



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 13 APRIL 2015 at 7.01 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 Dr. Gillian Kay, Director Communities Development Mr. Vito Albicini, Director City Development Mr. Michael Papageorgiou, Manager Planning & Environment Ms. Fiona Johnstone, Coordinator Statutory Planning Ms. Kelly Ross, Coordinator Media & Communications Ms. Vera Roberts, Officer Council Business Support
EXTERNAL REPRESENTATIVES:	Nil

COUNCILLOR STATEMENT

Councillor O'Reilly 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, Councillor Spelman read the Opening Prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Councillor Dooley 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 Hampton****Seconded: Councillor Aitken**

That the minutes of the Ordinary Meeting No. OM269 held on 23 March 2015 AND Special Meeting No. SP188 held on 7 April 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 Hampton declared an interest in Item C.2: Award of Contract No. 2014/15-70 Golf Links Road Reconstruction and advised he will leave the chambers while discussion takes place. Cr Hampton advised that he lives on Golf Links Road.

5. PUBLIC QUESTION TIME

One (1) person submitted questions to Council. As the person was not present in the Gallery, a written response will be provided. The questions and answers are contained in the Appendix.

6. HEARING OF PUBLIC SUBMISSIONS

Mr. Jim Coombes made a submission to Council regarding Item 10.1: Planning Application 569/2013/P - 290 Nepean Highway, Seaford - To construct a four (4) storey apartment building containing twenty two (22) apartments and alter access to a Road Zone Category 1;

Mr. Trevor Nock on behalf of Kananook Creek Association Inc made a submission to Council regarding Item 10.1: Planning Application 569/2013/P - 290 Nepean Highway, Seaford - To construct a four (4) storey apartment building containing twenty two (22) apartments and alter access to a Road Zone Category 1;

Mr. Neville Deutscher made a submission to Council regarding Item 10.2: Application for Planning Permit No. 635/2014/P - 39 Hillcrest Drive, Langwarrin - To construct one (1) outbuilding and to build outside of the building envelope;

Mr. David Veith made a submission to Council regarding Item 10.2: Application for Planning Permit No. 635/2014/P - 39 Hillcrest Drive, Langwarrin - To construct one (1) outbuilding and to build outside of the building envelope;

Mr. Peter Hudd made a submission to Council regarding Item 10.2: Application for Planning Permit No. 635/2014/P - 39 Hillcrest Drive, Langwarrin - To construct one (1) outbuilding and to build outside of the building envelope;

Mr. Greg Norton made a submission to Council regarding Item 10.3: Post War Modernist Heritage Study (Stage 2) - Individual Citations - Request to prepare and exhibit Planning Scheme Amendment;

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Ms. Thalia Papamichael made a submission to Council regarding Item 10.3: Post War Modernist Heritage Study (Stage 2) - Individual Citations - Request to prepare and exhibit Planning Scheme Amendment;

Ms. Angelique Maria Gazanov made a submission to Council regarding Item 10.1: Planning Application 569/2013/P - 290 Nepean Highway, Seaford - To construct a four (4) storey apartment building containing twenty two (22) apartments and alter access to a Road Zone Category 1;

Cr Cunial left the Chamber at 7.52 pm

Cr Cunial returned to the Chamber at 7.56 pm

Mr. Luke Nieboer made a submission to Council regarding Item 10.1: Planning Application 569/2013/P - 290 Nepean Highway, Seaford - To construct a four (4) storey apartment building containing twenty two (22) apartments and alter access to a Road Zone Category 1;

Mr. Trevor Nock made a submission to Council regarding Item 11.4: Adoption of Governance Local Law No. 1;

Ms. Deborah Wilson made a submission to Council regarding Item 12.1: NOM 1094 - Langwarrin Community Garden Working Group;

Ms. Linda Waghorn made a submission to Council regarding Item 12.1: NOM 1094 - Langwarrin Community Garden Working Group;

Mr. Mohamed Hussein made a submission to Council regarding Item 12.1: NOM 1094 - Langwarrin Community Garden Working Group.

7. ITEMS BROUGHT FORWARD

Council Decision

Moved: Councillor Taylor

Seconded: Councillor Tayler

That the following Items be brought forward:

- Item 10.3: Post War Modernist Heritage Study (Stage 2) - Individual Citations - Request to prepare and exhibit Planning Scheme Amendment;
- Item 11.4: Adoption of Governance Local Law No. 1
- Item 12.1: NOM 1094 - Langwarrin Community Garden Working Group.

Carried Unanimously

8. PRESENTATIONS / AWARDS

The Mayor, Cr Sandra Mayer presented the Australian Tourism Award – Visitor Information and Services Category. This award has been won for the third year in a row and we are now entered into the National Hall of Fame. The Mayor congratulated all staff, volunteers and Councillors.

Chairperson's initials *S. Mayer*

9. PRESENTATION OF PETITIONS AND JOINT LETTERS**Council Decision****Moved: Councillor Hampton****Seconded: Councillor Cunial**

That the petition submitted by the residents and visitors to Frankston containing 250 signatures drawing attention to the community support in moving bus stops from Young Street to the other side of the Frankston Station be received.

