



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 4 APRIL 2016 at 7.01 PM**

PRESENT	Cr. James Dooley (Mayor) Cr. Darrel Taylor Cr. Sandra Mayer Cr. Rebekah Spelman Cr. Glenn Aitken Cr. Suzette Tayler Cr. Brian Cunial Cr. Colin Hampton Cr. Michael O'Reilly
APOLOGIES:	Nil.
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. Rowan Farmer, Team Leader Statutory Planning 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 Cunial read the Opening Prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Councillor Aitken 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

The Mayor presented a Certificate of Appreciation to the Frankston Pines Football Club for their generosity and willingness to contribute to the Walking Football initiative which benefits the health and wellbeing of older people in our community.

The Mayor advised that Michelle Tipton, Coordinator Council Business Support will shortly be going on maternity leave, and on behalf of Council and the Councillors, wished her all the best.

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM284 held on 15 March 2016.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Taylor

That the minutes of the Ordinary Meeting No. OM284 held on 15 March 2016 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES

Nil.

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Nil.

5. PUBLIC QUESTION TIME

Two (2) persons submitted questions with notice to Council and One (1) person submitted questions without notice. At the request of the Mayor, the Chief Executive Officer read the questions and answers to the gallery. The questions and answers will be made available on the Frankston City Council website.

6. HEARING OF PUBLIC SUBMISSIONS

Ms. Debbie Uboldi made a submission to Council regarding Item 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);

Mr Rico Antonio made a submission to Council regarding Item 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);

Ms Natalie Evans made a submission to Council regarding Item 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);

Cr Cunial left the Chamber at 7.30 pm

Ms Christine Evans made a submission to Council regarding Item 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);

Cr Cunial returned to the Chamber at 7.34 pm

Mr Julie Baumann made a submission to Council regarding Item 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);

Mr Gary Baumann made a submission to Council regarding Item 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);

Mr Coleby McDonough made a submission to Council regarding Item 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);

Ms Nicole Lewis made a submission to Council regarding Item 12.1: 2 Highland Drive, Frankston South - Assessment of Significant Tree;

Mr Paul Somerville made a submission to Council regarding Item 12.4: Rate concession for affordable housing

7. ITEMS BROUGHT FORWARD

Council Decision

Moved: Councillor O'Reilly

Seconded: Councillor Spelman

That Item 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) , Item 12.1: 2 Highland Drive, Frankston South - Assessment of Significant Tree and Item 12.5: 2016-2017 Draft Annual Budget be brought forward.

Carried Unanimously

8. PRESENTATIONS / AWARDS

Nil

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Spelman

That the petition containing 174 signatures against the proposed development at 9 Birkdale Court, Frankston be received.

Carried Unanimously

10. DELEGATES' REPORTS

Nil

ITEMS BROUGHT FORWARD

Cr Aitken left the Chamber at 8.11 pm

Cr Aitken returned to the Chamber at 8.12 pm

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:
- 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.

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

Chairperson's initials



- 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 :-
- 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.
 - 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.

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.

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

That the following item be refused on the following grounds:-

1. The proposed development is inconsistent with the objectives of the State and Local Policy Framework of the Frankston Planning Scheme, including:
 - (a) Clause 11.02 – Urban Growth
 - (b) Clause 15.01 – Urban Environment
 - (c) Clause 16.01 – Residential Development
 - (d) Clause 21.07 – Housing

Chairperson's initials



2. The proposal does not achieve the objectives of the Neighbourhood Character Policy (Clause 22.08 of the Frankston Planning Scheme), and the specific objectives of the Frankston Precinct 9 area.
3. The extent of site coverage is excessive and does not provide adequate opportunities for landscaping throughout the site, particularly for canopy vegetation.
4. The proposal does not satisfy the objectives of Clause 55 of the Frankston Planning Scheme, in particular:
 - (a) Clause 55.02-1 – Neighbourhood Character
 - (b) Clause 55.03-1 – Street Setback
 - (c) Clause 55.03-3 – Site Coverage
 - (d) Clause 55.03-4 – Permeability
 - (e) Clause 55.04-1 – Side and Rear Setbacks
5. The proposal will result in loss of on-street car parking spaces due to the provision of two (2) crossovers.

Carried Unanimously

12.1 2 Highland Drive, Frankston South - Assessment of Significant Tree

(MP Community Development)

Recommendation (Director Community Development)

That Council:

1. Resolves to
 - a) retain the tree and
 - b) develop and implement a Tree Management Plan that identifies the level of inspections and works required for the ongoing management of this Significant Tree.

