



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 16 NOVEMBER 2015 at 7.03PM**

PRESENT	Cr. James Dooley (Mayor) Cr. Sandra Mayer Cr. Rebekah Spelman Cr. Glenn Aitken Cr. Suzette Tayler Cr. Colin Hampton Cr. Michael O'Reilly
APOLOGIES:	Cr. Brian Cunial Cr. Darrel Taylor
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. Naomi Neville, Coordinator Statutory Planning Ms. Kelly Ross, Coordinator Media & Communications Ms. Michelle Tipton, Coordinator 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

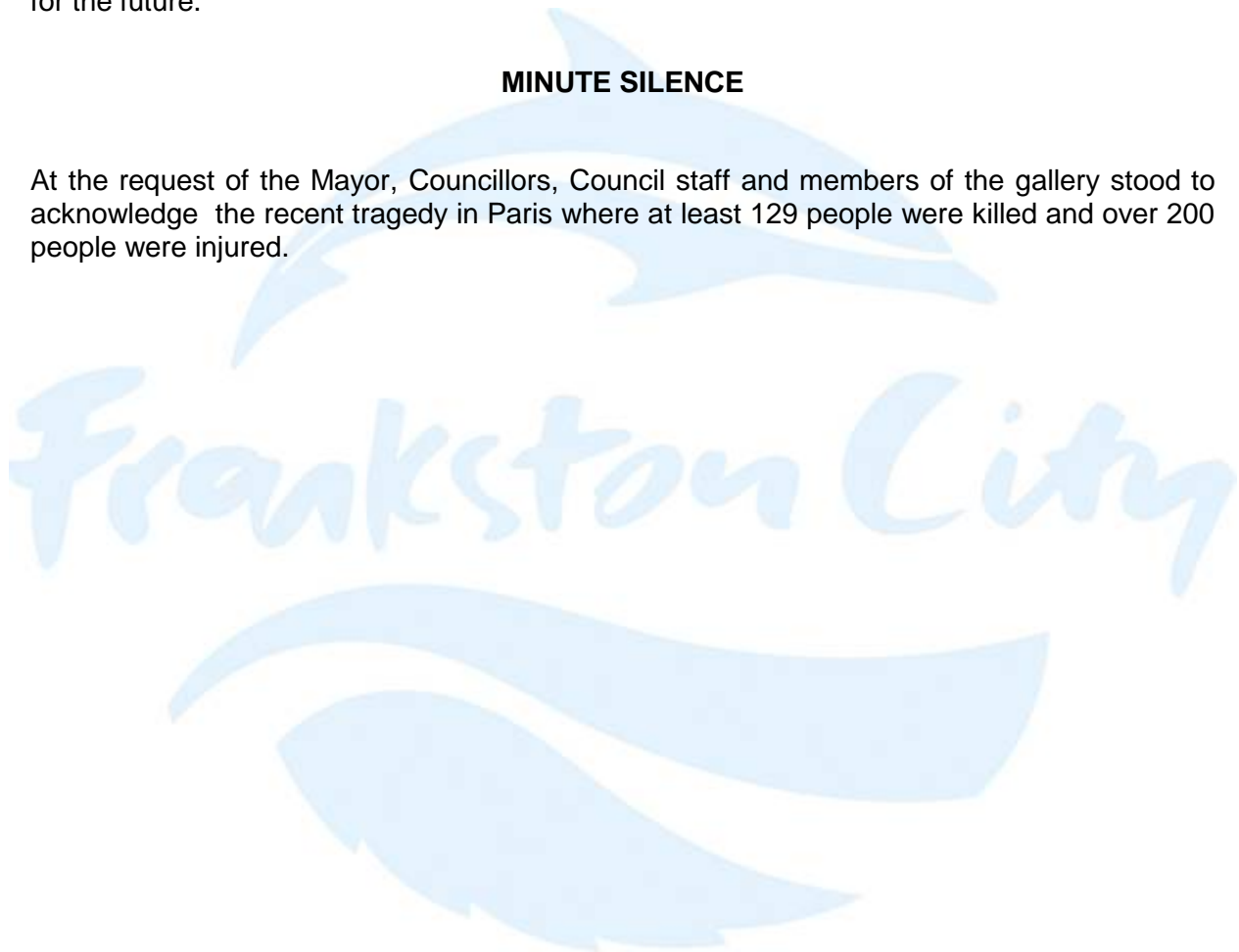
At the request of the Mayor, Councillor Aitken read the Opening Prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

MINUTE SILENCE

At the request of the Mayor, Councillors, Council staff and members of the gallery stood to acknowledge the recent tragedy in Paris where at least 129 people were killed and over 200 people were injured.



Chairperson's initials

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1. PRESENTATION TO COMMUNITY GROUPS

Nil

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM279 held on 26 October 2015.

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Aitken

That the minutes of the Ordinary Meeting No. OM279 held on 26 October 2015 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

Special Meeting No. SP191 held on 12 November 2015.

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Aitken

That the minutes of the Special Meeting No. OM191 held on 12 November 2015 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES**Council Decision**

Moved: Councillor Hampton

Seconded: Councillor Aitken

That the apology be received and Councillors Cunial and Taylor be granted leave from the meeting.

Carried Unanimously

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Nil

5. PUBLIC QUESTION TIME

One (1) person submitted questions to Council. As the person was not present in the gallery, the Chief Executive Officer advised that the questions will be taken on notice and a written response will be provided.

6. HEARING OF PUBLIC SUBMISSIONS

Ms Pat Bentley made a submission to Council regarding Item 12.9: Downs Estate – Utilisation Options;

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Ms Heather Patterson, made a submission to Council regarding Item 12.9: Downs Estate – Utilisation Options;

Mr Ofer Fridberg, made a submission to Council, on behalf of the applicant, regarding Item 11.3: Planning Application 154/2015/P – To construct a four (4) storey building containing up to one hundred and fifty seven (157) apartments, the removal of native vegetation and alterations to access to a road in a Road Zone, Category 1 – 78 to 83 Nepean Highway, Seaford;

Ms Hilary Poad, made a submission to Council, on behalf of the Kananook Creek Association, regarding Item 11.3: Planning Application 154/2015/P – To construct a four (4) storey building containing up to one hundred and fifty seven (157) apartments, the removal of native vegetation and alterations to access to a road in a Road Zone, Category 1 – 78 to 83 Nepean Highway, Seaford;

