



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 9 FEBRUARY 2015 at 7.02 PM**

PRESENT	Cr. Sandra Mayer (Mayor) Cr. Darrel Taylor Cr. James Dooley Cr. Rebekah Spelman Cr. Glenn Aitken Cr. Suzette Tayler Cr. Brian Cunial Cr. Colin Hampton Cr. Michael O'Reilly
APOLOGIES:	Nil.
ABSENT:	Nil.
OFFICERS:	Mr. Dennis Hovenden, Chief Executive Officer Mr. Tim Frederico, Director Corporate Development Mr. Vito Albicini, Director City Development Mr. Michael Papageorgiou, Manager Planning & Environment Ms. Fiona Johnstone, Coordinator Statutory Planning Ms. Marilyn Miller, Coordinator Media & Communications Ms. Vera Roberts, Council Business Support Officer
EXTERNAL REPRESENTATIVES:	Nil

COUNCILLOR STATEMENT

Councillor Dooley made the following statement:

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

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

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

Chairperson's initials *S. Mayer*

PRAYER

At the request of the Mayor, Councillors, officers and members of the gallery stood while Councillor Aitken read the Opening Prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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



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1. PRESENTATION TO COMMUNITY GROUPS

Nil.

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**Council Decision****Moved: Councillor Dooley****Seconded: Councillor Taylor**

That the minutes of the Ordinary Meeting No. OM266 held on 19 January 2015 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES

Nil.

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Cr Dooley, Taylor and Mayer declared a conflict of interest in Item 11.3: 2015 National General Assembly of Local Government – 14 to 17 June 2015 – Canberra as they are attending the conference and will leave the chambers when discussion on this item takes place.

5. PUBLIC QUESTION TIME

Nil.

6. HEARING OF PUBLIC SUBMISSIONS

Mr. Christi Silke made a submission to Council regarding Item 10.1: Cliff Road Geotechnical Investigation – Report on Public Consultation and Interim and Permanent Planning Controls;

Ms. Christine Richards made a submission to Council regarding Item 10.1: Cliff Road Geotechnical Investigation – Report on Public Consultation and Interim and Permanent Planning Controls;

Ms. Pat Bentley made a submission to Council regarding Item 10.1: Cliff Road Geotechnical Investigation – Report on Public Consultation and Interim and Permanent Planning Controls;

Mr. Neil Chirgwin made a submission to Council regarding Item 10.1: Cliff Road Geotechnical Investigation – Report on Public Consultation and Interim and Permanent Planning Controls;

Mr. David De Giovanni made a submission to Council regarding Item 10.2: Amended VCAT Position - Planning Application 564/2013/P - 484 McClelland Drive Langwarrin - To construct two single storey dwellings to the front and rear of the existing dwelling - Three (3) dwellings;

Ms. Claire Anthony made a submission to Council regarding Item 10.3: Town Planning Application 422/2014/P - 45 East Road, Seaford - To construct one (1) double storey dwelling & two (2) single storey dwelling to the rear of the existing dwelling (four (4) dwellings)

Chairperson's initials *S. Mayer*

7. ITEMS BROUGHT FORWARD

Nil.

8. PRESENTATIONS / AWARDS

The Mayor tabled a Certificate of Appreciation presented to Council from Community Support Frankston for helping make Christmas 2014 more joyful to disadvantaged families in Frankston.

The Mayor tabled a Certificate of Appreciation presented to Council from City Life for the support of the City Life Christmas Day Lunch 2014.

9. PRESENTATION OF PETITIONS AND JOINT LETTERS**Council Decision****Moved: Councillor Taylor****Seconded: Councillor Tayler**

That the Petition in support of keeping the bus interchange in Young Street, Frankston from local traders in Young Street, Frankston containing nearly 400 signatures be received.

Carried Unanimously

Council Decision**Moved: Councillor Taylor****Seconded: Councillor Cunial**

That the Joint Letter requesting for the interim planning protections be put in place at the earliest opportunity was received from the residents of Warringa Road, Frankston be received.

