



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 7 DECEMBER 2015 at 7PM**

PRESENT	Cr. James Dooley (Mayor) Cr. Darrel Taylor Cr. Rebekah Spelman Cr. Glenn Aitken Cr. Suzette Tayler Cr. Brian Cunial Cr. Colin Hampton Cr. Michael O'Reilly
APOLOGIES:	Cr. Sandra Mayer
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. Neville Naomi, Coordinator Statutory Planning Ms. Natasha Duckett, Acting Coordinator Media & Communications Ms. Vera Roberts, Officer Council Business Support
EXTERNAL REPRESENTATIVES:	Nil

COUNCILLOR STATEMENT

Councillor Hampton 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.”

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PRAYER

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

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Councillor Spelman 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 passing of Mrs Joan Bosanko, a dedicated volunteer for 23 years at the Frankston Indigenous Nursery.



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1. PRESENTATION TO COMMUNITY GROUPS

Nil.

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

That the minutes of the Ordinary Meeting No. OM280 held on 16 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 Aitken****Seconded: Councillor Taylor**

That the apology be received and Councillor Sandra Mayer be granted leave from the meeting.

Carried Unanimously

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

The Mayor, Crs Hampton, Aitken and Cunial declared an interest in Item 11.1: Planning Application No. 468/2013/P - 571 Nepean Highway Frankston - To construct one (1) dwelling in a Design and Development Overlay (Schedule 6) and associated works within an Erosion Management Overlay as one of the persons speaking on this matter was well known to them. All Councillors will remain in the chamber while discussion on this matter takes place.

Cr Cunial declared an interest in Item 12.9: Adoption of Paths Development Plan as a path in his street will be replaced. Cr Cunial will remain in the chamber while discussions on this matter takes place.

Cr Taylor declared an interest in Item C.1: Issuing Small Business Grants as one of the recipients provides supplies to his workplace. Cr Taylor will remain in the chamber while discussions on this matter takes place.

Cr Tayler entered the Chamber at 7.05pm

5. PUBLIC QUESTION TIME

One (1) person submitted questions to Council without Notice. At the request of the Mayor, the Chief Executive Officer read the questions and answers to the gallery. The questions and answers are contained in Appendix.

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6. HEARING OF PUBLIC SUBMISSIONS

Ms Christine Richards made a submission to Council regarding Item 11.1: Planning Application No. 468/2013/P - 571 Nepean Highway Frankston - To construct one (1) dwelling in a Design and Development Overlay (Schedule 6) and associated works within an Erosion Management Overlay;

Mr Barry Goold made a submission to Council regarding Item 11.1: Planning Application No. 468/2013/P - 571 Nepean Highway Frankston - To construct one (1) dwelling in a Design and Development Overlay (Schedule 6) and associated works within an Erosion Management Overlay;

Mr Les Clarke made a submission to Council regarding Item 11.1: Planning Application No. 468/2013/P - 571 Nepean Highway Frankston - To construct one (1) dwelling in a Design and Development Overlay (Schedule 6) and associated works within an Erosion Management Overlay;

Mr Raymond Wescott made a submission to Council regarding Item 11.1: Planning Application No. 468/2013/P - 571 Nepean Highway Frankston - To construct one (1) dwelling in a Design and Development Overlay (Schedule 6) and associated works within an Erosion Management Overlay;

Ms Deirdre Campbell made a submission to Council regarding Item 11.2: Planning application 455/2014/P - To construct twelve dwellings in a double storey building and reduction in car parking - 19 - 23 Cambridge Street Frankston;

Ms Magdaline Loizou made a submission to Council regarding Item 11.3: Planning Permit Application 580/2014/P - To construct four (4) double storey dwellings and two (2) single storey dwellings (six (6) dwellings) and a six (6) lot subdivision - 66-68 Fortescue Avenue Seaford;

Ms Geraldine Carter made a submission to Council regarding Item 11.3: Planning Permit Application 580/2014/P - To construct four (4) double storey dwellings and two (2) single storey dwellings (six (6) dwellings) and a six (6) lot subdivision - 66-68 Fortescue Avenue Seaford;

Mr Adam Jones made a submission to Council regarding Item 11.3: Planning Permit Application 580/2014/P - To construct four (4) double storey dwellings and two (2) single storey dwellings (six (6) dwellings) and a six (6) lot subdivision - 66-68 Fortescue Avenue Seaford;

Ms Vivienne Turner made a submission to Council regarding Item 12.10: Hearing of Submissions : Newton Avenue - Weeroona Road Special Charge Scheme;

Ms Hilary Poad made a submission to Council regarding Item 12.1: Hearing of Submissions - Tree Protection Local Law 2015 No. 22.

7. ITEMS BROUGHT FORWARD

Nil.

8. PRESENTATIONS / AWARDS

Frankston City Council received an award from the Department of Immigration and Border Protection for its ongoing support of Australian Citizenship. All councils that hold citizenship ceremonies were presented the plaque commemorating 65 years of Australian Citizenship in Australia.

