



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL  
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON  
ON 29 AUGUST 2016 at 7PM**

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. Michael Papageorgiou, Manager Planning & Environment Ms. Naomi Neville, Coordinator Statutory Planning Ms. Kelly Ross, Coordinator Communications Ms. Andrea Gaynor, Executive Manager Mayor & CEO Office Ms. Vera Roberts, Officer Council Business Support
EXTERNAL REPRESENTATIVES:	Nil

**COUNCILLOR STATEMENT**

Councillor Spelman made the following statement:

“ *All members of this Council pledge to the City of Frankston community to consider every item listed on this evening’s agenda:*

- *Based on the individual merits of each item;*
- *Without bias or prejudice by maintaining an open mind; and*
- *Disregarding Councillors’ personal interests so as to avoid any conflict with our public duty.*

*Any Councillor having a conflict of interest in an item will make proper, prior disclosure to the meeting and will not participate or vote on the issue.”*

Chairperson’s initials

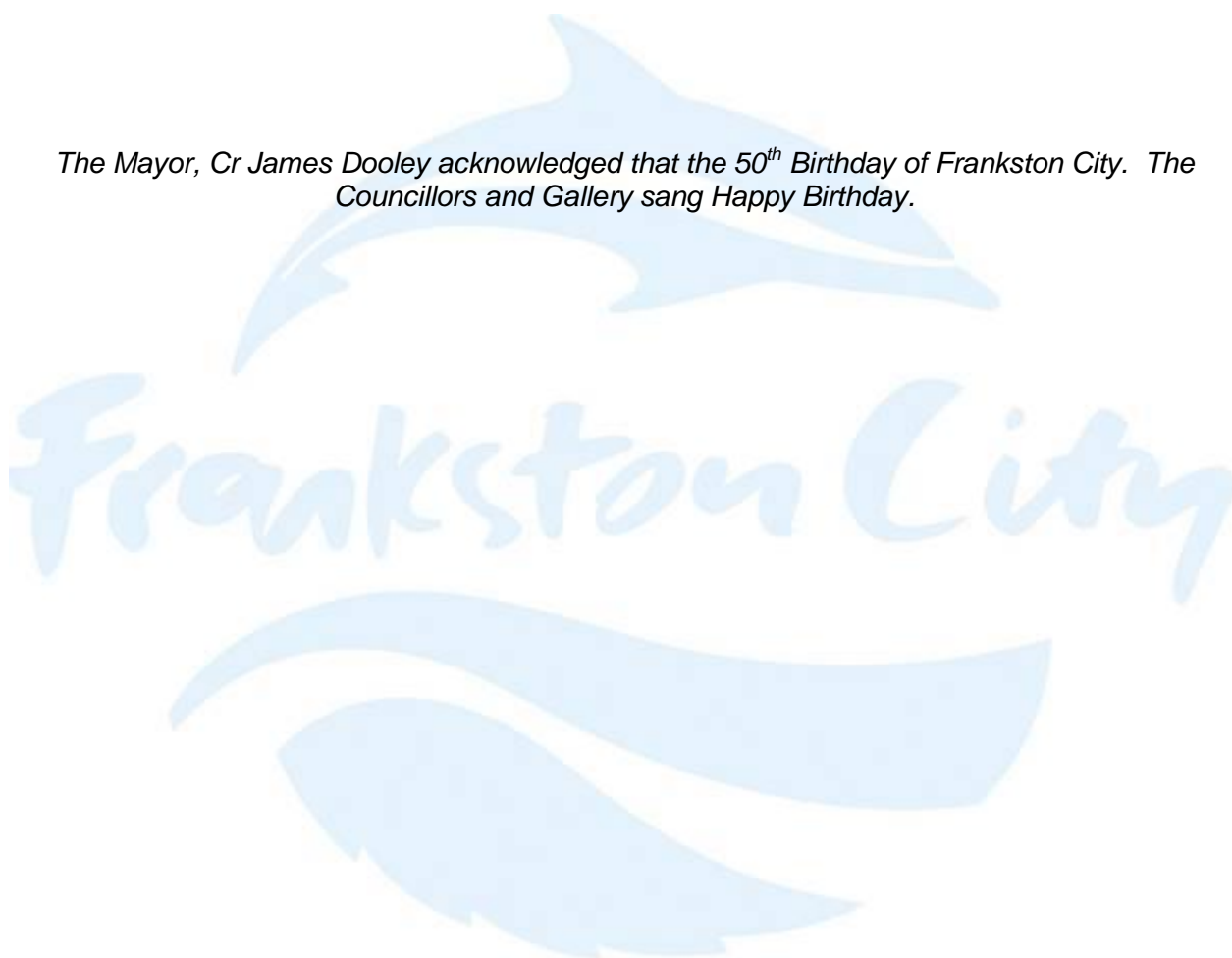
**PRAYER**

At the request of the Mayor, Councillor O'Reilly read the Opening Prayer.

**ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

*The Mayor, Cr James Dooley acknowledged that the 50<sup>th</sup> Birthday of Frankston City. The Councillors and Gallery sang Happy Birthday.*



Chairperson's initials

A handwritten signature in black ink, appearing to be 'J Dooley', is written over the text 'Chairperson's initials'.

<b>1. PRESENTATION TO COMMUNITY GROUPS.....</b>	<b>4</b>
<b>2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....</b>	<b>4</b>
Ordinary Meeting No. OM291 held on 8 August 2016.....	4
<b>3. APOLOGIES.....</b>	<b>4</b>
<b>4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST .....</b>	<b>4</b>
<b>5. PUBLIC QUESTION TIME.....</b>	<b>4</b>
<b>6. HEARING OF PUBLIC SUBMISSIONS .....</b>	<b>4</b>
<b>7. ITEMS BROUGHT FORWARD .....</b>	<b>5</b>
<b>8. PRESENTATIONS / AWARDS.....</b>	<b>5</b>
<b>9. PRESENTATION OF PETITIONS AND JOINT LETTERS.....</b>	<b>5</b>
<b>10. DELEGATES' REPORTS.....</b>	<b>5</b>
<b>11. CONSIDERATION OF TOWN PLANNING REPORTS .....</b>	<b>6</b>
11.1 Town Planning Application 44/2016/P - 56 High Street Frankston - To construct four (4) double storey and four (4) three storey dwellings (eight (8) dwellings), one (1) building for common use and a reduction in car parking. ....	6
11.2 Planning application 733/2015/P - To construct one (1) triple storey dwelling - 28 Gould Street Frankston.....	11
11.3 Town Planning Application 725/2015/P - To construct two (2) double storey dwellings - 7 Huon Court Frankston North .....	14
11.4 Planning Application 90/2013/P - 48 Shearwater Drive, Carrum Downs - To amend the plans approved under the Planning Permit for retrospective approval for a statement of compliance .....	20
11.5 Frankston Planning Scheme Amendment C113 - Report on Findings and Recommendations of Panel Report .....	21
11.6 Frankston Planning Scheme Amendment C123 - Report on Review of Submissions to the Amendment and Progression to a Planning Panel .....	22
<b>12. CONSIDERATION OF REPORTS OF OFFICERS.....</b>	<b>23</b>
12.1 Response to residents' Joint Letter requesting traffic treatments along Galway Street, Seaford.....	23
12.2 Response to Petition for Speed Humps on Armstrongs Road, Seaford.....	24
12.3 Capital Works Annual Report for 2015/16 .....	25

