



**MINUTES OF COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 31 MAY 2021 at 7.05PM**

PRESENT	Cr. Kris Bolam (Mayor) Cr. Nathan Conroy Cr. David Asker (via zoom) Cr. Sue Baker (via zoom) Cr. Claire Harvey (via zoom) Cr. Brad Hill (via zoom) Cr. Liam Hughes (via zoom) Cr. Steven Hughes (via zoom) Cr. Suzette Tayler (via zoom)
APOLOGIES:	Nil.
ABSENT:	Nil.
OFFICERS:	Mr. Phil Cantillon, Chief Executive Officer Ms. Kim Jaensch, Chief Financial Officer (via zoom) Dr. Gillian Kay, Director Communities (via zoom) Mr. Cam Arullanantham, Director Infrastructure and Operations (via zoom) Ms. Shweta Babbar, Director Business Innovation and Culture (via zoom) Ms. Brianna Alcock, Manager Governance and Information Mr. Sam Clements, Manager Statutory Planning (via zoom) Mr. Stuart Caldwell, Coordinator Statutory Planning (via zoom) Ms. Tenille Craig, Team Leader Governance Ms. Vera Roberts, Executive Assistant to the Chief Financial Officer (via zoom) Mr. Josh Lacey, Supervising Technician Mr. Jeremy O'Rourke, Supervising Technician Mr. Ric Rais, Desktop Support Officer Ms. Suzane Becker, Manager Policy, Planning and Environmental Strategies (via zoom)
EXTERNAL REPRESENTATIVES:	Nil.

MAYOR STATEMENT

This meeting is being live streamed for public viewing in accordance with section 66(3) of the Local Government Act 2020. In the event Council encounters technical issues with the streaming, 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.

Chairperson's initials

COUNCILLOR STATEMENT

Councillor Conroy made the following statement:

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

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

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

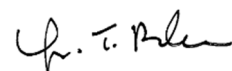
PRAYER

At the request of the Mayor, Councillor Conroy read the Opening Prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

Chairperson’s initials



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1. PRESENTATION TO COMMUNITY GROUPS**1.1 Letter Under Seal Presentation to the Country Women's Association – Frankston Branch**

The Mayor acknowledged the Letter Under Seal to the Country Women's Association – Frankston Branch in recognition of their 90th Anniversary.

1.2 Certificate of Appreciation to the Sikh Volunteers Australia

Councillor Conroy presented a Certificate of Appreciation to the Sikh Volunteers Australia in recognition of their service to the Frankston Community.

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Council Meeting No. CM8 held on 17 May 2021.

Council Decision

Moved: Councillor Harvey

Seconded: Councillor Hill

That the minutes of the Council Meeting No. CM8 held on 17 May 2021 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES

Nil

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

On receiving legal advice, Cr Liam Hughes rescinded a previous declaration of interest in relation to the Yacht Club, relating to Item 11.3: Application to Amend Planning Permit 302/2020/P – 30 Long Island Drive Frankston – to use the first floor of the existing building for a food and drink premises (restaurant) and to allow the sale and consumption of liquor within the restaurant.

5. PUBLIC QUESTION TIME

Two (2) people submitted questions With Notice to Council and one (1) person submitted questions Without Notice. At the request of the Mayor, the Chief Executive Officer read the questions and answers to the gallery. The questions and answers will be provided in the minutes of the next Council Meeting, scheduled for 15 June 2021.

6. HEARING OF PUBLIC SUBMISSIONS

Ms Christina McRae made a submission to Council regarding Item 11.2: Town Planning - 437/2020/P - 35 Playne Street, Frankston - To construct a nine (9) storey building and construct or carry out works in a Commercial 1 Zone (C1Z) and to reduce the number of car parking spaces required under the Parking Overlay Schedule 1 (PO1);

Mr David Eden made a submission to Council regarding Item 12.9: Draft Frankston Heritage Gap Review 2020 - Report on public consultation and adopt the Review;

Mr Cameron Church made a submission to Council regarding Item 12.9: Draft Frankston Heritage Gap Review 2020 - Report on public consultation and adopt the Review;

Ms Lynette Ryan made a submission to Council regarding Item 12.9: Draft Frankston Heritage Gap Review 2020 - Report on public consultation and adopt the Review;

Councillor Liam Hughes left the chamber at 7:52 pm.

Ms Keren Tindley made a submission to Council regarding Item 12.12: Frankston City Parkrun Proposal;

Councillor Liam Hughes returned to the chamber at 7:54 pm.

Ms Quinn McCormack made a submission to Council regarding Item 12.12: Frankston City Parkrun Proposal;

Ms Nadine Crawford made a submission to Council regarding Item 12.12: Frankston City Parkrun Proposal;

Ms Robin Clarey made a submission to Council regarding Item 12.12: Frankston City Parkrun Proposal;

Ms Colleen White made a submission to Council regarding Item 12.12: Frankston City Parkrun Proposal;

Mr Mick Duyvestyn made a submission to Council regarding Item 12.12: Frankston City Parkrun Proposal;

Mr Martin Brett made a submission to Council regarding Item 12.12: Frankston City Parkrun Proposal;

Councillor Asker left the chamber at 8:37 pm.

Councillor Asker returned to the chamber at 8:38 pm.

Ms Claudia Stevenson made a submission to Council regarding Item 12.12: Frankston City Parkrun Proposal; and

Ms Karen Griffin made a submission under Section 223 to Council regarding Item 12.9: Draft Frankston Heritage Gap Review 2020 - Report on public consultation and adopt the Review.

Meeting adjourned at 8.52pm

Meeting recommenced at 8.59pm

7. ITEMS BROUGHT FORWARD

Items Brought Forward

Council Decision

Moved: Councillor Conroy

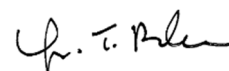
Seconded: Councillor Hill

That Items listed below be brought forward:

- 11.2: Town Planning - 437/2020/P - 35 Playne Street, Frankston - To construct a nine (9) storey building and construct or carry out works in a Commercial 1 Zone (C1Z) and to reduce the number of car parking spaces required under the Parking Overlay Schedule 1 (PO1);
- 12.9: Draft Frankston Heritage Gap Review 2020 - Report on public consultation and adopt the Review;
- 12.10: Local Heritage Preservation Grant Program 2020/2021; and
- 12.12: Frankston City Parkrun Proposal.

Carried Unanimously

Chairperson's initials



Block Motion**Council Decision****Moved: Councillor Baker****Seconded: Councillor Harvey**

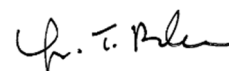
That the items listed below be block resolved:

- 11.1: Town Planning Application 32/2021/P - 51 Foot Street, Frankston - To use the land to sell and consume liquor (Restaurant and Cafe Licence);
- 11.4: Statutory Planning Progress Report - April 2021;
- 12.1: Council Resolution Status Update for 31 May 2021
- 12.2: Update on Coronavirus (COVID-19) - 31 May 2021
- 12.4: Appointment and Authorisation of Council Staff
- 12.5: Instrument of Delegation S6 from Council to members of Council staff
- 12.6: Customer Service Charter
- 12.7: CEO Employment and Remuneration Policy
- 12.8: Road Management Plan Review 2021
- 12.11: Frankston City Extended Outdoor Dining and Activation Status Report
- 12.13: Outcomes of Advocacy in Canberra - May 2021
- 12.14: Association of Bayside Municipalities Memorandum of Understanding Renewal
- 12.15: Finalisation of statutory procedure - United Energy sub-station lease - Civic Centre, Frankston
- 12.16: Frankston Football Club - Termination of the Deed Of Company Arrangement (DOCA)
- 12.17: Proposed closure of Taylors Road, Skye between Hall Road and Ballarto Road
- 12.18: Award of Contract CN10510 - Native Vegetation Maintenance Works Panel
- 12.19: Award of Contract CN10450 - Concrete Replacement Maintenance Works Panel
- 12.20: Award of Contract No. CN10455 - Frankston City Council Website(s) Redevelopment
- 12.21: Response to Petition - Preservation of Colourbond Fence Extension at 3-5 Kars Street, Frankston

Carried Unanimously**8. PRESENTATIONS / AWARDS**

The Mayor noted the Top Town Tourism Awards and thanked the community for their support. The Mayor also thanked the Council organisation in the work it did in pushing Frankston forward and acknowledged the work carried out by Officers.

Chairperson's initials



9. PRESENTATION OF PETITIONS AND JOINT LETTERS**9.1 Removal of Outdoor Dining in Norman Avenue, Frankston South****Council Decision****Moved: Councillor Hill****Seconded: Councillor Harvey**

That the petition from Nicolas Hanna concerning the removal of outdoor dining in Norman Avenue, Frankston, containing 199 signatures, be received.

Carried Unanimously

9.2 Abolishment of mandatory inclusion of private dwellings in the Heritage Overlay**Council Decision****Moved: Councillor Tayler****Seconded: Councillor Asker**

That the petition from Meagan Robertson concerning the abolishment of mandatory inclusion of private dwellings in the Heritage Overlay and to make the process more transparent and options, containing 393 signatures, be received.

Carried Unanimously

10. DELEGATES' REPORTS

The Mayor, Councillor Bolam, provided a verbal submission on his trip to Canberra from 11 May to 13 May 2021 with the Chief Executive Officer, Mr Phil Cantillon and Coordinator Advocacy and Engagement, Ms Kristen Thomson, to visit Liberal and Labour Federal Ministers.

