Welcome to this Meeting of the Frankston City Council

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

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

The law regarding the conduct of Council meetings enables the public to observe the session. However, to ensure the manageability of Council meetings, opportunities for public participation are limited to Question Time and registered submissions in accordance with Council’s guidelines, which are available from Council’s Governance unit (call 9784 1038) and on our website, www.frankston.vic.gov.au. It is not possible for any visitor to participate in any Council debate unless specifically requested by the Chairperson to do so.

If you would like to have contact with Councillors or Officers, arrangements can be made for you to do so separately to the meeting. Call Frankston City Council on 9784 1888 and ask for the person you would like to meet with, to arrange a time of mutual convenience.

When are they held?

Generally speaking, the Council meets formally every three (3) weeks on a Monday and meetings start at 7.00 p.m.

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

Local Law No. 1 – Meeting Procedure

48. Chairperson’s Duty

Any motion, amendment, statement or question which-

(a) is defamatory or embarrassing to any Councillor, member of staff, ratepayer or member of the public;

(b) is abusive or objectionable in language or nature;

(c) is outside the powers of the Council;

(d) is not relevant to the item of business on the Agenda and has not been admitted as urgent business;

(e) purports to be an amendment but is not; or

(f) is a direct negative of the question before the Chair.

must not be accepted by the Chairperson.
91. **Chairperson May Remove**

(1) The Chairperson must call to order any person, including a Councillor, who

(a) is disruptive, or unruly during any meeting; or

(b) who says anything which is defamatory, abusive or objectionable in language or nature, and, upon being directed by the Chairperson to withdraw or apologise for what was said, twice refuses or fails to do so.

(2) Any person, including a Councillor, who has been called to order under sub-clause (1) and then directed by the Chairperson to remain silent, resume his or her seat or leave the Chamber or meeting room for a specified time or for the duration of the meeting, and who fails to comply with the Chairperson’s direction:

(a) may be removed from the Chamber or meeting room by a member of the Victoria Police, at the direction of the Chairperson;

(b) following removal from the meeting, is not entitled to return for balance of the meeting; and

(c) is, in any event, guilty of an offence under this Local Law.

(3) A person, including a Councillor who has been removed from the Chamber or meeting room under sub-clause (2) and who re-enters the Chamber or meeting room while the meeting is in progress may again be removed by a member of the Victoria Police, at the direction of the Chairperson and will be guilty of a further offence.

(The penalty for an offence under this clause is 4 penalty units, which is $400)

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**The Formal (Ordinary) Meeting Agenda**

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

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

- **Items Brought Forward**

These are items for discussion that have been requested to be brought forward by a person, or a group of people, who have a particular item on the Agenda and who are present in the Public Gallery. Before the start of the meeting, an Officer will ask those in the Public Gallery whether they wish a matter to be considered early in the meeting.

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

Question Time forms are available from the Civic Centre and our website, www.frankston.vic.gov.au. Questions may also be submitted online using the Question Time web form. “Questions on notice” are to be submitted and received by Council before 12 noon on the Friday before the meeting.

“Questions without notice” may be submitted in the designated Question Time box in the public gallery on the evening of the meeting, just prior to its commencement.

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

More detailed information about the procedures for Question Time is available from Council’s Governance unit (call 9784 1816) and on our website, www.frankston.vic.gov.au.
The Council Meeting cont……

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

• Presentation of Reports
Matters requiring a Council decision are dealt with through officer reports brought before the Council for consideration. When dealing with each item, as with all formal meeting procedures, one Councillor will propose a motion and another Councillor will second the motion before a vote is taken.

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

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

• Opportunity to address Council
Any person who wishes to address Council must pre-register their intention to speak before 4.00pm on the day of the meeting, by telephoning Council’s Governance unit (call 9784 1038) or by submitting the online web form on the website, www.frankston.vic.gov.au.

The submissions process is conducted in accordance with guidelines which are available from Council’s Governance unit and on our website. All submissions will be limited to 3 minutes in duration, except for Section 223 submitters, who have a maximum of 5 minutes.

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

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

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

Agenda Themes
The Council Agenda is divided into three (3) themes which depict the Council Plan’s Strategic Objectives, as follows:

1. Planned City for Future Growth.
2. Liveable City.
3. Sustainable City.

Cr. Darrel Taylor
MAYOR

A138471 – 13 December 2011
NOTICE PAPER

ALL COUNCILLORS

NOTICE is hereby given that an Ordinary Meeting of the Council will be held at the Civic Centre, Davey Street, Frankston, on 28 July 2014 at 7pm.

COUNCILLOR STATEMENT

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

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

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

OPENING WITH PRAYER

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

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

MINUTE SILENCE

Malaysian Airlines Tradegey
BUSINESS

1. PRESENTATION TO COMMUNITY GROUPS
   Nil

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING
   Ordinary Meeting No. OM257 held on 7 July 2014.

3. APOLOGIES
   Nil

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

5. PUBLIC QUESTION TIME
   Nil

6. HEARING OF SUBMISSIONS
   Nil

7. ITEMS BROUGHT FORWARD

8. PRESENTATIONS / AWARDS
   Nil

9. PRESENTATION OF PETITIONS AND JOINT LETTERS
   Nil

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Dennis Hovenden
CHIEF EXECUTIVE OFFICER

23/07/2014
Executive Summary

10.1 VCAT Position - Amended Plans - Planning Permit Application No. 494/2012/P - 44 Seaview Road, Frankston South - To construct one (1) single storey dwelling to the rear of the existing dwelling and alterations to the existing dwelling

Enquiries: (Catherine Balagtas: Community Development)

Council Plan

  Community Outcome: 1. Planned City for Future Growth
  Strategy: 1.3 Review the Municipal Strategic Statements [MSS#], also known as the Local Planning Scheme to accommodate future population growth
  Priority Action 1.3.1 Develop an urban design policy to guide assessment of proposed developments and deliver quality design outcomes

Purpose

The purpose of this report is to seek a position from Council on the amended plans relating to Planning Permit Application No. 494/2012/P before the VCAT hearing listed on 11 August 2014.

Recommendation (Director Community Development)

That Council resolves to form the position based on the amended plans that it does not support the issue of a Planning Permit to Planning Permit Application No. 494/2012/P to construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings) and buildings and works to the existing dwelling on the grounds contained in the officer's assessment.

Key Points / Issues

- A Notice of Refusal was issued on 18 November 2013 by Council for Planning Permit Application No. 494/2012/P. The permit applicant was subsequently lodged an appeal to VCAT against Council's refusal and has submitted amended plans.
- This matter is reported to Council as Council's position on the amended plans is required before the VCAT Hearing on 11 August 2014.
- The applicant still proposes to construct one (1) single storey dwelling to the rear of the existing dwelling and alterations to the existing dwelling.
- The proposed development has been modified by: altering the proposed extensions to the existing dwelling; redesigning the proposed dwelling with reduced number of bedrooms; removing basement parking; and deleting the proposed driveway and footpath.
- It is considered that the proposal remains to be inconsistent with the relevant State and Local Planning Policies as the site is located within a low density area and is not within proximity of neighbourhood services. The proposal also continues to not respect the existing and preferred neighbourhood character and will negatively impact on the landscape value and amenity of the area.

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

Financial Impact

The Applicant paid the appropriate planning permit application fees for the original proposal. No fee applies for the consideration of amended plans as part of the VCAT process.
10.1 VCAT Position - Amended Plans - Planning Permit Application No. 494/2012/P - 44 Seaview Road, Frankston South - To construct one (1) single storey dwelling to the rear of the existing dwelling and alterations to the existing dwelling

Executive Summary

Consultation

1. External Referrals
   
   The amended plans were circulated externally to Country Fire Authority in accordance with the VCAT requirements.

2. Internal Referrals
   
   The amended plans were referred internally to Council's Environment Officer, Drainage Engineer and Traffic Engineer.

3. Other relevant parties / stakeholders
   
   The objectors to the original application, to whom the amended plans have been circulated, have lodged Statements of Grounds to VCAT.

Analysis (Environmental / Economic / Social Implications)

The Frankston South area is a highly vegetated area where vegetation flows across properties and there is a blend of landscaped properties with the prominent Sweetwater Creek reserve. The area has a strong flora and fauna habitat that is strengthened by the single dwellings on large lots. Two dwellings on a lot will result in the removal of vegetation, impact existing vegetation proposed to be retained and reduce landscaping opportunities across the site. The loss of vegetation will cause detriment to the flora and fauna habitat value and will result in landscaped views being replaced with hard surfaces and built form.

It is considered that the proposal will have no long term economic implications.

There are no social implications as a result of the proposal.

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

Legal

The following provisions of the Frankston Planning Scheme are relevant to this application:

Zone and Overlays – Clause 32.01 – Residential 1 Zone; Clause 42.03 – Significant Landscape Overlay (Schedule 3); Clause 43.02 – Design and Development Overlay (Schedule 1); and, Clause 44.06 – Bushfire Management Overlay.

Particular and General Provisions – Clause 52.06 – Car Parking; Clause 55 - Two or More Dwellings on a Lot and Residential Buildings (ResCode); Clause 65 – Decision Guidelines.

State and Local Planning Policy Frameworks – Clauses 11, 12, 13, 15, 16, 21.03, 21.04, 21.07, 21.10 and 22.08.
Policy Impacts

The amended proposal does not comply with Council's Multi-Dwelling Visitor Car Parking Guidelines.

Officer’s Declaration of Interests

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

Risk Mitigation

There are no risk implications.

Conclusion

Overall, it is considered that the amended proposal is not satisfactory and should not be supported as discussed throughout this report.

ATTACHMENTS

Attachment A:  Aerial Map *(Under Separate Cover)*
Attachment B:  Plans that were refused *(Under Separate Cover)*
Attachment C:  Amended Plans now before VCAT *(Under Separate Cover)*
10.1 VCAT Position - Amended Plans - Planning Permit Application No. 494/2012/P - 44 Seaview Road, Frankston South - To construct one (1) single storey dwelling to the rear of the existing dwelling and alterations to the existing dwelling

**Officers’ Assessment**

**Summary**

<table>
<thead>
<tr>
<th>Existing Use</th>
<th>Single storey dwelling</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Area</td>
<td>4320m²</td>
</tr>
<tr>
<td>Proposal</td>
<td>To construct one (1) single storey dwelling to the rear of the existing dwelling and alterations to the existing dwelling</td>
</tr>
<tr>
<td>Site Cover</td>
<td>15.9%</td>
</tr>
<tr>
<td>Permeability</td>
<td>70.9%</td>
</tr>
<tr>
<td>Zoning</td>
<td>Residential 1 Zone</td>
</tr>
<tr>
<td>Overlays</td>
<td>Significant Landscape Overlay (Schedule 3) Design and Development Overlay (Schedule 1) Bushfire Management Overlay</td>
</tr>
<tr>
<td>Neighbourhood Character Precinct</td>
<td>Frankston South Precinct 8</td>
</tr>
<tr>
<td>Reason for Reporting to Council</td>
<td>Council’s Position on the amended plans is required for the VCAT Hearing listed on 11 August 2014</td>
</tr>
</tbody>
</table>

**Background**

Council refused Planning Permit Application No. 494/2012/P to construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings) and buildings and works to the existing dwelling on 18 November 2013 based on the following grounds:-

1. The proposed development is inconsistent with the objectives of the State and Local Policy Framework of the Frankston Planning Scheme, including:
   a) Clause 12 – Environmental and Landscape Values;
   b) Clause 15 – Built Environment and Heritage;
   c) Clause 16 – Housing;
   d) Clause 21.04 – Settlement;
   e) Clause 21.06 – Environmental and Landscape Values;
   f) Clause 21.07 – Housing; and
   g) Clause 22.08 – Neighbourhood Character.

2. The proposal does not satisfy the objectives of Clause 55 of the Frankston Planning Scheme, in particular:
   a) Clause 55.02-1 - Neighbourhood Character; and
   b) Clause 55.03-8 – Landscaping.
3. The proposal does not achieve the objectives of the Neighbourhood Character Policy (Clause 22.08 of the Frankston Planning Scheme), and the objectives of Frankston South Precinct 8.

4. The proposed development fails to comply with objectives of Clause 42.03 Significant Landscape Overlay – Schedule 3 as the proposal will have significant impacts on the landscape character of the area and does not appropriately respond to the preferred neighbourhood character of the Frankston South area.

5. The proposed development fails to comply with Clause 43.02 Design and Development Overlay – Schedule 1 as the proposal fails to demonstrate that the second dwelling will form part of or is added to the existing dwelling to provide the appearance of one (1) built form.

6. The proposal is inconsistent with Clause 52.17 as insufficient information has been provided.

The permit applicant lodged an application to VCAT on 23 December 2013 to review Council’s decision and has submitted amended plans before the VCAT hearing listed on 11 August 2014.

Council is required to form a position on the amended plans before the hearing.

**Subject Site**

The subject site is irregular in shape (battleaxe) and located on the southern side of Seaview Avenue in Frankston South.

The site has front and rear boundary widths of 100 metres, side boundaries of 31.5 metres and 74.0 metres and an overall area of 4320 square metres. A 2.50 metre wide drainage and sewer easement runs along the western boundary of the site.

The land has a fall of approximately 8.0 metres from the south-east boundary of the land to the north-west boundary of the land.

The subject site currently contains a single storey dwelling with a swimming pool and an outbuilding to the rear.

Vegetation exists to the periphery and scattered throughout the site. These are a mixture of native and exotic plants.

Access to the site is via a single crossover to Seaview Avenue, which leads down a 45 metre long accessway to service the existing dwelling.

**Locality**

Surrounding residential development is characterised by large houses in extensive grounds, in a rural bush setting. There is remnant bush vegetation in public reserves, roadside reserves and private gardens, including those adjoining Sweetwater Creek (which is approximately 950 metres to the South/North/East/West of the subject site).
Dwelling and garden designs are individualistic, but it is the rural bush landscape that unifies the character of the area. Open or farm fence style front boundary treatments assist in allowing the vegetation to ‘flow’ across individual properties.

**Site History**

Refer to the Background for the application history.

**Amended Plans**

The amended plans are identified as follows:

- ‘Tree Assessment (arborist report), Date of Inspection: 3 April 2014, prepared by Joe Kellett Arboriculture’, date stamped by Council on 15 April 2014.

The applicant also informally circulated additional plans on 26 June 2014 in response to CFA requirements relating to access. These additional plans are identified as follows:

- ‘CFA Conditions Plans, TP_08, Date: 25.06.14, prepared by Property Subdivision Architecture’, date stamped by Council on 26 June 2014; and,
- ‘CFA Truck Outbound and CFA Truck Inbound, Job No. 15487, Sheet No. 1-2 of 2, Date: 24/06/14, prepared by O’Brien Traffic’, date stamped by Council on 26 June 2014.

**Proposal**

The applicant still proposes to construct one single storey dwelling at the rear of the existing dwelling but the proposed development has been amended as follows:

**Amendments to the existing dwelling**

- Reduced alterations to the existing dwelling to only the removal of the carport;
- Replaced the proposed patio and living room (dwelling extensions) with a games room, pool room and storage which will be attached to the proposed dwelling;
- Increased the setback of the extensions to the rear boundary from 1.45 metres to approximately 3 metres; and,
- Increased with the total floor area of the existing dwelling (including extension) from 342sqm to 418sqm.

**Amendments to the proposed dwelling**

- Modified the building footprint;
- Reduced the number of bedrooms from 4 to 3;
- Replaced the basement car parking with a standard double garage;
- Incorporated a hipped roof form instead of flat roof.
- Reduced the floor area of the proposed dwelling from 294sqm to 250sqm.

**Other amendments**

- Delete proposed permeable gravel pathway and driveway along the northern boundary and retain the existing gravel driveway as accessway for the proposed dwelling.
Officers’ Assessment

- The access has been widened in part and includes a fire truck turning bay to the north of the existing swimming pool on site.

It remains unclear whether any vegetation is proposed to be removed. Although the amended plans do not show any tree to be removed (except for the Tree Canopy Plan showing one unnamed tree to be removed), the arborist report accompanying the amended plans recommends the removal of 5 trees, which includes Tree 11 (Chinese Hawthorn), Tree 12 (Gippsland Manna Gum) and Tree 13 (Brown Stringybark) on site and Tree 6 (Eucalyptus species) and Tree 8 (Brown Stringybark) on the adjoining property.

State and Local Planning Policy Frameworks

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

- Clause 11 – Settlement;
- Clause 12 – Environmental and Landscape Values;
- Clause 13 – Environmental Risks;
- Clause 15 – Built Environment and Heritage; and
- Clause 16 – Housing.

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

- Clause 21.03 – Vision and Strategic Framework
- Clause 21.04 – Settlement;
- Clause 21.07 – Housing; and
- Clause 22.08 – Neighbourhood Character Policy.

Planning Scheme Controls

A Planning Permit is required pursuant to:

- Clause 32.01-4 – Residential 1 Zone (R1Z) – to construct a dwelling if there is at least one dwelling existing on the lot.
- Clause 44.06 – Bushfire Management Overlay (BMO) – to construct a building or construct or carry out works associated with accommodation.
- Clause 42.03 – Significant Landscape Overlay - Schedule 3 (SLO3) – to remove, destroy or lop native vegetation and exotic trees and shrubs.
- Clause 52.17 – Native Vegetation – to remove, destroy or lop native vegetation, including dead native vegetation.

It is considered that the proposal no longer requires a planning permit pursuant to Clause 43.02 (Design and Development Overlay - Schedule 1 – DDO1) as the exemptions of the DDO1 applies. This will be discussed later in this report.
Notices of Proposal

The amended plans have been circulated to all of the objectors and referral authorities in accordance with VCAT requirements.

Referrals

The amended plans were referred to Council's Drainage Engineer, Traffic Engineer and Environment Officer, who have provided the following comments:

Drainage Engineer

- No objection subject to the inclusion of standard multi-dwelling development conditions.

- There are no issues identified with utilising the existing gravel driveway as it only serves one additional dwelling.

Traffic Engineer

- Vehicles from the proposed dwelling can exit in a forward direction using the turning area. Only a small portion of the turning area is required for vehicles to safely manoeuvre out of the garage; therefore, the relocation of the internal fence outside the Structural Root Zones of trees will not greatly impact on the useability of the turning area.

- The gradient of the driveway is considered acceptable as it utilises the existing gravel driveway.

- The plans need to be further amended to clearly define the width of the driveway (where it turns) with the provision of landscape beds to prevent damage onto trees or fencing.

Environment Officer

- Insufficient information has been provided to assess the impact of the proposed development on the existing vegetation on site and adjoining properties.

- The existing trees on site will remain impacted by the proposed development as the turning area for the driveway and the proposed internal boundary fence are located within the Structural Root Zones of Trees no. 19 to 21 – no works should occur within this area which is essential for the tree’s structural integrity. Trees no. 4 and 5 are also shown to be located within the gravel driveway, which could be potentially damaged by vehicles manoeuvring through the driveway. The driveway should be clearly delineated away from these trees. Tree no. 22, not shown on the site plan, may also be required to be removed with the proposed design and would require a permit for removal under the SLO3.

- The design does not consider the implications of CFA’s inner zone requirements on the existing canopy trees on site. CFA requires that canopy trees must not overhang the roofline and must have a separation of 2m. Additional trees may require removal due to this CFA requirement.
10.1 VCAT Position - Amended Plans - Planning Permit Application No. 494/2012/P - 44 Seaview Road, Frankston South - To construct one (1) single storey dwelling to the rear of the existing dwelling and alterations to the existing dwelling

Officers' Assessment

- The arborist report indicates that Trees no. 6 and 8 (located on the neighbouring property) and 11, 12 and 13 (located on site) are marked for removal. This would require consideration under Clause 52.17 and the applicant has not provided any information to address the application requirements of Clause 52.17.

- The landscape plan is not consistent with the Neighbourhood Character guidelines. The plan supplied has a lack of diversity with only two plants provided on the site. Only 14 individuals of a native cultivar Westringia and only 3 indigenous large shrubs have been allocated on the plan.

