MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 22 OCTOBER 2018 at 7.00PM

PRESENT
Cr. Colin Hampton (Mayor)
Cr. Sandra Mayer
Cr. Glenn Aitken
Cr. Brian Cunial
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
Mr. Tim Frederico, Director Corporate Development
Dr. Gillian Kay, Director Communities Development
Mr. Phil Cantillon, Director Community Assets
Mr. Michael Papageorgiou, Manager Planning & Environment
Mr. Stuart Caldwell, Coordinator Statutory Planning
Mr. Taylor McVean, Coordinator Communications
Ms. Michelle Tipton, Coordinator Council Business Support
Ms. Vera Roberts, Executive Assistant to Mayor
Ms. Tenille Craig, Councillor Support Officer

EXTERNAL REPRESENTATIVES:
Ms. Prue Digby, Municipal Monitor

COUNCILLOR STATEMENT

Councillor McCormack made the following statement:

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

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

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

Chairperson’s initials
PRAYER

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

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Councillor Mayer acknowledged the Boon Wurrung 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.
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Chairperson's initials

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1. **PRESENTATION TO COMMUNITY GROUPS**
   
   Nil

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

   Ordinary Meeting No. OM12 held on 1 October 2018.

   **Council Decision**
   
   **Moved:** Councillor Aitken  **Seconded:** Councillor O'Connor
   
   That the minutes of the Ordinary Meeting No. OM12 held on 1 October 2018 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**

   One (1) person submitted two (2) 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. Simon Martin made a submission to Council regarding Item 11.1: Planning Permit Application 446/2017/P – 323-323A Nepean Highway, Frankston – Use and development of the land for a service station and car wash and advertising signage;
   
   Ms Meaghan Densley made a submission to Council regarding Item C.8: Frankston Yacht Club Annual License Fee;
   
   Mr John Billing made a submission to Council regarding Item 14.2: 2018/NOM63 – Car Parking in Bayside.

7. **ITEMS BROUGHT FORWARD**

   **Council Decision**
   
   **Moved:** Councillor Aitken  **Seconded:** Councillor O'Connor
   
   That Items:
   
   - 11.1: Planning Permit Application 446/2017/P – 323-323A Nepean Highway, Frankston – Use and development of the land for a service station and car wash and advertising signage
   - 12.4: Councillor Expense Reimbursement Policy - House Seats and Cabcharge arrangements
   - 12.5: Response to Petition to provide 3 hours free car parking
   - 12.14: Adoption of Governance Local Law 2018

   Chairperson’s initials
8. PRESENTATIONS / AWARDS
Nil

9. PRESENTATION OF PETITIONS AND JOINT LETTERS
Nil

- 14.1: 2018/NOM62 - Recognition and appreciation of services by Dr John Dickman
- 14.2: 2018/NOM63 - Car Parking in Bayside

Carried Unanimously
10. DELEGATES' REPORTS

10.1 Delegate Report by Cr Steve Toms - Councillor Development Weekend 27 to 29 July 2018

(MT Chief Executive Office)

**Council Decision**

**Moved:** Councillor Toms  
**Seconded:** Councillor Aitken

That Council receives the Delegates Report from Councillor Steve Toms for his attendance at the Municipal Association of Victoria (MAV) Councillor Development Weekend held from Friday 27 to Sunday 29 July 2018 and notes the suggestions contained within the Officer's Assessment section of the Council Report.

**Carried Unanimously**
ITEMS BROUGHT FORWARD

11.1 Planning Permit Application 446/2017/P - 323-323A Nepean Highway, Frankston - Use and development of the land for a service station and car wash and advertising signage.

(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 446/2017/P for use and development of the land for a service station and car wash and advertising signage at 323-323A Nepean Highway, Frankston subject to the following conditions:

Plans

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application identified as Jasbe Nepean Hwy Pty Ltd, Project No. 17022, Revision 02, dated 26/6/18, TP000, TP010-012, TP020-023, TP101-103, TP200-203, TP220-222 and Landscaping Plan LCD-001, but modified to show:
   (a) Include a notation in regard to the mural design as required in Condition 6;
   (b) The base of the service hub be amended to incorporate either full floor-to-ceiling glazing or a white applied finish such as material ‘BP1’ or ‘F09’;
   (c) Northern elevation of the car wash be treated with graffiti-prevention surfaces;
   (d) Acoustic treatment of the timber paling fence along the interface boundary;
   (e) Acoustic absorption to the walls of the manual car wash bays 1 and 2 in accordance with the recommendations of the Acoustic Report prepared by Clarity Acoustics, dated 19/9/17;
   (f) Acoustic treatment of the replacement wall along the eastern property boundary;
   (g) Entry door to the automatic car wash with an insertion loss equal to comply with the recommendations of the Acoustic Report prepared by Clarity Acoustics, dated 19/9/17;
   (h) Notation that the vacuum systems must have a maximum sound power level of 90 dB L_{Aeq} per unit;
   (i) Increase the front setback of the vacuum bay structure by two metres to Nepean Highway to allow for additional landscaping area;
   (j) Reduce the dimensions of the four car spaces abutting the drive-through access to a depth of 4.9 metres to facilitate an increase the landscaping area;
   (k) Tree protection requirements noted in condition 7;
   (l) Landscaping plan in accordance with condition 3;

No Alterations

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

3. Before the commencement of buildings and works, a landscape plan prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:

(a) 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;

(b) a planting schedule of all proposed trees, shrubs and ground covers (low maintenance species), including botanical names, common names, pot sizes, size at maturity and quantities of each plant.

(c) Planting ratio to be minimum of 20% indigenous and 40% native; and a maximum of 40% exotic species.

(d) The provision of suitable canopy trees (minimum two metres tall when planted) within the site along the Nepean Highway frontage.

to the satisfaction of the responsible authority.

Completion of Landscaping

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

5. Prior to the commencement of building and works an updated Acoustic Report prepared by Clarity Acoustics, dated 19/9/17 to include a review of the mechanical services to be conducted when site specific equipment has been selected.

6. Prior to the completion of the development and instillation of the mural, the design of the mural must be determined through a consultative process and to the satisfaction of the responsible authority.

Tree Protection

7. Prior to the commencement of the development, 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 surrounding the tree No.13 to the satisfaction of the Responsible Authority. A fixed sign is to be provided on all visible sides of the Tree Preservation Fencing, stating "Tree Preservation Zone – No entry without permission from Frankston City Council".

The requirements below must be observed within this area –

(a) 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.

**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) must 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
   - Rainwater tanks for harvesting and re-use of stormwater for laundry, toilet flushing, landscape irrigation, etc.
   - Soil percolation
   - Rain gardens providing extended detention and on-site ‘bio-treatment’ to reduce dissolved contaminants and suspended solids.

11. 300mm Stormwater Drainage Outfall is to be constructed down Kitson Lane to the existing system in Kitson Street, to the satisfaction of the responsible Authority.

**Operational Requirements**

12. No fuel deliveries or waste collections are to take place to or on the site between 2200 to 0700 hours.

13. Waste collection from the site is to take place between the day time period Monday to Friday 0700 to 1800 hours, Saturday 0700 to 1300 hours.

14. Auto car wash, manual car wash bays and vacuum bays can only operate between the hours of 7.00 am and 10.00 pm daily.

**Car Parking**

15. Prior to occupation of the dwellings hereby permitted by this permit, areas set aside for parking vehicle, access lanes and paths as shown on the endorsed plans must be:-
   (a) Constructed to the satisfaction of the Responsible Authority;
   (b) Properly formed to such levels that they can be used in accordance with the plans;
   (c) Surfaced with an all-weather sealcoat; and
   (d) Drained and maintained to the satisfaction of the Responsible Authority.

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

16. Vehicle crossing shall be constructed to Frankston City Council’s standards and specifications to the satisfaction of the Responsible Authority.

17. All disused vehicle crossings shall be removed and the area reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.

18. Concrete kerbs and barriers shall be provided to the satisfaction of the responsible authority to prevent direct vehicle access to an adjoining road other that by a vehicle crossing to the satisfaction of the Responsible Authority.
19. 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.

**Completion of Buildings and Works**

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

**Amenity**

21. The amenity of the area must not be detrimentally affected by the development and/or use through the:-

   (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;

   (e) Others as appropriate; or

   (f) In any other way.

22. All external lighting must be directed away from the sensitive uses to the east to prevent light spill and glare, to the satisfaction of the responsible authority.

23. No external sound amplification equipment or loudspeakers may be used for the purpose of announcements, broadcasts, playing of music or similar purposes, with the exception of emergency announcements.


25. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.

26. All plumbing works, sewer pipes etc. associated with the buildings must be concealed from general view.

   Power and telephone lines to all buildings must be placed underground from the main points of service outside the boundaries of the site.

**Acoustic Fence**

27. Before the uses allowed by this permit start, an acoustic fence must be erected along the eastern boundary of the site to a minimum height of 2.4 metres above natural ground level. The design of the fence must be prepared in consultation with a suitably qualified acoustic engineer. The details of the design and acoustic qualities of the fence must be to the satisfaction of the Responsible Authority and achieve as a minimum, the noise attenuation measures and limits required in the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
Waste Management

28. All waste from a vehicle wash area must drain into a public sewer or a settlement and oil separation system. The system must comply with the Environment Protection Act 1970 and be installed to the satisfaction of the responsible authority.

Site Management Plan

29. Before the development starts, a Site Management Plan must be submitted to and be approved by the Responsible Authority, which may include but not be limited to the following components or a combination thereof:
   i. Hours during which construction activity will take place.
   ii. Measures to control noise, dust and water runoff, including sediment control during construction.
   iii. Stormwater management and on-site retention opportunities.
   iv. Location of the siting of any portable buildings and the areas which will be used for the storage of buildings materials during construction.
   v. Provision for the management of all building and construction waste, including recycling of all materials generated during construction.
   vi. Opportunities to maximise energy efficiency and reduce reliance upon non-renewable resources and materials, including the use of solar and/or green power and appropriate building materials where appropriate.
   vii. Car parking for all persons engaged in construction.
   viii. Security fencing.

Storage

30. Goods must not be stored within the front setback, landscaped area, car parking or vehicle access areas at any time.

31. Prior to the commencement of buildings and works, a Functional Layout Plan (FLP) to include modifications to the parking lane on Nepean Highway and traffic signs must be submitted to Council in accordance with the requirements of conditions 30 and 31, to the satisfaction of VicRoads and the responsible authority.

VicRoads Conditions

32. Unless otherwise agreed in writing by VicRoads, before the use approved by this permit commences, a ‘No Stopping’ zone shall be established from Kitson Lane to south of the site’s exit crossover to Nepean Highway, at no cost to VicRoads.

33. The crossovers and driveways are to be constructed consistent with Jasbe Petroleum Drawing/Project number 17022, Revision P2, to the satisfaction of the Roads Corporation and the Responsible Authority, and at no cost to the Roads Corporation prior to the commencement of the use herby approved.

Signage conditions

34. The location and details of signs including those of the supporting structure, as shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.

35. All signs must be located wholly within the boundary of the land.

36. The intensity of the light in the pylon sign must be limited so as not to cause glare or distraction to motorists or other persons or loss of amenity, to the satisfaction of the Responsible Authority.

37. The pylon sign and its image must not:
   a. Be animated;
   b. Be moving or rotating
   c. Contain any flashing or intermittent light.
38. The permit that relates to advertising signs expires 15 years from the date of this permit.

**Permit Expiry**

39. 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 date of this permit.
   - The use is not commenced within four (4) years of the 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:
   - Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started;
   - Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

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

D. **VicRoads** – The proposed development requires the construction of crossovers. 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.

**Extension of Time**

*Moved: Councillor Cunial  Seconded: Councillor Mayer*

That Cr Bolam be granted an extension of time.