Carried Unanimously

ITEMS BOUGHT FORWARD**10.3 Post War Modernist Heritage Study (Stage 2) - Individual Citations - Request to prepare and exhibit Planning Scheme Amendment**
*(MP Community Development)***Council Decision****Moved: Councillor Tayler****Seconded: Councillor Spelman**

That Council defer this item for further consultation.

Lost

For the Motion: Crs Dooley, Mayer, Spelman and Tayler

Against the Motion: Crs Aitken, Cunial, Hampton, O'Reilly and Taylor

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

That Council seek authorisation from the Minister for Planning to prepare and exhibit a Planning Scheme Amendment to add the nominated properties listed in the Report to the Heritage Overlay of the Frankston Planning Scheme.

Carried

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

Against the Motion: Crs Dooley, Spelman and Tayler

11.4 Adoption of Governance Local Law No. 1

(MC Corporate Development)

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

That:

1. Having complied with the requirements of the *Local Government Act* 1989, and having considered all written and verbal submissions in respect to the proposed local law, Council resolves to make Governance Local Law No. 1 (as attached) noting the minor modifications that have been made to the advertised draft in response to submissions;
2. Governance Local Law No. 1 be signed and sealed;
3. Notice of the making of Governance Local Law No. 1 be published in the Victoria Government Gazette;
4. The local law comes into effect on the day following publication of the notice in the Victoria Government Gazette;
5. Submitters be notified in writing of Council's decision to make the local law, and of the reasons for the decision;
6. A copy of Governance Local Law No. 1 be forwarded to the Minister for Local Government; and
7. Council adopts the Public Submissions and Question Time Policy and related procedure documents (as attached).

Carried Unanimously

12.1 NOM 1094 - Langwarrin Community Garden Working Group

(MT Chief Executive Office)

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

That Council hold a meeting with the Langwarrin Community, and Officers prepare a report to consider giving a portion of Malcom Reserve to the Langwarrin Community Garden Working Group for development of a community garden. That Council also notes Langwarrin Community Centre has received funding to establish a gardening program at their Centre for their current Centre users including the child care services during operating hours. The proposed Langwarrin Community Garden at Malcolm Road will be open to all residents and available at a range of times including weekends to allow for diverse community participation.

Carried Unanimously

10. CONSIDERATION OF TOWN PLANNING REPORTS

10.1 Planning Application 569/2013/P - 290 Nepean Highway, Seaford - To construct a four (4) storey apartment building containing twenty two (22) apartments and alter access to a Road Zone Category 1

(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 569/2013/P to construct a four (4) storey apartment building at 290 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 with the application (or some other specified plan) but modified to show:
 - (a) A landscape break (adjacent to the outbuilding located on the common boundary) with a setback of 4.5 metres from the north boundary and a length of 4 metres to accommodate a canopy tree.
 - (b) Proposed building reduced by 500mm width on all levels to achieve commensurate increase in setback to the north boundary.
 - (c) North facing windows to living areas for Apartments 1, 11 and 14.
 - (d) Apartments 11 and 18 balconies with minimum 1.6m width for the full 8sqm of Secluded Private Open Space.
 - (e) Apartment 5 and 6 balconies extended to the eastern elevation of each apartment.
 - (f) Windows to north and south elevations minimising overlooking and the use of screening through the angling of windows, protruding elements with side windows facing west and east, or other means.
 - (g) The west (Nepean Highway) elevation modified to create two distinctive facades to distinguish the different sections of the building, including:
 - i. Second floor roofs featuring different designs, with one half capped concrete and the other angled.
 - ii. A feature canopy over the front wall and entrance.
 - iii. The 'fin' wall between the buildings reduced in width and height so that it does not protrude beyond the balcony of the first floor and is no higher than the parapet of the first floor.
 - (h) On the north and south elevations:
 - i. Further detailing on the west end of the south elevation and the east and west ends of the north elevation, to break up the blank sections of wall on the ground and first floor levels. The west ends on both elevations must feature vertical element(s) consistent with those on the Nepean Highway (west) elevation.
 - ii. Use of awnings and/or louvres above windows and wrapping elements around the corners of the building, or other such details to provide additional articulation and interest.
 - (i) Pedestrian access to the rear communal open space from ground level, from side and/or rear exits to the building. The access must meet accessibility requirements.

