



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 15 MARCH 2016 at 7PM**

PRESENT	Cr. James Dooley (Mayor) Cr. Darrel Taylor Cr. Sandra Mayer Cr. Rebekah Spelman Cr. Suzette Tayler Cr. Michael O'Reilly
APOLOGIES:	Cr. Brian Cunial Cr. Colin Hampton Cr. Glenn Aitken
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 Communications Ms. Michelle Tipton, Coordinator Council Business Support
EXTERNAL REPRESENTATIVES:	Nil

COUNCILLOR STATEMENT

Councillor Taylor 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 Tayler 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.



Chairperson's initials

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1. PRESENTATION TO COMMUNITY GROUPS

Nil.

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM283 held on 22 February 2016.

Council Decision

Moved: Councillor Taylor

Seconded: Councillor Tayler

That the minutes of the Ordinary Meeting No. OM283 held on 22 February 2016 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES**Council Decision**

Moved: Councillor Taylor

Seconded: Councillor Tayler

That the apology be received and Councillors Hampton, Cunial and Aitken be granted leave from the meeting.

Carried Unanimously

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Nil.

5. PUBLIC QUESTION TIME

There were no questions submitted to Council.

6. HEARING OF PUBLIC SUBMISSIONS

Ms Shirley Diver made a submission to Council regarding Item 11.2: Town Planning Application 397/2015/P - 1 Weatherston Road, Seaford - To construct three double storey dwellings;

Extension of Time**Council Decision**

Moved: Councillor Spelman

Seconded: Councillor Tayler

That Ms Shirley Diver be granted an extension of time.

Carried Unanimously

Mr Bob Diver made a submission to Council regarding Item 11.2: Town Planning Application 397/2015/P - 1 Weatherston Road, Seaford - To construct three double storey dwellings;

Mr Paul Hegarty made a submission to Council regarding Item 12.1: Response to Petition - Sealing of Barretts Road, Langwarrin South;

Ms Christine Clement made a submission to Council regarding Item 12.1: Response to Petition - Sealing of Barretts Road, Langwarrin South.

7. ITEMS BROUGHT FORWARD

Nil.

8. PRESENTATIONS / AWARDS

Nil

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil

10. DELEGATES' REPORTS

Nil.

Chairperson's initials



11. CONSIDERATION OF TOWN PLANNING REPORTS

11.1 Planning Application 300/2014/P/B - 55 West Road Langwarrin - To amend Condition 6 of the Planning Permit to vary the required public open space contribution requirements

(MP Community Development)

Council Decision

Moved: Councillor Taylor

Seconded: Councillor Mayer

That Council resolves to issue an Amended Planning Permit pursuant to Section 74 of the Planning and Environment Act 1987 for a two (2) lot subdivision and the removal of vegetation in accordance with the endorsed plans subject to the attached list of conditions.

Amended Plan

1. Before the Plan of Subdivision is certified under the Subdivision Act 1988, 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 and provided 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 plans but modified to show:
 - a) The provision of a 5 metre wide drainage easement to be set aside to the Frankston City Council along the western and eastern side boundaries.
 - b) The Tree protection zones for all trees surrounding the sheds and the tree protection fence locations must be illustrated on all relevant plans.
 - c) Tree protection conditions noted in accordance with Conditions 12, 13 and 14.
 - d) The location of all proposed and existing overhead and underground service lines must be indicated on the relevant plans to ensure all services are outside the dripline or canopy space of trees to be retained.

No alteration and Changes

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

Prior to Statement of Compliance

3. Prior to a Statement of Compliance being issued:
 - a site assessment report must be prepared by a suitably qualified environmental professional to determine if the land is potentially contaminated; together with any recommendations for remediating the site for permissible future uses; and
 - the details of the site assessment report and statement of the recommendations being satisfied must be provided to the satisfaction of the Responsible Authority.

Part IXD of the Environment Protection Act 1970 should be applied in preparation of the site assessment report and recommendations.

4. The existing poultry shed located on the northern boundary must be removed prior to the issue of a Statement of Compliance.
5. The existing outbuilding located centrally on the site must be removed within twelve (12) months of the issue of a statement of compliance if a dwelling has not been constructed on lot 2.

Chairperson's initials



6. The owner must pay to the Responsible Authority a sum equivalent to three (3) per cent 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.

Drainage Requirements

7. Each lot shown on the endorsed plans must be provided with a storm water legal point of discharge to the satisfaction of the Responsible Authority.
8. Storm water drainage of the existing dwelling and structures on Lot 2 must be connected to the storm water 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. 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.