12.4	Response to Notice of Motion 1196 - Waste Management Plan Revision (OM285).....	26
12.5	Foreshore Advisory Committee .....	27
12.6	FMAC Streetscape Plan and Urban Forest Policy .....	28
12.7	Record of Assemblies of Councillors .....	29
12.8	Report back on Frankston's Christmas Festival of Lights site expansion .....	30
12.9	Commercial Recreational Activities in Public Open Space Policy and Expression of Interest Process .....	31
12.10	Draft General Local Law 2016 No. 8 .....	32
<b>13.</b>	<b>NOTICES OF MOTION .....</b>	<b>33</b>
13.1	NOM 1222 - Construction of Carpark - Cnr Cranbourne Rd and Beach St.....	33
13.2	NOM 1223 - River Red Gum Protection .....	34
13.3	NOM 1224 - Frankston - Melbourne Airport Public Bus Service (901) .....	35
<b>14.</b>	<b>LATE REPORTS .....</b>	<b>36</b>
<b>15.</b>	<b>URGENT BUSINESS.....</b>	<b>36</b>
	Urgent Business – Centenary Park Country Club Proposal .....	36
	Urgent Business – Letter to Mr Paul Edbrooke MP .....	37
<b>17.</b>	<b>OUTCOME OF CONSIDERATION OF CERTAIN CONFIDENTIAL ITEMS.....</b>	<b>38</b>
C.2	Minutes of the Frankston Arts Board - November and December Meetings (considered at OM282 – 1 February 2016) .....	38
C.1	Minutes of the Frankston Arts Board - March Meeting (considered at OM286 – 26 April 2016) .....	39
C.2	Minutes of the Frankston Arts Board - March Meeting (considered at SP194 – 23 May 2016) .....	39
C.1	Minutes of the Frankston Arts Board - May Meeting (considered at OM289 – 27 June 2016) .....	40
C.1	Frankston Arts Board Minutes June 2016 (considered at OM291 - 8 August 2016) .....	40
C.1.	Appointment and Authorisation of Council Staff (considered at this meeting) .....	40
C.2.	Rotary Club of Frankston Sunrise Inc - Request for Use of Bathing Box Funds (considered at this meeting) .....	41
C.3	Community Grants Program 2016/2017 (considered at this meeting).....	41
<b>16.</b>	<b>CONFIDENTIAL ITEMS .....</b>	<b>42</b>
C.1	Appointment and Authorisation of Council Staff .....	42

C.2 Rotary Club of Frankston Sunrise Inc - Request for Use of Bathing Box Funds .....42

C.3 Community Grants Program 2016/2017 .....42

C.4 Delegated Powers Reports - Miscellaneous Grants and Frankston Arts Centre Discounts and Concessions .....42

C.5 Frankston Arts Centre Precinct Upgrade and Refurbishment Works (Amenities and Lift) - Award of Construction Contract.....42

C.6 Award of Contract 2016/17-6 - Supply & Deliver One New High Pressure Drain Truck Unit .....42

C.7 Building Facilities Maintenance, Cleaning and Security - Contract 2015/16-82 .....42

Chairperson's initials





**1. PRESENTATION TO COMMUNITY GROUPS**

Nil

**2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Ordinary Meeting No. OM291 held on 8 August 2016.

**Council Decision**

**Moved: Councillor Hampton**

**Seconded: Councillor Taylor**

That the minutes of the Ordinary Meeting No. OM291 held on 8 August 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**

Cr O'Reilly declared a conflict of interest in Item 12.1: Response to residents' Joint Letter requesting traffic treatments along Galway Street, Seaford as he owns property in Galway Street. Cr O'Reilly will leave the chamber during discussion and voting.

Cr Cunial declared a conflict of interest in Item 11.2: Planning application 733/2015/P - To construct one (1) triple storey dwelling - 28 Gould Street Frankston as a family member has a close relationship with the Architect. Cr Cunial will leave the chamber during discussion and voting.

**5. PUBLIC QUESTION TIME**

There were no questions with or without notice received.

**6. HEARING OF PUBLIC SUBMISSIONS**

Ms. Glenyss Bourne made a submission to Council regarding Item 11.1: Town Planning Application 44/2016/P – 56 High Street Frankston – To construct four (4) double storey and four (4) three storey dwellings (eight (8) dwellings), one (1) building for common use and a reduction in car parking;

Mr. Michael Bourne made a submission to Council regarding Item 11.1: Town Planning Application 44/2016/P – 56 High Street Frankston – To construct four (4) double storey and four (4) three storey dwellings (eight (8) dwellings), one (1) building for common use and a reduction in car parking;

Mr. Robert Steward made a submission to Council regarding Item 11.1: Town Planning Application 44/2016/P – 56 High Street Frankston – To construct four (4) double storey and four (4) three storey dwellings (eight (8) dwellings), one (1) building for common use and a reduction in car parking;

Ms. Lyndel McGorlick made a submission to Council regarding Item 11.1: Town Planning Application 44/2016/P – 56 High Street Frankston – To construct four (4) double storey and four (4) three storey dwellings (eight (8) dwellings), one (1) building for common use and a reduction in car parking;

Chairperson's initials



Ms. Geoff Collins made a submission to Council regarding Item 11.1: Town Planning Application 44/2016/P – 56 High Street Frankston – To construct four (4) double storey and four (4) three storey dwellings (eight (8) dwellings), one (1) building for common use and a reduction in car parking;

Ms. Pauline Collins made a submission to Council regarding Item 11.1: Town Planning Application 44/2016/P – 56 High Street Frankston – To construct four (4) double storey and four (4) three storey dwellings (eight (8) dwellings), one (1) building for common use and a reduction in car parking;

