



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 28 NOVEMBER 2016 at 7PM**

PRESENT	Cr. Brian Cunial (Mayor) Cr. Sandra Mayer Cr. Glenn Aitken Cr. Colin Hampton Cr. Michael O'Reilly Cr. Steve Toms Cr. Quinn McCormack Cr. Kris Bolam Cr. Lillian O'Connor
APOLOGIES:	Nil.
ABSENT:	Nil.
OFFICERS:	Mr. Dennis Hovenden, Chief Executive Officer Ms. Kim Jaensch, Acting Director Corporate Development Dr. Gillian Kay, Director Community Development Mr. Michael Papageorgiou, Manager Planning & Environment Ms. Naomi Neville, Coordinator Statutory Planning Ms. Kelly Ross, Coordinator Communications Ms. Natalie Cincotta, Coordinator Communications Mr. Michael Craighead, Manager Administration & Corporate Projects Ms. Vera Roberts, Executive Assistant to Mayor
EXTERNAL REPRESENTATIVES:	Nil

COUNCILLOR STATEMENT

Councillor Mayer made the following statement:

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

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

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

Chairperson's initials

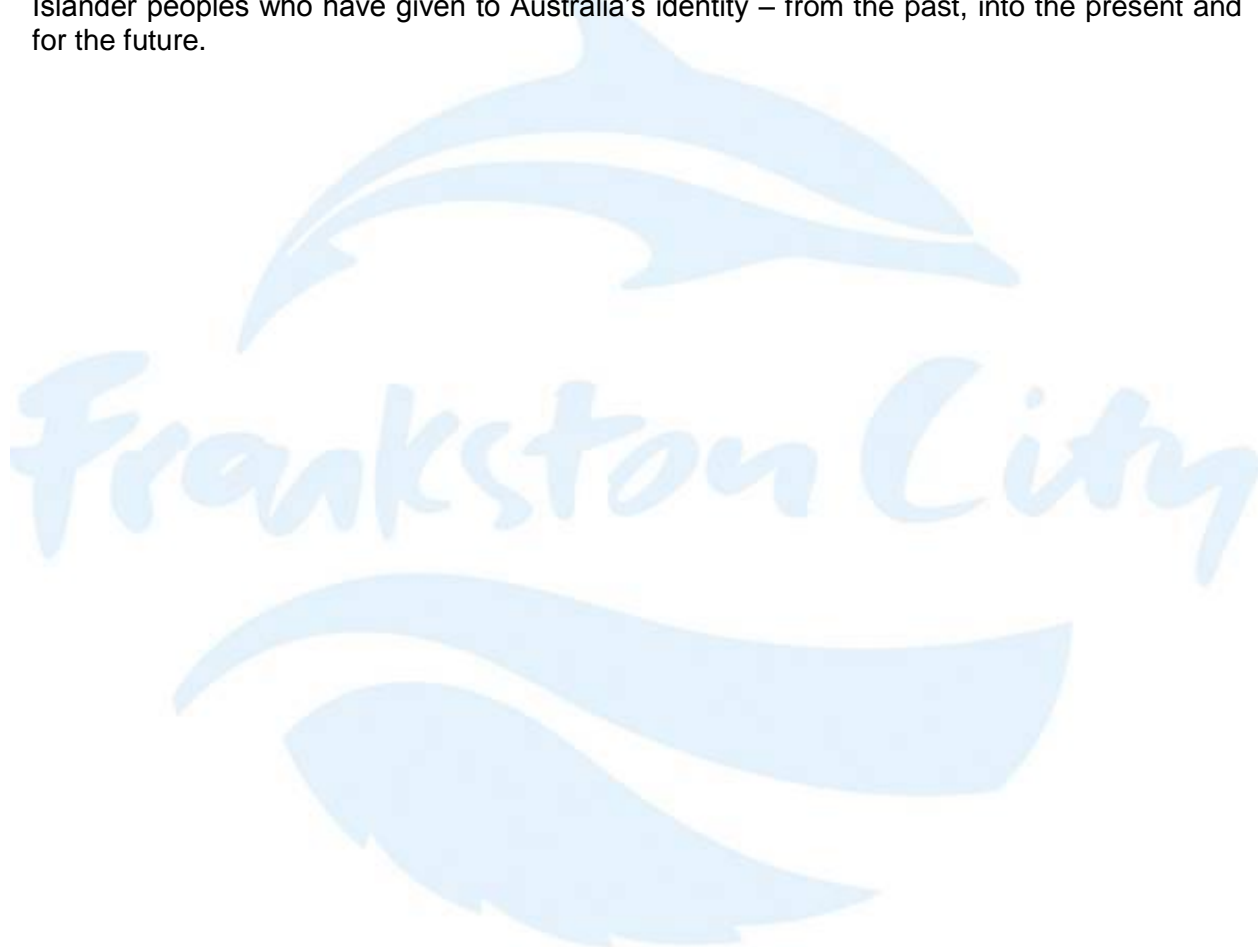
Cr Aitken entered the Chamber at 7.01 pm

PRAYER

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

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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



Chairperson's initials

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1. PRESENTATION TO COMMUNITY GROUPS

Nil

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM293 held on 19 September 2016.