- (j) Pedestrian paths along side setbacks to provide access to the rear communal open space.
- (k) Carpark rearranged to provide visitor spaces and space for manoeuvring outside the security grille.
- (l) 'No Stopping Zone' in accordance with VicRoads requirements (Condition 39).
- (m) Screening of air conditioning units.
- (n) Printed schedule of cladding colours and materials.
- (o) All trees growing on the site and on the adjoining properties within 3m of the site boundaries clearly illustrated on all relevant plans to demonstrate canopy width, trunk location and clearly labelled with botanical name and whether the tree is to be retained or removed.
- (p) The Vegetation Protection Zone and protection fence location illustrated on all relevant plans.
- (q) Vegetation protection conditions noted in accordance with Condition 5.
- (r) A Bushfire Landscape Management Plan in accordance with Conditions 3, 35 and 41.
- (s) A Construction Environmental Management Plan in accordance with Conditions 7 and 31.
- (t) Drainage Plan in accordance with Condition 13.
- (u) Carpark Management Plan in accordance with Condition 16.
- (v) Site Management Plan in accordance with Condition 33.

No Alterations

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

Landscaping

3. Before the commencement of buildings and works, a 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) details of surface finishes of pathways and driveways, retaining walls and areas of cut and fill;
 - (d) The removal of all existing environmental weed species from the site;
 - (e) All pathways provided must be permeable;
 - (f) 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;
 - (g) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;
 - (h) The proposed planting must be provided at adequate planting densities e.g. plants with a mature width of 1.0 metre must be planted at 1.0 metre intervals;
 - (i) All plants are to be provided within defined mulched garden bed areas;
 - (j) A planting theme of a 100% locally indigenous species;
 - (k) A layered landscape screen to the rear of the proposed building;
 - (l) Trees and large shrubs (of 5-7m height at maturity) in the front and side setbacks;

- (m) Revegetation along the frontage to Kananook Creek in accordance with Melbourne Water requirements;
- (n) Canopy trees that have a minimum mature height of five metres provided in suitable locations across the site, including at least three within the front setback, one within the northern landscape break, and others in the rear setback. The trees are to be provided at the advanced height of two (2) metres at the time of planting (unless otherwise agreed in writing by the Responsible Authority).

Trees are not to be sited over easements. All species selected must be to the satisfaction of the Responsible Authority.

Prior to Occupation

4. The landscaping as shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or commencement of the use or at such later date as is approved by the Responsible Authority in writing.
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. Prior to the commencement of the development, a Vegetation 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 west of the underground sewer main extending from the south property boundary line to the north property boundary line to the satisfaction of the Responsible Authority. A fixed sign is to be provided on all visible sides of the Vegetation Preservation Fencing, stating "Vegetation Preservation Zone – No entry without permission from Frankston City Council". The requirements below must be observed within this area -
 - a) No vehicular or pedestrian access.
 - b) The existing soil level must not be altered either by fill or excavation.
 - c) The soil must not be compacted or the soil's drainage changed.
 - 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) Nothing whatsoever including temporary services wires, nails, screws or any other fixing device is to be attached to any tree.
 - g) No building or any other structure is to be erected.
 - h) Tree roots must not be severed or injured.
 - i) Machinery must not be used to remove any existing concrete, bricks or other materials.
6. Prior to the commencement of buildings and 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 (3) copies must be provided. The Plan is to include details of the following:
 - a) Contact Numbers of responsible owner/contractor including emergency/24 hour mobile contact details.
 - b) Identification of possible environmental risks associated with development works.

- c) Response measures and monitoring systems to minimise identified environmental risks, including but not limited to acid sulphate soils, vegetation protection, fauna protection, runoff, erosion, dust, litter, noise and light.
- d) Protection measures for the brick shed within the adjoining property (288-289 Nepean Highway) adjacent to the common boundary with the subject land.
- e) Location and specifications of sediment control devices on/off site.
- f) Location and specifications of surface water drainage controls.
- g) Location and specifications of fencing for the protection of trees and/or vegetation as required by the permit.
- h) Proposed drainage lines and flow control measures.
- i) Location of all stockpiles and storage of building materials.
- j) Location of parking for site workers and any temporary buildings or facilities.
- k) Details to demonstrate compliance with relevant EPA guidelines, including for coastal acid sulphate soils.
- l) Hours during which construction activity will take place.

The Construction Management Plan must be guided by the Urban Stormwater Best Practice Management Guidelines (CSIRO 1999).

General Vegetation Conditions

7. The site must be left in a clean and tidy condition after completion of works to the satisfaction of the Responsible Authority.
8. All machinery brought on site must be weed and pathogen free.
9. Before the development starts, all persons undertaking the works on site must be advised of all relevant conditions of this permit.

Tree Pruning

10. 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 and Parking

11. 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.

12. 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 achieve compliance with the above best practice standards 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.
14. The vehicle crossing must be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
15. All disused vehicle crossings must be removed and the area reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.
16. Prior to the commencement of the development a Carparking Management Plan must be submitted to and approved by the Responsible Authority.
17. Prior to occupation of the dwellings hereby permitted by this permit starts, areas set aside for parking vehicles, loading bays, access lanes and paths as shown on the endorsed plans must be :-
- (a) Constructed to the satisfaction of the Responsible Authority;
 - (b) Properly formed to such levels that they can be used in accordance with the plans;
 - (c) Surfaced with an all-weather sealcoat; and
 - (d) Drained and maintained to the satisfaction of the Responsible Authority.
- Car spaces, access lanes 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 must be obtained from Council for works within the existing road reserves, in addition to the planning permit.