Mr. Evan Webb made a submission to Council regarding Item 11.1: Town Planning Application 44/2016/P – 56 High Street Frankston – To construct four (4) double storey and four (4) three storey dwellings (eight (8) dwellings), one (1) building for common use and a reduction in car parking;

Ms. Hilary Poad made a submission to Council regarding Item 11.2: Planning Application 733/2015/P – To construct one (1) triple storey dwelling – 28 Gould Street Frankston;

Ms. Kylie Quinn made a submission to Council regarding Item 11.2: Planning Application 733/2015/P – To construct one (1) triple storey dwelling – 28 Gould Street Frankston;

*Cr. Cunial declared that he had a conflict of interest on the matter and left the chamber 7.51 pm.*

Mr Coleby McDonough made a submission to Council regarding Item 11.2: Planning Application 733/2015/P – To construct one (1) triple storey dwelling – 28 Gould Street Frankston;

*Cr Hampton left the chamber at 8.00 pm*

*Cr Cunial returned to the chamber at 8.00 pm*

*Cr Hampton returned to the chamber at 8.02 pm*

Ms Pat Bentley made a submission to Council regarding Item 11.5: Frankston Planning Scheme Amendment C113 – Report on Findings and Recommendations of Panel Report.

## 7. ITEMS BROUGHT FORWARD

Nil

## 8. PRESENTATIONS / AWARDS

Nil

## 9. PRESENTATION OF PETITIONS AND JOINT LETTERS

**Urgent Business**

**Council Decision**

**Moved: Councillor Cunial**

**Seconded: Councillor Mayer**

That the matter of residents of Acacia Heath requesting clarification on the cost of rates containing 15 signatures be accepted as urgent business.

**Carried Unanimously**

## 10. DELEGATES' REPORTS

Nil

Chairperson's initials





## 11. CONSIDERATION OF TOWN PLANNING REPORTS

### 11.1 Town Planning Application 44/2016/P - 56 High Street Frankston - To construct four (4) double storey and four (4) three storey dwellings (eight (8) dwellings), one (1) building for common use and a reduction in car parking.

*(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 44/2016/P to construct four (4) double storey and four (4) three storey dwellings (eight (8) dwellings), one (1) building for common use and a reduction in car parking at 56 High Street Frankston, subject to the following conditions:

#### **Plans**

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application but modified to show:
  - (a) Internal rearrangement of dwellings 5 – 8 to delete the number of bedrooms in each dwelling from 3 to 2 in accordance with plans - Frankston Collective Housing, Project No 56 H, Rev C.
  - (b) Provision of a visitor car space in accordance with plans - Frankston Collective Housing, Project No 56 H, Rev C.
  - (c) Dwellings 1 and 2 to re-designed so that the development improves its street appearance and faces High Street while maintaining a minimum setback of 5.0 metres from High Street and 3.0 metres from the eastern boundary.
  - (d) The bin storage area relocated to have better access to High Street and the area incorporated into a garden bed.
  - (e) Provision of a minimum of one habitable room window on the ground floor, east elevation of dwelling 5.
  - (f) Provision of a minimum of one habitable room window on the ground floor, west elevation of dwelling 8.
  - (g) A variation of materials and colours on the east and west elevations of Dwelling 5 - 8.
  - (h) The deletion of the proposed watercourse.
  - (i) Colours and materials to be clearly illustrated on the elevations.
  - (j) A variation of materials for the garage doors to Spring Lane.
  - (k) Lighting to the pathways and communal areas in accordance with Condition 17.
  - (l) A Landscape Plan in accordance with Condition 3.
  - (m) A Site Management Plan in accordance with Condition 6.
  - (n) The Tree Number, Tree Protection Zone and Structural Root Zone of all trees on and adjacent the subject site as contained within the arborist report prepared by Melbourne Arborist Reports dated 27 October 2015.
  - (o) A Tree Protection Management Plan in accordance with Condition 5.

**No Alterations**

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

**Landscape Plans**

3. Before the commencement of buildings and works, a landscape plan prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) survey (including botanical names) of all existing vegetation to be retained and/or removed.
  - b) buildings and trees (including botanical names) on neighbouring properties within 3.0 metres of the boundary.
  - c) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant.
  - d) The location of each species to be planted.
  - e) A planting theme of a minimum 40% indigenous, 40% exotic 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 1.0 metre, planted at 1.0 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 2.0 metres tall when planted) in the following areas:
    - i. Two (2) to the front of Dwellings 1-2.
    - ii. Three (3) within the development.

**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 Management Plan**

5. A Tree Protection Management Plan prepared in accordance with Frankston City Council's 'Arboricultural Report Writing Guide' must be submitted to and approved by the Responsible Authority prior to the commencement of the approved development and works (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings) and when approved will be endorsed and form part of this permit. The plan must contain as a minimum but not limited to the following information:
  - (a) Tree Protection Fencing specifications and locations.
  - (b) Removal of existing structures from within the Tree Protection Zone.
  - (c) Ground protection requirements.

- (d) Methods for installation of services to minimise the impact on the retained trees e.g.; sewerage, storm water, telecommunications, electricity etc.
- (e) Supervision as required.
- (f) Alternative construction techniques.
- (g) Remedial works as required.

### Site Management Plan

6. A Site Management Plan must be submitted to and approved by the Responsible Authority prior to the development commencing and include the following:
- (a) A plan clearly identifying the shared areas within the development.
  - (b) Details on how the shared areas will be managed.
  - (c) Details on the proposed use and management of the Common House.

### Section 173 Agreement

7. Prior to occupation of the development the Owner of the site must enter into an agreement under Section 173 of the Planning and Environment Act with the Responsible Authority and/or (name of authority) to provide for the following:
- (a) The Site Management Plan endorsed under Condition 6 of Planning Permit No. 44/2016/P is to be included as part of the Agreement and is to run with the land.
  - (b) The Common House is not to be used as an additional dwelling.
  - (c) If the land is to be subdivided all communal facilities must be contained within common property.

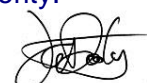
The Owner must pay all reasonable costs for the preparation, execution and registration of the Section 173 Agreement.

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

### Drainage

8. Provision of a Stormwater Detention System with a volume capable of retarding the 10 year ARI flow from the development site back to a 5 year ARI pre-development value to the satisfaction of the Responsible Authority.
9. 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.
10. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
- On-site stormwater detention and rainwater tanks.
  - Soil percolation
  - Stormwater harvesting and Re-use of stormwater for garden watering, toilet flushing, etc
  - On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.
11. The vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.

Chairperson's initials



12. Prior to the occupation of the dwellings hereby permitted by this permit commencing, 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; 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.

