



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 24 AUGUST 2015 at 7.04PM**

PRESENT	Cr. Sandra Mayer (Mayor) Cr. Darrel Taylor Cr. James Dooley Cr. Glenn Aitken Cr. Suzette Tayler Cr. Brian Cunial Cr. Michael O'Reilly
APOLOGIES:	Cr. Rebekah Spelman Cr. Colin Hampton
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. Kate Jewell, Coordinator Strategic Town Planning Ms. Kelly Ross, Coordinator Media & Communications Ms. Michelle Tipton, Coordinator 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 Cunial read the Opening Prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Councillor Tayler 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.



1. **PRESENTATION TO COMMUNITY GROUPS**ERROR! BOOKMARK NOT DEFINED.
2. **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**ERROR! BOOKMARK NOT DEFINED.
Ordinary Meeting No. OM275 held on 3 August 2015.**Error! Bookmark not defined.**
3. **APOLOGIES**.....ERROR! BOOKMARK NOT DEFINED.
4. **DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST**ERROR! BOOKMARK NOT DEFINED.
5. **PUBLIC QUESTION TIME**.....ERROR! BOOKMARK NOT DEFINED.
6. **HEARING OF PUBLIC SUBMISSIONS** .ERROR! BOOKMARK NOT DEFINED.
7. **ITEMS BROUGHT FORWARD**ERROR! BOOKMARK NOT DEFINED.
8. **PRESENTATIONS / AWARDS**.....ERROR! BOOKMARK NOT DEFINED.
9. **PRESENTATION OF PETITIONS AND JOINT LETTERS**ERROR! BOOKMARK NOT DEFINED.
- ITEMS BROUGHT FORWARD**.....ERROR! BOOKMARK NOT DEFINED.
 - 12.4 NOM 1134 - Request for Financial Assistance - St Augustine's Primary School **Error! Bookmark not defined.**
10. **CONSIDERATION OF TOWN PLANNING REPORTS**ERROR! BOOKMARK NOT DEFINED.
 - 10.1 Town Planning Application 64/2015/P - 636-640 Frankston-Dandenong Road, Carrum Downs - To construct five (5) double storey and twenty four (24) single storey dwellings (twenty nine (29) dwellings) and alter access to a Road Zone Category 1**Error! Bookmark not defined.**
 - 10.2 Town Planning Application 689/2014/P - 1195 Frankston-Dandenong Road, Carrum Downs - To construct six (6) single storey dwellings on lots 105, 106 and 151; and building and works within the tree protection zone (Stage 4-Wattlewood Estate) **Error! Bookmark not defined.**
 - 10.3 Frankston Planning Scheme Amendment C110 - Report on Review of Submissions to the Amendment and Progression to a Planning Panel **Error! Bookmark not defined.**
11. **CONSIDERATION OF REPORTS OF OFFICERS**ERROR! BOOKMARK NOT DEFINED.
 - 11.1 Rate Capping..... **Error! Bookmark not defined.**
 - 11.2 Review of Completed Studies - Parking Precinct Plan**Error! Bookmark not defined.**
 - 11.3 Proposed naming of unnamed road off Cranbourne Rd, Langwarrin as Shute Drive **Error! Bookmark not defined.**
 - 11.4 Review of Roundabout at Playne Street and Young Street, Frankston..... **Error! Bookmark not defined.**
 - 11.5 Dogs on Beach Review **Error! Bookmark not defined.**
 - 11.6 Dogs in the City Centre **Error! Bookmark not defined.**

