



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL  
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON  
ON 19 SEPTEMBER 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. Vito Albicini, Director CAA Development Mr. Michael Papageorgiou, Manager Planning & Environment Ms. Naomi Neville, Coordinator Statutory Planning Mr. Michael Craighead, Manager Administration & Corporate Projects (Part) Ms. Kristen Thomson, Communications Officer Media Ms. Andrea Gaynor, Executive Manager Mayor & CEO Office Ms. Vera Roberts, Officer Council Business Support
EXTERNAL REPRESENTATIVES:	Nil

**COUNCILLOR STATEMENT**

Councillor Cunial 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.*

Chairperson’s initials

*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.”*

**PRAYER**

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

**ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

Councillor Taylor 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

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

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**1. PRESENTATION TO COMMUNITY GROUPS**

Cr Sandra Mayer presented a Certificate of Appreciation to Fresh Start Sounds for their contribution to activating the forecourt at the Frankston Library.

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

Ordinary Meeting No. OM292 held on 29 August 2016.

**Council Decision**

**Moved: Councillor Aitken**

**Seconded: Councillor Cunial**

That the minutes of the Ordinary Meeting No. OM292 held on 29 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**

Nil

**5. PUBLIC QUESTION TIME**

There were no questions with or without notice received.

**6. HEARING OF PUBLIC SUBMISSIONS**

Mr. 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 Rob 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. Claire Dawson 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. Andy 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;

Mr. Jonathan Dawson 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;

Mr. Bruce Rowse 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. Marco Negri made a submission to Council regarding Item 11.7: Olivers Hill Lot Restructuring Plan Extension of Time Request;

Ms. Lisa Oatham made a submission to Council regarding Item 12.12: Proposed Parking Changes to Nepean Highway in the Vicinity of Quest Frankston on the Bay, Frankston.

## 7. ITEMS BROUGHT FORWARD

### Items Brought Forward

#### Council Decision

**Moved: Councillor Taylor**

**Seconded: Councillor Spelman**

That Closed Item C.7: Councillor Conduct Arbitration Matters be brought forward to Open Council.

**Carried Unanimously**

### Items Brought Forward

#### Council Decision

**Moved: Councillor Aitken**

**Seconded: Councillor Cunial**

That Items 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, 11.7: Olivers Hill Lot Restructuring Plan Extension of Time Request and 12.12: Proposed Parking Changes to Nepean Highway in the Vicinity of Quest Frankston on the Bay, Frankston be brought forward.

**Carried Unanimously**

## 8. PRESENTATIONS / AWARDS

The Mayor, Cr James Dooley tabled the Certificate of Appreciation which was presented to Frankston City Council from the Dolphins Sport Football club for our support and encouragement.

## 9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil.



**10. DELEGATES' REPORTS**

Nil

Chairperson's initials



**ITEMS BOUGHT FORWARD****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 be 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.

Chairperson's initials



**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

Chairperson's initials



**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.
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.
- 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.

### **Council Decision**

**Moved: Councillor Taylor**

**Seconded: Councillor Tayler**

That a Refusal to Grant a Planning Permit be issued pursuant to Section 65 of the Planning and Environment Act 1987.

1. The proposal does not comply with the car parking requirements of Clause 52.06 of the Frankston Planning Scheme.
2. The proposal does not comply with the objectives and decision guidelines of the Design and Development Overlay(Schedule 6) due to the overall height and scale of the development.
3. The proposal is not considered to satisfy Clause 22.08: Neighbourhood Character and is inconsistent with the existing neighbourhood character of the area.
4. The proposal does not comply with the setback requirements of ResCode in relation to the setback from Spring Lane.
5. The traffic impacts on Spring Lane.
6. It is an overdevelopment on the site creating visual bulk which is not consistent with neighbourhood character.

**Carried Unanimously**

**11.7 Olivers Hill Lot Restructuring Plan Extension of Time Request**

*(MP Community Development)*

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

That Council authorise officers to extend the time limit of the Olivers Hill Lot Restructuring Plan December 2010 for a period of a further two (2) years until the 1st of March 2019.

**Carried Unanimously**

Chairperson's initials



**12.12 Proposed Parking Changes to Nepean Highway in the Vicinity of Quest Frankston on the Bay, Frankston**

*(GR Community Development)*

**Recommendation (Director Community Development)**

That Council:

1. Notes Skybus will be operating an hourly service.
2. Supports the proposed parking changes on Nepean Highway in the vicinity of Quest Frankston on the Bay to accommodate a pick-up and drop-off terminal for the SkyBus airport bus.
3. Relocates the affected disabled parking bay with the necessary modifications to make it Disability Discrimination Act compliant.
4. Requires SkyBus to fund the costs associated with the necessary parking changes (estimated to be \$7,000).
5. Notes an additional space will become available in the CAA as a result of Young Street redevelopment works.

**Council Decision**

**Moved: Councillor Taylor**

**Seconded: Councillor Spelman**

That the CEO be directed to meet with PTV in regard to the alternate location of the current bus stop to the preferred site as proposed by Skybus and report back at the first meeting of the new Council.

**Carried Unanimously**

**Items Brought Forward****Council Decision**

**Moved: Councillor Hampton**

**Seconded: Councillor Taylor**

That Closed Item C.8: NOM1229 – Arbitrators Decision be brought forward to Open Council.

**Carried Unanimously**



**C.7 Councillor Conduct Arbitration Matters***(MC Corporate Development)***Council Decision****Moved: Councillor Taylor****Seconded: Councillor Spelman**

That:

1. Council notes the arbiters' findings, statements of reasons and any recommendations as to sanctions in each of the three arbitration reports.
2. Council determines the appropriate sanctions against the Councillors who have been found by the arbiters to have breached the Councillor Code of Conduct.
3. That Cr Aitken's response to the Arbiter's draft report be included in the release of this information.

*The Mayor directed Cr Taylor to leave the Chamber for 30 minutes  
for unruly behaviour at 8.29 pm*

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

That Cr Aitken be granted an extension of time.

**Carried Unanimously**

*The Mayor directed Cr Tayler to leave the Chamber for 30 minutes  
for unruly behaviour at 8.49 pm*

*Cr Spelman left the chamber at 8.52 pm*

**The Motion was then Put  
and Carried Unanimously**

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

Against the Motion: Nil

Absent: Crs Tayler, Spelman and Taylor

**C.8 NOM1229 - Arbitrators Decision**

(AG Chief Executive Office)

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

That:

1. The Arbitration reports tabled by Arbiters Sarah Rey, Roger Batrouney and Laura Douglas in respect to alleged separate breaches of the Councillor Code of Conduct, being Complaint 1 Cr Dooley and Cr Taylor, Complaints 2 and 3 Cr Dooley, Taylor and Tayler and Complaints 4 and 5 Cr Aitken Taylor and Spelman be received and remain in Closed Council indefinitely.
2. No further action be taken in respect to the Arbiters reports for Complaints 1, 4 and 5 on the basis that the Arbiter found no breach of the Councillor Code of Conduct.
3. In accordance with Clause 9.3.6 of the Councillor Code of Conduct in respect to Complaints 2 and 3, Crs Dooley, Taylor and Tayler where the Arbiter has found that both Cr Taylor and Tayler have breached the Code that the Council hereby directs in respect to ;