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Mayer

That the minutes of the Ordinary Meeting No. OM293 held on 19 September 2016 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

Special Meeting No. SP197 held on 10 October 2016.

Council Decision

Moved: Councillor Mayer

Seconded: Councillor Hampton

That the minutes of the Special Meeting No. SP197 held on 10 October 2016 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

Special Meeting No. SP198 held on 7 November 2016.

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Aitken

That the minutes and each decision made at the Special (Statutory) Meeting No. SP198 held on 7 November 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

Mayor Cr Brian Cunial declared a conflict of interest in Item 11.6: September Town Planning Progress Report and indicated he would leave the chamber during discussion and voting. The nature of Cr Cunial's interest was ownership of a property that appears in the attachment of the report.

Cr Bolam declared an interest in Item C.2: Proposed Recipients for Citizen, Young Citizen, Senior Citizen and Community Event of the Year Awards for 2017. Cr Bolam indicated he would remain in the chamber during discussion and voting. Cr Bolam stated that one of the nominees was known to him and that he had served on a Board with him up until six months ago.

5. PUBLIC QUESTION TIME

One (1) person submitted questions to Council. At the request of the Mayor, the Chief Executive Officer read the questions and answers to the gallery. The questions and answers are contained in Appendix.

6. HEARING OF PUBLIC SUBMISSIONS

Mr George Chaia made a submission to Council regarding Item 11.2: Town Planning Application 314/2016/P - To construct two (2) single storey dwellings and to alter access to a Road Zone Category 1 - 32 Seaford Road, Seaford;

Ms Kate Larking made a submission to Council regarding Item 13.4: NOM 1232 – Additions to Domestic Animal Management Plan;

Ms Kate Larking made a submission to Council regarding Item 13.6: NOM 1234 – Weed Spraying around playgrounds.

Cr Bolam left the Chamber at 7.12 pm

Cr O'Connor left the Chamber at 7.12 pm

Cr Bolam returned to the Chamber at 7.13 pm

Cr O'Connor returned to the Chamber at 7.13 pm

7. ITEMS BROUGHT FORWARD**Council Decision****Moved: Councillor Mayer****Seconded: Councillor Toms**

That Item 11.2: Town Planning Application 314/2016/P - To construct two (2) single storey dwellings and to alter access to a Road Zone Category 1 - 32 Seaford Road, Seaford, Item 13.4: NOM 1232 – Additions to Domestic Animal Management Plan and Item 13.6: NOM 1234 – Weed Spraying around playgrounds be brought forward.

Carried Unanimously

8. PRESENTATIONS / AWARDS

Nil

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

Nil

10. DELEGATES' REPORTS

Nil

ITEMS BROUGHT FORWARD**11.2 Town Planning Application 314/2016/P - To construct two (2) single storey dwellings and to alter access to a Road Zone Category 1 - 32 Seaford Road, Seaford**

(MP Community Development)

Cr Bolam left the Chamber at 7.27 pm

Cr Bolam returned to the Chamber at 7.29 pm

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

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 404/2015/P to construct two (2) single storey dwellings and to alter access to a Road Zone Category 1, at 32 Seaford Road, Seaford, subject to the following conditions:

Plans

- 1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application (or some other specified plan) but modified to show:
 - a) North and south elevations of Dwelling 2 corrected in accordance with the site plan
 - b) A 2 metre wide x 2.5 metre long triangle incorporated along the eastern side of the proposed driveway along the property frontage in order to improve sight lines.
 - c) A freestanding trellis installed along the northern rear boundary of Dwelling 2 in accordance with condition 8
 - d) Outdoor lighting provided to all the driveways in accordance with Condition 15
 - e) All trees growing on the site and on the adjoining properties within 3m of the boundaries must be clearly illustrated on all relevant plans to demonstrate canopy width, trunk location, clearly labelled and marked' whether the tree is to be retained or removed to the satisfaction of the Responsible Authority.
 - f) The Tree protection zones for all trees to be retained and the tree protection fence locations must be illustrated on all relevant plans to the satisfaction of the Responsible Authority.
 - g) Tree protection measures notated in accordance with condition 3 and 4 of this permit
 - h) A landscape plan in accordance with condition 6 of this permit
 - i) The Melbourne Water requirements in conditions 18 to 21 of this permit