General Motion**Council Decision****Moved: Councillor Conroy****Seconded: Councillor Tayler**

That the verbal submission from the Mayor, concerning his trip to Canberra to conduct Council business in relation to advocacy matters for the city of Frankston, be accepted

Carried Unanimously

ITEMS BROUGHT FORWARD**11.2 Town Planning - 437/2020/P - 35 Playne Street, Frankston - To construct a nine (9) storey building and construct or carry out works in a Commercial 1 Zone (C1Z) and to reduce the number of car parking spaces required under the Parking Overlay Schedule 1 (PO1)**

(SC Communities)

Recommendation (Director Communities)

That Council resolves that should a review not have been lodged under S79 of the Planning and Environment Act (1987) at the Victorian Civil and Administrative Tribunal, it would have issued a Planning Permit in respect to Planning Permit Application number 437/2020/P for the construction of nine (9) storey building and construct or carry out works in a Commercial 1 Zone (C1Z) and to reduce the number of car parking spaces required under the Parking Overlay Schedule 1 (PO1) at 35 Playne Street, Frankston, subject to the following conditions:

Plans

- 1) Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and one copy must be provided. The plans must be substantially in accordance with the plans submitted with the application prepared by Woods Bagot Project Number 140500, dated 18 December 2020 Sheets SK001 REV C, SK150 REV D, SK2200 REV K, SK2201 REV J, SK2201.1 REV J, SK2202 REV J, SK2202.1 REV J, SK2203 REV J, SK2208 REV H, SK3200 REV H, SK3210 REV G, SK3211 REV G, SK3212 REV G, SK3213 REV G (or some other specified plan) but modified to show:
 - a. The development modified as shown in the 'without prejudice' plans prepared by Woods Bagot, Project Number 140500, dated 11 March 2021.
 - b. The tower to be setback a minimum of 4.5 metres to the western boundary of 27-31 Playne Street.
 - c. A portion of the visitor bicycle parking replaced with a public bench seat to be located along the Playne Street footpath
 - d. Elevations to identify and annotate clear, unfrosted glazing to the Playne Street interface and pedestrian entry to Park Lane.
 - e. Elevations to identify that artwork occupies 50 percent of the core.
 - f. Identify and annotate that upper levels (above podium) are to be low-reflective glazing.
 - g. Amended Wind Tunnel Study in accordance with Condition 38.
 - h. All trees growing on the site and on the adjoining properties within 3m of the boundaries must be clearly illustrated on all relevant plans to demonstrate canopy width, trunk location, clearly labelled and state whether the tree is to be retained or removed to the satisfaction of the Responsible Authority.
 - i. The Tree Protection Zone and Structural Root Zone for all trees to be retained and the tree protection fence locations must be illustrated on all relevant plans to the satisfaction of the Responsible Authority.
 - j. Tree protection conditions noted in accordance with Conditions 8, 9, 10 and 11.

- k. A Landscape Plan in accordance with Condition 4.
- l. A Landscape Maintenance Plan in accordance with Condition 5.
- m. Detailed design for the ventilated mesh car parking screening in accordance with Condition 12.
- n. A detailed materials, finished and colour schedule in accordance with Condition 13.
- o. A Waste Management Plan in accordance with condition 40.
- p. Details of the roof services screen treatment to reflect to overall building design
- q. Detailed (1:50) colour elevation of the podium
- r. Location of the wayfinding signage for the bicycle spaces in accordance with Clause 52.34-7 of the Frankston Planning Scheme
- s. Details of bicycle parking devises to comply with Australian Standards AS2890.3
- t. Car parking design on the relevant plans in accordance with Condition 23 to 28.
- u. Functional layout plan and traffic assessment demonstrating that right turning traffic entering Thompson Street will not obstruct through traffic in accordance with Condition 22.
- v. Provision of a loading and unloading bay to be identified within the car parking layout)

No Alterations

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

Car Parking contribution

- 3) Before the development starts, the owner of the land must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority providing for the following matters:
 - a. The owner must pay to the Responsible Authority a payment of \$19,500 plus GST for each car space required but not provided on the land calculated at a rate of 2 spaces per 100sqm of floor area. The amount of contribution for each space will be adjusted by the responsible authority from 1 July 2017 each year by applying the Building Price Index, Melbourne in Rawlinsons Australian Construction Handbook.
 - b. The agreement may provide for the payment of the contribution in instalments, plus an interest component equivalent to the interest payable on unpaid rates and charges under the Local Government Act 1989 and if so, must provide that all instalments and accrued interest must be paid within 5 years of the first instalment.
 - c. The owner must pay all costs (including Council's costs) for drafting, reviewing, executing and registering the agreement on the land.

Landscaping

- 4) Before the commencement of buildings and works, a detailed landscape plan consistent with Frankston City Council's Landscape Plan Preparation 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 drawn to scale with dimensions. The plan must be generally in accordance with the Concept Landscape plan, prepared by Acre dated 13th November 2020, but modified to show:
- a. A survey (including botanical names) of all existing vegetation on the site and those located within three (3) metres of the boundary of the site on adjoining properties, accurately illustrated to represent canopy width and labelled with botanical name, height and whether the tree is proposed to be retained and/or removed;
 - b. The tree number, T.P.Z., S.R.Z. and tree protection notations relating to Council street trees.
 - c. the delineation and details of surface finishes of all garden beds, grassed areas, pathways, driveways, retaining walls and other landscape works including areas of cut and fill throughout the development site;
 - d. a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;
 - e. a range of plant types from ground covers to large shrubs, trees including shade tolerant indigenous plants
 - f. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - g. A planting theme of a minimum 30% indigenous and 40% native within each plant group;
 - h. Detailed design of all planter boxes and demonstrate adequate soil volumes and drainage
 - i. Ground floor planter boxes to include climbing structures for vertical greening
 - j. External south elevation of building to incorporate planter boxes within public seating.
 - k. Detailed design for all green walls and climbing structures
 - l. Detailed landscape design of 8th floor terrace area, greening is be visible from streetscape
 - m. The provision of notes on the landscape plan regarding site preparation, including in-ground irrigation system to be provided to all landscaped areas, proposed mulch, soil types and thickness and subsoil preparation.
 - n. All tree stock used must be in accordance with AS2303-2015 Tree stock for Landscape Use.
- 5) Before the commencement of buildings and works, a landscape management plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The

plan must include:

- a. Details of the initial plan establishment period.
- b. Long term maintenance regime for all established areas including balcony planter boxes and roof garden to include detail on but not limited to the following: maintenance schedule including inspections, weeding, watering and inspection of any irrigation systems, pruning and replacement of any plants that fail, mulching, pes and disease control.
- c. Maintenance responsibilities for landscaping.
- d. The landscaping as shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or commencement of the use or at such later date as is approved by the Responsible Authority in writing;

Prior to Occupation

- 6) The landscaping as shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or commencement of the use or at such later date as is approved by the Responsible Authority in writing.
- 7) 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.

Trees Protection

- 8) Tree protection must be carried out in accordance with the Australian Standard AS4970-2009 Protection of Trees on Development Sites to the satisfaction of the Responsible Authority.

The following radial tree protection zones (TPZ) apply to the following trees:

- a) 2x council street trees Queensland Brush Box (*Lophostemon confertus*) along the Playne Street frontage – 3-5m each.
- 9) 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 (finished at paved surfacing if within a road reserve or nature strip).
- 10) 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 75mm.
 - 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 within 3m unless approved

by the Responsible Authority.

- h) Nothing whatsoever is to be attached to any tree.
- i) No pruning to any part of the trees unless approved by the Responsible Authority.

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

Mesh Screen

- 11) Elevations to a scale of 1:50 to be provided to identify a motif or pattern on the mesh screening which ties into the overall development to the satisfaction of the Responsible Authority.

Façade Details and Materials and Finishes

- 12) Prior to the commencement of the development, a colour schedule and sample panel of all external materials and finishes showing materials, colours and materials, roof and glazing treatments including colour copies suitable for endorsing, must be submitted to the satisfaction approval by the Responsible Authority. When approved, the schedule will form part of the permit.
- 13) As part of the consultant team Woods Bagot 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.
- 14) The design, materials and finishes must be a high quality, generally consistent with the materials and finishes proposed by Woods Bagot, to the satisfaction of the Responsible Authority.

Infrastructure

- 15) Prior to commencement of the development detailed design plans and drainage computations of the internal stormwater drainage system including the method of connection to the existing Council drainage infrastructure are to be submitted and approved to the satisfaction of the Responsible Authority.
- 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
 - b) Permeable paving
 - c) Rainwater tanks for harvesting and re-use of stormwater for toilet flushing, landscape irrigation, etc.
 - d) Soil percolation.
 - e) Rain gardens providing extended detention and on-site bio-treatment to reduce dissolved contaminants and suspended solids.
- 17) Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
- 18) Concrete kerbs and barriers shall be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access to an adjoining road other than by vehicle crossing.
- 19) Prior to occupation of the development hereby permitted, 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 or surfaced with crushed rock or gravel.
- d) Drained and maintained to the satisfaction of the Responsible Authority.
- e) Line-marked to indicate each car space, loading bay and all access lanes and if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.

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

- 20) 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 for Council for works within the existing road reserves, in addition to the planning permit.

- 21) Where necessary, the intersection between Thompson Street and Park Lane will require widening/remodelling to allow turning movements from Park Lane without adversely affecting traffic flows in Thompson Street. All works to the intersection must be done to the satisfaction of the Responsible Authority with no cost to Council.

Car Parking Design

- 22) Car parking spaces, columns and access way must be designed in accordance with Clause 52.06-9.
- 23) Provision of disabled car spaces must be provided in accordance with AS2890.6
- 24) Pedestrian visibility splay must be provided in accordance with Clause 52.06.
- 25) Car parking plan to identify a clearance between column and parking space of 300mm.
- 26) Car parking plan to identify a clearance between the column and parking space of 300mm.
- 27) Car parking plan to detail the critical headroom measurement at a grade change of circulation ramps to a minimum of 2200mm.
- 28) Headroom above each dedicated space and shared area must have a minimum clearance of 2500mm.
- 29) Location of signage to identify the minimum available clearance at the entrance.
- 30) Intersections between circulation roadways and ramps shall be designed so that both the approach roadways and the intersection area are wide enough to accommodate turning vehicles and there is adequate intersection sight distance.
- 31) The maximum gradient of the ramp at the Park Lane interface must be 1 in 20

(5%) for at least 6 metres prior to the vehicular control point/security gate.

- 32) At blind aisles, the aisle must be extended a minimum of 1 metres beyond the last car parking space and the last parking space widened by at least 300mm if it is bounded by a wall.