Urban Design

19. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
20. Mailboxes shall be provided to the proposed dwelling/s to the satisfaction of the Responsible Authority and Australia Post.

21. All plumbing work, sewer pipes etc. (except for spouting and stormwater pipes) associated with the new dwelling shall 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.

Waste Management

23. Waste must be collected from the site in accordance with the Waste Management Plan by Coomes Consulting which will be endorsed to form part of this permit.

CASS and Site contamination

24. The buildings and works must be carried out in accordance with the recommendations of the Site Contamination Assessment by Diomides and Associates Pty Ltd (3 October 2013).

Melbourne Water Requirements

25. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
26. Finished ground floor levels of proposed building must be constructed with finished floor levels at a minimum of 2.4 metres to Australian Height Datum (AHD).
27. The entry / exit driveway of the basement car park must incorporate a flood proof apex of a minimum of 2.4 metres to AHD.
28. All doors, windows, staircases, drainage outlets, vents and openings to the basement car park must be a minimum of 2.4 metres to AHD.
29. No buildings or works, including basements, private vehicular parking, fencing, private open space or balconies, is permitted within 10 metres from the top of bank or on land with existing surface levels below the 1.55 metre contour, whichever is greater.
30. Any earthworks within the site must not adversely affect flooding on upstream or downstream properties.
31. Prior to the commencement of works an environment management plan must be prepared to the satisfaction of the EPA and Council.
32. All proposed excavation works must be undertaken in accordance with the approved environment management plan.
33. Prior to commencement of works, a Site Management Plan detailing pollution and sediment control measures, must be submitted to Melbourne Water.
34. Upon completion of any proposed earthworks and development, appropriate revegetation along the creek side must be undertaken to Melbourne Water's satisfaction.
35. Prior to the commencement of works, a detailed landscape plan must be submitted to Melbourne Water for approval. Plans must show the location, density and species to be used. Only local native plants should be used and shown on the landscape plans.
36. Any new development must be designed to ensure that any buildings and walls are largely screened from the creek by shrubs and ground covers and the skyline is largely formed by tree canopies.

37. Any works or development (including vegetation removal) on the banks of the Kananook Creek requires separate approval from Melbourne Water.
38. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses.

VicRoads Requirements

39. Prior to the occupation of the dwellings a 'No Stopping' zone shall be established for a distance of 10 metres northwards from the northern extremity of the proposed driveway on Nepean Highway, at no cost to VicRoads.
40. Vehicles must enter and exit the site in a forward direction at all times.

CFA Requirements

41. Before the developments starts, a Bushfire Landscape Management Plan to the satisfaction of the Country Fire Authority (CFA) and 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 plan must be drawn to scale with dimensions and three copies must be provided. The plan must:
 - Be titled Bushfire Landscape Management Plan and must be dated.
 - Show the layout and dimensions of the development.
 - Show a defendable space envelope which must comprise a single inner zone applying to all of the land.
 - Show the BAL for the proposed dwelling which must comply with the requirements of this permit.
 - Show a nominal location for the provision of a static water supply on each lot which must comply with the requirements of this permit.
 - Omit any detail which is not required to depict the above information.
 - Use labelling techniques that enable the plan to be reproduced and interpreted in black and white.
 - Include a planting schedule detailing the proposed planting at the site.
 - The plan must show any future planting that is required to be conducted. All plants on the plan must be shown at their mature size and must not conflict with the requirements of the defendable space requirements under this permit.
 - Show any existing vegetation to be retained at the site.
42. The Bushfire Landscape Management Plan endorsed under this permit must not be altered unless with the written consent of the CFA and the Responsible Authority.

Defendable Space

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

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Inner Zone – extending from the dwelling to all property boundaries

- 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.
- Trees must not overhang the roofline of the building, touch walls or other elements of the building.
- Grass must be no more than 5 centimetres in height and all leaves and vegetation debris are to be removed at regular intervals.
- Shrubs must not be planted under trees and separated by at least 1.5 times their mature height.
- Plants greater than 10 centimetres in height at maturity must not be placed directly in front of a window or other glass feature.
- Tree canopy separation of 2 metres and the overall canopy cover of no more than 15 per cent at maturity.
- Tree branches below 2 metres from ground level must be removed.

Construction

44. 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-12.5 in accordance with the relevant sections to AS3959-2009.

Static Water Supply

45. 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:
- The water supply must have a minimum capacity of 10,000 litres that is maintained solely for fire fighting purposes.
 - The water supply must be stored in an above ground water tank constructed of concrete, steel or corrugated iron.
 - All fixed above-ground water pipelines and fittings must be of non-corrodible and non-combustible materials.
 - 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

46. 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.

Satisfactorily Completed

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

Permit Expiry

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

Chairperson's initials *S. Mayer*

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.