- a. Cr Darrel Taylor that he be required to formally publicly apologise by tabling in writing and reading to the Council at a special meeting to be scheduled on Monday 10 October 2016, an apology to the Council without further comment which shall specifically mention that the Arbiter has found that his Facebook comments have breached the following Clauses of the Councillor Code of Conduct:

*"2.4.2- speaking well of each other and Council in Public.*

*2.4.7 - demonstrating leadership by focusing on issues and refraining from personalising matters particularly in relation to making personal remarks regarding other Councillors.*

*3.2.3 - treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other Councillors, Council Staff and other persons.*

*4.1.4- respect for others.*

*8.2 - although any Councillor is entitled to communicate his or her views to the media, constituents and others, they should not in doing so: 8.2.2 - bring the Council into disrepute. "*

- b. Cr Suzette Tayler that she be required to formally publicly apologise by tabling in writing and reading to the Council at a special meeting to be scheduled on Monday 10 October 2016, an apology to the Council without further comment which shall specifically mention that the Arbiter has found that her Facebook comments have breached the following Clauses of the Councillor Code of Conduct:

*"2.4.2- speaking well of each other and Council in Public.*

*2.4.7 - demonstrating leadership by focusing on issues and refraining from personalising matters particularly in relation to making personal remarks regarding other Councillors.*

*3.2.3 - treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other Councillors, Council Staff and other persons.*

Chairperson's initials



*4.1.4- respect for others.*

*8.2 - although any Councillor is entitled to communicate his or her views to the media, constituents and others, they should not in doing so: 8.2.2 - bring the Council into disrepute."*

4. The Chief Executive Officer give effect to the Council determination in respect to the breaches of the Councillor Code of Conduct by writing to both Cr Taylor and Tayler conveying the Council decision.

**Carried Unanimously**

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

Chairperson's initials



**11. CONSIDERATION OF TOWN PLANNING REPORTS****11.2 Planning Application 387/2015/P - To construct three (3) double storey and one (1) single storey dwellings (four (4) dwellings) and removal of substantial trees - 59 Culcairn Drive Frankston South**

*(MP Community Development)*

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

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 387/2015/P to construct three (3) double storey dwellings and one (1) single storey dwelling at 59 Culcairn Drive, Frankston South 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 modified and identified as KUD Architecture Interior Planning, dated 24/8/2016, Version D, TP00-12 (or some other specified plan) but modified to show:
  - a) Dwelling 1 ground floor setback to the eastern property boundary increased to a minimum of 3 metres;
  - b) Deletion of the front fence along the front property boundary.
  - c) Width of the driveway reduced to a minimum of 3 metres wherever possible and remaining area used for landscaping;
  - d) Compliance with standard B15 for all dwellings providing a minimum setback of 1 metres where window sills are at least 1.4 metres above the access way otherwise a 1.5 metre setback to be provided;
  - e) Dwelling 4 north facing wall setback an additional 1 metre from the access way and the provision of a 1.5 metre landscape bed between the dwelling and the access way;
  - f) Relocation of the bathroom and ensuite facilities of Dwelling 4 to provide for a large habitable room window facing the shared access way;
  - g) Provision of a window for the ensuite of Dwelling 1 to the east;
  - h) Full length unobscured habitable room north facing windows for bedrooms 2 and 3 for dwellings 2 and 3;
  - i) Relocation of the laundry and WC of Dwellings 2 and 3 to enable an additional habitable room window to be provided on the west elevation;
  - j) Shade devices for all west facing habitable room windows for all dwellings;
  - k) Profile, materials and height of all retaining walls,
  - l) North facing elevations of Dwellings 2 and 3;
  - m) South facing elevations of Dwellings 1, 2 and 3;
  - n) Landscaping plan in accordance with Condition 3;
  - o) Tree protection conditions noted in accordance with Conditions 5 and 6;

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- p) The Tree Protection Zones and Structural Root Zones for all trees to be retained and the Tree Protection Fence locations must be illustrated on all relevant plans;
- q) Driveway construction noted in accordance with Condition 7.

### 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/Environment

- 3. Before the commencement of buildings and works, a landscape plan prepared by a suitably qualified person generally in accordance with the landscape plan submitted by Habitat dated August 2014 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 be modified to show:
  - a) A survey (including botanical names) of all existing vegetation to be retained and/or removed. This includes the following:
  - b) Retention of Trees 1, 2, 11, 12, 35 and 36 identified in the Arborist report prepared by Greenwood Consulting, September 2015;
  - c) Relocation and/or redesign of the main driveway so as not to impact on the protected tree root zone of Tree 11;
  - d) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary,
  - e) Tree protection zones for all trees being retained on the site or the adjoining property;
  - f) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;
  - g) Mulch details;
  - h) Details of surface finishes of pathways and driveways, retaining walls and areas of cut and fill.
  - i) Permeable paving material is to be used within the private open space of all dwellings.
  - j) 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;
  - k) A planting theme of a minimum 20% indigenous, 40% native and 40% exotic species within each plant group;
  - l) Details on the ongoing CFA vegetation management requirements;
  - m) Canopy trees (minimum two metres tall when planted) in the following areas:
    - (i) one within the front setback;
    - (ii) one within the private open space of (all) dwellings;
    - (iii) landscaping to a minimum height of 1.5m to be incorporated along the west boundary of the common driveway

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 dwellings or at such later date as is approved by the Responsible Authority in writing.

**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.

Prior to the commencement of buildings and works including 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 around the TPZ of Trees 1, 2, 11, 12, 35 and 36 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 council officer prior to any works, including, demolition excavation, commencing on the site.

The requirements below must be observed within this area –

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

**Driveway construction**

7. The driveway must be constructed above the existing soil grade and from an air and water permeable material such as sand based paving, gravel, no fine concrete or similar is to be used where occurring within the TPZ of Trees 11 and 12, to the satisfaction of the responsible authority.

**Boundary fence replacement**

8. If the south west boundary fence is replaced the fence footings must be hand dug when located within the Tree Protection Zones as nominated in the arborist report provided. Any roots with a diameter greater than 40 mm are to be retained and the footing relocated. Small roots to be hand trimmed in accordance with AS 4373-2007;

**Drainage**

9. 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.
10. Prior to commencement of development construction detailed design plans and drainage computations of the internal stormwater drainage system including the method of connection to the existing Council drainage infrastructure are to be submitted and approved to the satisfaction of the Responsible Authority.
11. 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 shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
13. Prior to occupancy, any redundant vehicle crossings are to be reinstated to curb and channel in accordance with relevant Frankston City Council standards
14. Prior to occupation of the dwellings hereby permitted by this permit starts, 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.

15. Where the development involves work on or access to Council controlled land including roads, reserves and right of way, the owner, operator and their agents under this permit must at all times take adequate precautions to maintain works to the highest public safety standards, to the satisfaction of the Responsible Authority.

Precautions must include, appropriate signage to AS 1743 Road Works Signing Code of Practice, the provision of adequate barricading of works, including trenches of Service Authorities and any other road openings, sufficient to ensure public safety.

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

**Urban Design**

16. 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.