Construction and Environment Management Plan

- 33) Prior to commencement of the development a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed to form part of the permit. Any plans submitted must be consistent with all other documents approved as part of this permit. The information must be drawn to scale with dimensions and three copies must be provided. The Plan is to include details of the following:
- a) Contact numbers of responsible owner/contractor including emergency/24 hour mobile contact details.
 - b) Identification of possible environmental risks associated with development works.
 - c) Response measures and monitoring systems to minimise identified environmental risks, including but not limited to creek protection, vegetation protection, runoff, erosion, dust, litter, noise and light.
 - d) Location and specifications of sediment control devices on/off site.
 - e) Location and specification of surface water drainage controls.
 - f) Proposed drainage lines and flow control measures.
 - g) Location and specifications of fencing for the protection of trees and/or vegetation as required by the permit.
 - h) Location of all stockpiles and storage of building materials.
 - i) Location of parking for site workers and any temporary buildings or facilities.
 - j) Details to demonstrate compliance with relevant EPA guidelines.
 - k) Target of recycling and re-using a minimum of 80% of construction and demolition waste by weight.
 - l) Hours during which construction activity will take place.

Public Art Management Plan

- 34) Within 3 months of commencing the development, a Public Art Management Plan to the satisfaction of the Responsible Authority 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) Description of art work, including:
 - i. Materials; colours
 - ii. Dimensions;
 - iii. Content;
 - iv. Special features (eg. lighting)
 - v. Details of the installation process; and

vi. Details of art works maintenance schedule.

To the satisfaction of the Responsible Authority.

- 35) 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.

Green Travel Plan

- 36) Before the building is occupied, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
- a) A description of the location in the context of alternative modes of transport.
 - b) Employee welcome packs (eg. provision of Myki/Transport ticketing);
 - c) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes.
 - d) A designated 'manager' or 'champion' responsible for coordination and implementation.
 - e) Details of bicycle parking and bicycle routes (which do not refer to the footpath at the south as a 'shared path')
 - f) Details of GTP funding and management responsibilities
 - g) The types of bicycle storage devices proposed to be used for employee and visitor spaces (ie. hanging or floor mounted spaces)
 - h) The types of lockers proposed within the change-room facilities, with a least 50% of lockers provided with hanging storage space.
 - i) Security arrangements to access the employee bicycle storages spaces; and
 - j) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3.
 - k) Reference to EV charging points within the car park and provision of electrical infrastructure for future expanded provision.
 - l) Provisions for the Green Travel Plan to be updated not less than every 5 years, and
 - m) The provision of real time passenger information displays for nearby stops within the entry lobby.
- 37) The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Assessment Report

- 38) Before the development commences, a Wind Tunnel Study to the satisfaction of the Responsible Authority must be submitted to and approved by the

Responsible Authority. When approved, the amended Wind Tunnel Study will be endorsed and will form part of the permit. The Wind Tunnel Study must including (or show):

- a) Testing of assumptions as contained within the Wind Impact Assessment prepared by Vipac Engineers and Scientists dated 12 November 2020.
 - b) Assessment to be based on the amended plans in accordance with Condition 1 of this permit, and
 - c) Minimum acceptable criterion achieved at all locations excluding vegetation.
- 39) The provisions, recommendations and requirements of the endorsed Wind Tunnel Study must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management

- 40) Prior to the commencement of buildings and works, an amended Waste Management Plan must be submitted to the satisfaction of the Responsible Authority and be approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must include, but not limited to, the following:
- a) Details of the proposed hours/days for collection
 - b) Identify where the bins will be collected from
 - c) Detail the size of the waste collection vehicle
 - d) Detail swept paths and turning circles for waste management vehicles
 - e) All waste generated by the development must be collected by a Private Waste Management Agency to the satisfaction of the Responsible Authority.
 - f) No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.
 - g) No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.

Lighting baffle

- 41) All lighting used to externally illuminate buildings, works and uses shall be fitted with cut-off luminaries (baffles) so as to prevent the emission of direct and indirect light onto adjoining roadways, land and premises.

Urban Design

- 42) 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.
- 43) Mailboxes shall be provided within the development to the satisfaction of the Responsible Authority and Australia Post.
- 44) 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.
- 45) All roof plant and equipment must be screened so as not to be visible from public areas.
- 46) Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on

neighbouring land.

- 47) 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

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

To the satisfaction of the Responsible Authority.

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

Satisfactorily completed

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

Permit Expiry

- 52) This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the issued date of this permit.

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

Notes

- a) Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- b) Prior to the commencement of construction the operator of this planning permit must obtain a non-refundable Asset Protection Permit from Frankston City Council's Infrastructure Department.
- c) Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made. Pursuant to Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the periods referred to if a request is made in writing within the following prescribed

timeframes:

- i. Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet been started.
- ii. Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.]

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

Council Decision

Moved: Councillor Conroy

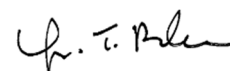
Seconded: Councillor Steven Hughes

That Council resolves that should a review not have been lodged under S79 of the Planning and Environment Act (1987) at the Victorian Civil and Administrative Tribunal, it would have issued a Planning Permit in respect to Planning Permit Application number 437/2020/P for the construction of nine (9) storey building and construct or carry out works in a Commercial 1 Zone (C1Z) and to reduce the number of car parking spaces required under the Parking Overlay Schedule 1 (PO1) at 35 Playne Street, Frankston, subject to the following conditions:

Plans

- 1) Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and one copy must be provided. The plans must be substantially in accordance with the plans submitted with the application prepared by Woods Bagot Project Number 140500, dated 18 December 2020 Sheets SK001 REV C, SK150 REV D, SK2200 REV K, SK2201 REV J, SK2201.1 REV J, SK2202 REV J, SK2202.1 REV J, SK2203 REV J, SK2208 REV H, SK3200 REV H, SK3210 REV G, SK3211 REV G, SK3212 REV G, SK3213 REV G (or some other specified plan) but modified to show:
 - a. The development modified as shown in the 'without prejudice' plans prepared by Woods Bagot, Project Number 140500, dated 11 March 2021.
 - b. The tower to be setback a minimum of 4.5 metres to the western boundary of 27-31 Playne Street.
 - c. A portion of the visitor bicycle parking replaced with a public bench seat to the located along the Playne Street footpath
 - d. Elevations to identify and annotate clear, unfrosted glazing to the Playne Street interface and pedestrian entry to Park Lane.
 - e. Elevations to identify that artwork occupies 50 percent of the core.
 - f. Identify and annotate that upper levels (above podium) are to be low-reflective glazing.
 - g. Amended Wind Tunnel Study in accordance with Condition 38.
 - h. All trees growing on the site and on the adjoining properties within 3m of the boundaries must be clearly illustrated on all relevant plans to demonstrate canopy width, trunk location, clearly labelled and state whether the tree is to be retained or removed to the satisfaction of the Responsible Authority.
 - i. The Tree Protection Zone and Structural Root Zone for all trees to be

Chairperson's initials



retained and the tree protection fence locations must be illustrated on all relevant plans to the satisfaction of the Responsible Authority.

- j. Tree protection conditions noted in accordance with Conditions 8, 9, 10 and 11.
- k. A Landscape Plan in accordance with Condition 4.
- l. A Landscape Maintenance Plan in accordance with Condition 5.
- m. Detailed design for the ventilated mesh car parking screening in accordance with Condition 12.

- n. A detailed materials, finished and colour schedule in accordance with Condition 13.
- o. A Waste Management Plan in accordance with condition 40.
- p. Details of the roof services screen treatment to reflect to overall building design
- q. Detailed (1:50) colour elevation of the podium
- r. Location of the wayfinding signage for the bicycle spaces in accordance with Clause 52.34-7 of the Frankston Planning Scheme
- s. Details of bicycle parking devises to comply with Australian Standards AS2890.3
- t. Car parking design on the relevant plans in accordance with Condition 23 to 28.
- u. Functional layout plan and traffic assessment demonstrating that right turning traffic entering Thompson Street will not obstruct through traffic in accordance with Condition 22.
- v. Provision of a loading and unloading bay to be identified within the car parking layout)

No Alterations

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

Landscaping

- 3) Before the commencement of buildings and works, a detailed landscape plan consistent with Frankston City Council's Landscape Plan Preparation 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 drawn to scale with dimensions. The plan must be generally in accordance with the Concept Landscape plan, prepared by Acre dated 13th November 2020, but modified to show:
 - a. A survey (including botanical names) of all existing vegetation on the site and those located within three (3) metres of the boundary of the site on adjoining properties, accurately illustrated to represent canopy width and labelled with botanical name, height and whether the tree is proposed to be retained and/or removed;
 - b. The tree number, T.P.Z., S.R.Z. and tree protection notations relating to Council street trees.
 - c. the delineation and details of surface finishes of all garden beds, grassed

- areas, pathways, driveways, retaining walls and other landscape works including areas of cut and fill throughout the development site;
- d. a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;
 - e. a range of plant types from ground covers to large shrubs, trees including shade tolerant indigenous plants
 - f. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - g. A planting theme of a minimum 30% indigenous and 40% native within each plant group;
 - h. Detailed design of all planter boxes and demonstrate adequate soil volumes and drainage
 - i. Ground floor planter boxes to include climbing structures for vertical greening
 - j. External south elevation of building to incorporate planter boxes within public seating.
 - k. Detailed design for all green walls and climbing structures
 - l. Detailed landscape design of 8th floor terrace area, greening is be visible from streetscape
 - m. The provision of notes on the landscape plan regarding site preparation, including in-ground irrigation system to be provided to all landscaped areas, proposed mulch, soil types and thickness and subsoil preparation.
 - n. All tree stock used must be in accordance with AS2303-2015 Tree stock for Landscape Use.
- 4) Before the commencement of buildings and works, a landscape management plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must include:
- a. Details of the initial plan establishment period.
 - b. Long term maintenance regime for all established areas including balcony planter boxes and roof garden to include detail on but not limited to the following: maintenance schedule including inspections, weeding, watering and inspection of any irrigation systems, pruning and replacement of any plants that fail, mulching, pes and disease control.
 - c. Maintenance responsibilities for landscaping.
 - d. The landscaping as shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or commencement of the use or at such later date as is approved by the Responsible Authority in writing;

Prior to Occupation

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

- 6) 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.

Trees Protection

- 7) Tree protection must be carried out in accordance with the Australian Standard AS4970-2009 Protection of Trees on Development Sites to the satisfaction of the Responsible Authority.