Carried Unanimously

10. CONSIDERATION OF TOWN PLANNING REPORTS**10.1 Cliff Road Geotechnical Investigation - Report on Public Consultation and Interim and Permanent Planning Controls**

(MP Community Development)

Council Decision**Moved: Councillor Taylor****Seconded: Councillor Tayler**

That Council:

1. Notes the findings and recommendations from the Landslide Susceptibility Study – Cliff Road Area
2. Notes the summary of responses from the community consultation sessions.
3. Authorises officers to prepare a request to the Minister for Planning seeking the application of interim planning controls through an Erosion Management Overlay over areas of identified landslide risk.
4. Authorises Officers to prepare a request to the Minister for Planning seeking authorisation to prepare and exhibit a Planning Scheme amendment to permanently apply an Erosion Management Overlay over areas of identified landslide risk, to include the Landslide Susceptibility Study – Cliff Road Area as a Reference Document and to alter the Environmental Risks plan contained in clause 21.05 of the Frankston Planning Scheme to include land that will be subject to the proposed new EMO schedule.

Carried Unanimously

10.2 Amended VCAT Position - Planning Application 564/2013/P - 484 McClelland Drive Langwarrin - To construct two single storey dwellings to the front and rear of the existing dwelling - Three (3) dwellings

(MP Community Development)

Council Decision**Moved: Councillor Taylor****Seconded: Councillor Dooley**

That Council resolves its position to support the issue of a Planning Permit to Planning Permit Application No. 564/2013/P to construct two (2) single storey dwelling to the front and rear of the existing dwelling (three (3) dwellings) subject to the following conditions:

Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, be A1 at 1:100 with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application [Date: Nov 14, Revision: D, prepared by: Modularc] but modified to show:
 - a. The Tree protection zones for all trees to be retained and the tree protection fence locations must be illustrated on all relevant plans.
 - b. Tree protection conditions noted in accordance with Conditions 5, 6, 7, 8, 9 and 10.
 - c. The garage of dwelling 3 amended to a carport and constructed in accordance with condition 10.
 - d. The notation on all relevant plans that "the porous paving is to be constructed above the existing soil grade in accordance with condition 8.
 - e. The storage shed within the rear private open space of dwellings 1 and 3 relocated outside the TPZ (6m) of tree no. 3.
 - f. A Landscape Plan in accordance with Condition 3.
 - g. A Functional Layout Plan in accordance with Condition 12.

No Alteration or Changes

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

Landscaping

3. Before the development starts, a detailed landscape plan prepared by a suitably qualified person to the satisfaction of the Responsible Authority 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;

Chairperson's initials *S. Mayer*

- e. a planting theme of a minimum 20% indigenous, 40% native and 40% exotic within each plant group; and
- f. Canopy trees to a minimum mature height of five metres (minimum two metres tall when planted) in the following areas;
 - (i) one (1) within the front setback
 - (ii) one (1) within the landscape area between dwelling 2 and the accessway
 - (iii) one (1) within the private open space of all dwellings

Trees are not to be sited over easements.

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

Completion of landscaping

- 4. The landscaping as shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority before the development is occupied unless a later date is approved by the Responsible Authority in writing.

Environment

Tree Protection

- 5. Tree protection must be carried out in accordance with the Australian Standard AS 4970-2009 Protection of trees on development sites to the satisfaction of the Responsible Authority.
- 6. Prior to the commencement of the development (including vegetation removal), a Tree Protection Fence defined by a 1.8 metre high (minimum) temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting with a high visibility plastic hazard tape, must be installed 3.6m (to the edge of the exiting driveway north side) from tree no. 1, 2.2m from tree no. 2, 6m from tree no. 3, 12m (adjusted to 1m from the building footprint) from tree no. 7 to the satisfaction of the Responsible Authority. A fixed sign is to be provided on all visible sides of the Tree Preservation Fencing, stating "Tree Preservation Zone – No entry without permission from Frankston City Council".