**Carried Unanimously**

**Council Decision**

*Moved: Councillor Cunial  Seconded: Councillor Mayer*

**Part A:**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 446/2017/P for use and development of the land for a service station and car wash and advertising signage at 323-323A Nepean Highway, Frankston subject to the following conditions:
Plans

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application identified as Jasbe Nepean Hwy Pty Ltd, Project No. 17022, Revision 02, dated 26/6/18, TP000, TP010-012, TP020-023, TP101-103, TP200-203, TP220-222 and Landscaping Plan LCD-001, but modified to show:

(a) Include a notation in regard to the mural design as required in Condition 6;
(b) The base of the service hub be amended to incorporate either full floor-to-ceiling glazing or a white applied finish such as material ‘BP1’ or ‘F09’;
(c) Northern elevation of the car wash be treated with graffiti-prevention surfaces;
(d) Acoustic treatment of the timber paling fence along the interface boundary;
(e) Acoustic absorption to the walls of the manual car wash bays 1 and 2 in accordance with the recommendations of the Acoustic Report prepared by Clarity Acoustics, dated 19/9/17;
(f) Acoustic treatment of the replacement wall along the eastern property boundary;
(g) Entry door to the automatic car wash with an insertion loss equal to comply with the recommendations of the Acoustic Report prepared by Clarity Acoustics, dated 19/9/17;
(h) Notation that the vacuum systems must have a maximum sound power level of 90 dB $L_{eq}$ per unit;
(i) Increase the front setback of the vacuum bay structure by two metres to Nepean Highway to allow for additional landscaping area;
(j) Reduce the dimensions of the four car spaces abutting the drive-through access to a depth of 4.9 metres to facilitate an increase the landscaping area;
(k) Tree protection requirements noted in condition 7;
(l) Landscaping plan in accordance with condition 3.

No Alterations

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

Landscape Plans

3. Before the commencement of buildings and works, a landscape plan prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:

(a) 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;
(b) a planting schedule of all proposed trees, shrubs and ground covers (low maintenance species), including botanical names, common names, pot sizes, size at maturity and quantities of each plant.

(c) Planting ratio to be minimum of 20% indigenous and 40% native; and a maximum of 40% exotic species.

(d) The provision of suitable canopy trees (minimum two metres tall when planted) within the site along the Nepean Highway frontage.

(e) The provision of three mature (8m planted height) palm trees within the site along the Nepean Highway frontage.

to the satisfaction of the responsible authority.

Completion of Landscaping

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

5. Prior to the commencement of building and works an updated Acoustic Report prepared by Clarity Acoustics, dated 19/9/17 to include a review of the mechanical services to be conducted when site specific equipment has been selected.

6. Prior to the completion of the development and instillation of the mural, the design of the mural must be determined through a consultative process and to the satisfaction of the responsible authority.

Tree Protection

7. Prior to the commencement of the development, 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 surrounding the tree No.13 to the satisfaction of the Responsible Authority. A fixed sign is to be provided on all visible sides of the Tree Preservation Fencing, stating “Tree Preservation Zone – No entry without permission from Frankston City Council”.

The requirements below must be observed within this area –

(a) 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.
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) must 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
   - Rainwater tanks for harvesting and re-use of stormwater for laundry, toilet flushing, landscape irrigation, etc.
   - Soil percolation
   - Rain gardens providing extended detention and on-site ‘bio-treatment’ to reduce dissolved contaminants and suspended solids.

11. 300mm Stormwater Drainage Outfall is to be constructed down Kitson Lane to the existing system in Kitson Street, to the satisfaction of the responsible Authority.

Operational Requirements

12. No fuel deliveries or waste collections are to take place to or on the site between 2200 to 0700 hours.

13. Waste collection from the site is to take place between the day time period Monday to Friday 0700 to 1800 hours, Saturday 0700 to 1300 hours.

14. Auto car wash, manual car wash bays and vacuum bays can only operate between the hours of 7.00 am and 10.00 pm daily.

Car Parking

15. Prior to occupation of the dwellings hereby permitted by this permit, areas set aside for parking vehicle, access lanes and paths as shown on the endorsed plans must be:-
   (a) Constructed to the satisfaction of the Responsible Authority;
   (b) Properly formed to such levels that they can be used in accordance with the plans;
   (c) Surfaced with an all-weather sealcoat; and
   (d) Drained and maintained to the satisfaction of the Responsible Authority.

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

16. Vehicle crossing shall be constructed to Frankston City Council’s standards and specifications to the satisfaction of the Responsible Authority.

17. All disused vehicle crossings shall be removed and the area reinstated to kerb and channel and landscaped to the satisfaction of the Responsible Authority.

18. Concrete kerbs and barriers shall be provided to the satisfaction of the responsible authority to prevent direct vehicle access to an adjoining road other that by a vehicle crossing to the satisfaction of the Responsible Authority.
19. 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.

**Completion of Buildings and Works**

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

**Amenity**

21. The amenity of the area must not be detrimentally affected by the development and/or use through the:-

   (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;
   (e) Others as appropriate; or
   (f) In any other way.

22. All external lighting must be directed away from the sensitive uses to the east to prevent light spill and glare, to the satisfaction of the responsible authority.

23. No external sound amplification equipment or loudspeakers may be used for the purpose of announcements, broadcasts, playing of music or similar purposes, with the exception of emergency announcements.


25. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.

26. All plumbing works, sewer pipes etc. associated with the buildings must be concealed from general view.

   Power and telephone lines to all buildings must be placed underground from the main points of service outside the boundaries of the site.
Acoustic Fence

27. Before the uses allowed by this permit start, an acoustic fence must be erected along the eastern boundary of the site to a minimum height of 2.4 metres above natural ground level. The design of the fence must be prepared in consultation with a suitably qualified acoustic engineer. The details of the design and acoustic qualities of the fence must be to the satisfaction of the Responsible Authority and achieve as a minimum, the noise attenuation measures and limits required in the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.

Waste Management

28. All waste from a vehicle wash area must drain into a public sewer or a settlement and oil separation system. The system must comply with the Environment Protection Act 1970 and be installed to the satisfaction of the responsible authority.

Site Management Plan

29. Before the development starts, a Site Management Plan must be submitted to and be approved by the Responsible Authority, which may include but not be limited to the following components or a combination thereof:
   i. Hours during which construction activity will take place.
   ii. Measures to control noise, dust and water runoff, including sediment control during construction.
   iii. Stormwater management and on-site retention opportunities.
   iv. Location of the siting of any portable buildings and the areas which will be used for the storage of buildings materials during construction.
   v. Provision for the management of all building and construction waste, including recycling of all materials generated during construction.
   vi. Opportunities to maximise energy efficiency and reduce reliance upon non-renewable resources and materials, including the use of solar and/or green power and appropriate building materials where appropriate.
   vii. Car parking for all persons engaged in construction.
   viii. Security fencing.

Storage

30. Goods must not be stored within the front setback, landscaped area, car parking or vehicle access areas at any time.

31. Prior to the commencement of buildings and works, a Functional Layout Plan (FLP) to include modifications to the parking lane on Nepean Highway and traffic signs must be submitted to Council in accordance with the requirements of conditions 30 and 31, to the satisfaction of VicRoads and the responsible authority.

VicRoads Conditions

32. Unless otherwise agreed in writing by VicRoads, before the use approved by this permit commences, a ‘No Stopping’ zone shall be established from Kitson Lane to south of the site’s exit crossover to Nepean Highway, at no cost to VicRoads.

33. The crossovers and driveways are to be constructed consistent with Jasbe Petroleum Drawing/Project number 17022, Revision P2, to the satisfaction of the Roads Corporation and the Responsible Authority, and at no cost to the Roads Corporation prior to the commencement of the use herby approved.

Chairperson’s initials
Signage conditions
34. The location and details of signs including those of the supporting structure, as shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.
35. All signs must be located wholly within the boundary of the land.
36. The intensity of the light in the pylon sign must be limited so as not to cause glare or distraction to motorists or other persons or loss of amenity, to the satisfaction of the Responsible Authority.
37. The pylon sign and its image must not:
   a. Be animated;
   b. Be moving or rotating
   c. Contain any flashing or intermittent light.
38. The permit that relates to advertising signs expires 15 years from the date of this permit.

Permit Expiry
39. 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 date of this permit.
   - The use is not commenced within four (4) years of the 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.
D. VicRoads – The proposed development requires the construction of crossovers. 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.
Part B:
That Council resolves to pursue with the landowner, the installation of CCTV cameras as part of the development - to improve community safety on the land and nearby areas.

Carried

For the Motion: Crs Bolam, Cunial, Hampton, Mayer, O'Connor and O'Reilly
Against the Motion: Crs Aitken, McCormack and Toms
12.4 Councillor Expense Reimbursement Policy – House Seats and Cabcharge

(BA Corporate Development)

**Recommendation**
That the attached amended Councillor Expense Reimbursement Policy be adopted.

**Council Decision**

**Moved:** Councillor Mayer  
**Seconded:** Councillor Cunial

That the attached amended Councillor Expense Reimbursement Policy be adopted with the following amendment:

14.2 When travel costs are to be paid or reimbursed from Council funds, it is expected that, wherever practicable:

a) Travel must be undertaken as efficiently as possible, using the shortest practicable route, and by the most efficient cost effective means of transport. Public transport should be used wherever feasible. Examples where it may not be feasible to use public transport include performing official duties and functions at events scheduled late into the evening or at venues located outside the public transport network, or where the use of a private vehicle would be more costly than travel by taxi or uber, such as travel to and from the airport, which would also involve parking fees.

If in doubt about the appropriate form of transport, a Councillor should, if practicable, consult with the Mayor.

**Carried**

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

Against the Motion: Cr Aitken

*The Mayor acknowledged the Youth Mayor, Gerard Felipe was present in the Gallery.*
12.5 Response to Petition to provide 3 hours free car parking  
(DD Community Assets)

Councillor Bolam left the chamber at 8:02 pm.

Councillor Bolam returned to the chamber at 8:04 pm.

**Council Decision**

**Moved:** Councillor Cunial  **Seconded:** Councillor Bolam

That Council:

1. Notes the petition it received at its meeting on the 23 July 2018 (2018/OM9) containing 2744 signatures requesting 3 hours free parking in CAA.
2. Endorse the continued use of parking fees to manage efficient use of Off-Street Council car parks.
3. Conducts two yearly reviews of parking studies and parking costs as recommended in Council’s Frankston Metropolitan Activity Centre Parking Precinct Plan.
4. The Head Petitioner be advised accordingly.
5. Acknowledges that numerous meetings have already been arranged with Bayside Town Centres management to discuss the possibility of Bayside Shopping Centre providing free car parking for certain periods of time in their carpark.
6. Requires the CEO to arrange a further (5th) meeting with management of Bayside Shopping Centre to discuss again the proposal of providing free car parking for certain periods of time in the shopping centre carpark. Such meeting should be attended by the Mayor of the day, the CEO and any relevant senior Council Officer deemed appropriate by the CEO.
7. Is provided with a report on the outcomes at the November 2018 ordinary meeting.

**Carried Unanimously**
12.14 Adoption of Governance Local Law 2018  
(LB Corporate Development)

**Council Decision**

Moved: Councillor Bolam  
Seconded: Councillor Mayer

That:

1. Having complied with the requirements of the *Local Government Act* 1989 and with no submissions having been received, Council resolves to make Governance Local Law No. 1 of 2018 (as in Attachment A);

2. Governance Local Law No. 1 of 2018 be signed and sealed;

3. Notice of the making of Governance Local Law No. 1 of 2018 be published in the Victoria Government Gazette; and

4. A copy of Governance Local Law No. 1 of 2018 be forwarded to the Minister for Local Government.

Carried Unanimously
14.1 2018/NOM62 - Recognition and appreciation of services by Dr John Dickman
(VR Chief Executive Office)

**Council Decision**

**Moved:** Councillor Cunial  
**Seconded:** Councillor Mayer

That a letter under seal be presented at the November Ordinary Meeting to Dr John Dickman on behalf of Councillors in recognition of his work and support to the Frankston community for the last 49 years by the Mayor of the day, Cr Colin Hampton at the November 2018 Council meeting.

*Carried Unanimously*
14.2 2018/NOM63 - Car Parking in Bayside
(PC Community Assets)

Recommendation
That Frankston City Council formally advocates to the owner of Bayside Shopping Centre carparks to facilitate in providing for 3 hour free car parking in their parking facility. A report is to come back to the January 2019 Ordinary Meeting on discussions held with the Vicinity Group.

Leave of Council
Moved: Councillor Toms Seconded: Councillor Aitken
Cr Toms sought leave of Council to amend his Notice of Motion
Carried

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

Council Decision
Moved: Councillor Toms Seconded: Councillor Aitken
That Council formally conducts a survey to obtain figures showing how many residents would use and support Bayside Shopping Centre, its tenants and city centre businesses as opposed to other nearby shopping areas, namely those in other municipalities, if given free car parking for the first 3 hours. A report is to come back to the January 2019 Ordinary Meeting on the result of the community survey.