- D. The applicable flood level for the property is 1.7 metres to Australian Height Datum (AHD).
- E. If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9679 7517, quoting Melbourne Water's reference **135285**.
- F. Street Numbering

Local Government is the Authority responsible for property addressing. There is a requirement under Local Law No. 7 2.12 for the owner or occupier of each property to clearly display the street numbering allocated by Council.

Proposed Street Numbering can be provided by contacting Frankston City Council Rates department - Phone 9784 1853.

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

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Cunial

That the item be deferred pending discussions with the Applicant to resolve issues of adverse possession and further negotiations with the Developer.

Carried Unanimously

Chairperson's initials *S. Mayer*

**10.2 Application for Planning Permit No. 635/2014/P - 39 Hillcrest Drive, Langwarrin -
To construct one (1) outbuilding and to build outside of the building envelope
(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 635/2014/P to construct one (1) outbuilding and to build outside of the building envelope at 39 Hillcrest Drive Langwarrin, subject to the following conditions:

Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application but modified to show:
 - (a) The maximum height of the outbuilding reduced by 0.5 metres to 5.063 metres.
 - (b) The length of the outbuilding reduced from 30.0 metres to 20.0 metres and the gym/pool table area deleted.
 - (c) All setbacks of the outbuilding shown on the site plan
 - (d) Extent of any cut and fill shown on the site plan and elevations
 - (e) A landscape plan in accordance with Condition 3

No Alterations

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

Landscaping

3. Prior to commencement of the development a Landscape Plan must be submitted to and approved by the Responsible Authority. The Landscape Plan must show native canopy trees to a minimum mature height of 8.0 metres located within 10.0 metres to provide screening of the east and south side of the proposed outbuilding. The trees must be of a minimum height of 2.0 metres when planted and maintained to the satisfaction of the Responsible Authority.

Drainage

4. Storm water drainage shall be connected to stormwater Legal Point of Discharge as nominated and to the satisfaction of the Responsible Authority.

Environmental Health

5. Storm water runoff from the proposed bitumen driveway must be directed to the Legal Point of Discharge.

Use

6. The outbuilding hereby approved must be used only for the purpose of domestic storage/hobby purposes. It must not be used for human habitation, or as a workshop for any commercial enterprise or the storage of equipment, goods or motor vehicles used in conjunction with the occupation of a resident of the dwelling on the land other than in accordance with the provisions of Clause 52.11 (Home Occupation) of the Frankston Planning Scheme.

Amenity

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

Satisfactorily Completed

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

Permit Expiry

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

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

Notes

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

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

General Motion**Moved: Councillor Aitken****Seconded: Councillor Cunial**

That the item be deferred.

Carried

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

Against the Motion: Crs Dooley, Tayler and Taylor

*The meeting was adjourned for five minutes at 9.01 pm**The meeting resumed at 9.06 pm*Chairperson's initials *S. Mayer*

**10.4 Erosion Management Overlay - Data Collection in the Olivers Hill Area -
Continued Compilation of Data**

(MP Community Development)

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

That Council abandons the continued compilation of geotechnical data consistent with the methodology adopted in the previous Council report on this matter.

Carried Unanimously

10.5 February Town Planning Progress Report

(MP Community Development)

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

That Council receives and notes the report.

Carried Unanimously

11. CONSIDERATION OF REPORTS OF OFFICERS**11.1 Fencing at Orama Reserve**

(DG City Development)

Recommendation (Director City Development)

That Community Safety officers continue working with local residents and the Police to deal with antisocial behavior involving Monkey Bikes and illegally parked vehicles on Orama Reserve, and monitor the situation.

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

That:

1. Community Safety Officers continue working with local residents and the Police to deal with antisocial behaviour involving Monkey Bikes and illegally parked vehicles on Orama Reserve, and monitor the situation.
2. That an amount of \$13,000 be set aside in the forthcoming budget to complete the works to restrict vehicles from accessing Orama Drive.

Carried Unanimously

11.2 Response to resident's petition for a footpath along Lee Street, Frankston

(BH City Development)

Recommendation (Director City Development)

That:

1. Construction of the Lee Street footpath has been included by Council in its draft 2015-16 Financial Year Capital Works budget; and
2. The Head Petitioner be advised of Council's decision.

Council Decision

Moved: Councillor Cunial

Seconded: Councillor Tayler

That:

1. Construction of the Lee Street footpath has been included in the draft 2015-16 Financial Year Capital Works budget for Council's consideration and can be funded by:
 - a. Council in full, or
 - b. By special charge scheme
2. The Head Petitioner be advised of Council's decision.

Carried Unanimously

11.3 Local Planning Policy: Gaming

(DP Community Development)

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

That Council:

1. Endorses the 'Frankston Local Gambling Policy Planning Implementation Report' including recommendations pertaining to the Frankston Planning Scheme.
2. Includes the gaming revisions to the Municipal Strategic Statement and the new Local Planning Policy as part of the documentation of the Planning Scheme Review to be forwarded to the Minister for Planning for authorisation to prepare and exhibit a planning scheme amendment.