The requirements below must be observed within this area -

- a) Coarse mulch laid to a depth of 50-100 mm.
- b) No vehicular or pedestrian access (within fenced areas).
- c) The existing soil level must not be altered either by fill or excavation (excluding building footprint within TPZ of tree no. 7).
- d) The soil must not be compacted or the soil's drainage changed.
- e) No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are to be disposed of or stored.
- f) No storage of equipment, machinery or material is to occur.
- g) Open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used unless approved by the Responsible Authority to tunnel beneath;
- h) Nothing whatsoever including temporary services wires, nails, screws or any other fixing device is to be attached to any tree.
- i) No building or any other structure is to be erected except for the storage shed dwelling 3 which is to be constructed above the existing soil grade).
- j) Tree roots must not be severed or injured. Any tree roots requiring removal must be cleanly pruned by an arborist (where approved).

Chairperson's initials *S. Mayer*

- k) Machinery must not be used to remove any existing concrete, bricks or other materials.
7. Prior to the commencement of construction the following tree protection conditions apply within the Tree Protection Zones for tree no. 1 (3.6m), tree no. 4 (3.6m), tree no. 5 (3.4m) and tree no. 6 (4.8m). All tree protection conditions must be undertaken to the satisfaction of the Responsible Authority.
- a) To avoid compaction and damage to the tree trees a layer of organic mulch 200 mm thick must be laid with rumble planks/ crossing planks laid above the mulch immediately after the existing driveway is removed. This ground protection is to be maintained until the construction of the new driveway is completed.
 - b) No excavation works are permitted for the construction of the driveway.
 - c) The existing driveway is to be removed by hand with works overseen by a suitably qualified and experienced Arborist.
 - d) No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are to be disposed of or stored.
 - e) No storage of equipment, machinery or material is to occur.
 - f) Open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used unless approved by the responsible authority to tunnel beneath.
 - g) If property boundary fencing is to be removed, a tree protection fence defined by a 1.8 metre high (minimum) temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting with a high visibility plastic hazard tape, must be installed at the property fence line.
 - h) If machinery is used to remove existing structures, concrete, bricks or other materials it must be located outside of the defined Tree Protection Zones with ONLY the main arm of the machine reaching into this Zone.
 - i) The carport of dwelling 3 is to be constructed in accordance with condition 10.
8. Within areas nominated as 'Herringbone Porous Paved Driveway' as shown on the plans prepared by Modularc dated November 2014. The driveway must be constructed above the existing soil grade. The Paving is to be porous and pH neutral.

Hand dig footings

9. Within the tree protection zone of any tree being retained on site or on the adjoining property, excavation for fence footings must be hand dug and overseen by a suitably qualified and experienced Arborist. Any roots with a diameter greater than 40 mm are to be retained and the footing relocated. Small roots to be hand trimmed in accordance with AS4373-2007.
10. Root sensitive footings are to be used where any part of building works for the carport comes within a 4.8 metre Tree Protection Zone radius of Tree no. 6. If used, the beam must be designed to be positioned above soil grade to minimise soil excavation and root severance. Footings must be selectively placed with consideration for any significant tree roots that may be present within the soil profile. Minor excavation by hand to 0.5 m deep must be undertaken at the points of footing placements to determine if any significant roots are present. Roots greater than 40 mm in diameter are deemed significant. If such roots are encountered the positioning of the footings must be altered to provide at least 0.3 m of clearance from the roots. An Arborist must be present when undertaking any excavation within the Tree Protection Zones, or if any tree roots are uncovered. The finished surface must be located above the existing soil grade and be porous.

Tree Pruning

11. Any pruning or removal of tree limbs, particularly hollow-baring tree limbs, must be to the minimum extent necessary. All tree pruning is to be carried out by a qualified and experienced Arborist who has a thorough knowledge of tree physiology and pruning methods. Pruning must be carried out in accordance with Australian Standard AS4373-2007 Pruning of Amenity Trees. If pruning works are to be undertaken then these works should be carried out prior to any construction works beginning on site. Any pruning of trees located on a neighbouring property should be undertaken in consultation with the property owner.