- The applicant has not amended the arborist report to assess the impact of the amended driveway on Trees no. 10 and 11. The fire truck turning bay of the driveway is located within the Tree Protection Zones of Trees no. 10 and 11 and would further impact onto these trees.

The amended plans were also circulated to the Country Fire Authority as an external referral authority, which provided the following summarised comments:

Country Fire Authority (CFA)

- The CFA does not object to the proposal based on the amended plans subject to extensive conditions relating to amended plans, defendable space, construction, water supply, access and maintenance of bushfire mitigation measures.

Discussion

It is considered that the amended plans have not addressed Council's primary concerns in relation to neighbourhood character, vegetation and built form.

State and Local Planning Policy

The amended proposal remains to be inconsistent with the State and Local Planning Policies. The amended proposal will continue to negatively impact on the existing vegetation in the area. The site is not an appropriate location where medium density housing can be positively encouraged under the Planning Scheme as it is within a low density area, where development is constrained by neighbourhood and landscape character. The site is not close to activity centres, employment corridors and public transport; therefore, it is not suitable for higher density development.

Neighbourhood Character

It is considered that the amended plans have not satisfactorily resolved the issues in relation to neighbourhood character.

The following provides an assessment of the amended proposal as follows:

- The amended plans have addressed issues relating to site disturbance by deleting the basement car parking with an on-ground double garage, which minimises any excavation on site.
The proposed development remains large in scale. The proposed development creates an extensive built form when viewed from the adjoining properties. This built form in addition to the existing dwelling and hard surfacing is considered to have a negative impact on the landscape as it limits opportunities for planting of vegetation on site.

The proposal does not reflect the existing rhythm of dwelling spacing within the area where surrounding dwellings have generous side setbacks. Although the side setbacks of the proposed dwelling and extension to the existing dwelling have been increased, it is considered minimal in comparison to adjoining properties.

As previously mentioned, the amended plans and arborist report are inconsistent in showing whether vegetation is proposed to be removed on site. The amended Site Plan and Tree Protection Zone Plan do not show any trees to be removed while the Tree Canopy Plan shows one tree (unnamed) located to the south of the proposed dwelling is proposed to be removed. The arborist report accompanying the amended plans (Tree Assessment prepared by Joe Kellett Arboriculture on 3 April 2014) also recommends the removal of 5 trees, including Trees No. 6 and 8 (located on the adjoining properties) and 11, 12 and 13 (located on the site). The removal of these trees is contrary to neighbourhood character, which seeks to encourage the retention of large, established native trees. It is considered that it will have an unacceptable impact on the rural bush landscape character of the area.

The applicant has provided a landscape plan which shows planting of three (3) native trees and 14 native shrubs. The submitted landscape plan is not considered satisfactory as it lacks the provision of diverse and substantial native trees and shrubs, which is required for Frankston South Precinct 8. The trees proposed to be planted only have a mature height of 5 metres, which is minimal compared to the trees to be removed that are up to 14 metres in height. The landscape plan also lacks variety as it only provides two plant species; therefore, it does not achieve the objective to maintain and strengthen the rural bush landscape.

Vegetation

Overall, it is considered that the applicant has failed to provide adequate information to assess the impact of the proposal on the existing vegetation on site and adjoining properties. The amended plans remain inconsistent in showing whether any trees are proposed to be removed. The amended Site Plan, Tree Protection Zone Plan, Tree Canopy Plan and arborist report are not consistent with each other and it is unclear what vegetation will be removed and retained.

Under Clause 42.03 (Significant Landscape Overlay Schedule 3) and Clause 52.17 of the Frankston Planning Scheme, a planning permit is required to remove, destroy or lop native vegetation. The applicant has, again, not provided any information on how the proposal responds to Clause 52.17. It is considered that the vegetation to be removed will continue to impact on the natural environment and landscape values of the area.
10.1 VCAT Position - Amended Plans - Planning Permit Application No. 494/2012/P - 44 Seaview Road, Frankston South - To construct one (1) single storey dwelling to the rear of the existing dwelling and alterations to the existing dwelling

**Officers’ Assessment**

In addition, the siting of the proposed internal boundary fence and accessway results in encroachments onto the tree protection zones of Trees No. 4, 5, 12, 19, 20 and 21, which is likely to have a significant impact upon their long term retention. This established vegetation adds character, landscape and amenity value that contributes to the bush setting of the Frankston South area. Irrespective of the health or structure of these trees, they are considered to add value to the area and are part of the strong landscape character. It is considered that the removal of this vegetation will take away from the landscape values of the area.

It is also considered that further pruning or removal of trees may be required to achieve a tree canopy separation of 2 metres as part of CFA’s defendable space requirement. The applicant has not provided any information on how they can achieve this requirement while maintaining an appropriate landscape outcome.

Furthermore, the additional plans submitted in response to CFA’s access requirement show that the driveway to the proposed dwelling widened and includes a fire truck turning bay. The applicant has not provided an amended arborist report assessing the impact of the driveway on the existing trees on site and adjoining properties. As the turning bay is located closer to Trees No. 10 and 11, it is considered that the driveway will further impact on the existing trees on site and adjoining property.

**Bushfire Management Overlay**

The amended proposal is considered satisfactory when assessed against the requirements of the Bushfire Management Overlay. It is considered that the proposal will not result in any additional risk to life or property. CFA also does not object to the amended proposal subject to extensive conditions relating to amended plans, defendable space, construction, water supply, access and maintenance of bushfire mitigation measures.

However, as previously discussed, the applicant has not demonstrated how CFA requirements will impact on existing vegetation.

**Clause 55 (ResCode)**

The amended plans have been assessed against provisions of Clause 55 (ResCode) of the Frankston Planning Scheme. It is considered that the amended proposal meets the technical requirements of ResCode. However, it does not meet all objectives of Clause 55 particularly in terms of neighbourhood character and landscaping as previously discussed in this report.

**Council’s Visitor Parking Guidelines**

As the site has a battle-axe shape, there is no opportunity for on-street parking directly in front of the site. The amended plans do not retain the previously proposed visitor car parking spaces; therefore, it does not comply with Council’s Visitor Parking Guideline which requires one (1) visitor parking for the proposal. However, it is considered that there is sufficient space available on site for one visitor parking space which could be addressed as a condition of any permit issued.
Grounds relating to the Design and Development Overlay (Schedule 1) – DDO1

Since Council’s decision to refuse this application, there have been VCAT decisions where the Tribunal has made observations on the wording of the DDO1 requirement.

The DDO1 states:

“A permit is not required to construct or carry out buildings and works for…
[a] single dwelling… provided the following are met:

- There are only two dwellings on the lot, unless the second dwelling forms part of or is added to a dwelling… This cannot be varied by a permit.”

This wording has resulted in misinterpretation of the control by the community and this has been demonstrated in cases before VCAT.

Amendment C91 has been proposed to modify the wording of the DDO1 to clarify the wording about the number of dwellings and their built form. The Amendment proposed to require two dwellings to be substantially attached so as to appear as one building by providing the following mandatory requirement:

“Only one dwelling may be constructed on a lot. A second dwelling may be constructed on a lot, but the second dwelling must be substantially attached to the existing dwelling so as to appear as one building and cannot be attached through walkways, carports, patios, decks or similar structures. This requirement cannot be varied with a permit.”

The redrafted DDO1 also contains the following exemption from the requirement for a permit for buildings and works:

“A permit is not required to construct or carry out buildings or works for:

- the development of public land by or on behalf of a public land manager.

- buildings or ancillary outbuildings, provided the following are met:
  - any building is setback at least 7.5 metres from any road frontage.
  - any building does not exceed 7 metres in height.
  - the total floor area of all existing and proposed outbuildings does not exceed 100 square metres.
  - the amount of the site covered by buildings does not exceed 25 per cent and the total amount of the site covered by buildings, swimming pool or impervious surfaces must not exceed 50%.”

When considering the cases relating to applications at 61 Stotts Lane, Frankston South and 12 Bangalay Avenue, Frankston South, the Tribunal considered that the conditional requirement for dwellings to be attached under the current DDO1 is not mandatory.
It only acts as a permit exemption from when a planning permit is required for buildings and works – i.e. if a proposed second dwelling is attached to the existing dwelling and meets the other exemption requirements, it does not require a planning permit under the current DDO1.

The Tribunal also suggested that the redrafted DDO1 under Amendment C91 continues to be 'interpretively challenging'. In regards to the redrafted DDO1, the Tribunal has expressed that:

“if a permit is not required under this Schedule for a proposed second dwelling, then I cannot see how the mandatory requirement under the Schedule can be applied, or have any effect. I also observed that the exemptions to the permit requirement for building and works are so broad, that any proposal for a single storey dwelling at the rear of a site, which has less than 25% site coverage and 50% permeability, will be exempt. That would certainly be the case with the proposal for a second dwelling that is before me in this proceeding (12 Bangalay Avenue, Frankston South). Some proposals for double storey dwellings in rear yards that also comply with these figures may also be exempt, if the second dwelling is less than 7 metres in height. As such, the mandatory provision will not apply to such proposals.”

Based on these VCAT decisions, it is considered that the proposal is exempt from a planning permit under the current DDO1 as the second dwelling is proposed to be added to the existing dwelling and also meets the other conditional requirements. The amended plan shows the proposed dwelling is added to the existing dwelling via storage areas, which creates the appearance of a continuous built form. It is considered that the extent of structural connection between the proposed dwelling and the existing dwelling is sufficient to meet the definition of added to. The proposed dwelling is also setback more than 7.5 metres from the road frontage, setback more than 10 metres from Sweetwater Creek Reserve, does not exceed 7 metres in height, does not propose any outbuildings and has a site coverage not exceeding 25% and a site permeability not exceeding 50%. Therefore, the proposal does not require a planning permit under the DDO1.

Consequently, it is recommended that the following ground of refusal be deleted from Council’s position to the Tribunal.

“The proposed development fails to comply with Clause 43.02 Design and Development Overlay – Schedule 1 as the proposal fails to demonstrate that the second dwelling will form part of or is added to the existing dwelling to provide the appearance of one (1) built form”.

**Conclusion**

Overall, it is considered that the proposal based on the amended plans does not satisfy the requirements of the State and Local Planning Policy Framework including the objectives of Clause 22.08 (Neighbourhood Character Policy) and the objectives of Clause 55 – Two or More Dwellings on a Lot (ResCode) of the Frankston Planning Scheme. The proposal will continue to have an unacceptable impact on the existing vegetation on site and adjoining properties and does not comply with the objectives of the Significant Landscape Overlay (Schedule 3) and Clause 52.17 (Native Vegetation) of the Frankston Planning Scheme.
10.1 VCAT Position - Amended Plans - Planning Permit Application No. 494/2012/P - 44 Seaview Road, Frankston South - To construct one (1) single storey dwelling to the rear of the existing dwelling and alterations to the existing dwelling

Officers' Assessment

Recommendation (Director Community Development)

That Council resolves to form the position based on the amended plans that it does not support the issue of a Planning Permit for Planning Permit Application No. 494/2012/P to construct one (1) single storey dwelling to the rear of the existing dwelling (two (2) dwellings) and buildings and works for the existing dwelling on the following grounds:

1. The proposed development is inconsistent with the objectives of the State and Local Policy Framework of the Frankston Planning Scheme, including:
   a) Clause 12 – Environmental and Landscape Values
   b) Clause 15 – Built Environment and Heritage
   c) Clause 16 – Housing
   d) Clause 21.04 – Settlement
   e) Clause 21.06 – Environmental and Landscape Values
   f) Clause 21.07 – Housing
   g) Clause 22.08 – Neighbourhood Character

2. The proposal does not satisfy the objectives of Clause 55 of the Frankston Planning Scheme, in particular:
   a) Clause 55.02-1 – Neighbourhood Character
   b) Clause 55.03-8 – Landscaping

3. The proposal does not achieve the objectives of the Neighbourhood Character Policy (Clause 22.08 of the Frankston Planning Scheme), and the objectives of Frankston South Precinct 8.

4. The proposed development fails to comply with objectives of Clause 42.03 Significant Landscape Overlay – Schedule 3 as the proposal will have significant impact on the landscape character of the area and does not appropriately respond to the preferred neighbourhood character of the Frankston South area.

5. The proposal is inconsistent with Clause 52.17 as insufficient information has been provided.

6. The driveway construction as shown on ‘Site Plan’ (TP_01, Date: 10/04/14) and ‘CFA Conditions Plan’ (TP_08, Date: 25.06.14) will have unacceptable impact on the existing vegetation on site and adjoining properties.
Executive Summary

10.2 Planning Application 386/2013/P - To construct thirty seven (37) apartments within a three (3) storey building with basement carparking and to alter access to a road in a Road Zone Category 1 - 32-34 Nepean Highway, Seaford

Enquiries: (Fiona Johnstone: Community Development)

Council Plan
Community Outcome: 1. Planned City for Future Growth
Strategy: 1.3 Review the Municipal Strategic Statements [MSS#], also known as the Local Planning Scheme to accommodate future population growth
Priority Action 1.3.1 Develop an urban design policy to guide assessment of proposed developments and deliver quality design outcomes

Purpose
This report considers the merits of the planning application to construct thirty seven (37) apartments within a three (3) storey building with basement car parking and to alter access to a road in a Road Zone Category 1.

Recommendation (Director Community Development)
That a Notice of Decision to Grant a Planning Permit be issued, subject to the conditions contained in the officer’s assessment.

Key Points / Issues

- Officers have held discussions with the applicant regarding concerns of the proposal, primarily site coverage and car parking provision. The applicant has advised of potential changes that include:
  - Increased setbacks to the north and south boundaries, which will also enable more landscaping to screen the building.
  - A site coverage of 62.3% can be achieved.
  - Modifying the basement to a two level basement so the required visitor car spaces are provided on site. In this configuration, car stackers are not required for resident car parking.

Amended plans have not been submitted showing these changes, however can be required as conditions of any permit to issue. The report considers these potential changes.

Details of the planning application formally lodged for Council's consideration are:

- Thirty seven (37) apartments are proposed comprising of twenty five (25) two (2) bedrooms and twelve (12) one (1) bedroom within a three (3) storey building.
- Car parking is to be located at basement level. Forty four (44) vehicle spaces are to be provided comprising of thirty seven (37) designated for the apartment and seven (7) visitor spaces. Thirty six (36) vehicle spaces are to be provided via nine (9) quadruple car stackers.
- The building is to be finished in a mix of rendered block work, stone cladding, timber cladding, aluminium screening and coloured and frosted glass.
Executive Summary

- A permit is required under the Commercial 1 Zone, the Design and Development Overlay Schedule 6, the Bushfire Management Overlay and the Clause 52.29 – Land Adjacent to a Road Zone Category 1.

- The proposed development is consistent with State and Local Planning Policy Frameworks as it provides an increase in the diversity and supply of housing stock within the municipality which increases housing choice for residents, is consistent with the character of the area, and is in an area where increased housing densities are encouraged.

- The proposed development is considered to generally respond appropriately to the Seaford 7 Neighbourhood Character Precinct, the Design and Development Overlay – Schedule 6, the Bushfire Management Overlay and Clause 55 – ResCode.

- The proposal does not meet Council’s Visitor Parking Guidelines as the guidelines require 12 visitor spaces and only 7 are provided resulting in a shortfall of 5 spaces.

- A total of five (5) objections have been received. For further information, please refer to the officer’s assessment contained within this report.

- The application is being reported to Council due to Councillor interest and the noncompliance with Council’s Visitor Parking Guidelines.

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

Financial Impact

The applicant has paid all required fees.

Consultation

1. External Referrals

   The application was referred externally to the Country Fire Authority and VicRoads who offered no objection to the proposed development subject to the inclusion of conditions on any permit to issue.

2. Internal Referrals

   The application was referred internally to Council’s Drainage Engineer, Traffic Engineer, Waste Management Officer, Urban Designer and Landscape Architect who offered no objection to the proposed development subject to the inclusion of conditions on any permit to issue.

Notification of Proposal

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

Notification was given in the form of:

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

As a result of the public notification, five (5) objections were received. The grounds of objection are summarised in the officer’s assessment contained within this report.
Analysis (Environmental / Economic / Social Implications)

The proposal is expected to impact positively on the economy through creation of construction jobs and economic growth (construction cost of $6.95 million). It is also expected to have positive social implications in the form of increasing housing supply and diversity in a location where policy encourages increased housing density. Landscaping on what is a site denuded of vegetation is expected to impact positively on the environment. Adverse environmental impacts caused by construction activity can be minimised with appropriate conditions on any permit issued.

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

Legal

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

Policy Impacts

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

State and Local Policy Framework – Clauses 11, 13, 15, 16, 17 21.04, 21.07 and 22.08.
Zone and Overlays – Clause 31.01-4 Commercial 1 Zone, Clause 43.02 – Design and Development Overlay Schedule 6 and Clause 44.06 – Bushfire Management Overlay.
Particular Provisions – Clause 52.06 – Car parking, Clause 52.29 – Land Adjacent to a Road Zone Category 1, Clause 52.34 – Bicycle Facilities, Clause 55 ResCode and Clause 65 – Decision Guidelines.

Officer’s Declaration of Interests

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

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

Risk Mitigation

There are no risk implications.

Conclusion

It is considered that with modifications, the development proposal complies with the required planning controls and can be supported.
10.2 Planning Application 386/2013/P - To construct thirty seven (37) apartments within a three (3) storey building with basement carparking and to alter access to a road in a Road Zone Category 1 - 32-34 Nepean Highway, Seaford

Executive Summary

ATTACHMENTS
Attachment A: Locality Aerial Map *(Under Separate Cover)*
Attachment B: Locality and Objector Plan *(Under Separate Cover)*
Attachment C: Development Plans *(Under Separate Cover)*
Attachment D: Elevations *(Under Separate Cover)*
Attachment E: Proposed Screening Treatment of Balcomies *(Under Separate Cover)*
Summary

<table>
<thead>
<tr>
<th>Existing Use</th>
<th>Vacant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Area</td>
<td>1,939 square metres</td>
</tr>
<tr>
<td>Proposal</td>
<td>To construct thirty seven (37) apartments within a three (3) storey building and to alter access to a road in a Road Zone Category 1.</td>
</tr>
<tr>
<td>Site Cover</td>
<td>66%</td>
</tr>
<tr>
<td>Permeability</td>
<td>34%</td>
</tr>
<tr>
<td>Zoning</td>
<td>Commercial 1 Zone</td>
</tr>
</tbody>
</table>
| Overlays        | Bushfire Management Overlay  
|                 | Design and Development Overlay (Schedule 6 – DDO6) |
| Neighbourhood Character Precinct | Seaford 7 |
| Reason for Reporting to Council | Councillor interest by Cr Glenn Aitken and non-compliance with Council’s Visitor Car Parking Guideline. |

Background

**Subject Site**

The subject site is irregular in shape and is located on the eastern side of Nepean Highway approximately 30 metres to the south of the Riviera Hotel. It has a frontage to Nepean Highway of 42.67 metres, a depth of 45.72 metres and has an overall area of 1,939sqm. There are no easements on the site.

The front (west) 18.0 metres of the site is flat and the rear (east) 27 metres of the site has a fall of about 1.5 metres. A row of small shrubs is located on the southern boundary and there is no other vegetation on site. A small galvanised iron shed is located centrally on the site.

Vehicle access is via two existing crossovers to Nepean Highway.

**Locality**

Development surrounding the subject site consists a double storey dwelling to the south (side), single storey dwellings and a vacant lot to the east (rear), and a double storey building including a dwelling and retail shop to the north (side). To the west on the opposite side of Nepean Highway is the Seaford Foreshore Reserve.
More generally the subject site is within the area straddling the narrow strip of dune between the sea and the creek, with some houses dating back to the 1920s. The modest timber and fibro cottages and holiday homes are being replaced by two and three storey houses, designed to take advantage of the coastal views, and reflecting Council’s strategy for the area. These newer dwellings are both taller and bulkier than the older dwellings, covering a much larger proportion of the site. Several short side streets, some with unmade roads, have lower scale buildings and a more informal character than the rapidly changing Nepean Highway frontage. The presence of native and some indigenous vegetation in a coastal environment is a distinguishing and unifying feature of the area and provides a visual link with nearby natural reserves. The well vegetated Kananook Creek reserve and Seaford foreshore reserve are significant landscape features in this area.