The following radial tree protection zones (TPZ) apply to the following trees:

- a) 2x council street trees Queensland Brush Box (*Lophostemon confertus*) along the Playne Street frontage – 3-5m each.
- 8) 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 (finished at paved surfacing if within a road reserve or nature strip).
- 9) 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 75mm.
 - 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 within 3m unless approved by the Responsible Authority.
 - h) Nothing whatsoever is to be attached to any tree.
 - i) No pruning to any part of the trees unless approved by the Responsible Authority.

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

Mesh Screen

- 10) Elevations to a scale of 1:50 to be provided to identify a motif or pattern on the mesh screening which ties into the overall development to the satisfaction of the Responsible Authority.

Façade Details and Materials and Finishes

- 11) Prior to the commencement of the development, a colour schedule and sample panel of all external materials and finishes showing materials, colours and materials, roof and glazing treatments including colour copies suitable for endorsing, must be submitted to the satisfaction approval by the Responsible Authority. When approved, the schedule will form part of the permit.
- 12) As part of the consultant team Woods Bagot 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.

- 13) The design, materials and finishes must be a high quality, generally consistent with the materials and finishes proposed by Woods Bagot, to the satisfaction of the Responsible Authority.

Infrastructure

- 14) Prior to commencement of the development detailed design plans and drainage computations of the internal stormwater drainage system including the method of connection to the existing Council drainage infrastructure are to be submitted and approved to the satisfaction of the Responsible Authority.
- 15) 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
 - b) Permeable paving
 - c) Rainwater tanks for harvesting and re-use of stormwater for toilet flushing, landscape irrigation, etc.
 - d) Soil percolation.
 - e) Rain gardens providing extended detention and on-site bio-treatment to reduce dissolved contaminants and suspended solids.
- 16) Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
- 17) Concrete kerbs and barriers shall be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access to an adjoining road other than by vehicle crossing.
- 18) Prior to occupation of the development hereby permitted, 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 or surfaced with crushed rock or gravel.
 - d) Drained and maintained to the satisfaction of the Responsible Authority.
 - e) Line-marked to indicate each car space, loading bay and all access lanes and if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.

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

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

Precautions must include, appropriate signage to AS 1743 Road Works Signing

code of practice, the provision of adequate barricading of works, including trenches of Service Authorities and any other road openings, sufficient to ensure public safety.

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

- 20) Where necessary, the intersection between Thompson Street and Park Lane will require widening/remodelling to allow turning movements from Park Lane without adversely affecting traffic flows in Thompson Street. All works to the intersection must be done to the satisfaction of the Responsible Authority with no cost to Council.

Car Parking Design

- 21) Car parking spaces, columns and access way must be designed in accordance with Clause 52.06-9.
- 22) Provision of disabled car spaces must be provided in accordance with AS2890.6
- 23) Pedestrian visibility splay must be provided in accordance with Clause 52.06.
- 24) Car parking plan to identify a clearance between column and parking space of 300mm.
- 25) Car parking plan to identify a clearance between the column and parking space of 300mm.
- 26) Car parking plan to detail the critical headroom measurement at a grade change of circulation ramps to a minimum of 2200mm.
- 27) Headroom above each dedicated space and shared area must have a minimum clearance of 2500mm.
- 28) Location of signage to identify the minimum available clearance at the entrance.
- 29) Intersections between circulation roadways and ramps shall be designed so that both the approach roadways and the intersection area are wide enough to accommodate turning vehicles and there is adequate intersection sight distance.
- 30) The maximum gradient of the ramp at the Park Lane interface must be 1 in 20 (5%) for at least 6 metres prior to the vehicular control point/security gate.
- 31) At blind aisles, the aisle must be extended a minimum of 1 metres beyond the last car parking space and the last parking space widened by at least 300mm if it is bounded by a wall.

Construction and Environment Management Plan

- 32) Prior to commencement of the development a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed to form part of the permit. Any plans submitted must be consistent with all other documents approved as part of this permit. The information must be drawn to scale with dimensions and three copies must be provided. The Plan is to include details of the following:
- a) Contact numbers of responsible owner/contractor including emergency/24 hour mobile contact details.
- b) Identification of possible environmental risks associated with development works.
- c) Response measures and monitoring systems to minimise identified

environmental risks, including but not limited to creek protection, vegetation protection, runoff, erosion, dust, litter, noise and light.

- d) Location and specifications of sediment control devices on/off site.
 - e) Location and specification of surface water drainage controls.
 - f) Proposed drainage lines and flow control measures.
 - g) Location and specifications of fencing for the protection of trees and/or vegetation as required by the permit.
 - h) Location of all stockpiles and storage of building materials.
 - i) Location of parking for site workers and any temporary buildings or facilities.
 - j) Details to demonstrate compliance with relevant EPA guidelines.
-
- k) Target of recycling and re-using a minimum of 80% of construction and demolition waste by weight.
 - l) Hours during which construction activity will take place.

Public Art Management Plan

- 33) Within 3 months of commencing the development, a Public Art Management Plan to the satisfaction of the Responsible Authority 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) Description of art work, including:
 - i. Materials; colours
 - ii. Dimensions;
 - iii. Content;
 - iv. Special features (eg. lighting)
 - v. Details of the installation process; and
 - vi. Details of art works maintenance schedule.

To the satisfaction of the Responsible Authority.

- 34) 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.

Green Travel Plan

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 - a) A description of the location in the context of alternative modes of transport.
 - b) Employee welcome packs (eg. provision of Myki/Transport ticketing);

- c) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes.
 - d) A designated 'manager' or 'champion' responsible for coordination and implementation.
 - e) Details of bicycle parking and bicycle routes (which do not refer to the footpath at the south as a 'shared path')
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 - g) The types of bicycle storage devices proposed to be used for employee and visitor spaces (ie. hanging or floor mounted spaces)
 - h) The types of lockers proposed within the change-room facilities, with a least 50% of lockers provided with hanging storage space.
 - i) Security arrangements to access the employee bicycle storages spaces; and
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 - k) Reference to EV charging points within the car park and provision of electrical infrastructure for future expanded provision.
 - l) Provisions for the Green Travel Plan to be updated not less than every 5 years, and
 - m) The provision of real time passenger information displays for nearby stops within the entry lobby.
- 36) The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Assessment Report

- 37) Before the development commences, a Wind Tunnel Study to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Tunnel Study will be endorsed and will form part of the permit. The Wind Tunnel Study must including (or show):
- a) Testing of assumptions as contained within the Wind Impact Assessment prepared by Vipac Engineers and Scientists dated 12 November 2020.
 - b) Assessment to be based on the amended plans in accordance with Condition 1 of this permit, and
 - c) Minimum acceptable criterion achieved at all locations excluding vegetation.
- 38) The provisions, recommendations and requirements of the endorsed Wind Tunnel Study must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management

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- b) Identify where the bins will be collected from
- c) Detail the size of the waste collection vehicle
- d) Detail swept paths and turning circles for waste management vehicles
- e) All waste generated by the development must be collected by a Private Waste Management Agency to the satisfaction of the Responsible Authority.
- f) No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.
- g) No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.

Lighting baffle

- 40) 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 onto adjoining roadways, land and premises.

Urban Design

- 41) 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.
- 42) Mailboxes shall be provided within the development to the satisfaction of the Responsible Authority and Australia Post.
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- 44) All roof plant and equipment must be screened so as not to be visible from public areas.
- 45) Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.
- 46) 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

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

To the satisfaction of the Responsible Authority.

- 48) The loading and unloading of goods from vehicles must only be carried out within the designated loading bay area on the site.

- 49) Air-conditioning and other plan and equipment installed on or within the buildings must be so-positioned and baffled that any noise emitted complies with the appropriate Australian Standards and EPA requirements.

Satisfactorily completed

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

Permit Expiry

- 51) This permit will expire if one of the following circumstances applies:
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In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Notes

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

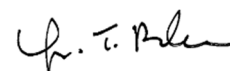
If a request is made out of time, the Responsible Authority cannot consider the request and the permit holder will not be able to apply to VCAT for a review of the matter.

Part 2

That Council seeks a report be provided to Council, providing options and opportunities to review the Parking Overlay, by August 2021.

Carried Unanimously

Chairperson's initials



12.9 Draft Frankston Heritage Gap Review 2020 - Report on public consultation and adopt the Review

(AS Communities)

Recommendation (Director Communities)

That Council:

1. Notes the submissions made to the Frankston Gap Heritage Review 2020 during public consultation;
2. Adopts Option 1 OR Option 2

Option 1 comprising the following parts:

- a) Adopts the Frankston Gap Heritage Review 2020 Report Volume 1 and 2;
- b) Amends the Heritage Overlay Schedule HO52 to include internal controls for the Church Organ in the High Street Uniting Church at 16-18 High Street Frankston and include in a Planning Scheme Amendment;
- c) Authorises Council officers to prepare the documentation for a Planning Scheme Amendment;
- d) Authorises officers to request authorisation from the Minister for Planning to prepare and exhibit a Planning Scheme Amendment in accordance with Section 9(3) of the Planning and Environment Act 1987;
- e) Subject to Ministerial authorisation, publicly exhibits a Planning Scheme Amendment for a minimum period of six (6) weeks in accordance with Sections 17-19 of the Planning and Environment Act 1987;
- f) Seeks a report back to Council after the closing of the public exhibition period of the Planning Scheme Amendment,

Option 2 comprising of the following part:

- a). Sets aside the Frankston Gap Heritage Review 2020 Report Volume 1 and 2 and do not proceed with a Planning Scheme Amendment;
3. Notes a separate report that considers the Heritage Grant program which recommends committing an additional \$60K to the annual Heritage Grant Program at the 2021/22 mid-year budget review, resulting in a total grant funding amount of \$100K;
4. Refers consideration of funding to the 2022/23 budget process to employ a heritage adviser to advise landowners with properties in heritage overlays;
5. Notes in respect of 2020/NOM21 heritage advice regarding the dome, previously located in the old Frankston Cinema, was not considered to be of heritage value and further, the buildings have been demolished; and
6. Notes in respect of 2020/NOM20 the signal box located adjacent to the Frankston Railway line in Fletcher Road is protected by a heritage overlay and officers have advised the Department of Transport of its significance, which will need to be considered in any future development in that area.