Drainage

12. Prior to the commencement of the development, a functional layout plan showing details of roadworks, drainage and associated works must be provided and constructed at the expense of the Developer in accordance with plans and specifications approved by Council and must include as appropriate details of:-
- Construction of full pavement construction across the existing road shoulder, kerb & channel, and shared footway along the entire site frontage with connection to the existing infrastructure to the north of site at Beech Street.
 - Vehicle crossing
 - Road Pavement Design/Makeup
 - Drainage System Design/Layout and 100 year flow paths to be accommodated
 - Traffic Management linemarking
 - Amenity Control during Construction
13. Provision of a Stormwater Detention System with a volume capable of retarding the 10 year ARI flow from the development site back to a 5 year ARI pre-development value on-site to the satisfaction of the Responsible Authority.
14. 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 must be submitted to and approved by the Responsible Authority.
15. Water Sensitive Urban Design principles (WSUD) must be incorporated into the drainage design, which may include but not 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.
16. Vehicle crossing must be constructed to Frankston City Council's standards and specifications.
17. Before the development is occupied, areas set aside for parking vehicles, paths and driveway as shown on the endorsed plans must be:
- a. Properly formed to such levels that they can be used in accordance with the plans;
 - b. Surfaced with an all-weather sealcoat; and

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

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

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

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

All relevant permits and/or other approvals must be obtained from Council for works within the existing road reserves prior to works taking place on or across Council controlled land.

Urban Design

19. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties.

20. A mailbox must be provided to the proposed dwelling as specified by the Responsible Authority and Australia Post.

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

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

Completion of Buildings and Works

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

Permit Expiry

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

a. The development is not commenced within two (2) years of the date of this permit.

b. The development is not completed within four (4) years of the date of this permit.

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

Carried

For the Motion: Crs Aitken, Dooley, Mayer, O'Reilly, Spelman, Tayler and Taylor

Against the Motion: Crs Cunial and Hampton

Chairperson's initials *S. Mayer*

10.3 Town Planning Application 422/2014/P - 45 East Road, Seaford - To construct one (1) double storey dwelling & two (2) single storey dwelling to the rear of the existing dwelling (four (4) dwellings).

(MP Community Development)

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 422/2014/P for construct one (1) double storey dwelling & two (2) single storey dwellings to the rear of the existing dwelling (four (4) dwellings) at 45 East Road, 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 with the application but modified to show:
 - (a) Dwelling 1's secluded private open space to be increased in width from 3.5 metres to 4.2 metres to comply with Clause 55.05-5 of the Frankston Planning Scheme.
 - (b) A Construction Environmental Management Plan in accordance with Condition 11.
 - (c) Pedestrian corner splays to be incorporated into the accessways in accordance with Clause 52.06-8 of the Frankston Planning Scheme.
 - (d) A landscape plan in accordance with Condition 3.
 - (e) Outdoor lighting in accordance with Condition 15.

No Alterations

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

Landscaping

3. Before the commencement of buildings and works, a 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) 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) 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;
 - d) The location of each species to be planted;
 - e) A planting theme of a minimum 40% indigenous and 20% native species within each planting group;
 - f) A range of plant types from ground covers to large shrubs and trees;

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- g) Adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
- h) The delineation of garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
- i) Canopy trees (minimum two metres tall when planted) in the following areas:
 - (i) One (1) within the private open space of (all) dwellings (minimum mature height 6m);
 - (ii) Two (2) small trees within the internal driveway access.

Completion of Landscaping

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

Drainage

- 5. 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.
- 6. Prior to the 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 system including the method of connection to the existing Council drainage infrastructure area to be submitted and approved to the satisfaction of the Responsible Authority.
- 7. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
 - On-site stormwater detention and rainwater tanks.
 - Soil percolation
 - Stormwater harvesting and Re-use of stormwater for garden watering, toilet flushing, etc
 - On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.
- 8. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
- 9. Prior to occupation of the dwellings hereby permitted by this permit, areas set aside for parking vehicle, access lanes and paths as shown on the endorsed plans must be :-
 - (a) Constructed to the satisfaction of the Responsible Authority;
 - (b) Properly formed to such levels that they can be used in accordance with the plans;
 - (c) Surfaced with an all-weather sealcoat; and
 - (d) Drained and maintained to the satisfaction of the Responsible Authority.Car spaces, access lanes and driveways must be kept available for these purposes at all times.

