 16 September 2022 the Respondent sent an email to Council's Councillor Conduct Officer and this email was forwarded to the Arbitrator. In summary, the email outlined the status of the internal Council mediation process in relation to allegations contained within Application IAP 2022-21. It alleged that by lodging an application for an Internal Arbitration process the Applicant had breached Council's Code of Conduct. It stated that according to section 4.1 of the Code, Councillors must make genuine attempts at resolving the issues at a local level before commencing the formal dispute resolution process. It alleged that Councillors have disregarded the Code of Conduct and its requirements of due process. Finally, it requested that the current application be dismissed to protect the Respondent's rights to procedural fairness under the Code.
97. The contents of the email from the Respondent outlined above were carefully considered by the Arbitrator. The Arbitrator was not able to consider the allegations relating to Council's 'Dispute Resolution Procedure (Interpersonal disputes)', as outlined in Section 4 of the Frankston City Council Councillor Code of Conduct.
98. Councils may include complimentary processes, such as a mediation process, in their Councillor Code of Conduct. However, these complimentary processes cannot limit or restrict a Council's or Councillor's entitlement to make an application for an internal arbitration process under section 143 of the Local Government Act 2020. In view of this, the parties were advised that Application IAP 2022-21 was to proceed to hearing.

**Matthew Evans**  
Arbitrator

Date: 23 January 2023

Attachment 1

**Local Government (Governance and Integrity) Regulations 2020**

**Schedule 1—Standards of conduct**

**1 Treatment of others**

A Councillor must, in performing the role of a Councillor, treat other Councillors, members of Council staff, the municipal community and members of the public with dignity, fairness, objectivity, courtesy and respect, including by ensuring that the Councillor—

- (a) takes positive action to eliminate discrimination, sexual harassment and victimisation in accordance with the **Equal Opportunity Act 2010**; and
- (b) supports the Council in fulfilling its obligation to achieve and promote gender equality; and
- (c) does not engage in abusive, obscene or threatening behaviour in their dealings with members of the public, Council staff and Councillors; and
- (d) in considering the diversity of interests and needs of the municipal community, treats all persons with respect and has due regard for their opinions, beliefs, rights and responsibilities.

**2 Performing the role of Councillor**

A Councillor must, in performing the role of a Councillor, do everything reasonably necessary to ensure that the Councillor performs the role of a Councillor effectively and responsibly, including by ensuring that the Councillor—

- (a) undertakes any training or professional development activities the Council decides it is necessary for all Councillors to undertake in order to effectively perform the role of a Councillor; and
- (b) diligently uses Council processes to become informed about matters which are subject to Council decisions; and
- (c) is fit to conscientiously perform the role of a Councillor when acting in that capacity or purporting to act in that capacity; and
- (d) represents the interests of the municipal community in performing the role of a Councillor by considering and being responsive to the diversity of interests and needs of the municipal community.

### **3 Compliance with good governance measures**

A Councillor, in performing the role of a Councillor, to ensure the good governance of the Council, must diligently and properly comply with the following—

- (a) any policy, practice or protocol developed and implemented by the Chief Executive Officer in accordance with section 46 of the Act for managing interactions between members of Council staff and Councillors;
- (b) the Council expenses policy adopted and maintained by the Council under section 41 of the Act;
- (c) the Governance Rules developed, adopted and kept in force by the Council under section 60 of the Act;
- (d) any directions of the Minister issued under section 175 of the Act.

### **4 Councillor must not discredit or mislead Council or public**

- (1) In performing the role of a Councillor, a Councillor must ensure that their behaviour does not bring discredit upon the Council.
- (2) In performing the role of a Councillor, a Councillor must not deliberately mislead the Council or the public about any matter related to the performance of their public duties.

### **5 Standards do not limit robust political debate**

Nothing in these standards is intended to limit, restrict or detract from robust public debate in a democracy.

**Executive Summary****11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2**

*Enquiries: (Sam Clements: Communities)*

Council Plan

Level 1:	4. Well Planned and Liveable City
Level 2:	4.1 Integrate land use planning and revitalise and protect the identity and character of the City

**Purpose**

This report considers the merits of the planning application to use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2.

**Recommendation (Director Communities)**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application 446/2022/P, subject to the conditions contained in the officer's assessment.

**Key Points / Issues**

It is proposed to construct a 5-6 storey office building on the former Frankston International Motel site at 383-389 Nepean Highway, Frankston. The building will be used for the purposes of an office for the Department of Justice, Department of Families, Fairness and Housing and the Victorian Police.

Key elements of the proposal include:

- The building is proposed to have an overall height of 27.38m metres including rooftop plant. Excluding the rooftop plant, the development has an overall height of 24.23m. The height of the development is generally consistent with the preferred height of 26m nominated in the Frankston Metropolitan Activity Centre (FMAC) Structure Plan which was adopted in 2015. It is noted that Council is currently undertaking a review of the Structure Plan and has adopted the Draft FMAC Structure Plan (2022) which identifies an increase to the preferred height in this precinct to 28m.
- Car parking is proposed to be provided across two basement levels and accessed from O'Grady Avenue to the north of the site. A total of 154 car spaces are proposed to be provided against a standard statutory requirement of 218 spaces for the office floor space proposed. Therefore, a car parking reduction of 64 car spaces is being sought. The application was advertised and three (3) objections were received. Key grounds of objections include traffic and parking concerns. Officers consider the proposal to have a number of positive characteristics and an appropriate number of on-site car parking spaces, and that the building would, subject to some minor modification

**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2****Executive Summary**

addressed via conditions, make a positive contribution to the revitalisation of the Frankston Central Activities Area.

It is recommended that a Notice of Decision to Grant a Planning Permit be issued subject to the conditions. Further detail regarding these matters and the officer's assessment of the application is provided in the report.

**Financial Impact**

There are no financial implications associated with this report.

The permit application fee paid to Council for this application is \$26,708.35 (reflecting the larger scale of the works and complexity of assessment). The average cost to process a planning application is \$2,265.

**Consultation****1. External Referrals**

The application was referred externally to the following authorities:

- Department of Transport
- Melbourne Water

**2. Internal Referrals**

The application was referred internally to the following departments:

- Strategic Planning
- Urban Design
- Environmental Sustainable Design
- Environment (Landscape and Arboriculture)
- Engineering Services (Traffic and Drainage)
- Waste Services
- Property Services
- Arts & Culture

**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
- Six (6) signs erected on each site frontage.

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



**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2****Executive Summary****Analysis (Environmental / Economic / Social Implications)**

The proposal would generate investment in the city and create additional employment opportunities close to existing commercial services and public transport – improving economic and social outcomes in this part of Frankston. Subject to some minor modification the building design, it will not have material environmental impacts on the surrounding 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.

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 Planning Policy provisions, zones, overlays, particular and general provisions of the Frankston Planning Scheme.

## Planning Policy Framework

- Clauses 11, 12, 13, 15, 17, 18 and 19.

## Zone and Overlays

- Clause 32.04 – Mixed Use Zone
- Clause 43.02 – Design and Development Overlay Schedule 5
- Clause 44.05 – Special Building Overlay
- Clause 45.09 – Parking Overlay Schedule 1

## Particular Provisions

- Clause 52.05 – Signs
- Clause 52.06 – Car parking
- Clause 52.29 – Land Adjacent to the Principal Road Network
- Clause 52.34 – Bicycle Facilities

Frankston Metropolitan Activity Structure Plan, May 2015 reference document at Clause 11.03-1L-02.

Frankston Metropolitan Activity Centre Draft Structure Plan (2022)

**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2**

## **Executive Summary**

### Officer's Declaration of Interests

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

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

### **Risk Mitigation**

There are no particular risks associated with this matter.

### **Conclusion**

Subject to minor modifications as reflected in the recommended conditions, the proposed development is appropriate for the land and will make a positive contribution to the ongoing revitalisation of the Frankston Metropolitan Activity Centre.

---

## **ATTACHMENTS**

- Attachment A: [↓](#) Locality Map
- Attachment B: [↓](#) Locality Map (Aerial)
- Attachment C: [↓](#) Proposed Development Plans 1
- Attachment D: [↓](#) Proposed Development Plans 2
- Attachment E: [↓](#) 'Without Prejudice' Amended Ground Floor Plan

**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2****Officers' Assessment****Summary**

<b>Existing Use</b>	Vacant – Former Frankston International Motel
<b>Site Area</b>	4653 square metres
<b>Proposal</b>	Use and development of a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2
<b>Zoning</b>	Mixed Use Zone
<b>Overlays</b>	Design and Development Overlay Schedule 5 Special Building Overlay Parking Overlay Schedule 1
<b>Reason for Reporting to Council</b>	Councillor interest

**Background*****Subject Site***

The subject site is situated on the corner of Nepean Highway and O'Grady Avenue and has abuttal to Evelyn Street and Evelyn Park Reserve.

The site is irregular in shape with a frontage to Nepean Highway of 72.5m, a northern boundary to O'Grady Avenue of 78.35m, an eastern boundary to Evelyn Street of 21.7m and an irregular boundary abuttal to Evelyn Park Reserve. The total area of the site is 4,653 square metres.

A drainage and electricity easement affect the site.

The former Frankston International Motel has been demolished and the site is currently vacant.

Vegetation, both native and exotic species are found on the site along the Nepean Highway, O'Grady and Evelyn Street frontages and along the abuttal to Evelyn Park.

The topography of the site is undulating with a maximum level of 7.8m in the north-west corner of the site and a low point of 3m along the eastern boundary.

***Locality***

The subject site is located on the northern edge of the Frankston Metropolitan Activity Centre City Precinct near the corner of Nepean Highway and Fletcher Road.

**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2****Officers' Assessment**

The site is positioned on the edge of the commercial precinct adjacent to Evelyn Park and opposite the Frankston Police Station and Law Courts. Diagonally to the south is the Bayside Shopping Centre car park and the Bayside Shopping Centre commercial area.

To the north of the site are residential dwellings with commercial uses located to the Nepean Highway frontage. On the west side of Nepean Highway there is a mix of residential apartment buildings and commercial uses.

Nepean Highway is a four-lane arterial road. The Frankston Railway Station and Bus Interchange is located 700m to the south-east of the site.

**Site History**

Previous planning permit applications for the site include planning permits which were issued for buildings and works and signage to the existing motel. In addition, the following applications are relevant:

- Planning Permit Application No. 38/2019/P was refused in June 2020 for the construction of a nine (9) storey building with basement for use as a food and drink premises, office and accommodation (110 apartments) and a reduction in car parking requirements of Clause 52.06 of the Frankston Planning Scheme.
- Planning Permit Application No. 52/2011/P was refused in September 2011 for the construction of a four (4) storey apartment complex comprising of 84 dwellings.

**Proposal**

The proposal is summarised as:

- The construction of a five to six storey office building with car parking provided over two basement levels.
- The building will primarily read as a five (5) storey building, however the basement level is considered to be a storey due to the slope of the land it protrudes more than 1.2 metres above the natural ground level at the rear of the site. This results in a maximum building height of six storeys.
- The building is proposed to have an overall height of 27.38m metres including rooftop plant equipment. Excluding the rooftop plant equipment, the development has an overall height of 24.23m.
- The building includes a two-storey podium which is setback a minimum of 3 metres from the western (Nepean Highway) frontage, 4 metres from the northern (O'Grady Avenue) frontage and 4 metres from southern boundary and 5m from the eastern boundary which interfaces with Evelyn Park Reserve. Levels above the two-storey podium will be further set back from 7 to 8.63 metres from the western boundary (Nepean Highway) and 9.23 metres from the eastern (Evelyn Park Reserve) boundary of the site. There are no upper-level setbacks proposed above the podium to the northern and southern boundaries.
- Vehicle access to the development is provided via O'Grady Avenue with car parking provided over two basement levels accommodating 154 car spaces. The proposed

**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2****Officers' Assessment**

development has a statutory requirement to provide 218 car parking spaces. Therefore, a car parking reduction of 64 car spaces is being sought.

- Bicycle access to the development is also provided via O'Grady Avenue with 78 secure spaces and end of trip facilities (including showers and changing rooms).
- At ground floor level, two office tenancies are located either side of the central building entry/lobby and comprise of 691 square metres and 802 square metres respectively. Levels 1 to 4 will include an office tenancy at each level with an overall area of 5,800 square metres.
- Along the eastern elevation of the building a designated space has been set aside to include public artwork.
- The proposal includes signage:
  - Two business identification signs approximately 600mm x 800mm to identify the ground floor tenancies, one sign on the west elevation and one on the south elevation. No design detail of the signs has been provided.
  - Floodlit business identification sign of the street number '383' approximately 2 metres x 1 metres on the west elevation.
- It is also proposed to remove Trees #20 (group), 22, 23, 25 and 47 (group) located within Council's Evelyn Park Reserve. As part of Council's recent works in the reserve, a number of these trees have already been removed with only Tree 25 remaining. The tree has been identified by Arbor Survey as being in fair-poor health, fair structure and medium arboricultural value. It will incur significant encroachment from the proposal.
- The rear part of the site will remain vacant and is not proposed to be developed with this proposal (noted on plans as 'Site B').

**'Without Prejudice' Plans**

The applicant has supplied an amended 'without prejudice' ground floor plan after the advertising process to address landscape concerns. This means the applicant has not formally substituted the advertised plans but has provided a potential amended plan 'without prejudice' to assist with discussions and address Council's concerns. The plan shows the following modifications:

- Provision of eighteen (18) small canopy trees in large 1m x 1.6m planter boxes across the perimeter of the site.
- Continuous perimeter planting of the cascading rosemary to the balustrade.

**Planning Policy Framework**

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

- Clause 11 Settlement
- Clause 12 Environmental and Landscape Values
- Clause 13 Environmental Risks and Amenity
- Clause 15 Built Environment and Heritage

**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2**

**Officers' Assessment**

- Clause 17 Economic Development
- Clause 18 Transport
- Clause 19 Infrastructure

**Planning Scheme Controls**

A Planning Permit is required pursuant to:

- Clause 32.04-2 Mixed Use Zone  
A planning permit is required to use the land for 'office' as the leasable floor area will exceed 250 square metres.
- Clause 32.04-9 Mixed Use Zone  
A planning permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2.
- Clause 43.02-2 Design and Development Overlay Schedule 5  
A planning permit is required to construct a building or construct or carry out works.
- Clause 44.05-2 Special Building Overlay  
A planning permit is required to construct buildings and works within the Special Building Overlay area.
- Clause 52.05-12 Signs  
A planning permit is required to display business identification and floodlit signage.
- Clause 52.06-3 Car Parking  
A planning permit is required to reduce the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.
- Clause 52.29-2 Land Adjacent to the Principal Road Network  
A planning permit is required to create or alter access to a road in a Transport Zone 2 (Nepean Highway).

**Particular Provisions**

- Clause 52.05 Signs
- Clause 52.06 Car Parking
- Clause 52.29 Land Adjacent to the Principal Road Network
- Clause 52.34 Bicycle Facilities
- Clause 65 Decision Guidelines
- Clause 71.02 Integrated Decision Making

**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2**

**Officers' Assessment**

**Reference documents**

- Frankston Metropolitan Activity Centre Structure Plan, May 2015.

**Other Policy Considerations**

Council is currently in the process of undertaking an update to the FMAC Structure Plan (2015) and has prepared the FMAC Draft Structure Plan (2022) which was adopted by Council on 24 October 2022. The FMAC Draft Structure Plan (2022) will guide planning permit applications within the FMAC while the update to the Structure Plan is being finalised to ensure that the vision for the FMAC is not undermined.

***Notification of Proposal***

The grounds of objection are summarised as follows:

- The parking reduction is not acceptable.
- Parking within the Bayside Shopping Centre should not be relied upon to justify the parking reduction.
- There is an existing lack of parking in the area which would be worsened by the proposal.

**External Referrals**

Department of Transport

The application was referred to the Department of Transport in accordance with Section 55 of the *Planning and Environment Act 1987*. The Department raised no objections with no conditions required.

Melbourne Water

The application was referred to Melbourne Water in accordance with Section 55 of the *Planning and Environment Act 1987*. Melbourne Water raised no objections with no conditions required. Melbourne Water noted that this property is not subject to flooding from Melbourne Water's drainage system, based on a flood level that has a probability of occurrence of 1% in any one year.

**Internal Referrals**

Strategic Planning

Council's Strategic Planner has reviewed the proposal and provided the following advice:

- Council seeks to transform the Nepean Highway into an iconic boulevard with the aspiration to become a high quality destination for pedestrians, businesses and housing, and create an inspiring 'front door' for the FMAC. It is noted that office tenants are proposed at ground floor level which may limit opportunities for further activation along Nepean Highway, however in terms of use, the



**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2****Officers' Assessment**

proposed office development would be consistent with the vision for this part of the FMAC.

- The submitted plans indicate that the proposed building height is under the preferred maximum height of 26m and 28m as prescribed in the DDO5 and Draft Structure Plan respectively. The Draft Structure Plan and DDO5 also prescribe a 5m upper level setback for development over 12m. This setback has not been achieved on the tower fronting O'Grady Avenue and Fletcher Road. The Draft Structure Plan requires solar access to key streets between the hours of 10am – 2pm during the spring equinox. The Draft Structure Plan also stipulates that solar access to public open space be maintained between the hours of 10am – 2pm during the winter equinox, however this has been modified in certain locations where buildings are directly adjacent to public open space. It appears that by 3pm during the spring equinox, large areas of the Evelyn Park Reserve would be overshadowed by the development. The proposal should seek to ensure overshadowing is minimised as required by the Draft Structure Plan to ensure the quality of the adjacent new open space is maintained.

Urban Design

Council's Urban Designer has reviewed the proposal and provided the following advice:

- The upper levels of the proposal above the podium have not been setback 5m from the north and south boundaries. The purpose of the 5m setback of development above the podium is to avoid visually dominant building forms adjacent to city streets and public spaces. The setback will assist with reducing the bulk of the building and should be considered in association with additional articulation/design detail as noted below.
- Please explore opportunities for enhanced architectural expression and design detail, particularly toward the north-west and south-west corners where the building will be highly visible to south-bound traffic along the Nepean Highway and traffic entering/exiting the Fletcher Ring-Road. A design response is required that addresses the building corners through a considered and integrated use of shading devices, fenestration, cladding and balconies.
- The retaining/basement wall (approx. 2.2 – 2.7m high) along O'Grady Avenue should be setback from the boundary. If this is unable to be achieved, a gradually step-down to the footpath with landscaping should be considered to reduce the height of the wall to create an improved interface with the public realm and footpath. Blank walls directly on the boundary should be avoided.
- The submission proposes to cordon off the north-facing ground level setback along O'Grady Ave with a 2.6m high metal fence and gate, the purpose of which appears to be to provide access for maintenance purposes only given there are no building access points along this section of frontage. This 'dead space' is a poor design outcome and opportunities to occupy this space with broader landscaping should be explored.
- The provision of small canopy trees within planters is not considered an adequate response given the opportunity to provide in-ground landscaping on



**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2****Officers' Assessment**

site. Please include a greater provision for landscaping and tree planting on site where deep soil planting areas permit in the north-west corner where the basement does not encroach.

- A more substantial landscaping treatment should be explored for the level 02 Roof Garden.
- The replacement of the 'standard' bollards with more subliminal vehicle protection barriers such as low-height concrete plinth or spheres in association with integrating or replacing with landscaping.
- 'ST01 STONE – LIGHT' to be extended around the north-west and central-west doorways to reinforce the points of entry.
- The proposed security metal fencing to access the rear staff amenities area should provide a high level of visual permeability with a minimum of 75% transparency.
- Please consider the provision of lighting to illuminate / enhance the proposed artwork on the eastern elevation.
- A lighting plan is required to be provided.
- All surface treatments must be nominated.

**Environmental Sustainable Design (ESD)**

Council's ESD Officer has reviewed the application and has no objection subject to conditions requiring ESD initiatives demonstrated on plans.

**Environment (Landscape and Arboriculture)*****Landscape***

Council's Landscape Architect has reviewed the proposal and has provided the following advice:

- The provision of small canopy trees/large shrubs assists but does not satisfy the request for canopy trees within deep soil zones along Nepean Highway particularly in the north-west corner where the basement could be further setback off the boundary.
- Landscape opportunities within the site are still considered to be limited and there is still an extensive use of hard surfacing within the ground level street interfaces. Canopy trees play an important role at all sites not only those with specific planning overlays or adjacent sensitive areas. Trees provide both amenity and cooling and greening benefits particularly within Major Activity centres where the impacts of the urban heat island are greater felt.
- There are concerns with the brick wall height/interface on the boundary interfacing with O'Grady Avenue. It was suggested that the basement level be reduced to reduce the brick wall height at the pedestrian level and improve landscaping opportunities (terraced setbacks for landscaping) at this interface

**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2****Officers' Assessment**

and allow for canopy tree provided at the corner within a deep soil zone. If there is no public access at this point, the planting area can be increased while allowing a narrow access for maintenance.

- Whilst it is acknowledged that the plans show the planting of street trees to the street frontages of Nepean Highway and O'Grady Avenue, a condition of permit will require the provision of additional trees including:
  - Eight (8) small trees within planter boxes along Nepean Highway.
  - A minimum of twelve (12) small trees within planter boxes along the north, south and east boundaries.
- Landscape plan to show all details of proposed planting shown on upper levels as demonstrated in the renders which were submitted with the application.
- The planter along the driveway to be reinstated.

*Traffic*

Council's Traffic Engineer has reviewed the application and provided the following comments:

The proposed development has a statutory requirement to provide 218 car parking spaces. A total of 154 car parking spaces are proposed on site. Therefore, a car parking reduction of 64 car spaces is being sought.

The car parking rate of 2 car spaces per 100sqm for the proposed development is accepted as consistent with the approach to the approved development at 35 Playne Street Frankston (437/2020/P).

Applying a rate of 2 car spaces per 100sqm for an office area of 7293 m<sup>2</sup>, the development will require 145 car spaces provided on-site.

In addition to the parking rates, the following information was considered in supporting the car parking reduction of 64 car spaces:

The local area is extremely well serviced by public transport alternatives to private motor vehicles and is part of the Principal Public Transport Network (PPTN) area and the Frankston Metropolitan Activity Centre (FMAC).

Land-use in the vicinity of the site.

The Frankston Planning Scheme supports the use of sustainable transport infrastructure (rail, buses, cycling and walking) to reduce the reliance on private vehicles for transport.

The bicycle parking provision of 78 spaces exceeds the minimum requirements of Clause 52.34 of the Frankston Planning Scheme.

The staff specific bicycle spaces are provided within a secure bicycle storage room on Basement Level 1.

**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2****Officers' Assessment**

The proposal includes e-scooter / e-bike charging at two locations on Basement Level 1 for use by staff.

Provide an on-site bicycle repair toolkit available for staff within the secure bicycle parking area.

Staff will be encouraged to car pool with each other as this will allow staff to plan trips together to reduce the amount of car modal trips. The Manager (or subsequently designated person) of each tenancy will be the 'champion' responsible for ongoing coordination and implementation of the actions identified within the Green Travel Plan.

*Drainage*

Council's Drainage Engineer has reviewed the proposal and advised there is no objection subject to standard conditions on any planning permit issued.

Waste Services

The application was referred to Council's Waste Services Officer who advised the proposed private waste collection is satisfactory.

Property Services

Council's Property Services Officer has reviewed the proposal and provides the following comments:

- Council is the registered proprietor of the adjacent land at 17R & 19R-21R Evelyn Street, locally known as Evelyn Park.
- The land has been recently developed to become a public/community space including an amphitheatre, rain forest garden, footpath connections, lighting, play area, drinking fountains, and BBQs.
- A footpath is located across the south-west section of the Park, from the Nepean Highway to Fletcher Road. The plans propose to create an intersecting footpath which connects directly to the proposed office building via a series of irregularly shaped terraced steps to be constructed on Council-owned land.
- As the delegated land owner for Council pursuant to Instrument of Sub-Delegation (S7) page 307, Property Management does not consent to the use of its land for the proposal.
- The proposed office building has a main entry to the Nepean Highway, with a secondary entry that faces the Park, facilitated by the proposed construction on Council's land, as well as a pedestrian and vehicle connection to O'Grady Avenue.
- Third party infrastructure is not supported on Council land unless it can evidence a broad community benefit. The proposed steps and footpath connection are considered unnecessary, and only provide benefit to the occupiers of the proposed building.
- The proposal raises a number of risk and liability issues for future management, restricts the future planning of the Park, and is considered unnecessary when there is opportunity for improved access within the development title boundary.

**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2****Officers' Assessment**

- The height of the proposed building unfortunately provides for significant overshadowing of the Park, particularly from 12noon - 3.00pm.
- Overshadowing to such an extent is an undesirable outcome from a community perspective, as it leads to less public use of the space at a time when otherwise peak use of the Park would occur.

Arts & Culture

Council's Arts and Culture Department support the creation of artwork on the eastern elevation of the building subject to the inclusion of a condition on any permit issued requiring the preparation of a Public Art Management Plan.

**Discussion*****Planning Policy Framework***

There is broad strategic support for a major development on the subject site.

Overall, the development proposal is considered to be consistent with the broader strategic objectives of the Planning Policy Framework which encourage the revitalisation of activity centres with higher, more intense development that provides a range of commercial and community facilities

The site's locational attributes makes it an ideal site for redevelopment subject to the building design, overall height and site context response implementing the strategic objectives of relevant local planning policies including the FMAC Structure Plan (2015) and the Draft FMAC Structure Plan (2022).

***Clause 15.01-2L-01 Environmentally Sustainable Development***

This policy applies to residential and non-residential development and seeks to achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

In accordance with Clause 15.01-2L-01, a Sustainability Management Plan and Green Travel Plan has been provided with the application. Council's ESD Officer has reviewed the application and has no objection subject to conditions.

Frankston Metropolitan Activity Centre Structure Plan (2015)

FMAC Structure Plan (2015) provides the strategic framework for use and development of the FMAC and surrounds for the next 20 years.

Clause 11.03-1L-02 includes the FMAC Structure Plan (2015) as a reference document. The FMAC Structure Plan (2015) states:

*As a designated MAC, Frankston will need to provide additional services and functions to cater for both the local community and the broader south-east Melbourne Region and the Mornington peninsula. The Structure Plan provides a framework to guide the future growth of the MAC in a logical and sustainable way. It will also be used to guide public and private investment in the MAC. The Structure Plan focuses on achieving the following key priorities for the renewal and revitalisation of the MAC, as relevant:*

- *Provide planning certainty including a clear requirement for excellence of architecture in all instances.*

**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2****Officers' Assessment**

- *Encourage good quality residential development to suit a range of different household types.*
- *Incorporate high quality urban design outcomes including engaging public spaces and streetscape works, public art and greening of the MAC.*
- *Improve streetscapes – design for equitable access for pedestrians, cyclists and vehicles.*

The site is located within Precinct 5 – Nepean Highway Boulevard. The objectives for this precinct include:

- *To provide for a range of commercial and residential uses that complement the mixed-use function of the precinct.*
- *To provide for housing at increased densities, particularly at upper levels throughout the precinct.*

The structure plan details preferred maximum building heights and setback for buildings. The preferred building heights and setbacks for this site are:

- Preferred maximum building height of 26 metres.
- Street/public space frontage height of 12 metres with the development above the podium setback at least 5 metres from the primary street frontage.
- Activated frontage – small ground level front setback of 3-5m to allow for tree retention and new planting.

**Draft Frankston Metropolitan Activity Centre Structure Plan (2022)**

Council is seeking to update the existing Structure Plan and has prepared the Draft FMAC Structure Plan (2022). The site is located within Precinct 5 Nepean Boulevard Gateway and includes the following development objectives:

- *To encourage development along the Nepean Highway Boulevard that is responsive to its role as a gateway to the City Centre.*
- *To provide for a range of commercial and residential uses that complement the mixed-use function of the precinct.*
- *To support mid-scale apartment and townhouse development across the precinct.*
- *To ensure development respects the environmental qualities and amenity of Kananook Creek.*
- *To create a new, high quality and visually permeable built form edge along the west side of Nepean Highway that provides visual links to Kananook Creek*
- *To encourage building interfaces that promotes surveillance of adjoining streets through activated frontages.*
- *To provide high quality landscaping and canopy trees within private land to complement the Nepean Boulevard landscape.*
- *To retain existing canopy trees.*

**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2****Officers' Assessment**

- *To ensure that the location and design of car parks, loading bays and services areas promotes active street frontages, does not dominate public spaces and supports safe use and access.*

The Draft FMAC Structure Plan (2022) identifies the preferred heights and setbacks for this site as:

- Preferred Maximum Building Height is 28.0m (8 storeys) above natural ground level.
- Preferred street wall height is 12.0m (3 storeys).
- Preferred street and ground level setback is 3.0m ground level setback to all streets.
- Preferred upper level setback is 5.0m upper-level setback for development above 12.0m.

The Draft FMAC Structure Plan (2022) includes a specific solar access requirement for 383-389 Nepean Highway Frankston:

- Design and site buildings at 383-389 Nepean Highway to minimise overshadowing to Evelyn Reserve.

The Draft FMAC Structure Plan (2022) also includes a number of design guidelines. Relevant guidelines are noted below:

- *Development should enhance the northern Gateway to the FMAC across Mile Bridge with development of exemplary architectural quality.*
- *Encourage screening of basement or semi basement parking from the street and Kananook Creek*
- *At grade car parking areas should be located away from street interfaces and not within front setbacks. Appropriate landscaping must be incorporated within at grade parking areas.*
- *Provide opportunities for engagement with the street through ground level occupation and the presence of habitable rooms and balconies at all levels. Inactive uses, such as laundries, garages and bathrooms, should be located away from street-facing facades where practicable.*
- *On corner allotments both street frontages should provide activated and landscaped interfaces. This may include separate entries to individual dwellings.*
- *Directional and promotional signage should be of appropriate scale and incorporated into the building design.*
- *Provide deep soil planting zone in accordance with Better Apartments Design Standards to support canopy trees. These should be provided within the front and rear setbacks.*
- *Landscaping within front setbacks should complement the Nepean Boulevard landscaping*
- *Prioritise the retention of significant and large canopy trees on private land. Where there are a number of trees on the site, the retention of high value canopy trees is to be prioritised over lower value canopy trees.*



**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2****Officers' Assessment****Clause 32.04-2 Mixed Use Zone**

A planning permit is required to use the land for 'office' as the leasable floor area will exceed 250 square metres. A planning permit is also required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2.

The objectives of the Mixed Use Zone are:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
- *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

**Use**

It is proposed to use the land for Office. A planning permit is required as the leasable floor area exceeds 250 square metres.

The use of office is consistent with the FMAC Structure Plan (2015) and Draft FMAC Structure Plan (2022) objectives and purpose of the Mixed Use Zone which seeks a range of commercial and residential uses that complement the mixed-use function of the precinct.

The proposed use is also generally consistent with the surrounding area as the site is surrounded by residential and commercial uses.

The proximity of the site to public transport and recreational facilities, including Evelyn Park Reserve will make it an attractive place to work.

**Economic Development**

The FMAC Structure Plan (2015) seeks to "*Advance economic development and employment growth within the MAC by strengthening the role and function of each precinct.*" The proposed development would provide significant regeneration benefits assisting the FMAC to compete for investment with other Melbourne MAC's and activity centres that attract investment and development of this nature. The proposed development will also create new jobs and value add to the economy. The applicant's submission also notes the following in relation to economic benefits associated with the proposed development:

- Creates 100 jobs in the construction phase;
- Creates 80 new government jobs – a 20% increase;
- Materials and jobs sourced locally wherever possible;
- Secures long-term future of important government departments in Frankston City Council;

**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2****Officers' Assessment**

- Delivers essential government services to Frankston and neighbouring communities; and
- The occupation of the building by the Department of Justice forms an integral part of Frankston's CBD justice precinct.

Buildings and works

A planning permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2.

The FMAC Structure Plan (2015) emphasises the need for high quality urban design and architectural excellence in new development proposals. The overall architectural design of the building is contemporary with curved building corners with materials and finishes designed to reference the coastal location.

The building incorporates space for public art, which will provide a backdrop to Evelyn Park Reserve.

The FMAC Structure Plan (2015) anticipates a preferred maximum height of 26 metres. It is noted that the FMAC Structure Plan (2015) is currently under review and that the updated Draft FMAC Structure Plan (2022) which was adopted by Council on 24 October 2022 identifies a preferred height of 28 metres.

A maximum height of 27.38m is proposed which is substantially consistent with Council's preferred vision for the site.

The proposal incorporates a podium height of less than 12 metres, with the development above the podium setback greater than 5 metres from the primary street frontage and a ground level setback from Nepean Highway of 3 metres, consistent with the FMAC Structure Plan (2015).

A setback of 4 metres is provided to O'Grady Avenue and Evelyn Park Reserve, consistent with the Draft FMAC Structure Plan (2022). An upper level setback of 5 metres is required above the podium to the north and south boundaries pursuant to the DDO5, however only a 4m setback has been provided. This is acceptable noting that the setback only fails to meet the requirement by 1 metre and that a condition on any planning permit issued will require varied materials to be used on the north-west and south-west corners of the building to soften the façade of the development.

The building interfaces with Nepean Highway, O'Grady Avenue and Fletcher Road promote passive surveillance of adjoining streets through large clear glazed windows.

The car parking and services are located to the rear of the building, and are designed to be subordinate to the building and streetscape setting while being safe, identifiable and accessible.

A new footpath is proposed along the O'Grady Avenue boundary, where there is none currently. This will provide pedestrian access along the building and is recommended to be required by condition.

Conditions of permit will require the provision for a greater amount of landscaping to be provided on site. Whilst not all the requirements of Council's Urban Designer and Landscape Architect can be accommodated, it is noted that the site is within a Metropolitan Activity Centre where a higher density of development is anticipated. In addition, the basement car park cannot be reduced in size (to provide additional deep



**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2****Officers' Assessment**

soil planting) due to car parking requirements. A condition of permit will require that the blank wall along O'Grady Avenue to be treated with a different material to add interest noting that the wall cannot be setback or stepped down as it serves the basement.

The Draft FMAC Structure Plan (2022) requires that buildings are designed to minimise overshadowing to Evelyn Park Reserve. The extent of overshadowing to Evelyn Park Reserve is acceptable noting the context of the site which is in a highly urbanised environment. In addition, the development generally complies with the height and setback requirements of DDO5 and the structure plan except for the upper-level setback of the development above the podium to the north and south boundary. The upper-level setback above the podium fails to comply by 1 metre which is minor and would not cause a significant change to the extent of overshadowing.

It is considered the development will sit comfortably within its context, respectful of the aspirations of the Structure Plan.

The proposed development will make a positive contribution to the revitalisation of the city centre.

**Clause 43.02-2 Design and Development Overlay Schedule 5**

A planning permit is required to construct a building or construct or carry out works.

The design objectives for the Design and Development Overlay Schedule 5 are:

- *Encourage development along the Nepean Highway Boulevard that is responsive to its role as a gateway to the City Centre and consistent with the visions and objectives of the Frankston Metropolitan Activity Centre Structure Plan, May 2015.*
- *Provide for a range of commercial and residential uses that complement the mixed-use function of the precinct with housing provided at increase densities, particularly at upper levels throughout the precinct.*
- *Ensure development respects the environmental qualities and amenity of Kananook Creek through appropriate siting, site coverage, fencing and landscaping.*
- *Encourage building interfaces that promotes surveillance of adjoining streets through activated frontages.*
- *Ensure that the location and design of car parks, loading bays and services areas promotes active street frontages, does not dominate public spaces and supports safe use and access.*

The schedule sets out height and setback requirements which should be met:

- Preferred maximum building height of 26 metres, with a podium of 12 metres. Development above the podium should be setback a minimum 5 metres from the north, west and south boundaries.
- Preferred street setback, 3 metres for boundaries abutting Nepean Highway, O'Grady Avenue and Evelyn Street. Development above 12 metres should be setback a minimum 5 metres from the north, west and south boundaries.
- Preferred side & rear setback, 0 metres.

The proposed development, for the most part, is considered to be well articulated with recessed and projected elements. The proposal provides for three entry points, two

**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2****Officers' Assessment**

from Nepean Highway and one to Evelyn Park Reserve. A condition of permit will require the provision of varied materials to the entrances to ensure that they are visible and clearly identifiable.

Communal spaces are provided within the ground floor foyer including an outdoor winter garden. An additional winter garden is provided at Level 2, 3 and 4.

Car parking is provided in a basement accessed from O'Grady Avenue, which is designed to be recessed and tucked away from the main building line.

The proposal exceeds the preferred maximum building height of 26 metres, being 27.38m. As previously discussed, this is considered to be a minor variation and consistent with the Draft FMAC Structure Plan (2022) which identifies a preferred height of 28m. The proposal features a podium height consistent with the Overlay.

The proposal provides the 3 metre setback to the podium from Nepean Highway and O'Grady Avenue and the 5 metre setback above the podium to the western boundary. The proposal does not achieve the 5 metre setback above the podium from the northern and southern boundaries.

The setback from the southern boundary, being 4 metres, is considered generally acceptable due to the abutting Evelyn Park Reserve which provides an additional 7 metre separation to Fletcher Road which reduces the dominance of the building. The setback from the northern boundary, also 4 metres, is also considered to be acceptable noting that the setback only fails to meet the requirement by 1 metre. Notwithstanding, a condition of permit will require that the plans are amended to include additional materials and finishes along the north-west and south-west corners of the building to reduce the dominance of the building and add interest.

The proposed development has good passive and active frontages with offices and lobby areas at ground level, with windows that overlook the reserve and Nepean Highway and O'Grady Avenue.

An appropriate level of landscaping can be achieved as a condition of permit.

The proposal is not considered an underdevelopment, noting that the preferred height in the Overlay is exceeded by a small margin. It is not considered the site could be further consolidated, noting its location surrounded by Evelyn Park Reserve and roads.

The development would not impact the development potential of adjoining lots, noting the remaining undeveloped section of the site is in the same ownership.

***Clause 44.05-2 Special Building Overlay***

A planning permit is required to construct buildings and works within the Special Building Overlay area.

The Special Building Overlay (SBO) aims to encourage development that is compatible with flood hazard and local drainage conditions. Development must maintain a free passage, minimise potential flood damage, and will not cause any significant rise in flood level or flow velocity.

Melbourne Water has advised that the land is not subject to flooding from Melbourne Water's drainage system, based on a flood level that has a probability of occurrence of 1% in any one year.

**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2****Officers' Assessment**

This application satisfies the flood hazard objectives and will not result in development that is not appropriate for the flood prone area.

It is therefore considered that the proposal meets meet the purpose and objectives of the SBO.

**Clause 52.05 Signs**

A planning permit is required to display business identification and floodlit signage. It is proposed to display three signs:

- Two business identification signs approximately 600mm x 800mm to identify the ground floor tenancies, one sign on the west elevation and one on the south elevation. No design detail of the signs has been provided.
- Floodlit business identification sign of the street number '383' approximately 2 metres x 1 metres on the west facade.

Under the Mixed Use Zone, Advertising Signs are in Category 3 *High Amenity Areas*. The purpose of this category is *to ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area*.

The signs do not create visual clutter as they are relatively small and fixed to the building façade. The floodlit sign identifies the street address. The signs will not detract from the overall appearance of the façade and are minor in the context of the building. A condition is recommended to be included requiring the design detail of the business identification signs to be provided.

**Clause 52.06 Car Parking**

A planning permit is required to reduce the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.

The following table sets out the number of car parking spaces required by Clause 52.06-5 and the number of car parking spaces proposed to be provided.

<b>Car parking rate</b>	<b>Net floor area</b>	<b>Spaces required</b>	<b>Spaces provided</b>
3 spaces to each 100sqm of net floor area	7293m <sup>2</sup>	218	154

The proposal has a shortfall of 64 spaces.

The parking spaces are provided in two basement levels accessed from O'Grady Avenue and include two disabled spaces. Four motorcycle spaces are also nominated.

The Transport Assessment prepared by Traffix Group identifies the proposal provides car parking at a rate of approximately 2.11 car spaces per 100m<sup>2</sup>.

This rate is generally consistent with Council's approach to the approved development at 35 Playne Street Frankston (437/2020/P), where a practical rate of 2 spaces per 100 square metres of floor area was considered appropriate for the proposal considering the car parking supply and car parking demand against a measure of transport accessibility. This was based on the current public transport accessibility index for the site and immediate surrounds. A rate of 2 spaces per 100 square metres is consistent with similar office development in broader metropolitan Melbourne (allowing for accessibility

**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2****Officers' Assessment**

adjustments) and balanced with the supply to encourage a level of sustainable or achievable behaviour change.

The proposed parking rate and Transport Assessment has been reviewed by Council's Traffic Engineers who have determined the number of car parking spaces is acceptable.

The site is located within the Principal Public Transport Network (PPTN) area and the Frankston Metropolitan Activity Centre (FMAC) and has access to train and bus services. These public transport services reduce the sites car dependency.

The proposal will provide an increase in office area to the FMAC and make a meaningful contribution to the vitality of the FMAC while encouraging transport mode shift to sustainable options (public transport, bicycle, walking) for staff and others who use the building over time.

The Transport Assessment notes that un-restricted on-street parking around the site is in high demand which will drive staff to shift to alternative transport modes or be accommodated in commercial car parks.

The applicant has prepared a Green Travel Plan which is recommended to be endorsed to form part of the permit. The Green Travel Plan promotes alternative travel methods such as public transport, cycling and walking to reduce car dependency and manage car parking demands. The Plan sets a target of 65% of commuter trips by staff are undertaken by sustainable modes (i.e. not private cars). The Plan includes actions to be undertaken by the Property Manager to meet the target. Strategies include provision of information to staff (including a welcome pack), directional signage, promotion of sustainable events (such as Ride to Work day), provision of secure bicycle facilities (including repair facilities), umbrellas for use in inclement weather, and encouragement of carpooling.

The development provides in excess of the required bicycle parking facilities (discussed further below). The development also incorporates e-scooter/e-bike charging spaces within the basement.

The proposed access arrangements (including for waste collection) have been reviewed by Council's Traffic Engineers and are acceptable.

A Parking Overlay applies to the land. The Parking Overlay provides that:

*Within the Frankston Metropolitan Activity Centre area defined in Map 1: FMAC Parking Precinct Plan Map in this schedule, the responsible authority may consider accepting a financial contribution in-lieu of one or more car parking spaces required under this Clause 45.09 and/or Clause 52.06, provided the following criteria are met, to the satisfaction of the responsible authority:*

- i. *The applicant demonstrates that the car parking requirement cannot be practically provided on-site or reasonably nearby;*
- ii. *The number of car parking spaces to be provided on-site is low, and is not considered to achieve the objective of consolidating car parking into large, well located, easily accessible and locatable facilities; and*
- iii. *The applicant agrees, under Section 173 of the Planning & Environment Act 1987, to the financial contribution being applied to the provision of public shared*

**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2**

**Officers' Assessment**

*parking, at any site in or adjacent to the Frankston Metropolitan Activity Centre Area, as determined by the responsible authority.*

*The financial contribution rate is \$19,500 (plus GST) for each car space. The amount of contribution for each space specified above will be adjusted by the responsible authority on 1 July each year, commencing from 1 July 2017, by applying the Building Price Index, Melbourne, in Rawlinsons Australian Construction Handbook.*

Accordingly, Council could decide to accept financial contributions for the car parking reduction proposed.

However, it is recommended that a financial contribution is not required for this proposal, consistent with Council's approach to the approved development at 35 Playne Street Frankston (437/2020/P).

**Clause 52.29 Land Adjacent to the Principal Road Network**

A planning permit is required to create or alter access to a road in a Transport Zone 2 (Nepean Highway). The plans show the demolition and reinstatement of kerb and channel of the crossover to Nepean Highway.

The relevant decision guidelines are as follows:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The views of the relevant road authority.
- The effect of the proposal on the operation of the road and on public safety.
- Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.

The application was referred to Department of Transport who did not object to the proposal. The proposal will not have a detrimental effect on the operation of the road as vehicle access to the building will be from O'Grady Avenue.

**Clause 52.34 Bicycle Facilities**

The following table sets out the number of bicycle parking spaces required by Clause 52.34-5 and the number of spaces proposed to be provided.

<b>Bicycle parking space rate</b>	<b>Net floor area</b>	<b>Spaces required</b>	<b>Spaces provided</b>
Employee 1 space to each 300sqm of net floor area	7293m <sup>2</sup>	24	50 Including: 36 wall mounted racks within the basement. 14 spaces on 7 ground level hoops
Visitor 1 space to each 1000sqm of net floor area	7293m <sup>2</sup>	7	28
<b>Total</b>		31	78



**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2****Officers' Assessment**

The development provides in excess of the statutory bicycle spaces, with 47 additional bicycle spaces.

The Transport Assessment prepared by Traffix Group identifies 28 public spaces provided across the ground level areas. These spaces are not clearly identified on the plans. A condition is recommended to be included requiring these spaces to be shown. The Assessment also notes 7 ground level hoops are provided to employees, however only 6 are noted on plans. This is also recommended to be addressed via condition.

End of trip facilities are provided to staff adjacent to the secure basement bicycle parking, with male and female change rooms both featuring lockers and five shower cubicles. A water station and bike repair station are also provided within the end of trip area.

The location of the bicycle spaces is considered to be convenient with access from ground floor level off O'Grady Avenue. The ground level hoops have convenient access from Nepean Highway. A condition is recommended to be included requiring bicycle signage to direct cyclists to bicycle facilities.

***Loading Facilities***

Clause 65.01 of the Planning Scheme specifies that before deciding on an application the Responsible Authority must consider the adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts. Council's Traffic Engineers are satisfied that deliveries can take place using the loading bay proposed within the basement.

***Waste Management***

The applicant has provided a Waste Management Plan (WMP) for the development, proposing private collection. The WMP has been assessed by Council's Waste Management Officer who has advised the waste volume and bins provided are satisfactory.

***Wind Tunnel Assessment***

A Wind Tunnel Assessment was not submitted with the application. A condition of permit will require the preparation of an assessment. In addition, a condition will also require that the architectural drawings are amended to reflect any recommendations detailed in the assessment.

***Cultural Heritage Management Plan***

Pursuant to the *Aboriginal Heritage Regulations 2007*, the site is located within an area of Cultural Heritage Sensitivity. The applicant has provided an approved Cultural Heritage Management Plan prepared by Unearthed Heritage and approved by the Bunurong Land Council on 9 May 2022.

**Consultation**

Many of the grounds of objection have been considered and are discussed above in this report. Other concerns are discussed below:

- The parking reduction is not acceptable.

**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2****Officers' Assessment**

- Parking within the Bayside Shopping Centre should not be relied upon to justify the parking reduction.
- There is an existing lack of parking in the area which would be worsened by the proposal.

The application proposes a reduction of 64 spaces. The reduction is adequately compensated through the availability of alternative transport options in proximity to the site and an oversupply of bicycle parking. Refer to the assessment commentary and recommendations under Clause 52.06.

It is acknowledged that some parking may occur on neighbouring streets, though in the most part, visitor and staff parking will be provided via allocated parking areas on-site.

Vehicles, whether they are related to this or other developments in the street, can only park on the street in accordance with any parking regulations. The number of vehicles that can park on the street and at what time will be dictated by the parking restrictions and the availability of on street car spaces.

Existing parking problems and traffic congestion in the area cannot be addressed through the current application, nor should the burden of relieving these existing problems be imposed on the developer of the subject land.

The property is well located within an Activity Centre where alternative modes of access to the premises exist. The nature of the use is such that many of the staff and visitors can commute to the premises via public transport, walking or cycling.

Bicycle parking has been provided on-site to compensate for additional movements to and from the site and to provide opportunity for alternative modes of transport to be used.

**Analysis (Economic and Social Implications)**

It is considered the proposal will have limited negative economic and social implications and will allow for the revitalisation of a currently vacant site.

**Conclusion**

There is broad strategic support for a major development on the subject site. The proposal is generally consistent with the strategic objectives of the FMAC Structure Plan (2015) and the Draft FMAC Structure Plan (2022). It is considered the proposal can be supported subject to conditions.

**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2****Officers' Assessment****Recommendation (Director Communities)**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 446/2022/P for use and development of the land for a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2 at 383-389 Nepean Highway, Frankston, subject to the following conditions:

**Amended Plans**

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application Project Reference CM3948 28 prepared by Crone Architects, Revision E, dated 3 October 2022, but modified to show:
  - a) The modifications proposed in the “without prejudice” plans prepared by Crone Architects, Drawing No. TP-A-115-00, Revision E, dated 23 November 2022.
  - b) Enhanced architectural expression and design detail toward the north-west and south-west corners through an integrated use of shading devices, fenestration, cladding and/or balconies or alternative to the satisfaction of the Responsible Authority.
  - c) The retaining/basement wall along O’Grady Avenue to include articulated precast panels as shown on the eastern elevation or alternative finish to the satisfaction of the Responsible Authority.
  - d) The proposed security metal fencing to access the rear staff amenities area with a minimum of 75% transparency.
  - e) Signage plan including an elevation and detail of each sign, including method of illumination and a location key.
  - f) A notation nominating bicycle space numbers.
  - g) Location of wayfinding signage to bicycle spaces in accordance with Clause 52.34-7 of the Frankston Planning Scheme.
  - h) Landscape Plan in accordance with Condition 5.
  - i) Landscape Maintenance Plan in accordance with Condition 6.
  - j) The finish ‘ST01 STONE – LIGHT’ to be extended across the north-west and central-west doorways or alternative material to the satisfaction of the Responsible Authority.
  - k) Detailed colours and materials schedule in accordance with Condition 22.
  - l) All surface treatments to be nominated on the plans.
  - m) Modifications to plans in accordance with the recommendations of the Wind



**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2**

**Officers' Assessment**

Tunnel Assessment required under Condition 34.

- n) If required, modifications to the Sustainability Management Plan under Condition 26, Green Travel Plan under Condition 29 and the Waste Management Plan under Condition 31 in response to the recommendations of the Wind Tunnel Assessment endorsed under Condition 34.
- o) Development plans to reflect all sustainability features that are required as part of the endorsed Sustainability Management Plan (SMP). The plans are to be generally in accordance with the plans submitted including:
  - a. Metering initiatives
  - b. Management 4.1 Building Users Guide
  - c. Reticulated third pipe or/and rainwater tank size and location
  - d. Water fixtures WELS star rating
  - e. Water 4.1 Building Systems Water Use Reduction
  - f. Energy 1.1 Thermal Performance Rating - Non-Residential
  - g. Heating & cooling efficiency
  - h. Hot water system unit type and its efficiency
  - i. ESD initiative regarding Internal Lighting
  - j. CO2 concentrations for the ventilation systems designed to achieve, to monitor and to maintain
  - k. Increase in outdoor air to regular use areas compared to the minimum required by AS 1668:2012
  - l. IEQ 4.1 Air Quality initiatives
  - m. Transport 2.1 Electric Vehicle Infrastructure

**No Alterations or Changes**

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

**Completion of Works**

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

**Landscaping**

- 5. Before the development starts, a detailed landscape plan consistent with Frankston City Council's Landscape Plan Guidelines (2020) must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be prepared by a suitably qualified landscape designer, drawn to scale with dimensions. The plan must be

**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2****Officers' Assessment**

consistent with the development plans and generally in accordance with the concept landscape plan, prepared by Zenith Concepts Pty Ltd, dated 10/06/2022, but modified to show:

- a) Proposed pathway connections and stairs within Council's reserve deleted.
- b) A survey (including botanical names) of all existing vegetation on the site and those located within 3m of the site boundary on adjoining properties, accurately illustrated to represent canopy width and labelled with botanical name, height and whether the tree is proposed to be retained and/or removed;
- 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) Details on the upper storey planting as illustrated in the elevation facades;
- f) Detailed design for the level two rooftop garden planting to include more substantial mass planting of indigenous grasses;
- g) Detailed design of raised planter beds;
- h) The provision of subliminal vehicle protection barriers such as low-height concrete plinth or sphere rather than 'standard' bollards;
- i) A reduction in the use of bollards with planter beds to minimise paved areas to the satisfaction of the Responsible Authority;
- j) 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;
- k) A range of plant types from ground covers to large shrubs and trees;
- l) Increased landscape areas along Nepean highway by a minimum of 20% to reduce paved areas and soften the built form;
- m) Adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
- n) A planting theme of a minimum 40% indigenous and 40% native within each plant group in keeping with the local coastal character;
- o) All existing environmental weed species must be removed from the site and environmental and noxious weeds found in the 'Frankston City Council Invasive Species Guide (2019)' must not be planted;
- p) Suitable canopy trees (minimum two metres tall when planted) in the areas specified below with species chosen to be approved by the Responsible Authority;
  - i. One upright tree within a deep zone within the north-west corner of the site minimum mature height of 6m or alternative to the satisfaction of the Responsible Authority.
  - ii. Eight (8) small trees within planter boxes along Nepean Highway.
  - iii. A minimum of twelve (12) small trees within planter boxes along the north, south and east boundaries.
- q) The provision of notes on the landscape plan regarding site preparation, including in-ground recycled water 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;
- r) All tree stock used must be in accordance with *AS2303-2015 Tree stock for Landscape Use*.

**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2**

**Officers' Assessment**

- s) Lighting specifications.

**Landscape Maintenance Plan**

6. Before the development starts, a landscape maintenance plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must include:
- a) Plant establishment schedule and period.
  - b) Ongoing annual planting maintenance schedule (monitoring of plants, weeding, watering, pruning, re-mulching, pest and disease management, fertilising, re-planting). Ongoing maintenance schedule for structures and surfaces (cyclic, routine, reactive, emergency and renovation).
  - c) Replacement timeframes for poorly performing plant stock.
  - d) Irrigation specification and irrigation maintenance schedule.
  - e) Maintenance responsibilities for landscaping establishment and ongoing maintenance.

**Council Tree Planting Plan**

7. Within 6 months of the development starting, a Council Tree Planting Plan must be submitted to and approved by the Responsible Authority unless otherwise agreed to in writing by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must include:
- a) Nominated location and species for the planting of 13 street trees and 7 trees to Council's Reserve (i.e. Evelyn Park) where achievable and to the satisfaction of the Responsible Authority, Servicing Authorities and Department of Transport.
  - b) An 18-month maintenance period (quote to be provided to be bonded including 30% replacement contingency) prior to the occupancy permit being issued with handover occurring outside summer period.
  - c) Trees to be planted in accordance with Council Standard SD522 (size 45L).
  - d) Notation that the trees are to be planted prior to the issue of the occupancy permit for the development, or by written agreement the payment of a fee for Council to deliver the requirements (including supply, installation and maintenance).
8. Prior to planting of trees on council property Council must be notified of the works and an inspection arranged of the stock or as agreed the provision of a certificate demonstrating all stock is in accordance with AS2303-2015 Tree stock for Landscape Use, unless agreed in written that an alternative arrange is made.
9. Prior to the issue of the occupancy permit and the satisfactory planting of the Council trees (as approved by Council's Arborist), payment of a bond 150% of the cost quoted for the 18 month maintenance and including formative prune and 30% replacement contingency of the Council trees must be paid to Frankston City Council as a maintenance bond. During this period any vandalized, damaged, sick, diseased, dead or dying trees must be replaced. Upon completion of the 18-month maintenance period, an inspection must be organised with Council's Arborist and if the Responsible Authority is satisfied that all the conditions of the Council tree planting have been met, the maintenance bond(s) originally paid will be refunded to the permit holder.
10. 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

**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2****Officers' Assessment**

approved by the Responsible Authority in writing.

11. 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.

**Construction Environmental Management Plan**

12. Before the development starts, a Construction Environmental 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 must include the following:

- a) Contact numbers of responsible owner/contractor including emergency/24 hour mobile contact details.
- b) Identification of possible environmental risks associated with development works.
- c) Response measures and monitoring systems to minimise identified environmental risks, including but not limited to creek protection, vegetation protection, runoff, erosion, dust, litter, noise and light.
- d) Location and specifications of sediment control devices on/off site.
- e) Location and specification of surface water drainage controls.
- f) Proposed drainage lines and flow control measures.
- g) Location and specifications of fencing for the protection of trees and/or vegetation as required by the permit.
- h) Location of all stockpiles and storage of building materials.
- i) Location of parking for site workers and any temporary buildings or facilities.
- j) Traffic management plans that show proposed traffic control measures during construction, the heavy vehicle route to and from the site, loading bay/works zone and access and egress from the site.
- k) Details to demonstrate compliance with relevant EPA guidelines.
- l) Hours during which construction activity will take place.

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

**Engineering**

13. 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.
14. Before the development starts detailed design plans and drainage computations of the internal stormwater drainage system including the method of connection to the existing Council drainage infrastructure must be submitted and approved to the

**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2****Officers' Assessment**

satisfaction of the Responsible Authority.

15. Stormwater Drainage Outfall must be constructed to the satisfaction of the responsible Authority.
16. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
  - a) On-site stormwater detention and rainwater tanks.
  - b) Soil percolation
  - c) Stormwater harvesting and Re-use of stormwater for garden watering, toilet flushing, etc.
  - d) On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.
17. Vehicle crossing must be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
18. All disused vehicle crossings must be removed and the area reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.
19. Before the development is completed, a footpath must be constructed along the northern site boundary with O'Grady Avenue to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
20. Before the building is occupied, 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.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.
21. 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.

**Façade Details and Materials and Finishes**

22. Before the development starts, a colour schedule and sample panel of all external



**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2****Officers' Assessment**

materials and finishes showing materials, colours and materials, roof and glazing treatments to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit.