No Alterations

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

Tree Protection Requirements

- 3) All tree pruning is to be carried out by a qualified and experienced Arborist who has a thorough knowledge of tree physiology and pruning methods. Pruning must be carried out in accordance with Australian Standard AS4373-2007 Pruning of Amenity Trees.
- 4) Prior to the commencement of the development (including demolition) hereby permitted, a Tree Protection Fence defined by a 1.8 metre high (minimum) temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting with a high visibility plastic hazard tape, must be installed at the extremity of the dripline of the Monterey Cypress tree located in the front of the site and the Agonis flexuosa on the neighbouring property. A fixed sign is to be provided on all visible sides of the Tree Preservation Fencing, stating "Tree Preservation Zone – No entry without permission from Frankston City Council". The requirements below must be observed within this area -
 - a. No vehicular or pedestrian access;
 - b. The existing soil level must not be altered either by fill or excavation;
 - c. The soil must not be compacted or the soil's drainage changed;
 - d. No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are to be disposed of or stored;
 - e. No storage of equipment, machinery or material is to occur;
 - f. Open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used unless approved by the Responsible Authority to tunnel beneath;
 - g. Nothing whatsoever, including temporary services wires, nails, screws or any other fixing device, is to be attached to any tree;
 - h. No building or any other structure is to be erected;
 - i. Tree roots must not be severed or injured;
 - j. Machinery must not be used to remove any existing concrete, bricks or other materials.
- 5) Paving within the tree protection zone of the neighbouring Agonis flexuosa must be constructed above the existing soil grade and be of air and water permeable material such as sand based paving, gravel, no fine concrete or similar is to be used

Landscaping Requirements

- 6) Before the development starts, a landscape plan prepared by a person suitably qualified or experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be generally in accordance with the landscape concept plan dated 07.07.2016, and show:-
 - a) survey (including botanical names) of all existing vegetation on the site and those located within three (3) metres of the boundary of the site on adjoining properties, accurately illustrated to represent canopy width and labelled with botanical name, height and whether the tree is proposed to be retained and/or removed;
 - b) buildings on neighbouring properties within three metres of the boundary;
 - c) the delineation and details of surface finishes of all garden beds, grassed areas, pathways, driveways, retaining walls and other landscape works including areas of cut and fill throughout the development site;
 - d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;

- e) a range of plant types from ground covers to large shrubs and trees;
 - f) landscaping and planting within all open areas of the site;
 - g) adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - h) The provision of screen planting (minimum mature height of 1.5m) within a landscape strip of 60cm at the interface of the property boundary and driveway;
 - i) A planting theme of a minimum 80% indigenous, 20% native;
 - j) All existing environmental weed species are to be removed from the site, including the Cottoneaster in the front setback and environmental and noxious weeds found in the 'Sustainable Gardening in Frankston City' (2015) booklet are not to be planted;
 - k) The provision of suitable canopy trees (minimum two metres tall when planted) in the areas specified below (trees are not to be sited over easements) with species chosen to be approved by the Responsible Authority;
 - i. 2 within the front setback minimum mature height of 7m
 - ii. 1 within the private open space of all dwellings minimum mature height 5m
 - l) the provision of notes on the landscape plan regarding site preparation, including in-ground irrigation system to be provided to all landscaped areas, removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
 - m) All tree stock planted must be in accordance with Australian Standard AS 2303-2015 Tree stock for landscape use to the satisfaction of the Responsible Authority.
- 7) Before the occupation of any dwelling, 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.
- 8) Before the dwellings hereby permitted are occupied, a free standing trellis (maximum 25% openings) must be erected 600mm above the existing fence on the northern boundary, to restrict overlooking into the private open space areas on the adjoining residential property to the satisfaction of the responsible Authority. The trellis must be framed and thereafter maintained to the satisfaction of the Responsible Authority.

Infrastructure Requirements

- 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) The existing Side Entry Pit that is to be located within the proposed vehicle crossing is to be fully reconstructed to Frankston City Council's standards and specifications in accordance with Frankston City Council standard drawing SD209 to the satisfaction of VicRoads and the Responsible Authority.
- 13) Vehicle crossings must be constructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.