Chairperson's initials





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

#### **Country Fire Authority**

20. The Bushfire Management Plan, Map 4, by Practical Ecology, 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.

#### **Mandatory Condition – Maintenance of bushfire mitigation measures**

21. 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 and the relevant fire authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

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



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

**Carried**

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

*Cr Spelman returned to the chamber at 8.55 pm*

Chairperson's initials



**11.3 Planning application 254/2015/P - To construct a four storey building containing twenty-three (23) dwellings - 22-24 Sheridan Avenue Frankston**

*(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 254/2015/P for the use and construction of a four storey building containing twenty-three (23) dwellings at 22-24 Sheridan Avenue, Frankston, subject to the following conditions:

**Plans**

1. Before the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application prepared by Peter Hendy Design & Drafting Services (Ref:150805), but modified to show:
  - a. All balconies facing the street to be clear glazing;
  - b. Mail boxes to be relocated inside the property boundaries adjacent to the pedestrian pathway to the entrance of the development;
  - c. Front fence to have 25% transparency with a maximum height of 1.5 metres;
  - d. Decorative screening to be provided to all side and rear boundaries of the undercroft car park;
  - e. Details of the colour and materials used in the screening for the undercroft car park;
  - f. Materials and colour schedule in accordance with Condition 15;
  - g. Landscaping plan in accordance with Condition 3;
  - h. Provision of a waste management plan in accordance with Condition 14.
  - i. A Construction and Environment Management Plan in accordance with Condition 18.

**No Alterations**

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

**Landscape Plans**

3. Before the commencement of buildings and works, a landscape plan is required to be prepared by a suitably qualified landscape professional and must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must incorporate:
  - a. a survey (including botanical names) of all existing vegetation on the site and within three (3) metres of the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;

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- b. buildings on neighbouring properties within three metres of the boundary,
- c. a planting schedule of all proposed trees, shrubs, grasses and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;
- d. the delineation and details of surface finishes of all garden beds, grassed areas, pathways, driveways, retaining walls and other landscape works including areas of cut and fill throughout the development site;
- e. The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;
- f. a range of plant types from ground covers to large shrubs and trees;
- g. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
- h. sustainable lawn areas and plant species taking current water restrictions into consideration;
- i. A planting theme of a minimum 80% indigenous and 20% native species within each plant group;
- j. medium to large shrubs to be provided at a minimum pot size of 140mm; and
- k. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- l. Any other changes required by Melbourne Water.

#### **Prior to Occupation**

4. Before the occupation of the proposed dwellings, the landscaping works, as shown on the endorsed plans, must be completed to the satisfaction of the Responsible Authority. The landscaping must thereafter be maintained to the satisfaction of the Responsible Authority at all times.

#### **Drainage**

5. Provision of a Stormwater Detention System with a volume capable of retarding the 10 year ARI flow from the development site back to a 5 year ARI pre-development value to the satisfaction of the Responsible Authority.
6. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
  - On-site stormwater detention and rainwater tanks.
  - Soil percolation.
  - Stormwater harvesting and Re-use of stormwater for garden watering, toilet flushing, etc.
  - On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.
7. Stormwater runoff must achieve the following objectives for environmental quality, as set out in the Urban Stormwater Best Practice Environmental Guidelines (CSIRO) 1999.

- 80% retention of the typical annual load of suspended solids;
- 45% retention of typical annual load of total phosphorous; and
- 45% retention of typical annual load of total nitrogen

Water Quality works within the development must be provided to achieve compliance with the above best practice standards to the satisfaction of the Responsible Authority.

8. Stormwater Drainage Outfall is to be constructed to the satisfaction of the responsible Authority.
9. Vehicle crossing shall be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.
10. All disused vehicle crossings shall be removed and the area reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.
11. Prior to occupation of the dwellings hereby permitted, areas set aside for parking vehicles, loading bays, access lanes and paths as shown on the endorsed plans must be :-
  - a. Constructed to the satisfaction of the Responsible Authority.
  - b. Properly formed to such levels that they can be used in accordance with the plans.
  - c. Surfaced with an all-weather sealcoat or surfaced with crushed rock or gravel.
  - d. Drained and maintained to the satisfaction of the Responsible Authority.
  - e. Line-marked to indicate each car space, loading bay and all access lanes and the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.

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

12. Where the development involves work on or access to Council controlled land including roads, reserves and right of way, the owner, operator and their agents under this permit must at all times take adequate precautions to maintain works to the highest public safety standards, to the satisfaction of the Responsible Authority.

Precautions must include, appropriate signage to AS 1743 Road Works Signing Code of Practice, the provision of adequate barricading of works, including trenches of Service Authorities and any other road openings, sufficient to ensure public safety.

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

### **Construction and Environment Management Plan**

13. Prior to the commencement of buildings and works, including removal of vegetation, a Construction and Environment Management Plan must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed to form part of the permit. Any plans submitted must be consistent with all other documents approved as part of this permit. The information must be drawn to scale with dimensions and three (3) copies must be provided. The Plan is to include details of the following:
  - a. Contact Numbers of responsible owner/contractor including emergency/24 hour mobile contact details.

Chairperson's initials



- b. Identification of possible environmental risks associated with development works.
- c. Response measures and monitoring systems to minimise identified environmental risks, including but not limited to acid sulphate soils, vegetation protection, fauna protection, runoff, erosion, dust, litter, noise and light.
- d. Any recommendations contained within the Chemical Analysis Report for Acid Sulphate Soil Detection prepared by Civil Test Pty Ltd dated 30 May 2005 for the treatment of acid sulphate soils.
- e. Location and specifications of sediment control devices on/off site.
- f. Location and specifications of surface water drainage controls.
- g. Location and specifications of fencing for the protection of trees and/or vegetation as required by the permit.
- h. Proposed drainage lines and flow control measures.
- i. Location of all stockpiles and storage of building materials.
- j. Location of parking for site workers and any temporary buildings or facilities.
- k. Hours during which construction activity will take place.
- l. The Construction Management Plan must be guided by the Urban Stormwater Best Practice Management Guidelines (CSIRO 1999).

#### **Waste Management**

14. All waste generated by the dwellings will be required to be collected on site by a Private Waste Collection Contractor. A waste management plan must be submitted for approval to the satisfaction of the responsible authority.

#### **Urban Design**

15. Before the development commences, a detailed schedule and sample panel of all external materials and finishes including coloured copies suitable for endorsing, must be submitted to the satisfaction and approved by the Responsible Authority. The schedule must provide details of all external materials and finishes, walls, roof and glazing treatments, etc. The materials and colour schedule must be to the satisfaction of the Responsible Authority and when approved, the schedule will form part of the permit.
16. 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.
17. Mailboxes shall be provided to the proposed dwellings to the satisfaction of the Responsible Authority and Australia Post.
18. All plumbing work, sewer pipes etc (except for spouting and stormwater pipes) associated with the new dwellings shall be concealed from general view.
19. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

#### **Melbourne Water**

20. Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions for ground floor levels and open screening style.