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On behalf of Peninsula Aquatic Recreation Centre (PARC), the Mayor, Cr James Dooley and Mr Tim Gledhill, CEO of PARC received an award from Victorian Disability Sport and Recreation Awards 2015 for the category Inclusive Sport, Recreation or Open Space Infrastructure Award. Some of the features at PARC are:

- Four 'changing places' accessible change rooms
- Access ramps to the main pool and therapeutic pool
- A portable chair hoist

The Mayor highlighted that Council was successful in obtaining a federal grant of \$4.95 million for the Frankston & District Basketball Association expansion.

The Mayor also highlighted that business and households across the city will receive access to high speed broadband (NBN) with construction to commence over the next two years.

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil.

Cr Cunial left the Chamber at 7.51 pm

10. DELEGATES' REPORTS

Nil.

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11. CONSIDERATION OF TOWN PLANNING REPORTS

11.1 Planning Application No. 468/2013/P – 571 Nepean Highway Frankston – To construct one (1) dwelling in a Design and Development Overlay (Schedule 6) and associated works within an Erosion Management Overlay.

(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 468/2013/P for a dwelling in a Design and Development Overlay (Schedule 6) and associated works within an Erosion Management Overlay at 571 Nepean Highway, Frankston, 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) Shared accessway widened to 5 metres at connection with Warringa Road in accordance with condition 10.
 - (b) Detailed cross section of proposed vehicle crossing and shared access roadway including gradients including width required by condition 1(a).
 - I A modified Geotechnical Report in accordance with Condition 3.
 - (d) The path to the front entrance of the dwelling within the road reserve of Warringa Road deleted.
 - I A Construction and Environment Management Plan in accordance with condition 5.

No Alterations

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

Geotechnical Report

3. A modified Geotechnical Report must be submitted to the satisfaction of the Responsible Authority which addresses the amendments required by condition 10 (accessway from connection to Warringa Road of 5 metres in width) and must be endorsed by Responsible Authority.
4. All works associated with the development must be undertaken in accordance with the recommendations contained in the endorsed Geotechnical Report referred to in condition 3.

Construction and Environment Management Plan

5. 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:

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- 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. Location of parking for all deliveries of construction materials from Nepean Highway.
- 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).

Prior to Occupancy

6. Prior to the occupancy of the proposed dwelling, the applicant must submit to the responsible authority a statement made by the Geotechnical Practitioner who prepared the Geotechnical Assessment stating that the conditions of the geotechnical report have been complied with and the permitted development is suitable to be occupied as a dwelling.
7. Prior to the commencement of works the existing title must be modified to provide a 3.0 metre wide carriageway easement clear of the proposed retaining wall location. A copy of the new title issued from Land Registry must be submitted to Council as evidence.

Drainage

8. Stormwater drainage shall be connected to Stormwater Legal Point of Discharge as nominated and 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. Proposed shared accessway must be altered and widened to a minimum of 5.0 metres at the connection to Warringa Road to the western edge of the accessway to the subject site to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.

Engineering Requirements

11. 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 AS1743 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.

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

Satisfactorily Completed

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

Permit Expiry

13. This permit will expire if one of the following circumstances applies:

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

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

Notes

- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- B. Prior to the commencement of construction the operator of this planning permit must obtain a non-refundable Asset Protection Permit from Frankston City Council's Infrastructure Department.
- C. This Planning Permit represents the Planning approval for the development of the land within a Design and Development Overlay. Assessment of the application has been undertaken only in respect to the height under Clause 43.02 of Frankston Planning Scheme. The application has not been assessed in respect to the development standards and objectives of Clause 54 of the Frankston Planning Scheme.
- D. 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.

Cr Cunial returned to the Chamber at 7.54 pm

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

That Council resolve to issue a Refusal to Grant a Planning Permit with respect to Planning Permit Application number 468/2013/P to construct one (1) dwelling in excess of seven (7) metres in height at 571 Nepean Highway, Frankston, on the following grounds:

- 1) The proposed development is inconsistent with the objectives of the State and Local Policy, including:
 - a) Clause 15 – Built Form and Heritage
 - b) Clause 16 – Housing
 - c) Clause 21.06 – Environmental and Landscape Values
 - d) Clause 21.07 – Housing
- 2) The proposal is an inappropriate design response as the height fails to satisfy the design objectives of the Design & Development Overlay (Schedule 6) of the Frankston Planning Scheme and will result in an unreasonable impact on the preferred character of the area and the amenity of the surrounding area.
- 3) The proposal will present unreasonable visual bulk when viewed from the adjoining properties and nearby streets.

Carried

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

Against the Motion: Cr Dooley

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11.2 Planning application 455/2014/P - To construct twelve dwellings in a double storey building and reduction in car parking - 19 - 23 Cambridge Street Frankston
(MP Community Development)