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

That Council resolves to

1. Agree to the removal of the Significant Tree located near 2 Highland Drive Frankston immediately.
2. Collect seeds from the tree for propagation in Council's Indigenous nursery with seedlings to be planted in nearby Council parks
3. Retain the logs for placement in nearby Council parks as habitat for native fauna
4. Replant the nature strip with another tree which is considered appropriate for nature strip planting in terms of size and maturity
5. Make good of any damage to the boundary fence caused by the existence of the tree

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

That Cr Cunial be granted an extension of time.

Carried Unanimously

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

That Cr Aitken be granted an extension of time.

Carried Unanimously

**The motion was put and
Carried Unanimously**

12.5 2016-2017 Draft Annual Budget

(KJ Corporate Development)

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

That Council resolves to endorse the Proposed Budget 2016-2017 for public notice as follows:

1. The Draft 2016-2017 Annual Budget, included in Attachment A in the attached agenda, be the Proposed Budget 2016-2017 prepared by Council for the purposes of Section 127(1) of the *Local Government Act* 1989.
2. The Chief Executive Officer, or such other person that the Chief Executive Officer selects for the purpose of giving effect to this resolution, be authorised to give public notice of the preparation of the Proposed Budget 2016-2017 in accordance with Section 129(1) of the *Local Government Act* 1989, noting the dates for public notice are from Thursday 7 April 2016 to Friday 6 May 2016.
3. That Council invites submissions on any proposal contained in the Proposed Annual Budget 2016-2017 in accordance with Section 129(2) of the *Local Government Act* 1989 and notes that submissions will be considered at a meeting of Council to be held on Monday 9 May 2016 at 6.00pm at the Civic Centre, Davey Street, Frankston.
4. That subject to changes to the Proposed Budget after consideration of all submissions, the Proposed Budget 2016-2017 be presented for adoption as Council's Budget for 2016-2017, in accordance with Section 130(1) of the *Local Government Act* 1989, at a meeting of Council to be held on Monday 16 May 2016 at the Civic Centre, Davey Street, Frankston.

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

That Cr Taylor be granted an extension of time.

Carried Unanimously

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

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

Carried Unanimously

Cr Cunial left the Chamber at 9.14 pm

Cr Cunial returned to the Chamber at 9.18 pm

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

That Mayor Dooley be granted an extension of time.

Carried Unanimously

Chairperson's initials



Extension of Time

Moved: Councillor Taylor

Seconded: Councillor Aitken

That Cr Hampton be granted an extension of time.

Carried Unanimously

The motion was put and
Carried Unanimously

Chairperson's initials



11. CONSIDERATION OF TOWN PLANNING REPORTS**11.1 Planning Permit 289/2007/P - 1 Geoffrey Street Frankston - To amend the plans approved under the Planning Permit for retrospective works for a statement of compliance**

(MP Community Development)

Recommendation (Director Community Development)

That Council resolves to approve the amended plans identified as sheets 1-2 – dated 10 August 2015, prepared by *Masters Design and Drafting* and landscape plan, amended on 17 August 2015, prepared by *Rosewood Horticultural Services*, pursuant to Condition 2 of Planning permit 289/2007/P (Secondary Consent).

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

That Council resolves to approve the amended plans (sheets 1-2 – dated 10 August 2015), prepared by *Masters Design and Drafting* and landscape plan, 17 August 2015, prepared by *Rosewood Horticultural Service*) pursuant to Condition 2 of Planning permit 289/2007/P (Secondary Consent) subject to the provision of a tree to replace Tree A14. The replacement tree must be a species suitable for narrow spaces and must be a minimum two metres tall when planted.

Carried Unanimously

11.2 Planning application 537/2014/P/B - 455 North Road Langwarrin - To amend condition 3 of the planning permit to vary the public open space requirements
(MP Community Development)

Council Decision

Moved: Councillor Hampton

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 four (4) 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 but modified to show:
 - a. Setback distances of all proposed building envelopes from boundaries and all building envelopes fully dimensioned.
 - b. All existing buildings on lot 2 within the building envelope.
 - c. The proposed building envelope for lot 1 is reduced in size and provides a minimum 20 metres setback to North Road.
 - d. Provide one shared access way for lots 3 and 4 creating a carriageway easement while maintaining 1ha minimum lot size.
 - e. Delete the proposed new access way to Lot 1 and provide access in the form of a carriageway easement from either existing driveway within proposed lot 2 or proposed shared driveway of proposed lots 3 and 4.
 - f. Dimensioned effluent disposal envelop for each lot that must not intrude within more than 10% of the Tree Protection Zone of any native vegetation.
 - g. Amended Bushfire Management Plan in accordance with Condition 23.
 - h. The exact location of services required to be provided to each lot and the impact of their construction on retained trees.
 - i. The Tree Protection Zones of all trees including trees on neighbouring properties within 15 metres of building envelopes, newly created property boundaries, driveway alignments and alignments of the provisions of services.
 - j. The location of tree protection fences to be erected around trees possibly impacted by the driveway construction and newly created property boundary alignments.
 - k. A notation on plans to show proposed access way construction in accordance with Conditions 11 and 12.