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

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

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

Construction and Environment Management Plan

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

- a. Contact Numbers of responsible owner/contractor including emergency/24 hour mobile contact details
- b. Identification of possible environmental risks associated with development works
- c. Response measures and monitoring systems to minimise identified environmental risks, including but not limited to vegetation protection, fauna protection, runoff, erosion, dust, litter, noise and light.
- d. Location of all stockpiles and storage of building materials.
- e. Location of parking for site workers and any temporary buildings or facilities.
- f. Details to demonstrate compliance with relevant EPA guidelines.
- g. Hours during which construction activity will take place.

Urban Design

12. 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.
13. Mailboxes shall be provided to the proposed dwelling/s to the satisfaction of the Responsible Authority and Australia Post.
14. All plumbing work, sewer pipes etc. (except for spouting and stormwater pipes) associated with the new dwelling shall be concealed from general view.
15. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

Completion of Buildings and Works

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

Permit Expiry

17. This permit will expire if:

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

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

Notes

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

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

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Taylor

That Council resolves to issue a Refusal to Grant a Planning Permit in respect to Planning Application No. 422/2014/P to construct one (1) double storey dwelling and two (2) single storey dwellings to the rear of the existing dwelling (four (4) dwellings) at 45 East Road, Seaford, on the following grounds:-

1. The proposal does not respect the existing or preferred neighbourhood character and does not comply with Clause 55.02-1 – Neighbourhood Character and Clause 22.08 – Neighbourhood Character of the Frankston Planning Scheme.
2. The proposal does not have an appropriate level of landscaping.
3. The proposal does not provide an appropriate level of permeability.
4. The proposal does not comply with the required number of visitor spaces required under Council's Multi Dwelling Visitor Car Parking Guidelines.
5. The proposal is an overdevelopment of the site.

Carried Unanimously

Chairperson's initials *S. Mayer*

**10.4 Planning Application No. 458/2014/P - 97R Robinsons Road, Frankston -
Restricted Club Liquor licence for Frankston Baseball Club**

(MP Community Development)

Council Decision**Moved: Councillor Taylor****Seconded: Councillor Tayler**

That Council resolves to issue a Notice of Decision in respect to Planning Permit Application number 458/2014/P for the use of the land to sell or consume liquor (Restricted Club Liquor Licence) for the Frankston Baseball Club at 97R Robinsons Road, Langwarrin, subject to the following conditions:

No Alterations

1. The licensed area as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Liquor Licence Requirements

2. Unless with the prior written consent of the Responsible Authority, the selling or consumption of alcohol must only take place at the premises during the following hours:

Thursday & Friday	5:00pm – 11:00pm
Saturday	12:00 noon – 12:00 midnight
Sunday	12:00 noon – 8.00pm

3. The serving of alcohol must only occur 1 April – 30 September.

Amenity

4. The licensee/permit holder shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence/permit relates during or immediately after trading hours authorised by the licence/permit.

Permit Expiry

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

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

Notes

- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- B. The owner/applicant of the subject site should join and comply with the Frankston Liquor Industry Accord, which requires the member to serve liquor in a responsible manner.
- C. Any request for a time extension for 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:

Chairperson's initials *S. Mayer*

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

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

Carried Unanimously

10.5 Planning Application 518/2014/P - 1/4 Stephenson Road, Seaford - To use the land for a Food & Drink Premises (tavern), sell or consume liquor and reduction of car parking spaces

(MP Community Development)