Council Decision

Moved: Councillor Taylor

Seconded: Councillor Talyer

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 455/2014/P for construction of twelve (12) dwellings in a double storey building and reduction in car parking at 19-23 Cambridge Street Frankston, 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 identified as Colcept Pty Ltd Architects, Version B, 20/8/15, TP09-15, but modified to show:
 - a. Balcony balustrades of dwellings to be glass;
 - b. Balcony of dwelling 1 to have a minimum of 8 sqm in area;
 - c. North and west facing habitable room windows to be obscure glazing to comply with the requirements of Clause 55 for overlooking;
 - d. Bin storage to be relocated to the area between dwelling 1 and the disabled space number 3;
 - e. Location of rubbish bin pads on the nature strip of Cambridge Street;
 - f. Finished floor levels of all dwellings to achieve the appropriate freeboard required in accordance with Condition 13;
 - g. Finished surface levels of the driveway, undercroft and car parking areas in accordance with Condition 14;
 - h. The grades of the accessway in accordance with the requirements of Clause 52.06;
 - i. Pedestrian corner splays with no visual obstructions above 900mm (or at least 50 per cent clear of visual obstructions) extending at least 2.0 metres along the frontage road from the edges of the accessway and 2.5 metres along the sides of the accessway, to provide a clear view of pedestrians on the footpath of the frontage road;
 - j. Materials and colour schedule in accordance with Condition 25;
 - k. The Tree Protection Zone and Structural Root Zone and tree protection fence locations for retained trees must be illustrated on all relevant plans;
 - l. Tree protection conditions noted in accordance with conditions 5 and 6;
 - m. Design, cut and fill plan in accordance with condition 9;
 - n. Flood assessment in accordance with condition 8;
 - o. Landscaping plan in accordance with condition 3;
 - p. A further five car parking spaces be provided 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 development starts, a landscape plan, prepared by a person suitably qualified or experienced in landscape design, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must show:-
- a. A survey (including botanical names) of all existing vegetation to be retained and removed;
 - b. Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary;
 - c. 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;
 - 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 range of plant types from ground covers to large shrubs and trees
 - f. Landscaping and planting within all open areas of the site
 - g. Adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - h. The provision of screen planting (minimum mature height of 1.5m) within a landscape strip of 30cm at the interface of the property boundary and driveway
 - i. A planting theme of a minimum 20% indigenous, 40% native and 40% exotic within each plant group;
 - j. All existing environmental weed species are to be removed from the site and environmental and noxious weeds found in the 'Sustainable Gardening in Frankston City' (2015) booklet are not to be planted.
 - k. The provision of suitable canopy trees (minimum two metres tall when planted) in the areas specified below (trees are not to be sited over easements) with species chosen to be approved by the Responsible Authority;
 - l. the provision of notes on the landscape plan regarding site preparation, including in-ground irrigation system to be provided to all landscaped areas, removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements

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.

S173 Agreement

5. Prior to the commencement of any building and/or works, the owner must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the

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Responsible Authority to provide for the following:-

- a) Subdivision of the land for the purposes of disposal of each dwelling into private ownership is not permitted unless the development is modified so that it complies with the car parking requirements of Clause 52.06.
- b) Occupants of the dwellings must be 55 years of age or older.

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

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

Tree Protection

6. Tree protection must be carried out in accordance with the Australian Standard AS4970-2009 Protection of trees on development sites to the satisfaction of the Responsible Authority.
7. 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 T.P.Z. of the Syzygium smithii Lilly Pilly, to the satisfaction of the Responsible Authority. T.P.Z. fencing is to be erected around the T.P.Z. of the Syzygium smithii Lilly Pilly located on the adjoining property where it occurs on the subject land and adjusted accordingly to allow for approved works 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.
- 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) Where any part of the protection zone overlaps with the proposed alfresco areas root sensitive construction as recommended in section 4.4 of the arborist report must be utilised.

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Drainage

8. Prior to the commencement of any buildings or works, a Flood assessment of the property is to be undertaken and is to take into account assessment of flood flow, flood storage, freeboard, site safety and access safety relating to the development proposal Melbourne Water has recently reviewed and undertaken flood modelling of this precinct as a component of Frankston Drainage Improvement Project, Sandgate-Lee catchment, to the satisfaction of the Responsible Authority.
9. Prior to the commencement of any buildings or works, a design, cut and fill plan that demonstrates the finished surface levels of the proposed driveway on the western boundary of the site grade down from the vehicle crossing on Cambridge Street with the undercroft and car parking areas to be constructed as close as practicable to the existing natural surface levels but no lower than 350mm below the applicable flood level, to the satisfaction of the Responsible Authority.
10. Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the dwelling, garages and driveway ramp to the satisfaction of the Responsible Authority.
11. 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.
12. 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, approved and endorsed under this permit to the satisfaction of the Responsible Authority.
13. Unless otherwise agreed in writing by Frankston City Council, finished floor levels of all dwellings must be a minimum of 300mm above the applicable flood level.
14. The finished surface level of the proposed driveway, undercroft and carparking areas must grade down from the site entry to a level of no lower than 350mm below the applicable flood level.
15. All new fences within the flowpath must be of an open style construction to allow for the passage of floodwater/overland flow.
16. Prior to the issue of a Certificate of Occupancy, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to the Responsible Authority to demonstrate that the floor levels have been constructed in accordance with the Responsible Authorities requirements.
17. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses to the satisfaction of the Responsible Authority.
18. 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.
19. Stormwater runoff must achieve the following objectives for environmental quality, as set out in the Urban Stormwater Best Practice Environmental Guidelines (CSIRO) 1999.

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- 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.

20. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
21. All disused vehicle crossings shall be removed and the area reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.
22. 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.