Urban Design Requirements

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

Melbourne Water Conditions

- 17) Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and floor levels shown with Australian Height Datum (AHD).
- 18) The dwellings must be constructed with finished floor levels set no lower than 2.54 metres to Australian Height Datum (AHD) which is 300mm above the applicable flood level of 2.24 metres to AHD.
- 19) The garages must be constructed with finished floor levels set no lower than 2.39 metres to Australian Height Datum (AHD) which is 150mm above the applicable flood level of 2.24 metres to AHD.
- 20) Any new fencing must be of an open style of construction to allow for the passage of overland flow.
- 21) 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.
- 22) Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the dwellings, garages and driveway ramps.
- 23) All open space within the property must be set at the existing natural surface level so as not to obstruct the passage of overland flows, and no retaining walls are to be used in the development of the land.
- 24) Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

VicRoads Conditions

- 25) Prior to the commencement of the development approved by this permit, the following works must be completed to the satisfaction of the Responsible Authority and at no costs to VicRoads:
 - a) The access lanes, driveways, crossovers and associated works must be provided and available for use and be:
 - i) Formed to such levels and drained so that they can be used in accordance with the plan.

Chairperson's initials



- ii) Treated with an all-weather seal or some other durable surface.
 - b) All disused or redundant vehicle crossings must be removed and the area reinstated
- 26) Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).
- 27) The proposed development requires the construction and reinstatement of a crossover. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

Completion of Buildings and Works

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

Permit Expiry

- 29) 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.

Permit Notes

A. Asset Protection Permit

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

B. Extension of Time

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.

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

C. Variation to Planning Permit

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

D. Melbourne Water

- The applicable flood level for the site is 2.38 metres to Australian Height Datum.
- If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9235 2517, quoting Melbourne Water's reference 169933.

E. Street Numbering

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

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

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

Carried Unanimously

For the Motion: Crs Aitken, Bolam, Cunial, Mayer, McCormack, O'Connor,
O'Reilly and Toms

Against the Motion: Cr Hampton

13.4 NOM 1232 - Additions to Domestic Animal Management Plan

(CM Chief Executive Office)

Cr Bolam left the chamber at 7.26 pm

Cr Bolam returned to the chamber at 7.27 pm

The meeting was adjourned at 7.32 pm

The meeting resumed at 7.37 pm

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

That the Chief Executive Officer arrange for officers to investigate the following additions and associated costs to the Domestic Animal Management Plan:

- When owners pay for their cats and dogs registration fees, Council staff do a complimentary check to see if microchip details are up to date.
- All registered and chipped dogs/cats are returned to their owners by vets and/or rangers FREE of charge.
- All health card holders can register their animal for minimal fee or free.
- Council shouldn't spend any money on Pets Day Out but all funding should come from sponsorship and be outsourced to an event organisation company. Monies raised should pay for the event.
- Leash free fencing zones should be built and funded in place of Pets Day Out.
- Council should create an allocated section on their website to post lost and found dogs.
- Dead animals cats or dogs should be scanned and reported to the owner.
- Animal owners should get a discounted registration fee if they take an online test outlining responsible animal ownership welfare.
- A committee should be formed to assist in implementing these ideas made up of residents.
- Initiate a campaign (e.g. go fund me) to raise funds for a day holding facility for lost animals such as Bayside City Council currently run.
- An exemption from desexing for select breeds with an additional registration charge such as neighbouring Councils.
- These issues be raised with animal welfare and interest groups to request their feedback, including local facebook forums.

Carried Unanimously

13.6 NOM 1234 - Weed spraying around Playgrounds

(VR Chief Executive Office)

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

That officers report back to Council on whether or not Roundup or other chemicals are used to spray weeds around children's playgrounds including preschools, and if so, investigate the cost of alternative treatments such as steam to reduce children's exposure to harmful chemicals.

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

That Cr Mayer be granted an extension of time.

Carried Unanimously

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

That Cr Aitken be granted an extension of time.

Carried Unanimously

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

That the motion be put.

Carried Unanimously

**The Motion Was Then Put
and Carried Unanimously**

11. CONSIDERATION OF TOWN PLANNING REPORTS

11.1 Planning Application 232/2016/P - To construct one (1) double storey dwelling to the rear of the existing dwelling (2 dwellings) - 26 Paterson Avenue Langwarrin (MP Community Development)

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Mayer

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 232/2016/P to construct one (1) double storey dwelling to the rear of the existing dwelling (2 dwellings) at 26 Paterson Avenue, Langwarrin 3910 subject to the following conditions:

Plans

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application but modified to show:
 - (a) The proposed fence between the north side of Dwelling 1 and the common accessway deleted.
 - (b) Provision of a landscape island adjacent to north boundary, opposite Dwelling 1 garage. The accessway must maintain the minimum width and turning radii in accordance with Clause 52.06-8 (Design standards for car parking).
 - (c) The garage of Dwelling 2 setback 2.451 metres from the east boundary (outside the easement) and the storage section relocated.
 - (d) The upper storey of Dwelling 2 moved an additional 1.8 metres to the west, to achieve a setback of 5 metres from the east boundary.
 - (e) The natural ground level and finished floor levels on all elevations in accordance with the Plan of Feature Survey (Ref.15-06-08) by Brian Moxham Surveying 29 July 2015.
 - (f) All earthworks (cut and fill) for the proposal shown, including retaining walls and batters and all building heights shown from the natural ground level.
 - (g) Garage wall heights in accordance with Clause 55.04-2 (Walls on boundaries).
 - (h) Dwelling 1 bedroom window on the east elevation deleted and a new north-facing bedroom window added, setback from the common accessway in accordance with Clause 55.03-10 (Parking location).
 - (i) North-facing 'entry' window of Dwelling 2 setback from the common accessway in accordance with Clause 55.03-10 (Parking location).
 - (j) Porches of both dwellings on the site plans and elevations.
 - (k) The east-facing bathroom window on the upper level of Dwelling 2 with obscure glazing in accordance with Clause 55.04-6 (Overlooking).
 - (l) External side screen fixed to the wall on the north side of the west-facing sitting room window of Dwelling 2, in accordance with Clause 55.04-6 (Overlooking).
 - (m) Freestanding trellises in accordance with condition 5.
 - (n) Details of materials and style of the freestanding trellis including level of transparency.
 - (o) Shade devices for all new north, east and west-facing habitable room windows.

- (p) The clothesline of Dwelling 1 and all storage and services, including (but not limited to) water tanks and hot water systems, shown outside the primary areas of secluded private open space.
- (q) Storage for Dwelling 2 in accordance with Clause 55.05-6 (Storage).
- (r) Provision of a path to the Dwelling 1 porch.
- (s) The upper level of Dwelling 2 finished in a different colour and material.
- (t) Outdoor lighting in accordance with Condition 16.
- (u) Landscape plan in accordance with condition 3.
- (v) Provision of a visitor car space generally in accordance with the plan labelled "Alternative Site Plan". The car space must have a length of 5.4 metres, width of 2.6 metres and ensure that an adequate reversing area will be provided so that vehicles can exit the site in a forwards direction. Landscaping abutting the car space must be low level plantings.

No Alterations

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

Landscape Plan

3. Before the commencement of buildings and works, a landscape plan in accordance with the submitted development plan, prepared by a suitably qualified landscape professional must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - (a) a survey (including botanical names) of all existing vegetation on the site and those located within three (3) metres of the boundary of the site on adjoining properties, accurately illustrated to represent canopy width and labelled with botanical name, height and whether the tree is proposed to be retained and/or removed;
 - (b) buildings on neighbouring properties within three metres of the boundary;
 - (c) the delineation and details of surface finishes of all garden beds, grassed areas, pathways, driveways, retaining walls and other landscape works including areas of cut and fill throughout the development site;
 - (d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;
 - (e) a range of plant types from ground covers to large shrubs and trees;
 - (f) landscaping and planting within all open areas of the site;
 - (g) adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
 - (h) the provision of screen planting (minimum mature height of 1.5m) within a landscape strip of 60cm at the interface of the property boundary and driveway;
 - (i) A planting theme of a minimum 20% indigenous and 40% native within each plant group;
 - (j) All existing environmental weed species are to be removed from the site and environmental and noxious weeds found in the 'Sustainable Gardening in Frankston City' (2015) booklet are not to be planted;
 - (k) Large shrub screen planting along the east boundary;
 - (l) the provision of suitable canopy trees (minimum two metres tall when planted) in the areas specified below (trees are not to be sited over easements) with species chosen to be approved by the Responsible Authority:
 - i. Two (2) within the front setback with a minimum mature height of 7m

- ii. One (1) within the private open space of each dwelling with a minimum mature height 5m
 - iii. One (1) adjacent to accessway with a minimum mature height 5m
- (m) the provision of notes on the landscape plan regarding site preparation, including in-ground irrigation system to be provided to all landscaped areas, removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
- (n) All tree stock planted must be in accordance with Australian Standard AS 2303-2015 Tree stock for landscape use to the satisfaction of the Responsible Authority.

Prior to Occupation

4. The landscaping as shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or commencement of the use or at such later date as is approved by the Responsible Authority in writing.
5. Prior to the occupation of the development, freestanding trellises must be erected above the existing and proposed fences on the north and east boundaries of the site to 1.7 metres above the finished floor level of Dwellings 1 and 2, to ensure that effective screening of the adjoining properties is achieved, in particular, overlooking from the Dwelling 1 bedroom and Dwelling 2 entry/kitchen/meals/lounge windows, to the satisfaction of the Responsible Authority. The trellis must be framed and thereafter maintained to the satisfaction of the Responsible Authority.
6. 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.
7. 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.
8. 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.
9. 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.