13. 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**

14. 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.
15. Mailboxes shall be provided to the proposed dwelling/s to the satisfaction of the Responsible Authority and Australia Post.
16. All plumbing work, sewer pipes etc. (except for spouting and stormwater pipes) associated with the new dwelling shall be concealed from general view.
17. 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**

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

### **Permit Expiry**

19. 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.

Chairperson's initials



- 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.

**Deferral Motion to another Council Meeting**

**Moved: Councillor Cunial**

**Seconded: Councillor Hampton**

That the matter be deferred to the 19 September 2016 Ordinary Meeting.

**Carried**

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

Against the Motion: Cr Taylor

Chairperson's initials



**11.2 Planning application 733/2015/P - To construct one (1) triple storey dwelling - 28 Gould Street Frankston**

*(MP Community Development)*

*Cr Cunial declared a conflict of interest and will leave the chamber during discussion and voting at 8.09 pm*

**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 733/2015/P to construct one (1) triple storey dwelling at 28 Gould Street Frankston, subject to the following conditions:

**Plans**

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application (or some other specified plan) but modified to show:
  - (a) All habitable room windows must comply with Standard A15 of Clause 54.04-6;
  - (b) Width of cross-over to be a maximum of 5 metres;
  - (c) Landscaping plan in accordance with Condition 3.

**No Alterations**

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

**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) details of surface finishes of pathways and driveways, retaining walls and areas of cut and fill;
  - (b) 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;
  - (c) A planting theme of a minimum 20% indigenous, 40% native and 40% exotic within each plant group;
  - (d) landscaping within the front setback and canopy tree to a minimum mature height of five metres (minimum two metres tall when planted) within the secluded private open space of the dwelling.Trees are not to be sited over easements. All species selected must be to the satisfaction of the Responsible Authority.

**Prior to Occupation**

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

Chairperson's initials



5. Vehicle crossings shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority. Any redundant vehicle crossing must be reinstated to the satisfaction of the Responsible Authority.

#### **Country Fire Authority requirements**

6. The Bushfire Management Plan drawn by Foresite Planning and Bushfire Consultants, dated 8 February 2016, Version 1, must be endorsed to form part of the permit, and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.
7. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition conditions to have force and effect after the development authorised by this permit has been completed.

#### **Satisfactorily Completed**

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

#### **Permit Expiry**

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

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

#### **Notes**

- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- B. Prior to the commencement of construction the operator of this planning permit must obtain a non-refundable Asset Protection Permit from Frankston City Council's Infrastructure Department.
- C. This Planning Permit represents the Planning approval for the development of the land within a Design and Development Overlay. Assessment of the application has been undertaken only in respect to the height under Clause 43.02 of Frankston Planning Scheme. The application has not been assessed in respect to the development standards and objectives of Clause 54 of the Frankston Planning Scheme.
- D. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made. Pursuant to Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the periods referred to if a request is made in writing within the following prescribed timeframes:
  - a. Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started;
  - b. Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

Chairperson's initials



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.

### Extension of Time

**Moved: Councillor Taylor**

**Seconded: Councillor Hampton**

That Cr Aitken be granted an extension of time.

**Carried Unanimously**

### Council Decision

**Moved: Councillor Aitken**

**Seconded: Councillor Taylor**

That Council resolve to issue a Refusal to Grant a Planning Permit with respect to Planning Permit Application number 733/2015/P to construct one (1) triple storey dwelling in excess of seven (7) metres in height at 28 Gould Street, Frankston on the following grounds:

1. The proposed development is inconsistent with the objectives of the State and Local Planning Policy, including:
  - a) Clause 15 – Built Form and Heritage
  - b) Clause 16 – Housing
  - c) Clause 21.07 – Housing
  - d) Clause 21.10 – Built Form and Heritage
2. The proposed is an inappropriate design response which fails to satisfy the design objectives of the Design and Development Overlay (Schedule 6) of the Frankston Planning Scheme and will result in an unreasonable impact on the preferred character of the area and the amenity of neighbouring properties.
3. The proposal will present unreasonable visual bulk when viewed from the adjoining properties and public realm.

**Carried Unanimously**

*Cr Cunial returned to the chamber at 8.20 pm*



**11.3 Town Planning Application 725/2015/P - To construct two (2) double storey dwellings - 7 Huon Court Frankston North**

*(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 725/2015/P to construct two (2) double storey dwellings at 7 Huon Court, Frankston North, subject to the following conditions:

**Plans**

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application (or some other specified plan) but modified to show:
  - (a) Realignment of the proposed vehicle crossing serving Dwelling 1 which must be perpendicular to Huon Court.
  - (b) Removal of the street tree on Huon Court for the vehicle crossing for Dwelling 1.
  - (c) The tandem space of Dwelling 1 setback a minimum of 5.4 metres from the Huon Court frontage.
  - (d) Freestanding trellis in accordance with Condition 9.
  - (e) External finishes of the upper floor (south elevation of Dwelling 2 and north elevation of Dwelling 1) to be provided as render or weatherboard.
  - (f) Elevations with a schedule of all external materials finishes and colours.
  - (g) All trees (height greater than 3m) growing on the site and on the adjoining properties within 3m of the boundaries must be clearly illustrated on all relevant plans to demonstrate canopy width, trunk location and clearly labelled in accordance with the report provided by Landscapes by Design dated 15/02/2016 and clearly state whether the tree is to be retained or removed to the satisfaction of the Responsible Authority.
  - (h) The Tree Protection Zones for all trees to be retained must be illustrated on all relevant plans to the satisfaction of the Responsible Authority.
  - (i) Tree protection conditions noted in accordance with Conditions 5, 6, and 7.
  - (j) A Landscape Plan in accordance with Condition 3.

**No Alterations**

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

**Amended 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;

Chairperson's initials



- (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) A planting theme of a minimum 40% indigenous, 20% native within each plant group;
- (i) 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;
- (j) 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. One (1) within the front setback of each dwelling with a minimum mature height of 7m
  - ii. Two (2) within the front setback (Monterey Boulevard) with a minimum mature height of 7m
  - iii. One (1) within the private open space of (all) dwellings minimum mature height 5m
- (k) 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.

### **Completion of Landscaping**

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

### **Tree Protection**

5. Tree protection must be carried out in accordance with the Australian Standard AS 4970-2009 Protection of trees on development sites to the satisfaction of the Responsible Authority.
6. Prior to the commencement of the development (including vegetation removal and demolition), 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 a radius of 2 metres from the trunk of street trees (numbered 2 and 3 in the report provided by 'Landscape by Design' dated 15/02/2016) to the satisfaction of the Responsible Authority. A fixed sign is to be provided on all visible sides of the Tree Preservation Fencing, stating "Tree Preservation Zone – No entry without permission from Frankston City Council".