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.

Public Open Space Contribution

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

Section 173 Agreement

4. A statement of compliance will not be issued until the owner of the site enters into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority to provide the following:

- a. All buildings and works on any lot must be confined to within the endorsed building envelope.

The owner/operator under this permit must pay the reasonable costs of the operation and execution and registration of the Section 173 agreement.

Tree Protection

5. Any tree pruning required to the canopy of any tree, to obtain a four (4) metre height clearance as per the CFA requirements, is to be undertaken by a qualified arborist to the Australian Standard – Pruning of Amenity Trees AS4373-1996 and to the satisfaction of the Responsible Authority.
6. No trees occurring within, or adjacent to, the driveway alignments or building envelopes is permitted to be removed, damaged, destroyed, felled, lopped or uprooted without the prior written consent of the Responsible Authority.
7. No works (including driveway construction) are permitted within the Tree Protection Zone of any tree, including trees on neighbouring land, unless approved by this permit or with the prior written consent of the Responsible Authority.
8. Any root pruning of the root system of any tree to be retained is to be undertaken by hand by a qualified arborist and to the satisfaction of the Responsible Authority.
9. Prior to the commencement of the development (including any demolition, excavation, tree removal, and delivery of building/construction materials and/or temporary buildings, the installation of fences), Tree Protection Fences must be erected around the Tree Protection Zone of trees possibly impacted by the driveway construction and newly created property boundary alignments. The Fences must be constructed of star pickets, chain mesh, and paraweb or similar to the satisfaction of the Responsible Authority. The fencing must be erected to form a visual and physical barrier, be a minimum height of 1.5 meters above ground level. The native vegetation protection fences must remain in place at least until all works are completed to the satisfaction of the Responsible Authority.
10. Unless the Responsible Authority otherwise consents, the Tree Protection Fencing, as identified on the endorsed plans, must be maintained and the requirements below must be observed within the vegetation protection zone, until the completion of the development works, to the satisfaction of the Responsible Authority:
- i. No vehicular or pedestrian access associated with the development construction works;
 - ii. The existing soil level must not be altered either by fill or excavation;
 - iii. The soil must not be compacted or the soil's drainage changed;
 - iv. Open trenching to lay underground services, e.g.: drainage, water, gas, etc. must not be used unless approved by the Responsible Authority to tunnel beneath. If approval is given, a qualified Arborist must be on site to oversee this process;

- v. No storage of equipment, machinery or material is to occur;
- vi. No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are to be disposed of or stored;
- vii. Nothing whatsoever, including temporary services wires, nails, screws or any other fixing device, is to be attached to any tree;
- viii. No building or any other structure is to be erected; and
- ix. The roots of trees and shrubs must not be severed or injured.

Driveway Construction

- 11. The driveways must be constructed of air and water porous material such as, crushed rock, gravel or paver or similar materials to the satisfactions of the Responsible Authority.
- 12. No excavation is to be carried out in the construction of the driveways. Driveways must be constructed above the natural surface of the soil within the Tree Protection Zone of all trees, including trees on neighbouring land.

Erection of Fences

- 13. Holes required for any installation of fence posts must be dug by hand within the Tree Protection Zone of all trees, including trees on neighbouring land. If significant tree roots are located the position of the fencepost should be relocated elsewhere.

General Environment Protection Conditions

- 14. Prior to the commencement of the development (including any demolition, excavation, tree removal, the delivery of building/construction materials and/or temporary buildings) the permit holder must advise all persons undertaking works on site of all relevant conditions on this permit.
- 15. To prevent the spread of weeds listed under the Catchment and Land Protection Act 1994, all construction and maintenance equipment, earth moving equipment and associated machinery, must be made free of soil, seed and plant material before being taken to the works site and again before being removed from the works site to the satisfaction of the Responsible Authority.