23. 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

24. Prior to the commencement of works a Construction Environment Management Plan must be submitted, approved and endorsed under this permit to the satisfaction of 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.

Chairperson's initials



- 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).

Urban Design

- 25. 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 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.
- 26. 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.
- 27. Mailboxes shall be provided to the proposed dwellings to the satisfaction of the Responsible Authority and Australia Post.
- 28. All plumbing work, sewer pipes etc (except for spouting and stormwater pipes) associated with the new dwellings shall be concealed from general view.
- 29. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

Melbourne Water

- 30. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

Satisfactorily Completed

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

Permit Expiry

- 32. 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.

Chairperson's initials



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. If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517 quoting Melbourne Water's reference 264707.
- E. Melbourne Water has recently reviewed and undertaken flood modelling of this precinct as a component of Frankston Drainage Improvement Project, Sandgate-Lee catchment. The applicable flood level for these properties grades from 46.35 metres AHD (Australian Height Datum) as 23 Cambridge Street frontage to 45.77 metres AHD within 19 Cambridge Street subject to confirmation.

Carried Unanimously

Chairperson's initials



11.3 Planning Permit Application 580/2014/P - To construct four (4) double storey dwellings and two (2) single storey dwellings (six (6) dwellings) and a six (6) lot subdivision - 66-68 Fortescue Avenue 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 580/2014/P for the construction of four (4) double storey dwellings and two (2) single storey dwellings (six (6) dwellings) and a six (6) lot subdivision at 66-68 Fortescue Avenue Seaford 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 identified as Vistalab, Version F, 8 September 2015, TP01-8, Carson Simpson Pty Ltd, Plan of Subdivision PS733895N, Version 2, but modified to show:
 - a. Dwelling 6 setback to the western property boundary increased to a minimum of two (2) metres or the dining room and bedroom 4 being setback a minimum of 2.9 metres to the western property boundary in accordance with Condition 32;
 - b. Balcony balustrades of dwellings 3 – 6 to be glass;
 - c. Hi-light windows of bedrooms 1 - 3 of dwelling 3 - 6 replaced by larger windows with a mix of obscure glazing and clear glass to comply with ResCode standard B22;
 - d. Increased use of materials and colours for dwelling 3 – 6 in accordance with Condition 23;
 - e. Deletion of the common property area between lots 2 and 3;
 - f. The grades of all driveways in accordance with the requirements of Clause 52.06;
 - g. Finished floor levels of all proposed dwellings, garages and decks in accordance with Conditions 29 and 31;
 - h. A 300mm freestanding trellis above the existing 1.8 metre high paling fence along the northern property in accordance with Condition 22;
 - i. Materials and colour schedule in accordance with Condition 23;
 - j. The Tree Protection Zone and Structural Root Zone and tree protection fence locations for retained trees must be illustrated on all relevant plans;
 - k. Tree protection conditions noted in accordance with conditions 5, 6 and 7;
 - l. Drainage plans in accordance with condition 9;
 - m. Landscaping plan in accordance with condition 3.

No Alterations

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

Chairperson's initials



Landscape Plans

3. Before the development starts, a landscape plan, prepared by a person suitably qualified or experienced in landscape design, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must show:-
- a. A survey (including botanical names) of all existing vegetation to be retained and removed;
 - b. Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary;
 - c. 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;
 - 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 range of plant types from ground covers to large shrubs and trees
 - f. Landscaping and planting within all open areas of the site
 - g. Adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - h. The provision of screen planting (minimum mature height of 1.5m) within a landscape strip of 30cm at the interface of the property boundary and driveway
 - i. A planting theme of a minimum 20% indigenous, 40% native and 40% exotic within each plant group;
 - j. All existing environmental weed species are to be removed from the site and environmental and noxious weeds found in the 'Sustainable Gardening in Frankston City' (2015) booklet are not to be planted.
 - k. The provision of suitable canopy trees (minimum two metres tall when planted) in the areas specified below (trees are not to be sited over easements) with species chosen to be approved by the Responsible Authority;
 - (i) 1 tree within the front setback of each dwelling along with a minimum mature height of 10m
 - (ii) 1 tree within the private open space of each dwelling with a minimum mature height of 8m
 - l. the provision of notes on the landscape plan regarding site preparation, including in-ground irrigation system to be provided to all landscaped areas, removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements

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

Chairperson's initials



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.

Tree Protection

5. Tree protection must be carried out in accordance with the Australian Standard AS4970-2009 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 T.P.Z. of retained trees on the subject site to the satisfaction of the Responsible Authority. T.P.Z. fencing is to be erected around the T.P.Z. of trees 22 and 23 located on the Moresby Avenue frontage where it occurs on the nature strip and adjusted accordingly to allow for approved works 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.
 - 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) Where any part of the protection zone overlaps with the proposed alfresco areas root sensitive construction as recommended in section 4.4 of the arborist report must be utilised.
7. Removal of the crossover on the eastern side of Tree 22 must be done by hand with all roots over 50 mm in diameter retained. Exposed roots must be covered as soon as practicable with any roots that are required to be cut done with a suitable implement such as secateurs, loppers or a chainsaw.