The requirements below must be observed within this area –

- a) Coarse mulch laid to a depth of 50-100 mm (excluding street trees).
- b) No vehicular or pedestrian access.

Chairperson's initials



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

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

### **Tree Pruning**

7. All tree pruning is to be carried out by a qualified and experienced Arborist who has thorough knowledge of tree physiology and pruning methods. Pruning must be carried out in accordance with Australian Standard AS4373-2007 Pruning of Amenity Trees. Any pruning works required are to be undertaken 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.

### **Street tree removal**

8. Prior to the commencement of development payment for the removal of the Council Street Trees *Acacia implexa* (numbered tree no. 1 in the report provided by 'Landscape by Design' dated 15/02/2016) must be made to Frankston City Council's Planning and Environment Department in accordance with the fees for a small Street Tree as outlined in Council's Guidelines for Street Tree Removal for Private Development. Proof of receipt of payment must be provided to Council's Planning & Environment Department to action the street tree removal.

Note: Council's Guidelines for Street Tree Removal for Private Development is available on the Frankston City Council website and is subject to change. Council's Environment Department can be contacted on 1300 322 322 to make payment arrangements for the street tree removal.

### **Freestanding Trellis**

9. Prior to the occupation of the development, a freestanding trellis (maximum 25% openings) must be erected above the existing fence on the east and northern boundary of the site to an overall height of 1.7 metres above finished floor level of Dwellings 1 and Dwellings 2 (as relevant), 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.

### **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.

Chairperson's initials



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. Vehicle crossing must be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
13. 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.

### Urban Design

14. 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.
15. Mailboxes shall be provided to the proposed dwelling/s to the satisfaction of the Responsible Authority and Australia Post.
16. All plumbing work, sewer pipes etc. (except for spouting and stormwater pipes) associated with the new dwelling shall be concealed from general view.
17. 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

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

### Permit Expiry

19. This permit will expire if one of the following circumstances applies:
- (a) The development is not started within two years of the date of this permit.
  - (b) The development is not completed within four years of the issued date of this permit.

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

### 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.

### **Street Numbering**

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

### **Extension of Time**

**Moved: Councillor Cunial**

**Seconded: Councillor Taylor**

That Cr Aitken be granted an extension of time.

**Carried Unanimously**

### **Council Decision**

**Moved: Councillor Aitken**

**Seconded: Councillor Spelman**

That Council resolve to issue a Refusal to Grant a Planning Permit with respect to Planning Permit Application number 725/2015/P to construct two (2) double storey dwellings at 7 Huon Court, Frankston North on the following grounds:

1. The proposed development is inconsistent with the objectives of the State and Local Planning Policy, including:
  - a. Clause 15 – Built Environment and Heritage
  - b. Clause 16 – Housing
  - c. Clause 21.07 – Housing
  - d. Clause 21.10 – Built Environment and Heritage
  - e. Clause 22.08 – Neighbourhood Character Policy
2. The proposal does not satisfy the objectives of Clause 55 of the Frankston Planning Scheme, in particular:
  - a. Clause 55.02 – Neighbourhood character

Chairperson's initials



3. The proposal is an inappropriate design response which fails to satisfy the objectives of the Neighbourhood Character Policy for Frankston North Precinct 1 and will result in an unreasonable impact on the preferred character of the area and the amenity of neighbouring properties.
4. The proposal will present unreasonable visual bulk when viewed from the adjoining properties and public realm.

**Carried Unanimously**



**11.4 Planning Application 90/2013/P - 48 Shearwater Drive, Carrum Downs - To amend the plans approved under the Planning Permit for retrospective approval for a statement of compliance**

*(MP Community Development)*

**Council Decision**

**Moved: Councillor Mayer**

**Seconded: Councillor Hampton**

That Council resolves to refuse the request to amend the plans under Section 72 of the Planning and Environment Act that were approved under the Planning Permit 90/2013/P at 48 Shearwater Drive, Carrum Downs on the following grounds:

1. The proposal will result in a substantial loss of landscaping throughout the site.
2. The proposal will result in a significant reduction of permeability and increase storm water runoff.

**Carried Unanimously**



**11.5 Frankston Planning Scheme Amendment C113 - Report on Findings and Recommendations of Panel Report**

*(MP Community Development)*

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

That Council:

1. Notes the Panel Report.
2. Authorises officers to request the Minister for Planning to adopt the Amendment, including the changes recommended by the Independent Panel excluding recommendations No 9 and No 10.

**Carried Unanimously**

Chairperson's initials





**11.6 Frankston Planning Scheme Amendment C123 - Report on Review of Submissions to the Amendment and Progression to a Planning Panel**  
*(MP Community Development)*

**Council Decision**

**Moved: Councillor Hampton**

**Seconded: Councillor Taylor**

That Council:

1. Notes the submissions to Frankston Planning Scheme Amendment C123.
2. Continues to progress Planning Scheme Amendment C123.
3. Writes to Planning Panels Victoria to formally request an independent Planning Panel be convened to consider the submissions to Amendment C123.
4. Advises all submitters of Council's decision.

**Carried Unanimously**

Chairperson's initials



**12. CONSIDERATION OF REPORTS OF OFFICERS****12.1 Response to residents' Joint Letter requesting traffic treatments along Galway Street, Seaford**

*(BH Community Development)*

*Cr O'Reilly declared a Conflict of Interest and left the chamber at 8.45 pm and will not be present during discussion or voting*

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

That Council:

1. Notes the results of the traffic analysis.
2. Considers speed humps or chicanes in Galway Street at a later date as part of a Local Area Traffic Management (LATM) Plan to be delivered through Council's LATM program and be referred to 2016/17 budget for 2017/2018.
3. Immediately implements alternative traffic measures to improve road safety, such as line markings and/or signs which can be funded under current operational budgets.
4. Advises the head writers of the Joint Letter accordingly.

**Carried Unanimously**

*Cr O'Reilly returned to the Chamber at 8.52 pm*

**12.2 Response to Petition for Speed Humps on Armstrongs Road, Seaford**  
(BH Community Development)**Council Decision****Moved: Councillor Aitken****Seconded: Councillor Spelman**

That Council:

1. Refers \$30,000 to the 2017/18 capital works budget for consideration to install speed reduction devices in Armstrongs Road in response to the moderate speeding issues.
2. Officers review the success of the devices when completing the Seaford LATM Precinct Plan in the future.
3. The Head Petitioner is advised accordingly.