Mr Noel Tudball, made a submission to Council, on behalf of the Downs Estate Working Group, regarding Item 12.9: Downs Estate – Utilisation Options;

Ms Maureen Griffin, made a submission to Council, on behalf of the Downs Estate Working Group, regarding Item 12.9: Downs Estate – Utilisation Options;

Mr John McKenzie, made a submission to Council, on behalf of the Downs Estate Working Group, regarding Item 12.9: Downs Estate – Utilisation Options;

Mr Eddie Logonder, made a submission to Council regarding Item 11.3: Planning Application 154/2015/P – To construct a four (4) storey building containing up to one hundred and fifty seven (157) apartments, the removal of native vegetation and alterations to access to a road in a Road Zone, Category 1 – 78 to 83 Nepean Highway, Seaford;

Ms Jeannie James, made a submission to Council regarding Item 12.1: Response to Petition – Restoration of angle parking on Broughton Street, Seaford;

Ms Robin Clarey, made a submission to Council regarding Item 11.3: Planning Application 154/2015/P – To construct a four (4) storey building containing up to one hundred and fifty seven (157) apartments, the removal of native vegetation and alterations to access to a road in a Road Zone, Category 1 – 78 to 83 Nepean Highway, Seaford;

Ms Yvette Dorr, made a submission to Council regarding Item 11.3: Planning Application 154/2015/P – To construct a four (4) storey building containing up to one hundred and fifty seven (157) apartments, the removal of native vegetation and alterations to access to a road in a Road Zone, Category 1 – 78 to 83 Nepean Highway, Seaford;

Ms Christine Richards, made a submission to Council, on behalf of the Frankston Business Network, regarding Item 12.1: Response to Petition – Restoration of angle parking in Broughton Street, Seaford.

7. ITEMS BROUGHT FORWARD

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Mayer

That Items 12.1: Response to Petition – Restoration of angle parking in Broughton Street, Seaford and 12.9: Downs Estate – Utilisation Options be brought forward.

Carried Unanimously

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8. PRESENTATIONS / AWARDS

The Mayor acknowledged the Certification of Appreciation received from Nairm Marr Djambana Inc for the financial contribution from Councillor Mayer and Councillor Taylor's discretionary fund to assist in the setup of the facility.

The Mayor acknowledged the frame that was presented to Frankston City Council in recognition of Council's involvement in the Festival of Rugby that was held on Saturday 17th and Sunday 18th October 2015 at Frankston Park.

The Mayor announced that Frankston City won the 2015 Australian Sustainable Cities Award. In addition, the Mayor highlighted the other categories Frankston City received awards which include:

- Winner of the Environmental Sustainability Category: this included PARC and its many sustainable features, Council's commitment to solar on its buildings and the alternative energy trial which is underway at the Frankston Arts Centre as well as the recent completed Community Solar Program.
- High Commendation Award for Litter Prevention and Waste Resource Recovery Category: this included the highly successful Halve Our Waste Program, Beach litter signage and the new Frankston Regional Recycling and Recover Centre.
- High Commendation Award for Community Action and Wellbeing Category: this included accessibility aspects of the Foreshore areas, community focus on the Waterfront Festival, volunteers such as the Friends and Beach Patrol Groups, anti-graffiti programs and our youth lead "Fresh Entertainment" Group.

The Mayor congratulated everyone involved and advised that this is a huge honour for Council and the community and is something the City should be proud of.

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Hampton

That the additional petition containing 85 signatures submitted by residents requesting Council to return Broughton Street, Seaford to angle parking be received. This makes the overall petition to contain 475 signatures.

Carried Unanimously

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Hampton

That the petition containing 60 signatures submitted by residents requesting Council to retain, renovate and maintain the existing structures and consult with the community and utilise the buildings at the Downs Estate for community benefit be received.

Carried Unanimously

10. DELEGATES' REPORTS

Nil

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ITEMS BROUGHT FORWARD**12.1 Response to Petition - Restoration of angle parking on Broughton Street, Seaford**

(BH City Development)

Recommendation (Director City Development)

That Council resolves to:

1. a Revert to the original angle parking layout providing 20 on-street parking spaces by removing and repainting parking spaces and convert 10 existing off street parking spaces in the car park at the end of Broughton Street from unrestricted to timed 3P parking; or
- b Retain the current parallel parking layout providing 28 on-street parking spaces as newly line marked.
2. Notify the head petitioner of Council's decision.

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

That Council resolves to:

1. a Revert to the original angle parking layout providing 20 on-street parking spaces by removing and repainting parking spaces and convert 10 existing off street parking spaces in the car park at the end of Broughton Street abutting Kananook Creek from unrestricted to timed 3P parking.
- b further consideration be given to parking options in Seaford Village.
2. Notify the head petitioner of Council's decision.

Carried Unanimously

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12.9 Down's Estate - Utilisation Options

(MP Community Development)

Recommendation (Director Community Development)

That Council resolves to support Option One (1) as listed below for the utilisation of the Down's Estate:

1. Clean up and maintain the site to a minimum standard that ensures a minimal risk to the public and liability for Council.
2. Demolish the disused buildings.
3. Continue Spiny Rush control program and undertake additional environmental management requirements for the site as needed.
4. Continue to work with the Working Group to particularly refine the environmental management aspects of the Master Plan together with opportunities for historical markers, and also advise and encourage them to take up Patterson River Secondary College's offer to host the group's food growing activities.
5. Council Officers present a revised Master Plan for Council's consideration by February 2016.

At the request of the Mayor, Cr Aitken read the correspondence received from Sonya Kilkenny, MP, State Member for Carrum regarding the Downs Estate.

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

That the matter be deferred.