Tree Protection

11. Before the vegetation removal starts, the boundaries of the road access and vegetation to be removed and retained must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the Responsible Authority.
12. 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.
13. Prior to the commencement of the removal of the existing sheds, a Tree Protection Fence defined by a 1.8 metre high (minimum) temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting with a high visibility plastic hazard tape, must be installed at the at the extremity of the drip line of all trees within 5m of the sheds 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) No building or any other structure is to be erected.
- j) Tree roots must not be severed or injured.
- k) Machinery must not be used to remove any existing concrete, bricks or other materials.

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

- 14. The vegetation removal hereby approved must be carried out in accordance with the plans endorsed under this permit. No vegetation other than that indicated on the endorsed plan shall be damaged, removed, destroyed or lopped unless with the prior written consent of the Responsible Authority.
- 15. The trees removed as part of this application must be mulched and used for future landscaping on site to the satisfaction of the Responsible Authority.

Ground Protection

- 16. The following tree protection conditions apply within the Tree Protection Zones for the trees located along the proposed access way from the front of the site to Lot 2. All tree protection conditions must be undertaken to the satisfaction of the Responsible Authority.
 - a) No excavation works are permitted for the construction of the driveway.
 - b) To avoid compaction and damage to the tree trees a layer of organic mulch 200 mm thick must be laid with rumble planks/ crossing planks laid above the mulch prior to any vehicles utilising the access way. This ground protection is to be maintained until the construction of the new driveway is completed.
 - c) No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are to be disposed of or stored.
 - d) No storage of equipment, machinery or material is to occur.
 - e) 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.
 - f) If machinery is used to remove existing structures, concrete, bricks or other materials it must be located outside of the defined Tree Protection Zones with ONLY the main arm of the machine reaching into this Zone.
 - g) The new driveway must be constructed above the existing soil grade of a porous material.

Tree Pruning

- 17. All tree pruning necessary to provide clearance for the shed removal (or otherwise) is to be carried out by a qualified and experienced Arborist who has a thorough knowledge of tree physiology and pruning methods. Pruning must be carried out in accordance with Australian Standard AS4373-2007 Pruning of Amenity Trees. If pruning works are to be undertaken then these works should be carried out prior to any construction works beginning on site.
- 18. Any pruning or removal of tree limbs, particularly hollow-baring tree limbs, must be to the minimum extent necessary.

General Vegetation Conditions

19. No parking of vehicles or stockpiling of soil/materials is to occur on native vegetation that is to be retained and protected. Areas must be designated for these purposes and clearly signed. They are to be restricted to existing cleared areas close to existing roads and tracks, and must not adversely impact upon native vegetation, including the root zones of existing trees. Such sites must not be located on or near erodible surfaces, surface water runoff areas or areas infested with weeds.
20. All workers on site must be informed of the environmental sensitivity of the vegetation to be retained within close proximity of the construction site and ensure that access into vegetated areas and other disturbances are prohibited during construction.
21. The site must be left in a clean and tidy condition after completion of works to the satisfaction of the Responsible Authority.
22. All disturbed surfaces on the land resulting from the development authorised or required by the permit must be revegetated and stabilised to the satisfaction of the Responsible Authority so as to prevent erosion or siltation on or adjacent to the land.
23. All machinery brought on site should be weed and pathogen free.

Fauna identification, salvage and relocation

24. Prior to the commencement of works, all hollows must be inspected for the presence of fauna. The inspection must be carried out by a qualified and experienced expert. An officer from Council's Environment Department must be present at the time of the inspection, or a report on the findings and mitigation methods adopted must be submitted to the Responsible Authority. If fauna is located during the inspection, they must be salvaged and relocated by a suitably qualified and experienced Zoologist or Wildlife Handler in accordance with all relevant legislation and approvals, and if appropriate, in consultation with the Department of Sustainability and Environment.

Utility Requirements

25. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
26. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
27. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
28. The owner of the land must enter into an agreement with:
 - a) 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; and

- b) 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

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

- (a) The subdivision is not certified within two (2) years of the date of this permit.
- (b) The subdivision is not registered within five (5) years of the date of certification.