**Site History**

Previous planning permit applications for the site include:

- Planning Permit No. 517/2002/P was issued on 4 September 2003 for the construction of twenty four dwellings. The permit expired on 4 September 2010.

**Proposal**

The proposal comprises the development of a three (3) storey building to accommodate thirty-seven (37) dwellings with basement car parking and alteration of access to a road in a Road Zone, Category 1.

The proposal is summarised as:

<table>
<thead>
<tr>
<th>Dwelling</th>
<th>Storeys</th>
<th>No. of Bedrooms</th>
<th>Secluded Private Open Space</th>
<th>Car Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thirty-seven (37)</td>
<td>Three (3)</td>
<td>Twelve (12) x 1 bed and twenty-five (25) x 2 bed</td>
<td>Balconies to each dwelling of 7.5sqm to 128.5sqm</td>
<td>Forty-four (44) car spaces</td>
</tr>
</tbody>
</table>

The floor plans comprise the following:

- The basement containing forty-four (44) car spaces, five (5) bicycle spaces, bin storage, thirty-seven (37) storage cages, 2 x 36000L water tanks, 4 bicycle spaces, stairs and a lift to the levels above. The car spaces are allocated as follows: thirty-seven (37) spaces for residents of the dwellings and seven (7) spaces for visitors. The basement is accessed via a new double crossover from Nepean Highway. The existing crossovers will be reinstated to kerb and naturestrip.
- The building is to be constructed in a horseshoe shape around a 150sqm garden courtyard at ground floor level.
- The ground floor contains twelve (12) dwellings and garden courtyard. Five (5) dwellings front Nepean Highway and are provided with pedestrian entries to the road.
- The first floor contains thirteen (13) dwellings.
10.2 Planning Application 386/2013/P - To construct thirty seven (37) apartments within a three (3) storey building with basement carparking and to alter access to a road in a Road Zone Category 1 - 32-34 Nepean Highway, Seaford

Officers' Assessment

- The second floor contains twelve (12) dwellings.
- Solar panels are to be located on the roof.

The setback of the building at ground and first floor levels to the Nepean Highway frontage (west boundary) varies from 6.2 metres to 8.2 metres with decks encroaching to within 4.0 metres. To the south (side) boundary the building is setback 1.7 metres and to 4.2 metres. To the north (side) boundary the building is setback 1.0 metre (dwelling G12 deck to be constructed to title boundary). To the east (rear) boundary the building is setback 4.7 metres to 6.7 metres (decks encroach within 2.2 metres).

The second floor is set in from the level below to the north, south and east with balconies within the setback. At the second level the building is setback 4.95 metres to 5.6 metres from the south boundary, 4.6 metres to 5.4 metres from the north boundary and 50.2 metres to 8.4 metres from the east boundary.

Maximum building height is 10.6 metres.

The building is of contemporary design comprising a mixture of rendered finishes, stone cladding, timber cladding, aluminium screening and frosted and coloured glazing.

Proposed landscaping includes the communal courtyard area and setbacks on all sides of the building.

State and Local Planning Policy Frameworks

State Planning Policy Framework relevant to this application are summarised as follows:
- Clause 11 – Settlement.
- Clause 12 – Environment and Landscape Values.
- Clause 13 – Environmental Risks
- Clause 15 – Built Environment and Heritage.
- Clause 16 – Housing.

Local Planning Policy Framework relevant to this application are summarised as follows:
- Clause 21.07 – Housing.
- Clause 21.10 – Built Environment and Heritage.
- Clause 22.03 – Nepean Highway – Mile Bridge to Central Activity District Policy.
- Clause 22.07 – Streetscape Policy.

Planning Scheme Controls

A Planning Permit is required pursuant to:
- Clause 34.01-1 – Commercial 1 Zone, to use land for accommodation as the frontage at ground level exceeds 2.0 metres. A permit is also required to construct a building or construct or carry out works.
- Clause 43.02 – Design and Development Overlay - Schedule 6, to construct or carry out buildings and works for more than one dwelling.
- Clause 44.06 – Bushfire Management Overlay, to construct a building or construct or carry out works associated with use of the land for dwellings.
- Clause 52.29 - Land adjacent to a Road Zone Category 1, to create or alter access to a road in a Road Zone, Category 1.
10.2 Planning Application 386/2013/P - To construct thirty seven (37) apartments within a three (3) storey building with basement carparking and to alter access to a road in a Road Zone Category 1 - 32-34 Nepean Highway, Seaford

Officers’ Assessment

Particular and General Provisions
- Clause 52.06 – Car Parking.
- Clause 52.34 – Bicycle Facilities.
- Clause 65 – Decision Guidelines.

Notification of Proposal
The grounds of objection are summarised as follows:
- Contamination of soil (subject site was once a service station).
- Overlooking/loss of privacy.
- Inadequate screening on the east elevation.
- Overshadowing.
- Height, scale and bulk of the building (overdevelopment of the site).
- Noise and light generated from a 37 dwelling building.
- Adverse amenity impacts to neighbouring dwellings during construction.
- Lack of car parking provided.

A Residents Discussion Meeting was held on 25 February 2014. The meeting was attended by the applicant, the owner, a number of objectors, and Planning Officers. The meeting provided an opportunity to discuss the key concerns of the objectors and provide clarification of the proposal.

No resolution between parties was achieved. Objectors requested that a detailed screening plan to the east elevation of the building be submitted to clarify overlooking issues. The applicant subsequently provided screening details. These plans were circulated to all objectors.

Referrals

External Referrals

The application was referred to:

VicRoads

VicRoads offer no objection to the proposal subject to the inclusion of conditions relating to access and approval of any works within the road reserve.

Country Fire Authority

The CFA offer no objection to the proposal subject to the inclusion of defendable space, building construction, static water supply and mandatory conditions on any permit to issue.

Internal Referrals

The application was referred to:
10.2 Planning Application 386/2013/P - To construct thirty seven (37) apartments within a three (3) storey building with basement carparking and to alter access to a road in a Road Zone Category 1 - 32-34 Nepean Highway, Seaford

Officers' Assessment

Drainage Engineer

Council’s Drainage Engineers have provided the following comments (summarised):

- Historically disposal of stormwater on this site is soak on site. Given the extensive impervious areas a drainage outfall to Kananook Creek is required to cater for this lot and any additional contributing catchment to the south.
- There is no drainage easement along the rear boundaries of properties 35-37 Nepean Highway (negotiation with owners will be required). A drainage easement exists along the south side of 23 Riviera Street which may be utilised with outfall to Kananook Creek to the satisfaction of Melbourne Water and the Responsible Authority.
- Existing Vehicle Crossover to be fully reconstructed.
- No objection subject to permit conditions.

Traffic Engineer

Council’s Traffic Engineers have provided the following comments (summarised):

- Pursuant to Clause 52.06, the proposed development has a parking requirement for 44 car parking spaces (37 residential spaces and 7 visitor spaces). The parking provision of 44 spaces is considered acceptable.
- Frankston City Council’s Multi Dwelling Visitor Car Parking Guidelines require 12 visitor parking spaces to be provided, therefore represents a shortfall of 5 spaces.
- The traffic and parking assessment undertaken shows that the parking provided on site is adequate to accommodate the resident and most of the visitor parking requirements. The shortfall of 5 visitor parking spaces can be accommodated by the on street and off street public parking available in the vicinity of the site.
- The eight (8) car spaces have been provided with adequate dimensions (at least 2.6 x 4.9m).
- The remaining 36 car spaces are provided within nine quadruple car stackers which meets the design requirement of Clause 52.06-9 and are considered acceptable.
- Adequate bicycle parking has been provided.
- Access to the basement car park is proposed via a 6.1m wide crossover leading to/from a 5.5m wide ramp (access-way). The gradients of the ramp and head room clearance at the basement entry are considered satisfactory.
- A Waste Management Plan will need to be submitted to be assessed by the Waste Management Team.
- The proposed development is not expected to create any adverse traffic or parking impacts in the precinct.
10.2 Planning Application 386/2013/P - To construct thirty seven (37) apartments within a three (3) storey building with basement carparking and to alter access to a road in a Road Zone Category 1 - 32-34 Nepean Highway, Seaford

**Officers’ Assessment**

**Urban Designer**

Council’s Urban Designer has provided the following comments (summarised):

- The courtyard area will need greening as much as possible to avoid hard surfacing and a heat bank. Deck areas intertwined with raised garden beds are more user friendly than expanses of pavers.

- The amenity of the bedroom windows facing the walkways could be improved by treatment to the windows to provide some privacy where possible.

- The mix of one and two bedrooms gives good housing options as the demographic growth will increase in the categories of couples with no dependents and sole person households.

- The use of materials and articulation provides an elegant and cohesive design on all elevations. The landscaping opportunities are appropriate and the basement setbacks allow for tree root growth.

**Waste Management Officer**

Council’s Waste Management Officer has made the following comments (summarised):

- Adequate area has been provided within the basement for the storage of waste.

- Collection of waste must be undertaken by private contractors as outlined in the waste management plan.

- The waste management arrangements are satisfactory.

**Discussion**

**State and Local Planning Policy**

It is considered the proposal is broadly consistent with State and Local Planning Policy. The site is located within an area where local housing policy encourages ‘increased housing density’. Furthermore, the proposed development will increase the diversity and supply of housing stock within the municipality which increases housing choice for residents. The smaller open space areas and balconies require less maintenance than detached dwellings and the proposal offers apartment style housing choice for residents with an outlook over the coast and Kananook Creek.

**Neighbourhood Character and Design Response**

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

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

The relevant Objectives of the Seaford 7 Precinct are:
10.2 Planning Application 386/2013/P - To construct thirty seven (37) apartments within a three (3) storey building with basement carparking and to alter access to a road in a Road Zone Category 1 - 32-34 Nepean Highway, Seaford

Officers' Assessment

- To use lighter looking building materials and finishes that complements the vegetation and coastal setting.
- To strengthen the coastal character of the areas by planting of appropriate coastal species.
- To encourage the retention and planting of indigenous vegetation.
- To provide for reasonable sharing of views to the ocean, creek or coast.
- To reflect the rhythm of existing dwelling spacing.
- To minimise the visibility of buildings when viewed from the beach.
- To encourage innovative architecture that respects the coastal settings.
- To minimise the impact of buildings over two storeys on the streetscape.
- To maintain the openness of the streetscape.

The colored elevations show a varied palette of materials and colors, protrusions, recessions and screening devices which are expected to ensure a visually interesting streetscape to the Nepean Highway, outlook from Kananook Creek Reserve and adjoining properties. Council's Urban Designer is satisfied that the proposal is an appropriate design response in terms of articulation, use of materials and landscaping opportunities and that the detailing of the building is appropriate for the Seaford coastal strip.

The proposal provides the opportunity to plant new canopy trees within the front setback and setbacks to the south (indent) and east (rear). It is considered however that landscaping could be enhanced to the southern setback by removing the ground floor decks. Additional landscaping opportunities will also be provided within the central courtyard. It is recommended that all new species should be indigenous. When established, it is considered the new landscaping will make a positive contribution to the preferred landscape character of the area.

Although no legal right of view exists, it is considered the proposal has achieved a reasonable sharing of views with a front setback of 6.2 metres - 8.2 metres maintaining views across the frontage of the site from adjoining properties.

At ground level, the building is setback 1.7 metres– 4.2 metres from the south boundary and 1.1 metres from the north boundary. The setbacks to the south are considered reasonable as they are similar to other developments fronting Nepean Highway and respect the siting of buildings on adjoining properties. To the north, it is noted that the site immediately abuts the driveway of two shops which is considered to be a less sensitive interface. However, it is considered that the amenity of future residents could be improved by setting Dwelling G.12 further back. The applicant has indicated that a 2.15m setback can be achieved. This will provide a greater opportunity for landscape screening. As such, it is considered the proposal would reflect the rhythm of building spacing in the immediate area.

The building has a maximum height of 10.6 metres which is higher than the adjoining buildings to the north and south which are approximately between 8 to 9 metres in height. Whilst the commercial zoning has no height limit the proposal should respect surrounding scale. The proposed height is consistent with the height of similar developments of three storeys which have been approved within close proximity to this site and therefore is considered reasonable. It is considered unlikely the proposed buildings would be visible from the beach (sand).
The use of balconies with protruding and recessed elements to the Nepean Highway façade combined with the use of varied materials and colour palette, is expected to ensure the building would not be overbearing when viewed from Nepean Highway.

No front fence is proposed.

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

The purpose of Clause 52.29 includes to ensure appropriate access to identified roads. The application was referred to VicRoads as the authority for Nepean Highway. VicRoads did not raise any objection to the proposal subject to conditions. Council’s Traffic Engineer also indicates it has no objection to the vehicular access subject to conditions required by VicRoads.

Subject to conditions required by VicRoads, it is considered the access to Nepean Highway is appropriate.

**Design and Development Overlay (Schedule 6)**

The DDO6 triggers a planning permit to construct two or more dwellings on the site and consideration of height above 7 metres.

The DDO6 generally seeks to ensure that buildings are compatible with the preferred character of the area. In areas north of Mile Bridge (such as the subject site), consideration must be given to the extent to which the development assists in achieving the housing objectives.

It is considered the development meets the objectives of the DDO6 by achieving:

- A design which responds well to the preferred character of Seaford 7 Precinct as previously discussed; and
- A design which contributes positively to meeting housing objectives by increasing the supply and diversity of housing in the municipality, in a location where housing policy encourages increased housing densities to meet housing needs.

The DDO6 also has a maximum height limit of 12 metres which is met (maximum height of 10.6 metres).

**Bushfire Management Overlay**

The BMO triggers a planning permit to construct a building or construct or carry out works associated with use of the land for a dwelling.

The application was referred to CFA who indicated it has no objection to the proposal subject to conditions relating to static water supply, defendable space and building construction standards. These conditions do not result in changes to the design.

Subject to permit conditions required by CFA, it is considered the proposal would not cause an unacceptable risk to life and property.

**Clause 55: ResCode**

The proposal has been assessed against the requirements of Clause 55 (ResCode) of the Frankston Planning Scheme and it is considered to have a high degree of compliance. The following comments are provided:
10.2 Planning Application 386/2013/P - To construct thirty seven (37) apartments within a three (3) storey building with basement carparking and to alter access to a road in a Road Zone Category 1 - 32-34 Nepean Highway, Seaford

Officers’ Assessment

Neighbourhood Character and Infrastructure

- The height and scale of the development with generous spacing along the boundaries is consistent with the form of development occurring along Nepean Highway.
- Passive surveillance of the public realm is achieved through the use of balconies and glazing facing Nepean Highway.

Site Layout and Building Massing

- The proposed front setback of the building will be staggered in line with the angled frontage of the site and will have a minimum setback of 6.2 metres at ground level. The proposed setback is considered to be satisfactory as it accords with the setbacks encouraged by ResCode and responds to development on adjoining sites.
- Maximum building height of 10.6 metres is less than 12 metres which is allowed under the DDO6.
- The proposal has a site coverage of 66%. Though the site is within a Commercial 1 Zone, its context is predominantly residential. It is therefore considered that a lesser site coverage is more appropriate. The increased setback to the north boundary (previously discussed) would reduce the coverage to approximately 62%. It is considered that due to the environment sensitivity of the area that 60% should be achieved.
- The main entrance to the building will be clearly visible and identifiable from Nepean Highway. The entrance is identified by an entry feature and signage located adjacent to the proposed driveway. Each of the ground floor dwellings have been provided with a separate entry from Nepean Highway, as well as direct access from the central courtyard.
- Vehicle access is considered to be satisfactory as it will provide for safe, manageable and convenient vehicle access to and from the development.

Amenity Impacts

- The development does not meet ResCode standard setbacks to the south. The setback of southern walls and balconies of dwellings 1.06, 1.07, 2.06 and 2.07 are setback a minimum of 1.7 metres and ResCode encourages setback 3.38 metres at the first floor level increasing to 5.98 metres at the second floor level. This encroachment of 1.68 to 4.28 metres is not considered minor and likely to impact on the amenity of the adjoining dwelling to the south. Therefore, the setback from the southern boundary should be increased to accord with the minimum setbacks encouraged by ResCode and can be addressed as a condition of any permit issued.
- The interface to the north is not considered sensitive as there is a driveway between the subject site and the commercial building to the north. However as previously discussed, the amenity of future residents should be improved by increasing setbacks for the rear apartments.
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**Officers’ Assessment**

- The shadow diagrams submitted with the application show that between 9am and 3pm at the equinox, adjoining properties maintain in excess of 5 hours of sunlight to an area of secluded private open space of at least 40sqm with a minimum dimension of 3m. The impact of overshadowing to the property to the south will be further reduced with the requirement to increase the setback of the upper floors from the south boundary as previously discussed.

- The objections raised concern about overlooking to the adjoining properties to the east and south. The proposal utilises a combination of screening devices including opaque windows and privacy screens to 1.7m above finished floor level (FFL) to restrict potential overlooking from habitable room windows but it is considered the following additional measures should be required:
  - The finished floor levels reduced of ground floor decks on the east elevation (Dwellings G.07 to G.12) to restrict viewing into the secluded private open space of Nos 19 – 20 Riviera Street.
  - Provision of a free standing trellis to a maximum height of 2.4 metres along the eastern boundary.
  - The balconies of dwellings 1.08 and 2.08 provided with privacy screens to a height of 1.7m above FFL.
  - All elevations clearly notated to show the details of screening of all windows on the southern elevation. Currently, the plans do not show the method of screening of windows where there are no balconies eg the windows of the bedrooms to dwellings 1.08.

- Dwelling 2.12 is provided with a large north facing balcony. It is considered appropriate that the east facing balcony be deleted and the doors to the balconies be converted to windows and screened appropriately. This can be addressed via permit conditions.

**On-Site Amenity and Facilities**

- All dwellings at ground floor level contain clearly identifiable entries and could be made easily accessible for people with limited mobility.

- The ground floor dwellings (G.05 to G.12) on the south and east sides of the building are provided with secluded open space of approximately 23 square metres for the one bedroom dwellings and approximately 40 square metres to each of the two bedroom dwellings. All other dwellings are provided with a balcony. However there are a number of balconies which do not meet the minimum area of at least 8sqm with a minimum dimension of 1.6 metres encouraged by ResCode. This can be addressed as a condition of any permit issued.

- The orientation of private open space to the north, east or west of the built form ensures reasonable sunlight penetration is achieved to the open space areas. The communal open space of 150 sq metres is provided with good solar access.
10.2 Planning Application 386/2013/P - To construct thirty seven (37) apartments within a three (3) storey building with basement carparking and to alter access to a road in a Road Zone Category 1 - 32-34 Nepean Highway, Seaford

Officers' Assessment

- A landscape concept plan accompanies the application and proposes major canopy trees within the front setback with smaller canopy trees within the ground level private open space areas. Trees of 10-15m are proposed in the rear setback. The communal area will be provided with a lawned area and canopy trees which will ensure that the area will not become a heatbank as raised by Council’s Urban Designer. Council’s Landscape Officer recommends that the species proposed within the front setback should be indigenous species given the proximity of the site to the coast and Kananook Creek. These matters can be addressed as conditions on any permit issued.

- Each dwelling has been provided with a storage area within the basement and is considered acceptable.

Detailed Design

- Overall the use of materials and colours including a high level of timber provides a varied and interesting palette. However, the detailing of the east elevation (rear) is poorly considered and would benefit from the use of timber as used on the other elevations of the building. This would assist to add more visual interest to the east elevation and break up the appearance of bulk when viewed from the adjoining properties to the east.

- As a result of the objector concerns a proposed screening detail was submitted and forwarded to all objectors. ResCode encourages screening to be no more that 25% transparent. The proposed screening is clearly more than 25% transparent and is not considered acceptable. Given the extensive use of screening along the east elevation, improved details of the method and materials are considered justified. High quality materials are warranted given the nature of the development, its visual prominence and response to the adjoining properties.