- 11.7 Delegated Powers, Closed Council Contract Decisions & Sundry Matters..... **Error! Bookmark not defined.**
- 11.8 Community Development Division - Resolution Holding Report**Error! Bookmark not defined.**
- 12. NOTICES OF MOTION ERROR! BOOKMARK NOT DEFINED.**
- 12.1 NOM 1123 - Homelessness In Frankston. **Error! Bookmark not defined.**
- 12.2 NOM 1124 - Frankston Homeless Charitable Appeal**Error! Bookmark not defined.**
- 12.3 NOM 1133 - Biennial Peninsula Hospice Women of Action Country Luncheon - 21 October 2015 **Error! Bookmark not defined.**
- 12.5 NOM 1135 - Rotary Club of Frankston North - Interact Club**Error! Bookmark not defined.**
- 12.6 NOM 1136 - Frankston Bowls Club - Easter Tournament**Error! Bookmark not defined.**
- 12.7 NOM 1137 - Karingal Football Club funding towards an Alcohol and Drug Presentation by the Australian Drug Foundation**Error! Bookmark not defined.**
- 12.8 NOM 1138 - Request for Financial Assistance - Finals of the Voice of Frankston event - 6th and 13th September 2015**Error! Bookmark not defined.**
- 13. LATE REPORTS ERROR! BOOKMARK NOT DEFINED.**
- 14. URGENT BUSINESS..... ERROR! BOOKMARK NOT DEFINED.**
- 15. CONFIDENTIAL ITEMS ERROR! BOOKMARK NOT DEFINED.**
- C.1 Review of application to register a Rooming House**Error! Bookmark not defined.**
- C.2 Appointment of Transactional Banking Provider and Bill Payment Services Providers..... **Error! Bookmark not defined.**
- C.3 Community Grants Program 2015/2016 ... **Error! Bookmark not defined.**
- 16. OUTCOME OF CONSIDERATION OF CERTAIN CONFIDENTIAL ITEMSERROR! BOOKMARK NOT DEFINED.**
- C.4 Contractual Matters - Transfer of 404 Ballarto Road, Skye to the Country Fire Authority (considered at OM267 9 February 2015)**Error! Bookmark not defined.**
- C.7 Award of Contract Extension for the Provision of Landfill Services (considered at OM269 23 March 2015) **Error! Bookmark not defined.**
- C.2 Minutes of the Frankston Arts Board - July Meeting (considered at OM275 3 August 2015) **Error! Bookmark not defined.**
- C.1 Review of application to register a Rooming House (considered at this meeting) **Error! Bookmark not defined.**

1. PRESENTATION TO COMMUNITY GROUPS

Nil.

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM275 held on 3 August 2015.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Taylor

That the minutes of the Ordinary Meeting No. OM275 held on 3 August 2015 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES

Apology

Council Decision

Moved: Councillor Cunial

Seconded: Councillor Aitken

That the apologies be received and Councillors Spelman and Hampton be granted leave from the meeting.

Carried Unanimously

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Nil.

5. PUBLIC QUESTION TIME

Nil.

6. HEARING OF PUBLIC SUBMISSIONS

Mr Michael Myer made a submission to Council regarding Item 10.1: Town Planning Application 64/2015/P - 636-640 Frankston-Dandenong Road, Carrum Downs - To construct five (5) double storey and twenty four (24) single storey dwellings (twenty nine (29) dwellings) and alter access to a Road Zone Category 1;

Mr Mal McCoy made a submission to Council regarding Item 10.1: Town Planning Application 64/2015/P - 636-640 Frankston-Dandenong Road, Carrum Downs - To construct five (5) double storey and twenty four (24) single storey dwellings (twenty nine (29) dwellings) and alter access to a Road Zone Category 1;

Ms Fiona Murray made a submission to Council regarding Item 10.1: Town Planning Application 64/2015/P - 636-640 Frankston-Dandenong Road, Carrum Downs - To construct five (5) double storey and twenty four (24) single storey dwellings (twenty nine (29) dwellings) and alter access to a Road Zone Category 1;

Mr Roy Bethell made a submission to Council regarding Item 10.1: Town Planning Application 64/2015/P - 636-640 Frankston-Dandenong Road, Carrum Downs - To construct five (5) double storey and twenty four (24) single storey dwellings (twenty nine (29) dwellings) and alter access to a Road Zone Category 1;

Mr Duncan Scott made a submission to Council regarding Item 10.3: Frankston Planning Scheme Amendment C110 - Report on Review of Submissions to the Amendment and Progression to a Planning Panel;

Chairperson's initials

S. Myer

Ms Jacqueline Russell made a submission to Council regarding Item 10.3: Frankston Planning Scheme Amendment C110 - Report on Review of Submissions to the Amendment and Progression to a Planning Panel;

Miss Jessica Dalgleish made a submission to Council regarding Item 12.4: NOM 1134 - Request for Financial Assistance - St Augustine's Primary School.

7. ITEMS BROUGHT FORWARD

Items Brought Forward

Council Decision

Moved: Councillor Cunial

Seconded: Councillor Taylor

That Item 12.4: NOM 1134 - NOM 1134 - Request for Financial Assistance - St Augustine's Primary School be brought forward.

Carried Unanimously

8. PRESENTATIONS / AWARDS

Nil.

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil.

ITEMS BROUGHT FORWARD**12.4 NOM 1134 - Request for Financial Assistance - St Augustine's Primary School**

(MT Chief Executive Office)

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

That Council accepts the email from St Augustine's Primary School, and in particular the request by Ms Dalgleish requesting financial assistance for the purchase of a flagpole and that the amount of \$792 be given to St Augustine's Primary School from Cr Cunial's Discretionary Fund.