10. Where the development involves work on or access to Council controlled land including roads, reserves and right of way, the owner, operator and their agents under this permit must at all times take adequate precautions to maintain works to the highest public safety standards, to the satisfaction of the Responsible Authority.
11. 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.
12. All relevant permits must be obtained from Council for works within the existing road reserves, in addition to the planning permit.

Urban Design

13. 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.
14. Mailboxes shall be provided to the proposed dwelling/s to the satisfaction of the Responsible Authority and Australia Post.
15. All plumbing work, sewer pipes etc. (except for spouting and stormwater pipes) associated with the new dwelling shall be concealed from general view.
16. 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

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

Permit Expiry

18. 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 Unanimously

Chairperson's initials



11.3 Retrospective Secondary Consent Application for Statement of Compliance for Planning Application 121/2014/P - 34 Gweno Avenue, Frankston

(MP Community Development)

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

That Council resolves to approve the amended plans pursuant to Condition 2 of Planning Permit 121/2014/P under the secondary consent provisions of the Planning and Environment Act 1987.

Carried Unanimously

11.4 Frankston Planning Scheme Amendment C100 - Report on Findings and Recommendations of Panel Report

(MP Community Development)

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

That Council notes the Panel Report and authorises officers to request the Minister for Planning to adopt Frankston Planning Scheme Amendment C100 as exhibited, subject to the following changes:

1. Replace the word '*high*' in the first policy statement in Clause 22.03-3 with the words '*appropriate higher*'.
2. Relocate the last strategy for Objective 1 in Clause 21.08-2 to the last strategy for Objective 4 in Clause 21.05-2 and delete the words '*and flood*'.
3. Retain the policy stated in the last dot point at Clause 22.03-3 of the current planning scheme.
4. Replace the existing Key Issue at Clause 21.06-1 that commences with '*Protecting waterways...*' with '*Protecting waterways, significant wetlands and habitats and ecosystems (including the coastal zone) from inappropriate development or environmental degradation*'.

Carried Unanimously

11.5 August Town Planning Progress Report*(MP Community Development)***Council Decision****Moved: Councillor Aitken****Seconded: Councillor O'Connor**

That Council receives and notes the report.

Carried Unanimously

11.6 September Town Planning Progress Report

(MP Community Development)

Cr Cunial declared a conflict of interest in this item and stated that he would leave the chamber. There was no discussion and he remained outside whilst voting took place.

Cr Toms, Deputy Mayor assumed the chair.

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

That Council receives and notes the report.

Carried Unanimously

For the Motion: Crs Aitken, Bolam, Hampton, Mayer, McCormack, O'Connor,
O'Reilly and Toms

Against the Motion: Nil

Absent: Mayor Cr Cunial

Cr Cunial returned to the Chamber at 8.04 pm and resumed the Chair.

12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Quarter One 2016-2017 - Council Plan Quarterly Performance Report**

(KJ Corporate Development)

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

That Council receives and notes the Council Plan Quarterly Performance Report for quarter one from July to September 2016.

Carried Unanimously

12.2 September 2016 Quarterly Financial Report*(KJ Corporate Development)**The meeting was adjourned at 8.07 pm**The meeting resumed at 8.12 pm***Council Decision****Moved: Councillor O'Connor****Seconded: Councillor Aitken**

That Council receives and notes the Council Financial Report for the quarter ended 30 September 2016.

Carried Unanimously

Chairperson's initials



12.3 Record of Assemblies of Councillors

(DH Chief Executive Office)

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

That Council receives the following written records:

- 1 August 2016 (Councillor Briefing)
- 8 August 2016 (Councillor Briefing)
- 15 August 2016 (Councillor Briefing)
- 22 August 2016 (Councillor Briefing)
- 29 August 2016 (Councillor Briefing)
- 7 September 2016 (Councillor Briefing)
- 12 September 2016 (Councillor Briefing)
- 13 September 2016 (Frankston City News Editorial Committee)
- 19 September 2016 (Presentations)
- 10 October 2016 (Councillor Briefing)

Carried Unanimously

12.4 Appointment of Councillor Delegates to Committees*(MC Corporate Development)***Council Decision****Moved: Councillor Hampton****Seconded: Councillor Toms**