Drainage

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

Chairperson's initials



9. 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, approved and endorsed under this permit to the satisfaction of the Responsible Authority.
10. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
- On-site stormwater detention and rainwater tanks.
 - Soil percolation.
 - Stormwater harvesting and Re-use of stormwater for garden watering, toilet flushing, etc.
 - On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.
11. Stormwater runoff must achieve the following objectives for environmental quality, as set out in the Urban Stormwater Best Practice Environmental Guidelines (CSIRO) 1999.
- 80% retention of the typical annual load of suspended solids;
 - 45% retention of typical annual load of total phosphorous; and
 - 45% retention of typical annual load of total nitrogen
- Water Quality works within the development must be provided to achieve compliance with the above best practice standards to the satisfaction of the Responsible Authority.
12. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
13. All disused vehicle crossings shall be removed and the area reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.
14. 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.
15. 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

16. Prior to the commencement of works a Construction Environment Management Plan must be submitted, approved and endorsed under this permit to the satisfaction of 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).

Urban Design

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

Chairperson's initials



22. Prior to the occupation of the development, freestanding trellis (maximum 25% openings) must be erected above the existing fence on the northern property boundary of the site to an overall height of 300mm above the existing 1.8 metre high paling, between dwellings 3 - 5 to restrict overlooking into the adjoining residential property to the satisfaction of the Responsible Authority. The trellis must be framed and thereafter maintained to the satisfaction of the Responsible Authority.
23. Before the development commences, a materials and colour schedule is required of all external materials and finishes, walls, roofs and glazing treatments, etc. A variety of materials and colours must be used for dwellings 3 - 6 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.

Satisfactorily Completed

24. Once the development has started it must be continued and completed 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. Finished floor levels of the dwellings must be constructed no lower than 2.66 to Australian Height Datum (AHD).
30. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
31. Finished floor levels of the garages and storage sheds must be constructed no lower than 2.51 metres to AHD.
32. Open space maintained at natural surface levels is required along the western boundary for flood storage. This can be achieved by either providing a minimum 2 metre setback of dwelling 6 measured from the western boundary or a setback of the dining room and bedroom 4 a minimum 2.9 metres from the western boundary.
33. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988
34. Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the dwellings, garages and driveway ramps.

35. The open space areas within the property including the eastern setback must be maintained at natural surface levels and no fill or retaining walls should be used in the development of this land.
36. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services Team.
37. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
38. Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).

Telstra

39. 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.
40. 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

41. 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.

42. 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.

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.

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.

Melbourne Water

The applicable flood level is 2.36 metres to Australian Height Datum (AHD).

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 240907.

Cr Hampton left the chamber at 8.07 pm and was not present for the vote on this matter.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Spelman

That Council resolve to issue a Refusal to Grant a Planning Permit with respect to Planning Permit Application number 580/2014/P for the construction of six (6) dwellings (two (2) single storey dwellings and four (4) double storey dwellings) at 66-68 Fortescue Avenue, Seaford, on the following grounds:

1. The proposal is an overdevelopment of the land.
2. The proposal does not achieve the objectives of the Neighbourhood Character Policy (Clause 22.08 of the Frankston Planning Scheme), and the objectives of the specific Seaford Precinct 4 area.
3. The extent of site coverage is excessive and does not provide adequate opportunities for landscaping throughout the site, particularly for canopy vegetation.

Carried Unanimously

Chairperson's initials



11.4 Town Planning Application 482/2015/P - Shop 3/317 Ballarto Road, Carrum Downs 3201 - To use the land to sell and consume liquor (restaurant and café licence)

(MP Community Development)

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

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 482/2015/P for the use of the land to sell or consume liquor (Restaurant and Café Licence) at Shop 3/317 Ballarto Road Carrum Downs, subject to the following conditions:

No Alterations

1. The licenced 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:
 - March-October:
 - 5:00pm-9:30pm Tuesday-Sunday
 - November-February
 - 5:00pm-9:30pm Tuesday-Friday
 - 11:30am-10:00pm Saturday-Sunday

Amenity

3. 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.

Patron Numbers

4. A maximum of 25 patrons will be permitted at any one time, unless with the prior written consent of the Responsible Authority.

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 or more.

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.

Chairperson's initials



- 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.
- 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

Cr Hampton was not present for the vote on this matter.

Chairperson's initials



11.5 Planning Permit 705/2013/P - 19 Chicquita Avenue Seaford - To amend the plans approved under the Planning Permit for retrospective works for a Statement of Compliance

(MP Community Development)

Cr Hampton returned to the Chamber at 8.10 pm

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

That Council resolves to issue an Amended Planning Permit pursuant to section 74 of the Planning and Environment Act 1987 to construct one (1) double storey dwelling to the rear of the existing dwelling (two (2) dwellings) subject to the attached list of conditions.

Amended 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 generally in accordance with the plans submitted with the application but modified to show:
 - (a) The access way with a minimum of 3m width for its entire length.
 - (b) A Landscape plan in accordance with condition 3 of this permit.
 - (c) Tree protection zones for all trees to be retained (on site and on the adjoining properties) accurately illustrated on all relevant plans to the satisfaction of the Responsible Authority.
 - (d) Lighting plan in accordance with condition 13 of this permit.
 - (e) Bedroom 2 west elevation windows of proposed dwelling 2 with obscure glazing to height of 1.7m above finished floor level to restrict overlooking to secluded private open space of dwelling 1.
 - (f) The second car parking space for dwelling 1.