Carried Unanimously

10. CONSIDERATION OF TOWN PLANNING REPORTS

10.1 Town Planning Application 64/2015/P - 636-640 Frankston-Dandenong Road, Carrum Downs - To construct five (5) double storey and twenty four (24) single storey dwellings (twenty nine (29) dwellings) and alter access to a Road Zone Category 1

(MP Community Development)

Council Decision

Moved: Councillor Taylor

Seconded: Councillor O'Reilly

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 five (5) double storey and twenty four (24) single storey dwellings (twenty nine (29) dwellings) and alter access to a Road Zone Category 1 at 636-640 Frankston-Dandenong Road, Carrum Downs, 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) Dwelling 1 redesigned to provide the driveway to the garage provided from the common accessway.
 - (b) The fence of the secluded private open space along Clifton Grove setback a minimum of 3 metres (including dwelling 1 if required).
 - (c) The accessway width within the site increased to a minimum of 5 metres and provided with traffic calming devices.
 - (d) The 90 degree visitor car parking spaces setback from the driveway to be in line with the adjoining dwellings.
 - (e) A minimum 1.2 metre wide pedestrian link from the site to Frankston-Dandenong Road site frontage.
 - (f) A 3 metre wide shared footway is to be constructed along the entire Frankston-Dandenong Road site frontage.
 - (g) A 1.4 metre wide pedestrian footpath is to be constructed along the Clifton Grove site frontage between proposed vehicle crossings with pram crossings across Clifton Grove north of the existing roundabout.
 - (h) Landscape Plan in accordance with Condition 3.
 - (i) Provision of a Waste and Recycling Management Plan in accordance with Condition 23 and 24 of this permit.
 - (j) Waste collection area nominated in accordance with Condition 24b.
 - (k) Tree protection methodology to be illustrated and noted on all relevant plans in accordance with Condition 5 and 6.
 - (l) Lighting in accordance with Condition 28.
 - (m) A Construction and Environment Management Plan in accordance with condition 20.

Chairperson's initials

S. Mayer

(n) Colour and materials schedule.

No Alterations

2. The 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 five metres (minimum two metres tall when planted) provided in suitable locations across the site including a least six (6) within the front setback to Clifton Grove, one within the secluded open space of each dwelling, one adjacent to the visitor car parking space near dwelling 8 and 12 and six (6) elsewhere along the accessway or otherwise a minimum of forty three (43) across the site in particular landscaping along the accessway to be enhanced.

Trees are not to be sited over easements.

All species selected must be to the satisfaction of 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. 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 around the TPZ of trees 3 and 4 where occurring on the subject site and the nature strip 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) 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) Open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used unless approved by the Responsible Authority to tunnel beneath;
- g) Nothing whatsoever including temporary services wires, nails, screws or any other fixing device is to be attached to any tree;
- h) No building or any other structure is to be erected;
- i) Tree roots must not be severed or injured; and
- j) Machinery must not be used to remove any existing concrete, bricks or other materials.

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

7. Prior to the commencement of development payment for the removal of the Council Street Trees *Eucalyptus pryoriana* (trees 37) located on Clifton Grove must be made to Frankston City Council's Planning and Environment Department in accordance with the fees for a Large Street Tree which is self-sown and indigenous as outlined in Council's Guidelines for Street Tree Removal for Private Development. Proof of receipt of payment must be provided to Council's Planning & Environment Department to action the street tree removal.

Note: Council's Guidelines for Street Tree Removal for Private Development is available on the Frankston City Council website and is subject to change. Council's Environment Department can be contacted on 1300 322 322 to make payment arrangements for the street tree removal.

8. 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

9. Provision of a Stormwater Detention System with a volume capable of retarding the 10 year ARI flow from the development site back to a 5 year ARI pre-development value to the satisfaction of the Responsible Authority.
10. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
 - 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. Stormwater runoff must achieve the following objectives for environmental quality, as set out in the Urban Stormwater Best Practice Environmental Guidelines (CSIRO) 1999.
 - 80% retention of the typical annual load of suspended solids;
 - 45% retention of typical annual load of total phosphorous; and
 - 45% retention of typical annual load of total nitrogen

Water Quality works within the development must be provided to achieve compliance with the above best practice standards to the satisfaction of the Responsible Authority.

12. No polluted and/or sediment laden runoff is to be discharged from the site directly or indirectly into Frankston City Council drains or watercourses.
13. Prior to commencement of development construction detailed design plans and drainage computations of the internal stormwater drainage system with 100 year flow paths to be accommodated and 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. A 3 metre wide shared footway is to be constructed along the entire Frankston-Dandenong Road site frontage and a 1.4 metre wide pedestrian footpath is to be constructed along the Clifton Grove site frontage between proposed vehicle crossings with pram crossings across Clifton Grove north of the existing roundabout to the satisfaction of the Responsible Authority.
15. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
16. 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 .
17. All disused vehicle crossings shall be removed and the area reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.