Council Decision

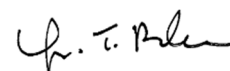
Moved: Councillor Tayler

Seconded: Councillor Baker

That Council:

1. Notes the submissions made to the Frankston Gap Heritage Review 2020 during

Chairperson's initials



- public consultation;
2. Sets aside the Frankston Gap Heritage Review 2020 Report Volume 1 and 2 and do not proceed with a Planning Scheme Amendment;
 3. Notes a separate report that considers the Heritage Grant program which recommends committing an additional \$60K to the annual Heritage Grant Program at the 2021/22 mid-year budget review, resulting in a total grant funding amount of \$100K;
 4. Refers consideration of funding to the 2022/23 budget process to employ a heritage adviser to advise landowners with properties in heritage overlays;
 5. Notes in respect of 2020/NOM21 heritage advice regarding the dome, previously located in the old Frankston Cinema, was not considered to be of heritage value and further, the buildings have been demolished; and
 6. Notes in respect of 2020/NOM20 the signal box located adjacent to the Frankston Railway line in Fletcher Road is protected by a heritage overlay and officers have advised the Department of Transport of its significance, which will need to be considered in any future development in that area.

Carried Unanimously

12.10 Local Heritage Preservation Grant Program 2020/2021*(SB Communities)***Council Decision****Moved: Councillor Conroy****Seconded: Councillor Harvey**

That Council:

1. Adopts the 2020/2021 Local Heritage Preservation Grant Program recommendations as contained in the confidential report;
2. Approves and advises the successful applicants in the 2020/2021 Local Heritage Preservation Grant Program;
3. Requires successful applicants to sign the grant funding agreement with Council prior to receiving any grant funding, noting this is a criteria within the guidelines;
4. Approves the 2021/2022 Local Heritage Preservation Grant Program funding round to open up March 2022 and close May 2022;
5. Commits an additional \$60K to the 2021/2022 mid-year budget review to increase the heritage grants pool to \$100K; and
6. Resolves attachment A to be retained confidential on the grounds that it contains personal and private information.

Councillors Conroy and Harvey withdrew their support for the motion in order to make an amendment

Meeting adjourned at 10.09pm

Meeting recommenced at 10.15pm

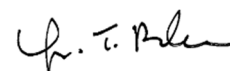
Council Decision**Moved: Councillor Conroy****Seconded: Councillor Harvey**

That Council:

1. Adopts the 2020/2021 Local Heritage Preservation Grant Program recommendations as contained in the confidential report;
2. Approves and advises the successful applicants in the 2020/2021 Local Heritage Preservation Grant Program;
3. Requires successful applicants to sign the grant funding agreement with Council prior to receiving any grant funding, noting this is a criteria within the guidelines;
4. Approves the Grant Guidelines criteria be reviewed and provide a report to Council by November 2021;
5. Approves the 2021/2022 Local Heritage Preservation Grant Program funding round to open up March 2022 and close May 2022;
6. Commits an additional \$60K to the 2021/2022 mid-year budget review to increase the heritage grants pool to \$100K; and
7. Resolves attachment A to be retained confidential on the grounds that it contains personal and private information.

Carried Unanimously

Chairperson's initials



12.12 Frankston City Parkrun Proposal

(TB Communities)

Recommendation (Director Communities)

That Council:

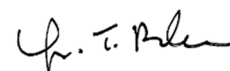
1. Notes the proposal from 'parkrun Australia' (registered business name) to operate a weekly parkrun activity at the Frankston Nature Conservation Reserve and at Seaford Wetlands;
2. Notes \$15,000 was approved for two 'parkrun' events in the 20/21 COVID-19 Relief and Recovery package;
3. Notes Parks Victoria, as the Land Manager for the Frankston Nature Conservation Reserve, has issued a permit to 'parkrun Australia' to operate a weekly parkrun event at the reserve;
4. In respect of Frankston Nature Conservation Reserve, resolves to:
 - a) Transfer the approved \$7,500 2020/21 COVID-19 Relief and Recovery grant to parkrun Australia to support the establishment of a parkrun at Frankston Nature Conservation Reserve;
Or:
 - b) Decline the request from parkrun Australia to financially support the parkrun activity at Frankston Nature Conservation Reserve, and instead reallocates the \$7,500 to other COVID-19 Relief and Recovery initiatives.
Or:
 - c) Defer its decision to financially support a parkrun to be established at Frankston Nature Conservation Reserve to enable further engagement to occur and information to be provided in a report no later than August 2021.
5. In respect of the Seaford Wetlands site, resolves to:
 - a) Approve use of the Seaford Wetlands site, including the \$7,500 to establish the parkrun event and advise parkrun Australia of its decision;
Or:
 - b) Decline the request from parkrun Australia to operate the activity at the Seaford Wetlands site, and instead reallocates the \$7,500 to other COVID-19 Relief and Recovery initiatives;
Or:
 - c) Defer its decision to allow a parkrun at Seaford Wetlands to enable further engagement to occur and information to be provided in a report no later than August 2021.

Council Decision**Moved: Councillor Conroy****Seconded: Councillor Hill**

That Council:

1. Notes the proposal from 'parkrun Australia' (registered business name) to operate a weekly parkrun activity at the Frankston Nature Conservation Reserve and at Seaford Wetlands;

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2. Notes \$15,000 was approved for two 'parkrun' events in the 20/21 COVID-19 Relief and Recovery package;
3. Notes Parks Victoria, as the Land Manager for the Frankston Nature Conservation Reserve, has issued a permit to 'parkrun Australia' to operate a weekly parkrun event at the reserve;
4. In respect of Frankston Nature Conservation Reserve, resolves to transfer the approved \$7,500 2020/21 COVID-19 Relief and Recovery grant to parkrun Australia to support the establishment of a parkrun at Frankston Nature Conservation Reserve; and
5. In respect of the Seaford Wetlands site, resolves to approve use of the Seaford Wetlands site, including the \$7,500 to establish the parkrun event and advise parkrun Australia of its decision.

Councillor Steven Hughes left the chamber at 10:25 pm.

Councillor Steven Hughes returned to the chamber at 10:26 pm.

Carried

For the Motion: Crs Baker, Bolam, Conroy, Harvey, Hill, Liam Hughes, Steven Hughes and Tayler
Against the Motion: Cr Asker

11. CONSIDERATION OF TOWN PLANNING REPORTS

11.1 Town Planning Application 32/2021/P - 51 Foot Street, Frankston - To use the land to sell and consume liquor (Restaurant and Cafe Licence)

(SC Communities)

Council Decision

Moved: Councillor Baker

Seconded: Councillor Harvey

That Council resolves to issue a Notice of Decision to Grant a Planning Permit to Planning Permit Application number 32/2021/P to use the land to sell and consume liquor (restaurant and café licence) at 51 Foot Street, Frankston, subject to the following conditions:

Plans

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application (or some other specified plan) but modified to show:
 - (a) Management Plan in accordance with Condition 5.

No Alterations

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

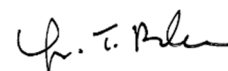
Patron Numbers

3. A maximum of 38 patrons shall be permitted at any one time, unless with the prior written consent of the Responsible authority.

Liquor Consumption

4. Unless with the prior written consent of the Responsible Authority, the selling or consumption of alcohol must only take place within an approved red line plan and at the premises during the following hours:
 - o Thursday to Saturday: 12 noon to 9pm
 - o Sunday to Wednesday: 12 noon to 6pm
5. Prior to the sale and consumption of liquor commencing, a management plan must be submitted to the satisfaction of and be approved by the Responsible Authority. When approved the management plan will be endorsed to form part of the permit. The management plan must specify:-
 - a) The liquor licence type that will be applied for is a Restaurant and Café Licence.
 - b) The identification of all noise sources associated with the premise likely to impact on adjoining properties.
 - c) Measures to be undertaken to address all noise sources identified, including any required on and off-site noise attenuation measures.
 - d) Details of staffing arrangements including number and working hours of all security staff, bar staff, waiters/waitresses, managers and other staff.
 - e) Details of training provided to staff in the responsible serving of alcohol.
 - f) Details of how the operator will manage the responsible serving of alcohol, and the actions to achieve this.

Chairperson's initials



- g) Details of how the operator will manage transport of patrons to and from the premises.
- h) Hours of operation for all parts of the premises.
- i) Details of waste management plan including storage and hours of collection for general rubbish and bottles associated with the licensed use.
- j) Any other measures to be undertaken to ensure minimal amenity impacts from the proposed licensed use.

Amenity

- 6. The licensee/permit holder shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence/permit relates during or immediately after trading hours authorised by the licence/permit.
- 7. Noise emissions from the premises must comply with the requirements of the State Environment Protection Policies, namely Control of Noise from Commerce, Industry and Trade) No. N-1 (as varied) & Control of Music Noise from Public Premises No. N-2 or any superseding legislation.

Permit Expiry

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

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

Notes

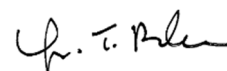
- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- B. Prior to the commencement of construction the operator of this planning permit must obtain a non-refundable Asset Protection Permit from Frankston City Council's Infrastructure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

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

Carried Unanimously

Note: Refer to page 5 of these Minutes where is item was Block Resolved

Chairperson's initials



11.3 Application to Amend Planning Permit 302/2020/P - 30 Long Island Drive Frankston - To use the first floor of the existing building for a food and drink premises (restaurant) and to allow the sale and consumption of liquor within the restaurant.

(KR Communities)

Recommendation (Director Communities)

That Council resolves to issue an Amended Planning Permit in respect to Planning Permit Application number 302/2020/P for Use of the land for food and drink premises (café and restaurant) and the sale and consumption of liquor (restaurant and cafe licence) and the provision of car parking at less than the rates specified in Clause 52.06 at 30 Long Island Drive Frankston, subject to the following conditions:

Plans

1. Before the use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be substantially in accordance with the plans submitted with the application but modified to show:
 - a) Management Plan in accordance with Condition 5.
 - b) Details of waste management and location of waste receptacles.