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

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

Carried Unanimously

Chairperson's initials



11.2 Town Planning Application 397/2015/P - 1 Weatherston Road, Seaford - To construct three double storey dwellings.

(MP Community Development)

Cr Tayler left the Chamber at 7.29 pm

Cr Tayler returned to the Chamber at 7.30 pm

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

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 397/2015/P for three double storey dwellings at 1 Weatherston Road, Seaford, subject to the following conditions:

Plans

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application but modified to show:
 - a. Consistency between plans 2 and 3 by providing a fence along the west boundary along the laneway;
 - b. The provision of a visitor car space made with permeable material, to be accessed from the common driveway and must not be located within the front setback.
 - c. First floor study nook window on north elevation of Dwelling 2, and retreat and bedroom 3 window on west elevation of dwelling 3 treated with obscure glazing to a height of 1.7 metres above floor level or highlight window to restrict overlooking into adjoining properties;
 - d. The portico of dwelling 1 deleted from its proposed location and the dwelling to be setback a minimum distance of 6 metres from tree 2 including all earthworks. The entry porch must be relocated outside of the tree protection zone of Tree 2;
 - e. The internal accessway to the south of dwelling 2 reduced in width to 3 metres and 200 mm additional landscaping area to the north of dwelling 1;
 - f. A western end of the driveway immediately in front of the portico of dwelling 3 deleted and replaced with landscaping;
 - g. The triangle landscaping bed to the north of the garage of dwelling 1 replaced with a curved edge;
 - h. The landscaping bed to the east of the driveway in front of the garage to dwelling 2 increased;
 - i. All overflow and storm water pipes within the front of the subject site must be located as far as practicable from trees 2 and 3;
 - j. The Tree Number, 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;
 - k. Landscape plan in accordance with condition 3;
 - l. Tree protection conditions noted in accordance with conditions 5-9;
 - m. Ground protection in accordance with condition 10;
 - n. Driveway construction method in accordance with condition 11; and
 - o. Lighting in accordance with Condition 20.

No Alterations

Chairperson's initials



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

Landscape Plans

3. Before the commencement of buildings and works, a landscape plan prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) survey (including botanical names) of all existing vegetation on the site and those located within 3.0 metres of the boundary of the site on adjoining properties, accurately illustrated to canopy width and labelled with botanical names, height and whether the tree is proposed to be retained and/or removed.
 - b) The delineation of garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development.
 - 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) A range of plant types from ground covers to large shrubs and trees;
 - 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) Adequate planting densities (e.g.: plants with a mature width of 1.0 metre, planted at 1.0 metre intervals).
 - h) The TPZ of trees 2 and 3 not occupied by approved structures to be mulched with a suitable organic mulch.
 - i) Planting within the TPZ of trees 2 and 3 must consist of either or a combination of both *Austrodanthonia caespitosa* (Wallaby Grass) and *Themeda triandra* (Kangaroo grass) or similar species.
 - j) Suitable WSUD techniques to direct rainfall to the TPZ of trees 2 and 3 must be employed to the satisfaction of the responsible authority.
 - k) 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 5m);
 - ii. One (1) 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. The existing driveway where occurring within the T.P.Z. of trees 2 and 3 must be removed by hand prior to the demolition of the dwelling. No changes to the level of the natural ground is to occur;
7. The existing front fence where adjacent to tree 2 must be removed by hand;
8. Demolition of the existing dwelling must occur with the excavator located outside of the T.P.Z. and the arm only to enter the T.P.Z. Demolition of the dwelling cannot occur, including the movement of any machinery on the site, until ground protection measures have been implemented for trees 2 and 3;
9. Prior to the commencement of any buildings and works, 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 all retained trees on and adjacent the subject site where the T.P.Z. occurs on the subject site and for street trees where it occurs on the nature strip to the satisfaction of the Responsible Authority. The fencing for trees 2 and 3 can only be reduced by the minimum amount necessary to allow demolition of the existing structures and then again to allow the approved works to be constructed. 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". Fencing must be inspected by a suitably qualified and experienced arborist prior to commencement of demolition and again prior to commencement of construction works.

The requirements below must be observed within this area unless with the prior written consent of the responsible authority –

- a. Coarse mulch laid to a depth of 50-100 mm (except 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; and
- j. Machinery must not be used to remove any existing concrete, bricks or other materials.

Ground Protection

10. The T.P.Z. of trees 2, 3 and 9 must have ground protection installed in the location of the proposed driveway prior to the commencement of any demolition and construction works and generally consist of a layer of mulch with a suitable surface laid on top such as rumble boards or steel plates to allow for vehicular movement.

Driveway Construction

11. The driveway adjacent trees 2, 3 and 9 where occurring within the T.P.Z. must be constructed above the existing soil grade and be of air and water permeable material such as sand based paving, gravel, no fine concrete or similar is to be used.

Drainage

12. 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.
13. 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.
14. Soakage systems for stormwater drainage must be provided with Geotechnical design to demonstrate that effective drainage can be provided to cater for the peak rain event in either a 10% or 20% Annual Exceedance Probability without detriment to premises and/or other properties to the satisfaction of the Responsible Authority.
15. 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.
16. Vehicle crossing shall be fully reconstructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.