23. As part of the consultant team Crone Architects or an experienced architect must be engaged to oversee the design intent and construction quality to ensure that the design and quality and the appearance of the approved building is maintained to the satisfaction of the Responsible Authority.
24. The design, materials and finishes must be high quality, generally consistent with the materials and finishes proposed by Crone Architects, to the satisfaction of the Responsible Authority.
25. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

**Environmentally Sustainable Development**

26. Before the development starts, the Sustainability Management Plan (SMP) prepared by Stantec and dated 9 August 2022 must be submitted to and approved by the Responsible Authority. The plan will be endorsed and will then form part of the permit.
27. All works must be undertaken in accordance with the endorsed Sustainability Management Plan (SMP) to the satisfaction of the Responsible Authority. No alterations to the SMP may occur without the written consent of the Responsible Authority.
28. Before the occupation of the building approved under this permit, a report from the author of the SMP, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.

**Green Travel Plan**

29. Before the use and/or development starts, the Green Travel Plan prepared by Traffix Group and dated June 2022 must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit.
30. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

**Waste Management**

31. Before any of the uses start, the waste management plan (WMP) prepared by Traffic Group dated June 2022 must be submitted to and approved by the Responsible Authority. When approved, the WMP will be endorsed and form part of this permit. All waste generated by the uses must be collected by a Private Waste Management Agency and in accordance with the EPA Victoria Publication 1254.2 Noise Control

**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2**

**Officers' Assessment**

Guidelines and the endorsed WMP at all times to the satisfaction of the Responsible Authority.

**Public Art Management Plan**

32. Prior to the issue of the occupancy permit, a Public Art Management Plan must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:

- a) Details of the commissioned artist(s)
- b) Location of the art on the development
- c) Description of art work, including:
  - a. Materials and colours;
  - b. Dimensions;
  - c. Content;
  - d. Special features;
  - e. Lighting to illuminate the artwork;
  - f. Details of the installation process; and
  - g. Details of art works maintenance schedule.

To the satisfaction of the Responsible Authority.

33. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art must be carried out and completed. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the Responsible Authority.

**Wind Assessment**

34. Before the development commences, a Wind Tunnel Assessment unless otherwise agreed to in writing by the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Tunnel Assessment will be endorsed and will form part of the permit. The Wind Tunnel Assessment must be to the satisfaction of the Responsible Authority and include:

- a. An assessment based on the amended plans in accordance with Condition 1 of this permit; and
- b. Minimum acceptable criterion achieved at all locations to ensure that the built form, design and layout of the development does not generate unacceptable wind impacts within the site or on surrounding land.

35. The provisions, recommendations and requirements of the Wind Assessment endorsed under Condition No. 34 must be implemented and complied with to the satisfaction of the Responsible Authority.

**Urban Design**

36. All lighting used to externally illuminate buildings, works and uses shall be fitted with cut-off luminaires (baffles) so as to prevent the emission of direct and indirect light

**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2****Officers' Assessment**

onto adjoining roadways, land and premises.

37. 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.
38. Mailboxes shall be provided within the development to the satisfaction of the Responsible Authority and Australia Post.
39. All pipes, fixtures and fittings servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
40. All roof plant and equipment must be screened so as not to be visible from public areas.
41. Before the buildings are occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

**Amenity**

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

To the satisfaction of the Responsible Authority.

43. The loading and unloading of goods from vehicles must only be carried out within the designated loading bay area on the site.
44. Air-conditioning and other plant and equipment installed on or within the buildings must be positioned and baffled that any noise emitted complies with the appropriate Australian Standards and EPA requirements.

**Signage Requirements**

45. The signs hereby permitted must not:
  - a) be animated;
  - f) be moving or rotating;
  - g) contain any flashing or intermittent light.
46. The signs hereby permitted must be constructed to the satisfaction of the Responsible Authority, and must be maintained to the satisfaction of the Responsible Authority.
47. Upon expiry of the approved signage, all structures built specifically to support the



**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2****Officers' Assessment**

structure must subsequently be removed.

**Cultural Heritage Management Plan**

48. The construction of the development hereby approved must be carried out in the accordance with the approved Cultural Heritage Management Plan No. 16179 prepared by Unearthed Heritage and approved by the Bunurong Land Council on 9 May 2022.

**Permit Expiry**

49. This permit as it relates to development will expire if:

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

This permit as it relates to use will expire if:

- a) The use is not started within two (2) years of the completion of the development.
- b) The use is discontinued for a period of two (2) years or more.

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

50. The permit as it relates to signage expires 15 years from the date of this permit.

---

**Permit Notes****A. Asset Protection Permit**

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

**B. Extension of Time**

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

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

**C. Variation to Planning Permit**

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

**D. Street Addressing**

Street addresses are allocated by Council. It is a requirement under Frankston City Council Community Local Law 2020 Part 2.12 for the owner or occupier of

**11.1 Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston - Use and develop a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2**

### **Officers' Assessment**

each property to clearly display the street numbering allocated by Council.

Proposed street addresses can be obtained by contacting Council's Rates Department on 1300 322 322.


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

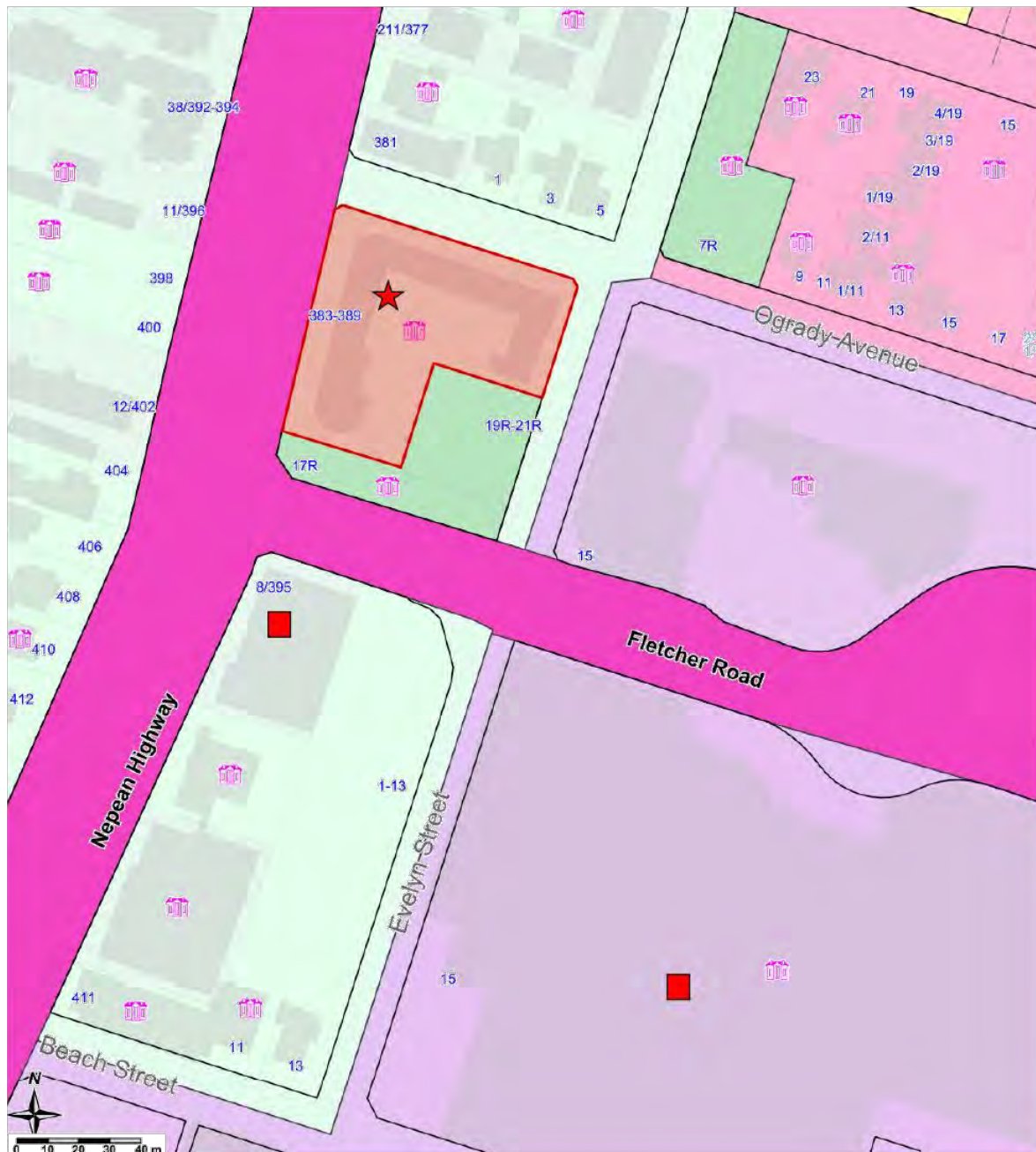
#### **E. Building Work**

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

Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston 3199

Subject Site 

Objectors (not all shown) 



**Disclaimer**

Contains Council information © Frankston City Council, 2022. Reproduced by permission of the Information Services Department, Frankston City Council.

Contains Viemap information © State of Victoria, Department of Environment and Primary Industry, 2022

Reproduced by permission of the Department of Environment and Primary Industry.

This material may be of assistance to you but Frankston City Council, the State of Victoria and their employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaim all liability for any error, loss or consequences which may arise from your relying on any information contained in this material. You are hereby notified that any use, dissemination, distribution or reproduction of this information is prohibited and must be used for personal use only.

The information contained herein must not be used in any manner that could breach any criminal, federal, state or local law.

Projection: GDA2020 / MGA zone 55

Scale: 1:1682

Date Printed: 6/12/2022

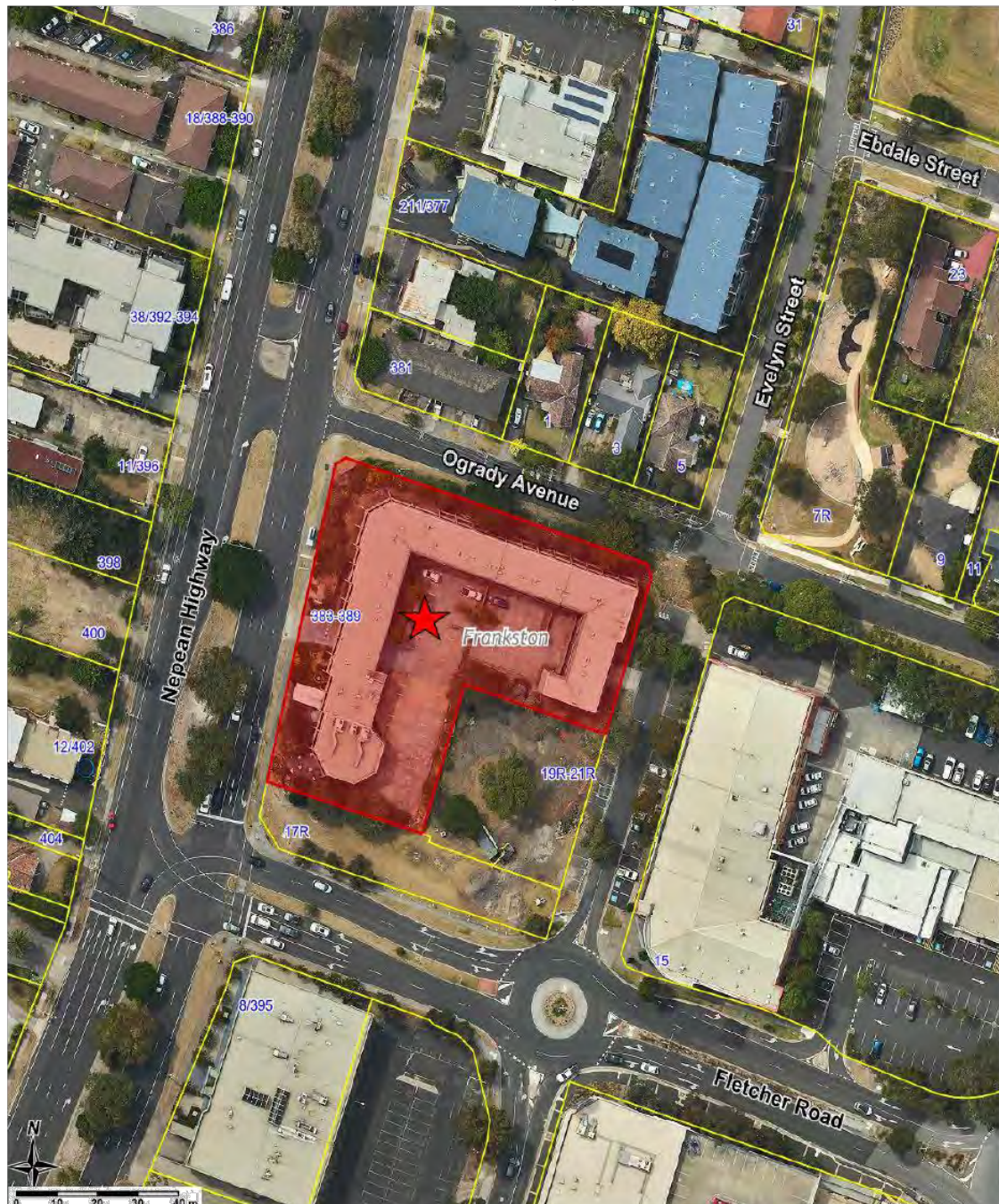
Time Printed: 5:05 PM

Issued by: Leah Horne





Planning Application 446/2022/P - 383-389 Nepean Highway, Frankston 3199  
Subject Site ★



**Disclaimer**

Contains Council information © Frankston City Council, 2022. Reproduced by permission of the Information Services Department, Frankston City Council.

Contains Vicmap information © State of Victoria, Department of Environment and Primary Industry, 2022.

Reproduced by permission of the Department of Environment and Primary Industry. This material may be of assistance to you but Frankston City Council, the State of Victoria and their employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaim all liability for any error, loss or consequences which may arise from your relying on any information contained in this material. You are hereby notified that any use, dissemination, distribution or reproduction of this information is prohibited and must be used for personal use only. The information contained herein must not be used in any manner that could breach any criminal, federal, state or local law.

Projection: GDA2020 / MGA zone 55

Scale: 1:1228

Date Printed: 6/12/2022

Time Printed: 4:33 PM

Issued by: Leah Horne



## DRAWING SCHEDULE

Sheet Number	SHEET NAME	R	ISSUE DATE
000 GENERAL			
TP-A-000-01	ARCHITECTURAL - COVER SHEET	E	03/10/2022
100 GENERAL			
TP-A-100-01	SITE PLAN	D	03/10/2022
TP-A-100-02	SITE SURVEY	D	03/10/2022
TP-A-100-03	VEGETATION PLAN	C	20/09/2022
110 DEMOLITION PLANS			
TP-A-110-00	GROUND FLOOR	D	03/10/2022
115 PROPOSED GA PLANS			
TP-A-115-01	LEVEL 01	D	03/10/2022
TP-A-115-02	LEVEL 02	D	03/10/2022
TP-A-115-00	GROUND LEVEL	D	03/10/2022
TP-A-115-03	LEVEL 03	D	03/10/2022
TP-A-115-04	LEVEL 04	D	03/10/2022
TP-A-115-B1	LEVEL B1	E	03/10/2022
TP-A-115-B2	LEVEL B2	E	03/10/2022
TP-A-115-05	ROOF	C	03/10/2022
215 PROPOSED ELEVATIONS			
TP-A-215-00	STREET ELEVATION	D	03/10/2022
TP-A-215-10	WEST-COLOURED	E	03/10/2022
TP-A-215-11	EAST-COLOURED	E	03/10/2022
TP-A-215-12	NORTH-COLOURED	E	03/10/2022
TP-A-215-13	SOUTH-COLOURED	D	03/10/2022
315 PROPOSED SECTIONS			
TP-A-315-01	PROPOSED SECTIONS - SHEET 01	E	03/10/2022
TP-A-315-02	PROPOSED SECTIONS - SHEET 02	E	03/10/2022
000 SCHEDULES			
TP-A-000-01	MATERIALS	C	20/09/2022
TP-A-000-02	AREAS	C	20/09/2022
705 DIAGRAMS			
TP-A-705-01	SOLAR ANALYSIS SEP 22 - 9AM	D	03/10/2022
TP-A-705-02	SOLAR ANALYSIS SEP 22 - 12 PM	C	03/10/2022
TP-A-705-03	SOLAR ANALYSIS SEP 22 - 3PM	C	03/10/2022
880 3D VIEWS			
TP-A-880-01	3D VIEW 01	B	03/10/2022
TP-A-880-02	3D VIEW 02	B	03/10/2022
TP-A-880-03	3D VIEW 03	B	03/10/2022



Crone Partners Melbourne Pty Ltd  
(T/A Crone) ABN 79 076 856 614  
86 High Street, Werribee, VIC  
3015 T 03 9421 8000  
E info@crone.com.au  
Businesses Registered And Audited  
F/Gate 188 W



Casterock Property Pty Ltd  
Level 30, 140 William Street, Melbourne, VIC 3004  
T +61 3 9527 4600

CONSULTANTS  
PLANNING:  
ERRAS PLANNING  
COLLECTIVE  
LINDA DOKA & ASSOCIATES  
MELBOURNE VIC 3004  
ARCHITECT:  
ARCHITECTURE  
37 Arbor Way, Camberwell  
VIC 3161  
TECHNICAL:  
TRANSLATIONS  
Level 25, 469 Collins St  
Melbourne Victoria 3000

ENGINEERING (ELECTRICAL & MECHANICAL):  
WISAP ENGINEERING  
112 Chesham St, Oremore  
VIC 3121  
T: +61 3 9428 7907  
ENGINEERING (MECHANICAL):  
ALUMA  
PO Box 11151  
Law Courts VIC 3010  
T: +61 413 876 760

LANDSCAPE:  
28 RITA ROAD PT  
171 ACORN STREET  
SANDHURST VIC 3191  
T: +61 3 9586 2125

## NOTES

Rev	Date	By	Revision Notes
1	08/10/22	IC	FOR REVIEW
2	08/10/22	IC	FOR REVIEW
3	08/10/22	IC	FOR REVIEW
4	08/10/22	IC	FOR REVIEW
5	08/10/22	IC	FOR REVIEW
6	08/10/22	IC	FOR REVIEW

## PROJECT INFORMATION

CM386  
383 Nepean Highway  
Frankston, Vic 3199

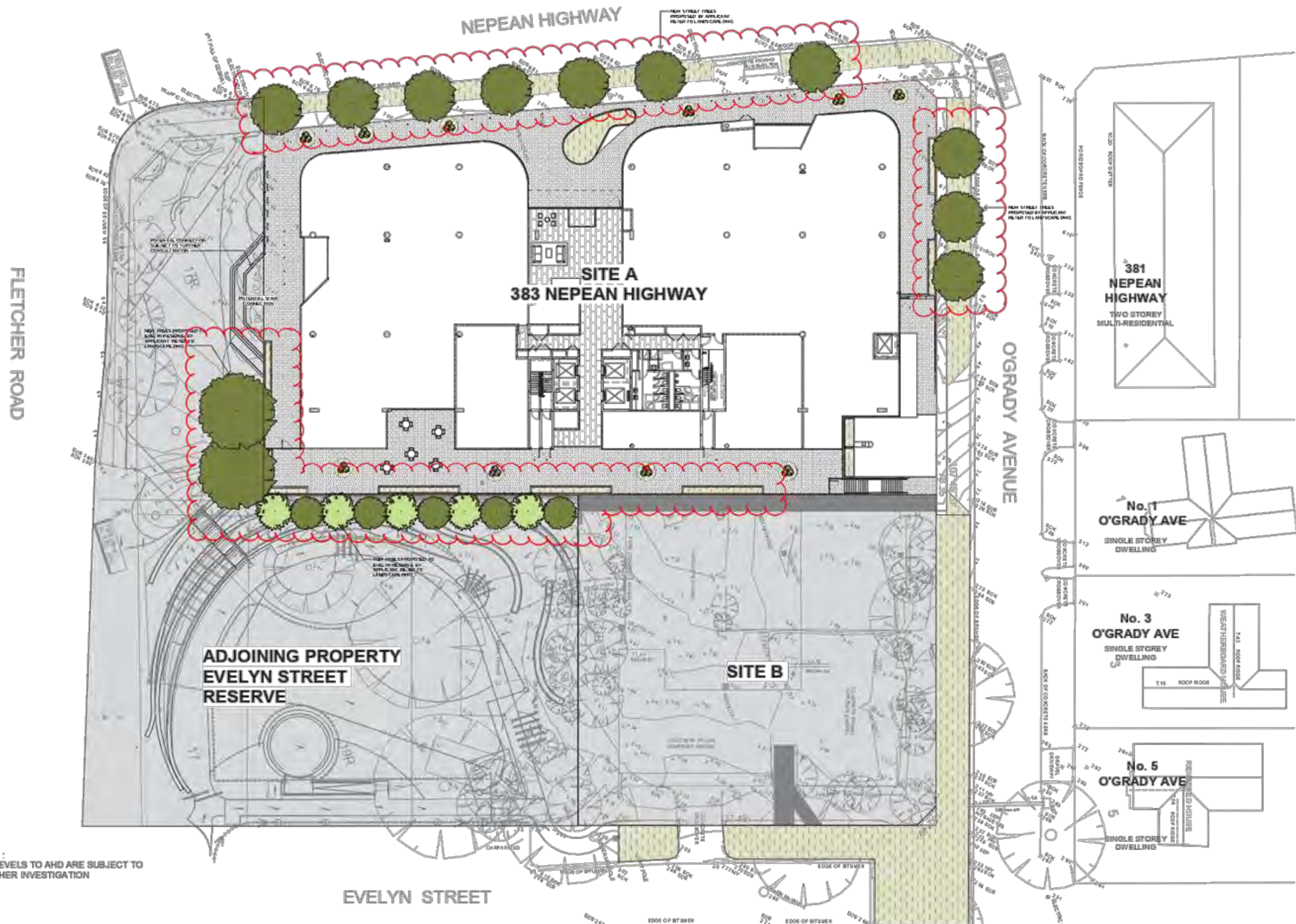
## DRAWING TITLE

000 GENERAL  
ARCHITECTURAL - COVER  
SHEET  
SHEET STATUS:  
PRELIMINARY  
DRAWING NUMBER:  
TP-A-000-01

CHECKED BY:  
PC  
REV  
E  
A1

FILE LOCATION:  
4/10/2022 2:18:09 PM

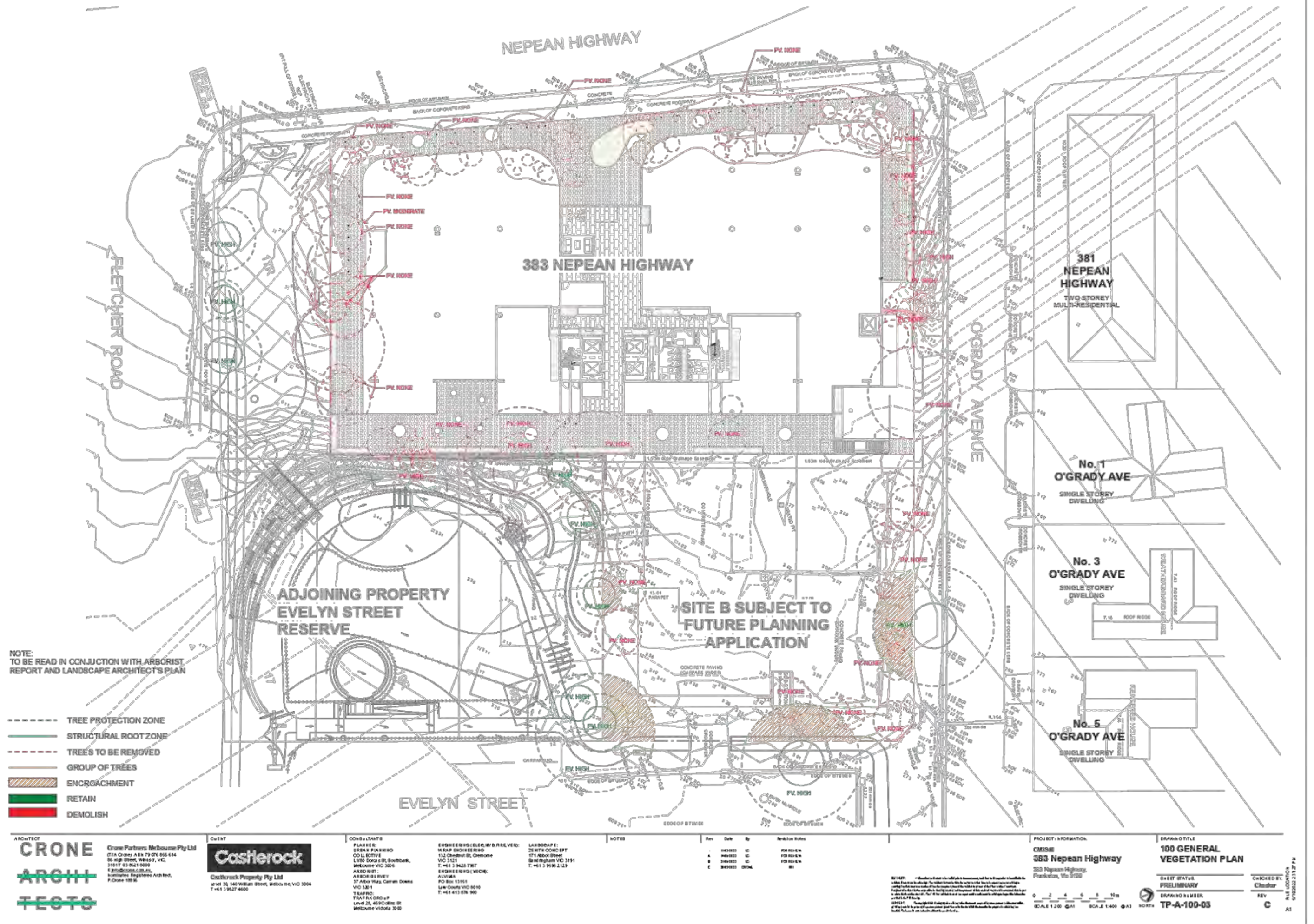




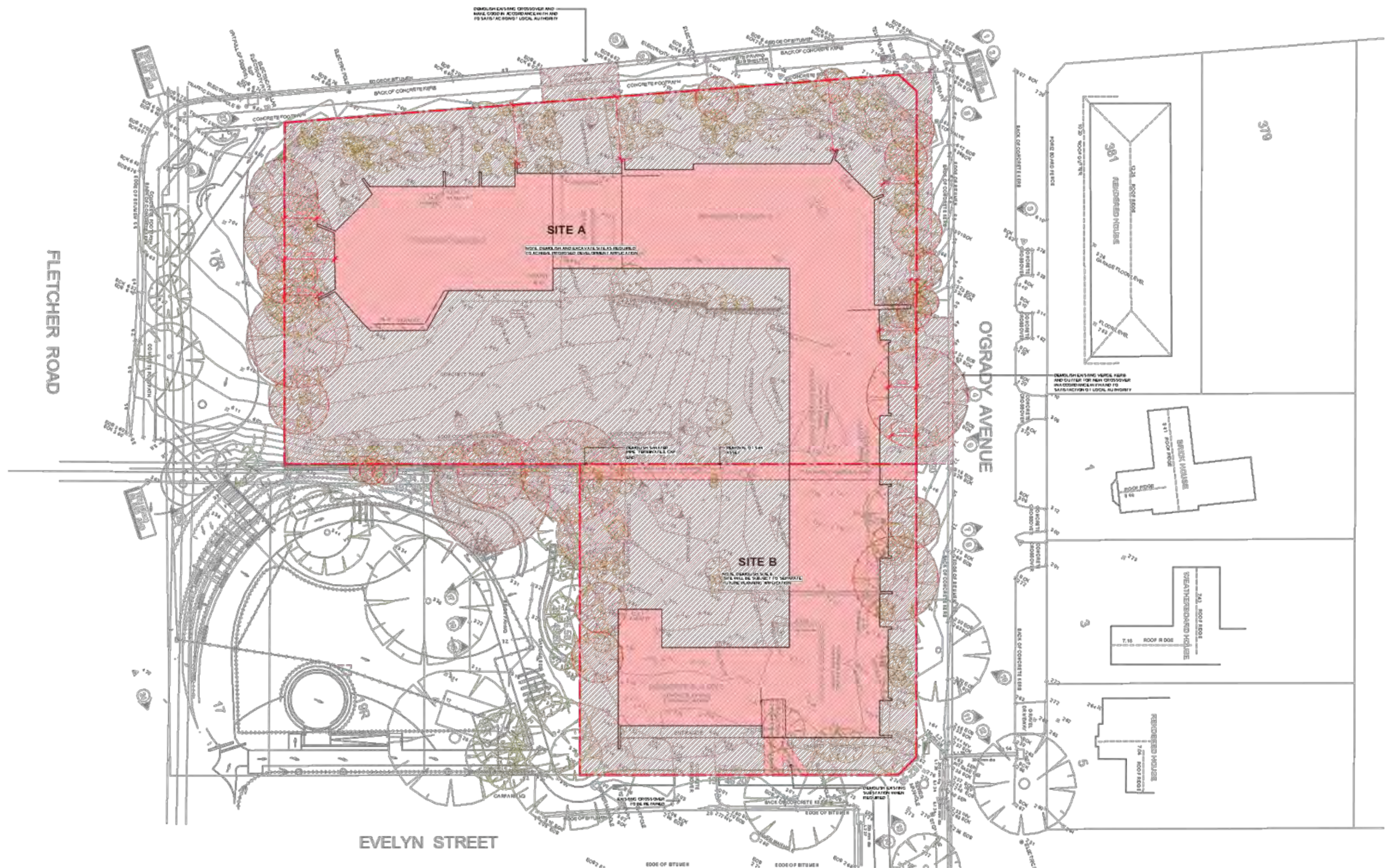












ARCHITECT  
**CRONE**  
**ARCH**  
**TESTS**

Crone Partners Melbourne Pty Ltd  
(T/A Crone) ABN 79 076 806 614  
86 High Street, Melbourne, VIC  
3181 T 03 9621 8000  
E info@crone.com.au  
Licence: Registered Arch. Ref.  
P. Crone 185 W

CLIENT  
**Cashrock**  
Cashrock Property Pty Ltd  
Level 30, 140 William Street, Melbourne, VIC 3006  
T +61 3 9527 4000

CONSULTANTS  
PLANNING:  
SERAN PLANNING  
CO-LL CTIVE  
LUBO DOKA & CO. BOWEN  
MELBOURNE VIC 3004  
ARCHITECT:  
ARCH SURVEY  
17 ADAM STREET, CARLTON  
VIC 3051  
TRAFFIC:  
TRANSCORP  
Level 25, 469 Collins St  
Melbourne Victoria 3000

ENGINEERING (ELECTRICAL):  
WISBY ENGINEERING  
152 Chadwell St, Oremore  
VIC 3121  
T: +61 3 9428 7907  
ENGINEERING (MECH):  
ALUMA  
PO Box 13151  
SAW Courts VIC 3010  
T: +61 413 876 960

LANDSCAPE:  
28 RITA ROAD  
171 ADAM STREET  
SANDHURST VIC 3191  
T: +61 3 958 2125

NOTES

Rev	Date	By	Revision Notes
1	18/01/23	IC	FOR REVIEW
2	18/01/23	IC	FOR REVIEW
3	18/01/23	IC	FOR REVIEW
4	18/01/23	IC	FOR REVIEW

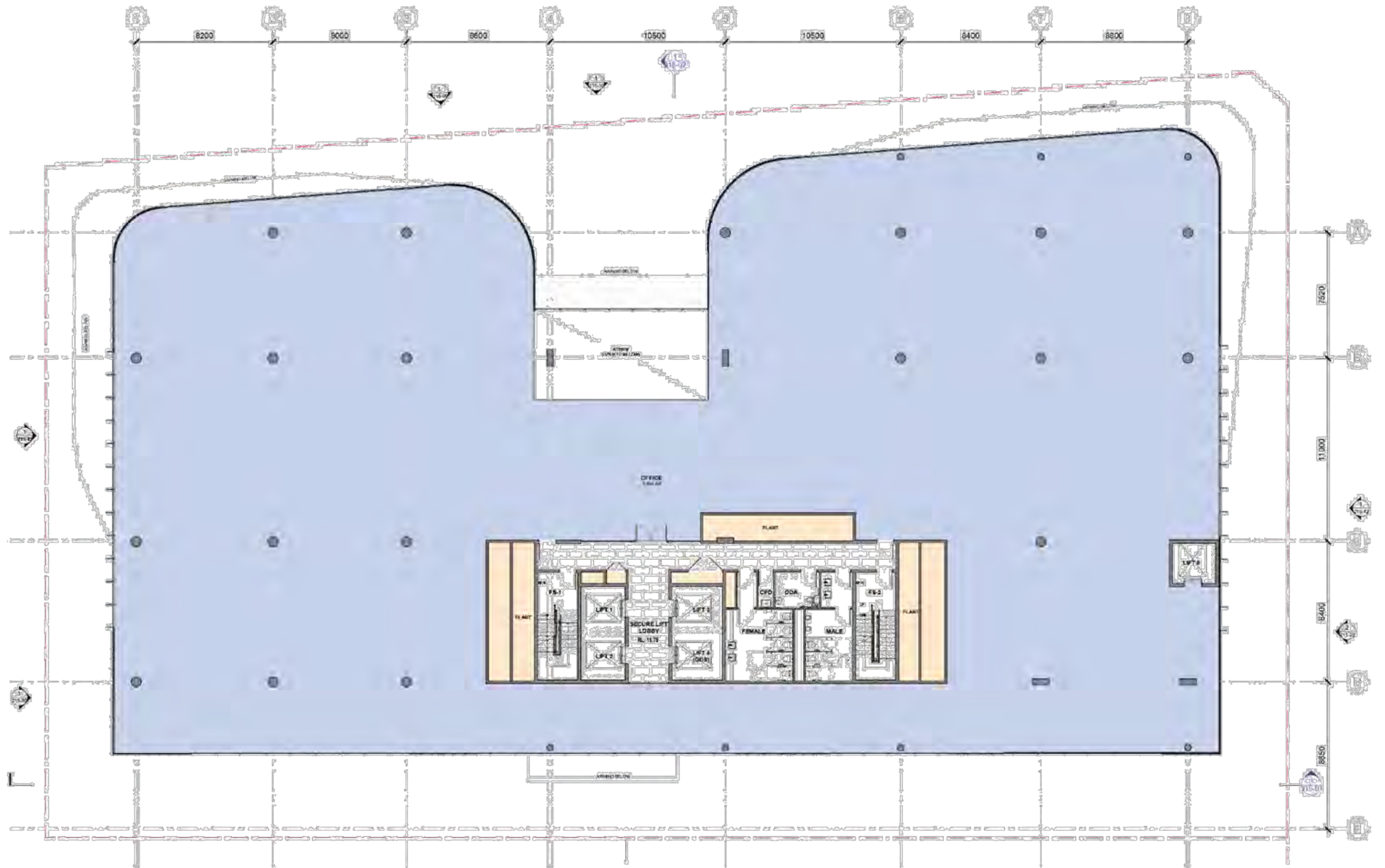
PROJECT INFORMATION  
**CM388**  
**383 Nepean Highway**  
383 Nepean Highway,  
Frankston, VIC 3199

DRAWING TITLE  
**110 DEMOLITION PLANS**  
**GROUND FLOOR**  
SHEET STATUS  
**PRELIMINARY**  
DRAWING NUMBER  
**TP-A-110-00**  
CHECKED BY  
**PC**  
REV  
**D**  
FILE LOCATION  
4/19/2022 3:14 PM









**CRONE**  
**ARCH**  
**TESTS**

**Crone Partners Melbourne Pty Ltd**  
115 Nepean Highway, Suite 101  
Melbourne, VIC 3000  
Phone: 03 9594 1111  
Email: info@cronepartners.com.au

**Cashrock**  
**Cashrock Property Pty Ltd**  
Unit 20, 140 Wilson Street, Melbourne, VIC 3000  
Phone: 03 9594 1111  
Email: info@cashrock.com.au

**CONSULTANTS**  
**PLANNING**  
URBAN PLANNING  
COLLECTIVE  
115 Nepean Highway, Suite 101  
Melbourne, VIC 3000  
Phone: 03 9594 1111  
Email: info@urbanplanningcollective.com.au

**ENGINEERING, ELECTRICITY & MECHANICAL**  
NORMANBY ENGINEERING  
115 Nepean Highway, Suite 101  
Melbourne, VIC 3000  
Phone: 03 9594 1111  
Email: info@normanbyengineering.com.au

**LANDSCAPE**  
JENNY COOPER  
115 Nepean Highway, Suite 101  
Melbourne, VIC 3000  
Phone: 03 9594 1111  
Email: info@jennycooper.com.au

**STRUCTURAL**  
JENNY COOPER  
115 Nepean Highway, Suite 101  
Melbourne, VIC 3000  
Phone: 03 9594 1111  
Email: info@jennycooper.com.au

**INTERIOR**  
JENNY COOPER  
115 Nepean Highway, Suite 101  
Melbourne, VIC 3000  
Phone: 03 9594 1111  
Email: info@jennycooper.com.au

**PROJECT INFORMATION**  
**383 Nepean Highway**  
Melbourne, VIC 3000  
Phone: 03 9594 1111  
Email: info@cronepartners.com.au

**115 PROPOSED GA PLANS**  
**LEVEL 01**  
DRAWN BY: JENNY COOPER  
CHECKED BY: JENNY COOPER  
DATE: 30/01/2023  
SCALE: 1:1000  
PROJECT: 383 Nepean Highway  
DRAWING: 115-01

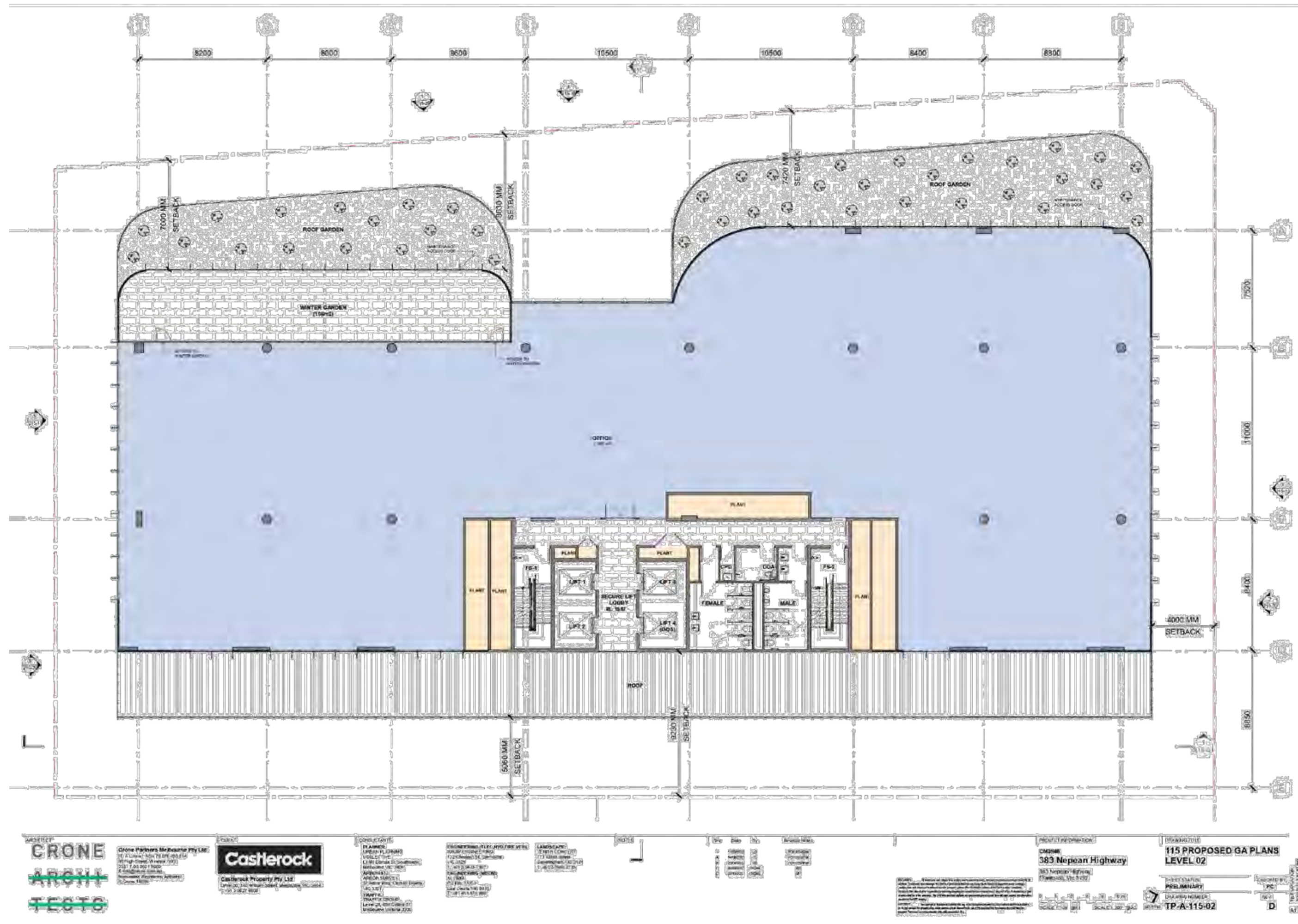
**PROJECT INFORMATION**  
**383 Nepean Highway**  
Melbourne, VIC 3000  
Phone: 03 9594 1111  
Email: info@cronepartners.com.au

**115 PROPOSED GA PLANS**  
**LEVEL 01**  
DRAWN BY: JENNY COOPER  
CHECKED BY: JENNY COOPER  
DATE: 30/01/2023  
SCALE: 1:1000  
PROJECT: 383 Nepean Highway  
DRAWING: 115-01

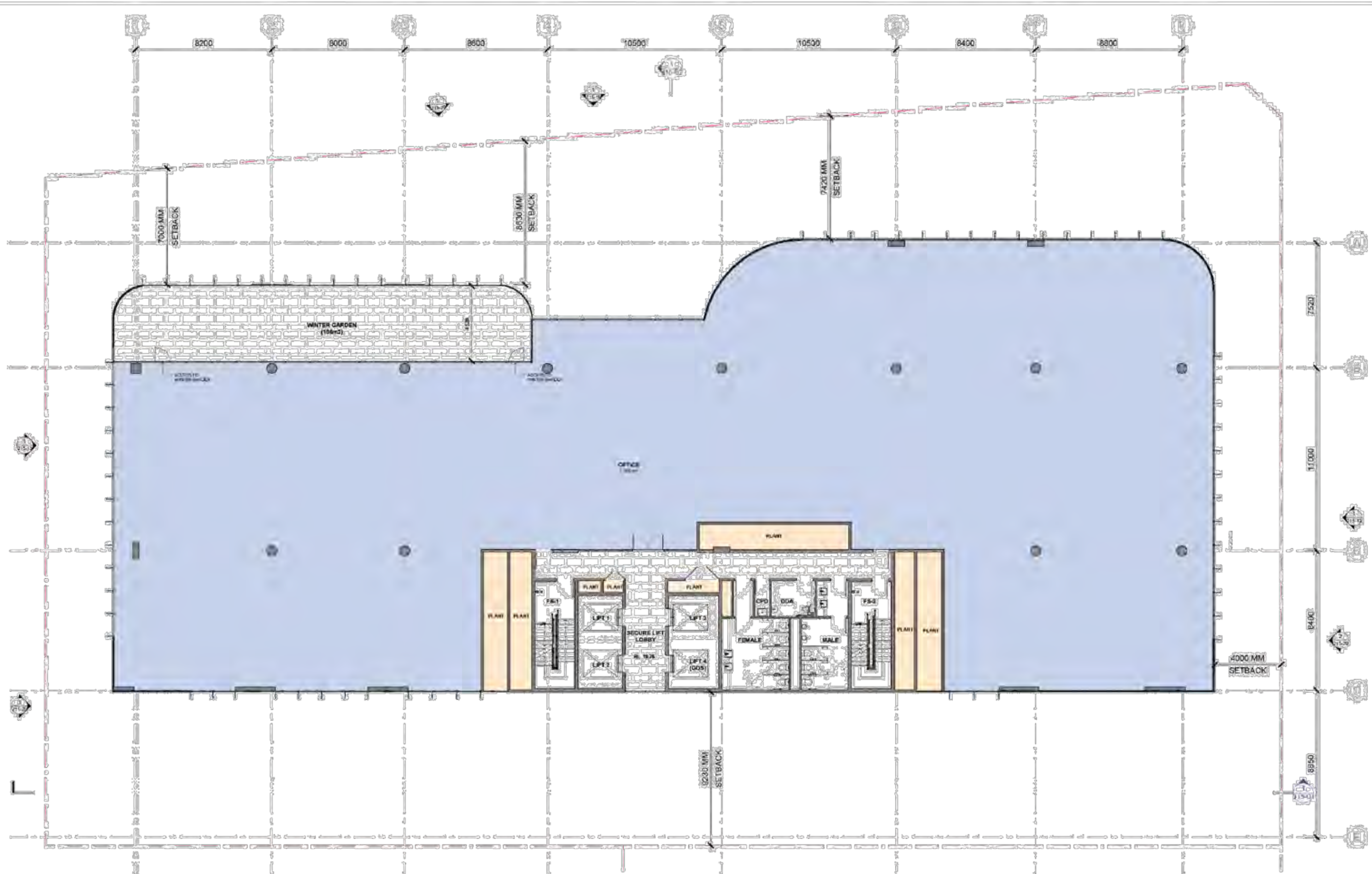
**PROJECT INFORMATION**  
**383 Nepean Highway**  
Melbourne, VIC 3000  
Phone: 03 9594 1111  
Email: info@cronepartners.com.au

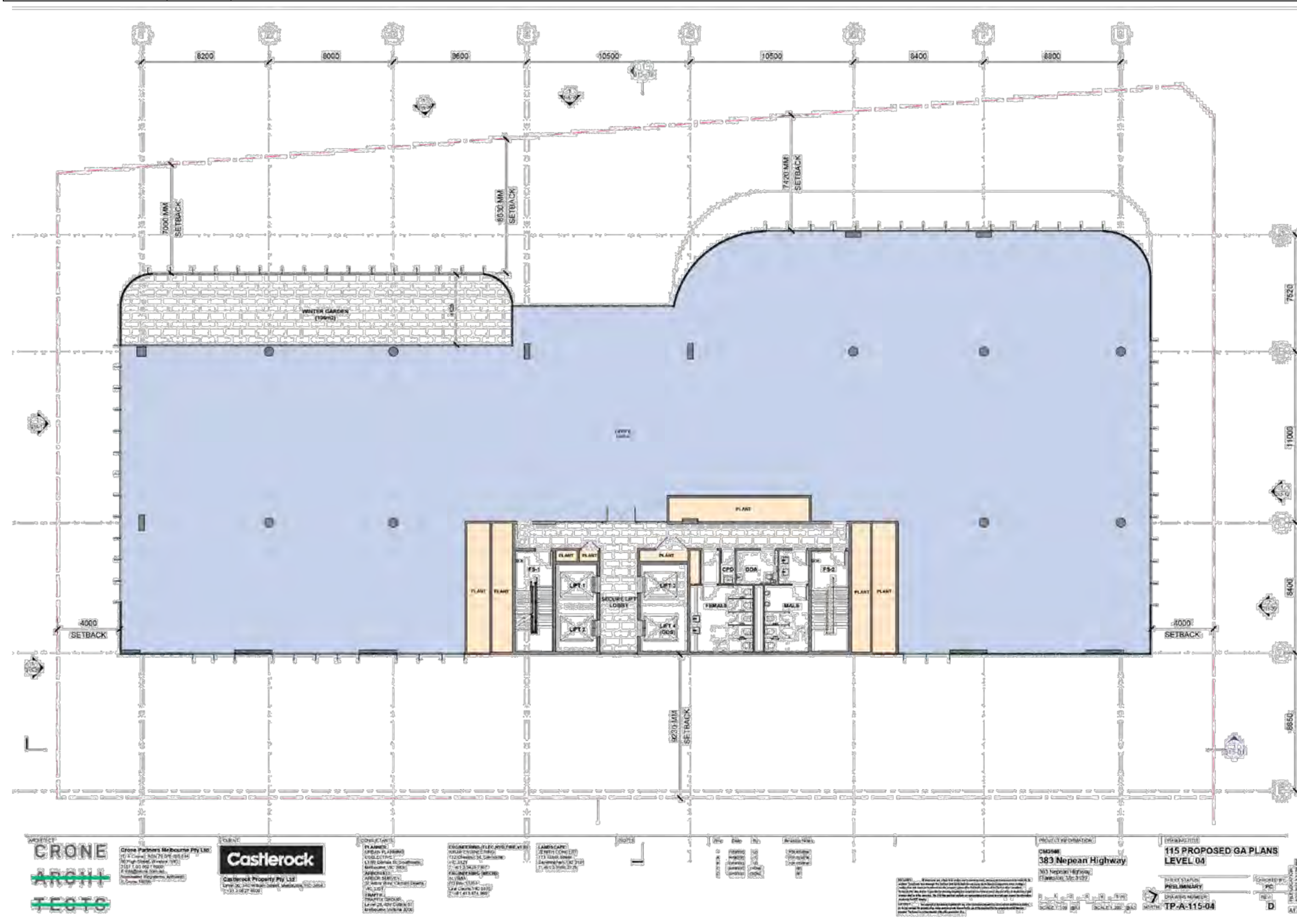
**115 PROPOSED GA PLANS**  
**LEVEL 01**  
DRAWN BY: JENNY COOPER  
CHECKED BY: JENNY COOPER  
DATE: 30/01/2023  
SCALE: 1:1000  
PROJECT: 383 Nepean Highway  
DRAWING: 115-01



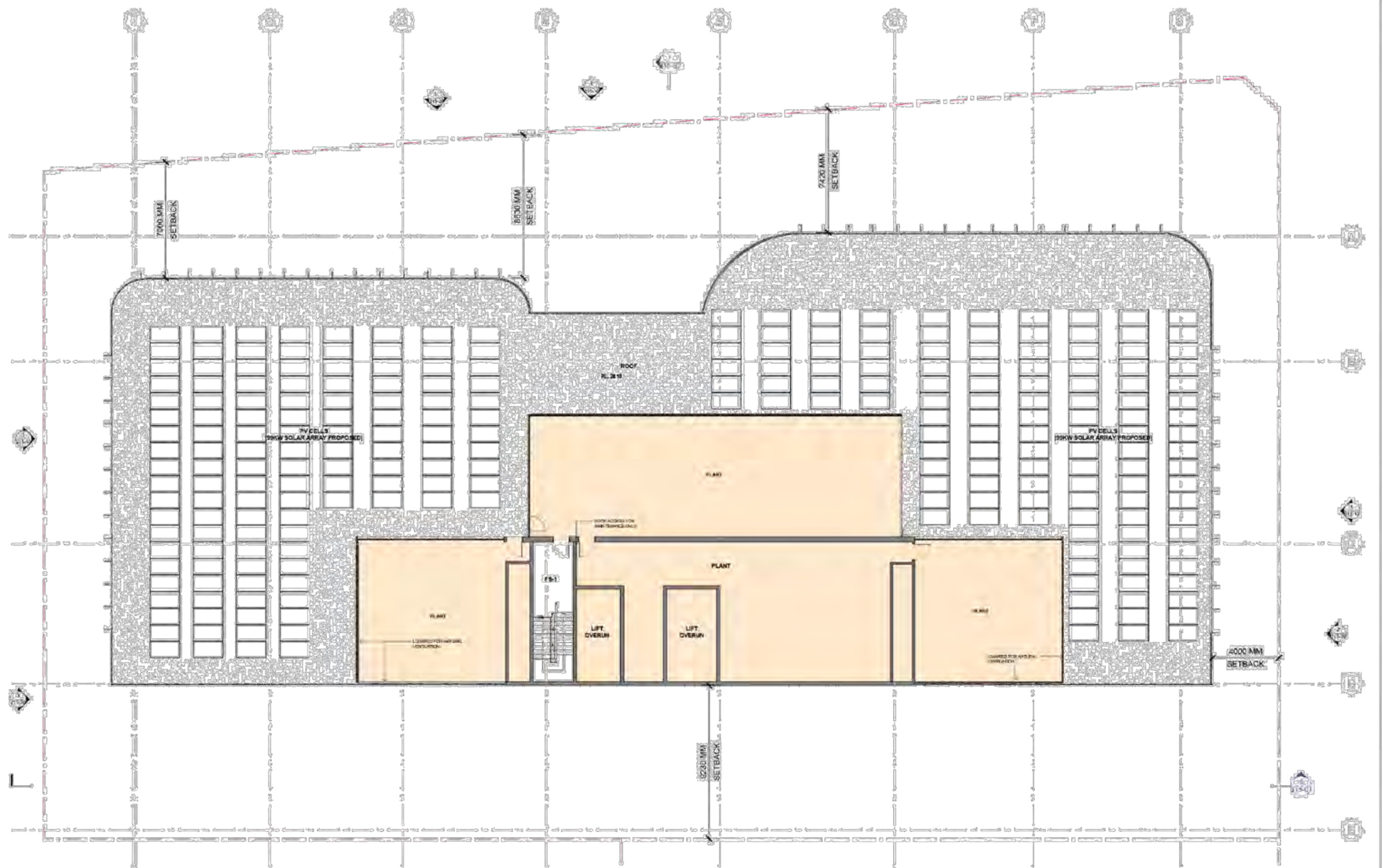












CRONE  
ARCH  
TESTS

Crone Partners Melbourne Pty Ltd  
115 Nepean Highway, Suite 101  
Melbourne, VIC 3004  
Phone: 03 9594 1111  
Email: info@cronepartners.com.au

**Cashrock**  
Cashrock Property Pty Ltd  
Unit 10, 240 Victoria Street, Melbourne, VIC 3000  
Phone: 03 9671 4600

CONSULTANTS  
PLANNING  
URBAN PLANNING  
COLLECTIVE  
115 Nepean Highway, Suite 101  
Melbourne, VIC 3004  
Phone: 03 9594 1111  
Email: info@cronepartners.com.au

ENGINEERING, ELECTRICAL & MECHANICAL  
115 Nepean Highway, Suite 101  
Melbourne, VIC 3004  
Phone: 03 9594 1111  
Email: info@cronepartners.com.au

LANDSCAPE  
115 Nepean Highway, Suite 101  
Melbourne, VIC 3004  
Phone: 03 9594 1111  
Email: info@cronepartners.com.au

115 Nepean Highway, Suite 101  
Melbourne, VIC 3004  
Phone: 03 9594 1111  
Email: info@cronepartners.com.au

115 Nepean Highway, Suite 101  
Melbourne, VIC 3004  
Phone: 03 9594 1111  
Email: info@cronepartners.com.au

115 Nepean Highway, Suite 101  
Melbourne, VIC 3004  
Phone: 03 9594 1111  
Email: info@cronepartners.com.au

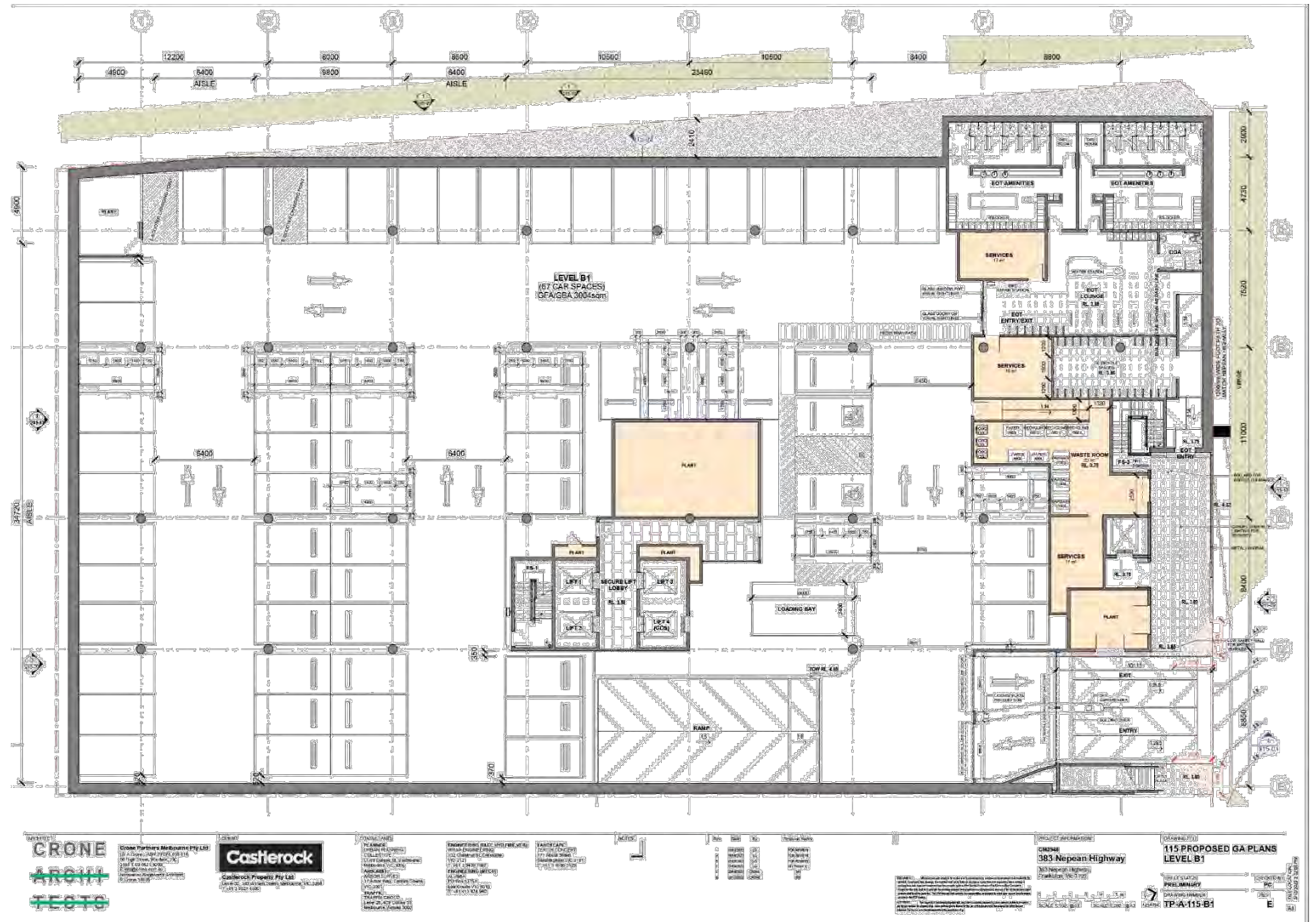
115 Nepean Highway, Suite 101  
Melbourne, VIC 3004  
Phone: 03 9594 1111  
Email: info@cronepartners.com.au

