



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 25 MAY 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. Colin Hampton Cr. Michael O'Reilly
APOLOGIES:	Cr. Brian Cunial Mr. Dennis Hovenden, Chief Executive Officer
ABSENT:	Nil.
OFFICERS:	Mr. Tim Frederico, Acting Chief Executive Officer 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. Kate Jewel, Coordinator Strategic Town Planning Ms. Kim Jaensch, Manager Financial Services Ms. Michelle Tipton, Coordinator Council Business Support Ms. Natasha Duckett, Media & Communications Officer
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 Tayler 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

Certificate of Appreciation presented by Cr Hampton to Glenda Viner and Susan Creasey for their outstanding contribution towards the Frankston Remember Anzac Gala Dinner Dance held on 25th April 2015 in making beautiful decorations. The Setup of the Hall looked astounding.

Certificate of Appreciation presented by Cr Hampton to Susan Bollard for her valuable contribution towards the Frankston Remember Anzac Gala Dinner Dance held on 25th April 2015 thanking her for her time and effort in teaching people how to do progressive jive, the barn dance and other traditional dancing.

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

That the minutes of the Ordinary Meeting No. OM271 held on 4 May 2015 and Special Meeting No. SP190 held on 13 May 2015, copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES**Council Decision****Moved: Councillor Hampton****Seconded: Councillor Taylor**

That the apologies be received and Councillor Cunial and the Chief Executive Officer, Mr D Hovenden be granted leave from the meeting.

Carried Unanimously

Cr. Aitken entered the Chamber 7.08 pm

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Cr Dooley declared an interest in common in Item 11.16: Frankston Metropolitan Activity Centre Structure Plan but will speak on the matter but not vote.

Cr Tayler declared a conflict of interest as she believes she may have an interest by close association with the owners on Item C.1: Purchase of rear of 33 Bruarong Crescent Frankston and will leave the chambers while discussions and voting take place.

5. PUBLIC QUESTION TIME

One (1) person submitted "Questions With Notice" two (2) questions to Council. At the request of the Mayor, the Acting Chief Executive Officer, Mr T Frederico read the questions and answers to the gallery. The questions and answers are contained in Appendix.

Two (2) persons submitted "Questions Without Notice" to Council. These questions related to Frankston Motorcycle Park and Cr. Aitken as the Chair of Transition Committee provided an update to the public about the matter.

Chairperson's initials *S. Mayer*

6. HEARING OF PUBLIC SUBMISSIONS

Mr. Coleby McDonogh made a submission to Council regarding Item 10.2: Retrospective Secondary Consent Application for Statement of Compliance for Planning Application 507/2009/P - 1 - 3 Attunga Crescent Seaford;

Mr. Herbert Kellalea made a submission to Council regarding Item 10.3: Planning Application 308/2014/P - 44 McCormicks Road, Skye - To construct nine (9) double storey dwellings and alter access to a Road Zone Category 1;

Ms. Janet Clarke made a submission to Council regarding Item 10.3: Planning Application 308/2014/P - 44 McCormicks Road, Skye - To construct nine (9) double storey dwellings and alter access to a Road Zone Category 1;

Mr. Sam Clarke made a submission to Council regarding Item 10.3: Planning Application 308/2014/P - 44 McCormicks Road, Skye - To construct nine (9) double storey dwellings and alter access to a Road Zone Category 1;

Ms. Hilary Poad made a submission to Council regarding Item 11.16: Frankston Metropolitan Activity Centre Structure Plan;

Mr. Trevor Nock made a submission to Council regarding Item 11.16: Frankston Metropolitan Activity Centre Structure Plan;

Cr. Aitken left the Chamber at 7.56 pm

Cr. Aitken returned to the Chamber 7.59 pm

Ms. Jenny Alexander made a submission to Council regarding Item 11.16: Frankston Metropolitan Activity Centre Structure Plan.

Cr. Hampton left the Chamber at 8.02 pm

Cr. Hampton returned to the Chamber 8.03 pm

7. ITEMS BROUGHT FORWARD

Nil.

8. PRESENTATIONS / AWARDS

Nil.

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

Moved: Councillor Spelman

Seconded: Councillor Taylor

That the petition submitted by the Seaford residents containing 7 signatures drawing attention to the ongoing lease negotiations with the Seaford Beach Cabin Park be received.

Carried Unanimously

Chairperson's initials *S. Mayer*

10. CONSIDERATION OF TOWN PLANNING REPORTS

10.1 Planning Permit Application 423/2014/P - 36 Warrenwood Place Langwarrin - To construct three (3) single storey dwellings

(MP Community Development)

Council Decision

Moved: Councillor Dooley

Seconded: Councillor Taylor

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 423/2014/P to construct three (3) single storey dwellings at 36 Warrenwood Place, Langwarrin, subject to the following conditions:

Plans

- A. 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) Materials and colour palette nominated for each dwelling;
 - (b) Garages of dwelling 2 and 3 to be attached and dwelling 2 setback 1.5 metres from the southern boundary;
 - (c) Melbourne Water easement delineated by way of a fence or alternate method along its entire length within the property boundaries;
 - (d) Waste bin collection pad with a minimum length of 4.5 metres to be nominated in a suitable location on the nature strip;
 - (e) All trees growing on the site and on the adjoining properties within 3m of the boundaries must be clearly illustrated on all relevant plans to demonstrate canopy width, trunk location and clearly labelled in accordance with the Arborist Report prepared by Greenwood Consulting P/L dated 22/04/2014 and state whether the tree is to be retained or removed to the satisfaction of the Responsible Authority;
 - (f) The Tree protection zones for all trees to be retained and the tree protection fence locations must be illustrated on all relevant plans to the satisfaction of the Responsible Authority;
 - (g) Tree protection conditions noted in accordance with Conditions 5, 6 and 7;
 - (h) A notation that any fence (where situated within the TPZ of trees being retained) is to be constructed around tree no. 4 leaving a suitable distance either side of the tree and in accordance with Condition 6;
 - (i) A Landscape Plan in accordance with Condition 3.

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 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:

Chairperson's initials *S. Mayer*

- (a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
- (b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;
- (c) details of surface finishes of pathways and driveways, retaining walls and areas of cut and fill;
- (d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;
- (e) A planting theme of a minimum 40% indigenous, 40% native and 20% exotic within each plant group;
- (f) Landscaping must consider the location of the trees to be retained and any existing understory vegetation. Soil disturbance beneath the trees must be minimized.
- (g) canopy trees to a minimum mature height of five metres (minimum two metres tall when planted) in the following areas;
 - (i) one within the common property in front of dwelling 1, 2 and 3;
 - (ii) one within the private open space of dwelling 2 and 3.
- (h) landscaping to a minimum height of 1.5m to be incorporated along the common property driveway.

Trees are not to be sited over easements and 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.

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 at a radius of 7.7 metres from tree no. 2 (if retained), 4.3 metres from tree no. 4, 8.9 metres from tree no. 5 and 4.3 metres from tree no. 6 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 (excluding the street trees).
- b) No vehicular or pedestrian access.
- c) The existing soil level must not be altered either by fill or excavation.
- d) The soil must not be compacted or the soil's drainage changed.
- e) No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are to be disposed of or stored.
- f) No storage of equipment, machinery or material is to occur

Chairperson's initials *S. Mayer*

- 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.
- j) Tree roots must not be severed or injured.

Excavation for fence footings within the Tree Protection Zones of trees 2 (if retained), 4 and 5 as listed above must be hand dug and overseen by a suitably qualified and experienced Arborist. The beams must be bridged over the structural root zones of the trees to minimize the excavation for posts within these areas (where possible). Any roots with a diameter greater than 40 mm are to be retained and the footing relocated. Small roots to be hand timed in accordance with AS4373-2007.

The tree protection fence must be installed prior to the commencement of the development and remain in place for the duration of building and works to the satisfaction of the Responsible Authority

Tree Pruning

7. 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

8. 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.
9. 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.
10. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
 - 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.
11. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.

12. 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.

13. 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

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

Melbourne Water

18. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
19. No building materials, rubble or soil from this development shall be stockpiled on the land within Melbourne Water's easement. Vehicle access along the pipetrack for the delivery of construction materials and the storage of plant, equipment or materials is subject to Melbourne Water's approval.
20. All finished floor levels are to be filled to a minimum of 600mm above the 1 in 100 year flood level associated with Upper Boggy Creek.
21. Prior to the issue of a Certificate of Occupancy, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

Completion of Buildings and Works

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

Permit Expiry

23. 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.

Carried

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

Chairperson's initials *S. Mayer*

10.2 Retrospective Secondary Consent Application for Statement of Compliance for Planning Application 507/2009/P - 1 - 3 Attunga Crescent Seaford

(MP Community Development)

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

That Council resolves to approve the amended plans pursuant to Condition 2 of Planning Permit No. 507/2009/P under the Secondary Consent provisions of the Planning and Environment Act 1987.

Carried Unanimously

10.3 Planning Application 308/2014/P - 44 McCormicks Road, Skye - To construct nine (9) double storey dwellings and alter access to a Road Zone Category 1

(MP Community Development)

Recommendation (Director Community Development)

That Council advise VCAT and all parties, that had Council made a decision in respect to Planning Permit Application number 308/2014/P it would have determined to support the Planning Permit Application to construct up to nine (9) double storey dwellings and access to a Road Zone Category 1 at 44 McCormicks Road, Skye, 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 garden bed along the southern property boundary increased (in part) to 1.0 - 1.5 metres in width (no further than Dwelling 8) to accommodate 3 canopy trees.
 - (b) The living areas of all dwelling setback a minimum of 1.0 metre at ground floor and the retreat setback a minimum of 1.0 metre at first floor level to the south elevation to provide an additional area in front of the dwellings for landscaping and canopy trees.
 - (c) The provision of approximately a 4 metre setback at ground floor level and 4.6 metre setback at first floor level from the rear (east) elevation.
 - (d) Variation to the facades of the dwellings north and south elevations with the use of varying door and window treatments and wall finishes providing distinguishable individual features to the dwellings.
 - (e) The incorporation of clerestory windows to some of the dwellings, including varied roof forms.
 - (f) Landscape Plan in accordance with Condition 3.
 - (g) Provision of a waste and recycling management plan in accordance with Condition 14 and 15 of this permit;
 - (h) Waste collection area nominated in accordance with Condition 15b.
 - (i) Tree protection methodology to be illustrated and noted on all relevant plans in accordance with Condition 5 and 6.
 - (j) Lighting in accordance with Condition 19 of this permit.
 - (k) Visitor car spaces widened to 2.9 metres each (5.8 metres total).
 - (l) Accessway grades to be provided and be in accordance with Clause 52.06-8.
 - (m) A corner splay, or area at least 50 per cent clear of visual obstructions, extending at least 2 metres along the frontage and 2.5 metres along the driveway. No structures or plants greater than 0.9m high may be in this area.
 - (n) Existing vehicle crossover to be removed and footpath height altered so proposed 5 metre vehicle crossover can achieve satisfactory grade of 1:10.