Urban Design

17. 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.
18. Mailboxes shall be provided to the proposed dwelling/s to the satisfaction of the Responsible Authority and Australia Post.
19. All plumbing work, sewer pipes etc. (except for spouting and stormwater pipes) associated with the new dwelling shall be concealed from general view.
20. 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

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

Permit Expiry

22. 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.

Chairperson's initials



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

Notes

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

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

D **Street Numbering**

Local Government is the Authority responsible for property addressing. There is a requirement under Local Law No. 7 2.12 for the owner or occupier of each property to clearly display the street numbering allocated by Council.

Proposed Street Numbering can be provided by contacting Frankston City Council Rates department - Phone 9784 1853.

It is the applicant's responsibility to ensure all owners are notified of the allocated street numbering.

Carried

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

11.3 Planning Permit Application 627/2015/P - 5 Union Road Langwarrin - To increase the number of existing gaming machines from 52 to 62 gaming machines (additional 10 gaming machines)

(MP Community Development)

Council Decision

Moved: Councillor Mayer

Seconded: Councillor Tayler

That Council resolves to issue a Notice of Refusal to Grant a Planning Permit in respect to Planning Permit Application number 627/2015/P for an increase in the number of existing gaming machines from 52 to 62 gaming machines (additional 10 gaming machines) at 5 Union Road Langwarrin, subject to the following grounds:

1. The proposal is contrary to the objectives and strategies of State and Local Planning Policy including Clause 11, 17 and 21.08 of the Frankston Planning Scheme.
2. The proposal is contrary to the objectives of the Frankston Local Gaming Policy and fails to adequately satisfy the criteria and decision guidelines of this policy.
3. The proposal fails to reduce the number of existing gaming machines within the Frankston municipality and does not result in a redistribution of gaming machines away from areas of relatively high socio-economic disadvantage.
4. The proposal is likely to increase the social disadvantage and financial vulnerability of the local community.
5. The proposal fails to demonstrate any net community benefit will arise from the approval of an additional 10 existing gaming machines at the Langwarrin Hotel.

Carried Unanimously

Chairperson's initials



11.4 Planning Permit Application 329/2015/P - 9 Birkdale Court, Frankston - To construct one (1) single and one (1) double storey dwelling (2 dwellings)
(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 329/2015/P to construct one (1) single and one (1) double storey dwelling (2 dwellings) at 9 Birkdale Court, Frankston subject to the following conditions:

Plans

1. Before the use and/or 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. Finished ground level correctly notated.
 - b. Clerestory windows added to Dwelling 1 roof to provide northern solar access to living/meals area.
 - c. Skylights added to Dwelling 1 bathroom, toilet and laundry to provide daylight access.
 - d. Dwelling 1 upper storey windows on north and west elevations screened to 1.7m above floor level in accordance with Clause 55.04-6.
 - e. Side screens added to the north sides of Dwelling 1 master bedroom windows, to prevent overlooking in accordance with Clause 55.04-6.
 - f. Sun protection devices to all west and north facing habitable rooms;
 - g. Water tanks for Dwelling 1 relocated, clear of Frankston City Council drainage assets (Junction Pit) and South East Water sewer assets.
 - h. The dividing fence at the rear between Dwellings 1 and 2 clear of Frankston City Council drainage assets (Junction Pit) in north west corner of Residence 2 POS and a minimum 1.0 metre clearance from the assets to enable maintenance access.
 - i. Garages with minimal internal dimensions in accordance with Clause 52.06-8, which must not be encroached by the proposed storage areas.
 - j. 6 cubic metres of externally accessible storage for each dwelling in accordance with Clause 55.05-6.
 - k. Tree Protection Notes in accordance with Conditions 4 and 5 on all relevant plans.
 - l. Landscape plan in accordance with Condition 3.
 - m. Any changes as a result of Drainage Conditions 6 – 9.

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 Plan

3. Before the commencement of buildings and works, a landscape plan in accordance with the submitted development plan, prepared by a suitably qualified landscape professional 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:

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- a. A survey (including botanical names) of all existing vegetation on the site and those located within three (3) metres of the boundary of the site on adjoining properties, accurately illustrated to represent canopy width and labelled with botanical name, height and whether the tree is proposed to be retained and/or removed;
- b. Buildings on neighbouring properties within three 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 including the Wild Tobacco (tree 7) 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. 2 trees within the front setback of with a minimum mature height of 7m
 - ii. 1 tree within the private open space of both dwellings with a minimum mature height of 7m
- 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.