No Alterations

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

Patron Numbers

3. Unless with the prior written consent of the Responsible Authority, the number of patrons within the Café and Restaurant must not exceed:
 - Café: 44 patrons internally and 60 patrons externally
 - Restaurant: 250 patrons

Liquor Consumption

4. Unless with the prior written consent of the Responsible Authority, the selling or consumption of alcohol must only take place within an approved red line plan and at the premises during the following hours:

Café

- Monday to Sunday: 11am to 11pm.

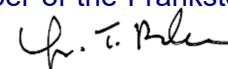
Restaurant

- Sunday to Thursday: 11am to 12 midnight
- Friday to Saturday: 11am to 1am the following day

5. Prior to the sale and consumption of liquor commencing in the Café or Restaurant, a management plan for that part of the site must be submitted to and approved by the Responsible Authority. When approved the management plan will be endorsed to form part of the permit. The management plan must specify:-

- a. The licensee will become an active member of the Frankston Liquor

Chairperson's initials



Accord.

- b. The licensee will actively mitigate the risk of alcohol being purchased at the venue and taken to the foreshore or adjacent open space area for consumption.
- c. The licensee will provide free phone calls for taxis for patrons to use upon their exit.
- d. The licensee will be proactive in supporting potentially vulnerable people leaving the venue on foot to walk through the park either to the car park at Pier Promenade or to Davey Street.
- e. Provision for sign(s) to encourage responsible off-site patron behaviour.

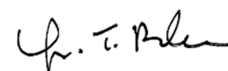
Amenity

6. The amenity of the area must not be detrimentally affected by the use (including liquor licence) 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,
 - d. steam, soot, ash, dust, waste water, waste products, grit or oil;
 - e. Presence of vermin; and
 - f. In any other wayto the satisfaction to the Responsible Authority.
7. The licensee/permit holder shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence/permit relates during or immediately after trading hours authorised by the licence/permit.
8. Noise emissions from the premises must comply with the requirements of the State Environment Protection Policies (Control of Noise from Commerce, Industry and Trade No. N-1 and Control of Music Notice from Public Premises No. N-2) or any superseding legislation.

Marine and Coastal Act 2018 Consent

9. The use of the land shall be generally in accordance with:
 - The advertised Town Planning Report dated August 2020 and ground floor Red Line Plan received in the notice of application documents for Planning Permit Application number 302/2020/P.
 - The advertised Town Planning Report dated March 2021 and first floor Red Line Plan received in the advertised plans for Planning Permit Application number 302/2020/P/C.
10. Any modification to the proposed land uses will require further approval by the Regional Manager, Land and Built Environment Programs, Port Phillip Region, Department of Environment, Land, Water and Planning (DELWP).
11. This consent under the *Marine and Coastal Act 2018* will expire if the use is not commenced within two years of the date of issue (10 May 2021), unless an extension of time is applied for and granted by the Regional Manager, Land and Built Environment Programs, Port Phillip Region, DELWP.

Chairperson's initials



Permit Expiry

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

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

Notes

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

This permit has been amended as follows:

Date of Amendment	Brief Description
	This permit was amended pursuant to section 74 of the Planning and Environment Act 1987, by, amending the permit preamble and Conditions 3, 4, 5, 9 and 11.

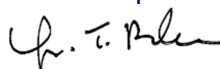
Council Decision**Moved: Councillor Conroy****Seconded: Councillor Baker**

That Council resolves to issue a Notice of Decision to Amend a Planning Permit in respect to Planning Permit Application number 302/2020/P for Use of the land for food and drink premises (café and restaurant) and the sale and consumption of liquor (restaurant and cafe licence) and the provision of car parking at less than the rates specified in Clause 52.06 at 30 Long Island Drive Frankston, subject to the following conditions:

Plans

1. Before the use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be

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substantially in accordance with the plans submitted with the application but modified to show:

- a) Management Plan in accordance with Condition 5.
- b) Details of waste management and location of waste receptacles.

No Alterations

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

Patron Numbers

3. Unless with the prior written consent of the Responsible Authority, the number of patrons within the Café and Restaurant must not exceed:
 - Café: 44 patrons internally and 60 patrons externally
 - Restaurant: 250 patrons

Liquor Consumption

4. Unless with the prior written consent of the Responsible Authority, the selling or consumption of alcohol must only take place within an approved red line plan and at the premises during the following hours:

Café

- Monday to Sunday: 11am to 11pm.

Restaurant

- Sunday to Thursday: 11am to 12 midnight
- Friday to Saturday: 11am to 1am the following day

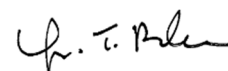
5. Prior to the sale and consumption of liquor commencing in the Café or Restaurant, a management plan for that part of the site must be submitted to and approved by the Responsible Authority. When approved the management plan will be endorsed to form part of the permit. The management plan must specify:-

- a. The licensee will become an active member of the Frankston Liquor Accord.
- b. The licensee will actively mitigate the risk of alcohol being purchased at the venue and taken to the foreshore or adjacent open space area for consumption.
- c. The licensee will provide free phone calls for taxis for patrons to use upon their exit.
- d. The licensee will be proactive in supporting potentially vulnerable people leaving the venue on foot to walk through the park either to the car park at Pier Promenade or to Davey Street.
- e. Provision for sign(s) to encourage responsible off-site patron behaviour.

Amenity

6. The amenity of the area must not be detrimentally affected by the use (including liquor licence) through the:-
 - a. Transport of materials, goods or commodities to or from the land;

Chairperson's initials



- b. Appearance of any building, works or materials;
- c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour,
- d. steam, soot, ash, dust, waste water, waste products, grit or oil;
- e. Presence of vermin; and
- f. In any other way

to the satisfaction to the Responsible Authority.

7. The licensee/permit holder shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence/permit relates during or immediately after trading hours authorised by the licence/permit.
8. Noise emissions from the premises must comply with the requirements of the State Environment Protection Policies (Control of Noise from Commerce, Industry and Trade No. N-1 and Control of Music Notice from Public Premises No. N-2) or any superseding legislation.

Marine and Coastal Act 2018 Consent

9. The use of the land shall be generally in accordance with:
 - The advertised Town Planning Report dated August 2020 and ground floor Red Line Plan received in the notice of application documents for Planning Permit Application number 302/2020/P.
 - The advertised Town Planning Report dated March 2021 and first floor Red Line Plan received in the advertised plans for Planning Permit Application number 302/2020/P/C.
10. Any modification to the proposed land uses will require further approval by the Regional Manager, Land and Built Environment Programs, Port Phillip Region, Department of Environment, Land, Water and Planning (DELWP).
11. This consent under the *Marine and Coastal Act 2018* will expire if the use is not commenced within two years of the date of issue (10 May 2021), unless an extension of time is applied for and granted by the Regional Manager, Land and Built Environment Programs, Port Phillip Region, DELWP.

Permit Expiry

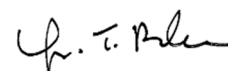
12. This permit will expire if one of the following circumstances applies:
 - The use is not commenced within two (2) years of the date of this permit.
 - The use is discontinued for a period of two (2) years or more.

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

Notes

- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- B. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made. Pursuant to Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the periods referred to if a request is made in writing within the following prescribed

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timeframes:

- f. Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started;
- g. Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

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

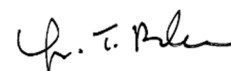
- C. The owner/applicant of the subject side should join and comply with the Frankston Liquor Industry Accord, which requires the member to serve liquor in a responsible manner.

This permit has been amended as follows:

Date of Amendment	Brief Description
	This permit was amended pursuant to section 74 of the Planning and Environment Act 1987, by, amending the permit preamble and amending Conditions 3, 4, 5, 9 and 11.

Carried Unanimously

Chairperson's initials



11.4 Statutory Planning Progress Report - April 2021

(SC Communities)

Council Decision**Moved: Councillor Baker****Seconded: Councillor Harvey**

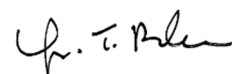
That Council:

1. Receives the Statutory Planning Progress Report for the month of April 2021;
and
2. Notes that all new planning applications are now available online for customers, which is a key outcome out of the Statutory Planning Business Transformation Project.

Carried Unanimously

Note: Refer to page 5 of these Minutes where is item was Block Resolved

Chairperson's initials



12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Council Resolution Status Update for 31 May 2021**

(BA Chief Financial Office)

Council Decision**Moved: Councillor Baker****Seconded: Councillor Harvey**

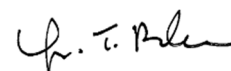
That Council:

1. Receives the Notice of Motion Report for 31 May 2021;
2. Receives the Urgent Business Status Update for 31 May 2021;
3. Notes there are no Notice of Motions that have been reported as being complete;
4. Notes there is one report that will not be presented to Council at the 15 June 2021 Council Meeting:
 - Council Resolution Status Update for 15 June 2021
5. Notes, since the Council Meeting held on 19 April 2021, 19 resolutions have been completed, as listed in the body of the report; and
6. Resolves for Attachment D remain confidential, as it contains Council business information that is prescribed by the regulations to be confidential information and would, if prematurely released impact on Council's reputation and ability to function to its full capacity.

Carried Unanimously

Note: Refer to page 5 of these Minutes where is item was Block Resolved

Chairperson's initials



12.2 Update on Coronavirus (COVID-19) - 31 May 2021

(PC Chief Executive Office)

Council Decision**Moved: Councillor Baker****Seconded: Councillor Harvey**

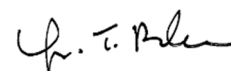
That Council:

1. Notes this report which outlines its response to the impacts of the Coronavirus (COVID-19); and
2. Notes an update will be provided at every second Council meeting moving forward during the Pandemic, with the exception of additional Council Meetings that may be called for the purpose of considering a specific matter.

Carried Unanimously

Note: Refer to page 5 of these Minutes where is item was Block Resolved

Chairperson's initials



12.3 Policies & Planning Progress Report

(SB Communities)

Recommendation (Director Communities)

That Council receives the Policies and Planning Progress Report for the month of April 2021.