Drainage Requirements

- 16. Each lot shown on the endorsed plans shall be provided with a stormwater legal point of discharge to the satisfaction of the Responsible Authority.
- 17. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
- 18. All disused vehicle crossings shall be removed and the area reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.
- 19. 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:
 - i. On-site stormwater detention and rainwater tanks.
 - ii. Soil percolation
 - iii. Stormwater harvesting and Re-use of stormwater for garden watering, toilet flushing, etc
 - iv. On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids

Telecommunications Conditions

20. The owner of the land must enter into an agreement with:
- i. 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
 - ii. 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.
21. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- i. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - ii. a suitably qualified person that fibre ready telecommunication facilities have been provided 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.

Clause 44.06-4 Mandatory Condition

22. Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 and make application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act. The agreement must set out the following matters:
- 22.1 State that it has been prepared for the purpose of an exemption from planning permit under Clause 44.06-1 of the Frankston Planning Scheme.
 - 22.2 Incorporate the plan prepared in accordance with Clause 52.47-2.4 of this planning scheme and approved under this permit.
 - 22.3 State that if a dwelling is constructed on the land without a planning permit that the bushfire mitigation measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 agreement.

Country Fire Authority Conditions

23. Before certification under the Subdivision Act 1988, an amended bushfire management plan must be submitted to and approved by the Responsible Authority and the Relevant Fire Authority. When endorsed the plan must be included as an annexure to the section 173 agreement prepared to give effect to Clause 44.06-3 of the Frankston City Planning Scheme. The plan must show the following bushfire mitigation measures and site features, unless otherwise agreed in writing by the CFA and the Responsible Authority:

Chairperson's initials



Building Envelope

- 23.1. Show the location and setback of the building envelopes for Lots 1, 3 & 4 from adjacent property boundaries to achieve the required defensible space.

Defendable space

- 23.2. Show an area of defensible space for each lot generally in accordance with the Defendable Space Plan by Nepean Planning Consultants, included in the Bushfire Management Statement dated August 2014 – Version 1, where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:
- 23.2.1 Contained wholly within the boundaries of the subdivision.
 - 23.2.2 Grass must be short cropped and maintained during the declared fire danger period.
 - 23.2.3 All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
 - 23.2.4 Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
 - 23.2.5 Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
 - 23.2.6 Shrubs must not be located under the canopy of trees.
 - 23.2.7 Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
 - 23.2.8 Trees must not overhang or touch any elements of the building.
 - 23.2.9 The canopy of trees must be separated by at least 5 metres.
 - 23.2.10 There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Construction standards

- 23.3. Nominate a minimum Bushfire Attack Level of BAL – 19 for Lot 1 and BAL – 29 for Lots 3 & 4 that the buildings will be designed and constructed to.

Water supply

- 23.4. Show 10,000 litres of effective water supply for fire fighting purposes for each lot in the subdivision which meets the following requirements:
- 23.4.1 Is stored in an above ground water tank constructed of concrete or metal.
 - 23.4.2 All fixed above-ground water pipes and fittings required for fire fighting purposes must be made of corrosive resistant metal.
 - 23.4.3 Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
 - 23.4.4 The outlet/s of the water tank must be within 4m of the access way and be unobstructed.
 - 23.4.5 Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.
 - 23.4.6 Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).

Chairperson's initials



Access

23.5. Show the access for fire fighting purposes for each lot in the subdivision which meets the following requirements:

- 23.5.1 Curves must have a minimum inner radius of 10m.
- 23.5.2 The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
- 23.5.3 Have a minimum trafficable width of 3.5m of all weather construction.
- 23.5.4 Be clear of encroachments for at least 0.5m on each side and 4m above the access way.
- 23.5.5 Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

Additional access requirements for lots 2, 3 & 4

- 23.5.6 Incorporate a turning area for fire fighting vehicles close to the building

Additional access requirements for lots 3 & 4

- 23.5.7 Incorporate passing bays at least every 200m which must be at least 20m long and have a minimum trafficable width of 6m

Matters to be set put in the section 173 agreement

24. To give effect to the requirements of Clause 44.06-3 of the Frankston City Planning Scheme the section 173 Agreement prepared in accordance with Clause 44.06-3 must specify the following:

24.1 Explicitly exclude Lot 2 from the following exemption under Clause 44.06-1 of the Frankston City Planning Scheme:

- 24.1.1 A building or works consistent with an agreement under section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of clause 44.06-3.

Maintenance of defendable space

25. Before the Statement of Compliance is issued under the Subdivision Act 1988 defendable space on every lot in the subdivision must be implemented and maintained as specified on the Bushfire Management Plan, unless otherwise agreed in writing by the CFA and the Responsible Authority.

Melbourne Water Conditions

26. No Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

27. Engineering plans of the subdivision (in electronic format) are to be forwarded to Melbourne Water for comment/approval. A Certified Survey Plan may be required following our comments on the engineering drawings.