- A. That the following appointments to external organisations be made:
1. Cr Toms and an officer be appointed as the delegates to the Association of Bayside Municipalities.
 2. The Mayor and Cr Mayer be appointed as the delegates to the Australian Local Government Women's Association.
 3. Cr Aitken and Cr Bolam be appointed as the delegates to the Frankston Charitable Fund Committee of Management.
 4. The Mayor be appointed as the delegate to the Peninsula Leisure Pty Ltd Board.
 5. Cr Toms and Cr Hampton be appointed as the delegates to the Metropolitan Local Governments' Waste Forum.
 6. The Mayor be appointed as the delegate to the South East Melbourne Mayoral Group.
 7. Cr O'Connor and Cr Toms be appointed as the delegates to the Youth Advisory Council.
- B. That the following appointments to internal committees be made:
1. The Mayor and Cr Bolam be appointed as the delegates to the Audit Committee.
 2. Cr Aitken and Cr McCormack be appointed as the delegates to the Ballam Park Homestead Advisory Committee and Heritage Assets and Promotion Committee.
 3. All Councillors be appointed as the delegates to the Chief Executive Officer's Performance Review Committee.
 4. Cr Mayer and Cr Toms be appointed as the delegates to the Community Grants Committee of Management.
 5. Cr Mayer and Cr O'Reilly be appointed as the delegates to the Frankston Arts Board.
 6. The Mayor, Cr Hampton and Cr Bolam be appointed as the delegates to the Frankston Cemetery Trust.
 7. The Mayor, Cr Mayer and Cr Hampton be appointed as the delegates to the Frankston City News Committee.
 8. The Mayor and Cr Aitken be appointed as the delegates to the Miscellaneous Grants Committee.
 9. Cr Hampton be appointed as the delegate to the Soccer Liaison Committee.
 10. Cr Hampton, Cr McCormack and Cr O'Reilly be appointed as the delegates to the Urban Design Advisory Committee.
- C. That where possible, the meeting times and dates for the internal committees be arranged having regard to the availability of the appointed Councillor delegates.

Carried Unanimously

Chairperson's initials



12.5 Response to Joint Letter for Acacia Heath / Spring Hill Estate

(KJ Corporate Development)

Council Decision**Moved: Councillor O'Connor****Seconded: Councillor McCormack**

That Council:

1. Notes the background and cost summary relating to additional Council costs associated with the Acacia Heath and Spring Hill Estates.
2. Notes the chronology of events that led to the delay in Council Officers responding with a Council report to address the joint letter.
3. Notes the current overcharge of rates that has been applied to properties within the estate.
4. Prepares an immediate and full refund accompanied with a letter of apology to all residents of the over-paid rates including a revised rate notice showing the reduced rate amounts to be applied for the remaining instalments.

Carried Unanimously

13. NOTICES OF MOTION**13.1 NOM 1229 – Frankston Yacht Club Exterior Building Maintenance**

(VR Chief Executive Office)

Cr Bolam left the Chamber at 8.18 pm

Cr Bolam returned to the Chamber at 8.21 pm

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

That the Chief Executive Officer is directed to instigate a maintenance regime for the newly completed Frankston Yacht Club building situated on the foreshore, which ensures that the exterior woodwork of the building and surrounding structures remains where possible in its current state in relation to colour and condition. The intent of Councils direction is to ensure that the building is not permitted to simply “grey with age”.

Carried Unanimously

13.2 NOM 1230 - Foreshore Litter Collection

(VR Chief Executive Office)

*Cr Toms acknowledged that Mr John Billings from Frankston Beach 3199
was present in the Gallery*

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

That the Chief Executive Officer is required to immediately review the current litter collection arrangements on the municipalities foreshores and beaches with a view to increasing the number of rubbish and recycle bins located on our foreshores and beaches where required, particularly over the very busy summer period.

The review shall address the current bin emptying timetable and shall address the potential need for an increase in the number of times bins are emptied to ensure the cleanliness and amenity of our foreshore. A report in relation to this matter is required to be tabled at the next Ordinary Meeting of Council.

Carried Unanimously

13.3 NOM 1231 – Tree Planting Program

(VR Chief Executive Office)

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

That the Chief Executive Officer arrange for the preparation of a report on the cost associated with the initiation of a predominantly indigenous tree planting program throughout the municipality's parks and reserves. Such report should focus on a planting regime which provides for a gradual yearly increase in the number of trees growing in all Council owned or managed parks and reserves taking into consideration the relevant ecological vegetation class of the given park or reserve.

Carried Unanimously

13.5 NOM 1233 – Review of Councillor Request Process

(VR Chief Executive Office)

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

That the Chief Executive Officer is directed to conduct an urgent and thorough review of the Councillor Request process with a view to significantly improving the current operation and management of the system. A fundamental requirement of the review shall be that extensive consultation must occur with Councillors in order that their views and requirements are met prior to finalising the report.