Deferral Motion
Moved: Councillor McCormack Seconded: Councillor Mayer
That the matter be deferred to a later date.
Lost

The motion was then Put and Lost

For the Motion: Crs Aitken, McCormack and Toms
Against the Motion: Crs Bolam, Cunial, Hampton, Mayer, O'Connor and O'Reilly
11. CONSIDERATION OF TOWN PLANNING REPORTS

11.2 Planning Permit Application 154/2018/P - 197 Karingal Drive Frankston 3199 -
Use of the land for a community space (Place of Assembly), buildings and works
to facilitate a major extension to the existing Karingal Hub Shopping Centre,
realignment of a drainage easement and vegetation removal

(MP Community Development)

Recommendation (Director Community Development)

That Council resolves to issue a Planning Permit in respect to Planning Permit
Application number 154/2018/P for the use of the land at 197 Karingal Drive Frankston
for a community space (Place of Assembly), buildings and works to facilitate a major
extension to the existing Karingal Hub Shopping Centre, realignment of a drainage
easement and vegetation removal, subject to the following conditions:

Plans

1. Before the use 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 identified as Buchan, dated 23/1/18, ATP-10100-
10104; ATP-20200-20204; ATP-40400-40405; ATP-50500; ATP-60600-60605
and Formium Landscape Architects, Landscaping Plans LC1-11; but modified to
show:

(a) Changes proposed in Buchan, Lower Ground Plan, ATP-20205, dated
23/1/18 ‘For information’ for the Town Centre;
(b) Changes proposed in Cardno plan no V160690T-TR-SK-0009, Revision 1;
(c) Subdivision plan showing the relocated drainage easement in favour of
Melbourne Water;
(d) Layout and location of Public amenities which should include a ‘parents
room’;
(e) Employees shower and change rooms
(f) Bicycle parking;
(g) Bicycle path connection to Peninsula Link pathway;
(h) Identify treatment to prevent vehicles overshooting or encroaching into
footpath space for the pickup and drop off taxi rank and disabled car spaces;
(i) Location of trolley bays;
(j) Location of the pedestrian and bicycle pathway network, through the car
park areas and connections to existing pathways and entrances;
(k) Way finding signage for pedestrians;
(l) Landscaping Plan in accordance with Condition 3;
(m) Tree protection notes in accordance with Condition 6;
(n) Melbourne Water requirements in accordance with Condition 34;
(o) VicRoads requirements in accordance with Condition 28;
(p) Transport for Victoria requirements in accordance with Condition 48.
No Alterations

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

Landscaping

3. Before the commencement of buildings and works, a landscape plan generally in accordance with the submitted concept plan prepared by FORMium Landscape Architects dated March 2018, LC1-11 and the submitted development plan 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) 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;

b) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant;

c) 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.

d) Adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);

e) A planting theme of a minimum 40% indigenous and 40% native within each plant group;

f) Redesign the ‘Entry road Landscape Plan (LC3)’ to include further canopy tree plantings such as Eucalyptus mannifera “Little spotty”, drainage area to include large boulders and grasses and a combined decked footpath through the drainage area to the satisfaction of the Responsible authority.

g) The provision of suitable canopy trees (minimum two metres tall when planted) in the areas specified below with species chosen to be approved by the Responsible Authority;

   i. One (1) canopy tree for every eight (8) carparks for existing carpark areas within plans (LC7 and LC8)

h) The relocation of bike hoops closer to activity areas for better surveillance

i) 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.

j) Detailed engineered design for Planter boxes and deck canopy tree cut outs to include soil volumes.

k) All tree stock used must be in accordance with AS2303-2015 Tree stock for Landscape Use

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. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged trees are to be replaced.

Tree Pruning

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

Tree Protection

7. Prior to the commencement of the development (including vegetation removal), a Tree Protection Fence defined by a 1.8 metre high (minimum) temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence’s panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting with a high visibility plastic hazard tape, must be installed around the drip-line of canopy trees within 15m of any 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”.

The requirements below must be observed within this area –

a) Coarse mulch laid to a depth of 50-100 mm (unless the existing surface is being retained).

b) No vehicular or pedestrian access.

c) The existing soil level must not be altered either by fill or excavation.

d) The soil must not be compacted or the soil’s drainage changed.

e) No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are to be disposed of or stored.

f) No storage of equipment, machinery or material is to occur.

g) Open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used unless approved by the Responsible authority to tunnel beneath.

h) Nothing whatsoever, including temporary services wires, nails, screws or any other fixing device, is to be attached to any tree.

i) Tree roots must not be severed or injured.

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

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

Materials, finishes and colour schedule

8. Prior to the commencement of building and works, a colour schedule and sample panel of all external materials and finishes showing materials, colours and finishes, roof and glazing treatments including colour copies suitable for endorsing, must be submitted to the satisfaction and approval by the Responsible Authority. When approved, the schedule will form part of the permit.
9. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the responsible authority.

Amenity

10. The amenity of the area must not be detrimentally affected by the use or development through the:-
   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) Standing of trolleys in areas other than designated trolley bays.
   e) Presence of vermin.
   f) In any other way.

to the satisfaction of the Responsible Authority

11. Goods, equipment, packaging material or machinery must not be stored or left exposed outside the building so as to be visible from any public realm, public road or thoroughfare.

12. Outdoor lighting must be designed, baffled and located to the satisfaction of the responsible authority to ensure that no direct light is emitted outside the site to prevent any adverse effect on adjoining land.

13. Without the prior written consent of the Responsible Authority any form of public address system or sound amplification equipment used on the premises must not be audible outside the premises.

14. The approved use must not cause any nuisance or annoyance to persons beyond the land because of the emission of noise or otherwise to the satisfaction of the Responsible Authority.

15. Noise emitted from the premises must not exceed limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. SEPP N-1.

Infrastructure

Construction Management Plan

16. Prior to the commencement of the development a Construction 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 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.
   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 vegetation protection, runoff, erosion, dust, litter, noise and light.
   d. Location and specifications of sediment control devices on/off site.

Chairperson's initials
e. Location and specification of surface water drainage controls.

f. Location and specifications of fencing for the protection of trees and/or vegetation as required by permit.

g. Proposed drainage lines and flow control measures.

h. Location of all stockpiles and storage of building materials.

i. Location of parking for site workers and any temporary buildings or facilities.

j. Details to demonstrate compliance with relevant EPA guidelines.

k. Hours during which construction activity will take place.

l. Compliance with relevant standards including EPA noise Control Guidelines (Publication 1254) and EPA guidelines (Environmental Guidelines for Major Construction Sites (1996)).

17. Prior to the occupation of the building, areas set aside for parking vehicles, loading bays, bicycles, bicycle link, access lanes and paths as shown on the endorsed plans must be:

a. Constructed to the satisfaction of the Responsible Authority;

b. Properly formed to such levels that they can be used in accordance with the plans;

c. Surfaced with an all-weather sealcoat;

d. Drained and maintained to the satisfaction;

e. Line marked to show the direction in which vehicles are to travel;

f. Sign marked identifying the allocation of car spaces; and;

g. Properly lit.

to the satisfaction of the responsible authority.

18. Car spaces, access lanes, bicycle facilities, loading areas and driveways must be kept available for these purposes at all times.

19. Provision of a Stormwater Detention System with a volume capable of retarding flow from the development site back to the pre-development value to the satisfaction of the Responsible Authority.

20. 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.

21. Water Sensitive Urban Design principles (WSUD) must be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:

a. On-site stormwater detention

b. Rainwater tanks for harvesting and re-use of stormwater for laundry, toilet flushing, landscape irrigation, etc.

c. Soil percolation

d. Rain gardens providing extended detention and on-site ‘bio-treatment’ to reduce dissolved contaminants and suspended solids

22. The land owner is responsible for the effective management and maintenance of all drainage assets that are not the responsibility of Melbourne Water, including all 1% ARI flow paths.

Chairperson's initials
23. The loading and unloading of goods from vehicles must only be carried out within the designated loading bay area on site and must not disrupt the circulation and parking of vehicles on the land.

24. 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.

Waste Management

25. Deliveries to and from the site (including waste collection) must only take place between:

   6.00 am – 10.00 pm Monday to Saturday (inclusive)
   9.00 am – 10.00 pm Sunday and Public Holidays

26. No goods must be stored or left exposed outside the buildings so as to be visible from any public road or thoroughfare.

27. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons within or outside the land.

VicRoads Requirements

28. Unless otherwise agreed in writing by VicRoads, prior to the commencement of works, a detailed functional layout drawing and functional stage Road Safety Audit of the upgraded vehicle access points on Cranbourne Road, generally in accordance with the Cardno prepared Site Access Modifications drawing – V160690T-TR-SK-0001 Revision 1 dated 03/05/2017, but modified to show the following, must be submitted to and approved by VicRoads:

   a. Details of the westbound left turn deceleration lane from Cranbourne Road to Ferndale Drive, including the relocated Shared Use Path and Bus Stop/s on the southern side of Cranbourne Road.

   b. Provision of upgraded right and left turn treatments at the northern approach of the Cranbourne Road/Southern Access Road intersection.

29. Before the commencement of any works required by VicRoads under this permit a detailed engineering design must be prepared generally in accordance with the accepted functional layout plan and to the satisfaction of VicRoads.

30. Before the use of the permitted development, all works required by VicRoads under this permit must be completed to the satisfaction of VicRoads and at no cost to VicRoads.
31. The preparation of the detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current VicRoads' policy, procedures and standards and at no cost to VicRoads. In order to meet VicRoads' requirements for these tasks the applicant will be required to comply with the requirements documented as “Standard Requirements - Developer Funded Projects” and any other requirements considered necessary depending on the nature of the work.

32. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

33. Where the proposed road works at Cranbourne Road, including footpath and nature strip, lie within the subject property, a widening of the road reserve will be required, at no cost to VicRoads. The developer must engage a licensed surveyor to prepare a Plan of Subdivision showing the affected land labelled "ROAD", which is to be vested in the Roads Corporation upon certification of the Plan of Subdivision, without any encumbrances. Subsequent to the registration of the plan, the subdivider must ensure that the original Certificates of Title that issues in the name of the Roads Corporation, are posted to: VicRoads - Property Services Department, 60 Denmark Street KEW, 3101.

Melbourne Water Requirements

34. Before the endorsement of plans, formalised amended plans (site, elevation and cross-section type, to scale and clearly legible) must be submitted to Melbourne Water demonstrating the following outcomes, to the satisfaction of Melbourne Water:

   a. Adequately sized easements shown over new and existing Melbourne Water drains;

   b. Building structures, including footings and eaves, shown to be set outside Melbourne Water easement(s) or a minimum 1.5 metres laterally clear of the outside edge of the drain, whichever is greater;

   c. The depth of building footings to a Melbourne Water drain shown to be adequate to satisfy the ‘angle of repose’ relative to the drain as per Melbourne Water's specifications;

   d. The section of future Melbourne Water easement through the ‘Town Centre’ shown clear to the sky of all permanent structures (including roof canopy) for the purpose of future maintenance and access requirements to the drain by Melbourne Water;

   e. Any removable/lightweight structures over a Melbourne Water future or existing drainage easement(s) shown with detail (a notation on the plans) that it is non-permanent and can be removed/is demountable.

   f. A 2.0 metre ‘clearance zone’ shown around the manholes to a new or an existing Melbourne drain(s);

   g. A minimum 850mm vertical cover notated and shown over existing and future Melbourne Water drain(s);

   h. Landscaping, set within planter boxes or retaining walls, and trees shown with an offset to a Melbourne Water drain(s);

   i. More clarity around how the spillway interacts with the access ramp shown. Documentation will need to be supplied by a qualified dams engineer if works are to impact the structure of the retarding basin.
35. Prior to the commencement of works, a legal Build-over Agreement for structures/works over Melbourne Water’s drain(s) shall be entered into with Melbourne Water. For any removable structures over Melbourne Water’s drain, the type of construction material and design must be to the satisfaction of Melbourne Water. A full disassembly and assembly methodology must be provided to Melbourne Water for future reference.

36. An amended Drainage and Stormwater Management Strategy, which is adjusted to account for the design changes (above) must include, but is not limited to, the following information to the satisfaction of Melbourne Water:
   a. Information that details sizing and alignment of drainage infrastructure, calculations and pipe sizing, capacity and alignment details;
   b. Functional design details, which includes ongoing ownership of pipelines post construction.
   c. Unless the otherwise agreed, the capacity of pipelines must retard stormwater back to pre-development levels before entering the downstream drainage system and/or retard stormwater back to the sufficient capacity of the downstream drainage system, whichever is appropriate, to the satisfaction of Melbourne Water.
   d. The cost of drainage works (easement creation, construction and removal of pipelines, agreements and plans) will not be borne by Melbourne Water.