Subject to Section 26.4 of the Governance Rules, the Mayor declared that he would Move this matter, therefore vacated the Chair. The Deputy Mayor, Councillor Conroy took the Chair for this Item

Alternate Recommendation

That Council:

1. Receives the Policy and Planning Progress Report for the month of April 2021;
2. Notes NOM 2019/NOM46 dated 14 October 2019, resolved to allocate \$40,000 to the activation of Seaford Foreshore Activation Plan', which has not been fully implemented to date and will be included in the future Foreshore Masterplan; and
3. Approves reallocating the funds to:
 - a) \$10,000 as a grant to the National Golf Club towards a new fence bordering Nat's Track subject to their agreement to maintain the rose garden in memory of the late Natalie Russell (the grant must be expended in eight weeks of this resolution);
 - b) \$500 for a dual Memorandum of Understanding / Pledge for the establishment of a 'Friendship City' relationship between Frankston and Suva, Fiji;
 - c) \$4,000 for Friendship City relationship with Frankston in Texas, including \$3,500 for a large single sign (in a prominent location) calculating the distance between Frankston, Australia and Frankston, the United States of America (akin to the Cowes AU and Cowes UK signage in existence), and \$500 for a dual Memorandum of Understanding / Pledge for the establishment of a 'Friendship City' relationship between Frankston AU and Frankston USA;
 - d) \$12,000 to purchase two drones and associated pilot training to be deployed for operational fire management purposes in dense local parks and reserves;
 - e) \$10,000 for the Frankston Charitable Trust for ongoing community recovery efforts relating to the COVID-19 pandemic;
 - f) \$3,500 to the Annual Mayoral Event line-item for community initiatives.

As per Section 34 of the Governance Rules, this motion was moved in parts

Council Decision

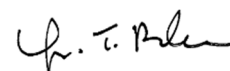
Moved: Councillor Bolam

Seconded: Councillor Baker

That Council:

1. Receives the Policy and Planning Progress Report for the month of April 2021; and

Chairperson's initials



2. Notes NOM 2019/NOM46 dated 14 October 2019, resolved to allocate \$40,000 to the activation of Seaford Foreshore Activation Plan', which has not been fully implemented to date and will be included in the future Foreshore Masterplan.

Carried Unanimously

For the Motion: Crs Asker, Baker, Bolam, Conroy, Harvey, Hill, Liam Hughes and Tayler

Against the Motion: Cr Steven Hughes

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Baker

That Council:

3. Approves reallocating the funds to:
- a) \$10,000 as a grant to the National Golf Club towards a new fence bordering Nat's Track subject to their agreement to maintain the rose garden in memory of the late Natalie Russell (the grant must be expended in eight weeks of this resolution);

Carried Unanimously

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Baker

That Council:

3. Approves reallocating the funds to:
- b) \$500 for a dual Memorandum of Understanding / Pledge for the establishment of a 'Friendship City' relationship between Frankston and Suva, Fiji;

Carried

For the Motion: Crs Asker, Baker, Bolam, Conroy, Harvey, Hill and Tayler

Against the Motion: Crs Liam Hughes and Steven Hughes

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Baker

That Council:

3. Approves reallocating the funds to:
- c) \$4,000 for Friendship City relationship with Frankston in Texas, including \$3,500 for a large single sign (in a prominent location) calculating the distance between Frankston, Australia and Frankston, the United States of America (akin to the Cowes AU and Cowes UK signage in existence), and \$500 for a dual Memorandum of Understanding / Pledge for the establishment of a 'Friendship City' relationship between Frankston AU and Frankston USA;

Carried

For the Motion: Crs Asker, Baker, Bolam, Conroy, Harvey and Hill

Against the Motion: Crs Liam Hughes, Steven Hughes and Tayler

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

That Council:

3. Approves reallocating the funds to:
 - d) \$12,000 to purchase two drones and associated pilot training to be deployed for operational fire management purposes in dense local parks and reserves;

Carried

For the Motion: Crs Asker, Baker, Bolam, Conroy, Harvey and Hill

Against the Motion: Crs Liam Hughes, Steven Hughes and Tayler

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

That Council:

3. Approves reallocating the funds to:
 - e) \$10,000 for the Frankston Charitable Trust for ongoing community recovery efforts relating to the COVID-19 pandemic;

Carried Unanimously**Council Decision****Moved: Councillor Bolam****Seconded: Councillor Baker**

That Council:

3. Approves reallocating the funds to:
 - f) \$3,500 to the Annual Mayoral Event line-item for community initiatives.

Carried Unanimously*The Mayor resumed the Chair*

12.4 Appointment and Authorisation of Council Staff

(BA Chief Financial Office)

Council Decision**Moved: Councillor Baker****Seconded: Councillor Harvey**

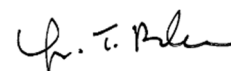
That Council:

1. Pursuant to the provisions of Section 147 (4) of the *Planning and Environment Act 1987* and s313 of the *Local Government Act 2020 (Act)*, Council appoints the officers listed in the Instruments of Appointment and Authorisation;
2. Authorises for the Instruments of Appointment and Authorisation to be signed and sealed; and
3. Resolves for attachments A and B to be retained confidential, as they contain personal and council business information and would, if prematurely released would breach privacy obligations.

Carried Unanimously

Note: Refer to page 5 of these Minutes where is item was Block Resolved

Chairperson's initials



12.5 Instrument of Delegation S6 from Council to members of Council staff

(BA Chief Financial Office)

Council Decision**Moved: Councillor Baker****Seconded: Councillor Harvey**

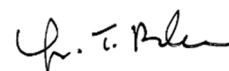
That Council:

1. In the exercise of power conferred by the *Local Government Act 2020* and the other legislation referred to in *S6. Instrument of Delegation - Council to members of Council staff*, resolves that these powers, duties and functions be delegated to staff. This is subject to the conditions and limitations specified in the Instrument of Delegation;
2. Notes the Instrument of Delegation referred to above:
 - (i) Be signed and sealed;
 - (ii) Come into force immediately that the Common Seal of Council is affixed to the Instrument; and
 - (iii) Remain in force until Council determines to vary or revoke the Instrument.
3. On the coming into force of the Instrument, notes the previous Instrument which was adopted by Council on 29 June 2020 is revoked; and
4. Notes the duties and functions set out in the Instrument of Delegation are performed and the powers, duties and functions be executed in accordance with any guidelines or policies that Council may from time to time adopt.

Carried Unanimously

Note: Refer to page 5 of these Minutes where is item was Block Resolved

Chairperson's initials



12.6 Customer Service Charter

(FM Business Innovation and Culture)

Council Decision**Moved: Councillor Baker****Seconded: Councillor Harvey**

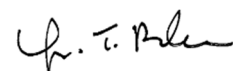
That Council:

1. Adopts the Customer Service Charter and its measures to ensure a continued high level of service to our community;
2. Notes inputs from the community have been incorporated into the charter via a series of workshops with community panel members held in March 2021; and
3. Notes Key Performance Indicators associated with the Charter will be included in the CEO's report and presented to Council on a quarterly basis.

Carried Unanimously

Note: Refer to page 5 of these Minutes where is item was Block Resolved

Chairperson's initials



12.7 CEO Employment and Remuneration Policy

(FB Business Innovation and Culture)

Council Decision**Moved: Councillor Baker****Seconded: Councillor Harvey**

That Council:

1. Notes the CEO Employment and Remuneration Policy was publicly exhibited for a period of six weeks and no submissions were received; and
2. Adopts the CEO Employment and Remuneration Policy.

Carried Unanimously

Note: Refer to page 5 of these Minutes where is item was Block Resolved

12.8 Road Management Plan Review 2021

(LU Infrastructure and Operations)

Council Decision**Moved: Councillor Baker****Seconded: Councillor Harvey**

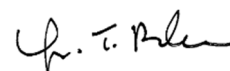
That Council:

1. Receives and notes the review of the Road Management Plan (RMP);
2. Determines not to amend its RMP at this time and notes that officers will initiate the amendment process in 2021/22;
3. Authorises the placing of a public notice advising of the completion of the review and that Council will not be amending its RMP at this time in accordance with the Road Management (General) Regulations 2016; and
4. Makes a copy of the review of the RMP available for public inspection or copying in accordance with the Road Management (General) Regulations 2016.

Carried Unanimously

Note: Refer to page 5 of these Minutes where is item was Block Resolved

Chairperson's initials



12.11 Frankston City Extended Outdoor Dining and Activation Status Report

(SB Communities)

Council Decision**Moved: Councillor Baker****Seconded: Councillor Harvey**

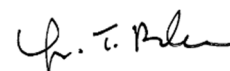
That Council:

1. Notes the success of the Extended Outdoor Dining Program and its significant achievements accomplished to date, confirmed through high-level positive feedback received from permit holders and businesses;
2. Endorses the extension of all current extended outdoor dining permits to 31 October 2021 to enable a review of the program including broad community consultation;
3. Authorises the Chief Executive Officer to enter negotiations with owners of the Station Street and Wells Street roof top car park to operate the car park under contract;
4. Investigates opportunities to activate the Comfort Station with activities that drive revitalisation and deter anti-social behaviours, noting any future recommendations will be included in the Policy Planning and Environmental Strategy progress Report; and
5. Continues to advocate to State Government in order to secure additional financial support and streamlined permit processes for hospitality businesses, aiding recovery, sustainable growth and productivity.

Carried Unanimously

Note: Refer to page 5 of these Minutes where is item was Block Resolved

Chairperson's initials



12.13 Outcomes of Advocacy in Canberra - May 2021

(FM Business Innovation and Culture)

Council Decision**Moved: Councillor Baker****Seconded: Councillor Harvey**

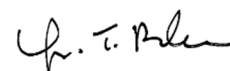
That Council:

1. Receives this report on the recent advocacy trip to Canberra from 11-13 May 2021;
2. Notes the 2021-2022 Federal Budget allocation of an additional \$106.2 million towards infrastructure projects within Frankston City (Dunkley);
3. Endorses the additional expenditure associated with delegation, including flights, accommodation, Taxi's and meals, totalling \$4378.65;
4. Formally writes to Peta Murphy MP and Senator David Van and their officers, thanking for their assistance in scheduling appointments for the delegation;
5. Authorises the Mayor, Cr Kris Bolam, CEO Phil Cantillon and Coordinator Advocacy and Strategic Partnerships, Kristen Thomson to attend a supplementary delegation to Canberra during 20 to 23 June 2021 for additional meetings;
6. Notes correspondence was provided to the Hon Paul Fletcher MP, Minister for Communications, Urban Infrastructure, Cities and the Arts on 18 May 2021 detailing Council's position while seeking clarification on commuter car parking amongst other matters.
7. Resolves to release with the Minutes of this meeting, the Confidential Council Resolution from its 2020/OM10 meeting, held on 20 July 2020, for Item C.1 - Additional Commuter Car Parking at Stations (items 2 and 3); and
8. Resolves to rescind the Council Resolution from its 2020/OM10 meeting, held on 20 July 2020, for Item C.1 - Additional Commuter Car Parking at Stations (Items 2 and 3), and advocates to partner with the Federal Government on opportunities to ensure additional commuter car parking needs across Frankston City are met without further delay.