- The overall layout is considered to provide communal areas which are practical, attractive and easily maintained.

- Space is provided within the basement for bin storage and bicycle storage. Twelve (12) bicycle spaces are provided which exceeds the standard at Clause 52.34 (Bicycle Facilities). Provision is also made for letter boxes and services within the main foyer of the building.

Clause 52.06: Car Parking

The purpose of Clause 52.06 includes to ensure the provision of an appropriate number of car spaces having regard to the demand likely to be generated.

The proposal includes 44 car spaces comprising one car space for each one or two bedroom dwelling and two visitor car spaces. This meets the requirement of Clause 52.06 to provide 37 resident and 7 visitor spaces.

The floor plan shows a WOHR stacker system and the Klaus Multibase 2072 model car stacker. There is adequate height clearance within the basement for these stacker systems. It is considered that the use of car stackers would require acoustic fencing along southern and eastern boundary to further protect the amenity of the adjoining residential properties.

The seven (7) visitor car spaces do not require use of mechanical car parking.
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**Officers’ Assessment**

Council’s Traffic Department raised no objection to the proposal and is satisfied that the ramp gradients and access layout meet requirements. However, in relation to Council’s Multi-Dwelling Visitor Car parking Guidelines, 12 visitor car spaces are required and 7 are provided. Whilst Council’s Traffic Engineer believes that the shortfall of 5 visitor car spaces is acceptable due to nearby on and off-street public car parking, it is considered more appropriate that the spaces be provided on site. Discussions with the applicant has identified that a two level basement configuration can provide all required 49 car spaces without the use of car stackers. Excavation depths would also be less. This arrangement can be required as a condition of any permit issued.

Also of importance to note is that with the reinstatement of existing crossovers, there are 5 unrestricted on street parking spaces available directly in front of the site with an additional 11 spaces within 200 metres of the site. Therefore it is considered that there is adequate provision for the demand generated by visitors.

Overall it is considered the proposal with modifications to a two level basement will provide an appropriate number of car spaces in an appropriate design and layout of car parking.

**Environmental Impacts**

The proposal provides the opportunity to plant six (6) new canopy trees within the front, two (2) to the north (indent) and seven (7) to the east (rear). It is considered all new species should be indigenous. When established, it is considered the new landscaping will make a positive contribution to the preferred landscape character of the area.

As the site is a former service station the land may be potentially contaminated. Therefore, Council must be satisfied that prior to the commencement of any sensitive land use (ie residential) that the environmental conditions of land are suitable for that use. An environmental audit of the site by a suitably qualified professional will be required to be undertaken. This will be included as a condition of any permit issued.

A Construction and Environmental Management Plan can be required as a condition on any permit issued to minimise impacts to the environment and surrounding residents during construction. An assessment for acid sulphate soils and management requirements is also required and can be addressed by conditions on any permit issued.

The site is located within an area of Cultural Heritage Sensitivity and the development of twelve dwellings is a High Impact Activity. However, as the site was used as a service station with underground fuel tanks it is considered that the site has been subject to significant ground disturbance, and therefore a Cultural Heritage Management Plan is not required.

**Consultation**

The grounds of objections have been considered and discussed previously within this report. Other concerns are discussed below:

- **Noise and light generated from a 37 dwelling building.**
  
  It is anticipated the development will result in additional noise and light consistent with the residential use of the land which is reasonable.
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Officers' Assessment

- **Adverse amenity impacts to neighbouring dwellings during construction.**

  Builders undertaking construction of the proposed development will be required to adhere to the relevant Environment Protection Agency standards. In addition, the developer will need to prepare a construction management plan to be implemented during construction to further protect the amenity of residents.

Conclusion

Overall, it is considered the proposal satisfies the requirements of the State and Local Planning Policies, Zoning and Overlay controls and decision guidelines of Clause 65 of the Frankston Planning Scheme.

It is considered that the proposal with the suggested modifications provides opportunities for tree planting and landscaping. The siting and scale of the proposal will ensure that it does not dominate the streetscape and adjacent properties. The development will integrate with the existing and evolving built form of the local area.

On balance and subject to the inclusion of conditions, the proposal is considered reasonable and warrants support.

Recommendation (Director Community Development)

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 386/2013/P to construct thirty seven (37) apartments within a three (3) storey building and to alter access to a road in a Road Zone Category 1 at 32 - 34 Nepean Highway Seaford, 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 17 October 2013 but modified to show:

   a) A reduction of the building envelope to achieve a site coverage of approximately 60%

   b) The east balcony of Dwelling 2.12 deleted and windows of Dwelling 2.12 screened to a height 1.7 metres in accordance with Standard B22.

   c) Setback of the building from the south boundary increased as follows:

      i.  First floor – 3.38 metres

      ii. Second floor – 5.98 metres

   d) Dwelling G.12 setback a minimum of 2.15m to the north boundary.

   e) Deletion of the walkway/deck adjacent to dwellings G.5 and G.07

   f) Redesign of the carpark layout to a two level basement

   g) Deletion of all car stacker systems

   h) Provision of a minimum of 12 visitor car spaces

   i) Details of screening of all balconies and windows including materials, extent of transparency (no more than 25% transparency) and height above finished floor level.
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Officers’ Assessment

j) Increased use of timber cladding on the eastern elevation similar to the north and south elevations.

k) The east facing balconies of dwellings 1.08 and 2.08 provided with privacy screens to a height of 1.7m above FFL.

l) All balconies clearly notated to have a minimum depth of 1.6 metres and no less than 8 sq metres in area.

m) Provision of a free standing trellis to a maximum height of 2.4 metres along the eastern boundary in accordance with Condition 22.

n) All elevations clearly notated to show the details of screening of all windows in accordance with Standard B22.

o) A Stormwater Drainage Strategy detailing proposed drainage outfall and stormwater quality works within the development must be submitted that demonstrates that effective disposal of storm water drainage can be provided without detriment to the proposed site and other properties to the satisfaction of the Responsible Authority.

p) Evidence of compliance with Condition 4.

q) Landscape plan in accordance with Condition 6.

r) Construction and Environment Management Plan in accordance with Condition 7.

s) Report on the presence of acid sulphate soils in accordance with Condition 8.

t) Any changes required by CFA conditions 25 – 28.

u) Lighting in accordance with condition 20.

No Alterations

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

Prior to Occupation

3. Before the occupation of the dwellings, all development including landscaping, as shown on the endorsed plans, must be completed to the satisfaction of the Responsible Authority. The development and landscaping must thereafter be maintained to the satisfaction of the Responsible Authority at all times.

Environmental Audit

4. Before the commencement of buildings and works either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
- An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

5. All the conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the responsible authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.
Landscape Plans

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

a) a survey (including botanical names) of all existing vegetation to be retained and/or removed

b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary,

c) details of surface finishes of pathways and driveways, retaining walls and areas of cut and fill.

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) Plant schedule amended to replace Acacia implexa with Banksia integrifolia.

f) A planting theme of 100% indigenous species.

g) At least 6 canopy trees to a minimum mature height of five metres (minimum two metres tall when planted) throughout the site in addition to two screening trees to the north boundary adjacent to dwelling D.12.

Trees are not to be sited over easements.

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

Construction and Environment Management Plan

7. Before the commencement of buildings or works a Construction and Environment Management Plan must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed to form part of the permit. Any plans submitted must be consistent with all other documents approved as part of this permit. The information must be drawn to scale with dimensions and three copies must be provided. The Plan is to include details of the following:

a) Contact Numbers of responsible owner/contractor including emergency/24 hour mobile contact details

b) Identification of possible environmental risks associated with development works

c) Response measures and monitoring systems to minimise identified environmental risks, including but not limited to creek protection, vegetation protection, fauna protection, runoff, erosion, dust, litter, noise and light.

d) Location and specifications of sediment control devices on/off site.

e) Location and specifications of surface water drainage controls.

f) Location and specifications of fencing for the protection of trees and/or vegetation as required by the permit.
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g) Proposed drainage lines and flow control measures.
h) Location of all stockpiles and storage of building materials.
i) Location of parking for site workers and any temporary buildings or facilities.
j) Details to demonstrate compliance with relevant EPA guidelines.
k) Hours during which construction activity will take place.
l) Any recommendations from the acid sulphate soil assessment prepared in accordance with condition 6.

Acid Sulphate Soils

8. Prior to the commencement of any buildings or works, a report on the presence of coastal acid sulphate soils, prepared by a suitable professional, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit. The report must include:

a) findings on investigations into the presence of coastal acid sulphate soil in the development area;
b) if coastal acid sulphate soils are present, recommended management or treatment measures to minimise the risk of exposing coastal acid sulphate soils and any impacts on the environment and the proposed development.

Drainage

9. Provision of a Stormwater Detention System with a volume capable of retarding the 10 year ARI flow from the development site back to a 5 year ARI pre-development value to the satisfaction of the Responsible Authority.

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

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

11. Stormwater runoff must achieve the following objectives for environmental quality, as set out in the Urban Stormwater Best Practice Environmental Guidelines (CSIRO) 1999.

80% retention of the typical annual load of suspended solids;
45% retention of typical annual load of total phosphorous; and
45% retention of typical annual load of total nitrogen

Water Quality works within the development must be provided to achieve compliance with the above best practice standards to the satisfaction of the Responsible Authority.
12. Stormwater Drainage Outfall is to be constructed to cater for this development and any contributing catchment to the satisfaction of the Responsible Authority.

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

**Engineering Requirements**

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

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

16. Before the dwellings are occupied, areas set aside for parked vehicles and access lanes 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 to the satisfaction of the Responsible Authority; and
   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.

   Parking areas and access lanes must be kept available for these purposes at all times.

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

   Precautions are to 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 are to be obtained from Council for works within the existing road reserves in addition to the Planning Permit.

**Urban Design Requirements**

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

19. Mailboxes shall be provided to the proposed dwellings to the satisfaction of the Responsible Authority and Australia Post.

20. Lighting shall be provided within the development, and must not cause adverse impact on adjoining land, all to the satisfaction of the Responsible Authority.
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**Officers' Assessment**

21. All plumbing work, sewer pipes etc. (except for spouting and stormwater pipes) associated with the new dwellings shall be concealed from general view.

**Fencing**

22. Prior to the occupation of the development, a freestanding trellis (maximum 25% openings) must be erected above the existing fence on the eastern boundary of the site to an overall height of 2.4 metres above natural ground level, to restrict overlooking into the adjoining residential properties to the satisfaction of the Responsible Authority. The trellis must be framed and thereafter maintained to the satisfaction of the Responsible Authority.

**VicRoads Requirements**

23. Prior to the occupation of the dwellings, the driveway and crossover must be constructed to the satisfaction of the Responsible Authority in accordance with the endorsed plans.

24. No works must be commenced in, on or over the road reserve without firsts having obtained all necessary approvals under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

**CFA Requirements**

**Defendable Space**

25. Before the occupation of any dwelling starts, and at all times thereafter, vegetation on the land must be maintained to at least the following standard:

**Inner Zone – extending from the dwelling to all property boundaries**

a) Within 10 metres of a building, flammable objects such as plants, mulches and fences must not be located close to vulnerable parts of the building such as windows, decks and eaves.

b) Trees must not overhang the roofline of the building, touch walls or other elements of the building.

c) Grass must be no more than 5 centimetres in height and all leaves and vegetation debris are to be removed at regular intervals.

d) Shrubs must not be planted under trees and separated by at least 1.5 times their mature height.

e) Plants greater than 10 centimetres in height at maturity must not be placed directly in front of a window or other glass feature.

f) Tree canopy separation of 2 metres and the overall canopy cover of no more than 15 per cent at maturity.

g) Tree branches below 2 metres from ground level must be removed.
Construction

26. A site assessment for the purpose of determining the bushfire attack level for the site has been considered as part of the application for the planning permit. The construction of the building must be to a bushfire attack level of BAL-19 in accordance with the relevant sections to AS3959-2009.

Static Water Supply

27. Before the occupation of the development starts, a static water supply must be provided on the land and must meet all of the following requirements to the satisfaction of the Responsible Authority:
   a) The water supply must have a minimum capacity of 10,000 litres that is maintained solely for fire fighting purposes.
   b) The water supply must be stored in above ground water tank/s constructed of concrete, steel or corrugated iron.
   c) All fixed above-ground water pipelines and fittings must be of non-corrodible and non-combustible materials.
   d) The water supply outlet must incorporate a ball or gate valve to provide access to the water by the resident of the dwelling.

Mandatory Condition – Maintenance of bushfire mitigation measures

28. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply, and access, must be maintained to the satisfaction of the responsible authority and the relevant fire authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Waste Management

29. The collection of waste must be in accordance with the endorsed Waste Management Plan.

Satisfactorily Completed

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

Permit Expiry

31. 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.
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Officers' Assessment

Notes

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

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

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

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

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

11.1 Committee Minutes

Enquiries: (Michelle Tipton: Corporate Development)

Council Plan
Community Outcome: 3. Sustainable City
Strategy: 3.3 Ensure good governance and management of Council resources
Priority Action 3.3.3 Continue to build organisational capability and a customer service culture

Purpose
To table minutes of meetings of committees to which a Councillor delegate has been appointed.

Recommendation (Director Corporate Development)

That the minutes of the following Committees be received:

- Tourism Industry Leaders Forum – 18 March 2014 (final);
- Tourism Industry Leaders Forum – 20 May 2014 (draft)
- Frankston Arts Centre Board – May 2014 (draft)
- Frankston Tourism Inc – 10 April 2014 (draft); and
- Frankston Tourism Inc – 5 June 2014 (draft).

Key Points / Issues

Council participates in a number of industry organisations and Council convened Committees servicing various Council interests. Council typically appoints a Councillor delegate to each of the organisations. Circulation of the minutes of Committee meetings is an important way of keeping others informed about the direction and activities of the Committees.

Financial Impact

Nil

Consultation

1. External Stakeholders

Nil

2. Other Stakeholders

Nil
Analysis (Environmental / Economic / Social Implications)

Making Committee Minutes available to the public may provide some confidence in transparency in decision making.

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

Legal
Nil

Policy Impacts
Nil

Officer’s Declaration of Interests

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

Risk Mitigation
Nil

Conclusion

That the information be received.

ATTACHMENTS

Attachment A: Tourism Industry Leaders Forum - Minutes - 18 March 2014 (Under Separate Cover)
Attachment B: Tourism Industry Leaders Forum - Minutes - 20 May 2014 (Under Separate Cover)
Attachment C: Frankston Arts Centre Board - Minutes - May 2014 (Under Separate Cover)
Attachment D: Frankston Tourism Inc - Minutes - 10 April 2014 (Under Separate Cover)
Attachment E: Frankston Tourism Inc - Minutes - 5 June 2014 (Under Separate Cover)
Executive Summary

11.2 Draft Planning Scheme Review Report

Enquiries: (Kathy Whitburn: Community Development)
           (Vanessa Mogg: Community Development)

Council Plan

Community Outcome: 1. Planned City for Future Growth
Strategy: 1.3 Review the Municipal Strategic Statements [MSS#], also known as the Local Planning Scheme to accommodate future population growth
Priority Action 1.3.3 Work with State Government and local communities to accommodate more adaptable, affordable and accessible housing that meets individual needs over time (and ageing in place)

Purpose

To report to Council the findings and recommendations of the Draft Planning Scheme Review Report (the Review) prepared by Andrew Crack and Associates Pty Ltd and request Council to adopt the report for the purpose of community consultation on the contents of the report.

Recommendation (Director Community Development)

That Council:
2. Progresses the Draft Planning Scheme Review Report to four weeks community consultation between 18 August and 12 September (consultation will be advertised for two weeks prior) as per the consultation Plan in Attachment B.

Key Points / Issues

- A planning scheme review is a statutory requirement to be undertaken within a year of the adoption of a Council Plan. It must evaluate the scheme to ensure that it is consistent with, and gives effect to, state and local policy directions.
- The Review is to be provided to the Minister for Planning.
- The Review focusses on the local provisions particular to the municipality.
- The performance of the planning department is also a requirement of the legislation.
- Consultation with key groups and Council officers, and a thorough review of relevant documentation has been undertaken to inform the Report.
- The Report contains key findings that identify the major issues facing the municipality. These include
  - Future strategic work is identified in the Report to respond to the key findings.
  - A list of projects as identified in the Report has been developed at the request of Councillors that provides timelines, costing and priorities.
- It is now recognised that the Review should be made available to the broader community to comment prior to Council adopting the Report and submitting it to the Minister for Planning. The suggested consultation is contained in Attachment B to this report.
Executive Summary

Financial Impact

Funding has been allocated for the Planning Scheme (MSS) Review in the 2013-2014 Strategic Planning budget. Further funding has been allocated in the 2014-2015 budget to allow the ongoing work to progress through the next stages. Further strategic work as outlined in the recommendations is not fully funded will require allocated funding to complete.

Consultation

1. External Stakeholders

Initial scoping of the Review was done with the Department of Transport, Planning and Local Infrastructure (DTPLI). This provided assurance of the direction for the project.

Phase 1a of consultation was conducted over a five week period between 29 July 2013 and 30 August 2013 through an on-line survey, feedback sessions with external stakeholder groups including industry experts, developers, Council consultants, referral authorities, adjoining municipalities and community members.

2. Other Stakeholders

Phase 1b of consultation targeted internal stakeholders of Council through workshops and questionnaires. The following departments and units were involved: Statutory and Strategic Planning, Environment, Traffic, Drainage, Economic Development, Community Development, Physical Services and Governance.

Councillors were briefed on the issues identified by external stakeholders and more recently the content of the Planning Scheme Review Report.

Analysis (Environmental / Economic / Social Implications)

The Review considers the economic direction of the municipality and the relevant strategies/policies therefore assisting with the economic sustainability of the municipality through the planning scheme.

The social impacts of the Review are that Frankston progresses as a well-planned city where the improvements in the quality of life for residents are a result of a progressive and visionary planning scheme.

The environmental impacts of the Review are that the key environmental qualities of the municipality are protected and that policies are responsive to ecologically sustainable outcomes.

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

Legal

There are no legal implications associated with the completion of the draft Review.
Executive Summary

Policy Impacts
There are potential policy impacts associated with the Review as some policies that sit within the Frankston Planning Scheme may become redundant or require updating. New policies may need to be developed to respond to the findings of the Review recommendations.

Officer’s Declaration of Interests
Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation
The background work for the Review has been extensive in terms of initial consultation therefore limiting risk. This risk will be further mitigated by undertaking wider consultation as proposed by this report and included in Attachment B.

Conclusion
It is considered that the Review is a robust summary of the performance of the Frankston Planning Scheme and makes appropriate recommendations for future work to achieve sustainable, progressive and relevant planning outcomes for the Frankston municipality. Officer recommendation is that the document be noted by Council and progressed to community consultation on the contents of the document.

ATTACHMENTS
Attachment A: Draft Planning Scheme Review Report (*Under Separate Cover*)
Attachment B: Consultation Plan (*Under Separate Cover*)
Background

A planning scheme review is required by Section 12B of the Planning and Environment Act 1987 within a year of the date of approval of a Council Plan and should report the findings of a review to the Minister for Planning. The Review must evaluate the scheme to ensure that it is consistent with and gives effect to, state and local policy directions.

In accordance with General Practice Note - Review of Planning Schemes - February 2006, the Review is an audit of the performance of the planning scheme and will inform its continuous improvement. The key tasks of the Review are to:

- Identify the major issues facing the municipality;
- Outline the key findings and future strategic work;
- Identify any operations and process improvements proposed to be undertaken; and
- Outline any issues that require the engagement or assistance of DTPLI.

