



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 5 OCTOBER 2015 at 7.02 PM**

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| PRESENT | Cr. Glenn Aitken (Deputy Mayor) Cr. Darrel Taylor Cr. James Dooley Cr. Rebekah Spelman Cr. Suzette Tayler Cr. Colin Hampton |
| APOLOGIES: | Cr. Sandra Mayer (Mayor) Cr. Brian Cunial Cr. Michael O'Reilly |
| 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. Brad Hurren, Manager Infrastructure Mr. Michael Papageorgiou, Manager Planning & Environment Ms. Naomi Neville, Acting Coordinator Statutory Planning Ms. Kelly Ross, Coordinator Media & Communications Ms. Vera Roberts, Officer Council Business Support |
| EXTERNAL REPRESENTATIVES: | Nil |

COUNCILLOR STATEMENT

Councillor Spelman 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

PRAYER

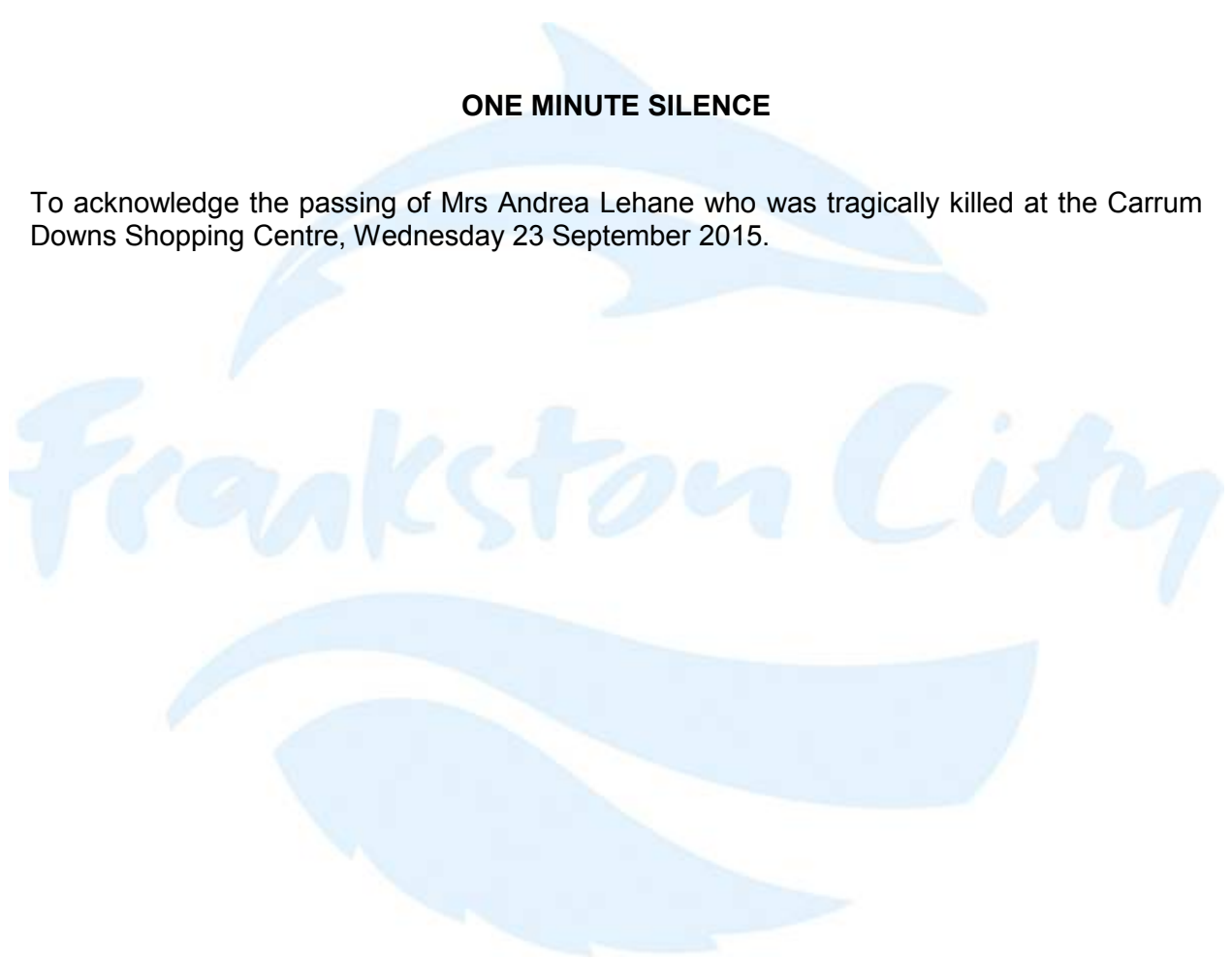
At the request of the Deputy Mayor, Councillor Hampton read the Opening Prayer.

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.