21. The ground floor dwelling must be constructed with finished floor levels set no lower than 2.73 metres to the Australian Height Datum (AHD), which is 300mm above the flood level of 2.43 metres to AHD.
22. The car parking area must be constructed as far as practically possible at natural surface level and remain unenclosed for the life of the structure.
23. The storage areas within the ground floor must be constructed with finished floor levels set no lower than 2.57 metres to the Australian Height Datum (150mm above the applicable flood level at this location of 2.43 metres AHD).
24. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
25. The car parking area and open spaces within the property are to have no imported fill placed within overland flow path.
26. The decking for dwelling 1 must be constructed with unenclosed foundations to allow for the passage of overland flows.
27. Any new front and/or screen must be open in style of construction (minimum 50% open) to allow for the passage of overland flood flows.
28. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

#### **Satisfactorily Completed**

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

#### **Permit Expiry**

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

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

#### **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.

### **Council Decision**

**Moved: Councillor Aitken**

**Seconded: Councillor Mayer**

That a Refusal to Grant a Planning Permit be issued pursuant to Section 65 of the Planning and Environment Act 1987:

#### WHAT ARE THE REASONS FOR THE REFUSAL?

1. The proposal does not comply with the objectives and decision guidelines of the Design and Development Overlay (Schedule 6) due to the overall height and scale of the development.
2. The proposal is an inappropriate design response and creates excessive visual bulk especially to adjoining properties and the immediate surrounds.
3. The proposal does not achieve a high design standard for medium density housing and therefore results in an unreasonable impact on the amenity of the surrounding neighbourhood and future occupants.

#### **Carried Unanimously**

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

Against the Motion: Nil

Absent: Crs Tayler and Taylor

*Cr Taylor returned to the chamber at 9.00 pm*



**11.4 Town Planning Application 936/2005/P - 12 Hi-Tech Place, Seaford - To amend Planning Permit 936/2005/P to include use of land to sell or consume liquor (wine and beer producers licence).**

*(MP Community Development)*

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

That Council resolves to issue an Amended Planning Permit in respect to Planning Permit 936/2005/P for the construction of buildings and works for an industrial development (two factories and associated offices and car parking), reduction in car parking (pursuant to Clause 52.06), and to sell and consume liquor (wine and beer producers licence) at 12 Hi-Tech Place, Seaford, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:-
  - (a) a landscape plan and associated planting schedule that is in accordance with Council's Industrial Development Policy to the satisfaction of Council's Landscape Architect.
  - (b) Site levels and nominate a Finished Floor Level to AHD (Australian Height Datum) to achieve the applicable minimum Finished Floor Level that is set at 3.85m AHD to the satisfaction of the Responsible Authority (Infrastructure Manager).

**No Alterations**

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. Parking spaces shall be clearly delineated with pavement line markings and signs to differentiate between staff/visitor/disabled parking.
4. Under this permit activities undertaken at the site must at all times satisfy the as-of-right industrial use zone provisions under the Frankston Planning Scheme.

**Liquor Licence**

5. Unless with the prior written consent of the Responsible Authority, the selling or consumption of alcohol must only take place at the premises during the following hours:
  - 12:00 pm – 6:00 pm Monday to Sunday
6. The licensee/permit holder shall not cause or permit undue detriment to the amenity of the area to arise out of, or in connection with the use of the premises to which the licence/permit relates during or immediately after trading hours authorised by the licence/permit.
7. A maximum of 20 patrons will be permitted at any one time on the premises during the following hours unless with the prior written consent of the Responsible Authority:
  - Monday – Sunday, 12:00 pm – 6:00 pm, 20 patrons



**Amenity**

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

**Engineering**

9. Prior to commencement of development detailed design plans and drainage computations of the internal stormwater drainage including method of connection to the existing Council drainage infrastructure are to be submitted and approval to the satisfaction of the Responsible Authority (Infrastructure Manager).
10. The buildings hereby approved shall not be occupied until all the areas set aside for parked vehicles and access lanes as shown on the endorsed plans have been:-
- (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 to the satisfaction of the Responsible Authority.
  - (d) Drained and maintained to the satisfaction of the Responsible Authority.
  - (e) Line-marked to indicate each car space (including line-marking and signage of disabled spaces) and all access lanes to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times.

11. The development shall be provided with access ramps for pedestrians and wheelchair access at changes of grade, entry to buildings and from the car park to the front of the building.
12. The amenity of the area must not be detrimentally affected by the use & development, through:-
- (a) Transport of materials, goods or commodities to or from the land.
  - (b) Appearance of any building, works or materials.
  - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - (d) Presence of vermin.
13. The loading and unloading of goods from vehicles must only be carried out on the land.
14. No goods, materials or equipment shall be stored or left outside the buildings on the site at any time, where they are readily visible to the public.
15. All vehicle crossings are to be constructed to Frankston City Council standards and specifications to the satisfaction of the Responsible Authority (Infrastructure Manager).
16. All disused vehicle crossings shall be removed and the area reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority (Infrastructure Manager).
17. Concrete kerbs and barriers shall be provided to the satisfaction of the Responsible Authority (Infrastructure Manager)

18. Where the development involves work on or access to Council controlled land including roads, reserves and rights of way, the owner, operator and their agents under this permit shall at all times take adequate precautions to maintain works to the highest public safety standards.

Precautions are to 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 are to be obtained from Council for works within the existing road reserves in addition to the planning permit.

19. Power and telecommunication lines shall be placed underground from the main points of service outside the boundaries of the site.
20. Before the use allowed starts, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

#### **EPA**

21. The proponent must apply for and be issued with a works approval from the Environment Protection Authority with respect to the use and development of the site for a micro-brewery prior to any works beginning.
22. All wastewater must be connected to reticulated sewer, in accordance with a Trade Waste Agreement with the relevant authority.
23. Noise emissions from the premises must comply with the requirements of the State Environment Protection Policies (Control of Noise from Commerce, Industry and Trade) No. N-1.
24. Odours offensive to the sense of human beings must not be discharged beyond the boundaries of the premises.
25. There must be no discharge of wastewater or contaminated stormwater to the stormwater drainage system or surface waters. Suitable drains, interceptor pits, water treatment facilities, pumps and sumps must be installed to ensure any wastewater or contaminated stormwater generated at the premises is:
- (a) connected to reticulated sewer, in accordance with a Trade Waste Agreement with South East Water; or
  - (b) collected by an EPA permitted contractor, as appropriate.
26. A secondary containment system must be provided for liquids and chemicals which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the Bunding Guidelines (EPA Publication No. 347, 1992).
27. There must be no visible discharge of dust beyond the boundary of the premises. All waste discharges to the external atmosphere must be:
- Discharged from a stack outlet at least 3 metres above the roofline of any building or
  - Obstruction within a 15 metre radius;
  - Discharged with an efflux velocity of at least 10 metres per second; and
  - Not be obstructed at the stack outlet by a weather cap, cowl or other obstruction.

28. All putrescible waste (including spent grains/yeast intended for livestock feed) must be stored in sealed and lidded bins and removed from the premises as frequently as required to prevent the discharge of offensive odours.
29. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

### Expiry

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

In accordance with Section 69 of the Planning and Environment Act 1987 an request may be submitted to the responsible authority for an extension of the periods referred to in this condition.