Council Decision

Moved: Councillor Taylor

Seconded: Councillor Spelman

That Council resolves to issue a Notice of Refusal to Grant a Planning Permit in respect to Planning Permit Application number 518/2014/P to use the land for a Tavern and to sell or consume liquor and associated reduction of car parking on the following grounds:

1. The proposal is inconsistent with the objectives of the State and Local Planning Policy Framework of the Frankston Planning Scheme, including:
 - a. Clause 17.02-1 – Industrial Land Development
 - b. Clause 21.04 - Settlement
2. The proposed use does not satisfy the purpose of Clause 33.01- Industrial 1 Zone of the Frankston Planning Scheme.
3. The proposal does not satisfy the purpose of Clause 52.27 - Licensed Premises of the Frankston Planning Scheme.
4. The proposal would have a detrimental effect on the amenity of the locality.

Carried Unanimously

10.6 December Town Planning Progress Report

(MP Community Development)

Recommendation (Director Community Development)

1. That Council receives and notes the report.

Council Decision**Moved: Councillor Aitken****Seconded: Councillor Dooley**

1. That Council receives and notes the report.
2. The CEO is instructed to devise a draft policy and associated guidelines that would require planning applications of interest to Council be automatically reported to Council with such guidelines to be presented to a briefing no later than April 2015.

Carried Unanimously

10.7 Greening Our Future: Environment Strategy

(MP Community Development)

Recommendation (Director Community Development)

That Council:

1. Adopts the Greening Our Future: Environment Strategy 2014-24.
2. Notes that the Environment Strategy's proposed expenditure of \$400,000 for the 2015-2016 financial year will be subject to Council's normal budget approval process.

Council Decision

Moved: Councillor Taylor

Seconded: Councillor Spelman

That Council:

1. Adopts the Greening Our Future: Environment Strategy 2014-24.
2. Notes that the associated costs will be subject to Council's normal budget approval process.

Carried Unanimously

11. CONSIDERATION OF REPORTS OF OFFICERS**11.1 Capital Works Quarterly Report (October - December) 2014/15**

(CD City Development)

Council Decision**Moved: Councillor Hampton****Seconded: Councillor Taylor**

That Council receives and notes the quarterly (October - December) progress report for the 2014/15 Capital Works Program.

Carried Unanimously

**11.2 Proposed Lease of Council Land for a Telecommunications Facility (Existing) -
2/185N Cranbourne-Frankston Road Langwarrin (Lloyd Park Reserve)**

(GV Corporate Development)

Council Decision**Moved: Councillor Hampton****Seconded: Councillor Mayer**

That:

1. In accordance with s.190(3)(b) of the *Local Government Act 1989* and having complied with the provisions of s.223 of the *Act* with no submissions received, Council resolves to enter into a lease agreement with Crown Castle Australia, in respect of part of the Crown Land at 2/185N Cranbourne-Frankston Road Langwarrin, being part of Crown Allotment 1A Section B in the Parish of Langwarrin, County of Mornington, permanently reserved for Public Recreation, for a term of fifteen (15) years, for the sum of \$25,000 plus GST per annum, for the purposes of a Telecommunications facility.
2. The Chief Executive Officer be authorised to finalise lease negotiations.
3. The lease agreement be signed and sealed.

Carried UnanimouslyChairperson's initials *S. Mayer*

11.3 2015 National General Assembly of Local Government - 14 to 17 June 2015 - Canberra

(AC Chief Executive Office)

The Mayor, Crs Dooley and Taylor declared a conflict of interest, as they are attending the conference. The Mayor, Crs Dooley and Taylor left the chamber at 8.02 pm while discussion on this item took place.

Cr Aitken to chair the meeting

Council Decision**Moved: Councillor Hampton****Seconded: Councillor Tayler**

That:

1. The Mayor Cr Sandra Mayer, Cr Darrel Taylor and Cr James Dooley*, be registered to attend the National General Assembly held from the 14 to 17 June 2015 in Canberra and that expenditure for each attending Councillor be approved.
2. Following the National General Assembly, the attending Councillors present to a Councillor Briefing on the Conference and any meetings held in Canberra.