PROJECT INFORMATION  
383 Nepean Highway  
Melbourne, VIC 3004

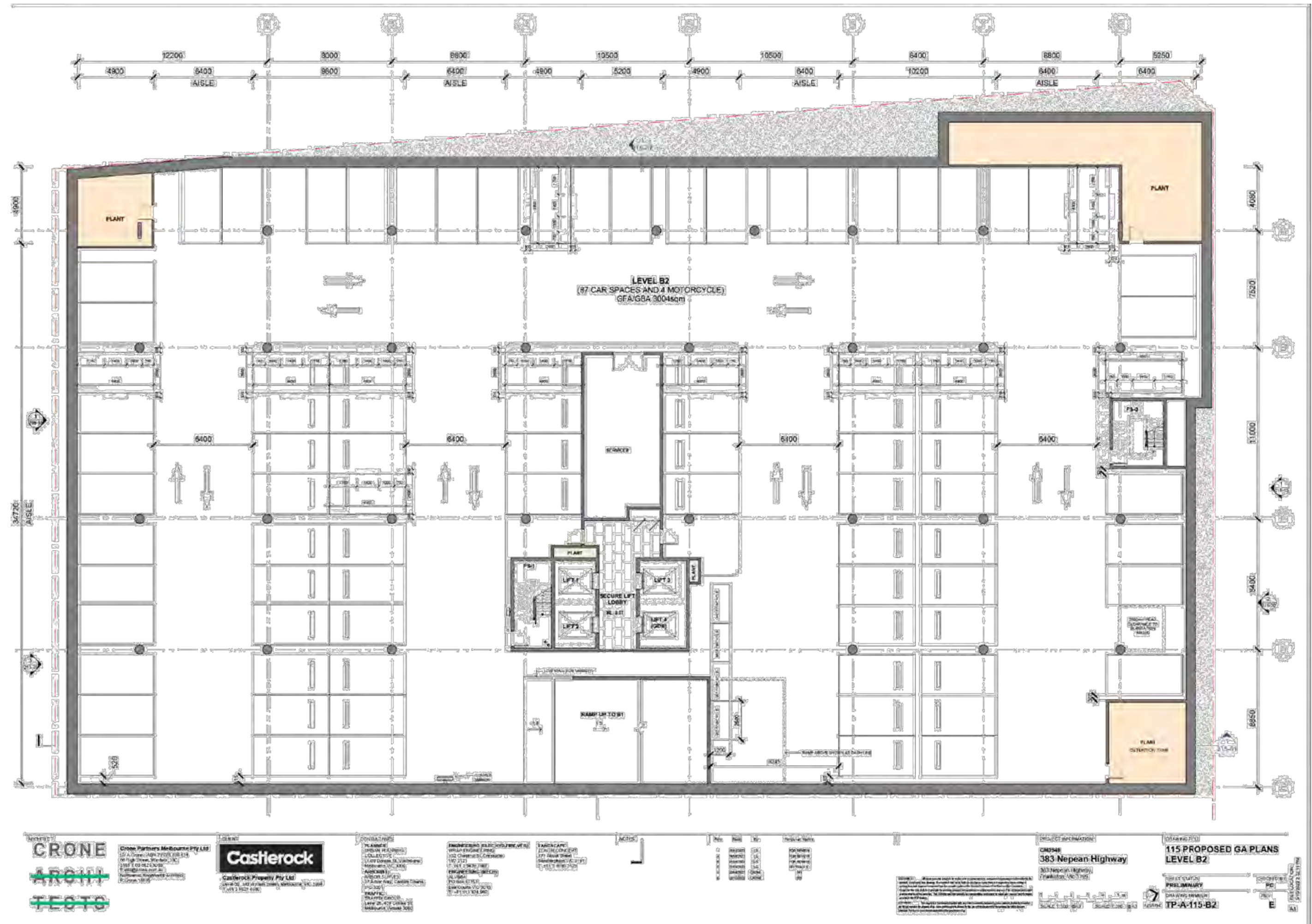
115 PROPOSED GA PLANS  
ROOF  
115 Nepean Highway, Suite 101  
Melbourne, VIC 3004  
Phone: 03 9594 1111  
Email: info@cronepartners.com.au

115 Nepean Highway, Suite 101  
Melbourne, VIC 3004  
Phone: 03 9594 1111  
Email: info@cronepartners.com.au











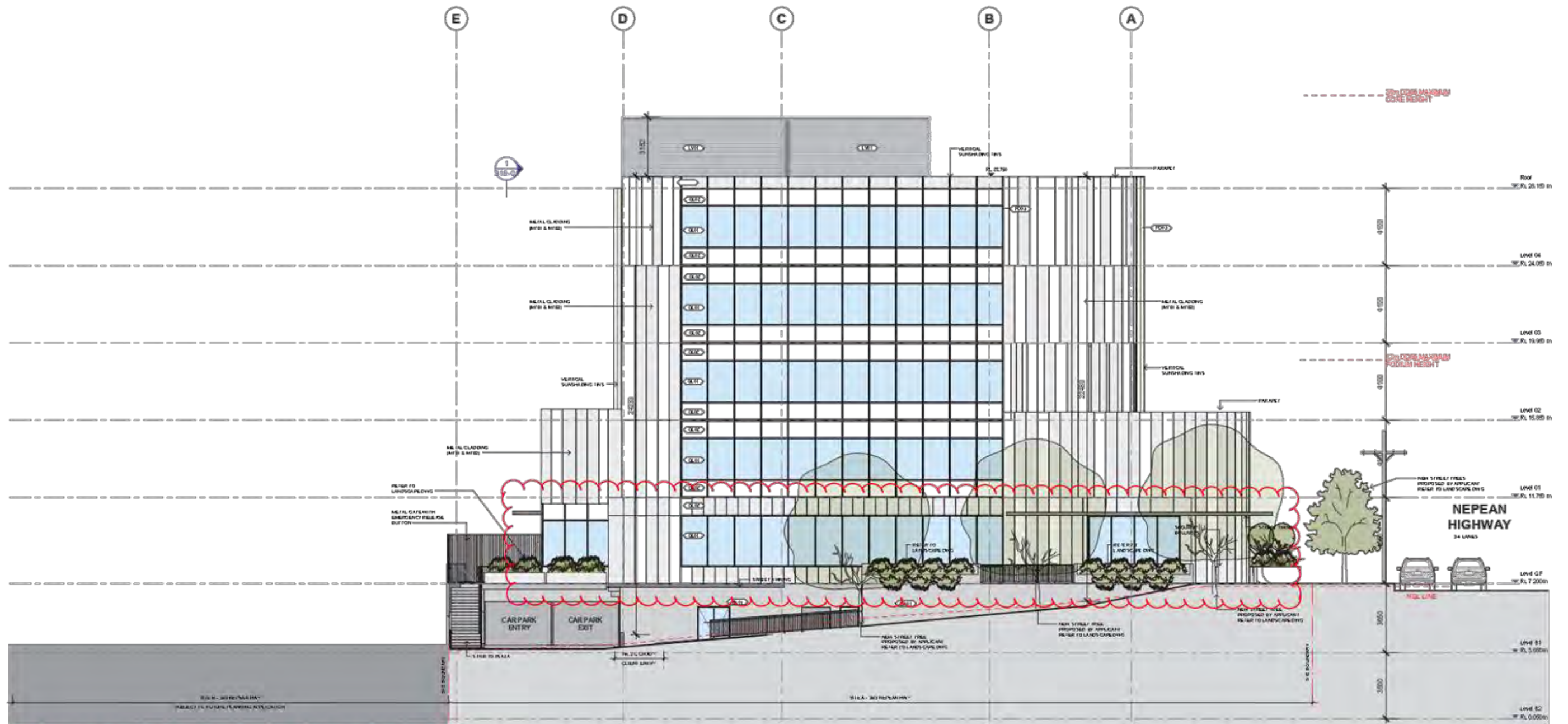






LEGEND:	
BK01 BRICKWORK - LIGHT	PD01 POWDERCOAT - WINDOW FRAME LIGHT
GL01 GLASS - CLEAR WITH ANTI-GLARE FILM	PD02 POWDERCOAT BALUSTRADE - LIGHT
GL02 GLASS - OPAQUE GLASS - LIGHT	PD03 POWDERCOAT VERTICAL FINS - LIGHT
GL03 GLASS - AWNING	PD04 POWDERCOAT - WINDOW/DOOR FRAME DARK
LV01 LOUVRE - LIGHT GREY	PF01 PAINT FINISH - LIGHT
MT01 METAL CLADDING - COLORBOND - LIGHT 01	PF02 PAINT FINISH - DARK GREY
MT02 METAL CLADDING - COLORBOND - LIGHT 02	ST01 STONE - LIGHT
PC01 PRECAST - TEXTURED	





LEGEND			
BK01 BRICKWORK - LIGHT	PD01 POWDERCOAT - WINDOW FRAME LIGHT		
GL01 GLASS - CLEAR WITH ANTI-GLARE FILM	PD02 POWDERCOAT BALUSTRADE - LIGHT		
GL02 GLASS - OPAQUE GLASS - LIGHT	PD03 POWDERCOAT VERTICAL FINS - LIGHT		
GL03 GLASS - AWNING	PD04 POWDERCOAT - WINDOW/DOOR FRAME DARK		
LV01 LOUVER - LIGHT GREY	PF01 PAINT FINISH - LIGHT		
MT01 METAL CLADDING - COLORBOND - LIGHT 01	PF02 PAINT FINISH - DARK GREY		
MT02 METAL CLADDING - COLORBOND - LIGHT 02	ST01 STONE - LIGHT		
PC01 PRECAST - TEXTURED			

ARCHITECT  
**CRONE**  
**ARCH**  
**TESTO**

Crone Partners Melbourne Pty Ltd  
(T/A Crone) ABN 79 076 806 614  
86 High Street, Melbourne, VIC  
3101 T 03 9621 8000  
E INFO@CRONE.COM.AU  
NORMAN@CRONE.COM.AU  
P.Crane 188 96

Client  
**Cashrock**  
Cashrock Property Pty Ltd  
Level 30, 140 William Street, Melbourne, VIC 3004  
T +61 3 9627 4000

CONSULTANTS  
PLANNING  
SERIAL PLANNING  
152 Chesham St, Melbourne  
VIC 3121  
T +61 3 9428 7907  
ARCHITECT  
ARCHITECT  
17 Adelaide Street, Melbourne  
VIC 3201  
T +61 3 9627 4000

ENGINEERING (ELECTRICAL & MECHANICAL)  
152 Chesham St, Melbourne  
VIC 3121  
T +61 3 9428 7907  
ENGINEERING (MECHANICAL)  
ALUMA  
PO Box 11151  
SAW Courts VIC 3010  
T +61 411 876 960

LANDSCAPE  
28 RITA ROAD PT  
171 ADAM STREET  
SANDHURST VIC 3191  
T +61 3 9586 2125

NOTES

Rev	Date	By	Revision Notes
1	10/10/22	IC	FOR REVIEW
2	10/10/22	IC	FOR REVIEW
3	10/10/22	IC	FOR REVIEW
4	10/10/22	IC	FOR REVIEW
5	10/10/22	IC	FOR REVIEW

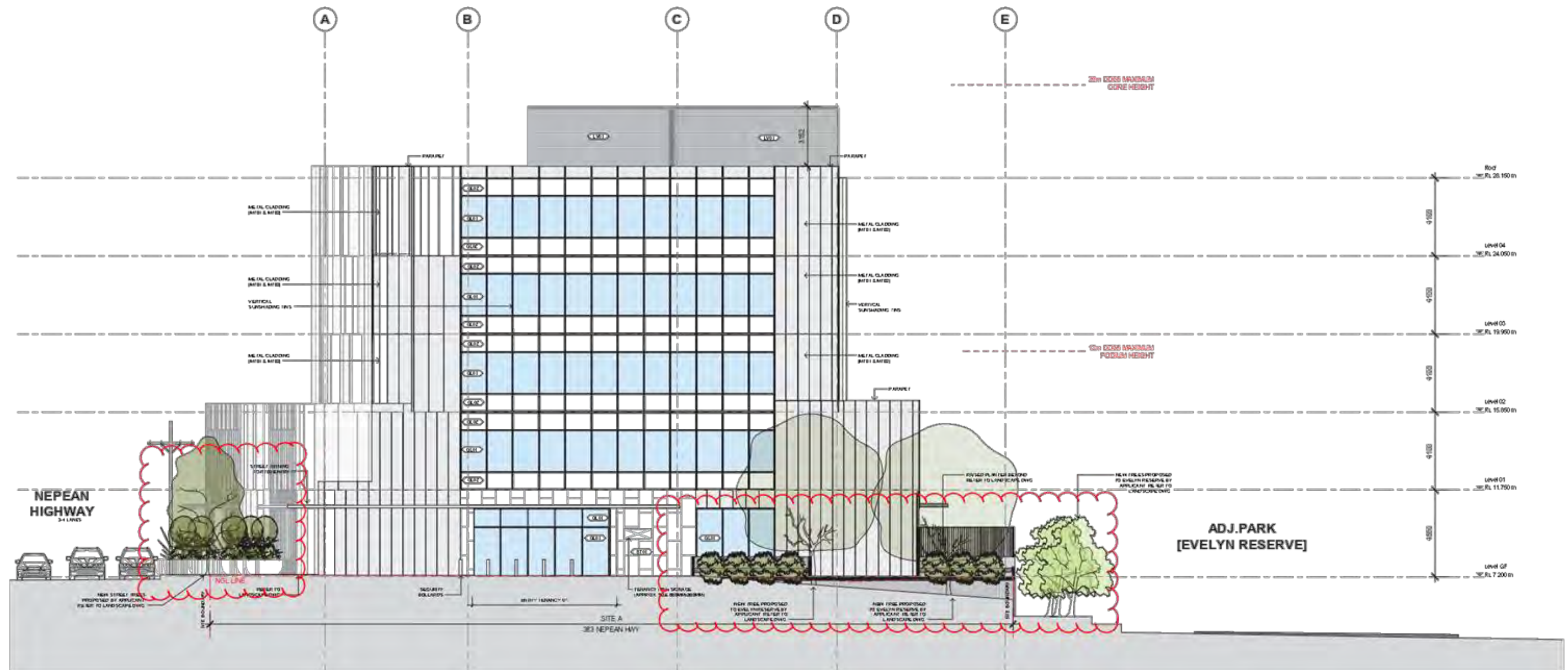
NOTES  
1. The proposed development is a multi-story office building with a total height of 30m. The building is located on the corner of Nepean Highway and ...  
2. The proposed development is a multi-story office building with a total height of 30m. The building is located on the corner of Nepean Highway and ...  
3. The proposed development is a multi-story office building with a total height of 30m. The building is located on the corner of Nepean Highway and ...

PROJECT INFORMATION  
CM398  
383 Nepean Highway  
Frankston, VIC 3199

DRAWING TITLE  
**215 PROPOSED ELEVATIONS NORTH-COLOURED**  
SHEET STATUS  
PRELIMINARY  
DRAWING NUMBER  
TP-A-215-12

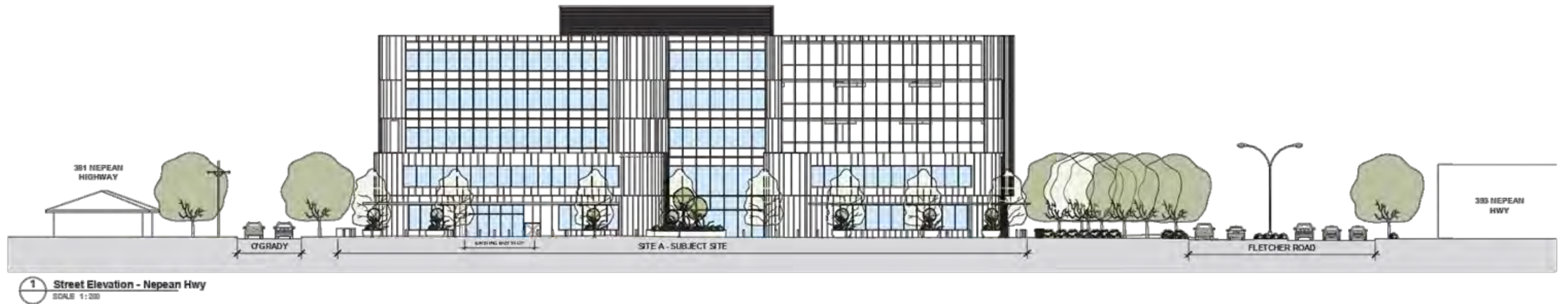
CHECKED BY  
Checker  
REV  
E  
A1

FILE LOCATION  
S:\2022\215 3P



LEGEND:	
BR01 BRICKWORK - LIGHT	PD01 POWDERCOAT - WINDOW FRAME LIGHT
GL01 GLASS - CLEAR WITH ANTI-GLARE FILM	PD02 POWDERCOAT BALUSTRADE - LIGHT
GL02 GLASS - OPAQUE GLASS - LIGHT	PD03 POWDERCOAT VERTICAL FINS - LIGHT
GL03 GLASS - AWNING	PD04 POWDERCOAT - WINDOW/DOOR FRAME DARK
LV01 LOUVER - LIGHT GREY	PF01 PAINT FINISH - LIGHT
MT01 METAL CLADDING - COLORBOND - LIGHT 01	PF02 PAINT FINISH - DARK GREY
MT02 METAL CLADDING - COLORBOND - LIGHT 02	ST01 STONE - LIGHT
PC01 PRECAST - TEXTURED	





**CRONE ARCHITECTS**

Crone Partners Melbourne Pty Ltd  
G/A Crone Arch 79-81 806-614  
80 High Street, Melbourne, VIC  
3181 T: 03 9621 8000  
E: info@crone.com.au  
Crone Partners Registered Arch Firm,  
P.O. Box 188 W

**Castlerock**

Castlerock Property Pty Ltd  
Level 30, 140 William Street, Melbourne, VIC 3004  
T: +61 3 9627 4600

**CONSULTANTS**

PLANNING:  
SERAN PLANNING  
CO-OPERATIVE  
LUBO DOKA & CO. BOWEN  
Melbourne VIC 3004  
ARCHITECT:  
ARCH SURVEY  
17 Arbor Way, Caman Downs  
VIC 3811  
TECHNICAL:  
TRANSPAC GROUP  
Level 25, 469 Collins St  
Melbourne Victoria 3000

**ENGINEERING (ELECTRICAL & MECHANICAL):**  
W&P ENGINEERING  
152 Chesham St, Oremore  
VIC 3121  
T: +61 3 9428 7907  
ENGINEERING (MECHANICAL):  
ALUMA  
PO Box 11151  
SAW County VIC 3010  
T: +61 413 876 960

**LANDSCAPE:**  
28 RITA ROAD PT  
171 ADAM STREET  
SANDWICH VIC 3191  
T: +61 3 958 2125

**NOTES**

Rev	Date	By	Revision Notes
1	18/10/22	IC	FOR REVIEW
2	18/10/22	IC	FOR REVIEW
3	18/10/22	IC	FOR REVIEW
4	18/10/22	IC	FOR REVIEW
5	18/10/22	IC	FOR REVIEW

**PROJECT INFORMATION:**  
CM199  
383 Nepean Highway  
Frankston, Vic 3199

**DRAWING TITLE:**  
215 PROPOSED  
ELEVATIONS  
STREET ELEVATION  
SHEET STATUS:  
PRELIMINARY  
DRAWING NUMBER:  
TP-A-215-20

0 2 4 6 8 10m  
SCALE 1:200 @A1 SCALE 1:400 @A1

NOTES:  
1. The drawing is a preliminary design and is not to be used for construction purposes without the approval of the relevant authorities.  
2. The drawing is a preliminary design and is not to be used for construction purposes without the approval of the relevant authorities.  
3. The drawing is a preliminary design and is not to be used for construction purposes without the approval of the relevant authorities.

CHECKED BY:  
Checker  
REV  
D  
A1





**Cashrock**  
Cashrock Property Pty Ltd  
Level 30, 140 William Street, Melbourne, VIC 3004  
T +61 3 9527 4600

CONSULTANTS  
PLANNERS:  
SRAIR PLANNING  
COLLECTIVE  
1150 Dorcas St, Southbank,  
Melbourne VIC 3206  
ARCHITECT:  
ARBOR SURVEY  
37 Arbor Way, Cammer Downs  
VIC 3201  
TRAFFIC:  
TRAFFIC ORDOF  
Level 25, 459 Collins St  
Melbourne Victoria 3000

ENGINEERING (ELEC, MECH, CIVIL, VER)  
WHA P ENGINEERING  
151 Chestnut St, Oremore  
VIC 3121  
T: +61 3 9428 7907  
ENGINEERING (MECH)  
ALVINA  
PO Box 1355  
LAW Courts VIC 8010  
T: +61 413 876 980

LANDSCAPE:  
ZENITH CONCEPT  
171 ADDOL STREET  
SANDRINGHAM VIC 3191  
T: +61 3 9496 2129

LANDSCAPE:  
ZENITH CONCEPT  
171 ADDOL STREET  
SANDRINGHAM VIC 3191  
T: +61 3 9496 2129

NOTES

Rev	Date	By	Revision Notes
1	11/03/01	UC	FOR REVIEW
2	11/09/01	UC	FOR REVIEW
3	11/09/01	UC	FOR REVIEW
4	11/03/01	UC	REV 1 RELEASE
5	11/03/01	CPONG	REV 1
6	11/03/01	CPONG	REV 1

[illegible]

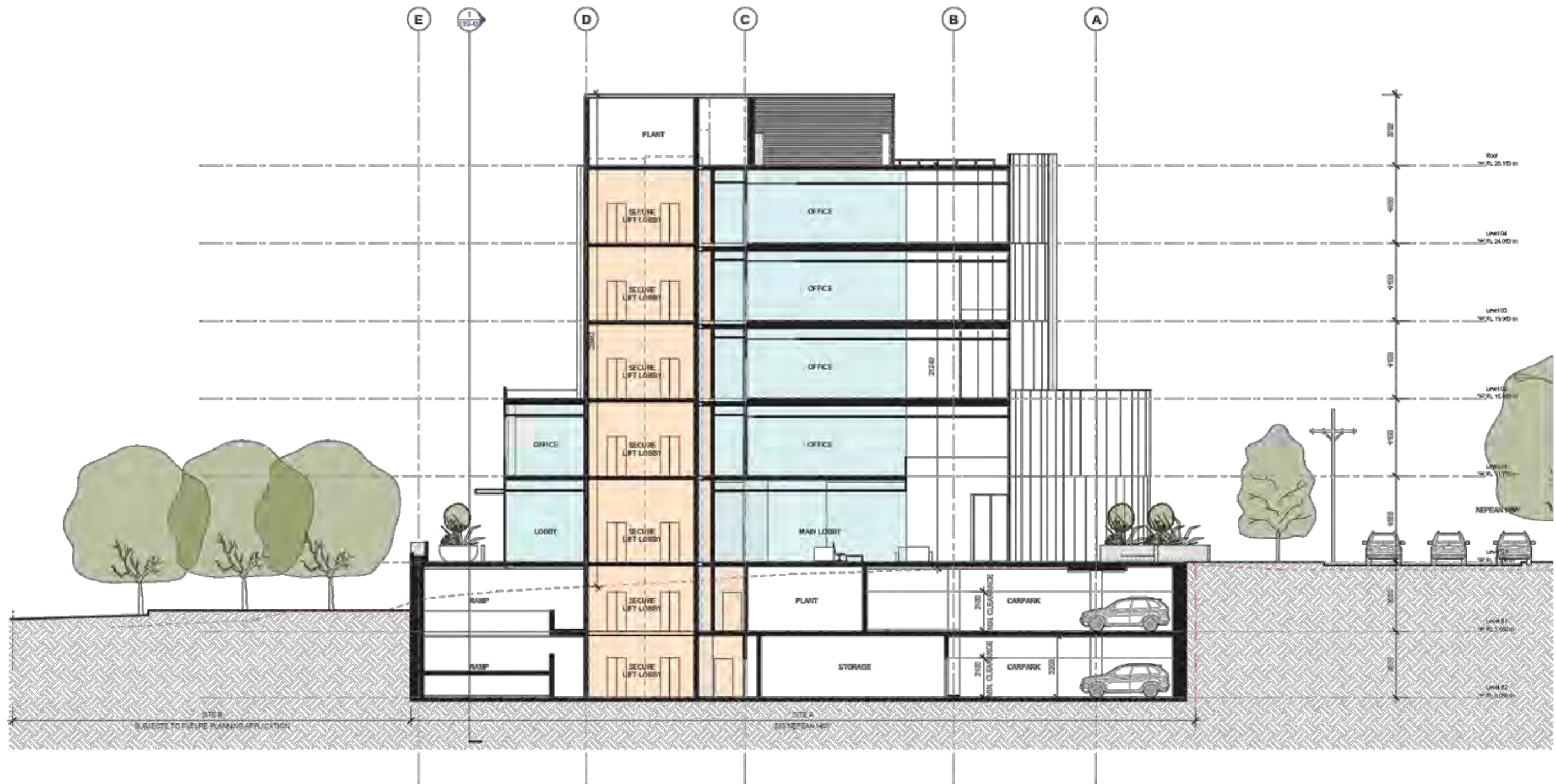
PROJECT INFORMATION  
**CM396**  
**383 Nepean Highway**  
 383 Nepean Highway,  
 Frankston, Vic 3169

0 1 2 3 4 5 m  
 SCALE 1:100 @A1 SCALE 1:200 @A1

DRAWING TITLE		FILE LOCATION
315 PROPOSED SECTIONS PROPOSED SECTIONS - SHEET 01		
SHEET STATUS	CHECKED BY	
PRELIMINARY	PC	
DRAWING NUMBER	REV	
TP-A-315-01	E	

6/7/2022 2:33:06 PM





ARCHITECT  
**CRONE**  
**ARCH**  
**TESTO**

Crone Partners Melbourne Pty Ltd  
(T/A Crone) ABN 79 05 856 614  
86 High Street, Melbourne, VIC  
3181 T 03 9621 8000  
E info@crone.com.au  
Businesses Registered And Red,  
P.O. Box 188 W

Client  
**Cashrock**  
Cashrock Property Pty Ltd  
Level 30, 140 William Street, Melbourne, VIC 3004  
T +61 3 9627 4600

CONSULTANTS  
PLANNING  
URBAN PLANNING  
152 Chesham St, Melbourne  
VIC 3121  
T +61 3 9428 7907  
ARCHITECT  
ARCHITECT  
17 Arbor Way, Camberwell  
VIC 3161  
T +61 3 9592 4600

ENGINEERING (ELECTRICAL & MECHANICAL)  
WSP GROUP  
152 Chesham St, Melbourne  
VIC 3121  
T +61 3 9428 7907  
ENGINEERING (MECHANICAL)  
ALUMA  
PO Box 11151  
Law Courts VIC 3010  
T +61 413 876 940

LANDSCAPE  
28 WYTHAM ST  
171 Arbor Way  
Melbourne VIC 3181  
T +61 3 9592 4600

NOTES

Rev	Date	By	Revision Notes
1	10/10/22	IC	FOR REVIEW
2	10/10/22	IC	FOR REVIEW
3	10/10/22	IC	FOR REVIEW
4	10/10/22	IC	FOR REVIEW
5	10/10/22	IC	FOR REVIEW

NOTES  
1. The proposed development is subject to a planning permit application to the Council of the City of Melbourne.  
2. The proposed development is subject to a planning permit application to the Council of the City of Melbourne.  
3. The proposed development is subject to a planning permit application to the Council of the City of Melbourne.  
4. The proposed development is subject to a planning permit application to the Council of the City of Melbourne.  
5. The proposed development is subject to a planning permit application to the Council of the City of Melbourne.

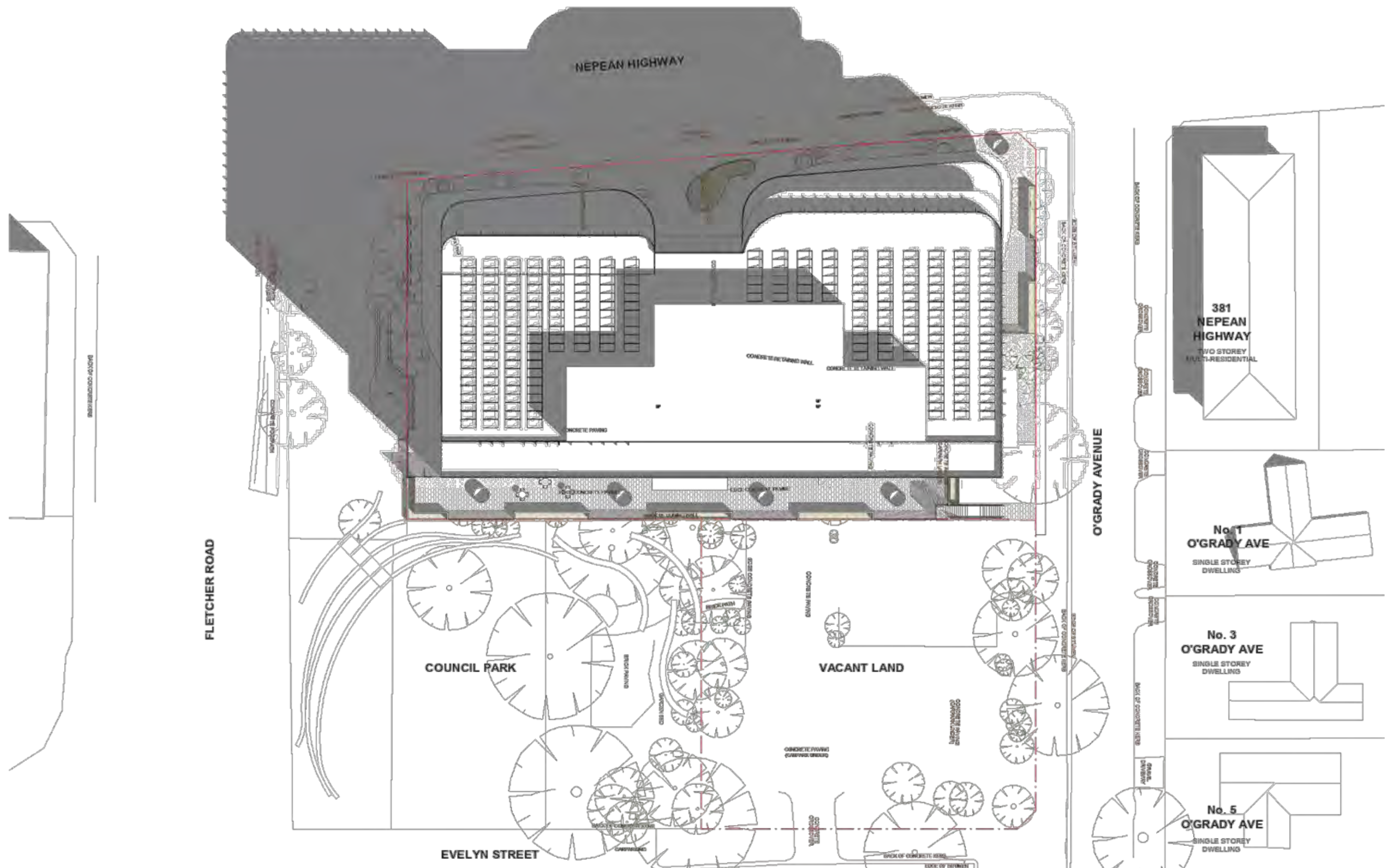
PROJECT INFORMATION  
383 Nepean Highway  
Prahran, VIC 3180  
SCALE 1:100 @A1 SCALE 1:200 @A1

DRAWING TITLE  
315 PROPOSED SECTIONS  
PROPOSED SECTIONS -  
SHEET 02  
DRAWING NUMBER  
TP-A-315-02

CHECKED BY  
PC  
REV  
E  
A1

FILE LOCATION  
S:\2022\2.23\11 P.M.





ARCHITECT  
**CRONE**  
**ARCH**  
**TESTO**

Crone Partners Melbourne Pty Ltd  
(T/A Crone) ABN 79 076 806 614  
86 High Street, Melbourne, VIC  
3101 T 03 9621 8000  
E info@crone.com.au  
Licence: Registered Archt, P.C. 188 96

Client  
**Cashierock**  
Cashierock Property Pty Ltd  
Level 30, 140 William Street, Melbourne, VIC 3004  
T +61 3 9627 4600

CONSULTANTS  
PLANNING  
SERVICES PARTNERS  
152 Chesham St, Melbourne  
VIC 3121  
T +61 3 9428 7907  
ENGINEERING (MECH)  
ALUMA  
PO Box 11151  
SAW Courts VIC 3010  
T +61 413 876 960

ENGINEERING (ELECTRICAL)  
WSP  
152 Chesham St, Melbourne  
VIC 3121  
T +61 3 9428 7907  
ENGINEERING (MECH)  
ALUMA  
PO Box 11151  
SAW Courts VIC 3010  
T +61 413 876 960

LANDSCAPE  
28 RITA ROAD PT  
171 ADAM STREET  
SHEPPARTON VIC 3119  
T +61 3 958 2125

NOTES

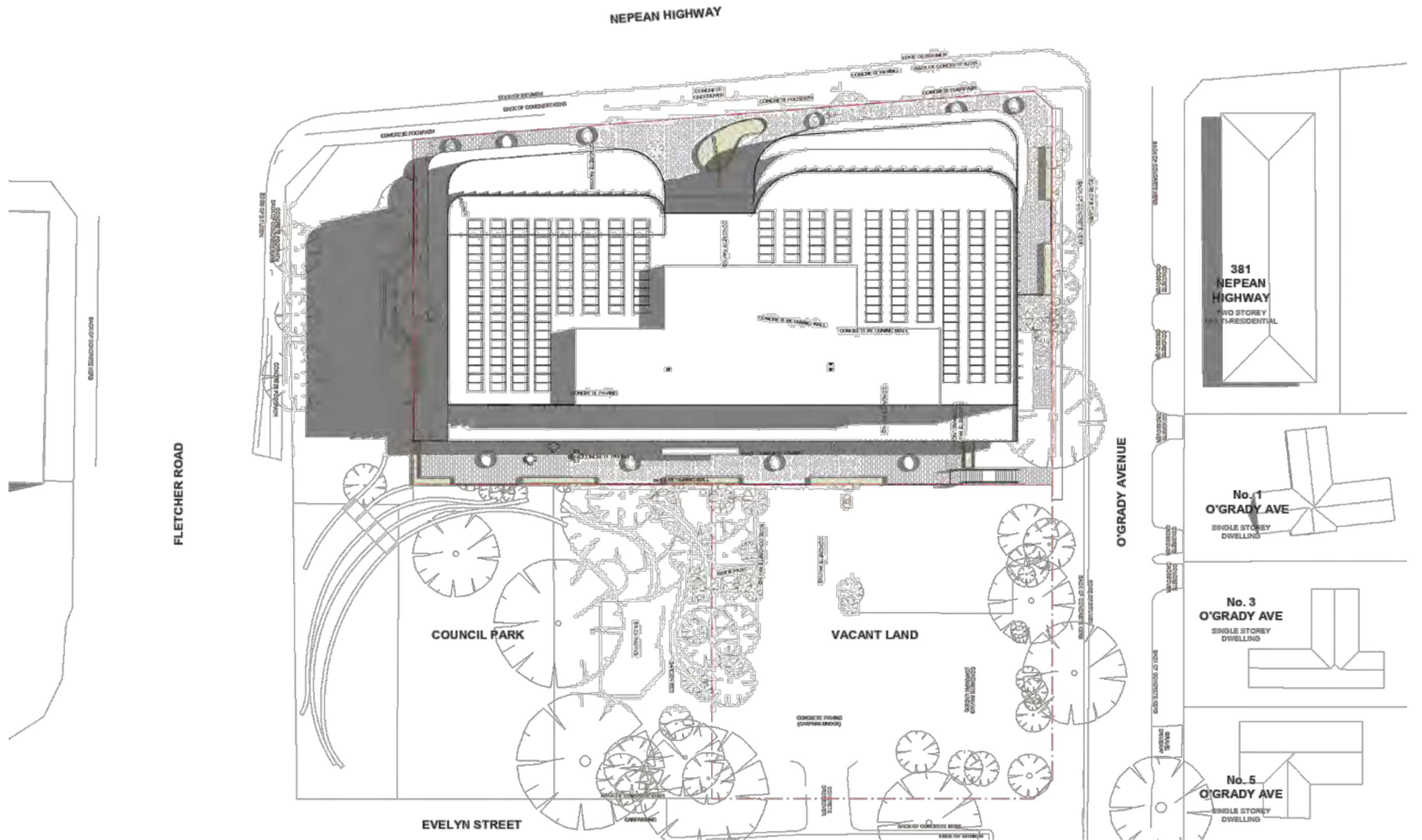
Rev	Date	By	Revision Notes
1	08/01/23	IC	FOR REVIEW
2	08/01/23	IC	FOR REVIEW
3	08/01/23	IC	FOR REVIEW
4	08/01/23	IC	FOR REVIEW
5	08/01/23	IC	FOR REVIEW

NOTES  
1. The site plan is a preliminary design and is subject to change without notice.  
2. The site plan is a preliminary design and is subject to change without notice.  
3. The site plan is a preliminary design and is subject to change without notice.  
4. The site plan is a preliminary design and is subject to change without notice.  
5. The site plan is a preliminary design and is subject to change without notice.  
6. The site plan is a preliminary design and is subject to change without notice.  
7. The site plan is a preliminary design and is subject to change without notice.  
8. The site plan is a preliminary design and is subject to change without notice.  
9. The site plan is a preliminary design and is subject to change without notice.  
10. The site plan is a preliminary design and is subject to change without notice.

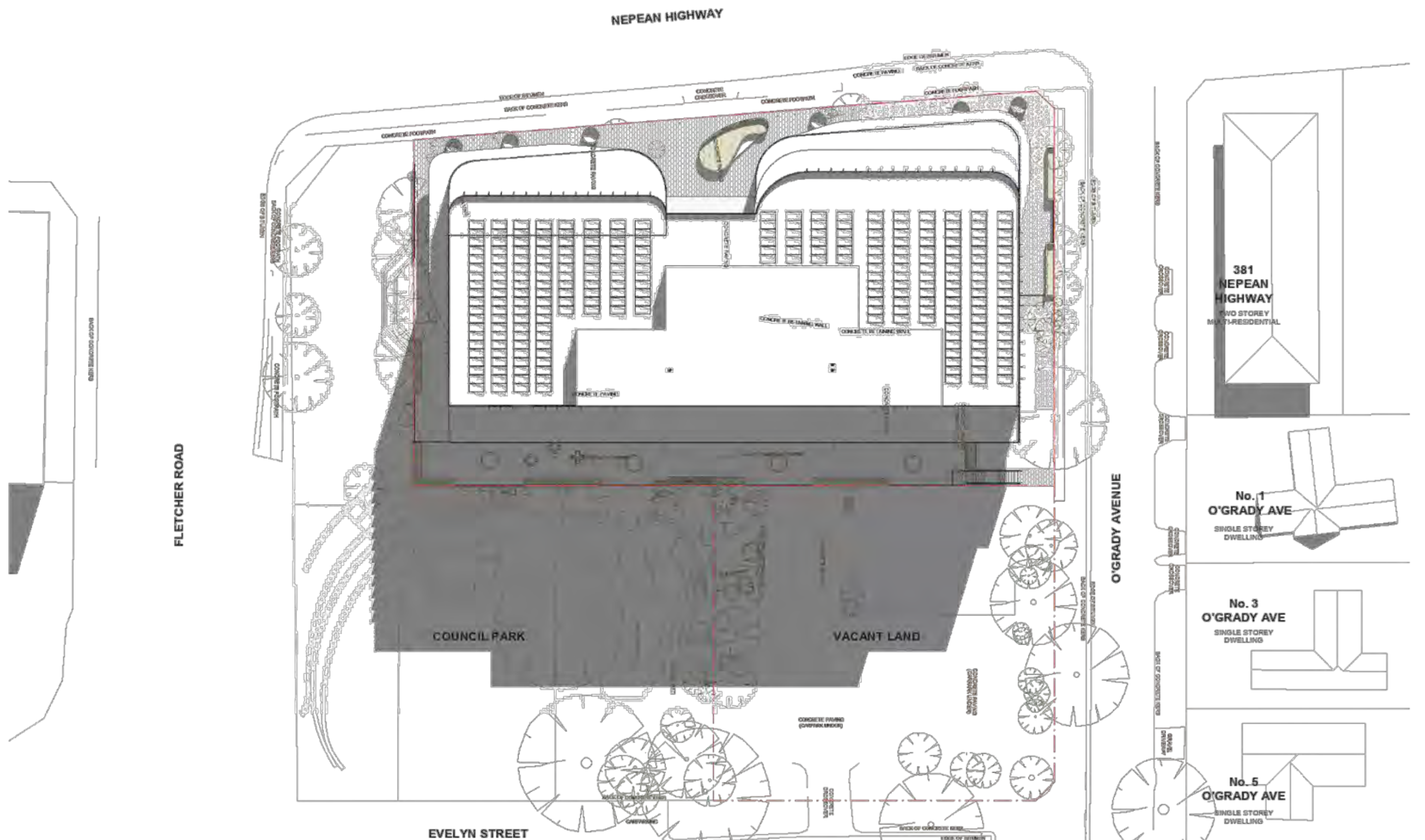
PROJECT INFORMATION  
383 Nepean Highway  
Frankston, VIC 3162

DRAWING TITLE  
705 DIAGRAMS  
SOLAR ANALYSIS SEP 22 -  
9AM  
SHEET STATUS  
PRELIMINARY  
DRAWING NUMBER  
TP-A-705-01

CHECKED BY  
PC  
REV  
D  
A1







ARCHITECT  
**CRONE**  
**ARCH**  
**TESTO**

Crone Partners Melbourne Pty Ltd  
(T/A Crone) ABN 79 076 806 614  
86 High Street, Melbourne, VIC  
3101 T: 03 9621 8000  
E: info@crone.com.au  
Businesses Registered And Red,  
P.O. Box 188 W

CLIENT  
**Cashrock**  
Cashrock Property Pty Ltd  
Level 30, 140 William Street, Melbourne, VIC 3004  
T: +61 3 9627 4600

CONSULTANTS  
PLANNING:  
URBAN PLANNING  
CONSULTANTS  
112 Chesham St, Melbourne  
VIC 3121  
T: +61 3 9428 7907  
ENGINEERING (MECH):  
ALUMA  
PO Box 11151  
SAW Courts VIC 3010  
T: +61 413 876 960

ENGINEERING (ELECTRICAL):  
WSP  
152 Chesham St, Melbourne  
VIC 3121  
T: +61 3 9428 7907  
ENGINEERING (MECH):  
ALUMA  
PO Box 11151  
SAW Courts VIC 3010  
T: +61 413 876 960

LANDSCAPE:  
28 RITA ROAD PT  
171 ACORN Street  
Sandringham VIC 3111  
T: +61 3 958 2125

NOTES

Rev	Date	By	Revision Notes
1	04/01/23	IC	FOR REVIEW
2	04/01/23	IC	FOR REVIEW
3	04/01/23	IC	FOR REVIEW

PROJECT INFORMATION  
383 Nepean Highway  
383 Nepean Highway,  
Frankston, VIC 3162

DRAWING TITLE  
**705 DIAGRAMS**  
**SOLAR ANALYSIS SEP 22 -**  
**3PM**  
SHEET STATUS:  
PRELIMINARY  
DRAWING NUMBER:  
TP-A-705-03

CHECKED BY:  
Chander  
REV  
C  
A1

FILE LOCATION:  
4/19/2022 1:18:37 PM



1 VIEW FROM CORNER FLETCHER RD & NEPEAN HWY  
NOT TO SCALE

ARCHITECT  
**CRONE**  
**ARCH**  
**TESTO**

Crone Partners Melbourne Pty Ltd  
G/A Crone Arch 79-81 886-614  
86 High Street, Melbourne, VIC  
3181 T: 03 9621 8000  
E: info@crone.com.au  
Nominated Registered Architect,  
P.O. Box 188 W.

CLIENT  
**Cashierock**  
Cashierock Property Pty Ltd  
Level 30, 140 William Street, Melbourne, VIC 3004  
T: +61 3 9627 4600

CONSULTANTS  
PLANNING:  
SERIAL PLANNING  
CO-LLCTIVE  
LUBO DOKA & CO. BOWEN  
Melbourne VIC 3004  
ARCHITECT:  
ARCH SURVEY  
37 Abbot Way, Carlton Downs  
VIC 3201  
TECHNICAL:  
TRANSLUCID  
Level 25, 469 Collins St  
Melbourne Victoria 3000

ENGINEERING (ELECTRICAL & MECHANICAL):  
W&P ENGINEERING  
152 Chesham St, Oremore  
VIC 3121  
T: +61 3 9428 7907  
ENGINEERING (MECHANICAL):  
ALUMA  
PO Box 11151  
SAW Courts VIC 3010  
T: +61 413 876 960

LANDSCAPE:  
28 RT'S CONCEPT  
171 Acock Street  
Sandringham VIC 3191  
T: +61 3 958 2125

#### NOTES

Rev	Date	By	Revision Notes
1	18/10/22	IC	FOR REVIEW
2	20/10/22	CRONE	REV
3	20/10/22	CRONE	REV

NOTES:  
1. The building is shown in a preliminary stage and is subject to change.  
2. The building is shown in a preliminary stage and is subject to change.  
3. The building is shown in a preliminary stage and is subject to change.  
4. The building is shown in a preliminary stage and is subject to change.  
5. The building is shown in a preliminary stage and is subject to change.  
6. The building is shown in a preliminary stage and is subject to change.  
7. The building is shown in a preliminary stage and is subject to change.  
8. The building is shown in a preliminary stage and is subject to change.  
9. The building is shown in a preliminary stage and is subject to change.  
10. The building is shown in a preliminary stage and is subject to change.

PROJECT INFORMATION  
CRONE  
383 Nepean Highway  
Frankston, Vic 3199

DRAWING TITLE  
**980 3D VIEWS**  
**3D VIEW 01**  
SHEET STATUS  
PRELIMINARY  
DRAWING NUMBER  
TP-A-980-01

CHECKED BY:  
PC  
REV  
B  
A1

FILE LOCATION  
S:\2022\2.23\01.PM





1 VIEW FROM CORNER FLETCHER RD & EVELYN ST  
NOT TO SCALE

ARCHITECT  
**CRONE**  
**ARCH**  
**TESTS**

Crone Partners Melbourne Pty Ltd  
(T/A Crone) ABN 79 076 806 614  
86 High Street, Werribee, VIC  
3151 T 03 9421 8000  
E INFO@CRONE.COM.AU  
Nominated Registered Architect,  
P.O. Box 188 W

CLIENT  
**CashRock**  
CashRock Property Pty Ltd  
Level 30, 140 William Street, Melbourne, VIC 3004  
T +61 3 9627 4600

CONSULTANTS  
PLANNING:  
SERAS PLANNING  
CO-LLCTIVE  
LUBO DOKA & CO. BOWEN  
Melbourne VIC 3004  
ARCHITECT:  
ARCH SURVEY  
37 Arbor Way, Caman Downs  
VIC 3201  
TRAFFIC:  
TRANSPLOAN  
Level 25, 469 Collins St  
Melbourne Victoria 3000

ENGINEERING (ELECTRICITY & MECHANICAL):  
WSP | 8001 FEE RD  
152 Chesham St, Oremone  
VIC 3121  
T: +61 3 9428 7907  
ENGINEERING (MECHANICAL):  
ALUMA  
PO Box 11151  
SAW County VIC 3010  
T: +61 413 876 960

LANDSCAPE:  
28 RT'S COAC EPT  
171 ADON Street  
Sandringham VIC 3111  
T: +61 3 958 2125

NOTES

Rev	Date	By	Revision Notes
1	18/10/22	IC	FOR REVIEW
2	24/10/22	CM1	
3	01/11/22	CM1	

PROJECT INFORMATION  
CM398  
383 Nepean Highway  
Frankston, Vic 3199

DRAWING TITLE  
980 3D VIEWS  
3D VIEW 02  
SHEET STATUS  
PRELIMINARY  
DRAWING NUMBER  
TP-A-980-02

CHECKED BY:  
PC  
REV  
B  
A1

FILE LOCATION  
S:\2022\23\01\CM1



1 VIEW FROM CORNER OGRADY AVE & EVELYN ST  
NOT TO SCALE

ARCHITECT  
**CRONE**  
**ARCH**  
**TESTS**

Crone Partners Melbourne Pty Ltd  
G/A Crone Arch 79-81 806-614  
86 High Street, Melbourne, VIC  
3101 T: 03 9621 8000  
E: info@crone.com.au  
Melbourne Registered Architect  
P: 0306 188 96

**Client**  
**Castlerock**  
Castlerock Property Pty Ltd  
Level 30, 140 William Street, Melbourne, VIC 3004  
T: +61 3 9627 4600

**CONSULTANTS**  
**PLANNING**  
SERIES PLANNING  
COLLECTIVE  
152 Chesham St, Melbourne  
VIC 3121  
T: +61 3 9428 7907  
**ARCHITECT**  
ARCHITECT  
17 Abchurch Lane, Canary Wharf  
VIC 3201  
**LANDSCAPE**  
LANDSCAPE  
17 Abchurch Lane, Canary Wharf  
VIC 3201  
T: +61 413 876 960

**ENGINEERING (ELECTRICAL & MECHANICAL)**  
WSP ENGINEERING  
152 Chesham St, Melbourne  
VIC 3121  
T: +61 3 9428 7907  
**ENGINEERING (MECHANICAL)**  
ALUMA  
PO Box 11151  
SAW County VIC 3010  
T: +61 413 876 960

**LANDSCAPE**  
LANDSCAPE  
171 Abchurch Lane  
Melbourne VIC 3121  
T: +61 3 958 2125

**NOTES**

Rev	Date	By	Revision Notes
1	08/01/23	IC	FOR REVIEW
2	08/01/23	CM1	
3	08/01/23	CM1	

**REVISIONS**  
1. The design of the building is based on the information provided by the client. The design is subject to change without notice. The client is responsible for ensuring that the design is suitable for the intended use. The design is not to be used for any other purpose without the written consent of the architect. The design is not to be used for any other purpose without the written consent of the architect. The design is not to be used for any other purpose without the written consent of the architect.