ONE MINUTE SILENCE

To acknowledge the passing of Mrs Andrea Lehane who was tragically killed at the Carrum Downs Shopping Centre, Wednesday 23 September 2015.



Chairperson's initials

A handwritten signature in blue ink, appearing to read "J. W. Sticken", is written over a light blue rectangular background.

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Chairperson's initials



1. PRESENTATION TO COMMUNITY GROUPS

Nil.

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM277 held on 14 September 2015.

Council Decision

Moved: Councillor Taylor

Seconded: Councillor Tayler

That the minutes of the Ordinary Meeting No. OM277 held on 14 September 2015 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted including the amendments made to Item C.2 – Award of Contract Provision Solid Inert Landfill Services.

Carried Unanimously

3. APOLOGIES**Council Decision**

Moved: Councillor Taylor

Seconded: Councillor Dooley

That the apologies be received and Mayor Councillor Mayer, Councillors Cunial and O'Reilly be granted leave from the meeting.

Carried Unanimously

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Cr Darrel Taylor declared an interest in Item 12.15 - NOM 1167 - Kingsley Park Primary School Sporting Equipment Packs and advised he will leave the Chambers while discussion takes place.

5. PUBLIC QUESTION TIME

One (1) person submitted three (3) "Questions with Notice" to Council. One question related to hard rubbish pickup and two questions related to Item 10.1 Planning Permit Application 652/2014/P - 26 Robin Drive Carrum Downs - To construct seventeen (17) dwellings comprising eight (8) double storey and nine (9) single storey and a seventeen (17) lot subdivision. The CEO advised the submitter that a written response will be sent within seven (7) days.

Two (2) persons submitted questions to Council. At the request of the Deputy Mayor, the Chief Executive Officer read the questions and answers to the gallery. The questions and answers are contained in Appendix.

6. HEARING OF PUBLIC SUBMISSIONS

Mr Coleby McDonough made a submission to Council regarding Item 10.1: Planning Permit Application 652/2014/P - 26 Robin Drive Carrum Downs - To construct seventeen (17) dwellings comprising eight (8) double storey and nine (9) single storey and a seventeen (17) lot subdivision;

Mr Peter Patterson on behalf of Frankston Business Network made a submission to Council regarding Item 11.1: Frankston Station Redevelopment;

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Mr Peter Anscombe made a submission to Council regarding Item 11.4: Review of Council's Instruments of Delegation;

Ms Hilary Poad made a submission to Council regarding Item 11.4: Review of Council's Instruments of Delegation;

Mr Michael Block on behalf of Kananook Primary School made a submission to Council regarding Item 12.13: NOM 1165 - Kananook Primary School Real Schools Partnership.

Extension of Time

Council Decision

Moved: Councillor Dooley

Seconded: Councillor Tayler

That Mr Michael Block be granted an extension of time.

Carried Unanimously

7. ITEMS BROUGHT FORWARD

Council Decision

Moved: Councillor Dooley

Seconded: Councillor Hampton

That Item 11.1: Frankston Station Redevelopment and Item 12.13: NOM 1165 – Kananook Primary School Real Schools Partnership be brought forward.

Carried Unanimously

8. PRESENTATIONS / AWARDS

The Deputy Mayor, Cr Glenn Aitken presented a Certificate of Appreciation from Caroline Chisholm Education Foundation acknowledging the support from the Mayor, Cr Sandra Mayer's discretionary funding providing scholarship funds towards a student's vocational education.

The Deputy Mayor, Cr Glenn Aitken presented a Certificate from St Francis Xavier Primary School thanking the Mayor, Cr Sandra Mayer for the support in the 'I Love Frankston Fun Run'. The event was a great success. Cr Darrel Taylor also stated he had received a Certificate of thanks.

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Taylor

That the additional petition containing 168 signatures submitted by residents and visitors to Frankston in support of moving bus stops from Young Street to the other side of the station be received. This makes the overall petition to contain 646 signatures.

Carried Unanimously

Chairperson's initials



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

That the additional petition containing 91 signatures submitted by residents in support of returning Broughton Street, Seaford back to angle parking be received. This makes the overall petition to contain 390 signatures.

Carried Unanimously

Chairperson's initials



ITEMS BE BROUGHT FORWARD**11.1 Frankston Station Redevelopment**

(GK Community Development)

Recommendation (Director Community Development)

That Council:

1. Formally receives the Masterplan and notes that it primarily discusses and makes specific recommendations for stage one of the redevelopment of the Frankston Station Precinct and refers to additional required work to better inform future stages.
2. Endorses the current Masterplan (Attachment 1 of this report) as Stage 1 of the Redevelopment of the Railway Station Precinct to deliver the long term vision of the electrification of the railway line to Baxter
3. Seeks commitment of the Victoria Government to Stage 2 and 3 in their forward planning including additional car parking and an improved bus interchange
4. Writes to the Minister for Public Transport to convey Council's position and seek specific inclusion of the following in stage 1:
 - The Wells Street streetscape palette (pavers, lighting and seating) to be repeated in Young Street
 - The Masterplan recommendation for a plaza space in Young Street to be a grassed park
 - Weather protection over the bus stop zone
 - More details on the options to be considered for additional and better managed car parking
 - Further information about the future relocation of buses into Fletcher Road
 - Preservation of the manual Signalling Box
5. Advocates for Council to take a leadership role in the governance structure
6. Approves an announcement / launch by the 12 October outlining Council's position.