Prior to Occupation

4. Tree protection must be carried out in accordance with the Australian Standard AS 4970-2009 Protection of trees on development sites to the satisfaction of the Responsible Authority.
5. Prior to the commencement of any buildings and works, 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 neighbouring trees where occurring on the subject site and the T.P.Z. of the street trees where occurring on the nature strip reduced by the minimum amount necessary to construct 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". Fencing must be inspected by a suitably qualified and experienced arborist prior to commencement of construction works.

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The requirements below must be observed within this area unless with the prior written consent of the responsible authority –

- a. Coarse mulch laid to a depth of 50-100 mm (except 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; and
- j. Machinery must not be used to remove any existing concrete, bricks or other materials.

Drainage

6. Unless otherwise agreed in writing by Frankston City Council, finished floor levels of the proposed dwelling must be a minimum of 300mm above the applicable flood level to the satisfaction of the Responsible Authority.
7. Any new garage, carport or vehicle parking area must be constructed with finished floor or surface levels a minimum of 150mm above the applicable flood level to the satisfaction of the Responsible Authority.
8. Imported fill must be kept to a minimum on the property and should only be used for the sub floor areas of the dwelling, garages and driveway ramp to the satisfaction of the Responsible Authority.
9. Any new fences within the flow path must be of an open style construction to allow for the passage of floodwaters/overland flow to the satisfaction of the Responsible Authority.
10. 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.
11. 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.
12. 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 .
13. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
14. All disused vehicle crossings shall be removed and the area reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.

15. 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.
16. 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 :-
- Constructed to the satisfaction of the Responsible Authority.
 - Properly formed to such levels that they can be used in accordance with the plans.
 - Surfaced with an all-weather sealcoat.
 - 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.

17. 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

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 dwelling/s 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 dwelling 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.

Satisfactorily Completed

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

Permit Expiry

23. This permit will expire if 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. Information available at Frankston City Council indicates that the property is subject to flooding from a storm event with a 1% Annual Exceedance Probability (AEP) in any year and the designated flood level for the property is 13.27 metres to the Australian Height Datum (AHD).
- 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:
- k. Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started;
 - l. 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.

Deferral Motion to another Council Meeting**Moved: Councillor Mayer****Seconded: Councillor Spelman**

That the matter be deferred to the 4 April 2016.

Carried Unanimously

11.5 Retrospective Section 72 Amendment for Statement of Compliance for Planning Application 465/2010/P/C - 14 Brighton Street Frankston South

(MP Community Development)

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

That Council resolves to issue an Amended Planning Permit in respect to Planning Permit Application number 465/2010/P/C for four (4) dwellings at 14 Brighton Street Frankston South, subject to the following conditions:

Amended Plans

1. Before the occupation of the dwellings commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application but modified to show:
 - (a) Rear fence abutting the Sweetwater Creek Reserve constructed of non-combustible material with a visually open appearance (ie chain link).
 - (b) Locations of 6m³ external storage for Dwellings 1 and 3.
 - (c) Provision of screening to a height of 1.7 metres on the west side of the landing to the rear of dwelling 4.
 - (d) Free standing trellis along the east boundary to minimise overlooking into the adjoining dwellings to the west in accordance with Condition 3.
 - (e) All elevation plans to match the site plan showing the location and height of the free standing trellis required by Conditions 1 (d) and (e).
 - (f) The retention of two trees located on the east side of the accessway to dwelling 1.

No Alterations

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority
3. Prior to the occupation of the development, a freestanding trellis (maximum 25% openings) must be erected above the existing fence on the east (side) of the site to an overall height of 1.7 metres above the finished floor levels of the decks to dwelling 1, 2, 3 and 4 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.

Satisfactorily Completed

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

Country Fire Authority**Vegetation Management Requirements**

5. A distance of 30 metres around the proposed dwelling or to the property boundary (whichever is lesser) must be maintained to the following requirements during the declared 'Fire Danger Period' to the satisfaction of the Responsible Authority.
 - Grass must be no more than 100mm in height.
 - Leaf litter must be no more than 10mm deep.

Chairperson's initials



- There must be no elevated fuel on at least 50% of the area. On the remaining 50% the elevated fuel must be at most, sparse, with very little dead material.
- Dry shrubs must be isolated in small clumps more than ten metres away from the dwelling.
- Trees must not overhang the roofline of the dwelling.