No Alteration or Changes

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

Landscaping

3. Before the commencement of buildings and works, a landscape plan prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - (a) a survey (*including botanical names*) of all existing vegetation to be retained and/or removed;
 - (b) buildings and trees (*including botanical names*) on neighbouring properties within three metres of the boundary;
 - (c) details of surface finishes of pathways and driveways, retaining walls and areas of cut and fill;
 - (d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;
 - (e) A planting theme of a minimum 20% indigenous, 40% native and 40% exotic within each plant group;

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- (f) canopy trees to a minimum mature height of five metres (*minimum two metres tall when planted*) in the following areas;
- (i) One (1) within the front setback of dwelling 1.
 - (ii) One (1) within the private open space of each dwelling.

Trees are not to be sited over easements.

All species selected must be to the satisfaction of the Responsible Authority.

Prior to Occupation

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

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. Prior to commencement of development construction detailed drainage and pavement 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.
7. 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.

Parking and Access

8. Prior to occupation of the dwellings hereby permitted by this permit starts, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be :-
 - (a) Constructed to the satisfaction of the Responsible Authority;
 - (b) Properly formed to such levels that they can be used in accordance with the plans;
 - (c) Surfaced with an all-weather sealcoat; and
 - (d) Drained and maintained to the satisfaction of the Responsible Authority.

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

9. 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

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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

10. 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.
11. Mailboxes shall be provided to the proposed dwelling/s to the satisfaction of the Responsible Authority and Australia Post.
12. All plumbing work, sewer pipes etc. (except for spouting and stormwater pipes) associated with the new dwelling shall be concealed from general view.
13. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

Tree Protection

14. 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.
15. 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 all Council street trees to the satisfaction of the Responsible Authority. A fixed sign is to be provided on all visible sides of the Tree Preservation Fencing, stating "Tree Preservation Zone – No entry without permission from Frankston City Council".

The requirements below must be observed within this area –

- a. No vehicular or pedestrian access.
- b. The existing soil level must not be altered either by fill or excavation.
- c. The soil must not be compacted or the soil's drainage changed.
- d. No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are to be disposed of or stored.
- e. No storage of equipment, machinery or material is to occur.
- f. Open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used unless approved by the Responsible authority to tunnel beneath.
- g. Nothing whatsoever, including temporary services wires, nails, screws or any other fixing device, is to be attached to any tree.
- h. No building or any other structure is to be erected.
- i. Tree roots must not be severed or injured.
- j. Machinery must not be used to remove any existing concrete, bricks or other materials.

Completion of Buildings and Works

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

Permit Expiry

Chairperson's initials



17. 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.

The Responsible Authority may extend the periods referred to if a request is made in writing within the following prescribed timeframes:

- i) before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and
- ii) 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.

Permit Notes

A. Asset Protection Permit

Prior to the commencement of construction the operator of this planning permit must obtain a non-refundable Asset Protection Permit from Frankston City Council's Infrastructure Department.

B. Extension of Time

Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made.

C. Variation to Planning Permit

Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) (Amendment) Regulations 2008.

Carried Unanimously

Chairperson's initials



11.6 Planning Scheme Amendment C110 Part 2 – Report on Findings and Recommendations of Panel Report

(MP Community Development)

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

That Council note the Panel Report and authorise officers to request the Minister for Planning adopt the Amendment as exhibited subject to the following changes:

- Delete the reference to the former squash court in 83-99 Stotts Lane, Frankston South (HO74) in the Schedule to the Heritage Overlay and reduce the extent of the Heritage Overlay to exclude the former squash court and caretaker's residence.

Carried Unanimously

Chairperson's initials



11.7 Funding of Frankston history film and Frankston history event 2016

(MP Community Development)

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

That Council:

1. Endorses the completion of the Frankston history film with a total funding commitment of \$7,500; and
2. Supports the convening of another Frankston History event at a cost of no more than \$2,500.

Carried Unanimously

Chairperson's initials



11.8 October Town Planning Progress Report

(MP Community Development)

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

That Council receives and notes the report.

Carried Unanimously

Chairperson's initials



12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Hearing of Submissions – Tree Protection Local Law 2015 No. 22**

(MC Corporate Development)

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

That the submissions be received and noted.

Carried Unanimously

Chairperson's initials



12.2 Draft Seaford Local Community Plan

(LD Community Development)

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

That Council endorses the draft Seaford Local Community Plan for further community consultation on Council's website for a period of 8 weeks.

Carried Unanimously

Chairperson's initials



12.3 Economic Development Strategy 2016-2022

(SJ Corporate Development)

Cr Taylor left the Chamber at 8.23 pm

Cr Taylor returned to the Chamber at 8.25 pm

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

That Council:

1. Receives this report and the feedback received during the public exhibition period
2. Adopts the Frankston City Economic Development Strategy 2016-2022
3. Support the referral of the funding implications of the priorities outlined in the Frankston City Economic Development Strategy 2016-2022 to Council for consideration as part of the budget review process.
4. Writes to the Hon Philip Dalidakis MP – Minister for Small Business, Innovation and Trade requesting funding support to facilitate implementation of the Economic Development Strategy 2016-2022.
5. Writes to the Hon Tim Pallas – Treasurer seeking his confirmation of matched funding for Council's Small Business Grants Program as indicated by his support when he attended Community Session held in Frankston, November 2015.
6. Requests that all submitters be written to, thanking them for their support and feedback on the Economic Development Strategy 2016-2022 and advising them of its adoption.