Carried Unanimously

Note: Refer to page 5 of these Minutes where is item was Block Resolved

Chairperson's initials



ORDINARY MEETING CONFIDENTIAL MINUTES	3	20 July 2020 2020/OM10
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C.1 Additional Commuter Car Parking at Stations

(SA Infrastructure and Operations)

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

That Council:

1. [REDACTED]
2. Notes a multi deck car park above the existing at grade car park at Frankston is the preferred site;
3. Prefers LCRP no longer continues to evaluate commuter parking options at Seaford and Kananook stations and transfers their proposed capacity to Frankston Station;
4. [REDACTED]
5. [REDACTED]

Carried Unanimously

Note: Refer to Page 2 of the Minutes where this item is block resolved.

Chairperson's initials *S. Mayer*Chairperson's initials *J. T. Paken*

12.14 Association of Bayside Municipalities Memorandum of Understanding Renewal
(*SB Communities*)**Council Decision****Moved: Councillor Baker****Seconded: Councillor Harvey**

That Council:

1. Commits to being a signatory to the Association of Bayside Municipalities Memorandum of Understanding for a further four years; and
2. Authorises the Chief Executive Officer to execute the requisite documentation.

Carried Unanimously**Note:** Refer to page 5 of these Minutes where is item was Block Resolved

12.15 Finalisation of statutory procedure - United Energy sub-station lease - Civic Centre, Frankston

(DW Chief Financial Office)

Council Decision**Moved: Councillor Baker****Seconded: Councillor Harvey**

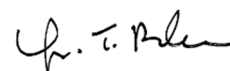
That Council, having complied with the requirements of sections 190 and 223 of the Local Government Act 1989, and having received no submissions in response to public notification of the proposed lease:

1. Resolves to enter into a lease with United Energy Distribution Pty Ltd for part of 30R Davey Street, Frankston (Civic Centre), for a term of 10 years and with a further term of 10 years, for the sum of 10 cents per annum if demanded, for the purposes of the construction and use of the land for an electrical sub-station;
2. Authorises the Chief Executive Officer to finalise arrangements for the lease; and
3. Authorises the lease documents to be signed and sealed.

Carried Unanimously

Note: Refer to page 5 of these Minutes where is item was Block Resolved

Chairperson's initials



12.16 Frankston Football Club - Termination of the Deed Of Company Arrangement (DOCA)

(TB Communities)

Council Decision**Moved: Councillor Baker****Seconded: Councillor Harvey**

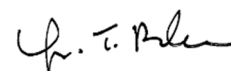
That Council:

1. Notes the achievements of the Frankston Football Club to work through a process of rebuilding the Club's position over the past 5 years since the Deed of Company Arrangement (DOCA) for Frankston Football Club was first executed on 17 Nov 2016;
2. Notes that the Deed of Company Arrangement for Frankston Football Club has now been terminated,
3. Resolves to withdraw its representative from the Frankston Football Club Board; and
4. Delegates authority to the Chief Executive Officer to designate an officer to operate as a relationship manager to provide ongoing liaison support.

Carried Unanimously

Note: Refer to page 5 of these Minutes where is item was Block Resolved

Chairperson's initials



12.17 Proposed closure of Taylors Road, Skye between Hall Road and Ballarto Road
(DD Infrastructure and Operations)**Council Decision****Moved: Councillor Baker****Seconded: Councillor Harvey**

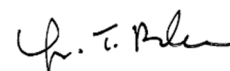
That Council, in accordance with sections 207, 207A, 223 and clause 9 of Schedule 11 to the Local Government Act 1989 ('Act'):

1. Authorises the commencement of the statutory process to consider the closure of Taylors Road in Skye, between Hall Road and Ballarto Road to vehicular traffic excluding emergency services and utility authority vehicles;
2. Authorises public notice to be given of the proposed road closure, and submissions to be invited in accordance with section 223 of the Act;
3. Notes that a report has been requested from the Department of Transport (VicRoads) concerning the proposed road closure, as required by clause 9 (2) of Schedule 11 to the Act;
4. Notes that the proposal will be referred to emergency service and utility authorities for comment; and
5. Notes that a report will be brought back to Council at its 9 August 2021 meeting, to enable all submissions and comments to be considered prior to making a decision on the road closure proposal.

Carried Unanimously

Note: Refer to page 5 of these Minutes where is item was Block Resolved

Chairperson's initials



12.18 Award of Contract CN10510 - Native Vegetation Maintenance Works Panel

(BH Infrastructure and Operations)

Council Decision**Moved: Councillor Baker****Seconded: Councillor Harvey**

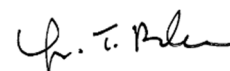
That Council:

1. Awards Contract CN10510 – Native Vegetation Maintenance Works Panel to EcoRegen ABN 99 202 598 592; Environmental Restorations Pty Ltd ACN 105 720 027; Felix Botanica Pty Ltd CAN 105 022 651; Naturelinks Landscape Management Pty Ltd ACN 097 146 426; Platypus Environmental services Pty Ltd ACN 137 694 323; and Seeds Bushland Restoration Pty Ltd ACN 126 186 883 for an initial two year term with the provision of a further 3 X 1 year extensions, noting that this is a schedule of rates contract and the estimated total spend for the life of the contact including extension is \$5,131,915.21 (GST exclusive);
2. Authorises the Chief Executive Officer to sign the contract and contract extensions based on the contractors' successful performance;
3. Delegates approval of contract variations to the Chief Executive Officer; and
4. Resolves the attachments A and B be retained confidential on the grounds that it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, pursuant to 3(1)(c) of the Local Government Act 2020.

Carried Unanimously

Note: Refer to page 5 of these Minutes where is item was Block Resolved

Chairperson's initials



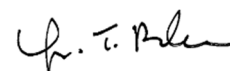
12.19 Award of Contract CN10450 - Concrete Replacement Maintenance Works Panel
(BH Infrastructure and Operations)**Council Decision****Moved: Councillor Baker****Seconded: Councillor Harvey**

That Council:

1. Awards contract CN10450 – Concrete Maintenance Works Panel to A & V Creative Concrete Pty Ltd ACN 086 999 564; and Prestige Civil Group Pty Ltd ACN 140 970 912 for an initial two (2) year term with the provision of a further 2 X 1 year extension options, noting that this is a schedule of rates contract and estimated spend for the life of the contract including extension is \$8,785,617.00 (GST exclusive);
2. Authorises the Chief Executive Officer to sign the contract and contract extensions based on the contractors successful performances;
3. Delegates approval of contract variations to the Chief Executive Officer; and
4. Resolves the attachments A and B be retained confidential, on the grounds that it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, pursuant to 3(1)(c) of the Local Government Act 2020.

Carried Unanimously**Note:** Refer to page 5 of these Minutes where is item was Block Resolved

Chairperson's initials



**12.20 Award of Contract No. CN10455 - Frankston City Council Website(s)
Redevelopment**
(PD Business Innovation and Culture)

Council Decision

Moved: Councillor Baker

Seconded: Councillor Harvey

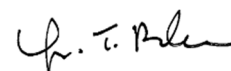
That Council:

1. Awards contract CN 10 455 – Frankston City Council Website(s) to OpenCities ACN 099 495 388 for an initial two-year term with the provision of 2 X 2 year extensions and a 1 X 1 year extension, noting the total spend for the life of the contract including extensions is \$838,200 GST exclusive;
2. Authorises the Chief Executive Officer to sign the contract and contract extensions based on the contractors' successful performance;
3. Delegates approval of contract variations to the Chief Executive Officer; and
4. Resolves the attachments A and B to this report be retained confidential on the grounds that it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, pursuant to 3(1)(c) of the Local Government Act 2020.

Carried Unanimously

Note: Refer to page 5 of these Minutes where is item was Block Resolved

Chairperson's initials



12.21 Response to Petition - Preservation of Colourbond Fence Extension at 3-5 Kars Street, Frankston
(LR Communities)

Council Decision

Moved: Councillor Baker

Seconded: Councillor Harvey

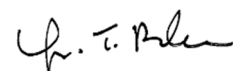
That Council:

1. Notes a petition was tabled in relation to a fence extension at Unit 1, 3 – 5 Kars Street Frankston containing 11 signatures at the Council meeting 10 May 2021;
2. Notes the matter has been escalated by the owner to the Victorian Building Authority and as such Council cannot make a decision on the matter, and
3. Authorises officers to notify the head petitioner of status of the matter accordingly.

Carried Unanimously

Note: Refer to page 5 of these Minutes where is item was Block Resolved

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13. RESPONSE TO NOTICES OF MOTION

Nil

14. NOTICES OF MOTION

Nil

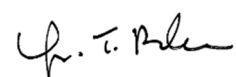
15. LATE REPORTS

Nil

16. URGENT BUSINESS

Nil

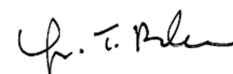
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17. CONFIDENTIAL ITEMS

Nil Reports

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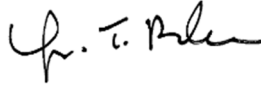


The meeting was closed to the public at 10.53 pm

CONFIRMED THIS

DAY OF

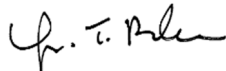
2021



.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Kris Bolam, Chairperson – Council Meeting hereby authorise the use of an electronic stamp of my initials to initial each page of these Minutes of the Council Meeting held on Monday 31 May 2021 confirmed on Tuesday 15 June 2021.



.....
(Cr. Kris Bolam, Chairperson – Council Meeting)

Dated this 15th day of June 2021

Chairperson's initials 