- (o) Development plans to show the boundary dimensions of 3 and 5 Stefan's Court correctly as per the Site Context Plan (TP05, Revision A, dated April 2014).
- (p) Colour and materials schedule.

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.

Landscape Plans

- 3. Before the development starts, a landscape plan, prepared by a person suitably qualified or experienced in landscape design, 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 show:-
 - a. A survey (including botanical names) of all existing vegetation to be retained and removed;
 - b. Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary;
 - c. Details of surface finishes of pathways and driveways, retaining walls and areas of cut and fill;
 - d. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;
 - e. A planting theme of a minimum 20% indigenous, 40% native and 40% exotic species within each plant group;
 - f. Canopy trees that have a minimum mature height of seven metres provides in suitable locations across the site, including at least two within the front setback, three within the garden bed along the southern property boundary, one to the east of the reversing area (adjacent to the rear dwelling), one within the secluded private open space of each dwelling and three within the rear (east) 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).

Prior to Occupation

- 4. Before the occupation of the proposed dwellings, the landscaping works, as shown on the endorsed plans, must be completed to the satisfaction of the Responsible Authority. The landscaping must thereafter be maintained to the satisfaction of the Responsible Authority at all times.

Environment

- 5. The following ground tree protection conditions apply within 3.1m of Tree 15 and 3.1m of Tree 16 located on the neighbouring property with all tree protection conditions undertaken to the satisfaction of the Responsible Authority.
 - a. No excavation works are permitted for the construction of the new driveway.
 - b. The existing driveway should be maintained for the maximum amount of time during construction works.

- c. If machinery is used to remove the existing driveway it must be located outside of the defined Tree Protection Zones with ONLY the main arm of the machine reaching into this Zone to lift the driveway. These works are to be overseen by a suitably qualified arborist to undertake any required root pruning works.
 - d. Immediately after the existing driveway is removed a layer of organic mulch 200 mm thick must be laid with rumble planks/ crossing planks laid above the mulch to avoid compaction and damage to the trees. This ground protection is to be maintained until the construction of the new driveway is completed.
 - 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. 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 fenceline.
6. 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 to the satisfaction of the Responsible Authority. Pruning of neighbouring trees should only be undertaken in consultation with the property owner where the tree is located.

Drainage

7. 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.
8. 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.
9. Stormwater Drainage Outfall is to be constructed to the satisfaction of the Responsible Authority.
10. 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.
11. Vehicle crossing must be fully reconstructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.

12. Prior to occupation of the dwellings hereby permitted OR Before the use allowed by this permit starts, areas set aside for parking vehicles, loading bays, access lanes and paths as shown on the endorsed plans must be :-
- Constructed to the satisfaction of the Responsible Authority.
 - Properly formed to such levels that they can be used in accordance with the plans.
 - Surfaced with an all-weather sealcoat or surfaced with crushed rock or gravel.
 - 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.

13. 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.

Waste Collection

14. Waste Collection from the site must only occur via a private contractor service.
15. Prior to the commencement of construction a waste services management plan (WSMP) must be submitted for approval by the Responsible Authority. When approved, the WSMP will be endorsed and form part of this permit. The plan must detail the method of garbage collection from the site, times and frequency of garbage collection, to the satisfaction of the Responsible Authority.

CFA Requirements

Water Supply

16. Operable hydrants must be provided in the locations as shown on Drawing Number TP01. A & B to the satisfaction of CFA.

Fire Hydrant No.1 to be an operable below ground hydrant meeting the requirements of Australian Standard 3952 Water supply-Spring hydrant valve for waterworks purposes.

Fire Hydrant No.2 to be an above ground twin outlet Millcock hydrant as described in Australian Standard 2419.

Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority web site (www.cfa.vic.gov.au).

Roads

17. Driveway must be constructed as shown on Drawing Number TP01. A & B providing a minimum trafficable width of 3.5 metres, be clear of encroachments 4 metres vertically and have no obstructions within one metre of the formed width of the road, to the satisfaction of the Responsible Authority.
18. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.

Satisfactorily Completed

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

Permit Expiry

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

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

Notes

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

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.