**PROJECT INFORMATION**  
**CM388**  
**383 Nepean Highway**  
383 Nepean Highway,  
Frankston, Vic 3199

**DRAWING TITLE**  
**980 3D VIEWS**  
**3D VIEW 03**  
**DRAWING NUMBER**  
**TP-A-980-03**

**CHECKED BY:**  
**PC**  
**REV**  
**B**

FILE LOCATION:  
S:\2022\2.04 TP-A



RFI - Facade & External Materiality  
Commercial Government Office Building  
383 Nepean Highway, Frankston, Vic

Frankston City Council  
04.10.2021

**CRONE ARCHITECTS**

86 High Street  
Windsor VIC 3181  
E — info@crone.com.au  
T — +61 3 8621 8000

# Facade Articulation & Materiality



## Facade Articulation & Materiality

### Facade Design Intent - articulated facade panelling



Artist Impression - Perspective View - Cnr. Nepean Highway & Fletcher Road



Artist Impression - Perspective View - Nepean Highway

**CRONEARCHITECTS**

© 2022 Crone



## Facade Articulation & Materiality

### Facade Design Intent - articulated facade panelling



Artist Impression - Perspective View - Nepean Highway

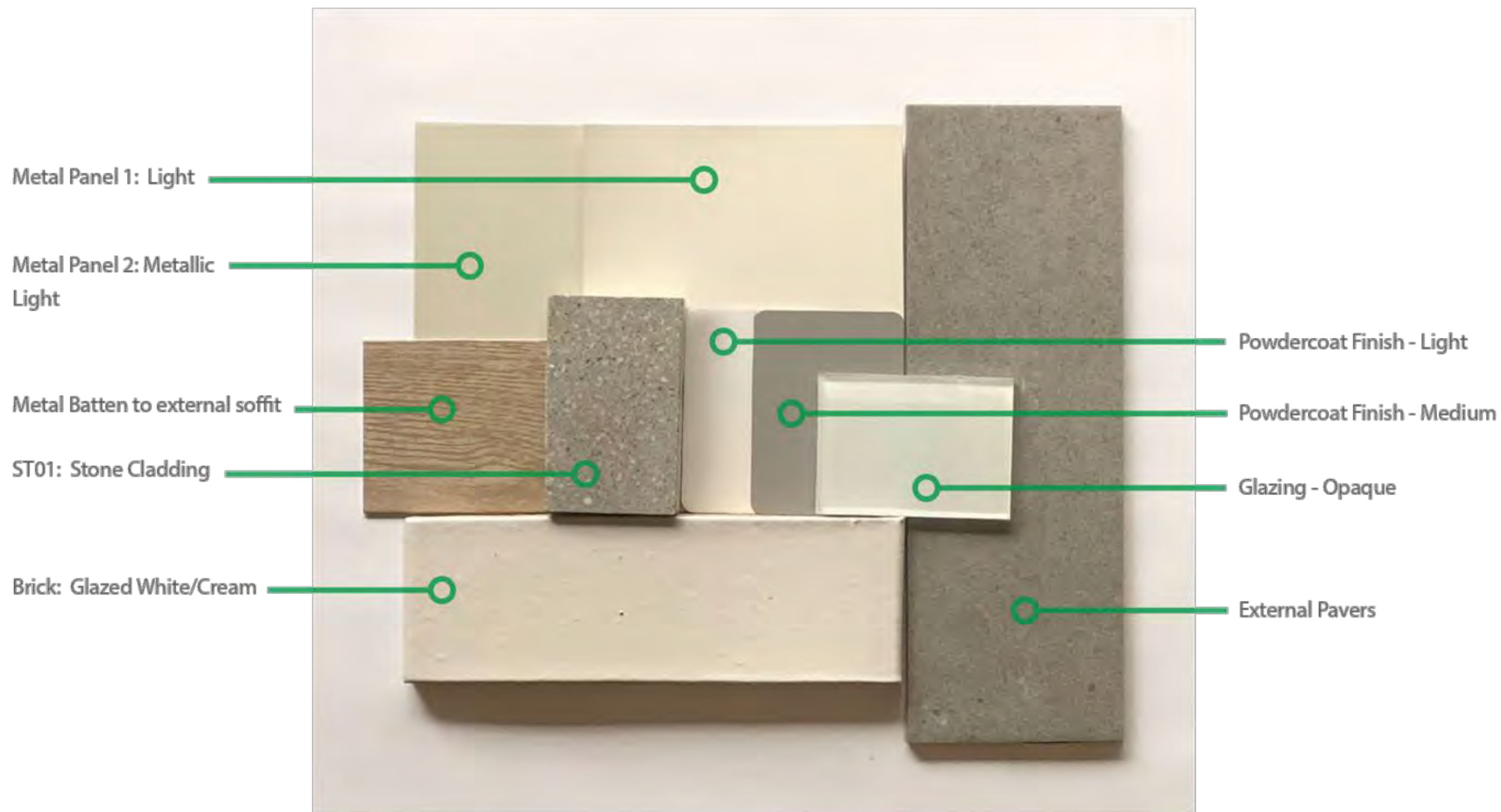
**CRONEARCHITECTS**

© 2022 Crone



## Facade Articulation & Materiality

### External Materials & Finishes Palette



## Facade Articulation & Materiality

### Inspiration & Precedent Imagery



PANEL DESIGN INTENT



PROJECT IMAGERY - ARTICULATED



INTERLOCKING SEAMS



MT01



MT02

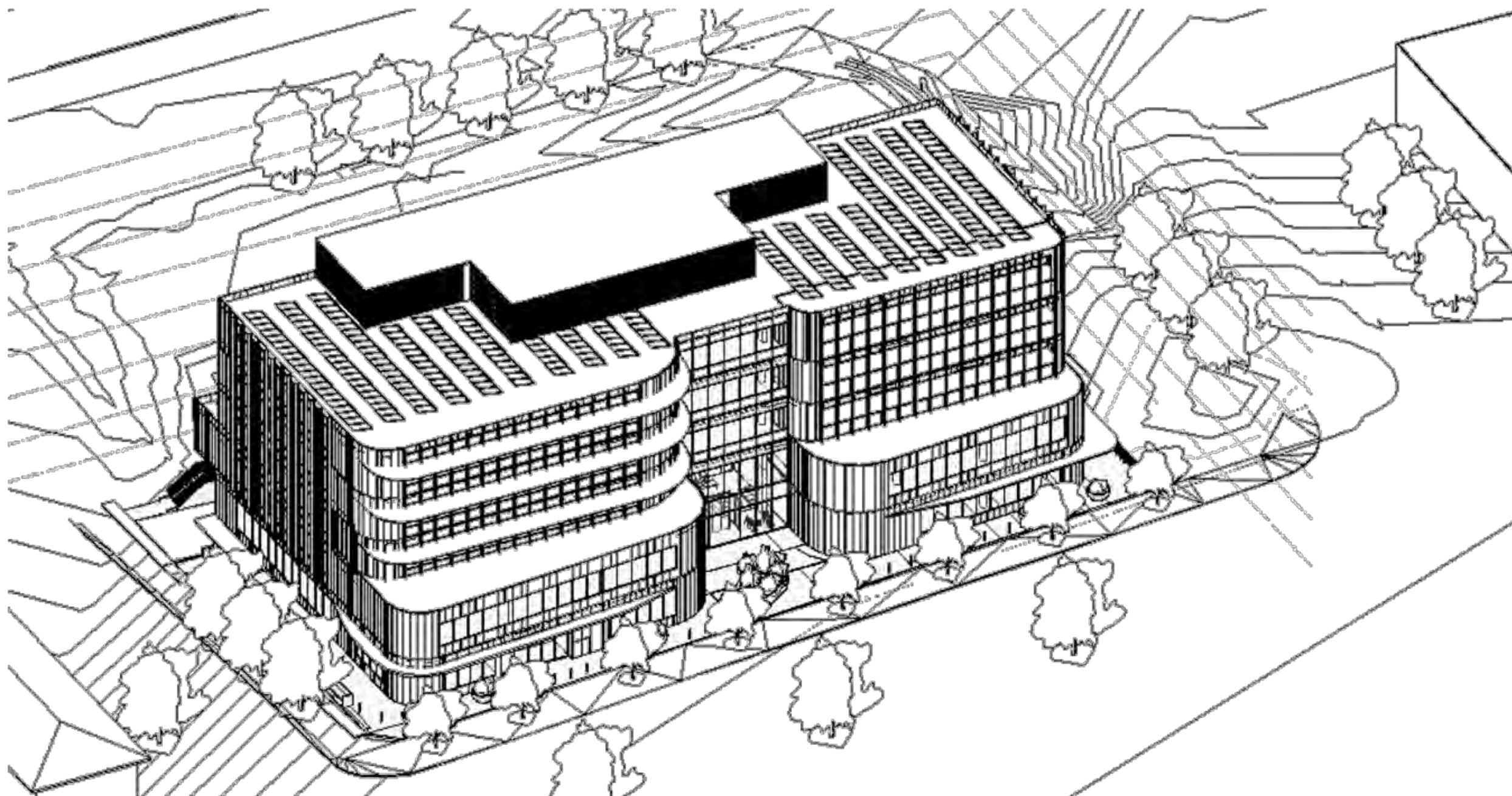


ST01



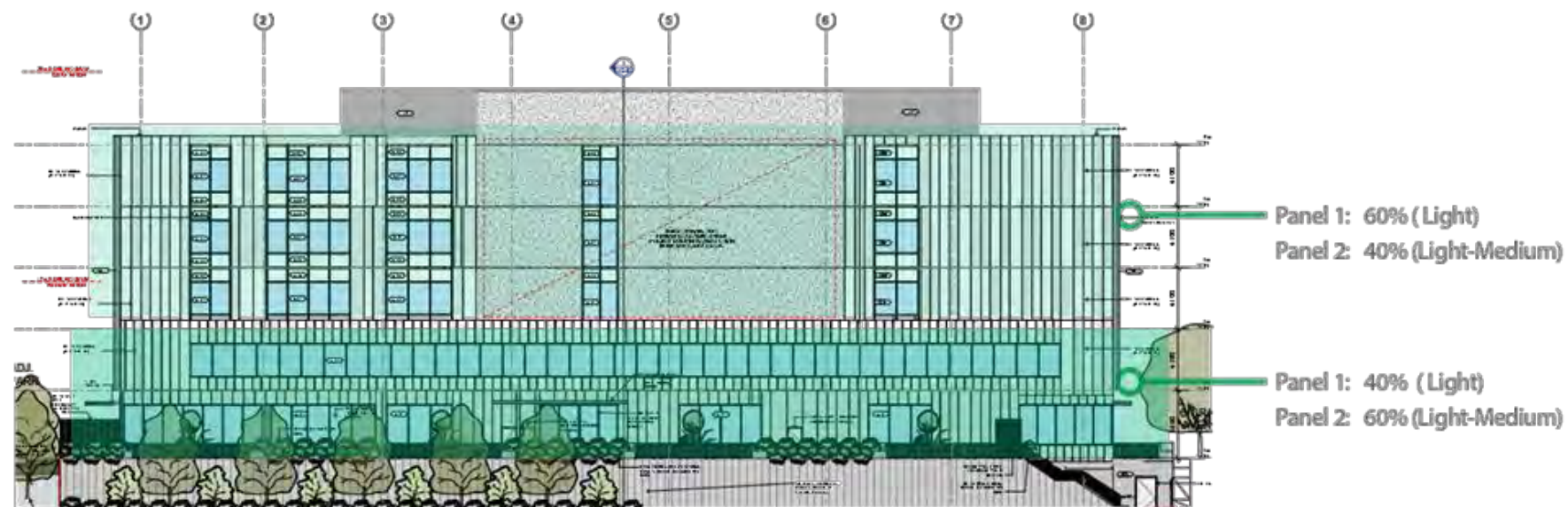
## Facade & Materiality

### Facade Design Intent - articulated facade panelling

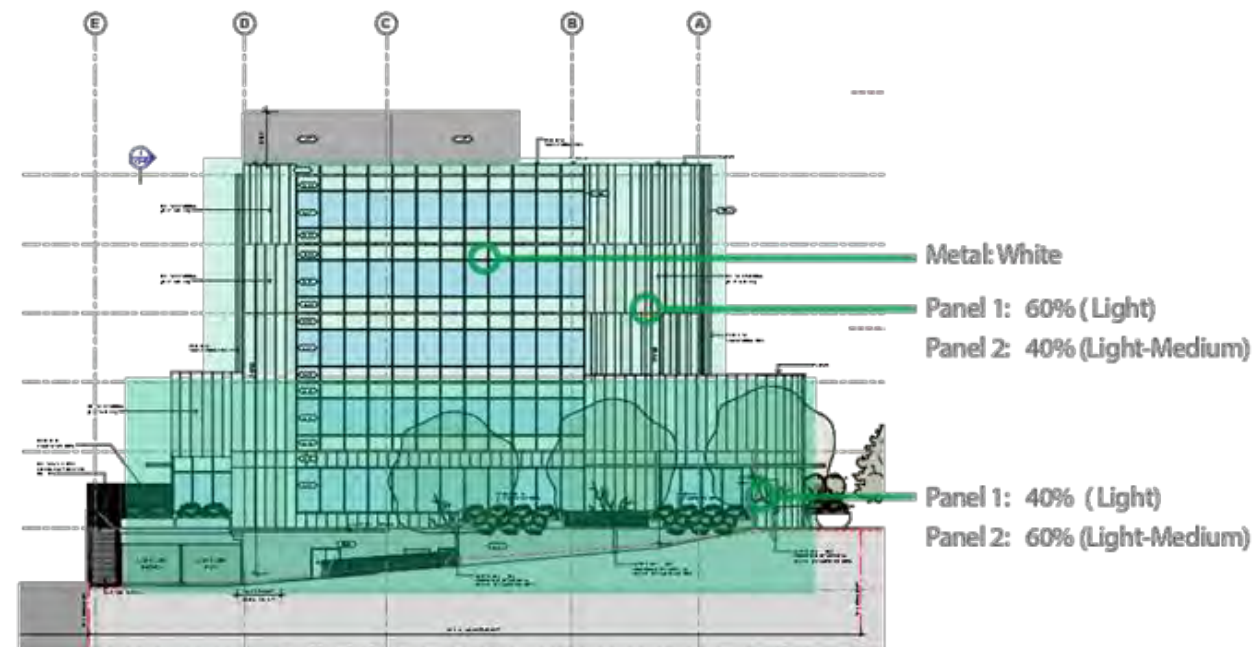




## Facade Articulation Panel Design



PROJECT IMAGERY - ARTICULATED FACADE

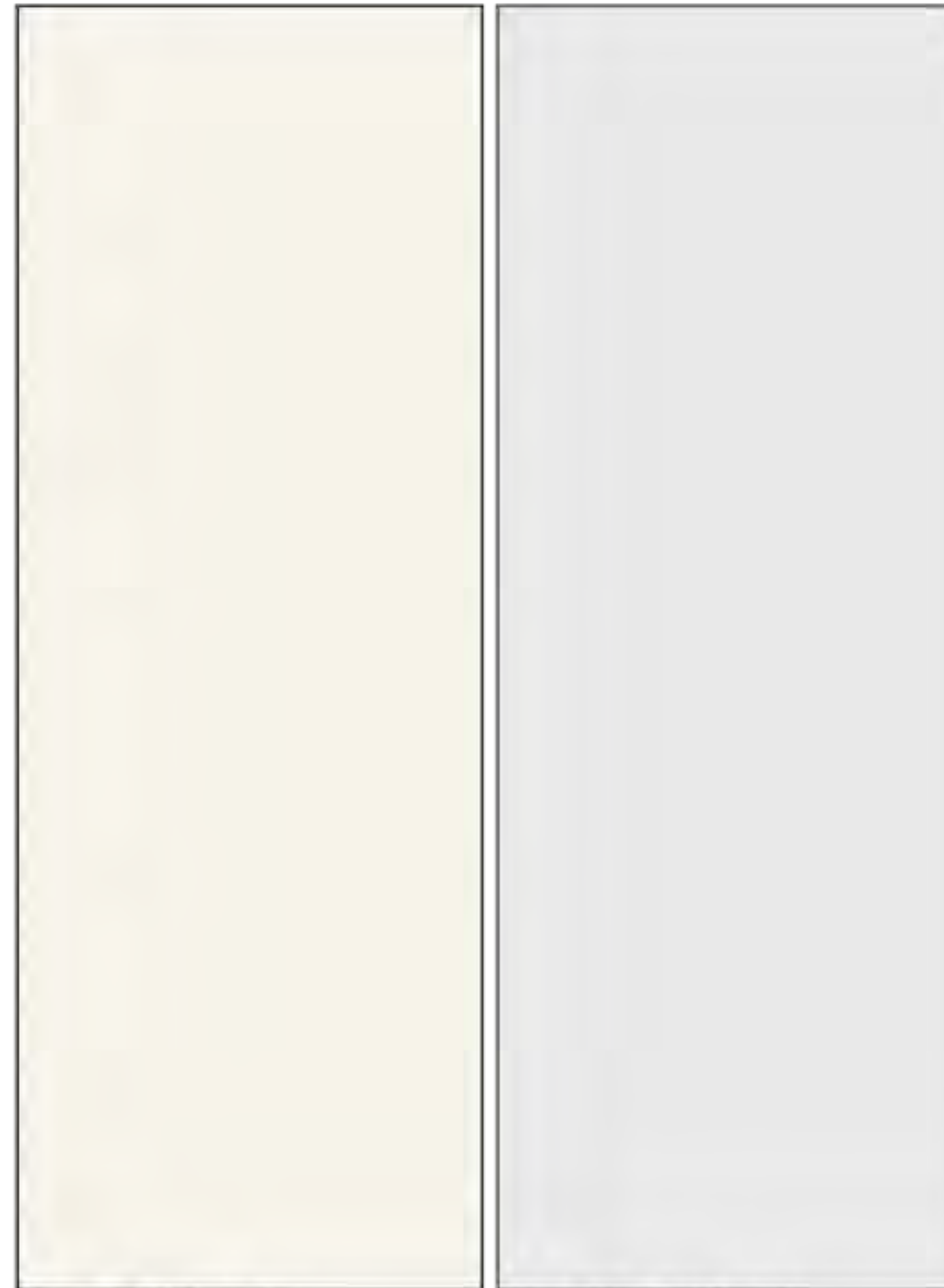
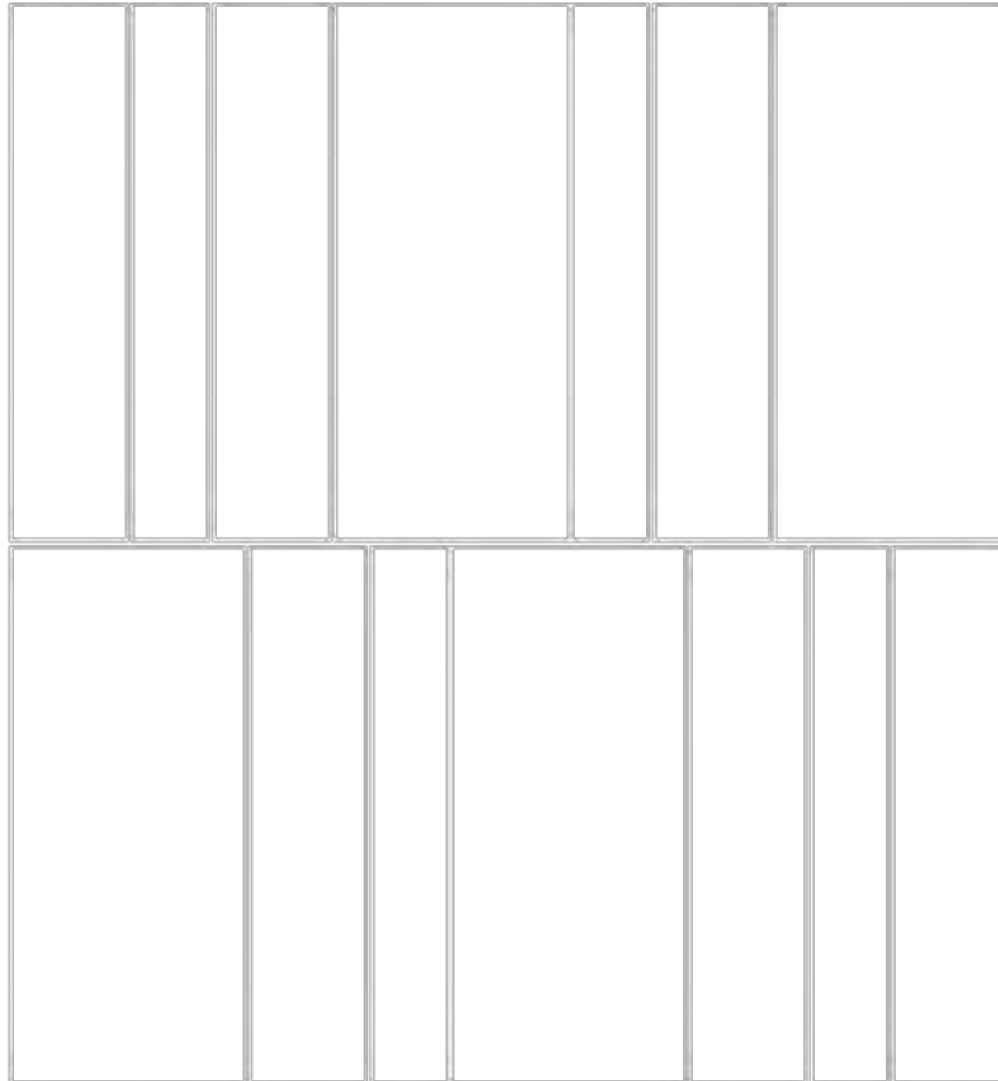


## Facade Articulation & Materiality

### Panel Design

PANEL DESIGN INTENT TO BE ARTICULATED WITH VARIED PANEL SIZINGS WITH PROPORTIONATE SIZINGS WITH A STAGGERED ARRANGEMENT.

#### STAGGERED PROFILE



MT01 - METAL CLADDING

MT02 - METAL CLADDING

DISCLAIMER: Electronic colour samples provided may differ slightly from the intended samples.

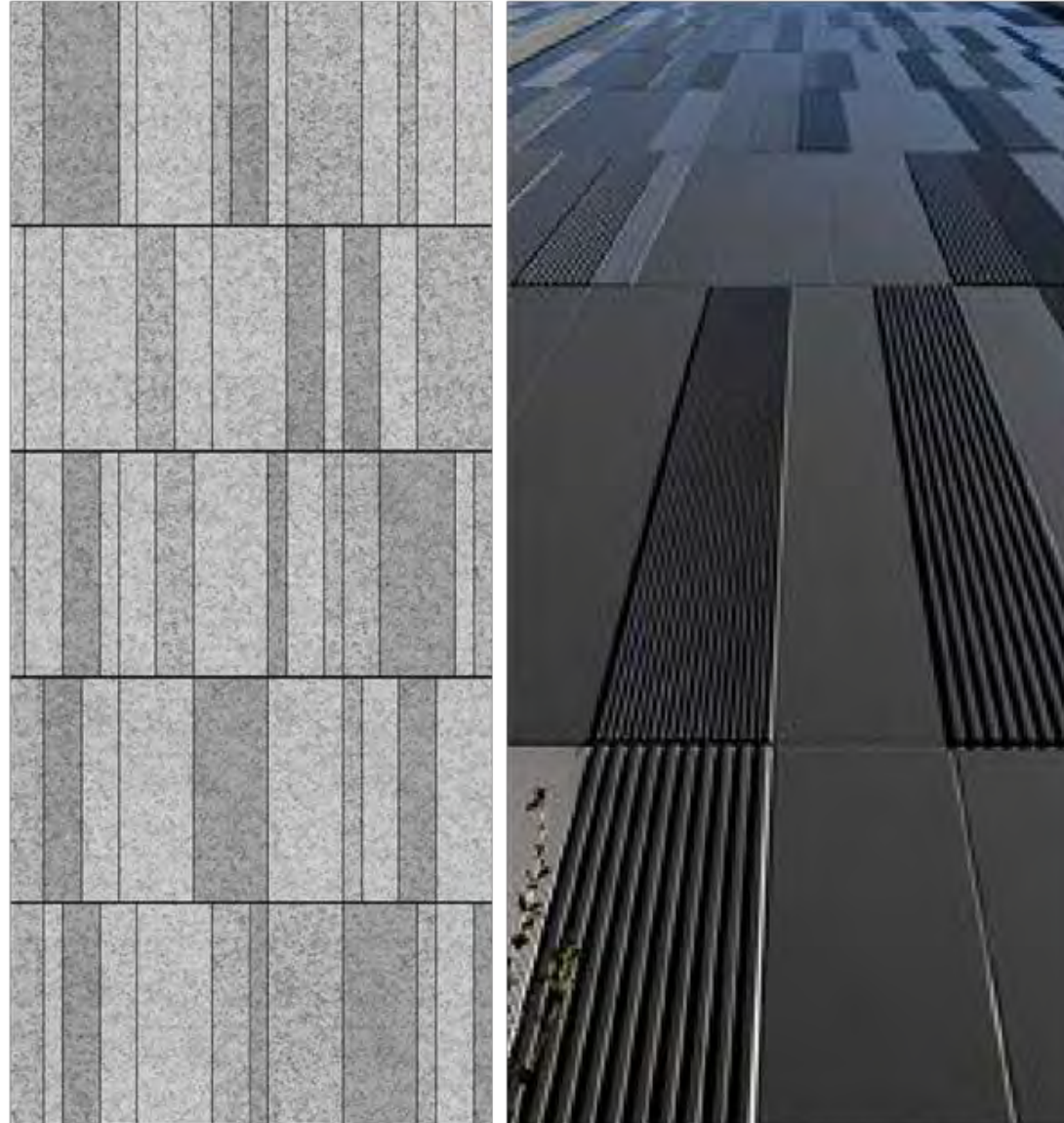
**CRONEARCHITECTS**

© 2022 Crone



## Facade Articulation & Materiality

### Panel Design Intent



THE ABOVE MOOD IMAGES DO NOT REPRESENT THE INTENDED COLOUR SELECTION FOR THE PROJECT AND SHALL BE USED FOR REFERENCING PURPOSES ONLY.

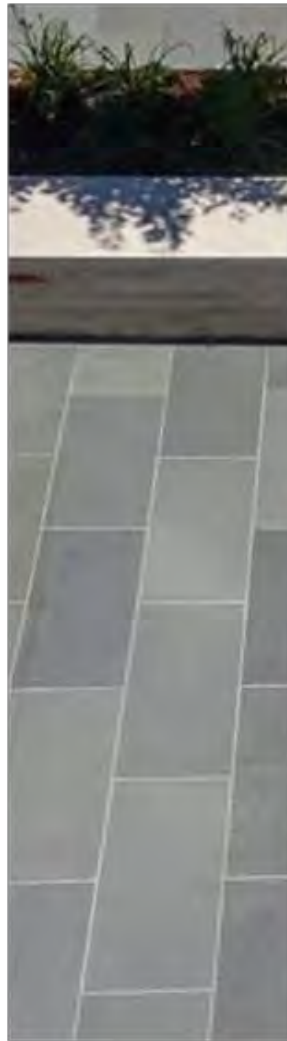
**CRONEARCHITECTS**

© 2022 Crone





## Urban Design Design Inspiration



CREATING TACTILE GREEN SPACES AND OUTLOOKS



**CRONEARCHITECTS**

© 2022 Crone



## Facade Articulation & Materiality

### Interface to Evelyn Reserve



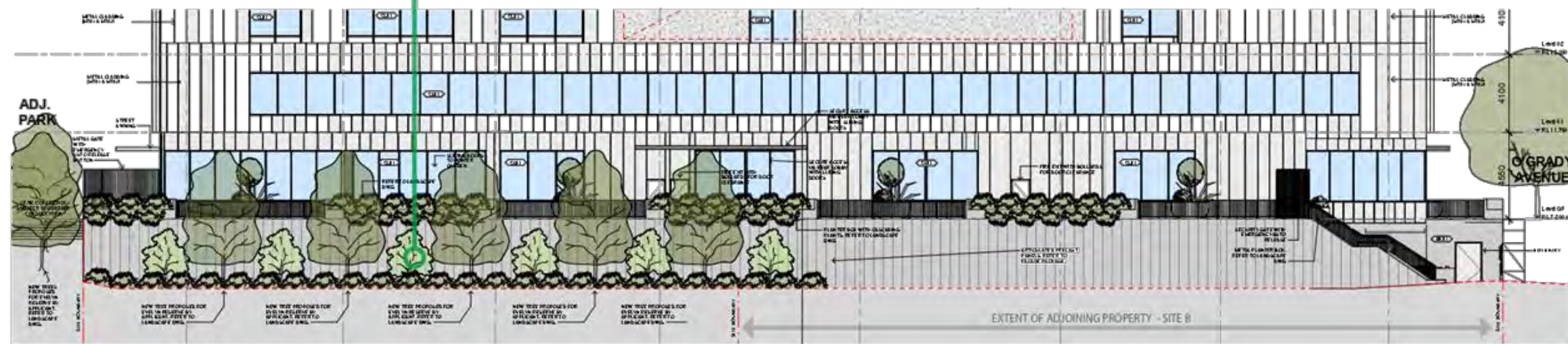
PRECAST CONCRETE LINER - PROFILE



PRECAST CONCRETE LINER - SAMPLE IMAGES



PRECAST CONCRETE LINER - SAMPLE IMAGES



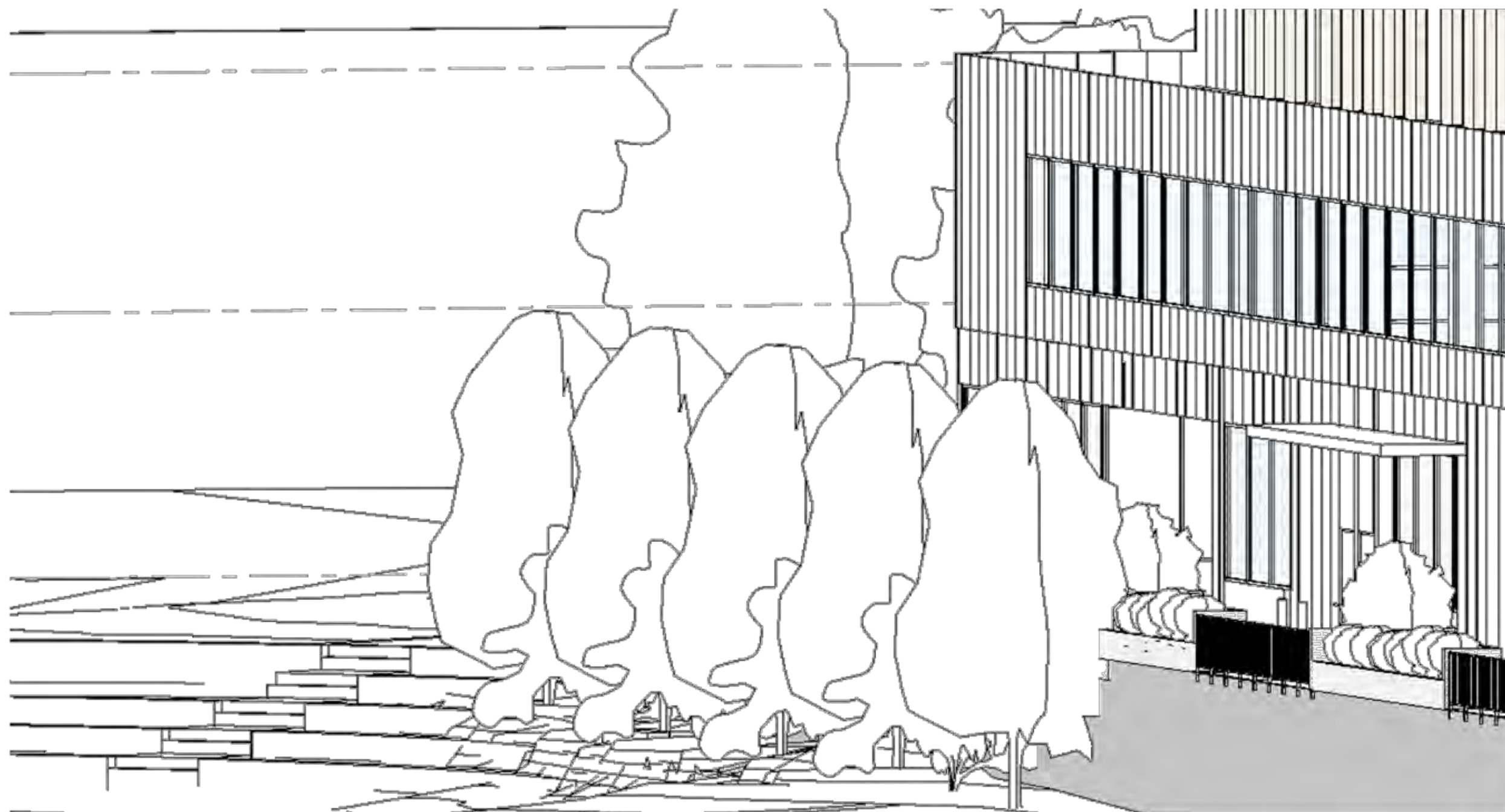
EXTENT OF PRECAST CONCRETE LINER

**CRONEARCHITECTS**

© 2022 Crone

## Facade Articulation & Materiality

### Urban Design & Landscape Activation - interface with Evelyn Reserve



ARTIST IMPRESSION - REAR BOUNDARY & ADJOINING RESERVE INTERFACE

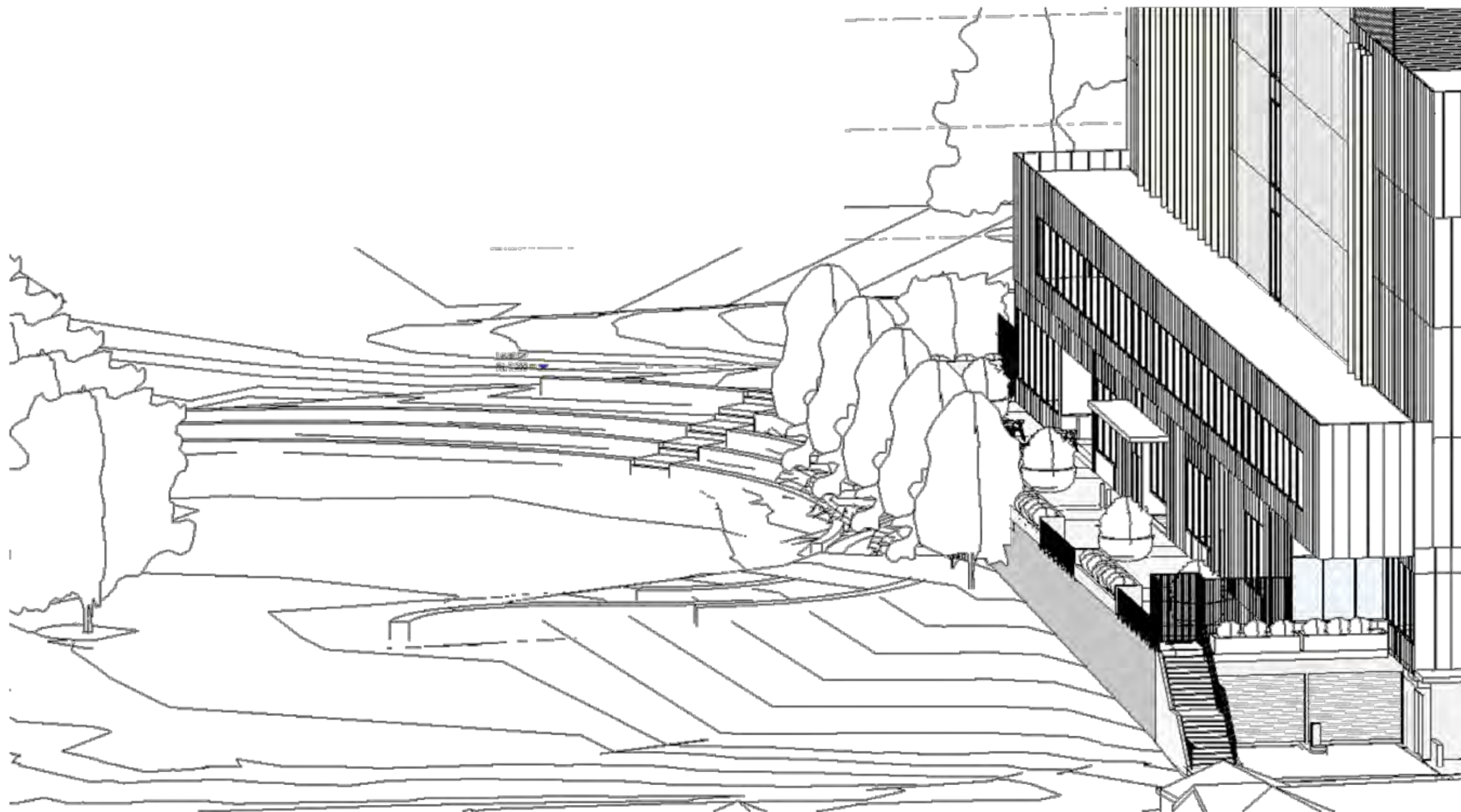
**CRONE** ~~ARCHITECTS~~

© 2022 Crone



## Facade Articulation & Materiality

### Urban Design & Landscape Activation - interface with Evelyn Reserve



ARTIST IMPRESSION - REAR BOUNDARY & ADJOINING RESERVE INTERFACE

**CRONEARCHITECTS**

© 2022 Crone

## Facade Articulation & Materiality

### Public Art Relief - East Core Option 01



ARTIST IMPRESSION

CRONEARCHITECTS

© 2022 Crone



### Facade Articulation & Materiality

#### Public Art Relief - East Core Option 02



## ARTIST IMPRESSION

~~CRONEARCHITECTS~~

© 2022 Crane



### Facade Articulation & Materiality

#### Public Art Relief - East Core Option 03



## ARTIST IMPRESSION

~~CRONEARCHITECTS~~

© 2022 Crane

## Facade Articulation & Materiality

### Public Art Relief - East Core Option 04



ARTIST IMPRESSION

CRONEARCHITECTS

© 2022 Crone



## Facade Articulation & Materiality

### Public Art Relief - East Core Option 05



ARTIST IMPRESSION

CRONEARCHITECTS

© 2022 Crone



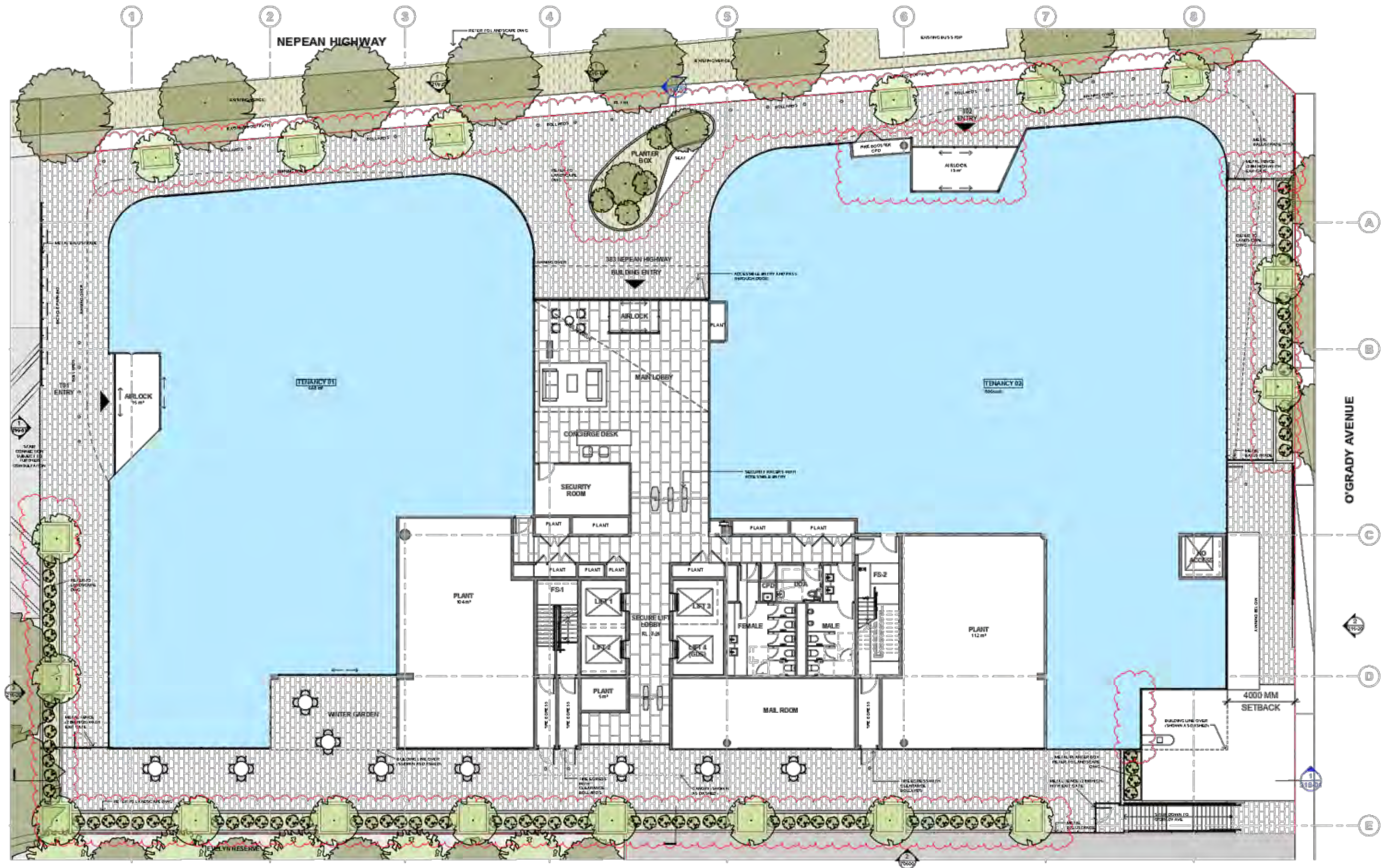
## Contact

### Offices

Sydney ——— +61 2 8295 5300  
Melbourne ——— +61 3 8621 8000

Crone is an international Design  
and Consulting Firm working in  
markets across Australia, Asia, and  
the Middle East





ARCHITECT  
**CRONE**  
**ARCH**  
**TECTS**

Crone Partners Melbourne Pty Ltd  
(T/A Crone) ABN 79 076 866 614  
55 High Street, Melbourne, VIC  
3101 T: 03 9421 8000  
E: info@crone.com.au  
Licenced Registered Architect,  
R. Crone 18836

Client  
**Castlerock**  
Castlerock Property Pty Ltd  
Level 35, 140 William Street, Melbourne, VIC 3004  
T: +61 3 9527 4600

CONSULTANTS  
PLANNING:  
URBAN PLANNING  
COLLECTIVE  
152 Chesham St, Melbourne  
VIC 3121  
T: +61 3 9428 7907  
ENGINEERING (MECH):  
ALMA  
PO Box 11261  
SAWDOCK VIC 3010  
T: +61 413 876 900

ENGINEERING (ELECTRICAL, RENEWABLES):  
WATP DESIGN  
152 Chesham St, Melbourne  
VIC 3121  
T: +61 3 9428 7907  
ENGINEERING (MECH):  
ALMA  
PO Box 11261  
SAWDOCK VIC 3010  
T: +61 413 876 900

LANDSCAPE:  
28 WYTHAM STREET  
BRIMINGHAM VIC 3191  
T: +61 3 9596 2123

NOTES

Rev	Date	By	Revision Notes
1	10/01/23	IC	FOR REVIEW
2	10/01/23	IC	FOR REVIEW
3	10/01/23	IC	FOR REVIEW
4	10/01/23	IC	FOR REVIEW
5	10/01/23	IC	FOR REVIEW

PROJECT INFORMATION  
**CM3846**  
**383 Nepean Highway**  
383 Nepean Highway,  
Frankston, VIC 3199

DRAWING TITLE  
**115 PROPOSED GA PLANS**  
**GROUND LEVEL**

SHEET STATUS  
**PRELIMINARY**  
DRAWING NUMBER  
**TP-A-115-00**

CHECKED BY:  
**PC**  
REV  
**E**  
A1



**Executive Summary****11.2 Planning Application 44/2022/P - 135 Golf Links Road, Frankston South - To construct a Telecommunications Facility (including telecommunications tower and associated equipment) in a Rural Conservation Zone Schedule 3 (RCZ3) and to remove one (1) tree in a Significant Landscape Overlay Schedule 1 (SLO1).**

*Enquiries: (Sam Clements: Communities)*

**Council Plan**

Level 1:	4. Well Planned and Liveable City
Level 2:	4.1 Integrate land use planning and revitalise and protect the identity and character of the City

**Purpose**

This report considers the merits of the planning application to construct a Telecommunications Facility (including telecommunications tower and associated equipment) in a Rural Conservation Zone Schedule 3 (RCZ3) and to remove one (1) tree in a Significant Landscape Overlay Schedule 1 (SLO1).

**Recommendation (Director Communities)**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application 44/2022/P, subject to the conditions contained in the officers' assessment.

**Key Points / Issues**

This application was previously reported to the 21 November 2022 Council Meeting. Council resolved to defer consideration of the application to a future Council meeting to enable further engagement between the applicant and the objectors of the neighbouring properties. Resolution in full below-

*That Council resolves to defer consideration of Planning Permit Application 44/2022/P - 135 Golf Links Road, Frankston South - To construct a Telecommunications Facility (including telecommunications tower and associated equipment) in a Rural Conservation Zone Schedule 3 (RCZ3) and to remove one (1) tree in a Significant Landscape Overlay Schedule 1 (SLO1) to a future council meeting to enable further engagement between the applicant and the objectors of the neighbouring properties.*

The applicant has advised that they have contacted the objector closest to the subject site to discuss potential alternative locations for the telecommunications facility. *Attachment E* contains the applicant's summary of the discussion. The applicant maintains the current proposed location near the south-east corner of the site is the most suitable site for the proposed facility to minimise community impact. Accordingly, the applicant has requested Council proceed to a decision.

- A telecommunications facility (mobile phone tower) is proposed on a portion of 135 Golf Links Road Frankston South.
- The facility will be contained within a 10 by 10 metre compound, comprising a 35 metre tall monopole (telecommunications tower) with panel antennas on a triangular headframe with a maximum height of 38 metres and an associated shelter.
- An access track with a new crossover is proposed to connect to Golf Links Road.
- The application as submitted to Council proposed the removal of one (1) semimature tree *Eucalyptus grandis*. However, after public notice the applicant



**11.2 Planning Application 44/2022/P - 135 Golf Links Road, Frankston South - To construct a Telecommunications Facility (including telecommunications tower and associated equipment) in a Rural Conservation Zone Schedule 3 (RCZ3) and to remove one (1) tree in a Significant Landscape Overlay Schedule 1 (SLO1).****Executive Summary**

has informally submitted amended plans which no longer require the removal of the tree.

- The land currently is occupied by the Connect Christian Church.
- Public notice was given and 21 objections were received. A submitter information session was held where information was shared by applicant and concerns by objectors, however no mediation outcomes were achieved.
- Planning Scheme Amendment VC226 was prepared by the Minister for Planning and implemented into all Victorian Planning Schemes on 4 November 2022. This resulted in a number of changes to planning policy for telecommunications facilities at Clauses 19.03-4S and 52.19. An exemption was introduced which results in this proposal no longer requiring a planning permit to use the land for a telecommunications facility, however a planning permit is still required to construct a telecommunications facility.
- As above, the applicant undertook further consultation with the closest objector following deferral of the item and they maintain the proposed site is the most suitable location in respect to minimising community impact.
- Council officers consider the proposed location near the south-east corner of the allotment as a suitable site for the proposed facility.
- On balance, the proposed facility will achieve a net community benefit through the upgrading of important telecommunications services to the local area, with minimal impact to the amenity of the area.

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

**Financial Impact**

The fee paid to Council was \$6,115.90. The average cost to process a planning application is \$2,265.

**Consultation****1. External Referrals**

There are no external referrals required to be made.

**2. Internal Referrals**

The application was referred internally to Traffic, Environment (Arborist) and Environment (Biodiversity).

**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 within a 500m radius of the site (558 parties); and
- Three (3) signs erected on the site frontage

As a result of the public notification, twenty one (21) objections were received. The grounds of objection are summarised in the officer's assessment contained within this report.

**11.2 Planning Application 44/2022/P - 135 Golf Links Road, Frankston South - To construct a Telecommunications Facility (including telecommunications tower and associated equipment) in a Rural Conservation Zone Schedule 3 (RCZ3) and to remove one (1) tree in a Significant Landscape Overlay Schedule 1 (SLO1).****Executive Summary****Analysis (Environmental / Economic / Social Implications)**

It is considered, subject to conditions, the proposal will have an acceptable impact on the environment. The proposal will not have any negative economic or social implications. The proposal will ensure adequate telecommunication facilities are provided to the Frankston South area.

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

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

Legal

Clause 35.06 Rural Conservation Zone

Clause 51.02 Metropolitan Green Wedge Land: Core Planning Provisions

Clause 52.19 Telecommunications Facility

Policy Impacts

Clause 19.03 Development Infrastructure

Officer's Declaration of Interests

In accordance with *Local Government Act 2020* and Council's Governance Rules, 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 apparent risks associated with this matter.

**Conclusion**

Overall, the proposal is considered to provide an appropriate balance between the provision of important telecommunications services and the need to protect the environment from adverse impacts arising from telecommunications infrastructure.

---

**ATTACHMENTS**

- Attachment A: [↓](#) Aerial Locality Map
- Attachment B: [↓](#) Locality Map
- Attachment C: [↓](#) Informally Amended Plans
- Attachment D: [⇄](#) Supporting Documents (*Under Separate Cover*)
- Attachment E: [↓](#) Applicant Consultation Advice

**11.2 Planning Application 44/2022/P - 135 Golf Links Road, Frankston South - To construct a Telecommunications Facility (including telecommunications tower and associated equipment) in a Rural Conservation Zone Schedule 3 (RCZ3) and to remove one (1) tree in a Significant Landscape Overlay Schedule 1 (SLO1).****Officers' Assessment****Summary**

<b>Existing Use</b>	Connect Christian Church
<b>Site Area</b>	Approximately 26,600m <sup>2</sup>
<b>Proposal</b>	To construct a Telecommunications Facility (including telecommunications tower and associated equipment) in a Rural Conservation Zone Schedule 3 (RCZ3) and to remove one (1) tree in a Significant Landscape Overlay Schedule 1 (SLO1).
<b>Zoning</b>	Rural Conservation Zone Schedule 3
<b>Overlays</b>	Significant Landscape Overlay Schedule 1
<b>Neighbourhood Character Precinct</b>	None
<b>Reason for Reporting to Council</b>	Councillor interest

**Background*****Subject Site***

The subject site is irregular in shape and is located on the northern side of Golf Links Road in Frankston South.

The site has a western (front) boundary of 19.28 metres, an eastern (rear) boundary of 171.12 metres, a southern (side) boundary of 251.91 metres, a northern (side) boundary of 258.96 metres and an overall area of 22,540 square metres. A 4.02 drainage and sewerage easement is located through the middle of the site from the front to rear boundary.

The site currently contains the Connect Christian Church.

***Locality***

The site is part of a wedge of land between Robinsons Road, Golf Links Road and the Peninsula Link Freeway. The land is surrounded by General Residential Zone on three sides, with the only direct abuttal being Rural Conservation Zone. The Village Baxter independent living units are located to the south of the site. The historic property 'Westerfield' is located to the east.

***Site History***

Previous planning permit applications for the site include:

- Planning Permit 455/2017/P was issued for business signage.

***Proposal***

The proposal is summarised as:



**11.2 Planning Application 44/2022/P - 135 Golf Links Road, Frankston South - To construct a Telecommunications Facility (including telecommunications tower and associated equipment) in a Rural Conservation Zone Schedule 3 (RCZ3) and to remove one (1) tree in a Significant Landscape Overlay Schedule 1 (SLO1).****Officers' Assessment**

- A telecommunications facility is proposed on a portion of 135 Golf Links Road Frankston South.
- The facility will be contained within a 10 by 10 metre compound, comprising a 35 metre tall monopole (telecommunications tower) with panel antennas on a triangular headframe with a maximum height of 38 metres and an associated shelter.
- An access track with a new crossover is proposed to connect to Golf Links Road.
- The application as submitted to Council proposed the removal of one (1) semimature tree *Eucalyptus grandis*. However, after public notice the applicant has informally submitted amended plans which no longer require the removal of the tree.

**Planning Policy Frameworks**

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

- Clause 12 Environmental and Landscape Values
- Clause 19.03-4S Telecommunications

**Planning Scheme Controls**

A Planning Permit is required pursuant to:

- Clause 35.06-5 To construct a building or works
- Clause 52.19-1 To construct a building or construct or carry out works for a

***Notification of Proposal***

The grounds of objection are summarised as follows:

- Health impacts
- Impact of proposal on the heritage value of Westerfield
- Visual impacts
- Environmental impact (including vegetation removal and fauna impacts)
- Inconsistent with the Rural Conservation Zone and the Green Wedge
- Other locations would be more appropriate
- Property devaluation

Following the notification period, the applicant provided a written response to the objections which was circulated. The applicant also provided amended plans which resulted in the retention of the tree proposed to be removed, in response to objector concerns.

A Submitter Information Session was held. The meeting was attended by Councillor Brad Hill, the permit applicant, some objectors, and Council Planning Officers. The meeting provided an opportunity for the applicant to provide information about the proposal to objectors and provide clarification of the proposal.

**11.2 Planning Application 44/2022/P - 135 Golf Links Road, Frankston South - To construct a Telecommunications Facility (including telecommunications tower and associated equipment) in a Rural Conservation Zone Schedule 3 (RCZ3) and to remove one (1) tree in a Significant Landscape Overlay Schedule 1 (SLO1).****Officers' Assessment**

Following deferral of this matter from the 21 November 2022 Council meeting, the applicant contacted the objector closest to the subject site to discuss potential alternative locations for the telecommunications facility. This objector requested the proposed telecommunications facility be relocated to the north-west corner of the allotment, adjacent the roundabout at the Golf Links Road and Robinson Road intersection. The landowner is not supportive of this alternate site and the applicant considers this alternate site would have a far greater cumulative community impact, noting it would result in a significant impact to a larger number of residential properties. The applicant maintains the current proposed location near the south-east corner of the allotment is the most suitable site for the proposed facility to minimise community impact. *Attachment E* contains the applicant's summary of the discussion.

**Internal Referrals**

The application was referred internally to Traffic, Environment (Arborist) and Environment (Biodiversity).

A brief summary of the relevant comments are provided below.

**Traffic**

Further information required to demonstrate the proposed access is acceptable. Recommended to be resolved as a condition of permit.

**Environment (Arborist)**

No objection subject to tree protection conditions.

**Environment (Biodiversity)**

It is recommended a greater setback of the facility to the adjoining native vegetation is provided which would eliminate the need for vegetation pruning and allow for a planted buffer to the vegetation.

The key requirements are protection of existing vegetation and minimisation of soil disturbance and weed spread.

Planting an indigenous buffer around the facility should be required as a condition of permit.

It is considered that the tower would have a minimal impact on birds and bats, given that it is a single isolated structure and some distance away from any area of core habitat.

**Discussion*****Planning Policy***

Planning Scheme Amendment VC226 was prepared by the Minister for Planning and implemented into all Victorian Planning Schemes on 4 November 2022. This resulted in a number of changes to planning policy for telecommunications facilities at Clauses 19.03-4S and 52.19.

The proposal is consistent with Planning Policy which seeks to facilitate the orderly development, extension and maintenance of telecommunication infrastructure.

Policy seeks to ensure a balance between the provision of important telecommunications services and the need to protect the environment from adverse

**11.2 Planning Application 44/2022/P - 135 Golf Links Road, Frankston South - To construct a Telecommunications Facility (including telecommunications tower and associated equipment) in a Rural Conservation Zone Schedule 3 (RCZ3) and to remove one (1) tree in a Significant Landscape Overlay Schedule 1 (SLO1).****Officers' Assessment**

impacts arising from telecommunications infrastructure. Telecommunications facilities should be co-located wherever practical.

Planning should have regard to national implications of a telecommunications network and the need for consistency in infrastructure design and placement.

It is considered that this proposal will appropriately respond to Planning Policies.

**Clause 35.06 Rural Conservation Zone Schedule 3 (RCZ3)**

The purpose of the RCZ3 is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To conserve the values specified in a schedule to this zone.*
- *To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.*
- *To protect and enhance natural resources and the biodiversity of the area.*
- *To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.*
- *To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.*
- *To conserve and enhance the cultural significance and character of open rural and scenic non-urban landscapes.*

The conservation values in the Schedule to the Zone are:

- *To maintain a predominantly rural break between Frankston and Langwarrin while accommodating some low intensity, fringe urban uses.*
- *To protect remnant vegetation and to protect water quality, particularly in the Western Port Catchment.*

Planning Scheme Amendment VC226 was prepared by the Minister for Planning and implemented into all Victorian Planning Schemes on 4 November 2022. This resulted in a number of changes to planning policy for telecommunications facilities at Clauses 19.03-4S and 52.19.

Clause 62.01 Uses not requiring a permit was also amended, and now states that 'Any requirement in this scheme relating to the use of land, other than a requirement in the Public Conservation and Resource Zone, does not apply to: the use of the land for a telecommunications facility'. Therefore, this proposal no longer requires a permit to use the land for telecommunications facility. A planning permit is still required to construct a telecommunications facility under the RCZ3.

Clause 71.02-3 Integrated decision making of the Planning Scheme outlines:

*The Planning Policy Framework operates together with the remainder of the scheme to deliver integrated decision making. Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.*



**11.2 Planning Application 44/2022/P - 135 Golf Links Road, Frankston South - To construct a Telecommunications Facility (including telecommunications tower and associated equipment) in a Rural Conservation Zone Schedule 3 (RCZ3) and to remove one (1) tree in a Significant Landscape Overlay Schedule 1 (SLO1).****Officers' Assessment**

In this application, the need for improvements to telecommunications services must be balanced with the impact of the facility on the landscape.

The applicant has identified that the proposal is required to improve Vodafone and Optus mobile coverage and network capacity in the area. There are no existing Vodafone or Optus facilities specifically servicing the area that the proposed facility would cover.

The applicant has detailed in their submission the process they have undertaken to review sites for their suitability and outlined that the site is the most suitable to achieve their coverage objectives.

The proposal allows for future telecommunications infrastructure to be co-located on the monopole, reducing the likelihood of additional facilities being required in this area.

The applicant has submitted amended plans which no longer require the removal of the tree, therefore the proposal will not have a significant impact on site vegetation. The recommended permit conditions include the requirement for a landscape plan which will provide screening vegetation around the base of the facility. It is acknowledged that the vegetation will not be able to grow to the height of the monopole, however the vegetation will screen the associated ground level equipment. The recommended permit conditions also require the facility to have an increased setback from the east side boundary to avoid the need for pruning to a site tree (Tree 5), along with tree protection requirements during construction.

It is considered that the proposal strikes an appropriate balance between the provision of expected community infrastructure and the need to minimise visual intrusion and impact on landscape values.

**Clause 51.02 Metropolitan Green Wedge Land: Core Planning Provisions**

The purpose of this clause is:

- *To protect metropolitan green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape natural resource or recreation values.*
- *To protect productive agricultural land from incompatible uses and development.*
- *To ensure that the scale of use is compatible with the non-urban character of metropolitan green wedge land.*
- *To encourage the location of urban activities in urban areas.*

The proposal is consistent with the purpose of Clause 51.02 as the area taken up by the proposal is a minor section of the site which is currently used for a Place of Worship. The subject site is not productive agricultural land and the establishment of the facility would not impact upon existing productive agricultural land. Telecommunications facilities are neither urban nor non-urban activities as they are required in all areas.

**Clause 52.19 Telecommunications Facility**

The purpose of this clause is:

- *To ensure that telecommunications infrastructure is provided in an efficient and cost-effective manner to meet community needs.*

**11.2 Planning Application 44/2022/P - 135 Golf Links Road, Frankston South - To construct a Telecommunications Facility (including telecommunications tower and associated equipment) in a Rural Conservation Zone Schedule 3 (RCZ3) and to remove one (1) tree in a Significant Landscape Overlay Schedule 1 (SLO1).****Officers' Assessment**

- *To facilitate an effective state-wide telecommunications network consistent with proper and orderly planning.*
- *To support the provision of telecommunications facilities with minimal impact on the amenity of the area.*

Before deciding on an application, the responsible authority must consider:

- The design, siting, construction and operation of the telecommunications facility.
- The effect of the telecommunications facility on adjacent land.

The design, siting and operation of the facility is in an appropriate response to planning policy. The proposal will not unreasonably impact adjacent land, subject to recommended conditions, as it has been appropriately located with regards to balancing the need for an improved telecommunications service with the impact of the facility on the landscape.

The nature of monopole facilities is such that in order to function appropriately, they must be elevated and located prominently. This can result in them being conspicuous in an open landscape. The site is in a rural zone, however the locality is not broad open farmland where a stand-alone tower would have great prominence. It is acknowledged that the facility will be visible from adjoining land. The tower would be visible from Golf Links Road as the road rises up from Peninsula Link and directly passing the facility, but benefits from the well vegetated landscape which will reduce most of the visual impact to views between trees. The monopole may appear incongruent when it is first constructed, however, over time the monopole would become part of the background, similar to electricity poles and other infrastructure installations. While the subject site is close to a heritage place, the facility and the heritage building would not be viewed together, therefore it is not considered to impact the heritage place. It is recommended a condition of the permit requires the exterior colour and cladding of the monopole and buildings to be of a non-reflective nature and/or either painted or have a pre-painted finish in natural, muted tones.

The applicant has identified closest telecommunications facility supporting Vodafone and Optus is approximately 980 metres from the subject site. Due to this distance, upgrading that existing facility would not be able to provide the network improvements that this site can achieve. There are no practical opportunities for co-location, therefore the new facility is proposed. The facility has been designed to facilitate co-location, thereby reducing the likelihood of additional facilities in the area.

The developer of this facility will be bound to follow the relevant Australian Standards during construction, which will ensure that the construction does not pose risk to any person or being. These items are typically handled during the building permit process not the planning stage. Recommended conditions ensure trees will be protected during the construction of the facility.

**Consultation**

Many of the grounds of objection have been considered and discussed previously within this report. Other concerns are discussed below:

- Impact of proposal on the heritage value of Westerfield

There will be some views of the facility from the main building of the Westerfield Estate through vegetation. The building is approximately 280 metres from the facility. The

**11.2 Planning Application 44/2022/P - 135 Golf Links Road, Frankston South - To construct a Telecommunications Facility (including telecommunications tower and associated equipment) in a Rural Conservation Zone Schedule 3 (RCZ3) and to remove one (1) tree in a Significant Landscape Overlay Schedule 1 (SLO1).****Officers' Assessment**

facility would not interrupt any significant view of the heritage place. The facility and the heritage place would not be seen together. A portion of the estate is covered by the Heritage Overlay Schedule 5 (HO5) and is also listed on the Victorian Heritage Register (VHR). The land covered by the HO5 and VHR is the same. There is no heritage overlay affecting 135 Golf Links Road. In accordance with the National Trust principle, the provisions of Clause 43.01 Heritage Overlay are not relevant. Furthermore, Clause 43.01 does not seek to protect development or use beyond the heritage place. The extent of the HO5 is the area that the Planning Scheme is seeking to protect. The limited extent of the HO5 is an indication that the heritage significance does not extend beyond the house and its immediate surrounds to the west.