Carried Unanimously

11.5 Update of Building and Works Code of Practice*(MC Corporate Development)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Dooley**

That Council:

1. Resolves to incorporate the amended Building and Works Code of Practice (as attached) by reference into Council's General Local Law 2012 No. 7.
2. Gives notice of the incorporation by reference of the amended Building and Works Code of Practice, in the Victoria Government Gazette.
3. Forwards a copy of the amended Building and Works Code of Practice to the Minister for Local Government.

Carried Unanimously

11.6 Frankston City Council's ESD Standards for Council Buildings

(CD City Development)

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

That Council:

1. Adopt the *ESD Standards for Council Buildings* to improve the environmental performance of Council buildings and to reduce operating costs;
2. Commence implementation of the *ESD Standards for Council Buildings* from 2015-16 onwards.

Carried Unanimously

11.7 Media Policy

(SJ Corporate Development)

Recommendation (Director Corporate Development)

That Council:

1. Notes this report.
2. Adopts the draft Media Policy.

Council Decision

Moved: Councillor Cunial

Seconded: Councillor Dooley

That the item be deferred for further consultation.

Carried Unanimously

11.8 Advocating for high-speed broadband – Pilot Study on the impacts of NBN

(SJ Corporate Development)

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

That Council:

1. Notes the study and findings *“The need for High Speed Broadband in South East Melbourne’s Industrial Precincts: Study of the economic effects of lack of access to the NBN”*.
2. Writes to the Minister for Communications, The Hon Malcolm Turnbull MP and the Minister for Small Business (and Member for Dunkley), The Hon Bruce Billson MP seeking an update on the Federal Government’s NBN rollout commitments in Frankston City (they have previously committed to rolling out in commercial, industrial, health and education precincts) using the study as further economic justification for NBN rollout, particularly in Carrum Downs.
3. Continues to advocate on behalf of the community for the rollout of NBN in Frankston City, with an emphasis on commercial, industrial, health and education precincts.

Carried Unanimously

**11.9 Finalisation of Special Charge Scheme for Cranhaven Road and John Street,
Langwarrin**

(BH City Development)

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

That:

1. The Special Charge Scheme declared by Council on 19 August, 2013 for the construction of Cranhaven Road and John Street, Langwarrin be varied, under Section 166 of the *Local Government Act 1989*, in accordance with the attached Schedule;
2. The affected owners be notified accordingly; and
3. Council's Chief Executive Officer be authorised to seek payment of and recover the varied Special Charge.

Carried Unanimously

11.10 Project Management Framework

(CD City Development)

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

That Council adopts the Project Management Framework (Attachment A).

Carried Unanimously

11.11 Record of Assemblies of Councillors*(DH Chief Executive Office)***Council Decision****Moved: Councillor Aitken****Seconded: Councillor Tayler**

That Council receives the following written records:

- 12 January 2015;
- 19 January 2015;
- 21 January 2015;
- 28 January 2015;
- 2 February 2015;
- 4 February 2015;
- 11 February 2015;
- 16 February 2015;
- 18 February 2015;
- 23 February 2015;
- 25 February 2015;
- 3 March 2015;
- 4 March 2015;
- 10 March 2015;
- 11 March 2015; and
- 16 March 2015.

Carried UnanimouslyChairperson's initials *S. Mayer*

11.12 Streamlined process for Industrial Applications

(MP Community Development)

Recommendation (Director Community Development)

That:

1. Council endorses the streamlined program for Industrial Planning Applications and its widespread promotion.
2. The program be promoted widely to perpetual users and that the report on industrial applications be reported quarterly in the regular progress reports to Council.

Cr Tayler left the Chamber at 9.26 pm

Cr Tayler returned to the Chamber at 9.32 pm

Cr Tayler left the Chamber at 9.34 pm

Council Decision

Moved: Councillor Taylor

Seconded: Mayor Mayer

That:

1. Council endorses the streamlined program for Industrial Planning Applications and its widespread promotion.
2. The program be promoted widely to regular users and that the report on industrial applications be reported quarterly in the regular progress reports to Council.
3. Council endorses the Priority Procedure for Planning Applications in the Frankston Metropolitan Activity Centre, and be promoted widely to regular users.

Carried

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

Against the Motion: Cr Aitken

Abstained: Cr Cunial

Absent: Cr Tayler

Cr Tayler returned to the Chamber at 9.36 pm

Chairperson's initials *S. Mayer*

11.13 MAV State Council Motion

(DH Chief Executive Office)

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

That Council adopts the proposed two (2) MAV State Council Motions and that the motion be forwarded to the MAV prior to the deadline date.

Carried Unanimously

11.14 Response to Petition - Opposition to buses in Young Street

(MP Community Development)

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

That:

1. The petition be considered by Council prior to finalising its submission to the Frankston Station Precinct Taskforce regarding options for the future of buses in Young Street.
2. The head petitioner be notified of Council's final submission.