28. At least 21 days prior to commencement of works, a Site Management Plan detailing pollution and sediment control measures, must be submitted to Melbourne Water.

29. A drainage layout for the development must be submitted to Melbourne Water demonstrating the proposed alignment for the 1 in 5 year ARI flows and drainage infrastructure and the overland flow paths directions for the 1 in 100 year ARI flood event.

30. Local drainage must be to the satisfaction of Council.
31. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

United Energy Condition

32. The applicant must enter into an agreement with United Energy for an underground supply of electricity to each lot shown on the endorsed plan including removal of the existing overhead electricity connection.

South East Water Conditions

Potable Water

33. 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.

Sewer

34. 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.
35. South East Water may consider withdrawing the condition that reticulated sewerage be provided if the council states in writing that:
 - a. it is satisfied that, in the long term, all domestic sewerage can be adequately treated and retained within the boundaries of each lot without danger to public health or the environment, in accordance with the State Environment Protection Policy (Waters of Victoria);
36. South East Water will also place an encumbrance on our information statement notifying owners and prospective purchasers that this property is not serviced by South East Water reticulated sewer.
37. Should reticulated sewerage at some time in the future is required, the cost of extending the reticulated sewerage to the property will be the responsibility and liability of the individual property owner.
38. If South East Water provides reticulated sewer to the land, the owner will be required to pay the cost of extending and connecting the reticulated sewer to the land, including area contribution levies and other charges applicable at the time of connection.

Waste Water Disposal

39. All sewerage and sullage waters resulting from the development of the land must be treated in accordance with the requirements of the Environment Protection Act 1970, the Health Act 1958 and the requirements of the Responsible Authority.

Expiry of Permit

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

- i. The subdivision is not certified within two (2) years of the date of this permit;
- ii. 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.

Notes

A. Effluent Disposal

Each lot will require a septic tank system that will treat and dispose all domestic wastewater onsite. Council will require the owner to install an aerated wastewater treatment systems (AWTS) or sand filter system that provides secondary treatment of effluent with disinfection to meet Environment Protection Authority requirements for irrigation. The indicative target for effluent quality is:

- BOD < 20 mg/L;
- SS < 30 mg/L;

B. Melbourne Water

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 248860.

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

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

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

Carried Unanimously

11.3 Planning Application 206/2015/P - 45- 47 Fortescue Ave Seaford - To construct five (5) 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 206/2015/P for the construction of four (4) double storey dwellings and one (1) single storey dwelling (five (5) dwellings) 45 – 47 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 Veki Build, Job No 425, October 15, TP01-6, but modified to show:
 - a. Finished floor levels of all dwellings notated on all elevations.
 - b. Free standing trellis along the north and west boundaries excluding the portion of the fence within the front setback in accordance with Condition 5.
 - c. Retention of Tree 15.
 - d. A notation on all relevant plans stating the driveway and front fence must be constructed in accordance with Conditions 9 and 10.
 - e. Deletion of the pergola over the deck to dwelling 4.
 - f. A notation on all relevant plans stating “Decking footing construction within the T.P.Z. of tree 28 in accordance with condition 8”.
 - g. The Tree Protection Zone and Structural Root Zone and tree protection fence locations for retained trees must be illustrated on all relevant plans.
 - h. Tree protection conditions noted in accordance with conditions 6 to 10.
 - i. An amended Stormwater Drainage Strategy in accordance with Condition 11:
 - j. Drainage plans in accordance with Condition 12.
 - k. Landscaping plan in accordance with Condition 3.
 - l. Any changes required by Melbourne Water Conditions 25 to 31=

No Alterations

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

Landscape Plans

3. Before the development starts, a landscape plan, prepared by a person suitably qualified or experienced in landscape design, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must show:-
 - a. A survey (including botanical names) of all existing vegetation 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 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 units 1 and 2 with a minimum mature height of 12m
 - (ii) 1 tree within the private open space of all dwellings with a minimum mature height of 10m
- 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.
- 5. Prior to the occupation of the development, freestanding trellis (maximum 25% openings) must be erected above the proposed fence on the northern and western property boundaries of the site to an overall height of 2400mm to restrict overlooking into the adjoining residential properties 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; and
7. Prior to the commencement of 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. 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 T.P.Z. fencing for trees 15, 16 and 28 can only be reduced to allow for construction of the approved driveway and car space.

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; and
- j. Machinery must not be used to remove any existing concrete, bricks or other materials.