Carried Unanimously

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11. CONSIDERATION OF TOWN PLANNING REPORTS

11.1 Town Planning Application 67/2015/P - 42 William Road Carrum Downs - To construct four (4) dwellings.

(MP Community Development)

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Mayer

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 67/2015/P to construct four (4) double storey dwellings at 42 William 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 (or some other specified plan) but modified to show:
 - a) The internal front fence relocated to the west side of the path and entry of dwelling 1.
 - b) Front fence a maximum height of 1.5metres.
 - c) The location of all internal fencing.
 - d) Provision of 6m³ of storage area for Dwelling 2.
 - e) A corner splay (or area) for the driveway measuring 2.0 metres along the frontage and 2.5 metres into the site being at least 50% clear of visual obstructions such as fences or vegetation to provide a clear view of pedestrians on the footpath.
 - f) The 'reversing area' to dwelling 4 reduced and replaced with a minimum landscape strip of 1.5 metres along the rear boundary.
 - g) All trees growing on the site and on the adjoining properties where the TPZ as defined in the arborist report prepared by Arboricultural Matters must be clearly illustrated on all relevant plans to demonstrate canopy width, trunk location and clearly labelled in accordance with the arborist report and clearly state whether the tree is to be retained or removed.
 - h) The Tree Protection Zone and Structural Root Zone for all trees to be retained and the tree protection fence locations must be illustrated on all relevant plans.
 - i) Tree protection conditions noted in accordance with Conditions 5 and 6.
 - j) A landscape plan in accordance with condition 3.
 - k) Outdoor lighting in accordance with Condition 18.
 - l) Provision of additional visitor car park on site.

No Alterations

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

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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.
 - b) buildings and trees (including botanical names) on neighbouring properties within 3.0 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) Landscaping to a minimum height of 1.5m to be incorporated along the east boundary of the common driveway.
 - g) A range of plant types from ground covers to large shrubs and trees;
 - h) Adequate planting densities (e.g.: plants with a mature width of 1.0 metre, planted at 1.0 metre intervals).
 - i) The delineation of garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development.
 - j) Canopy trees (minimum 2.0 metres tall when planted) in the following areas:
 - i. One (1) within the secluded private open space of each dwelling (minimum mature height 8m);
 - ii. Two (2) within front setback of dwelling 1.

Completion of Landscaping

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

Tree Protection

5. Tree protection must be carried out in accordance with the Australian Standard AS 4970-2009 Protection of trees on development sites to the satisfaction of the Responsible Authority.
6. Prior to the commencement of the development (including vegetation removal), a Tree Protection Fence defined by a 1.8 metre high (minimum) temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting with a high visibility plastic hazard tape, must be installed around the TPZ of trees 2, 3 & 4 to the satisfaction of the Responsible Authority. A fixed sign is to be provided on all visible sides of the Tree Preservation Fencing, stating "Tree Preservation Zone – No entry without permission from Frankston City Council".



The requirements below must be observed within this area:

- a) Coarse mulch laid to a depth of 50-100 mm (excluding street trees);
- b) No vehicular or pedestrian access.
- c) The existing soil level must not be altered either by fill or excavation;
- d) The soil must not be compacted or the soil's drainage changed.
- e) No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are to be disposed of or stored.
- f) No storage of equipment, machinery or material is to occur.
- 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.
- k) Tree protection fencing must remain in place for the duration of building and works to the satisfaction of the Responsible Authority.

Drainage

7. Provision of a Stormwater Detention System with a volume capable of retarding the 10 year ARI flow from the development site back to a 5 year ARI pre-development value to the satisfaction of the Responsible Authority.
8. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
 - On-site stormwater detention and rainwater tanks.
 - Soil percolation
 - Stormwater harvesting and Re-use of stormwater for garden watering, toilet flushing, etc
 - On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.
9. Stormwater Drainage Outfall is to be constructed to the satisfaction of the Responsible Authority.
10. Prior to commencement of development construction detailed design plans and drainage computations of the internal stormwater drainage system including the method of connection to the existing Council drainage infrastructure are to be submitted and approved to the satisfaction of the Responsible Authority .
11. Vehicle crossing 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.

Car Parking

13. Prior to occupation of the dwellings hereby permitted by this permit, areas set aside for parking vehicle, access lanes and paths as shown on the endorsed plans must be :-
 - a) Constructed to the satisfaction of the Responsible Authority;
 - b) Properly formed to such levels that they can be used in accordance with the plans;

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- 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.

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.

Urban Design

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

Completion of Buildings and Works

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

Permit Expiry

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

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

Notes

- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- B. Prior to the commencement of construction the operator of this planning permit must obtain a non-refundable Asset Protection Permit from Frankston City Council's Infrastructure Department.



- C. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made. Pursuant to Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the periods referred to if a request is made in writing within the following prescribed timeframes:
- a) Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started;
 - b) Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

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

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 applicants responsibility to ensure all owners are notified of the allocated street numbering.

Carried Unanimously

Chairperson's initials



**11.2 Planning Application 342/2015/P - 109 Frankston-Gardens Drive, Carrum Downs -
To use the land to consume liquor**

(MP Community Development)

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

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 342/2015/P to use the land to sell or consume liquor, subject to the following conditions:

No Alterations

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

Liquor Licence Requirements

2. Unless with the prior written consent of the Responsible Authority, the selling or consumption of alcohol must only take place at the premises during the following hours:
 - Monday to Sunday: 12.00 noon to 10.30pm.
3. A maximum of 70 patrons will be permitted at any one time unless with the prior written consent of the Responsible Authority.

Amenity

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

Permit Expiry

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

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

Notes

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

Chairperson's initials



- C. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made. Pursuant to Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the periods referred to if a request is made in writing within the following prescribed timeframes:
- a. Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started;
 - b. Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

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

Carried Unanimously

Chairperson's initials



11.3 Planning application 154/2015/P - To construct a four (4) storey building containing up to one hundred & fifty seven (157) apartments, the removal of native vegetation and alterations to access to a road in a Road Zone, Category 1 - 78 - 83 Nepean Hwy Seaford.

(MP Community Development)

Recommendation (Director Community Development)

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 154/2015/P to construct a four storey building containing up to one hundred and fifty seven (157) apartments, the removal of native vegetation and alterations to access to a road in a Road Zone, Category 1 at 78 – 83 Nepean Highway Seaford, subject to the following conditions:

Plans

1. Before the 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 prepared by Hachem, Issue C, Feb 2015, TP1-11 and Proposed Landscape and Vegetation Management Plan prepared by John Patrick, Job No 15-067 Rev C, but modified to show:
 - a. The setback from Kananook Creek of the second floor of the north section of the rear module increased to achieve a minimum setback of 3.0 metres from the first floor.
 - b. The third floor of the north section of the rear module deleted.
 - c. Any other changes as a result of Conditions 1 a) and b).
 - d. The internal layout of Dwelling Type H on the lower ground floor of Module 2 reconfigured to switch the bathroom and study nook with the bedroom.
 - e. Where balconies of Dwelling Type A are located abutting external walls or walls adjacent to voids, access to natural daylight and ventilation must be improved through the provision of additional substantial openings. These must be screened as appropriate.
 - f. Provision of access to the secluded open space areas at the lower ground level at the north and south end of the rear module from the abutting apartments.
 - g. Materials and colour schedule in accordance with Condition 37
 - h. Landscaping plan approved by Melbourne Water in accordance with Condition 3;
 - i. Vehicle access generally in accordance with Option 2 as proposed in the Traffic Assessment Letter prepared by Ratio Consultants dated 8 October 2015, VicRoads Conditions 42 - 47 and Traffic Conditions 13 – 17.