Carried Unanimously

Chairperson's initials



12.4 Record of Assemblies of Councillors

(DH Chief Executive Office)

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

That Council receives the following written records:

- 31 August 2015;
- 7 September 2015;
- 14 September 2015;
- 21 September 2015;
- 29 September 2015;
- 5 October 2015;
- 12 October 2015;
- 19 October 2015;
- 26 October 2015;
- 27 October 2015;
- 4 November 2015;
- 9 November 2015;
- 12 November 2015;
- 16 November 2015; and
- 23 November 2015.

Carried Unanimously

Chairperson's initials



12.5 Committee Minutes

(DH Chief Executive Office)

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

That the minutes of the following Committee be received:

- Historic Assets and Promotion Committee – Minutes – 21 August 2015;
- Frankston City News – Editorial Committee – Minutes – 15 September 2015; and
- Frankston City News – Editorial Committee – Minutes – 27 October 2015.

Carried Unanimously

Chairperson's initials



12.6 Community Development Directorate - Progress Report*(GK Community Development)***Council Decision****Moved: Councillor Cunial****Seconded: Councillor Spelman**

That Council receives the report.

Carried Unanimously

Chairperson's initials



12.7 City Development Directorate - Progress Report*(PC City Development)***Council Decision****Moved: Councillor Tayler****Seconded: Councillor Hampton**

That Council receives the report.

Carried Unanimously

Chairperson's initials



12.8 Draft Frankston Coastal Management Plan*(DS City Development)***Council Decision****Moved: Councillor Aitken****Seconded: Councillor Taylor**

That:

1. The draft Coastal Management Plan is endorsed for public exhibition and comment;
2. The consultation process closes on Wednesday 3 February 2016;
3. A copy of the draft document be forwarded to the Premier, Minister for Environment, Minister for Local Government highlighting the potential for additional costs associated with Council managing crown land, and that this may prove difficult as a result of the impact of rate capping;
4. The draft Coastal Management Plan contain a section in its own right titled Weed Management; and
5. A further report on the outcomes of the consultation process be presented to Council by April 2016.

Carried Unanimously

Chairperson's initials



12.9 Adoption of Paths Development Plan*(BH City Development)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Cunial**

That:

1. The submissions from the community are considered by Council;
2. Council considers the officer's response to the submissions;
3. Council give high priority to the construction of paths in McCormicks Road, Skye (between Sandhurst Boulevard access points) and Stotts Lane from The Strand to Golf Links Road; and
4. The revised Paths Development Plan is adopted, incorporating feedback from the community.

Carried Unanimously

Chairperson's initials



12.10 Hearing of Submissions : Newton Avenue - Weeroona Road Special Charge Scheme

(BH City Development)

Recommendation (Director City Development)

That:

1. Council consider the attached written submissions on the proposed Newton Avenue - Weeroona Road Special Charge Scheme;
2. Council resolve to proceed with the Scheme with changes as noted below and Declare the Scheme at its meeting on 1 February 2016;
3. Council staff consult with CFA on the impacts of the proposed angled slow points on fire appliance access, and modify or remove the devices if necessary.
4. The impacts of street lighting be mitigated in consultation with affected property owners at the time of final design and construction; and
5. Submitters are advised accordingly.

Deferral Motion to another Council Meeting

Moved: Councillor Hampton

Seconded: Councillor Aitken

That the matter be deferred to a council meeting in February 2016 pending further consultation and making plans available to residents.

Carried Unanimously

Chairperson's initials



13. NOTICES OF MOTION**13.1 NOM 1186 - Surplus Christmas Tree Lights**

(MT Chief Executive Office)

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

That Council investigate the usage of the surplus LB100 Christmas Tree Lights, that are currently in storage, for the activation of Wells Street and that further information be provided to Councillors in relation to this matter by the end of this week.

Additionally, this investigation should include their potential to be utilised for a future Festival of Lights, or a future Water Front Festival, or for display upon Frankston Pier.

Alternatively, if they cannot be utilised for any purpose, then they be disposed of, so as to re-coup our costs.

Carried Unanimously

Chairperson's initials



13.2 NOM 1187 - Parking Fees at the Frankston Hospital

(MT Chief Executive Office)

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

That Council writes to the Board of Peninsula Heath and the Minister for Health, the Hon Jill Hennessy, in relation to the excessive parking fees at the Frankston Hospital and request that the fees are reviewed.

Carried Unanimously

Chairperson's initials



14. LATE REPORTS

Nil.

15. URGENT BUSINESS**Pot Holes at Level Crossing****Council Decision****Moved: Councillor Cunial****Seconded: Councillor Aitken**

That the matter of Pot Holes at level crossing be accepted as urgent business.