18. Prior to occupation of the dwellings hereby permitted, areas set aside for parking vehicles, loading bays, access lanes and paths as shown on the endorsed plans must be :-
- a. Constructed to the satisfaction of the Responsible Authority.
 - b. Properly formed to such levels that they can be used in accordance with the plans.
 - c. Surfaced with an all-weather sealcoat or surfaced with crushed rock or gravel.
 - d. Drained and maintained to the satisfaction of the Responsible Authority.

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

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

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

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

Construction and Environment Management Plan

20. 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).

VicRoads Requirements

- 21. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel and footpath to the satisfaction of the local authority and at no cost to the Roads Corporation prior to the commencement of occupation of the buildings hereby approved.
- 22. The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from Vic Roads (the Roads Corporation). Please contact Vic Roads prior to commencing any works.

Waste Management

- 23. Before the commencement of buildings and works, a waste management plan clearly identifying waste collection points must be provided to the satisfaction of the Responsible Authority. This waste management plan must include details as to whether the collection is to be undertaken by a private contractor or by the Responsible Authority.

Waste collection areas to be concreted, free from landscaping and not located adjacent to habitable room windows of the dwellings with the required clearance to allow free flow collection.

- 24. If the Responsible Authority agrees to collect waste and recycling material from within the site then the owner of the land must undertake the following:
 - (a) Demonstrate to the Responsible Authority that the roadway can be used to accommodate collection vehicles has been constructed to a standard which will accommodate the type of vehicles to be used for collection purposes;
 - (b) Allocate an area satisfactory to the Responsible Authority for the collection of waste and recycling bins;
 - (c) Unless otherwise agreed in writing by the Responsible Authority, prior to the commencement of the development hereby permitted, the owner/s of the land must enter into an Agreement under section 173 of the *Planning and Environment Act 1987* with the Responsible Authority which requires the owners of the property to provide for:
 - i. The care and management of the private roads, car parking areas, landscaping and other common areas;
 - ii. The rights of the Frankston City Council and other servicing authorities to enter the land for the purposes of providing municipal and like services to the land;
 - iii. The maintenance of suitable public liability insurance;

- iv. The provision of releases and indemnity to the Frankston City Council and other servicing authorities in connection with entry on to the land;
- v. The acknowledgement that the Frankston City Council may withdraw the provision of municipal services to or from the land if the private roads become unsafe for vehicular traffic;

The Owner must pay all reasonable costs for the preparation, execution and registration of the Section 173 Agreement.

The Section 173 Agreement must be registered in accordance with the provisions of Section 181 of the Planning and Environment Act 1987 Prior to Occupation.

Urban Design

25. 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.
26. Mailboxes shall be provided to the proposed dwellings to the satisfaction of the Responsible Authority and Australia Post.
27. All plumbing work, sewer pipes etc (except for spouting and stormwater pipes) associated with the new dwellings shall be concealed from general view.
28. 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

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

Permit Expiry

30. 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 Cunial, Mayer, O'Reilly, Tayler and Taylor

Against the Motion: Crs Aitken and Dooley

10.2 Town Planning Application 689/2014/P - 1195 Frankston-Dandenong Road, Carrum Downs - To construct six (6) single storey dwellings on lots 105, 106 and 151; and building and works within the tree protection zone (Stage 4-Wattlewood Estate)

(MP Community Development)

Council Decision

Moved: Councillor Taylor

Seconded: Councillor O'Reilly

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 689/2014/P to construct six (6) single storey dwellings on lots 105, 106 and 151 and building and works within the tree protection zone at 1195 Frankston Dandenong Road Carrum Downs, 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) A light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky for bedroom 1 window of dwelling 2 and bedroom 2 window of dwellings 3 and 4.
 - b) Mail boxes area for dwellings on lot 105 and 106 closer to the driveway and provide more space for landscaping in front of the dwelling 1.
 - c) Reduce the width of the shared accessway to a minimum of 3.5m in front of dwelling 4 on lot 105 to provide more area for landscaping.
 - d) Proposed bollard lighting setback minimum of 300mm from the outer edge of the landscape circle on lot 105 and 106.
 - e) Two (2) visitor car parking spaces. A space may be provided between dwelling 3 and the liquidambar (tree #525) constructed above-grade of porous paving, and mulch provided at the base of the tree.
 - f) The Tree protection zones for all trees to be retained and the tree protection fence locations must be illustrated on all relevant plans.
 - g) A Landscape Plan in accordance with Condition 3.
 - h) Tree protection conditions noted in accordance with Conditions 4, 5 and 6.
 - i) A Tree Protection Plan in accordance with Condition 7.