- j. The location of sediment fences and soil stabilisation to prevent sediment laden run-off entering Kananook Creek in accordance with Conditions 30 & 34.
- k. The location of Waterway Protection Fencing for the protection of Kananook Creek in accordance with condition 31, 32 & 33.
- l. The location of Trees and vegetation to be retained.
- m. The provision of native vegetation offsets in accordance with conditions 27 & 28.
- n. A Construction and Environment Management Plan in accordance with Condition 18.

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 in accordance with the Proposed Landscape and Vegetation Management Plan prepared by John Patrick, Job No 15-067 Rev C. The plans to be prepared by a suitably qualified landscape professional and 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 incorporate:
 - a. a survey (including botanical names) of all existing vegetation on the site and within three (3) metres of the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
 - b. buildings on neighbouring properties within three metres of the boundary,
 - c. a planting schedule of all proposed trees, shrubs, grasses and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;
 - d. the delineation and details of surface finishes of all garden beds, grassed areas, pathways, driveways, retaining walls and other landscape works including areas of cut and fill throughout the development site;
 - e. The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;
 - 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 1 metre intervals);
 - h. sustainable lawn areas and plant species taking current water restrictions into consideration;
 - i. A planting theme of a minimum 80% indigenous and 20% native species within each plant group;



- j. medium to large shrubs to be provided at a minimum pot size of 140mm; and
- k. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- l. Any other changes required by Melbourne Water.

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. Stormwater Drainage Outfall is to be constructed to the satisfaction of the responsible Authority.
9. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
10. All disused vehicle crossings shall be removed and the area reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.
11. 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.
- e. Line-marked to indicate each car space, loading bay and all access lanes and the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.
- f. Provision of traffic signs as required by Conditions 14 to 16.

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.

Traffic

13. On-street car parking spaces must be indicated on all relevant plans and consideration given to allow at least 10m offset with no parking for sightline purposes at the exit lane
14. Exclusive left-turn and right turn lanes must be provided at the egress with at least 2 car spaces for the exit lane
15. Traffic guidance signs with arrow symbols must be provided at the internal access to the car park to channel vehicles, given the reversed traffic direction at this vehicle access point
16. Traffic signs reading 'No Entry' must be provided at the exit point facing Nepean Highway traffic sand sited within the property boundary
17. Traffic signs or equivalent totem signs must be provided at the entry point reading 'Entry' to guide incoming vehicles from Nepean Highway

Construction and Environment Management Plan

18. Prior to the commencement of buildings and works, including removal of vegetation, 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. Any recommendations contained within the Chemical Analysis Report for Acid Sulphate Soil Detection prepared by Civil Test Pty Ltd dated 30 May 2005 for the treatment of acid sulphate soils.
- 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. Hours during which construction activity will take place.
- l. The Construction Management Plan must be guided by the Urban Stormwater Best Practice Management Guidelines (CSIRO 1999).

Protection of vegetation to be retained

19. Trees and native vegetation to be retained must be protected from disturbance associated with the road development activities in accordance with Australian Standard 4970-2009.
20. Vegetation and tree removal must be undertaken to the minimum extent necessary.
21. Any pruning required of any retained tree must be undertaken by a qualified arborist to the Australian Standard – Pruning of Amenity Trees AS4373-1996 and to the satisfaction of the Responsible Authority.
22. No trees or vegetation to be retained shall be removed, damaged, destroyed, felled, lopped or uprooted without the prior written consent of the Responsible Authority except those trees designated for removal on the endorsed plans.
23. Vegetation removal and disposal must not damage trees and vegetation to be retained.
24. Any root pruning of the root system of any tree to be retained is to be undertaken by hand by a qualified arborist and to the satisfaction of the responsible Authority.
25. Within three (3) months of the removal of vegetation approved under this permit, all trees and vegetation shall be mulched or removed from the site to the satisfaction of the responsible Authority.



26. To prevent the spread of weeds listed under the Catchment and Land Protection Act 1994, all construction and maintenance equipment, earth moving equipment and associated machinery, must be made free of soil, seed and plant material before being taken to the works site and again before being removed from the works site to the satisfaction of the Responsible Authority.

Offset requirement

27. In order to offset the removal of native vegetation approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain coring manual.

The offset must:

- Contribute gain of 0.004 general biodiversity equivalence units and 0.028 Specific units of habitat for the Lacey River Buttercup.
- Be located within the Port Philip and Westernport Catchment Management Authority boundary or Frankston City Council municipal district.
- Have a strategic biodiversity score of at least 0.329 (80 per cent of the strategic biodiversity score of the native vegetation approved for removal).

Offset evidence

28. Prior to the commencement of buildings and works, including removal of vegetation, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual. Offset evidence can be either:
- a. A security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan
 - b. A credit register extract from the Native Vegetation Credit Register.
29. Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification to the responsible authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.

Conditions for the protection of Kananook Creek

30. Before development works commence [including any demolition, excavation, tree removal, and delivery of building/construction materials and/or temporary buildings] sedimentation fencing must be erected between the proposed development site and Kananook Creek and any to the satisfaction of the Responsible Authority.
31. Before development works commence (including any demolition, excavation, tree removal, and delivery of building/construction materials and/or temporary buildings) a Waterway Protection Fence must be erected in accordance with the endorsed plans and Construction Environmental Management Plan.