37. Prior to the commencement of works, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water’s drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.

38. The development will be designed to safely convey overland flows for the 1% ARI event by making use of new internal/external open-space areas in accordance to Melbourne Water’s development manual.

39. Any vehicular and/or pedestrian access must be designed and constructed to comply with the following safety criteria associated with the applicable flood level.
   (A) Depth of flow does not exceed 0.35m;
   (B) Velocity of flow does not exceed 1.5m/s;
   (C) The Depth ‘Velocity product does not exceed 0.35 m2/s.

40. Appropriately sized easements must be created over new and existing Melbourne Water drains(s) to the satisfaction of Melbourne Water. Unless otherwise agreed, the easement for the future Melbourne Water drain must be a minimum of 6 metres in width.

41. Prior to the commencement of works, a separate application direct to Melbourne Water’s Asset Services team must be made for formal approval, before any new or modified connection is made to Melbourne Water drain.

42. The drainage system in the development must be designed such that stormwater is unable to penetrate other areas of the shopping centre such as retail areas.

43. The owner/user is to accept full risk and responsibility for any flood related damage and is to indemnify Melbourne Water, its Directors, Officers and Agents from any claims resulting from flooding.

44. Melbourne Water recommends that the flood risk associated with the development be minimised by ensuring that:
   a. Flood resistant materials are used, for the construction of floor levels below the applicable 1% ARI flood level;
b. All plumbing works meet the applicable standards, of the relevant authority, for areas subject to flooding;

c. All electrical installations meet the applicable standards, of the relevant authority, for areas subject to flooding.

d. All doors, windows, vents and openings to retail areas must be set 300mm above an existing or proposed overland 1%ARI overland flow path.

45. Unless otherwise agreed and prior to the commencement of works, the Owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with the Responsible Authority and Melbourne Water Corporation. All costs associated with the setting up of the agreement will not be borne by Melbourne Water. The agreement must be registered on title and run with the land, and must provide, to the satisfaction of Melbourne Water. Unless otherwise agreed, the agreement will include the following matters:

a. Information that informs current and successive land owners/operators of the shopping centre that the carpark and shopping centre areas (including outdoor areas and retail/shopping areas) will be subject to flooding during the 1%ARI year flood event;

b. Will indemnify Melbourne Water of the risks associated with 1%ARI flow path through the carpark and shopping centre areas (including outdoor areas and retail/shopping areas);

c. Identify maintenance requirements for structures (including pits grates, walls, retaining walls that will interact with the 1%ARI flow path) not in Melbourne Water’s ownership; and

d. The implementation of a Flood Risk Management Plan which has been submitted and reviewed by Melbourne Water.

46. Prior to the commencement of works, a Flood Response Plan must be submitted to Melbourne Water by accredited risk management professional. The Flood Response Plan must be binding to successors in title to provide for ongoing effective management of flood risks, and may include:

a. Signs alerting users to the potential for flooding and depth markers showing the 1%ARI flood level. These should be placed around the interior and exterior of the carpark;

b. Other devices that take into account and aim to mitigate potential flood impacts, including an emergency management planning if deemed necessary from an accredited risk management professional.

47. Pollution and/or sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water’s drains or waterways.

Transport for Victoria

48. Before the development starts, amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted, but modified to show:

a. Staging plan/details of the bus interchange works

b. Details of bus swept paths which demonstrate all buses are able to stop at each stop and any kerb realignments required

c. Details of all bus shelters/the new canopy/walkways including seating, compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002
d. Details of pedestrian links (compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002) from the bus interchange to the shopping centre entrance

e. All landscaping details

f. Barriers proposed to direct pedestrian movements

g. Lighting plan for the bus interchange and access walkways, including signage directing pedestrians to the bus interchange

h. Details of electrical conduits for future proofing bus operations requirements.

to the satisfaction of the Head, Transport for Victoria.

49. Unless otherwise agreed in writing before the development starts, detailed construction / engineering plans and computations must be submitted to and approved by Public Transport Victoria (PTV) for the bus interchange and all associated infrastructure, including landscaping and must be compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002. The plans must be generally in accordance with the endorsed plans under this permit.

50. A minimum of six (6) months’ notice must be given to PTV by the permit holder of the likely commencement of works on the bus interchange and a staging works plan submitted for approval to the satisfaction of PTV.

51. Prior to the commencement of the works, a Traffic Management Plan must be submitted to PTV for endorsement, which outlines how traffic will be managed throughout the construction of the development and mitigate impacts to public transport to the satisfaction of Public Transport Victoria. All traffic management and mitigation costs must be at the full cost of the permit holder and in accordance with the approved Traffic Management Plan to the satisfaction of PTV. The Plan may interface with any plan requested by the Responsible Authority. The permit holder must take all reasonable steps to ensure that disruption to bus operations is kept to a minimum during construction.

52. During the construction period and prior to the completion of the works associated with the bus interchange, the permit holder must ensure that an operational “bus trial” is conducted for the bus interchange and any alterations needed are completed to the satisfaction of PTV.

53. Prior to the occupation of the development all works outlined on the endorsed plans for the bus interchange must be completed to the satisfaction of Public Transport Victoria at the full cost of the permit holder.

Satisfactorily Completed

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

Permit Expiry

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

a. The development is not started within four (4) years of the date of this permit.

b. The development is not completed within six (6) years of the issued date of this permit.

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

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

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

Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made. Pursuant to Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the periods referred to if a request is made in writing within the following prescribed timeframes:

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 Bolam Seconded: Councillor Mayer

That Council resolves to issue a Planning Permit in respect to Planning Permit Application number 154/2018/P for the use of the land at 197 Karingal Drive Frankston for a community space (Place of Assembly), buildings and works to facilitate a major extension to the existing Karingal Hub Shopping Centre, realignment of a drainage easement and vegetation removal, subject to the following conditions:

Plans

1. Before the use 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 identified as Buchan, dated 23/1/18, ATP-10100-10104; ATP-20200-20204; ATP-40400-40405; ATP-50500; ATP-60600-60605 and Formium Landscape Architects, Landscaping Plans LC1-11; but modified to show:

   a. Changes proposed in Buchan, Lower Ground Plan, ATP-20205, dated 23/1/18 ‘For information’ for the Town Centre;
   b. Changes proposed in Cardno plan no V160690T-TR-SK-0009, Revision 1;
   c. Subdivision plan showing the relocated drainage easement in favour of Melbourne Water;
   d. Layout and location of Public amenities which should include a ‘parents room’;
   e. Employees shower and change rooms
   f. Bicycle parking;
   g. Bicycle path connection to Peninsula Link pathway;
   h. Identify treatment to prevent vehicles overshooting or encroaching into footpath space for the pickup and drop off taxi rank and disabled car spaces;
(i) Location of trolley bays;
(j) Location of the pedestrian and bicycle pathway network, through the car
park areas and connections to existing pathways and entrances;
(k) Way finding signage for pedestrians;
(l) Landscaping Plan in accordance with Condition 3;
(m) Tree protection notes in accordance with Condition 6;
(n) Melbourne Water requirements in accordance with Condition 34;
(o) VicRoads requirements in accordance with Condition 28;
(p) Transport for Victoria requirements in accordance with Condition 48.

No Alterations
2. The use and development as shown on the endorsed plans must not be altered
without the prior written consent of the Responsible Authority.

Landscaping
3. Before the commencement of buildings and works, a landscape plan generally in
accordance with the submitted concept plan prepared by FORMium Landscape
Architects dated March 2018, LC1-11 and the submitted development plan 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) 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;
   b) A planting schedule of all proposed trees, shrubs and ground covers,
      including botanical names, common names, pot sizes, size at maturity and
      quantities of each plant;
   c) 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.
   d) Adequate planting densities (e.g.: plants with a mature width of 1 metre,
      planted at 1 metre intervals);
   e) A planting theme of a minimum 40% indigenous and 40% native within each
      plant group;
   f) Redesign the ‘Entry road Landscape Plan (LC3)’ to include further canopy
      tree plantings such as Eucalyptus mannifera “Little spotty”, drainage area to
      include large boulders and grasses and a combined decked footpath
      through the drainage area to the satisfaction of the Responsible authority.
   g) The provision of suitable canopy trees (minimum two metres tall when
      planted) in the areas specified below with species chosen to be approved by
      the Responsible Authority;
      i. One (1) canopy tree for every eight (8) carparks for existing
         carpark areas within plans (LC7 and LC8)
   h) The relocation of bike hoops closer to activity areas for better surveillance
i) 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.

j) Detailed engineered design for Planter boxes and deck canopy tree cut outs to include soil volumes.

k) All tree stock used must be in accordance with AS2303-2015 Tree stock for Landscape Use

l) The provision of additional native street tree planting along Karingal Drive and Cranbourne-Frankston Road.

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. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged trees are to be replaced.

Tree Pruning

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

Tree Protection

7. Prior to the commencement of the development (including vegetation removal), a Tree Protection Fence defined by a 1.8 metre high (minimum) temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence’s panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting with a high visibility plastic hazard tape, must be installed around the drip-line of canopy trees within 15m of any 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”.

The requirements below must be observed within this area –

   a) Coarse mulch laid to a depth of 50-100 mm (unless the existing surface is being retained).

   b) No vehicular or pedestrian access.

   c) The existing soil level must not be altered either by fill or excavation.

   d) The soil must not be compacted or the soil’s drainage changed.

   e) No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are to be disposed of or stored.

   f) No storage of equipment, machinery or material is to occur.

   g) Open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used unless approved by the Responsible authority to tunnel beneath.
h) Nothing whatsoever, including temporary services wires, nails, screws or any other fixing device, is to be attached to any tree.

i) Tree roots must not be severed or injured.

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

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

**Materials, finishes and colour schedule**

8. Prior to the commencement of building and works, a colour schedule and sample panel of all external materials and finishes showing materials, colours and finishes, roof and glazing treatments including colour copies suitable for endorsing, must be submitted to the satisfaction and approval by the Responsible Authority. When approved, the schedule will form part of the permit.

9. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the responsible authority.

**Amenity**

10. The amenity of the area must not be detrimentally affected by the use or development through the:
   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) Standing of trolleys in areas other than designated trolley bays.
   e) Presence of vermin.
   f) In any other way.

   to the satisfaction of the Responsible Authority.

11. Goods, equipment, packaging material or machinery must not be stored or left exposed outside the building so as to be visible from any public realm, public road or thoroughfare.

12. Outdoor lighting must be designed, baffled and located to the satisfaction of the responsible authority to ensure that no direct light is emitted outside the site to prevent any adverse effect on adjoining land.

13. Without the prior written consent of the Responsible Authority any form of public address system or sound amplification equipment used on the premises must not be audible outside the premises.

14. The approved use must not cause any nuisance or annoyance to persons beyond the land because of the emission of noise or otherwise to the satisfaction of the Responsible Authority.

15. Noise emitted from the premises must not exceed limits prescribed by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. SEPP N-1.
Infrastructure

Construction Management Plan

16. Prior to the commencement of the development a Construction 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 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.

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 vegetation protection, runoff, erosion, dust, litter, noise and light.

d. Location and specifications of sediment control devices on/off site.

e. Location and specification of surface water drainage controls.

f. Location and specifications of fencing for the protection of trees and/or vegetation as required by permit.

g. Proposed drainage lines and flow control measures.

h. Location of all stockpiles and storage of building materials.

i. Location of parking for site workers and any temporary buildings or facilities.

j. Details to demonstrate compliance with relevant EPA guidelines.

k. Hours during which construction activity will take place.

l. Compliance with relevant standards including EPA noise Control Guidelines Publication 1254) and EPA guidelines (Environmental Guidelines for Major Construction Sites (1996).

17. Prior to the occupation of the building, areas set aside for parking vehicles, loading bays, bicycles, bicycle link, access lanes and paths as shown on the endorsed plans must be:

a. Constructed to the satisfaction of the Responsible Authority;

b. Properly formed to such levels that they can be used in accordance with the plans;

c. Surfaced with an all-weather sealcoat;

d. Drained and maintained to the satisfaction;

e. Line marked to show the direction in which vehicles are to travel;

f. Sign marked identifying the allocation of car spaces; and;

g. Properly lit.

to the satisfaction of the responsible authority.

18. Car spaces, access lanes, bicycle facilities, loading areas and driveways must be kept available for these purposes at all times.

19. Provision of a Stormwater Detention System with a volume capable of retarding flow from the development site back to the pre-development value to the satisfaction of the Responsible Authority.
20. 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.