### NOTES:

- A. Section 69 of the Planning and Environment Act, 1987 provides that before the permit expires or within 6 months afterwards, the owner or occupier of the land to which the permit applies may ask the responsible authority for an extension of time. Please note, 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.
- B. Any request for time extension or variation / amendment of this Permit or any condition must be lodged with the relevant fee.
- C. External lighting of the carpark must be in accordance with AS1680.2.1.
- D. Unless no permit is required under the Frankston Planning Scheme, no advertising signs must be constructed or displayed without a further permit.
- E. A \$130.00 non-refundable Asset Protection Permit is required from Council's Infrastructure Department prior to the commencement of works.
- F. The owner/applicant of the subject site should join and comply with the Frankston Liquor Industry Accord, which requires the member to serve liquor in a responsible manner.

This permit has been amended as follows:

Date of Amendment	Brief Description
15 April 2015	This permit was amended pursuant to section 74 of the Planning and Environment Act 1987, by amending the permit description and the addition of permit conditions 17-24, the amendment of Conditions 2 and replacement of original condition 18 with new condition 26 and renumbering original condition 17 to new condition 25.

19 September 2016	This permit was amended pursuant to section 74 of the Planning and Environment Act 1987, by amending the permit preamble, amending the endorsed plans, addition of permit conditions 5-8, and renumbering the planning permit.
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**Carried Unanimously**

For the Motion: Crs Aitken, Cunial, Dooley, Hampton, Mayer, O'Reilly, Spelman and Taylor  
Against the Motion: Nil  
Absent: Cr Tayler

Chairperson's initials



**11.5 Amendment to Planning Permit Application 22/2014/P/A - 20 Station Street, Seaford - To use the land to sell or consume liquor (Restaurant and Cafe Licence) and reduction of car parking and bicycle facilities associated with the use of land as a restaurant**

*(MP Community Development)*

**Council Decision**

**Moved: Councillor Aitken**

**Seconded: Councillor Mayer**

That Council resolves to issue a Notice of Decision to Amend Planning Permit 22/2014/P to use the land to sell or consume liquor (Restaurant and Café Licence) and reduction of car parking and bicycle facilities associated with the use of land for a restaurant at 20 Station Street, Seaford, subject to the following conditions:

**WHAT AMENDMENTS ARE BEING MADE TO THE PERMIT?**

- A. Amending the endorsed plans by increasing the area in which liquor is to be sold and consumed to include a new outdoor area at the rear of the site.
- B. Amending the conditions of the permit to extend the hours in which liquor can be sold or consumed on the land; to extend the hours of operation of the restaurant; to increase the number of patrons; and deleting condition 5.

**TO WHAT CONDITIONS IS THE AMENDMENT SUBJECT?**

**Amended Plans**

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application but modified to show:
  - a. The red line following the boundaries of the site. In particular the splay at the rear of the site must be retained.
  - b. The finish of the surface for the rear outdoor area.

**Liquor Licence Requirements**

3. Unless with the prior written consent of the Responsible Authority, the selling or consumption of alcohol must only take place at the premises during the following hours:
  - Monday to Sunday – 11:00am to 11:30pm.

**Restaurant Requirements**

4. A maximum of 70 patrons shall be permitted at any one time, unless with the prior written consent of the Responsible Authority.
5. Unless with the prior written consent of the Responsible Authority, the use of the land as a restaurant must only operate during the following hours:
  - Monday to Sunday – 6:30am to 12:00am (midnight).

**Carried Unanimously**

Chairperson's initials



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

Against the Motion: Nil

Absent: Cr Tayler

Chairperson's initials



**11.6 Town Planning Application 623/2000/P – 35-37 Davey Street, Frankston 3199  
(Frankston Arts Centre and Cube 37) – Section 72 Amendment – To increase the  
area that liquor is allowed to be consumed or supplied under a licence.  
(MP Community Development)**

*Cr Aitken left the chamber at 9.08 pm*

*Cr Aitken returned to the chamber at 9.09 pm*

**Council Decision**

**Moved: Councillor Mayer**

**Seconded: Councillor Taylor**

That Council resolves to issue an Amended Planning Permit in respect to Planning Permit Application number 623/2000/P to *extend the existing "On-Premises" liquor licence* at 35-37 Davey Street, Frankston 3199, subject to the following conditions:

1. The use authorised by this permit shall after it is commenced be continued to the satisfaction of the Responsible Authority.
2. No alcoholic beverages may be consumed outside the building other than within the approved licensed areas.
3. Before the permitted use begins, a Patron Management Plan for the consumption of liquor within the defined external areas surrounding the Frankston Arts Centre building must be submitted to and approved to the satisfaction of the Responsible Authority. Once approved, the plan will be endorsed to form part of this permit. Once endorsed, all security and management practices must take place in accordance with this plan. The plan must include but is not limited to:
  - (a) Specific methods of patron control to ensure patrons stay within the external licenced areas so that no nuisance is caused to the surrounding area;
  - (b) Details of the specific methods to be taken by management and staff in relation to the management of patrons in an orderly manner;
4. The use may operate only between the hours of :-
  - Sunday – Between 10 a.m. and 1 a.m. the following morning except for Anzac Day
  - Good Friday & Anzac Day – Between 12 noon and 11 p.m.
  - On any other day – Between 7 a.m. and 1 a.m. the following morning except for Good Friday and Anzac Day.
5. The amenity of the area must not be detrimentally affected by the use or development, through:-
  - (a) Transport of materials, goods or commodities to or from the land.
  - (b) Appearance of any building, works or materials.
  - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit and oil.
  - (d) Presence of vermin
6. The premises shall be vacated after the approved hours of operation in an orderly and proper manner and cause no nuisance to the surrounding area / neighbourhood.

Chairperson's initials



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

- The use is not started within two years of the date of this permit.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

#### Notes

- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.

**Carried Unanimously**

For the Motion: Crs Aitken, Cunial, Dooley, Hampton, Mayer, O'Reilly,  
Spelman and Taylor  
Against the Motion: Nil  
Absent: Cr Tayler





**11.8 Frankston City Council Waste Management Guidelines for new Multi-Unit Developments**

*(MP Community Development)*

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

That Council resolves to:

1. Receive the proposed Frankston City Council Waste Management Guidelines for new Multi-Unit Developments.
2. Place the Frankston City Council Waste Management Guidelines for new Multi-Unit Developments on public exhibition for a period of three weeks to seek public comment and input.
3. Request a report on any submissions received be prepared for review by Council and consideration of the Guidelines for adoption as a policy document.

**Carried Unanimously**

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

Against the Motion: Nil

Absent: Cr Tayler



**11.9 July Town Planning Progress Report***(MP Community Development)***Council Decision****Moved: Councillor Aitken****Seconded: Councillor Cunial**

That Council receives and notes the report.

**Carried Unanimously**For the Motion: Crs Aitken, Cunial, Dooley, Hampton, Mayer, O'Reilly, Spelman  
and Taylor

Against the Motion: Nil

Absent: Cr Tayler

Chairperson's initials



**11.10 Sandstorm Events**

*(MP Community Development)*

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

That Council supports the applicant in seeking a Ministerial amendment to the Frankston Planning Scheme pursuant to Section 20(4) of the Planning and Environment Act 1987.