Permit Expiry

6. 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. Non-flammable features such as tennis courts, swimming pools, dams, patios, driveways, or paths should be incorporated into the vegetation management plan, especially on the north and western sides of the proposed building.
- C. Features with high flammability such as coir door mats, firewood stacks should not be located near the dwelling during the fire danger period.
- D. Under r.804 of the Victorian Building Regulations 2006 if a site assessment for the purpose of determining the Bushfire Attack Level for the site has been considered as part of the planning application, the relevant building surveyor must accept this site assessment. The planning site assessment is currently undertaken using the Wildfire Management Overlay Applicant's Workbook 2007. This BAL level is the minimum construction standard CFA believes necessary to achieve an adequate level of wildfire safety for the prescribed vegetation management conditions. Construction of buildings must be to a minimum Bushfire Attack Level (BAL) of BAL – 29 in accordance with the relevant sections of AS3959-2009.
- E. This permit must be read in conjunction with Planning Permit No. 302/2008/P issued 26 March 2010 and all subsequent amended plans.
- F. 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



11.6 Retrospective Section 72 Amendment for Statement of Compliance for Planning Application 229/2014/P/A - 94 Hillcrest Road Frankston

(MP Community Development)

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

That Council resolves to issue an Amended Planning Permit in respect to Planning Permit Application number 229/2014/P/A for the construction of four double storey dwellings and one single storey dwelling (five dwellings) at 94 Hillcrest Road, 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 generally in accordance with the plans submitted with the application Masters Design and Drafting, Reference 14/0603, Sheets 1-10, 26 June 2014 but modified to show:
 - (a) The visitor car parking spaces to be a minimum dimension of 4.9 metres by 2.6 metres, with a 6.4 metre aisle (reverse area), except for the visitor car space adjacent to dwelling 5 to be a minimum width of 3.0 metres.
 - (b) All trees growing on the site and on the adjoining properties within 3 metres of the boundaries must be clearly illustrated on all relevant plans to demonstrate canopy width, trunk location and clearly labelled in accordance with the Arborist Report prepared by Constructive Arboriculture dated January 2014 and whether the tree is to be retained or removed.
 - (c) The tree protection zones for all trees to be retained and the tree protection fence locations must be illustrated on all relevant plans.
 - (d) Tree protection conditions noted in accordance with Conditions 6 & 7.
 - (e) Landscaping plan in accordance with Condition 3.
 - (f) Dwelling 3 (including the deck area) to be of pier and beam construction in accordance with Condition 7.
 - (g) The retaining wall and area of cut is to be setback a minimal distance of 1.88 metres (structural root zone) of tree No. 24 (*Pittosporum undulatum*) unless the owner of the tree consents to its removal or works within its structural root zone.
 - (h) Melbourne Water requirements as per Conditions 16 & 17.
 - (i) A freestanding trellis in accordance with Condition 5.
 - (j) Extent of trellis clearly illustrated on all relevant plans, including elevations.
 - (k) Door on lower level of the northern elevation of Dwelling 3 to be illustrated on the site plan.

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) 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) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;
 - (d) The location of each species to be planted;
 - (e) A planting theme of a minimum 40% indigenous and 20% native species within each planting group;
 - (f) A range of plant types from ground covers to large shrubs and trees;
 - (g) Adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - (h) The delineation of garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
 - (i) Canopy trees (*minimum two metres tall when planted*) in the following areas: (*specify location*);
 - (i) Three (3) Eucalyptus pryoriana within the front setback;
 - (ii) One (1) within the private open space of (all) dwellings (minimum mature height 6m);
 - (iii) Two (2) small trees within the internal driveway access.

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.

Freestanding Trellis

5. Prior to the occupation of the development, a freestanding trellis (maximum 25% openings) must be erected above the existing fence on the southern boundary of the site to an overall height of 1.7 metres above the finished floor level of the deck to Dwelling 3, 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.

Tree Protection

6. 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.

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 street tree *Lophostemon confertus* (Tree no. 1 – TPZ 4.8 metres), tree no. 2 *Tristaniopsis laurina* (TPZ 5.52 metres), tree no. 4 *Prunus* spp (TPZ 2.76 metres), tree no. 25 (TPZ 4.56 metres fence can be relocated to enable construction works), tree no. 27 *Cupressocyparis leylandii* (TPZ 4.92 metres) and tree no. 28 *Cupressocyparis leylandii* (TPZ 6.36 metres) 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) No building or any other structure is to be erected.
 - (j) Tree roots must not be severed or injured.
 - (k) Machinery must not be used to remove any existing concrete, bricks or other materials.
 - (l) Any paving proposed must be located above the existing soil grade and be porous in nature.
 - (m) Dwelling 3 and its associated deck area are to be constructed in accordance with Condition 8.
8. Root sensitive footings such as pier and beam or screw pole footings (or similar) are to be used where any part of building works including the deck area, comes within a 4.56m Tree Protection Zone radius of Tree 25 (*Acer negundo* located at 12 Leawarra Pde) and Tree no. 27 and 28 *Cupressocyparis leylandii* (TPZ 4.92m and 6.36m respectively) as defined in the Arborist Report prepared by Constructive Arboriculture, dated January 2014. If used, the beam should be designed to be positioned above soil grade to minimize soil excavation and root severance. Screw pylons are the preferred choice and must be selectively placed with consideration for any significant tree roots that may be present within the soil profile. Minor excavation by hand to 0.5m deep should be undertaken at the points of pier placements to determine if any significant roots are present. Roots greater than 40mm in diameter are deemed significant. If such roots are encountered the positioning of the piers must be altered to provide at least 0.3m of clearance from the roots. An arborist must be present when undertaking any excavation within the Tree Protection Zones, or if any tree roots are uncovered.