- E. 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 Taylor****Seconded: Councillor Hampton**

That Council advise VCAT and all parties, that had Council made a decision in respect to Planning Permit Application number 308/2014/P it would have determined to support the Planning Permit Application to construct up to nine (9) double storey dwellings and access to a Road Zone Category 1 at 44 McCormicks Road, Skye, 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 garden bed along the southern property boundary increased (in part) to 1.0 - 1.5 metres in width (no further than Dwelling 8) to accommodate 3 canopy trees.
 - (b) The living areas of all dwelling setback a minimum of 1.0 metre at ground floor and the retreat setback a minimum of 1.0 metre at first floor level to the south elevation to provide an additional area in front of the dwellings for landscaping and canopy trees.
 - (c) The provision of approximately a 4 metre setback at ground floor level and 4.6 metre setback at first floor level from the rear (east) elevation.
 - (d) Variation to the facades of the dwellings north and south elevations with the use of varying door and window treatments and wall finishes providing distinguishable individual features to the dwellings.
 - (e) The incorporation of clerestory windows to some of the dwellings, including varied roof forms.
 - (f) Landscape Plan in accordance with Condition 3.
 - (g) Provision of a waste and recycling management plan in accordance with Condition 14 and 15 of this permit;
 - (h) Waste collection area nominated in accordance with Condition 15.
 - (i) Tree protection methodology to be illustrated and noted on all relevant plans in accordance with Condition 5 and 6.
 - (j) Lighting in accordance with Condition 22 of this permit.
 - (k) Visitor car spaces widened to 2.9 metres each (5.8 metres total).
 - (l) Accessway grades to be provided and be in accordance with Clause 52.06-8.
 - (m) A corner splay, or area at least 50 per cent clear of visual obstructions, extending at least 2 metres along the frontage and 2.5 metres along the driveway. No structures or plants greater than 0.9m high may be in this area.
 - (n) Existing vehicle crossover to be removed and footpath height altered so proposed 5 metre vehicle crossover can achieve satisfactory grade of 1:10.
 - (o) Development plans to show the boundary dimensions of 3 and 5 Stefan's Court correctly as per the Site Context Plan (TP05, Revision A, dated April 2014).
 - (p) Colour and materials schedule.
 - (q) three (3) additional visitor car spaces on-site

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.

Landscape Plans

3. Before the development starts, a landscape plan, prepared by a person suitably qualified or experienced in landscape design, 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 show:-
 - a. A survey (including botanical names) of all existing vegetation to be retained and removed;
 - b. Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary;
 - c. Details of surface finishes of pathways and driveways, retaining walls and areas of cut and fill;
 - d. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;
 - e. A planting theme of a minimum 20% indigenous, 40% native and 40% exotic species within each plant group;
 - f. Canopy trees that have a minimum mature height of seven metres provides in suitable locations across the site, including at least two within the front setback, three within the garden bed along the southern property boundary, one to the east of the reversing area (adjacent to the rear dwelling), one within the secluded private open space of each dwelling and three within the rear (east) 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).
 - g. Vegetation to a height of 1.5m at maturity be incorporated along the fence-line of the driveway

Prior to Occupation

4. Before the occupation of the proposed dwellings, the landscaping works, as shown on the endorsed plans, must be completed to the satisfaction of the Responsible Authority. The landscaping must thereafter be maintained to the satisfaction of the Responsible Authority at all times.

Environment

5. The following ground tree protection conditions apply within 3.1m of Tree 15 and 3.1m of Tree 16 located on the neighbouring property with all tree protection conditions undertaken to the satisfaction of the Responsible Authority.
 - a. No excavation works are permitted for the construction of the new driveway.
 - b. The existing driveway should be maintained for the maximum amount of time during construction works.
 - c. If machinery is used to remove the existing driveway it must be located outside of the defined Tree Protection Zones with ONLY the main arm of the machine reaching into this Zone to lift the driveway. These works are to be overseen by a suitably qualified arborist to undertake any required root pruning works.

- d. Immediately after the existing driveway is removed a layer of organic mulch 200 mm thick must be laid with rumble planks/ crossing planks laid above the mulch to avoid compaction and damage to the trees. This ground protection is to be maintained until the construction of the new driveway is completed.
 - 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. 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 fenceline.
6. 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 to the satisfaction of the Responsible Authority. Pruning of neighbouring trees should only be undertaken in consultation with the property owner where the tree is located.

Drainage

7. 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.
8. 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.
9. Stormwater Drainage Outfall is to be constructed to the satisfaction of the Responsible Authority.
10. 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 .
11. Vehicle crossing must be fully reconstructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
12. Prior to occupation of the dwellings hereby permitted OR Before the use allowed 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 or surfaced with crushed rock or gravel.

Chairperson's initials *S. Mayer*

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.

13. 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.

Waste Collection

14. Waste Collection from the site must only occur via a private contractor service.
15. Prior to the commencement of construction a waste services management plan (WSMP) must be submitted for approval by the Responsible Authority. When approved, the WSMP will be endorsed and form part of this permit. The plan must detail the method of garbage collection from the site, times and frequency of garbage collection, to the satisfaction of the Responsible Authority.

CFA Requirements

Water Supply

16. Operable hydrants must be provided in the locations as shown on Drawing Number TP01. A & B to the satisfaction of CFA.

Fire Hydrant No.1 to be an operable below ground hydrant meeting the requirements of Australian Standard 3952 Water supply-Spring hydrant valve for waterworks purposes.

Fire Hydrant No.2 to be an above ground twin outlet Millcock hydrant as described in Australian Standard 2419.

Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority web site (www.cfa.vic.gov.au).