21. Water Sensitive Urban Design principles (WSUD) must be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
   a. On-site stormwater detention
   b. Rainwater tanks for harvesting and re-use of stormwater for laundry, toilet flushing, landscape irrigation, etc.
   c. Soil percolation
   d. Rain gardens providing extended detention and on-site ‘bio-treatment’ to reduce dissolved contaminants and suspended solids

22. The land owner is responsible for the effective management and maintenance of all drainage assets that are not the responsibility of Melbourne Water, including all 1% ARI flow paths.

23. The loading and unloading of goods from vehicles must only be carried out within the designated loading bay area on site and must not disrupt the circulation and parking of vehicles on the land.

24. 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.

Waste Management

25. Deliveries to and from the site (including waste collection) must only take place between:
   - 6.00 am – 10.00 pm Monday to Saturday (inclusive)
   - 9.00 am – 10.00 pm Sunday and Public Holidays

26. No goods must be stored or left exposed outside the buildings so as to be visible from any public road or thoroughfare.

27. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons within or outside the land.

VicRoads Requirements

28. Unless otherwise agreed in writing by VicRoads, prior to the commencement of works, a detailed functional layout drawing and functional stage Road Safety Audit of the upgraded vehicle access points on Cranbourne Road, generally in accordance with the Cardno prepared Site Access Modifications drawing – V160690T-TR-SK-0001 Revision 1 dated 03/05/2017, but modified to show the following, must be submitted to and approved by VicRoads:

   Chairperson’s initials
a. Details of the westbound left turn deceleration lane from Cranbourne Road to Ferndale Drive, including the relocated Shared Use Path and Bus Stop/s on the southern side of Cranbourne Road.

b. Provision of upgraded right and left turn treatments at the northern approach of the Cranbourne Road/Southern Access Road intersection.

29. Before the commencement of any works required by VicRoads under this permit a detailed engineering design must be prepared generally in accordance with the accepted functional layout plan and to the satisfaction of VicRoads.

30. Before the use of the permitted development, all works required by VicRoads under this permit must be completed to the satisfaction of VicRoads and at no cost to VicRoads.

31. The preparation of the detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current VicRoads' policy, procedures and standards and at no cost to VicRoads. In order to meet VicRoads' requirements for these tasks the applicant will be required to comply with the requirements documented as “Standard Requirements - Developer Funded Projects” and any other requirements considered necessary depending on the nature of the work.

32. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

33. Where the proposed road works at Cranbourne Road, including footpath and nature strip, lie within the subject property, a widening of the road reserve will be required, at no cost to VicRoads. The developer must engage a licensed surveyor to prepare a Plan of Subdivision showing the affected land labelled "ROAD", which is to be vested in the Roads Corporation upon certification of the Plan of Subdivision, without any encumbrances. Subsequent to the registration of the plan, the subdivider must ensure that the original Certificates of Title that issues in the name of the Roads Corporation, are posted to: VicRoads - Property Services Department, 60 Denmark Street KEW, 3101.

Melbourne Water Requirements

34. Before the endorsement of plans, formalised amended plans (site, elevation and cross-section type, to scale and clearly legible) must be submitted to Melbourne Water demonstrating the following outcomes, to the satisfaction of Melbourne Water:

a. Adequately sized easements shown over new and existing Melbourne Water drains;

b. Building structures, including footings and eaves, shown to be set outside Melbourne Water easement(s) or a minimum 1.5 metres laterally clear of the outside edge of the drain, whichever is greater;

c. The depth of building footings to a Melbourne Water drain shown to be adequate to satisfy the ‘angle of repose’ relative to the drain as per Melbourne Water’s specifications;

d. The section of future Melbourne Water easement through the ‘Town Centre’ shown clear to the sky of all permanent structures (including roof canopy) for the purpose of future maintenance and access requirements to the drain by Melbourne Water;
e. Any removable/lightweight structures over a Melbourne Water future or existing drainage easement(s) shown with detail (a notation on the plans) that it is non-permanent and can be removed/is demountable.

f. A 2.0 metre ‘clearance zone’ shown around the manholes to a new or an existing Melbourne drain(s);

g. A minimum 850mm vertical cover notated and shown over existing and future Melbourne Water drain(s);

h. Landscaping, set within planter boxes or retaining walls, and trees shown with an offset to a Melbourne Water drain(s);

i. More clarity around how the spillway interacts with the access ramp shown. Documentation will need to be supplied by a qualified dams engineer if works are to impact the structure of the retarding basin.

35. Prior to the commencement of works, a legal Build-over Agreement for structures/works over Melbourne Water’s drain(s) shall be entered into with Melbourne Water. For any removable structures over Melbourne Water’s drain, the type of construction material and design must be to the satisfaction of Melbourne Water. A full disassembly and assembly methodology must be provided to Melbourne Water for future reference.

36. An amended Drainage and Stormwater Management Strategy, which is adjusted to account for the design changes (above) must include, but is not limited to, the following information to the satisfaction of Melbourne Water:

   a. Information that details sizing and alignment of drainage infrastructure, calculations and pipe sizing, capacity and alignment details;

   b. Functional design details, which includes ongoing ownership of pipelines post construction.

   c. Unless the otherwise agreed, the capacity of pipelines must retard stormwater back to pre-development levels before entering the downstream drainage system and/or retard stormwater back to the sufficient capacity of the downstream drainage system, whichever is appropriate, to the satisfaction of Melbourne Water.

   d. The cost of drainage works (easement creation, construction and removal of pipelines, agreements and plans) will not be borne by Melbourne Water.

37. Prior to the commencement of works, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water’s drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.

38. The development will be designed to safely convey overland flows for the 1% ARI event by making use of new internal/external open-space areas in accordance to Melbourne Water’s development manual.

39. Any vehicular and/or pedestrian access must be designed and constructed to comply with the following safety criteria associated with the applicable flood level. (A) Depth of flow does not exceed 0.35m; (B) Velocity of flow does not exceed 1.5m/s; (C) The Depth ‘Velocity product does not exceed 0.35 m²/s.

40. Appropriately sized easements must be created over new and existing Melbourne Water drains(s) to the satisfaction of Melbourne Water. Unless otherwise agreed, the easement for the future Melbourne Water drain must be a minimum of 6 metres in width.
41. Prior to the commencement of works, a separate application direct to Melbourne Water’s Asset Services team must be made for formal approval, before any new or modified connection is made to Melbourne Water drain.

42. The drainage system in the development must be designed such that stormwater is unable to penetrate other areas of the shopping centre such as retail areas.

43. The owner/user is to accept full risk and responsibility for any flood related damage and is to indemnify Melbourne Water, its Directors, Officers and Agents from any claims resulting from flooding.

44. Melbourne Water recommends that the flood risk associated with the development be minimised by ensuring that:
   a. Flood resistant materials are used, for the construction of floor levels below the applicable 1%ARI flood level;
   b. All plumbing works meet the applicable standards, of the relevant authority, for areas subject to flooding;
   c. All electrical installations meet the applicable standards, of the relevant authority, for areas subject to flooding.
   d. All doors, windows, vents and openings to retail areas must be set 300mm above an existing or proposed overland 1%ARI overland flow path.

45. Unless otherwise agreed and prior to the commencement of works, the Owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with the Responsible Authority and Melbourne Water Corporation. All costs associated with the setting up of the agreement will not be borne by Melbourne Water. The agreement must be registered on title and run with the land, and must provide, to the satisfaction of Melbourne Water. Unless otherwise agreed, the agreement will include the following matters:
   a. Information that informs current and successive land owners/operators of the shopping centre that the carpark and shopping centre areas (including outdoor areas and retail/shopping areas) will be subject to flooding during the 1%ARI year flood event;
   b. Will indemnify Melbourne Water of the risks associated with 1%ARI flow path through the carpark and shopping centre areas (including outdoor areas and retail/shopping areas);
   c. Identify maintenance requirements for structures (including pits grates, walls, retaining walls that will interact with the 1%ARI flow path) not in Melbourne Water’s ownership; and
   d. The implementation of a Flood Risk Management Plan which has been submitted and reviewed by Melbourne Water.

46. Prior to the commencement of works, a Flood Response Plan must be submitted to Melbourne Water by accredited risk management professional. The Flood Response Plan must be binding to successors in title to provide for ongoing effective management of flood risks, and may include:
   a. Signs alerting users to the potential for flooding and depth markers showing the 1%ARI flood level. These should be placed around the interior and exterior of the carpark;
   b. Other devices that take into account and aim to mitigate potential flood impacts, including an emergency management planning if deemed necessary from an accredited risk management professional.
47. Pollution and/or sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water’s drains or waterways.

Transport for Victoria

48. Before the development starts, amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted, but modified to show:

a. Staging plan/details of the bus interchange works
b. Details of bus swept paths which demonstrate all buses are able to stop at each stop and any kerb realignments required
c. Details of all bus shelters/the new canopy/walkways including seating, compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002
d. Details of pedestrian links (compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002) from the bus interchange to the shopping centre entrance
e. All landscaping details
f. Barriers proposed to direct pedestrian movements
g. Lighting plan for the bus interchange and access walkways, including signage directing pedestrians to the bus interchange
h. Details of electrical conduits for future proofing bus operations requirements.

all to the satisfaction of the Head, Transport for Victoria.

49. Unless otherwise agreed in writing before the development starts, detailed construction / engineering plans and computations must be submitted to and approved by Public Transport Victoria (PTV) for the bus interchange and all associated infrastructure, including landscaping and must be compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002. The plans must be generally in accordance with the endorsed plans under this permit.

50. A minimum of six (6) months’ notice must be given to PTV by the permit holder of the likely commencement of works on the bus interchange and a staging works plan submitted for approval to the satisfaction of PTV.

51. Prior to the commencement of the works, a Traffic Management Plan must be submitted to PTV for endorsement, which outlines how traffic will be managed throughout the construction of the development and mitigate impacts to public transport to the satisfaction of Public Transport Victoria. All traffic management and mitigation costs must be at the full cost of the permit holder and in accordance with the approved Traffic Management Plan to the satisfaction of PTV. The Plan may interface with any plan requested by the Responsible Authority. The permit holder must take all reasonable steps to ensure that disruption to bus operations is kept to a minimum during construction.

52. During the construction period and prior to the completion of the works associated with the bus interchange, the permit holder must ensure that an operational “bus trial” is conducted for the bus interchange and any alterations needed are completed to the satisfaction of PTV.

53. Prior to the occupation of the development all works outlined on the endorsed plans for the bus interchange must be completed to the satisfaction of Public Transport Victoria at the full cost of the permit holder.
Satisfactorily Completed
54. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Permit Expiry
55. This permit will expire if one of the following circumstances applies:
   a. The development is not started within four (4) years of the date of this permit.
   b. The development is not completed within six (6) years of the issued date of this permit.

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

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

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

Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made. Pursuant to Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the periods referred to if a request is made in writing within the following prescribed timeframes:
   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
11.3 Planning Permit Application 148/2018/P - 14 Sandpiper Place Frankston - Use of the land for a residential building for student accommodation

(MPI Community Development)

Council Decision

Moved: Councillor Bolam
Seconded: Councillor O'Reilly

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 148/2018/P for the use of the existing Residential Building for Student Accommodation at 14 Sandpiper Place, Frankston, subject to the following conditions:

Plans

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted with the application prepared by Kevin Thielking, Ref: 17001, Floor Plan, A1.0 dated December 2017 and Site Layout Plan prepared by Watsons, 29 November 2016, No. 36919SL-A, Sheet 1 of 1, but modified to show:
   
   (a) Dimensions of all rooms;
   
   (b) Internal layout of each room including fixtures and fittings;
   
   (c) A communal dining and lounge room;
   
   (d) Storage facilities for each dwelling;
   
   (e) Location of clothes lines;
   
   (f) Provision of a security pedestrian gate to provide controlled access to the open space area along the northern property boundary to bedsits 31-40;
   
   (g) A Operational Management Plan in accordance with condition 7;
   
   (h) A Waste Management Plan in accordance with condition 13.

No Alteration or Changes

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

Use

3. With the exception of the on-site Manager, occupation of each room is for the exclusive use of students enrolled and attending at a tertiary or TAFE institution and to be vacated within three months of that student’s completion of studies, to the satisfaction of the Responsible Authority.

4. All rooms shall be managed by a single management entity and shall not be leased or otherwise managed other than under the control of that management entity.

5. With the exception of the Manager’s dwelling and the communal rooms, no student room is to be equipped with a kitchen sink or fixed cooking facilities.
Operational Management Plan

6. Upon the commencement of the use of the building for Student Accommodation, a Manager must be present on the land at all times. The responsibilities of the manager role is to be clearly set out in the Operational Management Plan to Council’s satisfaction.