Subject site outlined in red, with the extent of the heritage overlay over the Westerfield estate to the east.

- Health impacts

The applicant has submitted an electromagnetic energy (EME) Report which indicates applicable standards will be met. A copy of this report has been included in the attached documents.

The EME report for the Telecommunications Facility demonstrates compliance and is in accordance with this standard. The report shows that the maximum predicted EME will equate to 2.41% of the maximum exposure limit at the surrounding properties which are located 179m from the proposed pole. These are insignificant levels of exposure in the predicted EME (noting that 100% of the limit is still considered to be safe under the national standard).

In *Mason v Greater Geelong CC (Red Dot)* [2013] VCAT 2057 (16 December 2013) the Tribunal made findings on public health concerns relating to electromagnetic radiation. The Tribunal set out that it is not the role of VCAT to second-guess the expert authorities that regulate the area.

*The Australian Communications and Media Authority has set a clear regulatory standard – the ARPANSA standard - under Commonwealth law, to protect the health or safety of those who may be affected by the operation of a telecommunications network or facility from the potential impacts of electromagnetic radiation. Compliance with that standard has been effectively incorporated into the Victorian planning framework through clause 52.19 of all Victorian planning schemes and the requirements of 'A Code*



**11.2 Planning Application 44/2022/P - 135 Golf Links Road, Frankston South - To construct a Telecommunications Facility (including telecommunications tower and associated equipment) in a Rural Conservation Zone Schedule 3 (RCZ3) and to remove one (1) tree in a Significant Landscape Overlay Schedule 1 (SLO1).****Officers' Assessment**

*of Practice for Telecommunications Facilities in Victoria'. VCAT cannot look behind the ARPANSA standard where it will be met, nor does it have the expertise to do so.*

*The amount of electromagnetic radiation emitted by a telecommunications facility may well be a legitimate issue of public concern. However, VCAT is not a forum for addressing all issues of social or community concern, nor is it an investigative body. It cannot give great weight to unsupported assertions about public health concerns in the context of an individual planning application, particularly in relation to matters outside its own expertise or beyond the limited ambit of its statutory role or discretion in relation to that application. Accordingly, VCAT is not the appropriate forum where generalised opposition to telecommunications facilities based on public health concerns can or should be raised. It is a waste of the parties' and the Tribunal's resources as, ultimately, VCAT is essentially bound to apply the ARPANSA standard.*

- Property devaluation

The Victorian Civil and Administrative Tribunal has consistently found that property values are speculative and not a planning matter. Fluctuations in property prices are not generally a relevant consideration in assessing an application under the provisions of the *Planning & Environment Act 1987*, or the Frankston Planning Scheme.

**Analysis (Economic and Social Implications)**

It is considered the proposal will have limited negative economic and social implications and will allow for the improvement of telecommunications service in the Frankston South area.

**Recommendation (Director Communities)**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 44/2022/P to construct a Telecommunications Facility (including telecommunications tower and associated equipment) in a Rural Conservation Zone Schedule 3 (RCZ3) at 135 Golf Links Road Frankston South, subject to the following conditions:

**Amended Plans**

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be substantially in accordance with the plans submitted with the application *Drawing Number 340111 5 Sheets prepared by Axicom dated 5 April 2022 Revision A* but modified to show:
  - (a) All trees growing on the site and on the adjoining properties within 3m of the boundaries clearly illustrated on all relevant plans. This must include canopy width, trunk location and be clearly labelled in accordance with the arborist report by Treespace Solutions dated 7 April 2022 and state whether the tree is to be retained or removed.
  - (b) The Tree Protection Zone (TPZ), Structural Root Zone (SRZ) and the location of tree protection fencing and or ground protection systems for all retained trees clearly illustrated on all relevant plans.
  - (c) Notation on all relevant plans that the existing natural ground level (NGL)

**11.2 Planning Application 44/2022/P - 135 Golf Links Road, Frankston South - To construct a Telecommunications Facility (including telecommunications tower and associated equipment) in a Rural Conservation Zone Schedule 3 (RCZ3) and to remove one (1) tree in a Significant Landscape Overlay Schedule 1 (SLO1).****Officers' Assessment**

within any TPZ must be maintained and not be altered by excavations throughout all development phases.

- (d) Increased setback of the facility from the east side boundary to avoid pruning Tree 5.
- (e) Tree protection conditions noted on all relevant plans in accordance with Condition 6.
- (f) Landscape Plan in accordance with Condition 3.
- (g) Amendments to the access track, crossover and tree retention in accordance with the plans received by Council on 27 July 2022.
- (h) Detailed plan of the proposed crossover and access track, including as necessary swept paths of vehicles used during construction and maintenance of the facility.
- (i) The exterior colour and cladding of the monopole and buildings of a non-reflective nature and/or either painted or have a pre-painted finish in natural, muted tones (or such other colour as is approved by the Responsible Authority).

**No Alterations**

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

**Landscape Plan**

- 3. Before the development starts, a detailed landscape plan for a 10 metre radius around the compound, consistent with Frankston City Council's Landscape Plan Guidelines (2020) must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be prepared by a suitably qualified landscape designer, drawn to scale with dimensions. The plan must be consistent with the development plans and show:
  - a) The Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) of retained trees illustrated with notations regarding protection methods during construction;
  - b) 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;
  - c) a range of plant types from ground covers to large shrubs and trees;
  - d) adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
  - e) A 100% indigenous planting theme;
  - f) All existing environmental weed species must be removed from the site and environmental and noxious weeds found in the 'Frankston City Council Invasive Species Guide (2019)' must not be planted;
  - g) the provision of notes on the landscape plan regarding site preparation, removal of all weeds, weed control, planting timing, plant protection,

**11.2 Planning Application 44/2022/P - 135 Golf Links Road, Frankston South - To construct a Telecommunications Facility (including telecommunications tower and associated equipment) in a Rural Conservation Zone Schedule 3 (RCZ3) and to remove one (1) tree in a Significant Landscape Overlay Schedule 1 (SLO1).****Officers' Assessment**

proposed mulch, soil types and thickness, subsoil preparation and ongoing maintenance requirements;

- h) All tree stock used must be in accordance with *AS2303-2015 Tree stock for Landscape Use*.
- 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 use starts or at such later date as is approved by the Responsible Authority in writing.
- 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.

**Tree Protection**

- 6. Tree protection must be carried out in accordance with the Australian Standard AS 4970-2009 Protection of Trees on Development Sites to the satisfaction of the Responsible Authority. Prior to the commencement of the development (including demolition and any initial site preparations) Tree Protection Fencing (TPF) must then be erected at the applicable radial TPZs. The TPF must comprise temporary fencing panels (min. 1.8m height) and held in place with concrete feet. A fixed sign stating Tree Protection zone is to be provided on all visible sides of the TPF. All tree protection zones, fencing and signage must be to the satisfaction of the Responsible Authority.

The requirements below must be observed within this area –

- a) Coarse mulch laid to a depth of 75 mm (excluding road reserve of street trees).
- b) No vehicular or pedestrian access.
- c) The existing soil level must not be altered either by fill or excavation.
- d) The soil must not be compacted or the soil's drainage changed.
- e) No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are to be disposed of or stored.
- f) No storage of equipment, machinery or material is to occur.
- g) No open trenching to lay underground services.
- h) Nothing whatsoever is to be attached to any tree.
- i) Tree roots must not be severed or injured.
- j) All tree pruning (including to roots) is to be carried out by a professional arborist and in accordance with Australian Standard AS4373-2007 Pruning of Amenity Trees.

Note: where TPF is impractical, formalised ground protection must be installed. Ground protection must comprise strapped timber rumble boards installed over the previously installed layer of mulch.

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



**11.2 Planning Application 44/2022/P - 135 Golf Links Road, Frankston South - To construct a Telecommunications Facility (including telecommunications tower and associated equipment) in a Rural Conservation Zone Schedule 3 (RCZ3) and to remove one (1) tree in a Significant Landscape Overlay Schedule 1 (SLO1).****Officers' Assessment****Telecommunications**

7. The telecommunications cabinets and equipment must be visually maintained and kept free from vandalism and graffiti to the satisfaction of the Responsible Authority.
8. Any landscaped areas surrounding the housing units must be maintained regularly to the satisfaction of the Responsible Authority.
9. Any communications infrastructure decommissioned and no longer required at the telecommunications facility must be removed from the site in one month of being decommissioned and no longer required to the satisfaction of the Responsible Authority.
10. If the telecommunications facility hereby approved becomes redundant, all above ground infrastructure associated with the telecommunication facility must be removed and the area reinstated to the satisfaction of the Responsible Authority. All works to comply with this condition must be completed within three months of the facility ceasing to operate and must be at the expense of the permit holder.

**Completion of Works**

11. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
12. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
13. The use and development must be managed to the satisfaction of the Responsible Authority so that the amenity of the area is not detrimentally affected through the:
  - (a) Transport of materials, goods or commodities to or from the land; and
  - (b) Appearance of the building, works or materials.

**Engineering**

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

**11.2 Planning Application 44/2022/P - 135 Golf Links Road, Frankston South - To construct a Telecommunications Facility (including telecommunications tower and associated equipment) in a Rural Conservation Zone Schedule 3 (RCZ3) and to remove one (1) tree in a Significant Landscape Overlay Schedule 1 (SLO1).**

### **Officers' Assessment**

#### **Permit Expiry**

16. This permit will expire if:

- (a) The development is not started within two (2) years of the date of this permit; or
- (b) 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.

---

#### **Permit Notes**

##### **A. Asset Protection Permit**

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

##### **B. Extension of Time**

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


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

##### **C. Variation to Planning Permit**

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



Planning Application 44/2022/P – 135 Golf Links Road, Frankston South 3199

Subject Site 



**Disclaimer**

Contains Council information © Frankston City Council, 2022. Reproduced by permission of the Information Services Department, Frankston City Council.

Contains Vicmap information © State of Victoria, Department of Environment and Primary Industry, 2022.

Reproduced by permission of the Department of Environment and Primary Industry. This material may be of assistance to you but Frankston City Council, the State of Victoria and their employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaim all liability for any error, loss or consequences which may arise from your relying on any information contained in this material. You are hereby notified that any use, dissemination, distribution or reproduction of this information is prohibited and must be used for personal use only. The information contained herein must not be used in any manner that could breach any criminal, federal, state or local law.

Projection: GDA2020 / MGA zone 55

Scale: 1:3151

Date Printed: 30/09/2022



Time Printed: 11:00 AM

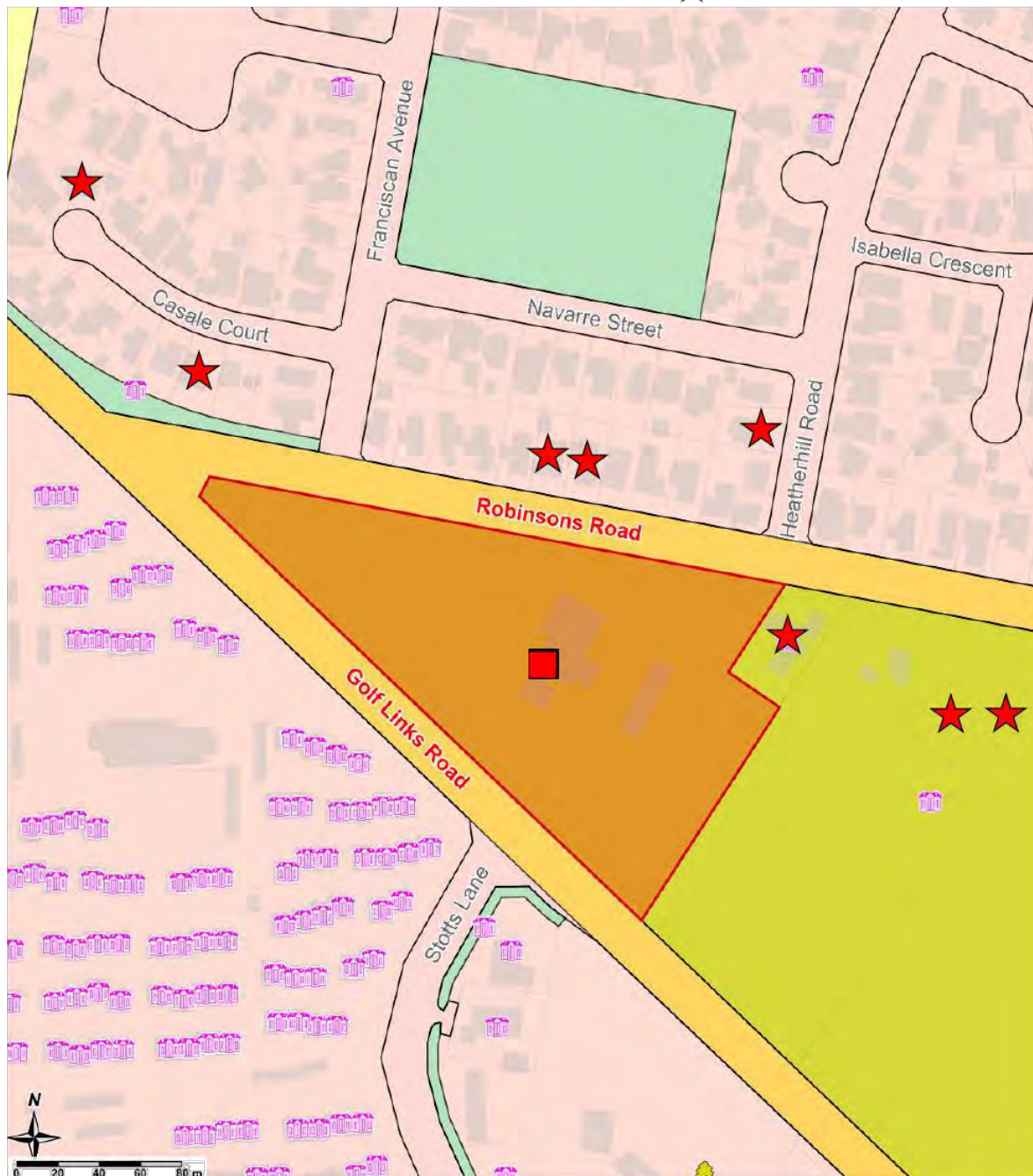
Issued by: Leah Horne





Planning Application 44/2022/P – 135 Golf Links Road, Frankston South 3199

Subject Site  Objectors (not all shown) 



**Disclaimer**

Contains Council Information © Frankston City Council, 2022. Reproduced by permission of the Information Services Department, Frankston City Council.

Contains Vicmap information © State of Victoria, Department of Environment and Primary Industry, 2022.

Reproduced by permission of the Department of Environment and Primary Industry.

This material may be of assistance to you but Frankston City Council, the State of Victoria and their employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaim all liability for any error, loss or consequences which may arise from your relying on any information contained in this material.

You are hereby notified that any use, dissemination, distribution or reproduction of this information is prohibited and must be used for personal use only. The information contained herein must not be used in any manner that could breach any criminal, federal, state or local law.

Projection: GDA2020 / MGA zone 55

Scale: 1:2521

Date Printed: 30/09/2022

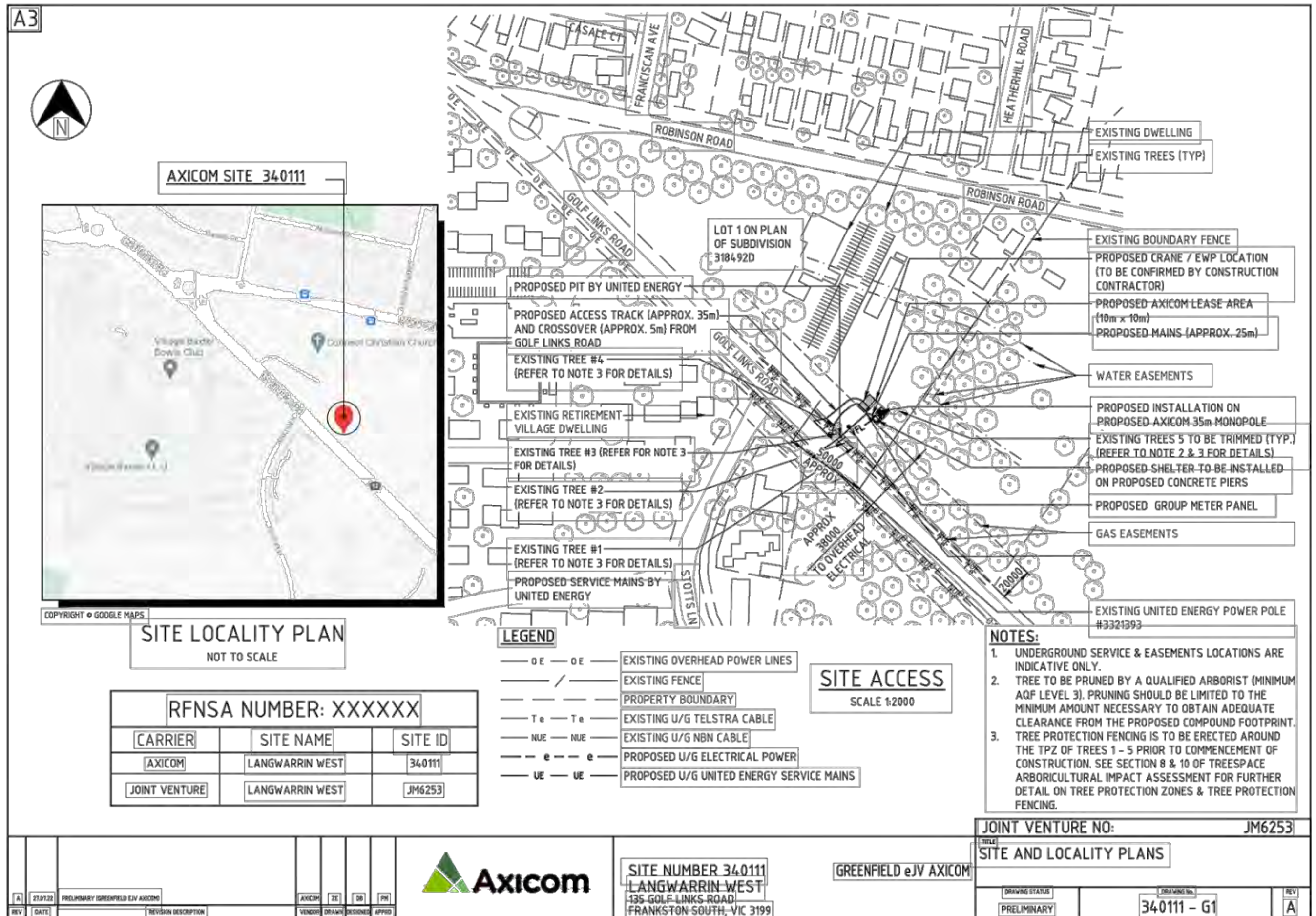
Time Printed: 12:59 PM

Issued by: Leah Horne

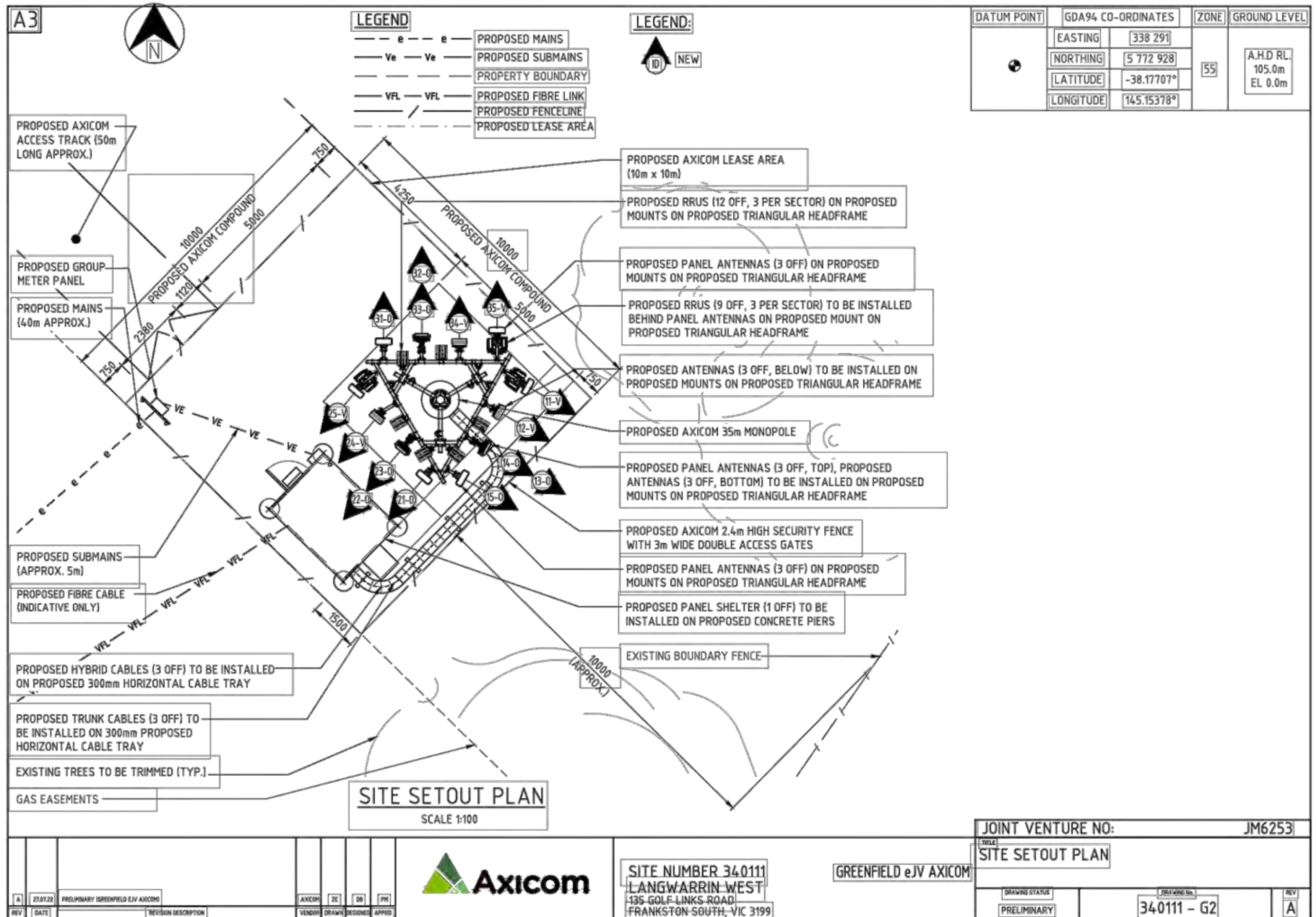


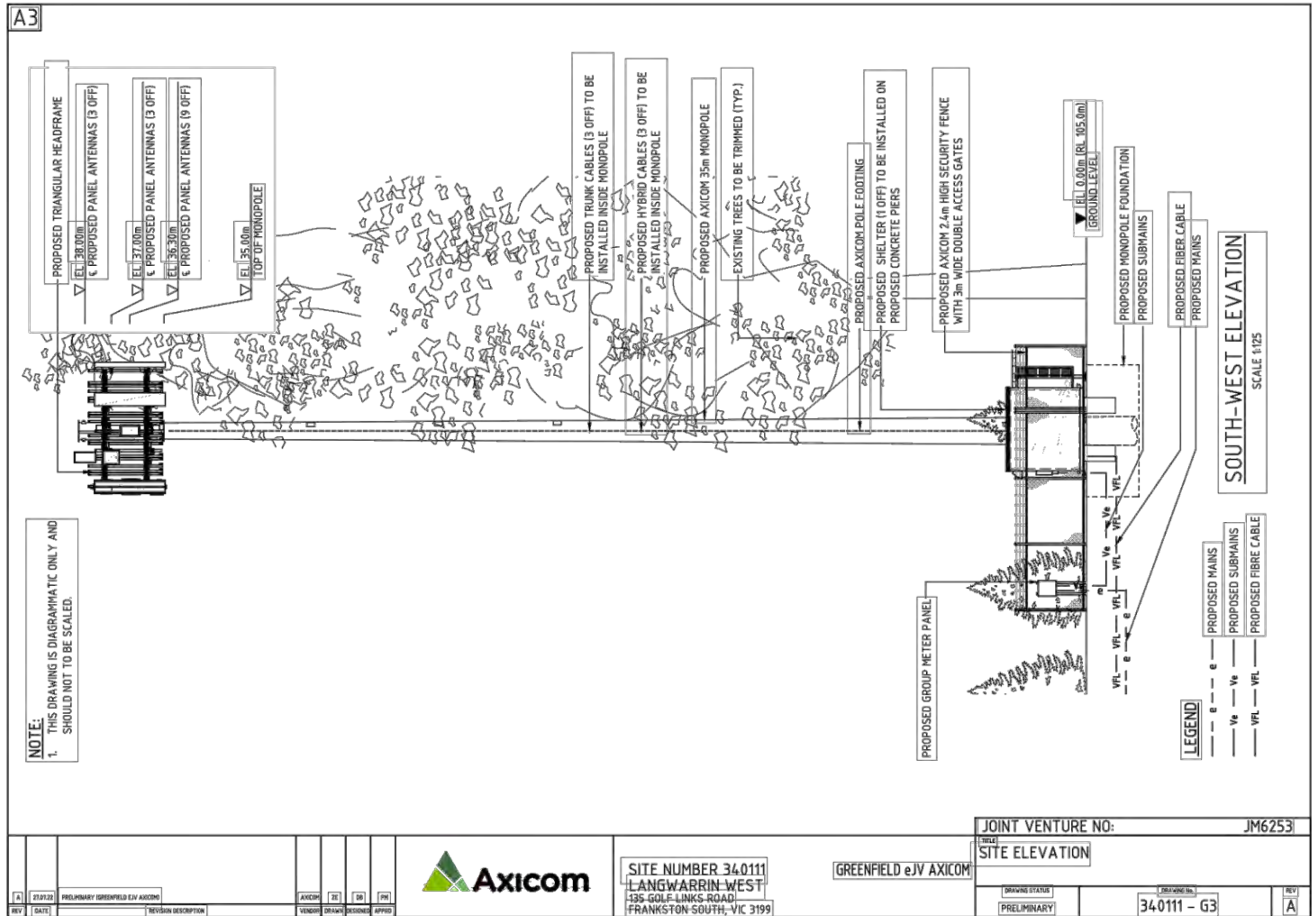
DRAWING NO.	340111-00
-------------	-----------



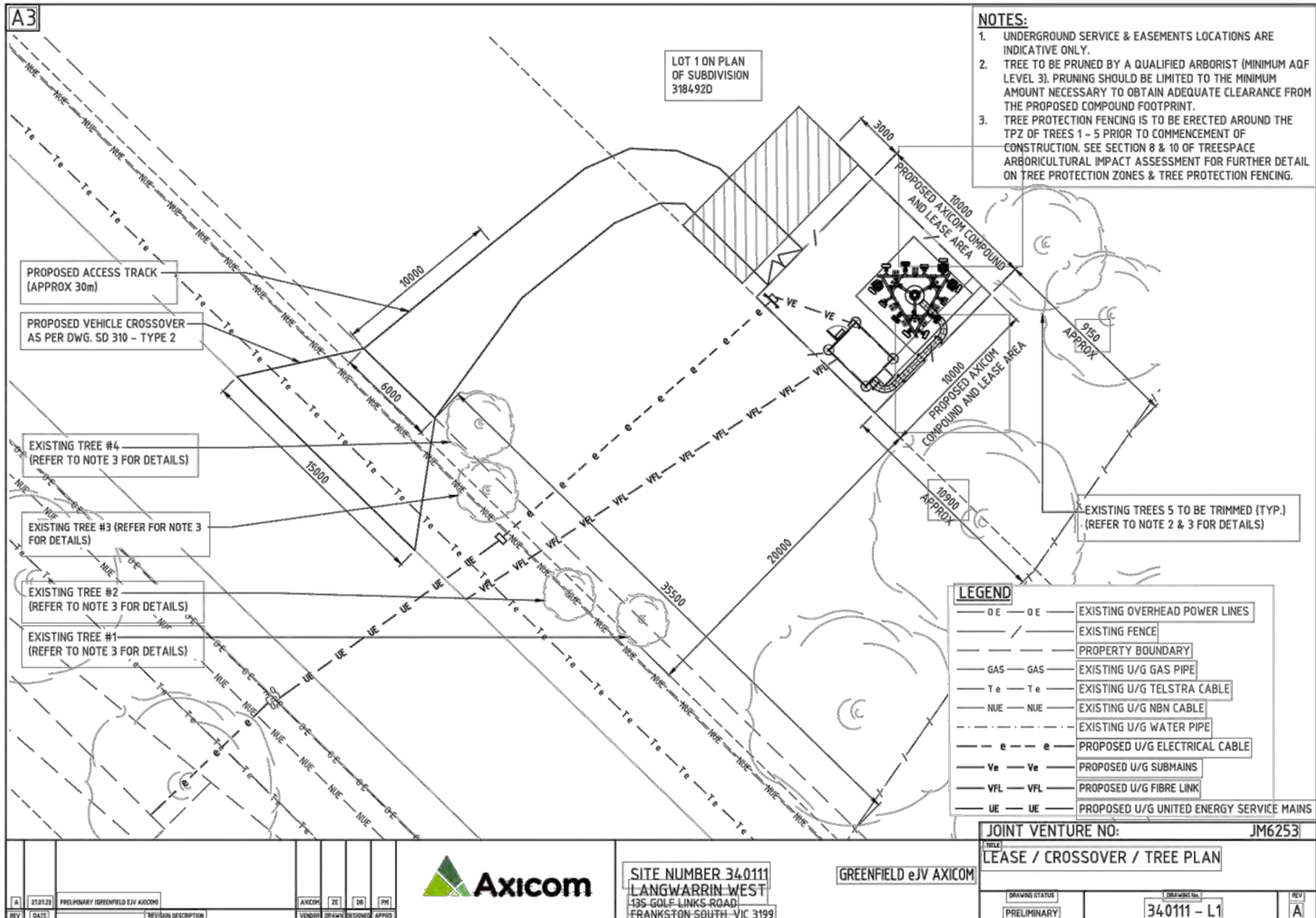
















22 December 2022

Axicom Ref: 340111 Langwarrin West -V

Frankston City Council  
PO Box 490  
FRANKSTON VIC 3199

Via email:

Dear Sir/Madam,

**Application ID 44/2022/P – Proposed Telecommunications Facility, 135 Golf Links Road, Frankstown South VIC 3199 – Investigation of Alternative Site Location**

We are writing in respect of the proposed Axicom telecommunications facility at the above address (Application ID: 44/2022/P).

The application was considered by Frankston City Council at the Council Meeting held on the 21 November 2022. At the meeting, an objector made representations about the potential visual impact upon their property as a result of the proposal and that insufficient consultation was undertaken to explore the potential for an alternative location within the subject property. As a result, Council resolved to defer consideration of the Planning Permit to a future council meeting to enable further engagement between the applicant and the objector of the neighbouring property.

Following the meeting, Axicom have been in contact with the objector to discuss alternative locations. Their preference was to relocate the facility to the northwest, adjacent to the roundabout at the Golf Links Road and Robinson Road intersection, as shown in Figure 1.

**Figure 1: Proposed and Objector Preferred Facility Locations (NearMap)**



1

**MELBOURNE**

Level 16, 360 Elizabeth  
Street  
Melbourne VIC 3000  
T +61 2 9495 9000

**SYDNEY**

Level 1, 110 Pacific Highway  
St Leonards NSW 2065  
T +61 2 9495 9000

**QUEENSLAND**

Suite 15, 13 Clunies Ross  
Court  
Eight Mile Plains QLD 4113  
T +61 2 9495 9000

**axicom.com.au**

AXICOM CONSULTING



As mentioned in the Submitters Information Session, held on the 27 September 2022, this location was previously investigated by Axicom and considered to be unsuitable for the proposed facility. Notwithstanding, Axicom has conducted further investigations into the alternate location and wish to provide the following information.

#### Landowner Preference

Following on from the 21 November 2022 Council Meeting, Axicom have held discussions with the landowner about a potential relocation within the subject property. However, due to their future plans for the property, the landowner was not open to relocating the facility to the western property boundary near the roundabout.

#### Site selection

As outlined in Section 3 of the DA Report accompanying the development application, Axicom, in partnership with Vodafone and Optus, undertook a robust investigation process when selecting a suitable location for the proposed facility. We also note that a comprehensive justification for the facility was provided in the development application; the proposed site is the best available location for a new telecommunications facility in the locality, an area where there is established need for improved communications services. Additionally, the visual impact of the facility has been minimised as far as practicable, and the site is consistent with local planning requirements.

We note this view is maintained by Council, with the comments in the Council Officer's report stating:

*"The applicant has detailed in their submission the process they have undertaken to review sites for their suitability and outlined that the site is the most suitable to achieve their coverage objectives."*

#### Alternate Location

Axicom maintain that the proposed facility location is the most suitable not only within the broader locality, but within the subject allotment. As mentioned within the Council Officer's report:

*"The proposal will not unreasonably impact adjacent land, subject to recommended conditions, as it has been appropriately located with regards to balancing the need for an improved telecommunications service with the impact of the facility on the landscape."*

And...

*"It is considered that the proposal strikes an appropriate balance between the provision of expected community infrastructure and the need to minimise visual intrusion and impact on landscape values."*

Axicom maintain that if the proposed facility location were to be relocated as per the objector's request, the end result would be a far greater cumulative community impact, with an unreasonable impact on adjacent land, noting the close proximity to numerous residential dwellings located along Robinsons Road, as well as the reduction in screening afforded by the mature vegetation found within the south-eastern portion of the subject allotment.

Whilst Axicom acknowledge that there is some existing vegetation within the north-western corner of the site, these trees are not as substantial, in terms of both volume and height, as those found near the southeast corner of the property, which would result in the facility having greater visibility within the locality.



**Concluding Remarks:**

As discussed above, the representation has questioned whether the proposed facility location could be repositioned from the southeast corner of the subject property, towards the northwest corner of the site, adjacent to the Golf Links Road and Robinson Road roundabout.

Having conducted a review of the proposed location, Axicom would like to reiterate our stance that the current location near the south-east corner of the site is and continues to be the most suitable location for the proposed facility regarding minimising overall amenity impacts to the surrounding community.

The proposed facility is not at odds with the planning vision for the area. Due to a lack of existing coverage, as well as increased capacity on existing facilities in the area, this proposal is vital to ensure existing and future residents have access to improved mobile and data services.

Having closed out discussions with the objector, Axicom consider that approval of this project in its current location is in the public interest, and request Council proceed to a decision at the next Council meeting in January 2023.

Should you have any further questions or need additional information, please contact our office.

Yours sincerely,



TOWN PLANNER

Axicom



[www.axicom.com.au](http://www.axicom.com.au)

**MELBOURNE**

Level 15, 550 Elizabeth  
Street  
Melbourne VIC 3000  
T: 03 9433 9000

**SYDNEY**

Level 15, 110 Pacific Highway  
St Leonards NSW 1585  
T: 02 9433 9000

**QUEENSLAND**

Suite 170, 7 Corner Ross  
Court  
Aixis Mile Plains QLD 4113  
T: 03 9433 9000

**Axicom, Australia**

www.axicom.com.au



**Executive Summary****11.3 Statutory Planning Progress Report - November and December 2022**

*Enquiries: (Sam Clements: Communities)*

Council Plan

- |          |   |
|----------|---|
| Level 1: | 4. Well Planned and Liveable City   |
| Level 2: | 4.1 Integrate land use planning and revitalise and protect the identity and character of the City |

**Purpose**

To provide Council with an update on the exercise of planning delegations by Council officers for the month of November and December 2022

**Recommendation (Director Communities)**

That Council:

1. Receives the Statutory Planning Progress Reports for the months of November and December 2022; and
2. Resolves that the Major Development Updates (Attachment C) remain confidential indefinitely on the grounds that it contains land use planning information and private commercial information (*Local Government Act 2020, s.3(1)(c) and (g)*). These grounds apply because it contains private development information and would, if prematurely released, impact the reputation of Councillors and Council.

**Key Points / Issues**Statutory Planning Progress Report

This report is provided in accordance with Council's resolution of 29 January 2018 requiring that:

*Council receives Town Planning Progress Reports no later than two months after the cessation of a given months.*

- The report provides Council with an update on the exercise of planning delegations by Council officers on the following items:
  - Planning applications received;
  - Planning decisions;
  - Subdivision applications received;
  - Subdivision decisions;
  - VCAT appeal register; and
  - VCAT decisions.
- In November 2022, seventy-nine (79) applications for planning permits, amendments to permits and consents were received, and sixty-two (62) applications determined. A total of 61% of permit decisions were made within the statutory timeframe. The percentage determined within timeframe was below the target of 70%.
- In December 2022, ninety-two (92) applications for planning permits, amendments to permits and consents were received, and eighty-two (82) applications determined. A total of 61% of permit decisions were made within

**11.3 Statutory Planning Progress Report - November and December 2022****Executive Summary**

the statutory timeframe. The percentage determined within timeframe was below the target of 70%.

- As at the time of preparation of this report, there are 335 undecided planning permits, amendment to planning permits, and plan approval applications currently with Council.
- During the period, 27 decisions related to multi-dwelling applications. 25 of these applications complied with the Multi-Dwelling Visitor Car Parking Guidelines.
- Two VCAT decisions were reported during the period, both during November.
- Also included in this progress report is the list of 'Major Development Updates' at Attachment C for Council's reference. As agreed with Council, the purpose of providing this report is to enable Councillors to understand progress on current or future major applications and potential timings for decision making.

**Financial Impact**

As identified above, additional costs are being incurred to engage additional contractors and consultants to support application processing and preparation of decision reports. These costs are offset by cost savings related to vacant staff positions.

Where a party seeks review of Council's decision at the Victorian Civil and Administrative Tribunal, Council will incur representation costs. Often, Council is represented by its officers and these costs are managed within Council's adopted budget. However, where a matter is complex or involves legal issues, or where Council decides an application at variance with the officer's recommendation, an external representative will be engaged. The type and cost of the representative engaged will vary depending on the nature of the application and issues in contention.

Indicatively, costs to engage a planning consultant representative for a VCAT case typically range between \$4,000 and \$8,000 (depending on hearing length), and between \$10,000 and \$50,000+ for legal representation (again, depending on hearing length and potential engagement of expert witnesses).

**Consultation**

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

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

**Analysis (Environmental / Economic / Social Implications)**

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

**Legal / Policy / Council Plan 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

No legal implications.

**11.3 Statutory Planning Progress Report - November and December 2022****Executive Summary**Policy Impacts

No policy impacts.

Officer's Declaration of Interests

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

**Risk Mitigation**

There are no identified risks noted in relation to the preparation of this report.

**Conclusion**

This report provides Council with an overview of the activities and decisions made on planning applications in the months of November and December 2022.

---

**ATTACHMENTS**

Attachment A:[↓](#) Statutory Planning Progress Report - November 2022

Attachment B:[↓](#) Statutory Planning Progress Report - December 2022

Attachment C: Councillor Major Developments Updates 06012023 -

**CONFIDENTIAL**



<b>Progress Report – Planning Applications Received</b> <b>For The Application Date: From 1/11/2022 To 30/11/2022</b>				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
759/2022/P	North-East	3 Lieber Grove, Carrum Downs 3201	To construct a warehouse and variation to car parking Clause 52.06 in an Industrial 1 Zone (IN1Z)	2/11/2022
761/2022/P	North-East	2 Kingston Road, Langwarrin 3910	To use and construct a shipping container on the land in a Low Density Residential Zone (LDRZ) and Design and Development Overlay Schedule 4 (DDO4)	2/11/2022
774/2022/P	North-East	60 Cadles Road, Carrum Downs 3201	To construct an extension to an existing dwelling and to construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ)	4/11/2022
803/2022/P	North-East	1 Network Drive, Carrum Downs 3201	To construct buildings and works for two (2) warehouses and reduction in car parking requirements in an Industrial 1 Zone (IN1Z)	16/11/2022
801/2022/P	North-East	11A Industry Boulevard, Carrum Downs 3201	To use the land for a Leisure and Recreation Facility (Dance Studio) in an Industrial 1 Zone (IN1Z).	16/11/2022
818/2022/P	North-East	1 Moorhen Crescent, Carrum Downs 3201	To construct one (1) double storey dwellings to the rear of the existing dwelling (two (2) dwellings) on a lot in a General Residential Zone (R1Z)	24/11/2022
<b>North-East Ward = 6</b>				
775/2022/P	North-West	2-4 Overton Road, Frankston 3199	To erect and display business identification signage in a Mixed Use Zone (MUZ)	4/11/2022
772/2022/P	North-West	9 Monterey Boulevard, Frankston North 3200	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) in a General Residential Zone (GRZ)	7/11/2022
789/2022/P	North-West	20 Hodgins Crescent, Frankston North 3200	To construct one (1) single dwelling to the rear of the existing dwelling (two (2) dwellings) in a General Residential Zone (GRZ)	10/11/2022
786/2022/P	North-West	1A Neville Avenue, Seaford 3198	To construct two (2) double storey dwellings in a General Residential Zone (GRZ), a Special Building Overlay (SBO) and create access to a road in a Transport Zone 2.	10/11/2022

<b>Progress Report – Planning Applications Received</b> <b>For The Application Date: From 1/11/2022 To 30/11/2022</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
791/2022/P	North-West	1/211-279 Skye Road, Frankston 3199 211-279 Skye Road, Frankston 3199	To construct buildings and works to an existing building in a Special Use Zone (SUZ1)	14/11/2022
793/2022/P	North-West	19 O'Grady Avenue, Frankston 3199	To subdivide the land into six (6) lots in a Residential Growth Zone (RGZ1) and Design and Development Overlay Schedule 12 (DDO12)	14/11/2022
178/2022/P/VS	North-West	3/31 East Road, Seaford 3198	To construct an extension (verandah) to an existing dwelling on a lot less than 300 square metres in a General Residential Zone (GRZ)	15/11/2022
180/2022/P/VS	North-West	16/10 Klauer Street, Seaford 3198	To construct buildings and works to an existing warehouse in an Industrial 1 Zone (I1Z)	16/11/2022
804/2022/P	North-West	262-264 Seaford Road, Seaford 3198 2C Bellevue Crescent, Seaford 3198	To subdivide the land into six (6) lots in a General Residential Zone (GRZ)	16/11/2022
809/2022/P	North-West	12 Austin Road, Seaford 3198	To construct two (2) double storey dwellings in a General Residential Zone (GRZ) and Special Building Overlay (SBO)	22/11/2022
185/2022/P/VS	North-West	9 Elliott Street, Seaford 3198	To construct a front fence in a Special Building Overlay (SBO)	23/11/2022
817/2022/P	North-West	20 Cumberland Drive, Seaford 3198	Change of use and signage for vehicle sales premises.	24/11/2022
825/2022/P	North-West	9 Spray Street, Frankston 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) in a General Residential Zone (GRZ)	25/11/2022
828/2022/P	North-West	Shop 37 Armstrongs Road, Seaford 3198	To use the land for the sale and consumption of liquor (Restaurant and Cafe Licence) in a Commercial 1 Zone (C1Z)	28/11/2022
North-West Ward = 14				

<b>Progress Report – Planning Applications Received</b> <b>For The Application Date: From 1/11/2022 To 30/11/2022</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
773/2022/P	South	2 Burns Street, Frankston 3199 35-41 Hastings Road, Frankston 3199	To use the land and construct buildings and works for an office in a Mixed Use Zone (MUZ), to construct buildings and works in a Design and Development Overlay Schedules 10 and 13 (DDO10 and DDO13) and a Specific Controls Overlay Schedule 3 (SCO3) and to create or alter access to a road in a Transport Zone 2 (TZ2)	3/11/2022
781/2022/P	South	652 Nepean Highway, Frankston South 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) in a General Residential Zone (GRZ), Design and Development Overlay Schedule 2 (DDO2), Erosion Management Overlay Schedule 1 (EMO1), Heritage Overlay (HO) and works within the Tree Protection Zone of a Substantial Tree in a Significant Landscape Overlay Schedule 3 (SLO3)	9/11/2022
174/2022/P/VS	South	117 Humphries Road, Frankston South 3199	To construct an outbuilding (carport) in a Design and Development Overlay Schedule 1 (DDO1)	10/11/2022
175/2022/P/VS	South	11 St Ives Avenue, Frankston South 3199	To construct a front fence in a Design and Development Overlay Schedule 1 (DDO1)	11/11/2022
177/2022/P/VS	South	9 Mulgra Street, Frankston South 3199	To construct a habitable outbuilding (pool house) in a Design and Development Overlay Schedule 1 (DDO1)	14/11/2022
179/2022/P/VS	South	10 Bartlett Street, Frankston South 3199	To construct a double garage in a Design and Development Overlay (DDO3)	15/11/2022
800/2022/P	South	7 Villiers Street, Frankston South 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) in a General Residential Zone (GRZ) and Design and Development Overlay Schedule 9 (DDO9).	15/11/2022
181/2022/P/VS	South	434 Warrandyte Road, Langwarrin South 3911	To construct an extension to an existing dwelling (carport) and outbuilding in a Design and Development Overlay Schedule 4 (DDO4)	16/11/2022



<b>Progress Report – Planning Applications Received</b> <b>For The Application Date: From 1/11/2022 To 30/11/2022</b>				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
802/2022/P	South	521-523 Nepean Highway, Frankston 3199	To use and construct a Service Station and to display signage in a General Residential Zone (GRZ) To construct buildings and works in Design and Development Overlay Schedule 6 (DDO6) To alter access to road in a Transport Zone 2	16/11/2022
806/2022/P	South	63 Coogee Avenue, Frankston 3199	To construct one double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ)	17/11/2022
807/2022/P	South	2 Helvetia Court, Frankston 3199	To construct two ( 2 ) double storey dwellings in a General Residential Zone (GRZ)	18/11/2022
182/2022/P/VS	South	8 Stradbroke Avenue, Frankston South 3199	To construct an extension to a dwelling in a Design and Development Overlay Schedule 9 (DDO9)	20/11/2022
820/2022/P	South	213 Humphries Road, Frankston South 3199	To construct an extension to an existing dwelling in a Design and Development Overlay Schedule 1 (DDO1)	23/11/2022
814/2022/P	South	8 Kitara Court, Frankston 3199	To construct two ( 2 ) double storey dwellings in a General Residential Zone (GRZ)	23/11/2022
821/2022/P	South	29 Gweno Avenue, Frankston 3199	To construct buildings and works to an existing dwelling in a Design and Development Overlay Schedule 6 (DDO6).	24/11/2022
822/2022/P	South	2 Pamela Court, Frankston South 3199	The removal of two (2) trees in a Significant Landscape Overlay (SLO3)	25/11/2022
824/2022/P	South	22 Bergman Road, Langwarrin 3910	To construct a single dwelling in a Bushfire Management Overlay (BMO) and in Design and Development Overlay (DDO4) and to remove substantial trees in a Significant Landscape Overlay Schedule 1 (SLO1)	25/11/2022
190/2022/P/VS	South	60 Baden Powell Drive, Frankston South 3199	To reduce one (1) substantial tree to a habitat stump in a Significant Landscape Overlay Schedule 4 (SLO4)	30/11/2022
835/2022/P	South	21 Station Street, Frankston 3199 Shop 2/19A Station Street, Frankston 3199	To use the land to sell and consume liquor (Restaurant and Cafe licence) in a Commercial 1 Zone (C1Z)	30/11/2022
South Ward = 19				

Total = 39

<b>Progress Report – Amendments to Planning Permits Received</b> <b>For The Application Date: From 1/11/2022 To 30/11/2022</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
365/2020/P/B	North-East	45 Richard Drive, Langwarrin 3910	Extension of Time - To subdivide the land into three (3) lots in a General Residential Zone (GRZ)	9/11/2022
333/2015/P/H	North-East	735 Dandenong-Hastings Road, Skye 3977	Section 72 - To construct buildings and works in a Green Wedge Zone (GWZ) and create access to a Road in a Transport Zone 2	9/11/2022
274/2020/P/A	North-East	12 Goshawk Court, Carrum Downs 3201	Extension of Time - To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	14/11/2022
457/2016/P/D	North-East	1195 Frankston-Dandenong Road, Carrum Downs 3201 Com Prop 42 Barnett Avenue, Carrum Downs 3201	Extension of Time - To construct seven (7) single storey dwellings and remove one (1) tree in the Significant Landscape Overlay Schedule 5	21/11/2022
462/2018/P/E	North-East	88 Northgateway, Langwarrin 3910	Secondary Consent - To construct one (1) double storey dwelling to the rear of an existing dwelling (two (2) dwellings) and a two (2) lot subdivision	21/11/2022
127/2017/P/H	North-East	11 Hotelier Court, SKYE 3977 38A Lily Way, SKYE 3977	Secondary Consent - Construction of Nineteen (19) Double Storey dwellings	28/11/2022
361/2018/P/A	North-East	81-83 Cranbourne-Frankston Road, Langwarrin 3910	Extension of Time - The expansion of the use and development of an existing medical centre (new two storey building) and associated works.	29/11/2022
470/2019/P/B	North-East	24C Hall Road, Carrum Downs 3201	Extension of Time - To construct a three (3) storey apartment building containing twenty (20) dwellings in a General Residential Zone (GRZ) and to alter access to a road in a Road Zone Category 1.	29/11/2022
11/2021/P/VS	North-East	50 Kelvin Grove, Langwarrin 3910	Secondary Consent - To construct buildings and works to an existing dwelling in a Rural Conservation Zone Schedule 1 (RCZ1) and to construct buildings and works within the Tree Protection Zone of a substantial tree in a Significant Landscape Overlay Schedule 1 (SLO1)	29/11/2022
<b>North-East Ward = 9</b>				



<b>Progress Report – Amendments to Planning Permits Received</b> <b>For The Application Date: From 1/11/2022 To 30/11/2022</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
97/2016/P/E	North-West	10 Nepean Highway, Seaford 3198	Secondary Consent - To construct two (2) attached triple storey dwellings	2/11/2022
663/2015/P/C	North-West	194-196 Karingal Drive, Frankston 3199	Secondary Consent - Extensions to the existing medical centre (extend waiting area, install a lift and deletion of car parking spaces)	8/11/2022
99/2019/P/C	North-West	17 Railway Parade, Seaford 3198	Extension of Time - To construct three (3) double storey dwellings on a lot	9/11/2022
734/2003/P/A	North-West	10 Royle Street, Frankston 3199	Secondary Consent - Construct a dwelling at rear of existing dwelling	9/11/2022
685/2021/P/C	North-West	11A Petrie Street, Frankston 3199	Secondary Consent - To construct seven (7) dwellings on a lot in a General Residential Zone (GRZ)	9/11/2022
693/2021/P/B	North-West	12 Bennett Court, Seaford 3198	Secondary Consent - To construct three (3) double storey dwellings on a lot in a General Residential Zone (GRZ)	9/11/2022
62/2020/P/VS	North-West	26 Duncan Avenue, Seaford 3198	Secondary Consent - To construct extensions to an existing dwelling in a Special Building Overlay (SBO)	10/11/2022
216/2020/P/A	North-West	9-11 Jolly Street, Frankston 3199	Extension of Time - To construct five (5) double storey dwellings in a General Residential Zone (GRZ)	14/11/2022
444/2022/P/C	North-West	31 Park Street, Seaford 3198	Section 72 - To construct buildings and works (dwelling) within the Tree Protection Zone of a Significant Tree in an Environmental Significance Overlay (ESO4)	17/11/2022
112/2021/P/C	North-West	10 Wykeham Court, Frankston 3199	Secondary Consent - To construct two (2) single storey dwellings to rear of an existing dwelling (three (3) dwellings on a lot) on a General Residential Zone (GRZ)	21/11/2022
249/2016/P/H	North-West	1 Kananook Avenue, Seaford 3198	Section 72 - The construction of two (2) double storey dwellings	21/11/2022
27/2020/P/F	North-West	7 Luxton Terrace, Seaford 3198	Secondary Consent - To construct two (2) double storey dwellings on a lot in a General Residential Zone	28/11/2022
21/2018/P/F	North-West	3 Tilia Court, Frankston North 3200	Secondary Consent - To construct one (1) double storey dwelling to rear of existing dwelling (two (2) dwellings)	29/11/2022

<b>Progress Report – Amendments to Planning Permits Received</b> <b>For The Application Date: From 1/11/2022 To 30/11/2022</b>				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
333/2020/P/C	North-West	4 Raymond Avenue, Frankston 3199	Extension of Time - To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ)	30/11/2022
<b>North-West Ward = 14</b>				
113/2020/P/D	South	93 McComb Boulevard, Frankston South 3199	Extension of Time - To construct one (1) double storey dwelling to rear of existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ) To construct a building and carry out works in a Design and Development Overlay Schedule 9 (DDO9) and Bushfire Management Overlay Schedule 1 (BMO1) To construct a building and carry out works within the Tree Protection Zone of substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4)	2/11/2022
403/2022/P/A	South	64 Moorooduc Highway, Frankston South 3199	Secondary Consent - To construct alterations and additions to an existing dwelling in a Design and Development Overlay Schedule 1 (DDO1)	2/11/2022
635/2021/P/B	South	28 Bondi Avenue, Frankston 3199	Secondary Consent - To use and develop a Community Care Accommodation facility, comprising five (5) units in a General Residential Zone (GRZ)	2/11/2022
312/2021/P/B	South	1 Scenic Close, Frankston South 3199	Section 72 Amendment - To construct one (1) dwelling in a Design and Development Overlay Schedule 1 (DDO1), to undertake works within the tree protection zone of a substantial tree in a Significant Landscape Overlay Schedule 3 (SLO3)  Amendment: Amended dwelling design	2/11/2022
3/2012/P/E	South	1/37 Culcairn Drive, Frankston South 3199	Secondary Consent - To construct seven (7) dwellings (four (4) double storey and three (3) single storey)	8/11/2022

<b>Progress Report – Amendments to Planning Permits Received</b> <b>For The Application Date: From 1/11/2022 To 30/11/2022</b>				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
383/2019/P/A	South	18 Fenton Crescent, Frankston South 3199	Secondary Consent - To construct buildings and works to an existing dwelling within the Design and Development Overlay Schedule 8 (DDO8), Bushfire Management Overlay (BMO), Significant Landscape Overlay Schedule 4 (SLO4) and the Erosion Management Overlay (EMO).	9/11/2022
381/2016/P/E	South	65 Barretts Road, Langwarrin South 3911	Extension of Time - Two (2) lot subdivision	10/11/2022
366/2022/P/A	South	Shop 14-15/Ground Flr 27 Wells Street, Frankston 3199	<p>Section 72 - To use the land for the sale and consumption of liquor, to erect and display business identification signage in a Commercial 1 Zone (B1Z) and to waive the bicycle parking requirements of Clause 52.34-5 of the Frankston Planning Scheme</p> <p>Amendment: To extend the red line area where liquor is allowed to be sold and consumed.</p>	11/11/2022
106/2020/P/D	South	4 Harcourt Avenue, Frankston South 3199	Section 72 - Alterations and additions to an existing dwelling and construction of a domestic swimming pool in a Design and Development Overlay Schedule 8 (DDO8), To construct a building or construct or carry out works in a Bushfire Management Overlay (BMO), To remove one (1) substantial tree and to construct a building and construct and carry out works within the Tree Protection Zone of a Substantial Tree in a Significant Landscape Overlay Schedule 4 (SLO4)	14/11/2022



<b>Progress Report – Amendments to Planning Permits Received</b> <b>For The Application Date: From 1/11/2022 To 30/11/2022</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
92/2020/P/C	South	139B Fleetwood Crescent, Frankston South 3199 2/139 Fleetwood Crescent, Frankston South 3199	Section 72 - To construct one (1) double storey dwelling (construct a building and carry out buildings and works) in a Design and Development Overlay Schedule 9 (DDO9) and buildings and works within the Tree Protection Zones of substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4)	18/11/2022
279/2018/P/D	South	155 Humphries Road, Frankston South 3199	Section 72 - To construct one (1) double storey dwelling over 7 metres in height in Design and Development Overlay schedule 1 and works within the TPZ of a substantial tree under significant Landscape Overlay schedule 3	21/11/2022
713/2014/P/E	South	5 Humphries Road, Frankston South 3199	Extension of Time - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings)	22/11/2022
184/2018/P/C	South	14 Overport Road, Frankston South 3199	Extension of Time - The construction of three (3) dwellings (two (2) double storey dwellings and one (1) single storey dwelling) and to remove substantial trees and to undertake buildings and works within the Tree Protection Zone (TPZ) of a substantial trees in a Significant Landscape Overlay Schedule 6.	22/11/2022
366/2022/P/B	South	Shop 14-15/Ground Flr 27 Wells Street, Frankston 3199	Secondary Consent - To use the land for the sale and consumption of liquor, to erect and display business identification signage in a Commercial 1 Zone (B1Z) and to waive the bicycle parking requirements of Clause 52.34-5 of the Frankston Planning Scheme	25/11/2022

<b>Progress Report – Amendments to Planning Permits Received</b> <b>For The Application Date: From 1/11/2022 To 30/11/2022</b>				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
47/2022/P/C	South	16 McComb Boulevard, Frankston South 3199	<p>Section 72 - To construct an extension to an existing dwelling in a Design and Development Overlay Schedule 9 (DDO9). To remove a substantial tree and construct a front fence in a Significant Landscape Overlay Schedule 4 (SLO4).</p> <p>Amendments:</p> <ul style="list-style-type: none"> <li>- Laundry relocated within the alfresco;</li> <li>- Enclosure of southern section of the alfresco; and</li> <li>- Consequential internal rearrangements.</li> </ul>	25/11/2022
179/2022/P/VS	South	10 Bartlett Street, Frankston South 3199	Section 72 - To construct a double garage in a Design and Development Overlay (DDO3)	28/11/2022
84/2022/P/VS	South	174 Overport Road, Frankston South 3199	Section 72 - To subdivide the land into two (2) lots in a General Residential Zone (R1Z)	28/11/2022
South Ward = 17				
Total = 40				