Deck Footings

8. Excavation for deck footings of dwelling 4, where occurring within the T.P.Z. of tree 28, must be hand dug and overseen by a suitably qualified and experienced Arborist. Any roots with a diameter greater than 40 mm are to be retained and the footing relocated. Small roots are to be hand trimmed in accordance with AS4373-2007.

Fence Footings

9. Excavation for the front fence footings, where occurring within the T.P.Z. of trees 2, 15 and 16 must be hand dug and overseen by a suitably qualified and experienced Arborist. Any roots with a diameter greater than 40 mm are to be retained and the footing relocated. Small roots are to be hand trimmed in accordance with AS4373-2007.

Driveway Construction

10. The driveway adjacent trees 15 and 16 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. The car space adjacent tree 28 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

11. An amended Stormwater Drainage Strategy is required to be submitted that demonstrates that effective disposal of storm water drainage can be provided without detriment to the proposed site and other properties 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. to the satisfaction of the Responsible Authority.
13. Soakage systems for storm water drainage must be provided with Geotechnical design to demonstrate that effective drainage can be provided to cater for the peak 5/10 year Average Recurrence Interval (ARI), storm duration event without detriment to premises and/or other properties to the satisfaction of the Responsible Authority .
14. Water Sensitive Urban Design principles (WSUD) shall be incorporated into the drainage design to the satisfaction of the Responsible Authority, which may include but not be limited to the following components or a combination thereof:
- Rainwater tanks for stormwater harvesting and re-use for toilet flushing, laundry use and landscape irrigation, etc.
 - On-site stormwater detention.
 - On- site stormwater soil percolation and infiltration.
 - On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.
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 constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
17. 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.

18. 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

19. 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.

20. 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.

21. Mailboxes shall be provided to the proposed dwellings to the satisfaction of the Responsible Authority and Australia Post.

22. All plumbing work, sewer pipes etc (except for spouting and stormwater pipes) associated with the new dwellings shall be concealed from general view.

23. 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

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

Melbourne Water

25. The dwellings must be constructed with finished floor levels set no lower than 2.66 metres to Australian Height Datum (AHD), 300mm above the applicable flood level, which is 2.36 metres to AHD.

26. The garages must be constructed with finished surface levels set no lower than 2.51metres to AHD, 150mm above the applicable flood level, which is 2.36 metres to AHD.

27. 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.

28. To preserve flood storage in this area, at least 40% of the flood prone land must be kept at natural surface levels and unobstructed.

29. Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the dwellings, garages and driveway ramps.

30. The decking must be constructed with unenclosed foundations to allow for the passage of overland flows.

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

Permit Expiry

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

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

Notes

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

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

Melbourne Water

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.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Spelman

That Planning Application 206/2015/P - 45- 47 Fortescue Ave Seaford - To construct five (5) dwellings be refused on the following grounds:-

- The proposed development is inconsistent with the objectives of the State and Local Policy Framework of the Frankston Planning Scheme, including:
 - Clause 11.02 – Urban Growth
 - Clause 15.01 – Urban Environment
 - Clause 16.01 – Residential Development
 - Clause 21.07 – Housing

2. The proposal does not achieve the objectives of the Neighbourhood Character Policy (Clause 22.08 of the Frankston Planning Scheme), and the specific objectives of the Seaford Precinct 4 area.
3. The scale and built form is inconsistent with the development within the surrounding area and fails to respect the exiting neighbourhood character of the area.
4. The proposal does not provide adequate opportunities for landscaping throughout the site.
5. The proposal does not satisfy the objectives of Clause 55 of the Frankston Planning Scheme, in particular:
 - (a) Clause 55.02-1 – Neighbourhood Character
 - (b) Clause 55.03-8 – Landscaping

Carried Unanimously

11.5 Frankston Planning Scheme Amendment C112 - Report on Review of Submissions to the Amendment and Request Authorisation to Request the Minister for Planning to Adopt the Amendment as Exhibited.

(MP Community Development)

Cr O'Reilly left the Chamber at 9.35 pm

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Cunial

That Council:

1. Notes the submissions to Frankston Planning Scheme Amendment C112.
2. Authorises officers to request the Minister for Planning to adopt the Amendment as exhibited.
3. Advises all submitters of Council's decision.

Carried Unanimously

The Mayor adjourned the meeting at 9.37 pm

Meeting resumed at 9.45 pm, all Councillors present.

Chairperson's initials



11.6 Town Planning Progress Report - February 2016

(MP Community Development)

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

That Council receives and notes the report.