**Carried Unanimously**

Chairperson's initials



**12.3 Capital Works Annual Report for 2015/16**

*(CD Corporate Development)*

*Cr Tayler left the Chamber at 8.57 pm*

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

That Council:

1. Receives and notes the report for the 2015/16 Capital Works Program;
2. Notes that \$52.597 million of expenditure was achieved in 2015/16, out of a total Revised Capital Works Program budget of \$59.120 million with \$1.357 million in savings realised;
3. Adopts the list of projects in Attachment C which totals \$5.496 million to be carried forward into the 2016/17 Capital Works Program; and
4. Adopts the list of Key Projects for 2016/17 as per the Project Management Framework given in Attachment D.

**Carried Unanimously**

*Cr Tayler was not present for the vote*

*The Mayor, Cr James Dooley called an adjournment of the meeting at 8.59 pm*

*The meeting resumed at 9.09 pm with Councillor Tayler not present*

Chairperson's initials



**12.4 Response to Notice of Motion 1196 - Waste Management Plan Revision (OM285)**  
*(CD Corporate Development)*

*Cr Tayler entered the chamber at 9.10 pm*

**Council Decision**

**Moved: Councillor Aitken**

**Seconded: Councillor Tayler**

That Council receives and notes the report.

**Carried Unanimously**

Chairperson's initials



**12.5 Foreshore Advisory Committee**

*(DS Community Development)*

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

That Council:

1. Adopts the Terms of Reference for the Frankston Foreshore Committee.
2. Advertises to fill the vacant position on the Advisory Committee
3. Should less than 5 of the community representative positions be filled, refers the continued operation of the Frankston Foreshore Committee to the next Council when they consider their appointments.

**Carried Unanimously**

Chairperson's initials



**12.6 FMAC Streetscape Plan and Urban Forest Policy**

*(DS Community Development)*

**Recommendation (Director Community Development)**

That:

1. Council notifies the head petitioner in relation to the tree at 15 Donnelly Rise, Frankston that the tree will not be removed in accordance with the Street Tree Management Policy.
2. Council receives the Draft Frankston Urban Forest Policy and releases the policy for consultation with a report to be submitted to Council for adoption early in 2017.
3. Council notes the revision to Street Tree Selections to be used as a guide for future street tree plantings.
4. Council endorses the bulk tree planting program which is recommended to commence on Cranbourne Road, Frankston in Autumn 2017.
5. Council notes the Frankston Gateways Guiding Document and the Fletcher Road Gateway concept plan.
6. Council notes the Frankston Metropolitan Activity Centre Streetscapes Palettes report that forms part of the Frankston Metropolitan Activity Centre Streetscape Plan which will be utilised to inform future designs of streets within the Activity Centre Area.

**Deferral Motion to another Council Meeting**

**Moved: Councillor Cunial**

**Seconded: Councillor Hampton**

That the matter be deferred to the 19 September 2016 Ordinary Meeting.

**Carried Unanimously**

**12.7 Record of Assemblies of Councillors**

*(DH Chief Executive Office)*

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

That Council receives the following written records:

- 18 April 2016 (Councillor Briefing)
- 26 April 2016 (Councillor Briefing)
- 2 May 2016 (Councillor Briefing)
- 9 May 2016 (Councillor Briefing)
- 12 May 2016 (Frankston City News Editorial Committee meeting)
- 16 May 2016 (Councillor Briefing)
- 23 May 2016 (Councillor Briefing)
- 25 May 2016 (Councillor Briefing)
- 30 May 2016 (Councillor Briefing)
- 1 June 2016 (Councillor Briefing)
- 6 June 2016 (Councillor Briefing)
- 15 June 2016 (Councillor Briefing)
- 27 June 2016 (Councillor Briefing)
- 11 July 2016 (Councillor Briefing)
- 13 July 2016 (Councillor Briefing)
- 18 July 2016 (Councillor Briefing)
- 19 July 2016 ((Frankston City News Editorial Committee meeting)
- 25 July 2016 (Councillor Briefing)

**Carried Unanimously**

Chairperson's initials





**12.8 Report back on Frankston's Christmas Festival of Lights site expansion**

*(AM Community Development)*

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

That Council:

1. Notes that the site expansion of Christmas Festival of Lights, approved by Council on 5 October 2015, successfully mitigated the safety risks caused by crowd congestion and the compromised incident and emergency management response capability.
2. Notes the new site layout is estimated to have capacity to cater for the increased attendance numbers till at least the 2018 festival, without further investment.
3. Notes no additional funding is required for the 2016 festival

**Carried Unanimously**

**12.9 Commercial Recreational Activities in Public Open Space Policy and Expression of Interest Process**

*(DS Community Development)*

*Cr Tayler left the chamber at 9.28 pm and did not return to the Meeting*

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

That Council:

1. Supports an expression of interest process for commercial recreational activities during summer 2016/17.
2. Adopts the fees applicable to the issuing of the various leases or licences with the fees to be included in Council's overall schedule of fees and charges.
3. Authorises the CEO to approve lease or licence agreements and variations to the fees and charges where, in the opinion of the Chief Executive Officer there is a strong community benefit for suitable activities for 2016/17 summer period.
4. Receives a report providing an evaluation of the summer season and a recommended policy position in May 2017.
5. Council are provided with a report on a six monthly basis detailing all applications for use of public open space in Frankston for commercial or recreational activities.

**Carried Unanimously**

Chairperson's initials



**12.10 Draft General Local Law 2016 No. 8**

(LR Community Development)

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

That:

1. Having complied with the requirements of the *Local Government Act* 1989, Council resolves to make General Local Law 2016 - No. 8 (as attached) for the following reasons:
  - a. The General Local Law provides for the peace, order and good government of the municipality;
  - b. The new General Local Law, which has been advertised, addresses issues about the operation and application of the existing version of the Local Law;
  - c. No submissions were received in response to the public exhibition process.
2. General Local Law 2016 - No. 8 be signed and sealed;
3. Notice of the making of General Local Law 2016 - No. 8 be published in the Victoria Government Gazette;
4. The General Local Law comes into effect on the day following publication of the notice in the Victoria Government Gazette; and
5. A copy of General Local Law 2016 - No. 8 to be forwarded to the Minister for Local Government.

**Carried Unanimously**

Chairperson's initials



**13. NOTICES OF MOTION****13.1 NOM 1222 - Construction of Carpark - Cnr Cranbourne Rd and Beach St**

*(VR Chief Executive Office)*

**Recommendation**

That Council investigates the construction of carpark adjacent to the East End of Beach Street Shopping Strip in the parcel of land to the East of the Meals on Wheels Building, between Cranbourne Road and Beach Street.