<b>Progress Report – Planning Application Decisions</b> <b>For The Application Date: From 1/11/2022 To 30/11/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
750/2021/P	North-East	1 Swift Court, Carrum Downs 3201	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) and a two (2) lot subdivision in a General Residential Zone (GRZ)	Permit Approved	3/11/2022
556/2022/P	North-East	860 Thompsons Road, Skye 3977	Buildings and works for an indoor swimming pool and studio loft associated with a Section 2 use and earthworks in a Green Wedge Zone (GRZ)	Permit Approved	7/11/2022
674/2022/P	North-East	9 Ash Grove South, Langwarrin 3910	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings) in a General Residential Zone (GRZ)	Permit Approved	7/11/2022
582/2022/P	North-East	Com Prop 2 Brett Drive, Carrum Downs 3201	To create access to a road in a Transport Zone 2 (TRZ2)	Application Withdrawn	9/11/2022
512/2022/P	North-East	3 Turner Road, Langwarrin 3910	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ)	Permit Approved	10/11/2022
319/2022/P	North-East	6 Lyrebird Drive, Carrum Downs 3201	To construct three (3) double storey dwellings on a lot in a General Residential Zone (GRZ) and Bushfire Management Overlay Schedule 1 (BMO1)	Application Lapsed	28/11/2022
<b>North-East Ward = 6</b>					
702/2022/P	North-West	214 Frankston-Dandenong Road, Seaford 3198	To subdivide the land into three (3) lots in a General Residential Zone (GRZ) and adjacent to a road in a Transport Zone 2	Permit Approved	2/11/2022
194/2022/P	North-West	8 Henry Crescent, Seaford 3198	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ) and to construct a building and construct and carry out works in a Special Building Overlay (SBO).	Permit Approved	3/11/2022



<b>Progress Report – Planning Application Decisions</b> <b>For The Application Date: From 1/11/2022 To 30/11/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
755/2022/P	North-West	2 Peter Court, Seaford 3198	To construct an extension to an existing single storey dwelling in a General Residential Zone (R1Z)	No Permit Required	4/11/2022
538/2022/P	North-West	24 Scott Street, Seaford 3198	To construct two (2) double storey dwelling on a lots in a General Residential Zone (GRZ)	Under Appeal	7/11/2022
646/2022/P	North-West	13 Manyung Court, Seaford 3198	To vary the easement labelled E-1 on LP 58800 for drainage and sewerage purposes	Permit Approved	7/11/2022
253/2022/P	North-West	189 Old Wells Road, Seaford 3198	To construct one (1) single storey dwelling to the side of the existing dwelling (two (2) dwellings) and to subdivide the land into two (2) lots in a General Residential Zone (GRZ) and Bushfire Management Overlay (BMO).	Permit Approved	8/11/2022
473/2022/P	North-West	31 Henry Crescent, Seaford 3198	To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ).	Permit Approved	8/11/2022
361/2022/P	North-West	22 Talara Court, Frankston 3199	To construct three (3) double storey dwellings on a lot in a General Residential Zone (GRZ)	Permit Approved	9/11/2022
167/2022/P/VS	North-West	1 Robinsons Road, Seaford 3198	To construct one (1) double storey building in an Special Building Overlay (SBO)	Permit Approved	10/11/2022
365/2022/P	North-West	62 Wells Road, Seaford 3198	To construct three (3) double storey dwellings on a lot in a General Residential Zone (GRZ).	Permit Approved	10/11/2022
775/2022/P	North-West	2-4 Overton Road, Frankston 3199	To erect and display business identification signage in a Mixed Use Zone (MUZ)	Permit Approved	14/11/2022
338/2022/P	North-West	15 Park Street, Seaford 3198	To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ).	Permit Approved	15/11/2022
658/2022/P	North-West	16/10 Klauer Street, Seaford 3198	Buildings and works to an existing warehouse in an Industrial 1 Zone (I1Z)	Application Withdrawn	16/11/2022
4/2022/P	North-West	4 Pildra Court, Seaford 3198	Certificate of Compliance.	Application Refused	16/11/2022

<b>Progress Report – Planning Application Decisions</b> <b>For The Application Date: From 1/11/2022 To 30/11/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
279/2022/P	North-West	55 Railway Parade, Seaford 3198	To construct two (2) double storey dwellings in a General Residential Zone (GRZ).	Permit Approved	17/11/2022
185/2022/P/VS	North-West	9 Elliott Street, Seaford 3198	To construct a front fence in a Special Building Overlay (SBO)	Application Withdrawn	23/11/2022
791/2021/P	North-West	2/6 Jubilee Avenue, Seaford 3198	To construct one (1) single storey dwelling on a lot less than 300 square meters in a General Residential Zone (GRZ).	Application Refused	28/11/2022
<b>North-West Ward = 17</b>					
687/2022/P	South	283 Humphries Road, Frankston South 3199	To construct building and works for habitable outbuilding (replacing existing DPU use) in a Design and Development Overlay Schedule 1 (DDO1)	Permit Approved	2/11/2022
641/2022/P	South	17 Hillcrest Road, Frankston 3199	To subdivide the land into three (3) lots in a General Residential Zone (GRZ)	Permit Approved	2/11/2022
594/2022/P	South	135 Golf Links Road, Frankston South 3199	To erect and display floodlit promotion signage in a Rural Conservation Zone Schedule 3 (RCZ3)	Application Withdrawn	3/11/2022
57/2021/P	South	448 & 448A Nepean Highway, Frankston 3199	Use and Development of Land for the Purpose of a Car Park	Application Refused	7/11/2022
168/2022/P/VS	South	83 Kars Street, Frankston South 3199	To construct a front fence in a Significant Landscape Overlay Schedule 6 (SLO6)	Permit Approved	8/11/2022
526/2022/P	South	86C Kars Street, Frankston South 3199	To construct buildings and works (extension) in the tree protection zone of substantial trees in a Significant Landscape Overlay Schedule 6 (SLO6).	Permit Approved	8/11/2022
148/2022/P/VS	South	4/16-17 Bloom Street, Frankston 3199	To construct an outbuilding (shed) on a lot less than 300 square metres in a General Residential Zone (GRZ)	Application Lapsed	9/11/2022

<b>Progress Report – Planning Application Decisions</b> <b>For The Application Date: From 1/11/2022 To 30/11/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
575/2021/P	South	16 Fenton Crescent, Frankston South 3199	To construct one (1) double storey dwelling in an Erosion Management Overlay Schedule 2 (EMO2) and Bushfire Management Overlay (BMO)	Permit Approved	10/11/2022
175/2022/P/VS	South	11 St Ives Avenue, Frankston South 3199	To construct a front fence in a Design and Development Overlay Schedule 1 (DDO1)	Application Withdrawn	14/11/2022
189/2022/P	South	13 McMahons Road, Frankston 3199	To use and develop the land for Student Accommodation in a Mixed Use Zone (MUZ). To construct buildings and works in a Design and Development Overlay Schedule 13 (DDO13) and Special Building Overlay (SBO). To create/alter access to a road in Transport Zone 2.	Permit Approved	15/11/2022
606/2021/P	South	24 Wakefield Avenue, Frankston South 3199	To construct one (1) double storey dwelling and domestic swimming pool in a Design and Development Overlay Schedule 9 (DDO9) To construct works within the Tree Protection Zone of a substantial tree in a Significant Landscape Overlay Schedule 4 (SLO4)	Permit Approved	21/11/2022
179/2022/P/VS	South	10 Bartlett Street, Frankston South 3199	To construct a double garage in a Design and Development Overlay (DDO3)	Permit Approved	23/11/2022
169/2022/P/VS	South	87 Yuille Street, Frankston South 3199	To construct a front fence in a Significant Landscape Overlay (SLO6)	Permit Approved	29/11/2022
164/2022/P/VS	South	13 Hopes Rise, Frankston South 3199	To realign the common boundary between lots 1 and 2 on PS643016X	Permit Approved	29/11/2022
South Ward = 14					
Total = 37					



<b>Progress Report – Amendments to Planning Application Decisions For The Application Date: From 1/11/2022 To 30/11/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
274/2020/P/A	North-East	12 Goshawk Court, Carrum Downs 3201	Extension of Time - To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	Extension of Time Approved	16/11/2022
<b>North-East Ward = 1</b>					
210/2020/P/B	North-West	245 Frankston-Dandenong Road, Frankston North 3200	Extension of Time - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ)	Extension of Time Approved	3/11/2022
548/2017/P/C	North-West	4 Longleaf Street, Frankston North 3200	Extension of Time - To construct three (3) double storey dwellings	Extension of Time Approved	3/11/2022
490/2020/P/A	North-West	2 Rosella Street, Frankston 3199 303 Nepean Highway, Frankston 3199	Section 72 - To use the land for medical centre, shop (pharmacy) and office, and to construct a five (5) storey building (containing four (4) dwellings, café, medical centre, shop (pharmacy) and office) in a Mixed Use Zone (MUZ), to construct a building and works in a Design and Development Overlay Schedule 5 (DDO5), to reduce the number of car parking spaces required under the Parking Overlay Schedule 1 (PO1) and to alter the access to road in a Transport Zone 2	Permit Approved	3/11/2022
374/2016/P/E	North-West	3 Victor Avenue, Seaford 3198	Extension of Time - To construct one (1) double storey dwelling	Extension of Time Approved	9/11/2022
598/2021/P/A	North-West	300 Frankston-Dandenong Road, Seaford 3198	Section 72 - To subdivide the land into two (2) lots in an Industrial 1 Zone (IN1Z) To subdivide land adjacent to a road in a Road Zone, Category 1 and creation of access to a Road Zone Category 1  Amendment: To re-align the proposed boundaries	Permit Approved	15/11/2022

<b>Progress Report – Amendments to Planning Application Decisions For The Application Date: From 1/11/2022 To 30/11/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
10/2011/P/B	North-West	1/39 & 39 Hallifax Street, Seaford 3198	Section 72 - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings).	Permit Approved	15/11/2022
216/2020/P/A	North-West	9-11 Jolly Street, Frankston 3199	Extension of Time - To construct five (5) double storey dwellings in a General Residential Zone (GRZ)	Extension of Time Approved	16/11/2022
99/2019/P/C	North-West	17 Railway Parade, Seaford 3198	Extension of Time - To construct three (3) double storey dwellings on a lot	Extension of Time Approved	17/11/2022
97/2016/P/E	North-West	10 Nepean Highway, Seaford 3198	Secondary Consent - To construct two (2) attached triple storey dwellings	Secondary Consent Approved	22/11/2022
81/2022/P/VS	North-West	48 Austin Road, Seaford 3198	Section 72 - To construct one (1) double storey dwelling in a Special Building Overlay (SBO)	Permit Approved	23/11/2022
<b>North-West Ward = 10</b>					
427/2018/P/D	South	18 Argyle Street, Frankston 3199	Secondary Consent - To construct six (6) dwellings and reduction of car parking requirements of Clause 52.06 of Frankston Planning Scheme.	Secondary Consent Approved	2/11/2022
461/2019/P/B	South	27 Overport Road, Frankston South 3199	Extension of time - To construct two (2) double storey dwellings to the rear of an existing dwelling (three (3) of dwellings on a lot) in a General Residential Zone (GRZ)	Extension of Time Approved	3/11/2022
79/2015/P/G	South	2 Pastoral Street, Frankston South 3199	Secondary Consent - Development of two or more dwellings on a lot in the General Residential Zone. Removal of one indigenous tree in a Significant Landscape Overlay Schedule 4.	Secondary Consent Approved	3/11/2022

<b>Progress Report – Amendments to Planning Application Decisions For The Application Date: From 1/11/2022 To 30/11/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
113/2020/P/D	South	93 McComb Boulevard, Frankston South 3199	Extension of Time - To construct one (1) double storey dwelling to rear of existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ) To construct a building and carry out works in a Design and Development Overlay Schedule 9 (DDO9) and Bushfire Management Overlay Schedule 1 (BMO1) To construct a building and carry out works within the Tree Protection Zone of substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4)	Extension of Time Approved	8/11/2022
635/2021/P/B	South	28 Bondi Avenue, Frankston 3199	Secondary Consent - To use and develop a Community Care Accommodation facility, comprising five (5) units in a General Residential Zone (GRZ)	Secondary Consent Approved	8/11/2022
6/2018/P/B	South	5/24-26 Robinia Street, Frankston 3199	Section 72 - To construct extensions to an existing dwelling on a lot of less than 300 square metres.	Permit Approved	8/11/2022
470/2017/P/C	South	4/8 Sibyl Avenue, Frankston South 3199	Section 72 - Vegetation removal (10 trees) and building and works within the Tree Protection Zone of substantial trees.	Application Lapsed	10/11/2022
403/2022/P/A	South	64 Moorooduc Highway, Frankston South 3199	Secondary Consent - To construct alterations and additions to an existing dwelling in a Design and Development Overlay Schedule 1 (DDO1)	Secondary Consent Approved	15/11/2022
303/2010/P/A	South	95 Highfield Drive, Langwarrin South 3911	Section 72 - To construct one double storey dwelling.	Permit Approved	15/11/2022
381/2016/P/E	South	65 Barretts Road, Langwarrin South 3911	Extension of Time - Two (2) lot subdivision	Extension of Time Approved	16/11/2022
374/2017/P/B	South	4C Kristen Close, Frankston South 3199	Extension of Time - To construct one (1) double storey dwelling and to remove native vegetation.	Extension of Time Approved	17/11/2022



<b>Progress Report – Amendments to Planning Application Decisions</b> <b>For The Application Date: From 1/11/2022 To 30/11/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
409/2018/P/C	South	5 Lardner Road, Frankston 3199	Extension of time - Four (4) lot subdivision	Extension of Time Approved	29/11/2022
184/2018/P/C	South	14 Overport Road, Frankston South 3199	Extension of Time - The construction of three (3) dwellings (two (2) double storey dwellings and one (1) single storey dwelling) and to remove substantial trees and to undertake buildings and works within the Tree Protection Zone (TPZ) of a substantial trees in a Significant Landscape Overlay Schedule 6.	Extension of Time Approved	29/11/2022
579/2018/P/A	South	35-37 McMahons Road, Frankston 3199	Extension of time - 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.	Extension of Time Approved	29/11/2022
South Ward = 14					
Total = 25					

Progress Report – Subdivision Application Received				
For The Application Date: From 1/11/2022 To 30/11/2022				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
111/2022/S	North-East	250 Wedge Road, Skye 3977	Thirty four (34) lot subdivision - Stage 2	8/11/2022
114/2022/S	North-East	965 Dandenong-Hastings Road, Skye 3977	Certification of five (5) lots	17/11/2022
119/2022/S	North-East	8 The Grove, Langwarrin 3910	To subdivide the land into three ( 3 ) lots in a General Residential Zone (GRZ)	22/11/2022
118/2022/S	North-East	1/90 Colemans Road, Carrum Downs 3201	To subdivide the land into three ( 3 ) lots in an Industrial 1 Zone (IN1Z)	24/11/2022
109/2022/S	North-West	32-34 Nepean Highway, Seaford 3198	Section 22 (Consolidation)	4/11/2022
113/2022/S	North-West	19 O'Grady Avenue, Frankston 3199	To subdivide the land into six ( 6 ) lots in a Residential Growth Zone ( RGZ1)	14/11/2022
116/2022/S	North-West	2C Bellevue Crescent, Seaford 3198	Six (6) lot subdivision	14/11/2022
106/2022/S	South	4 Villiers Street, Frankston South 3199	Section 22 (Consolidation)	7/11/2022
112/2022/S	South	62 North Road, Langwarrin 3910	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	8/11/2022
117/2022/S	South	5 Hill Street, Frankston 3199	Two Lot Subdivision	14/11/2022
115/2022/S	South	45 Humphries Road, Frankston South 3199	Variation of Restriction	29/11/2022
121/2022/S	South	44 Summit Road, Frankston 3199	Two (2) Lot Subdivision	29/11/2022
122/2022/S	South	27 Wallace Avenue, Frankston 3199	3 Lot Subdivision with Common Property	29/11/2022
Total = 13				

Progress Report – Subdivision Decisions					
For The Application Date: From 1/11/2022 To 30/11/2022					
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
163/2019/S	North-East	6 Larch Street, Langwarrin 3910	Two (2) lot subdivision	Certified	10/11/2022
19/2020/S	North-East	63 Cranbourne-Frankston Road, Langwarrin 3910	Four (4) lot subdivision	Recertified	11/11/2022
124/2020/S	North-East	45 Richard Drive, Langwarrin 3910	Three (3) lot subdivision	Certification and SOC Issued	10/11/2022
27/2021/S	North-East	26 Brunnings Road, Carrum Downs 3201	Twenty Six (26) lot Staged Subdivision	SOC Issued (M)	22/11/2022
58/2022/S	North-West	19 Inglis Avenue, Frankston 3199	To subdivide the land into five (5) lots in a Mixed Use Zone (MUZ).	SOC Issued (M)	29/11/2022
87/2021/S	South	4 Geoffrey Court, Frankston 3199	Two (2) lot subdivision	SOC Issued (M)	4/11/2022
Total = 6					



Town Planning Applications – Direction To Advertise Issued November 2022				
Application No	Ward	Property Address	Application Description	Application Date
300/2022/P	North-East	13 Quarrion Drive, Carrum Downs 3201	To construct one (1) double storey dwelling to the rear of the existing dwelling and subdivide the land into two (2) lots in a General Residential 1 Zone (GRZ)	2/05/2022
405/2022/P	North-East	8 Drake Court, Carrum Downs 3201	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ)	14/06/2022
41/2017/P/C	North-East	1105 Frankston-Dandenong Road, Carrum Downs 3201 7 Kieran Court, Carrum Downs 3201	Section 72 - To undertake buildings and works for an aged care facility and to remove native vegetation  Amendment :- - Amend permit address to include 7 Kieran Court Carrum Downs - Amend the plans to show a car park on 7 Kieran Court - Amend the permit preamble to read "To undertake buildings and works for an aged care facility, construction of a car park and to remove native vegetation"	7/07/2022
485/2022/P	North-East	110 Cadles Road, Carrum Downs 3201	To construct thirteen (13) double storey dwellings in a General Residential Zone (GRZ)	14/07/2022
579/2022/P	North-East	17 Buontempo Road, Carrum Downs 3201	To use the land for a minor sports and recreation facility (basketball training facility) in an Industrial 1 Zone (IN1Z).	23/08/2022
609/2022/P	North-East	Research Farm 42N Ballarto Road, Frankston North 3200	To use, and construct buildings and works for an Emergency Services Facility and to subdivide land in a Public Use Zone Schedule 7 (PUZ7), to remove native vegetation and to alter access to a road in a Transport Zone 2.	30/08/2022
617/2022/P	North-East	41 Maria Drive, Langwarrin 3910	To construct two (2) double storey dwellings in a General Residential Zone (GRZ)	31/08/2022
645/2022/P	North-East	1/7 Rowan Court, Carrum Downs 3201	Alterations and additions to the existing dwelling on a lot less than 300sq metres in a General Residential Zone (GRZ).	13/09/2022

Town Planning Applications – Direction To Advertise Issued November 2022				
Application No	Ward	Property Address	Application Description	Application Date
693/2022/P	North-East	255 Potts Road, Skye 3977	To construct an extension to an existing dwelling in a Rural Conservation Zone (RCZ)	5/10/2022
715/2022/P	North-East	620 Frankston-Dandenong Road Carrum Downs 3201	To use the land for the sale and consumption of liquor (Restaurant and Cafe Licence) in a General Residential Zone (GRZ)	17/10/2022
965/2003/P/A	North-East	Nth Golf Course/Clubhouse/Health Club 680 Thompsons Road, Sandhurst	Section 72 amendment to the existing general liquor licence to extend the red line area where liquor is allowed to be sold and consumed.	17/10/2022
801/2022/P	North-East	11A Industry Boulevard, Carrum Downs 3201	To use the land for a Leisure and Recreation Facility (Dance Studio) in an Industrial 1 Zone (1NZ1).	16/11/2022
7/2021/P	North-West	65 McMahons Road, Frankston 3199	To construct six (6) dwellings (including five (5) 2 level dwellings and one (1) 3 level dwelling) in a General Residential Zone (GRZ)	5/01/2021
651/2021/P	North-West	79-83 Beach Street, Frankston 3199	To construct thirteen (13) dwellings on land in a Residential Growth Zone (RGZ), to construct buildings and works in a Special Building Overlay (SBO) and Design and Development Overlay Schedule 12 (DDO12) and to create/alter access to a road in a Transport Zone 2.	22/10/2021
657/2021/P	North-West	300 Frankston-Dandenong Road, Seaford 3198	To subdivide the land into seventeen (17) lots in stages, to use and develop the land for warehouse, store (self-storage facility), four (4) convenience restaurants, restricted retail premises and restricted recreation facility (gym) in stages in an Industrial 1 Zone (IN1Z), to erect and display signage, to reduce the number of car spaces required under Clause 52.06-5 for the store and warehouse, to create and alter access to a road in a Transport Zone 2, to remove easements, to remove native vegetation under Clause 52.17 Native Vegetation	26/10/2021

Town Planning Applications – Direction To Advertise Issued November 2022				
Application No	Ward	Property Address	Application Description	Application Date
181/2022/P	North-West	4 Kerry Street, Seaford 3198	To convert an existing habitable outbuilding to the rear of the existing dwelling into a second dwelling (two dwellings on a lot) and to subdivide the land into two (2) lots in a General Residential Zone (GRZ)	24/03/2022
395/2022/P	North-West	62 Nepean Highway, Seaford 3198	To construct a three (3) storey dwelling in a General Residential Zone (GRZ) and Design and Development Overlay Schedule 6 (DDO6)	8/06/2022
446/2022/P	North-West	383-389 Nepean Highway, Frankston 3199	Use and development of the land for a five to six (5-6) storey office building in a Mixed Use Zone, Design and Development Overlay (Schedule 5) and Special Building Overlay, reduction to car parking requirements of Clause 52.06 of the Frankston Planning Scheme, construction and display of two business identification signs and one floodlit identification sign and alteration to access to a road in a Transport Zone 2	29/06/2022
459/2022/P	North-West	20 McAlister Street, Frankston 3199	To construct one (1) double storey dwelling to rear of existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ)	5/07/2022
473/2022/P	North-West	31 Henry Crescent, Seaford 3198	To construct two (2) double storey dwellings in a General Residential Zone (GRZ)	11/07/2022
491/2022/P	North-West	81 McMahon's Road, Frankston 3199	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	19/07/2022
504/2022/P	North-West	90 Railway Parade, Seaford 3198	To construct two (2) single storey dwellings on a lot in a General Residential Zone (GRZ)	21/07/2022
553/2022/P	North-West	9 Seaford Road, Seaford 3198	To construct two (2) double storey dwellings in a General Residential Zone (GRZ) and to alter access to a road in a Transport Zone 2.	29/07/2022



Town Planning Applications – Direction To Advertise Issued November 2022				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Application Date</u>
543/2022/P	North-West	3 East Road, Seaford 3198	To construct three (3) double storey dwellings and to subdivide the land into three (3) lots in a General Residential Zone (GRZ)	8/08/2022
558/2022/P	North-West	9 Fellowes Street, Seaford 3198	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ)	15/08/2022
572/2022/P	North-West	51 Orwil Street, Frankston 3199	To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ)	18/08/2022
197/2002/P/C	North-West	1-3 Wells Road, Seaford 3198	Section 72 - Alterations and additions to the existing motor vehicle sales showroom, yard and workshop, in accordance with the endorsed plans  Amendments: - Extension to showroom - Alter access to a road in a Transport Zone 2 - Amendments to signage	19/08/2022
56/2006/P/A	North-West	2 Hope Court, Frankston 3199 81-83 Dandenong Road East, Frankston 3199	Section 72 - Use and develop the land for a child care centre and associated car parking facilities.  To make internal alterations to the existing building, to expand the childcare facility onto 2 Hope Court, Frankston, and to increase the overall number of childcare places to 116 (from 86)	22/08/2022
603/2022/P	North-West	11 Johnstone Street, Seaford 3198	To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ) and to construct buildings and works in a Special Building Overlay (SBO)	26/08/2022
637/2022/P	North-West	13 Chicquita Avenue, Seaford 3198	To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ)	12/09/2022

Town Planning Applications – Direction To Advertise Issued November 2022				
Application No	Ward	Property Address	Application Description	Application Date
665/2022/P	North-West	Shop S202/330 Cranbourne Road, Frankston 3199	To use the land for the sale and consumption of liquor (Restaurant and Cafe Licence)	20/09/2022
664/2022/P	North-West	34 Bursaria Crescent, Frankston North 3200	To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ)	20/09/2022
670/2022/P	North-West	11 McRae Street, Seaford 3198	To construct two (2) double storey dwellings in a General Residential Zone (GRZ).	21/09/2022
680/2022/P	North-West	8 Radiata Street, Frankston North 3200	To construct two (2) double storey dwellings in a General Residential Zone (GRZ).	29/09/2022
477/2018/P/C	North-West	10 New Street, Frankston 3199 Com Prop 5 Kookaburra Street, Frankston 3199	Section 72 Amendment - To use the site for a micro-brewery, Food and drink premises (restaurant), sell and consumption of liquor (wine and beer producer's licence) in association with a micro-brewery and reduction in the car parking requirements of Clause 52.06 of the Frankston Planning Scheme and removal of the Restrictive Covenant as to part PS342345F -24/10/1997.  Amendment: - Amend red line area where liquor is allowed to be sold and consumed. - Amend Condition 5 (restaurant operating hours) - Amend Condition 6 (micro-brewery operating hours) - Amend Condition 7 (patron numbers)	25/10/2022
760/2022/P	North-West	Frankston Basketball Stadium 90 Bardia Avenue, Seaford 3198 39 Wells Road, Seaford 3198	To use and construct buildings and works for a car park in an Industrial 1 Zone (IN1Z), to construct buildings and works in a Special Building Overlay (SBO) and to create and alter access to a road in a Transport Zone 2 (TZ2).	28/10/2022
817/2022/P	North-West	20 Cumberland Drive, Seaford 3198	Change of use and signage for vehicle sales premises.	24/11/2022

Town Planning Applications – Direction To Advertise Issued November 2022				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Application Date</u>
275/1995/P/A	South	615 McClelland Drive, Langwarrin 3910	<p>Section 72 - Garden Supply, Tea Rooms, Playground</p> <p>To amend the permit by:</p> <ul style="list-style-type: none"> <li>- Amending the description of what the permit allows to "The land to be developed and used for a wholesale and retail landscape gardening supplies, office, solid fuel depot, concrete batching plant, associated blending and packaging of supplies and signage in accordance with the attached endorsed plans."</li> <li>- Amend the conditions of the permit to be consistent with the amended description and incorporate the relevant conditions from permit's 487/1997/P and 539/2012/P.</li> <li>- Considering amended plans.</li> <li>- Including business identification signage as part of the permit.</li> </ul>	1/02/2022
156/2022/P	South	91 Warrandyte Road, Langwarrin 3910	To construct three (3) double storey dwellings in a General Residential Zone (GRZ)	18/03/2022
373/2022/P	South	36 Sanders Road, Frankston South 3199	To construct eight (8) double storey dwellings on a lot in a General Residential Zone (GRZ), to remove and construct buildings and works in the Tree Protection Zone of Substantial Trees in a Significant Landscape Overlay Schedule 4 (SLO4), to construct buildings and works in a Bushfire Management Overlay (BMO) and a Design and Development Overlay Schedule 9 (DDO9)	24/05/2022
376/2022/P	South	42 Bergman Road, Langwarrin 3910	To construct an outbuilding in a Design and Development Overlay Schedule 4 (DDO4) and Bushfire Management Overlay (BMO)	1/06/2022



Town Planning Applications – Direction To Advertise Issued November 2022				
Application No	Ward	Property Address	Application Description	Application Date
389/2022/P	South	3 Coogee Avenue, Frankston 3199	To construct four (4) double storey dwellings in a General Residential Zone (GRZ)	7/06/2022
396/2022/P	South	15 Baden Powell Drive, Frankston South 3199	To construct two (2) double storey dwellings over basement in a General Residential Zone (GRZ), Design and Development Overlay Schedule 9 (DDO9) and Bushfire Management Overlay (BMO) To construct works within the tree protection zone of substantial tree(s) in a Significant Landscape Overlay Schedule 4 (SLO4)	8/06/2022
415/2022/P	South	43 Culcairn Drive, Frankston South 3199	To construct six (6) double storey dwellings on a lot in a General Residential Zone (GRZ) and Design and Development Overlay Schedule 9 (DDO9) To construct buildings and works within the tree protection zone of substantial tree(s) in a Significant Landscape Overlay Schedule 4 (SLO4)	21/06/2022
443/2022/P	South	19-21 Gulls Way, Frankston South 3199	To construct one (1) triple storey dwelling in a Design and Development Overlay Schedule 2 (DDO2)	1/07/2022
6/2018/P/B	South	5/24-26 Robinia Street, Frankston 3199	Section 72 - To construct extensions to an existing dwelling on a lot of less than 300 square metres.	19/07/2022
523/2022/P	South	8 Robinsons Road, Frankston South 3199	To construct five (5) single storey retirement units within an existing retirement village	28/07/2022
548/2022/P	South	438-444 Nepean Highway, Frankston 3199	Construction of a sixteen (16) storey building in a Commercial 1 Zone (B12), use of land for Dwellings, creation/alteration to access to a road in a Transport Zone 2 and reduction in car parking requirements under Clause 52.06 of the Frankston Planning Scheme	1/08/2022
560/2022/P	South	8 Cliff Road, Frankston 3199	To construct one (1) double storey dwelling in a Design and Development Overlay (DDO6) and to construct buildings and works and remove vegetation in an Erosion Management Overlay Schedule 3 (EMO3)	15/08/2022

Town Planning Applications – Direction To Advertise Issued November 2022				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Application Date</u>
567/2022/P	South	80 Newton Avenue, Langwarrin South 3911	To construct buildings and works associated with accommodation in a Bushfire Management Overlay (BMO) and to construct buildings and works for a dwelling over 7.0 metres in height in a Design and Development Overlay Schedule 4 (DDO4)	16/08/2022
573/2022/P	South	11 Catherine Parade, Frankston 3199	To construct two (2) double storey dwellings in a General Residential Zone (R1Z)	19/08/2022
569/2022/P	South	48 Bayview Road, Frankston 3199	To construct two (2) double storey dwellings in a General Residential Zone (GRZ)	22/08/2022
602/2022/P	South	43 Highview Road, Frankston 3199	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	26/08/2022
612/2022/P	South	2 Healsview Court, Langwarrin South 3911	To construct a single double storey dwelling (exceeding 7.0m in height) in Design and Development Overlay (DDO4)	31/08/2022
626/2022/P	South	37 Gweno Avenue, Frankston 3199	To construct buildings and works to an existing dwelling in a Design and Development Overlay Schedule 6 (DDO6)	6/09/2022
624/2022/P	South	25 Jasper Terrace, Frankston South 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) in a General Residential Zone (GRZ) and a Design and Development Overlay Schedule 6 (DDO6)	6/09/2022
631/2022/P	South	14 Wentworth Avenue, Frankston South 3199	To construct two (2) double storey dwellings in a General Residential Zone (GRZ) and a Design and Development Overlay Schedule 9 (DDO9), and construct a building or construct or carry out works and remove, destroy or lop vegetation in a Significant Landscape Overlay Schedule 4 (SLO4)	8/09/2022

Town Planning Applications – Direction To Advertise Issued November 2022				
Application No	Ward	Property Address	Application Description	Application Date
193/2021/P/D	South	641B Nepean Highway, Frankston South 3199	Section 72 - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ), to construct a building in a Design and Development Overlay Schedule (DDO9) and to create access to a road in a Road Zone Category 1	12/09/2022
533/2017/P/D	South	159 Kars Street, Frankston South 3199	Section 72 - To construct a front fence (retrospective) and to construct buildings and works in association with extensions to an existing dwelling.	13/09/2022
656/2022/P	South	38 McComb Boulevard, Frankston South 3199	To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a front fence and construct buildings and works in the tree protection zone of substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and works in a Design and Development Overlay Schedule 9 (DDO9)	16/09/2022
672/2022/P	South	Shop 1/16 Clyde Street Mall, Frankston South 3199	To use the land for the sale and consumption of liquor and to erect and display business identification signage in a Commercial 1 zone.	21/09/2022
688/2022/P	South	1 Piper Crescent, Frankston South 3199	To construct two (2) dwellings (one (1) double storey and one (1) single storey) in a General Residential Zone (GRZ) and to remove a substantial tree, as well as construct buildings and works in the tree protection zone of substantial trees in a Significant Landscape Overlay Schedule 3 (SLO3).	3/10/2022
518/2017/P/I	South	105 Humphries Road, Frankston South 3199	Section 72 amendment to approved plans and permit comprising an increase in the number of children from 96 (this is as per condition 13 of the planning permit) to 100 and the addition of one car parking space.	12/10/2022



Town Planning Applications – Direction To Advertise Issued November 2022				
Application No	Ward	Property Address	Application Description	Application Date
731/2022/P	South	152 Gould Street, Frankston 3199	To construct a double storey dwelling with a height more than 7 metres in a Design and Development Overlay (DDO6)	24/10/2022
312/2021/P/B	South	1 Scenic Close, Frankston South 3199	Section 72 Amendment - To construct one (1) dwelling in a Design and Development Overlay Schedule 1 (DDO1), to undertake works within the tree protection zone of a substantial tree in a Significant Landscape Overlay Schedule 3 (SLO3)  Amendment: Amended dwelling design	2/11/2022
47/2022/P/C	South	16 McComb Boulevard, Frankston South 3199	Section 72 - To construct an extension to an existing dwelling in a Design and Development Overlay Schedule 9 (DDO9). To remove a substantial tree and construct a front fence in a Significant Landscape Overlay Schedule 4 (SLO4).  Amendments: - Laundry relocated within the alfresco; - Enclosure of southern section of the alfresco; and - Consequential internal rearrangements.	25/11/2022

**Legend**

10 or more dwellings:	Yellow
3 or more lot subdivisions:	Blue
3 or more storey development:	Green
Applications in the CAA:	Pink

Progress Report – Current VCAT Appeals November 2022									
<u>Appeal No</u>	<u>Application Number</u>	<u>Address</u>	<u>Proposal</u>	<u>Lodged at VCAT</u>	<u>Council Decision</u>	<u>Appeal Type</u>	<u>Date of Appeal</u>	<u>VCAT Decision</u>	<u>Date of VCAT Decision</u>
P324/2022	167/2021/P	92 Cadles Road Carrum Downs	To construct twenty two (22) dwellings on a lot in a General Residential Zone (GRZ) and to remove native vegetation under Clause 52.17 Native Vegetation of the Frankston Planning Scheme	27/4/2022	Refusal	Refusal	12/12/2022		
P1471/2022	112/2022/P	22 McComb Boulevard, Frankston South	To construct three (3) double storey dwellings in a General Residential Zone (GRZ) to undertake buildings and works within Schedule 9 to the Design and Development Overlay (DDO9) and to undertake works within Schedule 4 to the Significant Landscape Overlay (SLO4)	1/11/2022	NOD	Objector	6/07/2023		

Progress Report – VCAT Determination – Policy Implications November 2022			
<u>Appeal No</u>	<u>Application No</u>	<u>Address</u>	<u>VCAT Determination – Policy Implications</u>
P940/2022	606/2021/P	24 Wakefield Avenue Frankston South	The application sought permission to construct one (1) double storey dwelling and domestic swimming pool in a Design and Development Overlay Schedule 9 (DDO9) To construct works within the Tree Protection Zone of a substantial tree in a Significant Landscape Overlay Schedule 4 (SLO4). A permit was issued by Council and the Applicant sought a review of the conditions of the permit. The VCAT directed that a modified permit should be issued, removing the conditions requiring the materials of the first floor façade be varied the setback of the swimming pool from the west boundary increased and amending the conditions of the permit to reduce the extent of changes to the setbacks of ground and first floors from the site boundaries.
P233/2022	246/2021/P	2 The Spur Frankston South	The application sought permission to subdivide the land into two (2) lots and to remove vegetation. A Notice of Decision to Grant a Permit was issued. An objector sought a review of this decision. The VCAT directed that a permit should be issued and considered that the proposal was acceptable with regard to neighbourhood character and the relevant planning controls and would with the inclusion of conditions would result in an acceptable landscape outcome.



<b>Progress Report – Planning Applications Received</b> <b>For The Application Date: From 1/12/2022 To 31/12/2022</b>				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
851/2022/P	North-East	71 Hall Road, Carrum Downs 3201	Buildings and works in a Commercial 1 Zone and Special Building Overlay.	5/12/2022
841/2022/P	North-East	37 Clifton Grove, Carrum Downs 3201	To subdivide the land into eight (8) lots in a General Residential Zone (GRZ)	1/12/2022
891/2022/P	North-East	64 Hillcrest Drive, Langwarrin 3910	To construct an outbuilding in a Design and Development Overlay Schedule 4 (DDO4), to remove and construct buildings and works in the tree protection zone of substantial trees in a Significant Landscape Overlay Schedule 1 (SLO1) and to remove native vegetation.	8/12/2022
873/2022/P	North-East	1325 Frankston-Dandenong Road, Carrum Downs 3201	To construct buildings and works (thirty two (32) cabins) in association with a Section 2 Use (Caravan Park) in a General Residential Zone (GRZ)	12/12/2022
877/2022/P	North-East	6 Lyrebird Drive, Carrum Downs 3201	To construct three (3) double storey dwellings on a lot in a General Residential Zone (GRZ) and Bushfire Management Overlay Schedule 1 (BMO1)	12/12/2022
905/2022/P	North-East	8 The Grove, Langwarrin 3910	To subdivide the land into three (3) lots in a General Residential Zone (GRZ)	20/12/2022
205/2022/P/VS	North-East	13 Kingston Road, Langwarrin 3910	To construct an outbuilding in a Design and Development Overlay Schedule 4 (DDO4)	22/12/2022
<b>North-East Ward = 7</b>				
894/2022/P	North-West	56 Kashmir Crescent, Frankston 3199	To vary the restrictive covenant C442212 by deleting the words "...three feet..." and replacing with the words "...two (2.00) metres above ground level (excluding any gate, or portico, or similar entrance structure)..."	2/12/2022
848/2022/P	North-West	44 Drysdale Avenue, Frankston 3199	To construct an extension to existing dwelling in Special Building Overlay (SBO)	5/12/2022

<b>Progress Report – Planning Applications Received</b> <b>For The Application Date: From 1/12/2022 To 31/12/2022</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
847/2022/P	North-West	3 Chicquita Avenue, Seaford 3198	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) in a General Residential Zone (GRZ)	5/12/2022
849/2022/P	North-West	13 Forest Drive, Frankston North 3200	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ)	5/12/2022
850/2022/P	North-West	19 Cascade Street, Frankston 3199	To construct three (3) double storey dwellings on a lot in a General Residential Zone (GRZ)	5/12/2022
859/2022/P	North-West	1 Nilma Court, Frankston 3199	To construct three (3) double storey dwellings on a lot in a General Residential Zone (GRZ)	6/12/2022
192/2022/P/VS	North-West	27 Ireland Street, Seaford 3198	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	6/12/2022
867/2022/P	North-West	163 & 163A Frankston-Dandenong Road, Frankston 3199	To construct buildings and works in a Special Use Zone Schedule 1 (SUZ1) and Special Building Overlay (SBO), to construct buildings and work and remove native vegetation in an Environmental Significance Overlay Schedule 1 (ESO1) and to remove native vegetation	7/12/2022
868/2022/P	North-West	47 Fortescue Avenue, Seaford 3198	To construct one (1) double storey dwelling in a Special Building Overlay (SBO)	8/12/2022
892/2022/P	North-West	104 Rosemary Crescent, Frankston North 3200	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ)	12/12/2022
875/2022/P	North-West	7 Mereweather Avenue, Frankston 3199	To construct two (2) double storey dwellings to the side of the existing apartment building (contains four dwellings) and one dwelling (seven (7) dwellings) in a Mixed Use Zone (MUZ), Design Development Overlay Schedule 5 (DDO5) and Special Building Overlay (SBO)	12/12/2022

<b>Progress Report – Planning Applications Received</b> <b>For The Application Date: From 1/12/2022 To 31/12/2022</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
196/2022/P/VS	North-West	68 Orwil Street, Frankston 3199	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	12/12/2022
883/2022/P	North-West	6 Carder Avenue, Seaford 3198	To construct four (4) double storey dwellings in a General Residential Zone (GRZ) and a Special Building Overlay (SBO)	13/12/2022
884/2022/P	North-West	4 Carder Avenue, Seaford 3198	To construct four (4) double storey dwellings in a General Residential Zone (GRZ) and a Special Building Overlay (SBO)	13/12/2022
200/2022/P/VS	North-West	1 Hilton Court, Frankston 3199	To construct a front fence in a Special Building Overlay (SBO)	15/12/2022
898/2022/P	North-West	163 Frankston-Dandenong Road, Frankston 3199 7 Skye Road, Frankston 3199	To construct buildings and works (shed and extension and modifications to an existing shed) in a Special Use Zone (SUZ1), Special Building Overlay (SBO) and Environmental Significance Overlay Schedule 1 (ESO1) To remove a native tree in an Environmental Significance Overlay Schedule 1 (ESO1)	19/12/2022
900/2022/P	North-West	29 Stanley Street, Frankston 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ)	19/12/2022
906/2022/P	North-West	34B Rosslyn Avenue, Seaford 3198	To construct a Veranda in a Special Building Overlay (SBO)	20/12/2022
904/2022/P	North-West	7/197-198 Nepean Highway, Seaford 3198	To construct an extension (deck/balcony) to an existing dwelling on a lot less than 300 square metres in a General Residential Zone (GRZ)	20/12/2022
907/2022/P	North-West	71 Grimwade Crescent, Frankston 3199	To construct an extension to existing dwelling in Special Building Overlay (SBO)	20/12/2022
912/2022/P	North-West	1/211-279 & 211-279 Skye Road, Frankston 3199	To construct three (3) outbuildings associated with the existing golf course in a Special Use Zone	21/12/2022
4/2023/P	North-West	1/211-279 Skye Road, Frankston 3199	To construct buildings and works (access road) in a Special Use Zone (SUZ1)	22/12/2022
2/2023/P	North-West	1/211-279 Skye Road, Frankston 3199	To construct buildings and works (carpark) in a Special Use Zone (SUZ1)	22/12/2022



<b>Progress Report – Planning Applications Received</b> <b>For The Application Date: From 1/12/2022 To 31/12/2022</b>				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
3/2023/P	North-West	1/211-279 Skye Road, Frankston 3199	To construct buildings and works (upgrade two vehicle and pedestrian entries) in a Special Use Zone (SUZ1) and to display business identification signs	22/12/2022
206/2022/P/VS	North-West	37 Lorna Street, Seaford 3198	To construct a building and carry out works for community care accommodation in a Special Building Overlay (SBO)	23/12/2022
918/2022/P	North-West	125A & 126 Nepean Highway, Seaford 3198	To construct buildings and works including illuminated business identification signage in a Commercial 1 Zone (C1Z) To reduce the number of car parking spaces required under Clause 52.06-5 of the Frankston Planning Scheme	23/12/2022
921/2022/P	North-West	17-21 Mereweather Avenue, Frankston 3199	To subdivide the land into twenty three (23) lots in a Residential Growth Zone (RGZ), Special Building Overlay (SBO) and Design and Development Overlay Schedule 12 (DDO12)	23/12/2022
<b>North-West Ward = 27</b>				
842/2022/P	South	27 Wallace Avenue, Frankston 3199	To subdivide the land into three (3) lots in a General Residential Zone (GRZ)	1/12/2022
843/2022/P	South	44 Summit Road, Frankston 3199	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	1/12/2022
860/2022/P	South	445-447 Nepean Highway, Frankston 3199	The retention of the existing Major Promotion Sky Sign (including existing associated structures) and the continuing display of an existing illuminated (floodlit) Major Promotion Sky Sign	5/12/2022
858/2022/P	South	108 Foot Street, Frankston South 3199	To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ) and Design and Development Overlay Schedule 9 (DDO9), To construct a front fence, to construct buildings and works in the tree protection zone of substantial trees and to remove substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4)	5/12/2022

<b>Progress Report – Planning Applications Received</b> <b>For The Application Date: From 1/12/2022 To 31/12/2022</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
856/2022/P	South	Ground Flr 9 Playne Street, Frankston 3199	To use the land for leisure and recreation in a Commercial 1 Zone (C1Z)	5/12/2022
857/2022/P	South	7 Olsen Street, Frankston 3199	To use the land to sell packaged liquor in a Commercial 1 Zone (C1Z)	5/12/2022
861/2022/P	South	90 West Road, Langwarrin South 3911	To construct buildings and works for an outbuilding in a Bushfire Management Overlay (BMO) and Rural Conservation Zone Schedule 1 (RCZ1)	6/12/2022
869/2022/P	South	13 Karina Street, Frankston South 3199	To construct an extension to an existing dwelling with swimming pool in a Design and Development Overlay (DDO1) and to remove one (1) tree within a Significant Landscape Overlay (SLO3)	8/12/2022
876/2022/P	South	8 Stradbroke Avenue, Frankston South 3199	To construct an extension to a dwelling in a Design and Development Overlay Schedule 9 (DDO9)	12/12/2022
874/2022/P	South	8/145 Frankston-Flinders Road, Frankston 3199	To construct building and works (facade) to existing shop front in a Design and Development Overlay Schedule 9 (DDO9)	12/12/2022
882/2022/P	South	55 Lawson Avenue, Frankston South 3199	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	12/12/2022
885/2022/P	South	11 Yamala Drive, Frankston South 3199	To construct a single storey dwelling and outbuilding in a Design and Development Overlay (DDO2) and to remove and construct buildings and works in the tree protection zone of substantial trees in a Significant Landscape Overlay Schedule 3 (SLO3)	13/12/2022
198/2022/P/VS	South	1/4 Poinciana Street, Frankston South 3199	To construct an extension to an existing dwelling (outbuilding) in a Design and Development Overlay Schedule 9 (DDO9)	13/12/2022
879/2022/P	South	25 Aldershot Road, Langwarrin 3910	To construct an outbuilding in a Design and Development Overlay Schedule 4 (DDO4) and Bushfire Management Overlay	13/12/2022

<b>Progress Report – Planning Applications Received</b> <b>For The Application Date: From 1/12/2022 To 31/12/2022</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
889/2022/P	South	4 Blair Avenue, Frankston South 3199	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings) in a General Residential Zone (GRZ), Design and Development Overlay Schedule 9 (DDO9) and Significant Landscape Overlay Schedule 4 (SLO4)	13/12/2022
903/2022/P	South	35 Derinya Drive, Frankston South 3199	To construct a double storey dwelling and swimming pool in a Design and Development Overlay Schedule 1 (DDO1) and Bushfire Management Overlay (BMO1) To remove substantial trees in a Significant Landscape Overlay Schedule 3 (SLO3)	19/12/2022
897/2022/P	South	3 Nott Avenue, Frankston 3199	To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ) and Special Building Overlay (SBO)	19/12/2022
899/2022/P	South	1 & 2 Plowman Place, Frankston 3199	To subdivide the land into seventy one (71) lots in a Commercial 1 Zone (CZ1)	19/12/2022
901/2022/P	South	14 Cliff Road, Frankston 3199	To construct a retaining wall in an Erosion Management Overlay Schedule 3 (EMO3)	20/12/2022
202/2022/P/VS	South	15 Jamboree Avenue, Frankston South 3199	To construct an extension to an existing dwelling (verandah & deck) in a Significant Landscape Overlay Schedule 6 (SLO6)	20/12/2022
201/2022/P/VS	South	435 Robinsons Road, Langwarrin 3910	To construct an outbuilding (gazebo) in a Design and Development Overlay Schedule 4 (DDO4)	20/12/2022
908/2022/P	South	10 Mountain Avenue, Frankston South 3199	To construct two (2) double storey dwellings and to subdivide the land into two (2) lots in a General Residential Zone (GRZ) and Design and Development Overlay Schedule 1 (DDO1) To remove substantial trees in a Significant Landscape Overlay Schedule 3 (SLO3)	20/12/2022
203/2022/P/VS	South	22 Norman Avenue, Frankston South 3199	To remove one (1) substantial tree in a Significant Landscape Overlay Schedule 4 (SLO4)	20/12/2022
7/2023/P	South	183 Cranbourne Road, Frankston 3199	To use land for a telecommunications facility and to construct building and works within a General Residential Zone (GRZ)	20/12/2022



<b>Progress Report – Planning Applications Received</b> <b>For The Application Date: From 1/12/2022 To 31/12/2022</b>				
<b><u>Application No</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Date</u></b>
909/2022/P	South	15 Oakfield Court, Frankston South 3199	To construct a single storey dwelling in a Significant Landscape Overlay Schedule 6 (SLO6)	21/12/2022
911/2022/P	South	89 Young Street, Frankston 3199	To develop the land for a multi-storey building (comprising retail, office and dwellings) within the Commercial 1 Zone (CZ1) and reduction in the car parking requirements	21/12/2022
913/2022/P	South	20 Burnett Crescent, Frankston South 3199	To construct three (3) double storey dwellings in a General Residential Zone (GRZ)	22/12/2022
920/2022/P	South	14 Roberts Street, Frankston 3199	To construct a building and carry out works for community care accommodation in a Special Building Overlay (SBO)	23/12/2022
916/2022/P	South	57 Derinya Drive, Frankston South 3199	To construct an extension to an existing dwelling in a Design and Development Overlay Schedule 1 (DDO1)	23/12/2022
919/2022/P	South	455 Warrandyte Road, Langwarrin South 3911	To construct an outbuilding in a Design and Development Overlay Schedule 4 (DDO4) and Bushfire Management Overlay (BMO)	23/12/2022
917/2022/P	South	56 High Street, Frankston 3199	To construct six (6) double storey dwellings in a General Residential Zone (GRZ)	23/12/2022
<b>South Ward = 31</b>				
<b>Total = 65</b>				

<b>Progress Report – Amendments to Planning Permits Received</b> <b>For The Application Date: From 1/12/2022 To 31/12/2022</b>				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
111361/1985/P/A	North-East	1325 Frankston-Dandenong Road, Carrum Downs 3201	Section 72 - To have buildings and works erected thereon in accordance with the endorsed plan (3 sheets) attached to the Notice of Determination to grant a permit dated 24 June 1985 and to be used for the purpose of a 12 unit motel and associated car parking.	1/12/2022
232/2016/P/F	North-East	26 Paterson Avenue, Langwarrin 3910	Extension of time - To construct one (1) double storey dwelling to the rear of the existing dwelling two (2) dwellings)	5/12/2022
63/2021/P/Q	North-East	17 & 18 Pagett Road, Carrum Downs 3201	Secondary Consent - To construct one hundred and thirty-five (135) dwellings in stages in a General Residential Zone (GRZ) and to remove native vegetation under Clause 52.17 of the Frankston Planning Scheme	7/12/2022
316/2014/P/F	North-East	34 Potts Road, Langwarrin 3910	Section 72 - To construct twenty four (24) single storey dwellings to the rear of existing dwelling (twenty five dwellings)	12/12/2022
339/2020/P/F	North-East	11 Paddington Avenue, Carrum Downs 3201	Extension of time - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ)	21/12/2022
142/2019/P/VS	North-East	520 Cranbourne-Frankston Road, Langwarrin 3910	Section 72 - To construct alterations and additions to existing dwelling in a Rural Conservation Zone Schedule 1 (RCZ1)	21/12/2022
<b>North-East Ward = 6</b>				
34/2022/P/VS	North-West	3 Pine Street, Frankston North 3200	Section 72 - To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	1/12/2022
237/2003/P/B	North-West	43 Nepean Highway, Seaford 3198	Secondary consent - Four (4) Dwellings	5/12/2022
18/2016/P/F	North-West	13 Ebdale Street, Frankston 3199	Secondary Consent - The construction of seven (7) three (3) storey dwellings	5/12/2022
204/2020/P/E	North-West	6 Eel Race Road, Seaford 3198	Section 72 - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ)	5/12/2022

<b>Progress Report – Amendments to Planning Permits Received</b> <b>For The Application Date: From 1/12/2022 To 31/12/2022</b>				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
204/2020/P/F	North-West	6 Eel Race Road, Seaford 3198	Extension of Time - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ)	7/12/2022
48/2019/P/VS	North-West	6-8 Andrew Street, Seaford 3198	Section 72 - Buildings and works associated with a Section 2 Use (Child Care Centre) in a General Residential Zone	7/12/2022
332/2016/P/D	North-West	20 Mahogany Avenue, Frankston North 3200	Extension of Time - The construction of two (2) single storey dwellings	12/12/2022
561/2022/P/A	North-West	6 Austin Road, Seaford 3198	Secondary Consent - To construct a dwelling in a Special Building Overlay (SBO)	12/12/2022
97/2016/P/F	North-West	10 Nepean Highway, Seaford 3198	Extension of Time - To construct two (2) attached triple storey dwellings	13/12/2022
264/2018/P/E	North-West	16 East Road, Seaford 3198	Secondary Consent - To construct four (4) double storey dwellings and four (4) lot subdivision	19/12/2022
<b>North-West Ward = 10</b>				
261/2017/P/C	South	7 Bridgewater Court, Langwarrin 3910	Secondary Consent - Use and Building and works to construct one (1) single storey dwelling	1/12/2022
254/2020/P/B	South	1 Bader Court, Frankston South 3199	Extension of Time - To construct one (1) double storey dwellings to the rear of an existing dwelling (two (2) dwellings) on a lot in a General Residential Zone (GRZ), to construct a building and carry out buildings and works in a Design and Development Overlay Schedule 9 (DDO9), to remove and undertake buildings and works in the tree protection zone of substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4)	7/12/2022
337/2018/P/G	South	70 High Street, Frankston 3199	Section 72 - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) and a two (2) lot subdivision	7/12/2022
164/2020/P/C	South	5/2 Stockhaven Circuit, Langwarrin 3910 79A Cranhaven Road, Langwarrin 3910	Secondary Consent - To construct seven (7) single storey dwellings on a lot in a General Residential Zone (GRZ)	12/12/2022



<b>Progress Report – Amendments to Planning Permits Received</b> <b>For The Application Date: From 1/12/2022 To 31/12/2022</b>				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
242/2020/P/E	South	Jubilee Park 83R-85R Hillcrest Road, Frankston 3199	Secondary Consent - To remove and destroy native vegetation. pursuant to Clause 52.17	12/12/2022
138/2020/P/B	South	17 Kenilworth Avenue, Frankston 3199	Secondary Consent - To construct four (4) double storey dwellings on a lot in a General Residential Zone (GRZ)	13/12/2022
235/2018/P/B	South	52-56 Frankston-Flinders Road, Frankston 3199	Section 72 - To use the land for a Medical Centre within a General Residential Zone (Section 2 Use) and reduce the number of car parking spaces required under Clause 52.06-5 of the Frankston Planning Scheme	13/12/2022
497/2022/P/A	South	3 Parzay Court, Langwarrin South 3911	Section 72 - To construct one (1) single storey dwelling and two (2) outbuildings in a Design and Development Overlay Schedule 4 (DDO4).	15/12/2022
296/2022/P/C	South	11 Merrigal Court, Frankston South 3199	Section 72 - To construct one (1) double storey dwelling in a Design and Development Overlay Schedule 1 (DDO1) and remove and construct buildings and works in the Tree Protection Zone of substantial trees in a Significant Landscape Overlay Schedule 3 (SLO3)	20/12/2022
38/2020/P/C	South	22 Yamala Drive, Frankston South 3199	Secondary Consent - To carry out buildings and works in a Design and Development Overlay Schedule 2 (DDO2) and to remove two (2) substantial trees and to carry out works within the Tree Protection Zones of substantial trees in a Significant Landscape Overlay Schedule 3 (SLO3)	21/12/2022
612/2013/P/D	South	642A Nepean Highway, Frankston South 3199	Extension of Time - Three (3) lot subdivision and removal of native vegetation	23/12/2022
South Ward = 11				
Total = 27				

<b>Progress Report – Planning Application Decisions</b> <b>For The Application Date: From 1/12/2022 To 31/12/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
617/2022/P	North-East	41 Maria Drive, Langwarrin 3910	To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ)	Decision to Issue - Awaiting planner signature	1/12/2022
451/2022/P	North-East	34 Brett Drive, Carrum Downs 3201	To construct forty three (43) warehouses in an Industrial 1 Zone (IN1Z)	Permit Approved	8/12/2022
449/2022/P	North-East	53 Lathams Road, Carrum Downs 3201	Building and works for warehouse development and associated car parking.	Permit Approved	14/12/2022
645/2022/P	North-East	1/7 Rowan Court, Carrum Downs 3201	Alterations and additions to the existing dwelling on a lot less than 300sq metres in a General Residential Zone (GRZ).	Permit Approved	21/12/2022
693/2022/P	North-East	255 Potts Road, Skye 3977	To construct an extension to an existing dwelling in a Rural Conservation Zone (RCZ)	Permit Approved	21/12/2022
609/2022/P	North-East	Research Farm 42N Ballarto Road, Frankston North 3200	To use and construct buildings and works for an Emergency Services Facility in a Public Use Zone Schedule 7 (PUZ7), to remove native vegetation and to alter access to a road in a Transport Zone 2.	Permit Approved	21/12/2022
129/2022/P/VS	North-East	11B Industry Boulevard, Carrum Downs 3201	To construct buildings and works (retrospective mezzanine) in an Industrial 1 Zone(IN1Z)	Permit Approved	22/12/2022
579/2022/P	North-East	17 Buontempo Road, Carrum Downs 3201	To use the land for a minor sports and recreation facility (basketball training facility) in an Industrial 1 Zone (IN1Z).	Permit Approved	22/12/2022
<b>North-East Ward = 8</b>					
43/2022/P	North-West	2/87 Nepean Highway, Seaford 3198	To construct one (1) triple storey dwelling over basement on a lot less than 300m2 in a General Residential Zone (GRZ) and Design and Development Overlay (DDO6) To alter access to a Transport Zone 2	Application Withdrawn	6/12/2022