Roads

17. Driveway must be constructed as shown on Drawing Number TP01. A & B providing a minimum trafficable width of 3.5 metres, be clear of encroachments 4 metres vertically and have no obstructions within one metre of the formed width of the road, to the satisfaction of the Responsible Authority.
18. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.

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 dwellings 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 dwellings 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.

Satisfactorily Completed

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 started within two years of the date of this permit.
 - b. The development is not completed within four years of the issued date of this permit.

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

Notes

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

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.

- E. 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.

Carried

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

Against the Motion: Crs Aitken and Spelman

Chairperson's initials *S. Mayer*

11. CONSIDERATION OF REPORTS OF OFFICERS

11.1 Adoption of 2015/16 Annual Budget

(KJ Corporate Development)

Council Decision

Moved: Councillor Dooley

Seconded: Councillor Taylor

Adoption of the 2015/16 Budget

- 1.1 Council considered at its Special Meeting on 13 May 2015 eight (8) written and two (2) verbal submissions received from the community and Council formed the view that issues raised in the submissions can be accommodated within the proposed budget as advertised. Council is now in a position to consider adoption of the Proposed 2015/16 Annual Budget with minor amendments as follows:
 - Allocate an additional commitment of \$23,600 towards the operation of Impact Volunteering Inc. The source of the additional ongoing funding will be determined at the 2015/16 mid-year budget review in late 2015.
 - Provide support to the Frankston Sharks BMX Club in preparing a business case for a funding submission to the appropriate level of government. Pending the completion of the business case Council will consider funding for the project proposal at the 2015/16 mid-year budget review.
- 1.2 Submitters will be advised in writing of Council's decision in relation to their submission on the Proposed 2015/16 Annual Budget
- 1.3 The proposed 2015/16 Annual Budget be adopted by Council;
- 1.4 The Chief Executive Officer be authorised to give public notice of this decision to adopt the Budget in accordance with Section 130(2) of the *Local Government Act 1989*.

Amount Intended to be Raised

An amount of \$107,182,082 (or such other amount as is lawfully raised as a consequence of this Resolution) be declared as the amount which Council intends to raise by general rates and the annual service charge (described later in this Resolution), which amount is calculated as follows:

General Rates (1)	\$78,382,988
Annual Service Charges	\$28,799,094

(1) excludes supplementary rates

General Rates

- 2.1 A general rate be declared in respect of the 2015/16 Financial Year.
- 2.2 It be further declared that the general rate be raised by the application of differential rates.
- 2.3 A differential rate be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential rate so declared:
 - 2.3.1. Derelict Land (Attachment A)

Derelict land, being land on which a dwelling or building is erected and is in a dilapidated state, and any other Council guidelines which may be in operation from time to time).
 - 2.3.2. Retirement Village Land (Attachment B)

Chairperson's initials *S. Mayer*

Land in retirement villages on which a flat or unit has been constructed.

2.3.3. Acacia Heath Land (Attachment C)

Land located in the Acacia Estate at 560-600 McClelland Drive (consisting of 110 lots in plans of subdivision 446669/70, 448786/7/8, 512750 531862/63, 537447 and 546857/58).

2.3.4. Commercial Land (Attachment D)

Any land which is used primarily for the purposes of a commercial land including developed and vacant land.

2.3.5. Farm Land (Attachment E)

Any land which is primary used for the purposes of farming.

2.3.6. Industrial Land (Attachment F)

Any land which is used primarily for the purposes of an industrial land including developed and vacant land.

2.3.7. Vacant Residential Land (Attachment G)

Any land which is zoned residential under the relevant Planning Scheme and on which there is no building that is occupied or adapted for occupation.

2.3.8. Other Land (Attachment H)

Any land which does not have the characteristics of Derelict, Retirement Village, Acacia Heath, Commercial, Industrial, Vacant Residential or Farm Land.

2.4 Each differential rate will be determined by multiplying the Capital Improved Value of each rateable land (categorised by the characteristics described in paragraph 2.3 of this Resolution) by the relevant percentages indicated in the following table:

- A general rate of 0.3118% for all rateable Other Land; and
- A general rate of 0.2339% for all rateable Retirement Village Land; and
- A general rate of 0.3897% for all rateable Commercial Land; and
- A general rate of 0.3897% for all rateable Industrial Land; and
- A general rate of 0.3632% for all rateable Acacia Heath Properties; and
- A general rate of 0.3897% for all rateable Vacant Residential Land; and
- A general rate of 0.2494% for all rateable Farm Land; and
- A general rate of 0.9353% for all rateable Derelict Land.

2.5 It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:

2.5.1. The respective objectives of each differential rate be those specified in the Schedule to this Resolution;

2.5.2. The respective types or classes of land which are subject to each differential rate be those defined in the Schedule to this Resolution;

2.5.3. The respective uses and levels of each differential rate in relation to those respective types or classes of land be those described in the Schedule to this Resolution; and

2.5.4. The relevant

- (a) uses of;
- (b) geographical locations of; and
- (c) planning scheme zonings of; and
- (d) types of buildings on

the respective types or classes of land be those identified in the Schedule to this Resolution; and

2.6 A municipal charge of \$148.85 be declared in respect of the 2015/16 Financial Year.

2.7 An annual service charge be declared in respect of the 2015/16 Financial Year for the collection and disposal of refuse.