Issues and Discussion

**Key findings and recommendations of the Review**

1. **Background work findings**

As part of the overall scope of the Review, several areas of background work were required. They are discussed as follows:

a. The outcomes of the previous planning scheme review that was completed in 2010 through Planning Scheme Amendment C65 were reviewed. It was found that the majority of further work identified in the previous review has been conducted or commenced.

b. The key State Government initiatives were outlined such as the zone reforms, the Review of the Developer Contributions System, Plan Melbourne and the Metropolitan Planning Authority, VicSmart and the Draft Planning Policy Framework Review. These initiatives will impact the future content of the Frankston Planning Scheme, its format and processes of the Planning department.

c. The performance of local content was included in response to feedback at consultation and a review of VCAT decisions. Some of the issues raised are currently being addressed through work being undertaken by the Strategic Planning area of Council. The Neighbourhood Character Policy was highlighted as a document requiring updating.

d. The performance of the Statutory Planning Unit was reviewed. It was found that the performance of this unit has been undergoing significant improvements since 2008. Key findings were that applications are increasingly being determined within the statutory 60 days and that the overall time frames for processing applications have significantly reduced.
11.2 Draft Planning Scheme Review Report

Officer’s Assessment

e. Health and Wellbeing Plan - The Frankston City Municipal Health and Wellbeing Plan (MPWHP) 2013-2017 was adopted by Council in late 2013. Plan Melbourne cites a short term action to introduce a Ministerial Direction under the Planning and Environment Act 1987 to ensure that municipal health and well-being plans are used to inform and shape municipal strategic statements. The Review finds that in drafting the new MSS, Council should address the priority areas of the MPWHP to the extent that these either influence strategic land use planning or can be influenced by planning outcomes.

2. Review of the content of the MSS, Local Policies and Provisions

The Review addresses the content of the themes outlined in the MSS Clauses 21.01 to 21.12, the local policies and provisions. For the purposes of this report, much of the detail of the findings and recommendations can be found in the Review Report (Attachment A). The following is a brief synopsis of the content highlighting key issues. Multiple areas of the local content will have relevance to each heading as set out below due to the common threads that will affect many issues across the municipality.

a) Housing

Housing Strategy

The adopted Housing Strategy September 2013 included a revised Housing Framework Plan that directs growth to those areas with the greatest capacity for change as well as those locations with high level of accessibility to services and infrastructure. It is significantly different to the existing Housing Framework Plan and will need to be revised.

Other changes to these clauses to reflect the adopted Housing Strategy are to amend the policy objectives and directions for substantial, incremental and minimal change areas; include the Housing Strategy as a reference document; and align the findings with the application of the new residential zones as a result of a resolved Amendment C95 outcome. The findings of the C95 Panel Report highlighted some issues with the location of some of the new residential zones that were not a reflection of the Housing Strategy. Further consideration of C95 may require changes to the Housing Framework Plan as proposed.

Areas for further strategic work that are identified in the Housing Strategy and consequently should form part of any revisions to these clauses concern housing diversity and specialised housing. These measures are a response to the changing demographics of Frankston City as the population ages and sees a greater percentage of lone households. Also, the need for housing for vulnerable groups should be addressed.

Other areas for future work relate to design quality and Ecologically Sustainable Design. This is to be addressed through training of staff and Councillors in the assessment of an ever increasing complexity of applications particularly around the area of higher density developments.
Local Policies

Two local policies are highlighted in the review, Clause 22.04 *Non Residential Uses in Residential Zones Policy* and Clause 22.08 *Neighbourhood Character Policy*. These policies are recommended for review with the imminent implementation of the new zones pending the outcome of Amendment C95.

**b) Economic Development**


The strategies of the Community Plan 2013-2017 and the Council Plan 2013-2017 are mostly reflected in the current MSS however, this should be updated to fully reflect current direction.

Frankston Economic Development Strategy 2011

The Frankston Economic Development Strategy 2011 is a listed reference document and sets out Council’s economic vision. This document is likely to be reviewed in 2015/2016.

The Economic Development Strategy notes the clear hierarchy of commercial and industrial precincts across Frankston City. The Review finds that the Frankston Metropolitan Activity Centre (FMAC) is given sufficient emphasis in the current MSS, however, its identification in Plan Melbourne and the future adoption of the FMAC Structure Plan require local policy content to be updated along with the removal of the now expired Clause 22.02 *Frankston Central Activities District Policy* and associated Schedule 5 to the Design and Development Overlay *Frankston Central Activities District* (DDO5) from the planning scheme. Similarly, the key directions of the approved Karingal Structure Plan need to be reflected in the MSS.

Response to Plan Melbourne

The State Government released Plan Melbourne in late May 2014 to drive growth across Melbourne by accommodating employment and residential growth in designated locations. In particular National Employment Clusters, Metropolitan Activity Centres, of which Frankston is one of eleven identified, and Activity Centres such as Karingal, will ensure employment growth occurs outside of the Central City (Melbourne).

Plan Melbourne advocates transit-orientated development which is of relevance to Frankston as a MAC (Metropolitan Activity Centre). A key direction from this is the concentration of new commercial and housing activities around Frankston Station.

Plan Melbourne identifies Frankston’s Health and Education Precinct therefore providing this area of industry with the appropriate focus as it continues to grow. This should be reflected into the new MSS.

FMAC Structure Plan

The Review finds that the key strategies and actions of the FMAC Structure Plan should be implemented into the MSS.
Frankston Industrial Strategy 2009

This is listed as a reference document in the planning scheme. The Review considers this document has been relatively ineffective in achieving good planning outcomes and that a complete review of this document be undertaken.

Green Wedge Management Plan (GWMP)

A GWMP would assess the economic opportunities of the land outside of the Urban Growth Boundary (UGB) consistent with the zoning and identify and implement projects to assist the Frankston community to deliver fresh food and security. The Review finds that the development of a GWMP is important strategic work to provide planning certainty to land outside the UGB and should identify economic opportunities rather than merely seek to manage land use.

c) Built Form and Heritage

Local Policies including the Neighbourhood Character Policy (Clause 22.08)

Some of the local policies that have relevance to this focus are highlighted for review in particular the Neighbourhood Character Policy as previously mentioned. This policy is over ten years old and should be reviewed for currency. This was also highlighted in the C95 Panel Report for the residential zones.

Activity Centres

The Review finds that the larger neighbourhood centres of Carrum Downs, Station Street Seaford and Langwarrin will require urban design guidelines and potentially DDOs as part of an implementation plan for any structure plans for these centres.

Design and Development Overlays (DDO) and Development Plan Overlays (DPO)

The Review recommends many of the existing DDOs be reviewed particularly in line with any revised zones. A review of the DPOs is also recommended that may result in the removal of some that are no longer relevant.

Heritage

No additional work is identified in the Review.

d) Environmental Risks and Responding to Climate Change

Climate Change and ESD (Ecologically Sustainable Design)

The Review recommends that climate change measures should be clearly identified or reinforced as strategies in the MSS. Constraints to housing development through environmental risk associated with climate change should be identified.

The Review finds that to further ESD requirements as part of planning applications a specialised officer within the Planning Department would be required to provide advice to the community and developers and assess application for ESD merits. The current ESD Design Guides referenced in the planning scheme are complex documents and focus on non-residential development.
Drainage

The Flood Management Plan for Frankston City Council and Melbourne Water June 2011 details the key flood risks for the municipality and "hot spots". This document notes that Frankston City does not have a municipal wide Drainage Strategy and that additional flood modelling and mapping of floodplains and overland flow paths is required to determine flood depths and delineate areas subject to inundation. The Review considers that the seriousness of flood risk across Frankston City should be reinforced in the MSS and municipal wide flood mapping and drainage strategy work should be undertaken.

e) Natural Environment (Environmental and Landscape Values)

The Review recommends that locally significant vegetation should be afforded more protection through the MSS.

Environment Significance Overlay (ESO) and Significant Landscape Overlay (SLO)

The Review identifies that the ESO and SLO schedules and areas covered by these controls require reviewing, updating or removing. In particular the mapping of the ESO1 needs reviewing and whether it is the most appropriate overlay. ESO3 should be removed as it relates to the Moreton Bay Fig which has been removed. The SLO4 and SLO6 should be reviewed in terms of their alignment with the neighbourhood character policy. The SLO1 and SLO3 require a review of the provisions to the extent that they relate to the risk from fire. The environmental weed list for the SLO1, SLO2 and SLO3 should be reviewed for duplication and correct identification.

Changes to Victoria's native vegetation controls under Clause 52.17 Native Vegetation of the Victorian Planning Provisions (VPP) came into force on 20 December 2013. Council must now apply the newly incorporated document "Permitted clearing of native vegetation - Biodiversity Assessment Guidelines" (BA Guidelines). This has provided potential conflict between existing site-specific biodiversity information such as that contained in the ESO1 particularly with the broad scale mapping approach that has been applied through the changes. It is recommended in the Review that consultants should be engaged to carry out biodiversity studies in areas of concern for comparison with the broad scale mapping.

2006 Vegetation Study

The Review recommends that the Vegetation Study be reviewed in consultation with DEPI (Department of Primary Industry) and DTPLI (Department of Transport, Planning and Local Infrastructure).

f) Infrastructure, Open Space and Development Contributions

Development and Open Space Contributions

Frankston City currently has no formal framework for cost recovery for providing infrastructure associated with or required by new development. Currently contributions toward infrastructure are negotiated between Council and developers which is both uncertain and inefficient. The Open Space Strategy currently underway at Council will provide the strategic justification to require suitable contributions under Clause 52.10 of the planning scheme and set rates for infrastructure contributions.
The findings of the Review of Development Contributions System by the State Government have relevance for Frankston City in terms of urban areas and strategic development areas. Standard levies can be selected and applied to different development settings based around five infrastructure categories these being: community facilities, open space facilities, traffic infrastructure, drainage infrastructure and public land. This may be incorporated, once implemented, into the MSS, structure plan (Frankston MAC and Karingal MAC) or framework plan.

Community Infrastructure Plan

The Review recommends the development of a Community Infrastructure Plan to identify shortfalls and gaps in existing facilities and services and establishing future community infrastructure requirements. Hand in hand with this would be developing a Funding Strategy for delivery of servicing.

**g) Transport**

The Review identifies transport related issues as an ongoing issue for Frankston and recommends advocating for improved services and additional funding for all road and public transport linkages. The Review also recommends implementing where appropriate the recommendations of the Frankston Integrated Transport Strategy April 2013 into the planning scheme and updating the Transport Framework Map to include Peninsula Link and identify the Frankston Transit Interchange Precinct.

**Table of further strategic work**

In response to Councillor feedback at the briefing of 12 May 2014, a table that sets out the further strategic work in the Draft Planning Scheme Review Report has been established. This table prioritises the work listed and gives each project a timeframe to implement and costing. This table can be found at pp 73. of Attachment A. The high priority projects for the new financial year are a Review of the Neighbourhood Character Policy in combination with the overlays, and the development of a Green Wedge Management Plan.

**Consultation**

**Attachment B** outlines the consultation program proposed to be undertaken. It is proposed to undertake community consultation for a 4 week period in August – September 2014.

All submissions received during this consultation period will be considered by officers and presented to Council.

**Options Available including Financial Implications**

1. Adopt the Draft Planning Scheme Review Report and progress the report to community consultation.
2. Adopt the Draft Planning Scheme Review Report and submit to the Minister for Planning; and progress the project to the drafting of the revised Planning Scheme for the purposes of an amendment (includes exhibition to the community).


There are no financial implications associated with the report. The ongoing funding of this project has been allocated in the 2014/2015 budget.
11.3 Naming of the service lane off Nepean Highway as "Hopes Rise"

**Enquiries:** (Michelle Tipton: Corporate Development)

**Council Plan**

- **Community Outcome:** 3. Sustainable City
- **Strategy:** 3.3 Ensure good governance and management of Council resources
- **Priority Action:** 3.3.2 Implement a schedule of reviews of services, plans, policies and protocols to ensure good governance

**Purpose**

To seek Council approval to make application to the Office of Geographic Place Names (OGN) to name the service lane off Nepean Highway, Frankston as “Hopes Rise”.

**Recommendation (Director Corporate Development)**

That:

1. Council, having considered the submissions in relation to the proposal, hereby resolves to formally lodge with the Registrar for consideration the name “Hopes Rise” as advertised in the Local Paper on Monday 2 June 2014.
2. Officers write to all submitters advising of Council’s decision.

**Key Points / Issues**

- “Hopes Rise” is a service road that is elevated from the Nepean Highway. Property numbers are obscured and not visible at all from the highway itself.
- “Hopes Rise” is more than a service road to the Nepean Highway as Bruarong Crescent branches from the road and is only accessible from this section of road, which is a one way street.
- Presently “Hopes Rise” has been identified and defined in the public mapping applications like Melway, VICMAP and GPS mapping services, however, Council’s property system has the affected properties known as “Nepean Highway”. This has led to confusion.
- Further, there is also confusion for cyclists. There is a sign about 10 metres before “Hopes Rise” stating all cyclists must use Hopes Rise. The street sign blade states 589 – 603 Nepean Highway. Officers have observed and received advice from residents that cyclists are riding up the highway itself possibly due to the confusion.
- Notice of Council’s intention to name the service road as “Hopes Rise” was advertised in the Local Paper on 2 June 2014. A total of three (3) submissions were received. Two (2) people were in support of the proposal, one (1) person objected to the proposal. A copy of the submissions is attached to the Agenda.
- The points raised in each of the submissions received have been summarised within the officer’s assessment contained within this report.

**Financial Impact**

There are no financial implications as any associated renaming/renumbering expenses can be accommodated within the existing Operating Budget.
Consultation

1. External Stakeholders

Public consultation by means of formal advertising has been undertaken in accordance with the Guidelines. Three (3) written submissions have been received.

2. Other Stakeholders

The OGN has been consulted and consider that the addresses from 583 to 603 Nepean Highway that front Hopes Rise be renumbered and addressed to Hopes Rise.

Analysis (Environmental / Economic / Social Implications)

Public safety is paramount and wherever possible, the OGN are encouraging Councils to adopt a risk minimisation strategy by taking action to modify addresses to comply with the principles in the Guidelines. In light of this, it is still proposed to proceed with the renumbering and readdressing of affected properties to “Hopes Rise” as the inconvenience to residents is minimal and short lived.

Legal / Policy / Council Plan Impact

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

Legal
The Guidelines for Geographic Place Names are provided for under Section 5 of the Geographic Place Names Act 1998.

These guidelines set out the rules and processes to be followed and the requirements for consultation before a name of a road, locality or feature is selected, assigned or amended.

Policy Impacts
Council’s Naming Policy does not coincide with the principles in the Guidelines. Council will need to review its policy so that it accords with the Guidelines.

Officer’s Declaration of Interests
Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation
The location of signage is an important issue for Council to consider. Road name signage should be placed at intersections and junctions, and in areas where it is not obscured from view or covered by objects such as trees and buildings. Road name signage should also be located at regular junctions and cross roads to allow members of the public to discern their location.

Signage must be erected as early as possible to aid the delivery of goods and services and ensure adequate provision for emergency services.
Conclusion

Finalisation of the naming of the service lane off Nepean Highway as “Hopes Rise” is recommended in accordance with Council’s advertised intention.

ATTACHMENTS

Attachment A: Submitter 1 - Naming of Hopes Rise (Under Separate Cover)
Attachment B: Submitter 2 - Naming of Hopes Rise (Under Separate Cover)
Attachment C: Submitter 3 - Naming of Hopes Rise (Under Separate Cover)
Attachment D: Map of Hopes Rise (Under Separate Cover)
11.3 Naming of the service lane off Nepean Highway as "Hopes Rise"

Officers’ Assessment

Background

For a number of years, the Victorian Government has been developing the Victorian Property and Address Information Management Framework (VPAIMF). The objective of this framework is to ensure that the management of property information is improved both at a state and local level, so as to reduce the potential for inconsistent or ambiguous identification of property information for businesses or households. The framework acknowledges that local government is the source and owner of property data in Victoria and the need to establish a partnership with the State Government to allow for the sharing of such information for a range of users, including emergency services, by ensuring the alignment of the property data.

Officers have consulted with the Emergency Services Telecommunications Authority (ESTA) which also sought further advice from Ambulance Victoria. The resultant advice is that they would prefer the section of road to be formally named as Hopes Rise for the following reasons:

- The service road is already clearly identifiable and defined in public mapping publications like Melway and VICMAP data and GPS mapping devices, as Hopes Rise.
- The service road is elevated from the Nepean Highway and property numbers will be obscured or not visible at all from the highway itself if they remain addressed to the highway.
- Hopes Rise is more than a service road to the Nepean Highway as it has another road that intersects and branches from its path, that being Bruarong Crescent. It is also only accessible from the south bound lane of the Nepean Highway and is a one way street.
- Along this section of Nepean Highway itself, there is no emergency lane or road verge for ambulances to slow or stop to look for street numbering. To safely locate the address it would require the attending vehicle to circle round and get onto Hopes Rise then guess which service road entrance to use to gain access to a specific property.

The name “Hopes Rise” is believed to have been named after “W.Hope Gibson”. Mr. Gibson owned a property at Hopes Rise, which was unfortunately destroyed by a fire in the early 1940’s. Mr. Gibson was well liked and known by many people in the surrounding area.

Issues and Discussion

Notice of Council’s intention to name the service lane off Nepean Highway, Frankston as “Hopes Rise” was advertised in the Frankston Leader on 2 June 2014. The closing date for submissions was 5pm Tuesday 23 June 2014. Three (3) submissions were received during this time.

The points raised in the submissions received are summarised below:

Submitter 1

The submitter is supportive of the proposal and is delighted that Council is officially renaming the service lane off Nepean Highway to “Hopes Rise”.

Submitter 2

The submitter concerns with the proposal are as follows:

- Hopes Rise is the name given to a feature. It’s not the name of a street or road.
11.3 Naming of the service lane off Nepean Highway as "Hopes Rise"

Officers’ Assessment

- If the Hopes Rise sign remains, it is encouraged that residents use 583 to 603 Nepean Highway or 583 to 603 Nepean Highway Hopes Rise, Frankston 3199.
- The change would cause loss of contact for some families, friends, visitors and extensive adjustments for business purposes, title purposes, service purposes, investors, organisations and a host of other instrumentalities.
- Concentrating motorists have difficulty seeing “Hopes Rise” where it is presently placed on a small sign that is easily missed.
- At present, some business uses 599 Nepean Highway or 599 Hopes Rise and others both, which works magnificently.

Officer’s response:

The Office of Geographic Place Names (OGN) has confirmed that the service road is already clearly identifiable and defined in public mapping applications like Melway, Vicmap data and GPS mapping services as “Hopes Rise”.

The service road is elevated from the Nepean Highway. If the road “Nepean Highway” is to remain, property numbers will continue to be obscured and/or not visible at all from the highway itself.

The road appears to be more than a service road, as it has another road that intersects and branches from its path, that being Bruarong Crescent. Bruarong Crescent is only accessible from the south bound lane and is a one way street.

Along the section of Nepean Highway itself, there is no emergency lane or road verge for ambulances to slow or stop to look for street numbering. To safely locate the address, it would require the attending vehicle to circle around and get onto “Hopes Rise” which will cause delays to emergency response.

In consideration of the reasons outlined above, the administrative costs of re-addressing properties are minimal compared to emergency incident outcomes. Public safety is paramount and where possible, the OGN are encouraging Councils to adopt a risk minimisation strategy by taking action to modify addresses to comply with Australian Standards.

Further, the Guidelines specifically state that roads should not cause confusion for road users. It would be inappropriate for Council to remove all reference to ‘Hopes Rise’ as this road is a public road for all intent and purposes and is known to the locals as such.

The Guidelines also state that dual names cannot be adopted for roads, highways, bridges or communication towers. Therefore the name “Hopes Rise Nepean Highway” cannot be used.

The renaming of roads is often contentious. Council is charged with the authority and responsibility to make such changes where the circumstances warrant. In this case, officers are of the view that the renaming of the section of Nepean Highway to “Hopes Rise” is considered appropriate.

Submitter 3

The submitter is supporting the proposal to name this section of Nepean Highway as “Hopes Rise”.