Carried Unanimously

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

That Council writes to the State Member for Hastings, Mr Neale Burgess, requesting that he raise the safety issue of the continued deterioration of the Robinsons Road level crossing with the Minister for Transport and Metro Trains Melbourne to ensure that the proposed permanent repair works are completed in January 2016. This assurance is being requested as Metro Trains had promised previously that the works would be completed in October 2015 which has not occurred.

Carried Unanimously



16. CONFIDENTIAL ITEMS

Council Decision

Moved: Councillor Cunial

Seconded: Councillor Tayler

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

C.1 Issuing Small Business Grants

Agenda Item C.1 Issuing Small Business Grants is designated confidential as it relates to contractual matters (s89 2d)

C.2 Company matters - Frankston Regional Aquatic Centre Pty Ltd (FRACPL)

Agenda Item C.2 Company matters - Frankston Regional Aquatic Centre Pty Ltd (FRACPL) 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 2015 Frankston Charitable Fund Grants Program

Agenda Item C.3 2015 Frankston Charitable Fund Grants Program 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.4 Minutes of the Frankston Arts Board - October Meeting

Agenda Item C.4 Minutes of the Frankston Arts Board - October Meeting is designated confidential as it relates to contractual matters (s89 2d)

C.5 Proposed Recipients for Citizen, Young Citizen, Senior Citizen and Community Event of the Year Awards for 2015

Agenda Item C.5 Proposed Recipients for Citizen, Young Citizen, Senior Citizen and Community Event of the Year Awards for 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.6 Award Tender - Mowing Services Contract - Contract No 2014/15-74

Agenda Item C.6 Award Tender - Mowing Services Contract - Contract No 2014/15-74 is designated confidential as it relates to contractual matters (s89 2d)

C.7 Seaford Cabin Park- Sealing of Lease and associated documents

Agenda Item C.7 Seaford Cabin Park- Sealing of Lease and associated documents is designated confidential as it relates to contractual matters (s89 2d)

C.8 McClelland Drive Widening - Skye Road to Cranbourne Road - Contract No: 2015/16-17

Agenda Item C.8 McClelland Drive Widening - Skye Road to Cranbourne Road - Contract No: 2015/16-17 is designated confidential as it relates to contractual matters (s89 2d)

Chairperson's initials



C.9 Application for additional Electronic Gaming Machines for the Langwarrin Hotel

Agenda Item C.9 Application for additional Electronic Gaming Machines for the Langwarrin Hotel 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.10 Frankston Yacht Club Restaurant Tender

Agenda Item C.10 Frankston Yacht Club Restaurant Tender 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.2 Award of Contract – Provision of Solid Inert Landfill Services (considered at OM277 14 September 2015)****Council Decision****Moved: Councillor Hampton****Seconded: Councillor Taylor**

That:

1. Council approves the acceptance of the tenders from Transpacific Industries Pty. Ltd; Grosvenor Lodge Pty. Ltd; Glen Landfill Pty. Ltd. and SBI Landfill Pty. Ltd for the Provision of Solid Inert Landfill Services for the initial 2 year contract term from 5 October to 4 October 2017 inclusive, with the option of a further four-two year contract extensions;
2. Council authorise the Chief Executive Officer to sign and seal the Contracts;
3. The recommendation (without commercially sensitive information) be released by the next Ordinary Meeting of Council on Monday 5 October 2015.

The Motion was put and CARRIED unanimously

C.1 Appointment of Independent Members to the Audit and Risk Management Committee (considered at OM280 16 November 2015)**Council Decision****Moved: Councillor Mayer****Seconded: Councillor Hampton**

That Council:

1. Reappoints Mr Neil Greenaway as an Independent Member for a further three (3) year term, expiring on 31 December 2018;
2. Reappoints Mr David Fraser as an Independent Member for a further two (2) year term, expiring on 31 December 2017;
3. Incorporates this resolution in the public minutes of this Ordinary Meeting.

The Motion was put and CARRIED unanimously

Chairperson's initials



**C.2 Appointment and Authorisation of Council Staff - Powers to be revoked
(considered at OM280 16 November 2015)****Council Decision****Moved: Councillor Mayer****Seconded: Councillor Tayler**

That

1. Pursuant to the provisions of Section 147 (4) of the Planning and Environment Act 1987 (The Act), the Instruments of Appointment and Authorisation in respect of the officers listed below be revoked Council:
 - Fiona Johnstone
 - Fenella Kennedy
 - Eva Klaic
 - Astra Anderton
 - Ashley Pollerd
 - Talana Cook
 - Cherie Wanat
 - Gemma Cecil
 - Glenys Wood
 - Julie Higgins
 - Justin Britt
 - Michelle Dixon
 - Rosanne Massey
 - Matthew Cripps
 - Karen Mealyea
 - John Eichler
 - Jeisa Javor
 - Antoinette Camielle
 - Nick Robbins
2. This resolution be incorporated in the public minutes of this Meeting.

The Motion was put and CARRIED unanimously

Chairperson's initials



The meeting closed to the public at 9.09 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 an electronic stamp of my initials to initial each page of these Minutes of the Council Meeting held on Monday, 7 December 2015, confirmed on 1 February 2016.

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

Dated this

day of

2015