It is an expectation of Council that major improvement is required in terms of the customer service aspect. This would include the current timelines for responding back to Councillors, residents and other interested parties.

The report is required to be completed by the Ordinary Meeting being held on 30 January 2017.

Carried Unanimously

13.7 NOM 1235 – Removal of Naturestrip Planting Ban

(VR Chief Executive Office)

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

That Chief Executive Officer investigate and report back to Council at the Ordinary Meeting being held on 30 January 2017, the possibility to remove any bans or restrictions currently in place preventing residents from planting flowers and vegetables on their nature strip.

This practice is successfully managed within other Councils around Victoria and interstate.

With its Sustainable City reputation, Frankston City Council should support and encourage innovative and creative practices within the community which could also benefit wildlife and be attractive to the eye.

Lost

For the Motion: Crs Cunial, Hampton, Mayer and Toms

Against the Motion: Crs Aitken, Bolam, McCormack, O'Connor and O'Reilly

The Mayor adjourned the meeting at 9.15 pm

The meeting resumed at 9.19 pm with all Councillors present

13.8 NOM 1236 – Support to Traders – CAA Redevelopment

(CM Chief Executive Office)

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

That the Chief Executive Officer request officers to brief Councillors on how disruption to traders is being minimised during works in Wells Street and Young Street, detailing lessons learnt and plans/recommendations for the future on how Council can be more effective in this area. Following this the Mayor meet with the State MP, Mr Paul Edbrooke to relay findings from the Council Briefing.

Carried

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

Against the Motion: Crs Aitken and O'Connor

Abstained: Crs McCormack and Bolam

13.9 NOM 1237 – Status of Splash Card Program

(CM Chief Executive Office)

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

That the Chief Executive Officer ask officers to brief interested Councillors on the status of the “Splash Card” program, detailing lessons learnt and plans/recommendations for the future.

Carried Unanimously

13.10NOM 1238 – Addressing Anti Social Behaviour

(CM Chief Executive Office)

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

That the Chief Executive Officer arrange for officers to brief Councillors on the action being taken to address anti-social behaviour, graffiti, litter and smoking – detailing lessons learnt and plans/recommendations for the future on how Council can be more effective in this area.

Motion be put**Moved: Councillor Aitken****Seconded: Councillor Hampton**

That the motion be put.

Carried Unanimously**The Motion Was Then Put
and Carried Unanimously**

13.11 NOM 1239 – 2017/2018 Frankston City Council Rates

(VR Chief Executive Office)

Council Decision**Moved: Councillor O'Connor****Seconded: Councillor Bolam**

That the Chief Executive Officer directs relevant staff, in preparation for upcoming budget deliberations, to forecast Frankston City Council municipal rates at no more than 1.5% for the 2017/2018 budget period amongst other forecasts.

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

That Cr Hampton be granted an extension of time.

Carried Unanimously**The Motion Was Then Put
and Carried**

For the Motion: Crs Aitken, Bolam, Cunial, Mayer, McCormack, O'Connor and Toms

Against the Motion: Crs Hampton and O'Reilly

14. LATE REPORTS

Nil

15. URGENT BUSINESS**Urgent Business**

Cr Mayer left the Chamber at 10.36 pm

Cr Toms left the Chamber at 10.36 pm

Cr Mayer returned to the Chamber at 10.38 pm

Cr Toms returned to the Chamber at 10.40 pm

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

That the matter of a Briefing on Staff Redundancies/Payouts be accepted as urgent business.

Lost

For the Motion: Crs Aitken, Bolam, McCormack and O'Connor

Against the Motion: Crs Cunial, Hampton, Mayer, O'Reilly and Toms

16. CONFIDENTIAL ITEMS**Council Decision****Moved: Councillor Hampton****Seconded: Councillor O'Reilly**

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

C.1 Issuing Small Business Grants

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

C.2 Proposed Recipients for Citizen, Young Citizen, Senior Citizen and Community Event of the Year Awards for 2017

Agenda Item C.2 Proposed Recipients for Citizen, Young Citizen, Senior Citizen and Community Event of the Year Awards for 2017 is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.3 Frankston Football Club Incorporated(Voluntary Administration)

Agenda Item C.3 Frankston Football Club Incorporated(Voluntary Administration) is designated confidential as it relates to matters affecting the security of Council property (s89 2g)

Carried Unanimously

The meeting closed to the public at 10.49 p.m.

CONFIRMED THIS

DAY OF

2016

.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Brian Cunial, 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, 28 November 2016, confirmed on Monday, 19 December 2016.

.....
(Cr. Brian Cunial, Chairperson – Council Meeting)

Dated this

day of

2016