Carried Unanimously

Chairperson's initials



12. CONSIDERATION OF REPORTS OF OFFICERS

12.2 Review of Council's Instruments of Delegation

(MC Corporate Development)

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Tayler

That:

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

Carried Unanimously

Chairperson's initials



12.3 Response to Petition - Tree Removal 15 Donnelly Rise, Frankston

(PC Community Development)

Recommendation (Director City Development)

That Council:

1. Receives the petition.
2. Resolves to notify the head petitioner that the request to remove the tree is denied in accordance with Council Street Tree Management Policy.

Deferral Motion

Moved: Councillor Cunial

Seconded: Councillor Taylor

That the matter be deferred pending an independent arborist report and a complete review of the Street Tree Management Policy.

Carried Unanimously

12.4 Rate concession for affordable housing

(KJ Corporate Development)

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

That Council do not support providing a concession for registered housing providers and associations as they are considered rateable under the Local Government Act 1989 and the potential rate burden would result in an inequitable cost shift to other ratepayers in the municipality.

Carried Unanimously

Chairperson's initials



13. NOTICES OF MOTION**13.1 NOM 1196 - Waste Management Plan Revision**

(MT Chief Executive Office)

The Mayor vacated the Chair and asked for the Deputy Mayor to be the temporary Chairperson at 10.06 pm, while discussion took place on Notice of Motion 1196.

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

That Council be provided with a briefing in July 2016 to receive information and consider the following items:

1. That the construction of the Frankston Regional Recycling and Recovery Centre (FRRRC) be recognised within the Waste Management Plan (WMP) and that the WMP be reviewed for efficiencies arising from the FRRRC.
2. That Council investigates the introduction of dedicated Plastics Recycling Bins to improve both the rate of and efficiency of recycling for Scrunch-able Plastics items and to reduce the level of contamination in the Recycled Materials stream.
3. That Council investigates the possibility of obtaining income derived from Recycled Plastics.
4. That Council investigates the Life-cycle cost of using newly improved Recycled Plastic Engineering & Construction products against the Traditional Wooden Products, especially in Marine Environments.
5. That Council Officers investigate what the end destination of Recycled Plastics is; and report back to Council as to whether these items are being recycled or are being disposed of into Land Fill.
6. That Council Officers investigate the efficacy of having a single Bulk Waste Bin at new Multi-Unit Developments as against having individual dedicated Waste & Recycling Bins for each Unit.
7. That Council Officers should also investigate the impact upon Street Parking Availability from having multiple bins outside Multi-Unit Developments on pick-up days. Council Officers should also note any State Planning Law Impediments that would complicate the possibility of having a Single Bulk Waste bin at Multi-Unit Developments.
8. That Council Officers investigate what impediments exist within the State Planning Scheme that would prevent a requirement that new Multi-Unit Developments have a dedicated area within their property boundary for the storage of Hard Waste that has been generated from within that Multi-Unit Development.

Carried Unanimously

The Mayor resumed as Chairperson at 10.11 pm.

Chairperson's initials



14. LATE REPORTS

Nil.

15. URGENT BUSINESS

Urgent Business

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Aitken

That the matter of reintroduction of bandicoots be accepted as urgent business.

Carried Unanimously

Reintroduction of Bandicoots

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Aitken

That Council writes to the Minister for Climate Change Water and Environment as to whether the \$1.6M set aside by the Federal Government for the predator proof fence for the Pines Flora and Fauna reserve be reinstated and that the reintroduction of Bandicoots be undertaken when the fence is erected.

Carried Unanimously

16. CONFIDENTIAL ITEMS

Recommendation

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 Authorisation of Use of Council Seal for Years of Service Certificates

Agenda Item C.1 Authorisation of Use of Council Seal for Years of Service Certificates is designated confidential as it relates to personnel matters (s89 2a)

C.2 Sealing of documents- Sofias lease of deck

Agenda Item C.2 Sealing of documents- Sofias lease of deck is designated confidential as it relates to contractual matters (s89 2d)

C.3 Proposed Exchange of Council Land - 40R & 30 Lakewood Boulevard Carrum Downs

Agenda Item C.3 Proposed Exchange of Council Land - 40R & 30 Lakewood Boulevard Carrum Downs is designated confidential as it relates to contractual matters (s89 2d)

C.4 Proposed Extension of Smoke Free Outdoor Areas in the Frankston CBD

Agenda Item C.4 Proposed Extension of Smoke Free Outdoor Areas in the Frankston CBD is designated confidential as it relates to contractual matters (s89 2d)

C.5 2016 Election Office Options

Agenda Item C.5 2016 Election Office Options 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 McClelland Reserve Soccer Pavilion Refurbishment - Award of Construction Contract