With respect to the signage on Hopes Rise, the submitter raises the following concerns:

- About 50 metres before the start of Hopes Rise, there is a sign saying “Cyclists must use Hopes Rise” but as they approach Hopes Rise there is no reference to its name.
11.3 Naming of the service lane off Nepean Highway as "Hopes Rise"

Officers’ Assessment

- The sign blade at the start of Hopes Rise currently states “Nepean Highway nos 585 – 603”, with another sign saying “next 400 metres no cyclists on Nepean Highway”. This causes confusion.
- Last summer, on two (2) separate occasions, the submitter seen a cyclist riding past the base of Hopes Rise and riding up Nepean Highway.

Officer’s response:

Signage must be easily located and identified so it can be read by all members of the community. It should be located at a major access point to ensure members of the community are able to identify the road.

Public safety is paramount and Council must ensure that it takes all necessary steps to ensure that any signage is clear, identifiable and not confusing for members of the public.

Appropriate signage will be installed to ensure that motorists and cyclists are able to identify the street name whilst travelling along Nepean Highway.

Options Available including Financial Implications

Council must abide by the Guidelines in relation to any naming of a road or feature or locality.

The Local Government Act 1989 has given Council the power to allocate street numbers and power to approve road names subject to a public consultation process.

The renaming of roads is often contentious with resident opposition likely. Notwithstanding such opposition, Council is charged with the authority to make such changes were circumstances warrant and in most cases the inconvenience to residents is minimal and short lived despite protestations to the contrary.

In relation to the formalisation of naming “Hopes Rise”, Council has the following options:

- Take no action on the proposed renaming; or
- Adopt the name of the service road to be “Hopes Rise” (recommended).
Executive Summary

11.4 Response to Petition - seeking a review of the rooming house and associated issues at 17 Finlay Street, Frankston

Enquiries: (Fiona Johnstone: Community Development)

Council Plan

Community Outcome: 1. Planned City for Future Growth
Strategy: 1.3 Review the Municipal Strategic Statements [MSS#], also known as the Local Planning Scheme to accommodate future population growth
Priority Action 1.3.1 Develop an urban design policy to guide assessment of proposed developments and deliver quality design outcomes

Purpose

To brief Council on the petition received from residents of Finlay Street, Frankston requesting a review of the rooming house and associated issues at 17 Finlay Street, Frankston.

Recommendation (Director Community Development)

That Council:

1. Notes the petition.
2. Notes the correspondence and dialogue that has occurred with key residents of the petition on the matter.
3. Officers continue to consider ways to best deal with Rooming Houses across the many areas of Council, including planning, building, health and community development, to achieve an outcome of well-designed and managed, low cost housing for the community of Frankston.

Key Points / Issues

- A petition was received from 17 signatories in Finlay Street and one in Taketa Crescent seeking a review of the rooming house and associated issues at 17 Finlay Street.
- The supporting information provided with the petition has been previously responded to by Council officers, and addresses the issues raised in the petition.
- The development at 17 Finlay Street did not require a planning permit and therefore issues associated with parking provision, landscape, rubbish collection, drainage, utility connections and potential decrease of liveability were not considered by Council.
- Shared housing is not considered to be a commercial development. Shared housing is a reasonable land use within a residential zone.
- There is no legislation to guide Council in dealing with the location or concentration of shared housing.

Financial Impact

There are no financial implications associated with this report.
Consultation

1. External Stakeholders

The head petitioner is already in contact with Council officers regarding this matter. They have attended public meetings with Council officers on the broader issue of rooming houses and raised the concerns of the petition at that meeting.

Their attached letter to the CEO and all Councillors has been responded to and was also recorded as a Councillor Request.

A meeting was requested with officers by residents of Finlay Street to explain the planning regulations for shared housing. This meeting occurred with the Acting Manager Planning and Environment and the Manager Community Safety 15 July 2014.

2. Other Stakeholders

Internal departments have been notified of the petition and form part of this response.

Analysis (Environmental / Economic / Social Implications)

Frankston is experiencing an increase in this style of housing provision. It is considered that the State Government’s decision to reduce its investment in low cost housing has contributed to private investor interest in the industry. There is a need for low cost housing within Frankston.

Council’s experience is that well-managed facilities or facilities that have been gained through a planning permit do not generate complaints of amenity detriment. However, many dwellings are designed to avoid the need for a planning permit (i.e. less than 10 habitable rooms) and only require a building permit which is commonly issued by a private building surveyor. Four planning permits have been issued for rooming houses.

Registration of the houses is required under the Public Health Act. This awareness provides opportunity for Council to ensure that appropriate fire safety standards are provided for residents, e.g. provision of working smoke alarms.

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

Legal

There are no legal implications with this report.

Policy Impacts

There are no Council policies or protocols that affect the decision of this report. However, there are numerous state government policies and Acts that combined provide an effective way in which to minimise local government’s ability to ensure rooming houses are appropriately operated in the best interest of tenants and the neighbourhood alike.

As such the issue of rooming houses has been ongoing area of concern to Council and body of work for officers. It is considered that a change in State legislation is required.
11.4 Response to Petition - seeking a review of the rooming house and associated issues at 17 Finlay Street

Executive Summary

Officers are currently considering alternatives to best approach this issue across the many areas of Council, including planning, building, health and community strengthening.

Officer’s Declaration of Interests

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

Risk Mitigation

There are no identified risk implications related to the recommendations of this report.

Conclusion

The petition raises issues already addressed by officers.

Officers should continue to consider ways to best deal with Rooming Houses across the many areas of Council, including planning, building, health and community development, to achieve an outcome of well-designed and managed low cost housing provision for the community of Frankston.

ATTACHMENTS

Attachment A: Petition (Under Separate Cover)
Attachment B: Previous Response to resident (Under Separate Cover)
Background
The concern of the community regarding the management and location of rooming houses has been on-going for many years.

Council has actively lobbied the State Government through its local member, Consumer Affairs and the Minister for Health on this issue over a number of years. Unfortunately they have not taken up Council’s suggestion to amend the Planning Scheme and Building Code to ensure the appropriate management of rooming houses.

Council remains active on this issue. Council’s Compliance department engage with Community Action Groups throughout the City, and Council is part of a Rooming House Working Group including Police, DHS and Consumer Affairs Victoria which works to establish an improved standard of housing for vulnerable people.

Issues and Discussion
Response to the reasons for requesting the review within the petition

1. Residents of Finlay Street were never given notice of planning, allowing them the right to object prior to construction

Notice of a planning permit can only occur where an application is being considered by Council and the Planning Scheme does not exempt public notice. A planning permit is not required for shared housing.

Shared housing is defined within the Frankston Planning Scheme as:

To use a building, including outbuildings normal to a dwelling, to house a person, people and any dependants or 2 or more people (including people with intellectual disabilities) if the building meets all of the following requirements:

- Is in an area or zone which is used mainly for housing
- Provides self contained accommodation
- Does not have more than 10 habitable rooms

The development in Finlay Street does not contain more than 10 habitable rooms and therefore did not require a planning permit.

The current avenue available to residents who suspect illegal rooming houses or have with concerns about substandard conditions, should report it to Council for investigation.

2. Considerations to parking provisions, landscape, rubbish collecting, drainage, utility connections and a potential decrease to liveability

The above matters can be considered as part of the assessment of a planning application.

A building permit application does not include consideration of the above matters, except for car parking where two car spaces must be provided on site for a dwelling.

Pursuant to Building regulations, the shared house at Finlay Street is regarded as a dwelling for the purposes of car parking.
3. This property is not in line with the family friendly ideals of council, attracting troubled residents instead.

The Frankston community comprises a variety of socio-economic residents. It is known that low cost housing is needed in Frankston to support the community.

There is anecdotal evidence that blending low cost housing within owner-occupier neighbourhoods is socially and mentally positive. Additionally, it has been the experience of officers that a well-managed facility or a facility that has gained a planning permit does not generally generate complaints of amenity detriment. Officers consider good management of these venues in the form of an onsite manager or regular management/monitoring is an appropriate way in which to improve the performance of the facility and therefore reduce negative impacts on the surrounding amenity. This is currently being considered by officers as part of an overall review of Council’s involvement with shared housing.

4. A commercial development in a residential area, a quiet suburban street

The Frankston Planning Scheme and the Building Act regards the development at 17 Finlay Street as a residential building. The issue of being a commercial venture is irrelevant for the purposes of planning and building.

5. Frankston city is already over run with rooming houses, giving us the appearance of a new urban ghetto.

There is no legislation that addresses the concentration of like uses. As previously stated, the development at 17 Finlay Street has 10 habitable rooms and no planning permit is required. Should a planning permit have been required, concentration is not a valid ground for refusal.

A working group comprising of officers is considering ways to best approach this issue across the many areas of Council, including planning, building, health and community development.

Options Available including Financial Implications

Council has the following options available to it:-

1. Do nothing

2. In accepting the shift of providing low cost housing away from State Government and into the private sector, that Council be proactive in investigating options available to ensure the housing is of a suitable standard that is safe and well managed so as to not cause detriment to the neighbourhoods in which they are located.

There are no financial implications associated with the report.

Conclusion

The issue of rooming houses has been an ongoing area of concern to Councillors and a significant source of work for officers. Officers continue to investigate and respond to complaints. In addition, officers are currently reviewing all opportunities across Council’s functions to identify ways in which the management of rooming houses and their potential impact on neighbourhoods can be improved. It is considered that a change in State legislation is required.
Executive Summary

11.5 Long Term Financial Plan 2014-2019 (Year 2 Update)

Enquiries: (Kim Jaensch: Corporate Development)

Council Plan

<table>
<thead>
<tr>
<th>Community Outcome</th>
<th>3. Sustainable City</th>
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<tr>
<td>Strategy</td>
<td>3.3 Ensure good governance and management of Council resources</td>
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<tr>
<td>Priority Action</td>
<td>3.3.1 Ensure the organisation is financially sustainable</td>
</tr>
</tbody>
</table>

Purpose

To brief Council on the annual review of the Long Term Financial Plan that establishes a financial blueprint for Council’s management of its financial resources ensuring that Frankston City Council remains a sustainable Council in the longer term.

Recommendation (Director Corporate Development)

That Council:

1. Notes the Long Term Financial Plan 2014-2019 (Year 2 Update); and
2. Authorises the Chief Executive Officer to take the necessary steps to make the document available to the public at Council offices and on the Council website.
3. Writes to both the Minister for Local Government, the Honourable Tim Bull and the Shadow Minister for Local Government, the Honourable Richard Wynne, highlighting the negative financial impact on Council’s Long Term Financial Plan, if rate capping was introduced post the 2014 November State Election.

Key Points / Issues

- The preparation of the Long Term Financial Plan 2014-19 Year 2 Update (LTFP-Y2) is a cornerstone in ensuring that Council actively manages the long term financial sustainability of Frankston municipality. It provides a financial framework for Council to remain within whilst providing the required level of resourcing to continue to deliver operational services to the community and maintaining and renewing Council’s infrastructure.

- The LTFP-Y2 highlights a number of challenges that Council faces over the forthcoming years which may affect the level of services and infrastructure provided. These include:
  - Rate capping to CPI – for this Council, preliminary estimates indicate that over the term of the LTFP-Y2 a 3% rate increase compared to the proposed 5.5% rate increase would result in a cash gap of $22 million over the term of the plan.
  - The Supreme Court litigation with the City of Casey and the Metropolitan Waste Management Group remains unresolved.
  - The Federal Budget 2014/15 outcome of freezing indexation of its grants to Council for three years.

- The objectives that this LTFP-Y2 aims to achieve are as follows:
  - An increased ability to fund asset renewal requirements
  - An enhanced funding level for capital works in general
  - Progressing Council towards a position of financial sustainability in the long-term
  - Achievement and maintenance of Operating Statement underlying surpluses whilst maintaining the provision of operational services that respond to the needs of the Frankston community
Executive Summary

- Rate and fee increases that are both manageable and sustainable

- A number of updates are recommended to ensure the information in the LTFP-Y2 remains relevant and correct. The revised LTFP-Y2 is attached (refer to Attachment A). The key changes include:
  - Updating the Executive Summary;
  - Updating the key outcomes, challenges (current and future) of the LTFP;
  - Updating the projected financial position of Council over the next five years;
  - Updating the ‘Managing Council’s assets for the future (Section 8.3) to reflect the current status of Council’s asset management policies, strategies and plans; and
  - Reviewing and updating the key performance indicators in the appendices; and,
  - Changes to certain terminology and content in the Long Term Financial Plan to reflect recent reforms to the Victorian planning and accountability framework for local government, as set out in the Act and the Local Government (Planning and Accountability) Regulations 2014 (Regulations). The key changes impacting the Long Term Financial Plan are:
    o “Standard Statements” have been replaced by “Financial Statements”;
    o The Financial Statements are disclosed in the format consistent with the Local Government Model Financial Report;
    o A summary of planned capital works expenditure –
      i. in relation to non-current assets classified in accordance with the model statement of capital works in the Local Government Model Financial Report; and
      ii. set out according to asset expenditure type.
    o A summary of funding sources in relation to the planned capital works expenditure and classified separately as –
      i. grants; and
      ii. contributions; and
      iii. Council cash; and
      iv. borrowings.
    o A list of grants by type and source, classified as –
      i. recurrent grants to be used to fund operating expenditure; or
      ii. recurrent grants to be used to fund capital expenditure; or
      iii. non-recurrent grants to be used to fund operating expenditure; or
      iv. non-recurrent grants to be used to fund capital expenditure.
    o The term “Key Strategic Activities” has been abolished;
    o The Planning Framework (Section 2) has been updated to reflect the changes to the accountability framework.
Executive Summary

- In terms of the financial outcomes, the LTFP-Y2 is based on the following:
  - A rate increase of 5.50% per year has been proposed for the term of the LTFP-Y2. The base rate income has been estimated to increase by the cost escalation index of providing Council services. This index is estimated to be approximately 4.5% over the life of the LTFP-Y2. In addition to increasing base rates by the cost escalation index, the LTFP-Y2 includes 1.0% per annum across the life of the LTFP-Y2 to continue addressing the asset renewal needs of the municipality.
  - The LTFP-Y2 includes the borrowings of $35.6 million over the life of this Plan. At no point however will Council exceed a prudential debt limit of loan indebtedness of more than 80% of annual rate revenue.

- The key financial outputs included in the LTFP-Y2 are:
  - The achievement of an ongoing underlying operational surplus throughout the life of the LTFP-Y2.
  - An increase in capital works investment funded from Council’s operations from $31.4 million in 2014/15 to $45.1 million in 2018/19.
  - Funding for asset renewal from $21.5 million in 2014/15 to $26.7 million in 2018/19.
  - The achievement of a financial structure where annual asset renewal needs are met from the base operating outcome of Council and non-renewable sources of funds such as reserves and asset sales are used to fund new or significantly upgraded facilities.

In summary, the LTFP-Y2 presents a responsible financial blueprint for the future of Frankston City Council.

Financial Impact

The parameters established in the LTFP-Y2 have been utilised by Council in preparing the adopted 2014/15 Annual Budget.

Consultation

1. External Stakeholders

   It is not a requirement to place the LTFP-Y2 on public display seeking community submissions prior to formally considering adoption of the Plan.

   However, in future it will be recommended that community engagement be considered to provide the community with the opportunity to provide feedback.

2. Other Stakeholders

   The Executive Management Team has been consulted during the preparation of the LTFP-Y2. Councillors have been involved in a review of the LTFP-Y2 at a number of sessions during the lead up of the budget process to ensure that Council was ‘living within its means’.

Analysis (Environmental / Economic / Social Implications)

The LTFP-Y2 recognises the leadership role Council has within the community to actively promote sound environmental outcomes and to facilitate other levels of government and the community to act in a similar vein.
The LTFP-Y2 contains financial resourcing for a wide range of programs that deliver important community services to the Frankston community. The LTFP-Y2 is based on the principle of maintaining services that are presently available to the community with some minor service growth to meet service demands.

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

Legal

The LTFP-Y2 exists primarily to provide the following outcomes for Frankston City Council:

1) establish a prudent and sound financial framework, combining and integrating financial strategies to achieve a planned outcome
2) establish a financial framework against which Council’s strategies, policies and financial performance can be measured against
3) ensure that Council complies with sound financial management principles, as required by the Local Government Act (1989) and plan for the long-term financial sustainability of Council (Section 136)
4) allow Council to meet the objectives of the Local Government Act (1989) to promote the social, economic and environmental viability of municipal district and its role in maintaining the viability of Council to ensure that resources are managed in a responsible manner (Sections 3C (2)(a) and 3D (2)(c))

Policy Impacts

Nil

Officer’s Declaration of Interests

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

Risk Mitigation

There are no direct risk implications arising from this report.

Conclusion

The LTFP-Y2 forms an essential element of Council’s overall planning framework and is vital in ensuring the long term financial health of this Council. It is noteworthy that the outcomes expressed in the LTFP-Y2 highlight strong increases in both the total of capital expenditure and the commitment to fund asset renewal for existing assets. Should Council achieve the goals established in the LTFP-Y2, it will be well placed to meet the needs of future communities of this Council.

ATTACHMENTS

Executive Summary

11.6 Community Satisfaction Survey 2014

Enquiries: (Marianne McArthur: Corporate Development)

Council Plan

Community Outcome: 3. Sustainable City
Strategy: 3.3 Ensure good governance and management of Council resources
Priority Action 3.3.3 Continue to build organisational capability and a customer service culture

Purpose

To brief Council on the results of the annual Community Satisfaction Survey.

Recommendation (Director Corporate Development)

That:

1. Council notes this report; and

2. The report containing the full results of the annual Community Satisfaction Survey be released to the community via the Frankston City Council website, Frankston City News and a media release.

Key Points / Issues

- The annual local government community satisfaction survey, coordinated by Local Government Victoria, assesses the performance of councils across a range of measures and provides a means of fulfilling certain statutory reporting obligations. The survey also provides Council with an opportunity to measure residents’ perceptions of Frankston as a municipality.

- The survey was conducted by an independent research company appointed by Local Government Victoria. Telephone interviews were conducted with a random sample of 400 Frankston residents aged 18+ between 31 January and 11 March 2014. Quotas were applied to gender and age groups to ensure Frankston’s age and gender profile was accurately represented in the survey.

- The results of the survey were released in June. The results are broken down into:
  - Core measures (Overall Performance, Overall Direction, Customer Service; Community Consultation and Advocacy)
  - Individual service areas, and
  - Tailored questions, which include questions on residents’ perceptions of Frankston.

- The highest performance results in 2014 were for Arts Centres & Libraries and Customer Service. Also rating highly were Family Support Services, Recreational Facilities, Waste Management, and Elderly Support Services.

- When asked the “best thing about Council”, residents were most positive about the beach/foreshore, public areas and their Councillors.

- Ratings of Council’s Overall Performance across all its areas of responsibility were significantly higher than the state-wide average and remained on par with the Outer Metropolitan council average. The rating was, however, a significant 3 points lower this year than in 2013, with North East Ward residents driving the more negative sentiment.
Executive Summary

- Council’s score for Overall Direction remained steady compared to last year and was well above the state-wide and Outer Metropolitan averages. Council also performed better than the state-wide and Outer Metropolitan groups for the following service areas:
  - The condition of local streets and footpaths;
  - Arts centres and libraries; and
  - The condition of sealed local roads.

- The scores for Customer service, Consultation and Advocacy were on par with last year and were not significantly different from the state-wide or Outer Metropolitan averages.

- The only service area to have suffered a significant decrease in rated performance since last year was “Informing the Community”. This is consistent with the key areas for improvement identified by respondents, which were community consultation and communication with residents. Forty-six per cent of residents believe there is a lot of room for improvement in Council’s performance in general.

- The lowest performing service areas in 2014 were Parking Facilities and Lobbying. Council lags behind the Outer Metropolitan group of councils in Parking Facilities. Council did, however, perform better than the Outer Metropolitan group in the often difficult area of traffic management.

- Council lags behind the state-wide average on Enforcement of Local Laws and Waste Management.

- The survey indicates that residents are largely positive about Frankston and its future as a municipality. In rating Frankston’s overall image, 59% of respondents said “very high” or “high” and 34% “average”. While only 38% of residents agreed that Frankston is “exciting”, 92% agreed that Frankston is Liveable and 89% agreed that Frankston has great potential. Sixty-one per cent of residents also expressed high or very high satisfaction with the number of festivals and events in the municipality.