**Carried Unanimously**

For the Motion: Crs Aitken, Cunial, Dooley, Hampton, Mayer, O'Reilly, Spelman and Taylor  
Against the Motion: Nil  
Absent: Cr Tayler

Chairperson's initials



**12. CONSIDERATION OF REPORTS OF OFFICERS****12.1 Consolidated Financial Statements and Performance Statement for the year ended 30 June 2016**

*(KJ Corporate Development)*

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

That:

1. Council approves adoption, in principle, of the draft Financial Report for year ended 30 June, 2016 including the Consolidated Annual Financial Statements and Performance Statement;
2. The Mayor and Councillor Hampton (as Council's nominated Audit and Risk Management Committee members) be authorised to certify the final Consolidated Financial Statements after agreement with Council's external auditors as to any changes that may need to be made and as considered appropriate;
3. The Mayor and Councillor Hampton (as Council's nominated Audit and Risk Management Committee members) be authorised to certify the final Performance Statement after agreement with Council's external auditors as to any changes that may need to be made and as considered appropriate.

**Carried Unanimously**

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

Against the Motion: Nil

Absent: Cr Tayler

Chairperson's initials



**12.2 Proposed parking changes during upgrade of Young Street**

*(VA CAA Development)*

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

That Council notes the report of the proposed parking changes resulting from the upgrading of Young Street and urges the State Government to implement its ongoing Communication Plan to the wider Community highlighting the significant works noting that there will be some inconvenience to commuters, shoppers, visitors and traders.

**Carried**

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

Against the Motion: Cr Taylor

Absent: Cr Tayler

Chairperson's initials



**12.3 Frankston City Council response to Level Crossing Removal Authority Feasibility Study announcement***(VA CAA Development)**Cr Tayler returned to the Chamber at 9.19 pm**Cr Mayer left the chamber at 9.22 pm**Cr Cunial left the chamber at 9.24 pm**Cr Mayer and Cunial returned to the chamber at 9.27 pm**Cr Hampton left the chamber at 9.27 pm***Council Decision****Moved: Councillor Aitken****Seconded: Councillor Spelman**

That Council:

1. Acknowledges and notes the Level Crossing Removal Authority Feasibility Study reports and future consultation timelines, strongly encourages all interested Community members to participate in the next stage of the community consultation and submit their input through the issuing of a Media Release by Council.
2. Writes to the Minister for Public Transport, the Hon. Jacinta Allan MP and the Level Crossing Removal Authority acknowledging receipt of the Level Crossing Removal Feasibility Study. Highlighting Council's inability to fully participate in the future consultation due to the beginning of the Local Government election period on 20<sup>th</sup> September 2016, its statutory requirements noting that this will severely limit Council to comment on the proposed options and advocate on behalf of its Community and thus request that an extension of time for submissions be granted to 22 December 2016 in order to allow the incoming Council to properly consult with the community and provide an accurate submission to the LXRA.
3. Requests that Officers' review the Feasibility Study and prepare a report for the new term of Council (2016-2020) to consider the matter, at its earliest opportunity.
4. In light of the pending Officers' report, Council maintains its preferred options for the three sites within its Municipality, noting the Feasibility Study does not align with the current Council's agreed preferred option of Rail under Road for all locations.

**Carried Unanimously**

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

Against the Motion: Nil

Absent: Cr Hampton

Chairperson's initials



**12.4 Recognition and Appreciation of Services given to the community by the Mayor and Deputy Mayor for the 2015/16 Mayoral Term**

*(DH Chief Executive Office)*

*Cr Taylor left the chamber at 9.29 pm*

*Cr Hampton returned to the chamber at 9.31 pm*

*Cr Taylor returned to the chamber at 9.31 pm*

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

That a letter under seal be presented to:

1. Cr. James Dooley, in recognition of his service to the Frankston Community as Mayor during 2015/16; and
2. Cr. Colin Hampton, in recognition of his service to the Frankston Community as Deputy Mayor during 2015/16.

**Carried Unanimously**

Chairperson's initials



**12.5 Proposed Lease of Council Land - Part of 20R Ebdale Street Frankston - United Energy Distribution Pty Limited (Existing Sub-station)**

*(GV Corporate Development)*

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

That:

1. United Energy Distribution Pty Limited be advised that Council agrees in principle to the leasing of part of the land at 20R Ebdale Street Frankston, being part of Lot 1 on Title Plan Number 550344, for a term of 40 years, for the sum of \$1 per annum if demanded, for the purposes of an electrical sub-station, subject to:
  - (i) the satisfactory completion of statutory procedures for the leasing of Council land pursuant to s. 190 *Local Government Act 1989*,
2. The Chief Executive Officer be authorised to commence the statutory procedures for the leasing of land including public notice.

**Carried Unanimously**

Chairperson's initials





**12.6 Amendment to Council's Instruments of Delegation**

*(MC Corporate Development)*

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

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 Council to Members of Staff approved by Council on 4 April 2016 be amended to include the role title "Practice Leader Statutory Planning" (PLSP).
2. The Amended Instrument of Delegation:
  - (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.

**Carried Unanimously**

Chairperson's initials



**12.7 Council submission on the consultation for Victorian Aboriginal Local Government Action Plan**

*(LD Community Development)*

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

That Council endorses the attached draft submission responding to the consultation on the Victorian Aboriginal Local Government Action Plan, which was submitted by officers on the provision that it can be amended or withdrawn if not endorsed by Council on 19 September 2016.

**Carried Unanimously**

**12.8 FMAC Streetscape Plan and Urban Forest Policy***(DS Community Development)***Council Decision****Moved: Councillor O'Reilly****Seconded: Councillor Spelman**

That Council:

1. 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. Receives the Draft Frankston Urban Forest Policy and releases the policy for thorough public consultation with a report to be submitted to Council for adoption early in 2017.
3. Notes the Frankston Gateways Guiding Document and the Fletcher Road Gateway concept plan.
4. 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.

**Carried**

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

Against the Motion: Crs Aitken, Cunial and Hampton

*Cr Taylor left the chamber at 10.03 pm*

Chairperson's initials



**12.9 Community Development Division – Resolution Progress Report**  
*(GK Community Development)*

*Cr Taylor returned to the Chamber at 10.04 pm*

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

That Council notes the report.

**Carried Unanimously**

Chairperson's initials



**12.10 Youth Services Operating Hours**

*(LD Community Development)*

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

That Council approve management determining operating hours as required to meet youth service needs.

**Carried Unanimously**

Chairperson's initials



**12.11 Frankston History Day 2016 Event Overview***(MP Community Development)***Council Decision****Moved: Councillor Cunial****Seconded: Councillor Aitken**

That Council:

1. Note the success of the Frankston History Day 2016.
2. Thank the participants, including speakers and organisations, who contributed to the day's proceedings.
3. Agree that a report is to be prepared for the incoming Council setting out options for consideration on how a similar event could be held in 2017.
4. Encourages the future Council to fund the completion of the short film featuring the City of Frankston for the period of 1966 to present.

**Motion be put****Moved: Councillor Taylor****Seconded: Councillor Spelman**

That the motion be put.