No Alterations

2. The 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 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;

Chairperson's initials

S. Mayer

- b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;
- c) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;
- d) The location of each species to be planted;
- e) A planting theme of a minimum 40% indigenous and 20% native species within each planting group;
- f) A range of plant types from ground covers to large shrubs and trees;
- g) Adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1metre intervals);
- h) The delineation of garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
- i) The proposed bollard lighting within landscaping circle on lots 105 and 106 must be setback minimum of 300mm from the edge of the circle.
- j) Canopy trees (minimum two metres tall when planted) in the following areas:
 - (i) One (1) within the secluded private open space of each dwelling on all lots. (minimum mature height 6m);
 - (ii) One (1) within front yard of each dwelling on all lots.
- k) landscaping to a min. height of 1.5m to be incorporated along the boundary fences of all driveways

Tree protection

4. 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 (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 to the extent of the calculated TPZ of trees 715 and 722 to proposed works on lot 151 and TPZ of tree 597a, not occupied by works on lot 105 and reduced by the minimum distance to allow for works to occur. The area of TPZ exclusion zone for tree 525 as specified in the Addendum supplied by NJR & Associates dated 3rd June 2015 is to be fenced in its entirety 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 50-100mm;
- b) No vehicular or pedestrian access;
- c) The existing soil level must not be altered either by fill or excavation;
- d) The soil must not be compacted or the soil's drainage changed;

- e) No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are to be disposed of or stored;
 - f) No storage of equipment, machinery or material is to occur;
 - g) 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) Tree roots must not be severed or injured;
 - j) Machinery must not be used to remove any existing concrete, bricks or other materials; and
 - k) The tree protection fence must remain in place for the duration of building and works to the satisfaction of the Responsible Authority.
5. No further encroachments into the TPZ of tree nos. 714, 722, 525 and 597a are to occur due to any future building and works.

Tree Pruning

6. All tree pruning is to be carried out by a qualified and experienced Arborist who has thorough knowledge of tree physiology and pruning methods. Pruning must be carried out in accordance with Australian Standard AS4373-2007 Pruning of Amenity Trees. Any pruning works required are to be undertaken 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. All pruning is to be the minimum required.

Tree Protection Plan

7. Before the commencement of the development a detailed Tree Protection Plan prepared by a qualified Arborist must be submitted to, and approved, by the Responsible Authority. The report must be prepared in accordance with the Australian Standard AS4970-2009 and contains the requirements and measures or works necessary to protect the retaining trees on subject lots and adjacent lots during the pre-construction, construction and post construction stages of development.

The report must contain (but is not necessarily limited to) the following information:

- a) The Tree Protection Zones (TPZ) for each tree being retained including restricted activities and required actions within the protection zones;
- b) Details on the Tree Protection Fence locations, any ground protection requirements and site access route(s);
- c) Identify pre and post construction care measures;
- d) Identify any tree canopy pruning necessary to provide clearance for the development to and any remedial works required;
- e) Identify key supervision and monitoring stages of the development;
- f) Location of all underground services;
- g) Develop a communication plan that provides contact information for a designated individual responsible for ensuring work adheres to the approved Tree Protection Plan. The designated individual will also ensure contractors working at the development site are aware of the Approved Tree Protection Plan.

Drainage

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

Car Parking and Access

10. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
11. Prior to occupation of the dwellings hereby permitted by this permit starts, areas set aside for parking vehicles, 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.

12. 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.

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

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), air-conditioning devices etc. associated with the new dwelling shall be concealed from general street view, including the internal accessway.
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.

Satisfactorily Completed

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

Permit Expiry

19. This permit will expire if one of the following circumstances applies:
 - a) The development is not started 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.

- D. 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 Unanimously

Chairperson's initials

S. Mayer

10.3 Frankston Planning Scheme Amendment C110 - Report on Review of Submissions to the Amendment and Progression to a Planning Panel
(MP Community Development)

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Mayer

That Council:

1. Notes the submissions to Frankston Planning Scheme Amendment C110 (application of the Heritage Overlay to seventeen (17) properties).
2. Resolves to split Amendment C110 into two parts.
3. Resolves to adopt Amendment C110 part A and forward this to the Minister for Planning for approval.
4. Authorises Officers to request an independent Planning Panel be convened to consider the submissions objecting to Amendment C110 part B.
5. Advises all submitters of Council's decision.