32. The Waterway Protection Fence must be constructed of star pickets, chain mesh, and paraweb or similar to the satisfaction of the responsible authority. The fencing must be erected to form a visual and physical barrier, be a minimum height of 1.5 meters above ground level. The Waterway Protection Fence must remain in place at least until all works are completed to the satisfaction of the responsible authority.
33. Unless the Responsible Authority otherwise consents, the Waterway Protection Fencing, as identified on the endorsed plans and Construction Environmental Management Plan, must be maintained and the requirements below must be observed, within the areas protected by the fencing, until the completion of the development works, to the satisfaction of the Responsible Authority:
- a. No vehicular or pedestrian access associated with the development construction works;
 - 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. 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. If approval is given, a qualified Arborist must be on site to oversee this process;
 - e. No storage of equipment, machinery or material is to occur;
 - f. No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are to be disposed of or stored;
 - 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; and
 - i. The roots of trees and shrubs must not be severed or injured.
34. Before development works commence [including any demolition, excavation, tree removal, and delivery of building/construction materials and/or temporary buildings] the banks of Kananook Creek must be stabilised where appropriate by the use of geo-textile to the satisfaction of the Responsible Authority.
35. No soil disturbance is permitted to occur within ten (10) metres of Kananook Creek without the prior approval of the Responsible Authority.

Waste Management

36. All waste generated by the dwellings will be required to be collected on site by a Private Waste Collection Agency.

Urban Design

37. Before the development commences, a detailed schedule and sample panel of all external materials and finishes including coloured copies suitable for endorsing, must be submitted to the satisfaction and approved by the Responsible Authority. The schedule must provide details of all external materials and finishes, walls, roof and glazing treatments, etc. 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.



38. 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.
39. Mailboxes shall be provided to the proposed dwellings to the satisfaction of the Responsible Authority and Australia Post.
40. All plumbing work, sewer pipes etc (except for spouting and stormwater pipes) associated with the new dwellings shall be concealed from general view.
41. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

VicRoads Conditions

42. Prior to the commencement of the permitted development, a detailed functional layout and a Functional Stage Road Safety Audit, for the vehicle access point and left turn treatment from the Nepean Highway into the development must be submitted to VicRoads for review and approval. The RSA must be undertaken by an independent VicRoads pre-qualified audit team and conducted in accordance with AustRoads – Road Safety Audit – Part 6 (2009). The detailed functional layout plans must be amended to address any issues raised in the RSA to the satisfaction of the VicRoads and the Responsible Authority prior to the approval of the plans. The detailed functional layout drawing must show, but not be limited, to the following information:
 - a. Details of the vehicle ingress and egress consolidated to a single access point to / from the Nepean Highway.
 - b. Dimensioned details of the left turn lane designed generally in accordance with Austroads Part 4A – Unsignalised and Signalised Intersections.
 - c. Turning analysis of appropriate design vehicles entering and exiting the site.
 - d. Details of appropriate signage, line marking and details of the traffic island.
 - e. Dimensioned details of objects located within the clear zone.
 - f. Details of the footpath in front of the subject site.
43. Before the use of the permitted development and/or commencement of any works required by VicRoads under this permit a detailed engineering design must be prepared generally in accordance with the accepted functional layout plan and to the satisfaction of VicRoads.
44. Before the use of the permitted development, all works required in accordance with the approved detailed design plans, must be completed to the satisfaction of VicRoads and at no cost to VicRoads.



45. Where the roadworks, including footpath and nature strip, lie within private property, a widening of the road reserve will be required, at no cost to Council or VicRoads. The developer must engage a licensed surveyor to prepare a Plan of Subdivision showing the affected land labelled "ROAD", which is to be vested in Council or the Roads Corporation (as appropriate) upon certification of the Plan of Subdivision, without any encumbrances. Subsequent to the registration of the plan, the subdivider must ensure that the original Certificates of Title that issues in the name of the Roads Corporation, are posted to: VicRoads – Property Services Department, 60 Denmark Street KEW, 3101.
46. The preparation of the detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current VicRoads' policy, procedures and standards and at no cost to VicRoads. In order to meet VicRoads' requirements for these tasks the applicant will be required to comply with the requirements documented as "Standard Requirements – Developer Funded Projects" and any other requirements considered necessary depending on the nature of the work.
47. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

CFA Requirements

48. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Vegetation Management Plan

49. Before the development starts, a vegetation management plan must be submitted to and endorsed by the Responsible Authority and the Responsible Fire Authority. The plan must show the following bushfire mitigation measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:

Defendable space

- a. Show an area of defendable space around the whole of the buildings for a distance of 13m around the proposed buildings or to the property boundary whichever is first where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements, unless agreed upon in writing by the Relevant Fire Authority:
 - i. Grass must be short cropped and maintained during the declared fire danger period.
 - ii. All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
 - iii. Flammable objects such as plants, and mulches should not be located close to vulnerable parts of the building such as windows, decks and eaves.
 - iv. Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.



- v. Shrubs must not be located under the canopy of trees.
- vi. Trees must not overhang or touch any elements of the building.
- vii. Once a tree height of 5 metres is reached, tree branches below 2 metres from ground level must be removed.

Fire Fighting Provisions

- b. As a minimum the following fire fighting provisions must be installed prior to the occupancy of any building:
 - i. Sprinklers throughout the residential public corridors.
 - ii. Smoke detectors within residential public corridors.
 - iii. Enhanced occupancy warning system within all apartments.
 - iv. Cross-corridor fire doors (within the two larger blocks in the north of the site).
 - v. Fire rated apartment entry doors incorporating smoke seals.
 - vi. Hose reels to the satisfaction of the relevant fire authority on the ground level.

Construction standards

- c. Nominate a minimum Bushfire Attack Level of BAL – 19 that the buildings will be designed and constructed.

General Plan Requirements

- d. The vegetation management plan must include the following points:
 - i. Be titled Vegetation Management Plan.
 - ii. Be dated and include a version number.
 - iii. Include a planting schedule which addresses the Botanical Name, Common Name, Height x Width at Maturity and Supply size.

Melbourne Water

- 50. Prior to the commencement of works, a Flood Plain Management Report must be submitted to Melbourne Water for approval to detail how works which alter the flood plain along Kananook Creek is to be managed in accordance with Melbourne Water's requirements.
- 51. Any works intended to alter the flood-plain must be designed and constructed in accordance with Melbourne Water's Kananook Creek Guidelines.
- 52. All works must be undertaken in a manner that minimises soil erosion, and any exposed areas of soil must be stabilised to prevent soil erosion.
- 53. Any imported earthworks material must be clean and free of contamination.
- 54. At least 21 days prior to commencement of works, a Site Management Plan (SMP) detailing pollution and sediment control measures, must be submitted to Melbourne Water for approval. The Site Management Plan must include information on how any acid sulfate soils present on-site will be managed in accordance with Victorian Best Practice Guidelines for Assessing and Managing Coastal Acid Sulfate Soils so that they do not runoff into Kananook Creek.