7. Prior to the commencement of the use, an Operational Management Plan must be submitted to and approved by the Responsible Authority. When approved, the Management Plan will be endorsed and will then form part of this permit. The plan must include:

   a) Permanent display of the Operational Management Plan in a common area.
   b) The name and contact details and experience of the person responsible for the day to day management of the premises;
   c) A requirement for a sign to be displayed in a location visible to the public detailing the name and contact details of the person who can be contacted to respond to incidents in the immediate area;
   d) Details of the terms of accommodation and maximum number of persons to be accommodated on-site and within each room.
   e) Requirement for recording of evidence that all occupants are bona fide students by the manager;
   f) No student room is to be equipped with a kitchen sink or fixed cooking facilities.
   g) General terms and conditions of the rental accommodation;
   h) Responsibly for the perpetual maintenance of the building and car parking area and maintenance of all common property landscaping areas;
   i) Procedures for the management and/or allocation of the car spaces to students. A register that documents the allocation of car spaces;
   j) House rules regarding occupancy and behaviour of students and visitors, and grievance procedures;
   k) House rules for the use of communal areas;
   l) Resolution process for disputes between students;
   m) Critical Incident Management and Emergency and Evacuation Procedures
   n) Provision of information on local public transport, community and education services, including health, counselling and cultural services.
   o) Arrangements for the storage of garbage and recyclables and for waste collection;
   p) House rules for the purposes of protecting the amenity of the area and details of their distribution to students;
   q) Arrangements for a register of complaints from residents of the immediate area regarding the appearance of the facility or the behaviour of students and arrangements for access to the register by the responsible authority;
   r) Arrangements to ensure prompt responses by the manager/management of the site to reported behavioural incidents by residents that occur in the immediate area;
The use must operate and be managed in accordance with the conditions and provisions of the approved Operational Management Plan to the satisfaction of the Responsible Authority. The plan may be amended from time to time to the satisfaction of the Responsible Authority.

Number of persons

8. The total number of students accommodated on site must not exceed 44 and not more than one (1) adult person may reside in each room at any one time, with the exception of the Manager’s Residence, to the satisfaction of the Responsible Authority.

Car parking

9. The number of students residing on site who own cars shall not exceed the number of on-site car spaces provided by the development.

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

11. Prior to the commencement of the use, each car space must be numbered on site, low intensity lighting must be provided to the car park areas and pedestrian access ways to ensure they are adequately illuminated during evening periods without any loss of amenity to residents of nearby dwellings, to the satisfaction of the Responsible Authority.

Amenity

12. The amenity of the area must not be adversely affected by the use as a result of:
   a) Transportation of materials, goods or commodities to or from the land;
   b) Appearance of any buildings, works, stored goods or materials;
   c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, steam, soot, ash, dust, waste, water, waste products or oil; or
   d) The presence of vermin.

   to the satisfaction of the Responsible Authority.

Waste Management Plan

13. A Waste Management Plan must be prepared in accordance with Council’s Waste Management Guidelines for Multi-Unit Developments, February 2017 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.

14. All waste generated by the dwellings will be required to be collected on site by a Private Waste Collection Agency.

Urban design

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

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.

Completion of Buildings and Works

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:

   (a) The use is not started within two (2) years of the 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
11.4 Town Planning Application 170/2018/P - 5/129-133 Beach Street, Frankston 3199 -
To sell and consume liquor (Restaurant and Cafe Licence) and reduction in car
parking requirements of Clause 52.06 of the Frankston Planning Scheme

(MP Community Development)

Council Decision

Moved: Councillor Toms Seconded: Councillor Mayer

That Council resolves to issue a Planning Permit in respect to Planning Permit
Application number 170/2018/P to sell and consume liquor (Restaurant and Cafe Licence) and reduction in car parking requirements of Clause 52.06 of the Frankston Planning Scheme at 5/129-133 Beach Street, Frankston, subject to the following conditions:

No Alterations

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

Patron Numbers

2. A maximum of 50 patrons is permitted at any one time, unless with the prior written consent of the Responsible authority.

Liquor Licence Requirements

3. Unless with the prior written consent of the Responsible Authority, the selling or consumption of alcohol must only take place within an approved red line plan and at the premises during the following hours:
   - Monday to Saturday: 11am to 11pm
   - Sunday: 5:30pm to 10pm
   - Good Friday and Anzac day 12pm to 11pm

Permit Expiry

4. This permit will expire if one of the following circumstances applies:
   - The use is not commenced within two (2) years of the date of this permit.
   - The use is discontinued for a period of two (2) years or more.

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

Notes

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

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

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

b. Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

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

D. 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.

Carried

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

Against the Motion: Cr Hampton
11.5 September 2018 Town Planning Progress Report  
(\textit{MP Community Development})

\textbf{Council Decision}

\textbf{Moved: Councillor Aitken} \hspace{1cm} \textbf{Seconded: Councillor Cunial}

That Council receives and notes the September 2018 Town Planning Progress Report.

\textit{Carried Unanimously}

\textit{The Mayor adjourned the meeting at 8.57 pm for five minutes}

\textit{The meeting resumed at 9.05 pm}
12. CONSIDERATION OF REPORTS OF OFFICERS

12.1 Resolution Progress Update

(MT Chief Executive Office)

**Council Decision**

**Moved: Councillor Cunial**  **Seconded: Councillor O’Connor**

That Council:

1. Receives the Notices of Motion Report as at 22 October 2018.
   - Approves the archiving of the following Notice of Motion from the Notices of Motion Report: 2018/NOM50 – Multi-Level Car park
   - 2018/NOM51 – Prospective land acquisitions
   - 2018/NOM54 – Tree Removal (Part 1, 3 LOST & 4)
   - 2018/NOM55 – Car Parking Provision Rates for outer suburban Melbourne

2. Notes that, since 18 September 2018, 8 resolutions have been completed, as detailed in the body of the report.

3. Notes that the report listed below will not be presented back to Council by its advised date and that a detailed explanation is provided in the body of the report:
   - 2018/NOM44 – Green Space in CAD

**Carried Unanimously**
12.2 Record of Assemblies of Councillors  
*(MT Chief Executive Office)*

**Council Decision**

Moved: Councillor Mayer  
Seconded: Councillor O’Reilly

That Council receives the following written records:

- 25 June 2018 (Councillor Briefing)
- 9 July 2018 (Councillor Briefing)
- 16 July 2018 (Councillor Briefing)
- 18 July 2018 (CEO Performance Review Sub-Committee)
- 6 August 2018 (Councillor Briefing)
- 8 August 2018 (Working group meeting with Mornington Peninsula Shire)
- 20 August 2018 (Councillor Briefing)
- 17 September 2018 (Councillor Briefing)

**Carried Unanimously**
12.3 Committee Minutes
(MT Chief Executive Office)

Council Decision

Moved: Councillor O'Reilly Seconded: Councillor Cunial
That the minutes of the following Committee be received:
- Ballam Park Homestead Advisory Committee & Heritage Assets and Promotion Committee – August 2018;
- Metropolitan Local Government Waste Forum Minutes – August 2018; and
- Frankston City News Editorial Committee Minutes – September 2018.

Carried Unanimously
12.6 Procurement Policy - Local Content Evaluation Criteria Weighting

(MP Corporate Development)

**Council Decision**

Moved: Councillor Cunial  Seconded: Councillor Bolam

That:

1. Council determines to retain the weighting of 5% for local content and reconsiders this weighting in the next review of the procurement policy.

2. The 2019/20 Procurement Policy annual review includes more detail on Social Procurement and Council’s requirements when included as a mandatory criteria.

3. Should Council wish the mandatory criteria to remain as local content only, it is recommended that the weighting remain at 5% to avoid limiting markets.

4. The definition of local content be reviewed as part of the 2019/20 Procurement Policy annual review.

*Carried Unanimously*
12.7 Proposed Lease of Council managed Land - 30B & 30C Long Island Drive
Frankston (Commercial Tenancy Frankston Yacht Club Building)
(MP Corporate Development)

Council Decision

Moved: Councillor Toms  Seconded: Councillor Cunial

That:

1. In accordance with s.190(3) of the Local Government Act 1989 and having
   complied with the provisions of s.223 of the Act with no submissions having been
   received, Council resolves to enter into a lease agreement with Eureka Corporate
   Hospitality Group, or any wholly owned subsidiary of the Eureka Corporate
   Hospitality Group, in respect of the land at 30B & 30C Long Island Drive
   Frankston (Frankston Yacht Club Building), being part of Crown Allotment 44A
   section D Parish Plan 5301, known as the Frankston Foreshore Crown Reserve.

2. Council authorises the Chief Executive Officer to undertake final lease
   negotiations and to sign the lease document and associated disclosure statement.

3. Council authorises the common seal to be affixed to the lease document.

Carried Unanimously
12.8 Frankston City Council - Annual Report 2017-2018
(SJ Corporate Development)

**Council Decision**

Moved: Councillor McCormack  Seconded: Councillor O'Reilly

That Council:

1. Endorses the Frankston City Council Annual Report 2017–2018 with minor changes to the Councillor Attendance Record (Attachment A);


*Carried Unanimously*
12.9 Towards Zero Emissions Plan
(OV Community Assets)

**Council Decision**

Moved: Councillor Bolam  Seconded: Councillor Toms

That Council:

2. Endorses the draft Towards Zero Emissions Plan (2019-2023) to be released for six weeks community consultation and public feedback.
3. Notes that a report to Council be prepared for the Council Ordinary Meeting in January 2019 on the outcomes of the community consultation and feedback.

*Carried Unanimously*
12.10 Frankston City Health and Wellbeing Plan 2017-2021 - Year 1 Annual Report and Year 2 Action Plan
(LD Community Development)

**Council Decision**

**Moved:** Councillor Mayer  
**Seconded:** Councillor Bolam

That Council:

1. Receives and notes the Year One Annual Review for the Frankston City Health and Wellbeing Plan 2017-2021 (Attachment A); and
2. Adopts the draft Year Two Action Plan for the Frankston City Health and Wellbeing Plan 2017-2021 (Attachment B).

*Carried Unanimously*
12.11 Australian Government Community Sport Infrastructure Grant Program

(LD Community Development)

**Council Decision**

Moved: Councillor O'Connor  Seconded: Councillor Bolam

That Council:

1. Notes applications to the Australian Government’s Community Sports Infrastructure Grants Program closed on 14 September 2018 and officers submitted two applications that can be withdrawn subject to Council’s resolution.

2. Approves funding applications to the 2018/19 Australian Government Community Sports Infrastructure Grant Program to support projects currently included in the capital works renewal list for 2019/20 as follows:
   a) $499,000 towards Delacombe Park Soccer sports lighting on pitches 1 and 2
   b) $40,000 towards Langwarrin Netball Club for spectator, player and officials shelters and warm up area and fencing.

Carried Unanimously
12.12 Frankston Park Oval Sports Lighting Upgrade to Broadcast Levels - Preliminary Design

*(VG Community Assets)*

**Recommendation (Director Community Assets)**

That Council:

1. Notes the preliminary design for the sports lighting upgrade to broadcast level at Frankston Park Oval;
2. Authorises Council officers to undertake briefing and information sessions with the surrounding property Owners and Occupiers to seek feedback on the proposed sports lighting upgrade works; and
3. Authorises Council officers to initiate the process of potential realignment of Crown Land boundary between the Frankston Park Oval and Plowman Place Road Reserve and notes that a further report will be presented advising of the Department of Environment, Land, Water and Planning (DELWP) requirements associated with the process.

**Council Decision**

Moved: Councillor Toms  
Seconded: Councillor Bolam

That Council:

1. Notes the preliminary design for the sports lighting upgrade to broadcast level at Frankston Park Oval, which includes lighting levels (lux) testing for the oval and its impacts on adjoining properties;
2. Notes that the project provides for lighting levels (lux) testing to be carried out both at the design stage and post works;
3. Authorises Council officers to undertake briefing and information sessions with the surrounding property Owners and Occupiers to seek feedback on the proposed sports lighting upgrade works, with the outcomes of that consultation to reported to Council at its Ordinary Meeting in February 2019; and
4. Authorises Council officers to initiate the process of potential realignment of Crown Land boundary between the Frankston Park Oval and Plowman Place Road Reserve and notes that a further report will be presented advising of the Department of Environment, Land, Water and Planning (DELWP) requirements associated with the process.