The Alternate Motion was put in separate parts pursuant to Clause 43 of Council's Governance Local Law

Chairperson's initials



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

That Council

1. Formally receives the Masterplan and notes that it primarily discusses and makes specific recommendations for stage one of the redevelopment of the Frankston Station Precinct and refers to additional required work to better inform future stages.
2. Given the positive impacts and benefits of this project to the Frankston community, advocates for Council to take a long leadership role in the governance structure to support the delivery of the key outcomes including Council's strong preference for:
 - The Wells Street streetscape palette (pavers, lighting and seating) to be repeated in Young Street;
 - The park space in Young Street be grassed and not paved;
 - Weather protection over the bus stop zones;
 - Additional parking, particularly commuter parking; and
 - Preservation of the manual Signalling Box.
3. Write to the Minister of Transport, CEO of PTV and VicTrack to obtain their commitment to preservation of the Manual Signalling Box.
4. Notes that a number of promises to transform the Frankston Train Station precinct have been made by previous governments (both Liberal and Labor) over the last forty years and also notes that the Departments of Planning and Transport – when given responsibility for the planning and delivery of outcomes at the Frankston Train Station and that have been promised by governments – have failed to deliver. Millions of tax payer dollars have been wasted as a result. As a consequence, this Council endorses the Frankston Station Precinct Redevelopment Master Plan and recommends:
 - (i) That the detail and costings for Stages 2 and 3 for the redevelopment of the Frankston Train Station (including the electrification of the line to Baxter) be fully outlined in the Business Case that is presently being prepared by the State Government and that these costings be included in Victorian State Government forward estimates in the 2016 Budget and all budgets that follow it until each Stage has been completed.
 - (ii) That the Metropolitan Planning Authority take over responsibility for the planning and delivery of the transformation of Frankston Train Station.
5. Approves that a letter addressed to the Premier, Minister of Planning and the Minister for Transport be written to outline and explain all of the above motions. It should be signed by the Mayor and sent immediately after the Council Meeting on 5 October 2015.
6. Approves an announcement/launch on 12 October 2015 outlining Council's position and response to the Master Plan.

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

That Cr Hampton be granted an extension of time.

Carried Unanimously

Chairperson's initials



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

That Cr Taylor be granted an extension of time.

Carried Unanimously**The first part of the Motion was then put and****Carried Unanimously****Council Decision****Moved: Councillor Hampton****Seconded: Councillor Taylor**

That

7. Council approves the future relocation of buses into Fletcher Road.

The second part of the Motion was then put and**Carried**

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

Against the Motion: Crs Spelman and Tayler

12.13 NOM 1165 - Kananook Primary School Real Schools Partnership

(MT Chief Executive Office)

That Council accepts the email from Kananook Primary School requesting financial assistance towards the Building a Restorative School Community program and that the amount of \$23,918 be given to Kananook Primary School from Cr James Dooley Discretionary Fund, subject to the Chief Executive Officer approval to the requirements as outlined in the officer's comments.

Deferral Motion**Moved: Councillor Dooley****Seconded: Councillor Tayler**

That the matter be deferred.

Carried Unanimously

10. CONSIDERATION OF TOWN PLANNING REPORTS

10.1 Planning Permit Application 652/2014/P - 26 Robin Drive Carrum Downs - To construct seventeen (17) dwellings comprising eight (8) double storey and nine (9) single storey and a seventeen (17) lot subdivision

Recommendation (Director Community Development)

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 652/2014/P for the construct a total of seventeen (17) dwellings comprising of eight (8) double storey and nine (9) single storey and a seventeen (17) lot subdivision at 26 Robin Drive Carrum Downs (proposed Lot 2, PS733699N), subject to the following conditions:

Plans

1. Before the certification of a plan of subdivision or commencement of the development, 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 Thomas Anderson Design, Ref: 14-0562, Issue B, Feb 2015, TP1-13 and Peninsula Survey Group Pty Ltd, Plan of Subdivision PS733698Q, Version 2, Ref: 5188-PS-2, but modified to show:
 - (a) Bedroom 2 north facing habitable room window of dwelling 17 moved to the west elevation with a sun awning, be unobscured and providing surveillance over the common property entrance;
 - (b) All water tanks shown for dwellings 3-13 relocated to the south of the dwellings;
 - (c) The width of the common property pedestrian access from Robin Drive should be reduced to approximately 3.5 metres to provide adequate area for landscaping/garden beds for dwelling 3 and 4 on the north elevation;
 - (d) All visitor car spaces to be included in common property in the plan of subdivision;
 - (e) Delete "E3" from the extension of Koomaloo Place which is to be shown as Road Reserve vesting in Frankston City Council only;
 - (f) East and west elevation of dwellings 6 and 7;
 - (g) Deletion of the bins shown on the Robin Drive nature strip;
 - (h) Materials and colour schedule in accordance with Condition 18
 - (i) Landscaping plan in accordance with Condition 3;
 - (j) Development construction detailed pavement and drainage design plans in accordance with Condition 8;
 - (k) Amended Waste Management Plan in accordance with Condition 16.
 - (l) A Construction and Environment Management Plan in accordance with Condition 15.

No Alterations

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

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:-

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- 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) one (1) provided in the secluded private open space of each dwelling and a further 10 canopy trees throughout the common property area.

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

Drainage

5. Provision of a Stormwater Detention System with a volume capable of retarding the 10 year ARI flow from the development site back to a 5 year ARI pre-development value to the satisfaction of the Responsible Authority.
6. 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.
7. 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.

8. Prior to commencement of development construction detailed pavement and drainage design plans including Koomaloo Place T court head and drainage computations of the internal stormwater drainage system are to be submitted and approved to the satisfaction of the Responsible Authority.

9. Prior to the issue of a Statement of Compliance or occupation of the dwellings, Koomaloo Place T court head must be constructed to Frankston City Council standards and specifications to the satisfaction of the responsible authority.
10. Prior to the issue of a Statement of Compliance and once constructed, Koomaloo Place T court is to be set aside as Road Reserve in favour of Frankston City Council and transferred to the responsible authority.
11. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
12. All disused vehicle crossings shall be removed and the area reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.
13. 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.

14. 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

15. 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) Location and specifications of sediment control devices on/off site.
 - e) Location and specifications of surface water drainage controls.
 - f) Location and specifications of fencing for the protection of trees and/or vegetation as required by the permit.

- g) Proposed drainage lines and flow control measures.
- h) Location of all stockpiles and storage of building materials.
- i) Location of parking for site workers and any temporary buildings or facilities.
- j) 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).

Waste Management

- 16 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 that the collection is to be undertaken by a private contractor. 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.
- 17. All waste generated by the dwellings will be required to be collected on site by a Private Waste Collection Agency.

Urban Design

- 18. Before the development commences, a materials and colour schedule is required of all external materials and finishes, walls, roof and glazing treatments, etc. A variety of materials and colours must be used for each of the dwellings and throughout the development. The materials and colour schedule must be to the satisfaction of the Responsible Authority and when approved, the schedule will form part of the permit.
- 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.

Subdivision

- 24. Prior to the certification of the plan of subdivision approved by this permit, the plan of subdivision PS733699N for the two lot subdivision of the land approved by planning permit 51/2014/P must be certified and prior to the issue of a statement of compliance for the subdivision approved by this permit, a statement of compliance must be issued for the two lot subdivision (PS733699N) approved by planning permit 51/2014/P and evidence of the registration of the subdivision at the Titles Office must be provided to the satisfaction of the Responsible Authority.

Public Open Space Contribution

25. The owner must pay to the Responsible Authority a sum equivalent to five per cent (5%) of the site value of all land in the subdivision. This payment must be made before a Statement of Compliance is issued and may be varied under Section 19 of the Subdivisions Act 1988.

South East Water

26. The owner of the subject land must enter into an agreement with South East Water for the provision of potable water supply and fulfil all requirements to its satisfaction.
27. The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.
28. Prior to certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the Subdivision Act 1988.

Melbourne Water

29. Prior to certification of plans, Melbourne Water requires that the applicant submit a detailed Drainage and Stormwater Management Strategy, which calculates flow levels, and flood levels for the 100-year ARI flood event and demonstrates how stormwater runoff from the subdivision will achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater.
30. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
31. Any road or access way intended to act as a stormwater overland flow path must be designed and constructed to comply with the floodway safety criteria outlined within Appendix A of Melbourne Water's Land Development Manual.
32. Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.
33. Prior to the issuing of a Statement of Compliance for the subdivision, as constructed plans detailing any Water Sensitive Urban Design (WSUD) treatment measures must be submitted.
34. Prior to the issuing of a Statement of Compliance for the subdivision documentation supporting the approved ongoing maintenance of the treatment measures by Frankston City Council must be submitted.
35. Prior to the commencement of works separate application, direct to Melbourne Water, must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.
36. At least 21 days prior to commencement of works, a Site Management Plan detailing pollution and sediment control measures, must be submitted to Melbourne Water.
37. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988

Telstra

38. A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time.

38. A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Permit Expiry

40. This permit will expire for the development 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.

41. This permit will expire for the subdivision of the land in one of the following circumstances applies:
- (a) The subdivision is not certified within two years of the date of this permit.
 - (b) The subdivision is not registered within five years of the date of certification.