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

Against the Motion: Cr Cunial

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

**13. NOTICES OF MOTION****13.1 NOM1225 - Pedestrian Crossing - McCormicks Road**

*(CM Chief Executive Office)*

*Cr Cunial left the chamber at 10.23 pm*

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

That Council investigate the feasibility of a pedestrian crossing between Sandarra Boulevard and Sandhurst Boulevard on McCormicks Road, Carrum Downs and a footpath from Sandarra Boulevard to the crossing.

**Carried Unanimously**

For the Motion: Crs Aitken, Dooley, Hampton, Mayer, O'Reilly, Spelman, Tayler and Taylor  
Against the Motion: Nil  
Absent: Cr Cunial



**13.2 NOM1226 – Seaford Football Club**

*(CM Chief Executive Office)*

*Cr Cunial returned to the Chamber at 10.25 pm*

*Cr Tayler left the Chamber at 10.27 pm*

*Cr Tayler returned to the Chamber at 10.28 pm*

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

That Seaford Football Club be prioritised for a possible relocation to part of the St Kilda complex in East Road, Seaford.

**Carried**

For the Motion: Crs Aitken, Cunial, Dooley, Hampton, Mayer, Spelman, Tayler and Taylor

Against the Motion: Cr O'Reilly

Chairperson's initials





**13.3 NOM1227 - Beauty Park Rotunda**

*(CM Chief Executive Office)*

**Recommendation**

That Council replace the damaged sandstone at the Beauty Park rotunda immediately.

*The Notice of the Motion was withdrawn by Cr Aitken*

Chairperson's initials



**13.4 NOM1228 - Use of Herbicide**

(CM Chief Executive Office)

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

That the use of herbicide be prohibited in Frankston and that steam treatment be used where necessary.

**Motion be put****Moved: Councillor Tayler****Seconded: Councillor O'Reilly**

That the motion be put.

**Carried**

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

Against the Motion: Crs Aitken, Cunial, Dooley and Hampton

**The motion was then put  
and Lost**

For the Motion: Cr Aitken

Against the Motion: Crs Cunial, Dooley, Hampton, Mayer, O'Reilly, Spelman, Tayler and Taylor

**14. LATE REPORTS**

Nil.

**15. URGENT BUSINESS**

Nil.

Chairperson's initials



## 16. 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 Minutes of the Frankston Arts Board - August Meeting**

Agenda Item C.1 Minutes of the Frankston Arts Board - August Meeting is designated confidential as it relates to proposed developments (s89 2e)

**C.2 Outcomes of the Audit and Risk Management Committee meetings**

Agenda Item C.2 Outcomes of the Audit and Risk Management Committee meetings is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

**C.3 Centenary Park Sporting Precinct Development**

Agenda Item C.3 Centenary Park Sporting Precinct Development is designated confidential as it relates to contractual matters (s89 2d)

**C.4 Appointment of Director to the Board of Peninsula Leisure Pty Ltd**

Agenda Item C.4 Appointment of Director to the Board of Peninsula Leisure Pty Ltd 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.5 Contract No 2015/16-80 Plant, Equipment, Plant and Operator Hire Contract (correction to Council's Resolution of 6 June 2016)**

Agenda Item C.5 Contract No 2015/16-80 Plant, Equipment, Plant and Operator Hire Contract (correction to Council's Resolution of 6 June 2016) is designated confidential as it relates to contractual matters (s89 2d)

**C.6 Frankston Football Club Incorporated - Voluntary Administration**

Agenda Item C.6 Frankston Football Club Incorporated - Voluntary Administration is designated confidential as it relates to contractual matters (s89 2d)

**C.7 Councillor Conduct Arbitration Matters**

Agenda Item C.7 Councillor Conduct Arbitration Matters 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), and A resolution to close the meeting to members of the public (s89 2l)

*This item was brought forward to the Open Agenda*

**C.8 NOM1229 - Arbitrators Decision**

Agenda Item C.8 NOM1229 - Arbitrators Decision 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)

*This item was brought forward to the Open Agenda*

**Carried Unanimously**

Chairperson's initials





*The meeting was closed to the public at 10.43 p.m.*

CONFIRMED THIS

DAY OF

2016

.....  
**CHAIRPERSON**

**AUTHORITY TO STAMP INITIALS ON MINUTES**

I, Cr. James Dooley, Chairperson – Council Meeting hereby authorise the use of an electronic stamp of my initials to initial each page of these Minutes of the Council Meeting held on Monday, 19 September 2016, to be confirmed on at the next Ordinary Meeting after Council Elections.

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

Dated this

day of

2016

## Final Speech by Mayor – Presented at OM293 – 19 September 2016

This speech is about the last four years and has a theme; that is thanking our partners in our achievements.

Firstly, let me start by thanking our families. I know they make a great sacrifice a great deal through your involvement with the Council. But, they love you and support you in your efforts to make a better city, as my family does. To my wife Pauline, thank you very much. Your quiet encouragement and wise words have kept me grounded and on task over these last 4 years.

You will have noted from item 12.1 in this evenings agenda that the Auditor General is in the stages of finalising their report and have found that there are no “non-conformances” to report upon. Furthermore, I’m happy to say that in financial terms we will be paying forward to the next Council an operating surplus at the end of the 2016/2017 financial year of \$16 million. This is a vastly different situation as to what we found, 4 years ago.

About 2 months after we formed the new Council, which was in early 2013, we found that we had another \$40 million in debt and liabilities that hadn’t been accounted for or an allowance made for by the previous Council. \$24 million in the construction of the PARC, \$10 million for Stephenson’s Road Landfill and a \$6 million Call on the Defined Benefits Superannuation Scheme. These future costs had been ignored.

With this new knowledge, and our backs to the wall, Council got very busy in its first budget sessions. The instructions were, do not lose services, but cull all un-necessary expenditure. That is, do more with less.

We asked that the management ensure that we were staffed correctly, that the staff were not over-worked or under-employed. We attacked every operational expenditure that we could. We reduced postage, telephone expenses and electricity, water and gas costs and usage. Finance costs, Insurances and Work Cover costs all came under scrutiny. Payroll was improved. External contractors for services such as graffiti clean-up and parking services were bought in-house. A lower price, for a better service. Where ever possible we asked that internal staff be utilised in place of consultants. We quit the MAV and saved a substantial amount in both insurance costs and fuel for our transport fleet.

In this way, we were able to claw another \$20 million out of the operational budget in three years, without loss of staff and in the process deliver a new EBA. With this \$20 million we sought to change the conversation about Frankston, through a number of iconic projects and capital works projects. One of the commonalities between us was that we wanted to build a new Waste Transfer Station. If we hadn’t have made those savings, then we would not have been able to deliver that vital piece of infrastructure that is core to our function.

The other day I added up the capital works budget and over the four years the total capital works program for Frankston City Council from 2012/2013 to 2015/2016 has totaled \$220 million. During this time the completion of expenditure on our capital works program has increased from 79% in 2012/2013 to 89% in 2015/2016. The increase in this completion can be put down to vigorous scoping of projects prior to the final budgetary commitment.

In this time we have partnered with the State and Commonwealth Governments to make these projects a reality and I would like to give some credit to those other stakeholders, without whose support these projects would not have eventuated.