9. All tree pruning is to be carried out by a qualified and experienced Arborist who has a thorough knowledge of tree physiology and pruning methods. Pruning must be carried out in accordance with Australian Standard AS4373-2007 *Pruning of Amenity Trees*. If pruning works are to be undertaken then these works should be carried out prior to any construction works beginning on site. Any pruning of trees located on a neighbouring property should be undertaken in consultation with the property owner

Drainage

10. 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.
11. Stormwater Drainage Outfall is to be constructed to the satisfaction of the Responsible Authority. 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.
12. 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.
13. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
14. All disused vehicle crossings shall be removed and the area reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.
15. 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;
 - (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.

16. 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.

Melbourne Water Conditions

17. The dwellings must be constructed with finished floor levels a minimum of 300mm above the applicable flood level which is a minimum of 48.11 metres to Australian Height Datum (AHD)
18. The garages must be constructed with finished surface levels a minimum of 150mm above the applicable flood level which is a minimum of 47.96 metres to AHD.
19. 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. The plan must demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
20. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

Urban Design

21. 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.
22. Mailboxes shall be provided to the proposed dwelling/s to the satisfaction of the Responsible Authority and Australia Post.
23. All plumbing work, sewer pipes etc. (except for spouting and stormwater pipes) associated with the new dwelling shall be concealed from general view.
24. 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

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

Permit Expiry

26. 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.

Chairperson's initials



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.

Melbourne Water Notes

- D. The applicable flood level for the property is 47.81 metres to Australian Height Datum (AHD).
- E. If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9679 7515, quoting Melbourne Water's reference 240561.

Carried Unanimously

Chairperson's initials



11.7 Town Planning Progress Report - January 2016

(MP Community Development)

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

That Council receives and notes the report.

Carried Unanimously

Chairperson's initials



12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Response to Petition - Sealing of Barretts Road, Langwarrin South**

(BH City Development)

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

That:

1. Council notes the allocation of \$70,000 in the draft 2016/17 Capital Works Program to commence the design and Special Charge Scheme process involved in the construction of Barretts Road;
2. Officers write to the residents of Barretts Road to determine whether they would support in-principle a Special Charge Scheme to construct Barretts Road; and
3. The head petitioner be advised accordingly.

Carried Unanimously

12.2 Response to Petition - Development of Down's Estate

(MP Community Development)

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

That:

1. Notes the response to the petition; and
2. Advises the head petitioner of the current status of this project.

Carried Unanimously

Chairperson's initials



12.3 Draft Seaford Local Community Plan

(LD Community Development)

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

That Council adopts the Seaford Local Community Plan 2015-2019.

Carried Unanimously

Chairperson's initials



12.4 Proposed Naming of Frankston North Community Centre

(MC Corporate Development)

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

That the process to change the name of the community centre at 26R-38R Mahogany Avenue, Frankston North, formally known as the "Mahogany Neighbourhood Centre", to "Frankston North Community Centre", including public consultation, be commenced.

Carried Unanimously

12.5 Adoption of Tree Protection Local Law 2016 No. 22

(MC Corporate Development)

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

That:

1. Having complied with the requirements of the *Local Government Act 1989*, and having considered all written and verbal submissions in respect to the proposed local law, Council resolves to make Tree Protection Local Law No. 22 (as attached) for the following reasons:
 - a. The Tree Protection Local Law provides important control measures to facilitate the maintenance of vegetation and tree canopy;
 - b. The new local law, which has been advertised, addresses issues with the operation and application of the existing version of the local law;
 - c. Three submissions were received in response to the public exhibition process. All three submissions are generally supportive of the intent and purpose of the local law.
 - d. The submitters' views have been considered, and none of the issues raised warrant the deferral of the matter, or the modification of the local law.
2. Tree Protection Local Law No. 22 be signed and sealed;
3. Notice of the making of Tree Protection Local Law No. 22 be published in the Victoria Government Gazette;
4. The local law comes into effect on the day following publication of the notice in the Victoria Government Gazette;
5. The submitters who have provided their address details be notified in writing of Council's decision to make the local law, and of the reasons for the decision; and
6. A copy of Tree Protection Local Law No. 22 be forwarded to the Minister for Local Government.