The Responsible Authority may extend the periods referred to in (a) if a request is made in writing before permit expiry or within six (6) months of the permit expiry date.

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.

Notes

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

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

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

That Council resolves to issue a Refusal to Grant a Planning Permit in respect to Planning Application No. 652/2014/P - To construct seventeen dwellings comprising of eight (8) double storey and nine (9) single storey dwellings and a seventeen lot subdivision, on the following grounds:-

1. Access to the proposal through Koomaloo Place is inappropriate as it will cause unreasonable detriment to the adjacent residential properties and residents.
2. The traffic generated by the proposal will impact the amenity of existing residents.
3. The proposal does not respect the existing or preferred neighbourhood character and does not comply with Clause 55.02-1 – Neighbourhood Character and Clause 22.08 – Neighbourhood Character of the Frankston Planning Scheme.
4. The proposal does not have an appropriate level of landscaping.
5. The proposal is an overdevelopment of the site.
6. The proposal does not comply with the required number of visitor spaces required under Council's Multi Dwelling Visitor Car Parking Guidelines.

Carried Unanimously

Chairperson's initials



10.2 August Town Planning Progress Report
(MP Community Development)

Council Decision

Moved: Councillor Dooley

Seconded: Councillor Tayler

That Council receives and notes the report.

Carried Unanimously

Chairperson's initials



11. CONSIDERATION OF REPORTS OF OFFICERS**11.2 Frankston City Community Solar Program**

(CD City Development)

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

That:

1. The report be received and noted;
2. The program and its evaluation be finalised;
3. Solar information resources are maintained and kept up to date, to provide ongoing support and advice for the community.

Carried Unanimously

Chairperson's initials



11.3 Proposed Tree Protection Local Law 2015 No. 22

(*Corporate Development*)

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

That the draft Tree Protection Local Law 2015 No. 22 (included as Attachment A) be agreed to in principle, and procedures be commenced in accordance with section 119 of the *Local Government Act* 1989 for the making of the local law.

Carried Unanimously

Chairperson's initials



11.4 Review of Council's Instruments of Delegation

(KK Corporate Development)

Cr Hampton left the Chambers at 8.43 pm

Cr Hampton returned to the Chambers at 8.47 pm

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

That:

1. In the exercise of the powers conferred by Section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the S6 - Instrument of Delegation to members of Council staff, attached as Attachment A to the Agenda, Council resolves that the powers, duties and functions be delegated to staff as detailed in the Instrument, subject to the conditions/limitations specified in the Instrument of Delegation.
2. In the exercise of the powers conferred by Section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the S5 - Instrument of Delegation to the Chief Executive Officer as Attachment B to the Agenda, Council resolves that the powers, duties and functions set out in the Instrument be delegated to the Chief Executive Officer, subject to the conditions/limitations specified in the Instrument of Delegation.
3. The Instruments of Delegation referred to in 1 and 2 above:
 - (i) be signed and sealed;
 - (ii) come into force immediately the Common Seal of the Council is affixed to the Instrument; and
 - (iii) remain in force until Council determines to vary or revoke the Instrument.
4. The duties and functions set out in the Instruments of Delegation referred to in 1 and 2 above be performed and the powers, duties and functions set out in the Instruments be executed in accordance with any guidelines or policies of Council that Council may from time to time adopt.

Carried Unanimously

Chairperson's initials



11.5 Municipal Health and Wellbeing Plan 2013-2017: Annual Review (Year Two)

(LD Community Development)

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

That Council receives and notes the 2014-2015 Annual Review of the Municipal Health and Wellbeing Plan 2013-2017.

Carried Unanimously

Chairperson's initials



11.6 Response to Petition - Parking at Railway Parade, Seaford*(GR City Development)***Council Decision****Moved: Councillor Spelman****Seconded: Councillor Tayler**

That Council:

1. Notes the outcome of the assessment, which supports extending the parking restrictions along Railway Parade from Myra Street to Johnstone Street;
2. Approves extending the '3P 9am – 5pm Mon – Fri Authorised Resident Excepted' parking restriction along Railway Parade from Myra Street to Johnstone Street; and
3. Notifies the head petitioner of Council's decision.

Carried Unanimously

Chairperson's initials



11.7 Draft Paths Development Plan

(GR City Development)

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

That the draft Paths Development Plan be circulated for public comment for four (4) weeks commencing in October 2015, with Council Officers expected to report back to Council by no later than January 2016 with a final Paths Development Plan for adoption that considers the feedback from the community.