Carried

Cr Dooley left the chamber at 8.06 pm

Cr Dooley returned to the Chamber at 8.08 pm

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

Against the Motion: Crs Dooley and Tayler

11. CONSIDERATION OF REPORTS OF OFFICERS**11.1 Rate Capping**

(TF Corporate Development)

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

That Council:

1. Notes the recommendations in the report.
2. Writes to the Essential Services Commission outlining its position on each of the recommendations, and
3. Writes to the Premier, Minister for Local Government, Leader of the Opposition and Shadow Minister for Local Government to reiterate Council's opposition to the implementation of a rate capping regime.

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

That Cr Taylor be granted an extension of time.

Carried Unanimously

Cr Cunial left the chamber at 8.15 pm

Cr Cunial returned to the chamber at 8.17 pm

**The motion was
put and Carried**

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

Against the Motion: Cr Tayler

11.2 Review of Completed Studies - Parking Precinct Plan*(KJ Community Development)***Council Decision****Moved: Councillor Aitken****Seconded: Councillor Dooley**

That Council receives the report.

Lost*Cr O'Reilly left the chamber at 8.36 pm**Cr O'Reilly returned to the chamber at 8.39 pm*

For the Motion: Crs Aitken, Dooley and Mayer

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

11.3 Proposed naming of unnamed road off Cranbourne Rd, Langwarrin as Shute Drive

(*Corporate Development*)

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

That Council commences the formal process, including public consultation to name the unnamed road off Cranbourne Rd, Langwarrin as "Shute Drive".

Carried Unanimously

Cr Dooley left the chamber at 8.44 pm

11.4 Review of Roundabout at Playne Street and Young Street, Frankston

(BH City Development)

Cr Dooley returned to the chamber at 8.46 pm

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

That Council:

1. Notes the outcomes of the report; and
2. Supports the proposed changes to the signage.

Carried Unanimously

The meeting was adjourned at 8.54 pm

The meeting resumed at 8.58 pm

All Councillors were present

11.5 Dogs on Beach Review

(PM Community Development)

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

That Council:

1. Resolves to maintain the restriction for dogs on leashes on municipality beaches between December and March, 9.30am to 7.30pm.
2. Refers the options to vary the beach exclusion times as part of the review of the Domestic Animal Management Plan (DAMP).

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

That Cr O'Reilly be granted an extension of time.

Carried Unanimously**Extension of Time****Moved: Councillor Taylor****Seconded: Councillor Cunial**

That Cr Aitken be granted an extension of time.

Carried Unanimously**The motion was
put and Carried**

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

Against the Motion: Cr O'Reilly

11.6 Dogs in the City Centre

(PM Community Development)

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

That Council:

1. Resolves to maintain the existing arrangements restricting dogs from the City Centre bounded by Kananook Creek Boulevard, Fletcher Road, Cranbourne Road, Baxter Street, Davey Street and Kananook Creek South.
2. Refers the exclusion zones and free roam areas as part of the Domestic Animal Management Plan Review in 2016.

Carried Unanimously

11.7 Delegated Powers, Closed Council Contract Decisions & Sundry Matters
(*Corporate Development*)

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Dooley

That that information be received.

Carried Unanimously

11.8 Community Development Division - Resolution Holding Report*(PM Community Development)***Council Decision****Moved: Councillor Aitken****Seconded: Councillor Tayler**

That Council receives the report.

Carried Unanimously

Chairperson's initials

S. Mayer

12. NOTICES OF MOTION**12.1 NOM 1123 - Homelessness In Frankston**

(DP Community Development)

Cr Dooley left the chamber at 9.34 pm

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

That all Councillors support the pilot housing project for homeless persons in Frankston by providing financial assistance towards the project and that the following funds be taken from each of their respective discretionary funds:

- Councillor Darrel Taylor \$2,000
- Councillor Rebekah Spelman \$2,000
- The Mayor, Councillor Sandra Mayer \$5,000
- Councillor Brian Cunial \$5,000
- Councillor Colin Hampton \$5,000
- Councillor James Dooley \$5,000
- Councillor Michael O'Reilly \$10,000
- Councillor Glenn Aitken \$10,000
- Councillor Suzette Tayler \$15,000

The release of funds is subject to Council endorsing the implementation plan which will be presented to Council on 14 September 2015.