- Satisfaction is high with the presentation and cleanliness of the waterfront area, but was lower with the presentation and cleanliness of the central business district.

- Fifty-six per cent of respondents agreed that Frankston was “safe”. Safety is an area of key focus for Council, and the rating for safety has steadily increased over the last two years.

Financial Impact

The survey costs Council approximately $20,000 each year.

Consultation

1. External Stakeholders

   The survey is a prime source of feedback from the community, among other sources from Council’s community consultation activities. The results of this survey are yet to be shared with the community.
2. Other Stakeholders

The Executive Management Team has been briefed on the results.

Analysis (Environmental / Economic / Social Implications)

No economic, social or environmental implications have been identified.

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

Legal

The survey provides information that enables Council to fulfil certain reporting obligations. The Minister for Local Government requires councils to report the results for certain core measures in the annual report. Further, the new Local Government Planning and Reporting Regulations 2014 require certain results to be included within the annual report. Certain indicators have also been adopted in the Council Plan and will be reported against in the quarterly report and annual report.

Policy Impacts

The survey identifies certain areas for improvement. These areas are areas of key focus in the Council Plan 2013-2017.

Officer’s Declaration of Interests

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

Risk Mitigation

The areas identified for improvement have been communicated within the organization and have been identified as priorities in the Council Plan.

Conclusion

The survey results confirm that Council’s strategy in the Council Plan is sound in that it is addressing key areas of community concern. In the interest of transparency, it is recommended that the results of the annual Community Satisfaction Survey be released to the community.

ATTACHMENTS

Nil
Executive Summary

11.7 Mornington Peninsula Regional Tourism Board Memorandum of Understanding Renewal

Enquiries: (Sam Jackson: Corporate Development)

Council Plan

Community Outcome: 1. Planned City for Future Growth
Strategy: 1.1 Work with other tiers of Government, industry and business to create more jobs and job skills in Frankston
Priority Action 1.1.4 Work with the Tourism Board to enhance and promote Frankston as a prime tourist destination

Purpose
To seek Council’s approval to enter into a further Memorandum of Understanding for the Mornington Peninsula Regional Tourism Board.

Recommendation (Director Corporate Development)

That Council:
1. Commits to being a signatory to the Mornington Peninsula Regional Tourism Board Memorandum of Understanding for a further two years.
2. Authorises the Director Corporate Development to execute the requisite documentation.

Key Points / Issues

- The municipal areas of Frankston City and Mornington Peninsula Shire form the Mornington Peninsula Tourism Region as defined by the Tourism Victoria ‘Jigsaw Campaign’
- Frankston City Council, in partnership with Mornington Peninsula Shire and Tourism Victoria and with the support of industry, established the Mornington Peninsula Regional Tourism Board (MPRTB) in 2012.
- The partnership was confirmed through the entering into a MOU. This MOU has now expired, and needs to be reconfirmed by both Councils. The MPRTB has endorsed the proposed new MOU, which is included in Attachment A.
- Frankston has been well represented by industry and officers on a range of programs and projects throughout the first two years of the MPRTB, and as such is now being increasingly regarded as a tourism hub within the region with great potential. The MPRTB has provided an overview of the key outcomes of the first two years – also in Attachment A.

Financial Impact

In accordance with the MOU Frankston City Council does not provide any direct monetary contribution to the Board. Instead we provide administrative support to the Board, office accommodation is made available to the Executive Chair, and Board meetings are hosted at Frankston City Council Civic Centre (Attachment B provides an overview of the financial contribution of partner organisations and industry).

A small amount of funds (up to $2,500 per year) is made available to support miscellaneous expenses relating to Board meetings and stationary.

It is proposed that this level of contribution to the Board operations continues under the new MOU.
Consultation

1. External Stakeholders

No specific formal consultation has occurred to date, although there is very strong commitment from Frankston Tourism Inc (the local tourism association) and the operators of Frankston’s hero tourism products to operate within a regional context.

Recent Council surveys indicate that 80% of the local community supports Council’s efforts to promote the City as a visitor destination and over 90% recognise the value of visitors to the local economy and lifestyle.

2. Other Stakeholders

Councillors have been provided regular briefings on the progress of the MPRTB and particularly throughout the development of the Destination Management Plan. Councillors have also been invited to provide ongoing input into the MPRTB’s activities via the two nominated delegates on the Industry Leaders Forums.

Analysis (Environmental / Economic / Social Implications)

Tourism is an increasingly important industry sector for Frankston City, directly employing 1,548 individuals (10 largest sector), and contributing $71.4M to the local economy (11 largest contributing industry sector). (SOURCE: REMPLAN 2011).

The Mornington Peninsula region attracted 1.1M domestic overnight visitors, 4.13M domestic daytrip visitors and 0.032M international visitors. Frankston holds a 19% share of international visitor numbers to the region and 31% of international visitor nights (average 24 nights) (SOURCE: Tourism Research Australia – Mornington Peninsula Regional Profile 2012/13).

Frankston is progressively strengthening its position as a tourism destination within the Mornington Peninsula tourism region. While there is still significant focus that needs to be directed at a local level (being delivered through the implementation of the Frankston City Destination Development Plan (Draft)), consideration still needs to be given to the opportunities that Frankston has to leverage off at a regional level.

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

Legal

Nil

Policy Impacts

The renewal of the MOU is consistent with Council’s Economic Development Policy which has the following principle:

_Council, in partnership with key stakeholders, will actively position and promote Frankston City as the preferred place to live, learn, work, visit and invest based on an economy that is sustainable, innovative and inclusive._
11.7 Mornington Peninsula Regional Tourism Board Memorandum of Understanding Renewal

Executive Summary

This is consistent with the Vision within Council’s Economic Development Strategy, 2011.

Officer’s Declaration of Interests

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

Risk Mitigation

If Frankston City does not re-sign the MOU, the ability for Council to advocate and lobby on behalf of the Frankston tourism industry is considerably reduced. This also means that Frankston’s access to Tourism Victoria funding for purposes such as industry development and marketing, is considerably reduced as the Board is the organisation that manages this funding on behalf of the region.

Conclusion

Frankston City has been a founding partner to the MPRTB and as well represented by industry and Council on a range of programs and projects throughout the first two years of the MPRTB. As a result, Frankston is now being increasingly regarded as a tourism hub within the region with great potential. Through reaffirming Council’s commitment to the MPRTB, Council can continue to strengthen Frankston’s position within the Mornington Peninsula Tourism Region.

ATTACHMENTS

Attachment A: Review of MPRTB 2012-2014 and Memorandum of Understanding (Under Separate Cover)

Attachment B: Financial Contribution of Partner Organisations (Under Separate Cover)
Background

Frankston City Council, in partnership with Mornington Peninsula Shire Council and Tourism Victoria, and with the support of industry, established the Mornington Peninsula Regional Tourism Board (the Board) in mid-2012. This partnership was formalised by the two Councils through the signing of a MOU. This MOU guides funding commitment, board structure and membership – including one senior officer representative from each of the member Councils. The Frankston City Council representative on the Board is Dennis Hovenden, CEO.

The MOU also recognises the priority strategic foci for the Board as the following:

- Industry development
- Product development
- Regional marketing
- Strong advocacy and united voice for the region
- Effective coordination and communication
- Skills training
- Leadership and mentoring
- Networking
- Identifying investment/infrastructure opportunities
- Managing Tourism sustainability

The Board is also supported through a number of targeted committees, including:

- The Leaders Forum – this is the peak tourism industry body for the region, with representatives from industry and Chambers of Commerce. This Forum also has two Councillor representatives from each Council. Frankston City’s nominated delegates are Cr Tayler and Cr O’Reilly. Frankston City is well represented by Connect East, Monash University – Peninsula Campus, Quest Frankston, Frankston Business Network, and Frankston Visitor Information Centre.

- The Operations Group – key officers from the Economic Development Teams of Frankston City and Mornington Peninsula Shire Councils.

Attachment A provides an overview analysis of how the Board, the Councils, and industry have delivered in relation to the MOU and the Strategic Plan that was developed within the first couple of months of the establishment of the Board. It also features the MOU that has been endorsed by the MPRTB for signing by both of the partner Councils. This MOU is essentially the same as the past one, with deletion of reference to the establishment of an inaugural Board.

This MOU expired on 30 June 2014. The Board are requesting that both Councils resign to the MOU for a further two years.

Issues and Discussion

Given the community, tourism industry and Council want Frankston to strengthen its tourism sector it is strategically sound to be an active partner of the MPRTB. By being recognised within the Mornington Peninsula tourism region, Frankston is able to:
Officers' Assessment

- Access State Government funding for industry training that would not otherwise be available;
- Gain a higher profile in interstate and international marketing campaigns that would otherwise not be cost effective;
- Work regionally to improve the visitor experience (i.e., the visitor does not observe municipal boundaries); and
- Leverage off the reputation of the southern region, while still strengthening Frankston's tourism offering.

Options Available including Financial Implications

The following options are available to Council:

1. That Councillors support continuing as a signatory to the MOU for a further two years (recommended)
2. That Councillors do not support continuing as a signatory to the MOU for a further two years (not recommended)

There are no financial implications associated with the report.

In accordance with the MOU, Frankston City Council does not currently provide any direct monetary contribution to the Board. Instead, we provide administrative support to the Board, office accommodation is made available to the Executive Chair, and Board meetings are hosted at Frankston City Council Civic Centre.

It is proposed that this level of contribution to the Board operations continues under the new MOU.

Frankston City Council provides financial contribution to specific projects where it is believed there is a specific benefit to tourism in Frankston City. In the past, this has included:

- Business Events & Conferencing - $10K (2013/14) and $20K (2012/13)
- Destination Management Plan - $20K

Attachment B provides an overview of the 2013/14 financial contribution of various organisations, including industry contribution.
Executive Summary

11.8 Cranbourne Road Roadworks Associated with Access to PARC

Enquiries: (Andrew Mullen: City Development)

Council Plan
Community Outcome: 2. Liveable City
Strategy: 2.4 Improve the health and wellbeing of residents
Priority Action 2.4.5 Increase social inclusion and community participation in leisure activities including libraries, arts and culture

Purpose
To advise Council of the VicRoads requirement to provide a left turn lane into Olive Grove from Cranbourne Road at the PARC site.

Recommendation (Director City Development)
That Council notes VicRoads’ requirement for a left turn lane on Cranbourne Road to safely access PARC which necessitates the relocation of the existing public bus stop from west of Olive Grove to east of Olive Grove and results in loss of three on street parking spaces but offset as a result of modifications to Quality Street.

Key Points / Issues
- Vicroads require Council to provide a dedicated left turn lane for eastbound traffic from Cranbourne Road to turn into Olive Grove, due to the forecast volume of vehicle traffic expected to access the PARC carpark.
- To meet Vicroads requirements and install a turn lane necessitates the existing public bus stop and associated on road line marking be removed from its existing location.
- Public Transport Victoria (PTV) has approved the proposed bus stop relocation to east of Olive Grove, adjacent to 18 and 20 Cranbourne Road. This relocation necessitates the loss of three on street parking spaces outside these properties.
- The proposed changes will enable safer conditions for traffic entering and exiting Olive Grove, as well as for traffic entering and exiting 1/20 and 2/20 Cranbourne Road. Refer to attached Appendix A for plan of proposed works.
- It is proposed to offset the loss in parking through modifications to Quality Street. A concept design is being developed and is attached as Appendix B. It includes widening Quality Street to improve traffic function and the introduction of several additional parking bays which may be funded as a future capital works project.

Financial Impact
Proposed works (excluding Quality Street) are funded as part of capital works project 3703 – Olive Grove Works.
Consultation

1. External Stakeholders

Consultation with residents at 18 and 20 Cranbourne Road will occur prior to the changes to parking conditions and the installation of the new bus shelter.

PARC Operators and Council were recently briefed in relation to the need to provide the turn lane and subsequent bus shelter relocation.

2. Other Stakeholders

PTV and VicRoads have provided approval of the proposed works.

Legal / Policy / Council Plan Impact

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

Legal

Policy Impacts
- Asset Management Policy and Strategy.
- Risk Management Strategy.

Officer’s Declaration of Interests
Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

Risks associated with changes to the road network at the site have been reviewed by completion of a Road Safety Audit of the design for the proposed works.

VicRoads is the responsible authority for Cranbourne Road and has advised it will not accept responsibility for the intersection without the turn lane on the basis of road safety. To not provide the turn lane has a significant safety implication and associated risks to the opening of the facility.

Conclusion

The proposed changes will ensure safe conditions for traffic entering and exiting the PARC carpark via Olive Grove and also improve safety for vehicles accessing nearby residential properties. The loss of three on street parking spaces will be offset by future proposed works in nearby Quality Street.

ATTACHMENTS

Attachment A: Bus Stop and Carparking Changes (Under Separate Cover)
Attachment B: Concept Design for Quality Street (Under Separate Cover)
**Executive Summary**

### 11.9 Update on Pharmacotherapy Issues

*Enquiries: (Gillian Kay: Community Development)*

**Council Plan**
- Community Outcome: 2. Liveable City
- Strategy: 2.2 Improve the municipality’s safety, image and pride
- Priority Action 2.2.4 Improve the cleanliness and presentation of the city and local areas

**Purpose**

To update Council on the urgent meetings sought with Ministers regarding negative impacts that the concentration of pharmacotherapy outlets are having on public order, tourism, transport, development and trade within the city.

**Recommendation (Director Community Development)**

That all Councillors be scheduled to attend meetings as they are confirmed by Ministers.

**Key Points / Issues**

- At its meeting 7 July Council resolved that letters to the following Ministers be sent seeking urgent meetings to discuss the negative impact that the concentration of pharmacotherapy outlets are having on public order, tourism, transport, development and trade within the city:
  - Minister for Police and Emergency Services
  - Minister for Public Transport
  - Minister for Tourism and Major Events
  - Minister for Crime Prevention
  - Minister for Planning

- Drug issues including pharmacotherapy and needle exchange services have been of concern to the community for a long period of time. As such Council has researched the issues and developed an advocacy campaign to seek State Government support for improvements to the ‘system’ and also a health and human services hub in the health precinct of Frankston.

- No one Minister is responsible for the system which treats and supports people with mental health and addiction issues. There are seven Ministers who have a potential interest in achieving improvements in the way in which the Victorian Policy for Maintenance Pharmacotherapy for Opioid Dependence and the Alcohol and drug plan 2013 are implemented.

- Letters outlining issues of concern and seeking meetings also have been sent previously to:
  - Minister Mental Health and Community Services (meeting scheduled 24 July 2014)
  - Minister for Health (meeting with Minister’s Chief of Staff January 2014)
  - Minister for Justice
  - Minister Crime Prevention (meeting held march 2014)
11.9 Update on Pharmacotherapy Issues

Executive Summary

- Minister for Local Government
- Chief Medical Officer
- Shadow Health Minister (Meeting held May 2014)
- Local member of Parliament Minister Bruce Billson (meeting December 2013)
- Federal Minister for Health
- Productivity Commission

Financial Impact

There is no financial impact on Council relating to the meetings being sought with ministers.

The advocacy campaign seeks external funding of $9M towards a establishment of the health and services hub.

Consultation

1. External Stakeholders
   - There have been two forums of local health stakeholders who have an interest in the health service system in Frankston.
   - Police
   - Department of Health
   - Frankston Mornington Peninsula Medicare Local
   - Local Member of Parliament Minister Bruce Billson

2. Other Stakeholders
   - All Frankston City Council Councillors and Communities Directorate Departments

Analysis (Environmental / Economic / Social Implications)

Nil.

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

Legal

There are no legal requirements pertaining to the meetings or the discussions

Policy Impacts

The meeting has no impact to Council policies
11.9 Update on Pharmacotherapy Issues

Executive Summary

Officer’s Declaration of Interests

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

Risk Mitigation

Research undertaken by Frankston City Council has identified a number of risks to the community resulting from the ‘system’ supporting people with addiction to opioids. These include but are not limited to increased crime and community and family violence.

Conclusion

Letters have been sent to Ministers seeking urgent meetings to discuss the negative impact of the concentration of pharmacotherapy outlets in the city centre. A Ministerial Briefing paper was attached to each letter.

There has been no confirmation of availability of Ministers for Police and Emergency Services, Public Transport, Tourism and Major Events, Crime Prevention or Planning at this time, however, Minister for mental health and Community services is meeting with Councillors 24 July. Councillors will be kept informed of all scheduled meetings.

ATTACHMENTS

Nil
Executive Summary

11.10 Draft Carrum Downs Skye Sandhurst Local Community Plan

Enquiries: (Wazed Ali: Community Development)

Council Plan
Community Outcome: 2. Liveable City
Strategy: 2.3 Engage the Community in shaping the services and future of the city and their local area
Priority Action 2.3.4 Achieve the Community Plan and local area community plans

Purpose
OM255 approved the Draft Carrum Downs, Skye and Sandhurst Local Community Plan for further consultation on Council’s website for a period of 4 weeks. As a result the Draft Plan has been amended to reflect feedback and is presented for approval.

Recommendation (Director Community Development)
That Council adopts the Draft Carrum Downs, Skye and Sandhurst Local Community Plan.

Key Points / Issues
- OM255 approved the Draft Carrum Downs, Skye and Sandhurst Local Community Plan for further consultation on Council’s website for 4 weeks and this occurred from 3 June 2014 until 2 July 2014.
- Two community members provided written feedback resulting in an amendment to the “Fit for Pooches” priority in the Draft Carrum Downs, Skye and Sandhurst Local Community Plan. Other, more operationally based feedback, was dealt with by referral to other Council Departments. This included the need to focus on youth and aged programs, more car parking for disabled drivers and improvements in the provision for off dog leash areas.
- Once approved the Carrum Downs, Skye and Sandhurst Local Community Plan will be implemented with input from the community.

Financial Impact
Local Community Plans aim to operate within existing Council resources. Council may consider allocating additional financial resources to enable implementation of priorities in line with annual budget cycle.

Consultation

1. External Stakeholders

The draft Local Community Plan was developed in consultation with more than 80 participants including residents, local businesses, community groups and service providers. Two workshops held in November 2013 gathered information that was prioritised during three drop-in sessions at Carrum Downs Shopping Centre and Carrum Downs Library in March and April 2014. All people who participated in consultation were notified of the opportunity to comment on the Draft Carrum Downs, Skye and Sandhurst Local Community Plan.
2. Other Stakeholders

All Department Managers were provided an opportunity to comment on the Draft Carrum Downs, Skye and Sandhurst Local Community Plan.

Analysis (Environmental / Economic / Social Implications)

The process of local community planning provides a forum for residents to identify local environmental, social and economic issues and concerns and explore ways in which the local community can work together with Council to address them.

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

Legal

There are no statutory obligations or legal implications in approving the Carrum Downs, Skye and Sandhurst Local Community Plan.

Policy Impacts


Officer’s Declaration of Interests

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

Risk Mitigation

The Carrum Downs, Skye and Sandhurst Local Community Plan reflect feedback from more than 80 community members. Further consultation of the Draft Plan on Council’s website for a period of 28 days provided additional opportunity for involvement for broader input to the process. Two responses received during this period have been addressed through adjustments to the Draft Plan and referral to other departments. This robust consultative process reduces the risk of the Draft Plan not appealing to the broader community.

Conclusion

The process of developing and implementing the Draft Carrum Downs, Skye and Sandhurst Local Community Plan seeks to build community networks and resilience as residents meet and work together to identify and address issues in a coordinated manner.

ATTACHMENTS

Attachment A: Draft Carrum Downs Skye & Sandhurst Local Community Plan (Under Separate Cover)
Executive Summary

11.11 Frankston Station Precinct Improvements

Enquiries: (Judi Krznaric: City Development)
           (David Gray: City Development)
           (Sally Prideaux: City Development)
           (Robin Batt: Community Development)

Council Plan
Community Outcome: 2. Liveable City
Strategy: 2.2 Improve the municipality’s safety, image and pride
Priority Action 2.2.4 Improve the cleanliness and presentation of the city and local areas

Purpose
To respond to the Council resolution of 7 July 2014, requesting that a report be prepared for Council to request the State Government to utilise some of the funds earmarked for Frankston Station Precinct Improvements for a number of major and minor artworks within the precinct and surrounds.