This report should investigate the cost, feasibility and local support of the Beach Street traders for the construction of this carpark and be presented back to Council within the next six months so it may be considered as part of the 2017/2018 Budgeted Capital Works Program.

*The Mayor, Cr James Dooley withdrew the Notice of Motion 1222.*

**13.2 NOM 1223 - River Red Gum Protection**

*(CM Chief Executive Office)*

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

1. That relevant Council officers and interested Councillors meet with members of the City of Greater Dandenong to present Frankston City Council's recent Native Vegetation study. By demonstrating the findings and recommendations of the Panel Report for Planning Scheme amendment C113 in particular, the introduction of proposed Significant Landscape Overlay 7 which aims to protect Red Gums throughout the Carrum Downs area with the mapping of individual trees and expanded tree protection zones, to encourage City of Greater Dandenong to continue the protection across the boundary by adopting a similar approach.
2. That Council writes to the State Government highlighting the significance of Red Gums throughout the area and seeking greater protection of this species.
3. That City of Greater Dandenong be encouraged to write to the State Government highlighting the significance of Red Gums throughout the area and seeking greater protection of this species.

**Carried Unanimously**

Chairperson's initials



**13.3 NOM 1224 - Frankston - Melbourne Airport Public Bus Service (901)**

*(CM Chief Executive Office)*

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

That this Council writes to the Minister for Transport, Ms Jacinta Allan, expressing our concern in regard to the devastating amount of vandalism to the rear interior of the buses on the 901 service which runs between Frankston and the Melbourne Airport.

Passengers who use this service are surrounded by an anti-social environment. It portrays very badly and carries poorly for anyone visiting our City.

The graffiti and damage is wall to wall with the use of paint and textas; slogans and tagging scratched on the windows and the backs of seats; ripping of the seats and sections of hard plastic literally cut out of the seat frames with knives.

**Carried Unanimously**

Chairperson's initials



**14. LATE REPORTS****15. URGENT BUSINESS****Urgent Business****Council Decision****Moved: Councillor Hampton****Seconded: Councillor Aitken**

That the matter of Centenary Park Country Club be accepted as urgent business.

**Carried Unanimously****Urgent Business – Centenary Park Country Club Proposal****Council Decision****Moved: Councillor Hampton****Seconded: Councillor Aitken**

1. That before any architects are appointed in regards to the Centenary Park Country Club proposal, that a full financial analysis be undertaken of the potential running costs of this development and where the funds will come from to finance the development.
2. That this analysis be brought back to the next Ordinary Meeting of Council.

**Carried Unanimously****Urgent Business****Council Decision****Moved: Councillor Hampton****Seconded: Councillor Taylor**

That the matter of Writing a Letter to Mr Paul Edbrooke MP be accepted as urgent business.

**Carried Unanimously**

**Urgent Business – Letter to Mr Paul Edbrooke MP****Council Decision****Moved: Councillor Hampton****Seconded: Councillor Taylor**

That this Council writes to the Member for Frankston expressing our concerns about the negative comments he made in Parliament and also in the local press about this Council.

These comments do not go any way in promoting a harmonious relationship between this Council and himself and also the State Government.

It should be noted that Mr Paul Edbrooke MP in fact does not have to sign any document that is in any way as restrictive as the Councillors Code of Conduct and to suggest that the behaviour of Councillors is in any way not acceptable, then he needs to have a close look at his own behaviour in State Parliament.

This Councillors Code of Conduct is draconian, undemocratic and an attack on freedom of speech that has been forced on to Local Government by this State Government.

A copy of this letter should be to the Premier of Victoria, the Honourable Daniel Andrews MP.

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

That Cr Hampton be granted an extension of time.

**Carried Unanimously**

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

That Cr Taylor be granted an extension of time.

**Carried Unanimously**

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

That Cr Aitken be granted an extension of time.

**Carried Unanimously**

**The motion was then put  
and Carried Unanimously**



**16. OUTCOME OF CONSIDERATION OF CERTAIN CONFIDENTIAL ITEMS****C.2 Minutes of the Frankston Arts Board - November and December Meetings  
(considered at OM282 – 1 February 2016)****Council Decision****Moved: Councillor Aitken****Seconded: Councillor Mayer**

That Council:

- Receives the Minutes.
- Formalises Councillors' agreed final shortlist of sculptures which were determined at the Councillor Briefing on 14 December 2015.
  - *'Mirage'*: Frankston Foreshore (in vicinity of Frankston Yacht Club, exact location to be determined as site currently under construction).
  - *'Intervention'*: Seaford Life Saving Club.
  - *'Jarrett in London'*: *Revised proposed location*: Cranbourne Frankston Rd & Dandenong-Hastings Rd Roundabout as the original proposed location at Thompsons Road & Frankston Dandong Road Roundabout is unavailable due to proposed Traffic Signals upgrade.
  - *'Man on Ball'*: grass area opposite South East Water building subject to South East Water agreement on costs.
  - *'Fun!'*: Seaford Community Centre.
  - *'Space Time Continuum v4'*: Fletcher Road.
  - *'The Navigator or Wind Blowing'*: plinth outside South East Water building subject to South East Water agreement on costs.
  - *'Oushi Zokei Hezagonal (2014)'*: Beauty Park.
  - *'Billabong'*: Baxter Street Rail Overpass.
  - *'Cycle 90'*: Keast Park.
  - *'King Coal'*: Library Forecourt.
  - *'Meditation 2015 #1'*: Moorooduc Hwy Service Lane opposite Peninsula Hospital subject to Hospital agreement on costs.
  - *'Essayer Illustration'*: Baxter Street Rail Overpass.
- Recommendations are released to the public after Council Meeting 26/4/2016.

The Motion was put and Carried Unanimously

Chairperson's initials



**C.1 Minutes of the Frankston Arts Board - March Meeting (considered at OM286 – 26 April 2016)****Council Decision****Moved: Councillor Aitken****Seconded: Councillor Spelman**

That Council:

1. Receives the Minutes for the Frankston Arts Board March Meeting and the Extra Ordinary Meeting held 13 April 2016.
2. Notes the support of the Frankston Arts Board for the removal and storage of 'Pivot' Installation currently located in Wells Street and Beach Street, Frankston.
3. Negotiate with stakeholders for an alternative sculpture within the precinct to take advantage of the upgrade of Wells Street.
4. Notes the final 'All the Green Year' mural design previously approved by Council.
5. Notes Frankston Arts Board endorsement of alternative sculptures provided by 'Sculpture by the Sea'.
6. Approves the negotiations for available alternative sculptures from the shortlist below:
  - 'Catch Me', Keld Moseholm
  - 'Cycle of Life Longevity', R.M. (Ron) Gomboc
  - 'City Dreams', Gao Xiaow
  - 'Transfiguration 'link' – Mobius – xv', Mitsuo Takeuchi
  - 'Travelling Bag', Yumin Jing
8. Notes that items 1 to 6, as listed above, be released in the public minutes of the Council Meeting after 30 June 2016.
9. Notes that item 7, as listed above, remain closed indefinitely.