Carried Unanimously

The Mayor returned to the chamber at 8.03 pm and resumed in the Chair

Cr. Taylor returned to the chamber at 8.03 pm

Chairperson's initials *S. Mayer*

11.4 Loss of parking near Chisholm TAFE - Fletcher Road, Frankston

(BH City Development)

Recommendation (Director City Development)

That:

1. Council supports the proposed plan to remove two (2) on street car parking spaces fronting Chisholm TAFE due to safety issues at the vehicle access.
2. Officers write to the Chisholm TAFE requesting that additional parking be provided off street as part of any future development, and that that Chisholm TAFE provide a report to Council in relation to the Chisholm TAFE's long term plans for off street parking to cater for increasing demand.

Council Decision

Moved: Councillor Taylor

Seconded: Councillor Aitken

That:

1. Council supports the proposed plan to remove two (2) on street car parking spaces fronting Chisholm TAFE due to safety issues at the vehicle access.
2. Officers write to the Chisholm TAFE requesting that additional parking be provided off street as part of any future development, and that Chisholm TAFE provide a report to Council in relation to the Chisholm TAFE's long term plans for off street parking to cater for increasing demand.
3. CEO prepares a preliminary report that investigates the impact on residents due to parking around Chisholm TAFE identifying the costs and the scope of the area to be studied, to be brought back to Council by April 2015.

Carried Unanimously

Cr Dooley returned to the chamber at 8.04 pm

Chairperson's initials *S. Mayer*

11.5 Minutes of the Frankston Arts Board Councillors Dinner Meeting

(GK Community Development)

Council Decision**Moved: Councillor Taylor****Seconded: Councillor Dooley**

That:

1. Council endorses the Minutes of the Frankston Arts Board Councillors' Dinner Meeting and supports the Board's proposed public art program, which is within existing budget for 2014- 2015, and recommends:
 - Steibel Place, Gallery Lane and White Street Mall be the first locations for street art. The art shall not include graffiti art or art that includes lettering. The Board's final selections of proposed images will be submitted to Councillors for agreement.
 - Two to three Heritage Trail sites be identified and incorporated into city centre works including the Wells Street project. The recommended art will be subject to Council approval through the specific Council project report.
 - Sculpture trail sites be identified in conjunction with McClelland Gallery subject to the Board's endorsement and Council approval. The first site is recommended to be Mile Bridge for the 'Tree of Life' sculpture. The 'Tree of Life' must be relocated from its current site by April 2015.
 - The Board reviews the most appropriate process to install art on the Frankston Arts Centre flytower subject to Council approval. It is proposed that approval is sought in April 2015 and advertised for the project to be completed in a one step project over two final years commencing by June 2015.
 - An artist work with young people to produce art consistent with the Latin American 'Queen of the Seas' festival and the art be installed for the period of the Ventana Festival and if it is well received by the community for a period consistent with 'fair wear and tear'.
 - Council purchase the bronze crab sculpture depicted in the attachments for a price of \$10K and location for installation be further discussed with Councillors to get the best outcome for the city.
2. Council notes the establishment of an Arts Acquisition and Commissioning sub-committee of the Board with Ms Eisen and Ms Colwill as members. The sub-committee will recommend arts works to the Board and subsequently the Board's recommendations will be subject to Council approval.

Carried Unanimously

Chairperson's initials *S. Mayer*

11.6 Council Plan Quarterly Performance Report for October to December 2014
(BA Corporate Development)

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Dooley

That Council receives and notes the Council Plan Quarterly Performance Report as at 31 December 2014.

Carried Unanimously

12. NOTICES OF MOTION**12.1 NOM 1079 - Waste Transfer Station Vouchers for Frankston Residents**

(CM Chief Executive Office)

That the CEO prepares a report for consideration by Council on the feasibility of the reintroduction of tip (Waste Transfer Station) tickets to residents of Frankston. The report should align with the opening of the new Waste Transfer Station late in 2015.