Carried Unanimously
12.13 Homeless Shower

(GK Community Development)

**Council Decision**

**Moved: Councillor Toms**  **Seconded: Councillor Aitken**

That Council retrospectively approves the funding application to the Federal Government for $10K for a ‘homeless shower’ noting that this will incur a matching contribution of $10K from Council should the application receive final approval by the Federal Government.

**Carried Unanimously**
13. RESPONSE TO NOTICES OF MOTION

Block Resolution

Council Decision

Moved: Councillor Aitken  Seconded: Councillor Cunial

That the following items be block resolved and that the recommendations in each item be adopted:

13.1 Response to 2018/NOM20 – Traffic calming options at the top of Balmoral Street, Frankston

13.4 Response to 2018/NOM24 – Frankston ‘Future Fund’

13.6 Response to 2018/NOM37 – Overflow Rubbish at Fast Food Sites

13.8 Response to 2018/NOM47 – Environmentally Sustainable Design (ESD) Rating System

Carried Unanimously

13.1 Response to 2018/NOM20 - Traffic calming options at the top of Balmoral Street, Frankston

(DD Community Assets)

Council Decision

That Council notes this report which outlines that assessment undertaken in relation to the intersection of Balmoral Street / Young Street and concludes that the current intersection layout meets the objectives of the Young Street Redevelopment project.

Note: Refer to Page 65 of the Minutes where this item was block resolved
13.2 Further Response to 2018/NOM21 - Economic Resilience Package II  
(SJ Corporate Development)

Recommendation (Director Corporate Development)

That Council:

1. Receives the quarterly spreadsheet of Frankston City Council Economic Development Indicators for September 2018 (Attachment A).
2. Receives the quarterly Frankston City Economic Scorecard for September 2018 (Attachment B).
3. Endorses:
   a. the provision of the Frankston City Economic Scorecard (Attachment B) under the title of "Frankston City Economic Scorecard" to Council each quarter;
   b. the Frankston City Economic Scorecard (Attachment B) is provided in place of the Economic Development Indicators (Attachment A) in future as it provides a more holistic and easily understood representation of the City’s economic environment.
4. Endorses the end of year (Quarter Four) result of the Frankston City Economic Scorecard being incorporated into future Frankston City Annual Reports.

Council Decision

Moved: Councillor Bolam Seconded: Councillor Aitken

That Council:

1. Receives the quarterly spreadsheet of Frankston City Council Economic Development Indicators for September 2018 (Attachment A).
2. Receives the quarterly Frankston City Economic Scorecard for September 2018 (Attachment B).
3. Endorses:
   a. the provision of the Frankston City Economic Scorecard (Attachment B) under the title of “Frankston City Economic Scorecard” to Council each quarter;
   b. the Frankston City Economic Scorecard (Attachment B) is provided in place of the Economic Development Indicators (Attachment A) in future as it provides a more holistic and easily understood representation of the City’s economic environment. Updates are to be provided quarterly in the form of a report to Council; and a yearly overview is to be provided in Council’s Annual Report.
4. Endorses the end of year (Quarter Four) result of the Frankston City Economic Scorecard being incorporated into future Frankston City Annual Reports.

Carried Unanimously
13.3 Response to 2018/NOM23 - Operational and Performance Review
(KJ Corporate Development)

**Recommendation (Director Corporate Development)**

That Council note that the Chief Executive Officer’s KPI’s that are prepared and endorsed by Councillors address the requirements of this Notice of Motion. The ongoing internal review, monitoring and reporting ensures that an organisational wide operational and performance audit is undertaken on a review of all service levels, prior to undertaking community engagement on future services.

**Council Decision**

Moved: Councillor Bolam Seconded: Councillor Toms

That Council:

1. Notes that the Chief Executive Officer’s KPI’s that are prepared and endorsed by Councillors address the requirements of this Notice of Motion. The ongoing internal review, monitoring and reporting ensures that an organisational wide operational and performance audit is undertaken on a review of all service levels, prior to undertaking community engagement on future services.

2. Notes that each annual Internal Review is to provide Council the option, in the form of a report, to conduct an operational and/or performance based review of a specific area or function of the Frankston City Council organisation.

*Carried Unanimously*
13.4 Response to 2018/NOM24 - Frankston 'Future Fund'
(KJ Corporate Development)

**Council Decision**
That Council support the current approach to Council Reserve Funds which essentially operate as Future funds without duplicating this approach.

**Note:** Refer to Page 65 of the Minutes where this item was block resolved
13.5 Response to 2018/NOM31 - Improvements to the Planning Process - Establishing a Frankston Native Vegetation Offsets Program  

*(MP Community Development)*

**Recommendation**

That Council:

1. Notes this report in response to item 6 of 2018/NOM31 and;

2. Supports the development of a business case for a Frankston City Council native vegetation offsets program through employment of a temporary part-time project officer at a cost of $20,000.

3. Supports this local offsets program to be programmed for completion after Council’s adoption of the Green Wedge Management Plan expected in mid-2019 and therefore is referred to Council’s normal budget build process for 2019-20.

**Council Decision**

Moved: Councillor Bolam  
Seconded: Councillor Aitken

That Council:

1. Notes this report in response to item 6 of 2018/NOM31, and

2. Supports the development of a business case for a Frankston City Council native vegetation offsets program through employment of a temporary part-time project officer at a cost of $20,000.

3. Supports this local offsets program to be programmed for completion after Council’s adoption of the Green Wedge Management Plan expected in mid-2019 and therefore is referred to Council’s normal budget build process for 2019-20.

4. Upon the inception of the policy and program, a report is to be provided to Council annually on the status and parameters of both the policy and program.

Carried Unanimously
13.6 Response to 2018/NOM37 - Overflow Rubbish at Fast Food Sites
(LR Community Development)

**Council Decision**

That Council:

1. Notes the current actions being undertaken by Officers.
2. Notes the current legislative provisions are sufficient to deal with inconsistent and insufficient clean-up by fast food operators at their outlets.
3. Supports the ongoing proactive patrols of Fast Food outlets.

**Note:** Refer to Page 65 of the Minutes where this item was block resolved
13.7 Response to 2018/NOM45 - Greening our City

(MP Community Development)

_Cr Cunial foreshadowed that he would move the Officers Recommendation_

**Council Decision**

**Moved: Councillor Toms**  **Seconded: Councillor Aitken**

That Council:

1. Notes the opportunities for providing Green Infrastructure in the Frankston Metropolitan Activity Centre (FMAC).
2. Supports officers in further developing the Urban Forest Action Plan to include key actions and requirements for the provision of green infrastructure in new development within the FMAC. A further report to Council for the adoption of the Urban Forest Action Plan is to be submitted by March 2019.
3. Notes that further research is to be undertaken to ensure green infrastructure is incorporated into the fabric of the city.
4. Notes that the CEO direct officers to thoroughly research and consider funding models for green initiatives from other municipalities.
5. Notes the focus of the policy of greening new developments and greening laneways that will complement the FMAC.
6. Revises the Frankston City streetscape palette to include vegetation within the FMAC to provide for more detailed strategic direction including allowances for more green initiatives and infrastructure.
7. Reviews the Frankston Planning Scheme and provide a report back to Council on how Green Infrastructure and urban forest initiatives can be implemented and enforced by Officers.

**Lost**

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

**Council Decision**

**Moved: Councillor Cunial**  **Seconded: Councillor O'Reilly**

That Council:

1. Notes the opportunities for providing Green Infrastructure in the Frankston Metropolitan Activity Centre.
2. Supports officers in further developing the Urban Forest Action Plan to include key actions and requirements for the provision of green infrastructure in new development within the FMAC. A further report to Council for the adoption of the Urban Forest Action Plan is to be submitted by March 2019.

**Carried Unanimously**
13.8 Response to 2018/NOM47 - Environmentally Sustainable Design (ESD) Rating System

*(MP Community Development)*

**Council Decision**

That Council:

1. Refers $6,600 per financial year for the next two years to the mid-year budget review for a subscription to the CASBE council network to enable strategic planning policy work and subsequently ESD rating assessments; and

2. Supports officers in undertaking further research for the establishment of a local Environmentally Sustainable Development Policy for inclusion in the Frankston Planning Scheme in association with further research for the adoption of an appropriate Environmentally Sustainable Development assessment tool, with a report to Council to be provided within the next six (6) months.

3. Notes that should Council endorse the recommendations, an additional Band 6 planner will be required in due course to undertake the rating assessments at an approximate cost of $82K plus on costs.

**Note:** Refer to Page 65 of the Minutes where this item was block resolved
14. NOTICES OF MOTION

14.3 2018/NOM64 - Increased Audits

(TC Chief Executive Office)

Councillor McCormack left the chamber at 9:58 pm

Recommendation

Moved: Councillor Bolam  Seconded: Councillor McCormack

That $2,000 be referred to all future Annual Budgets to allow the following:

1. Increased audits (an additional six per annum in addition to the existing four per annum) by ‘mystery underage shoppers’ of venues that sell cigarettes to ascertain commercial compliance with Council’s Local Law No.8 and relevant state legislation; and

2. Enhancing the scope of Council’s ‘mystery underage shoppers’ initiative by including aerosol paint canisters in its scope to ascertain commercial compliance with Council’s Local Law No.8 and relevant state legislation.

During debate, Councillor Bolam withdrew his motion.
14.4 2018/NOM65 - New Bylaws
(TC Chief Executive Office)

Councillor McCormack returned to the chamber at 10:02 pm.

Council Decision

Moved: Councillor Bolam          Seconded: Councillor Toms

That the next review of Council’s 2016 General Local Law No 8 pending legal advice is to consider the following bylaws for adoption:

1. Brimbank City Council’s bylaw offence: participating (including bystanding) in ‘hoon events’;
2. Melton City Council’s bylaw offence: noise from vehicle sound equipment; and
3. City of Onkaparinga (SA) bylaw offence: flying a drone aircraft in an unsafe manner and/or (by flying a drone aircraft) detracting from another person’s lawful use and enjoyment of public land.

Carried

For the Motion:  Crs Bolam, Cunial, Hampton, Mayer, McCormack, O’Connor, O’Reilly and Toms

Against the Motion:  Cr Aitken
15. LATE REPORTS
   Nil

16. URGENT BUSINESS
   Nil.

"Cr Mayer congratulated the Mayor for his advocacy during his term and noted that there has been great outcomes for his work."

"Cr Mayer also thanked the Mayor for his leadership during this term."
17. CONFIDENTIAL ITEMS

**Council Decision**

**Moved:** Councillor Cunial  
**Seconded:** Councillor Bolam

That the Ordinary Council Meeting be closed to the public to discuss the following Agenda items and all documents associated with the consideration and discussion of it, that are designated confidential information by me, pursuant to Section 77(2)(c) of the Local Government Act 1989 (the Act) on the following grounds:

C.1 **Outcomes of the Audit and Risk Committee meetings**
   Agenda Item C.1 Outcomes of the Audit and Risk 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.2 **Major Local Community Event Grant Outcome**
   Agenda Item C.2 Major Local Community Event Grant Outcome is designated confidential as it relates to contractual matters (s89 2d)

C.3 **Award of Contract 2018/19-24 - Skye Road, Frankston - Pavement Rehabilitation Works**
   Agenda Item C.3 Award of Contract 2018/19-24 - Skye Road, Frankston - Pavement Rehabilitation Works is designated confidential as it relates to contractual matters (s89 2d)

C.4 **Award of Contract 2018/19-29 - Warrandyte Road, Langwarrin South - Road Reconstruction Works (Stage 2)**
   Agenda Item C.4 Award of Contract 2018/19-29 - Warrandyte Road, Langwarrin South - Road Reconstruction Works (Stage 2) is designated confidential as it relates to contractual matters (s89 2d)

C.5 **Award of Contract 2018-19-21 - Construction of Newton Avenue and Weeroona Road, Langwarrin South**
   Agenda Item C.5 Award of Contract 2018-19-21 - Construction of Newton Avenue and Weeroona Road, Langwarrin South is designated confidential as it relates to contractual matters (s89 2d)

C.6 **Award of Contract - Pavement Marking - Local roads**
   Agenda Item C.6 Award of Contract - Pavement Marking - Local roads is designated confidential as it relates to contractual matters (s89 2d)

C.7 **Overport Park - Proposed New Car Parking**
   Agenda Item C.7 Overport Park - Proposed New Car Parking is designated confidential as it relates to contractual matters (s89 2d)

C.8 **Frankston Yacht Club Annual Licence Fee**
   Agenda Item C.8 Frankston Yacht Club Annual Licence Fee is designated confidential as it relates to contractual matters (s89 2d)
C.9 Appointment of Directors to the Board of Peninsula Leisure Pty Ltd

... Agenda Item C.9 Appointment of Directors 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)

... Carried Unanimously

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Signed by the CEO
18. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS

C.3 Major Local Community Grants Outcome (considered at 2018/OM1 on 29 January 2018)

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (a) ‘Personnel Matters’.