55. Prior to the commencement of works, a separate application direct to Melbourne Water for approval, must be made for any new or modified storm water connection to Melbourne Water's waterway. Prior to accepting an application, evidence must be shown that it is not feasible to connect to the local drainage system.
56. Before the commencement of works, Engineering Plans and supporting computations (in electronic format) must be submitted to Melbourne Water for approval for works along Kananook Creek, which alter the flood plain, will be managed in accordance to Melbourne Water's requirements.
57. Prior to the issuing of issuing of a Certificate of Occupancy, a Certified Survey plan, showing surface heights (as constructed) must be submitted to Melbourne Water for approval, to demonstrate how works which alter the flood plain along Kananook Creek have been constructed in accordance with Melbourne Water's requirements.
58. Prior to the commencement of works, an application to Melbourne Water for a 'Permit to Work' must be made for approval, to conduct any works on or near a Melbourne Water's managed waterway (Kananook Creek).
59. Prior to the commencement of works, an amended Landscape Plan must be submitted to Melbourne Water for approval. The plan must detail:
- Corrections to the stated Ecological Vegetation Classes to the following:
 - Zone A: Nepean Highway to EVC 1 - Coastal Dune Scrub /Coastal Dune Grassland Mosaic;
 - Zone B: Kananook Creek to EVC 904 Coastal Banksia Woodland/Swamp Scrub Mosaic.
 - Include any alterations required to achieve conditions set by the Country Fire Authority for defendable space.
- Any future changes to the Landscaping Plans would need to be referred to Melbourne Water for approval.
60. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

Satisfactorily Completed

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

Permit Expiry

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

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



Notes

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

Melbourne Water Notes

- D. The applicable flood level for this property that has a probability of occurrence of 1% in any one year is 2.40 metres to Australian Height Datum (AHD).
- E. If further information is required in relation to Melbourne Water's conditions shown above, please contact the Land Development team on 9679 7517 quoting Melbourne Water's Reference 245147.

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

That Council resolves to issue a Notice of Refusal to Grant a Planning Permit in respect to Planning Permit Application number 154/2015/P to construct a four storey building containing one hundred and fifty seven (157) apartments, the removal of native vegetation and alterations to access to a road in a Road Zone, Category 1 at 78 – 83 Nepean Highway Seaford, on the grounds of:

1. The proposed development is inconsistent with the objectives of the State and Local Policy Framework of the Frankston Planning Scheme, including:
 - Clause 15 – Built Form and Heritage
 - Clause 15.01-1 – Urban Design
 - Clause 15.01-2 – Urban Design Principles
 - Clause 21.04 – Housing
 - Clause 21.06 – Environmental and Landscape Values
 - Clause 22.08 – Neighbourhood Character
2. The proposal does not satisfy the objectives of Clause 55 of the Frankston Planning Scheme, in particular:
 - Clause 55.02-1 – Neighbourhood Character
 - Clause 55.02-3 – Dwelling Diversity

Chairperson's initials



3. The proposal is an inappropriate design response which fails to satisfy the design objectives of the Design and Development Overlay Schedule 6 of the Frankston Planning Scheme and therefore results in an unreasonable impact on the amenity of the surrounding neighbourhood and Kananook Creek.
4. The proposal is an overdevelopment of the site.

Lost

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

The officer's recommendation was then put and

Carried

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

Chairperson's initials



12. CONSIDERATION OF REPORTS OF OFFICERS**12.2 Review of parking along Williams Street and High Street (Resolution Progress Report)**

(KT City Development)

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

That Council receives the report

Carried Unanimously

Chairperson's initials



12.3 Council Plan Quarterly Performance Report - Quarter 1 2015-2016

(BA Corporate Development)

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

That Council receives and notes the Council Plan Quarterly Performance Report for quarter one from July to September 2015.

Carried Unanimously

Chairperson's initials



12.4 Proposed renaming of " Susono Way" and naming of an unnamed walking trail to "Susono Walk".

(AF Corporate Development)

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

That Council:

1. Approves that the formal process, including public consultation to rename the street currently named "Susono Way" to "Catchment Lane" and;
2. Approves that the formal process, including public consultation to name the unnamed walking trail along the Kananook Creek water's edge from Wells St to the Bay Trail Bridge on the Frankston Foreshore as "Susono Walk" be commenced and include re-establishing the commemorative garden and sign.

Carried Unanimously

Cr Mayer left the Chamber at 8.50pm and was not present for the vote on this matter.

Chairperson's initials



12.5 Waste Minimisation and Management Plan – Outcomes of Public Consultation

(CD City Development)

Recommendation (Director City Development)

That Council:

1. Receives and reviews the summaries of the two written submissions and feedback from 27 respondents who completed the community feedback survey on the *draft Plan*;
2. Considers officer recommendations in regards to the submissions received and provide feedback as required;
3. Acknowledges the conclusion of the public consultation phase; and
4. Adopts Council's 5-year *Waste Minimisation and Management Plan* to come into effect immediately.

Cr Mayer returned to the Chamber at 8.55pm.

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Aitken

That Council:

1. Receives and reviews the summaries of the two written submissions and feedback from 27 respondents who completed the community feedback survey on the *draft Plan*;
2. Considers officer recommendations in regards to the submissions received and provide feedback as required;
3. Acknowledges the conclusion of the public consultation phase; and
4. Adopts Council's 5-year Waste Minimisation and Management Plan to come into effect immediately.
5. Writes to the Minister for Environment to make a 50% contribution towards the costs of the implementation of the Waste Minimisation and Management Plan.
6. Seeks from the Minister for Environment advice as to the total amount collected from the waste levy from the past five financial years for both the whole of the State of Victoria and Frankston City.

Carried Unanimously

Chairperson's initials



12.6 Capital Works Quarterly Report (July – September) 2015/16

(CD City Development)

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

That Council:

1. Receives and notes the quarterly (July – September) progress report for the 2015/16 Capital Works Program;
2. Endorses the adjustments to the Adopted Budget in Attachment C;
3. Endorses the list of 2014/15 projects in Attachment D to be carried forward into the 2015/16 Capital Works Program;
4. Adopts the list of Key Projects for 2015/16 as per the Project Management Framework as detailed in Attachment E; and
5. Endorses the Release of Check Points in accordance with the Project Management Framework for the first Quarter as documented in Attachment F.