Carried Unanimously

Chairperson's initials



11.8 Amendment of Contributory Schemes Policy*(GR City Development)***Council Decision****Moved: Councillor Taylor****Seconded: Councillor Dooley**

That Council endorse the amendments to Council's Contributory Schemes Policy as proposed in the Policy update of 2 September 2015.

Carried Unanimously

Chairperson's initials



11.9 Authorisation of Instrument of Delegation - Frankston Arts Board

(*Corporate Development*)

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

That:

1. Council approves the revised Instrument of Delegation to the Frankston Arts Board (included as Attachment A); and
2. Council authorises the signing and sealing of the attached Instrument of Delegation to the Frankston Arts Board.

Carried Unanimously

Chairperson's initials



11.10 Council submission to the Essential Services Commission's Energy Commission's Inquiry

(LD Community Development)

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

That Council endorses the draft submission to the Essential Services Commission in response to the Draft Report from its Energy Hardship Inquiry.

Carried Unanimously

Chairperson's initials



11.11 Documents for Sealing

(GV Corporate Development)

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

That the Common Seal be affixed to the following:

Transfers of Land (Road Titles)

1. ASIC to Frankston City Council (deregistered company Newtown Pty Ltd), being more particularly described as Volume 9952 Folio 989, being Roads on Plan of Subdivision Number 217451W, and,
2. ASIC to Frankston City Council (deregistered company Bevnol Developments Pty Ltd), being more particularly described as Volume 9690 Folio 836, being Roads on Plan of Subdivision Number 202356Y, and Volume 9782 Folio 604, being Roads on Plan of Subdivision Number 204639A.

Section 173 Agreement

3. Section 173 agreement in relation to construction works in the road reserve adjacent to 559 Nepean Highway Frankston.

Carried Unanimously

Chairperson's initials



11.12 Sports Development Plan - Implementation Progress*(DS City Development)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Tayler**

That Council:

1. Notes the status of delivering the Sports Development Plan 2013-2019;and
2. Receives a further report on the progress of the implementation of the Sports Development Plan 2013-2019 in September 2016.

Carried Unanimously

Chairperson's initials



11.13 Change of Meeting Date for Special Statutory Meeting

(MT Chief Executive Office)

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

That:

1. The Special Statutory Meeting scheduled for 7.00pm on Wednesday 11 November 2015 be changed to 7.00pm on Thursday 12 November 2015.
2. This be widely advertised in the Local Paper and on Council's website.

Carried Unanimously

Chairperson's initials



11.14 Frankston Tourism Destination Development Plan Update

(SJ Corporate Development)

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

That Council:

1. Notes this report.
2. Continues to support the implementation of the Frankston Tourism Destination Development Plan.

Carried Unanimously

Chairperson's initials



11.15 Frankston Tourism Destination Branding Program

(SJ Corporate Development)

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

That Council:

1. Notes this report.
2. Continues to endorse the use of '*Frankston, Enjoy Every Moment*' as being integral to the destination brand of Frankston City.

Carried Unanimously

Chairperson's initials



11.16 Rotary Birth Tree Project Proposal

(DS City Development)

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

That Council:

1. Approves the Birth Tree Project for inclusion in Montague Park, Frankston; and
2. Provides its agreement to the ongoing maintenance and delegates the Chief Executive Officer to negotiate an initial 3 year agreement with the Rotary Club for the project.

Carried Unanimously

Chairperson's initials



11.17 Liquor Licence Planning Applications and related delegations

(MP Community Development)

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

That:

1. Council delegate its decision making on Application No 358/2015/P to the CEO and Directors as a relevant case of an individual town planning application for the purposes of obtaining a liquor licence where delegation is considered to be an appropriate course of action.

Carried Unanimously

Chairperson's initials



11.18 East West Wells Street - Project Enhancements

(GR City Development)

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

That Council:

1. Approves the proposed design enhancements for the Wells Street project as outlined below and shown on the attached plans:
 - a) Laneway entrance paving alterations – Replace part asphalt surface with granite set pavers so the complete entrance construction is in granite set pavers.
 - b) South side driveway (east end of Wells Street) – Replace asphalt and granite sets construction with footpath pavers to keep consistency and minimise paving changes.
 - c) Thompson Street pedestrian crossing (informal) – Not proceed with the proposed paving on the informal crossing to avoid creating a conflict point by suggesting pedestrians have the right of way. The intersection will continue to function as it currently does.
 - d) White Street Mall – Remove existing granite pavers across frontage and to the paving joint to the east and replace with new footpath pavers to match the new construction.
 - e) Young Street and Wells Street intersection – Due to the upcoming works in Young Street for the Transit Interchange project, the paving along Wells Street will stop short of the intersection with Young Street so it can be better matched in with the proposed Young Street works.
 - f) Replacement of shot-blast (rougher texture) pavers with milled-finish (smoother texture) pavers.
 - g) Shop entrance indents – Owners consent is required to undertake works inside property boundaries. As this consent will take some time to establish, it is proposed that any paving will be undertaken as follow-on works, not part of the existing construction contract.
 - h) Telstra pits – There are a small number of chamber pits with large steel lids which Telstra have advised cannot be fitted with paver insert lids. This is largely due to the OHS implications associated with their use. The smaller pits will be replaced with paver insert lids where possible.
2. Agrees to minimise further disruption to traders over the busy Christmas trading period by endorsing a revised construction timing for the Wells Street project. Works will cease by 21 November and recommence in mid-January to undertake works at the south west corner section from Nepean Highway to Thompson Street.