Carried Unanimously

11.15 Riviera Reserve Portable Change Rooms

(DG City Development)

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

That Council allocate \$123K from savings within the 2014/15 Capital Works program to provide two portable change rooms to support users of Riviera Reserve, in particular the Southern Districts Rugby Union Club.

Carried Unanimously

11.16 Minutes of the Frankston Arts Board - March Meeting

(GK Community Development)

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

That Council endorses the Minutes and recommendations of the March 2015 Frankston Arts Board Meeting and supports the Board's recommendations, which is within existing budget for 2014- 2015, and recommends:

- Branding on the north west and south east corners of the tower
- Poetry on the wall above the loading bag
- Art panel through the EOI process
- Clear glass panels in the entrance to the foyer
- Negotiate removal of two or more casuarina trees at the northern end of the row of trees and pruning of the remainder on the Young Street side of the building in order to improve light inside the building and visual presentation of the exterior
- Painting the Fly Tower a lighter colour (shade of white) in Emmaclad paint
- Council logo next to the Frankston Arts Centre sign (left hand sign)
- Preparation of a Landscape Plan for the precinct.

Carried Unanimously

11.17 Shopping Trolley Management

(PM Community Development)

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

That Council:

1. Notes the inability of Council to immediately scrap abandoned shopping trolleys due to the need to apply natural justice and enable owners to reclaim their property.
2. Approves Community Safety officers to identify a competitive scrap metal contracted service for seized trolleys and vehicles.
3. Seeks amendments to Local Law 7 Clause 2.6 (b), specifically making it an offence for a retailer as well as an individual to leave a shopping trolley on a road or other municipal place except in an area designated for that purpose.
4. Approves Community Safety to trial to Council operated Shopping Trolley Collection Service.
5. Approves Community Safety to negotiate with Trolley Tracker to commit to collecting their members trolleys within 8 hours.
6. Approves a review of Penalty Points attributable to breaches of the Local Law and fees attributable to the release of seized shopping trolleys with a report back to Council in August 2015.

Carried Unanimously

12. NOTICES OF MOTION**12.2 NOM 1095 - Dumped Hard Rubbish**

(MT Chief Executive Office)

That the CEO prepares a report on the current Local Law to ascertain whether it is strong enough to prosecute those who dump hard rubbish on nature strips outside of the hard rubbish collection period.

The report should determine if home owners, tenants or landlords can be fined and pursued to recover the cost of the removal of the rubbish.

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

That the CEO prepares a report on the current Local Law to ascertain whether it is strong enough to prosecute those who dump hard rubbish on nature strips outside of the hard rubbish collection period.

The report should determine if home owners, tenants or landlords can be fined and work with Real Estate Agents to administer a fee and pursued to recover the cost of the removal of the rubbish.

Lost

For the Motion: Crs Dooley, Hampton, Mayer and Taylor

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

12.3 NOM 1096 - Sisterhood Frankston Mornington Peninsula

(MT Chief Executive Office)

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

That Council accepts the application from the Sisterhood Frankston Mornington Peninsula requesting financial assistance printing, room hire and speaker fees and that the amount of \$2,000 be taken from Councillor Darrel Taylor's Discretionary Fund.

Carried Unanimously

12.4 NOM 1097 - Approved Planning Permit Statement

(MT Chief Executive Office)

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

That the following statement, to be printed on yellow paper, be included with every planning permit issued by Frankston City Council.

“VERY IMPORTANT NOTICE

Dear Applicant,

Congratulations on securing a planning approval for your development.

Frankston City Council is serious about its responsibilities for ensuring excellent development outcomes at all times.

Council will take every effort to ensure its planning approvals and all conditions are carefully implemented.

Please comply with every requirement set out in this Permit. Should you need to make any change to your development, please discuss this with Council’s Planning Department prior to construction.

Council reserves its rights under the Planning and Environment Act 1987 to issue a Statement of Compliance only to those developments where it is satisfied that they are consistent with the applicable planning permit, its conditions and any relevant approved plans.”

Carried Unanimously

Chairperson’s initials *S. Mayer*

12.5 NOM 1098 - Advanced landscaping requirements for driveways in multi-unit residential developments.

(MT Chief Executive Office)

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

That the standard of landscaping along the fenceline of a driveway in multi dwelling developments include the requirement for vegetation to a minimum of 1.5m height at maturity for future applications, and that this be applied as a standard requirement to be implemented immediately.

Carried Unanimously

12.6 NOM 1099 - Mahogany Shopping Centre - Notice Board

(MT Chief Executive Office)

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

“That Council accepts the letter and invoice from Margaret McGrath, requesting financial assistance for the supply and fit of a notice board at the Mahogany Shopping Centre and that the amount of \$420 be provided from Cr Aitken’s Discretionary Fund.”

Carried Unanimously

12.7 NOM 1100 - Funding for Japanese Fair - Frankston Susono Friendship Association

(MT Chief Executive Office)

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

“That the sum of \$1000 be forwarded to the Frankston Susono Friendship Association to assist with funding to secure mementos to be given to attendees of the upcoming Japanese Fair to be held on 3 May 2015 at the Frankston Arts Centre. The funding is to be sourced from the discretionary funds of Councillors Cunial and Hampton, \$500 from each.”