<b>Progress Report – Planning Application Decisions</b> <b>For The Application Date: From 1/12/2022 To 31/12/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
434/2022/P	North-West	23 Moresby Avenue, Seaford 3198	To construct two buildings for use as industry in an Industrial 1 Zone (IN1Z)	Application Withdrawn	6/12/2022
733/2022/P	North-West	2A & 2B East Road, Seaford 3198	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	Permit Approved	6/12/2022
181/2022/P	North-West	4 Kerry Street, Seaford 3198	To convert an existing habitable outbuilding to the rear of the existing dwelling into a second dwelling (two dwellings on a lot) and to subdivide the land into two (2) lots in a General Residential Zone (GRZ)	Permit Approved	7/12/2022
511/2022/P	North-West	21 Radiata Street, Frankston North 3200	To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ).	Permit Approved	9/12/2022
538/2022/P	North-West	24 Scott Street, Seaford 3198	To construct two (2) double storey dwelling on a lot s in a General Residential Zone (GRZ)	Permit Approved	9/12/2022
791/2022/P	North-West	1/211-279 & 211-279 Skye Road, Frankston 3199	To construct buildings and works to an existing building in a Special Use Zone (SUZ1)	Permit Approved	12/12/2022
666/2022/P	North-West	85 Kananook Avenue, Seaford 3198	To construct a carport in a Special Building Overlay (SBO) and works within the tree protection zone of a significant tree in an Environmental Significance Overlay Schedule 4 (ESO4)	Permit Approved	14/12/2022
504/2022/P	North-West	90 Railway Parade, Seaford 3198	To construct two (2) single storey dwellings on a lot in a General Residential Zone (GRZ)	Permit Approved	20/12/2022
793/2022/P	North-West	19 O'Grady Avenue, Frankston 3199	To subdivide the land into six (6) lots in a Residential Growth Zone (RGZ1) and Design and Development Overlay Schedule 12 (DDO12)	Permit Approved	20/12/2022
192/2022/P/VS	North-West	27 Ireland Street, Seaford 3198	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	Permit Approved	20/12/2022
491/2022/P	North-West	81 McMahon's Road, Frankston 3199	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	Permit Approved	21/12/2022



<b>Progress Report – Planning Application Decisions</b> <b>For The Application Date: From 1/12/2022 To 31/12/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
787/2021/P	North-West	14 Fairway Street, Frankston 3199	To construct a double storey building containing a shop and one dwelling in a Commercial 1 Zone (C1Z)	Permit Approved	22/12/2022
435/2022/P	North-West	67 Rosslyn Avenue, Seaford 3198	To construct one (1) double storey dwelling to the rear of the existing dwelling (for a total of two (2) dwellings) in a General Residential Zone (GRZ) and a Special Building Overlay (SBO)	Permit Approved	22/12/2022
46/2021/P	North-West	14 Mereweather Avenue, Frankston 3199	To construct six (6) dwellings on a lot in a Residential Growth Zone (RGZ), to construct a building and construct and carry out works in a Special Building Overlay (SBO) and a Design and Development Overlay Schedule 12 (DDO12)	Permit Approved	22/12/2022
360/2021/P	North-West	34 Brentwood Crescent, Frankston 3199	To vary the Restrictive Covenant C410066 by varying the height of boundary fences from three feet to seven feet above ground level by deleting the word '...three...' and replacing with the word '...seven....'.	Permit Approved	22/12/2022
<b>North-West Ward = 16</b>					
684/2022/P	South	446, 448 & 448A Nepean Highway, Frankston 3199	The erection and display of six (6) major promotional and promotional signs at various locations around the subject site at 446-450 Nepean Highway Frankston in a Commercial 1 Zone (C1Z)	Permit Approved	1/12/2022
822/2022/P	South	2 Pamela Court, Frankston South 3199	The removal of two (2) trees in a Significant Landscape Overlay (SLO3)	Application Withdrawn	1/12/2022
156/2022/P	South	91 Warrandyte Road, Langwarrin 3910	To construct three (3) double storey dwellings in a General Residential Zone (GRZ)	Permit Approved	1/12/2022

<b>Progress Report – Planning Application Decisions</b> <b>For The Application Date: From 1/12/2022 To 31/12/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
717/2021/P	South	94-96 Beach Street, Frankston 3199	To develop the land for Community Care Accommodation in a Residential Growth Zone (RGZ), Special Building Overlay and Design and Development Overlay Schedule 12 (DDO12)	Permit Approved	1/12/2022
773/2021/P	South	475 Baxter-Tooradin Road, Langwarrin South 3911	To use the land for a poultry farm (production of free-range eggs) and building and works in a Rural Conservation Zone Schedule 1 (RCZ1).	Permit Approved	1/12/2022
718/2022/P	South	Robinsons Park 97 Robinsons Road, Frankston 3199	Use of Land for a Place of Assembly (Lapidary Club).	Permit Approved	2/12/2022
843/2022/P	South	44 Summit Road, Frankston 3199	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	Permit Approved	6/12/2022
246/2021/P	South	2 The Spur, Frankston South 3199	To subdivide the land into two (2) lots in a General Residential Zone (GRZ), to construct works within the Tree Protection Zone of a Substantial tree in a Significant Landscape Overlay Schedule 6 (SLO6) and to remove substantial trees in a Significant Landscape Overlay Schedule 6 (SLO6)	Permit Approved	6/12/2022
174/2022/P/VS	South	117 Humphries Road, Frankston South 3199	To construct an outbuilding (carport) in a Design and Development Overlay Schedule 1 (DDO1)	Permit Approved	7/12/2022
685/2022/P	South	13 Casuarina Drive, Frankston South 3199	To subdivide the land into two (2) lots in a General Residential Zone (GRZ), Bushfire Management Overlay (BMO) and Design and Development Overlay - Schedule 9 (DDO9).	Permit Approved	7/12/2022

<b>Progress Report – Planning Application Decisions</b> <b>For The Application Date: From 1/12/2022 To 31/12/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
513/2019/P	South	636, 638 & 638A Nepean Highway, Frankston South 3199	Four (4) lot subdivision (re-alignment of boundaries) in a General Residential Zone (GRZ), Design and Development Overlay Schedule 2 (DDO2) and Erosion Management Overlay Schedule 1 (EMO1) and to remove vegetation in a Significant Landscape Overlay Schedule 3 (SLO3) and Erosion Management Overlay Schedule 1 (EMO1) and to subdivide land adjacent to a road in a Transport Zone 2	Permit Approved	8/12/2022
59/2022/P	South	65 Frankston-Flinders Road, Frankston 3199	To construct four (4) double storey dwellings on a lot in a General Residential Zone (GRZ) and to create access to a road in a Transport Zone 2.	Permit Approved	8/12/2022
360/2022/P	South	11 Brooklyn Avenue, Frankston 3199	To construct four (4) dwellings (three (3) double storey and one (1) single storey) on a lot in a General Residential Zone (GRZ).	Permit Approved	8/12/2022
415/2022/P	South	43 Culcairn Drive, Frankston South 3199	To construct six (6) double storey dwellings on a lot in a General Residential Zone (GRZ) and Design and Development Overlay Schedule 9 (DDO9). To construct buildings and works within the tree protection zone of substantial tree(s) in a Significant Landscape Overlay Schedule 4 (SLO4).	Permit Approved	8/12/2022
704/2022/P	South	60 Davey Street, Frankston 3199	To construct buildings and works to an existing building in a Heritage Overlay (HO51) and associated with a Section 2 use in a General Residential Zone (GRZ)	Application Lapsed	20/12/2022
602/2022/P	South	43 Highview Road, Frankston 3199	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	Permit Approved	20/12/2022



<b>Progress Report – Planning Application Decisions</b> <b>For The Application Date: From 1/12/2022 To 31/12/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
376/2022/P	South	42 Bergman Road, Langwarrin 3910	To construct an outbuilding in a Design and Development Overlay Schedule 4 (DDO4) and Bushfire Management Overlay (BMO)	Application Refused	21/12/2022
South Ward = 17					
Total = 41					

<b>Progress Report – Amendments to Planning Application Decisions For The Application Date: From 1/12/2022 To 31/12/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
457/2016/P/D	North-East	1195 Frankston-Dandenong Road, Carrum Downs 3201 Com Prop 42 Barnett Avenue, Carrum Downs 3201	Extension of Time - To construct seven (7) single storey dwellings and remove one (1) tree in the Significant Landscape Overlay Schedule 5	Extension of Time Approved	1/12/2022
361/2018/P/A	North-East	81-83 Cranbourne-Frankston Road, Langwarrin 3910	Extension of Time - The expansion of the use and development of an existing medical centre (new two storey building) and associated works.	Extension of Time Approved	8/12/2022
470/2019/P/B	North-East	24C Hall Road, Carrum Downs 3201	Extension of Time - To construct a three (3) storey apartment building containing twenty (20) dwellings in a General Residential Zone (GRZ) and to alter access to a road in a Road Zone Category 1.	Extension of Time Approved	8/12/2022
127/2017/P/H	North-East	11 Hotelier Court, Skye 3977	Secondary Consent - Construction of Nineteen (19) Double Storey dwellings	Secondary Consent Approved	14/12/2022
127/2017/P/H	North-East	38A Lily Way, Skye 3977	Secondary Consent - Construction of Nineteen (19) Double Storey dwellings	Secondary Consent Approved	14/12/2022
63/2021/P/Q	North-East	17-18 Pagett Road, Carrum Downs 3201	Secondary Consent - To construct one hundred and thirty-five (135) dwellings in stages in a General Residential Zone (GRZ) and to remove native vegetation under Clause 52.17 of the Frankston Planning Scheme	Secondary Consent Approved	15/12/2022
470/2019/P/B	North-East	24C Hall Road, Carrum Downs 3201	Extension of Time - To construct a three (3) storey apartment building containing twenty (20) dwellings in a General Residential Zone (GRZ) and to alter access to a road in a Road Zone Category 1.	Extension of Time Approved	16/12/2022
232/2016/P/F	North-East	26 Paterson Avenue, Langwarrin 3910	Extension of time - To construct one (1) double storey dwelling to the rear of the existing dwelling two (2) dwellings)	Extension of Time Approved	20/12/2022

<b>Progress Report – Amendments to Planning Application Decisions</b> <b>For The Application Date: From 1/12/2022 To 31/12/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
11/2021/P/VS	North-East	50 Kelvin Grove, Langwarrin 3910	Secondary Consent - To construct buildings and works to an existing dwelling in a Rural Conservation Zone Schedule 1 (RCZ1) and to construct buildings and works within the Tree Protection Zone of a substantial tree in a Significant Landscape Overlay Schedule 1 (SLO1)	Secondary Consent Approved	20/12/2022
291/2021/P/B	North-East	4 Brilliante Circuit, Langwarrin 3910	Section 72 - To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	Application Withdrawn	21/12/2022
309/2019/P/E	North-East	81 Luscombe Avenue, Carrum Downs 3201	Section 72 - To construct one (1) double storey dwelling to the rear of the existing dwelling (for a total of two (2) dwellings on a lot).	Permit Approved	22/12/2022
<b>North-East Ward = 11</b>					
50/2019/P/E	North-West	42 Brunning Crescent, Frankston North 3200	Secondary Consent - To construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot)	Secondary Consent Approved	2/12/2022
693/2021/P/B	North-West	12 Bennett Court, Seaford 3198	Secondary Consent - To construct three (3) double storey dwellings on a lot in a General Residential Zone (GRZ)	Secondary Consent Approved	2/12/2022
239/2020/P/D	North-West	9 Ashleigh Avenue, Frankston 3199	Secondary Consent - To construct two (2) double storey dwelling to the rear of the existing dwelling (three (3) dwellings on a lot) in a General Residential Zone (GRZ)	Secondary Consent Approved	7/12/2022
27/2020/P/F	North-West	7 Luxton Terrace, Seaford 3198	Secondary Consent - To construct two (2) double storey dwellings on a lot in a General Residential Zone	Secondary Consent Approved	9/12/2022



<b>Progress Report – Amendments to Planning Application Decisions For The Application Date: From 1/12/2022 To 31/12/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
112/2021/P/C	North-West	10 Wykeham Court, Frankston 3199	Secondary Consent - To construct two (2) single storey dwellings to rear of an existing dwelling (three (3) dwellings on a lot) on a General Residential Zone (GRZ)	Secondary Consent Approved	9/12/2022
376/2019/P/B	North-West	1 Vermay Avenue, Frankston 3199	Extension of time - To construct two (2) double storey dwellings on a lot in a General Residential Zone Schedule (GRZ) and to construct buildings and works in a Special Building Overlay (SBO)	Extension of Time Approved	14/12/2022
663/2015/P/C	North-West	194-196 Karingal Drive, Frankston 3199	Secondary Consent - Extensions to the existing medical centre ( extend waiting area, install a lift and deletion of car parking spaces)	Secondary Consent Approved	14/12/2022
333/2020/P/C	North-West	4 Raymond Avenue, Frankston 3199	Extension of Time - To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ)	Extension of Time Approved	16/12/2022
204/2020/P/F	North-West	6 Eel Race Road, Seaford 3198	Extension of Time - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ)	Extension of Time Approved	16/12/2022
21/2018/P/F	North-West	3 Tilia Court, Frankston North 3200	Secondary Consent - To construct one (1) double storey dwelling to rear of existing dwelling (two (2) dwellings)	Secondary Consent Approved	19/12/2022
332/2016/P/D	North-West	20 Mahogany Avenue, Frankston North 3200	Extension of Time - The construction of two (2) single storey dwellings	Extension of Time Approved	20/12/2022
97/2016/P/F	North-West	10 Nepean Highway, Seaford 3198	Extension of Time - To construct two (2) attached triple storey dwellings	Extension of Time Approved	20/12/2022

<b>Progress Report – Amendments to Planning Application Decisions</b> <b>For The Application Date: From 1/12/2022 To 31/12/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
258/2018/P/D	North-West	10 Klauer Street, Seaford 3198	Secondary Consent - To use and construct twenty (20) warehouses in an Industrial 1 Zone; to reduce the car parking requirements under Clause 52.06; to alter access to a road in a Road Zone, Category 1; to remove native vegetation under Clause 52.17	Secondary Consent Approved	20/12/2022
34/2022/P/VS	North-West	3 Pine Street, Frankston North 3200	Section 72 - To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	Permit Approved	20/12/2022
588/2021/P/A	North-West	3 Tilia Court, Frankston North 3200	Section 72 - To subdivide the land into two (2) lots in a General Residential Zone (GRZ) and a Bushfire Management Overlay (BMO)	Permit Approved	21/12/2022
264/2018/P/E	North-West	16 East Road, Seaford 3198	Secondary Consent - To construct four (4) double storey dwellings and four (4) lot subdivision	Secondary Consent Approved	23/12/2022
62/2020/P/VS	North-West	26 Duncan Avenue, Seaford 3198	Secondary Consent - To construct extensions to an existing dwelling in a Special Building Overlay (SBO)	Secondary Consent Approved	23/12/2022
<b>North-West Ward = 17</b>					
533/2017/P/D	South	159 Kars Street, Frankston South 3199	Section 72 - To construct a front fence (retrospective) and to construct buildings and works in association with extensions to an existing dwelling.	Permit Approved	2/12/2022
193/2021/P/D	South	641B Nepean Highway, Frankston South 3199	Section 72 - To construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings on a lot) in a General Residential Zone (GRZ), to construct a building in a Design and Development Overlay Schedule (DDO9) and to create access to a road in a Road Zone Category 1	Permit Approved	6/12/2022

<b>Progress Report – Amendments to Planning Application Decisions For The Application Date: From 1/12/2022 To 31/12/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
383/2019/P/A	South	18 Fenton Crescent, Frankston South 3199	Secondary Consent - To construct buildings and works to an existing dwelling within the Design and Development Overlay Schedule 8 (DDO8), Bushfire Management Overlay (BMO), Significant Landscape Overlay Schedule 4 (SLO4) and the Erosion Management Overlay (EMO).	Secondary Consent Approved	7/12/2022
60/2021/P/C	South	93A Fleetwood Crescent, Frankston South 3199	Section 72 - To construct one (1) double storey dwelling in a Design and Development Overlay Schedule 8 (DDO8) and to construct buildings and works within the Tree Protection Zone of substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4).	Permit Approved	8/12/2022
261/2017/P/C	South	7 Bridgewater Court, Langwarrin 3910	Secondary Consent - Use and Building and works to construct one (1) single storey dwelling	Secondary Consent Approved	13/12/2022
3/2012/P/E	South	37 Culcairn Drive, Frankston South 3199	Secondary Consent - To construct seven (7) dwellings (four (4) double storey and three (3) single storey)	Secondary Consent Approved	14/12/2022
312/2021/P/B	South	1 Scenic Close, Frankston South 3199	Section 72 Amendment - To construct one (1) dwelling in a Design and Development Overlay Schedule 1 (DDO1), to undertake works within the tree protection zone of a substantial tree in a Significant Landscape Overlay Schedule 3 (SLO3)  Amendment: Amended dwelling design	Permit Approved	14/12/2022



<b>Progress Report – Amendments to Planning Application Decisions For The Application Date: From 1/12/2022 To 31/12/2022</b>					
<b><u>Application</u></b>	<b><u>Ward</u></b>	<b><u>Property Address</u></b>	<b><u>Application Description</u></b>	<b><u>Status</u></b>	<b><u>Date</u></b>
254/2020/P/B	South	1 Bader Court, Frankston South 3199	Extension of Time - To construct one (1) double storey dwellings to the rear of an existing dwelling (two (2) dwellings) on a lot in a General Residential Zone (GRZ), to construct a building and carry out buildings and works in a Design and Development Overlay Schedule 9 (DDO9), to remove and undertake buildings and works in the tree protection zone of substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4)	Extension of Time Approved	16/12/2022
45/2021/P/B	South	14 Derinya Drive, Frankston South 3199	Section 72 - To construct buildings and works to an existing dwelling in a Design and Development Overlay Schedule 1 (DDO1) and to construct a building or construct or carry out works within the Tree Protection Zone of a substantial tree in the Significant Landscape Overlay Schedule 3 (SLO3)	Permit Approved	20/12/2022
106/2020/P/D	South	4 Harcourt Avenue, Frankston South 3199	Section 72 - Alterations and additions to an existing dwelling and construction of a domestic swimming pool in a Design and Development Overlay Schedule 8 (DDO8), To construct a building or construct or carry out works in a Bushfire Management Overlay (BMO), To remove one (1) substantial tree and to construct a building and construct and carry out works within the Tree Protection Zone of a Substantial Tree in a Significant Landscape Overlay Schedule 4 (SLO4)	Permit Approved	21/12/2022

<b>Progress Report – Amendments to Planning Application Decisions</b> <b>For The Application Date: From 1/12/2022 To 31/12/2022</b>					
<u>Application</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
47/2022/P/C	South	16 McComb Boulevard, Frankston South 3199	<p>Section 72 - To construct an extension to an existing dwelling in a Design and Development Overlay Schedule 9 (DDO9). To remove a substantial tree and construct a front fence in a Significant Landscape Overlay Schedule 4 (SLO4).</p> <p>Amendments:</p> <ul style="list-style-type: none"> <li>- Laundry relocated within the alfresco;</li> <li>- Enclosure of southern section of the alfresco; and</li> <li>- Consequential internal rearrangements.</li> </ul>	Permit Approved	21/12/2022
84/2022/P/VS	South	174 Overport Road, Frankston South 3199	Section 72 - To subdivide the land into two (2) lots in a General Residential Zone (R1Z)	Permit Approved	21/12/2022
138/2020/P/B	South	17 Kenilworth Avenue, Frankston 3199	Secondary Consent - To construct four (4) double storey dwellings on a lot in a General Residential Zone (GRZ)	Secondary Consent Approved	23/12/2022
South Ward = 13					
Total = 41					

Progress Report – Subdivision Application Received				
For The Application Date: From 1/12/2022 To 31/12/2022				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Date</u>
110/2022/S	North-East	37 Clifton Grove, Carrum Downs 3201	To subdivide the land into eight (8) lots in a General Residential Zone (GRZ)	1/12/2022
130/2022/S	North-East	8 The Grove, Langwarrin 3910	Three or More Lot Subdivision	19/12/2022
132/2022/S	North-East	250 Wedge Road, Skye 3977	(Wedge Road Stage 3 )To subdivide the land into twenty -eight (28) lots in a Green Wedge Zone (GWZ)	23/12/2022
123/2022/S	North-West	27 Ireland Street, Seaford 3198	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	2/12/2022
124/2022/S	North-West	68 Orwil Street, Frankston 3199	To subdivide the land into two ( 2) lots in a General Residential Zone (GRZ)	12/12/2022
129/2022/S	North-West	23 Burrawong Avenue, Seaford 3198	Two Lot Subdivision	19/12/2022
133/2022/S	North-West	17-21 Mereweather Avenue, Frankston 3199	To subdivide the land into twenty three (23) lots Residential Growth Zone (RGZ)	23/12/2022
120/2022/S	South	2 Victoria Parade, Frankston 3199	Certification of Two Lot Subdivision	1/12/2022
126/2022/S	South	55 Lawson Avenue, Frankston South 3199	Two Lot Subdivision	12/12/2022
127/2022/S	South	56 Heatherhill Road, Frankston 3199	Three Lot Subdivision	12/12/2022
125/2022/S	South	1-2 Plowman Place, Frankston 3199	To subdivide the land into seventy- one (71) lots in a Commercial 1 Zone	19/12/2022
128/2022/S	South	15 The Ridge, Frankston South 3199	Two Lot Subdivision	19/12/2022
131/2022/S	South	73 Coogee Avenue, Frankston 3199	To subdivide the land into two ( 2) lots in a General Residential Zone (GRZ)	22/12/2022
Total = 13				



Progress Report – Subdivision Decisions					
For The Application Date: From 1/12/2022 To 31/12/2022					
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
19/2020/S	North-East	63 Cranbourne-Frankston Road, Langwarrin 3910	Four (4) lot subdivision	SOC Issued (M)	13/12/2022
129/2021/S	North-East	17 Pagett Road, Carrum Downs 3201	Staged Certification - Stage 5 - Twenty-One (21) lot subdivision 25/08/2022 - Amended application & plan received - Application is now Stage 6 - Twenty-One (21) lot subdivision	Certification and SOC Issued	15/12/2022
20/2022/S	North-East	50 Maria Drive, Langwarrin 3910	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	Certified	9/12/2022
22/2022/S	North-East	48 Aqueduct Road, Langwarrin 3910	Three (3) lot subdivision	SOC Issued (M)	21/12/2022
90/2022/S	North-East	6 Buontempo Road, Carrum Downs 3201	To subdivide the land into two (2) lots in an Industrial 1 Zone (IN1Z)	SOC Issued (M)	14/12/2022
39/2020/S	North-West	85B East Road, Seaford 3198	Two (2) lot subdivision	SOC Issued (M)	14/12/2022
145/2020/S	North-West	19 Galway Street, Seaford 3198	Two (2) lot subdivision	Certified	13/12/2022
79/2021/S	North-West	25 Larool Crescent, Seaford 3198	Three (3) lot subdivision	Certified	14/12/2022
18/2022/S	North-West	3 Nepean Highway, Seaford 3198	To subdivide the land into Two (2) lots in a General Residential Zone (GRZ)	Certified	7/12/2022
108/2022/S	North-West	60 Fortescue Avenue, Seaford 3198	To subdivide the land into two (2) lots in a General Residential Zone (GRZ)	Certified	1/12/2022
109/2022/S	North-West	32-34 Nepean Highway, Seaford 3198	Section 22 (Consolidation)	Certification and SOC Issued	14/12/2022

Progress Report – Subdivision Decisions					
For The Application Date: From 1/12/2022 To 31/12/2022					
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Status</u>	<u>Date</u>
119/2019/S	South	33 Genista Street, Frankston South 3199	Two (2) lot subdivision	SOC Issued (M)	1/12/2022
144/2020/S	South	10 Pratt Avenue, Frankston South 3199	Two (2) lot subdivision	Certified	8/12/2022
170/2021/S	South	39 Francis Crescent, Langwarrin 3910	To subdivide the land into two (2) lots in a General Residential Zone (GRZ) – SPEAR Reference S186469M	SOC Issued (M)	23/12/2022
106/2022/S	South	4 Villiers Street, Frankston South 3199	Section 22 (Consolidation)	Certification and SOC Issued	8/12/2022
Total = 15					

Town Planning Applications – Direction To Advertise Issued December 2022				
Application No	Ward	Property Address	Application Description	Application Date
41/2017/P/C	North-East	1105 Frankston-Dandenong Road, Carrum Downs 3201 7 Kieran Court, Carrum Downs 3201	Section 72 - To undertake buildings and works for an aged care facility and to remove native vegetation  Amendment :- - Amend permit address to include 7 Kieran Court Carrum Downs - Amend the plans to show a car park on 7 Kieran Court - Amend the permit preamble to read "To undertake buildings and works for an aged care facility, construction of a car park and to remove native vegetation"	7/07/2022
485/2022/P	North-East	110 Cadles Road, Carrum Downs 3201	To construct thirteen (13) double storey dwellings in a General Residential Zone (GRZ)	14/07/2022
645/2022/P	North-East	1/7 Rowan Court, Carrum Downs 3201	Alterations and additions to the existing dwelling on a lot less than 300sq metres in a General Residential Zone (GRZ).	13/09/2022
801/2022/P	North-East	11A Industry Boulevard, Carrum Downs 3201	To use the land for a Leisure and Recreation Facility (Dance Studio) in an Industrial 1 Zone (1NZ1).	16/11/2022
North-East Ward = 4				
651/2021/P	North-West	79-83 Beach Street, Frankston 3199	To construct thirteen (13) dwellings on land in a Residential Growth Zone (RGZ), to construct buildings and works in a Special Building Overlay (SBO) and Design and Development Overlay Schedule 12 (DDO12) and to create/alter access to a road in a Transport Zone 2.	22/10/2021
543/2022/P	North-West	3 East Road, Seaford 3198	To construct three (3) double storey dwellings and to subdivide the land into three (3) lots in a General Residential Zone (GRZ)	8/08/2022

Town Planning Applications – Direction To Advertise Issued December 2022				
Application No	Ward	Property Address	Application Description	Application Date
56/2006/P/A	North-West	2 Hope Court, Frankston 3199 81-83 Dandenong Road East, Frankston 3199	Section 72 - Use and develop the land for a child care centre and associated car parking facilities.  To make internal alterations to the existing building, to expand the childcare facility onto 2 Hope Court, Frankston, and to increase the overall number of childcare places to 116 (from 86)	22/08/2022
664/2022/P	North-West	34 Bursaria Crescent, Frankston North 3200	To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ)	20/09/2022
670/2022/P	North-West	11 McRae Street, Seaford 3198	To construct two (2) double storey dwellings in a General Residential Zone (GRZ).	21/09/2022
680/2022/P	North-West	8 Radiata Street, Frankston North 3200	To construct two (2) double storey dwellings in a General Residential Zone (GRZ).	29/09/2022
760/2022/P	North-West	39 Wells Road, Seaford 3198	To use and construct buildings and works for a car park in an Industrial 1 Zone (IN1Z), to construct buildings and works in a Special Building Overlay (SBO) and to create and alter access to a road in a Transport Zone 2 (TZ2).	28/10/2022
760/2022/P	North-West	Frankston Basketball Stadium 90 Bardia Avenue, Seaford 3198	To use and construct buildings and works for a car park in an Industrial 1 Zone (IN1Z), to construct buildings and works in a Special Building Overlay (SBO) and to create and alter access to a road in a Transport Zone 2 (TZ2).	28/10/2022
817/2022/P	North-West	20 Cumberland Drive, Seaford 3198	Change of use and signage for vehicle sales premises.	24/11/2022
North-West Ward = 9				
316/2022/P	South	634B Nepean Highway, Frankston South 3199	Variation to Easement e-1 shown on TP804585X, to remove reference to the drainage and sewerage purpose only and consolidate lot 1 on TP804585X and lot 1 on TP804419R	10/05/2022



Town Planning Applications – Direction To Advertise Issued December 2022				
<u>Application No</u>	<u>Ward</u>	<u>Property Address</u>	<u>Application Description</u>	<u>Application Date</u>
373/2022/P	South	36 Sanders Road, Frankston South 3199	To construct eight (8) double storey dwellings on a lot in a General Residential Zone (GRZ), to remove and construct buildings and works in the Tree Protection Zone of Substantial Trees in a Significant Landscape Overlay Schedule 4 (SLO4), to construct buildings and works in a Bushfire Management Overlay (BMO) and a Design and Development Overlay Schedule 9 (DDO9)	24/05/2022
523/2022/P	South	8 Robinsons Road, Frankston South 3199	To construct five (5) single storey retirement units within an existing retirement village	28/07/2022
560/2022/P	South	8 Cliff Road, Frankston 3199	To construct one (1) double storey dwelling in a Design and Development Overlay (DDO6) and to construct buildings and works and remove vegetation in an Erosion Management Overlay Schedule 3 (EMO3)	15/08/2022
567/2022/P	South	80 Newton Avenue, Langwarrin South 3911	To construct buildings and works associated with accommodation in a Bushfire Management Overlay (BMO) and to construct buildings and works for a dwelling over 7.0 metres in height in a Design and Development Overlay Schedule 4 (DDO4)	16/08/2022
573/2022/P	South	11 Catherine Parade, Frankston 3199	To construct two (2) double storey dwellings in a General Residential Zone (R1Z)	19/08/2022
631/2022/P	South	14 Wentworth Avenue, Frankston South 3199	To construct two (2) double storey dwellings in a General Residential Zone (GRZ) and a Design and Development Overlay Schedule 9 (DDO9), and construct a building or construct or carry out works and remove, destroy or lop vegetation in a Significant Landscape Overlay Schedule 4 (SLO4)	8/09/2022

Town Planning Applications – Direction To Advertise Issued December 2022				
Application No	Ward	Property Address	Application Description	Application Date
656/2022/P	South	38 McComb Boulevard, Frankston South 3199	To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ), to construct a front fence and construct buildings and works in the tree protection zone of substantial trees in a Significant Landscape Overlay Schedule 4 (SLO4) and to construct buildings and works in a Design and Development Overlay Schedule 9 (DDO9)	16/09/2022
688/2022/P	South	1 Piper Crescent, Frankston South 3199	To construct two (2) dwellings (one (1) double storey and one (1) single storey) in a General Residential Zone (GRZ) and to remove a substantial tree, as well as construct buildings and works in the tree protection zone of substantial trees in a Significant Landscape Overlay Schedule 3 (SLO3).	3/10/2022
518/2017/P/I	South	105 Humphries Road, Frankston South 3199	Section 72 amendment to approved plans and permit comprising an increase in the number of children from 96 (this is as per condition 13 of the planning permit) to 100 and the addition of one car parking space.	12/10/2022
731/2022/P	South	152 Gould Street, Frankston 3199	To construct a double storey dwelling with a height more than 7 metres in a Design and Development Overlay (DDO6)	24/10/2022
47/2022/P/C	South	16 McComb Boulevard, Frankston South 3199	Section 72 - To construct an extension to an existing dwelling in a Design and Development Overlay Schedule 9 (DDO9). To remove a substantial tree and construct a front fence in a Significant Landscape Overlay Schedule 4 (SLO4).  Amendments: - Laundry relocated within the alfresco; - Enclosure of southern section of the alfresco; and - Consequential internal rearrangements.	25/11/2022
South Ward = 12				

Total = 25

Legend

10 or more dwellings:	Yellow
3 or more lot subdivisions:	Blue
3 or more storey development:	Green
Applications in the CAA:	Pink

<b>Progress Report – Current VCAT Appeals December 2022</b>									
<u>Appeal No</u>	<u>Application Number</u>	<u>Address</u>	<u>Proposal</u>	<u>Lodged at VCAT</u>	<u>Council Decision</u>	<u>Appeal Type</u>	<u>Date of Appeal</u>	<u>VCAT Decision</u>	<u>Date of VCAT Decision</u>
P324/2022	167/2021/P	92 Cadles Road Carrum Downs	To construct twenty two (22) dwellings on a lot in a General Residential Zone (GRZ) and to remove native vegetation under Clause 52.17 Native Vegetation of the Frankston Planning Scheme	27/4/2022	Refusal	Refusal	1/02/2023		
P1471/2022	112/2022/P	22 McComb Boulevard, Frankston South	To construct three (3) double storey dwellings in a General Residential Zone (GRZ) to undertake buildings and works within Schedule 9 to the Design and Development Overlay (DDO9) and to undertake works within Schedule 4 to the Significant Landscape Overlay (SLO4)	1/11/2022	NOD	Objector	6/07/2023		
P1635/2022	329/2021/P	9 Bayview Road Frankston	To construct two (2) double storey dwellings on a lot in a General Residential Zone (GRZ)	6/12/2022	NOD	Objector	15/08/2023		
P1642/2022	130/2022/P	7 Kelvin Avenue, Seaford	To construct three (3) double storey dwellings in a General Residential Zone (GRZ).	7/12/2022	NOD	Objector (Awaiting Initiating Order)			
P1750/2022	765/2021/P	446-450 Nepean Hwy Frankston	Construction of a multi-storey mixed use development in a Commercial 1 Zone, Use of the land for Dwellings and Restricted Recreation Facility (Gym and Wellness Centre), alteration of access to a road within a Transport Zone 2, a reduction in carparking requirements at Clause 52.06 and the sale and consumption of liquor.	21/12/2022	NOD	Objector (Awaiting Initiating Order)			



Progress Report – Current VCAT Appeals December 2022									
<u>Appeal No</u>	<u>Application Number</u>	<u>Address</u>	<u>Proposal</u>	<u>Lodged at VCAT</u>	<u>Council Decision</u>	<u>Appeal Type</u>	<u>Date of Appeal</u>	<u>VCAT Decision</u>	<u>Date of VCAT Decision</u>
P1663/2022	383/2022/P	4 Merinda Court, Frankston	To construct four (4) double storey dwellings on a lot in a General Residential Zone (GRZ)	12/12/2022	NOD	Objector (Awaiting Initiating Order)			

Progress Report – VCAT Determination – Policy Implications December 2022			
<u>Appeal No</u>	<u>Application No</u>	<u>Address</u>	<u>VCAT Determination – Policy Implications</u>

**Executive Summary****12.1 Council Resolution Status Update for 30 January 2023**

*Enquiries: (Brianna Alcock: Corporate and Commercial Services)*

Council Plan

Level 1:	6. Progressive and Engaged City
Level 2:	6.5 Support transparent and evidenced based decision making through sharing council data and clear reporting on our measures of success to the community

**Purpose**

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

**Recommendation (Director Corporate and Commercial Services)**

That Council:

1. Receives the Notice of Motion Report for 30 January 2023;
2. Receives the Urgent Business Status Update for 30 January 2023;
3. Notes there are no Notice of Motion actions that have been reported as being complete;
4. Notes, since the Council Meeting held on 12 December 2022, 14 resolutions have been completed, as listed in the body of the report;
5. Resolves for Attachment D to remain confidential indefinitely on the grounds that it includes confidential meeting information, being the records of meetings closed to the public under section 66(2)(a) (*Local Government Act 2020, s.3(1)(h)*). These grounds apply because the information concerns updates on resolutions made by Council in meetings closed to the public and would, if prematurely released, impact on Council's ability to properly perform its functions.

**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 Notice of Motion Report for 30 January 2023 is attached (Attachment B) and will continue to be updated and reported at each 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 attached (Attachment C) for 30 January 2023, and will continue to be reported at each Council Meeting.

**12.1 Council Resolution Status Update for 30 January 2023****Executive Summary**

- There are no Notice of Motion actions that have been reported as complete.
- Since 2022/CM18 on 12 December 2022, the following 14 resolution actions have been reported as 'complete'. A detailed report has been provided in Attachment D (*CONFIDENTIAL*).
  - Update on the South East Metropolitan Advanced Waste Processing Project
  - Adoption of Interim Child Safe Policy
  - MP's Protocol and Election Signs and Events Policy
  - Frankston Arts Advisory Committee - Report
  - Destination Event Attraction Program - Round 2 Recommendations
  - Frankston City Council Annual Report 2021-2022
  - Recognition and Appreciation of services given to the Community by the Mayor for Mayoral Term
  - Recognition and Appreciation of services given to the Community by the Deputy Mayor for Previous Term
  - Frankston Arts Advisory Committee - Report
  - S5 Instrument of Delegation - Council to the Chief Executive Officer
  - Award of Contract CN10736 - Graphic Design Panel
  - Award of Contract CN10900 - Barretts Road Construction
  - Statutory Planning Progress Report - October 2022
  - Frankston Arts Advisory Committee - Report

**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.



**12.1 Council Resolution Status Update for 30 January 2023****Executive Summary**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 are no risks identified with this report.

**Conclusion**

The purpose of this report is to brief and update Council on the implementation and status of resolutions including Notices of Motion and Urgent Business items. Council Officers are continuously working to implement a range of Council resolutions and in addition to noting the work completed.

---

**ATTACHMENTS**

Attachment A: [↓](#) Notice of Motion Cost Summary

Attachment B: [↓](#) Notice of Motion Status Update

Attachment C: [↓](#) Urgent Business

Attachment D: Closed and Completed Actions - **CONFIDENTIAL**

Notice of Motion Report - 2023 - CM1 - for the 30 January Council Meeting (A4828639).XLSX

**Notice of Motions Estimated Costs  
By Councillor  
2020 - 2024 Term**

Councillor	Number	Primary Cost	Ongoing Cost	Outcome Cost	Urgent Business
Cr David Asker	0	\$0	\$0	\$0	1
Cr Sue Baker	2	\$0	\$0	\$0	3
Cr Kris Bolam	6	\$6,000	\$0	\$0	1
Cr Nathan Conroy	0	\$0	\$0	\$0	0
Cr Claire Harvey	5	\$7,155	\$0	\$0	2
Cr Brad Hill	3	\$0	\$0	\$0	1
Cr Liam Hughes	2	\$0	\$0	\$0	1
Cr Steven Hughes	3	\$0	\$0	\$0	0
Cr Suzetter Tayler	1	\$0	\$0	\$0	1
<b>TOTAL</b>	<b>22</b>	<b>\$ 13,155</b>	<b>\$ -</b>	<b>\$ -</b>	<b>10</b>

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

## Item 12.1 Attachment B: Notice of Motion Status Update

A4828639 Notice of Motion Report - 2023 - CM1 - for the 30 January Council Meeting.XLSX

Meeting Date	Item No	NOM Title and Councillor	Council Resolution	Responsibility	Comments	Cost Summary
20-Sep-21	14.1	2021/NOM8 - Humanitarian Support for Fiji  Cr Bolam	<p><b>Council Decision; Moved: Councillor Bolam Seconded: Councillor Baker</b></p> <p><b>That Council:</b></p> <ol style="list-style-type: none"> <li>Notes the letter from the Victorian Multicultural Sports Association seeking a \$10,000 contribution from Council for humanitarian support in Fiji;</li> <li>Notes that Frankston and Suva (Fiji) have provisionally agreed to form a Friendship City relationship;</li> <li>Given Suva (Fiji) is Frankston's geographically closest 'Sister City' / 'Friendship City', this agreement is to be formally upgraded to a 'Sister City' relationship, pending advice from Sister Cities Australia;</li> <li>Notes the letter of appreciation from the Fijian Government's Minister for Local Government, Housing and Community Development, in appreciation for the \$5500 donation for the delivery of hospital beds to Fiji to assist with their response to the second wave of the COVID-19 pandemic;</li> <li>Acknowledges the relationships and contribution of the Fijian community to the diversity in Frankston and notes the impact of the pandemic on our Pacific neighbours;</li> <li>Supports the facilitation of this humanitarian initiative under the stewardship of the Mayor to work with Rotary Club of Frankston Sunrise (who have deductible gift recipient status) to receive all goods and donations with respect to the humanitarian aid relating to the Fijian community;</li> <li>Notes the Mayor has driven a community stewardship campaign for donations. \$8,400 has been raised in the past two weeks to provide sanitary products for women and baby products for newborns, together with donations of children's clothing, sanitiser and PPE. This includes: <ul style="list-style-type: none"> <li>• Coles Karingal - \$100 gift card; • Woolworths Karingal - \$100 gift card; • Woolworths Frankston - \$100 gift card; • Oriskany Frankston - \$1000 cash donation; • DC Urban - \$1000 cash donation; • St Wille Football Club - \$1000 cash donation; • Rotary Frankston - \$1000 cash donation; • Rotary Sunrise - \$1000 cash donation; • Rotary 2.0 - \$1000 cash donation; • Private resident - \$500 cash donation; • Private resident - \$500 cash donation; • Monash University - \$800 cash donation</li> </ul> </li> </ol> <p>In this time, the following businesses have also provided, in writing, commitments for discounts and/or additional stock upon purchase to assist in the relief effort:</p> <ul style="list-style-type: none"> <li>• Target Frankston – bulk discount; • Libra (Asaleo Care) – bulk discount; • Australian Dairy Park, Carrum Downs – excess product/aid; • Golden Fields Nutrition, Dandenong – excess product/aid; • Kellogg's – volunteered pallets of infant breakfast cereal; • Community Support Frankston – volunteered pallets of sanitiser</li> </ul> <ol style="list-style-type: none"> <li>That formal letters of thanks be sent to the aforementioned donors;</li> <li>Supports a Council donation of \$6000 to the Rotary Club of Frankston Sunrise towards the shipping of humanitarian aid to Fiji (\$5599), and product/aid (\$401);</li> <li>Funds the humanitarian aid from the Mayor's Event Budget that was initially allocated to fund the 'COVID Hero's' Appreciation Event, but is no longer proceeding due to restrictions on mass gatherings;</li> <li>Writes to the Hon. Frank Bainimarama, the Prime Minister of Fiji, the Hon. Premila Kumar, the Local Government Minister Fiji, the Fijian High Commissioner to Australia His Excellency Luke Daunivalu and the Australian High Commissioner to Fiji, His Excellency Mr John Feehan; to advise of Council's decision and note the total donation of \$14,400 (comprising \$8,400 community donations and \$6000 Frankston City Council donation) plus donated wholesale product/aid that comfortably represents an overall charitable effort surpassing \$15,000.</li> </ol> <p>Carried</p>	Fiona McQueen	30 Nov 2022 In progress. MOU still awaiting approval from Fiji.	Council donation of \$6000 to the Rotary Club of Frankston Sunrise towards the shipping of humanitarian aid to Fiji (\$5599), and product/aid (\$401).
11-Jul-22	14.1	2022/NOM8 - Outreach Support Service  Cr Bolam	<p><b>Council Decision</b></p> <p><b>Moved: Councillor Bolam Seconded: Councillor Hill</b></p> <p><b>That Council:</b></p> <ol style="list-style-type: none"> <li>Acknowledges the work currently being undertaken by organisation/s to provide an outreach service to rough sleepers, whereby contact with the rough sleeper is made within 24 hours of a referral where possible and,</li> <li>Requires a report to be provided at the September 2022 Council Meeting exploring a formalised service agreement with a suitably qualified localised outreach provider to undertake referral advocacy, throughout the municipality, to assist those without a permanent place of abode.</li> </ol> <p>The service guarantee is to focus on a prescribed minimum response time (i.e. twenty-four hours) upon the outreach provider being notified of new clients/rough sleepers by the Frankston City Council.</p> <p>Following the initial interaction with new clients/rough sleepers, the service provider is to:</p> <ol style="list-style-type: none"> <li>Make clients aware of local and regional support agencies insofar uplift and direct support;</li> <li>Collaborate with local and regional support services on behalf of clients and their needs; and</li> <li>Conduct ongoing wellbeing audits of clients/rough sleepers, as commissioned by the Frankston City Council.</li> </ol> <p>Carried Unanimously</p>	Brooke Whatmough	14 Dec 2022 1. Work of outreach services currently engaged acknowledged - Complete. 2. Officers completed a report responding to NOM for September 2022 Council Meeting. This report required amendments and was postponed to the October Council Meeting with advice that officers explore further social research. This report has been further postponed to 2023 to enable officers to engage a consultant to assist with the social research	
24-Oct-22	14.1	2022/NOM11 - Exploration of the establishment of a South Eastern Councils Biodiversity Network  Cr Harvey	<p><b>Council Decision</b></p> <p><b>Moved: Councillor Harvey Seconded: Councillor Baker</b></p> <p><b>That Council</b> receives a report at its 12 December 2022 Council Meeting exploring the establishment of a South Eastern Councils Biodiversity Network (consisting of the cities of Hobsons Bay, Melbourne, Port Phillip, Kingston, Frankston, Mornington Peninsula Shire and Bayside). The network is to be comprised of Councillors and Council officers from the network councils in the South Eastern metropolitan region, with the purpose of:</p> <ol style="list-style-type: none"> <li>information sharing</li> <li>collaboration in relation to joint projects</li> <li>advocacy in relation to common objectives</li> <li>work with State and Federal Governments on environment initiatives</li> <li>exploration of wildlife corridors across the region</li> <li>engagement with traditional owners across the region.</li> </ol>	Angela Hughes	21 Dec 2022 Report did not come to 12/12/22 council meeting due to delays with other councils, an update was provided in the City Futures Quarter One 22/23 report and NOM response booked for early 2023.	

Notice of Motion Report - 2023 - CM1 - for the 30 January Council Meeting (A4828639).XLSX

Urgent Business

Meeting Date	Urgent Business Title and Councillor	Council Resolution	Responsibility	Comments
15-Nov-21	Response to Urgent Business - Disposal of Tree Debris arising from severe weather event. Cr Harvey	Moved: Councillor Harvey Seconded: Councillor Baker That Council supports further detailed costings to be obtained for providing a dedicated booked green waste kerbside collection service, available for residents after severe weather events, to be considered during the 2022-23 annual budget process.  Carried Unanimously	Bruce Howden	17 Jan 2023 A service initiative and estimated costings was provided at the Councilor Planning workshop in April 2022 to consider a dedicated booked green waste kerbside collection service, available for residents after severe weather events. The initiative was voted down by the majority of Councilors and was not included in the draft 2022-23 annual budget. There was an understanding that officers would further discuss with the current Mayor and investigate if there were any viable options to meet the intent of the Urgent Business item. Officers met with the Mayor to investigate a potential solution. Council does not own a suitable location within the municipality to stockpile, process and dispose of tree branches and stumps. There is no free options available for residents who have the means, to transport tree branches and stumps to another location. Contractors in the municipality do not have a suitable depot to provide this service due to a number of associated risks including contaminated debris, lack of resources and the option is not commercially viable. Officers contacted Mornington Peninsula Shire Council to clarify how they process green waste generated from their community. All green waste is either transferred from their transfer station or household kerbside green waste bins to the same processing facility (Kearney Dandenong) that Frankston Council uses to be processed into compost (no mulching is carried out). Green waste collections do increase the rapidly expanding ROGO processing volume in the SE region. Council officers are currently working with the Metro Group to explore ways to avoid any future capacity limitations, requiring vehicles being redirected to alternative processing locations. A letter has been sent to MPSC to explore a collaborative solution, a response was received in December 2022. Both Councils will work together to look at options for green waste processing.
24-Oct-22	Urgent Business - Disaster Support Cr Bokan	Council Decision Moved: Councillor Bokan Seconded: Councillor Taylor Given the nature of the natural disaster presently in occurrence, Council is to formally provide a \$5,000 donation to the GMIT to support those impacted upon by flood damage throughout Australia. GMIT is the National Coordination Agency for donations for the current flood current crisis. The CEO is requested to source the aforementioned funding from the 2022/2023 Annual Budget. Rationale: As per similar funding support provided by Frankston City Council in past catastrophic natural disaster situations, this motion is consistent and appropriate.		18 Jan 2023 Letter sent to GMIT 1 December 2022. Request to close.



**Executive Summary****12.2 Chief Executive Officer's Quarterly report - October - December 2022 period**

*Enquiries: (Phil Cantillon: Chief Executive Office)*

Council Plan

Level 1: 6. Progressive and Engaged City

Level 2: 6.3 Lead advocacy engagement and enhance relationships with all tiers of government and key stakeholders

**Purpose**

To provide Council with an overview of relevant matters within the organisation.

**Recommendation (Chief Executive Officer)**

That Council:

1. Notes the Chief Executive Officer's Report including updates from previous adopted recommendations;
2. Notes the 'public' version of the Chief Executive Officer's Quarterly Report for the period October to December 2022 (attachment A), which will be made available after this meeting through Council's website;
3. Approves for \$5,000 (in addition to the \$1,000 already allocated via Council's Environmental Grants) in under-expended funds from the Community Mental Health 1st Aid Training initiative to be reallocated to the Seaford Banksia Arboretum Project in order to support local residents to connect with each other whilst sharing in this positive community planting project; and
4. Resolves for attachment B (Confidential Chief Executive Officer's report for October to December 2022 period) to be retained as confidential indefinitely, on the grounds that it contains information that is confidential pursuant to the Local Government Act 2020, section 3(1) (a), (d), (e), (f), (g), (i), (j) and (h) and would, if prematurely released impact on Council's reputation and ability to properly perform its functions.

**Background**

At its Council meeting on 27 January 2021, Council resolved for the Chief Executive Officers' Quarterly Report normally presented in Closed Council to be reported in Open Council from April 2021, with confidential attachments provided to Councillors under separate cover.

**Key Points / Issues**

The CEO is pleased to present the Chief Executive Officer's Quarterly Report providing an open and transparent overview of the organisation, its highlights along with key activities. The report represents the period from October to December 2022. Key topics covered under the public version of attachment A include:

- People and Culture;
- Organisational Highlights;
- Business Transformation;

**12.2 Chief Executive Officer's Quarterly report - October - December 2022 period****Executive Summary**

- Planning Progress;
- Financial and Corporate Planning;
- Accountability and Transparency;
- Key Projects Updates;
- Key Meetings and Activities;
- Advocacy; and
- Audit and Risk.

Under separate cover as attachment B is a report titled "CEO's quarterly report – confidential version – October to December 2022" dealing with matters of a confidential nature.

**Update on COVID-19 Recovery including financial updates**

Council continues to follow guidelines to ensure a safe environment for its Community including its staff, councillors, contractors and volunteers. Council now receives any noteworthy updates on the COVID-19 recovery including financial updates within this report and an update is provided below:

- As at 30 June 2022, Council had delivered \$7.686M including \$2.419M during 2021-22 in support to the community and continues to ensure the ongoing activities are delivered in a timely manner.
- Activities have been endorsed by Council for delivery in 2022-23 (Attachment C) totalling \$1,084,425. These will be funded from the strategic asset reserve and reported through the CEO Report presented to both Council and the Audit and Risk Committee, rather than a separate report.
- Actual spend for the six months ended 31 December 2022 is \$506,837 and all activities are expected to be delivered by the end of the financial year.
- Council's COVID Safe Plan and Pandemic procedures has been updated.
- As part of Council's Community Recovery package in response to COVID19, an initiative was established to provide free mental health 1st Aid training to individuals and representatives from community groups to help identify and respond to emerging issues. Throughout the 2022 calendar year, Council provided a 90 minute webinar to 433 individuals/representatives across the community. A further 104 people completed an online accredited training, and another 78 attended half or full day training workshops. These workshops will continue into 2023, and will be further adapted to the changing needs and interests of the community.
- Council's requirement for all staff to be double vaccinated ceased on Monday 9 January 2023, staff are no longer required to have two doses of the COVID-19 vaccination to be employed by Council. The only exception relates to work areas where public health orders apply. The retirement of the Mandatory Vaccination Policy follows a consultation process with employees and following a range of feedback.

**COVID recovery 'Mental Health 1st Aid' and related activities update**

It is evident that by the end of June 2023, the full \$84,000 budget allocated will not be fully spent on delivering this activity. Given this, it is recommended \$5,000 of this budget be reallocated to support a community building planting activity proposed by

**12.2 Chief Executive Officer's Quarterly report - October - December 2022 period****Executive Summary**

Ross Shepherd, under the auspices of the Australian Plant Society Mornington Peninsula. The proposal was submitted and supported via Council's Environmental Grants, with an allocation of \$1000, however the project is seeking considerably more than this. The proposal is to invite local community volunteers to participate in a planting day to provide a significant collection of Banksia species at the corner of Wells Rd and Seaford Rd (on publicly owned land), which would screen paling fences on adjoining properties, providing habitat for native bird and animal species and improving the visual appearance of the area.

It is important to note, this would provide a community building opportunity, which would connect local people together in a positive shared cause and raise awareness of the benefits of our urban forest. This project aligns with our Urban Forest Action Plan and will assist towards Council's target to grow our canopy cover to 20% by 2040. Seaford is identified as a high priority area for planting with a canopy cover of 11.9% (recorded in 2020) compared to the average of 17% across Frankston. The planting is in addition to Council's target of planting 20,000 trees per annum.

**Financial Impact**

Actual spend for 2021-2022 as at June 2022 relating to the COVID-19 Relief and Recovery Package was \$2.419 million. A total of \$7.686 million has been spent since 2020. A number of activities are continuing to be delivered during 2022-2023 to assist the community through recovery. Council has endorsed total funding towards COVID-19 recovery of \$1.084 million. Management will continue to report and monitor the delivery of these activities through the CEO's quarterly report.

It is recommended that Council approve for \$5,000 in under-expended funds from the Community Mental Health 1st Aid Training initiative to be reallocated to the Seaford Banksia Arboretum Project in order to support local residents to connect with each other whilst sharing in this positive community planting project.

**Consultation****1. External Stakeholders**

See attachment A under the heading section 'Meetings and Activities'.

**2. Other Stakeholders**

Mayor and Councillors, Directors, Managers, Coordinators and Officers.

**Analysis (Environmental / Economic / Social Implications)**

It is important for Council to be open and transparent with activities relating to its business and the CEO's office. This report now provides any noteworthy COVID-19 Relief and Recovery matters including financials. Council's relevant programs greatly assists the community and helps ensure support is provided.

**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 to report unless otherwise mentioned in the relevant attachments.

Policy Impacts

**12.2 Chief Executive Officer's Quarterly report - October - December 2022 period****Executive Summary**

Nil to report unless otherwise mentioned in the relevant attachments.

Officer's Declaration of Interests

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

**Risk Mitigation**

Nil to report unless otherwise mentioned in the relevant attachments.

**Conclusion**

The report be received.

---

**ATTACHMENTS**

- Attachment A: [⇒](#) Public Version - Chief Executive Officer Quarterly report - October - December 2022 (*Under Separate Cover*)
- Attachment B: Confidential Version - Chief Executive Officers quarterly report - October to December 2022 period - **CONFIDENTIAL**
- Attachment C: [↓](#) 2022-23 COVID-19 Recovery as at 31 December 2022



Activities	Description	Actuals 2020-21 \$5,27m	Actuals 2021-22 \$2,42m	2022-23 Allocation \$0,554m	2022-23 Forecast spend	2022-23 Actual spend to date	2022-23 savings / over expenditure to be transferred to / from strategic assets reserve	Status update	Total Package \$8,24m
Mental Health support programs	Provide training to community groups to support their members and the community with mental health issues.	-	15,823	84,177	84,177	42,624	-	Course providers for Mental Health First Aid Training for members of the community have been sourced and a schedule of online/face to face training is being developed.	100,000
Frankston Business Collective	Establishment, development and operation of the Frankston Business Collective	-	117,238	217,763	217,763	146,578	-	Recruitment has been completed for a temporary resource to re-establish the Frankston Business Collective. Work continues to develop the Business Collective and \$82,762 funds will need to be utilised in 2022-2023.	335,001
Loyalty and marketing campaigns	Frankston Local to Local business grants offered a voucher of \$1000 to eligible businesses from businesses within the Frankston Municipality		84,843	16,960	16,960	1,718	-	Council's Buy Local campaign focused on a business to business voucher program modelled on successful programs elsewhere in Melbourne.	101,803
Expansion of Invest Frankston Business Grant funding pool	Expanded funding pool for the Invest Frankston Business Grants to support investment attraction and activate commercial and industrial premises to stimulate all sectors of the economy.	232,000	-	165,000	165,000	127,800	-	Council continued to support Invest Frankston Business grant program. Council has awarded \$115,000 of the funding to businesses and quarantined \$50,000 for a strategic review of the program. Delays occurred in the launch of the grant programs resulting in awarding of grants occurring at the end of April. Businesses require at least 8 months to be able to deliver the initiatives applied for under the grant program. Funds will be required to be drawn down in 2022-2023 as the awarded grants are paid.	397,000
Long Term vacant shop fronts	'Top up' existing grants to attract businesses to operate long term vacant shop fronts in the municipality.	50,000	11,475	88,525	88,525	56,000	-	Council continued to support Invest Frankston Business facade grant program. The program launched February 2022.	150,000
Emergency backup and support for Community Support Frankston (CSF)	Material Aid Continued grant for Community Support Frankston in order to extend their ability to respond to the needs of the most vulnerable members of the Frankston community. (additional \$175,000 allocated for 2023/24)			175,000	175,000	81,912		Ongoing provision of two staff to support service delivery.	175,000
Council car parking relief	Additional twelve months of the first two hours of parking free at the following car parks: - Frankston East Car Park - Cranbourne Road Car Park - Payne St Car Park			127,000	127,000	50,205		Free parking at eligible car parks although we are generally seeing fewer people park in the Frankston City Council.	127,000
Business Concierge (crisis package)	Continuation of the Better Approvals Project Business Concierge Services			110,000	110,000	-		Business concierge position has recently been filled.	110,000
Positioning Frankston Program	Program to position Frankston as a destination city, highlighting the importance of events, development and investment.			100,000	100,000	-		Planning has commenced	100,000
	Other package activities fully delivered and complete in 2020-2021 and 2021-22 and not continued into 2022-2023	4,984,950	2,188,537	-			-		7,174,487
	<b>Total Relief and Recovery packages</b>	<b>5,266,950</b>	<b>2,418,916</b>	<b>1,084,425</b>	<b>1,084,425</b>	<b>506,837</b>	<b>-</b>		<b>8,770,291</b>

**Executive Summary****12.3 Frankston Business Collective update**

*Enquiries: (Fiona McQueen: Customer Innovation and Arts)*

Council Plan

Level 1: 5. Thriving Economy

Level 2: 5.4 Elevate Frankston City's identity as an innovation hub and business-friendly city

**Purpose**

To update Council on the progress of the Frankston Business Collective (FBC) and to seek endorsement to sign a funding agreement signifying the move for the FBC to become an independent body.