The Motion was put and Carried Unanimously

**C.2 Minutes of the Frankston Arts Board - March Meeting (considered at SP194 – 23 May 2016)****Council Decision****Moved: Councillor Aitken****Seconded: Councillor Tayler**

That Council:

1. Receives the Minutes for the Frankston Arts Board April Meeting.
2. That this recommendation be incorporated into the public minutes after 31<sup>st</sup> July 2016.

The Motion was put and Carried Unanimously

Chairperson's initials



**C.1 Minutes of the Frankston Arts Board - May Meeting (considered at OM289 – 27 June 2016)****Council Decision****Moved: Councillor Taylor****Seconded: Councillor Spelman**

That:

1. Council receives the Minutes of the Frankston Arts Board May Meeting.
2. That the recommendations of this report be released after 31 July 2016.

The Motion was put and Carried Unanimously

**C.1 Frankston Arts Board Minutes June 2016 (considered at OM291 - 8 August 2016)****Council Decision****Moved: Councillor Aitken****Seconded: Councillor Mayer**

That Council:

1. Receives the Minutes and;
2. Formalises the FAB endorsed sculpture Yoshio Nitta's '*Pot Will Move*' as the replacement to Clayton Thompsons sculpture '*Space Time Continuum v4*' which was sold and withdrawn from the shortlisted sculpture selection.
3. Endorses the design concept for stylised glass window mural to be installed on the gates at the rear of 76 Young Street (Gallery Lane facade).

The Motion was put and Carried Unanimously

**C.1. Appointment and Authorisation of Council Staff (considered at this meeting)****Council Decision****Moved: Councillor Aitken****Seconded: Councillor Taylor**

That:

1. Pursuant to the provisions of Section 147 (4) of the Planning and Environment Act 1987 (The Act), Council appoints the officer listed below to be an authorised officer for the purposes of The Act and the regulations made under The Act:
  - Kaitlyn Zeeck (Statutory Planner)
  - Nick Robinson (Statutory Planner)
  - Rowan La Brooy (Statutory Planner)
2. The Instrument of Appointment and Authorisation in respect of the Officers listed above be signed and sealed.
3. This resolution is incorporated in the public minutes of this Meeting.

The Motion was put and Carried Unanimously

Chairperson's initials



**C.2. Rotary Club of Frankston Sunrise Inc - Request for Use of Bathing Box Funds (considered at this meeting)****Council Decision****Moved: Councillor Cunial****Seconded: Councillor Mayer**

That Council:

1. Notes the proposal from Rotary Club of Frankston Sunrise Inc. to deliver supported accommodation, in partnership with Connecting Skills Australia, at 32 Cranbourne Road, Frankston.
2. Provides in principle agreement to the project and requests that any agreement include a condition that would ensure any Council funds invested in the project are secured so that should the project be "wound up" or sold at a later date all, or a proportion, of Council funds would be returned to Council.
3. Approves the release of funds held in Frankston Sunrise Trust account and funds from the impending sale of Bathing Box 19A to help fund the accommodation project.
4. Notes that funds contributed to the project in 2. above will wind up the Frankston Sunrise Trust account.
5. Releases this decision immediately following the Council meeting.

The Motion was put and Carried Unanimously

**C.3 Community Grants Program 2016/2017 (considered at this meeting)****Council Decision****Moved: Councillor Hampton****Seconded: Councillor Taylor**

That Council:

1. Adopts the recommendations of the 2016/2017 Annual Community Grants Program recommendations as contained in the confidential report (Attachment A) (not for public release).
2. Funding is conditional upon attendance at the public grant presentation ceremony. Any unclaimed monies to be rolled over into miscellaneous grants 2016/17.
3. Approves the release of recommendations only and the names, allocations and activities of all approved Community Grant Program recipients immediately following the Council Meeting.

The Motion was put and Carried Unanimously

**17. CONFIDENTIAL ITEMS****Council Decision****Moved: Councillor Cunial****Seconded: Councillor Spelman**

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

**C.1 Appointment and Authorisation of Council Staff**

Agenda Item C.1 Appointment and Authorisation of Council Staff is designated confidential as it relates to personnel matters (s89 2a), and Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

**C.2 Rotary Club of Frankston Sunrise Inc - Request for Use of Bathing Box Funds**

Agenda Item C.2 Rotary Club of Frankston Sunrise Inc - Request for Use of Bathing Box Funds is designated confidential as it relates to proposed developments (s89 2e)

**C.3 Community Grants Program 2016/2017**

Agenda Item C.3 Community Grants Program 2016/2017 is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

**C.4 Delegated Powers Reports - Miscellaneous Grants and Frankston Arts Centre Discounts and Concessions**

Agenda Item C.4 Delegated Powers Reports - Miscellaneous Grants and Frankston Arts Centre Discounts and Concessions is designated confidential as it relates to personnel matters (s89 2a)

**C.5 Frankston Arts Centre Precinct Upgrade and Refurbishment Works (Amenities and Lift) - Award of Construction Contract**

Agenda Item C.5 Frankston Arts Centre Precinct Upgrade and Refurbishment Works (Amenities and Lift) - Award of Construction Contract is designated confidential as it relates to contractual matters (s89 2d)

**C.6 Award of Contract 2016/17-6 - Supply & Deliver One New High Pressure Drain Truck Unit**

Agenda Item C.6 Award of Contract 2016/17-6 - Supply & Deliver One New High Pressure Drain Truck Unit is designated confidential as it relates to contractual matters (s89 2d)

**C.7 Building Facilities Maintenance, Cleaning and Security - Contract 2015/16-82**

Agenda Item C.7 Building Facilities Maintenance, Cleaning and Security - Contract 2015/16-82 is designated confidential as it relates to contractual matters (s89 2d)

**Carried Unanimously**

Chairperson's initials





*The meeting closed to the public at 10.10 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, 29 August 2016, confirmed on Monday, 19 September 2016.

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

Dated this

day of

2016