2.8 The annual service charge be in the sum of, and be based on the criteria specified below:

- \$286.50 for rateable and non rateable land where a waste collection service with a 120 litre mobile garbage bin is applicable;
- \$228.20 for rateable and non rateable land where a waste collection service with an 80 litre mobile garbage bin is applicable;
- \$266.50 for rateable and non rateable land where a fortnightly waste collection service with a 120 litre mobile garbage bin is applicable;
- \$208.20 for rateable and non rateable land where a fortnightly waste collection service with an 80 litre mobile garbage bin is applicable;
- \$315.20(incl. GST) for rateable and non rateable commercial land where a waste collection service with a 120 litre mobile garbage bin is applicable;
- \$251.00(incl. GST) for rateable and non rateable commercial land where a waste collection service with an 80 litre mobile garbage bin is applicable;
- \$168.40(incl. GST) for rateable and non rateable commercial land where a recycling collection service mobile garbage bin is applicable;
- Where additional bins are supplied, an additional \$286.50 for each 120 litre mobile garbage bin and \$228.20 for each 80 litre mobile garbage bin is applicable;
- \$132.80 for rateable and non rateable land where a weekly green waste collection service is provided;
- \$431.30 for rateable and non rateable land where a waste collection service with a 240 litre mobile garbage bin is applicable.

Rebates & Concessions

Council has entered into agreements with the Ministry of Housing to assess 50% of the general rate for certain purpose built units for older persons.

Council has entered into agreements with the Baxter Village to assess 52.5% of the general rate for certain purpose built units for older persons.

Council also provides concessions of 40%, 60%, 70% and 75% of the relevant rate for qualifying properties under the *Cultural and Recreational Lands Act*.

Chairperson's initials *S. Mayer*

Incentives

No incentive be declared for early payment of the general rates and annual service charge previously declared.

Consequential

- 5.1 It be recorded that Council requires any person to pay interest on any amount of rates and charges to which:
- 5.1.1. that person is liable to pay; and
- 5.1.2. have not been paid by the date specified for their payment.
- 5.2 The Chief Executive Officer be authorised to levy and recover the general rates and annual service charge in accordance with the *Local Government Act 1989*.

Extension of Time**Moved: Councillor Aitken****Seconded: Councillor Taylor**

That Cr Dooley be granted an extension of time.

Carried Unanimously

Cr Tayler left the Chamber at 8.43 pm

Cr Spelman left the Chamber at 8.46 pm

Cr Tayler returned to the Chamber at 8.47 pm

Cr Spelman returned to the Chamber at 8.48 pm

Extension of Time**Council Decision****Moved: Councillor Taylor****Seconded: Councillor Hampton**

That Cr Aitken be granted an extension of time.

Carried Unanimously**The Motion was put and
Carried Unanimously**

11.2 Proposed 2014/15 and 2015/16 Loan Borrowings and Local Government Funding Vehicle

(KJ Corporate Development)

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

That:

1. Council participates in the Municipal Association of Victoria loan proposal and secures funding through the Interim Funding Vehicle offered by the Commonwealth Bank at an interest rate which will be determined by the Bank Bill Swap Rate plus 60 basis points for a loan of \$5.724 million prior to 30 June 2015, on the basis of this loan being incorporated into the Local Government Funding Vehicle when issued in the second half of 2015; and
2. Council participates in the Municipal Association of Victoria loan proposal and secures funding through the Interim Funding Vehicle offered by the Commonwealth Bank at an interest rate which will be determined by the Bank Bill Swap Rate plus 60 basis points prior to 15 July 2015 to fund the settlement of the Waste Transfer Station, on the basis of this loan being incorporated into the Local Government Funding Vehicle when issued in the second half of 2015; and
3. Council will write to the MAV seeking clarification that the scheme falls within the ambit of their responsibilities; and
4. Council authorises the Chief Executive Officer to sign the required loan documents and the affixing of the Council Seal.

Carried Unanimously

11.3 Rates and Charges Hardship Policy

(KJ Corporate Development)

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

That Council adopts the amended Rates and Charges Hardship Policy.

Carried Unanimously

11.4 Planting at Roundabouts

(DS City Development)

Recommendation (Director City Development)

That:

1. Council consider the development of a Roundabout Landscape Guideline to provide a consistent approach for vegetation maintenance and landscape development of roundabouts; and
2. The draft Guideline be reported back to Council for consideration in October 2015.

Council Decision

Moved: Councillor Taylor

Seconded: Councillor Tayler

That the matter be deferred pending discussions with Councillors and that a report be brought back to Council in July.

Carried Unanimously

11.5 Pop Up Visitor Information Centre

(SJ Corporate Development)

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

That:

1. Council notes this report.
2. Council supports a three-month trial of a pop up Visitor Information Centre (VIC) at the Frankston Train Station to be operated on the following times:
 - a. January - March 2016 (peak visitor season)
 - b. Saturday mornings
 - c. Thursday evenings
 - d. Peak event weekends
3. Council refers \$10,000 to operate the pop-up VIC to the midyear budget review.
4. The Chief Executive Officer is authorised to monitor, review and amend operating hours of the pop-up VIC during the trial period.
5. Upon conclusion of the trial a report be brought back to Council, outlining
 - a. Utilisation of the trial VIC, including number and type of enquiries received
 - b. Options and costings for further extensions to the pop-up VIC concept
 - c. Recommendations for visitor services more generally in light of the statewide review and opportunities that could stem from the transit interchange precinct upgrade

Carried Unanimously

11.6 Amendment of the Road Management Plan

(CD City Development)

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

That Council:

1. Receives and notes the public submissions received via informal community consultation with the Disability Access and Inclusion Committee (DAIC) and two workshops with local area community groups;
2. Acknowledges the conclusion of the informal consultation phase and endorses the proposed amendments to the RMP; and,
3. Declares the amended RMP comes into effect on the 1 September 2015.