During this last year we have completed the following projects;

- The War Memorial at Beauty Park; the memorial takes pride of place in the park and is admired for its tasteful design, functionality and its solemn character. Ex-Federal MP, Bruce Billson and the Frankston RSL were instrumental in both raising funds and as steering committee contributors. Our Anzac Day service was outstanding, as was our Vietnam Veterans Day service.
- The Frankston Yacht Club and Long Island redevelopment; the catalyst behind the redevelopment of the Yacht Club was that we should play to one of our main strengths in our beach location. The Yacht Club will serve the community for many years and will define the Frankston Foreshore as an iconic destination. To this end Bruce Billson and Melbourne Water partnered with us in this project. I should also add that the boat ramps and jetty at the base of Oliver's Hill will be completed by the beginning of November that is the snapper season. This will complement the new boat ramps that we re-built a couple of years ago in Kananook Creek. Hopefully, the days of cars sliding down the ramps will be over.
- Delacombe Pre-School; the renovation of this much loved Pre-School sets a very high bar for the renewal of our other Pre-Schools. The design is functional and welcoming and the staff is to be commended on this Pre-School.
- Jubilee Park Netball Courts; the Frankston District Netball Association has over 6,000 members. Two weeks ago I attended the Under 11s presentation with Chris Crewther, between us we shook the hands of 500 girls. There is no doubt that the FDNA were in need of better facilities and in this expansion they got them. I would also like to recognise the lobbying of ex-State MP Geoff Shaw, who's lobbying of the State Government secured a much needed funding partner for this project. Without his assistance the project would have not have progressed.
- East-West Wells Street; when I first came into Council, I was receiving on a weekly basis emails from both traders and landlords from Frankston CAD about the sliding economic conditions within the CAD. There was an environment of panic coming from this group. Following on from this we saw the opening of Peninsula Link, which resulted in a 60% drop in the amount of traffic coming down Nepean Highway, this too had a major impact on the turn-over of the traders in Frankston's CAD. The pressure therefore came onto Council to do something and that something was the re-invigoration of East-West Wells Street. That is we had to change the conversation about Frankston. In hindsight, the total budget of \$3.4 million was clearly not enough and the lessons learnt here about the scoping of projects and hurried acceptance of money from other levels of government prior to a project being fully scoped have dominated our thinking on every project that we have undertaken since that time and has been the driver behind the increase in our capital works expenditure completion rate. Little wonder that the State Government has budgeted \$13 million for Young Street.
- The Arts Centre Foyer and Bar; three years ago this Council put the hard word on the Frankston Arts Centre, to do more with less, and they delivered. We have reduced the annual subsidy from \$1.6 million down to \$1.2 million and are on the way to get below \$1 million. But at the same time to achieve this end they required a more functional and welcoming facility, the Arts Centre Foyer and Bar upgrade has achieved this end and makes the building more functional and better suited to the task of entertaining. I must recognise

the work of the Arts Board, these are volunteers that have put forth their expertise and time for the benefit of the city and I thank you.

- Seaford Centre Community Library; again we have a more functional and welcoming space that is being used by groups such as the Seaford Junior Library.
- Jubilee Park Playground; this small playground, designed specifically for very little kids is extremely popular with both Mother's Groups and Dad's out for the day with their kids. It's also part of a larger program to rejuvenate many of the playgrounds we have and to diversify the array of playgrounds. To this end we will see the major playgrounds at Ballam Park and Keast Park be completed in the next few months in time for the family barbecue season. We'll also see the playgrounds at the Frankston Waterfront and the George Pentland Gardens be re-vamped in the new year.
- Frankston Park Function Centre; this was another of those projects that was seen to be a catalyst to change the conversation around Frankston. This is without doubt one of the best spaces at any football ground in Victoria.

Over the last couple of years we have learnt many lessons and implemented a large range of process improvements. I thank the staff and Executive Management Team for your diligence and services to the city. At no stage at any time over the last four years have I thought that we weren't all pulling in the same direction; which is the improvement of the City that we love.

There are a number of projects of real note, that are currently being scoped or are in the early stages of implementation, they are;

- The Carrum Downs Recreation Reserve Pavilion.
- The Ballam Park Football, Netball & Cricket Pavilion.
- The Kananook FDBA Basketball Stadium.
- The McClelland Reserve Soccer Pavilion.

I'm of the belief that nothing knits our community together in the way that sporting involvement does.

To this end, our crowning achievement has been the construction and commissioning of the Peninsula Aquatic Recreation Centre, the PARC. Although conceived by the previous Council, it was built by this Council, on time and on budget. More importantly, the management model is an outstanding success. It is, I believe, the only profitable public swimming pool complex in Victoria, it is now the model that is being copied in other municipalities as the best practice. I should also say that the management of the Pines Pool has been given to PARC. This summer we will see reduced prices at the Pines Pool and a pool obstacle course will be installed there. I should say that we thought that we would have to subsidise PARC to the tune of \$1 million for four years, however two years into its operation, the management of PARC have informed us that they will no longer need to be subsidised.

We have had national recognition in the form of the Keep Australia Beautiful Award, Sustainable City of the Year for 2105. This award is judged on a wide range of criteria; economic, social as well as the obvious environmental benchmark. Given that there are over 500 Councils in Australia, this is a rare honor. But it tells you that Frankston is a great place to live. I have at various times in the last year been heard to say, you are in the Australia's most Sustainable City, in the World's most livable city, in the luckiest Country in the World, so be proud.

Earlier in my speech, I spent time talking about financial matters. Obviously, the State Government has introduced rate capping this year. But, because we had been living frugally over the last four years, we were in a much better position than any other Council in Victoria to deal with this new financial regime. As a result, we were the first Council in Victoria to conform to rate capping and the first to submit our budget to the Minister for Local Government.

One of the most important documents for Council is "The Council Plan". I understand that typically 70%-80% fulfillment of the Council Plan is normal. However, we have achieved a 100% fulfillment of our Council Plan, this is un-heard of as many of the aspirations within the Plan, such as the lobbying for the Frankston Station and the building of the FRRRC were thought to be highly unlikely to achieve. That we have completed 100% of the Plan, does not mean that we nothing left to do. It means that the bar will be raised much higher for the next Council.

I have to say that since I've been Mayor, the track record for voting unanimously on matters has tracked over 90% and at the last meeting it was 100% with the exception of a few abstentions and a deferral. Councilors you would not have achieved all of these things, if you weren't serious in intent and single mindedness in your service to the City of Frankston. That is whatever the differences they have as individuals, that cannot be confused.

I'd like to say on a lighter note, that Hard Waste Collection will proceed this year and I'd ask that people not to mix General Household Waste such as nappies with the Hard Waste, and that you don't put it out too early and that you guard against people from other municipalities driving over the border and dumping there Hard Rubbish on our patch.

There are other things, I could keep going on. CCTV live monitoring and so many other great things I could talk about that has been an achievement to be proud of.

Lastly I'd like to thank all of the volunteers who do so much work to make our city great. I've managed to meet many of you over the years and it's been my greatest of pleasure. Whether it's a sporting clubs, Senior Citizens groups, charitable organizations, environmental groups, Meals on Wheels, the list goes on. Without the involvement of the ordinary citizen in our everyday functions, we would be nothing.

Thank you.

**ENDS**