Recommendation (Director City Development)
That:
1. Council writes to DTPLI to request that $920,000 allowance be made for public art for the Frankston Station Precinct Improvement Project and to request that they consider the McClelland Gallery’s proposal for public art.
2. Interested Councillors and a representative from McClelland Gallery and Frankston Arts Centre Board, meet with DTPI to discuss McClelland Gallery’s proposal and opportunities for incorporation of public art for the benefit of the wider community.

Key Points / Issues

- At the Planning Meeting 0M257 on the 7th July 2014, Council resolved that;
  “A report be prepared for Council’s consideration at the 28 July, 2014 meeting regarding the proposal for Council to request State Government to utilize a fifteenth of the $13.8M (i.e. $920,000) earmarked for Frankston Station Precinct Improvements or other sources of funding from State or Federal Government to fund the McClelland Gallery’s proposal to include a number of major and minor artworks within the Station Precinct and surrounds.”

- The Frankston Station Precinct is generally poor considered as a major gateway and entrance to Frankston due to poor resolved bus, taxi and vehicle access and a lack of public space that includes adequate lighting, seating, greening, shelter and public art.

- The condition of the precinct, including building facades and mix of retail, discourages people from visiting the precinct due to its general perception of being an unsafe area.

- Typically emphasis is placed on community safety at railway stations such as crime prevention, CCTV, transit police, anti-graffiti measures. However, Public Art can play an important role in the revitilisation of an area as it is shown to enhance a sense of community and civic pride.
**Executive Summary**

- Current practice recognizes that arts and cultural components add significant value to the form of public development and provide an opportunity to strengthen community identity and pride.

- Integration of public art into the fabric of the city has both ‘placemaking’ and functional measures. The form of an integrated artwork can be based on concepts that are site specific and culturally relevant to Frankston and the people that use and visit the place. Specific ‘installation’ artworks remain a relevant aspect of urban public art however integrated works provide enormous potential to embed a sense of place.

- Many Council’s across Australia are considering or putting in place Public Art Policy to include between 2.5% to 5% for public art in significant building and infrastructure projects.

- The proposal to utilise a fifteenth of the $13.8M for the Frankston Station Precinct Improvement Project is 6.6% of the total budget. DTPLI have indicated that the percentage contribution towards public art needs to be considered against other project priorities.

- Arts Victoria has advised their grant process require competitive assessment by an independent expert panel to ensure the application is in accordance with the aims and requirements of the fund. Their 14/15 Victorian Public Sculpture Fund closed in February 2014.

- DTPLI recognise the importance of integrating public art into the Frankston Station Precinct Improvement Project. DTPLI support the approach to integrate public art in line with the concept of ‘placemaking’ rather than the approach of the ‘placed’ object as installation/decoration.

- DTPLI have indicated that public art is included in the project scope for the Frankston Station Precinct Improvement Project however no particular allocation has been allowed. The intention is to consult with key stakeholder groups in order to define the selection and type of public art to be integrated.

- DTPLI have indicated that the preferred process for integrating public art in the Frankston Station Precinct Improvement Project is to utilise a public art professional to manage artwork opportunities and appropriate commissioning processes. The intention is to undertake further consultation to ensure the process is driven by local artists, local institutions (such as Chisholm TAFE) the community and Councillors. The process is intended to be open, engaging and consultative in order to deliver public art that meets the community’s aspirations.

**Financial Impact**

- DTPLI have allocated $13.8M to upgrade the Frankston Station Precinct. DTPLI have advised that Public Art is included in the scope although no specific allocation has been made at this point.

- Many Council’s across Australia are considering or putting in place Public Art Policy to include between 2.5 to 5% for public art in significant building and infrastructure projects.

- It should be noted that the figures in the proposal provided by McClelland Gallery need to be reviewed as they do not total $900K as indicated in the proposal or $920K as indicated in the resolution.
Other funding opportunities include:

- Funding from Arts Victoria and the Australia Council for the Arts.
  - Arts Victoria, Victorian Public Sculpture Fund – Applications are closed for 14/15 however an application could be submitted in 15/16.
  - Australia Council for the Arts currently has no featured grants.
- Community Infrastructure Fund (DTPLI), Placemaking Infrastructure Category up to $200K available however the funding ration is DTPLI $1 to Council $3 so requires contribution from FCC.
- Funding from Philanthropic Trusts.
- Establishment of an FCC Cultural Trust with tax deductibility for donations received.
- Projects already funded through Councils 14/15 Capital Works program for Public Art include;
  - CAA Public Arts Program $115K for new artworks.
  - East West Wells, Keys, Thompson Street Improvement Project, includes approximately $85K for new integrated artworks (50/50 funding between DTPLI and FCC).
- Frankston City Council may not be in a position to make any contribution to this project given current budget timing.

Consultation

1. External Stakeholders

DTPLI indicated that during recent consultation for the Frankston Station Improvement Project one of the main findings was that there is a preference from the community for using local artists, focusing on Frankston’s identity and integrating art that responds to the coastal location and Frankston’s history.

External Stakeholders consulted during preparation of this report include:

- DTPLI, Transport Integration Division
- Robert Lindsay, McClelland Gallery
- Arts Victoria

2. Other Stakeholders

Various departments have been consulted in preparation of this report including: Open Space and Leisure, Public Realm, Transport, Infrastructure, Arts and Culture.

Analysis (Environmental / Economic / Social Implications)

Environmental Implications

- A safer Frankston Station Precinct, with integrated Public Art, could encourage more people to use public transport as opposed to using personal vehicles. This could help reduce carbon emissions.
Executive Summary

- Public art can have minimum impact on the environment and can provide an interpretative role in revealing site and cultural history and contribute to environmental narrative and function.

Economic Implications

- The integration of public art into the Frankston Station Precinct through a partnership with McClelland Gallery could help shift people’s perception of Frankston and reinforce Frankston as a leader in arts and culture. In turn this could be used to reposition and market Frankston to visitors.

- Public Art will play an important role in the revitilisation of the Frankston Station Precinct and in turn can improve the local economy.

Social Implications

- Urban Public Art can create a sense of community and civic pride through the celebration of local character and identity that engages and connects with people and place.

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

Legal

Nil.

Policy Impacts

Nil.

Officer’s Declaration of Interests

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

Risk Mitigation

If minor or major artworks are placed within the Frankston Station Precinct prior to completion of the Improvement Project there is a risk that the artworks may need to be moved or relocated to allow for works to happen.

The placement of minor or major artworks from McClelland Gallery may not be well received by local artists and community members who, through recent consultation, indicated a preference for using local artists.
Conclusion

There is an opportunity to partner with McClelland Gallery for the integration of public art in the Frankston Station Precinct Improvement Project.

Frankston City Council and DTPLI support the provision of art in the public realm through best practice processes in collaboration with the community.

Further discussions are required between interested Councillors, McClelland Gallery and DTPLI regarding the Frankston Station Precinct Improvement Project public art opportunities, budget allocations and its implementation.

ATTACHMENTS

Nil
Executive Summary

11.12 Advocacy

Enquiries: (Jacqui Shannon: Corporate Development)

Council Plan
Community Outcome: 3. Sustainable City
Strategy: 3.3 Ensure good governance and management of Council resources
Priority Action 3.3.2 Implement a schedule of reviews of services, plans, policies and protocols to ensure good governance

Purpose
To brief Council on the progress of its advocacy campaign in the lead up to the State election in November.

Recommendation (Director Corporate Development)
That Council notes the report.

Key Points / Issues

- Council has five key priorities for which it is advocating for funding commitments in the lead up to the state election in November, being:
  - Waste transfer station,
  - Transit Interchange - business case for the electrification of the rail line to Baxter,
  - Health and Human Services Hub,
  - Regionals Sports facilities, and
  - Foreshore completion.

- Key initiatives in delivering the advocacy message to both the government and opposition parties, and work done to date, include:
  - Media Plan
    - Plan in draft stage for further discussion with Councillors (to include costings on a mix of media such as print, cinema, TV, online)
    - Meeting held on 15 July with Frankston Leader editor, who has agreed to be supportive. Meeting to be held with Frankston Times.
    - Advocacy double page spread booked for Frankston City News to be distributed in week starting 15 September.
  - Ministerial / political engagement (government and opposition)
    - Verbal briefings done with Premier, Shadow Environment Minister and local MPs on Waste Transfer.
Executive Summary

- Briefed Premier and Opposition Leader and Ministers Mulder and O'Donohue on Transit Interchange.
- Wrote to Minister Mulder on 16 May seeking funding for business case and land for interchange and other infrastructure.
- Meeting with Minister Mary Wooldridge on pharmacotherapy set for 24 July.
- Pharmacotherapy discussion paper circulated to eight ministers.
- Letter to Premier and Leader of Opposition on pharmacotherapy and hub (resulted in Mary Wooldridge meeting set for 24 July)
- Met with Minister O'Donohue on pharmacotherapy.
- Met with Shadow Minister Gavin Jennings on pharmacotherapy.
- Met with local and federal MPs and Sport and Recreation Department on regional sports and recreation facilities.
- Advocated to federal/state governments for funding for Foreshore Completion (some funding received).
- Sought funding for Foreshore Completion from Sport and Recreation Victoria (request denied).
- Provided information to Minister for Ports on Foreshore Completion projects.

  o Local candidate engagement
    - No activity reported to date.

  o Stakeholder engagement
    - Speak Up for Frankston to be used in stakeholder engagement. A ‘look and feel’ under development for use in media and promotional material.
    - Interactive Advocacy – Speak up for Frankston page placed on FCC website and directed at residents.
    - Gained broad support for Transit Interchange from PTV, RDA, VECCI, Port of Hastings Authority, Chisholm TAFE, FBN and local bus companies.
    - Two forums held with industry stakeholders on pharmacotherapy.
    - Met with senior police on pharmacotherapy.
    - Met with Dr Nick Thompson, Melb Uni, to gain support on 13-point plan for Health and Human Services Hub.
    - Met with National Local Govt Drug & Alcohol Advisory Committee on pharmacotherapy.
    - Liaised with Basketball Association

  o Messaging – consistent and linked to Plan Melbourne
    - Advocacy Strategy Plan, with broad messages, developed on 7 July and further work being done on refining messages for each priority prior to 30 July EMT meeting.
11.12 Advocacy

Executive Summary

- Advocacy Group
  - Advocacy Group (CEO, EMT and Media & Comms Coordinator) established early July and meets weekly to oversee Plan.
  - Coordinator (Allison Clark) appointed on 15 July to work with Media & Comms Coordinator on centralised information packs and running sheet of actions and outcomes.

- Information
  - Information pack covering five priorities produced. A more concise version being drafted, to be ready by 30 July.
  - Coordinator (Executive Manager) in CEO's office established to monitor and update activities done on Advocacy action plan
  - Feasibility study done on potential sites for Waste Transfer.
  - Waste Management Strategy developed.
  - Discussion paper developed on Pharmacotherapy model in Frankston.
  - Developed 13-point Plan of Recommendations of two-stage program and establishment of Health and Human Services Hub.
  - Statistics report on usage/memberships done on sports and recreation facilities.
  - Design concepts for expansion of basketball facility prepared for advocacy in September with federal government.
  - Tenders for Frankston Yacht Club received and assessed.

- Over the past twelve months, the political interest in the seat of Frankston has intensified and will reach its peak at the November 2014 State Election.
  - It is important that Council has an Advocacy Strategy in place to take advantage of this political opportunity.
  - Engaging the support of the community will be vital and keeping the community informed on issues will also add to the chances of successful outcomes.
  - Regular reporting to Council meetings is a way of informing the community on the progress of Council’s Advocacy Program.

- A further report on the progress of the campaign will be provided to Council at its meeting on 8 September 2014.

Financial Impact

There are some minor costs associated with developing and delivering the advocacy package, however these are contained within existing budgets.

Consultation

1. External Stakeholders

  Consistent and strong interaction with both the government and opposition is a required part of the campaign.
The local community is to be engaged in parts of the campaign through the development of a grass roots petition and letter campaign.

2. Other Stakeholders

The advocacy priorities have been developed after detailed consultation with Councillors and other key parties.

Analysis (Environmental / Economic / Social Implications)

The delivery of either part or all of the advocacy campaign will provide strong financial impetus to the delivery of projects and activities that will deliver improved economic conditions and lifestyle for the local community.

Legal / Policy / Council Plan Impact

Charter of Human Rights and Responsibilities

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

Legal

Nil

Policy Impacts

The delivery of the advocacy campaign, and its success will deliver on key Council priorities as identified in the Council Plan 2013-2017.

Officer’s Declaration of Interests

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

Risk Mitigation

Nil

Conclusion

Council’s key priorities are predicated on securing state government support as the financial cost of delivering them is well beyond Council’s own financial capacity.

State Government commitment to either some or all of the key priorities will provide a huge impetus to the ongoing economic and social development of the Frankston community.

ATTACHMENTS

Nil
12.1 NOM - 1050 - Branch of Australian Red Cross

On 9 July 2014 Councillor Hampton gave notice of his intention to move the following motion:

On receipt of the invoices, Council approves the amount of up to $1,000, which is to be provided to the Frankston Branch of Australian Red Cross for the re-creation of the “At Home” function celebration to be held in 2015. These funds are to be deducted from Councillor Hampton’s discretionary fund.

COMMENTS BY DIRECTOR CORPORATE DEVELOPMENT

Should this NOM be adopted by Council, then Cr Hampton will have a remaining balance of $15,599.50 left in his discretionary fund.

ATTACHMENTS

Attachment A: Request from Frankston Branch of Australian Red Cross
12.2 NOM 1051 - 5000 Poppies campaign Knitting Material

On 11 July 2014 Councillor Darrel Taylor gave notice of his intention to move the following motion:

That $200 is allocated from my Councillor Discretionary Fund to go towards the 5000 Poppies Campaign to be used to purchase knitting materials.

COMMENTS BY DIRECTOR CORPORATE DEVELOPMENT

Should this NOM be adopted by Council, then Cr Darrel Taylor will have a remaining balance of $19,972.00 remaining in his discretionary fund.

ATTACHMENTS

Attachment A: Supporting Information to 5000 Poppies Project Knitting Material (Under Separate Cover)
12.3 NOM - 1052 Frankston Website App

On 10 July, 2014 Councillor Aitken gave notice of his intention to move the following motion:

| That a meticulous and rigorous enquiry be launched to untangle the mysterious circumstances surrounding the recent presentation of a Frankston “App” proposal involving, amongst other things, widgets and such like. The proposal which gloriously expounded the virtuosity of the said application collapsed under closer curiosity and questioning by certain interested Councillors who were sufficiently alert and driven by a particular sense of scrutiny. The extraordinary circumstances which saw the proposal warmly raised then coldly dumped are respectfully required to be elucidated. |

COMMENTS BY DIRECTOR CORPORATE DEVELOPMENT

A report will be presented at the 18 August 2014 Ordinary Meeting.

ATTACHMENTS

Nil
12.4 NOM 1053 - Management of Projects and Works

On 3 July 2014 Councillor Aitken gave notice of his intention to move the following motion:

That Council adopt a new approach to the management of projects and works in excess of $50K or less if called in by a Councillor.

This new approach is to provide a system where any work intended would be advised to Councillors at the concept or inception stage and that briefings (in a format to be agreed) be provided to all Councillors at more frequent intervals to ensure that the development progress is in accord with Council’s agreement and prevents the derailing or mutation of the project throughout the development stage to completion.

COMMENTS BY DIRECTOR CITY DEVELOPMENT

Council has over 100 projects in the current Capital Works Program that are of the value of $50,000 or greater. Should this NOM be adopted by Council the key impacts will be as follows:

- Council will not fully deliver its Capital Work Program in a given year unless the program is significantly reduced. It is anticipated that approximately 50% of the program would be delivered with this arrangement. Currently Council’s target is 83% of the capital works program within a financial year.
- The proposed Motion will significantly increase the administration cost of the Organisation and will significantly increase the workload of the Councillors as well as staff.
- Unless the current Council briefing schedule is changed, it will be difficult to schedule briefing sessions to brief Council on all projects $50,000 or greater. Considering Council will required to be briefed on a project 2 – 3 times with this arrangement, it is anticipated that over 200 briefing sessions will be required to meet the requirements of the Motion.
- It is not clear whether the intent of this Motion is seeking for Council input in Capital Projects such as renewal of kerb and channel, replacement of major plant, resealing of roads, etc., as there are a number of renewal projects that are $50,000 or greater.

A new project management framework has recently been adopted by the Organisation to improve the delivery of projects, provide good project governance structures and ensure involvement is provided by all key stakeholders at the appropriate project stages. The framework requires involvement from Council on key projects through the monthly capital works briefing or at a separate briefing. It is recommended that this new process is utilised to meet the requirements of the proposed NOM. It is further proposed that a minimum of 1 hour be allocated for the monthly Capital Works Review briefing so that all key projects or projects of interest of the Councillors are adequately discussed with the Councillors to seek input or direction.

A recent enhancement to the capital works process has been to have Councillors involved as part of the Project Steering Group for major projects or projects of interest (for example, Langwarrin Men’s Shed, Frankston Basketball Stadium Redevelopment, PARC).

ATTACHMENTS

Nil
12.5 NOM 1054 - Deadline for Notice of Motions

On 3 July 2014 Councillor Aitken gave notice of his intention to move the following motion:

That Council resolves to accept Notice of Motions up until close of business the Wednesday prior to the Ordinary meeting.

COMMENTS BY DIRECTOR CORPORATE DEVELOPMENT

The timing for the listing of Notices of Motion is contained in Section 76 of Frankston City Council Local Law No.1 – Meeting Procedure. It requires Notices of Motion to be lodged “at least 12 elapsed days prior to the meeting date”.

A review of the Meeting Procedure is currently being conducted, with a further briefing and discussion with Councillors scheduled for 11 August. It is recommended that the change suggested in this Notice of Motion be discussed with Councillors at this briefing and if agreed can be brought back in a consolidated report to Council with any other proposed changes to the Local Law.

ATTACHMENTS

Nil
12.6 NOM 1055 - Frankston Toy Library (Cr Cunial)

On 18 July 2014, Councillor Cunial gave notice of his intention to move the following motion:

| That Council accepts the email from Frankston Toy Library requesting financial assistance for a broad range of toys for children of all ages and abilities and that the amount of $4,000 be given to the Frankston Toy Library from Cr Cunial’s Councillor Discretionary Fund. |

COMMENTS BY DIRECTOR CORPORATE DEVELOPMENT

Council notes the email received from the Frankston Toy Library requesting financial assistance.

Should this NOM be adopted by Council, then Cr Cunial will have a remaining balance of $18,336.00 in his discretionary fund.

It is also recommended that the funds only be provided upon receipt of specific quotes.

ATTACHMENTS

Attachment A: NOM 1055 Frankston Toy Library request for financial assistance email (Under Separate Cover)
15. **CONFIDENTIAL ITEMS**

Section 89(2) of the Local Government Act 1989 enables the Council to close the meeting to the public if the meeting is discussing any of the following:

- Personnel matters;
- The personal hardship of any resident or ratepayer;
- Industrial matters;
- Contractual matters;
- Proposed developments;
- Legal advice;
- Matters affecting the security of Council property;
- Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- A resolution to close the meeting to members of the public.

**Recommendation**

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

**C.1 Proposed Sale of Land at various sites within the municipality**

Agenda Item C.1 Proposed Sale of Land at various sites within the municipality is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

**C.2 Kananook Creek Entrance Dredging Contract 2013/14-4 – Tender Award**

Agenda Item C.2 Kananook Creek Entrance Dredging Contract 2013/14-4 – Tender Award is designated confidential as it relates to contractual matters (s89 2d)

**C.3 Mahogany Neighbourhood Centre**

Agenda Item C.3 Mahogany Neighbourhood Centre is designated confidential as it relates to personnel matters (s89 2a), and contractual matters (s89 2d)