Carried Unanimously

Chairperson's initials



12.7 Review of 2014/2015 Procurement Policy

(GV Corporate Development)

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

That Council:

1. Supports the review of the 2014/2015 Procurement Policy and Strategy and the proposed changes,
2. Adopts the proposed 2015/2016 Procurement Policy, and
3. Notes that further work is to be undertaken on development of more effective local content provisions.

Carried Unanimously

Chairperson's initials



12.8 September 2015 Quarterly Financial Performance Report

(SW Corporate Development)

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

That Council receives and notes the Financial Report for the quarter ended 30 September 2015.

Carried Unanimously

Chairperson's initials



12.10 2015/2016 Mid-Year Budget Review*(KJ Corporate Development)***Council Decision****Moved: Councillor Mayer****Seconded: Councillor Aitken**

That Council:

1. Receives and notes the 2015/2016 Mid-Year Budget Review report including the Financial Statements.
2. Approves the 2015/2016 operating adjustments and initiatives, totaling an unfavourable \$21,836.
3. Approves the 2015/2016 capital works program totaling \$59,119,560 (an increase of \$7,768,560 due to the 2015/2016 Mid-Year adjustment and an increase of \$10,248,066 relating to the 2014/2015 carried forward capital works projects).

Carried Unanimously

Chairperson's initials



12.11 Affordable Housing and Homelessness*(GK Community Development)***Council Decision****Moved: Councillor Aitken****Seconded: Councillor Tayler**

That Council:

1. Receives the draft discussion paper.
2. Notes the 'Community Roof' project is subject to an existing and separate process.
3. Endorses the recommendations which include:
 - 3.1 Advocating to State and Commonwealth Government for a standard set of indicators and quarterly reporting to be built into NGO funding agreements to enable real time trends
 - 3.2 Advocating to State Government to amend the Victorian Planning provisions to authorise Local Government to make decisions about rooming house density and location
 - 3.3 Enhancing planning controls to encourage more affordable housing in Frankston
 - 3.4 Advocating to State Government for improved duty of care provisions to ensure adequate on site management of rooming houses
 - 3.5 Supporting accommodation options for people experiencing homelessness including:
 - 3.5.1 Development of the 'Community Roof' project
 - 3.5.2 Establishing a suitable independent governance structure to manage collection and expenditure of donations to address and prevent homelessness
 - 3.5.3 Seeking State Government funding partnership to establish a housing demonstration project
 - 3.5.4 Advocating to State Government for assertive case management.

Carried Unanimously

Chairperson's initials



13. NOTICES OF MOTION**13.1 NOM 1176 – 123Read2Me Childhood Literacy**

(MT Chief Executive Office)

That:

1. Council prepare a letter of endorsement of the proposal that Monash University and Melinda Shelley are making regarding the 123Read2Me Childhood Literacy program.
2. At the Frankston North Community Centre, in Mahogany Street, that Council make an available opportunity for child literacy services to be held at that location.

Cr Tayler left the Chamber at 9.07pm.

Cr Tayler returned to the Chamber at 9.09pm.

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

That:

1. Council prepare a letter of endorsement of the proposal that Monash University and Melinda Shelley are making regarding the 123Read2Me Childhood Literacy program.
2. At the Frankston North Community Centre, in Mahogany Street, that Council make an available opportunity for child literacy services to be held at that location.
3. The letter clearly articulate that Council is not in a position to fund this program.

Lost

For the Motion: Crs Aitken, Dooley and Spelman

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

Chairperson's initials



13.2 NOM 1184 - Bollards for Lisa Beth Mews Reserve, Skye

(CM Chief Executive Office)

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

That Council installs an effective barrier at the Lisa Beth Mews Reserve, Skye to prevent hoons from entering the reserve and to monitor anti-social behaviour.

Carried Unanimously

Chairperson's initials



13.3 NOM 1185 - Christmas Lights

(AC Chief Executive Office)

As part of a promotional campaign for Wells Street, Frankston, Frankston City Council offers the Traders a set of Christmas Lights to display in their windows over the Christmas Period.

That an Officer of Council be required to co-ordinate the discussions with Traders and that these discussions start immediately.

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

As part of a promotional campaign for Wells Street, Thompson Street, Keys Street and Park Lane, Frankston, Frankston City Council offers the Traders a set of Christmas Lights to display in their windows over the Christmas Period.

That an Officer of Council be required to co-ordinate the discussions with Traders and that these discussions start immediately and supply to Council the replies they have had on the number of Christmas lights that have been taken up by traders by the next Council Meeting.

Carried Unanimously

Chairperson's initials



14. LATE REPORTS**A.1 Ingham Enterprises Processing Plant**

(SJ Corporate Development)

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

That Council:

1. Notes this report
2. Notes that the lack of action in upgrading the road network between Grant Road, Somerville and Peninsula Link to facilitate the B-double freight movements required by Ingham Enterprise:
 - a. puts at risk the existing 650 jobs at the processing plant and therefore the 45 independently owned poultry farm businesses in the region
 - b. while deterring the company from investing up to \$30million – thereby creating a further 200 jobs and 1,000 indirect jobs
3. Seeks an urgent meeting with the Minister for Roads and Road Safety – the Hon. Luke Donnellan - regarding the investment required to upgrade required to the Golf Links / Grant / Baxter-Tooradin Rd roundabout and the impact that the failure to invest could have on employment in the region
4. Requests the Treasurer The Hon. Tim Pallas convene an urgent meeting involving the Premier and the Minister for Employment to discuss future investment to support jobs growth at Ingham seeking:
 - a. confirmation of the Government's ongoing commitment to job creation
 - b. acknowledgement that failure to invest in the road infrastructure is a significant risk to existing and future jobs at Ingham Enterprise's Somerville Processing Plant
 - c. commitment to supporting jobs in Melbourne's south east by allocating the investment required to:
 - i. upgrade the Golf Links / Grant / Baxter-Tooradin Rd roundabout to facilitate B-double freight movements (\$5 million)
 - ii. undertake the process for the declaration of Golf Links Road an arterial road and responsibility of the road be undertaken by VicRoads
 - iii. strengthen Golf Links Road between the Grant Road roundabout and Peninsula Link to a standard appropriate for B-double freight movements (\$5million)
5. Write to all local members of Parliament seeking their support for the road upgrade by making appropriate representations in order to secure funding.
6. Write to VicRoads in support of the application for funding in 2016-2017 for the upgrade of the Golf Links / Grant / Baxter Tooradin Road roundabout.