Carried Unanimously

12.2 NOM 1124 - Frankston Homeless Charitable Appeal

(DP Community Development)

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

That:

1. The following actions for the Frankston Homeless Charitable Appeal be supported by Council:
 - Fundraising tin-rattle campaign in partnership with approved volunteers from the Frankston municipality; and
 - Fundraising function in conjunction with the Frankston District Basketball Association.
2. Council accepts the \$1,000 donation to be taken from Cr Darrel Taylor's discretionary fund to support the Frankston Homeless Charitable Appeal fundraising event.
3. This be subject to Council endorsing the implementation plan which will be presented to Council on 14 September 2015

Carried Unanimously

12.3 NOM 1133 - Biennial Peninsula Hospice Women of Action Country Luncheon - 21 October 2015

(AC Chief Executive Office)

Cr Dooley returned to the chamber at 9.36 pm

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

That Council accepts the letter from Women of Action Committee 2015, requesting sponsorship and financial assistance for the Biennial Peninsula Home Hospice "Women of Action Country Luncheon" to be held on the 21st October 2015 at Elgee Park and that the amount of \$5,000 be given to the Women of Action Committee 2015 for the Gold Sponsorship. Equal parts to be contributed from Cr Sandra Mayer and Cr Colin Hampton's Discretionary Funds (\$2,500 each).

Carried Unanimously

12.5 NOM 1135 - Rotary Club of Frankston North - Interact Club

(JA Community Development)

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

“That Council accepts the community grant application from the Rotary Club of Frankston North, requesting financial assistance to establish an Interact Club and that the amount of \$500 each (total - \$1000) be given to the Rotary Club of Frankston North from Councillors Aitken and Spelman’s Discretionary Fund.”

Carried Unanimously

12.6 NOM 1136 - Frankston Bowls Club - Easter Tournament

(CM Chief Executive Office)

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

That Council accepts the invoice from Alan McNeil from the Frankston Bowls Club requesting financial assistance and that the amount of \$1,500 be given to the Frankston Bowls Club for their Easter Tournament from each of Councillors Brian Cunial, Darrel Taylor, and Suzette Tayler's Discretionary Funds.

Carried Unanimously

12.7 NOM 1137 - Karingal Football Club funding towards an Alcohol and Drug Presentation by the Australian Drug Foundation

(MT Chief Executive Office)

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

That \$550 be allocated from Cr Dooley's Discretionary Fund to Karingal Football Club, to fund an Alcohol & Drug Presentation by the Australian Drug Foundation on the 25th August 2015.

Carried Unanimously

Cr Cunial left the chamber at 9.39 pm

12.8 NOM 1138 - Request for Financial Assistance - Finals of the Voice of Frankston event - 6th and 13th September 2015

(AC Chief Executive Office)

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

That Council accepts the email from Nicole Simpson, Marketing & Business Development Manager of Hey Dee Ho Music and Funkey Music, the Organiser of the Voice of Frankston Singing competition requesting financial assistance for the Voice of Frankston Semi-Final to be held on the 6th September and the Grand Final to held on the 13th September 2015 at the Frankston Arts Centre and that the amount of \$1972.00 be given to the Event Organisers from Cr Sandra Mayer's Discretionary Fund.

Carried Unanimously

13. LATE REPORTS

Nil.

14. URGENT BUSINESS

Cr Cunial returned to the chamber at 9.41 pm

Flag Poles at Lyrebird Community Centre**Council Decision****Moved: Councillor Taylor****Seconded: Councillor Aitken**

That the matter of Flag Poles at Lyrebird Community Centre be accepted as urgent business.

Carried Unanimously

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

That a second flag pole be constructed at the War Memorial site, to be located outside the Lyrebird Community Centre, to accommodate the National Flag and Council's Flag. The funds for the construction of the two (2) flag poles will be taken from the proceeds of sale from the former Carrum Downs Memorial Hall site.

That the CEO investigates a flag pole at an affordable price that complies with Council's procurement policy.

Carried Unanimously

Submission - Port of Melbourne Lease Arrangements**Council Decision****Moved: Councillor Taylor****Seconded: Councillor Tayler**

That the matter of Submission – Port of Hastings be accepted as urgent business.

Carried Unanimously

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

That t Council:

1. Makes a detailed submission to the Parliamentary Enquiry for the Port of Melbourne lease arrangements which will require submissions by the 11 September 2015.
2. Appears before the Committee to make a verbal submission.