Carried Unanimously

Chairperson's initials



12.6 Community Development Directorate - Progress Report
(*GK Community Development*)

Council Decision

Moved: Councillor Taylor

Seconded: Councillor Tayler

That Council receives the report.

Carried Unanimously

Chairperson's initials



12.7 Minutes of the Frankston Arts Board - February Meeting

(AM Community Development)

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

That Council receives the Minutes for the Frankston Arts Board February Meeting.

Carried Unanimously

Chairperson's initials



12.8 Draft Frankston Metropolitan Activity Centre Streetscape Plan*(DS City Development)***Council Decision****Moved: Councillor Taylor****Seconded: Councillor Mayer**

That Council adopt the Frankston Metropolitan Activity Centre Streetscape Plan.

Carried Unanimously

Chairperson's initials



13. NOTICES OF MOTION**13.1 NOM 1195 - Metropolitan Planning Levy**

(JS Corporate Development)

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

That Council writes to the Minister for Planning, Hon Richard Wynne, requesting:

1. an exemption for the requirement to pay \$2,000 to the Metropolitan Planning Levy for the redevelopment of the Frankston Basketball Stadium; and
2. an exemption for local government from the requirement to pay the Metropolitan Planning Levy for the development of community facilities.

Further, that copies of the letter be sent to the Minister for Local Government, Hon Natalie Hutchins, Shadow Minister for Planning and Shadow Minister for Local Government, Hon David Davis, State Member for Frankston, Mr Paul Edbrooke and State Member for Carrum, Ms Sonya Kilkenny.

Carried Unanimously

14. LATE REPORTS

Nil.

15. URGENT BUSINESS

Nil.

Chairperson's initials



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

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 Frankston Charitable Fund Grants Program - February 2016

Agenda Item C.1 Frankston Charitable Fund Grants Program - February 2016 is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

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)

Carried Unanimously

17. OUTCOME OF CONSIDERATION OF CERTAIN CONFIDENTIAL ITEMS**C.3 Lease Matter (considered at OM271 4 May 2015)****Council Decision****Moved: Councillor Aitken****Seconded: Councillor Spelman**

That Council:

1. Notes the progress of negotiations, and
2. Approves a final extension of time until 30th June, 2015 to complete negotiations for the sealing of a lease agreement.

The Motion was put and CARRIED unanimously

C.2 Lease Matter (considered at OM272 25 May 2015)**Council Decision****Moved: Councillor Spelman****Seconded: Councillor Aitken**

That:

1. The progress of negotiations be noted.
2. A final extension of time be granted till 30th June, 2015 for completion of a sealed lease agreement.
3. A fixed term of 10 years with no option be agreed.

The Motion was put and CARRIED unanimously

C.4 Lease Matter (considered at OM273 22 June 2015)**Council Decision****Moved: Councillor Aitken****Seconded: Councillor Spelman**

That:

1. The progress of negotiations be noted.
2. A further extension of time be granted till 31st August, 2015 for completion of a sealed lease agreement.
3. The resolution be released once the lease documentation has been signed and sealed.

The Motion was put and CARRIED unanimously

C.1 Lease Matter (considered at OM275 3 August 2015)**Council Decision****Moved: Councillor Aitken****Seconded: Councillor Spelman**

That:

1. Council approves the terms and conditions of the lease arrangement.
2. Council authorises the lease and Section 173 Agreements to be signed and sealed and forwarded to the Department of Environment Land Water and Planning (DELWP) for the relevant Minister's approval.
3. Council notes that it relies on the advice of its Lawyers, Maddocks, that there is no need to publicly advertise the lease prior to its execution.
4. The petitioners be advised of Council's decision and the action taken by officers in respect to their concerns.
5. A press release advising of the resolution of this matter and such general terms of the lease as appropriate be released once the lease documentation has been signed and sealed by all parties.

The Motion was put and CARRIED unanimously

C.1 Appointment of Chairperson to the Audit and Risk Management Committee (considered at OM283 22 February 2016)**Council Decision****Moved: Councillor Mayer****Seconded: Councillor Hampton**

That:

1. Council resolves to appoint Mr. Neil Greenaway to the position of Chairperson until 31 January 2017.
2. The resolution be incorporated in the public minutes of this Meeting.

The Motion was put and CARRIED unanimously

The meeting closed to the public at 8.07 p.m.

CONFIRMED THIS

DAY OF

2016

.....
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 Tuesday, 15 March 2016, confirmed on Monday, 4 April 2016.

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

Dated this

day of

2016