Carried Unanimously

Chairperson's initials



15. URGENT BUSINESS

Urgent Business – Dumping of Rubbish on Nature Strips

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Aitken

That the matter of the dumping of rubbish on naturestrips be accepted as urgent business.

Carried Unanimously

Cr Hampton withdrew the motion

Chairperson's initials



16. CONFIDENTIAL ITEMS**Council Decision****Moved: Councillor Mayer****Seconded: Councillor Spelman**

That the Ordinary Council Meeting be closed to the public to consider the following items which are of a confidential nature, pursuant to section 89(2) of the Local Government Act (LGA) 1989 for the reasons indicated:

C.1 Appointment of Independent Members to the Audit and Risk Management Committee

Agenda Item C.1 Appointment of Independent Members to the Audit and Risk Management Committee is designated confidential as it relates to contractual matters (s89 2d), and Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.2 Appointment and Authorisation of Council Staff - Powers to be revoked

Agenda Item C.2 Appointment and Authorisation of Council Staff - Powers to be revoked is designated confidential as it relates to personnel matters (s89 2a), and Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.3 Ballam Park Access Road and Carpark Construction

Agenda Item C.3 Ballam Park Access Road and Carpark Construction is designated confidential as it relates to contractual matters (s89 2d)

C.4 Wells Street Construction Contracts

Agenda Item C.4 Wells Street Construction Contracts is designated confidential as it relates to contractual matters (s89 2d)

Carried Unanimously

Chairperson's initials



17. OUTCOME OF CONSIDERATION OF CERTAIN CONFIDENTIAL ITEMS**C.5 Frankston Motorcycle Park (considered at OM272 25 May 2015)****Council Decision****Moved: Councillor Aitken****Seconded: Councillor Hampton**

That Council:

1. Authorises senior officers to seek a forum with the Board of MV without delay to affirm whether the organisation is prepared to honour representations made to Council that they would assist same under a short-term twelve (12) month lease,
2. Undertakes immediate investigations to establish a contingency plan whereby the Park is managed by an administrator during the transition period in the event that negotiations with MV fail,
3. Authorises the Chief Executive Officer (or representative) to enter into a deed of surrender with the Frankston City Motorcycling Park Incorporated to secure the early return of the Park to Council, however, the reliance on the early surrender will rely on whether MV or Council operate the Park during the transition period.
4. Authorises the Chief Executive Officer (or representative) to enter into a licence agreement allowing the Frankston City Motor Cycling Park Incorporated to store their equipment at the Park during the transition period and with no liability assumed by Council,
5. Resolves to extend the Transition Committee to include two (2) representatives from the Frankston City Motor Cycling Park Incorporated and one (1) additional Council officer (Mr David Shepard); and,
6. Approves the appointment of Mr Greg Johnson and Mr Ian Boag as the two expert community members on the Transition Committee.
5. Releases the recommendation to the public once the documents have been executed.

The Motion was put and CARRIED unanimously

C.5 Frankston Motor Cycling Park (considered at OM273 22 June 2015)**Council Decision****Moved: Councillor Aitken****Seconded: Councillor Dooley**

That Council resolves to:

1. Amend the membership of the Transition Committee to remove the MotorCycling Victoria representative.
2. Authorise the Chief Executive Officer (or nominated representative) to meet with the MotorCycling Victoria Board on 30 June 2015 to discuss the management model outlined in this paper and an option whereby Motorcycling Victoria will offer support to the Frankston MotorCycling Park Incorporated through affiliation.
3. Notes that under such an arrangement, MotorCycling Victoria will be a party to a tripartite agreement with Council and the Frankston Motor Cycling Park Incorporated to ensure that tenure at the Park will only be offered if operational, track and governance standards are maintained.

The Motion was put and CARRIED unanimously

Chairperson's initials



C.3 Award of Contract - Carrum Downs Recreation Reserve Oval 1 Redevelopment (considered at OM277 14 September 2015)**Council Decision****Moved: Councillor Hampton****Seconded: Councillor Aitken**

That:

1. Council approves the acceptance of the tender from McMahons Pty Ltd for the *Carrum Downs Recreation Reserve Oval 1 Redevelopment*.
2. Council notes that:
 - a. a contract contingency will be reserved outside of:
 - i. the contract sum and vests specific authority in the Chief Executive Officer to authorize
 - ii. the payment of variations from that sum
3. Council approves that any savings from this project budget be transferred to a reserve account for the future construction of a new pavilion at Carrum Downs Recreation Reserve
4. Council authorises the Chief Executive Officer to sign and seal the Contract; and
5. The recommendation (without commercially sensitive information) be released by 10 November 2015.

The Motion was put and CARRIED unanimously

C.1 Award of Fuel Contract (considered at OM277 14 September 2015)**Council Decision****Moved: Councillor Taylor****Seconded: Councillor Aitken**

That:

1. Council approves the acceptance of the tender (schedule of rates) from Fleetcor utilising Procurement Australia's Supply of Fuels at Retail Outlets for Council Vehicles (Contract Number: 1802/0104) panel for a contract term of three (3) years with a two (2) by one year extensions available;
2. Council authorises the Chief Executive Officer under seal to sign the contract; and
3. The recommendation (without commercially sensitive information) be released at the next open meeting (26 October 2015) of Council after the documents are signed.

The Motion was put and CARRIED unanimously

C.3 Award of Contract – Jubilee Park Outdoor Netball Facility Redevelopment (considered at OM278 5 October 2015)**Council Decision****Moved: Councillor Tayler****Seconded: Councillor Hampton**

That:

1. Council approves the acceptance of the tender from JMac Constructions for the *Jubilee Park Outdoor Netball Facility Redevelopment*;

Chairperson's initials



2. Council notes that a project contingency will be reserved outside of the contract sum and vests specific authority in the Chief Executive Officer to authorise the payment of variations from that sum;
3. The Contract/s be signed and sealed; and,
4. The recommendation (without commercially sensitive information) be released by the next Ordinary Meeting of Council on Monday, 26 October 2015.

The Motion was put and CARRIED unanimously

Chairperson's initials



The meeting closed at 9.38 p.m.

CONFIRMED THIS

DAY OF

2015

.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. James Dooley, Chairperson – Council Meeting hereby authorise the use of a stamp of my initials to initial each page of these Minutes of the Council Meeting held on Monday 16 November 2015, confirmed on Monday 7 December 2015.

.....
(Cr. James Dooley, Chairperson – Council Meeting)

Dated this

day of

2015