Carried Unanimously

145. CONFIDENTIAL ITEMS**Council Decision****Moved: Councillor Cunial****Seconded: Councillor Tayler**

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 Review of application to register a Rooming House

Agenda Item C.1 Review of application to register a Rooming House is designated confidential as it relates to legal advice (s89 2f)

C.2 Appointment of Transactional Banking Provider and Bill Payment Services Providers

Agenda Item C.2 Appointment of Transactional Banking Provider and Bill Payment Services Providers is designated confidential as it relates to contractual matters (s89 2d)

C.3 Community Grants Program 2015/2016

Agenda Item C.3 Community Grants Program 2015/2016 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)

Carried Unanimously

16. OUTCOME OF CONSIDERATION OF CERTAIN CONFIDENTIAL ITEMS**C.4 Contractual Matters - Transfer of 404 Ballarto Road, Skye to the Country Fire Authority (considered at OM267 9 February 2015)****Council Decision****Moved: Councillor Hampton****Seconded: Councillor Dooley**

That Council:

1. Approves the transfer of its land (Lot 1, Volume 8108 Folio 130 and Lot 1, Volume 8416 Folio 715) at 404R Ballarto Road, Skye to the Country Fire Authority,
2. Agrees not to rely on the exemption from public consultation available under S191 of the *Local Government Act 1989* (because the matter involves the transfer of land to a public authority), and,
3. Resolves to place a public notice in the Frankston Leader and onsite on 16 February 2015 advising the public of its intention to sell the subject land to the CFA, inviting written submissions and persons that would like to be heard in support of their submission by a committee of Councillors on 23 March 2015,
4. Resolves to transfer the subject land to the CFA by an exchange of funds for the titles to the subject land and transfer instruments signed and sealed by Council if Council agrees to proceed with the transfer following the consideration of submissions at its meeting of 13 April 2015.
5. Resolves to release non-commercially sensitive information about this proposed transaction by the end of May 2015.

The Motion was put and CARRIED unanimously

C.7 Award of Contract Extension for the Provision of Landfill Services (considered at OM269 23 March 2015)**Council Decision****Moved: Councillor Aitken****Seconded: Councillor Dooley**

That:

1. Council resolves to formally advise the Metropolitan Waste and Resource Recovery Group (MWRRG) and SITA Australia Pty Ltd (SITA) that it agrees to extend the Landfill Services Deed with SITA for the provision of Landfill Services for a further two (2) year term;
2. Council delegates to the Chief Executive Officer (CEO) authority to sign and seal the contract extension;
3. Council notes that the two year term contract sum excluding the Landfill Levy; and
4. The recommendation (without commercially sensitive information) be released once contract documents have been formally executed.

The Motion was put and CARRIED unanimously

**C.2 Minutes of the Frankston Arts Board - July Meeting (considered at OM275
3 August 2015)****Council Decision****Moved: Councillor Taylor****Seconded: Councillor Dooley**

That:

- 2) Council endorses the Venue Discount Criteria and Guidelines as per Attachment A.
- 3) Council endorses the Arts & Culture Strategic Plan which will form the basis for the Frankston Arts Centre Business and Marketing Plan as per Attachment B.
- 4) Council approves the re-appointment of Ms Mish Eisen as an Arts Representative for a further term of 3 years from 1 September 2015 to 30 September 2018.
- 5) Council approves the re-appointment of Mr Michael Malignaggi as the Business and Arts Representative for a further term of 3 years from 1 September 2015 to 30 September 2018.
- 6) Council approves the re-appointment of Mr Douglas Spencer Roy as the Marketing and Business Representative for a further term of 3 years from 1 September 2015 to 30 September 2018.
- 7) Council notes Mr Noel Ferguson's position that he will not seek re-nomination. Accordingly, Council acknowledges Mr Ferguson's dedicated service to the Frankston Art Centre and writes to thank him for his service to the Community.
- 8) Recommendations 2), 3), 4), 5), 6) and 7) be released immediately after this meeting.

The Motion was put and CARRIED unanimously

C.1 Review of application to register a Rooming House (considered at this meeting)**Council Decision****Moved: Councillor Dooley****Seconded: Councillor Aitken**

That Council:

1. Notes that under section 205 of The Public Health and Wellbeing Act 2008, Council has the power to review its decision made under Section 76 to refuse to register a rooming house.
2. Ratifies the review decision under Section 205 to refuse to register 177 Karingal Drive, Frankston as a rooming house.
3. Advises Consumer Affairs Victoria of the review decision to refuse to issue registration and supply them with the following information –
 - The reason for the review decision to refuse registration.
4. Advises the owner as to the outcome of a review to refuse registration of 177 Karingal Drive, Frankston as a rooming house.

The Motion was put and CARRIED unanimously

The meeting closed to the public at 9.48 p.m.

CONFIRMED THIS

DAY OF

2015

.....
CHAIRPERSON

AUTHORITY TO USE ELECTRONIC SIGNATURE

I, Cr. Sandra Mayer, Chairperson – Council Meeting hereby authorise the use of my electronic signature to sign each page of these Minutes of the Council Meeting held on 24 August 2015, confirmed on 14 September 2015.

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

Dated this

day of

2015