Council Decision**Moved: Councillor Cunial****Seconded: Councillor Hampton**

That the CEO prepares a thorough report for consideration by Council on the feasibility of the reintroduction of Waste Transfer Station tickets or other options to residents of Frankston. The report should align with the opening of the new Waste Transfer Station late in 2015.

Carried

For the Motion: Crs Aitken, Cunial, Hampton, Mayer, O'Reilly, Spelman, Tayler and Taylor

Against the Motion: Cr Dooley

12.2 NOM 1080 - Minister for Local Government - Commitment of Councillors

(CM Chief Executive Office)

Cr. Cunial left the chamber at 8.30 pm

Cr. Cunial entered the chamber at 8.34 pm

That Council contact the Minister for Local Government seeking that an inclusion be made in the Local Government Act that would ensure a minimum level of input from Councillors elected to office.

Council Decision**Moved: Councillor Aitken****Seconded: Councillor Dooley**

- A. That Council contact the Minister for Local Government seeking that an inclusion be made in the Local Government Act that would ensure a minimum level of input from Councillors elected to office.

Lost

For the Motion: Crs Aitken, Cunial, Dooley and Mayer

Against the Motion: Crs Hampton, O'Reilly, Spelman, Tayler and Taylor

Council Decision**Moved: Councillor Aitken****Seconded: Councillor Dooley**

- B. That Councillor attendance at briefings be included in the Annual Report.

Carried Unanimously

12.3 NOM 1081 - Conference/Workshop -Accountability of Councillors

(CM Chief Executive Office)

Cr. Tayler left the chamber at 8.49 pm

Cr. Tayler entered the chamber at 8.51 pm

Council Decision**Moved: Councillor Aitken****Seconded: Councillor Dooley**

That any Councillor who attends a workshop/conference at a significant cost to the residents of Frankston, which would involve either/or flights, accommodation etc, that the Councillor return a report to full Council with details of their attendance activities i.e. how many sessions were offered and how many sessions were attended with a timeline chart of attendance and also detailing the benefits obtained as well as listing opportunities that would benefit our City.

Carried

For the Motion: Crs Aitken, Cunial, Dooley, Hampton and Mayer

Against the Motion: Crs O'Reilly, Spelman, Tayler and Taylor

Chairperson's initials *S. Mayer*

13. LATE REPORTS

Nil.

14. URGENT BUSINESS**Abandoned Shopping Trolleys**

That Cr. Taylor moved the following matter to be accepted as Urgent Business.
*That the Council adopts zero tolerance policy to abandoned shopping trolleys.
Shopping trolleys that are confiscated by Council be sold for scrap.*

Mayor ruled that the matter did not comply with the definition of Urgent Business under the Meeting Procedure Local Law No 1, Section 89 and therefore was not put.

15. CONFIDENTIAL ITEMS**Council Decision****Moved: Councillor Cunial****Seconded: Councillor Aitken**

That the Ordinary Council Meeting at 9.10 pm 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 Appointment and Authorisation of Council Staff

Agenda Item C.1 Appointment and Authorisation of Council Staff 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 Miscellaneous Grants Program Review

Agenda Item C.2 Miscellaneous Grants Program Review 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.3 Frankston Arts Board - Membership

Agenda Item C.3 Frankston Arts Board - Membership is designated confidential as it relates to personnel matters (s89 2a)

C. Contractual Matters - Transfer of 404 Ballarto Road, Skye to the Country Fire Authority

Agenda Item C. Contractual Matters - Transfer of 404 Ballarto Road, Skye to the Country Fire Authority is designated confidential as it relates to contractual matters (s89 2d)

Carried Unanimously

The meeting moved into Closed Council at 9.10 p.m.

CONFIRMED THIS

DAY OF

2015

.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Sandra Mayer, Chairperson – Council Meeting hereby authorise the use of a stamp of my initials to initial each page of these Minutes of the Council Meeting held on Monday, 9 February 2015, confirmed on Monday, 2 March 2015.

.....
(Cr. Sandra Mayer, Chairperson – Council Meeting)

Dated this

day of

2015