Carried Unanimously

11.7 Draft Frankston Central/Frankston Heights Local Community Plan

(LD Community Development)

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

That:

1. Council adopts the Frankston Central/Frankston Heights Local Community Plan.
2. That Local Priority Projects "Priority C" on Page 457 and "Priority 1" on Page 464 of the Agenda be removed.

Carried Unanimously

11.8 Capital Works Quarterly Report (January - March) 2014/15

(CD City Development)

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

1. That Council endorse a variation for the amount of \$303,953.00 for the Frankston Park Community Function Centre project.
2. That Council receives and notes the quarterly (January – March) progress report for the 2014/15 Capital Works Program.

Carried Unanimously

11.9 Documents for Sealing

(GV Corporate Development)

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

That the attached Transfer of Land from ASIC, in respect of Certificates of Title Volume 11507 Folio 485, Volume 11507 Folio 484, and Volume 11507 Folio 486, being Road R1 and Reserve 1 on Plan of Subdivision Number 98422, and Road R1 on Plan of Subdivision Number 98421, otherwise known as 50R Lipton Drive and part of Lipton Drive, Dunraven Court, Myrtle Court, and Cooba Place Frankston, be signed and sealed.

Carried Unanimously

11.10 Committee Minutes

(MT Chief Executive Office)

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

That the minutes of the following Committees be received:

- Historic Assets and Promotion Committee – February 2015 (final);
- Frankston Charitable Fund – Committee of Management – March 2015 (final);
- Frankston Tourism Incorporated – March 2015 (final)
- Frankston City News – Editorial Committee – May 2015 (final)
- Frankston Arts Centre Board Minutes (draft)

Carried Unanimously

Chairperson's initials *S. Mayer*

11.11 Response to the Essential Services Commission's Inquiry into the Financial Hardship Arrangements of Energy Retailers

(LD Community Development)

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

That Council approve the attached submission to the Essential Services Commission's Inquiry into the Financial Hardship Arrangements of Energy Retailers.

Carried Unanimously

**11.12 Proposed Lease of Council Land for a Telecommunications Facility (Existing) -
50R Railway Parade Seaford (Seaford North Reserve)**

(GV Corporate Development)

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

That:

1. In accordance with 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 Telstra Corporation Limited, in respect of part of the land at 50R Railway Parade Seaford, being part of Lot 1 on Title Plan Number 414509, for a term of ten (10) years plus two five (5) year options, 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 Unanimously

11.13 Council Plan Quarterly Performance Report for January to 31 March 2015

(BA Corporate Development)

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

That Council receives and notes the Council Plan Quarterly Performance Report as at 31 March 2015.

Carried Unanimously

11.14 March 2015 Quarterly Financial Performance Report

(KJ Corporate Development)

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

That Council receives and notes the Financial Report for the quarter ended 31 March 2015.

Carried Unanimously

Chairperson's initials *S. Mayer*

11.15 Local Planning Policy: Gaming

(LD Community Development)

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

That Council endorses the Frankston Gaming Local Policy, amendments to clause 21.08 and the Schedule to Clause 52.28-3 of the Municipal Strategic Statement.

Carried Unanimously

11.16 Frankston Metropolitan Activity Centre Structure Plan*(MP Community Development)*

Cr Dooley declared an interest in common and advised he will remain the chamber while discussion takes place.

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

That Council:

1. Adopts the Frankston Metropolitan Activity Centre Structure Plan
2. Authorises officers to lodge a request with the Minister for Planning to prepare a planning scheme amendment to implement the Structure Plan into the Frankston Planning Scheme.
3. Endorses the Action Plan.

Extension of Time**Moved: Councillor Taylor****Seconded: Councillor Tayler**

That Cr. Aitken be granted an extension of time.

Carried Unanimously**The Motion was then Put
and Carried**

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

Against the Motion: Crs Aitken and Tayler

Abstain: Cr Dooley

12. NOTICES OF MOTION**12.1 NOM 1110 - Pets in the Park Program**

(MT Chief Executive Office)

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

That Council accepts the email from Community Support Frankston, requesting financial assistance for the Pets in the Park Program that is being held on Sunday 31st May 2015. Community Support Frankston has requested assistance in the purchase of a duplex card filing cabinet and a canopy totalling \$2713.96. This amount will be taken from Cr O'Reilly's Discretionary Fund.

Carried Unanimously

12.2 NOM 1111 - Human Rights Commission

(MT Chief Executive Office)

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

That Council writes to the Human Rights and Equal Opportunity Commission (HREOC) and also makes representation to the Australian Press Council requesting that they investigate the negative impact of sensationalist media coverage which stigmatises entire communities, such as the recent unacceptable branding of the Mt DrUITT community in NSW and repeated attacks upon the reputation of Frankston. It is not a fair go and in fact entirely un-Australian to target or witch hunt more vulnerable sectors of any community and then by implication, portraying a tainted representation of an entire postcode or municipal area, which in turn, artificially slants the greater public perception of a place or a people.