Agenda Item C.6 McClelland Reserve Soccer Pavilion Refurbishment - Award of Construction Contract is designated confidential as it relates to contractual matters (s89 2d)

C.7 Kerbside Collection (Waste, Recyclables and Organics) Services Contract Extension

Agenda Item C.7 Kerbside Collection (Waste, Recyclables and Organics) Services Contract Extension is designated confidential as it relates to contractual matters (s89 2d)

C.8 Ballam Park Playground Upgrade Tender Award

Agenda Item C.8 Ballam Park Playground Upgrade Tender Award is designated confidential as it relates to contractual matters (s89 2d)

177. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS**C.1 Authorisation of Use of Council Seal for Years of Service Certificates
(considered at OM285 4 April 2016)****Council Decision****Moved: Councillor Aitken Seconded: Councillor Cunial**

That:

1. The Council seal be affixed to the Years of Service certificate for each of the employees named below:

Graham Griffiths	10 years Service
Dale Lucas	10 years Service
Mark Jose	10 years Service
Jason Stacey	10 years Service
Heath Gillies	10 years Service
David Ray	10 years Service
Carole Radman	10 years Service
Kerri Kilpatrick	10 years Service
Iris North	10 years Service
Nola Anderson	10 years Service
Louise Bugiera	10 years Service
Carly Currall	10 years Service
Julia Osmolovskaya	10 years Service
Amy Parsons	10 years Service
Michelle Tipton	10 years Service
Katherine Allen	10 years Service
Clydie Smith	10 years Service
Sam Jackson	10 years Service
Lynda Boulton	10 years Service
Natasha Ibsen	10 years Service
Thomas Tse	10 years Service
Jarrad Unsworth	10 years Service
Wayne Stevens	10 years Service
Trish Hardy	10 years Service
Bernadette Thorn	10 years Service
Bhuvana Ramesh	10 years Service
Sarie Miles	10 years Service
Michael Lane	10 years Service
Norman Burns	10 years Service
Nerina Dean	10 years Service
Audrey Hinkley	20 years Service
Robyn Tickner	20 years Service
Martina Rasmussen	20 years Service
Jeannie Hayes	20 years Service
Janet Peile	20 years Service
Christine Evans	25 years Service

2. That this report remain confidential indefinitely, but Council's resolution be released to the public upon confirmation of the minutes of this meeting.

The Motion was put and CARRIED unanimously

Chairperson's initials



**C.4 Proposed Extension of Smoke Free Outdoor Areas in the Frankston CBD
(considered at OM285 4 April 2016)****Council Decision****Moved: Councillor Aitken Seconded: Councillor Taylor**

That:

1. Council agrees in principal to adopt and implement the proposed extensions of the existing CBD Smoke Free Outdoor Area inclusive of the east side of Young Street (from Beach Street to 71 Young Street Roundabout) and north and south sides of Wells Street (from Keys Street to Young Street) inclusive of Park Lane, Park Row.
2. Council conducts public consultation for 4 weeks and bring a further report on the findings to an Ordinary Council meeting 27 June 2016.
3. Council with the exception of people seated at appropriately designated tables in outside dining areas, the existing smoke free outdoor areas be continued on a permanent basis.
4. The resolution be incorporated in the public minutes of this Meeting.

The Motion was put and CARRIED unanimously

C.5 2016 Election Office Options (considered at OM285 4 April 2016)**Council Decision****Moved: Councillor Tayler Seconded: Councillor Mayer**

That approval is granted for:

1. the Frankston Mechanics Hall to be used by the Victorian Electoral Commission for the delivery of the 2016 general Frankston City Council elections, as follows:
 - a. Exclusive use of meeting room 2 from 1/8/2016 to 30/11/2016;
 - b. Exclusive use of meeting room 1 from 5/9/2016 to 11/11/2016;
 - c. Use of whole venue, including the main hall, from 12/9/2016 to 11/11/2016;
 - d. Exclusive use of the lockable storage cupboards/rooms from 12/9/2016 to 30/11/2016.
2. three parking permits to be issued for use by election office staff from 1/8/2016 to 30/11/2016;
3. locks to be re-keyed as required to facilitate exclusive VEC access to the two meeting rooms and storage cupboards/rooms and staff work with existing hirers to minimise any impact where possible.
4. the resolution to be incorporated in the public minutes of this Meeting and for the report to be released.

The Motion was put and CARRIED unanimously

The meeting closed to the public at 10.26 pm

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 Monday 4 April 2016, confirmed on Tuesday, 26 April 2016.

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

Dated this

day of

2016