Carried Unanimously

13. LATE REPORTS

Nil.

14. URGENT BUSINESS**Anzac Day Dinner Dance****Council Decision****Moved: Councillor Hampton****Seconded: Councillor Taylor**

That the matter of Anzac Day Dinner Dance be accepted as urgent business.

Carried Unanimously

Anzac Day Dinner Dance**Council Decision****Moved: Councillor Hampton****Seconded: Councillor Taylor**

That the amount of \$1,500.00 each be deducted from all Councillor's discretionary funds to cover the cost of the Anzac Day Dinner Dance.

And that all funds raised on the night go into the Frankston War Memorial Relocation Fund.

Carried Unanimously

15. CONFIDENTIAL ITEMS**Council Decision****Moved: Councillor Taylor****Seconded: Councillor Spelman**

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 East West Wells St Improvement Project Tender Award of Works

Agenda Item C.1 East West Wells St Improvement Project Tender Award of Works is designated confidential as it relates to contractual matters (s89 2d)

C.2 Award of Contract No. 2014/15-70 Golf Links Road Reconstruction

Agenda Item C.2 Award of Contract No. 2014/15-70 Golf Links Road Reconstruction is designated confidential as it relates to contractual matters (s89 2d)

C.3 Award of Contract No. 2014/15-66 Kananook Creek Pedestrian Bridges

Agenda Item C.3 Award of Contract No. 2014/15-66 Kananook Creek Pedestrian Bridges is designated confidential as it relates to contractual matters (s89 2d)

Carried Unanimously

16. OUTCOME OF CONSIDERATION OF CERTAIN CONFIDENTIAL ITEMS**C.3 Baxter Park Pavilion Refurbishment (considered at OM265 22 December 2014)****Council Decision****Moved: Councillor Taylor****Seconded: Councillor Hampton**

That:

1. Having complied with the requirements of section 186 of the Local Government act, Council approves the acceptance of the adjusted tender from Fercon Property Group Pty Ltd for the construction of Baxter Football and Cricket Pavilion Refurbishment;
2. Council notes that a project contingency will be reserved outside of the contract sum and authorises the Chief Executive Officer to approve any payments of variations from that sum;
3. The Contract/s be signed and sealed; and
4. The recommendation (without commercially sensitive information) be released by the next open meeting of Council following signing of contract.

The Motion was put and CARRIED unanimously

C.2 Award of Contract 2014/15-30 - Frankston Basketball Stadium Expansion Project - Design Services (considered at OM268 2 March 2015)**Council Decision****Moved: Councillor Aitken****Seconded: Councillor Dooley**

That Council resolves to:

1. Accept the revised tender offer from Peddle Thorp Architects for the full design services for Contract – Frankston Basketball Stadium Expansion Project Design Service (Contract Number 2014/15-30) noting that the contract allows for Council to pay and terminate the Contractor at any of the completed design stages;
2. Authorise the Chief Executive Officer to Sign and seal the consultancy agreement that authorises the payment for each stage of the contract as listed below noting that approval is given to complete stage 1 (Schematic Design) only and provides the option to proceed to subsequent stages if full funding is secured.
3. Allocate additional funds from savings within the capital works program to fund the completion of schematic design whilst maintaining the total project budget; and
4. Release the recommendation (without commercially sensitive information) on execution of the Consultancy agreement.

The Motion was put and CARRIED unanimously

Chairperson's initials *S. Mayer*

C.3 Delacombe Park Pre School Expansion (considered at OM269 23 March 2015)**Council Decision****Moved: Councillor Taylor****Seconded: Councillor Tayler**

That:

1. Council approves the acceptance of the tender from **Fercon Property Group Pty Ltd** for the construction of the Delacombe Park Pre School Expansion – Building Works Contract 2014/15-54 for the revised tender price.
2. Council authorises the CEO to sign and seal the contract; and
3. Council notes that a project contingency will be reserved outside of the contract sum and authorises the Chief Executive Officer to approve any payments from that sum; and
4. The recommendation (without commercially sensitive information) be released by the next open meeting of Council following signing of the contract.

The Motion was put and CARRIED unanimously

C.4 Street Lighting Contract (considered at OM269 23 March 2015)**Council Decision****Moved: Councillor Aitken****Seconded: Councillor Tayler**

That:

1. A contract is established with ERM Business Energy to supply electricity for Frankston's street lighting through MAV agreement MAV EC8310-2013-EL from 1 April 2015 to 31 December 2017;
2. The Contract/s be signed and sealed; and,
3. The recommendation (without commercially sensitive information) be released once the contract is signed and sealed.

The Motion was put and CARRIED unanimously

The meeting closed to the public at 10.24 pm

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 13 April 2015, confirmed on 4 May 2015.

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

Dated this

day of

2015