Carried Unanimously

Chairperson's initials



12. NOTICES OF MOTION**12.1 NOM 1152 - Sweetwater Creek Association Training Manual**

(MT Chief Executive Office)

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

That Council accepts the email from the Sweetwater Creek Association, requesting financial assistance for a Training Manual which will be provided to volunteer workers. That the amount of \$1,500 be taken from Councillor Darrel Taylor's discretionary fund.

Carried Unanimously

Chairperson's initials



12.2 NOM 1153 - Baden Powell Park Scout Group Jamboree

(MT Chief Executive Office)

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

That Council accepts the email from Baden Powell Park Scout Group requesting financial assistance for two (2) Scout Leaders to attend the Jamboree in January 2016 and that the amount of \$2,350 be given to Baden Powell Park Scout Group from Councillor Darrel Taylor's discretionary fund.

Carried Unanimously

Chairperson's initials



12.3 NOM 1154 - Defibrillator for Seaford Community Centre and Frankston North Community Centre

(MT Chief Executive Office)

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

That Council accepts the email from Frankston North Community Centre and Seaford Community Centre requesting financial assistance for the installation of a defibrillator and that the amount of \$3,990 be taken from Councillor Darrel Taylor's discretionary fund.

Carried Unanimously

Chairperson's initials



12.4 NOM 1155 - Frankston Dolphin Juniors Football Club Security Shutters

(MT Chief Executive Office)

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

That Council accepts the email from Frankston Dolphin Juniors Football Club requesting financial assistance for the installation of security shutters over the canteen doors. The amount of \$2,000 is to be given to the Frankston Dolphin Juniors Football Club from Councillor Darrel Taylor's Discretionary Fund.

Carried Unanimously

Chairperson's initials



12.5 NOM 1156 - Frankston Pines Football Club

(MT Chief Executive Office)

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

“That Council accepts the letter and invoice from the Frankston Pines Football Club requesting financial assistance for team uniforms for the Juniors and Women’s teams and that the amount of \$2,000 is given to the club from Cr Hampton’s Discretionary Fund.”

Carried Unanimously

Chairperson’s initials



12.6 NOM 1157 - Centenary Park Golf Club Charity Day

(MT Chief Executive Office)

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

That Council accepts the letter from Centenary Park Golf Club requesting financial assistance for the Frankston Churches Community Breakfast Charity Day which is being held on Thursday 8th October 2015. The amount of \$3,000 is to be given to Centenary Park Golf Club from Councillor Colin Hampton's discretionary fund.

Carried Unanimously

Chairperson's initials



12.7 NOM 1158 - Frankston High School Vegetable Garden

(MT Chief Executive Office)

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

That Council accepts the letter from Frankston High School, requesting financial assistance towards the vegetable garden that the students of the Eco Team are trying to maintain and that the amount of \$2,000 be given to Frankston High School from Councillor Darrel Taylor's discretionary fund.

Carried Unanimously

Chairperson's initials



12.8 NOM 1159 - Delacombe Park Cricket Club - Cricket Nets

(MT Chief Executive Office)

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

That Council accepts the letter from Delacombe Park Cricket Club requesting financial assistance for cricket nets and that the amount of \$2,000 be given to Delacombe Park Cricket Club from Councillor Darrel Taylor's Discretionary Fund.

Carried Unanimously

Chairperson's initials



12.9 NOM 1160 - Frankston War Memorial Fund

(MT Chief Executive Office)

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

That \$9,241 be taken from Councillor Darrel Taylor's discretionary fund towards the Frankston War Memorial fund.

Carried Unanimously

Chairperson's initials



12.10 NOM 1161 - Lyrebird Community Centre Annual Christmas Festival

(MT Chief Executive Office)

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

That Council accepts the letter from Lyrebird Community Centre requesting financial assistance for expenses relating to the Annual Christmas Festival Function and that the amount of \$5,000 be given to the Lyrebird Community Centre from Cr Hampton's discretionary fund.

Carried Unanimously

Chairperson's initials



12.11 NOM 1163 - Historic Film about Frankston

(MT Chief Executive Office)

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

That \$4,706 be taken from Cr Glenn Aitken's discretionary fund for the purpose of creating a historic film about Frankston.