The net result of this type of coverage, which appears to be irresistible by some mainstream media to secure ratings, is that it permanently damages reputation and civic pride for entire communities. This places even greater hurdles in front of these communities in trying to create better lives for themselves and in turn costing Local Area Governments very significant amounts of ratepayer dollars to redeem their standing in the public perception.

The outcomes of these investigations should include recommendations (including legislation if required) to ensure that this damaging stereotyping of communities is caused to cease.

Carried Unanimously

12.3 NOM 1112 - Port of Hastings

(MT Chief Executive Office)

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

That this Council:

1. Writes to the Premier, the Opposition Leader and the Minister for Ports outlining this Council's concern in regards to the Port of Hastings not progressing and the economic impact this would have on Frankston and the region.
2. Writes to the Premier, the Opposition Leader, the Minister for Ports and Minister for Environment to outline Council's deep concerns in regards to the possible environmental and economic impacts from significant unnecessary dredging of the bay.
3. Begins a media campaign to highlight that the Council will not accept the Bay West Port as a viable option and the possible environmental and economic impacts to the Frankston City Council from significant and unnecessary dredging of the bay.

Rationale:

The Victorian State Government's 2015/2016 Budget declares the Port of Hastings project as a completed project (see attached pages). This means the Port of Hastings will not progress and the State Government will pursue its Bay West Option.

This will cost the South East and the Frankston City Councils vital economic development and ultimately jobs. Additionally, as reported in the Age on 10 April 2014, (see attached page) a confidential investigation of Bay West by the Department of Transport, Planning and Infrastructure found that 66 million to 84 million cubic metres of material would need to be dredged from the sea floor so ships could reach the site – up to four times more than was dredged in the previous channel-deepening project and causing sea levels to rise by up to 2cm.

This could result in significant environmental impact to the Bay and Frankston Foreshore which could lead to an environmental and economic disaster for the City.

Carried UnanimouslyChairperson's initials *S. Mayer*

13. LATE REPORTS

Nil.

14. URGENT BUSINESS**Westernport Highway Hearing****Council Decision****Moved: Councillor Aitken****Seconded: Councillor Spelman**

That the matter of Westernport Highway Hearing be accepted as urgent business.

Carried Unanimously

*Cr Tayler left the chamber at 9.58 pm
Cr Tayler returned to the chamber at 10.00 pm*

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

That Council endorse Cr Hampton to speak at the Panel Hearing on the Frankston Planning Scheme Amendment C99 on Council's submission and its impact on the community

Carried Unanimously

Centenary Park Golf Club Fundraiser**Council Decision****Moved: Councillor Hampton****Seconded: Councillor Aitken**

That the matter of Centenary Park Golf Club Fundraiser be accepted as urgent business.

Carried Unanimously

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

That \$2,000 be taken from Cr Hampton's discretionary fund towards the fundraiser event Centenary Park Golf Club are hosting on Saturday 13th June 2015.

Carried Unanimously

Seaford Kindergarten Fundraising Event**Council Decision****Moved: Councillor Aitken****Seconded: Councillor Hampton**

That the matter of Seaford Kindergarten Fundraiser be accepted as urgent business.

Carried Unanimously

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

That \$296 be taken from Cr Aitken's discretionary fund towards the venue hire for the Trivia Night / Fundraising Event the Seaford Kindergarten are holding on Saturday 13th June 2015 at the Seaford Community Centre. All funds raised will go towards developing place spaces and purchasing learning resources.

Carried Unanimously**Kinship Carer's Day Program****Council Decision****Moved: Councillor Aitken****Seconded: Councillor Hampton**

That the matter of Kinship Carer's Day Program be accepted as urgent business.

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

That \$250 each be taken from Cr Aitken and Cr Mayer's discretionary fund towards the Kinship Carer's Day Program that is being organised by OzChild on Thursday 18 June 2015. This is carer's day for acknowledgement, support and networking. Their request for support is towards venue costs, materials, advertising, catering and gifts.

Carried Unanimously

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

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 Purchase of rear of 33 Bruarong Crescent Frankston

Agenda Item C.1 Purchase of rear of 33 Bruarong Crescent Frankston is designated confidential as it relates to contractual matters (s89 2d)

C.2 Lease Matter

Agenda Item C.2 Lease Matter is designated confidential as it relates to contractual matters (s89 2d)

C.3 Frankston Arts Centre - Catering Contract

Agenda Item C.3 Frankston Arts Centre - Catering Contract is designated confidential as it relates to contractual matters (s89 2d)

C.4 Frankston Charitable Fund Major Impact Grant 2015

Agenda Item C.4 Frankston Charitable Fund Major Impact Grant 2015 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.5 Frankston Motor Cycle Park

Agenda Item C. Frankston Motor Cycle Park is designated confidential as it relates to contractual matters (s89 2d), and matters affecting the security of Council property (s89 2g)

Carried Unanimously

The meeting closed to the public at 10.06 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 25 May 2015, confirmed on 22 June 2015.

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

Dated this

day of

2015