Council Decision
Moved: Councillor Mayer  Seconded: Councillor Toms
That Council support the recommendations of the 2018 Major Local Community Event Grants recommendations as contained in the report.

The motion was put and Carried

C.1 Award of Contract 2017/18-87 Seaford North Soccer Pavilion - Change Rooms Extension (considered at 2018/OM7 on 4 June 2018)

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (d) ‘Contractual Matters’.

Council Decision
Moved: Councillor Aitken  Seconded: Councillor Bolam
That Council:
1. Notes the details of the acceptance of the tender from More Building Group Pty Ltd for Seaford North Soccer Pavilion – Change Rooms Extension, Seaford, under the delegation specifically awarded to the Chief Executive Officer for this project at its OM6 on 14 May 2018;
2. Notes that a project contingency for unforeseen latent conditions will be reserved outside of the contract sum and vests specific authority in the Chief Executive Officer to authorise the payment of any arising cost variations from that sum;
3. Release the recommendation (without commercially sensitive information) at the next open meeting of Council.

The motion was put and Carried

C.10 Minutes of the Frankston Arts Board - 19 June 2018 (considered at 2018/OM8 on 2 July 2018)

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (e) ‘Proposed Developments’.

Council Decision
Moved: Councillor Mayer  Seconded: Councillor Aitken
That Council:
1. Receives the Minutes of the Frankston Arts Board meeting of 19 June 2018.
2. Notes the most popular ‘Sculpture by the sea’ leased sculpture of those who responded was, in order of popularity, ‘Intervention’, ‘Catch Me’, and ‘Mirage’.
3. Notes there is the capital works budget for the purchase of sculpture this financial year and a further in the 2018/19 capital works budget.
4. Notes the Frankston Arts Board recommends purchasing the three most...
preferred sculptures voted on by the community.

5. Subject to Councillor feedback 23rd June 2018 ratifies the purchase of ‘Catch Me’ for the 2017/18 financial year at a cost; and

Approves the purchase of ‘Intervention’ at a cost and ‘Mirage’ at the cost in July 2018 negotiation; from the 2018/19 capital works budget which has an allocation.

The motion was put and Carried

C.9 Continuance of Events Tender (considered at 2018/OM8 on 2 July 2018)

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (d) ‘Contractual Matters’.

Council Decision

Moved: Councillor Toms  Seconded: Councillor Mayer

That Council:

1. Notes the events contract was approved in error under CEO delegation for two years of the contract only (2016-2017 and 2017-2018) as it was on the basis of an estimated annual spend. Further has been expended on this panel contract.

2. Notes the process of approving the documentation was in line with advice and procedures at that time

3. Approves the continuance of the contract as per Table 1, for the period 2018-2022;

4. Delegates the authorisation of the contract documents to the CEO in line with Council’s Procurement Policy and Procurement Guidelines for:

   a. the 2018-2020 contract period; and

   b. the 2020-2022 contract period.

Table 1: Event Services Panel Suppliers

<table>
<thead>
<tr>
<th>SUPPLIER</th>
<th>CATEGORY</th>
<th>ADDITIONAL CATEGORY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rent A Bathroom</td>
<td>Category 1 – Portable Toilets</td>
<td>n/a</td>
</tr>
<tr>
<td>AML Risk Management</td>
<td>Category 2 – Security</td>
<td>n/a</td>
</tr>
<tr>
<td>Dome</td>
<td>Category 2 – Security</td>
<td>n/a</td>
</tr>
<tr>
<td>M.A. Services</td>
<td>Category 2 – Security</td>
<td>n/a</td>
</tr>
<tr>
<td>Closed Loop Environmental Solutions</td>
<td>Category 3 – Cleaning and Waste</td>
<td>n/a</td>
</tr>
<tr>
<td>Total Event Solutions</td>
<td>Category 3 – Cleaning and Waste</td>
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</tr>
<tr>
<td>Event Aid</td>
<td>Category 4 – First Aid</td>
<td>n/a</td>
</tr>
<tr>
<td>St. John Ambulance</td>
<td>Category 4 – First Aid</td>
<td>n/a</td>
</tr>
<tr>
<td>Safety in Numbers</td>
<td>Category 5 – Risk Management</td>
<td>n/a</td>
</tr>
<tr>
<td>The Riskworks Network</td>
<td>Category 5 – Risk Management</td>
<td>n/a</td>
</tr>
<tr>
<td>Aabco Corporate Events</td>
<td>Category 6 – Infrastructure</td>
<td>n/a</td>
</tr>
<tr>
<td>Coulson’s Party Hire</td>
<td>Category 6 – Infrastructure</td>
<td>n/a</td>
</tr>
<tr>
<td>Pride Events</td>
<td>Category 6 – Infrastructure</td>
<td>n/a</td>
</tr>
<tr>
<td>ITESA</td>
<td>Category 7 – Market Research</td>
<td>n/a</td>
</tr>
</tbody>
</table>
C.2 Proposed Assignment of Lease - Crackerjack Waterfront Cafe - 4/1N Nepean Highway Seaford (considered at 2018/OM9 on 23 July 2018)

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (d) ‘Contractual Matters’.

**Council Decision**

**Moved:** Councillor Mayer  
**Seconded:** Councillor Toms

That:

1. Council resolves to assign the Lease for the Crackerjack Waterfront Café Seaford, to Mr Alan Ea as Trustee for the Chan Family Trust.
2. Council authorises the Chief Executive Officer to execute the Deed of Assignment and any other document required to facilitate the assignment of Lease.
3. Council authorises the release of the recommendation to the public, once the assignment of Lease has been finalised.

*The motion was put and Carried*

C.4 Minutes of the Frankston Arts Board - 24 July 2018 and Membership Status of Frankston Arts Board (considered at 2018/OM10 on 13 August 2018)

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (a) ‘Personnel Matters’ and (h) ‘Any other matter which the Council or special committee considers would prejudice the Council or any person’.

**Council Decision**

**Moved:** Councillor Mayer  
**Seconded:** Councillor Aitken

That Council:

1. Receives the Minutes of the Frankston Arts Board meeting of 24 July 2018.
2. Approves the referral of the Davey Street Forecourt concept plans to the draft 2019/20 capex program;

3. Endorses the development and advertising of an artist’s brief for an interpretive sculpture design of a beacon for the Keast Park Eel Race Road gateway entrance to Frankston; the costs of which are covered by the existing budget;

4. Notes the resignation of Mr Malignaggi from the Frankston Arts Board;

5. Endorses advertising two vacancies, which will be subject to a selection process by the Board Governance Committee comprising the Mayor, CEO and Frankston Arts Board Chairperson, and

6. As per the Instrument of Delegation (see attached), endorses the reappointment of Mr Douglas Roy Spencer and Ms Mish Eisen for a further 4 years to 31 August 2022 noting this is their final term under the Instrument of Delegation.

The motion was put and Carried

C.6 Planning Application 492/2017/P - 424-426 Nepean Highway Frankston - Use and development of the land for a multi-storey building for retail, dwellings, serviced apartments and gym, and reduction in car parking requirements (considered at 2018/OM10 on 13 August 2018)

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (h) ‘Any other matter which the Council or special committee considers would prejudice the Council or any person’.

Council Decision

Moved: Councillor Aitken Seconded: Councillor McCormack

That in relation to Planning Application 492/2017/P and the current application for review at VCAT:

1. Council advises the applicant that it does not accept the without prejudice offer, and;

2. Council advises the applicant that it would consent to the grant of a permit if the design were further modified and conditions applied to the permit as follows:
   a) Achievement of a building height which does not exceed 20 metres (adopted maximum building height).
   b) Incorporation of a permit condition which requires the owner to enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act for the provision of a minimum of 4 publicly available car spaces on the land without payment of fee, or the impediment of gate or security access.

3. That the resolution of Council not be publicly released until conclusion of the current application at the VCAT.

The motion was put and Carried
C.1 A Community Grants Program 2018/2019 (considered at SP3 on 27 August 2018)

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (h) ‘Any other matter which the Council or special committee considers would prejudice the Council or any person’.

**Council Decision**

**Moved:** Councillor Bolam  
**Seconded:** Councillor Mayer

That Council

1. Adopts the recommendations of the 2018/2019 annual Community Grants Program recommendations as contained in the confidential report (Attachment A – not to be released);

2. Approves and releases successful applicants in the 2018/2019 annual Community Grants Program (Attachment B); and

3. Requires successful applicants attend the grant presentation ceremony at the Mayor’s Picnic on 9 September 2018 to accept funding, noting that a) every endeavour is made to contact the applicant to ensure their attendance to accept the grant and make every endeavour to attend the Mayor’s picnic to receive their grant; and b) any applicant not represented at the ceremony will forgo their grant, unless exceptional circumstances arise.

4. Adopts a similar template – to the one Council resolved for its ‘Standing Grants’ process – to be required of all community groups applying for support from Council. The response to the template from community groups should demonstrate:

   a) What other sources they may have sought funding from; and

   b) How the funding may be different from previous grant requests of Council.

5. Notes that the resolution only be released once the applicants have been notified.

   *The motion was put and Carried*


In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (d) ‘Contractual Matters’.

**Council Decision**

**Moved:** Councillor O'Reilly  
**Seconded:** Councillor Mayer

That Council:

1. Awards an initial 12 month contract (with two 12 month extensions) to WM Waste Management Services Pty Ltd (WM).

2. Approves the hard waste blanket collection to occur from April 2019 to June 2019 to avoid an estimated price increase.

3. Delegates the authority to the CEO to extend the contract for both one year extension periods, subject to the satisfactory performance of the contractor; and

4. Resolves that the information contained in this report and the recommendation remain confidential until the execution of contracts is completed.

5. Resolves that the common seal be affixed to execute the contract.

   *The motion was put and Carried*
C.6 Variation to Kerbside Collection and Receipting Service Contract 2009/10-1 (considered at 2018/OM11 on 10 September 2018)

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (d) ‘Contractual Matters’.

Council Decision

Moved: Councillor O'Reilly Seconded: Councillor Mayer

That Council:

1. Approves the contract variation from 1 July 2018 to 30 June 2019.
2. Authorises the CEO to execute the Commitment Notice with Solo Resource Recovery.
3. Authorises the recommendation (without commercially sensitive information) be released by the next open meeting of Council following signing of Contract.

The motion was put and Carried

C.1 Award of Contract - Tractor Based Mowing Services (considered at OM12 on 1 October 2018)

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (d) ‘Contractual Matters’.

Council Decision

Moved: Councillor Bolam Seconded: Councillor Mayer

That:

1. Council approves the acceptance of the tender from MACA Infrastructure Pty Ltd for Tractor Based Mowing Services (contract no 2018/19-15) based on a 2 year fixed term plus a 2 year extension option exercisable based on performance.;
2. Council notes that an additional spend over the duration of the full 2+2 contract period may be required for unplanned tractor based works;
3. The Chief Executive Officer be authorised to sign and seal the contract and approve extension options as appropriate;
4. Council also delegates approval of variations to the Chief Executive Officer, providing no individual variation and that the cumulative value of the variations does not exceed more than 20% of the contract sum; and this is to include engagement under Schedule of Rates for non programmed works;
5. The recommendation (without commercially sensitive information) be released at the next open meeting of Council following signing the contract.

The motion was put and Carried
C.8 Frankston Yacht Club Annual Licence Fee (considered at this meeting)

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (d) ‘Contractual Matters’.

Council Decision

Moved: Councillor McCormack                Seconded: Councillor Toms

That Council:

1. Notes ongoing communication between the Frankston Yacht Club (FYC) and officers in relation to the clubs Annual Licence Fee for the 2016/2017 year;

2. Adopts an Annual Licence Fee for the 2016/17 year based on revenue from membership, boat storage and venue hire only equating to $3,830.20;

3. Notes the Club will be notified and invoiced accordingly once Council's decision is made; and

4. Releases this recommendation immediately following the Council meeting.

The motion was put and Carried
The meeting was closed to the public at 10.10 pm

CONFIRMED THIS  

DAY OF 2018

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Colin Hampton, 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 22 October 2018, confirmed on Monday 19 November 2018.

(Cr. Colin Hampton, Chairperson – Council Meeting)

Dated this day of 2018