Carried Unanimously

Chairperson's initials



12.12 NOM 1164 - Telephone Scams

(MT Chief Executive Office)

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

That Council writes to the Local Members of Parliament, Federal Minister for Communications, Federal Police and Victoria Police to ascertain what actions will be taken to prevent people from continuing to scam both online and telephone highlighting in particular the latest scam that Frankston residents are being subjected from people purporting to be representatives of the Australian Taxation Office.

Carried Unanimously

Chairperson's initials



12.14 NOM 1166 - Langwarrin Soccer Club

(MT Chief Executive Office)

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

That Council accepts the email from Langwarrin Soccer Club requesting financial assistance for the purchase of new strips for the soccer teams and that the amount of \$2,000 be given to Langwarrin Soccer Club from Cr Colin Hampton's Discretionary Fund.

Carried Unanimously

Chairperson's initials



12.15 NOM 1167 - Kingsley Park Primary School Sporting Equipment Packs

(CM Chief Executive Office)

Cr Darrel Taylor declared an interest in this matter and left the chamber while discussion took place at 9.20 pm

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

“That Council accepts the email from Kingsley Park Primary School, requesting financial assistance for sporting equipment packs for each grade and that the amount of \$2,000 be given to Kingsley Park Primary School from Cr Tayler’s Discretionary Fund.”

Carried Unanimously

Cr Darrel Taylor returned to the Chambers at 9.22 pm

Chairperson’s initials



12.16 NOM 1168 - Overport Tennis Club Court Benches

(MT Chief Executive Office)

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

That Council accepts the email from Overport Tennis Club requesting financial assistance for court benches and that the amount of \$5,000 each (total of \$10,000) be given to Overport Tennis Club from Councillor Darrel Taylor and Councillor Suzette Tayler's discretionary fund.

Carried Unanimously

Chairperson's initials



12.17 NOM 1169 - Gretana Reserve

(MT Chief Executive Office)

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

That \$16,815 be taken from Cr Rebekah Spelman's Discretionary Fund towards landscaped developments at Gretana Reserve.

Carried Unanimously

Chairperson's initials



12.18 NOM 1170 - Baxter Soccer Club New Playing Tops

(MT Chief Executive Office)

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

That Council accepts the letter from Baxter Soccer Club requesting financial assistance for the purchase of new playing tops for the 2016 season and that the amount of \$2,000 be given to Baxter Soccer Club from Councillor Colin Hampton's discretionary fund.

Carried Unanimously

Chairperson's initials



12.19 NOM 1171 - Monkey Bikes

(MT Chief Executive Office)

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

1. That a letter signed by all Councillors be distributed to every rateable property in the Frankston municipality advising of Frankston City Council's position on monkey bikes and a letter be published in the Frankston City News signed by all Councillors.
2. That a briefing be held in the next 3 weeks with Councillors to discuss the content of this letter, prior to the letter being sent out.
3. The letter will:
 - deal with the circumstances that have led to this;
 - strongly reinforce Council's position on this matter to advise that it will not accept monkey bikes or other unlawful vehicles on our streets, parks and reserves; and
 - appeal to the public to provide information in relation as to the addresses these vehicles are coming from.
4. That Council writes to the Premier seeking support on this matter.

Carried Unanimously

Chairperson's initials



13. LATE REPORTS

Nil.

14. URGENT BUSINESS

Nil.

Chairperson's initials

Handwritten signature in blue ink, appearing to read "G. W. Pitken".

15. CONFIDENTIAL ITEMS**Council Decision****Moved: Councillor Taylor****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 Road Resurfacing Contract 2015/16-4

Agenda Item C.1 Road Resurfacing Contract 2015/16-4 is designated confidential as it relates to contractual matters (s89 2d)

C.2 Frankston Arts Board & Councillor Dinner - Discussion Points 21 September 2015

Agenda Item C.2 Frankston Arts Board & Councillor Dinner - Discussion Points 21 September 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.3 Award of Contract – Jubilee Park Outdoor Netball Facility Redevelopment

Agenda Item C.3 Award of Contract – Jubilee Park Outdoor Netball Facility Redevelopment is designated confidential as it relates to contractual matters (s89 2d)

C.4 Frankston's Christmas Festival of Lights site expansion

Agenda Item C.4 Frankston's Christmas Festival of Lights site expansion 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 NOM 1162 - Ebdale Street Retarding basin

Agenda Item C.5 NOM 1162 - Ebdale Street Retarding basin 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

Chairperson's initials



The meeting closed to the public at 9.45 p.m.

CONFIRMED THIS

DAY OF

2015

.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Glenn Aitken, Chairperson – Council Meeting hereby authorise the use of an electronic signature stamp of my initials to initial each page of these Minutes of the Council Meeting held on 5 October 2015, confirmed on 26 October 2015.

.....
(Cr. Glenn Aitken, Chairperson – Council Meeting)

Dated this

day of

2015