**Recommendation (Director Customer Innovation and Arts)**

That Council:

1. Notes a local business chamber, now known as the Frankston Business Collective (FBC), officially commenced operating in July 2022 under the joint management of Council and a voluntary board;
2. Notes the success of the Frankston Business Collective in forming an active membership base of over 110, over 2,000 registered to the FBC mailing list and a series of well-attended business networking and training events delivered while achieving initiatives identified within their key pillars of Connection, Education and Advocacy;
3. Notes the FBC 2023 Schedule of Events, including Networking Events, Annual Business Awards and a Full Business Education series;
4. Notes the FBC has been working on a business model aimed at becoming a self-sustaining independent body representing local Frankston City businesses, with current modelling indicating this can likely be achieved within the next two (2) year period;
5. Notes the FBC will continue to support Council initiatives aimed at economic recovery, including advertising and communicating to the business community, and supporting the Business Grants process as an independent panel member;
6. Endorses the FBC to formally establish itself as an independent body from 28 February 2023 given the ongoing success of the FBC to date and in response to current forecast modelling of the group;
7. Notes the agreement begins 28 February 2023 and ends 30 August 2025 (to provide sufficient time for acquittal of all funds), and will include a 12 month review for 2024/25 funding needs. At the end of this complete period a further review will be conducted if warranted. There are also additional safeguards to protect Council's interests in the event of non-compliance with agreed obligations;
8. Commits funding of \$130,000 in 2023-2024 towards FBC operations and notes a further \$60,000 requested by FBC in 2024-2025 which is subject to FBC's financial position at the time and Council's annual budget process;
9. Authorises the Chief Executive Officer to sign the attached draft FBC Funding Agreement and make the necessary adjustments to Council's Annual Budget to support the FBC in achieving financial sustainability and independence; and
10. Receives ongoing quarterly reporting from the FBC covering initiatives, finances, membership and future direction, and maintains a positive and collaborative working relationship with the FBC into the future including invitations to attend

## 12.3 Frankston Business Collective update

**Executive Summary**

FBC events and Board meetings.

**Key Points / Issues**

- At its meeting on 20 September 2021 it was resolved that Council:  
*2. Endorses:*
  - c) the development of the chamber's strategic framework by the working group including a business plan i.e vision, mission, purpose, activities, financial and governance structure including voluntary status of board members, model rules and organisation structure on behalf of business and industry;*
- *4. Notes Council has provided \$200,000 in the 2021/22 budget to support the establishment of the Frankston Business and Industry Chamber, however, further funds will be required in 2022/23/24, while the Chambers transitions to a self-sustaining model.*
- At its meeting on 26 April 2022 it was resolved that Council:
  - 1. Endorses the proposed operating structure for the Business Chamber, inclusive of plans for an operating Board;*
  - 3. Endorses the preferred brand and naming of 'Frankston Business Collective' as informed by the community engagement.*
- The Frankston Business Collective (FBC), was launched in July 2022 as a Not for Profit business entity.
- In 2021/22 Council funding for the establishment phase was \$200,000.
- In 2022/23 Council funding was \$135,000 plus the unspent funds from 2021/22 were carried over – the total funds for 2022/23 were \$217,000.
- Along with set up costs, the funding was committed to employ a Council staff member to oversee the establishment of the FBC.
- Jeff Rogut was appointed as Council's Business Chamber Lead. As at the end of February 2023, Jeff Rogut's contract with Council will end. The FBC Board has appointed Jeff Rogut as the ongoing CEO. Future payment and salary negotiations will now be considered by the FBC Board.
- Ongoing funding of the FBC is a membership and sponsorship based strategy, supported with fees for events. In the first six months of operations the FBC has attracted 108 members (as at 14 November 2022).
- For 2023/24 the FBC is requesting additional funds of \$130,000 to fund the CEO role and the ongoing marketing costs to continue to attract new members. The CEO is responsible for all membership growth strategies and outcomes.
- The FBC model does not consider a physical location is necessary while the strategy is based on increasing their membership base.
- For 2024/2025 the FBC has provided financial projections outlining additional Council funding needs of \$60,000 with a view to financial independence by 2025/26.

**12.3 Frankston Business Collective update****Executive Summary**

- The Funding outlined for 2024/25 will be finally determined by the financial position of the FBC at the commencement of Council's annual budget process and subject to that budget process.
- A Funding Agreement has been created to officially separate the FBC from Frankston City Council. It begins 28 February 2023 and ends 30 August 2025 (to provide sufficient time for acquittal of all funds). It will include a 12 month review for 2024/25 funding needs. At the end of this complete period a further review will be conducted if warranted.
- When Council approved the formation of the FBC the plan was for it to operate independently by 2022/23 - it is proposed this will happen at the end of February 2023, with all remaining funds in the 2022/23 budget transferred from Council to the FBC.
- The FBC is operating independently in a number of ways, including:
  - IT set up – FBC operates a third party website and IT support.
  - Accounts – incoming membership being collected by FBC.
  - Communications – supported by contractor.
- In response to Council's ongoing funding commitment, the FBC will:
  - Report quarterly to Council on; initiatives, finances, member numbers, future direction.
  - Communicate and advertise FCC Economic Development initiatives, including grant opportunities.
  - Provide opportunities for Council to suggest ideas for events and activities.
  - Invite Mayor and Councillors to all events, plus offering speaking opportunities.
  - Work with relevant Council Officers on an ongoing basis.
  - FBC available to support Council communications to local businesses.
  - Support FCC economic grant processes, including representation in the Business Grants process as an independent panel member.
- The FBC will in an ongoing manner recognise it was an initiative of FCC to support the business community in the Frankston region. Examples of key activities the FBC is currently, and will continue, undertaking are:
  - Business Mentoring.
  - Business Networking Nights.
  - Business Workshop Series.
  - Targeted workshops.
- The 2023 Business Education Series has been announced for most of the year (sessions and topics will continue to be added) and includes:
  - April – digital marketing education session



**12.3 Frankston Business Collective update****Executive Summary**

- May – Financial planning and tips for business and Export for success education session
- June – successful grant and tender applications
- July – attracting and retaining staff education
- August – Business succession educational session.
- Further FBC events are in the process of being planned and include:
  - FBC Job Fair with Karingal Hub – proposed early 2023.
  - Frankston Business Awards announced at FBC Business Expo & Summit – October 2023. A full sponsorship program for funding is currently being designed for the event and awards.

**Financial Impact**

That Council refers the funding of \$130,000 towards Frankston Business Collective to the Annual Budget process for consideration.

**Consultation****1. External Stakeholders**

Council Officers have discussed this proposal with members of the FBC Board.

**2. Other Stakeholders**

The FBC currently reports into the Community Relations Manager. Discussions with the Board have taken place with the Director of Customer, Innovation and Arts and Communities and the CEO.

**Analysis (Environmental / Economic / Social Implications)**

The FBC has been designed to support businesses in the Frankston region with a view for economic improvements in the Municipality.

**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 Funding Agreement has been prepared.

Policy Impacts

No policy impacts have been identified.

Officer's Declaration of Interests

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

**Risk Mitigation**

Risks have been considered and mitigations are considered achievable.

**12.3 Frankston Business Collective update****Executive Summary****Conclusion**

In September 2021 Council approved the establishment of a Frankston Business and Industry Chamber, and then in April 2022 the business name of the Frankston Business Collective (FBC). It launched to the community in July 2022.

Council funding for the FBC was \$200,000 in 2021/22, and in 2022/23 it is \$135,000 plus the unspent funds from 2021/22 were carried over equaling total funds of \$217,000.

Aligned to the Council agreement that the FBC would operate independently, it is recommended that this occurs from end February 2023 and that Council agrees to additional funding of \$130,000 for 2023/24 and \$60,000 for 2024/2025, noting that this latter amount will be clarified, and subject to, FBC income levels at the time and Council's annual budget process.

---

**ATTACHMENTS**

Attachment A: [↓](#) Draft funding agreement Frankston Business Collective

# Funding and Service Agreement Frankston Business Collective Limited

[REM Number]



*Lifestyle Capital of Victoria*

## 1. Parties

<b>Council:</b>	<b>Frankston City Council</b>
ABN/ACN:	49 454 768 065
Primary Contact:	Manager Community Relations – Fiona McQueen
Department:	Community Relations
Address:	30 Davey St Frankston, Victoria 3199
Phone:	+61 414 326 100
Email:	fiona.mcqueen@frankston.vic.gov.au
<b>Recipient:</b>	<b>Frankston Business Collective Ltd</b>
ABN/ACN:	32 660 054 777
Primary Contact:	Jeff Rogut
Position:	Company Secretary, Director, Public Officer
Address:	PO Box 4525 Dandenong South, Victoria 3164
Phone:	+61 456 481 428
Email:	ceo@frankstonbusinesscollective.com.au

## 2. Definitions

<b>Activity</b>	means any tasks, services, project, event or other purposes for which the Funding is provided as described in the Activity Details
<b>Acquittal</b>	means information provided by the Recipient that ensures that funds have been administered responsibly and in line with conditions this Agreement
<b>Agreement</b>	means this legally binding contract between the Recipient and Frankston City Council.
<b>Business Day</b>	means a day other than a Saturday, Sunday or public holiday appointed under the Public Holidays Act 1993 (Vic)
<b>Council</b>	means Frankston City Council
<b>CPI</b>	means Consumer Price Index calculated against the <u>Frankston City Council 2021-2031 financial plan</u>
<b>Funding</b>	means financial support given to organisations with an expectation that the money will be used for an agreed and specified purpose in this Agreement
<b>Recipient</b>	means the organisation specified in the Parties, including officers, employees, agents, volunteers or subcontractors of the organisation



### 3. Funding Details

#### 3.1 Activity Details

- **Activity Name:** Business and industry representation and support.
- **Activity Description:** Provision of an independent, non-political focus for liaison and collaboration with the business community of the City, and delivery of activities designed to foster business development and employment growth.
- **Start Date and End Date:** This agreement begins 28 February 2023 and ends 30 August 2025 (to provide sufficient time for acquittal of all funds). It will include a 12 month review for 2024/25 funding needs. It will be reviewed by *Council* and the *Recipient* for consideration of any future agreement being formed if warranted.

#### 3.2 Purpose of this Funding

- 3.2.1 This agreement provides information on the *funding* for the *Recipient* to deliver specialised business and industry representation and support in line with *Council* priorities.
- 3.2.2 It is intended that the *Recipient* will operate financially independently of *Council* from the end of February 2023/24 financial year.
- 3.2.3 It is intended that the *Recipient* will regularly update *Council* on their activities and priorities.

#### 3.3 Undertaking the Activity

- 3.3.1 The *Recipient* agrees to undertake the *Activity* in accordance with this *Agreement*.
- 3.3.2 The *Recipient* is required to maintain the currency of its registration at all times during the term of this *Agreement*.

#### 3.4 Acknowledgements

- 3.4.1 The *Recipient* agrees to acknowledge *Council's* support in material published in connection with this *Agreement*.
- 3.4.2 The *Recipient* agrees to acknowledge *Council* as a Strategic Partner for its activities.

#### 3.5 Strategic Partner

- 3.5.1 The *Recipient* agrees to provide quarterly written reports to *Council* to update on financials, activities, direction and positioning.
- 3.5.2 The *Recipient* agrees to provide in person annual updates to *Council*.
- 3.5.3 The *Recipient* agrees to provide *Council* with invitations to all events, details of events, programs initiated through the funded service or project and any written material associated with the service.





- 3.5.4 The *Recipient* agrees to provide *Council* with an annual Calendar of Events, by 31st January for that year.
- 3.5.5 The *Recipient* agrees to ongoing relationship with Council Officers, including invitations to all events and three (3) Board Meetings per 12 month period.
- 3.5.6 The *Recipient* agrees to support *Council* communications with the business community. In turn, *Council* agrees to support the *Recipient* communications to relevant audiences.

### 3.6 Funding

- 3.6.1 Amount of *Funding* for this Activity:

<b>Total funds allocated for 2022/23</b>	\$217,000 As at end February 2023 – the FBC will invoice FCC for the remaining 2022/23 budget commitment.
<b>Total funds allocated for 2023/24</b>	\$130,000 The FBC will invoice FCC for the total 23/24 funding post 1 July 2024.
<b>Total funds allocated for 2024/25</b>	Suggested only: \$60,000 This amount will be clarified, and subject to, FBC income levels at the time and Council's annual budget process.

- 3.6.2 This *Funding* is provided to deliver the activity outlined in the Activity Details.
- 3.6.3 The *Recipient* agrees to perform each and every milestone and deliverable contained in the 'Milestones and Deliverables' table by the due date set out in appendix A to *Council's* reasonable satisfaction.
- 3.6.4 The *Funding* outlined for 2023/24 and 2024/25 will be finally determined by the financial position of the *Recipient* at the time the *Funding* is allocated by *Council*, and subject to *Council's* annual budget process.

### 3.7 Payment of the Funding

- 3.7.1 *Council* agrees to pay the *Funding* to the *Recipient* in accordance with this *Agreement*.
- 3.7.2 The *Recipient* agrees to enter into a recipient created tax invoice (RCTI) arrangement.
- 3.7.3 The *Recipient* must provide an invoice to Council that complies with tax legislation as applicable (including *A New Tax System (Goods and Services Tax) Act 1999*).
- 3.7.4 *Council* may by notice withhold payment of any amount of the *Funding* where it reasonably believes the *Recipient* has not complied with this *Agreement* or is unable to undertake the *Activity*.



- 3.7.5 *Council* will notify the *Recipient* of the reason for any payment being withheld and the steps the *Recipient* can take to address those reasons.
- 3.7.6 *Council* will pay the withheld amount once the *Recipient* has satisfactorily addressed the reasons contained in a notice.

### 3.8 Spending the Funding

The *Recipient* must:

- 3.8.1 Use the *Funding* only for the *Activity* in accordance with this *Agreement* or as otherwise agreed in writing by *Council*;
- 3.8.2 Comply with all applicable laws and *Council* policies in connection with the *Funding*, the *Activity* or this *Agreement*; and
- 3.8.3 Follow *Council's* reasonable directions in connection with the *Funding*, the *Activity* or this *Agreement*.

### 3.9 Reporting

The *Recipient* must complete an acquittal form and provide supporting documents annually via by the due date outlined in Appendix A, which includes:

- a) Most recent annual general minutes or annual report;
- b) Most recent financial statement;
- c) Public Liability Insurance Certificate of Currency;
- d) Information on the status delivery of this *Activity*;
- e) Information on the expenditure of the *Funding* received and how it has been expended in line with this *Agreement*; and
- f) Information on *Recipient* following terms and conditions on this *Agreement*.

### 3.10 Variance

*Recipient* must make application and obtain *Council's* approval to:

- 3.10.1 Use any of the *Funding* for anything other than the *Activity* or in any way that is not in accordance with this *Agreement*;
- 3.10.2 Change the deliverables and milestones, start date or end date of the *Activity*; and/or
- 3.10.3 Change the reporting requirements



### 3.11 Unspent funding

*Recipient must:*

- 3.11.1 Any unspent grant money and accumulated interest may be retained by the FBC to further the achievement of its objectives.
- 3.11.2 Unexpended or uncommitted funds will not be reallocated to new activities unrelated to the original purpose of the grant in the same funding period, or into the subsequent financial year without prior approval from *Council* as outlined in 3.9.

### 3.12 Record Keeping

The *Recipient* must:

- 3.12.1 Keep accurate records, including all receipts and tax invoices, in relation to the *Activity* and for everything that is purchased with the *Funding* in accordance with the requirements set out in this *Agreement*, if any; and
- 3.12.2 Provide access to, and copies of, the records at any time to *Council* or a third party authorised by *Council*.

### 3.13 Intellectual Property

- 3.13.1 The *Recipient* agrees any intellectual property rights created as a result of the *Funding* provided by the *Council* vests in the *Recipient*. The *Recipient* grants *Council* a permanent, irrevocable, transferable, free, worldwide, non-exclusive licence (including a right to sub-license) to use, reproduce, publish and adapt any intellectual property rights created as a result of the *Funding* provided by *Council*.
- 3.13.2 This *Agreement* does not affect the ownership of Intellectual Property Rights in Existing Material.

### 3.14 Notices

- 3.14.1 The *Recipient* must let *Council* know in writing within 5 *Business Days* from when they become aware if:
  - a) The *Recipient* no longer meets the eligibility requirements for the *Funding*, if any;
  - b) There is an actual or perceived conflict of interest that may impact on the *Recipient's* ability to deliver the *Activity*; if any;
  - c) The *Recipient* will not complete the *Activity*;
  - d) The *Recipient* will not spend the total amount of the *Funding*; or
  - e) The *Recipient* is aware of anything reasonably likely to adversely affect the undertaking of the *Activity*, management of the *Funding* or its performance of its other requirements or conditions under this *Agreement*.



- 3.14.2 *Council* may, by notice, advise the *Recipient* of changes to the *Agreement* that are minor or of an administrative nature.

### 3.15 Winding Up

- 3.15.1 The *Recipient* must immediately notify *Council*, in circumstances in which the *Recipient* intends to wind up or is being wound up, either voluntarily, by the courts, in general or in circumstances of insolvency as outlined in the Corporations Act 2001.
- 3.15.2 In the event of winding up, any unexpended portion of the *Funding* must be returned to *Council*.

### 3.16 Termination

- 3.16.1 If the *Recipient* does not comply with any of its obligations under this *Agreement* then *Council*:
- a) If it considers that the non-compliance is not capable of remedy – may by notice terminate this *Agreement* immediately;
  - b) If it considers that non-compliance is capable of remedy – may, by notice require that non-compliance be remedied within the time specified in the notice, and if not remedied within the time, may terminate the *Agreement* immediately by giving a second notice.
- 3.16.2 The *Recipient* agrees, on receipt of a notice of termination or reduction, to:
- a) Stop or reduce the performance of the *Recipient's* obligations as specified in the notice;
  - b) Take all available steps to minimise loss resulting from that termination or reduction;
  - c) Continue performing any part of the *Activity* not affected by the notice; and
  - d) Immediately return to *Council* any *Funding* or deal with any such *Funding* as directed by *Council*.
- 3.16.3 *Council* may also by notice terminate the *Agreement* immediately if:
- a) The *Recipient* is unable to pay all its debts as and when they become due and payable;
  - b) Proceedings are initiated with a view to obtaining an order for winding up the *Recipient*, or any shareholder, member or director convenes a meeting for the purpose of considering or passing of any resolution for winding up the *Recipient*;
  - c) In relation to this *Agreement*, the *Recipient* breaches any law of the Commonwealth of Australia, or of a State or Territory;
  - d) The *Recipient* becomes bankrupt, insolvent, enters into a scheme of arrangement with





creditors or come under any form of external administration; or

- e) *Council* reasonably believes that any statement made in the *Recipient's* application or *acquittal* is incorrect, incomplete, false or misleading in a way, which would have affected the original decision to approve the *Funding* or continuation this *Agreement*.

### 3.17 Additional Conditions

- **Gender Equality**

The *Recipient*:

- Pledges to advance gender equality in its policies, programmes, and practises. To ensure that people of all genders—including women/girls, men/boys, transgender people, and non-binary people—have equal access to and participation in all activities.
- Will proactively address barriers, discrimination, and disadvantage. Inequalities may be unintentionally reinforced if we do not consider how our work affects people of different genders, according to *Council*.

- **Diversity**

The *Recipient* must actively strive to ensure their activities are accessible, inclusive and welcoming of diversity including:

- People with disabilities
- People who identify as LGBTQIA+
- People from diverse cultures and faiths
- People experiencing hardship

In addition to diversity, 'Intersectionality' refers to the ways in which different aspects of a person's identity can expose them to overlapping forms of discrimination and marginalisation.

- |                                       |                        |                       |
|---------------------------------------|------------------------|-----------------------|
| ○ Aboriginality                       | ○ Age                  | ○ Geographic Location |
| ○ Refugee or asylum seeker background | ○ Mental Health        | ○ Medical Record      |
| ○ Migration or visa status            | ○ Socioeconomic status | ○ Criminal Record     |
|                                       | ○ Housing status       |                       |

When these aspects or characteristics combine:

- there is a greater risk of people experiencing family violence
- people find it harder to get the help they need due to systemic barriers
- there is increased risk of social isolation

- **Sustainable**

If hosting an event type *Activity* on land owned / managed by *Council* that requires a *Council* event application form, the *Recipient* must follow the requirements set out in *Council's* [Waste Wise Events Policy](#), including:

- Waste must be disposed of correctly
- Recycling must be disposed of in recycling bins provided or taken home for correct disposal
- Ensure sites are left free from litter
- Avoid the use of balloons at outdoor events, plastic shopping bags and polystyrene food and beverage packaging.
- Keep disposable straws out of customer's line of sight and only provided when requested

- **Child Safety**



Everyone in the community has a responsibility in ensuring the health, safety and wellbeing of children.

*Council* (as written in the *Council's* [Child Safe Policy](#)):

- Is committed to the health, safety and wellbeing of all children and to protecting them from child abuse.
- Does not tolerate child abuse and all allegations and safety concerns will be treated very seriously, reported and investigated.
- Will at all times listen to children respectfully and advocate for their right to feel safe, valued and protected.
- Will work in partnership with local organisations and services to protect children in our community from child abuse regardless of their age, gender, race, ability or their family's religious beliefs, sexual orientation, or social background.
- Is committed to the ongoing training and education of councillors, employees, contractors and volunteers on child safety.

The *Recipient* must, at a minimum:

- Commit to proactively keeping children safe and reporting any concerns of child safety
- Comply with all relevant child safety legislation which may include, but is not limited to, The Victorian Child Safe Standards (2022) and The Child Wellbeing and Safety Act (2005)
- On request, provide *Council* evidence of compliance
- Report (according to guide in Appendix B) all concerns of abuse or harm to children

If you are unsure about your responsibilities in relation the Victorian Child Safe Standards visit <https://ccyp.vic.gov.au/child-safe-standards/>

If you would like further information about *Council's* approach to child safety please email [childsafef@frankston.vic.gov.au](mailto:childsafef@frankston.vic.gov.au)

- **Information Privacy**

The *Recipient* acknowledges that it will be bound by the Privacy and Data Protection Act 2014 (Vic) and *Council's* [records management policy](#), the Information Privacy Principles and any applicable code of practice made under that act or policy with respect to any act done, or practice engaged in, by the *Recipient* for the purposes of *Council* in the same way and to the same extent as *Council* would have been bound by them in respect of that act or practice had it been directly done or engaged in by *Council*.

- **Lobbying**

The *Recipient* agrees that they will not canvas or lobby Councillors or employees of *Council* in relation to the Funding of this grant.

### 3.18 Indemnity / Insurance

The *Recipient* will indemnify *Council*, its officers, employees and agents against any loss or liability incurred by *Council*, including legal costs arising from or in connection with any act or omission of the *Recipient* under or in connection with this *Agreement* except to the extent that such loss or liability is caused by the unlawful or negligent act or omission of *Council*.

The *Recipient* must also:

- Maintain public liability insurance coverage for the term of this *Agreement*;



- Provide *Council* with a copy of the Certificate of Currency annually or at the request of Council; and
- Advise *Council* immediately if the *Recipient* is having problems obtaining insurance or the existing policy has been cancelled

### 3.19 Signatories to this Agreement

This Funding *Agreement* is legally binding contract between the *Recipient* and Frankston City Council.

By signing and returning this *Agreement* to *Council*, you will accept the offer of Funding in this *Agreement* and agree to the terms and conditions set out within.

This *Agreement* will commence from the date it is last signed and will end once you have completed the *Activity* and all other milestones and deliverables specified in this *Agreement* to the reasonable satisfaction of *Council*.

#### Frankston City Council

Print Name: \_\_\_\_\_

Position: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

#### Recipient

Organisation: \_\_\_\_\_

Print Name: \_\_\_\_\_

Position: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## Appendix A: Milestones & Deliverables

ITEM	DUE DATE	CONTENTS	RESPONSIBILITY
<b>Progress reporting (financial and membership)</b>	Updated monthly	Provision to Council: Minutes of all meetings including information, as available in relation to: Financial information, Membership numbers, Event numbers, Sponsorship contributions, project outcomes, due diligence.	FBC
<b>Audited Annual Financial Statements</b>	AGM held annually. Records to reflect calendar year prior.	Provision to Council: Statement of income and expenditure, balance sheet and annual report, audited financial statements including achievement of business performance targets.	FBC
<b>Preparation of an annual Yearly Activity Plan</b>	31/01/23	All activities in the plan must develop the FBC role and actions.	FBC
<b>Budget</b>	Nov/22	Provision to Council: Budget forecast for Calendar year 2023.	FBC
<b>Public Liability Insurance</b>	30/12/22	Updated policy required to be submitted prior to the execution of annual funding agreement.	FBC
<b>Progress report (activities and outcomes)</b>	30/6/23	Presentation and reporting as per 3.8 to Council of progress towards objectives, and details of strategies outlined in the Annual Business Plan and any issues arising. Incl. detailed charts on Membership, Sponsorship and attendance numbers to events.  Budget forecasting for the Financial Year.	FBC





Lifestyle Capital of Victoria

## Appendix B: Child Safety Reporting

### Reporting Concerns of Abuse or Harm to Children

For workers delivering services in a Council facility or on behalf of Council



#### What to report?

You must report when there is a disclosure of abuse or harm or a reasonable belief is formed that a child and/or young person (up to 18 years) is at risk or in need of protection, from any one of the below:

- Sexual abuse, sexual misconduct, physical violence (against, with or in the presence of, a child)
- Grooming (concerns of predatory conduct undertaken to prepare a child for sexual activity at a later time)
- Behaviour that is likely to cause significant emotional or psychological harm
- Significant neglect (not meeting obligations to keep a child safe and well) or (failure to provide basic needs for life, such as food, clothing, shelter, medical attention, supervision or care)
- Family violence is controlling or dominating behaviour by a person towards a family member that causes them to fear for their own or another person's safety or wellbeing. If a child hears or witnesses or is otherwise exposed to the effects of this behaviour it is considered child abuse.



If a Child or Young Person's immediate safety is compromised or they are in immediate risk of danger or harm please call the Police on 000

#### Who to report to

##### The organisation you are working for

Follow your organisations reporting procedure or contact a member of your organisations management/leadership for direction and support

AND

##### Department of Families, Fairness & Housing (DFFH) Southern

1300 655 795 or after hours 13 12 78

\*Discard if your organisations reporting process includes this step or if you have contacted the Police

AND

##### Frankston City Council

Contact a member of Council's Reportable Conduct Team on 1300 322 322 or [childsafe@frankston.vic.gov.au](mailto:childsafe@frankston.vic.gov.au)

For further information about Frankston City Council's approach to child safety contact: [childsafe@frankston.vic.gov.au](mailto:childsafe@frankston.vic.gov.au)

## Executive Summary

### 12.4 E-bikes trial progress report

Enquiries: (Patrick Dillon: Customer Innovation and Arts)

Council Plan

Level 1: 4. Well Planned and Liveable City

Level 2: 4.4 Innovate with smart technology and initiatives to increase the liveability of the city

#### Purpose

To brief Council with an update on progress of the peddle assisted E-bikes trial within the City of Frankston.

#### Recommendation (Director Customer Innovation and Arts)

That Council:

1. Notes the E-bikes progress report, as resolved at its Meeting on 24 October 2022;
2. Notes a further E-bike report will be provided to determine the future of E-bikes within the City of Frankston at the April 2023 Council Meeting; and
3. Endorses the continuation of the E-bike service until the April 2023 Council Meeting.

#### Key Points / Issues

- At its meeting on the 24 October 2022, it was resolved that Council:  
*2. Notes a further E-bike progress report will be provided to determine the future of the trial at the January 2023 Council Meeting.*
- The trial commenced in January 2022 with 150 peddle assisted E-bikes deployed across 22 locations within the municipality. The trial is being conducted at no cost to council and will help inform the demand, desire and future requirements for micro mobility and community consultation on the matter.
- The initial trial runs for twelve months. Upon its conclusion Council will consider its future direction in micro mobility which will include feedback from community consultation. This decision will take place at the April 2023 Council Meeting allowing enough time to thoroughly evaluate the trial.
- Council is currently undertaking community consultation via the Engage Frankston website. This feedback will help inform the final report to Council at the April 2023 Council Meeting.
- While the final report is being prepared for the April 2023 Council Meeting there are two approaches available for E-bikes:
  - Desist with the E-bike until the April 2023 meeting (not recommended)
  - Extend the E-bike trial until the April 2023 meeting (recommend)
- Desisting with the E-bikes during the evaluation and decision making period will result in the loss of 12 local jobs to Frankston.
- It will also mean the 27,641 users would need to seek alternative modes of transport during the months where active transport is traditional at its highest.

**12.4 E-bikes trial progress report****Executive Summary****E-bike Trial Progress Update**

- To date (as off the 31 December 2022) there has been:
  - a. 27,641 users signed up to the program;
  - b. 28,910 trips;
  - c. Total distance travelled 68,242 km; and
  - d. 1737 weekly and month passes purchased.
- The number of trips and new users signing up each month has remained consistent after a drop off from the initial launch spike. Winter months typically see less trips due to the weather with an increase as we moved through November, December and January.
- Neuron are an engaged vendor and would like to see the service continue past the trial while Council makes a decision on the long term future of E-bikes.

**E-scooter Trial Update**

- It remains illegal to use E-Scooters on Victorian roads and laneways.
- E-Scooter legislation remains under consideration by State Government with the City of Melbourne, City of Yarra, City of Port Phillip and City of Ballarat trial extended until the end of March 2023.
- It is expected there will be an announcement at the conclusion of this trial regarding any legislative changes or expansion of the current trial across the rest of Victoria.
- Council has continued to express its interest in exploring the possibility of trialling E-Scooters in Frankston with State Government.

**Financial Impact**

There are no financial implications associated with this report.

**Consultation****1. External Stakeholders**

Council officers have consulted with a range of key stakeholders including Victoria Police, Vicinity, Karingal Shopping Centre, Monash University and Peninsula Health. Council is also currently undertaking community consultation via the Engage Frankston website. This feedback will help inform the final report to Council at the April 2023 Council Meeting.

**2. Other Stakeholders**

Council officers have consulted with the key internal stakeholders who were also part of the internal group that worked on the E-Bike trial. This group would also form a key part of the ongoing working group for the trial.

**Analysis (Environmental / Economic / Social Implications)**

The expected economic benefits include but are not limited to:

- Improved north/south and east/west connectivity connection to strip centres and Frankston foreshore;
- Creation of a further 12-15 local jobs (subject to fleet size and demand) to help manage the ground and warehouse operations;

**12.4 E-bikes trial progress report****Executive Summary**

- Reduced financial costs relating to reliance on owning and running multiple private vehicles;
- Flexible transport options for businesses and employees;
- Cost effective commuter transport options, particularly for low-income earners and students, from both improved east/west connectivity to north/south public transport corridors; and
- Reduced demand on on-street parking at strip centres which promotes easier access for people outside short trip catchment area.

The expected community and social benefits would:

- Provide a safer option for pedestrians traveling between key community education, health and shopping hubs during low light times of day; and
- Make key community health and education infrastructure more accessible and connected.

The expected environmental benefits include:

- A strong environmental benefit delivered from the trial of E-bikes, driven by their low emission nature. From rider research conducted by the vendor, E-bike trips often replace car journeys 40-45%. Across a 12 month trial of 150 E-bikes this would be an estimated 50,000 km of car trips replaced, based on average E-bike usage seen across the trial site.

**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

No legal matters relate to this report.

Policy Impacts

No Council policies relate to 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**

Working closely with Neuron mobility a thorough risk assessment was undertaken prior to the commencement of the trial. This risk assessment directly feed into a subsequent agreement for the supply of commercial E-bikes for the trial period including such categories as rider safety, pedestrian safety and privacy obligations.

**Conclusion**

Council's support of the current E-Bike trial has had very encouraging adoption and success as an alternative transport option within the City of Frankston. Continuing the usage of E-bikes during Council's evaluation of the



**12.4 E-bikes trial progress report****Executive Summary**

E-bikes long term future will have a positive economic, environmental and social impact.

---

**ATTACHMENTS**

Nil

**Executive Summary****12.5 Appointment of Directors to the Board of Peninsula Leisure Pty Ltd**

*Enquiries: (Kim Jaensch: Corporate and Commercial Services)*

Council Plan

- |          |  |
|----------|--|
| Level 1: | 1. Healthy and Safe Communities  |
| Level 2: | 1.3 Encourage active and healthy lifestyles for people of all ages and abilities |

**Purpose**

For Council to consider the re-appointments of Non-Executive Directors to the Board of Peninsula Leisure Pty Ltd.

**Recommendation (Director Corporate and Commercial Services)**

That Council:

1. Acknowledges the contribution of Mr David Fraser and Mr Tom Mollenkopf during their tenure as Non-Executive Directors to the Board of Peninsula Leisure Pty Ltd (PL);
2. Re-appoints Mr David Fraser as a Non-Executive Director of Peninsula Pty Ltd for a period of three years, with the appointment expiring on 30 April 2026; and
3. Re-appoints Mr Tom Mollenkopf as a Non-Executive Director of Peninsula Pty Ltd for a period of three years, with the appointment expiring on 30 April 2026.

**Key Points / Issues**

- The board currently comprises five Non-Executive Directors with Councillor Claire Harvey sitting as an ex-officio member. The members and the expiry date of their appointments are as follows:

▪ Ms Julie Busch (Chair)	31 January 2024
▪ Ms Marlene Elliott	31 January 2024
▪ Mrs Kim Jaensch	By Council resolution
▪ Mr Tom Mollenkopf	30 April 2023
▪ Mr David Fraser	30 April 2023
- Both Mr Tom Mollenkopf and Mr David Fraser have added considerable value as Non-Executive Directors for Peninsula Leisure P/L to bring stability since 1 November 2020. They have been valuable members of the Peninsula Leisure Board contributing many hours well beyond the Board meetings including the recruitment process for the new CEO of Peninsula Leisure and key roles as the company focuses on the recovery of facilities impacted by COVID.
- Both Directors bring a unique skill set to the Board with Mr Mollenkopf coming from a legal background and Mr Fraser from an audit and risk background. They provide complementary skills to the balance of the Board.
- Given their contributions and the fact that Peninsula Leisure has undergone a significant period of change with the company now having a completely new Board and CEO, it is recommended at this point that maintaining a period of stability is desirable.

**12.5 Appointment of Directors to the Board of Peninsula Leisure Pty Ltd****Executive Summary**

- It is recommend that based on the balanced skill sets of the current Board that Council support the re-appointment of the Non-Executive Directors of Peninsula Leisure P/L:
  - Mr Tom Mollenkopf 30 April 2026
  - Mr David Fraser 30 April 2026
- Profile summaries of the proposed Board members are as follows:

**Mr Tom Mollenkopf**

Tom Mollenkopf is an independent advisor on policy, strategy and governance and an experienced Non-Executive Director with a track record across diverse industries and professional practice complemented by international experience. He is a Senior Associate with the Aither consultancy and over recent years has advised government, NGO and private sector clients in Australia and globally.

Tom's professional background is in law, first in private legal practice, then as corporate counsel - including Head of Legal at Australian Airlines (until its merger with Qantas) - before undertaking a series of executive and CEO roles in the water and environment sector. He was CEO of the Peter Cullen Water and Environment Trust until 2021 and between 2007 and 2013 was CEO of the Australian Water Association.

He is President and Chair of the International Water Association; a Board Director of Dandenong Market Pty Ltd; a member of the Victorian Sustainability Fund Committee; and a member of the Australian Water Partnership Expert Review Panel. Tom's previous Board roles include as President and Chair of the Board of Life Saving Victoria, Chair of the Water Industry Superannuation Fund, Deputy Chair of Wyong Water, and a Director of Surf Life Saving Australia, Western Water, WaterAid Australia and WaterAustralia Solutions Ltd.

**Mr David Fraser**

David is a Chartered Accountant and Certified Internal Auditor with over 30 years' commercial and government experience. He is a small business owner of Bayland Finance which provides financial services and business advice to businesses and individuals across Australia. David was a previous Audit Delivery Partner at Oakton and Audit Manager at Ernst & Young.

David was an Independent member of Councils Audit and Risk Committee with his term expiring in December 2020. He was recently appointed to the Mornington Peninsula Shire Audit and Risk Committee in 2022.

David has provided financial analysis, internal audit, probity and risk management consulting services to a range of public and private clients including Melbourne City Council – including their operating facilities i.e. Citywide and Victorian Markets, Yarra City Council – including their leisure facilities, Boroondara City Council and City of Greater Dandenong – including their leisure and market facilities.

David has experience with a range of other government clients, including Australian Tax Office, Victoria Auditor General's Office and Tasmanian Auditor General's Office, Victoria Police, Department of Justice and Regulation, Department of Education, Port of Melbourne Corporation and Victorian Planning Authority. Within the Private Sector, David has experience in the finance, building, motor vehicle and energy sectors. Specifically, in relationship to the finance sector, David has conducted reviews and benchmarking of the 4 major

**12.5 Appointment of Directors to the Board of Peninsula Leisure Pty Ltd****Executive Summary**

banks (CBA, NAB, ANZ and Westpac) on behalf of a Federal Government agency.

More recently he has been providing environmental and social auditing and reporting consulting services to a range of Government agencies and Corporations.

- The successful applicants will be notified of their appointments following Council's resolution.

**Financial Impact**

The fees paid to Directors are included in PL's budget and were adopted by Council at its meeting on 26 October 2015 (OM279). The fees payable are set as a percentage of the Councillor allowance, with Board members paid 70% of the Councillor allowance, with the Chair paid a supplement of 60% of that amount in recognition of the additional duties and work required. The role of being a Non-Executive Director encompasses duties far beyond regular board meetings including, but not limited to, numerous occasions where board members have to hold discussions outside these board meetings, conduct industry specific research and be available for decisions that need to be made. There are sub-committees attended and chaired by Board members including Financial Audit & Risk and Talent and Culture.

These amounts are included in the 2022/2023 Annual Budget of PL as approved by Council.

**Consultation****1. External Stakeholders**

Nil

**2. Other Stakeholders**

Communication was received from the Ms Julie Busch (Chair of PL Board) confirming that the Board recommends to Council the reappointment of both Mr Tom Mollenkopf and Mr David Fraser for a further three year term. Their contribution has been and continues to be of value to the organisation. Each bring skills and experience that are important for the Board collectively to deliver good governance and great outcomes to Council.

**Analysis (Environmental / Economic / Social Implications)**

It is considered that the appointments of Mr Fraser and Mr Mollenkopf will allow for the continued high performance of both the Board and the company and is seen as a critical step in continuing company stability at a time when it needs to be driving the recovery from the pandemic.

**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

The constitution of PL allows for the appointment of a Board of five, plus a Council Delegate as an ex-officio member.



**12.5 Appointment of Directors to the Board of Peninsula Leisure Pty Ltd****Executive Summary**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 imperative that the appropriate skill sets are available to the Board of PL and is seen as a critical step in continuing company stability at a time when it needs to be driving the recovery from the pandemic.

**Conclusion**

It is recommended that Council supports the appointments of Mr Fraser and Mr Mollenkopf with their terms to expire on 30 April 2026.

---

**ATTACHMENTS**

Nil

**Executive Summary****12.6 Appointment of Independent Member to the Audit and Risk Committee**

*Enquiries: (Kim Jaensch: Corporate and Commercial Services)*

Council Plan

- |          |  |
|----------|--|
| Level 1: | 6. Progressive and Engaged City  |
| Level 2: | 6.5 Support transparent and evidenced based decision making through sharing council data and clear reporting on our measures of success to the community |

**Purpose**

To seek Council approval for the re-appointment of an Independent Member to the Frankston City Council Audit and Risk Committee (ARC).

**Recommendation (Director Corporate and Commercial Services)**

That Council:

1. Reappoints Ms Lisa Tripodi as an Independent Member of the Frankston City Council Audit and Risk Committee (ARC) for a further three (3) year term, expiring on 31 December 2025; and
2. That the CEO writes to Ms Lisa Tripodi advising of Council's decision and offer congratulation on reappointment to the ARC.

**Key Points / Issues**

- Council's Audit and Risk Committee (ARC) is made up of three (3) independent members and two (2) Councillors and its role is to monitor Council's approach to internal control, risk management, compliance, financial reporting and ethical matters.
- The ARC Charter highlights in Section 3 the terms of appointment for independent members as follows:
  - '3.1 Independent members will be appointed for three year terms;
  - 3.2 Independent members may be reappointed for two additional three-year terms subject to satisfactory performance, that is, a maximum of nine years;'
- Ms Lisa Tripodi's first term appointment reached the expiration date on 30 November 2022 and during her term she has demonstrated a high level of performance and contribution to the ARC. Ms Tripodi also held the Chair role of the ARC during 2022;
- Ms Tripodi has over 20 years business experience in the provision of assurance services in both the public and private sectors including State and Local Government, education, health and banking;
- Ms Tripodi is a qualified Certified Practicing Accountant and an independent member on a number of Audit Committees. She has tertiary qualifications in Economics and Commerce and has been a Partner for Accounting and Assurance services at Oakton;
- This report is recommending the extension of Ms Tripodi's term for an additional three (3) years to 31 December 2025.

**12.6 Appointment of Independent Member to the Audit and Risk Committee****Executive Summary****Financial Impact**

The independent members of the ARC receive payments per meeting for their services. These payments are incorporated into the Annual Budget.

**Consultation****1. External Stakeholders**

The Charter requires Council to appoint Independent members to this ARC. Community engagement in this process is not considered appropriate.

**2. Other Stakeholders**

Nil

**Analysis (Environmental / Economic / Social Implications)**

There are no environments, economic or social implications associated with this report.

**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 is required to establish an ARC under the Local Government Act 2020 for the purpose of focussing on issues relevant to the integrity of Council's financial reporting, monitoring risk management systems and liaising between external auditors, internal auditors and management.

Policy Impacts

This report is consistent with the ARC Charter.

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 the re-appointment of the members to the ARC.

**Conclusion**

The re-appointment of Ms Lisa Tripodi as an independent member to the ARC for an additional three year term is recommended.

---

**ATTACHMENTS**

Nil

**Executive Summary****12.7 Appointment of Chairperson to the Audit and Risk Committee 2023**

*Enquiries: (Kim Jaensch: Corporate and Commercial Services)*

Council Plan

Level 1:

6. Progressive and Engaged City

Level 2:

6.1 Ensure sustainable financial management and the strategic allocation of resources to deliver planned infrastructure and services

**Purpose**

For Council to appoint an Independent Member of the Frankston City Council Audit and Risk Committee (ARC) to the position of Chairperson.

**Recommendation (Chief Financial Officer)**

That Council:

1. Resolves to appoint Ms Lisa Tripodi to the position of Chairperson of the Audit and Risk Committee (ARC) until 31 December 2023; and
2. Resolves that the attachment, Expression of Interest - Chairperson Position - Ms Lisa Tripodi, remains confidential indefinitely as it contains personal information (*Local Government Act 2020, s.3(1)(f)*). These grounds apply because the information which, if released, would result in the unreasonable disclosure of information about a person and their personal affairs and would breach privacy obligations.

**Key Points / Issues**

- Council has had in place an Audit and Risk Committee (ARC) since 1995. The role of the Chairperson is to ensure that the meetings are conducted in an efficient and fair manner. The Chairperson is also required to provide a report to Council twice per annum on the activities completed by the ARC. One of these reports is to be prepared after the meeting at which the ARC considers the annual financial report and annual performance statement as per Section 6 of the ARC Charter (Charter).
- The Chairperson is appointed for a maximum period of 12 months. The current Chairperson's (Lisa Tripodi) appointment expired on 31 December 2022.
- The Charter contains the provision that the position of Chairperson is appointed by Council. Accordingly, Expressions of Interest (EOI) have been sought from the three (3) Independent Members.
- One (1) submission has been received from Ms Lisa Tripodi. A copy of the submission is attached.
- It is recommended that Ms Lisa Tripodi be re-appointed in the role of Chairperson until 31 December 2023.

**Financial Impact**

The Chairperson receives an additional \$2,290 per annum over and above the current remuneration for performing the role of Independent Member. This has been accommodated within existing budgets.



**12.7 Appointment of Chairperson to the Audit and Risk Committee 2023****Executive Summary****Consultation****1. External Stakeholders**

The Charter requires Council to appoint the Chairperson to this Committee. Community engagement in this process is not considered appropriate.

**2. Other Stakeholders**

Expressions of Interest have been sought from the three (3) Independent Members. One (1) submission has been received from Ms Lisa Tripodi.

**Analysis (Environmental / Economic / Social Implications)**

Nil

**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

The appointment of the Chairperson to the Committee is consistent with the Charter.

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 identified with this report.

**Conclusion**

A Chairperson needs to be appointed to ensure the smooth operation of the Committee. Ms Lisa Tripodi is recommended for the appointment of this role until 31 December 2023.

---

**ATTACHMENTS**

Attachment A: Expression of Interest - Lisa Tripodi - **CONFIDENTIAL**

**Executive Summary****12.8 Outcomes of the Audit & Risk Committee Meeting - 2 December 2022**

*Enquiries: (Kim Jaensch: Corporate and Commercial Services)*

Council Plan

Level 1:

6. Progressive and Engaged City

Level 2:

6.5 Support transparent and evidenced based decision making through sharing council data and clear reporting on our measures of success to the community

**Purpose**

To present to Council the unconfirmed minutes of the Audit and Risk Committee (Committee) meeting held on 2 December 2022.

**Recommendation (Director Corporate and Commercial Services)**

That Council:

1. Receives the unconfirmed minutes of the Audit and Risk Committee meeting held on 2 December 2022; and
2. Resolves the attachment remains confidential indefinitely on the grounds that it as it contains details of existing audits and other information which includes Council business information, security information, law enforcement information, legal privileged information, personal information, private commercial information and confidential meeting information (Local Government Act 2020, s.3(1)(a), (b), (d), (e), (f), (g) and (h)). Premature release of this information would impact the status of the audits and compromise the ability for future audits to be properly undertaken.

**Key Points / Issues from the 2 December 2022 Meeting (Attachment A)**

- The Committee was welcomed by Ms Lisa Tripodi, Chairperson.
- The Committee was presented with an updated Internal Audit Status Report and the following final Internal Audits:
  - Review of Integrated Planning and Service Planning Frameworks
  - Review of Purchasing cards (Credit cards, Fuel cards, Cab charge and Coles cards)
- The Committee reviewed an update on Risk and with a report focussed on the risk of Climate Change.
- The CEO presented to the Committee the CEO's Council's quarterly report.
- Senior officers presented the following updates:
  - Child Safe Action Plan
  - Information and Communications Technology Strategy
  - Legislative Compliance Obligations – Status Report Update 2021-2022

**Financial Impact**

Costs for supporting the Audit and Risk Committee and Internal Audit function are covered within Council's current budget.

**12.8 Outcomes of the Audit & Risk Committee Meeting - 2 December 2022****Executive Summary****Consultation****1. External Stakeholders**

Community engagement is not undertaken in relation to these matters.

**2. Other Stakeholders**

The relevant internal stakeholders have been notified of the actions that need to be undertaken for this Committee meeting.

**Analysis (Environmental / Economic / Social Implications)**

There are no social, economic or environmental implications in relation to this report.

**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 is required to establish an Audit and Risk Committee under the *Local Government Act 2020* for the purpose of focusing on issues relevant to the integrity of Council's financial reporting, monitoring risk management systems and liaising between external auditors, internal auditors and management.

Policy Impacts

There are no policies or protocols that affect 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**

The Committee is a fundamental component of a good corporate governance structure and is an Advisory Committee of Council. Its purpose is to assist and advise Council in the areas of financial reporting, external audit, internal audit, risk management, ethics, control framework and good governance, generally through compliance with the *Local Government Act 2020* and other applicable laws and regulations.

**Conclusion**

The unconfirmed minutes of the Audit and Risk Committee meeting held on 2 December 2022 are presented to Council for consideration and endorsement.

---

**ATTACHMENTS**

Attachment A: Unconfirmed Minutes - Audit & Risk Committee - 2 December 2022 - **CONFIDENTIAL**

**14.1 2023/NOM1 - Kananook Railway Station Sound Wall**

On 4 January 2023 Councillor Bolam gave notice of his intention to move the following motion:

That Council formally writes to the State Member for Frankston, Mr Paul Edbrooke MP, and State Minister for Public Transport, the Hon Ben Carroll MP, expressing concern about the aesthetic state of the new sound-wall on Frankston Freeway adjoining Kananook Railway Station.

The new wall, much like the previous sound-wall, is recurrently vandalised resulting in an unpleasant sense of arrival to Frankston City while impacting amenity, civic pride and municipal reputation.

The letter will seek Victorian Government investment towards beautification works to the Kananook Railway Station sound-wall, which could include a public art mural and/or artificial greening.

**COMMENTS BY DIRECTOR / CEO**

Question for Consideration	
1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?	<b>YES</b> Comments: if applicable
2. Is the NoM substantially different from any notice of motion or rescission motion that has been considered by Council and lost in the preceding six months?	<b>YES / NO</b> Comments: if applicable
3. Is the NoM clear and well worded?	<b>YES</b> Comments: if applicable
4. Is the NoM capable of being implemented?	<b>YES</b> Comments: if applicable
5. If the NoM is adopted, will a meeting be required with the relevant Director and Manager and Council officers in order to progress its implementation?	<b>NO</b> Comments: The NoM requires a letter to be written, the content of which is clear.
6. Is the NoM within the powers of a municipal Council?	<b>YES</b> Comments: if applicable
7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?	<b>NO</b> Comments: Council will advocate in this matter.
8. Is the NoM consistent with all relevant legislation?	<b>YES</b> Comments: if applicable
9. Is the NoM consistent with existing Council or State policy or position?	<b>YES</b> Comments: if applicable



**14.1 2023/NOM1 - Kananook Railway Station Sound Wall**

Question for Consideration	
<b>10. Is the NoM consistent with Council's adopted strategic plan?</b>	<b>YES</b> Comments: if applicable
<b>11. Can the NoM be implemented without diversion of existing resources?</b>	<b>YES</b> Comments: if applicable
<b>12. Can the NoM be implemented without diversion of allocated Council funds?</b>	<b>YES</b> Comments: if applicable
<b>13. Are funds available in the adopted budget to implement the NoM?</b>	<b>NO</b> Comments: The NoM does not require funds to implement, only officer time.
<b>14. What is the estimated cost of implementing the NoM?</b>	<b>NIL</b> Comments: if applicable

---

**ATTACHMENTS**Attachment A: [↓](#) Kananook Railway Station Sound Wall

### Kananook Railway Station Sound Wall



**14.2 2023/NOM2 - Release of Closed Council Report on Proposed Long St Kindergarten and MCH**

On 17 January 2023 Councillor Hill gave notice of his intention to move the following motion:

That Council:

1. Authorises the immediate public release of the division of voting for the Closed Council Item C.1 (Kindergarten Reform Update and Langwarrin Child & Family Centre), at Council Meeting 2022/CM15 on 24 October 2022 with the draft minutes of this Council Meeting.
2. Authorises the immediate public release of the officer's report for Closed Council item referred to in (1) with the draft minutes of this Council meeting, except for the first dot point/fourth paragraph under the Key Points/Issues sub-heading and the attachment. These two items of information to be excluded relate to kindergarten sites other than Long Street Langwarrin.
3. Receive a report at the February 2023 Council Meeting outlining:
  - (a) The information released to the community to date; and
  - (b) Information to be released to the community in future and timeframes around this release, including the timeframe for the release of the excluded information referred to in item 2 (above).

**COMMENTS BY DIRECTOR COMMUNITIES**

Question for Consideration	
<b>1. Has the NoM been discussed with the CEO and/or the relevant Director or Manager?</b>	<b>YES</b> Comments: Nil.
<b>2. Is the NoM substantially different from any notice of motion or rescission motion that has been considered by Council and lost in the preceding six months?</b>	<b>YES</b> Comments: Nil.
<b>3. Is the NoM clear and well worded?</b>	<b>YES</b> Comments: Nil.
<b>4. Is the NoM capable of being implemented?</b>	<b>YES</b> Comments: Yes, two parts of the NoM can be implemented through the release of the draft minutes for Council Meeting 2023/CM1. The remaining part of the NoM can be addressed via a further report to the next Council Meeting.

**14.2 2023/NOM2 - Release of Closed Council Report on Proposed Long St Kindergarten and MCH**

Question for Consideration	
5. If the NoM is adopted, will a meeting be required with the relevant Director and Manager and Council officers in order to progress its implementation?	<b>NO</b> Comments: The action is straightforward and does not require further discussion. After (if) the information is released on with the draft minutes, it would also be uploaded on the Engage Frankston website, in an effort to keep all of the information pertaining to this matter/ consultation together.
6. Is the NoM within the powers of a municipal Council?	<b>YES</b> Comments: A Council resolution is require to make public information from a Closed Council report or resolution.
7. Is the NoM free from overlap with matters for which the State and/or Federal Government are responsible?	<b>YES</b> Comments: Nil.
8. Is the NoM consistent with all relevant legislation?	<b>YES</b> Comments: It accords with the Local Government Act 2020.
9. Is the NoM consistent with existing Council or State policy or position?	<b>NOT APPLICABLE</b> Comments: Nil.
10. Is the NoM consistent with Council's adopted strategic plan?	<b>YES</b> Comments: Nil.
11. Can the NoM be implemented without diversion of existing resources?	<b>YES</b> Comments: Nil.
12. Can the NoM be implemented without diversion of allocated Council funds?	<b>YES</b> Comments: The NoM can be achieved within existing resources.
13. Are funds available in the adopted budget to implement the NoM?	<b>NOT APPLICABLE</b> Comments: The cost of the NoM is staff time only.
14. What is the estimated cost of implementing the NoM?	Parts 1 and 2 of the NoM can be achieved through the release of the draft minutes for this Council Meeting.  The third part requires a report to come to the February 2023 Council Meeting.

**DIRECTOR'S COMMENTS:**

The proposed kindergarten design at the Long Street Reserve is a topical matter in the community. It is the subject of engagement, which is being carried out between 9 December



**14.2 2023/NOM2 - Release of Closed Council Report on Proposed Long St Kindergarten and MCH**

2022 and 26 March 2023. At the end of engagement, a report will be brought to Council on the outcomes of it and recommended next steps for the project.

Through this engagement, resident/s have requested additional information be provided to help them understand the rationale for why a new kindergarten and maternal child health (MCH) centre is required and why this site has been selected. Officers have responded to such requests and updated the Engage Frankston website to provide additional information.

This matter was considered at a Closed Council Meeting on 24 October 2022. The minutes from that meeting were released with the minutes of the 12 December 2022 Council Meeting, as per that resolution. The officer's report and attachment that accompanied this item were not released.

As the October report was about State-wide kindergarten reform and a proposed new kindergarten/MCH at the Long Street Reserve, some of the information within the report does not relate to the Long Street site. Given this, a report will come to the February 2023 Council Meeting identifying what information has been released to the community, and what information will be released to the community in future, and the timeframe for it. As an organisation, we are mindful of being transparent and sharing information as fulsomely as possible.

---

**ATTACHMENTS**

Nil

**17. CONFIDENTIAL ITEMS**

Section 3(1) of the *Local Government Act 2020* enables the Council to close the meeting to the public if the meeting is discussing any of the following:

- (a) Council business information that would prejudice the Council's position in commercial negotiations if prematurely released;
- (b) Security information that is likely to endanger the security of Council property or the safety of any person;
- (c) Land use planning information;
- (d) Law enforcement information;
- (e) Legal privileged information;
- (f) Personal information;
- (g) Private commercial information;
- (h) Internal arbitration information;
- (i) Councillor conduct panel information
- (j) Information prescribed by the regulations to be confidential information for the purposes of this definition;
- (k) Information that was confidential information for the purposes of section 77 of the *Local Government Act 2020*
- (l) A resolution to close the meeting to members of the public pursuant to section 66(2)(a).

Nil Reports

.....  
Signed by the CEO